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SENATE—*Wednesday, May 24, 2000*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Blessed God, here we are at the beginning of another day. Help us to believe that what we commit to You this day will come to pass if You deem it best for us. We need to experience the peace of mind and body that comes when we do what You guide us to do and then leave the results to You.

Bless the Senators with the profound peace that comes from giving You their burdens and receiving Your resiliency and refreshment. May this be a great day because they, and all of us who work with them, decide to rest in Your presence and wait patiently for Your power to strengthen us. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Rhode Island is recognized.

SCHEDULE

Mr. L. CHAFEE. Mr. President, today the Senate will be in a period of morning business until 11 a.m. and will begin consideration of S. 2603, the legislative branch appropriations bill. It is hoped that an agreement regarding debate time and amendments can be made so that a vote on final passage can be scheduled for this afternoon. Under a previous consent agreement, there are 40 minutes remaining on FEC nominees Brad Smith and Danny McDonald. Votes on those nominations, as well as the judicial nominations debated yesterday, are expected to be stacked this afternoon. Senators will be notified as those votes are scheduled.

I thank my colleagues for their attention.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. L. CHAFEE). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the time until 10:30 a.m. shall be under the control of the Senator from Illinois, or his designee.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

CROP INSURANCE

Mr. WELLSTONE. Mr. President, I come to the floor of the Senate today because—and I speak with some sense of timing—I come from an agricultural State.

In the next several days we could very well have a crop insurance reform conference report out here on the floor. There is at least some discussion, some thought, and maybe some probability that included in that conference report will be about $7 billion of economic assistance for family farmers, which essentially will be more AMTA payments.

When the Budget Committee allowed for up to $7 billion to go to assistance for family farmers in the country, whether it be Minnesota, whether it be Montana, or any other State, I think all of us believed and hoped that this would be far superior to emergency appropriations, and that we would have the agriculture authorization committee do some fairly important investigation and analysis of the best way to get this financial assistance out to family farmers.

In my rush to come down to the floor, I did not bring with me the exact statistics, but basically the reports that we now see on what are called AMTA payments suggest that entirely too much of this money goes to those in least need. In other words, it is a subsidy program. Last year, it was to the tune of about $16 billion in inverse relationship to need. The top 10 percent of the producers—some of the big corporations—received over 60 percent of the benefits, and then the farmers received the rest, so that a family farm in Minnesota would be lucky to get maybe $2,000 worth of assistance; whereas, those huge operations were raking in $100,000 worth of assistance.

If we just take the $7 billion and put it into this conference report without any committee hearings and without taking at least several weeks after we get back to do some evaluation and some important analysis about how to get this assistance out to the people who need it the most, then I think we have not lived up to our responsibility as Senators.

I say to my colleagues that I think we could at the very minimum, for example, make sure that this money goes to producers. Those who own the land but aren't involved in the production receive too much of the benefits. The benefits ought to go to the producers.

I would also say to my colleagues that there is no reason in the world that for fiscal year 2001 we can't focus on equity and get the loan rate up at least to the rate for soybeans, in which case corn would be $2.11 and wheat would be $3.10. Let me tell you that is the direction we need to go for a State such as mine.

I sent a letter yesterday to Chairman LUGAR, my colleague, a Senator for

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

whom I happen to have a tremendous amount of respect. I will certainly get a chance to talk with him today. I believe that we are making a big mistake if we simply put this money into a conference report, which means there will not be any real discussion and no real debate. We will not have paid any attention whatsoever as to how we can allocate this financial assistance out there in the countryside so that the lion's share of the benefit goes to the farmers who are in greatest need.

Why in the world do we want to use the same AMTA formula which gets subsidies out to farmers in inverse relationship to need? Why not some careful consideration and some careful discussion? Isn't that what we are about as legislators?

Too many times now in the Senate we see the same pattern of important decisions not being made by virtue of taking, in this particular case, what I think is an important question and just putting it into a conference report with no opportunity for amendments and no opportunity for discussion. I think that would be a big mistake. Instead, we can surely decide on a better formula for getting the money out there to the people. At the very minimum, it ought to go to the producers. It ought not go to landowners who are not even involved in production.

Again, we have an opportunity for fiscal year 2001 to literally talk about equity and at least get the loan rate up for other farmers and other grain farmers that are equal to what we do for soybeans.

As a Senator from Minnesota, as a Senator from an agricultural State, I come to the floor today to take issue with the direction in which we are going and to urge my colleagues not to put this financial assistance money into the crop insurance bill. But instead let's do the kind of work that we ought to do as legislators. Let's do the kind of evaluation we ought to do as legislators so we can get the help out there to people who need it.

Farm income is going to go down 17 percent again this year. There are a lot of farmers in my State. Many are going to be driven off the land.

If we are not going to write a new farm bill as an alternative to this "freedom to fail" bill, which is one of the worst pieces of legislation ever passed by the Congress or ever signed by a President, then I don't think we are going to write a new farm bill until after the election. At the very minimum, we ought to do our best to get the assistance to the people who need it the most.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 2617 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. How much time remains on the Democratic side?

The PRESIDING OFFICER. Fourteen minutes.

Mr. WELLSTONE. I ask unanimous consent for 5 minutes to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY CONFERENCE REPORT

Mr. WELLSTONE. Mr. President, sometimes we use morning business to have a chance to speak about legislation we introduce. Sometimes we use morning business to make a plea to colleagues. Sometimes we use morning business to convey a message. I want to convey a message to some Senators about conference reports and the way we have been conducting our business.

Right now with the conference reports—and I am specifically talking about the bankruptcy bill—we don't have a conference committee. We have a shadow committee because Democratic Senators are not involved at all in the deliberations. There are some rumors going around in the Senate that Republicans will basically reach an agreement on the conference report on bankruptcy. Democrats will not be involved in this deliberation at all. So we have not had a conference committee meeting. We will know what is in that conference report when it is on our desk.

That conference report dealing with bankruptcy, believe it or not, American public, could be put into an unrelated conference report such as a conference report dealing with crop insurance. There is no longer any scope of conference rule so it can be completely unrelated. Again, that is a new way of doing business in the Senate. My argument is that is no way to do business in the Senate.

I believe the minority should be involved in the conference. That is a real conference. I do not believe the way to do business is for Democrats to find out what is in the bill when it is put on our desk. I certainly don't think this bankruptcy bill —which is so harsh and so egregious in its effect on the most vulnerable citizens in the country, while basically calling for no accountability or responsibility on the part of the big credit card companies—should be put into an unrelated conference report such as one dealing with crop insurance.

I use my time as a Senator today to say to Senators that if that happens, and I hope it won't, if that should happen tomorrow, for example, when we are supposed to go on recess, I think that would be outrageous. I will oppose it. I will speak out against it and do everything I can to block it. We would be here for days. I think there are other colleagues who will be also outraged, especially at this effort to put a shadow conference report on bankruptcy, with Democrats not even being involved—and all the reports are that the bill is getting harsher and harsher, not better—into an unrelated conference report with a day to go before we are supposed to go into recess. If that happens, I want to be clear, I don't intend to be jammed. I do not intend to roll over on it. I intend to speak out against it. I intend to point out to the American people all the ways in which this is egregious legislation and the impact it will have on them and their families. That will take time. I think other Senators will join me.

I hope we do not conduct our business that way in the Senate. I hope I do not have to do that. I hope, instead, we will do what we need to do with the legislative branch and with judicial nominations, with the nomination of Brad Smith, have those votes, get onto other work, but not have last minute efforts to sort of jam legislation into unrelated legislation and attempt to ram it through here without the deliberation and without the discussion.

I do not think that is the Senate at its best. I certainly, as a Senator from Minnesota, cannot represent people in my State and people in the country that way, and I will not. I will challenge it. So I hope it does not come to that.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it is my understanding we have until 10:30 in morning business on the Democratic side.

The PRESIDING OFFICER. The Senator is correct.

GUN CONTROL LEGISLATION

Mr. DURBIN. Mr. President, a little over a year ago in Littleton, CO, at Columbine High School, there was a shooting incident which shocked America. We saw in that high school an event which we did not believe could happen in the United States, where students could get guns through a gun show, go into a high school filled with other students, and open fire, killing 12 or 13 students and injuring many others. It shocked America's conscience.

As a result, the Senate began to consider gun control legislation—frankly, more gun safety legislation—to keep guns out of the hands of those who would misuse them. We are a nation of 200 million guns. Many of us believe guns should be kept out of the hands of criminals and children.

So we considered legislation on the floor of the Senate to do a background check at gun shows so kids and criminals would not have access to guns through these gun shows. We know the Brady law requires a background check at gun dealers. We think the same should apply to gun shows.

We also thought handguns should have a trigger lock so children who were looking around for something that was unusual and different or challenging would not find a loaded gun and hurt themselves or a playmate. We read about that almost every day. A trigger lock is a way to make sure that gun is securely stored away from children.

In another part of the bill, we dealt with the whole question of these high-capacity ammo clips, imported into the United States from overseas, that have absolutely no value whatsoever for any legitimate sportsman or hunter. They are people killers.

We considered that bill on the floor of the Senate. The vote on that bill was 49–49, a tie vote. As provided under the Constitution of the United States, the Vice President came and cast the tie-breaking vote. We sent that bill over to the House in the hopes we could reduce some of the gun violence in America after Columbine High School.

The National Rifle Association got its hands on that bill over in the House, and that was the end of it. They stripped from that bill virtually any of the provisions I described to you and sent it to a conference where it has languished for almost 8 months. During that period of time many more people have been killed by gun violence in America.

Just a few weeks ago, the Million Mom March across the United States brought out mothers on Mother's Day who gave up a celebration with their family to come out and talk about the need in America for gun safety, for gun control, sensible gun control. Yet this Congress has turned a deaf ear. We have refused even to acknowledge that this gun violence is rampant in America as in no other nation on Earth.

Every day now, for the last week, Members of the Senate have come to the floor to memorialize those who died a year ago today, after Columbine, after Littleton, CO, after Jonesboro, AR, and all of the other cities where we saw the gun violence that captured our imagination and basically stunned America. We come to the floor each day to read the names of some of the victims. These are victims whose names were collected by the U.S. Conference of Mayors from cities large and small to remind us that a year ago today these people, whose names I am about to read, died because of gun violence—people who had otherwise normal lives and families and aspired to all the good things we do in life. They lost their lives because of gun violence.

Many times, issues on the floor of the Senate and the House really do not become very personal. They are statistics. We just refer to them in the abstract. This is not about statistics. It is not about abstract thought. It is about real human lives that have been lost to gun violence a year ago today and, sadly, will be lost to gun violence again today.

Following are the names of some of the people who were killed by gunfire 1 year ago, on May 24, 1999: Michael Calim, age 32, Houston, TX; Mark Raiffie, age 47, St. Louis, MO; Gary Ricks, age 51, Detroit, MI; Bobby L. Williams, age 40, Houston, TX; Ronald Williams, age 47, Miami-Dade County, FL; an unidentified female, San Francisco, CA.

Today in America there will be more gun deaths. We must remember that among those gun deaths will be 12 children who will die. The National Rifle Association at their recent convention said: We know who those 12 kids are; they are the gang bangers, drug gangs, and all the rest. You can expect that.

They are wrong. Included among those 12 children are those who commit suicide with guns, those who play with guns, little infants killing themselves or a playmate, certainly those who are victims of gang bangers and, believe me, I have seen innocent young men and women who have been maimed. I have talked with the parents of people who have been killed on the streets of one of my cities in Illinois, Chicago. These were children waiting for a schoolbus when somebody came by and sprayed bullets from one of these weapons and injured or killed students.

For the National Rifle Association to say we basically should ignore these 12 children who die every day in America because they are part of drug gangs is a sad commentary on this organization and a sad commentary that they are out of touch with the reality of gun violence as it affects every family in America today. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time from 10:30 a.m. until 11 a.m. shall be under the control of the Senator from Wyoming, or his designee.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent for 10 minutes of the time allocated to the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

REBUTTAL ON SOCIAL SECURITY

Mrs. HUTCHISON. Mr. President, yesterday the Senator from California, Mrs. BOXER, came to the Senate floor to discuss Social Security reform. In her discussion, she took on the issue of some of the Texas municipalities that had chosen to opt out of Social Security and attempted to show they were doing less well than anyone in the Social Security system today. I want to refute some of those remarks, especially the ones that referred to these counties in Texas, and give the other side of the story.

She attempted to show that municipal employees in Texas, particularly Galveston County, are not doing as well under their own retirement plan than if they were part of the Social Security system.

Just in the last few minutes, I talked to the county judge of Galveston County, Judge Yarborough, who is a very good Democrat, a very good person, and is doing a good job in Galveston County. He says in the 5½ years he has been county judge, he has never had one complaint from an employee in Galveston County and, in fact, has had many retirees come up to him and say how glad they are that they have their own retirement system rather than having been forced into the Social Security system back in the eighties when they were allowed to opt out.

First and foremost, because this is important, this was somehow linked to Governor Bush's Social Security plan. There is no linkage whatsoever. In fact, the opt-out was done in 1981 by Galveston and a few other municipalities around my State, and there were others around the country. There was a window during that time in which county and municipal employees were able to opt out of Social Security, and Galveston County did decide to opt out.

I hope as we go into the future and as we talk about Governor Bush's Social Security plan, we will not attempt to link that window when some municipalities opted out of Social Security to Governor Bush's plan. That is important because Governor Bush has said all along, from the very beginning when he put his plan forward, that, in fact, we would have a choice under his plan. Anyone wanting to stay in the present Social Security system would have that option.

That is a very important distinction to make because people might want to keep that option after they have looked at the alternative that will be available, but, in fact, millions of Americans will decide that they want to have a part in making some decisions on their own for the Social Security tax they pay.

Nearly 5 million municipal employees across the country are not part of the Social Security system. One such area is the city of San Diego. The rates of return on these pension programs are very good—so good, in fact, that the California Senators sent a letter to President Clinton in which they said:

> Millions of our constituents, who will receive higher retirement benefits from their current public pensions than they would under Social Security, are appealing to their elected representatives in Washington. We respectfully urge you to honor the original legislative intent underpinning the Social Security system, and exclude this provision from any reform plan you consider during the remainder of your term.

It is clear that if municipal employees are earning higher rates of return and want to stay in their own retirement plans, they should not be forced into a system of lower returns, and it should be a choice they have. I agree with the Senators from California in their goal.

I will now talk about the specifics of the Galveston plan. Many of these same Galveston employees have urged me to oppose their inclusion in Social Security.

Some of the information that was used on the floor yesterday was based on a GAO report, but if my colleagues read the report carefully, they can see the clear differences between Social Security and the plan in Galveston County.

First, it is important to remember that, in Galveston, they have a basic retirement plan that every employee puts money into and on which they have returns. That plan is separate. In 1981, they were allowed to opt out of Social Security so that their 7 percent they would have paid into Social Security would, in fact, go into a supplemental plan. In Galveston County, we are talking about a supplemental plan to their basic retirement plan, so everything they get with the 7 percent which they put into their own supplemental plan is over and above their basic retirement system.

The GAO said that "outcomes generally depend on individual circumstances and conditions." So each case is taken on an individual basis—it is hard to make broad statements about the plan. The annuity each retiree receives is based on the contributions and the time served in government; it is not a defined benefit formula, such as Social Security. Nevertheless, the plan is designed to provide a return similar to Social Security, which it does, and it has some features that are even better.

The GAO noted that "The Galveston plan also has a very conservative investment strategy that has precluded investing in common stocks." The Galveston supplemental plan only relies on Government bonds and very safe Treasury-type investments, and the average return has been approximately 8 percent per year. When one compares that to Social Security, however, it is very high.

The Heritage Foundation has estimated that some workers are getting a 1- to 2-percent return on their money from Social Security.

Also, comparing the Social Security plan to the Galveston plan, it is not accurate because the Galveston plan is a supplement, not the basic retirement system.

Lastly, the GAO noted one critical point that was left out of the Washington debate: The Galveston plan benefits are fully funded, GAO says, "while Social Security's promised benefits cannot be met without increasing revenues."

Thus, the Galveston plan is financially sound. It is not dependent on significantly increased contributions or massive tax increases to meet its promises.

Here, in Washington, we have promised benefits without developing a plan to pay for them. In Galveston, no retiree is subject to the mercy of the Congress that the benefits might change.

Here are some of the facts about the differences between the Galveston plan and Social Security.

For individual earners without a survivor benefit, the monthly annuity figures for retirees are nearly identical or better than Social Security. For low-wage workers, there is a $1 difference. For workers with wages over $25,000, they would earn nearly $200 a month more under the Galveston plan than they would under Social Security.

A worker earning $50,000 will earn nearly $1,000 more every month.

If you have a 45-year work history, the numbers are higher across the board at every income level in the Galveston plan.

The Cato Institute also reviewed the Galveston retirement plan. For a worker who earns $30,000 for 30 years, he or she will have a $320,000 investment in retirement. This is based on a 4.5-percent return when, in fact, Galveston is getting 8 percent.

I should also note that the numbers in GAO are based on a 4-percent return each year. So the numbers in GAO are very low in their estimates, and most workers are going to receive a much higher benefit.

According to Cato, the employee with the $320,000 in savings could earn a monthly annuity of $2,494, compared to Social Security, which is $1,077.

So according to Cato, the monthly annuity would be $2,494 for a Galveston employee, compared to $1,077 under Social Security.

The county of Galveston believes the average annuity is approximately 7.8 percent for every $1,000 in retirement funds. The Social Security Administration thinks that is too high and made the GAO use a lower annuity figure. So the monthly annuity figures used by GAO are lower than for the Galveston workers.

I think it is very important that we take this debate out of the Bush plan or the Gore plan when we are dealing with the employees in cities such as San Diego, CA, or Galveston County, TX, because it is very clear that the Galveston County employees have a major benefit. As the county judge said this morning: Retirees come up to me every day and say thank goodness.

Another good feature of the Galveston plan is that if the retiree does not use up all of the retirement when that person dies, it is passed on to the spouse or the children. That does not happen in Social Security.

I think it is very important, if we are going to build up a stability in our working people and their families, that we would have this kind of alternative with which the Galveston County employees are very pleased.

I think it is very important that we not put this in the political realm. If we are talking about the actual numbers, I think the municipal employees that were allowed to opt out in the early 1980s are mostly happy with their plans. They like the choices they have. Galveston was very conservative and did not go into the stock market.

But I think the bottom line is that we need to give people a choice, a choice to stay in the Social Security system as it is today and have the exact same returns that they would be entitled to under Social Security, or if they choose not to do that, and they do want to have some control over their own taxes they pay in—maybe 3 percent of the 12-plus percent they pay in Social Security—I think we ought to let them do that. Because even with the stock market fluctuating, the returns show that they will do better and they will be able to give their children something they have not been able to under the present Social Security plan.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

WOMEN-OWNED SMALL BUSINESSES

Mr. BOND. Mr. President, I am very pleased today to rise in recognition of Small Business Week 2000. As chairman of the Committee on Small Business, I have participated in a number of activities this week. I urge all of my colleagues who may not have done so to consider working with, identifying with, and listening to the small businesses in their State. I think today it is appropriate that we recognize some of the small business trends of the future.

Most of us know that the prototypical entrepreneur of the last century—or of the 1900s; the manufacturing age—was a man, inventing something in his garage or basement, which became the basis for a Fortune 500 company. The prototypical entrepreneur of the 21st century—the information and service age—is a woman trying to run her household, keep her kids fed and cared for, who comes up with a good idea that she can turn into a business.

Women have started businesses in record numbers over the last 10 years. They are driving the economy. They are helping to expand opportunities and provide good payrolls for their workers. They are willing to use the new information technologies even more than men. The explosion of capabilities through information technologies certainly opens up a range for a whole new series of undertakings.

The number of small businesses owned and controlled by women is expanding at a very rapid rate. Today, small businesses owned by women total 30 percent of all businesses in the United States. Their numbers are expanding at such a pace it is anticipated that women-owned small businesses will make up over 50 percent of all businesses by 2010. Given where we came from, that is a gratifying and astounding statistic.

But for all the good news, women-owned small businesses still face some age-old obstacles in starting and running their businesses: work and family conflicts, a lack of access to capital, and complex regulatory and tax issues.

In addition, yesterday the Senate adopted a resolution I sponsored, S. Res. 311, that was adopted unanimously. I express my appreciation to my colleagues for adopting it. It called attention to the Federal Government's failure to meet the statutory goal to award 5 percent of Federal contract dollars to women-owned small businesses.

The members of the Small Business Committee who joined me in cosponsoring this resolution included my ranking member, Senator KERRY of Massachusetts, and also sponsoring it were Senators BURNS, SNOWE, LANDRIEU, LIEBERMAN, EDWARDS, as well as Senator ABRAHAM, who authored last year's initiative in the committee to help women reach the 5-percent goal. In addition, Senators BINGAMAN and MURRAY joined us as cosponsors of the resolution.

In 1994, Congress recognized the important role women-owned small businesses played in our economy. During the consideration of the Federal Acquisition Streamlining Act, the Senate approved a provision directing that 5 percent of all Federal procurement dollars be awarded each year to women-owned small businesses. The goal includes 5 percent of prime contract dollars and 5 percent of subcontract dollars, and was included in the final conference report enacted into law.

The Federal Departments and Agencies have failed to meet that 5-percent goal enacted in 1994. After Senator ABRAHAM chaired a committee field hearing in Michigan on the state of women business owners, he offered an amendment addressing the failure of the Federal Departments and Agencies to meet the 5-percent goal during the Small Business Committee markup of the Women's Business Centers Sustainability Act of 1999.

That was adopted unanimously by the committee and enacted into law as Public Law 106–165, which directed that GAO undertake an audit of Federal procurement systems and their impact on women-owned small businesses.

The statistics for Federal procurement in fiscal year 1999 have just been released. Again, the 5-percent goal for women-owned small businesses was not met. It fell over 50 percent short of the goal, reaching only 2.4 percent. The administration's failure to reach that goal was the subject of the resolution, which resolved that the Senate strongly urge the President to adopt a policy in support of the 5-percent goal for women-owned small businesses, to encourage the heads of the Federal Departments to make a concentrated effort to meet the 5-percent goal before the end of fiscal year 2000. I understand the President has now issued an Executive order. But the second part of the resolution says the President should hold the heads of Federal Departments and Agencies accountable to ensure that the 5-percent goal is achieved during this year.

But these are just some of the issues confronting women-owned small businesses. I am very pleased to say I have been joined by Senator KERRY of Massachusetts, Senator SNOWE, Senator LANDRIEU, Senator FEINSTEIN, and Senator HUTCHISON of Texas to convene a National Women's Business Summit on June 4 and 5 of this year in Kansas City, MO. This summit will give women small business owners a chance to tell Congress and the next President what they need and what will work. Their agenda will serve as the women's small business agenda for the next Congress and the next President.

I might add that we have nationally known women and professional business leaders, as well as bipartisan government servants, who will be talking with the participants in the conference. I invite women who are engaged in and concerned about small business to participate. More information can be found about the summit on my Senate office web site at www.Senate.gov/bond or they can call us through the Capitol number: (202) 224–3121. We would be happy to provide them information.

I think it will be a very interesting and worthwhile endeavor in Kansas City. I am looking forward to participating. I know we will have many good ideas, based on the women participating in that conference, on how we can help the fastest growing and most important new sector of the economy—women-owned small businesses in the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 2603, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2603) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, as chairman of the legislative branch subcommittee of appropriations, I would like to take a few minutes to describe S. 2603, the legislative branch appropriations bill for the fiscal year 2001.

The bill, as reported by the Appropriations Committee, provides for $1,721,077,000 in new budget authority exclusive of the House items. This is a $58,607,000 increase over fiscal year 2000. It is $146,770,000 below the President's request.

The subcommittee's allocation is 1.8 percent above last year's funding level, which is the $43 million increase.

We are being very frugal with the legislative branch. I think we are doing a responsible job of keeping the overall increase at a level that is defensible.

We are not allowing the legislative branch appropriations to grow faster than inflation. We are not allowing it to grow faster than the population. And the demands that are made upon the legislative branch we are keeping under 2 percent.

It was a challenge to draft a bill that stayed within this allocation because, as always happens, there was $20 million of new items that Congress committed to in previous years but which had not been funded. Therefore, they were not included in last year's base.

If we were going to talk about an increase over last year's base, but we had $20 million worth of obligations that were not included in that base, we realized that it created a tension and a pressure on the committee. But that is what we have to do when we are dealing with budgets. I have dealt with budgets in the business world and understand that this is not an unusual kind of challenge.

The mandatory increases that we have in the bill alone account for $54 million, exclusive of the House, on top of the situation which I have just described.

Senator FEINSTEIN, the ranking member, and I spent a great deal of time going over the accounts with our respective staffs and the increases that agencies have had over the last 4 years in an effort to find where we could best and most fairly cut without impacting employees. One of our goals was to see to it that no one was laid off as a result of the budgetary pressures on this year's bill. I am happy to say that we have met that goal in this bill.

There will be no reduction in force as a result of the Senate's action, if this bill is adopted, and no employees currently working in the legislative branch will lose their jobs. The subcommittee's goal was to ensure that would be the case.

There has been a great deal of discussion and concern in the press expressed over the House Appropriations Committee's first reported targets. Those targets were reported out of subcommittee with cuts of almost $105 million below the fiscal year 2000 level.

It is my understanding that the House now plans in their legislative process to increase this bill by $85 million before it comes up for floor consideration. I hope those reports are accurate and that the House does, indeed, move in that direction.

We do not want to criticize the actions of the other body in this body. We simply want to lay out what we think is the logical thing to do.

I hope those who have been focused on the press reports of what was proposed on the other side of the Capitol initially will recognize that there is a great deal of legislative action that has to take place between initial proposals and final passage. Certainly we are doing our best on the Senate side to make a contribution to see to it that final passage achieves the goal that I have outlined; that is, the goal that says there will be no reduction in force in the legislative branch.

S. 2603 includes an increase over last year's funding for every agency. That sounds better than it is for some agencies. The increase is truly only a token one—one-tenth of 1 percent increase. But, nonetheless, it is an increase to demonstrate, once again, that we are trying to treat everybody fairly, and that we are not trying to penalize one group in order to benefit another.

The area that has had the greatest amount of public interest and press reporting is the amount of money being made available for the Capitol Police.

The bill before the Senate will provide a 26-percent increase for the Capitol Police. If we are only going to have a one-tenth of 1 percent increase in some areas, that is where we will get the money to come up with the 26-percent increase for the Capitol Police. We do this because we believe security in the Capitol is a priority. We need to make sure the resources are available to the men and women who protect the Capitol, its visitors, the Members, and the staff.

We had a tragic demonstration that security needs to be addressed with the shooting of the two officers who protected the Capitol against the deranged individual who came in with a gun after some imaginary threat he, and only he, could see.

We had an example within the last week during a hearing in the House when a man threatened to kill himself with the jagged end of a broken bottle after approaching a Cabinet officer who was testifying at a hearing. He was subdued by a member of the Capitol Police and by a member of the security detail of one of the Cabinet officers involved.

These incidents, coming along with increased frequency, demonstrate we have a security challenge in the Capitol. We want to make sure the Capitol remains open to the American people. I would hate to reach the point of other capitals in the world. I don't mean to pick this country out because I recognize they have enormous security problems of their own and I think they are acting responsibly, but I will share my experience when I first went to the Knesset in Israel and the kind of security I had to go through as a U.S. Senator in order to get into the Knesset. There were barriers, more barriers, and checks and police points, all the way through so that the members of the Knesset could conduct their business in security and freedom.

In the United States, we run into our constituents, sometimes literally, virtually every day in the corridors of the Capitol. We enjoy that. The American people enjoy that. We want to continue doing that. I will be walking down the corridor on the way to a committee meeting and it is not at all unusual to have someone call out from the moving crowd, "Hi, Senator BENNETT" or "Hey, there's Senator BENNETT." I stop and it is someone from Utah who is here with a school class, here with their family, here on a vacation, or here for a civics lesson experience.

Walking through the Capitol, it is something of a thrill for a constituent to see their own Senator on his way to work. If I thrill somebody, they get thrilled easily. Nonetheless, it is the kind of experience that the American people enjoy and historically have had in their Capitol Building. We want to make sure that continues.

The number of visitors each year is increasing more rapidly as the overall general population increases and as Americans get a little more money, a little more time, more leisure opportunities. I think it is wonderful they want to come to the seat of Government in the Capitol of the United States and see how it operates. As they come in these increased numbers, the tiny fringe of American citizens who represent a physical threat come also in increased numbers. Security is a priority. In this bill, we have made sure the resources will be available to provide that kind of security.

As we have reviewed the security issue, we have made provisions in this bill for a fairly significant change in the way security is provided on the Capitol complex. We have provided transferring the police who currently service the Government Printing Office and the police who currently service the Library of Congress into the Capitol Police. Rather than having three different police forces in a small physical area, we will have only one.

Since assuming the chairmanship of this subcommittee, I have been working towards this goal. I think we are now at the point where it makes sense to provide this unified force to provide seamless security. Until this time, the training for the police of the Library of Congress and the police at the Government Printing Office has been moving toward equity and par with the training given to the U.S. Capitol Police, so it will not be a big jump for these police officers to be in the same force.

It will be an opportunity for many of the police officers in the two forces that are currently outside of the Capitol Police to increase their career opportunities because the Capitol Police Force is seen as a higher level of pay and benefits and opportunity than the two smaller forces.

Additionally, it will mean we can bring the total security for the Capitol complex up to the level we want it at a faster pace because we need additional officers. Additional officers are not provided automatically by going out and hiring people. They have to go through a training period. By taking advantage of the pool of trained officers who are already there for the Government Printing Office police and the Library of Congress police, and perhaps bringing some of the new hires in at a level where the requirement is not as high as it is in the Capitol itself, we can increase the speed by which we can get to the level we seek.

Some legitimate concerns have been raised about how this will work. The General Accounting Office has been cooperating with the subcommittee for quite some time in examining how it will work, but in the bill we provide for the General Accounting Office to prepare a report for the Appropriations Committee addressing those issues that have most recently been raised, giving us an understanding of how they can be dealt with. This provision was included at the request of Senator FEINSTEIN who is particularly interested in the career path of the Capitol Police men and women themselves. I think it is a very wise addition. I thank the Senator for her initiative in its inclusion. It will ensure an orderly transition and protect the rights of the affected officers.

I thank Senator FEINSTEIN for her service as the ranking member on this subcommittee. She brings a particular flavor of experience to the subcommittee, having been an executive herself, as mayor of San Francisco. I have been an executive but not of an enterprise that big. Between the two of us, we have a good balance of the practical and administrative experience that is necessary as we deal with some of these administrative challenges. I thank the Senator for her service. I appreciate very much the support she has given.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise in strong support of S. 2603, the legislative branch appropriations bill for fiscal year 2001.

This is my second year as ranking member of the legislative branch subcommittee. I have been very proud to serve alongside our dedicated and distinguished subcommittee chairman, Senator BENNETT. Senator BENNETT is always very open and very willing to discuss the various issues that arise in relation to this bill. He has been very accommodating to my concerns as well as those of other Senators. I think he has displayed great knowledge of the various Departments and Agencies that fall under the legislative branch. It has been a real pleasure working with him.

Thanks to the allocation to our Legislative Branch Subcommittee by the distinguished chairman of the full committee, Senator STEVENS, and the ranking member, Senator BYRD, this appropriation is $145 million in budget authority greater than the House subcommittee's allocation, so the bill before us now restores the House cuts of 2,112 employees, including 438 Capitol Police officers.

Although we were not able to fully fund every agency's request, I believe the committee has distributed the scarce resources as fairly as possible, and we were able to make modest increases in most agency accounts above last year's level.

Overall spending is increased by 3.7 percent over last year's bill. In particular, I note that during markup of this year's bill, Chairman BENNETT agreed to include committee report language recommended by Senator MIKULSKI, having to do with the need for better employee relations in the office of the Architect of the Capitol. Senator MIKULSKI came to the subcommittee hearing and questioned the Architect of the Capitol directly concerning these matters. As a result of her efforts, the committee report language directs the Architect of the Capitol to establish a position of employee advocate, in an effort to improve morale and employee relations in the office of the Architect.

In his remarks, Chairman BENNETT has outlined for the Senate the various components of the bill, so I do not want to repeat that summary. I do, however, wish to point out to the Senate that for the Capitol Police, the subcommittee in that regard has included an appropriation of $109.6 million for fiscal year 2001. This is an increase of $22.8 million, or 26 percent over last year's enacted level of $86.8 million. This will fund 100 to 115 new Capitol Police officers.

The funding level, we believe, will enable the Capitol Police to implement the department's plan for posting two police officers at all key and critical entries and exits throughout the Capitol complex.

I take this opportunity to thank all Capitol Police officers for their really outstanding service to the Members, to this Capitol, and to the tens of thousands of visitors to the Capitol each year. They do a great job.

I know Senator MIKULSKI will be presenting a sense-of-the-Senate commendation to the Capitol Police, with which I strongly agree. I think it is important, because of what happened last year, to be able to really tell them how much we do appreciate their efforts. This can be a very thankless job, particularly when there are tens of thousands of visitors milling through the Capitol each and every week. So I think we both agree that they do a truly fine job and are, indeed, to be commended.

I also thank Chairman BENNETT for agreeing to include language in the committee report about which he spoke, which I requested, relating to the proposed merger of the police forces at the Government Printing Office and the Library of Congress with the Capitol Police Force. This study will enable a careful feasibility analysis to be carried out and completed prior to any consolidation. The GAO report, I believe, can be done by July 1, giving the conference the opportunity to review its findings at that time. I understand Chairman BENNETT's intentions in this area. He believes the proposed merger will result in greater efficiencies for the overall legislative branch police force. I believe it can be carried out in a way, as he just stated, that can maintain the upward mobility and career path for officers.

I share that hope, and I believe that prior to proceeding with such a merger, Congress should first have these views of the GAO to ensure that no unforeseen problems exist in relation to such a consolidation or merger. Chairman BENNETT has agreed to that study, and the committee report ensures that the study will be completed by July 1.

In closing, I express appreciation and recognition to the very capable staff who assisted Chairman BENNETT and myself with the legislative branch bill: Christine Ciccone, Chip Yost, Jim English, Edie Stanley, and Chris Kierig.

This is a very good bill. I urge my colleagues to give favorable consideration to its passage in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 3166

(Purpose: Commending the United States Capitol Police)

Ms. MIKULSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself, Mr. DASCHLE, Mrs. MURRAY, Mr. REID, Mr. SARBANES, and Mr. WELLSTONE, proposes an amendment numbered 3166.

At the appropriate place, insert:

SEC. . SENSE OF SENATE COMMENDING CAPITOL POLICE. (a) The Senate finds that—

(1) the United States Capitol is the people's house, and, as such, it has always been and will remain open to the public;

(2) millions of people visit the Capitol each year to observe and study the workings of the democratic process;

(3) the Capitol is the most recognizable symbol of liberty and democracy throughout the world and those who guard the Capitol guard our freedom;

(4) on July 24, 1998, Officer Jacob Chestnut and Detective John Michael Gibson of the United States Capitol Police sacrificed their lives to protect the lives of hundreds of tourists, Members of Congress, and staff;

(5) the officers of the United States Capitol Police serve their country with commitment, heroism, and great patriotism;

(6) the employees of the United States working in the United States Capitol are essential to the safe and efficient operation of the Capitol building and the Congress;

(7) the operation of the Capitol and the legislative process are dependent on the professionalism and hard work of those who work here, including the United States Capitol Police, congressional staff, and the staff of the Congressional Research Office, the General Accounting Office, the Congressional Budget Office, the Government Printing Office, and the Architect of the Capitol; and

(8) the House of Representatives should restore the cuts in funding for the United States Capitol Police, congressional staff, and congressional support organizations.

(b) It is the sense of the Senate that—

(1) the United States Capitol Police and all legislative employees are to be commended for their commitment, professionalism, and great patriotism; and

(2) the conferees on the legislative branch appropriations legislation should maintain the Senate position on funding for the United States Capitol Police and all legislative branch employees.

Ms. MIKULSKI. Mr. President, that amendment is offered in behalf of myself, Senator DASCHLE, Senator MURRAY, Senator REID, Senator SARBANES, and Senator WELLSTONE.

The reason I wanted the amendment read is that I wanted to convey the importance that many of us feel in commending the employees who work here at the Capitol, both the police as well as other very important departments and divisions.

I first compliment Senator BENNETT and Senator FEINSTEIN for the outstanding job they have done on moving the legislative branch appropriations bill. This sense of the Senate is in no way a commentary on their leadership, which I think has been exemplary. I think their leadership has been sensitive to the needs of employees and sensitive to the needs of the taxpayers. So we thank you for the leadership you provided, first in terms of the adequacy of the resources to do the job and, second, stewardship over Federal funds.

Also, I particularly want to thank Senators FEINSTEIN and BENNETT for adding the report language on the need for an employee ombudsman for the employees of the Architect of the Capitol. I had come to their hearings, in which I was received with such collegiality that I am very grateful. But we wanted to problem-solve over what was happening to the restaurant employees who often believe they have nowhere to go with many of their problems. Essentially, my own office was becoming the EEO office for these employees.

I am ready to do that. I am ready to be the Senator from Maryland and I am ready to be the Senator for the restaurant employees. But I want the Architect of the Capitol and those who work for him to do their job so that our employees have the same type of ombudsman and opportunity for personnel grievance that the private sector has. I thank them for that.

Let me come back to my amendment. My amendment is a sense of the Senate. It is not about money, but it is about morale. We want to say to the men and women who work at the U.S. Capitol that we know who they are and we value what they do.

These are the men and women who work in this building for the American people and serve the Nation. The Capitol Police protect this building which is a symbol of freedom and democracy the world over. They protect all the people who visit the Capitol, and they protect Members of Congress. It is the Capitol Police who ensure that everyone who comes to the U.S. Capitol is safe and secure. They are the most unique law enforcement officers in the country. They protect the building, and they protect the people, and they do it whether you are an American citizen or a foreign dignitary. They protect you whether you are a Member of Congress or a member of a Girl Scout troop.

That is who they are. They are brave, they are resourceful, they are gallant, whether it is protecting a dignitary such as Nelson Mandela or a Girl Scout troop from Maryland. They protect us from crooks, terrorists, people who are deranged, and anyone else who wants to harm us or the Capitol. Also, each is Officer Friendly welcoming people from all over America and all over the world.

The Capitol is a tourist attraction. Why? Do they come because we are so compelling, so charismatic, so gifted? No, they come to see democracy in action. We are the greatest deliberative body in the world. Sometimes we act great, and sometimes we deliberate, and sometimes we even do something together. But people come to see us in action. Those police officers ensure this facility is open to the people, preserving safety, often giving guidance and direction, many even learning foreign languages to do it.

Under their community police mentality, do not think, because they greet visitors like Officer Friendly, that they are soft. Talk to the Capitol Police. We know, No. 1, that they are tough, they are competent, they are a modern police force. They take bomb squad training, they take antiterrorist training, and they also work to make sure they have the right approach to deal with each and every situation they may encounter.

We need to make sure they have their jobs, they have their pay, they have their benefits, and they have our respect. That is what the sense of the Senate resolution is all about: to support the Capitol Police and the other employees of the legislative branch.

The House was going to cut over 1,700 people and as many as 400 police officers, which is 25 percent of the force. That is unacceptable. Then they were going to cut 117 staff from the Congressional Research Service. I will say what the Congressional Research Service is. It is a group of people who are absolutely dedicated to giving us unbiased, accurate information and unbiased, accurate analysis so we can do our jobs. If we want to make some very good decisions on the best models for the Older Americans Act or new technology breakthroughs, we should ensure adequate funding for the Congressional Research Service.

I will talk about the jobs being cut at GAO, the Government Accounting Office. The Government Accounting Office is not about keeping the books, it is about keeping the books straight.

My colleagues and I know we continually turn to the staff at the Government Accounting Office to do investigations of waste and abuse, to give us insights into how better to manage and be better stewards of the taxpayers' funds. People with those kinds of skills could leave us in a wink and be at a dot com in less than a nanosecond. If we are going to be on the broadband of the future, we need to make sure we have the people with the skills to run a contemporary Congress. And, we need to make sure that these people have security in their jobs and reliability of pay that they need to do just that.

I will now talk about our own congressional staff. They help us serve the Nation. We all know what the people who work for us do. They are the caseworkers who track down Social Security checks for our constituents; they help us answer our mail; and they help us draft legislation. It is the congressional staff who are now working, hopefully, to see that we pass a Medicare prescription drug benefit. It is the congressional staff who are now working around the clock so we can have a conference on the Patients' Bill of Rights.

Whether it's the Democratic side or the Republican side—the fact is that our staff is on our side so we can be on the people's side. We should not be cutting the very staff who help us get the job done.

We should not forget the restaurant workers, the custodial staff, and the facility managers who ensure the U.S. Capitol is a building that is comfortable, clean, and safe to visit.

We know about the draconian cuts in the House. Rumor has it they are going to restore some of those cuts. Good, because I would say to them, shame on them for what they were doing.

Do my colleagues know what the House intended to do? They intended to cut 400 Capitol Police officers, 114 employees from the Congressional Research Service, and 700 employees from GAO—1,700 people could have lost their jobs.

This is not about job security, this is about maintaining the safety, security, and cleanliness of the Capitol and the competency of staff so we can do our job.

I hope we adopt this amendment 100–0.

I close my remarks by saying that the reason I am offering this sense of the Senate amendment is so we know and show the people who work here every day that we are on their side. I believe Senators BENNETT and FEINSTEIN showed that by putting the money in the Federal checkbook, to show there is money which hopefully ensures a high level of morale.

I am also offering this sense of the Senate amendment because we need to keep our promises. A short time ago, we had two gallant police officers die in the line of duty—Officer Chestnut from Maryland and Detective Gibson from Virginia. We all attended their memorial services. We mourned them. We tried to console their families. We thanked them for their sacrifice, and we said that a grateful Congress will never forget. We should not forget Officer Chestnut, and we should not forget Detective Gibson. We should not forget the men and women who work here every day, in every way, in their own way dedicating their lives to serving us.

I hope we adopt this sense of the Senate amendment. Again, I thank Senators BENNETT and FEINSTEIN for their leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I commend my colleague from Maryland, Senator MIKULSKI, for her leadership and for her fine statement on this important issue that is before the Senate today.

I am very proud to join my many colleagues who are here to commend the men and women of the U.S. Capitol Police Force. Day in and day out, these fine officers risk their lives to protect all of us who work in the legislative branch. They also protect the millions of people who travel from across the country to the Capitol every year.

They deserve our respect and they deserve our thanks. They certainly do not deserve pink slips. Unfortunately, that is what the budget that was recently passed by the House Republicans would give them. In fact, in the budget that was passed by the House Appropriations Committee, if it were to take effect, 438 members of the Capitol Police Force would be relieved of duty. That is no way to thank some of the hardest working and most dedicated people I have ever encountered. At the same time that security experts are recommending to us we hire additional officers so we can station two officers at every entrance, the House majority's proposal goes in the opposite direction and requires us to fire officers.

Many people who are visiting the Nation's Capitol often turn to our Capitol Police Force for help in finding their representatives' offices or to get tour information. While our officers are always very gracious and helpful to everyone, the public really does not get a chance to see the many other things they do.

Every day, these officers interact with thousands of people, constantly assessing potential threats and stopping problems before they ever have a chance to start.

In fact, in recent days, there have been two potential instances of violence in this Capitol complex. Thanks to the quick work of the Capitol Police, and others, those situations were quickly controlled and no one was injured.

In a world where the number of threats seem to be growing, in an age when you never know when someone will act violently, and in a time when the memories of the two officers who died protecting Members of this Congress are still fresh in our minds, we are all better off with a strong, professional, and well-trained Capitol Police.

I think it is fair to say that through their work they help all of us carry out the democratic process.

They do not just protect elected officials; they protect everyone who visits and works near the Capitol Building.

I have been very disappointed to hear what some of the House Republicans have said about the Capitol Police. I do not think those comments reflect accurately on the work of the Capitol Police. I certainly do not want the officers to think that those few Members reflect the way the rest of us feel about the work that you do.

I encourage my colleagues to do three things to honor these fine men and women.

First, I hope Members, as they go about their daily work, take a moment to say thank you to the men and women of the Capitol Police Force, and let them know how much you appreciate the fine work they do.

Secondly, don't let the House Republican budget slap these officers in the face. Instead, let's give them the tools and the resources they need to do their jobs effectively.

Finally, I hope all Members of the Senate will vote for the sense-of-the-Senate resolution and show that you stand with us in supporting our Capitol Police.

I join the Senator from Maryland in commending Senator BENNETT and Senator FEINSTEIN for doing an outstanding job. I hope we can adopt this resolution with a very strong vote so that we can maintain the numbers that they have worked to put into this budget.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join my colleagues, and thank Senator MIKULSKI for offering this resolution. I join my friend from the State of Washington in urging that all Members—Republicans and Democrats alike—support it. But I commend Senator MIKULSKI for her initiation of this issue. And we express our appreciation to Senators BENNETT and FEINSTEIN for the action they have taken to express our full confidence and support for the police officers here at the Capitol.

How time flies, as we remember those memorial services for Officer Chestnut and Detective Gibson, who gave up their lives in order to try to save the lives of the Members of Congress. That is the kind of professionalism that is typical of this corps of men and women and that all of us too often take for granted. I strongly oppose any provision in the Legislative Branch Appropriations Bill that would slash the Capitol Police budget. Any such reduction would show a flagrant disregard for the security of the Capitol. It is shocking that House Republicans voted for this cut, after a non-partisan study concluded that even the "current Capitol Police Force staffing is insufficient to meet today's threat environment." Members on both sides of the aisle should be able to agree on this basic necessity of our time.

The budget must have room for adequate law enforcement. Police officers deserve a fair wage, equal to their risks and responsibilities. The way we treat Capitol Police officers is a measure of the respect we hold for them as professionals. No officers should have to jeopardize their lives to do their job because of inadequate resources and inadequate support.

The Capitol Police deserve enormous respect for their dedicated service. What these officers do as professionals affects the welfare and the very lives of every member of Congress, every staff person, and every visitor to the Capitol. They deserve our highest praise and gratitude for the skill and commitment they bring to their work.

The House Republican bill is a symptom of the larger problem facing communities across the country. Democrats have strongly supported the hiring of more local police officers and more school resource officers—giving communities and schools the tools they need to ensure the safety of citizens and students. Yet, Senate and House Republicans consistently fight us every step of the way.

Last week, the Senate Republican leadership attempted to block debate on sensible and long overdue gun control measures.

Last year, Republicans defeated an amendment to expand the Community Oriented Policing Program, which would have provided additional needed resources to communities across the United States in the ongoing battle against crime. And Republicans continue to target that successful program for elimination;

On the Juvenile Justice bill, Republicans blocked a Democratic effort to create a National Center for School Safety and Youth Violence;

On the same bill, Republicans rejected a Democratic amendment to encourage more effective after-school programs, so that one million additional children would be off the streets, out of trouble, and engaged in worthwhile school and community activities.

Republicans also defeated one Democratic amendment to expand the Safe Schools/Healthy Students initiative, to enable 150 additional communities to build partnerships between schools, parents and law enforcement to reduce truancy. The initiative would also provide mentoring for troubled youth, and teach students how to resolve conflict without resorting to violence.

Time and again, Democrats are placed in the position of fighting against Republican opposition in our effort to enact public safety measures that make sense—that keep families, schools and neighborhoods safe. Republicans would rather kowtow to the National Rifle Association and other special interest groups than listen to the American people.

We too infrequently recognize the professionalism and also the dedication of these officers. The least we can do is to treat these men and women fairly. And more importantly, what we can do—and we should do—is to commend them for their continued professionalism and for their devotion to duty.

I join my colleagues in expressing our appreciation to the two leaders on this appropriations bill, Senators BENNETT and FEINSTEIN, for what they have done in this area.

I will mention one other area, though, that finds fault with the actions of the leadership in the House of Representatives, in this term, the Republican leadership.

I find it difficult to understand what the Republican leadership has against low-income workers. Here we have the greatest prosperity in the history of this country, and the Republican leadership has been aligned to deny us a simple vote on a 50-cent increase in the minimum wage for 1 year, and a 50-cent increase in the next year. We have effectively been denied the opportunity to do so.

We have had to go through extraordinary gymnastics here on the floor. And then, finally, we end up with a 3-year bill, which is an insult to even the 10 million Americans who are working at the lowest levels of the economic ladder, and then tying on to that $100 billion in unpaid tax goodies for the wealthiest individuals and the most powerful corporations of this country. I think that is shameful action by this body.

But we have been battling, and we are going to continue to battle. We are going to remind our friends that even though they do not like voting on an increase in the minimum wage—and they use every effort to try to avoid that—they are going to be faced with the continued opportunities to do so until we get a fair adjustment in the minimum wage, which these working families are due.

But now we have not only opposition in terms of an increase in the minimum wage, but opposition to an adjustment in the cost of living for those individuals who are at the lowest level of service in the National Government. The House Republican leadership wants to make sure that these employees are not going to get any cost of living increase, even though we have seen a generous cost-of-living increase for the Members. These workers are the ones who will get no increase—they are the press operators who work the presses, the bindery workers who bind the volumes of paper that we produce in this chamber, and the workers at the printing plant who haul paper and move the printed products. There is no increase for even these workers, the laborers in the printing office who publish the reports that go across to the libraries to inform the American people as to the actions of the Congress.

But it is not just the Government Printing Office employees who will suffer from this cutting of the cost of living adjustment. Mail clerks and laborers in the Library of Congress, Secretaries in the Congressional Budget Office, and Information Receptionists, Library Aides, and Reference Files Assistants at the Congressional Research Service—those who carry and sort the mail, who type and file our various reports and documents, and those who assist with the cataloguing and researching of all the reports and documents that we in Congress generate—all of these employees will be denied a fair cost of living increase by the House Republican leadership.

These are among the lowest of the low paid by the Federal Government. They are men and women who have a great sense of pride and dignity in the work they do. They are part of the team in terms of trying to serve this country. Nonetheless, the way we deal with them is to say: No, you are not going to be able to get the adjustment that others are going to be able to get in the Congress, and that those of the higher level pay scales are going to get in general.

That is basically unfair, and it is unwise and unjust. I do not know what the explanation is. Why is it? Why is it that we effectively make sure that those individuals who are working in the darkest areas of the building and are absolutely key elements do not get an increase? If you take those individuals out of this whole process, you are not going to get the printing of the records, which are reflective of the Government in action, and you are going to basically paralyze, in a very important respect, the representatives of Government having the information which is necessary to make sound judgment.

Maybe there is an explanation for it, but I do not see it. It is unfair and unjust. It is something where we have to say, if you have opposition to an increase in the minimum wage, you are hurting those workers. And who are those workers? They are primarily women because 60 percent of minimum-wage workers are women. This impacts children because fully one-third of the women who are earning the minimum wage have children under 18. It is a children's issue. It is a civil rights issue because a disproportionate percent of minimum-wage workers are men and women of color.

Most of all, it is a fairness issue that men and women who are going to work 40 hours a week, 52 weeks of the year, should not live in poverty in the richest country in the world, when we are having the most extraordinary economic prosperity in the history of this Nation. It just is wrong.

We are facing that blind opposition by the Republican leadership in the House of Representatives and the Senate of the United States that says no to those working members of our economy. Who are they? They are the men and women who work in our nursing homes looking after parents who may be in nursing homes. They are the men and women who are working in our schools as assistant teachers. They are men and women who are looking after children when their parents are out there working and trying to put food on their table.

We are saying, no, they are not going to get an increase in the minimum wage. No, we are not going to give it to them. And no, we are not going to give a cost of living increase to other members who are at the lower level of the pay scale in our nation's Capitol.

That is an absolutely unfair, unjust, and unacceptable position. I am delighted that here in the Senate, in a bipartisan way, that position has been rejected.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, first of all, let me thank both Senator BENNETT and Senator FEINSTEIN for their important work. I just want to echo the comments of my colleague from Massachusetts, Senator KENNEDY, in support of providing adequate funding to pay all the people who help us do our work in the Senate. I too support a wage increase for the many people who work here, who don't make near the money we make, don't have near the salary we have. I promise the Chair that if it were the House Democrats who had made these cuts, my condemnation would be just as strong. The action the House took, cutting funding for salaries was a mistake, and it wasn't fair. I think that on the Senate side, in a bipartisan way, we have done a good job.

I thank Senator MIKULSKI and all the other Senators here, including Senators DASCHLE, MURRAY, REID, SARBANES, and KENNEDY, for their support for full funding for the Capitol Police Department. I just want to read the last part of the Mikulski amendment, that I am proud to be an original cosponsor of:

> It is the sense of the Senate that the United States Capitol Police and all legislative employees are to be commended for their commitment, professionalism, and great patriotism; and the conferees on the legislative branch appropriations legislation should maintain the Senate position on funding for the United States Capitol Police and all legislative branch employees.

My hope is that all 100 Senators will come out here on the floor and speak in support of this amendment and in support of all the work that Capitol Police do to keep the Capitol safe. In a way, it is almost shocking that the Senator from Maryland feels the need to introduce this sense-of-the-Senate amendment. I think we ought to really think deeply as to why it is necessary to come out with an amendment that basically says that we value the Capitol Police and all the Senate employees.

I just want to make this appeal to all my colleagues that they come down to the floor and express their support for all the people who work in the Senate. I hope Republican Senators will come out here as well and speak. Maybe all of us can take 15 or 20 minutes. I think that sends a much more powerful message.

What I regret is that the House Republicans chose to cut the Capitol Police budget by 11 percent; that is a $10 million cut. Here is the problem. Forget the money. Anybody who watches us on the floor might say: What are they talking about, a sense-of-the-Senate amendment, an 11-percent cut, a $10 million cut; what does it mean?

This is what it means. First of all, we will never forget that we lost two officers, Officer Chestnut and Agent Gibson, in 1998. Many of us were at their service. It was so moving and so powerful. We made a commitment we would do everything possible to make sure that the police officers here—Capitol Police officers—would be working under the best of conditions, that they would be safe, that they could do their job and not be put in peril.

Their job is to protect all the people who visit the Capitol. I have given enough speeches to deafen the gods about this. I have probably spoken 15 times on the floor of the Senate in support of the Capitol police. Today, I get to come out here as an original cosponsor of this amendment and say I really believe it is critically important that the Capitol police be recognized for the worth of their work, the importance of their work, and also that we make sure we do everything humanly possible, as legislators, so that they work under the best conditions, which translates into making sure we do everything we know how to do to make sure we never again lose any police officers.

What the House Republicans did in their proposal would mean the elimination of some 400 police officers. That is no way to say thank you to the Capitol police—to have an 11-percent cut in their budget, to have a cut of hundreds of police officers, to have even less backup for officers; that is no way to say thank you to the Capitol Hill Police. It is certainly no way to honor Officer Chestnut, Officer Gibson, and their families—no way.

So I want to make crystal clear on the floor of the Senate that I believe that it is important that we all speak—not just Democrats, but Republicans as well—in support of this amendment to send a message as Senators to the Capitol Hill police and their families that we have a tremendous amount of appreciation for the work they do, we value the work they do, we value them as friends, and we just simply want to say thank you and we intend to continue to support the Capitol Police. In addition, I believe that the work that Senator BENNETT and Senator FEINSTEIN have done matters more than any words I can utter here on the floor of the Senate.

The last point that this amendment is important, and the reason I hope Senators will speak on it, is to show our united support and respect for the men and women of the Capitol Police force, who protect us each and every day. In the days following the House actions to cut funding for the force, many of the police officers were just demoralized. How many people have said—as a matter of fact, we are losing Capitol Hill police members to the D.C. Police Force because they do feel they have the respect and support of the people they are here to protect.

But part of it is, I say to Senator REID, who was a Capitol Hill policeman—the only Member of the Senate who served on that police force—that part of the question of whether or not people continue to work here and feel good about their work is whether or not people think they are respected. You know, in light of what we have gone through for the past several years, when you then cut the budget and you potentially put some of these police officers in harm's way, you certainly are not communicating a message to these police that we value their work. You are communicating the opposite message. I think what the House Republican "leadership" did on this issue was one of the worst things that has been done here, at least since I have served starting in 1991.

I feel really good about what we have done on the Senate side. I feel really good that we have done it in a bipartisan way, and I feel good that I get a chance to support the Mikulski amendment. I want to, one more time, make the appeal to Republican Senators: Look, the truth of the matter is—and I don't want to get people angry at me—it is not as if we are doing a lot right now and we don't have time for people to come out and speak. I think we ought to get as many Senators as possible to speak on this resolution because it is important that we communicate a message of strong support for these police officers.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Senators BYRD, BENNETT, FEINSTEIN, KENNEDY, and DURBIN be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the vote on this amendment be taken at the appropriate time as agreed upon by the leaders.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I amend the Senator's unanimous-consent request that the vote on the pending amendment occur at 9:45 on Thursday with no amendments in order to the amendment, and that there be 10 minutes of remarks prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I thank the chairman of the subcommittee.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, to make the record clear with respect to the statement that was made earlier about employees of the Government Printing Office not receiving an increase in this bill, Senator FEINSTEIN and I have provided funds so those employees will receive the mandatory increases.

It is a little bit confusing as to how the bookkeeping works. The dollar amount stays level, but because we researched the number of positions that had not been filled in previous years and we are funding those positions, we recognize the money that would go for those unfilled positions will be available for the mandatory increases for employees.

I want to make sure the record reflects that. We are not, in fact, forcing those employees to go without their standard mandatory increases in this bill.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. WELLSTONE. Mr. President, could I ask my colleague for 5 seconds?

Mr. DURBIN. Yes.

Mr. WELLSTONE. Mr. President, I forgot to also thank Jim Ziglar, the Sergeant at Arms on the Senate side, who has done great work on this question.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of the amendment offered by the Senator from Maryland.

First, I thank Senator BENNETT of Utah and Senator FEINSTEIN of California, the chairman and ranking member of the Appropriations Subcommittee on Legislative Branch. They have important responsibilities. They have met the responsibility and have done it very well in a very difficult time. I commend both of them for their hard work in preparing this important legislation.

I also commend my colleague from the State of Maryland, Senator MIKULSKI. Because of the proximity of Maryland to the District of Columbia, Senator MIKULSKI has said that she oftentimes feels that she is the Senator for so many people who work on Capitol Hill who come to her with their concerns. I know that is a burden for her to carry, but it is one that she carries with grace.

The offering today of this sense-of-the-Senate amendment is so typical of her dedication and loyalty to the men and women who serve us here in the Capitol.

This Capitol Building is one of the most recognizable buildings in the world. People literally come from across the United States and from around the world to see this magnificent dome.

You can never forget the first time you see it. I can still remember, I guess almost 38 years ago, when I first saw it in person. It made such an impact on me as a student. Little did I realize that I might someday serve in this building. But so many millions of people come to this site on this great hill to see this building, to walk through its Halls, and to witness the history that is here portrayed; to see the magnificent statues in Statutary Hall; to recall the history of this building; the Rotunda; the times that America has gathered in this place to pay homage to the greats who have served our Nation; to recall history when that same Rotunda was used as a hospital for Union soldiers who were injured in battle.

It is a great building and contains a great history. The dome on this building, which was built during the era when Abraham Lincoln of Springfield, IL, served as President during the Civil War, is really a beacon not just for our Nation but for the world.

All of the visitors who come here to be part of this great American historical moment expect the very best treatment, and they deserve it. That is why it is hard for me to understand what happened in the House of Representatives when the Republican leadership decided they would make a substantial cut—a one-third cut or more—in the number of police officers who would be in this building to protect all of us who work here and all of us who visit here.

It is hard to imagine how that could occur under ordinary circumstances; with the millions of people who flock to this building, that we would cut back in the security and protection of those visitors and employees. It is impossible to understand that suggestion in light of what occurred just 2 years ago in this same building—when, on a Friday afternoon, a deranged man came to this building with a gun and opened fire, sadly killing two of the very best Capitol Hill policemen, Officer Chestnut and Officer Gibson.

Those two men died in the line of duty protecting all of us—protecting the visitors to this building, protecting the workers who come to this building each day, protecting many of the same Members of Congress who have sponsored on the House side this amendment to reduce the number of Capitol Hill policemen. It is an incredible thing that only 2 years later we would forget that basic lesson.

I remember going to the memorial service for the two officers, as so many Members of Congress did, to show our respect and our gratitude to their families—to try to express with our presence what we couldn't say in words; to thank them and their families for what they had given us. So many people were chocked up that day as they looked across at the rows of family members and saw not only the spouses but a lot of young children who would never know their fathers, who, frankly, would miss out on many of life's great moments with their fathers, because Officer Chestnut and Officer Gibson had given their lives to protect us.

Many of the same Members of Congress who stood choking back the tears that day are, 24 months later, offering amendments to reduce the number of Capitol Hill policemen.

How short is their memory? Can they not recall those moments? I certainly can. I know Senator MIKULSKI can.

As I come into this building each day and into the office building that we use, I see these men and women in uniform standing there doing their very best to make sure people know the right place to go and where the offices are located, but also keeping in mind that at any given moment they could have their lives on the line.

When Senator MIKULSKI introduces this resolution, when Senator WELLSTONE takes the floor repeatedly and talks about the security at the doorways of the entrances to the buildings on Capitol Hill, they are talking about a life and death issue for these men and women. They don't just come to work, as many of us do, and shuffle the papers and do our business. They put their lives on the line every day. The thought that the House Republicans would suggest cutting by one-third the number of police officers is incredible when you consider what is at stake here and what we lived through only 2 years ago.

I certainly commend my colleague, Senator MIKULSKI, for offering this amendment. I hope every Member of the Senate in a show of fidelity and support to the men and women who protect us every day will join as cosponsors. This should have a 100–0 vote because it really is an indication of what we feel about these people who mean so much to us and who go out of their way to be kind and helpful.

Some of my favorites—I hate to pick out a few because I know there are many who deserve recognition—Officer Charlie Coffer, who stands at the Russell door every day, is a joy in my life. There cannot be a nicer person on Capitol Hill in any spot. He brings a smile to my lips every time I walk through the door.

Officer Best works on the door on the Senate side. I came here at 10 o'clock one night with a group of visitors, and I asked if it would be possible to walk through Statuary Hall. He went out of his way to clear things and make sure we could bring those visitors through for the time of their lives, to be able to walk through this great building in the darkness of night, and sense the history of this building.

Officer Best, Officer Coffer, and so many others, go out of their way to do such a great job. If they go out of their way every day, we should go out of our way to show our gratitude and respect by passing this amendment and this important appropriations bill.

I close by referring to one other item which I hope this appropriations subcommittee can consider. It has come to our attention that some of the workers on the Senate side, particularly those associated with the restaurant, are technically part-time employees. When we are in session, they may work a full 40-hour week; of course, when we are out of session, they don't. Because of this part-time status, many of them do not qualify for basic employee protection life/health insurance. It is hard for me to imagine the men and women who serve food every day, who make sure this building runs smoothly, don't receive the most basic protections which we would expect for any member of our family.

I ask the committee, I ask Senator BENNETT and Senator FEINSTEIN, if they would be kind enough to look into this situation. I am happy to work with them and make certain we are treating all of the men and women who work here with respect in giving them the benefits which we would expect every American who comes to work every day to enjoy. I think we ought to join to try to set such an example.

If this is not a major problem, I apologize to the subcommittee. However, if it is one that I have been told is a concern to many of the employees, I hope we can work together to resolve it.

Once again, I thank the chairman and the ranking member for their fine work on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have sought recognition at this time to commend the chairman of the subcommittee, Senator BENNETT, and the ranking member, Senator FEINSTEIN, for their efforts in bringing out of the Appropriations Committee and out of their subcommittee prior thereto, a bill which I know that all Senators can support.

As noted by the Chairman and Ranking Member, the allocation to the Legislative Branch Subcommittee here in the Senate was substantially larger than the amount allocated to the Subcommittee's House counterpart. That increased allocation was distributed fairly throughout the Legislative Branch.

In particular, as has been noted by Chairman BENNETT and Senator FEINSTEIN, the bill as reported by the Committee recommends a substantial increase for the Capitol Police. I commend these two very able Senators for their excellent work in recommending this increase for the Capitol Police and for the increases they recommended throughout the legislative branch. It should be kept in mind something that Members of this body often forget, perhaps at least temporarily, that the Legislative Branch is the people's branch.

I stand here on this floor time after time to say that again and again that this is the first of the three branches of our Government mentioned in the Constitution, article I. We should adequately fund the legislative branch. I believe this bill does so. We certainly bend over backwards time and time again to fund the executive branch, and the executive branch includes in its budget on every occasion that a budget that comes here, additional persons for various segments of the executive branch. In many instances, few questions are asked, if any. So the executive branch adds to its numbers by the hundreds, from time to time. Yet we respond quite niggardly with appropriations for the legislative branch. We are always pinching pennies when it comes to the legislative branch.

The Legislative Branch Appropriations bill, as reported by the House Appropriations Committee, contains major cuts throughout the legislative branch, including the appropriation for the Capitol Police. Rather than recommending an increase sufficient to continue the growth in the Capitol Police force that we approved two years ago as a result of the tragic shooting that took the lives of Officer Chestnut and Detective Gibson, the bill, reported by the other body requires dramatic reductions in the Capitol Police force. Through a combination of the regular Fiscal Year 2000 Legislative Branch Appropriations Act and the additional funding that had already been provided in the Omnibus Appropriations Act for Fiscal Year 1999, sufficient resources have been provided for 1,511 Capitol Police personnel. That increase in personnel was carefully considered as part of an overall plan to improve security of the U.S. Capitol complex. It was to be a multi-year effort with these additional forces being brought on board as quickly as the new hires could be trained. Yet, that is not what has been recommended in the bill as reported in this year's bill by the House Appropriations Committee. That recommendation provides only $70 million, a cut of almost $39 million below the budget request, and provides for a level of only 1058 personnel, a reduction of 453 positions! Think about that. We all talk about how strongly we support reducing crime throughout the Nation. Let's start right here in the Nation's Capitol, right now! We have put 100,000 cops on the beat across the Nation. A number of years ago, Senator GRAMM of Texas and I offered an amendment which was subsequently enacted to establish a Violent Crime Reduction Trust Fund.

I was chairman of the Appropriations Committee in the Senate at that time. Since that time, tens of billions of dollars have been appropriated over the years from that trust fund. As a result, we have seen a marked improvement in the statistics on violent crime all across this Nation. When the tragic shooting of Officer Chestnut and Detective Gibson occurred in the Nation's Capitol in the summer of 1998, we all quickly rushed forward with promises of increased funding for the security measures for the Capitol complex.

I have seen this happen time and time and time again over the 48 years I have been virtually an inhabitant of this building. The distinguished Senator from Illinois said a moment ago he first came to this building 38 years ago. Mr. President, I came to this building my first time almost 70 years ago. I was a boy scout from the coal fields in southern West Virginia. Of course, it was never meant that I should ever become a Member of this body, not from the lowly beginnings from which I sprang. Upon that occasion when I sat up in the galleries, I said to the scoutmaster: I'm coming back here one day; I'm going to be a Member of this body. How little did I know that that might come true, really, when I came to this Capitol almost 70 years ago.

I was a Member of the other body when the shooting occurred in the gallery of that body. I was sitting on the opposite side, on the Democratic side, from where the shooting took place. The shooting occurred from the galleries just over the Republican side of the aisle. At first, I thought it was a demonstration of some kind, perhaps some firecrackers or some blank bullets.

I saw—I believe it was one of the Members named Jensen. I saw other Members fall. I saw one fall right in the center of the floor, towards the front of the House Chamber. I saw Members running to the Cloakroom.

A Member from Tennessee had sat in a chair to my left. If I were located in the House Chamber right now, he sat just over to my left. He was called to go out to the Cloakroom to take a telephone call. While he was out, that shooting occurred and a bullet pierced the very center of the chair in which he had sat. The bullet would have gone through his heart.

A Member of the House who sat just directly behind him was from Alabama, and that Member suffered a wound in his leg.

I remember going up to the galleries after they had taken the demonstrators out. There was a TV camera there. They asked me what I thought about it. I said, "It just shows what a cockeyed old world this has come to be."

The world hasn't improved any. As a matter of fact, it has gotten worse. I can remember some years ago when there was an explosion on the next floor below us in the Capitol. A bomb exploded right down here where the old barber shop was, where the Senators used to get haircuts. We were criticized so much because we got haircuts in the Capitol that we closed down the room, the barber shop. But in one of the little restrooms just outside the premises of that barber shop a bomb exploded.

Then, a few years later, a bomb exploded right here near the Senate Chamber, beyond the Republican Cloakroom, out in the corridor there. I was the Democratic leader at that time, and I had an office just a few feet away from where that bomb was deposited behind a bench where one of those Vice Presidential busts is now located. That blast occurred at 11 o'clock at night.

As Howard Baker stated the next morning, it could very well have killed a Republican Member or Members in that Republican Cloakroom that night. The explosion was directed toward the Republican Cloakroom. Nevertheless, that explosion blew off the huge doors to my office in S–208. It blew those doors over on the desks where members of my staff worked. As I say, fortunately, it was at 11 o'clock at night, but it just filled my offices with dust. It broke the picture window in that beautiful office.

I have been around this Capitol 48 years, and I know these things happen, and they will happen again. They will happen again. One of these days there may be a major catastrophe in this Capitol. And every time there is a rush to improve the security, and then after a few days or weeks or months, that subsides and the security lapses.

This is the most beautiful Capitol in the world, bar none, with Brumidi's paintings. Brumidi came to this country in 1855 and he died in 1880. He painted these beautiful frescoes in the Rotunda. I have my office now in his old studio down on the next floor. It is in this Capitol that Webster and Hayne had their famous debate. It was not in this Chamber but in the Old Chamber down the hall. Webster and Clay, and Calhoun—where the old Senate sat from 1810 to 1859; the Senators in 1859 moved to this Chamber. Ah, what history here—history, the history of the greatest Republic that was ever created—history fills these Halls. If you walk in these Halls at night, you can almost hear the words of Webster and Clay and Thomas Hart Benton of Missouri. Yet, this Capitol is put in danger by reductions of this kind in appropriations.

Senator BENNETT and Senator FEINSTEIN have performed a great deed for the Nation, for the men and women of yesterday, for the citizens of today, and for our posterity—those who will walk these Halls in future years and gaze with wonder at the beauty of this Capitol.

A lot is expected of the men and the women who serve on the U.S. Capitol Police Force. We expect them to be highly professional, highly skilled, and highly motivated individuals who perform their duties well at all times. They must be courteous to the many thousands, the millions of people who visit this Nation's Capitol while at the same time being alert to the dangers that can arise at any time with little notice or without notice.

Members of the House and Senate, our staffs—Jim English, others on the staff of the Appropriations Committee who sit on this side, and staff people who sit across the aisle and aid Senator BENNETT; there are thousands of them who work in and around this Capitol—their lives are at stake, their lives and the lives of the tourists who come here from the mountains of West Virginia and the level plains of the Midwest, the prairies, from the Rocky Mountains and the sunny shores of California. They come here to see this Capitol and to marvel at it, to gaze in awe. How many times a day I see those tourists come in here and look about these halls; they just gaze in awe. They seem to be entirely unaware that somebody else is walking by. They are entranced by what they see in this Capitol.

These visitors deserve no less from our U.S. Capitol Police Force. But if we are to have the kind of police force that exhibits these qualities and these skills, we cannot subject these men and women to the specter of having their jobs eliminated in massive numbers on the heels of initiating a program to substantially increase their numbers.

It would be unwise in the extreme to cut security personnel at the Capitol complex, so I will join Chairman BENNETT and Senator FEINSTEIN and other members of our committee in defending the funding levels recommended in the Senate bill for the U.S. Capitol Police. I trust we will succeed in convincing our counterparts on the other side of the Capitol of the need for that increase.

I congratulate Senator MIKULSKI, too, on the resolution which she has offered, which she was kind enough to allow me to cosponsor. That is a good amendment and this is a good bill which, I believe, deserves the support of every Senator.

I again congratulate Senator BENNETT and Senator FEINSTEIN. I again thank them. The Senate is in their debt. The Congress is in their debt. The people of the country are in their debt because this is the people's Capitol. This is the people's branch.

These two Senators have done excellent work in bringing recommendations to the Senate. I salute them, thank them, commend them, and say: Long may the great God who is the Judge of us all and in Whose hands rests the destiny of the Nation continue to bless this great country and this great Capitol of the United States.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it seems just a day or two ago—the fact of the matter is, it was almost 40 years ago—that I served as a Capitol policeman. I can remember being out on the steps on the east front of the Capitol. I worked the night shift while I attended law school during the day. I remember one of my first duty stations was to be present during the concerts which took place every night.

I can remember a lot of things. One thing I remember is Senator Carl Hayden coming to the concerts every night. He had been in Congress more than 50 years at that time. He was still mentally alert but physically infirm. He would come in his wheelchair. As a Capitol policeman, I would stand near him during these concerts.

Quite frankly, Mr. President, the most dangerous thing I did as a Capitol policeman was to direct traffic. Directing traffic was a little dangerous in those days. I can remember that on Constitution Avenue, they had railroad tracks. And there were cars all over the place. It sounds a little facetious when I say it was the most dangerous thing I did, but it was true. I was barely old enough to carry a gun. One had to be 21. I carried a pistol. Thank goodness, I never took it out of the holster during the time I was a Capitol policeman.

I have very fond memories of being a Capitol policeman. Like Senator BYRD, I can remember coming from a town of 200 at the southern tip of the State of Nevada where we had a policeman by the name of Big John. Growing up in Searchlight, he was "the law." But here in Washington, for me to walk in a uniform at night down these Halls—there was nobody in these Halls when I made my rounds—it brought a chill to my soul, thinking I was able to work in this Capitol and walk past the statues of the great men and women who made this country what it is.

For me now, to think I have served in the House of Representatives, the greatest democratic body in the history of the world—no one has ever served in the House unless they have been elected. In the Senate, there have been people who have served who had been appointed, but never in the House of Representatives. And then to serve in the Senate. I told one of my friends I was lucky. He said: "You are not lucky, you are blessed." That is really true. I was wrong, and he was right.

I am blessed to serve in the Senate of the United States. I walk down these Halls many times a week to Senator BYRD's old office. As you know, the Democratic whip's office is down on the next floor. Senator, did you know that the fireplace was put in that office in 1824? When I walk down there, even with people around, I get that same chill I had as a young man in a police uniform. This is truly a wonderful building. I sometimes wonder why I am so fortunate to serve here. I am, and I accept those responsibilities along with the privilege.

I have never forgotten that I was a Capitol Police officer. I can remember when I was transferred to the House. In 1961, Henry Gonzalez from Texas, was a freshman Congressman. I can remember the very lonely duty I had over there. This freshman Congressman from Texas worked late at night, and he would say to me: "Can I bring you something to eat? Can I bring you something to drink?"

Another Member I remember was Congressman Lindsay from New York, who later became the mayor of New York City. These are the two people I remember reaching out to a police officer, reaching out in kindness. It made me feel good about my job.

Like Senator WELLSTONE so eloquently stated, I have tried to be kind, thoughtful, and considerate to police officers. They have such an important job, and are often overlooked because things get so crazy around here.

The world is so different than it was 40 years ago. Unfortunately, there are people who are hellbent upon destroying this facility, not just damaging the Rayburn Building. I say to my friend from West Virginia, immediately before that bomb went off in the Rayburn Building, the Nevada State Society held a meeting there. We were the last group to meet in that room. I was a Member of the House at the time that explosion took place, and I remember the incident as if it happened yesterday.

Today, it seems that people are no longer content with blowing out a few windows. They want to destroy this facility, and, if given the opportunity, they could. That is why we have to reach out to the men and women who provide security for us on a daily basis. But, it's not just us, Mr. President. The Capitol Police provides security for all the staff we see throughout these buildings, the people without whom we would not be able to do our jobs. Most importantly, the Capitol Police is also charged with providing security for the millions of people who come to this beautiful Capitol complex each year.

We simply must ensure that we take care of the Capitol Police. The Capitol Police are very well trained. Today, as I was proceeding to a meeting in the Dirksen Building, I saw a man climb out of a car dressed in SWAT team apparel. I asked the officer with whom I was walking about him, and he told me that he was a member of the SWAT team. He was dressed like you would see in a movie. He is here because he is needed. We have demolition experts, people who are experts in defusing bombs. They are called upon to do that more often than we know. Again, they are here because, unfortunate as it may be, they are needed.

Often time, we only hear about the heroics of the Capitol Police when something goes wrong. We know when someone breaks a bottle and tries to attack other people because the press is there to capture the event-in-the-making. We know about the tragic deaths of Officer Chestnut and Detective Gibson because the press covered it in such detail. The many things we do not know about are the tragedies that are averted because of the skill and proficiency of the Capitol Police. Their training is as good as any police force in America.

When I served on the Capitol Police, all that training was not necessary. When people came to this building, we did not check to see what they had in their bags. We didn't have electronic machines for visitors to pass through. We did not check to see if they were staff. Our responsibilities were much different, much simpler.

Every day, these men and women put their lives on the line for America—not for me, not for the Presiding Officer, but for America, to protect this beautiful structure and the people who visit it.

Without belaboring the point, I have been fortunate to do a few things in my adult life. I am so privileged to represent the people of Nevada in this body. But this Senator is just as proud to have been a police officer, and I am proud of the fact I was a Capitol policeman.

I extend to my friend from Utah, the chairman of this subcommittee, and my friend from California, the ranking member, my appreciation for crafting this bill on a bipartisan basis. Not only have they reached out to protect the Capitol Police, which is so important, but they have also reached out to protect the rest of the staff.

I had the good fortune to serve as chairman of the legislative branch appropriations subcommittee when I first came to the Senate. I loved that job, because we did some very constructive things.

We see things in the other body on the other side of the Capitol that have not been very constructive. In fact, they have been destructive. I would say to my colleagues that the chairman and ranking member have brought about some dignity to the legislative branch of Government.

The other body, for example, drastically cut the Government Printing Office which does very important things for this country. In the State of Nevada, the Government Printing Office has 11 different institutions to which they supply periodicals and other materials.

Across the country, there are more than 1,300 institutions that serve as official depository libraries which disseminate more than 16.1 million official Government documents to the general public every year—every year, over 16 million documents the public gets from the Government Printing Office.

In Nevada, there are 11 such libraries, the 2 largest of which exist on the campuses of the University of Nevada at Las Vegas and Reno.

The depository is a bargain when one considers the program as a whole.

While the GPO supplies the printed materials, the university, college, and other public libraries which participate in the Federal Depository Library Program supply the space to house the documents, the staff to assist the public, as well as the computers, the photocopiers, and other equipment needed to use this information. In other words, the GPO embodies the public's access to government.

What if we were to cut off that access? There would be—rightfully so—a public outcry that such access to government had been denied. If we were to cut back the staff the way the other body did, that is what we would have to do—limit the public's access to their government. The ranking member and the chairman have made every effort to stop this, and that is very important.

I also think that it is very important we recognize that the General Accounting Office—because of the work you have done—has been, in effect, spared. We complain because we do not get our reports and other information fast enough from the General Accounting Office. Why? Because in the past we have cut them back a significant amount. They are already working with a very lean staff. Thank goodness the ranking member and the chairman have taken care of this. This Senator appreciates that very much.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. REID. Yes.

Mr. BYRD. The Senator was talking about how the Capitol Police are careful to search our briefcases and to be on the alert for all people who walk through the doors.

A couple weeks ago, after I reached my house one evening, I got to looking for something, and I decided I left it on my desk in my office.

I said to my wife: I am going back up to the Capitol.

She said: Do you want me to go with you?

I said: Yes.

She and I are going to be married, by the way, this coming Monday, 63 years.

As I said, she said: Do you want me to go with you?

Anyhow, she came up here with me. I had already changed clothes. I had an old slouch rainhat on. I had some old wear-around-the-house trousers and some scuffy-looking shoes. I came up here with a slouch sweatshirt and had it outside my trousers.

I walked in down here and went through the magnetometer. I guess I am the only Senator who goes through the magnetometer. I don't know. But I do. I do that so the police and others who may get some complaints from some people who go through that magnetometer can say, Senator BYRD, who has been around this floor longer than any other Member of the House or Senate, who has been around here longer than any staff member on this Hill, goes through that.

So I went through that magnetometer. And there were two policemen standing there. They were not the regular attendants at the door. And they did not see any ID card on me with a chain around my neck. So one of them said to me: Sir, are you a staff member? And I laughed. I said: No, I'm not a staff member. I just want to compliment you on doing the kind of job you are supposed to do. No, I'm not a staff member.

So they were on the alert. They did what they were supposed to do. I salute them for it. I thank the Senator for yielding.

Mr. REID. Thank you very much, I say to Senator BYRD.

Let me say that I sat with awe as I listened to your presentation. It was very well done, as usual. There is no one in this institution who has the feeling for not only this building, not only this institution, the Senate, but for our country than you do. I have great, great respect for what you have done to inspire me to try to do a better job.

Mr. BYRD. I thank the Senator.

Mr. REID. Mr. President, one of the things I say to my two colleagues, the chairman and the ranking member, is, if the other body is looking for additional sources of money, I think they should take a closer look at their franking practices. I am the last person to tell the other body what to do with franking, even though in the past, when I was chairman of the Appropriations Legislative Branch Subcommittee, we had some real battles dealing with franking. We cut our Senate franking practices tremendously. In fact, we now hear complaints that we do not have enough money to mail to our constituents. We have really tightened our belts, especially with mass mailings.

But, let's talk about the other body. In 1994, as part of a bipartisan effort that was initiated by Senator MACK and myself, our subcommittee successfully instituted sweeping reforms regarding franking privileges in the Senate. In fact, we cut overall mail costs by 50 percent between 1994 and 1995.

As part of the same initiative, the House, in 1995, combined its mail, staff, and office expense accounts, and instituted an expenditure limit on mail based upon an allowance fund.

However, Mr. President, that was changed. In 1999, according to the Congressional Research Service, the House, unfortunately, eliminated any expenditure limit on franking privileges.

So if the House is looking for some ways to get some money, they can always use some of the money they reapplied to franking just last year.

Also, I want to talk about the Congressional Research Service, for which I have the greatest respect. It is a great program, the Congressional Research Service. If we have a problem, we can have some research done. That is what it is. It helps our constituents, our staffs, and helps us Members of Congress.

These cutbacks that have been requested in the other body are simply not wise. I think it goes without saying that we need the Congressional Research Service so that we are not forced to rely upon a group of lobbyists.

I, again, commend the chairman and ranking member for their work to ensure that the Congressional Research Service is protected.

Finally, let me say, in closing, we have appropriated $100 million for the Visitors Center. I am not happy with the fact we are reaching out to the private sector to get money to help build what I think should be a totally Government institution.

A Visitors Center is long overdue. I hope we get it done quickly. I have been told, though I have heard this before, that construction is going to start soon.

I think it says a lot that we, in Washington, do not have a facility for visitors to come into this Capitol. That is one of the reasons why Officer Gibson and Detective Chestnut are dead, because we did not have a visitor entrance where people could be checked to see if they have weapons before coming into the Capitol.

Also, separate and apart from the security aspect of it, it is important that visitors have a place to come in during cold weather to stay warm until they can come into the Capitol, and a place during hot weather to stay cool, and a place where they can get a soft drink, a glass of water, or go to the bathroom. This is long overdue.

I hope this initiative will move forward expeditiously. I also hope this eyesore that we have out here with the painted lines on the road and all that other stuff will quickly be done away with. The east front of the Capitol should be just as beautiful as the rest of the Capitol complex. I hope we take care of that very quickly.

Mr. President, I reiterate my gratitude and recognition of the leadership of Senators BENNETT and FEINSTEIN. I wish them well not only in the passage of this bill, but also wishing them well in conference, where all eyes of the Senate, including our staff and the brave men and women of the Capitol police and other legislative branch agencies, will be upon them.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senators who have spoken in such generous terms. It helps to have a bill that is relatively noncontroversial and to be on the side of the issues where most Senators are to get those glowing terms, but nonetheless, I am grateful for them. I appreciate the comments.

AMENDMENT NOS. 3167 THROUGH 3170, EN BLOC

Mr. BENNETT. Mr. President, I send to the desk a managers' package of four amendments and ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for himself and Mrs. FEINSTEIN, proposes amendments en bloc numbered 3167 through 3170.

Mr. BENNETT. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3167

At the appropriate place insert:

The first sentence under the subheading "SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE" under the heading "CONTINGENT EXPENSES OF THE SENATE" under title I of the bill is amended by inserting ", of which $2,500,000 shall remain available until September 30, 2003" after "$71,261,000".

AMENDMENT NO. 3168

At the appropriate place insert:

ADMINISTRATIVE PROVISION

SEC. . (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking "$10,000,000" each place it appears and inserting "$14,500,000".

(b) Section 201 of such Act is amended—

(1) by inserting "(a)" before "Pursuant", and

(2) by adding at the end the following:

"(b) The Architect of the Capitol is authorized to solicit, receive, accept, and hold amounts under section 307E(a)(2) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(2)) in excess of the $14,500,000 authorized under subsection (a), but such amounts (and any interest thereon) shall not be expended by the Architect without approval in appropriation Acts as required under section 307E(b)(3) of such Act (40 U.S.C. 216c(b)(3)).".

AMENDMENT NO. 3169

At the end of title III, insert:

SEC. 312. CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the legislative branch of the Government a center to be known as the "Center for Russian Leadership Development" (the "Center").

(2) BOARD OF TRUSTEES.—The Center shall be subject to the supervision and direction of a Board of Trustees which shall be composed of 9 members as follows:

(A) 2 members appointed by the Speaker of the House of Representatives, 1 of whom shall be designated by the Majority Leader of the House of Representatives and 1 of whom shall be designated by the Minority Leader of the House of Representatives.

(B) 2 members appointed by the President pro tempore of the Senate, 1 of whom shall be designated by the Majority Leader of the Senate and 1 of whom shall be designated by the Minority Leader of the Senate.

(C) The Librarian of Congress.

(D) 4 private individuals with interests in improving United States and Russian relations, designated by the Librarian of Congress.

Each member appointed under this paragraph shall serve for a term of 3 years. Any vacancy shall be filled in the same manner as the original appointment and the individual so appointed shall serve for the remainder of the term. Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(b) PURPOSE AND AUTHORITY OF THE CENTER.—

(1) PURPOSE.—The purpose of the Center is to establish, in accordance with the provisions of paragraph (2), a program to enable emerging political leaders of Russia at all levels of government to gain significant, firsthand exposure to the American free market economic system and the operation of American democratic institutions through visits to governments and communities at comparable levels in the United States.

(2) GRANT PROGRAM.—Subject to the provisions of paragraphs (3) and (4), the Center shall establish a program under which the Center annually awards grants to government or community organizations in the United States that seek to establish programs under which those organizations will host Russian nationals who are emerging political leaders at any level of government.

(3) RESTRICTIONS.—

(A) DURATION.—The period of stay in the United States for any individual supported with grant funds under the program shall not exceed 30 days.

(B) LIMITATION.—The number of individuals supported with grant funds under the program shall not exceed 3,000 in any fiscal year.

(C) USE OF FUNDS.—Grant funds under the program shall be used to pay—

(i) the costs and expenses incurred by each program participant in traveling between Russia and the United States and in traveling within the United States;

(ii) the costs of providing lodging in the United States to each program participant, whether in public accommodations or in private homes; and

(iii) such additional administrative expenses incurred by organizations in carrying out the program as the Center may prescribe.

(4) APPLICATION.—

(A) IN GENERAL.—Each organization in the United States desiring a grant under this section shall submit an application to the Center at such time, in such manner, and accompanied by such information as the Center may reasonably require.

(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought;

(ii) include the number of program participants to be supported;

(iii) describe the qualifications of the individuals who will be participating in the program; and

(iv) provide such additional assurances as the Center determines to be essential to ensure compliance with the requirements of this section.

(c) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the "Russian Leadership Development Center Trust Fund" (the "Fund") which shall consist of amounts which may be appropriated, credited, or transferred to it under this section.

(2) DONATIONS.—Any money or other property donated, bequeathed, or devised to the Center under the authority of this section shall be credited to the Fund.

(3) FUND MANAGEMENT.—

(A) IN GENERAL.—The provisions of subsections (b), (c), and (d) of section 116 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 1105 (b), (c), and (d)), and the provisions of section 117(b) of such Act (2 U.S.C. 1106(b)), shall apply to the Fund.

(B) EXPENDITURES.—The Secretary of the Treasury is authorized to pay to the Center from amounts in the Fund such sums as the Board of Trustees of the Center determines are necessary and appropriate to enable the Center to carry out the provisions of this section.

(d) EXECUTIVE DIRECTOR.—The Board shall appoint an Executive Director who shall be the chief executive officer of the Center and who shall carry out the functions of the Center subject to the supervision and direction of the Board of Trustees. The Executive Director of the Center shall be compensated at the annual rate specified by the Board, but in no event shall such rate exceed level III of the Executive Schedule under section 5314 of title 5, United States Code.

(e) ADMINISTRATIVE PROVISIONS.—

(1) IN GENERAL.—The provisions of section 119 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 1108) shall apply to the Center.

(2) SUPPORT PROVIDED BY LIBRARY OF CONGRESS.—The Library of Congress may disburse funds appropriated to the Center, compute and disburse the basic pay for all personnel of the Center, provide administrative, legal, financial management, and other appropriate services to the Center, and collect from the Fund the full costs of providing services under this paragraph, as provided under an agreement for services ordered under sections 1535 and 1536 of title 31, United States Code.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) TRANSFER OF FUNDS.—Any amounts appropriated for use in the program established under section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat 93) shall be transferred to the Fund and shall remain available without fiscal year limitation.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—This section shall take effect on the date of enactment of this Act.

(2) TRANSFER.—Subsection (g) shall only apply to amounts which remain unexpended on and after the date the Board of Trustees of the Center certifies to the Librarian of Congress that grants are ready to be made under the program established under this section.

AMENDMENT NO. 3170

Section 309(1) of the bill is amended by striking "fiscal year 2000" and inserting "fiscal years 1999 and 2000."

Mr. BENNETT. Mr. President, these amendments have been cleared on both sides. The first one is an amendment for the Sergeant at Arms to make $2.5 million of funds appropriated available until September 2003. The second is an amendment to raise the cap on the amount of private funds that can be provided to the National Garden. The third is an amendment to create a fund to allow for private funds to endow the Russian Leadership Program of the Library of Congress. And the fourth amendment is a technical correction to section 309.

The PRESIDING OFFICER. The question is on agreeing to the amendments. Without objection, the amendments are agreed to.

The amendments (Nos. 3167 through 3170), en bloc, were agreed to.

Mr. BENNETT. Mr. President, I understand that the chairman of the full committee, Senator STEVENS, is anxious to come to the floor to make a statement. I will suggest the absence of a quorum to allow him to come, unless the Senator from California has something that she wishes to say at this time.

Mrs. FEINSTEIN. That is fine.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I want to talk about a couple of issues. First of all, I commend the distinguished ranking member, Senator FEINSTEIN, and the chair of the appropriations subcommittee for their outstanding work on the legislative appropriations bill. Many of our colleagues have come to the floor already to speak as eloquently as I have heard about the importance of the Capitol Police, about the importance of those who serve us in so many capacities throughout the Capitol and throughout the Capitol complex itself.

I want to express my support for this bill and for the statement that it makes about the importance that we as Senators put on the work done by our Capitol Police each and every day. Those of us who are fortunate enough to be in Leadership especially recognize the unique role the Capitol Police play. They are with us almost from the time we leave the house to the time we are dropped off at the house late at night. They are with us publicly. They follow us. They protect us. They provide service to us in the most exemplary and professional manner. I think it would be all too easy for some to misinterpret the ill-advised actions taken thus far by the House in their legislative branch appropriations bill.

It was really for that reason many of us felt the need not only to support a good Senate legislative appropriations bill, but to underscore the numbers and the commitment made in the Senate version of this bill by cosponsoring and supporting the amendment offered by the distinguished Senator from Maryland.

We want to say just two words without equivocation to the Capitol Police, to the members of the Congressional Research Service, to the GAO, and to all of those who work so diligently and professionally each and every day: Thank you. Thank you for what you do. Thank you for how you do it. Thank you for setting the example. Thank you for the extraordinary dedication you demonstrate to public service.

That is really the message. I will be surprised if we don't see a 100–0 vote in our expression of gratitude and our desire to ensure that they realize how much we appreciate what they do. While we may not say it each and every day, and we may not walk up as we probably should from time to time to a Capitol Police officer, or to one of our floor staff, or to any of those who serve us, maybe in this small way we can say as a body, as Senators, regardless of political or philosophical persuasion, thank you. We express our sincere and heartfelt gratitude to each and every one of you for dedicating your lives to public service, and in some cases dedicating your lives to the safety of others, safety that oftentimes asks too much of police officers and their families, as we saw just 2 years ago.

So this is as an important a statement as I think we will make this year regarding our Capitol Police and our staff in many respects, and I am hopeful that it won't go unnoticed. I am hopeful that this will serve as a big exclamation point that we are very grateful, and that we are appreciative in ways that probably are not articulated on a regular basis.

NOMINATION OF BRADLEY SMITH

Mr. DASCHLE. Mr. President I also want to address the matter concerning Bradley Smith. I know there will be time allocated for his nomination later on this afternoon. I will simply take time as if in morning business using the quorum call to address his nomination at this time.

As I have stated before, I have come to the conclusion that I must oppose this nomination. For me, this is not just a vote on a particular nominee with whom I don't agree, this vote is about whether or not we will prove the cynics in America wrong in demonstrating our commitment to strong campaign finance laws.

Yesterday morning in the Washington Post, a Republican strategist who advises Governor Bush and the Republican National Committee said the following:

> There are no rules any more . . . There were few if any to begin with but there are virtually none today. They know it, we know it, everybody knows it.

That wasn't Common Cause or Ralph Nader. That was an adviser to Texas Governor George W. Bush.

Governor Bush's adviser is right. In many ways, we have entered the post-Federal Election Campaign Act era. It is the Wild West of "soft money," issue advocacy ads and secret donors.

The system is broken, and everybody knows it. A vote in favor of this nomination will simply confirm what we already know. It doesn't have to be this way. It shouldn't be this way.

I know very few Members of the House and the Senate, of either party, who like our current campaign finance system. I know very few members of either party who prefer raising money to meeting with constituents and working on issues. I know very few members of either party who enjoy the fact that, every time they face reelection, the amount of money that has to be raised to be competitive has risen exponentially. And frankly, I know very few members of either party who don't resent the fact that so many of our legislative activities are scrutinized solely in the context of donations—which groups backed which said of the argument, and whose money prevailed.

I am irritated by that. I am frustrated by that. That screen should not be the consideration. Even in the media, it shouldn't be the frame within which we view the debate on issues. But that is exactly how it is framed on the Sunday talk shows and in the newspapers.

If we think the current system is unacceptable, that is nothing compared to the way our constituents feel.

Our constituents don't like the current campaign finance system. They don't think it puts their interests first. But they also don't think we'll ever really change it.

In fact, they are convinced of it. Poll after poll showed the American people responding in single digits—not double digits, but single digits—to the question: Do you think Congress will ever change the campaign finance laws? Overwhelmingly, over 90 percent say no.

Today, it seems to me, the Senate can take the first step toward restoring at least a modicum of public trust in American political campaigns.

One thing we can do to promote greater confidence in our electoral system is to ask a simple question before we confirm the men and women who will serve on the Federal Election Commission. It seems to me that fundamental question ought to be: whether those who may be interested in serving believe in the laws on the books today? Do you believe you can objectively enforce the laws? We are asked that question every time we are sworn in. Will you uphold the Constitution? It seems to me upholding the Constitution and all the statutes and the compendium of laws that have been created as a result of our fundamental freedoms established in the Constitution is a prerequisite for serving in public office.

The men and women who, as Commissioners, would have the courage to issue clearer guidelines about what is permissible, and would have the courage to enforce those guidelines are the people whom we should encourage to serve on this and all bodies.

Brad Smith, it is clear to me, does not fit that description. Rather than decrying the weaknesses of our current campaign laws, Mr. Smith has made a career out of criticizing the utility of our federal election law scheme. He has argued for the repeal of the Federal Elections Campaign Act, and he denies that money has a corrupting influence on the political system.

Simply put, when it comes to campaign finance laws, Brad Smith is an anarchist. This is not the marshal who will save the day in Dodge City. Confirming Brad Smith is more like asking Billy the Kid to preserve peace.

Let's be clear. Putting reform-minded FEC Commissioners in place is not enough by itself. We created the FEC and our inaction has created some of the problems within the FEC with respect to enforcing the laws we have today. Congress has a responsibility to act today to close loopholes, clarify the law, and do everything possible to stem the endless chase of money in which we all engage.

We should pass McCain-Feingold immediately. We should end the abuse of section 527 of the Internal Revenue Code immediately.

Our Constitution doesn't stand in the way. The only thing standing in the way of our taking these modest steps is the reluctance to tamper with the system that we know and that has gotten us elected, even if we don't like it.

We are worried our careers won't survive. It seems to me we should be more worried about whether faith in our system will survive.

The trends are ominous. The soft money accounts in both parties' coffers are at record levels. In the first 15 months of the 2000 election cycle, the national Democratic and Republican Party committees have raised over $160 million in soft money. Mr. President, $160 million in corporate, union, and large individual contributions. Is there any real question why Americans are losing faith in our elections system?

Every election cycle, the cost of campaigns goes up and the number of people who vote goes down. If we really want to increase voter participation, we have to address that reality. The reality is, there is simply too much money in politics. We all know, whether we admit it or not, that the current system is broken. We have a choice: Do we reduce the influence of special interests money in Washington? Do we want to wink and nod at the few flimsy campaign laws we have?

Today we have an opportunity to answer that question. It seems to me that if we defeat Brad Smith's nomination and demand we be presented a nominee who will work with us to regain public confidence in our campaign laws, we will be taking the first step. Then we could pass campaign finance reform, the McCain-Feingold bill, and put an end to the flood of soft money into campaigns once and for all, and then shut down the so-called 527 loophole. Those three steps would go a long way in this election cycle, in this session of Congress, to do the right thing. They are things we can and should do. The currency of politics should be ideas, not cash.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Before I begin, I commend the distinguished Democratic leader, the minority leader, for his very eloquent statement and comments, particularly in regard to the need for this body to take up the issue of campaign finance reform. I could not agree more. We have had a series of hearings at the Rules Committee on the campaign finance system. We have heard from all sides, but we heard a little more from one side than another.

I tried to arrange for our good friends, Senator FEINGOLD and Senator McCAIN, to testify. I talked to my colleague from Wisconsin about this so we could hear about the McCain-Feingold bill. I hope our colleagues and others heard the remarks. This is a very important issue. Nothing is more fundamental than trying to get a handle on this process that has gone wild. It is absolutely out of control, and it is getting worse by the day.

While there is obviously a great need to deal with other issues, nothing is more fundamental than how people get here, where their attention is spent, their time and effort, how it is allocated. Until we change the system, in my view, it will only get worse.

I applaud my leader for his comments. I know he reflects the views of the overwhelming majority on this side of the aisle and some on the other side. More importantly, I think the Senator reflects the views of the American public. There may be differences on details, but fundamentally the American public understands this system is not working well at all. The point that we spend more money each year on campaigns, while voter participation seems to be heading in the opposite direction, paints a very clear picture of what the American public thinks. I associate myself with those remarks and commend the Senator for those remarks.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—Continued

Mr. DODD. Mr. President, I want to spend a couple of minutes on the legislative appropriations bill and to commend Senator STEVENS and Senator BYRD, the chair and ranking member of the Appropriations Committee, as well as our good friends, the chair and ranking member of the subcommittee, Senator FEINSTEIN and Senator BENNETT, for the work they have done in putting together, I think, a very responsible bill on the Senate side in terms of dealing with the costs of running the legislative branch of Government.

They have put together a good bill. They have been fiscally restrained in their approach. Obviously, our legislative branch should not be exempt from the kind of scrutiny we apply to every single aspect of this, the Federal budget. They are to be commended for packaging a bill that does less than the administration wanted but is certainly far more responsible, far more thoughtful, far more balanced than what the other body has apparently crafted.

The bill here is $59 million over current spending but $147 million below the President's budget request for operations of the legislative branch. We need to remember we are not just talking about Members' salary or staffs. We are talking about being the temporary custodians of these buildings we call the Capitol Grounds.

A few minutes ago, I greeted another student group from my State, from Woodstock High School, a group of eighth graders, and, earlier, a group of students from a school in Washington, DC. I try to tell the young people when they are here, these are their buildings; this is their Government. They are not voters yet, but I want them to develop an appreciation of what has been handed down to us as temporary custodians, what we will be handing down to them in the coming generation so their children and their grandchildren will be able to come to this great Capital City of ours, come to the great buildings, and cherish and appreciate what it represents to them as citizens of the greatest democracy ever created in the history of mankind. As temporary custodians of their well-being, we have a responsibility not to somehow pad the budgets to serve our own comfortable interests but to see to it that we preserve this venue, this seat of democracy, for coming generations.

That is what Senator FEINSTEIN and Senator BENNETT have done with this budget. Regretfully, it is what the other body has not done. That is what makes me so sad. We can have differences here—Democrats, Republicans, conservatives, liberals, moderates—and debate issues. When it comes to the buildings, when it comes to the people every day who work here, whose names you will never know, who care for the facilities, who guard these buildings, not just the Members and the staffs who work here but the 10,000-plus tourists who come to their Nation's Capitol every day and come into the buildings. Officer Chestnut and Officer Gibson, who lost their lives just a few feet from where I am speaking, were protecting not only the membership when those shots fired but protecting hundreds of tourists gathered in the building.

To see a budget that disregards the importance of having good security here, not just for the Senators and Congressmen but for the innocent tourists who come to see their Nation's Capitol, is something of which we ought to be very mindful. What the House has done, of course, was to cut the police force by almost 12 percent, resulting in a reduction in force of almost 30 percent of the police force on these grounds.

I was a young boy in the 1950s in the other Chamber, a few feet from that Chamber, when shots rang out from the gallery, and Members of Congress were shot on that day. I was down in Washington on a spring break. I literally just missed being in the Chamber as a tourist on that day.

We have taken a lot of steps since then to try to see to it that people who are armed can't come in here and threaten the lives of people in these buildings. I remember being a relatively new Member in this Chamber when, I thank the Lord, we had all left on a Monday night and a bomb went off in the building. Had we been here, there would have been those, I suspect, who would have been severely injured, if not killed.

And of course the tragedy involving Officers Chestnut and Gibson and the gunfire in the Capitol Building is a sad commentary on the times in which we live. We all know this. But to talk about reducing the police force of these grounds by 30 percent, cutting the present force, is irresponsible. Hopefully, it will be reversed.

I commend our champions of this legislative appropriations bill for fighting back and putting their foot down, and saying you are not going to tolerate this because it is wrong to do this to the American public.

The Library of Congress as well would be cut here, the greatest library in the world just a few blocks from this Capitol—again, a great public library. The people of Connecticut may be more sensitive to this issue than others are. The very first public library in the United States was founded in New Haven in the 1600s, so we in my State have a special affection for libraries and their value.

The greatest of all libraries in the world is the Library of Congress. There is a wonderful exhibit going on as we celebrate the 200th anniversary of the Library of Congress. I encourage people who are coming to Washington to visit the wonderful exhibit of the Jefferson library. It is Thomas Jefferson's library. It was the greatest private library in the hands of any citizen in this country when he donated it. Actually, it was sold for a very modest amount after the Capitol was burned in the War of 1812. Thomas Jefferson took the 6,000 volumes that was his library, the greatest private library in the world, and said this ought to be the basis of a great national library. At the cost of $23,000, those volumes became the core of the Library of Congress we now celebrate, as we should, here in our Nation's Capital. The House proposal to cut into that budget by 1 percent, again, doesn't make a lot of sense to me.

The Congressional Research Service, again, is of great value to us as we try to do our work. They are wonderful people. It does not matter, when you are provided a report, whether it is Democrats, Republicans, Independents—they give us the facts, data, hard evidence that we rely on as we try to do the people's business. We couldn't possibly afford, nor should we, to expand our staffs to include all these people who serve as our extended staff. The Congressional Research Service, the CRS, has been of great value to people in these Chambers over the years. The House proposal eliminating one out of seven employees is an example of an unwise reduction in force.

With regard to the General Accounting Office, the House cuts it by 7 percent. Again, the General Accounting Office is tremendously valuable. I don't know of a single Member who has not relied on the General Accounting Office at one time or another to get good, hard, clean facts and evidence behind some of the more perplexing problems we face in our country.

As to the Government Printing Office, the Congressional Budget Office, as well, the House has acted very irresponsibly. I commend our leaders, as the ranking member on the authorizing committee, the Rules Committee, and express my support for what they are trying to do.

I say to the literally dozens and dozens of people who work in these buildings, be they police officers or custodial staff, doorkeepers, and the like, we do not get a chance to say this to you as often as we should but we appreciate immensely what you do. The American public, as I said, may never get to know your names, but you preserve their assets here every single day. The majority of us in this Chamber appreciate what you do. We appreciate the efforts you make around the clock.

Many us have been here late in the night and meet these wonderful people, many of them women—women, not young women—who come by and clean these offices after everyone leaves, doing the tremendous work that they do. They are never seen by the Members or staff around here. I want to tell them today on this floor how much I appreciate the work they do. Again, I am confident I reflect the views of the overwhelming majority of Members in this body.

We thank Senator FEINSTEIN and we thank Senator BENNETT for their efforts. We applaud Senator STEVENS and Senator BYRD for demonstrating once again their deep appreciation for being good temporary caretakers, temporary custodians, of these facilities and these assets that belong to the American public. I am proud to be associated with both of these fine leaders.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Chair.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 2621 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FEINGOLD. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. Mr. President, I have reserved time for an amendment which would deal with funding for mailings for open house town meetings. The budgets today are very restrictive. In years gone by, there was an opportunity for a Senator to schedule an open house town meeting in a county seat and send out postal patron notices to everybody in the county. Then, an open house town meeting would be held where a relatively small number of people would appear, but at least everybody in the county had notice that the Senator was coming. Everyone had an opportunity to hear a short report about what was going on in Washington and then an opportunity to ask the Senator questions.

We are under considerable fire and criticism on the issue of fundraising and the issue of access. For example, when we have fundraisers and people attend, they certainly do have access to Senators. There is no way to have a fundraiser where people attend without having that kind of access.

The question then arises: Is that kind of access unfair? I believe there is a very good answer to that by having the Senator go to the county seat, and make it convenient for people in the county to have access to the Senator to ask questions. The concept of having a town meeting to let people express themselves is something that I believe is very important and very fundamental.

The budget we have today does not allow for that. I was just discussing the matter with the distinguished chairman of the subcommittee to see if we might structure something which could be accommodated without having a contested amendment and a contested debate and then a rollcall vote.

What the Senator from Utah and I were talking about was an analysis of how many of our colleagues want to have open house town meetings. Many of our colleagues do not choose that as a form of communication with constituents. Others may have only a few open house town meetings. There is a big difference between small States and big States. There is a different picture that certainly arises in Utah than Pennsylvania.

As I said to the Senator from Utah, I would not necessarily be concerned about having the town meetings in the big metropolitan areas where there is a greater opportunity to communicate with the citizens through television and through newspaper stories. However, if you take, say, some of the northern tier counties of Pennsylvania or the north central or southern tier, unless you actually go to the county, it is very hard to make that kind of contact.

I would not want the entire year to go by without taking action. As I discussed with the Senator from Utah, perhaps in collaboration with the Senator from California, who is the ranking member on this subcommittee, and the Senators on the Rules Committee, we could try to get an estimate and perhaps put a funding mechanism in one of the later appropriations bills. Perhaps it could come in the appropriations bill on Labor, Health and Human Services and Education, which I chair.

I do believe Senators would like to have this opportunity. It may well be that it would not be very expensive, depending on how many Senators chose it. Maybe we could, on an experimental basis, create a relatively small fund and find some way to administer it so the people who want to have the town meetings can but with some limitations so that one or a few Senators do not take too much of the fund. Therefore, we could move in the direction of encouraging these open house town meetings.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I thank the Senator from Pennsylvania for raising this issue because it is a very legitimate issue, and I think it is a legitimate issue for the legislative branch subcommittee to deal with. We did not deal with it in subcommittee and in full committee. It becomes a challenge to try to find the money right now in terms of an offset within the bill.

The point the Senator from Pennsylvania makes is an extremely valid one. There are people who, in rural areas particularly, do not really have any sense of opportunity to interact with a Senator unless that Senator physically goes to those counties. Then when you try to notify the people that you are coming, you have a real challenge because they do not have the mass media coverage. Yes, they may get a major newspaper from a major metropolitan area, but they do not read it for hometown announcements. If you try local newspapers, many times they do not do the job, either.

The problem we have in terms of the reactions from members of the Rules Committee is that the Rules Committee has attempted to create the opportunity for this in terms of flexibility for the overall budget and saying to a Senator, "You have a pot of money you can use either for franking or for stationery, for travel, or some other item," and they are opposed to earmarking a particular amount of money for this particular purpose.

If we sit down with members of the Rules Committee and lay out the importance of what it is the Senator from Pennsylvania is highlighting and talk it through to find some creative way, I think we can move in that direction. I pledge to the Senator from Pennsylvania that I will work with him to see if we cannot do that because I agree absolutely with the end he is trying to achieve.

I think it is very important that we try to help Members communicate with their constituents in a meaningful kind of way.

As I understand it, from the Senator from Pennsylvania, this is not talking about a mass mailing of campaign literature, as we are accused of doing under newsletters and use of the franking. This is talking about simply a notice that would go out under the frank with respect to town meetings.

I am very sympathetic with that and would be happy to work with the Senator and the Senators from the Rules Committee and, of course, Senator FEINSTEIN, to see if we can't find a way to devise something that is not overly expensive—because I agree with the Senator, not every Senator would want to use it—but that at the same time we could provide an opportunity for those Senators who would be willing to do the town meeting.

So I am happy to deal with the Senator to see if we can't find way to work this out.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. FEINSTEIN. Mr. President, in response to Chairman BENNETT's suggestion, I would like to assure the Senator from Pennsylvania, as a member of the Rules Committee, I would be very happy to take a look at this and see what the problem is. The ranking member of the Rules Committee was here and is familiar with the subject. I believe he would be agreeable, as well, to take a look. And we will see what the problem is.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from Utah and the Senator from California for those statements. Let us proceed on that basis.

Picking up on what the Senator from Utah said, it isn't a political mailing touting what any of us may think he or she has done. It is notice that the Senator is going to have his or her body at a given place.

As open house town meetings go, that can be a fairly high price to pay, to go out and face the music and face the constituents because they do keep track of our votes. But they have a very hard time following us if they live in Coudersport in Potter County or live in the northern tier of Pennsylvania or a southern tier county such as Fulton. They don't necessarily get any of the major newspapers and are outside television range. They may see some national television, but that is not an effective way for Senators to communicate with the people of their States.

When you appear at a town meeting, there is a feeling that something is going on that is positive. We Members of Congress in the Senate and the House are subject to a lot of criticism as being "inside the beltway" and not being accessible. People don't know what we are doing. And then we are going to these fundraisers where people have to make contributions to have access to us.

This is something which is not very healthy for a democracy. So let us proceed.

I will not offer an amendment at this time. I will see if we can work it out, starting with the chairman and ranking member on this subcommittee, and moving over to the chairman and ranking member on the Rules Committee, to try to structure a program which would accomplish the purpose and be affordable.

I thank the Senator from Utah and the Senator from California.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I thank the Senator from Pennsylvania. I think, as I said, he has raised an issue very much worth pursuing and one that we will, in all good faith, go forward on, to see if we can't work out some kind of solution that can get us where it is we need to be.

UNANIMOUS CONSENT AGREEMENTS—EXECUTIVE NOMINATIONS

Mr. BENNETT. Mr. President, as in executive session, I ask unanimous consent that the 40 minutes of debate with respect to the nominations begin at 2:20 p.m. today, with the votes to occur at the expiration of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, as in executive session, I ask unanimous consent that Executive Calendar No. 454 be added to the list of nominations to be confirmed following the votes on the FEC and judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—Continued

Mr. BENNETT. Mr. President, we come to the time where we have another 25 minutes before the time comes for voting. I had been expecting the Senator from Alaska. He is still tied up in a previous meeting. So we will look forward to hearing from him.

It has been an interesting experience for me to serve as chairman of this particular subcommittee on Appropriations. There are those who say this subcommittee does not matter very much because its dollar allocation is the lowest of all of the subcommittees in the Appropriations Committee, with the exception of the District of Columbia. I disagree. I think this subcommittee, in fact, can have as much impact on the Government as some of the others that have greater amounts of money to spend because of its area of jurisdiction.

I will take a little of the time here to express my gratitude for the opportunity of chairing this subcommittee and for those with whom we work. The subcommittee deals with the Architect of the Capitol. That is a term that most people in the country do not understand. They would think of the Architect of the Capitol as the person who sits down and draws the lines on paper that produces the building of the Capitol. That is what architects do.

They do not realize that the Architect of the Capitol is charged with the responsibility of maintaining the Capitol. In this situation, I have been able to go around and meet those people who oversee the activities that go on with respect to maintaining our operation. They work for the Architect of the Capitol, and they are concerned with such things as the air-conditioning, the cleaning, the repairs, the restoration of the Brumidi paintings about which the Senator from West Virginia spoke.

We take it for granted that this beautiful place will always remain beautiful. It takes a virtual army of people working behind the scenes to see that this is, in fact, the case.

I have spoken of my business experience. I remember one company where I worked where a particular manager was under very heavy pressure from top management to show improved results on the bottom line. This manager was determined to do that. Pretty soon the reports started coming in that the bottom line was getting better and getting better, and he basked in the glow of the approval that he got for his tough measures and his great turnaround procedures.

Then the bill came due, and we discovered what he had been doing. He had been increasing his bottom line by cutting back on his maintenance budget. And all of a sudden the facilities over which he had responsibility began to show the deterioration. In that company, we ultimately had to pay enormous capital costs to restore the facilities to the level they should have been at by virtue of significant day-to-day maintenance. Yes, he could make the bottom line look better temporarily by shutting down the day-to-day maintenance, but, overall, he cost us a great deal of money.

That is the responsibility of the Architect of the Capitol: To see to it that, overall, this entire complex works. It is not only the Capitol. He has the responsibility for the Senate office buildings and the House office buildings.

We have watched the renovation of the Dirksen Office Building go forward under the direction of the Architect of the Capitol. I am happy to be able to report that it is on time and under budget. For those who say that every Federal program is a boondoggle, this is one that is moving forward. As an occupant of a Dirksen Building suite in the renovated area, I can tell you that this office space will be good for the next 30 or 40 years before it has to be done again. It is being done properly, it is being done intelligently, and it is being done within the allocated budget.

Something that I did not know anything about until I became chairman of this subcommittee is the Botanic Garden.

I have all my life driven by the Botanic Gardens without ever going in and without ever having any understanding of what went on inside. The Architect of the Capitol came to me when I got this assignment and said: Let's go down and take a look at the Botanic Gardens. Well, one walk through the Botanic Gardens made it clear that there had been a lot of delay and neglect of ordinary maintenance. This was a major mess.

Now, under the direction of the Architect of the Capitol, the Botanic Gardens are being raised up to the level where they should be. One may ask: Who cares about the Botanic Gardens? I asked the somewhat impudent question: How many Americans come to the Botanic Gardens? How many see this? Well, if it were in a city other than Washington, DC, it would be a major tourist attraction. There are literally millions of Americans who go through the Botanic Gardens every year. It had been allowed to deteriorate and had to be brought up to proper standards.

I could go on and on about the work of the Architect of the Capitol. It is significant work, and it requires a great deal of effort. I am delighted to be involved in understanding that.

I see other Members coming to the floor. I want them to know I am not filibustering, but I don't want the time to go just in a quorum call, when I have an opportunity to express my gratitude for the assignment that I have. If anyone has something they want to say, just give me a signal and I will conclude quickly.

Absent that, I will talk about the Library of Congress. The Library of Congress Thomas Jefferson building is one of the hidden jewels, architecturally, in this town. I always tell tourists from Utah, when they come and visit me in my office, to go see the Jefferson building. They say: Well, we are going to go see the major sites. We are going to go to the Vietnam War Memorial. We are going to go to the Lincoln Memorial and the Jefferson Memorial and the new FDR Memorial, and so on. I only have so much time.

I say: I don't care how limited your time is. If you have any time at all, walk down the street and walk into the Jefferson building.

This is the most beautiful building on Capitol Hill except for the Capitol itself. It represents in many ways the story of America.

My favorite story about the Library of Congress and the building is one that is told about Boris Yeltsin, when he walked into the Jefferson building. He stood there and looked around, and then turned to his guide and said: How did you Americans get a building like this? You didn't have any czars?

Well, maybe we didn't have any czars, but we had the Army Corps of Engineers, and we had the American spirit 100 years ago that said America has arrived. America is going to take its place as one of the major nations of the world. In that spirit of enthusiasm and excitement, they built the Jefferson building to house the Library of Congress. That building came in under budget and on time. It stands as a reminder of the spirit of manifest destiny that we associate with Theodore Roosevelt. The building was finished before Theodore Roosevelt became President, but it was in that era that it happened. That is a reminder that all Americans ought to have as part of their history.

It has been magnificently restored by the Congress, and by this subcommittee. Admittedly, it was restored prior to my being involved with the subcommittee, but it is something we in Congress should be proud of because it is part of the heritage we leave to our children and our grandchildren. They can come to Capitol Hill—yes, the Capitol and the continuity of democracy that is represented here—but there is also the commitment to knowledge and spreading that knowledge that is represented by the largest and finest library in the world. It exists to serve the Congress. It is sustained by the Congress. It is part of the responsibility of this particular subcommittee.

I am delighted with the opportunity of serving in this capacity. I appreciate the support we have received not only from the full committee but from all of the Members of the Senate as well.

I see my friend from Connecticut is here. I am happy to yield the floor.

Mr. DODD. Mr. President, if I may, I commend our colleague from Utah for the job he and the ranking Democrat, Senator FEINSTEIN of California, have done on this bill. I echo his sentiments about the role we play as custodians of these buildings.

I noted earlier that all of us on a daily basis greet students who come to the Nation's Capital as part of the graduation programs of various schools. I had the wonderful privilege earlier today of meeting a group of students from Woodstock, a school in Connecticut, as part of their eighth grade graduation.

It is a violation of the rules of the Senate to identify anybody who is in the galleries, and I won't do that. I am not going to identify any school groups in the gallery. If you happen to notice somebody dressed in green up there, you might notice someone who might come from that school along the way. They are very attentive students and interested about these buildings. As I explained to them, these are their buildings. We are mere custodians of them.

I associate myself with the remarks of the Senator from Utah and the Senator from California. We are doing what we can to see to it that they are secure and well cared for so that future generations will be able to enjoy them as much as this generation does.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise in support of S. 2603, the pending legislative branch appropriations bill for fiscal year 2001, as reported by the Senate Appropriations Committee.

I commend the distinguished subcommittee chairman, Senator BENNETT, and the distinguished ranking member, Senator FEINSTEIN, for bringing a balanced bill to the floor. The bill supports ongoing Senate operations and those of the congressional support agencies we depend upon, such as the Congressional Budget Office, the Library of Congress, the Government Printing Office, and the General Accounting Office. It also sustains a commitment to increased security for the entire Capitol complex and the thousands of visitors we receive each day.

The bill as reported to the Senate provides $1.7 billion in new budget authority and $1.45 billion in new outlays for the operations of the Senate, joint items, and our related agencies. The House will add the funding for its operations to its version of this bill. When outlays from prior-year budget authority, funding for House items, and other actions are taken into account, the bill totals $2.6 billion in both budget authority and outlays for fiscal year 2001.

The Senate bill is at the subcommittee's 302(b) allocation for budget authority, and it is $4 million in outlays below the 302(b) allocation. The Senate bill is $54 million in budget authority and $53 million in outlays above the FY 2000 level. It is $216 million in budget authority and $169 million in outlays below the budget request.

I urge my colleagues to support the bill.

Mr. President, I ask unanimous consent that a table displaying the Senate Budget Committee scoring of the reported bill be inserted in the RECORD at this point.

S. 2603, LEGISLATIVE BRANCH APPROPRIATIONS, 2001—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 2001, $ millions]

	General Purpose	Mandatory	Total
Senate-reported bill[1]:			
Budget authority	2,500	97	2,597
Outlays	2,498	97	2,595
Senate 302(b) allocation:			
Budget authority	2,500	97	2,597
Outlays	2,502	97	2,599
2000 level:			
Budget authority	2,449	94	2,543
Outlays	2,448	94	2,542
President's request:			
Budget authority	2,716	97	2,813
Outlays	2,667	97	2,764
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	....	....	....
Outlays	−4	....	−4
2000 level:			
Budget authority	51	3	54
Outlays	50	3	53
President's request:			
Budget authority	−216	....	−216
Outlays	−169	....	−169

[1] Includes adjustment for House-only items not considered in Senate.

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

LITTLE SCHOLARS CHILD DEVELOPMENT CENTER

Mr. JEFFORDS. Mr. President, I thank my distinguished colleague from Utah, Senator BENNETT, for his excellent work on the FY 2001 Legislative Branch Appropriations bill and the attention he and his staff have paid to my concerns. I would like to engage in a brief colloquy with Senator BENNETT on one of my priorities, the issue of extending health and retirement benefits to employees of the Library of Congress' child care center.

As the Senator knows, providing quality and affordable child care is a very important issue to me. I was, therefore, shocked to learn that child care workers in the Legislative Branch are not all afforded the same benefits. While employees of both the Senate and the House child care centers receive Federal health and retirement benefits, employees of the Library of Congress' child care center, the Little Scholars Child Development Center, do not. I ask Senator BENNETT if he agrees that employees of all Legislative Branch child care centers should be provided benefits in a consistent manner?

Mr. BENNETT. I thank the Senator from Vermont for bringing this issue to my attention. Like him, members of my staff have also had their children enrolled in the Little Scholars Center and speak highly of the staff and quality of the care there. In this competitive job market, it is very important that Legislative Branch child care centers be able to attract and retain quality staff. I share the Senator from Vermont's goal that health and retirement benefits are extended to employees of the Library of Congress' child care center as soon as possible.

I inform Senator JEFFORDS that I have received a copy of a memo, dated May 24, from Teresa Smith, Director of the Library's Human Resource Services, to John D. Webster, Director of the Library's Financial Services, committing to working out a fair and equitable agreement on the issue of extending benefits to employees of the center with the governing board of the child care center. Rest assured, my staff and I will be monitoring the Library's progress towards this goal with the intent that this issue be resolved before the beginning of the next fiscal year.

Mr. JEFFORDS. I thank Senator BENNETT for his attention to this important matter and am pleased that he shares my belief that the Legislative Branch should set an example of high child care standards for the rest of the Federal government to follow.

Mr. BENNETT. Mr. President, I ask unanimous consent that the memorandum of which I spoke be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

LIBRARY OF CONGRESS, MAY 24, 2000.

To: John D. Webster, Director, Financial Services.

From: Teresa Smith, Director, Human Resource Services.

Subject: Little Scholars Child Development Center.

The purpose of this memorandum is to respond to your request for information regarding the Little Scholars Child Development Center (Center) and to provide preliminary comments regarding the draft legislation that would provide Federal benefits to the Center's staff.

The Center began operations in 1993 and has an enrollment of 100 children (13 Library of Congress, 29 Senate, 17 House, 17 other Federal, 24 public). The Library and the Library of Congress Child Care Association (LCCCA) have entered into a Memorandum of Understanding (MOU) to run the Center. The Library and the Architect of the Capitol are responsible for providing facilities and certain administrative support services to the LCCCA. The LCCCA is responsible for hiring the Center's staff and running the program. The Center has a staff of 28 with a payroll of approximately $650,000. The LCCCA pays for current payroll taxes (FICA) and health benefits costs.

Human Resource Services (HRS) and Office of General Counsel are now working with the LCCCA to update the MOU. We are committed to working out a fair and equitable agreement in a timely manner and are ready to meet with the LCCCA as soon as arrangements can be made.

HRS believes that the proposed legislation is premature because a number of issues should be discussed prior to submitting any legislation and the MOU update needs to be finalized first. For example, the proposed legislation is based upon the Senate child care model, which operates in a different administrative environment than the Library. The Library uses a contractor to handle benefit accounting and does not have a direct accounting relationship with the Office of Personnel Management. In addition to the estimated increase in the Library's government contributions for LCCCA staff of $130,000, the Library would need to significantly change its administrative operations to handle the legislation which may be avoided with a further evaluation of the alternatives. With more time, HRS and the LCCCA may be able to work out a better model for use at the Center. The Library believes that other changes to the Center's legal authority may be appropriate, which would be accomplished more effectively at the same time as any other proposed changes and after an analysis of the practices of other day care centers.

In summary, HRS believes that the proposed legislative change is premature and would like to first have the opportunity to work through the MOU issues and then on a joint request for legislative changes.

Mr. BENNETT. Mr. President, I ask unanimous consent that no other amendments be in order to the bill. I further ask consent that following the vote in relation to the Mikulski amendment, the bill be advanced to third reading, a vote occur on the question of third reading, and following that vote, the bill be placed back on the calendar.

Finally, I ask unanimous consent that the previous agreement be modified to allow for those two back-to-back votes to begin at 10:45 on Thursday morning, with the same 10 minutes in order prior to the 10:45 a.m. vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF BRADLEY A. SMITH, OF OHIO, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION—Resumed

The PRESIDING OFFICER. The Senate will now proceed to executive session, and the clerk will report the nomination.

The legislative clerk read the nomination of Bradley A. Smith, of Ohio, to be a member of the Federal Election Commission.

Mr. FEINGOLD. Mr. President, it is my understanding under the unanimous consent agreement I am allotted 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. Mr. President, I regret, even though this is the time that has been allocated by unanimous consent for the final debate on the nominations, particularly the nomination of Brad Smith, I regret there are no other Senators here to debate the nomination. However, I will proceed in any event because it is an important nomination, an important issue.

There is an irony about the vote we are about to have in the Senate. The Senate is sure to close up shop at a reasonable hour today. Why? Because tonight the Democratic Party will host the largest fund-raiser in history at the MCI Center here in Washington. The party expects to rake in $24 million in one night, tonight. And this will surpass the previous record for a single fund-raiser of $21.3 million set less than 1 month ago by the Republican Party. That record fundraiser swamped the previous record, also held by the Republican Party, at an event a year earlier, of $14 million.

We are in an arms race. The escalation is truly staggering. The insatiable need for bigger and bigger checks is turning our great political parties into little more than fundraiser machines. Forty-seven donors raised or contributed $250,000 or more to go to the fundraiser tonight that my party will hold.

Back in April, 45 donors raised or contributed that amount to join the Republican Party leaders at the National Armory. A quarter of a million dollars. Can anyone honestly say the donors who give that money will get no special treatment in return? We all know this money can be corrupting. It certainly provides the appearance of corruption.

The Supreme Court knows that contributions of this size can be corrupting. Let me quote the Court, once again, from the Shrink Missouri case decided a few months ago:

> There is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters.

There is little reason to doubt the corrupting influence of large contributions on our political system, said the Court.

At least one person doubts this. Professor Bradley Smith doubts it. Listen to what he wrote in a 1997 Law Review article: Whatever the particulars of reform proposals, it is increasingly clear that reformers have overstated the Government interest in the anticorruption rationale. Money's alleged corrupting effects are far from proven, Professor Smith says.

Brad Smith sees nothing wrong with unlimited contributions to parties or even to candidates. He said in a newspaper article that "people should be allowed to spend whatever they want on politics." In an interview on MSNBC he said: "I think we should deregulate and just let it go. That is how our politics was run for over 100 years."

That "100 years" he is referring to is the 19th century. That is the world Brad Smith would like to see; no contribution is too big for us to tolerate in the world he sees.

I assure my colleagues that this is not some caricature of this nominee's views. These are not distortions nor are they words taken out of context. This is what this nominee believes. This is what he has said over and over and over again, including at his confirmation hearing before the Rules Committee. Brad Smith sees nothing wrong with the enormous soft money contributions that both parties are so greedily seeking, the kind of contributions my party will rake in, in the largest fundraiser in history, tonight, just a few hours from now. Not only that, he believes to ban soft money would violate the first amendment of the Constitution.

Virtually no one still clings to that belief in the wake of the Supreme Court's decision in the Shrink Missouri case. Brad Smith does.

This nomination may be just as important to the cause of campaign finance reform as any bill that has been before the Senate in recent years. This vote on this nomination is just as significant for campaign finance reform as many of the votes we have had on those bills. I submit to those Senators who have voted time and time again to ban soft money—and I do thank them for their votes, and I thank them for their support of the McCain-Feingold bill—those Senators should think very carefully about what they are doing here.

To confirm Brad Smith to a seat on the FEC is to confirm a man whose most deeply held beliefs about the Federal election system are wholly at odds with the reforms we are seeking. If we somehow are able to get past the filibuster and pass a soft money ban this year, Brad Smith will be on the Commission that is charged by law with the duty to implementing that ban.

I emphasize again I hold absolutely no personal animus toward Mr. Smith. This is not personal. It is not a matter of personality. I do not question Mr. Smith's integrity. I do not question his honesty. I certainly do not question his right to criticize the laws from outside his perch as a law professor and commentator. However, his views on the very laws he will be called to enforce scare me. It is simply not possible for me to ignore the views he has repeatedly and stridently expressed simply because he now claims he will faithfully execute the laws if he is confirmed. He may try to do that, but in matters of interpretation he will certainly come down on the side of big money in campaigns every time.

In a 1997 opinion piece in the Wall Street Journal, Mr. Smith wrote the following:

> When a law is in need of continual revision to close a series of ever-changing "loopholes," it is probably the law, and not the people, that is in error. Most sensible reform is a simple one: Repeal of the Federal Elections Campaign Act.

I cannot in good conscience vote to confirm a man to the FEC who believes the statute that created that body should be scrapped. I urge my colleagues to think about this very hard. Professor Smith's views are not anywhere near the mainstream of legal thought on this issue. Professor Smith may be a wonderful professor and scholar, but he should not be on the Federal Election Commission.

I reserve the remainder of my time.

Mr. KOHL. Mr. President, I have serious concerns about confirming Bradley Smith to fill a vacancy on the Federal Election Commission or the FEC. The FEC is an independent regulatory agency entrusted with administering and enforcing the Nation's campaign finance laws. Yet, Bradley Smith believes that the very campaign finance laws he would be required to administer and enforce should be thrown out.

I am not questioning the integrity of this nominee or his fitness for government service in general. I also believe we must be careful not to reject nominees just because we object to their views. However, when a person like Bradley Smith is put forward, a person whose views seem to undermine the very purpose for which he is being nominated, I believe we have a responsibility to speak out. Bradley Smith is not an appropriate choice for FEC commissioner and I will be voting against this nomination.

Mr. LEVIN. Mr. President, I will be voting today against the nomination of Mr. Bradley Smith to serve as a Commissioner of the Federal Election Commission. It is with a fair amount of reluctance that I take this position, given the longstanding custom of allowing each party to appoint its own choices to this six member commission and the fact that FEC nominees are, by statute, supposed to be the representatives of their political parties on that commission. I respect that history.

I also believe Mr. Smith is a man of intelligence, integrity, and competence. So, my vote against his nomination is not a vote against him as a person. Nor will I vote against him because I disagree strongly with most of Mr. Smith's opinions on the campaign finance system. He favors no contribution limits; I think they are essential. He doesn't see a link between corruption or the appearance of corruption and the contributions made to candidates and holders of public office; I do. He thinks the Federal Election Campaign Act and the Federal Election Commission should be dismantled; I don't.

The reason I will vote "no" is because I cannot support the nomination of an individual to the position of commissioner of an agency which the nominee doesn't think should exist or which has as its operating statute one which the nominee thinks should be repealed. I do not relish voting against this nominee to the FEC offered by the Republican leadership but Mr. Smith's opposition to the existence of the institution to which he is being nominated compels me to vote against him.

Mr. McCONNELL. Mr. President, I rise today in support of the nomination of Professor Bradley A. Smith to fill the open Republican seat on the bipartisan Federal Election Commission. In considering the two FEC nominees, Professor Brad Smith and Commissioner Danny McDonald, the Senate must answer two fundamental questions:

Is each nominee experienced, principled and ethical? And,

Will the FEC continue to be a balanced, bipartisan commission?

I want to take a minute to rebut some of the myths that have been perpetuated by the reform groups over the past several months.

Myth No. 1: Professor Smith's First Amendment views are radical and disqualify him for government service at a bipartisan agency.

Over 30 renowned First Amendment and Election Law experts, including past members of the governing Board of Common Cause, urge Brad Smith's confirmation and attest to the validity of Brad Smith's actual views—that is distinguished from the views that have been attributed to him by his critics.

Moreover, these renowned scholars are indignant about the misrepresentation of Smith's scholarship. Let me share just a few examples:

First Amendment Scholar Michael McConnell of the University of Utah Law School writes:

> [S]ome opponents of the nomination of Bradley A. Smith to the Federal Elections Commission are claiming his scholarly writings regarding the First Amendment and campaign finance laws are irresponsible or otherwise beyond the pale. This is simply partisan nonsense. * * * The merits of his nomination should not be clouded by charges of this sort, which have no scholarly validity.

Professor Daniel Kobil, a former governing Board Member of Common Cause in Ohio writes:

> I believe that * * * [the] opposition is based not on what Brad has written or said about campaign finance regulations, but on crude caricatures of his ideas that have been circulated.

Even one of the scholars who support McCain-Feingold has written in support of Professor Smith's nomination. Professor Jamin Raskin, a signatory to the McCain-Feingold letter, writes:

> The political reform community would actually be better off with Smith on the FEC. * * * Smith is no party hack, but a serious scholar who cares about political liberty. * * * He is a dream candidate * * * [who] should not be opposed by political reformers.

In fact, Smith's views on election law are shared by many fine scholars, like Kathleen Sullivan, the Dean of Stanford Law School, who praised Smith stating:

> I do think Mr. Smith's views are in the mainstream of constitutional opinion. I like to think that I am enough in the mainstream of constitutional opinion that our agreement on many points would place us both there.

Let me paraphrase Dean Sullivan to rebut those who argue that appointing Brad Smith is like appointing a conscientious objector to be Secretary of Defense: appointing a First Amendment election law scholar to the FEC is, in fact, like appointing a seasoned U.S. Attorney who values the constitutional liberties of every American citizen.

Or what about 46 political scientists who echo Smith and Sullivan's concerns about the current campaign finance laws and some of the proposed reforms? I ask unanimous consent that a letter be printed in the RECORD at the conclusion of my remarks. It is signed by 46 political scientists, including esteemed scholars like Brandice Canes of MIT, Michael Munger of Duke, Patrick Lynch of Georgetown, and—from the flagship university in Arizona—University of Arizona professors Price Fishback and Vernon Smith.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. MCCONNELL. Would my colleagues on the other side vote to reject all of these individuals, including the Dean of Stanford Law School, who have questioned the wisdom and workability of our campaign finance laws and the proposed reforms?

Myth No. 2: Professor Smith fails to acknowledge the Supreme Court's recent decision in Shrink-Pac.

As for this assertion, I would direct my colleagues to pages 20, 31, 36 and 40 of the published Rules Committee hearing report from March 8 of this year. Professor Smith clearly acknowledged the holding of the Shrink PAC decision, and, in particular explained:

> Had I been on the Commission and the case had come forward under Federal law . . . I would have had no problem voting for [the] enforcement action . . . .

Of course, the reform groups won't tell you that the Supreme Court agreed with Smith's views and declared campaign finance laws unconstitutional in cases such as Colorado Republican, and McIntyre v. Ohio, and just last year in Buckley v. American Constitutional Law Foundation, or that, as Professor Nagle of Notre Dame Law School has written: Smith's "understanding of the First Amendment has been adopted by courts in sustaining state campaign finance laws."

Myth No. 3: Professor Smith will not enforce the law.

The letter of Dan Lowenstein of UCLA Law School, a 6 year member of the national governing Board of Common Cause rebuts this myth. He writes:

> [Smith] will understand that his job is to enforce the law, even when he does not agree with it. I doubt if anyone can credibly deny that [Smith] is an individual of high intelligence and energy and unquestioned integrity. When such an individual is nominated for the FEC, he or she should be enthusiastically and quickly confirmed by the Senate.

Let me address the Democrats' nominee, Commissioner Danny McDonald.

Commissioner McDonald and I are clearly in different campaign reform camps. If I follow the new litmus test that is being put forth by some in this confirmation debate, then I have no choice but to vigorously oppose his nomination.

I want to be clear that Danny McDonald is not my choice for the Federal Election Commission. I have serious questions about his 18-year track record at the FEC. McDonald's views and actions have been soundly rejected by the federal courts in dozens of cases.

Two of these cases even resulted in the U.S. Treasury paying fines because the action taken by McDonald and the FEC was "not substantially justified in law or fact." And, just this month, the 10th Circuit struck down yet another FEC enforcement action as unconstitutional—finding, I might add, that reformer concerns of corruption were unsubstantiated.

I think Commissioner McDonald's voting record has displayed a disregard for the law, the courts and the Constitution. And, it has hurt the reputation of the Commission, chilled constitutionally protected political speech, and cost the taxpayers money.

Equally troubling, is the fact that Commissioner McDonald apparently chose to pursue the chairmanship of the Democratic National Committee while serving as a commissioner to the Federal Election Commission.

I must say that I have serious questions about whether an FEC Commissioner exhibits "impartiality and good judgment" when he seeks the highest position in his political party and simultaneously regulates that party and its candidates—and regulates the competitor party and its candidates.

All of that being said, I am prepared to reject this new litmus test whereby we "Bork" nominations to this bipartisan panel. I am prepared to follow the tradition of respecting the other party's choice and to support Commissioner McDonald's nomination—assuming that McDonald's party grants similar latitude to the Republicans' choice, Professor Smith, which will be voted on first.

As an aside, let me say to my distinguished colleague from Arizona and my distinguished colleague from Wisconsin: even though we are in different campaign reform camps and even though we famously disagree on the First Amendment and federal election law, I would wholeheartedly support either of you to serve as the Democrat's nominee to the Federal Election Commission.

I urge my colleagues to also reject this new litmus test of barring government service for those who question Congress and its laws. Harvard Law professor and former solicitor general of the United States, Charles Fried, has summed up this point. This is what Solicitor Fried had to say:

> I address . . . the proposition that because [Professor Smith] has been critical of the Commission to which he has been nominated and some of the laws which it administers he is somehow disqualified for confirmation to the post of Commissioner. This argument is not only dangerous, but so far-fetched, so out of line with historic practice, that it is hard to believe it is not being deployed strategically only, and that those who urge it in this case would not repeat it were they more in sympathy with the nominee or his philosophical orientation. . ..
>
> [I]f these arguments against Mr. Smith should prevail it would have two dangerous consequences. It would limit more and more the administration of laws to zealots. And it would inhibit robust debate about the wisdom of laws, by using views expressed in such debates as weapons used deny the opportunity for public service on the basis of those views. The first danger would give us

an administration of zealots; the second an administration of malleable non-entities.

In conclusion, I believe that Professor Smith's intelligence, his work ethic, his fairness, his knowledge of election law and—to quote from the statute: his "experience, integrity, impartiality and good judgment" will be a tremendous asset to the FEC and to the American taxpayers who have been forced to pay for unconstitutional FEC actions.

Professor Smith is a widely-respected and prolific author on federal election law, and, in my opinion, the most qualified nominee in the twenty-five year history of the Federal Election Commission. I wholeheartedly support his nomination to the bipartisan Federal Election Commission.

I yield the floor.

EXHIBIT 1

DUKE UNIVERSITY,
Durham, NC, April 1, 2000.

Senator MITCH MCCONNELL,
Chairman, U.S. Senate Committee on Rules and Administration, Washington, DC.

DEAR SENATOR MCCONNELL: I have found that one of the main principles of political sciences is that power, like nature, abhors a vacuum. The current reform measures being considered by the Congress, including the McCain-Feingold bill on campaign finance and "soft money" regulation, will have the opposite of their intended effects, which (apparently) is the restriction of the power of special interests. The problem is that weakening parties always increases the power of interest groups.

This opinion is widely held among social scientists, but the fact that so many people recognize the danger of legislation is not often recognized. As a way of bringing this fact to public notice, I have solicited the signatures of colleagues on the attached latter. Forty-five distinguished scholars of the political process, including six past Presidents of the Public Choice Society, have asked that I list their names as supporters. This I have done, and offer the attached open letter as a means of ensuring that the dangers of wrong-headed reforms can be prevented.

Sincerely,

MICHAEL C. MUNGER,
Professor of Political Science.

SCHOLARS' LETTER TO CONGRESS: WHY CAMPAIGN FINANCE "REFORM" IS ILL-ADVISED AND WILL NOT WORK

Senator MITCH MCCONNELL,
Chairman, Senate Rules Committee.

DEAR SENATOR MCCONNELL AND MEMBERS OF CONGRESS: Restrictions on campaign donations or expenditures do little to limit the total amount spent on campaign and make campaigns less competitive. Such rules entrench incumbents, force donations to take hidden forms, increase corruption through such mechanisms as "straw donations," and make it more likely that wealthy candidates will win election.

Campaign finance restrictions are similar to price controls that deal with the symptoms rather than the reasons for the donations and are likewise doomed to fail. With campaign financing amounting to less than one-tenth of one percent of government expenditures, campaign spending does not seem large in either an absolute sense or relative to other product advertising. The restrictions force campaign expenditures to be spent in less effective ways and actually leave voters less well informed.

The McCain/Fiengold bill's provisions on parties making independent and coordinated expenditures on behalf of candidates, and prohibitions on issue advocacy that refers to a candidate, as well as restrictions on raising or spending "soft money" in connection with elections are typical of the rules that produce these problems. So called "voluntary" limits that restrict who can help certain candidates who violate certain rules are anything but voluntary.

The different forms contributions can take are essentially infinite and this makes regulation exceptionally difficult. For example, in the extreme case, it would be possible to buy up television and radio stations or newspapers to support particular candidates. Providing favorable new coverage for desired candidates would certainly benefit their candidacy, but it is difficult to see how these kinds of "in-kind" donations would be regulated.

We advise Congress, before enacting yet more new laws, to investigate whether many of the existing laws may have contributed to the problems we currently face. The new legislation is ill-advised.

Sincerely,

Professor Brandice Canes, Department of Political Science, Massachusetts Institute of Technology.

Professor William Fischel, Department of Economics, Dartmouth College.

Professor Michael Munger, Department of Political Science, Duke University.

Professor G. Patrick Lynch, Department of Government, Georgetown University.

Professor Jeffrey Milyo, Department of Economics, Tufts University.

Professor Otto Davis, W.W. Cooper University Professor of Economics and Public Policy, Carnegie Mellon University.

Professor John Matsusaka; Department of Finance and Business Economics, Marshall School of Business, University of Southern California.

Professor Price Fishback, Frank and Clara Kramer Professor of Economics, University of Arizona.

Professor Keith Poole, Professor of Political Economy, Research Director of the Donald H. Jones, Center for Entrepreneurship, Carnegie Mellon University.

Professor Vernon Smith, Regents' Professor of Economics, University of Arizona.

Professor Brian Roberts, Department of Government, The University of Texas at Austin.

Professor John Danford, Department of Political Science, Loyola University—Chicago.

Professor John R. Lott, Yale Law School.

Professor Joe Reid, Department of Economics, George Mason University.

Professor Mark Toma, Department of Economics, Unversity of Kentucky.

Professor Robert Tollison, Robert M. Hearin Professor of Economics, University of Mississippi.

Professor Daniel Sutter, Department of Economics, University of Oklahoma.

Jeffrey Jenkins, Department of Political Science, Michigan State University.

Professor Brian Gaines, Department of Political Science, University of Illinois.

Professor Jay Dow, Department of Political Science, University of Missouri.

Professor Geoffrey T. Andron, Department of Economics, Huston-Tillotson College.

Professor John Scott, Department of Economics, Northwest Louisiana University.

Professor Mathew McCubbins, Department of Political Science, University of California San Diego.

Professor Melvin Hinich, Mike Hogg Professor of State and Local Government, The University of Texas at Austin.

Professor Burton Abrams, Department of Economics, University of Delaware.

Professor Adam Gifford, Jr., Chairman, Department of Economics, California State University, Northridge.

Professor William Shugart, Barnard Distinguished Professor of Economics, University of Mississippi.

Professor Dean Lacy, Department of Political Science, The Ohio State University.

Professor Mark Crain, Center for the Study of Public Choice, George Mason University.

Professor Peter Calgano, Department of Economics, Wingate University.

Professor Chris Paul, Department of Economics, Armstrong Atlantic State University.

Professor Peter Ordershook, Division of Humanities and Social Sciences, California Institute of Technology.

Gary Anderson, Department of Economics, California State University, Northridge.

Professor Mikhail Filipov, Department of Political Science, Washington University—St. Louis.

Professor Arthur Fleisher III, Department of Economics, Metropolitan State College of Denver.

Professor Steve Knack, Center for Institutional Reform, University of Maryland.

Professor Randy Simons, Director, Institute of Political Economy, Utah State University.

Professor Randall Holcombe, Department of Economics, Florida State University.

Professor Thomas Borcherding, Department of Economics, Claremont Graduate University.

Professor Dennis Halcoussis, Department of Economics, California State University, Northridge.

Professor James Endersby, Department of Political Science, University of Missouri.

Professor Brian Sala, Department of Political Science, University of Illinois.

Professor Elizabeth Gerber, Department of Political Science, University of California, San Diego.

Professor William Kaempfer, Department of Economics, University of Colorado at Boulder.

Professor Paul Zak, Department of Economics, Claremont Graduate University.

Professor Charles Rowley, Department of Economics, George Mason University.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, in the brief time I have remaining, I want to quickly respond to some of the remarks of the Senator from Kentucky.

First of all, the suggestion that the arguments on this side have relied on a caricature of the views of the nominee is simply false. We have been very cautious in the debate to simply rely on Professor Smith's actual words from his voluminous writings, and the Senator from Kentucky in no instance has denied that we accurately quoted Professor Smith. These are his views. There has been no distortion and no caricaturing of his views.

Second, the Senator denies the nominee's views on the campaign finance law will affect his ability to discharge his duties as an FEC Commissioner. Of course, I do not believe that people involved in the enforcment of laws have to accept the premise of every single law they are charged to enforce, but this nominee rejects essentially the entire campaign finance law of our country, from the notion dating back to 1907, that is still supposed to be good law today, that a corporation should not be able to give contributions in connection with federal elections, to the notion that labor unions should not be able to make such contributions, according to a 1947 law, to his rejection of the fundamental post-Watergate laws restricting the amounts that individuals can give candidates and parties that we are supposed to live under today. Professor Smith is essentially a campaign finance law anarchist. He does not believe we should have any campaign finance law. The notion that such a person should be on the FEC makes virtually no sense. To take the analogy of the Senator from Kentucky, he says having Professor Smith on the Commission will be like having a prosecutor who cares very much about people's constitutional rights. But the real analogy is that this nominee would be a prosecutor who believes we should repeal just about all of the U.S. Criminal Code. That, to me, is too much.

This is not about a litmus test. This is absolutely not about barring this gentleman from public service, as the Senator from Kentucky suggests. If he wants to run for the Senate and pass laws about campaign finance reform, there is an election for the Senate in Ohio this year. He can run. But if his job is to enforce the main body of campaign finance laws in this country, that job cannot be done by someone who believes those laws are entirely inconsistent with the first amendment and have no legal merit. Our election laws are too important to put them at risk in this way. For those reasons, I hope my colleagues reject this nomination.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that my time be counted against the time allocated to the opposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I will build on the comments of my colleague from Wisconsin. I heard the Senator from Kentucky talk about the fact that Brad Smith—and I said yesterday he is somebody I like and enjoy being with—has been critical of the Federal election laws. It is not just being critical. He has called the Federal Elections Campaign Act unconstitutional and undemocratic. That is more than just being critical.

I cannot remember a time when this body confirmed a nominee for any executive position whose own views were so completely at odds with the law he was meant to uphold.

Let me repeat that. That is what this debate is about. I cannot remember a time when this body confirmed a nominee for any executive position whose own views were so completely at odds with the law he was meant to uphold. He believes the Federal election law is unconstitutional and undemocratic.

I do not have the time today to summarize a complete position. I had a chance yesterday to speak about this nominee. I say to my colleagues, this vote is not just about Brad Smith; it is about whether or not the Senate is committed to reform. I do not think we give people in the country much confidence that we are committed to reform, that we are committed to passing legislation which will get some of this big money out of politics and which will lead to some authentic democracy as opposed to just democracy for the few, when we then turn around and confirm someone to the Federal Election Commission who does not even believe in any of this campaign finance reform. The Senate would be sending a terrible message to the country if we vote for this nominee.

I appreciate Brad Smith's right to express his views in writing and in person. He is articulate, he is intelligent, but we have a situation where we have a nominee who basically has said the Federal election laws are undemocratic, that they are unconstitutional, basically antithetical to all the values he holds dear about government and democracy.

Why in the world would we then want to confirm such a nominee and put him in a position of enforcing the very laws with which he is so at odds? To me it is a huge mistake. This is a vote about reform. This is a vote about Brad Smith. More importantly, it is a vote about whether or not we are serious about reform and getting some of the money out of politics and getting people back into politics.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I want to summarize the case against the confirmation of Professor Smith to the FEC.

My colleague from Kentucky yesterday stated Mr. Smith has been demonized. That is not true. I have criticized the nominee because I strongly disagree with his view that "The most sensible reform is a simple one: repeal of the Federal Elections Campaign Act."

I understand Professor Smith is not very old. In fact, Professor Smith could not have read the history or known about the abuses that took place in the 1972 campaign associated with the Watergate scandal which brought about the modern Federal Elections Campaign Act.

I strongly disagree with his conclusion that "campaign reform is not about good government. It's about silencing people whose views are inconvenient to those with power. . . ."

Professor Smith goes on to say—these are his words:

> The real campaign-finance scandal has little to do with Senator Fred Thompson's investigation. The real scandal is the brazen effort of reformers to silence the American people.

I take strong exception to that view of history and the motivation of those of us and millions of decent men and women, honest men and women, who believe this situation needs to be cleaned up.

This morning's Washington Post has a story about "MCI Center's Menu: Ribs and a Record Democratic Fundraiser:

> "There is no donor fatigue, no Clinton fatigue, no Democratic fatigue," said an exhilarated Terence R. McAuliffe, who made 200 calls a day for seven weeks for his crowning achievement as Clinton's mean man in chief.
>
> McAuliffe used four telephones at a time—three for aides to dial, to put would-be donors on hold, and one for him to coo into his headset, bringing home the big-dollar bacon.
>
> The tribute has 21 vice chairs, who gave or raised $250,000; 42 Friends, who gave $100,000; and 32 hosts, who gave or raised $50,000. But what sets this dinner apart is the altitude of the top donor tier—the co-chairs, who each gave or raised $500,000.
>
> There are 26 of them, including 10 labor unions.

The article goes on:

> Another of the co-chairs is Senator Bob Kerrey (D-Neb.) who is not seeking reelection and will become president of New School University, in New York City. Kerrey said such efforts renew his commitment to campaign finance reform. "When someone puts up half a million, you just cannot persuade people that they aren't getting something for it."

Senator KERREY aptly described the situation that will take place at the dinner at the MCI Center: ribs and a record Democratic fundraiser, which is a record only because it exceeds the Republican fundraiser that recently was held where $24 million was raised.

If on the floor of this body 10 years ago I said there were going to be $500,000 donors, no one would give any credibility to that statement.

The Supreme Court also disagrees with Mr. Smith. We seem to be debating this issue of campaign finance reform and its validity in a vacuum because neither the Senator from Kentucky nor Mr. Smith seem to believe that, in January of the year 2000, the Court upheld Missouri campaign contribution limitations in a 6–3 opinion. The Court rejected Mr. Smith's premise that large contributions do not affect votes.

This is what Justice Souter wrote for the Court on the issue of the constitutionality of contribution limits:

> In speaking of "improper influence" and "opportunities for abuse" in addition to "quid pro quo" arrangements, we recognized a concern not confined to bribery of public officials, but extending to the broader threat from politicians too compliant with the wishes of large contributors. These were the

> obvious points behind our recognition that Congress could constitutionally address the power of money "to influence governmental actions" in ways less "blatant and specific" than bribery.
>
> In defending its own statute, Missouri espouses those same interests of preventing corruption and the appearance of it that flowed from munificent campaign contributions. Even without the authority of Buckley there would be no serious question about the legitimacy of the interests claimed, which, after all, underlie bribery and antigratuity statutes. While neither law nor morals equate all political contributions, without more, to bribes, we spoke in Buckley of the perception of corruption "inherent in a regime of large individual financial contributions" to candidates for political office . . . as a source of concern almost equal to "quid pro quo" improbity. . . . Leave the perception of impropriety unanswered and the cynical assumption that large donors call the tune could jeopardize the willingness of voters to take part in democratic governance. Democracy works "only if the people have faith in those who govern, and that faith is bound to be shattered when high officials and their appointees engage in activities which arouse suspicions of malfeasance and corruption. . . ."

Mr. President, the event tonight, I promise you, has aroused amongst my constituents suspicions of malfeasance and corruption for any objective observer of the political process.

Justice Stevens, in his concurring opinion said:

> Justice Kennedy suggests that the misuse of soft money tolerated by this Court's misguided decision in Colorado Republican Federal Campaign Committee v. Federal Election Commission, demonstrates the need for a fresh examination of the constitutional issues raised by Congress' enactment of the Federal Election Campaign Acts of 1971 and 1974 and this Court's resolution of those issues in Buckley v. Valeo. In response to his call for a new beginning therefore, I make one simple point. Money is property; it is not speech.
>
> Speech has the power to inspire volunteers to perform a multitude of tasks on a campaign trail, on a battleground, or even on a football field. Money, meanwhile, has the power to pay hired laborers to perform the same tasks. It does not follow, however, that the First Amendment provides the same measure of protection to the use of money to accomplish such goals as it provides to the use of ideas to achieve the same results.

Mr. President, we must consider this nomination, and the message it sends to the people of this country, in light of the reality of this year's campaign fundraising excesses.

Let me reiterate four points that summarize my opposition to Mr. Smith's nomination to become an FEC Commissioner.

He has long advocated the repeal of campaign finance regulation. How can he now take an oath to uphold and enforce the very laws he has so long sought to eliminate altogether?

He has continually argued the unconstitutionality of restraints on campaign finance regulation. His position has been that the Supreme Court erred in its Buckley v. Valeo opinion which upheld restraints on campaign contributions. Even as recently as his confirmation hearing in March, after the Supreme Court had again upheld campaign contributions limitations in the Missouri Shrink case, he neither acknowledged that most recent pronouncement of the Supreme Court, nor changed his viewpoint as to the constitutionality of contribution regulation. How can he now agree to uphold and enforce laws and regulations which he believes are unconstitutional?

Mr. President, I do not believe that we would confirm as EPA Administrator someone who advocated the repeal of environmental laws. I do not believe we would appoint an Attorney General who believes that the criminal laws are unconstitutional or a conscientious objector to be Secretary of Defense. Why should we confirm Mr. Smith as a Commissioner for the FEC?

Although he acknowledges the campaign finance abuses of the 1996 election, he sees nothing wrong with giving free rein to such activity by eliminating all campaign finance regulation.

If we would not conform as EPA Administrator someone who advocated the repeal of the environmental laws, nor confirm an Attorney General who believes that the criminal laws are unconstitutional, or a conscientious objector as the Secretary of Defense, why would we confirm Brad Smith as a Commissioner for the FEC?

Also in yesterday's debate, Senator McCONNELL raised questions about the appropriateness of Danny McDonald, the choice of the Democrats as a nominee, to serve on the FEC. I appreciate the concerns that my colleague from Kentucky has raised. I totally concur that we should apply the standards equally for nominees to these most important positions. Based upon the issues Senator McCONNELL has raised, I will rethink my position on Mr. McDonald, and vote against his confirmation as well.

Mr. President, I cannot speak more directly or frankly against this nominee. I urge my colleagues who have fought for campaign finance reform—my colleagues who believe in the need for integrity in our election system—to vote no on Brad Smith. As the New York Times said earlier this year:

> A vote to confirm Mr. Smith is a vote to perpetuate big-money politics. . . . Mr. Smith does not belong on the FEC, and anyone in the Senate who cares about fashioning a fair and honest system for financing campaigns should vote against his appointment.

As chairman of the Commerce Committee, I have been involved with moving more nominees that almost any other Member of this body. I have allowed nominees to move forward, even when I disagreed with the nominee. But, Mr. President, this case is different.

I do not expect to agree with all the views of those nominated. But Mr. Smith's views are not just different from mine—again, a fact I would respect—they are radically different from 100 years of court and congressional precedence that some restrictions on campaign contributions are necessary to ensure the integrity of this body and the electoral process as a whole.

This is not just my opinion of the law. Let me read from Justice Breyer's concurring opinion, in which Justice Ginsberg joined, in the most recent pronouncement of the Supreme Court on campaign finance regulation—the Shrink Missouri PAC case:

> If the dissent believes that the Court diminishes the importance of the first Amendment interests before us, it is wrong. The court's opinion does not question the constitutional importance of political speech or that its protection lies at the heart of the First Amendment. Nor does it question the need for particularly careful, precise, and independent judicial review where, as here, that protection is at issue. But this is a case where constitutionally protected interests lie on both sides of the legal equation. . . .
>
> On the one hand, a decision to contribute money to a campaign is a matter of First Amendment—not because the money is speech (it is not); but because it enables speech. Through contributions the contributor associates himself with the candidates's cause, helps the candidate communicate a political message with which the contributor agrees, and helps the candidate win by attracting votes of similarly minded voters. . . . both political association and political communication are at stake. . . .
>
> On the other hand, restrictions upon the amount any one individual can contribute to a particular candidate seek to protect the integrity of the electoral process—the means through which a free society democratically translates political speech into concrete governmental action. . . . Moreover, by limiting the size of the largest contributions, such restrictions aim to democratize the influence that money itself may bring to bear upon the electoral process . . . In doing so, they seek to build public confidence in that process and broaden the base of a candidate's meaningful financial support, encouraging the public participation and open discussion that the First Amendment itself presupposes.

Unfortunately, the views of this nominee make him unfit to serve on the FEC. This is not, as I have stated, meant to be personal. I have nothing against Mr. Smith personally. I am sure he is a fine individual. But this body is constitutionally mandated to advise and consent on nominations. I take that role extremely seriously. And as such, I cannot support this nominee, and I urge my colleagues to do the same.

Mr. President, I yield back the remainder of my time.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that all remaining time be yielded back on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays on the Smith nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Bradley A. Smith, of Ohio, to be a Member of the Federal Election Commission? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 107 Ex.]

YEAS—64

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Dodd
Domenici
Enzi
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kyl
Leahy
Lott
Lugar
Mack
McConnell
Moynihan
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—35

Akaka
Bayh
Bingaman
Boxer
Byrd
Cleland
Conrad
Daschle
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Reed
Robb
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

NOT VOTING—1

Biden

The nomination was confirmed.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the next votes in this series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF DANNY LEE McDONALD, OF OKLAHOMA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION

The legislative clerk read the nomination of Danny Lee McDonald, of Oklahoma, to be a member of the Federal Election Commission.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Danny Lee McDonald, of Oklahoma, to be a member of the Federal Election Commission?

Mr. McCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?—

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 108 Ex.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

McCain

NOT VOTING—1

Biden

The nomination was confirmed.

NOMINATION OF TIMOTHY B. DYK, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of Timothy B. Dyk, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

Mr. LEAHY. Mr. President, yesterday some Republicans opposed Tim Dyk's confirmation to the Federal Circuit based on the workload of that court. Last evening I inserted in the RECORD a letter from the Chamber of Commerce that argued for his nomination in terms of the court's important workload and cases.

I am troubled that at a time when we are working through the night to try to preserve a digital signature bill to help encourage electronic commerce and protect consumers, when we are trying to work through Republican holds on the H1-B visa bill and increase the availability of high tech workers and improve training of American workers, when we are trying to improve on-line privacy and Internet security, I see such insensitivity to the needs of the Federal Circuit and its role in our economy and in our judicial system.

We designed the Federal Circuit to be our patent court. It has extraordinarily complex cases that are of increasing importance as our economy becomes more and more based on technological developments. Prompt and proper adjudication of cases before that court are in many ways critical to the continued growth of our economy and our economic future.

I see vacancies on that court as high priorities. I know that the other Democratic Senators share my view. I have been greatly troubled by the perpetuation of this vacancy on the Federal Circuit for more than two years while the Dyk nomination has been held back from Senate action. That is wrong. It is unfair to Tim Dyk and his family. It is short-sighted with respect to the important matters on the docket of the Federal Circuit.

That was the point of the Chamber of Commerce letter last August. Filling the vacancy on the Federal Circuit should be a priority of the Senate. The Federal Circuit should have all the resources it needs to do its job and resolve intellectual property disputes intelligently, fairly, and expeditiously.

Nonetheless, in spite of all these considerations and what I had hoped was a bipartisan commitment to the growth of our high tech economy, some are arguing that because its caseload numbers are not inflated by prisoner petition, criminal cases or scores of simple civil cases our nation's patent court ought not to have its needs fulfilled. I disagree.

Moreover, I have to wonder whether we would even be hearing that argument if a Republican President were making this nomination. I thank the Chamber of Commerce for showing that business supports the confirmation of Tim Dyk to fill this vacancy on the Federal Circuit and for not playing politics with this nomination. The nature of the Federal Circuit's caseload merits a full complement of judges as authorized by Congress so that its intellectual property docket can get the attention that it deserves and that our economy requires.

Mr. KENNEDY. Mr. President, at long last, the Senate is considering the nomination of Timothy Dyk for the U.S. Court of Appeals for the Federal Circuit. Mr. Dyk is an exceptional nominee who has waited far too long for action by the Senate. He is a nationally known and respected attorney who has been approved by the American Bar Association and was well received by the Senate Judiciary Committee. He deserves confirmation by the Senate by an overwhelming bipartisan majority today.

Mr. Dyk is an honors graduate of Harvard College and Harvard Law School, where he was a member of the Law Review. After graduation, he served as a Supreme Court law clerk for Chief Justice Earl Warren, as well as for Justices Stanley REED and Harold Burton. He served in the Justice Department for a year in the early 1960's and has spent the last 37 years as a distinguished and highly respected attorney in private practice in Washington, D.C.. He has argued cases before the Supreme Court and in numerous federal courts of appeals, including five cases before the Federal Circuit. He clearly has the qualifications and ability to serve on that Circuit with great distinction.

Mr. Dyk's nomination is supported by a variety of corporations and organizations, including the U.S. Chamber of Commerce, the National Association of Manufacturers, the National Association of Broadcasters, the Labor Policy Association, the American Trucking Association, Kodak, and IBM. He is also supported by the American Center for Law and Justice and has been described by that group as "an exceptional advocate," who "would be a fine jurist on the Federal Circuit."

For a number of years, Mr. Dyk served as lead counsel for the Lubrizol Corporation in a number of patent litigations. Lubrizol's Chairman and CEO has written,

> Mr. Dyk was exceptionally effective in briefing and arguing the several appeals in the Federal Circuit that occurred in those cases and demonstrated the ability to provide exceptional service on the federal bench. He also performed an instrumental role in ultimate disposition of those cases through mediation, which he urged on the parties and skillfully guided through extensive and difficult negotiations.

Mr. Dyk is also an active member of numerous bar organizations, and he has served as Chair of the D.C. Circuit Membership Evaluation Committee of the American Academy of Appellate Lawyers. In addition, he is an active participant in the community. In every respect, he is well-qualified for appointment to the Federal Circuit. He should have been confirmed long ago, and I urge my colleagues to approve his nomination today.

Mr. CAMPBELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Timothy B. Dyk, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 74, nays 25, as follows:

[Rollcall Vote No. 109 Ex.]

YEAS—74

Abraham
Akaka
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Bryan
Burns
Byrd
Campbell
Chafee, L.
Cleland
Collins
Conrad
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Grams
Hagel
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mack
McCain
Mikulski
Moynihan
Murray
Nickles
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stevens
Thompson
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—25

Allard
Ashcroft
Brownback
Bunning
Cochran
Coverdell
Craig
Crapo
Enzi
Gramm
Grassley
Gregg
Helms
Hutchinson
Inhofe
Kyl
Lott
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith (NH)
Thomas
Thurmond

NOT VOTING—1

Biden

The nomination was confirmed.

VISIT TO THE SENATE BY MUGUR ISARESCU, PRIME MINISTER OF ROMANIA

Ms. LANDRIEU. Mr. President, visiting us is the Prime Minister of Romania, Mugur Isarescu.

RECESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate stand in recess to greet the Prime Minister appropriately.

There being no objection, the Senate, at 4:09 p.m., recessed until 4:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

NOMINATION OF GERARD E. LYNCH, OF NEW YORK, TO BE A UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Gerard E. Lynch, of New York, to be a United States District Judge for the Southern District of New York.

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is, Will the Senate advise and consent to the nomination of Gerard E. Lynch, of New York, to be a United States District Judge for the Southern District of New York? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 110 Ex.]

YEAS—63

Akaka
Baucus
Bayh
Bennett
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Collins
Conrad
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Gorton
Graham
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—36

Abraham
Allard
Ashcroft
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Enzi
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Thomas

NOT VOTING—1

Biden

The nomination was confirmed.

NOMINATION OF JAMES J. BRADY, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA

The legislative clerk read the nomination of James J. Brady, of Louisiana, to be United States District Judge for the Middle District of Louisiana.

The PRESIDING OFFICER (Mr. BUNNING). The question is, Will the Senate advise and consent to the nomination of James J. Brady, of Louisiana, to be United States District Judge for the Middle District of Louisiana?

Mr. ASHCROFT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 111 Ex.]

YEAS—83

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—16

Allard
Bunning
Enzi
Gorton
Gramm
Grams
Helms
Hutchison
Inhofe
Kyl
Mack
McCain
Nickles
Roberts
Smith (NH)
Thompson

NOT VOTING—1

Biden

The nomination was confirmed.

NOMINATION OF MARY A. McLAUGHLIN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Mary A. McLaughlin, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Mr. KOHL. Mr. President, I rise in strong support of the nomination of Mary McLaughlin to the U.S. District Court for the Eastern District of Pennsylvania. Those of us on the Judiciary Committee know Ms. McLaughlin from her outstanding work as Special Counsel for our Terrorism Subcommittee during the Ruby Ridge investigation in 1995. During those hearings, Ms. McLaughlin demonstrated precisely the qualities we want in a federal judge—she is intelligent, fair-minded, tough, possesses a judicial temperament, and is deeply committed to the cause of justice. Once we put her on the bench, she is going to be a terrific federal judge.

Our Ruby Ridge subcommittee ran the ideological gamut. Yet Ms. McLaughlin gained the respect and admiration of all of our colleagues from both parties who worked with her—Senators SPECTER, THOMPSON, ABRAHAM, THURMOND, LEAHY, FEINSTEIN, GRASSLEY, and CRAIG—for the skill and professionalism she brought to her work. Let me make special mention of how tough and persistent Ms. McLaughlin was when the Justice Department was "less than enthusiastic" about supplying us with documents. Largely as a result of her efforts, we obtained the information that we needed, and our investigation went on to become a true model of bipartisan cooperation.

Beyond her service to the U.S. Senate, Ms. McLaughlin has stellar credentials for a judgeship. She is a senior partner in the leading Philadelphia law firm of Dechert, Price and Rhoads, where her practice has concentrated in a myriad of complex litigation matters. She was a recipient of a 1998 "Women of Distinction" Award from the Philadelphia Business Journal, the National Association of Women Business Owners, and The Forum of Executive Women. Her career has also included teaching at the law schools of Vanderbilt University, the University of Pennsylvania and Rutgers University. In addition, Ms. McLaughlin served for four years as an Assistant U.S. Attorney for the District of Columbia where, Mr. President, she put criminals behind bars. Not surprisingly, given this stellar record, she was unanimously rated "well qualified" by the American Bar Association.

Unfortunately, a few outside groups have raised questions about her candidacy based on a small portion of Ms. McLaughlin's pro bono work. While it is true that she is a person of strong convictions, none is stronger than her dedication to the Rule of Law. In other words, I am confident that she will in all cases apply the law, not make it.

I wouldn't say that about everybody who has been nominated for a federal judgeship in recent years.

Mr. President, Ms. McLaughlin deserves the type of strong, bipartisan support from the entire Senate that she has already obtained from those of us who worked with her on Ruby Ridge. "There's something about Mary's" record of distinguished public service, her professional experience, her legal talents, and her personal integrity that will make her an outstanding Judge on the Eastern District bench. I urge my colleagues to swiftly confirm her.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Mary A. McLaughlin, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 86, nays 14, as follows:

[Rollcall Vote No. 112 Ex.]

YEAS—86

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Frist
Gorton
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—14

Allard
Brownback
Bunning
DeWine
Enzi
Fitzgerald
Gramm
Grams
Helms
Inhofe
Nickles
Roberts
Smith (NH)
Voinovich

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the nominations enumerated in the order are confirmed en bloc, the motions to reconsider are laid upon the table, the President will be notified of the Senate's actions, and the Senate will return to legislative session.

The nominations considered and confirmed are as follows:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Christopher C. Gallagher, of New Hampshire, to be a Member of the Board of Directors of the Corporation for National and

Community Service for a term expiring October 6, 2003.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Amy C. Achor, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2003.

THE JUDICIARY

James D. Whittemore, of Florida, to be United States District Judge for the Middle District of Florida.

DEPARTMENT OF THE TREASURY

Jay Johnson, of Wisconsin, to be Director of the Mint for a term of five years.

EXECUTIVE OFFICE OF THE PRESIDENT

Kathryn Shaw, of Pennsylvania, to be a Member of the Council of Economic Advisers.

DEPARTMENT OF STATE

Alan Phillip Larson, of Iowa, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

ASIAN DEVELOPMENT BANK

N. Cinnamon Dornsife, of the District of Columbia, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

DEPARTMENT OF STATE

Earl Anthony Wayne, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Economic and Business Affairs).

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Bobby L. Roberts, of Arkansas, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2003.

NATIONAL SCIENCE FOUNDATION

Michael G. Rossmann, of Indiana, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2006.

Daniel Simberloff, of Tennessee, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2006.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Leslie Lenkowsky, of Indiana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring February 8, 2004.

Juanita Sims Doty, of Mississippi, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2004.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Joan R. Challinor, of the District of Columbia, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2004.

RAILROAD RETIREMENT BOARD

Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2003.

Virgil M. Speakman, Jr., of Ohio, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2004.

NATIONAL SECURITY EDUCATION BOARD

Herschelle S. Challenor, of Georgia, to be a Member of the National Security Education Board for a term of four years.

DEPARTMENT OF THE INTERIOR

Thomas A. Fry, III, of Texas, to be Director of the Bureau of Land Management.

DEPARTMENT OF THE INTERIOR

Thomas N. Slonaker, of Arizona, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.

DEPARTMENT OF LABOR

Edward B. Montgomery, of Maryland, to be Deputy Secretary of Labor.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Mel Carnahan, of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005.

Scott O. Wright, of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for the remainder of the term expiring December 10, 2003.

CORPORATION FOR NATIONAL COMMUNITY SERVICE

Marc Racicot, of Montana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2004.

Alan D. Solomont, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2004.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Nathan O. Hatch, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

THE JUDICIARY

Richard C. Tallman, of Washington, to be United States Circuit Judge for the Ninth Circuit.

Marianne O. Battani, of Michigan, to be United States District judge for the Eastern District of Michigan.

David M. Lawson, of Michigan, to be United States District judge for the Eastern District of Michigan.

John Antoon II, of Florida, to be United States District judge for the Middle District of Florida.

DEPARTMENT OF JUSTICE

Mark Reid Tucker, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

John Paul Hammerschmidt, of Arkansas, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of four years.

Norman Y. Mineta, of California, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of six years.

Robert Clarke Brown, of Ohio, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring November 22, 2005.

NATIONAL TRANSPORTATION SAFETY BOARD

John Goglia, of Massachusetts, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2003.

Carol Jones Carmody, of Louisiana, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2004.

NUCLEAR REGULATORY COMMISSION

Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2005.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Gary A. Barron, of Florida, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

DEPARTMENT OF STATE

Thomas G. Weston, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Coordinator for Cyprus.

Carey Cavanaugh, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh and New Independent States Regional Conflicts.

Christopher Robert Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

Donald Arthur Mahley, of Virginia, a Career Member of the Senior Executive Service, for the rank of Ambassador during his tenure of service as Special Negotiator for Chemical and Biological Arms Control Issues.

Gregory G. Govan, of Virginia, for the rank of Ambassador during his tenure of service as Chief U.S. Delegate to the Joint Consultative Group.

DEPARTMENT OF DEFENSE

Bruce Sundlun, of Rhode Island, to be a Member of the National Security Education Board for a term of four years.

Manuel Trinidad Pacheco, of Arizona, to be a Member of the National Security Education Board for a term of four years.

THE JUDICIARY

Phyllis J. Hamilton, of California, to be United States District Judge for the Northern District of California.

Nicholas G. Garaufis, of New York, to be United States District Judge for the Eastern District of New York.

Roger L. Hunt, of Nevada, to be United States District Judge for the District of Nevada.

Kent J. Dawson, of Nevada, to be United States District Judge for the District of Nevada.

DEPARTMENT OF JUSTICE

Audrey G. Fleissig, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

Steven S. Reed, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

Donald W. Horton, of Maryland, to be United States Marshal for the District of Columbia for the term of four years.

E. Douglas Hamilton, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

Jose Antonio Perez, of California, to be United States Marshal for the Central District of California for the term of four years.

Donnie R. Marshall, of Texas, to be Administrator of Drug Enforcement.

DEPARTMENT OF THE TREASURY

Michelle Andrews Smith, of Texas, to be an Assistant Secretary of the Treasury.

THE JUDICIARY

Berle M. Schiller, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Richard Barclay Surrick, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Petrese B. Tucker, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

[Nominations placed on the Secretary's Desk]

FOREIGN SERVICE

Foreign Service nominations beginning John Patrice Groarke, and ending James Curtis Struble, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 1999.

Foreign Service nominations beginning Mattie R. Sharpless, and ending Howard R. Wetzel, which nominations were received by the Senate and appeared in the Congressional Record of February 24, 2000.

Foreign Service nominations beginning Nancy M. McKay, and ending Nancy Morgan Serpa, which nominations were received by the Senate and appeared in the Congressional Record of February 24, 2000.

PUBLIC HEALTH SERVICE

Pubic Health Service nominations beginning Edwin L. Jones, III, and ending Colleen E. White, which nominations were received by the Senate and appeared in the Congressional Record of November 19, 1999.

Pubic Health Service nominations beginning Susan J. Blumenthal, and ending William Tool, which nominations were received by the Senate and appeared in the Congressional Record of November 19, 1999.

NOMINATION OF NATHAN HATCH

Mr. BAYH. Mr. President, I rise today to congratulate Dr. Nathan Hatch for receiving the Senate's approval of his nomination to serve as a member of the National Council on the Humanities. Dr. Hatch has dedicated his life to academia. He currently serves as Provost of the University of Notre Dame and is also a Professor of History. As Provost, Dr. Hatch has focused on three areas: the establishment of academic centers of excellence, including the expansion of the Keough Institute for Irish Studies and the enhancement of the Medieval Institute; revitalization of undergraduate education through the creation of the Kaneb Center for Teaching and Learning; and the pursuit of outstanding faculty.

Dr. Hatch is considered to be one of the most influential scholars in the study of the history of religion in America. His book, The Democratization of American Christianity, won both the Albert Outler Prize in Ecumenical Church History and the John Hope Franklin Prize for the best book in American Studies; it was also chosen by his peers as one of the two most important books in the study of American religion.

Dr. Hatch is a remarkable asset for the University of Notre Dame and the State of Indiana. His experiences at Notre Dame will make him a valuable addition to the National Council on the Humanities. I applaud the Senate today for confirming this outstanding Hoosier.

NOMINATIONS OF MARIANNE BATTANI AND DAVID LAWSON

Mr. LEVIN. Mr. President, I am pleased that the Senate has confirmed the two nominees for the Federal District Court in the Eastern District of Michigan, Judge Marianne Battani and David Lawson.

Mr. President, Michigan could not be better served. These nominees are well-known in Michigan for their long and distinguished careers, high standards of moral and ethical conduct, and knowledge and commitment to the law. I have every confidence that they will both be outstanding federal judges.

While I am glad that the Senate has finally confirmed these two district court judges, I am deeply concerned about the vacancies in the Sixth Circuit U.S. Court of Appeals. The length of time that nominees for these positions have remained pending is unfair, both to the nominees, and to the State of Michigan.

There are now three Michigan vacancies on the Sixth Circuit. One of the nominees for these vacancies is Helene White, who was nominated more than three years ago, and is still awaiting a hearing. Kathleen McCree Lewis has been pending at the Committee awaiting a hearing for more than eight months. And the third candidate for a Michigan seat has not yet been nominated but hopefully will be at any time.

These Michigan candidates are intelligent and hardworking advocates of the law, who at a minimum, deserve to have and up or down vote on their nominations. Yet, Circuit Court of Appeals nominees continue to face unconscionable delays in this Senate.

The Senate slowdown has a serious impact on the administration of justice. In a March 20, 2000 letter to Senator HATCH, Judge Gilbert Merritt, Chief Judge of the U.S. Court of Appeals for the Sixth Circuit, notes that these vacancies have hampered the Court's ability to complete the public's business. The Court, in his words, is deteriorating rapidly due to the high number of judicial vacancies.

Judge Merritt writes:

> The Sixth Circuit Court of Appeals now has four vacancies. Twenty-five per cent of the seats on the Sixth Circuit are vacant. The Court is hurting badly and will not be able to keep up with its work load due to the fact that the Senate Judiciary Committee has acted on none of the nominations to our Court. One of the vacancies is five years old and no vote has ever been taken. One is two years old. We have lost many years of judge time because of the vacancies.
>
> By the time the next President is inaugurated, there will be six vacancies on the Court of Appeals. Almost half of the Court will be vacant and will remain so for most of 2001 due to the exigencies of the nomination process. Although the President has nominated candidates, the Senate has refused to take a vote on any of them.
>
> Our Court should not be treated in this fashion. The public's business should not be treated this way. The litigants in the federal courts should not be treated this way. The remaining judges on a court should not be treated this way. The situation in our Court is rapidly deteriorating due to the fact that 25% of the judgeships are vacant. Each active judge of our Court is now participating in deciding more than 550 cases a year—a case load that is excessive by any standard. In addition, we have almost 200 death penalty cases that will be facing us before the end of next year. I presently have six pending before me right now and many more in the pipeline. Although the death cases are very time consuming (the records often run to 5000 pages), we are under very short deadlines imposed by Congress for acting on these cases. Under present circumstances, we will be unable to meet these deadlines. Unlike the Supreme Court, we have no discretionary jurisdiction and must hear every case.
>
> The Founding Fathers certainly intended that the Senate "advise" as to judicial nominations, i.e., consider, debate and vote up or down. They surely did not intend that the Senate, for partisan or factional reasons, would remain silent and simply refuse to give any advice or consider and vote at all, thereby leaving the courts in limbo, understaffed and unable properly to carry out their responsibilities for each year.

I again urge the Senate Judiciary Committee to promptly hold a confirmation hearing for the Sixth Circuit Court of Appeals nominees from Michigan. They are highly qualified individuals who deserve to be voted on by this Senate.

NOMINATION OF RICHARD TALLMAN

Mr. GORTON. Mr. President, it is my pleasure to support the confirmation today of Richard Tallman to the Ninth Circuit Court of Appeals. In an unusual, if not unprecedented arrangement, particularly at this time and for the controversial Ninth Circuit, the White House, Senator MURRAY, and I have worked together quietly to select and confirm absolutely first rate judges from Washington State. Dick Tallman is no exception.

I had not met Mr. Tallman before he was chosen as a finalist for a district court vacancy by a Judicial Merit Selection Committee jointly appointed by Senator MURRAY and me. He impressed me tremendously at the time and I was privileged to be able later to recommend him to fill a vacancy on the Ninth Circuit Court of Appeals.

Mr. Tallman enjoys broad bi-partisan support within Washington's legal community, including that of the Democratic State Attorney General, two former United States Attorneys for Western Washington, the Federal Public Defender from Western Washington, the President of the Ninth Circuit District Judges Association, and the Federal Bar Association for the Western District of Washington.

Prior to starting his own small firm where he continues to specialize in white collar criminal defense, Mr. Tallman practiced law for many years at one of the largest private firms in Seattle, Bogle & Gates. Before that he served as an Assistant United States Attorney for the Western District of Washington. He has also been sought out by all levels of state government, serving as a Special Assistant City Attorney for Seattle, a Special Deputy Prosecuting Attorney for King County, as well as a Special Assistant Attorney General for Washington State. Over the years, Mr. Tallman has taught and lectured extensively to groups of lawyers and non-lawyers on a range of legal topics, instructing groups including the National Park Service, the Washington Medical Association, and the Seattle Police Academy.

Mr. Tallman's involvement in bar and civic activities is no less impressive than his professional record. In addition to extensive pro bono work, he has served as president of the local federal bar association and as chair of the lawyer delegates to the Ninth Circuit Judicial Conference. He has been active in committees for local, state, and federal bar associations, in the selection of judges, bench-bar relations, and in helping women and minorities interested in legal careers.

As the accomplishments I have just reviewed attest, Mr. Tallman is an impressive man. What these accomplishments to not convey, however, is the warmth, good humor, and the clear unpretentious intelligence I have observed in my short acquaintance with him. The Ninth Circuit will clearly benefit from our action today.

Mr. LEAHY. Mr. President, one of our most important constitutional responsibilities is to provide advice and consent on the scores of judicial nominations sent to us to fill the vacancies on the federal courts around the country. Today we made some progress. We confirmed 16 new judges. For that I thank the Democratic leader and the majority leader, my counterpart on the Judiciary Committee, Senator HATCH, and all those who worked with us to achieve Senate action on these judicial nominees.

The Senate has finally begun to consider the judges needed to serve the American people in our federal courts. But before any Senator thinks that our work is done for the year, let us take stock: We are only one-third of the way to the number of judges nominated by a Republican President and confirmed by a Democratic majority in 1992, and only half way to the levels of confirmations achieved in 1984 and 1988. Today we finally passed the level of 17 confirmations achieved in 1996, the year before I became the Ranking Democrat on the Judiciary Committee. That low water mark is no measure of success, however.

Today we face more judicial vacancies than when the Senate adjourned in 1994. That means there are more vacancies across the country than when the Republican majority took controlling responsibility for the Senate in January 1995. Over the last six years we have gained no ground in our efforts to fill longstanding judicial vacancies that are plaguing the federal courts.

In addition, recall that this is the first action that the Senate has taken on judicial nominees since March 9, when the Senate ended 4-years of delay and finally voted to confirm Judge Richard Paez to the Ninth Circuit. For more than two months, for more than 10 weeks, the Senate has not acted to confirm a single judge, not one. That stall accounts for the backlog in judicial nominations that results in there being 16 judicial nominations on the Senate calendar today. On the other hand, since March 9, seven additional vacancies have arisen and the Senate has received 17 additional nominations.

There remain 36 judicial nominations pending in the Judiciary Committee, plus new nominations that the President is sending us every week. I have challenged the Senate to regain the pace it met in 1998 when the Committee held 13 hearing and the Senate confirmed 65 judges. That would still be one less than the number of judges confirmed by a Democratic Senate majority in the last year of the Bush Administration in 1992. Indeed, in the last two years of the Bush Administration, a Democratic Senate majority confirmed 124 judges. It would take an additional 67 confirmations this year for this Senate to equal that total.

Over the last five years the Republican-controlled Senate confirmed the following: 58 federal judges in the 1995 session; 17 in 1996; 36 in 1997; 65 in 1998; and 34 in 1999. By contrast, in one year, 1994, with a Democratic majority in the Senate, we confirmed 101 judges. With commitment and hard work many things are achievable.

Of the confirmations achieved this year, seven were nominations that were reported last year and should have been confirmed last year. That would have made last year's total slightly more respectable. Instead, they were held over and inflate this year's numbers. In addition, Tim Dyk, one of the nominees finally being considered today, was nominated in 1998 and has been held over two years.

Moreover, the Republican Congress has refused to consider the authorization of the additional judges needed by the federal judiciary to deal with their ever increasing workload. In 1984, and again in 1990, Congress responded to requests by the Chief Justice and the Judiciary Conference for needed judicial resources. Indeed, in 1990, a Democratic majority in the Congress created scores of needed new judgeships during a Republican Administration.

Three years ago the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. Last year the Judicial Conference renewed its request but increased it to 72 judgeships needing to be authorized around the country. Instead, the only federal judgeships created since 1990 were the nine District Court judgeships authorized in the omnibus appropriations bill at the end of last year.

If Congress had timely considered and passed the Federal Judgeship Act of 1999, S.1145, as it should have, the federal judiciary would have nearly 130 vacancies today. That is the more accurate measure of the needs of the federal judiciary that have been ignored by the Congress over the past several years and places the vacancy rate for the federal judiciary at 14 percent (128 out of 915). As it is, the vacancy rate is almost 10 percent (65 out of 852) and has remained too high throughout the five years that the Republican majority has controlled the Senate.

Especially troubling is the vacancy rate on the courts of appeals, which continues at over 11 percent (20 out of 179) without the creation of any of the additional judgeships that those courts need to handle their increased workloads.

Most troubling is the circuit emergency that had to be declared more than seven months ago by the Chief Judge of the Court of Appeals for the Fifth Circuit. I recall when the Second Circuit had such an emergency two years ago. Along with the other Senators representing States from the Circuit, I worked hard to fill the five vacancies then plaguing my circuit. The situation in the Fifth Circuit is not one that we should tolerate; it is a situation that I wished we had confronted by expediting consideration of the nominations of Alston Johnson and Enrique Moreno last year. I still hope that the Senate will consider both this year.

I deeply regret that the Senate adjourned last November and left the Fifth Circuit to deal with the crisis in the federal administration of justice in Texas, Louisiana and Mississippi without the resources that it desperately needs. I look forward to our resolving this difficult situation. I will work with the Majority Leader and the Democratic Leader to resolve that emergency at the earliest possible time.

With 20 vacancies on the Federal appellate courts across the country and nearly half of the total judicial emergency vacancies in the Federal courts system in our appellate courts, our courts of appeals are being denied the resources that they need, and their ability to administer justice for the American people is being hurt. There continue to be multiple vacancies on the Ninth Circuit. Three vacancies is too many and perpetuating these four judicial emergency vacancies, as the Senate has in this one circuit, is irresponsible. We should act on these nominations promptly and provide the Ninth Circuit with the judicial resources it needs and to which it is entitled.

I am likewise concerned that the Fourth, Sixth and District of Columbia Circuits are suffering from multiple vacancies.

I continue to urge the Senate to meet our responsibilities to all nominees, including women and minorities, and look forward to action on the nominations of Judge James Wynn, Jr. to the Fourth Circuit, Enrique Moreno to the Fifth Circuit, Kathleen McCree Lewis to the Sixth Circuit and Judge Johnnie Rawlinson to the Ninth Circuit. Working together the Senate can join with the President to confirm well-qualified, diverse and fair-minded judges to fulfill the needs of the federal courts around the country.

Having begun so slowly in the first five months of this year, we have much more to do before the Senate takes its final action on judicial nominees this year. We should be considering 20 to 40 more judges this year. Having begun so slowly, we cannot afford to follow the "Thurmond rule" and stop acting on these nominees at the end of the summer in anticipation of the presidential election. We must use all the time until adjournment to remedy the vacancies that have been perpetuated on the courts to the detriment of the American people and the administration of justice. I urge all Senators to make the federal administration of justice a top priority for the Senate for the rest of this year.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF STEVE HEMMINGSEN

Mr. DASCHLE. Mr. President, this day marks the retirement of a legend in broadcast journalism in South Dakota. Steve Hemmingsen, who has faithfully delivered news to living rooms in my home state for over twenty-five years, will give his last regular broadcast tonight.

There's an old story about Calvin Coolidge, told shortly after he left the White House. He was filling out a standard form, which asked for standard information. Line 1 asked for his name and address. Line 2 asked for his "Occupation", for which he answered "Retired". Line 3 was titled "Remarks." Mr. Coolidge responded "Glad of it."

I hope that Steve Hemmingsen will share that sentiment: glad to be retired from the rigors of his job—but never fully removed from his audience, the thousands of people who have relied on him for their news for more than two decades.

Steve grew up just across the border in Minnesota, and after graduating from high school, he landed his first job in broadcasting at the "Polka Station of the Nation" in New Ulm. Later, he studied at the Brown Institute and was hired by KELO–TV in 1969. He has been a fixture there and on our nightly news ever since.

It has been estimated that since Steve began working the 6:00 and 10:00 pm news at KELO, he has delivered about eighteen thousand newscasts. He's shouldered the responsibility of helping our state get through some of its most trying times—such as the devastating Rapid City flood in 1972, the tragic plane crash that took the lives of Governor George Mickelson and several of South Dakota's economic development leaders in 1993, the horrible tornado in Spencer two years ago and countless South Dakota blizzards. When South Dakotans have faced adversity, Steve's steady voice and calm demeanor brought us up to speed on the latest events and talked us through each crisis we encountered.

But Steve has been there through the good times as well. When we celebrated our state's centennial in 1989, Steve reported on the numerous celebrations going on around South Dakota, giving us insight on where our state had been, and where it was going. When Scotland, South Dakota's own Chuck Gemar went into space, Steve helped express the collective sense of pride that was felt throughout the state. You could say that during his career at KELO, Steve's familiar voice was the first that brought news of noteworthy events to the people in South Dakota.

Over the last twenty-five years, Steve Hemmingsen has earned the trust of the people of South Dakota. Although Steve and I haven't always seen eye-to-eye on some issues, I have never had a reason to question his dedication as a broadcaster, his fairness as a reporter or his integrity as a person. In my years in public service, I have had the opportunity to work with hundreds of reporters both in South Dakota and across the nation and there is no doubt in my mind that Steve Hemmingsen is one of the best. Today we congratulate him, but tomorrow he will certainly be missed.

It brings me great pleasure to join all of KELO-Land in wishing Steve the best as he signs off tonight. The evening news will never be the same.

MITCH ROSE TO LEAVE THE HALLS OF CONGRESS

Mr. STEVENS. Mr. President, Mitch Rose, my chief of staff, who before that was my press secretary, will leave the Senate within the next few days.

Mitch has been a great member of our staff, with his understanding of the nuances of legislation, his ability to articulate concerns, and his courage to challenge debate when he believes strongly in an issue. His talents with words, written and spoken, are really legendary.

But no matter how tough the argument, or how serious the discussion, Mitch's sense of humor always helps to keep things in perspective.

It's safe to say that he's not only famous for that sense of humor, but at times, he's infamous.

Born in Alaska, a product of a great family and of Alaska's public schools, Mitch came to Capitol Hill after graduation from the University of Washington, almost 15 years ago.

He first went to work for our friend and former colleague Bob Dole, and later toiled for the other members of our Alaska delegation, DON YOUNG in the House and FRANK MURKOWSKI here in the Senate.

When Mitch joined our staff, he took on the added responsibility of attending law school at night. His wife, Dale Cabaniss, attended a different law school in the evenings, while she worked for Senator MURKOWSKI.

Mitch's work on aviation and telecommunications issues has been particularly important. As chief of staff, he has kept ahead of the curve on all of our concerns, providing insight and guidance to my staff and me.

The Alaska Humanities Forum has created a program named after Mitch, based on his experience as a youngster, when his parents made sure he knew how life in a rural Alaska village contrasts with life in urban Alaska. The Rose Urban-Rural Alaska Partnership Program will take urban youth to rural villages to promote better understanding of the very different ways of life in our small communities. It will provide the same type of opportunity his parents, Dave and Fran Rose, provided for Mitch when he was a young Anchorage school boy.

Mitch is an example, Mr. President, of the best of his generation. He's worked hard, taken on heavy responsibilities at work and at home, maintained close and good relationships with Alaska and Alaskans, and with those with whom he works.

He and Dale, who is now a Commissioner of the Federal Labor Relations Authority, are the parents of Ben 5, and twins Haley and Shelby, eight months.

There is no question that we will miss Mitch. But there's also no question that he will be a valuable member of the private sector.

My thanks to him for the work he's done, the loyalty he's shown and the friendship he's shared. With so many others who have known him over the years, I wish him well.

JAROSLAV PELIKAN, STERLING PROFESSOR EMERITUS

Mr. STEVENS. Mr. President, as a product of the World War II years, I rushed through my undergraduate education after that war. In the process, my education was of the Yogi Berra variety: If I came to a fork in the road, I took it.

Now, having acquired seniority here, I have privileges I never dreamed would be part of my life, and am more and more aware of what I missed by not spending more time in basic educational endeavors.

For instance, because of my service on the Senate Rules Committee, it is my honor to be chairman of the Joint committee of the Library. This position opened my eyes and ears and filled my mind with joys totally unexpected.

For instance, my increasing visits with Dr. Jim Billington, Librarian of the Library of Congress, a national treasure and our preeminent Russian scholar, have led to meeting more and more of the distinguished academics of our time.

One of these persons is Jaroslav Pelikan, Sterling Professor Emeritus at Yale university and Immediate Past President of the American Academy of Arts and Sciences. Sadly, because of business here in the Senate, I missed Dr. Pelikan's brilliant luncheon address to the Bicentennial of the Library of Congress on April 24 of this year. Arriving late, I was overwhelmed by the comments about his speech to the "Library Legends Luncheon" and requested a copy of it. The title of this address was: "Hospital for the Soul."

Now, I realize why we address those who have received Phd's as "Doctor". On behalf of all who have continued to support our Library of Congress, I thank Jaroslav Pelikan for all he has done to earn his "Living Legend" Award. Because of this address, I shall never again think of libraries as simply depositories for books. Our great Library of Congress is now the "World's Hospital for the Soul."

I ask unanimous consent that Dr. Pelikan's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

HOSPITAL FOR THE SOUL

(By Jaroslav Pelikan)

Thank you for this "Living Legend" Award: I promise to take it out and look at it whenever I get a sudden attack of humility. Seriously, though, even someone to whom humility does not come easily would have to be humbled today by the names of all these others who are being honored here—and then of those who are not! And if I ask myself the even more humbling question why it is I who have been asked to speak in the name of these men and women who are becoming my new colleagues, my first thought is that I seem to be the only one among those present whose last name puts him into the same class with Big Bird. (Big Bird's cousin Larry Bird, who is also a Living Legend, was unavoidably detained, and as a sometime Hoosier I with his Pacers well in the playoffs.) Or is the explanation simply that I am, at least as much as anyone here, the offspring of the library? Or perhaps it is that all my life I have been studying various languages, which, while only a small fraction of those represented by the collections of the Library of Congress, do manage to include the ancestral tongues of several of my classmates, as well as "the universal language" played so eloquently by Maestro Isaac Stern or by my dear friend Yo-Yo Ma.

But of all languages, there is a special place reserved in my mind and heart for Greek, the language of Plato and Sophocles and Sappho (whom Plato called "the Tenth Muse")—and the language of the New Testament and of the "Four Cappadocians" (Basil of Caesarea, his brother Gregory of Nyssa, their sister Macrina, and Gregory of Nazianzus). So let me turn, as I do so often, to the pleasures of Greek. For in Book One of a work appropriately entitled Bibliothēkē [Library], the Hellenistic historian Diodorus Siculus reports that the inscription on the Library of Alexandria read: Pyschēs iatreion, "Hospital for the soul"—a profound and brilliant metaphor, even in a language justly celebrated for its metaphors.

The library is a hospital for the soul because it is here that the soul can find instruments for diagnosis. Those men and women, physicians of the soul, who have thought deeply and spoken movingly about the illnesses that plague us all have put their case studies permanently on deposit here. It is here in the library that Thomas Jefferson traces so many ailments to the dreadful affliction of not holding together "an honest heart" and "a knowing head"; here in the library that George Eliot devastatingly portrays in Middlemarch, my favorite English novel, the pedant who, she says, "dreams footnotes" and who lurks in the soul of every scholar (present company excepted, of course!); here in the library that, in my favorite novel of all, the Grand Inquisitor propounds again the three questions in which "are united all the unresolved contradictions of human nature", here in the library that Gibbons, celebrated in the Great Hall, carries out an autopsy on "the natural and inevitable effect of immoderate greatness" that bears implications for every other empire, also for the American empire; here in the library that Immanuel Kant probes "the radical evil that corrupts all maxims," making the worse appear the better reason; and here in the library that Beatrice, in her quiet but solemn voice, warns us that all our actions carry consequences regardless of our station, evade them though we may for a very long time. And because, in the deathless words of that celebrated scholar and philosopher Professor Pogo of Okefenokee Swamp (whose sayings are also preserved here in the library), "We got problems we ain't even used yet," men and women in generations yet to come will keep turning here for diagnosis and help. But they will be able to do so only if we in this generation have the foresight and the commitment that Joseph had in Egypt, to store up during the fat years what will be needed during the lean years.

It is likewise to the library that the soul can turn for healing, in the collective memory of the human race. Even for the healing of the soul in a special sense, the writers of the New Testament, in trying to find the most towering and luminous metaphor of all to cope with the miracle and the mystery of what had happened to them, turned to the miracle and the mystery of language: "In the beginning was the Word." But by that metaphor they were in fact attaching themselves to the far more comprehensive tradition of what Pedro Laín Entralgo has called "the therapy of the word in Classical Antiquity," the ancient and yet universal recognition that if the diseases of the human mind and spirit are to be cured, they need to be (as we still say) addressed, that means, spoken to, as they are by biography and autobiography and hagiography from many traditions and diverse cultures, including even our own past, as those can be found in the library and only there. Corny though the cynical may find it, these lives do indeed still

. . . remind us,
We can make our lives sublime.

But increasingly we are beginning to recognize that both diagnosis and healing can be vastly more successful if we have been using the resources of the hospital and the health care system all along for prevention, which is why the library must be, as we say nowadays, a "research hospital" and a "teaching hospital." Having spent a scholarly lifetime learning and admonishing that there is a fundamental distinction between knowledge and wisdom, I find myself today stressing the even more fundamental, and even more elusive, distinction between knowledge and information. The library functions as a hospital for the soul by teaching us both of those distinctions, making available enormous stores of information, resources of knowledge, and, to those who have the willingness and patience to learn, treasures of wisdom. (Konrad Adenauer once said that he planned to ask the Almighty, "Why is it, after putting such limitations on human intelligence, that You did not put similar ones on human stupidity?") As the chroniclers and commentators and critics of all those traditions, scholars dependent on the library, by introducing us to our grandfathers and more recently to our long lost grandmothers, can help us to bequeath these riches to our grandchildren. For in words of Edmund Burke, who still speaks in the library, it can be defined as "a partnership in all science; a partnership in all art; a partnership in every virtue, and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born."

On that particular program for universal health care, my old friend, Mr. Librarian of Congress—and (at least for today) Dr. Surgeon General of the Hospital for the Soul—everyone would, I hope, have to agree, even in an election year. It was, I firmly believe, providential that exactly 200 years ago today, in this city where there would eventually be so many fiefdoms and kingdoms and dukedoms and monuments, the Congress was inspired to found this monumental institution, of which Shakespeare has Prospero say prophetically, "My library was dukedom large enough." For as all the other dukedoms have risen and fallen, the Library of Congress has stood as a monument and a "hospital for the soul," pointing to the life of the mind as the antidote to the twin poisons of political tyranny and moral anarchy.

Whenever people ask me, after more than half a century of historical research, reflection, and writing (my Three R's), what are the lessons of the past, I apologize that I can't come up with very many. But there is one, which those of you who know me will not be surprised to learn I find stated most profoundly by Goethe's Faust; and it speaks of the library:

"Was du ererbt von deinen Vätern hast, Erwirb' es, um es zu besitzen."

[What you have as heritage, now take as task; For only thus will you make it your own.]

REMEMBERING THOSE WHO DIED ON D-DAY

Mr. ROBB. Mr. President, as we approach the 56th Anniversary of D-Day, June 6th, 1944, we should pause to reflect on the valor and sacrifice of the men who died on the beaches of Normandy. In the vanguard of the force that landed on that June morning, was the 116th Infantry Regiment, 29th Infantry Division. In 1944 the 116th Infantry Regiment, as it is today, was a National Guard unit mustering at the armory in Bedford, Virginia. They drew their members from a town of only 3,200 people and the rich country in southwestern Virginia nestled in the cool shadows of the Blue Ridge Mountains.

On the morning of June 6th, 1944, Company A led the 116th Infantry Regiment and the 29th Infantry Division ashore, landing on Omaha Beach in the face of withering enemy fire. Within minutes, the company suffered ninety-six percent casualties, to include twenty-one killed in action. Before nightfall, two more sons of Bedford from Companies C and F perished in the desperate fighting to gain a foothold on the blood-soaked beachhead. On D-Day, the town of Bedford, Virginia gave more of her sons to the defense of freedom and the defeat of dictatorship, than any other community (per capita) in the nation. It is fitting that Bedford is home to the national D-Day Memorial. But we must remember that this memorial represents not just a day or a battle—it is a marker that represents individual soldiers like the men of the 116th Infantry Regiment—every one a father, son, or brother. Each sacrifice has a name, held dear in the hearts of a patriotic Virginia town—Bedford.

Mr. President, in memory of the men from Bedford, Virginia who died on June 6th, 1944, I ask unanimous consent that their names be printed in the RECORD at the end of my statement as a tribute to the town of Bedford, and every soldier, sailor, and airman, who has made the supreme sacrifice in the service of our country.

The PRESIDING OFFICER: Without objection, it is so ordered.

COMPANY A

Leslie C. Abbott, Jr., Wallace R. Carter, John D. Clifton, Andrew J. Coleman, Frank P. Draper, Jr., Taylor N. Fellers, Charles W. Fizer, Nick N. Gillaspie, Bedford T. Hoback, Raymond S. Hoback, Clifton G. Lee, Earl L. Parker, Jack G. Powers, John F. Reynolds, Weldon A. Rosazza, John B. Schenk, Ray O. Stevens, Gordon H. White, Jr., John L. Wilkes, Elmere P. Wright, Grant C. Yopp

COMPANY C

Joseph E. Parker, Jr.

COMPANY F

John W. Dean.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 23, 2000, the Federal debt stood at $5,670,641,391,640.46 (Five trillion, six hundred seventy billion, six hundred forty-one million, three hundred ninety-one thousand, six hundred forty dollars and forty-six cents).

Five years ago, May 23, 1995, the Federal debt stood at $4,885,335,000,000 (Four trillion, eight hundred eighty-five billion, three hundred thirty-five million).

Ten years ago, May 23, 1990, the Federal debt stood at $3,093,087,000,000 (Three trillion, ninety-three billion, eighty-seven million).

Fifteen years ago, May 23, 1985, the Federal debt stood at $1,750,995,000,000 (One trillion, seven hundred fifty billion, nine hundred ninety-five million) which reflects a debt increase of almost $4 trillion—$3,919,646,391,640.46 (Three trillion, nine hundred nineteen billion, six hundred forty-six million, three hundred ninety-one thousand, six hundred forty dollars and forty-six cents) during the past 15 years.

ISRAEL'S REDEPLOYMENT FROM SOUTHERN LEBANON

Mr. SANTORUM. Mr. President, I rise today to speak about S. Con. Res. 116, a concurrent resolution introduced by Senator TRENT LOTT of Mississippi which commends Israel's redeployment from southern Lebanon. I should have been reflected as a cosponsor of that resolution but my name was inadvertently left off the list of cosponsors. I ask that I be shown as a cosponsor of S. Con. Res. 116.

Mr. President, I fully support the resolution and would like to offer my comments on the historic events that have recently transpired. Just yesterday, I met with a group of young students who were visiting Washington, DC, as part of a legislative conference sponsored by the American Israel Public Affairs Committee. I was truly impressed by the level of interest and knowledge of these students.

One of the items we discussed was the need for the United States to provide support for Israel as it withdraws from southern Lebanon. I support the efforts of Prime Minister Barak to withdraw Israeli forces from southern Lebanon and echo the comments that it is time for all foreign military forces to leave Lebanon. Furthermore, the Governments of Syria and Iran must be held accountable for acts of terrorism committed in Lebanon.

Mr. President, Israel has demonstrated its commitment to the peace process and its commitment to comply with United Nations Security Council Resolution 425. It is now time for the United Nations and the international community in general to fulfill their obligations to the peace process and to ensure that southern Lebanon does not become a staging ground for attacks against Israel.

THE ORIGINATION CLAUSE OF THE CONSTITUTION

Mr. INHOFE. Mr. President, on Wednesday, May 17, at page S. 4069 of the RECORD, the distinguished minority leader announced, "I am going to demand that every single appropriations bill that comes to the Senate before it can be completed be passed in the House first because that is regular order." To be clear he repeated, "We are going to require the regular order when it comes to appropriations bills."

The Senator refers to the origination clause of our Constitution Art. 1, Sec. 7, Cl. 1. The origination clause states that "All bills for raising revenue shall originate in the House of Representatives." The meaning of this clause is widely known, and I do not know why the distinguished minority leader would attempt to make an erroneous claim before those who know better. I do know why he did not challenge his 99 colleagues to correct this statement, as he did with another. The reason is that many could have come forward to tell him he was mistaken.

When I open Riddick's Senate Procedure, I read that "[i]n 1935, the Chair ruled that there is no Constitutional limitation upon the Senate to initiate an appropriation bill." The House does claim "the exclusive right to originate all general appropriations bills." Specific appropriations, however, "have frequently originated in the Senate."

If the Senator intends to say that there is no precedent for the initiation of appropriation bills in the Senate, that is false. Perhaps there is some confusion between "raising revenue" and "appropriating." The former the Senate cannot do. The latter it can.

Also, the room the Senate has to work within is broad rather than narrow. The Rules of the House of Representatives note that "[a] bill raising revenue incidentally [has been] held not to infringe upon the Constitutional prerogative of the House to originate revenue legislation."

The courts agree with these constitutional interpretations. In fact, as recently as 1989, the Court of Appeals for the Tenth District in U.S. v. King, 891 F.2d 780, 781 ruled that where a bill does not qualify as a revenue bill, it is not subject to the provisions of the origination clause.

The United States Supreme Court, in Twin City Nat. Bank of New Brighton v. Nebecker, 167 U.S. 196, 202, ruled in an 1897 decision, which is cited as precedent to this day, that "revenue bills are those that levy taxes, in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue."

On another occasion, the Supreme Court, in U.S. v. Norton, 91 U.S. 566, 569 (1875) said that "[t]he construction of the [origination clause] limitation is practically well settled by the uniform action of Congress" and that "it 'has been confined to bills to levy taxes in the strict sense of the word, and has not been understood to extend to bills for other purposes which incidentally create revenue.' "

Indeed, in 1997, the Court of Appeals for the Ninth District in Walthall v. U.S., 131 F.3d 1289 ruled that the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) did not violate the originations clause.

It was not the intent of our Founding Fathers not to allow the Senate to decide how to spend government monies. Obviously, we must do that. Almost every action we take requires some money to be spent. What the Founding Fathers wanted to achieve with the origination clause was a check on government by which the most representative body had to authorize the extraction from the people of taxes.

The only obstacle I know of to the Senate passing certain appropriation bills is the objection of the distinguished minority leader. He claims, "This is getting to be more and more a second House of Representatives." Who is making it so, I ask.

According to Procedure in the U.S. House of Representatives, Sec. 3.2, p. 134 it is the other body in which "[i]nfringement of the Senate on the constitutional prerogative of the House to initiate revenue measures may be raised * * * as a matter of privilege."

ADDITIONAL STATEMENTS

FAREWELL TO TAIWAN REPRESENTATIVE STEPHEN CHEN

• Mr. CRAIG. Mr. President, today I rise to bid farewell to Taiwan Representative Stephen Chen. Representative Chen has been an effective envoy for Taiwan in the United States. One of his more remarkable accomplishments has been his ability to promote and strengthen improved relationships between Taiwan and the United States. Over the last two years, he has secured important contacts for Taiwan.

Assisted by Mr. Leonard Chao, his chief aide in congressional relations, Representative Stephen Chen has kept us informed of developments within Taiwan, including trading relationships, advances in human rights, moves toward a complete and open democracy, and the peaceful transition of power from the Nationalist Party to the Democratic Progressive Party on May 20th.

Representative Stephen Chen and his wife, Rosa, have been cordial hosts at Twin Oaks. They have gracefully entertained their guests with stories and anecdotes from their many diplomatic postings throughout the world. A master of seven languages, Representative Chen's ability to interpret language nuances has invariably impressed his guests. He is also known for his unique calligraphic capacity of scripting English with a Chinese writing brush. Along with these skills, Representative Chen's foremost gift is his diplomatic courtesy—ever so subtly, he makes his guests want to understand more about his family, his country, and our world through his views.

After nearly fifty years of dedicated diplomatic service to Taiwan, Representative Stephen Chen and Mrs. Rosa Chen, will retire from public service and return to Taiwan. They can be duly proud of their many accomplishments. They will be missed by all who were acquainted with them here in Washington, and we send them off to Taiwan with our best wishes and appreciation.●

NATIONAL CHILD'S DAY: A TRIBUTE TO AMERICA'S CHILDREN

• Mr. GRAHAM. Mr. President, I rise today to thank my colleagues for joining me in this recognition of America's children. Last night, our body passed an important resolution, affirming the sacred role of children in our society.

I have often heard the phrase "every day is children's day." Sadly, this is not always the case. There are too many children in America who are hungry, abused, neglected, and abandoned. Despite the best efforts of our parents, our foster parents, and our social services networks, not all children feel that they are loved and valued.

Today, the United States Senate has taken a monumental step towards recognizing the merit and worth of all of our children.

We already give special tribute to the efforts of our mothers and fathers. On both Mother's Day and Father's Day, we honor the hard work and sacrifices which parents make on behalf of their children and families. These are days where we pay homage to our parents, both acknowledging and giving thanks for their contributions to both society and home.

I am pleased that June 4, 2000, will be National Child's Day—a day during which parents and friends alike can affirm the love we share for our children. This will be a day devoted to our youth, reminding children and ourselves of the special, blessed place which they have within both our hearts and our lives.

I would like to give special recognition to those organizations whose tireless efforts greatly aided in the success of this resolution, specifically Ms. Lee Rechter, Executive Director of FOCUS (Friends of Children United Succeed) and Mr. David Levy, Director of the Children's Rights Council.

Mr. President, National Child's Day provides a wonderful opportunity for us to celebrate America's children. But, we must also remember that every day should indeed be children's day. Let our expression of love and appreciation for our youth not be confined to a single day, but be shared with them on June 4th and always.●

50TH ANNIVERSARY OF BISHOP EDWARD PEVEC

• Mr. VOINOVICH. Mr. President, this Sunday, May 28th, the Catholic diocese of Cleveland will observe the 50th anniversary of the ordination of Bishop A. Edward Pevec into the priesthood. I rise today to pay tribute to this wonderful man and to offer my thanks for the spiritual guidance he has given to Catholics throughout the City of Cleveland and northeastern Ohio.

Born in Cleveland, Ohio on April 16, 1925, Bishop Edward Pevec is the oldest of four children born to Anton and Frances Pevec, immigrants from Slovenia. On April 29, 1950, at the age of 25, Edward Pevec was ordained into the priesthood. Over the fifty years since his ordination, Bishop Pevec has served northeastern Ohio in a number of capacities. He has been the Associate Pastor at St. Mary Church in Elyria and at St. Lawrence Church in Cleveland. He has been a teacher, assistant principal/vice rector and principal/rector at Borromeo Seminary High School in Wickliffe and a graduate instructor at St. John College in Cleveland. During his service at Borromeo Seminary High School, Bishop Pevec continued his own education at two well-respected Cleveland institutions, earning a Masters degree from John Carroll University and Ph.D. from Western Reserve University. In 1975, he became pastor of his home parish, St. Vitus Church in Cleveland, and four years later, became the President-Rector of Borromeo College of Ohio. In 1982, Edward Pevec was ordained Auxiliary Bishop of Cleveland by His Holiness, Pope John Paul II.

Over the years, I have personally come to know Bishop Pevec, not only as a devout Christian, but as a man of deep caring for all mankind. I still remember the first time that my wife, Janet, and I saw Bishop Pevec celebrate mass. We were so impressed at the manner in which he conducted himself, that I said to my wife on our way out of the church that there's a priest who ought to be a Bishop! We were both grateful that the Holy Father recognized his good work for the diocese of Cleveland by appointing him Bishop.

Bishop Pevec's warmth and compassion have been felt by many in the City of Cleveland over the past half-century, and I am certain his light shall shine upon us for many years to come. I join all my fellow Cleveland parishioners, and all who have come to know Bishop Pevec in congratulating him on his 50 years of service to the Lord and to his fellow man. He is a true inspiration to us all.●

TOOTSIE FERRELL AND THE DELAWARE SPORTS HALL OF FAME INDUCTEES

● Mr. ROTH. Mr. President, on May 11, eight new members were inducted into the Delaware Sports Hall of Fame. I congratulate all the honorees. They truly deserve to be recognized for their unique, individual contributions to athletics and to the state of Delaware.

The inductees are: Dale Farmer, former executive director of the Delaware Secondary Schools Athletic Association; Robert "Clyde" Farmer, a stand-out pitcher in the local fast-pitch softball leagues of the 1940s and 50s; C. Walter Kadel, who coached and taught physical education to Wilmington's children for more than three decades; Ron Luddington, a bronze medal winner in the 1960 Olympics, who now coaches future skating champions at the University of Delaware ice rink; Betty Richardson, who coached championship field hockey teams at Tower Hill High School, and won championships of her own on the golf course; G. Henry White, a star rusher on the gridiron at Cape Henlopen High School and at Colgate University; Matt Zabitka, who has covered sports in the Delaware Valley for nearly half a century; and Howard "Tootsie" Ferrell, a Delawarean who played with some of the greatest baseball talent of all-time in the Negro League.

An editorial in The News Journal newspaper called this group "a very diverse group of honorees—one of the most varied in its history. The Sports Hall of Fame now represents all sorts of sports greats—white people, minorities, women * * *."

And it is in that spirit that I want to talk about one of those inductees right now.

Howard "Tootsie" Ferrell was a pitcher in the Negro League who once barnstormed with Jackie Robinson who went on the break the color barrier, and integrate major league baseball. Ferrell got his start with the Newark Eagles in 1947. For the next two seasons, he played with the Baltimore Elite Giants. Following in the footsteps of the great Jackie Robinson, Ferrel's contract was purchased by the Brooklyn Dodgers, where he spent 3 seasons in the Dodgers' farm system. A nagging injury cut Ferrell's baseball career short. But the real reason "Tootsie" Ferrell never got his chance to play in the majors was because of the prejudice that kept America's pastime segregated for so many years.

It may be hard for younger Americans to imagine a world where the best African-American players were not allowed to play on the same field with the best white players. The first appearance of an official color barrier in baseball came in 1868, when the National Association of Baseball Players voted to bar any club that had non-white members. Professional baseball eventually followed suit. Sadly, by the turn of the century there were no black players in organized, professional baseball.

But exclusion from the "white" leagues did not stop African-Americans from playing the game of baseball. Instead, they formed teams and leagues of their own. In 1920, an African-American businessman named Rube Foster organized a collection of independent all-black ball clubs into the Negro National League. In 1923, the competing Eastern Colored League was formed. These two leagues operated successfully for years—delighting crowds, showcasing the talent of African-American athletes, and inspiring future generations of baseball players. A new Negro National League was organized in 1933, and the Negro American League was chartered four years later. These leagues thrived until the color barrier was finally shattered by Jackie Robinson. And although all-black teams continued to play for several years, integrated major league baseball eventually put the Negro Leagues out of business.

The history of the white major leagues has been well documented. Unfortunately, the same is not true of the Negro Leagues. While it is easy to look up how many home runs Babe Ruth hit or how many batters the great Walter Johnston struck out, the same cannot be done for Negro League greats like Josh Gibson and Satchel Paige. As time goes by, there are fewer and fewer men left who played "the other" game of baseball before the color barrier was broken. That is why it is so important we honor men like "Tootsie" Ferrell. He began his baseball career in a league that was separate but unequal. He saw this ugly and unfair color barrier disappear, just as it eventually would in other aspects of American society.

I congratulate Howard "Tootsie" Ferrell for his achievement, and I commend the Delaware Sports Hall of Fame for his induction.●

TRIBUTE TO LIEUTENANT GENERAL RONALD R. BLANCK

● Mr. WARNER. Mr. President, I would like to recognize the exceptionally distinguished service of Lieutenant General Ronald R. Blanck, United States Army, who has distinguished himself as the Army's 39th Surgeon General and Commander, U.S. Army Medical Command General, from 1 October 1996 to 31 August 2000.

In addition to serving as the principal medical staff advisor to the Army Chief of Staff, Lieutenant General Blanck also serves as Commander of the United States Army Medical Command, which administers a 6.6 billion-dollar worldwide-integrated health care system with 46,000 military personnel and 26,000 civilian employees. During his tenure, Lieutenant General Blanck concentrated on three major areas, readiness, quality of healthcare, and innovation, to ensure the provision of comprehensive, quality healthcare to soldiers, retirees, and their family members. Lieutenant General Blanck implemented a new set of combat support training standards; energized the Army's Medical Reengineering Initiative; and organized an array of Special Medical Augmentation Response Teams to provide global, rapid-deployment capabilities for local, state and federal agencies. He provided oversight for the Defense Department Anthrax Vaccine Immunization Program; and established a successful, Army-wide Medical Protection System to track all immunization data. In addition, he established new partnerships with civilian trauma centers to provide appropriate hands-on training and experience for military surgical trauma teams.

Lieutenant General Blanck has been a leader in the development and use of clinical practice guidelines and helped implement the Department of Defense clinical practice guidelines partnership with the Department of Veterans Affairs. As a direct result of his initiatives, Army medical treatment facilities have been accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), with scores consistently above 90, the highest in the history of the Army Medical Department, with three prestigious Army hospitals receiving perfect scores of 100 on their JCAHO surveys during the past year. Lieutenant General Blanck has championed the use of modern technologies by the Department of Defense and the Army Medical Department. He supported an innovative Simulation Center initiative, and promoted the dissemination of information about chemical and biological terrorism. He has also enthusiastically advocated the introduction of new, advanced technologies into patient care, including: (1) the Medical Personal Information Carrier which stores soldiers' medical and personal information, (2) a dry fibrin sealant bandage, developed by Army research in cooperation with the American Red Cross, (3) multiple and extensive uses of telemedicine, (4) new initiatives to speed evacuation of wounded soldiers from the battlefield.

Mr. President, Lieutenant General Blanck is a great credit to the Army and the Nation. Even with all of the extraordinary accomplishments during his thirty-two years of service, General Blanck will be remembered mostly for his great compassion for people, his loyalty to his country and his inspirational leadership.•

RECOGNITION OF DR. PAT JOHNSON, PRINCIPAL OF KENT ELEMENTARY SCHOOL

• Mr. GORTON. Mr. President, the students at Kent Elementary School have witnessed many innovative changes thanks to the hard work and foresight of their principal, Dr. Pat Johnson. For the last nine years, Dr. Johnson has been called a strong and supportive leader by her colleagues and never ceases to make the mark of excellence high for her staff and students. I applaud Dr. Johnson's work in transforming an at-risk school into one of excellence.

Kent Elementary School serves a low income and highly transient population, yet Dr. Johnson believes in the abilities of all students, preaching her motto that "Together Everyone Achieves More" (TEAM). Though many students face challenges both at home and in the classroom, Dr. Johnson uses her positive attitude to inspire her staff toward maintaining an environment that promotes student learning.

One example of Johnson's commitment to enhancing student achievement was by creating a school-wide discipline program. Through this program, discipline problems have dramatically decreased on the playground and in the classroom. Dr. Johnson also believes in reinforcing positive social skills to the children through rewards and student recognition. All of the staff members share in this "Positive Action" program, making teamwork a priority for the children.

Dr. JOHNSON has also implemented block scheduling to maximize student learning. In order to better target students' math and reading skills, students attend specifically assigned classes that fit their appropriate learning levels, giving children the opportunity to move to other classrooms as their needs and skill levels improve throughout the year.

Student reading levels have also improved because of Dr. Johnson's Reading Mastery program which focuses on strategies that help students reach academic success. Johnson's impact on her students is also evident in Kent Elementary's 1998 Washington Assessment of Student Learning (WASL) writing scores which were the highest scores in the Kent School District.

Another challenge taken on by Principal Johnson was giving students a sense of stability in their lives by creating a "multi-age format" in each classroom. This system allows students to have the same home-room teacher for two years and lowers the student/teacher ratio.

Clearly Dr. Johnson is a tremendous leader who works to enrich her students' lives. She has established many new ways to improve student learning and continues to inspire her staff and students to conquer new challenges. Clearly Dr. Johnson is an influential principal who is making local education in Washington State even stronger.•

AAA OHIO MOTORISTS ASSOCIATION 100TH ANNIVERSARY

• Mr. VOINOVICH. Mr. President, I rise today to recognize the 100th anniversary of the AAA Ohio Motorists Association.

On January 8, 1900, seven prominent Cleveland businessmen with ties to the automotive industry met in a small room in the Old Hollenden House Hotel on Superior Avenue to incorporate an organization that would promote and protect their interests in the growth of the automobile. Their belief in the future of this fledgling industry led to the founding of the Cleveland Automobile Club. Over the years, as cars became more popular, the Club expanded and the name changed, finally becoming the AAA Ohio Motorists Association. But through it all, the successor organization to the first meeting of the Cleveland Automobile Club celebrates not only its 100th anniversary this year, but its stature as the oldest automobile club in the world.

I have often said that the one organization that I listen to in Ohio which represents the motoring public is the American Automobile Association, and I am certain many of my colleagues feel the same way. AAA's service to its members is renowned, and there are many cold and rainy nights where that service is especially appreciated, via AAA's Emergency Road Service. In addition, AAA provides Approved Auto Repair service, AAA Travel Agency and high quality maps and TourBooks. These are some of the services that AAA members have depended upon for generations; services that are possible, in part, because of the many firsts that can be attributed to the association. The Cleveland Automobile Club opened the first travel agency in the State of Ohio; operated the first license bureau in the state; and was the first in the United States to use radios to dispatch emergency road service vehicles. In addition, the Ohio Motorist magazine, which has been published for 92 years, was recently selected as one of the best magazines in Ohio.

Ohio Motorists Association members as well as non-members benefit from the OMA's support of local communities' traffic, bike and pedestrian safety programs, including the Helmet Smart and Community Traffic Safety programs. Also, the Ohio Motorists Association is a leader in the promotion of seat belt safety and courteous, responsible driving.

From those first 7 members in Cleveland 100 years ago, the AAA Ohio Motorist Association has grown to serve over 650,000 members in nine counties today. As they begin another 100 years, I know that the AAA Ohio Motorists Association will continue help stranded motorists, plan trips, and perform the many services that members have come to enjoy.

On behalf of the citizens of Northeast Ohio, I congratulate the AAA Ohio Motorists Association on their centennial and look forward to many more years of service.•

MESSAGES FROM THE HOUSE

At 11:02 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, with amendments in which it requests the concurrence of the Senate.

S. 1402. An act to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 371) to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 297. An act to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes.

H.R. 2498. An act to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

H.R. 3544. An act to authorize a gold medal to be presented on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding, and for other purposes.

H.R. 3637. An act to amend the Homeowners Protection Act of 1998 to make certain technical corrections.

H.R. 3639. An act to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S. Truman Federal Building."

H.R. 4392. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 4489. An act to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 293. Concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

ENROLLED BILL SIGNED

At 12:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 371. An act to expedite the naturalization of aliens who served with special guerrilla units in Laos.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3637. An act to amend the Homeowners Protection Act of 1998 to make certain technical corrections; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times, and placed on the calendar:

H.R. 297. An act authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes.

H.R. 2498. An act to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

H.R. 4392. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The following permanent resolution was read, and placed on the calendar.

H. Con. Res. 293. A concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1291. An act to prohibit the imposition of access charges on Internet service providers, and for other purposes.

H.R. 3591. An act to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

H.R. 4051. An act to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

H.R. 4251. An act to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight of nuclear transfer to North Korea, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9079. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; OPSAIL 2000, Port of Hampton Roads, VA (CGD05–99–068)" (RIN2115–AA97) (2000–0019), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9080. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Tall Ships Delaware, Delaware River, Wilmington, DE (CGD05–00–008)" (RIN2115–AA97) (2000–0018), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9081. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; OPSAIL 2000, Port of Baltimore, MD (CGD05–99–097)" (RIN2115–AA97) (2000–0017), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9082. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Chelsea Street Bridge, Chelsea River, Chelsea, MA (CGD01–00–123)" (RIN2115–AA97) (2000–0013), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9083. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; OPSAIL 2000/International Naval Review (INR2000), Port of New York/New Jersey (CGD01–99–050)" (RIN2115–AA97) (2000–0020), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9084. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Atlantic Ocean. Virginia Beach, VA (CGD05–00–013)" (RIN2115–AA97) (2000–0015), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9085. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port Graham, Cook Inlet, AK (COTP Western Alaska 00–003)" (RIN2115–AA97) (2000–0014), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9086. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Upper Mississippi River (CGD08–00–009)" (RIN2115–AE47) (2000–0028), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9087. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Upper Mississippi River (CGD08–00–009)" (RIN2115–AE47) (2000–0028), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9088. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; OPSAIL 2000, Port of San Juan, PR (CGD07–00–014)" (RIN2115–AE46) (2000–0003), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9089. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Emergency Control Measures for Tank Barges (USCG–1948–4443)" (RIN2115–AF65) (2000–0001), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9090. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a final rule entitled "Airworthiness Directives: McDonnell Douglas Model 717–200 Series Airplanes; Docket No. 2000–NM–99 [5–5/5–18]" (RIN2120–AA64) (2000–0265), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9091. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a final rule entitled "Airworthiness Directives: McDonnell Douglas DC–9 Series and Model MD–88 and MD–90–30 Airplanes; Docket No. 97–NM–244 [5–9/5–18]" (RIN2120–AA64) (2000–0266), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9092. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a final rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–8 Series Airplanes; Docket No. 99–NM–338 [5–3/5–18]" (RIN2120–AA64) (2000–0262), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9093. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a final rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 and MD–11F Series Airplanes; Docket No. 99–NM–265 [5–14/5–18]" (RIN2120–AA64) (2000–0251), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9094. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a final rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99—NM–270 [5–14/5–18]" (RIN2120–AA64) (2000–0250), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9095. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a final rule entitled "Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–269 [5–14/5–18]" (RIN2120–AA64) (2000–0249), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9096. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a final rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99–NM–268 [5-14/5-18]" (RIN2120-AA64) (2000-0248), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9097. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a final rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-266 [5-14/5-18]" (RIN2120-AA64) (2000-0255), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9098. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a final rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 and MD-11F Series Airplanes; Docket No. 99-NM-267 [5-14/5-18]" (RIN2120-AA64) (2000-0265), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9099. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a final rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-264 [5-5/5-18]" (RIN2120-AA64) (2000-0265), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9100. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a final rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-263 [5-14/5-18]" (RIN2120-AA64) (2000-0252), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9101. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a final rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-8 Series Airplanes; Docket No. 2000-NM-01 [5-2/5-18]" (RIN2120-AA64) (2000-0261), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9102. A communication from the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated May 11, 2000; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Foreign Relations; Appropriations; the Budget; Energy and Natural Resources; Banking, Housing, and Urban Affairs; and Environment and Public Works.

EC–9103. A communication from the Office of Management and Budget, Executive Office of the President transmitting, pursuant to law, a report relative to the appropriation to the National Transportation Safety Board for salaries and expenses for fiscal year 2000; to the Committee on Appropriations.

EC–9104. A communication from the Office of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Authority Relating to Utility Privatization" (DFARS Case 99-D309), received May 19, 2000; to the Committee on Armed Services.

EC–9105. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9106. A communication from the Secretary of Defense, transmitting the report of a retirement; to the Committee on Armed Services.

EC–9107. A communication from the Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report relative to the status of the Oxford House Project; to the Committee on Armed Services.

EC–9108. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–9109. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Norway, Ukraine, Russia and the United Kingdom; to the Committee on Foreign Relations.

EC–9110. A communication from the Government Printing Office, transmitting the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–9111. A communication from the Federal Election Commission, transmitting the annual report for calendar year 1999; to the Committee on Rules and Administration.

EC–9112. A communication from the John F. Kennedy Center for the Performing Arts transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on Rules and Administration.

EC–9113. A communication from the Assistant Secretary of the Interior, Indian Affairs transmitting, pursuant to law, a report relative to the use and distribution of the settlement funds that are being held in trust for the Menominee Indian Tribe of Wisconsin; to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–524. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to the collection of certain kinds of information from patients in a home health care setting; to the Committee on Finance.

House Concurrent Resolution 20

Whereas, the quality of health care for home health agency patients is highly desired, the health care provided by the home health agency needs to be examined in order to ascertain whether improvements are necessary, and to determine what aspects to improve; and

Whereas, the Balanced Budget Act of 1997 created a new Medicare payment system to improve the existing payment system, and must be in place by October 2000. The Health Care Financing Administration (HCFA) will force home health care agencies to collect and report personal and medical information; and

Whereas, this sensitive personal information will be collected and used, without the consent of the patients, not only to create the new Medicare payment system, but also to improve quality of care, and eliminate fraud; and

Whereas, home health care agencies participating to Medicare and Medicaid are collecting patient information, and data transmission from the states to HCFA has commenced; and

Whereas, the Outcome and Assessment Information Set (OASIS) survey is the 19-page conduit required by HCFA to collect a range of medical and personal questions from more than 9,000 Medicare certified home health care providers to complete in order to assess more than 4,000,000 patients; and

Whereas, patients who receive federal benefits must disclose personal information including physical, mental, and functional information: patients' medical history; living arrangements; sensory status; medications; and emotional status through behavioral and psychological profiles. Home health care patients who do not collect federal benefits must also disclose personal information in a scaled back version of the OASIS survey; and

Whereas, the American Civil Liberties Union (ACLU) asserts that the database will be used to perform outcomes research on home-care patients; and

Whereas, the ACLU is concerned with HCFA's collection of data because it cannot justify overriding the Fourth Amendment of the U.S. Constitution, the requirements of medical ethics, and the federal regulations on research involving human subjects, which asserts that any research using fully identified information requires fully informed consent; and

Whereas, HCFA is unwilling to allow patients to opt out of this data collection system; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That due to HCFA's intrusion of government bureaucracy into private transactions that take place outside of a federal program into personal liberty and privacy, New Hampshire urges Congress to block HCFA's intrusive regulations, and to work to protect the personal liberty and privacy of every American; and

That copies of this resolution, signed by the speaker of the house of representatives and the president of the senate, be forwarded by the house clerk to the Speaker of the United States House of Representatives, to the President of the United States Senate, and to the governor of each state.

POM–525. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to Medicare coverage for immunosuppressive drugs; to the Committee on Finance.

SENATE RESOLUTION NO. 153

Whereas, The medical community has made remarkable advancements in the effectiveness of immunosuppressive drugs that are used to prevent organ rejection in transplant patients. This has contributed to the great strides that have occurred in the field of organ transplantation; and

Whereas, While these drugs are expensive, the quality of life they afford and the more costly health procedures they can avoid make immunosuppressive medicines a worthwhile investment. In many instances, people previously disabled for long periods of time are able to return to work and live a full life as productive citizens; and

Whereas, Under current law, Medicare will provide for immunosuppressive drugs for up to three years following a transplant. It has become apparent to those in the medical community working with patients receiving kidneys, hearts, and livers that this limit puts transplant recipients at risk and is counterproductive. In contrast to the limited coverage for the immunosuppressive drugs, for example, a patient needing kidney dialysis can receive coverage for that procedure indefinitely. Costs for dialysis are significantly higher than for most immunosuppressive regimens. A successful transplant patient is more likely to return to work than many dialysis patients; and

Whereas, Congress is presently considering measures that would extend Medicare coverage for immunosuppressive drugs. This step is a most appropriate response to the needs of transplant patients and a more effective long-term approach to a serious health-care issue; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to remove the time limit for Medicare coverage for immunosuppressive drugs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–526. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to the responsible use of agricultural biotechnology for the benefit of Hawaii's people; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 37

Whereas, biotechnology refers to any technique that uses living organisms or parts thereof to make or modify a product or plants, animals, or microorganisms for specific uses; and

Whereas, traditional biotechnology, primarily breeding and selection, has been used by humankind for thousands of years for the improvement of plants, animals, and microorganisms; and

Whereas, in the last three decades scientific advances in molecular biology have resulted in what is known as recombinant DNA technology or "genetic engineering" with the ability to readily move genetic material between more distantly related organisms; and

Whereas, the key components of modern biotechnology are genomics, the molecular characterization of all genes and gene products of a species; bioinformatics, the assembly of data from genomic analysis into accessible and usable forms; transformation, the introduction of single genes conferring useful traits into plants, livestock, fish, tree species, etc.; the identification and evaluation of useful traits in breeding by the use of marker-assisted selection; diagnostics, the more accurate and quicker identification of disease-causing agents, or pathogens, by using new diagnostic techniques based on the molecular characterization of pathogens; and vaccine technology, the use of modern immunology to develop recombinant DNA vaccines for improved control against lethal diseases; and

Whereas, the papaya industry in Hawaii survived the risks of disease and pest infestations with transgenic seeds made possible from advances in biotechnology; and

Whereas, organisms improved, or "transformed," through modern biotechnology are commonly referred to as "genetically-modified" or "bioengineered organisms"; and

Whereas, modern biotechnology has several advantages over traditional biotechnology including the ability to transfer a single, specific gene providing a useful trait to a target organism, the more rapid development of varieties containing new and desirable traits, the knowledge that a specific gene or set of genes produce a desired trait, and the availability of the entire span of genetic capabilities among all organisms; and

Whereas, modern biotechnology is being used to increase the productivity of crops and livestock, to improve the quality of life by developing new high-yielding crops that require fewer inputs and conserve natural resources, to increase the food supply for a rapidly increasing human population, to produce more nutritious foods with longer shelf lives, and to continue to provide consumers with high-quality, low-cost food products; and

Whereas, it is estimated that in 1999 about 100 million acres worldwide were planted with transgenic varieties of more than 20 crop species and the value of transgenic crops grew from $75 million in 1995 to $1.64 billion in 1998; and

Whereas, the National Research Council has stated that bioengineered crops should provide no greater risk to the environment than those crops using traditional biotechnology; and

Whereas, further advances in modern biotechnology may result in crops, for example, that combat vitamin and mineral deficiencies that afflict hundreds of millions of people worldwide or that can be used to produce life-saving vaccines and biodegradable plastics; and

Whereas, a 1999 report of the Nuffield Council on Bioethics concluded that there is compelling moral imperative to enable emerging economies to evaluate the use of modern biotechnology to combat hunger and poverty; and

Whereas, a September 1999 Gallup Poll found that Americans most familiar with modern biotechnology are also the most supportive of its use to improve our food supply and that more than three-fourths of Americans are confident in the federal government to ensure the safety of the nation's food supply; and

Whereas, federal law requires that all foods and food ingredients, whether produced by traditional or modern biotechnology, must be extensively reviewed for safety by the U.S. Food and Drug Administration and meet the provisions of the Federal Food, Drug, and Cosmetics Act before they can be sold to consumers; now, therefore, be it

Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, the Senate concurring, supports the responsible use of modern biotechnology to benefit the people of Hawaii, the nation, and the world, and the global environment through high-yield agricultural production requiring the reduced use of farm inputs and acreage; and be it further

Resolved, that a certified copy of this Concurrent Resolution be transmitted to the President of the United States, the Vice President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Hawaii U.S. Congressional Delegation, the Secretary of the United States Department of Agriculture, the Director of the United States Food and Drug Administration, the Administrator of the United States Environmental Protection Agency, the Governor of the State of Hawaii, the Chairperson of the University of Hawaii College of Tropical Agriculture and Human Resources, the American Farm Bureau Federation, the American Crop Protection Association, the Western Crop Protection Association, the Responsible Industry for a Sound Environment, the Grocery Manufacturers of America, the Hawaii Food Industry Association, the Hawaii Food Manufacturers Association, the Hawaii Farm Bureau Federation, the Hawaii Crop Improvement Association, and the Hawaii Agriculture Research Center.

POM–527. A concurrent resolution adopted by the Legislature of the State of Kansas relative to amending the Constitution to restrict the ability of the federal judiciary to mandate any state or subdivision thereof to levy or increase taxes; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 5059

Whereas, Unfunded mandates by the United States Congress and the executive branch of the federal government increasingly strain already tight state government budgets if the states are to comply; and

Whereas, To further compound this assault on state revenues, federal district courts, with the blessing of the United States Supreme Court, continue to order states to levy or increase taxes to supplement their budgets to comply with federal mandates; and

Whereas, The court's actions are an intrusion into a legitimate legislative debate over state spending priorities and not a response to a constitutional directive; and

Whereas, The Constitution of the United States of America does not allow, nor do the states need, judicial intervention requiring tax levies or increases as solutions to potentially serious problems; and

Whereas, This usurpation of legislative authority begins a process that over time could threaten the fundamental concept of separation of powers that is precious to the preservation of the form of our government embodied by the Constitution of the United States of America; and

Whereas, Fifteen states, including Alabama, Alaska, Arizona, Colorado, Delaware, Louisiana, Massachusetts, Michigan, Missouri, Nevada, New York, Oklahoma, South Dakota, Tennessee and Utah, have petitioned the United States Congress to propose an amendment to the Constitution of the

United States of America that reads as follows: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or and official of such state or political subdivision, to levy or increase taxes.": Now, therefore, be it

Resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Kansas Legislature respectfully requests and petitions the Congress of the United States to propose submission to the states for their ratification an amendment to the Constitution of the United States of America to restrict the ability of the United States Supreme Court or any inferior court of the United States to mandate any state or political subdivision of the state to levy or increase taxes; and be it further

Resolved, That the Secretary of State is hereby directed to send enrolled copies of this section to the President of the United States; the President pro tempore of the United States Senate; the Speaker of the United States House of Representatives; each member of the Kansas Congressional Delegation; each member of the United States Supreme Court and the United States Court of Appeals for the 10th Circuit and all federal district court judges for the district of Kansas; and each member of the Kansas Supreme Court and the Kansas Court of Appeals and all Kansas district court judges.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committee were submitted:

By Mr. WARNER for the Committee on Armed Services.

General John A. Gordon, United States Air Force, to be Under Secretary for Nuclear Security, Department of Energy.

(The above nomination was reported with the recommendation that confirmation be subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following named officer for appointment in the United States Army as Dean of the Academic Board, United States Military Academy, and for appointment to the grade indicated under title 10, U.S.C., section 4335:

To be brigadier general

Col. Daniel J. Kaufman, 3704

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Robert J. Natter, 0422

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. MURKOWSKI for the Committee on Energy and Natural Resources.

Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Science, Department of Energy.

(The above nomination was reported with the recommendation that she be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERREY:

S. 2616. A bill for the relief of Luis A. Gonzalez and Virginia Aguilla Gonzalez; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. ROBERTS, Mr. DORGAN, Mrs. LINCOLN, and Mr. JEFFORDS):

S. 2617. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Finance.

By Mr. REID:

S. 2618. A bill to direct the Secretary of the Interior to sell certain land to the town of Kingston, Nevada, for use as an emergency medical air evacuation site and for other public uses; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. ROBB, and Mr. KENNEDY):

S. 2619. A bill to provide for drug-free prisons; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. BRYAN):

S. 2620. A bill to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building"; to the Committee on Governmental Affairs.

By Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. L. CHAFEE, Mr. HARKIN, Mr. KOHL, Mrs. BOXER, Mr. DURBIN, Mr. WYDEN, and Mr. KENNEDY):

S. 2621. A bill to continue the current prohibition of military cooperation with the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions are being met; to the Committee on Foreign Relations.

By Mr. ROBERTS (for himself and Ms. SNOWE):

S. 2622. A bill to amend the Internal Revenue Code of 1986 to encourage stronger math and science programs at elementary and secondary schools; to the Committee on Finance.

By Mr. ROBERTS (for himself and Ms. SNOWE):

S. 2623. A bill to amend the Elementary and Secondary Education Act of 1965 to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS (for himself and Ms. SNOWE):

S. 2624. A bill to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. DODD, Mr. HUTCHINSON, Mr. WELLSTONE, Mr. TORRICELLI, Mr. MURKOWSKI, Mr. DORGAN, Mr. LIEBERMAN, and Mr. MOYNIHAN):

S. 2625. A bill to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS:

S. 2626. A bill to amend the Internal Revenue Code of 1986 to improve access to tax-exempt debt for small non-profit health care and educational institutions; to the Committee on Finance.

By Mr. BURNS:

S. 2627. A bill to direct the Secretary of the Interior to provide funding for rehabilitation of the Going-to-the-Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MACK:

S. 2628. A bill to suspend temporarily the duty on R115777; to the Committee on Finance.

By Mr. HELMS:

S. 2629. A bill to designate the facility of the United States Postal Service located at 114 Ridge Street in Lenoir, North Carolina, as the "James T. Broyhill Post Office Building"; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH (for himself, Mr. BIDEN, Mr. LOTT, Mr. HELMS, and Mr. VOINOVICH):

S. Con. Res. 117. A concurrent resolution commending the Republic of Slovenia for its partnership with the United States and NATO, and expressing the sense of Congress that Slovenia's accession to NATO would enhance NATO's security, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself, Mr. DORGAN, and Mrs. LINCOLN):

S. 2617. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Finance.

THE TRADE NORMALIZATION WITH CUBA ACT OF 2000

Mr. BAUCUS. Mr. President, I rise today, on behalf of myself and Senators ROBERTS, DORGAN, and LINCOLN, to introduce the Trade Normalization With Cuba Act of 2000.

For 40 years, we have implemented a series of policies designed to end Fidel Castro's leadership of Cuba. The instruments we have used have included a trade embargo, an invasion of Cuba, assassination attempts, and multilateral pressures. None of these measures has moved Cuba any closer to democracy and a market economy. In fact, the result has been just the opposite. Castro is as entrenched as ever. The economy is in tatters. The Cuban people are suffering.

For four decades, Castro has suppressed his own citizens. He has been responsible for the imprisonment and mistreatment of thousands, and the emigration of hundreds of thousands. He has dispatched Cuban troops around the world to support revolution.

During the Cold War, Cuba was an integral member of the Soviet bloc. Castro was an eager and active participant in the proxy battles fought between the United States and the Soviet Union throughout Africa, Asia, and Latin America.

The Cold War has been over for a decade. The embargo, which had the goal of forcing Castro out of power, has failed totally. And it will continue to have no impact on the longevity of Castro's rule.

What has the embargo and American policy actually done? It has certainly done nothing to advance liberty and democracy for the Cuban people. And there are no prospects that it will.

What has the embargo done? First, it prohibits all trade with Cuba. It does include an exception for the sale of food and medicine. However, the requirements are so complex and burdensome on U.S. suppliers that very little food or medicine has been exported to Cuba. We hurt the Cuban people. We hurt American business, American farmers, and American workers. And we have had no impact on the regime.

We have succeeded in alienating virtually all potential allies who would be willing to work with us in developing a realistic policy to influence change in Cuba—the nations of the European Union, Canada, the Organization of American States, the United Nations, even the Pope.

Another accomplishment of our policy of our trade embargo, we now have a law, the Cuban Liberty and Democratic Solidarity Act, that prohibits lifting the embargo until there is a transition government in Cuba that does not include Castro. This is an "all or nothing policy" that cannot work in the real world.

Unilateral trade sanctions don't work. This is as true with Cuba as it has been with China, Myanmar, Iraq, or North Korea. In some cases, it hurts the people in those countries. And it hurts Americans, our farmers, ranchers, workers, and businesses.

Forty years of sanctions have accomplished nothing in Cuba. It is time for the Congress to recognize that. I fully support the efforts being made again this year in both the Senate and the House to remove the unilateral restraints we have put on our export of food and medicine to a number of countries, including Cuba. This bill is not a substitute for those efforts. Rather, this bill is directed only toward Cuba, and goes far beyond liberalization of food and medicine exports.

Thomas Jefferson said "Enlighten the people generally, and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of the day." Current US policy turns Jefferson's statement on its head. Our effort to isolate Cuba through the trade embargo and other policies has failed to bring human rights improvement, has provided a pretext for Castro's continued repression, makes the United States the scapegoat for Castro's failed economic policies, and hurts the Cuban people.

It is time to put together a responsible strategy to improve the human condition in Cuba and set the stage for increased freedom and respect for human rights once Fidel Castro leaves the scene.

Obviously, Cuba will not change overnight with the removal of the trade embargo. But this bill is a first step down the road to a peaceful transition to a democratic society and a market economy in Cuba.

Before I conclude, I want to recognize my friend, Congressman Charles Rangel, who has been a leader in trying to end the embargo and move toward normalization of relations with Cuba. I look forward to working closely with him to make this happen.

I urge my Senate colleagues to support our effort.

By Mr. REID:

S. 2618. A bill to direct the Secretary of the Interior to sell certain land to the town of Kingston, Nevada, for use as an emergency medical air evacuation site and other public uses; to the Committee on Energy and Natural Resources.

EMERGENCY LANDING STRIP CONVEYANCE

Mr. REID. Mr. President, I rise today to introduce the Town of Kingston Emergency Landing Strip Conveyance Act.

The Town of Kingston, Nevada, currently uses federal land as an emergency landing strip at Kingston in southern Lander County, Nevada. Kingston is a rural town located on a small island of private land in the center of the state and is surrounded by both United States Forest Service and Bureau of Land Management (BLM) public lands. The isolation constrains the growth, economic diversity, and public services available to those who live in or visit Kingston. Medic Air of Reno has an agreement with local Fire and Rescue to provide 24-hour emergency medical service to this landing strip. BLM has extended the existing airport lease to the Kingston Town Board until September 30, 2000, but cannot renew the lease because the strip does not meet FAA standards.

This Act will convey a total of 144.88 acres to the Town of Kingston. Seventy acres will be conveyed at fair market value and 74.88 acres at no cost. The 70 acres contains the main landing strip. The 74.88 acres contains the balance of the approach and the disposal of this land for no consideration will benefit the United States by disposing of an isolated, segregated parcel that would be difficult to manage for public use. It is my sincere hope that Congress will pass this bill thereby allowing a win-win situation for both the United States and Kingston, Nevada.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE.

(a) Findings.—Congress finds that—

(1) the lease by the Secretary of the Interior of certain land to the town of Kingston, Nevada, for use as an emergency airstrip is about to expire;

(2) rather than renew the airport lease (which would require certification by the Federal Aviation Administration), the Secretary and the Town desire that the parcel on which the main landing strip is situated be sold to the Town for fair market value as determined by the Secretary;

(3) adjacent to that parcel is other land, most of which, if the airstrip parcel is sold to the Town, would be isolated from other land administered by the Secretary and would therefore be difficult for the Secretary to manage;

(4) it would in the best interests of the United States and the Town for the Secretary to convey to the Town both the airstrip parcel and the adjacent parcel, at the fair market value of the airstrip parcel; and

(5) the parcels have been determined to be suitable for disposal in the Shoshone-Eureka Resource Management Plan and Environmental Impact Statement.

(b) Definitions.—In this section:

(1) Adjacent parcel.—The term "adjacent parcel" means the parcels of land in the State of Nevada, comprising 74.88 acres, described as Mount Diablo Meridian, T16N, R44E, section 31, lot 4, E1/2NESE, S1/2SWNESE, S1/2S1/2NWSE.

(2) Airstrip parcel.—The term "airstrip parcel" means the parcel of land, with a landing strip running on an easterly bearing and a portion of a landing strip running on a southerly bearing, in the State of Nevada, comprising 70.00 acres, described as Mount Diablo Meridian, T16N, R44E, section 31, N1/2SESW, N1/2SWSE, N1/2SESE, SESESE.

(3) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) Town.—The term "Town" means the town of Kingston, Nevada.

(c) Conveyance.—In consideration of payment of the fair market value of the airstrip parcel, the Secretary of the Interior shall convey to the Town, subject to valid existing rights, all right, title, and interest of the United States in and to the airstrip parcel and the adjacent parcel, totaling 144.88 acres.

(d) No Reservations.—The patent by which the conveyance under subsection (c) is made shall contain no reservations.

(e) Lease Extension.—If for any reason the conveyance under subsection (c) is not completed before September 30, 2000, the term of the airport lease, as in effect on the date of enactment of this Act, shall be considered to be extended until the date of the conveyance.

By Mr. LEAHY (for himself, Mr. Robb, and Mr. Kennedy):

S. 2619. A bill to provide for drug-free prisons; to the Committee on the Judiciary.

THE DRUG-FREE PRISONS ACT OF 2000

Mr LEAHY. Mr. President, today I am introducing legislation—with Senators Robb and Kennedy—that will provide state and local governments additional tools to fight drug use in our nation's prisons. It is critical that our prisons be drug-free, both because lawbreaking within our correctional system is a national embarrassment, and because prisoners who are released while still addicted to drugs are far more likely to commit future crimes than prisoners who are released sober. This bill includes numerous provisions that will provide needed help to address drug abuse in prisons throughout the country.

The bill establishes a new grant program that authorizes the Attorney General to make $75 million a year in grants to state and local governments to support comprehensive drug testing and treatment for prisoners and other offenders. It would also permit states that currently receive money under the Violent Offender Incarceration and Truth in Sentencing Grant Program (VOI/TIS) to use those funds to pay for drug testing and treatment, so long as the state receiving the funds has penalties in place to address drug trafficking in prisons. In addition, the bill would reauthorize appropriations for the Residential Substance Abuse for State Prisoners (RSAT) grants program for the next five years, and establish exemptions to the general four-year time limit on Byrne grants for state and local law enforcement programs involving drugs.

The bill also re-establishes the drug courts program and re-authorizes funding for it. The majority repealed the program in the Omnibus Consolidated Rescissions and Appropriations Act of 1996, in a partisan bashing of Democratic programs. In my view, effective programs dealing with drug abuse should not be used as political footballs. That is why the Administration, with the strong support of the Department of Justice, has continued to seek funding for the program, and why the Congress has continued to fund drug courts in every year's appropriations acts. This has been the right decision, and we should undo the repeal.

Drug courts provide the opportunity to deal systematically with nonviolent drug offenders at a substantial savings to taxpayers. Instead of jailing these nonviolent offenders, the courts can order alternative punishments that are mixed with mandatory testing and drug treatment and human services such as education or vocational training. Meanwhile, imprisonment is held out as a stick to ensure good behavior. To qualify for federal assistance, a drug court program must mandate periodic drug testing during any supervised release or probation periods, provide drug abuse treatment for each participant, and must hold out the possibility of prosecution, confinement, or incarceration for noncompliance or failure to show satisfactory process. Violent offenders are defined quite broadly, so we can be confident that we are not funding programs that put dangerous people back on the streets. Drug courts hold out the promise of providing a way that we can reach out to younger offenders who are using drugs before they turn to a life of crime, helping to save lives and significant government resources.

The bill permits state and local governments to spend up to 25 percent of unexpended VOT/TIS grants from fiscal years 1996–2001 to implement graduated sanctions, including victim and community restitution, intensive community supervision, regular drug testing, and short-term incarceration. Such graduated sanctions initiatives would free up additional prison space for violent offenders, and States would have to use this program for that purpose. Indeed, the purpose of this proposal is to ensure that States have sufficient flexibility to guarantee that violent criminals serve their full sentences, the goal of the Truth in Sentencing grants.

Drug abuse in prisons is a serious problem. The National Center on Addiction and Substance Abuse at Columbia University (CASA) recently found that drug and alcohol abuse was implicated in the crimes and incarceration of 80 percent of those currently serving time in America's prisons. This finding shows that we have a prison population that has a history of substance abuse, and will seek out opportunities to continue using drugs while imprisoned. Of course, if prisoners are using drugs in prison, this will create serious behavioral and other problems that corrections officers will have to address, at no small risk to them.

The problem does not end there. The same CASA study shows that inmates who are illegal drug and/or alcohol abusers are the most likely to be repeat offenders. In fact, the study concluded that 61 percent of state prison inmates who have two prior convictions are regular drug users. The strong link between drug use and recidivism cannot be ignored. Prison should provide an opportunity for us to break this cycle and therefore reduce crime. We can do this through a concerted effort to test prisoners for drug use—and penalize those who test positive—and provide adequate drug treatment so that prisoners can lead productive, non-criminal lives upon their release. As Joseph Califano, former Secretary of the Department of Health, Education, and Welfare and current president of CASA, recently said: "Releasing drug-addicted inmates without treatment helps maintain the market for illegal drugs and supports drug dealers." And there is every indication that the number of prisoners needing drug treatment is increasing even faster than the prison population as a whole. According to CASA, from 1993 to 1996, the number of inmates needing substance abuse treatment rose from 688,000 to 840,000. There is no reason to believe the problem has abated.

Indeed, just last December, the National League of Cities adopted a resolution on the importance of drug testing and treatment in prisons. The League cited studies showing that among inmates who completed drug abuse treatment programs, only 3.3 percent were rearrested within the first six months after release, compared to 12.1 percent of inmates who did not receive treatment.

It is clear that if we do not take steps to stop the revolving doors of our nation's prison system, we will continually be forced to spend more and more public money to construct more and more prisons. To avoid that result, we need to determine through testing which inmates are addicted to drugs and alcohol, reduce the availability of drugs in prisons, and ensure that inmates have access to the treatment they need while incarcerated.

Some have advocated that every prisoner be tested before being released, a proposal that, to my knowledge, no State has adopted. As law enforcement officials in our States know, such testing would be extraordinarily expensive and unnecessarily broad. The better and more realistic approach is to provide resources that will enhance States' ability to do targeted testing, allowing corrections officers to use their judgment as to which prisoners are most likely to be abusing drugs while providing a deterrent effect for prisoners generally. That is the approach of this legislation I introduce today.

I realize some of my colleagues may be concerned about funds originally designated for prison construction costs being used for drug testing and treatment. Let me assure you that states will retain complete flexibility under this bill as to how they allocate their Truth in Sentencing and Violent Offender Incarceration grant funds. But a powerful case can be made that it is in the fiscal interests of the States to take advantage of the opportunity this bill offers. According to the CASA study, it would cost States about $6,500 per year to provide comprehensive and effective residential drug treatment services to an inmate. In return, the study shows that society will see an economic return of $68,800 for each inmate who successfully completes such a program and returns to the community sober and with a job. This figure represents the savings in the first year based on the much lower likelihood that the former inmate will be arrested, prosecuted, or incarcerated, and includes health care savings and the potential earnings of a drug-free individual.

Funding both testing and treatment allows us to take a carrot-and-stick approach to a persistent national problem. We cannot hope to get a handle on our drug problem so long as drug abuse and drug trafficking persist in our prisons. We cannot afford the false choice between treatment and testing; both are needed to keep order in our prisons and safety in our streets.

This view is confirmed by the people who work with these issues every day in my State of Vermont. For example, James Walton, Vermont's Commissioner of Public Safety, and John Perry, the Director of Planning for the Vermont Department of Corrections, wholeheartedly support this proposal. I have always valued their counsel, as they have first-hand knowledge of the real law enforcement needs in my state. They both feel strongly that the bill will give law enforcement the tools it needs to test and treat offender populations, both in jail and in the community. I hope and expect that this bill will have the same effect across the country.

For that reason and all of the above reasons, I urge the Senate to take prompt action on this bill and support this effort to make our prisons drug-free.

By Mr. REID (for himself and Mr. BRYAN):

S. 2620. A bill to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building"; to the Committee on Governmental Affairs.

BARBARA F. VUCANOVICH POST OFFICE BUILDING

Mr. REID. Mr. President, I rise today to introduce the Barbara F. Vucanovich Post Office Building Naming Act.

As many of my colleagues know, Congresswoman Barbara Vucanovich was the first female elected to represent the State of Nevada in Congress. She was first elected in 1983 and retired in 1996, after serving in the House of Representatives for 14 years. In her final year, she was an influential member of the House Appropriations Committee and the Chairwoman of the Subcommittee on Military Construction. Barbara and I came to the House together as a result of the 1982 election. We both represented all of Nevada; not solely Congressional Districts. Barbara was a fine member of Congress. I miss her.

Mr. President, it gives me pleasure to introduce this bill to commemorate Barbara Vucanovich's exemplary service to the State of Nevada and the United States of America by renaming the main post office in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building." Representatives GIBBONS and BERKLEY introduced identical legislation in the House on April 4, 2000. Nevada Governor Kenny Guinn and former Senator Paul Laxalt join Nevada's congressional delegation in thanking Barbara Vucanovich for her dedicated public service.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF BARBARA F. VUCANOVICH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, shall be known and designated as the "Barbara F. Vucanovich Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Barbara F. Vucanovich Post Office Building".

By Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. L. CHAFEE, Mr. HARKIN, Mr. KOHL, Mrs. BOXER, Mr. DURBIN, Mr. WYDEN, and Mr. KENNEDY):

S. 2621. A bill to continue the current prohibition of military cooperation with the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions are being met; to the Committee on Foreign Relations.

EAST TIMOR REPATRIATION AND SECURITY ACT OF 2000

Mr. FEINGOLD. Mr. President, I rise today to keep a promise that I made on this floor a few months ago.

In January, I came to the floor to talk about the tragic events that occurred last fall in East Timor. I spoke about the need to encourage the new Indonesian government in its commitment to reform and its resolve to reject the climate of impunity. I withdrew an amendment that would have codified the administration's suspension on military and security assistance for Indonesia East Timor, although I believed then and strongly believe today that Indonesia has not yet met the basic conditions that should be prerequisites for any restoration of military ties with Indonesia.

At that time, Mr. President, I pledged to continue to monitor events in Indonesia and in East Timor closely. And I pledged to come to this floor if what I saw troubled me.

Let me tell you what I see today.

First, I am sorry to say, Mr. President, there have been no trials yet. No one has been brought to justice for the atrocities committed in East Timor last year. I recognize that the Indonesian government has taken some courageous steps in investigating the atrocities that took place in East Timor, and I commend the Indonesian government for its efforts to date. The Indonesian government and the U.N. have succeeded in signing an agreement to exchange witnesses and evidence that could lead to the prosecution of those responsible for the violence in East Timor. A number of dedicated individuals within the new government continue to work courageously for reform, justice, and accountability. But I note, that obervers have been disturbed by the number of civilian and military police officers that the government has appointed to the team charged with investigating human rights abuses in East Timor. And the simple fact remains—no one has yet been held accountable in a court of law for the acts committed by the military and militias in East Timor last year.

A second concern is there has been no change in the situation in West Timor. Today, half a year after the referendum, some 100,000 people are still living in the refugee camps of West Timor, afraid of what will happen to them should they attempt to return home. Some will likely choose to stay in Indonesia, but all reports from the area indicate that many want to return home but do not because of continued intimidation from militia groups.

Within the refugee camps, since January there have been about a dozen incidents in which international agencies attempting to deliver aid to the refugees were attacked. According to recent reports, one militia group is so well-organized that it prints a newsletter of fabricated horror stories aimed at dissuading refugees from returning to East Timor.

This week the plight of these refugees—at this point the most vulnerable of the original masses—was made even more difficult as they contend with the heavy rains and floods that have already killed at least 148 people. Over a hundred are still missing. When the flood waters recede, these people should have every opportunity to put their lives back together, free from threats and from fear.

I look at these facts and I consider that the administration has chosen to take a first step toward lifting its suspension on all forms of military assistance and contacts by inviting the Indonesians to particiapte in a joint exercise, and I am indeed troubled.

Today I am introducing a bill, the East Timor Repatriation and Security Act of 2000. The bill codifies the suspension of military and security assistance to Indonesia until certain conditions are met—the same conditions that have been articulated in the past; the same conditions contained in last year's foreign operations appropriations bill.

The bill would permit military and security assistance to resume only when the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are:

Taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations;

Taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups;

Allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

Not impeding the activities of the United Nations Transitional Authority in East Timor;

Demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor; and,

Demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian Armed Forces and military groups responsible for human rights violations in Indonesia and East Timor.

These certainly are not unreasonable conditions. They work in favor of the forces of reform within Indonesia. And by linking military and security assistance to these benchmarks, Congress will ensure that the U.S. relationship with Jakarta avoids the mistakes of the past, and that U.S. foreign policy comes closer to reflecting our core national values.

To those who believe that all is well, to those who would prefer to forgive and forget, to those who think that the issue is yesterday's news, I would simply reiterate the simple facts. There have been no trials for the perpetrators of abuses in East Timor, and the situation in the refugee camps has remained unacceptable. Quite recently, Admiral Dennis Blair, commander in chief of U.S. forces in the Pacific, reaffirmed what Secretary of Defense Cohen articulated last year—the U.S. will not resume a military relationship with Indonesia until the military personnel responsible for the devastation in East Timor are brought to justice, and the U.S. will not resume a military relationship with Indonesia until the refugee crisis in West Timor has been resolved. Specifically, Admiral Blair called on the Indonesians to disband and cut off support to the militia members still terrorizing the refugees. It is critical that the U.S. insist on nothing less. In fact, we should insist on more—the militia members guilty of atrocities should be brought to justice.

It is clear that these conditions have not yet been met. But the administration's new proposals for joint exercises with the Indonesians undermine Admiral Blair's words. The substance of the exercise currently being planned does not necessarily trouble me, but its significance does. The administration looks as if it suffers from a lack of resolve and from a wavering sense of commitment.

Indonesia is an extraordinarily important country—strategically and economically. Its future course will undoubtedly affect the United States. For this very reason, we must stand firm, and insist upon rebuilding U.S.-Indonesian ties on the firm foundation of respect for the rule of law and for basic human rights.

It is because I believe this so strongly—and I know that many of my colleagues share my views—that I have come back to the floor to raise this issue again. I am keeping my promise. I am watching the situation in East and West Timor very closely, and I still do not like what I see.

By Mr. ROBERTS (for himself and Ms. SNOWE):

S. 2622. A bill to amend the Internal Revenue Code of 1986 to encourage stronger math and science programs at elementary and secondary schools; to the Committee on Finance.

THE NATIONAL SCIENCE EDUCATION INCENTIVE ACT OF 2000

S. 2623. A bill to amend the Elementary and Secondary Education Act of 1965 to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE NATIONAL SCIENCE EDUCATION ENHANCEMENT ACT

S. 2624. A bill to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE NATIONAL SCIENCE EDUCATION ACT

Mr. ROBERTS. Mr. President, I rise today to introduce sweeping legislation to reform and improve math, science, engineering and technology education in American schools.

The fields of science, math, engineering and technology are critical to U.S. economic success. Unfortunately, there is growing concern that we do not measure up as evidenced by studies that show our students cannot compete internationally. In fact, over half of students in our esteemed graduate schools are from other countries. Our economic future depends on science and we must ensure that our schools are preparing students for the technological jobs that await them.

So many aspects of our national success depends on our technological savvy. For instance, our strong economy has certainly prospered because of technology advances. The economic boom, witnessed by average consumers and Wall Street analysts alike, has high stakes in our continued technology success. Meanwhile, our workforce is increasingly staffed by people from other countries. Later this year, Congress will be asked to again raise the quota of H–1B visas. While these workers are key to our economic success, we must address this problem and grow our own high-tech labor force. Moreover, we cannot forget how adversely our national security could fare if our country were to fall behind in technological pursuits. A key piece of our national security is at stake—the strength of our military is built upon our technological superiority.

There is a fundamental need for this legislation. I have introduced the following three bills to help improve the quality of science and technology teachers and curriculum through incentives and better training:

The National Science Education Act. These provisions, utilizing the National Science Foundation, set up Science Master Teachers and offer grants to place one in every elementary school.

The National Science Education Enhancement Act. Recognizing that we must keep good teachers and help them grow in their career, this bill uses the Elementary and Secondary Education Act to set up Science Teacher Mentors and Summer Professional Development Institutes. It also expands the Eisenhower National clearinghouse to provide that this information be available on the Internet.

The National Science Education Incentive Act. This bill provides tax credits to help teachers with up to $10,000 of tuition and encourage the private sector education contributions such as computers, technology service, teacher training and teacher externships.

My legislation is mirrored in the House of Representatives with bills by Representative VERNON EHLERS, the vice chairman of the House Science Committee and author of "Unlocking Our Future: Toward a New National Science Policy." Furthermore, I am pleased to have the support and able assistance of the Senior Senator from Maine, Senator OLYMPIA J. SNOWE in joining me to introduce this bill.

Mr. President, I strongly encourage my colleagues to join me in support of this effort to reform and improve math, science, engineering and technology education in American schools. I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Science Education Incentive Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) As concluded in the report of the Committee on Science of the House of Representatives, "Unlocking Our Future Toward a New National Science Policy," which was

adopted by the House of Representatives, the United States must maintain and improve its preeminent position in science and technology in order to advance human understanding of the universe and all it contains, and to improve the lives, health, and freedoms of all people.

(2) It is estimated that more than half of the economic growth of the United States today results directly from research and development in science and technology. The most fundamental research is responsible for investigating our perceived universe, to extend our observations to the outer limits of what our minds and methods can achieve, and to seek answers to questions that have never been asked before. Applied research continues the process by applying the answers from basic science to the problems faced by individuals, organizations, and governments in the everyday activities that make our lives more livable. The scientific-technological sector of our economy, which has driven our recent economic boom and led the United States to the longest period of prosperity in history, is fueled by the work and discoveries of the scientific community.

(3) The effectiveness of the United States in maintaining this economic growth will be largely determined by the intellectual capital of the United States. Education is critical to developing this resource.

(4) The education program of the United States needs to provide for 3 different kinds of intellectual capital. First, it needs scientists and engineers to continue the research and development that is central to the economic growth of the United States. Second, it needs technologically proficient workers who are comfortable and capable dealing with the demands of a science-based, high-technology workplace. Last, it needs scientifically literate voters and consumers to make intelligent decisions about public policy.

(5) Student performance on the recent Third International Math and Science Study highlights the shortcomings of current K–12 science and mathematics education in the United States, particularly when compared to other countries. We must expect more from our Nation's educators and students if we are to build on the accomplishments of previous generations. New methods of teaching mathematics and science are required, as well as better curricula and improved training of teachers.

(6) Science is more than a collection of facts, theories, and results. It is a process of inquiry built upon observations and data that leads to a way of knowing and explaining in logically derived concepts and theories.

(7) Students should learn science primarily by doing science. Science education ought to reflect the scientific process and be object-oriented, experiment-centered, and concept-based.

(8) Children are naturally curious and inquisitive. To successfully tap into these innate qualities, education in science must begin at an early age and continue throughout the entire school experience.

(9) Teachers provide the essential connection between students and the content they are learning. High-quality prospective teachers need to be identified and recruited by presenting to them a career that is respected by their peers, is financially and intellectually rewarding, and contains sufficient opportunities for advancement.

(10) Teachers need to have incentives to remain in the classroom and improve their practice, and training of teachers is essential if the results are to be good. Teachers need to be knowledgeable of their content area, of their curriculum, of up-to-date research in teaching and learning, and of techniques that can be used to connect that information to their students in their classroom.

SEC. 3. REFUNDABLE CREDIT FOR PORTION OF TUITION PAID FOR UNDERGRADUATE EDUCATION OF CERTAIN TEACHERS.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. TUITION FOR UNDERGRADUATE EDUCATION OF CERTAIN TEACHERS.

"(a) In General.—In the case of an individual who is an eligible teacher for the taxable year, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to 10 percent of qualified undergraduate tuition paid by such individual.

"(b) Limitations.—

"(1) Dollar amount.—The credit allowed by this section for any taxable year shall not exceed $1,000.

"(2) Credit allowed only for 10 years.—No credit shall be allowed under this section for any taxable year after the 10th taxable year for which credit is allowed under this section.

"(c) Eligible Teacher.—For purposes of this section—

"(1) In general.—The term 'eligible teacher' means, with respect to a taxable year, any individual—

"(A) who is a full-time teacher, including a full-time substitute teacher, in any of grades kindergarten through 12th grade for the academic year ending in such taxable year,

"(B)(i) who teaches primarily math, science, engineering, or technology courses in 1 or more of grades 9 through 12 during such academic year, or

"(ii) who teaches math, science, engineering, or technology courses in 1 or more of grades kindergarten through 8 during such academic year.

"(C) who completed a 5-year teaching training program which meets the requirements of paragraph (3), and

"(D) who received a baccalaureate or similar degree with a major in mathematics, science, engineering, or technology from a qualified educational institution.

"(2) Special rule for administrative personnel.—School administrative functions shall be treated as teaching courses referred to in paragraph (1)(B) if such functions primarily relate to such courses or are for a school which focuses primarily on such courses.

"(3) 5-year teacher training program.—For purposes of paragraph (1)(C)—

"(A) Elementary school teachers.—In the case of an elementary school teacher, a teacher training program meets the requirements of this paragraph if—

"(i) the program requires, in addition to education courses, that the student complete courses in physics, chemistry, and biology, and

"(ii) the program recommends completion of an earth science.

"(B) Middle and high school teachers.—In the case of a middle or high school teacher, a teacher training program meets the requirements of this paragraph if the program requires, in addition to education courses, that the student also major in a science referred to in subparagraph (A) and that the student also complete introductory courses in 2 other sciences referred to in subparagraph (A).

"(4) Qualified educational institution.—The term 'qualified educational institution' means any eligible educational institution (as defined in section 25A(f)(2)) if—

"(A) more than 80 percent of such institution's graduates who apply for certification by any State as a teacher are so certified, and

"(B) such institution's school of education (or equivalent unit) has an advisory committee—

"(i) which includes (on a rotating basis or otherwise) practicing mathematicians and scientists and representatives from several of the appropriate science, mathematics, engineering, and technology departments of such institution, and

"(ii) which publishes annually a report detailing curricula reforms for such school (or unit) designed to align teacher training curricula with State requirements and expectations.

"(d) Qualified Undergraduate Tuition.—For purposes of this section, the term 'qualified undergraduate tuition' means qualified higher education expenses (as defined in section 529(e)(3)) for a qualified educational institution, reduced as provided in section 25A(g)(2 and by any credit allowed by section 25A with respect to such expenses.

"(e) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section.".

(b) Conforming Amendments.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 35 of such Code".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 35. Tuition for undergraduate education of certain teachers.

"Sec. 36. Overpayments of tax.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act; except that only periods of being an eligible teacher (as defined in section 35(c) of the Internal Revenue Code of 1986, as added by this section) after such date shall be taken into account under section 35(b)(2) of such Code, as so added.

SEC. 4. CREDITS FOR CERTAIN CONTRIBUTIONS BENEFITING SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY EDUCATION AT THE ELEMENTARY AND SECONDARY SCHOOL LEVEL.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45D. CONTRIBUTIONS BENEFITING SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY EDUCATION AT THE ELEMENTARY AND SECONDARY SCHOOL LEVEL.

"(a) In General.—For purposes of section 38, the elementary and secondary science, mathematics, engineering, and technology (SMET) contributions credit determined under this section for the taxable year is an amount equal to 100 percent of the qualified SMET contributions of the taxpayer for such taxable year.

"(b) Qualified SMET Contributions.—For purposes of this section, the term 'qualified SMET contributions' means—

"(1) SMET school contributions,

"(2) SMET teacher externship expenses, and

"(3) SMET teacher training expenses.

"(c) SMET SCHOOL CONTRIBUTIONS.—For purposes of this section—

"(1) IN GENERAL.—The term 'SMET school contributions' means—

"(A) SMET property contributions, and

"(B) SMET service contributions.

"(2) SMET PROPERTY CONTRIBUTIONS.—The term 'SMET property contributions' means the amount which would (but for subsection (f)) be allowed as a deduction under section 170 for a charitable contribution of SMET inventory property if—

"(A) the donee is an elementary or secondary school described in section 170(b)(1)(A)(ii),

"(B) substantially all of the use of the property by the donee is within the United States for educational purposes in any of the grades K–12 that are related to the purpose or function of the donee,

"(C) the original use of the property begins with the donee,

"(D) the property will fit productively into the donee's education plan,

"(E) the property is not transferred by the donee in exchange for money, other property, or services, except for shipping, installation and transfer costs, and

"(F) the donee's use and disposition of the property will be in accordance with the provisions of subparagraphs (B) and (E).

The determination of the amount of deduction under section 170 for purposes of this paragraph shall be made as if the limitation under section 170(e)(3)(B) applied to all SMET inventory property.

"(3) SMET SERVICE CONTRIBUTIONS.—The term 'SMET service contributions' means the amount paid or incurred during the taxable year for SMET services provided in the United States for the exclusive benefit of students at an elementary or secondary school described in section 170(b)(1)(A)(ii) but only if—

"(A) the taxpayer is engaged in the trade or business of providing such services on a commercial basis, and

"(B) no charge is imposed for providing such services.

"(4) SMET INVENTORY PROPERTY.—The term 'SMET inventory property' means, with respect to any contribution to a school, any property—

"(A) which is described in paragraph (1) or (2) of section 1221(a) with respect to the donor, and

"(B) which is determined by the school to be needed by the school in providing education in grades K–12 in the areas of science, mathematics, engineering, or technology.

"(5) SMET SERVICES.—The term 'SMET services' means, with respect to any contribution to a school, any service determined by the school to be needed by the school in providing education in grades K–12 in the areas of science, mathematics, engineering, or technology, including teaching courses of instruction at such school in any such area.

"(d) SMET TEACHER EXTERNSHIP EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'SMET teacher externship expenses' means any amount paid or incurred to carry out a SMET externship program of the taxpayer but only to the extent that such amount is attributable to the participation in such program of any eligible SMET teacher, including amounts paid to such a teacher as a stipend while participating in such program.

"(2) SMET EXTERNSHIP PROGRAM.—The term 'SMET externship program' means any program—

"(A) established by a taxpayer engaged in a trade or business within an area of science, mathematics, engineering, or technology, and

"(B) under which eligible SMET teachers receive training to enhance their teaching skills in the areas of science, mathematics, engineering, or technology or otherwise improve their knowledge in such areas.

"(3) ELIGIBLE SMET TEACHER.—The term 'eligible SMET teacher' means any individual—

"(A) who is a teacher in grades K–12 at an educational organization described in section 170(b)(1)(A)(ii) which is located in the United States or which is located on a United States military base outside the United States, and

"(B) whose teaching responsibilities at such school include, or are likely to include, any course in the areas of science, mathematics, engineering, or technology.

"(e) SMET TEACHER TRAINING EXPENSES.—The term 'SMET teacher training expenses' means any amount paid or incurred by a taxpayer engaged in a trade or business within an area of science, mathematics, engineering, or technology which is attributable to the participation of any eligible SMET teacher in a regular training program provided to employees of the taxpayer which is determined by such teacher's school as enhancing such teacher's teaching skills in the areas of science, mathematics, engineering, or technology.

"(f) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any amount allowed as a credit under this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of such Code is amended—

(A) by striking "plus" at the end of paragraph (11),

(B) by striking the period at the end of paragraph (12), and inserting ", plus", and

(C) by adding at the end the following new paragraph:

"(13) the elementary and secondary science, mathematics, engineering, and technology (SMET) contributions credit determined under section 45D.".

(2) Subsection (d) of section 39 of such Code (relating to carryback and carryforward of unused credits) is amended by adding at the end the following new paragraph:

"(9) NO CARRYBACK OF SECTION 45D CREDIT BEFORE ENACTMENT OF CREDIT.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45D may be carried back to a taxable year beginning before the date of the enactment of this paragraph.".

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 45D. Contributions benefiting science, mathematics, engineering, and technology education at the elementary and secondary school level.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 5. ASSURANCE OF CONTINUED LOCAL CONTROL.

Nothing in this Act may be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

S. 2623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Science Education Enhancement Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Assurance of continued local control.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 101. Support for mentoring activities for science, mathematics, engineering, and technology teachers.
Sec. 102. Expansion of Eisenhower National Clearinghouse.
Sec. 103. Summer Professional Development Institutes.
Sec. 104. Grants for teacher technology training software and instructional materials.
Sec. 105. Reservation for after-school activities.
Sec. 106. After-school science day care at community learning centers.

TITLE II—OTHER PROVISIONS

Sec. 201. Work-study amendments.
Sec. 202. Study.
Sec. 203. Report to Congress.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) As concluded in the report of the Committee on Science of the House of Representatives, "Unlocking Our Future Toward a New National Science Policy," which was adopted by the House of Representatives, the United States must maintain and improve its preeminent position in science and technology in order to advance human understanding of the universe and all it contains, and to improve the lives, health, and freedoms of all people.

(2) It is estimated that more than half of the economic growth of the United States today results directly from research and development in science and technology. The most fundamental research is responsible for investigating our perceived universe, to extend our observations to the outer limits of what our minds and methods can achieve, and to seek answers to questions that have never been asked before. Applied research continues the process by applying the answers from basic science to the problems faced by individuals, organizations, and governments in the everyday activities that make our lives more livable. The scientific-technological sector of our economy, which has driven our recent economic boom and led the United States to the longest period of prosperity in history, is fueled by the work and discoveries of the scientific community.

(3) The effectiveness of the United States in maintaining this economic growth will be largely determined by the intellectual capital of the United States. Education is critical to developing this resource.

(4) The education program of the United States needs to provide for 3 different kinds of intellectual capital. First, it needs scientists and engineers to continue the research and development that is central to

the economic growth of the United States. Second, it needs technologically proficient workers who are comfortable and capable dealing with the demands of a science-based, high-technology workplace. Last, it needs scientifically literate voters and consumers to make intelligent decisions about public policy.

(5) Student performance on the recent Third International Math and Science Study highlights the shortcomings of current K–12 science and mathematics education in the United States, particularly when compared to other countries. We must expect more from our Nation's educators and students if we are to build on the accomplishments of previous generations. New methods of teaching mathematics and science are required, as well as better curricula and improved training of teachers.

(6) Science is more than a collection of facts, theories, and results. It is a process of inquiry built upon observations and data that leads to a way of knowing and explaining in logically derived concepts and theories.

(7) Students should learn science primarily by doing science. Science education ought to reflect the scientific process and be object-oriented, experiment-centered, and concept-based.

(8) Children are naturally curious and inquisitive. To successfully tap into these innate qualities, education in science must begin at an early age and continue throughout the entire school experience.

(9) Teachers provide the essential connection between students and the content they are learning. High-quality prospective teachers need to be identified and recruited by presenting to them a career that is respected by their peers, is financially and intellectually rewarding, and contains sufficient opportunities for advancement.

(10) Teachers need to have incentives to remain in the classroom and improve their practice, and training of teachers is essential if the results are to be good. Teachers need to be knowledgeable of their content area, of their curriculum, of up-to-date research in teaching and learning, and of techniques that can be used to connect that information to their students in their classroom.

SEC. 3. ASSURANCE OF CONTINUED LOCAL CONTROL.

Nothing in this Act may be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 101. SUPPORT FOR MENTORING ACTIVITIES FOR SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY TEACHERS.

(a) Improving Basic Programs Operated by Local Educational Agencies Through Professional Development.—Section 1119(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301(b)(1)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) include mentoring programs focusing on changing science, mathematics, engineering, and technology teacher behaviors and practices to help novice teachers develop and gain confidence in their skills, to increase the likelihood that they will continue in the teaching profession, and generally to improve the quality of their teaching.".

(b) Dissemination of Mentoring Information by Eisenhower National Clearinghouse.—Section 2102(a)(3)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6622(a)(3)(C)) is amended by striking "materials" and inserting "materials, including information on model science, mathematics, engineering, and technology teacher mentoring programs,".

(c) Eisenhower Professional Development Program State Applications.—Section 2205(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6645(b)(2)) is amended—

(1) by striking "and" at the end of subparagraph (N);

(2) by striking the period at the end of subparagraph (O) and inserting "; and"; and

(3) by adding at the end the following:

"(P) describe how the State will administer a mentoring system to ensure consistent implementation of mentoring programs for science, mathematics, engineering, and technology teachers, provide a structure for local mentoring program evaluation, provide technical assistance to local mentoring programs, ensure compliance by local mentoring programs with State teacher training requirements, and provide incentives for local educational agencies to take mentoring into consideration in assessing instructional staff hiring needs.".

(d) Eisenhower Professional Development Program Local Activities.—Section 2210(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6650(b)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) include mentoring programs focusing on changing science, mathematics, engineering, and technology teacher behaviors and practices to help novice teachers develop and gain confidence in their skills, to increase the likelihood that they will continue in the teaching profession, and generally to improve the quality of their teaching.".

(e) Accountability.—Section 2401(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6701(a)) is amended by striking "part." and inserting "part, including the impact of State and local mentoring programs on teaching quality and teacher retention rates.".

SEC. 102. EXPANSION OF EISENHOWER NATIONAL CLEARINGHOUSE.

(a) Allocation of Appropriated Amounts.—Section 2003(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6603(b)(1)) is amended by striking "2103;" and inserting "2103, and $10,000,000 shall be available to carry out subparagraphs (A), (F), and (G) of section 2102(b)(3);".

(b) Use of Funds.—Section 2102(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6622(b)(3)) is amended—

(1) in subparagraph (A), by striking "(including, to the extent practicable," and inserting "(including";

(2) in subparagraph (E), by striking "and" at the end;

(3) by amending subparagraph (F) to read as follows:

"(F) solicit and gather (in consultation with the Department, national teacher associations, professional associations, and other reviewers and developers of education materials and programs) all qualitative and evaluative materials and all programs, including full text and graphics, for the Clearinghouse, review the evaluation of the materials and programs, rank the effectiveness of the materials and programs on the basis of the evaluations, and distribute the results of the reviews (in a short, standardized, and electronic format that contains electronic links to an electronic version of the original qualitative and evaluative materials), excerpts of the materials and links to Internet-based sites, and information regarding on-line communities of users to teachers in an easily accessible manner, except that nothing in this subparagraph shall be construed to permit the Clearinghouse to directly conduct an evaluation of the materials or programs; and"; and

(4) by adding at the end the following:

"(G) develop and establish an Internet-based site offering a search mechanism to assist site visitors in identifying information available through the Clearinghouse on science, mathematics, engineering, and technology education instructional materials and programs, including electronic links to information on classroom demonstrations and experiments, teachers who have used materials or participated in programs, vendors, curricula, and textbooks.".

(c) Clearinghouse.—Section 2102(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6622(b)) is amended by adding at the end the following:

"(9) Effective Use of Technology.—In reviewing evaluations of materials and programs under this subsection the Clearinghouse shall give particular attention to the effective use of materials and technology in science, mathematics, engineering, and technology education.".

(d) Report.—Not later than two years after the date of the enactment of this Act, the National Academy of Sciences, in conjunction with appropriate related associations and organizations, shall—

(1) conduct a study on the Eisenhower National Clearinghouse and whether the provisions enacted in the amendments made by this section have resulted in the Clearinghouse becoming a more effective entity; and

(2) submit to Congress a report on the study, including any recommendations of the Academy regarding the Clearinghouse.

SEC. 103. SUMMER PROFESSIONAL DEVELOPMENT INSTITUTES.

(a) In General.—Section 2211 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6651) is amended by adding at the end the following:

"(d) Summer Professional Development Institutes for Teachers.—

"(1) Program Authorized.—From amounts made available to carry out this subsection, the Secretary is authorized to make grants to State agencies for higher education, working in conjunction with the State educational agency (if such agencies are separate), for activities described in paragraph (3). Such grants shall be awarded on a competitive basis that includes a peer review of the grant applications.

"(2) Subgrants.—

"(A) In general.—A recipient of a grant under paragraph (1) shall carry out the activities described in paragraph (3) by making subgrants to, or entering into contracts or cooperative agreements with, institutions of higher education, and nonprofit organizations of demonstrated effectiveness, including museums and educational partnership organizations, which must work in conjunction with a local educational agency, consortium of local educational agencies, or schools.

"(B) PRIORITY.—In making awards under subparagraph (A), a grant recipient shall give priority to applicants whose application includes an assurance that the applicant will use a curriculum recognized by the working group established under section 17 of the National Science Foundation Act of 1950, particularly if the local educational agency (or agencies) described in subparagraph (A), or the State educational agency (if such agency is separate from the grant recipient), has adopted such curriculum.

"(3) ALLOWABLE ACTIVITIES.—

"(A) IN GENERAL.—Each recipient of funds under paragraph (2) shall use the funds for the following:

"(i) The establishment and operation of science, mathematics, engineering, and technology summer institutes that provide professional development to elementary and secondary school teachers. Such institutes shall be content-based, build on school year curricula, and focus only secondarily on pedagogy.

"(ii) To provide teachers with travel expense reimbursement, a stipend, or classroom materials related to such an institute.

"(iii) The establishment of a mechanism to provide supplemental assistance and follow up training during the school year for summer institute graduates.

"(B) REQUIREMENTS FOR CURRICULA.—The curricula referred to in subparagraph (A)(i) shall be object-centered, experiment-oriented, content-based, and grounded in current research.

"(C) REQUIREMENTS FOR INSTITUTES.—The summer institutes referred to in subparagraph (A)(i)—

"(i) shall be conducted during a period of a minimum of two weeks;

"(ii) shall provide for direct interaction between students and faculty;

"(iii) shall have a component that includes use of the Internet; and

"(iv) shall provide for follow-up training in the classroom during the academic year for a period of a minimum of three days, which shall not be required to be consecutive, except that—

"(I) if the program at the summer institute is for a period of only two weeks, the follow-up training shall be for a period of more than 3 days; and

"(II) for teachers in rural school districts, follow-up training through the Internet may be used.

"(4) REVIEW OF APPLICATIONS BY NATIONAL SCIENCE FOUNDATION.—The Secretary shall provide each application for a grant under this subsection to the Director of the National Science Foundation in order that such applications may undergo the peer-review process described in paragraph (5)(B), and shall implement the recommendations of the Director in awarding grants under this subsection.

"(5) REQUIREMENTS ON NATIONAL SCIENCE FOUNDATION.—

"(A) IN GENERAL.—Each year, not later than 6 months before the application deadline for a subgrant, contract, or cooperative agreement described in paragraph (2), the Director of the National Science Foundation shall develop a theme and structure for the summer institutes supported under this subsection. Such applications shall address how funds will be used in accordance with the theme and structure developed by the Director.

"(B) APPLICATION PEER-REVIEW PROCESS.—The Director—

"(i) shall establish a peer-review process for applications for grants received under this subsection; and

"(ii) shall forward the applications selected by the Director through such process to the Secretary.

"(C) PRIORITY.—In making awards under paragraph (2)(A), a grant recipient shall give priority to applicants whose application includes an assurance that the applicant will use a curriculum—

"(i) that is recognized by the working group established under section 17 of the National Science Foundation Act of 1950, particularly if the local educational agency (or agencies) described in paragraph (2)(A), or the State educational agency (if such agency is separate from the grant recipient), has adopted such curriculum; or

"(ii) that is three or four weeks in length.

"(6) OTHER REQUIREMENTS.—Paragraphs (2), (3), and (4) of subsection (a), and subsection (c), shall apply to recipients of funds under this subsection in the same manner as such provisions apply to recipients of funds under subsection (a)(1).

"(7) CREDIT FOR PARTICIPATION.—Participation in an institute supported under this subsection shall earn credit toward—

"(A) State continuing education requirements for teachers; or

"(B) a post-baccalaureate degree program at an institution of higher education.".

(b) FUNDING.—

(1) ALLOCATION OF APPROPRIATED AMOUNTS.—Section 2003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6603(b)(2)) is amended by striking "B;" and inserting "B, of which $100,000,000, $150,000,000, $200,000,000, and $200,000,000 shall be available to carry out section 2211(d) for fiscal years 2001, 2002, 2003, and 2004, respectively;".

(2) RESERVATION OF FUNDS.—Section 2202(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6642(a)) is amended—

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) the amount made available under section 2003(b)(2) to carry out section 2211(d).".

SEC. 104. GRANTS FOR TEACHER TECHNOLOGY TRAINING SOFTWARE AND INSTRUCTIONAL MATERIALS.

Section 3134 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6844) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) providing technology training software and instructional materials to teachers.".

SEC. 105. RESERVATION FOR AFTER-SCHOOL ACTIVITIES.

Section 10904(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8244) is amended—

(1) by striking "and" after the semicolon in paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following:

"(4) an assurance that if awarded a grant under this part, the grant recipient shall use not less than 5 percent of the amount received to provide after-school day care services that focus on science activities.".

SEC. 106. AFTER-SCHOOL SCIENCE DAY CARE AT COMMUNITY LEARNING CENTERS.

Section 10905(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8245(3)) is amended by striking "services." and inserting "services, including after-school day care services that focus on science activities for children in grades kindergarten through the sixth grade.".

TITLE II—OTHER PROVISIONS

SEC. 201. WORK-STUDY AMENDMENTS.

(a) TECHNOLOGY TRAINING TREATED AS COMMUNITY SERVICE.—Section 441(c) of the Higher Education Act of 1965 (20 U.S.C. 2751(c)) is amended—

(1) in paragraph (1), by inserting "technology training," after "literacy training,"; and

(2) in paragraph (4)(A), by inserting before the semicolon at the end the following: ", including tutoring teachers in the uses of classroom technology".

(b) ADDITIONAL SPENDING FOR TECHNOLOGY TRAINING.—Section 443(b)(2)(B) of such Act (20 U.S.C. 2753(b)(2)(B)) is amended—

(1) by striking "7 percent" and inserting "10 percent";

(2) by inserting "(i)" after "shall ensure that"; and

(3) by inserting after "requirement of this subparagraph" the following: ", and (ii) at least 3 percent of the total amount of funds granted to such institution under this section for such fiscal year is used to compensate students employed in technology training or tutoring teachers in the uses of classroom technology (or both),".

SEC. 202. STUDY.

The Secretary of Commerce, in consultation with other Government agencies, appropriate organizations, and private businesses and corporations, shall conduct a study of—

(1) the feasibility and effectiveness of various incentives, including tax credits, for corporations and businesses to provide—

(A) personnel with regular compensation for time spent as volunteers engaged in the technological training of teachers; and

(B) facilities for the provision of such training of teachers;

(2) alternative methods of providing financial support, through income tax credits, loan forgiveness, or otherwise, to individuals seeking training or retraining in mathematics, science, and technology education;

(3) the effectiveness of colleges and universities in training teachers who are able to use technology and able to integrate technology into lesson plans and curricula, including distance learning;

(4) methods to coordinate a working alliance at various levels of government between the business and academic community; and

(5) additional means of improving the efficiency of the technological training of teachers.

SEC. 203. REPORT TO CONGRESS.

Not later than one year after the date of the enactment of this Act, the Secretary of Commerce shall transmit to the Congress a report outlining the results of the study conducted under section 202. Such report shall include proposals for a comprehensive approach to providing technologically competent teachers to our Nation's schools. With respect to any objectives described in paragraphs (1) though (5) of section 202 that the Secretary determines are feasible and effective, such report shall include a plan for the accomplishing such objectives.

S. 2624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Science Education Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) As concluded in the report of the Committee on Science of the House of Representatives, "Unlocking Our Future Toward a New National Science Policy," which was adopted by the House of Representatives, the United States must maintain and improve its preeminent position in science and technology in order to advance human understanding of the universe and all it contains, and to improve the lives, health, and freedoms of all people.

(2) It is estimated that more than half of the economic growth of the United States today results directly from research and development in science and technology. The most fundamental research is responsible for investigating our perceived universe, to extend our observations to the outer limits of what our minds and methods can achieve, and to seek answers to questions that have never been asked before. Applied research continues the process by applying the answers from basic science to the problems faced by individuals, organizations, and governments in the everyday activities that make our lives more livable. The scientific-technological sector of our economy, which has driven our recent economic boom and led the United States to the longest period of prosperity in history, is fueled by the work and discoveries of the scientific community.

(3) The effectiveness of the United States in maintaining this economic growth will be largely determined by the intellectual capital of the United States. Education is critical to developing this resource.

(4) The education program of the United States needs to provide for 3 different kinds of intellectual capital. First, it needs scientists and engineers to continue the research and development that is central to the economic growth of the United States. Second, it needs technologically proficient workers who are comfortable and capable dealing with the demands of a science-based, high-technology workplace. Last, it needs scientifically literate voters and consumers to make intelligent decisions about public policy.

(5) Student performance on the recent Third International Math and Science Study highlights the shortcomings of current K–12 science and mathematics education in the United States, particularly when compared to other countries. We must expect more from our Nation's educators and students if we are to build on the accomplishments of previous generations. New methods of teaching mathematics and science are required, as well as better curricula and improved training of teachers.

(6) Science is more than a collection of facts, theories, and results. It is a process of inquiry built upon observations and data that leads to a way of knowing and explaining in logically derived concepts and theories.

(7) Students should learn science primarily by doing science. Science education ought to reflect the scientific process and be object-oriented, experiment-centered, and concept-based.

(8) Children are naturally curious and inquisitive. To successfully tap into these innate qualities, education in science must begin at an early age and continue throughout the entire school experience.

(9) Teachers provide the essential connection between students and the content they are learning. High-quality prospective teachers need to be identified and recruited by presenting to them a career that is respected by their peers, is financially and intellectually rewarding, and contains sufficient opportunities for advancement.

(10) Teachers need to have incentives to remain in the classroom and improve their practice, and training of teachers is essential if the results are to be good. Teachers need to be knowledgeable of their content area, of their curriculum, of up-to-date research in teaching and learning, and of techniques that can be used to connect that information to their students in their classroom.

SEC. 3. ASSURANCE OF CONTINUED LOCAL CONTROL.

Nothing in this Act may be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

SEC. 4. MASTER TEACHER GRANT PROGRAM.

The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(1) by redesignating section 16 as section 18; and

(2) by inserting after section 15 the following new section:

"§ 16. Grants and awards

"(a)(1) The Director of the National Science Foundation shall conduct a grant program to make grants to a State or local educational agency or to a private elementary or middle school for the purpose of hiring a master teacher described in paragraph (3).

"(2) In order to be eligible to receive a grant under this subsection, a State or local educational agency or private elementary or middle school shall submit to the Director a description of the requirements for a master teacher of the State or local educational agency or school, including certification requirements and job responsibilities of the master teacher, and a description of how professional development will be integrated with the math or science program of the State educational agency or local educational agency or school including a master teacher.

"(3) A master teacher referred to in paragraph (1)—

"(A) shall provide support for not more than 10 teachers at public and private schools in math, science, engineering or technology programs for students in grades kindergarten through the eighth grade; and

"(B) shall be responsible for in-classroom assistance and oversight of hands-on inquiry materials, equipment, and supplies, including supplying and repairing such materials.

"(4) Grants shall be made under this section out of funds available for the National Science Foundation for Education and Human Resources Activities.

"(b) In this section, the terms 'State educational agency' and 'local educational agency' have the meaning given those terms in section 14101 of the Elementary and Secondary Education Act of 1965.".

SEC. 5. HIGH-QUALITY EDUCATIONAL SOFTWARE FOR ALL SCHOOLS.

The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is further amended in section 16 (as added by section 4) by adding at the end the following new subsection:

"(c)(1) The Director is authorized to award grants, on a competitive basis, to secondary school and college students working with university faculty, software developers, and experts in educational technology, or to university faculty, software developers, and experts in educational technology working with secondary school or college students, for the development of high-quality educational software and Internet web sites by such students, faculty, developers, and experts.

"(2)(A) The Director shall recognize outstanding educational software and Internet web sites developed with assistance provided under this subsection.

"(B) The President is requested to, and the Director shall, issue an official certificate signed by the President and Director, to each student and faculty member who develops outstanding educational software or Internet web sites recognized under this subsection.

"(3) The educational software or Internet web sites that are recognized under this subsection shall focus on core curriculum areas.

"(4) The Director shall give priority to awarding grants for the development of educational software or Internet web sites in the areas of mathematics, science, engineering, and technology.

"(5) The Director shall designate official judges to recognize outstanding educational software or Internet web sites assisted under this section.".

SEC. 6. ESTABLISHMENT OF WORKING GROUP ON SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY EDUCATION.

The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is further amended by inserting after section 16 (as added by section 4) the following new section:

"§ 17. Establishment of working group on science, mathematics, engineering, and technology education

"(a) There is established in the National Science Foundation a working group to review and coordinate regular and supplemental curricula in kindergarten through the twelfth grade for science, mathematics, engineering, and technology, taking into account—

"(1) the content, scope, and sequence of such curricula;

"(2) the research basis for such curricula; and

"(3) the demonstrated results of such curricula.

"(b) There shall be 15 members of the working group established by subsection (a), who shall have experience in the fields of life science, physical science, earth science, chemistry, technology, math, or engineering, and who shall be appointed by the Director for a three-year term that may be extended once for an additional three years. The members shall be appointed as follows:

"(1) 4 members appointed from among representatives from appropriate professional societies representing the scientific disciplines.

"(2) 3 members appointed from among business leaders who are active in education.

"(3) 2 members appointed from among representatives of institutions of higher education.

"(4) 2 members appointed from among representatives of schools of education within such institutions.

"(5) 4 members appointed from among representatives of professional societies that represent science teaching.

"(c)(1) The working group established by subsection (a)—

"(A) shall, beginning not later than three years after the date of the enactment of this Act, award recognition annually in predetermined categories;

"(B) shall publish all criteria upon which a review by the working group under this section is based; and

"(C) shall disseminate information on award-winning programs for the purpose of acting as a resource for State and local educational agencies—

"(i) for determining the best methods for teachers to present science, mathematics, engineering, and technology subject areas to students; and

"(ii) for organizing science, mathematics, engineering, and technology disciplines.

"(2) The information required to be disseminated by paragraph (1)(C) shall include information describing the activities of the award-winning programs and the awards made in each category.".

SEC. 7. DEMONSTRATION PROGRAM AUTHORIZED.

(a) GENERAL AUTHORITY.—

(1) IN GENERAL.—

(A) GRANT PROGRAM.—The Director shall, subject to appropriations, carry out a demonstration project under which the Director awards grants in accordance with this section to eligible local educational agencies.

(B) USES OF FUNDS.—A local educational agency that receives a grant under this section may use such grant funds to develop an information technology program that builds or expands mathematics, science, and information technology curricula, to purchase equipment necessary to establish such program, and to provide professional development in such fields.

(2) PROGRAM REQUIREMENTS.—The program described in paragraph (1) shall—

(A) provide professional development specifically in information technology, mathematics, and science; and

(B) provide students with specialized training in mathematics, science, and information technology.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—For purposes of this section, a local educational agency is eligible to receive a grant under this section if the agency—

(1) provides assurances that it has executed conditional agreements with representatives of the private sector to provide services and funds described in subsection (c); and

(2) agrees to enter into an agreement with the Director to comply with the requirements of this section.

(c) PRIVATE SECTOR PARTICIPATION.—The conditional agreement referred to in subsection (b)(1) shall describe participation by the private sector, including—

(1) the donation of computer hardware and software;

(2) the establishment of internship and mentoring opportunities for students who participate in the information technology program; and

(3) the donation of higher education scholarship funds for eligible students who have participated in the information technology program.

(d) APPLICATION.—

(1) IN GENERAL.—Each eligible local educational agency desiring a grant under this section shall submit an application to the Director in accordance with guidelines established by the Director pursuant to paragraph (2).

(2) GUIDELINES.—

(A) REQUIREMENTS.—The guidelines referred to in paragraph (1) shall require, at a minimum, that the application include—

(i) a description of proposed activities consistent with the uses of funds and program requirements under subsection (a)(1)(B) and (a)(2);

(ii) a description of the higher education scholarship program, including criteria for selection, duration of scholarship, number of scholarships to be awarded each year, and funding levels for scholarships; and

(iii) evidence of private sector participation and financial support to establish an internship, mentoring, and scholarship program.

(B) GUIDELINE PUBLICATION.—The Director shall issue and publish such guidelines not later than 6 months after the date of the enactment of this Act.

(3) SELECTION.—The Director shall select a local educational agency to receive an award under this section in accordance with subsection (e) and on the basis of merit to be determined after conducting a comprehensive review.

(e) PRIORITY.—The Director shall give special priority in awarding grants under this section to eligible local educational agencies that—

(1) demonstrate the greatest ability to obtain commitments from representatives of the private sector to provide services and funds described under subsection (c);

(2) demonstrate the greatest economic need; and

(3) use a curriculum recognized by the working group established by section 17 of the National Science Foundation Act of 1950 (as added by section 6).

(f) ASSESSMENT.—The Director shall assess the effectiveness of activities carried out under this section.

(g) STUDY AND REPORT.—The Director—

(1) shall initiate an evaluative study of eligible students selected for scholarships pursuant to this section in order to measure the effectiveness of the demonstration program; and

(2) shall report the findings of the study to Congress not later than 4 years after the award of the first scholarship. Such report shall include the number of students graduating from an institution of higher education with a major in mathematics, science, or information technology and the number of students who find employment in such fields.

(h) DEFINITIONS.—Except as otherwise provided, for purposes of this section—

(1) the term "Director" means the Director of the National Science Foundation;

(2) the term "eligible student" means a student enrolled in the 12th grade who—

(A) has participated in an information technology program established pursuant to this section;

(B) has demonstrated a commitment to pursue a career in information technology, mathematics, science, or engineering; and

(C) has attained high academic standing and maintains a grade point average of not less than 3.0 on a 4.0 scale for the last 2 years of secondary school (11th and 12th grades); and

(3) the term "local educational agency" has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section, $3,000,000.

(j) MAXIMUM GRANT AWARD.—An award made to an eligible local educational agency under this section may not exceed $300,000.

SEC. 8. DISSEMINATION OF INFORMATION ON REQUIRED COURSE OF STUDY FOR CAREERS IN SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY EDUCATION.

The Director of the National Science Foundation shall, jointly with the Secretary of Education, compile and disseminate information (including, but not limited to, through outreach, school counselor education, and visiting speakers) regarding—

(1) standard prerequisites for middle school and high school students who seek to enter a course of study at an institution of higher education in science, mathematics, engineering, or technology education for purposes of teaching in an elementary or secondary school; and

(2) the licensing requirements in each State for science, mathematics, engineering, or technology elementary or secondary school teachers.

SEC. 9. REQUIREMENT TO CONDUCT STUDY EVALUATION.

(a) STUDY REQUIRED.—The Director of the National Science Foundation shall enter into an agreement with the National Academy of Sciences under which the Academy shall compile and evaluate studies on the effectiveness of technology in the classroom on learning and student performance, as measured by State standardized tests. The study evaluation shall include, to the extent available, information on the type of technology used in each classroom, the reason that such technology works, and the teacher training that is conducted in conjunction with the technology.

(b) DEADLINE FOR COMPLETION.—The study evaluation required by subsection (a) shall be completed not later than 180 days after the date of the enactment of this Act.

(c) DEFINITION OF TECHNOLOGY.—In this section, the term "technology" has the meaning given that term in section 3113(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6813(11)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation $600,000 for the purpose of conducting the study evaluation required by subsection (a).

SEC. 10. TEACHER TECHNOLOGY PROFESSIONAL DEVELOPMENT.

The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is further amended in section 16 (as added by section 4) by adding at the end the following new subsection:

"(d) The Director shall establish a grant program under which grants may be made for instruction of teachers for grades kindergarten through the twelfth grade on the use of technology in the classroom.".

SEC. 11. MIDDLE SCHOOL COMPUTER LITERACY ASSISTANCE.

The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is further amended in section 16 (as added by section 4) by adding at the end the following new subsection:

"(e)(1) The Director is authorized to award grants to assist States in reaching the goal of making all middle school graduates in the State technology literate.

"(2) Grants awarded under this subsection shall be used for teacher training in technology, with an emphasis on programs that prepare 1 or more teachers in each middle school in the State to become technology leaders who then serve as experts and train other teachers.

"(3) Each State shall encourage schools that receive assistance under this subsection to provide matching funds, with respect to the cost of teacher training in technology to be assisted under this subsection, in order to enhance the impact of the teacher training and to help ensure that all middle school graduates in the State are computer literate.".

SEC. 12. SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY EDUCATION CONFERENCE.

(a) IN GENERAL.—Within 180 days after the date of the enactment of this Act, the Director of the National Science Foundation shall convene a conference of representatives from Federal, State, and local governments, private industries, professional organizations, educators, science, mathematics, engineering, and technology educational resource providers, students, and any other stakeholders the Director decides would provide useful participation in the conference. Such conference shall be known as the National Science Education Forum.

(b) PURPOSES.—The purposes of the conference convened under subsection (a) shall be to—

(1) identify existing science, mathematics, engineering, and technology education programs and resource providers;

(2) examine how well existing programs are coordinated and how much collaboration exists among them;

(3) examine the common goals and differences among the participants at the conference; and

(4) develop strategies that will support partnerships and leverage resources.

(c) REPORT AND PUBLICATION.—At the conclusion of the conference the Director of the National Science Foundation shall—

(1) transmit to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on the outcome and conclusions of the conference; and

(2) ensure that a similar report is published and distributed as widely as possible to stakeholders in science, mathematics, engineering, and technology education.

SEC. 13. GRANTS FOR DISTANCE LEARNING.

The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is further amended in section 16 (as added by section 4) by adding at the end the following new subsection:

"(f) The Director may make grants to a State or local educational agency or to a private elementary, middle, or secondary school, under any grant program administered by the Director using funds appropriated for the National Science Foundation for Education and Human Resources Activities, for activities in which distance learning is integrated into the education process in grades kindergarten through the twelfth grade.".

SEC. 14. AVAILABILITY OF CURRICULAR PROGRAMS THROUGH THE INTERNET.

The Director of the National Science Foundation shall make available through the Internet at no cost a complete field-test version (including text and graphics) of any curricular program, the development for which the National Science Foundation provided funds.

SEC. 15. SCHOLARSHIPS TO PARTICIPATE IN CERTAIN RESEARCH ACTIVITIES.

(a) IN GENERAL.—The President, acting through the National Science Foundation, shall provide scholarships to teachers at public and private schools in grades kindergarten through the twelfth grade in order that such teachers may participate in research programs conducted at private entities or Federal or State Government agencies. The purpose of such scholarships shall be to provide teachers with an opportunity to expand their knowledge of science and research techniques and encourage incorporation of such techniques into the classroom.

(b) REQUIREMENTS.—In order to be eligible to receive a scholarship under this section, a teacher described in subsection (a) shall be required to develop, in conjunction with the private entity or Government agency at which the teacher will be participating in a research program, a proposal to be submitted to the President describing the types of research activities involved, and how techniques with respect to such research may be incorporated into the educational process.

(c) PERIOD OF PROGRAM.—Participation in a research program in accordance with this section may be for a period of one academic year or 2 sequential summers.

(d) INTERNET SITE.—The Director of the National Science Foundation shall establish an Internet web site which may be used by students and teachers participating in the program under this section to incorporate research knowledge and techniques into the educational process.

By Ms. COLLINS (for herself, Mr. DODD, Mr. HUTCHINSON, Mr. WELLSTONE, Mr. TORRICELLI, Mr. MURKOWSKI, Mr. DORGAN, Mr. LIEBERMAN, and Mr. MOYNIHAN):

S. 2625. A bill to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations; to the Committee on Health, Education, Labor, and Pensions.

THE ORGAN PROCUREMENT ORGANIZATION CERTIFICATION ACT OF 2000

Ms. COLLINS. Mr. President, I rise today on behalf of myself, Senator DODD, Senator HUTCHINSON, Senator WELLSTONE, Senator MURKOWSKI, Senator TORRICELLI, Senator DORGAN, Senator LIEBERMAN and Senator MOYNIHAN, to introduce the Organ Procurement Organization Certification Act of 2000 to improve the performance evaluation and certification process that the Health Care Financing Administration currently uses for organ procurement organizations.

Our nation's 60 organ procurement organizations (OPOs) play a critical role in procuring and placing organs and are therefore key to our efforts to increase the number and quality of organs available for transplant. They provide all of the services necessary in a particular geographic region for coordinating the identification of potential donors, requests for donation and recovery and transport of organs. The professionals in the OPOs evaluate potential donors, discuss donation with family members, and arrange for the surgical removal of donated organs. They are also responsible for preserving the organs and making arrangements for their distribution according to national organ sharing policies. Finally, the OPOs provide information and education to medical professionals and the general public to encourage organ and tissue donation to increase the availability of organs for transplantation.

According to the Institute of Medicine's (IOM's) 1999 report on organ procurement and transplantation, a major impediment to greater accountability and improved performance on the part of OPOs is the current lack of a reliable and valid method for assessing donor potential and OPO performance.

The current certification process for OPOs sets an arbitrary, population-based performance standard for certifying OPOs based on donors per million of population in their service areas. It sets a standard for acceptable performance based on five criteria: donors recovered per million, kidneys recovered per million, kidneys transplanted per million, extrarenal organs (heart, liver, pancreas and lungs) recovered per million, and extrarenal organs transplanted per million. The HCFA assesses the OPOs' adherence to these standards every two years. Each OPO must meet at least 75 percent of the national mean for four of these five categories to be recertified as the OPO for a particular area and to receive Medicare and Medicaid payments. Without HCFA certification, an OPO cannot continue to operate.

The GAO, the IOM, the Harvard School of Public Health and others all have criticized HCFA's use of this population-based standard to measure OPO performance. According to the GAO, "HCFA's current performance standard does not accurately assess OPOs' ability to meet the goal of acquiring all usable organs because it is based on the total population, not the number of potential donors, within the OPO's service areas."

OPO service areas vary widely in the distribution of deaths by cause, underlying health conditions, age, and race. These variations can pose significant advantages or disadvantages to an OPO's ability to procure organs, and a major problem with HCFA's current performance assessment is that it does not account for these variations. An extremely effective OPO that is getting a high yield of organs from the potential donors in its service area may appear to be performing poorly because it has a disproportionate share of elderly people or a high rate of people infected with HIV or AIDS, which eliminates them for consideration as an organ donor. At the same time, an ineffective OPO may appear to be performing well because it is operating in a service area with a high proportion of potential donors.

For example, organ donors typically die from head trauma and accidental injuries, and these rates can vary dramatically from region to region. According to the Centers for Disease Control and Prevention (CDC), in 1991, the number of drivers fatally injured in traffic accidents in Maine was 15.54 per 100,000 population. In Mississippi, however, it was 30.56, giving the OPO serving that state a tremendous advantage over the New England Organ Bank, which serves Maine.

Use of this population-based method to evaluate OPO performance may well result in the decertification of OPOs that are actually excellent performers. Moreover, unlike other HCFA certification programs, the certification process for OPOs lacks a clearly defined due process component for resolving conflicts—an OPO that has been decertified has no opportunity for appeal to the Secretary of HHS on either substantive or procedural grounds. The current system therefore forces OPOs to compete on the basis of an imperfect grading system, with no guarantee of an opportunity for fair hearing based on their actual performance. This situation pressures many OPOs to focus on the certification process itself rather than on activities and methods to increase donation, undermining what should be the overriding goal of the program. Moreover, the current two-year cycle—which is shorter than other certification programs administered by HCFA—provides little opportunity to examine trends and even less incentive for OPOs to mount long-term interventions.

The legislation we are introducing today has four major objectives. First, it imposes a moratorium on the current recertification process for OPOs and on the use of population-based performance measurements. Under our bill, the certification of qualified OPOs will remain in place through January 1, 2002, for those OPOs that have been certified as of January 1, 2000, and that meet other qualification requirements apart from the current performance standards. Second, the bill requires the Secretary of Health and Human Services to promulgate new rules governing OPO recertification by January 1, 2002. These new rules are to rely on outcome and process performance measures based on evidence of organ donor potential and other relevant factors, and recertification for OPOs shall not be required until they are promulgated. Third, the bill provides an opportunity for an OPO to appeal a decertification to the Secretary on substantive and procedural grounds, and fourth the bill extends the current two-year certification cycle to four years.

Mr. PRESIDENT, the bill we are introducing today makes much needed improvements in the flawed process that HCFA currently uses to certify and assess OPO performance, and I urge all of our colleagues to join us in supporting it.

By Mr. JEFFORDS:

S. 2626. A bill to amend the Internal Revenue Code of 1986 to improve access to tax-exempt debt for small non-profit health care and educational institutions; to the Committee on Finance.

IMPROVING ACCESS TO TAX-EXEMPT DEBT FOR SMALL NON-PROFIT HEALTH CARE AND EDUCATIONAL INSTITUTIONS.

• Mr. JEFFORDS. Mr. President, today I am introducing legislation that will help small health and educational institutions more effectively finance the cost of essential services and new facility construction. By modifying the laws that restrict the deductibility of "bank eligible" bonds, the bill I am introducing today will increase access to tax-exempt financing for small nonprofit organizations that need it most, like small local hospitals and small institutions of higher education.

The Tax Reform Act of 1986 unintentionally discriminated against small educational, health care and other nonprofit institutions that want to sell small amounts of tax-exempt debt to community banks. Before 1986, banks and financial institutions could deduct the interest incurred to carry a tax-exempt bond. This benefit enabled banks to purchase tax-exempt bonds at attractive rates. The 1986 tax act repealed bank deductibility, although an exception was retained for small issuers that issue bonds of $10 million or less each year.

This exception was designed to preserve bank deductibility for small beneficiaries, but in practice is of assistance only to private placements issued by small local issuers. The small issuer exception has proven to be of little value in many States, like Vermont, where statewide health care and higher education bond issuing authorities typically issue many millions of dollars of debt each year. My bill will modify the small issuer exemption by granting the bond issuers the right to apply the small issuer exemption at the level of the ultimate beneficiary of the funding. Consequently, a small college or health care facility borrowing less than $10 million in tax-exempt debt in any one year could elect tax-exempt status for the debt, even if it is issued by a statewide issuing authority. This would make the debt more attractive to local banks, and could result in significant savings for the beneficiary institution over the life of the bond.

My bill focuses the benefit of the small issuer exemption on smaller nonprofits, without regard to whether the bond issuer is government entity issuing more than $10 in bonds per year. Small non-profits are important community institutions; they stand to benefit from greater access to tax-exempt debt. Wall Street and large banks may have little interest in small amounts of debt from small institutions, which can prove costly to administer. The bank across the street from a local college or health care clinic, however, may have greater confidence and insight in the institution. My bill would allow those banks to carry tax-exempt debt at attractive rates and maintain commitments to the people and institutions in their local communities.

I urge my colleagues to support this bill.•

By Mr. BURNS:

S. 2627. A bill to direct the Secretary of the Interior to provide funding for rehabilitation of the Going-to-the-Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park, and for other purposes; to the Committee on Energy and Natural Resources.

THE GLACIER NATIONAL PARK REHABILITATION DEMONSTRATION

• Mr. BURNS. Mr. President, I rise today to introduce a bill that will direct the Secretary of the Interior to provide funding for the rehabilitation of the Going-to-the-Sun Road in Glacier National Park, authorize funds to address the maintenance backlog facing the park's sewer and drinking water infrastructure, and allow the Secretary to enter into a demonstration project to rehabilitate the historic hotels in Glacier National Park using private funds.

This legislation is a companion to a bill recently introduced by Representative RICK HILL in the House of Representatives. The bill would provide $20 million for much-needed water and sewer infrastructure upgrades, which could extend the park's yearly operating season to six months. Extending the season is extremely important to ensure that revenue will be generated to rehabilitate these historic structures in Glacier National Park.

Additionally, the legislation will allow the Secretary of the Interior to enter into an extended concessionaire agreement so that the concessionaire will be eligible for tax incentives that will make the multi-million dollar investment in these historic lodges affordable. The National Park Service is supportive of this effort and would benefit from the added flexibility to exempt competitive concessions contracts from the current 20-year maximum contract length. Permitting this exemption would allow concessionaires to qualify for historic preservation tax credits and dedicate funds toward Many Glacier Hotel and the Lake McDonald Lodge.

The marriage of public and private investment allowed by this pilot project is the only workable solution that we have found that will save the park's historic structures in a timely manner. With a multi-billion dollar backlog of maintenance projects in our National Parks, it is highly unlikely the rehabilitation projects could be funded using purely public funds. Glacier Park is a place that all Montanans hold dear, and its historic hotels are a significant part of its rich heritage. After years of use, these hotels are now in dire need of rehabilitation, and unfortunately the funds just aren't available at the federal level. This pilot project offers us a unique opportunity to begin the work necessary to maintain Glacier Park's preeminent place in our national park system and preserve it for generations to come. The legislation still ensures a competitive concessionaire program, but will also ensure that America's citizens are able to enjoy these century old buildings for generations to come.

Finally, the legislation authorizes funding to rehabilitate the Going-to-the-Sun Road. This highway is a true feat of engineering, and one of the most beautiful roadways in the world. It is the centerpiece of Glacier National Park, and must receive this added attention as soon as possible to avoid risking public safety and increasing the eventual cost of rehabilitating the road to acceptable standards.

I look forward to swift consideration of this legislation and the support of my colleagues.●

By Mr. MACK:

S. 2628. A bill to suspend temporarily the duty on R115777; to the Committee on Finance.

LEGISLATION TO SUSPEND TEMPORARILY THE DUTY ON R115777

● Mr. MACK. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. R115777.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.33.40	R115777, (R)-6-[amino(4-chlorophenyl)(1-methyl-1H-imidazol-5-yl)methyl]-4-(3-chlorophenyl)-1-methyl-2(1H)-quinoline, in bulk active form as the active drug to treat pancreatic cancer (CAS No. 192185-72-1)(provided for in subheading 2933.40.26)	Free	No change	No change	On or before 12/31/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. HELMS:

S. 2629. A bill to designate the facility of the United States Postal Service located at 114 Ridge Street in Lenoir, North Carolina, as the "James T. Broyhill Post Office Building"; to the Committee on Governmental Affairs.

JAMES T. BROYHILL POST OFFICE BUILDING

Mr. HELMS. Mr. President, I will shortly offer legislation authorizing the naming of the Post Office 114 Ridge Street Lenoir, N.C., for The Honorable James T. Broyhill, one of North Carolina's more distinguished servants, philanthropists, and businessmen.

Congressman RICHARD BURR and Congressman CASS BALLENGER are offering companion House legislation; which is cosponsored by the entire North Carolina delegation in that body.

He was born in Lenoir, NC on August 19, 1927 to the late J.E. and Satie (Hunt) Broyhill. He is a 1950 graduate of the University of North Carolina at Chapel Hill with a degree in Business Administration.

After graduation he served as Vice-President of Broyhill Furniture Industries and as a member of the Lenoir Chamber of Commerce, which he served as President from 1955 to 1957. As many Senators are aware, Broyhill Furniture Industries has a worldwide reputation as one of the finest furniture manufacturers in the world.

Mr. President, in 1962, Jim Broyhill was elected to the U.S. House of Representatives where he served 12 terms ending in June of 1986. During his service in the House he was the Ranking Member of the House Energy and Commerce Committee and was instrumental in guiding Republican legislative efforts through that committee.

In May 1986 he won the Republican nomination for the U.S. Senate seat vacated by Senator John P. East. Following Senator East's tragic death in June of 1986, Jim Broyhill was appointed to the U.S. Senate by then Governor Jim Martin to serve the remainder of Senator East's term. His committee assignments include seats on the Senate Judiciary Committee and Senate Armed Services Committee.

While he was unsuccessful in his 1986 election bid for the U.S. Senate, but this did not dampen his willing commitment to help others in North Carolina. In addition he was selected (by then Governor Jim Martin) to serve as Chairman of the North Carolina Economic Development Board. In 1989, he was appointed by Governor Martin to serve as North Carolina's Secretary of Commerce, which he held until 1991.

He then retired to Winston-Salem. His wife is the former Louise Robbins and has three fine children; and they have three children: Marylin Beach, James Edgar Broyhill II, and Philip R. Broyhill.

Mr. President, I ask unanimous consent that the enabling legislation (S. 2629) be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAMES T. BROYHILL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 114 Ridge Street in Lenoir, North Carolina, shall be known and designated as the "James T. Broyhill Post Office Building".

(b) REFERENCES.— Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "James T. Broyhill Post Office Building".

ADDITIONAL COSPONSORS

S. 662

At the request of Mr. L. CHAFEE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 978

At the request of Mr. WARNER, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 978, a bill to specify that the legal public holiday known as Washington's Birthday be called by that name.

S. 1017

At the request of Mr. MACK, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1074

At the request of Mr. TORRICELLI, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from South Carolina (Mr. HOLLINGS), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from Pennsylvania (Mr. SPECTER), the Senator from North Carolina (Mr. HELMS), and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1351

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1351, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from newable resources.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2077

At the request of Mr. SANTORUM, the names of the Senator from Florida (Mr. MACK) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2077, a bill to amend the Internal Revenue Code of 1986 to allow nonitemizers a deduction for a portion of their charitable contributions.

S. 2087

At the request of Mr. WARNER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2087, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. 2232

At the request of Mr. GRAHAM, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2232, a bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purpose.

S. 2256

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2256, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2311

At the request of Mr. JEFFORDS, the names of the Senator from Nevada (Mr. BRYAN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2334

At the request of Mr. L. CHAFEE, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2334, a bill to amend the Internal Revenue Code of 1986 to extend expensing of environmental remediation costs for an additional 6 years and to include sites in metropolitan statistical areas.

S. 2344

At the request of Mr. BROWNBACK, the names of the Senator from Montana (Mr. BURNS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2357

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2379

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2379, a bill to provide for the protection of children from tobacco.

S. 2408

At the request of Mr. BINGAMAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2416

At the request of Mr. ASHCROFT, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2416, a bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State, as the "Harry S. Truman Federal Building".

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2460

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2460, a bill to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

S. 2528

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2528, a bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

S. 2599

At the request of Mr. ABRAHAM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of

S. 2599, a bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

S. CON. RES. 100

At the request of Mr. HAGEL, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Tennessee (Mr. THOMPSON), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Virginia (Mr. WARNER), the Senator from Washington (Mr. GORTON), the Senator from Illinois (Mr. DURBIN), the Senator from South Carolina (Mr. THURMOND), the Senator from Georgia (Mr. CLELAND), the Senator from Maine (Ms. COLLINS), the Senator from Minnesota (Mr. GRAMS), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. Con. Res. 100, a concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day.

SENATE CONCURRENT RESOLUTION 117—COMMENDING THE REPUBLIC OF SLOVENIA FOR ITS PARTNERSHIP WITH THE UNITED STATES AND NATO, AND EXPRESSING THE SENSE OF CONGRESS THAT SLOVENIA'S ACCESSION TO NATO WOULD ENHANCE NATO'S SECURITY, AND FOR OTHER PURPOSES

Mr. ROTH (for himself, Mr. BIDEN, Mr. LOTT, Mr. HELMS, and Mr. VOINOVICH) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 117

Whereas on June 25, 1991, the Republic of Slovenia declared its independence;

Whereas on December 23, 1991, the Parliament of the Republic of Slovenia adopted the State's new constitution based on the values of human rights, market economy, rule of law, and democracy;

Whereas on April 7, 1992, the United States formally recognized the Republic of Slovenia;

Whereas, since its independence, Slovenia has demonstrated an excellent record on human rights;

Whereas Slovenia has developed a successful and growing market economy and enjoys the highest per capita gross domestic product in Central and Eastern Europe;

Whereas the European Union has recognized Slovenia's economic prosperity and the strength of its democracy by initiating accession negotiations with Slovenia as well as by putting into effect Slovenia's Association Agreement with the European Union;

Whereas Slovenia has demonstrated its commitment to bring peace, security, stability, democracy, and economic prosperity to Southeastern Europe through its membership in NATO's Partnership for Peace, the Central European Initiative, the Central European Free Trade Association (CEFTA), and the Stability Pact for Southeast Europe;

Whereas Slovenia has been an active contributor to peace support operations around the world, including the NATO Stabilization Force in Bosnia and Herzegovina, NATO's Kosovo Force, and United Nations peacekeeping operations in Cyprus and Lebanon;

Whereas Slovenia made invaluable contributions to NATO's Operation ALLIED FORCE by providing NATO access and use of its airspace and ground transportation systems and by assisting the NATO efforts to provide Albania humanitarian relief during the air campaign against Yugoslavia;

Whereas Slovenia has contributed financial and humanitarian aid to the assistance effort in Kosovo, including refuge for more than 3500 people who had fled the region as a consequence of the violence that occurred in Kosovo;

Whereas Slovenia promotes regional cooperation through its contributions to the Trilateral Multinational Land Force, a multinational brigade established with Italy and Hungary;

Whereas Slovenia, a leader in the effort to remove land mines from the war-torn regions of the former Republic of Yugoslavia, established the highly effective International Trust Fund for Demining and Mine Victims Assistance; and

Whereas the NATO Enlargement Facilitation Act of 1996, passed by the Senate on July 25, 1996, identified Slovenia, along with Poland, Hungary, and the Czech Republic, as being among the NATO applicant states most prepared for the burdens and responsibilities of NATO membership; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) it is the policy of the United States to—

(1) support the integration of the Republic of Slovenia into transatlantic and European political, economic, and security institutions, including the North Atlantic Treaty Organization and the European Union; and

(2) continue and further reinforce the partnership between the United States and Slovenia, particularly their joint efforts to bring lasting peace and stability to all of Europe.

(b) It is the sense of Congress that—

(1) the Republic of Slovenia is to be commended for—

(A) its commitment to democratic principles, human rights, and rule of law;

(B) its transition from a communist, centrally planned economic system to a thriving free market economy; and

(C) its partnership with the United States and NATO during the recent conflicts that have undermined peace and stability in Southeastern Europe; and

(2) the accession of the Republic of Slovenia to full membership in transatlantic and European institutions would be an important step toward a Europe that is undivided, whole and free.

AMENDMENTS SUBMITTED

LEGISLATIVE BRANCH APPROPRIATIONS BILL

MIKULSKI (AND OTHERS) AMENDMENT NO. 3166

Ms. MIKULSKI (for herself, Mr. DASCHLE, Mrs. MURRAY, Mr. REID, Mr. SARBANES, Mr. WELLSTONE, Mr. BYRD, Mr. BENNETT, Mrs. FEINSTEIN, Mr. KENNEDY, and Mr. DURBIN) proposed an amendment to the bill (S. 2603) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the appropriate place, insert:

SEC. . SENSE OF SENATE COMMENDING CAPITOL POLICE.

The Senate finds that—

(a)(1) the United States Capitol is the people's house, and, as such, it has always been and will remain open to the public;

(2) millions of people visit the Capitol each year to observe and study the workings of the democratic process;

(3) the Capitol is the most recognizable symbol of liberty and democracy throughout the world and those who guard the Capitol guard our freedom;

(4) on July 24, 1998, Officer Jacob Chestnut and Detective John Michael Gibson of the United States Capitol Police sacrificed their lives to protect the lives of hundreds of tourists, Members of Congress, and staff;

(5) the officers of the United States Capitol Police serve their country with commitment, heroism, and great patriotism;

(6) the employees of the United States working in the United States Capitol are essential to the safe and efficient operation of the Capitol building and the Congress;

(7) the operation of the Capitol and the legislative process are dependent on the professionalism and hard work of those who work here, including the United States Capitol Police, congressional staff, and the staff of the Congressional Research Office, the General Accounting Office, the Congressional Budget Office, the Government Printing Office, and the Architect of the Capitol; and

(8) the House of Representatives should restore the cuts in funding for the United States Capitol Police, congressional staff, and congressional support organizations.

(b) It is the sense of the Senate that—

(1) the United States Capitol Police and all legislative employees are to be commended for their commitment, professionalism, and great patriotism; and

(2) the conferees on the legislative branch appropriations legislation should maintain the Senate position on funding for the United States Capitol Police and all legislative branch employees.

BENNETT (AND FEINSTEIN) AMENDMENTS NOS. 3167-3170

Mr. BENNETT (for himself and Mrs. FEINSTEIN) proposed four amendments to the bill, S. 2603 supra; as follows:

AMENDMENT NO. 3167

At the appropriate place insert:

The first sentence under the subheading "SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE" under the heading "CONTINGENT EXPENSES OF THE SENATE" under title I of the bill is amended by inserting ", of which $2,500,000 shall remain available until September 30, 2003" after "$71,261,000".

AMENDMENT NO. 3168

At the appropriate place insert:

ADMINISTRATIVE PROVISION

SEC. . (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking "$10,000,000" each place it appears and inserting "$14,500,000".

(b) Section 201 of such Act is amended—

(1) by inserting "(a)" before "Pursuant", and

(2) by adding at the end the following:

"(b) The Architect of the Capitol is authorized to solicit, receive, accept, and hold amounts under section 307E(a)(2) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(2)) in excess of the $14,500,000 authorized under subsection (a), but such amounts (and any interest thereon) shall not be expended by the Architect without approval in appropriation Acts as required under section 307E(b)(3) of such Act (40 U.S.C. 216c(b)(3)).".

AMENDMENT NO. 3169

At the end of title III, insert:

SEC. 312. CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the legislative branch of the Government a center to be known as the "Center for Russian Leadership Development" (the "Center").

(2) BOARD OF TRUSTEES.—The Center shall be subject to the supervision and direction of a Board of Trustees which shall be composed of 9 members as follows:

(A) 2 members appointed by the Speaker of the House of Representatives, 1 of whom shall be designated by the Majority Leader of the House of Representatives and 1 of whom shall be designated by the Minority Leader of the House of Representatives.

(B) 2 members appointed by the President pro tempore of the Senate, 1 of whom shall be designated by the Majority Leader of the Senate and 1 of whom shall be designated by the Minority Leader of the Senate.

(C) The Librarian of Congress.

(D) 4 private individuals with interests in improving United States and Russian relations, designated by the Librarian of Congress.

Each member appointed under this paragraph shall serve for a term of 3 years. Any vacancy shall be filled in the same manner as the original appointment and the individual so appointed shall serve for the remainder of the term. Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(b) PURPOSE AND AUTHORITY OF THE CENTER.—

(1) PURPOSE.—The purpose of the Center is to establish, in accordance with the provisions of paragraph (2), a program to enable emerging political leaders of Russia at all levels of government to gain significant, firsthand exposure to the American free market economic system and the operation of American democratic institutions through visits to governments and communities at comparable levels in the United States.

(2) GRANT PROGRAM.—Subject to the provisions of paragraphs (3) and (4), the Center shall establish a program under which the Center annually awards grants to government or community organizations in the United States that seek to establish programs under which those organizations will host Russian nationals who are emerging political leaders at any level of government.

(3) RESTRICTIONS.—

(A) DURATION.—The period of stay in the United States for any individual supported with grant funds under the program shall not exceed 30 days.

(B) LIMITATION.—The number of individuals supported with grant funds under the program shall not exceed 3,000 in any fiscal year.

(C) USE OF FUNDS.—Grant funds under the program shall be used to pay—

(i) the costs and expenses incurred by each program participant in traveling between Russia and the United States and in traveling within the United States;

(ii) the costs of providing lodging in the United States to each program participant, whether in public accommodations or in private homes; and

(iii) such additional administrative expenses incurred by organizations in carrying out the program as the Center may prescribe.

(4) APPLICATION.—

(A) IN GENERAL.—Each organization in the United States desiring a grant under this section shall submit an application to the Center at such time, in such manner, and accompanied by such information as the Center may reasonably require.

(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought;

(ii) include the number of program participants to be supported;

(iii) describe the qualifications of the individuals who will be participating in the program; and

(iv) provide such additional assurances as the Center determines to be essential to ensure compliance with the requirements of this section.

(c) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the "Russian Leadership Development Center Trust Fund" (the "Fund") which shall consist of amounts which may be appropriated, credited, or transferred to it under this section.

(2) DONATIONS.—Any money or other property donated, bequeathed, or devised to the Center under the authority of this section shall be credited to the Fund.

(3) FUND MANAGEMENT.—

(A) IN GENERAL.—The provisions of subsections (b), (c), and (d) of section 116 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 1105 (b), (c), and (d)), and the provisions of section 117(b) of such Act (2 U.S.C. 1106(b)), shall apply to the Fund.

(B) EXPENDITURES.—The Secretary of the Treasury is authorized to pay to the Center from amounts in the Fund such sums as the Board of Trustees of the Center determines are necessary and appropriate to enable the Center to carry out the provisions of this section.

(d) EXECUTIVE DIRECTOR.—The Board shall appoint an Executive Director who shall be the chief executive officer of the Center and who shall carry out the functions of the Center subject to the supervision and direction of the Board of Trustees. The Executive Director of the Center shall be compensated at the annual rate specified by the Board, but in no event shall such rate exceed level III of the Executive Schedule under section 5314 of title 5, United States Code.

(e) ADMINISTRATIVE PROVISIONS.—

(1) IN GENERAL.—The provisions of section 119 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 1108) shall apply to the Center.

(2) SUPPORT PROVIDED BY LIBRARY OF CONGRESS.—The Library of Congress may disburse funds appropriated to the Center, compute and disburse the basic pay for all personnel of the Center, provide administrative, legal, financial management, and other appropriate services to the Center, and collect from the Fund the full costs of providing services under this paragraph, as provided under an agreement for services ordered under sections 1535 and 1536 of title 31, United States Code.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) TRANSFER OF FUNDS.—Any amounts appropriated for use in the program established under section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat 93) shall be transferred to the Fund and shall remain available without fiscal year limitation.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—This section shall take effect on the date of enactment of this Act.

(2) TRANSFER.—Subsection (g) shall only apply to amounts which remain unexpended on and after the date the Board of Trustees of the Center certifies to the Librarian of Congress that grants are ready to be made under the program established under this section.

AMENDMENT NO. 3170

Section 309(1) of the bill is amended by striking "fiscal year 2000" and inserting "fiscal years 1999 and 2000".

THE BRING THEM HOME ALIVE ACT OF 1999

HELMS (AND BIDEN) AMENDMENT NO. 3171

Mr. SESSIONS (for Mr. HELMS (for himself and Mr. BIDEN)) proposed the following amendment to the bill (S. 484) to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive; as follows:

On page 6, line 23, after "Radio" insert the following: ", VOA-TV, VOA Radio,".

On page 7, line 12, strike "the 10-day period that begins on" and insert "the 30-day period that begins 15 days after".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 24, 2000, at 9:30 a.m., in open session to consider the nomination of General John A. Gordon, USAF to be Administrator, National Nuclear Security Administration, Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 24, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 24, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENTAL AND PUBLIC WORKS

Mr. BENNETT. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, May 24, at 9:30 a.m., to conduct a hearing to receive testimony on the Administration's Water Resources Development Act of 2000 proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 24, 2000 at 9:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 24, 2000 at 9:30 a.m. to conduct a hearing on S. 611, the Indian Federal Recognition Administrative Procedures Act of 1999. The hearing will be held in the Committee room, 485 Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, May 24, 2000, at 9 a.m., in 226 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 24, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 2163, a bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; S. 2396, a bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Water Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, a bill to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection, and development projects in the Colusa Basin Watershed, California; S. 2410, a bill to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes; and S. 2425, a bill to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that two rules committee minority staff interns, Melissa Pansiri and Khalil Malouf, be granted the privilege of the floor for the duration of the debate and rollcall votes on the nominees to the Federal Election Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE REPUBLIC OF LATVIA

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from consideration of S. Con. Res. 110, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 110) congratulating the Republic of Latvia on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the concurrent resolution and the preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 110) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 110

Whereas the United States had never recognized the forcible incorporation of the Baltic states of Estonia, Latvia, and Lithuania into the former Soviet Union;

Whereas the declaration on May 4, 1990, of the reestablishment of full sovereignty and independence of the Republic of Latvia furthered the disintegration of the former Soviet Union;

Whereas Latvia since then has successfully built democracy, passed legislation on human and minority rights that conform to European and international norms, ensured the rule of law, developed a free market economy, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization; and

Whereas Latvia, as a result of the progress of its political and economic reforms, has made, and continues to make, a significant contribution toward the maintenance of international peace and stability by, among other actions, its participation in NATO-led peacekeeping operations in Bosnia and Kosovo: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) congratulates Latvia on the occasion of the tenth anniversary of the reestablishment of its independence and the role it played in the disintegration of the former Soviet Union; and

(2) commends Latvia for its success in implementing political and economic reforms, which may further speed the process of that country's integration into European and Western institutions.

BRING THEM HOME ALIVE ACT OF 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 560, S. 484.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 484) to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3171

(Purpose: To make technical amendments)

Mr. SESSIONS. Mr. President, Senators HELMS and BIDEN have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. HELMS, for himself and Mr. BIDEN, proposes an amendment numbered 3171.

The amendment is as follows:

On page 6, line 23, after "Radio" insert the following: ", VOA-TV, VOA Radio,".

On page 7, line 12, strike "the 10-day period that begins on" and insert "the 30-day period that begins 15 days after".

Mr. SESSIONS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The amendment (No. 3171) was agreed to.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

The bill (S. 484) was read the third time and passed, as follows:

S. 484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bring Them Home Alive Act of 2000".

SEC. 2. AMERICAN VIETNAM WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

(b) ELIGIBILITY.—Refugee status shall be granted under subsection (a) to—

(1) any alien who—

(A) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union; and

(B) personally delivers into the custody of the United States Government a living American Vietnam War POW/MIA; and

(2) any parent, spouse, or child of an alien described in paragraph (1).

(c) DEFINITIONS.—In this section:

(1) AMERICAN VIETNAM WAR POW/MIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "American Vietnam War POW/MIA" means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Vietnam War; or

(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Vietnam War.

(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(2) MISSING STATUS.—The term "missing status", with respect to the Vietnam War, means the status of an individual as a result of the Vietnam War if immediately before that status began the individual—

(A) was performing service in Vietnam; or

(B) was performing service in Southeast Asia in direct support of military operations in Vietnam.

(3) VIETNAM WAR.—The term "Vietnam War" means the conflict in Southeast Asia during the period that began on February 28, 1961, and ended on May 7, 1975.

SEC. 3. AMERICAN KOREAN WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

(b) ELIGIBILITY.—Refugee status shall be granted under subsection (a) to—

(1) any alien—

(A) who is a national of North Korea, China, or any of the independent states of the former Soviet Union; and

(B) who personally delivers into the custody of the United States Government a living American Korean War POW/MIA; and

(2) any parent, spouse, or child of an alien described in paragraph (1).

(c) DEFINITIONS.—In this section:

(1) AMERICAN KOREAN WAR POW/MIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "American Korean War POW/MIA" means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Korean War; or

(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Korean War.

(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(2) KOREAN WAR.—The term "Korean War" means the conflict on the Korean peninsula during the period that began on June 27, 1950, and ended January 31, 1955.

(3) MISSING STATUS.—The term "missing status", with respect to the Korean War, means the status of an individual as a result of the Korean War if immediately before that status began the individual—

(A) was performing service in the Korean peninsula; or

(B) was performing service in Asia in direct support of military operations in the Korean peninsula.

SEC. 4. BROADCASTING INFORMATION ON THE "BRING THEM HOME ALIVE" PROGRAM.

(a) REQUIREMENT.—

(1) IN GENERAL.—The International Broadcasting Bureau shall broadcast, through WORLDNET Television and Film Service and Radio, VOA-TV, VOA Radio, or otherwise, information that promotes the "Bring Them Home Alive" refugee program under this Act to foreign countries covered by paragraph (2).

(2) COVERED COUNTRIES.—The foreign countries covered by paragraph (1) are—

(A) Vietnam, Cambodia, Laos, China, and North Korea; and

(B) Russia and the other independent states of the former Soviet Union.

(b) LEVEL OF PROGRAMMING.—The International Broadcasting Bureau shall broadcast—

(1) at least 20 hours of the programming described in subsection (a)(1) during the 30-day period that begins 15 days after the date of enactment of this Act; and

(2) at least 10 hours of the programming described in subsection (a)(1) in each calendar quarter during the period beginning with the first calendar quarter that begins after the date of enactment of this Act and ending five years after the date of enactment of this Act.

(c) AVAILABILITY OF INFORMATION ON THE INTERNET.—International Broadcasting Bureau shall ensure that information regarding the "Bring Them Home Alive" refugee program under this Act is readily available on the World Wide Web sites of the Bureau.

(d) SENSE OF CONGRESS.—It is the sense of Congress that RFE/RL, Incorporated, Radio Free Asia, and any other recipient of Federal grants that engages in international broadcasting to the countries covered by subsection (a)(2) should broadcast information similar to the information required to be broadcast by subsection (a)(1).

(e) DEFINITION.—The term "International Broadcasting Bureau" means the International Broadcasting Bureau of the United States Information Agency or, on and after the effective date of title XIII of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105-277), the International Broadcasting Bureau of the Broadcasting Board of Governors.

SEC. 5. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

In this Act, the term "independent states of the former Soviet Union" has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

ORDER FOR COMMITTEES TO FILE

Mr. SESSIONS. Mr. President, I ask unanimous consent that, notwithstanding the adjournment of the Senate, committees have from 11 a.m. until 1 p.m. on Thursday, June 1, in order to file legislative matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME—H.R. 1291, H.R. 3591, H.R. 4051, AND H.R. 4251

Mr. SESSIONS. Mr. President, I understand that the following bills are at the desk: H.R. 1291, H.R. 3591, H.R. 4051, and H.R. 4251. I ask for the first reading of each of these bills, and ask unanimous consent that it be in order to read the titles consecutively.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1291) to prohibit the imposition of access charges on Internet service providers, and for other purposes.

A bill (H.R. 3591) to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

A bill (H.R. 4051) to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

A bill (H.R. 4251) to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight of nuclear transfers to North Korea, and for other purposes.

Mr. SESSIONS. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDING OFFICER. The bills will remain at the desk.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives, pursuant to section 301(b) of Public Law 104-1, announces the joint appointment of Barbara L. Camens of the District of Columbia and Roberta L. Holzwarth of Illinois to five-year terms on the Board of Directors of the Office of Compliance.

ORDERS FOR THURSDAY, MAY 25, 2000

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, May 25. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day. I further ask consent that the Senate then proceed to a period of morning business until 10:30 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator BIDEN, or his designee, 9:30 a.m. to 10 a.m. and Senator THOMAS, or his designee, 10 a.m. to 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. On behalf of the majority leader, and for the information of all Senators, the Senate will convene at 9:30 a.m. on Thursday and be in a period of morning business until 10:30 a.m. Following morning business, the Senate will resume debate on the Mikulski amendment to the legislative branch appropriations bill for 10 minutes prior to a vote on the amendment. Following that vote, the Senate will immediately proceed to a vote on third reading of the bill. Therefore, Senators can expect two back-to-back votes at approximately 10:45 a.m.

I ask unanimous consent that after the votes the Senate return to a period of morning business for 1 hour with Senators ROBERTS and CLELAND in control of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, it is hoped that the Senate can consider the crop insurance conference report tomorrow afternoon. Therefore, Senators can expect votes throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I note that Senator LEAHY is not here. I believe he is not coming, so I renew my unanimous consent request to adjourn.

There being no objection, the Senate, at 5:20 p.m., adjourned until Thursday, May 25, 2000, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 24, 2000:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

CHRISTOPHER C. GALLAGHER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2003.

AMY C. ACHOR, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2003.

DEPARTMENT OF THE TREASURY

JAY JOHNSON, OF WISCONSIN, TO BE DIRECTOR OF THE MINT FOR A TERM OF FIVE YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

KATHRYN SHAW, OF PENNSYLVANIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

FEDERAL ELECTION COMMISSION

DANNY LEE MCDONALD, OF OKLAHOMA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2005.

BRADLEY A. SMITH, OF OHIO, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2005.

DEPARTMENT OF STATE

ALAN PHILLIP LARSON, OF IOWA, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

ASIAN DEVELOPMENT BANK

N. CINNAMON DORNSIFE, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF STATE

EARL ANTHONY WAYNE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (ECONOMIC AND BUSINESS AFFAIRS).

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

BOBBY L. ROBERTS, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2003.

NATIONAL SCIENCE FOUNDATION

MICHAEL G. ROSSMANN, OF INDIANA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2006.

DANIEL SIMBERLOFF, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2006.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

LESLIE LENKOWSKY, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING FEBRUARY 8, 2004.

JUANITA SIMS DOTY, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2004.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

JOAN R. CHALLINOR, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2004.

RAILROAD RETIREMENT BOARD

JEROME F. KEVER, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2003.

VIRGIL M. SPEAKMAN, JR., OF OHIO, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2004.

NATIONAL SECURITY EDUCATION BOARD

HERSCHELLE S. CHALLENOR, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

DEPARTMENT OF THE INTERIOR

THOMAS A. FRY, III, OF TEXAS, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT.

THOMAS N. SLONAKER, OF ARIZONA, TO BE SPECIAL TRUSTEE, OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, DEPARTMENT OF THE INTERIOR.

DEPARTMENT OF LABOR

EDWARD B. MONTGOMERY, OF MARYLAND, TO BE DEPUTY SECRETARY OF LABOR.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

MEL CARNAHAN, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005.

SCOTT O. WRIGHT, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 10, 2003.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARC RACICOT, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2004.

ALAN D. SOLOMONT, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2004.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATHAN O. HATCH, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

JOHN PAUL HAMMERSCHMIDT, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM OF FOUR YEARS.

NORMAN Y. MINETA, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM OF SIX YEARS.

ROBERT CLARKE BROWN, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 2005.

NATIONAL TRANSPORTATION SAFETY BOARD

JOHN GOGLIA, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2003.

CAROL JONES CARMODY, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2004.

NUCLEAR REGULATORY COMMISSION

EDWARD MCGAFFIGAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2005.

OVERSEAS PRIVATE INVESTMENT CORPORATION

GARY A. BARRON, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2002.

DEPARTMENT OF STATE

THOMAS G. WESTON, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL COORDINATOR FOR CYPRUS.

CAREY CAVANAUGH, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL NEGOTIATOR FOR NAGORNO-KARABAKH AND NEW INDEPENDENT STATES REGIONAL CONFLICTS.

CHRISTOPHER ROBERT HILL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF POLAND.

DONALD ARTHUR MAHLEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL NEGOTIATOR FOR CHEMICAL AND BIOLOGICAL ARMS CONTROL ISSUES.

GREGORY G. GOVAN, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS CHIEF U.S. DELEGATE TO THE JOINT CONSULTATIVE GROUP.

DEPARTMENT OF THE TREASURY

MICHELLE ANDREWS SMITH, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

TIMOTHY B. DYK, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.

JAMES D. WHITTEMORE, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

RICHARD C. TALLMAN, OF WASHINGTON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

MARIANNE O. BATTANI, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

DAVID M. LAWSON, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

JOHN ANTOON II, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

DEPARTMENT OF JUSTICE

MARK REID TUCKER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF DEFENSE

BRUCE SUNDLUN, OF RHODE ISLAND, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

MANUEL TRINIDAD PACHECO, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

THE JUDICIARY

PHYLLIS J. HAMILTON, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

NICHOLAS G. GARAUFIS, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

GERARD E. LYNCH, OF NEW YORK, TO BE A UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

ROGER L. HUNT, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.

KENT J. DAWSON, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.

DEPARTMENT OF JUSTICE

AUDREY G. FLEISSIG, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

STEVEN S. REED, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

DONALD W. HORTON, OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.

E. DOUGLAS HAMILTON, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

JOSE ANTONIO PEREZ, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

DONNIE R. MARSHALL, OF TEXAS, TO BE ADMINISTRATOR OF DRUG ENFORCEMENT.

THE JUDICIARY

JAMES J. BRADY, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA.

MARY A. MCLAUGHLIN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

BERLE M. SCHILLER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

RICHARD BARCLAY SURRICK, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

PETRESE B. TUCKER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING JOHN PATRICE GROARKE, AND ENDING JAMES CURTIS STRUBLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 1999.

FOREIGN SERVICE NOMINATIONS BEGINNING MATTIE R. SHARPLESS, AND ENDING HOWARD R. WETZEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 24, 2000.

FOREIGN SERVICE NOMINATIONS BEGINNING NANCY M. MCKAY, AND ENDING NANCY MORGAN SERPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 24, 2000.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING EDWIN L. JONES III, AND ENDING COLLEEN E. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 19, 1999.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING SUSAN J. BLUMENTHAL, AND ENDING WILLIAM TOOL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 19, 1999.

HOUSE OF REPRESENTATIVES—*Wednesday, May 24, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 24, 2000.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Monsignor William P. Fay, National Conference of Catholic Bishops, offered the following prayer:

God of all creation, and source of unending peace, be with this House and bless it. Let good work be done within its walls. May only truth be spoken here.

Give to those standing in this Chamber the wisdom to know their weakness, the humility to acknowledge Your strength, and the courage to let justice be the sole motivator of their work.

By the manner of their lives, let them proclaim the rightness of walking freely in Your sight.

By their love for our country and for their fellow citizens, may they serve well those who sent them to this place; may they lead by following You, the author of all truth, and show the way, by cherishing Your presence in their hearts.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HEFLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HEFLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 345, nays 54, answered "present" 1, not voting 34, as follows:

[Roll No. 224]

YEAS—345

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
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McIntyre
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Meehan
Meek (FL)
Meeks (NY)
Menendez
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Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Neal
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Northup
Norwood
Nussle
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velázquez
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (FL)

NAYS—54

Aderholt
Baird
Bilbray
Bonior
Borski
Brady (PA)
Clay
Clyburn
Costello
Crane
DeFazio
Dickey
English
Filner
Ford
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hill (MT)
Hilleary
Hilliard
Holden
Jones (OH)
Klink
Kucinich
Lewis (GA)
Lipinski
LoBiondo
McDermott
Miller, George
Moore
Oberstar
Olver
Peterson (MN)
Phelps
Pickett
Pomeroy
Ramstad
Rogan
Sabo
Schaffer
Slaughter
Stark
Strickland
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—34

Blunt
Burton
Chenoweth-Hage
Cummings
Delahunt
Ehrlich
Engel
Fattah
Fossella
Ganske
Gibbons
Gilchrest
Hulshof
Jones (NC)
Kasich
Larson
Lazio
Maloney (NY)
Martinez
McKinney
Minge
Mollohan
Morella
Nadler
Pascrell
Pease
Rodriguez
Rush

Scarborough
Stupak
Tauzin
Udall (CO)
Weiner
Young (AK)

□ 1022

Mr. OBERSTAR changed his vote from "yea" to "nay."

Mr. VENTO changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LATOURETTE). Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which concurrence of the House is requested:

> S. Con. Res. 116. Concurrent resolution commending Israel's redeployment from southern Lebanon.

The message also announced that in accordance with sections 1928–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the Second Session of the One Hundred Sixth Congress, to be held in Budapest, Hungary, May 26–30, 2000—

the Senator from Iowa (Mr. GRASSLEY), Acting Chairman;

the Senator from Pennsylvania (Mr. SPECTER);

the Senator from Wyoming (Mr. ENZI); and

the Senator from Ohio (Mr. VOINOVICH).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize the gentleman from Michigan (Mr. KILDEE) for a 1-minute speech. All other 1-minutes will be postponed until the end of the legislative day.

WELCOME TO REVEREND MONSIGNOR WILLIAM P. FAY

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, I rise today to welcome our guest chaplain, Monsignor William P. Fay. Monsignor Fay was recently elected to serve as the General Secretary of the National Conference of Catholic Bishops, U.S. Catholic Conference. His 5-year term begins next February.

He has served as Associate General Secretary of the conference since 1995. In this capacity, Monsignor Fay has overseen the public policy work of the U.S. Catholic Conference. Monsignor Fay helped to coordinate the most recent visit of Pope John Paul II to the United States when the Holy Father traveled to St. Louis in January 1999.

Monsignor Fay was ordained to the priesthood for the Archdiocese of Boston in 1974. After his ordination, Monsignor Fay was an associate pastor in several parishes in Massachusetts. Immediately before coming to the Catholic conference, he was a professor of philosophy at St. John's Seminary in Brighton, Massachusetts. He also served as the Dean of the College of Liberal Arts there and chairman of the department of philosophy.

Please join me in welcoming Monsignor William P. Fay.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4444, AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 510 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 510

> *Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on Ways and Means now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) three hours of debate on the bill, as amended, equally divided among and controlled by the chairman and ranking minority member of the Committee on Ways and Means, Representative Stark of California or his designee, and Representative Rohrabacher of California or his designee; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very dear friend from South Boston, Massachusetts (Mr. MOAKLEY) with whom I spend many long evenings upstairs in the Committee on Rules, including last night, to get this measure down here, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, as is customary for consideration of trade legislation, H.Res. 510 is a closed rule providing for consideration of H.R. 4444, a bill to authorize extension of normal trade relations to the People's Republic of China. The rule provides 3 hours of debate in the House equally divided among the chairman and ranking minority member of the Committee on Ways and Means, the gentleman from California (Mr. STARK) and the gentleman from California (Mr. ROHRABACHER) or their designees.

The rule provides that in lieu of the committee amendment in the nature of a substitute recommended by the Committee on Ways and Means, the amendment in the nature of a substitute printed in the Committee on Rules report accompanying the rule shall be considered as adopted. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, today's vote on trade with China is probably the most important vote that we will face in this session of Congress. Make no mistake about it. This vote is a win-win-win for America's workers, America's first-class businesses, and the very important goal of promoting American values. This will be a win for American workers because China will finally be required to play by the rules when they trade with America. They are opening their markets to American exporters which means good jobs across the United States. This is also a major win for world-class American businesses. We are home to the world's best high-tech companies, entertainers, farmers, and financial institutions.

□ 1030

These industries are at the heart of my home State of California's vibrant growing economy. They dominate global markets, and they will do the same in China if we let them.

However, as good a trade deal as this is, it does not get any more one sided in our favor than this. We do not face a choice between American pocketbooks and American values.

The fact is, trade with China is good for the Chinese people. It is good for human rights. It is good for democratic reform. It is good for national security, and it is good for American values. Yes, high-tech industries strongly support this bill. Yes, farmers across America strongly support this bill.

Yes, this bill is key to spreading the Internet across China. That is all great. But the real story is that leading human rights activists, democratic reformers and religious leaders in China support permanent normal trade relations and China entering the World Trade Organization.

Mr. Speaker, China is in the midst of great and dynamic change; and free market reform is the primary engine pushing that change. In fact, market reform is the single most powerful force for positive change in the 5,000-year history of Chinese civilization.

Mr. Speaker, if we care about the Chinese people, we cannot ignore reality that free market reforms have lifted hundreds of millions of Chinese people out of the depths of poverty. They have led to greater personal freedom for nearly everyone in China.

Mr. Speaker, supporters of trade with China, those of us who are supporters are not fools. We know that there are huge problems in China, and we do not ignore those problems. China is a country of 1.3 billion people with, as I said, 5,000 years of history dominated by both poverty and repression. Freedom and prosperity will not come to China overnight, or in a year or two. But if we stand for trade, if we stand for trade, we stand with Martin Lee, the leading democracy activist in Hong Kong, with Chen Shui-bian, the newly-elected president of Taiwan, who, the morning after he was elected, said one of the top priorities is China's accession to the World Trade Organization.

Billy Graham, who has not injected himself into this debate, other than to say that he believes that communication with China and openness is very important for us. Colin Powell, who just yesterday talked about the importance of this with Governor George W. Bush; Alan Greenspan, the chairman of the Federal Reserve Board; and, of course, former Presidents George Bush, Jimmy Carter, and Gerald Ford; as well as Ren Wanding, who is leader of China's 1978 Democracy Wall Movement in China; and a host of other Chinese human rights activists. People like Wei Jinhsheng, who for 7 years was imprisoned following the Tiananmen Square protests, people like this have come forward and said this is a very important thing to do.

So when we vote yes on permanent normal trade relations today, Mr. Speaker, we will be standing with winners. We stand with the people that will win in today's debate. We stand with the people that will win with this very important, but most important, Mr. Speaker, we stand with the winning tide of history that is slowly lifting the people of China from the depth of poverty and repression into the community of nations based on freedom and human dignity.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, my dear friend, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules for yielding me the customary half hour.

Mr. Speaker, every year Congress votes to extend normal trade relations with China. Today, the House will vote on whether to make that status permanent. Today, the House will decide whether we should treat the Chinese Government exactly the same way we treat nearly every other government.

Mr. Speaker, I do not believe that the Chinese Government has yet earned that privilege. Now, I am not saying we should not trade with China. It is the most populous country in the world; and, as such, it is a potential gold mine for American business. That is why I vote for annual normal trade relations for China.

But, Mr. Speaker, if we do not reconsider that status every year, we are going to lose what little chance we have of effecting any change in China. Mr. Speaker, China needs to change.

According to Mary Robinson, the chief of human rights of United Nations, in the last 2 years, human rights in China have gotten worse.

My friend, the gentleman from California (Mr. DREIER), the chairman, just said that we are going to stand with these people if we vote for China. Here is some of the other people we are going to stand with. This is the government that killed its own people with demonstrating in Tiananmen Square.

This is the government that jails hundreds of people who believe in the Falun Gong spiritual movements.

It is the same government that sells missiles and nuclear technology to North Korea and Iraq.

This is the same government that is home to at least 1100 slaved labor camps; and this is the same government that devastates its environment by building the Three Gorges Dam, ignores workers' rights and trades in endangered species.

Mr. Speaker, if we grant the Chinese Government permanent normal trade relations, we will be giving away what little chance we have to exert some influence on some of these horrible practices, particularly, the abuse of religious freedoms.

The United States Commission on Internal Religious Freedom reported that in China that Roman Catholic and Protestant underground house churches suffered increased repression, the crackdown included the arrests of bishops, priests, and pastors, one of whom was found dead on the street moments after he was arrested.

Mr. Speaker, since the United States consumes one-third of China's exports, we have a great opportunity to change the current practices in China, and we should not squander that opportunity for the sake of the almighty dollar.

I am not naive enough to think that the United States should pass up all trade with China, but I do think that we should at least reconsider that decision each and every year. Each year that Congress reconsiders the most favored nation trading status for China, the debate resurfaces here in the halls of the Congress, in the newspapers, on television screens. Each year we have the debate, attention again is focused again on China; and heat is kept on. And if we are to make that status permanent, the debate would end and human and workers' rights would be completely off the radar screen.

If we do not reconsider China's trade status every year, we lock ourselves into an inescapable trade agreement that hurts workers, hurts the environment and does nothing to stop religious persecution, slave labor, or the proliferation of nuclear weapons.

Mr. Speaker, I urge my colleagues to oppose this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER), the lead author of the very important legislation which is incorporated in this bill, which I believe will play a key role in bringing about its victory today.

Mr. BEREUTER. Mr. Speaker, I rise in strong support of this rule. I want to commend, the gentleman from California (Chairman DREIER) and the Committee on Rules for this excellent rule.

While providing China with permanent normal trade relations, PNTR, it is very clearly and overwhelmingly in America's short-term and long-term national interests; and a convincing case can be made for passing PNTR on its merits alone. Legitimate specific concerns in Congress about China and Sino-American relations continue. That is why the distinguished gentleman from Michigan (Mr. LEVIN) and this Member have offered a PNTR compatible parallel proposal in order to address those concerns which, I emphasize, this rule self-executes into H.R. 4444.

During the markup in the Committee on Ways and Means of that legislation, the important special 12-year import anti-surge protections for the U.S. as originally proposed in the Levin–Bereuter package were incorporated into the PNTR bill. This is an effective deterrent and defense against any huge import surges from China that could cause specific American business or agricultural sectors some damage. It is a special 12-year anti-surge provision that goes above and beyond that which we have with any other of the 135 members of the WTO.

With this rule, the PNTR legislation is expanded to incorporate the remainder of the Levin-Bereuter proposal which includes, first, the congressional executive commission on the People's Republic of China. This commission is based upon the OSCE or Helsinki Commission model and would be comprised of Members of this body, the other body, and of the executive branch.

The commission would produce an annual report to the President and Congress evaluating human rights in China with, should it deem appropriate, recommendations. Within 30 days of the receipt of that report, the House Committee on International Relations would be required to hold at least one public hearing on the report, and on the basis of that recommendation or recommendations in the report, decide, in a specified time frame a short period what legislation to report to the House floor.

Secondly, we enhance the monitoring enforcement of China's WTO commitments, and that is very important. The U.S. Trade Representative is directed to seek the annual review by the WTO of China's compliance with its commitments to the WTO and is required to report annually to the Congress on China's compliance record.

Additional staff and resources are authorized for the Departments of Commerce, State, and Agriculture and the USTR to monitor and support enforcement of China's trade commitments. A trade law technical assistance center would be established to assist businesses and workers in evaluating the potential remedies to any trade violations by China.

Third, a task force is created in the executive branch on prison labor exports. This would improve the enforcement of our laws preventing the importation of prison labor products. It would be authorized and the administration will be directed to enter into agreements.

Then, of course, we express the sense of the Congress that Taiwan should enter the same General Council meeting of the WTO when China is provided WTO membership as provided in an earlier Dunn-Bereuter bill.

Mr. Speaker, I urge my colleagues to support the rule and the underlying bill, H.R. 4444.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me the time.

Mr. Speaker, I rise in opposition to establishing permanent normal trade relations with the People's Republic of China. China's record on human rights, religious persecution, forced abortions, political freedom, and workers safety is bad. It is getting worse.

A recent study by the Congressional Research Service concluded that the annual congressional debate on China trade has, in fact, played a prominent role in winning the release of some Chinese political prisoners. And by granting China permanent normal trade relations, we will lose that opportunity to review China's human rights record.

There are some benefits to the United States in this trade agreement. Some companies in our country, of course, will make a few bucks, but if we look at the agreements that we have had with the Chinese Government, they have not fully kept the promises that they have made to us so many times before.

There is no reason to believe that it will honor the terms of this agreement. I have always been a student of Asia, at least I have tried to be. I lived in Asia for a few years, and the one thing that I know about Asians is that they respect courage. They respect patience. They respect politeness, but they really respect toughness. I think China looks at us on issues like this and laughs, and says Americans are weak. They give in too quickly on their principles.

This legislation is a dog, and it smells. It deserves to go down. Vote "no" on the rule. Vote "no" on the bill.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Fairfax, Virginia (Mr. DAVIS), my good friend, one of the great champions of globalization and trade.

Mr. DAVIS of Virginia. Mr. Speaker, I rise in strong support of this and for the resolution. For America, this agreement is a one-way street, our markets are already open to the Chinese; if there is going to be job loss, we have seen it.

In terms of some of these low-wage markets that have already been moved in the Pacific Rim into China and to these other areas, what this does for the first time, and by adopting PNTR, China's markets are now going to be more accessible to American companies, American products. 1.2 billion Chinese, America only has 5 percent of the world's consumers. China is the largest, second largest economy in the world, 100 million Chinese today making $40,000 a year U.S. annually. A middle class that is burgeoning and growing, and this is going to increase the pressures for democratization inside of China.

□ 1045

China already joins the WTO regardless of what we do here today. That already happens. The question is: Are American products, are American corporations, are American workers, going to get the WTO preference by our granting PNTR and does America get the benefits of the World Trade Organization tribunals for resolving trade issues that we do not get if we just go on to an annual basis?

Under PNTR, the answer is yes, we get those benefits. With only annual trade relations agreements the answer is no.

Look, we all agree that China's human rights record is abysmal; it is terrible. But does withholding PNTR bring about any of those changes? No. That is why Martin Lee, the great democracy leader in Hong Kong, the Dalai Lama and others endorse PNTR.

The best way to change China and to change their pitiful human rights record and their abuses is through trade, by opening up their borders, by exporting our values and our goods to China; to the opening of the Internet, the opening of their media, opening up to free commerce.

History teaches that revolutions occur when things are getting better, not when things are getting worse. It is a historical law of relative deprivation. Things are improving in China; and if the rising expectation of those people come forward, we will see this historical law move to a huge change in China in their human rights and democratic abuses that they have today.

Economic forces that will be unleashed by free trade and commerce are going to overwhelm the current forces fighting to maintain socialism, to main totalitarianism and repression in China. Political freedom will follow the economic freedom in the opening up of the markets in this case. Let us be visionary and understand that the information revolution that is taking this planet, the globalization of the economy, these are very strong forces which will be enhanced by adopting this agreement today, and this will change China forever in a way that withholding our support can never get to.

It changed Taiwan, which just a few years ago was a dictatorship. It changed Korea, which was a dictatorship. These forces are overwhelming and we are unleashing these forces by adopting this resolution today.

I urge my colleagues to vote yes on the rule and to vote yes on this resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), the chief deputy whip of the Democratic Party.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today in opposition to the rule and permanent normal trade relations for China. We must stand up for human rights and democracy throughout the world. Where is the freedom of speech? Where is the freedom of assembly? Where is the freedom to organize? Where is the freedom to protest? Where is the freedom to pray? It is not in China. The people of China want to practice their own religion. They want to speak their mind. They want to live in a free, open, and democratic society. If we stand for civil rights and human rights in America and other places around the world, we must stand up for human rights in China and speak for those who are not able to speak for themselves.

Today with our vote we have an opportunity to speak for the dignity of man and the destiny of democracy. I urge all of my colleagues to oppose the rule and PNTR for China. It is not the right thing to do. It is not the right way to go. We are sending the wrong message. Let us stand up for human rights today.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my very good friend, the gentleman from Atlanta, Georgia (Mr. LINDER), the distinguished chairman of the Subcommittee on Rules and Organization of the House.

Mr. LINDER. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding me this time.

Mr. Speaker, I am the first one to stipulate that China has problems with its people and its government on human rights on labor and the environment. But after approving normal trade relations for 20 years, have we changed that? Is this about that? This is not a gift to the Chinese Government. It may be a gift to America's workers. We already have the lowest tariffs in the world, and all this will do will take down the tariffs in China and open a market of 1.3 billion people to our workers to sell goods and services.

It may be a gift to the Chinese people because they will have a much broader range of consumer products at a much lower price for them to buy, to enhance their standard of living.

Why permanent? The American businessman and woman needs some degree of predictability to make commitments over the long haul, and going back to the well once a year to ever-increasing votes, but once a year to hammer China on human rights to wonder if they are going to have open markets again does not give them the ability to make long-range plans.

Let me just close by saying something that Chris Patten wrote. He was the last governor of Hong Kong, the British Empire. He wrote in the Economist, and he said if a spaceship had come to the planet from Mars in the 16th century and landed in the teepee settlements of North America to the typhoid-ridden flats of London, to the warring clans in Europe, and settled in the 16th century Mandarin Dynasty, he would have concluded without a second's thought that China would rule the world for centuries. They had invented gun powder, the printing press, the compass. They had an armada at sea. They had an efficient government, an improved cultural base, the envy of the world.

Then they withdrew behind the wall and history told a different tale. We are breaking down the great wall of China with our travel and our access to it. The last wall is tariffs to our products, the products that our workers make. We must help them bring that wall down. This bill will do it today, and I urge a yes vote.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise as the first of many on this side of the aisle that urge support of this rule to govern debate on extending permanent normal trade relations to China. We live in a rapidly changing and ever-shrinking world. Globalization has taken hold, whether we like it or not. Our challenge is to recognize the changes and to do our best to remain competitive and successful while we still retain our values, and today we can do both.

This week China moved closer to finalizing entry into the World Trade Organization, a rules-based organization that gives the international community tremendous leverage to ensure that China complies with its trade agreements and moves to a more open and free society. China's recent trade pact with the European community raises the stakes for PNTR here in the United States. Our working families and companies deserve a level playing field in competing for business in China.

Mr. Speaker, permanent normal trade relations with China is good for our businesses and even better for our working families. Moreover, many Chinese dissidents, including the Dalai Lama, have continually said that exposing the Chinese people to our way of life is the best way to encourage change in that country. I urge my colleagues to strongly support this rule and to even more strongly support permanent trade relations with China this afternoon.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, for the record, the Dalai Lama has not come out for this legislation.

This rule makes in order a commission to review human rights violations in China. Why do we need a commission when we have a Congress? We cannot expect corporations to stand up for human rights. Congress must stand up for human rights. This Congress has the power in an annual review to uphold human rights and worker rights.

The commission could be called a fig leaf to try to cover up human rights and worker rights violations. Will we choose a fig leaf or will we use the power of our voting cards annually? Why have a commission when we have a Congress? It is upside down to insist that no U.S. trade review of human rights violations in China is better than an annual review. This Congress must insist that we stand up for America's dearest and most cherished values, for freedom, for justice. That is the American way; and if we are going to make this world a better place, we have to stand for it.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, I rise today in strong support of PNTR for China and for this rule. Without question, China has a horrible record on a whole series of issues: human rights, labor standards, religious freedom. That is not the question before the House today. The question before the House today is what path is most likely to make it better? And what we have seen, from Presidents Nixon to Reagan to Bush to Clinton, is an embracement of the policy of engagement, of bringing them into our world with our values to help improve the system. Giving China a stake in a different world order than the one they subscribe to now will have the best likelihood of moving them forward.

I want to make one critical point. However we vote on this, I do not think we should kid ourselves that this is going to solve the problem with China one way or the other. The problem of improving China's human rights record, their labor standards, their religious freedom, is going to take a whole lot of work for decades to come. This one vote is not going to cut it down or set it up. We have to keep working on the problem.

As human rights leaders in China, as Taiwan and a lot of people recognize, we are not going to make any progress whatsoever if we isolated China and cut them off from the rest of the world. Then they have nothing to lose by behaving in a way that the rest of the world does not like.

On the annual vote that we are giving up, we hear how great this annual vote is. It is kind of interesting in listening to the debate I have heard people say the annual vote has made no difference whatsoever but we cannot afford to lose it. That is sort of a contradictory argument. The bottom line is, whatever we do here in the U.S. has a minimum amount of impact on moving China forward. But the question is, what is going to move it forward or backwards? We are not going to stop talking about China's human rights record just because we do not have an annual vote. I mean, who is kidding who on that? We are going to continue to talk about it, on a whole series of issues. But by not taking this vote, we lose the opportunity to pull China into the WTO, to pull them closer to the rest of the world, so that we have some hope of moving them forward.

This is not a guarantee. Anyone who stands up and says voting for this is somehow going to make democracy and freedom appear in China is kidding us, but it is going to move it in the right direction, and we should take this vote.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise in opposition to this rule and against the PNTR China agreement. I feel that this is injustice and inequality to the environment and human rights and most importantly to the workers' rights. The issue is about principle, right and wrong, the future of this country. It is about the future of this country and protecting American jobs in the global economy. I do not oppose China's current trade status. I believe in annual review of China's smart policy.

Bishop Barnes from the San Bernardino diocese came to me to express his concern over religious freedom and humanitarian rights to the people, not only in this country but throughout the world as well. Close to 4 million veterans and 52 percent of Americans believe that this agreement would hurt American workers and that it is dangerous to American society. Yet some feel that this is best for the American people. This country's judicial system is based on what is called reasonable doubt. No man is convicted if there is reasonable doubt.

In this agreement, there is more than reasonable doubt; and yet some want to convict this country and its workers and say yes to a country that has violated every rule.

I say "si se puede." Say no to this rule. Say no to the PNTR China agreement

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, I rise in support of the rule and in support of PNTR, a vote that is good for New York and the United States and an important step in integrating China with the West. China will enter the WTO regardless. This vote opens China to U.S. exports. Our market is already open. This is about fairness. I believe that a vote for PNTR is also a vote to improve labor rights, human rights, and respect for the environment in China. Many opponents of PNTR have taken this floor to discuss indefensible violations of basic human rights that are now occurring in China. Opponents of PNTR argue that we should not give up the leverage of a yearly NTR vote; but for 20 years we have approved NTR, and these violations of human rights are still occurring.

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By granting PNTR, we allow for greatly increased interaction between China and the West. As one example, the ability to access the Internet over U.S. manufactured equipment could have a tremendous impact on the free flow of ideas in China.

The fact is that China is unique. No other country has gone to such lengths to isolate itself for so many hundreds of years.

PNTR presents a unique opportunity for us to get behind China's great wall and engage the Chinese people. Over time, PNTR will raise the standard of living of the people in China and its trading partners.

From a national security point of view, a stable China and a forward-looking U.S.-China relationship is in the interest of the United States. Our allies in the region, including Korea, Japan, and Taiwan, favor China's entry into the WTO. The Dalai Lama himself, who knows quite a bit about Chinese oppression, favors China's entrance into the WTO and its integration into the world community.

Change in China will take many years. I will vote for PNTR because it puts us on the right course morally and economically.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last Sunday in Copenhagen, Denmark, the Dalai Lama said he supported China's entry into the World Trade Organization.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS), a very hard-working Member from the Committee on Rules, my friend from the "Big D."

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from California for giving me 1 minute to express my sincere appreciation, not only to him for the hard work he has done in this endeavor, but also for the good work that this is going to mean.

Twenty years we have been working with China, American businesses in China. Now is the time to make it permanent. Now is the time to say to American companies, please do, go invest in China. I believe that we are going to find that American and Chinese workers working together, that we are going to find products that flow between America and China will be to the advantage of free people.

That is what this is all about. This is about the ability of people in China to, not only have what they want, which is freedom, but also American products to enjoy. This will be a great day, not only in Beijing, but a great day in Washington.

I support the rule. I intend to vote for PNTR. I encourage my colleagues to do so also.

Mr. MOAKLEY. Mr. Speaker, will the Chair please inform the gentleman from California (Chairman DREIER), my dear friend, and myself how much time is remaining.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. DREIER) and the gentleman from Massachusetts (Mr. MOAKLEY) each have 15½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity to tell my chairman that the Dalai Lama did not come out in favor of PNTR. He came out in favor of the World Trade Organization.

Mr. DREIER. Mr. Speaker, will the gentleman yield on that point?

Mr. MOAKLEY. Yes, I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I just say, what I said, as I stood up, is that, in Copenhagen, Denmark last Sunday morning, the Dalai Lama said that he supported China's entry into the World Trade Organization.

Mr. MOAKLEY. That is right, Mr. Speaker.

Mr. DREIER. That is what I said.

Mr. MOAKLEY. But it did not say anything about the PNTR, Mr. Speaker.

Mr. DREIER. Mr. Speaker, I understand that. But I think that the global community recognizes that the U.S. presence in the World Trade Organization enabling access to China is very important.

Mr. MOAKLEY. Mr. Speaker, the Dalai Lama did not come out in favor of PNTR.

Mr. DREIER. Mr. Speaker, I never said he did.

Mr. MOAKLEY. Mr. Speaker, this letter is from the International Committee on Tibet.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, for yielding me this time.

It is a bit of deja vu as I walk into this well and remember 1993 when the subject was NAFTA, and the sides were divided somewhat similarly. We kept hearing all of the former Presidents are in favor of this agreement, all of these industries are in favor of such agreement, this is going to do such wonderful things for us.

The reality is that we went from a $3 billion trade surplus with Mexico after the passage of NAFTA to a $17 billion trade deficit. Open warfare developed in Chiapas right after NAFTA passed. There was an increase in political assassinations in Mexico.

We find out in my home State of Pennsylvania last month we lost 22,000 jobs to Mexico after the passage of NAFTA. I would ask those that are in support of PNTR, what are they willing to sacrifice on the altar of free trade. 22,000 Pennsylvania workers sacrificed their jobs. They laid their sacrifice on the altar of free trade. How much worse will it be when one was asked to make the same kind of sacrifice with a country that is so much larger than Mexico, and that is with China?

The reality is the Mexican workers make 60 cents an hour. Many of the Chinese workers make less than a quarter an hour. In fact, many of them work in state-owned industries that were really little more than slaves.

What happened to the fact that our forefathers said all men and women are created equal? What happened to the fact that the United States Congress is supposed to, not only control commerce, but is supposed to stand up for human rights and workers' rights and environmental conditions across this whole world? We have forgotten that now. We yield to corporate profits. We yield to what the next month's profits are going to be for these corporations.

The reality here is that, if somebody is making 25 cents an hour in a factory in Chongqing, what are they going to buy that we make in this country? Are they going to buy our Boeing airplanes? No. Are they going to buy our automobiles our appliances? They are not even going to buy our beepers or our phones.

The reality is that Members should vote against this rule and vote against PNTR. It is the right thing to do. It is the moral thing to do.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have created 20 million jobs and have an unemployment rate of less than 4 percent.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. OXLEY), chairman of the Subcommittee on Finance and Hazardous Material of the Committee on Commerce, a hard-working member of our whip team on this issue.

Mr. OXLEY. Mr. Speaker, I rise in support of the rule and this legislation.

Let me relate a story, since I only have a minute. I attended a trip to China a few years ago. It was headed up by our former colleague, Jack Fields. One of the opportunities that we had was to have a luncheon with an American company, in this case AT&T, that was trying to penetrate the Chinese market in telephones.

I was seated beside a young lady, Chinese, in her late 20's who was the number one assistant to the executive vice president of AT&T. I asked her what her job was, and she related a little bit about her job. I said, What is your background? She said, Congressman, I am enjoying my lifelong dream. I said, What is that? She said, I was educated at Brown University in your country, I returned to China to build a new China, and I am working for an American company.

That really tells us what we need to know about this change that is taking place in China. We have to have the courage and we have to have the vision, and most of all, we have to have the patience that these young people can rise to leadership in China. We can do it by passing PNTR.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, yesterday, the Committee on Rules rejected the Berman-Weldon amendment. That amendment would simply have provided that China loses its normal trade relations if it invades or blockades Taiwan.

Now, China will look at this rule and look at the RECORD of this House and see a green light to blockade Taiwan. It would keep its trade with the United States at the same time.

Taiwan can be blockaded easily. They merely need to hit one ship with a missile and announce that the next freighter will face a similar fate.

If my colleagues vote for this rule, they are endorsing a record that tells China blockade Taiwan and your friends in America will keep trading with you.

We have to defeat this rule regardless of what happens to the bill. Defeat the rule, demand the Berman-Weldon amendment, demand a chance to vote to say that we will send a clear message to China that, if it blockades or invades Taiwan, it loses its trade privileges.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is important to note that Chen Shui-bian the new President of Taiwan strongly supports the entry into the World Trade Organization without any conditions whatsoever because they know it will benefit both Taiwan, China, and the United States.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a hard-working member of our whip team.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong support of the rule and extending permanent normal trade relations with China.

First, extending permanent normal trade relations with China is a win for fairness, Mr. Speaker. This agreement forces China to adhere to our rules-based trading system. Without an agreement, there are no rules, and we have no say whatsoever in how China conducts its business with the rest of the world.

Secondly, it is a win for U.S. workers and businesses. China is an incredibly important emerging market with more than a billion consumers. America's world-class businesses, large and small, know that being shut out of China, especially as China opens its doors to the rest of the world, is a very big mistake.

Thirdly, trade with China is a win for American values inside China. Through free and fair trade, America will not only export many products and services, but will deliver a good old-fashioned dose of our democratic values and free market values. These ideals are already percolating in China. Interestingly enough, today there are more Chinese shareholders in private companies in China than there are members of the communist party.

Fourthly, international trade, whether with China or any other nation, means jobs to people in my State and our continued prosperity. Out of New Jersey's 4.1 million member workforce, almost 600,000 people Statewide, from Main Street to Fortune 500 companies, are employed because of exports-imports or foreign direct investment.

Fifth, and finally, in the interest of world peace, it is absolutely a mistake to isolate China with the world's largest standing Army. America's democratic allies in Asia support China's entry into the World Trade Organization because they know that a constructive relationship with China means a stable Asia that offers the best chance for reducing the regional tensions along the Taiwan Strait and for avoiding a new arms race elsewhere in Asia.

Mr. Speaker, PNTR in China is a win for American workers, farmers, and businesses of all sizes. It is a win for spreading American values.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, China's deplorable record on human rights should not be rewarded with permanent normal trade status. Normal trade relations would indicate that China is living by certain standards or norms, a respect for human dignity. However, the record on human rights and religious freedom in China is contrary to even the minimal norms of human decency.

In China, many religious believers are detained and imprisoned. Until there is general progress on religious freedom and until there is at least a measure of respect for human dignity, I cannot in good conscience support permanent normal trade relations with China.

If China wants normal trade relations, let them treat their people normally.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Newport Beach, California (Mr. COX), my very good friend, chairman of the Republican Policy Committee, who has worked long and hard on this issue and is a strong supporter of both the rule and PNTR.

Mr. COX. Mr. Speaker, I thank the gentleman from California, the chairman, for yielding me this time.

Mr. Speaker, I rise in strong support of this rule for consideration of our debate on permanent normal trade relations with the People's Republic of China, because it makes in order legislation to correct a serious flaw in the bill sent up here by the Clinton-Gore administration to establish PNTR.

That bill did two things. It provided for permanent normal trade relations, but it also would have repealed our annual debate on human rights here in the Congress.

I am happy to say that our annual role for Congress will now be preserved. In addition to consideration of human rights in the commission that will be set up to evaluate China's human rights performance each year, there will now be a mandatory procedure in the Congress for consideration of these as well on an annual basis.

The human rights on which we will focus will be expanded from the original Jackson-Vanik focused solely on immigration to include religious freedom, the plight of political prisoners, protections against arbitrary arrest, and that heinous form of punishment exile that has been reserved for such democracy activists as Wei Jinhsheng.

We must not and we will not, as a result of this rule, throw out the human rights baby with the trade sanctions bath water.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, none of us have rose-colored glasses when it comes to China, but we have to ask this question: What is the more powerful force for breaking the strangle cord of the Chinese Government. Twenty million Chinese armed with cell phones and Internet access and independent businesses or 435 members of the House giving sometimes eloquent speeches about China. Chinese freedom will advance when the Chinese have an independent basis to break the strangle cord of the Chinese Government, and this agreement will advance that cause.

Three days ago, aerospace machinists, Local 751, representing 44,000 aerospace workers in the Puget Sound area endorse this treaty. They did this for this reason, they recognize the real contest here is this, who will have the trade benefits of this agreements, the workers in Toulouse, France or the workers in Seattle, Washington.

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I am voting for the workers in Seattle, Washington, to make sure those workers have the benefit of this agreement; those workers get those trade benefits. I am supporting those workers in this rule.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Palm Beach, Florida (Mr. FOLEY), a member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I thank the chairman for his eloquence in the debate.

I am quite shocked at the Democrats not supporting their President today or their Vice President in his trade policy. In the twilight of his administration, I would think the party would rally behind the President and support him.

As chairman of the House Entertainment Industry Caucus, this is a good bill for videos, for movies, and for music sales. As co-chair of the Travel and Tourism Caucus, we can expect more travel in both directions because of this bill.

And as a representative of Florida's vital citrus industry, we finally have our enjoyable and nutritious product making its way to China, and more will be on its way thanks to this bill.

Relative to the comments of the gentleman from Pennsylvania about Taiwan, if, in fact, China attacks Taiwan, the President can put in a trade sanction against the Chinese. There is protection in law to prevent those types of occurrences.

But, please, I admonish the people on the other side of the aisle to support their President in the final months of his administration; support the Vice President, as he tries to succeed President Clinton, and do what is right for international policy, human rights for the Chinese, more business for all in China, and more business for United States companies.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Let us be clear what this debate is about. There is a reason why the largest multinational corporations in this country are spending tens of millions of dollars to see this legislation passed, and that reason is they like doing business in China where they can pay people 10 cents an hour, 15 cents an hour, rather than paying the workers in this country a living wage.

And there is another reason why the environmental community is opposed to this agreement, why the veterans community is opposed to this agreement, why religious organizations like the National Conference of Catholic Bishops are opposed to this agreement, and that is this agreement is bad for workers, it is bad for human rights, it is bad for the environment, and it is bad for national security.

I would hope that the Members of this Congress have the courage to stand up to the big money interests who are flooding Congress with contributions, with lobbying efforts, and with advertising, and do the right thing for the vast majority of the American people. Vote against this rule; vote against this agreement.

Mr. MOAKLEY. Mr. Speaker, I would inquire as to the time remaining on both sides.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Massachusetts (Mr. MOAKLEY) has 8½ minutes remaining, and the gentleman from California (Mr. DREIER) has 10½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EWING), another of our hardworking advocacy workers here in the House.

Mr. EWING. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today in strong support of this rule and the underlying legislation.

This monumental piece of trade legislation will provide tremendous benefits for Americans. By prying open the closed door of Communist China, Western ideals, freedoms, as well as trade, will be let in.

Now, corn and soybeans are the heart of the district I represent in Illinois, and this legislation is very important to our Nation's struggling agricultural economy. Opponents of PNTR say that China gets everything it wants, unconditional, unlimited, permanent access for Chinese-made goods into the U.S. market. The reality is that China has access to U.S. markets right now and will continue to have that access regardless of the outcome of this vote. China will be admitted to the World Trade Organization with or without our approval. This vote comes down to whether the U.S. will have improved access to the Chinese market or will we cede that to our European and Asian competitors.

Opponents of this bill talk about human rights. While it is true the Chinese record on human rights is not good, closing the door between the U.S. and China will not advance the cause of human rights.

There are currently 9 million Internet users in China, and that figure doubles every 6 months. The Chinese have tried to censor their Internet. We would not like that, but they have failed in that attempt. The number one item that people in China log on the Internet for is news.

A vote for PNTR is a vote for development of the Internet. This is right for America. It is right to do now. Vote "yes."

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today to support granting China permanent normal trade relations.

The growing relationship between the United States and China has helped support my home State of North Carolina's economy and its leadership in world trade. Even without PNTR, in 1998 alone, my State exported over $215 million worth of goods, everything from stone and glass to electronics, to this market. This measure will reduce barriers to our exports and create more opportunities to support our goals.

The rapidly growing Triangle area saw their exports jump 86 percent in just 5 years. Granting China PNTR will also open up their market to our high-quality North Carolina agricultural products, from tobacco, to pork, to poultry. Our Nation's economic future depends upon our access to new and growing markets and investing in our people and our technology to compete and winning in these global markets. This is an essential component of that policy.

While I support the opening of the relationship with China, I, like many others today, am concerned about the human rights record. But I side with Reverend Billy Graham, who said, "I believe it is far better for us to thoughtfully strengthen positive aspects of our relationship with China than to threaten it as an adversary. It is my experience nations can respond with friendship just as much as people do," and I happen to agree with Reverend Graham.

By exporting our American goods and services and citizenship to the Chinese market, we will also export American values, information, freedom, democracy and human rights.

Mr. Speaker, at the dawn of this next century, America is enjoying unprecedented opportunity and we should move forward.

But, Mr. Speaker, if our nation is to continue to prosper, we must not slam the door on one fourth of the world's population. From the factory to the farm, PNTR is a good deal for American businesses and farmers and a good deal for the Chinese people. I urge Members to vote in favor of H.R. 4444.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. PRYCE), a hard-working member of the Committee on Rules and Secretary of the Republican Conference.

Ms. PRYCE of Ohio. Mr. Speaker, I rise in support of granting permanent normal trade relation status to China, and I want to congratulate the Chairman of the Committee on Rules (Mr. DREIER), and so many others, on their very hard work on this issue.

We come here together on the eve of a very historical vote that will define our vision as a Congress and secure America's place in the world community. The evidence of the importance of granting PNTR is clear.

Just look at my home State of Ohio. Ohio is the Nation's fifth largest soybean producer and sixth largest corn producer. Under these terms, Chinese tariffs on soybeans will be set at a new low of 3 percent and 1 percent for grains. This means increased exports for Ohio. Increased exports means new business, new jobs, and greater prosperity in Ohio.

If my colleagues question the importance of these economic benefits, then they should keep this fact firmly in mind: China will join the WTO with our without our support. Therefore, the question that really faces us is whether we want to be a part of the process and reap the significant economic benefits or whether we want to find ourselves on the outside looking in.

If anyone should remain unpersuaded by irrefutable economic benefits for America, then remember that our vote also represents new hope for the people of China. I firmly believe the best way to foster change and social improvement for China is for the United States to remain engaged. Let us shine the light of liberty across the ocean, over the Great Wall, and into the heart of China by expanding our trade relationship.

Greater economic freedom is a precursor to political freedom. We must decide whether we will extend our hands to assist the pro-reform elements in Chinese society or turn our backs and allow the misguided militant socialist forces to strengthen their hold. We must take the battle of freedom versus tyranny to the Chinese people.

Change in China will not occur overnight, but change will not occur at all if we shut out China from the world market and shut ourselves off from the world as well. We cannot turn our backs on the Chinese people, and we cannot turn our backs on this opportunity for America. We must support PNTR.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I find it interesting that my colleagues on the Republican side are extolling us Democrats to support our President, yet for 7½ years I would have thought, to hear them, that he is the devil himself. For the last few months, however, they are saying they agree with him.

I rise in opposition to permanent normal trade relations with the People's Republic of China. Over the last few months, I have felt that the progress of China on both the social and economic front have evaporated compared to when I was there and what I saw 2 years ago. I see a Chinese retrenchment, I see a clamping down more on social and religious freedom, continuing threats on Taiwan, and again not opening their markets as easily as they should have, until now that we have this big treaty. I think we need to look at their record on religious and social freedoms and their record on Taiwan.

Each year I have supported granting normal trade relations with China, and even last year, even though Beijing condoned the stoning of the U.S. embassy. I think we should be concerned when a superpower is willing to reach that level to advance their foreign policy initiatives.

China is a great country. Cultural wonders and discoveries by this great nation have benefited mankind for many years, and the people of China should continue to express their individual initiative. But we cannot overlook the tool of moderation that Congress has been able to use by looking at this every year.

I want our business communities to have every opportunity possible to sell their products, but not our industries, to China. However, this desire is not strong enough to overlook the continuing problems China is experiencing as it tries to transition to a free market economy.

How will China employ the millions of displaced workers moving from their cities in search of jobs? Will they move the production from our country to theirs? William Jennings Bryan said that "American principles are above price; American values are not bought and sold." And what he was really saying is that Americans should value our basic freedoms of individual liberty, religious freedom, and freedom of speech.

Mr. Speaker, I urge a vote against this resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, Ronald Reagan opposed Communism with a passion. Reagan once even said about the old Soviet Union that they were an evil empire, and the Communist world was stunned. They were angered over Reagan's statement.

But Ronald Reagan never flinched, and Ronald Reagan taught us all a lesson we should not forget today. Look at the history. After Reagan's pressure, the Soviet Union disintegrated and the Berlin Wall collapsed. Communism became an endangered species. The world was safer until today.

Today, the Congress of the United States breathes a second life into Communism. I say if Congress joins the White House in granting this Communist nation, that has missiles pointed at us, a sweetheart trade deal worth $80 billion a year, then Congress, in my opinion, will do several things: they will now stabilize Communism around the world. We will now finance the resurgence of Communism. We, in fact, reinvent Communism today. And, finally, I think we endanger America.

How soon we forget, my colleagues, Soviet Union, the Berlin Wall, Vietnam, North Korea, Ronald Reagan's struggle keeping the pressure on, making sure those Communists did not destroy free enterprise, did not destroy America.

I say a Congress that today will prop up Communism is a Congress that today endangers every worker, every one of our kids, and every one of our grandkids by giving a country $80 billion a year whose missiles are pointed at every major American city, and Taiwan, who we have turned our backs on.

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I yield back Pearl Harbor. I yield back Ronald Reagan. And I yield back the second breath of life that Congress is granting to the Communist bloc nations.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Sanibel, Florida (Mr. GOSS), the very distinguished vice chairman of the Committee on Rules, chairman of the Subcommittee on Legislative and Budget Process, and, most important in this instance, the chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for the opportunity to speak and also for his very extraordinary leadership in bringing this matter finally to culmination.

Mr. Speaker, I think that, as we go through the debate today, we are going to find out that there are many ways to look at this debate, many ways to look at the issue. We certainly have already heard some during the subject of this very fair rule, very appropriate rule for this particular legislation.

My perspective today is the consequences of this debate on our national security. There will be consequences. There is no question about that. The status quo can no longer remain once this debate has been engaged. And it has been engaged.

So what we have to look at, from my perspective, is what is best for the security of the United States of America, Americans at home and abroad, in whatever their pursuit may be.

I cannot predict with any certainty, and neither can anybody else, whether China will be our allies or our opponents or our friends or our enemies as we go into the future. But I can say with very sincere conviction, from my perspective as the chairman of the House Permanent Select Committee on Intelligence that supporting this legislation is in the best national security interest. I firmly believe that.

I make this assertion after reviewing the materials, after discussing with knowledgeable people, and after weighing the pros and cons literally on a yellow pad of a China opened up for U.S. trade and influence versus a China isolated as a denied area to the powers of the free market and the beneficial influences of the United States.

I also believe that the true reformers in China, and there are some, will have their best opportunity for success in a society that is more open to new ideas and new products. I know there are some who will be disagreeing with that. I know there are some who have said that CIA has taken a policy position one way or another on this matter. That is simply not true. CIA does not take policy positions. It is not a policy agency. It is a capability agency, and it also does provide assessments about threats to national security.

As I said, the status quo is over. We are now into the next century and a new type of relationship with China. I think that we need to understand there are short-term consequences of getting things wrong because things are so tense in the Taiwan Straits and a miscalculation could hurt.

One of the best ways to avoid miscalculation is to have open dialogue and open understanding. I think that is yet another reason to move forward with this legislation.

For any Members who feel that my position would like further explanation more than time allows now, I would be happy to consult with them if they will come and contact me on the floor of the House during this debate. I will be happy to share my yellow pad on how I got to this conclusion.

I thank the gentleman from California (Mr. DREIER) for the opportunity to state my position.

Mr. MOAKLEY. Mr. Speaker, I yield the remaining 3½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I believe in the New Economy, but I believe in a New Economy with Old Values. I believe in full commerce with China, but I believe in commerce with a conscience.

I rise in opposition to permanent normal trade relations with China. We should vote "yes" on full trade with China. But Congress should keep its ability to check on our relations with a police state. And as long as China remains a police state, we must never have relations with China which are permanent, which are normal, or which are insulated from moral concerns.

Until China has proven itself a full member of the moral citizenship of the world, we should play the moral role of keeping a check upon them while having full trade relations.

Under the 1979 bilateral agreement with China, which they cannot get out of, we get most of the benefits of WTO, almost all of them. That is really not in dispute. But if we break the link with human rights, with forced labor, with religious repression, with nuclear proliferation, we will break faith with 200 years of American leadership in the world; we will dim the beacon of freedom and diminish America in the eyes of those who yearn for the simple right to live without fear of a police raid in the night.

This vote may be about stock values; yes, but it is also about human values. That is the role of the United States in this debate.

We believe in the Internet. I have worked on the Subcommittee on Telecommunications, Trade and Consumer Protection for 24 years. I believe in its power. But in the United States, we hold sacrosanct the ability of an American to put full encryption, full privacy protection, on their information as they are talking to other citizens in our country. The police must get a court order to gain access to that information.

In China, they are prohibiting encryption; they are prohibiting privacy. The Internet is the best of wires and it is the worst of wires simultaneously. Yes, it will give people the power to communicate; but it is also going to give the PLA, the police in China, the ability to gain access to any information they want about any individual in their country.

We should condition any deal with China on their keeping out their one million semiautomatic assault weapons that they were selling in the United States for under a hundred bucks apiece until 1994. This agreement makes those weapons legal again.

We should condition this agreement on the prohibition of them reselling nuclear materials into Pakistan or any other country in the world. They have been historically the K-Mart of international nuclear commerce.

We should condition this deal yearly—full trade relations with us and access to our American market—upon their maintenance of human rights, religious dignity, the abolishment of slave labor in their country.

Vote for Commerce with a conscience. Vote "no" on this rule. Vote "no" on PNTR.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I had the privilege of being elected to the Congress in November of 1980, the same day that Ronald Reagan was elected President of the United States; and Ronald Reagan said, "Give people a taste of freedom, and they will thirst for more." That is exactly what is happening today in the People's Republic of China.

My friend, the gentleman from Massachusetts (Mr. MARKEY), just said that, basically, the genie is out of the bottle and the Internet is expanding. There are 9 million Internet users in China today, 70 million cellular telephones. So the fact is the genie is out of the bottle. And guess what? They are getting that taste of freedom, and they are thirsting for more.

Now, we have people who are here making all kinds of arguments with a load of acronyms: PNTR, PLA, MFN, MTR, WTO. All of these acronyms are being thrown out there. Somebody supports PNTR. Somebody does not support PNTR.

The fact of the matter is the Dalai Lama stands for human rights. The Dalai Lama's statement in Copenhagen, Denmark, last Sunday was very clear. The Dalai Lama, the great spiritual leader of Tibet, said that openness and creating greater economic freedom will, in fact, lead to democracy, and he never supported anything that would isolate China.

A "no" vote on this rule and on this vote that we are going to have later this afternoon would, in fact, isolate China. It would really isolate the United States of America, the great global leader, the beacon of hope and opportunity for the rest of the world. It would isolate us from China, and it would jeopardize our ability to get our American values into China.

Look at other leaders. I am so proud of what my friend, the gentleman from Florida (Mr. GOSS), just said here. He spent time working on this issue. There is no one who is more committed to the security of the United States of America than the gentleman from

Florida (Mr. GOSS). I believe that any Member who has any question on the issue of national security should, in fact, talk with him.

My friend, the gentleman from Colorado (Mr. MCINNIS), sitting in the second row here, has anguished over this issue. He has opposed it in the past but has come to the conclusion that expanding freedom this way is the way to go. And the gentleman from Nebraska (Mr. BEREUTER) sitting two rows behind him who has worked long and hard in support of this and is vigorously pursuing human rights with the Bereuter-Levin proposal.

And when we look at others who want to encourage openness, the Reverend Billy Graham is not involving himself in this debate, but he is a strong supporter of openness. And openness with China is, obviously, going to be promoted through granting permanent normal trade relations.

The former Presidents who stood with President Clinton down at the White House just a couple of weeks ago in strong support of this, talking about the national security aspect.

I know this issue of Taiwan is going to be an important part of the debate over the next several hours. The morning after the election, Chen Shui-bian, the least desirable candidate in the eyes of Beijing, who was elected president on Taiwan, that great island with 24 million people, said that he believed that China's entry into the World Trade Organization was very important because he knows, and it is included in the Bereuter-Levin resolution, we call for simultaneity. But, frankly, Taiwan will enter the World Trade Organization shortly after China does.

This is the right thing to do, Mr. Speaker. I believe that we need to stand with the likes of Colin Powell and those former Presidents and all who are pursuing freedom.

So I urge an "aye" vote on the rule and an "aye" vote on permanent normal trade relations so that we can, in fact, continue to be the world's paramount leader.

Mr. STARK, Mr. Speaker, I rise today in opposition of the rule on H.R. 4444. I cosponsored two amendments to this bill to clarify some of the many concerns I have with granting China permanent normal trade relations status. Unfortunately the rule blocked these amendments in the continued interest of those Members under the influence of big business campaign cash, big business, and the administration that have been pushing for passage of this legislation.

The first amendment addressed Taiwan's accession to the World Trade Organization. The amendment would have guaranteed Taiwan's accession by conditioning permanent normal trade relations [PNTR] status to China on Taiwan's entrance to the WTO. Once China enters the WTO it will actively spearhead efforts to block Taiwan's entry into the WTO. Proponents of permanent NTR claim that this is nothing more than a scare tactic on the part of PNTR opponents. However this claim is well founded in the truth and the Pelosi-Stark amendment is quite necessary.

The administration assured me that China has already verbally agreed to allow Taiwan to enter the WTO without resistance from China after China accedes to the Organization. If China has made a verbal agreement, then there should be no problem with legislating such a proposal. However, on May 16, 2000, the very same day I offered a similar amendment to the Ways and Means Committee markup bill, China proved that it will, in fact, try to block Taiwan's entry into the WTO. The PRC led the charge against Taiwan's fourth bid for observer status in the World Health Organization [WHO]. If China is willing to go to great lengths to block Taiwan from the World Health Organization, it is certain to lead a full campaign against Taiwan's application for WTO membership.

China has demonstrated time and again that it is not to be trusted. China has broken every bilateral agreement it has with the United States. If we can't trust China with a signed agreement then this Congress is completely foolish to trust them with a verbal agreement. China has no intention of allowing Taiwan to enter the WTO without a fight. The Pelosi-Stark amendment to condition PNTR on Taiwan's WTO accession ensures a smooth accession for that democratic nation.

I also cosponsored an amendment with Representatives PELOSI and MARKEY that conditions extension of permanent NTR on an additional agreement between the United States and China on President Clinton's 1994 embargo on arms and ammunition imports.

In 1994, as a condition of granting China annual MFN status, President Clinton issued an order than bans the imports of assault weapons from China. Under World Trade Organization [WTO] rules, the United States is required to treat foreign and domestic goods identically. Although the United States bans these imports from China, it continues to manufacture and sell assault weapons. Clearly, by banning China from selling to the United States market, but allowing domestic manufacturers to continue with business as usual, the United States does not treat foreign and domestic goods identically.

This means that once China accedes to the WTO, they will have every right as a member to dispute the United States ban. And since the order does violate WTO rules, the WTO will most likely find the United States in violation treating China's assault weapons differently from those in the United States. This would mean that the United States would have to lift the import ban on China, or ban the sale and manufacture of its own assault weapons as well as the imports from other countries.

China accounted for 42 percent of all rifles imported into the United States civilian market between 1987 and 1994, the year in which President Clinton finally blocked the flood of assault weapons from the China. The PRC's weapons dumping was so great that it increased the overall import of guns into the United States. Chinese rifles and handguns accounted for 15 percent of all firearms imported for the civilian market in six of the eight years between 1987 and 1994. The import of Chinese guns was effectively stopped in 1994 when President Clinton imposed a ban as a condition of renewing China's most favored nation status.

Proponents of PNTR will claim that the United States ban will be upheld if challenged by China under the WTO dispute settlement process. The claim is that the United States can hide behind the clause that allows for protection of security interests. However, this clause is narrowly defined providing an exception only as a means for self-defense. No WTO dispute settlement body is going to believe that the United States needs to keep Chinese assault weapons off its streets for national security reasons.

If we grant China permanent most favored nation trade status, China, not the Members of the 106th Congress, will dictate United States gun import policy.

The issues I have presented today are just two, of a much greater list, of the problems I have with granting China permanent NTR status. But they clearly highlight two problems with the current negotiated bilateral trade agreement between the United States and China. In addition, these amendments would serve to demonstrate that granting China PNTR is not a win-win situation for the United States. Many people will suffer if we grant permanent normal trade relations to China without receiving some significant concessions from China first. These amendments are two concessions China must make before Congress votes to relinquish the only leverage it has with China.

I urge Members to vote against this rule and send a message to the Rules Committee that these concerns must be addressed by the House before we sell our country to China lock, stock, and barrel.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 294, nays 136, not voting 5, as follows:

[Roll No. 225]

YEAS—294

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)

Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger

Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Matsui
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McKeon
Meehan
Meeks (NY)
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pastor
Paul
Peterson (PA)
Petri
Pickering

Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—136

Abercrombie
Andrews
Baca
Baldacci
Baldwin
Barcia

Barrett (WI)
Berkley
Berman
Blagojevich
Bonior
Borski

Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin

Clay
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doyle
Engel
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Gejdenson
Gephardt
Goode
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Jackson (IL)
Jackson-Lee (TX)
Jones (NC)
Jones (OH)

Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
Lampson
Lantos
Larson
Lee
Lewis (GA)
Lipinski
Luther
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne

Pelosi
Peterson (MN)
Phelps
Rahall
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Schakowsky
Sherman
Shows
Sisisky
Slaughter
Smith (NJ)
Spratt
Stabenow
Stark
Strickland
Taylor (MS)
Thompson (MS)
Tierney
Towns
Traficant
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—5

Lazio
Pease

Scarborough
Stupak

Weiner

☐ 1205

Mr. WYNN changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS TO BOARD OF DIRECTORS OF OFFICE OF COMPLIANCE

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, and pursuant to Section 301 of Public Law 104–1, the Chair announces on behalf of the Speaker and minority leader of the House of Representatives and the majority and minority leaders of the United States Senate their joint appointment of the following individuals to a 5-year term to the Board of Directors of the Office of Compliance to fill the existing vacancies thereon:

Ms. Barbara L. Camens, Washington, D.C.

Ms. Roberta L. Holzwarth, Rockford, Illinois.

There was no objection.

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 510, I call up the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 510, the bill is considered read for amendment.

The text of H.R. 4444 is as follows:

H.R. 4444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to the People's Republic of China; and

(2) after making a determination under paragraph (1) with respect to the People's Republic of China, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE WORLD TRADE ORGANIZATION.—Prior to making the determination provided for in subsection (a)(1) and pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the President shall transmit a report to Congress certifying that the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999.

SEC. 2. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 1(a)(1) shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

(b) TERMINATION OF APPLICABILITY OF TITLE IV.—On and after the effective date under subsection (a) of the extension of nondiscriminatory treatment to the products of the People's Republic of China, title IV of the Trade Act of 1974 shall cease to apply to that country.

The SPEAKER pro tempore. The amendment printed in House Report 106–636 is adopted in lieu of the amendment printed in the bill.

The text of the amendment in the nature of a substitute printed in House Report 106–626 is as follows:

Strike all after the enacting clause and insert the following:

DIVISION A—NORMAL TRADE RELATIONS FOR THE PEOPLE'S REPUBLIC OF CHINA

TITLE I—NORMAL TRADE RELATIONS

SEC. 101. TERMINATION OF APPLICATION OF CHAPTER 1 OF TITLE IV OF THE TRADE ACT OF 1974 TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of chapter 1 of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), as designated by section 103(a)(2) of this Act, the President may—

(1) determine that such chapter should no longer apply to the People's Republic of China; and

(2) after making a determination under paragraph (1) with respect to the People's Republic of China, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE WORLD TRADE ORGANIZATION.—Prior to making the determination provided for in subsection (a)(1) and pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the President shall transmit a report to Congress certifying that the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999.

SEC. 102. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.—The extension of nondiscriminatory treatment pursuant to section 101(a) shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

(b) TERMINATION OF APPLICABILITY OF TITLE IV.—On and after the effective date under subsection (a) of the extension of nondiscriminatory treatment to the products of the People's Republic of China, chapter 1 of title IV of the Trade Act of 1974 (as designated by section 103(a)(2) of this Act) shall cease to apply to that country.

SEC. 103. RELIEF FROM MARKET DISRUPTION.

(a) IN GENERAL.—Title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) is amended—

(1) in the title heading, by striking "**CURRENTLY**";

(2) by inserting before section 401 the following:

"CHAPTER 1—TRADE RELATIONS WITH CERTAIN COUNTRIES"; and

(3) by adding at the end the following new chapter:

"CHAPTER 2—RELIEF FROM MARKET DISRUPTION TO INDUSTRIES AND DIVERSION OF TRADE TO THE UNITED STATES MARKET

"SEC. 421. ACTION TO ADDRESS MARKET DISRUPTION.

"(a) PRESIDENTIAL ACTION.—If a product of the People's Republic of China is being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of a like or directly competitive product, the President shall, in accordance with the provisions of this section, proclaim increased duties or other import restrictions with respect to such product, to the extent and for such period as the President considers necessary to prevent or remedy the market disruption.

"(b) INITIATION OF AN INVESTIGATION.—(1) Upon the filing of a petition by an entity described in section 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)), upon the request of the President or the United States Trade Representative (in this subtitle referred to as the 'Trade Representative'), upon resolution of either the Committee on Ways and Means of the House of Representatives, or the Committee on Finance of the Senate (in this subtitle referred to as the 'Committees') or on its own motion, the United States International Trade Commission (in this subtitle referred to as the 'Commission') shall promptly make an investigation to determine whether products of the People's Republic of China are being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products.

"(2) The limitations on investigations set forth in section 202(h)(1) of the Trade Act of 1974 (19 U.S.C. 2252(h)(1)) shall apply to investigations conducted under this section.

"(3) The provisions of subsections (a)(8) and (i) of section 202 of the Trade Act of 1974 (19 U.S.C. 2252(a)(8) and (i)), relating to treatment of confidential business information, shall apply to investigations conducted under this section.

"(4) Whenever a petition is filed, or a request or resolution is received, under this subsection, the Commission shall transmit a copy thereof to the President, the Trade Representative, the Committee on Ways and Means of the House of Representatives, and the Committee of Finance of the Senate, except that in the case of confidential business information, the copy may include only nonconfidential summaries of such information.

"(5) The Commission shall publish notice of the commencement of any proceeding under this subsection in the Federal Register and shall, within a reasonable time thereafter, hold public hearings at which the Commission shall afford interested parties an opportunity to be present, to present evidence, to respond to the presentations of other parties, and otherwise to be heard.

"(c) MARKET DISRUPTION.—(1) For purposes of this section, market disruption exists whenever imports of an article like or directly competitive with an article produced by a domestic industry are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat of material injury, to the domestic industry.

"(2) For purposes of paragraph (1), the term 'significant cause' refers to a cause which contributes significantly to the material injury of the domestic industry, but need not be equal to or greater than any other cause.

"(d) FACTORS IN DETERMINATION.—In determining whether market disruption exists, the Commission shall consider objective factors, including—

"(1) the volume of imports of the product which is the subject of the investigation;

"(2) the effect of imports of such product on prices in the United States for like or directly competitive articles; and

"(3) the effect of imports of such product on the domestic industry producing like or directly competitive articles.

The presence or absence of any factor under paragraph (1), (2), or (3) is not necessarily dispositive of whether market disruption exists.

"(e) TIME FOR COMMISSION DETERMINATIONS.—The Commission shall make and transmit to the President and the Trade Representative its determination under subsection (b)(1) at the earliest practicable time, but in no case later than 60 days (or 90 days in the case of a petition requesting relief under subsection (i)) after the date on which the petition is filed, the request or resolution is received, or the motion is adopted, under subsection (b). If the Commissioners voting are equally divided with respect to its determination, then the determination agreed upon by either group of Commissioners may be considered by the President and the Trade Representative as the determination of the Commission.

"(f) RECOMMENDATIONS OF COMMISSION ON PROPOSED REMEDIES.—If the Commission makes an affirmative determination under subsection (b), or a determination which the President or the Trade Representative may consider as affirmative under subsection (e), the Commission shall propose the amount of increase in, or imposition of, any duty or other import restrictions necessary to prevent or remedy the market disruption. Only those members of the Commission who agreed to the affirmative determination under subsection (b) are eligible to vote on the proposed action to prevent or remedy market disruption. Members of the Commission who did not agree to the affirmative determination may submit, in the report required under subsection (g), separate views regarding what action, if any, should be taken to prevent or remedy market disruption.

"(g) REPORT BY COMMISSION.—(1) Not later than 20 days after a determination under subsection (b) is made, the Commission shall submit a report to the President and the Trade Representative.

"(2) The Commission shall include in the report required under paragraph (1) the following:

"(A) The determination made under subsection (b) and an explanation of the basis for the determination.

"(B) If the determination under subsection (b) is affirmative, or may be considered by the President or the Trade Representative as affirmative under subsection (e), the recommendations of the Commission on proposed remedies under subsection (f) and an explanation of the basis for each recommendation.

"(C) Any dissenting or separate views by members of the Commission regarding the determination and any recommendation referred to in subparagraphs (A) and (B).

"(D) A description of—

"(i) the short- and long-term effects that implementation of the action recommended under subsection (f) is likely to have on the petitioning domestic industry, on other domestic industries, and on consumers; and

"(ii) the short- and long-term effects of not taking the recommended action on the petitioning domestic industry, its workers, and the communities where production facilities of such industry are located, and on other domestic industries.

"(3) The Commission, after submitting a report to the President under paragraph (1), shall promptly make it available to the public (but shall not include confidential business information) and cause a summary thereof to be published in the Federal Register.

"(h) OPPORTUNITY TO PRESENT VIEWS AND EVIDENCE ON PROPOSED MEASURE AND RECOMMENDATION TO THE PRESIDENT.—(1) Within 20 days after receipt of the Commission's report under subsection (g) (or 15 days in the case of an affirmative preliminary determination under subsection (i)(1)(B)), the Trade Representative shall publish in the Federal Register notice of any measure proposed by the Trade Representative to be taken pursuant to subsection (a) and of the opportunity, including a public hearing, if requested, for importers, exporters, and other interested parties to submit their views and evidence on the appropriateness of the proposed measure and whether it would be in the public interest.

‘‘(2) Within 55 days after receipt of the report under subsection (g) (or 35 days in the case of an affirmative preliminary determination under subsection (i)(1)(B)), the Trade Representative, taking into account the views and evidence received under paragraph (1) on the measure proposed by the Trade Representative, shall make a recommendation to the President concerning what action, if any, to take to prevent or remedy the market disruption.

‘‘(i) Critical Circumstances.—(1) When a petition filed under subsection (b) alleges that critical circumstances exist and requests that provisional relief be provided under this subsection with respect to the product identified in the petition, the Commission shall, not later than 45 days after the petition containing the request is filed—

‘‘(A) determine whether delay in taking action under this section would cause damage to the relevant domestic industry which would be difficult to repair; and

‘‘(B) if the determination under subparagraph (A) is affirmative, make a preliminary determination of whether imports of the product which is the subject of the investigation have caused or threatened to cause market disruption.

If the Commissioners voting are equally divided with respect to either of its determinations, then the determination agreed upon by either group of Commissioners may be considered by the President and the Trade Representative as the determination of the Commission.

‘‘(2) On the date on which the Commission completes its determinations under paragraph (1), the Commission shall transmit a report on the determinations to the President and the Trade Representative, including the reasons for its determinations. If the determinations under paragraph (1) are affirmative, or may be considered by the President or the Trade Representative as affirmative under paragraph (1), the Commission shall include in its report its recommendations on proposed provisional measures to be taken to prevent or remedy the market disruption. Only those members of the Commission who agreed to the affirmative determinations under paragraph (1) are eligible to vote on the proposed provisional measures to prevent or remedy market disruption. Members of the Commission who did not agree to the affirmative determinations may submit, in the report, dissenting or separate views regarding the determination and any recommendation of provisional measures referred to in this paragraph.

‘‘(3) If the determinations under paragraph (1) are affirmative, or may be considered by the President or the Trade Representative as affirmative under paragraph (1), the Trade Representative shall, within 10 days after receipt of the Commission's report, determine the amount or extent of provisional relief that is necessary to prevent or remedy the market disruption and shall provide a recommendation to the President on what provisional measures, if any, to take.

‘‘(4)(A) The President shall determine whether to provide provisional relief and proclaim such relief, if any, within 10 days after receipt of the recommendation from the Trade Representative.

‘‘(B) Such relief may take the form of—

‘‘(i) the imposition of or increase in any duty;

‘‘(ii) any modification, or imposition of any quantitative restriction on the importation of an article into the United States; or

‘‘(iii) any combination of actions under clauses (i) and (ii).

‘‘(C) Any provisional action proclaimed by the President pursuant to a determination of critical circumstances shall remain in effect not more than 200 days.

‘‘(D) Provisional relief shall cease to apply upon the effective date of relief proclaimed under subsection (a), upon a decision by the President not to provide such relief, or upon a negative determination by the Commission under subsection (b).

‘‘(j) Agreements With the People's Republic of China.—(1) The Trade Representative is authorized to enter into agreements for the People's Republic of China to take such action as necessary to prevent or remedy market disruption, and should seek to conclude such agreements before the expiration of the 60-day consultation period provided for under the product-specific safeguard provision of the Protocol of Accession of the People's Republic of China to the WTO, which shall commence not later than 5 days after the Trade Representative receives an affirmative determination provided for in subsection (e) or a determination which the Trade Representative considers to be an affirmative determination pursuant to subsection (e).

‘‘(2) If no agreement is reached with the People's Republic of China pursuant to consultations under paragraph (1), or if the President determines than an agreement reached pursuant to such consultations is not preventing or remedying the market disruption at issue, the President shall provide import relief in accordance with subsection (a).

‘‘(k) Standard for Presidential Action.—(1) Within 15 days after receipt of a recommendation from the Trade Representative under subsection (h) on the appropriate action, if any, to take to prevent or remedy the market disruption, the President shall provide import relief for such industry pursuant to subsection (a), unless the President determines that provision of such relief is not in the national economic interest of the United States or, in extraordinary cases, that the taking of action pursuant to subsection (a) would cause serious harm to the national security of the United States.

‘‘(2) The President may determine under paragraph (1) that providing import relief is not in the national economic interest of the United States only if the President finds that the taking of such action would have an adverse impact on the United States economy clearly greater than the benefits of such action.

‘‘(l) Publication of Decision and Reports.—(1) The President's decision, including the reasons therefor and the scope and duration of any action taken, shall be published in the Federal Register.

‘‘(2) The Commission shall promptly make public any report transmitted under this section, but shall not make public any information which the Commission determines to be confidential, and shall publish notice of such report in the Federal Register.

‘‘(m) Effective Date of Relief.—Import relief under this section shall take effect not later than 15 days after the President's determination to provide such relief.

‘‘(n) Modifications of Relief.—(1) At any time after the end of the 6-month period beginning on the date on which relief under subsection (m) first takes effect, the President may request that the Commission provide a report on the probable effect of the modification, reduction, or termination of the relief provided on the relevant industry. The Commission shall transmit such report to the President within 60 days of the request.

‘‘(2) The President may, after receiving a report from the Commission under paragraph (1), take such action to modify, reduce, or terminate relief that the President determines is necessary to continue to prevent or remedy the market disruption at issue.

‘‘(3) Upon the granting of relief under subsection (k), the Commission shall collect such data as is necessary to allow it to respond rapidly to a request by the President under paragraph (1).

‘‘(o) Extension of Action.—(1) Upon request of the President, or upon petition on behalf of the industry concerned filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any relief provided under subsection (k) is to terminate, the Commission shall investigate to determine whether action under this section continues to be necessary to prevent or remedy market disruption.

‘‘(2) The Commission shall publish notice of the commencement of any proceeding under this subsection in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

‘‘(3) The Commission shall transmit to the President a report on its investigation and determination under this subsection not later than 60 days before the action under subsection (m) is to terminate.

‘‘(4) The President, after receiving an affirmative determination from the Commission under paragraph (3), may extend the effective period of any action under this section if the President determines that the action continues to be necessary to prevent or remedy the market disruption.

“SEC. 422. ACTION IN RESPONSE TO TRADE DIVERSION.

‘‘(a) Monitoring by Customs Service.—In any case in which a WTO member other than the United States requests consultations with the People's Republic of China under the product-specific safeguard provision of the Protocol of Accession of the People's Republic of China to the World Trade Organization, the Trade Representative shall inform the United States Customs Service, which shall monitor imports into the United States of those products of Chinese origin that are the subject of the consultation request. Data from such monitoring shall promptly be made available to the Commission upon request by the Commission.

‘‘(b) Initiation of Investigation.—(1) Upon the filing of a petition by an entity described in section 202(a) of the Trade Act of 1974, upon the request of the President or the Trade Representative, upon resolution of either of the Committees, or on its own motion, the Commission shall promptly make an investigation to determine whether an action described in subsection (c) has caused, or threatens to cause, a significant diversion of trade into the domestic market of the United States.

‘‘(2) The Commission shall publish notice of the commencement of any proceeding under this subsection in the Federal Register and shall, within a reasonable time thereafter, hold public hearings at which the Commission shall afford interested parties an opportunity to be present, to present evidence, to respond to the presentations of other parties, and otherwise to be heard.

‘‘(3) The provisions of subsections (a)(8) and (i) of section 202 of the Trade Act of 1974

(19 U.S.C. 2252(a)(8) and (i)), relating to treatment of confidential business information, shall apply to investigations conducted under this section.

"(c) ACTIONS DESCRIBED.—An action is described in this subsection if it is an action—

"(1) by the People's Republic of China to prevent or remedy market disruption in a WTO member other than the United States;

"(2) by a WTO member other than the United States to withdraw concessions under the WTO Agreement or otherwise to limit imports to prevent or remedy market disruption;

"(3) by a WTO member other than the United States to apply a provisional safeguard within the meaning of the product-specific safeguard provision of the Protocol of Accession of the People's Republic of China to the WTO; or

"(4) any combination of actions described in paragraphs (1) through (3).

"(d) BASIS FOR DETERMINATION OF SIGNIFICANT DIVERSION.—(1) In determining whether significant diversion or the threat thereof exists for purposes of this section, the Commission shall take into account, to the extent such evidence is reasonably available—

"(A) the monitoring conducted under subsection (a);

"(B) the actual or imminent increase in United States market share held by such imports from the People's Republic of China;

"(C) the actual or imminent increase in volume of such imports into the United States;

"(D) the nature and extent of the action taken or proposed by the WTO member concerned;

"(E) the extent of exports from the People's Republic of China to that WTO member and to the United States;

"(F) the actual or imminent changes in exports to that WTO member due to the action taken or proposed;

"(G) the actual or imminent diversion of exports from the People's Republic of China to countries other than the United States;

"(H) cyclical or seasonal trends in import volumes into the United States of the products at issue; and

"(I) conditions of demand and supply in the United States market for the products at issue.

The presence or absence of any factor under any of subparagraphs (A) through (I) is not necessarily dispositive of whether a significant diversion of trade or the threat thereof exists.

"(2) For purposes of making its determination, the Commission shall examine changes in imports into the United States from the People's Republic of China since the time that the WTO member commenced the investigation that led to a request for consultations described in subsection (a).

"(3) If more than 1 action by a WTO member or WTO members against a particular product is identified in the petition, request, or resolution under subsection (b) or during the investigation, the Commission may cumulatively assess the actual or likely effects of such actions jointly in determining whether a significant diversion of trade or threat thereof exists.

"(e) COMMISSION DETERMINATION; AGREEMENT AUTHORITY.—(1) The Commission shall make and transmit to the President and the Trade Representative its determination under subsection (b) at the earliest practicable time, but in no case later than 45 days after the date on which the petition is filed, the request or resolution is received, or the motion is adopted, under subsection (b). If the Commissioners voting are equally divided with respect to its determination, then the determination agreed upon by either group of Commissioners may be considered by the President and the Trade Representative as the determination of the Commission.

"(2) The Trade Representative is authorized to enter into agreements with the People's Republic of China or the other WTO members concerned to take such action as necessary to prevent or remedy significant trade diversion or threat thereof into the domestic market of the United States, and should seek to conclude such agreements before the expiration of the 60-day consultation period provided for under the product-specific safeguard provision of the Protocol of Accession of the People's Republic of China to the WTO, which shall commence not later than 5 days after the Trade Representative receives an affirmative determination provided for in paragraph (1) or a determination which the Trade Representative considers to be an affirmative determination pursuant to paragraph (1).

"(3) REPORT BY COMMISSION.—

"(A) Not later than 10 days after a determination under subsection (b), is made, the Commission shall transmit a report to the President and the Trade Representative.

"(B) The Commission shall include in the report required under subparagraph (A) the following:

"(i) The determination made under subsection (b) and an explanation of the basis for the determination.

"(ii) If the determination under subsection (b) is affirmative, or may be considered by the President or the Trade Representative as affirmative under subsection (e)(1), the recommendations of the Commission on increased tariffs or other import restrictions to be imposed to prevent or remedy the trade diversion or threat thereof, and explanations of the bases for such recommendations. Only those members of the Commission who agreed to the affirmative determination under subsection (b) are eligible to vote on the proposed action to prevent or remedy the trade diversion or threat thereof.

"(iii) Any dissenting or separate views by members of the Commission regarding the determination and any recommendation referred to in clauses (i) and (ii).

"(iv) A description of—

"(I) the short- and long-term effects that implementation of the action recommended under clause (ii) is likely to have on the petitioning domestic industry, on other domestic industries, and on consumers; and

"(II) the short- and long-term effects of not taking the recommended action on the petitioning domestic industry, its workers and the communities where production facilities of such industry are located, and on other domestic industries.

"(C) The Commission, after submitting a report to the President under subparagraph (A), shall promptly make it available to the public (with the exception of confidential business information) and cause a summary thereof to be published in the Federal Register.

"(f) PUBLIC COMMENT.—If consultations fail to lead to an agreement with the People's Republic of China or the WTO member concerned within 60 days, the Trade Representative shall promptly publish notice in the Federal Register of any proposed action to prevent or remedy the trade diversion, and provide an opportunity for interested persons to present views and evidence on whether the proposed action is in the public interest.

"(g) RECOMMENDATION TO THE PRESIDENT.—Within 20 days after the end of consultations pursuant to subsection (e), the Trade Representative shall make a recommendation to the President on what action, if any, should be taken to prevent or remedy the trade diversion or threat thereof.

"(h) PRESIDENTIAL ACTION.—Within 20 days after receipt of the recommendation from the Trade Representative, the President shall determine what action to take to prevent or remedy the trade diversion or threat thereof.

"(i) DURATION OF ACTION.—Action taken under subsection (h) shall be terminated not later than 30 days after expiration of the action taken by the WTO member or members involved against imports from the People's Republic of China.

"(j) REVIEW OF CIRCUMSTANCES.—(1) The Commission shall review the continued need for action taken under subsection (h) if the WTO member or members involved notify the Committee on Safeguards of the WTO of any modification in the action taken by them against the People's Republic of China pursuant to consultation referred to in subsection (a). The Commission shall, not later than 60 days after such notification, determine whether a significant diversion of trade continues to exist and report its determination to the President. The President shall determine, within 15 days after receiving the Commission's report, whether to modify, withdraw, or keep in place the action taken under subsection (h).

"SEC. 423. REGULATIONS; TERMINATION OF PROVISION.

"(a) TO CARRY OUT RESTRICTIONS AND MONITORING.—The President shall by regulation provide for the efficient and fair administration of any restriction proclaimed pursuant to the subtitle and to provide for effective monitoring of imports under section 422(a).

"(b) TO CARRY OUT AGREEMENTS.—To carry out an agreement concluded pursuant to consultations under section 421(j) or 422(e)(2), the President is authorized to prescribe regulations governing the entry or withdrawal from warehouse of articles covered by such agreement.

"(c) TERMINATION DATE.—This subtitle and any regulations issued under this subtitle shall cease to be effective 12 years after the date of entry into force of the Protocol of Accession of the People's Republic of China to the WTO.".

(b) CONFORMING AMENDMENT.—The table on contents of the Trade Act of 1974 is amended—

(1) in the item relating to title IV, by striking "CURRENTLY";

(2) by inserting before the item relating to section 401 the following:

"CHAPTER 1—TRADE RELATIONS WITH CERTAIN COUNTRIES"; and

(3) by adding after the item relating to section 409 the following:

"CHAPTER 2—RELIEF FROM MARKET DISRUPTION TO INDUSTRIES AND DIVERSION OF TRADE TO THE UNITED STATES MARKET

"Sec. 421. Action to address market disruption.

"Sec. 422. Action in response to trade diversion.

"Sec. 423. Regulations; termination of provision.".

SEC. 104. AMENDMENT TO SECTION 123 OF THE TRADE ACT OF 1974—COMPENSATION AUTHORITY.

Section 123(a)(1) of the Trade Act of 1974 (19 U.S.C. 2133(a)(1)) is amended by inserting after "title III" the following: ", or under chapter 2 of title IV of the Trade Act of 1974".

DIVISION B—UNITED STATES-CHINA RELATIONS

TITLE II—GENERAL PROVISIONS

SEC. 201. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "U.S.-China Relations Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

TITLE II—GENERAL PROVISIONS

Sec. 201. Short title; table of contents.
Sec. 202. Findings.
Sec. 203. Policy.
Sec. 204. Definitions.

TITLE III—CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

Sec. 301. Establishment of Congressional-Executive Commission on the People's Republic of China.
Sec. 302. Functions of the Commission.
Sec. 303. Membership of the Commission.
Sec. 304. Votes of the Commission.
Sec. 305. Expenditure of appropriations.
Sec. 306. Testimony of witnesses, production of evidence; issuance of subpoenas; administration of oaths.
Sec. 307. Appropriations for the Commission.
Sec. 308. Staff of the Commission.
Sec. 309. Printing and binding costs.

TITLE IV—MONITORING AND ENFORCEMENT OF THE PEOPLE'S REPUBLIC OF CHINA'S WTO COMMITMENTS

Subtitle A—Review of Membership of the People's Republic of China in the WTO

Sec. 401. Review within the WTO.

Subtitle B—Authorization To Promote Compliance With Trade Agreements

Sec. 411. Findings.
Sec. 412. Purpose.
Sec. 413. Authorization of appropriations.

Subtitle C—Report on Compliance by the People's Republic of China With WTO Obligations

Sec. 421. Report on compliance.

TITLE V—TRADE AND RULE OF LAW ISSUES IN THE PEOPLE'S REPUBLIC OF CHINA

Subtitle A—Task Force on Prohibition of Importation of Products of Forced or Prison Labor From the People's Republic of China

Sec. 501. Establishment of Task Force.
Sec. 502. Functions of Task Force.
Sec. 503. Composition of Task Force.
Sec. 504. Authorization of appropriations.
Sec. 505. Reports to Congress.

Subtitle B—Assistance To Develop Commercial and Labor Rule of Law

Sec. 511. Establishment of technical assistance and rule of law programs.
Sec. 512. Administrative authorities.
Sec. 513. Prohibition relating to human rights abuses.
Sec. 514. Authorization of appropriations.

TITLE VI—ACCESSION OF TAIWAN TO THE WTO

Sec. 601. Accession of Taiwan to the WTO.

TITLE VII—RELATED ISSUES

Sec. 701. Authorizations of appropriations for broadcasting capital improvements and international broadcasting operations.

SEC. 202. FINDINGS.

The Congress finds the following:

(1) In 1980, the United States opened trade relations with the People's Republic of China by entering into a bilateral trade agreement, which was approved by joint resolution enacted pursuant to section 405(c) of the Trade Act of 1974.

(2) Since 1980, the President has consistently extended nondiscriminatory treatment to products of the People's Republic of China, pursuant to his authority under section 404 of the Trade Act of 1974.

(3) Since 1980, the United States has entered into several additional trade-related agreements with the People's Republic of China, including a memorandum of understanding on market access in 1992, 2 agreements on intellectual property rights protection in 1992 and 1995, and an agreement on agricultural cooperation in 1999.

(4) Trade in goods between the People's Republic of China and the United States totaled almost $95,000,000,000 in 1999, compared with approximately $18,000,000,000 in 1989, representing growth of approximately 428 percent over 10 years.

(5) The United States merchandise trade deficit with the People's Republic of China has grown from approximately $6,000,000,000 in 1989 to over $68,000,000,000 in 1999, a growth of over 1,000 percent.

(6) The People's Republic of China currently restricts imports through relatively high tariffs and nontariff barriers, including import licensing, technology transfer, and local content requirements.

(7) United States businesses attempting to sell goods to markets in the People's Republic of China have complained of uneven application of tariffs, customs procedures, and other laws, rules, and administrative measures affecting their ability to sell their products in the Chinese market.

(8) On November 15, 1999, the United States and the People's Republic of China concluded a bilateral agreement concerning terms of the People's Republic of China's eventual accession to the World Trade Organization.

(9) The commitments that the People's Republic of China made in its November 15, 1999, agreement with the United States promise to eliminate or greatly reduce the principal barriers to trade with and investment in the People's Republic of China, if those commitments are effectively complied with and enforced.

(10) The record of the People's Republic of China in implementing trade-related commitments has been mixed. While the People's Republic of China has generally met the requirements of the 1992 market access memorandum of understanding and the 1992 and 1995 agreements on intellectual property rights protection, other measures remain in place or have been put into place which tend to diminish the benefit to United States businesses, farmers, and workers from the People's Republic of China's implementation of those earlier commitments. Notably, administration of tariff-rate quotas and other trade-related laws remains opaque, new local content requirements have proliferated, restrictions on importation of animal and plant products are not always supported by sound science, and licensing requirements for importation and distribution of goods remain common. Finally, the Government of the People's Republic of China has failed to cooperate with the United States Customs Service in implementing a 1992 memorandum of understanding prohibiting trade in products made by prison labor.

(11) The human rights record of the People's Republic of China is a matter of very serious concern to the Congress. The Congress notes that the Department of State's 1999 Country Reports on Human Rights Practices for the People's Republic of China finds that "[t]he Government's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent, particularly organized dissent.".

(12) The Congress deplores violations by the Government of the People's Republic of China of human rights, religious freedoms, and worker rights that are referred to in the Department of State's 1999 Country Reports on Human Rights Practices for the People's Republic of China, including the banning of the Falun Gong spiritual movement, denial in many cases, particularly politically sensitive ones, of effective representation by counsel and public trials, extrajudicial killings and torture, forced abortion and sterilization, restriction of access to Tibet and Xinjiang, perpetuation of "reeducation through labor", denial of the right of workers to organize labor unions or bargain collectively with their employers, and failure to implement a 1992 memorandum of understanding prohibiting trade in products made by prison labor.

SEC. 203. POLICY.

It is the policy of the United States—

(1) to develop trade relations that broaden the benefits of trade, and lead to a leveling up, rather than a leveling down, of labor, environmental, commercial rule of law, market access, anticorruption, and other standards across national borders;

(2) to pursue effective enforcement of trade-related and other international commitments by foreign governments, through enforcement mechanisms of international organizations and through the application of United States law as appropriate;

(3) to encourage foreign governments to conduct both commercial and noncommercial affairs according to the rule of law developed through democratic processes;

(4) to encourage the Government of the People's Republic of China to afford its workers internationally recognized worker rights;

(5) to encourage the Government of the People's Republic of China to protect the human rights of people within the territory of the People's Republic of China, and to take steps toward protecting such rights, including, but not limited to—

(A) ratifying the International Covenant on Civil and Political Rights;

(B) protecting the right to liberty of movement and freedom to choose a residence within the People's Republic of China and the right to leave from and return to the People's Republic of China; and

(C) affording a criminal defendant—

(i) the right to be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing;

(ii) the right to be informed, if he or she does not have legal assistance, of the right set forth in clause (i);

(iii) the right to have legal assistance assigned to him or her in any case in which the interests of justice so require and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(iv) the right to a fair and public hearing by a competent, independent, and impartial tribunal established by the law;

(v) the right to be presumed innocent until proved guilty according to law; and

(vi) the right to be tried without undue delay; and

(6) to highlight in the United Nations Human Rights Commission and in other appropriate fora violations of human rights by foreign governments and to seek the support of other governments in urging improvements in human rights practices.

SEC. 204. DEFINITIONS.

In this division:

(1) DISPUTE SETTLEMENT UNDERSTANDING.—The term "Dispute Settlement Understanding" means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(16)).

(2) GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—The term "Government of the People's Republic of China" means the central Government of the People's Republic of China and any other governmental entity, including any provincial, prefectural, or local entity and any enterprise that is controlled by the central Government or any such governmental entity or as to which the central Government or any such governmental entity is entitled to receive a majority of the profits.

(3) INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—The term "internationally recognized worker rights" has the meaning given that term in section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)) and includes the right to the elimination of the "worst forms of child labor", as defined in section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(4) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(5) WTO; WORLD TRADE ORGANIZATION.—The terms "WTO" and "World Trade Organization" mean the organization established pursuant to the WTO Agreement.

(6) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(7) WTO MEMBER.—The term "WTO member" has the meaning given that term in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10)).

TITLE III—CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SEC. 301. ESTABLISHMENT OF CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA.

There is established a Congressional-Executive Commission on the People's Republic of China (in this title referred to as the "Commission").

SEC. 302. FUNCTIONS OF THE COMMISSION.

(a) MONITORING COMPLIANCE WITH HUMAN RIGHTS.—The Commission shall monitor the acts of the People's Republic of China which reflect compliance with or violation of human rights, in particular, those contained in the International Covenant on Civil and Political Rights and in the Universal Declaration of Human Rights, including, but not limited to, effectively affording—

(1) the right to engage in free expression without fear of any prior restraints;

(2) the right to peaceful assembly without restrictions, in accordance with international law;

(3) religious freedom, including the right to worship free of involvement of and interference by the government;

(4) the right to liberty of movement and freedom to choose a residence within the People's Republic of China and the right to leave from and return to the People's Republic of China;

(5) the right of a criminal defendant—

(A) to be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing;

(B) to be informed, if he or she does not have legal assistance, of the right set forth in subparagraph (A);

(C) to have legal assistance assigned to him or her in any case in which the interests of justice so require and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(D) to a fair and public hearing by a competent, independent, and impartial tribunal established by the law;

(E) to be presumed innocent until proved guilty according to law; and

(F) to be tried without undue delay;

(6) the right to be free from torture and other forms of cruel or unusual punishment;

(7) protection of internationally recognized worker rights;

(8) freedom from incarceration as punishment for political opposition to the government;

(9) freedom from incarceration as punishment for exercising or advocating human rights (including those described in this section);

(10) freedom from arbitrary arrest, detention, or exile;

(11) the right to fair and public hearings by an independent tribunal for the determination of a citizen's rights and obligations; and

(12) free choice of employment.

(b) VICTIMS LISTS.—The Commission shall compile and maintain lists of persons believed to be imprisoned, detained, or placed under house arrest, tortured, or otherwise persecuted by the Government of the People's Republic of China due to their pursuit of the rights described in subsection (a). In compiling such lists, the Commission shall exercise appropriate discretion, including concerns regarding the safety and security of, and benefit to, the persons who may be included on the lists and their families.

(c) MONITORING DEVELOPMENT OF RULE OF LAW.—The Commission shall monitor the development of the rule of law in the People's Republic of China, including, but not limited to—

(1) progress toward the development of institutions of democratic governance;

(2) processes by which statutes, regulations, rules, and other legal acts of the Government of the People's Republic of China are developed and become binding within the People's Republic of China;

(3) the extent to which statutes, regulations, rules, administrative and judicial decisions, and other legal acts of the Government of the People's Republic of China are published and are made accessible to the public;

(4) the extent to which administrative and judicial decisions are supported by statements of reasons that are based upon written statutes, regulations, rules and other legal acts of the Government of the People's Republic of China;

(5) the extent to which individuals are treated equally under the laws of the of the People's Republic of China without regard to citizenship;

(6) the extent to which administrative and judicial decisions are independent of political pressure or governmental interference and are reviewed by entities of appellate jurisdiction; and

(7) the extent to which laws in the People's Republic of China are written and administered in ways that are consistent with international human rights standards, including the requirements of the International Covenant on Civil and Political Rights.

(d) BILATERAL COOPERATION.—The Commission shall monitor and encourage the development of programs and activities of the United States Government and private organizations with a view toward increasing the interchange of people and ideas between the United States and the People's Republic of China and expanding cooperation in areas that include, but are not limited to—

(1) increasing enforcement of human rights described in subsection (a); and

(2) developing the rule of law in the People's Republic of China.

(e) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.—In performing the functions described in subsections (a) through (d), the Commission shall, as appropriate, seek out and maintain contacts with nongovernmental organizations, including receiving reports and updates from such organizations and evaluating such reports.

(f) COOPERATION WITH SPECIAL COORDINATOR.—In performing the functions described in subsections (a) through (d), the Commission shall cooperate with the Special Coordinator for Tibetan Issues in the Department of State.

(g) ANNUAL REPORTS.—The Commission shall issue a report to the President and the Congress not later than 12 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, setting forth the findings of the Commission during the preceding 12-month period, in carrying out subsections (a) through (c). The Commission's report may contain recommendations for legislative or executive action.

(h) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under subsection (g) shall include specific information as to the nature and implementation of laws or policies concerning the rights set forth in paragraphs (1) through (12) of subsection (a), and as to restrictions applied to or discrimination against persons exercising any of the rights set forth in such paragraphs.

(i) CONGRESSIONAL HEARINGS ON ANNUAL REPORTS.—(1) The Committee on International Relations of the House of Representatives shall, not later than 30 days after the receipt by the Congress of the report referred to in subsection (g), hold hearings on the contents of the report, including any recommendations contained therein, for the purpose of receiving testimony from Members of Congress, and such appropriate representatives of Federal departments and agencies, and interested persons and groups, as the committee deems advisable, with a view to reporting to the House of Representatives any appropriate legislation in furtherance of such recommendations. If any such legislation is considered by the Committee on International Relations within 45 days after receipt by the Congress of the report referred to in subsection (g), it shall be reported by the committee not later than 60 days after receipt by the Congress of such report.

(2) The provisions of paragraph (1) are enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such are deemed a part of the rules of the House, and they supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of the House to change the rules (so far as relating to the procedure of the House) at any time, in the same manner and to the same extent as in the case of any other rule of the House.

(j) Supplemental Reports.—The Commission may submit to the President and the Congress reports that supplement the reports described in subsection (g), as appropriate, in carrying out subsections (a) through (c).

SEC. 303. MEMBERSHIP OF THE COMMISSION.

(a) Selection and Appointment of Members.—The Commission shall be composed of 23 members as follows:

(1) Nine Members of the House of Representatives appointed by the Speaker of the House of Representatives. Five members shall be selected from the majority party and four members shall be selected, after consultation with the minority leader of the House, from the minority party.

(2) Nine Members of the Senate appointed by the President of the Senate. Five members shall be selected, after consultation with the majority leader of the Senate, from the majority party, and four members shall be selected, after consultation with the minority leader of the Senate, from the minority party.

(3) One representative of the Department of State, appointed by the President of the United States from among officers and employees of that Department.

(4) One representative of the Department of Commerce, appointed by the President of the United States from among officers and employees of that Department.

(5) One representative of the Department of Labor, appointed by the President of the United States from among officers and employees of that Department.

(6) Two at-large representatives, appointed by the President of the United States, from among the officers and employees of the executive branch.

(b) Chairman and Cochairman.—

(1) Designation of chairman.—At the beginning of each odd-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the members of the Commission from the Senate as Chairman of the Commission. At the beginning of each even-numbered Congress, the Speaker of the House of Representatives shall designate one of the members of the Commission from the House as Chairman of the Commission.

(2) Designation of cochairman.—At the beginning of each odd-numbered Congress, the Speaker of the House of Representatives shall designate one of the members of the Commission from the House as Cochairman of the Commission. At the beginning of each even-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the members of the Commission from the Senate as Cochairman of the Commission.

SEC. 304. VOTES OF THE COMMISSION.

Decisions of the Commission, including adoption of reports and recommendations to the executive branch or to the Congress, shall be made by a majority vote of the members of the Commission present and voting. Two-thirds of the Members of the Commission shall constitute a quorum for purposes of conducting business.

SEC. 305. EXPENDITURE OF APPROPRIATIONS.

For each fiscal year for which an appropriation is made to the Commission, the Commission shall issue a report to the Congress on its expenditures under that appropriation.

SEC. 306. TESTIMONY OF WITNESSES, PRODUCTION OF EVIDENCE; ISSUANCE OF SUBPOENAS; ADMINISTRATION OF OATHS.

In carrying out this title, the Commission may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and electronically recorded data as it considers necessary. Subpoenas may be issued only pursuant to a two-thirds vote of members of the Commission present and voting. Subpoenas may be issued over the signature of the Chairman of the Commission or any member designated by the Chairman, and may be served by any person designated by the Chairman or such member. The Chairman of the Commission, or any member designated by the Chairman, may administer oaths to any witness.

SEC. 307. APPROPRIATIONS FOR THE COMMISSION.

(a) Authorization; Disbursements.—

(1) Authorization.—There are authorized to be appropriated to the Commission for fiscal year 2001, and each fiscal year thereafter, such sums as may be necessary to enable it to carry out its functions. Appropriations to the Commission are authorized to remain available until expended.

(2) Disbursements.—Appropriations to the Commission shall be disbursed on vouchers approved—

(A) jointly by the Chairman and the Cochairman; or

(B) by a majority of the members of the personnel and administration committee established pursuant to section 308.

(b) Foreign Travel for Official Purposes.—Foreign travel for official purposes by members and staff of the Commission may be authorized by either the Chairman or the Cochairman.

SEC. 308. STAFF OF THE COMMISSION.

(a) Personnel and Administration Committee.—The Commission shall have a personnel and administration committee composed of the Chairman, the Cochairman, the senior member of the Commission from the minority party of the House of Representatives, and the senior member of the Commission from the minority party of the Senate.

(b) Committee Functions.—All decisions pertaining to the hiring, firing, and fixing of pay of personnel of the Commission shall be by a majority vote of the personnel and administration committee, except that—

(1) the Chairman shall be entitled to appoint and fix the pay of the staff director, and the Cochairman shall be entitled to appoint and fix the pay of the Cochairman's senior staff member; and

(2) the Chairman and Cochairman shall each have the authority to appoint, with the approval of the personnel and administration committee, at least 4 professional staff members who shall be responsible to the Chairman or the Cochairman (as the case may be) who appointed them.

Subject to subsection (d), the personnel and administration committee may appoint and fix the pay of such other personnel as it considers desirable.

(c) Staff Appointments.—All staff appointments shall be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

(d) Qualifications of Professional Staff.—The personnel and administration committee shall ensure that the professional staff of the Commission consists of persons with expertise in areas including human rights, internationally recognized worker rights, international economics, law (including international law), rule of law and other foreign assistance programming, Chinese politics, economy and culture, and the Chinese language.

(e) Commission Employees as Congressional Employees.—

(1) In general.—For purposes of pay and other employment benefits, rights, and privileges, and for all other purposes, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code.

(2) Competitive status.—For purposes of section 3304(c)(1) of title 5, United States Code, employees of the Commission shall be considered as if they are in positions in which they are paid by the Secretary of the Senate or the Clerk of the House of Representatives.

SEC. 309. PRINTING AND BINDING COSTS.

For purposes of costs relating to printing and binding, including the costs of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

TITLE IV—MONITORING AND ENFORCEMENT OF THE PEOPLE'S REPUBLIC OF CHINA'S WTO COMMITMENTS

Subtitle A—Review of Membership of the People's Republic of China in the WTO

SEC. 401. REVIEW WITHIN THE WTO.

It shall be the objective of the United States to obtain as part of the Protocol of Accession of the People's Republic of China to the WTO, an annual review within the WTO of the compliance by the People's Republic of China with its terms of accession to the WTO.

Subtitle B—Authorization To Promote Compliance With Trade Agreements

SEC. 411. FINDINGS.

The Congress finds as follows:

(1) The opening of world markets through the elimination of tariff and nontariff barriers has contributed to a 56-percent increase in exports of United States goods and services since 1992.

(2) Such export expansion, along with an increase in trade generally, has helped fuel the longest economic expansion in United States history.

(3) The United States Government must continue to be vigilant in monitoring and enforcing the compliance by our trading partners with trade agreements in order for United States businesses, workers, and farmers to continue to benefit from the opportunities created by market-opening trade agreements.

(4) The People's Republic of China, as part of its accession to the World Trade Organization, has committed to eliminating significant trade barriers in the agricultural, services, and manufacturing sectors that, if realized, would provide considerable opportunities for United States farmers, businesses, and workers.

(5) For these opportunities to be fully realized, the United States Government must effectively monitor and enforce its rights under the agreements on the accession of the People's Republic of China to the WTO.

SEC. 412. PURPOSE.

The purpose of this subtitle is to authorize additional resources for the agencies and departments engaged in monitoring and enforcement of United States trade agreements and trade laws with respect to the People's Republic of China.

SEC. 413. AUTHORIZATION OF APPROPRIATIONS.

(a) Department of Commerce.—There is authorized to be appropriated to the Department of Commerce, in addition to amounts otherwise available for such purposes, such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter, for additional staff for—

(1) monitoring compliance by the People's Republic of China with its commitments under the WTO, assisting United States negotiators with ongoing negotiations in the WTO, and defending United States antidumping and countervailing duty measures with respect to products of the People's Republic of China;

(2) enforcement of United States trade laws with respect to products of the People's Republic of China; and

(3) a Trade Law Technical Assistance Center to assist small- and medium-sized businesses, workers, and unions in evaluating potential remedies available under the trade laws of the United States with respect to trade involving the People's Republic of China.

(b) Overseas Compliance Program.—

(1) Authorization of appropriation.—There are authorized to be appropriated to the Department of Commerce and the Department of State, in addition to amounts otherwise available, such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter, to provide staff for monitoring in the People's Republic of China that country's compliance with its international trade obligations and to support the enforcement of the trade laws of the United States, as part of an Overseas Compliance Program which monitors abroad compliance with international trade obligations and supports the enforcement of United States trade laws.

(2) Reporting.—The annual report on compliance by the People's Republic of China submitted to the Congress under section 421 of this Act shall include the findings of the Overseas Compliance Program with respect to the People's Republic of China.

(c) USTR.—There are authorized to be appropriated to the Office of the United States Trade Representative, in addition to amounts otherwise available for such purposes, such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter, for additional staff in—

(1) the Office of the General Counsel, the Monitoring and Enforcement Unit, and the Office of the Deputy United States Trade Representative in Geneva, Switzerland, to investigate, prosecute, and defend cases before the WTO, and to administer United States trade laws, including title III of the Trade Act of 1974 (19 U.S.C. 2411, et seq.) and other trade laws relating to intellectual property, government procurement, and telecommunications, with respect to the People's Republic of China;

(2) the Office of Economic Affairs, to analyze the impact on the economy of the United States, including United States exports, of acts of the Government of the People's Republic of China affecting access to markets in the People's Republic of China and to support the Office of the General Counsel in presenting cases to the WTO involving the People's Republic of China;

(3) the geographic office for the People's Republic of China; and

(4) offices relating to the WTO and to different sectors of the economy, including agriculture, industry, services, and intellectual property rights protection, to monitor and enforce the trade agreement obligations of the People's Republic of China in those sectors.

(d) Department of Agriculture.—There are authorized to be appropriated to the Department of Agriculture, in addition to amounts otherwise available for such purposes, such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter, for additional staff to increase legal and technical expertise in areas covered by trade agreements and United States trade law, including food safety and biotechnology, for purposes of monitoring compliance by the People's Republic of China with its trade agreement obligations.

Subtitle C—Report on Compliance by the People's Republic of China With WTO Obligations

SEC. 421. REPORT ON COMPLIANCE.

(a) In General.—Not later than 1 year after the entry into force of the Protocol of Accession of the People's Republic of China to the WTO, and annually thereafter, the Trade Representative shall submit a report to Congress on compliance by the People's Republic of China with commitments made in connection with its accession to the World Trade Organization, including both multilateral commitments and any bilateral commitments made to the United States.

(b) Public Participation.—In preparing the report described in subsection (a), the Trade Representative shall seek public participation by publishing a notice in the Federal Register and holding a public hearing.

TITLE V—TRADE AND RULE OF LAW ISSUES IN THE PEOPLE'S REPUBLIC OF CHINA

Subtitle A—Task Force on Prohibition of Importation of Products of Forced or Prison Labor From the People's Republic of China

SEC. 501. ESTABLISHMENT OF TASK FORCE.

There is hereby established a task force on prohibition of importation of products of forced or prison labor from the People's Republic of China (hereafter in this subtitle referred to as the "Task Force").

SEC. 502. FUNCTIONS OF TASK FORCE.

The Task Force shall monitor and promote effective enforcement of and compliance with section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) by performing the following functions:

(1) Coordinate closely with the United States Customs Service to promote maximum effectiveness in the enforcement by the Customs Service of section 307 of the Tariff Act of 1930 with respect to the products of the People's Republic of China. In order to assure such coordination, the Customs Service shall keep the Task Force informed, on a regular basis, of the progress of its investigations of allegations that goods are being entered into the United States, or that such entry is being attempted, in violation of the prohibition in section 307 of the Tariff Act of 1930 on entry into the United States of goods mined, produced, or manufactured wholly or in part in the People's Republic of China by convict labor, forced labor, or indentured labor under penal sanctions. Such investigations may include visits to foreign sites where goods allegedly are being mined, produced, or manufactured in a manner that would lead to prohibition of their importation into the United States under section 307 of the Tariff Act of 1930.

(2) Make recommendations to the Customs Service on seeking new agreements with the People's Republic of China to allow Customs Service officials to visit sites where goods may be mined, produced, or manufactured by convict labor, forced labor, or indentured labor under penal sanctions.

(3) Work with the Customs Service to assist the People's Republic of China and other foreign governments in monitoring the sale of goods mined, produced, or manufactured by convict labor, forced labor, or indentured labor under penal sanctions to ensure that such goods are not exported to the United States.

(4) Coordinate closely with the Customs Service to promote maximum effectiveness in the enforcement by the Customs Service of section 307 of the Tariff Act of 1930 with respect to the products of the People's Republic of China. In order to assure such coordination, the Customs Service shall keep the Task Force informed, on a regular basis, of the progress of its monitoring of ports of the United States to ensure that goods mined, produced, or manufactured wholly or in part in the People's Republic of China by convict labor, forced labor, or indentured labor under penal sanctions are not imported into the United States.

(5) Advise the Customs Service in performing such other functions, consistent with existing authority, to ensure the effective enforcement of section 307 of the Tariff Act of 1930.

(6) Provide to the Customs Service all information obtained by the departments represented on the Task Force relating to the use of convict labor, forced labor, or/and indentured labor under penal sanctions in the mining, production, or manufacture of goods which may be imported into the United States.

SEC. 503. COMPOSITION OF TASK FORCE.

The Secretary of the Treasury, the Secretary of Commerce, the Secretary of Labor, the Secretary of State, the Commissioner of Customs, and the heads of other executive branch agencies, as appropriate, acting through their respective designees at or above the level of Deputy Assistant Secretary, or in the case of the Customs Service, at or above the level of Assistant Commissioner, shall compose the Task Force. The designee of the Secretary of the Treasury shall chair the Task Force.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 2001, and each fiscal year thereafter, such sums as may be necessary for the Task Force to carry out the functions described in section 502.

SEC. 505. REPORTS TO CONGRESS.

(a) Frequency of Reports.—Not later than the date that is one year after the date of the enactment of this Act, and not later than the end of each 1-year period thereafter, the Task Force shall submit to the Congress a report on the work of the Task Force during the preceding 1-year period.

(b) Contents of Reports.—Each report under subsection (a) shall set forth, at a minimum—

(1) the number of allegations of violations of section 307 of the Tariff Act of 1930 with respect to products of the Peoples' Republic of China that were investigated during the preceding 1-year period;

(2) the number of actual violations of section 307 of the Tariff Act of 1930 with respect to the products of the People's Republic of China that were discovered during the preceding 1-year period;

(3) in the case of each attempted entry of products of the People's Republic of China in violation of such section 307 discovered during the preceding 1-year period—

(A) the identity of the exporter of the goods;

(B) the identity of the person or persons who attempted to sell the goods for export; and

(C) the identity of all parties involved in transshipment of the goods; and

(4) such other information as the Task Force considers useful in monitoring and enforcing compliance with section 307 of the Tariff Act of 1930.

Subtitle B—Assistance To Develop Commercial and Labor Rule of Law

SEC. 511. ESTABLISHMENT OF TECHNICAL ASSISTANCE AND RULE OF LAW PROGRAMS.

(a) COMMERCE RULE OF LAW PROGRAM.—The Secretary of Commerce, in consultation with the Secretary of State, is authorized to establish a program to conduct rule of law training and technical assistance related to commercial activities in the People's Republic of China.

(b) LABOR RULE OF LAW PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary of State, is authorized to establish a program to conduct rule of law training and technical assistance related to the protection of internationally recognized worker rights in the People's Republic of China.

(2) USE OF AMOUNTS.—In carrying out paragraph (1), the Secretary of Labor shall focus on activities including, but not limited to—

(A) developing, laws, regulations, and other measures to implement internationally recognized worker rights;

(B) establishing national mechanisms for the enforcement of national labor laws and regulations;

(C) training government officials concerned with implementation and enforcement of national labor laws and regulations; and

(D) developing an educational infrastructure to educate workers about their legal rights and protections under national labor laws and regulations.

(3) LIMITATION.—The Secretary of Labor may not provide assistance under the program established under this subsection to the All-China Federation of Trade Unions.

(c) LEGAL SYSTEM AND CIVIL SOCIETY RULE OF LAW PROGRAM.—The Secretary of State is authorized to establish a program to conduct rule of law training and technical assistance related to development of the legal system and civil society generally in the People's Republic of China.

(d) CONDUCT OF PROGRAMS.—The programs authorized by this section may be used to conduct activities such as seminars and workshops, drafting of commercial and labor codes, legal training, publications, financing the operating costs for nongovernmental organizations working in this area, and funding the travel of individuals to the United States and to the People's Republic of China to provide and receive training.

SEC. 512. ADMINISTRATIVE AUTHORITIES.

In carrying out the programs authorized by section 511, the Secretary of Commerce and the Secretary of Labor (in consultation with the Secretary of State) may utilize any of the authorities contained in the Foreign Assistance Act of 1961 and the Foreign Service Act of 1980.

SEC. 513. PROHIBITION RELATING TO HUMAN RIGHTS ABUSES.

Amounts made available to carry out this subtitle may not be provided to a component of a ministry or other administrative unit of the national, provincial, or other local governments of the People's Republic of China, to a nongovernmental organization, or to an official of such governments or organizations, if the President has credible evidence that such component, administrative unit, organization or official has been materially responsible for the commission of human rights violations.

SEC. 514. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMERCIAL LAW PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce to carry out the program described in section 511(a) such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter.

(b) LABOR LAW PROGRAM.—There are authorized to be appropriated to the Secretary of Labor to carry out the program described in section 511(b) such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter.

(c) LEGAL SYSTEM AND CIVIL SOCIETY RULE OF LAW PROGRAM.—There are authorized to be appropriated to the Secretary of State to carry out the program described in section 511(c) such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter.

(d) CONSTRUCTION WITH OTHER LAWS.—Except as provided in this division, funds may be made available to carry out the purposes of this subtitle notwithstanding any other provision of law.

TITLE VI—ACCESSION OF TAIWAN TO THE WTO

SEC. 601. ACCESSION OF TAIWAN TO THE WTO.

It is the sense of Congress that—

(1) immediately upon approval by the General Council of the WTO of the terms and conditions of the accession of the People's Republic of China to the WTO, the United States representative to the WTO should request that the General Council of the WTO consider Taiwan's accession to the WTO as the next order of business of the Council during the same session; and

(2) the United States should be prepared to aggressively counter any effort by any WTO member, upon the approval of the General Council of the WTO of the terms and conditions of the accession of the People's Republic of China to the WTO, to block the accession of Taiwan to the WTO.

TITLE VII—RELATED ISSUES

SEC. 701. AUTHORIZATIONS OF APPROPRIATIONS FOR BROADCASTING CAPITAL IMPROVEMENTS AND INTERNATIONAL BROADCASTING OPERATIONS.

(a) BROADCASTING CAPITAL IMPROVEMENTS.—In addition to such sums as may otherwise be authorized to be appropriated, there are authorized to be appropriated for "Department of State and Related Agency," Related Agency, Broadcasting Board of Governors, Broadcasting Capital Improvements" $65,000,000 for the fiscal year 2001.

(b) INTERNATIONAL BROADCASTING OPERATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated, there are authorized to be appropriated $34,000,000 for each of the fiscal years 2001 and 2002 for "Department of State and Related Agency, Related Agency, Broadcasting Board of Governors, International Broadcasting Operations" for the purposes under paragraph (2).

(2) USES OF FUNDS.—In addition to other authorized purposes, funds appropriated pursuant to paragraph (1) shall be used for the following:

(A) To increase personnel for the program development office to enhance marketing programming in the People's Republic of China and neighboring countries.

(B) To enable Radio Free Asia's expansion of news research, production, call-in show capability, and web site/Internet enhancement for the People's Republic of China and neighboring countries.

(C) VOA enhancements, including the opening of new news bureaus in Taipei and Shanghai, enhancement of TV Mandarin, and an increase of stringer presence abroad.

Amend the title so as to read: "A bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.".

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER), the gentleman from New York (Mr. RANGEL), the gentleman from California (Mr. STARK), and the gentleman from California (Mr. ROHRABACHER) each will control 45 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4444.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this historic moment in this debate today, all Members should keep an open mind to objectively make the right decision, without pressure from outside groups, as to what is in the best interests of the United States, its people and its values. This vote will be the most important vote that we cast in our congressional careers. Why? Because it will affect America for generations to come.

International trade has meant a greater standard of living for our families here at home. Yes, nearly $3,000 more in purchasing power a year, employment for over 12 million American workers, and wages that are up to 20 percent higher than those for the domestic market, that is what trade has meant to Americans.

But passage of this historic legislation will mean more than just American jobs created here at home. It will mean the expansion of American ideals, principles, and values throughout the world, as well as the Orient.

We have already started to see that sort of change occur, as China has opened up since Nixon's memorable visit. Today, most Americans do not know that over 90 percent of China's 930,000 villages now hold democratic elections for their local leaders, and that means nearly 1 billion rural Chinese have started to experience the freedom that democratic elections produce.

The bill's opponents raise concerns about China's human rights standards and environmental and labor conditions; and, yes, they need to be greatly improved. But how would severing our relations with China help to achieve this change which opponents say they want? It does not.

How will failure to pass this accomplish anything the opponents say they want? It will not. How does cutting off U.S. workers, farmers and businesses to a market of 1.3 billion customers, a market the Europeans and Japanese will have ready access to, help our cause? It will not.

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Voting against this bill will help the Japanese, it will help the Europeans, but it will hurt America, and it will hurt the very people who want human rights and religious freedom in China to have a better chance to ultimately reach that goal.

How will denying American culture and American products and services to the Chinese help? How will it help to close off more of America within China? It will not. How does strengthening the hand of hard-liners in Beijing improve our national security? It will not. That is why we cannot afford to fail here today.

One of the best ways to open the minds of the Chinese is through open markets, and engagement with China does not mean endorsement of their human rights record. Congress, in the past has, and will continue, to monitor China's human rights record, and thanks to the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska (Mr. BEREUTER), this bill provides a way to do that. But we deny the unchangeable tides of history if we think we can force China to alter its behavior by simply turning our backs on them.

Mr. Speaker, if my colleagues hear from no one else today before they vote on this historic issue, they should listen to the American people. The American people want America to get the benefit of the Chinese concessions which opens their markets to our product. They have said this overwhelmingly in all of the polling data in the last week. The American people, not Wall Street, not Main Street, not special interests, but American family interests. The overwhelming majority of Americans say that expanded trade with China will not only boost U.S. jobs, but it will improve China's human rights, improve the environment, and bring about the type of change and freedoms with which we stand here today and so jealously cherish. History has shown us that no government can withstand the power of individuals who are driven by the taste of freedom and the rewards of opportunity.

So I say to my colleagues, let us make history today and pass this legislation for American values that we all hold so dear.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Let me take this opportunity to thank the leadership on both sides of the aisle for the level of the debate which we will have. Truly, this is a very contentious issue. Members have deep-seated feelings. I do not remember anything being lobbied so hard by the administration, by the private sector, the Chamber of Commerce and unions, and certainly our constituents. But we have to appreciate the fact that no matter how Members vote, even though I rise in strong support of PNTR, that we have to respect the Members for believing what they are doing is in the best interests of their districts, as well as the country, and remember that we do our best work when we work in a bipartisan way. So at the end of the day, I do hope that we are able to say that regardless of the outcome of the vote, it was one of the finest hours of this honorable body.

Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. MATSUI), a senior member of the Committee on Ways and Means.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL), the dean of our Committee on Ways and Means.

Mr. Speaker, I have to say that this is probably going to be the most important national security foreign policy vote that we will be taking in a number of years. I have to say that there are two most important relationships from a foreign policy point of view that the United States will have in the next 20 years. One is obviously the U.S.-Russian relationship, and the other is the U.S.-China relationship.

China is 22 percent of the world population. One out of every five people on this Earth is Chinese. China will soon have a capacity in terms of its growth that will be second only to the United States. China will never be our friend, but this vote will determine whether or not we will be able to coexist with China, or whether China will become an enemy of the United States, so that we can have for the next 40 or 50 years another Cold War.

What surprises me are the two issues that have been raised by the opponents. One is the economic issue, and the other is the human rights issue. I would like to address those.

In terms of the economic issues, we are by far the most powerful economy in this world. We are second to none. We have the best educated workforce, we have the most talented workforce, we have the best R&D, we have the best higher education system, second to none. We should not fear anybody. We have an unemployment rate of under 4 percent, the lowest in decades, and as my colleagues know, we have a growth rate for the last 10 years, over 120 months that would be the envy of all other trading partners of the United States.

Yet, many people are opposed to this. At the same time, believe it or not, the United States, under this agreement, under this bill, gives up nothing. Our tariffs do not go down to the Chinese products; we do not give them larger distribution markets. So why are they opposed to this, particularly when China's tariffs will go from 25 percent down to 9 percent for all U.S. goods; automobiles, 100 percent today, if we export into China will go down to 20 percent, but the UAW is opposed. The Teamsters Union would have hundreds and thousands of more jobs because more packages will go to China from U.S. products, but they are opposed as well.

Mr. Speaker, this is an agreement in the interest of the American worker, and this is an agreement that will create more jobs, more growth, and more prosperity for America.

Now, let me also talk about the issue of human rights. China's human rights record is terrible. We understand that. We, obviously, should put the focus on them, and we believe that the Levin-Bereuter bill, will, in fact, do that. But what is really interesting is that many of the Chinese dissidents that have the luxury of living in the United States are opposed to this. But those that live in China, the Chinese Democracy Movement, they want us to pass this, because they want to engage the United States. They think if they gain economic power, they will be able to opposes the central government of China. So we need to vote yes on this legislation for the future of our country and certainly, for prosperity and peace throughout the world.

Mr. Speaker, I urge a yes vote on this bill.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in vehement opposition to granting the People's Republic of China (PRC) permanent and unconditional trade relations status. Although proponents of this measure call it permanent normal trade relations, or PNTR, there is nothing normal about this relationship. The PRC makes promises to the U.S., the U.S. engages Beijing and Beijing breaks those promises. But China has absolutely no reason to keep their promises. The U.S. grants China most favored nation (MFN) trading status year after year while ignoring China's myriad of trade, labor, human rights, and nonproliferation violations. Now, the Administration wants Congress to hand over our only form of leverage to Beijing. I oppose extending permanent normal trade relations (PNTR) to China because the agreement signed last November is bad for U.S. as well as Chinese workers, and because the legislation before us cannot deliver what its backers promise.

I. THE AGREEMENT

We don't really know what the agreement between the U.S. and China will bear because China breaks its current agreements on nonproliferation, intellectual property rights, human rights and forced labor. Chinese officials have been telling the U.S. that they're opening their markets and telling their own business leaders that once they've entered the WTO, they'll protect certain markets—such as telecom, electronics and autos. Unfair competition is an integral part of Beijing's economic system. China restricts imports of U.S. goods through various formal and informal trade barriers. The 1992 memorandum of understanding agreement China signed on market access and intellectual property has been and continues to be violated. China cannot be trusted.

Factory workers in China earn as little as thirteen cents per hour. The average individual income in China is $108. This hardly sounds like a burgeoning middle class. But the Administration keeps telling us—as they did with NAFTA and Mexico—that if we don't capitalize on this market, Europe will. All I know is that a Chinese factory worker, or a rural peasant, making $108 per year isn't able to afford goods made in the U.S. when they can't even afford goods made in their own country. I do know that this agreement encourages U.S. businesses to set-up shop in China and ensures them access to exploit China's cheap labor. This is a bad deal for the U.S. workers and a bad deal for the Chinese worker.

II. THE LEGISLATION BEFORE US

Many Members feel that they are able to vote for today's bill because it offers assurances that workers and human rights will be protected while promoting the rule of law in China. This is a tall order when we have yet to get China to keep any of its commitments made to the U.S.

The bill before us sets up another commission to monitor human rights. On May 18, 1998, 375 Members of the 105th Congress voted to establish the United States Commission on International Religious Freedom. When the Commission brought its findings on China's egregious religious violations, the 106th Congress looked the other way. The Commission recommended that we not give PNTR to China at this time. If this body is going to ignore the recommendations of the Commission that we established, why would we want to set-up another one? No Commission will be effective if Congress is going to ignore the fact that China abuses its people for practicing Falun Gong or any other religion not endorsed by the barbaric regime. The human rights provision in this legislation is hollow. The provisions set forth by the Levin-Bereuter proposal do not guarantee enforcement of China's harsh practices.

III. CONCLUSION

I'm not suggesting we end trade with China. I'm not even asking that we reform our trading practices with China. I merely want China to abide by the promises it has already made.

I urge my colleagues to look closely at China's record. I urge my colleagues to scrutinize China's current practices and ask yourselves if you believe China will keep its word. I don't! Oppose Congress giving up its only tool to enforce China's promises. Oppose PNTR for China.

Mr. STARK. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader, a gentleman who recognizes that the trade deal with China gives away our leverage to protect the lives of environmental, human, and religious activists in China; who recognizes that the Religious Freedom Commission set up by Congress in 1998 recommended Congress not give PNTR to China; who recognizes that the Levin-Bereuter provisions are hollow and do not provide for human rights violation enforcement; and recognizes that this agreement does not provide enforcement of China's promises.

Mr. GEPHARDT. Mr. Speaker, this is a great day for a wonderful institution. This is the room where all of the feelings and emotions of the American people on this very important issue get channeled and espoused and spoken as we make a collective decision on what is a very, very important issue for our country, for China, and for the world.

I believe and fully expect this debate to be in the tradition of John Quincy Adams and James Madison and Daniel Webster and Henry Clay, and other great voices that have been heard in this building through the years.

As I begin the debate, I would like to commend the leaders on both sides of the aisle who have worked to carry on this debate in the highest tradition of the House. I commend the gentleman from Michigan (Mr. BONIOR) who has led the opposition on our side. There is not a greater proponent of human rights that I know.

I want to commend the gentleman from California (Mr. MATSUI) and the gentleman from New York (Mr. RANGEL) who have worked so hard to espouse their viewpoint. I commend the gentleman from Michigan (Mr. LEVIN) who is one of the finest people I have ever known in the Congress, who does everything from his heart to do what is right. I honor the gentlewoman from California (Ms. PELOSI). There is not a greater fighter for human rights in our Congress than she is and a more staunch advocate for her views.

Mr. Speaker, I am proud to speak on this issue. This debate is testament to what makes the United States the greatest country that has ever existed in the history of the world, based on the ideals of freedom; freedom of expression and freedom and liberty of religion and political speech.

These ideals are what cause me to finally be against this bill. This debate would not happen in China. This freedom of expression that we are exercising on this floor and outside this building and in rooms all over this country in the last days would not happen in a country like China. In fact, if one insisted on speaking against the policy of the government in China, one would be arrested.

America began with a simple revolutionary statement: We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among them are life, liberty, and the pursuit of happiness. And remember that when these rights were proclaimed 100 years later, Abraham Lincoln made it clear that the rights that were set out in the declaration were not just for the American people, but applied to everyone. Abraham Lincoln said this, the Declaration of Independence gave liberty not alone to the people of this country, but hope to all the world for future time.

These ideals guided us through all kinds of conflicts and difficulties, World War II, the Cold War, bringing down the Berlin Wall, Soviet communism, the civil rights movement in our own country, apartheid in South Africa. I remember standing on this floor with many of my colleagues against the wind of public opinion, here and in the world, saying that the only way we will bring change in South Africa is by standing for these ideals, even though the rest of the world would not.

Some would argue that this is just about trade. I would remind them that our greatest export is not our products and our services, our greatest exports are our ideals and our values. Getting acceptance of these ideals is also vital for trade. A country that fails to respect basic rights of people will not respect the rule of law, and without the rule of law in China, the rights of our businesses will not be accepted.

China has not obeyed the agreements that they have made with us on trade. We have been promised access; we have not gotten it. We have been promised protection of intellectual property; we have not gotten it. Our trade deficit is now $85 billion with China, the highest as a percent of total trade of any country in the world. We export more now to Singapore, a nation of 3.5 million people, than we export to China, a country of 1.3 billion people. The track record is poor on compliance with treaties. Let us not reward them before we get them to comply. China's leaders show contempt for the rule of law.

□ 1230

People are persecuted for their religious beliefs. People are in prison and tortured for speaking out politically. They are cooperating in the proliferation of weapons of mass destruction. They threaten Taiwan even up to and including the latest election in Taiwan.

The issue today is not trade. The issue today is whether or not to take away the annual leverage that comes with our voted-on review of progress on human rights in China. China will be in the WTO. We trade with China now. As I said, we have a deficit of $85 billion a year. The issue is, will we take away the review, the leverage? Advocates of doing this say the annual review is meaningless. If it is so meaningless, why does the Chinese Government insist, as a price of giving us access to their market, that we take it away?

I will say why they ask for it so vociferously because they do not want the pressure. They do not want the annual debate on this floor. They do not want the light of the world to come in and see how they are performing, and this real pressure, I submit, will bring change. If we do not lead, who will? I ask, if we give this up, is anyone else in the world going to ask for this kind of review? I think not.

When we debated apartheid in South Africa, everybody in the world said lay off of South Africa. Trade will change them. Do we really believe that we would have an end to apartheid in South Africa if we had not stood alone, leading the world, to say this must not stand?

Supporters say that trade alone will solve the problem. There is some truth in that argument. I give them credit because I agree in part with that agreement. I want more trade with China. I want the Internet in China. I want the people to use computers in China. I think it will have an impact, but the evidence that we have to deal with is that as trade has expanded, repression of rights has also expanded.

Our own U.S. State Department has said in its last three reviews of human rights that there has been bad deterioration each and every year. Last week, I met with Wei Jingsheng, a hero of mine. He lives here, in forced exile without his family and friends who are still in China. He was jailed for 17 years for writing on the Democracy Wall thoughts about political freedom and liberty in China.

He told me in my office that when we press for human rights, things get better in China, and when we lay off on human rights things get worse. He said this, in 1979 President Carter normalized relations in China. He was in prison soon thereafter. He said in 1989 President Bush guaranteed MFN, even though there were problems in China, and soon thereafter the guns blazed in Tiananmen Square. He said in 1994, President Clinton delinked MFN and trade with other kinds of questions in China on human rights. He said he was immediately arrested. In 1997, after intense pressure from President Clinton and many in this room, he was finally released, under duress, to come to the United States. When we stand up, things get better in China for human rights. When we stand down, things get worse; and that is what this debate and that is what this question is all about.

These have been good days in America. This debate has been healthy for America. I am pleased that so many people have participated in this debate. I am pleased there has been so much conversation and communication between our citizens and our representatives. I am pleased and proud to stand with labor activists and environmentalists and human rights activists and religious leaders. I am also proud that our business leaders have come here and argued from their heart about what they believe is right.

The lobbying and the conversation is about to end. We are about to have to vote. All I ask is that as we vote, we keep in our heart and our mind two quotes: "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights, that among them are life, liberty and the pursuit of happiness", and that this Declaration of Independence "gave liberty not alone to the people of this country but hope to all the world for future time."

This country is an ideal and now in 2000, on this question, I hope we will stand for those ideals.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversations are in violation of the rules of the House.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today both sides agree on the importance of today's vote. This is not a vote about severing ties with China or isolating China, which is absurd. This is not even about trade with China, frankly, just free trade anyway. It is about a specific trade policy and policies of the United States Government in dealing with one of the world's most powerful dictatorships.

The debate today, and in this debate, we will hear about jobs and the selling of American products; and when we hear people talk about that, I hope that the people who are listening will remind themselves that these people are not talking about the sale of U.S. consumer items. What they are talking about, when they talk about this commercial tie with China, is not the sale of commercial items but the transfer of factories and technology, this transfer to Communist China of American factories. Almost none of this trade deals with consumer items.

Yesterday, of course, we heard from the gentleman from Colorado (Mr. TANCREDO) that once there, our business leaders who set up these factories in China end up in partnership, if not controlled by, the People's Liberation Army. We are setting the People's Liberation Army up in business with normal trade relations, and this makes it permanent normal trade relations.

The driving force behind this debate, which the other side dutifully refuses to acknowledge, is that with PNTR, as they have set it up, the American corporate interests will continue to be eligible for American-taxpayer subsidized loans and taxpayer-guaranteed loans through the Export-Import Bank and other financial institutions. Without NTR, those corporate interests building factories in China will not get the loan subsidies and the guarantees supported by the American taxpayer. So much for free trade.

That is the primary issue here and yet the other side continually refuses to address that issue of subsidized transfer of technology and manufacturing to Communist China.

This vote is about confirming government policies that have created a perverse incentive for American businessmen to close manufacturing facilities in the United States, where they have no loan guarantees, and set them up in Communist China. Over the last 10 years, American investment backed by the U.S. taxpayer has built the manufacturing and technological infrastructure of the world's worst human rights abuser, Communist China, a major competitor of the United States and a country that is America's number one potential enemy in the years ahead.

Nixon, on his death bed, told writer William Safire that his China strategy may have created a Frankenstein.

Our policy of most favored nation status, or normal trade relations, has created a monster that uses slave labor to compete with the American worker and is in the process of building a high-tech military force capable of defeating our military if there is a confrontation and incinerating millions of Americans, if necessary.

The over-$500 billion in trade surplus that we have had under this normal trade relations that people want to now make permanent, what have they done with this $500 billion in trade surplus over these last 10 years? Well, that is about the same amount of money they pumped into modernizing their military, building their missiles, and rockets, building their airplanes and ships; and often, of course, these things are being built in factories supplied to them by American investors.

Today we are voting whether or not to freeze NTR in place and to make it permanent. We are voting today to take away Congress' annual review of the heinous human rights abuses that have gotten worse under NTR, and we are voting to muzzle those in Congress who fear the technological transfer and the building of manufacturing plants in Communist China.

The last thing we should do is make this system permanent and to limit congressional oversight and debate and to turn all enforcement mechanisms for disputes over to Third World-dominated World Trade Organization panels and commissions.

Let us champion liberty and justice. Let us not finance our competitors and our potential enemies. Let us defeat making permanent normal trading status that has worked against our country's security and against the economic interests of the American people. If we do not champion liberty and justice, who will? If we do not champion liberty and justice, we will not only be betraying our Founding Fathers but we will be demoralizing those people all over the world who look to America for hope. We will be betraying the vision of America as a shining city on a hill.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard some very intense rhetoric thus far in this discussion of granting permanent normal trade relations for China, and I think it is important for folks to recognize that the permanent normal trade relations with China opens China's market to the United States, which has not been opened heretofore. If we were to continue the annual renewal of normal trade relations with China, 134 countries on the face of this earth will have access to that huge market, the biggest market on the face of this earth. They will have accessed that market, and we will be the only country that has not accessed that market.

We have let them, since 1980, access our market and that has produced indeed a rather sizable trade deficit; and it has produced a sizable trade deficit because we have not enjoyed reciprocity. What we are accomplishing here with China's accession into the World Trade Organization is reciprocity.

I would like to include one more comment here and it is by Clyde Prestowitz, and it was in the Wall Street Journal and he points out, "There is a final, most important reason to grant China PNTR." And keep in mind he was a trade negotiator for the Reagan administration, and he is currently president of the Economic Strategy Institute, a Washington-based think tank. He says, "For 30 years the U.S. has worked to bring China more fully into the community of nations, and to promote both economic development and a more liberal society. The policy has been working. Anyone who saw China in the early 1980s and compares it with today must be amazed. Bicycles and drab Mao suits have morphed into traffic jams and bright fashions; the freedom and the range of individual choices available to the average person has expanded exponentially. After years of estrangement, China is asking to join the international community. To turn it down at the very moment it is moving in the direction we have desired would be a tragic and historic mistake."

Mr. Speaker, I yield 4 minutes to the gentlewoman from Washington (Ms. DUNN), our distinguished colleague on the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I want to talk about another facet of this great debate about opening up trade with China. For decades our foreign policy needed to rely on strong international leadership that was backed by scientific ingenuity embodied in the tip of ballistic missiles. It was our unwavering commitment to freedom and confidence in our ideals that helped to seal the victory over Communism. Although our ideals and our commitment are the same today, clearly the tools of freedom and democracy are changing.

□ 1245

In the next century, it will be the diplomacy of trade, and the growth of the Internet that ensure continued United States leadership throughout the globe.

The power of the Internet will define the way we communicate in our personal relationships, our business dealings, and in our political advocacy throughout this new century. And once again, the United States is leading the revolution. In fact, some of the most powerful and innovative high-tech companies in the world are based in the United States.

These companies employ the most highly-paid, highly-skilled workforce in the world and are helping to raise the standard of living for millions of Americans. So what does it mean that the new bilateral trade agreement signed between the United States and China commits China to living under the information technology agreement?

Mr. Speaker, it means that tariffs on United States computer equipment will phase down to zero in China and the growing middle class in China will begin to have access to low-cost tools with which to link themselves to the world.

Despite attempts by the Beijing government to control content on the Web, the unleashing of the Internet by foreign-owned companies can only mean less control from Beijing and greater independence and control for the Chinese people to experience economic freedom. The Internet is a liberating force for Chinese citizenry who are anxious to engage in the world.

If we do not normalize trade relations with China, however, we will cede our international leadership to our trading partners, such as the European Union, which just finalized a trade agreement with China last week.

Equally as important, if we do not clear the way for China's accession to the World Trade Organization, the strong Democratic Government which continues to flourish on the island of Taiwan will never be admitted to this international body of trading nations. That is why Chen Shui-bian, the newly-elected President of Taiwan, supports normalizing the trade between China and the United States.

Clearly, the United States and every other WTO member country will benefit by having Taiwan as an official member of the WTO. Yet it is the policy of the WTO that Taiwan will not accede to the body and enjoy the benefits of its membership until China itself accedes.

Earlier this year, I introduced a resolution to express a sense of Congress that Taiwan should accede to the WTO as the next order of business at the same general council meeting at which China accedes.

I am very pleased that my colleagues, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Michigan (Mr. LEVIN) have agreed to include this language in their proposal.

Mr. Speaker, the United States has proven to be on the right side of history time and time again, because we do not deny the fundamental need of the human spirit, individual liberty.

As the promise of free and fair trade spreads this message, we should neither fear this opportunity nor apologize for the advancement of American ideals. Engaging China as a willing trade partner and taking our message to her people will prove time and time again to be the right course.

Mr. Speaker, I urge all of my colleagues to support this effort.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from the sovereign State of Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, up until the vote in the Committee on Ways and Means last week, I had truly been undecided by this issue. I believe in the benefits of free trade, but that does not mean that one signs up for a bad deal; that is why I voted against NAFTA. But as a supporter of annual renewal of normal trade relations with China, I found it hard to be adamantly opposed to doing in one vote what I was prepared to do on a year-by-year basis, especially considering the benefits of the agreement to the United States.

I take human rights, labor rights, religious freedom and environmental protection seriously, and no Member of this House has had a stronger labor voting record over the last 12 years. But I find it hard to accept the notion that the failure to move China sufficiently on these issues meant that we had to continue the same old strategy.

I took seriously the argument that China has never lived up to its trade agreements in the past, and it certainly bothers me, and I think it will be a long-term struggle to get China to fully implement this agreement, a job with a greater chance of success if we work within the world community, rather going our own way.

I believe the Levin-Bereuter proposal to be crucial to this vote and want to commend both gentlemen for their outstanding efforts. While opponents of China PNTR must oppose and downplay the proposal at this time, I think a commission which functions daily to promote the cause of human rights and labor rights in China is far more valuable than an annual debate that threatens nobody.

And I found great comfort in my talk with former President Jimmy Carter about advancing human and labor rights in China. Who, in the annals of American political life, has more impeccable credentials about human rights than Jimmy Carter?

Finally, I do worry about the national security implications of rejection of China by the United States. I fail to see how this helps Taiwan or how it helps make China a more responsible actor in the Asia-Pacific region. It would not be fair to say that China would be isolated if we deny them PNTR, because they will still be part of the WTO, no matter what we do. It would be fair to say, however, they would be more isolated from us.

It is a tough call, Mr. Speaker, but in the last analysis, granting China PNTR is far better for the United States than denying it.

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CONDIT).

Mr. CONDIT. Mr. Speaker, I rise in opposition to the bill. I rise in opposition to granting Permanent Normal Trade Relations with China. Let me be very clear, I am not opposed to an open trade policy and I am not an isolationist. But, I also do not believe in trade at any price. Our experiences in this body and on this floor with so-called "free trade" agreements show they have all come with fairly high price tags. They end up being neither free nor fair.

Since 1992, we have entered into four bilateral trade agreements with China. In these agreements, China agreed to open their markets, end exporting products made in forced labor camps, limit quotas on Chinese textiles exports and pledged to protect US patents, trademarks and copyrights for intellectual piracy.

Yet, according to annual reports of the United States Trade Representative and the U.S. State Department, China has violated each of these agreements. Is it any wonder our trade deficit with China has grown from $6 billion in 1989 to $70 billion in 1999?

In terms of trade alone, there is more than enough reason to merit a "no" vote. Yet there are many other reasons which stack together in building a no vote.

I am particularly disturbed when I hear how this bill is somehow American agriculture's new best friend. Under last year's agreement for China's accession to the World Trade Organization, China agreed to import "all types of U.S. wheat from all regions of the U.S. to all ports in China." Yet, it is very interesting to note China's chief WTO negotiator said earlier this year that his government agreed only theoretically.

". . . It is a complete misunderstanding to expect this grain to enter the country . . . Beijing only conceded a theoretical opportunity for the export of grain," he was quoted as saying in the South China Morning Post.

As far as beef is concerned, the Administration said it expects China to lift the ban on all U.S. meat and poultry exports, yet this same Chinese official said: "In terms of meat imports, we have not actually made any material concessions."

Mr. Speaker, I ask my colleagues why are we so willing to jump on the agriculture bandwagon? Growers in my district are already placed on an uneven slope because of the phase out of Methyl Bromide. With entry into the WTO—which incidentally recognizes China as a 'developing' nation the same as Mexico and Chile—Chinese farmers will be allowed to use Methyl Bromide until 2015 while our producers adhere to the Montreal Protocol and phase out the fumigant.

Though we have extended our unilateral phase out until 2005, where is there a guarantee the WTO will not continue to define China as a developing country allowing even further unfavorable treatment?

In regards to our relationship with Taiwan—who happens to be one of our largest trading partners—I am very disappointed that we didn't allow the amendment of my good friend, the gentleman from California, to ensure that should we adopt this agreement if China should attack or blockade Taiwan, PNTR would be revoked. I think that is a very reasonable and balanced approach.

It also leads to a bigger problem—that of U.S. national security interests. China is one of the world's largest exporters of missile technology and weapons of mass destruction. Their clientele reads like America's Most Wanted list: Libya, Iran, North Korea. China has repeatedly sold components and missiles capable of carrying nuclear, biological and chemical weapons to rogue nations. Should we dismiss the Cox Report and its findings that China has stolen information on our latest nuclear weapons placing us at jeopardy?

In it's findings, the Cox Report wrote, ". . . a PRC (People's Republic of China) deployment of mobile thermonuclear weapons, or neutron bombs, based on stolen U.S. design information, could have significant effect on the regional balance of power, particularly with respect to Taiwan. PRC deployments of advanced nuclear weapons based on stolen U.S. design information would pose greater risks to U.S. troops and interests in Asia and the Pacific."

In terms of human rights and religious persecution, the Chinese record is simply abysmal. I have never been one to insist our trading partners or even our allies to be just like us in the way they conduct their lives. I fully support self determination but the Chinese record in this area is horrible. I reject the notion that somehow China will mystically transform itself into a Western-style democracy in the areas of free speech, worker's rights, political dissent, religious persecution and protecting the environment with this agreement.

What this comes down to is big business is looking to become even bigger. Sometimes, however, the price of doing business is just too steep to pay.

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN) who realizes that, like NAFTA, PNTR will promote global business and undermine environmental protections, undermine labor standards and undermine human rights.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from California (Mr. STARK) for yielding me the time.

Mr. Speaker, here in Congress we pride ourselves in our commitment toward the spread of democratic ideals and the improvement of human rights around the globe, but something in our China policy is amiss.

During the weeks approaching this vote, America's most prominent CEOs walked the halls of Congress and told us they want access to the 1.2 billion Chinese customers, what they do not say is that their real interest is in access to 1.2 billion Chinese workers, workers whom they pay 20 cents, 30 cents, 40 cents an hour.

These CEOs will tell us that increasing trade with China will allow human rights to improve. They will tell us that democracy will flourish with increased trade. But as these CEOs speak democratic ideals, their companies systematically violate the most fundamental of human and worker rights. Engagement with China, 10 years of engagement has not worked because investors in China have not wanted change.

In the last 5 years, Western investment in developing countries has shifted from countries like India, a democracy, to countries like China, where workers are paid only a few cents an hour, from countries like Taiwan, a democracy, to countries like Indonesia with authoritarian regimes.

The share of developing country exports to the U.S. for democratic nations fell from 53 percent to 34 percent. In manufacturing goods, developing democracies saw their share of developing country exports fall 21 points from 56 percent to 35 percent. The money went from developing democracies to developing authoritarian countries.

Western corporations want to invest in countries that have below-poverty wages, poor environmental standards, no worker benefits, no opportunity to bargain collectively. As developing countries make progress towards democracies, as they increase worker rights and create laws to protect the environment, the American business community punishes them by pulling its trade and investment in favor of a totalitarian government.

Decisions, Mr. Speaker, about the Chinese economy are made by three groups, the Chinese Communist party, the People's Liberation Army, and Western investors. Which one of these three want Chinese society to change? Does the Chinese Communist party want the Chinese people to enjoy increased human rights? I do not think so. Does the People's Liberation Army want to close the labor camps in China? I do not think so. Do Western investors want Chinese workers to bargain collectively and pay higher wages? I do not think so.

Mr. Speaker, passing PNTR will lock in the status quo: More slave labor, more child labor, more human rights violations, more threats against Taiwan, more crackdowns on religious freedoms.

Mr. Speaker, I ask my colleagues vote "no" on PNTR.

Mr. ROHRABACHER. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Illinois (Mr. CRANE) has 33 minutes remaining. The gentleman from New York (Mr. RANGEL) has 38½ minutes remaining. The gentleman from California (Mr. STARK) has 37 minutes remaining. The gentleman from California (Mr. ROHRABACHER) has 39½ minutes remaining.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me say that we have heard today that there is reciprocity in PNTR. Anyone who talks about reciprocity in PNTR probably has not read this. Let me just say that, at the end of 5 years, there are still going to be 25 percent tariffs; on cars, 45 percent; on motorcycles, 30 percent; these are all tariffs on American goods while our tariff has virtually been eliminated.

There is no reciprocity with PNTR. They may bring down their outrageously immoral and anti-American tariffs, this unfair situation we have now, but they then still keep the tariffs way above anything in the United States. We eliminate ours. They freeze their high tariffs against their products in permanently. That is not reciprocity.

Plus there are still requirements that American companies going there will have to partner in many cases, for example, 51 percent of all telecommunications investment has to be owned and controlled by Chinese. We are providing them technology, manufacturing, investment. What are they providing us? They are flooding our markets with cheap goods and putting our people out of work.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, as my colleagues come to the floor and vote, there are three questions that we must consider. First, will China comply with the agreements under PNTR better than they have done in the past? Two, will China continue to use its trade surplus with the U.S. to expand its military complex? Three, will democracy increase in China because of this agreement?

Let us look at this first chart. I would like to point out that China has lowered its tariffs as part of its prior agreement. In fact, in 1995, they lowered it from 42 percent to 17 percent. But as my colleagues can see, the deficit increased dramatically. In fact, last year, it was $70 billion. So based on history, I questioned the real benefits of China's lowering its tariffs.

I would also like to point out that while some agricultural products received very favorable treatment, others did not. So I submit that not everyone will benefit from this agreement.

Remember, there are 700 million farmers in China, and we have about 2 million. In this chart, my colleagues will see that China consistently overproduces its agriculture commodities and actually exports some citrus products up to 300 times what it imports.

Finally, can China be trusted? China, as we know, has violated both the letter and the spirit of past agreements, ranging from intellectual property rights to weapon proliferation.

Furthermore, China's defense spending has grown roughly at the same rate as its economy. We can expect the trend to continue as China takes in more U.S. dollars.

On a final note, our last chart, in 1989, students erected this statue in Tiananmen Square, the Goddess of Democracy, a model of the Statue of Liberty because the symbol of democracy was a movement in China at that time, that point.

I ask my colleagues, in conclusion, is China closer to freedom than it was in 1989? Are they continuing to get more belligerent? The real question is, would it not be wiser to grant incremental agreements with China and then trust but verify periodically? Those are the questions you must answer honestly before you vote "yes" for PNTR.

Mr. CRANE. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I want to respond to some of the points brought up by the gentleman from Florida (Mr. STEARNS).

First of all, some of the agricultural and other export subsidies are eliminated by the agreement or substantially reduced and that will affect the trade statistics be offered now and in the future. Additionally, of course, in the PNTR agreement that the gentleman from Michigan (Mr. LEVIN) and I offered, we have strong compliance and enforcement resources made available to our executive branch to better assure that China does keep its promise and promote the rule of law.

China does have a mixed trade record on compliance. But I would remind the gentleman, that just very recently, kept their promise to buy citrus products from the gentleman's State. However, I say most importantly, China's entry into the WTO subjects them to the WTO dispute settlement mechanism. That is the big advancement to require compliance with the trade promises in its accession agreements.

Mr. Speaker, extending my remarks this member reminds his colleague that today this body will cast one of its most significant votes affecting American national security and economic prosperity when it determines the fate of Permanent Normal Trade Relations (PNTR) status for China. Despite the supercharged and misleading claims by opponents that this is a vote about rewarding China, it is not that at all, but instead a vote for our own national interests. And, PNTR is, indeed, in America's short- and long-term national interest for three crucial reasons.

First, PNTR benefits American economic prosperity. Regardless of how this body votes on PNTR, China will join the WTO and be required to take major actions to open up its vast market of 1.2 billion consumers. As part of China's WTO accession process, the U.S. negotiated an outstanding market access agreement which significantly lowers China's high import tariffs and allows for direct marketing and distributing in China. For example, the tariff on beef will fall from 45 percent to just 12 percent. Quantitative restrictions on oilseeds and soybean imports are abolished. Indeed, it is projected that by 2003, China could account for 37 percent of future growth in U.S. agricultural exports. Given that America's markets are already open at WTO standards to Chinese exports, the U.S. has effectively given up nothing; all the concessions have been made by China. Prior to the agreement, China frequently required manufacturing offsets—most products sold in China had to be made in China. This export-oriented agreement abolishes that unfair offset and eliminates currently required industrial technology transfers allowing products made in America to be sold in China. Approval of PNTR makes it less likely that American companies need to open foreign factories and thereby export jobs.

To access all of these benefits, WTO rules require the U.S. to provide China with permanent Normal Trade Relations status, something that is granted to all the other 135 members of the WTO and have provided to China on an annual basis for over 20 years. The failure to provide PNTR to China will remove the legal obligation for China to provide any of these hard-sought benefits to the United States even as China is required to open up its market to our foreign competitors and all other WTO members. Without PNTR, America is unilaterally giving away the Chinese marketplace to our Japanese, European and other international competitors at the disastrous expense of U.S. exports and the jobs they create at home.

Second, PNTR supports the U.S. national security objective of maintaining peace and stability in East Asia. Sino-American relations are increasingly problematic and uncertain. In the wake of our accidental bombing of China's embassy in Belgrade and China's confusion about U.S. continuing support for Taiwan, rejection of PNTR could result in a resurgence of resentful nationalism as hard-liners in Beijing characterize a negative PNTR vote as an American attempt to weaken and contain China. Resources China currently devotes to economic reform could easily be reallocated to military expansion with adverse consequences for Taiwan and our allies in Korea and Japan, and a destabilized region. Confronting China in this scenario will require much more than the 100,000 strong force we presently have in the Pacific. China is not a strategic partner; it is increasingly as economic competitor that is growing as a regional power. However, it is not an adversary. If the United States is astute and firm—if America increases our engagement with China and helps integrate it into the international community—it is certainly still possible to encourage China along the path to a complementary relationship with America instead of an incredible level of conflict.

Third, China is emerging from years of isolation and the future direction of China remains in flux—more than any major country. WTO accession and PNTR are critical for the success of China's economic reform process and Chinese leaders, like Premier Zhu Ronghi, who support it. These reforms, being pursued over the formidable opposition of old-style Communist hardliners, will eventually provide the foundation for a more open economy there, a process that, in the long term, should facilitate political liberalization and improved human rights. In the near term, China will be required more and more to govern civil society on the basis of the rule of law, clearly a positive development we should be encouraging.

China's accession to the WTO with PNTR status does not guarantee that China will always take a responsible, constructive course. That is why the distinguished gentleman from Michigan (Mr. LEVIN) and this Member proposed an initiative that incorporates special import anti-surge protections for the U.S. and other trade enforcement resources for our government to ensure China's compliance with WTO rules. This initiative also proposes a new Congressional-Executive Commission on Chinese Human Rights that will report to the Congress annually on human rights concerns, including recommendations for timely legislative action.

When it is time to cast the vote, Congress must ask, "is PNTR in America's long and short term national interest?" On all accounts, the answer is clearly, "yes."

THE LEVIN-BEREUTER PROPOSAL

Mr. Speaker, following the signing of the "Agreement on market Access Between the People's Republic of China and the United States of America" on November 15, 1999, it became apparent to this Member that the House would finally consider providing China with Permanent Normal Trade Relations (PNTR) in the context of China's accession to the World Trade Organization (WTO) sometime during this Congress. However, the concerns in Congress about Sino-American relations continue to multiply in scope and seriousness. These concerns are strong enough with enough of our colleagues so as to make the passage of a simple, clean PNTR bill uncertain. Something else would be needed to help address these concerns in a meaningful way and replace what has become an annual debate on China resulting from the annual NTR renewal process. This Member concluded that there would be a need for PNTR-compatible parallel legislation. The distinguished gentleman from Michigan (Mr. LEVIN) was of the same mind-frame and working on his won parallel proposal. About a month ago we combined our efforts and have worked closely together in a very cooperative and bipartisan manner to produce the China-specific Levin-Bereuter proposal.

Mr. Speaker, the special 12-year important anti-surge protections in our original package were incorporated into H.R. 4444 by the Ways and Means Committee during its mark-up of the bill. The remainder of the Levin-Bereuter proposal was incorporated into H.R. 4444 by the Rules Committee.

This includes:

1. The Congressional-Executive Commission on the people's Republic of China. This Commission is based on the OSCE Commission model and would be comprised of nine Members of the House, nine Senators and five appointees from the Executive Branch. The Commission would produce an annual report to the President and Congress evaluating human rights in China with, should it deem appropriate, recommendations. Within 30 days of the receipt of this report, the House International Relations Committee would be required to hold at least one public hearing on the report, and on the basis of recommendations in the report, decide, in a timely manner, what legislation to report for House action.

2. Monitoring and Enforcement of China's WTO Commitments. Included in this section of the legislative proposal is a direction to the U.S. Trade Representative to seek an annual review by the WTO of China's compliance and commitments to the WTO. We authorize additional staff and resources to the Department of Commerce, State, and Agriculture and to the USTR to monitor and support the enforcement of China's trade commitments. The establishment of a Trade Law Technical Assistance Center to assist businesses and workers in evaluating the potential remedies to any trade violations by China is also authorized. We also require an annual report by the USTR to the Congress evaluating China's compliance with its WTO commitments.

3. Task Force on Prison Labor Exports. The Levin-Bereuter proposal establishes a new inter-agency task forced to improve the enforcement of our own laws preventing the importation of prison labor products. It also directs the U.S. to enter into new agreements with China to improve the ability to investigate prison-labor export concerns.

4. Trade and Rule of Law Programs. The proposal authorizes new commercial, labor, legal and civil society rule of law programs for China.

5. Taiwan and the WTO. Incorporating the language of H. Con. Res. 262, the Dunn-Bereuter resolution, we call for the accession of Taiwan to the WTO as the next order of business at the same general counsel meeting after China's accession—in other words, the near simultaneity of accession by Taiwan.

Mr. Speaker, this Member believes that these additional provisions, particularly the Commission on Chinese Human Rights with the guaranteed review of its findings and recommendations by the appropriate standing committee in the House, do, indeed, address the multi-faceted concerns of our colleagues. The Levin-Bereuter initiative assures that China's compliance with their commitments and their human rights record will certainly not be ignored by the Congress or the Executive Branch after China receives PNTR. The Commission will be a far more effective way to address human rights issues than the noisy but ineffective annual debate on extending NTR.

Now, to respond to some of the points that have been raised in this debate, this Member will offer the following rebuttals:

ON GRANTING PNTR VERSUS GRANTING NTR

China has been provided with Normal Trade Relations (previously known as Most Favored Nation) status since 1979—for over 20 years. During the first 10 of those years, no one objected even though the economic and human rights situation in China was worse than today. Since the U.S. gives up nothing and China makes all the concessions with the new bilateral WTO accession agreement, what is the real difference between providing NTR and PNTR for China? The removal of what has become a noisy but ineffective debate on China. Indeed, with PNTR, we will replace this one-day debate with a Congressional-Executive Commission on Chinese Human Rights that will concentrate on China every day—365 days a year, will report annually to Congress and whose report and recommendations are guaranteed to be considered in the Congress annually.

ON THE TRANSFER OF U.S. JOBS TO CHINA

Since, in the U.S.-China bilateral trade agreement the U.S. gives up nothing, who benefits most from PNTR? U.S. exporters.

Since the bilateral agreement requires China to halt its current practice of requiring technology transfer and manufacturing offsets, who benefits most from PNTR? American workers. This provision makes it much less likely that U.S. companies build factories in China. With PNTR, American products can be exported, distributed and marketed directly in China. That means jobs STAY in America.

Opponents reference to an International Trade Commission (ITC) study purportedly stating PNTR will result in job losses is wrong. Here in writing is a letter from the ITC itself verifying that it did not generate any forecasts regarding jobs. The ITC itself says that its study has been misrepresented and its methodology misunderstood by the special-interest supported Economic Policy Institute reported opponents are quoting.

ON THE CONCERN THAT PNTR ONLY BENEFITS COMMUNISTS

The claim is made that PNTR only rewards the Communists in China. That is inaccurate. Up 40% of the Chinese economy, according to the State Department, is now privatized and corporatized and this sector of the Chinese economy is growing every day. These are private enterprises, non-communist entrepreneurs and American investors. This is the economic sector that will IMPORT American products, services and ideas. In contrast, the Communist hardliners are opposed to PNTR and China's WTO accession because they accurately see PNTR and WTO accession as foundations for building a strong private sector—the nemesis of Communist control!

ON THE CONCERN THAT CHINA HAS NEVER COMPLIED WITH TRADE AGREEMENTS

China's record is admittedly mixed. Failure to provide PNTR guarantees that America's Japanese, European and other foreign competitors have access to China's market at the disastrous expense of U.S. exports. Even a deal honored in a patchy manner would help American business more than no deal at all. Allowing Airbus rather than Boeing to export to

China hurts American workers. That's why Boeing's 40,000-strong machinists union endorses PNTR.

The Levin-Bereuter addition to PNTR has important China trade compliance monitoring and enforcement resources.

Access to the WTO dispute settlement process, availably only with PNTR, gives us a significant multi-lateral trade agreement enforcement mechanism.

China HAS complied with trade agreements—note the recent Bilateral Agricultural agreement. China has already purchased wheat from the Northwest, Citrus from Florida, California and Arizona and hogs from Nebraska.

ON THE U.S.-CHINA TRADE DEFICIT

Opponents are taking the ITC study way out of context. The ITC does not take U.S. services or distribution into account. Services now represent ⅔ of the U.S. economy. The ITC only examines ⅓ of the U.S. economy.

While the ITC report stated that the U.S. bilateral trade deficit with China would likely increase at first with China's accession to the WTO, it also continued stating that "at the same time the U.S. global trade deficit would decrease as a result of larger exports to other East Asian countries." Overall, we benefit and our deficit decreases.

China will join the WTO regardless of our vote today. Failure to provide PNTR unilaterally gives away the Chinese market to our Japanese, European and other foreign competitors at the expense of American exports—our outstanding and hard-sought agreement with China is export-oriented allowing products made in America to be sold and distributed in china. Restricting U.S. exports, which denial of PNTR would do, would increase our deficit with China. Giving American exports a fair chance to compete in china will help lower the deficit.

ON CONCERNS WITH REGARD TO RELIGIOUS FREEDOM

Religious freedom is repressed in China. Promoting economic reform and rule of law in China, which PNTR and engagement does, is superior to isolating China and turning our back on religious followers. voting NO on PNTR only bolsters the position of the hardliners in Beijing—the very element repressing religion. That is why religious leaders, including the Dalai Lama, and especially those in the underground in China support China's accession to the WTO and reliable U.S. engagement.

The Helsinki-type Human Rights Commission in the PNTR legislation is required to monitor and report on "religious freedom, including the right to worship free of involvement of and interference by the government". Voting no on PNTR is a rejection of this Commission.

When asked whether the new Commission on Chinese Human Rights truly addresses the concerns raised by the current Religious Freedom Commission, Commissioner Elliot Abrams responded, "I think it does address the kind of concerns that we've raised. We're looking for some kind of mechanism for constant monitoring, and it does address that." (Ways and Means Committee testimony, 5/3/00)

ON TAIWAN AND WTO

President Chen of Taiwan has endorsed PNTR for China (LA Times Interview, 3/22/00). It appears a little self-presumptuous for us to claim to know and care more about Taiwan's position than Taiwan's own democratically-elected President.

The Levin-Bereuter addition to the PNTR legislation calls for the near simultaneity of WTO accession by Taiwan-as the next order of business at the same general council meeting after China's accession.

Given Taiwan's significant investment in China, it is in China's own self-interest to allow Taiwan's accession.

If China threatens or attacks Taiwan, the President of the United States already has the authority under the International Emergency Economic Powers Act (IEEPA) to suspend PNTR benefits. He can even go much further and restrict imports from or even embargo China! IEEPA is fully consistent with Article 21 of the WTO. Remember, Iran, Iraq and Libya all have PNTR and Cuba is a member of the WTO, yet we have WTO-consistent embargoes against all of them!

Mr. Speaker, this Member strongly urges adoption passage of H.R. 4444.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. THOMAS) from Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I do want to compliment everyone involved in this process. When the democratically-elected representative legislative system functions, it is a wonder to behold, and we are in the process of doing that today.

□ 1300

I do hear these concerns. I am not going to talk about trade, although I am on the Subcommittee on Trade. Just go back and read the history on Smoot-Hawley. No one should argue that this is not going to benefit all concerned, especially the United States.

I do want to address my colleagues who are concerned about the progress that has been made in China with this Communist regime that has been in for about 50 years. We inherited a lot of concepts of Western Civilization. Probably the most important, coming from the Greeks, is the inherent worth of the individual, the concept that one is worth something simply because one is alive. We have institutions structured on that basis. The institutions are here to further the individual, not the other way around.

But if we go back to 1776 when we declared our independence and we said all men are created equal, it was 12 years later, in 1788, that we wrote the Constitution. There was not religious freedom as we know it in the first amendment in 1788. It was not until 1791, when the Bill of Rights was ratified. And as a matter of fact, the Bill of Rights was not ratified in Massachusetts, Georgia, or Connecticut until 1939.

Eighty-nine years after the Declaration of Independence, the 13th Amendment ended slavery; 144 years after the Declaration of Independence, women were given the right to vote; 178 years after the Declaration of Independence, we said separate but equal is inherently unequal; and it was 186 years after the Declaration of Independence that we said one person, one vote. The purest statement of all men are created equal.

So when people are upset over a 10- or a 20- or a 30-year period of the failure of China to take a foreign concept, the inherent worth of the individual, and fundamentally restructure their society, I would say, take a look at our history.

And lastly, let me say this, for those of my colleagues who are going to vote "no." We do know what that "no" vote means. It does not mean that we will keep China out of the WTO. It does mean that the hard-liners, the people who are looking for excuses inside China to continue to foment real concern about our national security, will have a card that they can play at any time. And probably, most importantly, one of the reasons I am so pleased we have come together today is that it will be reported that my colleagues voting "no" are on the wrong side of history.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), a member of our committee.

Mr. DOGGETT. Mr. Speaker, my first concern in evaluating this agreement has been deciding what course would be most supportive of the interests of central Texas families. I believe that more trade will mean more good, high-wage, technology jobs not only for central Texas but for all of America.

A vote against normal trade with China will only deny American firms the access to Chinese markets that will now be open to all of our competitors around the world. This would likely disrupt commerce without resolving any of our human rights, worker rights or environmental concerns.

I applaud the successful effort of the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska (Mr. BEREUTER) to amend this bill to create a commission to monitor human rights and trade policy in China. To be sure, this is an imperfect answer, but so is the way we have conducted our annual review process for the last 20 years. That unusual existing process does not appear to have been particularly effective over in the last two decades in securing improvement in these areas either. I believe that this Commission represents a better alternative. We will not gain leverage over the Chinese by voting against continuing our commercial relationship. Rather, engagement and continual annual reminders through this commission of the need to have a more open Chinese society are more likely to produce that result.

I also appreciate the willingness of the administration to provide both more meaningful environmental review of our trade agreements and the first genuine participation by the environmental and public health communities in shaping trade policy. Our trade policy must be significantly improved to take into consideration the environmental and public health consequences of our decisions. Recognizing its many shortcomings, and recognizing the need for significant reforms to open it up to meaningful public participation, the World Trade Organization will at least be one more form of international rule with which the Chinese must comply.

Both sides of this debate have advanced some meritorious arguments, and some overstatements. I believe a vote to continue normal trade relations with China, a country containing one-fifth of the people of the world, will neither guarantee a new China nor the catastrophical end of old jobs in America. On balance, an affirmative vote is the best overall choice for the security of American families.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT), who recognizes that a trade deal with China gives away our leverage to protect the lives and human beings and slaves in China.

Mr. CLEMENT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today as a strong supporter of fair trade and free trade, but as one who is convinced that relinquishing the leveraging tool the annual vote on normal trade relations provides is a grave mistake.

Let me be clear. I am not here to call for an end to our trade relationship with China. I know the importance of trade to our current economic prosperity, and I support economic engagement. I supported NAFTA, GATT, Fast Track, and the African trade bill we just recently passed. But what I cannot support is relinquishing our annual review of China's progress towards free market reform and a democratic society. I cannot, in good conscience, award China PNTR when there are serious national security concerns; when China's records of compliance with past agreements leaves much to be desired; and when China's progress on economic power and technological development has overlooked progress on human rights and religious freedom.

I was one of the authors of the International Religious Freedom Act, which established an independent commission led by Ambassador-at-Large Bob Seiple. This commission released earlier this month a report which notes a marked deterioration in China's religious freedom during the last year. This is unconscionable.

If America stands for anything, it stands for personal freedom and inalienable rights for all people. Granting PNTR today sends China the message that we approve of their political system as it stands today, and that is clearly not the case.

While I was home last weekend, I talked to a number of farmers and small businessmen who expressed their concern that they felt like they were not getting a fair shake, and I could not agree more. Our farmers and small business people are facing tremendous challenges these days. But I am convinced that replacing annual normal trade relations with permanent normal trade relations is not the answer.

I am not sure this switch will solve our problem. Vote "no."

Mr. ARCHER. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I did want to say, with respect to the gentleman from Tennessee, that first of all the commission established by the initiative of the gentleman from Michigan (Mr. LEVIN) and this member gives Congress this annual report and recommendations not just annually but on any occasion during the year. And the House International Relations Committee would be required upon receipt of an annual report of findings and recommendations to hold at least one public hearing, within 30 days, to make a decision within 45 days whether to advance legislation to the floor and to have such resolution available for House action within 60 days from the receipt of the annual report.

This OSCE-type commission is a far more effective mechanism than the annual ineffective harangue during the NTR extension vote that goes on here once a year.

Mr. Speaker, this Member would also say that action on the recommendation of the OSCE-type Commission, the China Human Rights Commission, takes only the action of this Congress, unlike the Helsinki Commission, which effectively requires the action of over 50 nation members.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. METCALF) and would just note that I disagree totally with what was just said.

Mr. METCALF. Mr. Speaker, in February this year, China's army threatened long-distance missile strikes against the U.S. Later that month, its defense minister threatened to attack U.S. aircraft carriers if they came near the Taiwan Strait. In April, the Chinese military review threatened neutron bomb attacks against both U.S. carriers and against the U.S. mainland. America was threatened with heavy casualties.

The leading reformer that we are asked to support, the Chinese premier, has pledged to end the democratic independence of Taiwan, a critical U.S. ally. The outrageous threats of Chinese militarists during the lead-up to this PNTR vote have been beyond the pale.

Let us engage China, yes. Let us trade with China. But at this time let us continue to review the relationship on an annual basis. Reject permanent PNTR.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a respected member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I will enter quotations from Chinese human rights' activists at the appropriate place in the CONGRESSIONAL RECORD who all agree that the best way to open minds is through open markets.

Mr. Speaker, my colleagues and I in Congress remain deeply concerned about human rights' violations in China, but one of the best ways to instill American ideals of individual freedom and liberty is through opening China's borders to American goods and services. That is what this agreement does, and that is why I support this agreement. China's old hard-line regime would like nothing more than for these American values and ideas to be denied access to their country. China's membership in the WTO will force China to play by the rules, protecting human rights.

May I suggest that engaging China is the best possible way that Americans can influence Chinese behavior, enhance human rights, strengthen labor standards, and improve the environment. And as we can see, a number of human rights' activists in China agree that opening the markets would open the door for improving human rights.

Mr. Speaker, China's involvement in the international trading community has already improved human rights. We know that the most repressive periods of China's history occurred at times of international isolation. Exposure to the outside world has increased openness, social mobility, and personal liberties for the Chinese people. I think people need to recognize that engagement does not mean endorsement. Congress will continue to monitor China's human rights' record. Nothing prevents Congress from legally sanctioning China and invoking its penalties should Congress feel China has violated the spirit and the rule of law with respect to human rights, even if we pass this agreement.

Annual human rights reviews will continue. Future administrations will continue to conduct annual reviews of China's human rights' record. Nothing in this legislation changes that. Rather, we have enhanced it under this legislation thanks to the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Michigan (Mr. LEVIN).

I would ask everyone to keep in mind that this legislation is not only about exporting American goods to China; it is also about exporting American values.

Mr. Speaker, I include for the RECORD the quotes I referred to earlier:

Human Rights Activists Agree that open markets mean open minds.

The participation of China in the WTO would not only have economic and political benefits, but would serve to bolster those in China who understand that the country must embrace the rule of law, which of course is a key principle underlying active membership in global trade organizations . . . For those of us who have long pressed for vigorous adherence to the rule of law in China, it is encouraging that so many Chinese officials support the nation's entry into groups such as the WTO."—Martin Lee, Chairman of the Democratic Party of Hong Kong.

"An isolated China will resist change at home and be likely to behave more aggressively towards its regional neighbors. None of that serves American interests. Admitting China into the WTO may not cause it to shed dictatorship for democracy. But it's the right step toward realizing that goal."—Randy Tate, Co-Chair of Working Families for Free Trade, and Former Executive Director of the Christian Coalition.

"All of the fights—for a better environment, labor rights and human rights—these fights we will fight in China tomorrow. But first we must break the monopoly of the state. To do that, we need a freer market and the competition mandated by the WTO."—Dai Qing, prominent Chinese environmentalist.

"It is obvious this is a good thing for China . . . I appreciate the efforts of friends and colleagues to help our human rights situation but it doesn't make sense to use trade as a lever. It just doesn't work."—Bao Tong, prominent Chinese dissident.

"For so many years of China's reform and opening, these areas couldn't be opened up and remained state monopolies. But if economic monopolies can be broken, controls in other areas can have breakthroughs as well. These breakthroughs won't necessarily happen soon. But in the final analysis, in the minds of ordinary people, it will show that breakthroughs that were impossible in the past are indeed possible."—Li Ke, Former Chinese Editor of the Democratic Journal Fangfa.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER), a distinguished member of the Committee on Ways and Means.

Mr. TANNER. Mr. Speaker, I think anyone listening to this debate would agree that we are all interested in changing the behavior of the Chinese Government towards its people and human rights and all the rest. We differ merely on how best to do it.

I am not going to talk about trade either, much, except to say that this should not be called the China PNTR bill; it ought to be the America PNTR bill. We give up no leverage. We can change tomorrow what we have done today. There is nothing permanent around here.

But let me just say why I think it is America's trade bill. The problem is we do not have any closed markets to China. They have got their stuff here. If my colleagues do not believe me, go to Wal-Mart. The problem is, we cannot get our stuff there. And that is why this is a good deal for America's workers.

One cannot, by voting no, isolate China. One, by voting no, can isolate us. Do my colleagues not understand that the EU, the South Americans, Japan, and the rest of Asia are going to move into that market while we sit here and watch job loss occur in our country because we are the ones isolated?

□ 1315

Now, let me say something about that. If one reads history, every great civilization that has fallen has in one way or another practiced some form of isolationism. They have tried to erect barriers against the outside world. China is now and has been paying a terrible price. China used to be traders years ago, centuries ago. They went into an isolation mode, and now we see the remnants of what was once a great free civilization in the throes of this communist dictatorship.

This is about America in the next century. As I believe the last century was about the United States and the Soviet Union and the military powers that existed then, the Cold War, this new century is about trade and about our relationship with China, leading the world toward human rights through openness and engagement.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. LIPINSKI), someone who realizes that slave labor is not the American way to get cheap T-shirts at Wal-Mart.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman from California (Mr. STARK) for yielding me the time.

Mr. Speaker, we should not reward a totalitarian regime that is run by a Communist party, a dictatorship, with little regard for human dignity and common decency. We should not reward a nation that has, through its actions and deeds, done so much evil.

Mr. Speaker, we are free Americans, nurtured on the Declaration of Independence. We are the land of Lincoln, Washington, and Jefferson, Americans who believe in justice and the dignity of man.

So let us not abandon our patriotic morals in favor of corporate profits. Let me run that by my colleagues once again. Let us not abandon our patriotic morals in favor of corporate profits. Let us not forget the democratic ideals that formed the foundation of this Nation.

I urge my colleagues to remember the lessons from our idealistic youth of right and wrong and do what is right and vote "no" on PNTR from China.

Mr. Speaker, on the other side of the world lies an ancient nation with over 1.2 billion people living on a land mass covering 3.7 million miles. It is a 3,500-year-old civilization that has been at times a friend, at times an enemy, and at times a stranger. It is a nation of contradictions: clinging to its 3,500-year-old traditions yet reaching to embrace the 21st century; governing by a communist ideology yet striving for capitalist riches. With more than a hint of elitism and without the self-effacing humility Confucius taught, the Chinese referred to their nation as the Middle Kingdom for hundreds of years until the mid-19th century when Britain and Western powers fought, won and carved up China like freshly killed fame.

For the Chinese, one of the worst things to suffer from is the loss of respect or "to lose face", and in the years following the first Opium Wars, that is exactly what happened to China. It was not just one Chinese person who "lost face", it was an entire nation. Therein lies the psyche of the Chinese civilization and of many of the Chinese people. Wounds still fresh from its harried humiliation by the Western powers—150 years is merely a catnap for a nation so old—China yearns to be a global superpower. For much of the 20th century, China has been playing catch up with the West. An inordinate amount of time and energy went toward improving China's economy, military and diplomacy to achieve the most elusive yet important goal for the Chinese people as a collective whole—to regain what had been lost—respect. It is the motivational undercurrent in China's actions. That is the important lesson to be learned for the international community, and the United States in particular. The lesson is that China is willing to do whatever it takes, regardless of ruling ideology, to become a global superpower.

The dangers of such a motivating factor are readily apparent. China, despite its official pronouncements, has acted in some instances no different than a rogue nation, such as Libya, North Korea, or Iraq. Military spending has shot up over 40 percent in the 1990's, and research and development of high-tech weapons of warfare and mass destruction have been prioritized. China has illegally sold nuclear technology to Pakistan, smuggled AK–47s into San Francisco, and collaborates with terrorist nations such as Iran to improve their missile and weapons technology. The leaders in Beijing also shot missiles at Taiwan when that democratic island of 22 million people held its first democratic elections. This year, the Chinese leaders in Beijing boldly trumpeted the threat of force to retake Taiwan if reunification talks do not begin.

In addition, China's utter contempt for human rights is well documented. In fact, this year the Clinton administration's own State Department came out with a report detailing China's deteriorating human rights record. On November 29, 1999, Chinese police summarily arrested and beat Fu Sheng, a member of the illegal China Democracy Party. Since last July, more than 35,000 people associated with the Falun Gong spiritual movement have been detained. No one is safe. Even Christians are imprisoned and thrown in forced labor camps strictly on the basis of their religious beliefs. As recently as February of this year, the 80-year-old head of China's underground Roman Catholic Church who was previously imprisoned for nearly for 30 years for refusing to denounce the Pope.

China, despite its communist roots and totalitarian regime, realizes that in the modern world it not only takes military strength to become a superpower, it also takes economic strength. By borrowing pages from the success stories of Japan, Singapore, Taiwan and Hong Kong, China turned toward and embraced a managed market economy driven by export growth as one of the primary engines for economic growth.

As part of the plan to raise China's stature in the international community, China has been involved in long and protracted negotiations to join GATT, and now, WTO. The 13-year long effort finally came to a head on November 15, 1999 when the administration signed an agreement with China to provide for her accession to the WTO.

China is widely viewed as having made a number of major concessions in the agreement, but can we really trust China? Chinese leaders say one thing and do another. China has historically agreed to many things and has implemented relatively few of them. For example, after threatened with major trade sanctions by the United States, China agreed to a sweeping 1992 market access agreement to remove major market barriers to United States products. The agreement was supposed to have been fully implemented by the end of 1997. We're still waiting.

Mr. Speaker, growing up in post-World War II Chicago was a learning experience for me. In school, in church, and in the ballfields, we learned the difference between right and wrong, good and bad, friends and enemies.

When we played 16-inch softball, we knew the rules, and we played by them. We played with honor. It was wrong to cheat, and cheaters were punished. In school, we learned about our Nation's history and how to be good citizens and proud patriots. In the schoolyards, we learned who were our friends and who weren't. In church, we learned about morality, God's teachings on good and evil, and right and wrong. Those lessons remain with me to this day.

These things don't change and, unfortunately, neither has the People's Republic of China. Despite all their words, despite all their promises, their actions speak louder. They continue to imprison and torture Chinese dissidents, set up slave labor camps, practice forced abortions, shoot missiles at democratic Taiwan, sell weapons technology to Libya, and break trade agreements. They pretend to be our friends, yet through their actions, reveal themselves as anything but.

We should not reward a totalitarian regime that is run by a Communist party—a dictatorship with little regard for human dignity and common decency. We should not reward a nation that has, through its actions and deeds, done so much that is wrong.

Mr. Speaker, we are free Americans nurtured on the Declaration of Independence. We are the land of Lincoln, Washington, and Jefferson—Americans who believe in justice and the dignity of man.

So, let us not abandon our patriotic morals in favor of corporate profits. Let us not forget the democratic ideals that form the foundation of this nation.

I urge my colleagues to remember the lessons from their youth—of right and wrong—and do what is right.

Vote "no" to PNTR for China.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I was rated in the top five free traders in the 105th Congress; and yet, I reluctantly oppose PNTR for China, for a couple of different reasons.

First of all, we have a mechanical problem. And that is, if my colleagues look at WTO, it is a rule-based system. And yet, look at the dispute over hormone beef. Look at the dispute over bananas with EU. And what we see is another culture that has democratic governance, that has intellectual property rights, that has a rule of law, that has property rights, has basically said, we are just going to ignore the rules of WTO, we are going to ignore our agreement with America because we want to.

And if we have that kind of disagreement within a culture that is very similar to our own, can my colleagues imagine the disagreement that we will find in a culture that is very different.

In fact, history suggests that that inclination is right, because the 1998 USTR's Foreign Trade Barriers Report said that fully 400 of 1,200, one-third, of all products that were in the 1992 agreement between China and America were still subject to nontariff barriers.

So what we are doing here is we are dropping a 400-pound gorilla in the swimming pool, and it will have implications for WTO itself.

Also, we have a problem in that any time with the Cox report that we have a country engaged in espionage to steal our nuclear secrets, I do not know that that deserves award. That does not make common sense to me.

And three, and most disturbing to me, is that, if we look in the South China Sea, I think we see a trend toward if not expansionism, certainly bullying. If we look at Mischief Reef, if we look at Spratly Islands, if we look at how in 1997 China moved an oil drilling rig into what was clearly territorial water of Vietnam, if my colleagues look at their behavior toward Taiwan, if we look at their taking of the Paracel Islands in the 1970s from Vietnam, we see a trend that is disturbing.

So I will admit that is a very blunt instrument, but is the only instrument that I have to use as a legislator in signaling displeasure toward China's behavior.

We also need to look at OPEC and other arrangements that help companies to go to China and displace them.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today to urge my colleagues who are wavering on China PNTR to cast a "yes" vote for U.S. world leadership, U.S. jobs, and the continued prosperity of the U.S. economy.

The "yes" vote that we cast today is not a vote for China. It is a vote for the United States. It is not a vote to allow China into our market. China is already in our market. Rather, it is a vote to allow our workers, our farmers, our investors, ideals and ingenuity to compete successfully in the world market.

This is not a vote to maintain the status quo. Rejecting this resolution today will not force the world economy into a fixed and stationary condition, with the U.S. as leader in its own smug, self-satisfied isolation.

Denying China PNTR will not deny the Chinese access to the WTO, nor will it deny them access to European service providers, Asian technology, or Latin American grains. Denying China PNTR denies only the United States.

If there is one thing we have learned in these early moments of the 21st century, it is this: The new economy allows nothing to remain static, no one to remain unaffected, and no single player to hold all the cards.

So before my colleagues waver toward a "no" vote today, imagine for a moment the world we create by denying PNTR for China. Do not just imagine the morning after the vote when financial markets register the most immediate and negative response to our action. Imagine further into the future as European and Asian competitors lock out our workers, investors, and farmers from the largest market in the world. Imagine 5 years into the future, then 10, then 20 when the full and awful truth of our action is evident in the remains of a once great world economic power. Make no mistake, denying China PNTR denies our own future.

I urge a "yes" vote.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, Franklin Roosevelt once said, "The only thing we have to fear is fear itself."

While some of our trade policy today causes very genuine and legitimate concern and hesitation on the part of our working people, we must be guided by hope and opportunity, not fear and trepidation.

Right now our policy with China does not work, the status quo is not good. We have too many big trade deficits, too many human rights violations. So we have negotiated a new one for our new economy with our old enduring values.

What does China get from this agreement? They have to cut tariffs, open up their markets. Our goods penetrate their markets across the board, telecommunications, agriculture, you name it.

What do we give? Nothing. We just accept this agreement. This benefits America.

Secondly, on human rights, I want to applaud the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Michigan (Mr. LEVIN). We talk about MFN being annual review of human rights. With this new human rights institution, a committee, we will monitor human rights daily by the hour, with staff, with Members, not yearly with MFN.

Finally, on human rights, a human rights leader in China, Ran Wan Ding said this: Before the sky was black. Now there is light. This can be a new beginning. With our new economy, let's open up one of the oldest cultures in world history to American optimism, to American products, and to American values.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE) who realizes that to honor China and punish Cuba is the height of hypocrisy.

Ms. LEE. Mr. Speaker, I thank the gentleman from California (Mr. STARK) for yielding me the time.

Mr. Speaker, I am a firm believer in self-determination for China. Now China is a Communist country whether we agree with it or not. However, countries, regardless of their political or economic system, should not be rewarded when they are allowed to round up and intimidate and arrest people, put people in slave labor camps with no due process.

Why would the United States enact a trade policy that rewards this behavior, as well as environmental degradation and religious persecution and violation of women's rights? This is wrong.

Annual review, at the very least, provides a tool to help ensure China's respect for human rights and nuclear nonproliferation.

With regard to our own country, the Economic Policy Institute estimates over 870,000 United States jobs will be lost over the next decade, with the loss of over 84,000 jobs in my own State of California. This is really scary.

We do not want to cut off our relationship with China. I support fair and free trade. We simply believe that human rights and fairness for American and Chinese workers should be the bottom line.

This vote defines who we are as a people and as a Nation. I urge my colleagues to oppose PNTR for China.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from Long Beach, California (Mr. HORN).

Mr. HORN. Mr. Speaker, since becoming a Member of Congress in 1993, I have opposed normal trade relations with China as a matter of conscience. I see no change in the human rights situation in China.

The level of trade between our two countries began to grow two decades ago, but the daily lot of the average Chinese worker is dismal. There is no excuse for American companies in China to pay workers as little as 22 cents an hour for 12- and 15-hour shifts.

Trade has increased wealth in China, and some people enjoy limited freedom in their personal lives. Mostly, they are in the Party. But the Chinese Communist Party still oversees a system that jails, tortures, and kills those it deems to be a threat to the Party's arbitrary rule. China's own constitution states that Chinese citizens are entitled to the rights of freedom of speech, press, assembly, and religious belief.

Really?

Ask tens of thousands of Tibetans, Christians, Falun Gong practitioners, or human rights and labor activists. It is hard to hear their voices. They are imprisoned, and worse, for exercising those basic rights.

Today we can send a strong message: human rights cannot be separated from our other policy interests in China. This debate is as much about how we define ourselves and what this Nation stands for. It is not just about China's conduct.

Some Members of Congress hope we can address this fundamental issue by creating a commission to monitor human rights failures in China. Unfortunately, this commission would be powerless to sanction Chinese misbehavior. The real questions in the debate are very clear: Why would we think that a country that does not respect the most basic rights of its own people will now respect the rights of its foreign trade partners? How do we expect to enforce fair trade rules when they have been unable to enforce them in the past? Having witnessed China's threats against Taiwan and the United States, what will it take to condemn China's actions in the future?

In 1981, 15 university presidents met with students in 25 universities, technical institutes, and specialized colleges. When we talked to students—out of the eyes and ears of Chinese intelligence agents—those students wanted "freedom."

To open up our markets involves mutual trust and respect.

This Congress should not send a signal that we honor a country that has little regard for America or the values in which Americans believe most strongly—dignity, fairness, and individual freedom.

This Congress should vote "no."

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, listening to this debate, one would, I think, come to the conclusion that this is a complex issue. But it really is not. There are three basic questions I think we have to answer.

One, is it going to help or hurt our economy if China gets PNTR and joins the World Trade Organization? Second, can we best advance the cause of human rights and religious freedom in China by isolating them or engaging them in further trade. And third, are our security interests in that region going to be hurt or helped by China's membership into the WTO?

Now, how we answer that question is really how we look at the world and, to a greater extent, how we look at the United States.

Pessimists would look at this issue and they would see only the risks. I choose to look at this issue and see opportunities. I believe that more trade is more good than bad. I believe that more markets for agricultural products and for manufactured goods is more good than bad. And I believe that our economy, our workers, our farmers, our entrepreneurs can compete with the people in China. So I choose to be an optimist.

This is really a one-sided agreement. China gives up everything. They give up access to their markets. They tear down the barriers and tariffs. And we get more access and opportunity in the process.

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But this is also going to unleash another form of competition and that is the competition of values. Do Members believe that their values or our values are going to prevail in that competition? Because after this occurs, China will no longer be able to lock our values out of their society. There are more people in China who speak English than there are in the United States. There is a hunger for our values and our system there. I believe our values will prevail.

How about our security interest? All the past Secretaries of Defense and current ones support this agreement, but let us look at what our allies say. Japan, South Korea, Taiwan, all say that China's membership in WTO and permanent normal trade relations will make our security interest more secure in that region.

So I choose to be an optimist. I choose to believe in America, in our values. I urge my colleagues to support PNTR, to support China's membership in the WTO, and to vote for this bill.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, we should vote for PNTR today. At the beginning of the millennium, we should not regress and isolate China. We should help engage China in the world community. In truth, we had a Cold War. Communism lost, capitalism won. Now our economic and political system will help deliver freedom, peace and prosperity throughout the world because free markets cannot prosper in authoritarian regimes. In a global economy, authoritarian regimes cannot long survive the impact of freedom and free markets. Engaging China and exposing China to the sunlight of free market economies and democratic values is the best way to bring about evolution towards freedom in China. We here in Congress all agree upon our goals: a strong, free, prosperous America in a world that is free, peaceful, and prosperous. But like a family, we in Congress and people in our great country can disagree on the best way to achieve that goal. It is my strong belief that helping to engage China in the world community will advance the cause of freedom.

Mr. STARK. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. CAPUANO) who recognizes to open our border to cheap Chinese assault weapons will cause the deaths of thousands of American children.

Mr. CAPUANO. Mr. Speaker, I look at this bill and I ask myself, why did I come here? I came here to defend the rights of Americans and the rights of people all around the world.

I look at China, I see no freedom of speech, no freedom of religion, no freedom of association, no freedom to do anything unless the government says so. That alone is enough to vote against this bill.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES) and recognize that he represents many people in the Armed Forces who will suffer by the things that are produced in those factories that we are building for the Communist Chinese.

Mr. JONES of North Carolina. Mr. Speaker, I rise in strong opposition to extending PNTR for China. I want to start by quoting Bill Safire who wrote in his column on May 18 in The New York Times:

> I confess to writing speeches for Richard Nixon assuring conservatives that trade with China would lead to the evolution of democratic principles in Beijing.

I further quote Mr. Safire:

> But we've been trading for 30 years now, financing its military-industrial base, enabling it to buy M-11 missiles from the Russians and advanced computer technology from us.

Mr. Speaker, the United States has tried for more than three decades to build a relationship with China and to foster democratic values in the communist nation. In 1995, we extended most favored nation status to China if China would agree to stop its abusive human rights practices and stop exporting nuclear technology. The very next year, the CIA reported that China was the greatest supplier of weapons-of-mass-destruction-related goods and technology to foreign countries. Despite repeated promises that trade would make China more free, it has failed to end its long and established history of human rights abuses like forced abortion and sterilization.

Years of maintaining the lax policy of constructive engagement with China have proven dangerous. As the Rumsfield Commission found in 1998, China's proliferation of ballistic missiles and other weapons of mass destruction threatens the security of the United States. When China steals technology and sells it to our enemies, steals our nuclear secrets and tries to influence our election process, how can we grant PNTR for China? Extending normal trade relations status to China impacts more than the economy, Mr. Speaker. It takes away our economic leverage with a Communist country, and it stands to affect the security of each and every American citizen.

I close by repeating William Safire:

> We've been trading for 30 years now, financing its military-industrial base, enabling it to buy M-11 missiles from the Russians and advanced computer technology from us.

Mr. Speaker, until China can prove to the people of America that it can be trusted, we should not pass PNTR for China.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I rise in support of permanent normal trade relations with China. The economic benefits are undeniable for our country and are particularly favorable for my region and my State. North Carolina has much to gain from opening and expanding markets in China, currently our 13th largest export market and the consumer of over $300 million in North Carolina goods and services annually. The commodities of goods involved range from pork and poultry and soybeans to furniture, communications equipment, software and computers—very broad economic benefits indeed.

But this debate, Mr. Speaker, is not just about trade. I have not heard any proponent suggest that we should turn a blind eye to human rights and political problems in China in the name of commerce. Nor is this legislation a blessing of China's past and current behavior, no matter how often the opponents of the bill might repeat it.

On the contrary, the point is to bring China within a framework that will provide powerful incentives and constraints to play by the rules, both in the realm of trade and beyond. As China moves further into the world economy, we need to be clear-eyed about our future with China. We must continue to press on human rights and religious freedom and the self-determination of Taiwan, the freedom of Tibet, nuclear proliferation, and espionage. Isolating China economically will do more harm than good in all of these areas.

Martin Lee, the chairman of the Democratic Party of Hong Kong and a human rights leader has said: "The participation of China in the WTO would not only have economic and political benefits but would serve to bolster those in China who understand that the country must embrace the rule of law."

Trade is no panacea. But to refuse trade, to isolate China economically, would risk empowering the most rigid, hard-line anti-democratic elements of China, those who want to pull their country away from the democratic world. This is not a prospect America or the Chinese people can afford.

I urge my colleagues to vote yes.

Mr. Speaker, I rise in support of opening opportunities for American workers, farmers, and businesses, and I stand with those committed to improving our national security, economic freedom in China, and the quality of life for the Chinese people. I rise in support of Permanent Normal Trade Relations with China.

As my colleagues know, in November the United States and China signed a bilateral agreement to bring China into the World Trade Organization (WTO). The agreement would open Chinese markets to our goods and services and reduce Chinese tariffs and quotas on our products. What does the United States give up? Nothing. All we have to do is grant PNTR to benefit from this decidedly one-way deal.

The economic benefits are undeniable for our country and are particularly favorable for my region and state. It is clear that North Carolina has much to gain from opening and expanding markets in China, currently our 13th largest export market and consumer of over $300 million in North Carolina goods and services.

The Chinese will be compelled to open their markets to services like telecommunications, banking, software, computer, and environmental services. Tariffs will be eliminated on computers, telecommunications equipment, semiconductors, and furniture. North Carolina companies will benefit from major tariff reductions on optical fibers, chemicals, pulp and paper, wood products, agriculture equipment, medical equipment, and environmental technology equipment. In agriculture, our farmers will no longer have to compete with export subsidies on China's agriculture products and will benefit from tariff cuts on poultry, pork, tobacco, soybeans, and other commodities. For the first time, our companies will be able to sell and distribute products in China made by workers here in America, without being forced to relocate manufacturing to China, sell through the Chinese government or transfer valuable technology.

Now that the European Union has signed an agreement with China, clearing the last remaining hurdle to China's accession to the WTO, a vote against PNTR could cost America jobs, as our competitors in Europe, Asia and elsewhere capture Chinese markets that we otherwise would have served. To benefit from the agreement that opens Chinese markets to American products and investment, this Congress must first grant permanent normal trading status—the same arrangement we have given all other countries in the WTO.

Much has been said about what we lose if we give up an annual review of our trade status with China. I would just suggest that our annual vote has not been particularly effective. Even after Tiananmen Square, this body did not revoke "most favored nation" status. I do not suggest turning a blind eye to the human rights and political situation in China in the name of commerce, nor do I view this agreement as a blessing of China's past and current behavior. On the contrary, the point is to bring China within a framework that will provide powerful incentives and constraints to play by the rules, both in the realm of trade and beyond.

As China moves further into the world economy, we need to be clear-eyed abut the future of our relationship and must continue to press on issues such as human rights, religious freedom, the self-determination of Taiwan, the freedom of Tibet, nuclear proliferation, and espionage. I believe isolating China economically would do more harm than good in these areas.

Martin Lee, chairman of the Democratic Party of Hong Kong and a leader of the human rights movement, wrote: "The participation of China in the WTO would not only have economic and political benefits, but would serve to bolster those in China who understand that the country must embrace the rule of law." To him, the agreement "represents the best long-term hope for China to become a member of good standing in the international community. We fear that should ratification fail, any hope for political and legal reform process would also recede."

A recent New York Times article ("Chinese See U.S. Bill as Vital to Future Reforms," May 21) noted that a "broad array of educated Chinese—top government officials, publishers, bankers, artists, lawyers and pro-democracy advocates—have come together in extraordinary agreement on the issue, investing their hope for progress in China" in this vote. "Chinese government leaders and economists hope the normalization of trade with America will help close inefficient state enterprises. Authors and artists here are convinced it will reduce censorship. Lawyers suggest it will force China's mercurial judges to follow the law."

Zhou Daichun, a commercial lawyer in Beijing said, "What's important is not how this vote will affect this or that industry. What's important is that this is an opportunity to push for reform and reorganization in China and without that impetus, many reforms are impossible."

Taiwan supports China's entry into the WTO. And the Dalai Lama, the spiritual leader of Tibet, has said, "Joining the WTO, I think, is one way (for China) to change in the right direction . . . I have always stressed that China should not be isolated. China must be brought into the mainstream of the world community . . . Forces of democracy in China get more encouragement through that way."

As we all know, Chinese actions demand our attention. Mr. LEVIN and Mr. BEREUTER have crafted provisions included in this legislation that help us maintain our sharp focus on the issues of human rights, religious freedom, and economic fair play. Under the Levin-Bereuter provisions, the U.S. will create a Congressional-Executive Commission on China, modeled after the Helsinki Commission, to evaluate human rights in China. The Commission will submit an annual report of its findings to the President and Congress, including WTO-consistent recommendations for action. This bill puts into law China-specific anti-surge safeguards to guard American businesses and workers from inport surges from China. We strengthen monitoring and enforcement of China's commitment to WTO obligations with an annual review of China within the WTO.

Mr. Speaker, only through a comprehensive system of relationships can the United States hope to influence the internal policies of the Chinese government. This vote is a significant opportunity for us to encourage positive change in China. We must pull China in the right direction, not turn our backs. Trade is no panacea. But to refuse trade, to isolate China economically, would risk empowering the most rigid, hard-line, anti-democratic elements of China, those who want to pull their country away from the democratic world. This is not a prospect America or the Chinese people can afford.

In light of this strategy of engagement and our nation's interest, not only in selling to China, but also in bringing China into conformity with accepted rules of international conduct, I urge my colleagues to support PNTR.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU) who understands that the slogan "We Bring Good Things to Life" will not help murdered female children in China.

Mr. WU. Mr. Speaker, that I can address you from this well today is a tribute to the courage, the perseverance and the sacrifice of my parents. My father left for America when I was 4 months old, and I did not see him again until I was 7. I could only recognize him from photographs. My parents endured 7 years of separation so that they could bring our family to this place of freedom and of opportunity. People have said to me, "You're a trade lawyer. You've got to like this agreement. You represent a trade-dependent district. You have to support this agreement. If you have to vote your conscience, just vote and walk away."

I refuse to do that because I will refuse to turn my back on the sacrifice of my parents and countless other Americans who have stood and fought in the cause of freedom. This is a bad trade agreement. This is bad policy, and this is counter to fundamental American values.

It is a bad agreement because the basic concept is wrong. Let us take the WTO proponents' arguments at their face value. America is a market economy. China is not. America has an exchangeable currency. China does not. If we both dropped our tariffs to absolute zero, we would lose control over our imports and China would not. Through their command and control economy they can still determine how much to buy and exactly from whom to buy.

This is a flawed agreement. This is bad policy because the day after we vote to give China permanent most favored nation trading status, hard-liners in Beijing will say, We thumbed our noses at the Americans with respect to nuclear weapons, we thumbed our noses at the Americans with respect to missile proliferation, we thumbed our noses at the Americans with respect to human rights, we thumbed our noses at the Americans with respect to saber rattling in the Taiwan Strait, we thumbed our noses at the Americans with respect to all these things and yet they still gave us the central goal of our foreign policy for the last 12 years. Why should we ever listen to what the Americans have to say?

But the most important reason for voting no is to keep our commitment to American values and the sacrifices of countless families like mine and every other American family today.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. I thank the gentleman for yielding me this time.

Mr. Speaker, when the students in Tiananmen Square looked to America, they saw the Statue of Liberty. When we look to China, we see dollar signs. I think their vision is better than ours. I have heard some statements by proponents that I disagree with.

China gives up everything in this deal? Not true. They become enriched. This regime becomes more powerful, flush with cash.

If you have capitalism and Communists existing in China, it is the political death warrant of the Chinese Communist regime? I disagree. When people take to the streets, they will bring out tanks bought with this money.

The ultimate question was, is this about being friend or foe with China? One of the first speakers said this will determine whether or not we are friends or foes. The Communist Chinese will never be our friends. How can somebody be your friend when the government punishes somebody for having one child too many they say is enough, three times your annual salary if you have more than one child? You can never be America's friends when you murder people under government authority. You can never be America's friends when you cheat on agreements signed. For the last 20 years, they have cheated on every textile agreement signed with the United States.

These people are not our friends. They are the enemy of every freedom-loving person in the world.

Mr. ARCHER. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. CAMP), a respected member of the Committee on Ways and Means.

Mr. CAMP. Mr. Speaker, I rise today in support of granting normal trade relations to China. First and close to my heart, Michigan farm families, employers and working men and women win with this. Passage of today's legislation will mean that Michigan farmers will no longer have to compete with high tariff barriers on U.S. agricultural products. Restrictions on the importation of meat and poultry will be eliminated and products like fruit and vegetables will see tariffs cut in the range of 65 to 75 percent. Tariffs on auto parts will be reduced by 57 percent. And motor vehicles, cut by 70 percent. I do not need to tell Members that these things mean a lot to the people of Michigan and America.

There are some people who claim that we cannot grant normal trade relations with China because of their human rights record. We can all agree that China's people are mistreated, but I will not agree that isolating China is an improvement.

I would like to illustrate some of the changes that our trade with China has resulted in. In 1990, 400,000 Bibles were sent to China. This year, we will deliver 4 million Bibles to China. Human rights activists who have been involved in China for years have voiced their support for this agreement, including the Reverend Billy Graham and Leonard Woodcock, the former President of the United Autoworkers and former Ambassador to China.

I would like to address one other issue that is very important to me. I have worked hard to advance the issue of international adoption. China's cruel policy of limited family size has left thousands of orphans living in deplorable conditions. However, since opening relations with China, adoption agencies have been able to go into China and develop a network to allow these children to come to the United States. In 1989, 200 Chinese children were adopted. In 1998 over 4,000 Chinese orphans were adopted by loving American families.

I urge a yes vote on normal trade status for China.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. TURNER).

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Mr. TURNER. Mr. Speaker, if we deny PNTR to China, businesses, workers, farmers and ranchers in my district in East Texas and across the Nation will lose the benefits of a trade agreement that, on its face, is very favorable to the United States. Unlike the NAFTA agreement in which the United States had to eliminate its own trade barriers, China will reduce its tariffs on American goods, while we make no similar concessions. Rejecting PNTR means the benefits of trade and job growth will go to other nations who open the door to trade, while we slam it shut.

As a Member of the Committee on Armed Services, I believe granting PNTR to China is in America's national security interests. While dealing with China as a rising economic and military power will not be easy, we should not make the road more difficult than it has to be. If we reject PNTR, we will be sending a powerful signal to China and the entire world that we are walking away from a constructive relationship with China.

On the other hand, engagement will further our nuclear nonproliferation efforts, encourage the Chinese to embrace democracy and the rule of law, and further the expansion of human rights and freedom for the Chinese people. Progress in these areas will not be uninterrupted, but history and common sense and human relationships teach us that engagement is the best hope for world peace for our children and grandchildren.

Mr. STARK. Mr. Speaker, it gives me great pleasure to yield 45 seconds to the gentleman from Maine (Mr. BALDACCI), who understands that the 600,000 jobs lost because of the $70 billion trade deficit to China has affected many of the footwear manufacturers in the northeastern part of this country.

Mr. BALDACCI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I cannot give up my vote and I cannot give up the voice of the people I represent on an annual basis, to hand that over to the World Trade Organization in the hope that the farmers and the fishermen and the people who are working in forestry and small business and family business are going to have their interests looked out for. I cannot turn that over on a permanent basis to the World Trade Organization.

I tried to work with the gentleman from California (Mr. COX) to fashion serious and substantive parallel legislation that would allow this Congress and each one of us to have a vote and a voice, a guarantee that we would have a vote and voice, and that it would be tied to bilateral trade and economic sanctions which would be in compliance, which we could do and still retain our authority. This legislation does not do it, the leadership did not allow it, and as a result of those concerns, I am going to be voting against this legislation.

Mr. ROHRABACHER. Mr. Speaker, noting that the other side still ignores the charges that PNTR freezes in the taxpayer subsidies for businesses closing here and setting up shop in China, I would yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we have not talked much about our national security. The Chinese have a $68 billion trade surplus; and after this agreement is signed, if it passes today and passes the Senate and is signed by the President, they are going to have more of a surplus, and that is more money with which to buy rope to hang us with.

Let us look at what the Chinese have done and what they are doing. They stole our nuclear secrets. They are now capable, with our secrets they stole from the Los Alamos and Livermore Laboratories, they are able to build a mobile launch missile carrier, a rocket that can fire halfway around the world and can split into 10 parts with our W-88 warhead and hit 10 cities and kill over 50 million people, and we have no defense for it. We have been cutting our defense budget.

They now have access to both ends of the Panama Canal, one of the things that is most important to our commerce. They are going to control the Panama Canal. Just yesterday we found out they are going to control part of the Suez Canal and probably all of it. They signed a 30-year agreement with Egypt to have Port Said controlled by them, in effect, because they are going to control the shipping port there.

They are building the largest army in the world. They have the largest standing army in the world, and it is going to get bigger, and we are going to pay for it. We are going to pay for it, and all the while our defenses are being lowered and lowered.

They threatened Los Angeles when we talked about coming to the aid of our ally, Taiwan. So they have threatened the United States in the not too distant pass. Yet we continue to say, Don't worry about that.

They are stealing from us. They are stealing our secrets. They are an enemy of the free world. They threatened Taiwan, as well as the rest of that part of the world, and I think they are a threat to the entire world.

Mr. Speaker, what are we doing about it? Instead of facing up to it and building our defenses to be prepared, we are doing exactly what happened prior to World War II. We unilaterally disarmed prior to World War II, and Winston Churchill warned about the future and the Nazis, and nobody paid any attention. What did they do? They gave more commerce to Germany, while Hitler built up his military. What are we doing? We are doing the same thing with China; and we ought to think about that. Long-term, what does it mean for America and our security?

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a respected Member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the Chairman for yielding me time.

Mr. Speaker, I rise in support of PNTR for China for three reasons.

First, it does not just enable America's goods and services to flow into the fastest-growing market in the world by cutting China's tariffs. It also eliminates state-mandated middlemen and China's prohibition on our distributing and servicing our own products. It eliminates quotas and special licensing requirements, and prohibits conditioning investment on local content requirements, offsets, research in China or technology transfer.

Secondly, it will help us enforce our trade agreements with China because we will not be solo at the enforcement table. All 136 nation members of the WTO will be on the enforcement team. Further, this is a unique, remarkably enforceable agreement because the obligations it imposes are concrete and specific, with clear time tables for implementation and firm end dates for full compliance. In addition, for the first time the agreement involves surge protections, unique provisions that will enable us to moderate any surge of imports to protect American producers and give them the time they need to become competitive.

Finally, this agreement is the best way to change China's policy toward human rights. As a Chinese evangelist Christian clergyman testified, "The WTO agreement obligates China to play by the rules. In the process, China will need to strengthen its legal institutions, train more legal professionals, learn to follow international legal procedures, and educate its people about the concept of rights, law, and international norms. This process alone is a breakthrough with important philosophical implications for China as a nation. When a Chinese realizes that he has rights as an investor that government should not violate, then more likely he will also realize that he has other rights as a human being."

Support PNTR for China. It is good for the United States, it is good for reform in China, and it will move us toward a more prosperous and peaceful world.

This week, the U.S. House of Representatives will vote on a bill that would do more to strengthen our economy and provide job security for American workers than any vote this year. The bill would simply open China's market to American-made products. Home to more than one billion potential consumers, China presently blocks American goods with high tariffs, arbitrary requirements, and wholesale prohibitions on direct business dealings with the Chinese people, while exporting freely to U.S. shores.

All this will change if Congress passes legislation granting china Permanent Normal Trade Relations (PNTR), the same status China has enjoyed for 20 years and the same status as our other trading partners. President Clinton and former Presidents Carter and Ford support this measure, as do Senators DODD and LIEBERMAN.

The reason is simple: under the new trade agreement the United States recently negotiated, China will tear down the walls that keep our goods and services out of their markets and nearly every American industry will benefit. The agreement reduces or eliminates manufacturing and farming tariffs. It eliminates state-mandated middlemen so we can sell directly to Chinese consumers. It permits American-owned distribution and customer support operations so we can service the products we sell. It protects intellectual property rights for software, movies, music and high-tech designs. And it prohibits conditioning investment on offsets, local content, or technology transfer requirements.

This is good for working families in Connecticut because it means we'll sell more Connecticut made jet engines, elevators, construction equipment, medical equipment, pharmaceuticals, environmental technology, and insurance products in China. This will benefit hundreds of small shops supplying exporters and create more high wage jobs as on average export related jobs pay up to 20 percent more than non-export related jobs.

By granting PNTR, we will be the beneficiaries of these across-the-board concessions that will bring down the curtain on Chinese protectionism. And what is the price for all these benefits? They are free—ours for the taking. The United States doesn't have high tariffs nor barriers to trade from China, so we are not forced to give up anything in exchange for Chinese concessions. All Congress must do is approve PNTR—make permanent the trading status that we have approved every year for 20 years and for essentially every other country in the world. It is the bargain of the century.

China has every reason to make such concessions: they are trying to reform their economy. After decades of economic dead ends, Chinese leaders have concluded that the most efficient way to grow their economy is by entering the international market and accepting its international rules. While this will cause some problems, China has changed enough in the last decade to understand that entering the international market and abiding by international rules is their only hope of prosperity.

This dramatic decision by China has three consequences for us: first, if we don't pass PNTR, we won't receive any of the benefits of the agreement we negotiated with China, while Europe, Japan, and other trading nations will. With their products 10 percent to 50 percent cheaper, we will lose significant export trade so critical to our economic health.

Second, instead of working alone to enforce trade agreements with China as we have in the past, we will have the help of all 136 members of the World Trade Organization. If China fails to deliver, the WTO lays out clear and decisive steps to hold China accountable. Furthermore, this agreement is unique. It has very precise timetables for very specific actions, making enforcement far easier. In addition, it includes new protections no trade agreement has ever provided. Its "surge" protections allow a timely response to slow down any big increase in imports. From my work on voluntary restraint agreements in the past, I know this approach works and enables U.S. competitors to succeed.

Third, it is the best way to reduce abuses of human rights in China. As a Chinese Christian clergyman testified "The WTO agreement obligates China to play by the rules. In the process, China will need to strengthen its legal institutions, train more legal professionals, learn to follow international legal procedures and educate its people about the concept of rights, law and international norms. This process alone is a breakthrough with important philosophical implications for China as a nation. When a Chinese realizes that he has rights as an investor that government should not violate, then more likely he will also realize that he has other rights as a human being."

Free trade is a potent catalyst for change because it works from the inside out. under PNTR, we get to post the best advertisement in the world for democracy in the heart of China itself. Signing a free trade agreement with China, opening its markets to our goods and values, bringing china into the rule based international trading community, is not only good for Connecticut jobs, but it is good for reform in China and will move us toward a more prosperous world community. Congress should pass PNTR.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, this vote is about choosing an alternative to a policy of annual review which has failed to open China's markets and its people to the United States. To be sure, this is a vote about trade and export of American goods and services, but it is also about trade and export of American ideals and principles.

We can make a difference in China when it comes to human rights, when it comes to religious freedom and workers' rights. Today's vote will determine whether we will make a difference in China. I urge everyone to vote yes for permanent normal trade relations with China.

Mr. STARK. Mr. Speaker, I am pleased to yield 30 seconds to the gentlewoman from California (Ms. WATERS), who recognizes that forced child labor is not stylish, even at the Gap.

Ms. WATERS. Mr. Speaker, there are many reasons to oppose PNTR for China, such as gross violations of human rights and the lack of fair labor standards in China. These reasons have all been expressed eloquently by other speakers.

What concerns me most is our Nation's selective trade policies and the policies of the WTO itself. Why China and not Cuba? Cuba is only 90 miles from our shores. I am especially concerned about our Nation's policy toward Cuba. The people of Cuba would like to buy food and medicine and agricultural products from the United States, yet the United States continues to maintain an embargo against Cuba.

It makes no sense to expand trade benefits for China while prohibiting all trade with Cuba. What is good for the goose is good for the gander.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we hear time and again that greater trade will somehow make China freer. I suggest that greater trade as it is structured through PNTR will enhance the dictatorship in China.

People in China themselves do not need to be convinced that they want the tyrant's boot off of their face. This idea that if we trade more we are going to reach more people with the Internet, telephones, et cetera, it is ridiculous. Those people know they do not want to live in tyranny.

But what we are doing by giving this PNTR, we are giving the Communist Chinese regime their number one primary objective. We will embolden them. They think we are suckers, they think we are saps, they think we are cowards, unable to watch out for our own interests or to champion the cause of liberty and justice.

Why should we be setting up factories? Again, the opposition refuses to address that the fact that taxpayers under this proposal will pay subsidies to businessmen who set up factories over there and close them in the United States. That is a central point here.

Mr. Speaker, I am sorry, I will have to leave this debate at this point. I am chairing a hearing today.

Mr. Speaker, I yield the balance of my time to the gentleman from Georgia (Mr. NORWOOD) and ask unanimous consent that he be allowed to control it.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. NORWOOD. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I have wondered long and hard what one might say in the very few minutes that I have to convince my colleagues that this is not the thing to do. It is hard to determine what few important words might get us to realize that giving China permanent trade relations with America is wrong today. I feel very, very passionately about that. But I also want to say that there are good friends and others in this room who feel passionately that we should, and that is the beauty and the wonder of this debate. It has brought together such a mismatched group of people in Congress to come together and oppose and be for this particular amendment. That is the beauty of this body.

Mr. Speaker, I want to make it clear, we are not debating an end to normal trade relations with China. We are not isolating China. Now, I support normal trade with China, with congressional review. I simply oppose making this permanent, in light of China's present conduct.

China has normal trade relations with us today, right now; and they are going to continue to have normal trade relations under the same terms, whether the President's bill passes or does not. Both China and the United States will be able to trade with each other under the WTO rules, whether this bill passes or not. This is the one issue in my few minutes I hope Members will listen to.

The United States will not lose any advantage to international competition or competitors by not approving this bill. This has been a real, honest to goodness fear for many of our Members, so please listen to this very carefully. I quote, "The United States and China agree to accord firms, companies, corporations and trading organizations of the other party treatment no less favorable than is afforded to any third country or region." Where did that come from? That is Article 3(A) of the 1979 Bilateral Trade Agreement, our current agreement.

If China joins the WTO, they have to give the United States the same trade privileges they grant any WTO member nation, regardless of whether we approve or disapprove permanent relations.

So why are so many people adamant about passing PNTR? What does the bill really do? The answer is that it restricts the practical ability of this Congress to monitor China's progress in fair trade, in human rights and in military threats.

So for my colleagues who were thinking of voting yes in order to not shut down trade with China, please reevaluate that. Under our current agreement, China trade will continue, and likely expand, whether this measure passes or not.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume simply to respond very quickly to my friend from Georgia.

Mr. Speaker, my friend from Georgia has not read the entire agreement or read the 1979 agreement between the Chinese and the U.S., obviously, because what he said is not valid. There are many things in this agreement which are not included in the 1979 agreement, and we will lose the benefit of those if we do not approve this bill today.

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That happens to be a fact and a reality. Unfortunately, the 1979 agreement the Chinese made with us is not as broad, not as comprehensive, will not include all of the concessions that will be available to us if we approve this.

Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I thank the distinguished chairman for yielding me this time, to rise in support of permanent normal trade relations with China.

Passage of this agreement helps us, not them. They have agreed to lower tariffs on agricultural produce by over 50 percent, industrial tariffs from 24.6 percent a couple of years ago down to 9.4 percent, and most importantly, provide access to telecommunications, insurance, banking, and information technology markets. Although I do recognize the benefits of U.S. engagement with China, I also understand our concerns about labor conditions, human rights and national security. After all, I serve on the Committee on Intelligence.

But if the goal is to promote constructive change in China, we had best be at the table. Because if we do not pass normal trade relations with China and they do join the WTO, these decisions about making long-term changes internally in China will go to the Pacific Rim countries like Japan and Korea and to the Europeans.

Mr. Speaker, this is a good, sound policy, not only for the issues of democracy, human rights, but it is also good for trade and for the economy of our Nation.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the eloquent gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I come from a city that in many ways exemplifies this transition to a global economy, for Memphis is the distribution capital of the United States. Every conceivable product from soybeans to microprocessors lands in our airports, docks at our harbors, or travels our highways. Markets and trade directly affect how people in my district live.

This agreement, as it has been said over and over again, only opens their markets to ensure that cotton and wheat and soybeans, jet engines, insurance, automobiles, and even Internet services can be sold to our new friends in China. At a time when family farmers are struggling, it seems to me to be only right that we open up a market where 1.2 billion people live.

But our vote today should not be interpreted as a blank check for the deplorable abuses taking place in China. As a matter of fact, trade should not be interpreted as acceptance, but as really a challenge. For trade builds wealth, wealth spreads freedom, and freedom defeats tyranny. In cities across the world our values are followed, our products are imitated, and our culture is envied. Give those in China the opportunity to envy us here in America.

Mr. Speaker, I ask my colleagues to support normalizing permanent trade relations with China.

Mr. Speaker, today America has a straightforward choice to make: whether we want to benefit from a historic opportunity to open China's market to American goods, agricultural products, and services—or whether we want to isolate the 1.2 billion people of China, and in turn, punish America and the American worker.

I have scrutinized this legislation to see if it will truly promote American interests and values. Like some who may oppose this legislation, I have long been concerned with human rights in China. I want freedom and democracy to flourish just as much as anyone else. And I have scrutinized this bill's impact on workers here at home. I have listened to those arguments. And I have concluded that normalizing trade relations with China is right for America. It is right for ensuring American engagement as a world leader and safeguarding our national security interests; it is right for promoting American competitiveness abroad; and it is right for the ideals of human rights and democracy.

Guaranteeing America's National Security Interests. America has fought three wars in

Asia in the last 50 years. I don't want to see us fight another. Cordell Hull, a great Tennessean—who hailed from Carthage and who held the seat that Vice President GORE held and that his father held before him—had a favorite saying: "When goods don't cross borders, armies do." Integrating China into the global trading system will do more for the cause of national security than a fleet of warships could ever do. One must only look at what happen in the recent elections in Taiwan. The power of inclusion in the WTO counseled against any belligerence that the Chinese may have contemplated in the aftermath of the Taiwanese election. China held back, and the cause of peaceful reconciliation was advanced—in no small measure, because China knew that its trading partners were watching. America has genuine strategic interests in Asia, and as Secretary Cohen, Secretary Albright, the Joint Chiefs, Gen. Colin Powell and many others have said, normalizing trade relations with China will greatly advance the cause of peace and security.

Ensuring American Competitiveness. China will come into the World Trade Organization and the international economic system whether we like it or not. We cannot stop this process, even if we wanted to. The only question before us is: should we lead and promote our values of competition and fairness or should we sit on the sidelines while other countries profit from selling to the Chinese? Ask the small business owner or farmer in my state, and the answer will be clear: of course, we want to benefit from this deal. For the first time, China is slashing tariffs and barriers to America's superior goods, services, and farm products. Our trade negotiators made absolutely no concessions to China; it is, as the President has said, "one-way" deal. We will be able to sell them everything from wheat to jet engines to insurance to Internet services. If we turn our back on that opportunity, we will only be punishing ourselves. And I simply cannot go home to the hardworking people of my state and say that I kicked away a once-in-a-lifetime chance to help them lead, compete, and win.

Promoting Human Rights and Democracy. The Chinese people, like all of God's children, deserve the basic dignities and rights that accompany freedom. By making China play by the rules, and by exposing the Chinese people to American values and American know-how, I submit that freedom will inevitably follow. This won't be easy, and it won't happen overnight, and I am a clear-eyed realist. But I also know that no political change can happen overnight. We have to have a toe-hold there, and we have to expand it and build bridges between our two countries. We don't have to approve of everything they do, and we won't. But if we isolate China, we will embolden the hard-liners and the rejectionists. When American companies go to China, they'll pay a better wage, and they'll give workers more freedom. And when the Chinese people click onto the Internet, there will be no stopping the flow of ideas, and we all know that great political transformations have their seeds in the spread of powerful ideas. If we are truly concerned about the cause of human rights and democracy, we must engage China, not isolate it.

Mr. Speaker, today in the People's House we have an opportunity to grant PNTR not for China, but for America. This legislation helps American businesses, American farmers, and American workers, and it will help spread the irresistible American forces of freedom, democracy, peace and stability. To those who would rather hold on to a symbolic annual vote, my response is simple: I cannot in good conscience sacrifice American leadership and American businesses, farmers, and workers on the alter of symbolism. We have the power to make the future more profitable and more secure for all of God's children—and history will not forgive us if we fail to do what's right.

Mr. STARK. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. EVANS), who recognizes that China sells weapons to terrorists which may very well be turned on American civilians.

Mr. EVANS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, many of our colleagues have received a copy of the report, Made in China. This report outlines why corporations like Wal-Mart and Nike have become identified with child labor, forced labor, and hazardous working conditions. These are not the values we want to bring to other countries.

By granting PNTR, we give up any hope of influencing China's policy on workers and human rights. We are inviting U.S. companies to leave the U.S. to produce goods in a country which does not support the minimum wage, basic safety regulations, or the right of association.

Mr. Speaker, let us export our values, not our jobs. I urge my colleagues to vote against this legislation.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, we have been told wonderful things will flow from expanded trade with China. Workers' rights will be respected, religious freedom will be enhanced, and probably Jeffersonian study groups will be popping up all over China, before long.

Well, let us look at the historical facts which, in reality, is all we have in order to determine future actions on the part of the Communist Chinese.

In fact, from the last 10 years since Tiananmen Square, China has been engaged. For the past 10 years, investments in China have grown exponentially, factories have been built employing Chinese workers, creating enormous expansion of Chinese GNP. These things are indisputable facts.

Mr. Speaker, here are some more facts. Over the last 10 years, according to the State Department and the newly created United States Commission on International Religious Freedom, there has been a steady deterioration, I say deterioration, of human rights, workers' rights, religious liberty.

I just came from the Committee on International Relations where this report was given to us by the Commission. Here it is. The Report of the United States Commission on International Religious Freedom. The Commission members are from all sides of the political spectrum. Rabbi David Saperstein, the Chair, told us that every single part of the spectrum was represented on this commission, and here is what they reported. Quote: "A grant of PNTR at this juncture could be seen by the Chinese people struggling for religious freedom as an abandonment of their cause at a moment of great difficulty. The Commission, therefore, believes that Congress should not approve PNTR for China until China makes substantial improvements in respect for religious freedom as measured by the following standards," and then it lists them out.

This is the Commission report. We are waiting for the Bereuter Commission; we have a Commission report right before us today. It was established by this Congress. The report was issued on May 1. It is in front of us. Read it. Anybody who is going to be influenced by the Bereuter Commission in the future, Members have it before them.

Mr. Speaker, I ask for a "no" vote.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HERGER), our distinguished colleague.

Mr. HERGER. Mr. Speaker, I rise today in support of giving American farmers, producers, and exporters a level playing field in China bypassing permanent normal trade relations.

While there have been compelling arguments made on both sides of this difficult issue, I believe that approving PNTR is clearly in America's best interests. This opportunity is especially important to our Nation's farmers. The U.S. Department of Agriculture estimates that farm exports to China could grow by $2 billion annually as a result of PNTR. But normalizing trade with China would do far more than just increase American exports. It will also expand democratic influence in China as American businesses bring our democratic ideals directly to the Chinese people.

Mr. Speaker, I urge my colleagues to support PNTR.

Mr. RANGEL. Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker I yield 30 seconds to the gentleman from Pennsylvania (Mr. COYNE), who recognizes that the 500,000 Bibles printed in Chinese in China is not even enough to provide one to each political or religious prisoner, much less leave any in the motel rooms.

Mr. COYNE. Mr. Speaker, I rise today in opposition to PNTR for China.

Granting permanent normal trade relations to China would send the wrong message to the Chinese government and to the American people. China's workers earn pitifully low wages and work without even minimal safety standards in their factories. The factories in China are not subject to environmental standards common in other countries around the world. Some claim that by trading with China, workers' rights and environmental standards will improve. In China, however, labor leaders are routinely arrested and detained for long periods under harsh conditions.

The Chinese government has shown over and over again that it will not tolerate the formation of labor unions. It is unlikely that foreign or Chinese factory owners will push to change this policy. Manufacturing firms in China are also not likely to demand environmental standards.

Ending the United States' right to review the terms of trade with China yearly will only slow the pace of reform and remove a powerful deterrent to the most flagrant, visible abuses of human rights in China. I encourage my colleagues to vote against PNTR until the Chinese government makes visible progress on these issues.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF), the leader in human rights in this Congress.

Mr. WOLF. Mr. Speaker, a man does not live by bread alone, and if one listens to the debate, one would begin to wonder.

It was 55 years ago last month that Dietrich Bonhoffer was marched from his prison cell in Flossenburg Prison in Nazi Germany and hung because he stood on behalf of human rights and speaking out. There are modern Dietrich Bonhoffers in prison today in China, and this Congress and this administration ignores it.

We talk about the Berlin Wall falling; to my side, the Berlin Wall did not fall. Ronald Reagan pushed it down. He pushed it down with the help of the Pope and the AFL-CIO who helped Lech Walesa and Natan Sharansky and Andrei Sakharov and others.

We say that we are changing the tactics that work to defeat communism. Can anyone imagine a Member getting up in this body in the 1980s saying, let us help give more money to Russia, that way we will defeat them.

We say we are a pro-family Congress and a pro-family party. Mr. Speaker, 500 women a day in China commit suicide and endure forced abortion and forced sterilization.

We say we are for a strong defense, and if Members got the CIA briefing and unfortunately, not many did, they see the threat to this country, and they see that every major veterans' group supports defeat of this.

In closing, Ronald Reagan said on December 4, 1992, "Do not forget those who suffer under tyranny and violence. Do not abandon them to the evils of totalitarian rule or democratic neglect. For the freedom we celebrate is not the freedom to starve, the freedom to languish in a long, starless night of the soul. This, at least, is something that should be beyond debate."

Mr. Speaker, I urge and pray that the Members who are undecided, particularly on our side, which has been a party that has been against communism, for human rights, for religious freedom and for defense, will vote this down.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have to say that we have heard a lot said, I am not going to go over the statistics here, I am just going to say that not only for New Jersey, but for the Nation, the bottom line here is that this is a jobs bill. It is a jobs bill for all of us throughout the country.

I must say to my colleagues that all reliable and objective economists and business analysts agree and assert these truths. We would not have all of the governors and all of the business groups and all of the groups across the country with a strong endorsement here, including defense groups supporting this, if these truths were not self-evident.

Mr. Speaker, I must also tell my colleagues that it is an American jobs bill because it is estimated that a quarter of a trillion dollars in infrastructure over the next 10 years will have to be spent in China, and that means American energy, gas, construction, telecom, and engineering companies will compete for the vast majority of these dollars. By the way, it should be stressed, there is no doubt but that the European Union and Japan is waiting to take over these markets if we fail in this opportunity.

Mr. Speaker, I am in strong support of granting Permanent Normal Trade Relations with China. This will be one of the most significant votes in years. The stakes are high. This is a defining moment for American workers and American businesses. When the House votes on Permanent Normal Trade Relations (PNTR) for China we will be deciding whether the United States will continue to lead in the global economy.

AN AMERICAN JOBS BILL

Mr. Speaker, this legislation can not just be considered a trade bill. Today we will vote on an American jobs bill. The benefits of trade with China effect every state in the nation. Direct exports from my state of New Jersey to China totaled over $373 million in 1998. Approximately 25% of all goods produced in New Jersey are exported. New Jersey ports and their workers handled $9.4 billion in imports from China in that same year. It is also estimated that 1 out of every 8 New Jersey jobs are connected to producing goods for export. The bottom line is that trade with China creates millions of good jobs at good wages in New Jersey and all across the nation.

This is an American jobs bill because it is estimated that China will need to spend almost a quarter of a trillion dollars on infrastructure alone over the next ten years. American energy, gas, construction, telecom, and engineering companies will compete for a majority of these dollars. A recent study by Goldman Sachs estimates that increased access to China's markets from PNTR would be worth an additional $13 billion annually to U.S. workers, farmers and companies by 2005.

In the expanding global economy, we cannot ignore that China represents a dynamic, expanding market for our exports. Once Congress votes for PNTR and China enters the World Trade Organization (WTO), American businesses, manufacturers, and farmers will have unprecedented direct access to China's 1.3 billion people. This will open the door for them to do what they do best—compete and win by offering the best product or service.

It is the American economy that stands to win from approval of PNTR. Denial of PNTR status to China will damage our own economy and only serve the interests of our international trade competitors. The Europeans have already negotiated a trade deal with China and are just waiting for us to turn our back on potential Chinese customers so they can step into the breach. Japan is also waiting for these trade advantages.

CONCERNS ABOUT CHINA

I understand the concerns raised by those who oppose PNTR for China. I, too, continue to be deeply concerned about some of the actions of China's government. Clearly, there exists much room for improvement. But with this vote, the question is not whether we approve or disapprove of China's record on human rights or their international posturing. The question is what is the best way to approach China to influence their future behavior?

I believe the answer is for Congress to grant PNTR. In fact former Presidents Bush, Carter and Ford, Governor Bush and Vice President Gore, Federal Reserve Chairman Alan Greenspan, the Reverend Billy Graham, nine former Secretaries of the Treasury, six former Secretaries of State, eight former Secretaries of Agriculture, 40 Governors, and leading Chinese activists all believe the answer is for Congress to grant PNTR for China.

If Congress votes in favor of PNTR, China will not change overnight. It will take time for the old monolith to fall away in favor of a dynamic new society. But just look at the difference American business is making in China. The best and brightest of Chinese workers are flocking away from the old state owned enterprises in favor of working for foreign owned businesses. American businesses offer the Chinese not only better pay and benefits but also allows them the opportunity to excel and move up the economic and social ladder. I submit that the momentum behind these changes once unleashed will be impossible to slow.

Clearly, trade relations will strengthen the rule of law. And an historical truth is that economic ties open borders and expand human rights, bringing them closer to the world community.

CONCLUSION

Yes, it will take time for China to change. But their participation in the WTO will pull them closer into the family of nations and enforce the rule of law. Our engagement with

China will create jobs here at home and will breathe the entrepreneurial spirit and freedom throughout their land.

In summary: (1) this landmark agreement will mean more American jobs at good wages here at home.

(2) This will strengthen rule of law and expand human rights by bringing them into the world community.

(3) And significantly, if we reject PNTR it will further open the European countries and Japan to take over these profitable markets. I urge support for PNTR.

I urge my colleagues to support PNTR for China.

SUPPORT FOR PERMANENT NORMAL TRADE RELATIONS WITH CHINA

American Leaders and Veterans: Presidents Bush and Ford, both World War II veterans; General Colin Powell; Joint Chiefs of Staff; Secretary of Defense William Cohen; Former Secretary of Defense Dick Cheney; Six former Secretaries of State; Forty seven Governors including George W. Bush; and Senator John McCain.

Business Groups: New Jersey Chamber of Commerce; New Jersey Business and Industry Association; U.S. Chamber of Commerce; and National Association of Manufacturers.

Agriculture: New Jersey Farm Bureau; and Northeast Farmer Cooperative (representing New Jersey Dairy Farmers).

Religious Leaders: The Reverend Billy Graham, and Pat Robertson.

All believe the answer is for Congress to grant PNTR for China.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN), one of the outstanding members of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from New York for yielding me this time.

During the last several months, it has become clear to me that the action we are taking today is not just the annual review of whether China should be given normal trade relations, but a major policy initiative by the Clinton administration.

I am concerned that the rejection of this agreement could have serious national security ramifications. However, that does not mean that this body should just automatically approve permanent normal trade relations with China.

It was important to me, and I think to many Members of this body, that in order for us to support this change, there needed to be an adequate package of related issues incorporated in the vote. That has happened.

First, we have incorporated the provisions concerning human rights. I do not think any of us believe that we would now reject the annual review of normal trade relations with China. That has been an ineffective way to review human rights progress within China. The new mechanism which institutionalizes that review will be a more effective way to review human rights.

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Second, the provisions provide for enforcement of our trade laws against China.

Third, we have codified the new surge provisions which provide a more liberal standard to be able to take action against China for illegally imported products.

Fourth, the President has made it clear that environment and labor will be our priorities in the new rounds of WTO discussions.

Lastly, let me say that I applaud the administration in its commitment to use all the resources of its office to enforce our existing trade laws. It is important that we not only protect U.S. industries against illegally imported products from China, but from all of our trading partners.

I believe that if we look at the total package, plus the statements that have been made by the administration, we now have a package that is worth supporting.

Mr. Speaker, if the sole issue before us today is whether Congress will approve the administration's initiative to normalize trade with China, subject China to the standards of the rule of law within WTO, based upon the package that is being presented and the commitments of the administration, I believe it is in our national interests to approve this legislation.

Mr. Speaker, I rise today in support of H.R. 4444, and urge the House to adopt this important measure.

I am pleased that the Rules Committee has incorporated the bipartisan Levin-Bereuter provisions into the underlying bill which authorizes the accession of China into the WTO. My support for this legislation was and is contingent on the Levin-Bereuter provisions on human rights, workers' rights, and anti-surge safeguards. In addition, I am pleased that the legislation provides for strict monitoring and enforcement of China's compliance with its WTO obligations by the United States.

During the past several months, I have received a great deal of information from the opponents and proponents of PNTR. The information that I have received has been very helpful in my consideration of this difficult issue.

It has been increasingly clear that this vote on PNTR is not just another trade vote, but a major foreign policy initiative by our government. Traditionally Congress has delegated this responsibility to the President. Regardless of how one feels about trade with China, I am convinced that the rejection of this agreement by Congress will have serious ramifications for the natural security interests of the United States and our friends in Asia. The failure of this legislation will strengthen the hand of the hard-liners in Beijing who want to keep China out of the community of nations.

With respect to the economic issues that underlie this agreement, we must recognize that China already has access to our markets. The bilateral agreement concluded between the United States and China as part of China's accession to the WTO will only help US manufacturers, producers and farmers gain access to the China market.

With respect to human rights, I have always believed that trade could be an effective tool in achieving human rights goals. Human rights considerations have led me to consistently oppose the annual extension of most favored nation for China. Yet I acknowledge that the annual review of NTR has not been effective in advancing human rights in China. Most human rights advocates have now concluded that it is unrealistic to expect that the US would ever revoke NTR for China.

Mr. Speaker, let me briefly review the important provisions of the legislation that have led me to my decision to support this proposal. The key provisions address my concerns regarding human rights, oversight and enforcement of China's WTO obligations, workers' rights, and anti-surge provisions. They impose conditions that are much stronger than have ever been presented during the consideration of the annual extension of trade with China.

Most important, the legislation would establish a Congressional-Executive Commission on China. This Commission is modeled on the Commission on Security and Cooperation in Europe (CSCE), of which I am proud to serve as a member and a Commissioner. The China Commission will: 1) monitor human rights and religious freedom in China; (2) monitor overall aspects of labor market issues in China; and (3) monitor and encourage the development of rule-of-law and democracy-building in China.

The Commission will submit annual reports to Congress and the President, including appropriate WTO-consistent recommendations for legislative and/or executive action. It will maintain a list of victims of human rights abuses in China, and it will provide Members of Congress with information on the issues within its purview.

I expect that the Commission will institutionalize Congressional examination of measures by the Chinese Government that affect US interests. It will serve to identify needed reforms in China's policies and call attention to any troubling activities of the Chinese government. Nobody supposes that passage of PNTR will bring an immediate end to the abusive practices of the Chinese government. PNTR will, however, bring the pressure of international economic activity to bear on the repressive practices of the Chinese.

At the same time, the Commission will provide an important conduit between Chinese citizens, on the one hand, and the U.S. Government and public, on the other hand. I firmly believe that increased exposure to U.S. values will accelerate progress in China on human rights and economic freedom. Finally, the Commission will be a strong, effective, an unique point of contact on China issues between Congress and the Administration.

The legislation also requires the U.S. Trade Representative to issue an annual report on China's compliance with WTO obligations. The report will cover compliance by China with commitments made in connection with its accession to the WTO, including both multilateral commitments and any bilateral commitments made to the U.S. The report will be a guide to where and how to commit the enforcement resources of the US Government.

The Administration has also agreed to press for a mechanism for reviewing China's compliance with WTO obligations on an annual basis. Such a mechanism will be especially valuable as we proceed through the early stages of development of a free market and the rule of law in China.

The legislation also calls for additional resources to be allocated to the U.S. Trade Representative as well as other Cabinet agencies to strengthen the ability of the United States to monitor and enforce Chinese compliance with trade agreements.

We are all aware that China has engaged in abusive and horrendous practices of employing forced and prison labor in the production of goods. Our efforts to highlight these practices and pressure the Chinese to end them have had little success to this point. This legislation instructs the President to establish an interagency task force to monitor and promote effective enforcement of the prohibition on the importation of goods made by forced or prison labor into the United States.

The legislation before us also calls for the allocation of resources to the Departments of Commerce, State, and Labor to provide training and technical assistance in China for purposes of developing the rule of law with respect to commercial and labor market standards. The departments will establish programs to assist China in bringing its laws into compliance with international requirements, including WTO rules, and in developing processes to enforce the rule of law.

One of the strongest features of the bilateral agreement negotiated by the Clinton Administration is product-specific safeguard which will be included in China's protocol of accession to the WTO. This special anti-surge safeguard will apply to China for a period of 12 years following China's accession to the WTO. These provisions are more reasonable, and more favorable for U.S. industry and workers, than the comparable provisions that apply in general U.S. trade law to our other trading partners. The China safeguard contains lower causation and injury standards than ordinarily would apply between WTO members under section 201 of the Trade Act of 1974. The codification of this provision by the Levin-Bereuter package is a vital feature of today's legislation.

Mr. Speaker, I also believe that we should amend our trade laws to apply the China standards on dumping to all countries. Such Congressional action would be consistent with our WTO obligations. I have prepared and offered such a bipartisan amendment, with my colleague Mr. English of Pennsylvania, in both the Ways & Means Committee and in the Rules Committee. The amendment contains several provisions from HR 1505, the bipartisan Fair Trade Law Enhancement Act of 1999, introduced by Representative ENGLISH and myself in the first session of this Congress.

In 1999, we witnessed a surge of subsidized imported steel into the U.S. While some of that import surge came from China, it also came from Russia, Japan, Brazil, and South Korea. Our existing anti-dumping and countervailing duty laws and relief under Section 201 of the Trade Act of 1974 were not able to help U.S. industries from these illegal imports. The new surge provisions negotiated with China will help in regards to future China imports. However, they will do nothing to help in regards to our other trading partners. Under WTO, we should use the more realistic China causation standards for all countries rather than using the causation standards included, for example, currently in Section 201. My amendment would have corrected this inconsistency.

Unfortunately, my amendment was not made in order for consideration by the full House. I am hopeful that, after we act today to codify the trade laws applying to China, the next logical step will be to extend these standards to all of our trading partners. In addition, the Administration has given me assurances that it will vigorously use the full resources of its authority to enforce existing trade laws and that the Administration will not tolerate any illegal dumping. The Commerce Department is currently preparing a detailed report and analysis on last year's steel dumping. I plan to work closely with the Administration and concerned members from both sides of the aisle and workers and management in affected industries to make sure that we adopt measures to prevent future occurrences similar to what happened in 1999.

There has been much discussion as to how to advance international standards for labor and environment in our trade negotiations. Progress in that regard has been made in the China agreement.

It is also important to note that President Clinton made it clear to our trading partners in Seattle that any future trade rounds under the World Trade Organization must include the discussion of international labor and environmental standards. I wholeheartedly support the President in insisting that international labor and environmental standards be included among our nation's priorities in negotiations with our trading partners.

The sole issue before us today is whether Congress will approve the Administration's initiative to normalize trade with China and subject China to the standards and rule of law within the World Trade Organization. We all understand that China is far from a model citizen in the world community of nations. The question is how to move the world's largest country, a country which, in our lifetimes, will become the world's largest economy, in the direction of democracy, openness, and economic freedom. Based on the full package that is being presented and the steps taken by the Administration to enforce our existing trade laws, I believe that Congress's ratification of the President's ratification of the President's initiative is in the best interest of our country.

Mr. STARK. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. CROWLEY), who understands that China will soon surpass the United States to become the leading emitter of greenhouse gases and that will not abate.

Mr. CROWLEY. Mr. Speaker, although I am for free and fair trade, as well as engagement with China, now is not the time for permanent normal trade relations. China has simply not matured enough politically or economically to have permanent normal trade relations with the U.S.

China still poses a danger to our national security, has a record of gross human rights violations, including the use of prison labor, and a lack of religious freedom. China also has a terrible record on the environment and has some of the most polluted cities in the entire world.

I think it is dangerous to give up the most important leverage we have in order to get China to comply with the agreements, the annual review process, and the carrot of permanent relations. You do not give away the carrot before you get the results that you want.

Mr. Speaker, I rise today to urge my colleagues to oppose granting permanent normal trade relations to China.

Although I am for free and fair trade, as well as engagement with China, now is not the time for Permanent NTR.

China, has simply not matured enough politically or economically to have permanent normal trade relations with the United States. China still poses a danger to our national security, has a record of gross human rights violations, including the use of prison labor and a lack of religious freedom. China also has a terrible record on the environment and has some of the most polluted cities in the world.

Additionally, China has violated every agreement it has made with the Untied States. Even the Administration doesn't trust them in this respect, which is why they've proposed a rapid response team to monitor China's compliance with this deal.

I think it is dangerous to give up the most important leverage we have in getting China to comply with its agreements, the annual review process and the carrot of permanent relations. You don't give away the carrot before you get the result you want.

Mr. Speaker, I would urge my colleagues to oppose granting China Permanent NTR until they have proven they can abide by their international obligations.

The SPEAKER pro tempore (Mr. LAHOOD) The Chair announces that the gentleman from Georgia (Mr. NORWOOD) has 18½ minutes remaining, the gentleman from Illinois (Mr. CRANE) has 15½ minutes remaining, the gentleman from New York (Mr. RANGEL) has 25½ minutes remaining, and the gentleman from California (Mr. STARK) has 27½ remaining.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, our decision to give permanent normal trade relations to China should not be based on what is profitable for our country today at the expense of our future.

Arguments that trade with China would lead to the evolution of democratic principles which will spread to the people hold no weight. The truth is, we have been engaged in trade with China for 30 years; yet they remain the most repressive government in the world. Has our strengthening of China's regime through trade brought political freedom? Absolutely not.

I cannot close my eyes to the human rights abuses, to the political oppression of religious intolerance of the Chinese Government. I cannot turn a deaf ear to the workers on both sides of the ocean who clamor for better working conditions and fairer wages.

I refuse to turn my back on the nuclear and security threat that China poses to our great Nation and its neighbors like Taiwan. And it is unbelievable to me that we are on the brink of giving the Chinese all of our electronic and computer capability to help them guide their missiles to our cities.

As the dragon stands knocking at our door, knocking ever so loudly, do we permanently give it free access inside, when in the past it is broken its promises, stolen our technology, compromised our security? Do we allow the Chinese Government to prosper when it treats its citizens, the very people it should be protecting so poorly, so unjustly?

China has been promising economic concessions to buy its way into the WTO. But it has shown no willingness to change its political dogma. Abolishing our yearly review of trade relations gives carte blanche to the Chinese Government. We should not permanently reward and appease its intransigence.

Mr. Speaker, I urge my colleagues to vote against PNTR for China.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I rise today in support of the bill.

Mr. Speaker, I rise today in support of Permanent Trade relations with China.

My district encompasses the Sacramento Valley in California. Agriculture is the dominant industry in the region. One of the reasons I support free trade is that it's good for my farmers.

We've all heard about how PNTR with China will increase Ag. exports and boost the rural economy. We've also heard about how PNTR with China will increase exports in manufacturing, high tech, and services. All these things are true.

In fact, during the debate over PNTR with China, the proponents have consistently highlighted the tremendous export possibilities of trade with China.

But free trade benefits all Americans, not just companies that export. Lets review some of the benefits of free trade to the American people.

1. Comparative Advantage.—In the theory of Comparative Advantage, Americans will produce products that we are best at producing and other nations will produce products that they are best at producing.

With free trade, we don't have to waste time and labor on producing low quality products. By importing certain goods, American workers are freed to produce higher quality items that bring higher wages.

2. Increase Competitiveness.—Open trade forces American companies to compete with foreign companies. This competitiveness causes U.S. businesses to continually try to improve their products and lower their prices.

Does anyone in this Congress believe that the U.S. auto industry would be as healthy, or that U.S. cars would be of such high quality, if not for the competition from Japan?

As a result of that competition, our auto industry is competitive around the world and American consumers can buy world class American/made automobiles.

3. Keeps Inflation in Check.—Trade also helps keep inflation in check by acting as a safety valve when the economy heats up. The recent period of robust economic growth, low unemployment, and low inflation is unprecedented in our history. A significant portion of this success is attributed the fact that our markets are open.

As we consider this vote today, let us keep one thing in mind. Tariffs are really taxes on consumers. When we reduce barriers to trade, consumers win. In fact, American families save thousands of dollars a year because of trade, freeing up money that can be spent on a home, or education or health care.

As we vote today, I urge my colleagues to consider all the ways the American people benefit from trade.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in appreciation of the deliberations that have occurred on this very important vote. I also rise to say that this morning I saw the story of a young Chinese woman coming off the bus in China from a village with her 5-year-old child loaded down with her bags, looking for a better qualify of life. As I watched her seeking a greater place in the sun for that little boy, I knew that this vote today had to be more than efforts on behalf of trade between the United States of America and China. It had to be a vote with backbone.

This vote to support PNTR has to be a vote to trade with China and exchange democracy, to trade and exchange the products of the United States made by American workers and made in America; to create opportunities for intellectual and academic change; to create the opportunity to export technology to China and to close the digital divide in places like the 18th Congressional District; and by greater trade in opportunities for American businessmen. I hope to see an increase in the opportunities for capital investment in rural and urban America.

Trade is, of course, the engine of the 21st century. The PNTR is not closing the door; it is opening the door of democracy to China.

I rise to support this legislation, and I would ask that we do it with a backbone on behalf of the American people of the United States of America, so that our exports include both our goods and commodities as well as our values of democracy, peace, and a better quality of life.

Mr. Speaker, I rise today in support of granting Permanent Normal Trade Relations for China. I have come to this conclusion after intensely listening to arguments for some period of time from many supporters and opponents of the PNTR, and weighing the pros and cons of this extremely important trade bill.

I want to thank Chairman ARCHER and Ranking Member RANGEL for their important work on this legislation. They should be commended for their hard work.

It is my hope that every one's views on this bill will be respected on this vote, and that we will find a constructive way to unify after this vote for the good of all Americans. This is truly a vote of conscience that each and every member has wrestled with.

For several years, I have recognized that trade with China has value for Americans and the people of China, yet I have reservations. My record on trade measures since coming to Congress demonstrates my willingness to evaluate each vote on its own merits. Each year that I have voted for most-favored-nation status for China, I have likewise raised my voice against the "undemocratic" ways of that nation.

It is imperative that we recognize that American companies must reinvest in rural and urban America as a result of PNTR. Unlike during the Cold War, we have unparalled opportunities to bring the people of China and America much closer together. America has a responsibility to invest and to establish a rapid response for companies that are affected as a result of job loss.

I have been working very closely with the Administration to secure a commitment to designate the Department of Labor to study job losses and to provide added relief to American workers adversely affected by the PNTR agreement.

I have also worked to establish a Task Force on small businesses from a range of agencies within the United States government to facilitate and negotiate doing business in China. This Task Force would be responsible for specifically encouraging trade between United States small businesses and these newly established small business in China.

We are not here to discuss whether China will gain access to the WTO. We recognize it will do so and that the unconditional most-favored nation (MFN) principle requires that trade concessions be granted "immediately and unconditionally" to all 135 WTO Members. More importantly, the World Trade Organization is not nor should it be a human rights policy toward China. Nothing about this vote should reflect our Nation's views about current or past human rights practices in China. This is about how to bring about change over the long-term.

The World Trade Organization would strengthen against surges in imports from China and open Chinese markets to more U.S. exports. The November 1999 Agreement between the United States and China contains a product-specific safeguard, which will be included in China's protocol of accession to the WTO. A provision was recently added to this legislation that spells out procedures for effectively invoking that safeguard.

H.R. 4444 presently before the House enables the United States to grant PNTR to

China once it has completed its accession, provided that it is on terms at least as good as those in our 1999 bilateral agreement. By granting permanent trade relations to China, it will open its markets to an unprecedented degree, while in return the United States simply maintains its current market access policies. The enhanced trade and services for American and Chinese companies could be dramatic for Texans and Americans as a whole.

Texas alone has export sales to China of more than $580 million in 1998—nearly 50 percent above its sales in 1993. Shipments through the Port of Houston with China including Hong Kong totaled $444 million in 1998. In 1999, air cargo trade between Houston and China, including Hong Kong totaled $1.5 million kilograms and was valued at $56 million. In short, China has come a long way since we established relations in 1971, and develop further relations through PNTR.

Through the PNTR deal, we gain even more significant concessions regarding PNTR. U.S. companies would be able to take advantage of several provisions of the U.S.-China Trade deal after China accedes to the WTO, but only if Congress permanently normalizes China's trade status. For example, tarrifs on industrial products on coming into China would fall to an average of 9.4 percent by 2005 from 24 percent. Agricultural tariffs will fall to 17.5 percent from 31 percent.

In addition, the technology industry in my district would benefit from PNTR. For example, foreign companies would be able to own up to 49% of Chinese telecommunications ventures upon China's entry into the WTO, and up to 50% in the second year. And China will import some 40 foreign films in the first year of the agreement, up from 10, and allow foreign films and musical companies to share in distribution revenues on 20 of these firms. The benefits are clearly advantageous to our industries as we support democratization in China.

PNTR is more than a matter of economics for so many of us—including those that have worked on the promotion of democracy and the rule of law around the world. I happen to have been one who with great trepidation voted for the MFN status, based upon the many strong arguments that have been made that if you continue to expose a nation to opportunity, to democracy, to the respect of human rights, would see gradually those parts of the world. I am hoping and would hope most of us would like to believe that we have that kind of trend moving forward in China.

I have had discussions with Former President Jimmy Carter, who strongly voiced his support for granting PNTR to China. Clearly, religious oppression is a continuous concern as a general matter in China. Nevertheless, President Carter eloquently emphasized that villages outside large cities in China are having free elections and that the freedom to practice one's religion has been growing. This is a very positive development. The Chinese people must be counted on to relish these rights and to fight for opportunities at the table of democracy.

Former President Jimmy Carter has worked relentlessly since leaving the oval office to press for open, free, and fair elections all over the world. He has been advocating a powerful human rights agenda within our foreign policy and I salute him for his efforts.

PNTR could help many of these villagers find ways to improve their economic and social well being. For example, some companies are simply showing the Chinese how to improve fertilizers to improve agricultural growth. The people of China certainly should be empowered with the ability to feed their people. That should be a basic right.

At the same time, Americans should understand that granting PNTR should not remove the responsibility from Congress, this Administration, or any future Administration in assessing and responding to any drastic negative impact on Americans as a result of this legislation. For this reason, I expect to develop specific proposals with the Administration that will help small businesses under the PNTR. This is vital to small businesses, especially minority and women-owned entities.

In the 18th Congressional District in Houston Texas, which has a per capita income of $11,091, many of my constituents have not prospered as much as others throughout the Nation. PNTR will spur capital investments, and investment opportunities that would come from international trade.

There will be more appropriate opportunities for expressing dissatisfaction with China's human rights record. I strongly share the view that we must keep pressure on China. A congressional-executive commission within this legislation would help monitor human rights and labor rights while placing safeguards against import surges could play a pivotal role regarding our concerns in China. By addressing human rights matters when they arise, the United States can continue to play a crucial role in demanding that the Chinese leadership live up to WTO commitments.

We must also recognize that the United States has held a vote on renewal of PNTR status for China every year since 1990, never once actually withdrawing NTR status. Unfortunately, the annual NTR vote has been less than effective in promoting the protection of human rights standards in China.

Some argue that granting PNTR means the United States loses leverage over China by surrendering annual reviews. I have considered the gravity of this question for some time. In my work in Congress on numerous rights matters, whether domestic or internationally oriented, I have focused much of my attention as a Representative of the 18th Congressional District on the promotion of economic, civil, and political rights. I have never hesitated to expressly address basic human rights violations wherever they may occur and specifically in the context of the annual review process for normal trade relations (NTR) with China.

Under the proposed legislation, U.S. industries or workers claiming injury due to import surges from China would have legal recourse to the International Trade Commission and in other venues. This would protect our workers or U.S. industries that suffer job losses from as a result of the agreement with China.

The vote on PNTR provides a unique opportunity to support the democratization of China. We should be honest that it will not happen overnight. It will only happen over time.

Mr. Speaker, a "no" vote would damage our Sino-American relations—both economic and strategic—for years to come. By denying permanent normal trade relations status, we would irreparably damage our relationship with China, a country of 1.2 billion. I do not think we can afford to follow such a perilous course.

As I review our options today, I am simply unconvinced that constraining China in our trade relations within the WTO will help advance human rights in China. To the contrary, I have become increasingly convinced that changes resulting from the deal, including greater foreign investment and trade, will benefit ordinary Chinese workers and businessmen with the outside world.

Finally, I have deliberated very carefully about the magnitude of this decision. I recognize that trade with China and trade generally is good for our economy and the American people. At the same time, I look forward to opportunities through the WTO to enhance the protection of human rights as I and other lawmakers have advocated.

Mr. Speaker, a vote for PNTR should not leave any American workers behind. We must export democracy to China and not ignore this momentous opportunity. For these reasons, I will vote to give opportunities to the American worker, I will vote to give opportunities to American businesses, and I will vote to give opportunities to the people of China.

Mr. STARK. Mr. Speaker, I yield 30 seconds to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who recognizes that women in China are only allowed to have one child if they are married, and unmarried women are forced to have abortions.

Ms. SCHAKOWSKY. Mr. Speaker, one of the more compelling arguments for PNTR is that it will improve the life of Chinese workers and that U.S. companies will export higher wages and better working conditions, but this factual and shocking report says exactly the opposite, that, in fact, U.S. companies are instead taking advantage of the nearest slave labor conditions and wages, that persist in Chinese factories. But we should not be surprised that companies like Wal-Mart, half of whose U.S. workers qualify for food stamps, have workers in China, nearly half of which owe the factory money after working for a month, 12 to 14 hours a day, making Kathie Lee handbags. Opponents of this proposal dismiss as isolationists and antiprogress, but we favor establishing rules that protect workers and establish our ideals.

Mr. NORWOOD. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise today to urge my colleagues to oppose this measure of permanent normal trade relations for the People's Republic of China. It does not represent a fair trade agreement for our Nation's textile workers. For the tens of thousands of textile employees in North Carolina's 8th Congressional District, this agreement continues down the road of trading away their jobs to cheap products. The end result of NAFTA, Africa/

CBI, and now PNTR has been the continued erosion of one of our Nation's oldest industries.

I believe in opening new markets for our products and I am supportive of encouraging a fair trade agreement with China. However, we cannot continue to benefit foreign industries at the expense of our textile workers. I am fully aware of the potential benefits of trade with China. However, it is wrong to ask the workers of the 8th District of North Carolina and across the country to make sacrifices for those abroad when so many are struggling to make ends meet right here at home. I invite my colleagues who believe PNTR is great for America to come to my district and see the real effects of so-called free trade.

Mr. Speaker, oppose this measure.

Mr. CRANE. Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from Cincinnati, Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE) for yielding me this time.

Mr. Speaker, I rise today in support of PNTR. I have to say I have listened to a lot of the debate and many of the arguments that are made against PNTR I think simply are not focused on what we are voting on today. They are not relevant to the vote today.

What we are voting on today is whether the United States is going to be able to take advantage of a one-sided trade agreement that only benefits us with the Chinese by normalizing trade relations with China. Yes, putting China in the same category as emerging countries in Eastern Europe like Romania, countries in Africa like Kenya or Egypt, rather than putting China in the category of enemy countries like Libya or Iraq or Cuba, that is all this is about.

Why can we not take advantage of this one-sided trade agreement that only benefits us unless we do this today? Because then they will not have the ability in WTO to give us the benefits they have just negotiated with us.

This is about jobs. It is about exports from my district and other districts. The most important export is going to be the export of U.S. ideas and U.S. values, to bring China into the mainstream.

With all due respect, so many of the arguments being made about human rights, about the environments, about national security, they are not relevant to the vote we are making today.

Mr. Speaker, I rise today in support of continued Normal Trade Relations between the United States and China.

Trade with China has been a significant factor in the economic expansion we've been able to enjoy during the 1990s. In my own district, Greater Cincinnati companies exports to China have almost doubled in this decade alone. That means more jobs for my constituents, more prosperity for the families and businesses in Southwest Ohio, and a healthier economy for the area I represent, for the state of Ohio as a whole and, indeed, for the entire nation.

For those of my colleagues who are undecided on this subject, I'd urge you to take a close look at this PNTR agreement, because it makes so much sense. This is a totally one-sided agreement. Because we already have an essentially open market, we've given away nothing to get this deal, but we've received unprecedented concessions from the Chinese.

Mr. Speaker, China has a long way to go on improving labor standards, human rights and environmental protection. That's why I believe our most important export to China won't be out products and services. Our most important export is our ideas and our beliefs about freedom and democracy.

As the United States and China develop closer ties—as individuals from both countries begin to interact more often with each other—it's going to be impossible for the Chinese government to prevent our values and ideas from spreading. You can already see it happening with the spread of the internet in China, despite the best efforts of their government to slow it down.

Mr. Speaker, we can choose to get rid of normal trade relations with China, and stand on the sidelines when our European and Asian competitors take our place. Or we can build a strong bilateral relationship through engagement—opening their country to our products and ideas.

I urge my colleagues to support the rational approach—and to support normal trade relations with China.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), a member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me the time.

Mr. Speaker, I rise in support of PNTR. I would like to begin by thanking the gentleman from New York (Mr. RANGEL), the gentleman from Michigan (Mr. LEVIN), the gentleman from California (Mr. MATSUI); and, of course, the gentleman from Illinois (Mr. CRANE) and the gentleman from Texas (Mr. ARCHER) for their leadership in this particular measure.

I would also like to thank the Committee on Rules for putting forward the Levin-Bereuter parallel language that will ensure that we have mechanisms to monitor China and to try to get us closer to freer and fairer trade.

I do not disagree with those who say that human rights is a problem, that worker conditions are a problem, environmental conditions are a problem in China. They are. One cannot pick up a newspaper without reading about the persecution of the Falun Gong. Worker rights, they still do not exist in China, and certainly we know that China has not been the best in enforcing the agreements it has signed.

The question is not so much that China has not done the best it could. The question is, how do we get it to perform better? Is it better to try to engage it and bring it along so it can join the community of nations? Or is it better to shove it off to the corner, put on a dunce cap and say they cannot come out of the corner until they act better?

Isolation has been proven over the centuries to not work. Engagement, while it may work slowly, works. I would rather tell China, join us and do it the right way than tell them sit in that corner until we think they are doing the right thing.

It is time for us to understand that we cannot close our eyes to China. China has problems. It will have problems for a long time; but it is up to us, as the leader in this world, to bring China, as we have done with other countries, forward so it can act among the community of nations the way we would like to see it act.

I have the very basic concerns that many of my colleagues who are going to vote no have as well, but I cannot close my eyes to the fact that China is big, it is here, and it is not going away.

Let us learn from our experiences. Let us move forward, and let us use the power of the greatest democracy in the world to show the rest of the world that China, too, can join us as neighbor and partner and be part of that community of nations that will make us proud to trade with them freely and fairly.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when I suggested to the gentleman that I heard William Clay Ford, Jr., say that the Ford Motor Company delivers excellent products and strives to make the world a better place, this gentleman recognized that Ford was going to have to change that and say they would deliver excellent products and strive to make the world a better place for polluters, slavery, intolerance, and repression.

Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, on human rights, China has failed with over 1,000 executions of dissenters since 1998. On religious rights, China has created an atmosphere of dread and torture and arrest which are commonplace, and on military aggression China's policies are still of great concern.

This weekend we celebrate Memorial Day and are reminded that freedom is not free. Our veterans laid down their lives fighting such dictatorships such as China. What is our generation going to do, lay down and let them make the deal just because we have a buck to save? Do we not care about what this country was founded on? Do we not care about human rights? This is a travesty. This Congress passed sanctions against South Africa when Nelson Mandela was tortured and jailed in

South Africa. What would we do today if this was an apartheid? I guess what we would do is do even more deals with P.W. Botha, because that is just what this Congress is going to do when it does PNTR for China, is lay down with dictators like P.W. Botha and China.

Mr. NORWOOD. Mr. Speaker, it is now a great pleasure for me to yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), a true leader in human rights in this Congress.

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Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Georgia (Mr. NORWOOD) very much for yielding me this time.

Mr. Speaker, in the 1992 presidential campaign, Mr. Clinton accused his opponent of coddling the dictator of China and promised that, if he was elected, he would deny MFN to China "as long as they keep locking people up." Today China is locking people up and torturing them big time.

Faced, in the spring of 1993, with a vote that was likely to strip China of MFN, President Clinton preempted congressional action with the issuance of an Executive Order that gave the PRC one more year to reform. For MFN to continue, significant progress in human rights was established. The President said in May 28, 1993, "Starting today, the U.S. will speak with one voice on China policy."

We are here today because the American people continue to harbor profound concerns about a range of practices by China's Communist leaders. The President went on. He said that "the core of the policy will be a resolute insistence upon significant progress on human rights in China."

"Whether I extend MFN next year", the President went on, "will depend on whether China makes significant progress in improving its human rights record."

I had nothing but praise for the President, Mr. Speaker. I did not realize at the time that we had been had.

As the probationary year progressed, profound doubt concerning the President's commitment to his own policy emerged. So midway through that probationary period in January of 1994, I led a human rights mission to China and was shocked and dismayed to be told by high Chinese officials with whom I met that the Clinton administration would continue MFN without conditions, and that his human rights linkage was pure fiction meaningless and political. It turns out the President was bluffing. The fix was in, and the Chinese dictatorship knew it. A terrible setback for human rights, democracy, the environment, and security issues.

Let me just point out, Mr. Speaker, once that delinking took place, the hard-liners knew for sure that as long as the Clinton administration was in place, there would never be a change. This administration and some in Congress will fight hard to protect intellectual property rights and copyright infringement.

Sanctions for the protection of CDs are wise public policy but are deemed impermissible to employ in the effort to protect Chinese men, women and children from government abuse.

Torture, forced abortion, all kinds of human rights abuses, all of them taken together warrants no sanctions whatsoever. Steal some of our CDs, and we will bring the full brunt of those sanctions against you. Sometimes I think we got our priorities wrong.

Earlier today, Mr. Speaker, the United States Commission on International Religious Freedom testified before the Committee on International Relations and made it very clear that there has been a marked deterioration in religious freedom in China and admonished Congress not to confer PNTR on the PRC. I ask Members to read the 77-page State Department Woman Rights report replete with human rights abuses.

Mr. Speaker, to date there has yet to be any serious credible linkage of trade and human rights. Yet today we are being asked to forgo any possibility of linkage in the future.

Deny China PNTR today—require them to make progress in the direction of reform and protection of human rights.

Mr. Speaker, in the 1992 Presidential Campaign, Mr. Clinton accused his opponent of coddling the dictators of China and promised that he, if elected, would deny MFN to China "as long as they keep locking people up." Today Clinton is locking people up—and torturing them—big time.

Faced in the spring of 1993 with a vote that was likely to strip China of MFN, President Clinton pre-empted Congressional action with the issuance of an executive order that gave the PRC one more year of MFN. For MFN to continue, "Significant Progress" in human rights was established as the new standard. The president said in a speech on May 28, 1993:

> Starting today, the United States will speak with one voice on China policy. We no longer have an Executive Branch policy and a Congressional policy. We have an American policy.
>
> We are here today because the American people continue to harbor profound concerns about a range of practices by China's communist leaders. We are concerned that many activists and pro-democracy leaders, including some from Tiananmen Square, continue to languish behind prison bars in China for no crime other than exercising their consciences. We are concerned by the Dalai Lama's reports of Chinese abuses against the people and culture of Tibet . . .
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> The core of this policy will be a resolute insistence upon significant progress on human rights in China. To implement this policy, I am signing today an Executive Order that will have the effect of extending Most Favored Nation status for China for 12 months. Whether I extend MFN next year, however, will depend upon whether China makes significant progress in improving its human rights record.

I had nothing but praise for the president. I didn't realize at the time that we had been had. As the "probationary year" progressed, profound doubt concerning the President's commitment to his own policy emerged.

So, midway through the "probationary period," in Jan. of 1994, I led a human rights mission to China and was shocked and dismayed to be told by high Chinese government officials with whom I met, that President Clinton would continue MFN without conditions and that his brand of human rights linkage was pure fiction, meaningless and political.

Turns out the President was indeed bluffing, the fix was in, and the Chinese dictatorship knew it. A terrible setback for human rights, democracy, the environment and security issues.

In a breathtaking capitulation, the Administration officially de-linked human rights and trade in the Spring of 1994—and the Chinese hardliners then knew for absolute certain that for this Administration profits trump respect for human life and that sanctions were to be reserved exclusively for commercial concerns, such as intellectual property rights, copyright infringement, and the pirating of CDs and video cassettes. Then, and only then, would this Administration mount up on its hind legs to fight and employ the credible threat of sanctions to ameliorate Beijing's behavior.

In an article in the Washington Post in June 9, 1998, we get this insight, "A few months after President Clinton de-linked MFN from progress on human rights, there was a meeting at the White House to assess the effects of the Administration's new China policy. At the meeting, president Clinton announced, "I hate our China policy. I wish I was running against our China policy. I mean, we give them MFN and change our commercial policy and what has changed?" So reports the Washington Post.

As Chairman of the International Operations and Human Rights Subcommittee, I have chaired 18 hearings and markups on human rights abuses in China. Not only has nothing changed for the better with our defacto delinking policy, human rights abuses have changed for the worse. The delinkage policy experiment which will be made permanent today if this legislation passes—will worsen the situation.

Human rights abuses have gotten progressively worse in virtually every category. At a hearing this morning with the U.S. Commission on International Religious Freedom, Rabbi Saperstein and two commissioners testified that there was a ". . . sharp deterioration in freedom of religion in China during the last year. The Commission believes that an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom. The government of China attaches great symbolic importance to steps such as the grant of PNTR, and presents them to the Chinese people as proof of international acceptance and approval." Rabbi Saperstein admonished Congress to vote "No" on PNTR.

I urge members to read the 77 page State Department report, which details pervasive torture, forced abortion, and new, frightening crackdowns on dissidents and religious believers. The U.S. State Department Report states:

> Abuses included instances of extra judicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest

> and detention, lengthy incommunicado detention, and denial of due process. Prison conditions at most facilities remained harsh. In many cases, particularly in sensitive political cases, the judicial system denies criminal defendants basic legal safeguards and due process because authorities attach higher priority to maintaining public order and suppressing political opposition that to enforcing legal norms. The Government infringed on citizens' privacy rights. The Government tightened restrictions on freedom of speech and of the press, and increased controls on the Internet; self-censorship by journalists also increased. The Government severely restricted freedom of assembly, and continued to restrict freedom of association. The government continued to restrict freedom of religion, and intensified controls on some unregistered churches. The Government continued to restrict freedom of movement. The Government does not permit independent domestic nongovernmental organizations (NGOs) to monitor publicly human rights conditions. Violence against women, including coercive family planning practices—which sometimes include forced abortions and forced sterilization; prostitution; discrimination against women; trafficking in women and children; abuse of children; and discrimination against the disabled and minorities are all problems. The Government continued to restrict tightly worker rights, and forced labor in prison facilities remains a serious problem. Child labor persists. Particularly serious human rights abuses persisted in some minority areas, especially in Tibet and Xinjiang, where restrictions on religion and other fundamental freedoms intensified . . .
>
> . . . Police and other elements of the security apparatus employed torture and degrading treatment in dealing with detainees and prisoners. Former detainees and the press reported credibly that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and other forms of abuse against detained men and women . . .

The Chinese dictators—our business partners—excel in the torture chamber business and even the internet in China is used against its users. The State Department points out that:

> The Government increased monitoring of the Internet during the year, and placed restrictions on information available on the Internet. The Government has special Internet police units to monitor and increase control of Internet content and access . . . Web pages run by Falun Gong followers were targeted specifically by the government as part of its crackdown against the group that began in July.

The repression of human rights in general and the barbaric forced abortion policy is having a devastating impact on women's lives. The State Department Human Rights Report says that 500 Chinese women commit suicide each and every day.

Mr. Speaker to date there has yet to be any serious, credible linkage of trade and human rights, yet we are being asked today to forgo any possible linkage in the future. This is a real vote—the dictatorship will actually lose something they want. Deny China's PNTR today—require them to move in the direction of reform and the protection of human rights.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, people are split on both sides of this, but I would like to relay a story. Hall Rogers and some of my Democrat colleagues went to Hanoi. We spoke to the Communist Chinese Prime Minister. I asked him, Mr. Prime Minister, why do you not get involved in trade?

In perfect English, he said, Congressman, we are Communists. He said, If we get involved in trade, people out there will have, in his term, things, private property and property, and we as, Communists, will be out of business. At that point, I said, Trade is good.

If we take a look at where China was 20 years ago, I was there, and where they are now, no, they will lie, cheat, steal. They are a national security risk. But I think the question is where do we want China to be 20 years from now. I think we have an ability to open those markets and move them to the right instead of going back to the left. I think it is in the best interest for national security and human rights to let them move in that direction.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in favor of this language of this treaty. I truly believe that the failure to enact PNTR will deprive the United States of meaningful market access. China has access to our markets. We need access to their markets.

This agreement will provide a landmark set of rules in protecting patents, copyrights, trademarks, and other forms of intellectual property protection. This system protects Americans' research, innovation, and creates incentives for further investment of technological services.

We need this treaty today. There is no way that we can be the leader of the world. Our chair at the table of the world is empty. No agreement ever before has contained stronger language to strengthen the guarantees of fair trade and to address practices that distort trade and investment.

It will help American workers by eliminating practices that can cost American jobs and force unfair transfer of technology to China. For the first time, Americans will have the means to combat many of these practices.

Mr. Speaker, I rise to speak on Permanent Normal Trade Relations with China (H.R. 4444).

The potential of Permanent Normal Trade Relations is far from being realized by many Americans, in fact, it is far from being realized by many of my colleagues. I am here to express the reason I support this measure. What we are doing should not be looked at as a favor for China, but as an act that is in the best interest of America and Americans. And certainly, my district, my state, our country, our American workers. Without PNTR, American workers, American farmers, and American business will be left behind.

While groups, such as Asian, Latin American, Canadian and European competitors reap the benefits of PNTR, American workers, American farmers, and American businesses will miss out on opportunities that may possibly raise their economic standards. To compete effectively, American workers, American farmers, and American businesses, need the access provided by granting PNTR—the ability to export and distribute goods in China. This access will allow our businesses to export to China from here at home and to have their own distribution networks in China. This is more convenient than being forced to set up factories in China to sell products through Chinese partners. This will provide the opportunity for our firms to attain the access they need to China's fastgrowing services market in sectors like telecommunications. This agreement truly strengthens our ability to ensure fair trade and protect U.S. agricultural and manufacturing bases from unwanted import surges, unfair pricing, and unwarranted abusive investment practices.

I truly believe that failure to enact PNTR will deprive the United States of meaningful market access for goods—key elements that are necessary to safeguard American workers from unfair import surges from China. This agreement will also provide a landmark set of rules for protecting patents, copyrights, trademarks and other forms of intellectual property. This system protects Americans' research and innovation and creates incentives for further investment and technological progress worldwide.

Our firms also need access to China's fastgrowing services market in sectors like telecommunications. Just think, this access will allow, for the first time, our companies the ability to sell and distribute products in China made by workers here at home without being forced to transfer our technology to China. This ability to work at home also sets the stage for increased trade, which will play a part in raising the living standards here in America.

The U.S., the world's largest exporter, will gain the most from a strong, open, multilateral trading system. This trading system will help raise living standards for American working families that depend on export-related jobs. It is a fact that jobs supported by goods exports pay 13–16% more than the national average. Denying China PNTR will cost American exports and the jobs they support as well as higher paying jobs. We must not allow our competitors in Europe, Asia, and elsewhere to capture Chinese markets.

Simply stated, if Congress enacts PNTR there will be more exports to China of products made in the United States by American workers and products grown by our farmers. If Congress does not grant PNTR, our competitors will enjoy the full market access and enforcement rights in China that we will be denied. No agreement ever on WTO accession has ever contained stronger measures to strengthen guarantees of fair trade and to address practices that distort trade and investment. Mainly, it will help American workers by eliminating practices that can cost American jobs and force the unfair transfer of U.S. technology to China. For the first time, Americans will have the means to combat measures such as forced technology transfer, frequent mandated offsets, frivolous local content requirements, and other unfair practices that drain jobs and technology away from the U.S. Passage of PNTR will open China to American values and practices also. U.S. companies are more committed than their Asian competitors to progressive labor management practices and protecting the safety of their workers. It is clear, our decision could fundamentally change not only our relationship with China, but China itself.

Since I am a representative of Dallas, Texas, let me expound on how PNTR will help Texas and my district. The U.S.-China Bilateral Agreement on China's accession to the WTO opens an important market to Texas' exports, by benefiting key industries, busily creating export, and blossoming employment opportunities. Texas' exports to China are broadly diversified with almost every major product category registering exports to the Chinese market in 1998. Texas' merchandise exports sales to China totaled over $583 million in 1998—a 46% increase from the $399 million sold to China in 1993. Included in Texas' exports to China are sales from key metropolitan areas. For example, my district, Dallas, grossed $92 million in sales. The agreement will open the market for a wide range of services, including telecommunications, banking, insurance, financial services, professional, hotel, restaurant, tourism, motion pictures, video distribution, software, business, computer, environmental, and distribution and related services. This will occur not only in Texas, but also throughout America.

It's simple, granting PNTR will not erase the horrific acts of the Chinese Government, but it will enable self-protection and allow opportunities for American workers. Opportunities that we should not allow to pass us by due to past actions of the Chinese Government.,

Let me end by acknowledging the work that all of my colleagues have and continue to do in order to ensure America's leadership position in the world. As Members of Congress and leaders, we must realize that now is the time to encourage China to evolve. We can advance America's economic system without diluting the goals we stand for and the goals that allow democracy to prevail.

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise in opposition to this bill.

Mr. Speaker, it is unfortunate that so many observers have gotten it wrong. The China trade vote is not about protectionism versus free trade; it's not about business versus labor; it's not even about China haters versus China apologists. No, it is about a vision of world trade worthy of America in the 21st Century. It is about whether 21st century globalism will have any guiding principle or whether it will be an aimless trading frenzy.

Proponents of Permanent Normal Trade Relations say that the deal reached with China will give China unprecedented access to American business, that American traders have given up nothing in the deal to gain concessions for China, that China will enter the World Trade Organization regardless of Congress' decision on PNTR, and that American industry must not let other countries gain advantages in a market of 1.3 billion potential customers. Proponents concede that China does have a poor record of abiding by trade agreements as well as a poor record with respect to worker's rights, human rights, and environmental protection, and then they say the situation can be rectified through the rule-based trade agreement and constructive engagement derived from that trade. They argue that trade has a liberalizing influence on society. The most frequent argument is that the internet will irrevocably open China. Engagement, they say, is preferable to isolationism. There are a few grains of truth in their arguments, but this agreement falls far short of what we need and so, this is not the right thing to do.

I too am for engagement, real engagement. Proponents of PNTR say that the presence of thousands of American traders carrying checkbooks and adhering to American factory standards will unleash the altruistic intentions of a billion Chinese. Of course, that has not happened anywhere else in the world. Business in America did not by itself produce the social progress we extol. It did not happen in American factories; it did not happen in civil rights; it did not happen in environmental protection. In every case we had to re-enforce economic activity with rules of social behavior—in insuring collective bargaining, in opening public accommodations through civil rights legislation, and in outlawing pollution. Unfettered business did not do these things. We needed a system of rules. Even trade requires a system of rules. This whole debate is about whether to bring China into a rule-based trade regime. The great irony of all this is that proponents of PNTR insist on the need for rule-based trade agreements, backed up with sanctions, trade actions intended to induce good behavior on all sides. So, why do we need rule-based agreements in trade, but not in any other area we think is important?

Real engagement extends beyond just trade, and it extends beyond China. Of course, trade is good, We in the United States are a more prosperous country because goods, services, and people can move freely among Oregon, Texas, New Jersey and the other states. Each state does not try to be self-sufficient. But such free trade works because it is fair trade. Although there is some competition between states, everyone can be confident that each state plays by nearly equal rules with regard to environment, workers' conditions, and product safety. Open trade requires expectations of fair standards of behavior. Trade in the 21st century will be, and must be, about more than how many widgets enter and leave a port.

We do not want to insult an independent and proud sovereign nation. In order to accomplish the goals of our negotiations we should not alienate the other parties. But we must not give up on values. Some say workers rights are irrelevant, or human rights, or religious rights, or environmental protection. They are not irrelevant. The citizens in my district tell me these concerns are not irrelevant. To them the proponents say, these may be important, but trade will take care of them. This trickle-down is specious. It has not worked that way in the past. It has not worked that way elsewhere in the world.

I cannot support this legislation to grant permanent normal trade relations because it fails to consider anything but trade. This is not ready for a vote. The administration should first put in place mechanisms to deal with these other things—in the trade agreement, in the WTO, in the ILO, in the World Bank. Worker's rights, environmental protection, and human rights are not irrelevant concerns. I do not expect full, immediate accomplishment of our goals in these difficult areas, but silence on these issues will not lead to progress.

I urge my colleagues to oppose the bill before us today. I also emphasize to them and to the administration that after today's vote, whatever the outcome, we have much work to do to make sure we address these concerns.

Mr. STARK. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I rise in opposition to this bill.

This is not a vote to trade or not to trade—the issue is yearly oversight or no oversight. Given China's record of violating virtually every international agreement it enters into, the leverage of oversight is critical.

Trade and Oversight are not mutually exclusive. We can have both. Even U.S. Trade Representatives Charlene Barshefsky, during recent testimony before the House Ways and Means Committee, acknowledged that the U.S. could obtain all of the tariff cuts China would be required to make upon entry into the WTO even if Congress did not grant PNTR.

The same arguments for PNTR were put forth by proponents of the North American Free Trade Agreement (NAFTA). The result of NAFTA has been 500,000 lost jobs for American workers and a ballooning trade deficit with Mexico of $22 billion.

Why will no one talk about the impact of this agreement on our trade deficit? There is considerable foreign capital in our stock market which will leave the US if a better deal arises. Our overall trade deficit has already surpassed $331 billion, a figure that is beginning to sound alarms for many financial analysts concerned about the long-term stability of the U.S. dollar. The Secretary of the Treasury told me Monday and this problem must be addressed.

Moreover, the $2 billion in goods the U.S. exports to China are not purchased by the Chinese. They are merely supplies for the U.S. plants that are operating there. Compare that to the fact that the Chinese sell $80 billion in goods to the US annually. If the Chinese continue their practice of not buying US goods, this will not be a home run for American

China continues to threaten Taiwan, a country our nation has pledged to protect. Granting PNTR would send the wrong signal to Bejing that military action against Taiwan would be tolerated.

Finally, large companies have lobbied hard for Congress to pass PNTR for China. Corporations must be concerned about their bottom line. But the 570,000 persons I represent have other issues. There has been no ground swell for this trade deal from our community. I have even received some letters from workers who say they've been asked to write in favor of PNTR but they fear if it passes, it will mean the loss of their jobs. Chinese laborers earn only one twentieth what American workers do.

Trade will go on. Wouldn't it be nice if it were fair trade.

Mr. Speaker, I include for the RECORD an article from yesterday's New York Times, as follows:

[From the New York Times, May 23, 2000]

JOINING THE CLUB: LIKE OTHERS, CHINA WILL TRY TO PROTECT ITS OWN INDUSTRIES

(By Craig S. Smith)

SHANGHAI, May 22—Sun Guomin, a poor farmer in a village west of here, represents an example of why American business executives and government officials may be disappointed once China enters the World Trade Organization.

While American businesses have been dreaming of the vast potential markets for their goods and services in China, the government is unlikely to allow the West the kind of access those dreams are made of. For if Beijing immediately did everything the trade organization requires, Mr. Sun and millions like him could be driven out of business.

And with droves of laid-off workers already mounting sporadic protests across the country, giving foreign competition a hand in wiping out whole industries could amount to political suicide for China's governing Communist Party.

Agriculture is one of the most vulnerable areas.

Mr. Sun, 68, is struggling to get by on his six and a half acres of land in the village of Nansong, west of Shanghai, where he lives in a mud house on a dirt path with his wife, Chen Baonan.

He has already stopped growing barely, once a major crop in this part of the flat Yangtze River delta, because it does not pay. He and his neighbors still grow rapeseeed, the source of canola oil, and the plant's brilliant yellow flowers carpet the delta with color each spring.

But the price the government pays for rapeseed has fallen so low, Mr. Sun says, that he is better off pressing the seeds himself and using the cooking oil at home. He would gladly lease his field to a factory, but the government will not let him, citing a need to preserve farmland. He and his wife have opened a small store in the front of their house, where they make about five cents a day selling cigarettes and beer.

Joining the W.T.O. threatens to make China's agricultural economics even worse.

Last year China imported record quantities of rapeseed and soybeans, because foreign oilseed production is cheaper and the quality often higher than that of domestically grown crops. But to enter the trade group, China has agreed to lift quotas that it now uses to restrict the import of edible oils. A surge in imports would further dampen demand for seeds from people like Mr. Sun.

The problem exists pretty much across the board.

The Chinese Academy of Social Sciences, a top government research institute in Beijing, recently estimated that prices for Chinese grain and other agricultural products would continue to exceed those of the global market for the next 20 years.

Thanks to huge mechanized farms, the American cost of production is often lower than that in China, where farming employs as many as 600 million people, fields are fragmented and transportation is slow.

And many other labor-intensive industries are in the same boat.

Many of the country's 100-plus automobile assembly plants face extinction if imports surge as tariffs fall, and chemical plants could be crippled by foreign competition. The Chinese government wants to reform the economy, but it favors a cautious, go-slow approach rather than risk widespread unrest that could undermine its rule.

"It's important to think about stability," said Zhou Hanming, a lawyer who advises the government about the W.T.O.

Mr. Zhou says that the two to five years in which the organization requires members to put most of its mandated measures into effect is too short a time, and that China will do what it must to shelter industries until they are ready to face global competition.

"We're working very hard on a large number of new laws and regulations that will offer protection of national industries, vulnerable industries, infant industries," he said.

Mr. Zhou, one of dozens of experts Beijing has enlisted to prepare the country to defend its industries, is studying ways to use anti-dumping rules. Under China's trade deal with the United States, Washington insisted that it be allowed to levy punitive duties against imports that it deems to be sold below cost. Washington wanted the clause to protect the American textile industry from cheap Chinese imports, but China has seized on the provision to protect its own threatened industries.

"We're going to learn how to use the same weapon," Mr. Zhou said.

The country will also use other means to give threatened industries an edge, including preferential bank loans and tax breaks. And Beijing may end longstanding tax breaks for foreign companies that were intended to encourage investment.

But China does hope to use its membership in the trade group as a lever to move moribund state industries toward real reform.

Take the pharmaceutical industry, which still relies largely on copies, often illegal, of Western compounds. China will come under pressure from the group to enforce the intellectual property rights of foreign drug makers. To survive, Chinese pharmaceutical firms will have to invest in research and development and begin producing original drugs.

"The pressure will help force us to depend on ourselves," said Wang Li, general manager of the Shanghai Joy Biopharm Company, a state-owned drug laboratory started five years ago to develop commercially viable pharmaceuticals for the domestic industry.

And China hopes that membership in the group will spur foreign investment, which fell last year for the first time since investors withdrew after the crackdown on pro-democracy protesters at Tianamen Square in June 1989.

Multinational corporations have already begun signaling their willingness to pump more money into China after it joins. Nonetheless, protection is high on Beijing's agenda.

China is not known for its strict adherence to trade agreements. In 1995, Trade Minister Wu Yi signed a deal with the United States trade representative, Charlene Barshefsky, that promised to protect American intellectual property rights. But counterfeiting of computer software and movies on compact disks is now more common than ever. Street hawkers sell the latest Hollywood blockbusters in most Chinese cities, and the police ignore the activity.

Nor has China proven a progressive member of another trade club. As a member of the Asia-Pacific Economic Cooperation forum, it has resisted moves to speed the liberalization of financial services.

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Mr. STARK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I rise in strong opposition to this permanent status and in support of annual status.

"Dear Representative Farr/Sam, . . . [it is] the very strong sentiment of the Labor Council delegates that the agreement negotiated with China . . . is a bad deal for working people in this country. . . . It should not be ratified by Congress. We urge you to vote against it."—Amy Newell, Business Agent, Santa Cruz Central Labor Committee, AFL–CIO, in a letter dated March 20, 2000.

"Dear Congressman Farr/Sam, I am writing to you today to let you know how important Congressional approval of the Permanent Normal Trade Relations for China (PNTR) is for Monterey County growers! . . . Both California and Monterey County stand to gain jobs and business growth from your approval of PNTR. . . . I urge you to look carefully at the PNTR China issue and lend your immediate support to this extremely important matter!"—Sharan Lanini, Executive Director, Monterey County Farm Bureau, in a letter dated March 24, 2000.

How could two views on the same issue coming out of roughly the same regional community be so incredibly disparate? Yet, this is the issue I am faced with as a U.S. Congressman as the vote on China and WTO approaches.

The issue at hand is whether the United States will grant China Permanent Normal Trade Relations (PNTR). The U.S. already provides China with NTR—Normal Trade Relations—status, a trade arrangement that is currently renewed or denied on an annual basis. China has been granted NTR (previously referred to as "MFN"—Most Favored Nation status) for 19 years in a row. I have supported annual NTR for China in the past.

The difference this year is not just whether to make permanent the annual NTR debate for China. The difference this year is that American approval of PNTR will provide the United States the same access to Chinese markets as other World Trade Organization (WTO) members. Without PNTR, the U.S. will continue to trade with China on a bilateral basis and under conditions separate and different from the rest of the world. PNTR would establish new rules between the two countries equal to the rest of the world and new grounds for settling trade disputes.

Most people know that I am a strong believer in trade. My votes on NAFTA, GATT and WTO are no secret. I regularly defend the Market Access Program (MAP) which provides federal funds to advertise American products overseas as a way to increase demand in foreign markets for U.S.-made items. The fastest growing market for products coming out of the Central Coast—particularly agriculture—is in Asia. In fact, Asian markets accounted for over 285 million pounds of export products from Monterey County alone in 1998. This figure could easily grow exponentially if full and fair access to the China market were made available to our growers. According to statistics the Department of Commerce released last month, the Santa Cruz-Watsonville area saw an 839 percent increase in exports to China over 1993–98. Salinas saw a 743 percent increase in its exports to China over the same period.

I want to see that kind of economic opportunity available to all California communities and all communities across the country. I want to see China open up to Central Coast agriculture. I want to see America finally get a break at marketing its goods to the potential billion Chinese patrons. Ultimately, that means more business for local growers, more jobs for local workers, increased shipping operations for local truckers, and better economic conditions all around.

But in negotiating a trade deal with China (or any entity on any issue) we should look for the best deal that advances all of the United States' interests. Economics is not the only issue at stake here; there are others, including the non-tangible issues of human rights and personal freedoms. There is wide disagreement on whether PNTR helps or hinders these causes within China.

If human rights and environmental stewardship are important interests to the United States, then it is right of us to try to find ways to advance these issues world wide. If China is a concern of ours, then we ought to try to sway Chinese leadership to move toward accommodation in these areas. The best way to do that is to require that China return to Congress each year to make its case that it deserves special trade status because it has made efforts to correct environmental and human rights deficiencies. PNTR eliminates that tool and robs us of the chance to hold China accountable.

So, I will vote "no" on PNTR for China. I do so fully supportive of open and fair trade, but also mindful of using American influence to keep China on track to being a better citizen of the world.

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I rise in opposition to the proposition.

A DIFFICULT DECISION

Mr. Speaker, over the last three months, I have conducted a thorough analysis of extending Permanent Normal Trade Relations (PNTR) status to China, thereby putting U.S. trade relations with China on the same plane as our relations with virtually every other country in the World Trade Organization. During this time, I have remained undecided on this issue. I have listened to every possible argument in this debate and comprehensively examined the legislation's potential effects so that I could learn more about the quality of jobs that expanded trade can bring and the potential effects of trade on human rights. I also wanted to study the impact of trade on not only our workers, but also the international labor standards for other workers around the world. First and foremost among my considerations during my deliberations, however, was determining the consequences of this legislation for the people working, the families living, and the businesses operating in Northeastern and Central Pennsylvania.

This has been an extremely difficult decision for me. In the long term, I believe that international trade benefits the United States when conducted fairly. Our nation cannot repeat the mistakes of 1930 when Congress enacted the Smoot-Hawley bill, which helped to precipitate the Great Depression. Freer trade among nations increases wealth for all and improves relations with our allies, similar to the 1960s when we reduced a number of trade barriers.

NAFTA AND PNTR

But international trade has not always helped everyone. In the short term, absent the creation of an effective economic safety net, increased international trade will produce winners and losers in our economy. In 1993, I voted against the North American Free Trade Agreement (NAFTA), primarily because there were insufficient protections in place to preserve the economic security of average, working Americans and lower-income workers in labor-intensive industries. Over time, my doubts were proven correct. After NAFTA, some sectors of our economy grew, while others did not. Additionally, workers in some regions of our country have flourished under NAFTA, while workers in other regions have experienced wage stagnation or lost their jobs outright.

Six-and-a-half years after the NAFTA vote, our country has another opportunity to consider the issue of increased global trade. The debate on PNTR, however, differs significantly from our deliberations over NAFTA. Under NAFTA, we created the world's largest free trade area with two other countries, Mexico and Canada. NAFTA not only eliminated tariffs between the United States, Mexico, and Canada, but it also required us to enter into an expansive range of commitments and agreements to integrate the economies of the three nations.

Through PNTR we are only seeking to place U.S. trade relations with China on the same footing as our relations with virtually every other country in the world, including nations like Argentina, Bulgaria, Cyprus, Greece, and Switzerland. In other words, the economic integration required by PNTR is significantly less than that required by NAFTA. Under PNTR, we will not eliminate or even lower our tariffs for the goods we import from China. Thus, a product produced in the United States, Mexico, and Canada, which is not subject to a tariff, will often still remain cheaper than the same item manufactured in China, which will still be subject to the tariffs that we apply not only to China, but also to Germany, France, Brazil, Japan, and Great Britain. Moreover, as a result of this agreement China will significantly lower trade barriers for U.S. products to enter the Chinese marketplace.

COMPETING VIEWPOINTS

In order to educate myself more fully about the reasons to support and oppose PNTR status for China, I have met with hundreds of individuals in recent weeks and months and have heard from thousands more. On one side of this debate, the business community maintains that the United States stands to gain tens of thousands of high-tech jobs as a result of PNTR. In the short term, however, our economy will likely face job losses in low-tech, labor-intensive industries. Additionally, I fear that in the short term only selected communities in our country—like those within the Silicon Valley of California, in the high-tech corridor of Northern Virginia, and along Wall Street in New York—will benefit from extending PNTR.

Supporters of the agreement further contend that denial of PNTR would hurt American families who would pay more for consumer goods. They estimate these higher prices could cost more than $10 billion each year. Additionally, supporters of PNTR insist that the best way to improve China's record on human rights, religious freedom, and free speech is to engage and not isolate the Chinese people in the world economy. Finally, PNTR's supporters note that because the Europeans have recently entered into an agreement with the Chinese government, China is all the more likely to join the World Trade Organization this year. Consequently, we need PNTR so that U.S. workers, farmers, and businesses can remain competitive with our trading partners in Europe, the Americas, and Asia.

On the other side of this debate, I have heard many reasons to oppose PNTR. Some interest groups have estimated that our nation will lose tens of thousands of jobs as a result of PNTR. Just as I doubt the number of projected jobs that supporters believe will be created by this decision, I also am skeptical of the anticipated jobs that opponents believe will be lost because of this legislation. In reality, the net change in jobs probably lies between these two estimates.

Others opposed to this legislation feel that by granting PNTR to China we will condone that nation's record of human rights abuses. But using trade as leverage against the Chinese government is not only unenforceable, I believe it is also likely to bring change to the most oppressed Chinese people. There is a great danger in the arguments that some have put forth in attempting to demonize the Chinese government. If we care about improving our relations with China and improving the qualify of life for the Chinese people, we must remain engaged. As Dai Qing, perhaps China's most prominent environmentalist and independent political thinker, states, "All of the fights—for a better environment, labor rights, and human rights—these fights we will fight in China tomorrow. But first we must break the monopoly of the state. To do that, we need a freer market and the competition mandated by the World Trade Organization."

A THIRD WAY

During this debate over Permanent Normal Trade Relations for China, I fear that we may have unfortunately again neglected to address an issue that we should have considered during our deliberations over NAFTA. In this country, a paradox arises because the two diverging viewpoints on extending trade to other nations fail to join together to advance the real interests of all Americans. If we defeat PNTR today, our low-tech, labor-intensive jobs will still continue to be lost by trade that already exists with China and our other leading trading partners around the world under current trade agreements. Additionally, the U.S. stands to lose our opportunity to create new, high-tech jobs for workers in our Nation because we will have failed to open the Chinese market.

It is also a false hope that the defeat of PNTR will provide job security for those jobs already lost or about to be lost to global trade. According to the Congressional Research Service, which provides Congress with nonpartisan analysis, Pennsylvania has already lost 18,663 jobs to Canada and Mexico since passage of NAFTA. This trend will likely continue in the future, even if we do not pass PNTR today.

With or without PNTR, our economy will certainly change in positive and negative ways because of increased worldwide competition in the years ahead. I have, therefore, asked myself what can be done now in the United States to help those regions of the country and those sectors of our economy that need assistance in order to ensure that all American workers and businesses can benefit tomorrow from increased global trade. By providing short-term support for these communities, businesses, and workers, we can ultimately ensure that everyone in our economy profits from international trade.

We are fortunate that our economy continues to grow and prosper. President Clinton has led the Nation to the strongest economy the world has ever seen. He has created the most economic opportunities for working families in the last 30 years, and I knew that he shares my concerns for those Americans who have not fully participated in the economic expansion of the last eight years. His leadership in reducing the budget deficit, lowering taxes for lower- and middle-income Americans, and supporting workers' rights has strengthened our economic outlook for the 21st century.

Of primary importance to me in this debate is how we will overcome the negative consequences of increased trade, especially for those older workers who may lose their jobs. From my perspective, workers and families displaced by greater global competition must ultimately retain at least the same quality of life as they would have obtained under their old jobs. Our government can accomplish this objective through a number of mechanisms. We could, for example, enact legislation to:

Promote investment in economically distressed areas. Through President Clinton's New Markets initiative, we can increase investments in the untapped potential of our Nation's underserved markets and create long-term partnerships that will lead to lasting economic change in distressed communities. One component of the New Markets Initiative is the America's Private Investment Companies (APIC) bill, and I have been an ardent supporter of this legislation. APICs would make large-scale investments in businesses operating in distressed urban centers, mid-sized cities, small towns, and rural areas, to stimulate job growth and economic development. Because we recently reached a bipartisan agreement between President Clinton and Speaker Hastert on this economic development package, I am hopeful that will pass this legislation later this year. I do, however, regret that this package is not before us today.

Enhance job training and trade adjustment programs. We must additionally give workers the tools they need to succeed in the global economy through reforms of our nation's trade adjustment and economic development assistance programs. We can accomplish this goal by extending trade adjustment assistance eligibility to those who lose their jobs due to shifts in production and strengthening the linkage between income support and early enrollment in retraining. We should also create an Office of Community Economic Adjustment within the Economic Development Administration in order to ensure that economically distressed regions of our country receive access to all available federal resources in times of need. Again, we are unfortunately not voting on such legislation today.

Safety net tools, like promoting investments in distressed areas and enhancing job training and trade adjustment programs, will not only mitigate the negative effects flowing from increased trade, but also lift up displaced workers and communities traditionally hurt by greater global trade. The business community and labor organizations should recognize the benefits of taking these proactive steps to help all Americans participate in the prosperity of trade. In the future when we consider other trade measures in Congress, I hope that we will expand the debate to include these quality of life protections.

OPPOSE THE LEGISLATION

Mr. Speaker, in the past the American public has demonstrated good judgment in determining how we should conduct trade with other nations. In reaching my final decision to oppose this legislation, I have asked myself the same four basic questions used by many Americans when debating trade issues. Those questions are:

Who benefits from the PNTR package in the United States?

What are the advantages of the PNTR package for American workers?

What regions of the country will benefit or lose under the PNTR package?

Who benefits in China from the PNTR package?

As I noted earlier, while PNTR's supporters state that thousands of jobs will be created as the result of the agreement, I worry that many workers and businesses in Northeastern and Central Pennsylvania will not reap those benefits in the short term and possibly not even the long term. Moreover, the PNTR agreement fails to mitigate the potential damages caused by increased competition in the global marketplace for our communities at home. Workers that lose their jobs because of increased trade will further lose from a poorly constructed economic safety net. This outcome will lead to a further widening in the gap between the income of wealthy individuals and average, hard-working Americans in this country, a far more worrisome problem because of its potential future effects on our society.

Admittedly, some workers in some sectors of our economy will undoubtedly win under this PNTR package. We cannot, however, overlook the fact that some workers will not only lose their economic security, but they could also potentially experience changes in the structure of their families and their respect for their government as a result of this legislation. I cannot support this legislation, because it fails to mitigate these and other losses that workers, families, and businesses may face from increased trade.

Finally, during this PNTR debate I have often heard from my constituents that China "cannot be trusted." In reality, they are saying that the Chinese government cannot be trusted. Efforts to include provisions in this PNTR package that establish a commission to monitor human rights, labor standards, and religious freedom in China are a step in the right direction, as is requiring the Administration to report annually to Congress on China's compliance with international standards. I commend my colleagues Congressmen SANDY LEVIN and DOUG BEREUTER for their bipartisan and hard work on this issue. Although it may be the best we can ask from the Chinese government at this time, we need to really know whether we can trust the Chinese government in the future before moving ahead.

Mr. Speaker, an agreement such as this one is a contract. As I recall from my days as an attorney, people generally enter into contracts only if all parties to the agreement believe that they will win under the arrangement. China may feel they have a winning deal with the United States on this PNTR package. From the perspective of the United States, however, this PNTR agreement fails to strengthen the short- and long-term economic security for all regions of our country and all American workers. Rejecting this legislation is not rejecting trade with China. It merely means that we will continue to have the opportunity to review on an annual basis our current trade policy with China and examine changes in that nation's trade record and human rights performance. Regretfully, I must oppose this bill.

Mr. STARK. Mr. Speaker, it gives me great pleasure to yield 30 seconds to the gentlewoman from Florida (Ms. BROWN) who understands that the Dalai Lama never said he supports PNTR and understands that there is a difference between China acceding to WTO and Congress passing PNTR.

Ms. BROWN of Florida. Mr. Speaker, has the Chinese Government earned our trust? No. China has violated the term of four previous agreements we signed with them.

Has the WTO earned our trust? No. The WTO repeatedly rules in favor of the multinational companies, and ignores the workers, their human rights and the environment.

Look at the banana issue. When the WTO ruled in favor of one company, Chiquita International; they ignored all Caribbean nations whose main exports are bananas. Now thousands of farmers are without work. We cannot trust the WTO to look out for the people. We cannot trust China to look out for the people. Who can we trust?

I urge my colleagues to consider their responsibility and vote "no" on this bill.

I rise in strong opposition to H.R. 4444. I absolutely do not believe that it is in our country's best interest to grant Permanent Normal Trade Relations to China. I have listened carefully to both sides of the debate and I know that each side has valid concerns. But in the end, I think there is too much at stake for Congress to give up oversight on this issue.

Taking away our ability to impose unilateral trade sanctions against a country like China is simply not acceptable. Without this option, the U.S. will lose its leverage to influence China towards improving environmental standards, as well as human rights and labor rights violations. Under the WTO rules, we would lose our ability to unilaterally punish a nation or a company for these types of violations. China has simply not been a trustworthy trading partner, and has violated the terms of all four bilateral trade agreements it has previously signed with the U.S.

In addition, I am more than concerned about China's human rights record. Along with the poor treatment of the work force, the Chinese Communist party's human rights record only seems to be getting worse, not better, even in the midst of economic opening. Government restrictions on free speech and the press, as well as forced imprisonment for expressing one's political or religious beliefs, have deterred political opening.

On the economic front, the U.S. balance of payments last year shows that our trade deficit with China is growing rapidly. In the end, I believe that extending PNRT will result in a net loss of jobs for Americans, not gains.

Finally, I am very concerned about the discovery last year of Chinese espionage. I do not believe that a country that steals our military secrets should be granted trade benefits!

When I weigh the gravity of these factors, I believe it is in our best interests to oppose Permanent Normal Trade Relations to China, and I encourage my colleagues to vote "no" on H.R. 4444.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces that the gentleman from Georgia (Mr. NORWOOD) has 12½ minutes remaining. The gentleman from Illinois (Mr. CRANE) has 13½ minutes remaining. The gentleman from New York (Mr. RANGEL) has 21½ minutes remaining. The gentleman from California (Mr. STARK) has 25½ minutes remaining.

The Chair intends at the conclusion, as we wrap up, to begin with the gentleman from Georgia (Mr. NORWOOD), then the gentleman from California (Mr. STARK) to follow, then the gentleman from New York (Mr. RANGEL) to follow, and to finish with the gentleman from Illinois (Mr. CRANE).

Mr. NORWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I rise in support of normalizing trade in China.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. NORWOOD) and all the Members that are fighting so diligently to bring the side of the American workers to the floor here of the House.

Let me just re-stress, and I made these statements last night, this is from the Ohio Department of Commerce, Director Gary Suhadolnik, and this documents where baby chickens were fed arsenic in the water. They were killed. They contained 18 percent arsenic in their systems, and they were put into the Easter baskets of American children. Luckily, we caught 350 of the baskets before the rest could come over the market.

There are other examples in here of hideous examples of dangers to American children because these products come in. China does have respect for our American children. They do not have respect for what comes over from China. If this agreement passes, we are going to have more of this. We are going to have our markets flooded.

On the other end, we have been so comfortable. We wear engagement here like a coat. It gets a little bit hot, one takes it off, the word engagement.

We talk about the farmers, once again the gentleman from Washington (Mr. NETHERCUTT) has a bill that unleashes all the sanctions around the world. But all of a sudden, we cannot talk about engagement when we talk about the Nethercutt bill, which if my colleagues really want to help the farmers, they would pass it.

If my colleagues want to pass this bill to help the farmers like my colleagues say, that 9 percent tariff reduction is going to vanish. It is going to vanish instantly when they manipulate their currency in China like it happened in Mexico, and my colleagues know it.

We have got to stand up for American workers. Despite all the lucrative predictions that the China WTO deal will open up new opportunities for American farmers and businesses, I remain convinced that this trade deal represents a bad deal for the United States.

The International Trade Commission analyzed a similar trade deal that was on the table in April and concluded that it would lead to an increase in the U.S. trade deficit.

Then people say, well, this is not permanent. You bet your life if my colleagues vote for this, the undecided Members of Congress, Mr. Speaker, if they hear this message, if they vote for this, it is going to be permanent. It will not be undone.

Stand up for American workers for a change.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, I rise today in support of H.R. 4444, a bill to grant permanent normal trade relations status to China. The central tenet of America's trade policy should be threefold: opening markets for goods produced by American workers, improving our nations economy, and promoting American values and ideals abroad. In this sense, I believe that our trade policy should encourage reform, while demanding a level playing field for international commerce. This has already yielded many benefits for America in rural and urban areas alike. Indeed, within my congressional district in southwest Virginia, approximately one in every four jobs is tied to exports. The expansion in free trade in recent years has allowed Lynchburg and Roanoke to become two of the 25 fastest growing export regions in the U.S.

However, we have yet to include one of the world's largest emerging markets in this process. China, a nation of over 1 billion people, has been hamstrung over the years with outmoded laws and trading practices put in place by the Communist regime. Even with these barriers in place, China is becoming a thriving market for U.S. products and services, and is already our 5th largest trading partner. If we can bring China into a rules-based trading system and dismantle the barriers put in place by it's failed economic philosophy, we can open up a massive new market to American goods and services.

Some have argued that opening the U.S. market to Chinese-made goods will have a detrimental effect on U.S. workers. Nothing could be further from the truth. The United States already has an open market for most goods originating in China and the rest of the world. It is China whose market is closed to the products designed by U.S. engineers, manufactured by U.S. workers and exported by U.S. companies. If we open this market to U.S. goods and services, American workers stand to gain a tremendous benefit from the additional demand generated by China's huge population.

At the same time, I do share the concerns many have raised regarding our national security and China. Specifically, I am concerned with the findings of the Cox Commission that indicates that China is engaged in a concerted campaign to steal militarily sensitive equipment. These efforts by the Chinese government combined with the provocative stance towards the democratic republic of Taiwan, are a cause for serious concern.

I am also deeply concerned with the pattern of human rights abuses by the Chinese government. Human rights in China is imperative and the United States must continue to press China in that direction. As a nation dedicated to freedom and the rights of the individual, we have a responsibility to speak out when those rights are violated, whether at home or abroad.

The most effective way to influence change in China is to engage the Chinese government in ways that emphasize open trade and democratic reform. If we attempt to isolate China, the reality is that we will lose jobs to other nations that will not cut off trade, but rather take advantage of the situation. With PNTR the United States can use the WTO to eliminate unfair Chinese trade barriers that exclude American products. Failing to pass PNTR simply gives the lion's share of trade benefits away to other nations, while doing nothing to help U.S. workers and consumers.

It is critical that we adopt the approach of opening China up through increased westernization of the Chinese people. Trade and contact is building greater desire for western ways, including democracy. The Chinese people have a long history and change will be slow. The way to fight for progressive reform in China is not by abandoning the playing field, but through continued exposure to democratic ideas such as free markets and free speech.

The Internet revolution has eliminated economic and political barriers throughout the world. Free markets and free speech go hand in hand. With 8.9 million Internet users and over 15,000 web sites already based within China, the Internet has the potential to offer a dramatic improvement in the quality of life for millions of Chinese citizens as well.

By offering China the opportunity to enter the community of rule-abiding nations, we have a chance to create real and lasting change in China. At the same time, we must continue to work aggressively to ensure that China follows the rules of the international trading community.

Trade and commerce will lead directly to progress and freedom. We must continue fighting for a level playing field for trade—one on which our nation, our American workers and American consumers alike can win.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. (The gentleman from Arizona delivered the following speech in Chinese.)

In the world today the single most important bilateral relationship is the relationship between the U.S. and China. Passage of PNTR not only benefits the economies of both countries, but it also advances the cause of freedom.

Mr. Speaker, I just spoke to the Chinese people in their native tongue.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair advises the gentleman from Arizona (Mr. SALMON) that those remarks may not be a part of the official RECORD unless the gentleman supplies a translation.

Mr. SALMON. Mr. Speaker, it will probably be hard to translate.

Mr. Speaker, I just spoke to the Chinese people in their native tongue about the benefits of PNTR to both our countries and how it will advance the cause of freedom.

Unfortunately, to the majority of the Americans, this debate has been framed as a stark choice between free trade and human rights. In truth, increased trade with China is both.

Many Americans understand the economic benefit of PNTR to the United States. First is the dramatic reduction of trade barriers imposed on U.S. exports of goods and services. Whether it is a car battery or a semiconductor, U.S. companies will enjoy the lowest tariffs on their products in the history of U.S. trade with China.

But free trade will also improve the human rights situation. Even His Holiness the Dalai Lama, the exiled Tibetan spiritual leader who has suffered oppression at the hands of the Chinese Government, understands the importance of engaging China. In a recent interview, he said, I have always stressed that China should not be isolated. China must be brought into the mainstream of the world community.

By saying no to isolationism and embracing engagement, we can spread the gospel of free trade, democracy, human rights, and religious freedom one worker, one village, one city, and one province at a time.

Let us all know and take note the most important export that we have is our American values and democracy. Let us not be afraid. Let us have conviction in our ideals and know that they will move China.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I rise in support of this legislation, and I do so with no illusions about China's records on human rights, worker rights, and environmental protection. I will not pretend that China is where it should be on any of these fronts.

In terms of economics, this is a one-way deal. We get significant reductions in barriers that stand in the way of the sale of American products in China. We give no greater access to America's markets for Chinese products than were provided for years and years.

Economic benefits for the United States are not the only reality that confronts us today. Another reality is that isolating China will do not a thing to bring about a more just economic or political order there.

The answer is not turning our back on China. The answer is pushing our democratic values upon China through commerce and communication with its citizens. This engagement will steer forces of individual inspiration and aspiration and initiative in China that will, in the long run, no authoritarian government can ever contain.

There is a claim here that we have to choose between American prosperity and Chinese human rights. I say choose both. Vote "yes."

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Mr. STARK. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I rise reluctantly to oppose this bill. It is a difficult bill. There is merit on both sides, but I want to tell my colleagues that I oppose passing this trade agreement before we get our fundamental values in place.

Mr. Speaker, this is one of the most difficult votes I will take, but I must rise in opposition to permanent normal trade relations for China. There are strong arguments on both sides of this issue. For some, PNTR will be a benefit. But, for many, too many, PNTR will be a burden. Clearly, certain sectors of the service industry will win by having access to China's 1.3 billion consumers. And, though not certain, I hope agriculture will win by selling our commodities. We have made some progress on the Blue Mold issue affecting North Carolina tobacco, but more progress needs to be made. In my congressional district, however, there will be too many losers.

Indeed, the results of the administration's own analysis have led some to project losses of more than 800,000 U.S. jobs with the granting of PNTR. Notwithstanding this vote, the United States and China will continue to be trading partners. But, there can be no free trade without freedom. More importantly, there can be no free trade without fair trade.

Before establishing a permanent arrangement with China, one that is not subject to annual review, we must insist on some fundamental conditions. We must end our trade imbalance; urge the Chinese to end its labor, human rights and religious abuses; force China to respect the environment and ensure that those at the bottom of America's economy benefit from the agreement comparable to those at the top. Vote against this bill.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO), who realizes that we cannot negotiate with people who randomly kill prisoners to harvest human organs for sale.

Ms. DELAURO. Mr. Speaker, I support a trade regime that advances the living standards of Americans and that creates hope for the Chinese people; and that is why I oppose permanent normal trade relations with China. Because it says one more time that we are pushing ahead with trade agreements without any regard for environmental and labor standards, and without any regard for religious and political freedoms.

We never proceed on a trade agreement without protection for intellectual property. All would concede the consequences for companies here and the rule of law there. I want to see trade bring new openness to China, new economic opportunities and the rise of freedom. But what has the experience of the past decade taught us? Look at their record. China has engaged in unfair trade practices, pirated intellectual property, participated in weapons proliferation, suppressed democracy, and acted with belligerence towards Taiwan; all this while Congress has provided most favored nation status.

Do we truly believe that by granting China permanent MFN and foregoing the yearly review that these abuses will somehow improve? Let us vote against this effort. Let us impose on China the opportunity for freedom, and if they cannot do that, they should forfeit the benefits that other nations enjoy.

Without granting permanent MFN to China, and without their membership in the World Trade Organization, our trade deficit with China has soared from $2.8 billion in 1987 to $68.7 billion in 1999. This is what happens when we are completely indifferent to standards abroad. This imbalance costs jobs in Connecticut and across the country. It hurts employers. I have listened to arguments that trade with China will bring change—that once China is open to American goods, they will also be open to American ideals of freedom. I want to see trade bring a new openess to China, new economic opportunities, and a rise of freedom. That's why I supported MFN for

China during my first years in Congress. I believed that argument. But what has the experience of the past decade taught us. Let's look at China's record.

But, China has engaged in unfair trade practices, pirated intellectual property, participated in weapons proliferation, suppressed democracy, and acted with belligerence toward Taiwan. There is no evidence that China is responding and that it deserves a new trade regime with the United States. And all the while, this Congress has granted China Most Favored Nation Trading Status. Do we truly believe that by granting China permanent MFN, and forgoing a yearly review, that this record or abuses will somehow improve?

Right now, on labor standards and Democratic rights, China is surrounded by a Great Wall. It is holding back its people's hopes for democratic freedoms. It threatens to bring down economic standards here. This Congress should say to China clearly and unequivocally that China must break down this wall, truly open its markets, raise labor standards, and freedom, or China should forfeit their rights to the benefits that all nations enjoy.

Only by voting "no" will this great body ever again debate what standards should matter in our trade relations with China. Oppose permanent most favored nation status for China.

Mr. NORWOOD. Mr. Speaker, I yield 15 seconds to the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, if we want to send a message to the Chinese people, we might as well try to mail it in a letter because they will not hear it in the sweatshops and the prisons. And the text of this bill does not do anything for them.

So if we want to send a message to the Chinese people, we should vote "no," and then we can really try to help them out.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise in strong support of granting permanent normal trade relations, H.R. 4444, for the People's Republic of China.

I have long subscribed to Ronald Reagan's philosophy on dealing with adversaries: contain them militarily, engage them diplomatically and flood them with western goods and influences. I believe a similar combination will work on China.

Many Americans are rightly concerned about human rights; and religious and political freedom in China. However, rejecting normal trading practices with China will not improve freedom in China. In fact, it will plunge China further into isolation and reduce freedom.

Pat Robertson, with the Christian Broadcasting Network, and Rev. Richard Cizik, with the National Association of Evangelicals agree that engagement with China has and will continue to improve human rights in China.

Therefore, Mr. Speaker, I strongly encourage my colleagues on both sides of the aisle to help our American economy improve human rights in China. Vote "yes" on H.R. 4444.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I rise in support of extending permanent normal trade relations status to China.

I have heard two arguments recently against granting China this trade status which I think deserve examination.

1. Critics say we should not grant PNTR status to China because we will lose leverage on all future trade agreements. This allegation represents a fundamental misunderstanding of the vast benefits this agreement offers America. PNTR status will allow the United States to establish reciprocal access to Chinese markets, for the first time. Passage of this bill will allow the United States to take advantage of the enormously favorable bilateral trade agreement negotiated with China for entry into the World Trade Organization. It should be noted that this is a one-way arrangement—China will dramatically reduce industrial and agricultural tariffs on American products while we change nothing about our trade laws. China will enter the World Trade Organization with or without Congressional approval of PNTR—but if we don't pass this legislation the consequences for American exporters will be devastating. 134 other countries will have access to the Chinese market on the very favorable terms that the United States negotiated, while we will be locked out. This is not a position of leverage—this is a position of extreme weakness. Opposing PNTR effectively isolates the United States from this market.

2. Critics say this represents a benefit from shadowy special interests, but is not in overall American interests. Opponents who believe that we should turn our backs on one of the world's largest export markets do a disservice to export dependent jobs across the nation. International trade, considering all imports and exports, now constitutes 29 percent of the gross domestic product, up from 7 percent in 1950. In Washington State, our economy is even more dependent on trade, with foreign exports alone accounting for nearly 25 percent of the gross state product. Export-related jobs represented 31 percent of the total increase in jobs in the state over the last 30 years and these jobs pay 46 percent more than the overall state average. Who are these supposed shadowy special interests then? How about the semiconductor, computer and telecommunications industries, the backbone of the New American economy—their tariff rates will fall to zero—the workers in these sectors represent a valuable special interest. Pacific Northwest wheat farmers have not been able to sell to China for more than 20 years—the bilateral agreement will open this vast market for the first time. Tariffs on Washington apples will fall from 30 percent to 10 percent, making their products much more competitive—these farmers are a valuable special interest.

This is a good agreement, and is in the interests of all Americans and all trade interests.

Aside from its importance to the agricultural community of eastern Washington, this measure is critically important to the enormous number of aerospace workers throughout our state. Over the last few months, I have been in contact with the presidents of union locals who asked my support for PNTR because it would help U.S. aerospace workers. Last week, I was visited by a delegation of union presidents who represent a national coalition of unions who are supporting this measure. They are committed to human rights and environmental protection but they are also committed to expanding the rank and file membership in their unions through expanded trade with China.

I believe Members should recognize this diversity of opinion within the labor movement. While some AFL–CIO unions are offering serious opposition to PNTR, the largest locals in my State have endorsed PNTR. The International Association of Machinists, and the Society of Professional Engineering Employees in Aerospace, both AFL–CIO affiliates, have endorsed this legislation. I would hope that Members of this body would hear the pleas of local unions that are trying to preserve their jobs and not lose access to future markets.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Speaker, 13 years ago I delivered the commencement address at my alma mater, Oklahoma State University. I entitled that speech "International Trade: Opportunity or Destruction. Which Way America?"

As I stand before my colleagues today, we are going to answer that question. We build economic opportunities for our children and grandchildren; and provide opportunities to export American values for freedom of religion, speech, and human rights to China. I want to emphasize five facts: One, we are in a global competitive world, and we are not going back. Two, 134 countries of the WTO have already approved permanent trading relationships with China. We are the only country that is lingering behind. Three, China can already enter the United States markets. That is why we have an $80 billion trade imbalance. Four, this agreement will allow us—the USA—to enter China's market of 1.3 billion people and will let us have the opportunity also to market the values that we believe in: freedom of religion, freedom of assembly, freedom of speech, and, yes, human rights. Fact five: I am a grandfather. I could step back and say, "Why should I care? This is not going to affect me." But, my colleagues, are we going to give our children and our grandchildren the tools of opportunity to compete in this global economy or place them in an unfair position to maintain America's leadership in the world. I stand in support of this legislation. We must give our children and grandchildren the tools to compete in this world.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I would like to mention some of the points today about which I think there is not nearly as much disagreement as we have had on others.

The first is I think it is perfectly clear that we have to engage China in commerce. These are the ties that bind. This is a country with a population in excess of 1.2 billion people and growing.

I think it is terribly important to point out that the Taiwanese, who have been under as much risk as anyone in the world with China's behavior, strongly support the adoption of this bill and view it as a very important step towards achieving a more peaceful resolution of their differences over the next decade.

I think it is fair to say that there is no question that the concessions the United States has extracted to further access to China are very, very strong. In Florida, my home State, there will be significant reductions in tariffs on orange juice, grapefruit concentrate, and fertilizer. And the fertilizer industry will begin to privatize over time in China.

Who will benefit under this agreement? In 1997, 82 percent of the exporters to China were small and medium-sized businesses. In my State, Florida, in 1997, 52 percent of the exporters to China were small businesses, businesses with 100 employees or less.

We are bringing China into the rule of law. One of the things that separates those that oppose this bill from those that support it is how quickly can we do that. It will take time to change attitudes, to change systems. And make no mistake about it, we will have to fight like the dickens to enforce these rules.

Finally, in closing, we need to respect and address the concerns that have been raised in opposition to this bill, and I believe the Bereuter-Levin proposal will do that and would strongly urge its adoption.

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in opposition to granting of a permanent normal trade relationship with China.

Mr. Speaker, I want to tell the story of two workers: one in Liaoyang in Northeast China and one in the 7th District in Chicago, Illinois.

They have never met. They probably never will meet.

But their fates are tied together as if they were family members . . . and their fates meet here, today on the floor of the House.

The workers at the Liaoyang Ferro-alloy Factory, the fourth largest in the city, employing 5,000 workers began huge demonstrations on May 18.

Even though the workers only earn what would be considered here starvation wages, they had not been paid in two years. The union had done nothing for them.

Because the world was watching and this vote was pending local officials could not crush the demonstrations as they did with 20,000 Yanjiazhan mine workers in a nearby city earlier this year.

As a result the factory agreed to pay back wages.

In the 7th District of Illinois on Chicago's Westside there is a mini renaissance of manufacturing. Some of it is the result of the Chicago Manufacturing Center which has offices in the same building as my district office. They are struggling to bring manufacturing back to the inner city . . . such as a plant to make awnings.

These struggling new small businesses, the engine of job creation today, and their workers are about to be thrown into unfair competition with factories in China like the one I just spoke of.

According to the U.S. Trade Representative's own model, over the next ten years, this bill wll create 276,221 jobs, but it will result in the loss of 1,148,313 jobs.

A net loss of 872,091 desperately needed U.S. jobs.

Those job losses will occur in every state and in every sector of the economy including agriculture. That's with, the job losses will occur in my state and they will occur in every state of this great union.

If all you care about is making our economy grow then you must vote against PNTR for China. Don't throw these working families into the unemployment line.

Despite the "dot Com" hype, it is the consumer spending of working families which is sustaining our economy.

If you care at all about real people, if the quality of life of our people, and the people of China matter at all to you. Then you must also vote against PNTR for China.

More than 2000 years ago the ancient Greeks taught us the fate of those who were seduced by the alluring voices and false promises of the Sirens.

Mr. Speaker, let us not be seduced by the Sirens of the 21st century, who sing of globalism as an end in itself, and who abandon our people for sweet promises.

Let us steer for our North Star, our goal of a fair economy, a level playing field . . . that's the road to global prosperity. Vote "no" on Permanent Normal Trade Relations for China.

Mr. STARK. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. ENGEL), who understands that granting PNTR would allow China to continue to regularly threaten the Democratic Nation of Taiwan and the U.S. with military attack.

Mr. ENGEL. Mr. Speaker, this vote defines what kind of a Nation we want to be. There is no doubt that business will make a lot of money if this bill passes; but are we only for the almighty dollar, or are we for morality and doing what is right? The almighty dollar or human rights? The almighty dollar or American jobs? The almighty dollar or environmental concerns?

Why can we not continue our annual review of China instead of giving them a permanent blank check? It is the only leverage we have. Is it only the almighty dollar that counts? Shame on us if it is true. Vote "no."

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, over the past several years, I have supported Most Favored Nation status for China. I have expressed my concerns about human rights in trips to China, in speeches before the National Defense University of the PLA, and at Fudan University in Shanghai. I have talked about my concerns about Taiwan. But I do believe that engagement is more productive than isolation.

This year I have been undecided up until this very moment. I have been undecided, Mr. Speaker, because of our national security, and I want to talk to that issue for a few moments.

I was a member of the Cox committee. For 7 months, I sat behind closed doors and looked at the evidence that the FBI and the CIA had relative to the acquiring of technology from America, some of our most sensitive technology. The fact that China acquired over 500 HPCs, high performance computers, when in 1995 they had none and in 3 years they had over 500. I have looked at the transfer of missile technology, which has not just helped the Chinese but also been transferred to North Korea. I looked at the fact that China was able to use our weapons design for our nuclear warheads, which has now benefited their nuclear warhead program. The access to telecommunications technology, satellite launching technology which can also be used from Irving nuclear missiles. And I looked at China acquiring encryption.

But, Mr. Speaker, through it all, when all was said and done, I looked at the fact that China was a willing buyer, but up until 5 years ago we were not a willing seller. It was not China stealing America's technology; it was a wholesale auctioning of our most sensitive technology by this White House. In every single case, the evidence points to the other end of Pennsylvania Avenue, where this President and this Vice President auctioned off America's national security. And we cannot use this debate to blame the Chinese people. We should not use this debate to say China stole our technology.

In spite of President Clinton, I will vote for MFN, and hope that a new administration will take a different tact in terms of America's national security.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. DOOLEY), who worked so hard on this piece of legislation.

Mr. DOOLEY of California. Mr. Speaker, I rise in strong support of passage of PNTR and also rise to commend President Clinton and the administration for their terrific effort to negotiate an agreement that is good for U.S. workers, that is good for U.S. businesses, and that is good for U.S. farmers.

It is such a wonderful deal because this is one of the few agreements that we have ever had the chance to vote on where the United States gave up nothing. We did not reduce a tariff, we did not reduce a quota, and in return we got significant across-the-board reductions in tariffs and increased market access, which is going to increase the influence that the United States has on the internal affairs of China.

That is important, because many of us are very concerned about the progress on human rights and religious freedoms in China. But it is inconceivable that we are going to have more influence in seeing progress in those areas by adopting a policy which further isolates the United States from the affairs in China. We are going to do more to empower the Chinese citizens to make progress in their efforts to advance democracy, in their efforts to advance greater personal freedoms by extending the hand of economic cooperation.

This policy of economic engagement is one which is going to ensure that China becomes a part of the body of nations that do comply with the rules of law. It is going to also be an instrument that is going to ensure that with additional U.S. investment and additional U.S. trade that we will see an accelerated enhancement of the per capita GDP and the standard of living in China that will also result in greater benefits and progress on human rights as well as labor and environmental conditions.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), who understands that ADM may have to change its slogan to "Supermarket to a More Polluted World" if in fact this awful resolution passes.

Ms. KAPTUR. Mr. Speaker, I rise in strongest opposition to permanent trade privileges for China.

Trade does not bring freedom. Only enforceable laws in democratic republics bring freedom. Trade does not bring peace. Before World War II, the largest trading relationship in the world was not Nazi Germany's with England. Did that stop totalitarianism's rise? Trade does not build a middle class. Only laws governing workers' rights to organize undergird the rise of a strong middle class with good wages and benefits.

This is not a fight about expanding America's export markets. This is a fight about China becoming a vast export platform 12 times the size of Mexico's, taking our markets in Asia's rim and sending a glut of sweatshop and agricultural commodities back here to our shores.

This is a heroic fight for democratic values in the harsh countryside and in the industrial sweatshops in China, in places most Americans, including this Congress, will never visit. Will we side with the chauffeured limousine class, advertisers, retailers, and global companies that soothingly tell us "everything will be all right," or will we stand with the freedom fighters in China and throughout the world?

For those fighting permanent privileges for China on the basis of democratic values. I say, hurray.

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For those courageous people in Taiwan standing tall for sovereignty and self-determination, indeed for nationhood, I say, keep the flame of liberty burning. For those fighting permanent privileges for China on the basis of religious freedom, I say, God bless you. For those fighting for one-half billion working women and girls in China be afforded dignity and respect, I say, if not with this vote, then when?

For those fighting permanent trade privileges for China on the basis of freedom of assembly, whether it is for the Falun Gong or for the murdered freedom fighters in Tiananmen Square, I say, keep standing tall in liberty's cause. Happy Memorial Day. Vote "no" on permanent trade relations with China.

Mr. NORWOOD. Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I rise in support of this most important trade agreement. Failure by this Congress to extend PNTR would squander a decade and a half of negotiations, invite the unraveling of China's extensive WTO commitments, and punish American businesses and farmers by shutting them out of the world's biggest emerging market for the foreseeable future.

The best way to encourage the type of behavior we desire is through policies that promote the rule of law, free trade, economic reform, and democratization. For these are the seeds from which democracy can grow.

Therefore, I believe we should continue to pursue our historic and longstanding policy of engagement rather than containment. Vote for this legislation.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I would actually like to take my time here to have a colloquy with the gentleman from Michigan (Mr. LEVIN).

I think that one of the things that strengthens this proposal over any of the other trade agreements that we have really has come through the work of the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska (Mr. BEREUTER). And so I would like to enter into a colloquy for the purposes of showing the American people and our friends in labor that there are some real strengths in this that are necessary for this debate to move on.

Mr. Speaker, what I would like to ask the gentleman from Michigan (Mr. LEVIN) is what tools will the Commission have at its disposal to press for better enforcement of human rights and worker rights in China?

Mr. LEVIN. Mr. Speaker, will the gentlewoman yield?

Mrs. THURMAN. I yield to the gentleman from Michigan.

Mr. LEVIN. Mr. Speaker, I thank the gentlewoman for asking about this commission that is now part of this legislation.

This is a unique commission, high level, executive, and congressional. There will be 18 Members of Congress. There will be five members, high level from the executive. So it will be monitoring human rights, the rule of law, full-time staff, every day, every month, not just one time a year. It is going to be required to report to us every year.

This commission will be empowered to make recommendations to this Congress, recommendations for action by the Congress or by the President. Its recommendations could include actions by the United States Representative to IMF or to the World Bank or legislation and recommendations regarding legislation that controls the sensitive exports.

Let me also say this commission is modeled after the Helsinki Commission. It was successful. A number of us worked with it when it was impacting rights in the Soviet Union. It was a constant pressure point, as this commission will be. It will add external pressure to the internal pressures.

There have been reports in recent days in the paper of dissidents in China, and here is what they say: A broad array of dissidents, environmentalists, and labor activists in China appear united in their support of Congressional passage of the permanent normal trade relations act with this commission and that this combines external pressure with internal.

Mrs. THURMAN. Mr. Speaker, reclaiming my time, I say to the gentleman from Michigan (Mr. LEVIN) quickly because I would also like the gentleman to talk a little bit about the antisurge provision because I think this is, too, stemming from the NAFTA. I would also like the gentleman to talk a little bit about the staff in China.

Mr. LEVIN. Mr. Speaker, if the gentlewoman will continue to yield, quickly, the permanent staff can be stationed here. It can be stationed in China.

Let me say a word about the surge provision, the toughest antisurge provision in American law. If there is an inflow of products from China that would hurt American workers and producers, workers and producers can file a complaint, swift action with the standard of causation, which will allow us to act if there is this surge.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from New York (Ms. SLAUGHTER) understands that the average Chinese worker earns 108 bucks a year, hardly enough if they spent every nickel they earned every year in the United States to make a dent in our $80 billion trade deficit with China.

Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, even as we talk on the floor, the Chinese are planning not to comply with any of this. They say already that they have a cautious, go-slow approach, otherwise they will risk widespread unrest that could undermine their rule. They are not going to comply with WTO's 5-year rule. They say they will do everything they can to shelter their industries, and that is no surprise to us.

Yesterday, on the floor, a colleague told me about a General Motors plant closing down in his district in Flint, and the last act that those workers had to do was to undo that piece of machinery and crate it up to be shipped over to its new homes and its new workers; and then General Motors had the effrontery to classify that as an export.

Do we want to see that happen to all the jobs in this country? We want to trade with China, and we will trade with China. But would it not be wonderful if, for one chance in our life, that this would be absolutely fair trade?

We are not going to be selling any goods over there. Everything is going to be manufactured there, as other colleagues have said before, and brought right back here at one-twentieth of the cost manufactured here, but it will be sold here at the maximum they could get.

Mr. NORWOOD. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me the time.

Mr. Speaker, I just want to make sure that Members understand that there is a profound difference between the Helsinki Commission, which I chair, which was formed back in 1976 to implement the Helsinki Final Act to which the USSR and the Warsaw Pact nations and others were a party to. They signed on the dotted line.

The commission that is contemplated in this legislation is a watchdog commission. It is like any other commission that might be formed, but there is no participation by China or any of the other countries in Asia, so there is a major difference. So I would hope we would no longer somehow compare it to the Helsinki Commission. There is no real comparison between the two.

Mr. NORWOOD. Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I think at this time it might help to share with us the remaining time.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Georgia (Mr. NORWOOD) has 9¾ minutes remaining. The gentleman from Illinois (Mr. CRANE) has 8½ minutes remaining. The gentleman from New York (Mr. ENGEL) has 14½ minutes remaining. The gentleman from California (Mr. STARK) has 21 minutes remaining.

Let me just repeat that we intend in the closing part of the debate to begin with the gentleman from Georgia (Mr. NORWOOD), then to go to the gentleman from California (Mr. STARK), then to go to the gentleman from New York (Mr. RANGEL), and then finish up with the gentleman from Illinois (Mr. CRANE).

Mr. RANGEL. It is my understanding, Mr. Speaker, that that order will be after a quorum call?

The SPEAKER pro tempore. That is correct.

Mr. RANGEL. So that it could very well be that we will have to have some speakers that have large amounts of time before that quorum call to call on several of their speakers?

The SPEAKER pro tempore. Correct.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, first of all I want to recognize the distinguished ranking member, the gentleman from New York (Mr. RANGEL), and the distinguished ranking member, the gentleman from Texas (Mr. STENHOLM), for their leadership on this matter.

I rise in support of permanent normal trade relations with China. If Congress does not grant permanent normal trade relations to China, it will be the worst economic mistake this country has made since the Great Depression.

Without a doubt, this agreement is good from an economic standpoint, from a human rights standpoint, from a national security standpoint. Nearly every industry in the United States will see a direct benefit from tariff reductions on American goods going into China.

Agriculture, financial services, insurance, telecommunications, information and technology, and a host of other industries will directly benefit from this agreement. Jobs will also be created to meet the growing demand for products in China.

American agriculture will benefit as much as anyone. More rice, wheat, cotton, soybeans, poultry, pork, beef and a host of other products will be sent to China directly from Arkansas and other States.

Mr. Speaker, I urge passage of this bill.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts (Mr. TIERNEY), who lives next to the area where a civil action was written, understands that passage of PNTR will lead the U.S. corporations doing business in China simply to be able to continue to avoid stringent environmental regulations.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, a vote for permanent normal trade relations with China gives up favorable United States Trade Agreement enforcement rights, it relinquishes forever any ability to use as leverage our existing periodic review process to, at least, try to effect universally acknowledged violations of human rights, including worker rights, religious intolerance, the spreading of technological and other information for dangerous weaponry, environmental degradation, and a long history of noncompliance with virtually every bilateral agreement negotiated between the United States and China in recent generations.

It does so despite the fact that it will have an adverse effect on the jobs of many who are the least prepared to deal with such a loss, and that is mostly because we have failed in advance of expanding ever-open market initiatives, to put in place effective transition assistance and worker training and re-training and health care for those who are unable to afford it through the unexpected job loss. And all of this is done unnecessarily.

Contrary to those who misinform us with claims that granting PNTR to China benefits the United States, that is inaccurate. And it is not accurate, as inferred and misstated, that in failing to give PNTR to China, we would give a benefit to the European Union that we would not get in the United States. Legal analysis shows otherwise

In fact, if China, in acceding to the WTO, grants market-opening concessions to WTO members other than the United States, then existing bilateral trade agreements between China and the United States require that China grant those same concessions to the United States, even if Congress does not grant PNTR to China.

Sound legal analysis of the controlling bilateral trade documents since 1979 show this to be true. Further, the bilateral agreements between China and the United States have far superior mechanisms for enforcing trade agreement violations than has the so far grossly slow and relatively ineffectual WTO Claims process. The need to retain our advantage of enforcement and to forego being constrained only to the WTO process is extremely important given China's history of noncompliance. In fact, it was the United States' ability to use the so-called 301 Sanctions, as allowed in the bilateral agreements between the countries that finally forced China's compliance with the 1992 Trade Agreements on Intellectual Property.

There is reason to be concerned that Chinese officials are already backing away from the 1999 U.S.-China Bilateral Agreement, which is the basis for the request for PNTR. Consider just two of several statements by Chinese negotiators and/or authoritative sources:

On wheat, where the Administration Summary of the United States-China WTO Agreement, February 15, 2000, says "China will import all types of U.S. wheat from all regions of the United States to all ports in China . . .," China's chief WTO negotiator was quoted in the South China Morning Post on January 7, 2000, as saying: "It is a complete misunderstanding to expect this grain to enter the country . . . Beijing only conceded a theoretical opportunity for the export of grain."

The USTR fact sheet states: "China will allow 49% foreign investment in all services, it will allow 50% foreign ownership for value-added in two years and paging services in three years. In contradiction, AFX-ASIA, November 22, 1999, asserts: ". . . foreign companies will be allowed to acquire the 25% stakes in operators of local commerce, long distance and international calls, and the maximum permitted foreign stake in telecom operators will be raised to 49% six years after WTO entry, the official in the ministry's [China's Ministry of Information Industry] policy and regulation department said."

The list goes on and on, but it should be noted that the United States Trade Representative has publicly stated that major differences remain on the "commitments on a wide range of WTO rules including subsidies, technical standards, a mechanism to review implementation and many other issues."

This is not an argument over trade or no trade. Despite attempts by some to paint those who would vote "no" on PNTR as isolationists, I—and most other objecting parties—support trade, and support trade with China. We have $80 billion of trade with China now as well as a trade imbalance (in China's favor and not in our interests) of $70 billion per year. No one proposes ending trade with China. What is opposed is the expansion of trade privileges to China without retaining the ability to enforce effective compliance with those trade agreements. Furthermore, there is opposition to surrendering what appears to be a final opportunity to inject into multi-lateral trade agreements protection for workers, for the environment, for human rights and against religious intolerance. It is a chance to retain some leverage against China's long standing conduct of making weapons of mass destruction or related technology and/or information available to nations such as Pakistan and Iran, all very much against our national security.

That other countries in the WTO have poor records in some of these areas also, is not sufficient reason to forego the annual opportunity to raise these issues with China. The WTO is itself flawed by the absence of mechanisms to review individual members' compliance with reasonable international standards in these areas. While no one contends that every country must meet the exact standards set by the United States or any other nation, there certainly are recognizable thresholds of conduct (child labor, the right to associate, the right to believe in one's religion) that should and could be negotiated and incorporated in trade agreements.

We would be remiss to add a country as large as China, with such an atrocious record, without first seeking to correct deficiencies in the WTO. At the very least, if such a country is to be allowed to join WTO, some review of its conduct in complying with international norms or evidence of improvement in these areas over time, should be required.

My colleagues DAVID OBEY and BARNEY FRANK have made several good points in recent presentations on the issue. "As trade between highly developed, high wage countries, and under developed low wage countries has become a larger and larger share of the mix, negative side effects have appeared in high wage countries like ours. A downward pressure on wages because of that expanded trade between very unlike economies has reinforced other economic trends and policy actions, producing an ever widening income gap between those that invest and those that work. A rising tide no longer lifts all boats. In fact, the ability of those with large amounts of capital to pay any price necessary for what they want has, in the global economy and local neighborhood alike, driven some costs far above what can be afforded by those whose boats are anchored to low wages. That has happened with the price of housing. It has happened with the price of education—especially at private institutions. It has happened with the price of medical care."

"Downward pressure on wages in economies like our own have been accompanied by greater incentives to minimize environmental costs that go into any product because we are told these products are in competition with products produced in countries with much less concern for either well-paid workers or well-protected environments. This has made it more difficult to protect gains that industrial countries have made in raising workers' living standards or cleaning up the environments in which they live.

There is no question that in macro economic terms, totally open trade can produce more goods at lower costs worldwide. And normally that would be a blessing.

But when that becomes the only goal, or at times the only result, it carries a high price for those who do not possess large amounts of capital because their wages cease to rise. And the communities they live in come under pressure to allow corporations to do less and less to clean up pollution, all in the name of remaining globally competitive in a world where there are almost no restraints on the movement of the power of capital and ever increasing restraints in the power of everything and everyone else—governments, consumers, and labor."

No one expects equal income for all people. The need for society to have risk takers who can amass wealth for investment to produce economic growth for everyone is bound to produce inequality. "But as Pope John Paul once observed, there are certain "norms of decency" that must be respected in order to produce economic justice and the social cohesion that is necessary for any economic system to function." The last decades have produced just the opposite—the widest gap between the wealthiest one percent of our people and the least wealthy twenty percent—at any time since the birth of the twentieth century.

Since new globalized trading realities have helped produce the problem, they must also be part of the effort to fix it. Trade agreements are an appropriate place to address such issues. While Alan Greenspan, the Chairman of the Federal Reserve, asserts that we must not allow our "inability" to help workers who are being injured to reduce our support for open trade, I believe BARNEY FRANK has it more accurate when he says, "The problem we face is not inability, but unwillingness to do so."

It is appropriate to set new trading rules, new sets of power relationships, and wider representation of interest at the negotiating table. Congress should have a commitment, as should society, to greater educational opportunity and training opportunities for workers and children in working class families. It should have a greater commitment to health care for every person regardless of financial circumstances, especially those of families of workers whose corporate employers are being squeezed by the pressures of globalization to shrink the safety net businesses used to provide.

In essence, this vote is about doing all the right things before and not after we give away our leverage to obtain them.

The real shame of this debate is that few people understand that we can, in effect, retain our leverage to enforce the values in which we believe and continue to trade. A more honest debate with less demagoging and less misinformation—as well as a willingness by those who stand to gain a tremendous amount economically to acknowledge and not dismiss the concerns of others—could have resulted in Congressional action that would have protected all Americans.

The American public will not be pleased when analysis shows that Congress has unnecessarily voted to surrender the U.S. capacity to best enforce its interests. It will be all the more unhappy when it hears that Congress did so while also giving away our only leverage to protect fundamental individual rights of autonomy and association, and to safe guard distributive justice and social well being of a sort that cannot be measured by maximization of corporate shareholders returns or aggregate monetary wealth.

I ask for a vote against this, Mr. Speaker.

Mr. NORWOOD. Mr. Speaker, I reserve the balance of the time.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, it is my understanding that there may be a motion to recommit that involves what would happen if there was armed conflict between China and Taiwan.

In my judgment, if this motion were approved, language would be attached to the bill requiring the United States to withdraw PNTR from China in the event of a Chinese attack on or blockade of Taiwan. This language is in direct violation of GATT Article I which requires that all WTO members grant each other "any advantage, favor, privilege, or immunity" provided to other countries "immediately and unconditionally." And this would, in fact, be a condition.

A condition like the one included in the motion to recommit is discriminatory and disadvantageous, violating this fundamental WTO principle. If it is adopted, we will lose the full benefits to America's farmers and workers of the strong rules-based and enforceable market opening agreement we negotiated in November.

Let me assure my colleagues that even without the approval of the motion to recommit, the United States and the Congress retain the authority to take whatever actions we deem appropriate to address our national security concerns in the event of a blockade or attack on Taiwan.

Article 21 of the GATT agreement states that nothing in the agreement "shall be construed . . . to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests . . . taken in time of war or other emergency in international relations."

This provision has enabled the United States to conduct embargoes against Czechoslovakia in 1949, Nicaragua in 1985, and the embargo we have maintained against Cuba since 1962. All of these nations were WTO members at the time, and in each case the United States's position was upheld.

Though this motion seeks to protect Taiwan, I would argue that it will do just the opposite. Approving this motion will send a dire message to the Chinese that no longer is the United States interested in working with China openly, no longer do we seek to change China by bringing it into the greater community of nations and exposing it to the rule of law. Rather, we will be starting down the road of isolating China from the world and encouraging mistrust and conflict. If this latter course of action is taken, I firmly believe that Taiwan will be put at risk.

Indeed, the Taiwanese Government is the first to point out these points in its support of Chinese accession to the WTO and its support of our extension of PNTR for China.

If my colleagues are truly concerned about the welfare of Taiwan, I urge my colleagues to oppose the motion to recommit and to vote for the bill.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

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Mr. HOYER. Mr. Speaker, I rise today as one who has consistently voted against normal trading relations for the People's Republic of China. Today, however, I will vote for PNTR because I believe the facts have dramatically changed. Our deep disagreement today is not on the ends that American policy seeks to achieve, adherence to human rights and worker rights by all nations. Our difference is on the means to achieve those ends.

Contrary to what critics say, PNTR provides no blank check for China. In fact, China has agreed to make historic trade concessions that it has never agreed to before, opening its markets, slashing its tariffs, and agreeing to abide by the global trading system based on the rule of law. If they renege, so can we. In contrast, our annual votes never required China to make any concessions whatsoever. Still, China has received NTR status year after year after year. At best, our annual votes on NTR had a minimal effect in mitigating repression and human rights in China. As the current ranking member and for a decade chairman of the Helsinki Commission which monitors and advocates human rights, I believe that the Levin-Bereuter proposal is an important contribution to this bill. The bipartisan proposal would establish a congressional executive commission on China. As our experience with the Helsinki Commission indicates, a China commission will be a more effective mechanism for maintaining pressure on China on human rights, worker rights, and rule of law issues than our brief annual reviews.

Let me conclude, Mr. Speaker, by noting that this vote also is critical, in my opinion, for our core national security interests, which include the stability of China and Asia in general, and the peaceful resolution of differences between the PRC and Taiwan. That is why our allies in the region support PNTR and China's accession to the WTO. Engaging China through trade and the WTO enhances, in my opinion, the possibility for dialogue on other security interests from the proliferation of weapons of mass destruction to global climate change.

Mr. Speaker, as the most powerful Nation on Earth, we have a responsibility to engage China, the most populous nation on Earth and move it, if we can, toward democratic reform, market economics, the rule of law, and respect for basic human rights. As President Kennedy stated in 1962, "Economic isolation and political leadership are wholly incompatible. The United States has encouraged sweeping changes in free world economic patterns in order to strengthen the forces of freedom." These words still ring true today. Let us seize this opportunity for a more stable and safer 21st century.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise in opposition to the permanent normal trade relations with China. Today's Detroit News quotes a business executive's position on China, and I quote: "We're not interested in China per se but free trade." This executive said it all. Proponents are not interested in fair trade but free trade, where the United States once again freely negotiates away our markets, our jobs, our values, our ideals and our beliefs.

In 1993, I raised the issue that these free trade agreements would jeopardize the natural resources of our country and of our Great Lakes water. I was ridiculed. But now we know that I was correct. Under these free trade agreements, despite assurances and side agreements, our sovereignty over our own natural resources are at risk. The Nova Group's proposal to ship Lake Superior water demonstrates the economic feasibility to ship Great Lakes water to China. This is the first drop in a flood of attacks that will come on our Nation's natural resources and our own sovereignty, all in the name of free trade.

As a country, as elected representatives, as Americans, we stand for principles, values and beliefs that are not free but fair. Do not freely give away our natural resources, our sovereignty and our American beliefs and ideals. Vote no on permanent normal trade relations with China.

Mr. Speaker, I rise in opposition to Permanent Normal Trade Relations with China.

Today's Detroit News quotes a business executive's position on China, and I quote: "We're not interested in China per se, but free trade." This executive said it all! Proponents are not interested in fair trade, but free trade, where the United States once again freely negotiates away our markets, our jobs, our values, our ideals, and our beliefs.

A year ago, over 200 Members of this House joined to stop the illegal steel dumping by China and others in our market. China freely dumped steel while negotiating this deal. Miners in my district and steelworkers all across this nation were laid off because of illegal dumping of steel by China.

In the 90's, the U.S. negotiated four major trade agreements with China, from beef to auto parts, each violated with impunity—no remedy and no sanctions. More "free" trade.

Is it no wonder our trade deficit continues to soar each month? China is now the second largest contributor to our trade deficit which now stands at $70 billion per year. This year China will surpass Japan as our largest trade deficit partner. More "free" give away trade!

In 1993, I raised the issue that these "free" trade agreements would jeopardize our natural resources such as Great Lakes water. I was ridiculed, but now we know I was correct. Under these "free" trade agreements, despite assurances and side agreements, our sovereignty over our own natural resources are at risk. The Nova Group's proposal to ship Lake Superior water demonstrates the economic feasibility to ship Great Lakes water to China, and this is the first drop in a flood of attacks that will come at our nation's natural resources and our own sovereignty, all in the name of free trade. As the business executive said, "We're not interested in China per se—but free trade."

We, as Members of this House, must be interested in China, its people, our people, our constituents, our American ideas, and our American values and we should only freely export ideals, principles, and our American values such as: families should be allowed to freely have children—not forced abortions and sterilizations; products and goods produced should be produced with pride and ingenuity—not by prisoner and child labor; freedom to assemble, organize and question your government—not crushing ideals of freedom, hope, justice, and religious freedom with tanks in Tiananmen Square.

As a country, as elected representatives, as Americans, we stand for principles, values, and beliefs that are not free but fair. Do not freely give away our natural resources, our sovereignty, our American beliefs and ideals. Vote "no" on Permanent Normal Relations with China.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I voted for the African Growth and Opportunity Act and CBI because those regions of the world had never had an opportunity to have a trade agreement with our country. But today I rise in opposition to permanent normalization of trade with China. I have said that PNTR should stand for perpetrating a notion of trade reform. Perpetrating a notion that China will change, perpetrating a notion that environmental conditions will improve, perpetrating a notion that we will be more secure, and perpetrating a notion that human rights will improve.

Let us trade with China, but let us not fool ourselves. Let us not reward China for noncompliance. I tell my son Mervyn, who is 17, You do right, I will help you. You do wrong, you will get nothing from me. That is what we should tell China: You do right, we will trade with you. You do not, we will not.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman for yielding me this time.

Mr. Speaker, the average American in 1998 made a nickel less in real terms for 1 hour's worth of labor than they made 18 years before that in 1980. What we are engaged in today is a race to the bottom, a race to pay the lowest wage, a race to give the least benefits, a race to not have a safe workplace, a race to not have to worry about the environment. The Chinese Government said that we will reform. My position in opposition to this bill is they should reform, and then we should revisit the issue. We owe this generation and the next generation of American workers hope in their economic future. We do not give that to them today.

Mr. Speaker, I rise first to express my strong opposition to granting China Permanent Normal Trade Relations. Until China reforms its worker rights and establishes environmental standards, approval of their status is simply another stop in the race to the bottom of the economic barrel. Secondly, as I listen to my colleagues rise in support of this bill or, conversely, to voice their opposition, I cannot help but think that we must focus our attention on the broader trade policy goals of the United States.

This week's vote on PNTR deals with only one of the two pillars that the world trading system is built upon—open markets. While this is a very important objective, we must place equal value on the second pillar—rules against unfair trade. We all know what happens if we continue to strengthen just one half of any foundation, while ignoring the other half. Eventually the entire structure will come crashing to the ground. The international trading system is no different. As we talk this week about opening up the world's largest market, let us not forget about the importance of enforcing the rules of fair trade.

The United States and the World Trade Organization (WTO) are not committed to free trade. However, free trade must also be fair trade. That is why there are internationally established rules, and U.S. laws consistent with these rules, which serve to protect domestic industries from being wiped out by unfair foreign trade practices. Unfortunately, these rules against unfair trade are only as good as the bodies that enforce them, and our own International Trade Commission (USITC), in particular, has decidedly chosen to ignore its mandate to uphold the laws.

In recent cases, the USITC has denied relief to American industries injured by unfairly traded goods. In fact, the current USITC Commissioners individually have voted in favor of U.S. industries less than half the time in investigations and contested sunset reviews, even after the U.S. Department of Commerce has found that U.S. industries have been victimized by massive foreign dumping.

Understanding that these industries that are losing before the USITC are not merely crying wolf. Because of the enormous industry-wide commitment that is required to bring an anti-dumping or countervailing duty case, only the most dire cases ever come before the ITC. These are industries that have been bloodied and battered by lengthy assaults from foreign industries, and have turned to the U.S. government and its supposed policy of zero tolerance for unfair trade as their last resort. Until the USITC reverses its record, or its responsibilities are assumed by another agency, I believe its policy toward American trade laws should be made known.

Although the American steel industry is not the only industry that has been victimized by decisions handed down by the ITC, it is one that I can speak of personally because it is such a vital industry to the people of my district. At the height of the recent steel crisis, the American steel industry and its workers filed several cold-rolled steel cases. The facts were simple: thousands of workers lost their jobs; five steel companies went bankrupt; operating profits turned to operating losses; and the U.S. Department of Commerce eventually found that twelve countries were dumping at substantial margins. Yet somehow the USITC determined that the domestic industry was not injured by this illegal dumping. Perhaps, it is time for the USITC to reevaluate its understanding of the world "injury," because there are thousands of American steelworkers who have an entirely different understanding.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, today we are going to make an economic decision, but we are also making a moral decision. I believe that being an American means something. The thousands of men and women who have sacrificed their lives for this country did so out of reverence for its values, individual liberty, personal dignity, self-determination. When we encourage unrestricted trade with a nation like China, which disregards these values, we dishonor America's heroes. China uses child labor, slave labor, and allows abhorrent working conditions to flourish. It persecutes Christians, Buddhists and other religious people, threatening them with fines, imprisonment and even death. I believe our national honor depends on us standing with the persecuted in China, our own workers and against this trade deal for multinational corporations.

Mr. Speaker, granting China permanent normal trade relations is a mistake for our workers, our businesses and our democratic values.

Mr. STARK. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, as I tried to make my case earlier that this trade agreement is just not in fundamental American interests, I would like to restate that argument very briefly. If we both, America and China, dropped our trade quotas, dropped our tariffs to zero, we would lose control over imports and China would not. China has a nonconvertible currency. They have a second level of control, because you cannot get the foreign currency to buy goods and bring it here.

We have heard many, many arguments today also about the salutary effect of business. When I was young, I believed in the Tooth Fairy, I believed in Santa Claus, and I believed that all these good things just came sort of naturally. Later on I figured out that my parents made deep, deep sacrifices and worked hard to put things on the table so that we could have things in our family. The problem here is that we would like to believe that trade will automatically change everything, that it has this wonderful transformative effect.

But the truth is that generations before us made deep, deep sacrifices. They knew that it was more than about business, that the business of America must be more than business alone. They made broad sacrifices. They did not see their business as business alone. They saw the business of America as pressing hard on a broad set of human values, of human rights, of civil liberties, of the rule of law. We must stand in that tradition today.

About 2,500 years ago, in a space not much larger than this, 300 Spartans stood tall against 100,000 Persians. With typical candor, our Republican friends have said that this vote would not be called a moment before there were 218 votes. We do not need 300 Spartans today to keep the forces of darkness back. We only need 217 others to stand in this space.

History is focused upon this Chamber. As Abraham Lincoln said in sending the Emancipation Proclamation forth, "Let our actions be judged by beneficent history and a just God." And if each and every one of you can say that you are willing to be judged by history and by God based on your actions today, then I will be comfortable with your actions. Do what is right. Do what is right today in this Chamber.

Mr. STARK. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we have heard today from many of our colleagues who say they recognize that human rights in China are deplorable. They recognize that the environment is damaged by China wantonly without regard to what it will do to future generations. We recognize that political prisoners are imprisoned every day and that human rights and religion are trod upon. Everybody says that that is going on in China. There is no disagreement. Some people have said, Let's have a commission. Well, if you have been like me and served on a children's commission and a Medicare commission and a Social Security commission, you know that in this town to create a commission is to prevent anything from happening. I dismiss the idea of the Levin-Bereuter commission as a fig leaf which will do nothing to change China's behavior.

But I would also like to suggest that the harm done to America may not be very great if the people who want most favored nation prevail; it is just who you are going to hurt and who you are going to help. Arguably those people pushing for most favored nation are trying to help General Electric and the huge corporations that are already the richest in history. And so if this passes, those corporations will all make two bits, 50 cents a share more in earnings. And that will help millions of Americans a few bucks here and a few bucks there, and it will probably help the CEOs of those corporations get another million or two in stock options.

Who is it going to hurt? I will tell you who it is going to hurt. It is going to hurt probably a couple of hundred thousand Americans real bad. It is going to hurt those people who are going to lose their jobs overnight. They are going to get hurt 30 or 40,000 bucks because they are going to be out of work. They may lose their homes; they may lose a chance for their children to go to college. But I do not suppose anybody cares about them because the truth is those people may lose their jobs in 10 years, anyway, through the growth of technology because they do not have the training to keep up.

□ 1530

They are the people who still work with their hands in factories, they still have minimum skills, they do heavy lifting in warehouses. They are the people that we are running higgeldy-piggeldy to eliminate from the workforce because they belong to unions and cost us a lot in benefits.

So when you think about how you are going to vote, you can think about those families who may be looking for Hamburger Helper on the dinner table because Dad lost his job as a result of this, or you can think about the people who are already making millions of dollars in stock options and the people whose pensions are a little higher. If you are a Federal employee and in the C fund, your retirement is going to do a little better.

That is it. It is as simple as all that. The big corporations get helped big time, and a few of our middle-class Americans have their lives destroyed if you vote for this terrible, terrible giveaway of our leverage to make China do the right thing.

Mr. NORWOOD. Mr. Speaker, I am delighted to yield 5 minutes to my friend, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in March of 1941 our former colleague, Carl Anderson, a Representative from Minnesota, warned us about the danger of arming potential adversaries. He said then that the chances of war with Japan were 50–50, and, that if our fleet had to meet the Japanese fleet, we would meet a fleet which was built with American steel and fueled with American petroleum.

A few months later at Pearl Harbor, 21 American ships were destroyed, 300 planes were destroyed, and 5,000 Americans were killed and wounded by a Japanese fleet that was built with American steel and fueled with American petroleum.

Well, whichever side of this debate one is on, everyone here has to concede American dollars are arming Communist China today. Let us look at what they have done with the $350 billion that they have amassed in trade surplus over the last 8 years. The Sovrenny class missile destroyers, straight from the Russians, designed for one purpose, to kill American aircraft carriers, were purchased with American trade dollars. The SU–27 fighter aircraft, high performance aircraft, capable of effective warfare against America's top line fighters, were purchased with American trade dollars. On top of that, kilo class submarines, AWACS aircraft, air-to-air refueling capability, sophisticated communications equipment, all purchased with American trade dollars, and compounding the danger, China's own sales to nations like Iraq, Iran, Libya, Syria and North Korea of components for weapons of mass destruction.

Mr. Speaker, we have just left the bloodiest century in the history of the world. In a way it is a century of triumph for America. The story of the 20th century is the story of a great Democrat President, FDR, who stood with Winston Churchill against Germany's Hitler. It is the story of a great Republican President, Ronald Reagan, who faced down the Soviet empire and disassembled Soviet Union.

But it is also a story of tragedy, because 617,000 Americans lie in cemeteries across this country and in the oceans of the world and the battlefields of the world as people who were killed in action saving the world for freedom in this last century.

Many of them fought in wars for which we were unprepared; that is a tragedy of the 20th century. But the greater tragedy, which could be the tragedy of the 21st century, could happen if this country, having fought and bled and sacrificed to dissolve the Soviet empire, through a massive infusion of cash produces, by our own hand, another military superpower, and if the cemeteries of this country one day hold the bodies of Americans in uniform killed with weapons purchased by American trade dollars. That will be the greatest tragedy of this new 21st century.

Mr. Speaker, let us avoid that tragedy. Vote no on PNTR.

Mr. CRANE. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I rise in support of the legislation.

We have hammered out an agreement that safeguards the legitimate interests and concerns of Alabama's coke industry and assures the long term viability of that industry. This is not only a victory for the coke industry and its employees, but also for Alabama's coal industry which supplies the basic raw materials for the production of coke.

I was skeptical of this agreement at first because of my concerns about our national security and China's human rights violations. However, I am now persuaded by the support for this agreement by the Taiwanese government, dissidents within China, and reformers within their government that it is not only in our best interests, but will also encourage the likelihood of positive reform of their poor record on human rights and religious persecution.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from California (Mr. DREIER), who has played so vitally important a role in this effort.

Mr. DREIER. Mr. Speaker, over the last 2 decades we have observed incredible changes, the cause of freedom, both economic and political freedom, sweep across our globe. I recall very well 10 years ago this last October as the Berlin Wall was getting ready to come down, we heard a speech from the first elected leader of South Korea, one of those countries which we maintained an economic tie with and brought about economic reform and political reform in. He said in his speech here, "The forces of freedom and liberty are eroding the foundations of closed societies. The efficiency of the market economy and the benefits of an open society have become undeniable. Now these universal ideals, symbolized by the United States of America, have begun to undermine the fortresses of repression."

I was struck with that speech that he gave a decade ago right here in this Chamber; and, Mr. Speaker, if we stand with the likes of Colin Powell, the Dalai Lama, Billy Graham, the former Presidents, and a wide range of leaders in China and dissidents who understand the power of opening this up, we will one day see the first elected leader from the People's Republic of China stand right here in this Chamber delivering a familiar, similar speech.

Mr. Speaker, with that, I encourage my colleagues to vote yes on what many have described as the most important vote of our careers.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means and a gentleman that has contributed so much to this debate.

Mr. LEVIN. Mr. Speaker, I thank the gentleman, my brother, for yielding me time.

Mr. Speaker, I want to thank all of my colleagues on both sides of the aisle and especially, if I might, the gentleman from Nebraska (Mr. BEREUTER).

I want to comment briefly on some of the arguments here, for example, the job loss, the reference to 800,000, based, it is said, on an ITC report. But here is what the ITC says, that that briefing paper in several ways misrepresents the work and the findings of the ITC.

But China will become increasingly a competitor, and that is why we have an anti-surge provision, the strongest in American law.

It is also said China never has abided by a trade agreement. That is not true. They have abided in part in some. But it is going to be a special challenge to implement compliance by China, and that is why we have in our proposal additional resources and a provision for an annual review within the WTO sought by the U.S.

Human rights, the annual review has not been an effective mechanism. It was not used after Tianenman, and there is no strategy for its effective use in the future. We can do better. We can do better. The Helsinki Commission-type will help us. It will be up to us to make sure it will do better than that. That commission worked despite, not because of, the Soviet Union.

We should not isolate China, nor should we in the U.S. isolate ourselves from pressing China to move in the right direction.

Passing PNTR will allow us to actively engage China and constructively confront it. Rejecting PNTR would likely lead to chaos in our relationship with China, making both active engagement and constructive confrontation far more difficult.

This debate is about difficult judgments about a huge country far away, and about immense pressures much closer to home. Democracy is about resolving competing and conflicting pressures. Taking these pressures fully into account, there are important occasions when we must rise above them. With leadership, a democracy can be more than the sum of particular pressures. Today the challenge before us in this House is to exercise such leadership. Today the challenge is before us. Let us meet that challenge.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I want to commend the gentleman for his work on the commission.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, greed has rolled in like a bulldozer over all of the numerous logical reasons supporting the denial of a permanent trade agreement with China. The mega-profits to be realized by the corporate elite are so overwhelming that this juggernaut cannot be halted. What an irony it is that the larger part of the evil empire is now going to be a recipient of large-scale investments from the leader of capitalism in the free world.

This act will have tornado-like devastation on the employment of hundreds of thousands of ordinary men and women in this Nation. Workers on both sides of the world will be the victims of this agreement. Chinese laborers paid 25 cents per hour or less will fill the bank accounts of multinational corporations. American workers will be forced to struggle harder and work more hours as industrial and manufacturing jobs are moved to China. Only lower-paying service jobs or high-tech positions requiring a college education will be left on our shores.

Mr. Speaker, it is irresponsible to consider trade legislation like this without considering the consequences. We need to right now begin to prepare for all those workers that are going to be thrown out of work. I urge a no vote on this legislation.

Mr. STARK. Mr. Speaker, it is a great privilege to yield 5 minutes to the distinguished gentlewoman from California (Ms. PELOSI), who has been a leader for human rights, for dignity, and for fair trade with China for many years.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time so generously.

Mr. Speaker, today Congress is poised to take a vote which will define us as a Nation. We will decide whether we will uphold the principles upon which our great country was founded. We will decide if we will support the pillars of our foreign policy, promoting democratic values, stopping the proliferation of weapons of mass destruction, growing our economy by promoting our exports abroad, or if we will squander our leverage to please some in the business community who do not share our responsibility to the public interest.

In the public interest, I am pleased to join in opposition to this PNTR resolution. I am pleased to join the American Legion, the Veterans of Foreign Wars, the National Catholic Conference of Bishops, the International Campaign for Tibet, the China Democratic Party, the Sierra Club, and many other organizations committed to promoting human rights, fair trade, and protecting our environment.

In the course of the debate preceding today's vote, some have said that the annual review of China's trade status has not been useful. They failed to mention that conditioning MFN on improvements in China's trade, human rights and proliferation behavior has never become law. It is the Bush-Clinton policy which has prevailed every year and produced record deficits. This year it will be over $85 billion in trade deficit with China, more people in prison for their political and religious beliefs than at any time since the cultural revolution, and an expansion in China's proliferation activities, from Pakistan, making South Asia a more dangerous place, to Iran, making the Persian Gulf a more dangerous place, to Libya, threatening stability in the Middle East, as well as threatening the security of Taiwan.

□ 1545

Most recently, this Libyan sale was in March of the year 2000; this is current and ongoing. And despite the failure of this policy of turning back or conditioning MFN, now called NTR, on improvement in these areas, despite the Bush/Clinton failure, they are asking us to make it permanent. On top of all of that, there is little reason to believe that the Chinese will comply with this trade agreement.

They have violated every bilateral agreement with the U.S. that they have signed on trade. We must not let the Beijing regime dictate the terms of surrender of our annual review of the U.S./China relationship.

Mr. Speaker, China's trade surplus of $85 billion for this year enables the Chinese Government to buy products, to buy political support and to buy silence from countries throughout the world. But we must not be silent, we must speak out for freedom, because it is in our national security interests to do so.

Democratic countries do not invade their neighbors. Democratic countries respect the rule of law, facilitating, for one thing, trade. We must speak out for freedom, because it is the right thing to do and honors the sacrifice of our country's founders.

Before I close, I want to say, I think that this has been a very constructive debate. The Members have been very courteous to listen and to exchange ideas in a very, shall we say, spirited way. And I want to thank all of my colleagues for listening and to those who have listened, as we ponder our vote today, I want my colleagues to think of two questions. First of all, what credibility do we have as a country that is the leader of the free world to speak about freedom?

Mr. Speaker, I want my colleagues to ponder two questions; what credibility do we have as the leader of the free world to speak out against human rights abuses anywhere in the world if we will put deals ahead of ideals in China?

Finally, what does it profit a country if it gains the whole world and suffers the loss of its soul? I urge my colleagues to vote "no."

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces that the gentleman from Illinois (Mr. CRANE) has 7 minutes remaining, the gentleman from Georgia (Mr. NORWOOD) has 4½ minutes remaining, the gentleman from New York (Mr. RANGEL) has 4½ minutes remaining, and the gentleman from California (Mr. STARK) has 4 minutes remaining.

Mr. CRANE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to take advantage of this opportunity to commend my colleagues on the other side of the aisle who are supportive of this effort that we are initiating here with Mainland China, one-fifth of the world's population. And I want to congratulate them for the support they gave us just 2 weeks ago, when 309 Members on a bipartisan basis supported my Africa bill and the Caribbean Basin bill, and we made an outreach to underdeveloped portions of the world in sub-Saharan Africa. And it is because of our belief that, based upon experience with the 48 countries there and the 700 million population, that kind of an outreach has a positive effect and it does raise the standards, the human rights issues are addressed when we have this kind of contact.

While we have more ways to go with some of the other sub-Saharan African countries, and we do with China, too, this is a positive initiative working in the right direction, and I think everyone who supports it should be commended.

Mr. Speaker, I reserve the balance of my time.

Mr. NORWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. DEMINT).

Mr. NORWOOD. Mr. Speaker, I reserve the balance of my time.

CALL OF THE HOUSE

Mr. STARK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 226]

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

□ 1614

The SPEAKER pro tempore (Mr. LAHOOD). On this rollcall, four hundred nineteen Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. The Chair announces that the gentleman from Illinois (Mr. CRANE) will yield 2 minutes to the Majority Leader, and then we will have closing statements from each of the managers beginning with the gentleman from Georgia (Mr. NORWOOD), who will have 4½ minutes; the gentleman from California (Mr. STARK), who will have 4 minutes; the gentleman from New York (Mr. RANGEL), who will have 4½ minutes; and the gentleman from Illinois (Mr. CRANE), who will have 4 minutes.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY), our distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, I support permanent normal trade relations with China because I profoundly believe that it will advance the cause of human rights for the Chinese people. Mr. Speaker, I believe free and open trade is not only the best way to make China a free and open nation, but it may be the only way.

A vote to open the China market and the world experience to the Chinese people is a vote to open markets. What is a market, Mr. Speaker? Market is simply an arena in which there is a sharing of information about market transactions, informations about desires, wants, hopes and dreams, and economic conditions.

But, Mr. Speaker, one cannot share that information about economics without also sharing information about culture, politics, religion, and values. Information, Mr. Speaker, is the life blood of a market. It is also poison to dictators, because dictators know that it is the truth that will set one free. They also know that, in a modern technology age, information is the basis by which one acquires truth.

When we open the China market, citizens from all over China will be carrying devices like this, a simple little pocket PC. With that PC, they can connect to the Internet every bit of information about culture, religion, markets, economics, and freedom and dignity available on this Earth. They cannot be stopped.

It is said, Mr. Speaker, that the pen is mightier than the sword. I would argue that the PC is mightier than the shackles of tyranny.

When the people of China are free to transact in world markets, and when they share this information about freedom, they will learn the lessons of liberty, they will see liberty working out in the lives of the other citizens in the world, and they will demand it of their nation, and they will change their government.

The Communist hard-liners know this, Mr. Speaker, and that is why they do mischief to our efforts today. That is why they disrupt it, because they fear the freedom that comes from commerce and is contagious throughout all of human spirit.

I do not know, Mr. Speaker, what life will be for the Chinese people 5 or 10 or 15 years from now when we vote for freedom and commerce today. I cannot guarantee my colleagues that their life will be better. But I can tell my colleagues, Mr. Speaker, if we vote "no" today, if we deny them the chance, we will condemn them to a continued life of despair.

I for one choose to vote, instead, for my fondest hope, for the hope of freedom, dignity, commerce, and prosperity, for the beautiful people of China so that their children, like our children, in this wide open world can come home and say in that magical voice, Mom, dad, I got the job.

Mr. NORWOOD. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, if my colleagues vote "no" today, we have normal trading relations with China.

Jobs, American jobs, bombs, Bibles, in a nutshell, those are the three concerns that we have been talking about for the last 5 hours.

Every year, every year I have been here, we are asked to approve normal trade for China based on existing and potential progress with these three concerns in mind: jobs, bombs, and Bibles. We are told every year that, if we will just extend normal trade for one more year, that jobs in this country will not be adversely affected.

My district has lost manufacturing jobs to cheap Chinese labor every year I have been in Congress. There are others of my colleagues who fit in that category. This is not just cheap labor, Mr. Speaker, this is also slave labor.

We are told, if we just will extend normal trade for one more year, we will not have to worry so much about Red China dropping nuclear bombs on us because they are going to be much friendlier, our relationship is going to be greatly improved.

Yet, every single year that I have been in Congress, China has increased its nuclear arsenal with technology stolen from us and increased its threats to use them against American cities if we dare oppose their invasion of our allies.

We are told that, if we extend normal trade relations for just one more year, the human rights in China will surely get better, that Christians will not be jailed for having Bibles, and Muslims will not be jailed for having the Koran, the Tibetans will not be jailed for simply following their traditional religion.

Yet, every year that I have been in Congress, persecution of anyone in China who believes in a higher authority has gotten much worse. All of these things, all of them are worse after 5 years of what we have described as normal trade relations with China.

So what is our response we are considering to these violations? To grant them normal trade relations forever with no qualifications.

Here is what we must decide today. Do we allow China to profit from stealing our nuclear weapons secrets? Does China profit from violating our existing trade agreements and throwing hard-working Americans out of their manufacturing jobs? Does China profit from threatening an invasion of our friend and ally Taiwan? Does China profit from threatening nuclear attack on our cities?

Does China profit from forcing young Chinese mothers to endure forced abortions and sterilization and watch government doctors kill their child as it is being born? Does China profit from throwing Christians in jail for just having a Bible or crushing the people of Tibet when they wanted to worship as they saw fit?

There are many who support PNTR because they honestly believe that an all-out global trade, with no restrictions and no oversight, has a chance of simply overwhelming China's corrupt political and economic system. I disagree, but I respect their position and do not doubt at all their honest motives.

But there is a seamier side of the China lobby that has successfully spread false information to America's business leaders, and many of our colleagues and have basically taken advantage of those honest emotions.

We have a choice in this House today, a big choice. Our collective voice, Mr. Speaker, will be heard by billions of people around the world. People yearning and struggling for freedom, hoping, fighting and praying for democracy and human rights and peace.

Our choice will determine whether our citizens and those masses of humanity locked in darkness continue to believe in America as the great beacon of human decency and divine providence, a Nation by whose light all mankind can see that liberty still shines brighter than gold.

Mr. STARK. Mr. Speaker, I was tempted to recite Horatio at the Bridge for my colleagues, but I thought I might get more votes if I took this opportunity to recognize the distinguished minority whip to tell us why American workers should suffer ill no more.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR)

Mr. BONIOR. Mr. Speaker, I congratulate the gentleman from Georgia (Mr. NORWOOD) on a magnificent statement.

Mr. Speaker, it is almost sunrise in Gwong Dong Province in China. Soon 1,000 workers at the Chin She factory will be getting ready to go to work. Most of them are young people, some as young as 16 years of age. They work 14-hour shifts, 7 days a week. They are housed in cramped dormitories that resemble prisons. Their average pay is 3 cents an hour. They make handbags for export here to America.

□ 1630

We are told we need this trade deal to open up the vast markets for American goods, but these Chinese workers cannot even afford to buy the products they make themselves. How are they going to buy our cars, our cell phones, our computers?

We can have free markets without free people, but it does not often come to a good end: Chile's Pinochet, Indonesia's Suharto.

We should have learned the lessons of NAFTA, jobs lost in food processing, in consumer products, in high-tech; 100,000 good auto worker jobs lost forever since NAFTA. And where are those men and women today? Oh, they are working. They are working in nursing homes, at gas stations, at convenience stores, and making a fraction of what they once earned. And the jobs they used to have are now performed by workers making pennies on the dollar in Mexico's economic free-fire zone called the maquiladora.

But harsh as life can be in Mexico, China is far worse. It is a police state. And I say to the majority leader that their information is censored, including the Internet; a nation where injustice is law and brutality is order.

Alexis de Tocqueville once wrote that if people are to become or remain civilized, "the act of associating together must grow and improve in the same ratio in which equality of condition is increased."

That is what enabled America to become the most prosperous Nation in the world. It was not the forces of world commerce that enabled coal miners and steelworkers and auto workers and textile workers to take their place among America's middle class. No, it was leaders like Walter Reuther, and it was other Americans exercising their rights to form unions, to create political parties, to build women's organizations, to organize churches, civic organizations and groups. That is what the progressive movement at the turn of the century was all about.

Mr. Speaker, democracy is something that grows from the ground up. Theodore Roosevelt understood that a long time ago before any of us. It was not the global trade that created our national parks or the laws that protect our air and our water; it was the environmental movement. It was not free trade that won women the right to vote or beat Jim Crow; it was the commitment and the sacrifice of the suffragettes and civil rights leaders. It was the Elizabeth Cady Stantons and the A. Philip Randolphs, the Martin Luther Kings, and, yes, our own colleague, the gentleman from Georgia (Mr. Lewis).

The advocates of this trade deal tell us that prosperity is a precondition for democracy, and with all due respect, they are wrong. They have to grow together. While trade may make a handful of investors wealthy, it is democracy, democracy, that makes nations prosperous. Americans value trade, but we are not willing to trade in our values. We understand this approach to trade is really the past masquerading as the future. It is turning back the clock on 100 years of progress.

Some oppose this trade deal because of its impact on the environment, still others out of concern for our national security, and still others out of a deep commitment to religious liberty and human rights. But while we sometimes speak with different voices, we each share that same vision, and it is de Tocqueville's vision of a civilized society, and it is a vision of a new kind of a global economy, an economy where people matter as much as profits.

Let me close, Mr. Speaker, by suggesting to my colleagues that it is almost sunrise in Gwong Dong Province, and soon the workers at the Chin She Handbag factory will begin another day. Today, we can send them a message of hope, a message that the global economy we want is not one where working families in China and Mexico and America compete in a hopeless race to the bottom.

We have a better vision than that. It is a vision of the global economy where all have a seat at the table. It is a vision of a new global economy where none of us are on the outside looking in. At the beginning of the last century, the progressive movement began a struggle that made the promise of democracy and prosperity real for millions of Americans. Now, from this House of Representatives, we carry that struggle for human dignity into a new century. For families here in America and throughout the world, we have just begun.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. LaHood). The gentleman is recognized for 4½ minutes.

Mr. RANGEL. Mr. Speaker, this has been, I think, one of my better days in this House; to be able to listen to the eloquent exchanges on such an important issue to our country and, indeed, the world; to be able to disagree and not be disagreeable; and for people from within and without to know that this will still be the House of Representatives and the true representatives of the people no matter how the vote turns out.

Let me say this. Some 50 years ago, November 30, 1950, to be exact, I found myself a member of the Second Infantry Division, having fought from Pusan, entering in July, straight through up to North Korea sitting on the Yalu River. I was 20 years old at the time, waiting to go home, because we thought the war was over. We had beaten back the North Koreans. While we were there and General McArthur was having his fight with President Truman, hordes of Chinese, not the lovely Chinese that the distinguished Majority Leader was talking about, but hordes of Communist Chinese destroyed the entire Eighth Army, and we suffered 90 percent casualties. I do not take communism lightly.

But that was 50 years ago, and now the guy that was shot and was a high school dropout became a Member of this distinguished body, and now this United States is the most powerful country in the world, militarily and economically. And how did we get this way? It is because we do things better. We are better educated, we are better at producing. But in order for us to continue to prosper, we have to have economic growth. We have to find new marketplaces.

Yet, all of a sudden, to my shock and surprise, with the exception of Cuba, communism is not the barrier. Instead we are involved in exchange, engagement, and find those marketplaces. How can we afford to ignore over a billion people, knowing that if we ignore them that the Asians and the Europeans will not?

We come to the well here with an agreement where we are breaking down the barriers in China. Not in the United States. They have been down. This gives us an opportunity to go into those markets. And I have been throughout the United States. No one challenges me that farmers are begging to get into those markets. Silicon Valley in California, Silicon Alley in New York, farmers, businesses, pharmacists, manufacturers, the banking industry, the insurance industry are all asking us to allow them to get there and show how good Americans can really be.

We say we would like to do that, but we have deep-seated concerns about the way China treats its people. Well, we do not want to ignore those concerns. That is why we have the proposal of the gentleman from Michigan (Mr. Levin) and the gentleman from Nebraska (Mr. Bereuter), a commission and oversight that if this fails, we will not have.

I ask those people that have this compassion and concern for their newfound Communist friends in China, what if these Chinese do everything that we hate for them to do, what do we do when it comes up next year if it is not permanent? Do my colleagues not understand that we would be the bad guys for putting in place an impediment to their getting into the World Trade Organization, but they will get in anyway? We will have no way, except barking at the Moon, to complain about the behavior that we dislike.

But I tell my colleagues this. We cannot forget as Americans that we have blemishes on this human rights issue. We have descendants of slaves that sit in this body. We have people here as Members of Congress that 50 years ago could not eat in certain restaurants. We have people living in the United States without educations, without hope, without running water.

Mr. Speaker, I have not leaned on one Member in asking them to vote for this bill. I would not think that I am more of an American than they are, but I want to share with my colleagues that when people in certain districts go to sleep dreaming about human rights, they are not thinking about Shanghai; they are thinking about an opportunity in this great country.

We are blessed. Let us break down these barriers. Let us be able to go there to China. Let us maintain an annual report, yes; but daily we will monitor the conduct and let us give America an opportunity to be all that she can be. We will show them.

Cutting off communication did not work with that Communist, Castro. He has outlived close to 10 Presidents. Do not let it happen in China.

Mr. CRANE. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. HASTERT), our distinguished Speaker of the House.

Mr. HASTERT. Mr. Speaker, here we are, finally, on the floor of this great House closing the debate on permanent normal trade relations with China.

Before we move into the finality of this, I want to thank those who helped make this legislation possible. I have to thank the gentleman from California (Mr. MATSUI), the gentleman from California (Mr. DREIER), the gentleman from Michigan (Mr. LEVIN), the gentleman from Nebraska (Mr. BEREUTER), and the gentleman from New York (Mr. RANGEL). And I must say to the gentleman from New York (Mr. RANGEL), we have been talking a lot lately. They will be talking about us.

I also want to thank the gentleman from Texas (Mr. ARCHER), the gentleman from Illinois (Mr. CRANE), and my partners, the gentleman from Texas (Mr. DELAY) and the gentleman from Texas (Mr. ARMEY). I thank them all for their diligence in making this happen.

But while there is one bill being debated here today, there are actually two debates going on; two questions that have to be answered. One, is granting this status to China in the best interest of the United States and the American people? And, two, is granting this status good for the people of China?

☐ 1645

I believe the answer to both is "yes."

Among other things, this debate is about American economic security. American negotiators have reached a tough, but fair, agreement for China's entry into the World Trade Organization. It is in fact a one-sided agreement. China gets nothing from us they do not already have, and we get lower tariffs and easier access for our exports going to China. And who makes those exports? American workers do.

Regardless of whether we grant normal trade status to China, the Chinese market is opening. Someone is going to have the opportunity to sell to this vast new market. The question is who will be there when the door opens? Will it be the United States, or will it be Europe and Japan?

There will be new and larger markets for farm commodities and manufactured goods in China. Who will produce those products? American farmers and American workers or European farmers and European workers?

This vote today is about whether American firms set the ground rules and standards for business in China.

The potential for American economic growth is huge. If we pass this legislation, U.S. agricultural exports to China would increase by $2 billion every year. That means American farmers will be selling more corn and more wheat and more citrus and more soybeans.

Last year, the wireless telephone market in China was $20 billion. By 2003, that market will be up to $45 billion. Our high-tech firms would thrive in the Chinese marketplace.

It is clear that passing this legislation is in the best interest of American economic security. That is why Alan Greenspan supports it, and that is one reason why we should vote "yes."

But there is another reason. Gradual democratic reform is taking root in the hearts and the minds of the Chinese people. But for it to continue, we must clear the way for more Americans to work with the Chinese.

More trade will expose the Chinese people to powerful new ideas. Thanks to the American business presence in China, thousands of Chinese employees already have access to foreign newspapers and the Internet and to worldwide e-mail.

Today this House is doing a good thing. We are showing the people and the leaders of China what real democracy looks like.

The gentleman from Michigan (Mr. BONIOR) and I share a common goal, to help American workers and to encourage American reforms and human rights in China. But we differ on how to achieve that goal.

I believe my approach is better, and that is why I urge Members to support this bill. But I am proud that I live in a country where the gentleman from Michigan (Mr BONIOR) can be here on this floor today passionately putting forth his point of view, because that is what true democracy is all about. And, ladies and gentlemen, that is what this great House of Representatives is all about.

In addition to the privilege of serving as the Speaker of this House, I am honored to be the representative of the people of the 14th District of Illinois. Like every State in this great Nation, Illinois has a lot to offer the people of China.

So, in closing, I say to the people of China that we want to send you our corn and our farm machinery and our telecommunications equipment. But as we do, we are going to send along something more, free of charge. We are going to send you a glimpse of freedom and the ideals of Illinois' favorite son, Abraham Lincoln, the Great Emancipator. Because we want for you the prosperity and the blessings of the liberty that we enjoy.

This is a historic vote and a proud day for this body. I believe the vote we are casting today will help ensure our continued prosperity. Vote for the future. Vote "aye."

Mr. WAXMAN. Mr. Speaker, it is with some reluctance that I support Permanent Normal Trade Relations for China. I believe in free trade and I believe this agreement will bring economic growth to the United States and China, but I am highly concerned about the skewed priorities of U.S. trade negotiations and the framework of the World Trade Organization.

I voted against the NAFTA because I thought we could make Mexico negotiate a better deal with more safeguards for the environment and worker rights.

I voted against the GATT, which created the World Trade Organization, because I disapproved of establishing a world trading system that ceded our sovereignty in a number of areas, and particularly our ability to uphold laws for public health and the environment.

I would have voted against Fast Track, if it had come to the floor, because of my concern that U.S. trade negotiators were not permitted to put worker protection issues as well as environment matters on the agenda.

But according to the WTO rules that Congress ratified, and I voted against, China will be able to become part of the WTO regardless of our vote today. All we can decide here is whether the U.S. will benefit from the terms of China's accession.

Although the symbolic message of rejecting PNTR would be potent, the substantive impact could be harmful for our economic and national security interests. On the economic side, there are some who believe that we can get every benefit by virtue of the bilateral agreement signed in 1979. I think that interpretation is incorrect. To press that issue, we could end up in a destructive trade war and at the same time lose major economic opportunities to America's global competitors.

In the national security arena, I fear that in rejecting PNTR we would treat China as an adversary and that it would in reaction to our vote certainly become one. Rejecting PNTR would embolden the hardline militarists and make China even less cooperative in arms control and regional affairs. On the other hand, supporting the entry of both China and Taiwan into the WTO is an unprecedented opportunity to work with both countries on equal footing within a major multilateral organization.

Furthermore, I think our current mechanism of annual review is not working and as a threat is not credible. I have voted against extending Normal Trade Relations status to China every year to protest their denial of human rights to their own citizens, but the possibility of cutting off trade relations has become an empty threat. That is why I strongly support my colleague SANDY LEVIN's proposal to establish a Congressional-Executive Commission to provide a continuous examination of human rights in China. It will create a strong network for Congress to communicate with NGO activists in China and maintain a constant focus on local Chinese elections, grass-roots environmental activities, and the situation in Tibet.

I hope that passing PNTR will also bring greater transparency to China, and promote the rule of law. The influx of American interest, telecommunications, and media companies will democratize the flow of information beyond government control and give us new tools to scrutinize China's record on human rights and religious freedom.

Although I'm supporting this bill, I continue to have serious concerns. For one thing, I am very troubled that Chinese tariffs on cigarettes will fall from 65% to 25% over the next four years. Lung cancer and other smoking-related diseases are already the most common cause of death in China, accounting for more than 700,000 deaths annually. This tariff reduction could open the door for tobacco companies to launch their aggressive marketing tactics against a highly vulnerable population where less than 4% know the dangers of smoking. Smoking patterns could eventually cause more than 3 millions deaths a year in China, and smoking rates could sky-rocket among women and children. We have a responsibility to make sure we don't spread the tobacco public health crisis to China.

I also believe that the existing need for WTO reform will become even more apparent once China is a WTO member. I think there is a good change that China will try to get out of living up to its obligations under this accord and that even WTO judgments against China will be difficult to enforce. I also suspect that China may make efforts to use the WTO rules to challenge our own laws as trade barriers, When that happens, and maybe before, we in this country will have to face the dangers that the WTO represents and why it must be reformed.

The WTO's dispute settlement mechanism must be open to input by non-governmental entities that have an interest in the deliberation. The evaluating panels cannot be shrouded in secrecy if dispute settlement is going to evolve as a credible and effective tool to enforce transparency and compliance.

The U.S. should be leading the change to make trade rules include standards for human rights, labor rights, and the environment. We must work for a world economy that lives up to our standards instead of sinking to lower ones. Perhaps most importantly, we must make U.S. companies the ambassadors of these values when they operate abroad. I hope the advantages and consequences that unfold from PNTR will hasten our attention to moving forward on this agenda.

My support for PNTR was not an easy decision. The debate has convinced me that we must redouble our efforts to press for domestic change in China, a change in U.S. trade priorities and more progressive would trading norms. But it has also brought me to the realization that isolating China would not cause new problems without without solving old ones and bring about great dangers that we must work to prevent.

Today's vote could determine the course of U.S.-China relations for the next century. On voting for PNTR, I hope we will help make our most dynamic industries lead the way as they expand into China and the rest of the world. I also hope that it will allow us to working to bring down national barriers and promote the well-being If all our peoples.

Mr. GALLEGLY. Mr. Speaker, I rise in support of H.R. 4444 which would extend to the People's Republic of China permanent normal trade relations. More importantly, however, passage of this bill serves to ratify the bi-lateral trade agreement reached between the U.S. and China last fall as a condition for China's accession into the World Trade Organization. This will be the only vote Congress has on this momentous agreement.

On the one hand, China is a potential boom market for our industries, particularly agriculture which is critically important to my district. Bringing China into the WTO has the potential of making the Port of Hueneme, in my district, an even more important portal for Pacific Rim trade. With 20 percent of the world's population, China is an appealing market. It behooves us to work diligently and intelligently to open that market to U.S. sellers.

The other hand carries many pitfalls. China's track record in meeting its obligations under international agreements is not good. China is the only remaining Communist superpower. China has stolen our nuclear secrets and threatens stability in Asia with her belligerence towards Taiwan and others. We ignore that reality at our own peril.

Last year, I voted against a one-year extension of China's Most Favored Nation status based on two criteria: The United States maintains a multibillion-dollar trade deficit with China and has for years, and China has repeatedly demonstrated an aggressive military stance that includes stealing our most important nuclear secrets. At the beginning of this debate, I was not automatically against China's entry into the World Trade Organization, but I did have some very serious concerns. WTO membership carries more protection for the United States than does Most Favored Nation status. MFN has been a one-way street. It was a unilateral decision on our part to allow China access to our markets with no reciprocal opening on China's behalf. WTO is more of a two-way street. China must meet and maintain certain open-door criteria to remain in the WTO.

Our trade with China historically has been a one-way street. In 1990, our trade deficit with China stood at $10.4 billion. By 1998, that deficit had climbed to $56.9 billion. It is estimated our trade deficit with China in 1999 will be $66.4 billion. China's entry into WTO and the ratification of the U.S.-China trade agreement can ease that deficit, but only if the agreement has teeth. I believe the WTO process has those teeth.

In 1992, China and the U.S. signed a bilateral memorandum of understanding on trade access. China has violated it many times. In 1992, we also struck a deal with China to protect intellectual property, including copyrights on U.S. products. Today, U.S. copyrights for motion pictures and software in China are still being stolen by Chinese companies, a situation that results in the loss of billions of dollars and many thousands of American jobs. Chinese noncompliance has forced us to threaten trade sanctions several times.

On the national security front, China was continuing a systematic raid on the designs of our most sophisticated thermonuclear weapons at the same time that it was modernizing and pretending to normalize relations with the U.S. Among the stolen designs was information on the neutron bomb, which to date no nation has opted to deploy and hopefully no one will. Even though China has been caught red-handed, it continues to deny its espionage. Meanwhile, it continues to showcase its belligerency by transferring sensitive missile technology to North Korea and by repeatedly threatening to attack Taiwan.

The U.S.-China agreement can have positive consequences for the U.S., China and, indeed, the entire world. The agreement will force China to open its markets to U.S. goods and services, which will result in a lowering of the trade deficit. It could wean China from its passion for subsidies and government interference in its industries. It could educate the Chinese on the rule of law, as opposed to its current system of rule by the whim of its leaders. It could also hasten the spread of democracy within her borders. Each time a country has opened its economic markets, an open market of ideas has followed.

But we must step carefully. We must not let our desire to access China's markets to blind us to China's distaste for democracy, her threat to our national security and her history of violating international laws and agreements. For the WTO agreement to work, it must level the playing field for U.S. exporters and be fully enforceable. Anything less will not open China's markets or advance the historical trend toward truly free trade and the rule of law.

Since the U.S. signed a bilateral trade agreement with China last year, I have said repeatedly that my vote for or against permanent trade relations with China would rely on specific factors: It must protect American jobs, ensure Chinese markets are open to American goods and services, protect America's strategic interests and—be enforceable.

I have made it clear that without those provisions, I would vote against Permanent Normal Trade Relations. Some of those protections were not in the bill until last night.

Those protections are in the bill only because I and other Members of Congress withheld our support until every 'i' was dotted. By working behind the scenes, we were able to force concessions that make this agreement a better deal for American businesses, American workers and for those who support greater human rights for the Chinese people. Last night, a bipartisan provision was incorporated into the bill that makes it easier for us to monitor China's trade compliance, and act if need be. That provision builds on provisions in the World Trade Organization agreement that allows us to continue to treat China as a communist economy. That's important because our safeguards and anti-dumping countermeasures are more stringent for communist economies than it is for capitalist countries.

In addition, the revised bill continues Congress' all-important right to debate and vote on China's human rights practices and international behavior each year.

The European Union signed its WTO agreement with China on Friday, followed by an agreement with Australia on Monday. Both were negotiated with China's history of duplicity in mind. In particular, the EU agreement improves the deal signed by the U.S. by making China significantly more open to foreign investment and trade. Under WTO rules, those provisions are open to the U.S. as well.

We have given China Permanent Normal Trade Relations. But this is not the end, only the beginning. China has, at best, a mixed record of living up to international agreements, and I still have concerns about China's adherence to this one. But I am satisfied we have the mechanisms in place to force compliance, or take remedial action, if necessary. American businesses will not have a level playing field unless we continually insist on it, but now we have the tools to do that.

Mr. DINGELL. Mr. Speaker, from the beginning of this debate I have expressed my belief that any trade deal with China involves two questions. The first, which we are debating today, is whether the Chinese have negotiated an agreement that is fair for American workers and businesses. However, before we can address this question we must be able to answer the second question, whether the agreement that has been negotiated includes the necessary enforcement mechanisms to ensure compliance by China and fair treatment for American companies and workers. We have not yet answered this question, and consequently I cannot support this or any deal with China lacking the enforcement mechanisms necessary to guarantee fair trade.

Today's robust debate has highlighted the concerns of many of my colleagues, thousands of interest groups and millions of citizens. All the subjects being debated today—national security, human rights, religious freedom, democracy, labor at home and abroad, the environment and the development of our and the world's economy—are of considerable importance.

China is the most populous nation in the world. As such, its potential as a market for American goods and services is second to none. The concept of increased trade with China based on a good, enforceable agreement is sound and deserving of support. Trade is and will be extremely important to both American companies and workers. As a blueprint, the agreement negotiated by the Clinton Administration with China is good for America in many respects.

When it comes down to it, any agreement, like any contract, is only as good as its enforcement provisions. What we have from China, so far, is its promise, if you will, to allow U.S. and foreign firms to compete fairly and openly in the Chinese market. But negotiations must still be held to reach agreement on how those promises China has made are going to be enforced. It has been more than two years since the World Trade Organization (WTO) working party and Chinese negotiators first met to conduct serious negotiations on the enforcement provisions to be included in the protocol.

Mr. Speaker, members should know in detail what the WTO will do to ensure full and fair implementation of China's commitments contained in the accession agreement before, not after, we vote on an issue as important as the issue on the floor today. Why is the protocol and working party report so important, some may ask. The simple answer is that the protocol and working party report identify what the WTO will do to make sure that China fully implements the commitments it has made in the agreements that have been reached with the United States and other WTO partners. Until the Congress sees not only the commitments China has made but also the WTO's enforcement commitments, there is, in reality, no agreement for Congress to consider and determine worthy of granting PNTR to China.

Once China enters the WTO, American firms and American workers must turn to the WTO for enforcement of their rights, and enforcement at the WTO is an area of considerable disappointment and concern. The WTO's "binding dispute resolution" system has proven to be a system rife with bias, incompetency, as well as totally unfamiliar with basic principles of due process and openness.

There are no judges, only ad hoc panelists, most of whom are not experienced or qualified in applying proper standards of review. These panelists are assisted, if not controlled, by WTO bureaucrats who have inherent biases based on their programmatic interests in the subjects under review. Proceedings are kept secret from the public and from the parties in interest.There is no ability to engage in meaningful fact-finding. Panel decisions have also created obligations for WTO members that they did not agree to in the process of negotiations. And even if a panel decides in your favor, as in the case brought by the United States against the European Union (EU) on beef hormones and bananas, there is no assurance at all that anything will change. Years have gone by since the U.S. "won" these cases, and U.S. firms still have no greater access to the EU market.

Mr. Chairman, PNTR is an extremely valuable trade benefit with China does not have but earnestly wants. It constitutes the only real leverage the U.S. has to bring about the kind of economic and trade reforms within China that will open that market to the products and services American firms and American workers produce. Before we grant PNTR to China, we must make sure that China not only makes sufficient market opening commitments, but also that those commitments are enforceable.

I am not pleased to vote no today. It is unquestionably in our national interest to have a cooperative relationship with China, and I am well aware that rejecting this trade package could further strain U.S.-Chinese relations and diminish our influence in China with regard to democracy, human rights, labor, environmental protection and Taiwan.

But ultimately, my vote is about fairness and timing. Without enforcement mechanisms there can be no assurance of fairness for American business, American industry, and American jobs. By voting on a trade deal of such great importance before all the deals have been cut, especially on the enforcement mechanisms which will decide if this agreement is worth the paper it is written on, we needlessly jeopardize American jobs and business prospects in China. I guarantee you rules that can't be enforced will be broken. This vote should be postponed until accession agreements are concluded. Only then can we fully and responsibility assess the commitments China makes and determine whether the agreement ensures that China's commitment will be fully implemented and effectively enforced.

Mr. DIXON. Mr. Speaker, I rise today in support of H.R. 4444, extending Permanent Normal Trade Relations (PNTR) status to China. In my career, I cannot recall a vote on which a final decision was more difficult to reach. Until today, I have been genuinely and sincerely undecided. In these past weeks and months, I have been listening intently to the forceful arguments for and against the legislation, especially those made by my constituents—who are as divided on this issue as I have been. I have great respect for the beliefs of those on both sides of this debate and for the passion of their convictions. In the final analysis, I believe that "aye" is the correct vote for a variety of reasons, including advancing the causes of human rights and democratization, for our national security, and for our economic self-interest.

Improving respect for human rights and fostering democracy clearly must be top policy priorities in our relationship with China. No one here today condones the political and religious repression in that nation. The disagreement is over which U.S. policy is more likely to contribute to an improvement in conditions in China. I stress the word "contribute," because we need to be cognizant that nothing we do will dramatically change China in the short term.

Both sides of this debate have prominent human rights activists and former political prisoners supporting their position. We are presented with no easy formula that instructs us whether China plus or minus PNTR results in improved human rights. I have come to the conclusion that the increased outside contact, prosperity, and economic liberalization that comes with a strong U.S.-Sino trade relationship within the World Trade Organization (WTO) will be a greater force for change than the annual consideration and routine extension of NTR has offered. I am also comforted by the recent expressions of support for China's entry into the WTO by the Dalai Lama—perhaps the most prominent symbol of the repressive nature of the Chinese regime.

We have heard much debate about the job losses which could result from passage of PNTR. While I am extremely sensitive to labor's concerns, on balance I believe that the economic interests of business and labor are enhanced by this normalization of trade with China. The U.S.-China Bilateral WTO Agreement provides for broad tariff reductions by China, for enhanced market access for American goods, and contains import surge protections for the U.S. The agreement requires no reduction in U.S. tariffs or any enhanced market access for Chinese products. As we have never revoked Most Favored Nation/Normal Trade Relations through the annual review process, China currently has defactor PNTR. I fail to see how reduced Chinese tariffs and other concessions in return for ending the formality of the annual review leads to increased job loss.

I believe that passing PNTR will not create any significant job loss that was not already occurring in certain sectors of the economy. While various estimates of the employment effects of PNTR have been proffered, they must be viewed in the context of an economy that is dynamic and in constant flux. The shape of the American economy is changing and will change whether or not we pass PNTR. In fact, I believe that Chinese WTO accession and passage of PNTR will be a net creator of good jobs in California and in my congressional district.

It is my fervent hope that over the long term, China's accession to the WTO will improve the human rights situation and encourage democratization in China. The inclusion in H.R. 4444 of a strong legislative package authored by Representatives SANDER LEVIN (D–MI) and DOUG BEREUTER (R–NE) has addressed my doubts about the effects of this bill on human rights in China, as well as the American jobs. The human rights monitoring commission created by the legislation is a good idea in its own right. I believe the merit of close scrutiny of China's human rights situation speaks for itself and I would support the proposal independent of this PNTR bill.

The import surge protections negotiated by the Clinton Administration and codified in this bill go a long way to addressing my concern about job losses resulting from this bill. This mechanism allows the President to utilize tariff increases, import restrictions, or other relief for domestic industries whose markets are disrupted by a surge in Chinese made goods. These powerful tools come in additional to the trade remedies already available under U.S. law and under the WTO.

Ultimately, passing PNTR is in our economic self interest. China will join the WTO whether or not we pass this legislation today. The rest of the world will enjoy significant tariff reduction on their exports to China regardless of the outcome of this vote. We are voting on our nation's ability to sell the products made by our workers and our companies on a competitive basis. We must continue to vigilantly monitor our relationship with China. We must continue to pursue improvements in respect for human rights in all appropriate venues, including the United Nations Commission on Human Rights. We will have to maintain our steadfast support for Taiwan. We will have to closely monitor Chinese compliance with its obligations under the WTO and make full use of that organization's mechanisms to enforce those obligations. With the knowledge in mind, Mr. Speaker, I am left with the belief that passage of this legislation is in the interests of both the American and the Chinese people.

Mr. DELAY. Mr. Speaker, today we are plotting a bold course that is in keeping with our history, our potential, and our ultimate goal of liberating the Chinese people.

In the international arena, America doesn't shrink from a challenge. We seize opportunity. We are fighters, visionaries, and pioneers. It's in our nature as Americans, to look past a challenge to victory.

Standing as we do, at the head of the world, in a position of unprecedented strength and prosperity, why would we now choose the timid path? We should not, and we will not. That's why we will pass Permanent Normal Trade Relations status with the People's Republic of China.

While PNTR will help our American economy, this is only one step toward our larger goal; ending communist rule in China by exposing the Chinese people to American values. Freedom is a contagious virtue.

Defeating a foe is a poor substitute for liberating a country from the weight of a repressive ideology. We should today ensure the triumph of liberty by planting the seeds of freedom in China. We should not accept a retrenchment driven by fear and insecurity.

There are serious issues we must address. Confronting these issues requires real American leadership and courage,

We should not for a moment imagine that PNTR will solve or even the address the many troubling questions concerning the future of the communist government in Beijing. Without a doubt, expanded trade must be matched with a revitalization of America's military and a strengthening of our friendships with our allies in Asia. Simply expanding trade without supplying these critical elements will not create a free China.

But we shouldn't let the strong steps we must take to resist aggression prevent us from communicating with the Chinese people.

The cornerstone of U.S. foreign policy has always been to make the case for freedom and democracy. We have never been afraid to place our values and our form of government up against any competitor. Give us half a chance, and we will win.

Expanding trade with China is just this sort of opportunity. Fundamental change in China will not happen simply through State Department dictates. It will only happen after we inspire the Chinese people to demand freedom.

We want to appeal to the Chinese people. To do that we have to be there, on the ground, spreading our values and the sure knowledge that there is a far better, nobler form of government than communism. Ignorance is the ally of repressive governments.

Expanded trade, because it spreads American values, is an essential tool in changing a closed society. And in the battle for China's future, one Chinese entrepreneur is worth a million government bureaucrats.

Over the last century, communist countries have run from this competition. They hid their people behind walls and fortified borders, because they knew that if their citizens were exposed to our values, then the battle would be lost. As a great power built on a foundation of timeless virtues, we fear no competing political systems because we trust the strength of our ideas.

We should ask ourselves: Why do so many of the hardliners, the old communist guard in China, resist opening their country to increased trade and interaction with America?

It's because they understand the power of democratic values. We need to support Chinese reformers by giving them more, not less, access to American ideals. This will raise the call for human rights and lead China to the rule of law.

We can't for a single minute ignore abuses by the Chinese government. Beijing's record on human rights, religious persecution, coercive abortion, and arms shipments to hostile states is shameful. The Chinese government does wicked things to its people.

The way to stop these evil deeds is to end communist rule and that means transforming China into a free-market democracy. This is much more likely to happen if American ideals eat away at the infrastructure of tyranny from the inside out.

We must also reject any notion that our support of expanded trade in China signals in any small way a slackening of our solemn commitment to defend Taiwan from aggression. We are sworn to defend Taiwan and we say again today that the United States will not allow any resolution of Taiwan's status that involves force or threats. We will not stand for it. Further, we must insist that Taiwan be admitted to the WTO as well.

Granting PNTR to China is a critical component of a strategy driven by our one, clear objective: destroying communism. So, I urge my fellow Members, to support PNTR and commit the United States to this contest between freedom and repression.

Mr. DICKS. Mr. Speaker, extending permanent normal trade relations to China and supporting its accession to the World Trade Organization greatly benefits the United States. By encouraging participation in international organizations that facilitate the rule of law, I believe that this agreement is also in the best interest of the Chinese people.

By approving PNTR, we will be enabling the United States to take advantage of the across-the-board reductions in tariff barriers that we negotiated as terms for our approval of China's accession to the World Trade Organization. Agricultural tariffs will be substantially reduced on several priority products, including a 66 percent cut on the tariff for apples, that will obviously have a large impact on my State of Washington and other apple producing areas of our country. China also agreed to lift its longstanding ban on the import of wheat and to increase the quota by more than 400 percent. China agreed to participate in the Information Technology Agreement and to eliminate tariffs on products such as software, computers, and semiconductors. Also China agreed to slash tariffs on industrial goods by an average of 62 percent, enabling America's manufacturers to compete much more evenly in the Chinese marketplace. The WTO accession agreement also contains provisions that will help other industries in which the U.S. is a world leader—telecommunications, insurance and banking just to name a few.

The approval last week of a market access agreement between China and the European Union further adds to the benefits we will enjoy with China's accession to the WTO, as the best terms of each agreement negotiated by the Chinese must be extended to all members of the WTO. More agricultural tariffs will be cut, including those on wheat gluten and Washington wines. Several more tariffs on industrial goods will also be reduced, liberalization of the telecommunications industry will be accelerated, and United States law firms will be authorized to offer legal services in China.

In return, we do not have to change anything—not one tariff, nor one regulation currently enforced by the United States. All we must do, according to WTO rules, is to extend permanent normal trade relations to China. Those of my colleagues that argue that our record trade deficit with China is a reason to oppose this bill must consider this point. There is nothing about this bill that will lead to an increase in the amount of goods we import from China; rather, this is all about slashing Chinese tariffs against United States goods which will lead to a substantial increase in United States exports to China. If you are truly concerned about addressing the United States trade deficit, you should vote for this bill.

Some are opposing this bill, claiming that China has rarely adhered to prior trade agreements in the past. In my judgment, opponents claiming this point should be eager to support this agreement. By entering the WTO, China will finally be participating in an organization whose sole purpose to enforce trade agreements. A few years ago, we had to beg, cajole, and plead with China in order to persuade them to provide any enforcement of the intellectual property agreement established between our two countries. With accession to the WTO, we will have an impartial adjudicator to hear the case and determine what redress is warranted. No longer will we have to rely on the honesty and effectivness of the Chinese Government to ensure that they abide by trade agreements.

My good friends in the labor community have expressed grave concerns over the effects this bill will have on American and Chinese workers. I deeply repect their concerns, but I believe that they are best addressed by voting for this bill.

Currently, United States manufacturers and service providers struggle to enter the Chinese market becaue of high tariffs and often insurmountable red tape. By agreeing to cut their tariffs and reduce burdensome rules, China will be creating an incredible opportunity for American-made goods to finally penetrate their market. I firmly believe that this will be a real job creator in the United States, and ultimately of great benefit to U.S. workers. For this reason, the 27,000 member International Association of Machinists and Aerospace Workers Local 751 western Washington endorsed this legislaiton.

I cannot claim that the benefit to the Chinese worker will be as quick or as quantifiable as are the gains to American workers, but I do believe that accession to the WTO is in the best, long-term interest of the Chinese worker. This agreement will contribute to what we are already seeing in many parts of China—the growth of economic freedom and a vibrant middle class.

I also respect the convictions of those who consistently oppose any engagement with China because of China's disappointing record on human rights and religious freedoms. However, I side with many who, like the Dalai Lama and dissidents Bao tong and Dai Qing, recognize that engaging the Chinese and bringing them into international organizations that support the rule of law will be more effective in promoting freedom in China than will isolating China from the world community.

In my justment, the most important reason to support this bill and Chinese accession into the WTO is for our own national security. By voting against this bill, we would be encouraging the isolation of China from the international community and hostility toward the United States. History shows that isolating a nation in this fashion often leads to mistrust, military buildup, and conflict. A belligerent China, possessing nuclear weapons and the largest land army in the world would be a grave prospect.

Conversely, I believe that maintaining our trade link with China will continue to provide us with a stable foundation

Mrs. KELLY. Mr. Speaker, I rise today in support of H.R. 4444, Extending Nondiscriminatory Treatment to the People's Republic of China. We stand here today at a cross roads in our relations with the Chinese. We can choose to engage China in a one sided agreement in which their tariffs on United States exports to China drop from the current average of 24.6 percent in 1997 to 9.4 percent in 2005. In return we will not have to lower our tariffs at all. Or we can choose to reject this agreement, allowing China to keep its tariffs high for United States goods and services while they reduce them for other countries. We must remember that in both of these choices, China joins the WTO.

The choice is clear. The policy of engagement is the better course and the path we must choose. However, engagement does not equal endorsement. There are three areas we must continue to push China on to improve their record: the environment, human rights, and transparency in their international dealings. The legislation before us moves us forward on each one.

As our efforts to address global climate change continue, China must be part of the solution. If we do not engage China in solutions to improve the global environment there is no way our solutions to clean up our planet can truly be effective. China is the world's largest energy consumer and emitter of greenhouse gases that contribute to global climate change. China is also the world's largest developing country chemical exporter and the world's largest producer of ozone-depleting substances. If China is left out of the fight for a cleaner environment, our efforts could be neutralized.

China's record on human rights has been abysmal. However, it is important to remember that the most repressive periods in recent Chinese history have occurred in times of isolation. Let us continue to encourage China to give their people greater freedoms. Under this policy of engagement, China has signed the U.N. Covenant on Civil and Political Rights and the U.N. Covenant on Economic, Social, and Cultural Rights. Both await ratification in the National People's Congress. It is our hope the Congress will move quickly to ratify. These are steps in the right direction which we should continue to encourage. The Dalai Lama has endorsed this agreement because he agrees that engagement is the fastest road to the realization of giving all Chinese democratic rights.

We need to recognize that China's growing regional integration has increased their willingness to settle long-standing disputes with its neighbors. Our allies in Asia support granting China permanent normal trading status, precisely because it would support regional security and cooperative efforts. This is especially true for Taiwan. That is why Taiwan's President Chen Shui-bain has endorsed this agreement and China's accession into the WTO.

However, we cannot solely rely on the benefits of trade to protect our interests. In February of this year we passed the Taiwan Security Act with the overwhelming support of the House. This legislation will ensure that Taiwan has the tools necessary to defend itself from a potentially aggressive China. Congress needs to pass legislation and ensure the President signs it into law this year.

Most importantly, this agreement is good for U.S. jobs and especially for jobs in New York's Hudson Valley. The agreement gives American workers unprecedented access to China's markets. For every additional billion in exports to China there are estimated to be created 20,000 new jobs in the United States. Last year New York exported nearly $600 million in goods and services to China—this figure is expected to rapidly multiply under this agreement.

No one believes trade alone will bring freedom to China or peace to the world. When change does come it will be slow and will need our encouragement. This is the choice before us today. We can take a step move China in the right direction, and gain the benefits; or we can push China in the wrong direction, and pay the price. I believe this choice is clear. I encourage members on both sides of the aisle to make the right choice and join me in voting to approve permanent normal trade relations with China.

Mr. MANZULLO. Mr. Speaker, I do not represent companies. I do not represent unions. I represent people. As with any legislation, I ask what does this vote on Permanent Normal Trade Relations (PNTR) for China mean to the people I represent back home?

Workers and farmers throughout northern Illinois stand to benefit from the United States-China World Trade Organization (WTO) Accession Agreement because they will be making more product that eventually is exported to China, either directly or indirectly as suppliers.

If you work for Daimler Chrysler in Belvidere, this vote simply means the opportunity to build and sell more Neons and auto parts to China. As recently as 1995, Chrysler exported 600 Neons and purchased parts from six different suppliers in northern Illinois for their Jeep Cherokee plant in Beijing, China. The amount of Chrysler-related exports to China totaled $7.8 million.

However, in 1999, no Neons and only $30,000 in auto parts from two northern Illinois suppliers were sold to China. Why? China's protectionist auto policy now makes it virtually impossible to sell American cars and auto parts in China. This agreement forces China to cut tariffs by 75 percent on American cars and drop local content requirements on American-made auto parts. This will allow more Neons and American auto parts made by companies like Modine Manufacturing of McHenry and Camcar of Rockford to be exported to China.

The workers at Honeywell's Microswitch plant in Freeport will benefit from PNTR for China because the company expects its exports to China to double by 2002. There are $15,000 worth of Microswitch parts on each Boeing aircraft. China has plans to buy 1,600 new aircraft over the next 20 years.

The workers at Hamilton-Sundstrand in Rockford will benefit from this agreement because $400,000 worth of parts are made in Rockford for each Boeing aircraft. This translates into hundreds of millions of dollars worth of work for the employees at Hamilton-Sundstrand.

The workers at Motorola in Harvard and Rockford will benefit because the agreement eliminates all tariffs on cell phones and pagers. Also, for the first time, Motorola will be permitted to sell its full range of products directly to the Chinese people.

The workers at Goodyear's Kely Springfield Tire plant in Freeport; the workers at Cherry Valley Tool & Machine of Belvidere; the workers at Kysor/Westram Corporation of Byron; and the workers at the Rockford Spring Company will all benefit from PNTR for China as suppliers to the agricultural equipment manufacturer, Case. As Case is able to sell more combines and tractors to China because the agreement lowers numerous tariff and non-tariff barriers to American agricultural equipment, the workers in their supplier chain will benefit, too.

Over half of Caterpillar's 1999 U.S. production was exported. These exports supported about 32,000 U.S. supplier jobs at small and medium-sized enterprises like the 400 employees at Bergstrom Manufacturing of Rockford, which makes the Heating Ventilation and Air Conditioning units. The tariff cuts on construction equipment and the distribution rights in the agreement will help Caterpillar and thus Bergstrom Manufacturing become more competitive in China.

The workers at Seward Screw Products of Seward make 80 different parts for Harley-Davidson's large motorcycle factory in Milwaukee, WI. Today, Harley is prevented from selling any motorcycles in China because of import license restrictions, import quotas, excessive tariffs, and other significant trade barriers. This agreement substantially eliminates or reduces these trade barriers. In addition, granting PNTR to China will help Taiwan enter the WTO. The U.S.-Taiwan WTO Accession Agreement eliminates Taiwan's import ban on large motorcycle engines. Because both China and Taiwan represents the greatest long range market potential for motorcycles, the workers at Seward Screw Products will benefit by making more products for Harley.

But this agreement is not just for large companies. Few people know that 82 percent of all direct United States exporters to China are small-and medium-sized companies. These exporters generated 35 percent of the dollar volume of all United States exports to China in 1997. This figure is higher than the small business exporter dollar volume share of overall U.S. exports, which was 30.6 percent.

China is the third largest growth market for small business exporters. In fact, the number of small businesses exporting to China grew by a remarkable 141 percent between 1992 and 1997. Plus, the value of small business exports to China more than doubled between 1992 and 1997.

Who are these exporters? I held a hearing on this topic last week before my Small Business Exports Subcommittee to find out. They are 135 employees who work for Aqua-Aerobic Systems in Rockford, IL. The agreement removes a variety of trade barriers against equipment used in sewage treatment plants because China needs the equipment to modernize its infrastructure.

Small companies like the 75 employee Coffee Masters of Spring Grove will benefit from this trade agreement. They have tried for years to break into the China market but with no success. They believe this agreement will knock down the numerous trade barriers to their specialized roasted coffee product.

E.D. Entyre of Oregon just announced earlier this month that they received a $53,000 order for road construction equipment for a highway project in Hubei province in China. They believe the agreement will help their 350 employees deal directly with customers in China rather than going through various "middlemen."

Clinton Electronics of Loves Park exports high resolution display monitors for medical applications. The cuts in tariffs by over 50 percent on medical equipment, along with the elimination of quotas, will help further boost their 250 employee firm's exports to China.

And, we cannot forget the farmer. Illinois soybean, grain, and corn farmers like Bob Phelps of Rockton want to look to export markets like China—not the U.S. government—for their income security. Overall, American farmers will be able to sell about $2 billion more of their products to China each year because the agreement will cut Chinese tariffs in half for farm products.

Soybean growers will see about a 20 percent increase in exports to China, according to the National Oilseed Processors Association. Hog farmers will receive about $5 more per head, an Iowa State University study projects. That will mean an extra $2.5 million for hog farmers in northern Illinois.

Simply put, Mr. Speaker, this agreement is totally one-sided in favor of the people I represent who make products that are either directly or indirectly exported to China. We do not change any of our trade laws to make it easier for the Chinese to export to us. It is China that has granted concession after concession to the benefit of our workers and farmers! I urge my colleagues to support Permanent Normal Trade Relations for China.

Mr. DOOLITTLE. Mr. Speaker, I support the opening of the mainland Chinese market to American exports. It is in the best interests of the American people and the Chinese people.

I feel strongly that the Communist government on mainland China is tyrannical, aggressive, and undesirable. I would like to see it go the way of its Marxist comrade, the Soviet Union. I am alarmed by its threatening statements toward the United States and its belligerence toward our friends on Taiwan. I am disgusted by Communist China's record on human rights, on religious freedom, and its brutal one-child policy that forces women to abort their unborn babies.

If this were a vote on approval of the Communist regime in Beijing, I would strongly oppose it as would the vast majority of my colleagues. This is not such a vote.

My record has been highly critical of Communist China. On national security, I strongly supported Representative COX'S investigation into Communist Chinese theft of American technologies. I cosponsored legislation to look into suspicious Chinese activity in the Panama Canal. On the question of Taiwan, I cosponsored the Taiwan Security Enhancement Act to strengthen the free nation's defense capability in case of attack from the mainland.

On forced abortion, I enthusiastically voted in favor of cutting off money to the U.N.'s population control agency so long as it cooperated with China's brutal one-child policy. On religious freedom, I recently wrote a letter to President Jiang Zemin urging release of Pastor Xu Guoxing.

My vote in favor of PNTR is not a departure. I remain solidly against anti-Communist China, which is why I support this agreement.

I want to end the despicable behavior of the Chinese Government against the United States, against Taiwan, and against the people it rules. The question is, how do we get there from here?

I think it is by exporting to China—not only American goods, but more importantly American ideas.

While this agreement is ostensibly about exporting American goods to mainland China, its ultimate virtue is the export of American ideas to mainland China. How else are things going to change in China? Our ideas have triumphed time and again in the past. We Americans have every reason to be confident that they will again. Since we are inspired by our ideas, is there any reason to think the Chinese, who themselves are oppressed by their government, will not be inspired by American ideas of liberty?

This agreement is part of the struggle against communism in China. It is war by other means.

Look at who supports this agreement and who opposes it. Taiwan, who has refused to bow to the bullying tactics of the much-larger mainland, supports the agreement. The spiritual leader of Tibet, the Dalai Lama, who was forced into exile by the Communist Chinese Government supports the agreement.

Within China's Communist establishment, the hard-liners are opposed to the PNTR agreement negotiated by the reformers. America's adoption of PNTR would be a victory for the reformers, and disapproval would be a victory for the hard-liners eager for confrontation with the United States. The Soviet Union was vanquished peacefully in a struggle between reformers and hardliners.

Adopting this agreement strengthens the reformers within the Chinese Government not only in the internal power struggle, but throughout society. Increased contacts with Americans will expose the average Chinese citizen to our universally appealing ideas on liberty. Increased prosperity and access to communications technologies will increase the appetite of Chinese for American ways of life. And the expansion of a Chinese middle class that owes nothing to the communists is crucial. We are helping build the constituency for Chinese liberty.

While it may be emotionally satisfying to proclaim that one would never cooperate with the murderous regime in Beijing, it ultimately achieves little else. Not a single citizen of China is more free or better fed. Our own security is no more enhanced, nor is that of our friends. It is more important to be effective than to obtain simple self-satisfaction in one's hardened stance. I too, am revolted by communism, including the version practiced in China. I want to defeat it, and this is the way to do it.

The monstrosity of the crimes committed by Communist China have been so great that slaying the monster is more important than just calling it a monster.

Mainland China will gain membership into the WTO with or without American support. So why not gain benefits for our American companies in exchange? China is expanding trade with the rest of the world. Agreeing to this pact would allow American companies to compete on an equal footing with everyone else doing business on the mainland. By rejecting the agreement, we would punish our own companies unnecessarily.

Americans dominate the world in the agriculture and high-tech sectors. Lowering Chinese barriers to American goods will benefit Americans. High-tech pay the highest salaries, and increasing markets will produce more great jobs for Americans.

I have voted against the annual renewal of NTR for mainland China in the past. This year, the vote is different. In the past, NTR was about Chinese goods flowing into the United States. This time, it is about access to the mainland Chinese market for American goods. Free Americans will continue to buy Chinese-made goods whichever way Congress votes on this agreement. But passage will allow mainland Chinese to buy goods from Americans at lower prices—made lower by the reduction in tarrifs.

Granting permanent NTR leaves many other levers at our disposal to deal with mainland China. We must continue to protect ourselves and to speak out against the tyrannical Chinese Government. But we cannot be content with just words; we must back that up with action.

Mr. POMEROY. Mr. Speaker, I rise in strong support of H.R. 4444, a bill to provide permanent normal trade relations (PNTR) to China. By passing this legislation, Congress will create substantial new export opportunities for American farmers and businesses, advance the cause of personal freedom for the Chinese people, and promote United States strategic interests in East Asia.

It is important to be clear about what the House is voting on. This is not a vote on whether China joins the World Trade Organization (WTO)—the WTO will admit China later this year. The question before us is whether to give China the same trade status that all WTO members are required to give each other—permanent normal trade relations. If we do, U.S. farmers and businesspeople will enjoy dramatically increased access to the world's most populous market. If we do not, the United States will be largely shut out of the China market while our trade competitors will capitalize on China's market opening measures.

The United States routinely approves NTR on an annual basis. Even in the wake of Tiananmen Square, we did not revoke NTR because to do so would not only spark a trade war but would also risk even graver conflict between the United States and China. As a result, the annual NTR debate has never provided effective leverage to change the behavior of the Chinese Government because revoking NTR has never been a credible threat.

For American agriculture, opening the China market is a clear win, which is why nearly every farm and commodity organization in the country supports this bill. The USDA has conservatively estimated that China's market opening measures will increase American agriculture exports by $2 billion annually. Under the terms of its agreement to join the WTO, Chinese tariffs on wheat will drop from 20 percent to just 1 percent; tariffs on beef will fall from 45 percent to 12 percent; poultry from 20 percent to 10 percent; and pork tariffs will decline from 20 percent to 12 percent. In addition, China has agreed to eliminate all export subsides on agriculture commodities.

Opponents of PNTR have raised many valid concerns, including China's poor record on human rights, lack of religious and political freedom, threats against Taiwan, and a growing trade surplus with the United States. I share each of these concerns but disagree about the best way to address them. In my view, building commercial relationships with the Chinese people will lessen the control of the central government in Beijing; giving China a stake in the international economy will make it less likely to be aggressive toward its neighbors; and reducing China's trade barriers will help increase United States exports and reduce our trade deficit.

With respect to human rights, many of the most prominent Chinese political dissidents have urged Congress to approve PNTR. Wang Dan, the leader of the Tiananmen Square demonstration, has said that PNTR "will be beneficial for the long-term future of China." Martin Lee, the democratic leader of Hong Kong, Dai Qing, Bao Tong, and many other influential activists have all expressed their support for PNTR. Their shared opinion is that engagement with the United States advances the cause of personal freedom in China. In addition, no less authority that the Dalai Lama has said that Chinese participation in the international economy is good for religious freedom in China.

Approving PNTR for China also serves our national security interests. Secretary of Defense William Cohen, former Chairman of the Joint Chiefs of Staff Colin Powell, and many other military experts have said that bringing China into the WTO and approving this legislation will enhance our security interests in East Asia. The recently and democratically elected President of Taiwan, Chen Shui-bian, also supports the normal trade relations between the United States and China.

In sum, Mr. Speaker, approving PNTR and opening the China market helps American framers, workers, and small businesspeople, supports the cause of political and religious freedom in China, and strengthens United States security interests in Asia. I urge my colleagues to vote yes.

Ms. LEE. Mr. Speaker, as we enter a new century and a new millennium, relations among the nations of the Pacific Rim and Africa are becoming more significant. Trade with China represents a substantial component of our country's international commerce. As Congress has debated United States trading policies toward China and Africa during the past couple of weeks, I have carefully considered many fundamental issues.

I am a firm believer of self-determination for China. China is a Communist country, whether we agree with that system of government or not. Nevertheless, whatever political or economic system is in place, it is wrong to round up, to intimidate, to arrest people, and place them in slave labor camps with no due process. It is reprehensible for the United States to endorse this behavior by rewarding it with a favorable trade regime.

The time is now to send a strong message—an unyielding message that the United States will not condone mass suffering and oppression.

Trade must be open, it must be fair. Standards for human rights must be included in all trade agreements, environmental protections must be in place, women's rights should be advanced, workers' rights must be protected, religious freedom should be protected and American jobs should not become a casualty of trade policy.

Many argue that the best way to ensure China's respect for all these issues, is to admit China to the World Trade Organization and to grant it Permanent Normal Trading Relations status (PNTR). I disagree, and believe an annual review provides for this.

China's persistent gross violations against free exercise of religion, against women and reproductive freedom, and against political expression should prohibit the U.S. from relaxing its policies toward China and should cause us to ask why we want to relax our trade policies toward China and reward China for this repression.

Annual review, at least presents an effective mechanism for China's compliance with international worker, environmental, and human rights standards. Annual review, moreover, is the most viable insurance for the American worker.

According to the Economic Policy Institute, over 870,000 jobs will be lost over the decade. What will happen with these workers?

If this bill passes, the U.S. trade deficit will continue to escalate, leading to job losses in virtually every sector of the economy.

In my state of California 87,294 jobs will be lost. This is very scary.

I support free trade. But our trade policies should also include a fair ideal with American workers. Our trade policies should put an end to slave labor in China, rather than reward it.

We are not talking about cutting off our relationship with China. We want to make sure that our trade relations are such that people of China and the United States can benefit from a fair and free trade policy.

I urge my colleagues to oppose this measure.

Very seldom do we have these defining moments; this vote defines who we are as a people and as a nation.

As an African-American whose ancestors were brought here in chains and forced to help build this great country as slaves I must oppose any measure that allows for the exploitation of people whether here in America, in Africa, China or anywhere in the world.

Mr. PAUL. Mr. Speaker, yesterday morning the legislation which would have implemented "permanent normal trade relations" with the People's Republic of China was three pages in length. Today, it is 66 pages in length. Close examination of this bill "gone bad" is demonstrative of how this Congress misdefines "free trade" and how, like most everything else is in Washington, this "free trade" bill is a misnomer of significant proportions.

For the past several years I have favored normal trade relations with the People's Republic of China. Because of certain misconceptions, I believe it is useful to begin with some detail as to what "normal trade relations" status is and what it is not. Previous "normal trade relations" votes meant only that U.S. tariffs imposed on Chinese goods will be no different than tariffs imposed on other countries for similar products—period. NTR status did not mean more U.S. taxpayers dollars sent to China. It did not signify more international family planning dollars sent overseas. NTR status does not mean automatic access to the World Bank, the World Trade Organization, OPIC, or any member of other "foreign aid" vehicles by which the U.S. Congress sends foreign aid to a large number of countries. Rather, NTR status was the lowering of a United States citizen's taxes paid on voluntary exchanges entered into by citizens who happen to reside in different countries.

Of course, many of the critics of NTR status for China do not address the free trade and the necessarily negative economic consequences of their position. No one should question that individual rights are vital to liberty and that the communist government of China has an abysmal record in that department. At the same time, basic human rights must necessarily include the right to enter into voluntary exchanges with others. To burden the U.S. citizens who enter into voluntary exchanges with exorbitant taxes (tariffs) in the name of "protecting" the human rights of citizens of other countries would be internally inconsistent. Trade barriers when lowered, after all, benefit consumers who can purchase goods more cheaply than previously available. Those individuals choosing not to trade with citizens of particular foreign jurisdictions are not threatened by lowering barriers for those who do. Oftentimes, these critics focus instead on human rights deprivation by government leaders in China and see trade barriers as a means to "reform" these sometimes tyrannical leaders. However, according to Father Robert Sirco, a Paulist priest who discussed this topic in the Wall Street Journal, American missionaries in China favor NTR status and see this as the policy most likely to bring about positive change in China.

But all of this said, this new 66 page "free trade" bill is not about free trade at all. It is about empowering and enriching international trade regulators and quasi-governmental entities on the backs of the U.S. taxpayer. Like NAFTA before us, this bill contains provisions which continue our country down the ugly path of internationally-engineered, "managed trade" rather than that of free trade. As explained by Ph.D. economist Murray N. Rothbard: "[G]enuine free trade doesn't require a treaty (or its deformed cousin, a 'trade agreement'; NAFTA was called an agreement so it can avoid the constitutional requirement of approval by two-thirds of the Senate). If the establishment truly wants free trade, all its has to do is to repeal our numerous tariffs, import quotas, anti-dumping laws, and other American-imposed restrictions of free trade. No foreign policy or foreign maneuvering is necessary."

In truth, the bipartisan establishment's fanfare of "free trade" fosters the opposite of genuine freedom of exchange. Whereas genuine free traders examine free markets from the perspective of the consumer (each individual), the merchantilist examines trade from the perspective of the power elite; in other words, from the perspective of the big business in concert with big government. Genuine free traders consider exports a means of paying for imports, in the same way that goods in general are produced in order to be sold to consumers. But the mercantilists want to privilege the government business elite at the expense of all consumers, be they domestic or foreign. This new PNTR bill, rather than lowering government imposed barriers to trade, has become a legislative vehicle under which the United States can more quickly integrate and cartelize government in order to entrench the interventionist mixed economy.

No Mr. Speaker and my colleagues, don't be fooled into thinking this bill is anything about free trade. In fact, those supporting it should be disgraced to learn that, among other misgivings, this bill, further undermines U.S. sovereignty by empowering the World Trade Organization on the backs of American taxpayers, sends federal employees to Beijing to become lobbyists to members of their communist government to become more WTO-friendly, funds the imposition of the questionable Universal Declaration of Human Rights upon foreign governments, and authorizes the spending of nearly $100 million to expand the reach of Radio Free Asia.

Mr. Speaker, I say no to this taxpayer-financed fanfare of "free trade" which fosters the opposite of genuine freedom of exchange and urge by colleagues to do the same.

Mr. BORSKI. Mr. Speaker, I rise today in strong opposition to H.R. 4444, which would permanently extend normal trade relations (PNTR) status to the People's Republic of China. If we enact this legislation today, we forever surrender our ability to review our trade relations with China on an annual basis.

Article I, Section 8 of the Constitution of the United States states that "the Congress shall have power . . . to regulate commerce with foreign nations." Our founding fathers intentionally granted the "People's body" a separate, distinct voice on trade matters. This constitutional obligation makes our democracy unique: European parliamentary democracies grant no such powers to their legislatures. Under our Constitution, Congress does not simply rubberstamp the decisions of the Executive Branch. Congress is a separate, coequal partner in our system of checks and balances.

Every year in the House, we have exercised our Constitutional duty by reviewing our trade relationship with China. On an annual basis, the President has notified Congress that he will grant most-favored-nation (MFN) trading status to China, and we have had the opportunity to approve or reject MFN status by a vote on the floor of the House. This vote has been preceded by a full debate on whether China deserves to be treated as an equal trading partner. Members vote on the issue, and their constituents hold them accountable for their vote.

I have consistently voted against MFN for China because I believe it does not deserve to be treated as an equal trading partner. The Chinese dictatorship has one of the most deplorable human rights records on Earth, and, according to the State Department, things are only getting worse. The Chinese government uses executions and torture to maintain order, persecutes religious minorities and imprisons dissidents who dare to speak out for democracy. At a bare minimum, China's human rights record must improve if we are to treat it as an equal partner.

Equal trading partners extend the benefits of trade to those who produce its goods and services. In China, where workers make between 13 and 35 cents an hour, this relationship does not exist. The basic rights that we enjoy in the U.S.—the right to organize, the right to strike, decent wages and benefits, safe workplaces—simply do not exist in China.

Equally deplorable is the manner in which China has treated its neighbors. It continues its belligerence toward the free-market democracy of Taiwan. In fact, shortly after the ink was dry on the World Trade Organization (WTO) agreement, China threatened to use force against Taiwan. China continues to threaten our interests elsewhere by selling weapons of mass destruction to rogue terrorist nations and by trying to steal our nuclear weapons designs.

The WTO agreement is not the first trade deal we have reached with China. But trade agreements only work when countries abide by them. Regrettably, China has violated every trade deal with the U.S., and top Chinese officials have already indicated that they have no intention to abide by the WTO deal.

Despite China's worsening record on human rights, international trade, relations with its neighbors, and weapons proliferation, we are on the brink of throwing out our annual review forever. Like it or not, the annual MFN review process is the only means by which the U.S. can influence the Chinese government's behavior toward its own people and other nations. If Congress approves PNTR, we forever relinquish any leverage we have to improve Chinese behavior.

Mr. Speaker, many have argued that if we fail to approve PNTR we will lose precious business opportunities in China. I concede that point. Certainly, European and Japanese companies will be doing a great deal of business in China.

But I believe that America stands for something more than the almighty dollar. As the world's sole superpower and strongest democracy, we have a moral responsibility to stand up for those who struggle against tyranny. We are the only nation capable and willing to bring about democratic change in China. And we can use our economic power to exert that leverage.

During the Cold War, we put principles before dollars. We refused to grant MFN status to authoritarian communist regimes because of their deplorable records toward their citizens and their neighbors. When Lech Walesa and the other leaders of the Solidarity movement were imprisoned in Poland, the U.S. Congress stood with the Polish people and imposed sanctions on the communist government. Now, we enjoy a vibrant trading relationship with Poland and other former communist Central European nations, but those trade benefits were extended after these countries opened their societies and embraced free markets and democracy. In fact, we are now doing business with the same dissidents who were imprisoned by their former communist regimes. These new leaders remember with gratitude that America stood with them—and not their oppressors—in the dark days of the countries.

Today's "Lech Walesas" are sitting in prisons in China because they dared to speak out for freedom and democracy. They, in my opinion, will become the future leaders of China. And when we seek to form a trading relationship with the future leaders of China, they will remember how we voted today.

Defeating PNTR would certainly send shockwaves throughout America's corporate boardrooms. But it would send a more powerful, purposeful message to the people of China that we stand with them in their quest to create a free-market, democratic society that cherishes a peaceful relationship with her neighbors and the United States. However, if Congress approves PNTR, we lose any leverage we have in helping the Chinese people realize their vision for a better society.

Mr. WOLF. Mr. Speaker, I am astounded that today, this Congress is taking a vote on giving China permanent normal trade relations. I am amazed that this vote is about to take place because all of the evidence shows that China has done nothing to deserve America granting China permanent access to the U.S. market. In fact, the national security evidence and the human rights evidence shows that the Chinese government is a brutal regime that sees America not as a strategic partner, but as a global threat and competitor, economically and militarily.

There is much debate in this Congress and in America about China's future. Proponents of giving China PNTR claim that giving China permanent access to the U.S. market will change China's leadership, that giving China PNTR will promote democracy, promote religious freedom, promote peace, promote human rights.

While it is my fervent hope that these changes will occur in China, I have to ask the question, "what evidence is there to believe that China will change?" "What evidence is there that China has changed?"

After receiving several national security briefings from the CIA on China, having visited Tibet and China, and after looking at all of the continued and worsening human rights abuses committed by the Chinese government, I have to conclude that reality says, that giving China PNTR right now is dangerous to America's national security and that giving China PNTR will only strengthen the Chinese communists hold on power—allowing China to continue with its already horrible human rights record.

Let's look at the evidence.

China continues to destabilize Asia. In the past 50 years, China has clashed with nearly all of its neighbors. They invaded the Soviet Union, they invaded parts of India, they invaded Vietnam, they fought and killed thousands of U.S. troops in the Korean War. Thousands of American GI's who were captured or killed by the Chinese during the Korean War are still unaccounted for. We have never found out what happened to these GI's at Chinese hands.

China continues to threaten to use force against Taiwan. China has done this repeatedly and forcefully while we in Congress have been debating whether or not to give China PNTR. China is right now reportedly conducting war games mimicking an invasion of Taiwan that includes battle against U.S. troops. China has threatened Taiwan with a "blood soaked battle."

In 1999, China's Defense Minister declared that war with the U.S. "is inevitable." It is estimated that China has over a dozen nuclear ballistic missiles aimed at major U.S. cities and is reportedly building three new types of long-range missiles capable of striking the U.S.

Less than one year ago the Cox Committee found that China has "stolen" classified information regarding the most advanced U.S. thermonuclear weapons, giving them design information "on par with our own." The information included classified information on every currently deployed warhead in the U.S. ballistic missile arsenal.

China's official military newspaper threatened the U.S. saying if the U.S. were to defend Taiwan, China would resort to "long range" missiles to inflict damage on America.

China has exported weapons of mass destruction and missiles in violation of treaty commitments. The director of the CIA has said that China remains a "key supplier" of these weapons to Pakistan, Iran, and North Korea. Other reports indicate China has passed on similar weapons and technology to Libya and Syria. If one of these countries is involved in a conflict, it is very possible that our men and women in uniform could be called into harm's way. These weapons of mass destruction could then be targeted against American troops.

China is forging an alliance with Russia against the U.S. and China is purchasing as many weapons from Russia as it can. Reports indicate that China has purchased advanced naval vessels and top of the line anti-ship missiles from the Russians that specifically are meant to be used against U.S. aircraft carriers.

Reports indicate that China is seeking to disrupt or end U.S. alliances in the Pacific. Reports indicate that China is seeking to be the primary power in Asia and to nudge the U.S. out of Asia.

China has increased its military budget by close to 13 percent this year.

We hear the argument that PNTR will lead to economic and political growth in China, but who in China will benefit the most from increased foreign investment? Since the Clinton administration reduced technology trade restrictions in 1993, incidences of technology transfers from the U.S. to China have been numerous. Much of the capital and revenue the Chinese would gain from PNTR will go to help increase China's military build-up and to help stabilize a repressive, authoritarian regime.

I'd suggest the money is going to go toward building more jails and more prison labor camps, toward more weapons purchases and toward funding more intelligence operations against the U.S.

For all of these reasons and more, all of the major American veterans organizations, including the American Legion, the Veterans of Foreign Wars, AMVETS, and the Military Order of the Purple Heart all oppose giving China PNTR. This Congress needs to heed the voices of our veterans. These are the people who have fought, who have been wounded, and who have put their lives on the line to preserve and protect freedom. These veterans know a national security threat when they see one. They unanimously oppose giving China PNTR because they know that it is very likely that American troops will be in harm's way because of China's military threats against the U.S. and because of China's military threats in the Asia region. Letters from these groups are included for the record.

Three former Commandants of the Marine Corps, seven retired four star generals, a former Commander in Chief of the U.S. Army in Europe, and numerous other national security experts signed a letter opposing giving China PNTR because of national security concerns. These national security leaders argue that if the U.S. gives China PNTR:

> The nation ignores at its peril threatening Chinese rhetoric and behavior. * * * Beijing is using some of the hard currency it is garnering from trade and financial dealings with the United States to acquire ominous weaponry * * * specifically designed to attack American carrier battle groups * * *. We believe that the annual debate on our China policy mandated by current law should not be eliminated at present.

A recent report issued by the CIA and the FBI stated that China has stepped up military spying against the United States while using political influence programs to manipulate U.S. policy. This FBI/CIA report says that the U.S. military and U.S. private corporations are the primary targets of Chinese intelligence. This report also says that Chinese companies play a significant role in China's pursuit and acquisition of secret U.S. technology.

I am concerned that Members of Congress and the American public do not know enough about the national security threat China poses to the U.S. I have been urging our colleagues to obtain a briefing by the CIA on China and just over 40 Members have had this briefing. I have written President Clinton urging him to declassify information that shows the national security threat China poses to the U.S. before this vote takes place and he has done nothing.

Members and the American public need to know the answers to questions about the national security concerns regarding China and PNTR before this vote takes place.

Right smack in the middle of this debate on PNTR, the Chinese government has stepped up its already heinous human rights violations.

That's not just me saying that. The 1999 State Department Human Rights report on China is 68 pages long on descriptions of China's human rights abuses—abuses ranging from its policy of forced abortion and forced sterilization, to imprisonment and eradication of any democratic dissent, to imprisonment of people for having religious beliefs, to forced labor in China's vast prison labor system. The report says, "The Government's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent."

The U.S. Commission on International Religious Freedom, a bi-partisan commission established by Congress whose members were appointed by Congress and the Administration, opposes giving China PNTR because of China's continued religious persecution, saying: "* * * Congress should not approve PNTR for China until China makes substantial improvements in respect for religious freedom."

We know that 8 Catholic bishops are in prison—and I think there are probably more—and some have been in custody for over 30 years. In the past week, more Protestant House church leaders have been arrested. Muslims in northwest China are in prison because of their faith.

China continues to pillage and occupy Tibet. Tibet is a peace-loving country that is not a threat to China. Yet, the Chinese government has brutally occupied Tibet for decades and has no plans to leave Tibet. I visited Tibet and met with Buddhist monks and nuns. Each temple has a Chinese communist official that controls and monitors everything that is done in the temple. The Chinese have cameras strewn throughout the capital of Lhasa, so they can watch and monitor the people. Hundreds of Tibetan monks and nuns are in prison because of their faith.

The Chinese military is responsible for trafficking in human organs. A blood type match is made between a prospective organ recipient and a Chinese prisoner. Once the match is made, prisoners are taken to a remote location, where the necessary medical personnel have been assembled, and summarily executed. Their organs are then removed and sold.

The State Department Human Rights report says that over 500 women in China of child bearing age commit suicide each day. Could it be that China's policy of forced abortion and forced sterilization are a significant cause of these suicides? Could it be that the fines for violating the government's birth quotas, that are three times a couple's annual salary, are causing these suicides?

A country that abuses its own citizens on a massive scale cannot be trusted in its dealings with the U.S. Do Members actually think that the same Chinese government that flattens its own citizens with tanks—that kills frail 80-year-old Catholic bishops—can be trusted?

The decision on whether to give China PNTR must be based on facts and truth, not on wishful thinking or ill-placed hopes. Our challenge as a country and as lawmakers is to examine the facts, to seek the truth and to make informed and wise decisions based on the facts and truth. All of what I have said about China's worsening human rights record and the national security concerns are incontestably true. Yet, a large number of Members here are seriously considering giving away to China the only leverage the U.S. has—aside from military coercion—our annual review of whether to extend to China normal trading privileges.

I am concerned that we in the U.S. have become so enamored with China's prospective market, that we are on the verge of ignoring facts and truth. We may be ignoring history, ignoring China's abysmal human rights record, and ignoring the threats China poses to U.S. national security and to our men and women in uniform.

Today, in the year 2000, America is at a similar crossroads as Europe and America were leading up to World War II. Europe and America in the 1930's were tired of conflict, having just fought a bloody World War I, and chose to ignore the threat emanating from Germany and Japan. Neville Chamberlain forced through the sale to Germany of the Merlin high-performance engine—the same engine that was used by the British during the Battle of Britain in the famous Spitfire fighter plane. France was so caught up in enjoying the peace that it depleted its artillery stock through artillery sales to Romania, Yugoslavia and Turkey. France sold so many of its artillery pieces that when Germany invaded France, France only had 90 artillery pieces on its line with Germany. America was selling oil to Japan during Japan's invasion of Chinese Manchuria and kept selling oil to Japan within a year or so of the Japanese attack on Pearl Harbor.

We are at a similar crossroads today. Many in America feel victorious as the Cold War with the former Soviet Union no longer exists. Some see the recent facts and developments regarding China in a positive and hopeful light because they are tired of standing down a potential adversary and they are tired of facing a global rival. Events that many did not expect to happen in their lifetimes have occurred. The Berlin Wall has fallen, Germany is reunited, the Soviet Union has dissolved, Western Europe no longer faces a phalanx of hostile tanks, soldiers and missiles to its east. The battle against the former Soviet Union continued for 40 years and many simply want to wish away a future rival and a future conflict.

Those of us in Congress and in America who are very concerned with the national security threat that China poses to the U.S. are frequently criticized as having a Cold War mentality toward China and of being China bashers. We are accused of being overly critical of China and of China's human rights abuses, that we are looking for a rival simply to replace the enemy that once was the Soviet Union. Because of our concerns with China and opposition to giving China PNTR, we are accused of not giving China a chance to change and grow into a democracy and into a reliable and trusted ally.

Yet, in reality, China is still an authoritarian, communist country of over a billion people.

Yet, in reality, China wants the U.S. out of Asia and seeks to be the unrivaled power in Asia.

The massive human rights abuses and massive religious persecution in China are undisputed facts.

It is fact that China plundered Tibet.

It is fact that communist China has engaged militarily virtually every country on its border as well as the U.S. in the past 50 years.

It is fact that this present Chinese leadership rolled over its own people with tanks in Tiananmen Square.

It is fact that China commits untold atrocities against its own people.

It is fact that China has been publicly threatening to shoot nuclear missiles at the U.S.

Fits of wishful thinking and outright ignoring these and countless other facts do not change the reality of the regime in China or the plausible threat that China poses to the U.S.

We need to learn what history teaches us about leadership.

The lessons from our past are clear. Leadership is not about seeing what we wish to see. Leadership is not about closing our eyes to the threats before us. Leadership is about clearly, lucidly, and forcefully addressing facts and truth and taking appropriate action.

The American way of life, our freedom can only be preserved by vigilance. Vigilance requires us to look at the situation in China today and conclude that the Chinese regime should not receive permanent trade relations with the U.S. until the questions of national security have been adequately addressed and until there is a significant improvement in China's human rights record.

We must have a way to continue our annual review of trade with China. If we sign off on permanent trade, we hand over any influence we could have in promoting a China that respects its citizens and that is a non-threatening, peaceful member of the community of nations.

Annual review of China's trade status is an appropriate foreign policy tool, it is an opportunity for Congress to influence the behavior of China on matters of national security and human rights, and it is the right thing to do in maintaining our vigilance in preserving freedom.

[From the American Legion]

CHINA TRADE OPPOSED BY THE AMERICAN LEGION

INDIANAPOLIS (Wednesday, May 20, 2000).—Taking into account nuclear espionage charges, human rights abuses, saber rattling against Taiwan, and influence-peddling indictments, the 2.8-million member American Legion today demanded the U.S. government withhold Permanent Normalized Trade Relations with the People's Republic of China and oppose its entry into the World Trade Organization.

The American Legion's board of directors, during its annual spring meeting here, recommended Congress and the Clinton administration force China to meet four preconditions both for entry into the WTO and for ending the annual congressional review of its trade status: Recognition of the Taiwan's right to self-determination; full cooperation on the accounting of American servicemen missing from the Korean War and the Cold War; abandonment of policies aimed at military dominance in Asia; and encouragement and promotion of human rights and religious freedom among the Chinese people.

"China should embrace democratic values before it benefits from unfettered American investment," American Legion National Commander Al Lance said. "The American Legion sets forth the prerequisites for peace and stability, without which Communist China will become economically and militarily more formidable even as it embarks on policies pursuant to regional instability. A something-for-nothing trade arrangement with China—one that severs trade from national security and human rights—threatens stability, rewards antagonism, and strengthens a potential foe of American sons and daughters in the U.S. armed forces."

Founded in 1919, The American Legion is the nation's largest veterans organization.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, May 17, 2000.

To: All Members of the United States House of Representatives, 106th U.S. Congress.
From: John W. Smart, Commander-in-Chief, Veterans of Foreign Wars of the United States.

The Veterans of Foreign Wars of the United States oppose Permanent Normal Trade Relations with China. China's policies and actions over the past several years have not demonstrated that it is ready to become a permanent-trading partner of the United States.

Passage of the China Trade Bill would end annual congressional review of China's access to U.S. markets and give it permanent trade relations with the United States. While this bill might provide certain economic benefits and advantages to some American companies, it could hurt other American industries and may cost many Americans their jobs. Permanent Normal Trade relations with the United States should be earned by China, not given away. Essentially this bill rewards China for mistreating its citizens, violating its current trade agreements, threatening its neighbors and the United States with military action, proliferating weapons of mass destruction, stealing nuclear, military and industrial secrets from the United States, increasing espionage against the U.S., and practicing religious oppression. We believe this bill sends the wrong message to China and the rest of the world.

Now is not the proper time to grant China Permanent Normal Trade Relations. The United States should maintain its current annual congressional review of China's trade status until such time as China changes it's policy and demonstrates that it is ready to treat its people according to the basic human rights standards of other modern industrial nations.

A vote against Permanent Normal Trade Relations with China will send a clear message that the United States does not tolerate China's persistent human rights violations, and will not agree with it's proliferation of missile technology and weapons of mass destruction, it's military threats against the United States and other countries in the Pacific region including repeated threats made against Taiwan.

Respectfully,

JOHN W. SMART,
Commander-in-Chief.

AMVETS,
Lanham, MD, May 16, 2000.

Hon. FRANK R. WOLF,
Member of Congress, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WOLF: AMVETS, the nation's fourth largest veterans organization, represents more than 200,000 veterans who honorably served in the Armed Forces of the United States, and opposes Permanent Normal Trade Relations (PNTR) for China.

While the U.S. relationship with China is important, AMVETS believes that national security issues take precedence over the trade relations with foreign countries. We concur in your belief that our nation can not afford to give leverage to the Republic of China—which exports weapons of mass destruction and missiles, maintains spy presence in the U.S. and continues to threaten Taiwan with military force.

When Congress votes in the House during the week of May 22, let it be known that AMVETS says "no" to the Permanent Normal Trade Relations for China.

Sincerely,

CHARLES L. TAYLOR,
National Commander, 1999–2000.

MILITARY ORDER OF THE
PURPLE HEART,
May 15, 2000.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLF: The Military Order of the Purple Heart (MOPH), representing the patriotic interests of its 30,000 members and the 600,000 living recipients of the Purple Heart, is seriously concerned with the Administration's proposal to grant Permanent Normal Trade Relations (PNTR) status to the Peoples Republic of China.

The MOPH is familiar with the current series of U.S. Government reports concerning China to include: the Cox Committee Report, the Rumsfield Commission Report, the 1999 Intelligence Community Report on Arms Proliferation, and Chairman Spence's May 2000 HASC National Security Report on China. These and other similar security assessments clearly indicate that China, as an international actor, continues to behave in a manner that is threatening to international stability and U.S. national security interests.

Given the broad consensus that has formed about this issue, to include the recent Harris Poll indicating 79% of all Americans are against granting PNTR status to China, the MOPH believes it both prudent and reasonable to delay the granting of PNTR status to China at this time. Speaking as patriots and combat wounded veterans, we believe that granting PNTR status to China would relieve them from the current pressure caused by annual Congressional review of their trade status. Clearly, Congressional review has caused China to improve its dismal human rights record and to modify to some extent its proliferation of dangerous arms on the world market. Yet these modifications must been seen as the beginning not the end.

Today, China represents the most dangerous of the emerging threats to U.S. national security. Her designs on Western Pacific dominance, her extreme belligerence towards Taiwan, and her persistent espionage and theft of U.S. advanced technologies are behaviors that must be checked before any reasonable consideration of PNTR status can be undertaken.

Many of the America's combat wounded veterans sacrificed life and blood to repel Chinese aggression during the Korean Conflict. Fifty years after that war China remains an unabashedly communistic regime. It is time for China to change if she wishes to be a truly welcomed participant on the world's stage. It is also time for Congress and the Administration to reflect upon the sacrifices of its combat wounded veterans and ensure that China will not once again become our enemy. In the view of the MOPH this objective must be reached before PNTR status should be granted to China.

Yours in Patriotism,

FRANK G. WICKERSHAM III,
National Legislative Director.

FLEET RESERVE ASSOCIATION,
Alexandria, VA, April 21, 2000.

Hon. CHRISTOPHER H. SMITH,
M.C., House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SMITH: Please be advised that the Fleet Reserve Association (FRA), representing its 151,000 members, all career and retired Sailors, Marines, and Coast Guardsmen of the United States Armed Forces, joins you and your colleagues in opposing Permanent Normal Trade Relations (PNTR) for China.

FRA shares your concern that weapons of mass destruction exported by that country can be used against U.S. military personnel, and also our Nation's citizens. Further, China already has obtained considerable knowledge of our Nation's weapons technology without normal trade relations. Should the United States open its door to normal trade relations, it is worrisome that China will discover even more of that sensitive information.

One of the most important goals of this Association is to protect its members as well as every active duty and reserve uniformed member of the Navy, Marine Corps, and Coast Guard. To fulfill that commitment, FRA must do all that it can to oppose any move that could possibly send those brave men and women into harms way without "rhyme or reason." With the possibility that the future will hang dark shadows over open trading with a yet unproven China, FRA is sensitive to the harm that country may inflict upon our Nation.

Loyalty, Protection, and Service,

CHARLES L. CALKINS,
National Executive Secretary.

NAVAL RESERVE ASSOCIATION,
Alexandria, VA, May 9, 2000.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: The Naval Reserve Association and the Naval Enlisted Reserve Association work together as affiliates to represent 37,000 officers and enlisted members from the Naval Reserve services. They are representative of the 89,000 Selected Reservists, the 4,500 non-pay Drilling Reservists (VTU), and the 91,000 Individual Ready Reservists (IRR), as well as the Retired Reserve community.

As a resource to the U.S. Military, our membership is concerned with our relationship with China. Decisions made today will be affecting the political-military balance in the Pacific for the next 50 years. The Peoples Republic of China may well be a rival.

Building its economy on the backs of its people, China is also willing to risk world stability. To generate hard currency, the PRC is selling weapons systems to Third World nations, including many considered rogue states in nature.

China is aggressively building its military. The PRC's ambitions include reunification by force with Taiwan, and territorial claim over the energy resources in the international waters of the South China Sea.

The process of reviewing trade relations with China each year is an opportunity for Congress to influence the behavior of China on matters of national security and human rights.

China is the largest of four surviving Communist governments in the world today. Human rights of its citizens continue to be violated. Evidence exists of Chinese espionage within the U.S. Government and industry. The PCR has effected political influence to manipulate U.S. policy. An annual trade review provides an element of counter balance.

Trade between nations helps maintain diplomatic dialogue and exposes a country's citizenry to outside ideas as well as products. Commerce with China is growing in importance for a number of U.S. Corporations. As a nation, we should continue to expand the marketplace, but not carte blanche. Now is not the time to offer Permanent Normal Trade Relationships (PNTR) for China.

MARSHALL HANSON,
Director of Legislation, Naval Reserve Association.
DENNIS F. PIERMAN,
Executive Director, Naval Enlisted Reserve Association.

WARRANT OFFICERS ASSOCIATION,
Herndon, VA, May 9, 2000.

Hon. FRANK R. WOLF,
Member of Congress, House of Representatives, Washington DC.

DEAR REPRESENTATIVE WOLF: On behalf of the members of this Association I write to express support and appreciation of your actions and that of several of your colleagues, in opposing Permanent Normal Trade Relations with China.

The USAWOA represents nearly 20,000 warrant officers of the Active Army, the Army Guard, and the Army Reserve. These highly-skilled men and women serve as helicopter pilots, special forces team leaders, intelligence analysts, command and control computer and communications managers, armament and equipment repair technicians, and in other technical fields critical to success of the modern battlefield. Daily, many of them are in harm's way.

From our perspective, it appears that China has done little to deserve such consideration. Of more concern is the fact that China shows few of the peaceful, democratic traits evidenced by our Nation's other major trading partners. Indeed, China appears to striving to achieve not only economic dominance of the Pacific Rim but also a significant military advantage over her neighbors, and quite possible, the United States.

In this instance, trade and economic considerations cannot take precedence over the safety of our Nation and that of our allies and friends. Until fundamental, lasting changes take place in China, normalization of trade relations should not take place.

Respectfully,

RAYMOND A. BELL,
Executive Director.

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, April 27, 2000.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WOLF: The Reserve Officers Association ("ROA"), representing 80,000 officers in all seven Uniformed Services, is concerned about the proposal to grant Permanent Normal Trade Relations ("PNTR") to China.

ROA acknowledges the importance of our relationship with China, including our growing economic ties to China. Nevertheless, ROA believes that it would be a mistake to grant PNTR to China at this time. The annual process of reviewing trade relations with China provides Congress with leverage over Chinese behavior on national security and human rights matters. Granting PNTR would deprive Congress of the opportunity to influence China to improve its human rights record and behave as a more responsible actor on the national security stage.

Just within the past few weeks, China has made military threats against Taiwan and threatened military action against the United States if we defend Taiwan. Just four years ago, China fired several live missiles in the Taiwan Strait, necessitating a deployment of two American carrier battle groups to the area.

A report issued last month by the CIA and FBI indicates that Beijing has increased its military spying against the United States. Less than a year ago, the Cox Committee reported that China stole classified information regarding advanced American thermonuclear weapons.

Additionally, Beijing has exported weapons of mass destruction to Iran and North Korea, in violation of treaty commitments. Finally, China's record of human rights abuses is well documented.

A recent Harris Poll revealed that fully 79% of the American people oppose giving China permanent access to U.S. markets until China meets human rights and labor standards. On this issue, Congress should respect the wisdom of the American people. Now is not the time to grant Permanent Normal Trade Relations to China.

Sincerely,

JAYSON L. SPIEGEL,
Executive Director.

AN OPEN LETTER TO THE CONGRESS

Hon. DENNIS HASTERT,
Speaker of the House of Representatives, U.S. Capitol, Washington, DC.

Hon. TRENT LOTT,
Majority Leader, U.S. Capitol, Washington, DC.

DEAR SPEAKER HASTERT AND SENATOR LOTT: In recent days, proponents of granting China Permanent Normal Trade Relations (PNTR) status have asserted that the failure by Congress to do so would harm U.S. national security. As individuals who have devoted much of our professional lives to providing for and safeguarding America's security and vital interests, we believe this assertion to be incorrect—possibly dangerously so.

In our judgment, the Nation ignores at its peril threatening Chinese rhetoric and behavior. For example, PRC leaders and official publications routinely refer to the United States as "the main enemy." They have threatened "long-distance missile strikes" against American cities if the U.S. interferes with China's coercion of Taiwan. Beijing is using some of the hard currency it is garnering from trade and financial dealings with the United States to acquire ominous weaponry, such as Russian-built Sovremenny-class destroyers—ships whose nuclear-capable SS-N-22 "Sunburn" missiles were specifically designed to attack American carrier battle groups.

In December, China's Defense Minister General Chi Haotian told a meeting of senior officers of the People's Liberation Army that China needs to prepare for an "inevitable" war of several years duration to break American "hegemony" in East Asia. A few months earlier, the Central Military Commission of the Communist Party circulated to all PLA bases and garrisons a document in which it declared, "The strategic superiority which can be claimed by the U.S. is close to zero. It does not even enjoy a sure advantage in terms of the foreseeable scale of war and the high-tech content which can be applied to combat . . . After the first strategic strike, the U.S. forces will be faced with weaponry and logistic problems, providing us with opportunities for major offensives and to win large battles."

Such statements and actions suggest that the Chinese today, like the Japanese sixty years ago, put great faith in the ability of a materially weaker challenger to defeat a major power which looks stronger, but which they believe has become decadent and irresolute in the use of power. If Beijing is poised to make the same mistake that Tokyo made in 1941, it would cost this country dearly to prove them wrong should it come to a war the Chinese apparently expect and for which they are preparing. A firm American stand now would likely avoid miscalculation later, boost deterrence and, therefore, promote peace in the Western Pacific and East Asia.

Toward that end, we believe that the annual debate on our China policy mandated by current law should not be eliminated at present. It should, instead, be expanded to place international economic ties in the larger context of American national security policy and interests in Asia.

The PRC clearly does not want this yearly debate to occur, which is why granting PNTR at this time, in the face of myriad threats from China, is likely to be interpreted by Beijing as an act of appeasement. If so, far from enhancing U.S. security, a vote for PNTR under present circumstances would only intensify the threat Communist China will pose.

We believe that, under present and foreseeable circumstances, China's trade status and behavior should continue to be subjected to a formal annual review. In addition, the United States must retain the ability to take whatever measures are deemed necessary to prevent the transfer of technology, capital and other resources to Beijing that could ultimately help threaten U.S. security and American lives. We strongly urge Congress to reject any China NTR or WTO-related legislation that does not contain such safeguards.

General Robert H. Barrow, USMC (Ret.), former Commandant, U.S. Marine Corps.

General J.B. Davis, USAF (Ret.), former Chief of Staff, Supreme Headquarters Allied Powers Europe.

Diana Denman, former Co-Chair, U.S. Peace Corps Advisory Council.

Adm. Leon A. 'Bud' Edney, USN (Ret.), former Supreme Allied Commander, Atlantic.

Major Gen. Vincent E. Falter, USA (Ret.), former Deputy to the Assistant Secretary of Defense for Atomic Energy.

Frank J. Gaffney, Jr., President, Center for Security Policy and former Acting Assistant Secretary of Defense.

Hon. William R. Graham, former Director of the Office of Science and Technology Policy and Science Advisor to President Reagan.

James T. Hackett, former Acting Director of the Arms Control and Disarmament Agency.

Adm. Kinnaird McKee, USN (Ret.), former Director, Naval Nuclear Propulsion.

Lieutenant General Thomas H. Miller, USMC (Ret.), former Deputy Chief of Staff for Aviation, Headquarters U.S. Marine Corps.

Gen. Carl Mundy, USMC (Ret.), former Commandant, U.S. Marine Corps.

Major Gen. J. Milnor Roberts, USA (Ret.), former Chief of Army Reserve.

General Glenn K. Otis, USA (Ret.), former Commander-in-Chief, U.S. Army, Europe.

General John L. Piotrowski, USAF (Ret.), former Commander, U.S. Space Command and Vice Chief of Staff, U.S. Air Force.

Hon. Roger W. Robinson, Jr., former Senior Director, International Economic Policy, National Security Council.

Major Gen. John K. Singlaub, USA (Ret.), former Chief of Staff, U.S. Forces Korea.

Hon. Gerald B.H. Solomon, former Member of the U.S. House of Representatives.

Gen. Donn A. Starry, USA (Ret.), former Commander, U.S. Army Readiness Command.

Hon. James H. Webb, Jr., former Secretary of the Navy.

General Joseph J. Went, USMC (Ret.), former Assistant Commandant, U.S. Marine Corps.

General Louis H. Wilson, USMC (Ret.), former Commandant, U.S. Marine Corps.

[From the Center for Security Policy]

TWENTY-ONE NATIONAL SECURITY LEADERS URGE REJECTION OF PNTR

WASHINGTON, D.C.—On the eve the House of Representatives vote on granting the People's Republic of China Permanent Normal Trade Relations (PNTR) status the Center for Security Policy released an Open Letter to Senate Majority Leader Trent Lott and Speaker of the House Dennis Hastert (see the attached). This letter, which was signed by over twenty of the Nation's most eminent security policy practitioners and retired military officers, argues forcefully that the granting China PNTR would harm U.S. national security.

This letter comes on the heels of numerous appeals by the Nation's largest veterans and military service organizations who have expressed their opposition to rewarding China's threatening rhetoric and behavior by removing the yearly review of China's trading status. These groups, including the American Legion, Veterans of Foreign Wars, the Reserve Officers Association of the United States, the Warrant Officers Association, the Fleet Reserve Association, the Military Order of the Purple Heart, AMVETS, the Naval Reserve Association and the Naval Enlisted Reserve Association and the signatories of today's letter should be commended for their defense of America's security and principles.

The Open Letter's signatories include: three former Commandants of the U.S. Marine Corps (General Robert H. Barrow, General Carl Mundy and General Louis H. Wilson); seven retired four-staff general officers (former Chief of Staff, Supreme Headquarters Allied Powers Europe, General J.B. Davis, USAF; former Supreme Allied Commander, Atlantic, Admiral Leon 'Bud' Edney, USN; former Director, Naval Nuclear Propulsion, Admiral Kinnaird McKee, USN (Ret.); former Commander-in-Chief, U.S. Army, Europe, General Glenn K. Otis, USA (Ret.); former Commander, U.S. Space Command and Vice Chief of Staff, U.S. Air Force, General John L. Piotrowski USAF (Ret.); former Commander, U.S. Army Readiness Command, General Donn A. Starry, USA (Ret.); and former Assistant Commandant, U.S. Marine Corps, General Joseph J. Went, USMC (Ret.)); former Secretary of the Navy, James H. Webb, Jr.; former Science Advisor to President Reagan, William R. Graham; and former Chairman of the House Rules Committee, Gerald B.H. Solomon.

The Open Letter reads in part:

"[T]he Chinese today, like the Japanese sixty years ago, put great faith in the ability of a materially weaker challenger to defeat a major power which looks stronger, but which they believe has become decadent and irresolute in the use of power. If Beijing is poised to make the same mistake that Tokyo made in 1941, it would cost this country dearly to prove them wrong should it come to a war the Chinese apparently expect and for which they are preparing. A firm American stand now would likely avoid miscalculation later, boost deterrence and, therefore, promote peace in the Western Pacific and East Asia. Toward that end, we believe that the annual debate on our China policy mandated by current law should not be eliminated at present. It should, instead, be expanded to place international economic ties in the larger context of American national security policy and interests in Asia."

The Center urges Congress to weigh carefully the arguments of these highly respected and accomplished authorities and, in so doing, to discount dubious appeals for granting China PNTR on national security grounds.

Mr. UNDERWOOD. Mr. Speaker, I rise in support of granting permanent normal trade relations to the People's Republic of China. I do not presume that my comments will change any of my colleagues minds but please allow me to tell you why I am in support of this measure.

During the 19th Century, European powers, more or less, forced their own way into China by militarily demanding exclusive trade concessions. More often than not, these trade concessions benefitted the European merchants almost unilaterally. In this age of imperialism, little concern was given to the "economic benefit" received by the Chinese people in general. To be sure, there were many Chinese feudal lords and merchants who grew very wealthy from trading with the Europeans, but as a matter of course, widespread economic prosperity would not reach the average Chinese peasant or urban laborer until well into the late 20th Century.

The United States during this age of imperialism was steadfast in promoting the "Open Door Policy" whereby no nation was excluded from trade with China. Of course, this privilege was limited to only but a few great maritime powers. Nevertheless the concept of free trade and open access to markets was there.

The point of recalling this history is to understand China's present frame of political reference. China was, in many ways, abused by the Western foreign powers for much of the 19th and early 20th Centuries. In the turmoil that followed the Second World War, the Chinese Communists seized power in a revolution of the peasantry. In establishing a paranoid one-party authoritarian state, the west's colonial legacy has remained a rather contemporary influence in the body politic of China's leaders. In the years since the Cultural Revolution, China has made tremendous in roads to opening up and embracing many market concepts. True, they still are ruled by an intolerant regime that has an abhorrent human rights, labor rights, women's rights, civil liberties, and environmental record. True, they are also modernizing their military and repeatedly engage in political "saber rattling."

Yet anyone who has bothered to study Chinese history will instantly recognize that it is China who fears the western world's economic, political, and military power. It is China who fears being isolated and contained. Beijing recognizes that as a developing nation they need to be a part of the global economy in order to survive and become more prosperous. Since China increasingly depends on the connections to the global economy, they indeed have more to loose if they are cut out. Part of the motivation behind the trade accord, as brokered by President Clinton, is to "normalize" the trade and economic links of China with the global economy and thereby cement China's dependence upon this community, which is subject to the rule of law.

So, let us now turn briefly to the agreement as drafted in this bill. To address some of the rhetoric let us turn to the facts. All this agreement does is remove the annual Congressional review process, as required by the 1974 Trade Act, before granting normal trade relations to China for the year. In granting this "permanent" status, China will then be able to work towards joining the World Trade Organization (WTO). In this agreement, the granting of PNTR by the United States only goes into effect upon China's admittance to the WTO. This process could take years. In the meantime this body loses nothing; the annual NTR review would still apply. In addition, there are many legal and market oriented hoops that the Chinese government must comply with in order to become a member of the WTO. Once China is a member of the WTO, the United States still can impose sanctions on China but they have to be "WTO consistent." This means that if for national security reasons or other qualifying reasons, the President feels it is necessary to impose economic sanctions, it would be within our rights to do so.

One concern is that in passing this bill, Congress abdicates its ability to have economic leverage over China. There are many other processes to affect this "leverage" over China. For example, the U.S. could use the power of the Export-Import Bank, TDA and OPIC to apply pressure on China. Finally, the Levin-Bereuter language that establishes a Congressional Executive Commission on Human Rights and Labor Abuses in China, will annually grant this body the opportunity to investigate and criticize China's abuse in these areas. This language preserves our commitment and ability to annually address Human Rights and Labor Abuses in China.

Mr. Speaker the strengths of granting PNTR clearly outweigh the weaknesses. It will undoubtedly benefit American businesses and open China's markets in U.S. goods. Plain and simple, this agreement is about trade. My colleagues, China has along way to go towards reforming its civil society but you cannot genuinely compare the current regime in China to the government of Nazi Germany in the 1930s. Unlike the Nazi's, China is not bent on world domination. The Chinese have no military plans to occupy parts of California or New York.

Mr. Speaker, trade inevitably liberalizes a society. Look at South Korea, Taiwan, Indonesia, Spain, Portugal, Chile and Argentina. The former authoritarian regimes in these nations were undoubtedly weakened by the permeating influence of open markets and the free flow of goods, capital, and ideas. As we stand here on the precipice of change, we have an opportunity to take a first step towards exposing China towards the benefits and responsibilities of trade and the rule of law. Granting PNTR and China's membership in the WTO is not a panacea. It may change China in profound ways that were not anticipated by most Americans. But in the end, the long road ahead for our national security and economic security begins with this first step. We should grant PNTR and continue to engage China.

Mr. CHAMBLISS. Mr. Speaker, the decision on whether or not we should grant normal trade status to China is always a difficult one. In 1995 and 1996, I supported renewing trade with China because there were indications that the Chinese were moving in the right direction toward a more open free society. However, abiding concerns about human rights, religious persecution, proliferation of advanced missile technology, and saber rattling toward Taiwan and China's other neighbors led me to vote against granting normal trade status to China during the last three years.

This year, however, the debate over granting normal trade relations with China is different. We face a momentous decision about the future of jobs in the United States and specifically greater employment prospects for men and women living in Georgia's Eighth Congressional district. The administration negotiated a one way agreement with China that mandates significant reductions in tariffs as a part of China's entry into the World Trade Organization as well as includes import safeguards for sensitive industries like textiles. In 1998, Georgia exported over $338 million worth of goods and services to China. China has an estimated $750 billion in infrastructure needs over the next ten years. Companies and industries located here in middle and south Georgia are well positioned to take advantage of this auspicious opportunity. Thousands of Georgia's workers at companies such as Brown & Williamson Tobacco Corporation in Macon, Rayonier in Baxley, Barnesville, and Lumber City, Hudson Pecan Company in Ocilla, International Paper in Folkston, BP Amoco in Hazlehurst and Nashville, Blue Bird Body Corporation in Fort Valley, and CSX Corporation in Waycross all support increased trade with China.

I continue to be concerned with a number of issues related to China. But today we must decide whether or not we will close the door to expanded markets for products made in Georgia, alienate the most populous nation in the world, and lose a genuine opportunity to build a dialogue with China and spread American values of freedom, democracy, and market economics consequently improving the lives of 1.6 billion people. We should condemn China's brutal repression against its citizens and continue to vigilantly monitor human rights abuses. We will ensure that our military and intelligence capabilities are strong and robust enough to meet the challenges of any Chinese aggression. We must pry open the Chinese market and tear down pernicious trade barriers that block American goods and services and restrain prosperity.

We cannot change Chinese civilization overnight. But turning our back on China now and limiting our opportunities for improving our relationship with the Chinese is not the answer either. Rejecting trade with China only frustrates efforts by American businesses to expand their worldwide sales and create jobs here at home.

We must continue to be concerned about human rights and labor issues in China. We will now have a forum like we have never had to dialogue on these issues.

For the agricultural community, the benefits of trade with China are enormous. Chinese tariffs on pecans will be reduced 35 percent, tobacco 40 percent, and textiles 13.7 percent. For the manufacturing community, the job security and job creation potential are great. Tariffs on wood products will be slashed 64 percent, agriculture equipment 50 percent, and aluminum 33 percent. In fact, most every agricultural and manufacturing group or company in the state of Georgia supports expanding trade relations with China.

Granting China normal trade relations will be beneficial to our district and the state. But more importantly, building better friendships with the Chinese people, teaching them about the value of open, democratic, and free societies, and bringing China into the legal, cultural, and economic community of nations will create a better world for the next generation.

Mr. UDALL of Colorado. Mr. Speaker, I will vote against this bill. Deciding how to vote on this has not been easy, and I want to explain how I've arrived at my decision.

I began by reviewing the developments that led to the decision we are asked to make today.

In November 1999, after nearly 14 years of negotiations, the U.S. and China reached a bilateral agreement covering market access issues with China, taking the first step to China's admission to the World Trade Organization (WTO).

For the U.S. to benefit from China's accession to the WTO, Congress must first grant unconditional and permanent NTR to China. This means we would no longer have the annual opportunity to review China's record on human and worker rights, which Congress has done since the passage of the Trade Act in 1974. The Trade Act includes an amendment that denies NTR for China, which congress has voted to waive since 1980. I think this has been an important exercise that has enabled Congress to regularly review China's progress in human and worker rights. Some argue that this "sword of Damocles" that we hang annually over the heads of the Chinese isn't putting a stop to human rights violations. But we should ask what might have happened if we hadn't exercised this leverage. Human rights organizations and dissidents tell me that as the vote approaches every year in Congress, the situation in China becomes a little less grim. To me, that indicates that the annual review of Congress continues to be important.

The agreement negotiated last November would require China to open its markets widely and deeply, and would provide new trade and investment opportunities for U.S. businesses. But there remain unanswered questions about the economic consequences of the agreement and whether the immediate benefits to U.S. producers will be as great as some have claimed. For instance, it is unclear whether the agreement will improve our increasing trade imbalance with China, a deficit valued annually at $69 billion. It is unclear whether most of the benefits of the agreement will be realized by U.S. companies that invest directly in China and use China primarily as an export platform, or whether there will be an increase in imports of U.S.-made goods to China. It also remains unclear on what terms the U.S. and China would trade in the absence of the WTO agreement—some analysts maintain that the 1979 U.S.-bilateral treaty would allow the U.S. to benefit from some, if not all, of the provisions in the WTO agreement, even if the agreement itself doesn't go into effect.

So, I have questions about the details and effects of the trade agreement.

But my misgivings about granting permanent NTR status to China don't revolve around questions of the benefits of trade as much as about the question of who will benefit. We hear from free trade advocates that permanent NTR will be good for the people of China. There's an underlying assumption here that free trade invariably leads to development and democracy. Markets do produce change, but not necessarily "development" in a positive sense. Markets without law produce the kind of capitalism we see in Russia, and markets without democracy produce an Indonesian-style economic disaster. I agree that open markets and more porous borders have helped lift up the lives of people in many countries of the world. But I am also alarmed about the growing economic inequality within and between countries. Unless free trade is also fair trade, we risk lifting up the few to the detriment of the many. Economic openness accompanied by tighter restrictions on basic freedoms. Even now, China claims its action in arresting and imprisoning pro-democracy activists and Falun Gong followers are done in the name of the "rule of law."

Fortunately, the vote on permanent NTR is not a vote on whether to isolate China from the rest of the world. The forces of globalization have already changed China and connected it to the world in ways even China's leadership can't control. Even now, China receives far more foreign direct investment than any other developing country. Trade, investment, and reform will continue whether or not the U.S. grants China permanent NTR. And this doesn't mean that the U.S. would necessarily be left out of the mix. Despite threats to impose stiff tariffs on U.S. firms doing business in China if permanent NTR does not pass, China's paramount concern right now is its economy and finding ways to bring it into the 21st century. If China is determined to find this path, it is doubtful that it would choose to neglect the very country that consumes 40 percent of its exports.

After careful consideration, I have decided I cannot support permanent NTR for China at this time. There are five main reasons why.

First, if there is any constant in China's behavior, it is that China does not do what it says it will do, especially as regards trade. In my view, a WTO agreement can advance economic reform in China only if it is enforced. The WTO was founded on the assumption that its members respect international laws. But China has violated all four bilateral trade agreements that it has entered with the U.S. since 1992. Already, some of China's ministries have moved to protect themselves against the effect of WTO membership. It seems to me that if we can expect massive violations from China based on its record of noncompliance with existing trade agreements, we should be concerned that the WTO multilateral dispute mechanisms—already cumbersome—are not constructed to handle this kind of load.

Second is the concern I touched on earlier about the importance of the leverage provided by the annual NTR review. China's record of violating its citizens' fundamental human rights of freedom of speech, religion and association will be harder, not easier, to challenge if Congress grants PNTR.

Third, I have many concerns about labor the environmental standards that the November 1999 agreement does not take into account. If we don't insist now—before we grant permanent NTR—that China commit to making progress in these areas, what could be our best chance for these reforms will be closed off.

Fourth, there is important symbolism to consider. Granting China permanent NTR would send a powerful message to Asia's genuine fledgling democracies—Thailand, the Philippines, Korea, and Indonesia, where workers have the right to organize—that they no longer have to abide by internationally recognized human and labor rights. Granting China permanent NTR would also send a troubling message that although we hold other countries accountable through sanctions for arms sales, threats to neighboring democracies, or human rights abuses, we are not willing to do the same for China. While I am not advocating sanctions for China, neither do I believe we should turn a blind eye to China's human rights abuses by granting permanent NTR.

This leads me to my fifth reason, which to me is the most important. China has racked up a dismal human rights record year after year, despite signing two UN covenants on human rights prior to President Clinton's trip to Beijing in 1998. In fact, according to recent reports by the State Department, Human Rights Watch, and other organizations, the situation has deteriorated markedly since late 1998. Even now at the current meeting of the UN Human Rights Commission in Geneva, China is fighting a U.S. effort to censure Beijing for its worsening human rights record. In the name of "social stability," China has effectively banned opposition political parties, further constrained free association and religious expression, sped up the pace of arrests and executions of activists, and interfered with the free flow of information through restrictions on the Internet. This is all in addition to extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, and denial of due process. Just recently, a constituent of mine in Westminster asked for help in getting his Chinese parents released from a jail in Hubei Province, where they are being detained for their Falun Gong practice. We've done what we can, but as far as I know, they're still there.

Before we grant PNTR, we should insist that China ratify and live up to the two UN human rights treaties it has already signed. We should ask that it take steps to begin dismantling its "reeducation through labor" system, which allows officials to sentence citizens to labor camps for up to three years without judicial review. We should insist that China change its repressive policies regarding the Tibetan people and open Tibet to regular access by UN human rights and humanitarian agencies and foreign journalists. If we don't insist now—before we grant permanent NTR—that China live up to agreements it has signed and that it adhere to international standards of human rights, China will have no incentive to move in this direction.

Some have suggested that the "brave" position to take is to vote to grant normal trade relations to China. I disagree. For me it is far more difficult to cast a vote that some might say would close the door on a developing country and its billion citizens, all of whom deserve the benefits that truly free trade can bring. On the contrary, I'll be the first to welcome China if—as it opens it markets—it also will open its prisons; lift restrictions on speech, association, and religious expression; protect the rights of its workers; and respect its environment.

I don't believe we can or should ignore China. To do so would risk ignoring important economic opportunities and strategic and security considerations. I believe we should encourage China's economic modernization, but we should also encourage China to take the leap into the 21st century in more than just economic ways.

The question is not whether to engage China, it is how and on whose terms. I was encouraged by the efforts of Representative LEVIN and Representative BEREUTER to seek a way in which to maintain pressure on China to improve its record on human rights, compliance with core labor standards, and development of the rule of law. That is why I voted for the rule, which added the Levin-Bereuter provisions to the bill. These provisions still don't go far enough—given that they have no power of enforcement—to allow me to change my position. But I believe they reflect the right spirit, a spirit that is about trying actively to shape globalization, not passively closing our doors. Although I cannot support permanent NTR today, I remain committed to this activist course.

Mr. LANTOS. Mr. Speaker, granting China Permanent Normal Trade Relations status is unwise, unprincipled, and counterproductive.

American multi-national corporations are realistic enough to understand that most of them will never sell anything in China. They will create production platforms taking advantage of cheap labor and non-existent health, safety, and environmental regulations to replace American men and women who work for a living wage in the United States.

In our economic relations with China, it is we who have the leverage, not the Chinese. They have a $70 billion trade surplus with the United States—and this surplus is vital for their military armament plans and their economic progress. We have all the cards but pretend to be impotent.

Mr. Speaker, fig leaves have a noble function in Greek sculpture—they conceal valuable and at times indispensable parts. The "Commission" proposed in this legislation gives a bad name to fig leaves. We have governmental and private studies overflowing our desks, all proving the outrageous human rights abuses, violations of religious freedom, and the denial of political discourse that permeate China. No one in his or her right mind believes for a moment that yet another commission will have any impact on the dictatorial regime in Beijing.

China's victory in this struggle today, however, will be carefully studied and imitated by the new KGB-trained President of Russia. Our ability to advocate pluralism, religious freedom, and political liberties in Russia will be profoundly crippled by the hypocrisy of this debate today. President Putin will have no trouble learning the lesson that what we really care about is stability and investment opportunities. All the rhetoric about liberty, freedom of the press, and religious freedom is just that—sheer rhetoric with no substance.

Mr. Speaker, China already has Normal Trade Relations with the United States. This measure on which we are voting today merely protects this repulsive regime from an annual debate in the Congress, which over the past decade has pointed out China's serious shortcomings. Now the government in Beijing will have a free ride.

Mr. BISHOP. Mr. Speaker, after considering the arguments for and against PNTR, I have concluded that rejecting it would be a serious mistake and passing it would benefit Georgia's and our area's economy.

China will soon enter the World Trade Organization (WTO), which oversees the rules of international commerce. The United States is already a member. WTO rules say that members must grant one another "unconditional" low-tariff access to their markets. The current process of annual votes by Congress on China trade amounts to a "condition." Hence, the U.S. would be out of compliance with WTO rules if PNTR was not passed.

To gain entry into the WTO, China has agreed to open markets that have long been closed, such as agriculture, services, technology, telecommunications, and manufactured goods, and will drop or greatly reduce tariffs. The U.S. has already opened our markets. U.S. exports to China have tripled over the past decade. But China's exports to the U.S. are seven times greater. That deficit should drop with an expansion of U.S. goods and services under PNTR and WTO.

Unfortunately, China will only give these market-opening benefits to countries that give Chinese products "unconditional" access. So, if we fail to give China PNTR, they will shut U.S. companies out of huge business opportunities in a fast-growing economy of 1.2 billion people. That would impact jobs in our area greatly, according to Governor Roy Barnes, Agriculture Commissioner Tommy Irvin, the 342,000-members of the Georgia Farm Bureau, Proctor and Gamble, Merck Pharmaceutical, Miller Brewing, Phillip Morris, Kraft Foods, Georgia Pacific, Weyerhaeuer, Ayres Aircraft, Carter Manufacturing, Griffin Chemical, Coca-Cola, Bell South, Georgia Power, AT&T, Cargill, Tyson Foods, Gold Kist, American Cotton Shippers, Synovus Financial, AFLAC, UPS, Tobacco Association of the United States, Brown and Williamson, and countless others.

Too many people associated with these area businesses would lose. We just can't afford NOT to grant PNTR.

Some, including myself, have expressed deeply-felt and well-reasoned concerns about PNTR. Some, including veterans groups, have questioned whether it might compromise our national security. Some farmers and business entrepreneurs feel China's proclivity for cheating might put the U.S. at an export disadvantage. Others express concern about rewarding a country like China with a horrible record of political suppression, religious persecution, and unfair and inhumane labor practices. I share all of these concerns.

Upon close analysis, however, I believe that failure to pass PNTR would have even worse consequences. Our national security would be endangered because rejection of PNTR would send a clear message that we view China as an adversary. The Chinese are modernizing a military that has more manpower than any country on earth, and only because of our current engagement policy have they agreed to stop transferring anti-ship cruise missiles to Iran and other rogue nations for cash. If they view us as an adversary, rather than a trading partner, they will continue to transfer weapons of mass destruction and endanger our national security.

Moreover, if we are seen as an adversary to China, our bilateral relations with other Asian countries such as Singapore, Thailand, Malaysia, Indonesia, Taiwan, and even Japan would be affected. These countries would have to align themselves with China, their strong neighbor, or the U.S. on the other side of the world. Taiwan President-elect Chen shui-Bian supports PNTR because he says it would promote greater cooperation between mainland China and the free world as well as contribute to peace and stability.

As for human rights, labor and environmental issues, it is clear the U.S. cannot exert influence if it is disengaged. Although the effectiveness of the oversight measures in the PNTR package is disputed, the measures do, in fact, make workable mechanisms available to the U.S. to take retaliatory action against any breakdown in our expectations of China. With the passage of PNTR, China will have the opportunity to prove to the world its ability to greatly improve its record. In turn, the U.S. and other WTO nations, will have the opportunity to hold China more accountable.

My vote for PNTR is a vote to open markets in China's in order to promote jobs in Georgia, and for a safer world.

Mr. HEFLEY. Mr. Speaker, China has a continuing legacy of human rights violations and oppression which cannot be ignored. Year after year we have been told, "Give most-favored-nation status to China and their government will be forced to reform." We heard that during the Bush years. We hear it during the Clinton years.

Let us look at the score card a little bit.

We gave most-favored-nation status and they continue their policy of population planning with forced abortion.

We gave most-favored-nation status and they continue not to tolerate any dissent of any kind; the imprisonments, the torture, and the killings go on.

It was reported in the beginning of May that Chinese police cut off a villager's tongue after he was detained for writing anti-corruption slogans on a communist party office building.

We gave most-favored-nation status and they continue to try to stamp out any religion that is not state-supported religion.

"In February, the family of 60-year-old Chen Zixiu, a Falun Gong follower, were asked to collect her body from a police station in Shandong province where she had been detained for four days. Her body was covered with bruises, her teeth were broken and there was blood coming out of her ears. She was arrested on suspicion of planning to go to Beijing to petition the authorities against the banning of the Falun Gong."

We gave most-favored-nation status and their policy of cultural genocide in Tibet continues.

"The International Campaign for Tibet reports that more than 1,000 monks and nuns were expelled from their monasteries and nunneries in 1999, bringing to more than 11,000 the number of monks and nuns turned out of their monasteries since the beginning of the 'Strike Hard' campaign in 1996."

We gave most-favored-nation status and they sell nuclear and missile technology to some of our worst enemies.

"In addition, Beijing is aggressively developing strategic ties with Burma, North Korea, Iran, Iraq, Syria, and Pakistan."

We gave most-favored-nation status and they make plans to invade Taiwan.

"An internal document prepared by China's Central Military Commission and published in the Western press states that the United States will 'pay a high price' if it intervenes in any China-Taiwan military conflict."

We gave most-favored-nation status to them, and they have the biggest buildup of nuclear missile development of any country on the face of the earth.

PNTR supporters say access to China's huge market will increase U.S. businesses exports and create extra jobs in America. As it is, we have a 70 billion dollar trade deficit with China and most proponents of the agreement admit our deficit will continue to grow.

"In all likelihood there will be no great improvement in the trade balance. . . . And there will be no net extra jobs."—National Journal.

The United States should not sell out for the promise of an extra buck. . . . a promise that will not be kept even if PNTR is passed.

If you have a rabid dog in your backyard, you don't welcome him into your home.

Vote "no" on PNTR with China.

Mr. THORNBERRY. Mr. Speaker, I rise in support of normal trading relations with China.

Trying to determine what course will be the best for the United States and for the people of China in the long run is not easy. No one has a crystal ball. However, I believe that is in the best interests of the United States and of the people of China to have more contact with and interaction rather than less.

First of all, trade with China directly affects hard-working Americans in my district. For example, more than one-third of our agricultural production is exported, and China is the largest potential overseas market for our cotton, beef, and other products.

Secondly, we cannot afford to forget that China has more people than any other country in the world; it has the world's largest economy after ours; and it has a strong military with missiles and nuclear warheads which can reach the United States. While Chinese leaders have done a number of things with which we do not agree, we should not ignore or cut off contact with a country that will inevitably play an increasingly important role in world affairs.

Finally, I believe that continuing trade with China is in the best interests of the people of China. They have more freedom today, than they ever had since the Communists took control in 1949. The areas where people have the greatest freedom are those areas with the most contact with the outside world. We should not hesitate to speak out strongly for the values we hold dear, such as freedom of religion. But we will not help the people of China to obtain that freedom by cutting back on our trade, contacts, and influence there.

For these reasons I will vote for normal trade relations with China and continue to work for the national security interests and values of the United States.

Mr. CRANE. Mr. Speaker, Congress takes an historic step today in considering legislation to grant normal trade relations to China. We do this to position our workers, firms, and farmers to take maximum advantage of the vast opportunities offered as a result of China's decision to join the WTO.

Just as importantly, we do this to reinforce the reformers in China who look in our direction and at our success, as they attempt to move the Chinese economy out from under the iron grip of Communism and stranglehold of state control. China's decision to adopt the WTO system of fair trade rules is a choice to impose the discipline of market-based principles throughout a vast country of 1.2 billion people. In my estimation, the revolutionary change WTO rules will bring to the Chinese economy dwarfs any other avenue of influence available to the U.S.

The trade agreement with China and this vote to normalize trade relations between our two countries have been hard fought and long awaited. For fourteen years, through Democrat and Republican Administrations, this body insisted that we would not take an empty trade deal with China. At last we have succeeded in obtaining a great win for Americans. In addition to the commercial benefits, this bill turns our relationship with China in a positive direction. By reinforcing the efforts of Chinese citizens fighting for change, we magnify our chances of maintaining peace, stability and security in Asia.

In bringing China into the WTO, we will obtain access to the WTO dispute settlement mechanism to systematically tear down barriers, if China chooses to be recalcitrant in any area. With a WTO finding on our side, and the collective judgment of 135 countries against China, we multiply ten-fold our leverage to bring China into compliance with the rules of fair trade. In the event China chooses to flaunt a WTO finding against it, we would have the ready option of imposing WTO-legal trade sanctions.

I expect this new approach to solving trade disputes with China to be many times more effective than our current method of threatening unilateral trade sanctions under Section 301.

Over the past 21 years, China has sought to reform its economy, encouraging the growth of the private sector. Since 1979, China's government policy toward the private sector has evolved from prohibition, to toleration, to active encouragement. The number of private sector employees (i.e. those working for a privately owned Chinese company or self-employed) rose from 4.5 million in 1985 to an estimated 81.3 million in 1999. Accounting for over half of China's economic output, the private sector in China has become a major force in the country's economic development.

China's membership in the WTO will require it to privatize a substantial portion of its economy, not only to conform to the WTO, but also to be able to compete internationally. Reduced government control over the economy will enhance living standards and economic freedom for the average Chinese citizen.

The growth of the private sector in China, which WTO membership will further encourage, has allowed many more Chinese citizens to choose their employment, education, housing and recreation free from state control. According to CRS, privatization "has reduced the pervasiveness of the work unit as a means of social control".

We know that U.S. foreign investment exposes Chinese workers and managers to such principles as merit-based pay and promotion, individual rights and privacy, ethical business practices, transparency of business and payroll transactions, and free access to more information. Internet usages and the consequent flow of information into China are surging. Motorola, my own corporate constituent, provides wireless communications equipment that enables Chinese citizens to gain access to, and utilize affordable communications services.

Motorola directly promotes the exchange of ideas by sending hundreds of Chinese employees to its U.S. facilities each year to attend technology, engineering, and management seminars. In a country where only 10–15% of the people have access to a college education, this is precious training that allows for eye-opening exposure to the American way of life.

In 1998, Motorola established the Center for Enterprise Excellence (CEE) to provide training for management of China's ailing state-owned enterprises. As of June 1999, 500 executives and engineers of 75 state-owned enterprises from 15 provinces had received training. Motorola also provides scholarships to 8 universities in China—with money disbursed to approximately 1,000 students and 100 teachers every year.

Caterpillar has also worked with Illinois State University (ISU) to establish a learning center in Beijing.

Motorola pioneered a company-subsidized Employee Home Ownership Program in China. The program provides for an additional 20% of each employee's salary to be paid into a special housing fund. The money can be withdrawn and used to buy or rent a house or apartment, or to renovate an existing home.

U.S. companies export U.S. concepts of volunteerism, charitable giving, and community activism. For example, Motorola has contributed approximately $1.5 million to China's Project Hope—which focuses on providing funds and mobilizing non-governmental resources to support elementary school education in the poorest rural districts in China. Through these donations, Project Hope has built 24 primary schools and financed education for more than 6,700 children.

In short, a vote for normal trade relations, which will allow these types of exchanges to continue, is a vote for bringing American values and ideals much closer to average Chinese citizens.

I urge a "yes" vote on H.R. 4444.

[From the Daily Herald, May 23, 2000]

THE CASE FOR CHINA TRADE

Like it or not, China is a growing economic and military force with whom Washington must deal over time.

U.S. business interest are urging Congress to permanently normalize trade relations with China in a vote this week. That would drive China's tariffs down and further open the vast Asian nation to a wide range of American products.

American labor, by contrast, is lobbying hard for Congress to reject Permanent Normal Trade Relations. Unions argue that jobs would flow away from Americans and to poorly paid and highly exploited Chinese workers.

That many Chinese workers toil under miserable conditions is beyond dispute. But the hard reality is that their lives will not improve by Congress rejecting normalized trade with China.

China is going to be admitted to the World Trade Organization whether Congress OKs permanent normal trade relations or not. European nations have already built their own trade bridges while China. Congressional rejection of permanent trade status for China would merely guarantee that European and Pacific Rim nations would benefit from China's reduced tariffs and do so without competition from U.S. business. Illinois farmers and suburban companies such as Motorola would miss an opportunity that would carry direct and ripple benefits for thousands of workers here.

That's the economic side of the story. The political side is that Congress, by turning down permanent trade status, would introduce new tensions into U.S.-Chinese relations that would serve no positive purpose for the United States or China's citizens.

Like it or note, China is a growing economic and military force with whom Washington must deal over time. Those dealings are often frustrated, given China's oppression of its citizens, aggressive stance toward Taiwan, ambitious weapons acquisition and resistance to granting political liberty even as it experiments with limited economic freedom.

But to nurture a long-term relationship with Cuba is nonetheless in the best interests of the United States, and such a relationship can be better built and sustained between two countries that are cooperating—not battling—over commerce.

China's leaders make it difficult for Washington to work with Beijing even when doing so is in America's better interests. That was true when Richard Nixon traveled to China and when the U.S. agreed to China's admission to the United Nations. It remains true today, when a vote for permanent trade status is a tough vote but the correct vote noneless.

Mr. GEJDENSON. Mr. Speaker, we are making a critical decision today on whether to grant permanent normal trade relations to China. This is not an easy decision. Before casting my vote, I considered the advice and counsel of my constituents and experts in the field. And, after weighing the complexity of the PNTR issue and the long-term implications of this vote, I have decided to vote against granting permanent normal trade relations to China.

While this bill would have an important economic impact, it fails to honor American values regarding human rights, labor protections and the environment.

Free and fair trade makes sense for America. If given a level playing field, American companies and workers can compete with any other in the international marketplace. Indeed, to a great degree, globalization and free trade have helped to sustain this country's record prosperity and economic expansion over the past decade.

Yet, free trade alone, without consideration for human rights, basic labor standards, and environmental protection will only encourage a race to the bottom.

For over a decade, I have been troubled by the message our China policy has sent to the Chinese people, to our citizens and to the rest of the world. Despite egregious human rights violations, China's export of weapons of mass destruction around the world, repeated crackdowns on religious freedom and its continued occupation of Tibet, we have refused to establish a bottom line in our relationship with China.

Regardless of the policies pursued by the Chinese regime, we continue to send a message that economic interests override our concerns regarding abuses of human rights, labor standards and the environment.

Just as our trade policy with Japan and Europe has evolved throughout the years to give priority to issues such as market access and intellectual property rights, we need to ensure that basic labor and environmental standards and respect for human rights be given similar weight at the negotiating table.

There are some who have argued that increased contact with China will improve the country's dismal record on these issues, especially through the use of information technology and the Internet.

While I agree that the Internet has promoted the spread of information, our recent history with China has shown that increased economic engagement will not necessarily lead the country down a path to democratic reform.

Indeed, we have stood by and watched a systematic deterioration in China's respect for labor, the environment and human rights, including most recently, a series of violent crackdowns on members of the Falun Gong movement.

It is cruicial that we continue to engage China out of concern for our own national security interests as well as the interests of China's democratic development. For that reason, I'm pleased that the legislation before the House today contains a bill I introduced authorizing commercial and labor rule of law assistance to China.

Mr. Speaker, this vote is not just about granting permanent normal trade relations to the People's Republic of China—it's about sending a message to the world that is consistent with the values that have made our nation great. Until such an agreement is before us, I am left with no choice but to vote no.

Mr. WEYGAND. Mr. Speaker, I rise in opposition to granting permanent normal trade relations to China and urge my colleagues to do the same.

Our nation continues to experience unprecedented economic growth. A major factor in that growth is the expansion of international trade and the increased global competitiveness of U.S. businesses.

Expanding export opportunities is especially important in the Northeast where the economy is still transitioning into a high-tech economy. The economic base of the manufacturing, jewelry, and textile industries has been slow to adapt to the global economy. Increasing export opportunities for these sectors is critical to foster our continued economic growth.

It is possible to enter into trade agreements that will result in higher wages, cleaner air, and greater consumer safeguards. However, because we cannot look into a crystal ball to find out how a trade agreement will turn out, we must address environmental and consumer safeguards and worker rights at the outset.

Additionally, in today's high-tech world, agreements should also contain provisions that protect intellectual property and allow equitable market access for all trading partners. Unfortunately, there are many countries that do not provide adequate market access, protect intellectual property, take steps to preserve the environment, respect internationally accepted worker rights, or have adequate measures in place to ensure consumer safety.

In an effort to expand opportunities, I strongly support export assistance programs such as the Export-Import Bank (EX–IM) and the Overseas Private Investment Corporation (OPIC). Together these two institutions provide critical financial assistance to American businesses seeking to expand their business into foreign countries. By providing insurance, loans, and loan guarantees, EX–IM and OPIC ensure that U.S. businesses are able to compete in markets that are often unstable and where foreign companies are subsidized by governments.

Additionally, as a member of the House Banking and Financial Services Committee, I am addressing the impact of trade on international financial markets. In particular, we have had to consider several financial crises in the last two years. Financial problems in Asia, South America, and Russia have led to other trade problems, most notably the dumping of foreign products into the U.S. marketplace. In an effort to mitigate the impact of the financial crisis. I have supported an increase in U.S. payments to the International Monetary Fund (IMF). This funding helped to replenish the IMF's resources depleted by the financial crises in Asia, Mexico and Russia and to prevent the meltdown in the world economy from striking the United States.

There continues to be substantial debate about the progress that China has made on worker and human rights, market accesses, and protecting intellectual property. In fact, the U.S. government continues to express its concerns regarding these issues, as indicated in the 1998 Annual Report on Human Rights and the 1999 Trade Policy Agenda and 1998 Annual Report of the President of the United States on the Trade Agreements Program.

Exports from the United States to China are far outweighed by goods imported to consumers in our country by China. According to the Library of Congress, our trade deficit with the Chinese was nearly $57 billion in 1998 and, as our country's fourth largest trading partner, China is poised to exceed our trade deficit with Japan within a few years. High tariffs, in some cases in excess of 100%, restrictions on distribution, restrictions on investment, and non-tariff barriers including quotas remain substantial impediments to market access for U.S. companies. In my opinion, this trade imbalance is troublesome and we must signal our intention to China that the playing field for American businesses must be leveled.

By opposing this bill we send a message to China that improvements regarding human and worker rights, our growing trade deficit, intellectual property protections, and child labor must be made before permanent normal trade relations, and child labor must be made before permanent normal trade relations is granted.

Again, Mr. Speaker, I urge my colleagues to oppose PNTR for China.

Mr. STENHOLM. Mr. Speaker, I rise in support of the bill to provide for normal trade relations with China on a permanent basis, otherwise known as PNTR. I will focus my remarks on the potential benefits of this market opening agreement for U.S. farmers and ranchers. I believe those benefits will be significant, and I am in good company in that belief. Nine Secretaries of Agriculture who have served since John F. Kennedy support PNTR for China. But like my colleagues, my decision is much more broadly based. I believe that United States engagement with China will help persuade the Chinese to play by the rules in agricultural trade, and cause China to improve its record on human rights, labor, and environmental issues. And I am in good company in this belief as well—Billy Graham; former President Jimmy Carter; Martin Lee (champion of Democracy in Hong Kong); Dai-Ching (Chinese investigative journalist and environmentalist); all agree that the best way to improve China's performance on human rights and the environment is to engage China.

BENEFITS FOR AGRICULTURE

CHINA'S NEED

I have heard the argument that China, with 21 percent of the world's population and 7 percent of the world's arable land, doesn't need U.S. agricultural products. Some have stated that between 1992–1998, China exported about $4 billion more in agricultural products than it imported in each of those years. But this does not reflect the significant agricultural imports that enter China "off the books" through Hong Kong. If we look at agricultural trade for China and Hong Kong for the 1992–1998 period, we get a clearer picture of the full potential of the Chinese market. According to the U.N. Trade Database, China and Hong Kong annually imported about $5.5 billion more in agricultural products than they exported. If you include fish and forestry, China and Hong Kong's net annual deficit in agricultural imports was even larger—$6.9 billion. And these numbers do not reflect the predicted growth of China's middle class, and its increased demand for meat and other agricultural products. USDA's Economic Research Service [ERS] and private United States agricultural commodity groups believe that China will continue to be a major market for United States agricultural products, and that China's accession to the WTO will expand that market.

SUMMARY OF CHINA'S WTO AGREEMENT

With regard to the agricultural products that U.S. producer groups identified as priority items, the average tariff will fall from 31 percent to 14 percent. This means that these United States agricultural products will face less than half the tariff they currently face in the Chinese market. China has agreed to end import bans and its discriminatory licensing system for bulk commodities, including wheat, corn, cotton, rice, and soybean oil. China has also agreed to establish a WTO consistent tariff-rate quota [TRQ] system with in-quota tariffs of 1–3 percent. Specific rules for the administration of these TRQs, and a percentage of trade reserved for non-state trade, will help to ensure the quotas get filled, and will increase demand for U.S. agricultural products. All of this ensures an initial minimum level of access for wheat, corn, cotton, rice, and soybean products—that will increase as the agreement is fully implemented.

China's commitment on export subsidies means that United States exports of corn, cotton, and rice will not compete with subsidies from the Chinese government in third country markets, such as South Korea, Malaysia, and Indonesia. China's commitment to cap and reduce domestic subsidies will reduce incentives to overproduce. China's commitment to provide greater transparency with regard to its domestic subsidies will increase predictability with regard to China's agricultural production. China has also agreed to abide by the WTO agreement on Sanitary and Phyto-sanitary regulation, and has already implemented rule changes that have allowed imports of United States citrus, wheat, and meat. China has also agreed that the United States may continue to use its anti-dumping methodology for 15 years, and has agreed to an additional "product-specific" 12-year safeguard provision. Together, these provisions give U.S. producers a level of protection above and beyond that provided for under normal WTO rules.

Finally, China has agreed to allow any entity to import most products into any part of the country within 3 years of accession, and to liberalize distribution services for agricultural products. This means United States companies will be allowed to market their products in China. Let's look at the potential of this agreement for some specific commodities. For cotton, China committed to a tariff-rate quota of 743,000 tons for cotton in 2000, increasing to 894,000 in 2004. The within-quota duty would be 4 percent and the over-quota duty would decline from 69 percent in 2000 to 40 percent by 2004. Nonstate trade companies get ⅔ of the quota, which means we help avoid the problem we have sometimes had in the past with quotas going unfilled. USDA's Economic Research Service [ERS] projects that if China did not join the WTO, it would import cotton worth $565 million in 2005.

If China does join, ERS projects that its cotton imports would increase to $924 million by 2005. That's why National Cotton Council President Ronald Rayner congratulated U.S. negotiators on the agricultural agreement, stating that it will "benefit the U.S. cotton industry with greater access to the Chinese market and a promise of less subsidization by the Chinese". For corn, China committed to establish a 4.5 million ton tariff rate quota in 2000, rising to 7.2 million by 2004. Within quota imports would be subject to a 1 percent duty, and over-quota duties would be 77 percent in 2000, dropping to 65 percent by 2004. Nonstate trade companies get ¼ of the quota in 2000 rising to 40 percent by 2004. ERS projects that China's net imports of corn in 2005 will increase by $587 million, if it joins the WTO. United States exports to China have averaged about 47 million bushels over the past 5 years. The National Corn Growers Association states that "we have an opportunity to triple that average if, when China joins the WTO, the United States is prepared to grant China permanent normal trade relations." The Corn Growers add: "China's impressive growth in national income is projected to lead to increased consumption of food and fiber. At the same time, growing resource constraints on agricultural production are making China increasingly reliant on trade."

For wheat, China committed to a tariff-rate quota of 7.3 million tons in 2000, rising to 9.64

million in 2004. In quota duty would be 1 percent and out of quota duty would be 77 percent in 2000, falling to 65 percent by 2004. Nonstate trade companies get 10 percent. ERS projects that China's net imports of wheat in 2005 will increase from $231 million to $773 million, if it joins the WTO. What does the National Association of Wheat Growers say?: "The United States market is currently open to China; this agreement serves to open the Chinese market to American products and services. This agreement will give United States wheat producers a far greater sales opportunity to a country with 1.2 billion consumers, with a potential 10 percent increase in total annual United States wheat exports.".

For soybean products, China has agreed to a tariff rate quota of 1.72 million tons of soy oil in 2000, rising to 3.26 million in 2005. The in-quota duty is 9 percent and over-quota duty is 74 percent in 2000, falling to 9 percent in 2006. Nonstate traders get half the quota in 2000 and 90 percent by 2005.

ERS projects that China's net imports of soybean products in 2005 will increase by $180 million, if it joins the WTO. Here's what the American Soybean Association has to say: "ASA strongly supports WTO membership for China, and urges Congress to extend permanent NTR status to China."

CONCLUSION

Overall, the Economic Research Service concludes that China's implementation of its WTO obligations between 2000 and 2004 will add $2 billion to the bottom line for United States farmers and ranchers in 2005. And ERS is not alone in its view. According to Worldwatch's Lester Brown, China's water supplies in its grain-producing areas are falling at a high rate. Brown sees massive grain imports and growing dependence on U.S. grain. A report dated May 23, 2000 from Kyodo News International confirms Brown's story, stating "A severe drought in northern and eastern China threatens millions of hectares of crops and is causing widespread drinking water shortages.". The total area affected is about 31 million acres. The Farm Bureau also expects great benefits from China's accession to the WTO: "U.S. exports to the Asian region as a whole are expected to increase in the next few years as a result of China's accession into the WTO. This is likely to occur as Chinese consumption levels increase, domestic production patterns skew more to global prices, China ceases to employ export subsidies, and there is a commensurate decline in Chinese agricultural exports to the Asian region. While this agreement may be with China, it will have impacts far beyond Chinese borders." To put ERS numbers on China into context, I will mention another number, and that is the amount farmers and ranchers lost in 1996 due to various U.S. economic sanctions placed on countries around the world.

According to the ERS, we lost half a billion dollars in 1996 due to those sanctions. But that is less than a fourth of the $2 billion ERS says we will lose in 2005 if we do not grant China permanent normal trade relations. All six of the countries currently under sanctions (Cuba, Iran, Iraq, Libya, Sudan, and North Korea) together import only $7.7 billion in agricultural products each year. That's about half of the $14 billion worth of agricultural products China imports annually. Fortunately, we are moving in the right direction in our policy on sanctions, and the administration's changes last year have allowed sales of corn to Iran and wheat to Libya. Let's move forward on China too, and stop giving away agricultural markets to our competitors. And let's do so just because this is a good deal for farmers and ranchers. Let's think about what the Billy Graham Center has to say about permanent normal trade relations with China. And, by the way, they are the ones who coordinate services for more than a hundred Christian organizations involved in service in China. They say that denial of PNTR will "seriously hamper the efforts of Christians from outside China who have spent years seeking to establish an effective Christian witness among the Chinese people". I urge your support for permanent normal trade relations with China.

Mr. SHAYS. Mr. Speaker, today, we will make a crucial decision about our place in the global economy. The question of voting for permanent normal trade relations with China is easily answered in economic, social and political terms. Formalizing a freer trading relationship with China will help American employees and employers alike. For China, PNTR will promote democracy, a better standard of living, and ultimately improve human rights. The vote on PNTR is a necessary step toward China's full membership into the World Trade Organization [WTO]. Members of the WTO agree to be governed by a set of rules allowing for a relatively open trading relationship among them.

For China to complete its accession to the WTO, it will have to change many of its laws, institutions and policies to make them conform with international trade rules. China must complete negotiations with the WTO, and separately with its various trading partners within the WTO, including the United States. China is the world's third largest economy after the United States and Japan, and the largest not a member of the WTO. It has the world's 10th largest trade economy. If we fail to pass PNTR, our economic competitors in Europe and Japan will have greater access to this huge and still-growing Chinese market—while our own access will still be blocked. American business can compete anywhere in the world and win—if it is given a relatively level playing field. The bilateral agreement signed in November 1999 forces China to remove protectionist barriers to its markets, while protecting import-sensitive American industry from a flood of new Chinese imports.

The United States has made no significant concessions to China, because we already have few barriers to our market. The agreement gives our business equal access to the Chinese market. The American export sector—which already accounts for 11 million jobs—will be strengthened further. According to most experts, China is on the verge of huge infrastructure expenditures over the next few years as it attempts to catch up with Europe, Japan, and the United States. Most of these projects will be contracted to Western firms. This could be a boon to southwestern Connecticut. In 1998, the Stamford-Norwalk area alone exported $86 million worth of goods to China.

There are some in Congress and throughout our country who want to deny PNTR to China to punish it for its terrible human rights record. But closing off China will not bring any improvement in the way it treats its citizens. An isolated China will continue to repress its population and forestall the onset of democracy and freedom. A nation cannot engage in free trade without educating its citizens. The more educated a country's citizens become, the more they want and are empowered to demand an open society and freedom. In truth, the most subversive action we can take towards the oppressive Chinese regime is to encourage free trade. Communist hardliners argue the defeat of PNTR will make it easier for them to thwart the movement toward democracy and capitalism. In the absence of interaction with the United States, these hardliners will be able to restrict communication, stop foreign travel, and pull the plug on the Internet. Reform will wither on the vine.

Taking a look at recent history, Communist dictatorships that had interaction with the West—the Soviet Union, Poland, Romania and Hungary—are dead. Those shut off from the rest of the world—Fidel Castro's Cuba and Kim Jong Il's North Korea—are still brutalizing their citizenry. For me, the issue is clear. PNTR is essential to our full participation in the emerging economy of the future. We win access to Chinese markets. China becomes exposed to the type of information and prosperity that builds democracy and freedom. Candles give way to electric lights. The horse and carriage gave way to the automobile. Typewriters gave way to word processors and ocmputers. We cannot repeal the law of gravity. We are in a world economy, and China is a large and vital part of that economy. Permanent normal trade relations with China should be approved by Congress and welcome by all Americans.

Mr. KNOLLENBERG. Mr. Speaker, this is an historic day for the workers, business leaders, and reformers in China and the United States. Today Congress has the opportunity to push our relations forward by breaking down the walls surrounding China and supporting its entrance into the World Trade Organization. As we cast our votes today, I ask my colleagues to carefully consider the incredible potential this opportunity offers for the Chinese and American people. Passing PNTR supports freedom in China.

As long as China's barriers to the United States remain, our relationship with the Chinese people will be restricted. By breaking down Chinese barriers to trade, while enhancing our own protections, we are creating new opportunities for American and Chinese people to work together and develop new ways to agree. Bringing China into the WTO will increase the exchange of cultures and ideas, which will in turn foster new areas of cooperation and progress. This is the most effective way to provide support for the reform-minded Chinese people who need our help the most. On their behalf, Congress should extend PNTR to China. Passing PNTR also supports the United States.

Some Members may come to the floor today to claim the United States workforce and economy will suffer from greater competition with China. However, these Members are misinformed. To the contrary, the United States Trade Representative should be congratulated for her effective negotiations. This is a one-way deal. The United States will continue our current tariff levels on all Chinese imports, with new protections, and in return China will drop its average tariff level by 62 per cent. By voting yes, only China will have to change its laws.

This vote is about the power of economic freedom and prosperity, as displayed in the United States. It is true that as China expands into the world markets of goods and services, the United States will face new competition. It is also true that for the first time, the domestic Chinese economy will face direct competition from the United States. The American economy is leading the world—primarily as a result of the strength of the American workforce. I have faith in the productivity and entrepreneurial spirit of the American economy to continue this leadership and find new opportunities for success in China. Congress should embrace trade with China, and the competition it brings, because this will lead to a higher standard of living for the people of the United States as well as the people of China. That is how we make progress.

Mr. Speaker, I urge my colleagues to carefully consider the incredible opportunity this vote offers. On behalf of American and Chinese workers, businesses, and reformers, I urge my colleagues to support progress with China and vote for PNTR.

Mr. CASTLE. Mr. Speaker, I rise today in support of H.R. 4444, to authorize extension of permanent normal trade relations [PNTR] to the People's Republic of China [PRC]. I do so because, fundamentally, I believe that extending PNTR to the PRC is in the United States' short-term and long-term national interest. Our economic interests and our democratic values necessitate extending PNTR to the PRC.

Extending PNTR to the PRC is in our national interest because extending PNTR is a necessary precondition for United States companies to enjoy the full advantages of China's entry into the World Trade Organization [WTO] and the fruits of thirteen years of difficult bilateral negotiations between the PRC and the United States. For my State of Delaware, this bilateral agreement opens perhaps the most important emerging market to our exports, benefitting key industries and creating export and employment opportunities. Extending PNTR to the PRC would significantly benefit Delaware's key export sectors, including agriculture, poultry, insurance, financial, and chemical products.

According to the United States Department of Commerce, Delaware's merchandise export sales to China in 1998 totaled $69 million, up 17 percent from $59 million in 1993, and China ranked as Delaware's 16th largest export destination in 1998. Delaware's exports to China are becoming more diversified, with 1998 exports encompassing 17 different product categories, up from 12 product sectors in 1993. In twelve of these product sectors, exports from Delaware to China more than doubled from 1993 to 1998.

I believe those who claim that the PRC will benefit more from receiving PNTR with the United States are mistaken. The United States will greatly benefit from PNTR with China, because currently the United States market is already open to Chinese exports. To join the WTO and receive PNTR, China must make all the concessions—opening its markets, eliminating barriers, and implementing comprehensive trade and investment reforms. As a result, the terms for Chinese WTO membership represent an extraordinary breakthrough for Delaware workers, farmers, and consumers. Delaware clearly will have expanded opportunities to extend its exports to Chinese markets, and ensuring that China adhere to global trade rules is in Delaware's strong interests.

Because China has received Normal Trade Relations under United States law annually since 1980, United States tariffs would remain exactly the same if PNTR is approved. In contrast, failure by Congress to extend PNTR would squander 14 years of negotiations, invite the unraveling of China's extensive WTO commitments and shut American companies and farmers out of the world's biggest emergency market for years to come.

The stakes involved are high. Trade is much more than the sale of U.S. goods and services. It is also an exchange of ideas, beliefs, and values that changes and enriches all who participate. When we trade with China and bring it into the integrated global trading arena, we are in a strong sense exporting our American democratic values, beliefs and practices. To be sure, there are real hurdles that China faces with our relationship with it, but engaging and enveloping and integrating China into "the world of trade" is tremendously important. We realize that implementing the agreements associated with PNTR will be slow and difficult, but Chinese government leaders and economists hope the process of normalizing trade with the United States will help close inefficient state enterprises that employ a great number of Chinese, and help reduce government censorship.

Like most Americans, I continue to be concerned that despite the positive influence trade with the United States has had on China's development toward more open, liberalized trade policies, serious human rights, trade, security, and weapons proliferation issues remain. Though sometimes it seems difficult to see how these things have improved, I would observe the following: the number of international religious missions operating openly in China has grown rapidly in recent years. Today, these groups provide educational, humanitarian, medical, and development assistance in communities across China. Despite continued, documented acts of government oppression, people in China nonetheless can worship, participate in communities of faith, and move about the country much more freely today than was even imaginable twenty years ago. Today, people can communicate with each other and the outside world much more easily and with much less government interference through the tools of business and trade: telephones, cell phones, faxes and e-mail. On balance, foreign investment has introduced positive new labor practices into the Chinese workplace, stimulating growing aspirations for labor and human rights among Chinese workers.

Nevertheless, we must continue to work to improve human rights and expand freedom in China. I have voted for legislation which overwhelmingly passed the House that voiced my strong disapproval of China's actions and policies. We can and must continue to place pressure on China without punishing American businesses and farmers. I have voted to direct House committees to hold hearings and report appropriate legislation to the House addressing U.S. concerns with China's trade practices, human rights record, military policy, and promotion of weapons proliferation. I do not believe that the annual congressional debate, linking justifiable concern for human rights and religious freedom in China to the threat of unilateral United States trade sanctions has been productive. Some will say, the debate on the problems we have with China will end if we extend PNTR to China. To those I say, the debate will never end, and the pressure will never cease until China demonstrates a commitment to a freer and democratic nation. Indeed, by extending PNTR to China, the pressure on China to address our concerns may prove to be even greater and more consistent.

Clearly, the Chinese Government has a long way to go, and the positive developments we seek will no doubt come about gradually. The issue now before the House of Representatives is how to best encourage China to respect international norms of behavior in all areas, and what can the United States government do that will best advance human rights and religious freedom for the people of China. Are conditions more likely to improve through isolation and containment, or through opening trade, investment, and exchange between peoples? The answer is clear to me.

I believe the best way to encourage the type of behavior we desire is through policies that promote the rule of law, free trade, economic reform, and democratization in China, for these are the seeds from which democracy can grow. Therefore, I believe the U.S. should continue to pursue our historic and longstanding policy of "engagement," rather than containment, with China, based on the premise that the United States will be best able to influence the growth of democracy and market-oriented policies in China through enhanced diplomatic and trade ties, which over time will hopefully bring improvements in human rights and economic conditions. The Chinese government in much more likely to develop the rule of law and observe international norms of behavior if it is recognized by the U.S. government as an equal, responsible partner within the globalized trading community of nations.

History has shown that when people are empowered economically, they also become empowered politically. Economic freedom precipitates political freedom. China's citizens will come to have greater choice about their lifestyles and employment and to enjoy enhanced access to communication and information from the United States.

The longer China's trade is governed by the rule of law and is transparent, the quicker they will assimilate into the global system of trade, and raise their standard of living. U.S. private enterprises trading with Chinese private enterprises will help change the status quo between our nations better than any diplomatic agreements we may enter into. As noted earlier, although I am dissatisfied with some of China's recent actions, I am convinced we still need to maintain mechanisms for engagement, and a functioning, bilateral trade relationship provides a framework for helping to restore our long-term interests in China. Human rights must not be violated, and the U.S. will not trade with people who do not provide their own citizens basic human rights and decencies. However, I believe that entering into PNTR is in our national interest, and that not going forward with it would undermine any competitiveness we have with China, while it itself enjoys all the advantages that PNTR provides with every other of the 133 WTO member-nations. China must adopt free and fair trade practices, and we should help facilitate that as much as we can, without sacrificing our values.

This legislation includes important authority to allow the Congress to monitor China's compliance with this agreement. This includes a process which would begin with an annual report from the U.S. Trade Representative, followed by hearings on Chinese trade practices. Congressional panels could then instruct our trade representative to investigate any trade violation and pursue a resolution through the WTO, the 135-member body that sets the rules for international trade. Also included in this legislation is the establishment of a congressional-executive commission that would pressure China to improve its record on human rights, labor, and rule of law, providing for enhanced monitoring of China's conduct in areas from trade to human rights, as well as efforts to make labor rights a higher priority in U.S. trade policy.

China is at a turning point in its history. A yes vote on normal trade can help propel it forward to greater liberalization and engagement with the West. A no vote will encourage Chinese hard-liners to resist change, and even be perceived in China as a vote for confrontation. It will weaken those who work for change, and strengthen those who oppose it at any cost. Our choice is clear. We can try to push China in the right direction, and gain the benefits, or, we can force them in the wrong direction, and pay a price. But standing for freedom, democracy, human rights, security and peace, we must extend Permanent Normal Trade Relations to the People's Republic of China today.

Mr. VENTO. Mr. Speaker, I rise today in strong opposition to H.R. 4444, legislation which would grant Permanent Normal Trade Relations [PNTR] status to China.

To be honest, the idea of permanently altering our relationship with China troubles me. We have been wooed into complacency with the trade agreements hammered out last fall in the WTO accession negotiations. But the million dollar question that no one seems to be asking is: If China plans to abide by their promises, why are they—and why are we—afraid of a yearly review? The fact is that China has repeatedly violated trade agreements and has all but acknowledged that this time will be no different. Why do we think that a permanent extension will be the magic tool to make China suddenly change their ways? It defies logic. In fact, PNTR commends the existing track record of violations and noncompliance. A yearly review of our trade relationship with China may not be the ideal way to promote change. It is, at best, a blunt instrument. But it is one of the only mechanisms we have today to highlight this regime's lack of compliance with internationally accepted norms. The PNTR advocates have conjured up a crisis in which only approval will save the day and U.S. face. This is a farce and a mistake that will overshadow any prospect for real progress on key human rights and economic justice issues that affect China/U.S. relations.

Repeatedly, China's government has proven itself to be one of the most oppressive in the entire world. Many of my colleagues are willing to turn a blind eye toward these injustices—clamoring to capitalize on a promise of economic gain, with indifference to the human indignities upon which it may be built. But even this "expanded market" rationale is flawed. If China were indeed a market for "Made in the USA" goods, expanding trade could have the potential of boosting our economy and helping working Chinese families. And conversely, if we were importing goods from Chinese owned businesses, we might have a small opportunity to promote free enterprise with China. However, neither one of these scenarios reflect reality. American companies merely use China as a production platform—a manufacturing site for goods, which are then sold in the United States for inflated profit! Jobs that have traditionally provided American workers with living wage employment within the USA and a real chance to join the middle class are being—and will continue to be—exported to China, where companies can exploit the labor conditions and people. The notion that somehow this trade policy will turn China around on a dime is wishful thinking; it is time to face reality and get our heads out of the clouds.

Why would we lower the standards and protections that provide the foundation of our economy and prosperity? Trade pacts have too often been the Trojan Horse that undermines progress in emerging areas not only in the host of human rights issues, but also environmental policy, health, and safety standards.

Don't vote for the PNTR proposition that says; "Heads we win, tails you lose." This, simply put, is a false syllogism, a created crisis that will lead to higher trade deficits with little prospect for a sound economic or social order in U.S./China policy. Amendments and study commissions aren't the answer. Congress doesn't have to reinvent itself and set up special groups, in essence trying ourselves and our deliberation process in knots to justify oversight and some phony "monitoring" scheme. If Members of Congress can't vote now on the reality of the situation before us, what would lead the PNTR advocates to believe we would be more willing once this policy is actually in place?

I will not vote to relinquish ability to annually review China's record, to advocate for my constituents' interests, and to promote the core values that have sustained our nation as the world's most successful economy and the promise for individual human rights around the globe. I urge my colleagues to join me in opposing this legislation.

Mr. COMBEST. Mr. Speaker, I rise in strong support of H.R. 4444, a bill that will grant permanent normal trade relations to China. This agreement is a tool U.S. farmers and ranchers can use to their great benefit.

China represents an agriculture market that is vital to the long-term success of American farmers and ranchers. Agriculture trade with China can strengthen development of private enterprise in that country and bring China more fully into world trade membership.

The economic benefits of this agreement for U.S. agriculture are clear. China's participation in the WTO will result in a least $2 billion per year in additional U.S. agricultural exports by 2005.

More than 80 U.S. agricultural groups support extending permanent normal trade relations to China. This is what a few of them have to say about the benefits of the U.S.-China agreement.

The U.S. wheat growers say that PNTR with China represents a potential 10% increase in U.S. wheat exports.

U.S. pork producers believe that China PNTR could pave the way for an increase in the value of hogs by $5 per head.

Poultry producers say that because China is already the largest U.S. export market for poultry ($350 million in 1999), under PNTR, it could become a $1 billion market in a few years.

Cattle producers believe that a vote against China PNTR is a vote against them. They expect to almost triple beef exports to China by 2005.

U.S. corn growers believe they have the opportunity to immediately triple their 5-year average of corn exports to China with acceptance of permanent normal trade relations.

Some who oppose normal trade relations with China will say that China has an agricultural glut and will never buy U.S. agricultural products. That is not true according to USDA's Economic Research Service. They say that China's accession to the WTO means that U.S. farmers and ranchers can sell an additional $1.6 billion worth of staple commodities by 2005. On top of that, $400 million of U.S. fruits, vegetables, and animal products can be sold by 2005 with China's entry to the WTO. That's $2 billion more of agricultural exports by 2005.

Still others argue that China is self-sufficient in agricultural production, that it produces enough to feed its own people and it does not need U.S. commodities. The trade numbers do not reflect that at all.

According to the United Nations statistics, during the 6-year period ending in 1998, China was a net importer of agriculture products every year. During this period, China's average trade deficit was $5.5 billion for agricultural products. If fish and forestry are included with other agricultural products, the deficit goes up to $6.9 billion.

The Worldwatch Institute Chairman Lester Brown says that China's water supplies in its grain-producing areas are falling at a high rate. He sees massive grain imports and growing dependence on U.S. grain. China imports large amounts of U.S. agriculture commodities right now, some through Hong Kong ($2.5 billion in 1999 of agricultural, fish and forestry products). As the diets of the Chinese improve, there will be more demand for high quality agriculture products and valued added food products. This is what U.S. farmers and the food industry can provide to Chinese consumers.

China has access to the U.S. market right now. China will become a member of the WTO and after its accession will still have access to the U.S. market. The vote on normal trade relations with China will decide whether U.S. agriculture will have improved access to the Chinese market or will cede that market to the competitors of U.S. agriculture.

Without approval of H.R. 4444, or agricultural competitors around the world will gain the benefit of the agreement negotiated by the United States with China and our farmers and ranchers will not. We cannot allow that to happen.

Without approval of H.R. 4444, no enforcement mechanisms will be available and the U.S. will not be able to use WTO dispute settlement provisions, a critical weapon to ensure U.S. trading rights. The ability to enforce tariff rate quotas will be undermined. The U.S. could not challenge Chinese export or domestic subsidies that hurt U.S. exports in other markets. We could not enforce the benefits of the sanitary and phytosanitary agreement that was negotiated with the Chinese and is important to U.S. citrus, wheat and meat producers. Additionally, the special safeguard provisions, to protect against import surges, negotiated by the U.S. would not be available.

The economic case for supporting permanent normal trade relations with China has been made, especially for U.S. agriculture. It is crystal clear; we have nothing to lose and everything to gain.

I strongly urge my colleagues to support H.R. 4444. A vote for this bill is a vote of support for United States farmers and ranchers.

Mr. PORTER. Mr. Speaker, as we enter into debate today on normalizing trade with China, there are certain realities which must be acknowledged. Reality one, the human rights abuses in Chinese today are abominable. China continues to deny its citizens the most basic of human rights: freedom of speech, freedom of assembly and freedom of worship. Reality two, China will enter into the World Trade Organization whether Congress passes PNTR or not. Reality three, isolating China from the United States and the rest of world, will not improve human rights for the Chinese.

I would like to thank the gentleman from Nebraska (Mr. BEREUTER), the gentleman from Michigan (Mr. LEVIN) and the gentleman from California (Mr. DREIER) for including an essential human rights provision in the Levin-Bereuter package—increasing authorization funding for international broadcasting operations in China and neighboring countries.

A fundamental prerequisite to political and economic freedom is an informed citizenry. One of the best and most cost-effective ways to help enhance the respect for human rights abroad is to disseminate reliable information that serves to foster the spirit of democracy in closed societies. Arming citizens with reliable, accurate information will eventually enable them the power to create change. By doing so, not only is the U.S. interest served by helping to spread democracy, but democratic activists are also empowered to challenge the status quo.

Successful in the former Soviet Union and Eastern Europe, Radio Free Europe/Radio Liberty provided this accurate information to help bring down the Iron Curtain. Radio Free Asia as a surrogate for a free press in the People's Republic of China, along with Voice of America, provide an invaluable source of uncensored information to the Chinese people. RFA currently broadcasts 24-hours a day in three languages in China (plus Tibetan in Tibet), and VOA broadcasts 126 hours a week in three languages with five hours a week of television.

Unfortunately, however, many of these signals do not reach the intended audience because of the jamming practices of the Chinese government. Stronger signals are needed to counteract this jamming. Internet is a medium increasingly used by the Chinese, however the government jams these sites as well.

The number of Chinese who risk their lives by listening to RFA and VOA is staggering. More staggering is the number of Chinese who put their lives in jeopardy by calling into RFA's "call in" shows. In the first three months of this year alone, RFA reported an average of 27,200 calls per month. Unfortunately, due to the limited resources of RFA less than 2% of these callers were able to speak with RFA broadcasters. The United States is the wealthiest country in the world. Surely, during this time of unparalleled economic boom we can find a few more dollars in our budget to provide resources so these callers, callers who risk their lives by simply picking up a telephone, may be allowed to have their voices heard.

As China struggles with democracy, human rights and freedom, the importance of independent media sources cannot be underestimated. The Chinese government will be less likely to commit abuses (if RFA and VOA are shining light on their injustices while promoting democracy and an understanding of our country. If we hope to bring stability and democracy to Asia, we must not isolate the largest country in the world. We must not turn our backs on the those fighting for freedom and the rule of law. I support extending permanent normal trade relations with China and do not oppose China's entry in the World Trade Organization. I strongly believe that membership in the WTO can be used as a catalyst for reform in China. Through greater involvement in the world community and economic liberalization, China will become a more responsible nation, with one day a reality of respecting human rights and the rule of law.

Mr. NUSSLE. Mr. Speaker, I rise today to share my support for H.R. 4444, legislation to amend the Trade Act of 1974 to grant normal trade relations to China. I support H.R. 4444 because I believe this legislation will not only open Chinese markets to United States products, but will also serves as the next best step we can take in our relationship with China.

I believe I join all of my colleagues in saying that I have serious concerns about the Chinese government, most specifically the current trade deficit, national security concerns, and human rights violations. In 1980, we first granted China annual Most Favored Nation (MFN) status, now known more accurately as Normal Trade Relations (NTR). The nature of the annual review was supposed to give the U.S. leverage in negotiations with China. However, since then, annual renewal has become just another exercise, and I believe H.R. 4444 will put us back on the path towards results. We need to be engaged with China, and to be an influence in China in order to have an effect on how that nation governs.

China is going to join the World Trade Organization regardless of what this Congress does today. The question is whether the United States is going to take advantage of China being a member of the WTO and allow our farmers and manufacturers access to this market. We know other countries will.

One critical aspect of China's ascension to the WTO is that it will change the leverage. The U.S. doesn't have to stand alone anymore in our disputes with China, but rather, we will stand along with the entire 169 nations of the WTO. Everyone in this room knows that the WTO is not a perfect organization with perfect policies, but every meeting of WTO member countries brings new ideas and suggestions for improving the organization. The U.S. will sit at the table while the WTO evolves its policies and lives up to the name World Trade Organization. The only alternative, two nations battling it out, is much less effective, as history has also demonstrated.

History has taught us some valuable lessons about dealing with foreign nations. We have learned from experience that isolation does not work. We don't even have to travel one hundred miles from Florida to see a perfect example of trade sanctions gone awry. The 1970s embargo against the then Soviet Union is another prime example of failed isolationism. The Soviets laughed at the U.S., while our farmers suffered. History has taught us that engagement is the key to results. Engagement allows us to address our concerns about a foreign nation's policies, all while expanding opportunities to our own farmers and manufacturers.

World trade is critically important for agriculture, and 23 percent of Iowa's entire workforce is in some way tied to agriculture. Everything is connected—almost 40 percent of our entire economy relies on trade with other countries. Today's vote has been described in terms of "granting" something to China, but it really means jobs for Iowans and new customers for Iowa businesses.

To me, the most important aspect of China's ascension is that it will even the decks on trade tariffs. For too long, the tariffs on U.S. goods going into China have proven insurmountable for farmers and manufacturers in my district who wish to export to China. The deal struck by Ambassador Barshefky will open doors that have been closed for too long.

Opponents of this deal like to claim that it opens the U.S. to China. Apparently, they haven't looked at the trade agreement, and I would also guess that they haven't been out shopping since 1980. Everytime I walk in a store, I pick up products with a "Made in China" label on them. The agreement we are voting on today is one-way; our way. It opens the doors for America, not the doors of America.

A farmer from my district, Dave Kronlage of Delaware County, traveled out to Washington on February 16, 2000, to testify before the Ways and Means Committee about China. Dave has done everything he can to profit from his business, including minimizing his risks and by joining with area farmers to create their own meat company, Delaware County Meats. Dave and other farmers, however, are running out of options for increasing their profitability. He told the Committee that China's ascension to the WTO will provide an estimated 7.7 percent increase to his income. In

Dave's view, the next move belongs to Congress, and the next move will be made today.

In 1996, we made farmers three promises, to reduce taxation, to reduce regulations, and improve access to foreign markets. We can stand here and argue about how successful Congress has been at the first two, but I don't think there is anyone in this body that will claim that Congress or the President has helped open new markets to farmers. Now is our chance to rectify this shortfall.

My state is the nation's largest pork, corn, and soybean-producing state. Last year, China's increase in pork consumption was roughly equal to the pork produced in Iowa. Yet, we sold not one pork chop to China last year. While pork producers like Dave Kronlage saw their equity evaporate through $8 per hundredweight prices last year, trade with China was not an option.

Normal trade relations with China will put Iowa pork chops, Iowa corn, and Iowa manufactured goods on the shopping lists of 1.3 billion Chinese people. Secretary of Agriculture Dan Glickman estimates agriculture exports will triple, putting another $5 per head in the pockets of Iowa pork producers, and increasing demand for Iowa corn by 360 million bushels. That's the total annual corn production by every one of the 21 counties in Iowa's Second District.

The U.S. produces far more food and manufactured goods than Americans can possibly consume. That means we have to find customers outside the boundaries of the United States. We cannot ignore 1.3 billion customers in China, watch them shop elsewhere, and expect this country to continue as a leader in the world economy.

With one vote, we can hand a market of 1.3 billion people to our farmers, and simply say "Better late than never." Now is the time. This is the best move to make for farmers and manufacturers in the U.S. This is the best move to make for advancing relations with China that could lead to meaningful changes in China's style of governing. And this is the best move for this Congress to make for the future of our economy. I urge my colleagues to vote in favor of H.R. 4444.

Ms. BALDWIN. Mr. Speaker, I, like many of my colleagues, have spent a great deal of time talking and listening to my constituents on the issue of granting Permanent Normal Trade Relations for China.

I have heard from a wide range of voices. These voices represent America's broadly based interests, reflecting our democratic values, like free speech, freedom of religion, the right to privacy, and the right to organize. I have heard from workers in my district who fear they would lose their jobs to China. I have heard from environmental activities who are angry that China has made no attempt to adhere to environmental standards.

And I have heard from many constituencies who are deeply troubled by the religious, political, and human rights oppression China has continued to engage in. Veterans have approached me with their concerns about the well-documented violations of human rights. Religious groups and individuals have called and written about China's lack of true religious freedom. Women activists are outraged by the forced abortions that continue in China. Students at the University of Wisconsin oppose the forced labor and inhumane working conditions that continue to plague Chinese workers.

After listening to the broad range of my constituents's concerns, I cannot in good conscience vote to grant China Permanent Normal Trade Relations and put profit over labor, environmental and human rights.

China has violated every trade agreement over the past twenty years and Chinese officials are already backing away from commitments they made only months ago. I believe we must broaden our policy of engagement with China and restore the link between human rights and trade.

Mr. LEACH. Mr. Speaker, the House gathers today to consider an issue of seminal importance for the national interests of the United States: the case for Permanent Normal Trade Relations (PNTR) with China and China's prospective membership in the World Trade Organization (WTO).

There can be little doubt that this is the most consequential foreign policy legislation upon which this Congress has been asked to address in the new millennium. Impressively, the vast majority of Members appear united on the principle that it is in the interests of the United States to develop a credible strategy for integrating China into the world economy as a responsible power that accepts international political and trading norms. What is at issue is means, not ends; that is, whether granting PNTR advances U.S. interests and values in modern China.

In my judgment, approving PNTR for China is in the enlightened self-interest of the people of the United States and of China. It promotes our economic well-being by opening Chinese markets to American goods and services. It advances our interest in a rules-based international trading system by helping to "lock-in" Chinese reforms, economic restructuring, and a commitment to orderly globalization. China's accession to the WTO, in turn, also paves the way for a long-overdue entry by a democratic Taiwan into the global trading body.

China's entry into the WTO, coupled with permanent normal trade relations, opens up substantial commercial advantages to the United States. With market-opening commitments in agriculture, banking and financial services, telecommunications and a panoply of other industries, Americans and other exporters will have much greater access to a market that reflects fully one-fifth of the world's population. Credible estimates suggest that the market-opening concessions that would accompany PNTR would boost U.S. exports to China by around $3 billion or close to a 15% increase in current U.S. exports to China.

Indeed, the math is on our side. While we frequently have 3 to 5 percent tariffs on Chinese goods coming into our country, they just as frequently have 30 to 50 percent tariffs on American goods shipped to China. This agreement negligibly effects America's tariff structure, but dramatically reduces Chinese levies, down in must instances to the single digit level.

The Committee on Banking and Financial Services has jurisdiction over certain macroeconomic issues as well as the financial services industry in particular. With regard to commercial products, China maintains unfairly high tariffs, which this PNTR approach is designed to reduce. With regard to financial services, China maintains arbitrary non-tariff barriers, which this PNTR approach is designed to dismantle. Reduction in Chinese tariffs and non-tariff barriers is self-apparently in the U.S. national interest. Not insignificantly, commerce follows finance. If we fail to pass PNTR, China will simply import fewer manufactured goods and farm products from the United States. It will be German, French and Japanese banks which will enter China and, by so doing, facilitate exports from the companies they serve in their own countries. America will remain an import haven, but opportunities for building export jobs here at home will be denied to American workers.

Here, I would emphasize a fatal flaw of failing to approve PNTR—it would leave the U.S. unable to apply WTO rules and obligations on the Chinese government, including standards of openness and reciprocity as well as mechanisms for dispute resolution. In other words, American farmers, workers and consumers would be denied the market-opening and rules-based trade benefits that China would otherwise be obligated to embrace, and our European and Japanese competitors would be given extraordinary market advantages in China.

In this regard, it must be stressed that although our economic ties to China have grown rapidly in recent years, so too has the size of our trade deficit. It is time American leaders make the fundamental point that normal trade relations are all about reciprocity. A billion dollar a week trade deficit is politically and economically unsustainable, particularly if China's market is closed to American products or biased in favor of products and services from other countries.

The best way for countries to have good sustainable political relations is to have reciprocal open markets, and the best way to achieve reciprocity in trade is to get politics out of economics and competition into the market.

Balanced and mutually beneficial trade is a cornerstone of good Sino-American relations. Likewise, unbalanced trade contains the smoldering prospect of social rupture. Hence, little is more in the U.S. interest than to promote reform and liberalization of China's economic, trade, and investment regimes and to bind China to the rules of international commerce.

For some, the PNTR issue has come to symbolize concerns about globalization and the increased integration of the world economy through trade flows, capital flows, and high-speed information technology. While angst exists in some segments of the American public, as in all publics, about competition and globalization, the historical record affirms that market systems based on free trade and the rule of law lead to higher standards of living than systems based on political isolation or economic autarky.

Protectionism is particularly harmful in the credit, securities, and savings industries because the general economy is dependent on each. In the U.S. today approximately one-fourth of banking assets and one-third of commercial loans are made by foreign entities.

While some may be startled by these statistics, in general, Americans consider foreign financial competition good for the nation's economy and believe it would be even more so in developing countries such as China, which need to build a financial system that can allocate capital on a market basis. Hence, one of the most beneficial and far-reaching aspects of our bilateral WTO accession agreement is China's commitment to undertake the progressive dismantling of barriers to foreign investment in its financial services industry.

More broadly, Beijing's commitment to the rules and obligations of a WTO-based framework should help support China's transition to a modern market economy based on the rule of law. As the world's most populous nation, China's successful management of economic and social reform is very much in the interest of the U.S. and the broader global economy. Joining the WTO binds China to a set of rules, which limits the ability of government officials to capriciously change market rules to advance personal or vested interests. This will help Chinese reformers lay the basis for a rule-based economy that is the best hope for controlling pervasive official corruption. In this context, it deserves stressing that government centered, managed trade provides fertile ground for corrupt practices. On the other hand, free trade under the rule of law is an economic framework where social corruption has a more difficult time flourishing.

Many Americans, including Members of Congress, are vexed by the human rights record of China and are concerned by the pace of economic and political change in China. On the other hand, experience teaches that the political system that best fits economic free enterprise is reflected in democratic political institutions of, by, and for the people. Advancing freely associated economic ties with the West under the rubric of internationally accepted trade rules has one principal political side effect: it builds bridges to democracy. Quixotic attempts to isolate China economically run the great risk of exacerbating human rights abuses, stunting prospects of establishing democratic institutions, and causing intemperate international actions.

Chinese society is changing far more rapidly than most Americans realize. The late Deng Xiaoping underscored the new Chinese pragmatism with his cat and mice metaphor, and by promoting "socialism with Chinese characteristics." Twenty years of ad hoc, pragmatic economic reforms have moved China from the chaos of the Cultural Revolution to unprecedented economic development and largely peaceful social change, quadrupling the standard of living and laying the foundation for systemic reforms. Indeed, despite indefensible examples of continued political repression, against groups like the Falun Gong and liberal intellectuals, China may be changing as rapidly as any other country in the world. While a communist style political apparatus remains ensconced at the top of Chinese society, at local government levels, experiments with democratic elections are occurring and at the individual and family levels, free speech has become increasingly the norm. In sharp contrast with the period of Mao's Cultural Revolution there is little question that China has become a far more open society than it was just a generation ago when Deng inaugurated his period of "opening and reform."

Nonetheless, China's economic and social system cannot develop to its fullest unless the rule of law and its associated rights-including freedom of speech and of the press, due process for disputes over contractual obligations, and a judiciary that efficiently and fairly adjudicates disputes—are made central tenets of Chinese life. As the development of a modern market economy impacts on politics, Beijing's leaders can be expected to recognize the incompatibility of free enterprise and an authoritarian political system. Instability is simply too easily unleashed in society when governments fail to provide safeguards for individual rights and fail to erect political institutions adaptable to change and accountable to the people.

Lastly, establishing permanent normal trade will help foster a stable, mutually beneficial Sino-American relationship, a bilateral relationship that is of profound importance to the future of peace and prosperity not just in Asia, but for the world. Here, a note about Taiwan is important. It is no accident that people in Taiwan as well as Hong Kong strongly favor America normalizing trade relations with Beijing. The opposite—nonnormal trade—presents too many opportunities for friction in an area desperate for normalcy and stability.

From a historical perspective free trade is a natural extension of the open door policy that hallmarked American involvement in China at the end of the 19th century. Rejecting PNTR would effectively drive a stake through the heart of our economic ties with China and place in grave jeopardy the future of our relationship with one-fifth of the world's population.

Whether the 21st century is peaceful and whether it is prosperous will most of all depend on whether the world's most populous country can live with itself and become open to the world in a fair and respectful manner. How the United States, its allies, and the international system responds to the complexities and challenges of modern China is also one of the central foreign policy challenges of our time.

Failure to approve PNTR would not be responsive to that challenge. It would not effectively address our legitimate concerns on human rights, nonproliferation, relations across the Taiwan straits, or trade. On the contrary, rejection of PNTR would go back on our open door tradition and suggest that China and the United States can not maintain cooperative relations. It would be a vote with destabilizing consequences for the region and beyond.

Ironically, in this seminal foreign policy vote, the president's political opposition is willing to share the obligations of governance despite electoral advantage that would accrue in refusing to adopt a bipartisan approach. Republicans are generally prepared to be supportive of the president's initiative because the majority consider PNTR to be key to peace, stability, and prosperity in the 21st century. It would be tragic, and I might say unprecedented in the post World War II era in any Western democracy, if the majority of the administration's own party fails to support its President on what is almost certainly the Executive Branch's most important foreign policy initiative.

The irony that should not go unnoticed is that after all the discord between the Executive and Legislative branches over the past several years the President's own party may produce a vote of no-confidence in the President while the Republicans in this instance support his foreign policy judgment.

In the strongest possible terms, I urge my colleagues to cast a vote with majority support in both parties in favor of this crucial economic and foreign policy measure. Absent a Democratic as well as Republican stamp of approval, foreign economic policy will be seen at home and abroad as subject to capricious change in Congress if there is a shift in party control.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of H.R. 4444, which grants the president authority to extend permanent normal trade relations (PNTR) with the People's Republic of China, and I urge our colleagues to adopt the measure.

Mr. Speaker, as we all recognize, the decision before us is of historic dimension and is one of the most important actions taken by this Congress. The arguments for and against granting PNTR to China are exceedingly broad and complex. The stakes, too, are tremendous, as it involves the destiny of the most populous nation with one-quarter of planet's inhabitants, the future of America's economic strength and vitality, and perhaps the very stability of the world.

I commend my colleagues and deeply respect their commitment regardless of their position on the issue before us, for there are valid and compelling arguments to be made on both sides.

On this matter, Mr. Speaker, I wish to make a few observations. After examining the November 1999 trade agreement negotiated by the United States with China, it is abundantly clear that granting PNTR to China to facilitate its entry into the World Trading Organization (WTO) will bring innumerable trade benefits to America.

Under the trade agreement, China must dramatically reduce tariffs, phase out quotas, and open up closed market sectors, while the U.S. simply maintains the status quo with no further trade concessions to China. It is truly a one-way deal in our favor. Ensuring that China and the U.S. trade on a level playing field, with WTO enforcement, should go a long way toward rectifying our present trade imbalance.

On the other hand, if we fail to grant PNTR to China, Mr. Speaker, China will still enter the WTO but will not be obligated to extend WTO trade benefits to the U.S. This will significantly reduce U.S. trade and investment with China. I believe our economic competitors in Europe, Japan and Asia will welcome our absence in China, Mr. Speaker, and through the WTO take advantage of China's market-openings to our detriment.

Although the trade incentives for extending China PNTR are obvious and apparent, Mr. Speaker, the most important consideration for me concerns what will best promote democratization and continued political, social and human rights progress in China.

On that point, Mr. Speaker, I find most persuasive and enlightening the voices of those Chinese who have been persecuted and are among China's most ardent and vocal critics—

individuals who would be expected to take a hard line stance against the Beijing government.

For example, look at prominent dissident Bao Tong, who has urged the U.S. Congress to pass PNTR as it would hasten China's entry into the WTO, forcing adherence to international standards of conduct and respect for the rule of law. Bao has noted that the annual Congressional trade reviews have not been effective to improve human rights in China and other tools must be sought.

Xie Wanjun, an exiled leader of Tiananmen Square democracy protests and organizer of the China Democracy Party, supports PNTR and the China trade deal. Xie states, "The closer and economic relationships between the United States and China, the more chances for the United States to monitor human rights in China and the more effective for the United States to push China to launch political reforms."

Longtime dissident, Ren Wanding, who has been jailed for 11 out of the last 21 years, states, "If you really want China to change, then you should approve PNTR. If you want to isolate China and see it get worse, then it will get worse and worse."

Mr. Speaker, these Chinese democracy activists, along with Wang Dan, Dai Qing, Zhou Litai and other prominent dissidents, urge that the U.S. extend PNTR to China. Joining their voices are other Chinese leaders who have opposed Beijing's communist control, including Hong Kong's Democratic Party Chairman Martin Lee and Taiwan's new President Chen Shui-bian. Both Lee and Chen have called for normalization of trade relations between the U.S. and China and WTO accession by China.

Mr. Speaker, we should listen to the wisdom of these courageous Chinese, whose credentials are impeccable and who clearly have the interests of all of the Chinese people at heart. They know that it is absolutely crucial and vital for continued political, social and human rights progress in China that the U.S. maintain and expand its presence there through trade.

The Chinese people thirst for U.S. engagement because America, and everything it represents, is the only nation with the power, the conscience, and the fortitude to push for true reforms and democracy in China.

Mr. Speaker, I urge our colleagues to hear the pleas of the Chinese people for a brighter future. It is in their best interests, as well as ours, that we extend permanent trade relations to China by adoption of the legislation before us.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of establishing Permanent Normal Trade Relations with China.

Mr. Speaker, China is a rogue nation. Totalitarians and Communists rule it. These leaders oppress their people and deny the basic freedoms and religious liberties that we hold so dear here in America. China regularly fails to abide by standards of good citizenship in the community of nations. China's officials have been tied with attempts to influence the 1996 elections in the United States through contributions to the Democratic National Committee. This nation's spies have stolen our nuclear technology. It sells missile technology to Iran and North Korea and regularly threatens war against Taiwan.

It is in this environment that Congress must decide whether we should continue our annual renewal of normal trade relations (NTR) for China, and forego the benefits of lower tariffs and increased access to China's markets, or grant permanent normal trade relations, (PNTR) for China. I believe firmly that this vote affects the advancement of America's national interests, including national security, human rights, religious liberty, and commerce and American jobs.

With very few measures have I so deeply struggled with determining the best course of action, and with identifying what is right or wrong for America. After carefully considering all the facts, and reviewing the notes and letters and calls from my constituents, I believe that our best hope for advancing American national interests in China is fulfilled by granting PNTR to China. Moreover, failing to do so today would damage America's interests, in national security, human rights and religious freedoms, and American commerce and jobs.

Let me first address the matter of American national security. I can assure you that since nearly losing my life fighting communism in Vietnam, the matter of what action best represents America's national security interests is a matter which I take very seriously. Beijing has exhibited poor citizenship in the world. It tested missiles in the Taiwan Straits on the eve of free elections in Taiwan. It has sold missiles and weapons materials to rogue terrorist nations. It smuggled AK–47 rifles into the United States, bound for Los Angeles street gangs. It increased its defense budget 40 percent over the past several years.

However, in light of this current and emerging national security concern, I believe it is only through American engagement, through the extension of PNTR to China, that provides the best hope to advance America's national security interests in China and East Asia. I am under no illusion that by extending PNTR to China will work miracles in the advancement of our national security. It will not. Yet, the penalty for sacrificing our engagement in China by not granting PNTR is much worse. Denying PNTR to China will not keep China out of the WTO. Denying PNTR to China will not protect Taiwan, which is why the government leaders of Taiwan support granting PNTR to China. Rather, denying PNTR to China would bring instability to this critically important area of the world. Denying PNTR to China would force the Beijing regime away from the United States, undermine advocates for democracy in China, and drive China away from the community of law-abiding countries, into the arms of the world's terrorist nations.

Thus, I conclude that it is in America's national security interest to encourage American engagement in China and support PNTR for China.

Secondarily, Mr. Speaker, let me address the issue of religious liberty and freedom for the people of China. Again, Beijing's record in this field is repugnant to the cause of freedom. Its list of crimes against freedom goes on and on. Beijing oppresses the Buddhist people of Tibet, and the Muslims of Xinjiang. It strictly limits the rights of Christians from meeting or owning religious materials. It practices a population policy that includes forced abortion and sterilization. It has detained, jailed, and killed its dissidents. It severely restricts the activities of people of faith, and imprisons priests and ministers, and closes house churches that attempt to teach religion free from the reach of the Beijing regime.

Given this challenge, what action advances America's national interest in this area? I conclude that our national interest for religious liberty and freedom is best advanced by extending PNTR to China. Through American engagement we advance American values, through the export of commerce and culture, directly into the lives of Chinese citizens. While I respect the views of my friends at the Family Research Council and other family organizations who strongly oppose extending PNTR to China, it is also true that several U.S.-based organizations that support Christian missionaries in China support PNTR for China. The case for greater commerce with China can, therefore, be cast favorably not just in commercial terms, but in moral terms, as an engine of liberty and freedom in an oppressed nation. This is why many of our nation's most respected religious leaders, from Billy Graham to Pat Robertson, have called for keeping the door to China open.

I agree that PNTR for China will not work miracles for the people of China. It will not directly free a single person wrongly imprisoned by the communist government of China. However, Wang Juntao, the leader of the protests at Tiananmen Square several years back, has said this: "I prefer to choose 'yes' . . . Both fundamental change in the human rights situation and democratization in China will come from efforts by Chinese within China. The more the relationship between the two countries expands, the more space there will be for independent forces to grow in China. Such independent forces will eventually push China toward democracy."

American commerce with China will give the Chinese people a taste of economic freedom, and economic freedom will pave a path toward more political and religious freedom.

Lastly, I would like to address the matter of commerce and American jobs with the world's most populous nation. Companies in San Diego engage in significant exports in China. Among these are Solar Turbines, Cubic, Qualcomm, Jet Products, and several other firms large and small, which engage in manufacturing, telecommunications, television, computers, biotechnology, pharmaceuticals, and many other industries, employing thousands of San Diegans in good high tech, high skill, high wage jobs. Furthermore, many Americans jobs are dependent on imports from China. These include high-tech jobs in the computer hardware and electronic device industries, and hundreds of thousands of lower-tech jobs, including retailers with shops all across America. In addition, American consumers rely on the ability to purchase goods made in China.

The vote before us today is about granting American companies access to China. This vote and WTO membership for China only lowers China's tariffs and China's barriers to trade. This action will allow American companies to increase distribution in China, allowing more goods to be made in America and exported. This bill will allow American financial service companies and insurance companies unprecedented access to China's markets.

Our action today will benefit all Americans through greater exports, investment, and opportunity in China.

I want to remind my colleagues that this vote is not a goal line. This is not the end of our duty to the American people on this issue, nor is this the last time that we must face the burden of addressing the shortcomings of China. To use a football analogy, this is another first down in our relationship with China. Since President Nixon returned to China, our relationship has been growing and China has changed. Since I was there 20 years ago, China is a better place.

If we are to continue moving China in the right direction during the next 10–20 years, we must assure that certain conditions are in place to foster that development.

We need a President who will not sell secrets to China for campaign contributions;

A Vice-President that will show leadership and distinguish right from wrong;

A State Department and Commerce Department that will fight for America's interests and not devalue national security concerns for business expediency;

A Department of Defense that has a strong leadership and the support and funding necessary to defend America and protect our servicemen and women;

And intelligence organizations with the assets and direction to protect our strategic and economic interests here and abroad.

Right now we have none of these things. And because of the repeated failures of the Clinton-Gore administration on China policy, Congress must exercise leadership in the United States-China relationship. Here in the People's House, we must remember that America is the world's leader in human rights, religious freedoms and peace and prosperity.

I want to close by sharing a recent experience I had in Vietnam. Several years ago, my good friend Rep. HAL ROGERS asked me to accompany him to Vietnam to raise the flag and reopen our embassy there. My first response to him was no. I did not want to return to Vietnam. I had lost too many friends and had too many memories of my time there to return. Then Pete Peterson, now our Ambassador to Vietnam, who was then our colleague, called me. Pete said, "Duke, I was a POW. It is tough for me to return to Vietnam, I need you to help me return there and raise America's flag." To Pete I said "yes." So I returned to Vietnam.

While I was there I toured old target sites and met with people who had led the Vietnamese Army we fought against. One of those was the head of the Vietnamese security forces. He is now the Mayor of Hanoi. He shared with us many of his thoughts and views on the United States relationship with Vietnam and his views on Communism.

When our conversation turned to questions, I asked him why Vietnam was not moving to open trade with the United States. And I will always remember what he said.

He said, "Congressman, we are communists. If we allow trade with America, our people will have things. They will have property and be able to own things without our control. That, Congressman, will hurt us and weaken our control over the people."

When he finished, I thought to myself—"trade is good."

Mr. Speaker, expanding trade with China advances America's national interests. Expanded trade will help us weaken the hold of the dictators in Beijing, bring economic prosperity and greater stability to the entire Far East region, and carry American values of freedom and liberty into China.

Mr. Speaker, trade is good.

Mr. ORTIZ. Mr. Speaker, I rise in support of H.R. 4444. Establishing permanent trade relations with the largest market on the face of the planet is the right thing for the American people and it is the right direction to support the United States economy.

I have traveled in China and several other Pacific Rim countries. I understand the wealth of opportunity that is available to the countries who take the step of moving aggressively into the markets of Asia without barriers, beginning in the largest market in the world, China. Establishing normal trade relations with this market so our businesses have a level playing field has enormous positive economic consequences for this country that will last throughout the course of this century. Not so long ago, China was a poor country. Now their coastal cities are the new, churning economies of the Pacific Rim. The enormous changes that are occurring on the coast are spreading rapidly to the interior of China, and touching the lives of people there.

The economic advantages of supporting trade with China may well be enough reason to support this resolution, but that is only the beginning. Possibly the most important reason the U.S. needs a permanent trading relationship with china is the national security implications it provides to us. I have seen first hand the relationship China has with the other nations of the Pacific Rim. These nations have hundreds of centuries of history between themselves and China. When China stands closer to the United States, it is possible for the other countries of the Pacific Rim to work with the United States on trade and make the world safer and more democratic.

While we have an utterly different philosophy of government than does China, during the course of our history it has been the inherent responsibility of the American people, especially entrepreneurs, to spread the spirit of democracy and freedom throughout the world. This may be our most unique opportunity to reach the largest number of people yet with the message that the principles of work and responsibility are the foundation of freedom and self-determination. There is no better way to spread the message of democracy than to engage the world's largest nation in a trade agreement that will benefit the United States and China for decades and probably centuries to come. When we engage a country of 1.3 billion people, we take a positive step in demonstrating how freedom works.

This vote will soon take its place alongside the pivotal votes of the past decade which have played a large role in redefining economic success and budgetary policy: the 1993 Budget Deficit Reduction Act; the North American Free Trade Agreement (NAFTA) and the General Agreement on Tariffs and Trade (GATT). We have been enjoying tremendous economic opportunities for the past few years and I hope it continues for a very long time. Remember, we can best provide for people and communities in the United States when our economy is strong, and PNTR will go a long way towards keeping our economy strong.

Mr. WELDON of Florida. Mr. Speaker, one of the most important decisions I have to make as a Member of Congress each year, is how to vote on our nation's trading relationship with China. This year, many of my constituents have been engaged in this debate as they have called, written, or stopped by my office to urge me to vote in favor of, or in opposition to, normalizing trade relations with China.

I have spent months and indeed years weighing the advantages and disadvantages of approving Permanent Normal Trading Relations (PNTR) with China. We have debated this measure ever since I began my service in 1994. As I reviewed the arguments on whether or not to extend Normal Trade Relations to China on a permanent basis, I have decided against PNTR for China.

I plan to vote no for several reasons:

1. The worsening of labor and human rights situation in China;

2. The continued aggressive military statements and actions against a Democratic Taiwan;

3. The transfer of sensitive military technology by China to rouge nations; and

4. The failure of the current Administration to effectively monitor and enforce the trade agreements they have already signed with China, including launch quota agreements, which of course, are very important for our district.

First, this is a vote of conscience. My staff and I have thoroughly reviewed the 1999 U.S. State Department Report on Human Rights Practices in China, which was released in February. The Report told the story of egregious civil and human rights abuses by the Chinese government against its own people.

The Administration's Report said, "The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army, and the state judicial, procuratorial, and penal systems. Security policy and personnel were responsible for numerous human rights abuses."

The Report goes on to say, "The [Chinese] Government's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent, particularly organized dissent . . . The Government tightened restrictions on freedom of speech and of the press, and increased controls on the Internet; self-censorship by journalists also increased . . . The government continues to restrict freedom of religion, and intensified controls on some unregistered churches."

In addition, violence against Chinese women is on the rise as the government continues to, as the Report states, "induce coercive family planning—which sometimes includes forced abortion and sterilization; prostitution; discrimination against women; [Government] trafficking in women and children; [Government] abuse of children; and discrimination against the disabled and minorities are all problems.

I believe that by voting in favor of PNTR, I would be giving my implicit support for these violations of basic human rights. There are some of my colleagues who believe that through engagement we can effect changes in China. There may be some merit to that argument and I do not fault them for that belief. I cannot, however, in good conscience, vote to extend this privilege to China at this time. They have shown an unwillingness to embrace basic freedoms.

I am also deeply troubled by Communist China's aggressive militaristic threats toward a Democratic Taiwan. The Chinese government has threatened the democratically elected Taiwanese government. The Chinese have said in no uncertain terms that the recently elected democratic leaders of Taiwan have no role as China usurps Taiwan's independence under the Chinese umbrella of Communism and totalitarianism.

Even before threatening Taiwan, China was engaged in a massive spying effort on the United States. In fact, the Congressional "Cox Commission," produced a three-volume report outlining and detailing the military and commercial abuses and concerns the United States has with the Chinese government. Among the key findings of the bipartisan Cox China Espionage Report were:

1. That Communist China stole billions of dollars worth of American nuclear secrets that took our scientists decades of hard work to develop;

2. The Peoples Republic of China has stolen classified information on every warhead used for our ICBM and our submarine launched ballistic missiles; and

3. According to the unanimous judgment of the Committee, The People's Republic of China will exploit elements of stolen U.S. thermonuclear weapons designs on its new ICBMs as 2002.

The Report goes on and on, like background for a Tom Clancy novel, threatening the very fiber of our cultural heritage.

China has taken the technology they have stolen and shared it with rogue nations. They have encouraged the proliferation of nuclear weapons and missile technology by sharing these sensitive technologies with rogue nations.

No longer are the American people safe from terrorists and the aggressions of our enemies. As many of these rouge nations have access to our top level military secrets. What is most disturbing is that the Administration knew about these security breaches as early as 1995, but failed to act because they were fearful of the repercussions and potential the political fallout.

My first experience with our government's effectiveness or unwillingness to challenge the Chinese in their failure to live up to their agreements came in 1997, and was in relation to the launch agreements, known as the Bilateral Space Launch Services Trade Agreement. The Administration significantly expanded agreements with the Chinese and Russians which permitted U.S. satellite manufacturers to ship satellites to Russia and China for launch. These agreements permitted larger numbers of U.S. satellites to be shipped to China and Russia for launch in these countries. The Chinese signed an agreement stating that they, a non-market economy (NME), would not sell launch services at below market costs, in other words "no market dumping."

In probing this issue, I discovered that the Chinese were indeed allowed to "dump" launch services on the international market at below market costs. This was in violation of the agreement that they signed and it also was taking launches away from U.S. launch facilities at the Cape. Furthermore, our U.S. Trade Representative failed to respond to my inquiries over whether or not they were addressing this issue of dumping. It was not until I personally went down to their offices and went through their files that I discovered the fact that they were taking no steps whatsoever to curtail this problem. Furthermore, they never took any action to even discuss this problem with the Chinese.

This is a very disturbing trend which I cannot envision will improve until we as a nation decide to look at China differently. We must always keep our national security, our economic security, and the security of basic human rights in mind in all our dealings with China. Thus far, we have not.

Today I have outlined for you numerous abuses by the Chinese government. And, I understand that at some point there may be the tremendous economic potential to open our trading relations with the people of China. However, today I cannot support the Chinese government's repression of human and civil rights of the Chinese people; I cannot support their continued threats against Taiwan; and I cannot support their theft of American technology and military secrets. Until China can demonstrate a better track record in these key areas; I will not support Permanent Normal Trade Relations with China.

Mr. KUYKENDALL. Mr. Speaker, I rise today to express my strong support for H.R. 4444. Why is granting Permanent Normalized Trade Relations (PNTR) to China so important? There are several answers to this question. Granting PNTR to China transcends political, economic, and social boundaries and should foster better relations between the United States and China. Markets will be opened, diplomatic communication will be enhanced, and democratic values will spread in a Communist arena;.

There is no question that the South Bay and the state of California will see the benefits. China's entry in the World Trade Organization (WTO) would mean dramatically expanded access to one of the largest and fastest growing markets in the world. China is currently our 12th largest trading partner. According to some experts, with China's entry into the WTO, that trade could double. Trade in and out of the Ports of Los Angeles and Long Beach would dramatically rise.

To be admitted into the WTO, China will have to make significant concessions to the other members. The U.S. reached an agreement with China on bilateral trade terms last November. This agreement dramatically cuts tariffs on American products, eliminates most domestic ownership requirements and provides greater transparency regarding Chinese business practices.

Let's take two industries important to my district to illustrate the benefits of this agreement. Mattel currently makes toys in China. To sell these toys in China, they must first be exported out of China and then imported back into the country. On import, Mattel must pay a tariff equal to 35%. After importation, Mattel must rely on Chinese companies to distribute the product in the country. PNTR will eliminate this requirement and effectively reduce the tariff rates to zero by 2005. The result? Increased sales and improved productivity for a U.S. company.

The benefits are the same for cars and auto parts. Currently, for TRW to sell auto parts in China, it must import the parts, which are subject to tariffs that range between 23.4% and 70%. To sell cars in China, Honda and Ford are subject to import tariffs as high as 100%. These companies are also subject to limits on the number of vehicles they can sell. The Chinese also require that cars sold in China must be substantially composed of Chinese parts, further hampering TRW's ability to sell American-made parts in China. With PNTR, tariffs are substantially reduced and the Chinese component requirement is eliminated. The result? Increased production and more jobs in the United States.

Granting PNTR for China is not all about dollar signs. There are also the social implications that increased trade promotes. There has been much debate, often times heated and emotional, over whether to enter into this agreement with China.

Many of the negative feelings associated with China stem from the oppressive 1989 crackdown of the student protesters in Tiananamen Square. Communist China reminds us of our Cold War opponents of yesterday. However, our greatest opportunity to implement change is to open the avenues of trade. Expanded trade relations means a greater flow of democratic ideals to a population unfamiliar with the freedoms we enjoy. The economic freedoms that China is pursuing will not work without some levels of political and personal freedom as well.

Companies like Mattel also implement strict codes of conduct for production facilities and contract manufacturers. This focus upon working conditions and employee treatment means better treatment for Chinese workers following adoption of PNTR.

Alan Greenspan, Chairman of the Federal Reserve, recently wrote, "The addition of the Chinese economy to the global marketplace will result in a more efficient worldwide allocation of resources and will raise standards of living in China and it's trading partners. . . Further development of China's trading relationships with the United States and other industrial countries will work to strengthen the rule of law within China and to firm its commitment to economic reform."

Diplomatic ties will also be strengthened with improved trade relations with China. The worst possible scenario occurs if Congress denies granting China PNTR. In this case, diplomatic communication between the United States and China will be severely limited. It would be dangerous if we, as leaders of the free world, do not have open lines of communication with the most populated country in the world. I do not believe that this is a risk worth taking.

There is no doubt that California will make great gains through increased trade. The 36th congressional district also stands to benefit. But considering the big picture, increased trade and increased communication with

China will allow an opportunity to lessen tensions between our two countries. The fall of the Iron Curtain took the Berlin Wall with it. Progress can be made with China. Support PNTR.

Mrs. FOWLER. Mr. Speaker, I rise today to support Permanent Normal Trade Relations status for China. This measure is an important step in promoting free and fair trade between the United States and the People's Republic of China, and in promoting freedom within China.

I remain concerned about the behavior of the Chinese leadership in a number of important areas, including weapons proliferation, human rights, and relations with Taiwan. In the past, I have voted against extending NTR for these reasons.

But the vote before us today is different. Extending Permanent NTR to China and supporting its accession to the World Trade Organization is the strongest catalyst for change in that country. It will promote the free market there. It will promote the rule of law there. And I strongly believe that it will ultimately promote the rise of democracy there.

We have seen capitalism rip through the "Iron Curtain," and now we have a tremendous opportunity to see it tear through Communist China.

We cannot do this by allowing the remnants of an antiquated economic system to remain isolated. Those in China who want to see this measure fail are the hard-line Communists who seek to maintain control and oppress the new generation that yearns for a better life. The greatest threat to the future of these Communist tyrants is the passage of PNTR and the freedom it unleashes.

Today we have an unprecedented opportunity to gain substantially greater access to China's market of well over one billion people. If we pass this measure, China will have to change its protectionist laws and policies, and reduce tariff rates on U.S. products. But if we do not extend PNTR, we will lose these benefits, while our trade competitors gain them.

Mr. Speaker the best way to name the communist bear is not to poke it in its eye, but to endear yourself to its cubs. The new generation of Chinese knows America and has a strong desire to emulate our values and culture. This is our country's chance to engage China and have a truly profound effect on that nation's future.

Mr. MOORE. Mr. Speaker, I rise today in strong support of H.R. 4444, legislation to grant Permanent Normal Trade Relations with China.

The United States Trade Representative's agreement with China gives us a unique and historic opportunity to challenge old assumptions and establish new goals with respect to China. The Administration, in November, laid its bet on improving economic relations with China as the best way to ensure that this huge and growing power will become a constructive member of the world community. Today, it is up to Congress to affirm this deal to make these opportunities a reality.

Despite our disappointments with China's internal policies, this is not a time to withdraw and abandon all dealings with China, particularly those that are clearly in our own interest to pursue. The deal the U.S. Trade Representative made with China represents a series of major concessions by the Chinese to accomplish a goal—Chinese membership in the WTO—that is also clearly in our national interests. This deal is a classic "win-win" proposition for the United States.

While China will benefit from expanded trade and investment, this deal is composed of a series of unilateral concessions by China that reduce most of its tariffs, open the markets most attractive to U.S. goods and services, and commit China to international rules of commercial behavior and extensive monitoring of its compliance. Granting China PNTR would result in an opening of markets for American farmers, bankers, insurers, and manufacturers of microchips, chemicals, cars, computers, and software, who will reap benefits from a whole new level of access to what is potentially the world's largest consumer market.

To fully realize the benefits of trade, however, requires more than agreements to reduce barriers. Sustaining support for the trading system also requires that the rules under which countries engage in trade are credible and equitable. The rules should ensure that governments play fair—that they not seek advantage for favored interests by subsidizing their producers or passing regulations that unnecessarily distort international trade. Fairness also requires that the gains from trade are shared widely and do not come at the expense of core labor and human rights standards.

Mr. Speaker, the bill before Congress today's bill will make these larger goals possible. Beyond the market-opening provisions in H.R. 4444, this bill also contains thoughtful provisions developed by Representatives LEVIN and BEREUTER that will establish mechanisms to monitor human rights in China, to report on labor market issues, and to encourage the development of rule of law and democracy-building in China. Granting China permanent PNTR would also mean the beginning of a long-term transition from a state-controlled economy toward a free market that will make these larger goals possible. Indeed, China is not only agreeing to import more American products, they are agreeing to import one of democracy's most cherished values—economic and social freedom.

The only thing the United States would do in return is grant China the same permanent "normal trade relations" status afforded to all WTO members, which has been granted on an annual basis for the past 19 years. Granting PNTR to China is not a "blessing" of their past and current behavior. Rather, it is a commitment by China to change its behavior to become a responsible global citizen.

This deal would impose on China a clear set of rules for business whereby the United States will benefit from China's verifiable and enforceable commitment to play by the world's rules. This deal will allow the United States to engage this emerging power in well-defined and civilized manner, rather than isolating it and strengthening the claims of its militarists that the America is an enemy. And this deal will open Chinese markets to U.S. products and services, which I hope will make the global economic pie bigger, so everyone gets a bigger piece.

Mr. BARRETT of Nebraska. Mr. Speaker, in order for farmers, ranchers, and food processors to succeed in a global market, the US needs fair trade and fair access to growing global markets. Nebraska is one of the nation's leading producers and exporters of agricultural products. Market access is absolutely crucial to the well being of our producers—as it is to producers of all commodities nationwide.

Agriculture will benefit most from the pending trade agreement with China. China's economy is already among the world's largest, and it has expanded at annual rates of nearly 10 percent. By supporting PNTR, we are giving our agricultural producers the access needed to compete in the global market. Passing up the opportunity to increase trade with a country that has nearly 26 percent of the world's population would be a grave error.

Under it's World Trade Organization accession agreement, China will lower its tariffs from 45 to 12 percent on frozen beef, and 45 to 25 percent on chilled beef by 2004. also, China will accept all beef from the United States that is accompanied by a USDA certificate of wholesomeness.

Nebraska's 1998 exports to China totaled $33 million, which represents a 1,200 percent increase from 1993. China is Nebraska's 14th largest export destination, up from 31st in 1993. By building on this trend, the U.S. has taken a step in the right direction. Approval of PNTR is simply the continuation of this process.

Opponents of PNTR legislation argue that China will no longer need to respect our positions on human rights and other issues.

However, by joining the WTO, China is agreeing to a rules-based trading system, and by working closely with China, the U.S. will be able to influence positive change on human, religious, and political rights.

Not only must we support PNTR for China for agriculture, but for the continued growth of our nation as a whole. I urge my colleagues to vote "yes" on H.R. 4444.

Mr. PALLONE. Mr. Speaker, I rise today to join in urging my colleagues to vote No on granting PNTR for the People's Republic of China.

Since relations between the U.S. and China were normalized, Congress has had the opportunity, every year, whether or not to grant China the same trading status we give to other "friendly" nations. Although the China trade deal has won out every year, at least we had an annual review in place. If this bill passes, I am sure the dictators in Beijing will take our concerns even less seriously than they have in the past.

It is well known that China has a terrible record on human and worker rights, environmental protection, fair trade and weapons proliferation. China has repeatedly violated almost all of their prior agreements. The United States consumes 40 percent of China's exports, so common sense dictates that we can influence China's actions by threatening to cut off market access. By essentially granting China permanent guaranteed access to our markets we would surrender our only political and economic leverage.

Big business claims that granting China PNTR will allow for more American products to be sold to the 1.2 billion consumers in China. But even if China opens their doors to our products, which I don't believe they intend on doing, how many cars or designer jeans will American workers sell to Chinese workers making 13 cents per hour.

I urge my colleagues to vote against this "Blank Check for China."

Mr. PORTMAN. Mr. Speaker, I rise today in support of continued Normal Trade Relations between the United States and China.

Trade with China has been a significant factor in the economic expansion we've been able to enjoy during the 1990s. In my own district, Greater Cincinnati companies exports to China have almost doubled in this decade alone. That means more jobs for my constituents, more prosperity for the families and businesses in Southwest Ohio, and a healthier economy for the area I represent, for the state of Ohio as a whole and, indeed, for the entire nation.

For those of my colleagues who are undecided on this subject, I'd urge you to take a close look at this PNTR agreement, because it makes so much sense. This is a totally one-sided agreement. Because we already have an essentially open market, we've given away nothing to get this deal, but we've received unprecedented concessions from the Chinese.

Mr. Speaker, China has a long way to go on improving labor standards, human rights and environmental protection. That's why I believe our most important export to China won't be our products and services. Our most important export is our ideas and our beliefs about freedom and democracy.

As the United States and China develop closer ties—as individuals from both countries begin to interact more often with each other—it's going to be impossible for the Chinese government to prevent our values and ideas from spreading. You can already see it happening with the spread of the internet in China, despite the best efforts of their government to slow it down.

Mr. Speaker, we can choose to get rid of normal trade relations with China, and stand on the sidelines when our European and Asian competitors take our place. Or we can build a strong bilateral relationship through engagement—opening their country to our products and ideas.

I urge my colleagues to support the rational approach—and to support normal trade relations with China.

Mr. SKELTON. Mr. Speaker, I urge my colleagues to support permanent normal trade relations for China. I will vote in favor of PNTR, not only because of the benefits that American farmers and businesses stand to gain in terms of increased trade, which are substantial, but also because of the impact approval of PNTR will have for U.S. national security and stability in Asia.

A solid trade relationship with China, with its huge potential markets, is important to Missouri. In 1998, China was Missouri's sixth most important export market and the United States' fourth largest trading partner. From 1991 to 1998, U.S. exports to China more than doubled. The agreement that the administration reached with China last November concerning China's accession to the World Trade Organization commits China to eliminate export subsidies and lower tariffs dramatically, reduce its farm supports, and play by the same trade rules as we do. Further concessions recently gained by the European Union would increase the benefits, as the agreement would apply to all parties to the WTO.

During the first 6 years of the agreement, USDA estimates U.S. agriculture exports to China will increase a total of $7.5 billion. In the first ten years of the agreement, USDA projects one-third of U.S. export growth will be in U.S. agricultural products destined for China.

China is the last major untapped market for American agriculture. As China moves from an agrarian economy to a modern economy, someone must fill the gap. As the standard of living increases in China, the Chinese people will be able to buy more U.S. products. To gain these advantages, Congress must approve PNTR status for China. If Congress does not do so, the only winners will be our international competitors who would welcome the chance to gain market share that would otherwise go to U.S. farmers and benefit the entire agriculture community. Congressional approval of PNTR also have implications for U.S. national security. Early this year, I led a small House Armed Services Committee delegation on a trip to the Asia-Pacific region. Although we did not visit China, we did find in our meetings will officials how much other nations in Asia value America's presence and engagement in the region to promote stability.

The state of U.S.-China relations is critical to the future stability, prosperity, and peace of Asia. Encouraging China to participate in global economic institutions is in our interest because it will bring China under a system of global trade rules and draw it into the world community. It is in our long term interest to develop a relationship with China that is stable and predictable. China will enter the WTO based upon the votes of all 135 WTO members. Denial of PNTR by the U.S. will not affect China's entry into the WTO, but rejecting PNTR after last year's negotiated agreement will diminish our credibility and our ability to make a difference in China.

WTO memberships will bring China into the system of trading rules and standards that apply to all other major trading partners in the world. Congress should approve PNTR so that American farmers, workers, businesses will be able to take advantage of opening markets in China and so that our continued involvement in China can help in working toward other reforms. For all of these reasons, I urge my colleagues to support PNTR.

Mr. LAHOOD. Mr. Speaker, I rise today in support of granting normal trade relations to China. This measure is good policy for our Nation as a whole, and good policy for the people of the 18th district of Illinois. The choice we have before us today is whether we want to trade with China with our hand open in friendship, or with our hand closed in opposition. China is expected to join the WTO later this year, and today's vote will set the stage on how we will trade with China in the years to come.

By passing NTR today, we will establish a first in U.S. trade policy. We will lock ourselves into a one-sided trade deal, which favors the United States. Last year, Ambassador Charlene Barshefsky and our trade representatives negotiated a bilateral agreement with China, which not only significantly lowers many of China's tariffs, but also provides for anti-surge guarantees to protect American manufacturers from Chinese dumping of goods into our markets. Failure to pass NTR will not prevent China from joining the WTO. It will, however, prevent us from benefiting from the bilateral agreement we negotiated, while at the same time concede the benefits of this agreement to our Asian, European, and Latin American competitors.

As a member of the House Agriculture Committee, I recently joined with my colleagues in a series of field hearings throughout the country to get a sense of how agriculture is doing in America. The consensus is that unlike the rest of the country, our agriculture community is in trouble.

Granting NTR to China will not cure the ills that face our agricultural economy, but it will help. The facts are that China has 20 percent of the world's population and approximately 7 percent of the world's arable land. It is shifting from an agrarian economy to an industrialized/manufacturing economy. China currently has a population of over 1.3 billion, with a steady rate of population growth. These facts indicate that over the long term, China represents a hug potential market for American agriculture products. In the near term, China is currently the sixth largest market for U.S. farm products. In 1999, the U.S. exported over $2 billion dollars worth of agricultural commodities to Mainland China and Hong Kong, in spite of high tariff rates and restrictive trade practices, designed to specifically prohibit importation of American agricultural products.

Once China joins the WTO and accedes to the bilateral agreement, many of these high tariff rates and restrictive trade practices will be reduced, or phased out, by 2005. This agreement, as well as WTO rules, also contain provisions which allow the United States to act unilaterally if China violates the terms of the agreement. Granting NTR is not only good for agriculture—it is good for American business as well. As President Clinton stated in the State of the Union address, "Our markets are already open to China. This agreement will open their markets to us." The Commerce Department recently announced that our trade deficit widened in March to an all time high of $30.2 billion. Granting NTR to China will help reverse our trade gap by leveling the playing field, and allowing American business to crack into this highly protected market.

As I have indicated before, I believe that granting NTR is good for the country and good for the people of Illinois. In 1998, direct exports to China from the State of Illinois totaled over $505 million. If we pass the NTR legislation, I would expect this figure to grow significantly. In addition to the agricultural interests in my district, I am also proud to represent America's manufacturing industry. Caterpillar, Inc., one of nations' leading manufacturers of earth moving and construction equipment, is based in my hometown of Peoria, Illinois. Caterpillar employees over 67,000 workers worldwide, many of whom live in my district, and in 1999, exported $5.2 billion worth of equipment. For Caterpillar, and other heavy machinery manufacturers, China has always been a very difficult market in which to work. The bilateral agreement we negotiated would ease market restrictions, lower tariffs on heavy machinery, and, in general, make it easier for American companies to operate in China.

Aside from the obvious economic benefits, I believe that granting NTR to China will lead to positive societal changes within China. It is my hope that improved economic conditions in China will result in a higher quality of life for Chinese workers. I also hope that greater interaction with Western culture, and its focus on human rights, will pressure the Chinese Government to continue with the liberalization of its economic and social structure. We need to approach China with an open hand, not with a closed fist. I urge my colleagues to support granting normal trade relations to China.

Mr. McGOVERN. Mr. Speaker, I rise today in opposition to H.R. 4444 to grant permanent normal trade relations for China. The United States has engaged in normal trade relations with China for the past two decades. Since then, trade has grown and flourished between our two countries, with an ever-increasing U.S. corporate presence in China. In 1999, China was the 4th largest U.S. trading partner. Since I joined Congress, I have voted three times in favor of normal trade relations with China. Today, however, I will vote to reject H.R. 4444 for three reasons.

First, before today, an annual review of China's performance in the areas of human rights and nuclear non-proliferation has been concretely tied to a vote in Congress on its trade status. This has provided the U.S. with leverage to raise critical issues with China regarding human rights, workers rights, freedom of religion and association, the autonomy of Tibet, the transfer of nuclear technology, the security of Taiwan, and the proliferation of nuclear weapons. At least once a year, China had to respond seriously to these concerns in order to gain the two things it most desires: access to U.S. technology and access to the U.S. consumer market. I don't mean to imply that China's performance always improved in these areas, but the annual review, directly tied to a vote on trade, ensured that the dialogue between our two nations was a serious one.

The vote today strips the Congress, and I believe the Administration, of any leverage on these issues. We can establish commissions and release reports to monitor human rights in China, but we already do that regularly anyway. More pieces of paper will have little impact on China. What leverage we had was due to the fact that the review was tied directly to a vote on trade.

Second, I am interested in not only who benefits from the U.S.-China bilateral trade agreement, but also who suffers. I believe many of the claims made on both sides of this debate will prove, over time, to be exaggerated—especially in light of China's record of non-compliance with other trade agreements. I believe many businesses in Massachusetts, including in my own district, will benefit from increased commerce with China, particularly in the areas of high-tech, computers and financial services. I believe trade in these areas between our two countries will increase even if permanent NTR is rejected today.

I also know, however, that in negotiating this agreement the U.S. Trade Representative conceded whole areas of trade and commerce to China. Nowhere is this more true than in the textile and clothing industry. Prior to the conclusion of negotiations on the bilateral trade agreement, I wrote and phoned the USTR about this issue, pleading for support. My letters and calls went unanswered. I would like to point out to my colleagues that this is the very first trade agreement opposed both by the textile manufacturers and the clothing and textile workers. As this House knows, that was not the case with NAFTA, the Caribbean Basin Initiative/CBI or the recently approved Africa trade bill. This alone should give all my colleagues an idea about exactly how bad this agreement is for clothing and textiles, and for communities like those I represent in southeastern Massachusetts. By opposing H.R. 4444, I stand with the families and towns whose lives and livelihoods have been so callously disregarded by the USTR.

Third, I believe the very framework around which we currently pursue trade agreements is flawed. Worse, I believe it runs counter to our ability to achieve our goals in promoting freedom and democracy worldwide. Let me be clear, I support normal trade relations with all nations. I believe it is good for America, good for the exchange of goods and services, and good for the exchange of ideas. I am not and never will be an isolationist. I believe strongly, however, that commerce and trade must not operate separate from, let alone contrary to, other national priorities; to promote democracy, nuclear non-proliferation, respect for human rights, and protection of the environment. Internationally, the U.S. is a leader on these issues and a party to international agreements, standards and law. Yet in the areas of trade and commerce, we often negotiate agreements that undermine these other standards and agreements. I believe we must integrate these priorities, not separate them. We have a global economy because the world is now, more than ever before, a global, interdependent community.

The bilateral trade agreement negotiated between the U.S. and China, which goes far beyond "normal" trade relations, and H.R. 4444 to grant permanent NTR to China have aggressively sought to "de-link" trade from any other U.S. priority or consideration. I believe this takes us down the wrong path. It says to all the other countries of the world that human rights, arms control, and the environment are not important to the U.S. if a buck is to be made. Last minute sugarcoating to establish commissions to monitor human rights will not change this basic message. And it's the wrong message.

For these reasons, and many others, I urge my colleagues to oppose H.R. 4444.

I submit the following materials from the textile industry.

American Textile
Manufacturers Institute,
Washington, DC, May 10, 2000.

RE: China Permanent NTR—Textile and Appeal Markets.

Dear Representative: On behalf of the American Textile Manufacturers Institute (ATMI), I would like to reiterate our opposition to legislation granting permanent normal trade relations to China (NTR) and to again urge you to vote against this proposal. We have written you previously outlining concerns, and this letter is to elaborate more fully on the issue of market access. ATMI is the national trade association for the domestic textile industry, with member company facilities in more than 30 states.

Contrary to claims that the United States gave up nothing in the agreement to support China's accession to the World Trade Organization (WTO), we must emphatically point out that the U.S. has actually given China greater access to our textile and apparel market than that given any other WTO member. Incredibly, the U.S. did this while at the same time doing nothing to guarantee that we will receive reciprocal access the China's markets.

While current WTO members are seeing U.S. textile and apparel quotas phased out over a ten-year period, China will be allowed to benefit from a phaseout period of five years or less (depending on when they actually join the WTO). This is the equivalent of, in a baseball game, allowing one team (China) to start an inning with a runner leading off second base while making every other team play by the normal rules and start each inning in the batters' box. China is being given an enormous headstart toward home plate, which in this case is the elimination of all U.S. quotas and thus unrestricted access to the U.S. market.

At the same time, the U.S. has received nothing but the same old tired assurance from China that they will allow our textile and apparel exports to enter their country. We have heard this song and dance before. But as the following chart shows. China has effectively used its elaborate system of tariff and non-tariff barriers to keep its market closed to our products.

Based on this poor track record, we sincerely doubt that China's most recent assurance of access will pan out.

So as far as textile trade goes, this is a one-sided trade deal that only benefits China, Accordingly, we urge you to reject permanent NTR and allow Congress the chance to use annual renewal of NTR as leverage to force China to honor the promises it has already made to allow U.S. textile and apparel exports access to the vast but heretofore virtually closed Chinese market.

Sincerely,

Roger Chastain,
President.

American Textile
Manufacturers Institute,
Washington, DC, May 18, 2000.

Re: China Permanent NTR—Ineffective Textile and General Product Safeguards.

Dear Representative: We understand that the House Ways and Means Committee leadership has reached a deal under which the product safeguard provisions of last November's China WTO accession agreement will be incorporated into the permanent normal trade relations (NTR) bill, H.R. 4444. On behalf of the American Textile Manufacturers Institute (ATMI), I would like to point out that this "breakthrough" will not do anything to alleviate our concerns. We are still strongly opposed to this legislation and urge your opposition as well.

Enclosed is a copy of our April 21 letter to Ambassador Barshefsky, which points out serious flaws in the China WTO accession agreement's textile product safeguard and 12-year general product safeguard. As you will note from our letter and accompanying questions, we believe the safeguard provisions in the accession agreement will not be effective in preventing serious harm to the U.S. textile industry as a result of import surges. Therefore, inclusion of these provisions in H.R. 444 or any parallel legislation does not address our concerns.

Also, as we stated in this letter (and as you probably know from our previous letters, congressional testimony, news releases and communications from our members and workers in your district), China's entry into the WTO under the accelerated quota phase-out schedule is projected to cost over 150,000 jobs in the U.S. textile and related industries. Thus, we again dispute the claim by supporters of the bill that the United States "gave away nothing" in this agreement—in fact, the U.S. is proposing to give China faster access to our market than any other WTO member, and at the cost of 150,000 U.S. jobs.

Therefore, we urge you to vote "NO" on H.R. 4444 when it comes before the House.

Sincerely,

ROGER W. CHASTAIN,
President.

AMERICAN TEXTILE
MANUFACTURERS INSTITUTE,
Washington, DC, April 21, 2000.

Ambassador CHARLENE BARSHEFSKY,
United States Trade Representative,
Washington, DC.

DEAR AMBASSADOR BARSHEFSKY: We would appreciate your review of several important matters concerning the textile product safeguard and the twelve-year general product specific safeguard in the China WTO Accession agreement.

An effective safeguard is of paramount importance to the livelihoods of more than 1.2 million textile and apparel workers. The study by the International Trade Commission on China's accession concluded that China's share of the U.S. apparel market would triple as a result of the agreement. Another study by Nathan Associates came up with the same conclusion and examined the impact on U.S. textile and apparel employment. The Nathan study determined that over 150,000 U.S. jobs in the textile and apparel sector would be lost as a result of the agreement.

The information we have received thus far as to the details regarding the use of either the textile specific or the general product specific safeguard has created serious concerns regarding the potential effectiveness of either instrument.

We would appreciate hearing from you at your earliest convenience about how these safeguard mechanisms will operate.

Sincerely,

CARIOS MOORE,
Executive Vice President.

ATMI QUESTIONS ON THE TEXTILE PRODUCT SAFEGUARD AND THE 12 YEAR PRODUCT SPECIFIC SAFEGUARD IN THE CHINA WTO ACCESSION AGREEMENT

(1) Textile Product Safeguard

(a) Administration: Will the Committee for the Implementation of Textile Agreements (CITA) will be the administrator of the textile product safeguard in the China WTO accession agreement?

(i) Will CITA be the final decision-making authority on the imposition of this safeguard?

(ii) Will CITA have authority to direct U.S. Customs to carry-out safeguard actions?

(b) Timing: Will textile products that have already been integrated be subject to the textile product safeguard immediately upon china's entry into the WTO and will those products that will be integrated in 2002 be eligible for a safeguard action, if appropriate, in 2002?

(c) Original finding of market disruption: China has by far the world's largest textile and apparel complex and by far the largest quota coverage (over 100 quotas) imposed on its textile and apparel exports. These quotas were imposed because of findings of market disruption over the past 15 years. Can the original finding of market disruption automatically be re-applied when these quotas are removed?

(i) If not, if China's imports do surge across most, if not all, product categories (as the ITC study appears to imply they will), would separate market disruption findings be needed on each category, or, if an overall condition of disruption could be found, could this serve in place of separate statements?

(d) New findings of market disruption: If the original market disruption finding cannot be reapplied, the U.S. has historically made a determination of market disruption in textile and apparel cases where imports of a given textile product were increasing from a particular country (as well as from the world overall) while domestic U.S. production of that same product was declining. Could the U.S. use these same three criteria alone—increasing Chinese imports, increasing world imports and decreasing U.S. production—to make a similar finding under the textile product safeguard in this agreement?

If not, what other or different criteria would be required under a WTO-based system?

(ii) In other cases, the ITC study predicts that china will take market share from other countries. Some of these countries—Mexico and the Caribbean nations—are primary export markets for U.S. textile products. Please confirm that the U.S. could take action on the basis of increasing Chinese imports and declining U.S. production with overall imports remaining stable.

(e) Use of textile inputs to take an apparel safeguard action: As mentioned above, a large percentage of U.S. textile output is now exported to the CBI and Mexico for assembly into garments for re-export back to the United States. Displacement of these regional apparel imports into the United States by Chinese imports would hurt the U.S. textile industry in the same way that the loss of U.S. apparel production does. In fact, for many products, including knit shirts, underwear and woven trousers, a substantial amount of the production originally sourced in the United States has now shifted to the CBI and Mexico. It is extremely important that ATMI be able to ensure that both safeguards in the agreement can be used to protect its workers if these re-export markets are threatened by Chinese imports.

(i) Will the government consider declines in complementary U.S. textile products as a basis for imposing safeguard measures against increasing Chinese apparel imports?

(ii) How would the administration ensure that no WTO difficulties would result from such a result. (see "e" below)?

(f) Definition of U.S. apparel production: The United States currently defines a cut piece of fabric which is being exported as a completed garment—as a result government reports sometimes show that U.S. apparel production for a given product is increasing when in fact it is exports of the cut pieces of cloth that are increasing (note: these pieces constitute the bulk of the trade between the U.S. and Mexico and the CBI). If these cut pieces exports were removed, actual U.S. apparel production would almost certainly be in decline.

(i) When considering the use of either safeguard will the government commit to removing exported cut pieces of U.S. fabric from its U.S. apparel production calculations?

(ii) Are there any WTO rules or regulations which this would violate?

(g) Lack of recent U.S. textile and apparel production data: During the last five years, the Commerce Department has stopped issuing quarterly textile and apparel production figures and, as a result, U.S. apparel production figures are often a year or more out of date. The government has also sometimes delayed safeguard actions until more recent production data was available. The imposition of a safeguard measure requires immediate action if it is to be effective—particularly when a dominant supplier such as China is involved.

(i) Will the government agree that it will either re-institute quarterly reporting or that it will use the most recent available production data that it has available as a basis for any safeguard measure and that it will not delay imposition of a safeguard measure because of production information?

(h) Definition of "reapplication": The textile safeguard says that after a measure has been in place a year, the safeguard must be "reapplied" in order to be extended. What does "reapplied" mean?

(i) Does it mean that a new market disruption statement would need to be created?

(1) If so, does this mean that the government would have to wait until imports started increasing again in large numbers before a new safeguard could be imposed?

(a) Would this mean that the industry could conceivably be forced to wait up to a year—in order for a pattern of increasing imports to be established—before a second safeguard action could be applied?

(i) Concerns over potential number of cases and speed of response: Under the category system, China currently has over 100 quotas applied to it. Under the WTO accession package, almost all of these quotas will disappear on Jan. 1, 2005. How can the U.S. government ensure that safeguard actions will quickly be forthcoming if a large number of categories qualify for action at the same time? ((see b) and I) above for details).

(j) Can China appeal a safeguard action to the DSB?: If China disagreed with the imposition of a safeguard by the U.S., would it have recourse under the WTO to request dispute settlement?

(i) If so, could a dispute settlement panel or some other WTO entity overturn the imposition of a quota under this safeguard or authorize Chinese retaliation?

(1) The creation of a textile safeguard action against a WTO country in Agreement on Textiles and Clothing has steadily become more complex, difficult and time-consuming—at least 12 different areas have to be investigated thoroughly and reported upon. Safeguard actions have come to require enormous amount of work and even then outcomes, which require consensus, are often unsatisfactory. As a result, textile safeguard actions for WTO countries are now exceedingly rate.

(a) If a U.S. safeguard action is appealable within the WTO, how can the U.S. government ensure that safeguard actions against China do not get bogged down in this cumbersome process?

(k) Use of the category system in safeguard actions: Under the MFA and ATC, the U.S. has used a category system in order to impose specific quotas. Textile Monitoring body (TMB) reports in the WTO have implied that they no longer consider the category system a relevant vehicle for safeguard actions. Would the U.S. use the category system or would it consider using alternative systems for imposing a safeguard?

(1) WTO criteria: what are the WTO criteria for "market disruption" and what would the U.S. have to do meet to sustain a textile product specific safeguard action under WTO review?

(2)The 12 Year Product Specific Safeguard

(a) CITA to administer? Who will be the administrator of the overall product specific safeguard in textile cases? Will CITA administer this safeguard as it has other safeguards under the GATT and the WTO?

(b) Will a Presidential finding be required? Will a judgment of material injury by the administrator require the imposition of a safeguard or will presidential action be also required? (In 301 cases, we note that Presidential action is NOT required.) The ability of a Presidential to potentially ignore a finding of material injury concerns us.

(c) Do textile inputs have standing in a case of increased apparel imports? As stated in regards to the textile safeguard (see 1d) a large percentage of U.S. textile output is now exported to the CBI and Mexico for assembly into garments for re-export back to the United States.

(i) Will declines in complementary U.S. textile products be accepted as a basis for imposing safeguard measures against increasing Chinese apparel imports.

(ii) Are there any WTO rulings or regulations which could be used to prevent such a basis?

(d) A second safeguard action? Can a second safeguard action be re-instituted after a three-year or two-year safeguard has been imposed if a new investigation determines that it is warranted?

(i) Would such a safeguard still be open to retaliation (eg, China's suspension of concessions)?

(e) Section 406—how does it compare?

(i) Can the safeguard under section 406 be applied rather than the general product specific safeguard in this agreement?

(ii) Will section 406 remain in effect in the event that China gets PNTR and the 406, as a part of Jackson Vanik, no longer operable?

(iii) The administration claims that the injury threshold for the product specific safeguard is lower than section 201, stating that it will be easier for industries to get relief under this provision from growing Chinese imports. However, the injury standard for section 406 appears to be the same as the product specific safeguard and the duration of relief is actually longer under section 406. Yet, section 406 is almost never used, while section 201 is more frequently employed.

(1) What is the basis for the administration's belief that utilization of this product specific safeguard will be greater and easier to use?

(2) In your opinion, why are section 406 actions so rarely brought and why should product specific safeguard actions—which appear to be virtually identical—be any easier?

(3) Dumping

(a) Textile dumping cases: Can language be inserted into the agreement making it easier to bring dumping cases against Chinese imports (right now, effective textile dumping cases are difficult to bring because minor product specific changes can result in the evasion of dumping margins.)

(4) Countervailing Duty Cases

(a) Are CVD cases now possible? The USTR Fact Sheet published in *Inside US Trade* implies that countervailing duty suits will be allowed against China. However, Commerce maintains a prohibition on any CVD petitions against non-market economies and the dumping provisions in the United States/China agreement refer to China as a non-market economy. China, therefore, appears to be immune from United States CVD law.

(i) Will the Administration change the Commerce position?

Mrs. MEEK of Florida. Mr. Speaker, I rise in opposition to H.R. 4444, permanent normal trade relations for China. While I must first say that I am essentially a "free trader" I am opposed to the extension of permanent normal trade relations with China because of China's dismal record on human rights and its dismal record on worker rights, labor standards and environmental protections. The United States has formerly criticized China's human rights record before the United Nations Human Rights Commission for measures against political activists that have created what officials called a "sharply deteriorated [human] rights situation . . ." Pursuant to a May 1, 2000 Report on International Religious Freedom, "Chinese government violations of religious freedom increased markedly during the past year."

China has received normal trade relations (NTR) status annually since 1980. However, gross human rights abuses in China still prevail. Since the Tiananmen Square tragedy of 1989, the annual process of renewal has been a meaningful way to impact human rights considerations into the U.S.-china trade debate. The annual debate in the Congress on normal trade relations is the only substantive economic leverage the Congress can choose to exert against China. If Congress grants China permanent normal trade status, the United States will lose the best leverage it has to meaningfully influence China to enact internationally recognized rights and protections. While there is no doubt that the globalization of the world's markets is inevitable, Congress should continue to have an opportunity to review China's human rights performance on an annual basis before granting China permanent normal trade relations.

Mr. Speaker, in the past, I have voted in support of most favored nation [MFN] status for China. Last year, I opposed the year long MFN for China. However, today, I oppose PNTR for China because of its potential negative impact on the American worker.

While this bill might provide certain economic benefits and advantages to some American companies, it could hurt other American industries and may cost many Americans their jobs. Pursuant to a report by the Economic Policy Institute, American workers in every state will lose jobs if this bill is passed. Over the next decade, U.S. job losses would total 872,091 with every industry suffering.

In the State of Florida alone, an estimated 22,277 jobs will be lost. If we do not protect the interest of the American worker, then who will? We must not allow "big business" to sell out the American worker, nor can I allow small business in my district to be severely impacted by this trade pact.

Most Americans recognize the importance of trade. Most Americans also recognize the importance of decent wages and decent work standards. In the United States, our manufacturing industry served as the lifeblood of millions of Americans for generations. The manufacturing industry and other similar industries served as a vehicle for millions of Americans to lift themselves out of poverty and achieve the American dream. However, in the last 20 years, millions of manufacturing jobs have been lost to low-wage foreign nations producing cheap imports. We can not continue to lose American jobs to cheap labor abroad without substantive protections for the American worker.

Free trade without enforceable labor and environmental protections will promote the growth of child labor, forced labor, poverty-level wages and environmental abuses. Increasingly, American companies are moving their operations abroad in order to take advantage of cheap labor and near non-existent environmental standards. Unfortunately, for many businesses, this is the great attraction of China. PNTR will perpetuate the increasing exploitation of Chinese workers and add to the suffering of thousands of children who toil in filthy hazardous sweatshops. We must not aid in this human tragedy.

Mr. Speaker, human rights is a fundamental principal of American democracy; the ability of the American worker to gain meaningful employment is critical to the prosperity of America; labor standards and worker rights are fundamental rights which should be extended to every worker—across the globe; and exploitation of innocent children is unacceptable. I urge my colleagues to vote against this bill.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

Pursuant to House Resolution 510, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BONIOR. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BONIOR moves to recommit the bill, H.R. 4444, to the Committee on Ways and Means and the Committee on International Relations with instructions that those committees report the bill back to the House promptly with the following amendment:

Add at the end of title I the following new section:

SEC. 105. WITHDRAWAL OF NORMAL TRADE RELATIONS.

(a) FINDINGS.—The Congress finds that—

(1) Article XXI of the GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B)) allows a member of the World Trade Organization to take "any action which it considers necessary for the protection of its essential security interests," particularly "in time of war or other emergency in international relations"; and

(2) an attack on, invasion of, or blockade of Taiwan by the People's Republic of China would constitute a threat to the essential security interests of the United States and an emergency in international relations.

(b) WITHDRAWAL OF NORMAL TRADE RELATIONS.—Pursuant to Article XXI of the GATT 1994, nondiscriminatory treatment (normal trade relations treatment) shall be withdrawn from the products of the People's Republic of China if that country attacks, invades, or imposes a blockade on Taiwan.

(c) APPLICABILITY TO EXISTING CONTRACTS.—The President shall have the authority to determine the extent to which the withdrawal under subsection (b) of normal trade relations treatment applies to products imported pursuant to contracts entered into before the date on which the withdrawal of such treatment is announced. The President shall issue regulations to carry out such determination.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes on his motion to recommit.

Mr. BONIOR. Mr. Chairman, I yield to the distinguished gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, the motion to recommit is the exact same language as an amendment that the gentleman from Pennsylvania (Mr. WELDON) and I offered in the Committee on Rules we sought to have incorporated in the base bill or to be offered as an amendment, but we were not allowed to so. It is very simple. It simply says that PNTR is automatically revoked if China attacks, invades, or blockades Taiwan.

Now, when we talk to people in the administration or even outside in the academic world, people who are China experts, they all say, but if China invades, attacks, or blockades Taiwan, of course we would revoke PNTR and much more.

But, over and over again in history, we know that when nations do not tell the consequences for conduct for aggressive actions, other countries misread those consequences.

Having studied what happened prior to the Gulf War for a very long time, I believe if we had made more clear to Saddam Hussein what would have happened should he invade Kuwait, that particular bloody battle could have been avoided.

If all we are going to do is agree to revoke PNTR should this very real threat be implemented, then let us tell the Chinese beforehand.

I agree with the gentleman from Illinois (Speaker HASTERT), reach out to the future. But as we do so, remember the past, give the specific announcement of the consequence for the threat to our national security interests for which we spend billions of dollars in forward deployment in the Western Pacific.

And, by the way, this is GATT pursuant to article 21. Arguments being spread around this Chamber that this somehow is GATT violative are inaccurate, wrong, and improper legal analysis.

Mr. BONIOR. Mr. Speaker, I yield to the distinguished gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise to support this bipartisan motion. Surely we should use our economic leverage with China to deter any Chinese aggression against Taiwan. It is a very simple motion that will do exactly what we need to do to protect our ally.

Mr. BONIOR. Mr. Speaker, I yield to the distinguished gentleman from Virginia (Mr. WOLF), who has been so marvelous on this issue.

Mr. WOLF. Mr. Speaker, there are good people on both sides. I know as a Member that sometimes we want to be with our party and sometimes we want to be with our President.

For me, I want to be with my conscience. My conscience tells me, and I think the American people would agree, that if China attacks, invades, or blockades Taiwan, they should lose PNTR.

Support the motion to recommit. That is where the American people would be.

Mr. BONIOR. Mr. Speaker, I yield to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I think the bottom line question we all need to ask, Mr. Speaker, is, is there anything that the dictatorship in Beijing can do that would lead to a loss of support for PNTR that Beijing so desperately wants? They need to know, as my friend, the gentleman from California (Mr. BERMAN), said, up front what the consequences will be.

If pervasive torture, religious persecution, Laogai labor, a lack of press freedom, and worker rights and other human rights abuses are not enough, I sincerely hope that war with Taiwan is sufficiently egregious to trigger a loss of support for PNTR.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I asked only three questions of the CIA when I went in for the briefing. I said, will PNTR, if we pass it, stabilize or destabilize the regime? They said, stabilize. I said, what will it do to buildup of forces on the shoreline and the aggressive forces that are being amassed against Taiwan? They said, it will improve it.

I tell my colleagues now, as I left that meeting, I walked away thinking about the oath of office I took with all of my colleagues here, the oath that said I swear to protect and defend this country.

Think about that oath. Vote for this motion to recommit.

Mr. BONIOR. Mr. Speaker, I yield to the distinguished gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would simply say, if we supplied the American dollars for the missile destroyers, we supplied American dollars for the AWACS and air refueling equipment and for the kilo submarines that China is acquiring, we at least owe the commitment to Taiwan to condition those supplies of American cache with a commitment to have a benign relationship with Taiwan on the part of mainland China.

Mr. DELAY. Mr. Speaker, I rise in opposition to the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. DELAY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. DELAY. Mr. Speaker, if this motion to recommit passes, it does not instruct the committee to report back forthwith with instructions. Does that mean that if this motion to recommit passes that the bill will have to go back to committee?

□ 1700

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas is correct.

Mr. DELAY. Mr. Speaker, what that means is that it will be reported back to committee, and there will be no vote on final passage?

The SPEAKER pro tempore. The gentleman from Texas is correct, the bill would be recommitted to two committees.

PARLIAMENTARY INQUIRY

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BONIOR. Mr. Speaker, is it not also true that if indeed this motion passed, this bill could be reported back to the two respective committees to which it is designated and that bill could be reported back to the House tomorrow?

The SPEAKER pro tempore. At some subsequent time, the committees could meet and report the bill back to the House.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, as a member of the Subcommittee on Defense of the Committee on Appropriations for 22 years and a former member of the Permanent Select Committee on Intelligence, I rise to oppose the motion to recommit. First of all, the Bonior motion to recommit violates GATT provision article 1, because you cannot condition most favored nation status, MFN, or NTR, so this is a killer amendment.

The President, by the way, already has the authority to withdraw at any time MFN or NTR status for the People's Republic of China. Also, under article 21 of GATT, the United States has unilateral authority to exert its national security exception for any reason. Clearly reacting to an attack on Taiwan would meet the security exception.

The U.S. can withdraw MFN or NTR clearly under those circumstances without having to in any way compensate China. And WTO members have wide discretion to invoke its GATT 21 rights. This authority has gone back for many years. We have exerted it against Cuba, we have exerted it against Nicaragua, and it has been sustained in every instance. So this amendment is not necessary, it is a killer amendment, and I hope that the House will reject the motion to recommit.

Mr. DELAY. Mr. Speaker, I rise in strong opposition to this motion to recommit. If Members are for the bill, vote for it. If they are against the bill, vote against it, but do not do it this way. This is a very clear poison pill by opponents of free trade to kill this historic legislation, make no mistake about it. This amendment is a procedural vote that is cleverly drafted to appeal to those of us who support Taiwan. But let us be clear. This is a blatant political move to bring down this bill both on substance and on procedure.

Mr. Speaker, there is no bigger supporter and defender of Taiwan than myself. I have worked with Members on both sides of this aisle and on both sides of this debate on legislation to protect Taiwan and give it the resources it needs to defend itself from Beijing. Most Members voted for the Taiwan Security Enhancement Act. I have been and will continue to be an outspoken opponent against China's Communist leaders.

I share the concerns of my friend the gentleman from California (Mr. BERMAN) about Beijing's constant refusal to renounce the use of force against Taiwan, and I will continue to work with anyone in this Congress who wants to address these issues. But, Mr. Speaker, this amendment does not help Taiwan. It puts them square in the middle of a vicious political fight. Taiwan supporters need to understand this. Taiwan does not support this language. We have spoken to I-jen Chiou, the Deputy Secretary-General of the Taiwan Security Council, and he made it clear that this amendment is not helpful to Taiwan. They support PNTR. They support China getting into the WTO. This amendment puts all of that in jeopardy.

Let me say to my friends on both sides of the aisle, if China attacks Taiwan, I will be the first to come down on this floor to force any administration, whether it be Democrat or Republican, to take action against China. But let us be clear. This language will do nothing to address our concerns with Beijing, it will have no impact on their actions but will permit the Chinese to refuse WTO benefits to American companies.

The USTR has already made it clear that this language will subject us to punishing tariffs once China enters the WTO. And at the same time, it does not give us any new authority. We already have the authority under the WTO to remove PNTR for China for national security reasons. However, singling out China preemptively is a violation of our commitments under the WTO. So, Mr. Speaker, I understand why this language looks appealing, but I urge my colleagues not to use our friends in Taiwan as a political tool.

After all the discussions, after all the commitments that have been made on this issue, Members will not even get to vote on final passage today if this motion to recommit passes. Now, they say it will come back from committee. I have got to tell Members, they do not come back from committee. When motions to recommit like this go back to committee, they are subject to oblivion.

This is it. If you are against it, vote against the bill. If you are for it, vote for the bill but do not play this kind of game. Vote "no" on the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 258, not voting 1, as follows:

[Roll No. 227]

AYES—176

Abercrombie
Aderholt
Andrews
Baca
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Berkley
Berman
Blagojevich
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Buyer
Capuano
Chabot
Chenoweth-Hage
Clay
Clement
Clyburn
Coburn
Condit
Conyers
Cook
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doyle
Duncan
Engel
Evans
Farr
Forbes
Frank (MA)
Gejdenson
Gephardt
Gibbons
Gilman
Goode
Gordon
Graham
Green (TX)
Gutierrez
Hall (OH)
Hefley
Hilliard
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kingston
Kleczka
Klink
Kucinich
Lampson
Lantos
Lee
Lewis (GA)
Lipinski
LoBiondo
Luther
Markey
Mascara
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Murtha
Nadler
Ney
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pombo
Rahall
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Saxton
Schaffer
Schakowsky
Sensenbrenner
Shadegg
Sherman
Shows
Sisisky
Slaughter
Smith (MI)
Smith (NJ)
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Wamp
Waters
Waxman
Weldon (FL)
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn

NOES—258

Ackerman
Allen
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barrett (NE)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Clayton
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hooley
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kelly
Kind (WI)
King (NY)
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McKeon
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Northup
Nussle
Ortiz
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds

Roemer
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Sawyer
Scott
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Skelton
Smith (TX)
Smith (WA)
Snyder
Stenholm
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Vitter
Walden
Walsh
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOT VOTING—1

Scarborough

☐ 1724

Mr. RUSH and Ms. WATERS changed their vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CRANE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 197, not voting 1, as follows:

[Roll No. 228]

AYES—237

Ackerman
Allen
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barrett (NE)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Combest
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
DeGette
DeLay
DeMint
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hooley
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kasich
Kelly
Kind (WI)
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Martinez
Matsui
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McKeon
Meehan
Meeks (NY)
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Nethercutt
Northup
Nussle
Ortiz
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Roemer
Rogan
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sawyer
Schaffer
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Stenholm
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Turner
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (FL)

NOES—197

Abercrombie
Aderholt
Andrews
Baca
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Berkley
Berman
Bilirakis
Blagojevich
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Buyer
Capuano
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cook
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dingell
Doyle
Duncan
Ehrlich
Engel
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Gejdenson
Gephardt
Gibbons
Gilman
Goode
Goodling
Gordon
Graham
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hayworth
Hefley
Hilliard
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hunter
Jackson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Kucinich
Lampson
Lantos
Larson
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Luther
Maloney (CT)
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Murtha
Nadler
Napolitano
Ney
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pombo
Quinn
Rahall
Riley
Rivers
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Saxton
Schakowsky
Scott
Sensenbrenner
Sherman
Shows
Sisisky
Slaughter
Smith (NJ)
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Weldon (FL)
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—1

Scarborough

☐ 1741

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.".

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3688

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3688.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Virginia?

There was no objection.

☐ 1745

COMMENDING ISRAEL'S REDEPLOYMENT FROM SOUTHERN LEBANON

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 331) commending Israel's redeployment from southern Lebanon, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 331

Whereas Israel has been actively seeking a comprehensive peace with all of her neighbors to bring about an end to the Arab-Israeli conflict;

Whereas southern Lebanon has for decades been the staging area for attacks against Israeli cities and towns by Hezbollah and by Palestinian terrorists, resulting in the death or wounding of hundreds of Israeli civilians;

Whereas United Nations Security Council Resolution 425 (March 19, 1978) calls upon Israel to withdraw its forces from all Lebanese territory;

Whereas the Government of Israel unanimously agreed to implement Security Council Resolution 425 and has stated its intention of redeploying its forces to the international border by July 7, 2000;

Whereas Security Council Resolution 425 also calls for "strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries" and establishes a United Nations interim force to help restore Lebanese sovereignty; and

Whereas the Government of Syria currently deploys 30,000 Syrian troops in Lebanon: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commends Israel for its decision to withdraw its forces from southern Lebanon and for taking risks for peace in the Middle East;

(2) calls upon the United Nations Security Council—

(A) to recognize Israel's fulfillment of its obligations under Security Council Resolution 425 and to provide the necessary resources for the United Nations Interim Force in Lebanon (UNIFIL) to implement its mandate under that resolution; and

(B) insist upon the withdrawal of all foreign forces from Lebanese territory so that Lebanon may exercise sovereignty throughout its territory;

(3) urges UNIFIL, in cooperation with the Lebanese Armed Forces, to gain full control over southern Lebanon, including taking actions to ensure the disarmament of Hezbollah and all other such groups, in order to eliminate all terrorist activity originating from that area;

(4) appeals to the Government of Lebanon to grant clemency and assure the safety and rehabilitation into Lebanese society of all members of the South Lebanon Army and their families;

(5) calls upon the international community to ensure that southern Lebanon does not once again become a staging ground for attacks against Israel and to cooperate in bringing about the reconstruction and reintegration of southern Lebanon;

(6) recognizes Israel's right, enshrined in Chapter 7, Article 51 of the United Nations Charter, to defend itself and its people from attack and reasserts United States support for maintaining Israel's qualitative military edge in order to ensure Israel's long-term security; and

(7) urges all parties to reenter the peace process with the Government of Israel in order to bring peace and stability to all the Middle East.

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) is recognized for 1 hour.

Mr. GILMAN. Mr. Speaker, I yield 30 minutes to the gentleman from Connecticut (Mr. GEJDENSON), the ranking minority member of our committee, for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 331, introduced by our distinguished majority leader, the gentleman from Texas (Mr. ARMEY), which commends Israel's decision to withdraw its forces from southern Lebanon.

The events of the past few days have indeed been historic. I was pleased to be an original sponsor of this resolution, which calls on the U.N. Security Council to recognize Israel's fulfillment of U.N. Security Council Resolution 425 by withdrawing from Lebanon and to insist that all foreign forces be withdrawn from that country.

The measure we are considering today is a major foreign policy statement of the Congress. It is pro-Israel and pro-Lebanon, sends a strong bipartisan message of peace and stability to the region. As a result of this latest major development, a high priority of the United States must also be to affirm Israel's right as noted in the U.N. charter to defend itself and its civilians from attack.

H. Con. Res. 331, Mr. Speaker, also reasserts U.S. support for maintaining Israel's qualitative military edge in order to ensure Israel's long-term security.

Mr. Speaker, Israel's courageous decision to pull out of Lebanon demonstrates its strong commitment to a peaceful resolution to the conflicts that troubled that region. I hope that Israel's courage is reciprocated by both Syria and Iran in their dealings with Lebanon. This means that the 30,000 Syrian forces now occupying Lebanon should also be removed as required by the Taif Accord. Moreover, Iran must understand that it cannot continue to equip and train Hezbollah and other terrorist groups without bearing the consequences of international public opinion.

As our colleagues know, Israel has been actively seeking a comprehensive peace with all of her neighbors since its miraculous creation in 1948, yet southern Lebanon has for decades been the staging area for attacks against Israeli citizens and towns by Hezbollah and Palestinian terrorists, resulting in the death or wounding of hundreds of Israeli civilians.

H. Con. Res. 331 recognizes the courageous risks for Israel that Israel is taking, as well as confirming the strict respect for the territorial integrity, sovereignty and political independence of Lebanon. It also appeals to the government of Lebanon to grant clemency and ensure the safety and rehabilitation into Lebanese society of all members of the south Lebanon Army and their families.

This measure underscores the congressional desire for the U.N. Security Council to swiftly recognize Israel's fulfillment of its obligation. The U.N. should also provide the necessary resources for the U.N. interim force in Lebanon, UNIFIL, to implement its mandate under resolution 425. UNIFIL, in cooperation with the Lebanese armed forces, must gain full control over southern Lebanon, including taking actions to ensure the disarmament of Hezbollah and all other such groups.

All terrorist activities originating from southern Lebanon must end and every effort must be taken to ensure that southern Lebanon does not once again become a staging ground for attacks against Israel.

In closing, Mr. Speaker, let me say that progress in the Middle East peace process is frequently measured in inches; yet the events of the past few days emphasize the miles that Israel will go to achieve peaceful co-existence with her neighbors.

Accordingly, I urge all parties to reenter the negotiating process with the government of Israel in order to bring peace and stability to the entire region and reiterate my strongest support for the adoption of H. Con. Res. 331.

Mr. Speaker, I yield such time as he may consume to our distinguished majority leader, the gentleman from Texas (Mr. ARMEY), the sponsor of this resolution.

Mr. ARMEY. Mr. Speaker, I would like to preface my comments today by paying my respects, as old professors are wont to do sometimes, I would say to the gentleman from California (Mr. LANTOS), to a former favored student, Mr. Nami Saba, a young man that had grown up in Lebanon and a young man who loved peace, who loved freedom, who loved learning and became quite a scholar in his own right. He set for me an example of what Lebanese culture, what the Lebanese people could be like and what this nation that we call Lebanon could once again be someday perhaps. So my wish tonight is not only for the people of Israel but for the people of Lebanon, those who, like Nami Saba, wanted only to be free to live in peace and to learn and to study and to share lovingly and graciously what they understood with other people.

Still, at this time, Mr. Speaker, we have a resolution that commends Israel for having the courage to take a risk for peace, and it does take a risk. As anybody watching these events now knows, Israel has again been willing to take that risk. It can only hope, as the resolution also urges, that all foreign forces will now leave Lebanon. There is no reason for the Syrians or anyone else to be there. Lebanon, its problems and its challenges, should be left to the Lebanese.

Mr. Speaker, Israel has faced dangers on its northern border and indeed from all sides, this despite the fact that her people desire only to live in peace. I firmly believe, as this resolution further states, that the United States must help maintain Israel's qualitative military edge. Israel is our best friend in the region, and we must stand with the Israeli people.

Again, I want to commend Israel for taking risks for peace; and if I might dare say again, on a personal note here, for the people of Israel and indeed for my friend, Nami Saba, I wish shalom, shalom.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume, and I would ask unanimous consent that the gentleman from Florida

(Mr. HASTINGS) be in control of my time at the conclusion of my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Speaker, the courage of the head of the Israeli government, Mr. Barak, during the campaign to state with certainty that he would remove Israeli forces from Lebanon was an exhibit of the courage that he has in his commitment to the peace process. As the majority leader pointed out, this did take risks, but with a recognition that things cannot remain as they are in the Middle East. Israel took tremendous risks to remove its forces and pull back from an area that had buffered its people from constant assaults and attack.

This is an opportunity for peace. We would hope that all the countries in the region, that in particular Syria does not make any effort to exploit this movement of Israeli forces back to Israel's territory. All the world watches to see if the countries of the region will help Lebanon, that has suffered so much for so many years, to rebuild itself and gain control of its own territory.

Hezbollah should understand this is an opportunity for them to develop a political presence, not to expand a military presence in the region.

The courageous acts of the Israelis recognizing during the campaign that Israeli presence out of Lebanon was a necessity should now be supported by the U.N. and other countries helping to rebuild Lebanon, helping Lebanon to regain control of its own territory, and helping us move forward in the peace process, with the Palestinians and all the countries of the region. When we look at the Middle East and we see the courage of the new king of Jordan, the leadership of the president of Egypt, we understand there is the capacity for peace. Now we will test all the countries in the region to see if that capacity can be spread and peace can indeed return to the land.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I want to thank my friend, the gentleman from Florida (Mr. HASTINGS), for yielding me this time.

Mr. Speaker, there are four basic points I would like to make. First, I want to join the majority leader and my other colleagues in commending the State of Israel for withdrawing its forces from southern Lebanon. These forces were inserted into southern Lebanon in the first place because there were cross-border raids resulting in the death and mutilation of large numbers of Israelis, adults as well as children. The Israeli forces were in southern Lebanon not as an occupying force. Israel did not covet a single square inch of Lebanese territory. They were there as a buffer to protect the northern communities of the State of Israel from terrorist attacks.

I want to particularly commend Prime Minister Barak, Israel's most highly decorated soldier, for having the courage and taking the initiative in withdrawing these forces. Too, Mr. Speaker, we now have to ask Lebanon to act like a sovereign and independent country. Lebanon has a sizable military. That military now must move to the southern border of Lebanon, as any other country would do, so that the Lebanese military will protect its own territory. It is unacceptable that terrorist groups such as Hezbollah maintain control over the border region. Should that happen, it is easy to predict that a conflagration is just around the corner with incalculable consequences.

So the second thing we in this Congress must call for is for Lebanon to accept its own responsibility as a sovereign nation and to protect its own southern border.

□ 1800

The third point, Mr. Speaker, I would like to make relates to Syria. Syria has had over 30,000 troops in Lebanon for years. The excuse for the stationing of such a huge Syrian military force in Lebanon was the presence in southern Lebanon of Israeli forces. That presence no longer exists. Let me repeat. That presence no longer exists. There is not a single Israeli soldier left on Lebanese territory.

I call upon President Asad to remove all of his forces from Lebanon. There is no justification in the 21st century for a neighbor to have occupying forces in a sovereign country. Syrian forces must forthwith withdraw from Lebanon if, indeed, a regional peace is to be built.

My final comment, Mr. Speaker, relates to the United Nations. The United Nations has about 4,500 troops in southern Lebanon. Some of these troops have been effective in policing. Some of the United Nations forces have performed their responsibilities well. Others have not. The Secretary General of the United Nations, Mr. Kofi Annan, whom we will welcome here tomorrow for lunch, now has the task of persuading the Security Council to send an additional United Nations force made up of dependable national contingents to assist in the policing of southern Lebanon. If these things happen, Mr. Speaker, we might look forward to the restoration of peace and stability between the state of Israel and the state of Lebanon.

May I say on a personal note, Mr. Speaker, that my first trip to Lebanon was in 1956. In the 1960s, I was asked to assume the Presidency of the American University in Beirut, Lebanon. Lebanon used to be referred to as the Switzerland of the Middle East and justifiably so.

I hope that the Lebanese government will show the responsibility and the courage to move in this crisis. If they do, a new future will be opened to the Lebanese people who certainly deserve it, and peace between Lebanon and Israel will follow the peace that was established between Egypt and Israel and Jordan and Israel.

Once the Lebanese-Israeli peace is at long last established, President Asad of Syria will recognize that he, too, has this option to make peace with his neighbor Israel so that, at long last, this region can live in peace.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution calls for the United Nations Security Council Resolution 425 to be implemented, and it is being done or has been done by Israel in that it has now withdrawn its forces from all Lebanese territory.

Bridges of peace are buttressed by planks of good faith. Israel has acted in good faith by their actions, and they are right in this resolution by my colleagues and those of us that are cosponsors and are commended.

The time is now for all the parties to reenter the peace process. Central to this resolution are two things that I would like to point to. One, it appeals to the government of Lebanon to grant clemency and assure the safety and rehabilitation into Lebanese society of all members of the South Lebanon Army and their families. I wish that they would undertake that portion of the resolution.

In addition, it calls upon the international community to ensure that southern Lebanon does not once again become a staging ground for attacks against Israel and to cooperate in bringing about the reconstruction and reintegration of southern Lebanon. Syria has a role to play in that, the United Nations has a role to play in that, and Hezbollah law has a critical role to play in ensuring that that takes place.

I would like to commend Mr. Barak and his colleagues for their foresightedness with reference to this matter and urge all parties to reenter the negotiations so that there can be peace and stability in the Middle East.

Mr. Speaker, I yield 3 minutes to my distinguished gentleman from Florida (Mr. WEXLER) whose district abuts mine.

Mr. WEXLER. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for yielding me this time.

Mr. Speaker, I think that there are two points that need to be made very clearly and could not be more dramatic. First and foremost, from here on in, nobody can say anything other than Israel has, in fact, fulfilled its obligations under the United Nations Security Council Resolution 425.

As a result of Israel's withdrawal from Lebanon, could it also not be said that the ball is now in the court of the Lebanese people, their leadership, as well as the Syrian people and their leadership.

This is an extraordinary opportunity for the Israeli withdrawal from Lebanon to be an impetus for peace. But Israel's actions, as they represent a risk for peace, will only result in peace if they are followed by similar risks by the Lebanese government and the Syrian government.

There can be no more excuses. Those that allege a fight in the name of some kind of redeployment or removal from Israel from Lebanon have no more excuses. It is time for Hezbollah to put down its arms. It is time for the United Nations to ensure peace in southern Lebanon and Israel's northern border.

The world should be put at alarm because, for now, it is the Lebanese people and the Syrian leadership that have the opportunity to create a real and lasting peace.

This resolution first and foremost sends our message, sends our strong will to the Israeli people and, at the same time, sends our great hope to the Lebanese people that they will reassert sovereignty over their country.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 3 minutes to the gentleman from New York (Mr. ENGEL), a tireless worker for peace in the Middle East.

Mr. ENGEL. Mr. Speaker, I thank the gentleman from Florida, my mother's congressman, for yielding me this time.

Mr. Speaker, I rise in strong support of H. Con. Res. 331, commending Israel's redeployment from southern Lebanon. Israel has fully complied with UN Resolution 425, removing its troops from Lebanon. Now I think it is fairly obvious that Syria ought to do the same.

There are currently 35,000 Syrian troops in Lebanon, and clearly those troops stop the Lebanese people from being masters of their own destiny. Syria allows Hezbollah, has allowed Hezbollah to stage attacks on the Israeli soldiers who were in southern Lebanon. If Hezbollah attempts to go across the border and attack Israel proper, the blame will surely be and squarely be at Syria's doorstep.

Indeed, when Israel announced that it was withdrawing from southern Lebanon, something that the United Nations and the Syrians and other Nations, the Arab Nations, have all said that they wanted for all these years, it was the Syrians who warned Israel and said they better not do that, they better not leave, which, to me, was simply mind boggling. When Israel said it will remove its troops from Lebanon, the Syrians were the ones who objected.

So it clearly shows that Syria has been using Lebanon and the Lebanese people as bargaining chips and for whatever purposes, other purposes they have for many, many years. Syria should get out of Lebanon now and allow the Lebanese people to control their own destiny.

I commend Prime Minister Barak and the Israeli government and the Israeli people for clearly showing that they want peace. What better way to show peace is at hand than to have Syria pull out as well?

When President Clinton met with Mr. Asad in Europe not long ago trying to help broker a peace between Syria and Israel, it was painfully clear to all that Mr. Asad and the Syrian government was not really interested in a genuine peace. In order to have peace, there has to be give-and-take. There has to be compromise. Both sides need to give in. But Mr. Asad, unfortunately, wanted it to be only a one-sided peace.

So the world really can look now at the Middle East and see which country is prepared to take risks for peace, which country is taking risks for peace, which country wanted to do it together, and not being allowed to do it together is now doing it unilaterally taking risks for peace. That country is Israel. Syria ought to do the same.

We ought to pass this resolution unanimously.

Mr. HASTINGS of Florida. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Florida (Mr. HASTINGS) has 15 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. CROWLEY), a new member of the Committee on International Relations who has distinguished himself with his service there.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for yielding me this time.

Mr. Speaker, I rise today in strong support of H. Con. Res. 331, commending Israel's redeployment from southern Lebanon.

I would like to thank the gentleman from Texas (Mr. ARMEY), the majority leader; the gentleman from Missouri (Mr. GEPHARDT), the minority leader; the gentleman from New York (Mr. GILMAN), Committee on International Relations chairman; and the gentleman form Connecticut (Mr. GEJDENSON), ranking member, for their leadership on this issue and for bringing this resolution to the floor so quickly.

As a cosponsor of H. Con. Res. 331, I am extremely pleased to see this legislation come before the House this evening.

Israel has shown great courage in unilaterally withdrawing its forces from Lebanon.

Israeli Prime Minister Barak is to be commended for keeping his word to the Israeli people and removing Israeli defense forces from southern Lebanon. This action clearly demonstrates that Prime Minister Barak is firmly committed to moving the peace process forward, despite the intransigence of the Syrians and the security risks associated with this withdrawal.

I am pleased that the UN just yesterday endorsed a plan for verifying Israel's withdrawal from Lebanon. The UN has also called for all parties to show restraint and cooperate with UN peacekeepers in Lebanon. UN officials must now verify that Israel has returned over the borders that it crossed in 1978. I urge them to do this quickly.

In another positive move, the Lebanese government indicated that it was ready to delay pressing its claim, although tenuous at best, to the land in the Golan Heights. Unfortunately, Hezbollah guerrillas appear committed to continuing the war.

Israel has withdrawn. The UN peacekeepers must now be allowed to do their work in that region. It is my hope that Hezbollah will show some restraint and restrain from attacks against Israel and the Israeli people. But if Hezbollah does not respect Israel's borders, then Israel has every right to defend itself.

Israel has taken an enormous leap of faith to make peace with its neighbors, and I call upon Syria to resume its negotiations with Israel in good faith and broker a lasting peace with Israel.

Finally, I would like to say that I am ready to work with the leadership of this House, the Committee on International Relations, and the government of Israel should assistance in settling the SLA and their families either here or in Israel be needed.

I urge my colleagues to support this important legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Michigan (Ms. STABENOW), a tireless worker, a person that has worked actively for peace in the Middle East.

Ms. STABENOW. Mr. Speaker, I thank the gentleman from Florida so much for yielding me this time. He has been such a leader.

Mr. Speaker, I rise today in strong support of H. Con. Res. 331. As we know, this resolution commends Israel for its decision to withdraw its troops from southern Lebanon and for taking risks for peace and the Middle East.

☐ 1815

And we should be commending them, all of us together, unanimously hopefully, for the risks that they have taken for peace.

This resolution also calls upon the United Nations Security Council to recognize Israel's fulfillment of its obligations under Security Council Resolution 425 and to provide the necessary resources for the United Nations interim force in Lebanon to implement its mandate under that resolution. It also insists upon the withdrawal of all foreign forces from Lebanon territory so that Lebanon may exercise sovereignty throughout its territory.

It is also important that this resolution calls upon the entire international community to ensure that southern Lebanon does not once again become a staging ground for attacks against Israel, and to cooperate in bringing about the reconstruction and reintegration of southern Lebanon.

It is important that we are here this evening. It is important that we are here recognizing the risks that have been taken for peace, and I hope that we will all join together in supporting Israel's actions, the independence of Lebanon, and a secure Middle East peace.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. McNULTY), who has worked tirelessly in this effort and others for peace throughout the world.

Mr. McNULTY. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this resolution.

Mr. Speaker, we cannot emphasize too much how big a risk this is for peace. Since the establishment of the State of Israel, a little more than 50 years ago, the people of Israel have had to fight five wars just to survive, and I am proud of the fact that the United States of America has been an ally to Israel all throughout those years. I am proud of the fact that Harry Truman was the first world leader to step forward and recognize the State of Israel.

From time to time I am asked by my constituents why I am such a strong supporter of aid to Israel, and I give them many answers. Two of them are these: Israel is the only democracy in the Middle East, and Israel is the best ally that the United States has at the U.N.

Another thing Harry Truman used to say is, "Let's look at the record." I have looked at the record and Israel is our best ally. Now, some might say, well, we have a lot of other allies around the world. But a lot of time when push comes to shove, they are not there for us, they do not vote with us, they do not act with us.

I remember in the early days of the Reagan administration, when President Ronald Reagan wanted to do a retaliatory strike against Libya for its terrorist activities. We went to one of our traditional allies, which would not exist if it were not for the United States of America and what we did in World War II, and we did not ask for money, we did not ask for any military personnel, and we did not ask for planes. The President said, on our way to do the mission, can we fly through your airspace. And our ally said, no.

I submit to my colleagues that with allies like that, we do not need enemies.

So I stand here before my colleagues today in support of a true ally, who once again takes the risk for peace. And as they step forward and take that risk again, I join with my colleagues in making the point that it is now time for Syria to reciprocate.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY), a person who has spent years working for Middle East peace and for peace in this country as well. She is a mentor of mine and one who has no peer on this subject, a person with whom I have had the pleasure of being in Israel with on three different occasions.

Mrs. LOWEY. Mr. Speaker, I stand in strong support of this resolution. And, first, I want to thank my good colleague, the gentleman from Florida (Mr. HASTINGS), for that very gracious introduction.

I remember that trip to Israel, and I remember very well when the gentleman and I and the black caucus visited all the sites, and every one came back committed, understanding the strong relationship between Israel and the United States and the importance of that relationship, and that our support for Israel is in the interest of the United States. I appreciate the gentleman's generosity as a very, very strong supporter, which the gentleman is.

I want to commend Israel, Mr. Speaker, on the completion of its historic withdrawal from southern Lebanon, the latest in one of many risks the government and the people of Israel have taken for peace. This unilateral action is a significant step in the effort to achieve a comprehensive peace in the Middle East.

The people of Israel have had enough. They have seen enough of their sons, their fathers, their husbands die during the last 2 decades. With the implementation of U.N. Security Council Resolution 425, redeployment from southern Lebanon, Israel has taken a very brave step towards achieving peace with their neighbors, a peace that will benefit Israel's children, Lebanon's children, and the whole region for years to come.

This decision has not come without risks. Hezbollah terrorists have consistently staged attacks against cities and towns on Israel's northern border. The withdrawal of Israeli forces have left a vacuum in southern Lebanon, and Syria still harbors 30,000 troops on Lebanese soil. As we stand here, thousands of Israeli citizens have fled their homes in northern Israel to escape violent attacks.

As a champion of Middle East peace, the United States must stand firmly, strongly, and unequivocally with the people of Israel during this difficult time. We must insist on the immediate withdrawal of Syrian forces from Lebanon. We must encourage the United Nations to recognize Israel's brave choice and to help stabilize southern Lebanon and reintegrate it with the rest of the country. Most of all, we must never, ever forget Israel's paramount right to make its own decisions about the security of its people and its border.

I urge all of my colleagues to recognize the courage of the people of Israel, the courage they have shown this week and throughout the Middle East peace process, and to reaffirm our commitment to the present and future security of one of our very best allies. I urge my colleagues to support this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to join in the commendation of the people of Israel and the government of Israel for taking this important step.

It is a courageous step to try to bring some order to the chaos that has been Lebanon. The prime minister of Israel and the government of Israel have taken a very methodical look at what it is going to take to bring peace to that part of the world, and it is clear that the chaos that has been Lebanon has to be brought to order. So the government of Israel, the prime minister of Israel, have unilaterally and courageously taken this step.

We, as friends, deep friends of Israel, must lend our help; and we must call on Syria to follow with full withdrawal from Lebanon so that order can be restored to Lebanon. So I join my friend, the gentleman from Florida (Mr. HASTINGS), and my good friend, the gentleman from New York (Mr. McNULTY), and the others here today in commending Israel and urging our support, the support of the American people, as they try to bring peace to this part of the world, to the Middle East, which has been wracked with war for far too long.

Through this courageous action, Mr. Speaker, I am hopeful that they will have peace now on the northern border and that this will remove some of the difficulties that Syria has been putting in the way. So we here should lend our support and our commendation to Israel.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume merely to commend the majority leader, the gentleman from Texas (Mr. ARMEY), and the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), as well as the ranking member of the committee, the gentleman from Connecticut (Mr. GEJDENSON), for their cooperative effort in expediting this resolution in the hope that it will be on the floor for Members to act on tomorrow.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. KING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the measure now under consideration, H. Con. Res. 331.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KING). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUDDEN SNIFFING DEATH SYNDROME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Ms. HOOLEY) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to share with my colleagues a story that was told to me by a mother in my community. Kathy Abel of Keizer, Oregon, was met at her doorstep by a police officer to inform her that her 18-year-old son was dead.

Kathy's son James did not die in a car accident or a shooting. Kathy's son died at the hands of an everyday household product. Kathy's son died as a result of inhalant abuse.

Kathy's son James was no different than most high school students. He was active in school, popular amongst his classmates, and on his way to starting his life as an adult.

The death of this bright young man should never have happened. The young man that James was with should not know what it feels like to have his friend die in his arms, and James's family should not have known the hopeless, tragic feeling of hearing that their beloved son was dead..

Most of us do not even know what inhalant abuse is, and too often we find out after it is too late. Inhalant abuse is the intentional breathing in of gas and vapors with the goal of getting high. Typical substances that are inhaled include gasoline, paint thinner, nail polish remover, typewriter correction fluid, butane and propane.

□ 1830

These products are typically household items that we all keep in our homes.

In Oregon, a 1998 study showed that 20 percent of 8th graders have tried inhalants. That is one out of every five students. Scarier yet is the fact that children can often die after inhaling these substances only one time. Inhalants also serve as a gateway drug that can lead young people toward other forms of drug abuse.

Let me explain the way inhalants affect the body. Inhalants produce an effect within seconds that may last from 15 to 45 minutes. They will generally act as central nervous system depressants. After an initial euphoria, a depressed state follows that can be accompanied by drowsiness or sleep. Inhalants lower breathing and heart rates and impair coordination and judgment. Dosages must be repeated to maintain intoxication.

Inhalants can cause severe and permanent damage to the brain, liver, kidneys, and other organs. More than any substance, inhalants can cause sudden death resulting from heart arrhythmia and suffocation. Let me repeat that. More than any other substance, inhalants can cause Sudden Sniffing Death Syndrome. This means users can die the first time, the 10th time, or the 100th time. No one really knows.

Today my colleague the gentleman from Pennsylvania (Mr. WELDON) and I are introducing a bill that will allow grants to go for education programs to combat inhalant abuse. If passed, this legislation will bring much-needed attention to this very serious problem.

It is never too early to teach our children about the dangers of inhalants. Inhalant use starts as early as elementary school. Parents often remain ignorant of inhalant use or do not educate their children until it is too late.

Let me remind my colleagues, inhalants are not drugs. They are poisons and toxins and should be discussed as such.

The Partnership for a Drug-Free America produced this ad in Monday's New York Times. It says, "Every parent should take a drug test. Learn about inhalants. What you don't know may surprise you."

Mr. Speaker, I include the article for the RECORD:

[From the New York Times, May 22, 2000]

EVERY PARENT SHOULD TAKE A DRUG TEST

LEARN ABOUT INHALANTS. WHAT YOU DON'T KNOW MAY SURPRISE YOU

An alarming number of children across the country are using household products to get high.

If you're going to protect your kids, you'd better know something about this problem.

Here's a chance to test yourself. The answers are printed below.

1. How many substances found in the average home can make you high if inhaled?

a. 10–15
b. More than 25
c. More than 100
d. More than 500
e. More than 1,000

2. By the eighth grade, how many kids have tried at least one inhalant?

a. One in a hundred
b. One in fifty
c. One in 25
d. One in 5
e. One in 2

3. Which of the following can you use with an inhalant to get high?

a. A soda can
b. A sock
c. A plastic bag
d. A balloon
e. All of the above

4. What is "huffing?"

a. Sucking on an aerosol can
b. Blowing into a bag, then inhaling the fumes
c. Inhaling a chemical by panting
d. Putting a rag soaked with a chemical to your mouth and inhaling the fumes
e. Pouring a chemical directly into your mouth and breathing the fumes

5. What percentage of inhalants can be toxic?

a. 10–15%
b. 15–20%
c. 25–50%
d. 50–75%
e. All of them

6. A danger of inhaling chemical substances is:

a. Brain damage
b. Liver and Kidney damage
c. Suffocation
d. Death
e. All of the above

7. Of the inhalants that will make you "high," how many can cause permanent brain damage?

a. One or two
b. A dozen or so
c. Almost a hundred
d. Nearly all of them
e. None of them

8. Why do kids abuse inhalants?

a. Products that can be sniffed to get high can be found in every household
b. They're inexpensive
c. They're legal
d. Users don't realize how dangerous they are
e. All of the above

9. What is SSD?

a. Sweet Sniffing Dreams
b. Sudden Sniffing Desire
c. Sudden Sniffing Death
d. Sure Sniffing Damage
e. Shaky Sniffing Dancing

10. The best approach to prevention with kids is:

a. Threaten them—e.g. "I'll break your neck if I ever catch you using inhalants
b. Talk with them, tell them how you feel about inhalants, and warn them of the dangers
c. Ignore the problem. What your kids don't know can't hurt them
d. Tell your kids you want them to talk with their guidance counselor in school about inhalants
e. Talk with the guidance counselor yourself and get his or her advice

> Answers: 1(c); 2(d); 3(e); 4(d); 5(e); 6(e); 7(d); 8(e); 9(c); 10(b) or (e).
>
> You don't need to score 100% before you talk about this problem with your kids.
>
> You simply have to let them know how you feel about the problem and warn them of the dangers.
>
> Don't be put off if your words don't seem to register. What does register is not so much what you say, but the fact you care enough to be concerned. Kids have a name for this kind of parental involvement. Love.
>
> A good first step is simply to clip this test and put it up on your refrigerator.
>
> Your kids may make jokes about it. But they'll get it.
>
> For more information call, 1-800-729-6686.

Many States, including Oregon, have begun a campaign to inform children and their parents about inhalant abuse. We must begin our own fight at the national level. The Senate recently passed identical legislation unanimously. It is time that we give this issue due credit in the House and begin this crusade to educate ourselves and our children about this terrible problem.

MEDALS OF HONOR

The SPEAKER pro tempore (Mr. KING). Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

Mr. BUYER. Mr. Speaker, I would like to share some good news about well-deserved recognition of three American heroes and the role of the Congress in attaining their highest honor and distinction in our country.

Four years ago, the National Defense Authorization Act for Fiscal Year 1996 created a process to permit Members of Congress to obtain reviews of military decoration recommendations for merit, even though the time limits established in the law would normally preclude such consideration.

Since then, many heroic acts have been properly but belatedly recognized. Many of these heroic acts would have gone unnoticed had it not been for Members of Congress demanding fair hearings of the facts and circumstances.

Mr. Speaker, today I want to focus on three cases of valor which Congress will soon formally recognize by making possible the award of our Nation's highest decoration for bravery and combat, the Medal of Honor.

I will start with the recommendation from my colleague, the gentleman from Illinois (Mr. EWING), that Corporal Andrew J. Smith of the 55th Massachusetts Volunteer Infantry be posthumously awarded the Medal of Honor for his actions on November 30, 1864, at the Civil War Battle of Honey Hill in South Carolina.

Mr. Smith, from Clinton, Illinois, volunteered to serve in the 55th Massachusetts. The battle that day had brought the 55th to a narrow bridge in front of a Confederate stronghold on the hill. The 55th joined another regiment in filing across the bridge in the face of withering enemy fire.

The officers leading the charge were killed immediately. The commander was wounded and trapped under his dead horse.

In a fight that would see one-half the unit's officers and a third of the enlisted men killed or wounded, the regimental colors, that critical symbol that is the heart of any unit, had been put at risk.

The flag bearer had been blown to pieces by an exploding shell. Corporal Smith ignored his own safety and grabbed the regimental colors from the hand of the dead sergeant. He then maneuvered through the heavy grape and canister being fired at close range and carried the colors to safety, thereby leading his men.

His actions are of conspicuous valor and, therefore, worthy of the Medal of Honor.

The next case involves the recommendation from Senator DANIEL AKAKA to award the Medal of Honor posthumously to Technician Fifth Grade James K. Okubo, Medical Detachment, 442 Regimental Combat Team, for his actions on October 28, 29, and November 4 of 1944 near Biffontaine, France.

Technician Fifth Grade Okubo and his compatriots in the highly decorated Japanese-American 442nd Regimental Combat Team had fought through Italy and were engaging German forces in France in the fall of 1944.

During the battle, while subjected to continuous machine gun, mortar, and artillery fire, this soldier coolly and efficiently rendered first aid to 25 wounded soldiers. On two occasions, he crawled 150 yards to points within 40 yards of enemy lines to evacuate wounded comrades.

On November 4, he ran 75 yards through deadly machine gun fire, and while exposed to intense enemy fire directed at him, he evacuated a seriously wounded crewman from a burning tank.

His actions on these days are of conspicuous valor and, therefore, make him worthy of the Medal of Honor.

The third case involves the recommendation by Senator JOHN MCCAIN to award the Medal of Honor to Captain Ed W. Freeman, 229th Assault Helicopter Battalion, 1st Cavalry Division, for his actions on November 14, 1965, at landing zone X-ray during the battle of the IDrang Valley, the Republic of Vietnam.

Captain Freeman was flying resupply missions into the now famous landing zone X-ray, one of the hottest and most embattled LZs of the Vietnam War.

U.S. forces were reporting heavy casualties and a shortage of water and supplies. The Medevac helicopter had tried to land but was driven off by intense enemy fire.

Despite these dangers, Captain Freeman ignored the enemy fire and repeatedly flew into the landing zone X-ray carrying in supplies and lifting out the wounded. He flew a total of 14 missions to a landing zone that was just 100 meters from the defensive perimeter, and he evacuated 30 seriously wounded soldiers from the LZ that would not have otherwise lived. He quit flying that day several hours after dark only after all the wounded had been evacuated.

His actions are of conspicuous valor and, therefore, worthy of the Medal of Honor.

Mr. Speaker, I am proud to say that the legal barriers that have prevented these heroes from being recognized will be lifted in legislation soon to be enacted by Congress.

As a result, these heroic individuals will soon be recipients of the Medal of Honor and we have set the record straight and we have touched for a moment that which is at the heart of our pride in being American.

PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I rise once again on the floor of the House of Representatives to call upon this House to pass prescription drug coverage for senior citizens and those who are disabled under Medicare and to work for other strategies to lower the cost of prescription drugs for all family members.

Today in particular, I am rising to read a letter, as I am every week now rising to share a letter from one of my constituents in Michigan. This week I would like to read a letter from a 76-year-old woman who is a breast cancer survivor from Fenton, Michigan. She is the widow of a disabled veteran.

I want to speak more about the fact that we need to be focused on our veterans who do not have prescription drug coverage and are struggling to pay the cost of their medications. Now, as we are approaching Memorial Day, we need to be honoring them by addressing this serious health care issue.

But first let me read the letter.

> Dear Mrs. Stabenow, I am writing to you concerning the high cost of prescription drugs, which, I believe, you are on a campaign to cut the cost of for senior citizens who are on a fixed income and need these drugs.
>
> I am the widow of a disabled veteran, who, at the age of 32, was on total disability. I went to work to help out, as we needed the extra money. We had two children. My mother lived with us and took care of the children.
>
> My mother became too ill to take care of them, so I had to quit my job and stay home. It was hard financially, but we managed to get by, living on a strict budget. My husband's disability was a condition that he needed me around him all the time. When

> the boys got older, I tried to work again, but my husband begged me to stay home with him, which I did.
>
> My husband died when he was 50. I was able to save a little money, which I intended to use to enjoy a little more life than I had been able to.
>
> In 1995, I was diagnosed with breast cancer; which I went through and got on with my life. In December 1999, I had another mastectomy, which I hope I will recover from as well as I did in the case of my first mastectomy.
>
> Since the time I was diagnosed with cancer, the cost of my drugs has spiraled up and up. I live on a fixed income. I also have to pay for health insurance. Believe me, I am not complaining, "poor little me." There are many people worse off than me, and this is why I am writing. Maybe my letter will help others.
>
> I will give you an estimate of what I am paying every month for drugs.

She proceeds through a long list. Her cancer medication is $180 for 31 tablets. Her high blood pressure medication is $21 for a month's supply. Her blood thinner medication is $20 for a month. Nasal spray is $58 for a month. And on and on.

The total for each month for my constituent is $377.85 and it continues to go up and up, as she indicates in her letter.

She indicates here that she hopes that everyone who needs these drugs will be able to afford them and live a healthier life.

Mr. Speaker, today I rise, as we approach Memorial Day, to recognize the fact that not only my constituent from Fenton, Michigan, but four million veterans and four million spouses of veterans in this country have no help for their prescription drug coverage. We are talking about people who were willing to lay their lives on the line.

This Monday we will honor those who gave their lives in service for our Nation. And in light of this and these statistics, I believe we need to call upon all of us to act immediately to address the issue of the high cost of prescription drugs, particularly for our older Americans where we have the opportunity by just simply passing Medicare coverage, by modernizing Medicare, to cover the way health care is provided today with prescription drug coverage.

We can honor our veterans by fulfilling the promise of health care that was made to them. Each one of our servicemen and women, as they come to the service of our country, they sign on the dotted line; and we, in return, indicate to them the promise of health care. Not only are we not fulfilling the health care promise to our veterans as it relates to full funding health care for our veterans, but when we have 4 million of our veterans, 4 million of their spouses that do not have any access to help cover their prescription drug coverage, we need to act. There is something wrong; and we need to take it very, very seriously.

It is not right when someone who has cared for her disabled husband, someone who is a disabled veteran, his wife, who goes on to have health care problems herself, who has saved a little bit in her life now finds herself using all of those little bit of savings in order to pay for her medication and then find herself on a fixed income paying almost $400 a month for medications.

We need to act. It is time now to lower the cost of prescription drugs and to modernize Medicare.

COMMITTEE ON RESOURCES PASSES BILL TO PURCHASE BACA RANCH IN NEW MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, today the Committee on Resources passed a bill to purchase the Baca Ranch in New Mexico. This is a very bad deal for the taxpayers.

The family that owns this ranch bought it in 1961 for $2.1 million. Now, under the bill passed out of committee today, the Federal Government is going to pay $101 million for this property, almost 50 times the original purchase price.

I would bet almost everyone in this Nation would like to sell their property for 50 times what they paid for it.

□ 1845

This is a colossal rip-off of the taxpayers. My office yesterday asked the Congressional Research Service to run the numbers for us. According to CRS, there has been a 452 percent inflation since 1961. Adjusted for inflation, this property should be worth $11.7 million, or about 5½ times the original purchase price.

We definitely should not be paying $101 million for property that was bought for $2.1 million, and today adjusted for inflation should be worth $11.7 million. This is welfare for the rich, a windfall for the wealthy.

However, it will be passed by a huge margin, because it has strong bipartisan support in New Mexico. I watched a tape about this property. It is beautiful; however, the most overused word in this Congress is the word pristine. We are constantly told that we have to buy this property or that property, because it is beautiful and pristine, but if the Federal Government tried to buy every beautiful, pristine piece of property in this country, it would bankrupt our government and shatter our economy, besides the Federal Government already owns 37 percent of New Mexico, millions of acres.

The Federal Government certainly does not need any more of New Mexico; it has too much already. Private property is one of the main foundations of our prosperity. It is one of the cornerstones of our freedom. Private property is one of the main things that has set us apart from socialist and Communist nations.

Already the Federal Government owns 30 percent of the land in this Nation. State and local governments and quasigovernmental units own another 20 percent, half the land in some type of public ownership.

Also we keep putting more and more restrictions, limitations, rules, regulations, redtape on the land that does remain in private hands. If we keep doing away with private property, we are going to drive up prices for homes and cause much serious damage to our economy. We will hurt the poor and working people the most and those of middle income.

We should not waste the taxpayers money in this way. We should not rip off the taxpayers in this way. $101 million for property bought for $2.1 million is more than 4,000 percent higher than what it should be when adjusted for inflation. We should not take money from lower- and middle-income Americans to pay a family almost 50 times what they paid for their property.

Mr. Speaker, $101 million for property originally bought for $2.1 million is simply too much. The Baca Ranch purchase will pass this Congress overwhelmingly; but I repeat, Mr. Speaker, this is a colossal rip-off of the taxpayers of this Nation.

FEARS OVER CHANGES IN SOCIAL SECURITY SYSTEM PROPOSED BY GOVERNOR BUSH OF TEXAS

The SPEAKER pro tempore (Mr. KING). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I do not intend to use the entire hour this evening, but I want to take what time I have to discuss my fears, and I stress fears, this evening over the changes in the Social Security system that have been proposed by Governor Bush of Texas.

Mr. Speaker, Social Security has lifted millions of seniors out of poverty. It is, by far, the most successful economic program ever passed by Congress, and the reasons for the success are simple. It offers a guaranteed, and I stress guaranteed, benefit for every American retiree. More than half of all Americans, especially working families, have no retirement savings beyond Social Security.

Without the guaranteed income provided by Social Security, millions of seniors could fall through the cracks left to live out their lives in poverty. Recently, Governor George Bush proposed a Social Security plan that would undermine Social Security, in my opinion, and simultaneously threaten our thriving economy.

By diverting funds from the Social Security Trust Fund to set up individual retirement accounts, as Bush proposed, the plan would hasten the insolvency of the Social Security Trust Fund. It would also force seniors to question rather than count on their Social Security benefits.

Now, Governor Bush has also proposed a tax cut that would cost an estimated $1.7 trillion. When combined with the cost of his individual retirement accounts that he has mentioned with regard to Social Security, Governor Bush's plan would spend more than three times the projected surplus over the next 10 years. That money would come directly out of the Social Security Trust Fund, weakening the program even further and leaving little room in the budget for other priorities like a prescription drug benefit for Medicare.

No plan that would endanger the guarantees of Social Security, rob the trust fund, and leave other priorities unfunded can possibly be taken seriously, and that is why I refer to the Bush plan as extremely radical. Democrats have pretty much said that we are going to fight this dangerous ill-conceived proposal, and I think we need to fight it every step of the way.

Mr. Speaker, I want to discuss three of my concerns about the Bush Social Security plan in a little more detail this evening. First of all, I would like to express my concern that ultimately Governor Bush's plan would lead to complete privatization of Social Security. Right now the governor is saying only 2 percent of the money would be invested by individuals in retirement accounts.

But in an Associated Press story on May 17, just a week or so ago, Governor Bush said it was possible workers would eventually be allowed to invest their entire Social Security tax, not just a portion of it.

The Houston Chronicle reported on the same day, and I quote, "Bush on Tuesday said his plan to create private savings accounts could be the first step toward a complete privatization of Social Security."

And I want to stress this: the Social Security program was began under Franklin Roosevelt. The Republican leadership for many years totally opposed it being started, and I think that this is part of a historical trend essentially that what Governor Bush is saying, I do not like a government program, Social Security is a government program. Ultimately, I think it is best if it is privatized completely.

The second concern I have is this question of whether or not there will be a guaranteed income, because that is what Social Security is about to most seniors. They know that when they retire they will have a guaranteed income every month, and a certain amount over the course of the year.

Well, when asked on May 15 whether or not there would be a guaranteed income, basically Governor Bush said this, and this is from the Dallas Morning News of May 15, "maybe or maybe not." Asked whether he envisions a system in which future beneficiaries would receive no less than they would have under the current system, Mr. Bush said "maybe, maybe not."

Well, what he was essentially admitting was that it was conceivable that a worker taking advantage of these private investment accounts would get a lower guaranteed benefit from Social Security, and we know that that obviously is the case, because it would depend how that worker invested the money since it is an individual decision.

The New York Times reported on May 17, and I quote, "Bush also refused to say how much benefits might be reduced for workers who created private investment accounts. That is all up for discussion," Mr. Bush said.

When I say that this is a radical proposal, it is radical because most Americans think that they are going to have a certain guaranteed income from their Social Security. It is clear that with the private investment accounts and the further privatization that Governor Bush has been talking about, there is no guaranteed income.

The third major concern that I have and would like to focus on in a little more detail this evening is what I call the transition costs, the trillion dollars in transition costs that might not be accounted for or that Bush is really not accounting for. Bush acknowledged in this same Associated Press story that I mentioned on May 17 that he has not fully accounted for the cost of moving from the current Social Security system to his proposed one.

Now, Vice President AL GORE says that the cost of that transition could be something like $900 billion, almost $1 trillion. The plan laid out by Governor Bush leaves out the most important factor, and that is the cost. According to a new report published by the Center for Budget and Policy Priorities, Bush's privatization plan would cost $900 billion over the first 10 years. These costs occur because the Social Security system must simultaneously pay out current benefits while privatization drains over 16 percent of the amount of money coming into the system. That is assuming the 2 percent point diversion that Bush has talked about. If we combine this with the cost of Bush's nearly $2 trillion tax cut, the Bush plan will leave multitrillion dollar debts as far as the eye can see. This is basically from the Center for Budget and Policy Priorities.

I want to talk a little further about some of the other impacts that Governor Bush's privatization plan with regard to Social Security would have. Here I would like to raise three issues, three impacts, if you will, from this Bush Social Security privatization plan.

First, it would weaken our economy by eliminating our chance to pay down the debt, which we have started to do ever since the surplus occurred. Second, it would place at risk the secure retirement benefit that Social Security provides. Third, and this is something that I think a lot of people have not thought about but we have to think about, the Bush Social Security privatization plan would force a massive S&L, savings and loan-style bailout if people's investments failed.

Let me talk, Mr. Speaker, in a little more detail about these three impacts from this privatization plan.

First, let me go back to the fact that the Bush plan will eliminate the chance to pay down the debt. This goes back to this $1 trillion in transition cost that I mentioned before. According to the Center for Budget and Policy Priorities, Bush's privatization plan would cost the $900 billion I mentioned over 10 years. The reason these costs occur is because the Social Security system has to pay out the current benefits, as I mentioned, while the privatization drains this other 16 percent. But the bottom line is that Bush's own aides acknowledge that these transition costs would siphon away the money that could be used to pay down the debt. Less debt reduction would translate into higher interest payments on the debt over the same 10-year period, which in turn would reduce the budget surplus.

If I could talk about this in a little more detail, I would like to contrast it with what Vice President GORE not only has proposed but what he is doing. Under Mr. GORE's plan, all of the Social Security surplus will go to reducing the national debt held by the public. Some of this is already happening. Some of the debt is actually being paid down now. What GORE is saying, that he would take all of the Social Security surplus and use it essentially to reduce the national debt. There would not be that opportunity with Bush's plan. The money simply would not be there to exercise that option.

As I said, not only Vice President GORE but President Clinton and the administration's deficit and debt reduction that they have already done has already helped the economy and families. Seven years ago, the budget deficit was nearly $300 billion and growing; and as a result, interest rates were high and growth was slow. By the year 2012, it was projected that 25 cents on every tax dollar would be needed to pay interest on the debt. Because of this administration, the Clinton-Gore administration's commitment to fiscal discipline, deficits have turned into surpluses and the Nation's debt is already $1.7 trillion lower than it was projected to be this year. Because of the deficit and debt reduction that the Clinton administration has already done, it is estimated the typical family with a home mortgage might be expected to save roughly $2,000 per year in mortgage payments.

Currently, about 13 cents on every Federal dollar is spent on net interest payments. These payments which were once projected to be nearly double that would be eliminated under AL GORE's plan. With the Government no longer draining resources from capital markets, interest rates are lower and businesses have more funds for productive investment. Paying off the debt will continue to help fuel investment and productivity growth.

What I am trying to say, Mr. Speaker, is essentially this. Let us continue the policy of paying down the debt because ultimately that makes the economy grow and it saves money that would be available in the long run for Social Security. Let us not go down this risky, radical plan that Governor Bush has proposed where on the one hand he is spending trillions of dollars on tax cuts and on the other hand his transition costs to this privatization plan would use up a significant portion of the surplus as well.

I talked about why my fear about how Bush's privatization plan places retirement funds at risk, but I would like to talk about that a little more in terms of the second point here on potential impacts of this risky Bush plan. For whatever reason, I guess it is because the stock market has done so well in the last 5, 10 years now that people do not even remember that there was a time when it was not doing that well. But the bottom line is that if you have privatization the way Governor Bush proposes, it puts individual retirement security at the whims of the stock market where people can lose.

Throughout its history, Social Security has stood as a guaranteed secure retirement regardless of the fluctuations of the economy or the stock market. Investing these funds in the market means that some or all of that benefit could be lost. There was a GAO report that shows the risk of stock market investments with Social Security. This is from a statement by the associate director of income security issues for the GAO, April 22, 1998.

The GAO report noted that caution is warranted in counting on future stock returns in designing Social Security reform. The report goes on. However, an average over nearly a century obscures the reality that stock returns fluctuate substantially from year to year. Over the past 70 years or so, stock market returns were negative in nearly 1 out of 4 years. There is no guarantee that investing in the stock market even over 2 or 3 decades will yield the long-term average return. The stock market could drop and stay depressed for a prolonged period of time. Of course it has. We know that historically it has stayed depressed for a long period of time.

□ 1900

Interestingly enough, in this same GAO report they point out that the Social Security Trust Fund actually outperformed nominal stock returns 35 percent of the time from 1950 to 1996, over a period of 45 or so years. The 10-year moving average of the S&P 500 underperformed the Social Security Trust Fund's treasury returns at times. A long-term average does not reflect fluctuations in year-to-year stock returns. In fact, nominal stock returns were less than the Social Security Trust Fund's annual yield in 17 years from 1950 to 1996, more than 35 percent of the time, from that same GAO report.

Sometimes I wonder why it is necessary to explain why the stock market is a risky business, because I would think that anybody who looks at the history of the market knows that that is the case, but I guess because the market has done so well in the last few years and the last decade there are people, particularly young people, who feel that it will always do well. But that is simply not true. It is not borne out by the historical facts.

Let me mention the third impact that I would like to discuss in a little more detail this evening, and that is that privatization could result in massive government bailouts. The reason for that is simple, that if the people who take these private investment accounts do not succeed and actually lose money or the stock market goes bad, they are going to come back to the Government and ask the Government to bail them out, because everybody does that, the big corporations do, the savings & loan associations did, and obviously the average person is going to do that if they lose all their money and they cannot make ends meet.

Bush and his advisers have indicated that his privatization plan for Social Security will have no downside risk and the Government will guarantee that future Social Security beneficiaries will receive no less than they would have under the current system. Thus, the risky nature of the stock market could force the Government to bail out Social Security during market downturns or for people who make poor investment choices.

The Governor is saying, Don't worry. If you do these investments with your private accounts, don't worry, because we will make it good if you don't do well. How is he going to do that without a massive bailout, and where is the money going to come from? Ultimately the taxpayers. We would have a major problem.

The other thing is that obviously privatization could make Social Security go insolvent a lot earlier. Plans to divert 2 percentage points of the payroll tax, or 16 percent of the money paid into the Social Security system, into private accounts, could make Social Security go insolvent 14 years sooner than it would if no action were taken at all. Under a 2 percentage point plan, Social Security could go bankrupt by 2023, according to a study again from the Center for Budget and Policy Priorities.

Well, that is common sense. If this money is taken out of the system, then this system will go broke sooner; and that is, again, why it makes no sense to move with this very risky Bush privatization plan.

Now, I want to talk a little bit, if I could, about what Vice President GORE has proposed and why his plan to shore up Social Security is much preferable to Governor Bush's, and certainly not risky, by any means.

Because of the administration's commitment to fiscal discipline, as I have mentioned, the Nation's debt is already $1.7 trillion lower than it was projected to be this year. In fact, when the administration took office, by the year 2012 it was projected that 25 cents of every dollar would go to pay the interest on the national debt. That has not happened, because we are now paying down the national debt with the surplus that has been generated.

Vice President GORE is basically saying that he is going to pay off the national debt and help maintain America's prosperity in a number of ways. But what I want to zero in on is how he would dedicate $2.1 trillion for debt reduction, and this is basically to prepare the Nation for the retiring of the baby-boomers.

He is proposing to use more than 95 percent of the Social Security surplus to pay down the debt, with the idea being, of course, that ultimately that will strengthen the economy and prepare for the fact that so many more senior citizens are going to be retiring as part of this baby-boom generation.

After a decade of debt reduction, GORE transfers the interest savings that come from using the Social Security surplus to buy down the debt to strengthen the solvency of the Social Security program. By 2016, GORE will be adding about $250 billion annually to strengthen Social Security until at least 2050.

He is investing $103 billion, less than 5 percent of the surplus, in strengthening Social Security's benefits for older women, because, as we know, poverty among elderly women is a major national challenge. In 1997, poverty among elderly widows was 1 percent, compared to 5 percent for married women. GORE believes that we can and should strengthen benefits for widows and mothers that were penalized for years spent caring for children as part of the plan to extend the solvency of Social Security.

Now, I could talk in more detail about how the Vice President's plan helps older women, but I just want to mention two things, if I could, about that before I conclude this evening. One point is to eliminate the motherhood penalty. The current Social Security formula is based on average earnings over 35 years of work. Because women take several years raising their children, the typical woman only works 27 years. However, those years raising children do not count towards Social Security earnings, effectively creating this motherhood penalty. GORE says that he would eliminate the motherhood penalty by allowing parents to take credit for up to 5 years of earnings, if they take that time to raise children. This would increase Social Security benefits for those women by about $600 a year.

The second thing that GORE would do to strengthen benefits for women, under current law widows can have their combined benefits cut in half. Living costs such as rent and utilities often do not decrease with the death of a spouse, but then there is a cut in benefits to that widow. In fact, single elderly women are four times as likely to be poor as married women. GORE would fight to raise the widow's benefit to three-quarters of the couple's combined benefit, helping more than 3 million elderly women receive a benefit that reflects their cost of living.

I am not going to go in more detail tonight, but I know over the next few weeks, and certainly after the Memorial Day recess, you are going to see myself and other Democrats come to the floor and constantly talk about our concerns with regard to the Bush privatization Social Security plan, because I really believe it is a radical plan, and I do not think the average American or senior understands what it is all about.

This plan, and this is how I want to conclude this evening, the greatest fault in it is the numbers simply do not add up. I think this goes back, again, to the fact that he has this $1 trillion tax cut, and then he is taking all this money out of the Social Security system.

If you take the money out of the surplus for tax cuts, and then you put in effect this risky Social Security plan, it just has too much of a drain on the Federal budget. Taken together, the tax cut and Bush's privatization plan essentially would swallow the whole surplus for the next 10 years, and also use a significant portion of the surplus that is dedicated to Social Security.

The combination of those two large $1 trillion plans and the impact that they would have on the budget would basically not leave any room for other vital priorities. I think, Mr. Speaker, you know that both the Democrats and the Republicans have talked about a Medicare drug benefit. There is no way that there would be any money left in this surplus to pay for a Medicare drug benefit for seniors if we implemented the Bush plan. The money would simply not be there. It just does not add up.

That is not to mention other priorities. Governor Bush has talked about education. Where is the money going to come from to pay for our education priorities, such as money that goes back to the municipalities to pay for extra teachers to bring class size down, or money that would go back to the towns around the country for school construction and renovation? It just does not add up. The money simply is not going to be there.

So that is why I think it is important for me and Democrats, and hopefully Republicans as well, to bring up the truth about this very risky privatization plan that Governor Bush has proposed, because it would not only have a negative impact on Social Security, but would have a negative impact basically on the economy and the Federal budget, and essentially I think what Americans see today as the reasons for our prosperity.

MANAGED CARE REFORM

The SPEAKER pro tempore (Mr. SOUDER). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, we are going to discuss managed care reform tonight. It is pertinent that we do this. Back in October this House voted 275 to 151 to pass the Norwood-Dingell-Ganske Patient Protection Act. That is in conference now. Things are going very, very slow.

Mr. Speaker, I remember back at the time of the debate that we had on managed care reform, a lot of our colleagues, primarily on the Republican side of the aisle, but some on the Democratic side of the aisle, said, Well, you know, we ought to just let the free market work this out.

I am happy tonight to have join me in this special order my colleague, the gentleman from California (Mr. CAMPBELL), who has worked so hard on this issue. We are going to discuss in some detail his bill, which will come to the floor tomorrow, the Quality Health Care Coalition Act.

I am going to yield to the gentleman to describe his bill, and then we will talk about various aspects of it.

Mr. CAMPBELL. I appreciate the gentleman yielding.

Mr. Speaker, let me just say, I am so proud to have the support of not only a brilliant man and a great colleague, but a medical doctor in the gentleman from Iowa (Mr. GANSKE). All of us here in the House that have dealt with him know that is the case. When he speaks on issues of patient care, he speaks from knowledge and compassion.

Mr. GANSKE. If the gentleman would yield, since we will be dealing with an issue related to antitrust, I very much appreciate the gentleman's expertise on this issue as a former professor of law at Stanford University and somebody well qualified to talk about the legal aspects of this bill which we are going to be talking about.

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman.

Mr. Speaker, in 1914 the Sherman Act was amended to say that the labor of a human being shall not be an article of commerce. The reason it was amended was to make absolutely clear what I think most people would consider common sense, that cement and steel and petroleum are one thing, but what was quite different was when an individual did not know exactly what it was they needed, they had to go to a professional, and the professional exercised her or his judgment, and, in exercising her or his judgment, really the doctor or the professional was making a decision that the client or the patient placed in that doctor's hands, and that was not the same thing as cement or steel or petroleum, because the individual did not know what they needed.

The concept of a professional was quite different than the concept of commerce, because the State would regulate the professions and the professions would regulate themselves. They would have a code of ethics. For example, the doctor said that we do not want people advertising cut rate prices, because you run the risk then that some patients will get something that is not the best service because it is cheaper.

Well, that is the concept of a profession, and I respect the concept of a profession. I regret the fact that we lost a sense of that when the antitrust laws were reversed in 1975, not by action of the Congress, but by the Supreme Court in a case, sadly, that came from my profession, the attorneys. In that case the Supreme Court said not only are we going to extent antitrust to attorneys, but we are going to extend antitrust to all the professions.

The height of absurdity, in my judgment, was reached in 1982 when the Supreme Court said that a group of doctors who had band together to keep prices low in Arizona were price fixers and, hence, subject to the per se rules of the antitrust laws.

□ 1915

I really do think that we can date the decline of the profession of medicine from that 1975 original and 1982 subsequent Supreme Court date, because doctors are suddenly treated under the law as though they were the same as commercial enterprises providing steel or autos or cement.

One of the greatest artifacts of being treated the same as any article of commerce, just as an article of commerce, not a profession anymore; no more respect for the fact that a doctor is licensed and in every instance that I know of, and I am sure there is good and bad, but in every instance that I know of are dedicated individuals trying to prevent disease and cure it; one of the artifacts is that when one bargains with an HMO, it is now against the law for one to do something that is as natural as one can imagine; one is treated as though one has to take the contract or leave it.

The HMO comes up to you, and let us say you are an opthalmologist and let us say you perform cataract surgery and the HMO says, you know, we are not going to exactly say you cannot perform a cataract surgery on patients over 70, but the risk is a lot higher, and you may not get reupped next year; you may not be able to get your contract renewed next year if you perform too many cataract surgeries on patients over 70. Get the idea, Dr. Smith, Dr. Jones?

Dr. Smith says well, I am an opthalmologist. I will decide when the patient can benefit from cataract surgery. They say well, take it or leave it, because Dr. Green over here is the other opthalmologist in town, maybe there are three or four, in several small towns in America there is only one; take it or leave it. Take it or leave it. And if Dr. Smith calls up Dr. Green and says, you know what they just gave me, I think it is outrageous, at that moment, Dr. Smith has violated the antitrust laws per se and is subject to treble damage action, indeed although the Justice Department has not yet put any doctor in jail for this, it is actually a criminal offense.

Mr. GANSKE. Mr. Speaker, reclaiming my time for a moment, as the gentleman mentioned, prior to my coming to Congress, I was a reconstructive surgeon. I took care of women who had cancer operations, farmers who had put their hands into machines, children with birth defects. But when I was elected to Congress, I closed my practice, so I no longer practice, except for going overseas to do some charity work.

So I want to say this because I do not have a personal interest in this legislation. My wife is a physician, but my wife is a salaried physician. So she has an exemption to this prohibition that we are going to be talking about, because for instance, as a salaried physician, she could join a union and collectively bargain. But this is what has happened.

Let us say back in 1993 and 1994, when I was still practicing before being elected to Congress, in Des Moines, Iowa, there were probably seven or eight HMOs that were offering services. None of them controlled such a large market share that they could make or break a practice. So, for instance, if any one of them was behaving irresponsibly, not taking care of their patients properly, I could get on the phone, give them a call and say, I think you are not treating this patient right. I hope you change your mind. You could lobby on behalf of your patient. They might actually listen to you at that time. But what has happened since then?

Mr. Speaker, in the last 5 or 6 years, since 1994, there have been 275 mergers and acquisitions of health plans around the country. So, for instance, in Des Moines, Iowa, essentially there are two HMOs. For instance Blue Cross/Blue Shield in Iowa controls the health care of 98 percent of hospitals and 90 percent of doctors. One insurance company controls the access and cost of health care for 60 percent of insured Oregonians.

Market competition in Texas is all but gone. Mr. Speaker, 24 competing companies have been compressed into 4 mega-managed care companies. Sixty percent of the Pittsburgh market is controlled by one plan. Half of the Philadelphia market is controlled by one plan. Each of those plans maintains its dominance by virtue of an agreement not to compete with each other. One insurance company dictates health care to over half of Washington State. In Seattle, the figure is higher. In eastern Washington, 70 percent of the patients are controlled by one plan.

What does this mean? It means, for instance, that an HMO can devise a contract like this one. We define medical necessity as the short test, least expensive or least intense level of treatment as determined by us, the health plan. Then they can give the physicians, let us say we are talking about eastern Washington where this HMO controls 70 percent of the population. They can give that contract to employees; they can also give a contract to the physicians or the nurses, or, for that matter, the pharmacists, and they can say, take it or leave it.

Now, in the old days, and this is where the market competition comes in that my friend who opposed the managed care reform bill said, well just let the market work. Well, in the old days, you could. You could say, I am sorry, I am not going to sign that contract with you when you define medical necessity that way. But today, if they control 70 percent of the patients and they say take it or leave it, one may be left not being able to pay mortgage payments or pay for your daughter's education. That is tough. That is a tough decision. It could break your practice. It could mean you could no longer practice in eastern Oregon, for example.

So you say, well, what is the problem with signing that contract that has that clause in it?

Let me give an example, and then I will yield back to the gentleman. As a reconstructive surgeon I used to take care of, and I still take care of overseas kids that are born with this type of birth defect, a cleft lip and palate. Under that plan's arbitrary definition in their contract, they could say, we are not going to authorize surgical correction of that huge hole in the roof of this baby's mouth; we are just going to authorize you using a little piece of plastic to shove up in there to close the hole, it is called a plastic obturator. They can do that according to the contract. If I came back to them and I said, that is egregiously wrong; that is keeping this child from being able to learn to speak properly. If I then went to some of my medical colleagues and I started to talk to them about that HMO's practices and we mentioned to each other gee, we do not think that we can support or sign up for an HMO that does that kind of practice, my friend from California, what would happen to us?

Mr. CAMPBELL. Mr. Speaker, you would be sued for treble damages by the insurance company that made the offer to you.

Mr. GANSKE. And what effect would that have on the ability of this child to get this?

Mr. CAMPBELL. Mr. Speaker, if I were the gentleman's attorney, I would advise the gentleman not to treat that child, because he would run the risk not only of financial damage, but he also might run the risk of a conviction, and a conviction even of a misdemeanor is, in many States, sufficient to disqualify one to practice medicine.

Mr. GANSKE. Mr. Speaker, let me continue then about another type of contract provision that HMOs force on providers, and that is what is called gag rules. That is where, for instance, Aetna has said, providers shall not provide or threaten to provide inferior care or imply to members that their care or access to care will be inferior due to source of payment.

In other words, there are some HMOs that say, before you can tell a patient all of their treatment options, you must first get an okay from us. And if you do not do that, we are going to deselect you from our plan. If our plan happens to cover 50 percent of your patients, tough luck.

The point is this: by using their market share, they have a huge amount of leverage on the individual practitioners that can then significantly interfere with the physician in his professional duty of being the advocate for the patient.

Mr. CAMPBELL. Mr. Speaker, if the gentleman would yield, that example is even worse than the first. One's obligation as a physician to advise a patient on what the patient's best choice of treatment should be seems to me paramount and ought to be untouchable. Yet, what we have allowed to develop in this country, through contract, not through any Federal law, but through contract and the force of power of the

HMO or the insurance company on the other side of the contract, is that you do not offer that advice. You are gagged. You are subject to the gag rule.

Mr. GANSKE. Mr. Speaker, reclaiming my time, what happens then? The company uses its ability to gag you or deny necessary care, and so you have a baby born with that birth defect that does not get the treatment that they need.

Mr. CAMPBELL. Would the gentleman yield?

Mr. GANSKE. I yield to the gentleman.

Mr. CAMPBELL. Mr. Speaker, it is most galling that this situation persists because the insurance company has an antitrust exemption, and what we are trying to do in the bill that we will vote on tomorrow is to say that a medical doctor ought to be treated no worse than the insurance company on the other side of the bargaining table. What happened is remarkably fascinating to the situation at hand.

Mr. Speaker, the Supreme Court said that insurance was not subject to the antitrust laws for about 50 years, and then in the 1940s, they held that it did apply. Do my colleagues know how long it took before the insurance industry got an exemption from insurance from antitrust through this Congress? It took less than 2 years. And so today, we are left with insurance having an antitrust exemption to the extent that it is regulated by State law, the business of insurance is exempt from antitrust.

Mr. GANSKE. Mr. Speaker, let me get this straight, reclaiming my time. So while the insurance industry is critical of the bill, they, at the same time, have an antitrust exemption. Is that right?

Mr. CAMPBELL. Mr. Speaker, the gentleman is quite right. In fact, they ought to consider emulation is the highest form of flattery. They came to Congress and got an exemption from antitrust for their industry and they begrudge those who they say are exploiting on the other side of the bargaining table.

Mr. Speaker, I go back to the example of take it or leave it. Take it or leave it was something that employers used to say to employees too, and the employees said, I am not taking it. I am joining the union. In 1914, the Clayton Act was passed that created an exemption from antitrust for labor unions for exactly the same reason, that it was not fair for the powerful employer in a particular area to say, take it or leave it. Even worse is the insurance company, because the employer would have market power just by reason of being large; the insurance company has market power in some instances because of the antitrust exemption. So in the case of labor, if a doctor is a member of a labor union, the doctor can say, no, I am not taking it or leaving it, and neither is my brother and neither is my sister.

What we are trying to do in this bill is not force every doctor to join a labor union. Indeed, this bill is quite explicit. It does not touch the question of a doctor being in a labor union; it explicitly says the bill gives no right to any doctor to strike, but it says one very important thing, that the doctor or the medical professional shall be allowed the same degree as though they were in a labor union an exemption from the antitrust laws solely in the context of bargaining, just getting the terms of that contract so that one can treat that child with a cleft palate, so that one can communicate with one's patient and tell her or him all of the options available.

Mr. GANSKE. Mr. Speaker, reclaiming my time, practically speaking, what has happened is this: we have seen a number of HMO abuses around the country. Eighty percent of the public thinks that Congress should do something to fix this problem. Almost everybody knows a friend or a family member or a fellow worker, an employee who has not been treated fairly and gotten the type of treatment that they need. There are two approaches to fixing this.

The first approach is a regulatory approach.

□ 1930

When Congress took away from the States for employer plans the ability to oversee the quality of those health plans, those insurance plans through the Employee Retirement Income Security Act, it basically left a vacuum. It did not fill in that traditional State oversight by a State insurance commissioner, and so people, most of the people in this country who are working get their insurance from their employer. Most of them are surprised to know that if their State legislature has passed some type of patient protection, it probably does not even apply to them.

So what we did back in October was, we started to fill in the gaps in terms of patients being treated with due process, the regulatory gap at the Federal level. But we had a lot of comment on that. People said, well, you know, maybe we just ought to let the market work better.

Well, what we are talking about tonight is that because of market concentration where we now essentially have six large HMOs in the country, the free market is not working right. I mean, the gentleman could probably give me analogies better to what it was like for a farmer having to deal with a railroad monopoly.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. GANSKE. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Speaker, the gentleman makes an excellent point, because this is another example, it is called the Capper-Volstead Act, and the farmers of the United States have an antitrust exemption. And the reason was that Congress was scared, worried, troubled that the great purchasers, the railroad cooperative or the purchaser, I hesitate to use a company name, but let me say in the past what you might have called Cargill or Archer Daniels & Midland, I am not in the slightest alleging that they are engaged in exploitative practices now or that they ever were specifically, but use them as an example, a large purchaser might be able to tell the farmer, hey, we are not buying your crop, go put it back in the ground.

Mr. GANSKE. Reclaiming my time, I believe there have also been some antitrust exemptions for fisherman.

Mr. CAMPBELL. For the same reason, the Fisherman's Cooperative Antitrust Exemption Act, because once you catch the fish, you cannot put them back in the ocean and hope to collect them again. And what is common, whether we are speaking about the labor union or the farmer or the fisherman, is that there is unequal bargaining power, because the other purchaser, the other side of the contract, the purchaser is able to say take it or leave it.

What has been done with Congress in every instance, that we have been through here, that we have been explaining, it is fair for the other side to present a united front, whether it is the employee facing the employer in the company town, whether it is the single purchaser of the fish or the large purchaser of the grain, and what is proposed in this bill is to do, even, more importantly, for an industry that faces an insurer, which as the gentleman has so wisely observed is increasingly concentrated market power in some particular geographic markets. I know the gentleman can give examples that are in the 90 and 95 percent range, but also with an antitrust exemption.

Let me say this is completely in keeping with the other antitrust exemptions that we have created in the context of unequal bargaining power. But it is more narrow than virtually any of them, because it only will extend to the process of bargaining. It does not, for example in insurance, say the business of insurance is hereby exempt to the extent it is regulated by State law. That is a huge exemption.

This bill will only exempt in the context of negotiating the medical professional who joins with another medical professional to tell the HMO we speak as one.

Mr. GANSKE. Reclaiming my time, let us go back to this for a minute. Let us say you have a family practitioner out in a small rural town and he knows of some examples where this HMO has not treated his patients fairly; and he says, you know, I think also possibly through specific contract provisions as they relate to his relationship with the HMO, that, for instance, might gag him from telling the patients about their illnesses, if he says to that large insurer, you know, I think you ought to change that, but 80 percent or 50 percent of his patients are in that, do you think that that large insurer is going to bargain with them, is going to change their contract with him? No. They are going to say, as the gentleman said, take it or leave it.

Mr. CAMPBELL. They will go next door.

Mr. GANSKE. They will go next door, and so what we are looking at is an ability, and I think this is crucial, the gentleman has it in your bill, and we have to repeat this, the gentleman has in his bill a prohibition on strikes.

Mr. CAMPBELL. Absolutely.

Mr. GANSKE. Let us repeat that.

Mr. CAMPBELL. There is a clear statement in the bill that there is no right to strike conferred by this bill.

Mr. GANSKE. So that nobody tomorrow when we debate this can say that doctors, if we pass this bill, the Campbell bill will allow physicians to go on strike; is that right?

Mr. CAMPBELL. That is right, no one can say that truthfully tomorrow.

Mr. GANSKE. That is a good point. Now, what we are talking about then is for a group of physicians, for instance, that have seen abuses by that HMO to be able to get together, possibly to hire somebody to negotiate for them to go to that HMO and correct some of the abuses that they are seeing, and, say, look, as a group now, they have more equality in terms of this bargaining position. We want you to treat patients more fairly when, for instance, they go to the emergency room.

Mr. CAMPBELL. Great example. I say to the gentleman, ought there not be some understanding that the HMO will cover the costs in the emergency room closest to the accident? Ought this not be a minimum sort of situation, and if a doctor insists on that and says I am sorry, we are not going to put that in your contract, take it or leave it, who cares more for the patient, the doctor who is the trained professional committed to a code of conduct regulated sternly by the State and by her or his own colleagues in caring for the patient, or the HMO. And I am not saying that they are all bad; I am not saying that they are most bad. But I am saying that they are differently motivated.

Mr. GANSKE. Reclaiming my time, what we are dealing with is a situation, for instance, where it may not be a matter that is specifically in the contract that the physician has, but he knows that there are provisions in the contract that an employee might have that are preventing the patient from getting the needed care in an emergency.

I will give my colleagues one example here. We have a little boy here who is 6 months old. One night about 3:00 in the morning, he had a temperature of about 104, 105. The mother and father lived south of Atlanta, Georgia. His mother gets on the 1-800 HMO number line, talks to somebody a thousand miles away, says my baby Jimmy has a temperature. He is really sick. He needs to go to the emergency room.

The HMO reviewer, who has never examined the child, says, well, I guess I could authorize you to go to an emergency room, but the only emergency room we are going to authorize is one that is 70 miles away, 70 miles away. And if you go to any other one, then you can pay for it yourself. So Mom and Dad wrap up little Jimmy. They get in the car; they start their drive. 20 miles or 30 miles into the drive, they pass three emergency rooms that they should have been able to stop at, because Jimmy was really sick; but they were not health professionals, they did not know how sick he was.

Before they got to the designated hospital, he has a cardiac arrest. Imagine, Dad's driving this little baby frantically, mother is trying to keep him alive. He is not breathing any more. His heart is not going. They finally screech into an emergency room. Mother leaps out of the car, screaming save my baby, save my baby. A nurse comes running out of the emergency room, gives him mouth to mouth resuscitation.

They start an IV. They start medicines and somehow they get him back to life, but they were not able to save all of this little baby, because he ended up with gangrene in both hands and both feet as a consequence of that HMO's decision. He ends up having to have both hands and both feet amputated.

Now, the point of the gentleman's bill I say to the gentleman is this. Let us say I am the family doctor, and I find out that this HMO has treated my patient this way, and I hear from some other fellow physicians that they have done the same thing; and we say, you know, we are not incorporated together. We are not salaried physicians. We are just individual physicians out there, but we know there is a problem with this HMO, the way they are treating babies like this.

We say to the HMO, unless you change your emergency room policy, we are not going to sign up with you. Under current law, that group of doctors advocating on behalf of their patient could be sued under antitrust. Is that not right?

Mr. CAMPBELL. It is absolutely right. I say to the gentleman, they could be sued by the Federal Trade Commission. They could be sued by the Department of Justice. They could also be sued by the HMO, which would calculate for the year, let us say, how much additional costs the HMO had to pay out over what the contract would have been if they had only access to the emergency room 70 miles away, and multiply that additional cost by three, it is trouble damages in antitrust, plus the HMO would get its attorneys fees, because prevailing plaintiffs, not prevailing defendants, only prevailing plaintiffs get their attorneys fees in antitrust.

Mr. GANSKE. Let us deal with some of the myths about the Campbell bill. Some people say that this would allow price fixing. I wonder if the gentleman would like to address that issue.

Mr. CAMPBELL. Well, indeed, when we are speaking about doctors presenting a united front, it is going to impact the compensation that they get. It just has to. If you are a family physician and you are being forced to accept a per-patient capitated rate, that means you see 20 patients per hour, you are not the same family physician that you wanted to be when you graduated from medical school. And in most instances, you are not really adequately providing health care.

It is impossible, impossible to divide the question of compensation from the question of care. That, however, leaves us open to criticism by the unfair, to create traps for those who would use the trap. It is unavoidable if you are going to get better care that you are going to have to have some payment for the better care. You cannot repeal the law of economics any more than you can repeal the law of physics.

Mr. GANSKE. What the gentleman is saying is that some may try to narrow the law to only deal with nonfiduciary matters, but I believe what the gentleman is saying is that an HMO can set a fee so low as to effectively deny the treatment.

Mr. CAMPBELL. The gentleman is absolutely right. And we anticipate an amendment to this extent being offered tomorrow. And on its first blush, it will sound good. It will say none of this antitrust immunity shall extend to the question of compensation. It is, however, a gutting amendment, a killer amendment. What it would do is leave virtually nothing, because virtually nothing that we speak about here tonight is unrelated to the question of compensation. So that is a very important point to make clear.

Mr. GANSKE. I go overseas and I do cleft lip and palate operations in Third World countries where the families cannot afford it. But I will tell you what, people are spending an awful lot of money in this country for their health insurance. It ought to mean something when they actually get sick and need it, for instance, a child. And it ought to be covered at a level that would not preclude a person from getting it.

But I want to go back to one thing, and that is that under the gentleman's bill, price fixing or fee setting by physicians is still illegal, and that is because what we are talking about is a group of physicians being able to negotiate with an HMO, but we are not talking about that group of physicians being able to set fees across the board. Is that not correct?

Mr. CAMPBELL. The gentleman is absolutely right. The extent of the immunity is in the context of bargaining. And even today, I heard a related myth, that this will be a wholesale antitrust exemption and would allow doctors to join in a boycott, a boycott of a particular pharmaceutical company, Merck was mentioned because it was in the news, the argument about price fixing, the argument that doctors could get together and agree that no nurse anesthetist would practice.

Those are all false. The exemption is specific to the practice only of bargaining; and to make it even more clear, we added an amendment that even in the context of bargaining it shall not be permitted as an exemption from the antitrust laws to agree to exclude any other professional from their scope of conduct, and we have our colleague from the other side of aisle, the gentleman from New York (Mr. NADLER), to thank for working out that amendment. The Nadler amendment is part of this bill. So price fixing at the patient level, not permitted. Exclusion of other professionals, not permitted. Barring the doctor's right to choose a pharmaceutical of his or her choice, not permitted. And, yet, I suspect in fear, we will hear about those tomorrow.

Indeed, with my colleagues' indulgence, let me say that I woke to a fascinating circumstance yesterday. I heard my name mentioned in an ad on the local radio station in Washington D.C. And I had no idea I was so evil, but the Campbell bill was being described as OPEC for doctors, and this is actually the first thing I heard after waking up. The Campbell bill is OPEC for doctors; call your Congressman and oppose the Campbell bill.

□ 1945

Well, being Campbell, this did get me out of bed very quickly.

My own view, is that, as I described, OPEC is the scariest cartel because Americans know about price-fixing by petroleum companies. This bill is restricted to the bargaining context. And I am grateful, I suppose, that people are mentioning my name, and hopefully they will spell it right, but I am not running for office in the District of Columbia.

Mr. GANSKE. Reclaiming my time, I have to laugh that they are calling this bill a doctors cartel, because when we look at the oil cartel, we have 11 OPEC countries controlling the cost and access of 40 percent of the world's oil. What we have in this country is we have a managed care cartel where seven giant insurers and the Blues control costs and access of over 50 percent of the U.S. health care market. OPEC nations utilize their oil production policies to control the market, the price and the profit of oil. And that is exactly what the managed care cartel does.

But I think we should also go onto this issue of, well, is the Campbell bill just going to mean that physicians are going to become unionized. I find this the most amazing misunderstanding of the gentleman's bill, because the gentleman's bill, H.R. 1304, would allow physicians and other health care professionals to negotiate with insurers without forming a union.

Let me tell my colleagues on the Republican side of the aisle that if they want to see physicians become a union, then they should vote against the Campbell bill. Because if we take those physicians out there in those small communities where they are just squished in any type of consumer care problems with the HMOs, and the only recourse they have is to join a health group and become salaried physician, then in that circumstance, under the current law, then they can form a union.

If we do not pass the Campbell bill, I will make a prediction. I will predict that we will see an acceleration of physicians into unions. The Campbell bill is a preventive piece of medicine in terms of physicians becoming unionized.

Mr. CAMPBELL. I am pleased that the gentleman made it very clear, particularly for our colleagues on the Republican side. I want to add a word for our colleagues on the Democratic side, however, as well.

I have been very pleased with the support that we have had from several unions who have said, even though this undercuts the attractiveness of a union, we recognize and we are happy to see the benefit of collective bargaining. And we have actually had support from the American Federation of State, County, Municipal Employees Union for that concept. So to make it clear, it actually provides some of the benefits of being in a union and, hence, makes it less attractive to be in a union.

Nevertheless, it is my delight to report that it is supported by over 100 Democrats as well as just under 100 Republicans. We have about 90 Republican cosponsors and about 120 Democrats.

May I say one extra thing, too, at this moment, because it is important. The American Medical Association is supporting the bill. So also is the National Medical Association. And let me just take a moment on that. The National Medical Association was organized as an alternative for medical doctors of the African American race. That was its origin. And there are parts of our history in this area, as in so many others, where there was the practice of discrimination. It has been a source of great pride and support to me that the medical association most connected with increasing the prominence and opportunity for African Americans in our country has endorsed this bill.

Their president has testified in favor of this bill; and he believes, and has said in testimony, that this will yield increased quality of service in those communities that may not get the maximum attention. So on the question of, let me say the traditional issues of importance to all of us, but sometimes more identified on the Democratic side, we are proud of the support that we have.

Would the gentleman indulge me one second.

Mr. GANSKE. I wonder if the gentleman would address the issue, because I am sure we will hear about this tomorrow, the issue of the cost of the gentleman's bill. I know there was an initial Congressional Budget Office analysis of the bill which was incorrect in several of their assumptions, and I will bet the gentleman can fill me in on the details of that.

Mr. CAMPBELL. Well, indeed. What reminds me of this was the radio advertisement that I referred to. The advertisement now running in Washington, D.C., says that one estimate says that this will increase cost 15 percent. No, that is not correct.

The Congressional Budget Office assessment is that the ultimate effect to the patient will be six-tenth's of 1 percent. Six-tenth's of 1 percent. Now, I have good reason to believe that is wrong because they do not measure quality. And if quality is improving, which it surely will under this bill, any measurement of cost-per-unit quality will likely drop.

But let me explain how 15 percent came to be. The Congressional Budget Office said, well, we have to make some assumption as to what the initial increase in compensation to the doctors will be. Let us just assume that the studies of industrial unions, which show that members of industrial unions make roughly 15 percent more than individuals in that same calling who are not members of industrial unions, let us assume 15 percent.

Mr. Speaker, it was done on no more basis than that. But it started there, and then it came down to six-tenth's of 1 percent after figuring the following. Even assuming that 15 percent increase goes to the medical professional, the next step is the HMO. And the HMO is going to take a hit to its profit. I do not deny that, and I do not apologize for it. And as it does, that eats up some of the proposed increase in cost. Then the HMO has a certain amount it passes along to the employer, and the employer takes a certain amount of that in her or his profit. And then the employer passes along a certain amount of it to the employee. And by the time it gets down to the employee, the Congressional Budget Office estimate was six-tenth's of 1 percent.

Mr. GANSKE. Okay. So they originally said that the cost was going to be how much?

Mr. CAMPBELL. They said that the reimbursement to the physician was 15 percent. But their original estimate of the cost was 2 percent, and I pointed out a couple of errors in their analysis.

Mr. GANSKE. And now the CBO is saying that the cost would be six-tenths of 1 percent.

Mr. CAMPBELL. Six-tenths of 1 percent.

Mr. GANSKE. Six-tenths of 1 percent. And I would point out that that is probably an accurate figure. I think that there would be a very small increase. And the reason why there would be a very small increase is because, quite frankly, when groups of physicians get together to negotiate with those HMOs, especially concerning those consumer practices that affect whether a patient can get the type of treatment that they need, let us say on the medical-necessity issue, then I think there would be a little bit of an increase in cost because, quite frankly, I think a lot of HMOs have been denying appropriate care, and that care is going to cost a little bit more.

But the fact of the matter is that we can, if we treat people appropriately and fairly, and they get the type of treatment that they need at an appropriate time, then, in the long run, I think we can prevent not just additional expenses to the medical system, but we can also prevent disasters like happened to this little boy when he lost his hands and feet. And how do we calculate what his hands and feet are going to be worth to him the rest of his life?

Mr. CAMPBELL. There is one other aspect, if the gentleman will yield, on the question of cost. But I cannot leave the gentleman's previous example without saying he is absolutely right. And for those whose only focus is cost, they will forever be subject to the predatory activities of those who offer a quality that is diminished.

But the other aspect of the cost estimate is the CBO, in coming to the six-tenths of 1 percent, did not include the following consideration: that as dealing with HMOs becomes a little bit fairer and a little bit more enjoyable and a little bit more professional for the medical doctor, we will see doctors staying in HMOs who otherwise would have left them.

It is true that the HMO is a lower cost effect delivery than fee-for-service has been. And so as we have more doctors going into HMOs because it is a more hospitable environment, we will actually have a depressing effect on cost. That I pointed out, but the CBO did not include in its estimate.

So I think we can safely conclude two things: one, that the cost increase to the patient is going to be very, very small. And I will accept the six-tenths of 1 percent, as does the gentleman. But, secondly, that estimate has not considered quality. And there are many points where we simply cannot measure quality in dollars and cents. But taking the most conservative assessments, the quality increase is worth it.

Mr. GANSKE. I wonder if the gentleman would care to comment on the opposition of the Federal Trade Commission and the Department of Justice.

Mr. CAMPBELL. I had the honor to be director of the Bureau of Competition, Federal Trade Commission, during the administration of President Ronald Reagan. As a result, I am an FTC graduate. I used to bring antitrust lawsuits on behalf of the Federal Trade Commission. And the Federal Trade Commission, to my knowledge, has opposed every exemption from the antitrust laws ever proposed. I do not run the risk of being corrected on that.

I remember testifying before Congress, when I was the director of the Bureau of Competition, for a limitation on the antitrust exemption for ocean shipping. In each case, the FTC and the Department of Justice do exactly what we would expect of them, and I do not fault them at all.

Mr. GANSKE. They are protecting their turf.

Mr. CAMPBELL. That might be a doctor's assessment of a lawyer. A lawyer might say defending his jurisdiction. Protecting his turf sounds like the same thing.

Mr. GANSKE. I wonder if the gentleman would care to comment on the fact that the Department of Justice did not challenge a single health care merger in the last decade of all these HMOs, while the 18 largest health plans merged into just six, at least not until one of the health groups pushed the DOJ to look at the issue, and then I think they went ahead and granted the merger anyway. Would the gentleman care to comment on that?

Mr. CAMPBELL. Indeed, I was in charge of the aspects of merger analysis that was applied by the Federal Trade Commission. And, roughly speaking, and this is ballpark but it is about right, up until 40, 50 percent market share is achieved in a merger, the FTC and the Department of Justice will permit the merger.

It is actually more complex than that. It is done under an index called the Herfindahl-Hirschman Index. But the FTC and Justice will oftentimes make an analysis of will there be potential competition. Will another hospital enter if the existing merged entity extracts a higher price. And in so doing, the patients might suffer for a year or two until that new entrant happens. The analysis, in other words, allows a substantial accumulation of market share.

I find myself admiring the analysis that involves economics at the Federal Trade Commission and not admiring the outcomes that, at least in this instance, allowed the accumulation of market power. The theories might have been right; but the practice, as we have seen, did not result in consumer benefit.

Mr. GANSKE. Now, some people say that H.R. 1304 will come under the National Labor Relations Act. Is there anything in the gentleman's bill that has to do with the National Labor Relations Act?

Mr. CAMPBELL. Only the one sentence in the bill that it does not come under the National Labor Relations Act. I explicitly put into the bill a statement that nothing in this bill shall alter in the slightest the application of the National Labor Relations Act or extend to areas which previously it did not extend to. Absolutely false. Not a change.

And I will put to the gentleman something he and all of us in the House know. If there were any such implication, the bill would have been referred to the Committee on Education and the Workforce, which is jealous of its jurisdiction, and it was not. It was kept in Judiciary, dealing strictly with antitrust.

Mr. GANSKE. Now, the gentleman has wide bipartisan support of this bill. How many cosponsors does the gentleman have for this bill?

Mr. CAMPBELL. I am proud to say we have 220 cosponsors. And as everyone here knows, 218 is a majority of the House. Of those 220, as I said, just under 100 are Republicans and the rest, slightly more, are Democrats.

Mr. GANSKE. So it would be the gentleman's contention that since Congress is indicating now that they think that there is a problem, our leadership does too, that there is a problem with HMO abuses, that for those who think, well, let the market do its will, the market has to be able to do its will.

Mr. CAMPBELL. Right. And we cannot have an antitrust exemption on one side and individuals unable even to call each other on the other. And market power with fewer and fewer HMOs on one side, and a doctor who cannot even express her or his revulsion against a gag order to her or his colleague, is not the market.

I suppose if one were a real free market Ricardo economist, they might say, let us go back to the state of nature. Let us get rid of the antitrust exemption for insurance. Incidently, I actually offered that once, and it got one vote in the Committee on the Judiciary in 1989.

□ 2000

Mr. GANSKE. I know that I have many friends who will say, well, you know, maybe we do not need to deal with this issue right now because, after all, the Managed Care Reform Act of 1999 that passed the House is now in conference with the Senate and maybe we just ought to wait and see what happens on that conference.

My personal opinion on this is I think we probably need both. I think we need to see some regulatory oversight in the vacuum that was created by ERISA. I think we would probably need less of that if the Campbell bill passed. I do not see them as exclusive of each other.

Furthermore, I would say this: The managed care industry is very creative. We have no way of knowing how they will change their contracts, how they will change their business practices, and what kind of quality issues will arise out of that in the next few years. And that is why I would say H.R. 1304 would address this issue because it would enable the health care providers who are having to deal with this, who are having to stand up and advocate for their patients at that time to be able to band together and advocate for those patients as new permeations arise within the industry.

Mr. CAMPBELL. Mr. Speaker, I appreciate the point of the gentleman. As I said at the start, I admire his compassion, his knowledge, his medical as well as congressional experience.

I took a slightly different view, as the gentleman knows on the Patients' Bill of Rights. So it is fascinating, here we are with two different positions on the Patients' Bill of Rights.

Mr. GANSKE. Yes, Mr. Speaker, I am supporting the gentleman on his bill. I wish he would have supported me on mine, but he did not. But I understand the commitment of the gentleman when I asked him to support the bill he said I want to approach this from a different aspect, I want to try to make that market work, but in order for a market to work, you have to have fairness in terms of the bargaining positions of the participants.

Mr. CAMPBELL. That is exactly right. And I do have ultimate trust that market solutions are better than Government-imposed solutions. And so, if we pass H.R. 1304 tomorrow and the other body passes it and the President signs it into law, we will have the opportunity to let that private ordering between the insurer and doctor prevail.

My hesitation was the Federal Government seldom gets it right, and having Government put in terms of contracts certainly is offered as an alternative but it is an alternative I would go to as the last one rather than the first.

Might I ask my colleague to yield on one last point, which is the amendment that will be offered by our friend the gentleman from Florida (Mr. STEARNS)?

Mr. GANSKE. Mr. Speaker, I yield to the gentleman.

Mr. CAMPBELL. Mr. Speaker, first of all, the gentleman from Florida (Mr. STEARNS) is a colleague of mine. We entered Congress the same year. So I have high regard for him, but I also have a friendship for him.

The amendment he offers tomorrow, however, is a killing amendment. I just want to draw attention to this. It says that all of this may be well and good, however, the Federal Trade Commission shall have the authority to vitiate any contract reached after such process if in the Federal Trade Commission's opinion that contract does not enhance patient welfare.

If my colleague sees my point, it is directly against the principle I just announced. Here is a Federal Government agency, which does not want this bill, which has been hostile to the concept that medicine should be a perceived as a profession rather than the subject of antitrust to be given the power to vitiate any contract upon its own determination that the particular contract, and here the judgment is not an economic one but a social one, does not enhance patient welfare.

It is a killer amendment. In fact, it goes much farther than an amendment which was offered by our friend from Indiana in the committee, which said they have got to get approval from the FTC first. The theory there was let the FTC sign on or not and give them the yes or no in any particular case.

Well, once again, we know pretty much what the FTC did. Here is the power to vitiate any contract the FTC chooses to decide that it does not benefit health care in its own essentially unreviewable discretion.

So I say to my colleagues who might be listening or to their constituents who might wish to advise them, if they feel this bill is not good, of course vote against it, but it would be disappointing to vote in favor of the amendment being offered by our friend from Florida (Mr. STEARNS) thinking it is improving the bill when in reality it is killing the bill. Vote up or down on the merits. Do not kill by subtle amendment.

Mr. GANSKE. Let me just go back to the nitty-gritty of the bill, and that is that physicians cannot sue under this bill.

The most recent cost estimates by the Congressional Budget Office are six-tenths of one percent. What we are talking about is a group of physicians who do not join a labor union but are concerned about HMO practices who want to get together and tell that HMO, you know, the contract that you are giving those employees for that company where it says "medical necessity" means the shortest, least expensive, or least intense level of care is just not right and, together as a group, we will not sign onto a health plan where you are treating one of your subscribers in that way or, for instance, when you have provisions in your contract that says first we have to phone you before we can even tell a patient about their treatment options.

I mean, this affects real-life people and the ability of a physician to be an advocate for your patient.

This is a lady who was profiled in Time Magazine. She had received a recommendation for treatment. She lived in California, the home State of my colleague. She had received a recommendation for treatment from her HMO. The HMO referred her to a medical center, which I will not name, and then put undue pressure on that medical center to deny her the treatment and not tell her all of her treatment options.

She died because of that practice. This little girl and that little boy and her husband now no longer have a mother or a wife because of that. But we have a situation now where if a group of physicians or nurses or pharmacists or other health care providers, professionals, wanted to get together to try to effect changes and to negotiate with an HMO to stop those kinds of practices, unless they were salaried, then they could be brought to court for an antitrust violation.

I just find that that is terribly, terribly wrong. And I know that this happens. I know from practice that physicians are very, very careful about sharing information of misadventures of other HMOs for exactly this reason. Because if they get together and start talking about it sort of as a group, even if it is done on an individual basis, they decide, I am not going to renew that contract, then they could get hit with a big antitrust.

But the fact of the matter is that now they are not even given that choice in many examples anymore because of the concentration in the industry, it may very well mean that they have just lost half of their patients without being able to effect any negotiations with any reasonable chance of success on that; and that may mean, in effect, that they can no longer practice in that community.

Mr. CAMPBELL. I have just received a signal that we have only 2 minutes left. So I simply want to say in about 10 seconds that the whole purpose behind H.R. 1304 is to allow medical professionals to practice their profession so that they can help their patients and that what has happened is that decision has in large part been taken away from them and that is what we wish to correct.

I thank the gentleman for sharing his hour with me.

Mr. GANSKE. Mr. Speaker, I appreciate very much the gentleman from California (Mr. CAMPBELL) joining me in this discussion on his bill, which will reach the floor tomorrow morning at about 9 o'clock. We will have a couple hours of debate on it.

I will encourage all of our colleagues who have cosponsored this legislation to vote against any weakening amendments and to vote for the bill, as my colleagues have indicated they would in cosponsoring this legislation.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore (Mr. SOUDER). Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, in accordance with section 218 of H. Con. Res. 290, I hereby submit for printing in the CONGRESSIONAL RECORD adjustments to the 302(a) allocation for the House Committee on Armed Services, set forth in H. Rept. 106–577, to reflect $28 million in additional new budget authority and outlays for fiscal year 2001 and $184 million in new budget authority and outlays for the period of fiscal years 2001 through 2005.

Section 218 of H. Con. Res. 290 authorizes the Chairman of the House Budget Committee to increase the 302(a) allocation of the Committee on Armed Services of the House for Department of Defense Authorization legislation by the amount of budget authority provided by that bill (and any resulting outlays) for improvements to health care programs for military retirees and their dependents. The maximum adjustment is $50 million in fiscal year 2001 and $400 million for the period of fiscal years 2001 through 2005.

As reported to the House, H.R. 4205, the Department of Defense Authorization Act of 2000, provides for various initiatives related to the improvement in military health, $28 million in budget authority (and in the resulting outlays) in fiscal year 2001 and $184 million in budget authority (and in resulting outlays) for the period of fiscal years 2001 through 2005.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Dan Kowalski or Jim Bates at 6–7270.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2241

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 10 o'clock and 41 minutes p.m.

CONFERENCE REPORT ON H.R. 2559, AGRICULTURAL RISK PROTECTION ACT OF 2000

Mr. COMBEST submitted the following conference report and statement on the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.

CONFERENCE REPORT (H. REPT. 106–639)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2559), to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.—This Act may be cited as the "Agricultural Risk Protection Act of 2000".*

(b) *TABLE OF CONTENTS.—The table of contents of this Act is as follows:*

TITLE I—CROP INSURANCE COVERAGE

Subtitle A—Crop Insurance Coverage

Sec. 101. Premium schedule for additional coverage.
Sec. 102. Premium schedule for other plans of insurance.
Sec. 103. Catastrophic risk protection.
Sec. 104. Administrative fee for additional coverage.
Sec. 105. Assigned yields and actual production history adjustments.
Sec. 106. Review and adjustment in rating methodologies.
Sec. 107. Quality adjustment.
Sec. 108. Double insurance and prevented planting.
Sec. 109. Noninsured crop disaster assistance program.

Subtitle B—Improving Program Integrity

Sec. 121. Improving program compliance and integrity.
Sec. 122. Protection of confidential information.
Sec. 123. Good farming practices.
Sec. 124. Records and reporting.

Subtitle C—Research and Pilot Programs

Sec. 131. Research and development.
Sec. 132. Pilot programs.
Sec. 133. Education and risk management assistance.
Sec. 134. Options pilot program.

Subtitle D—Administration

Sec. 141. Relation to other laws.
Sec. 142. Management of Corporation.
Sec. 143. Contracting for rating of plans of insurance.
Sec. 144. Electronic availability of crop insurance information.
Sec. 145. Adequate coverage for States.
Sec. 146. Submission of policies and materials to Board.
Sec. 147. Funding.
Sec. 148. Standard Reinsurance Agreement.

Subtitle E—Miscellaneous

Sec. 161. Limitation on revenue coverage for potatoes.
Sec. 162. Crop insurance coverage for cotton and rice.
Sec. 163. Indemnity payments for certain producers.
Sec. 164. Sense of Congress regarding the Federal crop insurance program.
Sec. 165. Sense of Congress on rural America, including minority and limited-resource farmers.

Subtitle F—Effective Dates and Implementation

Sec. 171. Effective dates.
Sec. 172. Regulations.
Sec. 173. Savings clause.

TITLE II—AGRICULTURAL ASSISTANCE

Subtitle A—Market Loss Assistance

Sec. 201. Market loss assistance.
Sec. 202. Oilseeds.
Sec. 203. Specialty crops.
Sec. 204. Other commodities.
Sec. 205. Payments in lieu of loan deficiency payments.
Sec. 206. Expansion of producers eligible for loan deficiency payments.

Subtitle B—Conservation

Sec. 211. Conservation assistance.
Sec. 212. Condition on development of Little Darby National Wildlife Refuge, Ohio.

Subtitle C—Research

Sec. 221. Carbon cycle research.
Sec. 222. Tobacco research for medicinal purposes.
Sec. 223. Research on soil science and forest health management.
Sec. 224. Research on waste streams from livestock production.
Sec. 225. Improved storage and management of livestock and poultry waste.
Sec. 226. Ethanol research pilot plant.
Sec. 227. Bioinformatics Institute for Model Plant Species.

Subtitle D—Agricultural Marketing

Sec. 231. Value-added agricultural product market development grants.

Subtitle E—Nutrition Programs

Sec. 241. Calculation of minimum amount of commodities for school lunch requirements.
Sec. 242. School lunch data.
Sec. 243. Child and adult care food program integrity.
Sec. 244. Adjustments to WIC program.

Subtitle F—Other Programs

Sec. 251. Authority to provide loan in connection with boll weevil eradication.
Sec. 252. Animal disease control.
Sec. 253. Emergency loans for seed producers.
Sec. 254. Temporary suspension of authority to combine certain offices.
Sec. 255. Farm operating loan eligibility.
Sec. 256. Water systems for rural and Native villages in Alaska.
Sec. 257. Crop and pasture flood compensation program.
Sec. 258. Flood mitigation near Pierre, South Dakota.
Sec. 259. Restoration of eligibility for crop loss assistance.

Subtitle G—Administration

Sec. 261. Funding.
Sec. 262. Obligation period.

Sec. 263. Regulations.
Sec. 264. Paygo adjustment.
Sec. 265. Commodity Credit Corporation reimbursement.

TITLE III—BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Definitions.
Sec. 304. Cooperation and coordination in biomass research and development.
Sec. 305. Biomass Research and Development Board.
Sec. 306. Biomass Research and Development Technical Advisory Committee.
Sec. 307. Biomass Research And Development Initiative.
Sec. 308. Administrative support and funds.
Sec. 309. Reports.
Sec. 310. Termination of authority.

TITLE IV—PLANT PROTECTION ACT

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Definitions.

Subtitle A—Plant Protection

Sec. 411. Regulation of movement of plant pests.
Sec. 412. Regulation of movement of plants, plant products, biological control organisms, noxious weeds, articles, and means of conveyance.
Sec. 413. Notification and holding requirements upon arrival.
Sec. 414. General remedial measures for new plant pests and noxious weeds.
Sec. 415. Declaration of extraordinary emergency and resulting authorities.
Sec. 416. Recovery of compensation for unauthorized activities.
Sec. 417. Control of grasshoppers and mormon crickets.
Sec. 418. Certification for exports.

Subtitle B—Inspection and Enforcement

Sec. 421. Inspections, seizures, and warrants.
Sec. 422. Collection of information.
Sec. 423. Subpoena authority.
Sec. 424. Penalties for violation.
Sec. 425. Enforcement actions of attorney general.
Sec. 426. Court jurisdiction.

Subtitle C—Miscellaneous Provisions

Sec. 431. Cooperation.
Sec. 432. Buildings, land, people, claims, and agreements.
Sec. 433. Reimbursable agreements.
Sec. 434. Regulations and orders.
Sec. 435. Protection for mail handlers.
Sec. 436. Preemption.
Sec. 437. Severability.
Sec. 438. Repeal of superseded laws.

Subtitle D—Authorization of Appropriations

Sec. 441. Authorization of appropriations.
Sec. 442. Transfer authority.

TITLE V—INSPECTION ANIMALS

Sec. 501. Civil penalty.
Sec. 502. Subpoena authority.

TITLE I—CROP INSURANCE

Subtitle A—Crop Insurance Coverage

SEC. 101. PREMIUM SCHEDULE FOR ADDITIONAL COVERAGE.

(a) EXPECTED MARKET PRICE.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by striking paragraph (5) and inserting the following:

"(5) EXPECTED MARKET PRICE.—

"(A) ESTABLISHMENT OR APPROVAL.—For the purposes of this title, the Corporation shall establish or approve the price level (referred to in this title as the 'expected market price') of each agricultural commodity for which insurance is offered.

"(B) GENERAL RULE.—Except as otherwise provided in subparagraph (C), the expected market price of an agricultural commodity shall be not less than the projected market price of the agricultural commodity, as determined by the Corporation.

"(C) OTHER AUTHORIZED APPROACHES.—The expected market price of an agricultural commodity—

"(i) may be based on the actual market price of the agricultural commodity at the time of harvest, as determined by the Corporation;

"(ii) in the case of revenue and other similar plans of insurance, may be the actual market price of the agricultural commodity, as determined by the Corporation;

"(iii) in the case of cost of production or similar plans of insurance, shall be the projected cost of producing the agricultural commodity, as determined by the Corporation; or

"(iv) in the case of other plans of insurance, may be an appropriate amount, as determined by the Corporation.".

(b) PREMIUM AMOUNTS.—Section 508(d) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)) is amended—

(1) in paragraph (2), by striking subparagraphs (B) and (C) and inserting the following:

"(B) In the case of additional coverage equal to or greater than 50 percent of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or a comparable coverage for a policy or plan of insurance that is not based on individual yield, the amount of the premium shall—

"(i) be sufficient to cover anticipated losses and a reasonable reserve; and

"(ii) include an amount for operating and administrative expenses, as determined by the Corporation, on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio."; and

(2) by adding at the end the following:

"(3) PERFORMANCE-BASED DISCOUNT.—The Corporation may provide a performance-based premium discount for a producer of an agricultural commodity who has good insurance or production experience relative to other producers of that agricultural commodity in the same area, as determined by the Corporation.".

(c) PAYMENT SCHEDULE.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended—

(1) in the matter preceding the subparagraphs, by striking "The amount" and inserting "Subject to paragraph (4), the amount"; and

(2) by striking subparagraphs (B) and (C) and inserting the following:

"(B) In the case of additional coverage equal to or greater than 50 percent, but less than 55 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or a comparable coverage for a policy or plan of insurance that is not based on individual yield, the amount shall be equal to the sum of—

"(i) 67 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(C) In the case of additional coverage equal to or greater than 55 percent, but less than 65 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or a comparable coverage for a policy or plan of insurance that is not based on individual yield, the amount shall be equal to the sum of—

"(i) 64 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(D) In the case of additional coverage equal to or greater than 65 percent, but less than 75 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or a comparable coverage for a policy or plan of insurance that is not based on individual yield, the amount shall be equal to the sum of—

"(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(E) In the case of additional coverage equal to or greater than 75 percent, but less than 80 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or a comparable coverage for a policy or plan of insurance that is not based on individual yield, the amount shall be equal to the sum of—

"(i) 55 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(F) In the case of additional coverage equal to or greater than 80 percent, but less than 85 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or a comparable coverage for a policy or plan of insurance that is not based on individual yield, the amount shall be equal to the sum of—

"(i) 48 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(G) Subject to subsection (c)(4), in the case of additional coverage equal to or greater than 85 percent of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or a comparable coverage for a policy or plan of insurance that is not based on individual yield, the amount shall be equal to the sum of—

"(i) 38 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.".

(d) TEMPORARY PROHIBITION ON CONTINUOUS COVERAGE.—Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by striking paragraph (4) and inserting the following:

"(4) TEMPORARY PROHIBITION ON CONTINUOUS COVERAGE.—Notwithstanding paragraph (2), during each of the 2001 through 2005 reinsurance years, additional coverage under subsection (c) shall be available only in 5 percent increments beginning at 50 percent of the recorded or appraised average yield.".

(e) PREMIUM PAYMENT DISCLOSURE.—Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following:

"(5) PREMIUM PAYMENT DISCLOSURE.—Each policy or plan of insurance under this title shall prominently indicate the dollar amount of the portion of the premium paid by the Corporation.".

(f) CONFORMING AMENDMENT.—Section 508(g)(2)(D) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(2)(D)) is amended by striking "(as provided in subsection (e)(4))".

SEC. 102. PREMIUM SCHEDULE FOR OTHER PLANS OF INSURANCE.

(a) PREMIUM SCHEDULE.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended—

(1) in paragraph (2), by striking the second sentence; and

(2) by striking paragraph (5) and inserting the following:

"(5) PREMIUM SCHEDULE.—

"(A) PAYMENT BY CORPORATION.—In the case of a policy or plan of insurance developed and approved under this subsection or section 522, or conducted under section 523 (other than a policy or plan of insurance applicable to livestock), the Corporation shall pay a portion of the premium of the policy or plan of insurance that is equal to—

"(i) the percentage, specified in subsection (e) for a similar level of coverage, of the total amount of the premium used to define loss ratio; and

"(ii) an amount for administrative and operating expenses determined in accordance with subsection (k)(4).

"(B) TRANSITIONAL SCHEDULE.—Effective only during the 2001 reinsurance year, in the case of a policy or plan of insurance developed and approved under this subsection or section 522, or conducted under section 523 (other than a policy or plan of insurance applicable to livestock), and first approved by the Board after the date of enactment of this subparagraph, the payment by the Corporation of a portion of the premium of the policy may not exceed the dollar amount that would otherwise be authorized under subsection (e) (consistent with subsection (c)(5), as in effect on the day before the date of enactment of this subparagraph).".

(b) REIMBURSEMENT RATE.—Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) is amended by adding at the end the following:

"(C) OTHER REDUCTIONS.—Beginning with the 2002 reinsurance year, in the case of a policy or plan of insurance approved by the Board that was not reinsured during the 1998 reinsurance year but, had it been reinsured, would have received a reduced rate of reimbursement during the 1998 reinsurance year, the rate of reimbursement for administrative and operating costs established for the policy or plan of insurance shall take into account the factors used to determine the rate of reimbursement for administrative and operating costs during the 1998 reinsurance year, including the expected difference in premium and actual administrative and operating costs of the policy or plan of insurance relative to an individual yield policy or plan of insurance and other appropriate factors, as determined by the Corporation.".

SEC. 103. CATASTROPHIC RISK PROTECTION.

(a) ALTERNATIVE COVERAGE.—Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended by striking paragraph (3) and inserting the following:

"(3) ALTERNATIVE CATASTROPHIC COVERAGE.—Beginning with the 2001 crop year, the Corporation shall offer producers of an agricultural commodity the option of selecting either of the following:

"(A) The catastrophic risk protection coverage available under paragraph (2)(A).

"(B) An alternative catastrophic risk protection coverage that—

"(i) indemnifies the producer on an area yield and loss basis if such a policy or plan of insurance is offered for the agricultural commodity in the county in which the farm is located;

"(ii) provides, on a uniform national basis, a higher combination of yield and price protection than the coverage available under paragraph (2)(A); and

"(iii) the Corporation determines is comparable to the coverage available under paragraph (2)(A) for purposes of subsection (e)(2)(A).".

(b) ADMINISTRATIVE FEE.—

(1) REVISED FEE.—Section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)) is amended—

(A) in subparagraph (A), by striking "$50" and inserting "$100";

(B) by striking subparagraph (B); and

(C) in subparagraph (C), by striking "amounts required under subparagraphs (A) and (B)" and inserting "administrative fee required by this paragraph".

(2) CONFORMING AMENDMENT.—Section 748 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277; 7 U.S.C. 1508 note), is amended by striking "$50" and inserting "$100".

(c) PAYMENT OF ADMINISTRATIVE FEE ON BEHALF OF PRODUCERS.—Section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)), as amended by subsection (b)(1)(B), is amended by inserting after subparagraph (A) the following:

"(B) PAYMENT ON BEHALF OF PRODUCERS.—

"(i) PAYMENT AUTHORIZED.—If State law permits a licensing fee or other payment to be paid by an insurance provider to a cooperative association or trade association and rebated to a producer with catastrophic risk protection or additional coverage, a cooperative association or trade association located in that State may pay, on behalf of a member of the association in that State or a contiguous State who consents to be insured under such an arrangement, all or a portion of the administrative fee required by this paragraph for catastrophic risk protection.

"(ii) TREATMENT OF LICENSING FEES.—A licensing fee or other payment made by an insurance provider to the cooperative association or trade association in connection with the issuance of catastrophic risk protection or additional coverage to members of the cooperative association or trade association shall be subject to the laws regarding rebates of the State in which the fee or other payment is made.

"(iii) SELECTION OF PROVIDER.—Nothing in this subparagraph limits the option of a producer to select the licensed insurance agent or other approved insurance provider from whom the producer will purchase a policy or plan of insurance or to refuse coverage for which a payment is offered to be made under clause (i).

"(iv) DELIVERY OF INSURANCE.—A policy or plan of insurance for which a payment is made under clause (i) shall be delivered by a licensed insurance agent or other approved insurance provider.

"(v) ADDITIONAL COVERAGE ENCOURAGED.—A cooperative association or trade association, and any approved insurance provider with whom a licensing fee or other arrangement under this subparagraph is made, shall encourage producer members to purchase appropriate levels of additional coverage in order to meet the risk management needs of the member producers.

"(vi) REPORT.—Not later than April 1, 2002, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that evaluates—

"(I) the operation of this subparagraph; and

"(II) the impact of this subparagraph on participation in the Federal crop insurance program, including the impact on levels of coverage purchased.".

(d) REIMBURSEMENT RATE CHANGE.—Section 508(b)(11) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(11)) is amended by striking "11 percent" and inserting "8 percent".

SEC. 104. ADMINISTRATIVE FEE FOR ADDITIONAL COVERAGE.

Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by striking paragraph (10) and inserting the following:

"(10) ADMINISTRATIVE FEE.—

"(A) FEE REQUIRED.—If a producer elects to purchase coverage for a crop at a level in excess of catastrophic risk protection, the producer shall pay an administrative fee for the additional coverage of $30 per crop per county.

"(B) USE OF FEES; WAIVER.—Subparagraphs (D) and (E) of subsection (b)(5) shall apply with respect to the collection and use of administrative fees under this paragraph.".

SEC. 105. ASSIGNED YIELDS AND ACTUAL PRODUCTION HISTORY ADJUSTMENTS.

(a) ASSIGNED YIELDS.—Section 508(g)(2)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(2)(B)) is amended—

(1) by striking "assigned a yield" and inserting "assigned—

"(i) a yield";

(2) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(ii) a yield determined by the Corporation, in the case of—

"(I) a producer that has not had a share of the production of the insured crop for more than 2 crop years, as determined by the Secretary;

"(II) a producer that produces an agricultural commodity on land that has not been farmed by the producer; or

"(III) a producer that rotates a crop produced on a farm to a crop that has not been produced on the farm.".

(b) ACTUAL PRODUCTION HISTORY ADJUSTMENTS.—Section 508(g) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)) is amended by adding at the end the following:

"(4) ADJUSTMENT IN ACTUAL PRODUCTION HISTORY TO ESTABLISH INSURABLE YIELDS.—

"(A) APPLICATION.—This paragraph shall apply whenever the Corporation uses the actual production records of the producer to establish the producer's actual production history for an agricultural commodity for any of the 2001 and subsequent crop years.

"(B) ELECTION TO USE PERCENTAGE OF TRANSITIONAL YIELD.—If, for 1 or more of the crop years used to establish the producer's actual production history of an agricultural commodity, the producer's recorded or appraised yield of the commodity was less than 60 percent of the applicable transitional yield, as determined by the Corporation, the Corporation shall, at the election of the producer—

"(i) exclude any of such recorded or appraised yield; and

"(ii) replace each excluded yield with a yield equal to 60 percent of the applicable transitional yield.

"(C) PREMIUM ADJUSTMENT.—In the case of a producer that makes an election under subparagraph (B), the Corporation shall adjust the premium to reflect the risk associated with the adjustment made in the actual production history of the producer.

"(5) ADJUSTMENT TO REFLECT INCREASED YIELDS FROM SUCCESSFUL PEST CONTROL EFFORTS.—

"(A) SITUATIONS JUSTIFYING ADJUSTMENT.—The Corporation shall develop a methodology for adjusting the actual production history of a producer when each of the following apply:

"(i) The producer's farm is located in an area where systematic, area-wide efforts have been undertaken using certain operations or measures, or the producer's farm is a location at which certain operations or measures have been undertaken, to detect, eradicate, suppress, or control, or at least to prevent or retard the spread of, a plant disease or plant pest, including a plant pest (as defined in section 102 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a)).

"(ii) The presence of the plant disease or plant pest has been found to adversely affect the yield of the agricultural commodity for which the producer is applying for insurance.

"(iii) The efforts described in clause (i) have been effective.

"(B) ADJUSTMENT AMOUNT.—The amount by which the Corporation adjusts the actual production history of a producer of an agricultural commodity shall reflect the degree to which the success of the systematic, area-wide efforts described in subparagraph (A), on average, increases the yield of the commodity on the producer's farm, as determined by the Corporation.".

SEC. 106. REVIEW AND ADJUSTMENT IN RATING METHODOLOGIES.

Section 508(i) of the Federal Crop Insurance Act (7 U.S.C. 1508(i)) is amended—

(1) by striking "The Corporation" and inserting the following:

"(1) IN GENERAL.—The Corporation"; and

(2) by adding at the end the following:

"(2) REVIEW OF RATING METHODOLOGIES.—To maximize participation in the Federal crop insurance program and to ensure equity for producers, the Corporation shall periodically review the methodologies employed for rating plans of insurance under this title consistent with section 507(c)(2).

"(3) ANALYSIS OF RATING AND LOSS HISTORY.—The Corporation shall analyze the rating and loss history of approved policies and plans of insurance for agricultural commodities by area.

"(4) PREMIUM ADJUSTMENT.—If the Corporation makes a determination that premium rates are excessive for an agricultural commodity in an area relative to the requirements of subsection (d)(2) for that area, then, for the 2002 crop year (and as necessary thereafter), the Corporation shall make appropriate adjustments in the premium rates for that area for that agricultural commodity.".

SEC. 107. QUALITY ADJUSTMENT.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by striking subsection (m) and inserting the following:

"(m) QUALITY LOSS ADJUSTMENT COVERAGE.—

"(1) EFFECT OF COVERAGE.—If a policy or plan of insurance offered under this title includes quality loss adjustment coverage, the coverage shall provide for a reduction in the quantity of production of the agricultural commodity considered produced during a crop year, or a similar adjustment, as a result of the agricultural commodity not meeting the quality standards established in the policy or plan of insurance.

"(2) ADDITIONAL QUALITY LOSS ADJUSTMENT.—

"(A) PRODUCER OPTION.—Notwithstanding any other provision of law, in addition to the quality loss adjustment coverage available under paragraph (1), the Corporation shall offer producers the option of purchasing quality loss adjustment coverage on a basis that is smaller than a unit with respect to an agricultural commodity that satisfies each of the following:

"(i) The agricultural commodity is sold on an identity-preserved basis.

"(ii) All quality determinations are made solely by the Federal agency designated to grade or classify the agricultural commodity.

"(iii) All quality determinations are made in accordance with standards published by the Federal agency in the Federal Register.

"(iv) The discount schedules that reflect the reduction in quality of the agricultural commodity are established by the Secretary.

"(B) BASIS FOR ADJUSTMENT.—Under this paragraph, the Corporation shall set the quality standards below which quality losses will be paid based on the variability of the grade of the agricultural commodity from the base quality for the agricultural commodity.

"(3) REVIEW OF CRITERIA AND PROCEDURES.—The Corporation shall contract with a qualified person to review the quality loss adjustment procedures of the Corporation so that the procedures more accurately reflect local quality discounts that are applied to agricultural commodities insured under this title. Based on the review, the Corporation shall make adjustments in the procedures, taking into consideration the actuarial soundness of the adjustment and the prevention of fraud, waste, and abuse.".

SEC. 108. DOUBLE INSURANCE AND PREVENTED PLANTING.

The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended by inserting after section 508 (7 U.S.C. 1508) the following:

"SEC. 508A. DOUBLE INSURANCE AND PREVENTED PLANTING.

"(a) DEFINITIONS.—In this section:

"(1) FIRST CROP.—The term 'first crop' means the first crop of the first agricultural commodity planted for harvest, or prevented from being planted, on specific acreage during a crop year and insured under this title.

"(2) SECOND CROP.—The term 'second crop' means a second crop of the same agricultural commodity as the first crop, or a crop of a different agricultural commodity following the first crop, planted on the same acreage as the first crop for harvest in the same crop year, except the term does not include a replanted crop.

"(3) REPLANTED CROP.—The term 'replanted crop' means any agricultural commodity replanted on the same acreage as the first crop for harvest in the same crop year if the replanting is required by the terms of the policy of insurance covering the first crop.

"(b) DOUBLE INSURANCE.—

"(1) OPTIONS ON LOSS TO FIRST CROP.—Except as provided in subsections (d) and (e), if a first crop insured under this title in a crop year has a total or partial insurable loss, the producer of the first crop may elect 1 of the following options:

"(A) NO SECOND CROP PLANTED.—The producer may—

"(i) elect to not plant a second crop on the same acreage for harvest in the same crop year; and

"(ii) collect an indemnity payment that is equal to 100 percent of the insurable loss for the first crop.

"(B) SECOND CROP PLANTED.—The producer may—

"(i) plant a second crop on the same acreage for harvest in the same crop year; and

"(ii) collect an indemnity payment established by the Corporation for the first crop, but not to exceed 35 percent of the insurable loss for the first crop.

"(2) EFFECT OF NO LOSS TO SECOND CROP.—If a producer makes an election under paragraph (1)(B) and the producer does not suffer an insurable loss to the second crop, the producer may collect an indemnity payment for the first crop that is equal to—

"(A) 100 percent of the insurable loss for the first crop; less

"(B) the amount previously collected under paragraph (1)(B)(ii).

"(3) PREMIUM FOR FIRST CROP IF SECOND CROP PLANTED.—

"(A) INITIAL PREMIUM.—If a producer makes an election under paragraph (1)(B), the producer shall be responsible for a premium for the first crop that is commensurate with the indemnity paid under paragraph (1)(B)(ii). The Corporation shall adjust the total premium for the first crop to reflect the reduced indemnity.

"(B) EFFECT OF NO LOSS TO SECOND CROP.—If the producer makes an election under paragraph (1)(B) and the producer does not suffer an insurable loss to the second crop, the producer shall be responsible for a premium for the first crop that is equal to—

"(i) the full premium owed by the producer for the first crop; less

"(ii) the amount of premium previously paid under subparagraph (A).

"(c) PREVENTED PLANTING COVERAGE.—

"(1) OPTIONS ON LOSS TO FIRST CROP.—Except as provided in subsections (d) and (e), if a first crop insured under this title in a crop year is prevented from being planted, the producer of the first crop may elect 1 of the following options:

"(A) NO SECOND CROP PLANTED.—The producer may—

"(i) elect to not plant a second crop on the same acreage for harvest in the same crop year; and

"(ii) subject to paragraph (4), collect an indemnity payment that is equal to 100 percent of the prevented planting guarantee for the acreage for the first crop.

"(B) SECOND CROP PLANTED.—The producer may—

"(i) plant a second crop on the same acreage for harvest in the same crop year; and

"(ii) subject to paragraphs (4) and (5), collect an indemnity payment established by the Corporation for the first crop, but not to exceed 35 percent of the prevented planting guarantee for the acreage for the first crop.

"(2) PREMIUM FOR FIRST CROP IF SECOND PLANTED.—If the producer makes an election under paragraph (1)(B), the producer shall pay a premium for the first crop that is commensurate with the indemnity paid under paragraph (1)(B)(ii). The Corporation shall adjust the total premium for the first crop to reflect the reduced indemnity.

"(3) EFFECT ON ACTUAL PRODUCTION HISTORY.—Except in the case of double cropping described in subsection (d), if a producer make an election under paragraph (1)(B) for a crop year, the Corporation shall assign the producer a recorded yield for that crop year for the first crop equal to 60 percent of the producer's actual production history for the agricultural commodity involved, for purposes of determining the producer's actual production history for subsequent crop years.

"(4) AREA CONDITIONS REQUIRED FOR PAYMENT.—The Corporation shall limit prevented planting payments for producers to those situations in which other producers, in the area where a first crop is prevented from being planted is located, are also generally affected by the conditions that prevented the first crop from being planted.

"(5) PLANTING DATE.—If a producer plants the second crop before the latest planting date established by the Corporation for the first crop, the Corporation shall not make a prevented planting payment with regard to the first crop.

"(d) EXCEPTION FOR ESTABLISHED DOUBLE CROPPING PRACTICES.—A producer may receive full indemnity payments on 2 or more crops planted for harvest in the same crop year and insured under this title if each of the following conditions are met:

"(1) There is an established practice of planting 2 or more crops for harvest in the same crop year in the area, as determined by the Corporation.

"(2) An additional coverage policy or plan of insurance is offered with respect to the agricultural commodities planted on the same acreage for harvest in the same crop year in the area.

"(3) The producer has a history of planting 2 or more crops for harvest in the same crop year or the applicable acreage has historically had 2 or more crops planted for harvest in the same crop year.

"(4) The second or more crops are customarily planted after the first crop for harvest on the same acreage in the same year in the area.

"(e) SUBSEQUENT CROPS.—Except in the case of double cropping described in subsection (d), if a producer elects to plant a crop (other than a replanted crop) subsequent to a second crop on the same acreage as the first crop and second crop for harvest in the same crop year, the producer shall not be eligible for insurance under

this title, or noninsured crop assistance under section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333), for the subsequent crop.".

SEC. 109. NONINSURED CROP DISASTER ASSISTANCE PROGRAM.

(a) OPERATION AND ADMINISTRATION OF PROGRAM.—Section 196(a)(2) of the Agricultural Market Transition Act (7 U.S.C. 7333(a)(2)) is amended by adding at the end the following:

"(C) COMBINATION OF SIMILAR TYPES OR VARIETIES.—At the option of the Secretary, all types or varieties of a crop or commodity, described in subparagraphs (A) and (B), may be considered to be a single eligible crop under this section.".

(b) TIMELY APPLICATION.—Section 196(b)(1) of the Agricultural Market Transition Act (7 U.S.C. 7333(b)(1)) is amended in the second sentence by striking "at such time as the Secretary may require" and inserting "not later than 30 days before the beginning of the coverage period, as determined by the Secretary".

(c) RECORDS AND REPORTS.—Section 196(b) of the Agricultural Market Transition Act (7 U.S.C. 7333(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) RECORDS.—To be eligible for assistance under this section, a producer shall provide annually to the Secretary records of crop acreage, acreage yields, and production for each crop, as required by the Secretary."; and

(2) in paragraph (3), by inserting "annual" after "shall provide".

(d) LOSS REQUIREMENTS.—Section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333) is amended by striking subsection (c) and inserting the following:

"(c) LOSS REQUIREMENTS.—

"(1) CAUSE.—To be eligible for assistance under this section, a producer of an eligible crop shall have suffered a loss of a noninsured commodity as the result of a cause described in subsection (a)(3).

"(2) ASSISTANCE.—On making a determination described in subsection (a)(3), the Secretary shall provide assistance under this section to producers of an eligible crop that have suffered a loss as a result of the cause described in subsection (a)(3).

"(3) PREVENTED PLANTING.—Subject to paragraph (1), the Secretary shall make a prevented planting noninsured crop disaster assistance payment if the producer is prevented from planting more than 35 percent of the acreage intended for the eligible crop because of drought, flood, or other natural disaster, as determined by the Secretary.

"(4) AREA TRIGGER.—The Secretary shall provide assistance to individual producers without any requirement of an area loss.".

(e) SERVICE FEE.—Section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333) is amended by adding at the end the following:

"(k) SERVICE FEE.—

"(1) IN GENERAL.—To be eligible to receive assistance for an eligible crop for a crop year under this section, a producer shall pay to the Secretary (at the time at which the producer submits the application under subsection (b)(1)) a service fee for the eligible crop in an amount that is equal to the lesser of—

"(A) $100 per crop per county; or

"(B) $300 per producer per county, but not to exceed a total of $900 per producer.

"(2) WAIVER.—The Secretary shall waive the service fee required under paragraph (1) in the case of a limited resource farmer, as defined by the Secretary.

"(3) USE.—The Secretary shall deposit service fees collected under this subsection in the Commodity Credit Corporation Fund.".

Subtitle B—Improving Program Integrity

SEC. 121. IMPROVING PROGRAM COMPLIANCE AND INTEGRITY.

(a) ADDITIONAL METHODS OF ENSURING PROGRAM COMPLIANCE AND INTEGRITY.—Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1514) is amended to read as follows:

"SEC. 515. PROGRAM COMPLIANCE AND INTEGRITY.

"(a) PURPOSE.—

"(1) IN GENERAL.—The purpose of this section is to improve compliance with, and the integrity of, the Federal crop insurance program.

"(2) ROLE OF INSURANCE PROVIDERS.—The Corporation shall work actively with approved insurance providers to address program compliance and integrity issues as such issues develop.

"(b) NOTIFICATION OF COMPLIANCE PROBLEMS.—

"(1) NOTIFICATION OF ERRORS, OMISSIONS, AND FAILURES.—The Corporation shall notify in writing an approved insurance provider of any error, omission, or failure to follow Corporation regulations or procedures for which the approved insurance provider may be responsible and which may result in a debt owed the Corporation.

"(2) TIME FOR NOTIFICATION.—Notice under paragraph (1) shall be given within 3 years after the end of the insurance period during which the error, omission, or failure is alleged to have occurred, except that this time limitation shall not apply with respect to an error, omission, or procedural violation that is willful or intentional.

"(3) EFFECT OF FAILURE TO TIMELY NOTIFY.—Except as provided in paragraph (2), the failure to timely provide the notice required under this subsection shall relieve the approved insurance provider from the debt owed the Corporation.

"(c) RECONCILING PRODUCER INFORMATION.—The Secretary shall develop and implement a coordinated plan for the Corporation and the Farm Service Agency to reconcile all relevant information received by the Corporation or the Farm Service Agency from a producer who obtains crop insurance coverage under this title. Beginning with the 2001 crop year, the Secretary shall require that the Corporation and the Farm Service Agency reconcile such producer-derived information on at least an annual basis in order to identify and address any discrepancies.

"(d) IDENTIFICATION AND ELIMINATION OF FRAUD, WASTE, AND ABUSE.—

"(1) FSA MONITORING PROGRAM.—The Secretary shall develop and implement a coordinated plan for the Farm Service Agency to assist the Corporation in the ongoing monitoring of programs carried out under this title, including—

"(A) at the request of the Corporation or, subject to paragraph (2), on its own initiative if the Farm Service Agency has reason to suspect the existence of program fraud, waste, or abuse, conducting fact finding relative to allegations of program fraud, waste, or abuse;

"(B) reporting to the Corporation, in writing in a timely manner, the results of any fact finding conducted pursuant to subparagraph (A), any allegation of fraud, waste, or abuse, and any identified program vulnerabilities; and

"(C) assisting the Corporation and approved insurance providers in auditing a statistically appropriate number of claims made under any policy or plan of insurance under this title.

"(2) FSA INQUIRY.—If, within 5 calendar days after receiving a report submitted under paragraph (1)(B), the Corporation does not provide a written response that describes the intended actions of the Corporation, the Farm Service Agency may conduct its own inquiry into the alleged program fraud, waste, or abuse on approval from the State director of the Farm Service Agency of the State in which the alleged fraud, waste, or abuse occurred. If as a result of the inquiry, the Farm Service Agency concludes further investigation is warranted, but the Corporation declines to proceed with the investigation, the Farm Service Agency may refer the matter to the Inspector General of the Department of Agriculture.

"(3) USE OF FIELD INFRASTRUCTURE.—The plan required by paragraph (1) shall provide for the use of the field infrastructure of the Farm Service Agency. The Secretary shall ensure that relevant Farm Service Agency personnel are appropriately trained for any responsibilities assigned to the personnel under the plan. At a minimum, the personnel shall receive the same level of training and pass the same basic competency tests as required of loss adjusters of approved insurance providers.

"(4) MAINTENANCE OF PROVIDER EFFORT.—

"(A) IN GENERAL.—The activities of the Farm Service Agency under this subsection do not affect the responsibility of approved insurance providers to conduct any audits of claims or other program reviews required by the Corporation.

"(B) NOTIFICATION OF PROVIDERS.—The Corporation shall notify the appropriate approved insurance provider of a report from the Farm Service Agency regarding alleged program fraud, waste, or abuse, unless the provider is suspected to be included in, or a party to, the alleged fraud, waste, or abuse.

"(C) RESPONSE.—An approved insurance provider that receives a notice under subparagraph (B) shall submit a report to the Corporation, within an appropriate time period determined by the Secretary, describing the actions taken by the provider to investigate the allegations of program fraud, waste, or abuse contained in the notice.

"(5) CORPORATION RESPONSE TO PROVIDER REPORTS.—

"(A) PROMPT RESPONSE.—If an approved insurance provider reports to the Corporation that the approved insurance provider suspects intentional misrepresentation, fraud, waste, or abuse, the Corporation shall make a determination and provide, within 90 calendar days after receiving the report, a written response that describes the intended actions of the Corporation.

"(B) COOPERATIVE EFFORT.—The approved insurance provider and the Corporation shall take coordinated action in any case where misrepresentation, fraud, waste, or abuse is alleged.

"(C) FAILURE TO TIMELY RESPOND.—If the Corporation fails to respond as required by subparagraph (A), an approved insurance provider may request the Farm Service Agency to assist the provider in an inquiry into the alleged program fraud, waste, or abuse.

"(e) CONSULTATION WITH STATE FSA COMMITTEES.—The Secretary shall establish procedures under which the Corporation shall consult with the State committee of the Farm Service Agency for a State with respect to policies, plans of insurance, and material related to such policies or plans of insurance (including applicable sales closing dates, assigned yields, and transitional yields) offered in that State under this title.

"(f) DETECTION OF DISPARATE PERFORMANCE.—

"(1) COVERED ACTIVITIES.—The Secretary shall establish procedures under which the Corporation will be able to identify the following:

"(A) Any agent engaged in the sale of coverage offered under this title where the loss claims associated with such sales by the agent are equal to or greater than 150 percent (or an appropriate percentage specified by the Corporation) of the mean for all loss claims associated with such sales by all other agents operating in the same area, as determined by the Corporation.

"(B) Any person performing loss adjustment services relative to coverage offered under this *title where such loss adjustments performed by the person result in accepted or denied claims equal to or greater than 150 percent (or an appropriate percentage specified by the Corporation) of the mean for accepted or denied claims (as applicable) for all other persons performing loss adjustment services in the same area, as determined by the Corporation.*

"(2) REVIEW.—

"(A) REVIEW REQUIRED.—The Corporation shall conduct a review of any agent identified pursuant to paragraph (1)(A), and any person identified pursuant to paragraph (1)(B), to determine whether the higher loss claims associated with the agent or the higher number of accepted or denied claims (as applicable) associated with the person are the result of fraud, waste, or abuse.

"(B) REMEDIAL ACTION.—The Corporation shall take appropriate remedial action with respect to any occurrence of fraud, waste, or abuse identified in a review conducted under this paragraph.

"(3) OVERSIGHT OF AGENTS AND LOSS ADJUSTERS.—The Corporation shall develop procedures to require an annual review by an approved insurance provider of the performance of each agent and loss adjuster used by the approved insurance provider. The Corporation shall oversee the conduct of annual reviews and may consult with an approved insurance provider regarding any remedial action that is determined to be necessary as a result of the annual review of an agent or loss adjuster.

"(g) SUBMISSION OF INFORMATION TO CORPORATION TO SUPPORT COMPLIANCE EFFORTS.—

"(1) TYPES OF INFORMATION REQUIRED.—The Secretary shall establish procedures under which approved insurance providers shall submit to the Corporation the following information with respect to each policy or plan of insurance offered under this title:

"(A) The name and identification number of the insured.

"(B) The agricultural commodity to be insured.

"(C) The elected coverage level, including the price election, of the insured.

"(2) TIME FOR SUBMISSION.—The information required by paragraph (1) with respect to a policy or plan of insurance shall be submitted so as to ensure receipt by the Corporation not later than the Saturday of the week containing the calendar day that is 30 days after the applicable sales closing date for the crop to be insured.

"(h) SANCTIONS FOR PROGRAM NONCOMPLIANCE AND FRAUD.—

"(1) FALSE INFORMATION.—A producer, agent, loss adjuster, approved insurance provider, or other person that willfully and intentionally provides any false or inaccurate information to the Corporation or to an approved insurance provider with respect to a policy or plan of insurance under this title may, after notice and an opportunity for a hearing on the record, be subject to 1 or more of the sanctions described in paragraph (3).

"(2) COMPLIANCE.—A person may, after notice and an opportunity for a hearing on the record, be subject to 1 or more of the sanctions described in paragraph (3) if the person is a producer, agent, loss adjuster, approved insurance provider, or other person that willfully and intentionally fails to comply with a requirement of the Corporation.

"(3) AUTHORIZED SANCTIONS.—If the Secretary determines that a person covered by this subsection has committed a material violation under paragraph (1) or (2), the following sanctions may be imposed:

"(A) CIVIL FINES.—A civil fine may be imposed for each violation in an amount not to exceed the greater of—

"(i) the amount of the pecuniary gain obtained as a result of the false or inaccurate information provided or the noncompliance with a requirement of this title; or

"(ii) $10,000.

"(B) PRODUCER DISQUALIFICATION.—In the case of a violation committed by a producer, the producer may be disqualified for a period of up to 5 years from receiving any monetary or nonmonetary benefit provided under each of the following:

"(i) This title.

"(ii) The Agricultural Market Transition Act (7 U.S.C. 7201 et seq.), including the noninsured crop disaster assistance program under section 196 of that Act (7 U.S.C. 7333).

"(iii) The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

"(iv) The Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.).

"(v) The Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.).

"(vi) Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.).

"(vii) The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

"(viii) Any law that provides assistance to a producer of an agricultural commodity affected by a crop loss or a decline in the prices of agricultural commodities.

"(C) DISQUALIFICATION OF OTHER PERSONS.—In the case of a violation committed by an agent, loss adjuster, approved insurance provider, or other person (other than a producer), the violator may be disqualified for a period of up to 5 years from participating in any program, or receiving any benefit, under this title.

"(4) ASSESSMENT OF SANCTION.—The Secretary shall consider the gravity of the violation of the person covered by this subsection in determining—

"(A) whether to impose a sanction under this subsection; and

"(B) the type and amount of the sanction to be imposed.

"(5) DISCLOSURE OF SANCTIONS.—Each policy or plan of insurance under this title shall provide notice describing the sanctions prescribed under paragraph (3) for willfully and intentionally—

"(A) providing false or inaccurate information to the Corporation or to an approved insurance provider; or

"(B) failing to comply with a requirement of the Corporation.

"(6) INSURANCE FUND.—Any funds collected under this subsection shall be deposited into the insurance fund established under section 516(c).

"(i) ANNUAL REPORT ON PROGRAM COMPLIANCE AND INTEGRITY EFFORTS.—

"(1) REPORT REQUIRED.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the operation of this section during the preceding year and efforts undertaken by the Secretary and the Corporation to carry out this section.

"(2) INFORMATION REGARDING FRAUD, WASTE, AND ABUSE.—The report shall identify specific occurrences of waste, fraud, or abuse and contain an outline of actions that have been or are being taken to eliminate the identified waste, fraud, or abuse.

"(j) INFORMATION MANAGEMENT.—

"(1) SYSTEMS UPGRADES.—The Secretary shall upgrade the information management systems of the Corporation used in the administration and enforcement and this title. In upgrading the systems, the Secretary shall ensure that new hardware and software are compatible with the hardware and software used by other agencies of the Department to maximize data sharing and promote the purpose of this section.

"(2) USE OF AVAILABLE INFORMATION TECHNOLOGIES.—The Secretary shall use the information technologies known as data mining and data warehousing and other available information technologies to administer and enforce this title.

"(3) USE OF PRIVATE SECTOR.—The Secretary may enter into contracts to use private sector expertise and technological resources in implementing this subsection.

"(k) FUNDING.—

"(1) AVAILABLE FUNDS.—To carry out this section and sections 502(c), 506(h), 508(a)(3)(B), and 508(f)(3)(A), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than $23,000,000 during the period of fiscal years 2001 through 2005, of which not more than $9,000,000 shall be available for fiscal year 2001.

"(2) PROHIBITION.—None of the funds made available under paragraph (1) may be used to pay the salaries of employees of the Corporation.".

(b) CONFORMING AMENDMENT.—Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended—

(1) by striking subsection (q); and

(2) by redesignating subsections (r) and (s) as subsections (q) and (r), respectively.

SEC. 122. PROTECTION OF CONFIDENTIAL INFORMATION.

Section 502 of the Federal Crop Insurance Act (7 U.S.C. 1502) is amended by adding at the end the following:

"(c) PROTECTION OF CONFIDENTIAL INFORMATION.—

"(1) GENERAL PROHIBITION AGAINST DISCLOSURE.—Except as provided in paragraph (2), the Secretary, any other officer or employee of the Department or an agency thereof, an approved insurance provider and its employees and contractors, and any other person may not disclose to the public information furnished by a producer under this title.

"(2) AUTHORIZED DISCLOSURE.—

"(A) DISCLOSURE IN STATISTICAL OR AGGREGATE FORM.—Information described in paragraph (1) may be disclosed to the public if the information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information.

"(B) CONSENT OF PRODUCER.—A producer may consent to the disclosure of information described in paragraph (1). The participation of the producer in, and the receipt of any benefit by the producer under, this title or any other program administered by the Secretary may not be conditioned on the producer providing consent under this paragraph.

"(3) VIOLATIONS; PENALTIES.—Section 1770(c) of the Food Security Act of 1985 (7 U.S.C. 2276(c)) shall apply with respect to the release of information collected in any manner or for any purpose prohibited by this subsection.".

SEC. 123. GOOD FARMING PRACTICES.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by striking paragraph (3) and inserting the following:

"(3) EXCLUSION OF LOSSES DUE TO CERTAIN ACTIONS OF PRODUCER.—

"(A) EXCLUSIONS.—Insurance provided under this subsection shall not cover losses due to—

"(i) the neglect or malfeasance of the producer;

"(ii) the failure of the producer to reseed to the same crop in such areas and under such circumstances as it is customary to reseed; or

"(iii) the failure of the producer to follow good farming practices, including scientifically sound sustainable and organic farming practices.

"(B) GOOD FARMING PRACTICES.—

"(i) INFORMAL ADMINISTRATIVE PROCESS.—A producer shall have the right to a review of a determination regarding good farming practices

made under subparagraph (A)(iii) in accordance with an informal administrative process to be established by the Corporation.

"(ii) ADMINISTRATIVE REVIEW.—

"(I) NO ADVERSE DECISION.—The determination shall not be considered an adverse decision for purposes of subtitle H of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6991 et seq.).

"(II) REVERSAL OR MODIFICATION.—Except as provided in clause (i), the determination may not be reversed or modified as the result of a subsequent administrative review.

"(iii) JUDICIAL REVIEW.—

"(I) RIGHT TO REVIEW.—A producer shall have the right to judicial review of the determination without exhausting any right to a review under clause (i).

"(II) REVERSAL OR MODIFICATION.—The determination may not be reversed or modified as the result of judicial review unless the determination is found to be arbitrary or capricious.".

SEC. 124. RECORDS AND REPORTING.

(a) CONDITION OF OBTAINING COVERAGE.—Section 508(f)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(3)) is amended by striking subparagraph (A) and inserting the following:

"(A) provide annually records acceptable to the Secretary regarding crop acreage, acreage yields, and production for each agricultural commodity insured under this title or accept a yield determined by the Corporation; and".

(b) ADDITIONAL GENERAL POWER.—Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended by striking subsection (h) and inserting the following:

"(h) COLLECTION AND SHARING OF INFORMATION.—

"(1) SURVEYS AND INVESTIGATIONS.—The Corporation may conduct surveys and investigations relating to crop insurance, agriculture-related risks and losses, and other issues related to carrying out this title.

"(2) DATA COLLECTION.—The Corporation shall assemble data for the purpose of establishing sound actuarial bases for insurance on agricultural commodities.

"(3) SHARING OF RECORDS.—Notwithstanding section 502(c), records submitted in accordance with this title and section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333) shall be available to agencies and local offices of the Department, appropriate State and Federal agencies and divisions, and approved insurance providers for use in carrying out this title, such section 196, and other agricultural programs.".

Subtitle C—Research and Pilot Programs

SEC. 131. RESEARCH AND DEVELOPMENT.

The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended by adding at the end the following:

"SEC. 522. RESEARCH AND DEVELOPMENT.

"(a) DEFINITION OF POLICY.—In this section, the term 'policy' means a policy, plan of insurance, provision of a policy or plan of insurance, and related materials.

"(b) REIMBURSEMENT OF RESEARCH, DEVELOPMENT, AND MAINTENANCE COSTS.—

"(1) RESEARCH AND DEVELOPMENT REIMBURSEMENT.—The Corporation shall provide a payment to reimburse an applicant for research and development costs directly related to a policy that is—

"(A) submitted to the Board and approved by the Board under section 508(h) for reinsurance; and

"(B) if applicable, offered for sale to producers.

"(2) EXISTING PLANS.—The Corporation shall reimburse costs associated with research and development costs directly related to a policy that was approved by the Board prior to the date of enactment of this section.

"(3) MARKETABILITY.—The Corporation shall approve a reimbursement under paragraph (1) or (2) only after determining that the policy is marketable based on a reasonable marketing plan, as determined by the Board.

"(4) MAINTENANCE PAYMENTS.—

"(A) REQUIREMENT.—The Corporation shall reimburse maintenance costs associated with the annual cost of underwriting for a policy described in paragraphs (1) and (2).

"(B) DURATION.—Payments with respect to maintenance costs may be provided for a period of not more than 4 reinsurance years subsequent to Board approval for payment under this subsection.

"(C) OPTIONS FOR MAINTENANCE.—On the expiration of the 4-year period described in subparagraph (B), the approved insurance provider responsible for maintenance of the policy may—

"(i) maintain the policy and charge a fee to approved insurance providers that elect to sell the policy under this subsection; or

"(ii) transfer responsibility for maintenance of the policy to the Corporation.

"(D) FEE.—

"(i) AMOUNT.—Subject to approval by the Board, the amount of the fee that is payable by an approved insurance provider that elects to sell the policy shall be an amount that is determined by the approved insurance provider maintaining the policy.

"(ii) APPROVAL.—The Board shall approve the amount of a fee determined under clause (i) for maintenance of the policy unless the Board determines that the amount of the fee—

"(I) is unreasonable in relation to the maintenance costs associated with the policy; or

"(II) unnecessarily inhibits the use of the policy.

"(5) TREATMENT OF PAYMENT.—Payments made under this subsection for a policy shall be considered as payment in full by the Corporation for the research and development conducted with regard to the policy and any property rights to the policy.

"(6) REIMBURSEMENT AMOUNT.—The Corporation shall determine the amount of the payment under this subsection for an approved policy based on the complexity of the policy and the size of the area in which the policy or material is expected to be sold.

"(c) RESEARCH AND DEVELOPMENT CONTRACTING AUTHORITY.—

"(1) AUTHORITY.—The Corporation may enter into contracts to carry out research and development to—

"(A) increase participation in States in which the Corporation determines that—

"(i) there is traditionally, and continues to be, a low level of Federal crop insurance participation and availability; and

"(ii) the State is underserved by the Federal crop insurance program;

"(B) increase participation in areas that are underserved by the Federal crop insurance program; and

"(C) increase participation by producers of underserved agricultural commodities, including specialty crops.

"(2) UNDERSERVED AGRICULTURAL COMMODITIES AND AREAS.—

"(A) AUTHORITY.—The Corporation may enter into contracts under procedures prescribed by the Corporation with qualified persons to carry out research and development for policies that promote the purposes of paragraph (1).

"(B) CONSULTATION.—Before entering into a contract under subparagraph (A), the Corporation shall consult with groups representing producers of agricultural commodities that would be served by the policies that are the subject of the research and development.

"(3) QUALIFIED PERSONS.—A person with experience in crop insurance or farm or ranch risk management (including a college or university, an approved insurance provider, and a trade or research organization), as determined by the Corporation, shall be eligible to enter into a contract with the Corporation under this subsection.

"(4) TYPES OF CONTRACTS.—A contract under this subsection may provide for research and development regarding new or expanded policies, including policies based on adjusted gross income, cost-of-production, quality losses, and an intermediate base program with a higher coverage and cost than catastrophic risk protection.

"(5) USE OF RESULTING POLICIES.—The Corporation may offer any policy developed under this subsection that is approved by the Board.

"(6) RESEARCH AND DEVELOPMENT PRIORITIES.—The Corporation shall establish as 1 of the highest research and development priorities of the Corporation the development of a pasture, range, and forage program.

"(7) STUDY OF MULTIYEAR COVERAGE.—

"(A) IN GENERAL.—The Corporation shall contract with a qualified person to conduct a study to determine whether offering policies that provide coverage for multiple years would reduce fraud, waste, and abuse by persons that participate in the Federal crop insurance program.

"(B) REPORT.—Not later than 1 year after the date of enactment of this section, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).

"(8) CONTRACT FOR REVENUE COVERAGE PLANS.—The Corporation shall enter into a contract for research and development regarding 1 or more revenue coverage plans that are designed to enable producers to take maximum advantage of fluctuations in market prices and thereby maximize revenue realized from the sale of an agricultural commodity. A revenue coverage plan may include the use of existing market instruments or the development of new market instruments. Not later than 15 months after the date of the enactment of this section, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the contract entered into under this paragraph.

"(9) CONTRACT FOR COST OF PRODUCTION POLICY.—

"(A) AUTHORITY.—The Corporation shall enter into a contract for research and development regarding a cost of production policy.

"(B) RESEARCH AND DEVELOPMENT.—The research and development shall—

"(i) take into consideration the differences in the cost of production on a county-by-county basis; and

"(ii) cover as many commodities as is practicable.

"(10) RELATION TO LIMITATIONS.—A policy developed under this subsection may be prepared without regard to the limitations of this title, including—

"(A) the requirement concerning the levels of coverage and rates; and

"(B) the requirement that the price level for each insured agricultural commodity must equal the expected market price for the agricultural commodity, as established by the Board.

"(d) PARTNERSHIPS FOR RISK MANAGEMENT DEVELOPMENT AND IMPLEMENTATION.—

"(1) PURPOSE.—The purpose of this subsection is to authorize the Corporation to enter into partnerships with public and private entities for the purpose of increasing the availability of loss mitigation, financial, and other risk management tools for producers, with a priority given

to risk management tools for producers of agricultural commodities covered by section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333), specialty crops, and underserved agricultural commodities.

"(2) AUTHORITY.—The Corporation may enter into partnerships with the Cooperative State Research, Education, and Extension Service, the Agricultural Research Service, the National Oceanic Atmospheric Administration, and other appropriate public and private entities with demonstrated capabilities in developing and implementing risk management and marketing options for producers of specialty crops and underserved agricultural commodities.

"(3) OBJECTIVES.—The Corporation may enter into a partnership under paragraph (2)—

"(A) to enhance the notice and timeliness of notice of weather conditions that could negatively affect crop yields, quality, and final product use in order to allow producers to take preventive actions to increase end product profitability and marketability and to reduce the possibility of crop insurance claims;

"(B) to develop a multifaceted approach to pest management and fertilization to decrease inputs, decrease environmental exposure, and increase application efficiency;

"(C) to develop or improve techniques for planning, breeding, planting, growing, maintaining, harvesting, storing, shipping, and marketing that will address quality and quantity challenges associated with year-to-year and regional variations;

"(D) to clarify labor requirements and assist producers in complying with requirements to better meet the physically intense and time-compressed planting, tending, and harvesting requirements associated with the production of specialty crops and underserved agricultural commodities;

"(E) to provide assistance to State foresters or equivalent officials for the prescribed use of burning on private forest land for the prevention, control, and suppression of fire;

"(F) to provide producers with training and informational opportunities so that the producers will be better able to use financial management, crop insurance, marketing contracts, and other existing and emerging risk management tools; and

"(G) to develop other risk management tools to further increase economic and production stability.

"(e) FUNDING.—

"(1) REIMBURSEMENTS.—Of the amounts made available from the insurance fund established under section 516(c), the Corporation may use to provide reimbursements under subsection (b) not more than $10,000,000 for each of fiscal years 2001 and 2002 and not more than $15,000,000 for fiscal year 2003 and each subsequent fiscal year.

"(2) CONTRACTING.—

"(A) AUTHORITY.—Of the amounts made available from the insurance fund established under section 516(c), the Corporation may use to carry out contracting and partnerships under subsections (c) and (d) not more than $20,000,000 for each of fiscal years 2001 through 2003 and not more than $25,000,000 for fiscal year 2004 and each subsequent fiscal year.

"(B) UNDERSERVED STATES.—Of the amount made available under subparagraph (A) for a fiscal year, the Corporation shall use not more than $5,000,000 for the fiscal year to carry out contracting for research and development to carry out the purpose described in subsection (c)(1)(A).

"(3) UNUSED FUNDING.—If the Corporation determines that the amount available to provide either reimbursement payments or contract payments under this section for a fiscal year is not needed for such purposes, the Corporation may use the excess amount to carry out another function authorized under this section.

"(4) PROHIBITED RESEARCH AND DEVELOPMENT BY CORPORATION.—

"(A) NEW POLICIES.—Notwithstanding subsection (d), on and after October 1, 2000, the Corporation shall not conduct research and development for any new policy for an agricultural commodity offered under this title.

"(B) EXISTING POLICIES.—Any policy developed by the Corporation under this title before that date may continue to be offered for sale to producers.".

SEC. 132. PILOT PROGRAMS.

(a) AUTHORITY.—The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), as amended by section 131, is amended by adding at the end the following:

"SEC. 523. PILOT PROGRAMS.

"(a) GENERAL PROVISIONS.—

"(1) AUTHORITY.—Except as otherwise provided in this section, the Corporation may conduct a pilot program submitted to and approved by the Board under section 508(h), or that is developed under subsection (b) or section 522, to evaluate whether a proposal or new risk management tool tested by the pilot program is suitable for the marketplace and addresses the needs of producers of agricultural commodities.

"(2) PRIVATE COVERAGE.—Under this section, the Corporation shall not conduct any pilot program that provides insurance protection against a risk if insurance protection against the risk is generally available from private companies.

"(3) COVERED ACTIVITIES.—The pilot programs described in paragraph (1) may include pilot programs providing insurance protection against losses involving—

"(A) reduced forage on rangeland caused by drought or insect infestation;

"(B) livestock poisoning and disease;

"(C) destruction of bees due to the use of pesticides;

"(D) unique special risks related to fruits, nuts, vegetables, and specialty crops in general, aquacultural species, and forest industry needs (including appreciation);

"(E) after October 1, 2001, wild salmon, except that—

"(i) any pilot program with regard to wild salmon may be carried out without regard to the limitations of this title; and

"(ii) the Corporation shall conduct all wild salmon programs under this title so that, to the maximum extent practicable, all costs associated with conducting the programs are not expected to exceed $1,000,000 for fiscal year 2002 and each subsequent fiscal year.

"(4) SCOPE OF PILOT PROGRAMS.—The Corporation may—

"(A) approve a pilot program under this section to be conducted on a regional, State, or national basis after considering the interests of affected producers and the interests of, and risks to, the Corporation;

"(B) operate the pilot program, including any modifications of the pilot program, for a period of up to 4 years;

"(C) extend the time period for the pilot program for additional periods, as determined appropriate by the Corporation; and

"(D) provide pilot programs that would allow producers—

"(i) to receive a reduced premium for using whole farm units or single crop units of insurance; and

"(ii) to cross State and county boundaries to form insurable units.

"(5) EVALUATION.—

"(A) REQUIREMENT.—After the completion of any pilot program under this section, the Corporation shall evaluate the pilot program and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the operations of the pilot program.

"(B) EVALUATION AND RECOMMENDATIONS.—The report shall include an evaluation by the Corporation of the pilot program and the recommendations of the Corporation with respect to implementing the program on a national basis.

"(b) LIVESTOCK PILOT PROGRAMS.—

"(1) DEFINITION OF LIVESTOCK.—In this subsection, the term 'livestock' includes, but is not limited to, cattle, sheep, swine, goats, and poultry.

"(2) PROGRAMS REQUIRED.—Subject to paragraph (7), the Corporation shall conduct 2 or more pilot programs to evaluate the effectiveness of risk management tools for livestock producers, including the use of futures and options contracts and policies and plans of insurance that protect the interests of livestock producers and that provide—

"(A) livestock producers with reasonable protection from the financial risks of price or income fluctuations inherent in the production and marketing of livestock; or

"(B) protection for production losses.

"(3) PURPOSE OF PROGRAMS.—To the maximum extent practicable, the Corporation shall evaluate the greatest number and variety of pilot programs described in paragraph (2) to determine which of the offered risk management tools are best suited to protect livestock producers from the financial risks associated with the production and marketing of livestock.

"(4) TIMING.—The Corporation shall begin conducting livestock pilot programs under this subsection during fiscal year 2001.

"(5) RELATION TO OTHER LIMITATIONS.—Any policy or plan of insurance offered under this subsection may be prepared without regard to the limitations of this title.

"(6) ASSISTANCE.—As part of a pilot program under this subsection, the Corporation may provide reinsurance for policies or plans of insurance and subsidize the purchase of futures and options contracts or policies and plans of insurance offered under the pilot program.

"(7) PRIVATE INSURANCE.—No action may be undertaken with respect to a risk under this subsection if the Corporation determines that insurance protection for livestock producers against the risk is generally available from private companies.

"(8) LOCATION.—The Corporation shall conduct the livestock pilot programs under this subsection in a number of counties that is determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among producers for the risk management tools evaluated in the pilot programs.

"(9) ELIGIBLE PRODUCERS.—Any producer of a type of livestock covered by a pilot program under this subsection that owns or operates a farm or ranch in a county selected as a location for that pilot program shall be eligible to participate in that pilot program.

"(10) LIMITATION ON EXPENDITURES.—The Corporation shall conduct all livestock programs under this title so that, to the maximum extent practicable, all costs associated with conducting the livestock programs (other than research and development costs covered by section 522) are not expected to exceed the following:

"(A) $10,000,000 for each of fiscal years 2001 and 2002.

"(B) $15,000,000 for fiscal year 2003.

"(C) $20,000,000 for fiscal year 2004 and each subsequent fiscal year.

"(c) REVENUE INSURANCE PILOT PROGRAM.—

"(1) IN GENERAL.—Subject to section 522(e)(4), the Secretary shall carry out a pilot program in a limited number of counties, as determined by the Secretary, for crop years 1997 through 2001, under which a producer of wheat, feed grains, soybeans, or such other commodity as the Secretary considers appropriate may elect to receive

insurance against loss of revenue, as determined by the Secretary.

“(2) ADMINISTRATION.—Revenue insurance under this subsection shall—

“(A) be offered through reinsurance arrangements with private insurance companies;

“(B) offer at least a minimum level of coverage that is an alternative to catastrophic crop insurance;

“(C) be actuarially sound; and

“(D) require the payment of premiums and administrative fees by an insured producer.

“(d) PREMIUM RATE REDUCTION PILOT PROGRAM.—

“(1) PURPOSE.—The purpose of the pilot program established under this subsection is to determine whether approved insurance providers will compete to market policies or plans of insurance with reduced rates of premium, in a manner that maintains the financial soundness of approved insurance providers and is consistent with the integrity of the Federal crop insurance program.

“(2) ESTABLISHMENT.—

“(A) IN GENERAL.—Beginning with the 2002 crop year, the Corporation shall establish a pilot program under which approved insurance providers may propose for approval by the Board policies or plans of insurance with reduced rates of premium—

“(i) for 1 or more agricultural commodities; and

“(ii) within a limited geographic area, as proposed by the approved insurance provider and approved by the Board.

“(B) DETERMINATION BY BOARD.—The Board shall approve a policy or plan of insurance proposed under this subsection that involves a premium reduction if the Board determines that—

“(i) the interests of producers are adequately protected within the pilot area;

“(ii) rates of premium are actuarially appropriate, as determined by the Board;

“(iii) the size of the proposed pilot area is adequate;

“(iv) the proposed policy or plan of insurance would not unfairly discriminate among producers within the proposed pilot area;

“(v) if the proposed policy or plan of insurance were available in a geographic area larger than the proposed pilot area, the proposed policy or plan of insurance would—

“(I) not have a significant adverse impact on the crop insurance delivery system;

“(II) not result in a reduction of program integrity;

“(III) be actuarially appropriate; and

“(IV) not place an additional financial burden on the Federal Government; and

“(vi) the proposed policy or plan of insurance meets other requirements of this title determined appropriate by the Board.

“(C) TIME LIMITATIONS AND PROCEDURES.—The time limitations and procedures of the Board established under section 508(h) shall apply to a proposal submitted under this subsection.”.

(b) CONFORMING AMENDMENTS.—Section 518 of the Federal Crop Insurance Act (7 U.S.C. 1518) is amended—

(1) by striking “livestock and” after “commodity, excluding”; and

(2) by striking “under subsection (a) or (m) of section 508 of this title”.

SEC. 133. EDUCATION AND RISK MANAGEMENT ASSISTANCE.

The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), as amended by section 132(a), is amended by adding at the end the following:

“SEC. 524. EDUCATION AND RISK MANAGEMENT ASSISTANCE.

“(a) EDUCATION ASSISTANCE.—

“(1) IN GENERAL.—Subject to the amounts made available under paragraph (4)—

“(A) the Corporation shall carry out the program established under paragraph (2); and

“(B) the Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall carry out the program established under paragraph (3).

“(2) EDUCATION AND INFORMATION.—The Corporation shall establish a program under which crop insurance education and information is provided to producers in States in which (as determined by the Secretary)—

“(A) there is traditionally, and continues to be, a low level of Federal crop insurance participation and availability; and

“(B) producers are underserved by the Federal crop insurance program.

“(3) PARTNERSHIPS FOR RISK MANAGEMENT EDUCATION.—

“(A) AUTHORITY.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall establish a program under which competitive grants are made to qualified public and private entities (including land grant colleges, cooperative extension services, and colleges or universities), as determined by the Secretary, for the purpose of educating agricultural producers about the full range of risk management activities, including futures, options, agricultural trade options, crop insurance, cash forward contracting, debt reduction, production diversification, farm resources risk reduction, and other risk management strategies.

“(B) BASIS FOR GRANTS.—A grant under this paragraph shall be awarded on the basis of merit and shall be subject to peer or merit review.

“(C) OBLIGATION PERIOD.—Funds for a grant under this paragraph shall be available to the Secretary for obligation for a 2-year period.

“(D) ADMINISTRATIVE COSTS.—The Secretary may use not more than 4 percent of the funds made available for grants under this paragraph for administrative costs incurred by the Secretary in carrying out this paragraph.

“(4) FUNDING.—From the insurance fund established under section 516(c), there is transferred—

“(A) for the education and information program established under paragraph (2), $5,000,000 for fiscal year 2001 and each subsequent fiscal year; and

“(B) for the partnerships for risk management education program established under paragraph (3), $5,000,000 for fiscal year 2001 and each subsequent fiscal year.

“(b) AGRICULTURAL MANAGEMENT ASSISTANCE.—

“(1) AUTHORITY.—The Secretary shall provide cost share assistance to producers, in a manner determined by the Secretary, in not less than 10, nor more than 15, States in which participation in the Federal crop insurance program is historically low, as determined by the Secretary.

“(2) USES.—A producer may use cost share assistance provided under this subsection to—

“(A) construct or improve—

“(i) watershed management structures; or

“(ii) irrigation structures;

“(B) plant trees to form windbreaks or to improve water quality;

“(C) mitigate financial risk through production diversification or resource conservation practices, including—

“(i) soil erosion control;

“(ii) integrated pest management; or

“(iii) transition to organic farming;

“(D) enter into futures, hedging, or options contracts in a manner designed to help reduce production, price, or revenue risk;

“(E) enter into agricultural trade options as a hedging transaction to reduce production, price, or revenue risk; or

“(F) conduct any other activity related to the activities described in subparagraphs (A) through (E), as determined by the Secretary.

“(2) PAYMENT LIMITATION.—The total amount of payments made to a person (as defined in section 1001(5) of the Food Security Act (7 U.S.C. 1308(5))) under this subsection for any year may not exceed $50,000.

“(3) COMMODITY CREDIT CORPORATION.—

“(A) IN GENERAL.—The Secretary shall carry out this subsection through the Commodity Credit Corporation.

“(B) FUNDING.—The Commodity Credit Corporation shall make available to carry out this subsection $10,000,000 for fiscal year 2001 and each subsequent fiscal year.”.

SEC. 134. OPTIONS PILOT PROGRAM.

Section 191 of the Agricultural Market Transition Act (7 U.S.C. 7331) is amended—

(1) in the first sentence of subsection (b), by striking “100 counties, except that not more than 6” and inserting “300 counties, except that not more than 25”;

(2) in subsection (c)(2), by inserting before the semicolon the following: “during any calendar year in which a county in which the farm of the producer is located is included in the pilot program”; and

(3) in the first sentence of subsection (h), by inserting before the period at the end the following: “, except that the amount of Commodity Credit Corporation funds used to carry out this section shall not exceed, to the maximum extent practicable, $9,000,000 for fiscal year 2001, $15,000,000 for fiscal year 2002, and $2,000,000 for fiscal year 2003”.

Subtitle D—Administration

SEC. 141. RELATION TO OTHER LAWS.

Section 502 of the Federal Crop Insurance Act (7 U.S.C. 1502), as amended by section 122, is amended by adding at the end the following:

“(d) RELATION TO OTHER LAWS.—

“(1) TERMS AND CONDITIONS OF POLICIES AND PLANS.—The terms and conditions of any policy or plan of insurance offered under this title that is reinsured by the Corporation shall not—

“(A) be subject to the jurisdiction of the Commodity Futures Trading Commission or the Securities and Exchange Commission; or

“(B) be considered to be accounts, agreements (including any transaction that is of the character of, or is commonly known to the trade as, an ‘option’, ‘privilege’, ‘indemnity’, ‘bid’, ‘offer’, ‘put’, ‘call’, ‘advance guaranty’, or ‘decline guaranty’), or transactions involving contracts of sale of a commodity for future delivery, traded or executed on a contract market for the purposes of the Commodity Exchange Act (7 U.S.C. 1 et seq.).

“(2) EFFECT ON CFTC AND COMMODITY EXCHANGE ACT.—Nothing in this title affects the jurisdiction of the Commodity Futures Trading Commission or the applicability of the Commodity Exchange Act (7 U.S.C. 1 et seq.) to any transaction conducted on a contract market under that Act by an approved insurance provider to offset the approved insurance provider's risk under a plan or policy of insurance under this title.”.

SEC. 142. MANAGEMENT OF CORPORATION.

(a) BOARD OF DIRECTORS OF CORPORATION.—

(1) CHANGE IN COMPOSITION.—Section 505 of the Federal Crop Insurance Act (7 U.S.C. 1505) is amended by striking the section heading, “SEC. 505.”, and subsection (a) and inserting the following:

“SEC. 505. MANAGEMENT OF CORPORATION.

“(a) BOARD OF DIRECTORS.—

“(1) ESTABLISHMENT.—The management of the Corporation shall be vested in a Board of Directors subject to the general supervision of the Secretary.

“(2) COMPOSITION.—The Board shall consist of only the following members:

“(A) The manager of the Corporation, who shall serve as a nonvoting ex officio member.

"(B) The Under Secretary of Agriculture responsible for the Federal crop insurance program.

"(C) 1 additional Under Secretary of Agriculture (as designated by the Secretary).

"(D) The Chief Economist of the Department of Agriculture.

"(E) 1 person experienced in the crop insurance business.

"(F) 1 person experienced in reinsurance or the regulation of insurance.

"(G) 4 active producers who are policy holders, are from different geographic areas of the United States, and represent a cross-section of agricultural commodities grown in the United States, including at least 1 specialty crop producer.

"(3) APPOINTMENT OF PRIVATE SECTOR MEMBERS.—The members of the Board described in subparagraphs (E), (F), and (G) of paragraph (2)—

"(A) shall be appointed by, and hold office at the pleasure of, the Secretary;

"(B) shall not be otherwise employed by the Federal Government;

"(C) shall be appointed to staggered 4-year terms, as determined by the Secretary; and

"(D) shall serve not more than 2 consecutive terms.

"(4) CHAIRPERSON.—The Board shall select a member of the Board to serve as Chairperson.".

(2) IMPLEMENTATION.—The initial members of the Board of Directors of the Federal Crop Insurance Corporation required to be appointed under section 505(a)(3) of the Federal Crop Insurance Act (as amended by paragraph (1)) shall be appointed during the period beginning February 1, 2001, and ending April 1, 2001.

(3) EFFECT ON EXISTING BOARD.—A member of the Board of Directors of the Federal Crop Insurance Corporation on the date of enactment of this Act may continue to serve as a member of the Board until the members referred to in paragraph (2) are first appointed.

(b) EXPERT REVIEW OF POLICIES, PLANS OF INSURANCE, AND RELATED MATERIAL.—Section 505 of the Federal Crop Insurance Act (7 U.S.C. 1505) is amended by adding at the end the following:

"(e) EXPERT REVIEW OF POLICIES, PLANS OF INSURANCE, AND RELATED MATERIAL.—

"(1) REVIEW BY EXPERTS.—The Board shall establish procedures under which any policy or plan of insurance, as well as any related material or modification of such a policy or plan of insurance, to be offered under this title shall be subject to independent reviews by persons experienced as actuaries and in underwriting, as determined by the Board.

"(2) REVIEW OF CORPORATION POLICIES AND PLANS.—Except as provided in paragraph (3), the Board shall contract with at least 5 persons to each conduct a review of the policy or plan of insurance, of whom—

"(A) not more than 1 person may be employed by the Federal Government; and

"(B) at least 1 person must be designated by approved insurance providers pursuant to procedures determined by the Board.

"(3) REVIEW OF PRIVATE SUBMISSIONS.—If the reviews under paragraph (1) cover a policy or plan of insurance, or any related material or modification of a policy or plan of insurance, submitted under section 508(h)—

"(A) the Board shall contract with at least 5 persons to each conduct a review of the policy or plan of insurance, of whom—

"(i) not more than 1 person may be employed by the Federal Government; and

"(ii) none may be employed by an approved insurance provider; and

"(B) each review must be completed and submitted to the Board not later than 30 days prior to the end of the 120-day period described in section 508(h)(4)(D).

"(4) CONSIDERATION OF REVIEWS.—The Board shall include reviews conducted under this subsection as part of the consideration of any policy or plan or insurance, or any related material or modification of a policy or plan of insurance, proposed to be offered under this title.

"(5) FUNDING OF REVIEWS.—Each contract to conduct a review under this subsection shall be funded from amounts made available under section 516(b)(2)(A)(ii).

"(6) RELATION TO OTHER AUTHORITY.—The contract authority provided in this subsection is in addition to any other contracting authority that may be exercised by the Board under section 506(l).".

SEC. 143. CONTRACTING FOR RATING OF PLANS OF INSURANCE.

Section 507(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1507(c)(2)) is amended—

(1) by striking "actuarial, loss adjustment," and inserting "actuarial services, services relating to loss adjustment and rating plans of insurance,"; and

(2) by inserting after "private sector" the following: "and to enable the Corporation to concentrate on regulating the provision of insurance under this title and evaluating new products and materials submitted under section 508(h) or 523".

SEC. 144. ELECTRONIC AVAILABILITY OF CROP INSURANCE INFORMATION.

Section 508(a)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(5)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses 2 ems to the right;

(2) by striking "The Corporation" and inserting the following:

"(A) AVAILABLE INFORMATION.—The Corporation"; and

(3) by adding at the end the following:

"(B) USE OF ELECTRONIC METHODS.—

"(i) DISSEMINATION BY CORPORATION.—The Corporation shall make the information described in subparagraph (A) available electronically to producers and approved insurance providers.

"(ii) SUBMISSION TO CORPORATION.—To the maximum extent practicable, the Corporation shall allow producers and approved insurance providers to use electronic methods to submit information required by the Corporation.".

SEC. 145. ADEQUATE COVERAGE FOR STATES.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by adding at the end the following:

"(7) ADEQUATE COVERAGE FOR STATES.—

"(A) DEFINITION OF ADEQUATELY SERVED.—In this paragraph, the term 'adequately served' means having a participation rate that is at least 50 percent of the national average participation rate.

"(B) REVIEW.—The Board shall review the policies and plans of insurance that are offered by approved insurance providers under this title to determine if each State is adequately served by the policies and plans of insurance.

"(C) REPORT.—

"(i) IN GENERAL.—Not later than 30 days after completion of the review under subparagraph (B), the Board shall submit to Congress a report on the results of the review.

"(ii) RECOMMENDATIONS.—The report shall include recommendations to increase participation in States that are not adequately served by the policies and plans of insurance.".

SEC. 146. SUBMISSION OF POLICIES AND MATERIALS TO BOARD.

(a) PERSONS AUTHORIZED TO SUBMIT.—Section 508(h)(1) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(1)) is amended by inserting after "a person" the following: "(including an approved insurance provider, a college or university, a cooperative or trade association, or any other person)".

(b) SALE BY APPROVED INSURANCE PROVIDERS.—Section 508(h)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(3)) is amended in the first sentence by inserting after "for sale" the following: "by approved insurance providers".

(c) GUIDELINES FOR SUBMISSION AND REVIEW.—Section 508(h)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(4)) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) CONFIDENTIALITY.—

"(i) IN GENERAL.—A proposal submitted to the Board under this subsection (including any information generated from the proposal) shall be considered to be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code.

"(ii) STANDARD OF CONFIDENTIALITY.—If information concerning a proposal could be withheld by the Secretary under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information under section 552(b)(4) of title 5, United States Code, the information shall not be released to the public.

"(iii) APPLICATION.—This subparagraph shall apply with respect to a proposal only during the period preceding any approval of the proposal by the Board.";

(2) in subparagraph (B), by inserting "PERSONAL PRESENTATION.—" before "The"; and

(3) by striking subparagraphs (C) and (D) and inserting the following:

"(C) NOTIFICATION OF INTENT TO DISAPPROVE.—

"(i) TIME PERIOD.—The Board shall provide an applicant with notification of intent to disapprove a proposal not later than 30 days prior to making the disapproval.

"(ii) MODIFICATION OF APPLICATION.—

"(I) AUTHORITY.—An applicant that receives the notification may modify the application, and such application, as modified, shall be considered by the Board in the manner provided in subparagraph (D) within the 30-day period beginning on the date the modified application is submitted.

"(II) TIME PERIOD.—Clause (i) shall not apply to the Board's consideration of the modified application.

"(iii) EXPLANATION.—Any notification of intent to disapprove a policy or other material submitted under this subsection shall be accompanied by a complete explanation as to the reasons for the Board's intention to deny approval.

"(D) DETERMINATION TO APPROVE OR DISAPPROVE POLICIES OR MATERIALS.—

"(i) TIME PERIOD.—Not later than 120 days after a policy or other material is submitted under this subsection, the Board shall make a determination to approve or disapprove the policy or material.

"(ii) EXPLANATION.—Any determination by the Board to disapprove any policy or other material shall be accompanied by a complete explanation of the reasons for the Board's decision to deny approval.

"(iii) FAILURE TO MEET DEADLINE.—Notwithstanding any other provision of this title, if the Board fails to make a determination within the prescribed time period, the submitted policy or other material shall be deemed approved by the Board for the initial reinsurance year designated for the policy or material, unless the Board and the applicant agree to an extension.".

(d) TECHNICAL AMENDMENTS.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended—

(1) by striking paragraphs (6), (8), (9), and (10); and

(2) by redesignating paragraph (7) as paragraph (6).

SEC. 147. FUNDING.

(a) Authorization of Appropriations.—Section 516(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)) is amended—

(1) by striking "years—" and inserting "years the following:";

(2) by capitalizing the first letter of the first word of each subparagraph;

(3) by striking "; and" at the end of subparagraph (A) and inserting a period; and

(4) by adding at the end the following:

"(C) Costs associated with the conduct of livestock and wild salmon pilot programs carried out under section 523, subject to the limitations in subsections (a)(3)(E)(ii) and (b)(10) of section 523.

"(D) Costs associated with the reimbursement, contracting, and partnerships for research and development under section 522.".

(b) Payment of General Corporation Expenses From Insurance Fund.—Section 516(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(1)) is amended—

(1) by striking "including—" and inserting "including the following:";

(2) by capitalizing the first letter of the first word of each subparagraph;

(3) by striking the semicolon at the end of subparagraph (A) and inserting a period;

(4) by striking "; and" at the end of subparagraph (B) and inserting a period; and

(5) by adding at the end the following:

"(D) Costs associated with the conduct of livestock and wild salmon pilot programs carried out under section 523, subject to the limitations in subsections (a)(3)(E)(ii) and (b)(10) of section 523.

"(E) Costs associated with the reimbursement, contracting, and partnerships for research and development under section 522.".

(c) Expedited Consideration and Implementation of Policies, Plans of Insurance, and Related Materials.—Section 516(b)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(2)) is amended—

(1) by striking "Research and development expenses.—" and inserting "Policy consideration and implementation.—";

(2) in subparagraph (A)—

(A) by striking "may pay from" and inserting "may use";

(B) by striking "research and development expenses of the Corporation"; and

(C) by striking the period at the end and inserting the following: ", to pay the following:

"(i) Costs associated with the consideration and implementation of policies, plans of insurance, and related materials submitted under section 508(h) or developed under section 522 or 523.

"(ii) Costs to contract for the review of policies, plans of insurance, and related materials under section 505(e) and to contract for other assistance in considering policies, plans of insurance, and related materials."; and

(3) in subparagraph (B), by striking "research and development".

(d) Deposits to Insurance Fund.—Section 516(c)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(c)(1)) is amended—

(1) by striking "income and" and inserting "income,"; and

(2) by inserting ", and civil fines collected under section 515(h)" after "(a)(2)".

SEC. 148. STANDARD REINSURANCE AGREEMENT.

Notwithstanding section 536 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1506 note; Public Law 105–185), the Federal Crop Insurance Corporation may renegotiate the Standard Reinsurance Agreement once during the 2001 through 2005 reinsurance years.

Subtitle E—Miscellaneous

CHAPTER 1—OTHER PROVISIONS

SEC. 161. LIMITATION ON REVENUE COVERAGE FOR POTATOES.

Section 508(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(3)), as amended by section 123, is amended by adding at the end the following:

"(C) Limitation on revenue coverage for potatoes.—No policy or plan of insurance provided under this title (including a policy or plan of insurance approved by the Board under subsection (h)) shall cover losses due to a reduction in revenue for potatoes except as covered under a whole farm policy or plan of insurance, as determined by the Corporation.".

SEC. 162. CROP INSURANCE COVERAGE FOR COTTON AND RICE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)), as amended by 145, is amended by adding at the end the following:

"(8) Special provisions for cotton and rice.—Notwithstanding any other provision of this title, beginning with the 2001 crops of upland cotton, extra long staple cotton, and rice, the Corporation shall offer plans of insurance, including prevented planting coverage and replanting coverage, under this title that cover losses of upland cotton, extra long staple cotton, and rice resulting from failure of irrigation water supplies due to drought and saltwater intrusion.".

SEC. 163. INDEMNITY PAYMENTS FOR CERTAIN PRODUCERS.

(a) In General.—Except as otherwise provided in this section, notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), a producer that purchased a 1999 Crop Revenue Coverage policy for a commodity covered by Bulletin MGR–99–004 (as in effect before being voided by subsection (d)) by the sales closing date prescribed in the actuarial documents in the county where the policy was sold shall receive an indemnity payment in accordance with the policy.

(b) Base and Harvest Prices.—The base price and harvest price under the policy for a commodity described in subsection (a) shall be determined in accordance with the Commodity Exchange Endorsement published by the Federal Crop Insurance Corporation on July 14, 1998 (63 Fed. Reg. 37829).

(c) Reinsurance.—Subject to subsection (b), notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), the Corporation shall provide reinsurance with respect to the policy in accordance with the Standard Reinsurance Agreement.

(d) Voiding of Bulletin.—Bulletin MGR–99–004, issued by the Administrator of the Risk Management Agency of the Department of Agriculture, is void.

(e) Effective Date.—This section takes effect on October 1, 2000.

SEC. 164. SENSE OF CONGRESS REGARDING THE FEDERAL CROP INSURANCE PROGRAM.

It is the sense of Congress that—

(1) farmer-owned cooperatives play a valuable role in achieving the purposes of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) by—

(A) encouraging producer participation in the Federal crop insurance program;

(B) improving the delivery system for crop insurance; and

(C) helping to develop new and improved insurance products;

(2) the Risk Management Agency, through its regulatory activities, should encourage efforts by farmer-owned cooperatives to promote appropriate risk management strategies among their membership;

(3) partnerships between approved insurance providers and farmer-owned cooperatives provide opportunity for agricultural producers to obtain needed insurance coverage on a more competitive basis and at a lower cost;

(4) the Risk Management Agency is following an appropriate regulatory process to ensure the continued participation by farmer-owned cooperatives in the delivery of crop insurance;

(5) efforts by the Risk Management Agency to finalize regulations that would incorporate the currently approved business practices of cooperatives participating in the Federal crop insurance program should be commended; and

(6) not later than 180 days after the date of enactment of this Act, the Federal Crop Insurance Corporation should complete promulgation of the proposed rule entitled "General Administrative Regulations; Premium Reductions; Payment of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities", published by the Federal Crop Insurance Corporation on May 12, 1999 (64 Fed. Reg. 25464), in a manner that—

(A) effectively responds to comments received from the public during the rulemaking process;

(B) provides an effective opportunity for farmer-owned cooperatives to assist the members of the cooperatives to obtain crop insurance and participate most effectively in the Federal crop insurance program;

(C) incorporates the currently approved business practices of farmer-owned cooperatives participating in the Federal crop insurance program; and

(D) protects the interests of agricultural producers.

SEC. 165. SENSE OF CONGRESS ON RURAL AMERICA, INCLUDING MINORITY AND LIMITED-RESOURCE FARMERS.

It is the sense of Congress that—

(1) rural America, including minority and limited resource farmers, has not experienced this recent period of economic prosperity;

(2) as a result of sustained low commodity prices, they face significant challenges, including—

(A) a depressed farm economy;

(B) a loss of business and jobs on rural main streets;

(C) a reduction of capital investment; and

(D) a loss of independent farmers;

(3) Congress applauds American farmers and rural advocates, including the organizers of the Rally for Rural America, for their efforts in calling this situation to the public's attention; and

(4) Congress is committed to responding to the concerns of rural America and pledges to devote full attention to making necessary changes to Federal agricultural programs in a manner that will—

(A) alleviate the agricultural price crisis;

(B) ensure competitive markets by empowering farm families;

(C) ensure that all farmers, including minority and limited-resource farmers, participate fully in the benefits of those programs;

(D) invest in rural education and health;

(E) increase resources for outreach and technical farming assistance;

(F) conserve our natural resources for future generations; and

(G) ensure a safe and secure food supply for all.

Subtitle F—Effective Dates and Implementation

SEC. 171. EFFECTIVE DATES.

(a) In General.—Except as provided in subsection (b), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) Exceptions.—

(1) 2001 fiscal year.—The following provisions and the amendments made by the provisions take effect on October 1, 2000:

(A) Subtitle C.

(B) Section 146.

(C) Section 163.

(2) 2001 CROP YEAR.—The amendments made by the following provisions apply beginning with the 2001 crop of an agricultural commodity:

(A) Subsections (a), (b), and (c) of section 101.

(B) Section 102(a).

(C) Subsections (a), (b), and (c) of section 103.

(D) Section 104.

(E) Section 105(b).

(F) Section 108.

(G) Section 109.

(H) Section 162.

(3) 2001 REINSURANCE YEAR.—The amendments made by the following provisions apply beginning with the 2001 reinsurance year:

(A) Section 101(d).

(B) Section 102(b).

(C) Section 103(d).

SEC. 172. REGULATIONS.

Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to carry out this Act and the amendments made by this Act.

SEC. 173. SAVINGS CLAUSE.

The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), as in effect on day before the date of the enactment of this Act, shall—

(1) continue to apply with respect to the 1999 crop year; and

(2) apply with respect to the 2000 crop year, to the extent the application of an amendment made by this Act is delayed under section 171(b) or by the terms of the amendment.

TITLE II—AGRICULTURAL ASSISTANCE

Subtitle A—Market Loss Assistance

SEC. 201. MARKET LOSS ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this title as the "Secretary") shall use funds of the Commodity Credit Corporation to provide assistance in the form of a market loss assistance payment to owners and producers on a farm that are eligible for a final payment for fiscal year 2000 under a production flexibility contract for the farm under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT AND MANNER.—In providing payments under this section, the Secretary shall—

(1) use the same contract payment rates as are used under section 802(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1421 note; Public Law 106–78); and

(2) provide the payments in a manner that is consistent with section 802(c) of that Act.

(c) TIMING.—The Secretary shall make the payments required by this section not earlier than September 1, 2000, and not later than September 30, 2000.

SEC. 202. OILSEEDS.

(a) IN GENERAL.—The Secretary shall use $500,000,000 of funds of the Commodity Credit Corporation to make payments to producers of the 2000 crop of oilseeds that are eligible to obtain a marketing assistance loan under section 131 of the Agricultural Market Transition Act (7 U.S.C. 7231).

(b) COMPUTATION.—A payment to producers on a farm under this section for an oilseed shall be equal to the product obtained by multiplying—

(1) a payment rate determined by the Secretary;

(2) the acreage of the producers on the farm for the oilseed, as determined under subsection (c); and

(3) the yield of the producers on the farm for the oilseed, as determined under subsection (d).

(c) ACREAGE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the acreage of the producers on the farm for an oilseed under subsection (b)(2) shall be equal to the number of acres planted to the oilseed by the producers on the farm during the 1997, 1998, or 1999 crop year, whichever is greatest, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late).

(2) NEW PRODUCERS.—In the case of producers on a farm that planted acreage to an oilseed during the 2000 crop year but not the 1997, 1998, or 1999 crop year, the acreage of the producers for the oilseed under subsection (b)(2) shall be equal to the number of acres planted to the oilseed by the producers on the farm during the 2000 crop year, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late).

(d) YIELD.—

(1) SOYBEANS.—Except as provided in paragraph (3), in the case of soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greatest of—

(A) the average county yield per harvested acre for each of the 1995 through 1999 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 1997, 1998, or 1999 crop year.

(2) OTHER OILSEEDS.—Except as provided in paragraph (3), in the case of oilseeds other than soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greatest of—

(A) the average national yield per harvested acre for each of the 1995 through 1999 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 1997, 1998, or 1999 crop year.

(3) NEW PRODUCERS.—In the case of producers on a farm that planted acreage to an oilseed during the 2000 crop year but not the 1997, 1998, or 1999 crop year, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greater of—

(A) the average county yield per harvested acre for each of the 1995 through 1999 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 2000 crop.

(4) DATA SOURCE.—To the maximum extent available, the Secretary shall use data provided by the National Agricultural Statistics Service to carry out this subsection.

SEC. 203. SPECIALTY CROPS.

(a) REPLENISHMENT OF PERISHABLE AGRICULTURAL COMMODITIES ACT FUND.—Of the amount made available under section 261(a)(2), $30,450,000 shall—

(1) be deposited in the Perishable Agricultural Commodities Act Fund established by section 3(b)(5) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c(b)(5));

(2) be merged with other amounts in the Perishable Agricultural Commodities Act Fund; and

(3) be available for the same purposes and for the same time period as other amounts in the Perishable Agricultural Commodities Act Fund.

(b) REPLENISHMENT OF TRUST FUNDS FOR SERVICES UNDER AGRICULTURAL MARKETING ACT OF 1946.—Of the amount made available under section 261(a)(2), $29,000,000 shall—

(1) be deposited in the trust fund account established to cover the cost of inspection, certification, and identification services provided under section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h));

(2) be merged with other amounts in the trust fund account; and

(3) be available for the same purposes and for the same time period as other amounts in the trust fund account.

(c) INSPECTION SERVICES IMPROVEMENTS.—Of the amount made available under section 261(a)(2), $11,550,000 shall be used by the Secretary to improve the infrastructure and system used for inspecting fruits and vegetables, including improving—

(1) the program used to train inspectors, including the establishment of an inspector training center;

(2) the technological resources used by inspectors;

(3) the use of digital imaging by inspectors; and

(4) the office space and grading tables used by inspectors.

(d) SURPLUS CROP PURCHASES.—

(1) PURCHASES.—Of the amount made available under section 261(a)(2), $200,000,000 shall be used by the Secretary to purchase specialty crops that have experienced low prices during the 1998 or 1999 crop years, including apples, black-eyed peas, cherries, citrus, cranberries, onions, melons, peaches, and potatoes.

(2) DISPLACEMENT.—The Secretary shall ensure that purchases of specialty crops under this subsection will not displace purchases by the Secretary under any other law.

(e) GROWER COMPENSATION.—

(1) COMPENSATION.—Of the amount made available under section 261(a)(2), $25,000,000 shall be used by the Secretary to compensate—

(A) growers covered by the Secretary's Declaration of Extraordinary Emergency published on March 2, 2000 (65 Fed. Reg. 11280), regarding the plum pox virus;

(B) growers for losses due to Pierce's disease; and

(C) commercial producers for losses due to citrus canker.

(2) REPORT.—Not later than July 19, 2000, the Secretary, in coordination with the Inspector General of the Department of Agriculture, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that analyzes—

(A) the economic losses to the produce industry as a result of allegations of false inspection certificates prepared by graders of the Department of Agriculture at Hunts Point Terminal Market, Bronx, New York; and

(B) the restitution by the Secretary for persons damaged as a result of losses described in subparagraph (A).

(f) APPLE LOANS.—

(1) REQUIREMENT.—The Secretary, acting through the Farm Service Agency, shall use funds of the Commodity Credit Corporation to make loans to producers of apples that are suffering economic loss as the result of low prices for apples.

(2) TERM.—The term of a loan made under this subsection shall be not more than 3 years.

(3) INTEREST RATE.—The interest rate for a loan made under this subsection shall be at a rate equal to the then current cost of money to the Government of the United States for loans of similar maturity.

(4) SECURITY.—The Secretary may require a loan made under this subsection to be secured by real property or such other collateral as the Secretary considers appropriate and protects the interests of the Federal Government.

(5) LIMITATION.—The cost of all loans made under this subsection shall not exceed $5,000,000.

SEC. 204. OTHER COMMODITIES.

(a) PEANUTS.—

(1) IN GENERAL.—The Secretary shall use funds of the Commodity Credit Corporation to provide payments to producers of quota peanuts or additional peanuts to partially compensate

the producers for continuing low commodity prices, and increasing costs of production, for the 2000 crop year.

(2) Amount.—The amount of a payment made to producers on a farm of quota peanuts or additional peanuts under paragraph (1) shall be equal to the product obtained by multiplying—

(A) the quantity of quota peanuts or additional peanuts produced or considered produced by the producers; and

(B) a payment rate equal to—

(i) in the case of quota peanuts, $30.50 per ton; and

(ii) in the case of additional peanuts, $16.00 per ton.

(b) Tobacco.—

(1) Definitions.—In this subsection:

(A) Eligible person.—The term "eligible person" means a person that owns or operates, or produces eligible tobacco on, a farm—

(i) for which the quantity of quota of eligible tobacco allotted to the farm under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) was reduced from the 1999 crop year to the 2000 crop year; and

(ii) that is used for the production of eligible tobacco during the 2000 crop year.

(B) Eligible tobacco.—The term "eligible tobacco" means each of the following kinds of tobacco:

(i) Flue-cured tobacco, comprising types 11, 12, 13, and 14.

(ii) Fire-cured tobacco, comprising type 21.

(iii) Burley tobacco, comprising type 31.

(iv) Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 54, and 55.

(2) Payments.—Effective beginning October 1, 2000, the Secretary shall use $340,000,000 of funds of the Commodity Credit Corporation to make payments to eligible persons.

(3) Allocation of funds among states.—The funds made available for eligible persons under paragraph (2) shall be allocated among States in the following dollar amounts:

Alabama	*$100,000*
Arkansas	*1,000*
Florida	*2,500,000*
Georgia	*13,000,000*
Indiana	*5,400,000*
Kansas	*23,000*
Kentucky	*140,000,000*
Missouri	*2,000,000*
North Carolina	*100,000,000*
Ohio	*6,000,000*
Oklahoma	*1,000*
South Carolina	*15,000,000*
Tennessee	*35,000,000*
Virginia	*19,000,000*
Wisconsin	*675,000*
West Virginia	*1,300,000.*

(4) Allocation of funds among farms in a state.—The Secretary shall divide the amount allocated to a State under paragraph (3) among farms in the State based on the quota of eligible tobacco available to each farm of an eligible person for the 2000 crop year.

(5) Division of farm payments among eligible persons in a state.—Not later than October 20, 2000, the Secretary shall divide amounts made available to farms in a State under paragraph (4) among eligible persons who are quota owners, quota lessees, and tobacco producers on farms in the State, and make payments to the eligible persons, on the basis of—

(A) in the case of a State that is a party to the National Tobacco Grower Settlement Trust, the formula in the Trust used to allocate funds among quota owners, quota lessees, and tobacco producers on farms in the State, with such adjustments as the Secretary determines are necessary to enable the payments to be made by October 20, 2000; or

(B) in the case of a State that is not a party to the National Tobacco Grower Settlement Trust, a formula established by the Secretary.

(6) Payments to eligible persons in Georgia.—The Secretary shall use the amount allocated to the State of Georgia under paragraph (3) to make payments to eligible persons in Georgia only if the State of Georgia agrees to use an equal amount (not to exceed $13,000,000) to make payments at the same time, or subsequently, to the same eligible persons in the same manner as provided for the Federal payment under paragraphs (4) and (5).

(7) Use for administrative costs.—None of the funds made available under paragraphs (1) through (7) may be used to pay administrative costs incurred in carrying out those paragraphs.

(8) Transfer of allotments.—Section 318 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314d) is amended by striking subsection (g) and inserting the following:

"(g) Transfer of Allotments.—Under this section, the total acreage allotted to any farm after any transfer shall not exceed 50 percent of the acreage of cropland on the farm.".

(9) Burley tobacco inventories of producer associations.—Section 319(c)(3) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(c)(3)) is amended—

(A) in subparagraph (B), by striking "In" and inserting "Except as provided in subparagraph (D), in"; and

(B) by adding at the end the following:

"(D) Nonapplicability of downward adjustment.—If the Secretary determines for any of the 2001 or subsequent crop years that noncommitted pool stocks of Burley tobacco are equal to or less than the reserve stock level established under this paragraph, subparagraph (B) shall not apply to the crop year for which the determination is made and all subsequent crop years.".

(10) Limitations on burley tobacco quota adjustments.—

(A) Carry forward adjustment.—Section 319(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(e)) is amended in the fifth sentence—

(i) by striking ": Provided, That" and inserting ", except that (1)"; and

(ii) by inserting before the period at the end the following: ", and (2) the aggregate of such increases for all farms for any crop year may not exceed 10 percent of the national basic quota for the preceding crop year".

(B) Lease and transfer of quota due to natural disasters.—Section 319(k) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(k)) is amended by adding at the end the following:

"(3) Limitation.—The total quantity of quota leased or transferred to a farm during a crop year under this subsection may not exceed 15 percent of the quota on the farm that existed prior to any such lease or transfer for the crop year.".

(11) Lease and transfer of burley tobacco quota.—Section 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e) is amended by striking subsection (l) and inserting the following:

"(l) Lease and Transfer of Burley Tobacco Quota.—

"(1) Approval by producers.—Notwithstanding any other provision of this section, the Secretary may permit the lease and transfer of a burley tobacco quota from 1 farm in a State to any other farm in the State if, in a statewide referendum conducted by the Secretary, a majority of the active burley tobacco producers voting in the referendum approve the use of that type of lease and transfer.

"(2) Application.—This subsection shall apply only to the States of Tennessee, Ohio, Indiana, Kentucky, and Virginia.".

(12) Recordkeeping and sale of burley tobacco quota and acreage.—Section 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e) is amended by adding at the end the following:

"(m) Computerized Recordkeeping System for Burley Tobacco Quota and Acreage.—

"(1) Producer reports.—Each person that owns a farm for which a Burley tobacco marketing quota is established under this Act shall annually file with the Secretary a report describing the acreage planted to Burley tobacco on the farm.

"(2) Computerized recordkeeping system.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a computerized recordkeeping system that contains all information reported under paragraph (1) and related records, as determined by the Secretary.

"(n) Sale of Burley Tobacco Quota.—Notwithstanding any other provision of this section, if a person that owns a farm for which a Burley tobacco marketing quota is established under this Act sells all or part of the acreage on the farm to a buyer, the Secretary shall permit the seller and buyer of the acreage to determine the percentage of the quota that is transferred with the acreage sold.".

(c) Honey.—

(1) In general.—The Secretary shall use funds of the Commodity Credit Corporation to make available recourse loans to producers of the 2000 crop of honey on fair and reasonable terms and conditions, as determined by the Secretary.

(2) Loan rate.—The loan rate for a loan under paragraph (1) shall be equal to 85 percent of the average price of honey during the 5-crop year period preceding the 2000 crop year, excluding the crop year in which the average price of honey was the highest and the crop year in which the average price of honey was the lowest in the period.

(d) Wool and Mohair.—

(1) In general.—The Secretary shall use funds of the Commodity Credit Corporation to make payments to producers of wool, and producers of mohair, for the 1999 marketing year

(2) Payment rate.—The payment rate for payments made to producers under paragraph (1) shall be equal to—

(A) in the case of wool, 20 cents per pound; and

(B) in the case of mohair, 40 cents per pound.

(e) Cottonseed.—The Secretary shall use $100,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2000 crop of cottonseed.

SEC. 205. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS.

(a) Eligible Producers.—Effective for the 2001 crop year, in the case of a producer that would be eligible for a loan deficiency payment under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) for wheat, barley, or oats, but that elects to use acreage planted to the wheat, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(b) Payment Amount.—The amount of a payment made to a producer on a farm under this section shall be equal to the amount determined by multiplying—

(1) the loan deficiency payment rate determined under section 135(c) of the Agricultural Market Transition Act (7 U.S.C. 7235(c)) in effect, as of the date of the agreement, for the county in which the farm is located; by

(2) the payment quantity determined by multiplying—

(A) the quantity of the grazed acreage on the farm with respect to which the producer elects

to forgo harvesting of wheat, barley, or oats; and

(B) the greater of—

(i) the established yield for the crop on the farm; or

(ii) the average county yield per harvested acre of the crop, as determined by the Secretary.

(c) TIME, MANNER, AND AVAILABILITY OF PAYMENT.—

(1) TIME AND MANNER.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235), except that the payment shall be made not later than September 30, 2001.

(2) AVAILABILITY.—The Secretary shall establish an availability period for the payment authorized by this section that is consistent with the availability period for wheat, barley, and oats established by the Secretary for marketing assistance loans authorized by subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.).

(d) REGULATIONS.—The Secretary shall promulgate under section 263 such regulations as are necessary to administer the payments authorized by this section in a fair and equitable manner with respect to producers of wheat and feed grains that do not receive a payment under this section.

(e) FUNDING.—The Secretary shall use funds of the Commodity Credit Corporation to carry out this section.

SEC. 206. EXPANSION OF PRODUCERS ELIGIBLE FOR LOAN DEFICIENCY PAYMENTS.

(a) ELIGIBLE PRODUCERS.—Section 135(a) of the Agricultural Market Transition Act (7 U.S.C. 7235(a)) is amended—

(1) by striking "to producers" and inserting "to—

"(1) producers";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(2) effective only for the 2000 crop year, producers that, although not eligible to obtain such a marketing assistance loan under section 131, produce a contract commodity.".

(b) CALCULATION.—Section 135(b)(2) of the Agricultural Market Transition Act (7 U.S.C. 7235(b)(2)) is amended by striking "that the producers" and all that follows through the period at the end and inserting the following: "produced by the eligible producers, excluding any quantity for which the producers obtain a loan under section 131.".

(c) TRANSITION; BENEFICIAL INTEREST.—Section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) is amended by adding at the end the following:

"(e) TRANSITION.—A payment to a producer eligible for a payment under subsection (a)(2) that harvested a commodity on or before the date that is 30 days after the promulgation of the regulations implementing subsection (a)(2) shall be determined as the date the producer lost beneficial interest in the commodity, as determined by the Secretary.

"(f) BENEFICIAL INTEREST.—Subject to subsection (e), a producer shall be eligible for a payment under this section only if the producer has a beneficial interest in the commodity, as determined by the Secretary.".

Subtitle B—Conservation

SEC. 211. CONSERVATION ASSISTANCE.

(a) FARMLAND PROTECTION.—For the purposes described in section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note; Public Law 104–127), the Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make payments to—

(1) any agency of any State or local government, or federally recognized Indian tribe, including farmland protection boards and land resource councils established under State law; and

(2) any organization that—

(A) is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

(B) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code;

(C) is described in section 509(a)(2) of that Code; or

(D) is described in section 509(a)(3) of that Code and is controlled by an organization described in section 509(a)(2) of that Code.

(b) SOIL AND WATER CONSERVATION ASSISTANCE.—

(1) ESTABLISHMENT.—The Secretary shall use $40,000,000 of funds of the Commodity Credit Corporation to provide financial assistance to farmers and ranchers to—

(A) address threats to soil, water, and related natural resources, including grazing land, wetland, and wildlife habitat;

(B) comply with Federal and State environmental laws; and

(C) make beneficial, cost-effective changes to cropping systems, grazing management, manure, nutrient, pest, or irrigation management, land uses, or other measures needed to conserve and improve soil, water, and related natural resources.

(2) TYPE OF ASSISTANCE.—Assistance under this subsection may be made in the form of cost share payments or incentive payments, as determined by the Secretary.

(3) AREAS.—The Secretary shall provide assistance under this subsection to areas that are not designated under section 1230(c) of the Food Security Act of 1985 (16 U.S.C. 3830(c)).

SEC. 212. CONDITION ON DEVELOPMENT OF LITTLE DARBY NATIONAL WILDLIFE REFUGE, OHIO.

The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall prepare an environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) before proceeding with any further development of the Little Darby National Wildlife Refuge in Madison and Union Counties, Ohio.

Subtitle C—Research

SEC. 221. CARBON CYCLE RESEARCH.

(a) IN GENERAL.—Of the amount made available under section 261(a)(2), the Secretary shall use $15,000,000 to provide a grant to the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, acting through Kansas State University, to develop, analyze, and implement, through the land grant universities described in subsection (b), carbon cycle research at the national, regional, and local levels.

(b) LAND GRANT UNIVERSITIES.—The land grant universities referred to in subsection (a) are the following:

(1) Colorado State University.

(2) Iowa State University.

(3) Kansas State University.

(4) Michigan State University.

(5) Montana State University.

(6) Purdue University.

(7) Ohio State University.

(8) Texas A & M University.

(9) University of Nebraska.

(c) USE.—Land grant universities described in subsection (b) shall use funds made available under this section—

(1) to conduct research to improve the scientific basis of using land management practices to increase soil carbon sequestration, including research on the use of new technologies to increase carbon cycle effectiveness, such as biotechnology and nanotechnology;

(2) to enter into partnerships to identify, develop, and evaluate agricultural best practices, including partnerships between—

(A) Federal, State, or private entities; and

(B) the Department of Agriculture;

(3) to develop necessary computer models to predict and assess the carbon cycle;

(4) to estimate and develop mechanisms to measure carbon levels made available as a result of—

(A) voluntary Federal conservation programs;

(B) private and Federal forests; and

(C) other land uses;

(5) to develop outreach programs, in coordination with Extension Services, to share information on carbon cycle and agricultural best practices that is useful to agricultural producers; and

(6) to collaborate with the Great Plains Regional Earth Science Application Center to develop a space-based carbon cycle remote sensing technology program to—

(A) provide, on a near-continual basis, a real-time and comprehensive view of vegetation conditions;

(B) assess and model agricultural carbon sequestration; and

(C) develop commercial products.

(d) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds made available under subsection (a) may be used by the Secretary to pay administrative costs incurred in carrying out this section.

SEC. 222. TOBACCO RESEARCH FOR MEDICINAL PURPOSES.

(a) ASSISTANCE.—Of the amount made available under section 261(a)(2), the Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall use $3,000,000 to provide a grant jointly to Georgetown University and North Carolina State University to conduct research regarding the extraction and purification of proteins from genetically altered tobacco that may be used as a vaccine for cervical cancer.

(b) RELATION TO OTHER LAW.—The Secretary may make the grant described in subsection (a) notwithstanding any general prohibition on the use of appropriated funds to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

SEC. 223. RESEARCH ON SOIL SCIENCE AND FOREST HEALTH MANAGEMENT.

Of the amount made available under section 261(a)(2), the Secretary shall use $10,000,000 to provide a grant to the University of Nebraska in Lincoln, Nebraska, for laboratories and equipment for research on soil science and forest health and management.

SEC. 224. RESEARCH ON WASTE STREAMS FROM LIVESTOCK PRODUCTION.

Of the amount made available under section 261(a)(2), the Secretary shall use $3,500,000 to expand current research related to technologies for—

(1) reducing, modifying, recycling, and using waste streams from livestock production; and

(2) eliminating associated air, water, and soil quality problems.

SEC. 225. IMPROVED STORAGE AND MANAGEMENT OF LIVESTOCK AND POULTRY WASTE.

(a) ASSISTANCE.—Of the amount made available under section 261(a)(2), the Secretary shall use $5,000,000—

(1) to review and assess the actual or potential failure of waste storage and handling systems used in livestock or poultry production and the environmental damages associated with the failure of the systems; and

(2) to study and demonstrate appropriate market-oriented mechanisms to assist livestock producers and poultry producers to prevent the failure of the systems and rectify environmental

damages associated with the failure of the systems.

(b) IMPLEMENTATION.—The Secretary shall carry out this section through grants, contracts, and cooperative agreements with livestock producers, poultry producers, associations of such producers, and foundations supported by such producers.

SEC. 226. ETHANOL RESEARCH PILOT PLANT.

Of the amount made available under section 261(a)(2), the Secretary shall use $14,000,000 to provide a grant to the State of Illinois to complete the construction of a corn-based ethanol research pilot plant (agreement #59-3601-7-078) at Southern Illinois University, Edwardsville, Illinois.

SEC. 227. BIOINFORMATICS INSTITUTE FOR MODEL PLANT SPECIES.

(a) ESTABLISHMENT AND PURPOSE.—The Secretary, acting through the Agricultural Research Service, may enter into a cooperative agreement with the National Center for Genome Resources in Santa Fe, New Mexico, New Mexico State University, and Iowa State University, for the establishment and operation of an institute (to be known as the "Bioinformatics Institute for Model Plant Species") in Santa Fe, New Mexico, for the purpose of enhancing the accessibility and utility of genomic information for plant genetic research.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $3,000,000 for the purpose of establishing the Institute under subsection (a); and

(2) such sums as may be necessary for each fiscal year to carry out the cooperative agreement authorized by subsection (a).

Subtitle D—Agricultural Marketing

SEC. 231. VALUE-ADDED AGRICULTURAL PRODUCT MARKET DEVELOPMENT GRANTS.

(a) GRANT PROGRAM.—

(1) ESTABLISHMENT AND PURPOSES.—Of the amount made available under section 261(a)(2), $15,000,000 shall be used by the Secretary to award competitive grants to eligible independent producers (as determined by the Secretary) of value-added agricultural commodities and products of agricultural commodities to assist an eligible producer—

(A) to develop a business plan for viable marketing opportunities for a value-added agricultural commodity or product of an agricultural commodity; or

(B) to develop strategies for the ventures that are intended to create marketing opportunities for the producers.

(2) AMOUNT OF GRANT.—The total amount provided under this subsection to a grant recipient may not exceed $500,000.

(3) PRODUCER STRATEGIES.—A producer that receives a grant under paragraph (1) shall use the grant—

(A) to develop a business plan or perform a feasibility study to establish a viable marketing opportunity for a value-added agricultural commodity or product of an agricultural commodity; or

(B) to provide capital to establish alliances or business ventures that allow the producer to better compete in domestic or international markets.

(b) AGRICULTURAL MARKETING RESOURCE CENTER PILOT PROJECT.—

(1) ESTABLISHMENT.—Notwithstanding the limitation on grants in subsection (a)(2), the Secretary shall not use more than $5,000,000 of the funds made available under subsection (a) to establish a pilot project (to be known as the "Agricultural Marketing Resource Center") at an eligible institution described in paragraph (2) that will—

(A) develop a resource center with electronic capabilities to coordinate and provide to independent producers and processors (as determined by the Secretary) of value-added agricultural commodities and products of agricultural commodities information regarding research, business, legal, financial, or logistical assistance; and

(B) develop a strategy to establish a nationwide market information and coordination system.

(2) ELIGIBLE INSTITUTION.—To be eligible to receive funding to establish the Agricultural Marketing Resource Center, an applicant shall demonstrate to the Secretary—

(A) the capacity and technical expertise to provide the services described in paragraph (1)(A);

(B) an established plan outlining support of the applicant in the agricultural community; and

(C) the availability of resources (in cash or in kind) of definite value to sustain the Center following establishment.

(c) MATCHING FUNDS.—A recipient of funds under subsection (a) or (b) shall contribute an amount of non-Federal funds that is at least equal to the amount of Federal funds received.

(d) LIMITATION.—Funds provided under this section may not be used for—

(1) planning, repair, rehabilitation, acquisition, or construction of a building or facility (including a processing facility); or

(2) the purchase, rental, or installation of fixed equipment.

Subtitle E—Nutrition Programs

SEC. 241. CALCULATION OF MINIMUM AMOUNT OF COMMODITIES FOR SCHOOL LUNCH REQUIREMENTS.

(a) FISCAL YEAR 2000.—Notwithstanding any other provision of law, in addition to any assistance provided under any other provision of law, of the amount made available under section 261(a)(1), the Secretary shall use $34,000,000 in fiscal year 2000 to purchase commodities of the type provided under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755) for distribution to schools participating in the school lunch program established under that Act (42 U.S.C. 1751 et seq.).

(b) FISCAL YEAR 2001.—Section 6(e)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended by striking "2000" and inserting "2001".

(c) ADDITIONAL COMMODITIES IN FISCAL YEAR 2001.—Notwithstanding any other provision of law, in addition to any assistance provided under any other provision of law (including the amendment made by subsection (b)), of the amount made available under section 261(a)(2), the Secretary shall use $21,000,000 in fiscal year 2001 to purchase commodities of the type provided under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755) for distribution to schools participating in the school lunch program established under that Act (42 U.S.C. 1751 et seq.).

(d) DISTRIBUTION TO SCHOOLS.—The commodities purchased under subsections (a) and (c) shall, to the maximum extent practicable, be distributed in the same manner as commodities are distributed under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755).

SEC. 242. SCHOOL LUNCH DATA.

(a) LIMITED WAIVER OF CONFIDENTIALITY REQUIREMENT.—

(1) IN GENERAL.—Section 9(b)(2)(C)(iii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(2)(C)(iii)) is amended—

(A) in subclause (II), by striking "and" at the end;

(B) in subclause (III), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(IV) a person directly connected with the administration of the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or the State children's health insurance program under title XXI of that Act (42 U.S.C. 1397aa et seq.) solely for the purpose of identifying children eligible for benefits under, and enrolling children in, such programs, except that this subclause shall apply only to the extent that the State and the school food authority so elect.".

(2) CERTIFICATION AND NOTIFICATION.—Section 9(b)(2)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(2)(C)) is amended by adding at the end the following:

"(vi) REQUIREMENTS FOR WAIVER OF CONFIDENTIALITY.—A State that elects to exercise the option described in clause (iii)(IV) shall ensure that any school food authority acting in accordance with that option—

"(I) has a written agreement with the State or local agency or agencies administering health insurance programs for children under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.) that requires the health agencies to use the information obtained under clause (iii) to seek to enroll children in those health insurance programs; and

"(II)(aa) notifies each household, the information of which shall be disclosed under clause (iii), that the information disclosed will be used only to enroll children in health programs referred to in clause (iii)(IV); and

"(bb) provides each parent or guardian of a child in the household with an opportunity to elect not to have the information disclosed.

"(vii) USE OF DISCLOSED INFORMATION.—A person to which information is disclosed under clause (iii)(IV) shall use or disclose the information only as necessary for the purpose of enrolling children in health programs referred to in clause (iii)(IV).".

(b) DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following:

"(r) DEMONSTRATION PROJECT RELATING TO USE OF THE WIC PROGRAM FOR IDENTIFICATION AND ENROLLMENT OF CHILDREN IN CERTAIN HEALTH PROGRAMS.—

"(1) IN GENERAL.—In accordance with paragraph (2), the Secretary shall establish a demonstration project in at least 20 local agencies in 1 State under which costs of nutrition services and administration (as defined in subsection (b)(4)) shall include the costs of identification of children eligible for benefits under, and the provision of enrollment assistance for children in—

"(A) the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

"(B) the State children's health insurance program under title XXI of that Act (42 U.S.C. 1397aa et seq.).

"(2) STATE-RELATED REQUIREMENTS.—The State in which a demonstration project is established under paragraph (1)—

"(A) shall operate not fewer than 20 pilot site locations;

"(B) as of the date of establishment of the demonstration project—

"(i) with respect to the programs referred to in subparagraphs (A) and (B) of paragraph (1)—

"(I) shall have in use a simplified application form with a length of not more than 2 pages;

"(II) shall accept mail-in applications; and

"(III) shall permit enrollment in the program in a variety of locations; and

"(ii) shall have served as an original pilot site for the program under this section; and

"(C) as of December 31, 1998, shall have had—

"(i) an infant mortality rate that is above the national average; and

"(ii) an overall rate of age-appropriate immunizations against vaccine-preventable diseases that is below 80 percent.

"(3) TERMINATION OF AUTHORITY.—The authority provided by this subsection terminates September 30, 2003.".

(2) TECHNICAL AMENDMENTS.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(A) in subsection (b)(4), by striking "(4)" and all that follows through "means" and inserting "(4) 'Costs of nutrition services and administration' or 'nutrition services and administration' means"; and

(B) in subsection (h)(1)(A), by striking "costs incurred by State and local agencies for nutrition services and administration" and inserting "costs of nutrition services and administration incurred by State and local agencies".

(3) GRANT FOR DEMONSTRATION PROJECT.—Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following:

"(p) GRANT FOR DEMONSTRATION PROJECT.—

"(1) USE OF FUNDS FOR WIC DEMONSTRATION PROJECT.—

"(A) IN GENERAL.—The Secretary shall make grants of funds under this subsection to a State—

"(i) for purposes that include carrying out the demonstration project under section 17(r) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(r)); and

"(ii) for the purpose described in clause (i), in amounts not to exceed $10,000 for each fiscal year for each site in the State.

"(B) APPORTIONMENT.—A State that receives a grant under subparagraph (A) shall apportion the funds received to ensure that each site in the State receives not more than $10,000 for any fiscal year.

"(2) EVALUATIONS OF DEMONSTRATION PROJECT.—The Secretary shall conduct an evaluation of the demonstration project and grant program for identification and enrollment efforts funded under this subsection that include a determination of—

"(A) the number of children enrolled as a result of the enactment of this subsection;

"(B) the income levels of the families of enrolled children;

"(C) the cost of identification and enrollment assistance services provided under the project or grant program;

"(D) the effect on the caseloads of local agencies that carry out the special supplemental nutrition program for woman, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

"(E) such other factors as the Secretary determines to be appropriate.

"(3) FUNDING.—

"(A) IN GENERAL.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary to carry out this subsection $1,000,000 for the period of fiscal years 2001 through 2004, to remain available until expended but not later than September 30, 2004.

"(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive the funds and shall accept the funds provided under subparagraph (A), without further appropriation.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000.

SEC. 243. CHILD AND ADULT CARE FOOD PROGRAM INTEGRITY.

(a) DEFINITION OF INSTITUTION; EXCLUSION OF SERIOUSLY DEFICIENT INSTITUTIONS.—Section 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)) is amended—

(1) by striking "(a) The Secretary" and inserting the following:

"(a) GRANT AUTHORITY AND INSTITUTION ELIGIBILITY.—

"(1) GRANT AUTHORITY.—The Secretary";

(2) by striking the second and third sentences and inserting the following:

"(2) DEFINITION OF INSTITUTION.—In this section, the term 'institution' means—

"(A) any public or private nonprofit organization providing nonresidential child care or day care outside school hours for school children, including any child care center, settlement house, recreational center, Head Start center, and institution providing child care facilities for children with disabilities;

"(B) any other private organization providing nonresidential child care or day care outside school hours for school children for which the organization receives compensation from amounts granted to the States under title XX of the Social Security Act (42 U.S.C. 1397 et seq.) (but only if the organization receives compensation under that title for at least 25 percent of its enrolled children or 25 percent of its licensed capacity, whichever is less);

"(C) any public or private nonprofit organization acting as a sponsoring organization for 1 or more of the organizations described in subparagraph (A) or (B) or for an adult day care center (as defined in subsection (o)(2));

"(D) any other private organization acting as a sponsoring organization for, and that is part of the same legal entity as, 1 or more organizations that are—

"(i) described in subparagraph (B); or

"(ii) proprietary title XIX or title XX centers (as defined in subsection (o)(2));

"(E) any public or private nonprofit organization acting as a sponsoring organization for 1 or more family or group day care homes; and

"(F) any emergency shelter (as defined in subsection (t)).";

(3) by striking "Except as provided in subsection (r)," and inserting the following:

"(3) AGE LIMIT.—Except as provided in subsection (r),";

(4) by striking "The Secretary may establish separate guidelines" and inserting the following:

"(4) ADDITIONAL GUIDELINES.—The Secretary may establish separate guidelines";

(5) by striking "For purposes of determining" and all that follows through "an institution" and inserting the following:

"(5) LICENSING.—In order to be eligible, an institution"; and

(6) by striking "standards; and" and inserting "standards.";

(7) by striking "(2) no institution" and inserting the following:

"(6) ELIGIBILITY CRITERIA.—No institution"; and

(8) in paragraph (6) (as so designated)—

(A) in subparagraph (B), by inserting ", or has not been determined to be ineligible to participate in any other publicly funded program by reason of violation of the requirements of the program" before ", for a period";

(B) in subparagraph (C)—

(i) by inserting "(i)" after "(C)"; and

(ii) by adding at the end the following:

"(ii) in the case of a sponsoring organization, the organization shall employ an appropriate number of monitoring personnel based on the number and characteristics of child care centers and family or group day care homes sponsored by the organization, as approved by the State (in accordance with regulations promulgated by the Secretary), to ensure effective oversight of the operations of the child care centers and family or group day care homes; and";

(C) in subparagraph (D), by striking the period and inserting a semicolon; and

(D) by adding at the end the following:

"(E) in the case of a sponsoring organization, the organization has in effect a policy that restricts other employment by employees that interferes with the responsibilities and duties of the employees of the organization with respect to the program; and

"(F) in the case of a sponsoring organization that applies for initial participation in the program on or after the date of the enactment of this subparagraph and that operates in a State that requires such institutions to be bonded under State law, regulation, or policy, the institution is bonded in accordance with such law, regulation, or policy.".

(b) INSTITUTION APPROVAL AND APPLICATIONS.—

(1) IN GENERAL.—Section 17(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)) is amended by striking the subsection designation and all that follows through the end of paragraph (1) and inserting the following:

"(d) INSTITUTION APPROVAL AND APPLICATIONS.—

"(1) INSTITUTION APPROVAL.—

"(A) ADMINISTRATIVE CAPABILITY.—Subject to subparagraph (B) and except as provided in subparagraph (C), the State agency shall approve an institution that meets the requirements of this section for participation in the child and adult care food program if the State agency determines that the institution—

"(i) is financially viable;

"(ii) is administratively capable of operating the program (including whether the sponsoring organization has business experience and management plans appropriate to operate the program) described in the application of the institution; and

"(iii) has internal controls in effect to ensure program accountability.

"(B) APPROVAL OF PRIVATE INSTITUTIONS.—

"(i) IN GENERAL.—In addition to the requirements established by subparagraph (A) and subject to clause (ii), the State agency shall approve a private institution that meets the requirements of this section for participation in the child and adult care food program only if—

"(I) the State agency conducts a satisfactory visit to the institution before approving the participation of the institution in the program; and

"(II) the institution—

"(aa) has tax exempt status under the Internal Revenue Code of 1986;

"(bb) is operating a Federal program requiring nonprofit status to participate in the program; or

"(cc) is described in subsection (a)(2)(B).'

"(ii) EXCEPTION FOR FAMILY OR GROUP DAY CARE HOMES.—Clause (i) shall not apply to a family or group day care home.

"(C) EXCEPTION FOR CERTAIN SPONSORING ORGANIZATIONS.—

"(i) IN GENERAL.—The State agency may approve an eligible institution acting as a sponsoring organization for 1 or more family or group day care homes or centers that, at the time of application, is not participating in the child and adult care food program only if the State agency determines that—

"(I) the institution meets the requirements established by subparagraphs (A) and (B); and

"(II) the participation of the institution will help to ensure the delivery of benefits to otherwise unserved family or group day care homes or centers or to unserved children in an area.

"(ii) CRITERIA FOR SELECTION.—The State agency shall establish criteria for approving an eligible institution acting as a sponsoring organization for 1 or more family or group day care homes or centers that, at the time of application, is not participating in the child and adult care food program for the purpose of determining if the participation of the institution will help ensure the delivery of benefits to otherwise unserved family or group day care homes or centers or to unserved children in an area.

"(D) NOTIFICATION TO APPLICANTS.—Not later than 30 days after the date on which an applicant institution files a completed application

with the State agency, the State agency shall notify the applicant institution whether the institution has been approved or disapproved to participate in the child and adult care food program.".

(2) SITE VISITS.—Section 17(d)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(2)(A)) is amended—

(A) in clause (i), by striking "; and" and inserting a semicolon;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

"(ii)(I) requires periodic unannounced site visits at not less than 3-year intervals to sponsored child care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program;

"(II) requires at least 1 scheduled site visit each year to sponsored child care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program and to improve program operations; and

"(III) requires at least 1 scheduled site visit at not less than 3-year intervals to sponsoring organizations and nonsponsored child care centers to identify and prevent management deficiencies and fraud and abuse under the program and to improve program operations; and".

(3) CONFORMING AMENDMENT.—Section 17(d)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(2)(B)) is amended by striking "subsection (a)(1)" and inserting "subsection (a)(5)".

(4) PROGRAM INFORMATION.—

(A) IN GENERAL.—Section 17(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)) is amended by adding at the end the following:

"(3) PROGRAM INFORMATION.—

"(A) IN GENERAL.—On enrollment of a child in a sponsored child care center or family or group day care home participating in the program, the center or home (or its sponsoring organization) shall provide to the child's parents or guardians—

"(i) information that describes the program and its benefits; and

"(ii) the name and telephone number of the sponsoring organization of the center or home and the State agency involved in the operation of the program.

"(B) FORM.—The information described in subparagraph (A) shall be in a form and, to the maximum extent practicable, language easily understandable by the child's parents or guardians.".

(B) EFFECTIVE DATE.—In the case of a child that is enrolled in a sponsored child care center or family or group day care home participating in the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) before the date of the enactment of this Act, the center or home shall provide information to the child's parents or guardians pursuant to section 17(d)(3) of that Act, as added by subparagraph (A), not later than 90 days after the date of the enactment of this Act.

(5) ALLOWABLE ADMINISTRATIVE EXPENSES FOR SPONSORING ORGANIZATIONS.—Section 17(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)), as amended by paragraph (4)(A), is amended by adding at the end the following:

"(4) ALLOWABLE ADMINISTRATIVE EXPENSES FOR SPONSORING ORGANIZATIONS.—In consultation with State agencies and sponsoring organizations, the Secretary shall develop, and provide for the dissemination to State agencies and sponsoring organizations of, a list of allowable reimbursable administrative expenses for sponsoring organizations under the program.".

(c) TERMINATION OR SUSPENSION OF PARTICIPATING ORGANIZATIONS.—Section 17(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)), as amended by subsection (b)(5), is amended by adding at the end the following:

"(5) TERMINATION OR SUSPENSION OF PARTICIPATING ORGANIZATIONS.—

"(A) IN GENERAL.—The Secretary shall establish procedures for the termination of participation by institutions and family or group day care homes under the program.

"(B) STANDARDS.—Procedures established pursuant to subparagraph (A) shall include standards for terminating the participation of an institution or family or group day care home that—

"(i) engages in unlawful practices, falsifies information provided to the State agency, or conceals a criminal background; or

"(ii) substantially fails to fulfill the terms of its agreement with the State agency.

"(C) CORRECTIVE ACTION.—Procedures established pursuant to subparagraph (A)—

"(i) shall require an entity described in subparagraph (B) to undertake corrective action; and

"(ii) may require the immediate suspension of operation of the program by an entity described in subparagraph (B), without the opportunity for corrective action, if the State agency determines that there is imminent threat to the health or safety of a participant at the entity or the entity engages in any activity that poses a threat to public health or safety.

"(D) HEARING.—An institution or family or group day care home shall be provided a fair hearing in accordance with subsection (e)(1) prior to any determination to terminate participation by the institution or family or group day care home under the program.

"(E) LIST OF DISQUALIFIED INSTITUTIONS AND INDIVIDUALS.—

"(i) IN GENERAL.—The Secretary shall maintain a list of institutions, sponsored family or group day care homes, and individuals that have been terminated or otherwise disqualified from participation in the program.

"(ii) AVAILABILITY.—The Secretary shall make the list available to State agencies for use in approving or renewing applications by institutions, sponsored family or group day care homes, and individuals for participation in the program.".

(d) RECOVERY OF AMOUNTS FROM INSTITUTIONS.—Section 17(f)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(1)) is amended—

(1) by striking "(f)(1) Funds paid" and inserting the following:

"(f) STATE DISBURSEMENTS TO INSTITUTIONS.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.--Funds paid"; and

(2) by adding at the end the following:

"(B) FRAUD OR ABUSE.—

"(i) IN GENERAL.—The State may recover funds disbursed under subparagraph (A) to an institution if the State determines that the institution has engaged in fraud or abuse with respect to the program or has submitted an invalid claim for reimbursement.

"(ii) PAYMENT.—Amounts recovered under clause (i)—

"(I) may be paid by the institution to the State over a period of 1 or more years; and

"(II) shall not be paid from funds used to provide meals and supplements.

"(iii) HEARING.—An institution shall be provided a fair hearing in accordance with subsection (e)(1) prior to any determination to recover funds under this subparagraph.".

(e) LIMITATION ON ADMINISTRATIVE EXPENSES FOR CERTAIN SPONSORING ORGANIZATIONS.—Section 17(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(2)) is amended by adding at the end the following:

"(C) LIMITATION ON ADMINISTRATIVE EXPENSES FOR CERTAIN SPONSORING ORGANIZATIONS.—

"(i) IN GENERAL.—Except as provided in clause (ii), a sponsoring organization of a day care center may reserve not more than 15 percent of the funds provided under paragraph (1) for the administrative expenses of the organization.

"(ii) WAIVER.—A State may waive the requirement in clause (i) with respect to a sponsoring organization if the organization provides justification to the State that the organization requires funds in excess of 15 percent of the funds provided under paragraph (1) to pay the administrative expenses of the organization.".

(f) LIMITATIONS ON ABILITY OF FAMILY OR GROUP DAY CARE HOMES TO TRANSFER SPONSORING ORGANIZATIONS.—Section 17(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)) is amended by striking subparagraph (D) and inserting the following:

"(D) LIMITATIONS ON ABILITY OF FAMILY OR GROUP DAY CARE HOMES TO TRANSFER SPONSORING ORGANIZATIONS.—

"(i) IN GENERAL.—Subject to clause (ii), a State agency shall limit the ability of a family or group day care home to transfer from a sponsoring organization to another sponsoring organization more frequently than once a year

"(ii) GOOD CAUSE.—The State agency may permit or require a family or group day care home to transfer from a sponsoring organization to another sponsoring organization more frequently than once a year for good cause (as determined by the State agency), including circumstances in which the sponsoring organization of the family or group day care home ceases to participate in the child and adult care food program.".

(g) STATEWIDE DEMONSTRATION PROJECTS INVOLVING PRIVATE FOR-PROFIT ORGANIZATIONS THAT PROVIDE NONRESIDENTIAL DAY CARE SERVICES.—

(1) IN GENERAL.—Section 17(p) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(p)) is amended—

(A) in the first sentence of paragraph (1), by striking "2 statewide demonstration projects" and inserting "statewide demonstration projects in 3 States"; and

(B) in paragraph (3)—

(i) by inserting "in" after "subsection";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) 1 other State—

"(i) with fewer than 60,000 children below 5 years of age;

"(ii) that serves more than the national average proportion of children potentially eligible for assistance provided under the Child Care and Development Fund (as indicated in data published by the Department of Health and Human Services in October 1999);

"(iii) that exempts all families from cost sharing requirements under programs funded by the Child Care and Development Fund; and

"(iv) in which State spending represents more than 50 percent of total expenditures made under the Child Care and Development Fund.".

(2) EFFECTIVE DATE.—The Secretary may carry out demonstration projects in the State described in section 17(p)(3)(C) of the Richard B. Russell National School Lunch Act, as added by paragraph (1)(B)(iv), beginning not earlier than October 1, 2001.

(h) TECHNICAL AND TRAINING ASSISTANCE FOR IDENTIFICATION AND PREVENTION OF FRAUD AND ABUSE.—Section 17(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(q)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) TECHNICAL AND TRAINING ASSISTANCE FOR IDENTIFICATION AND PREVENTION OF FRAUD AND ABUSE.—As part of training and technical assistance provided under paragraph (1), the Secretary shall provide training on a continuous basis to State agencies, and shall ensure that such training is provided to sponsoring organizations, for the identification and prevention of fraud and abuse under the program and to improve management of the program.".

(i) PROGRAM FOR AT-RISK SCHOOL CHILDREN.—Section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)) is amended—

(1) in paragraph (2), by inserting "meals or" before "supplements";

(2) in paragraph (4)—

(A) in the heading, by striking "SUPPLEMENT" and inserting "MEAL AND SUPPLEMENT";

(B) in subparagraph (A)—

(i) by striking "only for" and all that follows through "(i) a supplement" and inserting "only for 1 meal per child per day and 1 supplement per child per day";

(ii) by striking "; and" and inserting a period; and

(iii) by striking clause (ii);

(C) in subparagraph (B), by striking "RATE.—A supplement" and inserting the following: "RATES.—

"(i) MEALS.—A meal shall be reimbursed under this subsection at the rate established for free meals under subsection (c).

"(ii) SUPPLEMENTS.—A supplement"; and

(D) in subparagraph (C), by inserting "meal or" before "supplement"; and

(3) by adding at the end the following:

"(5) LIMITATION.—The Secretary shall limit reimbursement under this subsection for meals served under a program to institutions located in 6 States, of which 4 States shall be Pennsylvania, Missouri, Delaware, and Michigan and 2 States shall be approved by the Secretary through a competitive application process.".

(j) WITHHOLDING OF FUNDS FOR FAILURE TO PROVIDE SUFFICIENT TRAINING, TECHNICAL ASSISTANCE, AND MONITORING.—Section 7(a)(9)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(9)(A)) is amended by inserting after "the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.)" the following: "(including any requirement to provide sufficient training, technical assistance, and monitoring of the child and adult care food program under section 17 of that Act (42 U.S.C. 1766))".

SEC. 244. ADJUSTMENTS TO WIC PROGRAM.

(a) DEFINITION.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by adding at the end the following:

"(21) REMOTE INDIAN OR NATIVE VILLAGE.—The term 'remote Indian or Native village' means an Indian or Native village that—

"(A) is located in a rural area;

"(B) has a population of less than 5,000 inhabitants; and

"(C) is not accessible year-around by means of a public road (as defined in section 101 of title 23, United States Code).".

(b) COST-OF-LIVING ALLOWANCES FOR MEMBERS OF UNIFORMED SERVICES.—Section 17(d)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)) is amended—

(1) by striking "income any" and inserting "income—

"(i) any";

(2) by striking "quarters" and inserting "housing";

(3) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(ii) any cost-of-living allowance provided under section 405 of title 37, United States Code, to a member of a uniformed service who is on duty outside the continental United States.".

(c) PROOF OF RESIDENCY.—Section 17(d)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)) is amended by adding at the end the following:

"(F) PROOF OF RESIDENCY.—An individual residing in a remote Indian or Native village or an individual served by an Indian tribal organization and residing on a reservation or pueblo may, under standards established by the Secretary, establish proof of residency under this section by providing to the State agency the mailing address of the individual and the name of the remote Indian or Native village.".

(d) ADJUSTMENT OF GRANT.—Section 17(h)(1)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(1)(B)) is amended—

(1) in clause (i), by striking "the fiscal year 1987" and inserting "the preceding fiscal year"; and

(2) in clause (ii)—

(A) by striking "the fiscal year 1987" and inserting "the preceding fiscal year"; and

(B) by striking subclause (I) and inserting the following:

"(I) the value of the index for State and local government purchases, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30 of the second preceding fiscal year; and".

(e) ALLOCATION OF FUNDS.—Section 17(h)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(5)) is amended by adding at the end the following:

"(D) REMOTE INDIAN OR NATIVE VILLAGES.—For noncontiguous States containing a significant number of remote Indian or Native villages, a State agency may convert amounts allocated for food benefits for a fiscal year to the costs of nutrition services and administration to the extent that the conversion is necessary to cover expenditures incurred in providing services (including the full cost of air transportation and other transportation) to remote Indian or Native villages and to provide breastfeeding support in remote Indian or Native villages.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on the date of enactment of this Act.

(2) ALLOCATION OF FUNDS.—The amendments made by subsections (d) and (e) take effect on October 1, 2000.

Subtitle F—Other Programs

SEC. 251. AUTHORITY TO PROVIDE LOAN IN CONNECTION WITH BOLL WEEVIL ERADICATION.

(a) LOAN AUTHORITY.—Notwithstanding any other provision of law, the Secretary, acting through the Farm Service Agency, shall use $10,000,000 of funds of the Commodity Credit Corporation to make a loan to the Texas Boll Weevil Eradication Foundation, Inc., to enable the Foundation to retire certain debt associated with boll weevil eradication zones which have ended their participation, in whole or in part, in the federally funded boll weevil eradication program.

(b) REPAYMENT TERMS AND CONDITIONS.—The loan provided under subsection (a) shall be subject to the following terms and conditions:

(1) Repayment shall be scheduled to begin on January 1 of the year following the first year during which the boll weevil eradication zone, or any part thereof, responsible for the debt retired using the loan resumes participation in any federally funded boll weevil eradication program.

(2) No interest shall be charged.

(c) LIMITATION.—The cost of the loan made under this section shall not exceed the loan subsidy sufficient to make the loan.

SEC. 252. ANIMAL DISEASE CONTROL.

(a) PSEUDORABIES.—Of the amount made available under section 261(a)(2), the Secretary shall use $7,000,000 to cover pseudorabies vaccination costs incurred by pork producers.

(b) BOVINE TUBERCULOSIS.—Of the amount made available under section 261(a)(2), the Secretary shall use $6,000,000 to respond to bovine tuberculosis in the State of Michigan. The funds shall be available for the following purposes:

(1) The surveillance and testing of cattle and wildlife.

(2) Research regarding bovine tuberculosis, to be conducted by the Agricultural Research Service and Michigan State University.

(3) The provision of increased indemnity payments to encourage the depopulation of infected herds.

(4) The performance of diagnostic testing and treatment of humans affected by bovine tuberculosis.

(5) Slaughter surveillance.

(6) The control and prevention of the exposure of livestock to infected wildlife, including the installation of fencing to minimize contact between livestock and wildlife.

(7) The distribution of information regarding the risk and control of bovine tuberculosis, including technological improvements to enhance communication.

SEC. 253. EMERGENCY LOANS FOR SEED PRODUCERS.

(a) IN GENERAL.—Of the amount made available under section 261(a)(2), the Secretary shall use $35,000,000, plus $200,000 for payment of administrative costs, to make no-interest loans to producers of the 1999 crop of grass, forage, vegetable, and sorghum seed that have not received payments from AgriBiotech for the seed as a result of bankruptcy proceedings involving AgriBiotech (referred to in this section as the "bankruptcy proceedings").

(b) LOANS.—

(1) IN GENERAL.—The amount of the loan made to a seed producer under this section shall be not more than 65 percent of the amount owed by AgriBiotech to the seed producer for the 1999 seed crop, as determined by the Secretary.

(2) ELIGIBILITY.—To be eligible for a loan under this section, the claim of a seed producer in the bankruptcy proceedings must have arisen from a contract to grow seeds in the United States.

(3) CONTROL.—In determining the amount owed by AgriBiotech to a seed producer under paragraph (1), the Secretary shall consider whether the seed producer has relinquished control of the seed to AgriBiotech or has the seed in inventory waiting to be sold.

(4) SECURITY.—A loan to a seed producer under this section shall be secured in part by the claim of the seed producer in the bankruptcy proceedings.

(5) REPAYMENT.—Each seed producer shall repay to the Secretary, for deposit in the Treasury, the amount of the loan made to the seed producer on the earlier of—

(A) the date of settlement of, completion of, or final distribution of assets in the bankruptcy proceedings involving AgriBiotech; or

(B) the date that is 18 months after the date on which the loan was made to the seed producer.

(c) ADDITIONAL TERMS.—

(1) SHORTFALL IN AMOUNT RECEIVED FROM BANKRUPTCY PROCEEDINGS.—If the amount that the seed producer receives as a result of the proceedings described in subsection (b)(5)(A) is less than the amount of the loan made to the seed producer under subsection (b)(1), the seed producer shall be eligible to have the balance of the loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(2) Lengthy Bankruptcy Proceedings.—If a seed producer is required to repay a loan under subsection (b)(5)(B), the seed producer shall be eligible to have the balance of the loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(d) Limitation.—The cost of all loans made under this section shall not exceed $15,000,000.

SEC. 254. TEMPORARY SUSPENSION OF AUTHORITY TO COMBINE CERTAIN OFFICES.

(a) Suspension.—During the period beginning on the date of enactment of this Act and ending on June 1, 2001, the Secretary may not combine or take any action to combine, at the State level, offices of the agencies specified in subsection (b) unless the offices are located in the same county as of the date of enactment of this Act.

(b) Covered Offices.—Subsection (a) applies to an office of any of the following agencies:

(1) The Farm Service Agency.

(2) The Natural Resources Conservation Service.

(3) The Rural Utilities Service.

(4) The Rural Housing Service.

(5) The Rural Business-Cooperative Service.

(c) Report.—Not later than April 1, 2001, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing any proposed combination of offices specified in subsection (b) that includes a certification that the proposed combination would result in the lowest cost to the Federal Government over the long term.

SEC. 255. FARM OPERATING LOAN ELIGIBILITY.

During the period beginning on the date of enactment of this Act and ending on December 31, 2002—

(1) sections 311(c) and 319 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(c), 1949) shall have no force or effect; and

(2) in making direct loans under subtitle B of that Act (7 U.S.C. 1941 et seq.), the Secretary shall give priority to a qualified beginning farmer or rancher who has not operated a farm or ranch, or who has operated a farm or ranch for not more than 5 years.

SEC. 256. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

Section 306D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d) is amended by striking subsection (d) and inserting the following:

"(d) Authorization of Appropriations.—

"(1) In General.—There are authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2001 and 2002.

"(2) Training and Technical Assistance.—Not more than 2 percent of the amount made available under paragraph (1) for a fiscal year may be used by the State of Alaska for training and technical assistance programs relating to the operation and management of water and waste disposal services in rural and Native villages.

"(3) Availability.—Funds appropriated pursuant to the authorization of appropriations in paragraph (1) shall be available until expended.".

SEC. 257. CROP AND PASTURE FLOOD COMPENSATION PROGRAM.

(a) Definition of Covered Land.—In this section:

(1) In General.—The term "covered land" means land that—

(A) was unusable for agricultural production during the 2000 crop year as the result of flooding;

(B) was used for agricultural production during at least 1 of the 1992 through 1999 crop years;

(C) is a contiguous parcel of land of at least 1 acre; and

(D) is located in a county in which producers were eligible for assistance under the 1998 Flood Compensation Program established under part 1439 of title 7, Code of Federal Regulations.

(2) Exclusions.—The term "covered land" excludes any land for which a producer is insured, enrolled, or assisted during the 2000 crop year under—

(A) a policy or plan of insurance authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program operated under section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333);

(C) any crop disaster program established for the 2000 crop year;

(D) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

(E) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.);

(F) any emergency watershed protection program or Federal easement program that prohibits crop production or grazing; or

(G) any other Federal or State water storage program, as determined by the Secretary.

(b) Compensation.—The Secretary shall use not more than $24,000,000 of funds of the Commodity Credit Corporation to compensate producers with covered land described with respect to losses from long-term flooding.

(c) Payment Rate.—The payment rate for compensation provided to a producer under this section shall equal the average county cash rental rate per acre established by the National Agricultural Statistics Service for the 2000 crop year.

(d) Payment Limitation.—The total amount of payments made to a person (as defined in section 1001(5) of the Food Security Act (7 U.S.C. 1308(5))) under this section may not exceed $40,000.

(e) Conforming Amendment.—H.R. 3425 of the 106th Congress (as enacted into law by section 1000(a)(5) of Public Law 106–113 (113 Stat. 1535) and included as Appendix E of that Public Law (113 Stat. 1501A–289)) is amended in section 207 (113 Stat. 1501A–294) by inserting "or Lake" after "Harney".

SEC. 258. FLOOD MITIGATION NEAR PIERRE, SOUTH DAKOTA.

(a) Requirement.—Subject to subsection (b), as soon as practicable after the date of enactment of this Act, with respect to land and property described in the Flood Mitigation Study and Project Implementation Plan for the Missouri River near Pierre, South Dakota, prepared by the Omaha District Corps of Engineers, dated August 12, 1999, the Secretary of the Army shall—

(1) acquire the land and property from willing sellers; and

(2)(A) floodproof the land;

(B) relocate individuals located on the land;

(C) improve infrastructure on the land; or

(D) take other measures determined by the Secretary.

(b) Releases.—

(1) In General.—The Secretary shall not proceed with full wintertime Oahe Powerplant releases until the Secretary amends the economic analysis in effect on the date of enactment of this Act to include an assumption that the Federal Government is responsible for mitigating any existing ground water flooding to the land and property described in subsection (a).

(2) Reduction.—To the extent the Secretary identifies benefits of mitigating any existing ground water flooding, full wintertime Oahe Powerplant releases shall be reduced consistent with the economic analysis described in paragraph (1).

(3) Minimum Level.—This subsection shall not permit Oahe Powerplant releases to be reduced below existing operational levels.

SEC. 259. RESTORATION OF ELIGIBILITY FOR CROP LOSS ASSISTANCE.

(a) Effect of Change in Legal Structure.—In the case of an individual or entity that was not eligible for a payment pursuant to subsection (c) of section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277; 7 U.S.C. 1421 note), solely because the individual or entity changed the legal structure of the individual's or entity's farming operation, the individual or entity shall be eligible for the payment the individual or entity would have received pursuant to that subsection had the individual or entity not changed the legal structure, less the amount of any payment received by the individual or entity pursuant to subsection (b) of that section.

(b) Multiple Farming Operations.—

(1) Eligible Individuals.—In the case of an individual not described in subsection (a) that farmed acreage as a producer as a part of more than one farming operation, none of which received a payment pursuant to subsection (c) of section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, the individual shall be eligible for a payment pursuant to that subsection for losses that the Secretary determines would have been eligible for compensation with respect to that acreage based on the individual's interest in the production from that acreage.

(2) Reduction.—A payment made pursuant to paragraph (1) to an individual shall be reduced by the amount of a payment made pursuant to subsection (b) of that section 1102 attributed directly or indirectly to the individual with respect to the acreage described in paragraph (1).

Subtitle G—Administration

SEC. 261. FUNDING.

(a) Payment.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary the following:

(1) $34,000,000 for fiscal year 2000 to carry out section 241(a).

(2) $465,500,000 for fiscal year 2001 to carry out the following:

(A) Section 203 (other than subsection (f)).

(B) Subtitle C.

(C) Section 231.

(D) Section 241 (other than subsection (a)).

(E) Sections 252 and 253.

(b) Acceptance.—The Secretary shall be entitled to receive the funds and shall accept the funds, without further appropriation.

SEC. 262. OBLIGATION PERIOD.

Except as otherwise provided in this title, the Secretary and the Commodity Credit Corporation shall obligate and expend—

(1) funds made available under section 261(a)(1) only during fiscal year 2000; and

(2) funds made available under section 261(a)(2), and funds of the Commodity Credit Corporation made available under this title, only during fiscal year 2001.

SEC. 263. REGULATIONS.

(a) Promulgation.—As soon as practicable after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title and the amendments made by this title. The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 264. PAYGO ADJUSTMENT.

The Director of the Office of Management and Budget shall not make any estimates of changes in direct spending outlays and receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) resulting from enactment of this title.

SEC. 265. COMMODITY CREDIT CORPORATION REIMBURSEMENT.

Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall use such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, under this title.

TITLE III—BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000

SEC. 301. SHORT TITLE.

This title may be cited as the "Biomass Research and Development Act of 2000".

SEC. 302. FINDINGS.

Congress finds that—

(1) conversion of biomass into biobased industrial products offers outstanding potential for benefit to the national interest through—

(A) improved strategic security and balance of payments;

(B) healthier rural economies;

(C) improved environmental quality;

(D) near-zero net greenhouse gas emissions;

(E) technology export; and

(F) sustainable resource supply;

(2) the key technical challenges to be overcome in order for biobased industrial products to be cost-competitive are finding new technology and reducing the cost of technology for converting biomass into desired biobased industrial products;

(3) biobased fuels, such as ethanol, have the clear potential to be sustainable, low cost, and high performance fuels that are compatible with both current and future transportation systems and provide near-zero net greenhouse gas emissions;

(4) biobased chemicals have the clear potential for environmentally benign product life cycles;

(5) biobased power can—

(A) provide environmental benefits;

(B) promote rural economic development; and

(C) diversify energy resource options;

(6) many biomass feedstocks suitable for industrial processing show the clear potential for sustainable production, in some cases resulting in improved soil fertility and carbon sequestration;

(7)(A) grain processing mills are biorefineries that produce a diversity of useful food, chemical, feed, and fuel products; and

(B) technologies that result in further diversification of the range of value-added biobased industrial products can meet a key need for the grain processing industry;

(8)(A) cellulosic feedstocks are attractive because of their low cost and widespread availability; and

(B) research resulting in cost-effective technology to overcome the recalcitrance of cellulosic biomass would allow biorefineries to produce fuels and bulk chemicals on a very large scale, with a commensurately large realization of the benefit described in paragraph (1);

(9) research into the fundamentals to understand important mechanisms of biomass conversion can be expected to accelerate the application and advancement of biomass processing technology by—

(A) increasing the confidence and speed with which new technologies can be scaled up; and

(B) giving rise to processing innovations based on new knowledge;

(10) the added utility of biobased industrial products developed through improvements in processing technology would encourage the design of feedstocks that would meet future needs more effectively;

(11) the creation of value-added biobased industrial products would create new jobs in construction, manufacturing, and distribution, as well as new higher-valued exports of products and technology;

(12)(A) because of the relatively short-term time horizon characteristic of private sector investments, and because many benefits of biomass processing are in the national interest, it is appropriate for the Federal Government to provide precommercial investment in fundamental research and research-driven innovation in the biomass processing area; and

(B) such an investment would provide a valuable complement to ongoing and past governmental support in the biomass processing area; and

(13) several prominent studies, including studies by the President's Committee of Advisors on Science and Technology and the National Research Council—

(A) support the potential for large research-driven advances in technologies for production of biobased industrial products as well as associated benefits; and

(B) document the need for a focused, integrated, and innovation-driven research effort to provide the appropriate progress in a timely manner.

SEC. 303. DEFINITIONS.

In this title:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Biomass Research and Development Technical Advisory Committee established by section 306.

(2) BIOBASED INDUSTRIAL PRODUCT.—The term "biobased industrial product" means fuels, chemicals, building materials, or electric power or heat produced from biomass.

(3) BIOMASS.—The term "biomass" means any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal wastes, municipal wastes, and other waste materials.

(4) BOARD.—The term "Board" means the Biomass Research and Development Board established by section 305.

(5) INITIATIVE.—The term "Initiative" means the Biomass Research and Development Initiative established under section 307.

(6) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

(7) NATIONAL LABORATORY.—The term "national laboratory" has the meaning given the term "laboratory" in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

(8) POINT OF CONTACT.—The term "point of contact" means a point of contact designated under section 304(d).

(9) PROCESSING.—The term "processing" means the derivation of biobased industrial products from biomass, including—

(A) feedstock production;

(B) harvest and handling;

(C) pretreatment or thermochemical processing;

(D) fermentation;

(E) catalytic processing;

(F) product recovery; and

(G) coproduct production.

(10) RESEARCH AND DEVELOPMENT.—The term "research and development" means research, development, and demonstration.

SEC. 304. COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy shall cooperate with respect to, and coordinate, policies and procedures that promote research and development leading to the production of biobased industrial products.

(b) PURPOSES.—The purposes of the cooperation and coordination shall be—

(1) to understand the key mechanisms underlying the recalcitrance of biomass for conversion into biobased industrial products;

(2) to develop new and cost-effective technologies that would result in large-scale commercial production of low cost and sustainable biobased industrial products;

(3) to ensure that biobased industrial products are developed in a manner that enhances their economic, energy security, and environmental benefits; and

(4) to promote the development and use of agricultural and energy crops for conversion into biobased industrial products.

(c) AREAS.—In carrying out this title, the Secretary of Agriculture and the Secretary of Energy, in consultation with heads of appropriate departments and agencies, shall promote research and development—

(1) to advance the availability and widespread use of energy efficient, economically competitive, and environmentally sound biobased industrial products in a manner that is consistent with the goals of the United States relating to sustainable and secure supplies of food, chemicals, and fuel;

(2) to ensure full consideration of Federal land and land management programs as potential feedstock resources for biobased industrial products; and

(3) to assess the environmental, economic, and social impact of production of biobased industrial products from biomass on a large scale.

(d) POINTS OF CONTACT.—

(1) IN GENERAL.—To coordinate research and development programs and activities relating to biobased industrial products that are carried out by their respective Departments—

(A) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

(B) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

(2) DUTIES.—The points of contact shall jointly—

(A) assist in arranging interlaboratory and site-specific supplemental agreements for research and development projects relating to biobased industrial products;

(B) serve as cochairpersons of the Board;

(C) administer the Initiative; and

(D) respond in writing to each recommendation of the Advisory Committee made under section 306(c).

SEC. 305. BIOMASS RESEARCH AND DEVELOPMENT BOARD.

(a) ESTABLISHMENT.—There is established the Biomass Research and Development Board, which shall supersede the Interagency Council on Biobased Products and Bioenergy established by Executive Order 13134, to coordinate programs within and among departments and agencies of the Federal Government for the purpose of promoting the use of biobased industrial products by—

(1) maximizing the benefits deriving from Federal grants and assistance; and

(2) bringing coherence to Federal strategic planning.

(b) MEMBERSHIP.—The Board shall consist of—

(1) the point of contact of the Department of Energy designated under section 304(d)(1)(B), who shall serve as cochairperson of the Board;

(2) the point of contact of the Department of Agriculture designated under section 304(d)(1)(A), who shall serve as cochairperson of the Board;

(3) a senior officer of each of the Department of the Interior, the Environmental Protection Agency, the National Science Foundation, and the Office of Science and Technology Policy, each of whom shall—

(A) be appointed by the head of the respective agency; and

(B) have a rank that is equivalent to the rank of the points of contact; and

(4) at the option of the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with the members described in paragraphs (1) through (3)).

(c) DUTIES.—The Board shall—

(1) coordinate research and development activities relating to biobased industrial products—

(A) between the Department of Agriculture and the Department of Energy; and

(B) with other departments and agencies of the Federal Government; and

(2) provide recommendations to the points of contact concerning administration of this title.

(d) FUNDING.—Each agency represented on the Board is encouraged to provide funds for any purpose under this title.

(e) MEETINGS.—The Board shall meet at least quarterly to enable the Board to carry out the duties of the Board under subsection (c).

SEC. 306. BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Biomass Research and Development Technical Advisory Committee, which shall supersede the Advisory Committee on Biobased Products and Bioenergy established by Executive Order 13134—

(1) to advise the Secretary of Energy, the Secretary of Agriculture, and the points of contact concerning—

(A) the technical focus and direction of requests for proposals issued under the Initiative; and

(B) procedures for reviewing and evaluating the proposals;

(2) to facilitate consultations and partnerships among Federal and State agencies, agricultural producers, industry, consumers, the research community, and other interested groups to carry out program activities relating to the Initiative; and

(3) to evaluate and perform strategic planning on program activities relating to the Initiative.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee shall consist of—

(A) an individual affiliated with the biobased industrial products industry;

(B) an individual affiliated with an institution of higher education who has expertise in biobased industrial products;

(C) 2 prominent engineers or scientists from government or academia who have expertise in biobased industrial products;

(D) an individual affiliated with a commodity trade association;

(E) an individual affiliated with an environmental or conservation organization;

(F) an individual associated with State government who has expertise in biobased industrial products;

(G) an individual with expertise in energy analysis;

(H) an individual with expertise in the economics of biobased industrial products;

(I) an individual with expertise in agricultural economics; and

(J) at the option of the points of contact, other members.

(2) APPOINTMENT.—The members of the Advisory Committee shall be appointed by the points of contact.

(c) DUTIES.—The Advisory Committee shall—

(1) advise the points of contact with respect to the Initiative; and

(2) evaluate whether, and make recommendations in writing to the Board to ensure that—

(A) funds authorized for the Initiative are distributed and used in a manner that is consistent with the goals of the Initiative;

(B) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers; and

(C) activities under this title are carried out in accordance with this title.

(d) COORDINATION.—To avoid duplication of effort, the Advisory Committee shall coordinate its activities with those of other Federal advisory committees working in related areas.

(e) MEETINGS.—The Advisory Committee shall meet at least quarterly to enable the Advisory Committee to carry out the duties of the Advisory Committee under subsection (c).

(f) TERMS.—Members of the Advisory Committee shall be appointed for a term of 3 years, except that—

(1) ⅓ of the members initially appointed shall be appointed for a term of 1 year; and

(2) ⅓ of the members initially appointed shall be appointed for a term of 2 years.

SEC. 307. BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Biomass Research and Development Initiative under which competitively awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on biobased industrial products.

(b) PURPOSES.—The purposes of grants, contracts, and assistance under this section shall be—

(1) to stimulate collaborative activities by a diverse range of experts in all aspects of biomass processing for the purpose of conducting fundamental and innovation-targeted research and technology development;

(2) to enhance creative and imaginative approaches toward biomass processing that will serve to develop the next generation of advanced technologies making possible low cost and sustainable biobased industrial products;

(3) to strengthen the intellectual resources of the United States through the training and education of future scientists, engineers, managers, and business leaders in the field of biomass processing; and

(4) to promote integrated research partnerships among colleges, universities, national laboratories, Federal and State research agencies, and the private sector as the best means of overcoming technical challenges that span multiple research and engineering disciplines and of gaining better leverage from limited Federal research funds.

(c) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—To be eligible for a grant, contract, or assistance under this section, an applicant shall be—

(A) an institution of higher education;

(B) a national laboratory;

(C) a Federal research agency;

(D) a State research agency;

(E) a private sector entity;

(F) a nonprofit organization; or

(G) a consortium of 2 or more entities described in subparagraphs (A) through (F).

(2) ADMINISTRATION.—After consultation with the Board, the points of contact shall—

(A) publish annually 1 or more joint requests for proposals for grants, contracts, and assistance under this section;

(B) establish a priority in grants, contracts, and assistance under this section for research that—

(i) demonstrates potential for significant advances in biomass processing;

(ii) demonstrates potential to substantially further scale-sensitive national objectives such as—

(I) sustainable resource supply;

(II) reduced greenhouse gas emissions;

(III) healthier rural economies; and

(IV) improved strategic security and trade balances; and

(iii) would improve knowledge of important biomass processing systems that demonstrate potential for commercial applications;

(C) require that grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by an independent panel of scientific and technical peers; and

(D) give preference to applications that—

(i) involve a consortia of experts from multiple institutions; and

(ii) encourage the integration of disciplines and application of the best technical resources.

(d) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—A grant, contract, or assistance under this section may be used to conduct—

(1) research on process technology for overcoming the recalcitrance of biomass, including research on key mechanisms, advanced technologies, and demonstration test beds for—

(A) feedstock pretreatment and hydrolysis of cellulose and hemicellulose, including new technologies for—

(i) enhanced sugar yields;

(ii) lower overall chemical use;

(iii) less costly materials; and

(iv) cost reduction;

(B) development of novel organisms and other approaches to substantially lower the cost of cellulase enzymes and enzymatic hydrolysis, including dedicated cellulase production and consolidated bioprocessing strategies; and

(C) approaches other than enzymatic hydrolysis for overcoming the recalcitrance of cellulosic biomass;

(2) research on technologies for diversifying the range of products that can be efficiently and cost-competitively produced from biomass, including research on—

(A) metabolic engineering of biological systems (including the safe use of genetically modified crops) to produce novel products, especially commodity products, or to increase product selectivity and tolerance, with a research priority for the development of biobased industrial products that can compete in performance and cost with fossil-based products;

(B) catalytic processing to convert intermediates of biomass processing into products of interest;

(C) separation technologies for cost-effective product recovery and purification;

(D) approaches other than metabolic engineering and catalytic conversion of intermediates of biomass processing;

(E) advanced biomass gasification technologies, including coproduction of power and heat as an integrated component of biomass processing, with the possibility of generating excess electricity for sale; and

(F) related research in advanced turbine and stationary fuel cell technology for production of electricity from biomass; and

(3) research aimed at ensuring the environmental performance and economic viability of biobased industrial products and their raw material input of biomass when considered as an integrated system, including research on—

(A) the analysis of, and strategies to enhance, the environmental performance and sustainability of biobased industrial products, including research on—

(i) accurate measurement and analysis of greenhouse gas emissions, carbon sequestration, and carbon cycling in relation to the life cycle of biobased industrial products and feedstocks with respect to other alternatives;

(ii) evaluation of current and future biomass resource availability;

(iii) development and analysis of land management practices and alternative biomass cropping systems that ensure the environmental performance and sustainability of biomass production and harvesting;

(iv) the land, air, water, and biodiversity impacts of large-scale biomass production, processing, and use of biobased industrial products relative to other alternatives; and

(v) biomass gasification and combustion to produce electricity;

(B) the analysis of, and strategies to enhance, the economic viability of biobased industrial products, including research on—

(i) the cost of the required process technology;

(ii) the impact of coproducts, including food, animal feed, and fiber, on biobased industrial product price and large-scale economic viability; and

(iii) interactions between an emergent biomass refining industry and the petrochemical refining infrastructure; and

(C) the field and laboratory research related to feedstock production with the interrelated goals of enhancing the sustainability, increasing productivity, and decreasing the cost of biomass processing, including research on—

(i) altering biomass to make biomass easier and less expensive to process;

(ii) existing and new agricultural and energy crops that provide a sustainable resource for conversion to biobased industrial products while simultaneously serving as a source for coproducts such as food, animal feed, and fiber;

(iii) improved technologies for harvest, collection, transport, storage, and handling of crop and residue feedstocks; and

(iv) development of economically viable cropping systems that improve the conservation and restoration of marginal land; or

(4) any research and development in technologies or processes determined by the Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, to be consistent with the purposes described in subsection (b) and the priority described in subsection (c)(2)(B).

(e) Technology and Information Transfer to Agricultural Users.—

(1) In general.—The Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall ensure that applicable research results and technologies from the Initiative are adapted, made available, and disseminated through their respective services, as appropriate.

(2) Report.—Not later than 5 years after the date of enactment of this Act, the Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall submit to the committees of Congress with jurisdiction over the Initiative a report on the activities conducted by the services under this subsection.

(f) Authorization of Appropriations.—In addition to funds appropriated for biomass research and development under the general authority of the Secretary of Energy to conduct research and development programs (which may also be used to carry out this title), there are authorized to be appropriated to the Department of Agriculture to carry out this title $49,000,000 for each of fiscal years 2000 through 2005.

SEC. 308. ADMINISTRATIVE SUPPORT AND FUNDS.

(a) In General.—To the extent administrative support and funds are not provided by other agencies under subsection (b), the Secretary of Energy and the Secretary of Agriculture may provide such administrative support and funds of the Department of Energy and the Department of Agriculture to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out their duties under this title.

(b) Other Agencies.—The heads of the agencies referred to in section 305(b)(3), and the other members appointed under section 305(b)(4), may, and are encouraged to, provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

(c) Limitation.—Not more than 4 percent of the amount appropriated for each fiscal year under section 307(f) may be used to pay the administrative costs of carrying out this title.

SEC. 309. REPORTS.

(a) Initial Report.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy and the Secretary of Agriculture shall jointly submit to Congress a report that—

(1) identifies the points of contact, the members of the Board, and the members of the Advisory Committee;

(2) describes the status of current biobased industrial product research and development efforts in both the Federal Government and private sector;

(3) includes a section prepared by the Board that establishes a set of criteria to assess the potential of biobased industrial products, which shall include for both biomass production and transformation into biobased industrial products—

(A) an energy accounting;

(B) an environmental impact assessment; and

(C) an economic assessment; and

(4) describes the research and development goals of the Initiative, including how funds will be allocated in order to accomplish those goals.

(b) Annual Reports.—For each fiscal year for which funds are made available to carry out this title, the Secretary of Energy and the Secretary of Agriculture shall jointly submit to Congress a detailed report on—

(1) the status and progress of the Initiative, including a report from the Advisory Committee on whether funds appropriated for the Initiative have been distributed and used in a manner that—

(A) is consistent with the purposes described in section 307(b);

(B) uses the set of criteria established under subsection (a)(3); and

(C) takes into account any recommendations that have been made by the Advisory Committee;

(2) the general status of cooperation and research and development efforts carried out at each agency with respect to biobased industrial products, including a report from the Advisory Committee on whether the points of contact are funding proposals that are selected under section 307(c)(2)(C); and

(3) the plans of the Secretary of Energy and the Secretary of Agriculture for addressing concerns raised in the report, including concerns raised by the Advisory Committee.

SEC. 310. TERMINATION OF AUTHORITY.

The authority provided under this title shall terminate on December 31, 2005.

TITLE IV—PLANT PROTECTION ACT

SEC. 401. SHORT TITLE.

This title may be cited as the "Plant Protection Act".

SEC. 402. FINDINGS.

Congress finds that—

(1) the detection, control, eradication, suppression, prevention, or retardation of the spread of plant pests or noxious weeds is necessary for the protection of the agriculture, environment, and economy of the United States;

(2) biological control is often a desirable, low-risk means of ridding crops and other plants of plant pests and noxious weeds, and its use should be facilitated by the Department of Agriculture, other Federal agencies, and States whenever feasible;

(3) it is the responsibility of the Secretary to facilitate exports, imports, and interstate commerce in agricultural products and other commodities that pose a risk of harboring plant pests or noxious weeds in ways that will reduce, to the extent practicable, as determined by the Secretary, the risk of dissemination of plant pests or noxious weeds;

(4) decisions affecting imports, exports, and interstate movement of products regulated under this title shall be based on sound science;

(5) the smooth movement of enterable plants, plant products, biological control organisms, or other articles into, out of, or within the United States is vital to the United State's economy and should be facilitated to the extent possible;

(6) export markets could be severely impacted by the introduction or spread of plant pests or noxious weeds into or within the United States;

(7) the unregulated movement of plant pests, noxious weeds, plants, certain biological control organisms, plant products, and articles capable of harboring plant pests or noxious weeds could present an unacceptable risk of introducing or spreading plant pests or noxious weeds;

(8) the existence on any premises in the United States of a plant pest or noxious weed new to or not known to be widely prevalent in or distributed within and throughout the United States could constitute a threat to crops and other plants or plant products of the United States and burden interstate commerce or foreign commerce; and

(9) all plant pests, noxious weeds, plants, plant products, articles capable of harboring plant pests or noxious weeds regulated under this title are in or affect interstate commerce or foreign commerce.

SEC. 403. DEFINITIONS.

In this title:

(1) Article.—The term "article" means any material or tangible object that could harbor plant pests or noxious weeds.

(2) Biological control organism.—The term "biological control organism" means any enemy, antagonist, or competitor used to control a plant pest or noxious weed.

(3) Enter and entry.—The terms "enter" and "entry" mean to move into, or the act of movement into, the commerce of the United States.

(4) Export and exportation.—The terms "export" and "exportation" mean to move from,

or the act of movement from, the United States to any place outside the United States.

(5) IMPORT AND IMPORTATION.—The terms "import" and "importation" mean to move into, or the act of movement into, the territorial limits of the United States.

(6) INTERSTATE.—The term "interstate" means—

(A) from one State into or through any other State; or

(B) within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(7) INTERSTATE COMMERCE.—The term "interstate commerce" means trade, traffic, or other commerce—

(A) between a place in a State and a point in another State, or between points within the same State but through any place outside that State; or

(B) within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(8) MEANS OF CONVEYANCE.—The term "means of conveyance" means any personal property used for or intended for use for the movement of any other personal property.

(9) MOVE AND RELATED TERMS.—The terms "move", "moving", and "movement" mean—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce the carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive to carry, enter, import, mail, ship, or transport;

(E) to release into the environment; or

(F) to allow any of the activities described in a preceding subparagraph.

(10) NOXIOUS WEED.—The term "noxious weed" means any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment.

(11) PERMIT.—The term "permit" means a written or oral authorization, including by electronic methods, by the Secretary to move plants, plant products, biological control organisms, plant pests, noxious weeds, or articles under conditions prescribed by the Secretary.

(12) PERSON.—The term "person" means any individual, partnership, corporation, association, joint venture, or other legal entity.

(13) PLANT.—The term "plant" means any plant (including any plant part) for or capable of propagation, including a tree, a tissue culture, a plantlet culture, pollen, a shrub, a vine, a cutting, a graft, a scion, a bud, a bulb, a root, and a seed.

(14) PLANT PEST.—The term "plant pest" means any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product:

(A) A protozoan.

(B) A nonhuman animal.

(C) A parasitic plant.

(D) A bacterium.

(E) A fungus.

(F) A virus or viroid.

(G) An infectious agent or other pathogen.

(H) Any article similar to or allied with any of the articles specified in the preceding subparagraphs.

(15) PLANT PRODUCT.—The term "plant product" means—

(A) any flower, fruit, vegetable, root, bulb, seed, or other plant part that is not included in the definition of plant; or

(B) any manufactured or processed plant or plant part.

(16) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(17) STATE.—The term "State" means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(18) SYSTEMS APPROACH.—For the purposes of section 412(e), the term "systems approach" means a defined set of phytosanitary procedures, at least 2 of which have an independent effect in mitigating pest risk associated with the movement of commodities.

(19) THIS TITLE.—Except when used in this section, the term "this title" includes any regulation or order issued by the Secretary under the authority of this title.

(20) UNITED STATES.—The term "United States" means all of the States.

Subtitle A—Plant Protection

SEC. 411. REGULATION OF MOVEMENT OF PLANT PESTS.

(a) PROHIBITION OF UNAUTHORIZED MOVEMENT OF PLANT PESTS.—Except as provided in subsection (c), no person shall import, enter, export, or move in interstate commerce any plant pest, unless the importation, entry, exportation, or movement is authorized under general or specific permit and is in accordance with such regulations as the Secretary may issue to prevent the introduction of plant pests into the United States or the dissemination of plant pests within the United States.

(b) REQUIREMENTS FOR PROCESSES.—The Secretary shall ensure that the processes used in developing regulations under subsection (a) governing consideration of import requests are based on sound science and are transparent and accessible.

(c) AUTHORIZATION OF MOVEMENT OF PLANT PESTS BY REGULATION.—

(1) EXCEPTION TO PERMIT REQUIREMENT.—The Secretary may issue regulations to allow the importation, entry, exportation, or movement in interstate commerce of specified plant pests without further restriction if the Secretary finds that a permit under subsection (a) is not necessary.

(2) PETITION TO ADD OR REMOVE PLANT PESTS FROM REGULATION.—Any person may petition the Secretary to add a plant pest to, or remove a plant pest from, the regulations issued by the Secretary under paragraph (1).

(3) RESPONSE TO PETITION BY THE SECRETARY.—In the case of a petition submitted under paragraph (2), the Secretary shall act on the petition within a reasonable time and notify the petitioner of the final action the Secretary takes on the petition. The Secretary's determination on the petition shall be based on sound science.

(d) PROHIBITION OF UNAUTHORIZED MAILING OF PLANT PESTS.—

(1) IN GENERAL.—Any letter, parcel, box, or other package containing any plant pest, whether sealed as letter-rate postal matter or not, is nonmailable and shall not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, unless the letter, parcel, box, or other package is mailed in compliance with such regulations as the Secretary may issue to prevent the dissemination of plant pests into the United States or interstate.

(2) APPLICATION OF POSTAL LAWS AND REGULATIONS.—Nothing in this subsection authorizes any person to open any mailed letter or other mailed sealed matter except in accordance with the postal laws and regulations.

(e) REGULATIONS.—Regulations issued by the Secretary to implement subsections (a), (c), and (d) may include provisions requiring that any plant pest imported, entered, to be exported, moved in interstate commerce, mailed, or delivered from any post office—

(1) be accompanied by a permit issued by the Secretary prior to the importation, entry, exportation, movement in interstate commerce, mailing, or delivery of the plant pest;

(2) be accompanied by a certificate of inspection issued (in a manner and form required by the Secretary) by appropriate officials of the country or State from which the plant pest is to be moved;

(3) be raised under post-entry quarantine conditions by or under the supervision of the Secretary for the purposes of determining whether the plant pest—

(A) may be infested with other plant pests;

(B) may pose a significant risk of causing injury to, damage to, or disease in any plant or plant product; or

(C) may be a noxious weed; and

(4) be subject to remedial measures the Secretary determines to be necessary to prevent the spread of plant pests.

SEC. 412. REGULATION OF MOVEMENT OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, NOXIOUS WEEDS, ARTICLES, AND MEANS OF CONVEYANCE.

(a) IN GENERAL.—The Secretary may prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or the dissemination of a plant pest or noxious weed within the United States.

(b) POLICY.—The Secretary shall ensure that processes used in developing regulations under this section governing consideration of import requests are based on sound science and are transparent and accessible.

(c) REGULATIONS.—The Secretary may issue regulations to implement subsection (a), including regulations requiring that any plant, plant product, biological control organism, noxious weed, article, or means of conveyance imported, entered, to be exported, or moved in interstate commerce—

(1) be accompanied by a permit issued by the Secretary prior to the importation, entry, exportation, or movement in interstate commerce;

(2) be accompanied by a certificate of inspection issued (in a manner and form required by the Secretary) by appropriate officials of the country or State from which the plant, plant product, biological control organism, noxious weed, article, or means of conveyance is to be moved;

(3) be subject to remedial measures the Secretary determines to be necessary to prevent the spread of plant pests or noxious weeds; and

(4) with respect to plants or biological control organisms, be grown or handled under post-entry quarantine conditions by or under the supervision of the Secretary for the purposes of determining whether the plant or biological control organism may be infested with plant pests or may be a plant pest or noxious weed.

(d) NOTICE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish for public comment a notice describing the procedures and standards that govern the consideration of import requests. The notice shall—

(1) specify how public input will be sought in advance of and during the process of promulgating regulations necessitating a risk assessment in order to ensure a fully transparent and publicly accessible process; and

(2) include consideration of the following:

(A) Public announcement of import requests that will necessitate a risk assessment.

(B) A process for assigning major/nonroutine or minor/routine status to such requests based on current state of supporting scientific information.

(C) A process for assigning priority to requests.

(D) Guidelines for seeking relevant scientific and economic information in advance of initiating informal rulemaking.

(E) Guidelines for ensuring availability and transparency of assumptions and uncertainties in the risk assessment process including applicable risk mitigation measures relied upon individually or as components of a system of mitigative measures proposed consistent with the purposes of this title.

(e) STUDY AND REPORT ON SYSTEMS APPROACH.—

(1) STUDY.—The Secretary shall conduct a study of the role for and application of systems approaches designed to guard against the introduction of plant pathogens into the United States associated with proposals to import plants or plant products into the United States.

(2) PARTICIPATION BY SCIENTISTS.—In conducting the study the Secretary shall ensure participation by scientists from State departments of agriculture, colleges and universities, the private sector, and the Agricultural Research Service.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report on the results of the study conducted under this section to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

(f) NOXIOUS WEEDS.—

(1) REGULATIONS.—In the case of noxious weeds, the Secretary may publish, by regulation, a list of noxious weeds that are prohibited or restricted from entering the United States or that are subject to restrictions on interstate movement within the United States.

(2) PETITION TO ADD OR REMOVE PLANTS FROM REGULATION.—Any person may petition the Secretary to add a plant species to, or remove a plant species from, the regulations issued by the Secretary under this subsection.

(3) DUTIES OF THE SECRETARY.—In the case of a petition submitted under paragraph (2), the Secretary shall act on the petition within a reasonable time and notify the petitioner of the final action the Secretary takes on the petition. The Secretary's determination on the petition shall be based on sound science.

(g) BIOLOGICAL CONTROL ORGANISMS.—

(1) REGULATIONS.—In the case of biological control organisms, the Secretary may publish, by regulation, a list of organisms whose movement in interstate commerce is not prohibited or restricted. Any listing may take into account distinctions between organisms such as indigenous, nonindigenous, newly introduced, or commercially raised.

(2) PETITION TO ADD OR REMOVE BIOLOGICAL CONTROL ORGANISMS FROM THE REGULATIONS.—Any person may petition the Secretary to add a biological control organism to, or remove a biological control organism from, the regulations issued by the Secretary under this subsection.

(3) DUTIES OF THE SECRETARY.—In the case of a petition submitted under paragraph (2), the Secretary shall act on the petition within a reasonable time and notify the petitioner of the final action the Secretary takes on the petition. The Secretary's determination on the petition shall be based on sound science.

SEC. 413. NOTIFICATION AND HOLDING REQUIREMENTS UPON ARRIVAL.

(a) DUTY OF SECRETARY OF THE TREASURY.—

(1) NOTIFICATION.—The Secretary of the Treasury shall promptly notify the Secretary of Agriculture of the arrival of any plant, plant product, biological control organism, plant pest, or noxious weed at a port of entry.

(2) HOLDING.—The Secretary of the Treasury shall hold a plant, plant product, biological control organism, plant pest, or noxious weed for which notification is made under paragraph (1) at the port of entry until the plant, plant product, biological control organism, plant pest, or noxious weed—

(A) is inspected and authorized for entry into or transit movement through the United States; or

(B) is otherwise released by the Secretary of Agriculture.

(3) EXCEPTIONS.—Paragraphs (1) and (2) shall not apply to any plant, plant product, biological control organism, plant pest, or noxious weed that is imported from a country or region of a country designated by the Secretary of Agriculture, pursuant to regulations, as exempt from the requirements of such paragraphs.

(b) DUTY OF RESPONSIBLE PARTIES.—

(1) NOTIFICATION.—The person responsible for any plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance required to have a permit under section 411 or 412 shall provide the notification described in paragraph (3) as soon as possible after the arrival of the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance at a port of entry and before the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is moved from the port of entry.

(2) SUBMISSION.—The notification shall be provided to the Secretary, or, at the Secretary's direction, to the proper official of the State to which the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is destined, or both, as the Secretary may prescribe.

(3) ELEMENTS OF NOTIFICATION.—The notification shall consist of the following:

(A) The name and address of the consignee.

(B) The nature and quantity of the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance proposed to be moved.

(C) The country and locality where the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance was grown, produced, or located.

(c) PROHIBITION ON MOVEMENT OF ITEMS WITHOUT AUTHORIZATION.—No person shall move from a port of entry or interstate any imported plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance unless the imported plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance—

(1) is inspected and authorized for entry into or transit movement through the United States; or

(2) is otherwise released by the Secretary.

SEC. 414. GENERAL REMEDIAL MEASURES FOR NEW PLANT PESTS AND NOXIOUS WEEDS.

(a) AUTHORITY TO HOLD, TREAT, OR DESTROY ITEMS.—If the Secretary considers it necessary in order to prevent the dissemination of a plant pest or noxious weed that is new to or not known to be widely prevalent or distributed within and throughout the United States, the Secretary may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of any plant, plant pest, noxious weed, biological control organism, plant product, article, or means of conveyance that—

(1) is moving into or through the United States or interstate, or has moved into or through the United States or interstate, and—

(A) the Secretary has reason to believe is a plant pest or noxious weed or is infested with a plant pest or noxious weed at the time of the movement; or

(B) is or has been otherwise in violation of this title;

(2) has not been maintained in compliance with a post-entry quarantine requirement; or

(3) is the progeny of any plant, biological control organism, plant product, plant pest, or noxious weed that is moving into or through the United States or interstate, or has moved into the United States or interstate, in violation of this title.

(b) AUTHORITY TO ORDER AN OWNER TO TREAT OR DESTROY.—

(1) IN GENERAL.—The Secretary may order the owner of any plant, biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance subject to action under subsection (a), or the owner's agent, to treat, apply other remedial measures to, destroy, or otherwise dispose of the plant, biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance, without cost to the Federal Government and in the manner the Secretary considers appropriate.

(2) FAILURE TO COMPLY.—If the owner or agent of the owner fails to comply with the Secretary's order under this subsection, the Secretary may take an action authorized by subsection (a) and recover from the owner or agent of the owner the costs of any care, handling, application of remedial measures, or disposal incurred by the Secretary in connection with actions taken under subsection (a).

(c) CLASSIFICATION SYSTEM.—

(1) DEVELOPMENT REQUIRED.—To facilitate control of noxious weeds, the Secretary may develop a classification system to describe the status and action levels for noxious weeds. The classification system may include the current geographic distribution, relative threat, and actions initiated to prevent introduction or distribution.

(2) MANAGEMENT PLANS.—In conjunction with the classification system, the Secretary may develop integrated management plans for noxious weeds for the geographic region or ecological range where the noxious weed is found in the United States.

(d) APPLICATION OF LEAST DRASTIC ACTION.—No plant, biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance shall be destroyed, exported, or returned to the shipping point of origin, or ordered to be destroyed, exported, or returned to the shipping point of origin under this section unless, in the opinion of the Secretary, there is no less drastic action that is feasible and that would be adequate to prevent the dissemination of any plant pest or noxious weed new to or not known to be widely prevalent or distributed within and throughout the United States.

SEC. 415. DECLARATION OF EXTRAORDINARY EMERGENCY AND RESULTING AUTHORITIES.

(a) AUTHORITY TO DECLARE.—If the Secretary determines that an extraordinary emergency exists because of the presence of a plant pest or noxious weed that is new to or not known to be widely prevalent in or distributed within and throughout the United States and that the presence of the plant pest or noxious weed threatens plants or plant products of the United States, the Secretary may—

(1) hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, any plant, biological control organism, plant product, article, or means of conveyance that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(2) quarantine, treat, or apply other remedial measures to any premises, including any plants, biological control organisms, plant products, articles, or means of conveyance on the premises,

that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(3) quarantine any State or portion of a State in which the Secretary finds the plant pest or noxious weed or any plant, biological control organism, plant product, article, or means of conveyance that the Secretary has reason to believe is infested with the plant pest or noxious weed; and

(4) prohibit or restrict the movement within a State of any plant, biological control organism, plant product, article, or means of conveyance when the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the plant pest or noxious weed or to eradicate the plant pest or noxious weed.

(b) Required Finding of Emergency.—The Secretary may take action under this section only upon finding, after review and consultation with the Governor or other appropriate official of the State affected, that the measures being taken by the State are inadequate to eradicate the plant pest or noxious weed.

(c) Notification Procedures.—

(1) In general.—Except as provided in paragraph (2), before any action is taken in any State under this section, the Secretary shall notify the Governor or other appropriate official of the State affected, issue a public announcement, and file for publication in the Federal Register a statement of—

(A) the Secretary's findings;

(B) the action the Secretary intends to take;

(C) the reasons for the intended action; and

(D) where practicable, an estimate of the anticipated duration of the extraordinary emergency.

(2) Time sensitive actions.—If it is not possible to file for publication in the Federal Register prior to taking action, the filing shall be made within a reasonable time, not to exceed 10 business days, after commencement of the action.

(d) Application of Least Drastic Action.—No plant, biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance shall be destroyed, exported, or returned to the shipping point of origin, or ordered to be destroyed, exported, or returned to the shipping point of origin under this section unless, in the opinion of the Secretary, there is no less drastic action that is feasible and that would be adequate to prevent the dissemination of any plant pest or noxious weed new to or not known to be widely prevalent or distributed within and throughout the United States.

(e) Payment of Compensation.—The Secretary may pay compensation to any person for economic losses incurred by the person as a result of action taken by the Secretary under this section. The determination by the Secretary of the amount of any compensation to be paid under this subsection shall be final and shall not be subject to judicial review.

SEC. 416. RECOVERY OF COMPENSATION FOR UNAUTHORIZED ACTIVITIES.

(a) Recovery Action.—The owner of any plant, plant biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance destroyed or otherwise disposed of by the Secretary under section 414 or 415 may bring an action against the United States to recover just compensation for the destruction or disposal of the plant, plant biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance (not including compensation for loss due to delays incident to determining eligibility for importation, entry, exportation, movement in interstate commerce, or release into the environment), but only if the owner establishes that the destruction or disposal was not authorized under this title.

(b) Time for Action; Location.—An action under this section shall be brought not later than 1 year after the destruction or disposal of the plant, plant biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance involved. The action may be brought in any United States district court where the owner is found, resides, transacts business, is licensed to do business, or is incorporated.

SEC. 417. CONTROL OF GRASSHOPPERS AND MORMON CRICKETS.

(a) In General.—Subject to the availability of funds pursuant to this section, the Secretary shall carry out a program to control grasshoppers and Mormon crickets on all Federal lands to protect rangeland.

(b) Transfer Authority.—

(1) In general.—Subject to paragraph (3), upon the request of the Secretary of Agriculture, the Secretary of the Interior shall transfer to the Secretary of Agriculture, from any no-year appropriations, funds for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on Federal lands under the jurisdiction of the Secretary of the Interior. The transferred funds shall be available only for the payment of obligations incurred on such Federal lands.

(2) Transfer requests.—Requests for the transfer of funds pursuant to this subsection shall be made as promptly as possible by the Secretary.

(3) Limitation.—Funds transferred pursuant to this subsection may not be used by the Secretary until funds specifically appropriated to the Secretary for grasshopper control have been exhausted.

(4) Replenishment of transferred funds.—Funds transferred pursuant to this subsection shall be replenished by supplemental or regular appropriations, which shall be requested as promptly as possible.

(c) Treatment for Grasshoppers and Mormon Crickets—

(1) In general.—Subject to the availability of funds pursuant to this section, on request of the administering agency or the agriculture department of an affected State, the Secretary, to protect rangeland, shall immediately treat Federal, State, or private lands that are infested with grasshoppers or Mormon crickets at levels of economic infestation, unless the Secretary determines that delaying treatment will not cause greater economic damage to adjacent owners of rangeland.

(2) Other programs.—In carrying out this section, the Secretary shall work in conjunction with other Federal, State, and private prevention, control, or suppression efforts to protect rangeland.

(d) Federal Cost Share of Treatment.—

(1) Control on federal lands.—Out of funds made available or transferred under this section, the Secretary shall pay 100 percent of the cost of grasshopper or Mormon cricket control on Federal lands to protect rangeland.

(2) Control on state lands.—Out of funds made available under this section, the Secretary shall pay 50 percent of the cost of grasshopper or Mormon cricket control on State lands.

(3) Control on private lands.—Out of funds made available under this section, the Secretary shall pay 33.3 percent of the cost of grasshopper or Mormon cricket control on private lands.

(e) Training.—From appropriated funds made available or transferred by the Secretary of the Interior to the Secretary of Agriculture for such purposes, the Secretary of Agriculture shall provide adequate funding for a program to train personnel to accomplish effectively the objective of this section.

SEC. 418. CERTIFICATION FOR EXPORTS.

The Secretary may certify as to the freedom of plants, plant products, or biological control organisms from plant pests or noxious weeds, or the exposure of plants, plant products, or biological control organisms to plant pests or noxious weeds, according to the phytosanitary or other requirements of the countries to which the plants, plant products, or biological control organisms may be exported.

Subtitle B—Inspection and Enforcement

SEC. 421. INSPECTIONS, SEIZURES, AND WARRANTS.

(a) Role of Attorney General.—The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

(b) Warrantless Inspections.—The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

(1) into the United States to determine whether the person or means of conveyance is carrying any plant, plant product, biological control organism, plant pest, noxious weed, or article subject to this title;

(2) in interstate commerce, upon probable cause to believe that the person or means of conveyance is carrying any plant, plant product, biological control organism, plant pest, noxious weed, or article subject to this title; and

(3) in intrastate commerce from or within any State, portion of a State, or premises quarantined as part of a extraordinary emergency declared under section 415 upon probable cause to believe that the person or means of conveyance is carrying any plant, plant product, biological control organism, plant pest, noxious weed, or article regulated under that section or is moving subject to that section.

(c) Inspections With a Warrant.—

(1) General authority.—The Secretary may enter, with a warrant, any premises in the United States for the purpose of conducting investigations or making inspections and seizures under this title.

(2) Application and issuance of a warrant.—Upon proper oath or affirmation showing probable cause to believe that there is on certain premises any plant, plant product, biological control organism, plant pest, noxious weed, article, facility, or means of conveyance regulated under this title, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may, within the judge's or magistrate's jurisdiction, issue a warrant for the entry upon the premises to conduct any investigation or make any inspection or seizure under this title. The warrant may be applied for and executed by the Secretary or any United States Marshal.

SEC. 422. COLLECTION OF INFORMATION.

The Secretary may gather and compile information and conduct any investigations the Secretary considers necessary for the administration and enforcement of this title.

SEC. 423. SUBPOENA AUTHORITY.

(a) Authority To Issue.—The Secretary shall have power to subpoena the attendance and testimony of any witness, and the production of all documentary evidence relating to the administration or enforcement of this title or any matter under investigation in connection with this title.

(b) Location of Production.—The attendance of any witness and production of documentary evidence may be required from any place in the United States at any designated place of hearing.

(c) Enforcement of Subpoena.—In the case of disobedience to a subpoena by any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, in requiring the attendance and testimony of any witness and

the production of documentary evidence. In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence. Any failure to obey the court's order may be punished by the court as a contempt of the court.

(d) COMPENSATION.—Witnesses summoned by the Secretary shall be paid the same fees and mileage that are paid to witnesses in courts of the United States, and witnesses whose depositions are taken and the persons taking the depositions shall be entitled to the same fees that are paid for similar services in the courts of the United States.

(e) PROCEDURES.—The Secretary shall publish procedures for the issuance of subpoenas under this section. Such procedures shall include a requirement that subpoenas be reviewed for legal sufficiency and signed by the Secretary. If the authority to sign a subpoena is delegated, the agency receiving the delegation shall seek review for legal sufficiency outside that agency.

(f) SCOPE OF SUBPOENA.—Subpoenas for witnesses to attend court in any judicial district or to testify or produce evidence at an administrative hearing in any judicial district in any action or proceeding arising under this title may run to any other judicial district.

SEC. 424. PENALTIES FOR VIOLATION.

(a) CRIMINAL PENALTIES.—Any person that knowingly violates this title, or that knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided for in this title shall be guilty of a misdemeanor, and, upon conviction, shall be fined in accordance with title 18, United States Code, imprisoned for a period not exceeding 1 year, or both.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person that violates this title, or that forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided for in this title may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary that does not exceed the greater of—

(A) $50,000 in the case of any individual (except that the civil penalty may not exceed $1,000 in the case of an initial violation of this title by an individual moving regulated articles not for monetary gain), $250,000 in the case of any other person for each violation, and $500,000 for all violations adjudicated in a single proceeding; or

(B) twice the gross gain or gross loss for any violation, forgery, counterfeiting, unauthorized use, defacing, or destruction of a certificate, permit, or other document provided for in this title that results in the person deriving pecuniary gain or causing pecuniary loss to another.

(2) FACTORS IN DETERMINING CIVIL PENALTY.—In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the violation or violations and the Secretary may consider, with respect to the violator—

(A) ability to pay;

(B) effect on ability to continue to do business;

(C) any history of prior violations;

(D) the degree of culpability; and

(E) any other factors the Secretary considers appropriate.

(3) SETTLEMENT OF CIVIL PENALTIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this subsection.

(4) FINALITY OF ORDERS.—The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of the Secretary's order may not be reviewed in an action to collect the civil penalty. Any civil penalty not paid in full when due under an order assessing the civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

(c) LIABILITY FOR ACTS OF AN AGENT.—When construing and enforcing this title, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of his or her employment or office, shall be deemed also to be the act, omission, or failure of the other person.

(d) GUIDELINES FOR CIVIL PENALTIES.—The Secretary shall coordinate with the Attorney General to establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of warning in lieu of prosecution by the Attorney General of a violation of this title.

SEC. 425. ENFORCEMENT ACTIONS OF ATTORNEY GENERAL.

The Attorney General may—

(1) prosecute, in the name of the United States, all criminal violations of this title that are referred to the Attorney General by the Secretary or are brought to the notice of the Attorney General by any person;

(2) bring an action to enjoin the violation of or to compel compliance with this title, or to enjoin any interference by any person with the Secretary in carrying out this title, whenever the Secretary has reason to believe that the person has violated, or is about to violate this title, or has interfered, or is about to interfere, with the Secretary; and

(3) bring an action for the recovery of any unpaid civil penalty, funds under reimbursable agreements, late payment penalty, or interest assessed under this title.

SEC. 426. COURT JURISDICTION.

(a) IN GENERAL.—The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of other territories and possessions are vested with jurisdiction in all cases arising under this title. Any action arising under this title may be brought, and process may be served, in the judicial district where a violation or interference occurred or is about to occur, or where the person charged with the violation, interference, impending violation, impending interference, or failure to pay resides, is found, transacts business, is licensed to do business, or is incorporated.

(b) EXCEPTION.—This section does not apply to the imposition of civil penalties under section 424(b).

Subtitle C—Miscellaneous Provisions

SEC. 431. COOPERATION.

(a) IN GENERAL.—The Secretary may cooperate with other Federal agencies or entities, States or political subdivisions of States, national governments, local governments of other nations, domestic or international organizations, domestic or international associations, and other persons to carry out this title.

(b) RESPONSIBILITY.—The individual or entity cooperating with the Secretary under subsection (a) shall be responsible for—

(1) the authority necessary to conduct the operations or take measures on all land and properties within the foreign country or State, other than those owned or controlled by the United States; and

(2) other facilities and means as the Secretary determines necessary.

(c) TRANSFER OF BIOLOGICAL CONTROL METHODS.—The Secretary may transfer to a State, Federal agency, or other person biological control methods using biological control organisms against plant pests or noxious weeds.

(d) COOPERATION IN PROGRAM ADMINISTRATION.—The Secretary may cooperate with State authorities or other persons in the administration of programs for the improvement of plants, plant products, and biological control organisms.

(e) PHYTOSANITARY ISSUES.—The Secretary shall ensure that phytosanitary issues involving imports and exports are addressed based on sound science and consistent with applicable international agreements. To accomplish these goals, the Secretary may—

(1) conduct direct negotiations with plant health officials or other appropriate officials of other countries;

(2) provide technical assistance, training, and guidance to any country requesting such assistance in the development of agricultural health protection systems and import/export systems; and

(3) maintain plant health and quarantine expertise in other countries—

(A) to facilitate the establishment of phytosanitary systems and the resolution of phytosanitary issues;

(B) to assist those countries with agricultural health protection activities; and

(C) to provide general liaison on agricultural health issues with the plant health or other appropriate officials of the country.

SEC. 432. BUILDINGS, LAND, PEOPLE, CLAIMS, AND AGREEMENTS.

(a) IN GENERAL.—To the extent necessary to carry out this title, the Secretary may acquire and maintain all real or personal property for special purposes and employ any persons, make grants, and enter into any contracts, cooperative agreements, memoranda of understanding, or other agreements.

(b) TORT CLAIMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may pay tort claims in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when the claims arise outside the United States in connection with activities that are authorized under this title.

(2) REQUIREMENTS OF CLAIM.—A claim may not be allowed under this subsection unless the claim is presented in writing to the Secretary within 2 years after the date on which the claim accrues.

SEC. 433. REIMBURSABLE AGREEMENTS.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into reimbursable fee agreements with persons for preclearance of plants, plant products, biological control organisms, and articles at locations outside the United States for movement into the United States.

(b) FUNDS COLLECTED FOR PRECLEARANCE.—Funds collected for preclearance shall be credited to accounts which may be established by the Secretary for this purpose and shall remain available until expended for the preclearance activities without fiscal year limitation.

(c) PAYMENT OF EMPLOYEES.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary may pay employees of the Department of Agriculture performing services relating to imports into and exports from the United States, for all overtime, night, or holiday work performed by them, at rates of pay established by the Secretary.

(2) REIMBURSEMENT OF THE SECRETARY.—

(A) IN GENERAL.—The Secretary may require persons for whom the services are performed to reimburse the Secretary for any sums of money paid by the Secretary for the services.

(B) USE OF FUNDS.—All funds collected under this paragraph shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

(d) Late Payment Penalties.—

(1) Collection.—Upon failure to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty, and the overdue funds shall accrue interest, as required by section 3717 of title 31, United States Code.

(2) Use of funds.—Any late payment penalty and any accrued interest shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

SEC. 434. REGULATIONS AND ORDERS.

The Secretary may issue such regulations and orders as the Secretary considers necessary to carry out this title.

SEC. 435. PROTECTION FOR MAIL HANDLERS.

This title shall not apply to any employee of the United States in the performance of the duties of the employee in handling the mail.

SEC. 436. PREEMPTION.

(a) Regulation of Foreign Commerce.—No State or political subdivision of a State may regulate in foreign commerce any article, means of conveyance, plant, biological control organism, plant pest, noxious weed, or plant product in order—

(1) to control a plant pest or noxious weed;

(2) to eradicate a plant pest or noxious weed; or

(3) prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed.

(b) Regulation of Interstate Commerce.—

(1) In general.—Except as provided in paragraph (2), no State or political subdivision of a State may regulate the movement in interstate commerce of any article, means of conveyance, plant, biological control organism, plant pest, noxious weed, or plant product in order to control a plant pest or noxious weed, eradicate a plant pest or noxious weed, or prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed, if the Secretary has issued a regulation or order to prevent the dissemination of the biological control organism, plant pest, or noxious weed within the United States.

(2) Exceptions.—

(A) Regulations consistent with federal regulations.—A State or a political subdivision of a State may impose prohibitions or restrictions upon the movement in interstate commerce of articles, means of conveyance, plants, biological control organisms, plant pests, noxious weeds, or plant products that are consistent with and do not exceed the regulations or orders issued by the Secretary.

(B) Special need.—A State or political subdivision of a State may impose prohibitions or restrictions upon the movement in interstate commerce of articles, means of conveyance, plants, plant products, biological control organisms, plant pests, or noxious weeds that are in addition to the prohibitions or restrictions imposed by the Secretary, if the State or political subdivision of a State demonstrates to the Secretary and the Secretary finds that there is a special need for additional prohibitions or restrictions based on sound scientific data or a thorough risk assessment.

SEC. 437. SEVERABILITY.

If any provision of this title or application of any provision of this title to any person or circumstances is held invalid, the remainder of this title and the application of the provision to other persons and circumstances shall not be affected by the invalidity.

SEC. 438. REPEAL OF SUPERSEDED LAWS.

(a) Repeal.—The following provisions of law are repealed:

(1) The Act of August 26, 1912 (commonly known as the "Plant Quarantine Act")(7 U.S.C. 151–164a, 167).

(2) The Federal Plant Pest Act (7 U.S.C. 150aa et seq., 7 U.S.C. 147a note).

(3) Subsections (a) through (e) of section 102 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a).

(4) The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.), except the first section and section 15 of that Act (7 U.S.C. 2801 note; 7 U.S.C. 2814).

(5) The Act of January 31, 1942 (commonly known as the "Mexican Border Act")(7 U.S.C. 149).

(6) The Joint Resolution of April 6, 1937 (commonly known as the "Insect Control Act")(7 U.S.C. 148 et seq.).

(7) The Halogeton Glomeratus Act (7 U.S.C. 1651 et seq.).

(8) The Golden Nematode Act (7 U.S.C. 150 et seq.).

(9) Section 1773 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 148f).

(b) Emergency Transfer Authority Regarding Plant Pests.—The first section of Public Law 97–46 (7 U.S.C. 147b) is amended—

(1) by striking "plant pests or"; and

(2) by striking "section 102 of the Act of September 21, 1944, as amended (7 U.S.C. 147a), and".

(c) Effect on Regulations.—Regulations issued under the authority of a provision of law repealed by subsection (a) shall remain in effect until such time as the Secretary issues a regulation under section 434 that supersedes the earlier regulation.

Subtitle D—Authorization of Appropriations

SEC. 441. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such amounts as may be necessary to carry out this title. Except as specifically authorized by law, no part of the money appropriated under this section shall be used to pay indemnities for property injured or destroyed by or at the direction of the Secretary.

SEC. 442. TRANSFER AUTHORITY.

(a) Authority To Transfer Certain Funds.—In connection with an emergency in which a plant pest or noxious weed threatens any segment of the agricultural production of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture such amounts as the Secretary considers necessary to be available in the emergency for the arrest, control, eradication, and prevention of the spread of the plant pest or noxious weed and for related expenses.

(b) Availability.—Any funds transferred under this section shall remain available for such purposes without fiscal year limitation.

TITLE V—INSPECTION ANIMALS

SEC. 501. CIVIL PENALTY.

(a) In General.—Any person that causes harm to, or interferes with, an animal used for the purposes of official inspections by the Department of Agriculture, may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary of Agriculture not to exceed $10,000.

(b) Factors in Determining Civil Penalty.—In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the offense.

(c) Settlement of Civil Penalties.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this section.

(d) Finality of Orders.—

(1) In general.—The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of the order of the Secretary may not be reviewed in an action to collect the civil penalty.

(2) Interest.—Any civil penalty not paid in full when due under an order assessing the civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

SEC. 502. SUBPOENA AUTHORITY.

(a) In General.—The Secretary shall have power to subpoena the attendance and testimony of any witness, and the production of all documentary evidence relating to the enforcement of section 501 or any matter under investigation in connection with this title.

(b) Location of Production.—The attendance of any witness and the production of documentary evidence may be required from any place in the United States at any designated place of hearing.

(c) Enforcement of Subpoena.—In the case of disobedience to a subpoena by any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, in requiring the attendance and testimony of any witness and the production of documentary evidence. In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence. Any failure to obey the court's order may be punished by the court as a contempt of the court.

(d) Compensation.—Witnesses summoned by the Secretary shall be paid the same fees and mileage that are paid to witnesses in courts of the United States, and witnesses whose depositions are taken, and the persons taking the depositions shall be entitled to the same fees that are paid for similar services in the courts of the United States.

(e) Procedures.—The Secretary shall publish procedures for the issuance of subpoenas under this section. Such procedures shall include a requirement that subpoenas be reviewed for legal sufficiency and signed by the Secretary. If the authority to sign a subpoena is delegated, the agency receiving the delegation shall seek review for legal sufficiency outside that agency.

(f) Scope of Subpoena.—Subpoenas for witnesses to attend court in any judicial district or testify or produce evidence at an administrative hearing in any judicial district in any action or proceeding arising under section 501 may run to any other judicial district.

And the Senate agree to the same.

Larry Combest,
Bill Barrett,
John Boehner,
Thomas W. Ewing,
Richard Pombo,
Charlie Stenholm,
Gary Condit,
Collin C. Peterson,
Cal Dooley,
Managers on the Part of the House.

Richard G. Lugar,
Jesse Helms,
Thad Cochran,
Paul Coverdell,
Pat Roberts,
Tom Harkin,
Patrick Leahy,
Kent Conrad,
Bob Kerrey,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R.

2559), to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.[1] In the case where a provision of the House bill or the Senate amendment is adopted under the Conference substitute, report language appurtenant to such provision of the House bill or Senate amendment, respectively, stands.

Short title

The House bill provides that this Act may be cited as the "Agricultural Risk Protection Act of 1999." (Section 1)

The Senate amendment provides that this Act may be cited as the "Risk Management for the 21st Century Act." (Section 1)

The Conference substitute adopts the House provision providing that the Act be cited as the "Agricultural Risk Protection Act of 2000." (Section 1)

TITLE I—CROP INSURANCE COVERAGE

Subtitle A—Crop Insurance Coverage

Premium schedule for additional coverage

The House bill amends section 508(d)(2) by striking subparagraphs (B) and (C) and inserts a new subparagraph (B).

Paragraph (B) requires that the premium for insurance coverage equal to or greater than 50/100 (or an equivalent coverage) be sufficient to cover anticipated losses and a reasonable reserve and include operating and administrative expenses, as determined by FCIC based on an industry-wide percentage of the amount of premium used to define loss ratio.

Amends section 508(e)(2) by striking paragraphs (B) and (C) that provide the amount of premium to be paid by FCIC for coverage of less than 65/100 but greater than 50/100, and for coverage greater than 65/100, respectively.

Adds new paragraphs (B) through (G) that provide for the new amount to be paid by FCIC for coverage levels ranging from 50 percent coverage to 85 percent coverage.

Provides that the amount to be paid by FCIC for each coverage level (or equivalent coverage) is the sum of the percent of premium provided below (plus an amount of administrative and operating expenses determined under another section).

50–54% coverage = 67%
55–59% coverage = 64%
60–64% coverage = 64%
65–69% coverage = 59%
70–74% coverage = 59%
75–79% coverage = 54%
80–84% coverage = 40.6%
85% coverage = 30.6%

(Producers may choose any price election up to 100 percent of the price election, and coverage in 1 percent increments is authorized as under current law.)

Provides that each policy or plan of insurance contain a disclosure of the portion of premium paid by FCIC.

The House bill amends section 508(d) by adding a new paragraph (3) to authorize FCIC to provide performance-based discounts to producers with good production or insurance experience.

Authorizes a 20 percent premium discount for the 2000 crop year for certain producers of specific crops that received a discounted price due to Scab or Vomitoxin damage.

The House bill amends section 508(c)(5) to provide that in the case of a cost of production or similar plan of insurance, the expected market price (price election) is the projected cost of producing the crop. (Section 101, 106 and 107)

The Senate amendment amends section 508(d)(2) by striking subparagraph (C) and inserting a new (C) and (D) establishing premium amounts.

Paragraph (C) requires that the premium for insurance coverage equal to or greater than 65/100 but less than 75/100 (or a comparable coverage for a plan of insurance not based on yield) be sufficient to cover anticipated losses and a reasonable reserve and include operating and administrative expenses, as determined by FCIC based on an industry-wide percentage of the amount of premium used to define loss ratio.

Paragraph (D) requires that the premium for insurance coverage equal to 75/100, 80/100, and 85/100 (or a comparable coverage for a plan of insurance not based on yield) is established at a level as indicated under paragraph (C).

Amends section 508(e) by striking paragraph (1) providing that FCIC pay a portion of premium and inserts a new paragraph relative to the same.

Provides under paragraph (1)(A) that FCIC pay a portion of the premium as established in section 508(e)(2).

Amends section 508(e)(2) by striking paragraphs (B) and (C) that provide for the amount of premium to be paid by FCIC for coverage of less than 65/100 but greater than 50/100, and for coverage greater than 65/100, respectively.

Adds new paragraphs (B) through (G) that provide for the new amount to be paid by FCIC for coverage levels ranging from 50/100 to 85/100.

Provides that the amount to be paid by FCIC for each coverage level (or comparable coverage for a plan of insurance not based on yield) is the sum of the percent of premium provided below (plus an amount of administrative and operating expenses determined under another section).

50/100% coverage = 60%
55/100% coverage = 45%
60/100% coverage = 45%
65/100% coverage = 50%
70/100% coverage = 50%
75/100% coverage = 55%
80/100% coverage = 38%
85/100% coverage = 28%

(Producers must choose 100 percent price election to receive correlating percentage of assistance, and availability of coverage is limited to 5 percent increments).

Provides under new paragraph (H) that paragraphs (A) through (G) are applicable for the 2001 through 2004 fiscal years.

Amends section 508(a) by striking paragraph (3) relative to exclusions for coverage and inserting a new paragraph (3) relative to the same.

Provides conforming amendments amending section 508(e) by striking paragraph (4) requiring individual and area crop insurance coverage and by striking reference to such authority under section 508(g)(2)(D).

The Senate amendment amends section 508(c) by striking paragraph (5) relative to price levels and inserts a new paragraph relative to price elections.

Requires FCIC to establish or approve a price level, or expected market price, for each commodity insured.

Provides that the expected market price (1) not be less than the projected market price of the crop; (2) may be based on the actual market price of the crop at the time of harvest; (3) in the case of revenue or similar policies be the actual market price of the crop; or (4) in the case of cost of production or similar policies be the cost of producing the crop. (Section 103)

The Conference substitute adopts the Senate provision relative to the expected market price with minor changes to clarify intent. The Conference substitute adopts the House provisions relative to premium amounts, performance-based discounts, payment schedule, and premium payment disclosure with certain changes. Language with respect to premium amounts and payment schedule has been modified to clarify intent. The provision providing discounts for producers of crops damaged by scab is omitted. Premium assistance at the 75, 80, and 85 percent coverage levels are increased to 55 percent, 48 percent, and 38 percent, respectively, of the amount of premium used to define loss ratio. Current statutory authority to offer coverage in one percent increments is temporarily suspended. (Section 101)

Premium schedule for other plans of insurance

The House bill amends section 508(h)(2) by striking the second sentence limiting the portion of premium FCIC may pay for innovative policies and by creating paragraphs (A) and (B).

Subparagraph (B) requires that in the case of a policy submitted under section 508(h) (except paragraph (10) or subsection (m)(4)), FCIC shall pay a portion of the premium equal to the percentage, prescribed under section 508(e) for a similar level of coverage, of the total amount of the premium used to define loss ratio, and the dollar amount of the administrative and operating expenses that would be paid by FCIC under section 508(e) for a similar level of coverage. (Section 102)

The Senate amendment amends section 508(e) by striking paragraph (1) relative to requiring FCIC to pay a portion of premiums and inserts a new paragraph (1) related to the same.

Provides under the new paragraph (1)(B) that FCIC may pay a portion of the premium as established in 508(e)(2) for innovative plans of insurance approved by FCIC under section 508(h). (Section 103)

The Conference substitute adopts the House provision relative to premium assistance for all policies or plans of insurance developed and approved under section 508(h) or 522 or conducted under section 523 (except livestock pilot programs) with certain changes. The administrative and operating costs associated with all such policies or plans of insurance must comply with section 508(k)(4), including any proportional reductions that may apply. Section 508(k)(4), including any proportional reductions, applies to all such policies or plans of insurance whether developed and approved on, before, or after the date of enactment of this Act. However, the effective date of the amendments made by section 102 are delayed until after the reinsurance year 2001 with respect to policies or plans of insurance developed and approved subsequent to the date of enactment. During the reinsurance year 2001, the portion of the premium paid by the Corporation for such policies or plans of insurance developed and approved subsequent to the date of enactment may not exceed the dollar amount authorized under the new payment schedule for multiple peril crop insurance. Administrative and operating costs associated with such policies during the reinsurance year 2001 are adjusted accordingly, subject to section 508(k)(4), including any proportional reductions that may apply. (Section 102)

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[1] In general, the Statement of Managers is arranged in order by title of the conference substitute, and by the House bill within the title.

Catastrophic risk protection

The House bill amends section 508(b) by striking paragraph (3) relative to yield and loss basis and inserts a new paragraph (3) relative to the same.

Provides that, beginning with the 2000 crop year, FCIC must offer producers a choice between the current CAT coverage and an alternative CAT coverage that indemnifies the producer on an area yield and loss basis, provides a higher combination of yield and price election, and that FCIC determines is comparable to "CAT."

The House bill amends section 508(b)(5) by adding a new subparagraph (F) relative to payment of fees on behalf of producers. Authorizes a cooperative association or nonprofit trade association to pay "CAT" fees on behalf of consenting producers.

Provides that licensing fees or other payments made by approved insurance providers to a cooperative association or nonprofit trade association in connection with the sale of "CAT" or "buy-up" insurance shall not be construed as a rebate providing the producer receives prior notice of the fee.

Provides that nothing in the subparagraph limits the ability of a producer to choose an agent or an insurance provider or refuse "CAT" coverage purchased pursuant to this subparagraph. Further requires that "CAT" policies sold under such an arrangement must be through a licensed agent or approved insurance provider.

Requires that participating cooperative associations, nonprofit trade associations, and approved insurance providers that operate under this subparagraph to encourage producer members to purchase appropriate coverage.

The House bill amends section 508(b)(11) reducing loss adjustment expense reimbursements relative to CAT policies to approved insurance providers from 11 percent of imputed premium to 8 percent of the same.

Amends section 508(k)(4)(A)(ii) by reducing administrative and operating expense reimbursements to approved insurance providers from 24.5 percent of premium used to define loss ratio to 24 percent of the same.

Provides that amendments are applicable with respect to the 2001 and subsequent reinsurance years. (Sections 108, 109 and 310(a)(1))

The Senate amendment requires any person that sells or solicits the purchase of a policy or adjusts losses under the FCIA in any state must be licensed and qualified to do business in that state, and must comply with all state regulations (including commission and anti-rebating regulations) as required under state law. (Section 313)

The Conference substitute adopts the House provisions relative to the provision of alternative catastrophic risk protection and the reimbursement rate change for loss adjustments associated with catastrophic risk protection. The reduction in administration and operating cost reimbursement is omitted. The Conference substitute further adopts the House provision relative to the payment of catastrophic risk protection fees by associations on behalf of member producers, and the treatment of licensing fees received by associations in connection with the issuance of insurance with changes. Rebating in connection with the issuance of crop insurance coverage is subject to the State laws in which the rebate is made. If a cooperative association or trade association is located in a State that permits rebating in connection with the issuance of crop insurance coverage, the association may pay catastrophic risk protection (CAT) fees on behalf of members in that State or in a contiguous State. A report to Congress on the operation and impact of this provision is required. Finally, the Conference substitute increases the fees associated with catastrophic risk protection from $60 to $100 per crop per county. (Section 103)

Administrative fee for additional coverage

The Conference substitute provides for an administrative fee of $30 per crop per county to be paid by producers electing coverage in excess of catastrophic risk protection. (Section 104)

Assigned yields and actual production history adjustments

The House bill amends section 508(g) by adding paragraph (4) relative to adjustment in actual production history to establish insurable yields.

Provides that this paragraph shall apply when FCIC uses the APH of a producer to establish insurable yields for a crop for the 2001 and subsequent crop years.

Provides that, if, for one or more of the crop years used by a producer to establish APH, the producer's yield is less than 60 percent of the applicable "T" yield, the producer may exclude each of such crop years and replace the excluded yield with a yield equal to 60 percent of "T". This section applies retroactively to already recorded yields and prospectively to future yields.

Amends section 508(g) by adding paragraph (5) relative to APH adjustment to reflect participation in major pest control efforts.

Requires FCIC to develop a methodology for adjusting the APH of a producer's crop when the producer's farm is located in an area where efforts have been undertaken to eradicate or retard plant pests and disease, where the presence of the pest or disease has been found to reduce applicable crop yields, and where the efforts undertaken have been effective. Requires APH adjustments to reflect the success of the effort undertaken. (Section 103)

The Senate amendment amends section 508(g)(2)(B) by requiring FCIC to assign a producer a yield for a crop where the producer has not had a share of the production of the crop for more than 2 years; has not before farmed the land; or rotates to a crop that has not before been produced on the farm.

The Senate amendment amends section 508(g) by adding paragraph (4) relative to transitional adjustments for disasters.

Defines "a producer that has suffered a multiyear disaster" as a producer or successor entity that has suffered a natural disaster during at least 3 of the immediately preceding 5 crop years that resulted in a cumulative reduction of at least 25 percent in APH of a crop.

Provides that, beginning with the 2001 crop year, a producer of an insured crop that has suffered a multiyear disaster may exclude 1 year of the crop's production history for each 5 years included in the crop's APH.

Requires FCIC to pay for any increased premiums, indemnities, and administrative and operating expenses that result from the exercise of a producer to exclude 1 year of a crop's production history.

Prohibits FCIC from limiting any increase in a producer's APH due to the producer's actual production of the crop in succeeding years until such time that the producer's APH has recovered to the level obtained in the year before the first year of multiyear disaster.

Rescinds FCIC authority allowing eligible producers to exclude any 1 crop year in the first crop year where a policy is available to adequately address natural disasters occurring in multiple crop years.

Makes the paragraph applicable for the 2001 through 2004 reinsurance years. (Sections 104 & 105)

The Conference substitute adopts the Senate provision relative to assigned yields and the House provision relative to adjustments to actual production history with minor changes to clarify intent. (Section 105)

Review and adjustment in rating methodologies

The House bill amends section 508(a) by adding a new paragraph (7) relative to the review and adjustment in rating methodologies.

Requires FCIC to periodically review the methodologies employed for rating plans of insurance consistent with section 507(c)(2) relative to contracting for such services. Requires FCIC to analyze the rating and loss history of policies and plans of insurance for crops by area and make appropriate adjustments for the 2000 crop year or as soon as possible where premium rates are found to be excessive. (Section 104)

The Senate amendment requires FCIC to contract for the study and development of alternative rating methodologies for rating plans of insurance for "CAT" and "buy-up" coverage, taking into account producers not electing to participate in crop insurance and those electing only "CAT" coverage.

Requires that, with respect to such rating studies, a priority be given to crops with the largest average acreage nationwide but lowest percentage of producer participation at buy-up coverage levels.

Requires FCIC to provide funding for rating studies from the account established under section 516(b)(2)(A) of the FCIA, and specifically authorizes $1 million for fiscal years 2001 and 2002 and $250,000 in fiscal years 2003 and 2004.

Provides that the paragraph relative to funding be applicable for the fiscal years 2001 through 2004. (Section 202)

The Conference substitute adopts the House provision relative to review and adjustment in rating methodologies with a change to require such adjustments take place in the 2002 crop year and thereafter, rather than in the 2000 crop year and thereafter. (Section 106)

The Managers urge the Corporation to complete the process of developing alternative rating methodologies for all insurable crops. The Managers also urge the Corporation to base Multi-Peril Crop Insurance (MPCI) cotton rates in Texas on the results of the analysis prepared on their behalf by researchers at Montana State University and to adopt these rates beginning with the 2001 crop year on the same basis as the Corporation implemented revised MPCI Premium rates in the Mid-South and Far West regions.

Quality adjustment

The House bill amends section 508(a) by adding a new paragraph (9) relative to quality grade loss adjustment.

Requires that, consistent with subsection (m)(4) relative to contracting for research requirements, FCIC enter into a contract by the 2000 crop year to analyze quality loss adjustment procedures and make adjustments necessary to more accurately reflect local quality discounts, taking into account actuarial soundness requirements and prevention of fraud, waste, and abuse. (Section 112)

The Senate amendment strikes 508(a)(6) requiring guidelines, reports, studies, and pilot programs relative to the addition of new and specialty crops, and inserts a new paragraph (6) relative to quality adjustment.

Requires FCIC to offer coverage that permits a reduction in production for purposes of determining a loss to reflect any production not meeting quality standards.

Allows producers to opt-out of quality adjustment coverage and receive a reduction in premium equal to the cost of the coverage.

Requires FCIC to contract for the study of quality loss adjustment procedures and, based on the study, to adjust the coverage to better reflect local quality discounts, taking into consideration actuarial soundness and the prevention of fraud, waste, and abuse. (Section 101)

The Conference substitute adopts the Senate provision relative to quality adjustments with certain changes. Language to permit producers to opt-out of such coverage and receive a premium reduction is omitted. Language is included to permit producers to elect such coverage, under limited circumstances, on a basis smaller than a unit, and a provision relative to the manner in which the Corporation sets quality standards is also included. (Section 107)

Double insurance and prevented planting

The House bill amends section 508(a) by adding a new paragraph (8) relative to prevented planting.

Allows producers to opt-out of prevented planting coverage and receive a reduction in premium equal to the cost of the prevented planting coverage.

Requires FCIC to provide an equal percentage level of prevented planting coverage for each crop.

Limits prevented planting payments to producers prevented from planting due to conditions generally affecting the area in which the producer farms.

Authorizes a producer who received a prevented planting payment to plant a second crop other than the crop prevented from being planted on the same acreage, except that the second crop is not eligible for NAP or crop insurance coverage.

Provides that a producer who elects to plant a second crop which is not insurable or NAP eligible still qualifies for AMTA loans and payments, CRP, and guaranteed and direct loans and other benefits under the ConAct.

Requires FCIC to assign a producer who receives a prevented planting payment and who elects to plant a second crop a yield for the prevented crop for that year equal to 60 percent of the producer's actual production history for purposes of future APH.

Denies a prevented planting payment to a producer who plants a second crop before the latest planting date for the crop prevented from being planted.

The House bill amends section 508(a) by adding a new paragraph (10) relative to limitations on double insurance.

Prohibits a policy or plan of insurance for more than one crop planted on the same acreage in the same crop year unless the coverage for the additional crop is "CAT" coverage.

Provides an exception to the limitation on double insurance where both crops are normally harvested within the same crop year on the same acreage; there is an established practice of double-cropping in the area and the additional crop is customarily double-cropped in the area with the first crop; a policy of insurance is offered for both crops; and the additional crop is planted on or before the final or late planting date for that crop. (Sections 110 and 201)

The Senate amendment is substantially the same as the H.R. 2559 except the following additional provisions.

Makes the prevented planting paragraph applicable for the 2001 through 2004 crop years.

Requires that changes made to prevented planting coverage be reflected in the rates for coverage not later than the 2001 reinsurance year. (Section 102)

The Senate amendment amends section 508(m) (subsection (n) designated as (m) under section 207 of Senate amendments.

Requires that FCIC may only offer insurance or reinsurance on 1 crop produced on specific acreage during a crop year, unless there is an established practice of double-cropping in an area, the additional insurance is offered to a crop that is customarily double-cropped in the area, and the producer has a history of double-cropping or the acreage has historically been double-cropped. (Section 308)

The Conference substitute provides limitations with respect to double insurance and prevented planting coverage. The Conference substitute establishes a new Section 508A for both double insurance and prevented planting and provides the following definitions:

"First Crop" means the first crop of the first agricultural commodity insured and planted for harvest, or prevented from being planted, on specific acreage during a crop year.

"Second Crop" means a second crop of the same or different agricultural commodity following the first crop that is planted for harvest on the same acreage as the first crop in the same crop year. However, the term does not include a replanted crop.

"Replanted Crop" means the second planting of the first crop on the same acreage in the same crop year, if the replanting is required by the terms of the policy of insurance on the first crop.

In the case of double insurance, the Conference substitute provides a producer with two options if a first crop has a total or partial insurable loss. If the producer chooses not to plant a second crop, then the producer is entitled to 100 percent of the indemnity payment for the first crop.

If the producer plants a second crop, then the producer will receive an initial indemnity payment up to 35 percent of the total calculated indemnity payment for the first crop. The Managers intend that the Secretary adjust the percentage paid as necessary to prevent abuse of the program. If the producer is not paid an indemnity on the second crop, then the producer will receive an additional indemnity payment equal to the total calculated indemnity on the first crop less the initial indemnity payment. If an indemnity is paid with respect to the second crop, then the producer is not entitled to receive the additional indemnity payment with respect to the first crop.

In the case of a producer who chooses to plant a second crop, the premium owed for insurance on the first crop will be reduced commensurate with any reduction in indemnity payment received on the first crop. If no indemnity is paid on the second crop, then the producer owes the full premium for insurance on the first crop.

With regard to prevented planting, the Conference substitute provides a producer with two options if a first crop is prevented from being planted. If the producer chooses not to plant a second crop, then the producer may collect 100 percent of the prevented planting guarantee for the first crop.

If the producer plants a second crop, then the producer will receive up to 35 percent of the prevented planting guarantee for the first crop. The Managers intend that the Secretary adjust the percentage paid as necessary to prevent abuse of the program. In addition, except for producers who double crop in a double cropping area, a producer who plants a second crop will be assigned a recorded yield of 60 percent of the producer's actual production history for the crop on which a prevented planting guarantee payment is received. This will be used in determining a producer's actual production history for subsequent crop years for the first crop. The Corporation may only pay the prevented planting guarantee to a producer if the conditions that prevented the first crop from being planted have also generally affected other producers in the area. In addition, the Corporation may not make a prevented planting guarantee payment for the first crop in the case of any producer who plants a second crop before the latest planting date for the first crop.

In the case of a producer who chooses to plant a second crop, the producer's premium for the first crop will be reduced commensurate with any reduction in indemnity payment received on the first crop.

The Conference substitute provides that, notwithstanding the restrictions placed on double insurance and prevented planting, a producer will receive full indemnity payments and prevented planting guarantees on 2 or more crops in a double cropping area. There must be an established practice of planting 2 or more crops for harvest in the same crop year in the area, as determined by the Corporation, and an additional coverage policy or plan of insurance must be offered with respect to the commodities planted on the same acreage in the same crop year. In addition, the producer must have a history of planting 2 or more crops in the same year; the applicable acreage must have historically been planted to 2 or more crops in the same year; and the second or subsequent crops must be customarily planted after the first crop on the same acreage in the same year. The Managers intend that in determining when an agricultural commodity is customarily double cropped in a double cropping area, that the Corporation consider the farming and irrigation practices applicable to the crops in the area. (Section 108)

Noninsured crop disaster assistance program

The House bill amends section 196(i) of the AMTA in paragraph (1) by striking "gross revenues" wherever it appears and inserting "gross income" and by striking paragraph (4) and adding a new paragraph (4).

Paragraph (4) provides that a person with a qualifying adjusted gross income of greater than $2 million during the taxable year is ineligible to receive NAP assistance.

The House bill also amends section 196(b) of the FAIR Act of 1996 to require that to be eligible for NAP, producers must provide annually to the Secretary, acting through the agency, records of crop acreage, acreage yields, and production for each eligible crop. (Sections 111 and 205)

The Senate amendment amends section 196(a)(2) of AMTA by adding a new subparagraph (C) allowing the Secretary to consider all varieties of a crop eligible for NAP as a single eligible crop for program purposes.

Amends section 196(b)(1) relative to when a producer must apply for NAP assistance, striking discretionary authority for the Secretary to determine the application deadline and inserting the requirement that producers apply not later than March 15.

Strikes paragraph 196(b)(2) providing the Secretary discretionary authority pertaining to what production records a producer must submit, and inserting a requirement that, to be eligible for NAP, producers must annually submit crop acreage, acreage yields, and production for each crop.

Amends paragraph 196(b)(3) to require annual reporting of acreage planted or prevented from being planted.

Strikes section 196(c) relating to loss requirements and inserts a new subsection (c) relative to the same.

Provides that a producer of an eligible crop must have suffered a loss of a noninsured crop as a result of drought, flood, or other natural disaster as determined by the Secretary.

Authorizes the Secretary to make payments under NAP once a drought, flood, or other natural disaster determination is made.

Changes the prevented planting payment trigger for eligible crops from a 35 percent acreage threshold to a 15 percent acreage threshold.

Authorizes the Secretary to make a NAP payment irrespective of any area loss trigger.

Amends section 196 by inserting a new subsection (j) and (k) relative to new eligible crops and service fees, respectively, and designating the current subsection (j) as subsection (l).

Provides under section 196(j)(1) that the NAP payment to a producer of an eligible crop that is new to an area will be equal to 35 percent of the established yield for the first year the crop is produced.

Provides that the NAP payment to a producer of an eligible crop that is new to an area will be equal to 45 percent of the established yield for the second through fourth years the crop is produced, except where a NAP payment was made in the first year in which case the payment is 35 percent.

Makes a producer of an eligible crop ineligible for a NAP payment where the producer collects a NAP payment in the first 2 crop years, until such time that the crop is produced for 3 consecutive crop years with no reported losses.

Provides for a service fee for NAP eligibility under section 196(k), requiring producers to pay the Secretary an amount equal to the fee for a CAT policy ($60 per crop per county) or $200 per producer per county, not to exceed $600 per producer. Provides for the waiver of NAP fees for limited resource producers.

Provides that NAP fees collected by the Secretary be deposited in the CCC Fund. Makes amendments under this section applicable for the 2001 through 2004 crop years. (Section 106)

The Conference substitute adopts the Senate provision relative to the Noninsured Crop Disaster Assistance Program with changes. Producers are required to make an application for NAP eligibility not later than 30 days before the beginning of the coverage period. Changes relative to prevented planting and yields for new NAP eligible crops provided under the Senate amendment are omitted. The NAP fee provided in the Senate amendment is modified to require producers to pay the lesser of $100 per crop per county or $300 per producer per county, but not to exceed $900 per producer. (Section 109)

Subtitle B—Improving Program Integrity

Improving program compliance and integrity

The House bill amends section 506(q) by designating paragraphs (1) and (2) as (2) and (3), creating paragraph (1) relative to purposes, and creating new paragraphs (4) through (7) relative to certain compliance requirements.

Paragraph (4) requires the Secretary to develop and implement a coordinated plan for FCIC and FSA to reconcile information received from producers and, beginning with the 2000 crop year, requires FCIC and FSA to annually conduct such reconciliation to identify and address any discrepancies.

Paragraph (5) requires the Secretary to develop and implement a coordinated plan for FSA to assist FCIC in ongoing monitoring of FCIA programs, including conducting fact findings relative to allegations of fraud, waste or abuse at the request of FCIC or on its own initiative after consultation with FCIC; reporting fraud, waste, abuse, and program vulnerabilities to FCIC; assisting FCIC in auditing a statistically appropriate number of claims. Also provides that the Secretary ensure that FSA personnel are appropriately trained and, at minimum, receive the same training and testing as loss adjusters.

Requires maintenance of effort on the part of approved insurance providers in conducting audits of claims, requires FCIC to respond within 90 days of receiving notice by approved insurance providers of intentional violations, and requires a coordinated response to violations by FCIC and approved insurance providers.

Paragraph (6) requires the Secretary to establish a mechanism under which state FSA committees are consulted concerning policies and plans of insurance offered in the state.

Paragraph (7) requires the Secretary to submit an annual report to the House and Senate Agriculture Committees containing findings relative to the efforts undertaken in paragraphs (4) and (5), identifying specific incidences of fraud, waste, and abuse along with actions taken to eliminate the same.

The House bill amends section 506(n) by striking "penalties" where it occurs and inserting "sanctions" and redesignating paragraph (2) as paragraph (3).

Strikes paragraph (1) relative to false information and inserts new paragraph (1) relating to the same.

Provides that a producer, agent, loss, adjuster, approved insurance provider, or other person that intentionally provides false or inaccurate information to FCIC or to an approved insurance provider with respect to a policy may, after notice and opportunity for a hearing, be subject to sanctions.

Provides that sanctions include a civil fine not to exceed the greater of the amount of the pecuniary gain obtained by the violator or $10,000; debarment of a producer from specified farm programs for up to 5 years; and debarment of other persons from benefits under the FCIA for up to 5 years. Also provides that FCIC may require the producer to forfeit any premium owed notwithstanding denial of a claim or collection of overpayment if the violation is material.

Requires sanctions be disclosed on each policy. (Sections 202 and 203)

The Senate amendment strikes section 506(n), relative to penalties for false information, and provides a new subsection (n) relative to sanctions for program noncompliance and fraud.

Provides that a producer, agent, loss, adjuster, approved insurance provider, or other person that intentionally provides false or inaccurate information to FCIC or to an approved insurance provider with respect to a policy may, after notice and opportunity for a hearing, be subject to a sanction under this subsection.

Provides that a producer, agent, loss adjuster, approved insurance provider, or other person that intentionally fails to comply with an FCIC requirement is subject to sanctions, and that any such person (other than a producer) intentionally failing to comply with an SRA is also subject to sanctions.

Provides sanctions for material violations relative to providing false information and compliance failure. Sanctions include a civil fine not to exceed the greater of the amount of the pecuniary gain obtained by the violator or $10,000; debarment of a producer from all farm programs for up to 5 years; and debarment of other persons from benefits under the FCIA for up to 5 years.

Requires the Secretary to consider the gravity of the violation in determining whether to impose a sanction and the amount or degree of any sanction imposed. Also requires disclosure of sanctions on each policy of insurance.

Requires that funds collected under this subsection be deposited into the insurance fund provided under section 516(c)(1) of the FCIA (general FCIA insurance fund). Amends section 516(c)(1) of the FCIA by striking paragraph (1) and inserting a new paragraph (1) providing that, along with premium income and amounts under section 516(a)(2), sanctions fees are to be deposited in this fund.

The Senate amendment amends section 506(q) of the FCIA, relative to program compliance, by adding at the end paragraphs (3) and (4).

Paragraph (3) requires FCIC to develop procedures for an annual review of each agent and loss adjuster by approved insurance providers, oversee such review, and consult with approved insurance providers relative to any remedial action required.

Requires FCIC to file a report with the House and Senate Agriculture Committees by the end of each fiscal year relative to compliance, along with recommendations for any necessary legislative or administrative changes. (Sections 303 and 304)

The Conference substitute adopts the House provisions relative to improving compliance and integrity with modifications. Procedures with respect to FSA inquiries into fraud, waste, and abuse as well as notice and response requirements concerning allegations of fraud, waste, and abuse are clarified. The Secretary is required to establish procedures by which the Corporation will be able to identify agents and loss adjusters with disparate performance records in order to conduct a review and take remedial action where appropriate. Certain information, including the name and identification number of each insured and the crop to be insured, the elected coverage level, and price election selected must be received by the Corporation approximately 30 days subsequent to the sales closing date. The Conference substitute also adopts the Senate provision relative to sanctions for program noncompliance and fraud, with a minor change to exclude the failure to comply with a Standard Reinsurance Agreement from the class of activities that would trigger the imposition of sanctions enumerated under this section. The Conference substitute further adopts the Senate provision to require the Corporation to develop procedures for approved insurance providers to review the performance of agents and loss adjusters. Finally, the Conference substitute adopts provisions to require the Secretary to upgrade information management systems and use data mining and data warehousing technologies, including contracting with private entities with expertise in this area, in implementing compliance provisions. Limited funding is authorized for fiscal years 2001 through 2005 to carry out these compliance activities, excluding salaries. (Section 121)

In an effort to combat fraud and abuse in the crop insurance program, the Managers direct the Secretary to develop and implement a coordinated plan for the Farm Service Agency to assist the Corporation in monitoring and reporting on crop insurance program activity at the local field level. In addition, the Corporation must establish a working relationship with insurance providers in order that information regarding fraud, waste, and abuse may be reported to the Corporation without fear of legal reprisal to the insurance providers. The Managers expect the Secretary to ensure that each of the agency roles are clearly defined with the Corporation responsible for implementing all rules and regulations relating to the insurance program.

The Managers expect that the Corporation will make full use of the capabilities of information management systems, specifically data warehousing and data mining technologies, both within or outside of the Federal government, to fulfill the requirements of this section to improve the compliance and integrity of the Federal crop insurance program. The Managers expect the Corporation to use funds made available by this Act, or otherwise available, to contract with the Center for Agribusiness Excellence at Tarleton State University and the Center for Agribusiness and Agrotechnologies at Bradley University for management and development of a system to implement the requirements of this section.

The Managers direct the Corporation to place the highest financial priority and emphasis on the interactive computer operations to ensure that participating insurance companies are able to accurately transmit financial data back to the agency.

Protection of confidential information

The House bill amends section 502 by adding a new subsection (c) relative to the protection of confidential information.

Prohibits the Secretary, any other officer, employee, or agency of USDA, an approved insurance provider and its employees and contractors, and any other person from disclosing producer-derived information to the public unless it is transformed into a statistical or aggregate form that does not reveal the producer's identity.

Provides for penalties consistent with section 1770(c) of the Food Security Act of 1985, including fines up to $10,000 and or imprisonment for up to 1 year. (Section 204)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision protecting producer confidentiality with a minor change to allow producers to consent to the release of otherwise protected information as long as program eligibility is not conditioned upon the release. (Section 122)

Good farming practices

The House bill amends section 508(a)(3)(C) relative to losses excluded from coverage by clarifying that scientifically sound sustainable and organic farming practices are good farming practices. (Section 309)

The Senate amendment is substantially the same as the House bill.

The Conference substitute adopts the Senate provision relative to the inclusion of scientifically sound sustainable and organic farming practices as good farming practices for purposes of what constitutes an insurable loss under the Federal Crop Insurance Act. The Conference substitute further requires that producers be provided with an informal administrative review of a determination regarding good farming practices but proscribes any such review pursuant to the National Appeals Division. Producers have a right to judicial review relative to a determination regarding good farming practices without having to exhaust any informal administrative review. However, any determination regarding good farming practices may not be reversed under a judicial review unless it is found to be arbitrary or capricious. (Section 123)

The Managers understand that producers of organic cotton who destroy their crop when it has been exposed to chemicals used in boll weevil eradication are currently being penalized relative to their actual production history despite the fact that they do not qualify for a crop insurance indemnity. The Managers expect the Corporation to immediately rectify this inequity with respect to any producer of an organic crop who must destroy that crop in order to maintain organic certification. To the extent that no indemnity is received for a lost crop under these circumstances, no penalty relative to actual production history should obtain.

Records and reporting

The House bill amends section 508(f)(3)(A) of the FCIA relative to producer reporting requirements.

Requires producers participating in the crop insurance program to annually report records acceptable to the Secretary regarding crop acreage, acreage yields, and production for each crop insured.

Amends section 506(h) of the FCIA by requiring the coordination of records kept under the FCIA and under the NAP program to avoid duplication, to streamline submission procedures, and to enhance accuracy.

Provides that such records collected under NAP and the FCIA be made available to appropriate state and federal agencies to carry out these programs and other agricultural programs and related responsibilities.

Amends section 196(b) of the FAIR Act of 1996 to require that to be eligible for NAP, producers must provide annually to the Secretary, acting through the agency, records of crop acreage, acreage yields, and production for each eligible crop. (Section 205)

The Senate amendment amends section 508(f)(3)(A) of the FCIA relative to producer reporting requirements.

Requires producers participating in the crop insurance program to annually report records acceptable to the Secretary regarding crop acreage, acreage yields, and production for each crop insured.

Amends section 506(h) of the FCIA by requiring the coordination of records kept under the FCIA and under the NAP program to avoid duplication, to streamline submission procedures, and to enhance accuracy.

Provides that such records collected under NAP and the FCIA be made available to appropriate state and federal agencies to carry out these programs and other agricultural programs and related responsibilities.

The Senate amendment also strikes paragraph 196(b)(2) providing the Secretary discretionary authority pertaining to what production records a producer must submit, and inserting a requirement that, to be eligible for NAP, producers must annually submit crop acreage, acreage yields, and production for each crop. Amends paragraph 196(b)(3) to require annual reporting of acreage planted or prevented from being planted. (Sections 306 and 106)

The Conference substitute adopts the House provision with changes to omit provisions dealt with elsewhere in the Act. (Section 124)

Subtitle C—Research and Pilot Programs

Research and development

The House bill amends section 508(h) by adding a new paragraph (6) relative to reimbursement of research, development, and maintenance costs.

Requires FCIC to reimburse an applicant for research, development, and maintenance costs directly related to a policy submitted to and approved by the Board and, if applicable, sold to producers.

Authorizes payments to applicants beginning with fiscal year 2001 and limits reimbursement for maintenance to no more than 4 reinsurance years from approval, after which FCIC assumes maintenance of successful policies.

Provides that payments under this paragraph be considered payment in full for research and development and any property rights.

Requires FCIC to determine the amount of reimbursement based upon the complexity of the policy or material and the size of the area to be served. Requires FCIC to issue final regulations not later than October 1, 2000.

The House bill also authorizes $55 million for each fiscal year for reimbursement and direct contracting for research and development of new policies.

The House bill amends section 508(m) by adding a new paragraph (4).

Paragraph (4) requires FCIC to make full use of the reimbursement provisions of section 508(h) to encourage and promote private research and development of new policies and plans of insurance.

Provides that where FCIC determines that a crop, including a specialty crop, is not adequately served by crop insurance, FCIC may enter into contracts directly with any person or entity with experience in crop insurance or farm or ranch risk management, including universities, approved insurance providers, and trade and research organizations, to conduct research and development, without regard to the limitations contained in the FCIA.

Provides that the authority of FCIC to contract for the research and development of policies, includes research and development for policies based on adjusted gross income, cost of production, quality losses, and an intermediate base program with a higher coverage and cost than "CAT".

Delays effective date of contracting authority until October 1, 2000.

Provides that FCIC may offer any policy developed under this subparagraph that is approved by the Board.

Requires FCIC to contract for research and development regarding one or more revenue coverage plans involving current or new market instruments. Requires FCIC to report the results of the contract within 15 months from enactment of this paragraph.

Amends section 508(m)(2) relative to the prohibition of FCIC research with respect to risk protection generally available from the private sector, to prohibit FCIC from conducting its own research and development of new policies on or after October 1, 2000. Provides that FCIC may continue to offer any policies developed by FCIC before that date.

Amends section 508(m) by adding a new paragraph (5), relative to partnerships for risk management development and implementation.

Authorizes FCIC to enter into partnerships with public and private entities to increase the availability of loss mitigation, financial, and risk management tools for producers of crops covered under NAP and other underserved and specialty crop producers.

Authorizes FCIC to enter into partnerships with CSREES, ARS, NOAA, and other appropriate public and private entities with demonstrated ability in developing and implementing risk management and marketing options for specialty and under-served crops.

Provides a list of objectives to be obtained as a result of any partnerships.

Provides that funds not used for reimbursements or for direct contracting for specialty and under-served crops may be used by FCIC to enter into such partnerships.

Provides that funding for partnerships during fiscal years 2001 through 2004 are available where amounts used for reimbursements and direct contracting are less than $44 million, $47 million, $50 million, and $52 million for fiscal years 2001 through 2004, respectively, and where the amount for partnerships does not exceed the difference between the amounts provided above and the amount actually spent thereon.

This paragraph is applicable beginning on October 1, 2000.

The House bill amends section 508(h)(6) by adding a new subparagraph (E) relative to expenditures on reimbursements and direct contracting for research and development.

Provides that of the amounts made available for reimbursements and direct contracting for research and development, $25 million shall be reserved for direct contracting for specialty and under-served crops. Provides that any unused portions of the reserved amount may be used for reimbursements, with priority for under-served crops. Also provides that of the amounts made available for reimbursements and direct contracting for research and development, more than $25 million may be used for contracting for specialty and under-served crops where necessary.

Authorizes $55 million for each fiscal year for reimbursement and direct contracting for research and development of new policies.

Amends section 516(a)(2) by adding a new subparagraph (D) authorizing appropriations for costs associated with research, development, and maintenance costs.

Amends section 516(b)(1) by adding a new subparagraph (E) authorizing reimbursements, research, and development costs to be paid by the FCIA Fund. (Section 302, 303 and 304)

The Senate amendment provides that with respect to research and analysis concerning any crop insurance issue, including outreach, education, pilot programs, or the development of new plans of insurance, FCIC is limited to the authority provided under the newly created section 522 and the funds made available under section 516(b)(2)(A) of the FCIA when contracting or reimbursing research costs related to policy development or modification. Newly created section 523 relative to specialty crops is exempted from this limitation.

Requires that FCIC establish the development of a pasture, range, and forage program to promote land stewardship as "1 of the highest research and development priorities."

Requires FCIC to contract for a study to determine whether the development of a plan of insurance providing coverage for multiple years would curb fraud and abuse, and requires a report on findings to the House and Senate Agriculture Committee within 1 year of enactment.

The Senate amendment also amends the FCIA by adding at the end section 523, relative to specialty crops.

Authorizes the Specialty Crops Coordinator to make grants or enter into contract for research and development of policies to serve under-served specialty crops and reimburse costs associated with such research and development.

Authorizes the Specialty Crops Coordinator to enter into partnerships with public and private entities to increase the availability of risk management tools for specialty crop producers.

Authorizes $20 million in funding from section 516(c)(1) (FCIA Fund) for each of fiscal years 2001 through 2004 to enter into cooperative agreements with public and private entities to develop and implement risk management tools for specialty crop producers. Provides that such amounts may not come from section 516(b)(2)(A).

Provides a list of objectives to be obtained as a result of any partnerships.

Prohibits FCIC from establishing a sales closing date for specialty crops that is before the end of the 120-day period beginning on the date of the final release of materials for policies from RMA and the Specialty Crops Coordinator.

Allows producers of specialty crops to purchase new coverage or increase coverage levels at any time during the insurance period, subject to a 30-day waiting period and an inspection by FCIC to verify acceptability of the approved insurance provider, provided FCIC is able to adequately rate the risk.

Requires FCIC and the Specialty Crop Coordinator to jointly conduct feasibility studies for developing new policies for specialty crops, and requires a progress report to Congress not later than 1 year from the date of enactment.

The authority for the Specialty Crops Coordinator to enter into partnerships and the extension of the sales closing date and time for purchase of coverage is applicable for the 2001 through 2004 fiscal years.

Requires that not later than 180 days after enactment, the Secretary must submit a report to the President and the House and Senate Agriculture Committees assessing USDA's progress in expanding coverage to specialty crops and USDA's plans to continue that progress.

Also requires that the report include an assessment of whether "CAT" has resulted in uniform quality of protection for all regions of the country and fulfilled the goal of increased participation, especially in states with traditionally low participation rates and high proportion of specialty crops. The report should also address the question of whether USDA should resume offering CAT and performing loss adjustments.

The Senate amendment strikes subsection (m) providing FCIC its current authority to conduct research, surveys, pilot programs, and investigations relating to crop insurance and agriculture-related risks and losses. Subsection (n) is designated as subsection (m).

Amends section 516(b)(2)(A) to increase mandatory funding for research and development expenses from not to exceed $3.5 million for each fiscal year to $4.5 million in fiscal years 2001 and 2002, $3.75 million in fiscal years 2003 and 2004, and returning to $3.5 million for each subsequent fiscal year.

Provides a conforming amendment relative to section references in section 518, defining agricultural commodity. (Section 202, 207 and 309)

The Conference substitute adopts the House provisions relative to reimbursements, contracting, and partnership for policy research and development with certain changes. The provision includes authority to reimburse research and development costs associated with policies developed before enactment. Reimbursement for research and development costs is limited to policies that are determined to be marketable. Reimbursement for maintenance is limited to 4 reinsurance years from the date of Board approval after which the provider responsible for maintenance has three options. The provider may transfer maintenance responsibility to the Corporation, charge a Board-approved fee to be paid by other providers electing to offer the policy, or continue to maintain the policy and absorb the appurtenant costs. The provision authorizes the Corporation to enter into contracts for research and development on policies in order to (1) increase participation in States where the Corporation determines there is low crop insurance participation or availability, and the State is under-served by the program; (2) increase participation in areas that are under-served by the program; and (3) increase participation by producers of under-served agricultural commodities, including specialty crops. The provision requires the Corporation to consult with groups representing producers that would be served by a policy that is the subject of the research and development before entering into a contract. The Conference substitute adopts the Senate provisions to require the Corporation to establish the development of a pasture, range, and forage program as one of the highest priorities and to require the Corporation to contract for a study relative to offering coverage for multiple years to reduce fraud, waste, and abuse. Provisions are included to make partnership authority under this section eligible for funding for contracting, and to reserve $5 million of such funding for contracting for policy development to increase participation in States where the Corporation determines there is low crop insurance participation or availability and the State is under-served by the program. The Managers consider it a high priority to develop policies that work for producers and products in these low participation states. The provision also requires the Corporation to contract for research and development relative to a cost of production policy. Finally, funding for reimbursements and contracting are limited to new levels. (Section 131)

The Managers recognize that it is difficult to predict the range of new and innovative approaches to the private development of insurance products under the new environment created under this bill. There is no reason to believe all policies will necessarily fit under the current structure of yield-based or revenue-based products; some may focus on a narrower array of perils than are now included in available coverage. These could include plans to protect against the uncontrollable risks associated with the use of certain conservation techniques such as integrated pest management, best management practices, or conservation tillage systems. The Corporation should take such factors into account when considering approval of such proposals.

The Managers expect the Corporation to study the feasibility of offering a vine and tree replacement program as an option for growers of grapes, citrus, tree fruit, nut, kiwi, blueberries, and other high-value, permanent crops.

Pilot program

The House bill amends section 508(h) by repealing obsolete pilot programs contained in paragraphs (6) and (8) relative to cost of production and assigned yields, respectively.

Authorizes FCIC to offer pilot programs on a regional, state, or national basis after considering the interests of producers and the interests and risks of FCIC, and to operate the pilot program, including any modifications, for up to 3 years with authority to extend for additional periods.

Amends section 508(h)(4) to require FCIC to promulgate regulations within 180 days of enactment to establish guidelines for the submission and Board review of policies submitted under section 508(h), including streamlined guidelines governing the submission and Board review of pilot programs that the Board determines are limited in scope and duration and involve a reduced level of liability to the government and an increased level of liability to the approved insurance provider.

Provides that FCIC must notify the applicant of its intent to disapprove a low risk pilot program within 60 days of the submission.

Requires FCIC to approve or not approve a low risk pilot program within 90 days of submission, and requires a detailed explanation for any disapproval.

Provides that where FCIC fails to make a timely determination with respect to a low risk pilot program, the pilot is approved for the initial reinsurance year unless an extension is agreed to.

Amends section 508(h) by striking paragraph (10) relative to time limits for submission of new policies and inserts a new paragraph (10) relative to livestock pilot programs.

Requires FCIC to conduct 1 or more livestock pilot programs to evaluate risk management tools, including futures and options contracts and policies and plans of insurance, including protection for environmental liability, and requires that the greatest number and variety of programs be evaluated.

Requires FCIC to begin the conduct of livestock pilot programs during the 2001 fiscal year and without regard to the limitations in the FCIA, except that no coverage may be offered where that coverage is generally available from private insurance.

Requires FCIC to conduct the livestock pilot programs in a number of counties that will facilitate comprehensive evaluation, and provides that any producer of eligible livestock owning a farm or ranch in a selected county is eligible to participate.

Defines livestock as cattle, sheep, swine, goats, and poultry.

Requires FCIC to operate all livestock pilot programs so that, to the maximum extent practicable, associated costs (other than for research and development) are not expected to exceed $20 million for fiscal year 2001, $30 million for fiscal year 2002, $40 million for fiscal year 2003, and $55 million for fiscal year 2004 and each subsequent fiscal year.

Amends section 518 of the FCIA by striking the livestock exclusion from insurance. (Section 105)

The Senate amendment authorizes FCIC to conduct research, surveys, pilot programs, and investigations relating to crop insurance and agriculture-related risks and losses based on proposals developed by FCIC and others to determine their suitability to meet producer needs.

Provides an exception that FCIC may not conduct such research activity to provide risk protection where such protection is generally available from the private sector.

Provides under newly created section 522(a)(3) a list of eligible activities for research activity, including after October 1, 2000, livestock and livestock products, wild salmon, and loss or damage to trees or fruit due to "sharka."

Clarifies the scope of pilot programs under newly created section 522(a)(4). Authorizes FCIC to offer pilot programs on a regional, state, or national basis after considering the interests of producers and the interests and risks of FCIC, and to operate the pilot program, including any modifications, for up to 4 years with authority to extend for additional periods. Also authorizes FCIC to provide premium discounts to producers using whole farm or single crop units of insurance and to cross state and county boundaries to form units.

Requires under newly created section 522(a)(5) that FCIC evaluate each pilot program and submit a report to the Senate and House Agriculture Committees with a recommendation on whether to offer the pilot on a national basis.

Authorizes under newly created section 522(a)(6) funds to carry out research and pilot programs (except for research related to alternative rating methodologies authorized under section 202 of the Senate amendment). Authorized amounts may not exceed $10 million in FY2001, $30 million in FY2002, $50 million in FY2003, and $60 million in FY2004.

Provides that provisions under section 201 of the Senate amendment that require funding are applicable for fiscal years 2001 through 2004, including authority for timber, wild salmon, and livestock coverage, general pilot authority, and general research funding.

The Senate amendment provides that the purpose of the pilot program is to determine what incentives are necessary for approved insurance providers to develop and offer risk management products, rate premiums, and competitively market such products.

Requires FCIC to establish a pilot program under which approved insurance providers may propose to the FCIC Board loss of yield or revenue insurance coverage for 1 or more commodities, including commodities not insurable (but excluding livestock), rates of premium, and underwriting systems.

Requires FCIC to approve the risk management product before it can be marketed.

Provides that the FCIC Board may approve a risk management product submitted if the Board determines that the interests of producers are protected; premium rates are actuarially appropriate and underwriting systems are actuarially appropriate and adequate; the product is reinsured under the FCIA, through private reinsurance, or self-insured; the size of the pilot is adequate; the product is not generally available through private insurance plans; and any other requirements imposed by FCIC.

Requires that all information concerning a risk management product be considered confidential commercial or financial information, and provides the standard that if the Secretary could withhold such information, the information may not be released.

Defines original provider as an approved insurance provider that submits a product for approval under this section. Provides that risk management products approved under this section may only be sold by the original provider, unless another approved insurance provider desiring to offer the product pays a fee established by the original provider. (Sections 201 and 205)

The Conference substitute adopts the Senate provisions relative to the scope of pilot programs and to a pilot program for insurance coverage on wild salmon. Pilot authority for insurance coverage for timber due to drought, flood, fire or other natural disaster and for trees or fruit affected by plum pox (including quarantined trees or fruit) are omitted because statutory authority currently exists to insure the crops against these perils. The House bill language relative to expedited consideration of low risk pilot programs is omitted. The Conference substitute adopts the House bill's provision relative to livestock pilot programs, except that pilot authority to offer insurance coverage for environmental liability is omitted and the definition of livestock is modified to include but not be limited to the livestock referenced in the House bill. Funding for all livestock programs is also limited to new levels. The provision authorizes a premium-rate reduction pilot program. Finally, House bill language clarifying regulatory jurisdiction over policies or plans of insurance is included but in a separate section of the Act. (Section 132)

The Managers intend for the Corporation to proceed with crop insurance coverage for sorghum silage beginning with the 2001 crop year by implementing the pilot program that was drafted and presented to grain sorghum producers in October of 1999. The Corporation shall develop the program in a way that provides sorghum silage the same coverage as corn silage with the program to be fully developed by September 30, 2000.

The Managers are aware of proposals to implement a pilot insurance policy to provide coverage on timber losses resulting from drought, flood, fire, or other natural disaster. The Managers expect the Corporation to implement this pilot under current authority, with special consideration given to Florida.

The Managers are aware of the serious concerns the plum pox virus is causing in several states, including Pennsylvania. The Managers believe the Corporation has the same authority to develop a policy to provide coverage for plum pox as has been developed for citrus canker. The Managers expect the Corporation to develop an insurance policy that provides coverage for trees against losses associated with plum pox virus.

The Managers intend that the premium rate reduction pilot program authorized by this provision explore whether premium rate competition can benefit producers without harming program integrity or the crop insurance delivery system. The Managers hope and expect that the Corporation will approve proposed premium reductions, as long as such proposed reductions meet the standards of approval contained in Section 132(d) of the Conference substitute.

The Managers are aware that Section 508(e)(3) of the Federal Crop Insurance Act already authorizes premium reductions if an approved insurance provider can demonstrate to the Corporation that it can provide crop insurance more efficiently than the expense reimbursement provided by the Corporation. The 508(e)(3) standard, however, is too limiting because an approved insurance provider's gross income includes underwriting gain as well as the expense reimbursement. As a result, the Managers intend that the limitations on premium reductions contained in Section 508(e)(3) of the Federal Crop Insurance Act not apply to the premium rate reduction pilot program authorized by this provision.

Education and risk management assistance

The Senate amendment requires FCIC to establish two programs for the fiscal years 2001 through 2004, not to exceed the available funding limitations.

Requires FCIC to establish a program of education and information for states in which there is traditionally and continues to be a low level of program participation and coverage availability, and which the Secretary determines is under-served.

Requires FCIC to establish a program of research and development to develop new approaches to increasing participation in states in which there is traditionally and continues to be a low level of program participation and coverage availability, and which the Secretary determines is underserved. Requires that $10 million in each of fiscal years 2001 through 2004 be made available for the Education, Information, and Insurance Provider Recruitment program from the account provided under section 516(a)(2)(C) (mandatory funding account for risk management payments).

Requires that $5 million in each of fiscal years 2001 through 2004 be made available for the Research and Development program from the account provided under section 516(a)(2)(C) (mandatory funding account for risk management payments). (Section 206)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision relative to education and research with certain changes. The provision authorizing the Corporation to establish a program of research and development for new approaches to increase program participation in specified states is omitted and partnerships for risk management education is authorized. The Secretary, acting through the CSREES, is required to establish a program under which competitive grants are made to qualified persons for the purpose of educating producers about risk management activities. Funding for the education and information program provided under the Senate amendment and the partnerships for risk management education program are each limited to $5 million for each fiscal year beginning with 2001. The provision also provides for an agricultural management assistance program under which the Secretary is to offer cost share assistance to producers located in states with historically low crop insurance participation for the uses as specified in the Act. Funding for this program is limited to $10 million for each fiscal year beginning with 2001. (Section 133)

Farmers have voiced support for marketing clubs, supported through small grants from USDA. The clubs provide an opportunity for farmers to improve their understanding of marketing and managing price risk by sharing their marketing experiences with their peers. The Managers encourage the Secretary to continue to support development of marketing clubs for farmers.

Options pilot program

The Senate amendment amends section 191 of the AMTA relative to options pilot program authority by extending such authority until December 31, 2004.

Expands authority to operate options pilot programs from not more than 100 counties with a limit of 6 counties per state, to not more than 300 counties with a limit of 25 counties per state.

Authorizes the Secretary to enter into a contract with any producer who volunteers to participate in the pilot program during any calendar year in which a county in which the farm of the producer is located is authorized to operate the pilot program.

Requires FCIC transfer $27 million for each of fiscal years 2002 through 2004 from section 516(a)(2)(C) (mandatory funds for risk management payments) to the Secretary to fund the operation of the expanded options pilot program. (Section 204)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision relative to the options pilot program with certain changes. Authority to conduct the options pilot program is expanded to include an increased number of counties with such authority continuing until the expiration of the 1996 Farm Bill. Finally, funding is limited under this section. (Section 134)

Subtitle D—Administration

Relation to other laws

The House bill provides that any policy or plan of insurance offered under the FCIA is not subject to the jurisdiction of the CFTC or SEC. Provides a savings clause that states that the provision does not affect the jurisdiction of the CFTC with respect to transactions conducted on a contract market.

The Senate amendment provides that any policy or plan of insurance offered under the FCIA is not subject to the jurisdiction of the CFTC, but does not affect the jurisdiction of the CFTC with respect to transactions conducted on a contract market.

The Conference substitute adopts the provision included in section 105 of the House Bill relative to jurisdiction over policies or plans of insurance and over any underlying instrument utilized in such a policy or plan of insurance. (Section 141)

Management of corporation

The House bill strikes section 505(a) relative to the Board of Directors of FCIC and inserts a new section 505(a) and (b), relative to the same.

Provides that the management of FCIC is to be vested in the Board of Directors, subject to the supervision of the Secretary.

Provides that the Board consist of the manager of FCIC (serving as a non voting ex officio member), 1 member active in the crop insurance business, 1 member active in the regulation of insurance, the Under Secretary for Farm and Foreign Agricultural Services, 1 additional Under Secretary for Agriculture, USDA's Chief Economist, and 4 active producers who are policy holders, are from different geographic regions, represent a cross-section of commodities grown, with 1 producer being a specialty crop producer.

Provides that the private sector members of the Board be appointed and serve at the pleasure of the Secretary, and not otherwise be employed by the government.

Requires that a private-sector member of the Board serve as its Chairman and be elected by the Board.

Provides that the amendment made by section 301 takes effect 30 days from enactment, allowing current Board members to continue to serve until the earlier of their replacement date or 180 days after enactment. (Section 301)

The Senate amendment strikes section 505(a) relative to the Board of Directors of FCIC and inserts a new section 505(a).

Provides that the management of FCIC is to be vested in the Board of Directors, subject to the supervision of the Secretary.

Provides that the Board consist of 4 producers from each region of the country, 1 member active in the crop insurance business, 1 member active in the reinsurance business, the Under Secretary for Farm and Foreign Agricultural Services, the Under Secretary for Rural Development, and USDA's Chief Economist.

Provides that the private sector members of the Board be appointed and serve at the pleasure of the Secretary, not be employed by the government, be appointed to staggered 4 year terms, and serve no more than 2 consecutive terms.

Requires that a private sector member of the Board serve as its Chairman and be elected by the Board.

Requires RMA to assist the Board in developing, reviewing, and recommending new plans of insurance and pilot projects, terms of the SRA, and with other issues involved in the administration of the program.

Provides for the appointment of an Executive Director by the Secretary to assist the Board and report to the Secretary.

Provides for a staff of 4 to report to the Executive Director, all 4 having knowledge and experience in quantitative mathematics and actuarial rating.

Requires the Executive Director and staff to assist the Board in reviewing and approving policies and plans of insurance submitted under sections 508, 522, or 523, and report at least monthly to the Board on crop insurance issues.

Requires the Executive Director and staff to review subsidized and unsubsidized insurance, make recommendations for approval or disapproval, make recommendations to encourage cooperation between the U.S. attorneys, FCIC, and approved insurance providers to minimize fraud, and make recommendations with respect to rating methodologies.

Provides $500,000 for fiscal year 2001 from the FCIA Fund to pay the salaries and expenses of the Executive Director and staff.

Requires that RMA transfer $500,000 for fiscal year 2001, and $1 million for each subsequent fiscal year to the Executive Director for salaries and expenses, subject to the availability of appropriations. (Section 301)

The Conference substitute adopts the House provision relative to the composition of the Corporation Board of Directors with changes to permit the Secretary the option of appointing 1 person experienced in reinsurance or 1 person experienced in the regulation of insurance, requiring that Board members be limited to two consecutive terms and be appointed for staggered 4-year terms. The new Board is to be appointed during the period beginning February 1, 2001 and ending April 1, 2001. Finally, the Board of Directors is required to contract with persons experienced as actuaries and in underwriting for expert reviews of policies and plans of insurance offered under the Federal Crop Insurance Act. Funding for such reviews is authorized from mandatory funds formerly dedicated to research and development. The authority provided under this section, including funding dedicated to carry out this section, is in addition to the general management authority over the Corporation, including any other contracting authority under the title, that is vested in the Board of Directors. (Section 142)

Contracting for rating of plans of insurance

The House bill amends section 507(c)(2) relative to requiring FCIC to contract for certain services by including the contracting for actuarial services, services relating to loss adjustment, and rating plans of insurance. Underscores that FCIC should concentrate on the regulation of insurance and on the evaluation process for newly developed policies under section 508(h). (Section 306)

Section 202 of the Senate amendment corresponds with sections 306 and 104 of House bill

The Conference substitute adopts the House provision relative to contracting for rating plans of insurance. (Section 143)

Electronic availability of crop insurance information

The House bill amends section 508(a)(5) by making technical amendments and adding a new subparagraph (B) relative to electronic availability of crop insurance information.

Requires FCIC to make general insurance information electronically available to producers and insurance providers, and also requires, where practicable, that FCIC allow producers and providers to provide insurance information electronically. (Section 307)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision relative to the electronic availability of crop insurance information. (Section 144)

Adequate Coverage for States

The Senate amendment amends section 508(a) adding paragraph (9) relative to adequate coverage for states.

Defines adequately served as having a participation rate that is at least 50 percent of the national average.

Requires FCIC to review policies offered by approved insurance providers to determine if each state is adequately served.

Requires that not later than 30 days after completion of the review, FCIC must submit to Congress a report of the results along with recommendations to increase participation in states not adequately served. (Section 305)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision relative to adequate coverage for states. (Section 145)

Submission of Policies and Materials to Board

The House bill amends section 508(h)(1) to clarify that a "person" that may propose a policy to the Board for approval includes an approved insurance provider, a college or university, a cooperative or trade association, or other persons. Clarifies that policies are to be sold to producers by approved insurance providers.

Requires FCIC to consider any modified policy proposal within 30 days from the submission of the modifications, and requires that any decision to disapprove a policy must be accompanied by a complete explanation.

Requires that FCIC make a determination to approve or disapprove a policy proposal within 120 days from submission, and any decision to disapprove a policy must be accompanied by a complete explanation. Provides that the proposed policy is approved for the initial reinsurance year where FCIC fails to provide a timely determination unless the parties agree to an extension.

Amends section 516(b)(2) to authorize the current $3.5 million in mandatory funds for research and development to be used for costs associated with considering and contracting for assistance in considering policies submitted for approval and carrying out policies resulting from direct contracting.

The House bill also requires FCIC to issue regulations establishing guidelines within 180 days of enactment to govern the submission of policies. (Sections 305 and 105)

The Senate amendment amends section 508(h) by striking paragraphs (1) through (4) relative to the submission, review and approval, and guidelines for the same of new policies, plans of insurance, or related materials, and inserts new paragraphs (1) through (4) related to the same.

Permits persons to propose to the Board loss of yield or revenue insurance coverage on an individual, area, or a combination of individual and area basis for 1 or more crops and rates of premium and underwriting systems for proposed or existing policies.

Provides that a proposal submitted under this subsection may be prepared without regard to FCIA limitations, including actuarial soundness, levels of coverage, rates of premium, that the price level equal the expected market price and that an approved insurance provider must provide coverage for all crops throughout the state where the provider elects to provide any coverage in the state.

Provides, however, that FCIC may not pay a portion of the premium for a policy submitted under this subsection that exceeds the amount otherwise authorized under subsection (e).

Requires the Board to approve a proposal submitted under this subsection for subsidy and reinsurance where the Board determines the proposal adequately ensures the interests of producers are protected, premiums are actuarially appropriate, underwriting systems are actuarially appropriate and adequate, and is reinsured under this title, privately reinsured, or self-insured.

Provides that rates of premium are actuarially appropriate where the rate is sufficient to cover projected losses and expenses, a reasonable reserve, and an amount of operating and administrative expenses of the approved insurance provider under subsection (d)(2).

Provides that proposed underwriting plans may be on an area or individual farm basis and must, at a minimum, specify factors such as yield history for the farm or region, soils and resource quality for the farm, and farm production practices.

Requires FCIC to provide reinsurance to approved insurance providers to the maximum extent practicable, and allows such providers to obtain private reinsurance, reinsurance under the FCIA, or to self-insure.

Requires FCIC to prescribe standards for determining whether premium rates are actuarially appropriate.

Establishes guidelines with respect to any policy or other material submitted to the Board after October 1, 2000.

Allows FCIC to enter into more than 1 reinsurance agreement simultaneously with an approved insurance provider to facilitate the offering of the new policy.

Requires FCIC to promulgate regulations establishing the procedure for the submission of policies under this subsection, including the standards applicable to a proposal, procedures concerning the time limits and for opportunity to present the proposal to the Board in person.

Provides that a proposal submitted to the Board is considered approved unless the Board disapproves the proposal by the date 60 business days after the later of submission of the proposal or the date on which the applicant provides the Board notice of intent to modify.

Requires FCIC to provide notice by registered mail of intent to disapprove a proposal not later than 15 days before the date the Board intends to disapprove such proposal.

Provides an applicant with the right to modify a proposal and provides that any modified proposal be considered the original. Requires an applicant to provide notice to the Board of intent to modify a proposal within 5 days of notice by the Board to disapprove such proposal.

Requires FCIC to prescribe a reasonable deadline for submission of proposals that approved insurance providers expect to market during the reinsurance year.

Requires that proposals submitted to the Board be considered confidential commercial information, and further requires that if information concerning a proposal could be considered confidential, the information may not be released.

Provides an exception to the standard of confidentiality where an approved insurance provider agrees to pay a fee (prescribed under section 307 of the Senate amendment) to offer a policy developed by another provider.

Provides that in lieu of publication in the Federal Register, a general summary of a proposal must be made available to other providers upon approval of the proposal by the Board, including the identity of the provider, the coverage provided, and the area to be served.

Strikes paragraphs (6), (8), and (10) of section 508(h), related to a pilot cost of production plan, a pilot program of assigned yields for new producers, and time limits for submission of proposals, and designates paragraphs (7) and (9) as (6) and (7), respectively.

Amends section 516(b)(1) by adding a paragraph (D) authorizing FCIC to pay salaries and expenses of the Executive Director and staff for fiscal year 2001 from the FCIA fund, but not to exceed $500,000. (Section 301)

The Conference substitute adopts the House provision relative to the submission of policies and materials to the Board with changes regarding confidentiality requirements governing policies. The requirement that policies be printed in the Federal Register is also stricken from the Federal Crop Insurance Act. Funding provided under the House provision is incorporated into the Act but under another section of the Title. (Section 146)

Funding

The House bill amends section 516(a)(2) authorizing mandatory funds to be used for costs associated with the conduct of livestock pilot programs subject to the limitations above.

Amends section 516(b)(1) authorizing FCIC to fund livestock pilot programs from the FCIA Fund.

Amends section 516(a)(2) authorizing mandatory funds to be used for cost associated with reimbursement and contracting for research and development.

Amends section 516(b)(1) authorizing FCIC to fund reimbursement and contracting from the FCIA fund.

Amends section 516(b)(2) authorizing mandatory funds for costs associated with considering policies and other materials and implementing such policies. (Section 105, 304 and 305)

The Senate amendment amends section 516(a)(1) of the FCIA by striking paragraph (1) and inserting a new paragraph (1) providing that, along with premium income and amounts under section 516(a)(2), sanctions fees are to be deposited in this fund.

Amends 516(b)(2)(a) increasing the authorization of mandatory funds to be used for research and development. (Sections 207 and 303)

The Conference substitute adopts a funding section that incorporates funding authorized under various sections of the House bill and the Senate amendment, including funding to cover costs associated with the consideration and implementation of policies. (Section 147)

Standard Reinsurance Agreement

The House bill authorizes FCIC to renegotiate the SRA effective for the 2002 reinsurance year. (Section 310(b))

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision relative to the Standard Reinsurance Agreement with changes to allow 1 re-negotiation during the 2001 through 2005 reinsurance years. (Section 148)

Subtitle E—Miscellaneous

Limitation on Revenue Coverage for Potatoes

The Senate amendment restates the exclusions in current law in subparagraph (A) and adds another exclusion for coverage under new subparagraph (B) prohibiting the coverage of losses due to a decline in revenue from potato production, except as provided under a whole farm plan of insurance.

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision relative to limitations on revenue coverage for potatoes. (Section 161)

Crop Insurance Coverage for Cotton and Rice

The Senate amendment requires that, beginning with the 2001 rice crop, FCIC offer plans of insurance, including prevented planting and replanting coverage, to cover the loss of rice due to the failure of irrigation water supplies from drought and saltwater intrusion. (Section 107)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision relative to crop insurance coverage for rice with a change to include extra long staple cotton and upland cotton. (Section 162)

Indemnity Payments for Certain Producers

The Senate amendment requires that notwithstanding section 508(c)(5) relative to price elections, a producer of durum wheat that purchased a 1999 CRC wheat policy by the sales closing date shall receive an indemnity payment in accordance with the policy. Requires that the base and harvest price under the policy be in accord with the Commodity Exchange Endorsement for wheat published by FCIC on July 14, 1998, and that FCIC provide reinsurance under the SRA for the policy. Voids the Bulletin MGR- 99-004 issued by the Administrator. This provision is effective on October 1, 2000. (Section 501)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision relative to providing indemnity payments to certain producers with technical changes. (Section 163)

Sense of Congress on regarding the Federal Crop Insurance Program

The Senate amendment expresses the sense of the Senate regarding the federal crop insurance program and the role of farmer-owned cooperatives. Expresses the sense of the Senate that, not later than 180 days after the date of enactment, the Federal Crop Insurance Corporation should complete promulgation of the proposed rule entitled "General Administrative Regulations; Premium Reductions; Payment of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities."

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision relative to the Sense of Congress regarding the Federal Crop Insurance Program. (Section 164)

Sense of Congress on rural America, including minority and limited-resources farmers

The Senate amendment provides findings relative to a rally for rural America held in Washington on March 20–21, 2000, the purpose of the rally, and a sense of Congress with respect to the rally, its participants, and its purpose. (Section 403)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision relative to the Sense of Congress on Rally for Rural America and Rural Crisis with changes. The Conference substitute also adopts the House provision relative to minority and limited resource farmers and ranchers with changes. (Section 165)

Subtitle F—Effective Dates and Implementation

Effective dates

The House bill provides that with the exception of sections 301(b) and 305(d), the amendments made by House bill take effect upon enactment.

Provides that the implementation depends on the terms of the particular amendment or, in the absence of an express implementation date, in accordance with section 402. (Section 401)

The Senate amendment provides that with the exception of certain provisions, the Senate amendment is effective upon enactment. (Section 501)

The House bill requires implementation of sections 104, 106, 107, 202, 203, 204, 205, 206, and 309 for the 2000 crop year.

Requires implementation of sections 105(a); 305(a), (b), and (c); 306; and 307 for the 2000 fiscal year.

Requires implementation of sections 101, 102, 103(b), 109, 110, 111, and 201 for the 2001 crop year. Requires implementation of sections 105(b) and 304 for the fiscal year 2001. (Section 402)

The Senate amendment prohibits FCIC from obligating funds to carry out sections 102, 103, 105, 106, 201 through 207, 309, and 310 until October 1, 2000.

The Conference substitute provides that this Act take effect on the date of enactment with certain exceptions. Subtitle C, section 146 and 163 take effect on October 1, 2000. Subsections (a), (b), and (c) of section 101, section 102(a), subsections (a), (b), and (c) of section 103, section 104, section 105(b), section 108, section 109, and section 162 take effect beginning with the 2001 crop year. Section 101(d), section 102(b), and section 103(d) take effect beginning with the 2001 reinsurance year. (Section 171)

Regulations

The Senate amendment requires FCIC to promulgate regulations not later than 60 days after the date of enactment.

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision requiring the Corporation to promulgate regulations to carry out this Act with a change from requiring regulations within 60 days after enactment to 120 days after enactment. (Section 172)

Savings clause

The House bill provides a savings clause with respect to current law, to the extent that application of an amendment is delayed. (Section 403)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision relative to the savings clause. (Section 173)

Compliance with state licensing requirements

The House bill amends section 508 by adding a new subsection (o) relative to compliance with state licensing requirements.

Requires that any person who sells or solicits the purchase of a policy in a state must be licensed and qualified to do business in that state. (Section 206)

The Senate amendment amends section 508 of the FCIA adding at the end a new paragraph (n), relative to compliance with state licensing requirements.

Requires any person that sells or solicits the purchase of a policy or adjusts losses under the FCIA in any state must be licensed and qualified to do business in that state, and must comply with all state regulations (including commission and anti-rebating regulations) as required under state law. (Section 313)

The Conference substitute deletes both the House and Senate provisions because such licensing requirements are dealt with under a separate section.

Choice of risk management options

The Senate amendment defines an agricultural commodity as a crop specified in section 518 of the FCIA for which "CAT" or "buy-up" coverage is available.

The section further defines an agricultural commodity as a crop that is selected by the Secretary to maximize the number of participating producers, provides for a mixture of program, specialty, and regional crops, gives consideration to crops with low crop insurance participation, and results in not less than 15 percent of payments going to states with traditionally low program participation that the Secretary determines are under-served.

Defines applicable crop to mean the 2002 through 2004 crops, and applicable year to mean the year in which the crop is produced on the farm and the producer elects to receive a risk management payment or crop insurance premium subsidy. Also defines a regulated exchange as a board of trade designated as a contract market.

Requires FCIC to offer either to make risk management payments or to provide crop insurance premium subsidies for each of the 2002 through 2004 crops.

Requires each producer to make an election between the two options before the sales closing date for the applicable crop.

Requires FCIC to make a risk management payment for an applicable crop to a producer electing to receive such a payment providing the producer engages in at least 1 prescribed risk management practice from at least 2 of 5 categories. The categoriesinclude, (1) the Crop Insurance Category (buying unsubsidized or private coverage), (2) the Marketing Risk Category, (3) the Financial Risk Category, (4) the Farm Resources Risk Category, or (5) the Other Category (as prescribed by the Secretary).

Requires the Secretary to determine the amount of any risk management payment taking into consideration the expenditure by the producer on the risk management activities in which the producer engaged.

Provides that no risk management payment may be made in an amount greater than equal to the national average of the previous year's liability for all "CAT" policies.

Authorizes $500 million for fiscal years 2002 through 2004 from the account established in section 516(a)(2)(C) of the FCIA, except that payments in any one fiscal year may not exceed $200 million. (Sections 204 and 206 of the Senate amendment reduce this amount to fund options pilot programs and education and research.)

Requires producers receiving a risk management payment to certify compliance with qualifying risk management practices and associated costs for the applicable year.

Authorizes FCIC to conduct random compliance audits.

Requires the producer to refund a risk management payment where the producer fails to certify compliance or fails to comply with qualifying risk management practices and subjects the producer to possible debarment for up to 5 years from farm programs cited in section 506(n)(3)(B) of the FCIA.

Provides that any assignment of benefits be carried out consistent with section 8(g) of the Soil Conservation and Domestic Allotment Act, and requires the producer give notice of such assignment where FCIC requires.

Requires FCIC to provide for the fair and equitable sharing of benefits among all producers at risk in the production of a crop.

Amends section 516(a) by striking paragraph (1) relative to discretionary expenses and inserts a new paragraph (1) relating to the same, providing that there authorized to be appropriated for fiscal year 1999 and each subsequent fiscal year such sums as are necessary to cover the salaries and expenses of the FCIC, and the expenses of approved insurance providers in carrying out section 522(c).

Amends section 516(a) relative to mandatory expenses by adding at the end authorization for risk management payments in an amount not to exceed $500 million for fiscal years 2001 through 2004, with not more than $200 million for any 1 fiscal year. (Section 203)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

Fees for use of new policies and plans of insurance

The House bill amends section 508(h) by adding a new paragraph (11) relative to fees for new policies and plans of insurance.

Provides that beginning with fiscal year 2001, a person that develops a policy that does not apply for reimbursement has the right to receive a fee from another approved insurance provider electing to sell that policy.

Provides that the second provider may not sell such policy without first reaching a fee agreement with the developer.

Provides that "new policy" under the paragraph means a policy that was approved by the Board on or after October 1, 2000 and was not available at the time of approval. Provides that the fee be determined by the developer subject to the approval of the Board, except the Board shall approve the fee unless it is unreasonable in relation to research and development costs or it unnecessarily inhibits the use of the policy. (Section 308)

The Senate amendment amends section 508(h) of the FCIA by striking paragraph (5) relative to required publication of submissions in the Federal Register and inserts a new paragraph (5) relative to fees for plans of insurance.

Provides that, beginning with the 2001 reinsurance year, an approved insurance provider electing to offer a policy that was developed by another provider and was approved before January 1, 2000 must pay the developer $2 per policy for each of the first 5 crop years, $1 per policy for each of the next 3 crop years, and 50 cents for each policy in each succeeding crop year.

Provides that, beginning with the 2001 reinsurance year, an approved insurance provider electing to offer a policy that was developed by another provider and was approved by the Board on or after January 1, 2000 must pay the developer an amount determined by the developer, such fee subject to the approval of the Board. FCIC may not approve fees that would unnecessarily inhibit the use of a policy.

Requires FCIC to collect and credit fees to approved insurance providers.

Provides an exception to the general rule relative to fees where an approved insurance provider electing to offer a policy in a state where the developer of the policy does not do business may pay a fee to offer the policy and that fee may not be refused.

Amends section 516(b)(1) by adding a new paragraph allowing FCIC to pay fees collected from the insurance fund, and amends section 516(c)(1)(A) to provide for the deposit of such fees collected into the fund. (Section 307)

The Conference substitute deletes both the House and Senate provisions.

Federal Crop Insurance Improvement Commission

The Senate amendment provides in lieu of the current section 515 of the FCIA a new section 515 relative to the establishment of a Federal Crop Insurance Improvement Commission.

Defines commission as the Federal Crop Insurance Improvement Commission and establishes the same.

Provides that the commission have 15 members, including the Under Secretary for Farm and Foreign Agricultural Services, the FCIC manager, the USDA Chief Economist, an employee of OMB appointed by the OMB Director, a representative of the National Association of Insurance Commissioners, 4 approved insurance providers appointed by the Secretary, 2 agricultural economists from academia appointed by the Secretary, and 4 representatives of major farm organizations or farmer-owned cooperatives.

Provides that members be appointed not later than 60 days from enactment and serve for the life of the commission.

Provides that the commission review and make recommendations relative to the amount of risk approved insurance providers should bear, whether current reinsurance practices should be continued, the extent to which development of new policies should be undertaken by private entities, how to focus research and development to include new types of products and products for specialty crops, the progress in reducing administrative and operating expenses, etc.

Requires the Under Secretary serving on the commission to serve as chairman and vote in the event of a tie.

Requires the commission to meet at least 6 times per year and make public records of the commission available at the Office of the RMA. Requires that not later than 2 years after enactment the commission submit a report to the House and Senate Agriculture Committees, with copies to the Secretary and the FCIC Board. Also, authorizes the commission to make 1 or more interim reports.

Provides that authority for the commission terminates at the earlier of 60 days after the final report is issued or on September 30, 2004.

Authorizes to be appropriated such sums as may be necessary. (Section 310)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

Highly erodible land and wetland conservation

The Senate amendment amends sections 1211(3) and 1221(b)(3) of the Food Security Act of 1985 to make producers who fail to comply with highly erodible land and wetland conservation requirements, respectively, ineligible for crop insurance benefits. (Section 311)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

Projected loss ratio

The Senate amendment strikes paragraph (2) of section 506(o) of the FCIA relative to loss ratio requirements and inserts a new paragraph related to the same.

Requires FCIC to take such actions as are necessary, including the establishment of adequate premiums, to improve the actuarial soundness of the crop insurance program to achieve a 1.075 loss ratio from October 1, 1998 through the 2001 crop year, and a 1.00 loss ratio beginning with the 2002 crop year. (Section 312)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

Improved risk management education

The Senate amendment amends Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 by adding at the end section 409 relative to improved risk management education for agricultural producers and provides definitions.

Requires the Secretary to carry out a program to improve the risk management skills of agricultural producers, to help producers understand the financial health of their operations, marketing alternatives available, and relevant legal, governmental, environmental, and human resource issue.

Requires the Secretary to establish Risk Management Education Coordinating Centers in each of the 5 regions in the country.

Requires the Secretary to locate a region's center at risk management coordinating office of the Cooperatve State Research, Education, and Extension Service in existence at a land grant college or an appropriate alternative land grant college in the region. Requires the land grant college to demonstrate the capacity to carry out program priorities, funding distribution, and reporting requirements.

Requires each center to establish a coordinating council consisting of 5 members, including public and private organizations, producers, and a representative of the regional RMA office.

Requires centers to coordinate the offering of intensive risk management instructional activities for professionals who work with producers, the provision of educational programs for producers, and the dissemination of risk management education materials.

Requires centers to make use of emerging risk management information and materials, after an evaluation of suitability is conducted with the assistance of land grant college personnel and others.

Requires each center to reserve a portion of funds provided under the section to make special grants to land grant colleges and private entities in the region to conduct such activities, and requires the reservation of funds to award competitive grants to public and private entities for such purposes.

Requires that the National Agriculture Risk Education Library serve as the central agency for coordination and distribution of education material and provide for the electronic delivery of the same.

Authorizes to be appropriated $30 million for fiscal year 2001 and each subsequent fiscal year, requiring 2.5 percent of funds available be distributed to the Library with the residual funding reserved for the centers.

Requires the land grant colleges hosting a regional center to administer the funds for the region. Requires that each center be located in an existing facility and prohibits the use of funds for new construction.

Requires the Secretary, acting through the CSREES, to evaluate each center. (Section 401)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

Termination of authority

The Senate amendment provides that the termination of certain authority is effective on September 30, 2004.

Repeals Senate amendment provided in sections 102, 103, 105, 106, 203(b), and 310 on September 30, 2004, and provides that the FCIA and NAP shall after this date be administered as if these provisions had not been enacted.

Provides further conforming amendments to repeal any funding authority provided under the Senate Amendments and prohibits the Secretary or FCIC from carrying out the provisions after September 30, 2004.

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

TITLE II—AGRICULTURAL ASSISTANCE

The Conference substitute includes a new title (Title II) providing agricultural assistance to producers of the 2000 crops and other assistance:

Subtitle A—Market Loss Assistance

Sec. 201. Market loss assistance

To ensure timely delivery of market loss payments to eligible producers and owners, the Managers expect the Secretary to make the payments available under the same terms and conditions as the 2000 AMTA contract payments. Market loss payments made under authority of this legislation shall not be treated as a contract (AMTA) payment for purposes of section 115 of Title I of the Federal Agriculture Improvement and Reform Act of 1996, or section 1001, paragraphs (1) through (4) of the Food Security Act of 1985. Further, it should not be necessary to require eligible owners and operators to file new contracts or redesignate shares in order to receive market loss payments.

Sec. 202. Oilseeds

The Managers expect the Secretary to deliver oilseed economic assistance payments to producers in the same manner used to deliver the 1999 oilseed payments authorized under Title VIII, section 803 of P.L. 106-354. The Managers note that the Department has taken over seven months to make payments to eligible producers. Such delays in delivering crop year 2000 payments are unacceptable.

The Managers expect that sesame seed will be eligible for assistance under this section. The Managers note that the Federal Agricultural Improvement Act of 1996 makes other oilseeds eligible for assistance under section 131 of the FAIR Act. The Managers direct the Secretary, using his authority under section 102 of the FAIR Act and any other applicable authorities, to ensure that sesame seed producers may participate in this program under section 202.

Sec. 203. Specialty crops

This section provides for infrastructure improvements for growers of specialty crops. Specifically, the section provides $59.45 million for the PACA reserve fund and the inspection service reserve fund to maintain the cost of licensing and inspection fees at the current level. The section also provides $11.55 million to make improvements to the system used for inspecting fruits and vegetables, including the program and facilities used to train inspectors; the technological tools used by inspectors; expanding digital imaging technology capabilities; and improving office space and grading tables.

This section also provides $200 million to be used by the Secretary to purchase specialty crops that experienced low prices in the 1998 and 1999 crop years, including apples, black-eyed peas, cherries, citrus, cranberries, onions, melons, peaches, potatoes and others. The Managers expect the Secretary to ensure that, as provided in subsection (d) of this section, purchases with this funding are in addition to other purchases made by the Secretary under other authorities. To the extent practicable, the Managers expect the Secretary to purchase a significant portion of the commodities purchased under this section directly from farmers or agricultural cooperatives rather than processors.

This section also provides $25 million to compensate growers for losses resulting from plum pox virus, Pierce's disease and citrus canker.

With respect to the plum pox virus, the Managers expect the Secretary to use at least $5.1 million to compensate growers whose trees were destroyed as part of the Secretary's "Declaration of Extraordinary Emergency" dated March 2, 2000, in a manner that covers: net returns that would have been earned over the remaining life of all the destroyed trees; producers being prevented from replanting for three years; and lost value of nursery stock.

With respect to Pierce's disease, the Managers expect the Secretary to utilize at least $7,140,000 in a manner that enables the California Department of Food and Agriculture to utilize such funding for state and local efforts to contain and control Pierce's disease which is devastating agricultural areas in Southern California, and is moving northward into other regions. Funds are needed immediately to monitor for the earliest signs of the disease and to inspect nursery stock prior to shipment. The disease is spread by a vigorous and difficult to control insect called the glassy-winged sharpshooter. This insect is a major problem, but the elimination of the insect would not eliminate the disease.

The Managers are disappointed by the federal response to this outbreak. It is clear that efforts to control the spread of the disease must be increased. It is also clear that there is an immediate need for additional research efforts to study near and long term alternatives for controlling the bacterium common to Pierce's disease. The Managers expect the Secretary to initiate such efforts immediately, within existing resources.

With respect to citrus canker, the Managers expect the Secretary to utilize remaining funding to compensate citrus growers who have suffered economic losses due to the disease.

This section also requires the Secretary, in conjunction with USDA's Inspector General, to submit a report to Congress that analyzes the economic losses associated with falsified inspection certificates issued at the Hunts Point Terminal Market, including an analysis of how the Secretary intends to provide restitution.

This section also provides loans, up to three years in term, for apple producers that are suffering economic losses resulting from low prices for apples.

Sec. 204. Other commodities

Subsec. (a) Peanuts

This subsection provides economic assistance to peanut producers. The Managers expect the Secretary to deliver the peanut economic assistance payments to producers in the same manner used to deliver the 1999 peanut assistance authorized under Title VIII, section 803 of P.L. 106-354. The Managers also expect that the same rules that were used and applied to a peanut quota lessor and lessee with respect to 1999 assistance will be used with respect to the delivery of the monies made available under this Act.

Subsec. (b) Tobacco

This subsection-

Provides $340 million to the Secretary to make payments to States from October 1, 2000, to October 20, 2000. The States shall divide the funds between quota owners, quota lessees, and tobacco producers;

Includes language requested from the State of Georgia requiring the State to match the portion of funds provided from this title by the Federal Government;

Allows an increase for acreage transfers for dark-fire cured tobacco;

Allows for an adjustment in the burley noncommitted pool stocks;

Places limitations on burley carry forward pounds and lease and transfer due to natural disasters;

Makes a technical correction in the cross county leasing definition of the 1938 Agricultural Adjustment Act; and

Requires that the Secretary establish a computerized recordkeeping system for burley tobacco quota and acreage.

Subsec. (c) Honey

This subsection provides recourse loans for honey producers on the 2000 crop of honey. The loan rate would equal 85 percent of the average price of honey during the 5-crop year period preceding the 2000 crop, dropping the year with the highest price and the year with the lowest price in calculating the average.

Subsec. (d) Wool and mohair

This subsection provides direct payments to producers of wool and mohair for the 1999 marketing year. The payment rates would be 20 cents per pound for wool and 40 cents per pound for mohair. The Managers expect the Secretary to make payments under this section in an equitable manner without regard to size of operation.

Subsec. (e) Cottonseed

This subsection provides cottonseed assistance to producers and first handlers. The Managers expect the Secretary to provide additional assistance to cotton producers and first handlers through direct payments or other means to help alleviate the problems caused by the unusually low prices.

Sec. 205. Payments in lieu of loan deficiency payments

The Managers intend for crop year 2001 producers of wheat, oats and barley on a farm with an AMTA contract who graze the acreage and forego mechanical harvesting to be eligible for a payment under the same terms and conditions as a producer who harvests a crop and applies for a loan deficiency payment. The Managers intend for the producer to enter into a payment agreement with CCC at the loan deficiency payment rate for the applicable crop in effect on the date of such agreement, at such time as the producer chooses, but not earlier than the date a producer who normally harvests a crop would make application for a loan deficiency payment and no later than September 30, 2001. The Managers expect the Secretary to require adequate producer certifications to protect the program from fraud and abuse. Producers that certify wheat, oats or barley for grain with either the Farm Service Agency (FSA) or the Risk Management Agency (RMA) and fail to harvest the crop because of weather conditions and subsequently graze the acreage are not intended to be covered by this provision. The Managers expect the Department to immediately publicize this provision in FSA county newsletters.

Sec. 206. Expansion of producers eligible for loan deficiency payments

The Managers intend for producers growing an AMTA contract commodity on a farm with no AMTA contract to be eligible for loan deficiency payments on 2000 crop production subject to the same terms and conditions as applicable to producers on a farm with an AMTA contract. Producers eligible for payment under this section are afforded an exception to the beneficial interest provisions for a period of time that extends for 30 days after the promulgation of regulations. The Managers expect the Department to immediately publicize this provision in FSA county newsletters.

Subtitle B-Conservation

Sec. 211. Conservation assistance

Subsection (a) directs USDA to use $10 million for the Farmland Protection Program and allows nonprofit conservation organizations to hold easements in those states that do not have a state defined farmland protection program. Subsection (b) directs USDA to use $40 million to provide soil, water and natural resource conservation assistance for farmers in the form of cost share or incentive payments. The Managers believe that farmers and ranchers need additional assistance to address these natural resource problems.

The Managers agree there is a great demand among the states to keep prime and unique farmland in agricultural production. The farmland protection authorization in the 1996 farm bill was immediately over-subscribed, and the $35 million in funds were exhausted in two years. Thus, the Managers have provided a $10-million infusion of funds to the farmland protection program. In addition, new program participants, such as nonprofit land resource conservation councils, are now able to take part in this initiative.

This section also provides $40 million to assist farmers and ranchers through cost-share or incentive payments to get proven soil and water conservation practices on their farms and ranches. In making these funds available, the Managers recognize that the Environmental Quality Incentives Program (EQIP) has left certain producers in areas of states and regions of the country with little or no federal help. Although the funds made available in the conference report are limited, they will be directed at areas that are outside conservation priority areas, where most of the EQIP funds have been used. The Managers expect for these funds to be focused on practices that conserve water or improve water quality. The Managers believe many water quality concerns can be handled without the time-consuming and expensive development and writing of whole farm plans. One or two practices properly completed are the best conservation, which can be applied to the land for water quality or water conservation. In that regard, the Managers emphasize that the funds included in this program are only for financial assistance through cost-share and incentive payments to farmers and ranchers. It is the intent of the Managers that this program will be carried out using the conservation operations account funded in annual agriculture appropriations acts.

Sec. 212. Inclusion of farmland in conservation-related areas

This section requires the Secretary of the Interior, acting through the Director of the U.S. Fish and Wildlife Service, to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 on the proposed National Wildlife Refuge (NWR) on the Little Darby Creek in Madison and Union Counties, Ohio. This EIS must be completed before any further development may proceed on the Little Darby Creek NWR.

Subtitle C—Research

Sec. 221. Carbon cycle research

This section directs USDA to provide $15 million in Fiscal Year 2001 to the Consortium for Agricultural Soils Mitigation of Greenhouse Gases for carbon cycle research at the national, regional and local levels. Additional research is needed in the sequestration of carbon as it relates to agricultural best management practices and how these practices convert carbon dioxide into soil organic carbon that in turn reduces soil erosion, improves water quality and increases yields. Producers and policymakers need a better understanding of the link between the carbon cycle and agricultural best management practices. The Managers believe that the storage of carbon may provide additional income to farmers and ranchers and provide ancillary environmental benefits.

Sec. 222. Tobacco research for medicinal purposes

This section directs USDA to provide $3 million in Fiscal Year 2001 to Georgetown University and North Carolina State University for research regarding the extraction and purification of proteins from genetically altered tobacco that can be used as a vaccine for cervical cancer.

Sec. 223. Research on soil science and forest health management

This section directs USDA to provide a grant to the University of Nebraska-Lincoln for laboratories and equipment for research on soil science and forest health and management.

Sec. 224. Research on waste streams from livestock production

This section provides $3.5 million to expand research related to livestock production waste streams. The Managers expect the Secretary to utilize this funding to focus on technology for reducing, modifying, recycling, and utilizing livestock waste streams in a manner that will allow scientists to develop and utilize integrated components required for a systems approach to livestock waste and odor research and development. This is required to deal with the complex interactions among variables influencing nutrient/contaminant production and flow-through livestock production systems. The Managers expect the research goals to include: reducing waste and odor production and emission; reducing health hazards and improving working conditions in production facilities; improving efficiency of manure handling and utilization; increasing recycling of nutrients and water; and making livestock production compatible with neighboring individuals and communities.

Sec. 225. Improved storage and management of livestock and poultry waste

This section provides $5,000,000 in fiscal year 2001 for the Secretary to review and assess potential problems associated with livestock and poultry waste management systems and to study and demonstrate appropriate market-oriented solutions to these potential problems. As provided in this section, the Managers expect the Secretary to carry out this review and assessments through grants, contracts, and cooperative agreements with producers, associations of producers, and foundations supported by producers.

Sec. 226. Ethanol research pilot plant

Authorizes and appropriates $14 million to the Secretary for the construction of a corn-based ethanol research pilot plant.

Sec. 227. Bioinformatics Institute for Model Plant Species

Authorizes the Secretary to enter into a cooperative agreement with the National Center for Genome Resources in Santa Fe, New Mexico, New Mexico State University and Iowa State University for the establishment and operation of an institute to be known as the Bioinformatics Institute for Model Plant Species for the purpose of enhancing the accessibility and utility of genomic information for plant genetic research.

Subtitle D—Agricultural Marketing

Sec. 231. Value-added agricultural product market development grants

This section directs the Secretary to use $15 million to award competitive grants to eligible producers for the purpose of facilitating greater participation in markets for value-added agricultural commodities. The Managers expect these grants to fund ventures for a variety of agricultural commodities. It is the intent of the Managers that the grants would be made for the purpose of developing business plans for viable marketing opportunities and the creation of a pilot project resource center to coordinate assistance including research, data, business, legal, financial and logistical operations. The Managers expect that the grants would only be awarded if the projects, business ventures, and other authorized activities are determined to be economically viable and sustainable. Further, the Mangers expect that grants awarded under this section will facilitate the opening of new markets for value-added products. It is not the intention of the Managers that grants made under this section will interfere with existing markets or be used to fund construction, acquisition, rental, leasing, or any other means of obtaining physical capacity to produce or process agricultural commodities.

Subtitle E—Nutrition Programs

Sec. 241. Calulation of minimum amount of commodities for School Lunch requirements

Section 241 directs the Secretary to purchase additional food commodities in fiscal years 2000 and 2001 for distribution to schools participating in the School Lunch program.

Sec. 242. School Lunch data

Section 242 provides that information obtained for determining eligibility for free and reduced-price school meals in the School Lunch program may be shared to aid in the enrollment of lower-income children in the State Children's Health Insurance Program (SCHIP). This section also authorizes a pilot project using local agencies operating the Special Supplemental Nutrition Program for Women, Infants, and Children (the WIC program) to help enroll children in the SCHIP.

Sec. 243. Child and Adult Care Food Program integrity

Section 243 reforms the Child and Adult Care Food Program (CACFP) to address problems of fraud, abuse, and deficient management identified in investigations by the General Accounting Office and the Agriculture Department's Office of Inspector General. This section also expands the availability of Federal nutrition assistance for after-school programs and authorizes an additional State to increase participation in the CACFP by for-profit child care organizations serving lower-income children.

Sec. 244. Adjustments to WIC Program

Section 244 provides adjustments to the WIC program to increase participation by residents of remote Indian or Native villages and provide a program structure that better serves these communities.

Subtitle F—Other Programs

Sec. 251. Authority to provide loan in connection with boll weevil eradication

Section 251 requires the Secretary using the Commodity Credit Corporation to make a loan to the Texas Boll Weevil Eradication Foundation, Inc., in the amount of $10,000,000. This loan is to enable the Foundation to retire debt associated with boll weevil eradication zones that have ended their participation, in whole or in part, in the boll weevil eradication program.

Repayment for the loan will begin on January 1 of the year following the first year that a boll weevil eradication zone, or any part of the zone, responsible for the debt retired using the loan resumes participation in the boll weevil eradication program.

The cost of the credit subsidy of this loan will be the amount necessary to provide the full $10,000,000 loan to the Foundation. The Managers expect that the credit subsidy necessary to implement the total $10,000,000 loan will be approximately 51%. However, the Managers expect USDA to use whatever amount of subsidy is necessary to make the $10,000,000 loan.

The Managers expect that this loan to the Texas Boll Weevil Eradication Foundation, Inc., will retire its debt to Farm Credit System institutions associated with the Lower Rio Grande Valley Boll Weevil Eradication Zone and that portion of the debt associated with the South Texas Winter Garden Zone apportioned to Austin, Brazoria, Colorado, Fort Bend, Jackson, Matagorda, and Wharton Counties by the Texas Commissioner of Agriculture. This loan will provide funds to be used by the Foundation for full and final satisfaction, on a pro-rata basis, of the notes relating to the debt held by those Production Credit Associations and the Farm Credit Bank of Texas. The Managers expect that upon payment of the notes from the funds provided by this loan, that the Texas Boll Weevil Eradication Foundation, Inc., will be released from any and all claims, liabilities, or obligations associated with or evidenced by the notes.

Sec. 252. Animal disease control

Subsection (a) directs USDA to spend $7 million in Fiscal Year 2001 for psuedorabies vaccination costs incurred by pork producers. Subsection (b) directs USDA to spend $6 million in Fiscal Year 2001 on bovine tuberculosis in Michigan. Funding shall be used for surveillance and testing of cattle; surveillance and testing of wildlife; research at ARS and Michigan State University; increases in indemnity payments to encourage depopulation of infected herds; diagnostic testing and treatment of humans; slaughter surveillance; controlling and preventing exposure of livestock to wildlife; fencing to minimize contact between wildlife and domestic livestock; and risk communications and improvements in technology for communications. Current laws stipulate that funding for Animal and Plant Health Inspection Service of the U.S. Department of Agriculture eradication programs is to be withdrawn from existing Commodity Credit Corporation funds. The Managers intend for eradication program funding to continue to be extracted from Commodity Credit Corporation funds.

Sec. 253. Emergency loans for seed producers

This section directs USDA to provide noninterest loans to producers of 1999 crop grass, forage, vegetable and sorghum seed that have not received payments from AgriBiotech (ABT) as a result of bankruptcy proceedings involving ABT. ABT, one of the largest single turf, forage, and alfalfa seed companies in the country, filed Chapter 11 bankruptcy affecting over 1200 farmer growers in 39 states. ABT cannot pay growers for their 1999 produced crop and the growers are the largest segment of creditors in the bankruptcy. This section directs the Secretary to create an emergency no-interest loan program for those producers involved in the bankruptcy proceedings. For the producer to be eligible, the seed producer must have a claim in the bankruptcy proceeding. The Managers believe that this situation is unique as ABT is an organization of numerous small family producers who will be adversely impacted financially by this bankruptcy proceedings.

Sec. 254. Temporary suspension of authority to combine certain offices

The Managers expect the Secretary to submit a detailed report regarding the justification used to select a state office collocation site in each of the applicable states. The manager expects the Secretary to notify all applicable Agencies that no agency or agency employee shall take any action to solicit office space or renovate current leased space for the purpose of accommodating collocated agencies or take any other action to collocate state offices from the date of enactment of this Act through June 1, 2001. The Managers expect those state agencies that are scheduled for collocation and located in the same county on the date of enactment to continue to pursue efforts to collocate. The Managers expect the report to be inclusive of all factors used in the selection of the site, including the methodology used in the site selection.

Sec. 255. Farm operating loan eligibility

This section affects the Secretary of Agriculture's administration of the loan eligibility limitations of sections 311 and 319 of the Consolidated Farm and Rural Development Act. Current law makes borrowers who have had a number of direct or guaranteed operating loans from the Farm Service Agency (FSA) ineligible for additional seasonal operating loans.

The Managers understand that previous policy was intent on limiting loans to longtime borrowers in an effort to graduate them to other sources of credit. The intent was to free up credit resources for beginning, socially-disadvantaged and minority farmers and ranchers during a period when fewer appropriations were being made for federal farm loan programs. However, because of the recent downturn in the farm economy caused by low prices, the Managers are concerned that some farmers may be turned away from the FSA. The only reason that otherwise efficient farmers cannot get credit from FSA is because of an arbitrary term limit in the law. While the Managers believe this change is needed at this time, the amendment extends only through December 31, 2002, which should provide ample time for the Congress to fully reexamine this matter in the context of the next farm bill.

Sec. 256. Water systems for rural and Native villages in Alaska

This section amends section 306D of the Consolidated Farm and Rural Development Act by increasing the authorization of appropriations from $20,000,000 to $30,000,000 for water and wastewater systems for rural and native villages in Alaska. Also authorizes a transfer of up to two percent of the funds for training and technical assistance programs that are related to the operation and management of the systems.

Sec. 257. Crop and pasture flood compensation program

Directs the Secretary to compensate producers for the loss of cropland or pastureland due to unusual flooding. This assistance is targeted to producers who are still experiencing flooding, but have not been compensated for loses between time of enactment and the Flood Compensation Program authorized by the 1998 omnibus appropriations bill, using that program's framework and base year. The section sets a specific framework on the compensation. Acres on which crops were planted but failed are not eligible. A payment limitation of $40,000 is included.

The Managers encourage the Department to take all necessary administrative actions to ensure the availability of no less than 4 million acres for partial field conservation buffer enrollments within the existing Conservation Reserve Program. Also, the Committee encourages the Department to extend stewardship incentive payments to contour grass strips and cross wind trap strips, as well as any additional conservation practices that may be made eligible for the continuous sign-up or conservation reserve enhancement programs.

This section also includes a technical correction to the fiscal year 2000 agricultural appropriations act to specifically include Lake County, Oregon as being eligible for assistance that was made available under that act. The Managers are aware that producers in Lake County have faced a similar disastrous situation, but were inadvertently left out of the fiscal year 2000 agriculture appropriations section. The Managers are also aware that, under the fiscal year 2000 agricultural appropriations act, there are still funds available in this fiscal year to assist ranchers in Lake County, and this section provides the necessary authority for the Secretary of Agriculture to move forward with that assistance. The Managers expect the Secretary to provide that assistance as soon as possible.

Sec. 258. Flood mitigation near Pierre, South Dakota

This section requires the Army Corps of Engineers to, as soon as practicable after enactment, begin acquiring land and property from willing sellers; relocate individuals located on the land, improve infrastructure, and take other necessary actions with respect to such property.

This section also conditions winter releases of the Oahe Powerplant on the Secretary of the Army completing an amendment to his economic analysis and identifying mitigation benefits with respect to existing ground water flooding.

Sec. 259. Restoration of eligibility for crop loss assistance

This section restores the eligibility for individuals otherwise eligible for disaster assistance under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105-277; 7 U.S.C. 1421, solely because the individual or entity changed the legal structure of the individual's or entity's farming operation.

Subtitle G—Administration

Sec. 261. Funding

Includes the funding amount for various sections in the bill.

Sec. 262. Obligation period

Provides that the Commodity Credit Corporation shall obligate and spend the funds made available under section 261(a)(1) (funding for school lunch commodities) only during fiscal year 2000 and funds made available to fund other provisions of the bill shall be obligated and spent only during fiscal year 2001.

Sec. 263. Regulations

Directs the Secretary and the Commodity Credit Corporation, whichever is appropriate, to promulgate regulations to implement Title II of the legislation without regard to notice and comment rulemaking.

The Managers have provided the Secretary relief from several statutory provisions relating to the promulgation of regulations needed to carry out title II. This language is the same as provisions passed by Congress in prior legislation for farmers. The Managers are particularly troubled by the fact that, even with these waivers, the Department has been unable to implement programs in a timely manner in prior years, most notably the oilseed assistance that was provided by Congress in October of 1999 but has yet to be distributed. In order to assist Congress in future deliberations the Managers expect the Inspector General to complete a report for submission to both Agriculture Committees with 60 days of enactment of this Act addressing the reasons for the inability of the Department to implement programs in a timely manner.

Sec. 264. Paygo adjustment

Prohibits the Director of the Office of Management and Budget from making any estimates of changes in direct spending outlays and receipts in fiscal year 2000 resulting from enactment of Title II of the legislation.

Sec. 265. Commodity Credit Corporation reimbursement

This section specifically directs the Secretary of the Treasury to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, under this title.

TITLE III—THE BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000

The Conference substitute adopts a new title which authorizes research to promote the conversion of biomass into biobased industrial products:

Section 301. Short title

The Biomass Research and Development Act.

Section 302. Findings

States the need for a focused, integrated and innovation-driven research effort to develop technologies for the production of biobased industrial products.

Section 303. Definitions

Defines the terms Advisory Committee, Biobased Industrial Product, Biomass, Board, Initiative, Institution of Higher Education, National Laboratory, Point of Contact, Processing, and Research and Development.

Section 304. Cooperation and coordination in biomass research and development

Requires that the Secretaries of Agriculture and Energy shall cooperate and coordinate policies and procedures that promote biomass research and development leading to the production of biobased industrial products. Specifies the purpose and areas for coordination.

Section 305. Biomass Research and Development Board

Establishes a board to coordinate programs, to maximize benefits and to bring coherence to strategic planning within and among departments and agencies of the Federal Government to promote the use of biobased industrial products. The Board shall be comprised of a minimum of six members. The Board shall be cochaired by the points of contact appointed by the Secretaries of Agriculture and Energy by and with the advice and consent of the Senate.

Section 306. Biomass Research and Development Technical Advisory Committee

Establishes an advisory committee to advise the Secretaries of Agriculture USDA and the Department of Energy DOE and the Biomass Research and Development Board, to facilitate consultations and partnerships, and to evaluate and perform strategic planning for the Biomass Research and Development Initiative. The Committee shall be comprised of a minimum of ten members, all appointed by the points of contact. The Committee will meet at least quarterly. Lengths of terms are specified.

Section 307. Biomass Research and Development Initiative

Provides that the Secretaries of Agriculture and Energy, in consultation with the Board, shall establish a Biomass Research and Development Initiative under which competitively awarded grants, contracts and financial assistance are provided to, or entered into, with eligible entities to carry out research and development of low cost and sustainable biobased industrial products. Provides that funds appropriated for biomass research and development under the general authority of the Secretary of Energy to conduct research and development programs may be used to carry out this title. Also authorizes $ 49,000,000 within USDA for each of fiscal years 2000 through 2005 to carry out this title.

Section 308. Administrative support and funds

Provides the Secretaries of Agriculture and Energy, and other agencies, the authority to give administrative support and funds to the Board and Advisory Committee if needed.

Section 309. Reports

Requires that an initial report be jointly submitted by the Secretaries of Agriculture and Energy within 180 days of enactment of the Act and that an annual report be submitted to Congress for each fiscal year for which funds are made available.

Section 310. Termination of authority

Authority granted by this title shall terminate on December 31, 2005.

TITLE IV—PLANT PROTECTION

The Conference substitute adopts a new provision which consolidates and enhances the authority of the Secretary to regulate in interstate and foreign commerce, the movement of any plant, plant product, biological control organism, or noxious weed if the Secretary determines the action is necessary to prevent the introduction or dissemination of a plant pest or noxious weed:

Sec. 401. Short title and table of contents

The short title of this Act is the "Plant Protection Act." This section also contains the table of contents for the Act.

Sec. 402. Findings

Sec. 403. Definitions

Sections 3(1), (3)-(8), (11), (17), and (19) are all new definitions, but are commonly accepted definitions for the words, "article," "enter and entry," "export and exportation," "import and importation," "interstate," "interstate commerce," "means of conveyance," "permit," "State," and "this Act."

Sec. 403(2) is new. Defining biological control organisms separately makes our authority over these organisms explicit when they present a potential plant pest risk.

Sec. 403(9), (12), (13), (15), (16), and (20), "move and related terms," "person," "plant," "plant product," "Secretary," and "United States" have all been derived from existing law with little or no modification.

Sec. 403(10), "noxious weed," has been expanded from existing law.

Sec. 403(14), "plant pest," has been expanded to include all vertebrate and invertebrate animals, except humans.

Sec. 403(18), "systems approach," is new.

Subtitle A—Plant Protection

Sec. 411. Regulation of movement of plant pests

Prohibits the importation, entry, exportation, or movement in interstate commerce, mailing, or delivery (from any post office or by any mail carrier) of any plant pest unless the movement is in accordance with regulations issued by the Secretary. All processes used to develop such regulations will be transparent and accessible and the regulations will be based on sound science. This provision does not authorize the opening of any mail unless such action is authorized under postal laws. This section would authorize the Secretary to issue regulations that allow the movement of a plant pest in interstate commerce without restriction. Also provides for a petition process to add or remove plant pests from regulation.

Sec. 412. Restrictions on movement

Authorizes the Secretary to prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or mean of conveyance if the Secretary determines the action is necessary to prevent the introduction or dissemination of a plant pest or noxious weed. Within 1 year after the Act is enacted, the Secretary shall publish for public comment a notice describing the processes governing such import requests. Requires the Secretary to conduct a study of the effectiveness of using systems approaches to guard against the introduction into the United States of plant pathogens associated with proposals for imported plants or plant products. Not later than 2 years after the Act is enacted, the Secretary shall report to Congress on the results of this study. Authorizes the Secretary to determine by regulation those noxious weeds and biological control organisms that may or may not freely move within interstate commerce. A person may petition the Secretary to add or remove individual plant species or biological control organisms from such regulations.

Sec. 413. Notification and holding requirements upon arrival

Requires the Secretary of Treasury to notify promptly the Secretary of Agriculture of the arrival of plants, plant products, biological control organisms, plant pests, or noxious weeds at the port of entry. It also requires the Secretary of Treasury to hold the articles until the Secretary of Agriculture has inspected or otherwise released them.

Further, section 413 requires persons responsible for articles for which a permit under sections 411 or 412 to notify the Secretary of Agriculture or appropriate official in the State of destination of relevant information concerning the shipment before moving it from the port of entry. Finally, section 413 prohibits the movement of any imported plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance from the port of entry or interstate unless it has been inspected or otherwise released by the Secretary of Agriculture.

Sec. 414. Remedial measures

Section 414 authorizes the Secretary to hold, seize, quarantine, treat, apply other remedial measures to, destroy, or dispose of any plant; plant pest; noxious weed; biological control organism; plant product; article; or means of conveyance; and progeny of any plant product, plant pest, biological control organisms, or noxious weed in interstate or foreign commerce under various circumstances in order to prevent the dissemination of any plant pest or noxious weed new to or not known to be widely prevalent or distributed in the United States. Authorizes the Secretary to order an owner (including the owner's agent) of any item subject to action under subsection (a) to treat, apply other remedial measures, to destroy, or otherwise dispose of such item without cost to the Federal Government in a manner the Secretary deems appropriate. If the owner fails to take action as ordered, the Secretary may take the action and recover the costs of the actions from the owner or his agent. The Secretary is authorized to develop a classification system and integrated management plan regarding noxious weeds. Requires the Secretary to take the least drastic action to prevent the dissemination of a plant pest or noxious weed.

Sec. 415. Declaration of extraordinary emergency

Authorizes the Secretary to declare an extraordinary emergency in certain situations. Once an extraordinary emergency is declared, the Secretary can take actions to prohibit or restrict movement or require that other actions be taken concerning regulated items regardless of whether the items are moving in interstate commerce. Action can be taken only if the Secretary finds that the actions taken by the State are not adequate and the Secretary publishes those findings in the Federal Register. Actions the Secretary takes must also be the least drastic actions that are feasible to deal with the plant pest or noxious weed problem. Finally, the Secretary is authorized to pay compensation for economic losses.

Sec. 416. Recovery of compensation for unauthorized activities

Authorizes the owners of plants, biological control organisms, plant products, plant pests, noxious weeds, articles, or means of conveyance destroyed or disposed of under section 414 or 415 to bring an action not later than 1 year after the destruction or disposal in U.S. district court and for the owner to recover just compensation for an unauthorized destruction or disposal of such property.

Sec. 417. Control of grasshoppers and mormon crickets

Subject to the availability of funding, the Secretary shall carry out control programs for grasshoppers and Mormon crickets on Federal, State, and private lands to protect rangeland. Authorizes the pooling of funds between the Department of Agriculture and the Department of the Interior to conduct such programs on Federal lands controlled by the Department of the Interior. This section also provides the formula for the Federal cost share for treatment programs.

Sec. 418. Certification for exports

Authorizes the Secretary to certify for export plants, plant products, and biological control organisms as to freedom from plant pests or noxious weeds or exposure to plant pests or noxious weeds according to phytosanitary or other requirements of the exporting country.

Subtitle B—Inspection and Enforcement

Sec. 421. Inspections, seizures, warrants

Authorizes warrantless inspections based on guidelines approved by the Attorney General: (1) of persons or means of conveyance moving into the United States to determine whether they are carrying any regulated material; (2) of persons or means of conveyance moving interstate upon probable cause to believe that they are carrying regulated material; and (3) of any person or means of conveyance moving intrastate under extraordinary emergency conditions (see section 415) upon probable cause to believe that they are carrying regulated material. The Secretary is also authorized to enter premises with a warrant issued by a Federal judge to make inspections and seizures necessary under the Act.

Sec. 422. Collection of information

Authorizes the Secretary to gather and compile information and to conduct investigations necessary for the administration and enforcement of the Act.

Sec. 423. Subpoena authority

Authorizes the Secretary to require the attendance of witnesses and production of documentary evidence through the use of subpoenas to aid in investigations and proceedings. This provision also authorizes the Secretary to request the Attorney General to take actions to enforce such subpoenas.

Sec. 424. Penalties for violation

Allows for criminal penalties as provided under Title 18 of the U.S. Code for knowing violations of the Act or any misuse of a permit, certificate, or other document. It also provides for civil penalties for violations of the Act, including forging, counterfeiting, using in an unauthorized manner, altering, defacing, or destroying any certificate, permit, or document provided for under the Act not to exceed the greater of: (1) $50,000 for an individual, $250,000 for any other violation by a person, and $500,000 for all violations adjudicated in the same proceeding, or (2) twice the gross gain or gross loss associated with the violation. The penalty has been increased from $1,000 per violation. Finally, section 204 authorizes the issuance of a notice of warning in lieu of criminal prosecution.

Sec. 425. Attorney General enforcement actions

Authorizes the Attorney General to prosecute criminal violations of the Act; bring an action to enjoin violation of or compel compliance with the Act; or bring an action for recovery of reimbursable funds, civil penalties, late payment penalties, or interest that has not been paid.

Sec. 426. Court jurisdiction

Delineates the jurisdiction of courts in most cases arising under the Act.

Subtitle C—Miscellaneous Provisions

Sec. 431. Cooperation

Authorizes the Secretary to cooperate with other Federal agencies, States or their political subdivisions, foreign governments or their political subdivisions, domestic or international organizations or associations, or other persons to carry out the Act. Section 301 authorizes the Secretary to transfer biological control technology to States, Federal agencies, or other persons for use in control of plant pests or noxious weeds. Section 301 also authorizes cooperation with States and other persons in the administration of programs for the improvement of plants, plant products, and biological control organisms. Finally, Section 431 authorizes the Secretary to ensure that all phytosanitary import/export issues are addressed based on sound science and consistent with applicable international agreements.

Sec. 432. Buildings, land, people, claims, and agreements

Authorizes the Secretary to acquire and maintain real or personal property for special purposes; to enter into contracts, cooperative agreements, memoranda of understanding, and other agreements; to employ any person; or to make grants necessary for carrying out this Act. Section 432 also authorizes the payment of tort claims when the claims arise outside the United States in connection with activities authorized by this Act. Claims must be presented in writing within 2 years after the claim accrues.

Sec. 433. Reimbursable agreements

Authorizes the Secretary to enter into reimbursable fee agreements for preclearance at locations outside the United States for plants, plant products, biological control organisms, and articles. Funds collected are credited to accounts established by the Secretary and remain available until expended. Section 433 also authorizes the Secretary to pay employees performing inspection, quarantine, or other services relating to imports and exports for all overtime, night, or holiday work and to require the person for whom the service is performed to reimburse the Secretary for the services.

Sec. 434. Regulations and orders

Authorizes the Secretary to issue orders and regulations necessary to carry out this Act.

Sec. 435. Protection for mail handlers

This Act shall not apply to any employee of the United States in the performance of the duties of the employee in handling the mail.

Sec. 436. Preemption

Provides that no State or political subdivision may take an action to regulate in foreign commerce any article or means of conveyance, plant, biological control organism, plant pest, noxious weed, or plant product in order to control or eradicate a plant pest or noxious weed, or prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed.

Similarly, no State or political subdivision may take an action to regulate interstate commerce different from Federal regulations in any of the delineated items; control a plant pest or noxious weed; eradicate a plant pest or noxious weed; or prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed if the Secretary has issued a regulation or order to prevent the dissemination of the biological control organism, plant pest, or noxious weed. However, if State or local officials can demonstrate a special local circumstance, they can petition the Secretary to allow for the imposition of additional prohibitions or restrictions by the State or local government.

Sec. 437. Severability

Contains standard severability language.

Sec. 438. Repeals

Enumerates the list of laws being repealed and replaced by this Act.

Subtitle D—Authorizations of Appropriations

Sec. 441. Authorization of appropriations

Authorizes the appropriation of such amounts necessary to carry out this Act. Unless specifically authorized, no part of appropriated funds shall be used for indemnification purposes.

Sec. 442. Transfer authority

Authorizes the Secretary to transfer funds without fiscal year limitation from any agency or corporation of the Department to arrest, control, eradicate, and/or prevent the spread of a plant pest or noxious weed in connection with a threatening agricultural emergency.

Title V—Inspection Animals

Sec. 501. Inspection animal civil penalties

Provides for civil penalties of up to $10,000 for causing harm to or interfering with a Department of Agriculture inspection animal.

Sec. 502. Inspection animal subpoena authority

Authorizes the Secretary to require the attendance of witnesses and production of documentary evidence through the use of subpoenas to aid in investigations, and proceedings. This provision also authorizes the Secretary to request the Attorney General to take actions to enforce such subpoenas.

LARRY COMBEST,
BILL BARRETT,
JOHN BOEHNER,
THOMAS W. EWING,
RICHARD POMBO,
CHARLIE STENHOLM,
GARY CONDIT,
COLLIN C. PETERSON,
CAL DOOLEY,
Managers on the Part of the House.

RICHARD G. LUGAR,
JESSE HELMS,
THAD COCHRAN,
PAUL COVERDELL,
PAT ROBERTS,
TOM HARKIN,
PATRICK LEAHY,
KENT CONRAD,
BOB KERREY,
Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 42 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0032

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 12 o'clock and 32 minutes a.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2559, AGRICULTURE RISK PROTECTION ACT OF 1999

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–640) on the resolution (H. Res. 512) waiving points of order against the conference report to accompany the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON H.R. 4461, PROVIDING FOR CONSIDERATION OF H.R. 4461, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–641) providing for consideration of the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

HOUSE PASSED PERMANENT NORMAL TRADE RELATIONS FOR CHINA

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, today has been a glorious day for the United States House of Representatives. This body, actually yesterday, debated one of the most outstanding trade packages that will take place perhaps in my tenure in the House of Representatives, and I am pleased to report to those listeners that might be hearing us tonight that the House of Representatives earlier today passed what is known as the permanent normal trade relations with China. It was a stunning victory for people who choose to have free and fair trade around this globe.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. BROWN of Florida, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

(The following Members (at the request of Mr. BUYER) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

Mr. REGULA, for 5 minutes, May 25.

(The following Member (at the request of Mr. GANSKE) to revise and extend his remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 116. Concurrent resolution commending Israel's redeployment from southern Lebanon; to the Committee on International Relations.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 371. An act to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following title:

On Tuesday, May 23, 2000:

H.R. 154. To allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.

H.R. 834. To extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.

H.R. 1832. To reform unfair and anticompetitive practices in the professional boxing industry.

On Wednesday, May 24, 2000:

H.R. 371. To facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 34 minutes a.m.), the House adjourned until today, Thursday, May 25, 2000, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the fourth quarter of 1999 and first quarter of 2000, by Committees of the U.S. House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during second and fourth quarters of 1999, and first quarter of 2000, pursuant to Public Law 95–384, and for miscellaneous groups in connection with official foreign travel during the first quarter of 2000 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Eliot Engel	11/20	11/22	Ukraine		436.00						436.00
	11/22	11/23	Belgium		263.00		887.41				1,150.41
Catherine VanWay	10/30	11/5	Germany		1,458.00		1,999.01				3,457.01
Committee total					2,157.00		2,886.42				5,043.42

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM BLILEY, Chairman, Apr. 10, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to France; Nov. 1–3, 1999:											
Hon. Curt Weldon	11/1	11/3	Germany		294.00	1,143.22			50.43		1,487.65
Visit to Panama, Nov. 14–16, 1999:											
Hon. Walter B. Jones	11/14	11/16	Panama		348.00						348.00
Mr. Christian P. Zur	11/14	11/16	Panama		348.00						348.00
Travel to Moldova, Russia, and Norway, Nov. 20–25, 1999:											
Hon. Curt Weldon	11/20	11/21	Moldova		225.00						225.00
	11/21	11/24	Russia		1,143.00						1,143.00
	11/24	11/25	Norway		276.00						276.00
Hon. Jim Saxton	11/20	11/21	Moldova		225.00						225.00
	11/21	11/24	Russia		1,143.00						1,143.00
	11/24	11/25	Norway		276.00						276.00
Hon. Roscoe G. Bartlett	11/20	11/21	Moldova		225.00						225.00
	11/21	11/24	Russia		1,143.00						1,143.00
	11/24	11/25	Norway		276.00						276.00
Mr. David J. Trachtenberg	11/20	11/21	Moldova		225.00						225.00
	11/21	11/24	Russia		1,143.00						1,143.00
Commercial airfare						1,486.27					1,486.27
Visit to Germany, Hungary, Italy and Ireland, Nov. 22–30, 1999:											
Hon. Ike Skelton	11/22	11/25	Germany		317.00						317.00
	11/25	11/27	Hungary		502.00						502.00
	11/27	11/29	Italy		586.00						586.00
	11/29	11/20	Ireland		195.00						195.00
Mr. Michael R. Higgins	11/22	11/25	Germany		317.00						317.00
	11/25	11/27	Hungary		502.00						502.00
	11/27	11/29	Italy		586.00						586.00
	11/29	11/20	Ireland		195.00						195.00
Visit to Curacao, Aruba, Ecuador and Panama, Dec. 2–10, 1999:											
Hon. Floyd D. Spence	12/2	12/4	Curacao		460.00						460.00
	12/4	12/6	Aruba		585.00						585.00
	12/6	12/8	Ecaudor		385.00						385.00
	12/8	12/10	Panama		448.00						448.00
Hon Solomon P. Ortiz	12/2	12/4	Curacao		460.00						460.00
	12/4	12/6	Aruba		585.00						585.00
	12/6	12/8	Ecaudor		385.00						385.00
	12/8	12/10	Panama		448.00						448.00
Hon. Tillie K. Fowler	12/2	12/4	Curacao		460.00						460.00
	12/4	12/6	Aruba		585.00						585.00
	12/6	12/8	Ecaudor		385.00						385.00
	12/8	12/10	Panama		448.00						448.00
Hon. Owen B. Pickett	12/3	12/6	Aruba		850.00						850.00
	12/6	12/8	Ecaudor		385.00						385.00
	12/8	12/10	Panama		448.00						448.00
Hon. Lindsey Graham	12/3	12/4	Curacao		230.00						230.00
	12/4	12/6	Aruba		585.00						585.00
	12/6	12/8	Ecaudor		385.00						385.00
	12/8	12/9	Panama		224.00						224.00
Commercial airfare							1,662.45				1,662.45
Hon. Silvestre Reyes	12/3	12/6	Aruba		850.00						850.00
	12/6	12/8	Ecaudor		385.00						385.00
	12/8	12/10	Panama		448.00						448.00
Commercial airfare							562.00				562.00
Dr. Andrew K. Ellis	12/2	12/4	Curaco		460.00						460.00
	12/4	12/6	Aruba		585.00						585.00
Commercial airfare							761.25				761.25
Mr. Peter M. Steffes	12/2	12/4	Curacao		460.00						460.00
	12/4	12/6	Aruba		585.00						585.00
	12/6	12/8	Ecaudor		385.00						385.00
	12/8	12/10	Panama		448.00						448.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mrs. Maureen P. Cragin	12/2	12/4	Curacao		460.00						460.00
	12/4	12/6	Aruba		585.00						585.00
	12/6	12/8	Ecaudor		385.00						385.00
	12/8	12/10	Panama		448.00						448.00
Visit to Colombia and Venezuela, Dec. 3–7, 1999:											
Hon. Steve Buyer	12/3	12/6	Colombia		709.00						709.00
	12/6	12/7	Venezuela		334.50						334.50
Mr. Christian P. Zur	12/3	12/6	Colombia		709.00						709.00
	12/6	12/7	Venezuela		334.50						334.50
Visit to Luxembourg, Dec. 11–14, 1999:											
Hon. Ike Skelton	12/11	12/14	Luxembourg		100.00						100.00
Commercial airfare							5,306.48				5,306.48
Visit to Japan and Korea, Dec. 17–23, 1999:											
Hon. Ellen O. Tauscher	12/17	12/19	Japan		674.00						674.00
	12/19	12/23	Korea		1,048.00						1,048.00
Commercial airfare							5,114.24				5,114.24
Hon. Silvestre Reyes	12/19	12/23	Korea		1,048.00						1,048.00
Commercial airfare							5,641.24				5,641.24
Mr. William Natter	12/17	12/19	Japan		674.00						674.00
Commercial airfare							5,850.37				5,850.37
Visit to Germany, Dec. 14–17, 1999:											
Hon. John M. McHugh	12/14	12/17	Germany		700.00						700.00
Commercial airfare							5,188.32				5,188.32
Committee total					33,094.00		32,716.04		50.43		65,860.47

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE, Chairman, Jan. 31, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Travel to Australia and Singapore, Jan. 9–14, 2000:											
Hon. Ike Skelton	1/9	1/12	Australia		774.00						774.00
	1/12	1/14	Singapore		498.00						498.00
Hon. Neil Abercrombie	1/9	1/12	Australia		774.00						774.00
	1/12	1/14	Singapore		498.00						498.00
Hon. Robert A. Underwood	1/9	1/12	Australia		774.00						774.00
	1/12	1/14	Singapore		498.00						498.00
Hon. Silvestre Reyes	1/9	1/12	Australia		774.00						774.00
	1/12	1/14	Singapore		498.00						498.00
Hon. John J. Pollard	1/9	1/12	Australia		774.00						774.00
	1/12	1/14	Singapore		498.00						498.00
Travek to Ecuador, Jan. 5–7, 2000:											
Christian P. Zur	1/5	1/7	Ecuador		324.00						324.00
Commercial airfare							1,815.80				1,815.80
George O. Withers	1/5	1/7	Ecuador		324.00						324.00
Commercial airfare							1,815.80				1,815.80
Travel to Colombia, Peru, Chile, Argentina, Paraguay and Brazil, Jan. 7-21, 2000:											
Hon. Floyd D. Spence	1/7	1/10	Colombia		785.00						785.00
	1/10	1/12	Peru		526.00						526.00
	1/12	1/14	Chile		540.00						540.00
	1/14	1/17	Argentina		1,466.00						1,466.00
	1/17	1/19	Paraguay		185.00						185.00
	1/19	1/21	Brazil		643.00						643.00
Commercial airfare							220.60				220.60
Hon. Solomon P. Ortiz	1/10	1/12	Peru		526.00						526.00
	1/12	1/14	Chile		540.00						540.00
	1/14	1/16	Argentina		902.00						902.00
Commercial airfare							2,045.00				2,045.00
Hon. Tillie K. Fowler	1/7	1/10	Colombia		785.00						785.00
	1/10	1/12	Peru		526.00						526.00
	1/12	1/14	Chile		540.00						540.00
	1/14	1/17	Argentina		1,466.00						1,466.00
	1/17	1/19	paraguay		185.00						185.00
	1/19	1/21	Brazil		643.00						643.00
Commercial airfare							220.60				220.60
Hon. Owen Pickett	1/10	1/12	Peru		526.00						526.00
	1/12	1/14	Chile		540.00						540.00
	1/14	1/16	Argentina		902.00						902.00
Commercial airfare							2,045.00				2,045.00
Robert S. Rangel	1/7	1/10	Colombia		785.00						785.00
	1/10	1/12	Peru		526.00						526.00
	1/12	1/14	Chile		540.00						540.00
	1/14	1/17	Argentina		1,466.00						1,466.00
	1/17	1/19	Paraguay		185.00						185.00
	1/19	1/21	Brazil		643.00						643.00
Commercial airfare							220.60				220.60
Peter M. Steffes	1/7	1/10	Colombia		785.00						785.00
	1/10	1/12	Peru		526.00						526.00
	1/12	1/14	Chile		540.00						540.00
	1/14	1/17	Argentina		1,466.00						1,466.00
	1/17	1/19	Paraguay		185.00						185.00
	1/19	1/21	Brazil		643.00						643.00
Commercial airfare							220.60				220.60
Delegation expenses	1/12	1/14	Chile				1,186.91		2,550.25		3,737.16
	1/19	1/21	Brazil				403.00		1,109.00		1,512.00
Travel to Germany, Bosnia, and Kosovo, Jan. 10–14, 2000:											
Hon. Gene Taylor	1/10	1/11	Germany		242.00						242.00
	1/11	1/12	Bosnia		75.00						75.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/12	1/13	Kosovo		75.00						75.00
	1/13	1/14	Germany		242.00						242.00
Commercial airfare							5,259.56				5,259.56
Travel to United Kingdom, Jan. 18–20, 2000:											
Hon. Curt Weldon	1/18	1/20	United Kingdom		973.00						973.00
Commercial airfare							4,797.92				4,797.92
Stephen P. Ansley	1/18	1/20	United Kingdom		973.00						973.00
Commercial airfare							5,209.62				5,209.62
Robert W. Lautrup	1/18	1/20	United Kingdom		973.00						973.00
Commercial airfare							5,209.62				5,209.62
Travel to Ecuador and Colombia, Feb. 20–26, 2000:											
Hon. Gene Taylor	2/20	2/24	Ecuador		973.00						973.00
	2/24	2/26	Colombia		486.00						486.00
Commercial airfare							1,900.49				1,900.49
Committee total					32,536.00		32,571.12		3,659.25		68,766.37

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE, Chairman, Apr. 30, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mark Souder	1/16	1/18	Venezuela		525.40						
	1/18	1/19	Columbia		193.00						
	1/19	1/20	Guatemala		140.00						
	1/20	1/22	Mexico		442.00						
Hon. John Mica	1/9	1/10	Denmark		358.00						
	1/10	1/12	Switzerland		616.00						
	1/12	1/15	Belgium		790.00						
	1/15	1/17	Portugal		418.00						
	1/17	1/19	Spain		518.00						
Hon. Bernard Sanders	1/9	1/10	Denmark		358.00						
	1/10	1/12	Switzerland		616.00						
	1/12	1/15	Belgium		790.00						
	1/15	1/17	Portugal		418.00						
	1/17	1/19	Spain		518.00						
Hon. Constance Morella	1/9	1/10	Denmark		358.00						
	1/10	1/12	Switzerland		616.00						
	1/12	1/15	Belgium		790.00						
	1/15	1/17	Portugal		418.00						
	1/17	1/19	Spain		518.00						
Thomas Costa	2/11	2/13	Haiti		269.00						
Kevin Long	3/30	4/3	Columbia		972.00		1,827.80				
David Rapallo	3/30	4/3	Columbia		972.00		1,827.80				
Committee total					11,613.40		3,655.60				15,269.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Apr. 30, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Glenn Schmitt	12/8	12/12	Bahamas		963.00		432.45				1,395.45
Carl Thorsen	12/8	12/12	Bahamas		1,096.00		432.45				1,528.45
Committee total					2,059.00		864.90				2,923.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY HYDE, Chairman, Feb. 17, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Asa Hutchinson	1/9	1/10	Panama		224.00						224.00
	1/10	1/12	Mexico		494.00						494.00
Commercial airfare							1,242.08				1,242.00
Daniel Bryant	1/9	1/10	Panama		224.00						224.00
	1/10	1/12	Mexico		494.00						494.00
Commercial airfare							1,232.78				1,232.78
Glenn Schmitt	1/16	1/19	Colombia		757.00						757.00
	1/19	1/22	Peru		679.00						679.00
Commercial airfare							661.80				661.80
Carl Thorsen	1/16	1/19	Colombia		757.00						757.00
	1/19	1/23	Peru		679.00						679.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial airfare							764.36				764.36
Stephen Pinkos	1/16	1/19	Colombia		757.00						757.00
	1/19	1/23	Peru		679.00						679.00
Commercial airfare							661.80				661.80
Bobby Vassar	1/16	1/19	Colombia		757.00						757.00
	1/19	1/22	Peru		679.00						679.00
Commercial airfare							661.80				661.80
Hon. John Conyers, Jr	2/11	2/13	Haiti		369.00		(3)				369.00
Hon. William D. Delahunt	2/11	2/13	Haiti		369.00		(3)				369.00
Anthony Foxx	2/11	2/13	Haiti		369.00		(3)				369.00
Cynthia Martin	2/11	2/13	Haiti		369.00		(3)				369.00
Hon. Bob Goodlatte	2/19	2/22	England		1,143.00		(3)				1,143.00
	2/22	2/22	Belgium								
	2/22	2/24	Switzerland		616.00						616.00
	2/24	2/27	Germany		779.00						779.00
Hon. Charles T. Canady	2/19	2/22	England		1,143.00		(3)				1,143.00
	2/22	2/22	Belgium								
	2/22	2/24	Switzerland		616.00						616.00
	2/24	2/27	Germany		779.00						779.00
Hon. Rick Boucher	2/19	2/22	England		1,143.00		(3)				1,143.00
	2/22	2/22	Belgium								
	2/22	2/24	Switzerland		616.00						616.00
	2/24	2/27	Germany		779.00						779.00
Jon Dudas	2/19	2/22	England		1,143.00		(3)				1,143.00
	2/22	2/22	Belgium								
	2/22	2/24	Switzerland		616.00						616.00
	2/24	2/27	Germany		779.00						779.00
Debra Laman	2/19	2/22	England		1,143.00		(3)				1,143.00
	2/22	2/22	Belgium								
	2/22	2/24	Switzerland		616.00						616.00
	2/24	2/27	Germany		779.00						779.00
Robert Jones	2/19	2/22	England		1,143.00		(3)				1,143.00
	2/22	2/22	Belgium								
	2/22	2/24	Switzerland		616.00						616.00
	2/24	2/27	Germany		779.00						779.00
Delegation expenses	2/22	2/24	Switzerland				3,010.68		1,237.35		4,248.03
Committee total					23,884.00		8,235.30		1,237.35		33,356.65

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Miliary air transportation.

HENRY HYDE, Chairman, May 5, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bob Clement	12/2	12/4	Curacao		460.00						460.00
	12/4	12/6	Aruba		585.00						585.00
							(3)				
							[4] 478.00				478.00
Committee total					1,045.00		478.00				1,523.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Commercial transportation from Aruba to Washington, DC.

BUD SHUSTER, Chairman, July 11, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO CANADA, EXPENDED BETWEEN MAY 20 AND MAY 24, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Mark Souder	5/20	5/24	Canada		553.85		(3)				553.85
Committee total					553.85						553.85

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MARK SOUDER, Chairman, Mar. 23, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO CANADA, EXPENDED BETWEEN MAY 21 AND MAY 23, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. William D. Delahunt	5/21	5/23	Canada		570.00		[3] 961.12				570.00
Committee total					570.00						570.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] This amount was for a commercial airline ticket to Quebec, and was paid for by U.S./Canada Interparliamentary Delegation official funds; therefore, it was reported on the 1999 U.S./Canada Interparliamentary Delegation annual report to the Clerk of the House (included in "representational").

WILLIAM DELAHUNT, Chairman, Mar. 23, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO CANADA, EXPENDED BETWEEN MAY 20 AND MAY 24, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jack Metcalf	5/20	5/24	Canada		300.00		(3)				300.00
Committee total					300.00						300.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JACK METCALF, Chairman, Mar. 23, 2000.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO JAPAN, AUSTRALIA AND NEW ZEALAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 27 AND DEC. 7, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Hastert	11/28	11/30	Japan		333.00						
Hon. Boehlert	11/28	11/30	Japan		333.00						
Hon. Pryce	11/28	11/30	Japan		333.00						
Hon. Largent	11/28	11/30	Japan		333.00						
Hon. Coburn	11/28	11/30	Japan		333.00						
Hon. Wamp	11/28	11/30	Japan		333.00						
Hon. Doyle	11/28	11/30	Japan		333.00						
Hon. Sanford	11/28	11/30	Japan		333.00						
Hon. Stupak	11/28	11/30	Japan		333.00						
Hon. Cramer	11/28	11/30	Japan		333.00						
Hon. Blunt	11/28	11/30	Japan		333.00						
Hon. Isakson	11/28	11/30	Japan		333.00						
Scott Palmer	11/28	11/30	Japan		333.00						
John Feehery	11/28	11/30	Japan		333.00						
David Hobbs	11/28	11/30	Japan		333.00						
Bill Inglee	11/28	11/30	Japan		333.00						
Sam Lancaster	11/28	11/30	Japan		333.00						
Martha Morrison	11/28	11/30	Japan		333.00						
Shanti Ochs	11/28	11/30	Japan		333.00						
Chris Scheve	11/28	11/30	Japan		333.00						
Dwight Comedy	11/28	11/30	Japan		333.00						
Bill Livingood	11/28	11/30	Japan		333.00						
Dr. John Eisold	11/28	11/30	Japan		333.00						
Hon. Hastert	11/30	12/4	Australia		992.00						992.00
Hon. Boehlert	11/30	12/4	Australia		992.00						992.00
Hon. Pryce	11/30	12/4	Australia		992.00						992.00
Hon. Largent	11/30	12/4	Australia		992.00		[3] 461.20				992.00
Hon. Coburn	11/30	12/4	Australia		992.00		[3] 461.20				992.00
Hon. Wamp	11/30	12/4	Australia		992.00		[3] 461.20				992.00
Hon. Doyle	11/30	12/4	Australia		992.00		[3] 461.20				992.00
Hon. Sanford	11/30	12/4	Australia		992.00						992.00
Hon. Stupak	11/30	12/4	Australia		992.00		[3] 461.20				992.00
Hon. Cramer	11/30	12/4	Australia		992.00						992.00
Hon. Blunt	11/30	12/4	Australia		992.00						992.00
Hon. Isakson	11/30	12/4	Australia		992.00						992.00
Scott Palmer	11/30	12/4	Australia		992.00						992.00
John Feehery	11/30	12/4	Australia		992.00						992.00
David Hobbs	11/30	12/4	Australia		992.00						992.00
Bill Inglec	11/30	12/4	Australia		992.00						992.00
Sam Lancaster	11/30	12/4	Australia		992.00						992.00
Martha Morrison	11/30	12/4	Australia		992.00						992.00
Shanti Ochs	11/30	12/4	Australia		992.00						992.00
Chris Scheve	11/30	12/4	Australia		992.00						992.00
Dwight Comedy	11/30	12/4	Australia		992.00						992.00
Bill Livingood	11/30	12/4	Australia		992.00						992.00
Dr. John Eisold	11/30	12/4	Australia		992.00						992.00
Hon. Hastert	12/4	12/7	New Zealand		826.00						826.00
Hon. Boehlert	12/4	12/7	New Zealand		826.00						826.00
Hon. Pryce	12/4	12/7	New Zealand		826.00						826.00
Hon. Largent	12/4	12/7	New Zealand		826.00						826.00
Hon. Coburn	12/4	12/7	New Zealand		826.00						826.00
Hon. Wamp	12/4	12/7	New Zealand		826.00						826.00
Hon. Doyle	12/4	12/7	New Zealand		826.00						826.00
Hon. Sanford	12/4	12/7	New Zealand		826.00						826.00
Hon. Stupak	12/4	12/7	New Zealand		826.00		[4] 2,933.25				826.00
Hon. Cramer	12/4	12/7	New Zealand		826.00						826.00
Hon. Blunt	12/4	12/7	New Zealand		826.00						826.00
Hon. Isakson	12/4	12/7	New Zealand		826.00						826.00
Scott Palmer	12/4	12/7	New Zealand		826.00						826.00
John Feehery	12/4	12/7	New Zealand		826.00						826.00
David Hobbs	12/4	12/7	New Zealand		826.00						826.00
Bill Inglee	12/4	12/7	New Zealand		826.00						826.00
Sam Lancaster	12/4	12/7	New Zealand		826.00						826.00
Martha Morrison	12/4	12/7	New Zealand		826.00						826.00
Shanti Ochs	12/4	12/7	New Zealand		826.00						826.00
Chris Scheve	12/4	12/7	New Zealand		826.00						826.00
Dwight Comedy	12/4	12/7	New Zealand		826.00						826.00
Bill Livingood	12/4	12/7	New Zealand		826.00						826.00
Dr. John Eisold	12/4	12/7	New Zealand		826.00						826.00
Committee total					49,473		[3] 5,239.25				54,712.25

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Airfare from Darwin to Sydney.

[4] Flight back to U.S. on Dec. 5, 1999.

J. DENNIS HASTERT, Jan. 20, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO BOSNIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 6 AND MAR. 7, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John M. McHugh, M.C	3/6	3/7	Bosnia				(3)				
Cary R. Brick	3/6	3/7	Bosnia				(4)				
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Unknown.

JOHN M. McHUGH, Chairman, Mar. 10, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY TO BELGIUM, FRANCE, ITALY AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 19 AND FEB. 27, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/26	2/27	Spain		110.00		(3)				2,042.00
Hon. Tom Bliley	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/26	2/27	Spain		110.00		(3)				2,042.00
Hon Herb Bateman	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/26	2/27	Spain		110.00		(3)				2,042.00
Hon. Paul Gillmor	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/26	2/27	Spain		110.00		(3)				2,042.00
Hon. Porter Goss	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/26	2/27	Spain		110.00		(3)				2,042.00
Hon. Michael Bilirakis	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/26	2/27	Spain		110.00		(3)				2,042.00
Hon. Joel Hefley	2/19	2/22	Belgium		892.00		(3)				
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/26	2/27	Spain		110.00		(3)				2,042.00
Hon. Scott McInnis	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/26	2/27	Spain		110.00		(3)				2,042.00
Hon. Robert Borski	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/26	2/27	Spain		110.00		(3)				2,042.00
Hon. John Tanner	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/26	2/27	Spain		110.00		(3)				2,042.00
Hon. Owen Pickett	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00		2,408.97				3,946.97
Hon. Nick Lampson	2/20	2/22	Belgium		510.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00		944.20				2,494.20
Susan Olson	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/16	2/27	Spain		110.00		(3)				2,042.00
Josephine Weber	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/16	2/27	Spain		110.00		(3)				2,042.00
John Herzberg	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/16	2/27	Spain		110.00		(3)				2,042.00
Jason Gross	2/19	2/22	Belgium		742.00						
	2/22	2/24	France		596.00						
	2/24	2/26	Italy		344.00						
	2/16	2/27	Spain		110.00		(3)				1,792.00
Roberta Evans	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/16	2/27	Spain		110.00		(3)				2,042.00
Ronald Lasch	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/16	2/27	Spain		110.00		(3)				2,042.00
Linda Pedigo	2/19	2/22	Belgium		892.00						
	2/22	2/24	France		646.00						
	2/24	2/26	Italy		394.00						
	2/16	2/27	Spain		110.00		(3)				2,042.00
Committee total					37,552.00		3,353.17				40,905.17

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Military air transportation plus.

DOUG BEREUTER, Chairman, May 9, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7807. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Commodity Pool Operators; Exclusion for Certain Otherwise Regulated Persons from the Definition of the Term "Commodity Pool Operator" (RIN: 3038-AB34) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7808. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenopropathrin; Pesticide Tolerance [OPP-300992; FRL-6554-4] (RIN: 2070-AB78) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7809. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Thiabendazole; Extension of Tolerance for Emergency Exemptions [OPP-300993; FRL-6554-6] (RIN: 2070-AB78) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7810. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7730] received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7811. A letter from the Acting Assistant General Counsel for Regulatory Services, Office of Educational Research and Improvement, Department of Education, transmitting the Department's final rule—National Awards Program for Effective Teacher Preparation—received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7812. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting the Department's final rule—Acquisition Regulations: Mentor-Protege Program (RIN: 1991-AB45) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7813. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adhesives and Components of Coatings [Docket No. 98F-0675] received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7814. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Reclassification and Codification of the Nonabsorbable Expanded Polytetrafluoroethylene Surgical Suture [Docket No. 94P-0347] received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7815. A letter from the Deputy Executive Secretary, FDA, Department of Health and Human Services, transmitting the Department's final rule— Revisions to the Requirements Applicable to Blood, Blood Components, and Source Plasma [Docket No. 98N-0673] received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7816. A letter from the Director, Office of Regulatory Managment and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories [AD-FRL-6582-3] received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7817. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW-FRL-6583-6] received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7818. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Oregon; Negative Declaration [Docket No. OR-03-0001; FRL-6580-9] received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7819. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana; Emergency Episode Plan, Columbia Falls, Butte and Missoula Particulate Matter State Implementation Plans, Missoula Carbon Monoxide State Implementation Plan; Correction [SIP Nos. MT-001-0012; MT-001-0013; MT-001-0014; MT-001-0015] (FRL-6582-4) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7820. A letter from the Director, Office of Congressional Affairs, Office of Enforcement, Nuclear Regulatory Commission, transmitting the Commission's final rule—Revision of the NRC Enforcement Policy [NUREG-1600] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7821. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Fiscal Year 1999 Annual Program Performance Report; to the Committee on Government Reform.

7822. A letter from the Chairman, Federal Communications Commission, transmitting the Annual Performance Report for Fiscal Year 1999; to the Committee on Government Reform.

7823. A letter from the Acting Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Progress Payments and Related Financing Polices [FAC 97-16; FAR Case 1998-400 (98-400); Item II] (RIN: 9000-AI27) received April 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7824. A letter from the Director, National Science Foundation, transmitting the FY 2000 GPRA Performance Plan; to the Committee on Government Reform.

7825. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 033100D] received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7826. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, Pacific Cod in the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 041200A] received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7827. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Bluefin Tuna Landings Reporting [Docket No. 000328086-0086-01; I.D. 012800H] (RIN: 0648-AN56) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7828. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-600, -700, and 800 Series Airplanes [Docket No. 2000-NM-84-AD; Amendment 39-11663; AD 2000-07-09] (RIN: 2120-AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7829. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 99-NM-81-AD; Amendment 39-11660; AD 2000-07-06] (RIN: 2120-AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7830. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 99-NM-72-AD; Amendment 39-11659; AD 2000-07-05] (RIN: 2120-AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7831. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA-366G1 Helicopters [Docket No. 99-SW-14-AD; Amendment 39-11692; AD 2000-08-06] (RIN: 2120-AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7832. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 99-SW-70-AD; Amendment 39-11690; AD 2000-08-04] (RIN: 2120-AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7833. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 Series Airplanes [Docket No. 99-NM-304-AD; Amendment 39-11682; AD 2000-07-26] (RIN: 2120-AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7834. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc Tay

650–15 Series Turbofan Engines [Docket No. 99–NE–61–AD; Amendment 39–11687; AD 2000–08–01] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7835. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-1011–385 Series Airplanes [Docket No. 99–NM–252–AD; Amendment 39–11677; AD 99–13–08 R1] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7836. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes [Docket No. 99–NM–07–AD; Amendment 39–11685; AD 2000–07–29] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7837. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta Model A109A, A109AII, and A109C Helicopters [Docket No. 99–SW–47–AD; Amendment 39–11688; AD 2000–08–02] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7838. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model G-IV Series Airplanes [Docket No. 2000–NM–82–AD; Amendment 39–11680; AD 2000–07–25] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7839. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–100 Series Airplanes [Docket No. 99–NM–321–AD; Amendment 39–11678; AD 2000–07–23] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COMBEST: Committee of Conference. Conference report on H.R. 2559. A bill to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes (Rept. 106–639). Ordered to be printed.

[May 25 (Legislative day of May 24), 2000]

Mr. REYNOLDS: Committee on Rules. House Resolution 512. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes (Rept. 106–640). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 513. Resolution providing for consideration of the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–641). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN (for himself and Mr. Hinchey):

H.R. 4528. A bill to establish an undergraduate grant program of the Department of State to assist students of limited financial means from the United States to pursue studies at foreign institutions of higher education; to the Committee on International Relations.

By Mr. DUNCAN (for himself, Mr. Shuster, Mr. Oberstar, Mr. Lipinski, Mr. Sweeney, Mr. Ehlers, Mr. LaHood, Mr. Cooksey, and Mr. Gary Miller of California):

H.R. 4529. A bill to amend title 49, United States Code, to prohibit the employment of certain individuals in positions affecting air transportation security; to the Committee on Transportation and Infrastructure.

By Ms. VELÁZQUEZ (for herself, Mr. Talent, Mr. King, Ms. Millender-McDonald, Mrs. Kelly, Mr. Davis of Illinois, Mr. English, Mrs. McCarthy of New York, Mrs. Bono, Mr. Pascrell, Mr. Sweeney, Mr. Hinojosa, Mrs. Christensen, Mr. Brady of Pennsylvania, Mr. Udall of New Mexico, Mr. Moore, Mrs. Jones of Ohio, Mr. Gonzalez, Mr. Phelps, Mrs. Napolitano, Mr. Baird, Ms. Berkley, Mr. Udall of Colorado, Ms. Stabenow, Mr. Kanjorski, and Mr. Barrett of Wisconsin):

H.R. 4530. A bill to amend the Small Business Investment Act of 1958 to direct the Administrator of the Small Business Administration to establish a New Market Venture Capital Program, and for other purposes; to the Committee on Small Business.

By Mr. GARY MILLER of California (for himself and Mr. Calvert):

H.R. 4531. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to particpate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project; to the Committee on Resources.

By Mr. ANDREWS:

H.R. 4532. A bill to assure equitable treatment of fertility and impotence in health care coverage under group health plans, health insurance coverage, and health plans under the Federal employees' health benefits program; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 4533. A bill to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Inland Empire regional water recycling project, and to authorize the Secretary to carry out a program under the Federal reclamation laws to assist agencies in projects to construct regional brine lines in California; to the Committee on Resources.

By Mr. BURR of North Carolina (for himself, Mr. Ballenger, Mrs. Myrick, Mr. Taylor of North Carolina, Mr. McIntyre, Mr. Price of North Carolina, Mr. Coble, Mr. Hayes, Mr. Watt of North Carolina, Mr. Jones of North Carolina, Mrs. Clayton, and Mr. Etheridge):

H.R. 4534. A bill to designate the facility of the United States Postal Service located at 114 Ridge Street in Lenoir, North Carolina, as the "James T. Broyhill Post Office Building"; to the Committee on Government Reform.

By Mrs. CLAYTON:

H.R. 4535. A bill to amend the Consolidated Farm and Rural Development Act to improve the agricultural credit programs of the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. CROWLEY (for himself, Mr. Sweeney, Mr. Engel, Mr. Pastor, Mr. Romero-Barcelo, Mr. John, Mr. Lewis of Georgia, Mr. Baldacci, Mr. Walsh, Mr. Evans, Mr. Maloney of Connecticut, Mr. Tanner, Mr. Hinchey, Mr. Abercrombie, Mr. Rahall, Mr. Udall of New Mexico, Mr. Wise, Mr. Bishop, Mr. Rangel, and Mr. Frost):

H.R. 4536. A bill to provide grants to local educational agencies to initiate, expand, or improve physical education programs for students; to the Committee on Education and the Workforce.

By Mr. DIAZ-BALART (for himself, Ms. Ros-Lehtinen, Mr. Menendez, Mr. DeLay, Mr. Gilman, Mr. Watts of Oklahoma, Mr. Hyde, Mr. Dreier, Mr. Goss, Mr. Burton of Indiana, Mr. Archer, Mr. Smith of New Jersey, Mrs. Fowler, Mr. Lantos, Ms. Dunn, Mr. Deutsch, Mr. Shaw, Mr. McCollum, Mrs. Meek of Florida, Mr. Foley, Mr. Andrews, Mr. Bachus, Mr. Ballenger, Mr. Bonilla, Mr. Burr of North Carolina, Mr. Canady of Florida, Mr. Cannon, Mr. Chabot, Mr. Crowley, Mr. Cunningham, Mr. Engel, Mr. Franks of New Jersey, Mr. Fossella, Mr. Goodling, Mr. Gutierrez, Mr. Gutknecht, Mr. Jones of North Carolina, Mr. Hastings of Washington, Mr. Hunter, Mr. Hutchinson, Mr. Kennedy of Rhode Island, Mr. King, Mr. Kingston, Mr. Lazio, Mr. Linder, Mr. Manzullo, Mr. McInnis, Mr. McKeon, Mr. Miller of Florida, Mrs. Myrick, Mr. Ney, Mr. Pallone, Mr.

PASCRELL, Mr. PETERSON of Minnesota, Ms. PRYCE of Ohio, Mr. REYNOLDS, Mr. ROGAN, Mr. ROHRABACHER, Mr. ROTHMAN, Mr. SCARBOROUGH, Mr. SESSIONS, Mr. SHERMAN, Mr. SOUDER, Mr. STEARNS, Mr. TRAFICANT, Mr. WELDON of Florida, Mr. WEXLER, Mr. WOLF, Mr. BLUNT, Mr. HANSEN, Mr. THOMAS, Mr. COX, Mr. LUCAS of Oklahoma, Mr. DOOLITTLE, Mr. POMBO, Mr. SHADEGG, and Mr. FRELINGHUYSEN):

H.R. 4537. A bill to assist the internal opposition in Cuba, and to further help the Cuban people to regain their freedom; to the Committee on International Relations.

By Mr. MOORE:

H.R. 4538. A bill to amend the Higher Education Act of 1965 to improve the teacher loan forgiveness program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself and Mr. ANDREWS):

H.R. 4539. A bill to direct the Secretary of Education to provide grants to promote Holocaust education and awareness; to the Committee on Education and the Workforce.

By Mr. WELDON of Pennsylvania (for himself, Mr. BERMAN, and Mr. COX):

H. Con. Res. 334. Concurrent resolution expressing the sense of Congress that normal trade relations treatment for products of the People's Republic of China should be revoked if that country attacks, invades, or imposes a blockade on Taiwan; to the Committee on Ways and Means.

By Mr. WELDON of Pennsylvania (for himself, Mr. BERMAN, and Mr. COX):

H. Con. Res. 335. Concurrent resolution expressing the sense of Congress that if the People's Republic of China attacks, invades, or imposes a blockade on Taiwan, the United States will respond vigorously, including but not limited to revoking normal trade relations; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 306: Mr. BLUMENAUER.

H.R. 347: Mr. LEWIS of Kentucky.

H.R. 353: Mr. PORTMAN, Mr. MCINNIS, Mr. SUNUNU, Mr. GILLMOR, Mr. FOSSELLA, Mr. BONILLA, and Mr. COBURN.

H.R. 483: Mr. UDALL of New Mexico.

H.R. 531: Mr. RANGEL.

H.R. 534: Mr. BROWN of Ohio, Mr. SAM JOHNSON of Texas, and Mr. CLEMENT.

H.R. 632: Mrs. BIGGERT.

H.R. 828: Mr. QUINN.

H.R. 979: Mr. RUSH, Ms. KAPTUR, and Mr. BLUMENAUER.

H.R. 1020: Ms. LOFGREN, Mr. CROWLEY, and Mr. RANGEL.

H.R. 1092: Mrs. CHENOWETH-HAGE.

H.R. 1102: Ms. STABENOW and Mr. HUTCHINSON.

H.R. 1168: Mr. POMBO.

H.R. 1248: Mr. STARK, Mr. FLETCHER, Mr. ENGEL, and Mr. KLECZKA.

H.R. 1322: Mr. METCALF, Mr. FRELINGHUYSEN, Mr. BLUNT, Mr. BOUCHER, Mr. RYAN of Wisconsin, Mr. BARR of Georgia, Mr. RAHALL, Mr. LUCAS of Oklahoma, Ms. ROS-LEHTINEN, Ms. BERKLEY, Mr. NEY, and Mr. WATTS of Oklahoma.

H.R. 1387: Mr. MEEHAN.

H.R. 1525: Ms. BERKLEY.

H.R. 2000: Mr. SNYDER, Mrs. ROUKEMA, and Mr. CONDIT.

H.R. 2059: Mrs. MINK of Hawaii.

H.R. 2317: Mr. FATTAH and Mr. ANDREWS.

H.R. 2321: Mr. LANTOS and Mr. STARK.

H.R. 2457: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, and Mrs. MCCARTHY of New York.

H.R. 2544: Mr. LEWIS of Kentucky.

H.R. 2569: Mr. HOLT, Mr. ROTHMAN, and Mrs. NAPOLITANO.

H.R. 2594: Mr. SMITH of Washington.

H.R. 2631: Mr. UDALL of New Mexico.

H.R. 2722: Mr. FOLEY.

H.R. 2749: Ms. JACKSON-LEE of Texas.

H.R. 2768: Mr. LAZIO.

H.R. 2784: Mr. DOYLE.

H.R. 2831: Ms. HOOLEY of Oregon.

H.R. 2856: Mrs. BONO.

H.R. 2892: Mr. TAYLOR of Mississippi.

H.R. 2915: Mrs. JONES of Ohio.

H.R. 2947: Ms. LEE, Ms. SLAUGHTER, Mrs. NAPOLITANO, and Mr. DOOLEY of California.

H.R. 2956: Mr. BRADY of Pennsylvania.

H.R. 2962: Mr. BACA.

H.R. 2987: Mr. BAIRD, Mr. WHITFIELD, Mr. TERRY, and Mrs. EMERSON.

H.R. 3032: Mr. LANTOS.

H.R. 3142: Mrs. CHRISTENSEN.

H.R. 3144: Mr. STRICKLAND.

H.R. 3235: Mr. HOLT.

H.R. 3256: Mr. GONZALEZ.

H.R. 3300: Mr. FROST.

H.R. 3484: Mr. BUYER.

H.R. 3485: Mr. LANTOS.

H.R. 3580: Mr. SMITH of Texas, Mr. LEWIS of Georgia, Ms. BROWN of Florida, Mr. BAIRD, Mr. HOLT, Mr. CALLAHAN, Mr. WU, Mr. TOWNS, and Mr. BARRETT of Wisconsin.

H.R. 3590: Mr. HUNTER and Mr. HASTINGS of Washington.

H.R. 3688: Mr. DAVIS of Illinois, Mr. KING, Mr. LEWIS of Georgia, Mr. SABO, Mr. CARDIN, Mr. GEORGE MILLER of California, Ms. CARSON, Mr. MENENDEZ, Mrs. CHRISTENSEN, and Ms. STABENOW.

H.R. 3766: Mr. GORDON, Mr. BERMAN, and Mr. BLUMENAUER.

H.R. 3809: Mr. FRELINGHUYSEN.

H.R. 3836: Ms. BERKLEY.

H.R. 3842: Mr. GREEN of Wisconsin, Mr. EHRLICH, Ms. SCHAKOWSKY, Mr. SUNUNU, Mrs. CUBIN, Mr. PETERSON of Minnesota, and Mr. LEACH.

H.R. 3880: Mr. BAKER.

H.R. 3891: Mr. TOWNS, Ms. MCKINNEY, and Mrs. CHRISTENSEN.

H.R. 4011: Mr. DAVIS of Illinois.

H.R. 4049: Mr. THUNE.

H.R. 4064: Mr. RYUN of Kansas, Mr. OSE, Mr. HALL of Texas, Mr. PETERSON of Pennsylvania, and Mr. TURNER.

H.R. 4066: Mr. MARKEY.

H.R. 4082: Mr. SNYDER, Mr. GOODLATTE, and Mr. SHOWS.

H.R. 4094: Mr. MOORE and Mr. BOUCHER.

H.R. 4165: Ms. ESHOO, Ms. MCCARTHY of Missouri, Mr. WYNN, and Mr. DEUTSCH.

H.R. 4168: Mr. OBERSTAR, Mr. CLEMENT, and Mr. LIPINSKI.

H.R. 4207: Mr. COOK, Mr. NADLER, and Mr. WEYGAND.

H.R. 4210: Mr. DOOLITTLE and Mr. BILIRAKIS.

H.R. 4211: Mr. WAXMAN, Ms. MCKINNEY, Mr. GEJDENSON, and Mrs. MINK of Hawaii.

H.R. 4213: Ms. DUNN and Mr. ADERHOLT.

H.R. 4242: Mr. WICKER.

H.R. 4257: Mr. HAYWORTH, Mr. DEMINT, Mr. VITTER, Mr. CHABOT, Mr. COBURN, Mr. PITTS, Mr. SANFORD, Mr. SMITH of Michigan, Mr. LARGENT, Mr. SHADEGG, and Mr. SAM JOHNSON of Texas.

H.R. 4259: Mr. BONILLA, Mr. COBURN, Mr. ISTOOK, Mr. SCHAFFER, Mr. THORNBERRY, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mrs. CHRISTENSEN, and Mr. SKEEN.

H.R. 4271: Mr. GUTKNECHT and Mr. BARTON of Texas.

H.R. 4272: Mr. BARTON of Texas.

H.R. 4273: Mr. BARTON of Texas.

H.R. 4290: Mr. STRICKLAND.

H.R. 4299: Mr. DUNCAN and Mr. TAYLOR of North Carolina.

H.R. 4391: Mr. GOODLATTE.

H.R. 4441: Mr. NEY.

H.R. 4442: Mr. PALLONE and Mr. BATEMAN.

H.R. 4467: Mr. TANCREDO, Mr. SCHAFFER, Mr. DEAL of Georgia, Mr. NETHERCUTT, Mr. BOSWELL, and Mr. GOODE.

H.R. 4481: Mr. BARRETT of Wisconsin.

H.R. 4483: Mr. DAVIS of Illinois.

H.R. 4492: Mr. COBLE, Mr. KASICH, Mr. ABERCROMBIE, Mr. CONDIT, Mrs. BONO, Mr. BERMAN, Mr. WOLF, Ms. PELOSI, Mr. DIXON, Mr. MATSUI, Mr. GEORGE MILLER of California. Mr. BLUMENAUER, Mr. ROEMER, Mr. FARR of California, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN, Mrs. LOWEY, Mr. SKELTON, Mr. SANDLIN, Mr. COOKSEY, Mr. CRANE, Mrs. FOWLER, Mr. MCCRERY. Mr. RANGEL, Mrs. MALONEY of New York, Mr. BOSWELL, Ms. DANNER, Mr. KUCINICH, Mr. CRAMER, Mr. GREEN of Texas, Mr. LUTHER, Ms. MCCARTHY of Missouri, Mrs. NAPOLITANO, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. KING, Mr. SHERMAN, Mr. LEVIN, Mr. KLECZKA, Mrs. THURMAN, Mr. STARK, Ms. DEGETTE, Mrs. TAUSCHER, Ms. ESHOO, Mr. SAWYER, Mr. LAFALCE, Mr. OBERSTAR, Mrs. JOHNSON of Connecticut, Mr. WATTS of Oklahoma, Mrs. EMERSON, Mr. HEFLEY, Mr. BAKER, Mr. TANCREDO, Mr. JONES of North Carolina, Mr. GOODE, Mr. DREIER, Mr. HAYWORTH, Mr. JENKINS, Mr. DICKEY, Mr. FORD, and Mrs. CLAYTON.

H.J. Res. 15: Mr. TERRY.

H. Con. Res. 297: Ms. DELAURO.

H. Con. Res. 318: Mr. BLUMENAUER.

H. Con. Res. 331: Mr. CONDIT, Mr. HASTINGS of Florida, Mr. CROWLEY, Mrs. LOWEY, Mr. WEXLER, Mr. COOKSEY, Mr. KING, Mr. ROTHMAN, Mrs. ROUKEMA, Mrs. TAUSCHER, and Mr. HORN.

H. Res. 147: Mr. LAMPSON.

H. Res. 420: Mr. LAHOOD.

H. Res. 437: Ms. SCHAKOWSKY.

H. Res. 479: Mr. ABERCROMBIE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3688: Mr. DAVIS of Virginia.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

OFFERED BY: MR. GOODLING

AMENDMENT NO. 16: Page 84, after line 10, insert the following new subsection (and redesignate subsequent subsections accordingly):

(c) RESPONSE TO PLUM POX VIRUS.—Notwithstanding any other provision of law, the Secretary of Agriculture may use the funds, facilities, and authorities of the Commodity Credit Corporation to administer and make payments to compensate growers in relation to the Secretary's "Declaration of Extraordinary Emergency" on March 2, 2000, regarding the plum pox virus in Adams County, Pennsylvania, except that the total amount of the payments may not exceed the amounts specified by the Secretary in the declaration.

H.R. 4461

Offered By: Mr. Miller of Florida

Amendment No. 17: Page 31, after line 5, insert the following:

PURCHASES OF RAW OR REFINED SUGAR

For fiscal year 2001, the Commodity Credit Corporation shall not expend more than $50,000,000 for purchases of raw or refined sugar from sugarcane or sugar beets.

H.R. 4461

Offered By: Mr. Ney

Amendment No. 18: Page 6, line 16, insert "(reduced by $34,000)" after "$34,708,000".

Page 8, line 3, insert "(reduced by $33,000)" after "$8,138,000".

Page 8, line 14, insert "(reduced by $33,000)" after "$65,097,000".

Page 10, line 23, insert "(increased by $100,000)" after "$850,384,000".

H.R. 4516

Offered By: Mr. Ney

Amendment No. 3: Page 8, line 22, insert after the first dollar figure the following: "(increased by $7,000,000)".

Page 8, line 22, insert after the second dollar figure the following: "(increased by $3,290,000)".

Page 8, line 25, insert after the dollar figure the following: "(increased by $3,710,000)".

Page 22, line 6, insert after the first dollar figure the following: "(reduced by $5,000,000)".

Page 23, line 9, insert after the first dollar figure the following: "(reduced by $500,000)".

Page 24, line 11, insert after the dollar figure the following: "(reduced by $500,000)".

Page 28, line 11, insert after the dollar figure the following: "(reduced by $1,000,000)".

H.R. 4516

Offered By: Mr. Ney

Amendment No. 4: Page 22, line 6, insert after the first dollar figure the following: "(reduced by $3,000,000)".

Page 23, line 9, insert after the first dollar figure the following: "(reduced by $500,000)".

Page 23, line 21, insert after the dollar figure the following: "(increased by $5,000,000)".

Page 24, line 11, insert after the dollar figure the following: "(reduced by $1,000,000)".

Page 28, line 11, insert after the dollar figure the following: "(reduced by $1,000,000)".

EXTENSIONS OF REMARKS

COLORADO STATE SENATOR ELSIE LACY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, Senator Elsie Lacy. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Senator Lacy's dynamic leadership will be greatly missed and difficult to replace.

Elected to the State Senate in 1992, Elsie was the chairwoman of the Appropriations Committee and the chairwoman of the Joint Budget Committee. Her main focus was on transportation, health and education issues. Before being elected to State Senate, Elsie was elected to the Aurora City Council, where she served for four years.

Senator Lacy is very involved in the community. She is a member of the Aurora Chamber of Commerce, a member of the Village East Neighborhood Association, and Boy Scouts of America Merit Badge Counselor and Troop 630 committee chair, just to name a few.

This year marked the end of Senator Lacy's tenure in elected office. Her career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Senator Lacy a debt of gratitude and I wish her well.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. OWENS. Mr. Speaker, on Friday, I was unavoidably absent on a matter of critical importance and missed the following votes:

On the amendment to H.R. 4475, to prohibit use of funds for engineering work related to an additional runway at New Orleans International Airport, introduced by the gentleman from Louisiana, Mr. VITTER, I would have voted "nay."

On passage of the bill, H.R. 4475, the transportation appropriations for fiscal year 2001, introduced by the gentleman from Virginia, Mr. WOLF, I would have voted "yea."

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes.

Mr. DAVIS of Illinois. Mr. Chairman, for many years my colleagues and I have expressed opposition to the U.S. School of Americas. This year's defense authorization measure includes provisions that close the U.S. Army School of Americas and establish the Defense Institute for Hemispheric Security Cooperation. This supposedly new school for international military education will still train most of the third world's military tyrants.

Mr. Chairman this is only a cosmetic change. A name change with no attempt to address the growing public outcry and congressional concern over the SOA's link to human rights atrocities in Latin America.

The people in my district are well aware of the brutal inhuman products of this school. The members of the death school have horribly executed human rights activists in El Salvador, Guatemala, and Pakistan.

Mr. Chairman there is no reason to continue funding this macabre institution. That is why I support the Moakley amendment. The Moakley amendment will evaluate the effect of United States military training on the human rights performance of Latin American soldiers. Commando and combat courses have long been core curricula at the SOA and I believe that the training contributes to human rights atrocities.

Therefore, Mr. Chairman I strongly urge all Members to vote against any legislation supporting the School of Americas and urge all Members to vote for the Moakley amendment.

COLORADO STATE SENATOR TOM BLICKENSDERFER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, Senator Tom Blickensderfer. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Senator Blickensderfer's dynamic leadership will be greatly missed and difficult to replace.

Elected to the State Senate in 1992, he served as a Senate majority leader. Tom distinguished himself by focusing on water issues and other issues that are important in rural communities. He is a strong leader and is recognized throughout the State of Colorado for his contributions to the Republican party.

Senator Blickensderfer received many honors. In 1992, he was honored by CACI as the Business Legislator of the Year. He has also received honors from the Colorado Mental Health Association, and the NFIB Guardian of Small Business award, as well as, citations by Colorado Psychological Association and Health Ethics Lobby.

This year marked the end of Senator Blickensderfer's tenure in elected office. His career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Senator Blickensderfer a debt of gratitude and I wish him well.

TRIBUTE TO YOSHI HONKAWA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. WAXMAN. Mr. Speaker, today I pay tribute to a dear friend, Yoshi Honkawa, who is retiring after a thirty-six year career as a health care advocate in Los Angeles County. Yoshi's name has become synonymous with health care policy and advocacy for the residents of Los Angeles County. Over the years he has been an indispensable resource to me, my office, and the many institutions he has worked with. His wisdom and insight will certainly be missed as he enters his much-deserved retirement.

Yoshi began his impressive health care career in 1964 at the Los Angeles County-University of Southern California (LAC–USC) Medical Center. He served as the medical center's comptroller and assistant administrator for five years. His talent did not go unnoticed, and he was promoted to associate administrator in 1969.

Later that year, Yoshi became affiliated with the Los Angeles County Department of Hospitals and served as director of fiscal and hospital program planning until 1972. He then joined the Los Angeles County Department of Health Services where he was the deputy director of finance and legislative services.

In 1975, Yoshi became the director of finance at Cedars-Sinai Medical Center, where he remained to serve in various capacities. He was the vice president for government and industry relations from 1978 through 1993. In

1994, he was promoted to the position of consultant for health care advocacy.

Yoshi's contributions in the health care field have always gone far beyond his employment. First and foremost, he knows and counts as friends virtually every major player in the health care arena, both in California and in Washington, DC. He has access everywhere. Second, he has contributed his time and experience to serve as a mentor to many, many young people entering the health care field. Truly, his legacy continues through them. Finally, he has made it his special mission to increase the diversity of people making health care management their career, serving as a founding board member of the Institute for Diversity in Health Care Management, and serving tirelessly in many capacities in that organization.

He has been a long-time advocate and friend for graduate medical education, both through his activities at Cedars-Sinai and his membership of the Government Relations Steering Committee at the Association of American Medical Colleges. At the national level, he was also an active member of the National Health Planning and Development Council.

In addition, Yoshi has been actively involved in health care policy development and implementation for Los Angeles and California. He was a Commissioner on the California Health Policy and Data Advisory Commission for ten years from 1987 through 1997. While serving on the commission, he was instrumental in shaping California's health policy, and he has been appointed to countless other posts, sharing his experience and knowledge with pivotal commissions and committees.

Yoshi's tremendous contributions have been recognized many times through the awards and honors he has received. He has been honored by the American Hospital Association, the USC Alumni Association, the California Healthcare Association, and the USC Health Services Administration Alumni Association, to name a few.

The citizens of Los Angeles and our health care institutions owe Yoshi a great debt of gratitude, as do all of his friends and associates who have relied for so long on his guidance and help.

We know that his retirement may be beginning, but his involvement and influence in the field of health care will continue. I ask my colleagues to join me today in wishing all the best to Yoshi and his wife May.

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. OBERSTAR. Mr. Speaker, during the consideration of the Department of Defense authorization legislation (H.R. 4205) last week, I inadvertently voted yes when I intended to vote no on rollcall vote 203. I have consistently voted in support of life.

LEGISLATION COMMENDING ISRAEL'S WITHDRAWAL FROM LEBANON, H. CON. RES. 331

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. GILMAN. Mr. Speaker, I want to alert my colleagues to the introduction of H. Con. Res. 331, by our distinguished Majority Leader, Representative ARMEY of Texas, which commends Israel's decision to withdraw its forces from Southern Lebanon. I am more than pleased to lend my cosponsorship and strong support to this resolution, which also calls on the U.N. Security Council to recognize Israel's fulfillment of Resolution 425, and to insist that all foreign forces be withdrawn from Lebanon. Also cosponsoring H. Con. Res. 331 are the distinguished minority leader, Mr. GEPHARDT of Missouri, as well as the ranking minority member of our House International Relations Committee, Mr. GEJDENSON of Connecticut.

Israel's courageous decision to pull out of Lebanon demonstrates its strong commitment to a peaceful resolution to the conflicts that trouble the region. I hope that Israel's courage is reciprocated by Syria and Iran in their dealings with Lebanon. By withdrawing from Lebanon, Israel will be in full compliance with United Nations Security Council Resolution 425.

Mr. Speaker, given the prior use of Southern Lebanon as a launching pad for attacks on Israel, the United Nations and the government of Lebanon must provide the necessary resources for UNIFIL and the Lebanese Armed Forces to stabilize Southern Lebanon. A major priority must also be to affirm Israel's right, as noted in Chapter 7, Article 51 of the United Nations Charter, to defend itself and its civilians from attack. I'm pleased that H. Con. Res. 331 sends a strong, bipartisan message of peace and stability to the region, and I urge our colleagues to cosponsor this important, timely resolution.

COLORADO STATE SENATOR DOROTHY "DOTTIE" WHAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, State Senator Dottie Wham. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Senator Wham's dynamic leadership will be greatly missed and difficult to replace.

Appointed to the Colorado Senate in 1987 and then elected from 1988 until present, she worked hard on juvenile justice and on the children's code of Colorado. She also dedicated a lot of energy on AIDS legislation, proposed adoption, and the salaries of elected county officials. Dottie served as the chairman of the Judiciary Committee, vice chair of Capital Development and chairman of the Criminal Justice Commission.

This year marked the end of Senator Wham's tenure in elected office. Her career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Senator Wham a debt of gratitude and I wish her well.

HOW TO DISCOVER NEW PHARMACEUTICAL CURES AT AFFORDABLE PRICES TO THE PUBLIC? THE BRITISH ADMIRALTY'S 1714 SOLUTION AND INTRODUCTION OF LEGISLATION TO SPEED THE CURE FOR DISEASES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. STARK. Mr. Speaker, today, I am introducing legislation based on the highly successful Act of Parliament of 1714 which established a prize for the invention of an absolutely essential tool: the modern sextant necessary to prevent shipwrecks.

My legislation would establish a series of prizes for the discovery of cures to many of the major diseases and illnesses that plague mankind. The prizes would be appropriate to the horror of the illness—$10 billion tax free for a cure or prevention for Alzheimer's; $10 billion for MS, $10 billion for AIDS, etc.

The condition—the quid pro quo—is that the prize would go to an inventor/company (and cooperative consultation would be encouraged) in exchange for making the medical breakthrough available to the world at the cost of production.

An unusual bill? Yes.

But it worked before. And we desperately need to find a way to bring disease-curing, break-through drugs to market faster, but at a price that is affordable to the people who need them.

I'm including in the RECORD a description of how the British Admiralty, quite tired of its fleets ramming into land unexpectedly and sinking with massive loss of life, offered the huge sum of £20,000 in 1714 for the person who could "discover longitude." The Library of Congress tells me that 20,000 Pounds Sterling in 1750 would be worth $401.4 million today. I assume that if the data allowed a conversion of Pounds to Dollars back to 1714, the amount would be about half a billion dollars. This huge prize led to a flurry of research and invention that produced the sextant and other devices and modernized the world of commerce and travel.

To cure Alzheimer's, or MS, or AIDS, or Cancer, or the other major diseases is, I believe, worth more than half a billion dollars, and I would propose a tax free $10 billion prize per major disease. On just Alzheimer's, for example, by 2025 with the aging of the Baby Boomers, it is expected that 14 million Americans will have Alzheimer's. Conservatively assuming $50,000 a year in current dollars for the various costs to "manage" an

Alzheimer's patient, the cost to society will be about $700 billion a year for this one disease! Clearly, a $10 billion prize would be a bargain. The NIH could guide us on the size of prizes for other designated diseases.

Why not rely on the current private sector process of finding cures?

First, a lot of current private industry research is wasted in the research on "me too" drugs, vanity drugs, and marginal improvements in existing products. The U.S. pharmaceutical companies profit levels are about 50 percent higher than their R&D budgets, and their overhead, sales, and lobbying expenses are twice as high. We need to focus the companies and the scientific community on major breakthroughs, not me toos.

Second, when a major breakthrough is invented, it is priced—at least in the United States—at such sky-high levels that access to life-saving drugs has become the major source of inflation in the economy and is unaffordable to the poor and sick. The industrialized world's drug companies resist allowing low cost production in the world's poorest nations, thus leaving millions to suffer and die needlessly, and even in America, the poor find their pharmaceutical care severely rationed.

The tax-free prize I am proposing would give any company or scientist the appropriate honor and monetary reward in exchange for ensuring the life-saving invention is available to society at a reasonable price.

Following is an excerpt from "Evolution of the Sextant" by Rod Cardoza of the Sea West Company.

Until the very early years of the 18th century a mariner's navigation consisted of sunshots to determine the latitude and dead reckoning, coupled with piloting, to estimate the longitude. Latitude, the distance north or south of the equator, is the horizontal component of the imaginary grid system encircling the earth, unaffected by the earth's rotation relative to the stars. Longitude, the distance east or west on the earth's surface, is the vertical component of these lines of position. It changes constantly, with respect to the heavens, as the earth rotates. Thus a key element in most methods of determining longitude is precise time keeping.

The onset of the 18th century saw new methods and instruments innovated for finding the elusive longitude. Among these, the lunar distance method found favor with the English, culminating in the perfection of the reflecting circle by Mayer, Borda, and Troughton toward the end of the century. Another method, longitude by change in compass variation, promised an easy solution in theory, but was not precise enough to be of any value in practice.

The search for the longitude generated some bizarre proposals. In one case Sir Kenelm Digby claimed that he had caused one of his medical patients to jump with a start, even though the two were separated by a great distance. This was accomplished by placing some specially invented "powder of sympathy" into a bucket of water and then adding a bandage taken from the patient's wound. This "fact" led to the suggestion that every ship should be equipped with a wounded dog. On shore, a diligent individual equipped with a standard pendulum clock and a powdered bandage from the dog's wound, would dip the bandage into water at the stroke of each hour causing the dog aboard the ship to yelp at the appropriate instant!

The impractical application of all these systems was becoming tragically obvious. Several instances of entire squadrons of British ships being lost due to imprecise navigation occurred in 1691, 1707, and again in 1711. These losses provided a final impetus to the British Admiralty to pass a bill "for providing a publick reward for such person or persons as shall discover the Longitude," in 1714. The amount of the reward was £20,000—a phenomenal sum at the time—indicative of the importance placed upon perfecting an accurate means of navigating.

Finally in 1735, John Harrison, a Yorkshire carpenter, successfully constructed the first marine chronometer having some components of wood and weighing 125 pounds! Because of its precise timekeeping ability, the chronometer, in perfected form, was later to become an indispensable addition to nearly every ocean-going vessel afloat. As a result of his successful contribution Harrison eventually received the reward. In the interim, the modern era in navigation had begun.

The increased activity in "the search for the longitude" also spurred innovative interest in other areas of navigation. In 1731 John Hadley demonstrated his new reflecting quadrant to fellow members of the Royal Society in London. His quadrant was based on the principle of light reflection and angles of incidence described by Robert Hooke, Issac Newton, and Edmund Halley nearly a century earlier.

PERMANENT NORMAL TRADE RELATIONS WITH CHINA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. BEREUTER. Mr. Speaker, on Wednesday this body is scheduled to consider H.R. 4444, the legislation that would provide the People's Republic of China with Permanent Normal Trade Relations (PNTR) status in the context of China's accession to the World Trade Organization. This Member believes that Sino-American relations are increasingly problematic and uncertain. China is not our enemy, though certain forces in the U.S. and China want it to be. China is certainly not our strategic partner, either. China is a strategic competitor with whom responsible engagement and cooperation is necessary to ensure peace and stability in the East Asia region.

This Member believes that the forthcoming vote on PNTR will have significant ramifications for Sino-American relations and how successfully we manage the challenges posed by China. It is in this regard that this Member recommends the following article from the Financial Times, a respected international newspaper, which provides an insightful analysis of the impact of the PNTR vote.

[From the Financial Times, May 18, 2000]

TRADE STATUS MAY HOLD THE KEY TO END OF ROLLER-COASTER RIDE IN US-CHINA RELATIONSHIP

(By James Kynge)

The last 21 years of US-China relations have been a roller coaster ride. Periods of bright optimism have swiftly subsided into mutual acrimony and, in 1996, a military stand-off in the Taiwan strait. But rarely, if ever, has a potential tear in the fraying fabric of bilateral ties been so visible—and avoidable—as now.

The decisive test will come next week, when the US House of Representatives votes on President Bill Clinton's proposal to safeguard China's US exports against possible discrimination by giving it permanent normal trade relations (PNTR) status. The proposal, which would abolish Congress's annual review of China's trade status, is prompted by the country's imminent admission to the World Trade Organization.

If Congress rejected PNTR, China could still enter the WTO but foreign diplomats and Chinese officials say rejection could cause a rupture in relations with the US more enduring and perilous than that which followed NATO's bombing of China's Belgrade embassy last year.

The most obvious impact would be felt by US corporations exporting to and operating in the world's most populous country. Beijing would be likely to exercise its right, under WTO rules, to deny them the unprecedented trade liberalisation and market access concessions that it has promised to make once it joins the WTO.

Adding insult to injury, the European and other companies that compete so intensely with US companies in China would enjoy the full benefits of the WTO package. "[It] would be absolutely disastrous for US companies. There is no other word for it. Disastrous," said a US executive.

US multinationals are not the only potential victims. For a Chinese leadership facing crucial challenges at home and in foreign policy, a congressional "no" would deal a harsh blow to the very people seen as relatively pro-US, reformist and supportive of a faster integration into the wider world.

Zhu Rongji, the premier, has already endured the opprobrium that flows from being seen as too pro-American. His political career languished for several months last year after he returned from Washington having failed to clinch a WTO deal despite offering concessions so deep that many Chinese saw them as "traitorous".

This time, Mr. Zhu, President Jiang Zemin and hundreds of other lower level officials who have displayed their reformist colours are potentially vulnerable.

This is mainly because one of the main arguments that reformers in China employed last year to persuade conservatives of the wisdom of WTO accession was that it would mean the end of an annual review of Beijing's human rights record in the U.S. Congress. If PNTR is not awarded, the review—an annual humiliation for Beijing—would stay.

Sandra Kristoff, a former White House staff member and now senior vice-president of New York Life, said after meetings in Beijing this week that there was potential for the whole U.S.-China relationship to become unhinged. "[If there is a no vote] there would be no way that we could convince them that this does not mean that the U.S. wants to contain them," she said.

A resurgence of resentful nationalism, evident in Beijing after the Chinese embassy bombing, could add to the already unstable mix of emotions that conditions China's responses on Taiwan, diplomats said. Beijing has sworn to prevent Taiwan independence, by using force if necessary.

To many Chinese officials, U.S. hostility towards Beijing and Taiwan's steady drift towards independence are two sides of the same coin. Thus any hopes of the U.S. acting as an honest facilitator for talks between Taipei and Beijing would be undermined if PNTR was rejected.

From the perspective of China's economic reforms, however, the effects of a decision not to award PNTR are less clear. A recent acceleration in free market reform is being driven by the prospect of WTO accession and by the objective requirements of an economy in urgent need of restructuring.

Neither of these two factors would, in theory, be affected by a refusal to normalise trade relations with the U.S. But in practice, there are distinct risks.

One is that conservatives and military hawks, empowered by a rupture in relations with the U.S. could convince Mr. Jiang to stall WTO accession and defer some of the more painful and controversial aspects of reform.

Such a scenario is far from unthinkable. Mr. Jiang is a master of compromise politics, and there is already some internal opposition to crucial reforms that appear to be whittling away the economic power base of the Communist party.

Perhaps that is one reason why Chinese dissidents such as Dai Qing are so in favour of PNTR. "Permanent normal trade relations would send the Chinese people a powerful message: the most powerful industrialised nation today will work with the Chinese people to build a new world order," said Mr. Dai.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Mr. VENTO. Mr. Chairman, I rise to express my concerns regarding the FY 2001 Transportation Appropriation rider, which would continue to freeze the Corporate Average Fuel Economy (CAFÉ) standards at current levels.

The CAFÉ standards passed by Congress in 1975 comprise one of the most successful environmental policies enacted in the past thirty years. Fuel efficiency standards save consumers millions of dollars at the gas pump while decreasing pollution and U.S. dependence on fossil fuels and foreign oil. Current CAFÉ standards save more than 3 million barrels of oil per day, and more than $40 billion at the gas pump each year.

While the current provisions have been effective, the increase in the number of light trucks and sport utility vehicles (SUVs) on the road warrants a revision of CAFÉ emission standards. Light trucks and SUVs now account for 47.5% of vehicles sold in the United States. Yet, they are held to a lower fuel efficiency standard than passenger automobiles. The result is that the fuel efficiency of vehicles sold in the United States has hit its lowest point since 1980. This is in itself circumvention of the policy path, as these vehicles are certainly a substitute for the family automobile. When you add the freeze of CAFÉ standards, it compounds the energy inefficiency of our present policy and law.

The environmental benefits of reducing emissions cannot be underestimated. Holding SUVs to the same standards as passenger cars would reduce emission of carbon dioxide by 30 tons over the life of the automobile. Increasing CAFÉ standards for light trucks would reduce urban smog and the buildup of greenhouse gases, an important step in the battle against global warming. Furthermore, increasing CAFÉ standards would bring the United States closer to a 7% reduction from 1990 carbon dioxide levels, as required by the Kyoto Agreement.

The recent spike in oil prices highlights anew the need to reduce U.S. dependence on fossil fuels and foreign oil supplies. The United States has the technological capability to produce clean and efficient energy. It is essential that Congress support these goals, and stop prohibiting revision of CAFÉ standards. I urge my colleagues to work today to preserve the environment for tomorrow. Oppose the CAFÉ-freeze rider attached to the FY 2001 Transportation Appropriation bill.

RECOGNIZING TINA TAHMASSEBI OF DAVIE, FLORIDA

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize the efforts of Tina Tahmassebi, of Davie, Florida. Tina was recently honored by the Third Annual Seventeen/Cover Girl Volunteerism Awards as a first place prize winner in the 18–21 age category. Indeed, Tina is very deserving of recognition for her role in founding the Universal Aid for Children REACH OUT program.

The Seventeen/Cover Girl Volunteerism Award rewards and honors teens and young women who have made extraordinary achievements in the fields of volunteerism and public service. In concert with the Volunteerism Awards, Seventeen Magazine and Cover Girl Cosmetics Company have awarded more than $90,000 in scholarship money, U.S. Savings Bonds and charitable donations. After examining Tina's extraordinary work, it is clear that her story exemplifies the tenets espoused by the Volunteerism Awards.

Tina founded the REACH OUT program while only a junior in high school. This student-run organization assists an orphanage and a vocational school in El Salvador by supplying medical supplies, office supplies, and clothing while simultaneously attending to the educational needs of the children involved in these programs. To purchase these much needed supplies, Tina and her group have held bake sales, car washes, and other fundraising events. Shipping more than $40,000 in relief to El Salvador to this date, Tina's efforts have undoubtedly made a lasting impression on those in the community.

Mr. Speaker, I would like to congratulate Tina Tahmassebi for her exemplary achievements in volunteering and public service. Tina has made a remarkable impact on the lives of the children in El Salvador, and her hard work is something that both she and the entire community can be proud of.

COLORADO STATE HOUSE REPRESENTATIVE DOROTHY GOTLIEB

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, Colorado Representative, Dorothy Gotlieb. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative Gotlieb's dynamic leadership will be greatly missed and difficult to replace.

Elected to the State House of Representatives in 1992, she has served on the Education, Transportation and the Energy Committees. Dorothy distinguished herself by working on issues concerning the budget. Dorothy pushes hard to make children the top priority in the legislature

The number of honors and distinctions that Representative Gotlieb earned during her years of outstanding service are too numerous to list, too few to do justice to her contributions to the State of Colorado.

2000 marked the end of Representative Gotlieb's tenure in the State House of Representatives. Her tenure embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative Gotlieb a debt of gratitude and I wish her well.

TRIBUTE TO JOHN C. SAWHILL

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. PORTMAN. Mr. Speaker, last Thursday, May 18, our nation and our world lost a remarkable leader with the passing of John C. Sawhill, the president and chief executive officer of The Nature Conservancy.

I had the good fortune to work with John and his staff over the last three years as we developed the Tropical Forest Conservation Act—legislation designed to protect the world's most threatened tropical forests. Under John's leadership, the Conservancy provided us with the technical expertise, research and political savvy to help ensure that the TFCA was enacted into law.

During John's long and distinguished career in public service, academia, and the private sector, he held senior positions in the Nixon, Ford, and Carter administration; served as president of New York University; and was a partner in the international consulting firm of McKinsey and Company.

John joined The Nature Conservancy in January 1990. Under his leadership, the Conservancy grew into the world's largest private conservation group and the nation's 14th largest nonprofit institution, with annual revenues of $780 million, over one million members, and a network of 1300 private nature reserves. Its mission is to preserve biodiversity by protecting wildlife habitat.

Samuel C. Johnson, the chairman of The Conservancy's National Board of Governors, noted that John's passing is sad news not only for the Nature Conservancy family, but also for the cause of conservation. I could not agree more. The Conservancy's remarkable record of achievement over the past decade is an eloquent testimony to John's energy, vision, intellect, and commitment to the mission of conservation.

During John's tenure, The Conservancy protected more than 7 million acres of land in the United States alone, including such landmark purchases as the 502-square-mile Gray Ranch in New Mexico in 1990 and the $37 million acquisition of Palmyra Atoll in the Pacific, announced only two weeks ago. His stewardship of the organization also saw the number of staff triple to the current level of 3,000 employees; total assets triple to $2.3 billion; and membership more than double.

Born in Cleveland, Ohio, on June 12, 1936, John was raised in Baltimore, Maryland. At the time of his death, he resided in Washington, D.C. and Washington, Virginia. He graduated *cum laude* from Princeton University's Woodrow Wilson School of Public and International Affairs in 1958 and received his Ph.D. in economics from New York University in 1963. From 1960 to 1963, he was assistant dean and assistant professor in the department of economics at NYU.

John served as a director of a number of major American corporations, including Consolidated Edison, RCA, Philip Morris, Crane Corporation, General American Investors, American International Group, Automatic Data Processing, and North American Coal. At the time of his death, he was serving as a director of the Procter and Gamble Company, Pacific Gas and Electric Company, and the Vanguard Group of Mutual Funds.

He was involved with a number of nonprofit organizations. He was chairman of the board of the H. John Heinz III Center for Science, Economics and the Environment. He served as a member of the President's Council on Sustainable Development and the Environment for the Americas Board, the group that oversees debt-for-nature swaps and the establishment of conservation trust funds in several Latin American countries.

In addition, he served on the Commission on the Future of the Smithsonian and chaired the task force on governance, management and financial resources. He also served as a trustee of Princeton University and was chairman emeritus of the Whitehead Institute for Biomedical Research in Cambridge, Massachusetts.

In September 1997, John became senior lecturer of business administration at the Harvard Business School where he taught and conducted research on not-for-profit institutions. John also published a number of books, articles, and reports about energy and energy-related subjects.

John is survived by his wife, Isabel V. Sawhill, a senior fellow at the Brookings Institution and president of the National Campaign to Prevent Teen Pregnancy; his son, James W. Sawhill, a senior vice president at Wells Fargo Bank in San Francisco; a grandson, John C. Sawhill II; a brother, James M. Sawhill, of Newport News, Virginia, and two sisters, Sally Supplee of Palo Alto, California and Monroe Hodder of London, England.

John was an inspiration to me personally. I considered him not only a colleague but a friend. He will be greatly missed.

CONGRATULATING UMPQUA TRAINING AND EMPLOYMENT, INC.

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. DEFAZIO. Mr. Speaker, I rise today to extend my congratulations to Umpqua Training and Employment, Inc. (UT&E), which celebrates its 25th anniversary on June 11, 2000. UT&E has been a pillar in the community, offering employment training, guidance, and aid to the citizens of Douglas County.

On June 11, 1975, the State of Oregon's Corporation Division of the Department of Commerce issued a certificate of incorporation to the District 6 Manpower Program. The nonprofit corporation was organized by a group of Douglas County residents who believed that federal employment and training programs should be administered by a private corporation governed by local directors. In 1981, the corporation began doing business under the name Umpqua Training and Employment, Inc.

Although UT&E's original focus was training the structurally unemployed—those who have difficulty getting and keeping jobs under any economic circumstances—they saw an increase in business during the recession of the 1980's. The unemployment rate shot past the 20 percent mark, and residents increasingly began to utilize UT&E services, which include labor market information, testing and assessment, job search training, career counseling, work experience opportunities, and occupational training both in the classroom and on-the-job.

In the mid-1980's Alcan Cable moved to Douglas County and established a unique partnership with UT&E by locating their human resource department in UT&E's offices. Applicants who may never have been considered for employment,found good jobs with an excellent local company, and UT&E began to actively participate in industrial recruitment efforts. They have assisted virtually every new employer who has located in Douglas County since 1987, including WinCo Foods, which is currently establishing their food distribution center, and Roseburg Forest Products which is building their new LVL and I-Joist plant.

In the early 1990's as the timber industry downsized, UT&E, the local office of the Employment Department, and Umpqua Community College formed a "rapid response unit" to assist workers displaced by plant closures and large lay-offs. With federal funds granted to especially hard-hit areas like Douglas County, UT&E helped almost 1,500 residents acquire new skills and new jobs.

UT&E has been recognized for its excellence by the Board of Douglas County Commissioners, the State of Oregon, and the Oregon Consortium. I join my colleagues in offering my personal congratulations to all those involved with Umpqua Training and Employment, Inc. on its 25th anniversary. Their tireless work in the community has provided countless jobs for the citizens of Douglas County, and I wish the members and beneficiaries of UT&E continue success in their future endeavors.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. HINOJOSA. Mr. Speaker, I am happy to announce that for the first time, a Children's Health Insurance Program, or CHIP, is available in South Texas. CHIP is low-cost health coverage provided under a state-subsidized insurance program. Any Texas uninsured child, newborns through age 18, are eligible. All costs are flexible, and based on family income. For example, a family of four qualifies if the household income is $34,000 or less. If you make more than that, you can qualify for greatly-reduced insurance through another program, Texas HealthyKids.

The CHIP operates like a Health Maintenance Organization, or MHO. It is run by the TexCare Partnership which partners with all 254 Texas counties to sponsor services through one of three different plans: CHIP, Medicaid, or Texas HealthyKids. CHIP provides services such as hospital care, surgery, x-rays, therapies, prescription drugs, mental health and substance abuse treatment, emergency services, eye tests and glasses, dental care, and regular health check-ups and vaccinations.

For Texas, CHIP is funded from the proceeds of our tobacco settlement with the tobacco companies a couple of years ago. It is critically important in our state because Texas has the highest rate of uninsured in the country. And unfortunately, Texas has the nation's second-highest number of uninsured children. The worst problem we have is that not enough parents are using this great program.

South Texas, in particular, has carried the burden of uninsured children for many years. About 1.4 million of Texas' 5.8 million children lack health insurance, but 470,000 of them are now eligible for coverage under CHIP. Almost one-fourth—109,000—of the newly-eligible kids live on the Texas-Mexico border. When children don't have health insurance, they have to rely on costly medical treatment at the last minute. This threatens the child's future well-being. But now we have a true opportunity to change that. CHIP will give a lot of children the opportunity to lead healthy lives, without the fear of getting sick.

Let me share a quote with you from a parent from my district who recently went through the enrollment process: "My husband and I are hardworking middle-income people who were disqualified from Medicaid because I became employed. We have two incomes and

* * * can't afford (insurance). Now we are told by TexCare Partnership we will have insurance for our children with low premiums and low co-payments that we can afford. My children have health care when they need it."

CHIP was first implemented in 1998 to address a national crisis—almost 12 million children that were without insurance. In Texas, we are now able to offer insurance to approximately 1.8 million children that otherwise would have none.

While we can make this offer, it is up to each parent or guardian to enroll, or at least inquire about getting, their children in this program. Believe it or not, the hardest part of the CHIP program is getting parents to enroll their children. More parents need to take advantage of this genuinely great program. I want to stress that even if a parent has never qualified for health insurance for their child before, now they can.

CHIP solves the cost problem for many Texas families. In CHIP, many families will only pay an annual fee of $15 to cover all their children in the plan. Some higher-income families will pay monthly premiums of $15 or 418, which covers all children in the family. Most families will also have co-payments for doctor/dental visits, prescription drugs, and emergency care. And families must re-enroll their children once a year. Children can only get this insurance if their parents apply, and I hope all parents will take the initiative and make certain your children are enrolled.

The application process is simple and straight-forward—any Texan can call 1–800–647–6558 between 9 a.m. and 9 p.m. Monday through Friday, and 9 a.m. to 3 p.m. Saturday. If parents want local assistance or information in my congressional district, they can call the organization "ADVANCE" at 956–618–1642, or visit any public library in Hidalgo County to pick up a bilingual brochure and application.

COLORADO STATE REPRESENTATIVE STEVE TOOL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, Colorado Representative, Steve Tool. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative Tool's dynamic leadership will be greatly missed and difficult to replace.

Elected to the State House of Representatives in 1992, Steve served on the Finance, Judiciary, and the Health Environment and Welfare and Institutions Committees. He has sponsored legislation regarding the penalty one might receive for child abuse resulting in death. Steve has also worked very aggressively in regards to school finance and trying to balance school finance in the State of Colorado so that there is equal distribution of funds to all communities.

The number of honors and distinctions that Representative Tool earned during her years of outstanding service are too numerous to list, too few to do justice to his contributions to the State of Colorado.

2000 marked the end of Representative Tool's tenure in elected office. His career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative Tool a debt of gratitude and I wish him well.

IN HONOR OF ESTHER KIM AND KAY POE ON THE OCCASION OF THE 2000 U.S. OLYMPIC TAEKWONDO TRIALS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to recognize Esther Kim and Kay Poe of the US Taekwondo team, who recently participated in the U.S. Olympic Taekwondo Trials in Colorado Springs, Colorado. Ms. Kim and Ms. Poe deserve this body's special recognition for their outstanding display of courage and sportsmanship.

Ms. Poe was set to fight her best friend Esther Kim, whom she has known for thirteen years, in the final match of the tournament, when Ms. Kim then made a most monumental decision, which will undoubtedly affect the lives of both taekwondo stars forever. Knowing that Ms. Poe was injured and unable to fight competitively, Ms. Kim forfeited the women's flyweight championship match and title in honor of her best friend.

Ms. Kim's "bow down" ended her chances of competing for the U.S. in Sidney this September at the Olympic Games. Mr. Speaker, this action clearly demonstrates Ms. Kim's courage and conviction, as well as her indescribable admiration and love for a friend.

Ms. Kim believed that Ms. Poe had worked harder at the sport and deserved the opportunity to represent her country. Poe was seeded number one in the world, while Ms. Kim was ranked tenth.

Rather then dishonoring her best friend by defeating an injured opponent, Ms. Kim chose to respect not only Ms. Poe's ability in the sport, but her determination in defeating her semi-final opponent after suffering an injury.

The Olympic Games are a pillar for international unity, as a plethora of athletic ambassadors compete for a chance to bring back a medal of outstanding athletic achievement for their respective nations. The U.S. teams' goals are very similar, in that our athletes make great sacrifices, with the hope that their efforts will be rewarded with a medal that can be brought back to our grateful nation.

Ms. Kim's father, Mr. Jin, who trained both Ms. Poe and Ms. Kim was honored by his daughter's decision. He believed that both athletes emerged victorious, as they worked together in honoring the team's final Olympic berth.

I salute Ms. Poe and Ms. Kim for their dedication and sacrifice and I ask my colleagues to join me in commending both Esther Kim and Kay Poe for their efforts at the U.S. Olympic Taekwondo Trials in Colorado Springs, Colorado.

HONORING JOHN CIFICHIELLO

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. CROWLEY. Mr. Speaker, I rise today to honor John Cifichiello from the Bronx. This Thursday, Mr. Cifichiello will be honored by Community Board #11 in the Bronx for his lifetime of service to God, country, and family.

Mr. Cifichiello is a lifelong rsident of New York City. He was born on August 24th, 1906 to Italian immigrants Vito and Rosa in their Greenwich Village apartment.

At a young age, his family moved to the Fordham section of the Bronx. Vito and Rosa, along with their daughter Josephine, sons John, Neal, and Fred worked hard and eventually bought their own home on Crotona Avenue. John worked in the printing trade and married Caroline Ciani of Pelham Parkway.

During World War II, he served in the Navy in Ireland and England and upon his discharge began a career in the Postal Service while helping to raise a son John, and a daughter, Carolyn.

Since the end of the war, Mr. Cifichiello has been a community and church activist. He is a past Commander of the Catholic War Veterans and, he has escorted veterans to mass each Sunday at the Kingsbridge Veterans Hospital. He has also been active in Mount Carmel's Holy Name Society and St. Vincent De Paul Society.

Mr. Cifichiello continues to serve as a member of Community Board #11 and is a past president of St. Lucy's Senior Citizens Association. He was a long term member of the Red Cross, participating in numerous blood drives for St. Lucy's and is also a past member of the Catholic Guild for the Blind. He served with the Pelham Parkway Little League for over twenty years, first as a coach and then as president.

Upon retiring from the Post Office in 1975, he began as a volunteer at the New York Botanical Gardens where he continues to serve. He continues to march in the Bronx annual Columbus Day Parade.

Mr. Cifichiello is also the proud grandfather of Peter, Matthew, Michael, John Melissa, and Carolyn.

Mr. Speaker, please join me in commending this volunteer and family man for his many years of service to his church, family, and his nation.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. RYUN. Mr. Speaker, yesterday, May 22, I was unavoidably detained and was not present for rollcall vote Nos. 211, 212, and 213. Had I been present, I would have voted "yes" on the rollcall No. 211, "yes" on rollcall No. 212, and "yes" on rollcall No. 213.

COLORADO STATE HOUSE REPRESENTATIVE ANDY McELHANY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, Colorado Representative, Andy McElhany. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative McElhany's dynamic leadership will be greatly missed and difficult to replace.

Elected to the State House of Representatives in 1992, Andy served as chairman of the State, Veterans and Military Affairs Committees. He was the sponsor of the 'Deadbeat Parent' bill and worked hard on the issues of health care reform, transportation, government efficiencies and tax reform.

Representative McElhany received many honors. One of his many honors was the the Colorado Library Association Legislator of the Year award.

2000 marked the end of Representative McElhany's tenure in the State House of Representatives. His career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative McElhany a debt of gratitude and I wish him well.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. GUTIERREZ. Mr. Speaker, yesterday I was unavoidably absent from the House floor when the following votes were taken: rollcall vote No. 211, rollcall vote No. 212, and rollcall vote No. 213. Had I been present in this Chamber when these votes were cast, I would have voted "yes" on each of the votes.

HONORING THE SERVICE OF WALTER W. SHERVINGTON TO THE MEDICAL PROFESSION AND HEALTH CARE

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mrs. CHRISTENSEN. Mr. Speaker, I rise to pay tribute to Dr. Walter W. Shervington, a noted psychiatrist and a hero of health care, for dedicating his life to the needs of both the communities in which he lived and worked and the Nation.

Dr. Shervington received his undergraduate degree from the University of Pennsylvania and his medical degree from the University of Maryland School of Medicine. His distinctive medical career involved active participation in numerous professional associations, which included the Black Psychiatrists of America, the National Association of State Mental Health Program Directors, the American Psychiatric Association and the American College of Psychiatrists. In February of this year, he was appointed to the Board of Directors of a new U.S. Olympic Committee, with oversight of drug screening for U.S. athletes participating in the Olympics.

In August of 1999 he was sworn into office as the 99th President of the National Medical Association (NMA). The NMA is a professional, scientific and educational organization that represents the interests of more than Twenty Five Thousand (25,000) African American physicians and the patients that they serve. It is an organization that is dedicated to establishing parity in medicine and the elimination of health disparities.

Dr. Shervington's three decade tenure with the NMA is a legacy of service, dedicated commitment, accomplishment and reflects the multiple and diverse positions that he held. He served as Chairman of the Section on Psychiatry and Behavioral Science; Delegate, Secretary, Vice Speaker and Speaker of the House of Delegates; Chairman of the Board, Vice President and President-Elect, before being sworn into office as President during the Association's 104th Annual Convention and Scientific Assembly.

His term as President brought national attention to the negative impact of Managed Care on African Americans, issues of parity and the access of African American patients to HIV/AIDS treatment. His expertise in the field of psychiatry enabled him to write and lecture extensively on mental health and the impact of HIV/AIDS on the African American community. He served as principal investigator and co-principal investigator on several HIV/AIDS projects and participated in the New Orleans Regional AIDS Planning Council, while being a member of the National AIDS Advisory Committee of the U.S. Department of Health and Human Services.

Until his death he served as Chief Executive Officer of the New Orleans Adolescent Hospital, a psychiatric hospital for children and adolescents serving the Greater New Orleans area. He formerly served as Medical Regional Director for the Office of Mental Health in the Louisiana Department of health and Hospitals. In 1992 he was appointed Assistant Secretary, Office of Mental Health, by Governor Edwin Edwards of Louisiana and was also an Associate Professor of Psychiatry at Louisiana State University School of Medicine. His death on April 15, 2000, ended the illustrious performance of an individual's contributions to various communities and the field of medicine.

On behalf of the Congress of the United States of America, I salute Dr. Walter W. Shervington for his dedicated service to his country, his profession and especially the African American community. I thank his wife Denise and daughters Shanga and Iman for sharing him with us.

HONORING LAURIE SPRACKLIN-NOEL

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. HULSHOF. Mr. Speaker, the word courage is used to describe many things. President John F. Kennedy wrote the best selling book "Profiles In Courage," and we in the House of Representatives are often asked to vote the courage of our convictions. Courage is often associated with our national war heroes. To a lesser degree, the word "courage" is used to describe athletes who persevere despite injury.

Winston Churchill defined courage as the first human quality because it is the quality which guarantees all others. While Sir Winston did not know Laurie Spracklin-Noel, his words surely describe her.

Laurie, a constituent, was recently diagnosed with stage-three cancer. As a wife, a mother of four, an OB/GYN nurse, an award winning actress and speaker, Laurie has shown her ability to succeed in many areas. At the same time, her most important accomplishment is yet to come. When this event happens Laurie will add the distinction of cancer survivor to her list! Laurie is determined to overcome her cancer through the combination of chemotherapy, the strong support of her family and friends in Moberly, Missouri, and her positive attitude and yes, her undaunted courage. In fact, Laurie has said, "even if this cancer were in stage four, I'm going to beat it."

While Laurie knows she is in the fight of her life, her attitude, disposition, and faith make this fight winnable.

Napoleon said, "Courage is like love; it must have hope to nourish it." Laurie is an inspiration to her family and community. They have hope that through her courageous efforts Laurie will win her battle.

Mr. Speaker, the thoughts and prayers of my colleagues and I go out to Laurie and her family and we wish them well for the future.

RUSSELL GEORGE, SPEAKER OF THE HOUSE OF COLORADO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, and my very dear friend, Colorado Speaker of the House, Russell George. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Speaker George's dynamic leadership will be greatly missed and difficult to replace.

Elected to the State House of Representatives in 1992, he served on the Agriculture, Judiciary, Joint Legislative Sunrise/Sunset, UMTRA Oversight, Children's Code Oversight, Capital Development, and G.A. Board of Ethics Committees. In 1996, he sponsored numerous legislation, including, revision of Child

Welfare Laws, water augmentation, right to farm, Colorado Children's Trust Funds.

Speaker George received many honors. He has received honors from the Colorado Association of School Boards, Colorado Bankers Association, Colorado Association of Naturopathic Physicians, Colorado Restaurant Association, Colorado Rehabilitation Coalition, Colorado Crime Stoppers, CCI Domestic Violence Coalition, Colorado Academy of Audiologists. In 1994 and 1996, he was the recipient of the AP Legislator of the Year award.

This year marked the end of Speaker George's tenure in elected office. His career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Speaker George a debt of gratitude and I wish him well.

HONORING BOBBY W. BEASLEY

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. ETHERIDGE. Mr. Speaker, today I pay tribute to one of my constituents, Bobby W. Beasley, the superintendent of Harnett County Schools. Mr. Beasley is retiring on June 30, 200, after 36 years of dedicated service to the children of North Carolina. He has served the people well, and his leadership will be sorely missed in my home county.

Bobby Beasley, like many of those educators who have moved North Carolina to the forefront of education reform over the past 20 years, was born in one of our rural counties, Union County near Charlotte, and grew to manhood in Laurinburg, a small town in the Sandhills of the state. After graduation from Laurinburg High School, he enrolled at East Carolina University in Greenville intent on becoming a teacher. Four years later, he began his career as a math teacher and coach at Stokes-Pactolus School in Pitt County.

After only 3 years as a teacher, Mr. Beasley was appointed principal of Bethel Elementary and Bethel Middle School, also in Pitt County, and he remained a school administrator for the rest of his career. Along the way, he also continued his formal education, obtaining the master's degree from East Carolina University and, later the six-year certification in school administration.

Mr. Beasley came to Harnett County in 1974, recruited by Superintendent R.L. Gray to be principal of Angier High School. Those were momentous times in Harnett County, a largely rural tobacco county about to be caught up in a tremendous school consolidation effort designed to make its schools the equal of those just north of it in Wake County, home of the state's Capital City. Mr. Beasley was a key advisor at this consolidation took place, moving in a principal of one of the new schools, Western Harnett High School, when it opened in 1977.

Quiet, well liked by students, and a curriculum and instruction specialist, Mr. Beasley ran Western Harnett High School for 10 eventful years before being appointed assistant superintendent for curriculum and instruction in the Central Office in 1987. His focus began countywide as the school system evolved from rural to urban. With the retirement of Superintendent Ivo Wortman in 1994, Mr. Beasley was handed the reins of leadership for the Harnett County system.

Mr. Beasley's terms as assistant superintendent and superintendent coincided with a decided push for education excellence on the part of North Carolina and its school systems. A testing and accountability system that has made the state an education leader in the nation was instituted in 1990 after the state dropped to the bottom of the nation in the SAT rankings in 1989. SAT average scores began a run upward in 1990 and have led the Nation in improvement. In addition, the state's scores on the National Assessment of Educational Progress have been among the nation's best.

Harnett County schools have responded well to this accountability demand. Under Mr. Beasley's direction, the average SAT scores have improved dramatically, this year topping the state's average. Writing scores of 4th graders are above the state average, and test scores across the board show that Harnett County students have responded to the need to work harder, score higher, and prepare themselves better for the technologically complex world in which they will live.

Harnett County has invested more than $77 million in new schools and school improvements during Mr. Beasley's tenure as superintendent. He has shown himself to be an effective voice for school improvement, to be a public servant our leaders trust and admire, and to be a visionary man who knows what our county can and should become.

It has been said that an elementary teacher may touch up to 1,000 students over a lifetime of teaching, that a high school teacher may influence 3,000, that a high school principal may impact perhaps 10,000 individuals. Bobby Beasley has served in each of these capacities—one after the other. He has gone on to take the awesome responsibility of running an entire system at a critical time in the life of Harnett County and been intimately successful.

It has been said that a man and his times must coincide if great progress is to result. This quiet man who believed in the students he taught and those who attended the schools he administered was in harmony with what was needed.

And Harnett County was better in the past—and will be eminently better in the future—because of Bobby Beasley's efforts.

HONORING FATHER PHILIP J. CASCIA OF PROSPECT, CONNECTICUT

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. MALONEY of Connecticut. Mr. Speaker, today I honor the remarkable contributions made by Father Philip J. Cascia of Prospect, CT, in the important cause of world peace. In setting up Intersport USA, a non-profit sports exchange program, he has for over a decade played a prominent role in promoting friendly relations between the people of the United States and those of other nations around the globe.

Father Philip J. Cascia was born in Springfield, MA, in 1951, later moving to Connecticut where he graduated from St. Thomas High School in Bloomfield. After his college education and theological training in Maryland, Father Cascia returned to Connecticut where in 1977, he was ordained as a Catholic priest for the Archdiocese of Hartford. His early assignments took him to Waterbury and Prospect, and in 1985 Father Cascia became the spiritual director at Sacred Heart High School in Waterbury. During this period Father Cascia's dedication to his local communities led to the establishment of a soup kitchen, a homeless shelter, a thrift store, and an affordable housing program. It is a mark of his leadership that all of these community services remain active to this day.

It was during his time at Sacred Heart that Father Cascia took the wrestling team that he had established for inner-city children at the school to the former Soviet Union. As the first trip of its kind, the initiative earned national recognition in both America and the USSR, as well as the attention of President Reagan, whose encouragement inspired Father Cascia to establish Intersport USA. Expanding the program, Father Cascia has taken his youth athlete exchange programs to China, Vietnam, South Africa, and Cuba, and is now working to organize programs with Libya, North Korea, and Japan. Many of Intersport's programs have evolved into regular exchange visits.

Intersport USA has profoundly shaped the experiences of young athletes, allowing them to mingle freely with their counterparts from other countries, both competitively and socially. Father Cascia continues to be at the forefront of this work, fostering mutual respect among all participants, and allowing goodwill to replace ignorance and hostility.

Through this sports-based diplomacy, Father Cascia has acted as a tireless ambassador for peace, laying the foundations for friendlier relations between America and the countries in which he has visited. One example was his visit in 1990 to Hanoi, where at the entrance to the sports arena, the Vietnamese Government raised the American flag for the first time ever in that city. He has not only met his stated goal of "plant(ing) the seed of peace and understanding in the minds and hearts of young athletes," but has also helped secure a more peaceful future for America's citizens. Mr. Speaker, I welcome you and the House of Representatives joining with me today in commending Father Cascia on his work and on his success in promoting greater understanding between nations around the world.

SUSAN KLINE NAMED RECIPIENT OF THE 18TH ANNUAL KODIMOH BROTHERHOOD HUMANITARIAN AWARD

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity today to honor my constituent, Ms. Susan Kline, who on Tuesday, June 20th will be named the recipient of the Kodimoh Brotherhood Humanitarian Award by Congregation Kodimoh in Springfield, Massachusetts.

It was 18 years ago when Max Gruber, Kodimoh past president, established the Kodimoh Brotherhood Humanitarian award. The purpose of this award is to honor persons in the community who have distinguished themselves for their outstanding commitment and service to worthy causes.

This year, Susan Kline, past president of Kodimoh and long-time member of the Executive Board, has been selected to receive this distinguished honor.

Ms. Kline is an active volunteer and lifetime member of the Kodimoh Sisterhood. She is a trustee of the Harold Grinspoon Supporting Foundation and is president of the board of the Resource Center for Jewish Education. Ms. Kline also serves on the board of the Greater Springfield Jewish Federation and is a member of its Community Planning Committee.

Susan Kline serves as a board member of Spectrum Home Health Care, and is involved in Hadassah and other women's organizations. She is an avid tennis player and is president of the Field Club of Longmeadow.

A native of Auburn, Maine, Susan Kline was educated at Harvard University where she earned a Bachelor of Arts in modern European History and Literature and a Master of Arts in Teaching. She and her husband Edward live in Longmeadow. They have two grown daughters, Judith and Elinor.

I would like to take this opportunity today to congratulate both Susan Kline upon receiving this honor and Congregation Kodimoh for one more year of honoring and instilling the ever so important notion of community and national service.

COLORADO STATE SENATOR DAVID WATTENBERG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, State Senator Dave Wattenberg. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Senator Wattenberg's dynamic leadership will be greatly missed and difficult to replace.

Elected to the Colorado Senate in 1984, he served as the chairman of the Agriculture, Natural Resources, Energy Committee. Dave also served on the Business Affairs and the Labor Committees. He sponsored bills on things such as, horse racing, water issues, mining, transportation and tort reform. His main focus was on agriculture, water, ranching issues and banking issues.

Senator Wattenberg received many honors. In 1989 and 1990, he received the Legislator of the Year from CACI. In 1988 he received awards from Colorado Ski Country USA, and the Consulting Engineers Council. He was also honored with the NFIB Guardian of Small Business award.

This year marked the end of Senator Wattenberg's tenure in elected office. His career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Senator Wattenberg a debt of gratitude and I wish him well.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Ms. WOOLSEY. Mr. Speaker, due to a previously scheduled family event, I missed rollcall votes Nos. 207–210. Had I been present, I would have voted: Rollcall No. 207—"yea"; rollcall No. 208—"no"; rolloall No. 209—"no"; rollcall No. 210—"yea."

INTRODUCING A HOUSE CONCURRENT RESOLUTION PROVIDING FOR THE PLACEMENT OF THE CHIEF WASHAKIE STATUE IN STATUARY HALL LOCATED IN THE UNITED STATES CAPITOL

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mrs. CUBIN. Mr. Speaker, I am honored today to present to the Members of the U.S. House of Representatives a concurrent resolution providing for the placement of the Chief Washakie statue in Statuary Hall located in the U.S. Capitol.

As the resolution states, Chief Washakie, leader of the Eastern Shoshone Tribe, contributed greatly to the settlement of the west by allowing the Oregon and Mormon trails to pass through Shoshone lands.

Chief Washakie was well known as a distinguished leader and a stately warrior who bravely defended the Shoshone and their allies. Additionally, Chief Washakie was the only chief to be awarded a full military funeral.

On behalf of the people of Wyoming I am proud to put forth this legislation providing this commemoration of one of the State's most celebrated names.

REMEMBERING THE PRICE OF FREEDOM

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. BILIRAKIS. Mr. Speaker, on this Memorial Day, as on similar days in years past, we remember the contributions of the millions of men and women who served in our Armed Forces. It is also a day to instill in younger Americans the tradition of honoring those who died in service to their country.

This year we commemorate two important events—the 50th anniversary of the Korean war and the 25th anniversary of the end of the Vietnam war. These anniversaries remind us of how important it is to remember our history and to honor those who died to protect our future.

Memorial Day is a time for new generations to learn about the price America has paid to preserve freedom and lead other nations to democracy. Those of us who lived through the cold war have a responsibility to educate our children and grandchildren about the dangers still present in the world—and the need to maintain defenses strong enough to deter potential adversaries.

The words "freedom" and "democracy" are most often used to explain why members of our Armed Forces gave their lives to defend our country. And in far-off places such as Bosnia and South Korea, American men and women are still fighting for these principles.

There are no words to adequately describe the supreme sacrifice made by brave Americans who died in service to this Nation. But we can demonstrate our deep respect for them—and their families—by remembering their struggle.

Each of us has an obligation to honor the sacrifices of those who have worn the uniform of our Armed Forces. On Memorial Day, take time to remember that our freedom was paid for in blood on battlefields around the world.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. SHAYS. Mr. Speaker, I am not recorded on rollcall votes 211, 212, and 213. Had I been present, I would have voted "aye" on H.R. 3852, a bill extending the deadline for commencement of construction of a hydroelectric project in Alabama; "aye" on S. 1236, a bill extending the deadline for commencement of construction of a hydroelectric project in Idaho; and "aye" on H. Con. Res. 302, which provides for a national moment of remembrance to honor men and women who died in pursuit of freedom and peace.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. BALLENGER. Mr. Speaker, on Monday, May 22, 2000, I missed rollcall votes 211 (H.R. 3852) and 212 (S. 1236). Had I been present I would have voted "yea" on both.

TRIBUTE TO THE LATE JOSEPHINE BARNETT LACKEY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. PICKERING. Mr. Speaker, my heart is heavy and saddened today at the passing of Mrs. Josephine Barnett Lackey, affectionately known as "Miss Jo", who passed away unexpectedly on Sunday May 14, 2000, at the St. Thomas Hospital in Nashville, TN, after suffering cardiac arrest. "Miss Jo", a constituent of mine from Forest, Mississippi, was the wife of Jimmy Lackey, owner of Lackey Home Center in Forest, and one of the more prominent Tennessee Walking Horse Breeders, and Exhibitors in our state. Her death was untimely, and has certainly shocked and devastated the Forest community.

"Miss Jo" grew up in the Standing Pine community in Leake County, and graduated from Walnut Grove High School. She graduated from Delta State University with a degree in Elementary Education in the spring of 1950, and shortly thereafter moved to Forest where she taught in the Forest School System. She and Mr. Lackey were married in 1953, and on July 12, 2000, they would have celebrated their 47th wedding anniversary. For more than 50 years, she was a resident of Forest.

"Miss Jo" delighted in meeting, greeting and helping people. That was her hallmark. That is why the Gift and Bridal Registery Shop she operated in the Lackey Home Center was such a fascination and delight to her. She loved being with people, and offering suggestions that would make their life happier and enjoyable. Sid Salter, editor-publisher of the Scott County Times, summed it up real well when he said in his May 17, 2000, editorial, Josephine Lackey, "there are few homes in Forest that don't have a piece of fine crystal or china hand chosen by Jo Lackey as a gift. For rich and poor alike, she gave her best advice and treated every customer at Lackey Home Center as a friend."

"Miss Jo" was president of the Forest Garden Club, and was a member of the Hontokalo Chapter of the National Society of the Daughters of the American Revolution. She was a member of the Forest Baptist Church and was a substitute Sunday School teacher. Her love and faith in God, and the Lord Jesus Christ, was most evident in the two scripture passages that were used by her Pastor Reverend Gordon Sansing, and her former Pastor Sonny Adkins as the text for their remarks at her funeral. The passages were: Psalms 71:17–18 "O God, thou has taught me from my youth; and hitherto have I declared thy wondrous works. Now that I am old and greyheaded, O God forsake me not, until I have shewed thy strength unto this generation, and thy power to every one that is to come", and Proverbs 3:5–6 "Trust in the Lord with all thine heart, and lean not unto thine own understanding. In all thy ways acknowledge Him, and He will direct thy paths."

Again, quoting Sid Salter, "Josephine Barnett Lackey was—by every rational measure of mind, body and spirit—a beautiful, elegant woman. Blessed with the beauty nature gave her as a young woman, Josephine Lackey merited the still beautiful face of a faithful wife, devoted mother and grandmother, hardworking business woman and dependable friend she had earned at the age of 70 when her great heart finally failed her.

Our community is diminished by her passing and we will—with her family—sorely miss her."

"Miss Jo" had a deep love for her family that included husband, Jimmy, son Jim, daughters Julie and Jenny along with their husbands, and five grandchildren. Another daughter, Joy, preceded her in death in 1996.

Without a doubt, the legacy that "Miss Jo" would want us to remember her by is the love she had for her Lord, her Family, her Church, her Friends, her Country, her State, and by all means her love for Forest and Scott County. She was truly a dedicated Christian lady, and a great American. I extend my heartfelt sympathy to her family. Also, I want to express my appreciation, and that of all citizens of the 3rd district for her life of service, and contributions to the betterment of our world.

TRENDS CONCERNING THE ASIAN DEVELOPMENT BANK

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. BACHUS. Mr. Speaker, I rise today to inform my colleagues about several recent disturbing trends at the Asian Development Bank [ADB]. The Bank recently concluded its annual meeting in Chiang Mai, Thailand. Two of my Banking Committee staff recently attended the annual meeting at the invitation of the U.S. Department of the Treasury.

By way of general background, the Asian Development Bank [ADB] was established in 1966. The Bank also operates a concessional, below market rate, lending facility; the Asian Development Fund [ADF] created in 1974. There are 58 member countries, 42 of which are based in the Asia-Pacific region and 16 are non-regional. The United States and Japan are the largest shareholders in the Bank, each with a 16 percent ownership share.

The purpose of the ADB is to promote sustainable development in the poorer countries of the Asia-Pacific region through project investment lending, policy reform lending and advice, and technical assistance. Through 1999, the United States has received over $4.6 billion in business procurement from the Asian Bank Group.

By tradition, Japan nominates the president who also serves as chairman of the board. In many ways, the ADB is a very Japanese institution. The president selects board committee members and committee chairs. He appoints Japanese nationals from the Ministry of Finance in Tokyo to serve as the treasurer, and the head of the important Budget and Personnel Department. Japanese staff occupies other key management positions, notably the head of the Strategy and Policy Department and at least one of the two powerful programming department directorates.

Under the leadership of the Bank's previous president, Mitsuo Sato, the ADB established an enviable track record as one of the most progressive and reform-minded of any of the multilateral development banks. President Sato worked closely with the United States and other shareholders to inaugurate a series of sweeping and forward-leaning policy changes designed to increase substantially the institution's development effectiveness.

Among these reforms was a decision to invest more in basic human capital (for example, basic education, health and sanitation), an effort to strengthen project quality, increase the transparency and accountability of its own operations, establish an information policy based on the presumption of disclosure, the creation of an inspection panel, the formulation of an explicit governance and anti-corruption policy, a coordinated effort together with UNICEF to improve child nutrition and early childhood development, a proactive policy for outreach to non-governmental organizations [NGOs], as well as a gender and development policy.

But President Sato stepped down in early 1999. He was succeeded by Tadao Chino, a former Vice Minister of Finance for International Affairs. In style, outlook, and temperament, he appears quite different from his predecessor. More consequential, he appears to be taking the institution in the wrong direction—a direction that is far less multilateral and less inclusive.

From the outset of his tenure, the ADB has become notably less open to the views of others, including the United States. Indeed, Bank management has aggressively advanced its own agenda over the concerns and even strong objections of the United States and other shareholders.

Examples of the high-handed management style of the Bank's new leadership includes unilateral exclusion of the United States from chairing the Board's Budget Review Committee even after repeated protest from the Treasury Department; programming excessively high lending levels in order to accelerate discussion of a general capital increase; and resistance to formalized cooperation with the World Bank. More broadly, key policy and operational issues are advanced quickly over the objection of major donor shareholders when it suits Bank management, and capriciously stalled when it does not.

The United States during the 1999 annual meeting raised many of these internal governance and management issues. But it would appear that precious little progress has been made. Whereas the Bank was once a reform leader, it now lags not only the World Bank but every other regional multilateral development bank [MDB] in embracing needed reforms and has been resisting calls for more substantive change in the Asian Development Fund negotiations [ADF–8].

To be fair, the Bank under President Chino has embraced poverty reduction as its overarching mandate. But this occurred only after repeated calls from the United States and other major shareholders that a poverty reduction policy paper be presented to the board by the time the ADF–8 replenishment negotiation began in October 1999. The Bank remains far behind in turning this policy commitment into operational practice.

Most recently, President Chino is resisting the United States nominee for the Bank's American vice president. By tradition, there has always been a U.S. national as vice president, a European vice president, and a vice president representing a non-borrowing regional. The current U.S. vice president, Peter Sullivan, will retire this summer. Chino is mounting an unprecedented challenge to Treasury's candidate. Never before has a Japanese Bank president challenged the right of the United States to name its candidate for vice president. Why the resistance? I have no first hand knowledge, but would note that a recent issue of Emerging Markets speculates that if the strong-minded, experienced candidate were appointed to a vice-presidential slot at the Bank, "she could begin chipping away at the power exercised from 'behind the throne' by the small clique of Japanese 'advisors' to the president." Whatever the case, it is incumbent on the United States to support its nominee and insist that U.S. prerogatives be respected.

Moreover, I understand that President Chino has literally created a fourth vice president with wide-ranging powers without consulting the board. He disregarded concerns repeatedly raised by the U.S. Executive Director's office that the reorganization of the functions of the Strategic Policy Department should not be undertaken without consulting the board. The department director is a Japanese national.

More broadly, President Chino's pattern of stonewalling the United States and other member donors has been repeatedly in his non-responsiveness to the concerns of interested parties outside the Bank. It has been reported that he refused to receive representatives of student and NGO protesters at the annual meeting in Thailand. He may even have been less than courteous to his Thai hosts at an important official function involving members of the royal family.

In addition to numerous internal governance and the above personnel issues, there is also a growing concern that Bank management is trying to turn the ADB into a defacto secretariat for a future "Asian Monetary Fund." As Members may recall, Japan earlier proposed to create an "Asian IMF" during the worst of the global financial crisis of 1997–1998—an idea that had only tepid support within the region and which was opposed by the United States.

However, elements of this approach have begun to insinuate themselves into the organizational structure of the ADB. First, in March 1999 the Bank approved the "Asian Currency Crisis Support Facility." This $3 billion fund, financed entirely by Japan but administered by the Bank, was established to provide guarantees to Asian crisis countries on sovereign bond issues, in conjunction with ADB loans. Among other issues, this mechanism inappropriately would allow obligations under the facilities to be accorded preferred creditor status.

In addition, the Finance Ministers of the Association of Southeast Asian Nations [ASEAN] asked in 1999 that the Bank temporarily house its economic monitoring secretariat. Over U.S. resistance, the ADB established and expanded this surveillance unit, in possible competition with the IMF. Contrary to view of some United States economists, like Stephen Roach of Morgan Stanley, I suspect few Asian countries would want to participate in a Japan-led regional monetary fund, in large measure because of what is perceived by many in the region as Japan's ongoing failure to confront and deal with its militarist past. On the other hand, many of these countries are borrowers from both the ADB and Japan. They may be persuaded to go along with Tokyo in a desire not to disadvantage themselves when they request the Japanese Government at the ADB for loans and to position themselves to receive additional foreign aid credits from Japan.

Mr. Speaker, it sadly appears that the Asian Development Bank is at a crossroads. Confidence is eroding in the capacity of the institution to pursue effective development strategies in a manner that is accountable, participatory, and transparent.

At the risk of presumption, it would appear high time that the administration make clear in no uncertain terms its deep concern over the present leadership at the Bank. As the chairman of the authorizing subcommittee with jurisdiction over the international financial institutions, I would simply note that both Treasury and the ADB should be on notice that an institution that pursues the narrow objectives of a few, adopts a haughty and intolerant management style, and now lags all other regional MDBs in key reforms is unlikely to command broad congressional support.

In conclusion, Mr. Speaker, wise leaders on both sides of the Pacific understand that, despite our occasional differences, the two major shareholders of the ADB—Japan and the United States—must work together if the Bank is to effectively address poverty reduction as well as help meet the many other needs and challenges of the Asia-Pacific region in the 21st century. I hope and expect our two great countries can work hand in hand at the ADB, as we have so often in the past, to uplift the lives of people throughout the region and reach our common goals to foster sustainable development.

A SPECIAL TRIBUTE TO WILLIAM N. MORGAN ON THE OCCASION OF HIS RETIREMENT FROM THE OHIO BANKERS ASSOCIATION AND IN CELEBRATION OF HIS PUBLIC SERVICE TO THE STATE OF OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay special tribute to an outstanding individual and a devoted public servant from the State of Ohio. Later this summer, William N. Morgan will retire from his position as senior vice president of the Ohio Bankers Association after more than 25 years of dedicated service.

Bill Morgan's call to duty and service began as he enlisted in the U.S. Army in 1957. After three years of work with the Military Police Criminal Investigation branch in Germany, Bill left the military and prepared for his future taking a position as chief deputy sheriff in Perry County. Bill also served as chief probation officer with the New Lexington Juvenile Court.

With a keen interest in government and politics, Bill was elected mayor of the city of Shawnee in 1966. Bill's commitment to public service continued when he was named deputy director of the Tax Collection Department within the Ohio Treasurer's Office. Four years later, in 1970, Bill assumed the role of director of public affairs for the Ohio Association of Insurance Agents. Then, in 1974, Bill began his distinguished tenure with the Ohio Bankers Association.

Mr. Speaker, I have known Bill Morgan for many years and have had the opportunity to work with Bill on a variety of issues during my tenure in the U.S. Congress and as president of the Ohio Senate. I am not alone in saying that Bill Morgan is a man of honor and integrity and has given freely of his time and talents to further public policy. Bill has been a good friend and his public service to the State of Ohio will be sorley missed.

At this point, Mr. Speaker, I would urge my colleagues in the 106th Congress to rise and join me in paying special tribute to Bill Morgan on the occasion of his retirement. We wish him, his wife, Virginia, and his entire family the very best now and in the future.

HONORING VELUPPILLAI SIVAPALASINGAM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. ENGEL. Mr. Speaker, I am joining Montefiore Medical Center, a keystone of health care for the Bronx community, in honoring Veluppillai Sivapalasingam for his quarter century of conscientious and compassionate service to the citizens of the Bronx, especially those from the Norwood neighborhood.

He joined Montefiore's Radiation Oncology Department 25 years ago and began a career of helping his professional, administrative and support staff, his students, and most especially, his patients.

When he joined Montefiore he was the first Clinical Instructor for the School of Radiation Therapy Technology and in the ensuing 25 years he has taught all of the graduates as well as the current students the clinical skills required to use a Linear Accelerator for patients diagnosed with cancer. He has dedicated his time and talents to the technical and medical staff and has served as a tireless advocate for patients.

His devotion to family, friends, colleagues and patients over his quarter century with Montefiore has earned him the honored sobriquet of a true gentleman. Mr. Sivapalasingam has given much to this community. I congratulate him for all of his good work and wish him many more years with us.

165TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF ROME, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. BARR of Georgia. Mr. Speaker, the history of the Seventh District of Georgia is rich in the accomplishments of its citizens and institutions. Today I recognize the celebration of the 165th anniversary of Georgia's Rome First Baptist Church. The Church has played a historic role in Rome and Floyd County in northwest Georgia.

The "Rome Baptist Church" was organized on May 16, 1835, by six charter members. The first church home was a frame building at the corner of West Eighth Avenue and West First Street. In 1855, the second sanctuary was constructed on the corner of East Fourth Avenue and East First Street. This church was damaged during the course of the War Between the States, and was closed from 1864 to 1865. The Church was re-opened in the spring of 1867 after extensive repairs were made. In October 1882, the church voted to "take down the present building and put up a new one in proper style; a house that would seat seven to eight hundred persons and would be a credit to our denomination and city and would probably cost $18,000 to $20,000." This new, bigger building was dedicated in 1883. The name was changed in 1893 to "First Baptist Church." Later, in 1924, the Sunday School annex was added to the Sanctuary, and in 1947 the new chapel was dedicated. The present sanctuary was constructed in 1958. The First Baptist currently has approximately 1,000 resident members.

The First Baptist Church of Rome has always been involved in missions. Luther R. Gwaltney, pastor of First Baptist from 1869–1876, was instrumental in founding Cherokee Baptist Female College (now Shorter College) with the help of Alfred and Martha Shorter in 1873. Several other churches in Rome grew out of First Baptist, including Thankful Baptist Church, founded by many former slave members of Rome Baptist Church in 1867; DeSoto Baptist Church (later called Fifth Avenue Baptist Church) in 1882; Lindale First Baptist Church in 1898; East Side Baptist (later called Second Avenue Baptist) in 1907; South Broad Baptist in 1909; DeSoto Park Baptist in 1910; Lahaina Baptist Church, Maui, Hawaii in 1973; Lebanon Valley Baptist Church, Pennsylvania in 1979; and Towne View Baptist Church in Kennesaw, Georgia in 1989.

The church has sponsored numerous members on mission trips to many parts of the world, such as Liberia in 1986, and Honduras in 1988; a youth mission trip to Lake Placid, New York; a mission trip to Panama; a mission team to Prague in 1995; a mission trip to Spain in 1996; mission trips to Romania, Czech Republic, Tennessee, and South Dakota in 1997; a medical mission to Honduras in 1998; a mission trip to the Middle East in 1998; and trips to England and Alaska in 1999. In addition, the Koinonia Soup Kitchen was founded in 1982 by the downtown churches and meals have been served the last week of each month in the fellowship hall since that time.

The mission of the First Baptist Church is to be a community of believers who seek to mold their lives after the heart of Jesus Christ, and where they seek to be His hands in missions and ministry. "Seeking His heart . . . being His hands."

When speaking of the South, the phrase "the Bible Belt" is often used. The importance of family values and family worship is of profound importance to the majority of the people in Georgia, and they are proud of their religious beliefs and heritage. Congratulations to the staff and congregation of the First Baptist Church of Rome, for their devotion to God and their service to our community and fellow citizens.

IN HONOR OF THE TEACHERS, PARENTS, ADMINISTRATORS AND STUDENTS OF VALLEY VIEW MIDDLE SCHOOL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. GALLEGLY. Mr. Speaker, today I recognize the parents, students, faculty, and staff whose dedication to excellence has earned Valley View Middle School, in my hometown of Simi Valley, California, recognition as a national Blue Ribbon School.

Valley View Middle School is a shining example of what can happen when parents, teachers, and administrators collaborate on the best approaches for providing a quality education. Each year the school formulates a new motto. This school year it was "Learn from the Past . . . Look to the Future." That motto says a lot about how the school has progressed over the past several years.

The Northridge earthquake hit in 1994. Valley View is six miles from the epicenter. A month later, a student was stabbed to death at the school. From that physical and emotional devastation grew a renewed commitment to make the school safe for the students. It also inspired the Valley View community—parents, students, educators, and staff—to evaluate their situation and develop a vision for the future.

They did it through IDEALS: Independence, Diligence, Exploration, Academics, Leadership, and Social Skills. In their words, IDEALS gave the Valley View community "a common focus that builds unity in our efforts to provide the best possible learning opportunities for our students."

Valley View helps students understand the options available to them. It instills in them a sense that choices have consequences, and good choices lead to a good, productive life. Valley View strives for academic excellence in a safe, secure, and stimulating environment.

Valley View's recognition as a Blue Ribbon School is but one small measure of their success. The more important measure is the students who leave the school with knowledge, confidence, and faith in their futures.

Mr. Speaker, as our nation works in concert to better our education system, it would serve us well to study the successes of our Blue Ribbon Schools. They are the best of the best and a key to our future. Their creativity and response to their communities' needs prove what can be accomplished. I know my colleagues will join me in applauding Valley View Principal Jan Britz, her entire staff, and the parents and students of Valley View for striving for—and reaching—this level of excellence.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. LANTOS. Mr. Speaker, I rise today to call the attention of my colleagues to a special remembrance during May of Asian/Pacific American Heritage Month. I would especially like to express appreciation and respect for Asian/Pacific Americans and their invaluable contributions to our country. Asian/Pacific Americans are an integral part of the diversity of this country. Mr. Speaker, the greatness of this country rests upon all its members embracing both the common bond of freedom and democracy, and equally, the fact that nearly all Americans are either immigrants themselves or descendants of immigrants, participating in a country and society of remarkable history and myriad cultural traditions. The Asian American community itself reflects the wonderful diversity of this country. Southeast Asians, South Asians, East Asians, and Pacific Islanders are all groups which have faced different obstacles and overcome different odds to their lives as Americans.

The term Asian/Pacific American encompasses such a wide range of categories that it is doubly ironic that they have faced so many stereotypes, damaging assumptions, and injustices, in this country. Mr. Speaker, our country witnessed the honorable service of those patriotic Japanese American soldiers who fought in World War II, while their family members and friends were forced into internment camps. We should never forget the loyalty of Hmong veterans, Chinese-Americans who gave their lives building railroads across this country, South-Asian immigrants denied equal employment opportunities, and those Asian/Pacific Americans who were the innocent victims of hate crimes.

Despite the struggle that Asian/Pacific Americans have faced in this country, they have been among our nation's finest and greatest contributors, scientifically, economically, artistically, and politically. Mr. Speaker, I am extremely fortunate to work side-by-side with such great Asian/Pacific-Islander contributors as Congressman FALEOMAVAEGA, ROBERT MATSUI, PATSY MINK, DAVID WU, and also, Mr. UNDERWOOD. They are not the only Asian Pacific-Islander leaders of note. I am especially privileged to work with such great humanitarians as Bill Lann Lee, the Acting Assistant Attorney General of Civil Rights and Harold Koh, the Assistant Secretary of Democracy, Labor, and Human Rights. By appointing more Asian Pacific Americans than any former President has, President Clinton has, I hope, only begun what will become an increasing trend in political appointments.

Mr. Speaker, there is a long list of Asian/Pacific Americans who have contributed intellectually and culturally to this country. Perhaps some of the most inspired and famous of these contributors are Asian/Pacific American women. ABC news correspondent Connie Chung has been a respected media presence for years. Doris Matsui, who is the current Deputy Assistant to the President has long been a prominent public service figure. Architect Maya Lin has given America an unforgettable monument to the Vietnam War. Writers Iris Chang, Jhumpa Lahiri, winner of this year's Pulitzer Prize for Fiction, and Janice Mirikatani, the current Poet Laureate of San Francisco have gained widespread critical and popular recognition for their work. Two years ago, Kalpana Chawla became the first Indian American astronaut in space. Mr. Speaker, Asian/Pacific American women have truly taken the public spotlight with their accomplishments and courage.

On a national level, we are all familiar with the scientific work of Dr. David Ho, an innovative researcher who has battled to fight the AIDS virus. Throughout the world, Mr. Speaker, we have the privilege of being surrounded by breathtaking architecture, and among the most amazing buildings are the exquisite structures which reflect the visions of I.M. Pei—the magnificent East Wing of the National Gallery of Art here in Washington, the John F. Kennedy Presidential Library in Boston, the entrance to the Louvre in Paris, and many others. Across the United States, people have been moved by the thoughtful essays of Ronald Takaki, the memoir-based fiction of Chang-Rae Lee, and the musical inspiration of Zubin Mehta and Yo-Yo Ma. We are all awed by the strength and grace of athletes such as Michelle Kwan, former 49er Jesse Sapolu, and golfer Tiger Woods.

Mr. Speaker, I especially wanted to highlight three wonderful Asian/Pacific American heroes in my home district of San Mateo/San Francisco. They are Alice Bulos, an activist for Filipino-American issues, Ann Ito, the co-founder of the League of Women Voters, and David Louie, a premiere reporter seen on the local Channel 7 News. Mr. Speaker, these local pioneers are incredible contributors to the cultural vitality of the San Francisco Bay Area and an integral part of the active Asian/Pacific American population which is a hallmark of the Bay Area.

Mr. Speaker, to individually recognize each of the Asian/Pacific Americans who have made outstanding civic and social contributions to this society would be an endless task. However, I believe that this month we should take the time to understand and realize that every Asian/Pacific American in this country has faced varying levels of ignorance and harmful bias in this country. It is our duty as Members of Congress to fight against any intolerance or prejudice in this country and to congratulate the achievements of Asian/Pacific Americans which are, in the light of the past and present injustices perpetrated against them, especially triumphant. Mr. Speaker, I ask all my colleagues to join with me in celebrating the stirring history and the breath-taking diversity that Asian/Pacific Americans have given to this country.

MUHAMMAD ALI BOXING REFORM ACT

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2000

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 1832, the Muhammad Ali Boxing Reform Act, by my good colleague and friend Mr. OXLEY from Ohio.

Last year, the Commerce Committee received a letter signed by 19 bipartisan U.S. State Attorneys General asking that this legislation be enacted. The Attorneys General wrote that "this legislation will curb anti-competitive and fraudulent business practices and prevent blatant exploitation of professional boxers."

The International Boxing Digest stated "We support the new [boxing] bill, and urge all honest people in professional boxing to do likewise. Fighters need to be protected, and not simply from what happens in the ring. This bill does it like it's never done before." Ring Magazine said "Imagine a world in which fighters are not taken advantage of financially, title shots are awarded to legitimate contenders, and bogus alphabet organizations slowly fade from existence. If the Ali Act passes . . . that boxing heaven may just be located right here on earth."

H.R. 1832 would stop promoters from taking long term advantage of boxers. It prohibits coercive contracts, and limits acceptable conflicts of interests. H.R. 1832 also cleans up boxing's sanctioning bodies. All boxing ranking must be done based on objective and consistent written and published criteria, and sanctioning body employees are prohibited from receiving bribes from boxers and promoters. Under the philosophy that sunlight is the best disinfectant for corruption, promoters, sanctioning bodies, and boxing judges and referees are all required to disclose their sources of benefits and compensation to prevent any backroom underhanded dealing.

Former heavyweight champion Muhammad Ali agreed to lend his name to this bill because he believes that boxers need to be protected from the "dishonest ways" of some promoters and managers. Boxing News wrote that "Pure, unvarnished greed is killing the game . . . Boxing desperately needs [a Federal] law . . . to cut down on the terrible corruption." H.R. 1832 by Congressman OXLEY cuts down on the corruption and brings honesty and fair and open dealing back to the sport of boxing.

I urge your support for this legislation.

SUPPORTING DAY OF HONOR FOR MINORITY WORLD WAR II VETERANS

SPEECH OF

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in support of House Joint Resolution 98 to support Minority Veterans who fought in WW II.

I ask you to join me in commending a group of well deserving military veterans. On April 12, this resolution was introduced with bipartisan support, to recognize the extraordinary contribution of minority veterans during World War II. Several U.S. Senators including military veterans JOHN MCCAIN, JOHN WARNER, and STROM THURMOND have co-sponsored an identical resolution in the U.S. Senate which passed with unanimous consent on May 18, 2000.

During World War II more than 1.5 million minorities recognized that the United States was an imperfect nation but also realized that it was their nation. Even though there was racism and segregation present throughout the country, like the famous Massachusetts 54th, these individuals anted up to serve their country in the Armed Forces in the belief that our nation could and would change. As a result of their unselfish call to duty, many of them sacrificed their lives.

A "Day of Honor" in recognition of their courageous service is long overdue. The Day of Honor 2000 Project is sponsored by a committed group of individuals, including minority veterans, who truly understand the importance of this effort. They are helping organize this initiative in communities throughout the nation.

These veterans through their effectiveness in combat and their devotion to duty helped destroy the color barrier within the Armed Forces and in American society in general.

IN HONOR OF MR. AND MRS. CLAYTON PETTY, SR., ON THEIR 50TH WEDDING ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor Clayton and Marion Petty on their Fiftieth Wedding Anniversary. This special celebration is a great testament to their extraordinary dedication to each other and their family.

Fifty years ago the world was a different place. President Truman was in the White House and Europe was still trying to overcome the destruction of World War II. And fifty years ago a young couple named Clayton and Marion began their married life. Fifty years later, that couple is surrounded by friends and loved ones celebrating a union more lasting and meaningful than newspaper headlines and trivia found in history books.

Today, with so much change in the world, traditional values and long term commitments may at times seem lost and forgotten. However, on May 27, 2000 what will not be forgotten, but reaffirmed and celebrated, is the marriage of Clayton and Marion Petty and their commitment to their family and the community of Bayonne, New Jersey. They are an example for us all.

Mr. and Mrs. Petty have contributed greatly to their community; and an example of that community involvement is their recent induction into the S.P.O.R.T. Bayonne High School Hall of Fame, an organization the Pettys helped found for local kids who love to play soccer. The Pettys are involved in many other organizations as well, including: Soccer Bees; F.A. Mackenzie Post; the Mackenzie Post Auxiliary; United Cerebral Palsy; Assumption Catholic War Vets; Korean War Vets; and the Bayonne Youth Foundation.

Mr. and Mrs. Petty always place family first. They are the proud parents of five children, Patrick, Kathleen, Lauren, Robert, and the late Timothy. Their Children have brought them tremendous joy over the years.

I extend my sincere congratulations and admiration to the Pettys. May your life together continue to be full of love and family. I also ask that my colleagues join me in honoring them on this very special occasion.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 25, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 26

10 a.m.

Governmental Affairs

To hold hearings to examine export control implementation issues with respect to high performance computers.

SD–342

JUNE 6

10 a.m.

Environment and Public Works

To hold hearings on S. 1311, to direct the Administrator of the Environmental Protection Agency to establish an eleventh region of the Environmental Protection Agency, comprised solely of the State of Alaska.

SD–406

JUNE 7

9:30 a.m.

Indian Affairs

To hold hearings on S. 2508, to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes.

SR–485

Joint Economic Committee

To hold hearings on the High-Technology National Summit, focusing on removing barriers to the new economy.

SH–216

11 a.m.

Foreign Relations

Business meeting to consider pending calendar business.

SD–419

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 2300, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; S. 2069, to permit the conveyance of certain land in Powell, Wyoming; and S. 1331, to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county.

SD–366

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold oversight hearings to examine satellite export controls.

SD–419

JUNE 8

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings to review the final rules and regulations issued by the National Park Service relating to Title IV of the National Parks Omnibus Management Act of 1998.

SD–366

JUNE 13

10 a.m.

Environment and Public Works

To hold hearings on the nomination of James V. Aidala, of Virginia, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency; the nomination of Arthur C. Campbell, of Tennessee, to be Assistant Secretary of Commerce for Economic Development; and the nomination of Ella Wong-Rusinko, of Virginia, to be Alternate Federal Cochairman of the Appalachian Regional Commission.

SD–406

JUNE 14

9:30 a.m.

Indian Affairs

To hold hearings on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture.

SR–485

JUNE 21

9:30 a.m.

Indian Affairs

To hold hearings on certain Indian Trust Corporation activities.

Room to be announced

JUNE 22

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine issues dealing with aviation and the internet, focusing on purchasing airline tickets through the internet, and whether or not this benefits the consumer.

SR–253

JUNE 28

9:30 a.m.

Indian Affairs

To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

SR–485

JULY 12

9:30 a.m.

Indian Affairs

To hold oversight hearings on risk management and tort liability relating to Indian matters.

SR–485

JULY 19

9:30 a.m.

Indian Affairs

To hold oversight hearings on activities of the National Indian Gaming Commission.

SR–485

JULY 26

9:30 a.m.

Indian Affairs

To hold hearings on S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act.

SR–485

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, May 25, 2000*

The House met at 10 a.m.

The Reverend Alpheus Townsend, Unity Temple of Peace, Bronx, New York, offered the following prayer:

"O God our help in ages past our hope for years to come our shelter from the stormy blast and our eternal home."

Lord of Majesty, mercy and love we are grateful for this day and for the blessings it affords. We thank You for the bounty of this Nation and for its form of government. Thank You for inspiring its leaders over the years.

We ask Your blessing and guidance upon the membership of this assembly who are entrusted with the awesome task of helping to foster and preserve peace and justice in our world.

Father, bless and strengthen families, our youth, our schools and businesses with integrity and success, now and ever more for Your honor and glory, amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Washington (Mr. NETHERCUTT) come forward and lead the House in the Pledge of Allegiance.

Mr. NETHERCUTT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 484. An act to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. Con. Res. 110. Concurrent resolution congratulating the Republic of Latvia on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

The message also announced that pursuant to section 301(b) of Public Law 104-1, the Chair, on behalf of the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives, announces the joint appointment of Barbara L. Camens of the District of Columbia and Roberta L. Holzwarth of Illinois to five-year terms on the Board of Directors of the Office of Compliance.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. At this time the Chair will recognize the gentleman from New York (Mr. ENGEL). Other 1-minute speeches will be at the end of the day.

WELCOMING REVEREND ALPHEUS TOWNSEND TO THE HOUSE OF REPRESENTATIVES

(Mr. ENGEL asked and was given permission to address the House for 1 minute.)

Mr. ENGEL. Mr. Speaker, it is my great pleasure today to introduce my good friend, my constituent, and my minister who gave the prayer this morning, Reverend Alpheus Townsend of the Unity Temple of Peace in my district in the Bronx, New York.

Pastor Townsend is a wonderful American success story. He resides in my District with his wife Millicent and son William, and is truly a champion, living the American dream, as so many immigrants who have come to our shores and helped to make our country the great Nation that it is.

Reverend Townsend was born in Jamaica and came to the United States in 1965 and worked at a number of jobs in New York, at Bankers Trust on Wall Street for 5 years as an operations specialist and at Lenox Hill Hospital in Manhattan. But he knew that the ministry was really his call.

He attended Unity Ministerial School in Missouri and was ordained in 1981. He founded the Unity Temple of Peace in the Bronx, New York, in my district, in 1982 and continues to pastor there.

Just recently, he was elected president of the Clergy Coalition of the 47th Precinct in the Northeast Bronx, which serves all five boroughs of New York City. It is a wonderful organization, assists many, many people, young, old, all types of people. He assisted in writing the bylaws and charter for the organization.

He has provided college scholarships to high school students, and I have been pleased to work with him in this regard and to contribute to these scholarships because young people, as we know, of course, are our future. And Pastor Townsend has especially ministered to young people. He has worked with the council and the community and works with the police to enhance the quality of life in the community.

Mr. Speaker, I am honored and privileged to not only call Pastor Townsend, my constituent, but am honored and privileged to call him my friend. We have worked very, very closely together. He honors me and all of us with his presence today.

I thank the Speaker for allowing him to give the prayer this morning so that the entire House of Representatives and, indeed the entire country of the United States, can see what a wonderful pastor he is and how truly he is doing God's work and truly doing work for all of us.

Again, it is people like the Reverend Townsend who have come here to this country as an immigrant, who have participated and have really helped to make this country the great country that it is. I thank the reverend.

CONFERENCE REPORT ON H.R. 2559, AGRICULTURAL RISK PROTECTION ACT OF 2000

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 512 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 512

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume.

Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the legislation before us today provides for consideration of the conference report to H.R. 2559, the Agriculture Risk Protection Act of 1999.

Mr. Speaker, House Resolution 512 is a standard conference report rule that waives all points of order against the conference report and against its consideration.

Additionally, the rule provides that the conference report shall be considered as read.

Passage of this rule will allow the House to consider the conference report to the Agriculture Risk Protection Act.

The Agriculture Risk Protection Act enjoys broad bipartisan support from colleagues representing farmers and ranchers from all regions of the country. It is the right legislative response to the current plight of our Nation's farmers and ranchers.

Mr. Speaker, it is no secret that farmers, growers, and ranchers are not experiencing the prosperity that many other Americans enjoy today. Confronted by adverse weather and low prices, they are facing a second year of extreme economic crisis.

In fact, apple growers alone lost a staggering $760 million nationwide over the past 3 years, according to USDA statistics.

Representing Wayne County, New York, the largest apple producer in New York State and one of the largest in the Nation, this type of statistic is particularly troubling.

Growers in my district have been especially hard hit in recent years. Floods, storms, drought, and other severe weather have had a crippling effect on area specialty crop farmers.

Just last week, flooding destroyed onion crops that had been planted only days earlier in the Elba mucklands in Genesee County in my congressional district.

One local farmer estimated a 75 percent loss on 3,000 acres of onion crop, with an estimated value of $15 million annually.

Despite these and other disasters, crop insurance programs have historically been tailored to farmers who grow so-called traditional crops, such as wheat, corn, and soybeans.

It is for that reason that I am especially pleased with the conference report which, for the first time, earmarks funds and encourages the development of products for underserved commodities, including specialty crops.

This Nation has had a long and proud agricultural history. Agriculture has been and remains a vital part of our Nation's economy and way of life. America's farmers feed not only our Nation but also the world.

We must give agriculture producers the tools to manage risk responsibly, and this legislation does just that.

This bill provides better insurance coverage at a lower cost for our Nation's farmers. It provides affordable coverage at every level, with strong incentives to purchase higher levels of protection and new flexibility for producers to choose the level of coverage that best meets their needs.

This legislation promotes the development of new products for managing risk, empowering universities, co-ops, and individual farmers who work to develop successful policies.

It makes sure that every farmer and rancher has the tools necessary for risk preparation. Proactive steps such as these are needed at the Federal level.

Under current conditions, too many farmers are unable to afford crop insurance. When natural disasters strike, the Federal Government assists victims with taxpayer dollars.

By increasing Federal contributions to crop insurance, such insurance becomes more affordable and there is less need for taxpayer dollars for reactive solutions.

H.R. 2559 makes across-the-board reductions in farmer-paid premiums. The bill makes insurance that protects price as well as production more affordable to our farmers.

The bill also helps farmers who are hit hard by multiyear disasters to insure more of the yield of what they have proven that they can grow. These changes will help farmers from all regions growing all crops.

In short, Mr. Speaker, the Agriculture Risk Protection Act is a common sense, fiscally conservative bill. In passing the conference report, Congress goes a long way to properly prepare for natural disasters that impact agriculture production.

In conclusion, I would like to commend the gentleman from Texas (Mr. COMBEST), Chairman of the Committee on Agriculture, and the gentleman from Texas (Mr. STENHOLM) for bringing this measure before the House today.

Mr. Speaker, I urge my colleagues to support the rule and the underlying measure.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my dear friend, the gentleman from New York (Mr. REYNOLDS), for yielding me the time.

Mr. Speaker, I am in support of this rule. This rule waives all points of order against consideration of the conference report, H.R. 2559, the Agriculture Risk Protection Act of 1999.

This rule is necessary to allow the House to consider this conference report and will provide critically needed funding for rural America.

In essence, Mr. Speaker, this conference agreement will allow producers who participate in Federal crop insurance programs to buy better coverage for less money.

However, the conference report spends the funds set aside in the budget for crop insurance reform and for supplemental economic assistance. While these funds are badly needed in our ailing farm sector, the fact that for 3 years in a row the Congress has provided supplemental payments to agriculture points to the simple fact that our current farm policy is failing and needs a very thorough review.

Until there is such a review, Mr. Speaker, this conference agreement will help make crop insurance more useful to farmers who need protection from natural disasters and it will also provide a badly needed supplement to short-term farm income.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

☐ 1015

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of this rule and in support of the underlying conference report not only because of what the rule provides; I also want to make a comment about what the rule and the underlying measure do not provide. What they do not provide, what the underlying measure does not provide is the ability for this country and the agriculture economy that it serves to have an opportunity to have sanctions relief on food and medicine for five countries that we currently embargo unilaterally considered in the bill.

I have been actively engaged with our leadership and members of all committees of jurisdiction relative to the issue of lifting sanctions on food and medicine to try to accommodate some solution and reach some conclusion that would allow this marketing freedom to occur to our farmers. Unfortunately, my own leadership said no at the last minute. I am on the Committee on Appropriations and its Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies.

At the subcommittee level, we were able to insert language by an overwhelming vote that allowed sanctions on food and medicine to be lifted to assist our farmers and for humanitarian reasons as well. We went to the full committee a week or so ago and by a vote of 35-24 rejected a challenge to strip out this language that is going to help our farmers.

Now here we have come to the Committee on Rules and I understand later today there will be a rule on the agriculture appropriations bill. The language that was fairly and squarely passed through the appropriations process for literally the third year we have been working on this, but last night it was set up to be stripped out of the bill. So I am here to register my objection and my active participation in defeating the agriculture appropriations rule, not this rule. I am going to vote for this one and I am going to vote for the conference report.

But in reality, the lifting of food and medicine sanctions should be in this conference report. It is a vehicle that could have passed, but it was thwarted by our leadership. I am going to object to the Rules Committee action and hope my colleagues will vote against the rule on agriculture appropriations which comes up later today.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. COMBEST), the distinguished chairman of the Committee on Agriculture.

Mr. COMBEST. Mr. Speaker, I thank the gentleman for yielding me this time and for his comments and the comments of the gentleman from Massachusetts.

I want to say that I strongly support this rule and urge its passage and the accompanying conference report. I appreciate the Committee on Rules meeting so late yesterday evening and into the night in order to give us this opportunity today. This is a measure that we have been working on for about a year and a half. It is something that in fact needs as soon as possible to get into law so that the regulations can be written, so that the provisions of this program can be implemented for the coming crop year.

It is vitally important that American producers understand the assistance package that is coming, and it is very critical that this happen at this particular time. I want to again extend my appreciation for all of those members on the Committee on Rules who made this possible.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me this time. This really is the second great day in a row for American farmers. Yesterday we passed PNTR, which will give us, our farmers better access to markets in China. Today we have a conference committee report that was signed by all 18 conferees. That does not happen very often here in Washington. And so in 2 consecutive days, we are seeing a tremendous display of bipartisanship on behalf of American farmers. Crop insurance reform is a very important issue. For too long it has been neglected by this Congress here in Washington, and so I am very happy to rise in support not only of the rule but of the bill. This is a great day for American agriculture. It follows on another great day yesterday. Hopefully, we can get those commodity prices up where they belong.

Mr. REYNOLDS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. COMBEST. Mr. Speaker, pursuant to House Resolution 512, I call up the conference report on the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 512, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of May 24, 2000, at page H3763).

The SPEAKER pro tempore. The gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am extremely proud today to bring this conference report to the floor. With this single piece of legislation, we have the opportunity to strengthen farmers' ability to manage the risk the future may bring and to provide them the financial assistance that they badly need to cope with their immediate financial crisis.

H.R. 2559 began last year when the House provided the budget resources to overhaul and reinvigorate our ailing agricultural risk management system. The Committee on Agriculture then crafted, on a truly bipartisan basis, the most significant improvements in the crop insurance program in its history. The result last year was the House passage of legislation that makes risk management more affordable and more effective for more farmers. While the Senate was unable to pass a similar bill until this year, passage of this conference report today will ensure that producers will see the benefits of this major initiative beginning with the next year's crop.

In addition to sustaining the drive to secure future farm financial stability, this year's budget resolution also provides $7.1 billion in emergency economic assistance to farmers facing their third straight year of historically low prices. Recovering Asian markets and trade openings like yesterday's passage of permanent normal trade relations with China are optimistic signs for future prices.

But this year, farmers face a bleak situation. Providing temporary economic assistance now will bring a measure of economic stability to farm families as they struggle to regain markets and secure improved prices. Altogether, the elements contained in this conference report signal Congress' commitment to help America's farmers get through their current price crisis and to provide a more stable foundation of risk management for their future.

This has been a massive undertaking that would not have been possible without a broad bipartisan effort. I want to thank the gentleman from Texas (Mr. STENHOLM), the ranking Democrat on the committee who set aside partisan considerations to work for a year and a half to bring us to today's vote. His effort typifies the spirit of all 51 members of the House Committee on Agriculture to work tirelessly on behalf of American farmers. Our committee also owes a debt of gratitude to the whole House, who in two successive budget cycles recognized the need to focus special attention on one sector of our booming economy that is struggling. The work of the gentleman from Georgia (Mr. CHAMBLISS) and his colleagues on the Committee on the Budget made available the resources needed to bring this bill to the floor today.

Mr. Speaker, it is an honor to be a part of such a broad, sustained, and bipartisan effort to provide economic assistance and lay a stronger foundation for the future of American farm families. I urge all of my colleagues to support the conference report to H.R. 2559.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report and to congratulate my colleagues on the Committee on Agriculture. I particularly want to thank the chairman for his work that he has put into this bill and for the inclusion of the minority and of all the members of the committee in the development of its provisions. The gentleman from Texas (Mr. COMBEST), the gentleman from Illinois (Mr. EWING), the subcommittee chairman, and the gentleman from California (Mr. CONDIT), the ranking Democrat on the subcommittee, are all to be commended for their efforts. While I support the conference report and encourage its adoption, I do have reservations about the manner in which the budgeted funds are being spent.

Mr. Speaker, the conference report's crop insurance provisions succeed in spending the funds that were allocated in fiscal year 2000 and 2001 budgets for risk management and income assistance. The bill's supplemental provisions succeed in spending the $7.1 billion reserve fund for agriculture as set forth in the fiscal year 2001 budget.

As someone who represents a rural agricultural area, I know how badly these additional resources are needed. Throughout the process of developing the crop insurance provisions of this bill, I have supported the idea that our crop insurance program needs to be strengthened and improved. While it was the will of our committee and of the House and Senate conferees that these funds should be dedicated to improvements in our current crop insurance program, the budget resolution made funds available for the broader purposes of income assistance and for risk management. In so doing, it provided a level of flexibility that would permit nearly any kind of agricultural assistance. I feel that this flexibility should have been used to meet a broader set of needs.

Likewise, Mr. Speaker, the reserve fund for agriculture in this year's budget could have been used for any manner of assistance for farm producers. Again, the conference report before us today ignores that flexibility. By spending the $5.5 billion available for this year entirely on additional AMTA payments, the bill fails to recognize other unmet needs. For example, payments to producers under last year's natural disaster assistance program were pro-rated because sufficient funds were not appropriated to make them whole. I would have dedicated some of the $5.5 billion to raising these payments, which would have provided assistance to producers of all commodities who suffered from disaster.

Without a doubt, the supplemental AMTA payments will provide assistance to agricultural producers who are suffering from economic disasters because of our failure to live up to our promises to provide them with opportunities from the marketplace. The criteria for receiving assistance are merely the possession of an AMTA contract, however; and this allows producers to receive a payment without demonstrating real need. I strongly believe that more fully funding the disaster payments would have been a better method for directing these funds to agriculture producers most in need. But my view was a minority view.

Mr. Speaker, I also believe that these allotted funds could be better utilized to establish an adequate safety net for producers. This year marks the third year in a row that Congress has been called upon to take extraordinary action to make up for the deficiencies of our current farm program. It is getting expensive. The fact that for 3 years in a row we are compensating producers for low prices seems to me to be a stark admission that our basic farm program is not working, just as multiple years of yield disaster aid shows that crop insurance is not working. Increases in the budget are a clear signal by our colleagues that these problems, income reductions as well as yield reductions, need to be addressed, and the crop insurance provisions of this conference report today do move in that direction.

In addition, Mr. Speaker, I must express my reservations in regard to the timing of this economic disaster assistance. As of right now, all we know for certain is that commodity prices are low. We have no hard numbers in regard to the extent to which we will need disaster assistance this year. Current outlook suggests that drought in the Midwest and the South will severely affect production. There is a possibility that supply and price relations could result in a situation where we have strengthened prices later this year.

I understand that these funds must be spent in a timely manner in order to meet budget requirements. However, I would have been more comfortable taking our time in order to fully assess the complete picture later this year. I am concerned that we may not be allocating the provision of economic loss versus crop loss in a manner that is most responsible to the actual conditions facing producers this year.

Our Nation deserves a long-term reliable farm policy. Taxpayers and agricultural producers alike should be able to know up front what kind of assistance they can expect and what the rules will be for distributing it. In terms of yield insurance, this bill makes some progress. Higher subsidy rates, for example, will lead to higher levels of participation in crop insurance, better indemnity performance for the producers who participate and hopefully less need for Congress to respond to weather disasters with emergency spending.

Absent from the bill, Mr. Speaker, is the other half of the picture. In this and the previous 2 years, our programs have left producers overexposed to price and weather disasters. The bill makes progress towards addressing yield disaster, but what about future price disasters? How much more will our government spend on ad hoc supplemental AMTA payments before we realize that a more rational, predictable policy needs to be in force?

Mr. Speaker, having pressed my reservations, I once again want to commend the gentleman from Texas (Mr. COMBEST) and all the members of the Committee on Agriculture and the conference committee for their work on this bill. Going into this progress, we agreed that short-term changes in crop insurance in this cycle would pave the way for a broad look at the entire program in the years ahead. I look forward to working with my colleagues in developing a crop insurance program that works better and a farm revenue program that meets producer and taxpayer needs.

Mr. Speaker, I strongly urge that my colleagues vote to adopt the conference report before the House today.

Mr. Speaker, I reserve the balance of my time.

□ 1030

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the pleasures we have had in the past year and a half personally from this Member's standpoint has been the opportunity to work with and to have very open and frank discussions with not only my colleague on the committee, but my friend and my neighbor, the gentleman from Texas (Mr. STENHOLM), my neighbor not only the committee, but neighbor in Texas as well.

But there are a couple of points that I want to make, Mr. Speaker, in regards to the comments of the gentleman from Texas. I agree with the gentleman in the fact that we have problems in agriculture and problems that the program has its deficiencies. It was that recognition after the second year of the amount of money that was required in order to keep agriculture afloat in this country that our committee embarked on a series of hearings across this country to listen to farmers, to get their input on what is good and what is bad about current farm policy.

We have just concluded in the past 2 weeks 10 of those hearings, and I will say my friend and partner, the gentleman from Texas (Mr. STENHOLM), accompanied me on all 10 of those. We were the only two members on the committee able to attend them all. But it was for the express purpose of going out and listening to farmers.

We heard a number of suggestions, but a couple of the things we did hear, that I think resonated throughout, was the fact that it has been the assistance that Congress has provided over the last couple of years that helped tremendously, keeping farmers in business. Another was the need for a dramatic reform in crop insurance. I think today's activity and legislation addresses both of those in a very significant way.

I think we need to have a better way to make this delivery, but I will say that given the fact that this is paid in this fiscal year, given the fact that it has to be deliverable in a timely fashion, there have been a lot of discussions with people from the outside and others about a need to make a change in the delivery process. I am very open to looking at that change. There has been a lot of discussion about it. It has not come forward. We will continue to look at it in any possible way we can do the job better.

But I do not want those listening to this conversation to believe that this is not something that is strongly supported by commodity groups all across this country. There has been virtually unanimous request for making the payments from commodity groups in the fashion that is provided for in this legislation. It does ensure that farmers do know exactly what it is they are going to get, they know exactly when they are going to get it, and that helps them tremendously in their financial obligations and considerations and concerns that they have to deal with today.

I think that, given the fact that we are dealing in an area that has tremendous concerns and problems, agriculture, that this is a very healthy and a very positive response to those concerns.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BARRETT), the vice chairman of the committee.

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, after 8 weeks of negotiations and countless hours of discussions between the House and the Senate Agriculture Committees, I am more than pleased to rise today in support of the conference report on the Agriculture Risk Protection Act. The conference report on H.R. 2559 is really an excellent piece of legislation that accomplishes what we set out to accomplish, that is, making crop insurance more affordable and easier to use for all of our producers.

Under the leadership of the gentleman from Texas (Chairman COMBEST), and, yes, the ranking member, the gentleman from Texas (Mr. STENHOLM), the House Committee on Agriculture listened to producers' suggestions, complaints and stories of fraud. We then developed and passed the bill, with the help of the Committee on the Budget, to address those concerns and greatly improve the program.

I am pleased that the conference report will increase premium subsidies for producers, address actual production history discrepancies, fund research and development for new insurance policies and products, and make certain that the program is not fraudulently used or abused. Producers have asked for many of these changes for many years, and I believe we have something that they will want to use and that is in fact helpful to them.

Also the conference report includes a much-needed economic assistance package for agriculture. As has been mentioned, while the economy as a whole has been booming, American producers have faced low prices for nearly 3 long years. With this conference report, we are responding with concrete policies and necessary financial assistance. Congress' willingness to provide assistance again this year demonstrates our commitment to farmers, ranchers and to rural America.

Even though many of my colleagues may not have farms or ranches in their districts, agriculture is vital to every American and every congressional district. So thank the farmer, when you can. They feed us all.

Mr. Speaker, I urge my colleagues to support this conference report. Combined with the economic assistance package, it will provide the help producers need to meet the challenges of today's poor agriculture economy.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I want to, first of all, thank the distinguished chairman of the Committee on Agriculture, the gentleman from Texas (Mr. COMBEST), and the distinguished ranking member, the gentleman from Texas (Mr. STENHOLM), for the great work they have done and the leadership they have provided for all of American agriculture.

Mr. Speaker, I rise today in support of the Agriculture Risk Protection Act and in support of the emergency assistance contained in this bill. Food and fiber production in this country is a national security interest, second only to national defense. Every citizen of this country benefits from the safest, most affordable and most abundant food supply in the history of the world.

Americans spend less of their income on food than almost any other country in the world. This is a direct result of the productivity of American agriculture. When agriculture is suffering through difficult times, such as the times of low commodity prices that we face now, it is essential that Congress and the President act to preserve agriculture productivity. Farmers need emergency assistance right now to stay in business.

Mr. Speaker, I urge my colleagues to vote in favor of this bill, so that American agriculture is able to continue to fuel the economic development of this country by providing a reliable, reasonably priced food supply.

This bill also makes the Federal Crop Insurance Program a better risk management tool for America's farmers. Farmers will pay less for crop insurance at every level of coverage as a result of this bill. By offering increased premium subsidies, this bill encourages farmers to purchase crop insurance and protect themselves against low yields and weather disasters.

This bill also goes a long way towards reducing fraud and abuse in the crop insurance system. For years this has been a problem that has plagued the system by those who attempt to fraudulently gain payment through crop insurance. This bill provides stiffer penalties to attempt to root out this abuse. I have always believed that crop insurance was not a viable tool because it was ridden by this fraud and abuse, but this bill greatly helps this problem.

Mr. Speaker, I urge my colleagues to vote yes on this bill.

Mr. COMBEST. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, American farmers and ranchers are at risk. Let me briefly try to explain what I see as the problem and how this legislation partially provides a solution to part of that problem. We are at record low commodity prices, some lower than they have been for 30 years. The world is overproducing some of these commodities and prices are way down.

Part of the problem for the survival of our agricultural industry in this country is going to be how much other countries subsidize their farmers. Right now we are in a situation where Europe, for example, subsidizes their farmers five times as much as we subsidize our farmers, and much of that encouraged production goes into what otherwise might be our markets. So the American consumer, America, this Congress, is faced with some decisions of are we going to do what is necessary to keep a viable, strong agricultural industry in America.

This legislation encourages farmers to take out more insurance, insurance that covers not only yields, helps to ensure against low-yield disasters, but also helps to ensure against the prices they might receive for that particular commodity. We do that by increasing subsidies for some of these farmers so that in the beginning, as we start experimenting in this new crop revenue insurance endeavor, we are better able to encourage more farmers to move into that arena.

This kind of legislation, I think, is very important as part of our effort to start remodeling, refashioning where we go in future agricultural policy.

Mr. Speaker, I thank the chairman and the ranking member for their leadership.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL), a sponsor of the biomass legislation in the House, H.R. 2819, and who also contributed to the biomass provisions that are contained in this conference report. I want to thank the gentleman for his hard work on this issue.

Mr. UDALL of Colorado. Mr. Speaker, let me just begin by thanking the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) for their work on this important measure. I want to remember my friend Lou Entz from Colorado, who suggested in the spirit of this legislation that if you eat, you are involved in agriculture, and those of us that live in suburban districts need to remember that.

But let me talk about title IV, the Biomass Research and Development Act. Last year the gentleman from New York (Mr. BOEHLERT) and the gentleman from Minnesota (Mr. MINGE) joined me in introducing the House version of this legislation. We were joined shortly thereafter by the gentleman from Illinois (Mr. EWING), who introduced his own version of the legislation.

The two bills had much in common. Both recognized the increased contribution that biobased industrial products can make to our economy, if and only if appropriate research was put into place. Both realized the increased need for cooperation among the Departments of Energy and Agriculture and the private sector in conducting the research and ensuring it leads to new product and new jobs. Both recognized the importance of the conversion of cellulosic biomass, which consists of any plant or plant product.

Cellulosic conversion is particularly important to the State of Colorado because of the potential threat of wildfires. We have seen the effect of wildfires over the recent weeks in New Mexico, and there is much more we could do to make these materials available through commercial markets.

In Colorado, the Colorado Forest Service, the U.S. Department of Agriculture's Forest Service Laboratory, and the National Renewable Energy Lab began to study the possibility of developing ethanol or other bioproducts economically from this wood fiber.

I am especially pleased to see that the version of the legislation before us incorporates important concepts from the Udall-Boehlert-Minge bill. Peer-reviewed research, sensitivity to the effects of increased bioproduction on the environment, and an emphasis on the economics of bioenergy and biobased industrial projects are all featured prominently in the legislation.

The definition of biomass is limited to organic matter that is available on a renewing or recurring basis, and therefore would not include old growth forests or other environmentally sensitive ecosystems.

Mr. Speaker, I urge passage of this important bill.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LUCAS), a member of the committee who has been very involved in this entire process.

Mr. LUCAS of Oklahoma. Mr. Speaker, I would like to thank the chairman and ranking member for all their work and all their efforts on this legislation. It includes three initiatives that will greatly benefit Oklahoma producers. We reform the crop insurance system, we double the AMTA payments, and we include LDP graze-out language. This legislation is a big win for Oklahoma producers.

I would especially like to thank the gentleman from Texas (Chairman COMBEST) for his help in including the LDP graze-out language, which I introduced last August. This legislation is the single most important issue for Oklahoma producers.

Currently, producers are eligible for a loan deficiency payment if their wheat crop is hayed, put into silage, or cut for grain. However, if a producer chooses to graze out his wheat crop, he does not qualify for the LDP payment and is left at an extreme disadvantage. Oklahoma producers have been calling for Congress to correct this inequity for some time. H.R. 2559 includes language that will allow producers to collect a payment equivalent to LDP if they opt to graze out instead of putting their wheat into hay or through the combine.

I encourage all my colleagues to support this very important legislation. This legislation provides more flexibility and options for our producers.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I also want to congratulate and compliment the chairman and the ranking member for their cooperation in working on this legislation, but also I want to congratulate all the conferees who were involved in this, because this has been an issue that our farmers nationwide have suffered through, in not having a way of managing risk. We are gathering some information right now from North Carolina to compliment what I am saying because I know in North Carolina the current structure did not allow for this risk management that we have now to speak to the needs.

□ 1045

We went through endless floods in North Carolina, so our farmers indeed not only suffered the risks of droughts they had years before, but they also had to manage losing their crops, and many of them lost their crops and found no way of having any compensation.

This bill is not perfect, but it is certainly moving in the right direction; it includes a broad base of opportunity for a larger number of people; it takes out some of the inequities that are in the current law; and it also is a welcome opportunity for the farm service people who are administering this program, because they find they are able now to respond more appropriately to the farmers.

Again, I want to congratulate all of the people who were involved in making sure that this came to the floor in a timely manner, and I hope that it will become law very soon so that our farmers can indeed benefit from this.

Mr. COMBEST. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I am very pleased to rise today in support of the conference report on this important legislation. I particularly want to focus attention on a provision in this conference committee report in title 4, which encompasses legislation I previously introduced known as the Plant Protection Act.

This legislation is designed to address a very real problem facing American agriculture. The United States loses thousands of acres and billions of dollars in farm production each year due to invasive species. Exacerbating this serious problem are the outdated and fragmented quarantine statutes that govern interdiction of prohibited plants and plant pests. Our agricultural sector needs a modern, effective statutory authority that will protect our crops from these destructive invasive species.

It was for this reason that I introduced the Plant Protection Act. This legislation, crafted in consultation with the USDA, will help to prevent the introduction and dissemination of invasive plants and pests by giving the Animal and Plant Health Inspection Service greatly enhanced investigatory and enforcement tools. The Plant Protection Act will streamline and consolidate existing statutes into one comprehensive law and eliminate outdated and ambiguous provisions. It will also boost deterrents against trafficking of prohibited species by increasing monetary penalties for smuggling, and it will provide USDA with a comprehensive set of investigatory tools and ensure transparency for our trading partners.

Mr. Speaker, I believe that this provision of the conference committee report is an important step forward in protecting American agriculture, and I thank the chairman for his support for this.

Mr. STENHOLM. Mr. Speaker, I have no additional speakers on the floor at this time, and I reserve the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS), the vice chairman of the Committee on the Budget.

Mr. CHAMBLISS. Mr. Speaker I thank the gentleman for yielding me this time.

In 1996, we crafted a new farm bill wherein we told the American farmer that the Federal Government is going to change the way that we participate in farming operations. At the same time we did that, we said we are going to do some other things. We are going to provide the farmer with tax relief. We are going to provide the farmer with regulatory relief. We are going to provide the farmer with crop insurance reform, and we are going to provide the farmer with better trade agreements so that farmers can, in fact, sell their products for a decent return on the open market.

Well, unfortunately, it has taken us a while to get there, but yesterday, with the vote that we had on the China trade agreement, we are now opening markets in China to the American farmer and it will be a tremendous benefit for farmers all across America.

Today, we are taking another giant step in the right direction. The gentleman from Texas (Mr. STENHOLM) is right in a couple of areas when he says we are not doing everything from a legislative standpoint to make farming easier and make farming more prosperous, because we cannot do that, but these are steps in the right direction.

What we are doing today with crop insurance reform is really significant, and every American farmer knows and understands that. This has been a team effort. It has been a team effort between leadership and the Committee on Budget as well as the Committee on Agriculture, and our two captains, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) have done a great job of leading the team down the field. I commend them for the work they have done on this with respect to crop insurance reform.

The other part of this bill in providing up-front money to our farmers for this year is extremely important also, because we know that 2000 is going to be a tough year for farmers all across America. I do not know how much money it is going to take to make sure that they can survive this year, but this is going to be another meaningful step in the right direction, because it is going to be money in the hands of the producer. That is critically important. It is critically important now, as we are facing droughts, as we are facing lowest commodity prices that we have ever seen.

So again, this bill provides a double hit for the American farmer with respect to crop insurance reform, as well as with respect to money in the hands of producers to help improve the year 2000. I commend the chairman and the ranking member for their great leadership.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CONDIT), the ranking member of the Subcommittee on Risk Management, Research and Specialty Crops, that did yeoman's work on the crop insurance portions of this.

Mr. CONDIT. Mr. Speaker, I would like, if I may, to engage the gentleman from Texas (Mr. COMBEST), the chairman of the committee, in a colloquy if he would agree to do that.

Before I do that, I would first like to thank the chairman for the hard work he has put in in bringing this conference report to the floor. He kept us focused and kept us at the table, and I appreciate that. I also would like to congratulate and commend the gentleman from Texas (Mr. STENHOLM) for his hard work and the time that he put in keeping us focused and at the table, as well as staff on both sides of the aisle. They are to be commended for their time and effort in this area.

Mr. Speaker, I know that the chairman is aware of the illegal activities undertaken by the Department of Agriculture employees at Hunts Point Terminal. These illegal activities have resulted in grave economic losses for produce growers throughout the country. I look forward to working with the chairman to determine the exact scope of the illegal activities so that we may adequately reimburse produce growers for their losses.

It is my hope that the committee can fully examine this matter as soon as possible, and I would encourage the chairman and wait for his response to indicate that he would be willing to take a look at this.

Mr. COMBEST. Mr. Speaker, will the gentleman yield?

Mr. CONDIT. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Speaker, I appreciate the gentleman's comments. Not only is the chair aware but extremely concerned about what did go on in the grading program. While I regret that we were unable to include funding in this particular package for the economic damage that these growers incurred, I agree that both the House and the Senate committees should immediately consider ways that we can help these growers recover their economic loss. It is a travesty that this loss occurred as a result of illegal action by Federal employees. I assure the gentleman I will work with him in every way I possibly can.

Mr. CONDIT. Mr. Speaker, I thank the gentleman.

Mr. COMBEST. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Texas (Mr. COMBEST) has 15½ minutes remaining, and the gentleman from Texas (Mr. STENHOLM) has 16 minutes remaining.

Mr. COMBEST. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE), a very important and active member of the committee.

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to thank the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) for their leadership in bringing this to the floor.

Let me make a couple of observations, if I might, about this legislation. First of all, crop insurance should be the risk management tool that is used by our producers. Unfortunately, it has not been because it has not worked. Producers have expressed a lot of frustration about the crop insurance program and have asked for changes. In response to that, last year I introduced, along with the gentleman from North Dakota (Mr. POMEROY), legislation to do just that.

Many of the changes that are incorporated in the product that we will vote on today are consistent with those proposals, one of which deals with the premium schedule in providing more incentives for producers to buy up the higher level of coverage, and this legislation addresses that important point.

The second point that was a real concern to producers in South Dakota and other places in the Midwest was the computation of the actual production history. This legislation also makes important changes in that area that will make it more usable for producers.

So, Mr. Speaker, I would say that this is important legislation. The reforms that are included in here will be very helpful to our producers. It will give them what they need in terms of having a risk management tool in place that will allow them to ride out the storms that are often the case in agriculture across this country.

The other thing I would say, Mr. Speaker, is that the disaster legislation includes a provision which is very important to me and which I have been fighting for. And I appreciate the conferees and the chairman for including a piece in this disaster legislation on value-added agriculture, because I do believe that our producers need to be reaching up the marketing chain capturing more of that value by processing our raw commodities at the point of production. We need to encourage that in this country.

So this legislation, I think for the first time, lays down a marker and provides incentives for our producers to become more involved in value-added operations; and, furthermore, I think will help strengthen our rural economies by helping to create additional jobs and opportunity in rural America.

So, Mr. Speaker, I would simply say that this is a good piece of legislation. I appreciate the leadership by our chairman and ranking member, and I urge my colleagues to support it.

Mr. STENHOLM. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise today in support of this, and I appreciate the work of everybody that was involved. I want to especially thank the chairman and ranking member for all of their leadership in bringing this important piece of legislation to my district to the floor.

This crop insurance reform has been something we have been working toward for a long time, and it is going to make some significant improvements. It is not as good as our people would like, but it is going to move us a long way in the right direction. We are going to be able to get at some of the problems that my producers have had where we have had losses 6 years out of the last 7; and the current system just, frankly, is too expensive and they cannot get enough coverage.

I particularly appreciate the conference committee yesterday including a provision that I have been concerned about that affects a lot of producers around the country where if one has a change in one's identification number, just because maybe one of two brothers were farming together and one of them happened to get out of the business and the one remaining changed that identification number, the remaining farmer is precluded from receiving disaster payments. In the conference report yesterday we adopted an amendment that I proposed that will allow those people access to the disaster program that they were denied.

Another provision that is in the bill that is going to be helpful to us allows the people that have had problems with scab disease up in our part of the world are going to be able to improve the APH so that they can get more coverage and be able to better and more adequately insure the risk to their crops. We are very appreciative that that language is in the bill as well.

This bill, as I said, does not go as far as I would like, but it is going to significantly improve the situation. I hope that we can continue to work on crop insurance to try to get a workable revenue coverage so that we can get farmers to be able to cover all of their crops.

Lastly, Mr. Speaker, I would like to comment on the assistance part of this. Yesterday in the conference committee, we tried to change a little bit of the assistance package. We are very appreciative that the assistance is in here. But if we were to use the 2000 payment levels, we would have had an additional $366 million that we tried to use to buy up last year's disasters where people were limited to 69 percent of the disaster that they actually had occur and bring that level up to 85 percent which is what we did in 1998.

Unfortunately, that was not accepted, and I think this would have been a much better bill. Had we made that change, we would have put more of this money out to people that really needed it that have had multiple-year disasters and are having a very tough time such as up in my part of the world, in the Northeast and Southeast and so forth.

Mr. Speaker, on the whole, this is a very good piece of legislation and I want to commend the chairman and ranking member and everybody else for their work; and I encourage the adoption of this conference report.

Mr. COMBEST. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), a former member of the Committee on Agriculture and a gentleman who still has an extreme interest and is a tremendous amount of assistance on agricultural matters.

Mr. CAMP. Mr. Speaker, I rise today in support of this conference report. This legislation will provide needed protection for our farmers who have struggled with low commodity prices and weather-related disasters. I want to thank the chairman for his continued work to help our family farmers.

There is another part of this legislation that is very important to the farmers in my district and throughout the State of Michigan. This legislation will provide $6 million in emergency funds to combat bovine tuberculosis.

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Bovine tuberculosis has historically been a very rare disease in wild deer. However, extensive testing in Michigan found the disease had spread throughout the deer population, and these deer have passed on the disease to our cattle herds.

There is no vaccine for bovine TB, and cattle infected with TB are destroyed. In addition to the fear of losing their herds, Michigan farmers are now facing the news that USDA has taken steps to remove Michigan's bovine TB-free status. The loss of that status is expected to cost farmers $156 million over the next few years, and that is a conservative estimate.

The State of Michigan, USDA, and Michigan State University have worked hard to address this escalating problem. These emergency funds being appropriated today will assist in providing the tools necessary to continue fighting this disease and provide relief to Michigan farmers.

Again, I want to thank the gentleman from Texas (Mr. COMBEST). I would like to thank the entire Michigan delegation for their work on this issue, and I would especially like to recognize the efforts of the gentleman from Michigan (Mr. STUPAK) from the first district of Michigan. The first outbreaks of this disease began in the first and fourth districts, the districts he and I represent; and since that time his commitment to this issue has been unwavering and a great help.

Again, I urge my colleagues to support final passage.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding me this time.

Mr. Speaker, I rise today to voice my support for this conference report and express my gratitude to those who have included in this the $7.1 billion economic relief package for farmers. I do not need to tell anyone here how sorely this assistance is needed. For decades, North Carolina has been one of the most prosperous and productive agricultural States in our country, but then came the Asian economic crisis that sent commodity prices crashing down, followed by Hurricane Dennis, then Hurricane Floyd. Then came the floods which paralyzed eastern North Carolina. Then came Hurricane Irene. Then came steep cuts in tobacco programs.

Now what do we have to look forward to during this summer? The forecasters say that it will be another severe drought and another active hurricane season. Our farmers have been through a lot, and this emergency funding could not come any too soon.

Farming is more than a way of making a living. It is a way of life. It is our responsibility to take these actions that will protect the heritage and character of rural America and preserve our farming communities.

I want to thank the bill managers, the chairman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM), the ranking member, for their leadership in helping to craft and guide this assistance package. The Committee on Agriculture has a long history of bipartisan cooperation, and I am proud to be a part of that honorable tradition.

I believe the underlying crop insurance bill will reduce fraud and abuse and expand the insurance coverage and make premiums more affordable to our farmers. However, it will not solve all the problems facing the agricultural community.

Crop insurance reform and emergency funding is only a bridge leading us to the real issue, and that is fundamental reform of the 1996 Freedom to Farm Act which expires in 2002.

As Congress continues the debate on Federal farm policy, I remain hopeful that Congress can produce legislation that will strengthen our Nation's safety net for our farmers so emergency aid packages will no longer be necessary except in the most dire of circumstances. I look forward to that debate.

Mr. COMBEST. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN), a very active and significant member of this committee.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from Texas (Mr. COMBEST) for yielding me this time.

Mr. Speaker, I thank the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) for their leadership. The longer I serve on the Committee on Agriculture, the greater respect I have for the leadership that is provided.

I particularly appreciate the hearings that have been held across the country and the willingness to listen to everyday producers, farmers, and ranchers across our Nation, including the hearing we held at the Kansas State Fair in September of 1999.

The provisions included in the crop insurance reform aspect of this conference report alone would be something that we could come to the House floor very proud of today, and they do move us in the right direction. Crop insurance has needed reform for a long time, and this committee on the House side has worked long and hard to make that happen.

In addition to that, and I hope it does not get overshadowed, in addition to that this conference report will provide disaster assistance for farmers desperately in need of that assistance.

With the failure for us to reach agreements in WTO and reducing subsidies by the European communities and others, with the failure of our ability to reduce taxes and reduce rules and regulations that affect farmers in their everyday lives and their pocketbooks, and with continued low commodity prices, on top of increasing costs for fuel and the Federal Reserve continually raising the interest rate, there is no question but what we would lose another generation of farmers without the assistance provided in this package.

I am particularly delighted that it comes to us early in this session. I thank the Committee on the Budget, and I thank the Committee on Agriculture and the leadership of the House for making certain that our farmers and their bankers know early in this year whether or not there is going to be assistance that is provided to them.

So this is a good day. Crop insurances, disaster assistance and the many provisions contained in this legislation will make a difference in the everyday lives of farmers and ranchers across the country; and we will keep, in place, this generation of farmers now and for the future.

I look forward to working with this committee because our farmers want something more than disaster assistance. That is not what they really want. They want a price for their commodity.

We have a long way to go to help insure that that opportunity is there. This is a step in the right direction, and we have our work cut out for us. I look forward to working with the gentleman from Texas (Mr. COMBEST) today, tomorrow, and every year. I thank the gentleman for this conference report.

Mr. STENHOLM. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I would say to the chairman, the ranking member, the conference committee, I cannot express enough gratitude to them for finally completing the work in bringing this very, very important piece of legislation to the floor for the consideration of the full House.

We need a risk protection tool to repair the safety net that our farmers have had torn away from them. We have been working on this bill for some time, and I am just delighted that finally we are able to get to the point where we can go home and tell our farmers that we have accomplished our work.

This will repair that safety net. It will reward good farming experience, much as we reward good drivers for driving safely. It is more affordable. There will be more coverage, and it will pay for the cost of production losses when there is a disaster.

The most important thing that I like, and what our farmers in Georgia like, is the APH, the adjusted production history, which is a part of this bill; and we are very, very, very pleased with that.

We are pleased with the short-term relief that is being given in the emergency payments for the oil seed producers, the cotton seed producers, and for the disaster assistance for our peanut farmers.

I think we have done a very good job here, and I want to commend, again, the chairman, the ranking member, and the conference committee for a job well done; and I am so glad that we are finally able to get it accomplished.

Mr. COMBEST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CALVERT), another very active member of our committee.

Mr. CALVERT. Mr. Speaker, I rise today in strong support of this conference report, the Agricultural Risk Protection Act of 2000. This legislation goes a long way to assisting our farmers. I want to thank both the chairman and the ranking member, the gentlemen from the great State of Texas, for moving this conference report forward. I am especially pleased that $25 million was included to compensate growers for losses resulting from Pierce's Disease, plum pox, and citrus canker. My district has been hit hard by Pierce's Disease, which is transmitted by the glassy-winged sharpshooter. The disease attacks grapevines and is spreading at a rapid rate through Southern California, the gateway of one of the premier wine regions in California, as well as threatening the wine regions in the northern part of the State.

It is estimated that 25 percent of the 3,000 acres of vineyards in Temecula have been destroyed to Pierce's Disease. Pests are not new to California and to this country. It is estimated in California alone we will lose about $3 billion in losses just because of pests. Pests are introduced in California, new pests, every 60 days. This assistance will help our growers to fight these pests and to struggle through a tough period.

Mr. STENHOLM. Mr. Speaker, I yield 1½ minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding me this time.

Mr. Speaker, I want to begin by commending the gentleman from Texas (Chairman COMBEST) and the gentleman from Texas (Mr. STENHOLM), the ranking member, for this legislation and the inclusive process they initiated that brought this legislation about.

This is my fourth term as a Member of this Congress. In my view, the crop insurance piece of this package before us reflects the very finest dimensions of bipartisan corporation on difficult problems that I have ever experienced as a Member of this body. It really took extraordinary leadership from the gentleman from Texas (Mr. COMBEST) and I appreciate it very much.

Bottom line, this legislation brings farmers higher levels of coverage of premiums they can afford. Farmers risk an awful lot of capital every year, and they need to protect that risk with crop insurance that gets the job done. This higher coverage at affordable premiums will take a big part of that.

Additionally, when farmers lose several years in a row because of weather cycles beyond their circumstance, they require the ability to continue to have adequate coverage. We fix the APH flaw in the existing program with this legislation, and it will mean much better protection going forward for farmers in that regard.

Finally, as has been alluded to by previous speakers, the disaster response contained in this legislation responding to the continued low-price environment our farmers face is also extremely important. Imagine, when it costs more to grow the crop than one can get paid for at the elevator after harvest time. Nobody can stay in business very long under those circumstances.

We need to build over the long haul countercyclical price protection in the farm program so that we do not have to go through this exercise of appropriating every year disaster assistance; but in the meantime this help is desperately needed, very meaningful.

Mr. COMBEST. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EWING), the chairman of the subcommittee where this process all started back a year and a half ago.

Mr. EWING. Mr. Speaker, my thanks to the gentleman from Texas (Mr. COMBEST) and to the gentleman from Texas (Mr. STENHOLM) for all the work and effort they have put in in coming up with a bill which really has a lot in it for American agriculture.

This is truly a remarkable week for agriculture. With the passage of permanent normal trade relations with China yesterday, today the passage of this bill, which has more in it than just crop insurance reform, and then possibly on to the appropriations process for agriculture, this truly is a remarkable week.

I want to comment just briefly on the bill and its underlying basic part, that dealing with crop insurance, because this is what we promised our farmers when we passed Freedom to Farm, one of the important things.

We would give them a safety net, and I believe that the provisions of the crop insurance bill, as amended in this bill, provide truly a magnificent improvement to that safety net.

We are going to allow our farmers to insure at higher levels. We are going to guarantee they can insure what they grow or what they should be able to grow on their land, and we are going to do it at a cost that is significantly reduced.

Also in this bill, though, is a very important thing and other speakers have talked about how we are going to let our farmers know that they are going to have some help in these bad times, again in 2000. The lost market payments that are in this bill are very important to agriculture across the country and certainly in Illinois.

Finally, in this bill is a provision that was part of the bill that I introduced. We called it the biomass bill. Senator LUGAR introduced it in the other body and it has been incorporated into this bill, and it is going to provide research to find uses for what we grow in America, alternate products. This bill contains a lot of good parts and I certainly encourage everyone to vote for it.

The Conference Report to the Agricultural Risk Protection Act is of immense importance for America's agricultural producers. The $8.2 billion provided in the bill for crop insurance over the next 5 years will lead to increased program participation and help to decrease the need for ad hoc disaster bills.

This legislation will increase by 30 percent the amount of government assistance in purchasing crop insurance. Many producers have wanted to purchase higher levels of coverage, but because of the high costs of premiums they have been unable to afford the high costs of premiums. The bill will allow producers to buy levels of crop insurance that actually protect them from the unpredictable forces of mother nature.

The conference agreement also ensures that farmers' actual production history will be adjusted so that APH won't drop by more than 60 percent of the transitional yield in any particular year.

Further improvements will allow livestock producers to develop pilot insurance programs for the first time. This will be extremely important to those producers since livestock revenue accounts for nearly half of this nation's producer revenue.

One of the issues we heard over and over during Subcommittee and full Committee hearings throughout the country was that producers wanted cost of production policies. This bill provides the ability for the development of cost of production policies.

Additionally, the Conference Report makes revenue insurance such as CRC, which is important to producers in Illinois and many other areas of the country more affordable, thereby giving them the ability to protect their projected revenue flow.

Everyone involved in the federal crop insurance has stressed the importance of preventing fraud and abuse. The Agricultural Risk Protection Act deals with concerns voiced over program integrity.

The Risk Management Agency and the Farm Service Agency will be required to work together to ensure that records for crop insurance and other programs are accurate.

The Secretary of Agriculture is required to submit an annual report that identifies specific instances of fraud, waste, and abuse and outlines the steps taken to correct these problems.

The Secretary will have the power to use a broad range of sanctions against producers, agents, loss adjusters, and insurance providers who are committing fraud or abuse.

The conference agreement reflects the intention of the Committee to make the program more efficient and accountable in both its administration and development of new policies.

Rather than having the government develop all new insurance policies, this legislation gives producers and their representative organizations the ability to work with companies, agents, and universities to development crop insurance policies that they believe are more attractive and workable. These groups will be reimbursed for their costs if the end product is approved by the Federal Crop Insurance Corporation's broad and then offered to producers by an approved crop insurance provider.

Many specialty crops have indicated their desire to have policies that are better suited to their particular needs and this provision will help to accommodate their wishes.

For those underserved crops with limited resources, the FCIC may contract with private groups to help develop new policies.

These provisions are designed to provide that producers will be able to have policies that help them address their business risks.

The Conference Report to the Agricultural Risk Protection Act also contains a number of provisions that reach beyond crop insurance. I will briefly outline these provisions that are of considerable importance to my producers in Illinois.

Contained in the agreement is $7.1 billion in economic assistance to the agricultural sector. Nearly $5.5 billion dollars in Agricultural Market Transition Act (AMTA) payments will help our family farmers remain financially solvent as they weather through current low commodity prices in our agricultural economy. Many of my farming constituents have told me that without these market loss payments they have received in the past two years, their family farms would have been extremely difficult to hold onto.

This legislation also provides for a $500 million oilseed payment which will benefit farmers in my district as they continue to deal with soybean prices that are hovering at a nearly thirty year low.

The bill invests funds into the research of technology for reducing, modifying, recycling, and utilizing waste streams from livestock production and eliminating associated air, water, and soil quality problems. This research is vital as our suburbs expand into our rural areas, and the concerns of odor and sanitation issues take on a new importance.

The Conference Report contains legislative language comparable to a bill I introduced last year, H.R. 2827, the National Sustainable Fuels and Chemicals Act of 1999. Much of the language is similar and all of the goals are identical. The Biomass Research and Development Act of 2000 is a bicameral, bipartisan effort to authorize research into the transformation of biomass into biobased industrial products.

Biomass is any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues (including material removed from so-called old growth forests), plants, grasses, residues, fibers, animal wastes, municipal wastes, and other waste materials. By investing in research of biomass, we may be creating an additional market for farmers' products in the long term. Research created by this legislation will help to add in the expedited development of alternative fuels that are environmentally friendly.

The conference agreement both authorizes and appropriates funds to complete the construction of a corn-based ethanol pilot plant in Edwardsville, Illinois, at Southern Illinois University. This pilot plant will be beneficial to the ethanol industry and corn producers.

I urge my colleagues to support the Agricultural Risk Protection Act to help producers help themselves to better risk management strategies. The Conference Report to the Agricultural Risk Protection Act is of vital importance to all of agriculture.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I would like to thank the ranking member and the staff for all of their hard work, and also the chairman of the subcommittee and the full committee for being able to work together in regards to these reforms. They have been a long time coming. The Agricultural Risk Protection Act of 2000 has a lot to commend it, but more can and should be done in the future.

We are seeing the failure of our current farm policy. The legislation that we have before us does not go far enough in providing risk management reforms to strengthen that safety net, but I would like to thank all those involved in working together to try to help raise the farmers' income, primarily with specialty crops.

The bill contains improvements to the noninsured disaster assistance program. It provides solid investment in research and development for new policies while benefiting specialty crops in underserved States. Those are reforms that my farmers can appreciate.

I am disappointed that we did not change the formula for the AMTA payments, and I would have rather seen a portion of that money being spent on the disaster programs that have occurred and particularly with apples and with potatoes.

Our farmers should not have to live with payments amounting to just 65 percent of their disaster losses.

Helping farmers add value to their crops is one sure way to stabilize the economies of rural America.

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I would like to thank the conferees. I have submitted legislation and amendments dealing with value added, and the component of $15 million will go a long way in helping producers to be able to add values, both to their harvest and markets, and to help them to find those markets all with forest products, with potatoes, with blueberries, and cranberries.

The enactment of this section will go a long way to making sure that farmer cooperatives are going to be able to have value added and be able to have access to those markets. I think they are vitally important.

I want to thank the gentleman from Texas (Mr. COMBEST), chairman, and the gentleman from Texas (Mr. STENHOLM), ranking member, and the staff itself for working together on this; and I seek to work with them also as we advance into agriculture appropriations.

Mr. COMBEST. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from North Carolina (Mr. HAYES), a very valued member of our committee.

Mr. HAYES. Mr. Speaker, I thank the gentleman from Texas (Chairman COMBEST) for his tireless and enthusiastic effort for our farmers from Lubbock, Texas and the gentleman from Ericksdahl, Texas (Mr. STENHOLM), the ranking member.

Mr. Speaker, today I rise in enthusiastic support of the first comprehensive crop insurance reform since 1994 as well as much needed economic assistance to our farmers, and it could not have come at a better time.

Our Nation's farmers and ranchers are suffering from over 3 years of record-low commodity prices, drought, and many other natural disasters leading to financial stress. In North Carolina, USDA estimates an 18 percent drop in farm income this year for 1999 levels. In addition, our producers will continue to be greatly affected by increasing interest rates that make farm loans more and more expensive. I am happy to see that we have addressed these problems with disaster assistance also included in this bill.

The $7.1 billion slated to be paid to producers will help to offset the financial difficulties they are going through. The reforms made to crop insurance will also aid our farmers.

More than 2 years ago, the gentleman from Illinois (Mr. EWING) joined me in Laurinburg in the North Carolina eighth district to work on this issue of crop insurance, and here we are today. It is a great day for farm community. The chairman and ranking member and all the staff worked so hard for years to produce this very, very effective bill.

The bill increases premium subsidies in such a way to provide producers the incentive to buy higher levels of coverage and improve participation in the program.

In addition, the bill provides incentives through the development of new and innovative insurance products so that we continue to provide our producers with the best tools possible. Fraud, waste, and abuse also addressed in the bill go a long way towards restoring integrity to the program.

Mr. Speaker, again, I thank the gentleman from Texas (Mr. COMBEST), chairman, and the gentleman from Texas (Mr. STENHOLM), ranking member, and all involved for a wonderful bill. I encourage my colleagues' support.

Mr. STENHOLM. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise today to thank the conferees for bringing forth this bill and the $6 million included in this bill for Michigan to fight bovine tuberculosis.

These funds are an important first step in combating an outbreak of bovine tuberculosis in Michigan. Bovine TB is spreading in Michigan's Lower Peninsula and threatening our beef and dairy cattle.

USDA has announced that Michigan will lose its bovine TB-free status effective June 1. This decision will have dire economic consequences.

It will require the testing of all 1.25 million Michigan beef and dairy cattle. It will place greater restrictions on their travel into other States. It is estimated that Michigan's economy will suffer losses of $156 million over the next 10 years.

Michigan's situation is complicated because the virus has been found in deer herds, which are more mobile and pose a greater risk to beef and dairy cattle. A quarantine zone exists in Michigan; however, positive deer have been found outside of the zone.

In addition, the disease has appeared in badgers, bobcats, coyotes, raccoons, and red foxes. When the disease is rampant, immediate action is necessary.

Compounding Michigan's crisis are the restrictions placed on Michigan's beef and dairy cattle from entering other States for sale or slaughter. In the last 4 years, more than 18,000 Michigan cattle have been exported to other States. Now over 43 States have restrictions on accepting Michigan cattle. Michigan farmers have lost their markets and cannot recoup them until TB is eradicated. Help is needed now, not tomorrow, not next month, and definitely not next year.

So it is essential that we stop bovine tuberculosis before it spreads to neighboring States. Prior to being downgraded, Michigan had been bovine free since 1979. We cannot, however, afford to wait another 21 years to regain a TB-free status, and these funds will help in that effort.

I thank all of the conferees for their work.

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we started off on this endeavor, the idea was to listen to what farmers said was a problem in the current crop insurance program and to do everything we could to try to make for certain that we could correct as much of that as possible within the constraints that we had. As always is the case, when there is a pot of money, it becomes very tempting to try to divvy that up in a variety of ways.

The conference that was concluded yesterday was concluded in 2 hours and 45 minutes. Nine members of the Senate, nine members of the House and all 18 Members of that conference committee signed that report.

I think it does two things. Number one, I think it shows the significance of what this bill is doing. But I also think that it shows the significance of the amount of bipartisan effort that went into this bill; and as much as anything, it shows how well the staff of the House committee, both minority and majority, worked very closely together on this throughout the entire process and their work with the Senate staff and members of the Senate, and having us to a point that something of this magnitude could be concluded in such a short period of time.

Without the work that has gone on literally for weeks, many, many late hours by the staff, both the House and the Senate, majority and minority, this would have not been possible. There is no way that I can thank them enough for those long hours that they put in in creating this product that I think is going to have a significant bearing on the future of American agriculture.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield 1½ minutes to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Speaker, I thank the gentleman from Texas for yielding me 1½ minutes.

Being on the Subcommittee of Risk Management, Research, and Specialty Crops that began the deliberations on this bill, I am proud to stand up here before the House today and support the conference committee report.

I want to thank the gentleman from Texas (Chairman COMBEST), and the subcommittee, and the gentleman from Texas (Mr. STENHOLM), the ranking member of the full committee, for their tireless work in putting this piece of legislation together. This is a very important piece of legislation because I think it heals the promises that were made in the 1996 farm bill.

My understanding, I was not here at the time, but my understanding of when we passed the Freedom to Farms bills, the Congress' obligation was twofold: First to provide a safety net and, second, to open new markets.

I think yesterday we took a major step in opening new markets for our rice producers and the other farmers across America; and maybe even today we will have another opportunity to continue opening markets in the area of Cuba and other areas in other countries.

But the second part was creating a safety net, a safety net that is so important to our rice producers and also our farmers across the country.

So I stand here to support the conference committee report because it makes it accessible and it makes it affordable. But, specifically, I want to thank the gentlemen from Texas, Mr. COMBEST and Mr. STENHOLM, both of which worked with me to provide a provision to help south Louisiana's rice farmers.

This year, we had a drought of a magnitude that we have not seen in many, many years in southwest Louisiana. Under present law, rice farmers were not covered under the drought provisions. I just wanted to thank them for being able to put the rice provision in there for our rice farmers because it is so important to them.

Mr. Speaker, I urge my colleagues to support the conference committee report.

Mr. COMBEST. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Texas (Mr. COMBEST) has 2½ minutes remaining. The gentleman from Texas (Mr. STENHOLM) has 3 minutes remaining.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just let me say in closing, again, I commend the gentleman from Illinois (Chairman EWING) and the ranking members on this side for the tremendous hard work that has gone into this package. There is no question that our producers all across the Nation will be very appreciative of this financial assistance once again this year.

I thank the actions, as the gentleman from Texas (Chairman COMBEST) has mentioned a moment ago, tremendous work of the staffs on both sides of the aisle who have been able to work together in resolving many difficult issues in which we do not always agree 100 percent. But this committee, under the leadership of the gentleman from Texas (Chairman COMBEST), I think, does as good and perhaps I would say best job of any committee in the House of working out differences between both sides when we, perhaps, have differences, not partisan differences, but honest differences in the manner in which various pieces of the legislation should be written.

This was a difficult task with the additions and all, but it has been done in a way in which I feel that can be recommended to our colleagues on both sides of the aisle for their support. Again, I thank the gentleman from Texas (Chairman COMBEST) for his work and cooperation.

Mr. Speaker, I yield back the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield myself the balance of the time.

Again, I thank the gentleman from Texas (Mr. STENHOLM), my friend and my neighbor there, for all the good work and the efforts that have gone into this, and, again, to the staff on the minority side for the efforts and for their work.

If I might just take a moment, Mr. Speaker, to, not only talk about the significance of this bill, but the significance of what happened in the House yesterday. One of the glaring concerns that agriculture has faced over the last 3 years has been a concern about the ability or inability to expand markets.

While I recognize and appreciate the deep-held feelings of those people who were opposed to the granting of permanent normal trade relations with China, I think it was one of the most significant votes that we could take in this House on, not only what is good for America, but what is good for our farmers when we have 1.3 billion people, the largest market in the world, that is now opening up to American production.

All of the groups that have come forward and have talked about the amount of increase and income for their producers and the amount of increase in the price of hogs or cattle, the number of exports that will become available to us, it was really, in my opinion, a no choice, that we have now made ourselves available to a market that everyone else in the world would have taken advantage of.

The gentleman from Texas (Mr. STENHOLM) in every one of the field hearings that we held across the country, not only asked the panel, but he asked the members in the audience, and this has been several thousand over 10 hearings, their position on providing PNTR. In all of those hearings, total combined, well over 90 percent of the people indicated that they supported that activity.

I think that shows the kind of recognition and support that American agriculture has, but I think it also shows the understanding that people have, number one, about what a great trade agreement that was, and number two, about its impact on agriculture.

It was, I think, a very thoughtful question that my colleague asked and carried through that, through the entire hearing process, and I think, continued to focus on it in its significance. It also, I think, gave us a recognition of the amount of support that was out there that otherwise would not have been done.

So I think, as was stated earlier, the last 2 days have been extremely positive days for American agriculture. I was glad to be a part of it and glad to be a part of it on a team that works so bipartisan.

Mr. GOODLING. Mr. Speaker, I rise in support of the conference report on H.R. 2559, the Agriculture Risk Protection Act. This legislation will provide important assistance to our nation's agricultural community and it will help our nation's children as well.

I was reared on a farm and know the hardships faced by our nation's farmers. I was also an educator and know the importance of ensuring that children eat nutritious meals. It is simple. Hungry children don't pay attention to their schoolwork, they pay attention to their growling stomachs.

Currently farmers in my Congressional district are experiencing problems with plum pox. I want to thank the conferees for including indemnification authorization for fruit growers affected by the plum pox virus in Adams County, Pennsylvania, as directed by Secretary Glickman in his March 2, 2000 declaration of Extraordinary Emergency.

Mr. Speaker, this legislation also includes several provisions affecting our federal child nutrition programs. I would like to highlight several of the key provisions.

The first provision is based on H.R. 3614, the Emergency Commodity Distribution Act of 2000. This legislation was introduced to restore recent cuts to the School Lunch Program. Since the 103rd Congress, 12 percent of the cost of school lunches was to be in the form of agricultural products purchased for schools.

Last session, this law was modified to allow the 12 percent commodity requirement to be met through a combination of entitlement and bonus commodities. The savings achieved as a result of this revision was used to help fund the "Ticket to Work and Work Incentives Improvement Act of 1999." As a consequences, schools will receive fewer commodities because bonus commodities will be counted as part of the 12 percent commodity requirement rather than in addition to the commodities schools would receive under this requirement. At the same time, purchases of agriculture commodities will also be reduced.

The conference agreement restores $110 million for the purchase of commodities for school meal programs. Both the children and the agriculture community benefit from these purchases and I thank the conferees for agreeing to partially restore this important commodity funding.

The conference report also includes key provisions of H.R. 4520, the Child and Adult Care Food Program Integrity Act of 2000, legislation to combat fraud and abuse in the Child and Adult Care Food Program (CACFP). The Child and Adult Care Food Program provides nutritious meals and snacks to children in day care facilities and family day care homes. It operates in 37,000 day care centers and 175,000 day care homes.

Unfortunately, in recent years both the Inspector General of the U.S. Department of Agriculture and the General Accounting Office (GAO) have issued reports of widespread fraud and abuse and deficient management practices in the program. As a result, the full value of nutrition benefits the program delivers has been denied to many of the 2.7 million participating children nationwide.

Provisions included in the conference report, based on H.R. 4520, would address fraud and abuse in CACFP and improve program management. For example, the legislation will require the Agriculture Department to develop a plan for ongoing periodic training of state and sponsor staff in the prevention of fraud and abuse; require a minimum number of unannounced site visits for inspections; and permit the Secretary of Agriculture to withhold administrative funds to states that have not met their oversight responsibilities. It will also require child care provisions to notify parents if they are participating in the Child and Adult Care Food Program, so they can take action if they suspect fraud and abuse. These are but a few of the key provisions directed at eliminating fraud and abuse in the Child and Adult Care Food Program.

Enactment of this legislation will ensure that CACFP funds will be used to feed children and not end up in the hands of unscrupulous program sponsors and care providers.

Mr. Speaker, I urge my colleagues to support H.R. 2559, the Agriculture Risk Protection Act. It provides important assistance to our country's farmers and ensures the provision of vital nutrition assistance to our nation's children.

Mr. CONDIT. Mr. Speaker, I'd like to begin by thanking the Agriculture Committee members and staff for their hard work on the Agricultural Risk Protection Act of 2000. This bill goes far in providing much needed assistance to farmers nationally, and for the first time effectively addresses the unique conditions of California specialty crops.

A main concern of specialty crop producers is the lack of insurance programs that meet their risk management needs. This bill prioritizes $25 million for research and development of new and improved insurance products for these growers. Additionally, new mandates on RMA to contract out and reimburse private sector research and development of crop insurance programs will expedite product development and reform. The streamlining of RMA's review and development procedures encourages new product availability in response to proposals and requests from producers and approved insurance providers. A specialty crop coordinator will be appointed to expand existing policies and coverage for specialty crops.

To increase specialty crop participation in crop insurance programs, cooperatives and non-profit trade associations are permitted to offer Catastrophic and additional levels of insurance to their members where state law allows licensing fees. Members of these cooperatives who are located in adjacent states also benefit from this provision. California farmers will benefit tremendously from this provision, since cooperatives will now be allowed to encourage farmer participation in crop insurance programs and assist in the payment of fees.

Participation is also increased by the elimination of an area-wide loss before disaster payments can be made to producers of currently non-insurable crops. In states with less than 50 percent of national participation average, the USDA Secretary is also instructed to take steps to study and develop other ways to increase participation.

I am very pleased with the reforms made in this year's crop insurance legislation and thank you on behalf of all California farmers for responding to their needs.

Mrs. CAPPS. Mr. Speaker, I rise today in support of Agriculture Risk Protection Act Conference Report. This bill provides important support for our Nation's farmers an ensures that Americans will have a steady, affordable food supply.

I want to address an issue that is of particular importance to my district—the spread of Pierce's Disease. I am pleased that this bill includes much-needed funding to combat Pierce's disease and the Glassy-winged Sharpshooter which spread it. This disease is having a devastating effect on California vintners, and needs to be brought under control before it does even greater damage.

Although outbreaks in my district have been limited, recent sightings of the Glassy-winged Sharpshooter are very worrisome. Just the other day eggs of the Glassy-winged Sharpshooter were found on plants at two northern San Luis Obispo County nurseries.

While we have been experimenting with different ways to combat Pierce's Disease, currently there is no known cure. Central Coast wine grape growers are banding together and contributing funds to fight this disease. We in the federal government need to support these efforts.

I joined members of the Wine Caucus in urging the Agriculture Subcommittee of the Appropriations Committee to increase funding for combating Pierce's Disease. I am pleased that the Subcommittee saw the importance of this issue and provided appropriate funding in the Agriculture Risk Protection Act Conference Report.

This bill provides the necessary support for our vintners with $7.14 million in funding for control and containment activities in California and $25 million to compensate growers for losses due to three different diseases including Pierce's Disease.

We cannot rest until a cure for this disease is found and the Glassy-winged Sharpshooter is eradicated. I'm glad that this bill takes a major step in that direction.

Mr. KIND. Mr. Speaker, I am extremely disappointed in H.R. 2559, the conference report on the Agriculture Risk Protection Act. While originally intended as a simple crop insurance measure, H.R. 2559 instead is a sad commentary of the state of our nation's current dysfunctional farm policy.

The crop insurance reform bill that this body is set to vote upon codifies some of the basic principles that many of us have been advocating—affordability, and buy-up coverage. I am happy that the measure authorizes an increase in the number of counties that can participate in the dairy options pilot program (DOPP), authorizes the creation of livestock insurance program, and improved coverage of specialty crops—including cranberries, apples, and vegetable crops grown in Wisconsin.

Unfortunately, the conference committee has unnecessarily included $7.1 billion in emergency farm payments in the bill. This legislation is not the proper vehicle for such outlays. Instead, the House should deal with these matters separately, in a more thorough and thoughtful manner.

The emergency farm assistance fails the American farmer and rural communities in a number of ways. Specifically, it fails to target the assistance to those producers and commodities that need it most. By distributing these funds through the inequitable Agriculture Marketing Transition Act (AMTA) formula, this legislation places a priority on wheat and feed grains grown on large operations in the Great Plains and fails to address the needs of family-sized operations.

According to a recent computer investigation by the Environmental Working Group, "taxpayers have provided $22.9 billion in emergency subsidies (payments above normal farm bill receipts) during the first three years of the 'Freedom to Farm' law, but 10 percent of the recipients (144,000 participants) collected 61 percent of the money." Even President Clinton's Agriculture Secretary opposes this delivery mechanism, claiming that AMTA payments treat "the farm economy as monolith, failing to consider the varying degree of market weakness across commodities." Sadly, this bill fails to correct this economic injustice.

In addition, the AMTA payments do not increase farm conservation programs. In a period when a growing segment of the American population is calling for improvements in clean water and air, as well as more sustainable agriculture practices in general, it is irresponsible not to allocate adequate funds to programs that address the growing concentrated animal agriculture industry and its related phosphorous and nutrient management problems as well as hazards associated with crop fertilizer use.

American farmers deserve more than this short-sighted, inequitable, shot-gun approach to farm policy. This nation, and this body, needs to have a thoughtful discussion of the commodity price problems facing rural America. H.R. 2559 short-circuits the deliberative process that is the great hallmark of democracy. Hopefully, rural America will see through this half-hearted approach and call on Congress to act in a more responsible manner.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of the conference report for H.R. 2559, the Agricultural Risk Protection Act, which provides for the reform of our Federal crop insurance program, and urges his colleagues to vote for it.

This Member would like to begin by expressing appreciation to the distinguished gentleman from Texas (Mr. COMBEST), the Chairman of the Agriculture Committee, and the distinguished gentleman from Texas (Mr. STENHOLM), the Ranking Member of the Committee, for their hard work on this important legislation.

As an original cosponsor of H.R. 2559, this Member is pleased that this conference report is being considered today. Agricultural producers throughout the country continue to suffer from disastrously low commodity prices and in some regions from adverse weather conditions. For instance, Nebraska farmers are confronting one of the most serious droughts in decades.

This Member believes that this conference report is an important step toward developing a more effective long-term approach to assisting agricultural producers. Improving crop insurance is certainly not the only solution to the current problems, but it does provide a more adequate safety net to farmers who are too often confronted with natural disasters and low prices.

The Agricultural Risk Protection Act will make crop insurance coverage more affordable at every level. It will offer producers significant incentives to purchase higher levels of protection and provide farmers with the flexibility to purchase the coverage that best meets their needs.

It is important to note that this crop insurance reform bill also improves the current risk management structure by providing better coverage for both production and revenue. It does so by making possible more affordable policies to protect farmers against price and income loss. The legislation also initiates a livestock pilot program to test the effectiveness of risk management tools to protect livestock producers.

This Member's constituents have made it clear that crop insurance is a necessary risk management tool. Unfortunately, it is often too expensive or offers too little protection to be of real value. This legislation takes these concerns into account and offers agricultural producers what they need—meaningful and more affordable crop insurance.

This Member is also pleased that this conference report includes funding for emergency payments to farmers. The 1996 Freedom to Farm Act was based on the premise of expanding international markets for the commodities produced by our nation's farmers. This clearly has not happened. Certainly, one of the root causes of the current low commodity prices was the drop in exports, especially to Asia as a result of the region's economic down-turn. Nobody could have predicted the Asian financial crisis or the contagion effect which is still being felt.

Also, because of the strength of our national economy relative to most other countries, the value of our currency compared to others now makes our exports less price-competitive in Asian markets than our competitor exporters like Canada, Australia, Brazil, or the nations of the European Union. Thus, there is not only a dramatically reduced agricultural export market in Asia, we are also getting a reduced portion of the remaining Asian import business.

Clearly, an emergency agriculture relief package is needed immediately. Producers are in desperate need of a quick infusion of cash to help them deal with low prices and increasing costs. However, as important as that relief is, it is only a temporary fix. A long-term approach is clearly needed. This conference report, which includes significant improvements in the crop insurance program, is an important component of that effort.

This Member urges his colleagues to vote for the conference report for H.R. 2559.

Mr. LAHOOD. Mr. Speaker, I rise today in support of the conference report for H.R. 2559, the Agricultural Risk Protection Act of 2000. I believe that this legislation is paramount to providing much needed assistance to our nations farmers and ranchers.

In 1996, Congress passed the Freedom to Farm bill, which was designed to limit government's role in agriculture. This legislation addresses some of the short falls of Freedom to Farm by providing temporary economic relief to our farm community, as well as implementing crop insurance reform.

The reforms to the crop insurance program will strengthen the farm safety net by providing producers improved risk management tools to address the inherit risks associated with farming. I believe that these reforms are necessary, and that they will remove need for the type of emergency assistance Congress has provided agricultural producers over the past two years.

I am especially appreciative that this conference report contains the House crop insurance reform language calling for the implementation of livestock pilot programs. These pilot programs would provide livestock producers with the necessary risk management tools to cope with disasters, weather shifts, and other natural acts beyond their control without fear that the cost of doing the right thing will put them out of business.

I am also supportive of the anti-fraud provisions in the crop insurance legislation. These provisions direct the Federal Crop Insurance Corporation and the Farm Service Agency to work together to reconcile producer information on an annual basis, to identify producers and insurers who are abusing the program.

As I stated earlier, I believe that this is sound legislation. I want to commend all the conferees and committee staff for their hard work and dedication, particularly Chairman COMBEST and Ranking Member STENHOLM.

Mr. CLEMENT. Mr. Speaker, first of all, I would like to congratulate Congressman COMBEST of Texas for introducing the Agricultural Risk Protection Act of 2000. The conference report that we are voting on today will provide a badly needed overhaul of our crop insurance system.

All of us who represent and have grown up in rural areas know the importance of our nation's farmers. The weather over the past couple of years has not been very generous to Tennessee's farmers and now, more than ever, they need federal policy to help them these tough times.

Farming is not only a job that requires endless hours of hard work and planning. It also requires a substantial amount of courage to be a farmer. Our farmers take risks every year by putting their livelihood on the line in order to produce for their communities. They invest the money they have worked so hard to save in a crop or a number of crops with the hope that the rains will come and that a tornado and the insects will not.

But, as we all know, those conditions are never guaranteed. But my fellow Congressmen and I can guarantee them an affordable safety net. Providing our dwindling farming population with a cheaper and broader insurance program is the least we can do for the men and women who work to provide for each one of us in this House.

The provision in this conference report that makes catastrophic coverage available for all farmers for a simple fee is certainly appealing to Tennessee's farmers who have been hit by a recent wave of tornadoes and droughts over the past several years.

Tennessee's single crop and lower yield farmers are especially excited about the change in their actual production history formula. These farmers will now be able to insure more of their investments and feel more secure about their ability to support their families. Ladies and gentlemen these are only a few examples of the benefits of this legislation.

I call on each one of my fellow members of Congress to join me and support this conference report for America's courageous farmers.

Mr. COMBEST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2559 just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT OF THE HOUSE FROM THURSDAY, MAY 25, 2000 OR FRIDAY, MAY 26, 2000 TO TUESDAY, JUNE 6, 2000, AND RECESS OR ADJOURNMENT OF SENATE FROM THURSDAY, MAY 25, 2000 OR FRIDAY, MAY 26, 2000 OR SATURDAY, MAY 27, 2000 OR SUNDAY, MAY 28, 2000 TO MONDAY, JUNE 5, 2000 OR TUESDAY, JUNE 6, 2000

Mr. LINDER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 336) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 336

Resolved by the House of Representatives (The Senate concurring), That when the House adjourns on the legislative day of Thursday, May 25, 2000, or Friday, May 26, 20000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10:30 a.m. on Tuesday, June 6, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, May 25, 2000, Friday, May 26, 2000, Saturday, May 27, 2000, or Sunday, May 28, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 5, 2000, or Tuesday, June 6, 2000, as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

□ 1130

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MAPPING OF HUMAN GENOME

Mr. Speaker, I would like to speak for a moment this morning on a measure that affects all Americans and about which I am afraid this Congress is doing nothing, and that is the mapping of the human genome.

It is expected to be finished within the next month. We will know more about our human body than we have ever known before, and it will be a wonderful way to present health care.

We expect that, once we understand the human makeup, we will be able to do much more for prevention of diseases, and diseases that have plagued us over the centuries will be no more.

Unfortunately, there is a downside to this wonderful scientific venture, and that is the issue of health insurance. Discrimination is already taking place against people who are afraid to find out what their genetic makeup is for fear that it would cause them to lose their health insurance or that the rates and conditions would change to such an extent that they could no longer afford it.

We have a bill, Mr. Speaker, H.R. 306, which has good bipartisan support in the House by 220 sponsors at this time, more than enough to pass. I would like very much to see this come to the floor on the suspension calendar, on which I am sure it would pass, simply to give the peace of mind to every American that the genetic makeup with which they were born would not cause them to lose their health insurance.

It is important for us to make sure that people understand we are not talking about a different population, we are talking about us. Each one of us is believed to be born with between five and 30 faulty genes. And it is the rankest form of discrimination to deny health insurance on genetic grounds, because simply having a faulty gene does not ensure that they will get the condition and, if they did, it might be 40 years down the road. That discrimination is already taking place, Mr. Speaker.

I want to urge this House to take up as expeditiously as possible H.R. 306 so that we can assure Americans that their health insurance will be kept intact.

* * *

PARTIAL-BIRTH ABORTION BAN ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 457, I call up from the Speaker's table the Senate bill (S. 1692) to amend title 18, United States Code, to ban partial-birth abortions, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 1692 is as follows:

S. 1692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Partial-Birth Abortion Ban Act of 1999".

SEC. 2. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

"CHAPTER 74—PARTIAL-BIRTH ABORTIONS

"Sec.

"1531. Partial-birth abortions prohibited.

"§ 1531. Partial-birth abortions prohibited

"(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both. This paragraph shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury. This paragraph shall become effective one day after enactment.

"(b)(1) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion deliberately and intentionally—

"(A) vaginally delivers some portion of an intact living fetus until the fetus is partially outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the fetus while the fetus is partially outside the body of the mother; and

"(B) performs the overt act that kills the fetus while the intact living fetus is partially outside the body of the mother.

"(2) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: *Provided, however,* That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

"(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

"(2) Such relief shall include—

"(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

"(B) statutory damages equal to three times the cost of the partial-birth abortion.

"(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness or injury.

"(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

"(e) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"74. Partial-birth abortions .... 1531".

SEC. 3. SENSE OF CONGRESS CONCERNING ROE V. WADE AND PARTIAL BIRTH ABORTION BANS.

(a) FINDINGS.—Congress finds that—

(1) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade (410 U.S. 113 (1973)); and

(2) no partial birth abortion ban shall apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that partial birth abortions are horrific and gruesome procedures that should be banned.

SEC. 4. SENSE OF CONGRESS CONCERNING A WOMAN'S LIFE AND HEALTH.

It is the sense of the Congress that, consistent with the rulings of the Supreme Court, a woman's life and health must always be protected in any reproductive health legislation passed by Congress.

SEC. 5. SENSE OF CONGRESS CONCERNING ROE V. WADE.

(a) FINDINGS.—Congress finds that—

(1) reproductive rights are central to the ability of women to exercise their full rights under Federal and State law;

(2) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade (410 U.S. 113 (1973));

(3) the 1973 Supreme Court decision in Roe v. Wade established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy; and

(4) women should not be forced into illegal and dangerous abortions as they often were prior to the Roe v. Wade decision.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Roe v. Wade was an appropriate decision and secures an important constitutional right; and

(2) such decision should not be overturned.

MOTION OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Speaker, pursuant to the rule, I offer a motion.

The Clerk read as follows:

Mr. CANADY of Florida moves to strike all after the enacting clause of the bill, S. 1692, and to insert in lieu thereof the text of the bill, H.R. 3660, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE

Mr. CANADY of Florida. Mr. Speaker, pursuant to the rule, I offer a motion.

The Clerk read as follows:

Mr. CANADY of Florida moves that the House insist on its amendment to the bill, S. 1692, and request a conference with the Senate thereon.

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES

Mr. CONYERS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. CONYERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate bill, S. 1692, be instructed to meet promptly with the managers on the part of the Senate on all issues committed to conference.

The SPEAKER pro tempore. Pursuant to rule XX, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Florida (Mr. CANADY) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I support the current motion to recommit by Mr. CONYERS.

Like the House Bill that was unfortunately passed in April, this act, despite its title is nothing more than an attempt to inhibit a woman's constitutional right to choose.

Although the majority conveniently skirts the issue of the 1973 Supreme Court decision of Roe v. Wade, this law is still in effect and we must recognize a woman's right to have an abortion especially if her life is threatened.

Yes, it is true that technological advancement in the medical field has enabled women to better monitor their pregnancies so that they may bring healthy children into this world. However, some pregnancies may involve problems that may threaten the life and/or health of the mother.

For example, continuing the pregnancy may result in severe heart disease, malignancies and kidney failure. In these situations, when a woman is faced with a life or death decision, she must have the right to make a choice whether to continue her pregnancy.

The procedure referred to in S. 1692/H.R. 3660 has been used to protect the mother's life but many times these late term abortions are primarily done when the abnormalities of the fetus are so extreme that independent life is not possible.

Many times in the issue of abortion we tend to glorify a potential life but refuse to acknowledge the actual living human being that has conceived that life.

This actual living human being has rights enumerated in the Constitution that can not be infringed upon regardless of what type of abortion is being performed especially if it is to save the life of mother.

If society picks and chooses which type of abortion one should have then once again we are taking away the right of a woman to choose.

If this conference report is supported by the majority, this S. 1692/H.R. 3660 would put the government in the doctor's office and leave the health of women unprotected.

I would be amiss if I did not highlight the fact that the terminology being employed by proponents of this bill is a term with absolutely no medical or scientific meaning.

On the contrary, this term is a being used solely to enrange and misguide the public. In fact, this term was actually adopted from a speech given by an anti-abortion advocate. Hence, the attempt to assuage our concerns that this legislation is not an attempt to circumvent a woman's constitutional right is simply untrue.

Therefore, I will not use this propagandist term "partial birth" abortion, but instead give this bill the title it deserves, the "Abortion Ban of 2000."

S. 1692/H.R. 3660 is another attempt to put politics before women's health. The overwhelming majority of courts have to have ruled on challenges to state so-called "partial-birth abortion" bans have declared those bans unconstitutional.

Despite the passage of abortion bans in state legislatures throughout the country, on election day in both 1998 and 1999, ballot initiatives that would have enacted this type of law were defeated in Washington, Colorado and finally Maine. The people of this country do no support this type of law.

In fact, only 12 states have abortion bans in effect, but 9 of these states have not yet been challenged.

Furthermore, Six federal district courts have issued permanent injunctions against statutes virtually identical to S. 1692/H.R. 3660 and the Supreme Court is set to decide on this issue in Stenberg v. Carhart.

I agree with my democratic colleagues that any action by Congress would be premature and even mooted by the Court's decision.

Notwithstanding the potentially mootness of this discussion, proponents of this legislation not only mischaracterize the reasons underlying the use of late term abortions, but they failed to even recognize the constitutional rights espoused by the Supreme Court in roe and reaffirmed in Casey.

The ambiguity of this legislation further frustrates the rights of women in the Nation and chills legitimately protected rights.

This legislation could essentially ban more one type of procedure because is fails to distinguish between abortions before and after viability.

These are just some of the many problems with S. 1692/H.R. 3660 and these alone should make anyone question the appropriateness of such legislation.

We can not straddle the fence on this issue. It is either to protect the rights of women or take them away completely.

Women have fought hard and long to have autonomy over their bodies and by putting restrictions on what type of abortions she is allowed to receive would put women back in the era of Pre-Roe v. Wade.

By banning partial birth abortions not only are we taking the right of women to have autonomy over their bodies and the right of families to determine their future, but we are also taking the right of women to live their lives as healthy American citizens and treating them like prisoners in their own country.

Mr. CONYERS. Mr. Speaker, we have no speakers, and I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I have no objection to the motion to instruct conferees, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. HYDE, CANADY of Florida, GOODLATTE, CONYERS, and WATT of North Carolina.

There was no objection.

☐ 1145

RECESS

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 12 of rule I, the Chair declares the House in recess for 10 minutes.

Accordingly (at 11 o'clock and 46 minutes a.m.), the House stood in recess for 10 minutes.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 11 o'clock and 57 minutes a.m.

PROVIDING FOR CONSIDERATION OF H.R. 3916, TELEPHONE EXCISE TAX REPEAL ACT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 511 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 511

> *Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3916) to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 511 is a closed rule providing for consideration of H.R. 3916, the Telephone Excise Tax Repeal Act. This bill is designed to amend the Internal Revenue Code to repeal the excise tax on telephone and other communications services.

H. Res. 511 provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that the amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted upon adoption of the resolution. Finally, the rule provides one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, when it comes to unintended consequences in crafting tax policy, the Federal Government has shown a tendency to lead the way. If you remember, in 1991 the U.S. Congress passed a luxury tax on yachts to punish the rich, a tax that subsequently bankrupted American companies, forced sales in that sector to drop 75 percent, and resulted in the loss of about 30,000 jobs. That Congress thought that the luxury tax was a tax on the rich, and the unintended consequences of their actions resulted in a tax on American workers and the loss of their jobs.

□ 1200

Today we are going to discuss the telecommunications tax, a tax that is currently having the unintended consequence of limiting the opportunities of lower- and middle-income Americans to have affordable access to the information superhighway. In effect, it is a tax on talking and on access to the Internet.

This particular telecommunications tax was enacted by Congress in 1898 to help pay for the Spanish-American War. While the war has been over for 102 years, like most temporary taxes, it is now a permanent tax. In 1990, the same tax-happy Congress that brought you the disastrous luxury boat tax, decided in its wisdom to make the telecommunications tax permanent.

The tax originally consisted of a penny tax on long distance calls costing more than 15 cents. It is important to note that in 1898 there were approximately 1,376 telephones in this entire country, and that, of course, this luxury tax would affect only the very, very rich. However, in the 21st century, 102 years after this temporary tax was initially enacted, this tax hits not just the rich, but all Americans.

In fact, this regressive tax hammers lower-income Americans the hardest. According to the Bureau of Labor Statistics, families earning between $10,000 and $30,000 a year spend between 3 and 4 percent of their incomes on telecommunications. Those Americans making $70,000 or more each year spend about 1 percent of their income on telecommunications.

Nonetheless, the truth is that all Americans must now pay a 3 percent tax on their phone bill, an estimated 252 million business and residential phone lines. The tax can be applied to telecommunications services such as general household phone lines, cellular phones, fax lines, computer modem lines, subscriber line charges, add-on features such as call waiting and caller ID, toll call services and directory assistance. As you may have guessed, all Americans, rich and poor, now have to pay the tax.

Mr. Speaker, this is just one more tax that makes the costs prohibitive for lower-income Americans to go online and participate in the new high-tech economy. As one who supports reducing the overall tax burden on American families, I wholeheartedly support this bill. H.R. 3916, which will reduce the tax to 2 percent beginning 30 days after enactment, reduces the tax to 1 percent on October 1, 2001, and repeals the tax entirely on October 1, 2002.

The high-tech revolution has changed the way that every American works and lives and has provided Americans with more freedom, prosperity, and job opportunities for the future. The foolish and shortsighted tax policies of the 101st Congress should not be permitted to act as an unreasonable toll against low- and middle-income Americans attempting to get on the information superhighway.

This Congress will repeal the telecom tax and ensure that excessive government taxation does not threaten the ability of all Americans to participate in opportunities that will be presented in the high-tech future.

This rule was unanimously approved by the Committee on Rules on Tuesday, and I urge my colleagues to support it so we may proceed with general debate and consideration of this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Georgia for yielding me the customary 30 minutes.

Mr. Speaker, this is a noncontroversial measure that came out of the Committee on Ways and Means unanimously. The measure would repeal over 3 years the 3 percent telephone excise tax imposed originally to finance the Spanish-American War. Under the bill, the 3 percent tax would be reduced to 2 percent 30 days after it becomes law, it will drop to 1 percent October 1, 2001, and would be fully repealed on October 1, 2002.

The tax has been repealed on two previous occasions, but was brought back in different forms to pay for World War I and World War II, and then increased to help fund the Vietnam War. It was made permanent in 1990, with the money going into the general treasury.

Phasing out this excise tax is a worthy objective, as is it is becoming increasingly difficult to administer as technological advances blur the distinction between taxable and nontaxable communications services. I would echo the concerns expressed by the administration, however, that this revision should be enacted as part of an overall budget framework for maintaining fiscal discipline, for paying down the national debt and for extending the solvency of Medicare and Social Security. The administration estimates that Federal receipts would be reduced by $1.5 billion in fiscal year 2001 and $20 billion over fiscal years 2000 to 2005.

Mr. Speaker, again, I do not oppose the underlying bill, but the Committee on Rules missed a golden opportunity during consideration of this measure, an opportunity to address what is rapidly becoming a digital divide in our Nation between those who have access to technology and those who do not. Several of my colleagues offered amendments to tackle this divide, but the majority in the Committee on Rules chose to disallow their consideration.

I am going to urge Members to vote no on the previous question, and, if the previous question is defeated, I will offer an amendment to the rule to make in order the Towns-Waters-Dingell substitute and the Wynn substitute. Both of these proposals immediately cut the telephone excise tax from 3 percent to 1 percent, and then eliminate it altogether by September 30, 2002.

The Democratic amendments would use the revenues from the phased-out telecommunications excise tax to fund various programs and grants designed to bridge the digital divide. No one doubts that electronic commerce has the opportunity to dominate our country's economic future, but this will happen only if electronic commerce is available to everyone in the country. Electronic commerce cannot work if low-income populations in our urban centers, in our rural communities, as well as Native Americans, do not have access to it. The Federal Government has the responsibility for ensuring that our children and adults have the opportunity to acquire the skills needed to succeed in a digital work world.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT.)

Mr. BLUNT. Mr. Speaker, here we are to talk about repealing a tax that was put on in 1898 to fight the Spanish-

American War. We thought the war lasted 8 months. I used to teach history at high school and then later at college, and I suggested that was one of our quickest wars, only to find out as we look at how many dollars have been collected on this tax over the years that in any measure of dollars, the Spanish-American War turned out to be the most expensive war in the country's history; $5 billion collected last year in a tax that was put on in 1898 to fight the Spanish-American War.

Of course, it was a tax on only the rich, because in 1898 only the rich had telephones. Now it is a tax on the people whose telephone is the lifeline of their life. It is a tax on people who use the telephone only for the most basic necessity, because it is a tax on the local service only. If you are on a fixed income, if you are a senior citizen, if you have a telephone to call your family, to call the doctor, to make an emergency call, if you never make a long distance call, if you try to pay only the smallest amount you can possibly pay and have a telephone, you pay this tax.

Because we have a surplus, because we have balanced the budget, the old arguments of we need this money, how would we replace it, what program would we cut, no longer work.

This is a reaction to what can happen when you show fiscal responsibility. It is a reaction to what happens when the Congress begins to use the yardstick of common sense. It is a reaction of what can happen when you take a tax that has now been on the books for almost every telephone bill for the last 102 years, occasionally phased out for a brief period of time, but always snatched right back. If we pass this bill, this rule today, which I am for, and if we pass this bill today, within the next few months, Americans that have on their telephone bill the line that says Federal tax or excise tax on their local phone service, will no longer have that. We eliminate this tax on the rich from 1898 that became a tax on those in the most difficult circumstances in the year 2000.

I am pleased that the Committee on Rules has brought this rule to the floor today, and pleased that the Committee on Commerce is bringing this bill to the floor. I urge passage of both.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, I rise to support the repeal of the telephone excise tax, to thank the dear gentlewoman from New York (Ms. SLAUGHTER), but to oppose the rule.

I do not quite understand why my Republican colleagues, who profess to wish to give the consumers a tax cut, have denied us an opportunity to offer an amendment which would give consumers an even bigger tax cut than the bill reported by the Committee on Ways and Means in the amendment which would have been offered by the gentleman from New York (Mr. TOWNS), the gentlewoman from California (Ms. WATERS), and myself.

The interesting thing is the leadership on the majority side seriously miscalculated if they believed that this is a tax reform that most Americans want. I know constituents care about tax cuts, but they want them to put money in the pockets of the citizenry, rather than making Republican Congressmen look good.

The Towns-Waters-Dingell amendment, which is widely supported on this side, would save consumers about $1.5 billion more than the committee bill over the next 2½ years. During the phase-out period, our amendment also puts revenues from the excise tax into a trust fund to pay for programs that create digital opportunity for Americans who live in underserved rural and urban areas.

Why are my colleagues on the other side of the aisle afraid? Why do they not desire our approach? We give the tax cut earlier on in larger amounts, but we also put the money to work in spending for creating a tax fund which would enable us to begin to provide for access to the Internet and advanced telecommunications services for people of low income in rural and in underserved urban areas. That is what we should be really doing here.

Unfortunately, the need which has to be met cannot be met without active assistance of the Government in terms of opening up these kinds of services by putting revenues collected from this excise tax into funds which will expand opportunity to receive services and to eliminate the digital divide. Without government help, Mr. Speaker, there are major areas of the country, major urban areas, as well as rural communities, where broad band services will simply not be provided. For our children to know how to use on-line services, resources and devices, we have to have this kind of intercession; not to establish any Federal preference, but, rather, to expand opportunities for service and to expand opportunities for all people involved in delivering this kind of service and an opportunity to compete fairly.

I hope that when the previous question is raised, my colleagues will vote no. I hope that when the question is raised, Members will vote no on the rule, so that we can get down to a proposal which in fact will benefit the country.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out to the gentleman that in 1993 and 1994 with overwhelming majorities in both bodies and a Democrat President, he could have done anything he wanted with that 3 percent and solved all of those problems.

Mr. Speaker, I yield such time as he might consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend from Atlanta for yielding me time.

Mr. Speaker, I would first like to, since he has entered the Chamber, congratulate my very good friend, the gentleman from Cincinnati, Ohio (Mr. PORTMAN), for having taken the lead on this extremely important issue. He has done a great job in pointing to the importance of it and putting together a coalition that has included my colleague, the gentleman from California (Mr. MATSUI).

Mr. Speaker, creating digital opportunity is the priority that we have. I do not like to call it the digital divide. What we want to do is we want to make sure that we create opportunities for every single American to be able to have access to this information economy.

We have this information-based economy, and we all know that it is tied to virtually everything that goes through some sort of telecommunications area, and the hindrance that is there is a tax. Our great historian, the gentleman from Missouri (Mr. BLUNT), talked about the cost of the Spanish-American War and the fact that last year $5 billion was collected for that. We are finally going to declare victory; and at the same time, we are going to reduce that one burden that has stood in the way of enhancing digital opportunity.

The fact is, again, telecommunications is the foundation of this information-age economy that we have developed. In my State alone, it is amazing to look at the number of jobs, the number of families that are able to maintain and expand their standard of living because of these opportunities. It is about 800,000 in my State that have been created since 1993; and nationwide it is approaching 5 million, about 4.8 million.

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We want to do everything we can to expand that.

Again, in California, 45 percent of small businesses, and the small business sector, as we all know, is the backbone of our economy; 45 percent of those small businesses say that they use the Internet to do business, and anything that stands in the way to expand that, we very much want to repeal and address.

So I believe that we have a great opportunity here to strike a blow for our quest to expand opportunities for every single American, to get in and enjoy this economy, because when we look at a family that has earned $25,000 or less, they have said that the one thing that stands in the way of their getting into this information-age economy is the cost. So this is one step, a very important step, that we can take towards decreasing that cost and enhancing opportunity.

Mr. Speaker, I urge an aye vote. This will be another wonderful accomplishment when we move this through to the leadership, the Speaker of the House, the gentleman from Illinois (Mr. HASTERT) and this great and very, very, very successful 106th Congress.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise to urge defeat of the previous question, because it undermines our efforts to bridge the digital divide. I want to thank the gentleman from New York (Mr. TOWNS), the gentlewoman from California (Ms. WATERS), and the gentleman from Michigan (Mr. DINGELL) for coming up with an ingenious and innovative approach to providing a response to this very important and very serious problem.

It is good to eliminate the excise tax and reduce telephone bills across the country, but what if one does not have a telephone in the first place, as we found on so many of our Indian reservations around the country where 50 percent of the people did not have telephones at all and, where in so many of our low-income communities, rural and urban, that same problem persists where telephone lines are not available to even begin to think about Internet access.

More and more, America is transforming into a technology-driven nation, with every institution being impacted by the Internet and e-mail. In this new tech-driven economy, computers are becoming the crucial link to education, to defense, to information, and training, and to commerce.

For all Americans, personal and economic success will depend upon having the ability to understand and use these powerful information tools. However, according to the Commerce Department report, Defining the Digital Divide, a large segment of the population have no access to technology at all.

Unless this changes, these poor families in both urban and rural areas will be left behind. Millions of Americans will not have the tools necessary to compete in the new economy and will become the first second-class citizens of the information age.

But let us not kid ourselves. The digital divide is not just a problem for the residents of these distressed and rural areas and these urban communities. It is a problem for the entire national economy as a whole. If we do not extend technology access to all Americans, our skilled labor force will continue to be depleted, millions of tech jobs will continue to go unfilled, and private industries and the military will continue to have problems recruiting and retaining highly skilled individuals.

H1B visas are not the answer. Hiring foreign workers will not solve our growing, long-term needs for highly skilled workers. Surrendering our Nation's pre-eminence is also not an option. The answer is to eliminate this digital divide and ensure that all Americans are given access to technology and training.

The private and public sector both understand the importance of bridging the digital divide in America and are taking steps to bring technology to schools and libraries across America. I applaud them for their efforts. However, these efforts are not enough.

To truly bridge the digital divide and improve the way our children learn, the Federal Government must step in and help provide funds to bolster these efforts and extend technology access to every home in America. Only then can we assure that all of our children will have the tools necessary to compete in this tech-driven economy.

I and many of my colleagues have numerous bipartisan legislative proposals to address the digital divide and extend technology for access to schools, libraries, computer centers and homes of all Americans. Many of these proposals would require Federal funding.

Mr. Speaker, a defeat of the previous question will allow my colleagues and I to vote on the amendment of the gentleman from New York (Mr. TOWNS) to set aside the phasing out of the telephone excise tax in a separate digital divide fund, a fund that can be used to finance the massive effort needed to extend technology. We cannot and should not let the opportunity to set aside these revenues pass us by. I urge defeat of the previous question.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Cincinnati, Ohio (Mr. PORTMAN), the sponsor of the underlying bill.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Georgia very much for his support of this legislation and for allowing me to speak today on the rule. We are talking about the telephone excise tax. I want to get back to that and then perhaps address a couple of the points that have been made by my friends on the other side.

First of all, to take us back to where we are here, this is a bipartisan effort that the gentleman from California (Mr. MATSUI) and I started some time ago; it has been bipartisan from the start. It is an attempt to look at our Tax Code in a time of prosperity and budget surpluses and see what makes sense and what does not. It is our sense that this is a perfect candidate for repeal.

The gentleman from California (Mr. DREIER) spoke earlier, the chairman of the Committee on Rules, and he has also been a leader on this and also on the general issue of bringing to the attention of this Congress that telecommunications is indeed, as he said, a foundation of our economic growth. This is one part of that.

This particular tax started back in 1898 at a time when the U.S. was engaged in a war with the Spanish and we wanted to get a little revenue, so we went after a luxury item called a telephone that very few Americans had, only the wealthy; and we said, let us put a tax on this telephone, that very few people have, to help pay for this war. Teddy Roosevelt was just emerging as a national figure, as a war hero, and it was 102 years ago. It has gone up and down over the years.

The history is actually very interesting, including the fact that during the Vietnam War, this tax was increased to 10 percent to help defray the costs of the Vietnam War. In fact, people were burning their phone bills on the street, as well as their draft cards, to try to protest the Vietnam War. But it is also a great example of what seems to me to be a truism, which is once you put a tax in place in this town, it is very difficult to get rid of it. In this case, it was a temporary luxury tax on an item that is no longer a luxury, a telephone.

From a tax policy perspective, it is even worse. First, it is, of course, regressive. Families with lower incomes pay a disproportionate share of their family budget for the phone bill. Practically every family in America has a phone now. Ninety four percent of Americans have telephones. The seniors are particularly hard hit by this. They are on fixed incomes. They rely on the telephone as a lifeline, as a lifeline to the outside world, so their budget is particularly hard hit by this. So it is regressive.

Second, it is not like other Federal excise taxes used for any purpose. It goes into general revenues. It is a revenue-grab, rather than, for example, the gas tax which goes to repair our roads and bridges. It is not even a sin tax, and there are some Federal excise taxes on alcohol and cigarettes. Again, this one goes to no particular purpose. So from a tax policy perspective, at a time when we have the luxury to sit back and look at our Tax Code, what makes sense and what does not, it makes all the sense in the world to repeal this one.

Finally, and most importantly, I think, in addressing the questions that have been raised today, it is a tax on telecommunications. Mr. Speaker, 96 percent of the Internet goes over phone lines, as we heard earlier today. The gentleman from California (Mr. DREIER) talked about it as the foundation of our economic growth. There is no more important catalyst to the economic growth. We are hearing today about our first quarter results, over 5 percent growth, this is because of technology; and telecommunications as a real driver in our economic growth.

This is a tax on every single Internet user. It is a tax on every small company in America. The large companies' often have private lines, they are not paying this tax, but the small companies get hid the hardest. So at a time when we are concerned about the digital divide and access to the Internet, I think this is a great product.

Now, I understand there is another proposal coming from the gentleman from New York (Mr. TOWNS); and he is a friend, a good friend. I have not talked to him about the proposal. It has not been through our committee, I do not think it has been through the Committee on Commerce yet either, nor have there been any hearings on it. So I, frankly, do not know much about it.

Again, we have been at this for several months, and I have not heard of it yet. But I am perfectly willing to sit down with the gentleman and others and talk about this, because I agree that we need to address the digital divide. The gentleman from California (Mr. BECERRA) and I, for instance, have a bill that we have been trying to get through that expands the ability to give a computer to a school. Right now it is a tax deduction, we think it ought to be a tax credit. We think other computers in the current status, which is computers only 2 years old, ought to be eligible. So I am very sympathetic to that general notion.

But the thought of taking this phone tax and getting rid of it and giving those revenues back to those families, particularly those families again on the lower income scale that really pay a disproportionate share to me is what we ought to be doing here today, not taking that money and putting it into a trust fund that the government may use, as the gentleman from Michigan (Mr. DINGELL) said, I understand, for underserved areas, rural areas and so on. Let us look at that another day. Let us let this process proceed.

Mr. Speaker, I hear a lot on this floor about how, gee, we are so partisan in the House of Representatives, and then when we bring a good bipartisan bill to the floor that has been bipartisan from the start, and I see my colleague from Texas who has been part of this from the start, and others, I think we ought to, as a group, come together and actually get something done for the American people and send it to the Senate with a strong bipartisan vote. Let us not slow this down or stop it or make it a confused product by adding new things at this point that are not items that have been vetted in the process or frankly that have been part of this process. Let us move this on to the Senate with a strong bipartisan vote so that we can actually get it to the President's desk and get it done for our constituents.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Mr. Speaker, I rise today to urge my colleagues to defeat the previous question and to allow the House to make in order a substitute that I would like to offer with the gentlewoman from California (Ms. WATERS), the gentleman from Michigan (Mr. DINGELL).

Given the opportunity, I do believe many of my colleagues on both sides of the aisle would enthusiastically support our substitute which would give Americans a bigger tax cut than H.R. 3961 and begin to close the digital divide, with no new costs to taxpayers. We cannot ignore the digital divide issue; we must improve the way our children learn.

Specifically, our proposed amendment would immediately reduce the telecommunications excise tax from 3 percent to 1 percent, and would repeal the tax entirely by September 30, 2002. This tax cut would give Americans over $1.5 billion, that is B as in boy, more in tax relief than they would get under H.R. 3961.

Mr. Speaker, I think all Americans would benefit from the repeal of this regressive tax on talking, and a vote in support of the previous question is a vote against giving Americans greater tax relief than the bill currently gives. I believe this is an important improvement.

Our proposed amendment would also dedicate the funds collected by this tax to telecommunications projects to help close the digital divide. Just as money collected from the gasoline tax is used to improve our Nation's highway infrastructure, money collected from the telephone excise tax should be devoted to improving our telecommunications infrastructure.

For example, money in our Digital Divide Bridge trust fund could be used to fund grants and loan guarantees to accelerate private sector deployment of broadband networks in rural areas such as California, Louisiana, and the western United States. The projects may also include supporting wireless high-speed Internet development to schools in underserved urban areas like Brooklyn, for instance.

We believe the revenue generated from this telecommunications tax should be earmarked for telecommunications projects, instead of getting lost in the general revenue and allowing the digital divide to continue to go unabated. Therefore, Mr. Speaker, I conclude by urging my colleagues to defeat the previous question and to make our proposed amendment in order.

Mr. Speaker, I would like to say to my good friend from Ohio that this amendment would really, really move us in the right direction and begin to make certain that people that are left out will now be in. I think he would support that, so I am hoping that he will read it quickly and then join the band.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise to take a strong stand to urge defeat of the previous question. There is a lot of rhetoric about the digital divide, but no one is really doing anything about it. We now have an opportunity to back up our rhetoric with an investment in our future.

Specifically, there are proposals, one by my colleague, the gentleman from New York (Mr. TOWNS), which I support and one which I have introduced which would say that yes, we ought to cut the excise tax, but we ought to take a small portion of the excise tax and make an investment in closing the digital divide.

Is the digital divide real? Absolutely. Consider a family making over $75,000 is 20 times more likely to have a computer than a poor family.

□ 1230

Consider that in public schools, wealthy school districts have a ratio of seven students to one computer. Poor school districts have a ratio of 16 students to one computer. We can do something about it by taking a small portion of this tax and directing it not to the general fund but to the specific purpose of bringing our young people into the 21st century by providing computers that can be used in schools, in recreation centers, for training programs, for broad-band, for other uses. We are making a sound investment in our future.

It is time that we eliminate the empty rhetoric about the digital divide and really did something about it. This is our opportunity. I hope my colleagues will defeat the previous question, allow the substitute amendments to be considered by this body and allow us to really work toward closing the digital divide that everyone is so happy to talk about.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 3916, the Telephone Excise Tax Repeal Act of 2000. I am pleased to be an original co-sponsor of this bill.

Mr. Speaker, this is a tax whose time has come and it is time to be repealed. It was started over 100 years ago, during the Spanish-American War, to raise revenues; and it was started as, in effect, a luxury tax when only 2 percent of Americans had telephone service.

I can remember as a boy some years ago being at my grandparents' place up in east Texas, and they still used a party line, and people did not have many phones. Well, today about 97 percent of Americans have phone service in their home or they have cellular service, and also now with the rise in the use of the Internet people are being taxed there.

I think it is a little bit more simplistic than our colleague, the chairman of the Committee on Rules, pointed out, that somehow this is going to leverage an increasing boom in the high-tech market; but I think it is very important that this is one of the first tax breaks that we have seen come to the floor that is not a targeted tax break in one direction or does not just benefit the top 2 percent of the people with higher income. This is going to benefit the broad majority of American citizens out there since most Americans have some form of telephone service, some are on the Internet; but this is something that is going to put money back in the pockets of working American families, and that is why I cosponsored this bill. It is time to get rid of this tax.

I do want to say to my colleague from New York, I think he raises a very important issue, and his approach may well do more in trying to deal with the digital divide, but underlying all of this it is time that we repeal this tax and put some money back in the pockets of working Americans and send this tax back to where it goes. We have dealt with the deficit. We are not in a period of war, and so it is time that we do away with it; and I urge my colleagues at the end of the day, depending on what we do with the rule, to pass this bill.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in opposition to this rule because it allows us to continue the pattern of fiscally irresponsible legislation that will squander the budget surplus drip by drip. Once again, we are being asked to waive the Budget Act in our rush to pass politically popular and, I might add, common sense legislation without regard for the consequences on our promises to retire the national debt and on our ability to strengthen Social Security and Medicare.

I submitted an amendment to the Committee on Rules that would have added very modest protection to ensure that this legislation does not jeopardize fiscal discipline. My amendment would allow the repeal of the telephone excise tax to take effect so long as Congress and the President maintain our course of fiscal discipline. Specifically, my amendment would have made the implementation of the telephone excise tax repeal contingent upon certification that Congress and the President have taken actions to ensure that we are on a path to eliminate the publicly held debt by 2013 and to protect the integrity of Social Security and Medicare.

This amendment represents a common sense principle that should be supported by Members on both sides of the aisle. In fact, a bipartisan majority of this House has already voted in favor of the provisions of my amendment when we adopted the Shadegg amendment to H.R. 701, the Conservation and Reinvestment Act. I agreed with many of my colleagues on the other side of the aisle when they argued during the debate on CARA that they should make sure that we are on a course to pay off the national debt and protect Social Security and Medicare before we spend the surplus on a new program.

I would ask my colleagues on the other side of the aisle who agreed with me on that principle when it applied to spending bills, why they are not willing to even consider applying this principle to tax cuts? If they believe that repeal of the telephone excise tax is more important than eliminating the national debt and protecting the integrity of Medicare and Social Security, vote for this rule.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I am here to applaud the Committee on Rules for giving us the opportunity today on the floor of this House to have the first, and given the way the Republican leadership runs this place, perhaps the only vote in this new millennium on genuine campaign finance reform. We are going to do that today through the motion to recommit, because what has happened in American politics is more distasteful than ever. It made a little fun of it last year in Roll Call referring to the 527 loophole airbus. It is a giant loophole that has been committed in our campaign finance laws, and now it is being used to hammer people into giving huge contributions to political organizations to conduct character assassination of people with hate ads on the airwaves throughout this country.

One can hammer a person to give $100,000 or a million dollars after they think they have gotten what they call fair treatment in this House. What they can tell that person they are hammering is that no one will be able to trace the money because they are going to run it through something called a 527, a giant loophole in the campaign finance laws. Some have referred to this loophole as the political equivalent of a Swiss bank account, and we have already begun to see how these 527 organizations operate. They operate in secret.

Common Cause has referred to them as stealth PACs. One leading reformer in this country has said, this is the latest manifestation of corruption in American politics. That is JOHN MCCAIN, and we are going to put a stop to it today, at least in part, thanks to the Committee on Rules providing for a motion to recommit.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Staten Island, New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

Mr. Speaker, again, the focus here is 102 years, 102 years of a temporary tax. I do not know about other Members here, but I can say that people back home, when they get that phone bill and they have difficulty understanding all those charges that appear and they ask why, and we are forced to tell them, well, believe it or not 102 years ago Congress passed a temporary tax. Now this Congress, I sense in a bipartisan way, will do the right thing and repeal that unnecessary tax that impacts every American family, and there may be people who have and will come to the floor to defend it and that is their right; but one has to ask themselves, I think, if we are not willing to repeal a 102-year-old temporary tax today, when we are enjoying the surplus generated by the American people, then when will we do it?

So I applaud those who have introduced this legislation.

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. FOSSELLA. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. As I looked over the history of this tax, I thought I read that after the Spanish-American War this tax was repealed, and then at the start of World War I it was put back on; repealed after World War I; then it was put back on for World War II and then broadened to include the entire phone bill and that is where we are today. It is still around. Is that accurate?

Mr. FOSSELLA. The gentleman's point being that we should not repeal it today?

Mr. KLECZKA. No. The point being that it is not 102 years old and around since the Spanish-American War. It was repealed after that war in 1902. So the gentleman is inaccurate on that point.

Mr. FOSSELLA. Reclaiming my time. So much for semantics. The gentleman has every right to cast his vote to keep this tax alive, to say to the American people that he wants to keep this tax alive. I, in good measure and in good faith, say to the people of America that they deserve a break.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank the Committee on Rules for allowing this motion to recommit on the issue of section 527 political organizations, because this will be the first vote of the new year, really the first vote of the new millennium, on the issue of campaign finance reform.

Time and time again I hear the Republican leadership state that the only way to fix our campaign finance system is through disclosure, but it is very cynical and hypocritical that they make that claim when at the same time they conduct themselves and their political cronies through the auspices of these section 527 political organizations.

We have seen report after report of the Republican Party structure creating and funding secret political organizations to funnel corporate dollars to further the agenda of the extreme right. To do this, they use section 527 of the Tax Code which allows the right wing to hide the names of their donors and also hide how their money is spent.

What is particularly disturbing about this is that the Republican leadership is allowing this cynicism to pervade the campaigns of their new candidates throughout the country.

In my own reelection campaign in 1998, my Republican opponent used one of these section 527 groups to funnel $5 million, I stress $5 million, in undisclosed and unaccountable dollars to malign me and try to defeat me.

My campaign had a lot of success in tracking down the corporate sources given to the group on our own. It was not disclosed, but we were able to find out about some of them, and many of the corporate CEOs whose corporations gave to these groups; and I spoke to them, had no idea how their own dollars were being donated and spent because of the lack of disclosure.

Two years after my campaign now, this same young Republican candidate that I ran against has now moved to a new district in New Jersey and is using these same methods in another run for the House, and here in the Capitol I am reading news reports that Republican leaders of the Congress are publicly pressuring lobbyists to donate to these same secret groups.

Mr. Speaker, it is nice to have a vote on the floor to repeal an antiquated tax provision like the telephone excise tax. I am, in fact, a co-sponsor of H.R. 3916. However, I also think it is equally important to strip our Tax Code of these provisions which undermine our political process and our electoral integrity, and I challenge the Republican leadership, the self-described disciples of disclosure, they keep talking about disclosure, to bring a bill to the floor to end the abuses of section 527.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER), and I thank the ranking member of the Committee on Rules for the opportunity to be able to speak to the legislation and the speed and expeditiousness of the Committee on Rules to bring this to the floor. Let me thank them very much for their hard work, realizing the work we had yesterday, the importance of their meeting to get this done.

This is a great day for Americans, and this is a great day for Texans and a great day for the constituents that I represent in the 18th Congressional District. It is not often that we can come forward in a bipartisan way to say to those who monthly and sometimes weekly, depending on the structure they have for their telephone bill, to try to look in the hidden print and find a small percentage of dollars that are taken out of their hard-earned income; and we are now glad to say today we pronounce with the passage of this legislation the opportunity to return those dollars to them.

The removal of the telephone excise tax is a value to all Americans, and because it was a tax that was indiscriminate and thereby reached those hardest hit Americans who work every day to make ends meet, to provide for their children, work at hourly wage jobs, of which we hope to increase the minimum wage, this is, of course, a bounty and a much appreciated repeal.

The key here is that this tax was even. No matter what one's income was, it was an excise tax that one probably could not track as to what it actually did, and I hope that as we repeal this tax we will also give consideration to the idea of utilizing dollars to end the digital divide. It is an area of interest, as a member of the Committee on Science and Committee on the Judiciary dealing with H1B visas, that I realize is key; but I think that this valuable repeal of the tax is one that helps to give consumers right now a tax cut that they can experience and appreciate, and I would hope that as we do this we would realize that these random, undisclosed taxes, are ones that we can repeal in a bipartisan manner.

I am gratified that this bill is on the floor, and I hope that it will ultimately pass to give relief to all taxpayers in America.

Mr. Speaker, I rise in support of H.R. 3961. This is a good bill that would close the digital divide. I also support the Towns-Dingell amendment that would reduce the telecommunications excise tax from 3% to 1%, and would repeal the tax entirely—effective September 30, 2002. This tax cut would give Americans over $1.5 billion more in tax relief than they would get under H.R. 3961.

In addition, this amendment would dedicate the funds collected by this tax for telecommunications projects to close the Digital Divide. See—just as money is collected from gasoline taxes to improve our Nation's highway infrastructure, money collected from the telephone excise tax should be devoted to improving our telecommunications infrastructure. For example, money in the Digital Bridge Trust Fund could be used to fund grants and loan guarantees to accelerate private sector deployment of broadband networks rural areas throughout the United States. In addition, the projects may also include supporting wireless high-speed Internet deployment to schools in underserved urban areas like Houston. See—no matter the specific project, the revenue generated from this telecommunications tax should be earmarked for telecommunications projects and closing the digital divide, instead of getting lost in the general revenue.

As you may know, Houston is home to over 1,000 technology companies and NASA. In fact, there are many technology companies that have developed due to the presence of the Johnson Space Center. Despite the heavy concentration of technology companies in Houston, not all our citizens are reaping the benefits of the digital economy. In fact, to ensure that all in society participate in the 21st century economy, it is imperative that information technology be accessible to all. Access to computers and use of the Internet is necessary for one's full participation in America's economic, political and social life. Today, use of information technology is rapidly becoming a requisite skill for employment, and the technology industry generally pays 80 percent more than the average private sector job.

Like many other locales in our nation, the City of Houston is experiencing a "digital divide"—a gap between those individuals and communities that have access and training in information technology and those who do not. A defeat of the previous question and a vote on the Towns-Dingell-Waters substitute will ensure that in this new millennium, Congress is indeed serious about providing equal access to technologies for all Americans.

In closing and for these reasons, I urge my colleagues to defeat the previous question and to make the Towns-Dingell-Waters amendment in order.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I welcome this reform to the Tax Code, and I am pleased that this motion to recommit will be the first vote on campaign finance reform this year. The shadowy political hit squads being set up under section 527 of the Tax Code should be required to disclose their contributors. I agree with the majority whip, the gentleman from Texas (Mr. DELAY), who during the campaign finance debate last year said, and I quote, "What reform can restore accountability more than an open book?"

□ 1245

So it is baffling why he opposes opening the books on these section 527 groups.

The gentleman from Kansas (Mr. MOORE) and the gentleman from Texas (Mr. DOGGETT) have legislation to require disclosure of these stealth political groups. Good government demands that we approve that bill.

One section 527 organization is called Citizens for Better Medicare. This is a front group set up by the pharmaceutical industry designed to give the impression that regular citizens want to keep seniors' drug prices as high to maintain the industries profit margins.

Here is how they work. Citizens for Better Medicare gathers the database of names that it claims are concerned citizens and then sends postcards on their behalf, often without their knowledge, to Congress with the message that seniors do not deserve prescription drug discounts.

Then they hire a telemarketing firm to make unsolicited phone calls to these seniors to tell them why their drugs should not be cheaper and then swiftly connect them to Members of Congress. This practice is confusing and deceptive.

The latest telephone scheme by Citizens for Better Medicare is to prey on children. A new web site, callyourgrandma.com, offers children phone cards with 10 free minutes of long distance so they can call their grandmother and explain why she does not deserve cheaper drugs. The catch, the kid has to submit personal information, a name, address, and phone number.

Developing a database of children to exploit and in order to justify their discriminatory pricing practices, that is what the drug companies are doing through Citizens for Better Medicare. I am pleased that we are going to have a chance today to stop that practice.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong support of the motion to recommit and in support of the base bill. This motion to recommit would add to the pending bill language requiring full disclosure by 527 organizations, these 527 groups that collect secret money and never disclose who gave or how much they gave.

Our system of government is based on openness, disclosure, and accountability. Our system of government is threatened by secret money. Nondisclosure allows special interest groups with unlimited funds to bid for seats in Congress and to buy seats in Congress.

A patriot from Arizona who ran for President of United States this year is a champion and a strong supporter of full disclosure.

This should not be a partisan issue. People on both sides of the aisle should come to the support of this kind of responsive campaign finance reform.

Mr. Speaker, we owe this to the American people.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I want to give one of the examples of what our motion to recommit will address. It is called Shape the Debate. This is the Web page from Shape the Debate, one of these clandestine organizations whose specialty is character assassination.

Shape the Debate advertises to those who might contribute $100,000, $1 million or more. It advertises on the World Wide Web, so this can be Iraqi money or Cuban money or Chinese money or just homegrown special interest corporate treasury money, that the good thing about contributing to Shape the Debate is that it will not disclose to anyone who gave how much.

That is the beauty to those who have discovered the 527 loophole, because their idea of shaping the debate is to do something that no one else of any political persuasion is doing in America today, and that is to use a secret stealth attack. The hitman can take the blood money to engage in that character assassination and one never knows, one never is able to trace the money.

That is why our Republican colleagues think they cannot control the House in the future unless they rely on the money passing secretly by stealth to these 527 committees that totally subvert the Federal election laws.

We have called on them. I have called on them. The gentleman from Kansas (Mr. MOORE) has called on them to join us in a bipartisan correction of this loophole. At every opportunity, no matter how much we had pled, they said, no, wait till next year. Wait until we have won the next election by using character assassination with secret money that no one will be able to trace. Wait till that happens, and maybe next year we will think about doing something about it.

I think the American people want reform now. That is what this motion to recommit is all about; it represents the first vote of the new millennium on the floor of this House for campaign finance reform. Despite the efforts of this Committee on Rules at every turn to block us from discussing campaign reform, despite the fact that the use of 527 secretly funded ads has been called another example of corruption in American politics by JOHN MCCAIN, the Republican leadership has blocked us from considering reform. Today, finally we have a tiny opening to do what is right for the American people by beginning to clean up this mess.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will have to confess, when he started talking about all that Chinese money, I thought he was showing us President Clinton's 1996 disclosure.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge Members to vote no on the previous question. If the previous question is defeated, I will offer an amendment to the rule to make in order two substitutes. The Towns substitute phases out the telecommunications excise tax more quickly than the underlying bill and sets aside the proceeds in a Digital Bridge Trust fund.

The Wynn substitute also sets aside the revenues to fund various programs to overcome the digital divide.

If the previous question is defeated, Members will have the opportunity to vote up or down on those proposals.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment to the resolution and extraneous materials into the CONGRESSIONAL RECORD immediately prior to the vote.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge a no vote on the previous question so that we may debate all the issues.

Mr. Speaker, I include the amendment to the resolution and extraneous material that I referred to earlier, as follows:

AMENDMENT TO H. RES. 511, THE RULE PROVIDING FOR CONSIDERATION OF H.R. 3916, TO REPEAL THE TELEPHONE EXCISE TAX

On page 2, line 7, after "Ways and Means;" strike "and (2)" and add the following:

"(2) without intervention of any point of order, one hour of debate on the amendment in the nature of a substitute printed in section 2 of this resolution to be offered by Representative Towns of New York, equally divided and controlled by the proponent and an opponent; (3) without intervention of any point of order, one hour of debate on the amendment in the nature of a substitute printed in section 3 of this resolution to be offered by Representative Wynn of Maryland, equally divided and controlled by the proponent and an opponent; and (4)"

On page 2, after line 8, add the following:

Section 2.

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3916, AS REPORTED

OFFERED BY MR. TOWNS OF NEW YORK, MS. WATERS OF CALIFORNIA, OR MR. DINGELL OF MICHIGAN

Strike all after the enacting clause and insert the following:

SECTION 1. REPEAL OF FEDERAL COMMUNICATIONS EXCISE TAX.

(a) IN GENERAL.—Chapter 33 of the Internal Revenue Code of 1986 (relating to facilities and services) is amended by striking subchapter B.

(b) PHASE-OUT OF TAX.—Paragraph (2) of section 4251(b) of such Code (defining applicable percentage) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means 1 percent with respect to amounts paid pursuant to bills first rendered on or after the 30th day after the date of the enactment of this subparagraph and before October 1, 2002.".

(c) CONFORMING AMENDMENTS.—

(1) Section 4293 of such Code is amended by striking "chapter 32 (other than the taxes imposed by sections 4064 and 4121) and subchapter B of chapter 33," and inserting "and chapter 32 (other than the taxes imposed by sections 4064 and 4121),".

(2)(A) Paragraph (1) of section 6302(e) of such Code is amended by striking "section 4251 or".

(B) Paragraph (2) of section 6302(e) of such Code is amended—

(i) by striking "imposed by—" and all that follows through "with respect to" and inserting "imposed by section 4261 or 4271 with respect to", and

(ii) by striking "bills rendered or".

(C) The subsection heading for section 6302(e) of such Code is amended by striking "COMMUNICATIONS SERVICES AND".

(3) Section 6415 of such Code is amended by striking "4251, 4261, or 4271" each place it appears and inserting "4261 or 4271".

(4) Paragraph (2) of section 7871(a) of such Code is amended by inserting "or" at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C).

(5) The table of subchapters for chapter 33 of such Code is amended by striking the item relating to subchapter B.

(d) EFFECTIVE DATES.—

(1) REPEAL.—The amendments made by subsections (a) and (c) shall apply to amounts paid pursuant to bills first rendered after September 30, 2002.

(2) PHASE-OUT.—The amendment made by subsection (b) shall apply to amounts paid pursuant to bills first rendered on or after the 30th day after the date of the enactment of this Act.

SEC. 2. DIGITAL BRIDGE TRUST FUND.

(a) IN GENERAL.—The National Telecommunications and Information Administration Organization Act is amended—

(1) by redesignating part C as part D; and

(2) by inserting after part B (47 U.S.C. 921 et seq.) the following new part:

"PART C—DIGITAL BRIDGE TRUST FUND

"SEC. 131. TRUST FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Digital Bridge Trust Fund, consisting of such amounts as may be appropriated or credited pursuant to subsection (b) or (d).

"(b) TRANSFER OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—There are hereby appropriated to the Digital Bridge Trust Fund amounts equivalent to 100 percent of the taxes received in the Treasury under section 4251 of the Internal Revenue Code of 1986 (relating to tax on communications) pursuant to bills first rendered on or after the 30th day after the date of the enactment of this part.

"(c) EXPENDITURES.—Amounts in the Digital Bridge Trust Fund may be made available only for the benefit of rural and urban areas, and Native Americans, in a manner that targets such assistance for areas, communities, and populations (including low-income families and individuals) that are underserved with respect to information technology needs, employment, and education, and only in accordance with provisions of law enacted after the date of the enactment of this section that provide for the availability of such amounts.

"(d) TREATMENT AS TRUST FUND.—For purposes of subchapter B of chapter 98 of the Internal Revenue Code of 1986, the Digital Bridge Trust Fund shall be considered to be a trust fund established by subchapter A of such chapter.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3916, AS REPORTED

OFFERED BY MR. WYNN OF MARYLAND

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computers in Our Community Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) There is a growing gap, commonly referred to as the digital divide, between individuals who have access to computers and the Internet and individuals who do not have such access.

(2) Households with incomes of $75,000 or greater are more than 20 times more likely to have access to the Internet, and more than 9 times more likely to have a computer at home, than households with the lowest income levels.

(3) Although 58.9 percent of Americans earning over $75,000 annually frequently use the Internet, only 16 percent of Americans earning between $5,000 and $10,000 annually use the Internet.

(4) Black and Hispanic households are ⅖ as likely to have home Internet access as white households.

(5) The digital divide is an emergency that will detrimentally affect the economy and society of the Nation absent immediate corrective action.

(6) The e-rate program of the Federal Communications Commission ensures that schools and libraries receive telecommunications services at a discounted rate. Although tremendously successful, this program is insufficient because there is twice the demand for funding as there is funding available.

(7) According to statistics by the Department of Education, there is a dire need for additional computers in some schools. Schools with the highest concentrations of poverty had an average of 16 students per instructional computer with Internet access, compared to 7 students for each such computer in schools with the lowest concentrations of poverty.

(8) The computer industry is the fastest growing industry in our country. There is a documented shortage of information technology workers. Increasingly, workers in all fields of employment will need to be computer literate. Ensuring that classrooms have computers that are used effectively to teach students will help meet this need.

SEC. 3. AMENDMENT TO THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION ORGANIZATION ACT.

The National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended—

(1) by redesignating part C as part D; and

(2) by inserting after part B the following new part:

"PART C—COMPUTERS IN OUR COMMUNITY PROGRAM

"SEC. 131. PURPOSE.

"It is the purpose of this part to establish programs to advance the computer skills of American workers in the global economy and to use computer technology to advance the general educational performance of American students.

"SEC. 132. STATE EDUCATIONAL AGENCY GRANT PROGRAM.

"(a) PROGRAM AUTHORITY.—From 85 percent of the amount made available under section 137 for any fiscal year, the Secretary, acting through the Assistant Secretary, shall make grants to each participating State educational agency for allocation among local educational agencies in such State.

"(b) ALLOCATION OF FUNDS.—

"(1) STATE ALLOCATIONS.—The Secretary shall allocate to each participating State educational agency an amount that bears the same ratio to such 85 percent of the amount made available under section 137 for a fiscal year as the total amount allocated to such State educational agency under title I of the Elementary and Secondary Education Act of 1965 for such fiscal year bears to the total amount allocated to all such participating State educational agencies under such title I for such fiscal year.

"(2) LOCAL ALLOCATIONS.—Each participating State educational agency shall allocate to each participating local educational agency an amount that bears the same ratio to the amount allocated to such State for a fiscal year as the total amount allocated to such local educational agency under title I of the Elementary and Secondary Education Act of 1965 for such fiscal year bears to the total amount allocated to all such participating local educational agencies in such State under such title I for such fiscal year.

"(c) ELIGIBILITY.—

"(1) PARTICIPATING STATE EDUCATIONAL AGENCIES.—In order to qualify as a participating State educational agency for purposes of this section, a State educational agency shall create or modify and submit to the Secretary a technology plan that—

"(A) identifies the current ratio of students to computers in each school district in the State, and specifies the Internet connectivity of the computer systems in such districts; and

"(B) complies with such other criteria as the Secretary, in conjunction with the Secretary of Education, shall prescribe to assure that the funds provided under this section are being used properly in schools to advance the use of technology to effectively teach students computer skills and improve the general educational performance of students.

"(2) PARTICIPATING LOCAL EDUCATIONAL AGENCIES.—In order to qualify as a participating local educational agency for purposes of this section, a local educational agency shall create or modify and submit to the State educational agency a technology plan that proves such local educational agency is meeting the goals of the technology plan of the State educational agency.

"(d) USE OF FUNDS.—Funds provided under this section may be used for the following:

"(1) The purchase of computers that meet a minimum standard as determined by the Secretary.

"(2) The electrical wiring that schools may require to connect computers to each other and to the Internet.

"(3) Hiring technological assistants to ensure that each school has access to a trained computer professional to provide technology training for teachers and perform maintenance of computer systems. A maximum of 1 technological assistant per 5 elementary schools, 1 technological assistant per 3 middle schools, and 1 technological assistant per

2 high schools may be paid for with such funds.

“SEC. 133. DIGITAL DIVIDE WORKFORCE TRAINING INITIATIVE.

“(a) Program Authority.—From 5 percent of the amount made available under section 137 for any fiscal year, the Secretary, acting through the Assistant Secretary, shall carry out a program to award grants, on a competitive basis, to nonprofit organizations for the establishment of job training programs for preparing individuals for computer and technology related jobs.

“(b) Criteria.—The Secretary, after consultation with the Secretary of Labor, shall establish the criteria for administering the grants under this section, which shall include the following:

“(1) Grants under this section shall be for 2 years.

“(2) Grant applicants shall serve low income individuals, as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

“(3) Grant applicants may submit an application under this section only after consulting with the appropriate local workforce investment board under such Act, and obtaining a favorable recommendation of the application by such board.

“(c) Priority.—In awarding grants under this section, the Secretary shall give priority to applications that—

“(1) are submitted by nonprofit organizations that have experience in providing technological training;

“(2) propose job training programs that will serve individuals most in need of computer and technology training, as determined by the Secretary; and

“(3) provide flexibility in training in order to accommodate a greater number of individuals.

“(d) Application.—To seek a grant under this section, an applicant shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary, in conjunction with the Secretary of Labor, may reasonably prescribe. Each such application shall provide a system for tracking the employment success of individuals who attend any proposed job training program.

“(e) Follow-up.—The Secretary shall review the success of the program under this section and submit a report to Congress thereon not later than 2 years after amounts are first available for implementation of the program.

“SEC. 134. COMMUNITY CENTERS AND LIBRARIES TECHNOLOGY ACCESS GRANTS.

“(a) Program Authority.—From 5 percent of the amount made available under section 137 for any fiscal year, the Secretary, acting through the Assistant Secretary, shall carry out a program to award grants, on a competitive basis, to provide assistance to community centers and libraries to provide greater access to, instruction on, and assistance with computers and the Internet

“(b) Criteria.—The Secretary shall establish the criteria for administering the grants under this section, which shall include the following:

“(1) Any entity requesting funds under this section shall provide such assurances as the Secretary may require to demonstrate that the entity will provide, from other sources (which may include contributions from State or local government), an equal amount of funds for carrying out the purposes of the grant.

“(2) Eligible recipients of grants under this section shall be community centers that receive Federal, State, or local government funding, public libraries, and nonprofit organizations working in conjunction with such centers and libraries.

“(3) Each recipient of grant funds under this section shall use such funds to establish a program for providing greater access to, instruction on, and assistance with computers and the Internet.

“(4) Grants under this section shall be for 3 years.

“(c) Priority.—In awarding grants under this section, the Secretary shall give priority to applications that demonstrate that the program for which funds are sought—

“(1) will be able to sustain funding in the absence of Federal funding; and

“(2) will serve areas with a low rate of access to computers and the Internet.

“(d) Application.—To seek a grant under this section, an applicant shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably prescribe. Each such application shall include—

“(1) a description of the proposed program, including how the program would will make technology available to areas with a low rate of access to computers and the Internet;

“(2) a demonstration of the need for computers and access to the Internet in the area to be served; and

“(3) a description of the type technology that will be provided.

“SEC. 135. COMPUTER CURRICULUM PARTNERSHIP.

“(a) Program Authority.—From 5 percent of the amount made available under section 137 for any fiscal year, the Secretary, acting through the Assistant Secretary, shall carry out a program to award grants, on a competitive basis, to institutions of higher education that create successful partnerships between their education and computer departments to create software or Internet applications—

“(1) to train teachers in using computers, and using computers to teach students; or

“(2) to use in the classroom to teach students.

“(b) Criteria.—The Secretary, after consultation with the Secretary of Education, shall establish the criteria for administering the grants under this section. Such criteria shall include priorities for awarding funds under this section—

“(1) based on the need of the schools being served and their educational priorities; and

“(2) giving preference to those applicants that will operate their programs in conjunction with local educational agencies.

“(c) Clearinghouse.—The Secretary shall, in conjunction with the Secretary of Education, develop a clearinghouse to make available information derived from the activities of recipients of funds under this section to other schools throughout the United States.

“(d) Application.—To seek a grant under this section, an applicant shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary, in conjunction with the Secretary of Education, may reasonably prescribe. Each application shall include a description of the format of the software or Internet applications to be created.

“SEC. 136. ADMINISTRATIVE COSTS.

“Of amounts available to carry out a program to award grants under each of sections 133, 134, and 135, the Secretary may not use more than 1 percent to pay administration costs under that section.

“SEC. 137. REGULATIONS.

“The Secretary may prescribe such regulations as may be necessary to carry out this part.

“SEC. 138. APPROPRIATIONS AUTHORIZED.

“There are authorized to be appropriated to carry out this part for any fiscal year an amount not to exceed the amount deposited to the Computers in Our Communities Trust Fund for such fiscal year pursuant to section 9511 of the Internal Revenue Code of 1986.

“SEC. 139. DEFINITIONS.

“As used in this part—

“(1) the terms ‘State educational agency’ and ‘local educational agency’ have the meanings provided such terms in section 14101 of the Elementary and Secondary Education Act of 1965; and

“(2) the term ‘institution of higher education’ has the meaning provided such term in section 102 of the Higher Education Act of 1965.”.

SEC. 4. COMPUTERS IN OUR COMMUNITIES TRUST FUND.

(a) In General.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by inserting after section 9510 the following:

“SEC. 9511. COMPUTERS IN OUR COMMUNITIES TRUST FUND.

“(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the ‘Computers in Our Communities Trust Fund’, consisting of such amounts as may be appropriated or credited pursuant to this section or section 9602(b).

“(b) Transfer to Computers in Our Communities Trust Fund Amounts Equivalent to Certain Taxes.—There are hereby appropriated to the Computers in Our Communities Trust Fund amounts equivalent to 100 percent of the taxes received in the Treasury after September 30, 2000, under section 4251 (relating to tax on communications).

“(c) Expenditures From Computers in Our Communities Trust Fund.—Amounts in the Computers in Our Communities Trust Fund shall be available for making appropriations to carry out the provisions of part C of the National Telecommunications and Information Administration Organization Act.”.

(b) Clerical Amendment.—The table of sections for such subchapter A is amended by adding at the end the following new item:

“Sec. 9511. Computers in Our Communities Trust Fund.”

SEC. 5. REDUCTION OF EXCISE TAX ON TELEPHONE AND OTHER COMMUNICATIONS SERVICES.

(a) In General.—Section 4251(b)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) Applicable percentage.—The term ‘applicable percentage’ means 1 percent.”

(b) Effective Date.—The amendment made by subsection (a) shall apply to amounts paid pursuant to bills first rendered after September 30, 2000.

Amend the title so as to read: “To amend the National Telecommunications and Information Administration Organization Act to establish a program to distribute funds to State educational agencies to advance the use of technology to effectively teach our students computer skills and improve the general educational performance of students, and for other purposes.”.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution and also on agreeing to House Concurrent Resolution 331 postponed from yesterday on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 201, not voting 12, as follows:

[Roll No. 229]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—12

Bateman
Becerra
Clyburn
Coburn
Hilliard
Johnson, Sam
Kennedy
McInnis
Minge
Scarborough
Spence
Weiner

□ 1312

Messrs. MOAKLEY, SPRATT, ROEMER, CUMMINGS and NEAL of Massachusetts changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE.) The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 404, noes 15, not voting 15, as follows:

[Roll No. 230]

AYES—404

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins

John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOES—15

Berry
Dingell
Engel
Hinchey
Klink
Markey
Meeks (NY)
Obey
Owens
Stenholm
Taylor (MS)
Tierney
Towns
Waters
Wynn

NOT VOTING—15

Bateman
Becerra
Clyburn
Coburn
Hilliard
Johnson, Sam
Kennedy
McInnis
Meek (FL)
Minge
Scarborough
Schakowsky
Spence
Taylor (NC)
Weiner

☐ 1321

Mr. BERRY and Mr. MARKEY changed their vote from "aye" to "no."

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING ISRAEL'S REDEPLOYMENT FROM SOUTHERN LEBANON

The SPEAKER pro tempore (Mr. LATOURETTE). The unfinished business is the question of agreeing to the concurrent resolution, House Concurrent Resolution 331, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the concurrent resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 3, answered "present" 2, not voting 26, as follows:

[Roll No. 231]

YEAS—403

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

DeLay
Goodling
Paul

ANSWERED "PRESENT"—2

Barr
Wicker

NOT VOTING—26

Bateman
Becerra
Bereuter
Berman
Brady (TX)
Capps
Clay
Clyburn
Coble
Coburn
Cooksey
Hilliard
Houghton
Johnson, Sam
Kennedy
LaFalce
McInnis
Minge
Mink
Owens

Pitts
Scarborough
Spence
Talent
Weiner
Wexler

□ 1331

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BEREUTER. Mr. Speaker, on rollcall No. 231, I inadvertently missed the vote. Had I been present on the floor I would have voted "aye."

Mrs. CAPPS. Mr. Speaker, I was unavoidably detained and missed rollcall 231, passage of H. Con. Res. 331. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, on May 25, 2000, I was unavoidably detained during rollcall votes: No. 229, on Ordering the Previous Question on H. Res. 511, Providing for the Consideration of H.R. 3916, to Amend the Internal Revenue Code of 1986, to Repeal the Excise Tax on Telephone and Other Communication Services; No. 230 on Agreeing to the Resolution, H. Res. 511; and No. 231 on Agreeing to the Resolution, H. Con. Res. 331, Commending Israel's Redeployment from Southern Lebanon. Had I been present for the votes, I would have voted "nay" on rollcall vote 229, and "aye" on rollcall votes 230 and 231.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, JUNE 1, 2000, TO FILE PRIVILEGED REPORT ON DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 2001

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, June 1, 2000, to file a privileged report on a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, all points of order are reserved on the bill.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, JUNE 1, 2000, TO FILE PRIVILEGED REPORT ON DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, June 1, 2000, to file a privileged report on a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, all points of order are reserved on the bill.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, JUNE 1, 2000, TO FILE PRIVILEGED REPORT ON DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2001

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, June 1, 2000, to file a privileged report on a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, all points of order are reserved on the bill.

TELEPHONE EXCISE TAX REPEAL ACT

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 511, I call up the bill (H.R. 3916) to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 511, the bill is considered read for amendment.

The text of H.R. 3916 is as follows:

H.R. 3916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF EXCISE TAX ON TELEPHONE AND OTHER COMMUNICATIONS SERVICES.

(a) IN GENERAL.—Chapter 33 of the Internal Revenue Code of 1986 (relating to facilities and services) is amended by striking subchapter B.

(b) CONFORMING AMENDMENTS.—

(1) Section 4293 of such Code is amended by striking "chapter 32 (other than the taxes imposed by sections 4064 and 4121) and subchapter B of chapter 33," and inserting "and chapter 32 (other than the taxes imposed by sections 4064 and 4121),".

(2)(A) Paragraph (1) of section 6302(e) of such Code is amended by striking "section 4251 or".

(B) Paragraph (2) of section 6302(e) of such Code is amended—

(i) by striking "imposed by—" and all that follows through "with respect to" and inserting "imposed by section 4261 or 4271 with respect to", and

(ii) by striking "bills rendered or".

(C) The subsection heading for section 6302(e) of such Code is amended by striking "COMMUNICATIONS SERVICES AND".

(3) Section 6415 of such Code is amended by striking "4251, 4261, or 4271" each place it appears and inserting "4261 or 4271".

(4) Paragraph (2) of section 7871(a) of such Code is amended by inserting "or" at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C).

(5) The table of subchapters for chapter 33 of such Code is amended by striking the item relating to subchapter B.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid pursuant to bills first rendered more than 90 days after the date of the enactment of this Act.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 3916, as amended, is as follows:

H.R. 3916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF FEDERAL COMMUNICATIONS EXCISE TAX.

(a) IN GENERAL.—Chapter 33 of the Internal Revenue Code of 1986 (relating to facilities and services) is amended by striking subchapter B.

(b) PHASE-OUT OF TAX.—Paragraph (2) of section 4251(b) of such Code (defining applicable percentage) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means—

"(A) 2 percent with respect to amounts paid pursuant to bills first rendered on or after the 30th day after the date of the enactment of this subparagraph and before October 1, 2001, and

"(B) 1 percent with respect to amounts paid pursuant to bills first rendered after September 30, 2001, and before October 1, 2002.".

(c) CONFORMING AMENDMENTS.—

(1) Section 4293 of such Code is amended by striking "chapter 32 (other than the taxes imposed by sections 4064 and 4121) and subchapter B of chapter 33," and inserting "and chapter 32 (other than the taxes imposed by sections 4064 and 4121),".

(2)(A) Paragraph (1) of section 6302(e) of such Code is amended by striking "section 4251 or".

(B) Paragraph (2) of section 6302(e) of such Code is amended—

(i) by striking "imposed by—" and all that follows through "with respect to" and inserting "imposed by section 4261 or 4271 with respect to", and

(ii) by striking "bills rendered or".

(C) The subsection heading for section 6302(e) of such Code is amended by striking "COMMUNICATIONS SERVICES AND".

(3) Section 6415 of such Code is amended by striking "4251, 4261, or 4271" each place it appears and inserting "4261 or 4271".

(4) Paragraph (2) of section 7871(a) of such Code is amended by inserting "or" at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C).

(5) The table of subchapters for chapter 33 of such Code is amended by striking the item relating to subchapter B.

(d) EFFECTIVE DATES.—

(1) REPEAL.—The amendments made by subsections (a) and (c) shall apply to amounts paid pursuant to bills first rendered after September 30, 2002.

(2) PHASE-OUT.—The amendment made by subsection (b) shall apply to amounts paid pursuant to bills first rendered on or after the 30th day after the date of the enactment of this Act.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) and the gentleman from California (Mr. MATSUI) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 3916.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today Congress will vote to repeal the 102-year-old Federal excise tax on telecommunications services. This is a bipartisan bill introduced by the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. MATSUI). It repeals an excise tax which is regressive and hits low-income families and people on fixed incomes like older Americans the hardest and it is a tax that has truly outlived its usefulness. The telephone tax is a showcase example of bad tax policy and its endurance over the century proves again that once the Government gets its hands on the taxpayers' money, it is hard to get it back to the people.

In addition to helping people today, repealing this tax will help avoid a potentially big tax increase in the future. It used to be that each household had only one phone, and that was it. But today homes have at least one phone line, many have two. Mom and Dad and maybe one of the kids has a cell phone or a pager, and the family might have a computer and use e-mail. So they are paying this tax on a number of telecommunications services, not just on their one telephone anymore.

The point is, as more Americans use more and more telecommunications services, this tax must surely not continue to grow. That is why I am pleased that we are taking this action today to repeal a tax first levied in 1898. As the old saying goes, Better late than never.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself 3 minutes.

First I would like to thank the gentleman from New York (Mr. RANGEL), the ranking Democrat on the Committee on Ways and Means, for yielding to me and allowing me to manage this bill. I would like to commend the gentleman from Texas (Mr. ARCHER), the chairman of the committee, for bringing this bill up in an expeditious fashion.

Mr. Speaker, as the gentleman from Texas has mentioned, this tax is a tax that should have been repealed years ago. It started in 1898 to actually pay for the Spanish-American war. It had been repealed and reinstated numerous times over those years, but the fact of the matter is this tax is a tax on telephone service communications between Americans.

When it was first instituted in 1898, 102 years ago, there were, believe it or not, 1,356 telephones in America. It was clearly a luxury tax. It was a method that very wealthy people used to communicate with each other probably more as a novelty than as a real source of communication. The fact of the matter is today that 94 percent of the American public of 270 million people now use telephones. Now they pay a 3 percent tax. As we know, this tax hits across everybody, low-income people, moderate-income people, the rich; but everybody pays the same percentage. This is probably one of the most regressive taxes that the Federal Government has. It should be repealed, particularly in a time of surpluses.

I might also mention that there is another aspect of this as well. As we know, we have numerous different modes of communication in America and throughout the world today. We have the Internet, we have cable modems and everything else. At this time the IRS and the Treasury Department is having a very difficult time on how to apply this tax. Some can use the Internet with cable modems to avoid the tax, and others who use the basic telephone service end up paying the tax. As we know, average low-income Americans are the ones that do not have access to the Internet. And so again this tax is even more regressive, given the fact that many Americans cannot afford the new technology that we have. This tax is currently at approximately over a 5-year period $20 billion. This is not just a small amount. This is a very large tax on American citizens.

Mr. Speaker, this tax needs to be repealed. I urge my colleagues to vote yes on this repeal effort.

Mr. PORTMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time. I salute my colleague from Ohio and my colleague across the aisle from California for bringing this forward. Credit is also due to a new Member of our institution, the gentleman from California (Mr. GARY MILLER), who brought this to our attention last year.

As the chairman of our committee pointed out, Mr. Speaker, this is an object lesson on tax policy in our constitutional Republic. One is almost tempted, Mr. Speaker, to return to my profession of broadcasting, "This bulletin just in. The Spanish-American war is over. We won. But in the process American consumers lost."

As my colleague from California correctly points out, this has been a stop-start, on-again off-again procedure. Yet it is compelling because it was a tax levied for the most noble of purposes over a century ago; but it has stayed around and, far from a luxury, we know today the telephone is a necessity. We know today that as we live in the information age, as we depend on computers more and more, information so vital to our everyday lives need not be taxed. Especially egregious, these funds from this luxury tax are not even devoted to the telecommunications process. No, they go into the general fund.

And so it is long overdue that we repeal this Spanish-American War telephone tax, this tax on talking; and in much the same way, we need to continue our review and one day reform our overall tax policy because historians note that the current taxation on personal income made possible by the 16th amendment to our Constitution was preconditioned through judicial review on the notion that it is temporary.

Well, today the temporary century-plus telephone tax will be repealed. Again, as we congratulate each other in a bipartisan fashion, Mr. Speaker, the American people ask, What took you so long? We are finally getting the work done for the people.

Mr. MATSUI. Mr. Speaker, I yield 4½ minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, let me thank the gentleman from California for yielding me this time.

Mr. Speaker, I am really tickled pink to have the opportunity to come down here and talk about this repeal of the phone tax. As was indicated, this repeal will cost some $20 billion to the treasury, or putting it another way, Americans will be saving $20 billion over a 5-year period. To put that into perspective, the President has recommended this Congress pass a drug benefit for the senior citizens on Medicare. The 5-year cost of that is $40 billion. But my Republican colleagues do not support that so we probably will not do it for the seniors; but this phone repeal could fund one-half of that Medicare drug benefit for seniors, just to put it into perspective.

Now, I guess people are going to ask, what is this worth to me? I have a copy of a phone bill here from the State of Virginia from the Bell Atlantic Phone Company. This is for the other services and charges. If I could direct Members' attention to number seven, it is tax and Federal, the savings to the consumer here, 97 cents. People ask me, where did this idea come from to repeal the tax? Clearly the gentleman from California (Mr. MATSUI) introduced a bill, but we also had an advisory commission established by Congress to look at the Internet tax.

□ 1345

It was headed up by the governor of the State of Virginia, Governor Gilmore. His colleagues not only wanted to put a moratorium on Internet tax, but they also had this real thing about the Federal phone tax. They pushed and shoved, and part of the recommendation to Congress was to repeal this 97 cent tax here.

As I look at this bill, Governor Gilmore, my eyes dropped to the next line, and that is the State sales tax on your phone bill. That is $7.00, 700 percent more, and I do not recall the governor saying anything about knocking that down, but he is so gracious to help us out by eliminating this 97 cents on the phone bill.

I just read in the Post today that Governor Gilmore wants the taxpayers of the country to give him another half a billion dollars to rebuild the Wilson Bridge, which is in part Virginia and in part Maryland. I say we could sure help him out if we had this $20 billion, but we have to give that back. But the point here is the consumers by our action today are going to save 97 cents on this phone bill, but we are not doing anything about the $7 tax going to Richmond.

So this is a great day. We are really going to do something for the consumers. Massive tax relief. Great day.

I have got some bad news. Bell Atlantic, same company, sent out a letter, and they sent out the letter to the phone people, to those who use their telephone, and they say, hey, important notice, folks. Optional wire maintenance price plan increase. What is that? Well, for the phone wire inside your house, these folks are currently paying $1.25 a month. The phone company is telling them, effective June 17 of this year, we are going to increase that almost 100 percent to $2.45, $1.20 a month.

But, wait a minute. We just saved 97 cents, and the phone company took it away. Before we got the savings, this phone company took it away. So right now, as we stand here, we are 23 cents in the hole, because after we give you this phone tax relief, your bill is going to go up 23 percent anyway.

So now I am thinking, my gosh, how are we going to help the consumer out? Well, I came up with a couple of ideas. It is going to cost some money to change the Tax Code. There will be some administrative costs once this bill is signed into law. I am thinking of producing an amendment today to amend the bill, and instead of sending the 97 cents back to the consumers, send the $20 billion to the phone company. My friends, they are going to get it anyway.

The other idea is to move the previous question, which means cut off all the debate, because the longer we sit here today and talk about this, the less the consumers are going to save.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate that my friend from Wisconsin has pointed out some other potential targets. Unfortunately, the U.S. Congress will not be able to do much about it. Maybe some State legislators from Virginia were watching, maybe some of our regulators downtown were watching from the FCC, and maybe even some members of the Committee on Commerce are here.

But I know that it is very important to most Members of this Chamber that we go ahead and reduce that 97 cents, which is $6 billion a year on the consumers of this country; and regardless of what States may do or what other regulations may require, I am delighted that this has been, from the start, an effort that has been supported broadly on a bipartisan basis.

I want to point out the gentleman from California (Mr. MATSUI) in particular. He is my partner on this legislation, has been from the start. He makes some very good points every time he speaks on this issue. He just made them previously about the difficulty we are having at the IRS right now even identifying what is a telephone tax and what is not, given the emerging technologies and given the very fast pace of change out there.

The gentleman also has talked, I know, about the history of this legislation. I do not want to go over all of it, but I hope people understand that this was a temporary luxury tax put in place during the Spanish-American War to pay for that war at a time when very few Americans had telephones, only the wealthiest of Americans. This temporary luxury tax, which was put in place at a time when the country was just being introduced to the glamorous young war hero, Teddy Roosevelt, has lived on. It has gone up, it has gone down, it has gone all around.

But it is a classic example of a tax in Washington that just will not die, and in this case a temporary tax on a luxury item that is no longer a luxury item, rather something all of us use every day in our lives and is clearly a catalyst to the economic growth we are all enjoying.

So at a time of prosperity, at a time when we can look out to the future with budget surpluses projected, and have the luxury of looking at our Tax Code, what makes sense and what does not, this should be for this Congress a target for repeal.

It is a 3 percent Federal excise tax; you will see it on your phone bill. Sometimes it is called FET. Look at the bottom of that bill, if you can look past all the other charges and so on that the gentleman from Wisconsin talked about. This is one this Congress can do something about and should do today.

From a tax policy perspective, there are number of reasons why this does not make sense, in addition to the fact that it is no longer necessary, since the Spanish-American War is 102 years ago. One is it is regressive. Lower-income families, of course, pay a higher percentage of their family budget than most Americans do on the telephone use. Everybody has a phone. Ninety-four percent of American families have it. Seniors are particularly hard hit by this on fixed incomes who need the telephone as a lifeline to the outside world.

Second, unlike other Federal excise taxes that go for some specific purpose, this simply goes into general revenues. The gas tax is a Federal excise tax, but it goes to fix our roads and our bridges. We also have Federal excise taxes on sin, being the sin taxes, so-called sin taxes, on alcohol and cigarettes.

But this is something that we should not be discouraging, telephone use. In fact, just the opposite. We should be encouraging it, again, because it is such a fundamental driver in the economic prosperity we now enjoy.

Finally, and perhaps most importantly, this is anti-Internet, having this tax in place, anti-telecommunications, at a time when that ought to be encouraged. Ninety-six percent of Internet goes over phone lines.

So at the very end of the day, all I can say is this is a great example where the Congress gets together, reflects on our Tax Code, what makes sense, what does not, comes together on a bipartisan basis, making it bipartisan from the very start, then brings it to the floor in a bipartisan way, to send a strong message to the United States Senate, which sometimes needs a strong message, and to the President, because I hope it will end up on his desk, hope it will happen in the next month. I hope it will happen before we go out of session certainly this year, so we will be able to give our consumers a little break and help our economy and get rid of this, again, outdated part of our Tax Code. The Spanish-American War is long over, but in the 21st century, the telecommunications revolution is very much on. We need to assist that.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from California, the original Democrat sponsor of this bill, for yielding me time.

As a cosponsor of H.R. 3916, the Telephone Excise Tax Repeal Act, I am proud to not only support it, but also be a cosponsor. It adds $6 billion annually to our bills and about $2.00 a month to our constituents' phone bills.

While this tax was created to fund the Spanish-American War and has been reinstituted during different conflicts, telephones were a luxury. Well, that is not the case anymore. In fact, it has long since not been a luxury. So this regressive tax should be repealed.

This is a broad tax cut that I think a lot of us can support, and that is why you have a broad number of Members that are cosponsoring it. It covers everyone, but particularly it covers senior citizens in my own district who can see when their bill comes in after this is effective, their Federal tax will be reduced.

I do share with my colleague from Wisconsin the concern about whether their regular phone bill will be increased, but hopefully they will deal with their State legislature and their regulation on that. The only funds that should be collected from the telecommunications device should be the digital divide.

I am also glad we are having a motion to recommit to close the 527 loophole that requires 527s to be able to list who is giving to them and how they are spending their money.

Mr. PORTMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. ENGLISH), my colleague on the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his efforts as well as those of the gentleman from California to move forward to repeal this fantastically antiquated tax.

Mr. Speaker, recently I had the opportunity in visiting Egypt for the first time to do something that every archeology buff wants to do, and that is visit the pyramids. As I descended into the bowels of the great pyramid of Cheops, I developed a fresh appreciation for the ancient Egyptian belief in resurrection.

Mr. Speaker, as we move to inter this tax finally, we are looking at a provision in the Tax Code that would reaffirm the beliefs of the Old Kingdom in resurrection. This tax was first introduced in 1898, before income taxes were levied. It was designed as a temporary tax to pay for the Spanish-American War, as the last speaker noted. Since then, this tax has been repeatedly resurrected by Congress to no end.

Mr. Speaker, I rise in strong support of this legislation and urge my colleagues to vote in favor of repealing this outdated tax on our most basic communications. In my home State of Pennsylvania, this would mean $245 million in tax relief, with $75 million of that going to families who earn less than $30,000. The time has long passed to eliminate this regressive tax on the American people and on small business.

For the first time in decades, with the Federal Government running a budget surplus, it is particularly perverse to continue this tax on talking when telecommunications play such a vital role in the information superhighway. The revenues from this tax, as the last speaker noted, are not even earmarked to support telecommunications infrastructure. It goes to the general treasury.

Mr. Speaker, I would urge every one of my colleagues to vote for this bill, and, in doing so, vote for tax fairness, for tax relief, and for easier Internet access. I urge the passage of the legislation.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), a member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today in support of the motion to be offered by my good friend and colleague on the Committee on Ways and Means, the gentleman from Texas (Mr. DOGGETT), the motion to recommit. It simply says that section 527 political organizations will not get the benefit of the telephone excise tax repeal unless they disclose their donors. It is that simple.

The gentleman from Texas (Mr. DOGGETT) had tried to offer this amendment in the Committee on Ways and Means twice, once today and once during the debate on the Taxpayers' Bill of Rights. Both times, the Republicans have voted it down and blocked it from coming to the floor.

Every person in America realized the importance and necessity of fixing our system of financing elections. The Doggett amendment is an attempt, but an important attempt, a necessary attempt, to bring about campaign finance reform. It will close another loophole in campaign finance disclosure laws. It will clean up the mess created by section 527 political organizations. These organizations can take unlimited money from almost any source, even foreign money, and make expenditures without any disclosure to anyone. It is a sham, it is a shame, and it is a disgrace. The American people deserve better.

The Doggett amendment only requires simple open disclosure by these organizations, these 527 organizations. The American people have a right to know. They have a right to know who is funding political campaigns in our country. They have a right to know who is behind the attack ads. The American people have a right to a free and fair election process.

There is already too much money in the political process. There is no room for secrecy too: We need to fix the mess. I urge my colleagues to support the motion to recommit.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to my slow-talking, fast-thinking friend, the gentleman from Georgia (Mr. COLLINS).

□ 1400

Mr. COLLINS. Mr. Speaker, I appreciate the gentleman yielding me this time.

Mr. Speaker, when Theodore Roosevelt issued the order to charge, he was referring to the Rough Riders and ordered them towards San Juan Hill. Well, evidently the Congress heard the order of charge at the same time, and they implemented this 3 percent luxury tax on those at that time who had a telephone. Well, that time in Congress and Theodore Roosevelt have passed, the Spanish American War is over, and it is time that we cease charging, charging the American people this ridiculous tax on their telephones.

The charge was to pay for the war. The war had a cost of about $250 billion. Today, we are collecting better than 20 times the cost of that war each year. This is just another example of excessive taxation, but Congress too is responsible for the excessive taxation because of our excessive spending habits. But it is an excessive cost to families and to business. At a time that we have a savings rate that is negative in this country, at a time that we are trying to encourage investments, and at a time when we are trying to compete in a global market, it is time for us to repeal and/or change tax provisions that will assist families and business.

Mr. Speaker, it is time to end this charge. The war is over. Let us sunset this tax.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I ask rhetorically one question on this issue: why would anybody not want to repeal this tax? And then I thought about it and I came to the conclusion, with 4 teenage children, maybe I am wrong. Do we really want to encourage them to stay on the phone longer? But even after that, I have come down on the side of repeal, primarily because changing technology, as the gentleman from Ohio (Mr. PORTMAN) has pointed out, will make the collection of this tax more and more difficult and digital technology will continue to blur the lines between audio, video, and tech transmissions. In the coming era, we will ask ourselves what will define telephone service. It is a bad tax, and we have an opportunity to get rid of it.

Mr. Speaker, let me shift gears for a second to stand in support of the gentleman from Texas (Mr. DOGGETT) who is going to speak in a few minutes. In the late 1960s and the early 1970s after Watergate, the American people recoiled in their anger at the idea that in the basement of the White House there were suitcases full of cash, unacknowledged by the donors, and we are headed down the road to that same practice unless we do something about the idea of disclosing who gives what.

The gentleman from Texas (Mr. DOGGETT) is right on target, and to my friends on the Republican side and my colleagues on the Democratic side, these groups are bipartisan political assassins. We should know where their money comes from. The idea of disclosure was that it would be a disinfectant to campaign money. People would have an opportunity to examine where the money originated, for what purpose it was given, and then they would cast their decision.

Well, we know now that there are independent expenditures that are made against many Members of this Congress, not only on issues, but just as importantly, directed at the candidates. The public should know who gives the money.

Mr. PORTMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. WELLER), a distinguished member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, let me begin by saluting the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. MATSUI), my friends, for offering this legislation, legislation that is so important. Let me begin by just sharing a couple of statistics that illustrate why it is so important.

Today, there are 100 million U.S. adults using the Internet. There are seven new Internet users every second. Think about that, seven new Internet users every second, more millions of families in America. Of course, school kids at home use the Internet as a way of doing their homework, accessing the Library of Congress.

Today, we are responding to a pretty important question and that question is, do we want the information superhighway to be a toll way or a freeway. I believe, of course, that we want it to be a freeway. Today we are voting to remove one of those toll booths on the information superhighway by voting to repeal the telephone excise tax.

Mr. Speaker, when we think about and look at who has Internet access at home, the higher their income, the more likely they have it. Families with incomes of $75,000 or more are 20 times more likely to have Internet access. If we ask those with low or moderate means why they do not have Internet access, they tell us it is because of the cost, that the cost is the barrier which denies their children the opportunity to use the Internet for school work. Today, we are eliminating one of those barriers.

I think it is important to note that 96 percent of those who access the Internet use their telephone line, so by lowering the cost of telephone use, we are increasing digital opportunity for millions of Americans.

I am proud of the leadership this House has shown in creating more digital opportunity and eliminating that so-called digital divide. Just a few weeks ago, we passed a 5-year extension of the Internet tax moratorium that specifically prohibited new fees and taxes on Internet access at the State and local level. Just 2 weeks ago, we passed legislation which cut off at the pass the FCC's authority to impose new fees and taxes by the FCC; and I am proud to say that today, we are going to eliminate the telephone excise tax, one of those toll booths. So we are removing three toll booths on the information superhighway with this legislation.

Mr. Speaker, I say to my colleagues, let us remove those toll booths on the information superhighway. Let us do the right thing. This bill has bipartisan support. Let us send it with a strong vote to the Senate. Let us create digital opportunity by lowering cost to access the Internet. By eliminating the telephone excise tax, we lower the cost, we remove a toll booth, we increase digital opportunity, and we are going to help millions of Americans gain the opportunity to join the information superhighway.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I rise in support of this legislation that will repeal the 3 percent telephone Federal excise tax. The tax should be repealed, it has outlived its use, it passed originally, as has been stated by several colleagues as a luxury tax. Virtually every home in America now has a telephone, even those that can afford very few luxuries.

Indeed, the tax was first passed a century ago when the telephone was a new and simple device. Today, at the dawn of another century, telecommunications has changed so much that it is impossible to apply the tax even fairly. If consumers use a telephone line to access the Internet, they will pay this tax. If they use a cable modem, they will not. Furthermore, how does this tax apply to new delivery systems? Will people who use delivery systems like DSL be taxed when they use DSL for telephoning, but not be taxed when they use the Internet?

I think our responsibilities include repealing old, outmoded laws and also make it possible for our constituents to enjoy new advancements in technology. This legislation does both.

In the recommittal, I urge my colleagues to vote for disclosure. The American people deserve it, they deserve the right to know. None of us can brag that this campaign finance system is something that is good for the country. Vote for disclosure.

Mr. PORTMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. COX), the chairman of the Republican Policy Committee.

Mr. COX. Mr. Speaker, I thank my colleague, the gentleman from Ohio (Mr. PORTMAN) for the extraordinary work that he has done in a bipartisan fashion to bring this legislation to the floor. I am pleased to join with him and the rest of my Republican and Democratic colleagues today in support of this legislation to repeal the Spanish American war tax. It is no longer a luxury tax. It is not fair; it is extremely regressive. The reason for its enactment, to fund the war with Spain, no longer exists.

In preparing for this debate, I did some research into the genesis of this tax. I went to the report issued on April 26, 1898, 102 years ago, in the Committee on Ways and Means, and I found that the author of this bill, a Representative Dingley, not DINGELL from Michigan, not my good friend and colleague who is the dean of the House, because even he has not been here anywhere near that long, but a Representative Dingley who said about his bill which was entitled, Revenue to Meet War Expenditures, "All of these additional taxes are war taxes which would naturally be repealed or modified when the necessities of war and the payment of war expenses have ceased."

Well, I think we can all agree today that that time has come, 102 years later. This tax was created over a century ago to pay for a war in which the father of General Douglas MacArthur, a commander of note in his own right, capped his career. Some years later, a half century ago, his son stood here in this chamber and told us in one of the most memorable addresses ever given in this Chamber, that old soldiers never die, they just fade away. But this old tax will neither die nor fade away. So today, more than a century after Spain and the United States signed a treaty of peace in Paris, we need to invoke the memory of those rough riders who charged up San Juan Hill and mount a charge on this unnecessary and unfair confiscation, run a bayonet through it, and kill it.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I am a cosponsor of the act to repeal the telephone excise tax, but I am rising now in support of the motion of the gentleman from Texas (Mr. DOGGETT) to recommit, because we need to make the public aware of section 527.

So-called 527 groups are tax-exempt, political organizations that try to influence elections. They can spend millions of dollars on negative ads, direct-mail campaigns, and phone banks. Not too long ago, I had never even heard of section 527s of the IRS code. Now, our constituents face the possibility of a negative ad campaign streaming into their homes paid for by undisclosed, far-off donors, distorting their elections.

Mr. Speaker, 527s pose a great threat to our current democratic process. Unfortunately, the House leadership will not give us a vote on this important issue, so voters do not know who is behind the 30 second TV ads trashing their candidates.

Mr. Speaker, I urge my colleagues to support this motion to recommit so that we can make the public aware of section 527s and the damage that they are doing to our current political system.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this bill. It is time we repealed this outmoded and regressive tax. I hope we will make another change to the Tax Code through the motion to recommit. Section 527 organizations simply should disclose their contributors.

One of those organizations is called Citizens for Better Medicare, though it is not really made up of citizens. It is funded with vast, but undisclosed, sums from the pharmaceutical industry; and they run ads to persuade Americans or try to persuade Americans that it is okay to price prescription drugs at twice the level that they charge HMOs, big hospitals, the Federal Government, Canadians, Mexicans, and the rest of the world. Citizens for Better Medicare is a political organization, it runs political ads that urges people to call your Congressman. It has secret funds, and it spends some of its money attacking the Canadian health care system.

Well, last year, the gentleman from Texas (Mr. DELAY), during the debate on campaign reform said what reform can restore accountability more than an open book? It is incredible and baffling that we will not support this motion to recommit today.

□ 1415

We have a chance to require disclosure, to open the books and to let the sunshine in on big money and politics.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend, the gentleman from California (Mr. MATSUI), for yielding me this time.

Mr. Speaker, I rise in support of the telephone excise tax repeal, but I also rise to speak in favor of the motion to recommit.

It is really a sad day here when we have to bring up our only serious discussion about campaign finance reform this way in this manner as a motion to recommit. It is because of the latest abomination that has crept into our political process, the so-called 527 corporations that can accept unlimited contributions and spend it for political purposes without disclosing at all where the money is coming from. For too long opponents of campaign finance reform have claimed that the only thing we need to do to reform campaign finances is to require full disclosure. Well, here is their opportunity.

What is it going to take to enact long overdue campaign finance reform in this Congress, illegalities of the magnitude not seen since the Nixon administration, when the last wave of campaign finance reform measures were finally enacted. I hope not.

Support the motion to recommit and let us shut down the 527 loophole, as we are the excise tax today.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Indiana (Mr. HILL).

Mr. HILL of Indiana. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for yielding me this time.

Mr. Speaker, I rise today in support of repealing the telephone excise tax as well. This legislation will make telephone bills cheaper and easier to understand. People in my district in southern Indiana have told me they do not understand their telephone bills, the confusing fees and surcharges on their phone bills. They do not know why their bills are so high even when they make few or sometimes no long distance calls.

I petitioned the Federal Communications Commission last fall to make phone bills more fair. The laundry list of flat fees and taxes drive up phone bill costs and confuses consumers. Today we, as Members of Congress, have an opportunity to take an immediate step to lighten the burden on consumers by supporting this bill. Eliminating this unnecessary tax will be just the first step toward making phone fees more fair and easy to understand.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just make the point again that this is a great example of bipartisan legislation that has been so from the start that has come to the floor after extensive discussion and hearings. We have a broad-based coalition that is involved in this effort. It includes the Hispanic business community. It includes the African American business community. It includes, of course, consumer groups. It includes telephone companies that now pay the administrative costs to impose this tax.

It includes people who have been trying for years to get the Congress to focus on this outdated tax that is actually a barrier to Internet access and to the telecommunications revolution that this Congress is trying to encourage rather than discourage. I would just hope that maybe we could keep this discussion focused on that.

There will be a motion to recommit. I understand it is going to try to connect some new issues to this that have to do with campaign finance reform. We have heard a lot of the speakers address that, and I appreciate the fact that they are supporting this repeal which is long overdue; but I would also hope that when we do bring a piece of bipartisan legislation to the floor, as the gentleman from California (Mr. MATSUI) and I have today, that we might as a Congress respond to those very people on both sides of the aisle who say, gee, we are so partisan around here, we can never get anything done together, we can never move forward to do something for the American people that is in their interest, I would hope some of my friends on the other side of the aisle would listen to some of their own words and perhaps respond accordingly, and that we could move together without the kind of confusion and potentially partisan acrimony that seems to be building with regard to this motion to recommit and send something over to the Senate with a very strong bipartisan signal that we feel strongly about this issue; we want to get it done this year. We believe this is something we can do for all of our constituents.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, we could all be here on this bipartisan motion today, this bipartisan bill, and actually pass it on a suspension. I do not see a great deal of controversy about what is going on with the subject matter of this bill. The fact that I would like to hear discussed in a bipartisan way is the motion to recommit.

I would ask the gentleman from Ohio why is it we do not hear anybody in a bipartisan way from that side of the aisle talking about the recommittal to have that go into effect and have that be bipartisan? We need disclosure. 527s are, in fact, a blight on our election system. We have heard Members on that side of the aisle talk for a long time about how they want disclosure. The majority whip tells us he wants disclosure. I would hope he would come to the floor and say that he supports this in a bipartisan way.

The head of the conference has said that he supports disclosure. He intends to raise a lot of money under 527s. Let us hear him come to the floor and talk about how he wants to be bipartisan on this bill, and then we can pass the subject bill which is virtually a no-brainer with its regressive nature. At this point in time, we are spending an awful lot of time reaching around slapping ourselves on the back. Let us do something really heroic for the American people. Let us do something that really gets to the serious part of business. Let us do something for campaign finance reform and get rid of these 527s.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since the gentleman would not yield to me, I will just make a couple quick points. One is, if the gentleman is so interested in disclosure, it would be awfully nice if in the context of this telephone tax repeal, which is what we are talking about today, that many of us have worked for months on, that the motion to recommit would be disclosed to us.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. I have not seen it.

No. Let me just make my own points, if I might.

Mr. DOGGETT. I would be glad to disclose it.

Mr. PORTMAN. Since no one yielded to me on the gentleman's side, I will let the gentleman take his own time.

Second, I would make the point that if campaign finance reform is going to be connected to every issue that comes up on the floor that is bipartisan, that is constructive, that is something that is moving America forward, then I think it is very easy for people who are watching out there and other Members to think, gee, perhaps the folks on that side of the aisle are trying to obstruct what goes on in this Congress, are trying to make everything that is bipartisan into a partisan issue, are trying to keep this Congress from getting its work done and in fact helping the American people.

That is what this is all about today. This is an effort again that the gentleman from California (Mr. MATSUI) and I, and the gentleman from California (Mr. BECERRA) and I, the gentleman from Texas (Mr. BENTSEN) and I, and many other Members of this conference and the conference of the other side have worked on; and we are happy to proceed with a debate on the telephone tax because we think it is the right thing to do for the American people.

We are also eager to see the motion to recommit since the gentleman is so concerned about disclosure, and it would be interesting to see how it is tied in.

What I heard from the speaker earlier, although we do not have the motion to recommit so we cannot see it, is that the gentleman was interested in saying that he could tie this to, again, this constructive effort to repeal an outdated tax by saying that if folks do not disclose who are in certain kinds of organizations then they would have to continue to pay the 3 percent telephone tax, which is an interesting way to tie it in; and I must commend the gentleman from Texas (Mr. DOGGETT) for his creativity. But I will say that I do not think that does a whole lot; I do not think that is much of an enforcement mechanism.

So if the gentleman is really trying to get something done, maybe he ought to back up and go to his own Treasury Department in the Clinton administration and say where is the report on political activities and the appropriate tax structure of political activity that was due under the 1998 IRS Restructuring Reform Act that we are still waiting for? Where is that report?

Maybe the Treasury Department could help us because they are the experts in this.

Mr. TIERNEY. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. They could give us some perspective on this. Is a 527 any different than a 501(c)(4) that is also doing advertising without any proper disclosure?

Mr. TIERNEY. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. Is a 527 different than a 501(c)(5)?

The SPEAKER pro tempore (Mr. LATOURETTE). The time is controlled by the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, again I am happy to let the gentleman talk on his own time. He did not yield to our side, and there is plenty of time on the gentleman's side.

I would just say that it would be nice if in one day in this Congress we could come together, join arms as Republicans and as Democrats, and do something that is good for all of our constituents, which we have done up to this point on this legislation, both in terms of the subcommittee hearings, in terms of the committee hearings, the committee markup, in terms of working with outside groups to come together and bring people together, rather than making it a partisan issue, rather than again raising issues that are going to confuse and muddy the waters as we try to send a strong bipartisan signal to the U.S. Senate and to the President that this phone tax is one we want to repeal and we want to get it done this year.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from the State of Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I must say that I am greatly disappointed that our friends across the aisle are not joining Senator JOHN MCCAIN, who has shown great leadership in an attempt to close this loophole, and are not joining us on this side of the aisle who want to close this loophole.

Now here is why we should do this together: it is a fundamental tenet of Americans' values that we like a fair fight. Americans like a fair fight, and these 527 organizations are nothing more than secret assassins. They are secret character assassins, and they assassinate people on both sides of the aisle on a bipartisan basis.

With all due respect to the last speaker, we do not need any experts from the Department of Treasury to tell us this. Look at 527. I have it right here, that defines these terms. It says, the term exempt function means the function of influencing or attempting to influence the selection, nomination, election or appointment of any individual for these offices.

These are born and bred to try to assassinate candidates, and yet the public does not know who is doing the assassination. We have a bipartisan interest in a fair fight. We ought to have a bipartisan effort. The other side ought to join us in closing this loophole. Americans are entitled to know where this money is coming from for these back-handed secret assassinations.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I rise to speak in favor of the motion to recommit from my friend, the gentleman from Texas (Mr. DOGGETT). What we are trying to do here is condition tax relief that is in this bill for 527 organizations on their making simple disclosure as to where money comes from.

Now I understand that there are some people that think we should not be doing this in this bill; we should have a campaign finance reform bill to deal with 527s. We did, and we passed the bill and abuses have continued.

Let me remind the Members how we got a vote on campaign finance reform this year and in the last session. We walked over here, and we signed discharge petitions, and we got attention from all over the country from public interest groups. That is how we move campaign finance reform on the floor.

Now what we are attempting to do here is look at how the Internal Revenue Code defines a 527. It is an organization that accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the selection, nomination, election or appointment of an individual to any Federal, State or local public office.

By definition, these self-527s exist to influence elections, and yet somehow opponents of reform insist that these ads funneled by these organizations, that mention candidates' names, that criticize their voting records, that are aired on the very heels of elections are not subject to disclosure laws.

Now many of us debated campaign finance reform on the floor of this House and many of the opponents of reform, I recall the gentleman from California (Mr. DOOLITTLE) articulately coming down to this floor and saying disclosure is what we need; any ads that are meant to influence election, we should simply have disclosure.

What have we seen happen across the country over the last several months? We have seen an explosion of these stealth 527s spending literally millions of dollars; and we do not know, the public does not know, where the money comes from.

This is not a partisan issue. Just look at what happened to Senator McCAIN when his campaign started taking off across the country because people wanted reform, because people wanted change. What happened? Well, just as his campaign took off, these ads popped up questioning his environmental record, precisely at the time when he faces key primaries in New York and elsewhere. Was it just a coincidence that an issue discussion on his environmental record seemed to take off exactly when his candidacy was taking off? No, it was not a coincidence.

This is an abuse, an abuse of the campaign finance laws. If we do not want to be partisan about it, we do not have to. Let us, both sides, agree to disclose any of these 527s, disclose where the money comes from.

□ 1430

The problem is, under the law, they are not being disclosed. This is an abuse of the system. The time for action is now. At a minimum, and this motion to recommit by the gentleman from Texas (Mr. DOGGETT) is a bare minimum, we should deny tax relief to 527s that do not disclose. It is as simple as that. Let us deny the tax relief to those who will not disclose.

Mr. PORTMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, on June 1, I am going to be having a town hall meeting in my district with Senator McCAIN. As my colleagues know, I was one of the few that was willing to sign a discharge petition and was right there from the beginning in the creation of our campaign finance reform.

My support for campaign finance reform is based on a lot of reasons. One, this issue is near and dear to me. I have been a victim of these very unfair and hideous attacks that so-called independent groups can do.

But my support for campaign finance reform is to bring back some integrity to the electoral process. But sadly here today the issue of bringing back integrity to the electoral process is being brought in as a way to stop us or restrict us from bringing back integrity about this Congress and about this government when it comes to taxation law.

Now, I have also been the original cosponsor of repealing this quite unfair law, the law that said, oh, just let us tax a few rich people in 1898 for a little bit to pay for the Spanish American War and, and do not worry, we will not tax the working class, and we will repeal it after the war.

Mr. Speaker, my colleagues have got a choice tonight. We can play partisan politics and try to take advantage of this issue of a bipartisan bill. Democrats and Republicans have come together and said this tax is wrong and it is immoral and the credibility of Congress is being called in on this and that we need to set an example to the American people that, when it comes to the laws of this Congress, that when we say we are going to raise taxes for one purpose and for that purpose, that when the purpose is over, eventually even if it is 100 years later, we will come back and eliminate that tax.

Mr. Speaker, I think that what we are saying today is that both of us, both Democrats and Republicans, agree it is a credibility of our taxation system that we repeal this tax.

I want to say something about this tax because I think that we hear on the floor again and again the issue of class warfare. I think that this tax is an example of the failed concept of trying to tell and promise the American people that, do not worry, we are going to tax the other guy. We are going to get them, but it will not get you.

Now, I come from a working-class community, and I have heard again and again on this floor that, do not worry, we are only going to tax the rich, as if the middle class is so stupid that they do not know what goes around comes around; that the middle class always bears the brunt and the burden of taxation. This tax is an example. In 1898, it was focused only to the very wealthy; now it has gone around.

I am asking us, let us stop the partisan fighting. Quit tying to take political advantage. We have a bill that both sides agree on. There is no excuse except partisan advantage not to repeal this tax at this time.

Mr. MATSUI. Mr. Speaker, may I inquire of the Chair how much time each side has remaining.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. MATSUI) has 8 minutes remaining. The gentleman from Ohio (Mr. PORTMAN) has 5½ minutes remaining.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for yielding me this time.

Mr. Speaker, I rise in support of the bill to repeal the tax. This is truly bipartisan and should be bipartisan. But at the same time, I rise in support of what should again be a bipartisan effort to support the motion to recommitment. 527s would not get the benefit of the tax repeal unless they disclose under the language of the recommittal motion.

Mr. Speaker, the gentleman from Texas (Mr. DOGGETT) and I, and the gentleman from Texas (Mr. DOGGETT) is the person who proposed this 527 recommittal language, we are on each other's bills, have similar bills.

Earlier this week, the gentleman from Virginia (Mr. DAVIS) of the NRCC signed on my bill. Just yesterday, he removed his name from the bill. I was overjoyed when he signed on, because I thought this at last is an effort, an attempt, to move on a bipartisan basis, by Republicans and Democrats, on what should be a nonpartisan issue, and that is full disclosure.

I can understand, I can understand truly people having honest differences of opinion about limitations on contributions. But I have heard from my colleagues on both sides of the aisle over and over, we may have differences about limitations, but everybody agrees with full disclosure.

Well, now we have a chance for full disclosure, and now is the time to put one's vote where one's mouth is. It is that important to the American people, because, frankly, secrecy threatens democracy. Secrecy in government threatens our system of government and electoral process. We can overcome this secrecy by opening up these records, by full disclosure, and telling the people in this country who is trying to influence Federal elections.

At the very bottom line, the people of this country deserve to know who is trying to influence their votes, so when they make an informed decision, when they make a decision to vote, they can make an informed decision and cast an informed vote.

I think it is that vital that we act on a nonpartisan basis, and I invite my colleagues on both sides of the aisle and the gentleman from Virginia (Mr. DAVIS) to support this motion to recommit for full disclosure.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I just want to highlight what the gentleman from Kansas (Mr. MOORE) was referring to by the 527. A lot of times, when an issue comes before Congress, we need to spend a tremendous amount of time collecting information, conducting a hearing, and then acting. But there are those issues that are so compelling and fundamental, we need to act immediately. This is one of them. It is the incredible loophole that is being exploited.

I think a lot of criticism has been directed at Republicans, but I think the Democrats could easily succumb to this temptation one of these days, too. So this is a problem that affects every American. It should not have to be characterized as a Democrat or Republican issue. The point is we should have disclosure.

I have sat in meetings where groups that attempt to influence this process, which is their constitutional right to do so, said, do not tell us to put our name on a political ad we want to advertise because we will not run the kind of ads we want to run if our name has to be put on them.

That is exactly the point. If one is not willing to stand up and associate oneself publicly with a message one is sending to the citizens of this country, one does not deserve the right to put information out there. Because it is clear one is trying to distort and mislead.

So what we are offering in our motion to recommit is a very simple proposition. If one is going to engage in this type of political advertising, there ought to be disclosure of where the money came from. There ought to be disclosure for the good of the citizenry.

Mr. PORTMAN. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Ohio (Mr. PORTMAN) has 5½ minutes remaining. The gentleman from California (Mr. MATSUI) has 4½ minutes remaining.

Mr. PORTMAN. Mr. Speaker, we have the ability to close, so the gentleman from California (Mr. MATSUI) may proceed, then I will close.

Mr. MATSUI. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would just like to thank the gentleman from Ohio (Mr. PORTMAN) for his bipartisanship on the issue of the Federal excise tax repeal. I certainly appreciate his leadership and his effort. Of course, the majority and minority have worked very well on the issue of the excise tax repeal, and I appreciate that.

Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, over 200 Members of this House of Representatives have called for full disclosure by the new political superweapon of this political season, the 527. The 527 is not some new type of aircraft, but it is a superweapon designed to undermine the election process in this election year.

Today is our only opportunity, not because we wanted an opportunity like this today to be the vehicle for doing this, but because every other opportunity has been denied.

Our colleagues say that they are surprised and that they did not know about this. Well, they were not surprised when I asked every one of them, even the gentleman from Texas (Mr. DELAY) to join as a cosponsor with over 200 other Members in support of the Underground Campaign Disclosure Act. This legislation would require these groups to open their records, disclose their donors, and engage in a fair fight like everyone else.

Last year, they stood here on the floor of this Congress after they tried for months to block the efforts of the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS). They stood here, and they fought those efforts by saying that it is unconstitutional. They said the only thing that would be constitutional was disclosure. Now, I read from the chairman of the Republican Campaign Committee in this morning's newspaper he thinks disclosure is unconstitutional.

What they think is that anything that would be a genuine reform of the corrupt campaign finance system that we have today in America is unconstitutional or any other excuse that they can come up with.

We have pled with our Republican colleagues to join with us in a bipartisan effort. We have offered other opportunities for them to participate, such as the Taxpayer Bill of Rights, to give the taxpayers the right to know what is happening with this subsidized activity.

But they have reached the conclusion that they cannot keep their power in this Congress, and their power over the American people, if they operate in the open. It is essential to them that they begin—and they have already begun—a program of political character assassination where the gun for the political assassination is pointed and the bullets are paid for, but we do not know who paid for them.

That is the whole idea. One can take corporate money, one can take Iraqi money, one can take Cuban money, one can take any brand of money one wants and no one will ever find out.

The reason they will not engage us in debate today is they have nothing to engage us with. They know they are wrong. They are afraid. That is why they have previously blocked us from coming to this floor after telling us we would have an open opportunity to debate the issue. They are afraid to debate the issue of why they have to rely on secret money. They know it is wrong. They absolutely know it is wrong to pollute the political process of America with hidden money. They are a big standard barrier for reform.

A great man from Arizona has said this is the latest indication of the corruption of the American political system. He has joined in a bipartisan effort with Members in the other body to reform this system. We cannot even get a fair vote on the floor of this House.

So we must rely on a motion to recommit to deny these 527 organizations the opportunity to get the telephone tax cut that is being proposed here today.

Let me make it clear to my colleague from California who talks about bipartisanship. This motion to recommit is not going to delay the approval of this telephone tax repeal by one second. As soon as this motion to recommit is approved, it will join my amendment with this bill, we will repeal the tax, and, at the same time, we will get a little equity for the people of America and a little openness in our democracy.

The SPEAKER pro tempore. The gentleman from California (Mr. MATSUI) still has 30 seconds remaining.

Mr. MATSUI. Mr. Speaker, I yield back the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to start by returning the compliment to the gentleman from California (Mr. MATSUI). It has been a pleasure to work with him. I also want to commend him for his efforts yesterday, not so much the victory of normalizing trade relations with China, the world's most populous country, but rather the way in which he went about it. It was a bipartisan vote. I think it was a good and informed debate, profound debate on the floor of this House yesterday.

I have got to say today's debate has been disappointing, because it has not been about the topic at hand, which is tax policy, which is specifically this Congress finally, after 102 years, coming to grips with the telephone excise tax that was put in place as a temporary luxury tax to fund the Spanish American War that has continued to burden our consumers, and today is actually a burden and a barrier to telecommunications, which is the point of the debate today.

I want to tell my colleague that I was informed by the staff some time ago during this debate that the parliamentarians had informed them that I could raise a point of order to say that the speakers on this debate would have to keep their comments within the subject matter, which is the telephone tax, and not campaign finance reform. I chose not to do that, because I did not want to close down debate unnecessarily. We did try on our side.

We beseeched our colleagues on this side to try to keep it on the issue, because this is a great issue in the sense that Republicans and Democrats came together to try to solve a very real problem to move our country forward, in this case, to repeal an outdated telephone tax that is a burden on our economy and it particularly burdens low-income families.

□ 1445

We hear a lot from the other side of the aisle about how various Republican tax proposals are not properly distributed across the economy so that they really impact the poorest among us. Ninety-four percent of America's families have telephones. So we are talking about getting rid of a tax every one of those families pay every month on their phone bill. It is a disproportionate burden on the budgets of the lowest-income families in our country. It is a disproportionate burden on our seniors in this country who rely on telephones. It really is a lifeline for their everyday communication with the outside world.

As the gentleman from California (Mr. MATSUI) has pointed out a number of times, this is also a tax that, frankly, is very difficult to impose now because of new technology, because of the difficulty of deciding what in fact is appropriate to have the telephone tax attached to in the new world of modern telecommunications.

So I am sorry we did not have a better debate today on the issue before us. With regard to the comments of my colleague from Texas on the Committee on Ways and Means, I am sorry he had to put a partisan spin on the debate before us. I disagree with what he said. I do not think we can draw a line through this Chamber through the middle and say, gee, all Republicans are against this, all Democrats are for that. I do not think we can castigate Republicans for being against reform. We are for reform. I myself put in a campaign finance reform bill every session I have been here.

I believe in disclosure, as do my colleagues. We also believe in doing it the right way, and not a telephone tax bill; not with regard to one narrow piece of legislation; not without the proper information, as I said earlier from the Treasury Department of the Clinton administration, which is way overdue on its report to us on this very topic.

Let us do this in a smart way. Let us do it in a way that is comprehensive, so that whether we are called a 527 or a 501(c)4 or 5, or whatever number is attached to a candidate, they are treated the same way, with the same principle, which is that that candidate should have to disclose the sources of their donations. I applaud my colleague from Massachusetts because he has done that in a comprehensive way in his campaign reform proposal.

But today is a cynical partisan attempt. Again, it is disappointing to me, because I thought in this case we had something we could come together with as Republicans and Democrats and do for our constituents in a positive way. At the end of the day, we will. We will. We will be able, I think today, by sending such a strong message from this House on a bipartisan basis to move forward a repeal of a tax that probably should have been repealed 101 years ago, a tax on everybody's telephone use.

I would just make one final comment, and that is that when we talk about civility in this Chamber, when we talk about how to work in a bipartisan way, when we talk about how we can move legislation forward that all of our constituents care about, I think it is important we begin to cultivate certain kinds of approaches and certain kinds of Members and a certain approach to issues. And I would ask my colleagues on the other side of the aisle, and on both sides of the aisle, to look into their hearts and say is this the way we want to proceed? Is this what is going to encourage civility and encourage moving us ahead as a country in this Congress? Even in an election year, colleagues, we should be able to get together and do the right thing for other constituents.

I think we will do that today. I strongly encourage my colleagues on both sides of the aisle to join us in finally repealing this tax, joining the telecommunications revolution of this century and repealing a tax from the end of the 19th century.

Mr. TERRY. Mr. Speaker, I rise today in support of H.R. 3916, "The Telephone Excise Repeal Act". I am proud to be an original cosponsor of this overdue piece of legislation. The Spanish-American War is over and so should this tax which was imposed on talking to fund the 1898 war. This tax is a "tax on talking." It has been extended, lowered, increased and temporarily repealed but yet it continues to exist today. This 102-year-old tax affects telephone service, cellular phone service and access to the Internet.

Americans work very hard in this country. It is unfair to impose an additional burden on these hard working Americans by requiring them to pay a tax that was implemented to fund a war that has been over for at least a century.

H.R. 3916 will eventually eliminate the 3-percent Federal excise tax on telecommunications services. A 1-percent reduction will occur each year for the next 3 years, allowing the telephone excise tax to be fully repealed by October 1, 2002.

H.R. 3916 repeals an antiquated tax that hurts many American families and small businesses. This unsubstantiated telephone excise tax clearly violates our economic principles. When it was implemented in 1898, it was considered a luxury tax. I guess access to a telephone in 1898 was considered a luxury. Today, access to a telephone is a necessity. The repeal will encourage growth in telecommunication services and will give all Americans a tax break on their phone bill. This excise tax does absolutely nothing to promote the use of phone service. It merely goes into the government's general revenue account to be spent on anything the government desires. There is absolutely no economic or social justification for this outdated tax.

When I was elected to represent the second district of Nebraska, I maintained two priorities: one, was to fight any and all attempts by the Federal Government to take more money away from Nebraskans; and two, let Nebraskans keep more of their hard-earned dollars in their paychecks. Nearly 40 percent of the average American family's income goes toward taxes. We need to give Americans a tax break. Now is the time to eliminate the telephone excise tax. I urge my colleagues to support this bill.

Mr. GILMAN. Mr. President, I rise to take this opportunity to thank the gentleman from Ohio, Mr. PORTMAN, and the chairman of the Ways and Means Committee, Mr. ARCHER, for bringing H.R. 3916, the Telephone Excise Tax Repeal Act, to the floor today.

On February 16, 1898, the Federal Government enacted a temporary excise tax on telephone service to fund the Spanish American War. Although the war lasted just under 6 months, the Federal excise tax created to fund it, is still in effect over 100 years later, forcing consumers to continue to pay this tax on all their telephone services.

The Federal excise tax on phone service has long outlived its purpose and relevance. It is a regressive tax that is inappropriate in today's world where the telephone is not a luxury but a practical necessity. The Federal excise tax is a tax that discourages communications in a world that is becoming more and more dependent upon technology and communications. It disproportionately hurts the indigent, particularly those households on either fixed or limited incomes, and rural customers, because they have higher phone bills on average, due to comparatively more long distance calling. The Federal excise tax is essentially a tax that discourages communications.

H.R. 3916, the Telephone Excise Tax Repeal Act, would eliminate the 3-percent Federal excise tax on telecommunications services phasing in a complete repeal of the tax over the next 3 years. A 1-percent reduction will occur each year for the next 3 years, allowing the tax to be fully repealed by October 1, 2002.

The removal of the Federal excise tax on consumers phone bills will immediately lower consumer phone bills, saving American consumers over $5 billion a year. Accordingly, I urge our colleagues to join us in repealing this antiquated "tax on talking," by supporting H.R. 3916, the Telephone Excise Tax Repeal Act.

Mr. HORN. Mr. Speaker, I commend my colleagues, Mr. PORTMAN and Mr. MATSUI, and support H.R. 3916, the Phone Tax Repeal Act. In 1898, Congress approved a "temporary" tax of one cent on long distance phone calls, as a way of funding the Spanish-American War. When this tax was implemented, there were only about 1,300 phones in America. Today, more than 94 percent of American households have at least one phone, not to mention multiple phone lines or celluar phones.

The Spanish-American War ended that same year, but the "temporary" tax still exists. Currently, anyone who makes a phone call or uses a phone line to dial up to the Internet pays a 3-percent Federal excise tax on that call. Low-income families, senior citizens, and anyone else on a fixed income are especially burdened by this tax. They should not have to spend their hard-earned money on a useless and outdated tax.

Telephones, and other telecommunication technologies, have become a necessity in today's world. They are no longer a luxury enjoyed only by a privileged few. To tax necessities such as these, especially when we have a surplus, is unfair, repressive, and senseless.

This legislation would have a real and beneficial effect. Families would see an immediate reduction in their phone bill once the tax is repealed, giving them more money to spend as they, and not the Federal Government, see fit.

I urge my colleagues to support this legislation. Americans have put up with this outdated tax for too long. It is time to permanently repeal this not-so-temporary tax.

Mr. WELDON of Florida. Mr. Speaker, today, I rise in strong support of repealing the grossly outdated Spanish-American War phone tax. The 3-percent Federal excise tax on phone calls that was created in 1898 to pay for the Spanish-American War. At that time, it was called a "temporary" tax.

Parents have to pay the tax every time their child calls home collect from college; grandparents pay it when they call their grandchildren; and sons and daughters pay it every time they call their mom on Mother's Day.

This "tax on talking," is a regressive tax, that unfairly adds to the tax burden of hard-working Americans.

It also demonstrates how hard it is for the government to end a tax. Even though the Spanish-American War has been over for a century, and I have been assured that the Spanish threat has ended, the Federal Government has continued to collect this tax.

President Ronald Reagan said, "Government does not tax to get the money it needs; government always finds a need for the money it gets."

It has taken a Republican Congress to find the courage to curb the growth of spending, balance the budget, and to continue to reduce the tax-bite on hard working American families. The Republican House is poised to repeal this unfair, regressive tax, but the latest reports from the Clinton-Gore administration indicate that they want to continue to make Americans pay it.

Reagan was right, "government always finds a need for the money it gets."

Vote "yes" on this bill. The Spanish-American War is over.

Mr. PORTMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

Pursuant to House Resolution 511, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. DOGGETT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DOGGETT. I am, Mr. Speaker, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. DOGGETT moves to recommit the bill H.R. 3916 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:
>
> Page 6, after line 11 (at the end of section 1(d)), add the following new paragraph:
>
> (3) The provisions of this Act shall not apply to bills rendered to an organization described in section 527 of the Internal Revenue Code of 1986 unless that organization elects to make the disclosures within the reporting requirements in the Internal Revenue Code contemplated by the bill H.R. 4168 of the 106th Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes in support of his motion.

Mr. DOGGETT. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Texas (Mr. STENHOLM), who has been a part of the effort to get a discharge petition so that we can take up, through regular order but has thus far been blocked, this whole issue of the 527 stealth PACs.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me this time, and as I have been listening to the debate, I have found it interesting that people would be talking about why are we mucking up this bill with this nonrelated issue. There is a pretty simple answer to that question.

If we only allowed the regular legislative process to work, we would not have to do this. But remember, when we had the Shays-Meehan bill on the floor, opponent after opponent after opponent of the bill came forward and said, all we really need to do is to have disclosure. That is what this is all about.

I would hope that the majority would finally agree to allow a simple disclosure bill, the bill of the gentleman from Kansas (Mr. MOORE). All we are trying to say is, the 527s should not promote secrecy. Money is going to be spent in politics. What we are saying is it should not be spent in secrecy. We ought to shine the good sunshine and let the people know who is spending how much money in political races.

This being our only opportunity, I commend the gentleman from Austin for coming up with a very innovative amendment today. This will give us a clear up or down vote on whether we are for it or whether we are against it.

Mr. DOGGETT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MEEHAN), who has led this House in the effort to get campaign finance reform through a number of sessions, and who I am pleased to have support this motion to recommit.

Mr. MEEHAN. Mr. Speaker, I thank the gentleman from Texas (Mr. DOGGETT) not only for his motion to recommit, but his commitment to this issue, as well as the gentleman from Kansas (Mr. MOORE), who has done great work on this.

What we are trying to do here is to get Members from both sides of the aisle to come together and at least say we are not going to give this tax break to those 527s.

Now, I do not know why anyone would be confused or puzzled or nonplussed as to why we would use any opportunity in the rules to bring this to the attention of the Members. We cannot get a vote up or down on this. This is an abuse of the campaign finance law that we are seeing every day abused. This is our opportunity to do something about it.

It is not good enough for Members to say we are all for disclosure. Talking the talk is not good enough. Walking the walk is what is required. In this instance, there are 527s that will not disclose where the money comes from, and it is our responsibility to make sure that they do, and that is why we need to pass this law and pass it now.

Mr. DOGGETT. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Texas (Mr. DOGGETT) has 3 minutes remaining.

Mr. DOGGETT. Mr. Speaker, I yield 30 seconds to the gentleman from Maine (Mr. ALLEN), who has been already a victim of these 527 stealth PAC attacks.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

The gentleman from Ohio was saying earlier this is a partisan effort. Well, there is no reason why this should be a partisan effort. It is our democracy that is at stake. Republicans and Democrats have a stake in restoring some credibility to this system, and we cannot have that credibility, we will not gain that respect unless we have full disclosures for these stealth organizations, these section 527 organizations, that are out there raising unlimited amounts of money with no accountability, no disclosure.

If it is a fundamental principle on the other side that they want disclosure, this motion to recommit will give it.

Mr. DOGGETT. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MOORE), who is a large man in stature but gentle in personality; and I am convinced that contrary to today's Roll Call, he did not jump anyone on the floor, the gentleman from Virginia (Mr. DAVIS), or anyone else concerning this bill.

Mr. MOORE. Mr. Speaker, I just want to say today that this is not a Democratic idea, this is not a Republican idea, this is an idea that is good for the American people, and this should be the law in our country, and that is full disclosure.

As the gentleman from Massachusetts (Mr. MEEHAN) pointed out, we are not here to try to abuse anybody; we are just asking for an opportunity for an up or down vote on this proposition of full disclosure.

The people in this country are cynical about our form of government, about our electoral laws, because they see scandal after scandal about campaign finance fund raising. We can get people enthused about our government again, we can get people excited about the opportunity to participate in our democracy if we will only go with this proposition of full disclosure and tell the people in this country who is trying to influence their votes so, again, they can make an informed decision when they cast their ballot.

Mr. DOGGETT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this motion to recommit is not only linked to this telephone tax; it is linked to everything that is happening in this building and throughout this country.

The gentleman challenged me to look into my heart, and I will do that. I look into my heart, and I think of the seniors who are out there who are forced to choose between getting a prescription and buying food. I see a pharmaceutical company that can dump unlimited amounts—millions of dollars—into attack ads, as they have done against the gentleman from Maine (Mr. ALLEN) and other Members of this body.

I look into my heart, and I see the problems of public health; and yet I know the tobacco companies are dumping millions of dollars of undisclosed money to assassinate the character of those who would do something about it.

I look into my heart, and I think about those who are getting managed right out of their health care and cannot get the health care they need, and I know the managed care companies are dumping millions of dollars into these campaigns to be sure this Congress does nothing about that or any of the other issues I have mentioned.

And perhaps even more importantly, I think of the schoolchildren of this country. They cannot even get their agenda up in the Congress because they do not have a 527. That is what I see when I look into my heart.

Mr. Speaker, I would just say this: I am tired of people coming to this Congress and being hammered into giving money to secret stealth organizations and then having their cohorts come out and say, we will duck, dodge, twist, and turn, but just do not make us do anything about it this year. Wait until we have left the House. Then, maybe 100 years from now, like this tax we are repealing, we will get around to doing something about it.

The American people demand reform now and this is our one opportunity. I challenge my Republican colleagues to buck their leadership. They know we are right; that is why they have not been out here speaking against it. They know the American people deserve full disclosure for a complete democracy. Mr. Speaker, I move adoption of the motion.

The SPEAKER pro tempore. Does the gentleman from New York (Mr. HOUGHTON) oppose the motion to recommit?

Mr. HOUGHTON. Yes, Mr. Speaker. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from New York (Mr. HOUGHTON) is recognized for 5 minutes.

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to crank this thing down to a little lower level of intensity. I do not know why we are having this discussion, anyway. We all want illumination. We do not want to have people hiding behind 527s or 501(c)3s, or 4s or 5s or 6s. No one wants that. It is just the process we are going through. And we want to do it right, so it is right by not only us but also the American people.

Two years ago in the IRS reform bill we directed the Joint Committee on Taxation and also the Treasury Department to report to the Congress by January. The joint committee report was completed on time, the treasury report was not. At the request of my boss, the gentleman from Texas (Mr. ARCHER), I have been working for several weeks to develop a meaningful, sound and responsive package of proposals to expand the disclosure by tax exempt organizations, and work on that package is well underway.

□ 1500

I hope we will complete it relatively soon. We have been working all day on this thing. We worked yesterday. We will be working tomorrow on into next week. I would like to feel that when this is completed it will satisfy many of the things which the gentleman from Texas (Mr. DOGGETT) is interested in.

But the point is we are still hearing, and we are waiting to hear from the Treasury Department. Earlier today, the Treasury passed on the opportunity to tell the Committee on Ways and Means when we are going to hear from them. It is really unfortunate that the gentleman from Texas (Mr. DOGGETT) continues to insist on consideration of the limited aspect of political activities by tax exempt without insisting on guidance of from the administration.

Let me be clear. The administration's report was mandated by law. We do not have it. We are waiting for it. We do not have it. My friend accuses us of stalling, and I wonder whether this is not the pyromaniac posing as the firefighter.

Today we are considering repeal of the telephone tax, which was enacted even before I was born, which is a long time ago. That proposal has broad bipartisan support and has been fully considered. The same cannot be said, I am afraid, of the proposal of the gentleman from Texas (Mr. DOGGETT).

Today I have got to say in my heart, he talks about his heart, I will talk about my heart, is not the time and not the place for this debate. I wish to assure my colleagues on the other side and on this side that there will be an opportunity for full consideration of the important issues raised by my colleague from Texas. We are getting at it. We are trying to do it. We are trying to get that report out of the Treasury. And as soon as it comes, maybe even before it comes, we are going to have a suggestion here.

Mr. Speaker, I yield to my friend, the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from New York (Mr. HOUGHTON), the chairman of the Subcommittee on Oversight, for yielding me the time; and I appreciate his words as to his commitment to doing a thorough investigation of the issue of disclosure, not just 527s but all of the tax-related committees, including the 501s.

I do have a copy of the motion to recommit now. I appreciate, with all the talk about disclosure, that it was disclosed to us several minutes ago. I have looked at it. I would just make two very simple points.

One is, it has nothing to do with the bill before us, which is repeal of a 102-year-old telephone excise tax. That is what is before this Congress.

Again, I want to applaud my friends on the other side of the aisle for working with us together in a bipartisan fashion to finally put an end to this Spanish-American War tax as we go into the 21st century and which is a barrier to telecommunications and an unfair tax that should have been repealed a long time ago. It was put in as a temporary tax and a temporary luxury tax at that. Finally we are getting rid of it.

Second, I will say, having looked at this, it is a very interesting motion to recommit. It, basically, says that 527 corporations could continue not to disclose anything so long as they agree to continue paying a 3 percent Federal excise tax. So it is a clever way to attach it to the legislation at hand in order to avoid, I suppose, the germaneness problems that the parliamentarian would otherwise raise or we would raise and he would confirm. But it is not a very strong enforcement mechanism.

I would say, if the gentleman is serious about it, he ought to go back to the drawing board, work with the gentleman from New York (Mr. HOUGHTON), work with others who want to put this together in a strong bipartisan way to come up with legislation that makes sense in a comprehensive way to deal with this real problem in a real comprehensive way.

So I would urge my colleagues on both sides of the aisle, if they want to get something done for the American people, vote for the repeal of the telephone tax. If they want to do it in a clean way that sends a strong message that does not involve partisan political politics with what should be a very straight forward and a very important constructive step by this Congress, vote "no" on the motion to recommit.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DOGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 208, nays 214, not voting 13, as follows:

[Roll No. 232]

YEAS—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bateman
Clay
Coburn
Davis (FL)
Kennedy
McInnis
Meek (FL)
Minge
Mollohan
Ros-Lehtinen
Scarborough
Spence
Weiner

□ 1522

Messrs. METCALF, EVERETT, TANCREDO, LAZIO and SIMPSON changed their vote from "yea" to "nay."

Mr. HORN changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ARCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 2, not voting 13, as follows:

[Roll No. 233]

AYES—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink

Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood

Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows

Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Murtha
Stark

NOT VOTING—13

Bateman
Clay
Coburn
Kennedy
McInnis

Meek (FL)
Minge
Ortiz
Ros-Lehtinen
Scarborough

Spence
Vento
Weiner

□ 1534

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McINNIS. Mr. Speaker, due to family commitments in Colorado, I was unable to vote on final passage of the following bill, H.R. 3916. Had I been able to vote, I would have voted "aye."

Ms. ROS-LEHTINEN. Mr. Speaker, on rollcall No. 233, I was unavoidably detained. If present, I would have voted "aye" on rollcall No. 233.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, on May 25, 2000, I was accompanying President Clinton to a funeral in the First District of Rhode Island and consequently I missed five votes.

Had I been here I would have voted: "No" on Ordering the Previous Question, H. Res. 511; "yes" on Agreeing to the Resolution, H. Res. 511; "yes" on Agreeing to the Resolution, H. Res. 331; "yes" on Motion to Recommit, H.R. 3916; and "yes" on Final Passage, H.R. 3916.

PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, due to illness, I was unable to be in the House Chamber for today's debate on H.R. 2559. Had I been here I would have spoken and voted in support of H.R. 2559. On rollcall vote 229, I would have voted "nay." On rollcall votes 230, 231, 232, and 233, I would have voted "yea."

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JUNE 7, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, June 7, 2000.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS AUTHORIZED BY LAW OR THE HOUSE, NOTWITHSTANDING ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, June 6, 2000, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 6, 2000.

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 25, 2000.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 6, 2000.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

HUMAN GENOME PROJECT

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, as I rise today, we are perhaps days away from an announcement of the completion of a draft map of the entire human genome. This is a major milestone in biological science, an achievement that some have likened to the Moon landing and the invention of movable type.

My subcommittee has held two hearings on the status of the human genome project involving both the public and private sector. Three themes have emerged from these hearings:

First, the medical breakthroughs stemming from this research will be immense;

Second, the competition and cooperation between the public and private sector has brought us to this moment and will deliver results for us all;

Third, Congress' duties in areas such as ethical, legal, and social implications of genetics research, as well as the need to fund gene-based disease therapies, will require us to think wisely and legislate prudently.

I commend the public and private sector researchers for achieving this scientific milestone. Truly, a bright future beckons.

NATIONAL MISSING CHILDREN'S DAY

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to commend today as National Missing Children's Day. Mr. Speaker, you and I this morning attended a breakfast that was put on by the National Center for Missing and Exploited Children to commemorate all of the missing children across this country.

I have been speaking on this floor since February 16 telling a different story about a child taken in this country, 10,000 children since then, with only 2 days that I missed. Today it is about children who have been returned and about the volunteers who have spent their time and their energy and their money in trying to get those children, who have either been sexually exploited or abducted, back home with their parents. We heard some unbelievably moving stories.

The volunteers were honored, but more importantly, the law enforcement officers that we hardly ever commend adequately, because they put their lives on the line every day. They are out there with their incredible determination, their total dedication to getting child abductors and sex criminals off the street.

One of the things that we can do, Mr. Speaker, is to picture them home, and with our program to put pictures of missing children on our envelopes. It works, because one in six children who are published like that are returned to their parents.

Mr. Speaker, I encourage us all to join that challenge and picture our children home.

A TRIBUTE TO FRANK AND LUCRETIA FITZPATRICK

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to a great American family and a great American couple. Frank Fitzpatrick and his wife, Lucretia, prepare to celebrate their 50th wedding anniversary on May 29. They were married in 1950.

Frank and Lucretia moved into Delaware County, where their four daughters were born; and like Frank and Lucretia they have been heavily involved in improving our community. Kathleen Coulston serves the deputy director of Court Services and Chief Probation Officer. Maureen Fitzpatrick serves as a judge in our Court of Common Pleas. Mary Alice Gallagher served as a former deputy attorney general of Pennsylvania and is currently the compliance officer for Christiana Care Health System. Their daughter Lucretia Fitzpatrick gives back to our community as a medical doctor.

I have had the opportunity to work with Frank in a number of capacities, and his wife has been steadfast behind him in all of his endeavors, both in the private sector, the public sector and serving on behalf of nonprofits throughout Pennsylvania and throughout America. In fact, it was Frank Fitzpatrick's first position, where he worked right here on the Hill as the chief of staff for one of my predecessors.

I ask my colleagues to join with me in this celebration of America and a great American couple. Frank and Lucretia, happy 50th.

TRIBUTE TO JEAN W. LAMBERT

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I rise today to pay tribute to a very special agronomist from the University of Minnesota, Dr. Jean Lambert.

Jean Lambert was truly a great man who made a substantial impact on the world of agriculture. He was the man who helped make Minnesota one of the Nation's top soybean exporters. Over his career, done on a government salary, Lambert's efforts in variety development and soybean research boosted Minnesota farm income by more than $200 million.

Jean Lambert came to the University of Minnesota Department of Agronomy as a plant genetics professor in January of 1946. He retired after 36½ years of service in 1982. During his career, Lambert developed 18 soybean varieties adapted to various climatic conditions for Minnesota.

During his career, Dr. Lambert worked with the United Nations Food and Agricultural Organization and advised soybean researchers in Russia, Poland, Hungary, and Romania. He became a world-renowned soybean breeder, but never forgot his goals at the University of Minnesota. He wanted to educate and train undergraduate and graduate students and help the farmers of Minnesota through his research and variety development. He remained a quiet, unassuming man, who loved and respected the people around him, and enjoyed the respect of his colleagues. He was truly a great man.

ASSURING INTERNET ACCESS FOR ALL AMERICANS

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, over 100 million Americans today have access to the Internet. Seven million new Americans each second access the Internet for the first time. It is a tremendous opportunity, particularly for school children, to use the Internet for their school work and homework; but unfortunately, some are left behind.

If you look at who has access to the Internet, you see the higher the income of the household, the more likely they have Internet access at home. Low-income families say the cost of Internet access is the chief barrier to their children having the opportunity to use the Internet and have a computer at home.

□ 1545

Mr. Speaker, I am so proud of the leadership that this House has shown this year in removing those barriers to Internet access. We are making a choice: do we want the information superhighway to be a toll way or a freeway?

Just this spring, in less than 1 month, we have eliminated three toll booths on the information superhighway. Number one, we extended for 5 years the Internet tax moratorium, putting a road block in the way of anyone who wants to impose a tax on Internet access.

Second, just 2 weeks ago, we eliminated the FCC's authority to impose fees and taxes on Internet access; and I am proud today that we eliminated the century-old 3 percent tax on telephone calls. We are removing those toll booths because we want to give greater digital opportunity for all Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair will remind Members to direct their comments to the Chair and not to individuals in the gallery or the listening audience.

REPORT ON CONTINUATION OF EMERGENCY WITH RESPECT TO FEDERAL REPUBLIC OF YUGOSLAVIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–248)

The SPEAKER pro tempore (Mr. SHIMKUS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the Yugoslavia (Serbia and Montenegro) emergency declared in Executive Order 12808 on May 30, 1992, and with respect to the Kosovo emergency declared in Executive Order 13088 on June 9, 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 25, 2000.*

CONTINUATION OF EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO), THE BOSNIAN SERBS, AND KOSOVO—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–249)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro), as expanded to address the actions and policies of the Bosnian Serb forces and the authorities in the territory that they control within Bosnia and Herzegovina, is to continue in effect beyond May 30, 2000, and the emergency declared with respect to the situation in Kosovo is to continue in effect beyond June 9, 2000.

On December 27, 1995, I issued Presidential Determination 96-7, directing the Secretary of the Treasury, inter alia, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the "Resolution"), was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995, and signed in Paris on December 14, 1995 (hereinafter the "Peace Agreement"). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution.

Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked those funds and assets that are subject to claims and encumbrances until unblocked in accordance with applicable law.

Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond May 30, 2000.

On June 9, 1998, I issued Executive Order 13088, "Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro, and Prohibiting New Investment in the Republic of Serbia in Response to the Situation in Kosovo." Despite months of preparatory consultations and negotiations, representatives of the Federal Republic of Yugoslavia (Serbia and Montengro) in March 1999, completely blocked agreement on an internationally backed proposal for a political solution to the Kosovo crisis. Yugoslav forces reinforced positions in the province during the March negotiation and, as negotiations failed, intensified the ethnic cleansing of Albanians from Kosovo. Yugoslav security and paramilitary forces thereby created a humanitarian crisis in which approximately half of Kosovo's population of 2 million had been displaced from the province and an unknown but apparently large portion of the remaining population had been displaced within Kosovo by mid-April.

On April 30, 1999, I issued Executive Order 13121, "Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro, and Prohibiting Trade Transactions Involving the Federal Republic of Yugoslavia (Serbia and Montenegro) in Response to the Situation in Kosovo." Executive Order 13121 revises and supplements Executive Order 13088 to expand the blocking regime by revoking an exemption for certain financial transactions provided in Executive Order 13088; to impose a general ban on all U.S. exports and reexports to and imports from the Federal Republic of Yugoslavia (Serbia and Montengro) (the "FRY (S&M)") or the Governments of the FRY (S&M), the Republic of Serbia, or the Republic of Montenegro; and to prohibit any transaction or dealing by a U.S. person related to trade with or to the FRY (S&M) or the Governments of the FRY (S&M), the Republic of Serbia, or the Republic of Montenegro. In addition, Executive Order 13121 directs that special consideration be given to Montenegro and the humanitarian needs of refugees from Kosovo and other civilians within the FRY (S&M) in the implementation of the Order. Finally, Executive Order 13121 also supplements Executive Order 13088 to direct that the commercial sales of agricultural commodities and products, medicine, and medical equipment for civilian end-use in the FRY (S&M) be authorized subject to appropriate safeguards to prevent diversion to military, paramilitary, or political use by the Governments of the FRY (S&M), the Republic of Serbia, or the Republic of Montenegro.

This situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond June 9, 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 25, 2000.*

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3916.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO MILES LERMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Mr. Speaker, I am pleased to rise today to honor Mr. Miles Lerman for the great service he has provided this country. Few individuals can match the contributions that Mr. Lerman has made in creating and shaping the United States Holocaust Memorial Museum. His efforts in turning a dream into a reality and in the museum's achievements under his guidance and leadership represent the apex of an extraordinary life. Culminating in his serving on the United States Holocaust Memorial Council since its inception in 1980 and as its chairman from 1993 until April of this year.

As a native of Tomaszow, Poland, Mr. Lerman was born into a family that had, for 6 generations, operated flour mills near the site of what would become the Nazi death camp, Belzec. He was captured by the Nazis and imprisoned in a slave labor camp where he was forced to break up tombstones taken from a Jewish cemetery, some of them 300 years old, so that the Nazis could construct a highway they would use in their advancement into the Soviet Union.

In 1942, he escaped, organized a resistance group, and spent the next 2 years fighting the Nazis as a partisan in the forests of southeastern Poland. Following liberation, he returned home, only to find that his mother and some of his siblings had been murdered and that the world of his youth had been virtually wiped from the map. Of the 8,000 Jews who had lived in Tomaszow, only 11 were still alive.

Lerman married his wife, Chris, an Auschwitz-Birkenau survivor, after liberation. Following 8 months in a displaced persons camp, they arrived in the United States and eventually settled in Vineland, New Jersey.

In recognition of his contributions to the Holocaust remembrance, in 1978 he was appointed to the advisory board of President Carter's Commission on the Holocaust. At the Commission's first meeting, he testified that in 1945, he had searched for the reason for his survival. But with the goal of creating a museum, he concluded, I feel there was meaning and purpose to my survival in being here today.

Mr. Lerman quickly became a driving force in the creation of the United States Holocaust Memorial Museum. Following his service on the advisory board, he was appointed to the first Memorial Council in 1980. He has been reappointed to the council by every President since; and with each reappointment, Mr. Lerman has recommitted himself to 3 vital goals: building and securing the future of a permanent national living memorial to the victims of the Holocaust; establishing the international relationships necessary to ensure the museum's preeminence in fostering Holocaust documentation, education, and scholarship; ensuring the museum's mission of remembrance, education, and conscience is transmitted to future generations.

Mr. Speaker, early on Mr. Lerman recognized that collections would be vital to the museum's creation and ultimate success. Through his hard work, the museum's collections now number more than 35,000 objects and 12 million pages of archival documents, in addition to tens of thousands of photographs, films, and oral histories.

Similarly, Mr. Lerman's commitment to Holocaust scholarship led to the creation of the Museum's Center for Advanced Holocaust Studies, which promotes research on the Holocaust and ensures the ongoing training of future generations of scholars. It incorporates the Lerman Center for the Study of Jewish Resistance, founded because Mr. Lerman felt strongly that this long-neglected aspect of Holocaust history merited more attention.

Mr. Speaker, let me conclude my remarks by calling attention to the words of Senator Robert Kennedy taken from the CONGRESSIONAL RECORD of June 6, 1966, and I quote:

> First is the danger of futility, the belief there is nothing one man or one woman can do against the enormous array of the world's ills, against misery and ignorance, injustice, and violence. Yet, many of the world's great movements of thought and action have flowed from the work of a single man.

Thank you to Miles Lerman for being that single man, for giving so much of himself to our country. In leading the effort to create the United States Holocaust Memorial Museum, not only has he been a guiding hand in the establishment of a remarkable national memorial, but in doing so, he has also provided a powerful and important reminder to all Americans of what can happen when citizens abandon their responsibilities to in a democratic society.

AGRICULTURE RISK PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise today to speak about the importance of a conference report that passed in the House this afternoon, the Agriculture Risk Protection Act conference report. This bill provides important support for our Nation's farmers and ensures that Americans will have a steady and affordable food supply.

I wish to address an issue that is of particular importance to my central coast district in California, and that is the spread of Pierce's Disease. I am pleased that this bill includes much-needed funding to combat Pierce's Disease and the Glassy-winged Sharpshooter which spreads it. This disease is having a devastating effect on California vineyards and needs to be brought under control before it does even greater damage.

Although outbreaks in my district have been limited, recent sightings of the Glassy-winged Sharpshooter are very worrisome. Just the other day, eggs of the Glassy-winged Sharpshooter were found on plants at two northern San Luis Obispo County nurseries.

While we have been experimenting with different ways to combat Pierce's Disease, currently, there is no known cure. Central coast wine grape growers are banding together and contributing funds of their own to fight this disease. We in the Federal Government need to support these efforts.

I joined members of the Wine Caucus in urging the agriculture subcommittee to increase funding for combating Pierce's Disease. I am pleased that this subcommittee saw the importance of this issue and provided appropriate funding in the Agriculture Risk Protection Act conference report.

This bill provides the necessary support for our vineyards, with over $7 million in funding for control and containment activities in California, and $25 million to compensate growers for losses due to three different diseases, including Pierce's Disease. These Federal dollars will join with State funds and the private money raised to make a concerted effort to eradicate Pierce's Disease. That is our goal. We cannot rest until a cure for this disease is found, and the Glassy-winged Sharpshooter is no longer a threat.

Mr. Speaker, I am glad and pleased that this bill makes available a major step in that direction.

CLUB DRUG ANTIPROLIFERATION ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today with my colleague from California (Mr. ROGAN) to introduce the Club Drug Antiproliferation Act of 2000, legislation to combat the recent rise in trafficking, distribution and abuse of club drugs such as Ecstasy, Liquid Ecstasy, Speed and PMA.

Club drugs refer to drugs being used by young adults at all-night dance parties such as raves or trances, dance clubs and bars. Young Americans are lured into a belief that club drugs are safe ways to get high, escape reality, and enhance intimacy. The drug traffickers make their living off of perpetuating and exploiting this myth.

The Office of National Drug Control Policy's year 2000 Annual Report on the National Drug Control Strategy clearly states that the use of club drugs is on the rise in the United States, particularly among teenagers and young professionals. Data also reflects the increasing availability of club drugs in metropolitan centers and suburban communities.

In a speech to the Federal Law Enforcement Foundation earlier this year, the United States Customs Commissioner, Raymond Kelly, stated that in the first few months of fiscal year 2000, the Customs Service already had seized over 4 million tablets of Ecstasy, an immensely popular club drug. He estimates that the number will grow to at least 8 million tablets by the end of the year, representing a substantial increase from 500,000 tablets seized in fiscal year 1997.

Do not be fooled by the innocent term "club drugs;" no club drug is benign. Chronic abuse of club drugs appears to produce long-term damage to the brain, and sometimes the damage caused by club drugs can do more than harm the brain. It can be deadly. Recently in my district in Illinois, a Naperville Central High School student died after ingesting a very powerful party drug called PMA.

Sadly, Federal law does not take club drugs seriously enough. For example, under current Federal sentencing guidelines, one gram of Ecstasy is equivalent to only 35 grams of marijuana. In contrast, one gram of methamphetamine is equivalent to 2 kilograms of marijuana. These weak sentencing guidelines result in relatively short periods of incarceration for individuals sentenced for Ecstasy-related crimes. When the potential profitability of this drug is weighed against the potential punishment, it is easy to see what makes club drugs extremely interactive to professional smugglers.

□ 1600

Mr. Speaker, the Club Drug Antiproliferation Act of 2000 addresses this fast-growing and disturbing problem. First, the bill addresses the base level offense for club drug-related crimes, making those crimes equal to that of trafficking methamphetamine. This provision also accomplishes the goal of effectively lowering the amount of drugs required for a swift prosecution sending a message to Federal prosecutors that club drugs are a serious threat.

Second, through law enforcement and community education programs, this bill will provide for a national club drug information campaign. As more Americans are made aware of the unpredictable impurities and side effects of club drugs, it is our hope that law enforcement will begin to see a dramatic reduction in the quantities of club drugs present on our streets. Let us do what we can to save our children from the fate of that young high school student in our district.

Mr. Speaker, the Club Drug Antiproliferation Act of 2000 can only help in our fight against drug abuse in the United States. I urge all of my colleagues to join the gentleman from California (Mr. ROGAN) and myself in this important effort by cosponsoring this bill.

NEED FOR A NEGOTIATED SETTLEMENT IN SRI LANKA

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, for weeks now, the newspapers have carried stories about the recent escalation in the fighting in Sri Lanka, the island nation located just to the south of India. Sri Lankan Government forces have been battling a violent rebellion by the Liberation Tigers of Tamil Eelam, the LTTE, commonly known as The Tigers, a separatist organization that the United States has designated a Foreign Terrorist Organization. The Tigers' campaign has gone on for 17 years, at a cost of tens of thousands of lives. Their goal is the establishment of a Tamil Eelam, a separate Tamil state in Sri Lanka, to divide this small island nation into two ethnic states, a Tamil state and a Sinhalese state.

Last month, the Tigers stepped up their campaign in the Jaffna Peninsula in the northern part of the island. The government forces have continued to battle the Tigers. Sri Lanka's president, Mrs. Chandrika Kumaratunga, has vowed not to surrender to the terrorists and not to stand by and allow the partitioning of the country. Instead, the government is urging the LTTE to put down their arms and come to the negotiating table for good-faith talks aimed at addressing the concerns of Tamil people in a peaceful way.

Mr. Speaker, I believe that the Sri Lankan people, both Sinhalese and Tamil alike, reject the idea of dividing their nation into two ethnically based, ethnically cleansed homelands. The LTTE by no means speaks for all of the Tamil people.

Indeed, Mr. Speaker, there are Tamil political parties and organizations committed to working with the government to achieve a higher degree of autonomy through peaceful means. And the government has had on the table for a long time a Devolution Plan that would recognize the Tamils' legitimate claims. If nothing else, the government's plan offers at least a basis for beginning negotiations.

Mr. Speaker, President Kumaratunga, who is elected as the nation's first woman president in 1994, was reelected last December in an election in which 73 percent of the eligible voters turned out. In the final days of the presidential campaign, she was injured in a terrorist attack blamed on the LTTE. That attack took the lives of 22 people and left more than 100 injured.

Yet, despite this attack and despite the recent escalation of violence by the LTTE, President Kumaratunga continues to ask the separatists to lay down their arms and begin talks.

In this current crisis, Sri Lanka has reached out to the international community to help bring the separatists to the negotiating table. Yesterday, President Kumaratunga appealed to India, Sri Lanka's democratic neighbor to the north, to facilitate the effort to bring the Tamil Tigers to the table. Sri Lankan officials have also been meeting with diplomats from Norway in an effort to resume the negotiations with the rebels that broke off 5 years ago.

Next Monday, U.S. Under Secretary of State, Thomas Pickering, will go to Sri Lanka where he will meet with government officials and other leaders of the other Tamil parties.

Mr. Speaker, the position of the United States and of India and of other Western nations is that this conflict can only be resolved through negotiations, and that the solution should preserve the territorial integrity of Sri Lanka. The campaign by the LTTE to force the break up of Sri Lanka does not have the support of the international community, and it must never gain that legitimacy.

As I mentioned, Mr. Speaker, the U.S. State Department has branded the LTTE a terrorist organization. Recently, the parliament of the European Union has urged its member nations to take similar steps. The Tigers maintained their determination for an outright win militarily, but that strategy seems destined only to kill thousands of more people by shattering lives in both the Tamil and Sinhalese communities.

Mr. Speaker, I urge Under Secretary Pickering to continue to make clear that this crisis can only be resolved through a political solution. We must step up our efforts to work with other international friends, including India and Western European nations, to maintain the pressure on the LTTE to come to the negotiating table.

The Tigers should join with the rest of the Tamil community to promote the interests of their community through the institutions of the united, sovereign, and democratic Sri Lanka.

OUTRAGEOUSLY HIGH DRUG PRICES IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, today I rise to speak again about an issue, that, as Members go back to their districts and have town hall meetings, I am certain they are going to hear about. The issue I want to talk about this afternoon is the issue of outrageously high drug prices that we pay in the United States, especially when we compare what Americans pay to what consumers around the rest of the world pay.

What I have here is a chart, and our source is the Life Extension Network. They did research recently and compared the average prices for commonly prescribed drugs in the United States to what the average prices are in Europe. And it really is sobering.

For example, Premarin is a commonly prescribed drug, the same drug made in the same plant under the same FDA approval, incidentally. In the United States, the average price is $14.98. For that exact same drug in the same quantity in Europe they pay $4.25.

Coumadin is a drug that my dad takes; it is a blood thinner. In the United States, the average price is $30.25, but in Europe they pay only $2.85. And the list goes on. Prilosec, another commonly prescribed drug in the United States, the average price here in the United States is over $100; in Europe they are paying $39.25. Claritin, very commonly prescribed drug, particularly this time of year for hayfever and allergies, the United States is $44 an average; over in Europe, they are paying $8.75. The list goes on and on and on. And I think the story is altogether too familiar.

Mr. Speaker, I would ask my colleagues to ask themselves this simple question: Can any of us think of another product of any kind where the world's best customers pay the world's highest prices? This is particularly troubling because just yesterday we had a vote on expanding trade opportunities in opening markets between the United States and China.

We have had for several years now the North American Free Trade Agreement. Goods and services are supposed to flow across our borders with Canada and Mexico freely. Recent studies suggest, and this is a study done by the Canadian government, says that Americans are paying 56 percent more for the same prescription drugs made in the same facilities under the same FDA approval than our Canadian friends are paying for those same drugs.

In other words, we are paying 56 percent more than Canadians, and the story gets worse. Prices in Mexico are even lower. Consumers have been learning about this, and particularly seniors.

In Minnesota and all across the country, particularly where we are closer to the borders, seniors especially are getting on buses, and they are going to Canada to buy their prescription drugs. We have this wide disparity between what we pay and what the rest of the world pays.

The question has to be asked, the people who are supposed to protect us are our own FDA, the Food and Drug Administration. So one might ask, what are they doing to help consumers get lower prices? Well, here is the answer. This is an edited version, but I want to point out a couple of sentences. We do not have the whole letter here, but it is available. Anyone who would like a copy can call my office.

What the FDA is doing to help consumers is they are threatening them. If someone tries to order drugs through a mail order house from the United States, what they get with the order that has been opened is a threatening letter. Let me just read it. It says, "Dear consumer: This letter is to advise you that the Minneapolis District of the United States Food and Drug Administration has examined a package addressed to you containing drugs which appear to be unapproved for use in the United States."

Well, Mr. Speaker, that is not true. The vast majority of drugs that are coming via this method are legal drugs in the United States. They are approved by the FDA. They are made in exactly the same plants.

Later it says, "Because you are taking this medication under the care of a physician and we do not want to cause your medical treatment to be unduly affected, we are releasing this shipment. However," and this is the important line, "future shipments of these or similar drugs may be refused admission."

Now, if one were a 75-year-old grandmother and they get a threatening letter from the FDA, it is very disconcerting.

Mr. Speaker, I think it is time for Congress to take a serious look at this problem. If we could just simply recover part of the costs, the differentials that we are paying for prescription drugs, we could go a long way to solving the problem of those people who fall through the cracks.

Do not just take my word for it. We just received in our offices a little pamphlet from Blue Cross/Blue Shield. Let me just read from it. It says, "Spending on prescription drugs rose 84 percent between 1993 and 1998."

Mr. Speaker, it is time for Congress to say that the FDA should not stand between our consumers and lower drug prices.

THE PLUS-CHOICE RELIABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, on January 1, 1999, approximately 400,000 Medicare beneficiaries were dropped unceremoniously by Medicare managed care plans. On January 1,the next year, 2000, 400,000 more were dropped unceremoniously by Medicare managed care plans. We can expect at least that much disruption again on January 1, 2001.

By the way, fly-by-night coverage is just one of the shocks potentially awaiting plus-choice Medicare enrollees. Bait and switch. Supplemental benefits are another.

All of us in this body have heard from Medicare beneficiaries who joined a plus-choice plan to gain access to prescription drug coverage or reduced cost sharing only to have those benefits cut back or stripped out just in time for the new year.

Why is the plus-choice Medicare program failing seniors? Ask the Medicare managed care plans, and they will say it is because the Federal Government is underpaying them. Ask other experts and they will say it is because Medicare managed care plans overestimated their ability to operate more efficiently than traditional Medicare, refused to cross-subsidize between high and low reimbursement areas and underestimated the costs of providing supplemental benefits.

Maybe the truth is in the middle, more likely. The specifics do not matter all that much. Most likely private managed care plans simply cannot serve two masters, the public interest and the corporate bottom line.

Whatever is going on, the most expedient ways of responding to the program's failings are also the most irresponsible if our goal is to act in the best interest of Medicare beneficiaries. We could do nothing. We are pretty good at that here.

Is it fiscally responsible to continue pouring public dollars into plus-choice plans? I would rather my tax dollars help finance health care coverage that is more predictable. Insurance that does not give one peace of mind is not good insurance. In Medicare's case, it is peace of mind for beneficiaries and their families alike. Health care coverage that is about as stable as a house of cards simply does not cut it.

We could always pay managed care plans more, but if we do that without exacting a guarantee that these plans will provide stable benefits and continuous coverage, we are perpetuating the same double standard that protected the Medicare choice plan from the beginning.

Somehow, managed care plans can cost Medicare more than the fee-for-service program; can pick and choose which counties they will serve and which ones they will dump; can attract seniors on the promise of extra benefits, then eliminate those benefits, another cost-cutting strategy unavailable to the fee-for-service program, and still can be touted by many in this institution, including Republican leadership, as the long-term solution for Medicare.

How can Medicare privatization proposals be taken seriously when they feature the same private insurance companies and system that excluded half of all seniors in 1965 and treats them miserably 35 years later in the year 2000? I do not get it. When the traditional Medicare program spends more than expected, they tell us it is because public programs are big, bad and inefficient. When private managed care plans spend more than it is expected, it is because big, bad government was not paying them enough to begin with.

In my view, private managed care plans do not belong in Medicare. They do not belong because they are unwilling; and frankly, they cannot prioritize the welfare of Medicare beneficiaries above the welfare of their business.

☐ 1615

If we commit to paying managed care plans this year, then they will want even more next year. If we ask managed care plans to voluntarily commit to staying put and providing reliable benefits, they will tell us businesses require flexibility, and they do.

But Medicare beneficiaries require consistency, stability, reliability. Private managed care plans cannot put many Medicare beneficiaries first. Yet, that is what Medicare must do in order to serve the public interest. If private Medicare managed care plans cannot serve the public interest, we should not pay them a dime.

But regardless of my personal views on Plus Choice, the reality is, right now, millions of seniors depend on it. Policy makers have an obligation to try to make Plus Choice work. If we cannot make the Plus Choice program work, then we have an obligation to get rid of it.

I am offering legislation today to try to make Plus Choice work. Under the Plus Choice Reliability Act, private health plans would sign a contract to provide continuous service within a service area for 3 years. Health plans would agree not to terminate this coverage within the service area and would be required not to reduce their benefit package during that time period.

Health plans would receive payments for enrollees equivalent to what Medicare would have spent had the enrollees stayed in-fee-for service, no more, no less.

If we pay private health plans what it would cost fee-for-service to cover these individuals, and if private plans still cannot cover them and provide stable benefits or guarantee continuous coverage, as the fee-for-service program does, then it would be fiscally irresponsible and a breach of the public interest to permit these plans to stay in Medicare. It is as simple as that.

I hope my colleagues will join me in promoting a Medicare Plus Choice option that actually provides continuity and stability, attributes that should be a given under our Medicare program.

STATUS OF HMO REFORM

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I am going to talk a little bit about the status of HMO reform before the House and the Senate. I have to admit that I am a little bit disappointed, because I thought that this afternoon or this morning, we would have been debating a bill called H.R. 1304, which is the Quality Health Care Coalition Act. This is the bill of the gentleman from California (Mr. CAMPBELL).

The gentleman from California (Mr. CAMPBELL) has worked on that bill for 3 years. In essence, that bill would allow health professionals to group together to advocate for patient consumer rights without forming a union in negotiating contract provisions with HMOs.

This is pretty important because, in the last 5 or 6 years, there have been over 275 mergers of health plans around the country, leaving us, in this country, with about five or six large HMOs. In many parts of the country, these HMOs, a single HMO may control 50 percent or more of the people who have health care in that area. It is curious that a lot of these, several of these large HMOs do not go into other areas in order to compete with another large HMO.

So what that means, then, is that, if an HMO, for instance, gives a health care provider, a nurse or a pharmacist or a physician, a contract that has a provision in it that is, for instance, a gag rule, a gag clause, where it says one cannot tell a patient all of their treatment options unless one first gets an okay from us.

So, in other words, in my prior life before being a congressman, as a physician, if I had a woman come to me with a lump in her breast, I examined her, talked to her, I would have to say, excuse me, leave the room, get on the phone, tell the HMO I have got this woman here with a breast lump, and ask them if it is okay if I tell this woman all three of her treatment options. I mean, that is an egregious infringement on the right of a patient to know all of the information that he or she needs in order to make a decision.

Yet, there are contract provisions that HMOs have put in physician contracts to that extent. There are other contract provisions that HMOs put into employee contracts where it says that HMO's can define medical care as the cheapest, least expensive care "as determined by the HMO."

What would be the problem with that? Let me give my colleagues an example. As a constructive surgeon, I have taken care of a lot of children born with cleft lips and palates. The correct treatment for a kid born with a cleft palate is a surgical repair to close that huge hole in the roof of their mouth so that food does not come out their nose, so they can learn to speak correctly.

But under that HMO's contract provisions where they can define medical necessity as the cheapest, least expensive care, they could say, no, we are not going to authorize routine surgical repair, we are just going to authorize a piece of plastic to shove up into that hole, something called a plastic obturator. It would be like an upper denture.

Now, will the child learn to speak very well with that? No. But it meets that plan's own contractual language of being the cheapest, least expensive care.

Now, let us say that I, as a physician, taking care of children, whose treatment is denied, like this one, decide to get together with other reconstructive surgeons, and we start talking about how this one HMO is routinely denying medically necessary care. We say to each other, I do not think I can renew my contract with that company. Under current U.S. anti-trust law, we could be prosecuted and fined, if not thrown in jail, for being concerned about our patients' concerns.

That was the bill that was supposed to be on the floor. It was a bill that did not, it was not about physicians forming unions, in fact, it would have the opposite effect. It was not a bill about price fixing. It has nothing to do with price fixing. It is a good bill. It had 220 bipartisan cosponsors. We only need 218 votes to pass the House. One would think this would come to the floor.

The gentleman from California (Mr. CAMPBELL) had worked on this for 3 years. Last year, he got a commitment from the Speaker of the House to bring it to the floor last year. Then he got a commitment from the Speaker to bring it onto the floor in January. Then yesterday, before the entire Republican Conference, the Speaker said, yes, this is coming to the floor today.

But a curious thing happened last night. The Committee on Rules was meeting about midnight, they were debating this bill that we should have debated today. All of a sudden, they just tabled the bill indefinitely. So it did not come to the floor today.

I find this very curious because, as everyone in Washington knows, the Committee on Rules functions as the right arm of the Speaker. The Committee on Rules follows the Speaker's will. Some people have said the Committee on Rules is a rubber stamp for the Speaker. In the 5 years I have been in Congress, I cannot remember the Committee on Rules doing an action in committee that has been contrary to the Speaker's will.

Now, yesterday, the Speaker said we were going to have this bill on the floor. He had given his promise to the gentleman from California (Mr. CAMPBELL). Then at midnight, the Committee on Rules tables the measure. Very curious.

Is this the first time the Committee on Rules has disregarded the Speaker's promise? We do not know. It is either that the Committee on Rules, which should function at the Speaker's discretion, did not, that they did not follow their own Speaker's prescription, in which case, the Speaker ought to have a long talk with those Members for not following out his instructions.

Or the other alternative is that they received word from the Speaker, pull the bill. If that is the case, then there is a disparity between what the Speaker promised the gentleman from California (Mr. CAMPBELL) yesterday morning and what happened at midnight.

Most curious. Very unusual. Something in 5 years I have never seen happen here in Congress.

So we are left with the situation that, today, we did not get to debate on a bill that is a free market bill to try to correct HMO abuses.

Last year, last October, when we passed the Bipartisan Consensus Managed Care Reform Act, the Norwood-Dingell-Ganske bill that I helped write, passed this floor with 275 votes, with only 151 against it, last year we heard a lot of people say, I think that we ought to move to HMO reform in a more free market way. We ought to make sure that there is equal playing field so that these types of patient abuses can be addressed in the realm of the free market, in equal negotiations.

Well, we are seeing a situation where we have, in some cases, almost monopolies by large HMOs, squishing any type of concerted action by providers to stick up for their patients. This bill of the gentleman from California (Mr. CAMPBELL) would have gone a long way toward correcting that. Yet, for all those people on both sides of the aisle who voted against the Bipartisan Consensus Managed Care Act, saying I would rather see a free market approach, they do not get a chance today to vote, to correct those types of HMO abuses.

Now, it is no secret that the insurance industry has been lobbying very vigorously on this issue. It is no secret that, last night, the insurance industry dumped millions of dollars into fundraisers here in Washington. It would be most curious if there is any connection between the Committee on Rules' action and political contributions. I would certainly hope that is not the case.

Why do we need HMO reform? Well, last week, in the Los Angeles Times, I saw this article on a case. The California State Department of Corporations said that it discovered systemic health care delivery problems at a California HMO, and they levied a $1 million fine against that HMO for delaying the urgently needed care of a 74-year-old woman who died.

So we gave the California Department of Corporations a phone call. They sent us their memo on this case. I am going to share this with my colleagues today, because as I am speaking, at this very moment here in the Capitol, the conferees to that HMO reform bill are meeting. They have been meeting for months and months and months, and virtually nothing has happened. I think they need to listen to a case like this, because it is pretty incredible. This is happening every day around the country.

"In January, 1996," and I am going to pretty much just read from this brief by the California Department of Corporations, "Margaret Utterback, 74 years old, and" an HMO "patient for 50 years, was still living in her home. She took reasonably good care of herself and she was in generally good health up to the day that she" complained to her HMO of "back pain that radiated to the right side of her abdomen."

It is important to note that she had been a smoker and that she had high blood pressure. That is from her HMO records.

Now, as a physician, let me lay a little groundwork for this. There is a condition called an aortic abdominal aneurysm. This is a balloon-like enlargement of the large blood vessel in one's abdomen, the aorta. It develops more frequently in people who have been smokers, who have atherosclerosis, and who have high blood pressure. If that balloon-like dilation of the aorta breaks, the patient usually dies. They bleed to death in a short time. It takes many years to develop.

Generally a patient that is systematic with an aortic abdominal aneurism is an older person who complains of abdominal and back pain. That aortic aneurism impinges on the lumbar vertebrae, and that is responsible for the back pain.

□ 1630

If it is caught in time, surgery can fix it. The balloon-like dilatation can be bypassed. Just think of taking a balloon and blowing it up. As we blow and blow, the bigger it gets, and all of a sudden it gets easier to blow it up. That is because the walls of that balloon are getting weaker and weaker. Then all of a sudden it gets so easy that it just breaks. That is what can happen with this type of dilatation, this aortic aneurysm.

On January 26, 1996, Mrs. Utterback woke up with pain in her back. It radiated towards her abdomen on the right side. She had been experiencing back pain since the day before. She thought the pain might be due to some hard work, but the pain progressed that morning. She also experienced abdominal pain she attributed to something she had eaten.

At about 8:15 in the morning, she called her daughter, Barbara Winnie, and she asked her to come over because she had some really sharp pain. When her daughter got there, at about 9:30, she found her mom in bed, still in her pajamas. Mrs. Utterback reported to her daughter that she had tried reaching her primary care doctor at the HMO when the clinic opened at 8:30. She was put on hold so long that she had to hang up.

The phone number that she used to secure an appointment came from her address book. Between 9:45 and 10 a.m. she tried to call this HMO again. Her daughter overheard this conversation and was also informed of the details. Mrs. Winnie essentially recalls this as follows: Mrs. Utterback explained her symptoms; that she was having pain on the right side of her back that was going around to her abdomen and she asked if she could get an appointment to see her doctor. She was told by the person who answered the phone that there were no appointments available.

Mrs. Utterback explained her symptoms again. She asked if she could be put through to her doctor or the clinic so that she could talk to somebody there. But the person at the HMO, at the other end of the phone, said she could not do that. After that, the person said something to the effect that, If you think you need to be seen, call back at 3 p.m. and you will get an urgent care appointment for the evening. Mrs. Utterback was told that the urgent care clinic was the procedure to be used when there were no same-day appointments available to her doctor.

Now, I want to point out something. This person she talked to did not suggest that if she was having really severe pain she needed to go to the emergency room.

After hanging up, Mrs. Utterback and Mrs. Winnie, her daughter, discussed the conversation. Mrs. Utterback decided to call back again. She described her symptoms again to the new person who answered the phone, i.e., that right side back pain was radiating to her abdomen. After being transferred a couple of times, she was finally put into contact with somebody who Mrs. Utterback thought was kind and willing to listen. That particular woman offered to send an e-mail message to her doctor about her wanting to be seen that day.

So Mrs. Utterback thought that once the e-mail was sent, she was supposed to wait for her doctor to get back to her. That is what she understood from the conversation. Her daughter recalls that this conversation occurred at approximately 10:15, which is consistent with the time that the e-mail was actually sent, which was 10:18.

Mrs. Utterback was not given an appointment during that conversation. While waiting to hear back from the doctor's office, Mrs. Utterback reclined almost the whole time, but she did get up around 12 noon to have some soup. After not hearing back for nearly 2 hours, Mrs. Utterback and her daughter said they agreed that they would surely hear from her doctor either during lunch or after the lunch hour. However, when 1:45 p.m. came around, Mrs. Utterback and her daughter agreed that enough was enough, and they tried to call back to find out what, if anything, her doctor had decided to do.

Mrs. Utterback called again. She explained to the person who answered the phone this time the steps she had taken up to this point in order and wanted to be seen by Dr. Perry. She again explained that she had right back pain radiating to her abdomen, which was getting more painful. She reiterated her efforts to see her doctor and reiterated her symptoms, as she was transferred several times. She also explained that she was frustrated. She wanted a same-day appointment, and she had been waiting to hear from her doctor since 10 o'clock, and it was now the middle of the afternoon.

After speaking to several different people, it appeared to her daughter that Mrs. Utterback, her mother, had finally reached somebody sympathetic based on the tone of Mrs. Utterback's voice. Apparently this person offered to transfer Mrs. Utterback to patient assistance. However, when that transfer occurred, Mrs. Utterback reached a voice mail recording. So she hung up.

She immediately phoned back the phone bank, and after explaining her symptoms and all of her attempts to get assistance again, she finally, after several attempts, reached a person who was able to get her scheduled for an appointment at 4:15. However, she had to insist on being seen that day because the medical assistant at first told Mrs. Utterback that her doctor declined to give her an appointment that day but, instead, would write her a prescription for narcotic pain medicine.

Finally, upon Mrs. Utterback's insistence, the medical assistant agreed to give her an appointment late in the day. Well, Mrs. Utterback is not feeling very good. The pain is getting worse. She and her daughter decide to go immediately to the clinic to try to get in to see her doctor earlier, if possible. This is corroborated by an HMO employee, the medical assistant who booked the appointment at the doctor's station, who recalls that the daughter told her that they were leaving right away to try to get worked in sooner in the day.

Until arriving at the clinic, Mrs. Utterback never spoke to a registered nurse or an advice nurse, nor was she instructed to go to the emergency room by that HMO.

Mrs. Utterback left about 2 p.m. and checked in no later than 2:45 at the HMO clinic. Despite requesting three separate times to be seen sooner because her pain was getting worse, staff at the HMO refused. While waiting, Mrs. Utterback's pain increased to the point where her discomfort was visually observable. She squirmed in her chair. She held on to her side. At times she was in plain view of the reception desk and the open hallway where the medical assistants would come to call patients. But it was not until 4:30 that her physician examined her.

At one point, the medical assistant who was filling in for the doctor's patients that day was informed of Mrs. Utterback's desire to be put in a room. Two Kaiser receptionists testified that this assistant came to the front, glanced through the chart, looked into the waiting room where Mrs. Utterback was sitting, and stated, Doesn't look that sick to me, tossed the chart back and walked away. She did not stop, did not even bother to go out and talk to this woman.

Well, once examined by her physician, what did he diagnose? He immediately diagnosed that she had not just an aortic aneurysm but a dissecting aortic aneurysm, one that was rupturing. Now, that is a life-threatening condition. It requires complete adherence to a stringent test of protocols in order to save the patient's life. IVs need to be put in, the patient needs to be given pain medicine, that pain medicine will help reduce the patient's blood pressure. If their blood pressure is too high, the medicine reduces the blood pressure. Because the higher the blood pressure is the more pressure every beat of the heart places on that enlarging balloon that is in that patient's abdomen.

That patient is a medical emergency. That patient needs to be transported immediately to an emergency room, stabilized, and into the operating room in order to save that patient's life. But instead of calling 911 or arranging for advanced life support, and this is amazing, Mrs. Utterback and her daughter were initially asked to drive themselves to the emergency room. Imagine that. As a physician who has taken care of patients with this problem, to suggest that this patient should hop into the car and drive themselves there and possibly collapse enroute is just, it is just beyond me. It is just beyond me.

The seriousness of Mrs. Utterback's diagnosis and condition were not even communicated to the Hayward Fire Department or to the ambulance personnel. Chief Michael Jay of the Hayward Fire Department, who had been dispatched to the scene, was not informed this patient had a dissecting aortic aneurysm. Instead, he was informed by the clinic that "the patient needed a transport, and the patient was complaining of lower back pain." Chief Jay stated, "a diagnosis of a dissecting aortic aneurysm indicates a sense of urgency that would necessarily need to be communicated to the medical facility for the emergency personnel on scene," including himself, and it was never done.

That lack of urgency was confirmed in the ambulance report, where it states, "doctor nowhere to be found, nurse had very little patient information, patient transferred for 'question mark' for evaluation."

Mrs. Utterback did not arrive in the emergency room until 5:30. Remember, this saga started at about 8:15 in the morning. She did not get there until an hour after the diagnosis was made. Unfortunately for Mrs. Utterback, her aneurysm ruptured completely minutes after she got in the emergency room. She was taken to the operating room and given 24 units of blood, but by then it was too late and the next day she died.

The California Department of Corporations looked at this case and they found systemic lack of safety all the way through the day that this patient was treated. There should have been protocols in place. Certainly if a patient cannot be gotten into see her physician promptly, when she is having severe pain, she ought to be told to go to the emergency room. Do not pass go, just go to the emergency room, do not collect $200.

It is these kinds of problems that we are hearing about HMOs. In fact, right at this moment one of my colleagues is holding a press conference over in the Longworth Building where he has 24,000 HMO complaints of abuse stacked up and piled up that have been gathered just in the last few months. 24,000. And, believe me, that is a small number, because most of the problems do not get reported.

□ 1645

And so, what have we been doing here in Congress? Well, after we passed a strong patient protection bill here in the House with 275 votes back in October, the Speaker did not even name the conferees for a long time; and then the Republican conferees that were named from the House side, all except one, had not even voted for the bill.

The two Republican authors of the bill, the gentleman from Georgia (Mr. NORWOOD) and myself, were not even named to the conference committee. The Senate had passed a bill, which, charitably, could be argued an HMO protection bill, not a patient protection bill. It is so weak, it is worse than weak. And we have had months now where the conference committee has gotten virtually nothing done. And, furthermore, there has been no legislative language put out on even the noncontroversial items. And every day goes by and somebody like Mrs. Utterback is being injured or loses their life.

I could give my colleagues many, many other examples of this. If my colleagues would just take this one defect, cleft lip and cleft palate, in the last few years more than 50 percent of the surgeons who take care of this condition have had HMOs deny surgical repair related to cleft lip and cleft palate.

I mean, this is a birth defect. This is not a cosmetic procedure. This is something to make somebody normal so they can speak right so they can walk through the grocery store and not be an object of contempt.

For goodness sakes, why is it taking so long for us to address this problem? I guess you could only say, it is part of the systemic problem that exists here in Washington. There are very powerful special interests that oppose a real patient protection piece of legislation. That is the HMO industry, that is the insurance industry, and some of the big businesses.

It is very interesting, though, that if you look at the polls that are done of, say, small businesses, even small business employers, by about a three to five margin think that Congress ought to pass patient protection legislation. These are the employers.

What is the hang-up? Well, the hang-up in conference is on several things. One is the scope of the bill, who should the bill cover.

Well, we in the House voted overwhelmingly that these patient protections should cover all Americans, not just a few like are covered in the Senate bill. Every American ought to have access to patient protection so they are not abused by their HMO. That is one of the issues.

Another issue has to do with who determines medical necessity. Well, in the House-passed version, we passed a bill that said, you know, if there is a dispute you can go to an internal review, then an external review, an independent panel, and the panel can make a decision free of conflict of interest with the HMO and that that decision would be binding on the HMO, they would have to follow it. And if they did not follow that recommendation on a denial of care, then they could be subject to a fine. And if a patient was injured because of their not taking the advice of that panel, then they could be subject to liability.

Nothing like that in the Senate version, nothing has been dealt with on that issue in conference.

Now, some people are starting to think, well, maybe we ought to include some provisions from a substitute that was debated on this House floor and lost in regards to the liability. And that was the Goss-Coburn-Shadegg managed care liability provision. It is full of flaws and loopholes. I sincerely hope that the conference committee would correct these loopholes and flaws if they are looking at this. But more importantly, they just ought to adopt the provisions that were in the bill that passed the House.

But let me just read a couple of them. The Goss-Coburn-Shadegg HMO liability provision creates a Federal cause of action. Now, that is something we did not do. We simply said, if there is an injury, it goes back to be handled in the State, like all other insurance disputes do.

The Goss-Coburn-Shadegg says other related claims could be brought in State court but not at the same time. That would create a procedural nightmare. Patients would be forced to bring actions in both State and Federal related to the same wrong, wasting judicial resources and posing an undue burden on them.

The provision is unclear as to whether patients would be shut off from bringing related causes of action between various courts. The provision is vague whether a Federal court would have supplemental jurisdiction of State law claims, thereby taking a patient's State law claims away from a State jury.

That is one example. Here is another problem with it. There was a provision in that Goss-Coburn-Shadegg liability bill that required a certification of injury by an external review panel that could deny a patient's Seventh Amendment constitutional rights. A defendant HMO could apply to a second external review panel under the Goss-Coburn-Shadegg bill not involved in the external review decision to determine issues of substantial harm and proximate cause. These are traditional jury issues.

If the external review panel, which could be completely devoid of any legal expertise, determined that either substantial harm has not occurred or that the HMO did not proximately cause the injury, then the patient's action would be dismissed unless the patient could overcome such a finding by clear and convincing evidence.

Further, if a patient fails that burden, he or she is responsible for the HMO's attorney's fees. The use of an external appeal entity to establish causation or harm is unconstitutional. A patient's Seventh Amendment right to a trial by jury cannot be superseded, and external review panels cannot make decisions about injury and causation, which are reserved for our judicial system.

There are many other problems with that substitute. But one of them is this, and that is that the Goss-Coburn-Shadegg bill would force a patient to exhaust internal and external review. To bring an action, a patient would have to exhaust current ERISA administrative remedies and all internal and external review processes, get this, even when he or she has already suffered an injury or even die due to the HMO's negligence.

Let us go back to Mrs. Utterback. Mrs. Utterback started her problem at 8:15 in the morning when she phoned, goes through the day, how many times did she phone the HMO to try to get some resolution, did not get any help, was not treated properly, finally ended up dying, being taken to surgery about 9 and dying the next day.

You know what? She would have no legal recourse under the Goss-Coburn-Shadegg liability provision because, well, you know what, she had not gone through internal or external review. It is just unfortunate for Mrs. Utterback, I guess, that she died before she could bring it to review. But that does not mean that that HMO should not be liable.

That is why the California Department of Corporations fined that HMO $1 million because of their negligent actions.

We need to fix this problem. We need to address this. That is why we should have had a debate today on the Campbell Quality Health Care Coalition Act, which is one way to approach the problem; and that is why the conference committee on HMO reform really ought to get something done and soon.

If they cannot move to some real substantive decisions and agreements, then we need to start looking at other ways to move this legislation. This is just too important for us for this to languish.

There are millions of decisions being made every day on people's health care that are being interpreted to the disadvantage of patients because of an HMO's ability to determine "medical necessity."

I hope it does not happen to a member of your family or to a loved one of yours or to you. Unfortunately, it could. All our constituents should be phoning and writing their congressman and they should say, please, enough is enough. Do not let this go anymore. Come to a resolution. Work with the President. Get a strong Patients' Bill of Rights passed this year, or we will hold you responsible at the voting booth.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Members will be reminded that their remarks in debate should be directed to the chair and not to the gallery or the listening audience.

POLICE BADGE PROTECTION ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, I rise today to call attention to this morning's headlines in the National Press about the use of counterfeit badges in and undercover investigation conducted by the General Accounting Office at the request of our colleague the gentleman from Florida (Mr. MCCOLLUM).

The General Accounting Office is the arm of investigation on both financial matters and programmatic matters on behalf of the Congress. They are part of our legislative branch. Agents from the GAO's Office of Special Investigations used fake badges purchased over the Internet to get through security at two airports and 19 Government offices, including the Central Intelligence Agency, the Department of Justice, the Federal Bureau of Investigation, the State Department, and the Department of Defense.

The relative ease with which the General Accounting Office agents penetrated security shows the vulnerability not only of these Government offices but of the public.

The American public recognizes the authority of the badge. They know they can count on those men and women in law enforcement.

The American public needs law enforcement when they are in times of trouble and they are in need of help. However, misuse of the badge reduces public trust in law enforcement and endangers the public.

Although there are State statutes against impersonating law enforcement officers, the threat of counterfeit badges reaches across State lines. Criminals can purchase fraudulent badges such as the ones used in this testing experiment by the agents of the General Accounting Office. The criminals can purchase the badges over the Internet and through mail order catalogues.

Disturbingly easy access to these official looking badges and the means to manufacture counterfeit badges calls for strong, prompt action to protect the public trust in those in law enforcement who carry badges.

I have introduced legislation, H.R. 2633, the Police Badge Fraud Prevention Act, to achieve that goal.

The Police Badge Fraud Prevention Act would ban the interstate or foreign trafficking of counterfeit badges and genuine badges among those that are not authorized to be possessed by a genuine badge. The legislation complements State statutes against impersonating a police officer, addressing in particular the problems posed by Internet and mail order badge sales.

With the endorsement of multiple law enforcement agencies, including the Fraternal Order of Police, as well as the bipartisan support of my colleagues, the Police Badge Fraud Prevention Act can help protect the public from criminals who use time honored symbols of law enforcement for illegal purposes.

In light of the General Accounting Office investigation and in response to the need to address the growing on-line sales of counterfeit police badges, I strongly urge the House to pass the Police Badge Fraud Prevention Act.

BROAD BAND DEPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes.

Mr. TAUZIN. Mr. Speaker, today we held the second of a series of hearings on the issue of broad band deployment in the Subcommittee on Telecommunications. And in completing that hearing today, we arrived at a point where over 200 Members of this House, I think 207 by today's count, have endorsed and cosponsored H.R. 2420, which is a bill designed to prevent from happening in this country what so many people are talking about, something called the digital divide.

□ 1700

It is a bill designed to ensure that all Americans have access to high-speed broad band Internet services that are being deployed in some parts of America. According to a study by Legg Mason, in the next 4 years about half of this country will have access to several, not one, but several different providers of high-speed broad band services. Now, for those of you who use the Internet, what we call the narrow band Internet, broad band Internet will be absolutely like day and night. It will provide Americans with access to incredibly high-speed data including both audio and visual images, in other words, motion pictures, streamed over the Internet in full realtime.

It will open the door in short to incredible new opportunities in entertainment, information, long distance learning, and telemedicine and all the things that Americans look forward to in terms of this telecommunications revolution. It will indeed open the door to new opportunities in electronic commerce for small businesses across America. But the ugly truth is that this high-speed, fast-speed train that is about to arrive and provide all these wonderful services for about half of America will not arrive at all for about a quarter of Americans and will arrive only with one provider for another quarter of our great country. That means as far out as we can see, 4 years from now, fully half of our country will have only one provider of these new services or no provider at all.

Now, if you live in any part of America that is not connected to this wonderful high-speed broad band network, you are going to find out that not only are you missing great opportunities but you may have to move. If you are a small business not connected to some of these networks, and you cannot connect to the high-speed network in which your business should be connected because it is part of an integral e-commerce distribution system, you may find yourself having to leave a small town in rural America that you grew up in and relocate your business elsewhere, or you may find out you are losing an awful lot of business. The problem for Americans is that the quarter of Americans who will not have any services generally live in rural America or in urban center city portions of our country. So the urban poor and the rural poor of our country will be the last to receive the benefits from this high-speed digital revolution.

Now, something can happen to change that. Buried in the ground, connecting all the rural communities of America and much of the urban centers of our country are fiber optic cables that have been laid by the telephone companies, the Bell companies. But under Federal law, these cables, these fiber optics that could connect little towns across America to the high-speed trunk lines of this new broad band revolution cannot be used because the FCC literally will not allow the telephone companies to get into the broad band business across what is called LATA lines. They may be State boundaries or lines drawn on a map inside a State that currently separates local and long distance telephone calls.

You should ask me what does local and long distance telephone calls have to do with the Internet and this broad band revolution. I should tell you it has very little to do with it. It only has to do with voice communication, telephone communications. But these old laws that restrict the local telephone company from crossing those lines and getting into long distance telephones also currently restrict the telephone companies from connecting all the small parts of America to the broad band Internet.

It is time we lift those restrictions. In 1996, we tried to deregulate communications in America. We did a pretty good job, but we left the regulations in place on the local monopoly telephone companies until there was enough competition for telephone service in those local markets. We certainly did not intend to stop the telephone companies from being a full-fledged competitor to connect rural parts of America, small town America, urban center city America to the great advantages of this new age of communications, the broad band digital high-speed network. So House bill 2420 will do just that, will lift those restrictions, will create competition, offer connection, connectivity for everyone in this country. That means ending the digital divide.

Mr. Speaker, House bill 2420 needs to be passed. We are rapidly approaching the point where over 218 Members of this House will have signed on urging its passage.

HOUSE VOTES TO REPEAL TELEPHONE EXCISE TAX

(Mr. TAUZIN asked and was given permission to address the House for 1 minute.)

Mr. TAUZIN. Mr. Speaker, I am very pleased that today while I was conducting a hearing in the House Committee on Commerce on broad band legislation, that the House is moving to pass an important piece of legislation to help the Internet community and all telephone consumers of America. That was a bill to repeal the 3 percent telephone tax that has been on the books as we know on and off since the Spanish American war. The telephone tax operates as a tax on the Internet because much of the Internet service flows over the telephone. As a result, this 3 percent tax collected originally to fund the Spanish American War and left on the books for lo these many years had to go.

Today, the House joined in large numbers in repealing that tax. I want to congratulate the House in making that great decision today. In fact, a study done by the Progress and Freedom Foundation indicates that over the last 12 years, telephone taxes have gone up in this country 62 percent, that telephone taxes, that taxes on the business of talking to one another in this country have risen a remarkable 62 percent. That includes State, local and, of course, Federal taxes. When the combination of all these taxes mount up on a person's telephone bill, it means in effect that more and more people cannot afford to be on the Internet.

In fact, the Progress and Freedom Foundation estimates that well over 20 percent of America will not access the Internet because of the high level of telephone taxation. Now, what is ironic about that is that we live in a country that prides itself on free speech. In fact, the first amendment to our Constitution is an amendment that protects American's right to free speech, in effect protects our right to free speech against the Government infringing upon it.

I want you to think about that for a second. In this wonderful free speech society that prides itself and in fact brags about free speech around the world, we in America tax speech in many jurisdictions of our country more than we do tobacco. In other words, the taxes on telephones in many jurisdictions of America are higher than the taxes on tobacco, which is supposed to be a sin product. Speech is supposed to be honored and respected in America. In this great House we honor and respect the right of free speech in our wonderful debates on the great issues of the day.

Yet our government taxes talking on a telephone so high that it amounts to more than the taxes on tobacco in many parts of America. You would think we would honor speech by getting rid of those taxes, lowering those taxes; and so this House began today that process. By eliminating the 3 percent excise tax on talking on telephones, we hopefully have begun the process to honor and respect free speech again in our society. Eliminating this tax is going to save millions of Americans many millions of dollars over the years that unfortunately has been taken from them as they use their telephones or connect to the Internet.

More importantly, as we repeal this 3 percent telephone tax, we will be making access to the Internet more affordable for many people in this country. Think about telephone taxes another way. It is one of the most regressive forms of taxation you can possibly imagine, because we all use the telephone. We use it to keep in touch with our loved ones; we use it constantly in our businesses. Everyone uses the telephone. And in a real sense, when you talk about taxes being progressive or regressive, this is the most regressive tax that I can possibly imagine. Everybody pays it. The poorest of Americans who use the telephone pay a higher percentage of taxes with telephone taxes than they do in any other form.

So this House really has done America a great favor. I am proud tell you that it was in 1998 that the gentlewoman from Washington (Ms. DUNN) and I filed the first bill to repeal the Spanish American 3 percent telephone tax. It has taken a few years, but this House today agreed with us. We are delighted in fact that the House has now sent to the Senate a bill to end this 100-year-old Spanish American War tax. I want you to know the Spanish can breathe easy tonight. The war is over. We have ended collecting a tax that ran that war. We should be very proud in fact that we are finally taking the right path in making both telephone and Internet service more affordable for people and getting rid of some of this heavy burden of excessive and regressive taxation on the folks in America who use the telephone.

We have only just begun. As we go through the process of trying to make sure that the Internet is free and accessible for more and more people, free of these heavy taxation burdens, our committee and the Committee on Ways and Means will continue to see whether or not we can hopefully give Americans even more relief from taxation. In that regard, Mr. Speaker, our efforts will continue. We are going to look seriously at possibly putting some kind of limitation on the FCC's ability to constantly raise taxes, and one day just hopefully one day we will honor and respect free speech in America the way our forefathers intended.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 336. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2559) "An Act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.".

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MINGE (at the request of Mr. GEPHARDT) for today on account of medical reasons.

Mr. WEINER (at the request of Mr. GEPHARDT) for before 1:00 p.m. May 24 and today on account of personal business.

Mr. BATEMAN (at the request of Mr. ARMEY) for today on account of attending a funeral.

Mr. McINNIS (at the request of Mr. ARMEY) for today on account of his daughter's high school graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CAPPS) to revise and extend their remarks and include extraneous material:)

Mrs. CAPPS, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

(The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mr. TAUZIN, for 5 minutes, today.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 484. An act to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive; to the Committee on the Judiciary in addition to the Committee on International Relations for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 110. Concurrent resolution congratulating the Republic of Latvia on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union; to the Committee on International Relations.

ADJOURNMENT

Mr. TAUZIN. Mr. Speaker, pursuant to House Concurrent Resolution 336, 106th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to House Concurrent Resolution 336, 106th Congress, the House stands adjourned until 10:30 a.m. on Tuesday, June 6, 2000, for morning hour debates.

Thereupon (at 5 o'clock and 14 minutes p.m.), pursuant to House Concurrent Resolution 336, the House adjourned until Tuesday, June 6, 2000, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7840. A letter from the Senior Banking Counsel, Office of the General Counsel, Departmental Offices, Department of the Treasury, transmitting the Department's final rule—Financial Subsidiaries (RIN: 1505–AA77) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7841. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the 1999 Annual Report, pursuant to 12 U.S.C. 3305; to the Committee on Banking and Financial Services.

7842. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting the Department's final rule—Acquisition Regulation: Financial Management Clauses for Management and Operating (M&O) Contracts (RIN: 1991–AB02) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7843. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Managment, Department of Energy, transmitting the Department's final rule—Acquisition Letter; Small Business Programs—received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7844. A letter from the Deputy Executive Secretary, FDA, Department of Health and Human Services, transmitting the Department's final rule—Revision of the Requirements Applicable to Albumin (Human), Plasma Protein Fraction (Human), and Immune Globulin (Human) [Docket No. 98N–0608] received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7845. A letter from the Deputy Executive Secretary, FDA, Department of Health and Human Services, transmitting the Department's final rule—Quality Mammography Standards [Docket No. 99N–1502] received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7846. A letter from the Deputy Executive Secretary, National Institutes of Health, Department of Health and Human Services, transmitting the Department's final rule—Service Fellowships (RIN: 0991–AA96) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7847. A letter from the Director, Regulations Policy Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adhesives and Components of Coatings and Paper and Paperboard Components [Docket No. 99F–0925] received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7848. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule—Schedules of Controlled Substances: Exempt Anabolic Steroid Products [DEA No. 1871] (RIN: 1117–AA51) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7849. A letter from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Satellite Home Viewer Improvement Act of 1999; Retransmission Consent Issues: Good Faith Negotiation and Exclusivity [CS Docket No. 99–363] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7850. A letter from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commission's final rule—Custody of Investment Company Assets Outside of the United States (RIN: 3235–AH55) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7851. A letter from the Lieutenant General, USA, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 00–33), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7852. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–157, "Sense of the Council on Congressional Ban on Handguns and Assault-Style Weapons Resolution of 1999" received May 24, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

7853. A letter from the Office of the Trustee, Court Services and Offender Supervision Agency for the District of Columbia, transmitting the Fiscal Year 1999 Performance Report; to the Committee on Government Reform.

7854. A letter from the Acting Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting the Department's final rule—Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations—received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7855. A letter from the Acting Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Small Business Competitiveness Demonstration Program [FAC 97–16; FAR Case 1999–012; Item I] (RIN: 9000–AI64) received April 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7856. A letter from the Acting Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Circular 97–16; Introduction—received April 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7857. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule—Elimination of Requirement to Rewind Computer Tapes (RIN: 3095–AA94) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7858. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the 2000 Annual Report Regarding Highly Migratory Species, pursuant to 16 U.S.C. 971; to the Committee on Resources.

7859. A letter from the Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Announcement of Opportunity to submit proposals for the Coastal Ecosystem Research Project in the Northern Gulf of Mexico [Docket No. 000202023–0023–01; I.D. No. 01100B] (RIN: 0648–ZA78) received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7860. A letter from the Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Announcement of Funding Opportunity for research project grants and cooperative agreements [Docket No. 000127019–0019–01; I.D. No. 011000D] (RIN: 0648–ZA77) received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7861. A letter from the Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Announcement of Funding Opportunity for the South Florida Ecosystem Restoration Prediction and Modeling Program and the South Florida Living Marine Resources Program [Docket No. 000202024–002240–01; I.D. No. 011000C] (RIN: 0648–ZA79) received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7862. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft legislative proposal entitled, "To Amend section 249 of the Immigration and Nationality Act and for other purposes."; to the Committee on the Judiciary.

7863. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule—Temporary Exemption From Chemical Registration for Distributors of Pseudoephedrine and Phenylpropanolamine Products [DEA Number 168] (RIN: 1117–AA46) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7864. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 99–NM–369–AD; Amendment 39–11679; AD 2000–07–24] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7865. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–600 Series Airplanes [Docket No. 98–NM–78–AD; Amendment 39–11676; AD 2000–07–22] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7866. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–600 and A310 Series Airplanes [Docket No. 99–NM–82–AD; Amendment 39–11612; AD 2000–05–03] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7867. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Industrie

Aeronautiche e Meccaniche Model Piaggo P-180 Airplanes [Docket No. 99-CE-65-AD; Amendment 39-11665; AD 2000-07-11] (RIN: 2120-AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7868. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Allocation of Fiscal Year 2000 Operator Training Grants—received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7869. A letter from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs, transmitting a draft bill to amend title 38, United States Code, to designate members of the Board of Veterans' Appeals (Board) as veterans law judges and to clarify the beginning of the period in which Board decisions can be appealed to the United States Court of Appeals for Veterans Claims (Court); to the Committee on Veterans' Affairs.

7870. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—National Median Income—2000 [Rev. Procedure 2000-21] received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7871. A letter from the Acting Secretary, Department of State, transmitting the 1999 Annual Report on United Nations voting practices, pursuant to 22 U.S.C. 2414a; jointly to the Committees on International Relations and Appropriations.

7872. A letter from the Acting Assistant Secretary for Economic Development, Department of Commerce, transmitting the Department's final rule —Revision to Implement Economic Development Reform Act of 1998-Grant Rate Eligibility: Disaster Assistance Based on High Unemployment [Docket No. 990106003-9157-02] (RIN: 0610-AA56) received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Transportation and Infrastructure and Banking and Financial Services.

7873. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Telephone Requests for Review of Part B Initial Claim Determinations [HCFA-4121-FC] (RIN: 0938-AG48) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

7874. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Solvency Standards for Provider-Sponsored Organizations [HCFA-1011-F] (RIN: 0938-AI83) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 4402. A bill to amend the American Competitiveness and Workforce Improvement Act of 1998 to improve the use of amounts deposited into the H-1B Nonimmigrant Petitioner Account for demonstration programs and projects to provide technical skills training for occupations for which there is a high demand for skilled workers, and for other purposes; with an amendment (Rept. 106-642). Referred to the Committee of the Whole House on the State of the Union.

Mr. TALENT: Committee on Small Business. H.R. 1882. A bill to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes (Rept. 106-643 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LaFALCE:

H.R. 4540. A bill to amend the Consumer Credit Protection Act to enhance the advertising of the terms and costs of consumer automobile leases, to permit consumer comparison of advertised lease offerings, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. EWING:

H.R. 4541. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Banking and Financial Services, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING (for himself, Mr. Regula, Mr. Davis of Virginia, Mrs. Morella, Ms. Norton, Mr. Moran of Virginia, and Mr. Dicks):

H.R. 4542. A bill to designate the Washington Opera in Washington, D.C., as the National Opera; to the Committee on Education and the Workforce.

By Mr. HYDE (for himself, Mr. Conyers, Mr. Camp, Mr. Cardin, Mr. Foley, Mr. Lewis of Georgia, Mr. Sam Johnson of Texas, Mrs. Thurman, Mr. Canady of Florida, Mr. Scott, Mr. Hutchinson, and Ms. Jackson-Lee of Texas):

H.R. 4543. A bill to amend the Internal Revenue Code of 1986 to provide relief for payment of asbestos-related claims; to the Committee on Ways and Means.

By Mr. MANZULLO:

H.R. 4544. A bill to provide standards for the enactment of Federal crimes, to sunset those Federal crimes that do not meet those standards, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISTOOK (for himself, Mr. Dickey, Mr. Franks of New Jersey, Mrs. Myrick, Mr. Souder, Mr. Tancredo, and Mr. Terry):

H.R. 4545. A bill to require public schools and libraries that receive Federal funds for the acquisition or operation of computers to install software to protect children from obscenity; to the Committee on Education and the Workforce.

By Mr. WELLER (for himself, Mr. Jefferson, Ms. Pryce of Ohio, Mrs. Kelly, Mr. Sessions, and Mr. Green of Wisconsin):

H.R. 4546. A bill to amend the Internal Revenue Code of 1986 to permit individuals age 50 or older to make catchup contributions under individual retirement plans; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin:

H.R. 4547. A bill to provide a waiver of certain nurse aide training requirements for specially trained individuals who perform certain specific nursing-related tasks in Medicare and Medicaid nursing facilities; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO (for himself, Mr. Chambliss, Mr. Hastings of Washington, Mr. Pitts, Mr. Calvert, Mr. Wexler, Mr. Martinez, Mr. Radanovich, Mr. Nussle, Mr. Boehner, Mr. McCollum, Mr. Kingston, Mr. Doolittle, Mr. Foley, Mrs. Chenoweth-Hage, Mrs. Bono, and Mr. Kolbe):

H.R. 4548. A bill to establish a pilot program creating a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers, to amend the Immigration and Nationality Act to streamline procedures for the temporary admission and extension of stay of nonimmigrant agricultural workers under the pilot program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT (for himself, Mr. Bachus, Mr. Riley, Mrs. Emerson, Mr. Sandlin, Mr. Gilchrest, Mr. Oberstar, Mr. McHugh, Mr. Baldacci, and Mr. Towns):

H.R. 4549. A bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for ambulance services for the transportation of Medicare beneficiaries to certain rural outpatient facilities; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia (for himself, Mr. Cramer, Mr. Wamp, Mrs. Myrick, Mr. Price of North Carolina, and Mr. Collins):

H.R. 4550. A bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agency are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer; to the Committee on the Judiciary.

By Mr. BASS:

H.R. 4551. A bill to repeal the 1993 increase in tax on Social Security benefits and to develop and apply a Consumer Price Index that accurately reflects the cost-of-living for older Americans who receive Social Security benefits under title II of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself, Mr. English, Mr. Dickey, and Mr. Barrett of Nebraska):

H.R. 4552. A bill to amend the Internal Revenue Code of 1986 to provide a higher purchase price limitation applicable to mortgage subsidy bonds based on median family income; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself and Mr. Rogan):

H.R. 4553. A bill to combat club drug trafficking, distribution, and abuse in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BORSKI (for himself, Mr. Brady of Pennsylvania, Mr. Fattah, Mr. Murtha, Mr. Shuster, Mr. Klink, Mr. Peterson of Pennsylvania, Mr. Holden, Mr. Weldon of Pennsylvania, Mr. Greenwood, Mr. Sherwood, Mr. Kanjorski, Mr. Hoeffel, Mr. Coyne, Mr. Toomey, Mr. Pitts, Mr. Gekas, Mr. Doyle, Mr. Goodling, Mr. Mascara, and Mr. English):

H.R. 4554. A bill to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the "Joseph F. Smith Post Office Building"; to the Committee on Government Reform.

By Mr. BROWN of Ohio:

H.R. 4555. A bill to provide for a 6-year demonstration project to stabilize coverage and benefits under the Medicare+Choice Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP (for himself, Mr. Hayworth, Mr. Kildee, Mr. Peterson of Minnesota, Mr. Shadegg, Mr. Kleczka, and Mr. Foley):

H.R. 4556. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Ways and Means.

By Mr. COBURN:

H.R. 4557. A bill to amend the Social Security Act to waive the 24-month waiting period for Medicare coverage of individuals disabled with acquired immune deficiency syndrome (AIDS), and to provide Medicare coverage of drugs used for treatment of AIDS; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOK:

H.R. 4558. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to modify the City of West Jordon, Utah, Reuse Project to include recycling and reuse of naturally impaired surface water; to the Committee on Resources.

By Mr. CROWLEY (for himself, Mr. Campbell, Mr. Meeks of New York, Ms. Lee, Mr. Abercrombie, Mr. Engel, Ms. Jackson-Lee of Texas, Mrs. Napolitano, Ms. Schakowsky, and Mr. Gutierrez):

H.R. 4559. A bill to extend the Brady Law to firearms won in lotteries; to the Committee on the Judiciary.

By Mrs. CUBIN (for herself, Mrs. Chenoweth-Hage, Mr. Hill of Montana, Mr. Simpson, Mr. Walden of Oregon, Mr. Doolittle, Mr. Stump, Mr. Thune, and Mr. Pombo):

H.R. 4560. A bill to provide for the use of snowmobiles in National parks; to the Committee on Resources.

By Mr. ENGLISH:

H.R. 4561. A bill to amend the Internal Revenue Code of 1986 to prevent unintended disqualification of trusts as electing small business trusts; to the Committee on Ways and Means.

By Mr. ETHERIDGE (for himself and Mrs. Clayton):

H.R. 4562. A bill to amend the Internal Revenue Code of 1986 to increase the maximum estate tax deduction for family-owned business interests; to the Committee on Ways and Means.

By Mr. GREEN of Texas (for himself and Mr. Quinn):

H.R. 4563. A bill to amend title XXVII of the Public Health Service Act and title I of the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide comprehensive coverage for childhood immunization; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEFFEL (for himself and Mr. Maloney of Connecticut):

H.R. 4564. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Education and the Workforce.

By Ms. HOOLEY of Oregon (for herself and Mr. Weldon of Pennsylvania):

H.R. 4565. A bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to prevent the abuse of inhalants through programs under that Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KLINK (for himself, Mr. Visclosky, Mr. Murtha, Mr. Baldacci, Mr. Coyne, Mr. Holden, Mr. Mascara, Mr. Doyle, and Mr. Brady of Pennsylvania):

H.R. 4566. A bill to set standards for radioactive contamination content in both the domestic and international metals industry, to prohibit the release of radioactively contaminated scrap metal by the Department of Energy and nuclear fuel production, utilization, and fabrication facilities, and to require all nations exporting metals into the United States to certify and document the amount of radioactive contamination of any scrap metals being exported into the United States; to the Committee on Commerce.

By Mrs. MALONEY of New York (for herself, Mr. Davis of Virginia, Mr. Hoyer, Ms. Jackson-Lee of Texas, Mr. Frank of Massachusetts, Mr. Payne, Mr. Sandlin, Mr. Sanders, Mr. Evans, Mrs. Thurman, Mr. Cardin, Mr. Moran of Virginia, Ms. Woolsey, Mr. Frost, Ms. Pelosi, Ms. Norton, Mr. Engel, Mr. Cummings, Mr. Stark, and Mr. Gilman):

H.R. 4567. A bill to amend title 5, United States Code, to provide that, of the total amount of family leave available to a Federal employee based on the birth of a child or the placement of a child with the employee for adoption or foster care, at least one-half of that time shall be leave with pay; to the Committee on Government Reform.

By Mrs. MALONEY of New York:

H.R. 4568. A bill to provide funds for the planning of a special census of Americans residing abroad; to the Committee on Government Reform.

By Mr. MORAN of Virginia (for himself, Mr. Davis of Virginia, Mr. Wynn, Ms. Norton, Mrs. Morella, and Mr. Wolf):

H.R. 4569. A bill to amend section 8339(p) of title 5, United States Code, to clarify the method for computing certain annuities under the Civil Service Retirement System which are based (in whole or in part) on part-time service, and for other purposes; to the Committee on Government Reform.

By Ms. PRYCE of Ohio (for herself, Mr. Lewis of Georgia, Mr. Abercrombie, Mr. Andrews, Mr. Becerra, Mr. Blagojevich, Mr. Campbell, Mr. Dixon, Mr. Everett, Mr. Frost, Mr. Gejdenson, Mrs. Johnson of Connecticut, Mr. Larson, Ms. Lee, Mr. Matsui, Mrs. Morella, Ms. Norton, Ms. Pelosi, Mr. Petri, Mr. Ramstad, Mr. Rangel, Mr. Rodriguez, Mr. Sanders, Mrs. Thurman, Mr. Traficant, Ms. Velázquez, Mr. Vento, Mr. Wexler, and Mr. Wise):

H.R. 4570. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAW (for himself and Mrs. Thurman):

H.R. 4571. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of annual screening pap smear and screening pelvic exams; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKEEN:

H.R. 4572. A bill to eliminate the regional system of organizing the National Forest System and to replace the regional offices of the Forest Service with State offices; to the Committee on Agriculture.

By Mr. SPENCE (for himself, Mr. Spratt, and Mr. DeMint):

H.R. 4573. A bill to amend the Harmonized Tariff Schedule of the United States to provide for duty free treatment on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico:

H.R. 4574. A bill to authorize the Secretary of the Interior to make compensation for damages arising from a prescribed burn on the Bandelier National Monument in the State of New Mexico; to the Committee on the Judiciary, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself, Mrs. Capps, Mr. McCollum, Mr. Wamp, and Mr. Hill of Montana):

H.R. 4575. A bill to amend title 38, United States Code, to improve the provision of inpatient medical care services by the Department of Veterans Affairs to veterans in areas remote from Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

By Mr. LINDER:

H. Con. Res. 336. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mrs. KELLY:

H. Con. Res. 337. Concurrent resolution expressing the sense of the Congress regarding tuberous sclerosis; to the Committee on Commerce.

By Mr. LANTOS (for himself, Mr. Shays, Mr. Baca, Mr. Berman, Ms. Carson, Mr. Conyers, Mr. Clay, Ms. DeLauro, Mr. Deutsch, Mr. Farr of California, Mr. Jackson of Illinois, Mr. Kucinich, Ms. Lee, Mrs. Maloney of New York, Mrs. Morella, Mr. Olver, Ms. Pelosi, Ms. Rivers, Ms. Schakowsky, Mrs. Tauscher, and Mr. Gallegly):

H. Con. Res. 338. Concurrent resolution expressing the sense of the Congress regarding the link between violence against animals and violence against humans and urging greater emphasis upon identifying and treating individuals who are guilty of violence against animals, which is a crime in its own right in all 50 States, in order to prevent violence against humans and urging research to increase understanding of the connection between cruelty to animals and violence against humans; to the Committee on Commerce, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. Gilman, Mr. Bereuter, Mr. Smith of New Jersey, Mr. Ackerman, Mr. Salmon, Mr. Pitts, Mr. Faleomavaega, and Mr. Rohrabacher):

H. Con. Res. 339. Concurrent resolution expresing the sense of the Congress concerning recent manifestations of official policy directed against the independent media in Russia and expressing concern for the continued functioning of the independent media in Russia; to the Committee on International Relations.

By Mr. ANDREWS (for himself, Mr. Bilirakis, Mr. Klink, Mrs. Maloney of New York, Mr. Payne, Mr. Blagojevich, Mr. McGovern, Mr. Sherman, Mr. Crowley, Mr. Filner, Mr. Knollenberg, Ms. Ros-Lehtinen, Mr. McNulty, Mr. Coyne, and Mr. Ackerman):

H. Con. Res. 340. Concurrent resolution expressing the sense of the Congress regarding Turkey's claims of sovereignty over islands and islets in the Aegean Sea; to the Committee on International Relations.

By Mr. FOLEY:

H. Con. Res. 341. Concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of medically appropriate actinic keratoses treatment and removal under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KOLBE (for himself, Mr. Isakson, Mr. Oberstar, and Mrs. Morella):

H. Con. Res. 342. Concurrent resolution expressing the sense of Congress that there should be an international education policy for the United States; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself and Mr. McCollum):

H. Con. Res. 343. Concurrent resolution expressing the sense of the Congress regarding the importance of families eating together; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. Davis of Virginia.

H.R. 73: Mrs. Chenoweth-Hage.

H.R. 218: Mr. Buyer and Ms. Stabenow.

H.R. 303: Mr. Baca.

H.R. 460: Mr. Gillmor.

H.R. 483: Mr. Barcia.

H.R. 534: Mr. McNulty.

H.R. 721: Mr. Snyder and Mr. Quinn.

H.R. 762: Mr. Strickland.

H.R. 773: Mr. Wynn.

H.R. 783: Mr. Ramstad.

H.R. 844: Ms. Lofgren, Mr. Bilirakis, and Mr. Weldon of Florida.

H.R. 1053: Mr. Scott.

H.R. 1102: Mr. Klink.

H.R. 1172: Mr. Norwood, Mr. Bentsen, Mr. Abercrombie, Mr. Turner, Mr. Vitter, Mr. Paul, and Mr. Stenholm.

H.R. 1187: Mr. Young of Florida.

H.R. 1248: Mr. Strickland.

H.R. 1293: Mr. Dicks.

H.R. 1303: Mr. Wise.

H.R. 1311: Mr. Bryant.

H.R. 1322: Mr. Hutchinson, Mr. Filner, Mr. Isakson, Mr. Boehlert, Mr. Quinn, Mr. Pombo, Mr. Stearns, and Mr. Gilchrest.

H.R. 1388: Mr. George Miller of California, Mr. Ney, Mr. Roemer, Ms. Danner, Ms. Eddie Bernice Johnson of Texas, and Mr. Mascara.

H.R. 1399: Mr. Rodriguez.

H.R. 1577: Mr. Metcalf.

H.R. 1667: Mr. Wise.

H.R. 1798: Mr. Gordon and Mr. Rodriguez.

H.R. 1850: Mr. Kanjorski.

H.R. 2166: Ms. Pryce of Ohio and Mr. Oberstar.

H.R. 2335: Mr. Cook.

H.R. 2420: Mr. Camp, Mr. McHugh, Mr. Gilman, Ms. Danner, Mr. Manzullo, MR. Goode, Mr. Serrano, Mr. Engel, and Mrs. McCarthy of New York.

H.R. 2451: Mr. Combest.

H.R. 2457: Mr. Barrett of Wisconsin.

H.R. 2495: Mr. Nadler, Mrs. Maloney of New York, Mr. Barcia, and Mr. Holt.

H.R. 2514: Mr. Paul.

H.R. 2548: Mr. Lucas of Kentucky and Mr. Aderholt.

H.R. 2569: Mr. LoBiondo.

H.R. 2593: Mr. Gordon.

H.R. 2631: Mr. Strickland.

H.R. 2635: Mr. Green of Texas and Mr. Wu.

H.R. 2741: Mr. Wexler and Mr. Foley.

H.R. 2790: Mr. Sweeney.

H.R. 2816: Mr. Strickland.

H.R. 2892: Mr. McGovern, Mr. Dooley of California, and Mr. Hall of Texas.

H.R. 3004: Mr. Tierney, Mr. LaTourette, Mr. Price of North Carolina, Mr. Kucinich, and Mrs. Lowey.

H.R. 3006: Mr. Rangel.

H.R. 3058: Mr. Shaw.

H.R. 3116: Ms. Ros-Lehtinen.

H.R. 3144: Mrs. Christensen.

H.R. 3155: Mr. Coyne.

H.R. 3192: Mr. Pomeroy, Ms. Slaughter, Mr. Kennedy of Rhode Island, and Ms. Eshoo.

H.R. 3193: Mr. Smith of Washington and Mrs. Morella.

H.R. 3249: Mr. Evans.

H.R. 3250: Mr. Baca, Ms. Eshoo, Mr. DeFazio, Mr. Deutsch, Mr. Bentsen, and Mr. Coburn.

H.R. 3300: Mrs. Christensen.

H.R. 3466: Mr. Frost.

H.R. 3484: Mr. Oxley and Mr. Greenwood.

H.R. 3514: Mr. Holt.

H.R. 3517: Mr. Stupak.

H.R. 3572: Ms. Brown of Florida.

H.R. 3575: Mr. Baird and Mr. Allen.

H.R. 3580: Mr. Hyde, Mr. Minge, Mr. Everett, Mr. Rothman, Mr. Thune, Ms. Dunn, and Mr. Snyder.

H.R. 3594: Mr. Snyder.

H.R. 3650: Mrs. Lowey and Mrs. Napolitano.

H.R. 3665: Mr. Clement.

H.R. 3675: Mr. Evans.

H.R. 3680: Mr. Thompson of California, Mr. Calvert, Mr. Davis of Florida, and Mr. Gordon.

H.R. 3688: Mrs. Morella and Mr. Hall of Ohio.

H.R. 3694: Mr. Foley.

H.R. 3698: Mr. Calvert, Mr. Wamp, Mrs. Meek of Florida, Mr. George Miller of California, Mr. Wise, Mr. Dreier, Mr. Scarborough, Mr. Kind, Ms. Danner, and Mr. Cramer.

H.R. 3700: Mr. Watt of North Carolina, Mr. McGovern, Mr. Neal of Massachusetts, Mr. Coyne, Mr. Doyle, Mr. Farr of California, Mr. Sandlin, Mr. Holden, Mr. Traficant, and Mr. Rothman.

H.R. 3710: Mr. Towns, Mr. Walsh, Mr. Owens, Mr. Shimkus, and Mr. Wynn.

H.R. 3806: Mr. Tiahrt.

H.R. 3816: Mr. Gonzalez.

H.R. 3842: Mr. Udall of New Mexico, Mr. Lewis of Kentucky, Mr. Wise, and Mr. Luther.

H.R. 3872: Mr. Franks of New Jersey, Ms. Pryce of Ohio, Mr. Crowley, Mr. Oxley, Mr. Coyne, and Mr. Ramstad.

H.R. 3875: Mr. Watkins.

H.R. 3901: Ms. Waters.

H.R. 3905: Mr. Nussle and Mr. Crowley.

H.R. 3911: Mr. Kennedy of Rhode Island.

H.R. 3980: Mr. Salmon.

H.R. 3983: Mrs. Maloney of New York.

H.R. 3996: Mr. McHugh.

H.R. 4001: Mr. Faleomavaega, Mr. Rahall, and Ms. Millender-McDonald.

H.R. 4004: Mr. Campbell and Mr. Capuano.

H.R. 4013: Mr. Phelps.

H.R. 4057: Ms. Lofgren, Mr. Maloney of Connecticut, Mr. Price of North Carolina, Ms. McKinney, Mr. Deutsch, Ms. Schakowsky, Mr. Sanders, and Mr. Rodriquez.

H.R. 4079: Mr. Paul.

H.R. 4091: Mr. Wexler, Mr. Towns, Ms. Eddie Bernice Johnson of Texas, Ms. Norton, Ms. Brown of Florida, Mr. Conyers, Ms. Kilpatrick, Mr. Owens, Mr. Gutierrez, Mr. Stark, Mr. Waxman, and Mr. Cummings.

H.R. 4094: Mr. LaFalce.

H.R. 4098: Mr. Souder.

H.R. 4131: Mr. Gonzalez.

H.R. 4143: Mr. Baird.

H.R. 4144: Mr. Peterson of Pennsylvania.

H.R. 4149: Mr. Whitfield and Mr. Hall of Texas.

H.R. 4152: Mr. Owens.

H.R. 4170: Mrs. CHENOWETH-HAGE.

H.R. 4206: Mr. OWENS.

H.R. 4210: Mr. HALL of Texas and Mr. NADLER.

H.R. 4211: Mr. HOEFFEL and Mr. FROST.

H.R. 4248: Mr. CRANE, Mr. BRADY of Texas, and Mr. WELLER.

H.R. 4250: Mr. BARRETT of Wisconsin.

H.R. 4257: Mr. WATKINS.

H.R. 4259: Mr. KIND and Mr. GALLEGLY.

H.R. 4277: Mr. STUPAK.

H.R. 4308: Mr. FOLEY.

H.R. 4310: Mr. PAUL, Mr. GILLMOR, and Mr. SCHAFFER.

H.R. 4328: Mrs. WILSON and Mr. GREEN of Texas.

H.R. 4334: Mr. UDALL of New Mexico and Mr. STUPAK.

H.R. 4346: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DEUTSCH, Ms. BERKLEY, Mrs. JONES of Ohio, and Mr. GORDON.

H.R. 4366: Mr. MCNULTY, Mr. LANTOS, and Mr. MCGOVERN.

H.R. 4390: Mr. TIERNEY, Mr. BRADY of Pennsylvania, and Ms. LEE.

H.R. 4398: Mr. KLINK, Mr. PHELPS, and Mr. DOOLITTLE.

H.R. 4402: Mr. MCKEON, Mr. BOEHNER, Mr. FLETCHER, Mr. ISAKSON, Mr. BALLENGER, Mr. GREENWOOD, Mr. NORWOOD, and Mr. SMITH of Texas.

H.R. 4431: Mr. CANADY of Florida and Mr. DEUTSCH.

H.R. 4434: Mrs. MINK of Hawaii, Mr. GREEN of Wisconsin, Mr. HOLT, Mr. EHLERS, Mr. BUYER, and Mr. GOODE.

H.R. 4453: Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, and Ms. ESHOO.

H.R. 4467: Mr. STENHOLM and Mr. RAHALL.

H.R. 4478: Mr. EVANS, Mr. MANZULLO, and Mrs. MEEK of Florida.

H.R. 4479: Mr. ALLEN.

H.R. 4497: Mr. MCHUGH.

H.R. 4502: Mr. WALDEN of Oregon, Mr. THORNBERRY, Mr. JOHN, Mr. KINGSTON, Mr. BALDACCI, Mr. DEAL of Georgia, Mr. MCHUGH, Mr. MORAN of Kansas, Mr. BOEHNER, and Ms. PRYCE of Ohio.

H.R. 4529: Mr. TRAFICANT, Mr. DEFAZIO, Mr. COSTELLO, Ms. DANNER, Mr. FILNER, Ms. MILLENDER-MCDONALD, and Mr. CUMMINGS.

H.R. 4531: Mr. DREIER, Mr. COX, and Mr. LEWIS of California.

H.R. 4536: Mrs. MINK of Hawaii.

H.R. 4537: Mr. BARTLETT of Maryland, Mr. HAYES, and Mr. BLILEY.

H. Con. Res. 253: Mr. SENSENBRENNER.

H. Con. Res. 257: Mr. DIAZ-BALART, Mr. FILNER, Mr. BILBRAY, Mr. STARK, Mr. ROTHMAN, Mr. LAHOOD, and Ms. ESHOO.

H. Con. Res. 286: Mrs. LOWEY and Ms. SLAUGHTER.

H. Con. Res. 306: Mr. HOEFFEL, Mr. WEYGAND, Mr. WOLF, Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. MARTINEZ, Mr. FOLEY, Mr. FARR of California, and Mr. SMITH of Washington.

H. Con. Res. 308: Mr. GILLMOR and Mr. ROGEN.

H. Con. Res. 323: Mr. EVANS and Mr. GREEN of Texas.

H. Con. Res. 328: Mr. FARR of California, Ms. BALDWIN, Mr. SOUDER, Mr. ENGLISH, and Mr. KUYKENDALL.

H. Con. Res. 331: Mr. KUYKENDALL, Mr. COBLE, and Ms. STABENOW.

H. Res. 259: Mr. SWEENEY, Mr. GOODE, Mr. WYNN, Mr. TIAHRT, Mrs. NORTHUP, Mr. ROMERO-BARCELO, Mrs. CLAYTON, Mr. DICKEY, and Mr. RILEY.

H. Res. 415: Mrs. MORELLA.

H. Res. 462: Mr. PORTER.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 9 by Mr. MINGE on House Resolution 478: James P. Moran.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 19: Insert at the end of the bill (before the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. Notwithstanding any other provision of this Act, not more than $35,636,999 of the funds made available in this Act may be used for Wildlife Services Program operations under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE", and none of the funds appropriated or otherwise made available by this Act for Wildlife Services Program operations to carry out the first section of the Act of March 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild predatory mammals for the purpose of protecting livestock.

H.R. 4461

OFFERED BY: MR. PALLONE

AMENDMENT NO. 20: Page 78, strike lines 4 through 18.

H.R. 4461

OFFERED BY: MR. STUPAK

AMENDMENT NO. 21: Page 53, line 9, insert "(increased by $20,000,000)" after the dollar amount.

Page 56, line 13, insert "(reduced by $30,000,000)" after the dollar amount.

H.R. 4461

OFFERED BY: MR. TIERNEY

AMENDMENT NO. 22: Page 12, after line 24, insert the following:

Of the funds made available by this Act for the Agricultural Research Service, $500,000 shall be available for the report required under this paragraph. Not later than September 30, 2001, the Secretary, acting through the National Academy of Sciences, shall complete and transmit to Congress a report that includes recommendations for the following:

(1) The type of data and tests that are needed to sufficiently assess and evaluate human health risks from the consumption of genetically engineered foods.

(2) The type of Federal monitoring system that should be created to assess any future human health consequences from long-term consumption of genetically engineered foods.

(3) A Federal regulatory structure to approve genetically engineered foods that are safe for human consumption.

SENATE—*Thursday, May 25, 2000*

The Senate met at 9:31 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, all through our history as a nation, You have helped us battle the enemies of freedom and democracy. Many of the pages of our history are red with the blood of those who paid the supreme sacrifice in just wars. Lord God of Hosts, be with us yet. Lest we forget, today has been designated as the Day of Honor 2000, to give special recognition to the living minority veterans of World War II throughout our Nation. May we never forget the patriotism of these brave men and women who fought to liberate humankind from the evil grip of Axis tyranny. Enable us to express our debt of gratitude to these gallant Americans by pressing on in the ongoing battle against racial division in our society. Cleanse all prejudice from our hearts and give us courage to work for equality in education, housing, job opportunities, advancement, and social status for all Americans. Help us to honor these minority veterans today as we press on to banish vociferous expressions of hostility and hatred in our society. Shed Your grace on us, crown Your good with brotherhood from sea to shining sea. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 2000.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. L. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now begin a period for the transaction of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, the time until 10 a.m. shall be under the control of the Senator from Delaware, Mr. BIDEN, or his designee.

The Senator from Delaware.

NATIONAL MISSILE DEFENSE

Mr. BIDEN. Mr. President, I rise this morning to speak about an issue that is going to consume, over the next couple years, a fair amount of this body's time. If there were a contest to name a foreign policy issue that just won't go away, national missile defense would surely be a top contender.

The United States has been researching, developing, and sometimes deploying ballistic missile defense systems for almost 40 years now. Throughout this period, the issues of whether to deploy such a system and what system to deploy have prompted intense and often partisan debate. That debate continues today.

Two events this week argue strongly, however, for a pause in the partisan wrangling that so often accompanies this debate. The first event was Gov. George W. Bush's call on Tuesday for the President of the United States "not to make a hasty decision, on a political timetable" regarding amendments to the Anti-Ballistic Missile Treaty and deployment of a national missile defense.

Anyone on this floor knows that we voted in the last year, assuming that funds are provided and consistent with a policy of continued strategic arms reductions, to deploy a limited national missile defense system "as soon as technologically feasible," and the majority of the Senate voted for that. There has been a bit of a rush, to use the expression we use on the floor, to take steps by the end of this year to "pour concrete in Alaska." That is a euphemism for saying we have to put certain radars up in Alaska in order to meet the timetable to erect by 2005 a limited national missile defense that will defend against, theoretically at least, weapons that may or are likely to be deployed by the North Koreans.

Ninety-nine percent of the American people don't even know what we are talking about because we have not yet debated it, and it is going to cost $30 billion at the low end, probably a lot more. They have not heard that number before. What has happened is that we have been in a headlong rush to be in a position to be able to deploy that system in time to meet the looming threat from North Korea.

Now Governor Bush comes along, the putative candidate for President of the United States in the Republican Party, and says: Don't make a hasty decision, Mr. President, on a political timetable.

Well, really, we are on a political timetable. What is moving this national missile defense proposal forward as rapidly as it has are the likely events in North Korea over the next 5 to 7 years and a political timetable on the part of some of my Republican friends. Fortunately, Governor Bush has stepped in and said: Let's slow all this down; let's think about this. I think we should listen to him.

A second event is Secretary of State Albright's journey to Florence, Italy, where she is making the case for national missile defense to our increasingly nervous allies, who oppose this notion of a limited national missile defense.

What shall we make of Governor Bush's stance on national missile defense? He proposes a missile defense to defend not only the United States but also our allies. That is a different proposal from that which we have been legislating on for the past 2 years. He also proposes not only to defend against missiles from so-called rogue states, such as North Korea, Iran, and Iraq—which has been the rationale offered as to why we have to move so rapidly toward a national missile defense—but also to protect against accidental launches from anywhere in the world.

If we are to defend our allies as well as ourselves, then we are going to have to build a much larger missile defense system than the one being proposed by the Pentagon and the one we have been debating in the Congress for the past year and a half. If we are to defend against accidental launches from any country rather than only attacks from a specific state, then we cannot rely upon the sort of land-based or sea-based boost-phase system that I and others have been supporting as a means

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

of reconciling defense with deterrence, which is different from the system proposed by the Pentagon.

Governor Bush stated properly that "deterrence remains the first line of defense against nuclear attack." I assume that means he believes the ABM Treaty is essential, as it is a vital building block in that first line of defense against nuclear attack.

Governor Bush promised, properly, that if he were elected President, he would consult with our allies as he developed specific missile defense plans. I, too, have been suggesting, to my Senate colleagues and in high-level meetings, that we had better darn well understand what our allies think about this.

My good friend, Senator KYL, who is one of the brighter fellows here and who strongly supports national missile defense, said we should not let what our allies have to say affect what we do. I don't think it is that simple. Governor Bush now comes along and says he wants to make sure we consult with our allies. That is what he would do first after becoming President. This is clearly something we would want to have already done that before we decided to deploy any such system.

The push to deploy a system, without working out something with our allies, has not come to fruition yet. But Governor Bush points out another flaw in the argument for proceeding rapidly. He also acknowledges the need to convince Russia that the United States' missile defenses would not be aimed at Russia.

Governor Bush indicated a willingness to lower U.S. force levels—although he confuses me. He says "lower U.S. force levels below the START II levels." We have already basically agreed to that in the START III framework that was set in 1997. Is he talking about lowering U.S. nuclear force levels below the 2,000-to-2,500 figure proposed at Helsinki? Or is the suggestion that we lower them only to that level? He was a little unclear in how he stated that, and he leaves me a little unclear—indeed, totally unclear—as to what he means.

Governor Bush also suggests that there is a need to move nuclear forces off the hair-trigger alert they are on. I agree. I think he is absolutely right about that. Indeed, Governor Bush stated that "the United States should be willing to lead by example" in this area.

At the same time, however, Governor Bush spoke approvingly of "laser technology" and of "a space-based system." Now, this will surely strike others as it did me—as an allusion to Reagan's support for the "Star Wars" system of the 1980s, a notion that has been pretty soundly rejected up until now. It will raise legitimate fears, it seems to me, that a missile defense system deployed by the United States, whatever its size at first, would be enlarged to threaten the deterrent capacity of China, and eventually that of Russia.

Would Governor Bush withdraw from the ABM Treaty in order to "fully explore these options?" To fully explore the options of laser systems, of space-based systems—does that mean he is going to withdraw from the treaty he seems to imply is the building block upon which our deterrence rests? Or would he defer any decision on deployment until we were certain that the proposed system would successfully meet all of his criteria? His decision in that regard could determine whether his proposal prompted allied support or made them conclude that the United States was choosing missile defense foolishly or recklessly.

Admittedly, this was just a press conference, and Governor Bush has not had a chance to flesh this out. But the bottom line is that he is saying: Whoa, slow up, there are a lot of things we haven't answered. We should not keep this on a political timetable.

I wonder whether Governor Bush thought through all the implications of his missile defense proposals. How would he assure Russia that the United States would not seek to substitute defense for deterrence—an assurance he says is necessary? How would he avoid an arms race between Chinese missiles and American defenses? Or between China and India? Or then between India and Pakistan?

My own view is that the risk of a nuclear arms race in Asia would be the most dangerous consequence of deploying a national missile defense that was not limited to defending against the missiles of specific target states. I fear that such an arms race would be terribly costly and would destabilize China's relations with its neighbors, and that the resulting instability would lead to Japan, Taiwan, or South Korea building nuclear weapons. They have the capacity to do that, and I truly believe they might, if an Asian arms race were to occur as a result of our missile defense deployment.

Last week, the Los Angeles Times reported that a U.S. intelligence official warned "that construction of a national missile defense could trigger a wave of destabilizing events around the world and possibly endanger relations with European allies."

Possible consequences reportedly include China fielding hundreds more missiles, putting MIRVed warheads on its missiles—which it does not have now—and adding countermeasures. We all know that they are measures added to a ballistic missile in order to fool any defensive system. The missile puts out a lot of little things—anything from balloons to what most people would think would be just like little pieces of metal. It is a lot more complicated than that, but the effect is to fool the defensive system as to which object has the nuclear warhead. That is what we mean by countermeasures. They are not hard to field. They haven't yet been fielded by China to any significant degree, to the best of our knowledge. But a U.S. intelligence official foresees China adding countermeasures to frustrate U.S. defenses and, in the words of that intelligence official, "selling countermeasures for sure" to countries such as North Korea, Iran and Iraq.

This is precisely the sort of concern I have been raising for the last several months. I went to a defense conference in Germany with many of the people in the Senate, in the House, and in the Defense Department, as well as the defense establishments from all our allied nations—even some who are not members of NATO. I raised that very question there.

No one had an answer, I might add, when I raised the question among all the defense experts. Everybody is prepared to give an estimate of what the North Koreans are likely to do in terms of building not only nuclear capability, but also the capability to have a missile with a third stage that could reach the continental United States, that could not only carry a nuclear warhead, but also be used in chemical or biological warfare.

I asked: Can anybody give an estimate to the President as to what the Chinese would likely do if we deployed a national missile defense system? They now have fewer than two dozen intercontinental ballistic missiles. That seems to be a pretty good thing to me. I would not like to see China go to 200, or 400, or 800, or 1,000, which is fully within their capacity. I would not like them to do what the L.A. Times reports that a U.S. intelligence official raises as a possibility. I would not like to see them MIRV their warheads. I would not like to see them have more sophisticated nuclear weapons. I kind of like it where they are.

Now, I also raised the question, Has anybody calculated or laid out for the President of the United States what the likely scenario is if China were to significantly increase their arsenal? What would happen in India? What would happen in Pakistan? Has anybody raised this possibility of that being of concern to the Japanese? Well, the truth is, no one had an answer.

I even went to a high-level meeting in the Defense Department a couple of months ago, with the Secretary of Defense, other high officials, and those in charge of developing this system. I raised the same question again before the Foreign Relations Committee, on which the occupant of the Chair sits. I asked specifically—and he may have been there—the Director of the CIA if they had done such a study. Apparently, one is underway. Apparently, people are beginning to focus on the other side of this equation.

The fundamental rationale for our strategic doctrine is to guard Americans from harm, as best we can, to guarantee the security of those young Senate pages sitting up there and their children and grandchildren. Are we better off with a missile defense system as contemplated and an arms race in Asia, if that were to occur?

Or are we better off with the risk that might come from North Korea, if they developed a third stage that could reach the United States and we relied instead upon deterrence? I have not made that final judgment in my own mind. But I know one thing. We don't have enough information now to make a final judgment.

All this leads me to conclude that the risks inherent in doing without a national missile defense at this moment might be less than the risk we would accept in building either the Pentagon's proposed missile defense or the sort of defenses that Gov. George Bush has proposed.

Brent Scowcroft, former National Security Adviser in the Ford and Bush administrations, is also allegedly concerned. The Los Angeles Times reported that he called the scenario of an Asian nuclear arms race "plausible" and warned: "We ought to think whether we want the Chinese to change their very minimalist strategy."

I know I don't want China to change their minimalist strategy. I believe anybody who thinks we can affect that outcome would not want China to change its minimalist strategy. I say this—speaking for myself, and clearly not for Brent Scowcroft—not merely because of the added threat that it would pose to the United States of America, but also because of what that would most assuredly cause to happen in India, and what that almost assuredly would cause to happen in Pakistan, and elsewhere.

Can anyone in this Chamber suggest to me that if China were to change in a robust fashion their nuclear strategy, that officials are going to sit in Tokyo, and say: You know, let's not worry about this; this is not a problem; we have the American nuclear umbrella? As much as I love our Japanese friends and allies, the last thing I want to see come out of this debate that we are going to have in the next weeks and months, and hopefully next year or so, is a nuclear Japan.

I hope General Scowcroft, who is a senior adviser to Governor Bush, will encourage his very important pupil to think carefully about this.

Just as I have concerns regarding Gov. Bush's position on national missile defense, so do I have concerns regarding the Pentagon's proposed system and the hurried pace at which a deployment decision is being forced upon the President.

Some of my concerns are those of a supporter of arms control, but others relate to the apparent shortcomings of the system the Pentagon proposes.

Renowned scientists and former defense officials have said that a land-based missile defense aimed at incoming warheads cannot do the job.

The current National Intelligence Estimate on the foreign missile threat to the United States warns:

> We assess that countries developing ballistic missiles would also develop various responses to US theater and national defenses. Russia and China each have developed numerous countermeasures and probably are willing to sell the requisite technologies.
>
> Many countries, such as North Korea, Iran, and Iraq probably would rely initially on readily available technology—including separating RVs, spin-stabilized RVs, RV reorientation, radar absorbing material . . ., booster fragmentation, low-power jammers, chaff, and simple (balloon) decoys—to develop penetration aids and countermeasures. These countries could develop countermeasures based on these technologies by the time they flight test their missiles.

Decades ago, when missile defense research began during the Cold War, the goal was not a perfect defense.

Rather, the idea was that by limiting our casualties—both in human lives and in retaliatory forces—a missile defense would buttress our ability to fight and win a nuclear war.

Missile defense supporters saw such an imperfect national missile defense as a contributor to deterrence, even though the Nixon administration eventually concluded that it was better to bar such defenses than to engage in an arms race involving both offensive and defensive weapons.

Modern proposals for a limited national missile defense are very different, however. They are aimed at deterring countries that would have no hope of defeating the United States in a nuclear war, but would seek to deter or to punish us by building a capability to destroy one or more American cities.

To defend against those threats, one's defense must be perfect. Merely limiting the destruction will not suffice.

I wonder whether the operational effectiveness of the Pentagon's proposed missile defense will really be sufficient.

If a system can kill each warhead 95 percent of the time, then the odds are 1 in 3 that an 8-warhead attack will get at least one warhead through and destroy a U.S. city. If the system can kill each warhead 98 percent of the time, there will still be a 1-in-3 chance that an attack with 21 warheads will get at least one bomb through.

In the days when the Presiding Officer and I were younger men, there used to be a bumper sticker that people would put on their car: "One nuclear bomb can ruin your day"—one warhead getting through. If the objective is to deter against any of these rogue states, a missile defense must be perfect.

Missile defense supporters cite the need to avoid being blackmailed by North Korea or Iraq. But I find it hard to see how a national missile defense will give us freedom of action in Korea or the Middle East, if there is still one chance in 3, or even one chance in 5, that a modest attack will wipe out a whole American city.

In light of that reality, it is equally hard to understand the Pentagon's commitment to the proposed system, except as the product of bureaucratic inertia and political pressure to deploy the first system it could find.

When the Foreign Relations Committee held hearings on missile defense last year, I asked all our witnesses—both supporters and opponents of national missile defense—whether they would support a system limited to that which the Pentagon proposes. Not one of them, proponent or opponent, was prepared to do so.

Two commissions chaired by Gen. Larry Welch, former Chief of Staff of the Air Force, have criticized the testing program for the Pentagon's national missile defense system. The term "rush to failure" has become part of our everyday vocabulary. We should be equally attentive to Gen. Welch's warning that we are unprepared to determine the "deployment readiness" of national missile defense, despite the name of the Defense Department's forthcoming review.

The Pentagon's director of operational test and evaluation has voiced similar concerns regarding the limits of our national missile defense testing program.

His concerns were seconded last month by the American Physical Society, which warned:

> A decision on whether or not to deploy the NMD is scheduled for the next few months. The tests that have been conducted or are planned for the period fall far short of those required to provide confidence in the "technical feasibility" called for in last year's NMD deployment legislation.

The American Physical Society is the premier professional group for physicists in this country. They take no stand on national missile defense itself. They deserve our bi-partisan attention.

In recent weeks, former senior officials have counseled delay. Listen to President Reagan's former National Security Advisor, Robert McFarlane: "Still more work is needed before a decision on deployment is made."

Listen to President Carter's former National Security Advisor, Zbigniew Brzezinski:

> The bottom line is that at this stage there is no urgent strategic need for a largely domestically driven decision regarding the deployment of the national missile defense.
>
> The issue should be left to the next president—to be resolved after consensus is reached with our allies both in Europe and in the Far East, after more credible evidence becomes available regarding the technical feasibility and probable costs of the national

> missile defense, and after compelling intelligence estimates are aired regarding the origin, scale and timing of likely new threats to the United States and its allies.

In a forthcoming article, former Secretary of Defense Harold Brown writes: "deployment of the present NMD system should be deferred." He is joined in that recommendation by two former Deputy Secretaries of Defense, John Deutch and John White.

Former Secretary of State Henry Kissinger says: "In the light of recent ambiguous test results and imminent electoral preoccupations, it would be desirable to delay a final technical judgment until a new administration is in place."

As we all know, the motivations behind these bi-partisan recommendations are often very divergent.

Many Republicans fear that President Clinton will purposely strike a deal with Russia to limit U.S. missile defenses to an ineffective system, hoping that such a deal will make it politically untenable for a Republican president, were one to be elected, to go beyond it.

I do not share those fears. The Administration has made clear to Russians and Republicans alike that its proposed ABM Treaty protocol would be only a first step.

My fear is rather that the President will be sandwiched: between Russia, which doubts both our intent to deploy a missile defense system and our willingness to limit it; and Republicans, who have tried to make this a partisan campaign issue and have even urged Russian officials not to negotiate with the President of the United States of America.

My fear is that the President—in order to show Russia that he is serious, and under pressure from Republicans accusing the Administration of being "soft" on the issue—will order the Defense Department to proceed with the deployment of a system that all of us know is the wrong one to build.

The time has come to set our fears aside. The fact is that, whatever our views on the wisdom of putting our trust in a national missile defense, many of us oppose the system proposed by the Pentagon.

Whatever our views on the larger issues, many of us would be content if the President were to defer both a deployment decision and the choice of a missile defense architecture, and let his successor grapple with those issues.

It is also a fact, however, that the President has been under political pressure to proceed with deployment, despite the technical and strategic concerns that many of us share.

If missile defense supporters maintain that pressure, they increase the risk that a poor system will be deployed, rather than one that meets our country's needs by any rational measure.

I therefore call on the two major presidential campaigns—that of Gov. Bush and that of Vice President GORE—to agree not to seek partisan advantage if the President defers a missile defense deployment decision.

I call on all of us in the Congress to give the President the freedom of action to make his decision without political sniping.

I also call on both campaigns to agree that negotiations for a pathbreaking START III agreement should continue. Gov. Bush stated that he would:

> . . . ask the Secretary of Defense to conduct an assessment of our nuclear force posture and determine how best to meet our security needs . . . [and] pursue the lowest possible number consistent with our national security.

He added that "the United States should remove as many weapons as possible from high alert, high-trigger status, another unnecessary vestige of Cold War confrontation."

There is no reason to defer these two ideas until next year.

The Joint Chiefs of Staff has said that it cannot go below the Helsinki target of 2,000 to 2,500 warheads for a START III agreement unless the President changes the nuclear targeting guidance.

Gov. Bush has implied that he would seek the Pentagon's advice on alternatives to that guidance, however, and President Clinton should do the same.

In summary, the longest-lasting foreign policy debate is not likely to be settled any time soon. There is widespread agreement, however, that we should not let this debate lead us into unwise decisions.

With goodwill on both sides, we have an opportunity to suspend the partisan wrangling and let our current and future leaders make their decisions in a rational way. Let us all work together to achieve that shared objective.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Wyoming.

CONGRESSIONAL ACCOMPLISHMENTS

Mr. THOMAS. Mr. President, I wanted to talk a little bit about the things we have accomplished in this last session of the Congress, the first year, which is over. We are into the second year of this 106th Congress.

We are having a little problem moving along, of course, and we are trying to find a way to avoid holding up progress after the filing of unrelated amendments that have turned out to be filibusters. I hope we can get around that and move forward with the 13 appropriations bills we have.

We ought to recognize this has been a productive session. We have done a great deal. But there are a number of things I think are of particular importance to the American people. One, obviously, is to do something with the Social Security retirement system. We have done a great deal with that over the last year. Although there still needs to be some systematic changes made to the program, we can ensure that the program will be there over time.

We have made a very significant movement by providing that the 12½ percent of our earnings paid into Social Security by everyone who works in this country is, in fact, used for Social Security. Historically, over a very long time, those dollars have been used for many non-Social Security programs. Because of this Republican Congress, because of the lockbox idea, we have put that money aside. It is not being spent for other items. That is very significant.

I hope we can proceed and look at alternatives to ensure that the young people who are now just beginning to pay into the program will have a program of benefits when the time comes for them to be eligible for the benefits. Frankly, the program has changed in terms of the profile of people. When we began, there were some 20 people working for every one drawing benefits. Now it is less than 3 and will be down to 2.

Obviously, things have to be changed. There are some options: We can raise taxes. I don't know of anyone excited about that. We can reduce benefits. The same is true with that. Or, indeed, we can take a portion of those dollars and make them individual accounts for each person—2 percent out of the 12 percent is what we are talking about—and let that money be invested in their behalf, invested in equities, let it be invested in bonds, let it be invested in a combination of their choice, for their retirement, or as part of their estate if they are not fortunate enough to live.

The issue most talked about is education. Only about 7 percent of the finances of education in this country, elementary and secondary, are provided by the Federal Government. There is a great deal of discussion about how that is allocated and how it is made available. The big debate, and the reason we haven't gone further with elementary and secondary reauthorization, is there is a difference of view.

My friends on the other side of the aisle believe if the Federal Government is providing the money, it ought to also provide the rules as to how it is used. We think that is not the most effective way to use the money.

I come from Wyoming. We have some very small towns in our relatively small State. In Chugwater, WY, where I attended a graduation ceremony this week, with 12 graduates from high school, they have different needs than Pittsburgh, PA.

We need to have the flexibility. We say let's help make education stronger, but let the local people decide how that is done. We have been working on that.

Another area is economic opportunities for all Americans. We have done that in terms of tax relief. Unfortunately, the bill that was passed in this Congress was vetoed by the President, denying relief for hard-working Americans. However, we were successful in passing a Republican bill that eliminated the penalty on earnings in excess of Social Security income. Instead of having to pay taxes on $1 out of $3, we have removed that, to encourage people to continue to work and earn money.

Another is national security. I suspect there is nothing more important. There is no more logical role for the Federal Government than defense. No one else can do that. Over the last several years, this administration has not adequately funded defense. Now we have to do that, particularly since we have a volunteer service. There has to be some attraction to that. There has to be an attraction to get men and women to go into the service and, maybe even more difficult, once they are trained to doing things, to work as pilots or mechanics or whatever, to keep them there. That is very difficult. So we have made some progress in that area.

I think there are a lot of things that have been done. I mentioned Social Security and taking care of the surplus. I think that is a real plus for this Congress, that we have a budget surplus. For the first time in probably 40 years, we have a budget surplus. We are not spending Social Security money. Indeed, this time there will be, hopefully, more money than is necessary to conduct the business of the Federal Government.

Of course, several things can happen with that money. One, we can make sure we start to pay down the debt. I mean pay down the debt with real dollars, not simply putting in Social Security dollars there as well. We stopped the raid on the Social Security fund and began to make some reduction in the debt that we have. The interest on that debt has been almost the second largest item in the Federal budget for a very long time. We can change that. Of course, if that is done, and done properly, we can move on to some tax relief, which I think is something we ought to do.

I mentioned our efforts on elementary and secondary education. We also were able to take the first step in passing the Ed-Flex program which, again, provides more opportunities for local people to use those Federal dollars as they need them. Some schools need capital construction, some need computers, some need more teachers or smaller classrooms, but each school district has a little different need. We want to make sure they have an opportunity to make that decision. We also need to ensure the money is not spent by the bureaucracy in Washington but in fact finds its way to the schools on the local level.

Overall tax relief is still something we need to do. We have done a great deal on that so far and can do substantially more.

I mentioned what we did on Social Security, and we need to go further.

On national defense, the Senator just before me was talking about missile defense. Certainly, we need to continue to explore that. We need to continue to have a strong military. In my view, that is our best chance for peace in the world—to continue to have a strong military.

I had the good fortune a couple of weeks ago to visit the Space Command in Colorado Springs. I am impressed with what they are doing to find a way to have a missile defense program that will allow us a deterrent so we can move forward with other kinds of things. We were successful, and I believe we acted properly, not ratifying the Comprehensive Test Ban Treaty so we could continue to test our weapons and make sure they are as they should be.

We have made some real progress in trade. The African trade bill is out there. It was signed into law in May. We can do something with that. Yesterday, the Permanent Normal Trade Relations for China was passed by the House and will be over here now. I happen to be the chairman of the subcommittee on Asia and the Pacific rim. I do believe certainly we have to verify the things happening in that area of the world, but there is good evidence we can make more progress bringing about change by being involved as opposed to isolating and seeking to stay away from that. So certainly there is a great deal to be gained there.

We have made some progress in high tech. The Y2K bill was an important piece of legislation, and the Satellite Television Improvement Act, particularly for rural States where people do not have access to cable. It has not yet been completed, but we have made some real movement on that. We hope to have that completed so people all across the country can have the same opportunities, both in satellites and TV, and also, of course, in infrastructure for high-tech broadband coverage. We are moving forward on the opportunity to do that. We must move in that direction.

Health care is an area on which we have to move forward. This Senate has passed a Patients' Bill of Rights that would provide for patients in HMOs to have some immediate referral, so if there is a question about the procedures, rather than having to go to court or having someone in an office far away decide what you can do, you have an appeal to a physician as to what that ought to be. Unfortunately, that bill is still in conference, but we think it will be out very soon.

One of the things we have done in this Congress that was particularly important was the Welfare Reform Act—of 1996, actually. This Republican Congress passed that. We have helped people find jobs, helped people move into opportunity instead of dependency. That is something I think has been very useful to all Americans.

We have a ways to go, of course. We constantly have things to do here, as we should. On the other hand, we have also moved forward and made a good deal of progress in this Congress. We have an opportunity to do more. As I mentioned, unfortunately, we have come to kind of a slowdown here, using the techniques, using the process to force issues. What it really does is slow down everything we do.

There is clearly an opportunity for differences of view; that is what this place is for, to talk about differences, to disagree, if you please, as to the role of Government and what ought to be done. But the idea of using irrelevant issues to hold up progress on the things we all know we have to do—and I am particularly talking about the appropriations bills that obviously have to be passed. Frankly, we are anxious to get them done early so we do not run into the same problems we had several years ago where we could not get it done and had to put it all in one package at the end. The President then used that as leverage on the Congress. He threatened and, indeed, did shut down the Government to be able to force things through this Congress that the Congress did not want to do. We should not let ourselves get into that position again, certainly not this year.

Mr. President, I am expecting other Senators to come for this time period. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I want to follow my colleague's remarks with some thoughts of my own concerning the appearance that the Senate is not getting anything done these days, and talk a little bit about the reasons why. Anybody watching the Senate proceedings over the course of the last couple of weeks would probably wonder what we were accomplishing and would have some reason to criticize the Senate for not getting a lot of business done.

What is the reason for that? I think it is very important, and that is why I wanted to come to the Senate floor to talk about it because I am becoming very frustrated at the tactics of many people on the other side of the aisle, the Democratic minority, in attempting to preclude the Senate from doing its business, the people's business.

We have important legislative initiatives that the majority leader has tried to bring before the Senate repeatedly, and repeatedly he has been thwarted by the minority which seems intent on bringing the Senate to an absolute stop, to a standstill, to prevent it from doing any business unless the majority accedes to the minority's request that they be permitted to offer amendments which are nongermane, irrelevant, to the subject matter of the Senate.

When people reflect on the organizations to which they belong and their understanding of things as basic as Robert's Rules of Order, they appreciate that almost any organization has to have certain rules under which to live.

In the House of Representatives, as the Presiding Officer is well aware, both of us having come from the House of Representatives, there are pretty strict sets of rules to apply. There are 435 people in the House, and if they all did what they wanted to do, they would never get anything done. We pretty much have to talk about things that are germane and relevant to the pending business, and if we do not, someone can make an objection that this is out of order, and everybody knows under Robert's Rules, one can say: Mr. Chairman, that's out of order; that's not relevant to the subject we are supposed to be discussing.

In the Senate, the rules are much more liberal. Members generally work together on things and do not enforce the rules as strictly as they are enforced in the House. Nevertheless, the Senate has essentially always had rules respecting germaneness and relevancy, and until very recently, we could make an objection that a proposed amendment, for example, on an appropriations bill was not germane or was irrelevant, and in order to continue to debate that amendment, the proponent would have to get 60 Senators to agree to do that, to overrule the ruling of the Chair that the amendment is not germane or irrelevant.

I know this is all somewhat procedure and it may make some eyes glaze over, but it is an important foundation for my point. We decided if we were going to do the business of the people, we had to ensure we could get on with it and not have a lot of riders on these appropriations bills and, therefore, we would begin enforcing rule XVI, which says if a Senator is going to debate something, it needs to be relevant or germane to these bills. That is the basic issue that has members of the minority upset.

How dare you gag us, they say. Gag them? Nobody is being gagged. We are simply going to enforce the rules that say if you are going to propose an amendment, it needs to be relevant or germane. Everybody in the country understands that—the organizations to which they belong. Why wouldn't the minority want that? Because they want to accomplish two objectives apparently: One is to prevent the majority from accomplishing anything this year so they can call us a do-nothing Congress; in other words, create a self-fulfilling prophecy. By preventing us from doing anything, they will criticize the majority leader for not doing anything.

The other objective apparently is to be able to debate their agenda, things such as gun control and the minimum wage, maybe prescription drugs, and so on, on their timetable. So whatever bill we bring up, they try to attach to it an irrelevant or nongermane amendment relating, for example, to gun control.

We have had lots of gun control debates. I remember 2 weeks last year when the majority leader finally said: OK, we will have the debate; it will be on the juvenile justice bill. We voted on lots of amendments, including some the minority really liked. We had that debate; we had those votes; but that was not enough. It appears we have to talk about these things all of the time because that is what is going to be politically popular in this fall's elections.

That is wrong. To tie up the people's business, to tie up the Senate for political gain is wrong. If any of the members of the minority are engaging in this procedure for that purpose, they clearly ought not to.

We have accomplished a lot this year, notwithstanding these tactics. I note things such as repeal of the Social Security earnings test, something Republicans wanted to do for a long time, and the Presiding Officer and I have been working on for a long time; the budget resolution, which maintains a balanced budget—we got that done; bills such as the African-Caribbean free trade bill; financial services modernization; the FAA reauthorization—a lot of different pieces of legislation that are good, that help maintain a part of our economy or ensure we are going to have a balanced budget, for example.

There are many other pieces of legislation we want to pass. We want to pass the marriage tax penalty relief bill to do away with the marriage penalty in the IRS Code. The minority will not let us bring it for a vote. They say they are for it, but they are not going to let us vote on it.

It is the same thing with the reauthorization of the education bill. This is a bill that needs to be reauthorized because it deals with all of the rules under which the Federal money goes to the States to support primary and secondary education. The minority will not let us vote on it.

Appropriations bills: We have to pass 13 appropriations bills to keep the Government running. People get mighty upset when the Government cannot continue to operate. Who is stopping us from acting on these appropriations bills? The Democrats in the Senate will not let the majority bring these appropriations bills up, except one. We can bring up the legislative branch appropriations bill, the bill that provides the money to run the Congress. They will let us bring that one up but none of the others.

We have a very important agricultural supplemental appropriations bill to help out farmers in this country. Democrats will not let us bring it up. When I say they will not let us bring it up, people say how can they stop you? Under the rules of the Senate, one Member can object to any piece of legislation being brought up for its consideration or being voted on, and in order to override that person's objection, you have to get 60 Members of this body to agree to override that and proceed to a vote or proceed to consideration of a bill. That is called invoking cloture.

There are 55 Republicans and there are 45 Democrats. On these procedural matters, the Democratic Members tend to vote in a block, the net result of which is we can never get 60 votes to proceed with business. Because of the party loyalty and the partisanship that has gotten involved in our legislative agenda, we are not able to move matters forward because there is an objection to proceeding. That is why I say members of the minority preclude us from moving forward and doing the people's business.

We wanted to pass a very important amendment to me, and I note to the Senator from California, Mrs. FEINSTEIN, who is on the floor now—the crime victims' rights constitutional amendment. Frankly, parliamentary tactics were used and threatened to make it clear that we would be debating that bill for weeks, something that obviously we did not have time to do if we were going to do the other important business of the Senate. Senator FEINSTEIN and I had to pull that bill down.

Since I am being critical of Members of the Democratic minority, let me say that there have been some Members, such as Senator FEINSTEIN, who have worked very closely with me and others to try to move some of these important bills forward.

We all get caught up in our own partisan battles here. That is to be expected. It is a political year, after all. It seems to me we can and ought to agree there are some things so important that we ought to get together as Democrats and Republicans and move the legislation forward.

One of them clearly is the education bill. Another is the repeal of the marriage tax penalty. Another is the appropriations bills. For the life of me, I do not see why there have to be objections to bringing forward appropriations bills, and I do not subscribe to the notion that it is wrong for us to bring those bills forward if members of the minority cannot seek amendments which are nongermane or irrelevant.

We all know what Robert's Rules provide. Those are not the rules of the Senate, but we all understand why we have to have rules such as that, and that is to keep the process moving along so that we can do the important business we have to do.

I am very frustrated today, Mr. President. It is obvious because I do not ordinarily come to the floor, and I do not like to criticize in a partisan way. But people have to understand today or tomorrow we are probably going to begin the Memorial Day recess, which means there will be another 12 or 13 days of nonaction in the Senate, the net result of which will be we are way behind getting our business done, especially the appropriations bills to run the Government.

The danger is that there are not very many opportunities for us to get these bills done before the Senate has to adjourn for an election this year, and we will end up, instead of focusing on each of the appropriations bills, in turn having to put it all into one giant appropriations bill.

What happens when we do that? Every Member comes back to the Senate months later and says: I didn't know they put that in the bill. Nobody has a chance to read these giant omnibus bills. So we vote on bills we haven't even had an opportunity to read. Staff gets all kinds of things inserted. People on the inside get all kinds of things inserted in the legislation. We find out weeks later about the mistakes we have made. It is impossible to have a good, informed vote on a bill.

The other danger, of course, is that it is easier; that instead of resolving disputes and prioritizing spending, by offsetting this spending with this savings—for example, in those last days to put together these giant omnibus appropriations bill—you don't make those hard decisions; you just add more money. So you resolve the dispute by saying: we are taking care of you, and we are taking care of you. And pretty soon we have busted the budget. Most importantly, we may make the mistake of spending Social Security surplus money.

This past year, we did not spend a dime of Social Security surplus money. The previous year, we saved most of that Social Security surplus from being spent. Republicans, this year, are committed not to spending any of the Social Security surplus. But, unfortunately, I will make this prediction: If we get into this giant omnibus appropriations process at the end because we could not do our business during the weeks we have now to do that business, we are going to end up spending Social Security surplus money. I will never vote for such a bill. I think, therefore, we ought to be very careful about getting ourselves into that box.

Mr. President, I appreciate the opportunity to speak to this issue. I hope people with goodwill can work it out, so when we come back from our recess, we can begin to get the people's business done and get it done on time. It is important for the future of this country.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2603) making appropriations for the legislative branch for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Mikulski Amendment No. 3166, to express the sense of the Senate commending the United States Capitol Police.

AMENDMENT NO. 3166

The PRESIDING OFFICER. There are 10 minutes available for debate on the pending amendment.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, yesterday I offered an amendment to the legislative branch appropriations bill commending the Capitol Police, and all the employees of the legislative branch, and recommending that we keep the Senate funding levels in conference.

I also complimented the outstanding leadership provided by Senator BENNETT, the Chair of the legislative appropriations subcommittee, as well as Senator FEINSTEIN, the ranking member of the subcommittee, who really moved this legislation in a way that I think meets the responsibilities we have to the American people.

The best way we can show our responsibility to the American people is to really let them know that the men and women who work at the U.S. Capitol are needed and valued.

My amendment is not about money, it is about morale. We want to say to the men and women who work at the U.S. Capitol that we know who you are and we value what you do. You are the men and women who work in this building for the American people. You serve the Nation.

The Capitol Police protect this building, which is a symbol of freedom and democracy the world over. The Capitol Police ensure that everyone who comes to the U.S. Capitol is safe and secure, including Members of Congress and staff.

The Capitol Police are brave. They are resourceful. They are tough. They are gallant. They protect you whether you are a foreign dignitary, such as Nelson Mandela, or a member of a Girl Scout troop from Maryland.

We need to make sure they have their jobs, they have their pay, they have their pension, and they have our respect. That is what my amendment is all about: To support the Capitol Police and the other employees of the legislative branch.

I was deeply disturbed at the House bill which cut over 1,700 employees of the legislative branch. This isn't about bureaucracy. The people we are talking about are the 117 people from the Congressional Research Service. That is the body that is absolutely dedicated to giving us unbiased, unpolitical, accurate information so we can make the best decisions in our approach to forming public policy. We turn to them for models for the Older Americans Act and for ideas on new technology breakthroughs to be pursued. We have to make sure we have the Congressional Research Service and that they have the staff they need to do their job.

Also under the House bill, 700 jobs would be cut from GAO. Every Member of the Senate who is fiscally prudent knows we need the GAO. It is not about keeping the books, but it is about keeping the books straight. We continually turn to the GAO to do investigations of waste and abuse, to give us insights on how to better manage and be better stewards of the taxpayers' funds. People with those kinds of skills could leave us in a nanosecond and move to the private sector. They could be "dot.comers" with no hesitation.

If we are going to be on the broadband of the future, we need to make sure we have the skills to run a contemporary Congress. We need to make sure they have security in their jobs and security in health benefits and in their pensions. We need to be sure we let those workers know we are on their side.

In addition to that, we want to make sure we acknowledge the role our own staffs play in constituent service and in helping us craft legislation.

Two years ago, we all endured a very melancholy event here in the Congress. Two very brave and gallant police officers literally put themselves in the line of fire to protect us. Their names were Officer Chestnut, from Maryland—his wife still lives over there at Fort Washington—and Detective Gibson, of Virginia, father of three—teenagers, college students. We mourn them. We consoled their families and said a grateful Congress will never forget.

We should not forget the men and women who work here, but the way we remember is with the right pay, the right benefits, and the right respect.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will just take about 2 minutes in support of the Mikulski amendment to say how proud I am to be an original cosponsor. I have probably given 15 or 20 speeches about this, so I do not want to take any time except to emphasize two points.

First of all, I thank the Senator for mentioning Officer Chestnut and Detective Gibson. It has really been almost 2 years ago that we lost those two fine officers. I do think the best way we honor them is by supporting the police.

I think what happened on the House side was really unconscionable because whereas we really need to do even better by way of making sure we get two police officers at each post, making sure we have the security for them, much less the security for the public and ourselves, instead, what we saw was actually a slashing of the budgets, which means hundreds of officers losing their jobs and not really having police officers working under the right conditions for themselves, their families, for the public, and for us.

We really have done well on the Senate side. I thank Senators BENNETT, FEINSTEIN, MIKULSKI, and others for their commitment. I hope every single Senator will support this amendment. Like other Senators, I am not always wild about sense-of-the-Senate amendments—I offer a fair number of them myself—but sometimes they are really important. Sometimes they are, while symbolic, really powerful and really important.

I do think we need to convey the message, in light of what happened on the House side, in light of how demoralized and how angry and indignant some police officers are, that we fully support them.

This amendment is a very important one. I hope it will have the full support of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Alaska is recognized and controls the rest of the time.

Mr. STEVENS. I yield a portion of my time to Senator FEINSTEIN. I do wish a couple minutes before we come to the vote.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to, from the Democratic side, more or less conclude the debate on the legislative branch appropriations bill.

We believe it is a good bill. We are very supportive—both Senator BENNETT and I—of Senator MIKULSKI's amendment. I am delighted she offered it.

The men and women of the Capitol Police perform a vitally important job. Unfortunately, sometimes we hardly notice them. This is an opportunity to give them notice, respect, commendation, and say we are proud of you.

The legislative branch appropriations bill restores the damaging cuts contained in the House bill and reaffirms our commitment to ensuring security in the Capitol and of the Capitol Police.

I reiterate what a delight it has been to work with our chairman, Senator BENNETT. My tenure as ranking member on this subcommittee has been marked by a sense of comity and equity which has really made this work a great pleasure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank Senator FEINSTEIN. I commend Senators BENNETT and FEINSTEIN for managing this bill. It is a significant bill.

With regard to the police, this bill increases support for our Capitol Police by 26 percent. In fact, in addition to that, we have in the Agriculture bill, awaiting Senate action, $2.3 million in overtime costs to implement the two-men-per-door policy and $10 million to provide additional facilities to support police functions. The 2001 appropriations bill provides $5.2 million in overtime to continue the two-men-at-each-door policy.

I commend Senator MIKULSKI for her amendment. I deem it as a remembrance sense of the Senate, and we should remember these men who lost their lives in guarding this building and the functions of the Congress.

I hope we will have the support of all Members for the basic bill. We support Senator MIKULSKI's amendment, as a sense-of-the-Senate amendment, that recognizes what is in the bill, that is, increasing support for the security functions for the Capitol and those who work in it.

Mr. President, I believe we have scheduled the time to commence the vote.

The PRESIDING OFFICER. The vote is scheduled for 10:45.

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

Mr. STEVENS. Mr. President, there are three votes in succession?

The PRESIDING OFFICER. There are two.

Mr. STEVENS. Two votes. Very well. Does Senator FEINSTEIN wish any more time? Senator MIKULSKI?

Ms. MIKULSKI. Mr. President, my amendment in no way is a criticism of Senators BENNETT and FEINSTEIN. They did a fantastic job, not only in moving the bill but the way they have conducted the hearings and worked with Members on very sensitive issues. I commend them. Had the House done what Senators BENNETT and FEINSTEIN did, my amendment would not have been necessary.

Mr. STEVENS. I thank the Senator.

If it is in order, I yield back the remainder of the time and ask for the vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3166. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The amendment (No. 3166) was agreed to.

The PRESIDING OFFICER. The pending question is, Shall the bill be engrossed and advanced to third reading?

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan

Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Brownback
Smith (NH)

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill is now returned to the calendar.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period of morning business for not to exceed 1 hour, with the time controlled by the Senator from Kansas, Mr. ROBERTS, and the Senator from Georgia, Mr. CLELAND.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I yield 2 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator BYRD from West Virginia be allowed to speak for up to 20 minutes and Senator REED from Rhode Island to speak for up to 5 minutes following the Senator from Kansas and the Senator from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO VICTIMS OF GUN VIOLENCE

Mrs. MURRAY. Mr. President, I thank my colleague for yielding to me.

I come to the floor for a brief moment to pay tribute to the victims of gun violence who were killed one year ago today.

We are all familiar with the incidents of gun violence in our schools; from Columbine to Springfield, OR, to Paducah, KY, and unfortunately to so many other schools and communities.

Gun violence is particularly disturbing when it happens in a school.

But gun violence happens everywhere. A member of my staff lost a son to gun violence. Her son was simply stopping at a convenience store when he was robbed and killed.

How many families have to suffer unnecessarily before this Congress passes commonsense gun control legislation?

The U.S. Conference of Mayors has maintained a list of the thousands of Americans have been killed by gunfire since the Columbine tragedy.

Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year.

We will continue to do so every day that the Senate is in session until this Republican Congress acts on sensible gun control legislation.

Here are the names of a few Americans who died due to gun violence one year ago today:

Antwan Brooks, 26, Pittsburgh, PA;
James A Brown, 22, Chicago, IL;
Kenneth Cork, 46, Houston, TX;
Marsha Cress, 32, Fort Worth, TX;
Kenneth L. Mack, 49, Chicago, IL;
Michael Powers, 29, Atlanta, GA;
Howard Rice, 31, Baltimore, MD;
Fernando Rojas, 17, Chicago, IL;
Rodney Wayne Smith, 33, Washington, DC;
Rolando Williams, 17, Pittsburgh, PA; and
Earlwin Wright, 22, Chicago, IL.

The PRESIDING OFFICER. The Senator from Kansas.

EMPLOYMENT OF U.S. MILITARY FORCES

Mr. ROBERTS. Mr. President, I thank my friend from Georgia, Senator CLELAND, for his role in our ongoing, bipartisan foreign policy dialog. As we approach Memorial Day, I also thank him for his personal sacrifice and example for our great country.

This is our fourth foreign policy dialog. It is called the employment of U.S. military forces or what could be better described as the use of force. It couldn't come at a better time, the week prior to the Memorial Day celebration, a day of solemn celebration and reflection, a day to remember our fallen family members, our friends, and our fellow Americans, a day that always makes me very proud of our country and humbled by the self-sacrifice of our men and women who paid the ultimate price so that we may live free.

As my good friend from Georgia has seen with his own eyes, it is not the U.S. Constitution that really keeps us free, for it is merely a piece of paper. The marble headstones at Arlington National Cemetery and cemeteries all across America and throughout the world mark what truly has kept us free. And our freedoms will continue to be secured by the brave men and women of our Armed Forces.

Samuel P. Huntington, the renowned author and historian in the 1950s, articulated in his book "The Soldier and the State" two important military characteristics. The first is expertise to prevail at the art of war; the second is the responsibility for protecting our freedoms, similar to the responsibility that lawyers have to protect American justice and the rule of law and that doctors have to save lives and protect the health of their patients. Quite simply: The role of our Armed Forces is to fight and to win the Nation's wars.

Eleven times in our history the United States has formally declared war against foreign adversaries. There have been hundreds of instances, however, in which the United States has utilized military forces abroad in situations of military conflict or potential conflict to protect our U.S. citizens or to promote our U.S. interests. Of those hundreds of uses of military force where the U.S. did not declare war, some have obviously been successful and some obviously have not.

Today, I am not going to discuss the use of military force for the purpose of protecting our vital national interests. Those uses of force in our history have occurred rarely and usually without much opposition due to the future of the Nation. Our forces are equipped and train every day to carry out this task. Those types of conflicts of national survival have easily been defined in terms of the political objectives, clear military strategies to achieve those objectives, and the definition of victory or success is the capitulation of the enemy.

The U.S. Armed Forces are no stranger to limited contingency operations, military operations other than war, but the changes in political context of the commitments pose new problems of legitimacy, mission creep, operational tempo, and multilateral cooperation. Although limited contingency operations may produce short-term benefits, history has shown the lasting results of long-term commitments are very limited at best.

The ideas developed by Carl von Clausewitz, famous military theorist of the early 19th century, are profoundly relevant today. The criteria of appropriateness and proportionality are crucial concerns in any military operation other than war.

Clausewitz identified any protracted operation that involves enlargement or lengthening of troop commitment is likely to cause multiple rationales for the intervention. When a marine landing party went ashore at Port-au-Prince in Haiti in 1915, neither the Wilson administration nor the Marine Corps nor the Congress would have predicted that they began an operation to protect the foreign lives and property and to stop a civil war that would end 30 years later with an admission of failure in reforming the public institutions of Haiti.

Does this sound familiar? Currently, the United States has troops in 141 nations and at sea; 55 percent of the nations of the world have U.S. troops stationed within their borders. From

1956—that is the second term of President Eisenhower—to 1992, the United States used military forces abroad 51 times. Since 1992, the U.S. has used military force 51 times.

During that same timeframe of roughly a 400-percent increase in the use of the military as an instrument of power, the military has been forced to downsize and decrease force structure by 40 percent. That type of planning and management of the military reflects poorly on the civilian leadership. All of our services are at the breaking point. I fear there is no more give or elasticity in the force structure of our most valued treasure, the men and women who serve.

The can-do, never-say-die attitude of the military and its leadership and the very competence that the U.S. military has displayed in successfully responding to a wide variety of contingencies seems to have encouraged its further use by this administration, acquiesced to by this Congress.

A recent study from the Center for Strategic and International Studies of military culture identifies seven areas of concern within our military today. Service members expressed a commitment to values related to effectiveness and sacrifice and discipline, but they had deep concerns about the imbalance between the missions and the resources to perform those missions to a high standard. They felt the Pentagon was out of touch. Quite frankly, they questioned the command support in the face of social concerns. They had concerns about the sense of dwindling understanding of the military so rampant today in our society. They indicated a lot of disgust with civilian leadership behavior not tolerated in their units in the military.

Thomas Jefferson said: Eternal vigilance is the price of liberty. Our military has always exemplified that statement.

However, I am concerned that the current use of military force is undermining the trust of leadership at all levels. We cannot continue to accept the status quo. We cannot continue to appropriate the contingency funds for emergency deployments with no end in sight or no planned exit strategy.

General Zinni, who is the CINC of the Central Command, expressed concern about the pace of these operations and what it is doing to our service members. He said:

> We don't have the resources to meet the strategy. It's plain and simple. We don't have enough people, we don't have enough force structure, we don't have the right kinds of things we need to meet the strategy.

Since 1991, we have spent over $25 billion on peacekeeping operations. The impact on the war-fighting capability of each of the services, including the time to recover war-fighting skills after peacekeeping operations, is reflected in the current readiness concerns expressed by the Joint Chiefs.

As an example, the United States continues to dedicate three divisions in the Balkans rotation: One division training to deploy for peacekeeping operations, one division in the area of responsibility, and one division retraining after deployment—three divisions not ready to execute their primary tasks.

Here is an account from a commander in Kosovo, a peacekeeping operation, which is very troubling to me. This is a quote, an e-mail that went from one commander to another. He was reflecting to his friend, who was going to take over his command, what went on in terms of his daily operation:

> After getting hit in the head by a large rock and getting smashed across the back with a tree limb, I gave the order for the soldiers to open fire with nonlethal munitions. This worked pretty well clearing the crowd back initially. As we continued to fight and move with the people on the hill, I looked over to the landing zone and saw a mob swarming toward the subject and five soldiers. The soldiers started to move out of the landing zone, but they had people around them throwing everything. I grabbed 10 guys and went to help get the five soldiers. When we were 15 meters away, I saw a soldier get smashed over the head with a huge tree limb. He was fine. Thank God for Kevlar. At this point, I took out my 9mm with the intent to shoot. However, I fired several warning shots. The crowd cleared out, and we walked everyone out, including the injured.

I want to ask a question. What if those rocks and tree limbs would have been AK-47s and RPGs? I think the debate about a week ago regarding Kosovo and our involvement there would have dramatically changed had that been the case.

We continue to maintain multiple wings of aircraft in southwest Asia, and we continue to place American aviators in harm's way every day in Iraq. What most Americans don't know is that although airpower seems sterile, clean, and bloodless on CNN that is not the case—that is not the case. The mission tapes of the men and women flying missions over Iraq reflect the risk. A war America thought we won 10 years ago slowly rages on.

Mr. President, 75 percent of our military today joined after 1989. They have known nothing but turmoil in terms of their missions. They have been deployed away from their families for 6-month rotations and, in some cases, three, four, and five times. Their warfighting capabilities and readiness to execute military operations is not as sharp as it should be. Their morale is low because they are leaving their families. Seventy percent of the force today is married, and they are leaving them for very questionable missions. No wonder sailors and airmen and soldiers are leaving the force and voting with their feet. Only the Marine Corps has maintained their recruiting and retention goals, and they have had a very difficult time achieving that goal.

The current military is stressed, it is strained, and it is hollow. As our armed services activity levels have increased and force structure has decreased time for realistic combat training is lost, supply stocks are diminished, and personnel are displaced. Military leadership at all levels suffers from the current strain; leadership crucial in regard to the goal of winning wars.

The key to leadership is trust: Trust from the civilian leadership and the public that the military will put together the proper plan to win, trust from the military that the civilian leadership—those of us in the Congress and in the administration—will provide the proper tools to win, and trust to use force judiciously and to gain the political and public support.

Congress must trust the President, and the President must trust the Congress to ensure the use of force is necessary, after all other instruments of power and diplomacy have failed. And our national interests dictate that the political objectives still must be achieved.

I commend our military leaders for weathering the current storm. I also commend the men and women of the Armed Forces. Whenever I visit a base in Kansas, or overseas, I am always impressed with our citizens in uniform. Their service, integrity, self-discipline, respect for authority, honor, and sacrifice is inspirational; it is a battery charger. I know we have honest disagreements and differences of opinions, and that is good for the system. Debate will continue to occur. Even General Washington had severe disagreements with the Congress about allowing him to perform summary punishments. However, we must mend, heal, and restore harmony to the system by rebuilding the respect, trust, and understanding in the civilian-military relations.

In the post-cold-war era, limited contingency operations have become our predominant military endeavor. There are no easy answers to the problems of limited contingency operations. Deciding to intervene and use our military force is a very difficult problem; it is very perplexing.

The distinguished Senator from Georgia and I have had long talks about this, trying to set up some kind of a criterion, set up some kind of a list that would make sense, outlining the various reasons for intervention abroad. Listing all of the questions the President ought to ask before the Marines are sent in can best be characterized now as an "it depends" doctrine.

I acknowledge that the post-cold-war recommendations and the public debate between the foreign policy elite, the Congress, the Secretary of State and Defense, the Chairman of the Joint Chiefs of Staff, and the Joint Chiefs of Staff cannot agree upon and do not provide a clear set of tests that should be applied before deciding to commit troops to combat in support of less than vital national interests. I wish there were a test or a criterion.

That is really the reason Senator CLELAND and I entered into the foreign policy dialog. We always seem to be stuck with foregone conclusions in terms of foreign policy and sending our men and women in uniform in harms way.

The former Secretary of Defense, Caspar Weinberger, identified six tests that he said should be applied when weighing the use of U.S. combat forces abroad. Three of the tests—number one, when vital interests are at stake; number five, with public support; and number six, as a last resort—concern the foreign policy and the political circumstances in regard to the use of force. Tests number two, three, and four concern the relationship between the military means and the political ends.

Former Secretary of State, George Shultz on the "vital interests" test argued that a wide range of international challenges justify U.S. use of force. And, the last two administrations have uniformly rejected the first vital interest test.

Former Secretary of Defense William Perry argued that the use of force might be necessary to support coercive diplomacy when national interests that do not rise to the level of vital are at stake.

Secretary of State Madeleine Albright has asserted that decisions can only be made on a case by case basis, and it would be counterproductive to define rigidly in advance the conditions in which a decision to use force would be made.

But if vital interests need not be at stake, the question remains what degree of U.S. interests justify the use of force, at what level, and with what risks.

Mr. President, I would contend that the use of force for other than vital or extremely important national interests, as defined in our second dialogue, has not worked in the post-cold-war period. The role of the military is not to act as the cop on the beat for the whole world. The non-prudent use of force in support of less than vital interests is not worth the current costs to our readiness and military morale.

C. Mark Brinkley in the Marine Corps Times said it best when he identified with no other form of government to turn to, Serbs and ethnic Albanians alike turned to the Marines for help. In addition, to more traditional roles of securing the area and suppressing civil unrest, the unit recreated basic elements of daily life: restoring law and order and reopening schools and hospitals, garbage collection, and counselling. The Marines also evolved into a police force for the American sector, patrolling the night and responding to emergencies.

However, these operations require significantly different skills than what the armed forces are currently trained to execute. If we are training our peacekeepers to be more like MP's than combat troops, don't we run the risk that the skills needed by a policeman may get them killed when there is combat?

Two schools of thought on the use of force have developed, the national interests school which argues that military force should be used only when there is clear cut political and military objectives and in an overwhelming fashion.

The other school, the limited objectives school, which would use military force even in ambiguous situations as a means of enforcing international decisions or quelling ethnic conflict.

General Colin Powell contended in 1993, the key to using military force is to first match political expectations to military means in a wholly realistic way, and, second to attain decisive results. A decision to use force must be made with a clear purpose in mind, and then adding that if it is too murky, as is often the case, know that leaders will eventually have to find clarity.

We are having a hard time doing that in the Balkans today.

The decision to use force must also be supported by the public. Presidential leadership requires working with Congress and the American people requires Congress to work with the President to provide essential domestic groundwork if U.S. military commitments are to be sustainable. General Powell asserted the troops must go into battle with the support or understanding of the American people.

Mr. President, the pendulum's path has definitely displaced toward the limited objectives school. President Clinton's doctrine of "global vigilance" and "aggressive multilaterialism" is the current example and policy.

Mr. President, the current precision strike and technological advantage that we enjoy today has led to its increased use due to the perceived minimal risk to American aviators. A few cruise missiles or laser guided bombs may fix a short term problem but do not address the underlying long term problems. I would contend that if the intervention is not worth the cost of one American service member then we ought to be thinking about the worth of using military force in the first place.

If the U.S. decides to use military force and unleash our military might then the cause had better be commensurate with American national interests and analogous to the risk to American service members.

The Chairman of the Joint Chiefs of Staff, General Henry Shelton pronounced the "Dover Test" must be used when deciding to send troops in harms way, and, if the use of force is not worth the consequences of American service members making the ultimate sacrifice arriving at Dover Air Force Base then the military should not be used.

If the cause is not worth the risk of one American life then the results and handcuffs placed on the military rules of engagement in an effort to curtail risk actually increase the risk. The situation over time, and the situation we are now faced with in the Balkans and in Iraq.

Mr. President, I believe the pendulum of the use of force doctrine needs to swing towards the national interest school of thought. Humanitarian military intervention, in violation of the U.N. charter from attacking other states to remedy violations of human rights, will not rectify the underlying human rights problems. When there is no peace to keep then American service members become targets, not peacekeepers.

Our challenge is to understand the need for prudent, limited, proportionate use of military force as an instrument of national power.

I now want to offer a very strong and very thought provoking words from the book "Fighting for the Future," by Ralph Peters, former Army lieutenant colonel. It is controversial. I offer it as food for thought.

Colonel Peters said:

> We face opponents, from warlords to druglords, who operate in environments of tremendous moral freedom, unconstrained by laws, internationally recognized treaties, and civilized customs, or by the approved behaviors of the international military brotherhood. These men beat us. Terrorists who rejected our worldview defeated us in Lebanon. "General" Aideed, defeated us in Somalia. And Saddam, careless of his own people, denied us the fruits of our battlefield victory. In the Balkans and on its borders, intransigents continue to hold our troops hostage to a meandering policy. Our enemies play the long game, while we play jailbird chess—never thinking more than one move ahead. Until we change the rules, until we stop attacking foreign masses to punish by proxy protected-status murderers, we will continue to lose. And even as we lose, our cherished ethics do not stand up to hardheaded examination. We have become not only losers but random murderers, willing to kill several hundred Somalis in a single day but unwilling to kill the chief assassin, willing to uproot the coca fields of struggling peasants but without the stomach to retaliate meaningfully against the druglords who savage our children and our society.

He went on to say,

> Tomorrow's enemies will be of two kinds—those who have seen their hopes disappointed, and those who have no hope. Do not worry about a successful China, worry about a failing China.

Those are words to think about.

Limited contingency operations consisting of crisis management, power projection, peacekeeping, localized military action, support for allies, or responding to terrorism require well-defined objectives, consistent strategies to achieve objectives, and a clear, concise exit strategy once those objectives are attained. Otherwise, our country will get involved in operations like those in the Balkans with no end in sight and no peace to keep.

Mr. President, in closing, our service members are, in fact, America, they reflect our diverse origins and they are the embodiment of the American spirit of courage and dedication. Their forebears went by the names of doughboys, Yanks, buffalo soldiers, Johnny Reb, Rough Riders, and GI's. For over 200 years they have answered our Nation's call to fight. Our citizen soldiers today continue to carry America's value system and commitment to freedom and democracy.

The world we face is still full of uncertainty and threats. It is not a safe world. However, all Americans sleep soundly at night because of the young men and women standing ready to fight and die, if necessary, for our freedoms. It is our duty in this body to ensure they are used appropriately. We have an obligation to do just that in the future, for our sake and theirs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I wish every American could have heard that distinguished lecture, dialog, and discussion of what I think is the most important action this Government can ever take, and that is the question of committing young Americans in harm's way. It is the most serious decision that I as a Member of the Senate can take. It is one of the reasons that brings me here to share the podium and the floor in the Senate with the distinguished Senator from Kansas, PAT ROBERTS, my colleague, my friend. We work together so well on the Armed Services Committee on behalf of young Americans in the military and retired military and Guard and Reservists, we thought we would bring our thoughts, our concerns, to the floor of this body and stand shoulder to shoulder as we are today discussing at the question of American intervention abroad.

I will recap a couple of items that Senator ROBERTS, in his eloquence and in his great research, has pulled together for Members to consider as we look at the question of America's intervention abroad today. He mentioned that we were involved militarily in 141 places around the globe. I deal with these issues most every day. That is even a shocking statistic to me. Additionally, we were involved militarily in more than 55 percent of all the nations on the globe. One wonders if we are not becoming the new Rome. My greatest fear is we will become part of a Pax Americana, or as 2,000 years ago, Pax Romana, where Rome kept the peace in the known world. Is that our role today? Is that our mission? Are we called upon to be the new Rome or is that part of our intervention strategy?

I thought it was fascinating that Senator ROBERTS pointed out since Eisenhower we have intervened in the world some 51 times; just since 1992 we have had 51 interventions. We have had an increase in American military commitments in the last 10 to 15 years of some 400 percent, but we have downsized the American military's ability to meet those commitments by some 40 percent. A classic case is the Balkans. I just got back from Macedonia, Kosovo, and visited the airbase where we launched the attacks into Kosovo and Serbia at Aviano, Italy. We have three U.S. Army divisions, as the distinguished Senator from Kansas has pointed out, in effect, bogged down in the Balkans. That is almost a third of our entire U.S. Army. They are bogged down in the Balkans with no end in sight. As the distinguished Senator has pointed out, it is hard to keep the peace when there is no peace to keep.

I think also fascinating is his point that some 75 percent of our young Americans in active duty military service joined the service since 1989. All they have known is turmoil, deployments, commitments, time away from their family. I think that is a powerful point and one of the things that stresses and strains our American military today.

That brings us to the floor today on this key question of trust, trust in the leadership, especially the civilian leadership of this Government, and trying to increase that trust among our young men and women deployed all over the world. His point is certainly well taken today, that if we don't judiciously use the American military, then we will see it attrited over time to where we cannot use it. So that element of trust is a key element that I keep close to my heart. I appreciate the Senator mentioning it.

The distinguished Senator mentioned that next Monday is Memorial Day, May 29. Pursuant to a joint resolution approved by the Congress in 1950, the President of the United States will issue a proclamation calling upon the people of the United States to observe a day of prayer for permanent peace in remembrance of all those brave Americans who have died in our Nation's service. That is what Memorial Day is supposed to be all about—a day of remembrance. As someone who almost wound up on the Vietnam veteran wall, I can say that Memorial Day honoring those who never made it back from our wars is something special to me.

With this, our fourth discussion on the role of the United States in today's world, Senator ROBERTS and I come to what is probably the core issue motivating us to take on this entire project. The key question is, Under what circumstances should the Government of the United States employ military force as an instrument of national policy? I can think of no more fitting subject for the Congress to contemplate as we prepare for the Memorial Day recess.

We have quoted Clausewitz, the great German theoretician on war, numerous times, but this is a quote that I think is appropriate as we approach Memorial Day. Clausewitz said of war,

> Kind-hearted people might of course think there was some ingenious way to disarm or defeat an enemy without too much bloodshed, and might imagine this is the true goal of the art of war. Pleasant as it sounds, it is a fallacy that must be exposed: war is such a dangerous business that the mistakes which come from kindness are the very worst . . . It would be futile—even wrong—to try to shut one's eyes to what war really is from sheer distress of its brutality.

General Sherman said it best: War is hell. For those who participate they understand it must only be undertaken under the most serious circumstances. My partner in these dialogues, the distinguished Senator from Kansas, Senator ROBERTS, has often cited the following quotation from one of my personal heroes, Senator Richard B. Russell, from thirty years ago, during the war in Vietnam. At that time I was serving in that war. Senator Russell said:

> While it is a sound policy to have limited objectives, we should not expose our men to unnecessary hazards to life and limb in pursuing them. As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.

That was Senator Russell 30 years ago. As Senator ROBERTS has observed, "That is a most powerful statement of truth that has direct applications to the challenges we face today . . . The only thing that has changed is that today we refer to American men and women."

I share Senator ROBERTS' sentiment completely.

Richard Haass, a former official in the Bush administration and now director of Foreign Policy Studies at the Brookings Institution, and also someone whom both Senator ROBERTS and I have frequently cited during these discussions, has written a wonderful primer called "Intervention, The Use of American Military Force in the Post-Cold War World." In it Mr. Haass provides an overview of the evolution of American thinking about intervention, followed by an analysis of current policies on the subject and a set of pragmatic guidelines which Mr. Haass proposes to improve the conduct of future American interventions. It is well worth the attention of every Member of this distinguished body.

Mr. Haass writes:

> The changes intrinsic to the post-Cold War world have created new, intense conflicts that complicate any prospective use of force by the United States. On the other hand, a number of political and technological developments enhance opportunities for the

> United States to use its military might effectively. . . . But if there are new reasons as well as new opportunities for the United States to use force, there are no longer any clear guidelines for when and how to do it. . . . Intervening too often poses an obvious danger. Any government indulging in what might be described as wanton uses of force would be guilty of acting irresponsibly, particularly toward those in uniform. . . . At the same time, setting too high a bar against intervention has costs as well. Defining interests too narrowly or prerequisites for employing force too broadly would be tantamount to adopting a policy of isolationism.

In my view, this is a very lucid discussion of where we are and of the difficult choices we face when—and unfortunately I must add if—the Congress of the United States is included in these deliberations on intervention. We saw these issues largely recapitulated here on the Senate floor as recently as last week with our belated but still illuminating debate on the ongoing Kosovo intervention.

I wish my distinguished friend from Kansas and I could have had that kind of debate before we engaged in the first military strike in Kosovo. I still remember well, as the Senator from Kansas has indicated, virtually by the time we got the ball here in the Senate, the prestige of the United States and NATO was already at stake. The horse was already out of the barn. We debated military intervention into Kosovo, an offensive strike by NATO, which is a basically defensive military organization—we debated it here only a couple of days. We had a very fine debate, pro and con, about the future of that military engagement in Kosovo in the last few days. Those debates will continue as long as that force is there, and properly so. But our point here is let's make those debates on the floor of the Senate before we commit military force, and not after.

As I mentioned before, the Haass book also offers a useful presentation on the evolution of American thinking on intervention, starting with our heritage under what he calls Christian "just wars," or the "just war" theory as enunciated by such luminaries as St. Augustine, Thomas Aquinas, and others. As defined by Haass, under this approach, "wars are considered to be just if they are fought for a worthy cause, likely to achieve it, sponsored by legitimate authority, undertaken as a last resort, and conducted in a way that uses no more force than necessary or proportionate and that respects the welfare of noncombatants."

While the "just war" theory has never been the sole criterion by which America or other western nations have waged war, it is nonetheless still a standard moral benchmark, if you will, which we can and should apply to individual proposed interventions. It is something we ought to keep in mind.

As we have discussed before in this series, the end of World War II and the onset of the cold war produced great tension, the threat of a global nuclear Armageddon, and a vast expenditure of resources. But it also created a very clear standard of military interventionism for the United States; namely, the containment of the Soviet Union and its allies. It was under this overall framework that the two largest post-World War II American interventions took place, in Korea and Vietnam.

The eminent military historian of the war in Vietnam, Colonel Harry G. Summers, Jr., discussed the failure—on many different levels—of that American intervention in his book "On Strategy: The Vietnam War in Context."

I have read this book thoroughly. I just wish I had read it before I went to Vietnam and not after.

It is not my purpose today to revisit that conflict in detail, but for purposes of today's discussion on the general subject of American intervention abroad, let me quote briefly from Summers' work. He says:

> By our own definition, we failed to properly employ our Armed Forces so as to secure U.S. national objectives in Vietnam. Our strategy failed the ultimate test, for, as Clausewitz said, the ends of strategy, in the final analysis "are those objectives that will finally lead to peace."

Given the magnitude of our defeat in Vietnam, and attendant human, financial, and political costs, there was a very understandable recoiling from military interventionism in the public and Congress, among various Presidential administrations and among the American military itself. Nearly a decade passed from the end of U.S. combat participation in Vietnam in 1973 until the deployment of the U.S. Marines as part of the Multinational Force in Lebanon in August of 1982. However, this was also a period when many of the post-cold-war conditions described by Haass as facilitating U.S. interventions were first taking hold, including the diminution of the Soviet/Warsaw Pact threat, the development of greater U.S. capacity to sustain long-distance military operations, and the resurgence of national and ethnic tensions around the globe.

A little less than a decade after the Lebanon debacle, in the aftermath of other interventions in Grenada in 1983, Libya in 1986, Panama in 1989-1990, and in the 1990-1991 timeframe in the gulf war, and after the final end of the cold war, the Chairman of the Joint Chiefs of Staff, Colin Powell, who had lived through this entire era, propounded a list of six questions which must be addressed before we commit to a military intervention.

I submit General Powell's summation here is a summation based on his own experience and his own history in looking at this turbulent time.

No. 1, is the political objective important, clearly defined, and well understood?

No. 2, have all nonviolent means been tried and failed?

No. 3, will military force achieve the objective?

No. 4, what will be the cost?

Next, Have the gains and risks been thoroughly analyzed?

Next, After the intervention, how will the situation likely evolve and what will the consequences be?

That is, I guess, my biggest problem with some of our interventions. We have not thought through the end game, sometimes called the exit strategy. But what would be the result of failure? What will be the result of success? I am not sure we are thinking through our interventions.

In a similar vein, falling on the side of what I would call restraint with respect to U.S. military interventions, in 1993, then-Secretary of State Warren Christopher outlined four prerequisites for the use of force by the United States:

No. 1, the presence of clearly articulated objectives;

No. 2, a high probability of success;

No. 3, the likelihood of congressional and public support; and No. 4, the inclusion of a clear exit strategy.

Not bad advice. However, even before the start of the Clinton administration, developments in Africa and in the Balkans were leading to a reassessment of the limits on U.S. military interventions. At the same time his administration was deciding in favor of intervention in Somalia but against military involvement in Bosnia, President Bush articulated a somewhat lower bar for U.S. military intervention. As described by Haass:

> Bush argued for a case-by-case approach in deciding when and where to use force. He argued against using interests as an absolute guide, noting that "military force may not be the best way of safeguarding something vital, while using force might be the best way to protect an interest that qualifies as important but less than vital."

That is Haass.

> Instead, Bush set out five requirements for military intervention to make sense: force should only be used, he said, where the stakes warrant it, where and when it can be effective, where the application can be limited in scope and time, and where the benefits justify the potential costs and sacrifice. Multilateral support is desirable but not essential. What is essential in every case is a clear and achievable mission, a realistic plan for accomplishing the mission, and realistic criteria for withdrawing U.S. forces once the mission is complete.

That is a pretty thorough analysis of the thought process that must be undergone if we are to be successful in our interventions.

During the Clinton administration, there have been military interventions in Iraq on several occasions, and continuing to this day: In Somalia from 1992 to 1995, in Bosnia and Macedonia since 1993, in Haiti from 1993 to 1996, in Afghanistan and Sudan in 1998, and of course in Kosovo beginning last year.

There has been an accompanying evolution away from the more restrictive view of interventions expressed by Secretary Christopher and toward the less restrictive stance perhaps expressed most clearly recently by British Prime Minister Blair in an April speech last year in Chicago.

Prime Minister Blair said:

> The principle of non-interference must be qualified in important respects. Acts of genocide can never be a purely internal matter. When oppression produces massive flows of refugees which unsettle neighboring countries then they can probably be described as "threats to international peace and security. . . ." So how do we decide when and whether to intervene. I think we need to bear in mind five major considerations. First, are we sure of our case? War is an imperfect instrument for righting humanitarian distress, but armed force is sometimes the only means of dealing with dictators. Second, have we exhausted all diplomatic options? Third, on the basis of a practical assessment of the situation, are there military operations we can sensibly and prudently undertake? Fourth, are we prepared for the long term? In the past, we talked too much about exit strategies. But having made a commitment we cannot simply walk away once the fight is over, better to stay with moderate numbers of troops—

Does that sound familiar?

> than return for repeat performances with large numbers. And finally, do we have national interests involved? The mass expulsion of ethnic Albanians from Kosovo demanded the notice of the rest of the world. But it does make a difference that this is taking place in such a combustible part of Europe.

That is the end of Blair's statement. Interesting.

Clearly, we have come a long way from Vietnam, and today's world is quite different than the world of the sixties and seventies. Questions about the use of force are, by their very nature, difficult ones. There are no easy answers and no easy choices for any President, and certainly not us in the Congress. Part of this is a product of the disorderly post-cold-war order, or a new world disorder. Every American and every inhabitant of this planet is certainly better off than we were in the cold war which threatened the very survival of global civilization. That ended, but the termination of that phase of international politics has made the world actually more complex for foreign policymakers.

In the cold war, the superpower rivalry and its mutually assured destruction doctrine, in terms of nuclear war, imposed strong constraints on interventions by either superpower. Korea, Vietnam, and Afghanistan were notable exceptions.

In the pre-cold-war history of the United States, the question of U.S. intervention outside of the Western Hemisphere rarely arose, short of a Pearl Harbor or a Lusitania incident that began the First World War. In the new post-cold-war disorder, we largely face only self-imposed constraints to our actions abroad. Thus, we now need answer only whether we should undertake such an action, not whether we can do so.

That is a clear distinction. In the cold war, we had a line that we knew we could not cross or should not cross. Now there are no lines. If my colleagues read Tom Friedman in the book "Lexus and the Olive Tree," barriers of all kinds, not only the Berlin Wall, are coming down all over the world. So the question more and more on American intervention is, Should we do it? What Senator ROBERTS and I are trying to say is that it is not only a Presidential decision, it is a decision in which all of us have to participate and, hopefully, one that we can arrive at a consensus on before we send young Americans into harm's way. That is why we are here. That is why we are taking the Senate's time today.

The two administrations which have confronted the post-Soviet Union world have grappled mightily with the complexities in places such as Iraq, Croatia, Bosnia-Herzegovina, Somalia, Haiti, and now Kosovo. And almost every step in these areas have been subjected to questioning and controversy before, during, and after the operation in question. Opposition to the Presidential policies has not offered a clear-cut alternative, with some opponents calling for greater and some for lesser exertions of American power. As I have said before on several occasions, I approach the debate on intervention with the greatest respect for the difficulties which the current or, indeed, any other post-cold-war administration and Congress must face when deciding Americans should go to war.

However, I must say that I believe any departure from the principle of using our military intervention solely in defense of vital national interests is a slippery slope. Let me say that again. I have to say that I personally believe that any departure from the principle of using American military intervention solely in defense of vital national interests is a slippery slope. Let's recall from our previous discussions the very small "A" list of truly vital interests. As articulated by the 1996 Commission on America's National Interests—and Senator ROBERTS and I are engaging ourselves with that commission that is cranking up again and we hope to have some input—the Commission on America's National Interests articulated that those interests are "strictly necessary to safeguard and enhance the well-being of Americans in a free and secure Nation," and include only the following: Prevent, deter, and reduce the threat of nuclear, biological, and chemical weapons attacks on the United States. That is simple. That is clear.

Two, prevent the emergence of a hostile hegemon in Europe or Asia. As Senator ROBERTS the other day said, hegemon means the big bully, the lead dog, the big dog.

Three, prevent the emergence of a hostile major power on U.S. borders or in control of the seas.

Four, prevent the catastrophic collapse of major global systems such as trade, financial markets, supplies of energy, and so forth.

Five, ensure the survival of U.S. allies.

In pursuit of these objectives, the "United States should be prepared to commit itself to fight," the commission says, "even if it has to do so unilaterally and without the assistance of allies." I understand my friend and colleague, Senator ROBERTS, says this list might be slightly modified and updated by a new commission, but the content will basically be similar.

In short, I believe we can and must be prepared to commit all available American resources—including military forces—in the defense of truly vital national interests. In such cases, I believe Presidents should seek congressional approval, and I cannot imagine a Congress not granting such authority in these cases. But in all other cases, I believe we have to impose a much higher bar before we put American service men and women into harm's way—a much higher bar and a much higher standard than we have used in the last 10 or 15 years.

General Shelton, Chairman of the Joint Chiefs of Staff, put it beautifully in an address to the Kennedy School at Harvard recently:

> In every case when we contemplate the use of force, we should consider a number of important questions. These are not new questions, as most are articulated formally in the National Security Strategy. They are:
>
> Is there a clearly defined mission?
>
> Is the mission achievable, and are we applying the necessary means to decisively achieve it?
>
> Do we have milestones against which we can measure or judge our effectiveness?
>
> Is there an exit strategy? Or, put another way, a strategy for success within a reasonable period?
>
> Do we have an alternate course of action should the military action fail or take too long?
>
> Are we willing to resource for the long haul?
>
> If our military efforts are successful, are the appropriate national and international agencies prepared to take advantage of the success of the intervention?

We see that in the Balkans right now.

> Have we conducted the up-front coordination with our allies, friends, and international institutions to ensure our response elicits the necessary regional support to ensure long-term success?

These are powerful questions, as articulated by the Chairman of the Joint Chiefs of Staff.

He goes on to say:

> The military is the hammer in America's foreign policy toolbox . . . and it is a very

> powerful hammer. But not every problem we face is a nail.

That is critical.

> We may find that sorting out the good guys from the bad is not as easy as it seems. We also may find that getting in is much easier than getting out.

Boy, is that true.

> These are the issues we need to confront when we make the decision to commit our military forces. And that is as it should be because, when we use our military forces, we lay our prestige, our word, our leadership and—most importantly—the lives of our young Americans on the line.

As we approach Memorial Day, where we pay tribute and honor to those young Americans who have given their lives in the past, we must think carefully and judiciously how we commit young Americans in the future in terms of American military intervention in the world.

Americans who serve today on the front lines in the service of this great Nation in Korea, Kosovo, Bosnia, Saudi Arabia, and elsewhere around the globe, are very special Americans. They have volunteered to do this duty for the rest of us.

When we return from the Memorial Day break, Senator ROBERTS and I will resume these dialogs with a discussion of Clausewitz's trinity of warmaking. He said, successfully war is prosecuted if you have three things together: the people, the government, and the military. Marching forward arm in arm is what we are all about. That will be the subject of our next discussion.

I yield to the distinguished Senator from Kansas, my partner, my dear friend, Mr. PAT ROBERTS.

Mr. ROBERTS. Mr. President, how much time remains?

The PRESIDING OFFICER. All time has expired.

Mr. ROBERTS. I thank my colleague for his contribution. I yield the floor for that purpose.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2559

Mr. ROBERTS. Mr. President, I ask unanimous consent that following the allotted times for morning business, the Senate then proceed to the conference report to accompany H.R. 2559, the crop insurance bill, and it be considered as having been read, and under the following time restraints: 1 hour under the control of Senator LUGAR; 1 hour under the control of Senator HARKIN; and 1 hour under the control of Senator WELLSTONE.

I further ask unanimous consent that following the use or yielding back of time, the Senate proceed to vote on the conference report, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, has an order been entered for me to be recognized at this time?

The PRESIDING OFFICER. It has. The Senator is recognized for 20 minutes.

Mr. BYRD. I thank the distinguished Presiding Officer.

Mr. President, I may have to lengthen that.

I ask unanimous consent at this time that I may speak up to 30 minutes, if I need to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CONVENING OF CONSTITUTIONAL CONVENTION, MAY 25, 1787

Mr. BYRD. Mr. President, today, May 25, in the year of our Lord 2000, marks the 213th anniversary of a monumental event, the most monumental event that ever occurred in American history. It was on May 25, 1787, that a sufficient number of State delegations convened in Philadelphia to begin their deliberations "to form a more perfect Union." Fifty-five delegates labored through that long, hot summer in Independence Hall in the very room where the Declaration of Independence had been signed 11 years earlier. By September 17 of that year, when they adjourned sine die, they had produced a remarkable document, the most remarkable document of its kind that was ever written, the Constitution of the United States.

I place only the King James version of the Holy Bible above this document, the Constitution of the United States. That is the remarkable document that established our Federal Government, that provided for a U.S. Senate, that provided for the equality of the small States with the large States. That is the document that made it possible for tiny, mountainous West Virginia to have two votes, to be equal to the great State of New York, to be equal to the great States of California, Florida, Illinois, Ohio, Indiana in the Senate. If it were not for this document which I hold in my hand, the Constitution of the United States, we wouldn't be here today. I wouldn't be here. The distinguished Presiding Officer who comes from the State of Illinois would not be here. He would not be presiding in that chair. These would not be the United States of America. In all likelihood, they would be the "Balkanized States of America."

This remarkable document has established our Federal Government. It is fitting, therefore, that we pause today, and I thought it fitting that someone take the floor to remark about the importance of this day in history and the importance of this document. It is fitting that we pause to reflect on what those men who met at the Constitutional Convention hoped to accomplish and to remark on what they achieved.

The fledgling United States was in dire straits in 1787. There were no automobiles. There were no airplanes, no diesel motor trains, no electric lights, no sulfa drugs, no antibiotics in 1787. It had become painfully apparent that the first National Government under the Articles of Confederation was not working.

Having thrown off the yoke of royal rule during the Revolution, Americans at first had been reluctant to establish another strong central government. Not many people, I wager, in this country remember much, if anything, about the Articles of Confederation, our first Constitution, but our forebears had created a Government under the Articles of Confederation that represented little more than a loose association of 13 States, with the States retaining the real power. Those States were the former Colonies.

The National Government consisted of a single legislative body. Most of the governments in the world today consist of unicameral legislative bodies, one legislative body. But there are 61 governments in the world today that have bicameral legislatures. Most of the larger countries have bicameral legislative bodies. There are 61 of them. And in only two, the United States and Italy, are the upper chambers not subordinate to the lower chambers.

Each State, under the Articles of Confederation, regardless of size—whether it was Pennsylvania, New York, tiny Delaware, Rhode Island, or Georgia—each State, regardless of size, had a single vote in the Congress, in that one body. Under the Articles of Confederation, Congress could raise money only by asking the States for it. Congress had no power to force a State to pay its share. At times, Congress lacked the funds to pay its soldiers' salaries and faced the threat of mutiny. General George Washington faced that threat of mutiny. The Nation's international credit remained weak because of its war debts, which went unpaid due to wrangling between and among the States.

This discouraged foreign investments—as one could imagine—and further complicated the efforts to fund the Government operations.

As economic conditions worsened, a band of farmers in western Massachusetts, led by the Revolutionary War veteran, Daniel Shays, shut down the

State courts to stop their creditors from foreclosing on their lands. I wonder what Senator TED KENNEDY would think of that today. How would Senator JOHN KERRY feel about that—Shays' Rebellion? And not only did they close down the courts to stop their creditors from foreclosing on their lands, but they also attacked the Federal arsenal at Springfield. When Massachusetts appealed for assistance, Congress had neither an adequate army nor adequate funds to suppress Shays' Rebellion.

George Washington, who had retired to his estate at Mount Vernon after commanding American forces during the Revolutionary War, feared for the survival of his country and predicted "the worst consequences from a half-starved, limping Government, always moving upon crutches and tottering at every step." That was George Washington, the first President and the greatest President ever of the United States.

In 1785, a dispute over navigation rights on the Potomac River prompted the States of Virginia and Maryland to set up a meeting to settle their differences. Maryland's delegation went to Alexandria, VA, only to find that Virginia's delegates had not yet arrived. They had no interstate highways. They had no great bridges that spanned the river. They had no airplanes. There was no airport over at National in those days. There were only horses and buggies.

As I say, Maryland's delegation went to Alexandria, VA, only to find that Virginia's delegates had not yet arrived. Anxious for the conference not to fail, George Washington graciously invited the delegates to Mount Vernon. There the two delegations discussed tolls and fishing rights on the Potomac. Where does the Potomac rise? It rises in my State, in West Virginia. Of course, there was no West Virginia in those days, but there was Virginia. And other questions were raised that went beyond their immediate disputes. When the Virginia delegates submitted their report to the Virginia Assembly, it went to a committee chaired by James Madison, Jr.

Convinced that larger issues remained, Madison persuaded the assembly to pass a resolution calling for a convention in the States to deal with interstate commerce. In the fall of 1786, that convention met in Annapolis, MD. You see, if it were today, Senators BARBARA MIKULSKI and PAUL SARBANES would be there. But it was long before their time. That convention could do nothing, since only 6 of the 13 States sent representatives. Spurred by Madison of Virginia and Alexander Hamilton of New York, the Annapolis convention called for another convention the following year in Philadelphia to go beyond commercial disputes and consider creating a Federal Government strong enough to meet the needs of the new Nation.

On May 14, 1787, the date set for that convention to open, a quorum could not be attained. Not until May 25—213 years ago today—did delegates from a majority of the States arrive. That was an important day—the day that a quorum of delegates arrived. Eventually, all but Rhode Island would send delegates.

With a quorum established, they got down to business by unanimously electing George Washington as their Presiding Officer. Talk about a great President, one that all the subsequent Presidents—I am sure most of them—have tried to emulate, there was the greatest President of all, George Washington, first in the hearts of his countrymen. His great prestige, the delegates knew, would help to quiet public suspicion of the convention's intent. That convention closed its doors. They didn't open the doors to the public. They locked the doors and established sentries at the doors and conducted its proceedings in secret. That was a good thing.

According to James Madison's notes from May 25, Washington, "in a very emphatic manner . . . thanked the convention for the honor they had conferred on him, reminded them of the novelty of the scene of business in which he was to act, lamented his want of better qualifications, and claimed the indulgence of the House toward the involuntary errors which his inexperience might occasion." The convention then elected a secretary and appointed a committee to prepare its standing rules. The convention knew the importance of standing rules. The convention had learned that from the colonial legislatures, the State legislatures, and from Parliament in the motherland. Several of those forebears came from England, Scotland, and Ireland; they were all subjects of Great Britain, of course. They knew about Parliament. So, they prepared standing rules.

Over the next 3 months, the delegates crafted an entirely new Federal Government for the United States. Ever fearful of tyranny, they solved the problem of concentration of power by dividing responsibilities among three equal branches of Government. O, that more of our people today would study American history! I am not talking about social studies; I am talking about history—American history. O, that more of our Members would refresh their memories concerning American history! How many times have I reminded ourselves of the importance of the checks and balances, the separation of powers, the fact that there are three equal and coordinate branches of Government?

As pragmatists who doubted the perfectibility of human beings, they assumed—those delegates at the convention—that strong individuals and groups would always grasp for more power—and they were right—which would be dangerous, even if meant for good purposes. They, the delegates, believed that government evolved from the people and, indeed, they began their document with the words: "We the People." But they also anticipated that public opinion would swing wildly—swing like a pendulum—wildly at times, and that public passions could get swept away in the frenzies of the moment. Some people glibly refer to our form of government as a democracy. When you hear someone say that form of government is a democracy, mark that person as not knowing what he is talking about. That person does not know what he is talking about when he says that this Government is a democracy. It is not. Rather than a democracy, the Framers created a representative government, a republic, with elaborate checks and balances.

If we want to understand the difference between a democracy and a republic, let James Madison explain the difference in Federalist No. 10 and Federalist No. 14.

As James Madison later explained in the Federalist: "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself."

Mr. President, because the U.S. Constitution still functions essentially the way its authors intended, and because it has been amended only 27 times in the past two centuries, that Constitutional convention has sometimes been celebrated as the "Miracle at Philadelphia," and the delegates praised by none less than Thomas Jefferson as "demigods," suggesting that their work was divinely inspired. In point of fact, the convention was a long, hard, bitterly-debated ordeal that on several occasions came close to collapse. They did not have air-conditioning in those days. Those summers were just as hot as they are now, I suppose. The delegates needed to reach several crucial compromises before enough of them would agree to the new constitution. One of these compromises—known as the Great Compromise—created the U.S. Senate as a means of satisfying the smaller states' demands for equality, while the House of Representatives would grant more votes to the larger states by apportioning on the basis of population. Another pivotal compromise—the Three-Fifths Compromise—addressed the emotional issue of human slavery, by permitting slaves to be counted as three-fifths of a person for purposes of taxation and representation. Without the agreement, the Southern states would not have ratified the new constitution. Yet, it left in place the peculiar institution of slavery that eventually would tear the nation apart in civil war.

In other words, Mr. President, as remarkable as was the Constitution that emerged from Philadelphia in 1787, and as much as it solved the problems that had festered under the Articles of Confederation, it was not a finished document. Despite the towering presence of George Washington, Benjamin Franklin, Alexander Hamilton, Madison, Mason, and other wise and trusted leaders at the Constitutional convention, there remained deep public suspicion over this new government, which after all had been debated entirely in secret session. Some delegates refused to sign the Constitution because it lacked protection of individual rights. This omission proved a major obstacle to the ratification of the Constitution, leading Madison to pledge his support for a series of amendments while the ink on the Constitution was still wet. During the First Congress, as a member of the House of Representatives, Madison proposed the first ten amendments, known as the Bill of Rights, and two other amendments not ratified at the time (one of which more recently resurfaced as the 27th amendment) and which we remember in our own time here in the Senate.

The late Justice Thurgood Marshall once commented that he could not admire the framers' decision to compromise with slavery, and that, therefore, he preferred to celebrate the Constitution as "a living document, including the Bill of Rights and other amendments protecting individual freedoms and human rights." Several amendments to the Constitution were more administrative in scope, designed to fix flaws in the Electoral College, change the calendar for congressional sessions and presidential inaugurations, and permit the levying of a federal income tax. But most of the amendments dealt with expanding democratic rights and freedoms, from the abolition of slavery to the extension of the right to vote to blacks, women, and 18-year-olds, and even for the right of the people to directly elect their United States senators. These few amendments have improved the original document. Yet, in so many respects the Constitution remains unchanged. Today, each branch of the government retains essentially the same powers it was given in 1787—albeit magnified to meet the challenges of subsequent centuries. Ours, as Justice Thurgood Marshall reminded us, is a living Constitution.

If the Holy Bible were small enough, I would carry that with me, too. This is the Constitution of the United States. Fortunately, it is a small document. It is a compact document that fits comfortably inside my shirt pocket, and several Senators in this body carry the Constitution in their pockets. It is far shorter than most State constitutions, including my own West Virginia Constitution. It does not take long to read. But each time one reads it, one will find something new in that Constitution—some thought that did not occur to that individual before.

It does not take long to read, and yet opinion polls show that many Americans have either never read it or have forgotten most of what they learned about it in school. That may also go for a good many of the Members of this body, and the other body. It would be very well if all Members of the Senate and House reread the Constitution from time to time. It is vital that all Americans familiarize themselves with this document so that they know their constitutional rights and their constitutional responsibilities.

Let me suggest, therefore, that May 25, marking the anniversary of the day the Constitutional Convention got down to business, would be an appropriate day for all of us to once again read the Constitution and to appreciate the framers' efforts "to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity."

This coming Monday is Memorial Day, May 29. On that day, Edmund Randolph, Governor of the State of Virginia, presented his 15 resolves, his 15 resolutions to the convention. The debates in those ensuing days largely centered around Randolph's resolutions, or the so-called Virginia plan. So, I say to my colleagues, remember this coming Monday. That was the day when the convention first heard about the Virginia plan.

Long live the memories of the Framers of the U.S. Constitution!

WEDDING ANNIVERSARY CELEBRATION

Mr. BYRD. Mr. President, this is not quite as important a subject to my listeners, perhaps, as the words I have just spoken, but it is an important subject to me, because next Monday, the Lord willing—in the Book of James, we are told always not to say, I'll do this or I will do that tomorrow; I'll go here or I'll go there tomorrow; always say, "the Lord willing" —next Monday, the Lord willing, my wife and I will celebrate our 63rd wedding anniversary.

I have to frankly say that what little I have amounted to, if it is anything much, I owe for the most part to her. She saw to it that I earned a law degree. She virtually put me through law school by her caring ways. She fulfilled the responsibilities at home, rearing our children while I was busy. She went to the store, she did the buying, she did the washing, she did the ironing, she pressed my clothes. She mopped the floors, she vacuumed the carpets, she did the work. I have never seen a person who was a harder worker than my wife and the woman who raised me, my old foster mother, my aunt.

But Erma is the one to whom credit is due. She has set the kind of example for me over the years that I have not been able to emulate fully. This coming Monday, I am going to show her my appreciation by going back to the hills with her. On Monday, we will finish reading the King James version of the Holy Bible together. We are down to where we lack four chapters. We try to read the Bible every Sunday—not that I am somebody who is good; the Bible says that no man is good; not that I am somebody good —but she and I read that Bible every Sunday. Three or four months ago, I counted the number of chapters remaining, and it came out to where if I divided them in a way that we would read six chapters every Sunday, we could finish the Bible, the reading of the Holy Bible, from beginning to end, the old testament and the new, on next Monday, our wedding anniversary. We lack four chapters, and God willing, we will finish those four chapters next Monday.

After that day, we will be on our way to our 64th wedding anniversary.

DETECTIVE JOHN EUILL

Mr. BYRD. Mr. President, as I am talking about the Bible, I want to call attention to a good man who works in this Capitol. He is a detective. His name is John Euill.

Every time this little publication comes out, he brings it to me. The title of it is, "Our Daily Bread." John Euill always brings that to me. Of course, we are not supposed to call attention to anyone in the galleries in the Chamber, but I am going to call attention to someone who is sitting on the Chamber bench on the Republican side right now. All of our Members have shaken his hand. He is courteous. John Euill is a wonderful man.

Let me read just a few words from "Our Daily Bread," which he gave me today. The chapter titled, "Building on the Bible":

> What can be done to improve society? An MTV political correspondent had this unexpected but praiseworthy suggestion: "No matter how secular our culture becomes, it will remain drenched in the Bible. Since we will be haunted by the Bible even if we don't know it, doesn't it make sense to read it?"
>
> Our culture is indeed "drenched in the Bible." Whether or not the majority of people realize it, the principles on which the United States was founded, and the values which still permeate our national life, were based on the Holy Scriptures.

If Senators don't believe that, go back and read the Mayflower Compact and many of the other great documents that form the basis of this great Nation.

> Yet, God's Word no longer occupies the commanding place it held in the past.

And that is true.

> Its ethics are sometimes still praised even though biblical morality is flagrantly violated. So I agree with the political correspondent's urging that people read the Bible.
>
> We need to do more, however, than just read the Word of God. We need to believe the Bible and put its inspired teachings into practice. The psalmist reminded us that we are to walk in God's ways, to keep His precepts diligently, and to seek Him with our whole heart.

Psalm 119, the second through the fourth verses. I am going to read those verses for the people who are watching through that electronic eye above the presiding chair. I want in my small way to dedicate them today to Detective John Euill.

> Blessed are they that keep his testimonies, and that seek him with the whole heart.
>
> They also do no iniquity: they walk in his ways.
>
> Thou hast commanded us to keep thy precepts diligently.

I thank all Senators for their patience, and I yield the floor.

SPECIAL AGENT JOHN J. TRUSLOW

Mr. REED. Mr. President, I would like at this time to pay my respects to FBI Special Agent John Joseph Truslow. John Truslow, an FBI agent stationed in Providence, was more than "just an agent." He was a brave man, a Rhode Islander who cherished his home state and served its people with courage and distinction.

John grew up in Central Falls, Rhode Island and attended the University of Rhode Island, receiving a bachelor's degree in 1972 and a master's degree in 1978. In 1980, he joined the Federal Bureau of Investigation in New York, where he was assigned for eleven years.

In 1991, John Truslow transferred back home to Rhode Island, with his wife, Diane, and their two children, Catherine and David.

During the next nine years with the Bureau, John Truslow distinguished himself by leading several federal probes that attacked corruption in our cities and towns.

In 1996, when the North Cape barge ran aground at Moonstone Beach, spilling over 800,000 gallons of home heating oil into Narragansett Bay and killing millions of fish and wildlife, John Truslow was hard at work. Throughout that year and the next, he led a methodical investigation, which uncovered the corporate negligence that contributed to the disaster. Because of his work, a groundbreaking agreement was reached in which the owner of the North Cape agreed to pay $9.5 million in criminal damages. Today, despite one of the worst environmental accidents in Rhode Island's history, Narragansett Bay is recovering, due, large part, to the work of Mr. Truslow.

Described by friends and co-workers as a man of substance and a man of honor, John continued to report to work each day, even after having been diagnosed with terminal brain cancer in August 1999. In fact, on April 5, one day after his twentieth anniversary with the FBI and after months of being physically ravaged by cancer and the effects of chemotherapy, John testified before a federal grand jury to present evidence which lead to the indictment on bankruptcy fraud charges of a Rhode Island traffic court judge. Twelve days later, on April 17, he was in court for that indictment.

John was a dedicated agent, working up until his final days. We are humbled by his courage, allegiance to duty and his perseverance in the face of adversity. He served with honor and distinction, for the people of his home state of Rhode Island as well as the Federal Bureau of Investigation.

Unfortunately, John lost his battle with cancer on May 5. To his family, I offer my sincerest condolences.

I need not tell them that they can be proud of John; they already know that. But, I would like them to know what John's work meant to so many in our state. He made a difference in our criminal justice system and has left a lasting impression on friends, co-workers and colleagues in law enforcement.

While he is gone, John's legacy of duty and courage lives on, and his record of service to his country and Rhode Island will not soon be forgotten.

I ask unanimous consent that an article from the Providence Journal-Bulletin on the life of Mr. Truslow be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Providence Journal-Bulletin, May 14, 2000]

REMEMBERING A MAN WHO HAD THE COURAGE OF HIS CONVICTIONS

(By Mike Stanton; Journal Staff Writer)

Despite the ravages of brain cancer, FBI agent John Truslow, whose cases included the North Cape oil spill and Operation Plunder Dome, worked up until the final days of his life.

When two dozen FBI agents prepared to raid Providence City Hall last spring, a lanky, bespectacled agent named John Truslow was put in charge.

"We specifically chose him because we wanted someone who was low-key and decisive," recalls Daniel Knight, the head agent in Providence.

Later that afternoon, while top federal prosecutors and FBI officials held a news conference to announce Operation Plunder Dome, Truslow was back in his familiar post behind the scenes, poring through the arcane documents and tedious tax records that would help the government build criminal cases against corrupt Providence officials.

If John Truslow toiled in obscurity, his efforts were not in vain. He worked on some of the most prominent criminal cases in Rhode Island over the past decade from public corruption in Johnston to criminal negligence in the 1996 North Cape oil spill to the ongoing corruption probe of the administration of Providence Mayor Vincent A. Cianci Jr.

Truslow kept working even after he was diagnosed with terminal brain cancer last year.

As the cancer ravaged his body and the chemotherapy failed to arrest the disease's advance, Truslow would say that he was "on top of the world" and keep showing up for work.

Although his gait was unsteady and he was unable to drive, Truskiow was still on the job in April, putting in a nine-hour day as a federal grand jury indicted retired Rhode Island traffic-court judge John F. Lallo on fraud-related charges after an 18-month investigation.

On May 5, Truslow died, with his wife of nearly 22 years, Dianne, and their daughter Catherine and son David nearby. He was 50.

"John would never, ever give up," says his friend and colleague, Special Agent W. Dennis Aiken. "He wasn't given a lot of time by the doctors, but he had things that he wanted to finish. He met every goal he set."

That sense of purpose was evident at Truslow's wake last Monday, a celebration of his life that drew an overflow crowd of friends, family and colleagues from throughout the Northeast.

Patting his friend's hand, Aiken talked about Truslow's love of his family and his job, and vowed that his work would continue:

"There's still a lot of people we need to put in jail."

EVEN AT 6-FOOT-5, John J. Truslow was a man who, with his crumpled raincoat and mild personality, "could easily fade into the background," says friend and federal prosecutor Ira Belkin.

"He was all substance, no show," says Belkin. "No task was too small or too big. If I had 10 John Truslows, there would be no crime in Rhode Island."

Truslow grew up in Central Falls, one of four children. His father worked for a local gas company; his mother worked in a mill.

As a student at the University of Rhode Island in the early 1970s, Truslow met a high-ranking FBI official the father of a classmate and "became fascinated with the bureau," recalls his wife, Dianne L. Truslow.

The FBI official told him that there were two paths to becoming an agent accounting or law school. Truslow chose accounting.

He joined the bureau in 1980, in New York, and within a few years began specializing in white-collar crime. In 1991, he transferred to Rhode Island, moving to East Greenwich.

Before long, Truslow was leading a federal corruption probe of the Town of Johnston, involving bribes by developers to town officials.

One official was charged with demanding a $10,000 bribe, which he described as "coffee money." Ultimately, eight people were convicted. Long-time Johnston Mayor Ralph aRusso, who wasn't charged, was voted out of office.

"The people in Johnston Town Hall hated to see him," recalls Dianne Truslow. "He knew their records better than they did."

Other Johnstonians cheered him on. One was Rosie Cioe, proprietor of the downtown Providence deli Amenities, where Truslow would stop in every morning for a cranberry muffin.

"John kept my hopes up that Johnston would turn itself around," she recalls. "I'd say, 'You're doing a hell of a job, John. Keep going.' He'd just smile."

Peter DiBiase, a Providence criminal-defense lawyer who represented people investigated by Truslow, calls him "a worthy adversary and an honorable man."

"He played hard and he played fairly," recalls DiBiase. "He's the most diligent FBI agent I ever met."

ON JAN. 19, 1996, the tug Scandia caught fire in a storm and ran aground at Moonstone Beach with the barge North Cape, causing the worse oil spill in Rhode Island history.

Truslow led a team of state and federal investigators in piecing together hundreds of boxes of ship records and interviewing crew members who had concealed problems with the boats.

The result was a groundbreaking 1997 agreement in which the boat owner, Eklo Marine Corp., agreed to pay $9.5 million in damages.

"Some agents are good with paper and some are good with people there aren't many agents like John who are good with both," says Belkin.

Truslow had a patient, methodical style of interviewing that broke down many a target into confessing criminal wrongdoing, associates say. In one fraud case, Belkin recalls, a suspect being questioned by Truslow raised his hand and, to the dismay of his lawyer, said, "Guilty."

Last Aug. 11, while delivering subpoenas to Newport, Truslow suffered a seizure and blacked out, crashing his car into a tree in Middletown. He came to in an ambulance.

Hospital tests found seven tumors in his brain and three more in his lungs. Following 10 days of radiation treatment, doctors at the Dana Farber Cancer Institute in Boston found that the tumors had grown. Last October, they estimated that he had six months to live.

"We were beside ourselves," recalls Dianne Truslow. "We sat there and wept."

Agents continued to drive Truslow to Boston for treatment. His hair fell out, his body grew gaunt, and he suffered painful side effects from the chemotherapy. Still, he kept working. His job helped distract him from the cancer, and the cancer drove him to push hard to finish cases.

Truslow worked on a Plunder Dome case involving lawyer and long-time State House insider Angelo "Jerry" Mosca Jr. In January, Mosca pleaded guilty to delivering $25,000 in bribes to city tax officials; one of the bribes involves allegations that $10,000 was intended for an unidentified high-ranking city executive.

Truslow also sat at the table with a federal prosecutor in March, when Providence tax collector Anthony E. Annarino pleaded guilty to taking bribes in another Plunder Dome case.

Truslow's wife says that he set milestones to keep himself going: his 50th birthday in November, which was marked by a surprise party attended by about 75 FBI agents and other friends; Christmas, his children's birthdays, his 20th anniversary with the FBI.

On April 5, the day after marking his 20th anniversary, Truslow was back before a federal grand jury, presenting evidence that led to the indictment of former Rhode Island traffic-court judge John Lallo on bankruptcy fraud charges.

In the preceding months, Truslow had continued to build the case, interviewing witnesses at Foxwoods casino in Connecticut, where Lallo had piled up gambling debts.

On April 17, Truslow appeared in court for Lallo's arraignment. One week later, on April 24, he came to work for the last time. After a few hours, however, it became apparent that he had taken a turn for the worse: he struggled to speak in complete sentences, and had to be taken home.

He died nearly two weeks later. On Thursday, Truslow's wife and children, following his wishes, scattered his ashes from an airplane over a favorite spot overlooking Narragansett Bay.

Dianne Truslow recalls her husband's pride back on April 4, when he was honored for his 20 years of service in the FBI. Barry W. Mawn, the head of the FBI's Boston office, hailed Truslow as "a profile in courage."

As the 200 people there wept openly, a sobbing Truslow thanked them.

"I don't know how much longer I have," said Truslow, "but I will continue to work every day and do my best."

AGRICULTURAL RISK PROTECTION ACT OF 2000—CONFERENCE REPORT

Mr. LUGAR. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance programs and for other purposes and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 2559, to amend the Federal Crop Insurance Act have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report. (The conference report is printed in the House proceedings of the RECORD of May 24, 2000.)

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, as a parliamentary inquiry, my understanding is that unanimous consent has been reached that this Senator controls 1 hour of debate, the distinguished Senator from Iowa, Mr. HARKIN, 1 hour of debate, and the distinguished Senator from Minnesota, Mr. WELLSTONE, controls 1 hour of debate.

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. I yield to myself such time as I may require.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to speak about the Agricultural Risk Protection Act of 2000. I am very pleased this legislation is before the Senate today for final consideration after a great deal of work by Senators of both parties and both sides of this Capitol. I am here to testify that there is proud bipartisan support for this legislation, highlighted by the fact that all members of the conference committee for this legislation signed the conference report after our meeting yesterday.

This conference report contains several titles. Title I pertains to crop insurance important to so many agriculture producers throughout the country. The fiscal year 2001 budget resolution provided $8 billion over 5 years for crop insurance legislation. This conference report increases premium subsidies to make crop insurance more affordable. The bill also tightens program integrity provisions to limit abuse. It also helps producers of non-insured crops, predominantly specialty crops, by making the non-insured assistance program more readily available to them. Finally, the legislation encourages farmers to adopt a broad array of risk management activities beyond crop insurance alone.

Title II of this conference report provides $7.14 billion in economic assistance to farmers as provided in the fiscal year 2001 budget resolution. Included in this conference report is $5.466 for a market loss payment for farmers in this fiscal year based on last year's AMTA payment rate. Five hundred million dollars is provided for oilseed producers. Funds are also provided for specialty crops including funding for purchases of crops that have experienced low prices in 1998 or 1999 and loans for apple producers who are suffering economic and income loss. Finally, funding is provided for purchases of commodities for the school lunch program which benefits school children as well as farmers.

Title III of the conference report contains the Biomass Research and Development Act, a bill which I originally introduced in the Senate last year. This legislation establishes a focused, integrated, and innovation-driven research effort to develop technologies for the production of biobased industrial products. The bill also authorizes a biomass research and development initiative to competitively award grants to carry out research and development of low cost and sustainable biobased industrial products.

Title IV and V of the conference report consolidates and streamlines existing statutory authorities for plant protection and authorizes civil penalties for harming or interfering with animals used for USDA inspections. Senator CRAIG had originally introduced this legislation in the Senate.

I thank Senator HARKIN, the ranking minority member of the committee, and Senator ROBERTS and Senator KERREY for their hard work and that of their staff in finalizing the crop insurance legislation. All members of the conference committee and their staff are thanked for their important contributions to the process.

Finally, I also want to thank Congressman COMBEST, the chair of the House Agriculture Committee, and Ranking Minority Member STENHOLM and their staff for their hard work in the past few weeks on this legislation.

I am pleased to report the House of Representatives took action on this conference report this morning and passed it unanimously. I am hopeful that we may have a result similar, if not exactly the same as that, this afternoon in this body.

Let me simply add that this legislation is of enormous importance to American agriculture. I have tried to summarize as succinctly as possible these five titles. But the consequences of this bill are very substantial. The dollars involved I have outlined. But the confidence, the hope that comes to producers who have had great discouragement in terms of low prices, in terms of export markets that have been withheld due to economic conditions in Asia, biotechnology disputes now in Europe, very great problems in negotiating trade agreements, whether it be the Seattle scene or the Washington scene more recently—this has been a very tough time.

The Chair comes from the State adjacent to my own, a State which, like Indiana, must export half of the soybeans we produce and about a third of the corn we produce. There can be no prosperity in American agriculture without vigorous negotiations to knock down these trade barriers and to open up prospects for our farmers to realize the benefits of having the best—the best in terms of quality, the best in terms of price.

These economic circumstances do not pertain if there are barriers to exports. But in this interim period, it is appropriate that Congress has understood these unusual international problems and understood we are in transition to more market-oriented farming. The crop insurance title in particular recognizes the possibility of farmers becoming much better marketers, much better business people, which all of us will have to become if we are, in fact, to succeed over the coming generation.

I know many Senators will want to speak on this issue. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Who yields time to the Senator from North Dakota?

Mr. CONRAD. I yield myself time off the leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, as a member of the conference on the disaster bill and the crop insurance bill, I am pleased to give strong support to the conference report.

First, I thank the chairman of the Senate Agriculture Committee, Senator LUGAR, for his leadership, his patience, and his very gracious treatment of all of our colleagues. All of us understand this particular bill was not Senator LUGAR's first preference. Once again, he responded to the concerns of colleagues on the Senate Agriculture Committee and in the larger body and did so in a most gracious way. For that, I thank Senator LUGAR. He has once again demonstrated the way we ought to do business in the Senate. He has certainly set a high standard.

I also thank our ranking member, Senator HARKIN, who has been indefatigable in advancing the cause of American agricultural producers. Senator HARKIN has been a forceful advocate. Time after time, he has stood in the breach and insisted we do what is right by farmers and ranchers all across the country. I thank Senator HARKIN for his exceptional leadership. We would not be here today without him.

I also thank Senator KERREY and Senator ROBERTS who were the primary sponsors of the legislation before us. Without their steadfastness right to the bitter end, we would not be here today. We faced a threat as late as last night when it was proposed we put the bankruptcy bill on this legislation. All of us know what that would have meant. That would have meant endless delay. That would have meant sinking into a bog of controversy that extends not only to the bankruptcy bill, but unrelated issues attached to it. Special thanks to those who stood firm and said, no, this needs to be a bill that deals with the critical problems facing farmers and ranchers in the United States.

I also thank my close friend and colleague, Senator GRASSLEY, who, as a member of the Budget Committee, worked with me to secure the $8.2 million in the budget that makes possible crop insurance reform.

Finally, I recognize the work of the House committee chairman, Congressman COMBEST, for conducting what was a very fair and open conference committee. That is the way a conference committee should function. It was give and take, it was a debate, it was discussion, and at the end, it was a coming together around legislation that is, I think, outstanding. I again single out the House committee chairman, Congressman COMBEST, for his leadership.

We have developed, I believe, the right bill at the right time with the required budget support. In one bill, we have managed to bring together emergency farm relief for the families who are faced with the lowest prices, in real terms, in 50 years and a reform of the crop insurance system to make it more affordable at every level.

In addition to that, we are righting a wrong done to Durum farmers a year ago. This bill provides emergency relief in the form of 100-percent AMTA supplemental payments. For wheat farmers, that means instead of getting 64 cents a bushel, as they did last year in an AMTA payment, they will get 64 cents in addition to the regular AMTA payment, which this year will be 57 cents. So they will get an AMTA supplement—this is on wheat now—of 64 cents a bushel that is equivalent to last year's AMTA payment, married to the AMTA payment we will be getting this year.

In addition, we have a crop insurance reform bill that is a dramatic improvement. When I go home and have meetings all across North Dakota, one of the most agricultural States in the Nation, what I am told, and told repeatedly, is that crop insurance is not working. It does not work because we do not have the right levels of support at the levels of coverage that farmers are buying, and they have a very serious problem if they have multiple years of disaster.

Oddly enough, the way the formulas work, when farmers have multiple years of disaster, the base that calculates the support they receive is diminished—it is reduced, and it is reduced dramatically. The irony is, at the very time farmers need help the most, we have a formula that gives them the least help. It makes no sense. We have adjusted that in this legislation.

I know there are those who are critical of using the AMTA payments as a basis for the economic disaster assistance. I understand that. AMTA payments are not countercyclical. That is, they are not designed to help those commodities that are the exact ones that are being hurt by this downturn.

In addition, AMTA payments are not based on current production. AMTA payments, as a result, can go to producers and landowners who may no longer be producing the crop on which their payment is based or who are no longer growing a crop of any kind. Those are legitimate criticisms. Most of us recognize that.

The question is, Do we make the perfect the enemy of the very good? I say to my colleagues, could we have done better? Yes, we could. We could have adopted a countercyclical program. But I say to my colleagues, at some point we have to make a decision: Are we going to delay support for producers who are in very deep economic trouble, faced with a circumstance in which USDA informs us, absent our action, farm income will drop $8 billion this year; or do we act?

I urge my colleagues to join us in acting. Let's not delay. Let's not wait. Let's not make the perfect the enemy of the very good. The fact is, this package is going to make the difference for tens of thousands of farm families all across America between economic survival and economic death. That is the reality. That is what motivates the urgency of our action.

I am very proud of the package that is before us. Many people labored hours and hours to produce this result. I salute not only the Members who worked hard and provided the leadership, but I thank the staffs on both sides who exhibited a dedication to public service because they did not work just 9 to 5. I know there are some people who think the Senate is kind of an easygoing place and people work leisurely hours. That is not the truth.

The truth is people here work very hard. No one works harder than the staffs. The staffs in this circumstance have given us a perfect example of how to function to produce a result. They worked together harmoniously—well, not always harmoniously. Sometimes there was friction, sometimes there were real differences of opinion, but they kept at it, and they produced a result, and it is a result that is good for the country. They worked very long hours, many times late into the night, through the weekends repeatedly, to help achieve this result. I salute them today on both sides of the aisle because this was a bipartisan product. That happens, unfortunately, not as frequently as it should happen in this Chamber. I can tell you, this package is a product of coming together in a bipartisan effort. I salute all those who helped produce it.

In addition to the disaster package we have, in addition to the crop insurance reform which is wide sweeping and incredibly important to America's farmers and ranchers, this bill also includes provisions that effectively resolve a lawsuit brought by an unfair action by USDA regarding the 1999 durum crop revenue coverage level in contracts that were offered in various parts of the country. This means that both parties to that lawsuit—farmers and USDA—have a reason to settle that lawsuit, with every policyholder who received a claim getting additional per-bushel assistance.

More importantly, the bill language makes it clear that actions on the part of USDA that change the conditions of crop insurance policies retroactively are not acceptable for any commodity.

Whatever were they thinking of, to put out a contract—however flawed that contract might be—to have farmers sign up to it, and then to withdraw it? These contracts are contracts. That means there is a two-way bargain. You cannot have a circumstance in which the Federal Government puts out a contract, gets people to sign up to it, and then changes its mind and withdraws it. That is not fair. That is not right. In this legislation, we have sent that clear signal.

I close by suggesting to my colleagues that we now have a moment in time that we can act together in the best interests of the farmers and ranchers of America. I urge my colleagues to support this conference report. I again say how proud I am to have been a part of this conference that functioned the way a conference should in a bipartisan effort to produce a result that is good for America.

I thank the Chair and yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I note that Senator HARKIN was going to come out on the floor. I will try to be relatively brief. I did not want to precede him. Let me just take a few moments, and then I will reserve the remainder of my time for later on. I know my colleague from Idaho wants to speak as well.

Mr. President, I am speaking on my hour right now, though I will not take up all the time, and I will reserve the remainder of my time.

At the beginning, Mr. President, before I thank some of my colleagues for their work and then be honest in some of my criticism, I will very briefly, with the indulgence of my colleagues, just point out on the floor of the Senate that yesterday—all of us have to deal with this in our States—Sheila and I received some unexpected news that has devastating consequences for the people of part of Minnesota—an area I love, the Minnesota Iron Range. The steel company LTV announced it is going to close the taconite plant in Hoyt Lakes. They employ 1,400 people, I say to my colleague from Idaho. For Hoyt Lakes, Aurora, and other communities in the Iron Range, this is just devastating news.

It just makes me sick to my stomach because these workers are friends and their family members are part of our family. I have always been honest that the Iron Range in Minnesota is a second home for me. It is all so unexpected.

Jerry Fallos, who is the president of the steelworkers local, got a call yesterday at 6 a.m. in the morning. The company said: We want to meet with you. He had absolutely no inkling there was any trouble. LTV said: We are closing the Erie plant.

I know that the steelworkers are asking for an accounting of the closing. They are pledging to do whatever they can to keep it open. In whatever way I can help as a Senator, I certainly intend to do it.

By way of concluding these remarks and getting on to the conference report, I want to say this.

Tomorrow, I am going to leave early to go home and meet with county commissioners, workers, union representatives, company people, small businesspeople, and all the rest. I know we will be talking about how to get assistance to people and how to have more economic development and the need to figure out yet other ways to diversify the local economy. But the one thing I want to mention, because the Iron Range is so special, is that sometimes I do not think we focus enough on community.

I think this should bring Democrats and Republicans together —a place where people live, where people go to church or synagogue or mosque, or wherever people raise their families, where people know one another, people love one another, and people support one another.

I truly do believe sometimes these capital investment decisions in this new global economy, that get made over martinis, halfway across the world, can have devastating consequences for the people in our communities. I think we need to put more of a premium on community, especially on our smaller communities. I hate it when we are put in the position of picking up the pieces as a result of the communities being devastated by policies that are needless and should not be supported in the first place.

Again, we have seen a torrent of dumped steel imports coming into our country that has made our industry vulnerable. We now have 1,400 people—much less their families and communities—who are very much at risk.

As a Senator, I am going to do everything I can to help these people.

In some ways this is like the farm crisis.

Mr. President, I ask my colleague from Idaho how long he intends to take?

Mr. CRAIG. I thank my colleague.

I would speak probably no more than about 5 or 6 minutes.

Mr. WELLSTONE. Mr. President, I did not want to precede Senator HARKIN, who is the ranking member on this committee. I ask unanimous consent that Senator HARKIN be able to speak, after which Senator CRAIG would be recognized for 5 minutes, and then I be recognized to follow Senator CRAIG. Would that be all right? I would be pleased to do that. I ask unanimous consent that that be the order. I say to my friend from Iowa, I did not intend to precede him.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank Senator WELLSTONE for his consideration. I do appreciate that very much.

Mr. President, I come to the floor this afternoon, as most of us do, to speak about the crop insurance conference report that is now before us and to thank those conferees—the chairman of the full committee, Senator LUGAR, Senator ROBERTS, and others on our side, certainly, who were engaged, as they should be, to produce this conference report, and thank them for the hard work they have rendered in bringing about crop insurance reform.

It is a challenging process at best. They have done an excellent job in balancing the interests we have in agriculture, and to have crop insurance that reflects the diversity of agriculture itself.

With the passage of the farm bill, Congress—we—promised crop insurance that would work. I am pleased to see that we now are living up to that promise by passing sweeping legislation to bring some normalcy back to our Nation's farm economy and to expand the risk management tools available to our farmers and ranchers.

The crop insurance conference report addresses several concerns farmers from my State and I have about the current Crop Insurance Program. The conference report provides increased subsidies for greater buy-up of crop insurance, funding for research and development of specialty crop insurance, and the removal of the NAP area trigger, just to name a few of the improvements.

This legislation is a very balanced approach, containing meaningful and sweeping reforms that all of us would admit are long overdue.

As we all know, the agricultural economy has been in a dramatic slump for the last good number of years. USDA reports that overall conditions in the economy in early 2000 are largely a replay of last year. Agriculture is a part of the world economy, and farmers across the board are facing very difficult times.

For the past 2 years, though, we here in Congress have tried to respond to the agricultural crisis by providing over $15 billion in emergency economic aid. I do not stand back from that. I think it was appropriate and necessary to keep our agriculture economy out of bankruptcy.

The need this year is not much different than last. I am pleased that there is $7.1 billion in economic farm aid in this conference report. This funding includes $5.5 billion additional AMTA payments, or market loss payments; $200 million for specialty crops; $500 million for oilseed payments; $11 million for wool and mohair maintenance; loans for producers who were affected by the AgriBioTech bankruptcy that impacted my State and other States dramatically, including Oregon, Washington, Montana, some 30-plus States that were involved in both grass clover and alfalfa seeds.

I have worked for and supported the funding because I believe it is what our farmers need to stay in business in the short term. We must help them deal with this if we can; and I think we are. USDA reports that global economies are now improving. Of course, we know that many of our products sell openly in the world market. As that economy improves, so does the demand for agricultural commodities from this country and the improvement of price.

The conference report also includes the Plant Protection Act, a bill I have been working on for nearly 2 years. What is it? It is a weeds program. That is what it is all about. I think those of us who are familiar with agriculture recognize that we have not been good at dealing with weeds. Those of us who live near large tracts of public land recognize that our public land neighbors have been less than good stewards of their land by allowing major increases in noxious weed populations on our public lands. This is a major step in the direction of improving that. It follows the President's initiative that was taken a couple of years ago with the legislation Senator AKAKA and I have worked on for some time. I hope we can meet the other needs that Senator AKAKA has, and I will work with him in the agricultural appropriations that will follow to see if we can make that happen.

This legislation will organize and expand the function of the Animal and Plant Health Inspection Service. APHIS currently gets its authority from 10 different statutes, some of which are outmoded and conflicting and complicated. As a result, it simply has not provided us with the kind of consistency we need to deal with commercializing technologies and the use of biocontrols in the area of weeds.

The PRESIDING OFFICER (Mr. ALLARD). The Senator's time has expired.

Mr. CRAIG. Mr. President, I ask unanimous consent for no more than 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. This bill has broad support from the American Nursery and Landscape Association, National Association of State Departments of Agriculture, the National Christmas Tree Association, the National Potato Council, and many others that for a long time have recognized the need to reform this area of the law.

Again, I commend the conferees on both sides of the aisle for the hard work they have undertaken in producing this conference report in a way that will produce reform in crop insurance that I think is now functional, workable, and becomes the kind of risk management tool we promised American agriculture some years ago. With that is the supplemental program for emergency purposes that will go a long way toward stabilizing the agricultural economy as we move through this year and into next.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, Senator ROBERTS is here. He worked so hard on the crop insurance bill, which is a fine piece of legislation. I ask unanimous consent that Senator ROBERTS be recognized for about 15 minutes, and afterwards I follow him, and then Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise today in strong support of H.R. 2559, the Agriculture Risk Protection Act of 2000.

As has been indicated by my colleagues, this legislation provides what we believe are very dramatic reforms to the Crop Insurance Program. It also marks the final product of a legislative initiative Senator BOB KERREY and I began working on nearly 2 years ago. Senator KERREY and I decided to undertake this task at the same time Congress was passing the first of several large agriculture assistance packages in 1998. The problems we experienced in 1998 and again in 1999 exposed many of the holes in the current Crop Insurance Program. We agreed that changes needed to be made and that we must work together in a bipartisan manner to achieve program improvements. In fact, this is one of the reforms that was promised as an integral part of the 1996 farm bill. Obviously, those reforms did not take place, but here we are, finally, in an effort to achieve those reforms.

Senator KERREY and I did not just set out to write a bill based upon what we thought needed to be done. Rather, we wanted input from those who were most directly affected by this program. We asked virtually every producer, every farm organization, every commodity group, every crop insurance company, every insurance agent group in the country for input on this legislation. We traveled throughout the country. We held, literally, hundreds of hours of listening sessions here in Washington to get the input both from the organizations and the producers.

The responses were overwhelmingly clear: Major changes were needed in regard to the Crop Insurance Program. These groups recommended more affordable crop insurance policies at higher levels of coverage, equalization of the subsidy on something called revenue insurance, provisions to deal with multiple years of disaster, a better program for new and beginning farmers, changes in the product approval process, and, finally, the removal of the regulatory roadblocks that had stifled new product development.

Senator KERREY and I took these recommendations very seriously, and this legislation achieves each of these goals. The process has not been easy. We began our meetings on this issue in September of 1998. We introduced our first legislation, S. 529, the Crop Insurance for the 21st Century Act, last February. We then introduced a second bill, S. 1580, the Risk Management for the 21st Century Act, in September. In March, the Agriculture Committee and the Senate approved the crop insurance legislation that was based largely upon our original bill. Since passage of the Senate bill, we have spent nearly 7 full weeks in conference with the House. There have been many surprises, many bumps in the road, to say the least, sometimes arising at the last minute. I believe those unexpected bumps, however, were appropriate because they helped remind us of the often unexpected, unpredictable risks that our farmers and ranchers face on a daily basis, the same risks that this legislation works to help them manage.

The task was difficult and the hours were often long, but in the end we achieved a bipartisan bill that was supported by all 18 members of the conference committee between the House and the Senate. That is no small achievement.

Exactly what does this bill do? It makes it easier for producers to purchase the higher levels of coverage by increasing the premium write-downs and reducing the farmer's out-of-pocket expenses. By allowing the producer to produce these higher levels of coverage, I believe we will reduce the need for future disaster bills, those disaster bills that are always a disaster to pass, a disaster to implement, and always seem to come during even-numbered years. The legislation makes the revenue insurance policies that have become enormously popular for producers more affordable as well. This is risk management. These are risk management tools that, hopefully, will lessen the reliance on disaster bills and all of the expenditures that those entail, usually under emergency legislation.

The legislation also provides adjustments to something called the average production history, the APH, for those farmers who have experienced a year or years of significant crop losses and disaster. It provides for a new assigned yield system that will benefit new and beginning farmers.

The legislation also restructures the board of directors to provide more producer and insurance expertise. The product approval and the research development processes are greatly improved. This will result in the development of new and improved products that will provide our producers with the additional risk management tools they need.

We have also strengthened the fraud and abuse penalties in the program. Farmers and ranchers should pay attention to this; critics of the farm program should pay attention to this. Under this legislation, the producers and insurance representatives who would abuse the program face fines of up to $10,000 and possible disbarment from all USDA programs for up to 5 years. Those who would try to destroy the integrity of the program are going to be punished, and they are going to be punished big time.

I also comment on several provisions that do not necessarily affect my State and producers but which I know are very important to other Members in this body.

In recent years, there have been many complaints that specialty crop producers and certain areas of the country have been "underserved" by the Crop Insurance Program. This legislation takes major steps to address these concerns.

First, it provides nearly $500 million over 5 years for changes to make something called the Noninsured Assistance Program, or NAP. NAP will work better for these producers. It requires the RMA to undertake studies and report to Congress on ways to better serve these areas. And more than $200 million is provided for expanded research and education to develop new and better risk management products for these producers.

Mr. President, in addition to the important crop insurance reforms included in this package, we have also provided $7.1 billion in agriculture assistance for farmers and ranchers who have not enjoyed the booming economic times experienced by the rest of the U.S. economy. Approximately $5.5 billion of this amount will go out as market loss payments, through the AMTA payment mechanism established in the 1996 farm bill.

Now, while I understand some of my colleagues believe this is not the best way to distribute these funds, it is the quickest guaranteed manner by which the USDA can make these payments. I remind my colleagues who wanted to develop a new payment formula that in the past 2 years it has taken the Department of Agriculture at least 9 months to make these payments through the disaster and assistance programs that were not paid to producers through the AMTA payment mechanism.

I also point out that after a lot of real criticism regarding the AMTA process, the department or the administration came forward with a plan, only to be roundly criticized by virtually every farm organization and commodity group. So I think this is the way to do it. These are emergency payments.

As long as we don't have our export markets back, as long as farmers are not experiencing the kind of farm income at the country elevator, and market prices are depressed, I think this is appropriate, and doubtless this will help. We are doing it early. We are doing it early in the spring. It is in the budget. No Social Security money. No emergency money. The farmers, ranchers, and the lenders can sit down, and under consistency and predictability, know what they are getting this fall.

I am also pleased that $15 million is included for carbon sequestration research. The preliminary research indicates that agriculture can and will play an important and positive role in the debate regarding global climate change, and this funding is an important downpayment on this research. Senator KERREY and I worked hard to include this research money. It will enable farmers, again, to play a positive role in taking carbon out of the atmosphere and to mitigate the global climate change problems we have.

I could continue to discuss the merits of this legislation, but I will cease and desist. However, I do have a few closing comments.

First, this legislation has been a personal priority of mine for many years. It was nearly 20 years ago that my predecessor in the House of Representatives, Congressman Keith Sebelius, cast the deciding vote to create the Federal Crop Insurance Program. Since that time, I have been committed to strengthening this program and making it work for our producers. We promised this in the 1996 farm bill. In addition, an improved Crop Insurance Program has been an underlying promise ever since that bill has been passed. It was a promise I personally made, and today I consider it a promise, hopefully, fulfilled.

It has been a pleasure to work with my colleague from Nebraska on this issue. Senator KERREY is retiring from the Senate when this session ends, and I know passage of this bill before leaving the Senate has been one of his top priorities. We could not have done the job, the committee could not have done the job, the staff could not have done the job, we would not have had this bill without the support, leadership, advice, counsel, and hard work of Senator KERREY. Furthermore, I thank the distinguished chairman of the committee, Senator LUGAR, for his assistance in working with us to get a strong bill out of the conference between the House and Senate. Without his leadership as well, obviously, we would not have this package.

Finally, I thank the staff of the Senate Agriculture Committee. The Senate legislative counsel and the Congressional Budget Office spent considerable time on this legislation. As a matter of fact, maybe even too much time. It has been a Herculean effort, and all Members and staff involved deserve to be commended. I would be remiss if I did not mention specifically Bev Paul, who works for Senator KERREY; Mike Seifert, who works for me; and Keith Luse, the distinguished and able staff director of the Senate Agriculture Committee. They basically did the work and reported to us, and we reported to them to go back to work and they finally produced a bill. They persevered.

I close by stating that this is a good and fair bill. For the first time, it is a truly national crop insurance bill that serves all regions of the country. I remind my colleagues that it is a bipartisan bill, supported by all 18 members of the conference committee. It represents a real investment in our farmers and ranchers and the agriculture sector of our economy. I am proud of our efforts on this legislation.

I thank my colleagues for their support. I urge its quick passage. It is my understanding that it passed by unanimous consent in the other body, which has a lot of difficulty deciding when to adjourn, let alone passing things by unanimous consent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I come to the Senate floor today to speak of my profound disappointment regarding the way in which the Senate is conducting its business. I am outraged that these payments have been attached to a conference report without any consideration in the full Senate.

Mr. President, without any public debate and with no hearings in the Agriculture Committee some of our colleagues have attached $7.1 billion to this conference report, and have unilaterally decided to continue the failed farm policy of the 1996 farm bill.

First of all, I want to be very clear that I am pleased there was some recognition in Congress that the Freedom to Farm bill, or as I call it the Freedom to Fail bill, has not provided an adequate safety net to our nation's family farmers. Furthermore, I am pleased that the Budget Committee recognized that after spending over $16 billion the last 2 years on emergencies, family farmers were in need of an economic safety net.

But I believe this emergency assistance package only relieves the apparent symptoms of the economic crisis in agriculture. This assistance will help some farmers to continue their operations for the immediate future, but this direct cash infusion cannot sustain farmers for the long term.

I am deeply concerned about simply attaching this money to a conference report without any debate or possibility of amendments. And as a Senator from Minnesota, with thousands of family farmers in my state who are suffering economic convulsion, I am completely opposed to continuing this disastrous farm policy passed 4 years ago.

Mr. President, this is very much an extension of the debate we began last week—it's a debate about our right to be legislators. It is about being able to offer amendments to improve legislation—that is what the people of Minnesota elected me to do. The people of Minnesota and the thousands of Minnesota family farmers certainly didn't elect me to be silent, and accept the status quo in Washington, DC.

At times Senate procedure can seem a bit arcane to many people—let me explain what has happened with this legislation. We are now considering the crop insurance conference report—this is great. The legislation passed 95-5, and I voted for the bill. The crop insurance bill passed by the Senate will, in fact, make crop insurance much more affordable for thousands of family farmers who have experienced years of crop losses—like the Red River Valley in Minnesota. I will do everything in my power to pass this important piece of legislation—I have no objection there.

However, what has been done behind closed doors in a conference committee, with absolutely no public scrutiny, is completely different. What the conferees have done is to attach $7.1 billion in emergency farmer relief payments to the crop insurance bill. They have not asked the full Senate. They have not consulted with the House of Representatives.

And conference reports are privileged which means that Senators cannot offer any amendment. Nor can Senators engage in extended debate. In essence, we as Senators have been left with no options to alter the conference report in any way.

Mr. President, as a Senator from Minnesota this is one of the most egregious maneuvers I have witnessed in the Senate. And the one thing that greatly concerns me about this road we seem to be heading down is that back home in Minnesota I meet with people, and they really believe that I will make a difference in their lives—that I can in fact help them.

However if, as a Senator, I cannot at least offer amendments, to what is probably the most important agriculture bill, I am shut out. In fact all Senators are shut out. I don't claim to agree with everyone, and I welcome having debates about what is the best way to spend $7 billion, but the Senate must have those debates.

And for Minnesota farmers time is not neutral. That was evident when nearly 4,000 family farmers from Minnesota, and all across the country, came to Washington, DC, to demand a change in the failed Freedom to Farm Act. People really believe when we meet with them that we can do something right now about the abysmally low prices, whether it is the livestock producers, or whether it is the corn growers, or dairy producers. With what is going on in farm country with crops, people are in such pain. They still come out to meetings because they still believe in us as their Senators, and by meeting with us and talking about what is happening to them, somehow since we are their Senators we can do something to help.

But I am left with very few options. The majority has insisted on attaching a vital piece of legislation to a conference report without any public debate, or amendments. And that is to say nothing about the substance of the legislation they are attempting to ram through the Senate.

However, I am glad that Minnesota will benefit from the emergency package. And, although I have significant reservations that AMTA is not the best mechanism to provide income assistance to producers, it will at least keep farmers going for another year. I preferred and pushed for a mechanism that targets and ties assistance to actual production.

Mr. President for the first time since 1996 the majority has recognized that the Freedom to Fail does not provide an adequate safety net for our family farmers. Through including $7.1 billion in the FY 2001 budget resolution for farm relief the Budget Committee has conceded that the Freedom to Farm Act has failed to provide an economic safety net for our nation's family farmers.

We were presented with a tremendous opportunity to reverse the disastrous farm policy enacted in 1996, by targeting this money to our nation's small and medium sized producers who are truly in an economic crisis. But rather than examining serious policy alternatives that could reverse the current economic crisis in rural America, we have been presented with legislation that continues the Freedom to Fail bill.

First of all, and I think this simply prudent public policy—and I say this is with greatest respect for the chairman of the Agriculture Committee—I do believe the Agriculture Committee had a responsibility to our nation's family farmers to hold hearings on mechanisms to target the financial assistance to those small and medium farmers most in need. I firmly believe it is a grave mistake not to base these payments both on prices and production.

Basically what the majority has done is to double these disastrous AMTA payments. And they have refused to deal with any of the problems of distribution equity.

As we have seen over the last 2 years, emergency assistance packages only relieve the apparent symptoms of the economic crisis in agriculture. Assistance will help some farmers to continue their operations for the immediate future, but direct cash infusion cannot sustain farmers for the long term.

There are a couple of problems with these AMTA payments. First of all, these payments are based on the old farm program's historic yields. Farmers such as traditional soybean farmers, who never had a program base in the old program, don't get any of these AMTA payments. That is one huge problem.

In addition, it is possible for some people who might not even have planted a crop to receive them because the Freedom to Farm—or what I call the "Freedom to Fail"—payments are completely unconnected to production or price. Furthermore, I predict, largely this money will be used to pay back banks and lenders from whom farmers needed to borrow money earlier this year just to get in their crops.

Let's be clear—it is now evident that the majority of AMTA payments have not been distributed to family farmers, rather they have gone to the largest farmers and corporate agribusiness. Recently a comprehensive study was conducted on the federal farm payments from 1996 through 1998 which shows that the 1996 Freedom to Farm bill (and subsequent legislation) has provided minimal financial assistance for the large majority of family farmers.

The study found that the largest farming operations were generously compensated by Freedom to Farm, and many of the top payment recipients were paid hundreds of thousands of dollars over the 3-year period studied. Large operators received these enormous payments, even as operators of smaller farms (with average annual sales of $50,000 or less) actually lost money.

According to the U.S. Department of Agriculture, these smaller farms realized an average net loss of $3,400 in income from their farming operations in 1996 alone.

From 1996 through 1998 nearly 61 percent of all federal Freedom to Farm money approximately $13.8 billion in total went to the 144,000 individuals, corporations and farm partnerships among the top 10 percent of recipients.

A recipient among the top 10 percent was paid an average of $95,875 over the 3 years ('96–'98). These payments were on top of any profits earned from the sale of agricultural commodities, and do not include payments made under conservation, disaster or crop insurance programs.

In contrast to the largest farmers, the vast majority of AMTA recipients have seen very little benefit from Freedom to Farm. Half of all farmers received less than $3,600 in total from 1996 through 1998, or an average of about $1,200 per year.

Large corporate agribusiness already enjoy significant competitive advantages over smaller farming operations in availability of capital. According to USDA's Economic Research Service, farm operator households for farms with sales of $500,000 or more averaged $153,847 in farm income in 1996, while operators of farms with between $250,000 and $500,000 in sales averaged $53,265 in household farm income in the same year. And operators of farms with less than $50,000 in sales realized a net loss of income from their farm operations.

The central question we need to ask ourselves is that if the largest U.S. agribusiness are inherently more efficient, as corporate America assures us they are, why do these efficient farms need Federal Government assistance, and why do they collect the majority of the assistance that is provided?

Hundreds of thousands of small- and medium-sized operations receive meaningless amounts of AMTA assistance under Freedom to Farm programs. I believe, it is a great mistake not to target this money to producers based on actual production.

That is the key issue. That is the key difference. In dealing with this price crisis, we ought to make sure that the payments are connected to production and price. So what the Republicans have is the wrong mechanism for addressing the price crisis. We must target the assistance to family farmers and tie direct assistance to production. Thousands of family farmers across the country could go out of business due to conditions that are beyond their control. In Minnesota, up to 30 percent of our family farmers are threatened—that's thousands of farm families.

Whatever you do by way of dealing with low prices, you have to make sure that payments are connected to production and price. Too many of the transition payments go to landowners, and not necessarily producers. I don't think that makes a lot of sense. Some, like soybean growers, won't be helped at all. We can do better, we must do better.

We could at minimum target the assistance to those farmers who are in the most need. We have an opportunity to make at the very least incremental changes to current farm policy. The policy objective of the ad-hoc aid is clouded by the apparent inability of Congress to pass aid packages targeting assistance to farmers most at risk.

Some of the largest and most profitable farms in the country will benefit from this assistance if it is distributed in double AMTA payments and meanwhile there are no funds devoted to other needs in rural America.

Mr. President I also want to talk about the whole problem of concentration of power. This is an unbelievable situation. What we have is a situation where our producers, such as our livestock and grain producers, when negotiating to sell, only have three or four processors. They have the ADM's, the Smithfield's, the ConAgra's, the IPB's, the Hormel's and the Cargill's. The point is, you have two, three, or four firms that control over 40 percent, over 50 percent, sometimes 70–80 percent of the market.

Let me just run through some statistics that illustrate this point. In the past decade and a half, the top four pork packers have increased their market share from 36 percent to 57 percent.

The top four beef packers have expanded their market share from 32 percent to 80 percent.

The top four flour millers have increased their market share from 40 percent to 62 percent, while the market share of the top four soybean crushers has jumped from 54 percent to 80 percent.

The top four sheep, poultry, wet corn, and dry corn processors now control 73 percent, 55 percent, 74 percent, and 57 percent of the market, respectively. By conventional measures, none of these markets is really competitive.

Thousands of our livestock and grain producers are facing extinction, and the packers are in hog heaven. The mergers continue, and we have all of these acquisitions. We need to put free enterprise back into the food industry.

I have had a chance to review the Sherman Act and the Clayton Act and the work of Estes Kefauver and others. We had two major public hearings in Minnesota and in Iowa last year with Joel Klein, who leads the Antitrust Division of the Justice Department, and Mike Dunn, head of the Packers and Stockyards Administration within the Department of Agriculture. And earlier this year we had thousands of family farmers in Washington to rally at the Capitol. In all the meetings I have been at over the last two years, producers are asking the same question: Why, with these laws on the books, isn't there some protection for us? We have all sorts of examples of monopoly. We want to know where is the protection for producers.

It is critical to pass some stronger antitrust legislation. I know Senator LEAHY and Senator DASCHLE have done a great job with their legislation. I am pleased to join with them in cosponsoring the Fair Competition Act of 2000.

Mr. President, there is a frightening difference when the major agribusiness firms can raise billions on Wall Street while making record profits at the same time farmers and ranchers are faced with take-it-or-leave-it low prices. Even, the American Farm Bureau Federation, who I don't always agree with, testified on February 1, 2000, that "consolidation, and the subsequent concentration within the U.S. agricultural sector is having adverse economic impacts on U.S. family farmers." The administration recently testified that:

> High concentration, forward sales agreements, production contracts, and vertical integration have raised major concerns about competition and trade practices in livestock and procurement by meat packers and poultry processors. . . . The four leading packers' share of steer and heifer slaughter increased from 36 percent in 1980 to 81 percent in 1998.

This concentration of power in the hands of a few increases the likelihood that farmers or ranchers will be the victim of unfair or deceptive practices. The Fair Competition Act will give USDA the authority to help address those practices. Firms and corporations, no matter how large, which engage in unfair, deceptive, or unjustly discriminatory practices, or which give undue preferences, or make false statements regarding transactions, will be stopped by this bill.

The bill also focuses on mergers of agribusinesses and on agribusiness acquisitions. Over the last quarter century there have been a major increase in the horizontal, vertical and sectoral concentration of agribusinesses and in industries serving agriculture. At some breaking point, the concentration of agribusinesses in any region will mean that farmers or ranchers are adversely affected by an imbalance of negotiating power and a lack of viable market alternatives. The bill gives the Secretary the authority to identify circumstances where a proposed merger will result in unfair or deceptive practices that adversely affect farmers or ranchers and to take a strong action against such a merger.

In addition, under the bill the Secretary shall make findings about whether a proposed merger or acquisition could "be detrimental to the present or future viability of family farms or ranches or rural communities in the areas affected by the merger or acquisition."

If the Secretary determines that such adverse effects are likely, the Secretary would propose remedies, such as divestiture of asserts or other corrective action, designed to protect family farms and ranches, and the affected local communities. Failure to comply with those remedies could result in significant civil money penalties.

This authority is similar to that conferred by Congress on the Surface Transportation Board which takes into account the "public interest" with respect to proposed mergers of railroads. That Board examines the potential effects on the public, on employees and on competition and "the impact of any transaction on the quality of the human environment and the conservation of energy resources." (49 CFR 1180.1) To carry out its duties, "the Board has broad authority to impose conditions on consolidations * * *"

Similarly, the Federal Communications Commission exercises a major role over the telecommunications or broadcasting industry mergers when it examines whether transferring licenses to the merged entity is "in the public interest."

This bill thus aims at preventing the detrimental effects of such increased concentration on farmers and ranchers, and rural communities, just as the Surface Transportation Board has imposed a moratorium on railroad mergers to ensure that railroad mergers are in the "public interest."

We need to pass this legislation now, and I think there is going to be a considerable amount of support for this. The reason I think there is going to be a lot of support is that I think many of my colleagues have been back in their States, and for those of us who come from rural States, from agricultural States, you can't meet with people and not know we have to take some kind of action.

This ought to be a bipartisan issue. I think this is one issue on which all the farm organizations agree. We must have some antitrust action. We must have some bargaining power for the producers. We must put free enterprise back into the food industry.

But this conference report moves us further away from making any real change in farm policy. I would like to remind my colleagues that $7.1 billion for assistance for producers was allocated, but a significant portion of the funds in this bill have been dedicated to programs and projects, as worthy as they may be, that;

1. Do not provide assistance to family farmers or ranchers in the near term.

2. Are more appropriate issues for the appropriations committee to handle.

3. Distribute money to universities and agribusiness.

I would simply like to identify for my colleagues where some of this $7.1 billion, allocated for assistance for producers, will actually be going.

$20 million for the Market Access Program—a program that assists business trade associations and cooperatives for marketing development. How does that help the average family farmer deal with paying for health care for his family?

$3 million will be directed to Georgetown University and North Carolina State University for research regarding the extraction and purification of proteins from genetically altered tobacco. I ask my colleagues, could not have $3 million be better spent on direct income assistance to the thousands of small family farms who are in danger of losing their farms this year?

$30 million for training and technical assistance relating to the management of water and waste disposal in Alaska. As a Senator from Minnesota, I am quite sure that small dairy producers, or soybean producers in my state who are facing the biggest agricultural depression in more than a generation, would appreciate the assistance $30 million could provide—it would allow many families to at least stay in farming this year.

Mr. President, the plain fact is that this short term assistance is simply a band-aid. I understand the majority does not want to have any public discussion on the farm bill they enacted. That is clearly evident by the way in which they have moved this legislation to the Senate floor, with no debate or examination.

The point is that farmers in this country want to know, they deserve to know, whether they have a future beyond 1 year. They can't cash flow on these prices, whether it be for wheat, for corn, for cotton, for rice, or whether it be for livestock producers. They simply cannot cash flow—they cannot make it. They can work for 20 hours per day and be the best managers in the world, and they still wouldn't make it.

But rather than open and make changes to the farm bill and avoid these lump assistance infusions, the majority defends the status quo in farm policy. Yet, how much longer can we mask reality of failing agricultural policy? Short-term fixes are more expensive than carefully planned long-term programs. For the past 3 consecutive years, Congress has passed supplemental appropriations bill. Direct farm payments for 1999 were approximately $16 billion, making last year the highest record for direct farm payments in U.S. history.

We need to stop using ad-hoc assistance as a substitute for farm policy. We need to reopen and rewrite a farm bill with a strong sustainable policy. Namely, we need a farm policy that empowers farmers not only to merely survive, but to prosper.

And that was what the Rally for Rural America was all about. We had, from all over the country, around 4,000 people—most of them family farmers. From the State of Minnesota, we had close to 500 people here, most of them family farmers. I point out to my colleagues, this was an unusual gathering. They came to our Nation's Capital to try to have a conversation with America, to make sure people in the country know about the economic convulsion that is happening in rural America.

And Congress appropriately responded with a commitment to reform rural policies to: alleviate the agricultural price crisis; ensure competitive markets; invest in rural education and health care; protect our Nation's resources for future generations; and ensure a safe and secure food supply.

I ask my colleagues, what became of that commitment to the thousands of family farmers who came to Washington, DC—I ask where is the followup? Is the followup passing $7 billion in AMTA payments that has never even been discussed in the Agriculture Committee? Is it in providing huge payments to corporate farms and agribusinesses, while leaving little for the ordinary family farmer? Or is it in ignoring the root problems in the 1996 Freedom to Fail Act. I don't think so.

For 2000, net farm income is forecast to decline for the 4th straight year, by 17 percent. Low prices scale across the board for almost all major crops. USDA projects that 2000 crop corn prices will be the lowest since the mid 1980's. That's 26 percent below the average of 1993–1997. Soybeans are projected to be at their lowest levels since 1986. Yet, I do not need to list all the statistics. I have been on the Senate floor, and Senators know, economists and specialists know and most importantly those who farm the land do not need to hear statistics to know times are tough.

Whatever our explanation for the very low commodity prices on the global market, federal farm policy needs to be there to offer some safety net to help people stay in business when this happens. We need a farm bill that establishes an equitable safety net. We need a farm bill that provides a level of financial security during periods of market disruption and commodity price instability. A safety net should include a counter cyclical price and income assistance directed to producers. One simple idea of providing a safety net is lifting caps on the loan rates.

In addition, long-term policy must be developed to enhance competitiveness and transparency throughout agriculture domestically and globally. We know these figures well. I and others have recited these numbers time and time again on the Senate floor. We know concentration in the agriculture economy has been accelerating at a rapid pace.

In the past decade and a half, the top four pork packers have increased their market share from 36 to 57 percent, the top four beef packers have expanded their market share from 32 to 80 percent, and the top four flour millers have increased their market share from 40 to 62 percent.

We must halt this trend of consolidation. Congress must pass the Fair Competition Act to restore competitive markets in agriculture and give farmers more equal bargaining power against corporate business.

It is greatly disturbing that a handful of firms dominate the processing of every major commodity. Many of them are vertically integrated. This growing trend in concentration, low prices and anticompetitive practices are driving family-based farmers out of business. Farmers are going bankrupt or giving up, and few are taking their places. More and more farm families are having to rely on other jobs to stay afloat. In fact, reports indicate that off-farm income now constitutes as much as 90 percent of all household income received by the average farm operator.

There is a gross disparity of economic power that has shifted a growing share of farm income to agribusiness. We need to reverse that trend and focus on equalizing the bargaining power between farmers and the global agribusinesses.

According to economic literature, markets are no longer competitive if the top four firms control over 40 percent of the market. Yet, Excel and IBP control 60 percent of the beef packing industry and Kellogs and General Mills have 63 percent of the market share for cereal.

Policy makers wrote the 1996 farm bill and we can rewrite it. The corporate culture's powerful influence has penetrated to humankind's greatest common denominator, food. We cannot allow our lives to become beholden to corporate America. We must provide an agricultural policy that preserves the family farm and protects the food industry from an oligopoly of corporate agribusinesses. We must fight for these critical policy changes.

We have some differences here in the Senate. They are honestly held differences. All of us care about agriculture. All of us know what the economic and personal pain is out there in the countryside. But with no opportunity to consider and debate a fair and equitable distribution plan, and a bill that short changes the American family farmer by diverting money away from equitable income assistance, the majority in Congress has failed America's family farmers.

Mr. President, I say to Senator ROBERTS and Senator KERREY: Good work. Thank you for your commitment and the work on the crop insurance conference report. This report is extremely important. To farmers, this is going to make a big difference. I also thank Senator LUGAR. Senator CONRAD spoke of his graciousness, and I think he is always that way. Because of the crop insurance reform, I will vote for this conference report.

My dissent has to do with, again, the way we are conducting our business. The crop insurance reform is very important. But this is a crop insurance conference report. When the Budget Committee said, look, we are going to have $7 billion to deal with the farm crisis, what the Budget Committee was saying and what the Senate was saying is, rather than just doing emergency appropriations, let's have some deliberation and some policy evaluation and figure out how to get that money to people in the most equitable manner.

My dissent, I say to my colleagues out of respect, is that I believe we should have had debate about this. I believe that the Senate Agriculture Authorization Committee should have had hearings. I don't think it is appropriate that the $7 billion in AMTA payments—essentially doubling the AMTA payments—was put into this conference report. I don't think it was appropriate. I heard my colleague—two Senators spoke. Senator CONRAD said there are legitimate concerns, but I think this is the quickest way to get assistance out to people. Senator ROBERTS said the same thing, roughly speaking.

The point is that we did have some time when we could have had some hearings and when we could have had some debate on this. I do not believe we should have just automatically taken the $7 billion and said it is going to be AMTA payments, that's it. We put it into a conference report, which doesn't enable any of us to come out here and have much debate about it, and it certainly doesn't enable us to testify, doesn't enable us to have amendments and to act the way I think we should act in the Senate on such important matters.

Mr. President, we had this farm rally here maybe 2 months ago. Several thousand farmers came. It was pouring rain and it was cold. They came a long way. Many came by bus because, for them, they are trying to survive. I have no illusions. We are not going to write a new farm bill. The Freedom to Farm bill is really the "freedom to fail" bill. I have said that many times over. But it does seem to me that if we are not going to write a new farm bill—at least not until after the election—we ought to do the very best we can in getting the payments to people in such a way that people who need the assistance the most are the ones who get the lion's share of the benefits. Right now, with these AMTA payments, we have a subsidy in inverse relationship to need.

What we have here—with no opportunity for real debate, with no opportunity for amendments—is $7 billion put into a conference report on crop insurance in the form of more AMTA payments providing subsidy to farmers in inverse relationship to need, with the vast majority of the benefits going to the very largest agricultural operations. This is a disastrous distribution formula. I think it violates the very principle of equity and fairness.

Problem:

First of all, the AMTA payments are based upon the old farm programs' historic yields.

We don't have an opportunity to have an amendment on this? We don't have an opportunity to say that this is unfair to farmers, such as soybean farmers who never had a program base in the program and don't receive any AMTA payments? There is no benefit for them? We don't have an opportunity to discuss this, to have an amendment to try to improve this?

Second, since this was connected to the "freedom to fail" bill—what I call the "freedom to fail" bill—the payments aren't connected to production. Many of these payments go to these large landowners who aren't necessarily even producers. I want the assistance to go to the producers. I want it to have some relationship to price and to farm income.

Let me simply quote some of the findings from the Environmental Working Group.

The largest farm operations in the country are generously compensated with these payments. They are paid hundreds of thousands of dollars over a 3-year period of AMTA payments going to large farm operations, and the midsized farm operations and the smaller farm operations are not getting the benefits they need to survive.

Environmental Working Group:

From 1996 to 1998, 61 percent of all Freedom to Farm money AMTA payments—approximately $13.8 billion—went to 144,000 individuals, corporations, and farm partnerships among the top 10 percent. The top 10 percent, the large farm operations, and the least in need of assistance, get over 60 percent of the AMTA payments. It doesn't make any sense. Recipients in the top 10 percent, those large farm operations, are doing well. They get an average of

$95,000 over this period of time. Half the farmers in the country get less than $3,600, and many of the farmers in my State get less than that.

While you have these large farm operations, that do not even need the assistance, getting well over the majority of all the money—the top 10 percent—the struggling, midsized family farmers in the State of Minnesota are lucky if they get $3,000 a year. These are the farms that are going to go under. The USDA says we are going to see a 17-percent drop in farm income this year.

Why in the world, when you have these transition payments—AMTA payments—going to the largest landowners who aren't even necessarily producers, based upon a program base going back years, providing the majority of the benefits to the large operators, not helping those farmers who are most in need and who may not survive—why do we have $7 billion put into this conference report which doesn't have anything to do with crop insurance reform, which means we don't really get to debate it?

That is why we are doing it. I don't think that is Senator LUGAR's style. He is probably one of the fairest Senators, I believe, in the Senate. But I have to keep saying this. It pains me to say this on the floor because I think so much of him as an individual. But this shouldn't be in this conference report. We should have had hearings. We should have had an opportunity to come out here with amendments.

I would love to have had an amendment saying it is going to go to producers, and not just landowners. I would love to have had an amendment that said we need to target more to the midsized producers. I would love to have had an amendment that said it shouldn't be based upon the old program base—no opportunity. I would like to have had an amendment that called for equity payments that said raise the loan rate—we could have done it for fiscal year 2001—to the same level it is for soybeans, in which case corn would be $2.11 and wheat would be $3.10. That would make a huge difference. We could have done that.

We could have had, and we should have had, an opportunity to have not only a 1-hour speech or 2-hour speech in reaction to a conference report, but we should have had hearings. We should have had deliberation. We should have been able to do some serious policy evaluation. And we should have had the opportunity to come out here on the floor and/or in committee with amendments that would have made sure that until we write a new farm bill and get rid of this miserable failure—this "freedom to fail" bill—we would have been allocating the $7 billion of assistance with most of it going to those farmers most in need—not to the top 10 percent, the largest farm operations, those that are doing the very best right now in farm income, getting over 60 percent of the benefits.

The crop insurance reform package that Senators ROBERTS and KERRY worked on is superb. I am all for it. I am going to vote for this because of that. But I think it is just reprehensible that we continue now along this line of taking really important policy questions and burying them in conference reports. I don't know what the $7 billion of assistance is doing in this report.

I just want to conclude—because I promised my colleagues I would be brief, and then I will reserve the remainder of my time—by making one other point, which is, I hope we have the opportunity on the floor of the Senate to have debate about farm policy. I hope we can have a debate and a vote on the Fair Competition Act.

It is breathtaking, the extent to which these large conglomerates have muscled their way to the dinner table, exercising their raw economic and political power over producers, over consumers, and, I would argue, over taxpayers. What we need is some competition in the food industry. What we need is to put some free enterprise back into the free enterprise system. What we need is some antitrust action.

I am going to try to do everything I can as a Senator—and I know other Senators will be supportive—to get this Fair Competition Act passed, which gives USDA, if they are willing to use it, some real authority, which really gets tough in terms of dealing with some of this horizontal integration that is taking place, which goes after anticompetitive practices, which really creates a level playing field for our producers, and which doesn't exist right now.

It is just absolutely unbelievable to me that while the family farmers in my State struggle to survive, a lot of these huge packers are making record profits. While family farmers in my State are struggling to survive, a lot of these big exporters and huge grain companies are doing just fine. While the family farmers in my State struggle to survive, the farm/retail spread grows wider and wider—the difference between what farmers get by way of price and what consumers pay at the grocery store, the supermarket.

I have two objections to what is going on on the floor of the Senate right now.

Objection No. 1: This is a great crop insurance conference report, but this $7 billion of payments should not have been put into this report. We should be allocating this assistance and getting it to the farmers most in need. We should have had the opportunity for debate and the opportunity for amendment.

I think it is a terrible way for us to continue to conduct our business. I hope we don't continue this pattern of more and more important public policy questions that crucially define the quality, or lack of quality, of the lives of the people we represent—in this particular case, family farmers, being put into an unrelated conference report. That is wrong.

The second point I make is: It is time for us to really get serious about the policy change in this area, and in particular I focus on dealing directly with the price crisis, and also the call for strong antitrust action.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I concur with what the Senator from Minnesota said. I defy anyone to explain in any rational context whatsoever, any kind of rational terms, why we make payments to farmers based on what they did 20 years ago. There is absolutely no rational basis for that. I will talk about that in my comments a little bit later.

I understand there is a unanimous consent request we are operating under, is that right?

The PRESIDING OFFICER. There is time allocated for three Senators: Senator LUGAR, Senator HARKIN, and Senator WELLSTONE.

Mr. HARKIN. We are not under any kind of a speaking order unanimous consent, is that correct?

The PRESIDING OFFICER. The last order was for the Senator from Iowa to be recognized.

Mr. HARKIN. Mr. President, I will yield the floor and let my colleagues make their statements. I vitiate that unanimous consent and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, I am pleased to yield time.

Mr. HARKIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 48 minutes and the Senator from Minnesota has 41 minutes.

Mr. WELLSTONE. Mr. President, I yield 20 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. DORGAN. I ask unanimous consent to be recognized for 10 minutes following the presentation of the Senator from Nebraska.

The PRESIDING OFFICER. On whose time?

Mr. HARKIN. I yield the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I rise in support of this crop insurance conference report.

As my colleagues from the Agriculture Committee are well aware, this legislation has been a work in progress for a good long time.

The final package we reached with the House and that we bring to the floor today is a very good bill. Farmers in my home state of Nebraska are going to be very pleased with it, as are farmers of all types of crops all across the Nation.

The major provisions of this bill reflect just what we heard when Senator ROBERTS and I asked farm and lending groups what they wanted in this legislation, nearly one and a half years ago.

At that time, they asked for more affordable coverage, equity for revenue insurance, more new and innovative policies from the private sector and a better program for specialty crops.

This bill includes all of those provisions.

Although we've provided additional subsidies to buy crop insurance for the past two years, this bill makes them permanent law.

And we go one step further by increasing subsidies even higher at the very highest levels of coverage—a provision that would have been especially helpful to farmers this year, as a broad stretch of the Midwest and South face severe drought.

The final bill moves the Risk Management Agency in what I strongly feel is the right direction, toward being a regulator instead of competitor. We place new product development fully in the hands of the private sector, whether it be insurance companies, trade associations, or universities.

It includes authority that will finally help provide independent advice to the FCIC Board of Directors and create an equal review process for all new policy submissions.

The bill includes and builds upon ideas forwarded by our colleagues from Florida, Senators GRAHAM and MACK, regarding new policy development for specialty crops.

It includes an important provision first advocated by our Ag Committee colleagues, Senators BAUCUS and CRAIG, to remove the area yield trigger requirement from the Non-Insured Assistance Program.

There are dozens of other equally important provisions in this bill that benefit each and every region of the country. While I am aware that the row-crop producing parts of the country will gain the most immediate benefits because of their long-standing participation in the crop insurance program, the potential for the program to work just as well along the coasts and in the south is given great weight under this legislation.

Not every provision benefits every region; a few are specific only to one region or commodity. That is how we finally ended up with a bill with national appeal, and I am very proud of that effort.

Let me say just a few words about the additional 2000 and 2001 spending added to the crop insurance bill.

I am pleased that the Budget Committee included additional ag spending in the budget resolution this year, much as they did crop insurance funding last year, and of course Senators CONRAD and GRASSLEY are responsible for that and I thank them.

My concerns—and the concerns of many Nebraskans—are well-known: distributing additional payments through the Freedom to Farm mechanism is unfair to many and the cause of a number of the problems rural communities are facing.

These payments, based on planting decisions made in the 1970s and 1980s, disadvantage younger farmers and those who have traditionally rotated crops or tried to diversify—exactly contrary to what Freedom to Farm was supposed to accomplish.

Some payments go to producers and landowners who are no longer producing the crop upon which their additional payment is based. Even worse, under this approach payments go to people who no longer farm at all.

The complaint I hear most frequently is about the crops included in these payments versus those that are not. Freedom to Farm is destroying the alfalfa processing industry in Nebraska. As prices for other commodities have collapsed, more and more farmers are growing alfalfa—a non-program crop. Yet they continue to benefit from these payments, even while long-time alfalfa producers receive nothing.

Adding additional payments for oilseeds—even while most oilseed producers already receive Freedom to Farm payments and enjoy an artificially high support price—makes even less sense.

Despite the great expectations surrounding this farm program, I contend that it creates greater market distortions than those supposed "failed" farm programs of the past.

And meantime, we spend billions of dollars each year to keep it in place, while our rural communities are dying.

Also attached to this bill is additional spending for 2001.

This package represents a good-faith effort by Chairman LUGAR and Chairman COMBEST to put together a package acceptable to the majority, and I do not envy their work.

Although there are provisions in the package I do not support, there are many that I do.

I commend them for structuring a package with national appeal and for giving consideration to a broad group of commodities and interests.

Finally, let me offer my sincere thanks to a number of people for their work on this bill. Chairman LUGAR and his staff have worked very hard on this legislation and made a tremendous effort to advance the often-diverse opinions of members of the Ag Committee.

Thanks also to our ranking member, Senator HARKIN, and to his staff, as well as to our minority leader, Senator DASCHLE, and his staff. They made this legislation possible.

The coalition that joined Senator ROBERTS and me on this legislation way back in March of 1999 and worked together throughout deserves special recognition: Senators HARKIN, CONRAD, DASCHLE, BAUCUS, JOHNSON, SANTORUM, ROBERTS, GRASSLEY, and CRAIG. Special mention must go to staff for each of these members, for working together tirelessly and in a completely bipartisan fashion.

Let me also thank the Senate Legislative Counsel, especially Gary Endicott, for his work throughout this process, including too many nights and weekends.

And finally, my deepest thanks to Senator ROBERTS and to Mike Seyfert of his staff for their perseverance and good humor for the last eighteen months. Their commitment to making this legislation bipartisan—right up to the closing hours—is a tribute to Kansas and the Senate.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I would like to make a few comments about the conference report that is before us today. As I do, I want to compliment some folks for a lot of hard work: My colleague, Senator CONRAD, especially, who has played such an integral role in this; Senator HARKIN, Senator LUGAR, Senator GRASSLEY, Senator ROBERTS, to just mention a few—for a whole series of folks in different areas have played significant roles in trying to bring this to the floor of the Senate.

Frankly, while there are some things I would have done differently in constructing this legislation—particularly the emergency aid—I am going to vote for it. I think this is a good day for family farmers in my State and the country.

We have a fellow in North Dakota named Arlo Schmidt. Arlo is an auctioneer. He told me one day about an auction sale he had conducted awhile back. What happened during that sale describes so well the passion and the hurt that exists in farm country when grain prices collapse and family farmers lose their hopes and their dreams. This auction sale had occurred on a family farm, owned by a family who was not able to make it. They had gone broke because prices collapsed. It was not their fault. A whole series of things conspired to say to this family they could not farm anymore. They were losing their hopes, their dreams, and their future that day.

At the end of the auction sale, a young boy who lived on that farm—he was 10 or 11 years old or so—came up to the auctioneer. The young boy was very angry with him, so angry, that he said to the auctioneer: You sold my dad's tractor.

Arlo said he put his hand on the boy's shoulder to try to console him a little bit, but the boy looked up at him through some tears and angrily said: I wanted to drive that tractor when I got big.

The young boy wasn't accepting any of that comfort from the auctioneer. He wanted to drive that tractor when he got big.

That boy felt like a lot of families feel, living on a family farm. The farm was much more than a business. It was a way of life.

Family farmers cannot make a living when grain prices collapse. The underpinning basis of Freedom to Farm was, let's not care about price supports or safety nets; let's operate in the open market, the free market. Well, there wasn't an open market when Congress passed it; and there's not one now.

It seems to me, after about 3 years of applying tourniquets, somebody ought to ask the question: Isn't there some serious bleeding going on here? We have brought to the floor—including this bill—emergency help three times in 3 years. All of this emergency help is to try to take the place of the safety net that does not exist in Freedom to Farm.

It seems to me it would be wise for us now—after we pass this bill—to learn from our mistakes. If we have to do this every single year, let's do it in a thoughtful way and the right way. Let's repeal Freedom to Farm and replace it with a safety net that works for family farmers, a safety net that says to that family who has those hopes and dreams: if you work hard and you do a good job we will give you an opportunity to make it, even during tough times.

This legislation has a lot of things in it. No. 1, it improves the Crop Insurance Program. I salute that effort by my colleagues. Many of us have had input, although I did not play the major role on this. The fact is, this improvement is a collaboration of Republicans and Democrats that is significant. This legislation increases premium subsidies to help family farmers buy up better levels of coverage; a better depth of coverage at less cost for family farmers.

In North Dakota, it solves some peculiar problems. We have had problems year after year in which farmers have lost a substantial amount of their crop to wet cycles and, therefore, their production is decreased. Because of this, every single year their insurance coverage under crop insurance is decreased. They have been caught in a Catch-22 from which they could not escape, and it did not make any sense. This bill addresses those issues. This is an important and significant piece of reform to the crop insurance bill.

Let me also say this proposal before us today includes emergency economic assistance for family farmers. This assistance is what I talked about earlier. My colleague, Senator WELLSTONE, was absolutely correct on this subject. We ought not use doubling the AMTA payment, year after year after year, as a method of providing economic assistance to family farmers. It is not the most efficient and not the most effective way to deliver this assistance.

I am going to vote for this bill. If I had written this legislation, I would have written it differently. This replicates what we have done the last 2 years. This is the third year in a row we have increased AMTA payments. This will send money to people who have not seen a farm for a couple of years; have not gassed up a tractor in the spring to plow a straight furrow for awhile. They are not farming now. They are going to get money under this bill, and it does not make any sense to me.

What we ought to be doing is extending emergency help to family farmers living out there on the farm, and who are struggling to make a living. This help should be going to family farmers who are confronted with collapsed prices; all who have found that when you raise a bushel of grain for $4 a bushel and then have to sell it for $2.50, you are going to be in trouble. You cannot continue to make it that way. There ought to be a safety net for those folks, the folks who are really farming. Regrettably, the mechanism to distribute that emergency economic aid has been the double AMTA payment. I think we could have done much, much better than that.

My hope is that following the passage of this conference report—and I will vote for it even though I disagree with the mechanism of the economic assistance package, and I do compliment those who helped bring this to the floor—my hope is that when this is done, we will all understand that if we have to do this year after year after year, it is time to learn from it. We really ought to be able to learn when something doesn't work. Let's just admit our farm policy doesn't work and change it.

I started by talking about family farming. Some will say—they are careful about the circles they say it—but they say the family farm is just yesterday. This is all nostalgia about an economic unit that does not work anymore. This view is just wrongheaded. We have the kind of economy we intend to have. We can have the kind of economy we create in this country. We can decide we want big corporate agrifactories from California to Maine producing America's food, or we can decide to have a network of families working on farms producing America's food.

Europe has made that decision. Go to Europe and visit the rural communities in the countryside. You will discover small towns are doing well. There is life, there is a heart, and there is pulse in small towns. Why? Because Europe has decided they want a network of family farmers producing their food.

The result of this decision is a rural economy that is thriving and working. Europe has a safety net for family farmers they can rely on which gives them hope for the future. Regrettably, we have not had that same continuity in this country.

On the other hand, we in this country have lurched back and forth from farm policy to farm policy. Finally, we fell off the cliff with Freedom to Farm, saying we have this new idea—not a very good idea, incidentally—but a new idea called Freedom to Farm. Now, after 3 years of tourniquets, having had to pass three successive economic assistance packages to make up for the deficiency, we all ought to understand that we have to change the underlying farm bill.

This legislation includes a substantial amount of resources at a time when those resources will be critically important to our family farmers. I have said, and I will say it again—I think repetition is probably important, at least to make this point—while I think there is a better way to move these resources to rural America, it is critical at this point, given the collapsed grain prices, to send these resources out now. This help will give farmers some hope.

Our family farmers are not some anachronism that does not fit in today's economy. As I said, there are some who think it is like the little diner that got left behind when the interstate came in—it is nostalgia to think about, but not really a significant part of our future economy.

People who think that way, in my judgment, are fundamentally wrong. Go to rural America and learn from where the seedbed of family values comes. Understand the value of rural values in this country and the rolling of those values from family farms to small towns to big cities, and what it has done to nourish and refresh the values of our country. Then tell me somehow families living on America's farms don't count and don't matter.

The fact is, they face economic challenges almost no one else faces. A small family unit trying to run a farm puts a seed in the ground and has no idea whether that seed will grow. It might get too much rain; it might not. Maybe this seed won't get enough rain. It might hail; it might not. Maybe insects will come. Maybe not. Maybe crop disease will destroy it. Maybe not.

If they survive all those uncertainties, maybe they will get it off in time to go to an elevator and discover they have lost $1.50 a bushel for every bushel they raised. They get hit with this loss after all their months of work, starting with the tractor in the spring to plow the furrows to plant the seeds all the way to the combining in the fall to get it in off the field and into the grain elevator.

The lack of connection here is striking. So many hundreds of millions of people are hungry and our grain markets tell us the food produced by family farmers has no value. It is a striking paradox.

In conclusion, I thank my friends, Senator HARKIN and Senator LUGAR, for whom I have great regard, for what they have done in this legislation. I urge my colleagues to come back, after we pass this legislation—and I shall gladly vote for it—to reform the fundamental farm program itself. If we do that, we will not then have to be continually passing emergency economic assistance packages, as we are doing today with the crop insurance reform bill.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BURNS. I thank the Chair.

Mr. President, I commend the conferees for their efforts to finalize the crop insurance report. The crop insurance proposal before us today is the culmination of literally years of hard work by numerous Senators and Congressmen. As you may remember, I have been a supporter of S. 2251, the Risk Management for the 21st Century Act, and I am extremely happy to see that the work on that legislation has finally been dove-tailed into the work of the House of Representatives. You will also note that the report includes over $7 billion in supplemental appropriations to help farmers and ranchers cope with the current farm crisis.

Some will note that this is the third year in a row Congress has provided a large supplemental appropriation to help America's farmers. However, those of you that have traveled to our rural communities know that every dime we can send to these areas is vitally needed. Agriculture is facing one of the most dire times that I can remember. Families are losing farms, ranches, and the livelihood that makes up their own family histories. A way of life is at risk, and in Montana, that way of life is what makes my state what it has become. Without these monetary adjustments to make up for failing markets, entire communities would dry up and blow away. In Montana, our economy is already reeling, and agriculture is our number one industry.

Without adequate agricultural support, the investments we have made in economic development to diversify our economy will be threatened. Agricultural production is the foundation that we must build upon. Agriculture is what keeps products moving across the shelves, restaurants open, and food on the table. Without that, it will be almost impossible to keep towns vibrant enough to attract new investment and new technologies.

Some critics are pointing out that this is the third year in a row that we have supplied rural America with supplemental appropriations. I agree that this pattern is costly, but I must point out that the promises given to rural America have not been carried out. We were promised strong foreign market penetration and a workable market that would get our fair share of the dollar back to producers. This has not happened. Look at any trade deal that has been negotiated in the last few years and you will see that our agriculture industry is almost always left with little protection, and actually very little support from our trade representatives. The result is an onslaught of foreign competition within our own markets, and not nearly enough of our product making it out of the country. Unfortunately, the administration and current world market trends have not allowed current farm policy to work in the manner that was anticipated at the time of its implementation. I continue to support the principles of our current farm policy but am deeply disappointed that we have not found a way to address the inaction of the administration in opening foreign markets. It will be necessary for Congress to look for ways to allow our current farm policy to continue and provide for the times of depressed markets such as we are facing currently.

The current farm policy has not created the trade imbalance and subsequent market collapse, but it has not been flexible enough to protect our consumers. The combination of failed trade policies, and an unresponsive farm policy has resulted in the need for direct supports being sent to our producers. This year may be even more vital than previous years. We are facing drought across the West. Livestock is already being moved for lack of water and irrigation has started earlier than in recent memory. Markets and mother nature have combined forces and Congress must respond with a strong message to rural America that we will be there to help, both this year and in the future.

I thank the conferees for heading some of my requests and helping out those farmers hurt by the bankruptcy of AgriBiotech. The ABT language is vital to producers who have been negatively impacted by a bankruptcy that was no fault of their own. Additionally, our wool producers have been given a shot in the arm to help make sure their industry remains viable. These are just a few examples, but I can assure you that this Montanan extends our thanks for these helping hands.

The underlying legislation that is carrying this supplemental package is equally important, and is part of the necessary message that Congress is willing to support agriculture in the future. It is a proposal that offers much-needed changes in the area of risk management for farmers and ranchers. Managing risk in agriculture has become perhaps the most important aspect of the business. Agricultural producers who are able to effectively manage risk are able to sustain and increase profit and operate more effectively in business cycles. An effective crop insurance program will provide our producers new possibilities for economic stability in the future. It will provide another foothold in our attempts to help agriculture out the current hole that it is in, and it will provide a vital tool to help prevent future depressions in the agriculture industry.

The Federal Government must help facilitate a program to unite the producer and the private insurance company. The control must be put in the hands of the agricultural producer, and coverage must be high enough to warrant enrolling in the program. Although no producer can completely control risk, an effective management plan will reduce the negative effects of unavoidable risks. Today's family farmer must have adequate options, or one bad year could mean the difference between keeping the family farm or having to leave agriculture.

This bill addresses the inadequacies of the current crop insurance program. The problems and inconsistencies with the current program make it both unaffordable and confusing to agricultural producers. Costly premiums with low coverage percentages are the biggest problem. In years of depressed market prices, crop insurance, though badly needed, is simply unaffordable for farmers.

This bill inverts the current subsidy formula, in order to provide the highest levels of subsidies to producers at the highest levels of buy-up coverage, and thus alleviate the problem of unaffordable premiums. It also allows for the revenue policies to be fully subsidized.

Another important provision in this bill is a pilot program to reward producers for risk management activities. It will allow producers to elect to receive a risk management payment or a crop insurance subsidy. The risk management payments will be given to those producers that utilize any two of several activities, including using futures or options, utilizing cash forwards, attending a risk management class, using agricultural trade options or FFARRM accounts or reducing farm financial risk. Quite simply, it rewards a producer for utilizing management tools that will help protect his, and the government's, exposure in the current agriculture market.

This bill also takes into account the lack of production histories for beginning farmers or those who have added land or recently utilized crop rotation. This will make it possible for producers to get a foot in the door and receive affordable crop insurance.

This bill is an important tool to reform the current crop insurance program into a risk management program, designed to help the producer in the long-term. It is vital to find a solution to provide a way for farmers to stay in agriculture. They must be able to continue to produce and distribute the world's safest food supply at a profitable margin.

Mr. President, I am extremely happy that the conferees have finally completed their work on this important proposal. It is vital to Montana and the rest of our Nation's rural agriculture communities.

Mr. President, I thank Senator HARKIN of Iowa, Senator KERREY of Nebraska, Senator ROBERTS of Kansas, and the Ag Committee—I do not serve on the Ag Committee—for completing this legislation.

This legislation, by the way, was promised 2 or 3 years ago. They have labored a long time with the Crop Insurance Program which is probably the best package that has ever been produced by Congress and given to the American agricultural community to manage their risks. This is a tool to manage their risks.

Also, my colleagues will note this report also includes $7 billion in supplemental appropriations to help farmers and ranchers cope with the current farm situation.

Think about that a bit. This is landmark legislation because we are not even to Memorial Day, we are not even into the meat of the growing season, and we have already made preparation to deal with the situation that exists in agricultural today.

We have been stripped from some of our markets, and our prices continue to be very low. On the other hand, the American consumer is still supplied with the most wholesome food in the world.

This Congress has fulfilled its promise to have this money ready to go for our Nation's ag producers.

Without these monetary adjustments to make up for failing markets, entire communities will dry up. They are experiencing more financial stress than ever before, probably even through the Great Depression. Without this support, the investments we have made in economic development to diversity our economy will be threatened. This also sends a strong message to the financial community and the farm community that we are serious about the support of that industry and will not just let it dry up on the vine.

I congratulate the people who worked so hard. This conference was not an easy conference. It was not an easy package to put together. Next year, we will be debating what is good for a farm program, and we know there will be some changes made. Right now, the signal to our producers on the land is direct and it is very sharp.

We have had some unfortunate things happen in the State of Montana. We depend heavily on the Pacific rim for exports. Three years ago, the economics of the Pacific rim collapsed: Indonesia, Malaysia, the Philippines, South Korea, Thailand. Some of those economies are just starting to come back.

Just yesterday, we signed an agreement with the Taiwanese—they will be visiting the State of Montana—on buying wheat from my State. We have also put in the act that the Department of Agriculture has tools to use to fight the competition on the international markets. They have chosen not to do that. There is enough blame to go around for a farm economy that is hurting. Nonetheless, this is a positive bipartisan step in the right direction.

The producers of our country should take a look at this package. There is a lot of flexibility here. Not only do we talk with multiperil things that can happen in a crop-year, but we are also talking about revenue, and we have never done that before. We have a complete package, a package that offers a tool for risk management for our ag producers on the land.

Again, I compliment the Agriculture Committee on both sides of the aisle for their work on this legislation. It is very important to the farm States of this country.

I thank the Senator from Iowa for allowing me a little time. I congratulate him and thank him for his leadership on this issue and everybody who had a part in putting this together.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself on my time such time as I may consume.

I thank the Senator from Montana for his strong support and input into this bill, as he said over a couple of years, trying to make sure we get a crop insurance bill that helps farmers manage risks. I appreciate his input and his kind words. Hopefully, we will adopt this conference reports this afternoon and farmers in Montana and Iowa, and all points in between, will at least have some assurance they can help manage their own risks.

Mr. BURNS. There are a lot of points.

Mr. HARKIN. There are a lot of points in there, that is true.

Mr. President, I express my support for the conference report to the Agriculture Risk Protection Act of 2000 which we conferenced yesterday.

I thank Senator LUGAR, our chairman, for his hard work and persistence, as I said, over a couple of years in crafting the crop insurance title in this conference report which will provide significant benefits to farmers across the country.

This accomplishment is bipartisan, one of which we can be proud. I thank Senator LUGAR again for his persistent and strong leadership. I thank both Senator ROBERTS and Senator KERREY who really were the impetus for these changes in the Crop Insurance Program. I know the two of them worked long and hard to put together this bill. In the beginning stages, they worked with us on both sides of the aisle to meet the needs of various parts of our country. I especially thank Senator ROBERTS and Senator KERREY.

In this regard, Mr. President, this is probably the last agriculture bill we will have this year. There may be some bits and pieces that come along later. I think it is safe to say this may be the last, and probably will be the last, major ag bill this year.

In that regard, I pay my respects and thank our departing colleague, Senator KERREY from Nebraska. He has been an invaluable member of the Senate Agriculture Committee for all of these years. He has always given great input and great insight into our deliberations and discussions on all facets of American agriculture. He has been an invaluable member of our committee. I know I will miss him greatly on our side of the aisle.

He has always worked in a bipartisan fashion to help move legislation. I take this time to thank my friend and colleague from across the Missouri River and to wish him well in the future and again thank him for his work in getting this legislation through. It is a fitting tribute to his work through the years in the Senate. His fingerprints are on this crop insurance bill we are passing today.

The point of the bill is to help farmers obtain better crop insurance; that is, to help them buy up their coverage. The final structure of the premium subsidy schedule provides higher discounts at both lower and higher levels of buy-up coverage. The improvements at the highest levels, 80 and 100 and 85 and 100, will benefit Iowa farmers who typically face low risk of loss.

The bill also provides equivalent subsidies to farmers buying revenue insurance policies such as CRC, which is the crop revenue coverage, a product which is very popular with Iowa farmers. This change spurred development of new insurance policies and products.

In addition, the bill will offer reimbursement to private developers of new plans of insurance. Again, that will be good for our farmers.

Another major provision maintained was the elimination of the area loss trigger for the program for noninsured crops, such as hay and forage crops or horticulture fruits and vegetables.

This change is important to Members in the West and Northeast, one which we fought very hard to maintain in conference.

The bill will also protect farmers by allowing them to maintain their insurable yields, despite significant crop loss, by limiting how much of a loss affects future insurance coverage.

This feature could be very helpful to Iowa farmers, especially those facing potential drought this summer. At some point today we will be talking a little bit more about that drought. But this will also be very helpful, again, to other farmers, too, in the Dakotas and other places where they have had some very severe losses for 1 or 2 years in a row, which, if not balanced out, could unduly affect their rates and their coverage in future years. So we protected those farmers in those areas in those circumstances.

I also want to note some other positive provisions in this bill, in the economic assistance package.

First, there is $50 million for conservation, $10 million for the Farmland Protection Act, and $40 million for EQIP.

I am disappointed, however, that an amendment that I had offered in the Senate, and which was adopted by the Senate, that would have linked conservation compliance to the provisions of crop insurance, was rejected by the House conferees.

In every other Government farm programs, there is a provision that mandates that a farmer has to follow conservation compliance to be eligible for those programs. We had it for crop insurance until 1996. It was taken out. I and others desired to put that back in this crop insurance bill.

As I said, it was adopted on the Senate side, but the House conferees refused to go along with that. And in the interests of getting the crop insurance bill through, we acceded to the unanimous consent request to go ahead and remove that provision. I am hopeful to come back with that again at some point in the future on some other piece of agricultural legislation.

But other than that, there is $50 million for conservation. That is good.

Secondly, there is $15 million in this bill to assist farmer-owned cooperatives, and other farmer-owned ventures, to help develop the value-added crops and processing for our farmers.

Third, there is $7 million in this bill to further fund vaccines for pseudorabbies eradication program for hogs. It is very important in our area of the country.

Fourth, in the nutrition assistance programs, there is $110 million for school lunch commodity purchases. Again, we have a lot of surplus crops out there, a lot of surplus commodities. I think it is beneficial, both for the health of our children, and the school lunch program, the school breakfast program, and the summer feeding program, that we purchase these commodities and get them out to our young kids.

Also, we have reformed the Child and Adult Care Food Program to guard more against fraud which has come up repeatedly.

Also, there is a provision in this bill—that is also a small provision—but I think it is going to be very important, which is going to permit us to get more children into health insurance for low-income families.

Right now, under the provisions in this bill, if you qualify for reduced-price school lunches, or free school lunches, a provision in the bill will then say the people in the school have to inform your families that since you qualify for free or reduced lunches, you will probably qualify for things such as the CHIP program, to make sure, through Medicaid, your children are in a health insurance program. That is another way of reaching low-income families to make sure that their children are indeed covered by health care. That is another good provision in this bill.

Lastly, there is a biomass research and development title in this bill that Senator LUGAR has worked on for a long time. He is a real champion of it. I have been a cosponsor of it, but it is Senator LUGAR who has pushed this bill to help make more fuel and industrial raw materials from biomass. And this bill is part of this. Again, another good provision of this bill is the biomass research and development bill that has been championed by Senator LUGAR.

So there is much that is good in this bill. That is why I will support it. That is why I was reluctant in the conference committee to take any more time than we did yesterday, in just a few hours, to get this bill through.

But I am compelled to speak for a little bit about what is in this bill that I think is detrimental to our family farm structure in America and to ensuring that we have a diversified and widely spread system of agriculture.

The $7.1 billion in emergency assistance that is included in this report, I believe, is misapplied, misdirected, and in many cases will be misspent.

It is clear that our farmers are going to need aid. There is no doubt about that. But how this final package looks, I think, does not really meet those needs. This is the third year in a row that we have had additional AMTA payments—payments to farmers based on emergency help in the farm economy. The farm economy is still in shambles. For 3 years in a row, it has been in shambles. Every year, we come back and do the same thing year, after year after year, after year. Someone once defined "insanity" as doing the same thing over and over and expecting a different result. Every year we keep doing the same thing over and over, and we expect some different result; and we do not get a different result. The only result we get is fewer and fewer family farmers, more stress in rural areas, and more and more of our money going to the larger concerns who are driving out our family farms.

But I want to recite for the RECORD where this money is going, these billions of dollars that we are taking from taxpayers and putting out there.

During the first 3 years of our Freedom to Farm bill—1996 to 1998—the top 10 percent of payment recipients, or about 150,000 individuals, got 61 percent of the payments. Ten percent of the recipients got 61 percent of the money. Their annual payments from AMTA, the supplemental AMTAs, we passed every year, and the loan deficiency payments averaged $95,000. That is for the top 10 percent.

The other 90 percent averaged only $7,000 in payments.

I have a chart that illustrates this. It shows the average Government payments by farm size in 1997. The average was $7,378 for all farms. But those farms that had sales greater than $1 million averaged $33,699. For those farms that had sales of $250,000 to $500,000, they averaged $16,524—and on down.

As you can see, the bigger you are, the more you got. And I daresay, it is usually those bigger farmers that were better able to protect themselves with insurance and other methods, who may not have needed that kind of assistance.

It is the farmers down here in the lower end that needed the assistance and the help. But they were left stranded.

On a State-by-State basis, the lopsided nature is even more striking. I will talk about Iowa, too, but the top 10 percent of recipients in Mississippi received 83 percent of the payments. In Alabama, the top 10 percent received 81 percent of the payments. In my own State of Iowa, lest anyone think that I am singling out other States other than my own, the top 12 percent, in terms of income, received 50 percent of the payments in my State of Iowa.

I do not think that is fair. The inequities of the current system have been exacerbated during the current economic crisis in agriculture.

The last 2 years have shown that when prices are low, regular AMTA payments do nothing to keep an ad hoc disaster package under control. More importantly, they are not an effective mechanism in targeting aid to those who need it.

We have had the AMTA payments. We come along every year, and we have a disaster program. They are a very poor method of response to our current farm crisis.

While it is important to get needed aid out to producers, it is imperative that we get it out to help mostly family farmers who are really hurting, not to help the bigger farms bury the smaller ones.

The data indicates just the opposite is happening. The lion's share of this additional aid will go to the largest producers, while small producers receive almost nothing. Under the current scheme, a recipient at the high end of the spectrum may qualify for as much as $240,000 in AMTA payments this fiscal year. Under the current law, a person "may be eligible" to receive the payment maximum of $40,000 for each round of AMTA payments, the original payment plus the supplemental payment we have in this bill. That adds up, of course. Then they already received the supplemental payment that is in the fiscal year 2000 appropriations bill. So that is $120,000. If they structure their operations to fit under the three-entity rule, each person can receive payments from three entities. That, in effect, doubles that $120,000 up to $240,000. And that is not the end of it. As much as $300,000 in loan deficiency payments and marketing loan gains can go to that farmer. One farmer in this country this year can get up to $540,000 of taxpayers' money. I don't believe that is right; I don't believe that is fair.

I was going to offer a provision in the conference committee. I didn't. The reason I didn't is that I thought it was important to get the crop insurance bill through. As I said in the conference committee yesterday, we should have a crop insurance bill before us.

The budget resolution that was passed here, that allowed us to have additional spending this year for supplemental payments to farmers, provided for the authorizing committee to authorize it by June 29, which means we had until the end of June to have a debate in our committee to talk about the policy implications of what we have been doing the last couple years and whether or not we want this policy structure to continue.

Do we want to really continue to put our AMTA payments out like this?

Well, we did not have that debate, so here we are confronted with this on a crop insurance bill, which should not be. This should be a separate bill from the Agriculture Committee on the floor where we could debate this.

Maybe it would be the will of the majority of the Senate to continue to give large payments to large farmers, to continue the three-entity rule to allow some farmers to get hundreds of thousands of dollars. That could have been the outcome. But at least we should have been debating it. It should be here in a manner in which it would be debatable and amendable. We don't have that.

I was going to offer an amendment to limit to $100,000 the most anyone could get through the AMTA system. I heard all kinds of talk from different people saying this would be terrible. That would have affected five-tenths of 1 percent of all the recipients; 6,700 farmers would have been affected by that if we would have capped it at $100,000.

I have always thought I was here to fight for the vast majority of the family farmers who are out there, not just the top one-half of 1 percent who, by and large, have the economic wherewithal to protect themselves. Many of our smaller farmers simply don't. Again, the data indicates that it is those at the top of the spectrum who are getting the most money.

I have another chart. This chart illustrates how we are going in the wrong direction. As we continue down this pathway of AMTA payments, supplemental AMTA payments, loan deficiency payments built on each other year after year, without addressing the underlying provisions of the Freedom to Farm bill, what is happening is we are creating a bigger gap between the big farmers and the smaller farmers in our country. This chart illustrates that.

As one can see by Government payments here on the left side, $20,000, $40,000, $60,000, $80,000, $100,000, and producers who receive those payments, if they look at this block, they will see that those producers who received about $50,000 or more in payments in the last 3 years almost doubled the amount of money they were getting from the Government—almost doubled it.

Look here at our smaller, family-sized farmers, who only got maybe $2,000 or $3,000 in payments. They just went up a very small amount. These doubled in size, doubled in payment; these hardly went up at all. What kind of policy are we pursuing here?

I am not talking about farmers just getting big on their own and making more money. If these big farmers are more efficient and can do a better job and get this money in the marketplace, God bless them. We are talking about taxpayers' money going from here to these farmers. The big ones almost doubled in the amount of money they are getting from the Government; the smaller ones barely got any increase at all. I wish someone would explain to me how this is sound public policy.

I have the figures right here. Recipients who averaged $50,000 or more in Government payments from 1996 to 1998 received $42,337 more in 1998 than in 1996. In contrast, if you were at the bottom of the payment spectrum, these little ones down here at the bottom, you averaged between $5,000 and $10,000 per year, which is the bulk of the farmers in my State; you received a mere $740 more in 1998 than you did in 1997.

I will repeat that. In my State—just talking about my State; I don't want to pick on anybody else's State—in my own State of Iowa, if you received an average of $50,000 or more in Government agricultural payments from 1996 to 1998, in 1 year you got more than a $28,000 increase, from 1997 to 1998. You got $42,000 more over the 2 years. That is if you were at the top of the heap. If you were at the bottom and you only got $5,000 to $10,000 in Government payments, you got $740 more.

Someone please tell me how this is good public policy, that we give Government money out like this to the biggest, those who can protect themselves. Do you know what they are doing with that money? They are buying more land. They are getting bigger, because our smaller farmers are going out of production and the bigger farmers are buying their land.

Again, if this were a free market approach, I would say fine, but it is Government payments going out to large farmers who are providing for the extinction of our family farmers—Government policies, right now, allowing these bigger farmers to get these massive Government payments, squeezing the smaller producers, and the bigger producers are buying up the land and getting bigger and bigger and bigger. It isn't because of any free market approach, it is because of governmental policies. Again, the disparities are not just size related, they are based on planting history.

When I opened my remarks earlier today, I said someone please explain to me how it is good public policy that we pay farmers AMTA payments, Government payments, this year based on what they did 20 years ago. That is right. I try to explain this to people, and I get blank stares. It is a fact. If you have two farmers out there, one who has a 20-year history of planting and the other who maybe only has a 5-year history of planting, the one who has the 20-year history of planting may be planting nothing this year, but guess what, you are going to get money.

Yet if you were a farmer out there planting for the last 3, 4, or 5 years, you don't have that 20-year history, you won't get anything. Again, please explain to me how this is good policy. It is not tied to what farmers are producing today. It is tied to what they produced 20 years ago.

Two farmers in Iowa, with half their production in corn and half their production in soybeans, can be paid markedly different levels because of past planting history. When you figure the AMTA payment level, the farmer with a 50-percent corn base and a 50-percent soybean base will be paid half as much in AMTA payments as the farmer who has a 100-percent corn base. What sense does this make? It makes no sense. Farmers all over my State recognize that.

Now, as if all I have said isn't bad enough, the prospects for drought this year will even cause this program to be worse than it is. If a drought of the proportions that is predicted actually occurs, the disparity between the haves and the have-nots will grow even more. Why is that? Because let's say we have a drought—and it looks as if we are going to have pretty severe droughts in some parts of the country and other parts of the country will not—that means that the price, say, of corn is going to go up. But you, who are in a drought area, may only get a certain portion—you may get an AMTA payment, but you won't get anything out of the market because you won't have a crop. If, however, you are in an area where you haven't had a drought, you are going to get high prices for your crop and an AMTA payment. Those who have no crop to sell will have their incomes plummet; they will get no adjustment in their AMTA payment to address those losses. They will get absolutely no more than the farmer who has a huge crop because they were not in the drought area. Again, these payments will exacerbate again this disparity between the large farmers and the small farmers in America. Again, I think that is bad public policy.

Now, maybe if we have a big drought, we will come rushing in here with some kind of a disaster package. But, again, I wonder who is going to get the benefits of that. So throughout all of this, the mantra has been that there is no other viable mechanism, that AMTA payments are our best means of getting aid to our producers. Well, if this is the best we can do, I would hate to see what the worst is.

There is a better way. I believe both sides should come together to figure out a better way of getting payments out to farmers. This idea of giving more and more to the biggest is not right, not good for our country; it is not good public policy. I have urged the Senate to have a frank and open discussion about the failures of the current system and on ways to improve it. We have not been afforded that opportunity in a meaningful way.

As I said, this is in no way disparaging of my friend and the chairman of the Agriculture Committee. I know he was more than willing to have this discussion and this debate. But the powers that be insisted that we have this AMTA payment provision on the crop insurance bill. So here we are with it, without any provision for our authorizing committee to discuss and debate, and perhaps modify. As I said, I don't know if the will of the majority would have been there to do that, but at least we could have had an open and frank discussion about whether or not we wanted to go in that direction. Hopefully, we will have that opportunity in the future.

So, again, I hope we will have this type of debate. I think our farmers and our taxpayers deserve that type of debate. In the meantime, I have no problems with the underlying bill. It is a good bill. The crop insurance bill is a good bill. It is going to go a long way toward helping our farmers manage the risk. As I said, there are other good provisions attached onto it. I am just sorry we had to attach on the payment provisions to this bill without having the committee do its job.

Mr. President, I yield the floor.

Mr. GRAMS. Mr. President, I want to briefly express my support for the crop insurance reform package that is being considered today, and the additional emergency assistance that was appended to the bill.

This crop insurance reform is critically needed in the heartland of America. As the sponsor of the first crop insurance reform legislation introduced in the 105th and 106th Congress, I have worked hard on crop insurance reform and on keeping this issue at the forefront of congressional priorities, so it is gratifying to finally see this measure completed by conferees and the Congress.

I worked with a committee of Minnesotans representing producers, lenders, agriculture economists, and other stakeholders to build a consensus on solutions to the current discontentment in rural America with the federal crop insurance program. I am pleased that the final bill contains the expansion of pilot programs I worked for, expansion of the dairy options pilot program that I cosponsored, and higher premium subsidies at the higher levels of coverage that was the critical portion of my original legislation.

The premium subsidies will be crucial to help farmers manage their risk, and possibly reduce the need for ad hoc disaster assistance. Many producers believe that the current crop insurance program is too costly to take part in, and this reform measure should increase participation and thus spread risk more widely.

I am also pleased that the crop insurance package includes an additional $7.1 billion in emergency aid to producers, which includes AMTA payments and oilseed producer assistance payments. This will hopefully give rural economies and farm families the financial boost they need until commodity prices start to rise again. While I have concerns about AMTA, this is the best way to quickly distribute these funds to farmers. I agree AMTA should be revisited in the next farm bill.

Mr. LEAHY. Mr. President, this report is a good example of how the Senate—when we sit down and work together—can craft sound legislation.

New England and Mid-Atlantic farmers who do not usually participate in crop insurance will greatly benefit from this effort. There is funding to help preserve farmland, protect the environment and to give farmers better tools to manage risk.

In addition, farmers who have suffered through two years of low prices will get some relief as USDA purchases $200 million worth of apples, cranberries, potatoes, melons, and the like. There will also be major purchases of specialty crops for the school lunch program—this will benefit farmers and school lunch programs.

In the beginning, there were a lot of strong differences of opinion on how to reform crop insurance and provide assistance to farmers. In fact, we had a 10–8 split in the Agriculture Committee on how to structure this reform.

But Republicans and Democrats worked together and got the job done. Sure, it's more work but that is why we are here.

I was very upset yesterday when I learned—after we ended our conference negotiations and worked out all the final deals, and after we terminated the conference and had signed the conference report—that the unfinished bankruptcy bill was going to be thrown into the crop insurance conference report.

That is an example of how the Senate should not operate. It would be hard to imagine a more serious breach of trust.

I was prepared to discuss the world history of crop insurance from 1860 through the year 2000, which could have put me to sleep while I was talking. In the end, it appears that cooler heads prevailed and decided they would rather pass crop insurance than listen to me speak.

I appreciate the role of Senators LUGAR and ROBERTS to get us back on track on crop insurance.

For my part, I will continue to work with Senators GRASSLEY, SESSIONS, DASCHLE, HATCH, TORRICELLI, and others on both sides of the aisle to craft a fair balanced and bipartisan bankruptcy bill. If we could do this for crop insurance, we can do it in bankruptcy—if there is the will to get it done.

While there are aspects of the crop insurance compromise that I do not like, there clearly was a significant attempt to design a package that benefits all areas of the nation and a wide range of commodities—including specialty crops. This is a very good bill.

I appreciate this national focus because a narrowly focused crop insurance bill would not have been helpful to New England and the Mid-Atlantic States. I was pleased to work with many of my colleagues from that region—both Democrats and Republicans—to formulate a package that would also benefit our regions.

I appreciate the leadership of Chairman LUGAR and his ranking member Senator HARKIN in working out a good compromise. Also, Senators ROBERTS and KERREY deserve a great deal of thanks for all their work on this issue.

I want to point out one general concern.

Because of the simultaneous work on Agriculture appropriations some provisions critical to New England and the Mid-Atlantic States, and to many other states, have been omitted from this package—because the plan is to include them in appropriations.

It is crucial to me—and Republicans and Democrats in both Houses—that dairy farmers not be left out of Agriculture appropriations bill since this report does not provide them with direct financial assistance. I am counting on some assurances I have received to keep the dairy funding in the appropriations bill. I will be working closely with my appropriations colleagues Senator COCHRAN and his ranking member, Senator KOHL, on this matter.

Also, I understand that the House appropriations bill includes $100 million for apple farmers who have been hard-hit by low yields or low quality after two years of unavoidable weather extremes, from floods to drought. Helping these farmers is extremely important to New England, Mid-Atlantic States, Washington State, California, and other areas.

As I pointed out during the conference, farmland protection programs work very well to help preserve farmland as farmland. There is so much need for funding, that our modest program in Vermont could instantly use the full $10 million since there is such a need and desire for this program.

Indeed, I had a major role in getting section 388 included in the 1996 farm bill. Similarly, in the 1990 farm bill contained a related farmland preservation program which I drafted called "Farms for the Future."

I was pleased that the conference would accept this latest farmland protection proposal found at section 211, the "Conservation Assistance," provision. This provision will be of great help to the Vermont Housing and Conservation Board which has done a tremendous job helping preserve Vermont farms and the farming way of life by buying development easements on farmland property.

I was proud to fight to include funding for such a great agency—the Vermont Housing and Conservation Board of Vermont. Providing funding to them as soon as possible will enable them to free up money which could be used to preserve additional farmland in Vermont.

I appreciate the willingness of the other Members to include this provision and am anxious to allow the Board to greatly enhance its service to farm families in Vermont.

Section 211(b) is also a very important provision for many regions of the country. It allows the Secretary through the CCC to provide financial assistance to farmers for a very wide range of activities such as addressing threats to soil, or water, or related natural resources.

In the alternative, it permits funds to be used to help farmers comply with environmental laws or to be used for "beneficial, cost-effective changes" to a variety of different efforts or uses needed to conserve or improve soil, or water, or related natural resources.

This gives the Secretary a broad range of land preservation and conservation alternatives for funding under that subsection.

There is language in this report for a temporary suspension of authority to combine USDA field offices. I am concerned that in small-population states, such as Vermont, cuts in federal staff have been so significant that the offices do not function effectively. During this temporary suspension the Secretary should also suspend staffing cuts.

These staff cuts, particularly in the Farm Services Agency, should be halted in very small states so we can figure out what minimal numbers we need to properly run these offices. Indeed, in a small state like Vermont it only makes sense to allow them to hire the staff they need such that USDA can, during the suspension, properly determine which offices should be closed.

I want to briefly mention a special crop provision, section 203, which provides $200 million to the Secretary to purchase specialty crops "that have experienced low prices during the 1998 and 1999 crop years . . ." We expect the Secretary to very aggressively use this authority to purchase apples, cranberries, potatoes, and the other commodities listed. This provision is very important to New England, Mid-Atlantic states and to other areas.

I want to thank my colleagues on the crop insurance conference for all their efforts to craft a strong compromise report. I appreciate all the hard work of Chairman LUGAR and his great sense of fairness. As usual, his staff did an excellent job. Keith Luse, his chief of staff, helped carefully balance many competing interests.

His chief counsel, Dave Johnson, was extremely helpful and provided outstanding guidance throughout this complicated process. Andy Morton, the chief economist, and Michael Knipe, the lead counsel, provided sound analysis and helpful assistance.

Senators KERREY and ROBERTS played a very major role in this effort and I appreciate their contributions. Mike Seyfert of Senator ROBERTS' staff demonstrated great expertise on these complicated issues. Hunt Shipman, with Senator COCHRAN, and Scott Carlson, with Senator CONRAD, were very instrumental during this effort.

Bev Paul, with Senator KERREY, was creative and energetic throughout the staff negotiations and of great help in crafting the final compromises. While not a conferee, the Democratic leader, Senator DASCHLE, and his staff, Zabrae Valentine, were very helpful regarding this effort.

As always, the ranking member of the committee, Senator HARKIN, was a strong spokesman for farmers and ranchers. His staff, Mark Halverson and Stephanie Mercier, provided help to all of us.

The House staff also did a great job and I salute them. The chairman, Mr. COMBEST, as have past chairmen, was very ably represented by his Chief of Staff, Bill O'Conner. Jeff Harrison, the majority legal counsel, did a terrific job drafting and explaining very complex legal language.

It is always a pleasure to work with Congressman STENHOLM, the ranking member on the House Agriculture Committee. His staff, including Vernie Hubert, Chip Conley, and John Riley, displayed a thorough understanding of the issues and are a great resource for the Members.

My own staffer on these matters, Ed Barron, as usual did a tremendous job, put in endless hours and helped me work out a good package. Also, Melody Burkins, who joined my staff recently, did a terrific job.

I have praised the work of Gary Endicott, of Senate Legislative Counsel, many times and do so again today. David Grahn with the Office of General Counsel of USDA has once again greatly assisted the Congress in providing expert technical drafting advice.

Ken Ackerman, head of the Risk Management Agency, also provided expert technical advice to the Congress on this bill.

Let me bring your attention to another aspect of this report, the Plant Protection Act that has been incorporated into this legislation. This modernization of existing laws provides tools and resources for animal and plant health inspection services for the Animal and Plant Health Inspection Service of USDA so that they can better do their job.

This legislation will not only help protect agricultural plants in the United States from pests and disease but will also assist APHIS in dealing with invasive species. The Plant Protection Board has indicated that passage of this Act is their number one recommendation for safeguarding American plants. I want to thank Under Secretary Mike Dunn for his leadership on this important matter.

Mr. GRAHAM. Mr. President, Members of the Senate. I come before you today to speak in support of the conference report of the Agriculture Risk Protection Act of 2000 which we are voting on today.

First, I believe that this conference report is the beginning of a new era of cooperation between traditional row crop states and speciality crop states. During our development of this legislation, I have worked closely with my colleagues Senators MACK, LUGAR, KERREY, and ROBERTS to address the unique needs of speciality crop producers. This new cooperation speaks well of our ability in the next Congress to cooperatively review the impacts of the 1996 farm bill on American agriculture. I believe that, based on this cooperative effort, we will be successful in ensuring that all American agriculture, not just row crop producers or speciality crop producers, but all of agriculture reaps the benefits from those reforms.

Let me say a few words about agriculture in the state of Florida. The image that many of us hold of the state is one of white sand beaches, coral reefs alive with hundreds of tropical fish, or Disney World. While accurate, this image is not complete.

Florida has 40,000 commercial farmers. In 1997, Florida farmers utilized a little more than 10 million of the state's nearly 35 million acres to produce more than 25 billion pounds of food and more than 2 million tons of livestock feed. Florida ranks number nine nationally in the value of its farm products and number two in the value of its vegetable crops.

Florida agriculture is not only valuable, but diverse. We rank number two nationally in horticulture production with annual sales of over $1 billion. Florida grows 77 percent of U.S. grapefruits and 47 percent of world supply of grapefruit. The state produces 75 percent of the nation's oranges and 20 percent worldwide.

In 1997, Florida's farmers led the nation in the production of 18 major agriculture commodities including: oranges and grapefruits, sugarcane, fresh tomatoes, bell peppers, sweet corn, ferns, fresh cucumbers, fresh snap beans, tangerines, tropical fish, temple oranges, fresh squash, radishes, gladioli, tangelos, eggplant, and houseplants.

Florida livestock and product sales were $1.1 billion in 1997. We are the largest milk-producing state in the southeast. We rank 14th nationally in the production of eggs. Florida's horse industry has produced 39 national thoroughbred champions and 47 equine millionaires. Florida also has active peanut, cotton, potato, rice, sweet corn, and soybean industries.

As these facts demonstrate, agriculture in Florida means many things to many people. However, all Floridians recognize that agriculture is a critical part of our economy. Each year, Florida agriculture ranges from the second to the third largest industry in the state on an income basis. It is this diverse industry that the Agriculture Risk Protection Act of 2000 will assist.

On July 20, 1999, I joined my colleagues Senators MACK, FEINSTEIN, and BOXER in introducing S. 1401, the Specialty Crop Insurance Act of 1999. This legislation sought to reduce the dependence of the specialty crop industry an emergency spending and catastrophic loss insurance coverage by improving its access to quality crop insurance policies.

Currently, crop insurance policies available for specialty crops do not cover the unique characteristics associated with the planting, growing, and harvesting of specialty crops. According to a GAO report on USDA's progress in expanding crop insurance coverage for specialty crops, even after an expansion in policies available to specialty corps planned through 2001, the existing crop insurance program will fail to cover approximately 300 specialty crops that make up 15 percent of the market share. In some cases, although crop insurance may exist for a specialty crop, it may not be available in all areas where the crop is grown. For example, the GAO report indicates that crop insurance for grapes is available in selected counties in Arkansas, California, Michigan, Missouri, New York, Ohio, Oregon, Pennsylvania, and Washington but not in other growing areas located in Arizona, Georgia, North Carolina, and South Carolina.

In an effort to increase producer participation in buy-up coverage, the Risk Management Agency last year undertook a pilot program to increase the premium subsidies at a total cost of $400 million. In 1999, the Congress enacted this same program which was deemed a success on an emergency basis.

This program was not a success for specialty crops. Of the 125,772 producers who bought additional buy-up coverage after this subsidy was offered, 81 percent were producers of program crops. The highest increase in a single commodity was 31,191 additional policies sold to corn producers while the lowest increase was an additional 3 policies sold to pepper producers. Even when corrective action is taken to work on increasing buy-up coverage for all crops, the program that is designed does not have a dramatic effect on specialty crop participation. We need a different approach for this unique sector of U.S. agriculture.

The original legislation that I introduced sought to promote the development and use of affordable crop insurance policies designed to meet the specific needs of producers of specialty crops. The Agricultural Risk Protection Act of 2000 will increase specialty crop producer participation in the Federal Crop Insurance Program, encourage higher levels of coverage than provided by catastrophic insurance, and enable better planning and marketing decisions to be made.

I am pleased to say, Mr. President, that the crop insurance conference report we are considering today enacts the major provisions of my original bill. With the key support of Senators KERREY and ROBERTS, who have focused their attention on the needs of speciality crop producers, we have forged a bi-partisan piece of legislation that addresses the needs of multiple regions of the country.

In addressing speciality crops, the Agriculture Risk Protection Act of 2000 takes the following actions:

First, to ensure that the Risk Management Agency utilizes private sector expertise in developing new crop insurance policies, it requires that portions of research and development funds in this bill and research and development funds for new crop insurance policies appropriated to RMA each year be focused on specialty crop product development. The legislation specifically authorizes $20-25 million per year for RMA to enter into public and private partnerships to develop specialty crop insurance policies.

Second, it also establishes a process to review new product development and ensure that crop insurance products are available to all agricultural commodities, including specialty crops.

Third, the Agriculture Protection Act of 2000 expands the authorization for the Risk Management Agency to conduct pilot programs to increase its flexibility in developing better products for specialty crop producers. Today, we are voting on legislation that will allow pilots to be conducted on a state, regional, and national basis for a period of four years or longer if desired by RMA. This legislation also specifies authority for the Risk Management Agency to conduct a pilot program for timber, a provision I originally introduced on April 22 of 1999 in S. 868, the Forestry Initiative to Restore the Environment.

Fourth, to encourage specialty crop producers to buy up to 50/100 coverage once these new policies are developed, the report before us today increases the rate for 50/100 coverage, the initial buy-up level after catastrophic coverage to 67 percent. This will create an incentive for growers to purchase buy-up coverage and bring us closer to meeting our goal of reducing dependence on the CAT program.

Fifth, to ensure that aid for farmers who have no crop insurance policies available to them actually receive aid in times of natural disasters, this report modifies the Non-insured Assistance Program (NAP) to eliminate the area trigger, making any grower whose crop is uninsurable and experiences a federally-declared disaster, eligible for these funds.

I will not enumerate each of the provisions of this legislation, as almost each page contains a specific remedy for problems faced by specialty crop producers. I commend my colleagues for their efforts to ensure that crop insurance reform passed by the 106th Congress will take into account the needs of all agriculture producers. In particular, I thank Senators MACK, KERREY, and ROBERTS for joining me in my efforts to ensure that the needs of production agriculture in Florida are met.

I believe that the provisions in the Agriculture Risk Protection Act of 2000 will ensure that specialty crop producers have access to high quality insurance products designed to meet their needs.

Turning away from crop insurance for a moment, I would like to mention a few key times in this package that are just as critical for specialty crop producers.

First, this legislation includes $25 million for compensation to growers who have experienced losses due to plum pox virus, Pierce's disease, and citrus canker. To date, citrus canker has spread to over 1600 acres of commercial citrus groves in Florida and is threatening the existence of the industry. The entire lime industry is on the verge of being eliminated. Already, over half of the 3000 acres in lime production have been destroyed or marked for destruction. Once an infected tree is discovered, federal regulation, designed to eradicate this disease, requires the destruction of all trees, healthy or diseased, within a 1,900-foot radius. Literally thousands of citrus trees, which require three to four years to reach maturity, have been burned to the ground during this year's growing season. These funds are a critical first step in the ability of our grower to recover from the devastation that this disease has caused in Florida.

Second, this legislation includes a streamlined version of the Plant Protection Act. In 1988, I commissioned a study by the U.S. Department of Agriculture and the Animal and Plant Health Inspection Service (APHIS) to evaluate the viability of our nation's system of safeguarding America's plant resources from invasive plant pests. In today's global marketplace where international travel is commonplace, the importance of APHIS' role in ensuring that invasive pests and plants do not enter our borders in paramount. The passage of the Plant Protection Act was the number one recommendation of this report which included almost 300 individual recommended actions. Today, we are taking our first step toward a serious commitment to protecting American agriculture from the ravages of diseases like citrus canker or the Mediterranean fruit fly.

Third, conference report includes over $70 million for key infrastructure improvements to the fruit and vegetable inspection system that was recently embroiled in controversy when eighty USDA inspectors were arrested for taking bribes to reduce the value of produce and allow receivers to negotiate lower prices with shippers. These funds will restore the integrity of this system.

Again, I commend my colleagues for their fine work and perseverance in bringing this conference report to completion and before the Senate for a final vote. Today's action will enact long-term change in our crop insurance program that will provide specialty crop producers with access to affordable crop insurance policies which are designed to meet their specific needs.

Mr. JOHNSON. Mr. President, I am pleased to address the Senate today in support of a conference report (H.R. 2559) that improves and expands the crop insurance and risk management tools available to farmers in the United States. I am equally pleased to support economic and disaster assistance attached to H.R. 2259 not because I believe the assistance will always be targeted to those that need it most, but rather because Congress cannot afford to ignore the opportunity to act now in order to provide timely relief to our nation's family farmers and ranchers.

Collapsed crop and livestock prices, weak export demand, and agribusiness concentration continue to threaten the viability of our independent family farmers and ranchers. Crop insurance provides many agricultural producers with a risk management tool, and with the reforms made in the legislation before us today, crop insurance will prove even more effective.

Nonetheless, I must caution that no matter how well crop insurance is improved, it is not a substitute for a sound farm policy or a safety net. Instead, crop insurance is an important part of that farm safety net. Moreover, the economic and disaster farm aid attached to this legislation will help in the near-term, but for the third year in a row this Congress has failed to address the underlying shortcomings of the current farm bill.

Crop insurance is critical to the farmers of South Dakota. Nearly twenty South Dakota grown crops are currently eligible for crop insurance, and among our major commodities, participation in the crop insurance program is high. Ninety-five percent of our corn acreage is enrolled in crop insurance while ninety two percent of our soybean acres are in this program. Wheat producers in South Dakota place seventy-six percent of their acreage in crop insurance. After the reforms made to the program in 1994—when I chaired the House Agriculture Subcommittee dealing with this issue—over 10 million acres of farmland in my state were enrolled in crop insurance.

I was pleased to co-sponsor a bipartisan reform bill that is a modification of S. 1580, the Kerrey-Roberts Crop Insurance for the 21st Century Act. The conference report before the Senate today closely mirrors the Kerrey/Roberts legislation and addresses some of the most serious concerns of the current crop insurance program; affordability, dependability, and flexibility.

Nearly every agricultural producer wants the opportunity to purchase higher levels of crop insurance coverage, but most have found that buy-up coverage becomes cost prohibitive. This bill makes coverage more affordability by providing higher subsidies for higher levels of coverage. South Dakota farmers support this provision of our bill because affordability seems to be the most pressing issue facing crop insurance today.

In recent years, the issue of coverage dependability has come into serious question. Farmers in South Dakota and elsewhere have suffered under multiple years of weather related disasters. The bill before us today ensures greater coverage dependability by providing relief for producers suffering from insurance coverage decreases and premium increases due to multi-year crop losses resulting from natural disasters.

The conference report authorizes USDA to conduct a series of pilot programs to provide risk management protection to livestock producers. I am hopeful livestock producers can stand to benefit from this action because to date they have been specifically excluded from this protection.

Yet, I am disappointed the crop insurance conference committee members dropped a provision that sought to maintain conservation compliance as a part of crop insurance coverage.

As a member of the Senate Budget Committee, I helped secure $6 billion last year (over a four year period) in order to improve the overall crop insurance program. This year, funds were added to this level to bring a total of $8.2 billion over five years to crop insurance improvements. As a member of the Senate Agriculture Committee, I am pleased the legislation I cosponsored and supported closely mirrors the conference report before us today; therefore, I am pleased to vote for H.R. 2259.

Nonetheless, I want to discuss some items in the economic and disaster assistance package included in the conference report., I am concerned that the conference committee ignored the inequity inherent with the current farm bill, and instead, chose to make economic aid payments to farmers based on AMTA payments.

Even though South Dakota producers stand to receive—in a timely fashion—about $158 million in additional AMTA payments within the economic aid package, these payments are unfair to many of the family farmers in my state for a number of reasons.

First, AMTA payments are made regardless of whether crop prices are high or low. I would prefer an approach (in overall farm policy and in the context of disaster aid) that provides targeted, counter-cyclical benefits to family-sized farmers because it would be more market-oriented and provide a more reliable safety net.

Second, since AMTA payments are based on outdated crop yields and base acres from 1985, they are unfair to many South Dakota farmers. In the mid-1980s, farmers in my state planted more grain sorghum and oats in combination with the staple crops like wheat, corn, and soybeans. But, all of these crops make up their "base acres" upon which an AMTA payment is made. As such, farmers in South Dakota may receive AMTA payments on low-value crops like oats and grain sorghum that they don't even plant today.

Moreover, crop yields in the mid-1980s were much lower than crop yields today, yet, AMTA payments are based on these outdated crop yields. For example, the 1985 corn yield assigned to AMTA payments is set at 64 bushels per acre. Yet today, most farmers raise around 100 bushels of corn or better. Once again, the AMTA payments fail to recognize modern day farming conditions.

Finally, there still exist situations where landlords and not farm operators receive the AMTA payments.

Last week I sent a letter to Conference Committee Chairmen LUGAR and COMBEST insisting that Congress must not alter statutory payment limitations so large farming entities can't swallow up the majority of government assistance. Last year, an amendment to the fiscal year 2000 Agriculture appropriations bill increased payment limits on loan deficiency payments and marketing loans from $75,000 to $150,000 for 1999. As a result of this specific change last year, only the largest of the large farms stood to benefit. My letter urged the conference committee members to not extend this special treatment of the payment limits beyond 1999. I am very pleased the conference committee agreed to reinstate the more responsible, lower, payment limits for this year. Family farmers are the backbone of rural America. If we have a limited amount of taxpayer funds in which to provide a safety net for farmers, it is simply common sense that we target the benefits to those who need the assistance.

I also want to mention that there are several items within the economic and disaster aid package that I support, and as such, I will vote in favor of this legislation.

First, sheep producers in South Dakota have suffered under near all-time low wool prices. To add insult to injury, many of these same producers must try to compete in lamb meat production with unfair and surging imports from other countries. I am especially pleased the conference committee agreed to provide $11 million in fiscal year 2001 to provide direct payments to sheep producers based on poor wool prices.

Second, as a strong advocate of farmer-owned value-added cooperatives, I am extremely satisfied to support the inclusion of $15 million worth of competitive grants in fiscal year 2001 to assist producers in establishing these types of business ventures.

Because flooding remains an obstacle to crop production in many parts of South Dakota, I am pleased to support the $24 million in the conference report for the Flooded Lands Compensation Program.

I am also pleased this legislation offers honey producers in South Dakota and across the nation a recourse loan program to help provide a safety net and price support in order to market their product.

Finally, I am pleased the conference committee included provisions from my legislation—S. 2056, The Emergency Commodity Distribution Act of 2000—which restores funding to USDA in order to procure commodities for the School Lunch Program over a nine year period.

Last year, Congress enacted the Ticket to Work and Work Incentives Improvement Act. A provision of this legislation amended the School Lunch Act to require USDA to count the value of "bonus" commodities when it determines the total amount of commodity assistance provided to schools. This change will result in a $500 million budget cut for the School Lunch Program over a nine-year period without congressional action this year. While not large in overall budget terms, this cut will have an immediate impact that is especially severe in school districts more dependent on the program.

My legislation would ensure that schools receive the full value of entitlement commodity assistance, and allow the School Lunch Program to continue to meet its dual purpose of supporting American agriculture while providing nutritious food to children across the country. While the provision included in today's legislation provides $34 million in fiscal year 2000 and $76 million in fiscal year 2001, it does not restore the entire $500 million over the nine-year period. However, I am greatly pleased the conferees agreed to include part of my legislation in the conference report as this represents a step in the right direction.

I also encouraged the conference committee to consider inclusion of my bills to forbid packer ownership of livestock and to label meat for its country-of-origin.

My legislation enjoys broad support all across the nation because it will restore confidence and freedom in livestock markets. I am disappointed the committee failed to include either of these items as it will once again become clear that Congress largely ignored the independent livestock producer trying to compete in an unfair marketplace.

Mr. TORRICELLI. Mr. President, first, I would like to thank Senators KERREY, DASCHLE, and ROBERTS who have worked to craft a national crop insurance reform bill. I rise in support of the Conference Report because it represents a fundamental shift in farm policy in its recognition of the importance of agriculture in the Northeast.

Historically, New Jersey farmers have been at a disadvantage when it comes to crop insurance for two principle reasons. First, many of the specialty crops they grow are not eligible for insurance. And second, because our region has a history of non-participation, many farmers fail to investigate what options they may be eligible for. They simply assume that they are not eligible or that the programs are not economically worthwhile.

Without crop insurance, farmers in my region will not be able to continue farming, they will be forced out of a way of life, they will be forced to sell their land. New Jersey may be the best example of what can happen when we do not protect our farmers. In 1959, New Jersey had 15,800 farms. Today we have 9,400. In 1959, New Jersey had 1,460,000 acres of farmland. Today we have but 800,000.

The current Federal Crop Insurance program has failed to curb the losses which farmers have experienced and has forced them to sell their land and their livelihood. It has facilitated the end of a way of life in New Jersey.

When the Senate passed its version of the crop insurance reform bill, it adopted the so-called "Northeast Amendment" drafted by myself, Senator SCHUMER, LEAHY, REED, ROCKEFELLER and others. The amendment has been almost entirely preserved in the Conference Report. The amendment is targeted at increasing participation in states in which there is traditionally, and continues to be, a low level of crop insurance participation and availability.

The conference report provides $50 million over five years for research to create new crop insurance policies. The goal is to develop new programs tailored to the crops in our region so that our farmers will find it economically worthwhile.

An additional $25 million over five years for education programs designed to inform farmers of the current crop insurance options available to them. This would include hiring more agents to sell insurance and more USDA officials to help farmers craft a strategy for their farm. This money will put in place the necessary human infrastructure.

The final provision of the Northeast amendment is $50 million over five years for payments to farmers who adopt certain conservation practices. The effect of this amendment will be to increase participation, by making it more attractive, more affordable, and more accessible to farmers who grow specialty crops and have low rates of participation in crop insurance.

But the Conference Report also vastly improves the situation for farmers who grow non-insurable crops by improving the Non-insured Crop Disaster Assistance Program (NAP). Because farmers who grow the majority of crops in my state do not qualify for crop insurance, the NAP program is the only assistance my farmers can rely on when their crops are decimated, as during last summer's drought. Under current law, losses in the region where a farmer grows must be extensive before a single farmer is eligible for NAP relief. The Conference Report removes this "area trigger" and ensures that farmers not eligible for crop insurance receive protection in times of hardship, regardless of whether they are the only farmer who suffered.

The Conference Report also addresses the needs of states like New Jersey by including additional provisions to develop broad specialty crop policies. These policies are designed to protect farmers who grow "specialty crops", fruits and vegetables which constitute many of the crops grown in the Northeast. By focusing on specialty crop product development, the bill truly addresses the needs of farmers in all regions throughout the country. Because of these provisions, I will support the bill and will urge my other Northeast colleagues to do the same.

However, I am extremely concerned that the $7.1 billion in emergency farm aid included in this bill essentially provides no relief to our region. The majority of this funding will be distributed in AMTA payments to farmers in the Midwest and South who grow commodity crops such as corn, soybeans, and wheat. It will not help the specialty crop farmers in New Jersey or anywhere else in the Northeast. This is unfortunate, considering that the farmers in my state are still suffering from last summer's drought.

The Senate will soon have another opportunity to provide this desperately needed relief when it considers the Agriculture Appropriations bill after Memorial Day. As written, this bill includes additional aid for dairy farmers, livestock and peanut farmers. But it still fails to address the situation faced by small family farmers throughout the Northeast. During consideration of that bill, I plan on offering an amendment with my colleagues from the Northeast that will provide some relief for the specialty crop farmers in our region. I hope at the time we will enjoy the support of the other regions of the country who so generously are benefitting from the emergency aid included in this crop insurance bill.

Again, I want to thank Senators KERREY, ROBERTS, DASCHLE, HARKIN and LEAHY for their willingness to work with us during this process.

Mr. GRASSLEY. Mr. President, I rise today to commend many of my colleagues who were instrumental in the development of this legislation. The conference report before us today represents new opportunities for family farmers through a reformed crop insurance program and short term assistance in the form of an additional economic relief payment equivalent to the levels established last year.

The conference report before us today provides Congress with an opportunity to assist farmers during this time of need. My friends and neighbors just came off a year in which they lost tremendous amounts of equity due to commodity prices hitting twenty year lows. If we would not have provided an economic relief payment last year we would have lost many more family farmers.

What does a strong agricultural economy mean for my home state of Iowa? The agricultural industry contributes a total of around $70 billion and 446,000 jobs in Iowa. Therefore, when things are in bad shape down on the farm, all Iowans feel the negative economic effects.

While commodity prices have improved slightly from last year, margins are still tight. We promised our constituents a smooth transition from the failed, government-dominated farm policies of the last 63 year period prior to 1996. We must follow through on that promise, and this legislation helps us fulfill that goal.

This bill provides tremendous opportunities for farmers. The Crop Insurance title helps farmers utilize additional risk management activities. Farmers can increase their individual coverage levels thanks to better premium subsidies. And for the first time, pilot programs will be available to determine how livestock producers can be included as an insurable commodity.

I also want to thank the members of the Senate Budget Committee in supporting my efforts earlier this year in crafting a budget resolution which set aside over $15 billion to help farmers. The bill before us today would not have been possible otherwise. The Budget Committee's work and cooperation allowed the Agriculture Committee to supply farmers with the funds necessary for the smooth transition farmers deserve by providing what is viewed as an additional AMTA payment at 1999 levels.

The package also includes $500 million for oilseeds, $7 million to cover pseudorabies vaccination costs incurred by pork producers, and $15 million for what I have termed the Agricultural Marketing Equity Capital Fund.

The Agriculture Marketing Equity Capital Fund will provide $10 million to establish grants for developing new value-added agricultural markets for independent producers. This fund will assist agricultural producers by providing grants for ventures to capture a greater share of the consumer food dollar.

It is my hope that the fund will help independent grain and livestock producers find real solutions to address the loss of competition in agricultural markets, to combat concentration in food production and processing, and create new value-added business opportunities for groups like:

The Iowa Cattlemen, who are developing a regional "grid" of producers to supply cattle to a proposed harvest facility being developed with the cooperation of one of the nation's largest processors;

Heartland Grain Fuels, a group of grain producers who have banded together in Huron, South Dakota to develop an ethanol facility;

Iowa Premium Pork, a group of 1,400 pork producers across my home state which have joined together in a cooperative venture to market their hogs;

Sunrise Energy, an ethanol plant in Blairstown, Iowa;

The 21st Century Group, independent dairy producers from Kansas;

Pork America, a national cooperative of independent pork producers; and

The New Jersey Farm Bureau, which recently commissioned a study to determine the feasibility of ethanol production and held a meeting at which 300 New Jersey farmers attended due to their interest in value-added opportunities.

An informal poll by my office found hundreds of millions of dollars in possible requests for this type of program. The reason for this is that family farmers cannot compete with an industry that has billions of dollars in equity and capital resources and which seems to be willing to use this advantage to kill any producer driven competition.

Industry's aggressive stance toward competition from farmers made it impossible for me to provide more money for independent producers. In fact, the American Meat Institute, which is the political muscle behind 70 percent of the packers and processors in the US, fought against this provision tooth and nail.

When I found out that AMI was opposing my efforts to help farmers I knew that I must be doing something right. I just want the leadership of AMI to know that I was very aware of his efforts and I hope that AMI's successful opposition to my request for $35 million to help America's family farmers was worth it to them.

I plan to publish AMI's membership in the record and I hope that every independent producer in the nation takes a good look at who is trying to limit value-added opportunities for family farmers. I'm not saying that every processor or packer knew exactly what AMI's Washington lobbyists were doing, but I sure hope to inform every member, through one medium or another, what happened and why independent producers won't have the funds to reach out to processors in joint ventures and receive working capital to help everyone survive and thrive.

One last point; if you thought I was pushing hard for my agri-industry concentration legislation before, hold on to your seat.

Regardless of my disappointment in industry's effort to kill my provision, on the whole, this bill includes a bold new approach that will help create a brighter future for family farmers and their rural communities.

Mr. President, in summation I want to thank my colleagues on the Ag Committee who worked hard to develop this package. This bill is good for Iowa and good for agriculture and the family farmer nationwide. I look forward to sending it to the President and for the President to sign it quickly so that we may provide family farmers with the tools they need to be successful in today's marketplace.

Mrs. LINCOLN. Mr. President, today we are considering the conference report on the crop insurance reform bill. I believe this bill makes fundamental changes to the existing Federal Crop Insurance Program that are necessary to make crop insurance more workable and affordable for producers across the country and I urge its passage.

Congress has been attempting to eliminate the ad hoc disaster program for years because it is not the most efficient way of helping our farmers who suffer yield losses. Due to the Ag economic crisis, there has been much discussion lately on the issue of the "safety net" for our nation's producers. On that point I would like to be perfectly clear. Crop insurance is a risk management tool to help producers guard against yield loss. It was not created and was never intended to be the end-all be-all solution for the income needs of our nation's producers.

Last year, Senator COCHRAN and I introduced a comprehensive bill that addressed what we saw as the various reform needs of the crop insurance program.

I am pleased that many of these provisions are included in the conference report that we are considering here today. This bill establishes a process for re-evaluating crop insurance rates for all crops and for lowering those rates if warranted. After pressure from Congress and the National Cotton Council last year, RMA reduced rates by as much as 50 percent for cotton in Arkansas and the Mid-South. The provision included in today's bill will require further review of all Southern commodities.

By making the crop insurance program more affordable, additional producers will be encouraged to participate in the program and protect themselves against the unforeseeable factors that will be working against them once they put a crop into the ground.

The bill also provides for an enhanced subsidy structure so that producers are encouraged to buy-up from their current level of coverage. The structure included in this bill will make the step from catastrophic coverage to buy-up easier for producers and will make obtaining the highest level of coverage easier for those who are already participating in the crop insurance program.

In an attempt to improve the record keeping process within USDA, this legislation requires that FSA and RMA coordinate their record keeping activities. Current USDA record keeping, split between FSA and RMA, is redundant and insufficient. By including both crop insurance program participants and non-program participants in the process, we hope to enhance the agricultural data held by the agency and make acreage and yield reporting less of a hassle for already overburdened producers.

In addition, this bill establishes a role for consultation with state FSA committees in the introduction of new coverage to a state. The need for this provision was made abundantly clear to Arkansas' rice producers this spring. A private insurance policy was offered to farmers at one rate, only to have the company reduce the rate once the amount of potential exposure was realized.

In my discussions with various executives from the company on this issue it became apparent that their knowledge of the rice industry was fairly minimal. Had they consulted with local FSA committees who had a working knowledge of the rice industry before introduction of the policy, the train wreck that occurred might have been stopped in its tracks.

I am pleased that another reform measure that I worked on has been included to help rice producers suffering losses caused by drought. Recent droughts have left many Arkansas farmers with low reservoirs and depleting aquifers. If rains do not replenish them, an adequate irrigation supply may not exist by summer.

In addition, drought conditions in Louisiana have caused salt to intrude into the water supply used for irrigation on many farms. Current law states that rice is excluded from drought policies because it is irrigated. This is not equitable since rice producers do suffer losses due to drought.

I have worked with Senators BREAUX and LANDRIEU to provide these policies for our rice producers who are experiencing reduced irrigation opportunities due to the severe drought conditions that have plagued the South for the last two years. I am pleased that this provision has been included in the bill.

Many of the problems associated with the crop insurance program have been addressed in previous reform measures. However, fraud and abuses are still present to some degree.

This bill strengthens the monitoring of agents and adjusters to combat fraud and enhances the penalties available to USDA for companies, agents and producers who engage in fraudulent activities.

There is simply no room for bad actors that recklessly cost the taxpayers money.

Mr. President, I was prepared during our Committee markup earlier this year to offer an amendment related to a cooperative's role in the delivery of crop insurance.

I held off at that time due to concerns from the Committee related to possible "rebating" ramifications and preemption of state law, but in working with RMA and Senators KERREY and GRASSLEY, we were able to craft an amendment that clarifies the role of cooperatives in the crop insurance program.

I am pleased that the conferees included this amendment in the final version of the bill.

This amendment does nothing to preempt state law or even change current federal law. It simply provides that current approved business practices be maintained. With the inclusion of my amendment Congress is recognizing the valuable role cooperatives play in the crop insurance program, specifically, encouraging producer participation in the crop insurance program, improving the delivery system for crop insurance, and helping to develop new and improved insurance products.

My amendment requires the Risk Management Agency to finalize regulations that would incorporate the currently approved business practices of cooperatives participating in the crop insurance program and to do so within 180 days of enactment of this Act.

If farmer owned entities are not allowed to sell crop insurance, then anyone can sell crop insurance in America except an American farmer. Such a legal result would give the appearance that crop insurance is designed for a closed club to exploit farmers.

That appearance would inhibit broader use of crop insurance. I do not believe that such a result is the intent of those who have put so much effort into improving the crop insurance program.

Mr. President, I would personally like to thank all staff members of the Committee and industry representatives that have helped with this effort. I would particularly like to thank Louie Perry of the National Cotton Council for his tireless efforts to make crop insurance more effective for cotton and other southern commodities.

Mr. President, Arkansas farmers have told me time and time again that crop insurance just isn't affordable for the amount of coverage they receive. As the program currently exists, it does not make sound business sense to purchase crop insurance in our state. Since this reform process began, I've been working to correct this inequity. I hope that the changes we make today will lead to a crop insurance program that is equitable, affordable and effective.

Crop insurance reform is not the only thing included in this legislation, however. $7.1 billion has been included to address the ongoing crisis in the agricultural community due to depressed market prices. I am pleased that Congress is acting more promptly this year to address the needs of our nation's producers. Numerous farmers in my home state of Arkansas have indicated that the additional assistance we provided over the last two years is the only reason their operations are still afloat today. While some commodities have seen a slight rebound, prices across the board are still too low to meet the increasing costs of production on our nation's farms.

Congress has to provide these "add on" payments to producers because the current farm bill does not provide an adequate safety net when commodity markets head south. I voted against the 1996 Farm Bill because I feared that we would find ourselves in the exact position we do today, with one bailout after another.

I introduced a bill earlier this year that would make reforms to the existing marketing loan program. An enhanced marketing loan program would provide additional assistance to our nation's producers without going through this annual "horse trading" over billions of dollars trying to determine who we are going to help. Farmers would be able to know at the beginning of the growing season what to expect from the government with regards to economic assistance instead of having to cross their fingers and hope Congress comes through.

We are coming near the end of the life of the "Freedom to Farm" bill and as we begin discussions on what the next farm bill should look like I hope my colleagues will see the importance of providing an adequate safety net to our nation's farms.

We must adequately support those who are supplying our nation, and many others, with safe, affordable food.

Do not misread my remarks, I am pleased that Congress has acted promptly to address the needs of the agricultural community this year. I simply feel that there is a better way to approach our nation's agricultural policy. I hope my colleagues will agree and work to provide a better farm bill in the future.

INSPECTION SCAM

Mr. CRAIG. Mr. Chairman, I want to briefly raise an issue that is of the utmost importance to produce growers and shippers throughout every region in the United States and of great concern to me and several other of my colleagues in both the House and Senate.

On October 27, 1999, eight Department of Agriculture (USDA) fruit and vegetable inspectors stationed at the Hunts Point Terminal Market in the Bronx, NY, were arrested and charged with accepting bribes for downgrading loads of produce so that receivers could negotiate lower prices with shippers. This week, I understand those inspectors were sentenced for their illegal and fraudulent scam at the Hunts Point Terminal Market in the Bronx, New York.

While these guilty inspectors are being held accountable through our legal system for their actions, the economic damages to the produce industry remain unaddressed. Moreover, to my knowledge, those individuals with direct oversight responsibility within the United States Department of Agriculture (USDA) have not acknowledged to the Congress how their oversight activities failed, why the Department discounted complaints by the industry over the past several years, the number of inspections that are connected with the guilty USDA produce inspectors or even an estimate of the damages incurred by produce growers and shippers. This is unacceptable and USDA must act expeditiously to restore confidence and integrity in the federal inspection system for the produce industry.

If injured parties are not justly compensated through the legal process, we must ensure that every appropriate action is taken by the Congress to ensure the losses that occurred as a result of this scam are returned to injured parties. Based on similar cases where fines paid by guilty parties have gone directly to the federal Treasury, it is very doubtful that growers or shippers injured will see any of the funding owed to them as a result of this unfortunate scam. I am certainly committed to working with the industry on this critical issue and urge both the Senate and House Agriculture Committees to take immediate action as soon as possible to move forward with a full investigation of this matter.

Mr. LUGAR. I appreciate the remarks by my colleague from Idaho, Senator CRAIG. I agree that the Senate Agriculture Committee should review how these growers can recover their economic losses resulting from illegal actions by federal employees. The Department of Agriculture has oversight responsibility for the actions that may have resulted in millions of dollars of losses to these growers. This matter should be fully explored and resolved. As part of committee review, I will continue to receive reports from the office of the Inspector General. It is important that this industry regain confidence in the inspection system that they use.

Mr. President, two provisions of the conference agreement warrant some clarification as to how they should be carried out. Section 243(g) allows a third State to expand coverage of the Child and Adult Care Food Program to additional for-profit child care centers serving lower-income children. It should be clear to the Secretary in implementing this amendment that the additional State must meet the criteria for approval at the time of enactment and is one that exempts all of its lower-income families from child care cost-sharing requirements, while allowing fees to be charged on a sliding scale to higher-income families. Section 243(b)(2) requires that a minimum number of site visits to day care centers, homes, and sponsors be conducted. The amendment recognizes that the Secretary can strengthen this measure by requiring more than the minimum numbers called for in the amendment.

Mr. REED. Mr. President, I rise to express my support for the conference report on H.R. 2559, the Agricultural Risk Protection Act of 2000. This conference report has two major components: a crop insurance reform bill and a major farm relief package. I want to comment briefly on each of these.

I support the crop insurance reform bill because it will increase premium subsidies for farmers who buy more comprehensive coverage and support research of new crop insurance policies for currently non-insurable specialty crops that are important in Rhode Island and other states in the Northeast. It is an important step forward in a long-term bipartisan effort to encourage farmers across the country to obtain more crop insurance coverage and reduce income losses due to natural disasters. I was disappointed that the Senate bill's risk management pilot project was dropped in conference with the House. The pilot project would have allowed farmers to choose between traditional crop insurance and a direct payment for adopting new risk management practices such as farm diversification, futures contracts and options, creation of conservation buffers, soil erosion control, and irrigation management. I believe we should continue to explore ways to offer increased income to farmers for whom crop insurance has not worked well, while encouraging producers to adopt new risk management strategies that are good for the environment.

I am pleased that this crop insurance bill removes the "area trigger" for the Non-insured Crop Disaster Assistance Program, also known as NAP. I believe broader NAP eligibility is one of the most effective ways to assist farmers in the eastern United States who face severe production losses due to drought, floods, or other disasters.

Currently, NAP crops are eligible for assistance when: (1) expected "Area Yield" for the crop is reduced by more than 35 percent because of natural disaster; and (2) individual crop losses are in excess of 50 percent of the individual's approved yield, or the producer is prevented from planting more than 35 percent of the acreage intended for the eligible crop.

These criteria have proven to be unworkable in many eastern states, both in terms of program accessibility and timeliness of payments. For individual growers of specialty crops, typically grown on small acreage, a loss of as little as 20 percent can be devastating, especially given the high per-acre value of these crops. Moreover, the process of verifying area yield reductions is cumbersome and exceedingly time-consuming, resulting in waiting periods of several months or, in some cases, more than a year for payment.

Giving the Secretary of Agriculture broader discretion over delivery of NAP program funds will streamline the approval process and make direct assistance available to thousands of farmers whose substantial losses do not meet NAP criteria under the current area trigger.

I am also pleased that the bill includes $50 million for the Secretary of Agriculture to provide cost-share assistance to farmers in states with low historical participation in traditional crop insurance programs. These funds will be targeted to farmers who pursue innovative conservation and risk management techniques, including: streambank repairs and reconstruction; integrated pest management tools; construction or improvement of watershed management structures; transition to organic farming, particularly among dairy farmers; and futures, hedging or options contracts to help reduce production, price or revenue risks.

Substantial funds are also included for crop insurance education and information programs for states with low levels of federal crop insurance participation and availability. Combining expanded outreach programs like these with increased research into new policies for specialty crops is the best way to get more farmers into the program and hopefully reduce the need for farm disaster legislation.

With regard to the farm relief component of the conference report before us today, I am disappointed that the entire $5.5 billion of the package's FY2000 funds, fully 77% of the $7.1 billion provided in this farm assistance package, consists of additional AMTA or "Freedom to Farm" payments. Only a very small proportion of farmers in my state and in other Northeastern states will benefit from these payments. Meanwhile, additional AMTA payments will be made to many other farmers regardless of whether they have experienced substantial losses during the current crop year.

I and many of my colleagues from the Northeast and Mid-Atlantic opposed the farm disaster bill passed by the Senate last year because it did not provide adequate relief to farmers in our region who were hit by the terrible drought conditions of 1999. The National Oceanic and Atmospheric Administration (NOAA) found that four states in the Northeast, including Rhode Island, New Jersey, Maryland, and Delaware, experienced the driest growing season in their histories. From April through July, Rhode Island was the driest it has been in 105 years of record-keeping by NOAA's National Climatic Data Center.

Forecasters at the National Weather Service are predicting continued drought conditions this year, because we are starting out with a deficit of rainfall and, even with the snowstorms of January, winter precipitation was 3.5 inches below normal for our region.

Fortunately, the removal of the NAP area trigger I described earlier will help if disaster strikes again this year. In addition, the farm relief package includes $200 million for purchases of specialty crops for low prices in 1998 and 1999, including apples, cranberries, black-eyed peas, cherries, citrus, onions, melons, peaches, and potatoes. Manager language is included to direct the Secretary of Agriculture, to the extent practicable, to purchase directly from farmers or agricultural co-ops.

Another $5 million is provided by the farm relief package for apple producers that are suffering economic loss as a result of low prices. $35 million is provided for Loan Deficiency Payments for non-AMTA farms for the 2000 crop year, and $50 million is provided for the Farmland Protection Program and the Environmental Quality Incentives Program, both of which are important to my state and the Northeastern region of the country. Finally, the farm relief package requires the Department of Agriculture to purchase specialty crop farm products for the school lunch program, again with manager language included to direct the Secretary, to the extent practicable, to purchase directly from farmers or agricultural co-ops.

With the passage of this legislation we will give farmers the tools they need to manage their risk more effectively, and possibly reduce the need for Congress to pass massive farm disaster packages year after year. At the same time, I believe we are beginning to recognize the contributions and needs of farmers in every region of the country, farmers who not only feed the world but preserve a way of life that makes our Nation stronger and protects our precious open spaces from the encroachment of development and urban sprawl.

I urge my colleagues to support the conference report to accompany the Agricultural Risk Protection Act of 2000.

SUBMITTING CHANGES TO H. CON. RES. 290 PURSUANT TO SECTION 216

Mr. DOMENICI. Mr. President, section 216 of H. Con. Res. 290 (the FY2001 Budget Resolution) permits the chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Agriculture, provided certain conditions are met.

Pursuant to section 216, I hereby submit the following revisions to H. Con. Res. 290:

Current allocation to Senate Agriculture Committee	
Fiscal year:	
2000 Budget Authority	$10,843,000,000
2000 Outlays	7,940,000,000
2001 Budget Authority	14,254,000,000
2001 Outlays	10,542,000,000
2001–2005 Budget Authority	61,372,000,000
2001–2005 Outlays	43,745,000,000
Adjustments	
Fiscal year:	
2000 Budget Authority	5,500,000,000
2000 Outlays	5,500,000,000
2001 Budget Authority	1,639,000,000
2001 Outlays	1,493,000,000
2001–2005 Budget Authority	1,608,000,000
2001–2005 Outlays	1,619,000,000
Revised allocation to Senate Agriculture Committee	
2000 Budget Authority	16,343,000,000
2000 Outlays	13,440,000,000
2001 Budget Authority	15,893,000,000
2001 Outlays	12,035,000,000
2001–2005 Budget Authority	62,980,000,000
2001–2005 Outlays	45,364,000,000

Mr. DASCHLE. Mr. President, today we address two issues vital to our Nation's farmers and ranchers: the need to reform the Federal Crop Insurance Program, and the need for financial relief to help producers deal with the third year in a row of low prices.

I support this Crop Insurance conference report, and I will vote for it. But I must also express my deep concerns about the farm relief provisions of the bill.

Half of this bill represents Congress at its best.

Last year Congress was given a mandate to improve the federal crop insurance program—both by the strength of public support for reform, and by the Budget Committee's allocation of $6 billion last year and $8 billion this year expressly to implement that reform.

Half of this bill responds to that call, and offers increased benefits to farmers. Those benefits are well-conceived, and they are equitable.

The program invests public resources in a system that effectively leverages funds in the private sector, and empowers producers to use their own best judgment in managing their production risk.

I want to thank my colleagues and their staffs, who have dedicated long hours over the past year, for their excellent work in reforming this vital program.

However, I believe that the other half of this bill represents a low moment for Congress.

The other half of this bill represents, for the third year in a row, Congress' stubborn refusal to address another significant risk of farming: price risk.

Across the country, and for numerous commodities, poor prices have dogged producers for three years now.

The $7.1 billion in this bill that will go to producers as ad hoc emergency relief is critically needed in the countryside. We should be providing resources to struggling farmers and ranchers.

But I am deeply disappointed with the way the funds are distributed.

Clearly, it would have been impossible to perfectly match resources to need—particularly under the time constraints we face.

But we could have done better than this.

This year could have been different than the past two years. Producers pleaded with Congress to make it different, and it should have been different.

First, by including the relief allocation in the Budget resolution, the Budget Committee allowed Congress to avoid the rancorous fight over emergency spending authorization that has plagued us in the past two years.

Second, in contrast to the previous two years, this year the Agriculture Committee was made the arbiter of how the funding would be allocated.

This should have resulted in hearings and the kind of substantive, constructive debate that yields good policy.

Third, Congress was given a deadline of June 29 by which to determine how to spend this money, which provided more than adequate time for such a debate to occur.

Despite all of these advantages, here we are, a month early, with a bill produced in the very same way as the two emergency relief bills that preceded it—behind closed doors, without the free and open exchange of ideas, and without the opportunity for amendments by members on behalf of their constituents.

So, we are left with farm relief that I and many of my colleagues believe is deeply flawed. Once again, our assistance fails to target family farmers.

Once again, it wastes public dollars on the biggest operators, who have little or no need for emergency relief.

Once again, it wastes public dollars on some people who do not farm at all.

Most importantly—once again—it fails to meet critical needs in farm country.

With over $7 billion at our disposal, Agriculture Committee jurisdiction, and time for debate, not one hearing has been held to assess the scope of need.

A flawed process has produced a flawed bill. But because farmers and ranchers are in need of relief, I intend to vote for the conference report.

For the third year in a row, I urge my colleagues to acknowledge the failures of current farm policy, and come together to change it.

We need policies that better address the interests of family farmers and ranchers.

In addition to crop insurance, fair trade, and competitive opportunities for all producers, farmers and ranchers must have an income safety-net that can offset severe price fluctuations, and that can help manage uncertainties in the marketplace.

Such policies are critical to long-term survival in an industry in which the majority of producers operate on margins of less than 5 percent.

I believe there is a lot we can agree on.

And by working together, in the spirit of the crop insurance portion of this bill, I am certain that there is a lot we can accomplish.

Mr. KOHL. Mr. President, I rise today in support of the conference report on the Agricultural Risk Protection Act of 2000. Farmers in Wisconsin and all across the country need improved risk management products to help them guard against adverse weather and market conditions. I also want to express my thanks to Chairman LUGAR, Senator HARKIN, and other members of the Agriculture Committee for including in this conference report expansion of a dairy options pilot program that will help dairy farmers achieve similar levels of protection afforded other agricultural producers.

I also want to mention the fact that this conference report includes $7.1 billion in additional assistance to farmers and ranchers this year and in 2001. This level of spending was made possible due to a budget reserve included in the fiscal year 2001 budget resolution which provided an additional $5.5 billion in mandatory spending to the Agriculture Committee in fiscal year 2000 and an additional $1.6 billion in fiscal year 2001. The budget resolution specified that these funds were to be made available to assistance producers of program and special crops. Senator DOMENICI, chairman of the Senate Budget Committee, made reference to the action taken by both the Budget and Agriculture Committees in providing for this budgeted approach to meeting the needs of America's farmers.

I want to take this opportunity to mention additional assistance for farmers provided in the pending Agriculture appropriations bill which includes, among other items, emergency spending for America's dairy farmers. Senators will note that within the additional $7.1 billion included in the Agricultural Risk Protection Act of 2000, no funds are provided for dairy farmers who are now suffering from the greatest price collapse in history. Dairy farmers in Wisconsin, in Vermont, in the South, in the West, in all parts of the nation are suffering terribly from this dire emergency and it is proper that the Congress take action, as we have, to meet this situation.

I mention this in order to remind my colleagues that we will shortly be considering the Agriculture appropriations bill on the Senate Floor and I ask for the support of all Senators in our efforts to help America's dairy farmers. I would also note that to those who may be confusing the funding provided in our bill with the amount provided in the budget resolution, that dairy producers were not included in the description of agricultural producers to receive assistance though the agricultural budget reserve directed to the authorizing committee. The emergency funding for dairy farmers is separate from the actions taken in the bill now before the Senate, is indeed an emergency, and the action taken by the Appropriations Committee in this regard is proper and must go forward.

Mr. LUGAR. Mr. President, our colleagues have suggested that if Senators are amenable to yielding back time, at least in this instance, we might proceed to a vote, with the understanding that provision might be made for additional time for comments by Senators on this legislation. There would appear, at least to the ranking member and myself, to be no visible opposition.

Mr. SCHUMER. Will the Senator yield?

Mr. LUGAR. Yes.

Mr. SCHUMER. I have no problem with yielding time. I have to go to my daughter's recital. If I can speak after the vote for 5 minutes, I would appreciate that.

Mr. LUGAR. We have been trying to accommodate our side. They were aware we might have another hour of debate, but in the event that the distinguished Senator from Iowa and the Senator from Minnesota are prepared to yield back all time, I would be prepared to do that.

Mr. TORRICELLI. If the Senator will yield, I would like to comment for the RECORD, also.

Mr. WELLSTONE. Mr. President, I yield back my time.

Mr. HARKIN. I yield back my time.

Mr. LUGAR. Mr. President, I yield back the time yielded to me.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. LUGAR. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from Alaska (Mr. MURKOWSKI), amd the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:—

[Rollcall Vote No. 115 Leg.]

YEAS—91

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham

Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—4

Kyl
Mack
McCain
Nickles

NOT VOTING—5

Dodd
Gregg
Inouye
Murkowski
Voinovich

The conference report was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote and I move to table that.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I want to take just 1 minute to thank the staffs who have made this event possible. From my own staff: The chief of staff Keith Luse, Dave Johnson, Terry Nintemann, Andy Morton, Michael Knipe, Carol Dubard, Bob White, Danny Spellacy, Jeff Burnam, Marcia Asquith, and Bob Sturm;

From Senator HARKIN's staff, who worked with us so well: Mark Halverson and Stephanie Mercier;

From Senator ROBERTS' staff: Mike Seyfert;

From Senator COCHRAN's staff: Hunt Shipman;

From Senator HELMS' staff: George Holding and Brian Meyers;

From Senator COVERDELL's staff: Richard Gupton and Alex Albert;

From Senator KERREY's staff: Bev Paul;

From Senator LEAHY's staff: Ed Barron and Melody Burkins;

From Senator CONRAD's staff: Scott Carlson;

From the Legislative Counsel's staff: Gary Endicott and Greg Kostka;

And from the House Agriculture staffs, who worked for 3 weeks continuously with our Senate staff: Bill O'Conner, chief of that staff; Tom Sell; Vernie Hubert; and Chip Conley.

I thank again the distinguished ranking member.

I earlier mentioned especially Senator ROBERTS and Senator KERREY as authors of an excellent crop insurance legislation bill, and Senator CRAIG who has offered titles IV and V. I thank the majority leader, Senator LOTT, and minority leader, Senator DASCHLE, for expediting our having this opportunity.

Finally, I thank all Senators for a decisive vote on what I believe is significant legislation for America's farmers.

Mr. HARKIN. Mr. President, I join with my distinguished chairman, thanking all the staff who worked so hard on this and hammered out all the agreements over a long period of time on both sides of the aisle. All the Members of our committee and their staffs did a great job. I join our distinguished chairman in thanking them.

Let me also thank our chairman, our leader, Senator LUGAR, for his persistence and doggedness in getting this bill through. I think it has been at least 1½ years, if I am not mistaken, since we started on this road. It has had a lot of twists and turns and ups and downs. Senator LUGAR stayed in there. He knew how important this bill was to our farmers. It is a great bill. It is one that is really going to help our farmers manage their risks.

I again compliment him and thank him for his leadership but also for being so kind and generous, to always work with me and be open and aboveboard. I have never had an instance where I thought in any way that my chairman was ever keeping anything hidden, going behind the door or anything such as that. It has been a great working relationship. I thank my friend and my chairman for having that kind of good working relationship with this side of the aisle.

Mr. LUGAR. I thank the Senator.

Mr. KERREY. Mr. President, I will take a few seconds. Earlier in my statement I said very nice things, as they deserved, about the chairman, ranking member, and their staffs and every other staff member of the Agriculture Committee except for one. That was the person who wrote the statement I was reading earlier on the floor. So I want to just take a moment to thank Bev Paul for all the work she did on this piece of legislation. I appreciate very much Senator HARKIN, you and Leader DASCHLE, trusting me enough to put me on the conference committee. I appreciate Bev's contribution to it.

Mr. DOMENICI. I wonder if the distinguished manager will just yield for an observation? It will not take long.

Mr. LUGAR. I yield.

Mr. DOMENICI. Mr. President, I want to say hearty thanks to the U.S. Senate for passing the budget resolution that contemplated this issue and this problem and this solution. Normally, in years past on agriculture emergencies, we have waited until the end of the year and gotten into an enormous argument as to how much emergency relief is enough emergency relief. This year we decided, in the budget resolution, with the help of some experts and the committee, to decide that we would modify the resolution that applies to this year and provide $5.5 billion in this year's budget to be spent by the authorizing committee from a reserve fund set up by the Budget Committee and $1.6 billion for next year, all of which could be used for emergency purposes by the authorizing committee if they chose.

They have chosen to follow that to the letter: $5.5 billion this year and $1.6 billion next year. We have provided in advance a pretty good package, as my colleagues have said, on emergency relief.

I am not the expert. I am not here vouching for every item in the bill, but I am suggesting it is good to recognize that we had the foresight this time in advance to devise a prescription for the solution of what I think is most of the emergency relief that is going to be sought for farmers. There may be others in other bills. I thank everyone for living under that resolution and under that format. I thank the experts who told us this is a pretty good package, and we provided for it in advance. It turned out to be a pretty good dollar number that provides a rather substantial amount of relief.

In addition, we have had budgeted for quite sometime money for crop insurance. It has been languishing until now. It is high time a solution to that has been tailored, and now they are together. There is $7.1 billion of emergency assistance, and it is prescribed by the budgets we have voted for heretofore.

I commend those who have lived within those margins. I do hope the farmers of America understand that we have prescribed a very large package here, in addition to the regular appropriations bill that comes through, and we may have additional arguments on how much additional emergency money might be provided, if any.

I do believe this is a good example of doing it right for a change. We did it right from the very start, and now we are seeing the fruits of some good thinking in advance to avoid conflict at the end of the year.

Mr. President, while the spending in this conference report does not violate the budget, and again I congratulate the authors for following those spending guidelines, I must be honest in saying that some provisions in Title II of this conference report concern me. When the Budget Committee established the $7.1 billion funding to assist producers of program crops and specialty crops, I can assure you that at least this Senator did not envision some of the types of indirect assistance to producers this bill provides. Nonetheless the bulk of assistance will go directly to producers and provide some relief to those now suffering depressed farm incomes.

Finally, it must be said, that once this $5.5 billion in Agriculture Marketing Transition Act, AMTA, payments are made this year, total Commodity Credit Corporation, CCC, outlays for FY 2000 may exceed $30 billion—a historic record level of spending. Just for the calendar year 2000, direct payments to producers will exceed

$21.6 billion—another record. It is also understood that when we return from the Memorial Day recess, the FY 2001 Agriculture Appropriations bill may be before the Senate, and it to may contain additional emergency spending for the current fiscal year.

At a time when the U.S. Congress and the European Parliament are focused on agriculture trade issues, and the level of subsidies being provided on both sides of the Atlantic, I think it is important to take a step back and make sure we all understand what assistance is being provided in this bill to agriculture.

I will support this conference agreement today. But I hope that another bill the Senate may consider after the recess—the PNTR China bill—will provide expanded markets for our agriculture sector and thereby lessen the need for future agriculture subsidies. Most farmers and ranchers I know want to and will produce for the market given a chance. They do not want and should not want to "farm" government subsidies.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Chair. Mr. President, I thank Senator LUGAR, Senator HARKIN, and all the conferees for their hard work in producing a fair final crop insurance package that will provide $100 million in targeted programs for Northeastern farmers who have struggled in recent years, facing low prices and severe damage by drought, flooding, and freezing.

Speaking on behalf of the farmers of New York State, I especially thank my esteemed colleague, Senator PAT LEAHY, and his hardworking staff—Ed Barron, J.P. Dowd, and Melody Burkins—for their creativity and persistence in defending the interests of our region which have all too often been neglected in agricultural debates.

Back in March, I joined Senators PAT LEAHY, BOB TORRICELLI, and JACK REED in a spirited and successful effort to amend this bill to include, for the first time in the history of crop insurance, funds targeted specifically to help our region.

Northeastern farmers have historically low participation in crop insurance for several reasons. Many grow speciality crops that are not eligible for Federal crop insurance, or find that, while they are eligible, the Federal crop insurance programs do not fit their needs. Many are simply not aware of available crop insurance options or have no agents located nearby to sell them policies.

The results have often been catastrophic. When a disaster such as last summer's drought strikes, our farmers have no safety net to fall back on, unlike so many of their Midwestern and Southern counterparts.

As such, these provisions—a $50 million program to promote risk management practices tailored to Northeastern farmers, $25 million for crop insurance education and recruitment targeted at areas traditionally underserved by crop insurance, and $25 million for research into better crop insurance programs for the Northeast—will go a long way to helping the farmers of New England and the Mid-Atlantic region.

Our farmers will especially benefit from the removal of the area trigger for crop insurance policies. This will benefit farmers located in areas isolated by valleys or mountains by allowing them to collect crop insurance for their localized disasters.

Further, specialty crop farmers, as so many of the fruit and vegetables growers in New York State, will benefit from the $200 million USDA purchase of speciality crops as directed in the emergency agriculture package attached to this bill.

I also echo Senator LEAHY's remarks on our understanding of the Agriculture appropriations bill, which we have been assured will contain several additional critical provisions, particularly the assistance for our Nation's dairy farmers who have suffered terribly from low prices, and for apple farmers who have been hard hit by low yields and low quality after 2 years of unavoidable weather extremes, from hurricanes to drought.

I have visited regularly with dairy and apple farmers in my own State and can say they desperately need our help.

I thank, once again, the conferees for crafting a bill that for the first time truly takes into account the unique needs of Northeastern farmers. I voted for the package, and I am glad so many of my fellow Senators voted for it as well.

TRIBUTE TO PAT ROONEY

Mr. LOTT. Mr. President, today, I rise to pay tribute to a businessman who has witnessed the transformation of a company from a single plant operation into a multinational corporation. The businessman I am referring to is Pat Rooney, who is retiring on June 3rd after almost 45 years of service to Cooper Tire and Rubber Company. Mr. Rooney began his career with Cooper Tire in 1956 as a sales trainee. In 1994, Pat Rooney was elected CEO and Chairman of the Board of Cooper Tire. That hierarchical progression is astounding. In this day and time with the ever changing economy, it is almost hard to fathom someone working for one employer for four and a half decades. Pat Rooney saw Cooper Tire and Rubber grow from 1,000 total employees to now 25,000 worldwide. During his tenure at Cooper Tire, Mr. Rooney spent time working in Clarksdale, Mississippi at the rubber products operation in the Mississippi Delta. Cooper has built a significant presence in my state, employing numerous Mississippians at locations in Clarksdale and Tupelo. Pat Rooney lives in Findlay, Ohio and has been very active in the community. He is a Rotarian, active in the Findlay/Hancock County Chamber of Commerce, and the County Community Development Foundation and served on the advisory council of the Arts Partnership of Hancock County. Again, I want to commend Pat Rooney today for his service to his company and his community. Cooper Tire has been fortunate to have such a dedicated employee, leader, and visionary. Mr. Rooney I hope you will enjoy your well deserved retirement.

SCHOOL SAFETY

Mr. LEVIN. Mr. President, earlier this month, the Senate began consideration of the Elementary and Secondary Education Act, a reauthorization bill that would determine our national education policy. We spent a few days on that bill, offering and debating amendments, to reduce class size and reward teachers who improve student achievement, among other things.

On May 9, 2000, the Majority Leader withdrew the education bill from consideration, and the Senate moved on to other business. At the time, the Majority Leader indicated his intent to come back to the education bill, either later in that same week, or the week after.

It is now more than three weeks later and Congress is preparing to adjourn for the Memorial Day recess without addressing a critical component of our national education policy: school safety.

The education bill was likely withdrawn from the Senate because of the possibility of a school safety amendment aimed at curbing gun violence. Unfortunately, education and gun violence are now inseparable issues. The wave of school shootings—in Jonesboro, Arkansas, Littleton, Colorado, and recently, in Mt. Morris Township, Michigan—has changed America's perception of safety in school.

Over the last few years, we have made some gains. Over the four year period, from 1993 to 1997, the percentage of high school students who carried a weapon to school declined from 12% to 9%; the rate of crime against students ages 12 to 18 fell one-third; and 90 percent of schools reported no incidents of serious violent crime in 1996–1997.

Despite these gains, students feel less safe at school, and access to guns is a primary reason why. School violence, or even the threat of school violence, instills fear in our students, and limits their ability to learn. School violence also threatens and intimidates teachers—making instruction more difficult.

The learning environment is in jeopardy, and unless we address the vulnerabilities of our schools, many of our other efforts to improve the education system will be undermined.

I'm sure all of us agree that any act of violence—whether it's as common as a fist fight in the locker room or as extreme as a shoot out in the cafeteria—interferes with the educational process. Ron Astor, an assistant professor of social work and education at the University of Michigan in Ann Arbor, has said: "Violence in schools . . . interferes with children's physical well being, academic functioning, social relations, and emotional and cognitive development."

School violence has always posed a threat to students and teachers, but the advent of gun violence in schools has escalated the problem. Gun violence, not only affects students at a particular school, it has a rippling effect on students at schools in the same county, state, and in some cases, the entire country.

I have a letter from Professor Astor, who wrote to me earlier this month, when the Senate was debating education policy. Professor Astor has been researching the topic of school violence for over 17 years, and has produced 23 publications on the topic. His research gives us a clear understanding of how gun violence, and the fear of gun violence, impacts schools in Michigan, and in the United States.

Professor Astor writes:

> Dear Senator LEVIN,
>
> I am pleased that the Senate is debating the topic of education in our nation. As a professor of education, I hope that you will include in your discussions the issue of school safety. As you know, the general public is seriously concerned with the safety of our schools. Polls taken over the past seven years indicated that the public considers school violence to be the top problem facing U.S. schools. Hopefully, the Senate's efforts will result in policy and legislation that make our schools safer for our children.

He continues:

> Clearly, teachers, students, and school staff are most concerned about the presence of firearms and weapons in our schools. In the context of a discussion on guns and mass shootings, consider the fear described by this middle school teacher who participated in one of our studies: "A lot of us are afraid. You come in the morning and you're just afraid to even go to work. You're just so stressed out, because you're all tensed up, you can't feel happy and teach like you want to because you've got to spend all of your time trying to discipline. You're scared somebody's going to walk in. We keep our doors locked. We have to keep our doors locked." Middle school teacher. (Meyer, Astor & Behre, 2000).

Professor Astor goes on:

> In our studies, students and school staff often mention fear from the threat of guns and other lethal weapons. Without a doubt, the knowledge or rumor of a gun in a school instills fear in the school community. Teachers and students are well aware that the shocking mass murders recently perpetrated in schools are exclusively associated with firearms. Our country has a long history of lethal acts in schools (see Kachur et al, 1996 in the Journal of the American Medical Association), however, the use of guns as a weapon of choice, has made multiple murders a more common occurrence. This, in turn, has promoted a high level of fear within schools. Obviously, the fear of death or potential catastrophe is not conducive with a positive learning environment. Consequently, I urge you and your colleagues to take a strong stance on the issue of firearms.

Professor Astor quotes a middle school teacher frightened by the thought of a school shooting, and she is not alone. Teachers and students across this nation fear what may happen to them in the classroom. Those of us who feel strongly about education and school safety must do something to ease their fears. Congress must curb young people's access to guns. We must pass legislation designed to reduce the level of gun violence, and the fear of such violence, in our communities.

Gun violence is certainly not the only cause of fear in school. Professor Astor explains, that in addition to concerns about firearms, teachers and students fear more common forms of violence, such as fist fights, sexual harassment, teasing and bullying. All violence in school is unacceptable and we should continue to work toward curbing any and all student harm. But gun violence is a dominant cause of fear among teachers and students in our schools

We have the opportunity to take the first step toward establishing a safer and more secure school environment, by among other things, passing the juvenile justice bill which would ban juvenile possession of assault weapons and close the gun show loophole. But if we can not pass the juvenile justice bill, we will use other means to prevent the gun violence that has plagued too many American schools and communities.

I hope this Senate will continue its debate on this country's long-term education needs and at the same time, work toward finding a long-term solution for reducing the shootings in American schools. Students around the country may be off for the summer, but Congress will have to keep working until we can make the grade on school safety.

I ask unanimous consent to submit the full text of Professor Astor's letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF MICHIGAN,
Ann Arbor, MI, May 2, 2000.

Senator LEVIN,
Russell Building,
Washington, DC.

DEAR SENATOR LEVIN, I am pleased that the Senate is debating the topic of education in our nation. As a professor of education, I hope that you will include in your discussions the issue of school safety. As you know, the general public is seriously concerned with the safety of our schools. Polls taken over the past seven years indicated that the public considers school violence to be the top problem facing U.S. schools. Hopefully, the Senate's efforts will result in policy and legislation that make our schools safer for our children.

I have been researching school violence for over 17 years. I have 23 publications on the topic of school violence in the U.S.A. and abroad. In addition, I teach courses on school violence to teachers, psychologists and social workers who will be creating and administering school violence programs in U.S. schools. Consequently, I have a perspective on this issue that spans both research and practice.

Based on my research, I would like to encourage you and your colleagues to pass legislation that addresses children's perceptions of safety in school. Our research shows that both children and teachers (in elementary, middle, and high school) are reluctant to categorize their entire setting as unsafe. However, when students and their teachers are asked to identify specific locations in their school (e.g., the bathrooms, playgrounds, hallways, areas immediately surrounding the school), most identify dangerous areas that they fear or avoid. Therefore feelings of danger are far more common experiences for students than the data in federal studies suggest. For example, in recent studies (enclosed Astor, Meyer & Behre, 1999; Astor, Meyer & Pitner, in press), we mapped violence-prone school locations within schools and then conducted in-depth interviews with students, teachers, and principals in Michigan elementary, middle and high schools. In these studies we found students and teachers very reluctant to categorize their entire school as being unsafe even though the vast majority of students identified areas that they avoid due to school safety issues. Furthermore, girls consistently identify more areas than boys that they feared or avoided. One study found that over a third of school territory was considered unsafe by girls.

The teachers are also aware of danger in their work-settings (e.g., enclosed Meyer, Astor, & Behre, 2000). For example, 75% of the teachers in our sample, identified at least one area in or around their school that they considered unsafe or dangerous. Female middle and high school teachers identified more areas than their male colleagues that they perceived to be unsafe (e.g., 58% vs. 87% of males and females respectively). Teachers are very brave. Although they sense danger in specific school locations the vast majority of teachers claimed they would intervene even though they may be placing themselves in harms way. Teachers continually mentioned the need for protection against physical harm, legal issues, and policies that support their actions to make school safer. Contrary, to the current trend in zero tolerance policies, most of the students and teachers in our studies advocate for a relationship oriented approach that focuses on building a caring school community. Neither students nor teachers feel that security oriented measures (video cameras, security guards, police officers, alarm systems, expulsions) are conducive to a healthy learning environment. Furthermore, the findings in our studies show that interventions designed to encourage teacher/student relationships are perceived to be the most effective and consistent with the educational goals of our nation's schools.

Clearly, teachers, students, and school staff are most concerned about the presence of firearms and weapons in our schools. In the context of a discussion on guns and mass shootings, consider the fear described by this middle school teacher who participated in one of our studies:

> "But I'm telling you, there's so much violence and in different areas and in different districts and different states where teachers are being killed every day. And don't look to me as a teacher to solve the violence in the school. It was there before I got there. It is getting worse. I'm here to tell you. I will—a lot of us are afraid. You come in the morning and you're just afraid to even go to work. You're just so stressed out, because you're all tensed up, you can't feel happy and teach like you want to because you've got to spend all of your time trying to discipline. You're scared somebody's going to walk in. We keep our doors locked. We have to keep our doors locked." Middle school teacher. (Meyer, Astor & Behre, 2000).

In our studies, students and school staff often mention fear from the threat of guns and other lethal weapons. Without a doubt, the knowledge or rumor of a gun in a school instills fear in the school community. Teachers and students are well aware that the shocking mass murders recently perpetrated in schools are exclusively associated with firearms. Our country has a long history of lethal acts in schools (see Kachur et al, 1996 in the Journal of the American Medical Association), however, the use of guns as a weapon of choice, has made multiple murders a more common occurrence. This, in turn, has promoted a high level of fear within school. Obviously, the fear of death or potential catastrophe is no conducive with a positive learning environment. Consequently, I urge you and your colleagues to take a strong stance on the issue of firearms.

Our findings demonstrate that in addition a focus on weapons in schools, national legislation should be focusing on most common forms of student harm such as school beatings, sexual harassment, relentless humiliation/teasing, bullying, and other forms of victimization. These kinds of events have a very large impact on students overall sense of school safety. We just conducted a large scale (16,000 students) international study that shows these more common forms of violence account for many students nonattendance of school due to fear/humiliation. Creating on overall climate of safety in the school is essential. Draconian security measures used in the name of school safety (expulsion, police, metal detectors), may actually increase students fear of school violence and interfere with their learning.

Finally, the Columbine shootings have qualitatively changed our countries perceptions of school violence. Based on my contacts with hundreds of teachers, school principals, and school district superintendents in Michigan and across the country, I can confidently say that school districts are now more punitive, frightened, and authoritarian, surrounding issues of school violence. Consequently, it appears that schools harsh responses (usually suspension and expulsions) are now extended to innuendo's, nasty stares, verbal threats, and rude behaviors. Rather than creating a safer school climate, students, teachers, and principals claim that these security measures are fostering an oppressive environment which may be equally detrimental to learning. From a public policy perspective, expelling our most aggressive children is a social disaster because it increases the likelihood that these children will commit serious violent acts in the community. Being banished from school at a young age increased the chances of a "dead end" life, prison, welfare, being at the periphery of our economy, and a life of crime. Positive relationshps created in schools may actually serve as a protective factor for many of our most aggressive children. Therefore, I'd like to encourage you and your esteemed colleagues to carefully consider policies that mirror a democratic, caring, community-oriented, and relationship-oriented school environment. These empirically supported virtues would accomplish the dual goals of fostering academic excellence within the context of safe feeling environments. Students, teachers, principals and parents do not want their schools turned into prison-like environments. This would not benefit our children's education or our democracy. Finally, they do not increase children's sense of safety. The facts suggested that the opposite is true.

I have enclosed a series of articles published or in press (in scientific peer reviewed journals). Please feel free to contact me if you have any questions.

With respect,
Sincerely,
RON AVI ASTOR, Ph.D.,
Associate Professor of Education and Social Work.

THE NECESSITY FOR THE NATIONAL DEFENSE AUTHORIZATION BILL FOR FISCAL YEAR 2001

Mr. WARNER. Mr. President, I rise this afternoon to discuss the importance—the critical need—for early Senate consideration of the defense authorization bill for fiscal year 2001. This bill, which we reported out of the Senate Armed Services Committee on May 12th with bipartisan support, is a good bill which will have a positive impact on our nation's security, and on the welfare of the men and women of the Armed Forces and their families. It is a fair bill. It provides a $4.5 billion increase in defense spending—consistent with the congressional budget resolution. But, the real beneficiaries of this legislation are our servicemen and women who will not only have better tools and equipment to do their jobs, but an enhanced quality of life for themselves and their families. We must show our support for these brave men and women—many of whom are in harm's way on a daily basis—by passing this important legislation.

I am privileged to have been associated with the Senate Armed Services Committee and the development of a defense authorization bill every year of my modest career here in the Senate—a career quickly approaching 22 years. During those years, the committee has used the annual defense authorization bills to address the most fundamental national security issues facing the nation, including: the revitalization of the Armed Forces under President Reagan; the Goldwater-Nichols reorganization of the Department of Defense; the restructuring and reduction of the Armed Forces following the end of the cold war; investigating the tragedies in Beirut, Somalia, and Saudi Arabia (Khobar Towers); and the review and implementation of the lessons learned from military operations in Grenada, Panama, the Persian Gulf, and, most recently, the lessons learned from the operations in the Balkans and, in particular, Kosovo.

This year's legislation follows in this fine tradition. The importance of this bill is without question.

While this legislation is not the only bill on defense spending, it occupies a very unique and critical role in the congressional defense funding process. Both it's timing and function in the congressional budget process are intended to achieve important goals: fully explore public concerns and fulfill statutory requirements.

The venerable soldier-statesman, General George Marshall once stated, "In a democracy such as ours, military policy is dependent on public opinion."

The crucial step of ensuring that public opinion on national security policy issues has a forum begins in the Armed Services Committee. Since the beginning of the 106th Congress, the Senate Committee on Armed Services has conducted almost 170 hearings, briefings, and meetings, to fully explore, examine and deliberate matters of concern to the public on national security policy and funding issues. This year, in particular, a sample of the issues addressed in our hearings include: healthcare for military personnel, their families and retirees; the future of the U.S. strategic nuclear arsenal; U.S. military involvement in the Balkans; Defense Department efforts to counter the threat of a terrorist attack; security clearance procedures for defense personnel; immunizing our personnel against anthrax; and ensuring Russia safely secures and disposes of its nuclear arsenal.

Mr. President, the discussion on these important issues does not end with consideration in the Armed Services Committee. In fact, in the last twenty years, our Chamber's collective interest in continuing the public debate on pressing national security matters presented in the defense authorization bill has significantly increased. In 1979, the first opportunity I had to be a part of the defense authorization bill process, there were only 11 amendments to the bill during Senate floor debate. Last year, during our debate on the national defense authorization bill for fiscal year 2000, there were over 160 amendments.

But we know our responsibility to consider and pass the defense authorization bill goes beyond statutory requirements and historical precedent. We must also be aware of the importance of this measure to our men and women in uniform around the world.

U.S. military forces are involved in overseas deployments at an unprecedented rate. Currently, our troops are involved in over 10 contingency operations around the globe. Over the past decade, our active duty manpower has been reduced by nearly a third, active Army divisions have been reduced by almost 50 percent, and the number of Navy ships has been reduced from 567 to 316. During this same period, our troops have been involved in 50 military operations worldwide. By comparison, from the end of the Vietnam war in 1975 until 1989, U.S. military forces were engaged in only 20 such military deployments.

In an all-volunteer force, where increasing deployments and operations challenge the capabilities of our military to effectively meet those commitments, as well as challenge the efforts of our military to recruit and retain quality military personnel, we must embrace every opportunity to demonstrate our commitment to our military personnel. The National Defense Authorization Bill for Fiscal Year 2001 sends this important message.

Mr. President, I noted previously in these remarks the important role of the defense authorization bill as a means by which the Armed Services Committee and the Senate address many of the today's important military policy matters. I would like to take a moment to highlight the impact of not passing the National Defense Authorization Bill for Fiscal Year 2001.

With respect to personnel policy, the committee included leglsiation in the defense authorization bill for fiscal year 2001 to continue to support initiatives to address critical recruiting and retention shortfalls. In this regard, the committee increased compensation benefits and focused on improving military health care for our active duty and retired personnel and their families.

Without this bill, there will be:

No 3.7 percent pay raise for military personnel;

No pharmacy benefit for medicare eligible military retirees;

No extension of TRICARE benefits to active duty family members in remote locations;

No elimination of health care co-pays for active duty family members in TRICARE Prime;

No Thrift Savings Plan for military personnel;

No five year pilot program to permit the Army to test several innovative approaches to recruiting; and

No transit pass benefit for Defense Department commuters in the Washington area.

And, without this bill, the current Department of Defense Medicare subvention demonstration program will not be expanded, as we envisioned, but instead terminated. Currently, the Medicare Subvention demonstration program provides medical services to approximately 28,000 military retirees in Mississippi, Texas, Oklahoma, Colorado, Washington, and Delaware. Expanding the program would provide medical services to military retirees living in the District of Columbia, Virginia, Ohio, Georgia, Hawaii, and Maryland.

Without this bill, almost every bonus and special pay incentive designed to recruit and retain service members will expire December 31, 2000, including: special pay for health professionals in critically short wartime specialities; special pay for nuclear-qualified officers who extend their service commitment; aviation officer retention bonus; nuclear accession bonus; nuclear career annual incentive bonus; Selected Reserve enlistment bonus; Selected Reserve re-enlistment bonus; special pay for service members assigned to high priority reserve units; Selected Reserve affiliation bonus; Ready Reserve enlistment and re-enlistment bonuses; loan repayment program for health professionals who serve in the Selected Reserve; nurse officer candidate accession program; accession bonus for registered nurses; incentive pay for nurse anesthetists; re-enlistment bonus for active duty personnel; enlistment bonus for critical active duty specialities; and Army enlistment bonuses and the extension of this bonus to the other services.

The committee has carefully studied the recruiting and retention problems in our military. We have worked hard to develop this package to increase compensation and benefits. We believe it will go a long way to recruit new servicemenbers and to provide the necessary incentives to retain mid-career personnel who are critical to the force.

Mr. President, on many occasions I have shared my concerns about the threats posed to our military personnel and our citizens, both at home and abroad, by weapons of mass destruction: chemical, biological, radiological and cyber warfare. Whether these weapons are used on the battlefield or by a terrorist within the United States, we, as a nation, must be prepared.

Without this bill, efforts by the committee to continue to ensure that the DOD is adequately funded and structured to deter and defeat the efforts of those intent on using weapons of mass destruction would not be implemented. Efforts that would not go forward without this bill include: establishing a single point of contact for overall policy and budgeting oversight of the DOD activities for combating terrorism; fully deploying 32 WMD-CST (formerly RAID) teams by the end of fiscal year 2001; the establishment of an Information Security Scholarship Program to encourage the recruitment and retention of Department of Defense personnel with computer and network security skills; and the creation of an Institute for Defense Computer Security and Information Protection to conduct research and critical technology development and to facilitate the exchange of information between the government and the private sector.

Mr. President, I would like to briefly highlight some of the other major initiatives in this bill that would be at risk without Senate floor consideration of the defense authorization bill:

Without this bill, multi-year, cost-saving spending authority for the Bradley Fighting Vehicle and UH-60 "Blackhawk" helicopter would cease.

Without this bill, there would not be a block buy for Virginia Class submarines. Without the block buy, there would be fewer opportunities to save taxpayer dollars by buying components—in a cost-effective manner—for the submarines.

All military construction projects require both authorizations as well as appropriations. Without this bill, over 360 military construction projects and 25 housing projects involving hundreds of critical family housing units would not be started.

The Military Housing Privatization Initiative would expire in February 2001. Without this bill, the program would not be extended for an additional three years, as planned. The military services would not be able to privatize thousands of housing units and correct a serious housing shortage within the Department of Defense.

Mr. President, it has been said that, "Example is the best General Order." The Senate needs to take charge, move out, consider and pass the National Defense Authorization Bill for Fiscal Year 2001. This legislation is important to the nation and to demonstrating to the men and women in uniform, their families and those who have gone before them, our current and continuing support and commitment to them on behalf of a grateful nation.

CONTINUING PROBLEMS FOR FEDERAL LAW ENFORCEMENT DUE TO McDADE LAW

Mr. LEAHY. Mr. President, I rise to talk about a pressing criminal justice problem. The problem stems from a provision slipped into the omnibus appropriations law during the last Congress, without the benefit of any hearings or debate by the Senate. Although some of us from both sides of the aisle objected to the provision at the time, our objections were ignored and the provision became law. It is having devastating effects on federal criminal prosecutions and, as I describe in some detail below, it is no exaggeration to say that this provision is costing lives.

In the last Congress, the omnibus appropriations measure for FY 1999 included a provision originally sponsored by former Representative Joseph McDade that was opposed by most members of the Senate Judiciary Committee, both Democrats and Republicans. Indeed, we sent a joint letter to the leadership of the Appropriations Committee urging that this provision be removed from any conference report because, in our view, the McDade law "would seriously impair the effectiveness of federal prosecutors in their efforts to enforce federal criminal laws and protect our communities."

Nevertheless, the McDade provision was enacted as part of that appropriations measure and went into effect on April 19, 1999. This law, now codified at 28 U.S.C. §530B, subjects federal prosecutors to the state bar rules, and discipline, of "each State where such attorney engages in that attorney's duties." There has been enormous tension over what ethical standards apply to federal prosecutors and who has the authority to set those standards.

This debate over the ethical rules that apply to federal prosecutors was resolved with the McDade law at a time of heightened public concern over the high-profile investigations and prosecutions conducted by independent counsels. Special prosecutors Kenneth Starr and Donald Smaltz were the "Poster boys" for unaccountable federal prosecutors. By law, those special prosecutors were subject to the ethical guidelines and policies of the Department of Justice. They defended their controversial tactics by claiming to have conducted their investigations and prosecutions in conformity with Departmental policies.

The actions of these special prosecutors provided all the necessary fodder to fuel passage of the McDade law. For example, one of the core complaints the Department had against the McDade law is that federal prosecutors would be subject to restrictive state ethics rules regarding contacts with represented persons. A letter to the Washington Post from the former Chairman of the ABA ethics committee pointed out:

> [Anti-contact rules are] designed to protect individuals like Monica Lewinsky, who have hired counsel and are entitled to have all contacts with law enforcement officials go through their counsel. As Ms. Lewinsky learned, dealing directly with law enforcement officials can be intimidating and scary, despite the fact that those inquisitors later claimed it was okay for her to leave at any time.

I have outlined before my concerns about the tactics of these special prosecutors, such as requiring a mother to testify about her daughter's intimate relationships, requiring a bookstore to disclose all the books a person may have purchased, and breaching the longstanding understanding of the relationship of trust between the Secret Service and those it protects. I was appalled to hear a federal prosecutor excuse a flimsy prosecution by announcing after the defendant's acquittal that just getting the indictment was a great deterrent. Trophy watches and television talk show puffery should not be the trappings of prosecutors.

Yet, I opposed the McDade law and continue to believe that this law is not the answer. I firmly support improvements in the disciplinary process for federal prosecutors but this important task may be accomplished without hindering legitimate law enforcement investigative techniques and practices—which is what the McDade law is doing. While subjecting federal attorneys to state bar rules sounds like good policy at first blush, the McDade law has ceded to the vagaries of fifty state bar associations control of how federal prosecutions are to be conducted. I am concerned that Federal prosecutors are being hamstrung because the McDade law makes them answerable to multiple masters.

The Department of Justice has been surprisingly quiet, both before and after the McDade law went into effect, about seeking a legislative modification to address the most devastating consequences of this new law for federal law enforcement. Unfortunately, we are fast approaching the end of this Congress without making any progress on addressing the problems created by the McDade law.

I have asked the Department of Justice for an update on how the McDade law is working, and whether any of my fears were warranted. The results are in: This law has resulted in significant delays in important criminal prosecutions, chilled the use of federally-authorized investigative techniques and posed multiple hurdles for federal prosecutors.

The Justice Department's November, 1999, response to my prior questions on this issue stated that the McDade law "has caused tremendous uncertainty," "delayed investigations," "creat[ed] a rift between agents and prosecutors," "prevented attorneys and agents from taking legitimate, traditionally accepted investigative steps, to the detriment of pending cases," and served as the basis of litigation "to interfere with legitimate federal prosecutions." Yet, these generalities do not fully demonstrate the significant adverse impact this law is continuing to have to slow down or bring to a standstill federal investigations of serious criminal wrongdoing. Let me describe some recent examples.

AIRLINE WHISTLE BLOWER

In one recent case, an airline mechanic whistleblower claimed that his airline was falsely claiming to the FAA that required maintenance procedures had been performed on the airline's planes when in fact they had not been done. The FBI executed a search warrant for documents at the maintenance facility and began simultaneous interviews of the maintenance personnel to determine the validity of the allegations. The airline's attorney immediately interceded, claimed to represent all airline personnel, and halted the interviews. Because of the McDade law, the prosecutor was forced to tell the agents that they could not continue to interview the employees.

Rather than having several agents out interviewing witnesses simultaneously to avoid culpable witnesses from trying to get their stories "straight," the prosecutor then had to resort to an alternative strategy to obtain information from the employees. The prosecutor subpoenaed the witnesses to the grand jury. Unfortunately, the risk of this strategy is that it may play right into the hands of those who are willing to cover up. With the grand jury route, one witness at a time testifies and is then debriefed immediately after by an attorney, who in turn briefs all future witnesses about what questions will be asked and what answers have already been given.

Indeed, the attorney for the airline again claimed to represent everyone who was subpoenaed to testify before the grand jury. The office advised the attorney that he had a conflict doing so, and the attorney then obtained a separate attorney for each witness.

The impact on this investigation was severe. Because the attorney for each witness insisted on a grant of immunity, and because of scheduling conflicts with the various attorneys, the investigation was stalled for many months. When the witnesses finally appeared before the grand jury, they had trouble remembering significant information to the investigation.

After about a year of investigation, one of the airline's planes crashed, with calamitous loss of life.

Immediately after the crash, the FBI received information that the plane had problems on the first leg of its trip. The agents could not go out and interview the airline's employees because of questions raised by the McDade law. Does the corporation have a right to be notified before interviews and to have its counsel present? Are these people represented by the corporate attorney? Thus, those interviews that are most often successful—simultaneous interviews of numerous employees—could not be conducted simply because of fear that an ethical rule—not the law—might result in proceedings against the prosecutor.

CHILD-MURDER INVESTIGATION

A 12-year-old girl was abducted while riding her bicycle near her family home in a Midwestern city in 1989. An exhaustive investigation led by the FBI turned up nothing. In 1996, an apparent eyewitness confessed on his deathbed to the abduction and stated that he had been told by an accomplice that an individual known as "T," who was then in the custody of the state Department of Corrections, had buried the little girl's body in a deep freeze on T's property near a small mid-western city. T admitted to former inmates, to prison nurses and to his grandmother that he was involved in the case. When interviewed by the police, he on one occasion denied any involvement, but later admitted being present when the young girl was killed.

A Federal prosecutor and two FBI agents attempted to meet with T at the county jail. The prosecutor explained that the purpose of the meeting was to obtain T's cooperation; T stated that he wanted to speak to his attorney, and was allowed to speak with his federal public defender from a prior closed case. The federal public defender informed T that he did not represent him, but T then spoke in confidence to the federal defender, who informed the prosecutor that T had no information and did not wish to continue the conversion.

Agents have located an individual who believes that T would confide in him and that he would be willing to assist in attempting to find out from T what had happened to the girl's body. This individual has agreed to a consensually monitored meeting with T.

Because of T's prior representation by the state and federal public defenders, the U.S. Attorney's office contacted the state bar disciplinary counsel concerning whether it could conduct the consensual monitoring. A staff attorney in the bar disciplinary office stated that T was a represented person and that the prosecutors could not make the contact until the public defenders informed T that they no longer represented him and the U.S. Attorney's Office gave T adequate opportunity to retain other counsel.

This advice was given by the State Bar Disciplinary Counsel despite the relevant U.S. Supreme Court and federal appellate case law to the contrary. See *Griffith* v. *Kentucky*, 479 U.S. 314, 321 n. 6. (1987) (a conviction becomes final when "a judgment of conviction has been rendered, the availability of appeal exhausted, and the time for a petition for certiorari elapsed or a petition for certiorari finally denied"); *United States* v. *Fitterer*, 710 F.2d 1328 (8th Cir. 1983); *United States* v. *Dobbs*, 711 F.2d 84 (8th Cir. 1983) (contact with represented persons permitted in the course of pre-indictment criminal investigations).

The Chief Disciplinary Counsel for the State Bar made it clear that he was not bound by judicial determinations, including federal court decisions, other than those made by the State Supreme Court in which he was located. The investigation is currently at a standstill. The prosecutor is considering giving T immunity for his testimony, as a last resort.

OIL SPILL

After leaving the port of a major city, a ship on its way to a foreign country dumped thousands of gallons of fuel oil into the United States coastal waters near the major city. The spill killed wildlife and caused millions of dollars of damage to the coast. The Coast Guard pursued the ship and boarded it in international waters. While the Coast Guard was boarding the ship, the lawyers for the ship's owners were on the telephone to the ship's captain and to the Coast Guard. They claimed to represent all crew members and prohibited further interviews. The attorneys also told the Captain to direct the crew not to speak to the Coast Guard.

Because of the state ethical rules and the claim that those rules not only prevent AUSA's, but also federal investigative agents from speaking to corporate employees, the prosecutors directed the Coast Guard not to seek further interviews. The ship's crew as then spirited out of the foreign country and were not ever available to testify before the grand jury. No eyewitness to the spill ever materialized.

CLEAN WATER ACT INVESTIGATION

A United States Attorney's office is conducting an ongoing grand jury investigation into allegations that a large corporation violated the Clean Water Act. Certain former employees of this corporation have indicated that they have relevant information and are willing to speak with federal investigators about that information. Nothwithstanding their desire to speak to federal investigators, a state case has interpreted the relevant state's ethics rule as prohibiting contact with former as well as current employees of a represented corporation. A federal case has interpreted the same state's ethics rule as permitting contact with former employees.

The state's disciplinary counsel has conveyed his view that only state court decisions construing that state's ethics rule are controlling and that federal case law cannot be relied upon to govern proceedings that are brought solely in federal court.

As a consequence, federal prosecutors may be stymied by a State ethical rule and State court interpretation of that rule from gathering material evidence of a federal crime from willing witnesses.

KICKBACKS AND CONTRACT FRAUD

In *United States* v. *Talao*, 1998 WL 1114043 (N.D. Cal.), vacated in part by 1998 WL 1114044 (N.D. Cal.), a company's bookkeeper was subpoenaed to testify before the grand jury. Her employers were the subjects of the criminal investigation because they were believed to have failed to pay the prevailing wage on federally funded contracts, falsified payroll records, and demanded illegal kickbacks. The bookkeeper came to the U.S. Attorney's Office the day before the scheduled grand jury appearance and asked to speak to the prosecutor, but the prosecutor was not in.

The next day, when the bookkeeper arrived for her grand jury appearance, she encountered the prosecutor in the hall outside the grand jury room. The bookkeeper agreed to meet with the prosecutor and the case agent, and in a ten minute conversation in a nearby witness room, the bookkeeper told the prosecutor that her employers (the subjects of the investigation) had pressed her to lie before the grand jury, she was afraid of them, and she did not want the company's lawyer to be in the same room as her or know what she had said in the grand jury, for fear that the attorney would report everything back to the employer.

During this interview, the corporate attorney banged on the witness room door and demanded to be present during the interview; he also asserted the right to be present in the grand jury. The prosecutor asked the bookkeeper whether she wished to speak to the attorney. She said that she did not. The grand jury later indicted the employers for conspiracy, false statements, and illegal kickbacks.

The district judge first ruled that the prosecutor violated the contacts with represented persons rule because there was a pre-existing Department of Labor administrative proceeding and qui tam action (the government had not intervened) and, therefore, the corporation had a right to have its attorney present during any interview of any employee, regardless of the employee's wishes, the status of the corporate managers, or the possibility that the attorney may have a conflict of interest in representing the bookkeeper. The judge referred the AUSA for disciplinary review by the State of California.

Upon rehearing, the judge held that, though the ethical rule violation was intentional, he would withdraw the referral to the state bar. He held that he would instruct the jury to consider the prosecutor's ethical violation in assessing the credibility of the bookkeeper. The government sought a writ of mandamus and that was argued before the Ninth Circuit Court of Appeals on March 15, 2000. The prosecutor has also sought to appeal the district court's misconduct finding.

MONITORED CONVERSATIONS

A common tool of law enforcement authorities who are investigating allegations of criminal and civil violations is to have either a law enforcement agent or a confidential informant (under the direction of a law enforcement agent) act in an undercover capacity. Often, during the course of these undercover investigations, undercover agents and confidential informants engage in a monitored conversation with individuals suspected of illegal conduct. When engaging in such monitored conversations, the law enforcement agent or confidential informant working for the government hides his true identity.

ABA Model Rule 8.4(c) provides that it is misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. In one jurisdiction—Oregon—bar disciplinary counsel has interpreted the relevant version of this rule to prohibit attorneys not only from authorizing or conducting such consensual recordings but also from supervising or overseeing undercover investigations themselves, since the very nature of the undercover operation conduct involves deception. Thus, in Oregon, government attorneys may risk violating the ethics rules when they supervise legitimate criminal and civil law enforcement investigations that use investigative methods recognized by courts as lawful.

GRAND JURY INVESTIGATIONS

In a series of existing grand jury investigations, an attorney for a corporation under investigation prevented interviews of corporate employees by federal agents because of the rule governing contacts with represented persons. The following examples took place after the McDade law was passed.

a. In John Doe Corp. #1, as federal agents began to execute a search warrant at a company, the attorney for the corporation announced over the loudspeaker that he represented all of the employees and that no interviews could take place.

b. In John Doe Corp. #2, agents of the U.S. Customs Service executed a search warrant at a computer component manufacturer in a major U.S. city. While executing the warrant at Company A, a lawyer called the prosecutor and claimed to represent all employees at Company A and its subsidiaries. During the search the manager of Company B, a subsidiary of Company A, approached the agents and asked to cooperate, offering to tape conversations with those managers above him who had committed crimes. Because Company B was controlled by Company A, the prosecutor directed the agents not to conduct any undercover meetings or interview the potential witness.

Virtually every investigation involving a corporation is now subject to interference where none existed before.

WHISTLE BLOWER ACTIONS

Increasingly, the government uses its civil enforcement powers under federal statutes to crack down on corporations that engage in health care fraud, defense contractor fraud, and other frauds that cost the government—and the taxpayers—substantial sums of money. One method of pursuing such fraud claims is through qui tam suits, which often are initiated by corporate employees seeking to "blow the whistle" on offending companies.

Many states' ethics rules forbid government attorneys from obtaining relevant information from concerned whistle blowers and corporate "good citizens" without the consent of the counsel that represents the corporation whose conduct is under investigation. This prohibition, which affects criminal investigations as well, presents a particularly acute problem in civil enforcement investigations. Unlike criminal investigations, which sometimes can be conducted in the first instance by law enforcement officers, without the involvement of government attorneys (and the restrictions that attorneys' involvement brings), civil enforcement actions often are investigated directly by the government attorneys themselves, as the resources of federal law enforcement authorities typically are not available for civil enforcement matters.

WE NEED TO FIX THE MCDADE LAW

Due to my serious concerns about the adverse effects of the McDade law on federal law enforcement efforts, I introduced S. 855, the Professional Standards for Government Attorneys Act, on April 21, 1999. The Justice Department states that "S. 855 is a good approach that addresses the two most significant problems caused by the McDade Amendment—confusion about what rule applies and the issue of contacts with represented parties." (Justice Department Response, dated November 17, 1999, to Written Questions of Senator LEAHY).

Since that time, I have conferred with the Chairman of the Judiciary Committee about crafting an alternative to the McDade law. This alternative would adhere to a basic concern of proponents of the McDade provision: the Department of Justice would not have the authority it has long claimed to write its own ethics rules. The legislation would establish that the Department may not unilaterally exempt federal trial lawyers from the rules of ethics adopted by the federal courts. Federal—not state—courts are the more appropriate body to establish rules of professional responsibility for federal prosecutors, not only because federal courts have traditional authority to establish such rules for federal practitioners generally, but because the Department lacks the requisite objectivity.

The measure would reflect the traditional understanding that when lawyers handle cases before a federal court, they should be subject to the federal court's rules of professional responsibility, and not to the possibly inconsistent rules of other jurisdictions. But incorporating this ordinary choice-of-law principle, the measure would preserve the federal courts' traditional authority to oversee the professional conduct of federal trial lawyers, including federal prosecutors. It thus would avoid the uncertainties presented by the McDade provision, which subjects federal prosecutors to state laws, rules of criminal procedure, and judicial decisions that differ from existing federal law.

The measure would also address the most pressing contemporary question of government attorney ethics—namely, the question of which rule should govern government attorneys' communications with represented persons. It asks the Judicial Conference of the United States to submit to the Supreme Court a proposed uniform national rule to govern this area of professional conduct, and to study the need for additional national rules to govern other areas in which the proliferation of local rules may interfere with effective federal law enforcement. The Rules Enabling Act process is the ideal one for developing such rules, both because the federal judiciary traditionally is responsible for overseeing the conduct of lawyers in federal court proceedings, and because this process would best provide the Supreme Court an opportunity fully to consider and objectively to weigh all relevant considerations.

The problems posed to federal law enforcement investigations and prosecutions by the current McDade law are real with real consequences for the health and safety of Americans. I urge the Chairmen of the House and Senate Judiciary Committees, and my other colleagues, to work with me to resolve those problems in a constructive and fair manner.

REMEMBERING THOSE WHO DIED ON D-DAY

Mr. ROBB. Mr. President, as we approach the 56th Anniversary of D-Day, June 6th, 1944, we should pause to reflect on the valor and sacrifice of the men who died on the beaches of Normandy. In the vanguard of the force that landed on that June morning, was the 116th Infantry Regiment, 29th Infantry Division. In 1944 the 116th Infantry Regiment, as it is today, was a National Guard unit mustering at the armory in Bedford, Virginia. They drew their members from a town of only 3,200 people and the rich country in central Virginia nestled in the cool shadows of the Blue Ridge Mountains.

On the morning of June 6th, 1944, Company A led the 116th Infantry Regiment and the 29th Infantry Division ashore, landing on Omaha Beach in the face of withering enemy fire. Within minutes, the company suffered ninety-six percent casualties, to include twenty-one killed in action. Before nightfall, two more sons of Bedford from Companies C and F perished in the desperate fighting to gain a foothold on the blood-soaked beachhead. On D-Day, the town of Bedford, Virginia gave more of her sons to the defense of freedom and the defeat of dictatorship, than any other community (per capita) in the nation. It is fitting that Bedford is home to the national D-Day Memorial. But we must remember that this memorial represents not just a day or a battle—it is a marker that represents individual soldiers like the men of the 116th Infantry Regiment—every one a father, son, or brother. Each sacrifice has a name, held dear in the hearts of a patriotic Virginia town—Bedford.

Mr. President, in memory of the men from Bedford, Virginia who died on June 6th, 1944, I ask unanimous consent that their names be printed in the

RECORD at the end of my statement as a tribute to the town of Bedford, and every soldier, sailor, airman, and Marine who has made the supreme sacrifice in the service of our country.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPANY A

Leslie C. Abbott, Jr., Wallace R. Carter, John D. Clifton, Andrew J. Coleman, Frank P. Draper, Jr., Taylor N. Fellers, Charles W. Fizer, Nick N. Gillaspie, Bedford T. Hoback, Raymond S. Hoback, Clifton G. Lee, Earl L. Parker, Jack G. Powers, John F. Reynolds, Weldon A. Rosazza, John B. Schenk, Ray O. Stevens, Gordon H. White, Jr., John L. Wilkes, Elmere P. Wright, Grant C. Yopp.

COMPANY C

Joseph E. Parker, Jr.

COMPANY F

John W. Dean.

10TH ANNIVERSARY OF THE FREE AND FAIR ELECTIONS IN BURMA

Mrs. FEINSTEIN. Mr. President, as an original co-sponsor of Senator MOYNIHAN's resolution commemorating the 10th anniversary of the free and fair elections in Burma which were overturned by a military junta, I rise today to mark that event and to discuss the repressive conditions that have dominated the lives of the Burmese people for the past 37 years and that continue to define the terms of their existence to this very day.

For the past 12 years, a brutal authoritarian regime has denied the Burmese people the most basic human freedoms, including the rights of free speech, press, assembly, and the right to determine their own political destiny through free and competitive elections.

In 1988, the government led by General Ne Win—who overthrew the popularly elected government of Burma in 1962—brutally suppressed popular prodemocracy demonstrations. In September of that same year, the Government, in a futile public relations gambit to deflect international censure, reorganized itself into a junta of senior military officers and renamed itself the State Law and Order Restoration Council (SLORC).

The SLORC seemed to bow to international opinion in 1990, when it permitted a relatively free election for a national parliament, announcing before the election that it would peacefully transfer power to the elected assembly.

Burmese voters overwhelmingly supported anti-government parties, one of which, the National League for Democracy (NLD)—the party of Aung-San Suu-Kyi—won more than 60 percent of the popular vote and 80 percent of the parliamentary seats.

SLORC's public promises were a fiction. The military junta nullified the results of the elections and thwarted efforts by NLD representatives and others elected in 1990 to convene the rightfully elected parliament.

Instead, SLORC convened a government-controlled body, the National Convention, with the goal of approving a constitution to ensure that the armed forces would have a dominant role in the nation's future political structure. The NLD has declined to participate in the National Convention since 1995, perceiving it to be nothing more than a tool of the ruling military elite.

SLORC reorganized itself again in 1997, changing its name to the State Peace and Development Council (SPDC). But an oppressive regime by any other name remains an oppressive regime. Burma continues to be ruled by a non-elected military clique, this time headed by General Than Shwe. And, even though Ne Win ostensibly relinquished power after the 1988 pro-democracy demonstrations, in reality, he continues to wield informal, if declining, influence.

To this day, Burma continues to be ruled by fiat, denied both a valid constitution and a legislature representing the people.

To solidify its hold on power and suppress Burma's widespread grassroots democracy movement, the military junta—whether it be named SLORC or the SPDC—has engaged in a campaign of systematic human rights abuses throughout the 1990s. It has been aided in this effort by the armed forces—whose ranks have swelled from 175,000 to 400,000 soldiers—and the Directorate of Defense Services Intelligence (DDSI), a military and security apparatus that pervades almost every aspect of a Burmese citizen's life.

For many in Burma, the prospect for life has become nasty, brutish, and short. Citizens continue to live a tenuous life, subject at any time and without appeal to the arbitrary and too often brutal dictates of a military regime. There continue to be numerous credible reports, particularly in areas populated mostly by ethnic minority, of extrajudicial killings and rape. Disappearances happen with sickening regularity. Security forces torture, beat, and otherwise abuse detainees. Prison conditions are harsh and life threatening. Arbitrary arrest and detention for holding dissenting political views remains a fact of life. Since 1962, thousands of people have been arrested, detained, and imprisoned for political reasons, or they have "disappeared". Reportedly, more than 1,300 political prisoners languished in Burmese prisons at the end of 1998.

The Burmese judiciary is an SPDC tool. Security forces still systematically monitor citizens' movements and communications, search homes without warrants, relocate persons forcibly without just compensation or due process, use excessive force, and violate international humanitarian law in internal conflicts against ethnic insurgencies.

The SPDC severely restricts freedom of speech and of the press, and restricts academic freedom: since 1996, government fear of political dissent has meant the closing of most Burmese institutions of higher learning. And even verbal criticism of the government is an offense carrying a 20-year sentence.

And while the SPDC claims it recognizes the NLD as a legal entity, it refuses to recognize the legal political status of key NLD party leaders, particularly General-Secretary and 1991 Nobel Laureate Aung San Suu Kyi and her two co-chairs. The SPDC constrains their activities severely through security measures and threats.

The SPDC restricts freedom of religion. It exercises institutionalized control over Buddhist clergy and promotes discrimination against non-Buddhist religions. It forbids the existence of domestic human rights organizations and remains hostile to outside scrutiny of its human rights record. Violence and societal discrimination against women remain problems, as does severe child neglect, the forced labor of children, and lack of funding and facilities for education.

In sum, as the latest biannual State Department report on:

> Conditions in Burma and U.S. Policy Towards Burma notes, over the last six months the SPDC has made no progress toward greater democratization, nor has it made any progress toward fundamental improvement in the quality of life of the people of Burma. The regime continues to repress the National League for Democracy . . . and attack its leader, Aung San Suu Kyi, in the state-controlled press.

Burma's political repressiveness is matched only by its poverty. Burma's population is thought to be about 48 million—we can only rely on estimates because government restrictions make accurate counts impossible. The average per capita income was estimated to be about $300 in 1998, about $800 if considered on the basis of purchasing power parity.

Things do not have to be this way. Burma has rich agricultural, fishing, and timber resources. It has abundant mineral resources—gas, oil, and gemstones. The world's finest jade comes from Burma. But the economic deck is stacked against Burma.

Three decades of military rule and economic mismanagement have created widespread waste, loss, and suffering. Economic policy is suddenly reversed for political reasons. Development is killed by overt and covert state involvement in economic activity, state monopolization of leading exports, a bloated bureaucracy, arbitrary and opaque governance, institutionalized corruption, and poor human and physical infrastructure. Smuggling is rampant; the destruction of the environment goes on unabated. Decades of disproportionately large military budgets have meant scant spending on social development and economic infrastructure.

There is no price stability. The Burmese currency, the Kyat, is worthless. There is a telling anecdote about this: one year, Burma asked the U.K., then its primary foreign aid donor, to give it paper so that it could print more Kyat because the Kyat was so devalued that Burma could not afford to buy the paper needed to print it. Imagine, the paper was worth more as paper than as money. I don't know if the story is true or not. The point is that in Burma's case, it easily could have been. In 1998–1999, the official exchange rate was 6 Kyat to one dollar; the black market rate was 341 Kyat to the dollar. This says it all.

I could go on and on. But I don't need to. We all know that Burma's economy is a basket case. We all know that, for the Burmese people, mere existence, not life, is the norm. We all know that Burma cannot expect to begin the road to recovery, prosperity, and long term economic stability as long as the basic human rights and political will of the Burmese people are denied.

The questions before us now are: what tools do we have for stopping this government's inhumanity toward its own citizens and for giving hope to the Burmese people? Are the tools we are now using the correct ones?

The debate over unilateral sanctions represents a fundamental question in the conduct of U.S. foreign policy: Are U.S. interests advanced best by deepening relations or diminishing relations with a country that is not acting as we would like?

I do not endorse sanctions as a panacea. Each case must be considered on its own merits.

In Burma, I believe the United States government had a responsibility to respond to a situation in which the democratically-elected leaders had been summarily thrown out of office, assaulted, and imprisoned by renegade militarists.

Consequently, in 1996, then-Senator Cohen and I coauthored the current sanctions legislation on Burma. The Cohen-Feinstein amendment required the President to ban new investment by U.S. firms in Burma if he determined that the Government of Burma has physically harmed, rearrested for political acts, or exiled Aung San Suu Kyi or committed large-scale repression or violence against the Democratic opposition.

Shortly after Congress passed the Cohen-Feinstein Amendment, President Clinton implemented sanctions against Burma.

Unfortunately, since Cohen-Feinstein went into effect on October 1, 1996 there appears to be little improvement in human rights conditions in Burma: The SPDC continues to implement its repressive policies.

Nevertheless, until the SPDC shows a willingness to make progress towards democracy and improved human rights, the Cohen-Feinstein sanctions must remain in place.

The sanctions make us a leader on Burma and in forging a common international position. I believe, for example, that the European Union would have a much softer line on Burma if not for U.S. policy. The EU has no economic sanctions in place, but has taken some other measures, such as a visa ban for members of the SPDC government and support of the U.S. in introducing the annual United Nations Human Rights Committee resolution on Burma. The United States must continue trying to develop a multilateral approach, particularly with the ASEAN nations, to bring additional pressure to bear on the SLORC.

There is some indication that the sanctions are causing some hardships for the SPDC. For example, last year the SPDC let the International Committee of the Red Cross back into Burma under conditions the ICRC found acceptable, including access to prisons and prisoners. Although there was no clear link to the impact of sanctions in getting the ICRC back in, some analysts contend that the SPDC is heeding international pressure. This may indicate that the SPDC could be willing to make some positive changes, even though it is still an open question if they will change the "core behavior" that triggered the sanctions to begin with.

The bottom line is that the current sanctions should not be lifted without some major concession by the SPDC. To lift any sanctions without a concession would send the wrong signal and give the SPDC the message that they could continue to stifle democracy.

We should make it clear that the United States stands on the side of democracy, human rights, and the rule of law in Burma. We should make it clear that the United States stands on the side of Aung San Suu Kyi and the National League of Democracy and that we support their efforts to return Burma and its government to the people.

I am pleased to co-sponsor Senator MOYNIHAN's resolution which commemorates the 10th anniversary of the free and fair elections in Burma, and calls on the SPDC to: guarantee basic freedoms to the people of Burma; accept political dialogue with the National League for Democracy; comply with UN human rights agreements; and reaffirms U.S. sanctions as appropriate to secure the restoration of democracy.

I look forward to the day when the United States has cause to lift the Cohen-Feinstein sanctions and welcome Burma into the community of free nations. In the interim, I urge my colleagues to support the Moynihan resolution.

CONFIRMATION OF NICHOLAS G. GARAUFIS, OF NEW YORK

Mr. MOYNIHAN. Mr. President, I rise to express great appreciation for the confirmation of Nicholas G. Garaufis to be United States District Court Judge for the Eastern District of New York. I want to thank my colleague from New York, Senator SCHUMER, and Senator LEAHY, Chairman HATCH, Senator LOTT, Senator DASCHLE, and all Senators for confirming the nomination of Judge Garaufis. Hailing from Bayside, New York, he is a graduate of both Columbia College and Columbia School of Law and for the last five years has served as Chief Counsel for the Federal Aviation Administration. He is superbly qualified and I have every confidence he will make an excellent addition to the Eastern District Court.

ARMED FORCES APPRECIATION DAY STATEMENT

Ms. LANDRIEU. Mr. President, each year, on the third Saturday in May, the nation expresses appreciation and gratitude to our military. In Louisiana, we are proud of our men and women in uniform and have a long-standing tradition of honoring them every year. We are proud of the military in times of war, and we are proud of the military in times of peace. We know that without our fighting men and women "life, liberty and the pursuit of happiness" would be just hollow words. Since the birth of our Nation, America's Armed Forces has served the United States with honor, courage, and distinction, both at home and abroad. America's patriots have assumed a sacred duty, understanding that our history, our heritage, and our honor, require us to bear the burdens of sacrifice. We acknowledge and applaud their selfless service, courage, and dedication to duty.

Today, thousands of troops are deployed throughout the world, operating in every time zone, and in every climate defending our freedom. Our sailors and Marines are aboard ships and submarines in the Adriatic. Our Air Force and Navy pilots fly the perilous skies over Iraq. Our soldiers keep the vigil and preserve the peace in the former Yugoslavia. They do it to promote American values: democracy and freedom from the oppression of demagogues, tyrants and totalitarian governments. The peace and freedom so longed for by people throughout the world often starts over here, on American soil. When our Armed Forces go overseas, they take with them our national values: a tradition of democracy and a love of individual liberty. Our service members are truly freedom's ambassadors.

So on behalf of the state of Louisiana and a grateful nation, we thank you. We thank you for all that you give to us every day of your lives. We thank those serving on active duty, those standing by in the Reserves and National Guard, and we thank all family members for their patience and their sacrifices. Thank you for your devotion to duty, for your loyalty, for your courage and for your patriotic and profound love of country.

NATIONAL MISSING CHILDREN DAY

Mr. GRAMS. Mr. President, I rise today to promote awareness of missing children and honor those who work to search and rescue the thousands of children who disappear each year. As my colleagues may know, today is recognized as National Missing Children Day.

In proclaiming the first National Missing Children Day in 1983, President Ronald Reagan noted, "Our children are the Nation's most valuable and most vulnerable asset. They are our link to the future, our hope for a better life. Their protection and safety must be one of our highest priorities." Since that time, National Missing Children Day has been a reminder that we must strengthen our resolve to keep children safe.

I believe that the Federal Government can help state and local law enforcement agencies reunite missing and runaway children with their families. In particular, the Missing, Exploited, and Runaway Children Protection Act enacted by Congress last year is an example of an effective federal and state partnership that reduces crime and prevents missing children cases. This law reauthorized the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Program through fiscal year 2003 and provides local communities with the resources to find missing children and prevent child victimization.

In my home state, the Jacob Wetterling Foundation and Missing Children Minnesota have worked effectively to locate missing children and raise public awareness about ways to prevent child abduction and sexual exploitation. Additionally, the Minnesota Association of Runaway Youth Services, comprising eighteen nonprofit agencies in Minnesota, has been instrumental in providing services to runaway and homeless youth and their families. Their efforts have been guided by the Runaway and Homeless Youth Program, which provides resources to community-based organizations to provide outreach, temporary shelter, and counseling each year to thousands of Minnesota's homeless young people.

I am also working to secure federal funding to support the State of Minnesota's development of a statewide criminal justice information sharing system that would allow police, judges, and other criminal justice professionals to communicate quickly about the criminal histories of violent offenders. My proposal will help to provide local communities with the technology to identify criminals and protect our communities from sexual predators and violent offenders.

As chairman of the Minnesota House Crime Prevention Committee, Representative Rich Stanek recently led the effort to pass "Katie's Law"—legislation that will provide state funding for an integrated criminal justice system. I greatly appreciate Representative Stanek's dedication to improving the Minnesota criminal justice system and the opportunity to work with him on this very important public safety initiative.

Mr. President, I again commend the numerous volunteers, organizations, businesses, state legislators, and government agencies who all work on a daily basis to find missing children. I look forward to our continued work together.

Ms. LANDRIEU. Mr. President, I rise to commemorate this very special day, National Missing Children's Day. Proclaimed by President Ronald Reagan in 1983 and honored by every administration since, May 25th is the day 6 year old Ethan Patz disappeared from a New York City street corner on his way to school in 1979. His case remains unsolved and is an annual reminder to the nation to renew efforts to reunite missing children with their families and make child protection a national priority. As a mother of two beautiful children, I cannot imagine what I would do if my children were missing. All of us with children know that this a parent's greatest nightmare. Yet every 18 seconds a child disappears, and so each day over three thousand parents go through the terror of losing their child.

The Theme of this year's National Missing Children's Day is "Picture them Home." This national public awareness campaign is aimed at encouraging the public at large to be aware of their important role in the recovery of these children. One in six children featured in the National Center for Missing and Exploited Children's photo-distribution program is recovered as a direct result of someone in the public recognizing the child in the picture and notifying the authorities. Unlike so many of our national tragedies, we can do something to help return a missing child to their families. I urge the American public to really look closely at pictures of missing children they see. The small gesture can be the key to reuniting a mother or father with their missing child.

In closing, I would like to commend those individuals who were honored this morning by the National Center for Missing and Exploited Children (NCMEC), the Fraternal Order of Police and the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice Fifth Annual National Missing and Exploited Children's Awards Ceremony.

Sergeant Investigator Awilda Cartagena, Texas Dept. of Public Safety—For the recovery of Johnny Tello, a family abduction victim from Dallas, Texas, after a six-year search. Special Agent K. Jill Hill, Federal Bureau of Investigation, Little Rock, Arkansas—For the location and recovery of non-family abduction victim, three-year-old Destiny Leann Richards, who was kidnapped from her home in Mabelvale, Arkansas, on June 11, 1999, and located in a wooded area the next evening following extensive ground searches. Detective Captain David W. Bailey, accepting for the Lancaster (Ohio) Police Department—for the successful local location and recovery of three-year-old Ashley Taggart, abducted in April 1999 and found three days later in the home of a twice-convicted sexual predator. Senior Resident Agent Scott Wilson, Federal Bureau of Investigation, Painesville, Ohio, Township Division—for the recovery of Nicole Nsour, an international child abduction victim, whose non-custodial father abducted her and held her in Jordan for over two months. Postal Inspector Paul Groza, Jr., U.S. Postal Inspection Service-Northwest Portland, Oregon—for the investigation resulting in the conviction of Jonathon and Sarah Aragorn for their construction of a Web Site to procure children for sexual relations with themselves and their children. Officer James E. Lee, Lake Bluff, Illinois, Police Department—For the investigation and arrest of Donald C. Moore, a local child mentor who was victimizing area youth entrusted to his care. Detective Michael Schirling, Burlington, Vermont, Police Department—For the investigation and apprehension of a 19-year-old fraternity president, summer camp counselor and student at the University of Vermont at Burlington, for possession of child pornography and child sexual abuse.

RUSSIA AS A RESPONSIBLE PARTNER

• Mr. HELMS. Mr. President, one of the myths dear to President Clinton's heart these days is that the government of Russia has been "a supportive and reliable partner in the effort to bring peace and stability to the Balkans." That myth was shattered once again earlier this month when a war criminal indicted by the International Criminal Tribunal for the Former Yugoslavia, ICTY, was hosted in Moscow—not by Russia's criminal underworld—but by the Kremlin itself.

General Dragolub Ojdanic, Minister of Defense of the Federal Republic of Yugoslavia, visited Moscow for nearly a week earlier this month—from May 7–12, 2000. He was there as a guest of the government of the Russian Federation and enjoyed the privilege of attending President Vladimir Putin's inauguration ceremonies.

As Slobodan Milosevic's military Chief of Staff during the Kosovo war, General Ojdanic was directly responsible for the Serbian military's ethnic cleansing campaign in Kosovo. For this, the General was indicted by the ICTY for crimes against humanity and violations of the laws and customs of war for alleged atrocities against Albanians in Kosovo.

Mr. President, the ICTY has issued international warrants for General Ojdanic's arrest and extradition to The Hague. The Russian Federation, a permanent member of the United Nations Security Council which established the ICTY, has an obligation to arrest General Ojdanic and extradite him to The Hague if and when they have the opportunity.

But what did President Putin and his regime do when Ojdanic was in Moscow? Instead of arresting and sending him to The Hague, they provided a week of fine food and camaraderie and a privileged seat at the Putin inauguration!

What truly disturbs me, Mr. President, is that General Ojdanic's visit was not just for fun. He was there to work—to reestablish the links between the Milosevic regime and the Kremlin. While in Moscow, he held official talks with Defense Minister Sergeyev, Army Chief of Staff Anatoly Kvashnin, and Foreign Minister Ivanov.

On May 16, four days after General Ojdanic's visit to Moscow, Russia announced that it has provided the Serbian regime of Slobodan Milosevic with $102 million of a $150 million loan. The Russian government also announced that it will facilitate the sale to Serbia of $32 million worth of oil, despite the fact that the international community has imposed economic sanctions against the Milosevic regime.

I confess that I am impressed by the audacity of Russian President Putin. Here he is, providing the Milosevic regime with over $150 million in economic support while seeking debt relief from the international community and loans from the International Monetary Fund. He is doing this while his country seeks and receives food aid from the United States.

What should we conclude from all this?

First, President Putin seems comfortable ignoring the requirement to arrest and transfer indicted war criminals to The Hague. I suppose we can just add this to the long list of international obligations Mr. Putin sees fit to disregard.

Second, Russia does not share NATO's goals and objectives in bringing peace and stability to the Balkans. If it did, its leaders would not be so brazenly and warmly supporting senior officials of the Milosevic regime.

Third, the Kremlin must regard Western, and particularly, U.S. economic assistance and aid to be unconditional. He has evidently concluded that he can conduct his foreign policy with impunity and still count on the West's economic largesse. The fact that the hospitality and support provided to these Serbian war criminals occurs just one month before President Clinton's visit to Moscow shows how little respect Putin has for the policies of the United States.

Mr. President, what concerns me most about the relationship between the Kremlin and the Milosevic regime is the threat it poses to our men and women in uniform serving in the Balkans—and those of our allies. The political support the Kremlin provides Slobodan Milosevic directly jeopardizes the safety and security of American and allied forces deployed in the Balkans. This outreach by Putin to the Milosevic regime only encourages that brutal dictator to continue his policies of destruction in the Balkans.

While we are trying to force the Milosevic regime to step down and to turn power over to Serbia's democratic opposition, Russia is signaling to Milosevic that he can survive and even outlast the Alliance—and that Russia will help him prevail.

It is for these reasons, that I plan to introduce an amendment to the foreign operations appropriations bill that will restrict material and economic assistance the United States provides to the Russian Federation. There is no reason why the United States should be providing Russia loan forgiveness and economic assistance when the Kremlin continues to support a regime in Serbia whose forces directly threaten our troops and those of our allies trying to bring peace to the Balkans.

This amendment does four things:

First, it reduces assistance obligated to the Russian Federation by an amount equal in value to the loans, financial assistance, and energy sales the Government of the Russian Federation has provided and intends to provide to the Milosevic regime.

Second, it ensures U.S. opposition to the extension of financial assistance to Russia from the International Monetary Fund, the World Bank and other international financial institutions.

Third, it suspends existing programs to Russia provided by the Export-Import Bank and the Overseas Private Investment Corporation.

Fourth, it ensures the United States will oppose proposals to provide Russia further forgiveness, restructuring, and rescheduling of its international debt.

Mr. President, I sincerely believe that a partnership with Russia is possible and indeed, would serve the interests of both countries. A strategy of engagement, however, cannot and must not ignore reality. Partnership cannot occur when Russia blatantly supports a regime that continues to threaten stability in the Balkans, whose calling cards are ethnic cleansing and political repression, and that continues to threaten U.S. soldiers in the field.

I will be pleased to treat Russia as a responsible partner when it behaves as one.●

BIRTHDAY OF KATHERINE "KITTY" WILKA

Mr. DASCHLE. Mr. President, "Mother's Day"—that special day when children the world over celebrate and honor their mothers—falls during the month of May. Appropriately, the month of May is also the month when one of the most selfless and dedicated mothers I know celebrates her birthday. Today, I would like to share the story of that remarkable woman from my home State of South Dakota.

I have known and admired Katherine "Kitty" Wilka for more than two decades. Today, as she celebrates her 70th birthday, she will be surrounded by numerous family members and friends. Kitty Wilka is the mother of 12, the grandmother of 29 and, as of last week, the great-grandmother of 3. But it is not just the size of the Wilka family that is noteworthy. It is also the quality of their character and the diversity of their accomplishments.

Kitty Wilka and her late husband, Bill, led by example and instilled admirable values in all their children. Widowed for over a decade, Kitty is the heart and soul of her extended family. She is a role model for her children and grandchildren. Her life example epitomizes both the love of family and commitment to community.

Kitty has raised public servants, community and church leaders and business owners. After working for 18 years at McKennan Hospital in Sioux Falls, she continues to contribute to her community, volunteering at St. Lambert's Catholic Church and its school.

I must confess that I have personally benefitted from the Wilka family's belief in public service. Kitty's son, Jeff, has volunteered in my Sioux Falls office since my first election to the U.S. House of Representatives in 1978.

Born with cerebral palsy, Jeff grew up with a positive attitude and a determination to be involved in his community. He has been a loyal, dedicated and valued member of my Sioux Falls staff for over two decades. In fact, Jeff has become a fixture of sorts, having the second longest running tenure on my staff.

With the help of his loving mother and close-knit family, Jeff has overcome many obstacles in his life, including physical ailments that required surgery and therapy, and a dependency on alcohol. He has been sober for 11 years and is an ardent worker on behalf of many civic causes, including the

Children's Care Hospital and School, the March of Dimes and Easter Seals. He also has a deeply held faith in our electoral process, working in the political trenches for many years for a variety of local, State and Federal candidates in whose philosophy he believes.

I am proud of what Jeff has accomplished and the significant challenges he has overcome. I think he would be the first to tell you that his successes have been based upon the solid Midwestern values that Kitty and Bill Wilka instilled in him and his siblings. They taught their children to work hard, to never give up and to do their part to improve the communities in which they live. It is clear that Jeff has taken those lessons to heart.

Kitty Wilka has much to be proud of in her life. And I know that her loving family is extremely proud of her. I want to join her 12 children, 29 grandchildren and 3 great-grandchildren in wishing Kitty the very best on her birthday. She deserves it.

Happy 70th birthday, Kitty!

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 24, 2000, the Federal debt stood at $5,676,761,996,112.82 (Five trillion, six hundred seventy-six billion, seven hundred sixty-one million, nine hundred ninety-six thousand, one hundred twelve dollars and eighty-two cents).

One year ago, May 24, 1999, the Federal debt stood at $5,597,943,000,000 (Five trillion, five hundred ninety-seven billion, nine hundred forty-three million).

Five years ago, May 24, 1995, the Federal debt stood at $4,887,785,000,000 (Four trillion, eight hundred eighty-seven billion, seven hundred eighty-five million).

Ten years ago, May 24, 1990, the Federal debt stood at $3,094,795,000,000 (Three trillion, ninety-four billion, seven hundred ninety-five million).

Fifteen years ago, May 24, 1985, the Federal debt stood at $1,751,794,000,000 (One trillion, seven hundred fifty-one billion, seven hundred ninety-four million) which reflects a debt increase of almost $4 trillion—$3,924,967,996,112.82 (Three trillion, nine hundred twenty-four billion, nine hundred sixty-seven million, nine hundred ninety-six thousand, one hundred twelve dollars and eighty-two cents) during the past 15 years.

LEBANON

Mr. BROWNBACK. Mr. President, earlier this week, the Senate passed Concurrent Resolution 116, commending Israel's withdrawal from Lebanon. The resolution notes the original reason Israel was forced to occupy a narrow security strip in southern Lebanon—constant attacks on Israeli civilians from Lebanon-based terror groups. Israel had no designs on Lebanese territory; the Jerusalem government was forced to do the job that the central Lebanese authorities were unable or unwilling to perform.

Lebanon is in a sad situation. It is a nation torn by sectarian strife, occupied by tens of thousands of Syrian troops, and overrun with terrorists. In the final analysis, however, the government of Lebanon must be called to account. For more than two decades, the international community has bemoaned Lebanon's fate without demanding responsible leadership. That era is now over.

There are Christians and Muslins in southern Lebanon whose fate hangs in the balance. They have been under the protection of Israel for more than two decades. What will happen to them? Will they be subject to the whims of yet another Lebanese militia, a Hezbollah state within a state? Will Christians be forced to flee, as they have from the West Bank and from so many other states? Or will the Lebanese central government and the Lebanese Army, as required under United Nations Security Council resolutions, take control of southern Lebanon and ensure safety and security for all?

Will the Lebanese government allow the United Nations and UNIFIL to do its job and deployment throughout the South? Or will Lebanon remain a pawn in the hands of terrorists, a puppet state in the hands of Syria and Iran? This is the test. The President and the Congress have demanded that Lebanon secure its southern border and reintegrate southern Lebanese into the country. Hezbollah must be disarmed. The Syrian military must be evicted. The world is watching and the time is now.

The citizens of northern Israel—indeed all Israelis—deserve to live within secure borders in peace. If they cannot, it is the solemn obligation of the Israeli government to secure those borders and to hunt down those who violate it and eliminate them. For my part as a United States Senator, I intend to do all that I can to support Israel in that aim, and to ensure that the means and the political, diplomatic and material support are at hand for the Israeli government to do just that.

This month could be a turning point for Lebanon, for Syria and for Israel. Or it could be the beginning of a new cycle of conflict. I pray that the Lebanese and the Syrians will be smart enough to seize the opportunity for real peace in the Middle East.

COMMEMORATING FREE ELECTIONS IN CROATIA

Mr. GORTON. Mr. President, today I rise with my colleagues, Senators FEINGOLD, HUTCHINSON, ABRAHAM, and LIEBERMAN, to introduce a resolution congratulating the people of Croatia on their successful parliamentary and presidential elections, the peaceful transition of power, and new initiatives for reform. In addition to congratulating the people of Croatia, the resolution solidifies U.S. support for their progress and encourages Croatian participation in the NATO Partnership for Peace program. One day, I hope that we will be expressing our support for Croatia, and other nations with similar democratic inclination, in NATO itself.

Mr. President, the Balkan nations that are embracing democracy must be supported at every opportunity available because the government could so easily have taken the other path. The leaders of Croatia could have chosen to repress popular involvement and other fundamental rights of democracy, but instead they have chosen the harder but correct path of working through discourse, debate, and democracy. Because we have also been through these trials as a nation, it is my hope that the American people will watch closely the progress of the Croatian people and will support their path to freedom, stability, and peace.

The most important benefit to come out of this election will hopefully be the resolution of Croatia's domestic difficulties. Through the successful election, the Croatian people have taken the reins of control. In addition to the power instilled by this self-determination, the Croatian people are hopefully now spurred to take up the mission of reform that might further improve their government. Among the stated goals of President Mesic are the reintroduction of Serbian refugees to the homes they left behind, reform of the privatization system that has faced serious corruption allegations, and support for the International Criminal Tribunal for the Former Yugoslavia. These improvements would certainly go far to legitimize the new Administration in the view of the international community but more importantly, in the eyes of the Croatian people. President Mesic's continued efforts on these fronts will show its people that their new government takes seriously the need for honesty and accountability.

As the government wins the support of its people, I am also encouraged by the efforts of the new Administration to get involved with the European community. In such a volatile region, a nation uniting the many groups will be the key to fostering a stable political and economic atmosphere. Part of the victory of democracy in Croatia has been the new spirit of regional harmony that I hope will spread to its neighbors. Peace in the Balkan nations will only come with honest attempts to live with difference, and Croatia will be a leader in the efforts for peace there.

In addition to better conditions in the Balkans, democracy will encourage the involvement of other foreign nations. Just two weeks ago, Croatian President Stipe Mesic met with French President Jacques Chirac to discuss an agreement on stabilization and association, as well as the Croatian entrance to the NATO Partnership for Peace program. The resolution I am supporting today suggests U.S. support for the addition of Croatia in the partnership, and I am happy to inform my colleagues that the nations of NATO have announced that Croatia will become a full member of the Partnership for Peace program today. This is truly a great accomplishment, and it affirms the commitment of all NATO allies to help Croatia in its chosen path.

In addition to my appreciation for the democratic and international progress of the Croatian people, I would also like to take this opportunity to thank the work of the Croatian American Association in bringing this subject to my attention and to the attention of the American people. The Croatian American community has worked tirelessly to create bonds of friendship between our two nations, and I hope that as Croatia becomes more democratic and involved in worldwide political affairs that we, as Americans, will continue to support them.

Mr. President, I hope that this resolution will be an additional bond between two nations that democratic tenets have already joined.

ROLLING THUNDER'S 13TH ANNUAL RIDE FOR FREEDOM

Mr. CAMPBELL. Mr. President, today I want to recognize the 13th Annual Rolling Thunder "Ride for Freedom" and highlight the important role Rolling Thunder plays in making sure that our nation's POW/MIAs are honored and never forgotten.

The first time that Rolling Thunder's Ride for Freedom roared and rumbled its way to the Vietnam Memorial on Memorial Day 1988, 2,400 motorcycles banded together for the ride. Some 5,000 Veterans, their wives, children, and other citizens of all backgrounds gathered near the Vietnam Memorial Wall to honor and remember our nation's POW/MIAs. Since then, Rolling Thunder has grown into an international event that garners national attention and focuses it on remembering our POW/MIAs. In fact, Rolling Thunder has become such a large presence that anyone who happens to be anywhere near our nation's Capital cannot help but notice it. For example, last year's Rolling Thunder run included over 250,000 motorcycles and 400,000 participants. There were people at last year's run from every state in the nation, and many foreign countries including Canada, England, Germany, France, Austria, Holland, South Korea, Australia and New Zealand. Made up of over 40 Chapters throughout the United States, Rolling Thunder is a volunteer, non-profit organization.

I would like to thank the several organizations whose support and efforts have helped make Rolling Thunder possible here in Washington D.C. for the past twelve years: the Virginia Police, Virginia State Police, Maryland Police, D.C. Metropolitan Police, Park Police, Park Services and the Pentagon.

I also want to take this opportunity to highlight some legislation I sponsored and Rolling Thunder supports. Rolling Thunder's input and support has been invaluable to the legislative process.

The first bill I want to mention is S. 484, the Bring Them Home Alive Act of 1999. This legislation would grant asylum in the United States to foreign nationals from key countries who personally deliver a living American POW/MIA from either the Vietnam War or the Korean War to the United States.

A key section of this bill would help spread news of the Bring Them Home Alive Act around the world. This is needed to help make sure that the key foreign nationals who need to hear about this act, hear about it. The bill calls on the International Broadcasting Bureau to use its assets, including WORLDNET Television and its Internet sites, to spread the news. The bill also calls on Voice of America, Radio Free Europe and Radio Free Asia to participate.

If this bill leads to even one long-held POW/MIA being returned home to America alive this effort will be well worth it—10,000 times over. Even though it has been decades since these two wars ended, they have not ended for any Americans who may have been left behind and are still alive or their families and friends. As long as there remains even the slightest possibility that there may be surviving POWs in these regions, we owe it to our Soldiers, Sailors, Airmen and Marines to do everything possible to bring them home alive. This is the least we can do after all they have sacrificed.

Today, I am especially pleased to announce that S. 484 passed the Senate last Wednesday, May 24th. Now we need to get it passed in the House of Representatives and enacted into law.

Rolling Thunder was also helpful in getting another important bill enacted into law, the National POW-MIA Recognition Act, legislation I sponsored in the 105th Congress.

This law requires that the POW-MIA flag be displayed on important national buildings—all across America—on six important days. These days include: Memorial Day, Veterans Day, Independence Day, Armed Forces Day, Flag Day and National POW-MIA Recognition Day.

Rolling Thunder captures the American people's attention—and those elected to represent them—and then brightly focuses our attention on remembrance of, and continuing duty to, our nation's POWs and MIAs.

Thank you, Mr. President. I yield the floor.

H.R. 4489 IMMIGRATION AND NATURALIZATION SERVICE DATA MANAGEMENT IMPROVEMENT ACT OF 2000

Ms. COLLINS. Mr. President, I rise today to express my strong support for H.R. 4489, the "Immigration and Naturalization Service Data Management Improvement Act of 2000." Passage of this legislation will repeal Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and prevent it from ever being implemented.

Section 110 of the 1996 Immigration law was intended to track individuals who overstay their legally permissible visit in the U.S. However, to accomplish that well-intentioned goal, this law required all foreign travelers or U.S. permanent residents to be individually recorded at ports of entry. In practical effect, the provisions would bring traffic to a halt on the Canadian border for miles.

Those of us who represent states along the Canadian border are well-aware of the close bonds between the U.S. and Canada. The U.S.-Canadian border is the longest continuous open border in the free world and Canadians come into our country freely and easily under current U.S. policy. In Maine, our ties with Canada are particularly deep because many Mainers' extended families live across the border in Canada. Our current border-crossing policy allows these family members to quickly and easily cross the border every day in order to be with a husband, wife, a brother, a sister, cousin or even inlaws as the case may be.

Canada is not only our friend and ally, but our largest trading partner—it is important to maintain and foster our relationship with our neighbor to the North by promoting U.S.-Canadian friendship and trade. The ill-thought out provisions passed as part of the 1996 immigration law would grossly delay all those crossing the Northern border from Canada, and injure the Northern economy as critical trade and travel routes are slowed. In my State of Maine, this new border policy would have the most immediate impact on border communities such as Calais, Houlton, Madawaska, Fort Kent, and Jackman. Businesses in these communities rely on Canadians to cross the border each and every day in order to buy their goods and services. In addition, the impact on critical Maine trade, including lumber and tourism, would extend beyond these communities and reverberate across my State.

The bill we consider today, H.R. 4489, the Immigration and Naturalization

Service Data Management Improvement Act of 2000, repeals Section 110 of the Immigration law. In its place, the bill directs the Immigration and Naturalization Service to amass data already collected at entrance and departure points in an electronically searchable manner. The legislation explicitly states no new documentary requirements or data collection can be directed as a result of the passage of this bill, ensuring that INS new database will rely on already available data.

Those of us who represent the northern regions of our country have been working for over four years now to repeal Section 110. With the support of Senate colleagues, the deadline for implementation of the entry/exit control system for land and sea points of entry has been postponed until March 31, 2001. But until now, we have been unable to break the impasse that left Section 110 in place. I salute all the efforts which have yielded this ground breaking agreement today, particularly the hard work of Senator ABRAHAM who has worked tirelessly on this issue. I look forward to passage of H.R. 4489, and a final end to the threat to the economy posed by Section 110 of the 1996 Immigration law.

Thank you, Mr. President. I yield the floor.

DASCHLE AMENDMENT NO. 3148

Mr. WARNER. Mr. President, on May 16, 2000, the United States Senate took a procedural vote on Senator DASCHLE's amendment to S. 2521, the Military Construction Appropriations Bill. Senator DASCHLE lost this procedural vote by a vote of 42–54.

I did not support the Daschle amendment at that time because it was a procedural amendment to an unrelated bill. This unrelated Daschle amendment kept the Senate away all day from the important business of the Military Construction Appropriations Bill. In addition, it appeared that the Daschle amendment might indefinitely delay consideration of this important bill. As Chairman of the Senate Armed Services Committee, I have a responsibility to secure passage of the important Military Construction Appropriations Bill. This bill provides critically needed funding for military construction projects, improves the quality of life for the men and women who are serving our country in the armed forces, and sustains the readiness of our armed forces. These areas are traditionally underfunded, and this bill provides the necessary funds to help make up for this shortfall. For these reasons, I did not support the Daschle amendment when it came before me on a procedural vote on May 16, 2000.

Subsequent to the procedural vote on the Daschle amendment on May 16, 2000, Senators LOTT and DASCHLE reached an agreement to have two up or down votes—one on the aforementioned Daschle amendment and another on an amendment to be offered by Senator LOTT. Under the agreement, debate on the amendments was limited by a time agreement.

Once this leadership agreement was reached, it became apparent that the Daschle amendment would no longer indefinitely delay the Military Construction Appropriations Bill. Therefore, my previous objections to this amendment were no longer relevant.

The Daschle amendment is a "Sense of the Senate" amendment. After stating a number of findings, the amendment states, among other things, that it is the Sense of the Senate that "Congress should immediately pass a conference report to accompany" the Juvenile Justice Bill that includes the Senate passed gun-related provisions.

During the Senate's debate of the Juvenile Justice Bill in May of 1999, I supported the Lautenberg amendment, and other amendments to close the gun show loophole in the Brady Act. I also supported an amendment to require licensed firearm dealers to provide a secure gun storage or safety device when a handgun is sold, delivered or transferred. Unfortunately, the Juvenile Justice Bill has been locked in a House and Senate Conference Committee.

I remain firm in my stance on these issues. I certainly hope that House and Senate conferees can reach an agreement in conference on the Juvenile Justice Bill. And, I will continue to support the common-sense gun provisions that passed the Senate during the Juvenile Justice debate. I believe the Senate passed gun-related amendments to the Juvenile Justice Bill will help keep guns out of the hands of convicted felons and increase public safety without infringing on the rights of law-abiding citizens. Therefore, when it became clear that the Daschle amendment would not indefinitely delay consideration of the Military Construction Appropriations Bill, I supported this amendment and voted for it on May 17, 2000.

ADDITIONAL STATEMENTS

SENATOR LANDRIEU WELCOMES HIS EXCELLENCY, MUGUR ISARESCU

• Ms. LANDRIEU. Mr. President, I would like to take this opportunity to extend a warm welcome to His Excellency, Mugur Isarescu, the Prime Minister of Romania. Prime Minister Isarescu's visit is very well-timed. United States' policy in the Balkans is at a decisive point. We took an extremely important vote in the Senate last week that served as a litmus test for our commitment to the region. I am relieved at the results. Ultimately, the United States did not sent the wrong signal to Serbia about our intentions. However, the amendment by the Senior Senators from Virginia and West Virginia, gave the Senate the opportunity to reevaluate our role in the Balkans. The debate of that amendment highlighted the need to establish a more coherent rationale for our leadership in the region.

Mr. President, that is why the Prime Minister's visit is so opportune. The United States has rarely had an ally that has suffered so much for the reward of serving a just cause. However, that is precisely what Romania has done. Romania enjoys good relations with all of its neighbors, but the historical links with Yugoslavia were particularly strong. Yugoslavia, under Tito, was a role-model for how Romania could find a middle path between the superpowers and allow western influence without provoking the Soviets. As you might expect, they shared strong commercial and economic ties. Furthermore, the Danube, the critical life-line for intra-European trade, runs through both countries.

Because of Romania's stalwart support of the NATO mission in Kosovo, we have compelled them to forgo these ties. It has come at great economic cost, and I believe that is incumbent upon the United States, and all of NATO to recognize this sacrifice. However, beyond calling attention to the steadfastness of Romania and other Partnership for Peace nations in our Kosovo mission, the Prime Minister's visit also represents a true opportunity. Romania has had to cope with instability and shifting power-struggles throughout its history. We are fortunate to have an ally who can provide wise counsel as we navigate our way through this region. Furthermore, Romania's help comes from a faultless motivation. Romania would like to be embraced by the institutions of the West. They earnestly desire to participate in NATO and the European Union. Rather than play a game of horse-trading, Romania has tried living up to the ideals of NATO membership before entering the alliance.

Mr. President, I would again like to welcome the Prime Minister, thank the Romanian people for their sacrifice in the Kosovo conflict, and wish the Romanian government well as it seeks to further the excellent working-relationship that we have established since the end of Communism.•

CONGRATULATING CENTRAL FALLS HIGH SCHOOL

• Mr. L. CHAFEE. Mr. President, on May 6th, twenty-five outstanding students from Central Falls High School in Rhode Island visited Washington to compete in the national finals of the "We The People . . . The Citizen And The Constitution" program. This is the third time that the Central Falls High

School team has won the statewide competition, and I would like to commend their achievement.

The "We The People . . . The Citizen And the Constitution" program focuses on teaching our nation's students about the history, philosophy, and meaning of the Constitution and the Bill of Rights, as well as increasing civic participation. The national finals competition simulates a congressional hearing in which students testify as constitutional experts before a panel of judges.

I am very proud of Francisco Araujo, Sean Brislin, Andrzej Budzyna, Delia Buffington, Eloisa Dellagiovanna, Rachel Dittell, Renee Dittell, Matthew Doucett, Ricky Ferreira, Hipolito Fontes, Michelle Fontes, Sonia Gaitan, Jennifer Golenia, Joshua Lapan, Celia Marques, Edward Pare, Kassandra Reveron, Helen Reyes, Kathleen Roach, Amy Rodrigues, Anthony Rodrigues, Jennifer Savard, Cassie Tripp, Monica Vicente, and Leslie Viera for making it to the national finals. I applaud this terrific group of young men and women for their hard work and perseverance. Also, Mr. President, I want to congratulate Jeffry Schanck, a fine teacher who deserves so much credit for guiding the Central Falls High School team to the national finals.

Mr. President, it is encouraging to see young Rhode Islanders participating in the "We The People . . . The Citizen And the Constitution" program. They have learned that the Constitution is not just a piece of paper, but a living document that all Americans should cherish. It gives me great hope for the future of Rhode Island and our Nation.•

IN HONOR OF MR. RICHARD BUNKER

• Mr. REID. Mr. President, I rise today to honor a distinguished Nevadan, a good man, and a good friend, Mr. Richard Bunker. Richard will be receiving the National Jewish Medical and Research Center's Humanitarian Award on June 3, 2000. The Humanitarian Award recognizes individuals who have made significant civic and charitable contributions, and whose concern is not personal, but for the greater community. There is no one more deserving of this honor than Richard Bunker.

Richard's legacy of service to the state of Nevada is long and remarkable. He has served as Assistant City Manager of Las Vegas and Clark County Manager, before being appointed Chairman of the prestigious State Gaming Control Board. He is currently a member of the Colorado River Commission and a member of the Board of Trustee for the Hotel Employees and Restaurant Employees International Union Welfare/Pension Funds.

As Chairman of the Colorado River Commission of Nevada, Richard is Nevada's ambassador on the Colorado River. With shrewdness and finesse, he has developed positive relations with officials of the Colorado River basin states. His political skill has firmly reestablished Nevada as a player on the important issues of the Colorado River community. He also made the critically needed expansion of Southern Nevada water facilities a reality when he brokered a financial plan with the business, developer, and gaming communities.

Over the years, Richard Bunker has also been recognized by a variety of distinguished organizations. In 1993, he received the prestigious Nevadan of the Year award from the University of Nevada, Las Vegas. The Anti-Defamation League honored Richard with the Distinguished Community Service Award in 1996. In June 1999, he was presented with the Lifetime Achievement Award by the Nevada Gaming Attorneys and the Clark County Bar Association.

For those of us who have had the pleasure to work closely with Richard, as I have, the above awards pale in comparison to his true grit. He is knowledgeable of the system of government and totally aware of the magic of our system of free enterprise. For the growth and development of southern Nevada, no one for the past twenty-five years has played a more key role than Richard Bunker.

On a more personal note, Richard has played an important part in my political endeavors. He has been an advisor, counselor, and sounding board. Above all else, he is a god listener, for this Richard, I am grateful.

I extend to you my congratulations and the appreciation of all Nevadans for your good work on their behalf.•

TRIBUTE TO PORTER HOSPITAL AND THE HELEN PORTER NURSING HOME

• Mr. JEFFORDS. Mr. President, it is a great honor for me to represent the people of the state of Vermont. On this occasion, I rise to pay tribute to two health care institutions in Vermont that add so much to their communities and make "the Green Mountain State" such a wonderful place to live.

This year Porter Hospital is celebrating its 75th anniversary and Helen Porter Nursing Home is celebrating its 30th anniversary of providing quality health care to the people of Addison County, Vermont. Together these two institutions have played a vital role in delivering a continuum of care to thousands of people. They have demonstrated their commitment to serving as catalysts in the development of health services for the people of this region.

Porter Hospital has been caring for its community since 1925 and is a full service, community hospital, providing emergency services and comprehensive medical care. Helen Porter Nursing Home provides skilled and intermediate care to residents in a homelike environment where privacy is honored and individuality respected.

The devoted and professional staff of both institutions provide the full range of health care from outpatient services and rehabilitation, to long-term care and Wellness programs. Additionally, Porter Hospital and Helen Porter Nursing Home have contributed significantly to the economic vitality of the region as major employers and active members of the Addison County business community.

In a rural state such as Vermont, we count our successes one community at a time. We hold our institutions dear and we thank the men and women who devote their lives to improving the health status of our state.

Porter Hospital and Helen Porter Nursing Home have displayed a steadfast commitment to improving the quality of life for the people of Addison County. The citizens of Vermont are tremendously grateful for that commitment, and I join them in sharing gratitude. Thank you.•

TRIBUTE TO NAVY REAR ADMIRAL JOHN D. HUTSON, USN

• Mr. LEVIN. Mr. President, I rise today to recognize and pay tribute to Rear Admiral John D. Hutson, USN, the Judge Advocate General of the Navy. Admiral Hutson will retire from the Navy on August 1, 2000, having completed a distinguished 27-year career of service to our Nation.

Admiral Hutson was born in North Muskegon, Michigan, and is a graduate of Michigan State University and the University of Minnesota Law School. He also earned a Master of Laws degree in labor law from Georgetown University Law Center.

During his military career, Admiral Hutson excelled at all facets of his chosen professions of law and naval service. He served as a trial and defense counsel at the Law Center, Corpus Christi, Texas, faithfully preserving military justice at its very foundations. As a staff judge advocate, he provided legal counsel to Commanding Officers at Naval Air Station, Point Mugu, California, and Portsmouth Naval Shipyard, Kittery, Maine. He served as an instructor and later as the Commanding Officer of Naval Justice School, Newport, Rhode Island, playing a critical role in preparing and mentoring future generations of judge advocates.

As the Executive Officer of the Naval Legal Service Office, Newport, Rhode Island, and later the Commanding Officer, Naval Legal Service Office, Europe and Southwest Asia, Naples, Italy, Admiral Hutson proved to be an inspiring leader. He guided young judge advocates in the understanding, appreciation and dedication of their roles as both judge advocates and naval officers, exemplifying the Navy's core values of honor, courage, and commitment.

During his career Admiral Hutson also provided counsel and support to senior leaders while serving as the Staff Judge Advocate and Executive Assistant to the Commander, Naval Investigative Command and as Executive Assistant to the Judge Advocate General of the Navy.

I am sure many of my colleagues remember and appreciate Admiral Hutson's service as a legislative counsel and later as the Director of Legislation in the Navy's Office of Legislative Affairs. During these assignments, he directly contributed to clear and thorough communication with Congress on the interests of the Navy in a broad range of legislative matters.

Admiral Hutson's dedication to service and superior performance in all assignments appropriately culminated in his appointment as the 36th Judge Advocate General of the Navy. In this role, he provided invaluable legal service to both the Secretary of the Navy and the Chief of Naval Operations, and the Judge Advocate General's Corps. He fulfilled these duties with great distinction, leaving the Judge Advocate General's Corps strong and well-prepared for the challenges of the 21st century.

It is fitting that following his retirement Admiral Hutson will become the Dean of the Franklin Pierce Law Center in Concord, New Hampshire, where he will continue to lead and mentor future servants of the law.

Mr. President, the Nation, the United States Navy, and the Judge Advocate General's Corps have been made better through the talent and dedication of Rear Admiral John D. Hutson. I know all of my colleagues join me in wishing him and his wife, Paula, fair winds and following seas.•

TRIBUTE TO MANUAL HIGH SCHOOL

• Mr. McCONNELL. Mr. President, I rise today to congratulate students at my alma mater, duPont Manual High School, for their victory in the U.S. Department of Energy's National Science Bowl.

I am proud to share with my colleagues that a team of five students from duPont Manual High School in Louisville, Kentucky, are the champions of the 2000 National Science Bowl. These young scholars worked diligently to reach the competition and through their academic excellence and teamwork, prevailed at the end of a tough, four-day challenge held in Chevy Chase, Maryland.

First, and most importantly, I recognize the students on this year's Manual High School team and commend them for their hard work and determination: Mariah Cummins, Marty Mudd, Matthew Reece, Gabe Wood, and Yan Xuan.

I also applaud and thank their teacher, Skip Zwanzig, who taught these students and provided the leadership which brought them to this year's competition.

The National Science Bowl is a rigorous academic competition among teams of high school students. This year is the 10th anniversary of the program, which has brought more than 60,000 high school mathematics and science students from across the country together in competition since its inception in 1991. The program is designed to encourage students and their teachers to achieve educational excellence in science and math. Competing teams are quizzed on topics in biology, chemistry, physics, astronomy, earth science, computer science, and mathematics.

Congratulations, Manual High, on your win and thank you for continuing Louisville's and the State of Kentucky's tradition of excellence in education.•

COMMENDING THE UNITED STATES POSTAL SERVICE "CELEBRATE THE CENTURY EXPRESS"

• Mr. CLELAND. Mr. President, I rise today to commend the United States Postal Service for receiving two distinguished awards for its Celebrate the Century Express Educational Train Tour. I would like to thank Mr. Gary A. Thuro, Jr., Manager, Promotions, and Mr. Ernest Cascino, Jr., Project Manager, for bringing the awards to my attention. The United States Postal Service deserves special recognition for receiving the Department of Transportation's Design for Transportation National Award of Merit and the Transportation Marketing & Communications Association's 2000 Award of Excellence.

Both awards were presented in recognition of the United States Postal Service's Celebrate the Century Express Train which is a specially outfitted four-car Amtrak train and traveling postal history exhibition that serves as the "iron ambassador" of the Celebrate the Century commemorative stamp and education program. The train is a rolling history museum, presenting the story of how the mails and rails helped develop our country and, highlighting some of the most significant people, places and events of the 20th century.

Over its 18-month tour from March 1999 to fall 2000, the Celebrate the Century Express will visit dozens of communities across the nation, from the biggest cities to the smallest towns. In 1999, the train traveled over nearly 13,000 miles of track, visiting 36 cities in 18 states and being viewed by more than 150,000 people, including thousands of schoolchildren. The train is expected to make at least 36 stops this year before concluding its two-year run in November 2000.

The Design for Transportation National Awards 2000 honor those facilities and activities that exemplify the highest standards of design and have made an outstanding contribution to the nation's transportation systems and the people they serve. The United States Postal Service received a Merit Award (which is only given every 5 years) for achieving a high level of design quality for its Celebrate the Century Express. The Postal Service is among 30 winners out of more than 300 entries and is the only recipient to receive an award for any type of vehicle.

The Transportation Marketing & Communications Association's Transportation Communicators Award program, also known as the "Tranny" Awards, recognizes excellence in communications programs in the transportation and logistics industries. The program recognizes individual practitioners who apply solid communications principles and creativity to effectively promote the goals of their organizations. The United States Postal Service received an Award of Excellence in the category of "best practices in special events" and was one of 18 winners out of more than 150 entries.•

NATIONAL LAW ENFORCEMENT MEMORIAL DAY—THANK YOU ISN'T ENOUGH

• Mr. CARPO. Mr. President, I rise to discuss an innovative program in my home State of Idaho that honors our Nation's law enforcement officers.

As you know, May 15, 2000, was National Law Enforcement Memorial Day. This important day was established to commemorate the brave men and women of law enforcement who lost their lives in the line of duty. Law enforcement personnel risk their lives every day to protect and serve this Nation. According to statistics released by the U.S. Department of Justice, the incidents of violent crime are steadily declining. Their is no doubt that this is a direct result of the hard-work and dedication of law enforcement officers across the Nation.

This year, I was pleased to be able to join the Idaho Education Association in sponsoring a state-wide poster contest in conjunction with National Law Enforcement Memorial Day. Using the theme "Thank You Isn't Enough," creative and talented public school students from communities throughout Idaho submitted posters honoring the service and sacrifices of law enforcement. The winning posters, chosen from four different grade ranges, were announced on May 15. The winning entries, which I will have the honor of displaying in my office here in Washington, D.C., were submitted by the following Idaho public school students:

Kindergarten through Second Grade: Jenefer Kramer from Westside Elementary in Idaho Falls.

Third through Fifth Grade: Mirella Toncheva from Washington Elementary in Pocatello.

Sixth through Eighth Grade: Jenni Henscheid from Sandcreek Middle School in Idaho Falls.

Ninth through Twelfth Grade: Cassey Newbold from Alameda Junior High School in Pocatello.

I congratulate these winners and all the students who submitted entries. Thanks also go to the Idaho Education Association for being a partner in this important event. It provided an excellent opportunity to honor Idaho's law enforcement community and educate our students on the importance of law enforcement services. I look forward to sponsoring this contest again in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO), THE BOSNIAN SERBS, AND KOSOVO—MESSAGE FROM THE PRESIDENT—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro), as expanded to address the actions and policies of the Bosnian Serb forces and the authorities in the territory that they control within Bosnia and Herzegovina, is to continue in effect beyond May 30, 2000, and the emergency declared with respect to the situation in Kosovo is to continue in effect beyond June 9, 2000.

On December 27, 1995, I issued Presidential Determination 96–7, directing the Secretary of the Treasury, inter alia, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the "Resolution"), was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995, and signed in Paris on December 14, 1995 (hereinafter the "Peace Agreement"). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution.

Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked those funds and assets that are subject to claims and encumbrances until unblocked in accordance with applicable law.

Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, this situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond May 30, 2000.

On June 9, 1998, I issued Executive Order 13088, "Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro, and Prohibiting New Investment in the Republic of Serbia in Response to the Situation in Kosovo." Despite months of preparatory consultations and negotiations, representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) in March 1999, completely blocked agreement on an internationally backed proposal for a political solution to the Kosovo crisis. Yugoslav forces reinforced positions in the province during the March negotiation and, as negotiations failed, intensified the ethnic cleansing of Albanians from Kosovo. Yugoslav security and paramilitary forces thereby created a humanitarian crisis in which approximately half of Kosovo's population of 2 million had been displaced from the province and an unknown but apparently large portion of the remaining population had been displaced within Kosovo by mid-April.

On April 30, 1999, I issued Executive Order 13121, "Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro, and Prohibiting Trade Transactions Involving the Federal Republic of Yugoslavia (Serbia and Montenegro) in Response to the Situation in Kosovo." Executive Order 13121 revises and supplements Executive Order 13088 to expand the blocking regime by revoking an exemption for certain financial transactions provided in Executive Order 13088; to impose a general ban on all U.S. exports and reexports to and imports from the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S&M)") or the Governments of the FRY (S&M), the Republic of Serbia, or the Republic of Montenegro; and to prohibit any transaction or dealing by a U.S. person related to trade with or to the FRY (S&M) or the Governments of the FRY (S&M), the Republic of Serbia, or the Republic of Montenegro. In addition, Executive Order 13121 directs that special consideration be given to Montenegro and the humanitarian needs of refugees from Kosovo and other civilians within the FRY (S&M) in the implementation of the Order. Finally, Executive Order 13121 also supplements Executive Order 13088 to direct that the commercial sales of agricultural commodities and products, medicine, and medical equipment for civilian end-use in the FRY (S&M) be authorized subject to appropriate safeguards to prevent diversion to military, paramilitary, or political use by the Governments of the FRY (S&M), the Republic of Serbia, or the Republic of Montenegro.

This situation continues to pose a continuing unusual and extraordinary threat to the national security, foreign policy interests, and the economy of the United States. For these reasons, I have determined that it is necessary to maintain in force these emergency authorities beyond June 9, 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 25, 2000.*

REPORT ON THE NATIONAL EMERGENCIES WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) AND KOSOVO—MESSAGE FROM THE PRESIDENT—PM 111

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the Yugoslavia (Serbia and Montenegro) emergency declared in Executive Order 12808 on May 30, 1992, and with respect to the Kosovo emergency declared in Executive Order 13088 on June 9, 1998.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 25, 2000.*

MESSAGE FROM THE HOUSE

At 12:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to section 301 of Public Law 104–1, the Chair announces on behalf of the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the United States Senate their joint appointment of the following individuals to a 5-year term to the Board of Directors of the Office of Compliance to fill the existing vacancies thereon: Ms. Barbara L. Camens of Washington, DC, and Ms. Roberta L. Holzwarth of Rockford, Illinois.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 336. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4444. A bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2559) to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.

At 2:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House insists upon its amendment to the bill (S. 1692) to amend title 18, United States Code, to ban partial-birth abortion, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. HYDE, Mr. CANADY of Florida, Mr. GOODLATTE, Mr. CONYERS, and Mr. WATT of North Carolina, be the managers of the conference on the part of the House.

At 4:33 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3916. An act to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

The message also announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 331. Concurrent resolution commending Israel's redeployment from southern Lebanon.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3916. An act to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times and placed on the calendar:

H.R. 4444. An act to authorize extension of nondiscriminatory treatment normal trade relations treatment) to the Peoples Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

H.R. 3660. an act to amend title 18, United States Code, to ban partial-birth abortions.

The following bills were read the second time and placed on the calendar:

H.R. 1291. An act to prohibit the imposition of access charges on Internet service provider.

H.R. 3591. An act to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

H.R. 4051. An act to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

H.R. 4251. An act to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight of nuclear transfers to North Korea, and for other purposes.

The following concurrent resolution was read and placed on the calendar:

H. Con. Res. 331. Concurrent resolution commending Israel's redeployment from southern Lebanon.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2645. To provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

H.R. 3244. To combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9114. A communication from the Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Worksite Enforcement Activity Record and Index (LYNX); Immigration and Naturalization Service (INS)" (Privacy Act System of Records JUSTICE/INS–025), received May 22, 2000; to the Committee on the Judiciary.

EC–9115. A communication from the Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Attorney/Representative Complaint/Petition Files: Immigration and Naturalization Service (INS)" (Privacy Act System of Records JUSTICE/INS–022), received May 22, 2000; to the Committee on the Judiciary.

EC–9116. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2000–27), received May 23, 2000; to the Committee on Finance.

EC–9117. A communication from the Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Freedom of Information Act; Disclosure of Records" (RIN1505–AA76), received May 19, 2000; to the Committee on Finance.

EC–9118. A communication from the Secretary of Energy, transmitting the "Program Update 1999" for the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 2277: A bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China (Rept. No. 106–305).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1854: A bill to reform the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself and Mr. JEFFORDS):

S. 2630. A bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for himself and Mr. MOYNIHAN):

S. 2631. A bill to authorize a project for the renovation of the Department of Veterans Affairs medical center in Bronx, New York; to the Committee on Veterans' Affairs.

By Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 2632. A bill to authorize the President to present gold medals on behalf of the Congress to astronauts Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., and Michael Collins, the crew of Apollo 11; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER:

S. 2633. A bill to restore Federal recognition to the Indians of the Graton Rancheria of California; to the Committee on Indian Affairs.

By Mr. BOND:

S. 2634. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide liability relief to small businesses; to the Committee on Environment and Public Works.

By Mr. FRIST (for himself, Mr. HARKIN, Mr. JEFFORDS, Mrs. MURRAY, Mr. BINGAMAN, Ms. MIKULSKI, and Mr. REED):

S. 2635. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 2636. A bill to amend title 38, United States Code, to provide pay parity for dentists with physicians employed by the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 2637. A bill to require a land conveyance, Miles City Veterans Administration Medical Complex, Miles City, Montana; to the Committee on Veterans' Affairs.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 2638. A bill to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself, Mr. KENNEDY, and Mr. WELLSTONE):

S. 2639. A bill to amend the Public Health Service Act to provide programs for the treatment of mental illness; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 2640. A bill to amend title 38, United States Code, to permit Department of Veterans Affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 2641. A bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH:

S. 2642. A bill to amend the Internal Revenue Code of 1986 to provide major tax simplification; to the Committee on Finance.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 2643. A bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control; to the Committee on Foreign Relations.

By Mr. GORTON (for himself, Mrs. MURRAY, Mr. SANTORUM, Ms. MIKULSKI, Mr. STEVENS, Mr. COCHRAN, and Mr. L. CHAFEE):

S. 2644. A bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals; to the Committee on Finance.

By Mr. THOMPSON:

S. 2645. A bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes; read the first time.

By Mr. COVERDELL:

S. 2646. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2647. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2648. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for, and clarify the classification of, machines and components used in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2649. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2650. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2651. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2652. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2653. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2654. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL : S. 2655. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2656. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2657. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2658. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2659. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2660. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2661. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2662. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2663. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Finance.

By Mr. COVERDELL:

S. 2664. A bill to suspend temporarily the duty on machines used in the manufacture of digital versatile discs; to the Committee on Finance.

By Mr. KYL (for himself and Mr. DOMENICI):

S. 2665. A bill to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources; to the Committee on Indian Affairs.

By Mr. REID:

S. 2666. A bill to secure the Federal voting rights of persons who have fully served their sentences, including parole and probation, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. KENNEDY, Mr. SARBANES, Mr. JEFFORDS, Mr. ROBB, and Mr. LEAHY):

S. 2667. A bill to designate the Washington Opera in Washington, D.C., as the National Opera; to the Committee on Governmental Affairs.

By Mr. GRAHAM (for himself and Mr. SMITH of Oregon):

S. 2668. A bill to amend the Immigration and Nationality Act to improve procedures for the adjustment of status of aliens, to reduce the backlog of family-sponsored aliens, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN:

S. Res. 314. A resolution expressing the sense of the Senate concerning the violence, breakdown of rule of law, and troubled pre-election period in the Republic of Zimbabwe; to the Committee on Foreign Relations.

By Mr. HELMS (for himself, Mr. BIDEN, Mr. FRIST, and Mr. FEINGOLD):

S. Res. 315. A resolution expressing the sense of the Senate regarding the crimes and abuses committed against the people of Sierra Leone by the Revolutionary United Front, and for other purposes; considered and agreed to.

By Mr. SESSIONS (for himself and Mr. SHELBY):

S. Res. 316. A resolution honoring Senior Judge Daniel H. Thomas of the United States District Court for the Southern District of Alabama; considered and agreed to.

By Mr. HELMS (for himself, Ms. MIKULSKI, Mr. ROTH, and Mr. BIDEN):

S. Con. Res. 118. A concurrent resolution commemorating the 60th anniversary of the execution of Polish captives by Soviet authorities in April and May 1940; to the Committee on Foreign Relations.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself and Mr. JEFFORDS):

S. 2630. A bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE QUALITY CHEESE ACT OF 2000

Mr. FEINGOLD. Mr. President, along with Senator JEFFORDS, I am pleased to introduce the Quality Cheese Act of 2000. This legislation will protect the consumer, save taxpayer dollars and provide support to America's dairy farmers, who have taken a beating in the marketplace in recent years.

When Wisconsin consumers have the choice, they will choose natural Wisconsin cheese, but the Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA) may change current law, and consumers won't know whether cheese is really all natural or not.

If the federal government creates a loophole for imitation cheese ingredients to be used in U.S. cheese vats, cheese bearing the labels "domestic" and "natural" will no longer be truly accurate.

If USDA and FDA allow a change in federal rules, imitation milk proteins known as milk protein concentrate or casein, could be used to make cheese in place of the wholesome natural milk produced by cows in Wisconsin or other part of the U.S.

Mr. President, I am deeply concerned by recent efforts to change America's natural cheese standard. This effort to allow milk protein concentrate and casein into natural cheese products flies in the face of logic and could create a loophole for unlimited amounts of substandard imported milk proteins to enter U.S. cheese vats.

My legislation will close this loophole and ensure that consumers can be confident that they are buying natural cheese when they see the natural label.

Our dairy farmers have invested heavily in processes that make the best quality cheese ingredients, and I am concerned about recent efforts to change the law that would penalize them for those efforts by allowing lower quality ingredients to flood the U.S. market.

Over the past decade, cheese consumption has risen at a strong pace due to promotional and marketing efforts and investments by dairy farmers across the country. Year after year, per capita cheese consumption has risen at a steady rate.

Back in the 1980's, when I served in the Wisconsin State Senate, cheese consumption topped 20 pounds per person. During the 1990s consumption increased by over 25 percent, and passed 25 pounds per person. Last year we saw an even more dramatic increase when per capita cheese consumption rose an amazing 1.5 pounds to reach 29.8 pounds.

This one-year increase amounts to the largest expansion since 1982! I am proud to say that my home state of Wisconsin, America's dairyland, was one of the main engines behind this growth. After all, when consumers see the label "Wisconsin Cheese," they know that it is synonymous with quality.

Over the past two decades consumers have increased their cheese consumption due to their understanding, and taste for the quality natural cheese produced by America's dairy industry.

Recent proposals to change to our natural cheese standard could decrease consumption of natural cheese. These declines could result from concerns about the origin of casein and other forms of dry UF milk.

The vast majority of dry ultra filtered milk originates from countries with State Trading Enterprises. Many of these countries subsidize their dairy exports through these trading mechanisms, and have quality standards that are well below those of the United States.

While it is difficult to obtain specific numbers about the amount of dry UF milk produced in foreign countries, I have heard disturbing stories about the conditions under which the casein and milk proteins are sometimes produced.

For the most part, dry UF milk is not produced in the US. In fact, it is, for the most part, produced in countries where sanitary standards are well below those of the United States.

These products are sold on the international market, and under the proposed rule they could be labeled as natural cheese. This cheap, low quality dry UF milk tends to leave cheese greasy and increases separation problems.

The addition of this kind of milk will certainly leave the wholesome reputation of "natural cheese" significantly tarnished in the eyes of the consumer.

This change would seriously compromise decades of work by America's dairy farmers to build up domestic cheese consumption levels. It is simply not fair to America's farmers!

Mr. President, consumers have a right to know if the cheese they buy is unnatural. And by allowing unnatural dry UF milk into cheese, we are denying consumers the entire picture.

The Feingold-Jeffords legislation will paint the entire picture for the consumer, and allow them enough information to select cheese made from truly natural ingredients.

Allowing dry Ultra-Filtered milk into cheeses will have a significant adverse impact on dairy producers throughout the United States. Some estimate that the annual effect of the change on the dairy farm sector of the economy could be more than $100 million.

The proposed change to our natural cheese standard would also harm the American taxpayer.

If we allow dry UF milk to be used in cheese we will effectively permit unrestricted importation of these ingredients into the United States. Because there are no tariffs and quotas on these ingredients, these heavily subsidized products will displace natural domestic dairy ingredients.

These unnatural domestic dairy products will enter our domestic cheese market and may further depress dairy prices paid to American dairy producers.

Low dairy prices result in increased costs to the dairy price support program. So, at the same time that U.S. dairy farmers are receiving lower prices, the U.S. taxpayer will be paying more for the dairy price support program.

Mr. President, this change does not benefit the dairy farmer, consumer or taxpayer. Who then is it good for?

The obvious answer is nobody.

America's farmers have invested a tremendous amount of time and effort create the best cheese industry in the world. They should not be penalized for their efforts.

This legislation takes a two pronged approach to address these concerns.

First, it prohibits dry ultra-filtered milk from being included in America's natural cheese standard.

Second, it requires the Food and Drug administration to conduct a study into the impact of allowing wet ultra-filtered milk into the natural cheese standard.

Let me be clear, currently, neither of these products are allowed in America's natural cheese standard. Under current regulations, wet ultra-filtered milk may only be used in natural cheese products if—and only if—both the wet UF milk and the cheese are produced at the same plant.

I have heard a number of concerns from dairy farmers, but the most immediate concern is the importation of milk protein concentrate and casein. This legislation is the first step in addressing their concerns, and ensuring that any future changes incorporate the concerns of America's dairy farmers.

Congress must shut the door on any backdoor efforts to stack the deck against America's dairy farmers. And we must pass my legislation that prevents a loophole that would allow changes that hurt the consumer, taxpayer and dairy farmer.

Thank you Mr. President. I yield the floor.

By Mr. SCHUMER (for himself and Mr. MOYNIHAN):

S. 2631. A bill to authorize a project for the renovation of the Department of Veterans Affairs medical center in Bronx, New York; to the Committee on Veterans' Affairs.

BRONX VA MEDICAL CENTER'S RESEARCH FACILITY LEGISLATION

• Mr. SCHUMER. Mr. President, I rise today with Senator DANIEL PATRICK MOYNIHAN to introduce legislation that would authorize renovations to the Bronx VA Medical Center's research facility.

This facility, when renovations are completed, will serve as a center of excellence for VA research on neurodegenerative diseases that are more prevalent in our veterans population than in any other group of Americans. Specifically, the research would focus on Alzheimer's and Parkinson's Disease, Multiple Sclerosis, Amyotrophic Lateral Sclerosis (ALS) and brain and spinal cord injury.

Major neurodegenerative diseases like Alzheimer's and Parkinson's tend to occur later in life and are progressive lifelong afflictions. Some 20 million Americans have been diagnosed with one of these diseases and the costs of their treatment have reached over $100 billion annually. US Census Bureau statistics indicate that because of our aging population, the incidence of neurodegenerative diseases and the associated human and economic costs will increase four-fold by 2040. Veterans, an aging population are disproportionately affected. Traumatic brain and spinal cord injury are also highly represented in the veterans population. Over 200,000 individuals in the US are living with spinal cord injury today, and another 2 million suffer traumatic brain injury annually.

The bill I introduce today would authorize $12.3 million for renovations to an aging facility on the campus of the Bronx VAMC. Department of Veterans Affairs researchers there, are in desperate need of modern, state-of-the-art laboratories to continue efforts to understand, treat and develop new methods of care for all Americans afflicted with these horrible diseases. This legislation represents an important step in ensuring that the quality of care provided to veterans in New York and across the country reflects our highest esteem for those who answered their country's call. We owe our veterans no less than the best medical care anywhere—and the research and treatments that come from this renovated facility will help ensure that happens. I urge my colleagues to join me in supporting and enacting this critical legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT, DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs may carry out a major medical facility project for the renovation of the Department of Veterans Affairs medical center in Bronx, New York, in an amount not to exceed $12,300,000.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2001 for the Construction, Major Projects, account $12,300,000 for the project authorized in section 1.

(b) LIMITATION.—The project authorized in section 1 may only be carried out using—

(1) funds appropriated for fiscal year 2001 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for the Construction, Major Projects, account for a fiscal year before fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for the Construction, Major Projects, account for fiscal year 2001 for a category of activity not specific to a project.•

By Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 2632. A bill to authorize the President to present gold medals on behalf of the Congress to astronauts Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., and Michael Collins, the crew of Apollo 11; to the Committee on Banking Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDALS TO THE CREW OF THE APOLLO 11

Mr. DEWINE. Mr. President, today I am introducing legislation, along with my colleagues, Senators VOINOVICH, LAUTENBERG, and TORRICELLI, to authorize the President to present gold medals on behalf of Congress to astronauts Neil A. Armstrong, Edwin "Buzz" Aldrin, and Michael Collins—the heroic crew of the *Apollo 11*.

For thousands of years, man has gazed at the moon with awe, dreaming of the day when that celestial body would no longer be out of man's grasp. On July 20, 1969, thanks to the crew of the *Apollo 11*, the heavens became part of man's world.

The mission to the moon was a long and treacherous endeavor. It started with President Kennedy's vision to put a man on the moon before the end of the decade and concluded with a simple step and the immortal words: "One small step for man and one giant leap for mankind." We owe a great deal of gratitude to the men and women of America's space program. And, I believe that presenting Congressional gold medals to the crew of *Apollo 11* is a fitting tribute to them and the mission.

The primary objective of *Apollo 11* was simple and straightforward: "Perform a manned lunar landing and return." The mission, though, was anything but simple. The historic journey began with the *Eagle's* fiery lift-off at Cape Kennedy at 9:32 a.m. on July 19, 1969. The world watched as astronauts Armstrong, Aldrin, and Collins blasted toward outer space. While the millions who witnessed the event were excited and exhilarated, I do not think any of us truly appreciated the complexity and magnitude of the crew's responsibilities. One mistakenly pulled lever, one power failure could have rendered *Apollo 11* a disaster. When asked to recall his thoughts on the mission's outcome, Astronaut Michael Collins said: "I am far from certain that we will be able to fly the mission as planned. I think we will escape with our skins, or at least I will escape with mine, but I wouldn't give better than even odds on a successful landing and return."

On July 20, 1969, Armstrong and Aldrin began their descent to the lunar surface. The *Eagle* landed with less than 45 seconds worth of fuel and the buzz of several warning alarms. It was shortly after that landing when Neil Armstrong emerged from the craft and set foot on the moon's surface. Never before in the history of mankind had a human being set foot on another celestial body. The crew of *Apollo 11* embodied the spirit of discovery that is so prevalent in our space program. It is this same spirit that we need to communicate to our next generation.

Neil Armstrong, the commander of *Apollo 11*, was born on August 5, 1930, in my home state of Ohio. He developed an interest in flying at an early age. In fact, he obtained his student pilot's license before he got his driver's license. After high school, he received a scholarship from the U.S. Navy and studied aeronautical engineering. He later became an aviator in the Navy and was chosen for the space program with the second group of astronauts in 1962. He made seven flights in the X-15 program, reaching an altitude of 207,500 feet. He was the command pilot for *Gemini 8* and *Apollo 11*. After *Apollo 11*, he was Deputy Associate Administrator for Aeronautics at NASA from July 1970 until August 1971, when he left to become Professor of Aeronautical Engineering at the University of Cincinnati. He served on the National Commission on Space from 1985 to 1986 and on the Presidential Commission on the Space Shuttle Challenger Accident in 1986.

Edwin "Buzz" Aldrin was born in New Jersey on January 20, 1930. He attended the U.S. Military Academy at West Point, and later entered the U.S. Air Force, where he received pilot training. He was chosen with the third group of astronauts in 1963. He was a pilot on *Gemini 12*, where he was one of the key figures working to improve in-space docking and was the lunar module pilot for *Apollo 11*. After leaving NASA in 1971, he became Commandant of the Aerospace Research Pilot's School at Edwards Air Force Base in California. He retired from the Air Force in 1972 and became a consultant for the Comprehensive Care Corporation, Newport Beach, California. He has authored two books, "Return to Earth" and "Men From Earth."

Michael Collins was born on October 30, 1930, in Rome, Italy and later moved to Washington, DC. Upon finishing high school, he attended the U.S. Military Academy at West Point. Prior to joining NASA, he was a test pilot at the Air Force Flight Center, Edwards Air Force Base. He was chosen in the third group of astronauts in 1963. He served as a pilot for *Gemini 10*, where he set a world altitude record; became the nation's third spacewalker; and served as the command module pilot for *Apollo 11*. He left NASA in 1970 and was appointed Assistant Secretary of State for Public Affairs. He became Director of the National Air and Space Museum at the Smithsonian Institution in April 1971 and was promoted to Under Secretary of the Smithsonian in April 1978. He retired from the Air Force with the rank of Major General. He has written numerous articles and two books, "Carrying the Fire and Liftoff," as well as a children's book, "Flying to the Moon and Other Strange Places."

Mr. President, presenting Congressional Gold Medals to the crew of the *Apollo 11* is as much about the future as it is about the past. These medals will be a reminder of the great accomplishment of *Apollo 11* and her crew. Moreover, the presentation of the medals will help inspire future generations of Americans to continue striving to accomplish tasks that may seem out of reach, like putting a man on the moon. I am convinced that somewhere in our schools today are the next Neil Armstrong, Buzz Aldrin, and Michael Collins. Before long, our children will be talking about where they were when the first man or woman set foot on Mars. Let's honor the immense achievement of the crew of *Apollo 11*. I urge my colleagues to support presenting Congressional Gold Medals to Neil Armstrong, Edwin E. "Buzz" Aldrin, Jr., and Michael Collins.

By Mrs. BOXER:

S. 2633. A bill to restore Federal recognition to the Indians of the Graton Rancheria of California; to the Committee on Indian Affairs.

GRATON RANCHERIA RESTORATION ACT

Mrs. BOXER. Mr. President. I am delighted today to introduce legislation to restore federal recognition to the Graton Rancheria, which is composed of Coastal Miwok and Southern Pomo tribal members. This bill is identical to legislation that has been introduced in the House of Representatives by Congresswoman LYNN WOOLSEY. It is my great pleasure to carry this legislation in the Senate and to correct an injustice committed against these original inhabitants of the region some 34 years ago.

The Coastal Miwok and Southern Pomo Indians flourished in Marin and southern Sonoma counties for many hundreds of years. At the time of European settlement, there were as many as 5,000 of these tribal members. By the end of the 19th Century, however, disease and enforced labor had killed off most of them. And the federal government formally terminated the tribe's identity in 1966 under the California Rancheria Act, after concluding, incorrectly, that virtually all of the members were deceased.

The descendants of 12 Graton Rancheria survivors now number over 300, and they refer to themselves as the "Federated Indians of Graton Rancheria"—after the town in southern Sonoma County where an acre-sized piece of their original reservation is still owned by a Miwok descendant.

This legislation not only restores dignity and a sense of identity to the Graton Rancheria, it will restore all federal rights and privileges to the tribal members including health, education, and housing services. It will also permit the Graton Rancheria to maintain an existing cemetery and place of worship. Finally, this bill is unique in that it contains a clause whereby the tribe permanently waives any right to casino-style gambling on their land.

Mr. President, the tribes of the Graton Rancheria are an integral and important part of the Bay Area's cultural heritage and history. It was wrong to terminate their status in 1966, and it is only right to restore their formal recognition now.

By. Mr. BOND:

S. 2634. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide liability relief to small businesses; to the Committee on Environmental and Public Works.

SMALL BUSINESS RELIEF ACT OF 2000

Mr. BOND. Mr. President, it is a pleasure for me to introduce the Small Business Relief Act of 2000. This bill will provide a lifeline for the thousands of small business owners threatened by lawsuits and litigation under the broken Superfund liability system.

This bill is simple. All this bill does is relieve innocent small business owners from superfund liability unless it is demonstrated that the small business is guilty of gross negligence or did contribute significantly to the toxic waste at the superfund site.

My bill will not let polluters off the hook. This common-sense proposal will make the Superfund program a little more reasonable and workable. With this legislation, we can begin to provide some relief to small business owners who are held hostage by potential Superfund liability.

For years now, members from both sides of the aisle have said that the Superfund program is broken, it doesn't work, it must be reformed. Unfortunately we haven't gotten past the rhetoric to fix the problem. Instead of making changes that will produce results that are better for the taxpayers, better for the environment, and more efficient for everyone involved—government agencies, federal bureaucrats, and Congress has protected this troubled and inefficient program from meaningful reform.

As Washington has played politics with the Superfund program, innocent Main Street small business owners across the nation, the engine of our economy, continue to be unfairly pulled into Superfund's legal quagmire. Even the EPA has stated its support for protecting restaurant owners, mom-and-pop convenience store operators, and other small business owners who have legally disposed of their trash and cannot afford the tab that comes with Superfund legal bills.

Let's put a human face on this: last year, just across the Missouri border—in Quincy, Illinois—160 small business owners were asked to pay the EPA more than $3 million for garbage legally hauled to a dump more than 20 years ago. The situation in Quincy is just one example of the very real, ongoing Superfund legal threat to small business owners across the nation.

Mr. President, we all know that Superfund was created to clean up the

Nation's most-hazardous waste sites. Superfund was not created to have small business owners sued for simply throwing out their trash! These small business owners are faced with so many challenges already, that the thousands of dollars in penalties and lawsuits leave them with no choice but to mortgage their businesses, their employees and their future to pay for the bills of a broken government program.

How many times will we tell ourselves that this unacceptable situation must be fixed before we act? Small business owners literally cannot afford to wait around while we delay action on the common-sense fixes required to protect them and our environment.

In recognition of our small businesses around the country and Small Business Week, I introduce this bill and look forward to leading the fight to ensure timely adoption of this long-overdue legislation.

By Mr. FRIST (for himself, Mr. HARKIN, Mr. JEFFORDS, Mrs. MURRAY, Mr. BINGAMAN, Ms. MIKULSKI, and Mr. REED):

S. 2635. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Health, Education, Labor, and Pensions.

THE WISEWOMAN EXPANSION ACT OF 2000

• Mr. FRIST. Mr. President, many of us associate cardiovascular disease with men, but the American Heart Association estimates that nearly one in two women will die of heart disease or stroke. Unfortunately, most women do not realize that they are at such high risk for cardiovascular disease because of its historically male stereotype. In fact, cardiovascular diseases kill nearly 50,000 more women each year than men. Even more alarming is a recent survey reported by the Society for Women's Health Research which revealed that not all physicians know that cardiovascular diseases are the leading cause of death among American women.

Each year nearly half a million women lose their lives as a result of heart disease and stroke. Since 1984, fortunately, men have experienced a decline in deaths due to cardiovascular diseases, while, unfortunately, women have not. Tragically, many of these deaths could have been prevented. Had these women known they were at risk for cardiovascular disease, they could have taken preventive measures by not smoking, lowering their cholesterol or blood pressure, or by eating more nutritiously, and perhaps prevented becoming a victim of heart disease or stroke. For many women, prevention is truly the only cure, since it has been reported that as many as two-thirds of women who die from heart attacks have no warning symptoms of any kind.

Cardiovascular diseases kill more American females each year than the next 14 causes of death combined, including all forms of cancers. Over half of all cardiovascular deaths each year are women, and in 1997 alone heart diseases claimed the lives of 502,938 women. My home state of Tennessee has the second highest death rate from heart disease, stroke, and other cardiovascular diseases in the nation and the 13th highest ranking state in women's heart deaths. In 1997, 10,884 Tennessee women died from these two cardiovascular diseases alone. According to the CDC, women in the rural South are more likely to die of heart disease than those in other parts of the country. An even more disturbing disparity is that the age adjusted death from coronary heart disease for African-American women is nearly 72 percent higher than that of white women.

Fortunately, some preventive measures, such as physical activity and better nutrition, can be taken by women to reduce their risk for cardiovascular diseases, as well as other preventable diseases, such as osteoporosis. Osteoporosis, affecting one out of every two over 50, is also a preventable disease that American women are facing. Furthermore, osteoporosis is a health threat for roughly 28 million Americans, 80 percent of whom are women.

In an effort to continue to draw attention and greater awareness to health issues among American women, particularly cardiovascular diseases, I am very pleased to introduce today the "WISEWOMAN Expansion Act of 2000," with Senator HARKIN. Our goal in expanding this program is to reduce the risk of cardiovascular diseases, and other preventable diseases, and to increase access to screening and other preventive measures for low-income and underinsured women. In addition to making cardiovascular diseases screening accessible to underserved women, this program will also educate them about their risk for cardiovascular diseases and how to make lifestyle changes thus giving them the power to prevent these diseases.

The National Breast and Cervical Cancer Early Detection Program (NBCCEDP), run by the Centers for Disease Control and Prevention (CDC), is an example of a successful program that has provided critical services to help prevent major diseases affecting American women. The NBCCEDP has done an outstanding job of bringing in low-income underinsured women and providing them with preventive screenings for breast and cervical cancers. The women who benefit from this program are generally too young for Medicare, unable to qualify for Medicaid or other state programs, and would otherwise fall through the cracks in our health system.

Our bill provides for the expansion of the WISEWOMAN (Well-Integrated Screening and Evaluation for Women in Massachusetts, Arizona, and North Carolina) demonstration project, which is run by the CDC in conjunction with the NBCCEDP, to additional states. The WISEWOMAN program capitalizes on the highly successful infrastructure of the NBCCEDP to offer "one-stop shopping" screening and preventive services for uninsured and low-income women. In addition to these very important breast and cervical cancer screenings, WISEWOMAN screens for cardiovascular disease risk factors and provides health counseling and lifestyle interventions to help women reduce behavioral risk factors. The program addresses risk factors such as elevated cholesterol, high blood pressure, obesity and smoking and provides important additional intervention and educational services to women who would not otherwise have access to cardiovascular disease screening or prevention. This bill also adds flexibility to the program language that would allow screenings and other preventive measures for diseases in addition to cardiovascular diseases, such as osteoporosis, as more preventive technology is developed.

Mr. President, I would like to thank Judy Womack and Dr. Joy Cox of the Tennessee Department of Health for their counsel and assistance on this legislation and for their efforts in helping Tennesseans.

This bipartisan bill is supported by the Susan G. Komen Breast Cancer Foundation, the Society for Women's Health Research, the American Cancer Society, the National Osteoporosis Foundation, and the American Heart Association. Mr. President, I ask unanimous consent to place the following letters of support in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SOCIETY FOR
WOMEN'S HEALTH RESEARCH,
Washington, DC, May 24, 2000.

Hon. BILL FRIST,
Chair, Subcommittee on Public Health, Committee on Health, Education, Labor, and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS FRIST AND HARKINS: On behalf of the Society for Women's Health Research, we express our appreciation for your leadership on the introduction of the "WISEWOMAN Expansion Act of 2000." In addition to a strong national research program, disease prevention is vital to our nation's health. Chronic diseases, such as heart disease, cancer, diabetes, and ostoeoporosis are among the most prevalent, costly and preventable of all health problems.

As you know, women tend to live longer but not necessarily better than men. They have more chronic health conditions and are more economically insecure. Safety net programs often are the difference between life and death. The WISEWOMAN Expansion Act is building on a foundation that has provided positive feedback and will allow additional states to provide prevention services to those women in need. We applaud the flexibility of the legislation. With the passage of time, as new technologies develop, as disease burdens shift, and a lifestyle change, the program can address women's most critical health needs.

We thank you for your commitment to improving the nation's health through prevention. By focusing on the health of women, you ultimately will be improving the health of the nation's families.

Sincerely,

PHYLLIS GREENBERGER,
Executive Director.
ROBERTA BIEGEL,
Director of Government Relations.

THE SUSAN G. KOMEN
BREAST CANCER FOUNDATION,
Dallas, TX, May 19, 2000.

Hon. WILLIAM FRIST,
U.S. Senate, Russell Senate Building, Washington, DC.
Hon. TOM HARKIN,
U.S. Senate, Hart Senate Building, Washington, DC.

DEAR SENATORS FRIST AND HARKIN: On behalf of the Susan G. Komen Breast Cancer Foundation, I would like to express our support for The WISEWOMAN Expansion Act of 2000. Your leadership has made the expansion effort a reality and we intend to activate our Komen affiliates grassroots to help gather more Senatorial support. We understand that the expansion would allow flexibility for the WISEWOMAN program to grow and adapt with the needs of the individual states and will ensure full collaboration of the WISEWOMAN program with the National Breast and Cervical Cancer Early Detection Program (NBCCEDP) on which it is piggybacked.

Further, our discussions with your staff have reiterated the importance of being certain that the programs are funded separately and that the WISEWOMAN expansion is accomplished as a complement to the existing NBCCEDP effort.

We applaud your efforts to provide greater screening coverage for women as a means of detecting problems sooner and strongly believe that this program will save many lives as it expands nationwide.

The mission of the Susan G. Komen Breast Cancer Foundation is to eradicate breast cancer as a life-threatening disease by advancing research, education, screening and treatment. The Komen Foundation is comprised of 115 affiliates in 45 states and the District of Columbia, with over 40,000 volunteers and 4 international affiliates. Komen has raised well over $200 million in furtherance of its mission. But we cannot do it alone. It takes dedicated Members of Congress like you.

Again, thank you for your efforts to advance WISEWOMAN as a separate program and we look forward to working with you to make this legislation a reality for all.

With best regards,

DIANE L. BALMA,
Senior Counsel and Director of Public Policy.

NATIONAL OSTEOPOROSIS FOUNDATION,
Washington, DC, May 24, 2000.

Hon. TOM HARKIN,
Hon. BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND FRIST: On behalf of the National Osteoporosis Foundation (NOF), I commend you on the introduction of the bipartisan WISEWOMEN Expansion Act of 2000 that supports your effort to provide additional preventive health services, including osteoporosis screening, to low-income and uninsured women.

As you know, osteoporosis is a major health threat for more than 28 million Americans, 80 percent of whom are women. In the United States today, 10 million individuals already have the disease and 18 million more have low bone mass, placing them at increased risk for osteoporosis. Also, one out of every two women over 50 will have an osteoporosis-related fracture in their lifetime. It is estimated that the direct hospital and nursing home costs of osteoporosis are over $13.8 billion annually, with much of that attributed to the more than 1.5 million osteoporosis-related fractures that occur annually.

The health care services included in the WISEWOMEN program have provided positive results for many women who have participated and ultimately cost-savings for the states that have participated. Expansion of teh WISEWOMEN model to additional states and for additional preventive services, such as screening for osteoporosis, should enhance positive results for both the women and states participating in the program.

The National Osteoporosis Foundation is most appreciative of your efforts to promote improved bone health and endorses the WISEWOMEN Expansion Act of 2000.

Sincerely,

SANDRA C. RAYMOND,
Executive Director.●

● Mr. HARKIN. Mr. President, I am pleased to join Senator FRIST today to introduce the "WISEWOMAN Expansion Act." This bill will help thousands of women have access to basic preventive health care they may otherwise not receive. The legislation builds on a successful demonstration program and expands screening services and preventive care for uninsured and low-income women across the nation.

Beginning in 1990, I worked as Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee to provide the funding for the National Breast and Cervical Cancer Early Detection Program (NBCCEDP), run through the Centers for Disease Control and Prevention. In Iowa alone, the program has successfully served 8694 women through 618 provider-based breast and cervical cancer screening sites.

Today, the Centers for Disease Control and Prevention currently run the WISEWOMAN (Well-Integrated Screening and Evaluation for Women in Massachusetts, Arizona and North Carolina) program through the NBCCEDP as a demonstration project. The program has successfully built upon the framework of the NBCCEDP to target other chronic diseases among women, including heart disease, the leading cause of death among women, and osteoporosis. The programs address risk factors such as elevated cholesterol, high blood pressure, obesity and smoking and provide important additional intervention services.

This demonstration project has been successful. It is now time to expand the program to additional states, and eventually make it nationwide. As the brother of two sisters lost to breast cancer and the father of two daughters, I know first hand the importance of making women's health initiatives a top priority. The first step to fighting a chronic disease like cancer, heart disease or osteoporosis is early detection. All woman deserve to benefit from the early detection and prevention made possible by the latest advances in medicine. This bill ensures a place for lower-income woman at the health care table.

Mr. President, the majority of Americans associate cardiovascular disease with men, but the American Heart Association estimates that nearly one in two women will die of heart disease or stroke. In fact, cardiovascular diseases kills nearly 50,000 more women each year than men. In my own state of Iowa, cardiovascular disease accounts for 44 percent of all dealths in Iowa. Close to 7,000 women die annually in Iowa from cardiovascular disease. Each year, nearly half a million women lose their lives as a result of heart disease and stroke. Sadly, with appropriate screening and interventions, many of these deaths could have been prevented.

Osteoporosis is also a preventable disease and affects 1 out of every 2 women over the age of 50. Fortunately, some of the preventive measures women can take to reduce their risk for cardiovascular diseases, such as eating more nutritious foods and exercising, can also reduce their risk for osteoporosis.

Mr. President, our bill would do the following:

Expand the current WISEWOMAN demonstration project to additional states;

Add flexibility to program language that would allow screenings and other preventive measures for diseases in addition to cardiovascular diseases;

Allow flexibility for the WISEWOMAN program to grow and adapt with the changing needs of individual states and our better understanding of new preventive strategies; and

Ensures continued full collaboration of the WISEWOMAN program with the NBCCEDP;

Authorizes the CDC to make competitive grants to states to carry out additional preventive health services to the breast and cervical cancer screenings at NBCCEDP programs, such as: screenings for blood pressure, cholesterol, and osteoporosis; health education and counseling; lifestyle interventions to change behavioral risk factors such as smoking, lack of exercise, poor nutrition, and sedentary lifestyle; and appropriate referrals for medical treatment and follow-up services.

In order to be eligible for this program, states are required to already participate in the NBCCEDP and to agree to operate their WISEWOMAN program in collaboration with the NBCCEDP.

Mr. President, this bipartisan legislation has the support of the National Osteoporosis Foundation, the American Cancer Society and the Komen Foundation, among others. I urge my colleagues to join us in supporting this critical legislation.•

By Mr. DEWINE:

S. 2636. A bill to amend title 38, United States Code, to provide pay parity for dentists with physicians employed by the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

THE DEPARTMENT OF VETERANS AFFAIRS DENTISTS APPRECIATION ACT

• Mr. DEWINE. Mr. President, as my colleagues know, there has been a great deal of attention given to the sizeable problems both in recruiting and in retaining the men and women in our military services. In response, Congress last year passed a 4.8 percent across the board pay raise, reformed the pay scales, and corrected a retirement system for our soliders, sailors, airmen, and marines in the service of our country. This year, Congress is considering ways to reform and improve the strength of our military health care system.

Mr. President, these measures are the least we can do to recognize the men and women of our military services for the important part they play in maintaining our nation's security and our influence around the globe.

But, Mr. President, there are other members of our civilian workforce that also face recruiting and retention problems, and deserve congressional attention. Last year, Congressman STEVE LATOURETTE and I introduced the Department of Veterans Affairs (VA) Nurse Appreciation Act, which is designed to correct a provision in the law that has been used in recent years to deny VA nurses the annual cost of living pay adjustments given to federal employees. In some cases, the law was used to cut the pay of some VA nurses. The law needs to be changed.

Today, I am introducing legislation to address another field of critical importance to the VA—dental care, which is also facing serious personnel retention problems. Over the past five years, the Department of Veterans Affairs has experienced a decline from 830 full-time dentists to only 630, and the numbers are still declining. In addition, the turnover rate during the past 2 years have been more than 11 percent. An increasing number of young and mid-career dentists are leaving the VA. There are fewer highly qualified applicants applying to fill vacant positions, and most vacancies take several months to fill. An additional concern is the aging of the current VA dental workforce. Within 2 years, almost 50 percent of all VA dentist will be eligible for regular or early-out retirement.

The legislation I am introducing today would attempt to address these challenges and ensure the availability of quality dental health care for our veterans.

One of the major reasons for the decline in the numbers of VA dentists is the availability of higher paying jobs in the civilian sector. The type of work done at the VA is more challenging than that of the average hometown dentist. VA dentists frequently provide their services to homeless veterans whose dental needs are much more demanding.

An additional reason is that even with the "special pay" and the "responsibility pay" that is available under current law, VA dentists' salaries still are not competitive with fellow non-VA dentists. In addition, all full-tme VA physicians receive a "special pay" incentive of $9,000 annually, while VA dentists receive only $3,500. The "responsibility pay" depends on the additional responsibilities the physician or dentist is performing.

The reason for the difference is that when current law was passed nearly a decade ago, there was a shortfall of physicians, and a ready supply of dentists.

The legislation I am introducing today, would correct this disparity and bring "special pay" for dentists to $9,000 annually and would increase the "responsibility pay" for dentists in management positions, so that they would be in the same responsibility pay range as physicians. This bill is similar to legislation introduced by Congressman BOB FILNER of California

The National Association of VA Physicians and Dentists have offered their full support for this initiative and so has the American Dental Association. As a matter of fact, a very dear longtime friend of my family, Doctor Dwight Pemberton, a friend of my parents and gransparents, was the one who brought this issue to my attention and encouraged me to introduce this legislation. I thank him for his support and advocacy for this legislation, and look forward to working toward a positive solution to this problem.

I urge my colleagues to support this bill for the continued reliable dental coverage for our veterans.

Mr. President, I ask unanimous consent that the text of the Department of Veterans Affairs Dentists Appreciation Act be printed in the RECORD.

S. 2636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Dentists Appreciation Act".

SEC. 2. PAY PARITY FOR DENTISTS.

(a) IN GENERAL.—Section 7435(b) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking "$3,500" and inserting "$9,000";

(2) in paragraph (2)(A), by amending the table to read as follows:

"Length of Service	Rate	
	Minimum	Maximum
2 years but less than 4 years	$4,000	$6,000
4 years but less than 8 years	6,000	12,000
8 years but less than 12 years	12,000	18,000
12 years or more	12,000	25,000";

(3) in paragraph (3)(A), by striking "$20,000" and inserting "$40,000";

(4) in paragraph (4)(A), by amending the table to read as follows:

"Position	Rate	
	Minimum	Maximum
Service Chief (or in a comparable position as determined by the Secretary)	$4,500	$15,000
Chief of Staff or in an Executive Grade	14,500	25,000
Director Grade	0	25,000";

(5) in paragraph (4)(B), by amending the table to read as follows:

"Position	Rate
Deputy Service Director	$20,000
Service Director	25,000
Deputy Assistant Under Secretary for Health	27,500
Assistant Under Secretary for Health (or in a comparable position as determined by the Secretary)	30,000";

(6) in paragraph (6), by striking "$5,000" and inserting "$17,000"; and

(7) in paragraph (7)(A), by striking "$5,000" and inserting "$15,000".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any contract entered into under chapter 74 of title 38, United States Code, after the date of the enactment of this Act.•

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 2637. A bill to require a land conveyance, Miles City Veterans Administration Medical Complex, Miles City, Montana; to the Committee on Veterans' Affairs.

MILES CITY VETERANS ADMINISTRATION MEDICAL COMPLEX LAND CONVEYANCE LEGISLATION

Mr. BURNS. Mr. President, I rise to express my support for legislation introduced today by my colleague, Senator BAUCUS, that will transfer ownership of the Miles City, Montana Veterans Hospital from the Veterans Administration to Custer County, Montana. Indeed, I am co-sponsor of this bill for the reason that within the Veterans Administration there are unused properties that have become liabilities that detract from the mission of the VA, which is to take care of our veteran population. At the same time, these resources could be assets to the communities where they exist.

This is exactly the situation we have in Miles City, Montana. Maintaining a facility that is no longer needed costs the VA approximately $500,000 that would otherwise be dedicated to improving access and quality of care for Montana's veterans. At the same time, the community of Miles City has need of additional space for use by the community college and other entities designed to enhance the quality of life and economic development opportunities for all the people of southeast Montana.

This legislation represents a creative solution that serves the best interest of all involved. The situation is not unique to Montana but we are willing to address the issue and take the first step towards a more efficient Veterans Administration. We need to dedicate the limited resources of this agency to the essential task of maintaining our commitment to America's veterans with adequate health care rather than to excessive administration and maintenance costs.

At the same time, what is a liability for the VA will be an asset to a community that has an inadequate tax base to support the development of infrastructure that will have a significant and long-lasting impact on jobs creation, educational opportunity, and will ultimately enhance the tax base as well.

The concept that is inherent in this bill is a win-win situation for all the affected parties and I encourage positive consideration by my colleagues.

By Mr. DOMENICI (for himself, Mr. KENNEDY, and Mr. WELLSTONE):

S. 2639. A bill to amend the Public Health Service Act to provide programs for the treatment of mental illness; to the Committee on Health, Education, Labor, and Pensions.

THE MENTAL HEALTH EARLY INTERVENTION, TREATMENT, AND PREVENTION ACT OF 2000

• Mr. DOMENICI. Mr. President, I rise today to introduce the Mental Health Early Intervention, Treatment, and Prevention Act of 2000 with my friend Senator KENNEDY.

Today we do not even question whether mental illness is treatable. But, today we recoil in shock and disbelief at the consequences of individuals not being diagnosed or following their treatment plans. The results are tragedies we could have prevented.

Just look at the tragic incidents at the Baptist Church in Dallas/Fort Worth, the Jewish Day Care Center in Los Angeles, and the United States Capitol to see the common link: a severe mental illness. Or the fact that there are 30,000 suicides every year, including 2,000 children and adolescents.

It was not too long ago that our nation decided we did not want to keep people chained in institutions. Simply put, it was inhumane to simply lock these individuals up without even using science to consider other alternatives. In fact, one of the first awards I received as a Senator was a Freedom Bell made from these very chains.

Make no mistake, our nation still has these same individuals with mental illness, we just do not have a very good way to deal with these individuals. Many of these individuals formerly locked up are now our neighbors taking the proper medication to control their illness.

However, our nation simply does not have an understanding of what happens when individuals stop taking their medications.

I believe the American people are ready for a direct assault on their consciences about a comprehensive approach to prevent the tragic incidents mentioned. Many people just do not take notice because America is known for her freedom, but sadly many of these highly publicized incidents of mass violence all too often involve an individual with a mental illness.

When these incidents occur, my wife and I watch with horror on television and we often turn to each other and say that person was a schizophrenic or that individual was a manic depressive.

Sadly, society often does not want to take the extra step to help these individuals because they are either scared or simply do not know how to help. Unfortunately, there is no place that a community can take these individuals for help. The police can do very little and likewise for hospitals.

I believe we must come together as a nation to find a community based solution so when someone sees an individual in obvious need of help they will know exactly what to do.

Some of you may have seen the recent 4 part series of articles in the New York Times reviewing the cases of 100 rampage killers. Most notably the review found that 48 killers had some kind of formal diagnosis for a mental illness, often schizophrenia.

Twenty-five of the killers had received a diagnosis of mental illness before committing their crimes. Fourteen of 24 individuals prescribed psychiatric drugs had stopped taking their medication prior to committing their crimes.

In particular I would point to a couple of passages from the series: "They give lots of warning and even tell people explicitly what they plan to do." . . . "a closer look shows that these cases may have more to do with society's lack of knowledge of mental health issues . . . In case after case, family members, teachers and mental health professionals missed or dismissed signs of deterioration."

It is for these reasons that I am so pleased that Senator KENNEDY has joined me to introduce this comprehensive piece of legislation. The legislation attempts to prevent these incidents and the other tragic results of mental illness before they happen.

The bill we are introducing today will provide for: A mental Illness Anti-Stigma and Suicide Prevention Campaign; Emergency Mental Health Centers to serve as the central receiving point in communities for families, friends, emergency medical personnel, and law enforcement to take an individual in need of emergency mental health services; Mental Health Awareness Training for Teachers and Medical Personnel to identify and respond to individuals with a mental illness; Mental Health Courts that will maintain separate dockets and handle only cases involving individuals with a mental illness; A Blue Ribbon Panel to make recommendations on issues relating to mental illness with a focus on the diagnosis and treatment of mental illness; and Increased Funding for Innovative Treatment and Research.

I really believe we have a historic opportunity to become preventers of serious, serious acts of violence before they happen. Thank you very much and I look forward to working with Senator KENNEDY and my colleagues on this legislative initiative.

Mr. President, I ask unanimous consent that a copy of the bill and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mental Health Early Intervention, Treatment, and Prevention Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Almost 3 percent of the adult population or 5 million individuals in the United States suffer from a severe and persistent mental illness.

(2) Twenty-five to 40 percent of the individuals who suffer from a mental illness in the United States will come into contact with the criminal justice system each year.

(3) Sixteen percent of all individuals incarcerated in State and local jails suffer from a mental illness.

(4) Suicide is currently a national public health crisis, with approximately 30,000 Americans committing suicide every year, including 2,000 children and adolescents.

(5) The stigma associated with mental disorders often discourages individuals from seeking treatment, decreases such individuals' access to housing and employment, and interferes with such individuals' full participation in society.

(6) In industrialized countries, mental illness constitutes 4 of the 10 leading causes of disability for individuals who are 5 years of age or older. Such illnesses are, in the order of prevalence, depression, schizophrenia, bipolar disorder, and obsessive compulsive disorder.

(7) Presently, nearly 7,500,000 children and adolescents, or 12 percent of such population, suffer from 1 or more types of mental disorders.

(8) Of the almost 850,000 individuals who are homeless in the United States, approximately ⅓ or about 300,000 of such individuals suffer from a serious mental illness.

(9) The majority of individuals with a mental illness can now be successfully treated.

(10) The primary care setting provides an important opportunity for the recognition of

mental disorders, especially in children, adolescents, and seniors.

(11) The first Surgeon General's Report on Mental Health, released in December 1999, describes a vision for the future that includes 8 areas, being—

(A) continuing to build the science base;

(B) overcoming stigma;

(C) improving public awareness of effective treatment;

(D) ensuring the supply of mental health services and providers;

(E) ensuring delivery of state-of-the-art treatments;

(F) tailoring treatment to age, gender, race, and culture;

(G) facilitating entry into treatment; and

(H) reducing financial barriers to treatment.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"PART G—PROGRAMS FOR TREATMENT OF MENTAL ILLNESS

"SEC. 581. ANTI-STIGMA AND SUICIDE PREVENTION CAMPAIGN.

"(a) IN GENERAL.—The Secretary shall carry out a national anti-stigma and suicide prevention campaign to reduce the stigma often associated with mental illness.

"(b) USE OF FUNDS.—The Secretary shall use funds authorized for the campaign described in subsection (a)—

"(1) to make public service announcements to reduce any stigma associated with mental illness;

"(2) to provide education regarding mental illness, including education regarding the biology of mental illness, the effectiveness of treatment, and the resources that are available for individuals afflicted with a mental illness and for families of such individuals;

"(3) to provide science-based education regarding suicide and suicide prevention, including education regarding recognition of the symptoms that indicate that thoughts of suicide are being considered;

"(4) to provide education for parents regarding youth suicide and prevention;

"(5) to purchase media time and space;

"(6) to pay for out-of-pocket advertising production costs;

"(7) to test and evaluate advertising and educational materials for effectiveness; and

"(8) to carry out other activities that the Secretary determines will reduce the stigma associated with mental illness.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

"(1) $50,000,000 to carry out paragraphs (1), (2), (4), (5), (6), and (7) of subsection (b) for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2005; and

"(2) $25,000,000 to carry out paragraph (3) of subsection (b) for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2005.

"SEC. 582. MENTAL ILLNESS AWARENESS TRAINING GRANTS FOR TEACHERS AND EMERGENCY SERVICES PERSONNEL.

"(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to States, political subdivisions of States, Indian tribes, and tribal organizations to train teachers and other relevant school personnel to recognize symptoms of childhood and adolescent mental disorders, to refer family members to the appropriate mental health services if necessary, to train emergency services personnel to identify and appropriately respond to persons with a mental illness, and to provide education to such teachers and personnel regarding resources that are available in the community for individuals with a mental illness.

"(b) EMERGENCY SERVICES PERSONNEL.—In this section, the term 'emergency services personnel' includes paramedics, firefighters, and emergency medical technicians.

"(c) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(d) APPLICATION.—A State, political subdivision of a State, Indian tribe, or tribal organization that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities that are carried out with funds received under a grant under this section.

"(e) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) shall use funds from such grant to—

"(1) train teachers and other relevant school personnel to recognize symptoms of childhood and adolescent mental disorders and appropriately respond;

"(2) train emergency services personnel to identify and appropriately respond to persons with a mental illness; and

"(3) provide education to such teachers and personnel regarding resources that are available in the community for individuals with a mental illness.

"(f) EVALUATION.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under this section shall prepare and submit an evaluation to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including an evaluation of activities carried out with funds received under the grant under this section and a process and outcome evaluation.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005.

"SEC. 583. GRANTS FOR EMERGENCY MENTAL HEALTH CENTERS.

"(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to States, political subdivisions of States, Indian tribes, and tribal organizations to support the designation of hospitals and health centers as Emergency Mental Health Centers.

"(b) HEALTH CENTER.—In this section, the term 'health center' has the meaning given such term in section 330, and includes community health centers and community mental health centers.

"(c) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States, between urban and rural populations, and between different settings of care including health centers, mental health centers, hospitals, and other psychiatric units or facilities.

"(d) APPLICATION.—A State, political subdivision of a State, Indian tribe, or tribal organization that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities carried out with funds received under this section.

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—A State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) shall use funds from such grant to establish or designate hospitals and health centers as Emergency Mental Health Centers.

"(2) EMERGENCY MENTAL HEALTH CENTERS.—Such Emergency Mental Health Centers described in paragraph (1)—

"(A) shall—

"(i) serve as a central receiving point in the community for individuals who may be in need of emergency mental health services;

"(ii) purchase, if needed, any equipment necessary to evaluate, diagnose and stabilize an individual with a mental illness;

"(iii) provide training, if needed, to the medical personnel staffing the Emergency Mental Health Center to evaluate, diagnose, stabilize, and treat an individual with a mental illness; and

"(iv) provide any treatment that is necessary for an individual with a mental illness or a referral for such individual to another facility where such treatment may be received; and

"(B) may establish and train a mobile crisis intervention team to respond to mental health emergencies within the community.

"(f) EVALUATION.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under subsection (a) shall prepare and submit an evaluation to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including an evaluation of activities carried out with funds received under this section and a process and outcomes evaluation.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of the fiscal years 2002 through 2005.

"SEC. 584. GRANTS FOR JAIL DIVERSION PROGRAMS.

"(a) PROGRAM AUTHORIZED.—The Secretary shall make up to 125 grants to States, political subdivisions of States, Indian tribes, and tribal organizations, acting directly or through agreements with other public or nonprofit entities, to develop and implement programs to divert individuals with a mental illness from the criminal justice system to community-based services.

"(b) ADMINISTRATION.—

"(1) CONSULTATION.—The Secretary shall consult with the Attorney General and any other appropriate officials in carrying out this section.

"(2) REGULATORY AUTHORITY.—The Secretary shall issue regulations and guidelines necessary to carry out this section, including methodologies and outcome measures for evaluating programs carried out by States, political subdivisions of States, Indian tribes, and tribal organizations receiving grants under subsection (a).

"(c) APPLICATIONS.—

"(1) IN GENERAL.—To receive a grant under subsection (a), the chief executive of a State, chief executive of a subdivision of a State, Indian tribe or tribal organization shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall reasonably require.

"(2) CONTENT.—Such application shall—

"(A) contain an assurance that—

"(i) community-based mental health services will be available for the individuals who are diverted from the criminal justice system, and that such services are based on the best known practices, reflect current research findings, include case management, assertive community treatment, medication management and access, integrated mental health and co-occurring substance abuse treatment, and psychiatric rehabilitation, and will be coordinated with social services, including life skills training, housing placement, vocational training, education job placement, and health care;

"(ii) there has been relevant interagency collaboration between the appropriate criminal justice, mental health, and substance abuse systems; and

"(iii) the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available;

"(B) demonstrate that the diversion program will be integrated with an existing system of care for those with mental illness;

"(C) explain the applicant's inability to fund the program adequately without Federal assistance;

"(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

"(E) describe methodology and outcome measures that will be used in evaluating the program.

"(d) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under subsection (a) may use funds received under such grant to—

"(1) integrate the diversion program into the existing system of care;

"(2) create or expand community-based mental health and co-occurring mental illness and substance abuse services to accommodate the diversion program;

"(3) train professionals involved in the system of care, and law enforcement officers, attorneys, and judges; and

"(4) provide community outreach and crisis intervention.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Secretary shall pay to a State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) the Federal share of the cost of activities described in the application.

"(2) FEDERAL SHARE.—The Federal share of a grant made under this section shall not exceed 75 percent of the total cost of the program carried out by the State, political subdivision of a State, Indian tribe, or tribal organization. Such share shall be used for new expenses of the program carried out by such State, political subdivision of a State, Indian tribe, or tribal organization.

"(3) NON-FEDERAL SHARE.—The non-Federal share of payments made under this section may be made in cash or in kind fairly evaluated, including planned equipment or services. The Secretary may waive the requirement of matching contributions.

"(f) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(g) TRAINING AND TECHNICAL ASSISTANCE.—Training and technical assistance may be provided by the Secretary to assist a State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) in establishing and operating a diversion program.

"(h) EVALUATIONS.—The programs described in subsection (a) shall be evaluated not less than 1 time in every 12-month period using the methodology and outcome measures identified in the grant application.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2005.

"SEC. 585. SUICIDE PREVENTION ACROSS THE LIFE SPECTRUM.

"(a) IN GENERAL.—The Secretary shall award grants, cooperative agreements, or contracts to States, political subdivisions of States, Indian tribes, tribal organizations, and private nonprofit organizations to establish programs to reduce suicide deaths in the United States.

"(b) DURATION.—With respect to a grant, contract, or cooperative agreement awarded under subsection (a), the period during which payments under such award may be made to the recipient may not exceed 5 years.

"(c) SPECIAL POPULATIONS.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall ensure that a portion of such awards are made in a manner that will focus on the needs of populations who experience high or rapidly rising rates of suicide.

"(d) COLLABORATION.—In carrying out subsection (a), the Secretary shall ensure that activities under this section are coordinated with activities carried out by the relevant institutes at the National Institutes of Health, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Administration on Children and Families, and the Administration on Aging.

"(e) REQUIREMENTS.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization desiring a grant, contract, or cooperative agreement under subsection (a) shall demonstrate that the program such entity proposes will—

"(1) provide for the timely assessment and treatment of individuals at risk for suicide;

"(2) use evidence-based strategies;

"(3) be based on best practices that are adapted to the local community;

"(4) integrate its program into the existing health care system in the community, including primary health care, mental health services, and substance abuse services;

"(5) be integrated into other systems in the community that address the needs of individuals, including the educational system, juvenile justice system, prisons, welfare and child protection systems, and community youth support organizations;

"(6) use primary prevention methods to educate and raise awareness in the local community by disseminating information about suicide prevention;

"(7) include services for the families and friends of individuals who completed suicide;

"(8) provide linguistically appropriate and culturally competent services;

"(9) provide a plan for the evaluation of outcomes and activities at the local level and agree to participate in a National evaluation;

"(10) provide or ensure adequate provision of mental health and substance abuse services, either through provision of direct services or referral; and

"(11) ensure that staff used in the program are trained in suicide prevention and that professionals involved in the system of care are given training in identifying persons at risk of suicide.

"(f) APPLICATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization receiving a grant, cooperative agreement, or contract under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include a plan for the rigorous evaluation of activities funded under the grant, cooperative agreement, or contract, including a process and outcomes evaluation.

"(g) DISTRIBUTION OF AWARDS.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall ensure that such awards are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(h) EVALUATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization receiving a grant, cooperative agreement, or contract under subsection (a) shall prepare and submit to the Secretary at the end of the program period, an evaluation of all activities funded under this section.

"(i) DISSEMINATION AND EDUCATION.—The Secretary shall ensure that findings derived from activities carried out under this section are disseminated to State, county, and local governmental agencies and nonprofit organizations active in promoting suicide prevention and family support activities.

"(j) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section $75,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2005.

"SEC. 586. MENTAL ILLNESS OUTREACH SCREENING PROGRAMS.

"(a) IN GENERAL.—The Secretary shall award grants, cooperative agreements, or contracts to States, political subdivisions of States, Indian tribes, tribal organizations, and private nonprofit organizations to conduct outreach screening programs to identify children, adolescents, and adults with a mental illness or a mental illness and co-occurring substance abuse disorder and to provide referrals for such children, adolescents, and adults.

"(b) DURATION.—The Secretary shall award grants, cooperative agreements, or contracts under subsection (a) for a period of not more than 5 years.

"(c) APPLICATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization desiring a grant, cooperative agreement, or contract under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a plan for the rigorous evaluation of activities funded under the grant, including a process and outcomes evaluation; and

"(2) provide or ensure adequate provision of mental health and substance abuse services, either through provision of direct services or referral.

"(d) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization receiving a grant, cooperative agreement, or contract under subsection (a) shall use funds received under such grant—

"(1) to provide screening and referrals for children, adolescents, and adults with a mental illness, especially for underserved populations and groups historically less likely to seek mental health and substance abuse services;

"(2) to ensure that appropriate referrals are provided for children, adolescents, and adults in need of mental health services or in need of integrated services relating to a co-occurring mental illness and substance abuse disorder;

"(3) to utilize evidence-based and cost-effective screening tools; and

"(4) to utilize existing, or to develop if necessary, linguistically appropriate and culturally competent screening tools.

"(e) Distribution of Awards.—The Secretary shall ensure that such grants, cooperative agreements, and contracts awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(f) Evaluation.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, cooperative agreement, or contract under subsection (a) shall prepare and submit to the Secretary an evaluation at the end of the program period regarding activities funded under the grant.

"(g) Public Information.—The Secretary shall ensure that the evaluations submitted under subsection (f) are available and disseminated to State, county and local governmental agencies, and to private providers of mental health and substance abuse services.

"(h) Authorization of Appropriation.—There is authorized to be appropriated to carry out this section, $15,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2005.

"SEC. 587. GRANTS FOR MENTAL ILLNESS TREATMENT SERVICES.

"(a) Grants for the Expansion of Mental Health Services.—

"(1) In general.—The Secretary shall award grants, contracts, or cooperative agreements to States, political subdivisions of States, Indian tribes, tribal organizations, and private nonprofit organizations for the purpose of expanding community-based mental health services to meet emerging or urgent mental health service needs in local communities.

"(2) Priority.—The Secretary shall give priority in making awards under paragraph (1) to States, political subdivisions of States, Indian tribes, tribal organizations, and private nonprofit organizations that—

"(A) have an integrated system of care or are committed to developing such system of care;

"(B) have a significant need for mental health services as shown by a needs assessment and a lack of funds for providing the needed services; and

"(C) will work with—

"(i) adults who have a history of repeated psychiatric hospitalizations, have a history of interactions with law enforcement or the criminal justice system, or are homeless; or

"(ii) children or adolescents who are at risk for suicide, parental relinquishment of custody, encounters with the juvenile justice system, behavior dangerous to themselves or others, or being homeless.

"(3) Use of funds.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization receiving a grant, contract, or cooperative agreement under paragraph (1) may use the funds received under such grant, contract, or cooperative agreement to—

"(A) develop an integrated system of care for the provision of services for children with a serious emotional disturbance or adults with a serious mental illness;

"(B) expand community-based mental health services, which may include assertive community treatment, intensive case management, psychiatric rehabilitation, peer support services, comprehensive wraparound services, and day treatment programs;

"(C) ensure continuity of care for children, adolescents, and adults discharged from the hospital and returning to the community; and

"(D) provide outreach to children, adolescents, and adults in the community in need of mental health services, including individuals who are homeless.

"(b) Grants for the Integrated Treatment of Serious Mental Illness and Co-occurring Substance Abuse.—

"(1) In general.—The Secretary shall award grants, contracts, or cooperative agreements to States, political subdivisions of States, Indian tribes, tribal organizations, and private nonprofit organizations for the development or expansion of programs to provide integrated treatment services for individuals with a serious mental illness and a co-occurring substance abuse disorder.

"(2) Priority.—In awarding grants, contracts, and cooperative agreements under paragraph (1), the Secretary shall give priority to applicants that emphasize the provision of services for individuals with a serious mental illness and a co-occurring substance abuse disorder who—

"(A) have a history of interactions with law enforcement or the criminal justice system;

"(B) have recently been released from incarceration;

"(C) have a history of unsuccessful treatment in either an inpatient or outpatient setting;

"(D) have never followed through with outpatient services despite repeated referrals; or

"(E) are homeless.

"(3) Use of funds.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, contract, or cooperative agreement under paragraph (1) shall use funds received under such grant—

"(A) to provide fully integrated services rather than serial or parallel services;

"(B) to employ staff that are cross-trained in the diagnosis and treatment of both serious mental illness and substance abuse;

"(C) to provide integrated mental health and substance abuse services at the same location;

"(D) to provide services that are linguistically appropriate and culturally competent;

"(E) to provide at least 10 programs for integrated treatment of both mental illness and substance abuse at sites that previously provided only mental health services or only substance abuse services; and

"(F) to provide services in coordination with other existing public and private community programs.

"(4) Condition.—The Secretary shall ensure that a State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, contract, or cooperative agreement under paragraph (1) maintains the level of effort necessary to sustain existing mental health and substance abuse programs for other populations served by mental health systems in the community.

"(5) Distribution of awards.—The Secretary shall ensure that grants, contracts, or cooperative agreements awarded under paragraph (1) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(c) Duration.—The Secretary shall award grants, contract, or cooperative agreements under subsections (a) and (b) for a period of not more than 5 years.

"(d) Application.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that desires a grant, contract, or cooperative agreement under subsection (a) or (b) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include a plan for the rigorous evaluation of activities funded with an award under such subsections, including a process and outcomes evaluation.

"(e) Evaluation.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, contract, or cooperative agreement under subsections (a)(1) and (b)(1) shall prepare and submit a plan for the rigorous evaluation of the program funded under such grant, contract, or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

"(f) Authorization of Appropriation.—There is authorized to be appropriated to carry out this section—

"(1) $50,000,000 for subsection (a) for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2005; and

"(2) $50,000,000 for subsection (b) for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2005.

"SEC. 588. CENTERS OF EXCELLENCE FOR POST TRAUMATIC STRESS AND RELATED DISORDERS.

"(a) In General.—The Secretary shall award grants, contracts, or cooperative agreements to public and nonprofit private entities for the purpose of establishing national and regional centers of excellence on psychological trauma response and for developing knowledge with regard to evidence-based practices for treating psychiatric disorders resulting from witnessing or experiencing a traumatic event.

"(b) Priorities.—In awarding grants, contracts, or cooperative agreements under subsection (a) related to the development of knowledge on evidence-based practices for treating disorders associated with psychological trauma, the Secretary shall give priority to entities proposing programs that work with children, adolescents, adults, and families who are survivors and witnesses of domestic, school, and community violence and terrorism.

"(c) Geographical Distribution.—The Secretary shall ensure that grants, contracts, or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

"(d) Application.—A public or nonprofit private entity desiring a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(e) Evaluation.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract, or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract, or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

"(f) Duration of Awards.—With respect to a grant, contract or cooperative agreement awarded under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years. Such grants, contracts, or agreements may be renewed.

"(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.

"SEC. 589. MENTAL ILLNESS TREATMENT COMPLIANCE INITIATIVE.

"(a) In General.—The Secretary, acting through the Director of the National Institute of Mental Health, shall establish a research program to determine factors contributing to noncompliance with outpatient treatment plans, and to design innovative, community-based programs that use noncoercive methods to enhance compliance.

"(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

"SEC. 590. CENTERS OF EXCELLENCE FOR TRANSLATIONAL RESEARCH.

"(a) In General.—The Director of the National Institute of Mental Health shall establish Centers for Excellence in Translational Research to speed knowledge from basic scientific findings to clinical application.

"(b) Purpose.—Such centers shall—

"(1) engage in basic and clinical research and training of clinicians in the neuroscience of mental health; and

"(2) develop model curricula for the teaching of basic neuroscience to medical students, residents, and post doctoral fellows in clinical psychiatry and psychology.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

"SEC. 591. INCENTIVES TO INCREASE THE SUPPLY OF BASIC AND CLINICAL MENTAL HEALTH RESEARCHERS.

"(a) In General.—The Secretary, acting through the Director of National Institute of Mental Health, shall develop and implement a program to increase the supply of basic researchers and clinical researchers in the mental health field. Such program may include loan forgiveness, scholarships, and fellowships with both stipends and funds for laboratory investigation. Such program, in part, shall be designed to attract both female and under-represented minority psychiatrists and psychologists into laboratory research in the neuroscience of mental health and mental illness.

"(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

"SEC. 592. IMPROVING OUTCOMES FOR CHILDREN AND ADOLESCENTS THROUGH SERVICES INTEGRATION BETWEEN CHILD WELFARE AND MENTAL HEALTH SERVICES.

"(a) In General.—The Secretary shall award grants, contracts or cooperative agreements to States, political subdivisions of States, Indian tribes, and tribal organizations to provide integrated child welfare and mental health services for children and adolescents under 19 years of age in the child welfare system or at risk for becoming part of the system, and parents or caregivers with a mental illness or a mental illness and a co-occurring substance abuse disorder.

"(b) Duration.—With respect to a grant, contract or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

"(c) Application.—

"(1) In general.—To be eligible to receive an award under subsection (a), a State, political subdivision of a State, Indian tribe, or tribal organization shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) Content.—An application submitted under paragraph (1) shall—

"(A) describe the program to be funded under the grant, contract or cooperative agreement;

"(B) explain how such program reflects best practices in the provision of child welfare and mental health services; and

"(C) provide assurances that—

"(i) persons providing services under the grant, contract or cooperative agreement are adequately trained to provide such services; and

"(ii) the services will be provided in accordance with subsection (d).

"(d) Use of Funds.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant, contract, or cooperative agreement under subsection (a) shall use amounts made available through such grant, contract or cooperative agreement to—

"(1) provide family-centered, comprehensive, and coordinated child welfare and mental health services, including prevention, early intervention and treatment services for children and adolescents, and for their parents or caregivers;

"(2) ensure a single point of access for such coordinated services;

"(3) provide integrated mental health and substance abuse treatment for children, adolescents, and parents or caregivers with a mental illness and a co-occurring substance abuse disorder;

"(4) provide training for the child welfare, mental health and substance abuse professionals who will participate in the program carried out under this section;

"(5) provide technical assistance to child welfare and mental health agencies;

"(6) develop cooperative efforts with other service entities in the community, including education, social services, juvenile justice, and primary health care agencies;

"(7) coordinate services with services provided under the medicaid program and the State Children's Health Insurance Program under titles XIX and XXI of the Social Security Act;

"(8) provide linguistically appropriate and culturally competent services; and

"(9) evaluate the effectiveness and cost-efficiency of the integrated services that measure the level of coordination, outcome measures for parents or caregivers with a mental illness or a mental illness and a co-occurring substance abuse disorder, and outcome measures for children.

"(e) Distribution of Awards.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(f) Evaluation.—The Secretary shall evaluate each program carried out by a State, political subdivision of a State, Indian tribe, or tribal organization under subsection (a) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2005.".

"SEC. 593. PRIMARY CARE RESIDENCY TRAINING GRANTS.

"(a) In General.—The Secretary shall award grants to institutions with accredited residency training programs that provide residency training in primary care to provide training to identify individuals with a mental illness and to refer such individuals for treatment to mental health professionals when appropriate.

"(b) Primary Care.—In this section, the term 'primary care' includes family practice, internal medicine, pediatrics, obstetrics and gynecology, geriatrics, and emergency medicine.

"(c) Distribution of Awards.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(d) Eligibility.—In order to be eligible to receive a grant under this section, an institution with a residency training program shall require residents to demonstrate core competencies in the diagnosis, treatment options, and referral for treatment for individuals with a mental illness.

"(e) Application.—An institution with a residency training program desiring a grant under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(f) Use of Funds.—An institution with a residency training program that receives a grant under subsection (a) shall use funds received under such grant to—

"(1) provide training for the diagnosis and treatment of mental illness, and for appropriate referrals to mental health professionals; and

"(2) develop model curricula or expand existing model curricula to teach primary care residents the relationship between physical illness and the mind and to effectively diagnose and treat mental illnesses and make appropriate referrals to mental health professionals which shall include—

"(A) the development of core competencies in the diagnosis, treatment options, and referral of individuals with a mental illness;

"(B) a testing component to ensure that residents demonstrate a proficiency in such core competencies; and

"(C) model curricula regarding neuroscience and behavior to enhance the understanding of mental illness.

"(g) Evaluation.—An institution with a residency training program that receives a grant under subsection (a) shall prepare and submit to the Secretary an evaluation of the activities carried out with funds received under this section, including a process and outcomes evaluation.

"(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005.

"SEC. 594. TRAINING AND CONTINUING EDUCATION GRANTS FOR PRIMARY HEALTH CARE PROVIDERS.

"(a) In General.—The Secretary shall award grants to academic health centers, community hospitals, and out-patient clinics, including community health centers and community mental health centers, for the continuing education of appropriate primary care providers in the diagnosis, treatment, and referrals of children, adolescents, and adults with a mental illness to mental health professionals, and for the education of primary care providers in the delivery of effective medical care to such children, adolescents, and adults.

"(b) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(c) APPLICATION.—An academic health center, community hospital, or out-patient clinic, including a community health center and a community mental health center, desiring a grant under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities carried out with funds received under this section, including a process and outcomes evaluation.

"(d) USE OF FUNDS.—An academic health center, community hospital, or out-patient clinic, including a community health center and a community mental health center, that receives a grant under this section shall use funds received under such grant for the continuing education of primary care providers in the diagnosis, treatment options, and appropriate referrals of children, adolescents, and adults with a mental illness to mental health professionals, and for the education of primary care providers in the delivery of effective medical care to such children, adolescents, and adults.

"(e) EVALUATION.—An academic health center, community hospital, or out-patient clinic, including a community health center and a community mental health center, that receives a grant under this section shall prepare and submit an evaluation to the Secretary that describes activities carried out with funds received under this section.

"(f) DEFINITIONS.—In this section:

"(1) HEALTH CENTER.—The term 'health center' has the meaning given such term in section 330, and includes community mental health centers.

"(2) PRIMARY CARE.—The term 'primary care' includes family practice, internal medicine, pediatrics, obstetrics and gynecology, geriatrics, and emergency medicine.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005.

"SEC. 595. COMMISSION.

"(a) COMMISSION.—There is established a Commission that shall study issues regarding the diagnosis, treatment, rehabilitation, and hospitalization of individuals with a mental illness, make recommendations regarding the findings of such research, and develop model State legislation based on the results of such research if appropriate.

"(b) DUTIES.—The Commission established under subsection (a) shall—

"(1) study issues regarding the screening, diagnosis, and treatment of individuals with a mental illness in both an outpatient and inpatient setting;

"(2) study the effectiveness and results of outpatient and inpatient involuntary treatment of individuals with a mental illness, review existing laws governing outpatient involuntary treatment of individuals with a mental illness, and if appropriate, propose model State legislation to regulate such involuntary treatment;

"(3) study the effectiveness and results of promoting the inclusion of individuals with a mental illness in their treatment decisions and the use of psychiatric advance directives, and if appropriate, propose model State legislation;

"(4) review the report 'Mental Health: A Report of the Surgeon General' and develop policy recommendations for Federal, State, and local governments to guide the development of public policy, implement the findings of the Surgeon General;

"(5) develop mental health proposals, based on the supplemental report of the Surgeon General on mental health and race, culture, and ethnicity, to improve the diagnosis, treatment, rehabilitation, and hospitalization of individuals with a mental illness, and the utilization of services for such individuals among diverse populations;

"(6) study the coordination of services between the health care system, social services system, and the criminal justice system for individuals with a mental illness;

"(7) study the adequacy of current treatment services for mental illness; and

"(8) study issues regarding the mental illness of incarcerated individuals in the criminal justice system and develop recommendations for programs to identify, diagnose, and treat such individuals.

"(c) MEMBERS OF THE COMMISSION.—

"(1) IN GENERAL.—The Commission established under subsection (a) shall be composed of—

"(A) the Director of the National Institute of Mental Health;

"(B) the Director of the Center for Mental Health Services; and

"(C) a representative from a State or local mental health agency;

"(D) a judge;

"(E) a prosecutor;

"(F) a criminal defense attorney;

"(G) a constitutional law scholar;

"(H) a law enforcement official;

"(I) a county corrections official.

"(J) a board certified psychiatrist;

"(K) a psychologist;

"(L) a medical ethicist;

"(M) 2 mental health advocates, 1 of which shall be a consumer of mental health services; and

"(N) a family member of an individual with a mental illness.

"(2) SELECTION.—Members of the Commission established under subsection (a) shall be selected in the following manner:

"(A) The Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, shall select 5 members of the Commission, with not more than 3 of such members being of the same political party.

"(B) The Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, shall select 5 members of the Commission, with not more than 3 of such members being of the same political party.

"(C) The President shall select 5 members of the Commission, 2 of which shall be the Director of the National Institute of Mental Health and the Director of the Center for Mental Health Services.

"(d) REPORT.—

"(1) INTERIM REPORT.—Not later than 10 months after the date of enactment of this section, the Commission shall prepare and submit to Congress a report that describes the progress of the Commission regarding issues described in paragraphs (2) and (3) of subsection (b) and recommends the value of developing model State legislation.

"(2) FINAL REPORT.—Not later than 18 months after the date of enactment of this section, the Commission shall prepare and submit to the President and Congress a report that describes the findings of the Commission, and the recommendations and model legislation created by such Commission.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $1,500,000.".

SEC. 4. LAW ENFORCEMENT MENTAL HEALTH GRANT PROGRAMS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part U (42 U.S.C. 3796hh et seq.) the following:

"PART V—MENTAL HEALTH GRANT PROGRAMS

"Subpart 1—Mental Health Court Grant Program

"SEC. 2201. GRANT AUTHORITY.

"(a) PROGRAM AUTHORIZED.—The Attorney General shall make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or nonprofit entities, for up to 125 Mental Health Court grant programs.

"(b) PURPOSE.—Such Mental Health Court grant programs described in subsection (a) shall involve—

"(1) the specialized training of law enforcement and judicial personnel, including prosecutors and public defenders, to identify and address the unique needs of individuals with a mental illness who come in contact with the criminal justice system; and

"(2) the coordination of criminal adjudication, continuing judicial supervision, and the delivery of mental health treatment and related services for preliminarily qualified individuals, including—

"(A) voluntary outpatient or inpatient mental health treatment, in the least restrictive manner appropriate as determined by the court, that carries with it the possibility of dismissal of charges or reduced sentencing upon successful completion of treatment; and

"(B) centralized case management involving the consolidation of cases, including violations of probation, and the coordination of all mental health treatment plans and social services, including substance abuse treatment where co-occurring disorders are present, life skills training, housing placement, vocational training, education, job placement, health care, and relapse prevention for each participant who requires such services.

"(c) CONSTRUCTION.—Nothing in this subpart shall preclude States from implementing a system to divert preliminarily qualified individuals in law enforcement custody for nonviolent or misdemeanor offenses out of the criminal justice system and into appropriate treatment programs.

"SEC. 2202. DEFINITION.

"In this subpart, subject to the requirements of section 2204(b)(8), the term, 'preliminarily qualified individual' means a person in law enforcement custody who—

"(1)(A) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness, mental retardation, or a co-occurring mental illness and substance abuse disorder; or

"(B) manifests obvious signs of having a mental illness, mental retardation, or a co-occurring mental illness and substance abuse disorder during arrest or confinement or before any court; and

"(2) is deemed eligible by a designated judge.

"SEC. 2203. ADMINISTRATION.

"(a) CONSULTATION.—The Attorney General shall consult with the Secretary and any other appropriate officials in carrying out this subpart.

"(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this subpart.

"(c) REGULATORY AUTHORITY.—The Attorney General shall issue regulations and guidelines necessary to carry out this subpart which shall include the methodologies and outcome measures proposed for evaluating each applicant program.

"SEC. 2204. APPLICATIONS.

"(a) IN GENERAL.—To request funds under this subpart, the chief executive of a State, a unit of local government, or an Indian tribal government shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

"(b) CONTENTS.—In addition to any other requirement the Attorney General may specify under subsection (a), an application for a grant under this subpart shall—

"(1) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

"(2) include a plan for the coordination of mental health treatment and social service programs for individuals needing such services, including life skills training, such as housing placement, vocational training, education, job placement, health care, relapse prevention, and substance abuse treatment where co-occurring disorders are present;

"(3) contain an assurance that—

"(A) there has been appropriate consultation with all affected mental health and social service agencies and programs in the development of the plan and that there will be sufficient ongoing coordination with the affected agencies and programs during implementation to ensure that they will have adequate capacity to provide the services;

"(B) the Mental Health Court program will provide continuing supervision of treatment plan compliance for a term not to exceed the maximum allowable sentence or probation for the charged or relevant offense and continuity of psychiatric care at the end of the supervised period;

"(C) individuals referred to a Mental Health Court will receive a full mental health evaluation by a qualified professional;

"(D) the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available; and

"(E) the program will be evaluated no less than once every 12 months using the methodology and outcome measures identified in the grant application;

"(4) include a long-term strategy and detailed implementation plan;

"(5) explain the applicant's inability to fund the program adequately without Federal assistance;

"(6) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support;

"(7) describe the methodology and outcome measures that will be used in evaluating the program; and

"(8) identify plans to ensure that individuals charged with serious violent felonies, including murder, rape, crimes involving the use of a firearm or explosive device, and any other crimes identified by the applicant, will not be referred to the Mental Health Court.

"SEC. 2205. FEDERAL SHARE.

"The Federal share of a grant made under this subpart may not exceed 75 percent of the total costs of the program described in the application submitted under section 2204 for the fiscal year for which the program receives assistance under this subpart, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. The use of the Federal share of a grant made under this subpart shall be limited to new expenses necessitated by the proposed program, including the development of treatment services and the hiring and training of personnel. In-kind contributions may constitute a portion of the non-Federal share of a grant.

"SEC. 2206. GEOGRAPHIC DISTRIBUTION.

"The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made that considers the special needs of rural communities, Indian tribes, and Alaska Natives.

"SEC. 2207. REPORT.

"A State, State court, local court, unit of local government, or Indian tribal government that receives funds under this subpart during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this subpart.

"Subpart 2—Mental Health Screening and Treatment Grant Program in Jails and Prisons

"SEC. 2221. GRANT AUTHORITY.

"The Attorney General shall carry out a pilot program under which the Attorney General shall make a grant to 10 States selected by the Attorney General for use in accordance with this subpart.

"SEC. 2222. USE OF GRANT AMOUNTS.

"Amounts made available under a grant awarded under this subpart—

"(1) shall be used for mental health screening, evaluation, and treatment of individuals detained or incarcerated in State and local correctional institutions; and

"(2) may be used to incorporate mental health screening and treatment into the State and local probation and parole systems.

"SEC. 2223. MINIMUM GRANT AMOUNT.

"The amount of a grant awarded to a State under this subpart for any fiscal year shall not be less than 2.5 percent of the total amount made available to carry out this subpart for that fiscal year.

"SEC. 2224. STATE AND LOCAL ALLOCATION.

"Of the amount made available under a grant awarded to a State under this subpart—

"(1) 25 percent shall be used by the State in accordance with section 2222; and

"(2) 75 percent shall be distributed to units of local government within the State for use in accordance with section 2222.

"SEC. 2225. REPORT.

"A State that receives funds under this subpart during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this subpart.

Subpart 3—Law Enforcement Mental Health Training Grant Program

"SEC. 2231. GRANT AUTHORITY.

"The Attorney General shall make grants to States, which shall be used to train State and local law enforcement officers—

"(1) to identify and respond effectively to individuals with a mental illness who come into contact with the criminal justice system; and

"(2) regarding the mental health treatment resources available in the community for individuals with a mental illness who come into contact with the criminal justice system.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after the item relating to part U the following:

"PART V—MENTAL HEALTH COURTS

"SUBPART 1—MENTAL HEALTH COURT GRANT PROGRAM

"Sec. 2201. Grant authority.
"Sec. 2202. Definition.
"Sec. 2203. Administration.
"Sec. 2204. Applications.

"SUBPART 2—MENTAL HEALTH SCREENING AND TREATMENT GRANT PROGRAM IN JAILS AND PRISONS

"Sec. 2221. Grant authority.
"Sec. 2222. Use of grant amounts.
"Sec. 2223. Minimum grant amount.
"Sec. 2224. State and local allocation.

"SUBPART 3—LAW ENFORCEMENT MENTAL HEALTH TRAINING GRANT PROGRAM

"Sec. 2231. Grant authority.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting after paragraph (19) the following:

"(20) There are authorized to be appropriated—

"(A) to carry out subpart 1 of part V, $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005;

"(B) to carry out subpart 2 of part V, $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005; and

"(C) to carry out subpart 3 of part V, $50,000,000 for fiscal year 2001 and such sums as may be necessary for each fiscal years 2002 through 2005.".

THE MENTAL HEALTH EARLY INTERVENTION, TREATMENT, AND PREVENTION ACT OF 2000—SUMMARY

Twenty-five to forty percent of individuals in the United States with a mental illness come into contact with the criminal justice system each year. Sixteen percent of individuals incarcerated in state and local jails suffer from a mental illness. About 30,000 Americans, including 2,000 children and adolescents, commit suicide each year.

The bill seeks to prevent the often tragic results of mental illness, such as acts of violence and suicide, before they occur. It provides a series of programs to raise awareness about mental illness; to increase resources for the screening, diagnosis, and treatment of mental illness; and to increase resources to enable the criminal justice system to respond more effectively to persons with mental illness.

ANTI-STIGMA CAMPAIGN AND SUICIDE PREVENTION CAMPAIGN

The bill proposes an anti-stigma campaign using media and public education, aimed at reducing the stigma often associated with mental illness.

TRAINING FOR TEACHERS, EMERGENCY SERVICES PERSONNEL, AND PRIMARY CARE PROFESSIONALS

The bill proposes a program to provide training to teachers and emergency services personnel to identify and respond to individuals with mental illness, and to raise awareness about available mental health resources. A separate program will provide continuing education of primary care professionals in the delivery of mental health care.

EMERGENCY MENTAL HEALTH CENTERS

The Centers will serve as a specific site in communities for individuals in need of emergency mental health services, and will also provide mobile crisis intervention teams.

JAIL DIVERSION DEMONSTRATION

A demonstration initiative will create 125 programs to divert individuals with mental illness from the criminal justice system to community-based services.

SUICIDE PREVENTION ACROSS THE LIFE SPECTRUM

A program to provide timely assessment and referral for treatment for children, adolescents, and adults at risk for suicide, with priority given to groups experiencing high or increasing rates of suicide.

MENTAL ILLNESS TREATMENT GRANTS

A grant program will be available to develop or expand treatment services for mental illness in communities with urgent or emerging need for such services. Grants will also be available to provide integrated treatment for individuals with a serious mental illness and a co-occurring substance abuse disorder; the emphasis will be on individuals with a history of involvement with law enforcement or a history of unsuccessful treatment.

MENTAL ILLNESS OUTREACH SCREENING

A grant program will be established to conduct outreach screening to identify individuals with a mental illness or with a mental illness and a co-occurring substance abuse disorder, and provide appropriate referrals for treatment.

CENTERS OF EXCELLENCE FOR POST-TRAUMATIC STRESS AND RELATED DISORDERS

A grant program will be established to support national and regional centers of excellence to respond to psychological trauma, and to psychiatric disorders resulting from witnessing or experiencing a traumatic event.

EXPANDED ROLE OF THE NATIONAL INSTITUTE OF MENTAL HEALTH

The National Institute of Mental Health will study the factors that contribute to noncompliance with outpatient treatment plans. It will also establish centers of excellence for research, and increase the number of basic and clinical researchers.

INCREASED COORDINATION OF CHILDREN'S SERVICES

A program will be established to improve outcomes among at-risk children by integrating child welfare and mental health services.

BLUE RIBBON COMMISSION

The Commission will make recommendations on issues relating to mental illness. It will focus on diagnosis and treatment, and the interaction between mental illness and the criminal justice system.

MENTAL HEALTH COURTS

This demonstration program will create 125 Mental Health Courts with separate dockets to handle cases involving individuals with a mental illness. These individuals will be voluntarily assigned to out-patient or inpatient mental health treatment as an alternative sentence.

MENTAL HEALTH SCREENING AND TREATMENT IN JAILS AND PRISONS

A pilot program will be created to provide states and local governments with funds to screen, evaluate, and treat individuals with mental illness in local jails or state prisons.

LAWS ENFORCEMENT MENTAL HEALTH TRAINING

This program will train law enforcement officers to identify and effectively respond to individuals with a mental illness and to educate police officers about available mental health resources.●

● Mr. KENNEDY. Mr. President, I welcome this opportunity to work with Senator DOMENICI on this important issue of mental health care, and I commend him for his leadership. In American medicine today, patients with biochemical problems in their liver are treated with compassion, but those with biochemical problems in their brain are treated harshly. That discrepancy is unacceptable. The stigma against the mentally ill is a blatant form of discrimination. The legislation that Senator DOMENICI and I are introducing is intended to correct this inequity and to assure that those with mental illness will get the treatment they need.

The first-ever Surgeon General's Report on Mental Health was released last December. It provides a solid foundation on which to build. It is a powerful statement that treating the problems of mental illness more effectively must be one of our Nation's highest priorities. The Surgeon General's Report makes two basic points. Mental illness is a national crisis—and our treatment of the mentally ill is a national disgrace.

One in five Americans will experience some form of mental illness this year. Mental illnesses are our second leading cause of disability. Yet success rates for treating mental illnesses are as high as 80 percent. Effective drugs with limited side effects have become available in recent years. Note that the success rates for treatment of other chronic diseases, such as hypertension and diabetes, are not quite as high. But people with high blood pressure or diabetes still seek treatment. Unfortunately, fear, stigma and lack of available treatment combine to prevent individuals with mental illness from seeking treatment.

There are several reasons for this. First is stigma. People are afraid to admit mental illness to their doctors, or even to themselves. In fact, two-thirds of those with diagnosable mental illnesses do not seek treatment. Second, there is a very low public understanding of mental disorders and of the fact that they are treatable. Third, individuals with mental illness may not be correctly diagnosed or appropriately referred for treatment. Fourth, people who do seek treatment for mental illness find that it is not available or that their insurance plans will not cover it.

One result of the lack of treatment is suicide. Fifty percent more Americans die by their own hand each year than are killed by other; 29,264 suicides occurred in 1998 compared with 17,350 homicides. Suicide is the third leading killer of the Nation's youth.

What is happening to many of those who suffer from mental illness? Jails and prisons represent the largest residential center for those suffering from mental illnesses, but few prisoners receive treatment there.

The bill that Senator DOMENICI and I are introducing today, "The Mental Health Early Intervention, Treatment, and Prevention Act of 2000," is a giant step toward giving mental health the priority it deserves. But we cannot promote mental health without eradicating the stigma surrounding mental illness. Since fear and ignorance compound the problem, a campaign to improve public understanding about mental illness will combat the ignorance and decrease the fear.

Increased public understanding is not sufficient, however. Successful treatment of those suffering from mental illness requires effective care by skilled professionals. Many individuals with mental illness do not realize the nature of scope of their problem, and those whom they might encounter in daily life are unable to assist them. Our bill will enable us to reach out to find persons with mental illness. It will train teachers, police and others to provide front-line help.

Our legislation provides for the establishment of suicide prevention programs. It will also develop screening programs to identify and reach out to those with mental illnesses so that they seek effective treatment. We will also establish response teams and designate centers to provide patients with such treatment.

Patients suffering from mental illness are more likely to experience a greater number of physical ailments as well. Their primary care physicians are often not equipped to recognize mental illness or to make the appropriate referral to a mental health professional. Our bill will develop programs to train primary care health providers to treat the physical symptoms of those who suffer from mental illness, while making sure that they obtain care for their mental well-being too.

In addition, ignorance of the biology of the brain and the mind has often prevented the development of cures for many forms of mental illness. Our bill will develop educational programs to increase the numbers of researchers investigating the science of mental illness. Special emphasis will be given to training psychiatrists and psychologists in effective ways to bring the discoveries of the laboratory more quickly to the bedside of the patient.

Our bill will develop new strategies to assist individuals with mental illness in the criminal justice system and to strengthen the understanding of mental illness by law enforcement officials. It is likely, as a result, that many who suffer from mental illness will receive treatment rather than punishment, so that they contribute to society instead of being incarcerated by society.

Mental illness is a serious national problem that all of us must deal with more effectively. Our goal in this legislation is to give mental health the high priority it deserves. The enactment of this bill will help those millions of our fellow citizens who, at this moment, are suffering in silence.●

By Mrs. BOXER:

S. 2640. A bill to amend title 38, United States Code, to permit Department of Veterans Affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS PRESCRIPTIONS LEGISLATION

Mrs. BOXER. Mr. President, as the country enters this Memorial Day weekend to pay tribute to those who gave their lives to protect and defend the United States, I come before the Senate to introduce legislation aimed at making it easier for veterans to receive medications through the VA health care system.

Right now, VA pharmacies are prohibited from dispensing medications that are prescribed by non-VA practitioners. This means that veterans can not have their prescriptions filled at a VA facility if it is written by their private doctor. Under current law, veterans only have to pay $2 for each 30-day supply of medication supplied by the VA. Therefore, if a veteran needs to have a prescription filled by a non-VA practitioner, it can mean great out-of-pocket expenses. My legislation would change the current system to allow the VA to fill prescriptions that are written by non-VA practitioners.

This bill has been endorsed by The American Legion, the National Association of Uniformed Services and the Non-Commissioned Officers Association. I believe it is a common sense approach, and I think we owe it to veterans to make health care as affordable and accessible as possible.

Earlier today, I had the pleasure of speaking at the Veterans Washington Rally which was sponsored by the Vietnam Veterans of America, Rolling Thunder, the Jewish War Veterans and other veteran supporters. These veterans were asking for full funding for the VA health care system as spelled out in the Independent Budget, a comprehensive analysis of the VA budget which is prepared each year with the support of several veteran organizations.

Veterans are rightly concerned that current budget plans are barely enough to keep up with health care inflation and is nowhere near enough to provide quality emergency and long-term care or begin a serious fight against hepatitis C. I was proud to see these veterans fighting for the benefits and services that are rightly theirs, and I hope we can address their concerns when the Senate considers the VA-HUD appropriations bill later this year.

Thank you, Mr. President. And, may God bless all of America's veterans this Memorial Day.

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 2641. A bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

TO AUTHORIZE THE PRESIDENT TO PRESENT THE GOLD MEDAL ON BEHALF OF CONGRESS TO FORMER PRESIDENT JIMMY CARTER AND FORMER FIRST LADY ROSALYNN CARTER

Mr. CLELAND. Mr. President, I rise today to introduce a bill that would authorize the President to present a Gold Medal on behalf of Congress to former President Jimmy Carter and former First Lady Rosalynn Carter in recognition of their service to the Nation. I would like to thank Senator COVERDELL for co-sponsoring this bill and extend an invitation to all our other colleagues to join us in supporting this legislation to award these two great Americans with Congress' highest honor.

It is widely agreed that President Jimmy Carter and his wife Rosalynn Carter have distinguished records of public service to the American people and the international community. Internationally, the Carters have been involved in a number of public service initiatives ranging from combating famine in Sub-Sahara Africa and encouraging better health care in Third World nations to serving as mediators in an effort to end civil wars in half a dozen countries. President Carter has monitored numerous foreign elections in an effort to spread democracy throughout the world.

A Congressional Gold Medal awarded by Congress will show the appreciation of the American public for the many contributions that President and Mrs. Carter have made, including service in public office from the state legislature to the White House. Jimmy and Rosalynn continue to promote human rights worldwide due to their active involvement in the nonprofit Carter Center in Atlanta that has initiated projects in more than 65 countries to resolve conflicts, promote human rights, build democracy, improve health care worldwide, and revitalize urban areas. In addition, the Carters serve as volunteers for Habitat for Humanity, which helps low income families build their own homes.

I hope that other members of Congress will join me and Senator COVERDELL in recognizing President and Mrs. Carter for their distinguished records of public service by awarding them the Congressional Gold Medal.

By Mr. HATCH:

S. 2642. A bill to amend the Internal Revenue Code of 1986 to provide major tax simplification; to the Committee on Finance.

THE TAX EASE AND MODERNIZATION ACT—PART I

Mr. HATCH. Mr. President, I rise today to introduce legislation intended to start us on the path to a simpler, more rational, and fairer federal tax system. The bill I am introducing in the Senate today, the Tax Ease and Modernization Act—Part I (TEAM-I), is designed to be the first of several installments to incrementally transform the Internal Revenue Code into a revenue collection device that is more efficient, more responsive to the needs of taxpayers, more able to help this nation compete in a global marketplace, and most importantly, much easier to understand, comply with, and administer.

I realize that this is a tall order. I also believe that such a transformation cannot occur overnight. This is why my plan calls for incremental action through a multi-year plan—a plan that we can start implementing this year rather than waiting for consensus to develop around a fundamental tax reform approach that centers on a flat tax, a national consumption tax, or some hybrid system.

As I said on this floor on April 4, 2000, when I announced this plan, I recognize the need for a new paradigm in taxation for this country. I believe our Internal Revenue Code is fundamentally flawed and needs to be replaced with a new system. But such a new tax code will require years of presidential leadership, public education, and an intelligent transition from the current system.

In the meantime, we should not wait for an elusive tax Utopia to come along and remove the immediate need for improvements to the Internal Revenue Code. We should begin to act now, and do what we can to make our current system better in the short run. This is what my plan is all about.

Mr. President, the bill I introduce today begins this transformation process by repealing or repairing some of the most complex and unfair provisions in the Internal Revenue Code. Moreover, it does so in a balanced way, with relief from complexity for every classification of taxpayer—low-income and high income individuals, school teachers and chief executive officers, members of neighborhood investment clubs and high rollers, small businesses and sprawling multinationals, people with IRS problems and families with foster children. The goals are to simplify the tax code and make it more fair for everyone.

Because the Internal Revenue Code is so riddled with complexity at every level, attempting to eliminate it all at once would be difficult at best. Therefore, this bill focuses on solving several of the largest problems affecting millions of taxpayers, then supplements these features with a number of smaller provisions that may appear relatively minor, but as a whole add a tremendous amount of complexity, unfairness, or hassle for many taxpayers, as well as for the Internal Revenue Service.

ALTERNATIVE MINIMUM TAX REPEAL

Mr. President, the Tax Ease and Modernization Act—Part I starts with repealing what is likely to be the largest source of tax compliance headaches for middle- and upper-income families over the next decade—the alternative minimum tax. The alternative minimum tax, or AMT for short, remains unknown to many Americans, and is not well understood even by those nearly 1 million taxpayers it already affects.

The AMT was originally designed to ensure that taxpayers with economic income who take advantage of the tax code's many incentive deductions and credits still pay some tax. However, because of basic design flaws, the AMT's reach now goes far beyond what was intended in 1969 when it was conceived or even in 1986 when it was expanded. In fact, the Treasury Department estimates that at least 17 million taxpayers will be subject to the nightmare-like complexity of the alternative minimum tax by 2010. Even the Clinton administration, traditionally a strong supporter of the AMT, now admits it has grown out of control and advocates changes to tame it.

This bill goes one better and repeals the alternative minimum tax altogether, Mr. President. It is time to rid the code of the kind of super-complexity brought by the AMT, which, in my view, has failed to achieve its objectives of bringing greater fairness to our tax system.

CAPITAL GAINS TAX SIMPLIFICATION

A second major provision of this bill would greatly simplify the taxation of capital gains. Many of my constituents were pleased in 1997 when Congress lowered the capital gains tax rates from 28 percent to 20 percent. However, many were not as excited when they found out what the new law meant come tax return filing time—a 54-line Schedule D accompanied by two worksheets and seven pages of instructions. This is compared to a 39-line form and just two pages of instructions prior to the change.

TEAM–I would simplify capital gains by repealing the current maximum rate approach and instituting a 50 percent exclusion, as was the case before the 1986 Tax Reform Act repealed the capital gains preference. In other words, taxpayers would be allowed to exclude 50 percent of the long-term capital gain from gross income. The remaining 50 percent would be taxed at ordinary income rates. This would do away with the need for a special computation on the tax forms. It would also result in a lower capital gains rate for every tax bracket, with those in the lowest tax brackets getting the largest rate decreases. This bill thus both simplifies capital gains and cuts the effective capital gains tax rate for all individuals.

We should not underestimate the importance of this change. Mr. President. Over the past few years the number of Americans who are invested in capital assets has skyrocketed. The Joint Economic Committee reported last month that the percentage of American families directly and indirectly holding stocks climbed from 31.6 percent in 1989 to 48.8 percent in 1998. Moreover, a recent Federal Reserve study shows that stockholdings made up a record 31.7 percent of household wealth in 1999. And this does not include other capital assets, such as bonds, real estate, and partnership interests. No longer can even the most hardened opponent of capital gains rate reductions argue that it is a tax break only for the wealthy.

In addition, there is abounding evidence that lowering the capital gains tax rate has had a very salutary effect on the economy over the years, particularly since the 1997 change. A 1999 study by Standard and Poor's DRI concluded that the 1997 capital gains tax reduction from a top rate of 28 percent to 20 percent was responsible for about 25 percent of he increase in stock prices from 1997 to 1999. Also, the cost of capital for new investment fell by about 3 percent as a result of the 1997 change. Clearly, when it comes to capital gains, simplicity is needed as well as lower rates. TEAM–I delivers both.

The bill I am introducing today also features a smaller but important provision relating to capital gains from the sale of a principal residence. In 1997, Congress passed a provision that allows homeowners to exclude up to $250,000 of capital gains from the sale of their principal residence. The number is $500,000 for married couples filing a joint return. This has been or will be a tremendous benefit for millions of American families. The provision was flawed in one respect, however, in that it was not indexed for inflation. My bill would index the exclusion for future inflation, in increments of $1,000.

EARNED INCOME TAX CREDIT SIMPLIFICATION

Mr. President, millions of lower-income taxpayers face one of the most complex tax provisions in the entire Internal Revenue Code—the Earned Income Tax Credit (EITC). Taxpayers trying to figure out if they can claim this credit and how to compute it face a daunting challenge—instructions and tables in the Form 1040 instructions that take up ten full pages, including a nine-step flowchart and two worksheets. Even all of this is not enough to provide all the needed information in every case.

Taxpayers, many if not most of whom are surely aggravated and confused by these rules, are referred to IRS Publication 596, a 54-page booklet, to even more detailed information.

Practically every professional tax group that has studied tax complexity recommends major simplification to the EITC. TEAM–I would provide major simplicity, while expanding the credit.

The bill would simplify the EITC rules in two ways, Mr. President. First it modifies the definition of earned income to include only taxable employee compensation and business income readily available on Form 1040. Current law requires the consideration of nontaxable compensation, such as meals and lodging provided for the convenience of the employer and employer-provided educational assistance benefits. Many times these amounts are not readily available to the employee, who is likely to be uncertain whether such nontaxable compensation is provided or not.

Second, TEAM–I simplifies the definition of a dependent child. The source of one of the greatest complexities in the EITC is the definition of a qualifying child. Current law is confusing in part because the definition of a qualifying child is very similar, but not identical, to the definition of a dependent child for purposes of the dependency exemption. In some cases, a child can qualify a taxpayer for the EITC but not for the dependency exemption. The bill simplifies both the dependency exemption and the EITC by moving the definition of a dependent child closer to that of a qualifying child for purposes of the EITC. Thus, with this new definition, taxpayers who are able to claim a dependent child for the exemption should be able to also claim the child for purposes of the earned income tax credit. This solution is based on a concept proposed by the Clinton Administration in the budget for fiscal year 2001.

Mr. President, the bill also expands in three ways the earned income tax credit, which is a program that has proven vital in assisting millions of families at the margin of poverty. The first expansion provides a new category for taxpayers with three or more qualifying children, which offers a higher percentage credit. Current law provides different levels of the credit for taxpayers with no children, taxpayers with one qualifying child, and those with two or more. Secondly, the bill provides a larger maximum credit for all qualifying taxpayer with children by increasing the phaseout amount, which is the level of the taxpayer's earnings at which the credit begins to be phased out, from the current law level of $12,690 to $15,000.

Perhaps even more significantly, the bill takes a major step toward relieving the onerous marriage penalty inherent in the current Earned Income Tax Credit. This is accomplished by increasing the amount at which the credit begins to be phased out by an extra $5,000 for taxpayers who are married filing a joint return. While this will not eliminate the marriage penalty problem of the EITC, which is among the largest marriage penalties in the tax code, it does take an important step toward reducing it.

REPEAL OF LIMITATIONS ON ITEMIZED DEDUCTIONS AND PERSONAL EXEMPTIONS

Mr. President, two of the most unfair and complex provisions of the current tax law are aimed squarely at upper-middle and higher-income taxpayers. After the 1986 Tax Reform Act lowered the top tax rate to 28 percent, the Democratically led Congress decided that this was too low a tax rate for successful Americans who were considered wealthy. Rather than a straightforward increase in the top tax bracket, however, Congress decided to be sneaky about it and raised the marginal tax rates on certain taxpayers by limiting their itemized deductions and personal exemptions. The effects of these provisions are twofold. First, they obscure the true rate of tax being levied on taxpayers subject to these provisions. Second, and probably most damaging, they add a great deal of unwarranted complexity. My bill solves both problems by simply repealing these provisions.

BUSINESS TAX SIMPLIFICATION

While the Tax Ease and Modernization Act—Part I focuses mostly on the complexity problems of individual taxpayers, it does not ignore businesses, who often face complexity in the extreme. The second and third installments of this effort will feature many more simplification provisions to help ensure that American businesses stay competitive in the global marketplace and are not forced to waste resources on unnecessary tax compliance costs.

Part I features three relatively small but important provisions that will simplify taxes for practically all business taxpayers in America. The first provision would change the law to provide that corporate taxpayers no longer have to pay a higher rate of interest to the Internal Revenue Service on underpayments of tax than the rate the government pays to them for overpayments. Currently, individual taxpayers enjoy an equal interest rate for overpayments and underpayments. Corporations, however, must pay as much as a 4.5 percentage points more in interest on underpayments than they receive on overpayments. The bill would equalize these amounts at a rate of the short-term Applicable Federal Rate plus three percentage points.

The second business provision would clean up a complex inequity that was only partially addressed by the Internal Revenue Service Restructuring and Reform Act of 1998. That Act established a net interest rate of zero where interest is payable and allowable on equivalent amounts of overpayment and underpayment that exist for any tax period. However, that provision fell short of providing the simplicity and fairness needed by taxpayers. Therefore, my bill would extend the concept of global interest netting to all periods and would make the change retroactive as if enacted in the 1998 Act.

The final business provision included in TEAM–I would simplify the accounting for purchases of software by business taxpayers by allowing them to immediately expense the first $20,000 per year instead of capitalizing the cost and depreciating it over three years, as under current law. Having to depreciate relatively small software programs, which are often obsolete well before three years, is costly and complex.

MISCELLANEOUS SIMPLIFICATION PROVISIONS

Mr. President, the bill I introduce today includes a number of smaller but very important simplification provisions designed to ease the tax lives of all taxpayers. Many of these are similar or identical to provisions recently passed by the House in the Taxpayer Bill of Rights 2000 legislation. Other provisions are based on concepts recently suggested to Congress by Mr. Val Oveson, the National Taxpayer Advocate. One of the National Taxpayer Advocate's duties is to recommend to Congress what legislative changes are needed to improve the tax code and make it simpler and easier to administer. Last year, Mr. Oveson presented 53 separate recommendations for legislative improvement in the tax area. My bill incorporates more than a dozen of the most critical of these recommendations.

Also included in the bill are several other tax simplification measures, suggested by a variety of sources. One of these is S. 1952, a bill introduced last year by Senator ABRAHAM that would simplify the taxation of investors who participate in small investment clubs. Also included is the text of S. 670, a bill introduced last year by Senators JEFFORDS and DODD that would simplify the tax rules for foster care payments. This provision was also included in last year's large tax bill that was vetoed by President Clinton.

Another provision in the bill would help taxpayers who are former foster parents by providing that if those parent provide over one-half of the support of a foster child beyond the age where the state pays the expenses, they can claim the former foster child as a dependent, just as they could for their own child.

Mr. President, I have also included in TEAM–I another simplification provision, suggested by the Clinton Administration in its fiscal year 2001 budget, which would both simplify the law and remove a disincentive to young people working and saving for their future. Under current law, young people who can be claimed as dependents on their parents tax returns must file a return and pay income tax if they have over $250 of income from savings if their earnings from working plus that income from savings exceeds $700. My bill would increase the allowed amount of earnings from savings from $250 to $1,000 before a return or tax is required.

The bill I am introducing today also includes a provision added as a floor amendment to S. 1134, The Affordable Education Act, by Senator COLLINS, myself, and several others. This provision would allow elementary and secondary school teachers to deduct the cost of their professional development expenses without regard to the current-law 2-percent of adjusted gross income floor. This adds a small measure of both simplicity and fairness to the tax code.

Mr. President, the bill I am introducing is far from perfect. It represents only a relatively small down payment on tax simplification in just a few areas of the Internal Revenue Code. However, I hope that its introduction will lay down a marker for tax simplification that will evoke further discussion and suggestions from interested groups and action toward simplification by my colleagues on the Finance Committee. I welcome comments on how this bill can be improved and what other tax simplification items should be considered in the future of this effort.

One thing I have learned in my study about the problems of our current tax system and ways to improve it is that simplification is far from simple. Some of the most complex portions of the Internal Revenue Code can be easily and reasonably be simplified by their repeal. Others parts, such as the Earned Income Tax Credit, should not be repealed but improved. Doing so, however, can be most difficult.

Moreover, Mr. President, simplification often comes at a cost of lost revenue. While I have not yet received an estimate of the revenue effect of this bill from the Joint Committee on Taxation, it seems clear that the numbers will be high. However, I have concluded that one of the best ways we can spend the projected surplus is on tax simplification. I like to think of it as tax relief for all taxpayers through simplification. Additionally, I believe that simplification should not create winners and losers. To the extent possible in my bill, I have tried to leave all taxpayers at least as well off as under current law. This, however, is also costly in terms of lost revenue.

While it is unclear whether Congress can pass, or whether the President will sign, major tax simplification legislation in this election year, I believe these issues are of such importance that we should not wait to embark on a major debate about them. I hope my colleagues in the Senate and House will join in the discussion, as well as taxpayer advocacy groups, businesses, and other stakeholders throughout the nation.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 2643. A bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control; to the Committee on Foreign Relations.

STOP TB NOW ACT OF 2000

Mr. STEVENS. Mr. President, today my friend the senior Senator from Hawaii, Senator INOUYE, and I are introducing the Stop TB Now Act.

This bill would amend the Foreign Assistance Act of 1961 to authorize one hundred million dollars in each of fiscal years 2001 and 2002 to fight tuberculosis. Each year, eight million people develop active tuberculosis. One and one-half million of those that develop active tuberculosis will die from that disease alone. One person can infect 10 to 15 people in a year.

The global economy and its mobile work force makes the world a smaller place. No country is immune from the reach of this highly contagious disease. In 1999, the United States had almost 18,000 active TB cases. That comes to 6.4 per 100,000 people. According to the Centers for Disease Control, Alaska was ranked fourth in per capita cases of active tuberculosis in 1999. Hawaii has been number one since at least 1997.

This bill has two components. A treatment strategy and the goal of arresting the rise of more dangerous strains of tuberculosis. The World Health Organization has developed directly observed treatment, short-course, referred to by its acronym DOTS. DOTS is a community-based treatment strategy. It uses standardized short course chemotherapy for 6 to 8 months, with direct observation of TB patients. Strict adherence to a drug regime is really the only way to successfully treat TB. Participation at the local level can perpetuate a culture of vigilance against this and other public health threats. Ineffective treatment strategies in the past have led to the emergency of multi-drug resistant tuberculosis, known as MDR–TB.

MDR–TB are strains that are resistant to one or both of the two most effective existing TB drugs. Drugs to treat MDR–TB are at least 100 times more expensive than traditional TB drugs.

This is a staggering cost. Even in our country where the medical community can readily identify and treat MDR–TB, half the patients still die. These are patients using MDR–TB drugs. According to the World Health Organization, in another 3 to 5 years, without a comprehensive prevention and treatment strategy, drug resistant strains of TB will be the dominant form of the disease. Time is of the essence.

In my own State of Alaska, we are concerned about the dramatic increase in MDR–TB in the Russian Far East. That region has enormous trade potential for the State. Our native peoples also travel there on cultural exchanges. Tuberculosis has been called the poor man's disease. Perhaps from our perspective it was once considered a poor country's disease. This is not the case and we cannot ignore the global reach of this disease and its new variants.

I know many of my colleagues on both sides of the aisle are concerned about tuberculosis, as well as its association with the AIDS epidemic. I urge my colleagues to join Senator INOUYE and myself in sponsoring this legislation. It is my hope Congress will act to address this threat this year.

By Mr. GORTON (for himself, Mrs. MURRAY, Mr. SANTORUM, Ms. MIKULSKI, Mr. STEVENS, Mr. COCHRAN, and Mr. L. CHAFEE):

S. 2644. A bill to amend title XVIII of the Social Security Act to expand Medicare coverage of certain self-injected biologicals; to the Committee on Finance.

THE ACCESS TO INNOVATION FOR MEDICARE PATIENTS ACT OF 2000

Mr. GORTON. Mr. President, we know the Medicare program has not kept pace with advances in medical care and changing technology, whether through access to new medical devices or to prescription drugs. Sometimes seniors do not have access to the most advanced care. That needs to change. Some issues, like adding a prescription drug benefit, required broad reform of the program and an influx of new money to pay for the changes. But there are some common sense changes that can be made today could enhance access to life-saving therapies for seniors, particularly those living in rural areas, and potentially save Medicare dollars.

Medicare covers drugs that are administered in the hospital or in a physician's office but will not cover self-injectable drugs or biologics to treat the same disease, notwithstanding the fact that the latter may be superior in terms of efficacy and safety and less expensive. This outdated policy creates a perverse incentive for drug companies to develop drugs that can only be administered by I.V. in a hospital or other acute setting. Those companies that ignore Medicare's coverage policy and develop their products so that they are patient-friendly are penalized, as are the patients who need these products. The end result is often higher costs to the Medicare program, lack of beneficiary access to the best therapies, and treatment delivery problems for beneficiaries in rural areas who may not be in a position to travel to a hospital to receive regular treatments.

Patients suffering from rheumatoid arthritis (RA) are particularly victimized by this coverage policy. RA is a devastating chronic disease. As the disease progresses, sufferers move from self-sufficiency to total disability. The pain in most cases is excruciating. Like all patients with a chronic disease, RA patients face extraordinary out of pocket costs. However, Medicare beneficiaries with RA face a unique set of costs.

One of the most promising breakthroughs for the treatment of RA is a self-injected biologic developed through recombinant DNA technology. It already has been proven to prevent and reverse disability caused by RA, as well as dramatically reduce pain and avoid costly surgery. For many RA sufferers with private insurance or on Medicaid, it has meant the difference between being confined to a wheelchair and walking—and even returning to the workforce!

Since it is self-injected, it is not covered by Medicare. Yet, Medicare will cover another therapy which happens to be delivered intravenously, simply because it is administered (via I.V.) in a hospital. In doing so, Medicare ends up spending more money when one factors in the costs of services and ancillary drugs associated with administration of this covered therapy. Just as important, the current policy denies beneficiaries access to a therapy that has been proven to be more effective, less toxic, and much easier to administer. This anomaly in Medicare's existing drug coverage policy is rooted in 1960's medicine, before the advent of biotechnology and the development of patient-friendly therapies.

Fortunately, there is a simple, budget-neutral way to help seniors who are dependent on Medicare. The Access to Innovation for Medicare Patients Act of 2000, which I will introduce today, along with Senators MURRAY, MIKULSKI, SANTORUM, CHAFEE, and COCHRAN would change Medicare's current drug coverage policy to allow coverage for self-injected biologics that are prescribed in lieu of an intravenous or physician-administered therapy. It would provide individuals suffering from rheumatoid arthritis, multiple sclerosis, hepatitis C, and deep vein thrombosis access to the latest, most promising biotechnology therapies.

This is a modest, common sense change that can and should be accomplished this year regardless of what may happen on comprehensive Medicare reform. If we do enact a Medicare drug benefit this year, this bill should be a part of that. Failure to do so would institutionalize a coverage gap that denies seniors access to breakthrough technology and the best care our medical system provides to everyone else with private health coverage.

According to a budget impact analysis by the Lewin Group, this legislation would not cost the Medicare program money and actually could save approximately $2 million per year. This is a compassionate, common-sense improvement we can make this year to improve the Medicare program for seniors. I hope my colleagues will join me in cosponsoring this bill.

Mrs. MURRAY. Mr. President, I rise today in support of the Access to Innovation for Medicare Patients Act of 2000 and to thank my fellow colleague from Washington state, Senator GORTON, for his work on this important legislation. The Access to Innovation for Medicare Patients Act is critical for Medicare beneficiaries who suffer from chronic and debilitating diseases such as rheumatoid arthritis and multiple sclerosis.

As many of you know, rheumatoid arthritis and multiple sclerosis most often affect women. Until recently, few treatments existed. But advances in biotechnology products have given hope to thousands of individuals. Self-injectable biologic therapies have proven highly effective in reducing the daily, chronic pain that accompanies these devastating diseases. Patients have reported amazing results from self-injectable biologic therapies such as Enbrel in clinical trials.

However, before the Access to Innovation for Medicare Patients Act, no legislation existed that addressed adequate Medicare coverage of these therapies. Currently, Medicare only covers physician-administered therapies and most Medicare prescription drug coverage proposals do not address this issue at all or they place restrictive coverage caps on the use of self-injectable biologic therapies. Beneficiaries should not be denied access to the most effective and convenient therapies for their condition. Ultimately, coverage of self-injectable biologic therapies could save Medicare money in reducing costly, prolonged hospital stays and reducing the number of care provider visits. Most importantly, this legislation will improve the lives of Medicare beneficiaries who suffer from these diseases. Congress must ensure that seniors and the disabled receive the best possible medical treatment and therapies through the Medicare program.

Finally, on a more personal note, my family has had first-hand experience with the constant pain and frustration caused by multiple sclerosis. My father suffered from this devastating disease, and I witnessed his daily fight to overcome the pain that accompanied it. I know that self-injectable biologic therapy may have made his fight much easier. We cannot allow Medicare beneficiaries to suffer from preventable, overwhelming pain.

In the past, we worked to eliminate barriers to care and research. Today, we seek to tear down Medicare's barriers to self-injectable biologic therapies. Seniors and the disabled should not be denied these life-saving, treatments simply because they are self-injected.

Therefore, I rise today to join my colleagues, Senators GORTON, MIKULSKI, COCHRAN, STEVENS, and CHAFEE in introducing the Access to Innovation for Medicare Patients Act. This legislation would: provide access to innovative therapies that are now on the market and making enormous improvements in the life and care of Medicare beneficiaries; allow physicians to prescribe the most appropriate therapy for their patients; make a common-sense, responsible change in Medicare; and eliminate the current bias against biotechnology therapies inherent in the Medicare program and many of the prescription drug proposals.

I urge all of my colleagues to join me in supporting this legislation.

By Mr. KYL (for himself and Mr. DOMENICI):

S. 2665. A bill to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources; to the Committee on Indian Affairs.

NAVAJO NATION TRUST LAND LEASING ACT OF 2000

Mr. KYL. Mr. President, I rise today with my colleague, Senator DOMENICI, to introduce the Navajo Nation Trust Land Leasing Act of 2000, a bill to establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior. This new authority would apply to individual leases, except leases for exploration, development, or extraction of any mineral resources.

Mr. President, the current leasing process simply does not work very well. It can be cumbersome, and, because of the need to obtain approval from both the Nation and the Interior Department, the process can be lengthy. That can discourage many businesses from even considering locating the Navajo Reservation.

The fact is, there is no longer a need for the Secretary to be involved in routine leasing decisions that can and should be made by the Nation itself.

The changes proposed in this bill are intended to speed up the process for issuing leases by at least 50 percent, create predictable procedures for leasing trust land, and create incentives for businesses to open and operate in the Navajo Nation. It would help improve the management of tribal property, and promote economic development within the 100 Chapters of the Navajo Nation.

The need to create jobs and diversify the Reservation economy are clear. A December 1998 report by the Navajo Nation Division of Economic Development reported that the unemployment rate for the Nation was 43.3 percent, up 15.5 percent from 1990. An estimated 56 percent of Navajo families live below the poverty level, with a per capita annual income of just $5,759.

The lack of employment opportunities, low industrialization, slow development, insufficient infrastructure, weak economy, and difficulty in obtaining homesites and housing are causing many Navajo people to relocate to urban areas.

The Navajo Nation is looking for ways to reform its regulations to make it easier to attract and retain new businesses, and to create jobs that will improve the standard of living of Navajo people. The reforms in the Navajo National Trust Land Leasing Act will give the Nation some of the tools it needs to succeed in that regard.

Mr. President, the bill incorporates suggestions made by both the Navajo Nation and the Department of the Interior. There is one provision, though, that I will ask the Nation and the Department to review and provide further input. That is paragraph three of the proposed new Section 415(e) of title 25 of the U.S. Code.

As introduced, the bill gives the Secretary of the Interior the authority to approve or disapprove the Navajo Nation regulations under which the tribe will subsequently consider and approve leases of trust land. The Nation understandably wants to ensure that the Secretary acts promptly on the regulations once they are submitted. We do not intend that the Secretary should be able to veto the regulations through inaction.

One way to address that concern is through the imposition of some time limit for Secretarial review—maybe 30 days. Another way might be to establish criteria in the law for the Secretary to use in reviewing the Nation's regulations. That approach would give the Secretary some guidance as to how the regulations should be assessed. It would also give the Navajo Nation some assurance that objective criteria will guide the Secretary's action. If the regulations meet the criteria, the Secretary's ability to disapprove them would be limited.

As I said, I will be asking both the Interior Department and the Nation for their further recommendations about these various approaches. The bill language on Secretarial approval or disapproval should, therefore, be considered open to change.

I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks, and I look forward to early action on the legislation:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Navajo Nation Trust Land Leasing Act of 2000".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Recognizing the special relationship between the United States and the Navajo nation and its members, and the Federal responsibility to the Navajo people, Congress finds that—

(1) the third clause of section 8, Article I of the United States Constitution provides that "The Congress shall have Power...to regulate Commerce...with Indian tribes", and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

(2) Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

(3) the United States has a trust obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency;

(4) pursuant to the first section of the Act of August 9, 1955 (25 U.S.C. 415), Congress conferred upon the Secretary of the Interior the power to promulgate regulations governing tribal leases and to approve tribal leases for tribes according to regulations promulgated by the Secretary;

(5) the Secretary of the Interior has promulgated the regulations described in paragraph (4) at part 162 of title 25, Code of Federal Regulations;

(6) the requirement that the Secretary approve leases for the development of Navajo trust lands has added a level of review and regulation that does not apply to the development of non-Indian land; and

(7) in the global economy of the 21st Century, it is crucial that individual leases of Navajo trust lands not be subject to Secretarial approval and that the Navajo Nation be able to make immediate decisions over the use of Navajo trust lands.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources.

(2) To authorize the Navajo nation, pursuant to tribal regulations, which must be approved by the Secretary, to lease Navajo trust lands without the approval of the Secretary of the Interior of the individual leases, except leases for exploration, development, or extraction of any mineral resources.

(3) To revitalize the distressed Navajo Reservation by promoting political self-determination, and encouraging economic self-sufficiency, including economic development that increases productivity and the standard of living for members of the Navajo Nation.

(4) To maintain, strengthen, and protect the Navajo Nation's leasing power over Navajo trust lands.

(c) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) NAVAJO NATION.—The term "Navajo Nation" means the Navajo Nation government that is in existence on the date of enactment of this Act.

(3) TRIBAL REGULATIONS.—The term "tribal regulations" means the Navajo Nation regulations as enacted by the Navajo Nation Council or its standing committees and approved by the Secretary.

SEC. 3. LEASE OF RESTRICTED LANDS FOR THE NAVAJO NATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the term 'individually owned Navajo Indian allotted lands' means Navajo Indian allotted land that is owned by 1 or more individuals located within the Navajo Nation;

"(4) the term 'Navajo Nation' means the Navajo Nation government that is in existence on the date of enactment of this Act;

"(5) the term 'Secretary' means the Secretary of the Interior; and

"(6) the term 'tribal regulations' means the Navajo Nation regulations as enacted by the Navajo Nation Council or its standing committees and approved by the Secretary."; and

(2) by adding at the end the following:

"(e)(1) Any leases by the Navajo Nation for purposes authorized under subsection (a), except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary if the term of the lease does not exceed 75 years (including options to renew), and the lease is executed under tribal regulations that are approved by the Secretary under this subsection.

"(2) Paragraph (1) shall not apply to individually owned Navajo Indian allotted land located within the Navajo Nation.

"(3) The Secretary shall have the authority to approve or disapprove tribal regulations required under paragraph (1). The Secretary shall not have approval authority over individual leases of Navajo trust lands, except for the exploration, development, or extraction of any mineral resources. The Secretary shall perform the duties of the Secretary under this subsection in the best interest of the Navajo Nation.

"(4) If the Navajo Nation has executed a lease pursuant to tribal regulations required under paragraph (1), the United states shall not be liable for losses sustained by any party to such lease, including the Navajo Nation, except that—

"(A) the Secretary shall continue to have a trust obligation to ensure that the rights of the Navajo Nation are protected in the event of a violation of the terms of any lease by any other party to such lease, including the right to cancel the lease if requested by the Navajo Nation; and

"(B) nothing in this subsection shall be construed to absolve the United States from any responsibility to the Navajo Nation, including responsibilities that derive from the trust relationship and from any treaties, Executive Orders, or agreements between the United States and the Navajo Nation, except as otherwise specifically provided in this subsection.".

Mr. DOMENICI. Mr. President, I am pleased to join Senator KYL today in introducing a bill to remove a major impediment to business development on the Navajo Nation. Our bill will accelerate the long and arduous process now in place for obtaining a business site lease on the Navajo Nation. For years I have heard case after case of large and small businesses waiting from two years to four years, and longer, for such a lease. Delays occur in both the tribal and the Bureau of Indian Affairs (BIA) lease approval processes.

This dual process exists as a direct result of the U.S. Government's trust responsibility for Indian reservation lands. In study after study for the past three decades, the tediously slow and cumbersome land leasing process on the Navajo Nation has been identified as a major obstacle to attracting new private business ventures.

In our search for ways to encourage more private enterprise for Navajos, I encouraged and sponsored the Navajo Economic Summit in Tohatchi, New Mexico in 1987. Again, many of our key speakers from the business world reminded us that the Navajo Nation itself, and its protective federal agency, the BIA, needed to find a better way to make land available for private enterprises.

Along another avenue of encouraging businesses to go to, or expand on the Navajo Nation, I cosponsored legislation by Senators INOUYE and MCCAIN that was incorporated into the Omnibus Budget Reconciliation Act of 1993. In Sections 13321 and 13322 of that Act, we were able to enact generous wage tax credits and accelerated depreciation for businesses that chose to locate or expand on America's Indian reservations. Despite the availability of a wage tax credit for every eligible Indian hired, many businesses still viewed the complexity of Indian courts and land allocation methods as comparable third world nations.

Business has not flocked to the Navajo Nation, although many tribes around the country have taken advantage of this wage tax credit. Our incentives allow a direct credit off-taxes owed at the rate of 20 percent of the first $20,000 paid in wages and health insurance for every Indian hired. In addition, all investments from infrastructure to computers were given accelerated depreciation rates, about one-third faster than non-reservation investments.

The Navajo Nation is our Nation's largest Indian reservation in both area and population. About 200,000 Navajos live on a reservation that straddles four States and is slightly larger than the entire state of West Virginia. Unfortunately, the poverty rate is high, unemployment hovers around 40 percent year after year, and private sector jobs are all too rare. Sadly, the time lag for obtaining a new land lease also remains painstakingly slow.

I commend Navajo President Kelsey Begaye for his interest in encouraging a better system for making land available for businesses and other purposes. Although other incentives like access to State and Federal courts will still be needed, a faster land lease will go a long way to encourage more business activity.

Our bill will establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Interior for individual leases. The exception is exploration, development, or extraction of any mineral resources. These types of leases will still require Secretarial approval.

The Secretary of Interior would be required to approve the regulations adopted by the Navajo Nation to implement this new leasing authority. Once approved, the Navajo Nation would have regulatory authority to finalize land leases that do not exceed 75 years. They will be able to do this without having to be second guessed by the BIA in a follow-up process that always adds months, and sometimes years, to the process.

The trust obligation of the Secretary of Interior would remain in place. The Navajo Nation, would, in effect, be acting as an agent of the Secretary. By eliminating the need for Secretarial (BIA) review of its land leasing decisions, however, our legislation will allow a more efficient land leasing system to be put in place.

I am confident that President Begaye's Administration will work hard to reduce the time the Navajo Nation itself now takes to issue a lease. Without the follow-up review by the BIA, the potential business applicant will be able to open up months sooner.

Rather than getting caught in a blame game, a new lease applicant will be able to focus on a single process for obtaining a land lease, and the Navajo Nation will be the responsible party for delays. Again, I admire the courage of President Begaye's Administration for its willingness to accept this responsibility and to encourage more private sector business activity on the largest Indian reservation in our country.

I believe this initiative will encourage the Navajo Nation to be more business friendly. I urge my colleagues to join us in allowing the Navajo Nation to fully accept the responsibility for creating a single track land leasing system in place of the dual system now required.

By Mr. REID:

S. 2666. A bill to secure the Federal voting rights of persons who have fully served their sentences, including parole and probation, and for other purposes; to the Committee on the Judiciary.

CIVIC PARTICIPATION ACT OF 2000

Mr. REID. Mr. President. I rise today to introduce the Civic Participation Act of 2000. This legislation would guarantee that individuals who have fully served their sentences have the right to vote in Federal elections.

The right to vote in a democracy is the most basic act of citizenship. It is a right that may not be abridged or denied by the United States, or any State, on account of race, color, gender or previous condition of servitude. This fundamental right is truly the most glaring example of a free society.

I can't help but think of Nelson Mandela's perspective on the right to vote. One would think that the most significant day in Mr. Mandela's life would have been the day he walked out of a South African prison after more than 27 years behind bars. Or perhaps, it might be the day he assumed the Presidency of post-apartheid South Africa. In fact, Mr. Mandela has said that the most important day in his life was the day he voted for the first time.

Mr. President, I am troubled that many people in this country are denied the right to vote, even when any sentence of imprisonment, parole or probation has been fully completed. Additionally, many individuals who have fully served their sentences and wish to regain their right to vote, must petition a pardon board, their State Governors, or even, in some States, must obtain a Presidential pardon. Few people have the financial or political resources needed to succeed in such efforts.

Furthermore, the denial of suffrage disproportionately affects ethnic minorities. Recent studies have indicated that an estimated thirteen percent of adult African-American males are unable to vote as a result of varying state disenfranchisement laws. This is even more troubling when we consider that voter turnout, especially among America's youth, is at a record low. As elected officials who have been given the privilege to serve by our fellow Americans, we need to recognize that the strength of a democracy depends upon the voluntary participation of its citizens.

Mr. President, let me be clear. Criminal activity must be punished. Stiff and appropriate sentences should be imposed upon those who violate our laws. However, we should not be disenfranchising those citizens who have fully completed their prescribed sentences, especially when those citizens should be reintegrated into society and our citizen-dependent democracy.

I want to make it perfectly clear that this legislation, in no way, extends voting rights to prisoners. In fact, my colleagues in the Senate know that I have led the fight in this body against frivolous lawsuits filed by prisoners. Furthermore, this legislation does not extend voting rights to persons on parole or probation. This legislation simply states that anyone who has successfully, and completely, served their entire sentence, including any parole and probation, may not be denied the right to vote.

Finally, this legislation would apply only to Federal elections, thereby protecting the rights of individual States to establish voting procedures for State elections.

In conclusion, Mr. President, I want to reiterate that this legislation is narrowly drafted to guarantee one of the most fundamental rights of citizens of our democracy, and I urge my colleagues to support this worthy endeavor.

By Mr. WARNER (for himself, Mr. KENNEDY, Mr. SARBANES, Mr. JEFFORDS, Mr. ROBB, and Mr. LEAHY):

S. 2667. A bill to designate the Washington Opera in Washington, D.C., as the National Opera; to the Committee on Governmental Affairs.

DESIGNATING THE WASHINGTON OPERA IN WASHINGTON, D.C., AS THE NATIONAL OPERA

Mr. WARNER. Mr. President, I am pleased to introduce legislation today with Senator KENNEDY, Senator SARBANES, Senator JEFFORDS, and Senator ROBB to designate the Washington Opera as the National Opera.

The Washington Opera has been an innovative leader in bringing to the metropolitan Washington area exceptional performances since 1956. The company has enjoyed tremendous success in the community over the years. Since 1980, the company has grown from 16 performances of four operas to 80 performances of eight operas for the 2000 season.

Mr. President, the purpose of this legislation is to recognize in our nation's capital an opera of national significance. Let me be clear to my colleagues that this legislation does not extend any Federal responsibilities or obligation for funding to the Washington Opera. It would not become part of any Federal activity. Today, the Washington Opera enjoys a contractual relationship with the Kennedy Center for the Performing Arts for use of its facilities. It is not affiliated with the Kennedy Center in any way other than being named as the resident opera company. This is an honorary designation, but there is no financial support for the opera from the Kennedy Center.

The legislation is only intended as a means of recognition of opera in our Nation's capital and its mission to bring to the nation a forum to highlight our musical heritage. Under its new name, the National Opera will bring contained performances of American opera to the stage.

The history of the Washington Opera and its commitment to bringing opera as an art form to the Washington area community is to be commended. The Washington Opera's Education and Community Programs are dedicated to educating future audiences and making the experience of opera more available to residents of the region. Since 1992, over 150,000 students have participated in these programs. Today, there are over 22 programs that provide performance experiences, curriculum activities, in-school artist visits, professional development opportunities for teachers and young artists, and other activities that bring opera into our schools and communities.

Mr. President, with this national recognition comes the obligation for the Washington Opera to undertake additional programs to serve a larger national audience, expand community outreach for underprivileged youth, and other missions that embody a larger national presence. I am confident that the opera will enthusiastically accept this challenge.

I ask unanimous consent that the text of my legislation appear in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Washington Opera, organized under the laws of the District of Columbia, is designated as the "National Opera".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Washington Opera referred to in section 1 shall be deemed to be a reference to the "National Opera".

By Mr. GRAHAM (for himself and Mr. SMITH of Oregon):

S. 2668. A bill to amend the Immigration and Nationality Act to improve procedures for the adjustment of status of aliens, to reduce the backlog of family-sponsored aliens, and for other purposes; to the Committee on the Judiciary.

FAMILY, WORK AND IMMIGRANT INTEGRATION AMENDMENTS OF 2000

• Mr. GRAHAM. Mr. President, I rise today to introduce bipartisan immigration legislation that will have a tremendous impact on thousands of families in the United States.

I am very pleased to be working with my colleague, GORDON SMITH of Oregon, on this effort.

There are several reasons for the introduction of this legislation.

1. It corrects past injustices.

Many of the immigrants helped by this legislation have been active, productive, hard-working members of our community for many years.

For example, the majority of Central Americans helped by this legislation have been in the United States since the early 1980s, when they fled tyranny and turmoil in their home countries.

The were welcomed into our nation by President Ronald Reagan.

These Central American nationals were made retroactively deportable by the 1996 immigration bill.

This legislation provides a state option to help legal immigrant children get needed health care.

The 1996 welfare bill deprived vulnerable, legal children from benefits.

This change is good public policy, from a health care perspective, an immigration perspective and a humanitarian perspective.

2. It is pro-family.

This legislation will speed the process that reunites family members.

It has been over ten years since the limits on family immigration were adjusted. This has resulted in waiting periods that could last years to bring immediate family members together.

Spouses and children would have an easier time in obtaining visas to visit their loved ones through this legislation.

In current practice, it is often very difficult to travel to visit legal residents in the United States while their immigration documents are pending—our legislation would ease the bureaucracy to allow families to be together for the events that shape their lives.

3. It is pro-business.

Congress has focused this session on increasing the number of high-tech workers for U.S. companies. I have long been supportive of that proposal.

Protections are in place for U.S. workers, and American business has the resources needed to keep our economy booming.

This legislation is pro-business in two ways.

It builds the pool of legal workers available by swifter family reunification.

And it offers an avenue for those workers who are already here and working to remain here.

They can stay here, and increase the productivity of our nation's businesses, or they can leave and work for foreign competitors.

I want them to stay.

Alan Greenspan agrees.

He has said during a House Banking and Financial Services Committee meeting in July of last year:

> Aggregated demand is putting very significant pressures on an ever-decreasing supply of unemployed labor. The one obvious means that we can use to offset that is expanding the number of people we allow in. . . . I think in reviewing our immigration laws in the context of the type of economy which we will be enjoying in the decade ahead is clearly on the table. . . .

4. Its omnibus nature allows groups to work together toward a common goal

All sides win in this equation.

Families. Children. Business. Our economy

By combining forces, groups that care about these issues can work together toward a comprehensive, prudent, rational immigration policy.

These coalitions are already being built.

I would like to submit a letter from May 16, 2000 from Jack Kemp, Henry Cisneros, and a wide range of business, religious, labor and immigrant advocacy groups endorsing components of this legislation.

This is a wonderful example of groups at the national and local level coalescing together around pro-family, pro-business, pro-justice ideals.

Our current immigration debates have had the negative effect of pitting one segment of our society against another, and pitting one nationality against another.

In the past . . . the debate has been if businesses get more workers, family reunification will suffer.

Nicaraguans and Cubans receive a swifter and more generous immigration status than similarly situated Central American and Caribbean nationals.

No one wins if these divides remain.

All of us win if we can work together and strengthen our nation by correcting past injustices, reuniting families and providing American businesses with the workers they desperately need.

I urge my colleagues to support this measure.

Since the bill covers many issues, I would like to submit a summary of the legislation for the RECORD along with the test and a supporting letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family, Work and Immigrant Integration Amendments of 2000".

TITLE I—CENTRAL AMERICAN AND HAITIAN PARITY

SEC. 101. SHORT TITLE.

This title may be cited as the "Central American and Haitian Parity Act of 2000".

SEC. 102. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM EL SALVADOR, GUATEMALA, HONDURAS, AND HAITI.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the section heading, by striking "NICARAGUANS AND CUBANS" and inserting "NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS";

(2) in subsection (a)(1)(A), by striking "2000" and inserting "2003";

(3) in subsection (b)(1), by striking "Nicaragua or Cuba" and inserting "Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti"; and

(4) in subsection (d)—

(A) in subparagraph (A), by striking "Nicaragua or Cuba" and inserting "Nicaragua, Cuba, El Salvador, Guatamala, Honduras, or Haiti; and

(B) in subparagraph (E), by striking "2000" and inserting "2003".

SEC. 103. APPLICATIONS PENDING UNDER AMENDMENTS MADE BY SECTION 203 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

An application for relief properly filed by a national of Guatemala or El Salvador under the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, shall, at the election of the applicant, be considered to be an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by section 402 of this Act, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General may not refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under the amendments made by section 203 of that Act.

SEC. 104. APPLICATIONS PENDING UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General, in the unreviewable discretion of the Attorney General, to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by section 402 of this Act.

SEC. 105. TECHNICAL AMENDMENTS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) In General.—Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: ", and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a)(1) (A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) Inapplicability of certain provisions.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act."; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

"(3) Relationship of application to certain orders.—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.";

(2) in subsection (b)(1), by adding at the end the following: "Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.";

(3) in subsection (c)(1), by adding at the end the following: "Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.";

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: "Spouses, Children, and Unmarried Sons and Daughters.—";

(B) by amending the heading of paragraph (1) to read as follows: "Adjustment of status.—";

(C) by amending paragraph (1)(A) to read as follows:

"(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 1999;";

(D) in paragraph (1)(B), by striking "except that in the case of" and inserting the following: "except that—

"(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 1999; and

"(ii) in the case of"; and

(E) by adding at the end the following new paragraph:

"(3) Eligibility of certain spouses and children for issuance of immigrant visas.—

"(A) In general.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

"(i) meets the requirements in paragraphs (1) (B) and (1) (D); and

"(ii) applies for such a visa within a time period to be established by such regulations.

"(B) Retention of fees for processing applications.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

"(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

"(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.";

(5) in subsection (g), by inserting ", or an immigrant classification," after "for permanent residence"; and

(6) by adding at the end the following new subsection:

"(i) Statutory Construction.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.".

(b) Effective Date.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 106. TECHNICAL AMENDMENTS TO THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) In General.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: ", and the Attorney General may waive the grounds of inadmissibility specified in section 212(a)(1)(A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) Inapplicability of certain provisions.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act."; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

"(3) Relationship of application to certain orders.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.";

(2) in subsection (b)(1), by adding at the end the following: "Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief under that subsection in deportation or removal proceedings.";

(3) in subsection (c)(1), by adding at the end the following: "Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.";

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: "Spouses, Children, and Unmarried Sons and Daughters.—";

(B) by amending the heading of paragraph (1) to read as follows: "Adjustment of Status.—";

(C) by amending paragraph (1)(A), to read as follows:

"(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 1999;";

(D) in paragraph (1)(B), by striking "except that in the case of" and inserting the following: "except that—

"(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 1999; and

"(ii) in the case of";

(E) by adding at the end of paragraph (1) the following new subparagraph:

"(E) the alien applies for such adjustment before April 3, 2003."; and

(F) by adding at the end the following new paragraph:

"(3) Eligibility of certain spouses and children for issuance of immigrant visas.—

"(A) In general.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

"(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

"(ii) applies for such a visa within a time period to be established by such regulations.

"(B) Retention of fees for processing applications.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

"(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

"(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.";

(5) in subsection (g), by inserting ", or an immigrant classification," after "for permanent residence";

(6) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(7) by inserting after subsection (h) the following new subsection:

"(i) Statutory Construction.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.".

(b) Effective Date.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 107. MOTIONS TO REOPEN.

(a) Nationals of Haiti.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) Nationals of Cuba.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

TITLE II—FILING DEADLINES FOR ADJUSTMENT OF STATUS OF CERTAIN CUBAN, NICARAGUAN, AND HAITIAN NATIONALS

SEC. 201. EXTENSION OF FILING DEADLINES FOR APPLICATIONS FOR ADJUSTMENT OF STATUS OF CERTAIN CUBAN, NICARAGUAN, AND HAITIAN NATIONALS.

(a) Nicaraguan Adjustment and Central American Relief Act.—Notwithstanding the expiration of the application filing deadline in section 202(a)(1) of the Nicaraguan Adjustment and Central American Relief Act (as contained in Public Law 105–100; 8 U.S.C. 1255 note), a Cuban or Nicaraguan national who is otherwise eligible for adjustment of status under that section may apply for that status through the date that is one year after the date of promulgation by the Attorney General of final regulations for the implementation of that section.

(b) Haitian Refugee Immigration Fairness Act.—Notwithstanding the expiration of the application filing deadline in section 902(a) of the Haitian Refugee Immigration Fairness Act of 1998 (as added by section 101(h) of division A of Public Law 105–277), a Haitian national who is otherwise eligible for adjustment of status under that section may apply for that status through the date that is one year after the date of promulgation by the Attorney General of final regulations for the implementation of that section.

TITLE III—LIBERIAN REFUGEE IMMIGRATION FAIRNESS

SEC. 301. SHORT TITLE.

This title may be referred to as the "Liberian Refugee Immigration Fairness Act of 2000".

SEC. 302. ADJUSTMENT OF STATUS.

(a) Adjustment of Status.—

(1) In general.—

(A) Eligibility.—The Attorney General shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien—

(i) applies for adjustment before April 1, 2004; and

(ii) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(B) Ineligible aliens.—An alien shall not be eligible for adjustment of status under this section if the Attorney General finds that the alien has been convicted of—

(i) any aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)); or

(ii) two or more crimes involving moral turpitude.

(2) Relationship of application to certain orders.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1), if otherwise qualified under that paragraph. Such an alien may not be required, as a condition on submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) Aliens Eligible for Adjustment of Status.—

(1) In general.—The benefits provided by subsection (a) shall apply to any alien—

(A) who is—

(i) a national of Liberia; and

(ii) has been continuously present in the United States from January 1, 1999, through the date of application under subsection (a); or

(B) who is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A).

(2) Determination of continuous physical presence.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1), an alien shall not be considered to have failed to maintain continuous physical presence by reasons of an absence, or absences, from the United States

for any period or periods amounting in the aggregate to not more than 180 days.

(c) Stay of Removal.—

(1) In general.—The Attorney General shall provide by regulation for an alien who is subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) During certain proceedings.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order an alien to be removed from the United States if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has made a final determination to deny the application.

(3) Work authorization.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an "employment authorized" endorsement or other appropriate document signifying authorization of employment, except that, if such application is pending for a period exceeding 180 days and has not been denied, the Attorney General shall authorize such employment.

(d) Record of Permanent Residence.—Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent record as of the date of the alien's arrival in the United States.

(e) Availability of Administrative Review.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) Limitation on Judicial Review.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) No Offset in Number of Visas Available.—Whenever an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) Application of Immigration and Nationality Act Provisions.—Except as otherwise specifically provided in this title, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this title shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

TITLE IV—INCREASED FLEXIBILITY IN EMPLOYMENT-BASED IMMIGRATION

SEC. 401. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) Special Rules.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) Rules for employment-based immigrants.—

"(A) Employment-based immigrants not subject to per country limitation if additional visas available.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) Limiting fall across for certain countries subject to subsection (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) Conforming Amendments.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) One-Time Protection Under Per Country Ceiling.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act, any alien who—

(1) is the beneficiary of a petition filed under section 204(a) for a preference status under paragraph (1), (2), or (3) of section 203(b); and

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 402. INCREASED PORTABILITY OF H–1B STATUS.

(a) In General.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 403. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act on whose behalf a petition under section 204(b) to accord the alien immigrant status under section 203(b), or an application for adjustment of status under section 245 to accord the alien status under section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under section 203(b)); or

(2) the filing of the petition under section 204(b).

(b) Extension of H1–B Worker Status.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

(c) Increased Job Flexibility for Long Delayed Applicants for Adjustment of Status.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(j) Job Flexibility for Long Delayed Applicants for Adjustment of Status to Permanent Residence.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.".

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

"(iv) Long delayed adjustment applicants.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.".

(d) Recapture of Unused Employment-Based Immigrant Visas.—

(1) In general.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this

subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas made available under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term "employment-based visa" means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

TITLE V—RESTORATION OF SECTION 245(i)

SEC. 501. REMOVAL OF CERTAIN LIMITATIONS ON ELIGIBILITY FOR ADJUSTMENT OF STATUS UNDER SECTION 245(i).

(a) IN GENERAL.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking "(i)(1)" through "The Attorney General" and inserting the following:

"(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

"(A) entered the United States without inspection; or

"(B) is within one of the classes enumerated in subsection (c) of this section;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2440).

TITLE VI—REGISTRY DATES

SEC. 601. SHORT TITLE.

This title may be cited as the "Date of Registry Act of 2000".

SEC. 602. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS.

(a) IN GENERAL.—Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in subsection (a), by striking "January 1, 1972" and inserting "January 1, 1986"; and

(2) by striking "JANUARY 1, 1972" in the heading and inserting "JANUARY 1, 1986".

(b) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(2) EXTENSION OF DATE OF REGISTRY.—

(A) PERIOD BEGINNING JANUARY 1, 2002.—Beginning on January 1, 2002, section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended by striking "January 1, 1986" each place it appears and inserting "January 1, 1987".

(B) PERIOD BEGINNING JANUARY 1, 2003.—Beginning on January 1, 2003, section 249 of such Act is amended by striking "January 1, 1987" each place it appears and inserting "January 1, 1988".

(C) PERIOD BEGINNING JANUARY 1, 2004.—Beginning on January 1, 2004, section 249 of such Act is amended by striking "January 1, 1988" each place it appears and inserting "January 1, 1989".

(D) PERIOD BEGINNING JANUARY 1, 2005.—Beginning on January 1, 2005, section 249 of such Act is amended by striking "January 1, 1989" each place it appears and inserting "January 1, 1990".

(E) PERIOD BEGINNING JANUARY 1, 2006.—Beginning on January 1, 2006, section 249 of such Act is amended by striking "January 1, 1990" each place it appears and inserting "January 1, 1991".

TITLE VII—BACKLOG REDUCTION FOR FAMILY-SPONSORED IMMIGRANTS

SEC. 701. FAMILY BACKLOG REDUCTION.

(a) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—Notwithstanding section 201(a)(1) of the Immigration and Nationality Act, the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted for permanent residence as a family-sponsored immigrant described in section 203(a) of such Act (or who are admitted under section 211(a) of such Act on the basis of a prior issuance of a visa to their accompanying parent under such section 203(a)) in any fiscal year is limited to—

(1) the number provided for in section 201(a)(1) of such Act, plus

(2) 200,000 for fiscal year 2001 and each fiscal year thereafter.

(b) PER COUNTRY LEVELS FOR FAMILY-SPONSORED IMMIGRANTS.—(1) Notwithstanding section 202(a)(2) of the Immigration and Nationality Act, the total number of immigrant visas made available to natives of any single foreign state or dependent area under subsections (a) and (b) of section 203 of that Act in any fiscal year may not exceed the sum of—

(A) the number specified in section 202(a)(2) of that Act, plus

(B) the number computed under paragraph (2).

(2) The number computed under this paragraph is—

(A) 33 percent of the number computed under section 202(a)(2) of that Act for each of fiscal years 2001, 2002, 2003, 2004, and 2005, or

(B) 25 percent of the number computed under section 202(a)(2) for each fiscal year thereafter.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Department of Justice and the Department of State such sums as may be necessary to provide for the additional visa issuances and admissions authorized under subsection (a).

(2) There are authorized to be appropriated to the Department of Justice such sums as may be necessary to process backlog adjudications of the Immigration and Naturalization Service.

TITLE VIII—ALIEN CHILDREN PROTECTION

SEC. 801. SHORT TITLE.

This Act may be cited as the "Alien Children Protection Act of 2000".

SEC. 802. USE OF APPROPRIATE FACILITIES FOR THE DETENTION OF ALIEN CHILDREN.

(a) IN GENERAL.—Except as provided in subsection (b), in the case of any alien under 18 years of age who is awaiting final adjudication of the alien's immigration status and who does not have a parent, guardian, or relative in the United States into whose custody the alien may be released, the Attorney General shall place such alien in a facility appropriate for children not later than 72 hours after the Attorney General has taken custody of the alien.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to any alien under 18 years of age who the Attorney General finds has engaged in delinquent behavior, is an escape risk, or has a security need greater than that provided in a facility appropriate for children.

(c) DEFINITION.—In this section, the term "facility appropriate for children" means a facility, such as foster care or group homes, operated by a private nonprofit organization, or by a local governmental entity, with experience and expertise in providing for the legal, psychological, educational, physical, social, nutritional, and health requirements of children. The term "facility appropriate for children" does not include any facility used primarily to house adults or delinquent minors.

SEC. 803. ADJUSTMENT TO PERMANENT RESIDENT STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

"(l)(1) The Attorney General may, in the Attorney General's discretion, adjust the status of an alien under 18 years of age who has no lawful immigration status in the United States to that of an alien lawfully admitted for permanent residence if—

"(A)(i) the alien (or a parent or legal guardian acting on the alien's behalf) has applied for the status; and

"(ii) the alien has resided in the United States for a period of 5 consecutive years; or

"(B)(i) no parent or legal guardian requests the alien's return to the country of the parent's or guardian's domicile, or with respect to whom the Attorney General finds that returning the child to his or her country of origin would subject the child to mental or physical abuse; and

"(ii) the Attorney General determines that it is in the best interests of the alien to remain in the United States notwithstanding the fact that the alien is not eligible for asylum protection under section 208 or protection under section 101(a)(27)(J).

"(2) The Attorney General shall make a determination under paragraph (1)(B)(ii) based on input from a person or entity that is not employed by or a part of the Service and that is qualified to evaluate children and opine as to what is in their best interest in a given situation.

"(3) Upon the approval of adjustment of status of an alien under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval, and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current.

"(4) Not more than 500 aliens may be granted permanent resident status under this subsection in any fiscal year.".

SEC. 804. ASSIGNMENT OF GUARDIANS AD LITEM TO ALIEN CHILDREN.

(a) ASSIGNMENT.—Whenever a covered alien is a party to an immigration proceeding, the Attorney General shall assign such covered alien a child welfare professional or other individual who has received training in child welfare matters and who is recognized by the

Attorney General as being qualified to serve as a guardian ad litem (in this section referred to as the "guardian"). The guardian shall not be an employee of the Immigration and Naturalization Service.

(b) RESPONSIBILITIES.—The guardian shall ensure that—

(1) the covered alien's best interests are promoted while the covered alien participates in, or is subject to, the immigration proceeding; and

(2) the covered alien understands the proceeding.

(c) REQUIREMENTS ON THE ATTORNEY GENERAL.—The Attorney General shall serve notice of all matters affecting a covered alien's immigration status (including all papers filed in an immigration proceeding) on the covered alien's guardian.

(d) DEFINITION.—In this section, the term "covered alien" means an alien—

(1) who is under 18 years of age;

(2) who has no lawful immigration status in the United States and is not within the physical custody of a parent or legal guardian; and

(3) whom no parent or legal guardian requests the person's return to the country of the parent's or guardian's domicile or with respect to whom the Attorney General finds that returning the child to his or her country of origin would subject the child to physical or mental abuse.

SEC. 805. SENSE OF CONGRESS.

Congress commends the Immigration and Naturalization Service for its issuance of its "Guidelines for Children's Asylum Claims", dated December 1998, and encourages and supports the Service's implementation of such guidelines in an effort to facilitate the handling of children's asylum claims.

SEC. 806. GENERAL ACCOUNTING OFFICE REPORT.

The Comptroller General of the United States shall prepare a report to Congress regarding whether and to what extent United States Embassy and consular officials are fulfilling their obligation to reunify, on a priority basis, children in foreign countries whose parent or parents are legally present in the United States.

TITLE IX—BENEFITS RESTORATION

SEC. 901. SHORT TITLE.

This title may be cited as the "Immigrant Children's Health Improvement Act of 2000".

SEC. 902. OPTIONAL ELIGIBILITY OF CERTAIN ALIEN PREGNANT WOMEN AND CHILDREN FOR MEDICAID.

(a) IN GENERAL.—Subtitle A of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611–1614) is amended by adding at the end the following:

"SEC. 405. OPTIONAL ELIGIBILITY OF CERTAIN ALIENS FOR MEDICAID.

"(a) OPTIONAL MEDICAID ELIGIBILITY FOR CERTAIN ALIENS.—A State may elect to waive (through an amendment to its State plan under title XIX of the Social Security Act) the application of sections 401(a), 402(b), 403, and 421 with respect to eligibility for medical assistance under the program defined in section 402(b)(3)(C) (relating to the medicaid program) of aliens who are lawfully residing in the United States (including battered aliens described in section 431(c)), within any or all (or any combination) of the following categories of individuals:

"(1) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(2) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).".

(b) APPLICABILITY OF AFFIDAVITS OF SUPPORT.—Section 213A(a) of the Immigration and Nationality Act (8 U.S.C. 1183a(a)) is amended by adding at the end the following:

"(4) INAPPLICABILITY TO BENEFITS PROVIDED UNDER A STATE WAIVER.—For purposes of this section, the term 'means-tested public benefits' does not include benefits provided pursuant to a State election and waiver described in section 405 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.".

(c) CONFORMING AMENDMENTS.—

(1) Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(a)) is amended by inserting "and section 405" after "subsection (b)".

(2) Section 402(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(1)) is amended by inserting ", section 405," after "403".

(3) Section 403(a) of such Act (8 U.S.C. 1613(a)) is amended by inserting "section 405 and" after "provided in".

(4) Section 421(a) of such Act (8 U.S.C. 1631(a)) is amended by inserting "except as provided in section 405," after "Notwithstanding any other provision of law,".

(5) Section 1903(v)(1) of the Social Security Act (42 U.S.C. 1396b(v)(1)) is amended by inserting "and except as permitted under a waiver described in section 405(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996," after "paragraph (2),".

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1999.

SEC. 903. OPTIONAL ELIGIBILITY OF IMMIGRANT CHILDREN FOR SCHIP.

(a) IN GENERAL.—Section 405 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as added by section 102(a), is further amended—

(1) in the heading, by inserting "**AND SCHIP**" before the period; and

Under that section may apply for that status through the date that is one year after the date of promulgation by the Attorney General of final regulations for the implementation of that section.

TITLE X—ADMISSION OF SPOUSES AND CHILDREN OF CERTAIN NONIMMIGRANTS

SEC. 1001. ADMISSION OF CERTAIN "B" AND "F" VISA NONIMMIGRANTS WHO ARE SPOUSES OR CHILDREN OF UNITED STATES PERMANENT RESIDENT ALIENS.

Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end thereof the following new subsection:

"(r)(1) Notwithstanding any other provision of law, no alien—

"(A) who is—

"(i) the spouse or child of an alien lawfully admitted for permanent residence to the United States; and

"(ii) not eligible to enter the United States as an immigrant except by reason of being such a spouse or child; and

"(B) who seeks admission to the United States for purposes of visiting the permanent resident spouse or parent or for studying in the United States; and

"(C) who is otherwise qualified;

may be denied issuance of a visa, or may be denied admission to the United States, as a nonimmigrant alien described in section 101(a)(15)(B) who is coming to the United States temporarily for pleasure or as a nonimmigrant alien described in section 101(a)(15)(F).

"(2) Whenever an alien described in paragraph (1) seeks admission to the United States as a nonimmigrant alien described in section 101(a)(15)(B) who is coming temporarily for pleasure or as a nonimmigrant alien described in section 101(a)(15)(F), the fact that a petition has been filed on the alien's behalf for classification of the alien as an alien lawfully admitted for permanent residence shall not constitute evidence of the alien's intention to abandon his or her foreign residence.".

THE FAMILY, WORK AND IMMIGRANT INTEGRATION AMENDMENTS OF 2000—SUMMARY

1. Central American and Haitian Parity: provides for adjustment of status for Salvadorans, Guatemalans, Hondurans and Haitians on the same terms as that extended to Cubans and Nicaraguans in 1997 under NACARA.

2. Extension of filing deadlines for applications for adjustment of status of certain Cuban, Nicaraguan, and Haitian nationals: extends the deadline to apply for adjustment of status by one year after the date of issuance of final NACARA regulations.

3. Liberian Refugee Immigration Fairness: allows Liberian refugees who have been continuously present in the US to apply for adjustment of status.

4. Increased Flexibility in Employment-Based Immigration: eliminates per country limitation if additional visas are available, increases portability of H–1B visas, encourages swifter adjudication of petitions, and allows unused visas from one year to be used the following year.

5. Restoration of Section 245(i): restores the provision permitting those who are out of status but otherwise eligible for permanent residence to adjust their status in the United States by paying a fine.

6. 1986 Registry Date: updates the current registry date from 1972 to 1986 that allows adjustment of status to all persons of good character who have resided in the United States prior to 1986. The registry date would be moved up one year each for the next five years to 1991 in FY 2006.

7. Backlog reduction for family-sponsored immigrants: would provide additional visas for family members of citizens and permanent residents to reduce backlogs in the family-based immigration categories: 250,000 additional visas for three years, 200,000 for two years and 150,000 permanently; per country ceilings are raised proportionately.

8. Alien Child Protection Act: provides unaccompanied or orphaned children in the jurisdiction of the INS with several protections. Among other things, it states that if a child is detained, it must be in a child-appropriate facility. They can have access to a guardian ad litem or similar advocate to navigate through the immigration process.

9. Benefits Restoration: restores modest benefits for legal immigrants, including optional eligibility of certain immigrants for Medicaid and optional eligibility of immigrant children for SCHIP programs (state child health plans). States would be given the option to provide Medicaid to all children and pregnant women who are lawfully residing in the US, regardless of when they arrived. Pregnant women would remain eligible during the first 60 days after their pregnancy. If a state elects the Medicaid option, it may also provide all lawfully present children access to this CHIP (state child health plan) program. Immigrant sponsors would

not be required to pay back assistance provided to children or pregnant women.

10. Admission of spouses and children of certain nonimmigrants: would allow spouses and children of permanent residents who have green card applications pending to enter the US with nonimmigrant student and/or visitor visas. Hundreds of thousands can't get nonimmigrant student and/or visitor visas now because of State Department interpretations that if you have a green card application pending you are presumed likely to overstay a temporary visa to visit the US on a limited basis.

MAY 16, 2000.

DEAR MEMBERS OF CONGRESS. Today, as throughout American history, immigrants have proven essential to the economic, political and social development of our nation. Immigrants make important contributions consistent with America's fundamental values of family, work, justice and community.

It is important that our immigration policies reflect these values and ensure that all persons enjoy equal protection and due process under the Constitution and laws of the land. Our immigration policies should also be responsive to economic needs and ensure appropriate protections and opportunities for citizens and immigrants.

Immigration reforms consistent with American values and economic needs should be a high priority on the national agenda this year.

Currently, there is wide support in Congress for immigration reforms to address the need to better educate and train citizens and lawful immigrants now here, and to increase the number of H–B visas to admit more highly-skilled immigrants so as to meet the economic needs of certain industries experiencing shortages of workers with these skills. While we may differ on specific provisions of proposed bills, we agree that appropriate skilled immigrant admissions contribute to economic growth and job creation.

The undersigned further believe that, in addition to proposals on high skilled visas, the following issues regarding persons already in the United States or awaiting family reunification also warrant congressional action as early as possible: 1) allow Salvadorans, Guatemalans, Hondurans and Haitians to apply for adjustment of status on the same terms as already provided to Cubans and Nicaraguans in 1997; 2) allow adjustment of status to all persons of good character who have resided in the United States and established ties to American communities; 3) restore the provision permitting those who are out of status but otherwise eligible for permanent residence to adjust their status in the United States; 4) reunite families by establishing a program to provide additional visas for family members of citizens and permanent residents so as to reduce unacceptable backlogs and help stabilize the workforce.

Other immigration reforms also deserve congressional action, which will be addressed in further correspondence. We believe that there is a broad consensus now that Congress should enact the proposals noted above on a priority basis in the national interest.

Sincerely,

INDIVIDUALS

HENRY CISNEROS.
RICHARD GILDER.
BILL ONG HING.
JACK KEMP.
RICK SWARTZ.

NATIONAL ORGANIZATIONS

Americans for Tax Reform, Grover Norquist, President

Center for Equal Opportunity, Linda Chavez, President

Club for Growth, Steve Moore, President

Empower America, J.T. Taylor, President

Hotel Employees and Restaurant Employees Union, John Wilhelm, President

Service Employees International Union, Andrew Stern, President

United Farm Workers of America, AFL-CIO, Arturo Rodriguez, President

Union of Needletrades and Industrial Textile Employees (UNITE), Jay Mazur, President

American Immigration Lawyers Association, Jeanne Butterfield, Executive Director

Arab American Institute, James Zogby, President

Dominican American National Roundtable, Victor Capellan, President

Haitian American Foundation, Inc., Leonie Hermantin, Executive Director

Immigrant Support Network, Shailesh Gala, President

Lutheran Immigration and Refugee Services, Ralston Deffenbaugh, President

U.S. Catholic Conference/Migration and Refugee Services, Most Reverend Bishop Nicholas DiMarzio, Chairman, National Conference of Catholic Bishops' Committee on Migration

National Asian Pacific American Legal Consortium, Karen Narasaki, Executive Director

National Association of Latino Elected and Appointed Officials, Arturo Vargas, Executive Director

National Coalition for Haitian Rights, Jocelyn McCalla, Executive Director

National Council of La Raza, Raul Yzaguirre, President

National Farm Worker Ministry, Virginia Nesmith, Executive Director

National Immigration Forum, Frank Sharry, Executive Director

National Immigration Law Center, Susan Drake, Executive Director

National Puerto Rican Coalition, Manuel Mirabal, President/CEO

New America Alliance, Tom Castro, President

Polish American Congress, Edward Moskal, President

Salvadoran American National Network, Oscar Chacon, President

Southeast Asian Resource Action Center, Ka Ying Yang, Executive Director

William C. Velasquez Institute, Antonio Gonzalez, President

LOCAL ORGANIZATIONS

Centro Presente, M. Elena Letona, Executive Director

Centro Romero, Daisy Funes, Executive Director

Haitian American Grassroots Coalition, Jean-Robert Lafortune, Chairman

Heartland Alliance for Human Needs & Human Rights, Sid Mohn, President

Immigrant Legal Resource Center, Mark Silverman

Jewish Community Federation of San Francisco, the Peninsula, Marin and Sonoma Counties, Wayne Feinstein, Executive Vice President

Los Angeles County Federation of Labor, Miguel Contreras, Executive Secretary Treasurer

New York Association for New Americans, Mark Handelman, Executive Vice President

New York Immigration Coalition, Margie McHugh, Executive Director●

ADDITIONAL COSPONSORS

S. 662

At the request of Mr. L. CHAFEE, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 763

At the request of Mr. THURMOND, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 1145

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1145, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1364

At the request of Mr. BAYH, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1364, a bill to amend title IV of the Social Security Act to increase public awareness regarding the benefits of lasting and stable marriages and community involvement in the promotion of marriage and fatherhood issues, to provide greater flexibility in the Welfare-to-Work grant program for long-term welfare recipients and low income custodial and noncustodial parents, and for other purposes.

S. 1419

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1419, a bill to amend title 36, United States Code, to designate May as "National Military Appreciation Month".

S. 1464

At the request of Mr. HAGEL, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1562

At the request of Mr. NICKLES, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property.

S. 1706

At the request of Mrs. HUTCHISON, the name of the Senator from Iowa (Mr.

GRASSLEY) was added as a cosponsor of S. 1706, a bill to amend the Federal Water Pollution Control Act to exclude from stormwater regulation certain areas and activities, and to improve the regulation and limit the liability of local governments concerning co-permitting and the implementation of control measures.

S. 1851

At the request of Mr. CAMPBELL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1851, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs.

S. 1874

At the request of Mr. GRAHAM, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1940

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1940, a bill to amend the Immigration and Nationality Act to reaffirm the United States' historic commitment to protecting refugees who are fleeing persecution or torture.

S. 2005

At the request of Mr. BURNS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2005, a bill to repeal the modification of the installment method.

S. 2007

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2007, a bill to amend title 38, United States Code, to improve procedures relating to the scheduling of appointments for certain non-emergency medical services from the Department of Veterans Affairs, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Montana (Mr. BURNS), the Senator from Maryland (Mr. SARBANES), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2077

At the request of Mr. SANTORUM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2077, a bill to amend the Internal Revenue Code of 1986 to allow nonitemizers a deduction for a portion of their charitable contributions.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2123

At the request of Ms. LANDRIEU, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 2231

At the request of Mr. COVERDELL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2231, a bill to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech.

S. 2260

At the request of Mr. COVERDELL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2260, a bill to allow property owners to maintain existing structures designed for human habitation at Lake Sidney Lanier, Georgia.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2298

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2298, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program.

S. 2299

At the request of Mr. L. CHAFEE, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2344

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2386

At the request of Mrs. FEINSTEIN, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2403

At the request of Mr. BAYH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2403, to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing a nonrefundable marriage credit and adjustment to the earned income credit.

S. 2408

At the request of Mr. BINGAMAN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2419

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2476

At the request of Mr. BURNS, the name of the Senator from North Dakota (Mr. CONRAD), was added as a cosponsor of S. 2476, a bill to amend the Communications Act of 1934 in order to prohibit any regulatory impediments to completely and accurately fulfilling the sufficiency of support mandates of the national statutory policy of universal service, and for other purposes.

S. 2557

At the request of Mr. MURKOWSKI, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Colorado (Mr. ALLARD), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2557, a bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

S. 2589

At the request of Mr. JOHNSON, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2589, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 2609

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities' for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2610

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2610, a bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas.

S. 2625

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2625, a bill to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations.

S. 2629

At the request of Mr. HELMS, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2629, a bill to designate the facility of the United States Postal Service located at 114 Ridge Street in Lenoir, North Carolina, as the "James T. Broyhill Post Office Building."

S. CON. RES. 57

At the request of Mr. LIEBERMAN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Virginia (Mr. WARNER), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Con. Res. 57, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

S. CON. RES. 100

At the request of Mr. HAGEL, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. Con. Res. 100, a concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day.

S. RES. 266

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 266, a resolution designating the month of May every year for the next 5 years as "National Military Appreciation Month."

AMENDMENT NO. 3166

At the request of Ms. MIKULSKI, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 3166 proposed to S. 2603, an original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

SENATE CONCURRENT RESOLUTION 118—COMMEMORATING THE 60TH ANNIVERSARY OF THE EXECUTION OF POLISH CAPTIVES BY SOVIET AUTHORITIES IN APRIL AND MAY 1940

Mr. HELMS (for himself, Ms. MIKULSKI, Mr. ROTH, and Mr. BIDEN) submitted the following concurrent resolution; which was referred to the committee on Foreign Relations:

S. CON. RES. 118

Whereas 60 years ago, between April 3 and the end of May 1940, more than 22,000 Polish military officers, police officers, judges, other government officials, and civilians were executed by the Soviet secret police, the NKVD;

Whereas Joseph Stalin and other leaders of the Soviet Union, following meeting of the Soviet Politburo on March 5, 1940, signed the decision to execute these Polish captives;

Whereas 14,537 of these Polish victims have been documented at 3 sites, 4,406 in Katyn (now in Belarus), 6,311 in Miednoye (now in Russia), and 3,820 in Kharkiv (now in Ukraine);

Whereas the fate of approximately 7,000 other victims remains unknown and their graves together with the graves of other victims of communism, are scattered around the territory of the former Soviet Union and are now impossible to locate precisely;

Whereas on April 13, 1943, the German army announced the discovery of the massive graves in the Katyn Forest, when that area was under Nazi occupation;

Whereas on April 15, 1943, the Soviet Information Bureau disavowed the executions and attempted to cover up the Soviet Union's responsibility for these executions by declaring that these Polish captives had been engaged in construction work west of Smolensk and had fallen into the hands of the Germans, who executed them;

Whereas on April 28–30, 1943, an international commission of 12 medical experts visited Katyn at the invitation of the German government and later reported unanimously that the Polish officers had been shot three years earlier when the Smolensk area was under Soviet administration;

Whereas until 1990 the Government of the Soviet Union denied any responsibility for the massacres and claimed to possess no information about the fate of the missing Polish victims;

Whereas on April 13, 1990, Soviet President Mikhail Gorbachev acknowledged the Soviet responsibility for the Katyn executions;

Whereas this admission confirmed the 1951–52 extensive investigation by the United States House of Representatives Select Committee to Conduct an Investigation and Study of the Facts, Evidence, and Circumstances of the Katyn Forest Massacre and its Final Report (pursuant to House Resolution H.R. 390 and H.R. 539, 82d Congress);

Whereas that committee's final report of December 22, 1952, unanimously concluded that "beyond any question of reasonable doubt, that the Soviet NKVD (People's Commissariat of Internal Affairs) committed the mass murders of the Polish officers and intellectual leaders in the Katyn Forest near Smolensk" and that the Soviet Union "is directly responsible for the Katyn massacre"; and

Whereas that report also concluded that "approximately 15,000 Polish prisoners were interned in three Soviet camps: Kozielsk, Starobielsk, and Ostashkov in the winter of 1939–40" and, "with the exception of 400 prisoners, these men have not been heard from, seen, or found since the spring of 1940": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) remembers and honors those Polish officers, government officials, and civilians who were murdered in April and May 1940 by the NKVD;

(2) recognizes all those scholars, researchers, and writers from Poland, Russia, the United States and, elsewhere and, particularly, those who worked under Soviet and communist domination and who had the courage to tell the truth about the crimes committed at Katyn, Miednoye, and Kharkiv; and

(3) urges all people to remember and honor these and other victims of communism so that such crimes will never be repeated.

SENATE RESOLUTION 314—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE VIOLENCE, BREAKDOWN OF RULE OF LAW, AND TROUBLED PRE-ELECTION PERIOD IN THE REPUBLIC OF ZIMBABWE

Mr. McCAIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 314

Whereas people around the world supported the Republic of Zimbabwe's quest for independence, majority rule, and the protection of human rights and the rule of law;

Whereas Zimbabwe, at the time of independence in 1980, showed bright prospects for democracy, economic development, and racial reconciliation;

Whereas the people of Zimbabwe are now suffering the destabilizing effects of a serious, government-sanctioned breakdown in the rule of law, which is critical to economic development as well as domestic tranquility;

Whereas a free and fair national referendum was held in Zimbabwe in February 2000 in which voters rejected proposed constitutional amendments to increase the president's authorities to expropriate land without payment;

Whereas the President of Zimbabwe has defied two high court decisions declaring land seizures to be illegal;

Whereas previous land reform efforts have been ineffective largely due to corrupt practices and inefficiencies within the Government of Zimbabwe;

Whereas recent violence in Zimbabwe has resulted in several murders and brutal attacks on innocent individuals, including the murder of farm workers and owners;

Whereas violence has been directed toward individuals of all races;

Whereas the ruling party and its supporters have specifically directed violence at democratic reform activists seeking to prepare for upcoming parliamentary elections;

Whereas the offices of a leading independent newspaper in Zimbabwe have been bombed;

Whereas the Government of Zimbabwe has not yet publicly condemned the recent violence;

Whereas President Mugabe's statement that thousands of law-abiding citizens are enemies of the state has further incited violence;

Whereas 147 out of 150 members of the Parliament in Zimbabwe (98 percent) belong to the same political party;

Whereas the unemployment rate in Zimbabwe now exceeds 60 percent and political turmoil is on the brink of destroying Zimbabwe's economy;

Whereas the economy is being further damaged by the Government of Zimbabwe's ongoing involvement in the war in the Democratic Republic of the Congo;

Whereas the United Nations Food and Agricultural Organization has issued a warning that Zimbabwe faces a food emergency due to shortages caused by violence against farmers and farm workers; and

Whereas events in Zimbabwe could threaten stability and economic development in the entire region: Now, therefore, be it

Resolved, That the Senate—

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted principles of international law and which take place after the holding of free and fair parliamentary elections;

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society, and all political parties to work together toward a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic and international election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law abiding citizens;

(8) congratulates all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation; and

(9) desires a lasting, warm, and mutually beneficial relationship between the United States and a democratic, peaceful Zimbabwe.

Mr. McCAIN. Mr. President, Zimbabwe is in the midst of a political crisis that threatens its future, and that is destabilizing its regional neighbors. I believe the Senate should go on record in support of Zimbabwe's democratic activists and against the authoritarian tactics of President Robert Mugabe, whose campaign of state-directed violence and intimidation against opposition party members, farmers, and farm workers are devastating the nation he leads, impoverishing his people and tarnishing his country's prospects.

As my colleagues know, in February, President Mugabe lost a referendum he had called in expectation of victory to grant himself additional constitutional powers. This historic loss, coupled with the emergence of the opposition Movement for Democratic Change, signaled that Mugabe's days as President were numbered.

But after twenty years in power, hopes that Mugabe would go quietly into the night after founding and presiding over his nation for two decades are demonstrably naive. Mugabe today is clearly doing everything in his power to avoid joining the tiny cadre of African leaders who have voluntarily transferred power following free and fair elections. On the contrary: Mugabe has incited a racial crisis over property rights and sent his army to fight a war in which Zimbabwe has no stake, all in the hopes of prolonging his hold on the power he apparently regards as his birthright. But the average Zimbabwean, who is poorer by one-third than when Mugabe came to power twenty years ago and who currently suffers the effects of 50 percent unemployment and an inflation rate of 70 percent, would likely disagree with Mugabe's assessment of the continuing benefits of his rule.

President Mugabe has shamelessly encouraged the squatter occupation of Zimbabwe's commercial farms for political purposes. In doing so, he actively abandons the rule of law in favor of mob rule, in the process destroying the nation's wealth. An internationally agreed-upon process of land redistribution funded by Britain, the United States, and other powers collapsed after it became clear that the only land redistribution Mugabe favored was that which transferred white-owned farms intact to his political cronies.

As if economic collapse and politically motivated race-baiting weren't enough, Mugabe has dispatched 12,000 troops to fight in the civil war in the Democratic Republic of Congo, at a cost of millions of dollars to his government, while an AIDS crisis and economic stagnation grow. Independent observers cannot discern any tangible Zimbabwean national interest in Congo that merits a costly troop deployment, although such observers do note that Mugabe and his military allies have profited handsomely from using the mission to exploit Congo's natural resource base.

Facing heavy domestic and international pressure, Mugabe has finally scheduled elections for next month. Based on its level of popular support, the beleaguered Movement for Democratic Change should do very well in the upcoming parliamentary elections, assuming they are not stolen by Mugabe and his ZANU–PF. The current rubber-stamp parliament, in which the ZANU–PF controls 147 of 150 seats, would likely change hands, altering the country's course and hopefully reinstating the rule of law and the democratic protections Zimbabwe's people deserve. Many observers believe, however, that only intense and sustained international pressure can prevent an electoral outcome inconsistent with the wishes of Zimbabwe's voters.

The level of election-related violence and intimidation against the opposition is made clear by a May 22, 2000, International Republican Institute report, from which I quote:

> The [Movement for Democratic Change] released on May 10 a comprehensive report documenting more than 5,000 acts of violence and intimidation throughout the country in the past 10 weeks. At least 15 black MDC members and supporters, four white farmers, and a policeman have been killed since the February constitutional referendum that marked ZANU–PF's first defeat at the ballot box since taking power in 1980. At least 300 people have been driven from rural homes that have been wrecked or burned. Hundreds have been beaten and maimed. At least eight women have been raped because of perceived allegiance to opposition parties. In 92 percent of the cases, the perpetrators of the violence were either known supporters of the ruling party or government employees. Of the victims, 41 percent were MDC supporters and 51 percent were black farm workers and suspected MDC sympathizers. Most observers agree that land reform is not the real issue, but is being used as a smokescreen to mask government efforts to crush political opposition.

The International Republican Institute, which I chair, is deeply involved in pre-election security, training, and registration and will play an important monitoring role throughout Zimbabwe's electoral process. IRI is sponsoring an audit of Zimbabwe's voter registration rolls, training 3,000 domestic poll monitors, conducting voter education and public opinion polling, providing funding to support legal challenges to electoral conditions inimical to a free and fair vote, sponsoring an election-related violence-monitoring unit, and fielding a bipartisan international election observation team to observe and report on the electoral process in Zimbabwe. Both IRI and its counterpart, the National Democratic Institute, have indicated that the conditions for credible democratic elections simply do not exist at present.

In light of these grim pre-electoral assessments, and the heavy-handedness of Mugabe's rule in the period preceding the vote, I believe the Senate should clearly state its support for free and transparent elections in Zimbabwe, the rule of law, appropriate international assistance for a peaceful process of land reform, and the political activists who brave Mugabe's wrath in the name of democratic rule. My resolution makes a series of findings concerning the violence, breakdown of rule of law, and troubled pre-election period in Zimbabwe. The resolution resolves that the Senate:

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted principles of international law and which take place after the holding of free and fair parliamentary elections;

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society, and all political parties to work together toward a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic and international election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law-abiding citizens;

(8) congratulates all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation; and

(9) desires a lasting, warm, and mutually beneficial relationship between the United States and a democratic, peaceful Zimbabwe.

I hope my colleagues will join me in expressing our strong support for the democratic rights and freedoms of the people of Zimbabwe. Their will, not President Mugabe's personal whims, should determine their country's course. Democratic rule in neighboring South Africa, Botswana, and Mozambique has served those countries well. Zimbabwe's citizens should be no less fortunate.

SENATE RESOLUTION 315—EXPRESSING THE SENSE OF THE SENATE REGARDING THE CRIMES AND ABUSES COMMITTED AGAINST THE PEOPLE OF SIERRA LEONE BY THE REVOLUTIONARY UNITED FRONT, AND FOR OTHER PURPOSES

Mr. HELMS (for himself, Mr. BIDEN, Mr. FRIST, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 315

Whereas more than 1,000,000 of Sierra Leone's 5,200,000 population are internally displaced and more than 500,000 are refugees as a direct result of the civil war in Sierra Leone, at least 50,000 people have been killed during the civil war, untold numbers of people have been mutilated and disabled largely by the Revolutionary United Front, and more than 20,000 individuals, including many children, are missing or have been kidnapped by the Revolutionary United Front;

Whereas the Revolutionary United Front continues to terrorize the population of Sierra Leone by mutilating their enemies and innocent civilians, including women and children, by chopping off their ears, noses, hands, arms, and legs;

Whereas the Revolutionary United Front continues to terrorize the population of Sierra Leone by decapitating innocent victims, including children as young as 10 months old and elderly men and women;

Whereas the Revolutionary United Front abducts women and children for use as forced laborers, sex slaves, and as human shields during skirmishes with government forces and the forces of the Economic Community of West African States;

Whereas the Revolutionary United Front has kidnapped boys as young as 6 or 7 years old and used them to kill and steal and to become soldiers, and its forces have routinely raped women and young girls as a terror tactic;

Whereas the Revolutionary United Front has abducted civilians, missionaries, humanitarian aid workers, United Nations peacekeepers, and journalists;

Whereas Charles Taylor, the President of Liberia, has provided and continues to provide significant support and direction to the Revolutionary United Front in exchange for diamonds and other natural resources and is therefore culpable for the abuses in Sierra Leone;

Whereas the Lome Peace Accords did not hold the Revolutionary United Front accountable for their abuses and, in fact, rewarded Foday Sankoh and other Revolutionary United Front leaders with high government offices and control of diamond mining throughout Sierra Leone;

Whereas the Revolutionary United Front in Sierra Leone is not a legitimate political movement, entity, or party;

Whereas all sides in the civil war in Sierra Leone are guilty of serious human rights abuses; and

Whereas the Revolutionary United Front led by Foday Sankoh is responsible for breaking the Lome Peace Accords and for the violent aftermath that has consumed Sierra Leone since May 1, 2000: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Government should do all in its power to help ensure that the Revolutionary United Front and its leaders, as well as other groups committing human rights abuses in Sierra Leone, are held accountable for the crimes and abuses committed against the people of Sierra Leone;

(2) the United States Government should not condone, support, or be a party to, any agreement that provides amnesty to those responsible for the crimes and abuses in Sierra Leone; and

(3) the United States Government should not provide incentives of any kind to regional supporters of the Revolutionary United Front until all support from them to the Revolutionary United Front has ceased.

SENATE RESOLUTION 316—HONORING SENIOR JUDGE DANIEL H. THOMAS OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following resolution; which was considered and agreed to:

S. RES. 316

Whereas Daniel H. Thomas devoted his life to the dedicated and principled service of his country, his State, and his community;

Whereas Daniel H. Thomas, a native of Prattville, Alabama, was born August 25, 1906, to Judge C.E. Thomas and Augusta Pratt.

Whereas Daniel H. Thomas obtained his law degree from the University of Alabama in 1928, where his uncle, Daniel H. Pratt, served as President pro tem of the Board of Trustees of the University;

Whereas Daniel H. Thomas, having served his country with distinction for 3 years as a Navy Lieutenant during World War II, returned to Mobile, Alabama and continued in the practice of law with Mr. Joseph C. Lyons and Sam Pipes in the law firm of Lyons, Thomas and Pipes until he was elevated to the Federal bench;

Whereas Daniel H. Thomas was appointed a United States District Judge for the Southern District of Alabama by President Truman in 1951, joining in distinguished judicial service his father, C.E. Thomas, who was a probate judge of Augusta County, Alabama, his uncle, William Thomas, who served the State of Alabama as a Supreme Court Justice, and his uncle, J. Render Thomas, who served many years as the Clerk of the Supreme Court of Alabama;

Whereas 49 years of judicial service made Judge Thomas one of the longest serving Federal judges in American history;

Whereas the years of distinguished judicial service by Judge Thomas were characterized by unflinching integrity and unquestioned legal ability;

Whereas in a time of great political and social turmoil, Judge Thomas inspired continued respect for the rule of law established under the Constitution of the United States, and for the propositions that "all men are created equal" and deserve "equal protection of the laws" by faithfully adhering to the precedents of the United States Supreme Court, even when such actions were not popular;

Whereas the depth of legal scholarship exhibited by Judge Thomas led him to become one of the most respected experts in the nation in the important field of Admiralty Law;

Whereas the reach of service by Judge Thomas to his country extended beyond his courtroom to his community through his active leadership as a founding trustee of the Ashland Place Methodist Church in Mobile, Alabama, and to America's youth through his efforts in support of the Boy Scouts of America;

Whereas Judge Thomas, a man who enjoyed the outdoors, being an accomplished fisherman and quail hunter, exhibited great common sense, had a vibrant sense of humor, and was extremely friendly and thoughtful of others, thereby truly fitting the description of a true "southern gentleman";

Whereas Judge Thomas truly was a great judge whose life was the law, and who was loved and respected by members of the bar and community to a degree seldom reached and never surpassed;

Whereas Judge Thomas passed away at his home in Mobile, Alabama, on Thursday, April 13, 2000;

Whereas the members of the Senate extend our deepest sympathies to the wife of Judge Thomas, Catherine Miller Thomas, his 2 sons, Daniel H. Thomas, Jr. and Merrill P. Thomas, other family members, and a host of friends that he had across the country; and

Whereas in the example of Judge Daniel H. Thomas, the American people have an enduring symbol of moral courage, judicial restraint, and public service: Now, therefore, be it

Resolved, That—

(1) the Senate honors the memory of Judge Daniel H. Thomas for his exemplary service to his country; and

(2) the Secretary of the Senate is directed to transmit a copy of this resolution to the family of the deceased.

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

HELMS AMENDMENT NO. 3172

Mr. HELMS submitted an amendment intended to be proposed by him to the bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. . SUPPORT BY THE RUSSIAN FEDERATION FOR SERBIA.

(a) FINDINGS.—Congress finds that—

(1) General Dragolub Ojdanic, Minister of Defense of the Federal Republic of Yugoslavia (Serbia and Montenegro) and an indicted war criminal, visited Moscow from May 7 through May 12, 2000, as a guest of the Government of the Russian Federation, attended the inauguration of President Vladimir Putin, and held talks with Russian Defense Minister Igor Sergeyev and Army Chief of Staff Anatoly Kvashnin;

(2) General Ojdanic was military Chief of Staff of the Federal Republic of Yugoslavia during the Kosovo war and has been indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for crimes against humanity and violations of the laws and customs of war for alleged atrocities against Albanians in Kosovo;

(3) international warrants have been issued by the International Criminal Tribunal for the Former Yugoslavia for General Ojdanic's arrest and extradition to the Hague;

(4) the Government of the Russian Federation, a permanent member of the United Nations Security Council which established the International Criminal Tribunal for the Former Yugoslavia, has an obligation to arrest General Ojdanic and extradite him to the Hague;

(5) on May 16, 2000, Russian Minister of Economics Andrei Shapovalyants announced that his government has provided the Serbian regime of Slobodan Milosevic $102,000,000 of a $150,000,000 loan it had reactivated and will sell the Government of Serbia $32,000,000 of oil despite the fact that the international community has imposed economic sanctions against the Government of the Federal Republic of Yugoslavia and the Government of Serbia;

(6) the Government of the Russian Federation is providing the Milosevic regime such assistance while it is seeking debt relief from the international community and loans from the International Monetary Fund, and while it is receiving corn and grain as food aid from the United States;

(7) the hospitality provided to General Ojdanic demonstrates that the Government of the Russian Federation rejects the indictments brought by the International Criminal Tribunal for the Former Yugoslavia against him and other officials, including Slobodan Milosevic, for alleged atrocities committed during the Kosovo war; and

(8) the relationship between the Government of the Russian Federation and the Governments of the Federal Republic of Yugoslavia and Serbia only encourages the regime of Slobodan Milosevic to foment instability in the Balkans and thereby jeopardizes the safety and security of American military and civilian personnel and raises questions about Russia's commitment to its responsibilities as a member of the North American Treaty Organization-led peacekeeping mission in Kosovo.

(b) ACTIONS.—

(1) Fifteen days after the date of enactment of this Act, the President shall submit a report to Congress detailing all loans, financial assistance, and energy sales the Government of the Russian Federation or entities acting on its behalf has provided since June 1999, and intends to provide to the Government of Serbia or the government of the Federal Republic of Yugoslavia or any entities under the control of the Governments of Serbia or the Federal Republic of Yugoslavia.

(2) If that report determines that the Government of the Russian Federation or other entities acting on its behalf has provided or intends to provide the governments of Serbia or the Federal Republic of Yugoslavia or any entity under their control any loans or economic assistance and oil sales, then the following shall apply:

(A) The Secretary of State shall reduce assistance obligated to the Russian Federation by an amount equal in value to the loans, financial assistance, and energy sales the Government of the Russian Federation has provided and intends to provide to the Governments of Serbia and the Federal Republic of Yugoslavia.

(B)(i) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of the Russian Federation except for loans and assistance that serve basic human needs.

(ii) In this subparagraph, the term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(C) The United States shall suspend existing programs to the Russia Federation provided by the Export-Import Bank and the Overseas Private Investment Corporation and any consideration of any new loans, guarantees, and other forms of assistance by the Export-Import Bank or Overseas Private Investment Corporation to Russia.

(D) The President of the United States should instruct his representatives to negotiations on Russia's international debt to oppose further forgiveness, restructuring, and rescheduling of that debt, including that being considered under the "Comprehensive" Paris Club negotiations.

NOTICE OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place on Wednesday, June 8, 2000, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on H.R. 359, an Act to clarify the intent of Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance and operation of certain water impoundment structures that were located in the Emigrant Wilderness at the time the wilderness area was designed in that Public Law; H.R. 468, an Act to establish the Saint Helena Island National Scenic Area; H.R. 1680, an Act to provide for the conveyance of forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest; S. 1817, a Bill to validate a conveyance of certain lands located in Carlton County, Minnesota, and to provide for the compensation of certain original heirs; S. 1972, a Bill to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park; S. 2111, a Bill to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please contact Mark Rey at (202) 224-6170.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, June 14, 2000, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct oversight on the National Marine Fisheries Service's draft Biological Opinion and its potential impact on the Columbia River operations.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please call Trici Heninger, staff assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The propose of this hearing is to receive testimony on the United States General Accounting Office March 2000 report entitled "Need to Address Management Problems that Plague the Concessions Program".

The hearing will take place on Thursday, June 15, 2000, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Kevin Clark of the committee staff at (202) 224-6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the committee on Commerce, Science,and Transportation be authorized to meet on Thursday, May 25, 2000, at 9:30 am.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 25 at 9:30 a.m. to conduct an oversight hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, May 25, 2000, at 10:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, May 25, 2000, at 2:00 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation be authorized to meet during the session of the Senate on Thursday, May 25 at 2:30 p.m. to conduct an oversight hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions be authorized to meet during the session of the Senate on Thursday, May 25, 2000, to conduct a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICE.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on International Security, Proliferation, and Federal Services be authorized to meet during the session of the Senate on Thursday, May 25, 2000, at 10:00 a.m. for a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC HEALTH

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Public Health, be authorized to meet for a hearing during the session of the Senate on Thursday, May 25, 2000, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ROBERTS. Mr. President, I ask unanimous consent that Major Scott Kindsvater from Dodge City, KS, a major in the United States Air Force, an F-15 pilot, and a congressional fellow, be granted the privilege of the floor during the foreign policy dialog.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLELAND. Mr. President, I ask unanimous consent my legislative fellow, Chris Grant, be given access to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Tom Lederer, a congressional fellow serving in Senator CONRAD's office, be granted floor privileges during the consideration of the crop insurance conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LUGAR. Mr. President, on behalf of our majority leader, Senator LOTT, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

Mr. DEWINE. Seeing my colleague from Georgia on the floor, if he would like to proceed. I am going to be about 10 minutes.

Mr. COVERDELL. The Senator was recognized. It is appropriate he has his 10 minutes.

FREE TRADE IN THE AMERICAS

Mr. DEWINE. Mr. President, as you know, our colleagues in the House passed, by a vote of 237-197, legislation to establish permanent normalized trade relations with China. The vote yesterday condensed months of intense debate over economics, foreign policy, and national security concerns with regard to that relationship with China.

This is significant legislation, and I look forward to a thorough Senate debate on this matter. I will have more to say about this very important issue during that debate. There are very significant economic and trade concerns, but there are also some very significant national security issues that must be discussed.

Over the last several months, the current administration has invested considerable time, energy, and resources to achieving House approval of what is essentially a bilateral agreement with China. While this issue is a very important one, I also believe we need to place it in its proper context and consider whether our overall trade policies have been successful.

I am concerned that over the last 4 years, the administration's pursuit of a bilateral trade agreement with China has come at the expense of missed bilateral and even multilateral trade agreements and economic opportunities right here within our own hemisphere.

Regardless of what the potential economic benefits that PNTR with China could offer, the bottom line is that stability and economic opportunity within our own hemisphere always must be a top priority. To that extent, we, as a nation, stand to lose or gain, depending on the economic health and security of our own neighbors. What that means is that ultimately a strong and free and prosperous hemisphere means a strong and free and prosperous United States.

The reality is that in 1997, we had an opportunity to move forward to give the President greater authority to negotiate new trade agreements with countries in our own hemisphere. Sadly, that did not happen. Now it will be up to our next President to pursue new markets in this hemisphere. If we as a country do not lead, other nations and their businesses will take our place. No country is waiting for us to act first.

In the end, the longer we wait to pursue more trade opportunities in our own hemisphere, the more we stand to lose.

Take, for example, my home State of Ohio. The future of Ohio's economy is linked to our ability to send our products abroad. Given the chance, Ohio's businessmen and women and Ohio's farmers can and do compete effectively on the world stage. For example, in most years, one-third to one-half of Ohio's major cash crops—corn, wheat, and soybeans—are found in markets and meals outside our country. In 1998, the city of Cincinnati increased its exports by slightly more than $1 billion. It was the fourth-biggest such increase in the country. Columbus, OH, boosted its exports by $92.5 million, ranking 36th in the country and second in the State in terms of percentage growth. Open trade opportunities have allowed Ohio's and the Nation's economy to continue thriving.

This argument has been used to support granting permanent normal trade relations with China. Much of the public debate has focused on the potential of more than 1 billion Chinese consumers. Yet, we are ignoring another very sizable market—the market within our own hemisphere. Right here in our hemisphere, with a combined gross domestic product (GDP) of more than $10 trillion—a hemisphere encompassing 800 million people—trade with our hemispheric neighbors represents vast opportunities. These are opportunities that we must not ignore.

Right now, Europe, Asia, and Canada are securing their economic fortunes throughout Latin America and Central America. Take the example of Brazil—the world's eighth largest economy. In 1997, the European Union—the EU—exported to Brazil more than they did to any other country, and between 1990 and 1998, their exports grew 255 percent. Also, although United States exports to Argentina are double that of Asia's, our growth rate is less than half of Asia's incredible 1664 percent increase from 1990 to 1998.

As my colleagues can see, other nations are riding the tides of change—of free-market economics and openness—and integrating into the world economy. The region's "Mercosur" or common market—which includes Argentina, Brazil, Paraguay, Uruguay, and associate member Chile—is the world's largest growing trading bloc, experiencing trade growth of 400 percent between 1990 and 1998. In 1990, they bought less than $7 billion worth of U.S. products. In 1997, their U.S. purchases had grown to $23 billion.

The Europeans aren't asleep at the wheel either. As of now, the European Union is the largest trading partner with the Mercosur countries. Trade between the EU and the Mercosur countries totaled $42.7 billion in 1996 compared to $31 billion for the United States. Additionally, between 1990 and 1998, the EU's market share of all Mercosur imports increased from 23 percent to 27 percent. It is becoming increasingly obvious that the European Union is not going to sit idly by and let the United States gain any market share in our own hemisphere, our own region. In fact, the EU recently has intensified negotiations with the Mercosur toward consolidating the two regional blocs. Moves like this represent more than just a loss of export opportunities for our Nation—they represent a lack of leadership to aggressively pursue new markets in our own hemisphere.

This is the hemisphere we live in. Those should be our markets. To lose them through neglect would be a truly shameful outcome for our country.

There is enough of a consciousness in Latin America of the benefits of economic liberalization that we will see more and more trade barriers go down—to somebody's benefit. The question that remains is: Will we in the United States be in on that market, or not?

I am optimistic, though, that our Nation can capture a larger share of markets in our hemisphere now that the Senate passed and the President signed into law the Caribbean Basin Trade Enhancement Act. This act will bring tremendous benefits to the United States and to the Caribbean Basin. It will enhance our economic security, both by opening new markets for American products and by strengthening the economies of our closest neighbors. And, it would create new hope for those left jobless by Hurricanes Mitch and Georges.

The CBI law will extend duty-free treatment to apparel assembled in the Carribean Basin—or assembled and cut in the region—using U.S. fabric made from U.S. yarn. This will help strengthen existing U.S.-CBI partnerships in the apparel industry, because the duty-free treatment will help U.S. apparel manufacturers maintain their competitiveness with the Asian market.

CBI is a good law. It is a good law that was long, long overdue. In the context of our overall trade policy, it represents a modest step forward. To do more toward further expanding market opportunities abroad will require strong leadership both in the Congress and from the President.

Despite the success of CBI, plenty of unfinished business remains with regard to our hemispheric trading partners and our hemispheric trading policies, as well as our overall trading strategy. It will be incumbent upon our next President and this Congress to deal with this unfinished business of our country. I am hopeful that several important initiatives will, in fact, be pursued. That is why I believe the next administration and the next Congress needs to approve fast track trading authority.

It is not a stretch to say that America's continued leadership in the global economy is fundamentally dependent on our ability to secure new markets abroad. By giving the President greater flexibility to negotiate trade agreements, and by giving the President the ability to set the pace and the timing of many of our most important trade negotiations, Congress would be giving the President the authority to negotiate trade deals very quickly, but also the ability to assert and protect the continued international economic supremacy of the United States. And that—that is key to our economic future.

Finally, ultimately, our Nation's ability to aggressively promote free and fair trade and enter into trade agreements with countries within our hemisphere is critical. The more we pursue economic initiatives with our neighbors, the more we, as a nation, stand to gain and in ways that go beyond economic growth. In a region that is largely Democratic, a hemispheric commitment to free and fair trade will strengthen Democratic principles and the rule of law. Such pursuits are good for the Caribbean Basin; they are good for Central America; they are good for Latin America; and they are good for agriculture and business right here at home in the United States. Overall, it just makes good sense.

I thank the Chair and yield the floor.

Mrs. BOXER. Mr. President, after long and difficult deliberation, I have decided to vote for permanent normal trade relations with China. The House of Representatives has now passed the bill and I expect the Senate to take it up next month, after the Memorial Day recess.

California is the leading state in world trade. Its location on the Pacific Rim makes our relationship with Asia extremely important.

During my congressional career, I have supported some of the trade relations proposals we have considered and opposed others. I believe that each trade proposal should be considered on its own, and I do not have an ideological bent on the issue of trade.

The decision on this bill—to grant permanent normal trade relations status to China—has been one of the hardest I have ever had to make, because the arguments on both sides have merit. I would like to review in this statement the excellent points made by both sides in the debate.

First, with respect to human rights, those opposed to PNTR cite China's continuing terrible human rights record. They argue that by not having annual review of China's trade status, we will lose our strongest leverage to force China to change its behavior. It is also argued that by granting China permanent normal trade relations, we are rewarding and legitimizing the leaders who have such a bad human rights record. Finally, the argument that increased contact with China will improve human rights conditions is undermined by the facts. According to the 1999 State Department Human Rights Report, the Chinese government's human rights record has deteriorated over the past several years, despite increased contacts between China and the United States.

But there are human rights advocates who support PNTR for China. They believe that isolating China will be bad for human rights, because the leaders will then be under no outside pressure to change their behavior. They also argue that, over time, people to people contacts through the media, internet and travel will expose the Chinese people to international standards and values and will continue to gradually loosen rigid, authoritarian structures. This is why such esteemed human rights leaders as the Dalai Lama and Wang Dan, on of the Tiananmen Square leaders, support PNTR for China.

The human rights concerns are why inclusion of the Levin amendment in the House bill is so important to me. This regime to monitor human rights and worker rights in China will put these issues in sharp focus and will significantly increase our knowledge about whether the Chinese people are making progress in these areas. I commend Congressman LEVIN for his leadership in attaching this important safeguard to the legislation.

Second, with respect to the impact of PNTR on American jobs, there are arguments on both sides. Opponents say that bringing China into the World Trade Organization and granting it permanent normal trade status will result in the loss of more than 800,000 jobs in the United States. They believe it will allow multinational corporations to move many operations into China, where worker wages and benefits are much lower, wages being as low as 13 cents an hour.

The principal argument in favor of PNTR is that we must pass it in order to get the benefits of the trade agreement negotiated by the Clinton administration last year, which requires China to lower trade barriers and open up the Chinese market to all kinds of American products and services, including many from my State of California. Supporters estimate that implementation of this agreement will increase exports of U.S. goods to China by more than $13 billion per year by 2005. Supporters also argue that granting PNTR to China will give the U.S. the ability to force Chinese compliance with all terms of the trade agreement, including with WTO-authorized sanctions if necessary. If PNTR is not granted, the U.S. could not avail itself of WTO enforcement procedures.

So it is clear that there are strong arguments on both sides of the human rights and workforce/labor issues.

But the reason I have decided to vote in favor of permanent normal trade relations status for China is because, first and foremost, I believe that it is my responsibility as a United States Senator to put the national security of the United States above all other considerations. And on the national security question, in my opinion, there is only one rational view.

I believe that through engagement with China we have the best opportunity to avoid a cold war type atmosphere, which hung like a cloud over this nation—indeed, the world—for 45 years after World War II.

A vote against PNTR would suggest that the U.S. views China as an adversary and would make it much more difficult to engage China to work with us constructively in key strategic areas. Of particular concern to me is China's role in efforts to bring peace and stability to the Korean Peninsula. China encouraged North Korea's compliance with the U.S.-DPRK (North Korea) framework which halted the North's nuclear weapons program, and China will undoubtedly have to be part of any solution that integrates North Korea into the international community.

China also plays a key role in the international community's response to the continuing conflict between India and Pakistan. China has in fact condemned both nations for conducting nuclear tests, and has urged them both to conduct no more tests, to avoid deploying or testing missiles, and to work to resolve their differences over Kashmir through dialogue, rather than military action.

Finally, China is playing an increasingly active and constructive role in Asian security and stability. U.S. isolation of China would seriously undermine our ability to influence China's future orientation, and would set us on a dangerous path of confrontation.

I am under no illusions that granting PNTR to China will make it our new best friend. But failure to do so could well make it an adversary of the sort that we lived with for almost half a century until the fall of the Berlin Wall and the disintegration of the Soviet Union. That is a risk we should not take.

The PRESIDING OFFICER. The Senator from Georgia.

THE RUNOFF ELECTION IN PERU

Mr. COVERDELL. Mr. President, it is fortuitous that the Senator from Ohio would make his remarks before mine. I share and agree with most of what he has said with regard to trade.

I rise on a point that could be a troubling cloud that, even if the next President and even if the next Congress were to take the suggestions of the Senator from Ohio, and if certain events that are unfolding this very minute were to take a wrong turn, could dramatically and negatively affect these trade opportunities.

The Andean region—Colombia, Peru, Ecuador, Bolivia, Panama, and Venezuela—is experiencing difficult times. I rise specifically today about events that are under advisement this minute in Peru.

As those who follow events there know, very aggressive behavior by President Fujimori led to a constitutional override of a two-term limitation on his Presidency, and he is seeking a third term. The elections on April 9 were viewed as flawed by the international community. Severe questions occurred as to whether or not a fair election had occurred. The OAS, the Carter Center, NDI, and other international observers have argued that the runoff election which will occur this Sunday, unless postponed, is in severe doubt and question. The Organization of American States, along with others, has said that the computer system—which is crucial to the vote count and crucial to monitoring the election—is not in a condition for which a fair election can occur and as a result they would not be able to accredit the election. If an election occurs this Sunday, for which all national and international interests have said you cannot appropriately observe the election, you can't tell whether it has been fair or not, if the government proceeds with that, it will be a serious blow to the democratic countries that the Senator from Ohio alluded to and to constitutional law and to the growth of democracy in our hemisphere.

Very recently, Senator LEAHY from Vermont and I authored a joint resolution on this matter which reads: Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled that it is the sense of the Congress that the President of the United States should promptly convey to the President of Peru, if the April 9, 2000, elections are deemed by the international community not to have been free and fair, the United States will review and modify as appropriate its political and economic and military relations with Peru and will work with other democracies in the hemisphere and elsewhere towards restoration of democracy in Peru. This is passed by the House. This is passed by the Senate. This is signed by the President of the United States and, therefore, this is the policy of the United States with regard to these elections.

The situation has not improved. As I said, we have a computer system that is flawed. We have the opposition candidate who has withdrawn from the election. We have the Organization of American States saying we will withdraw all observers. We are hours away from a very serious turnback and reversal in our hemisphere in the country of Peru. Constitutional law, the hemisphere of new democracies, will have suffered a blow.

Supposedly, in the next 2 or 3 hours, their electoral commission will make a statement as to whether they will listen to the world, listen to the OAS, listen to the United States Congress, the President of the United States, and delay these elections or not.

I rise only for the purpose of saying that it will be an acknowledged blemish on so much progress that had been made in this last decade. It will have dire and long-reaching consequences if the Government of Peru does not hear a world talking to it.

I can only pray that in the next hour or two, the government will recognize that it must have an environment under which elections will be fair and observers will have the ability to adjudicate this was a fair election or this was not. To my colleagues, I say, there are events unfolding in this hemisphere to which we must pay far more attention. As the Senator from Ohio said, the vast majority of our trade now is in this hemisphere. It exceeds Europe and it exceeds the Pacific. It had better be a healthy place because it means a great deal to us and our fellow citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

MEASURE READ FOR THE FIRST TIME—S. 2645

Mr. THOMPSON. Mr. President, I rise to introduce a bill, the China Nonproliferation Act, which I now send to the desk on behalf of myself and Senator TORRICELLI, as well as the following original cosponsors: Senators COLLINS, DEWINE, INHOFE, KYL, SANTORUM, and SPECTER.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. THOMAS. Mr. President, I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2645) to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

Mr. THOMPSON. I now ask for the bill's second reading.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will be held at the desk.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I apologize to the Senator from Tennessee for my objection. I was engaged in a discussion and did not hear what he was asking for. I understand it had been worked out and was ready to go. We were not clear on exactly what was happening.

The Senator from Tennessee wishes to reclaim the floor, and I yield.

Mr. THOMPSON. I didn't hear the majority leader.

Mr. LOTT. I was explaining why I objected.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I ask for the bill's second reading.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

Mr. THOMPSON. I yield the floor.

MEASURES PLACED ON THE CALENDAR—H.R. 1291, H.R. 3591, H.R. 4051, AND H.R. 4251

Mr. LOTT. Mr. President, I understand there are four bills at the desk due for their second reading.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1291) to prohibit the imposition of access charges on Internet service providers, and for other purposes.

A bill (H.R. 3591) to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

A bill (H.R. 4051) to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearm offenses, and for other purposes.

A bill (H.R. 4251) to amend the North Korea Threat Reduction Act of 1999 to enhance Congressional oversight of nuclear transfers to North Korea, and for other purposes.

Mr. LOTT. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDING OFFICER. The bills will be placed on the calendar.

PROVIDING FOR THE ADJOURNMENT OF BOTH HOUSES OF CONGRESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the adjournment resolution just received from the House, that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 336) was agreed to, as follows:

H. CON. RES. 336

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 25, 2000, or Friday, May 26, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10:30 a.m. on Tuesday, June 6, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, May 25, 2000, Friday, May 26, 2000, Saturday, May 27, 2000, or Sunday, May 28, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 5, 2000, or Tuesday; June 6, 2000, as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

UNANIMOUS-CONSENT REQUESTS

Mr. LOTT. Mr. President, we had talked over the period of, I guess, 2 or 3 weeks about trying to come to an agreement so we could go back to the very important bill, S. 2, the Education Opportunities Act of 2000. We still have pending on that bill, I believe, two amendments for debate, and I don't know if we have the time agreement for a final vote. We do not, but we have Senators JEFFORDS, STEVENS, DOMENICI, and others—and maybe Senator KENNEDY is on that amendment—plus a second Kennedy amendment. What we have been trying to do is agree to another grouping of amendments after that but preferably to go ahead and get agreement on a list of very important amendments on both sides of the aisle that are related to elementary and secondary education and have votes on those amendments and then come to a conclusion.

I wanted to see if we could make any progress in that regard and, hopefully, we can get agreement on this. If not, we will keep working to see if we can find a way to reach an agreement.

I ask unanimous consent that when the Senate resumes consideration of S. 2, the Educational Opportunities Act of 2000, the Stevens amendment No. 3139 remain the pending amendment, and that the education-related amendments which follow be the only first-degree amendments in order to be offered; that they be subject to relevant second-degree amendments; that debate on all amendments, whether first or second degree, be limited to 1 hour equally divided; and following the conclusion of debate on or in relation to the first-degree amendments listed, the bill be read the third time, and the Senate proceed to a vote on final passage.

I also ask consent that when the Senate receives the House companion measure, it proceed immediately to its consideration; that all after the enacting clause be stricken, the text of the Senate bill be inserted, the bill advanced to third reading and passed; that the Senate then insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, all without any intervening action or debate, and that S. 2 be indefinitely postponed.

The remaining first-degree amendments in order to be offered to S. 2—and I note again these will be 1 hour each equally divided—are:

An amendment by Senator JEFFORDS relating to high schools; an amendment by Senator STEVENS involving physical education programs; an amendment by Senator BINGAMAN regarding accountability; an amendment by Senator SANTORUM which calls for full funding for IDEA; the Kennedy amendment regarding teacher quality; a Hutchison amendment regarding single-sex schools; an amendment by Senator DODD involving 21st century schools; an amendment by Senator GREGG involving 21st century schools; an amendment by Senators HARKIN and BINGAMAN concerning school construction grant programs; an amendment by Senator VOINOVICH regarding IDEA funding options; an amendment by Senator WELLSTONE regarding fairness and accuracy in testing; an amendment by Senator GRAMS involving alternative testing; an amendment by Senator REED involving parental involvement; an amendment by Senator KYL which would deal with parental opt-out for bilingual education; an amendment by Senator MIKULSKI involving community technology centers; an amendment by Senator ASHCROFT involving IDEA discipline—an amendment, I might add, he has been trying to get in the order for several weeks now, and we have not been able to get it agreed to in the order, and I must say that at one point he could have insisted on it but was agreeable to setting it aside with the understanding he would get a shot at it later on—a relevant amendment by Senator LOTT; a relevant amendment by Senator DASCHLE; a relevant managers' amendment by Senator JEFFORDS; and a relevant managers' amendment by Senator KENNEDY.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Mr. President, let me simply respond to the distinguished majority leader.

As he knows, in past debates on ESEA, there have been an average of 22 Republican amendments that have been considered, an average. In some cases, that number has exceeded 30 amendments. The average number of amendments in total considered during the ESEA debate has been 37 amendments.

I have no objection at all to the amendment suggested by the distinguished majority leader.

I note with interest that the school safety amendment offered by Senator LAUTENBERG was not on his list.

I would ask that the Senate resume consideration of the ESEA bill, and following the two amendments previously ordered, the Senate consider the following first-degree amendments subject to relevant second-degree amendments, and they be considered in alternating fashion as the sponsors become available: Senator SANTORUM, Senator BINGAMAN, Senator HUTCHISON, Senator DODD, Senator GREGG, Senator HARKIN, Senator VOINOVICH, Senator MIKULSKI, Senator STEVENS, Senator WELLSTONE, Senator GRAMS, Senator REED, Senator KYL, and Senator LAUTENBERG.

Mr. LOTT. Mr. President, reserving the right to object, are all those amendments on this list that I read, plus Senator LAUTENBERG? Is there an additional Wellstone amendment in that list?

Mr. DASCHLE. I guess I would have to consult with the majority leader in greater detail to know whether each of these amendments is exactly referenced in his unanimous consent list. As I understand it, this is the list that our two sides have been building upon in reaching some agreement on proceeding to the next block of amendments. Obviously, there are other amendments we would want to consider. But this is a block of amendments for which there would be no opposition to addressing as the next block on this side.

Mr. LOTT. Mr. President, further reserving the right to object, would that list include the other language I had in my unanimous consent request that would take us to a conclusion? I believe I understood the minority leader was saying that it would not. Is that accurate?

Mr. DASCHLE. The majority leader is correct. We will be in a position—and could be in a position in the not too distant future—to agree ultimately to a finite list of amendments. I was not aware that the distinguished leader would be interested in pursuing this this afternoon. This is the first I heard of it. But we would be prepared at some point certainly during the time these amendments are being considered to offer perhaps a final list that would bring us to closure on the bill. I would be happy to work with the majority leader over the recess in an effort to finalize that list, and proceed with that goal in mind.

Mr. LOTT. Mr. President, I would object to the request at this time. But I am encouraged that we could get together and work to try to find a way to develop a list that would complete this very important education bill and bring it to final passage.

I think we should pursue this to see if we can develop the list. I don't know how long it would be.

Mr. KENNEDY. Mr. President, will the leader yield for a question?

Mr. LOTT. I will in just a moment.

It sounded as if we had around 20 amendments, and it sounded as if the minority leader added three or four that were not on our list. We are talking about as many as 24 amendments. We have taken up six. That would put us at 30. I don't think that is necessarily an excessive list on something that is this important.

But the point is, if we could at least pursue some finite list that would get us to a conclusion, I would certainly like to do that.

I would be glad to yield to Senator KENNEDY.

Mr. KENNEDY. Mr. President, if I could ask the majority leader, since probably the first priority of American families—even beyond having small class sizes, well-trained teachers, modern schools and computers, digital divide, afterschool programs, and safety and security in the schools—is the reduced opportunity for children to be able to have access to guns prior to going to school, it is not going to make much difference if we have small class sizes and guns are in the school.

I am asking the majority leader if he is unwilling to permit a vote on the Senate floor of the Lautenberg amendment, which is really directed towards safety and security in the schools, as part of the measure. I think this is enormously important because we want to see the conclusion of the debate on ESEA. But I think it is important for Members to know whether we are going to be denied an opportunity to deal with what is the most important concern of parents; that is, safety and security in schools.

I am wondering what the position of the majority leader is on that issue.

Mr. LOTT. Mr. President, if I might respond, this is about elementary and secondary education. Obviously, there is a lot we need to do to be of assistance to administrators, teachers, parents, and children at the elementary and secondary education level. Certainly, the local and State officials need to do more. We need to improve the quality of our schools, they need to be child centered, and they need to be safe and drug free. But I think it is about elementary and secondary education, and amendments should be germane to this area.

I think it is a far stretch to say that a Lautenberg amendment which has to do with gun shows relates to elementary and secondary education. I think we should be sensitive to that area. We should do what we can to provide safety for children, and to make sure children don't get guns, have access to them, or make use of them.

But I also think one of the things we can do that I supported, and which is in the juvenile justice bill that we passed earlier, and was in the making for 3 years—that included assistance for schools and dealing with these safety problems—for instance, funds would be available for metal detectors. A lot of schools are now doing that. They have a greater need for assistance. That is why I wanted to get the juvenile justice bill through. While I still plan to urge the juvenile justice conference report be completed, and it be brought back to the Senate, that is the place where this issue or these issues should be dealt with.

The direct answer to the Senator's question is it is not germane, and I think it would be a major problem with elementary and secondary education legislation. Certainly, I would object to it.

Mr. KENNEDY. If I could briefly follow up, in 1994, the Senator from Texas, Mr. GRAMM, offered an amendment cosponsored by the Republican leader. There was no objection from that side of the aisle to that measure at that particular time. I don't know how the Senator voted at that time, or whether he indicated it was appropriate to bring it up at that time. But it was noted as the gun amendment. The Senate has addressed the gun issues. It was brought up by the Senator from Texas and was cosponsored by the majority leader at that time. I believe the Senator from Mississippi voted for it at that time.

Mr. LOTT. Mr. President, without knowing exactly which Gramm amendment the Senator is speaking of, the way he described it, I probably voted for it and was supportive of it. But one of the problems I have, as suggested earlier, is that I understand, for instance, it leaves out the Ashcroft amendment. He has been very cooperative, to use that famous word, in not insisting that he be included in the earlier groupings. He at one point actually could have, within his rights, actually forced us to vote on it, and he didn't do it.

I would want to talk to both sides about including the Ashcroft amendment. It doesn't include the two managers' amendments, or the two leaders' amendments, which I think surely we would be willing to do. And it doesn't bring the bill to third reading. I think we need to talk about those issues, and I hope we can do that.

Mr. President, if I could proceed, I had indicated earlier this year that we would go to the Defense authorization bill. I believe it was this week. For a variety of reasons, we weren't able to go to Defense authorization. Of course, the way we usually do these bills is we go to the Defense authorization and complete that, and then go to the Defense appropriations bill and complete both of them.

Earlier there were objections to taking up the Agriculture appropriations bill. I might say now that I understand why it has not been completed by the House. We thought the House would act on Agriculture appropriations this week. They did not do that. We have in the past quite often gone to appropriations bills in the Senate and took them up to the third reading but without actually completing them and waiting for the House to act.

Senator DASCHLE has indicated there are some points within the Agriculture bill in the Senate with which they have problems, and they want to have, I guess, an option to remove provisions of the Agriculture appropriations bill using rule XVI.

It is obviously very important. Even though we took the emergency agriculture portion, $7.1 billion, out of the Agriculture appropriations bill and put it in the crop insurance bill that just passed, it still has some disaster money in it and some emergency moneys, I believe, for North Carolina and other areas. I hope we can find a way to get an agreement to go to that bill or to the DOD appropriations bill.

There we are. We have been unable to get an agreement to go to DOD authorization. We have not yet been able to work out something on Agriculture or Defense. However, hopefully during this recess we can look at the importance of these issues and see if we can get an agreement of how to proceed on one or two of these.

I think we are close to getting agreement on the e-commerce digital signature bill and also very close on bankruptcy, and therefore perhaps those two could be combined along with the satellite loan bill. That may be available early in the week we come back. I hope it will be because I think there are only two or three points outstanding on the three of them.

For now, I ask consent that the Senate turn to the DOD authorization bill, S. 2549, and only DOD-related amendments be in order during the pendency of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object. I simply again indicate my reason for objecting is not because I don't want to go to DOD authorization. I would love very much to work with our majority leader in attempting to proceed to that bill. I have no problem with calling it up and permitting the full Senate to work its will.

Again, he has proposed that it be done with only relevant amendments. I remind the majority leader, Senator HUTCHINSON offered a forced abortions in China amendment to DOD authorization just 2 years ago, and there have been many Republican nonrelevant amendments offered.

I assume I am protecting the rights of Members on both sides of the aisle in insisting we have the opportunity to offer amendments, and I will work with the majority leader to see that we can take up this bill and work through his concern about amendments.

Until we can work that out, I object to moving to it.

Mr. LOTT. We had talked, Mr. President, about seeing if we could come to an agreement on how to proceed to the Defense appropriations bill, realizing that the authorizers want to get their bill done because, among other things, it does authorize and make some changes in law. It is not just about spending. It does have some very important language in it with regard to health benefits for our military personnel and their families and retirees. So there is a need to get the authorization bill done, and we need to find a way to get it done.

Another way to proceed would be to take up the Department of Defense appropriations bill. I know Senator STEVENS talked to Senator BYRD and Senator DASCHLE about going ahead to that, even though the House has not acted, on the assumption that the House will act on that the week we return and we would probably be able to take up that House bill or it would be here before we complete it. However, it is hard to say now if that will be accomplished or not. We don't know that the House will have it done by Tuesday of next week or Wednesday of the week we come back.

I ask consent that we go to the Defense appropriations bill which was reported out of the Appropriations Committee on May 18 by unanimous vote of all the members of the Appropriations Committee.

The PRESIDING OFFICER. Is there an objection?

Mr. DASCHLE. Mr. President, I object again for two reasons: First, the bill is not here; and, second, because we have not taken up the authorization bill and our colleagues have indicated that is a very important matter. We always attempt to deal with the authorization requirements prior to the time we deal with the appropriations requirements. This unanimous consent request does not allow for that.

I ask the majority leader what is wrong with taking up the one appropriations bill that has been sent here by the House. I note that on May 22 the Transportation appropriations bill was received from the House. It is pending in the Senate.

I won't ask unanimous consent, but I ask the majority leader whether his intention would be to take up the one House-passed bill that is here. Clearly, we would have no objections to doing that. It is important we make the most use of our time. Because the House-passed appropriations bill having to do with transportation is already here, I am curious as to why we have chosen not to take it up until now and why we wouldn't take it up just as soon as we come back.

Mr. LOTT. Mr. President, I certainly agree. I think we should take it up as soon as we can. It has come over from the House, but it has not been reported, I don't believe, from the subcommittee or the full committee here.

I asked the chairman of the subcommittee, Senator SHELBY, why that is the case—and, by the way, immediately urged him to do it as quickly as he can—and I understand it was because Senator LAUTENBERG of New Jersey had wanted another hearing at the subcommittee level before they marked it up, and that they were going to need, in the next few days, to get it done.

Hopefully, they will report that bill out by Wednesday or Thursday of the week we return and we will be able to go to that; either if we got it Thursday, we could do it Thursday or Friday, or we could go do it the first thing next week. I am pushing the committee to act on it. I don't know what the outstanding issue is, but I understand they wanted to have one more committee hearing for some reason.

Let me provide a little incentive to all sides to work together on the Defense appropriations bill. I will not now move to proceed to it, but I will move to proceed to that bill when we reconvene after the recess, and have a vote, if necessary, on proceeding to the Defense appropriations bill.

But over the next 10 days, we have time to work between the authorizers and the appropriators and everybody who has a concern about that bill, and hopefully something can be worked out so we can proceed on the authorization bill, and then, of course, immediately go to the appropriations bill after that.

If we cannot get something worked out over the recess period or agree on some sort of schedule, I will have no alternative at that point but to move to proceed to the DOD appropriations bill. I prefer to have something we have worked out between the authorizers and the appropriators and the Democratic leadership and the Republican leadership so we can make good use of our time.

We do have 4 weeks in the month of June when we come back. We have a lot of work we need to do. We need to move at least half a dozen appropriations bills during the month of June. We need to take a look at the House-passed China trade status bill, see how much time we would need on the floor, and try to get some idea of what amendments might be offered.

It would not be my intent to try to limit amendments on the China permanent trade status bill. I think we should say right from the beginning if we add any new material to it, any new amendments or language, it would have to go back to conference with the House and then vote again in the House and Senate. That may be OK, but I want to take a little time when we come back and see if we can work through the time that would be required, when would be the first time to take it up, and what amendments might be in the offing from both sides of the aisle. Our staffs will be working on that during the recess. Plus, we could have other issues.

I mentioned the conference report and other bills that are pending, so we are going to have to have a full month in June. I also remind my colleagues that in July—I was looking at the calendar last night and was really a little bit chagrined to realize we only will have 3 weeks between the Fourth of July recess and the conventions in August.

I had really thought we would have four; if we could do five or six appropriations bills in that window. So we really are under pressure, with the 7 weeks we have in the summer, to move 11 appropriations bills. That is going to be a monumental task, and it is going to take work with each other on both sides of the aisle. I know that. We cannot move it without everybody giving it a shot. But it makes it awfully hard for us to be doing other issues, other than the China trade bill, which we hope to get worked in there at some point.

With that, I think we have talked enough about schedule. I hope we can come to some agreements over the next 10 days as to exactly how we will proceed the first week we are back.

I yield the floor.

COMMEMORATING FREE ELECTIONS IN CROATIA

Mr. GORTON. Mr. President, today I join with my colleagues, Senators FEINGOLD, HUTCHISON, ABRAHAM, and LIEBERMAN, who will introduce a resolution congratulating the people of Croatia on their successful parliamentary and presidential elections, the peaceful transition of power, and new initiatives for reform. In addition to congratulating the people of Croatia, the resolution expresses U.S. support for their progress and encourages Croatian participation in the NATO Partnership for Peace. One day, I hope that we will be expressing our support for Croatia, and other nations with similar democratic inclination, as members of NATO itself.

The Balkan nations embracing democracy must be supported at every opportunity available became the government could so easily have taken the other path. The leaders of Croatia could have chosen to repress popular involvement and other fundamental rights of democracy, but instead have chosen the harder but correct path of working through discourse, debate, and democracy. Because we have also been through these trials as a nation, I hope that the American people will watch closely the progress of the Croatian people and will support their path to freedom, stability, and peace.

The most important benefit to come out of this election will be the resolution of Croatia's domestic difficulties. Through the successful election, the Croatian people have taken the reins of control. In addition to the power instilled by this self-determination, the Croatian people are now spurred to take up the mission of reform that should further improve their government. Among the stated goals of President Mesic are the reintroduction of Serbian refugees to the homes they left behind, reform of the privatization system that has faced serious corruption allegations, and support for the International Criminal Tribunal for the Former Yugoslavia. These improvements would certainly go far to legitimize the new Administration in the view of the international community, but more importantly, in the eyes of the Croatian people. President Mesic's continued efforts on these fronts will show its people that their new government takes seriously the need for honesty and accountability.

As the government wins the support of its people, I am also encouraged by the efforts of the new Administration to get involved with the European community. In such a volatile region, a nation uniting the many groups will be the key to fostering a stable political and economic atmosphere. Part of the victory of democracy in Croatia has been the new spirit of regional harmony that I hope will spread to its neighbors. Peace in the Balkan nations will only come with honest attempts to live with differences, and Croatia will be a leader in the efforts for peace there.

In addition to better conditions in the Balkans, democracy will encourage the involvement of other foreign nations. Just two weeks ago, Croatian President Stipe Mesic met with French President Jacques Chirac to discuss an agreement on stabilization and association, as well as the Croatian entrance to the NATO Partnership for Peace. The resolution I am supporting today suggests U.S. support for the addition of Croatia in the partnership, and I am happy to inform my colleagues that the nations of NATO have announced that Croatia will become a full member of the Partnership for Peace program today. This is truly a great accomplishment, and it affirms the commitment of all NATO allies to help Croatia in its chosen path.

In addition to my appreciation for the democratic and international progress of the Croatian people, I would also like to take this opportunity to thank the work of the Croatian American Association in bringing this subject to my attention and to the attention of the American people. The Croatian American community has worked tirelessly to create bonds of friendship between our two nations, and I hope that as Croatia becomes more democratic and involved in worldwide political affairs that we, as Americans, will continue to support them.

I hope that this resolution will be an additional bond between two nations that democratic tenets have already joined.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The majority leader.

MEASURE READ THE FIRST TIME—H.R. 3244

Mr. LOTT. Mr. President, I understand H.R. 3244 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States.

Mr. LOTT. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

AUTHORIZING THE 2000 DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN TO BE RUN THROUGH THE CAPITOL GROUNDS

Mr. LOTT. I ask unanimous consent the Rules Committee be discharged from further consideration of H. Con. Res. 280, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 280) authorizing the 2000 District Of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 280) was agreed to.

NATIONAL MOMENT OF REMEMBRANCE

Mr. LOTT. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H. Con. Res. 302, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 302) calling on the people of the United States to observe a National Moment of Remembrance to honor the men and women of the United States who died in pursuit of freedom and peace.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. KERREY. Mr. President, I rise to offer my support for passage of H. Con. Res. 302, a resolution proclaiming a National Moment of Remembrance.

As we gather with family and friends in observance of Memorial Day, I urge all Americans to take time to reflect upon the day's true meaning. Whether we attend a public observance, mark a grave, or simply bow our heads in quiet reflection, all Americans should remember to honor those who by serving, put their faith and trust in the ideals for which our nation stands.

The legislation we are about to pass will establish a National Moment of Remembrance at 3:00 local time on Memorial Day. At that time, I am hopeful all Americans will join together in recognition of those men and women who have died in military service of our nation.

Finally, I thank my colleague from Nebraska, Senator HAGEL, and Carmella LaSpada of No Greater Love for their efforts in making the National Moment of Remembrance a reality.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 302) was agreed to.

The preamble was agreed to.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE CRIMES AND ABUSES COMMITTED AGAINST THE PEOPLE OF SIERRA LEONE

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 315, submitted earlier by Senator HELMS for himself and others.

The PRESIDING OFFICER. The clerk will state the resolution by title.

A resolution (S. Res. 315) expressing the sense of the Senate regarding the crimes and abuses committed against the people of Sierra Leone by the Revolutionary United Front, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HELMS. Mr. President, Sierra Leone is a failed state and merely hoping that a few new Bangladeshi or Indian peacekeepers will turn the situation around is irresponsible. The President should bear this in mind as he decides U.S. policy in Sierra Leone—especially the extent of U.S. military involvement there or support for a U.N. or regional peacekeeping or peacemaking operation.

All of us—100 Senators—must remind ourselves that the rebels in Sierra Leone—the Revolutionary United Front (RUF)—cannot be dealt with as if it were a political party. The Revolutionary United Front has terrorized the population of Sierra Leone by mutilating their enemies—and innocent civilians, including women and children—by chopping off their ears, noses, hands, arms, and legs.

At some point the downtrodden people of Sierra Leone must find a way to hold their own leadership responsible. But it's impossible to overlook the fact that Liberian President Charles Taylor provides succor to the sadistic Revolutionary United Front.

Taylor (with enthusiastic participation of regional leaders, including Maummar Qadhafi) provides leadership, weapons and safe haven while the RUF digs diamonds using slave labor in payment for services rendered.

It's shameful that President Clinton's hand-picked emissary hugs the godfather of the RUF like a brother and contemplates negotiating with his henchmen. Or had it not been for certain Congressional objections, the U.S. Government would be shoveling foreign aid to Charles Taylor.

Mr. President, the Resolution I offer, along with Senators BIDEN, FRIST, and FEINGOLD, speaks for itself. The Administration should take note, as it attempts to formulate U.S. policy, that at this stage of the game there is bipartisan "concern" (and I use that world in the most understated diplomatic fashion) about the policy of the United States and the sorry performance of the United Nations.

Mr. FRIST. Mr. President, the showdown in Sierra Leone between the Revolutionary United Front (RUF) and the United Nations peacekeepers they have taken hostage, robbed, killed and humiliated has enormous implications for the future of the United Nations. It is a sort of Midway Island for UN peacekeeping: a loss there could doom future operations across the continent, and possibly further afield. However, a frantic effort to salvage the UN operation there by reinstating the unjust peace accord may win the battle for peace keeping operations in the short run, but it could be devastating for the UN and for Sierra Leone in the long run.

The Clinton administration and the United Nations have staked an unusual amount of capital on a successful UN mission in Sierra Leone. After the UN's shocking withdrawal from Rwanda in the days before the genocide began, a success in African peacekeeping became a must for the embattled Kofi Annan, who oversaw that withdrawal and later became Secretary-General.

The Clinton administration's motives for backing a massive UN peacekeeping operation agreement is harder to understand beyond a history of making multilateralization itself a foreign policy goal. With an almost mantra-like regularity, they have touted "African solutions for African problems." Yet two "African solutions" to the conflict in Sierra Leone were abandoned. In 1995–96, 300 South African mercenaries drove rebels from the capital and the major diamond fields, brought them to the negotiating table and set the stage for elections. Predictably, under donor pressure, they were forced to leave and the war resumed. Later, Nigeria led a West African intervention force and again restored peace by aggressively pursuing the sadistic but cowardly RUF.

Both of these "African solutions" were dropped because they conflicted with the dreamy notion that says a UN mission can end a war of unspeakable barbarity without getting its hands dirty. The West African regional force cost a fraction of the UN mission and actually brought a modicum of peace to Sierra Leone, yet the administration never even requested from Congress the $25 million needed to continue their presence. Instead, the Nigerians were given blue helmets and impotent rules of engagement then "reinforced" with Kenyan, Indian and Zambian troops that have been robbed of their weapons and taken hostage. The U.S. portion of the price tag for this disaster soared to $118 million for next fiscal year alone.

The United Nations peacekeeping mission in Sierra Leone and the frantic effort to salvage it now would be defensible if the Lomé accord had ever been a viable peace. The agreement rewarded the rape, mutilation, forced conscription of children and killing campaign of the RUF with the vice-presidency, cabinet positions and exclusive domain over the diamond fields. Literally the only portion of the agreement implemented since it was signed in July of last year is the most outrageous and inexplicable: recognition of the RUF as a political party and a part of the government.

With the Lomé accord the RUF was given the privilege of reaping both the benefits of peace and the benefits of war simultaneously. It was a tragic and shameful contradiction that was obvious from the beginning. Because a successful UN peace agreement and peacekeeping operation had itself become the goal, rather than stability for Sierra Leone and defeat of the RUF, the contradiction was ignored. It was this self-delusion that was the West's greatest disservice to Sierra Leone, far exceeding our refusal to send our own troops.

Because the potential failure of the UN in Sierra Leone has made it high noon for all peacekeeping in Africa, including Congo, we may be in the process of repeating the mistakes of Lomé simply to win a short term battle for multilateralism. Making a deal with the devil once is unwise, making it twice is unforgivable. Trying to force the reality of the brutality and recidivism of the RUF and the failure of the Lomé accord to conform to our sense of order and to our desire for "clean hands" verges on international sociopathy.

I am not suggesting that we end the peace mission in Sierra Leone, but we cannot repeat the mistakes of the Lomé accord by again rewarding the RUF. To do so would set up a repeat of the current tragedy for Sierra Leone and indignity for the UN. Whether under the auspice of the UN or Nigeria, the rules of engagement in Sierra Leone must be realistic and aggressive. Most of all, we must seek accountability for the horrific war crimes committed there. It will be bloody and hard to watch, but not as horrific as the RUF has proven to be. For the sake of the suffering Sierra Leoneans we are supposed to be helping, accountability for criminals and justice for their victims cannot again be sacrificed to our own intellectual impulses.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 315) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 315

Whereas more than 1,000,000 of Sierra Leone's 5,200,000 population are internally displaced and more than 500,000 are refugees as a direct result of the civil war in Sierra Leone, at least 50,000 people have been killed during the civil war, untold numbers of people have been mutilated and disabled largely by the Revolutionary United Front, and more than 20,000 individuals, including many children, are missing or have been kidnapped by the Revolutionary United Front;

Whereas the Revolutionary United Front continues to terrorize the population of Sierra Leone by mutilating their enemies and innocent civilians, including women and children, by chopping off their ears, noses, hands, arms, and legs;

Whereas the Revolutionary United Front continues to terrorize the population of Sierra Leone by decapitating innocent victims, including children as young as 10 months old and elderly men and women;

Whereas the Revolutionary United Front abducts women and children for use as forced laborers, sex slaves, and as human shields during skirmishes with government forces and the forces of the Economic Community of West African States;

Whereas the Revolutionary United Front has kidnapped boys as young as 6 or 7 years old and used them to kill and steal and to become soldiers, and its forces have routinely raped women and young girls as a terror tactic;

Whereas the Revolutionary United Front has abducted civilians, missionaries, humanitarian aid workers, United Nations peacekeepers, and journalists;

Whereas Charles Taylor, the President of Liberia, has provided and continues to provide significant support and direction to the Revolutionary United Front in exchange for diamonds and other natural resources and is therefore culpable for the abuses in Sierra Leone;

Whereas the Lomé Peace Accords did not hold the Revolutionary United Front accountable for their abuses and, in fact, rewarded Foday Sankoh and other Revolutionary United Front leaders with high government offices and control of diamond mining throughout Sierra Leone;

Whereas the Revolutionary United Front in Sierra Leone is not a legitimate political movement, entity, or party;

Whereas all sides in the civil war in Sierra Leone are guilty of serious human rights abuses; and

Whereas the Revolutionary United Front led by Foday Sankoh is responsible for breaking the Lome Peace Accords and for the violent aftermath that has consumed Sierra Leone since May 1, 2000: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Government should do all in its power to help ensure that the Revolutionary United Front and its leaders, as well as other groups committing human rights abuses in Sierra Leone, are held accountable for the crimes and abuses committed against the people of Sierra Leone;

(2) the United States Government should not condone, support, or be a party to, any agreement that provides amnesty to those responsible for the crimes and abuses in Sierra Leone; and

(3) the United States Government should not provide incentives of any kind to regional supporters of the Revolutionary United Front until all support from them to the Revolutionary United Front has ceased.

AUTHORIZING THE PLACEMENT OF A PLAQUE WITHIN THE SITE OF THE VIETNAM VETERANS MEMORIAL

Mr. LOTT. I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 3293, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3293) to amend the law that authorized Vietnam Veterans Memorial to authorize placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war but as a direct result of that service.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The bill (H.R. 3293) was read the third time and passed.

Mr. LOTT. Mr. President, I should note this is legislation that is sponsored in the Senate by Senator BEN CAMPBELL of Colorado, but this is a House bill, originally sponsored by Congressman GALLEGLY of California. I thank Senator WYDEN for helping us work through getting this cleared, since it is an authorization for the Vietnam Veterans Memorial before this Memorial Day weekend. I commend the three Senators and others who were involved in that issue.

IMMIGRATION AND NATURALIZATION SERVICE DATA MANAGEMENT IMPROVEMENT ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H.R. 4489, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4489) to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ABRAHAM. Mr. President, I support the passage of H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act of 2000, which makes very important revisions to section 110 of the 1996 Immigration Act. I, along with many of my colleagues, introduced an identical Senate companion to this bill, S. 2599, late last week.

As originally enacted, section 110 of the 1996 law mandated that an automated system be established to record the entry and exit of all aliens as a means to provide more information on individuals who "overstay" their visas. In the opinion of many, it became clear that this well-intentioned measure, if implemented, could have an unforeseen impact. Today, when INS or Customs officials inspect people at land borders, they examine papers as necessary and make quick determinations, using their discretion on when to solicit more information. Section 110, however, was being understood to require revisions to that system that would have greatly complicated travel across the land border by mandating that every single passenger of every single vehicle be required to provide detailed information in a form that could be entered into a computer on the spot. According to Dan Stamper, president of the Detroit International Bridge Company, even assuming an incredibly quick 30 seconds per individual, the traffic delays could exceed 20 hours in numerous jurisdictions at the northern border. This would obviously create extraordinary economic and environmental harm. Moreover, it would divert scarce law enforcement resources away from more effective measures.

Out of concern for its harmful impact on Michigan and law enforcement, I passed legislation in 1998 to delay implementation of section 110 from its original start date of September 30, 1998, until March 30, 2001. But it remained clear that a delay could not sufficiently satisfy concerns that the INS might develop a system that would prove harmful to the people of Michigan and other states.

FRED UPTON showed great leadership in the House on this issue and served his constituents extraordinarily well in helping to forge this compromise. LAMAR SMITH deserves great credit for working closely with us and his other House colleagues in making an agreement that meets the economic and security interests of all sides on this issue. And JOHN LAFALCE also provided important assistance in this effort.

This is a great victory for the people of Michigan. This agreement strikes the right balance in enhancing our security and immigration enforcement needs while ensuring that we preserve the jobs and the other economic benefits Michigan receives from our close relationship with Canada.

This product of the agreement with the House replaces the current requirement that by March 30, 2001, a record of arrival and departure be collected for every alien at all ports of entry, with a more achievable requirement that the Immigration and Naturalization Service develop an "integrated entry and exit data system" that focuses on data INS already regularly collects at ports of entry.

The goal of section 110 has been to track individuals who overstay their allowable stay in the United States. That goal is redirected into a more achievable direction. INS will be directed to put in electronic and retrievable form the information already collected at ports of entry and pursue other measured step to improve enforcement of U.S. immigration laws. It is also directed to prepare a report on unmatched entry and departure data. That report is required to contain not only numbers of unmatched records, but an analysis of those numbers. The purpose of the latter requirement is to make sure that sufficient context for the data is provided to ensure that readers of the report are able to understand to what extent unmatched records reflect actual overstays, versus to what extent they are simply a function of data weakness (such as a lag time between the acquisition of the data and the entry of the data into the system). This will allow those charged with assessing the system to be in a better position to recommend its proper use and recommend ways of improving it. To that end, and to the end of otherwise improving implementation of the section, a task force chaired by the Attorney General that will include representatives of other government agencies and the private sector is established to examine the effectiveness of the system, ways of improving it, and the need for and costs of any additional measures, including security improvements. The bill also calls for increased international cooperation in securing the land borders.

In essence, the agreement substitutes this approach in place of a mandate that a system be developed that would have required that all foreign travelers or U.S. permanent residents be individually recorded into a system at ports of entry and exit, thereby likely bringing traffic to a halt on the northern border for miles, trapping U.S. travelers in the process and costing potentially tens of thousands of jobs in manufacturing, tourism and other industries. The agreement also maintains the status quo in preventing new documentary requirements on Canadian travelers.

The bottom line is that we will have a system that enhances law enforcement capabilities and will not impose new or onerous requirements on travelers that would damage Americans or the American economy.

I thank the cosponsors of S. 2599, who have been so important in achieving success in this long 3-year effort: Senators LEAHY, GRAMS, KENNEDY, SNOWE, COLLINS, CRAIG, GORTON, JEFFORDS, SCHUMER, GRAHAM, LEVIN, DEWINE, MURRAY, MOYNIHAN, and VOINOVICH. I also thank Majority Leader LOTT for his strong support on this issue and for recognizing the impact on northern border states if we did not solve this problem. Senator GORTON also played an important role in this successful effort. I thank Senator HELMS and his staff, who permitted an amendment related to section 110 to be part of the State Department authorization bill last year, which I think elevated the awareness of this issue and contributed to the solution we see today. Senator BIDEN and his staff were also supportive of this effort. And, of course, Senator GRAMS and his leadership were essential for the outcome today.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, this bill accomplishes the important goal of eliminating the existing section 110 of the Illegal Immigration Reform and Immigration Responsibility Act, IIRIRA. I am an original cosponsor of the Senate version of this bill, the Immigration and Naturalization Service Data Management Improvement Act of 2000.

Section 110 would mandate that the Immigration and Naturalization Service (INS) establish an automated system to record the entry and exit of all aliens. If implemented, such a provision would have terrible consequences for States all across our Northern Border. Its repeal will help protect America's economy and reinforce our excellent relationship with Canada.

To implement and maintain an automated system for monitoring the entry and exit of "all aliens," INS and Customs agents would have to stop each vehicle or individual entering or exiting the United States at all ports of entry. Canadians, U.S. permanent residents, and many others who are not currently required to show documentation of their status would likely either have to carry some form of identification or fill out paperwork at the points of entry.

This sort of tracking system would be extraordinarily costly to implement along the Northern Border, especially since there is no current system or infrastructure to track the departure of citizens and others leaving the United States.

Section 110 would also lead to excessive and costly traffic delays for those living and working near the border. These delays would surely have a negative impact on the $2.4 billion in goods and services shipped annually from Vermont to Canada and would likely reduce the $120 million per year that Canadians spend in Vermont.

This legislation would replace the existing section 110 with a new provision that requires the Attorney General to implement an "integrated entry and exit data system." This system would simply integrate the arrival and departure data which already is authorized or required to be collected under current law, and which is in electronic format within databases held by the Justice and State Departments. The INS would not be required to take new steps to collect information from those entering and leaving the country, meaning that Canadians will have the same ability to enter the United States as they do today.

This bill will ensure that tourists continue to freely cross the border, without additional documentation requirements. This bill will also guarantee that more than $1 billion in daily cross-border trade is not hindered in any way. Just as importantly, Vermonters and others who cross our nation's land borders on a daily basis to work or visit with family or friends should be able to continue doing so without additional border delays.

The interconnection between Canada and the United States may be demonstrated most clearly by a store in Derby Line, Vermont. Actually, only part of the store is located in Derby Line—the other side of it is in Rock Island, Quebec. The U.S.-Canadian border runs down the middle of the store, and a white stripe is painted there to mark it. Would the integrated entry and exit data system called for under section 110 have had to monitor the clerks who move from one side of the store to the other collecting goods? This is just one of many examples that would make the implementation of section 110 a destructive folly for Vermont, and I am sure that Senators from other States along the Northern Border can tell similar stories about their States.

This is an issue that I have worked on ever since section 110 was originally adopted in 1996. In 1997, along with Senator ABRAHAM and others, I introduced the Border Improvement and Immigration Act of 1997. Among other things, that legislation would have (1) specifically exempted Canadians from any new documentation or paperwork requirements when crossing the border into the United States; (2) required the Attorney General to discuss the development of "reciprocal agreements" with the Secretary of State and the governments of contiguous countries to collect the data on visa overstayers; and (3) required the Attorney General to increase the number of INS inspectors by 300 per year and the number of Customs inspectors by 150 per year for the next three years, with at least half of those inspectors being assigned to the Northern Border.

I also worked with Senator KENNEDY, Senator ABRAHAM, and other Senators to obtain postponements in the implementation date for the automated system mandated by section 110. We were successful in those attempts, delaying implementation until March 30, 2001. But delays are by nature only a temporary solution; in the legislation we vote on today, I believe we have found a permanent solution that allows us to keep track of the flow of foreign nationals entering and leaving the United States without crippling commerce or our important relationship with Canada. That is why I am proud to be a cosponsor of this legislation, and why I urge my colleagues to vote in favor of it today.

The Immigration mistakes of 1996: I fought against the adoption of section 110 in 1996, when this Congress passed the IIRIRA. It was wrong at the time, it is wrong today, and I am relieved that we are prepared to do away with it. But our job of rectifying the wrongs of our 1996 immigration legislation is far from over; indeed, it has hardly begun. I would like to use this occasion to draw my colleagues' attention to what I believe our next priorities should be in the immigration area.

Expedited removal: First, in the 1996 Anti-Terrorism and Effective Death Penalty Act (AEDPA), a bill ostensibly about terrorism, Congress instituted an immigration measure called expedited removal. Under expedited removal, low-level INS officers with cursory supervision have the authority to summarily remove people who arrive at our border without proper documentation, or with facially valid documentation that the officer simply suspects is invalid. No review—administrative or judicial—is available of the INS officer's decision, which is rendered after a so-called secondary inspection interview. Expedited removal was widely critized at the time as ignoring the realities of political persecution, since people being tortured by their government are quite likely to have difficulties obtaining valid travel documents from that government. Its adoption was viewed by many—including a majority of this body—as an abandonment of our historical commitment to refugees and a misplaced reaction to our legitimate fears of terrorism.

When we debated the IIRIRA later the same year, I offered an amendment with Senator DEWINE to restrict the use of expedited removal to times of immigration emergencies, which would be certified by the Attorney General. This more limited authority was all that the Administration had requested in the first place, and it was far more in line with our international and historical commitments. This amendment passed the Senate with bipartisan support, but it was removed in one of the most partisan conference committees I have ever witnessed. As a result, the extreme version of expedited removal contained in AEDPA became law, and was implemented in 1997. Ever since, I have attempted to raise consciousness about the problems with expedited removal.

Last year, I introduced the Refugee Protection Act (S. 1940) with Senator BROWNBACK and five other Senators of both parties. The bill is modeled closely on the 1996 amendment that passed the Senate, and I was optimistic that it too would be supported by a broad coalition of Senators. It allows expedited removal only in times of immigration emergencies, and it provides due process rights and elemental fairness for those arriving at our borders without sacrificing security concerns. But even as the Refugee Protection Act has gained additional cosponsors, it has been ignored by the Senate leadership. Indeed, the bill has not even received a hearing in the Judiciary Committee, despite my request.

Meanwhile, in the little more than three years that expedited removal has been in operation, we already have numerous stories of valid asylum seekers who were forced to leave our country without the opportunity to convince an immigration judge that they faced persecution in their native lands. To provide just one example, "Dem," a Kosovar Albanian, was summarily removed from the U.S. after the civil war in Kosovo had already made the front pages of America's newspapers. During his interview with the INS inspector who had unreviewable discretion over his fate, he was provided with a Serbian translator who did not speak Albanian, rendering the interview a farce. Instead of being embraced as a political refugee, he was put on the next plane back to where his flight had originated. We only know about his story at all because he was dogged enough to make it back to the United States. On this second trip, he was found to have a credible fear of persecution and he is currently in the midst of the asylum process.

Perhaps the most distressing part of expedited removal is that there is no way for us to know how many deserving refugees have been excluded. Because secondary inspection interviews are conducted in secret, we typically only learn about mistakes when refugees manage to make it back to the United States a second time, like Dem, or when they are deported to a third country they passed through on their way to the United States. This uncertainty should lead us to be especially wary of continuing this failed experiment.

Unjust deportation: Another injustice in the 1996 legislation that we must address is its drastically expanded definition of what makes a legal resident deportable. First, the IIRIRA defined the term "aggravated felony" in such a way as to make numerous misdemeanors deportable offenses. Then it applied this new standard retroactively, so that people who had committed crimes in the past that were so minor they did not even serve jail time were now subject to automatic deportation—including people who pleaded guilty to those crimes without any reason to believe there would be immigration consequences for that plea. The effects of this change have been unfair to numerous men and women, and their families, who have worked hard for years to turn their lives around, and have paid taxes, contributed their labor to the American economy, and raised children who are American citizens. I applaud the efforts of those in the House who are working to do away with retroactivity altogether.

I have chosen to take a narrower approach to this issue, focusing on the effect that this punitive policy has had on decorated war veterans who are being deported without any administrative or judicial consideration of the equities. I have introduced the Fairness to Immigrant Veterans Act, S. 871, which would ensure that veterans of our Armed Forces who have committed "aggravated felonies" have the opportunity to go before an immigration judge and plead their case to stay in the United States. It would also give veterans the right to federal court review of the immigration judges' decisions, and allow them to be released from detention while their claim is pending. If this bill becomes law, we will still be able to deport people who have committed serious crimes and present a danger to the community, regardless of their service record. But we will give veterans every opportunity to show that they and their families deserve a second chance, a chance they have earned through the sacrifices they made for our country.

Veterans groups have been very supportive of this legislation, with the American Legion, AMVETS, Vietnam Veterans of America, and the Blinded American Veterans all endorsing the bill. Despite these endorsements and my efforts to promote this legislation, however, the majority has failed even to hold a hearing on this bill.

Restoring basic benefits: Unfortunately, the IIRIRA and the AEDPA were not the only 1996 laws that distorted our immigration policy and harmed immigrants. The welfare reform law, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, added to that year's anti-immigration chorus, unreasonably restricting the eligibility of legal immigrants for social safety net provisions. It barred many legal immigrants from receiving Supplemental Security Income (SSI), food stamps, and Medicaid coverage, even as Congress sought to ensure that Medicaid be preserved for those who were leaving welfare. It has prevented the children of legal immigrants from eligibility under the new Children's Health Insurance Program (CHIP). Under this statute, if legal immigrants (or their children) become sick, or lose their job, they are simply out of luck. These punitive restrictions were aimed not at illegal immigrants—who already were ineligible for most benefits—but at legal immigrants, people who were invited to come here and work, people who paid taxes and contributed to our society in myriad ways.

Senators MOYNIHAN and GRAHAM have introduced S. 792, the Fairness for Legal Immigrants Act, to rectify this injustice, and I am a proud cosponsor of their bill. Among other things, the bill would:

Permit States to cover all eligible legal immigrant pregnant women and children under Medicaid immediately;

Permit states to cover all legal immigrant children under CHIP;

Restore SSI eligibility for legal immigrants who arrived here before August 1996 and who are elderly and poor but not disabled by SSI standards;

Restore SSI eligibility for legal immigrants who arrived here after August 1996 and become disabled after entering the country; and

Restore food stamp eligibility for all pre-August 1996 legal immigrants.

This is a vital bill, but the majority has declined even to hold a hearing on it since it was introduced in April 1999. It is difficult to tell whether this inaction results from indifference to the plight of these legal immigrants, or from a belief on the majority's part that immigrants come here to take advantage of the social safety net that our country offers. If it is the latter, I would recommend to my colleagues to remarks made by former Housing and Urban Development Secretary and Republican Vice-Presidential candidate Jack Kemp at a recent press conference designed to highlight the need for Congress to take action on a variety of immigration legislation. Mr. Kemp said that immigrants do not come to the United States because of its welfare system—they come here because they want to make a better life for themselves through hard work. I would add, and I'm sure that Jack Kemp would agree, that they often come here to experience political freedom they cannot obtain in their own countries.

Detention: The IIRIRA made the detention of asylum seekers who arrive without proper documents mandatory until they establish a credible fear of persecution. It allowed the INS no discretion, even where asylum applicants had relatives willing to take them in and spare the government the cost of detaining them, or even where the asylum applicants were children. It took this step even though the INS had already issued regulations that prevented asylum applicants from working while their applications were pending—a step that had drastically reduced the filing of frivolous applications.

This detention mandate has created serious strains for the INS and has led to often inhumane conditions for people who are fleeing persecution. For example, in October 1998, the Miami Herald reported that the INS—under the pressures created by the 1996 law—had Warehoused some of its detainees to a local jail in the Florida Panhandle. The jailers there constructed an "electric blanket" that it "placed over detainees, who [were] then subjected to intense electric shocks." These asylum seekers were forced to remain under the blanket "for hours, worried about repeated shocks, and when refused bathroom privileges, they often soiled themselves. . . . They [also] endured broken bones, racial slurs, and attacks with Mace and pepper spray."

The Refugee Protection Act, which I talked about earlier, also addresses the detention issue. It clarifies that the Attorney General is not obligated to detain asylum seekers while their claims are being procesed—the bill preserves the Attorney General's ability to do so, but does not encourage detention. Asylum seekers are not criminals and they do not deserve to be imprisoned or detained without cause. Detention may be appropriate in rare cases, but it should be used sparingly. Detention is also extraordinarily costly for the taxpayers; indeed, the Department of Justice has projected that by the year 2001 it will need bed space for 24,000 INS detainees. The current policy is a humanitarian and fiscal failure, and we must reform it.

Conclusion: Although I am proud of the legislation we pass today, we have equally necessary and more challenging tasks ahead of us if we truly want to address the damage done by the laws passed in 1996. I urge my colleagues to focus on these issues and to work during the time we have remaining in this Congress to create sensible immigration laws. Let us not leave it to another Congress to fix the mistakes the majority made 4 years ago.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4489) was read the third time and passed.

HONORING SENIOR JUDGE DANIEL H. THOMAS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 316, submitted earlier by Senators SESSIONS and SHELBY.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 316) honoring Senior Judge Daniel H. Thomas of the United States District Court of the Southern District of Alabama.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I am familiar with this particular judge. He was from Mobile, AL, 40 miles from my hometown of Pascagoula, MS. He served long and honorably, having reached a grand old age of 94. He was known particularly for his expertise in admiralty. He will be sincerely missed by those who have known him over the years as a Federal judge.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 316) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 316

Whereas Daniel H. Thomas devoted his life to the dedicated and principled service of his country, his State, and his community;

Whereas Daniel H. Thomas, a native of Prattville, Alabama, was born August 25, 1906, to Judge C.E. Thomas and Augusta Pratt.

Whereas Daniel H. Thomas obtained his law degree from the University of Alabama in 1928, where his uncle, Daniel H. Pratt, served as President pro tem of the Board of Trustees of the University;

Whereas Daniel H. Thomas, having served his country with distinction for 3 years as a Navy Lieutenant during World War II, returned to Mobile, Alabama and continued in the practice of law with Mr. Joseph C. Lyons and Sam Pipes in the law firm of Lyons, Thomas and Pipes until he was elevated to the Federal bench;

Whereas Daniel H. Thomas was appointed a United States District Judge for the Southern District of Alabama by President Truman in 1951, joining in distinguished judicial service his father, C.E. Thomas, who was a probate judge of Augusta County, Alabama, his uncle, William Thomas, who served the State of Alabama as a Supreme Court Justice, and his uncle, J. Render Thomas, who served many years as the Clerk of the Supreme Court of Alabama;

Whereas 49 years of judicial service made Judge Thomas one of the longest serving Federal judges in American history;

Whereas the years of distinguished judicial service by Judge Thomas were characterized by unflinching integrity and unquestioned legal ability;

Whereas in a time of great political and social turmoil, Judge Thomas inspired continued respect for the rule of law established under the Constitution of the United States, and for the propositions that "all men are created equal" and deserve "equal protection of the laws" by faithfully adhering to the precedents of the United States Supreme Court, even when such actions were not popular;

Whereas the depth of legal scholarship exhibited by Judge Thomas led him to become one of the most respected experts in the nation in the important field of Admiralty Law;

Whereas the reach of service by Judge Thomas to his country extended beyond his courtroom to his community through his active leadership as a founding trustee of the Ashland Place Methodist Church in Mobile, Alabama, and to America's youth through his efforts in support of the Boy Scouts of America;

Whereas Judge Thomas, a man who enjoyed the outdoors, being an accomplished fisherman and quail hunter, exhibited great common sense, had a vibrant sense of humor, and was extremely friendly and thoughtful of others, thereby truly fitting the description of a true "southern gentleman";

Whereas Judge Thomas truly was a great judge whose life was the law, and who was loved and respected by members of the bar and community to a degree seldom reached and never surpassed;

Whereas Judge Thomas passed away at his home in Mobile, Alabama, on Thursday, April 13, 2000;

Whereas the members of the Senate extend our deepest sympathies to the wife of Judge Thomas, Catherine Miller Thomas, his 2 sons, Daniel H. Thomas, Jr. and Merrill P. Thomas, other family members, and a host of friends that he had across the country; and

Whereas in the example of Judge Daniel H. Thomas, the American people have an enduring symbol of moral courage, judicial restraint, and public service: Now, therefore, be it

Resolved, That—

(1) the Senate honors the memory of Judge Daniel H. Thomas for his exemplary service to his country; and

(2) the Secretary of the Senate is directed to transmit a copy of this resolution to the family of the deceased.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations reported by the Armed Services Committee: Calendar Nos. 526 and 527.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

ARMY

The following named officer for appointment in the United States Army as Dean of the Academic Board, United States Military

Academy, and for appointment to the grade indicated under title 10, U.S.C., section 4335:

To be brigadier general

Col. Daniel J. Kaufman, 3704.

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Robert J. Natter, 0422.

Mr. LOTT. Mr. President, Senator REED, who is in the Chamber, has personal knowledge of one of these nominees. He wants to make a statement at this time.

Mr. REED. I thank the majority leader for his kindness.

Mr. President, I am fortunate enough to know both of these gentlemen: Adm. Bob Natter, an extraordinary naval officer who has been confirmed as a four-star admiral; and, most particularly, I am pleased that my colleagues have confirmed the nomination of Col. Daniel Kaufman to be a brigadier general in the U.S. Army and dean of the Academic Board at West Point.

I have known Dan Kaufman for over 30 years. I was a plebe at West Point in Company C–2 when he was a first classman in the summer 1967. He is an extraordinary individual, a great soldier, a distinguished scholar.

I also recognize the gentleman whom he is succeeding, Gen. Fletcher Lamkin, who is the current dean. General Lamkin has done an outstanding job at West Point. I thank him for his service.

But I am delighted to be able to stand here in the well of the Senate to commend Dan Kaufman. He is a soldier first, a soldier of war above everything else.

After graduating from West Point in 1968, he volunteered for training as an Army ranger. He sought an assignment as an armor officer. He was a platoon leader with the 11th Armored Cavalry Regiment in Vietnam.

He received a Bronze Star for valor in action and received two Purple Hearts leading his platoon in Vietnam.

He returned to the Army in the United States and pursued his graduate education at the Kennedy School at Harvard, and once again Dan Kaufman and I were together. After he received his master's degree at Harvard, and subsequent service with the 82nd Airborne Division, he received a Ph.D. in political science at the Massachusetts Institute of Technology.

He combines these two virtues and values: A soldier's soldier and a scholar's scholar.

He is the ideal choice for the deanship at West Point today, for a school in transformation, for an Army in transformation. As a soldier, he has seen war. He understands that one of the greatest privileges an American can ever have is the privilege of leading American soldiers. Also, one of the greatest honors an American can have is to lead those soldiers well. He has won such an honor.

He is also someone who is in touch with the greater Army. He is someone that has been actively involved in numerous issues that deal with the Army, not just academically but very much in its day-to-day activities.

He is not an ivory tower scholar. He is an actively engaged soldier. He will instill in the cadets vital skills: the ability to analyze a changing world; and a zest to learn throughout their careers, and to help the Army and move it forward.

He is also a family man. His wife Kathryn, his son David, his daughter Emily—they all serve too, and serve the Army extraordinarily well.

The mission at West Point is to train young men and women of character for a career of selfless service to the Army and the Nation.

Dan Kaufman will expand that mission and move it forward for a generation of West Point cadets who will enter our Army and will do so better prepared, as soldiers who are able to lead as thoughtful members of our military forces.

And something else. Because of his example, because of the choices he will make, their hearts and their lives will march to a very simple but profound cadence: Duty, honor, country.

I thank the majority leader and yield back my time.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR TUESDAY, JUNE 6, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment, under the provisions of House Concurrent Resolution 336, until 10 a.m. on Tuesday, June 6. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day. I further ask consent that the Senate then proceed to a period of morning business until 12:30 p.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, from 10 a.m. to 11 a.m.; and Senator THOMAS, or his designee, from 11 a.m. until 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TUESDAY, JUNE 6, 2000

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:20 p.m., adjourned until Tuesday, June 6, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 25, 2000:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION:

To be rear admiral (lower half)

CAPT. ELEANOR C. MARIANO, 1175

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. NANCY E. BROWN, 4870
CAPT. DONALD K. BULLARD, 9348
CAPT. ALBERT M. CALLAND, III, 0101
CAPT. ROBERT T. CONWAY, JR., 2950
CAPT. JOHN P. CRYER, III, 2940
CAPT. THOMAS Q. DONALDSON, V, 4793
CAPT. JOHN J. DONNELLY, 7223
CAPT. STEVEN L. ENEWOLD, 1316
CAPT. JAY C. GAUDIO, 4607
CAPT. CHARLES S. HAMILTON, II, 0584
CAPT. JOHN C. HARVEY, JR., 4323
CAPT. TIMOTHY L. HEELY, 5830
CAPT. CARLTON B. JEWETT, 6193
CAPT. ROSANNE M. LEVITRE, 5718
CAPT. SAMUEL J. LOCKLEAR, III, 1250
CAPT. RICHARD J. MAULDIN, 9775
CAPT. ALEXANDER A. MILLER, 3450
CAPT. MARK R. MILLIKEN, 2189
CAPT. CHRISTOPHER M. MOE, 5342
CAPT. MATTHEW G. MOFFIT, 5223
CAPT. MICHAEL P. NOWAKOWSKI, 8399
CAPT. STEPHEN R. PIETROPAOLI, 2654
CAPT. PAUL J. RYAN, 3801
CAPT. MICHAEL A. SHARP, 7495
CAPT. VINSON E. SMITH, 7673
CAPT. HAROLD D. STARLING, II, 4248
CAPT. JAMES STAVRIDIS, 5127
CAPT. PAUL E. SULLIVAN, 4158
CAPT. MICHAEL C. TRACY, 7439
CAPT. MILES B. WACHENDORF, 0963
CAPT. JOHN J. WAICKWICZ, 3192
CAPT. ANTHONY L. WINNS, 7593

DEPARTMENT OF COMMERCE

ROBERT S. LARUSSA, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE, VICE DAVID L. AARON, RESIGNED.

DEPARTMENT OF STATE

ROBIN CHANDLER DUKE, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

UNITED STATES INSTITUTE OF PEACE

MARC E. LELAND, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003, VICE MAX M. KAMPLEMAN, TERM EXPIRED.

HARRIET M. ZIMMERMAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003. (REAPPOINTMENT)

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

DONALD J. SUTHERLAND, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 2002. (REAPPOINTMENT)

THE JUDICIARY

STEPHEN M. ORLOFSKY, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE MORTON I. GREENBERG, RETIRING.

DEPARTMENT OF JUSTICE

NORMAN C. BAY, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS, VICE JOHN JOSEPH KELLY, RESIGNED.

CONFIRMATIONS

EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE MAY 25, 2000:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY AS DEAN OF THE ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY, AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4335:

To be brigadier general

COL. DANIEL J. KAUFMAN, 3704

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. ROBERT J. NATTER, 0422

EXTENSIONS OF REMARKS

RIVERDALE COMMUNITY CENTER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. ENGEL. Mr. Speaker, nearly three decades ago the rise in juvenile delinquency led to the creation of the Riverdale Community Center. It gave a growing number of teenagers, who were unsupervised after school because their parents worked, a place to go. Drug and alcohol abuse were escalating as was teen pregnancy. The dropout rate was also soaring. The Community Center was organized to provide a structure where, under adult supervision, teens could escape the dangerous crosscurrents of life in the streets.

A free weekend recreation center was opened, then an after school program was added followed by a drug outreach program. Soon more than 1,400 teens a year participated in the after school program. In addition, the Center developed an Adult and Youth Education Center where, for modest fees, families could take classes. This program now serves upwards of 1,000 children, adults and seniors in a variety of courses.

Today, more than 2,400 people a year enjoy the many programs at the Riverdale Community Center.

The Center is a marvelous example of what a community can do when faced with adversity. Instead of wringing their hands, the parents of Riverdale mobilized. The Riverdale Community Center every year serves more people in more and better ways. I am proud to honor the Center on the occasion of its annual brunch. I congratulate the Center for all it has accomplished—and it has accomplished an awful lot.

IN SPECIAL RECOGNITION OF KYLE W. HEMMINGER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY AT WEST POINT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Kyle W. Hemminger of Port Clinton, Ohio, has been offered an appointment to attend the United States Military Academy at West Point, New York.

Mr. Speaker, Kyle's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2004. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Kyle is an outstanding student who brings a special mix of leadership, service, and dedication to the incoming class of West Point cadets. While attending Port Clinton High School, Kyle has attained a grade point average of 3.929, which places him seventh in his class of one hundred ninety-three students. Kyle is a member of the National Honor Society and has received the Port Clinton Kiwanis Scholar Athlete Award for his academic achievements.

Outside the classroom, Kyle has distinguished himself as an excellent student-athlete. On the fields of competition, Kyle served as Captain of the Varsity Football team and received the 1997 and 1998 Football Ironman Award. Kyle is also a member of the Varsity Wrestling team and was named the 1997–1998 Most Improved Wrestler. He is the President of the Leadership Council and is a member of the Varsity Club. In addition, Kyle has performed in several school musicals and was a delegate to Buckeye Boys State.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Kyle W. Hemminger. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Kyle will do very well during his career at West Point and I wish him the very best in all of his future endeavors.

URGING COMPLIANCE WITH HAGUE CONVENTION ON CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

SPEECH OF

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mrs. FOWLER. Mr. Speaker, I rise in strong support of H. Con. Res. 293, which urges all parties to the Hague Convention on the Civil Aspects of International Child Abduction to comply with this important treaty.

Too many countries that have signed this compact fail to live up to its principles. Whether by design or passivity, these countries act as obstacles to reuniting parents with their kidnapped children. This not only occurs with rogue nations that ignore basic human rights; but even some of our closest allies.

I first became acquainted with this issue several years ago when a constituent of mine lost his only daughter to his German ex-wife. She was only 15-months old. For the next four years, he followed the Hague Convention to the letter, going to court in the United States and Germany to seek custody and visitation with his little girl and paying child support. Though a German court eventually awarded him visitation rights, his wife refused to comply and the German courts failed to enforce their own orders.

I was shocked at the impudence of the German government in its application of the Hague Convention. But, I was even more outraged at the failure of our own government to act as an aggressive advocate on behalf of American parents. The U.S. State Department left him to fend for himself, which his ex-wife appeared to have all of Germany fighting for her. I wrote to Secretary Albright, our Ambassador to Germany, and others seeking assistance, but my efforts were rebuffed as well. This happens to thousands of American parents every year, with similar responses.

Today's resolution says with firm resolve that the U.S. Congress will stand with these left-behind parents and fight for their children. When we unite with these parents in even a simple "sense of Congress" resolution, things can change and these nations will take notice.

Because of all the publicity that has been generated by this resolution and this issue, my constituent's ex-wife finally complied with the court-ordered visitation. He saw his little girl for the very first time in nearly four years last week. As he puts it, "I can't see her very often, she doesn't speak English, and hardly knows who I am, but I feel like I just won the lotto."

That is what this is all about. I urge all of my colleagues to support H. Con. Res. 293.

HONORING MR. GEORGE WILLIAM ROBERTSON

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. HOYER. Mr. Speaker, today I recognize and honor the life of Mr. George William Robertson, a community activist in Southern Maryland fondly known simply as "Capt. Billy." Captain Billy was born in Baltimore on June 12, 1930, and grew up along the Potomac River. By the age of 19, he knew he wanted to live off the water and built Robertson's Crabhouse on the Potomac shores in Popes Creek. He purchased Capt. Drink's restaurant in 1986 and renamed it Capt. Billy's.

Captain Billy had many pastimes. In addition to his passions for the water and his restaurant, he owned Dahlgren Hardware Store in Virginia, was an avid horseman as he loved to race with friend Gene Euster, a zealous golfer, and a competitive bowler who was inducted into the Duckpin's Bowler's Hall of Fame. Another passion of his was cars, which he turned into a business by opening Capt. Billy's Auto

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Sales on U.S. 301 in La Plata. Every week with friend Dave Phillips, he attended car auctions throughout Maryland and Pennsylvania.

Captain Billy was diagnosed with gall bladder cancer in January 1999. Together with his friend Robert Mitchell, he sponsored a benefit golf tournament in August 1999 at Swan Point Golf Course in Issue. Four hundred golfers participated to raise $170,000 for the American Cancer Society. For his efforts to fight the disease, the American Cancer Society recently presented him with the Excalibur Award. In addition, he was a strong supporter of Civista Medical Center in La Plata. At the first Mardi Gras Ball sponsored by the Physicians Memorial Hospital Foundation, he was crowned "King Rex." Robertson also raised money for Richard R. Clark Senior Center in La Plata, Hospice of Charles County, United Way of Charles County, Melwood, local churches and schools, and supported Newburg Volunteer Rescue Squad, Bel Alton Volunteer Fire Department, and local softball and baseball leagues.

In closing Mr. Speaker, I would like to take this moment to speak on behalf of the people of Southern Maryland, for whom Captain Billy gave so much, and thank him for all that he has done to benefit our community and our country. We remember his life and the memories he has given us. On behalf of the people of my district, thank you Captain Billy.

TRIBUTE TO REV. PHILIP RONAN BRENNAN

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. DOOLITTLE. Mr. Speaker, today I wish to recognize the Reverend Philip Ronan Brennan, a remarkable man who has rendered fifty years of service to the people of my Northern California district.

Born on August 23, 1926, in Duleek, County Meath, Ireland, Philip Brennan was ordained as a Roman Catholic priest on June 18, 1950, in Dublin. His first assignment in the priesthood brought him half way around the world to the beautiful Sierra Nevada Mountains of California, where he has made his home ever since. In fact, although born in Ireland, he is now a naturalized citizen of the United States. It is here that he has offered a lifetime of compassion and dedication to others.

Beginning as an associate pastor at St. Joseph's Catholic Church in Auburn, in 1950, Reverend Brennan later went on to serve as an assistant at Assumption of the Blessed Virgin Mary parish in Truckee in 1952. In 1956, he began an eleven-year assignment as Chaplain at Folsom State Prison. In this capacity, he worked with some of those members of society who stand in the greatest need of comfort and guidance. Then, in 1967, Father Brennan advanced to the position of pastor at Corpus Christi parish in Tahoe City, California, which included the community of Squaw Valley.

In 1972, Rev. Philip Brennan returned to where he began his ministry, serving as pastor at St. Joseph's Catholic Church in Auburn. During his years in Auburn, he negotiated the purchase of a 16-acre parcel of land in North Auburn, moving St. Joseph's school from the overcrowded and landlocked downtown location to the new site. He also sparked the building of a large parish center there. Recognizing his contributions to the community, in 1988 the City of Auburn named Father Brennan as one of the 100 most influential people in the city's first 100 years of history.

After spending eight years at St. Joseph's, Father Brennan moved to the small town of Sutter Creek, serving for 12 years as pastor at the Immaculate Conception parish. Since retirement in 1992, he has again settled in Auburn, where he continues to sit on Diocesan committees and acts as supply pastor throughout the Sacramento Diocese.

As he celebrates the Golden Jubilee of his ordination to the priesthood on June 18, I join with his many friends and admirers in honoring the Rev. Philip Ronan Brennan for his tireless efforts to meet the temporal and spiritual needs of those he has served so faithfully. No price can be placed on Father Brennan's contributions. His influence cannot be measured. His service cannot be gauged. His is a life well-lived, and I thank him for it.

HONORING JOSEPH PURE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. ENGEL. Mr. Speaker, America has been very fortunate in that many of its finest citizens come from other lands, landing here to better their lives or sometimes only hoping to escape persecution. Joseph Pure is a man who did both. He was born in Bialystock, Poland 75 years ago. Like all European Jewry he came face to face with the Holocaust. He is more fortunate than the great majority because he survived. He came to America from a ravished Europe and in the course of his life here founded the very successful Woodworking Specialty Company and several other firms. But he did not forget his heritage and was extremely supportive of Jewish causes. He also became a mentor for a generation of young.

His strong character, determination, industry and luck made him a success in America and made America a better country for his coming here. He is a shining example of how people can prosper under freedom, away from the evils of totalitarianism.

Joseph Pure was married to the late Alice Pure and they had three children, Samuel, Ellen and Vivian, and a granddaughter, Nicole Negrin. I want to wish him a very happy 75th birthday. He has earned the best wishes of all of us.

IN SPECIAL RECOGNITION OF THOMAS J. ROOT ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Thomas J. Root of Norwalk, Ohio has been offered an appointment to attend the United States Military Academy at West Point, New York.

Mr. Speaker, TJ's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2004. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

TJ brings a special mix of leadership, service, and dedication to the incoming class of West Point cadets. While attending Norwalk High School, TJ has attained an astounding grade point average of 4.329, which places him fourth in his class of one hundred fifty-three students. TJ is a member of the National Honor Society, Principal's List, and was Captain of the Academic Challenge Team. Additionally, TJ placed fifth in the state on the Ohio Test of Scholastic Achievement Pre-Calculus exam. TJ was twice presented with the Huron County American Legion Award for his academic accomplishments.

Outisde the classroom, TJ has distinguished himself as an excellent student-athlete. On the fields of competition, TJ has earned letters in Varsity Football and Wrestling. TJ was also named Captain of both the Football and Wrestling teams. TJ has also been active in the Norwalk High School Key Club and with his church youth group.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Thomas J. Root. Our service academic offer the finest education and military training available anywhere in the world. I am sure that TJ will do very well during his career at West Point and I wish him the very best in all of his future endeavors.

RECOGNIZING THE SALT RIVER PROJECT

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. HAYWORTH. Mr. Speaker, I rise to acknowledge the profound and positive impact that Salt River Project has had on the state of Arizona for nearly 100 years. Accordingly, SRP has a deserving place in the Library of Congress' Local Legacies.

SRP is the oldest multipurpose federal reclamation project in the nation, older even than the state of Arizona. Named for the major river that supplies much of the water to the region, SRP is the Phoenix area's largest supplier of water and among the largest public power utilities in the United States.

SRP's history links people, events, and projects that have defined the progress and prosperity of Arizona. Its legacy includes the cooperative water management efforts of late nineteenth-century settlers, President Theodore Roosevelt's passage of the National Reclamation Act of 1902, and the construction of major dams throughout the state.

SRP continues to power the state of Arizona today, providing reliable and affordable electricity and water, and extraordinary community service. Its canals are an integral part of our environment and serve as a lasting reminder of SRP's importance to the future of our state.

For these and many others reasons, SRP is a fitting and valuable addition to the Library of Congress' Local Legacies.

TRIBUTE TO THE INTERNATIONAL COALITION FOR MISSING ISRAELI SOLDIERS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. LANTOS. Mr. Speaker, I rise today to recognize the International Coalition for Missing Israeli Soldiers and its dedicated staff. Since its inception seven years ago, the Coalition has been the driving force behind the international grassroots campaign to return Israel's missing soldiers to their families. The Coalition's efforts, both in the United States and abroad, have jarred the conscience of the international community on behalf of American citizen Zachary Baumel and other missing Israeli soldiers. The single-minded dedication of this organization to assisting these soldiers, who were all but forgotten by the international community, has thrust the issue once again onto the international agenda.

In particular, Mr. Speaker, I want to note the successful lobbying efforts of the Coalition for legislation which I introduced in the Congress last year—H.R. 1175, "a bill to Locate and Secure the Release of Zachary Baumel, an American Citizen, and Other Israeli Soldiers Missing in Action." Some one hundred Members of the House joined as cosponsors of this legislation, and ultimately the bill passed with the unanimous support of both the House and Senate. It was signed into law by President Clinton last November. I took this action in order to raise the priority of this issue in American foreign policy and to facilitate a more concerted effort to bring closure on this matter after eighteen frustrating years.

Mr. Speaker, Israel is our closest ally in the region, and some years ago Israel played a major role in securing the release of American hostages being held in Lebanon. Now it is fitting that we repay this debt and take meaningful action on behalf of Israel's missing soldiers. Success in this endeavor can only strengthen American initiatives in the Middle East by creating an atmosphere that can make Middle East peace a reality.

On June 4th of this year, Mr. Speaker, the Coalition is sponsoring "An Evening of Conscience" Dinner in Jerusalem. I would like to take this opportunity to wish the Coalition great success at this upcoming event and recognize the leadership and staff of the Coalition for the remarkable work that has been done by Coalition Chairman Daniel Eisen, and the Coalition staff members: Brigitte Silverberg, Reya Eisen, Daniel Ehrlich, Daniel Grisarou, Gittel Davis, Gedalya Gower, and the Coalition's Washington representatives Alyza D. Lewin and Vicki Iseman.

Mr. Speaker, it is my sincere hope that Zachary Baumel, Tzvi Feldman, Yehuda Katz, and Ron Arad will soon be home with their families and that the dedicated staff of the Coalition will be able to find other uses for their many talents.

HONORING THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. KILDEE. Mr. Speaker, as a lifelong Michigan resident, and as Co-Chair of the House Congressional Native American Caucus, it gives me great pleasure to stand before you today to speak on the Grand Traverse Band of Ottawa and Chippewa Indians. On May 27, the Band will celebrate 20 years of reaffirmed federal recognition.

The Grand Traverse Band has a rich and long history. The Tribe entered into treaties with the United States in 1836 and 1855. These treaties specified land for the Band, but a misinterpretation caused the Band's recognition to be terminated, and it was left without federal assistance. Determined to rectify this error, the Tribe applied for federal recognition under the Indian Reorganization Act in 1934, and was denied by the Bureau of Indian Affairs. It tried again, unsuccessfully in 1943. Such disappointment would have deterred many people, but the members of the Grand Traverse Band were steadfast, and tried once again in 1978, and on May 27, 1980, the Tribe's federal recognition was finally reaffirmed.

In these twenty years, the Grand Traverse Band has served as a strong example of tribal self-determination. It has developed a strong socioeconomic system. It established a solid infrastructure, and provides many governmental services to its members. The Tribe is the county's largest employer and is among the largest employers within a six-county area. Northwest Michigan is a better place because of the Grand Traverse Band.

Last year, the Tribe was honored by Harvard University for providing an outstanding example of tribal governance. The Harvard Project on American Indian and Economic Development noted the Tribe's innovation in crafting a formula for distributing its share of the Michigan Indian Land Claim Settlement Award. I would also like to acknowledge George Bennett, Chairman of the Tribe, and my friend of more than 30 years, for his leadership.

Mr. Speaker, the Grand Traverse Band of Ottawa and Chippewa Indians have enriched many lives with its history and heritage. I consider myself a better person for working alongside the Tribe on many issues and concerns. After a long fight to achieve federal recognition, the Band has much to celebrate with this milestone. I ask my colleagues in the 106th Congress to please join me in congratulating the Grand Traverse Band on 20 years of reaffirmed recognition of their retained sovereignty, and wishing it continued success.

TRIBUTE TO THE HON. DENNIS GILLETTE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. GALLEGLY. Mr. Speaker, I pay tribute to Dennis Gillette, who is retiring next month as Executive Assistant to the President for Special Projects at California Lutheran University in Thousands Oaks, CA.

It is his second retirement from his second successful career. In his spare time he has managed to hold elective office—he is currently Mayor of the City of Thousand Oaks—and support so many non-profit organizations that it would be impossible to list them all. He also holds a California Teaching Credential and has taught at numerous academies, universities and colleges.

Dennis began his CLU career in 1988, coming on board as Vice President for University Development. He also served as Vice President for Administrative Services/Treasurer prior to his current position. In this post, he is responsible for overseeing several major construction and design projects.

His first career was with the Ventura County Sheriff's Department, where he rose to the rank of Assistant Sheriff. During his 25 years of the Department, he also served on the original Thousand Oaks Police Department and was Chief of Police for the cities of Camarillo and Thousand Oaks.

Not surprisingly, Dennis Gillette has been awarded numerous honors over the years, including being named "Man of the Year"by the Conejo Valley Chamber of Commerce in 1987, and the Conejo Valley Historical Society's "Don Triunfo" in 1992. He has received commendations from Optimist International and the Optimist clubs in Thousand Oaks and Camarillo. The cities of Thousand Oaks, Camarillo, Simi Valley, Moorpark, and Ventura have honored his commitment to community.

Dennis' wife, Terry, is an English teacher for the Conejo Valley Unified School District. They have two daughters, Kristine and Lisa. In 1983, the Gillettes were named the Conejo Valley Family of the Year.

Mr. Speaker, I know my colleagues will join me in wishing Dennis and his family the best on the occasion and his second retirement, and Godspeed for whatever new endeavors he may decide to undertake.

HONORING PARKCHESTER CHORUS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. ENGEL. Mr. Speaker, today we have something to sing about: The Parkchester Chorus is celebrating its 60th Anniversary. This wonderful group performed its first spring concert in 1940. It was founded by residents of the Parkchester housing complex and is the oldest choral group in the Bronx. Over the years the group has expanded from out of the Parkchester community and now draws its members from as far as New Jersey and Connecticut. But it still reflects its roots in the Bronx as a multi-ethnic, multi-racial, nonsectarian choral group.

The Parkchester Chorus is a vital part of the cultural life of the Bronx. I want to take this opportunity to congratulate the Chorus and its members for their valuable contributions to our lives and their gift of music to our parents, to us and to future generations. I offer them three musical cheers.

IN SPECIAL RECOGNITION OF LUKE M. TWAREK ON HIS APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Luke M. Twarek of Marblehead, Ohio, has been offered an appointment to attend the United States Naval Academy in Annapolis, Maryland.

Mr. Speaker, Luke's offer of appointment poises him to attend the United States Naval Academy this fall with the incoming midshipmen class of 2004. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Luke brings an outstanding mix of leadership, service, and dedication to the incoming class at the Naval Academy. While attending Danbury High School, Luke has attained a grade point average of 4.055, which places him first in his class of forty-six students. Luke is a member of the National Honor Society and is an Honor Roll member. Luke has received the PTO Academic Honors Award and Academic Letters in each year of high school. Clearly, Luke has performed very well in the classroom.

On the fields of competition, Luke has distinguished himself as a fine student-athlete. He is a four-year member of the Varsity Football team and served as co-captain during his senior season. Luke is also a four-year letter winner on the Varsity Track team. In fact, Luke has received the Scholar-Athlete Award in both football and track. Luke serves as Vice President of the Key Club, Editor of the school web page, and co-captain of the Academic Challenge Team. He is also a member of the Science Club, Concert and Pep Band, Computer Club, and has attended the Naval Academy Summer Seminar.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Luke M. Twarek. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Luke will do very well at the Naval Academy and I wish him the very best in all of his future endeavors.

HONORING ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Ms. ESHOO. Mr. Speaker, I rise today in honor of Asian Pacific American Heritage Month. It's important that we recognize the rich cultural heritage of the Asian and Pacific Islander American community and all that they have contributed to America and American values.

All too often, Asian and Pacific Islander Americans are subject to prejudice and acts of violence. We must resolve to repair the damage done from past abuses and recognize and promote equality in every walk of life and in every way possible.

I introduced H. Con. Res. 111 to condemn acts of prejudice against Asian and Pacific Islander Americans and support political and civic participation by Asian and Pacific Islander Americans. I'm also proud to be a cosponsor of legislation and a signatory on several letters that recognize the rich heritage of Asian and Pacific Americans and condemn past wrongs.

I ask my fellow colleagues to join me in supporting the following bills and letters:

I'm proud to be a signatory of Representative MATSUI's open letter in support of the President's initiative aimed at preserving WWII-era Japanese American Internment Camps in order to educate future generations about lessons learned from this stain on our nation's history.

I'm proud to be a co-sponsor of the Wartime Parity and Justice Act which would grant relief to Japanese Latin Americans who were abducted and unlawfully interned in the United States but who were not included in the settlement agreement signed into law by the Civil Liberties Act of 1988.

I call for the leadership of the Congress to move forward without delay on the nomination of Bill Lann Lee as the Assistant Attorney General for Civil Rights and I pay tribute to the efforts of the Administration to act on Bill Lann Lee's appointment.

The President has appointed more Asian Pacific Americans to Administration positions and the Federal bench than any other President. In June 1999, the Clinton-Gore Administration issued an Executive Order dedicated to improving the lives of Asian Pacific Americans, the first of its kind ever issued. President Clinton has also proposed $698 million for civil rights enforcement this year—a 13 percent increase—to prosecute criminal civil rights cases, including hate crimes and police misconduct.

Asian and Pacific Islander Americans have suffered unfounded and demagogic accusations of disloyalty throughout the history of the United States. We should, instead, recognize the rich cultural heritage of the Asian and Pacific Islander American community and all they have contributed to America and American values.

We must never forget the strength our country has gained from the inspiration, the hard work, the loyalty and the leadership of Asian and Pacific Americans and all they contribute to the strength of our nation.

RECOGNITION OF FRANK McDUFFIE

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. HAYES. Mr. Speaker, I rise today to recognize the heroism of Mr. Frank McDuffie of Richmond County, North Carolina. Mr. McDuffie joined the Navy in 1935 at a time when America was trying to recover from the Great Depression and Europe was in turmoil. Even in 1940, the war raging in Europe seemed distant and surreal. Yet on that infamous day in early December, 1941, Mr. McDuffie experienced the dark reality of war. Serving as a machine gun operator and a cook aboard the USS *Nevada*, Mr. McDuffie was stationed below the water line of the ship as Japanese bombers shelled Pearl Harbor. As the United States was violently thrust into World War II, Mr. McDuffie peered through the ship's window to see the Rising Sun flying overhead and felt the bombs' vibrations rumbling through the Nevada. Tied to the USS *Arizona* and the USS *Oklahoma*, the *Nevada* managed to cut loose while withstanding the onslaught of rapid machine gun fire and torpedo explosions. However, the damage to the ship was extensive enough that the ship had to run aground to avoid sinking at sea. Although the *Nevada* faired better than the *Oklahoma* and the *Arizona*, both of which sank due to extensive damage, she survived with a gaping hole.

Nearly 60 years after that foreboding day in December, 1941, I stand today before you to honor Mr. Frank McDuffie. Mr. McDuffie is illustrative of the Greatest American Generation—a generation of ordinary men and women asked to do the extraordinary. He joined the Navy to defend the United States and its citizens, to protect the freedoms and liberties we deem natural and God-given. Men like Mr. McDuffie, ordinary citizens willing to make the ultimate sacrifice for their country, provided the foundation on which America grew to become a great nation of unsurpassed international leadership and influence. Veterans like Mr. McDuffie are genuine American heroes. Mr. McDuffie's experience is a reminder that this country was built on the sacrifices of the brave men and women who served in the military to protect our country and preserve our freedom.

REMEMBERING A TRUE PUBLIC SERVANT, MAYOR JOE BOB PARKER

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. EVERETT. Mr. Speaker, I'd like to offer tribute to a man I've known all my life, a man who was a true public servant to the small Southeast Alabama community in which we both grew up.

On Monday, the Town of Midland City in my congressional district lost its mayor of many years and I lost a good friend. Mayor Joe Bob Parker passed away on May 22 while on duty at his post in the historic Midland City City Hall.

Joe Bob Parker served his community for 12 years as mayor and before that for 16 years on the city council. He was so popular with the people that he was unopposed for reelection to a fourth term in office at the time of his passing.

I'm sure that you could go anywhere in America and not find a more dedicated public official or a bigger friend. He was instrumental in promoting local industrial development, fighting for a much-needed senior citizens center, and was even recognized by the Alabama League of Municipalities with a Distinguished Service Award.

As a native of his beloved Midland City, I stand today with all the people of that south Dale County town in remembering and celebrating the life of one of the finest people I've ever known. Joe Bob Parker was special to us and he will be missed.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. CAPUANO. Mr. Speaker, on May 23, 2000, I attended the funearl for the brother of Representative ANTHONY WEINER and was therefore unable to cast votes on rollcalls 214 through 223. Had I been present, I would have voted in the following manner: "Yea" on rollcall 214; "yea" on rollcall 215; "yea" on rollcall 216; "yea" on rollcall 217; "yea" on rollcall 218; "yea" on rollcall 219; "yea" on rollcall 220; "yea" on rollcall 221; "yea" on rollcall 222; "yea" on rollcall 223.

HONORING THE UNITED HOCKEY LEAGUE CHAMPION FLINT GENERALS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. KILDEE. Mr. Speaker, today I congratulate the Flint Generals of the United Hockey League, who on May 17, defeated the Quad City Mallards in the UHL Colonial Cup Championship series. The game was truly an exciting battle, which the Generals won 5–4.

The Generals are a great example of what hard work, determination, and a passionate desire to win can accomplish. The Generals celebrated a stellar regular season with a record of 51–14–9, and 111 points. This not only earned them the Central Division Championship, but they tied a league record for most points by a team in the regular season.

The Generals went on to score decisive victories in the postseason, defeating the Madison Kodiaks, the Muskegon Fury, and ultimately, a strong and skilled Mallard team.

The Generals are the third team to bring a professional hockey championship to my hometown of Flint, Michigan. They are another testament to the rich sports history that exists throughout the state of Michigan. Their accomplishments shine bright in the eyes of the people of Flint. Mr. Speaker, I ask my colleagues in the 106th Congress to join me in saluting the Flint Generals. They are true champions.

HONORING THE WEST END MEMORIAL SCHOOL IN WOODBURY, NEW JERSEY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. ANDREWS. Mr. Speaker, on May 24, at 1:30 to 2:30 p.m., at West End Memorial School in Woodbury, NJ, Col. Larry Engel, vice-president of the Battleship NJ Foundation, will present a print of the Battleship to the Woodbury School District, certificates to the three elementary schools and decals to the 178 fifth grade students who raised $1,000 toward the Battleship's Museum. They stitched over 1,400 needlepoint bookmarks and sold them for $.50 each, several Easter baskets which sold for $5 each and issued $1 stock certificates to local businesses and civic organizations toward their Battleship NJ Peace Project. The students will present an assembly to the 4th and 5th grade students dedicated to those who have served our nation. Col. Engel will address the group about the NJ and Memorial Day. The students will present a check to Col. Engel for the Museum.

HONORING REV. DOCTOR WILLY UPSHAW

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. ENGEL. Mr. Speaker, the year 2000 is significant for many reasons, not least of which is it being the 33rd anniversary of the Rev. Doctor Willie Upshaw's ministry at the Mt. Carmel Baptist Church in Yonkers, a church which has grown under his guidance and inspiration from 150 congregants to more than 2,500.

This incredible expansion of his ministry is based on his motto: "Its no secret what God can do." The high esteen and love given the Rev. Upshaw by his congregation is based on his devotion to his pastoral duties of visiting and praying with the sick and shut-ins, dedicating infants, bringing God to patients at nursing homes and to prisons, and helping those in the community who seek him out for his wisdom and counsel.

Under his pastorate eight deacons have been ordained and seven ministers licensed, of who two have been ordained. Under Pastor Upshaw the Youth Church Ministry has been organized, drawing large numbers of young people to membership through the Rites of Passage and Vows of Purity programs, movements made easier by the Pastor's great love for all youth.

Pastor Upshaw has also served in many other capacities: Executive Vice President of the Yonkers Council of Churches, President of the Ministerial Fellowship of Yonkers, member of the Central Hudson Baptist Association, and member of the Board of Directors of the Yonkers General Hospital among so many others.

Rev. Upshaw has contributed an almost infinite amount of goodness and decency into the community. I am proud to stand here today to congratulate him on 33 years of his pastorate and to wish him, and all of us, many more years.

IN SPECIAL RECOGNITION OF JEREMY L. HAAS ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional district. I am happy to announce that Jeremy L. Haas of Sandusky, Ohio, has been offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Mr. Speaker, Jeremy's offer of appointment poises him to attend the United States Air Force Academy this fall with the incoming cadet class of 2004. Attending one of our nations' military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Jeremy brings a great deal of leadership, service, and dedication to the incoming class at the Air Force Academy. While attending Sandusky High School, Jeremy has performed very well in the classroom. Jeremy has attained a grade point average of 3.775, which places him eighteenth in his class of three hundred six students. Jeremy is a member of the National Honor Society. In addition, Jeremy has received Scholar Athlete Awards in Football and Track in each year of his high school career.

On the fields of competition, Jeremy has distinguished himself as a fine student-athlete. He is a member of the Varsity Football team and has participated in the summer running and weightlifting programs. Jeremy is also a member of the Varsity Track team. In addition, Jeremy has been involved with the International Club and the Sandusky High School band. He has also served as a volunteer at the Sandusky Community Police Station.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Jeremy L. Haas. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Jeremy will do very well at the Air Force Academy and I wish him the very best in all of his future endeavors.

POEM BY SOL AXELROD

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. ACKERMAN. Mr. Speaker, it is with great pride that I share a poem written by my constituent Mr. Sol Axelrod of Commack, New York. The Merchant Marines have served as the sixth Armed Force of our country. Mr. Alexrod beautifully describes our ocean-going Patriots who have laid down their lives for freedom. As Memorial Day approaches, I thought his words were particularly moving.

Forever at Rest

Yes, I recall that fateful day
A mighty force had struck my way.
Being thrust upon the deck,
With no feeling in my legs or neck

"Abandon ship", a voice cried out
I could not stir or even shout.

Merchant seamen rest in the deep
Heroes in eternal sleep
Confined to a watery grave.
Patriots, bold and brave.

To my regret, I cannot leave.
There is no consolation for those who grieve—
Here forever, I am part of the sea
Having given my life for others to be free.

HONORING SHOLL'S CAFETERIA, A WASHINGTON LANDMARK

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. STEARNS. Mr. Speaker, on March 15th, I joined in celebrating the 72nd Anniversary of Sholl's Cafeteria. Sholl's is more than a business, it is a cherished institution here in Washington.

One of the most important family rituals is eating together, joining together in a daily activity and discussing the events of the day and the plans for tomorrow. Sholl's provides this family atmosphere by providing a place for people to come together in an enjoyable environment, to share in taking a meal and to experience the sense of community.

I would like to submit for the RECORD this poem by John Seitz which honors this Washington landmark.

ODE TO SHOLL'S CAFETERIA

(By John R. Seitz)

Come bring along a friend to Sholl's. Liver and onions! Ah, the rolls! The chopped steak is the best in town. Meatloaf or blue fish share renown.

Some folks favor the rhubarb pie, While pumpkin's what others swear by. Something lighter you might savor Is egg custard, rich in flavor.

Water glasses catch the eye, Sparkling with ice as you go by. Coffee is smooth from cup to cup. Whichever time of day you sup.

Is breakfast the meal you prefer? The eggs will suit without demur. The bacon's always crisp and done. Waffles, pastries, suit everyone!

So grab a tray, and step in line. The wait's not long, and you'll do fine. Sit where you like, then dig right in, Your tasty meal waits to begin.

Now you may hear, a threatening fear, That Sholl's could close and disappear. It's true; but Sholl's is open now. It plans to stay, and here is how.

Patrons, diners, all who should Step forth for food that's cheap and good, Promote tradition with these goals! So "S.O.S."—"Support Our Sholl's!"

EXTENSION OF REMARKS CONCERN FOR RELIGIOUS MINORITIES IN IRAN

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. CHAMBLISS. Mr. Speaker, ten percent of the citizens of the Islamic Republic of Iran are members of religious minority groups. According to the State Department and internationally recognized human rights organizations, religious minorities in Iran—including Sunni Muslims, Baha'is, Christians, and Jews—have all been the victims of human rights abuses simply because of their religious beliefs. More than half the Jews in Iran have been forced to flee that country since the Islamic Revolution of 1979 because of religious persecution.

Five Jews have been executed by the Iranian government in the past five years without having been tried. There has been an increase in anti-Semitic propaganda in the government-controlled Iranian press. I want to express my concern today about the thirteen Jews who Iran accused of spying for the United States and Israel and who were arrested on the eve of Passover in 1999. These men are currently being held in an Iranian jail, and although their trial has already begun, they have still not been charged. Further, contrary to Iranian law, these prisoners have been denied the right to choose their own legal counsel, and ten of the defendants have been imprisoned for over a year without any legal representation.

Both Israel and the United States have denied that these men were spying on their behalf. But, this case is indicative of the continued concern I have regarding Iran. From the continuing development of long range missiles capable of striking our friends and allies in the Middle East, to the lack of basic human rights and freedom for the Iranian people, to support for terrorists who target Americans, Iran persists in engaging in a pattern of unacceptable behavior that should cause all of us great apprehension.

Mr. Speaker, I urge my colleagues to join me in expressing alarm about Iran. It is my hope that the thirteen Jews currently being held on these trumped up espionage charges will be accorded their basic legal rights and that Iran will release all prisoners held on the basis of their religious beliefs.

HONORING MILES LERMAN

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. BACA. Mr. Speaker, after 22 years of dedicated service, Miles Lerman will soon step down as Chairman of the United States Holocaust Memorial Council. At the end of this month, the Museum will be honoring his extraordinary commitment and dedicated leadership.

I would like to join with Mr. Lerman's friends and colleagues in saluting his years of service not just to our Nation, but for the cause of justice throughout the world.

During World War II, Mr. Lerman fought the Nazis as a partisan in the forests of southern Poland. Upon liberation, he returned to his native town only to discover that his mother and siblings had been murdered.

After the War, he rebuilt his life in the United States, with his wife Chris, a survivor of Auschwitz.

Mr. Lerman has long been prominent in Jewish leadership, for which he received the medal of achievement from the Prime Minister of the State of Israel.

In 1980 he was appointed by President Carter to the United States Holocaust Memorial Council, to build a national Holocaust Memorial Museum in tribute to the victims of Nazi atrocities. He has been reappointed repeatedly by subsequent presidents. The United States Holocaust Memorial Museum is now the largest single repository of Holocaust artifacts in the world outside of the Nazi death camps.

In recognition of these achievements, President Clinton appointed Miles Lerman as Chairman of the United States Holocaust Memorial Council, the governing body of the United States Holocaust Memorial Museum.

Mr. Lerman has also received numerous honors throughout his distinguished career, including the Outstanding Civilian Service Medal, Department of the Army, May 15, 1996; The Inaugural Israeli Bonds Freedom Award, the State of Israel Bonds, Washington D.C. June 5, 1994; the Jules Cohen Memorial Award, Jewish Community Relations Council, Philadelphia, Pennsylvania, for commitment to international human rights and holocaust education, March 3, 1994; Commander's Cross (the highest award for a non-citizen of Poland), presented by Lech Walesa, President of the Republic of Poland, April 3, 1993; the Partisans Cross, for bravery in combat with the Nazi invaders, presented by the Order of Council of Ministers of the Republic of Poland, July 14, 1989; Prime Minister's Medal of Achievement, the State of Israel Bonds, June 10, 1973.

HONORING GERALD SQUILLANTE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. ENGEL. Mr. Speaker, we all rely on hospitals for our well-being or more accurately, the people in our hospitals to help us through our individual crises. One of the people I want to praise today for his work is Gerald Squillante, Director of the School of Radiation Therapy at Montefiore Medical Center.

He has brought diligence and compassion to his work and he is being honored for his 18 years of service at Montefiore Hospital to the people of the community. He graduated from the first class of the School of Radiation at Montefiore Medical Center's Radiation Oncology Department.

For the 18 years he has served as Director he has dedicated his time and ability to assist the administrative, technical and medical staff whenever they have called on him. He has been a dedicated teacher who helped his students reach their goal of graduating from the School of Radiation Therapy Technology and to pass the National Registry Examination in order to obtain their licenses to treat.

He has shown care and devotion to his family, his colleagues and his students, who are known with affection as "Jerry's Kids".

I want to join with his family, friends, colleagues and students in wishing him the very best on his anniversary. The work he does certainly is a benefit to all of us.

IN SPECIAL RECOGNITION OF KRISTY L. LAUDICK ON HER APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY AT WEST POINT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Kristy L. Laudick of Van Wert, Ohio, has been offered an appointment to attend the United States Military Academy at West Point, New York.

Mr. Speaker, Kristy's offer of appointment poises her to attend the United States Military Academy this fall with the incoming cadet class of 2004. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Kristy brings a special mix of leadership, service, and dedication to the incoming class of West Point cadets. While attending the Culver Military Academy in Culver, Indiana, Kristy has attained a grade point average of 3.42, which places her thirty-third in her class of one hundred seventy-nine students. During her time at Culver Military Academy, Kristy has received several commendations for her superior scholastic efforts. During her first year, she received two Gold Cards. Kristy received two gold A's, one Silver Star, and one Gold Star during her second year. In addition, she received two Gold Stars and two Silver A's for her academic efforts in her third year.

Outside the classroom, Kristy has distinguished herself as an excellent student-athlete. On the fields of competition, Kristy has participated in Varsity Cross Country, Varsity Swimming, and Varsity Crew. She has also been involved in the Fall Rowing Club. Kristy has served as Secretary of the Campus Activity Board and is involved in the German Club, Band, and Fellowship of Christian Athletes.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Kristy L. Laudick. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Kristy will do very well during her career at West Point and I wish her the very best in all of her future endeavors.

A SALUTE TO REDFORD HIGH SCHOOL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. CONYERS. Mr. Speaker, I rise today in recognition of Mrs. Teresa Holder-Hagood and the students of Redford Senior High School in my home district of Detroit, MI. On Tuesday, April 25th, 2000, I was honored to visit with them to discuss various issues the students deemed important.

The memorable opportunity was prompted by a visit from Mrs. Holder-Hagoods' government class to my Detroit office in September of last year. The students were quite inquisitive, following up their visit with over 40 written requests to join them and address an even larger assembly. After personally responding to each inquiry, I arranged to meet with several classes of Redford students on Tuesday, April 25th, 2000; we were joined by my former staffer Ms. Susan Watson, a "locked-out" Detroit newspaper columnist, now with the Detroit Federation of Teachers.

Our visit proved to be a very stimulating session, capturing the essential character of the Detroit secondary-school community. After I was introduced by Ms. Cheri Luster, a sophomore in the school's college-prep curriculum, I found myself fielding questions covering a wide array of topics ranging from racial profiling and mandatory minimums to voting and education reform. While the student's inquiries were incisive, I could not help but be struck by their outstanding scholastic accomplishments, including, but not limited to, two Grand Winners in Math and Science at the Metro-Detroit Annual Engineering Fair and Leading Contender at the National Competition on Robotics—2000. At a time in our nation's history when an understanding of information and technological innovation is critical, these successes deserve acclaim.

Morever, Redford Senior High School is currently celebrating its 80th Anniversary; what more wonderful way to mark the occasion than to tout these victories in national scholastic competitions.

In the early 1900's, the very first teacher at Redford, Mr. Hiram Wilmarth, started out in a small white-frame school teaching only eight students. Today, Mrs. Holder-Hagood and her Redford colleagues, under the guidance of Principal Dr. Walter McLean, exemplify that same kind of solid commitment to student achievement. As senior teacher in the Social Studies Department and school "Special Events Chairperson", Mrs. Holder-Hagood, who has taught at Redford since 1969, utilizes the kind of educational tools which enrich her student's understanding of real world institutions in real time, through interactive experience.

This approach to education is epitomized by the "Close-Up" educational program here in Washington, D.C., which arranges "close-up" meetings with Capital Hill legislators. Several Detroit area schools, including Redford, have visited my Washington office through this wonderful program, and its benefits have been quite rewarding for all participants.

From its humble beginnings in 1907 of just under 10 registrants, Redford High School's enrollment has mushroomed to approximately 2,500 students from many backgrounds and cultures, and on Thursday, June 22, 2000, Redford High School expects to graduate over 250 seniors.

While there is still much reform needed in our nation's urban learning centers, stories of triumph, like those being authorized by Mrs. Teresa Holder-Hagood and the students, teachers, administrators and parents of Redford High, remind us of what true heroism really is and encourage us all. And so, on behalf of the U.S. House of Representatives, I want to wish Redford Senior High School of Detroit a Happy 80th Anniversary and every success in the coming years.

INTRODUCTION OF H.R. 4528

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing a bill H.R. 4528 the International Academic Opportunity Act of 2000 along with the distinguished gentleman from New York, Mr. HINCHEY to encourage undergraduate college students to study abroad for a year.

Experts agree that a global society is the future. Americans, need to be prepared to operate in an international environment and economy. This preparation starts at a young age and is the reason I am introducing this measure to assist college-level students to study abroad.

I have been a longstanding supporter of international exchanges, because exposure to a world outside of one's home country leads to greater understanding. People-to-people contact—the seeing, doing and interacting—is how we learn to appreciate similarities, differences or other ways of doing things. I would like to expand the horizons of our college students by providing incentive grants to encourage lower income students to consider a study abroad program.

This bill authorizes $1.5 million to be made available to the State Department for grants up to $5,000. These incentive grants are to be used to cover travel or other expenses related to studying overseas. The intention of the bill is to provide current study abroad programs that exist on many college and university campuses with funds that would allow them to reach out to other students that may not have considered such study because of the added expense of travel and living.

Developed with the assistance of college administrators and exchange experts, it is hoped that a streamlined program will encourage more students to participate in an overseas educational program and motivate them to learn and apply a foreign language. These experiences and skills will serve them well as they enter the workforce. Through these grants, I want to help prepare and motivate our young students to participate in the international arena.

Mr. Speaker, I submit the full text of this important measure to be inserted at this point in the RECORD:

H.R. 4528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Academic Opportunity Act of 2000".

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to establish an undergraduate grant program for students of limited financial

SEC. 3. ESTABLISHMENT OF GRANT PROGRAM FOR FOREIGN STUDY BY AMERICAN COLLEGE STUDENTS OF LIMITED FINANCIAL MEANS.

(a) ESTABLISHMENT.—Subject to the availability of appropriations and under the authorities of the Mutual Educational and Cultural Exchange Act of 1961, the Secretary of State shall establish and carry out a program in each fiscal year to award grants of up to $5,000, to individuals who meet the requirements of subsection (b), toward the cost of 1 academic year of undergraduate study at an institution of higher education in a foreign country.

(b) ELIGIBILITY.—An individual referred to in subsection (a) is an individual who—

(1) is a student in good standing at an institution of higher education in the United States (as defined in section 101(a) of the Higher Education Act of 1965);

(2) has been accepted for an academic year of study at an institution of higher education outside the United States (as defined by section 102(b) of the Higher Education Act of 1965);

(3) is receiving any need-based student assistance under title IV of the Higher Education Act of 1965; and

(4) is a citizen or national of the United States.

(c) APPLICATION AND SELECTION.—

(1) Grant application and selection shall be carried out through accredited institutions of higher education in the United States or combination of such institutions under such procedures as are established by the Secretary of State.

(2) In considering applications for grants under this section, priority consideration shall be given to applicants who are receiving Federal Pell Grants under title IV of the Higher Education Act of 1965.

SEC. 4. REPORT TO CONGRESS.

The Secretary of State shall report annually to the Congress concerning the grant program established under this Act. Each such report shall include the following information for the preceding year:

(1) The number of participants.

(2) The institutions of higher education in the United States that participants attended.

(3) The institutions of higher education outside the United States participants attended during their year of study abroad.

(4) The areas of study of participants.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,500,000 for each fiscal year to carry out this Act.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect October 1, 2000.

CONGRATULATING KAHUKU HIGH AND INTERMEDIATE SCHOOL

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to express my heartiest congratulations to the students at Kahuku High and Intermediate School in Kahuku, Hawaii on winning the Region 1 award at the We the People . . . the Citizen and the Constitution national finals held in Washington, DC, May 6–8, 2000.

This prestigious award is presented to the school in each of five geographic regions with the highest cumulative score during the first two days of the national finals. These outstanding young people competed against 50 other classes from throughout the nation and demonstrated a remarkable understanding of the fundamental ideas and values of American constitutional government.

The Kahuka High and Intermediate team—Cady Albert, Stephen Allred, Amber Alvarez, Brandon Barker, Ben Burroughs, Travis Cameron, Lauren Day, Nicole Francisco, Janae Hanson, Shin Ho, Erik Kokkonen, Michael Lau, Jason Ludlow, Shantel Musick, Ryan Nielson, Jon Robertson, Steven Robertson, Heather Sandison, Mea Shimizu, Jennifer Sickler, and Noa Walker—bring great honor to their school, their teachers, and to the State of Hawaii. I also take this opportunity to commend their teacher Sandra Cashman, State Coordinator Lyla Berg, and District Coordinator Sharon Kaohi on this marvelous achievement.

I want to recognize and thank the Center for Civic Education, which conducts the We the People program, for providing this wonderful program for our young people. We the People . . . The Citizen and the Constitution reaches more than 26 million students at elementary, middle, and high schools.

HONORING CALVIN B. ALDERMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. TOWNS. Mr. Speaker, I rise today to congratulate Calvin B. Alderman on the occasion of his graduation from Medgar Evers College.

Mr. Alderman, born in Brooklyn, NY, was raised singularly by his mother. In 1986 his son, Calvin B. Alderman, Jr., was born. Two years after the arrival of his son came the birth of his daughters, Shakeera and Traquana. In an effort to support his children, he worked as a carpenter's apprentice for the Yonkers Construction Company for 5 years until he was shot three times in a robbery attempt. The incident left him with a spinal cord injury, requiring extensive physical rehabilitation therapy and a wheelchair for mobility.

After his recovery he became determined to improve the quality of his life. He began researching the rights of disabled persons. He discovered that many people with disabilities were unaware not only of their civil rights but, of federal, state, and city agencies which provide services to help ease the burdens of the disabled. He saw his accident as a way of getting him to help others with disabilities. After his research, he decided to attend Medgar Evers College, and began to advocate for the disabled.

He entered the CUNY B. A. Program at Medgar Evers College and will now graduate in June 2000. While enrolled at Medgar Evers College, he became actively involved in student organizations. He was the president of the Differently Abled Student Association (DASA) from 1995 to 1998, a nondelegate in the University Student Senate (USS) from 1996 to 1998, and a student advocate from 1995 to the present. He has also served as the vice president of Phi Beta Sigma Fraternity Inc. Alpha Phi Chapter, from 1997 to 2000, a member of the Public Administration/Public Policy Club from 1996 to 1997, and the vice-chairman of Disabled Student Affairs from 1998 to 1999 to name some of his affiliations.

Mr. Speaker, I wish to recognize the accomplishments of Calvin Alderman, and wish him continued success in his advocacy and future ventures.

IN HONOR OF JOHN A. ERTOLA

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to a man who is a pillar of the San Francisco community. John A. "Jack" Ertola is receiving an award as "San Franciscan of the Year" from the San Francisco Forum, and it is an honor that he richly deserves.

Born in San Francisco's North Beach area, Jack learned the value of community service at home. His mother, Marie, was active in community groups, and his father, Charlie, became a member of the board of supervisors.

Jack absorbed these lessons well and has been a longtime servant to his country and community.

As a young man, Jack answered the call of duty and served in the U.S. Army during World War II. After attending the College of Marin, he graduated from Stanford University in 1951. He continued his education at the University of San Francisco Law School and earned his juris doctor degree in 1954.

Jack went into the private practice of law. In 1964, he was appointed to the San Francisco board of Supervisors. He became president of the board of supervisors in 1968.

When he left the board of supervisors in 1970, he became a Superior Court Judge. In this capacity he served the people of San Francisco honorably for 20 years. In 1987, he was selected as Judge of the Year by the San Francisco Trial Attorneys. Jack has been a member of the California Veterans' Board and was counsel to the board president of the San Francisco Fire Commission. He has also served on the University of San Francisco Law School Board and the Lawyers' Club Board of Directors.

Outside of his government and professional activities, Jack has been an active member of the community. He served on the board of directors of the Telegraph Hill Neighborhood Association and as president of the Golden Gate Neighborhood and Settlement House Association. He won the Jane Addams Award for community service on the 50th anniversary of the Settlement House movement. He has been a member of the North Beach Lions, the Columbus Civic Club, Easter Seals, and the Lincoln Park Neighborhood Association. He also served as chair of the California Boys State Program.

Jack is married to Shirley Clark Ertola and has a son, Chad, and a daughter, Jill. His children are both married and have given him four delightful grandchildren.

Jack Ertola is an upstanding citizen of San Francisco, and his life of civic engagement is an example to us all. I commend him on his distinguished career and congratulate him on this award.

RETIREMENT OF LT. LYNDON WILMOT OF THE COVENTRY POLICE DEPARTMENT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today to commend Lieutenant Lyndon Wilmot on the occasion of his retirement from the Coventry Police Department following nearly 31½ years of dedicated service.

Lieutenant Wilmot joined the Coventry Police Department on January 9, 1969. Over the next three decades, he rose through the ranks and served in a number of important leadership positions. He attained the rank of Lieutenant in 1986. He served as the senior supervisor for many years and as the liaison between the Department and a correctional institute in nearby Mansfield. Throughout his tenure, he was a very active member of the Coventry Police Benevolent Association. As a police officer, Lieutenant Wilmot provided an extraordinary level of service and commitment to the community. His involvement in the Benevolent Association demonstrated his commitment to his fellow officers and their families. Lieutenant Wilmot also played an important role on behalf of his colleagues as a leading union member.

During his career, Lieutenant Wilmot participated in a number of important investigations and took countless actions to protect public safety and property. He took a leading role in investigating an extremely rare homicide in Coventry several years ago. His retirement offers the Department and the community the opportunity to reflect on the totality of his service on a daily basis.

Lieutenant Wilmot is known to residents as much more than a police officer. According to his close friend and colleague, Lt. Walter Sotenski, he is an ardent bass fisherman and an active member of the Coventry Historical Society. As a life-long resident of Coventry, his roots run very deep in the region.

Mr. Speaker, I am proud to join residents of Coventry in wishing Lt. Lyndon Wilmot the very best in the years ahead.

IN SPECIAL RECOGNITION OF BRIAN J. DYER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY AT WEST POINT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Brian J. Dyer of Sandusky, Ohio, has been offered an appointment to attend the United States Military Academy at West Point, New York.

Mr. Speaker, Brian's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2004. Attending one our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Without question, Brian brings a special mix of leadership, service, and dedication to the incoming class of West Point cadets. While attending Perkins High School in Sandusky, Brian's academic diligence has helped him to attain a grade point average of 3.66. Additionally, Brian is a member of the National Honor Society.

Outside the classroom, Brian has distinguished himself as an excellent student-athlete. On the fields of competition, Brian is a three-year letterman on the Perkins Swimming team and a two-year letterman on the Cross Country team. His efforts on the field and in the classroom helped Brian to receive the Scholastic Award in each year he has participated in both sports. Brian has also been active in the Pep Band, Jazz Band, and Brass Choir. To further demonstrate his commitment to our nation's military, in the summer of 1999, Brian enlisted in the Ohio Army National Guard and is a private in Troop 2C/107th Cavalry.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Brian J. Dyer. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Brian will do very well during his career at West Point and I wish him the very best in all of his future endeavors.

IN HONOR OF KATHLEEN McMAHON

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Ms. SCHAKOWSKY. Mr. Speaker, in a special message to the Congress in 1965, President Lyndon B. Johnson wrote, "Every child must be encouraged to get as much education as he has the ability to take. We want this not only for his sake—but for the nation's sake." Kathleen McMahon took that message to heart and dedicated her life to the noble profession of teaching.

As a Chicago Public Schools teacher for 34 years, she enriched the lives of countless students and "encouraged" them in the classroom. She knew from the start that a life of teaching is well worth the rewards. Her time and energy were the building blocks that helped many students thrive and grow.

On behalf of all her students, their parents, and her colleagues, I wish to commend Kathleen McMahon for her years of dedication and her immeasurable contribution to our community and wish her well in retirement. We are thankful for all her hard work teaching our nation's future leaders. I am sure that she will be missed by all at Norwood Park School.

HONORING NEW MEXICO'S ANCHORMAN, DICK KNIPFING

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mrs. WILSON. Mr. Speaker, today I would like to bring to your attention Dick Knipfing, a man who has faithfully served New Mexicans for 36 years. He has served our state as a news anchor on all three of our largest local channels and has dedicated his life to informing his viewers on issues important to New Mexico. He is known and respected in New Mexico as a real "pro" who knows more about New Mexico history, politics and policy than most of the people he covers every day.

In 1996, he was inducted into the Silver Circle Society, which is one of the more prestigious honors in his field. In the late eighties, he was elected by his peers as one of the "Best in the Business" and listed in the "Washington Journal Review."

To many New Mexicans, Dick is the one they rely on to give them the straight story, every night. "Dick always believed that news is a service, not a product," said former co-worker and reporter Janet Blair. Indeed, Mr. Knipfing's dedication to serving the public will be solely missed.

We wish him the best in all future endeavors. He will always have a place in the hearts of New Mexicans for his integrity, his commitment to children and families, and his love of New Mexico.

Mr. Speaker, television news has changed a lot in the last 36 years. It's a 24-hour a day, multi-channel business where, in some places, form is more important than substance. Dick Knipfing has always been a man of substance giving New Mexicans the truth with integrity. He will be missed.

Please join me in honoring and thanking Mr. Dick Knipfing, New Mexico's anchorman, for all he has done.

HONORING JAMES V. KIMSEY, FOUNDING CEO AND CHAIRMAN EMERITUS OF AMERICA ONLINE INC., ON THE COMPANY'S 15TH ANNIVERSARY

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor a man who personifies America's pioneer spirit, exemplifies its entrepreneurial vision, and, most importantly, stands as a sterling example of the uniquely American practice of philanthropy.

A son of the Nation's Capital, James V. Kimsey is the Founding CEO and Chairman Emeritus of America Online, Inc., as well as the Chairman of the AL Foundation and the Kimsey Foundation. He studied at Georgetown University on an honors scholarship and graduated from the United States Military Academy at West Point before serving in the United States Army as an airborne ranger, rising to the rank of Major. He received numerous awards for service and valor during one term in the Dominican Republic and two in Vietnam.

The list of honors bestowed upon this great American literally goes on and on. Mr. Speaker, allow me to mention just a few: 1994 Business Leader of the Year, Washingtonian Magazine. KPMG Peat Marwick High Tech Entrepreneur of the Year. American Academy of Achievement Golden Plate Award. The first annual "I Have a Dream Award." Presidential appointments to the Kennedy Center Board of Trustees and the West Point Board of Visitors. Chairman of the Washington Millennium and Bicentennial Commission. Chairman of the Board of The Washington Opera and member of the National Symphony Orchestra's executive committee.

But the accomplishment for which I rise today, Mr. Speaker, is that for which Jim Kimsey is best known—his visionary leadership in founding the company now called AOL on May 24, 1985. After leaving the Army, Kimsey took his self-described "airborne-ranger-infantryman" mentality into the D.C. business world, opening restaurants, dabbling in real estate, and creating a bank-holding company. Then, in the early 1980s, he got involved in ControlVideo Corporation, a small firm that downloaded video games over the telephone—a venture he now calls a "first-class fiasco."

Always a step ahead of the curve, Kimsey, along with his partners, opted to move CVC's assets to another company rather than kill it. CVC became Quantum Computer Services, and from there—with the help of some venture capital—AOL was born. In a magazine interview last year, Mr. Kimsey recalled those anxious days, and it struck me

> "We were like a little boat speeding through the bayou. We didn't want anyone to see how big we were getting before we broke out into the open. Our challenge was to keep our eyes on where the river was flowing. . . . Because we kept a low profile, we went unnoticed by the big boys until we were a major force in the market."

Beyond such David-and Goliath strategizing, furthermore, is a born leader who holds steady to the American ideal of self-reliance. Witness another excerpt from the magazine interview:

> "When you are in battle, it's your job to accomplish your mission and bring your man back alive. There's no excuse if you don't. If you're a business CEO and you didn't figure out where the universe was moving, or what it takes to make your company successful, there's no excuse. When you have the mindset that there is no excuse, you will be successful."

Successful indeed, Mr. Speaker, AOL and Jim Kimsey are now American institutions because they represent the very best of America in the Information Age: innovation, energy, risk-taking. I am proud to have had the chance to spend a good deal of time with this man, for I have learned much from him. He is the kind of person who reminds us, when we are in his presence, of Melville's words: "It is better to fail in originality than to succeed in imitation."

And now—now that he has accomplished all that an American businessman could dream of accomplishing—now he has turned his attention to serving America, much as he did during his years at West Point and his three tours of duty. "Having money," Kimsey has said, "doesn't necessarily mean that you're successful. It just means that you were lucky."

That selfless perspective was apparent back in Vietnam, when he founded an orphanage he continues to support today. And it is apparent now as he takes on new philanthropic endeavors—from the dozens of non-profit boards he sits on to the message of education in the Internet Age that he spreads to teachers, students, parents and communities across America. Jim Kimsey believes as I do, that if we address the plight of disadvantaged children early, many of our society's problems will all but disappear. One of the challenges he's taken on is to figure out how technology can ameliorate the problems of education. During a trip to Vietnam just a couple years ago, he even dedicated a school in Dong Ha to which he continues to donate money.

Blink your eyes and there he is, deep in the mountains of Colombia, talking to leaders of that country's Revolutionary Armed Forces, trying to improve communication between their camp and that of Colombian President Pastrana. Blink your eyes once more and there again is Kimsey, serving as host at a fundraiser for one of the many charities to which he lends his name, energy and know-how.

Mr. Speaker, in closing, I want to extend my sincere congratulations to my friend Jim Kimsey on the 15th anniversary of one of America's great companies. I want to thank him for all that he has given to the greater Washington area, and all of the United States. Due largely to his foresight and determination, America is leading the way in the Information Age. Even more importantly, I want to thank him for serving as a model of corporate philanthropy.

FREE MARKET EDUCATION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. SCHAFFER. Mr. Speaker, good schools are an essential element of any thriving community. In Colorado, we are doubly blessed with several good schools and many great communities.

As a father of five, I take the issue of education personally. My wife and I have chosen to educate all of our school-aged children in the Poudre School District. It's a topic to which the majority of my work in the United States Congress has been devoted, and I'm most encouraged by the common-sense reforms taking place back home in Colorado.

Governor Bill Owens has elevated the goal of improving public schools to statewide priority status. His is a challenging initiative of high expectations and structured accountability. The exercise is aimed at achieving more effective stewardship of the considerable resources Coloradans pour into public education, but even more so to afford greater opportunity to all students through real academic success.

Many innovative approaches to education in northern Colorado have become blueprints for academic success across the state. Consequently, Mr. Speaker, Colorado is fast becoming a national template for education overhauls in other states, and Gov. Owens' quality initiative is commanding the attention of governors coast to coast. Colorado's higher academic standards, community involvement, and innovative free-market solutions, have also become the basis for my most successful pro-child victories in the Congress.

Colorado is confirming for the rest of America that empowering states and school districts is the key to guaranteeing every student succeeds and that no child is left behind. Americans tend to agree, but the forces in Washington advocating greater consolidation of education authority here and federalizing our schools are nonetheless powerful.

Colorado is confirming for the rest of America that empowering states and school districts is the key to guaranteeing every student succeeds and that no child is left behind. Americans tend to agree, but the forces in Washington advocating greater consolidation of

education authority here and federalizing our schools are nonetheless powerful.

"Before we continue spending more tax money trying to find a solution to [America's education] problem, maybe we need to understand the problem better," said Joey Lopez of Ft. Collins, Colorado recently when he testified before Congress. A seventeen-year-old Ft. Collins High School senior, Lopez understands what Americans intuitively know: It's going to take much more than cold hard cash to improve our nation's schools. It's takes the innovation, hard work, and committed leadership of parents, teachers, students, and elected officials everywhere.

Mr. Speaker, most Coloradans agree with Lopez. He typifies our independent, western spirit which is among the chief reasons our state ranks well for its ongoing efforts to improve education. Like other top-performing states, including Texas, Michigan, Florida, and North Carolina, Colorado excels not just because of the money it spends, but because of its dedication to innovative and proven education policies producing solid results for children.

Where schools are concerned, Coloradans have never been content to entertain trendy national initiatives. Our history has rather persuaded us America's education challenges will not be answered in Washington, D.C. by federal agents who do not know the names of Colorado's principals and teachers, much less the names of the children. Enduring solutions are more likely to be found in diverse communities throughout each of America's fifty states, just as the U.S. Constitution suggests.

That neither words "education" nor "public schools" are mentioned anywhere in the Constitution is a fact that surprises many, Mr. Speaker. Responsibility for educating American youngsters was deliberately and wisely reserved to the states and to the people—and it still is.

America's Founders understood well the value of a locally controlled framework of schools, and the perils of a federally co-opted one. They knew it was better to have decisions made independently by the several states, each free to innovate and duplicate successful methods rather than subsist under one mandate for all.

Following decades of increasing federal meddling in our local schools, Americans have learned all to well how perceptive our Founders were. Since 1980, for example, the federal government has funneled over $400 billion through the U.S. Department of Education bureaucracy. Unfortunately, the percentage of money actually making it back to classrooms is far less.

Coupled with the modest amount of federal funds local schools receive each year is a mountain of red tape, regulation, and costly unfunded mandates foisted upon each public school administrator. Washington provides about seven percent of an average school's budget, yet the amount of contingent paperwork and compliance burdens requires an estimated 48.6 million hours of paperwork each year.

A growing number of my colleagues in Congress are of the opinion that empowering states and local communities is the surest way to help states reestablish for themselves the finest schools in the world—schools held accountable to the parents who rightly demand real results for their children.

Last October, Mr. Speaker, the House passed important legislation providing states and local school districts more control and flexibility. Commonly known as "Straight A's," the Academic Achievement for All Act gives states the freedom to raise student academic achievement through more flexibility in spending federal education funds. This bill is a giant step in the right direction. Rather than relying on Washington-based programs, Straight A's give states and local school districts the freedom to focus resources on locally proven efforts and solutions.

This is the kind of reform Colorado and every state needs and wants. In a letter to Congress, Gov. Owens stated,

> Colorado has schools that are blazing a trail of change. More schools and states need greater flexibility in their use of federal dollars. As the father of three children who attend three different public schools, I am proud to put my full support behind Straight A's. This legislation will allow the diverse areas, schools and people of Colorado to decide what they need most for their schools.

Placing more authority in the hands of local school boards will also ensure more dollars end up in classrooms. Meanwhile, officials at the U.S. Department of Education have been so busy devising and enforcing their various rules, and restrictions that they have failed to account for the billions in precious tax dollars entrusted to them to help promote education.

As part of an ongoing effort to root out waste, fraud, and abuse in federal government, my colleagues and I on the Education Committee have uncovered evidence of widespread financial mismanagement at the Department of Education. Eight months behind schedule, the department last November released a financial report in which its auditors determined the agency's 1998 books were not auditable. In other words, the department could not account for how it managed its $120 billion budget that year.

At an investigative hearing on Capitol Hill in March, we also found, amount other things, evidence the department violated the Credit Reform Act by hoarding $2.7 billion in education funds improperly in an internal account. In addition, we're currently monitoring an ongoing Justice Department investigation of a computer and electronic equipment theft ring operating within the department.

Mr. Speaker, such widespread and chronic mismanagement is clearly not in the best interest of our children. That is why in March the House unanimously passed legislation I authored directing the General Accounting Office—the federal government's financial investigative arm—to conduct a comprehensive fraud audit of the Department of Education.

Students, parents, teachers, and schools all suffer when scarce resources are lost in the bureaucracy instead of invested properly in education. It is past time for Congress to end such waste and abuse and force the Department of Education to place the interests of America's schoolchildren first.

Mr. Speaker, Colorado is doing just that. One of our state's most innovative and successful efforts has been the creation and promotion of charter schools. Currently benefiting thousands of Colorado students (with thousands more on waiting lists), charter schools are public schools created through a contract, or charter, with local school agencies. They are open to all children. Colorado's 68 charter schools are afforded a high level of autonomy and flexibility over curriculum and operation in exchange for maintaining high standards for student achievement and unique goals laid out in the charter. As founding parent of the Liberty Common School, a charter school in Fort Collins, I have personally experienced the positive results of a good charter school community.

Dr. Katherine Knox, headmaster of Liberty Common School, recently testified before the House Education Committee and underscored the importance of local autonomy. According to Knox,

> Though we all want quality in funding, and accountability for results, we don't want strings attached that allow subtle and increasing federal direction and control of local schools. The momentum for charter schools comes locally, and the attitude and culture is positively different in a good charter school because of the local control.

Ensuring a successful and well-funded education system in each of America's fifty states is important in the nation's effort to leave no child behind. But this laudable goal will never be attained until we first remove the shackles of an intrusive and unaccountable federal bureaucracy indifferent to the needs of our children. Local control is our best hope for education excellence, Mr. Speaker.

As a member of the United States Congress, I relish the chance to do everything within my elected capacity to ensure every child in America has access to the best education possible. My primary guide will continue to be the common-sense opinions of Coloradans, our home-spun western orientation for quality, and our abundant love for our families. These are the important components of a successful free-market education system established and championed by the great state of Colorado.

HONORING THE INGLEWOOD UNIFIED SCHOOL DISTRICT OF INGLEWOOD, CALIFORNIA

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Ms. WATERS. Mr. Speaker, it is with extreme pride that I come to the floor of the House of Representatives today. I want to share the fantastic accomplishments of some of my constituents—the students, parents, teachers, administrators and school board representatives of the Inglewood Unified School District in Inglewood, California.

A recent Los Angeles Times article, "Inglewood Writes the Book on Success: It's Elementary Schools Draw Experts Studying How Poor, Minority Kids Get Test Scores as High as Beverly Hills': Keys Include Phonics, Constant Testing, Intensive Teacher Training" by Duke Helfand highlights the phenomenal educational achievements by Inglewood's students. The article extensively chronicles the success of this urban school district.

The article explains that Inglewood's Elementary school students, 98% of whom are African-American and Latino, have scores on the Stanford 9 educational test in the top half of the list of all California school districts. These students are not considered the "norm," the majority qualify for school lunch programs, have learned English as a second language and are being taught by a 45% uncredentialed elementary school teacher force. These students are defying all of the rules governing poverty, parental achievement and educational attainment.

An educational environment exists where the administrator defied the state educational guidelines and stuck to the basics—phonics drills, writing exercises and children's literature. The schools did not follow the move toward bilingual education and continued teaching in English only, according to the article. The administrators involved the parents in their child's education, keeping in mind the parent is a child's first educator.

Inglewood elementary schools have shattered the myths about poverty and education. I an excited to be here today to share that fact with my colleagues. Public schools work. The level they have reached is the level we expect from all our children regardless of where it is they happen to live. In Inglewood, educational excellence is the norm.

In today's news, we usually only hear about problem situations with our young people. We often do not hear enough about the hard work of the majority of our own constituents. We do not hear the success stories of the young people, their parents, teachers and administrators. I am pleased to be able to share this exciting success story with you. I thank Mr. Helfand, Los Angeles Times Staff Writer, for writing this informative article. I have attached a copy of the complete article for inclusion at this time.

Congratulations, Inglewood Unified School District! You have made us all proud. Continue to keep up the excellent academic achievements you have begun. We are a better community for your accomplishments.

[From the Los Angeles Times, April 30, 2000]

Inglewood Writes the Book on Success; Its Elementary Schools Draw Experts Studying How Poor, Minority Kids Get Test Scores as High as Beverly Hills'; Keys Include Phonics, Constant Testing, Intensive Teacher Training

(By Duke Helfand)

It is an axiom of education that the best public schools are found in affluent suburbs. Parents shopping for a top-tier campus, however, might want to take note of a more urban exception—Inglewood.

The city's elementary schools, many located under the landing path of Los Angeles International Airport, are filled with poor students who qualify for free lunches and who learn English as their second language. Yet they have leaped to the top ranks of California's new Academic Performance Index, defying the rule that equates poverty and minority status with low achievement in the classroom.

Inglewood's elementary students—virtually all Latino or African American—have produced Stanford 9 test scores that equal levels found in more upscale cities. In some cases, the Inglewood schools register math scores surpassing those in largely white enclaves of affluence such as Irvine, Malibu and Beverly Hills.

That success seems attributable to reforms that feature an intensive focus on basic reading skills, constant testing to detect students who fall behind and relentless teacher training. The model was perfected at two campuses that eschewed bilingual education and social promotion when both were popular, and that stuck with basic phonics when the rest of the state turned to a "whole language" approach to reading.

"You don't have to be white and rich to learn," said Nancy Ichinaga, principal at Bennett-Kew Elementary, one of the district's top-performing schools, along with Kelso Elementary.

Kelso earned a 10 and Bennett-Kew a 9 on the State's new accountability index, which ranks schools from 1 to 10 on the basis of their Stanford 9 test scores. In all, eight of the district's 13 elementary schools ranked among the top half of campuses in the state, shattering the crippling link between poverty and low academic performance.

Decades of research have shown that income and family background are the surest predictors of academic achievement. Students from low-income homes where parents have limited education consistently earn lower grades and test scores. Race and ethnicity are also closely associated with performance, with black and Latino students lagging well behind whites and Asians.

The achievement gap between poor and affluent, as well as white and minority, has long been the glaring failure of public education. Since President Lyndon Johnson launched his Great Society programs in the 1960s, the federal government has pumped billions of dollars into schools that serve the poorest children. Nonetheless, the gulf has persisted.

Inglewood's campuses fit the profile of schools that usually fail. They are among the most disadvantaged in the state when it comes to student poverty, lack of English skills, numbers of uncredentialed teachers and other obstacles associated with low performance, a Times study of state data shows.

Nearly three-fourths of Inglewood elementary students qualify for subsidized lunches, the leading measure of poverty among schoolchildren. More than one-third are not fluent in English. Latinos and African Americans account for 98% of the students. Forty-five percent of the elementary school teachers have not completed their training and hold emergency credentials.

But the elementary schools earned an average rank of 6.2 on the state's accountability scale and an average raw score of 654—exceeding the state median of 630. Districts with similar socioeconomic characteristics earned far lower scores. For example, El Monte's elementary schools scored an average 125 points lower on the accountability index and Montebello schools trailed by 166 points.

"It's impressive that virtually all of Inglewood's elementary schools performed better than expected," said Kim Rueben, a research fellow at the Public Policy Institute of California who reviewed the test scores as part of a broader statewide study of academic achievement. "I think we should try to take lessons from the district."

Inglewood's middle and high schools do not show the same level of success. The city's two middle schools registered 3s on the accountability index, with an average score of 526, well below the state median. Its two high schools bottomed out with 1s, with an average score of 441. Officials say that the bulk of recent reforms have concentrated on the primary grades and that students who benefited from those measures are just now moving into the middle schools.

Those reforms began to take root in the district three years ago under the late Supt. McKinley M. Nash. Wanting to duplicate the success of Kelso and Bennett-Kew, he pressed the other elementary schools to embrace their techniques and programs.

SCHOOLS ADOPT SAME READING PROGRAM

Officials say a crucial reform had each school adopt the Open Court reading program, which uses heavily scripted lessons that combine phonics drills, writing exercises and children's literature. The lessons dictate virtually every detail of daily instruction.

Some teachers complained that Open Court robbed them of creativity in the classroom. Others protested what they believed was a one-size fits-all approach for children with a range of abilities. They argued that it was particularly unsuitable for students new to English.

But the schools pushed ahead, significantly boosting training for teachers in Open Court. Each campus designated a "reading coach"—essentially a master teacher to show the others how to use the reading program. The coaches have been funded with nearly $2 million in grants from the Packard Humanities Institute, a Los Altos, Calif., foundation that has spent about $45 million to install reading coaches in 28 California school districts using Open Court.

The coaches have helped solidify the new reading program in Inglewood's elementary classrooms, where nearly one in two instructors holds an emergency credential.

Ingelwood educators also introduced "pacing schedules" in the primary grades to ensure that teachers in every class covered the same reading lessons at about the same time. The idea, patterned after the practice at Kelso and Bennett-Kew, was to ensure that students at every school consistently acquired the same skills.

Schools also began testing their students every six to eight weeks in spelling, vocabulary and other skills in the same way that Kelso and Bennett-Kew had done for several years. Teachers began poring over the data together to identify lagging students and to refine their practices.

"There's little wiggle room to fall through the cracks," said Betty Jo Steward, principal of Highland Elementary School, which earned a rank of 8 on the state index, even though more than two-thirds of its teachers are uncredentialed. Highland switched to Open Court five years ago, ahead of the other campuses. "It's made a tremendous differences," Steward said.

Inglewood's elementary schools have become urban laboratories for educators and researchers. Several of the state's largest urban school systems—including those in Burbank, Riverside and Oakland—have sent delegations to study Ingelwood's classrooms.

The Los Angeles Unified School District is among the latest to send observers. In July, the district will begin introducing Open Court and reading coaches in most of its elementary schools.

"Anything Inglewood can do, Compton or Los Angeles can do—we are not unique," said Marge Thompson, Kelso's principal of 25 years until her retirement in February. She still visits regularly to help train teachers.

Ingelwood's schools are among a group of campuses around the country that are gaining attention in education ranks for producing solid results with low-income and minority students.

"People need to make the study of schools like those in Ingelwood the single highest priority in the country," said Samuel Casey Carter, a researcher at the Heritage Foundation in Washington, D.C., who included Bennett-Kew in a new book about 21 impressive campuses that serve low-income children.

Carter found that the successful schools shared common practices and features such as an emphasis on basic skills, strong principals, frequent testing and assessment, and continuous teacher training.

"There is nothing these schools do that is beyond the reach of any school in America," he said.

What Carter found at Bennett-Kew were students like Omir Perez.

Omir's first language is Spanish; both of his parents were born in Belize. His family lives on about $18,000 a year. Yet the Bennett-Kew fifth-grader has produced Stanford 9 test scores that would please any parent: the 73rd percentile in math, the 80th in reading, the 97th in spelling.

"Education gets you a good job sooner or later," said Omir, who wants to be an airline pilot.

Omir's record already is paying dividends. He won a scholarship next year to the exclusive Chadwick School on the Palos Verdes Peninsula, along with four other Bennett-Kew students who had equally high marks.

The $11,600 tuition is nearly two-thirds of what Omir's father, a machinist, earns in a year.

"We had a lot of people praying for this," said Omir's mother, Isabel, who like her husband speaks English and is a naturalized U.S. citizen. "It's a blessing."

Omir is bright and studious, and his parents make his education their top priority. But his marks are hardly exceptional. "We have 20 kids in the fifth grade like Omir," Ichinaga said.

CLOSING A STUBBORN ACHIEVEMENT GAP

Ingelwood's schools are succeeding at closing a stubborn achievement gap that emerges as early as age 3—even before children enter school. Children from poor families arrive in the classroom with less exposure to books and smaller vocabularies than their more affluent peers.

That gap widens the most during the elementary years but persists through high school and college—showing up in grades, test scores, graduation rates and other measures of achievement.

Ultimately, it affects students' earning power as adults.

The most recent round of national tests—in 1998—demonstrated the scope of the divide.

Among fourth-graders 39% of whites and 37% of Asians met the "proficient" level in reading on the National Assessment of Educational Progress. That meant that the students demonstrated competence over challenging subject matter.

By contrast, just 13% of Latinos and 10% of African Americans met the proficiency standard.

African American and Latino 12th-graders had fallen so far behind by the end of high school that they performed at about the same level in reading as white and Asian eighth-graders, the nationwide test scores revealed.

A growing number of experts argue that more experienced and qualified teachers are the key to reversing the trend.

Studies in Texas, North Carolina and other states have found that competent teachers—those who earn high test scores themselves and have a deep knowledge of the subjects they teach—produce higher-achieving students.

"If we took the simple step of assuring that poor and minority children had teachers of the same quality as other children, about half of the achievement gap would disappear," said Kati Haycock, director of the Education Trust, a Washington, D.C.-based organization that monitors student achievement in low-income communities.

"If we went further and assigned our best teachers to the students who most need them, there's persuasive evidence to suggest that we could entirely close the gap," Haycock added.

But the reality is that urban schools serving the neediest students tend to have the greatest proportion of novices leading their classrooms.

Ingelwood fits the pattern: 45% of its elementary school teachers hold emergency credentials. Only six of California's 1,000 school districts have higher percentages of teachers without full credentials. But Inglewood has overcome inexperience by literally molding its own talent and taking the guesswork out of teaching.

MAKING NEWCOMERS COMPETENT TEACHERS

The district has found a way to turn green newcomers such as Andrew Gin into competent instructors. Gin arrived at Payne Elementary School two years ago, after fleeing an unhappy career as a stock analyst for investment firms in Los Angeles. He brought enthusiasm, energy and a desire to work with children—but zero job skills. "I didn't know where to begin," he recalled.

At Payne, Gin was handed the Open Court reading program and a thick teacher's manual that told him what skills to teach every day, even when to praise his second-graders. "It was a godsend," he said, "like a huge outline."

Meanwhile, Gin became a student in this own school. Payne's teachers became his mentors.

Principal Georgia Leynaert began visiting Gin's classroom regularly to teach him techniques for engaging students. Two senior teachers met with Gin at lunch and after school, showing him how to design lesson plans and giving him tips on games that encourage learning, such as math bingo. A reading coach helped demonstrate Open Court.

"Whenever I need something clarified or explained, I know where to go," said Gin, 33, who is working toward his credential at Cal State L.A.

More than half of Payne's teachers have emergency credentials. Still, in a school where 87% of the students qualify for subsidized lunches and 72% speak limited English, Payne earned a rank of 7 on the state's new accountability index, placing it among the top third of elementary schools in California.

"If you hire right, then inexperience doesn't have to be a negative," Leynaert said. "You hire people who are going to be good. Then you give them structure so that no teacher is left out there alone."

DRIVEN BY HIGH EXPECTATIONS

Payne and the other schools also are driven by high expectations, an intangible quality that shapes the culture of their campuses.

Teachers reject the idea that their students are destined for mediocrity because they are poor or speak limited English. Instead, they demand that students meet the state's academic standards.

"If you set high expectations for children, they generally rise to the occasion," said Norma Baker, principal of Hudnall Elementary School, which earned a state rank of 8 with nearly half the students still learning to speak English. "You get what you expect."

That message literally surrounds the students in Barbra Williams' fourth-grade classroom at Hudnall.

Mock graduation caps with black tassels hang from the ceiling. Each has the name of an elite university scrawled in white letters on the back: Stanford, Harvard, Yale, Princeton.

The walls carry similar messages. A sign on one wall ways, "ENGLISH MAJORS EXCEL," in big black letters, with student reports stapled to the wall. A sign on another wall ways, "MATH MASTERS"; the wall features colored pictures of sliced pizzas that the students created to demonstrate fractions. The banner on a third wall ways, "SOCIAL STUDIES SCHOLARS."

Williams requires all of her students to write essays at the end of the year about universities they will attend, and to select majors they plan to study. Students are encouraged to collect admissions packets in the course of their research.

"I tell them. 'You have to go to a really good college. You have to get good grades, good test scores. You have to get in the habit of taking it seriously,'" said Williams, 25, a graduate of UC Irvine. "I want to instill in them that these universities are out there. Some of these students don't hear that or haven't thought about it. When I ask them about colleges, they mention El Camino or Southwest two local community colleges."

Nine-year-old La Tijera Avery has already picked her university. It's Stanford.

"I want to grow up to be a great doctor who helps people who get stick," said La Tijera, who earns mostly as an impressive Standard 9 test scores—the 62nd percentile in reading and the 85 percentile in math.

La Tijera's mothers, La Tasha Holden, is thrilled with her daughter's progress. When the family moved across Inglewood a few years ago, Holden purposely kept La Tijera at Hudnall. The philosophy of the school, she believed, reflected the values she teaches at home.

"My kids are going to college if I have to give every penny I have or sell my house," Holden said.

STRONG LEADERSHIP SEEN AS CRUCIAL

When educators speak about school reform, they inevitably seize on the issue of leadership. High-performing campuses, the experts say, are led by able principals who firmly manage, show a keen ability to motivate teachers, set unambiguous goals and establish a serious academic tone.

Two of the lowest-performing elementary schools in Ingelwood have faced regular turnover among top administrators. Lane, a kindergarten through eighth-grade school that earned a 3 on the state's accountability index, has had eight principals in 10 years, said the latest administrator to hold that position.

Since taking over at Lane 2½ years ago, Principal Adrienne Jackson has replaced about half her staff and opened a school library for the first time in years. Lane's reading test scores have improved an average of eight point during her tenure.

None of the administrators has done the job as successfully as Ichinaga and Thompson, the longtime principals of Bennett-Kew and Kelso, respectively

Both have made careers of bucking the educational establishment.

Ichinaga and Thompson began using Open Court in the mid-1980s, and stuck with it even as phonics was being phased out in California. They hewed to scripted math programs that stressed basic computational skills, even as the state moved to more experimental approaches.

Both also required their teachers to give regular student assessments, and they personally analyzed the results, a previously unheard-of practice that is only now gaining currency in schools.

In addition, both long ago said no to social promotion, holding back failing kindergartners in "junior first" classes that provide an extra year of phonics practice.

And both rejected bilingual education two decades before California voters officially ended the practice in 1997.

"I didn't believe in bilingual education, and my parents were dead set against it," said Thompson, a former first-grade teacher in Inglewood. "I didn't need a job bad enough to violate my ethics."

For Inchinaga, the decision grew out of personal experience: She was reared in a Japanese-speaking home on a Hawaiian sugar cane plantation but attended schools that taught in English. "My kids come to school much like I was, with very little English," she said.

These principals' methods, and the stability they brought, are reflected in test scores.

The average Kelso second-grader reached the 71st percentile in reading and the 79th percentile in math on last year's Stanford 9. The scores are comparable to the district average for second-grader in Irvine

The scores mean that the students were in the top echelons of test-takers nationwide.

Thompson and Ichinaga are a contrast in styles. While she was principal, Thompson was a quiet force on campus, personally training her teachers and parents while keeping a low public profile. Ichinaga is an outspoken advocate for her methods and a master at delegating authority to her best teachers.

"I'm dismayed that so many people still believe if you're a minority by color or language, you're at a disadvantage," Ichinaga said. "I don't believe that for a minute. We have to get rid of that mentality."

Ichinaga's campus has drawn more attention in recent years because of the visible role she has taken in education reform. She sat on the task force that helped draft Gov. Gray Davis' education agenda shortly after he was elected two years ago, and she is regularly invited to speak at education conferences. Davis appointed her this year to the State Board of Education.

Although Bennett-Kew has received more acclaim, Kelso, a year-around school, has quietly assumed the top rank in the district. One reason, Thompson and Kelso's teachers say, is that all students are invited to take classes during their vacation breaks for a few hours a day. Up to two-thirds of her students return, meaning they literally attend school all year long.

"We're committed to overturning perception in education—that so-called low socioeconomic children can't learn," said Linda Stevenson, a longtime Kelso teacher who was the first to use Open Court at school. "Of course, they can learn. We're here to prove it."

MAIN STREET POOCH

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, the people of Martinez, California, lost a great friend and a fixture in the community with the death of Charlie, the beloved golden retriever and member of the Ross family. Mr. Speaker, the relationship between Gene Ross and his dog, Charlie, was wonderful to behold. They went everywhere together. Whether Gene was running in the hills of Alhambra Valley or the trails of the Sierra Mountains above the Tahoe Basin, Charlie was always at his side. And if you walked or ran with them, you could listen to their constant conversation.

During summer vacations at Donner Lake, Charlie would dive into the chilly water where others were timid. He especially loved it when the kids were in the water, so he could look after them and swim with them. As friends and family gather for the upcoming traditional Fourth of July festivities at the Ross cabin, this year will be different. This year just before the fireworks start, we will not kid Gene as he talks to Charlie to calm him down about the fireworks and then puts him in the bedroom with the radio on so he won't be frightened at the explosions. In all those years together Gene could never convince Charlie not to be afraid of the fireworks.

Mr. Speaker, downtown Martinez and all the friends of Gene and Marge Ross are going to miss both Charlie and the special relationship that they enjoyed. Following is a letter that Gene wrote that was published in our local paper:

[From the Contra Costa Times, May 2000]

MAIN STREET POOCH WON'T BE FORGOTTEN

DEAR GARY: On Monday we suffered the loss of our believed golden retriever, Charlie.

Charlie was a fixture on Main Street in Martinez. He went to work with me every day for 14 years and had so many people that loved him. This is our way of letting them know about him.

Last Friday, Dr. Ruth Adams, our veterinarian, diagnosed Charlie with a fast-growing bone cancer. There was no hope of saving him, only of keeping him happy for the few remaining days.

Charlie loved greeting visitors to our office, visiting with clients (as long as they didn't try to sit in "his" chair) and going down Main Street with me to take care of business. He brought a smile to everyone's face.

He ran in Briones Park with our running group, Rob, Peter, Paul and myself, for 14 years. His excitement over our long runs never altered. If we ran 10 miles, he ran at least 15, always checking back to make sure we weren't lost.

He loved hiking in the Sierra, swimming in Donner Lake and cheering on our bocce team. His energy was boundless.

He talked, really "talked" to my wife, Margie, every night to let her know how our day at the office went. And always with two or three tennis balls in his mouth.

He let our two little grand-daughters cuddle and climb on him with such patience.

On Monday he went to the office with me for the last time. By noon I could see that he was not doing well. I took him home to my wife who "talked" to him. He told her he was in pain and that it was time. She gave him medication to ease his pain.

As he wagged his tail and held his tennis ball in his mouth, we held him close, and Dr. Adams eased him into the world where his puppyhood friends, RJ and Morgan, waited for him at the Rainbow Bridge.

His tennis balls are still scattered around the house. Not to tell us he is coming back, but to tell us he will always be with us.

Thanks to all of Charlie's friends who have been so supportive and kind. And to you, for letting us share our loss.

GENE ROSS, *Martinez.*

RECOGNITION OF THE SALT RIVER PROJECT AS A LOCAL LEGACY

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. SHADEGG. Mr. Speaker, I rise today to applaud the inclusion of the Salt River Project in the Local Legacies Program of the Library of Congress. I nominated the Salt River Project for this honor because of the pivotal role which it has played in the growth of the City of Phoenix and Central Arizona. This nomination was a natural decision for me: my father Stephen Shadegg wrote several books on the Salt River Project, including its first narrative history in 1942, and subsequent works on the importance of the Project to Arizona's development. These books include: Arizona: An Adventure in Irrigation (1949), The Phoenix Story: An Adventure in Reclamation (1958), and Century One: One Hundred Years of Water Development (1969).

In 1868, Phoenix had a population of 100 people; it is now the sixth largest metropolitan area in the United States. All of this growth was made possible by the development of water storage and irrigation facilities and, since 1903, the Salt River Project has played a central role in this development.

In a desert state like Arizona, access to a reliable supply of water is literally a matter of life and death. The early settlers recognized this fact and constructed the first of many water supply canals in Phoenix in 1868. These early canals relied on diverting water from the rivers but did not include the construction of dams to create water storage reservoirs. This failure to store water proved to be a fatal flaw when drought hit in the 1890's. For three years, there was no rain and the rivers ceased to run. The population of Phoenix plummeted and conflicts, some of them deadly, erupted over the limited water available.

This devastating drought forced the citizens of Phoenix to band together and create an organization capable of financing, constructing, and operating a water storage and delivery system. It required the highest degree of personal commitment: each property owner in the Phoenix area pledged his or her property as collateral to finance the construction of the system. In 1903, this organization took shape as the Salt River Water Users' Association, now a part of the Salt River Project, and became the first water storage system organized under the Federal Reclamation Act.

Today, it is easy to take the necessities of life for granted, including the ability to get water by simply turning on a faucet. However, the laws of nature still apply and, in a desert, a reliable supply of water will always be a matter of life and death. Life in Arizona, Southern California, and other desert regions is only possible because a guaranteed, permanent supply of water is available.

While the laws of nature should be self-evident, there are some individuals and organizations who refuse to accept them and instead advocate the destruction of the water supply reservoirs which make life in the desert possible. We are currently locked in a struggle against the willful ignorance of these groups and individuals and, while we are supported by the facts, we must not underestimate the zealous dedication of the other side. We must not allow such destructive proposals as the draining of Lake Powell to lead to a repeat of the devastation inflicted on Phoenix by the drought of the 1890's.

As long as people live in the desert, there will be a need for organizations like the Salt River Project to supply them with the most basic substance needed for life. I salute the Salt River Project for its historic role in the development of Phoenix and its continued importance, and welcome its inclusion in the Local Legacies Program.

COLORADO STATE SENATE PRESIDENT RAY POWERS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. McINNIS. Mr. Speaker, I want to take this moment to recognize the career of one of Colorado's leading statesmen, President of the Senate, Ray Powers. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Senator Powers' dynamic leadership will be greatly missed and difficult to replace.

Elected to the State Senate in 1980, he sponsored many bills addressing, for example, death penalty, highway funding and more judicial requirements for judges. In 1983, Ray served as the Majority Caucus Chairman and then moved to the position of the Assistant Majority Leader.

Senator Powers also received many honors. He has received the United States Veterans Committee Distinguished Service Award and was named by the Colorado Springs Chamber of Commerce and the Colorado Public Affairs Council as Legislator of the Year.

This year marked the end of Senator Powers' tenure in elected office. His career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Senator Powers a debt of gratitude and I wish him well.

MUHAMMED ALI BOXING REFORM ACT

SPEECH OF

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2000

Mr. GOODLING. Mr. Speaker, four years ago, the Congress passed the Professional Boxing Safety Act, an Act within the primary jurisdiction of the Committee on Education and the Workforce. This Act created comprehensive nationwide regulations for the sport of boxing. It was a first step establishing a uniform system of licensing and minimum health and safety standards for boxers.

Because of the Professional Boxing Safety Act, for the first time, states could keep track of and protect professional boxers with appropriate oversight and supervision.

Corruption continues to taint the sport of boxing. A major international sanctioning body has been charged with bribery, racketeering and money laundering. And, the sport continues to endure allegations of fixed fights. The Miami Herald has reported that over 30 prizefights in the last 12 years have been fixed. Tragically, the boxers themselves suffer the most from the exploitation and anti-competitive business practices seemingly endemic to the sport.

The Muhammed Ali Boxing Reform Act would help to put an end to this corruption. It requires the establishment of objective and consistent criteria for the ratings of professional boxers. It requires the disclosure of compensation received in connection with a boxing match by promoters, managers, sanctioning bodies, judges and referees. It provides tough new penalties for criminals who continue to try to manipulate and undermine the sport through coercion and bribes. ESPN says that "The Ali Act, modest in scope, can make a difference. It is a small, but significant step, and one that would cost nothing to taxpayers."

I would like to thank the gentleman from Ohio, Mr. OXLEY, the Chairman of the Subcommittee on Finance and Hazardous Materials, and the gentleman from Virginia, Mr. BLILEY, the Chairman of the Committee on Commerce, for their leadership in moving the Muhammed Ali Boxing Reform Act forward.

BILL TO DESIGNATE THE WASHINGTON OPERA IN WASHINGTON, D.C., AS THE NATIONAL OPERA

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. GOODLING. Mr. Speaker, today I am introducing a bill to designate the Washington Opera in Washington, DC, as the National Opera. The beginnings of the Washington Opera were unusual having been founded by a music critic, Day Thorpe of the now defunct Washington Star, along with a few others who decided that the nation's capital should have an operatic enterprise of its own. In the early years, the Opera Society of Washington—later renamed the Washington Opera—was limited by financial and practical constraints to no more than one or two productions per year, the Opera Society performed in the Lisner Auditorium of George Washington University until the early 1970's, when Artistic Director Ian Strasfogel led the company into the Kennedy Center Opera House with the world premiere of Ginastera's Beatrix Cenci.

The ensemble has since been named the resident opera company of the Kennedy Center, for which it receives honorary, but not monetary, support.

The Washington Opera became the first American opera company to produce a repertory season in two separate theaters. Giving performances in the 2,200 seat Opera House and the more intimate 1,100 seat Eisenhower Theater allows the company to perform in settings that reflect each opera's proper acoustical ambiance.

In addition to performances, the Washington Opera has created several education and community programs that serve a broad and diverse population. These outreach programs are dedicated to enhancing the lives and learning of the children and adults of the greater Washington region, developing future audiences, and making the experience of opera available to those whom otherwise have limited access to the art form.

Through these programs, the Washington Opera has made extensive outreach to the Washington D.C. area public schools and to the community at large. These outreach programs have reached more than 150,000 individuals, and have been driven by the idea that "learning by doing" is a highly effective way to spark young children's interest in the arts. The number and scope of programming has grown to 22 programs that provide performance experiences, curriculum enhancement activities, in-school artist and docent visits, professional development opportunities for teachers and young artists, interactive family-oriented presentations, and more.

Under the stewardship of Artistic Director Plácido Domingo, the Washington Opera has achieved the stature of a world-class company and plays to standing-room-only audiences at the Kennedy Center Opera House and Eisenhower Theater. The Washington Opera has earned its position of leadership in the musical world without the crucial government support typical in most world capitals, in a city without the strong business base that helps fund many U.S. opera companies.

The company has been a leader through its commitment to sustain new American operas by presenting them in crucial second productions, giving these new works life beyond the short span of their premieres. It leads by championing lesser known works of significant musical worth rarely presented on today's opera stages. It has been hailed for its work with operas on the epic scale, as the British magazine Opera Now recently stated, "The Washington Opera is carving out a new area of expertise . . . staging grand spectacles to exacting standards with precision and power not often seen even at the world's top houses." The company is also renowned for the number and quality of its new productions, its discovery and nurturing of important young talent and the international collaboration system it has pioneered with leading foreign companies.

Since 1980, the company has grown from a total of 16 performances of four operas to 80 performances of eight operas, while the budget has increased from $2 million to more than $25 million.

In 1980, the opera did not own a single opera set; by the spring of 2000 the company had originated and built 61 new productions, becoming one of the most prolific producing companies in the U.S. The company has averaged 98 percent attendance over the last fourteen seasons a remarkable sales record. It now earns approximately 65 percent of its total budget through ticket sales, raising the remaining 35 percent through contributions from individuals, corporations, and foundations. A sign of fiscal strength, this ratio of earned to contributed income is the highest of any opera company in the country.

The Washington Opera has requested that I introduce legislation to designate the Washington Opera as the "National Opera." There are precedents for granting private or quasi-private entities a "national" designation. For example, the National Aquarium in Baltimore and the National Aviary in Pittsburgh both received their "national" designation through acts of Congress. Such a designation does not bring with it Federal funding or a Federal subsidy.

Rather, it grants the entity national prominence, which may increase ticket sales and improve fundraising prospects.

I urge my colleagues to support this legislation.

TRIBUTE TO CHAIM DOV SACKS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. SHAW. Mr. Speaker, I rise today to recognize and pay tribute to an outstanding scholar and student leader, Chaim Dov Sacks. Dovi Sacks was recently named a Presidential Scholar, an award presented to two outstanding students from every U.S. state and territory. The award recognizes student leadership, SAT scores, and participation in the community. Dovi excelled in all these categories. He is the student body president, and a National Merit Scholarship Finalist who received a perfect 1600 on his SAT at Pine Crest Academy.

Dovi has brought further recognition to Fort Lauderdale's prestigious Pine Crest Academy. The school has had two Presidential Scholars in the past two years, and Dovi is the third in three years, an unprecedented feat. Just this year Pine Crest had 3 perfect SAT scores and 32 graduating seniors planning to attend Ivy League schools.

I know the House will join me in recognizing and honoring this outstanding scholar and wish him continued success as a future leader of the country. In addition, I would like to acknowledge Pine Crest Academy for their excellence in education and hope for continued achievement in teaching.

IN HONOR OF THE RETIREMENT OF JUDGE PHILIP A. CHAMPLIN

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today in honor of Napa County Superior Court Judge Philip Champlin on the occasion of his retirement from this distinguished post. Judge Champlin has served as Napa's Superior Court Judge for 21 years and has been an outstanding community leader throughout our Valley.

Few people make an impact on their community the way Philip Champlin has improved and touched ours. Both on and off the bench, his integrity and intelligence have enhanced the quality of life for those around him. Be it through his judicial efforts or his community involvement with the Red Cross, Rotary, Boy Scouts and other civic groups, he has made contributions that will be remembered for a very long time.

Born in Annapolis, Maryland in 1939, he attended Yale University where he earned his B.A. in Psychology in 1961. He traveled to California to attend the Boalt School of Law where he received his J.D. in 1964 and later went on to attend the California Judicial College in Berkeley.

Judge Champlin began his distinguished career by serving as an associate for the law firm of Coombs and Dunlap in Napa, California in 1965. By 1967 Judge Champlin was a partner in the firm, where he remained until 1977. In 1978 Philip Champlin became Judge of the Municipal Court in Napa County. He only served in this post for one year before becoming California Superior Court Judge for Napa County in 1979. Judge Champlin also served as a Justice Pro Tem for the California Court of Appeals First Appellate District in 1996 and 1998.

The Napa County community has recognized Judge Champlin for his great work numerous times. In 1987 he was named the Napa Citizen of the Year by the Napa Chamber of Commerce and KVON Radio. He was named a Silver Beaver by the Silverado Council of the Boy Scouts of America in 1985 and was likewise granted the Award of Merit by the Napa District of Boy Scouts in 1984.

Judge Champlin has been a dedicated family man throughout his life. He has been married to Lynne McWilliams for 34 years and together they have two children, Christopher and Catherine Champlin.

Clearly, Mr. Speaker, Philip Champlin has been an outstanding lawyer, judge and citizen. Our Napa Valley community has been fortunate to have such a dedicated and distinguished man serve us throughout the last three decades. It has been my honor, first as a State Senator and now as a Congressman to represent Philip Champlin. For these reasons, I move that we officially honor Judge Philip Champlin for his meritorious service to the people of Napa County, California.

CENTRAL NEW JERSEY RECOGNIZES THE JAMESBURG VOLUNTEER FIRE DEPARTMENT'S 100TH ANNIVERSARY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. HOLT. Mr. Speaker, I rise today in recognition of the Jamesburg Volunteer Fire Department's 100th anniversary. Over the last century, the members of this organization have made a tremendous contribution to their community by protecting their residents and assisting other local departments.

On March 19, 1900, a special meeting was held at the Jamesburg Borough Hall to discuss fire protection in Jamesburg. At this time, the Borough had allocated $666 for fire protection. At this meeting, it was determined that there was a need to create a permanent organization to provide fire protection and prevention in the Borough of Jamesburg; The organization was named "The Jamesburg Fire Protective Association."

The next month, arrangements were made for the purchase of a Holloway Double Fifty Gallon Tank Chemical Engine for $1,440. Later that month, an organizational meeting was held, and 55 volunteers attended to offer their services. The name of the organization was changed to "Jamesburg Fire Co. No. 1." The first fundraising event was held on May 15, 1900, and was a huge success, raising over $100. The same night as the organizational meeting, the company responded to its first call—a fire that destroyed a local barn.

To summon the volunteers for a fire call, an alarm system was needed. The first was a flange of the rim from a locomotive wheel that was sounded by being stricken with a sledge hammer. This system proved inadequate and the company purchased a 1,100-pound bell in November of 1901. The alarm system was electrified in 1914 by placing an automatic striker in the bell.

Starting in 1901, local youth were allowed to assist the department by carrying water in pails to the scene of the fire. These youths affectionately referred to as the bucket brigade. The tradition still exists today in the form of a Junior Membership Program that allows individuals between 16 and 18 years of age to join the department and learn the skills of firefighting in preparation for becoming certified firefighters.

In 1982, the Borough of Jamesburg formed a fire district, allowing the department to receive some funding through a fire tax. Today, the Jamesburg Volunteer Fire Department is a completely volunteer staffed department that upholds the pride and tradition of their founders. In addition to providing fire protection in the borough, the department is contracted to respond to calls in Monroe Township and a stretch of the New Jersey Turnpike.

I urge all of my colleagues to join me in recognizing the accomplishments of the Kingston Volunteer Fire Company.

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise in opposition to H.R. 4444.

Giving China permanent normal trade relations with the United States gives up a valuable tool for protecting the human rights in China. It assures China that it can take American jobs through low wages and forced labor.

In the auto industry GM has admitted that GM plans to increase its use of China-made parts in its Shanghai facility from 40 to 80 percent. Those parts will replace parts made in America. The manufacturing jobs will move from the U.S. to China.

REI announced this month that it is closing its Seattle clothing plant to open a plant in Mexico. REI credits NAFTA for the move. As a result of NAFTA 325 jobs have now moved to Mexico for a simple reason: The Mexican workers will be paid $50 per week. This is a foretaste of what is to come with PNTR especially with Chinese workers earning 25 cents per hour.

Chinese workers have little in the way of rights. Chinese workers are prohibited from freely organizing labor unions and any signs of discontent are punished.

A demonstration last week in Liaoning by 5,000 workers and retirees over unpaid wages and pensions was met by 1,000 police who forcefully broke up the demonstration, beat 50 people and arrested the organizers. That is the usual Chinese government reaction to workers seeking justice.

The Chinese government operates 1,100 factories, farms and other facilities which use forced labor. U.S. law prohibits the importation of goods made by forced Labor, but the goods are widely believed to enter this country. Harry Wu, who spent 19 years in the forced labor system, has brought 28 complaints about these imports. The State Department's Report on Human Rights for 1999 states that whenever the U.S. Customs has identified illegal goods, China simply ignores or denies the allegation. We cannot expect any U.S. firm to be able to compete against manufacturers using forced labor.

Increased trade has not helped improve human rights in China. According to the State Department's Human Rights Report for 1999 released in February, 2000, "A crackdown against a fledgling opposition party, which began in the fall of 1998, broadened and intensified"; "tens of thousands of members of the Falun Gong spiritual movement were detained. . . . several leaders . . . were sentenced to long prison terms . . . and hundreds of others were sentenced to reeducation through labor"; "child labor persists"; and "poor enforcement of occupational health and safety regulations continues to put workers' lives at risk." A single sentence in the Report sums up China's human rights record: "Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process."

H.R. 4444 is indeed a trade bill. It trades American jobs and Chinese human rights for a chance for profits from China. That is a trade I am not willing to make, and urge Members to vote against the bill.

TRIBUTE TO THE HONORABLE JEFFREY A. KELLOGG, OUTGOING LONG BEACH CITY COUNCILMAN AND CHAIRMAN OF THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. HORN. Mr. Speaker, today, I want to pay tribute to the Honorable Jeffrey A. Kellogg, for his 12 years of distinguished public service as a Long Beach City Councilman and Chairman of the Alameda Corridor Transportation Authority.

On July 18th, Councilman Kellogg will leave public office and his position with the Alameda Corridor. He will be truly missed by his colleagues and the Long Beach community for his steady leadership, vision and calming influence.

Councilman Kellogg has represented the City of Long Beach on the Alameda Corridor Transportation Authority Governing Board since it was formed in 1989 to oversee design and construction of the Alameda Corridor rail cargo expressway. He has served as Chairman three times, including during the project's critical early stages. Councilman Kellogg is the only member of the Alameda Corridor Transportation Governing Board to have served since its inception.

In 1995, Congress recognized the Alameda Corridor as "a project of national significance." The Ports of Long Beach and Los Angeles comprise our nation's busiest port complex, and cargo volumes are projected to triple by 2020. The Alameda Corridor will link the ports to the transcontinental rail yards near downtown Los Angeles, creating a more efficient way to distribute cargo and allowing our ports—and our nation—to maintain their competitive edge.

It is a testament to Councilman Kellogg's exemplary service that the Alameda Corridor is now in full-scale construction, on budget, and on schedule for completion in 2002.

Councilman Kellogg has conducted himself with great honor and integrity during his years as a public servant, and should be commended for his outstanding service.

COMMENDING ISRAEL'S REDEPLOYMENT FROM SOUTHERN LEBANON

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of H. Con. Res. 331, a bill that commends Israel's redeployment from southern Lebanon. I commend and thank my colleagues, the sponsors of this resolution for giving all members an opportunity to formally support Israel's recent withdrawal from southern Lebanon.

We have all witnessed some tough times in Israel's journey toward the peace it desires. This unilateral and courageous step shows the world and especially those in the Middle East that Israel is committed to moving forward for peace.

This decisive action on Israel's part is one of many risks Israel's leaders have proven willing to take in order to make peace a reality. I commend Prime Minister Barak, the members of the Knesset, and the people of Israel for their courage and resolve. I also want to acknowledge the important work of so many in our country who have devoted time and energy to ensuring a bright future for Israel.

I am committed to supporting Israel and helping to guarantee her security so that the dream of peace in the Middle East may one day be a reality.

Along with my colleagues, I hope to see the United Nations bring about a more secure environment in southern Lebanon, including taking action to disband any terrorist organizations in that area.

I am so proud of Israel for taking this meaningful step toward peace. While Israel has shown great restraint in the face of violence, I want to reassert my belief that Israel has every right to protect itself against terrorists or attacks by other nations. Israel is the United States' closest ally in the Middle East and other nations would not be wise to test the strength of the U.S.-Israel relationship.

Again, I applaud Israel for this bold move, and I urge all parties in the Middle East to reenter serious negotiations for peace in the Middle East. I urge all of my colleagues to vote in support of H. Con. Res. 331, so that this body can be on record in our support for Israel's efforts to bring peace to that nation and the region.

FIRE TRIBUTE TO BROWARD COUNTY'S RESCUE SERVICE

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. SHAW. Mr. Speaker, I pay tribute to Broward County's Fire Rescue service. Recently, they were named the number one emergency and medical service in the state of Florida.

Broward Fire Rescue has had many outstanding accomplishments this year. They received a grant of $100,000 to put automatic external defibrillators in public buildings. This program is intended to quicken the process of helping heart attack victims. They were also the first agency in the county to give the heart attack clot-busting drug, Retavase, to patients while on the way to the hospital. In addition, the fire-rescue workers transport heart attack and stroke victims to the county hospital that is best equipped patients rather than just the nearest one. Furthermore, the agency began airing fire-safety announcements before films at Muvico theaters.

I would particularly like to honor the men and women of Broward Fire Rescue for their tireless efforts of providing care for the injured and sick. Without these individuals, the accomplishments listed above would not be possible. The agency should be recognized for their hard work and dedication to Broward County and its residents.

IN RECOGNITION OF THE ROUND VALLEY INDIAN TRIBES STOP VIOLENCE AGAINST INDIAN WOMEN PROGRAM

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Margaret Hoaglen and the Round Valley Indian Tribe's STOP Violence Against Indian Women Program.

A recipient of the 2000 National Crime Victim Service Award, Special Award for Innovations in Service to Victims in Indian Country, the Round Valley STOP Program is an example of how dedication and collaboration with local resources can make an impact on victims of domestic violence and their children in Indian Country.

The Crime Victim Service Award, the highest award for victim advocacy, honors those that have provided extraordinary service and great commitment to victims.

In existence since May 1998, the Round Valley STOP Program has forged partnerships with local agencies, entering into agreements with the Mendocino County Sheriff's Office and the County Victim Witness Unit.

In addition, they completed a draft Tribal Domestic Violence Ordinance that has generated discussion of issues surrounding domestic violence. The program works closely with the local domestic violence shelter and has provided funding for a Children's Program offering care and support for children living in the shelter.

Mr. Speaker, it is appropriate at this time that we acknowledge Margaret Hoaglen and the Round Valley STOP Violence Against Indian Women Program for the dedicated service they provide to victims in Indian Country. Congratulations to them for receiving this very important award.

HONORING T. L. HANNA HIGH SCHOOL IN ANDERSON, SOUTH CAROLINA

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. GRAHAM. Mr. Speaker, today I honor T. L. Hanna High School in Anderson, SC. This school has been recently named a 1999–2000 school year "Blue Ribbon School" by Secretary of Education, Richard Riley.

Since its inception in 1982, more than 3,800 of the most successful and challenging schools in the country have been honored by inclusion in the Blue Ribbons Schools Program. The schools chosen for this program must fulfill stringent, research-based criteria for overall academics, excellence. To be eligible to be a Blue Ribbon School, schools are judged in all areas of academics, instruction, professional development, and school curriculum. In addition, honored schools exhibit exceptional levels of community and parental involvement, high student achievement levels and rigorous safety and discipline programs within their schools.

T. L. Hanna High School was one of only four schools in South Carolina honored with this prestigious award this year. In fact, they were one of an elite 198 schools nationwide chosen for this honor for the 1999–2000 school year.

T. L. Hanna High School is an outstanding example of effective public school and is well deserving of this national award. Their parents, students, teachers, administrators, and school officials should all be proud for achieving this special honor. This school is a strong example of excellence in academics in the 3rd District of South Carolina and should serve as a model for schools across the country. I am proud to have this blue ribbon school in my district of South Carolina.

Mr. Speaker, I hope my fellow colleagues will join me in congratulating T. L. Hanna High School for their commitment to educational excellence.

CONSUMER AUTOMOBILE LEASE ADVERTISING IMPROVEMENT ACT OF 2000

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. LAFALCE. Mr. Speaker, I am introducing today legislation to amend current federal law to provide consumers with more relevant, complete and timely information about the terms and costs of automobile leases. My legislation, the "Consumer Automobile Lease Advertising Improvement Act of 2000", seeks to empower consumers by providing them with the information they need to evaluate lease offers, to comparison shop for the best lease deals and to make informed consumer choices.

This legislation has been endorsed by the Consumer Federation of America and the American Automobile Association. It also incorporates important changes in current law that have been proposed by the Federal Trade Commission, the Federal Reserve Board and by numerous State Attorneys General.

My legislation responds to the dramatic increase over the past decade in the role of leasing in the market for new and used automobiles. Leasing has clearly changed the way Americans approach their second most important consumer transaction—the family car. Automobile leases now account for over one in every three new car transactions, over half of all transactions for higher cost luxury automobiles, and also for a large and growing percentage of used car transactions.

While leases can be advantageous for many consumers—offering lower monthly payments, manageable down payments and lower maintenance costs and typical financing arrangements—they can also involve considerable risks and hidden costs. Consumer Reports magazine has consistently warned consumers that a lease is "not the simple transaction it's made out to appear" and can often result with consumers "paying thousands of dollars more" than necessary. The confusing terms and complex calculations in auto leases create numerous opportunities for deception and fraud. According to the National Consumer Law Center, "no area of fraud over the last decade has been more endemic and widespread than that involving auto leases." Last year the National Association of Consumer Agency Administrators listed auto leases among the "top ten complaints" expressed by consumers to local consumer protection agencies.

CONSUMERS' RIGHT TO INFORMATION

While government can not, and should not, seek to dictate the way auto leases are structured, calculated or sold to the public, I believe it does have a responsibility to assure that consumers receive relevant and accurate information about lease terms and obligations. The consumers "right to know", as embodied in the Truth In Lending Act and other Federal statutes, clearly requires that consumers have something approaching a level playing field when attempting to compare lease and, purchase options and when trying to negotiate the best lease deal. As the Comptroller of the Currency, John D. Hawke, Jr., commented recently, "consumers must have information to make wise choices in today's complex financial world."

Two problems, in particular, need to be addressed. First, under current industry practices and federal disclosure guidelines consumers do not have a right to know some of the most important and necessary information for evaluating a lease offer. They do not have a right to know the applicable lease interest rate, or so-called "money factor." They don't have a right to know what consumer incentives are available from manufacturers, lenders and dealerships. They do not have a right to know the residual value of the vehicle they wish to lease in advance of receiving the actual deal. In short, they have very little basis on which to evaluate or compare lease offers.

This is information that every automobile dealer has at their fingertips, but it's not available to consumers. It is available in industry publications, it is available on computer programs provided by manufacturers, banks and finance companies, and it is often written on large boards in the back offices of dealerships or on a single sheet of paper in the desk drawer of the lease manager. Yet, this information is typically withheld from consumers.

Unfortunately, federal law requires only that relevant information about lease terms and costs be fully disclosed to the consumers at the time of lease signing, after they have agreed to the terms of a lease. By then it is too late to negotiate a better deal and it is clearly too late to comparison shop with other lease offers. As a special task force of State Attorneys General commented to the Federal Reserve Board several years ago, current lease disclosure standards tend to "sanction the hiding of valuable information from consumers."

The second problem centers on the fact that lease advertisements provide little of the information consumers need to understand and compare various lease offers and to avoid the unnecessary hassle and manipulation than can occur at many dealerships. The problem of lease advertising is visible every day—in television advertisements that boldly promote attractive monthly lease payments while scrolling other costs and conditions illegibly across TV screens, in print advertisements that hide important lease terms in virtually unreadable print, and in advertising generally that fail to disclose substantial consumer costs and liabilities. These ads are virtually impossible to read or understand and offer no basis whatsoever for making thoughtful shopping comparisons.

Many lease advertisements attempt to confuse consumers by not distinguishing between lease and purchase offers or by merging the terms of both transactions in unreadable print. Others feature attractive lease payments that apply only to a single vehicle, to previously-driven "loaner" cars or to other vehicles whose lease terms are not representative of the lease the dealer will generally offer to the public for vehicle of the same model:

Many lease advertisements also feature low, "come on" monthly lease payment that are artificially reduced through a number of common devices. The advertisement of extended or irregular lease terms, such as 28 months or 42 months, rather than 24 or 36-month terms typically offered consumers, can misleadingly lower monthly payments amounts. Substantial required down payments, typically hidden in small print, can produce the same result. Mileage allowances that are considerably below the mileage that most drivers require or accept can inflate vehicle residual values and also reduce monthly payments, while hiding substantial lease-end excess mileage charges. Many lease advertisers typically employ all of these devices.

Clearly anything goes in lease advertising under the current system. Left to their own devices, lease advertisers have one purpose in mind and one purpose only—getting customers into the dealership where they can be misinformed and manipulated into accepting almost any available lease deal. There is no desire to adequately inform or educate consumers. The primary purpose of lease advertising is to bait consumers with misleading or incomplete information that minimizes real costs and makes it virtually impossible to compare alternative deals on comparable vehicles.

In their comments to the Federal Reserve the State Attorneys General expressed concern that "automobile lease advertisements have, for several years, generally failed to adequately disclose material information consumers need to make informed decisions." The Federal Trade Commission echoed this sentiment, stating that current "misleading advertisements" may significantly hinder comparison lease shopping, in direct contradiction of the purposes of the Consumer Leasing Act."

PROVISIONS OF THE LEGISLATION

The legislation I am introducing today addresses these problems by requiring that move relevant and uniform information be provided in lease advertisements and that information on key leasing terms be made available to consumers far earlier in the lease process. It would do this in a number of ways. First, lease advertisers that highlight a monthly lease payment would have to include a calculation of the payment using a formula that includes several fixed lease terms. These are relatively standard terms found in consumer leases, but often manipulated for purposes of advertising: (a) a lease term of 24 months, (b) no required down payment or capitalized cost reduction, and (c) a mileage allowance of 12,000 miles per year (b) no required down payment or capitalized cost reduction, and (c) a mileage allowance of 12,000 miles per year (or other allowance that the Federal Reserve determines as more reflective of typical automobile usage.)

While seemingly minor, this change would eliminate much of the artificial differences between advertised lease payment amounts, thus highlighting more basic cost differences between competing leases. Advertisers could also included a different monthly payment amount in an advertisement for the same vehicle, as long as it is not featured more prominently than the required information, and provided also that they identify the varying lease terms—a required down payment, a longer lease term, etc.—that explain the difference between the two payment amounts in print equal in size to the monthly payment. This change would provide a relatively uniform monthly payment amount that makes it easier for consumers to compare advertised lease payments for similar, comparably-priced vehicles. It would also help inform consumers of the potential options available in auto leases, of how changes in key terms will affect monthly payments and of the potential costs and penalties that may be hidden in otherwise attractive lease payments.

Second, my bill would require that automobile dealers post in a conspicuous location in their dealership a listing of all customer incentives available to consumers on vehicle models they offer. This would include special interest and lease rates, cash rebates, special vehicle residual amounts, regional promotions and other special offers available for both lease and purchase transactions by auto manufacturers, banks, leasing companies and local dealers. This public information that can be invaluable in helping consumers make an informed choice among competing vehicle makes and models and in deciding whether to lease or purchase the vehicle they've selected.

Third, my bill would also require that automobile dealers make available, both in a conspicuous location within the dealership and to individual consumers upon request, a written statement for each vehicle model that is available for lease that describes the key lease terms used in calculating payments under the leases—specifically, the rebates and other incentives available on leases for such models, the lease interest rate or money factor, and the vehicle residual value. "By knowing the money factor and residual value", Consumer Reports has emphasized, consumers will "be better able to compare lease deals." Disclosure of the money factor, in particular, was emphasized in comments by the Attorneys General Task Force "as a mater of the consumer's basic right to know."

Fourth, the bill amends current advertising standards to require that advertisers clearly identify advertised payments as applying to lease transactions and that highlighted lease terms that apply only to a single vehicle, or only to a limited number of vehicles, be clearly and conspicuously identified in advertisements.

Fifth, the bill would incorporate in current law several important changes in lease advertising advocated by the Federal Reserve Board and the Federal Trade Commission. It includes Federal Reserve proposals to increase the maximum contractual obligation amount of leases that are subject to Federal disclosure and advertising requirements to $50,000 to accommodate the higher cost leases routinely offered in today's marketplace. It would clarify the "clear and conspicuous" disclosure requirement in current law with more detailed "reasonably understandable" standards implemented by the Federal Trade Commission in its 900 Number rule and other industry advertising orders. It strengthens the FTC's authority to enforce lease advertising requirements by seeking civil penalties in Federal court. And it would codify the prohibition, enunciated in recent FTC enforcement actions, against advertising that highlights that no down payment is required on a lease when, in fact, substantial undisclosed payments are required at lease signing.

Finally, my bill would clarify that the requirements of the Consumer Leasing Act apply not just to television, radio and newspaper advertising, but to all potential lease advertising in publications, videotapes, toll-free telephone numbers, newsletters and commercial mailing and fliers. It would also bring the Consumer Leasing Act into the electronic age by extending disclosure requirements to advertising in computer programs and internet web sites.

TRUTH IN LEASE ADVERTISING

Mr. Speaker, other than purchasing a home, buying or leasing an automobile is one of the most important consumer transactions for most American households. It shouldn't be a confusing or an intimidating experience. Consumers have a right to know all the relevant costs and details before signing a lease. And they deserve to have adequate information to comparison shop for auto leases in the same way they shop for a mortgage or any major consumer purchase.

By introducing this legislation I am simply trying to extend the principle of "truth in advertising" to the auto leasing process. My legislation does not dictate how leases must be structured or transacted, but requires only that dealers make available to consumers the relevant information about costs and terms they use to calculate a lease. For an industry that puts so much emphasis on the operation of free markets, I find it hard to believe that automobile manufacturers and dealers can oppose providing consumers with the information they need to make informed marketplace decisions.

I believe this is important and needed legislation that can transform the entire auto leasing process in ways the will benefit both consumers and automobile dealers. I urge my colleagues to give careful consideration to the changes and initiatives I have proposed in this legislation.

RECOGNIZING CENTRAL NEW JERSEY NOMINEES TO THE U.S. SERVICE ACADEMIES

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. HOLT. Mr. Speaker, I rise today to recognize a group of very special young men and women from Central New Jersey. One of the most important duties of a Member of Congress, as well as one of the most enjoyable, is nominating students to the U.S. service academies. In an age when media portrayals of young people are increasingly negative, getting to know students through the nomination process is an important reminder of the patriotism, dedication, and excellence of America's youth.

From a pool of over 60 students from my district who went through the rigorous and time-consuming process of applying for a congressional nomination, I am very proud to say that 14 young women and men from central New Jersey will be enrolling in America's service academies this year. They are the very best of an exceptional group, and I was proud to nominate them.

Six young people from the area will be attending the U.S. Military Academy at West Point, NY, and will be commissioned as officers in the U.S. Army. I would like to recognize Margaret Nenchek of Califon, Alan Van Saun of Titusville, Frank Aburto of Freehold, Michael Rapiejko of Princeton Junction, Thomas DiRienzo of Oakhurst, and Michael Lynch of Flemington.

Five young people from central New Jersey will be attending the U.S. Naval Academy at Annapolis, MD, and will be commissioned as officers in the U.S. Navy. I would like to recognize Jason Mortimer of Lebanan, Adam Farber of Cranbury, Lily-Ann Thomas of Branchburg, Matthew Latyszonek of Kendall Park, and Frank McBride of Tinton Falls.

Two young men from my district will be attending the U.S. Air Force Academy at Colorado Springs, CO, and will be commissioned as officers in the U.S. Air Force. I would like to recognize Keith Fitzpatrick of Princeton Junction and Kevin O'Reilly of East Brunswick.

One young man from central New Jersey will be attending the U.S. Merchant Marine Academy. I would like to recognize Frank Megna of Titusville.

Mr. Speaker, I hope the House joins me in noting the accomplishments of these young men and women, and in wishing them the best of luck at the service academies and in their careers.

H.R. 4370, IMMIGRATION RELIEF FOR THE SUPPORT STAFF OF FERDINAND MARCOS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mrs. MINK of Hawaii. Mr. Speaker, in 1986 President Marcos of the Philippines was granted political asylum in the United States to avert civil conflagration because of a popular uprising against his regime. The civil unrest arose following a controversial election in which President Marcos claimed to have defeated Corazon Aquino but was widely accused of election fraud. Growing street demonstrations in support of Mrs. Aquino raised fears of violence against what many viewed as a fraudulent election result. President Marcos left the Philippines on February 25, 1986 at U.S. urging and went into exile in Hawaii.

President Marcos, his wife Imelda and 88 members of his staff and their families were advised that they were being allowed into the United States with "parole" status for the convenience of the U.S. Government. This status is a legal fiction in which the individual is physically present in the United States but had never been "admitted" to the United States. The Immigration and Naturalization Service (INS) can terminate parole status at any time. The individual can be treated as if he or she had entered the United States illegally and had no right to be here. In this case, it is extremely unfair.

INS has instituted proceedings to expel some of these individuals and their families but not all of them. There does not seem to be any pattern to which individuals have been selected.

These immigrants were invited to the United States to help care for President Marcos who was already ailing and died in 1989. They were told that they could bring their families with them. They have been in the United States for fourteen years and are fully integrated into our society.

These people should not be deported. They came to the U.S. for an important reason. Because that reason is now past should not cause us to turn against them.

To rectify this unfair treatment, I introduced H.R. 4370 on May 3, 2000. The bill grants the individuals and their families the right to remain in the United States. These honest, hardworking people came to the United States at the invitation of our government. Their presence was known and they have done nothing to violate our immigration laws. To uproot them would be an injustice to them and their families that we should not allow.

The exile Marcos government in Hawaii was instigated by the U.S. to save the Philippines from political turmoil and rebellion. Those who came to implement this policy to end civil unrest in the Philippines should have the protection of this government.

COMMENCING ISRAEL'S REDEPLOYMENT FROM SOUTHERN LEBANON

SPEECH OF

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 2000

Mr. BECERRA. Mr. Speaker, I rise today in support of H. Con. Res. 331, and wish to commend the Government of Israel for its courageous decision to unilaterally withdraw its troops from Southern Lebanon.

As Israel demonstrates its willingness to take risks for peace in the Middle East, the international community must rise to its obligation to ensure that Southern Lebanon never again becomes a staging ground for attacks against Israel.

We must stand by Israel during these difficult times, recognize Israel's right to self defense found in Chapter 7, Article 51 of the United Nations Charter, and work toward peace for the citizens of Israel and all the Middle East.

PRESIDENT ARPAD GONCZ ACCEPTS ROOSEVELT INTERNATIONAL DISABILITY AWARD FOR HUNGARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. LANTOS. Mr. Speaker, on Friday, May 12, at a United Nations ceremony the President of the Republic of Hungary, Arpad Goncz, received the fourth annual Franklin Delano Roosevelt International Disability Award on behalf of his country. This award is sponsored by the Franklin and Eleanor Roosevelt Institute and the World Committee on Disability. United Nations Secretary General, Kofi Annan, and the Vice Chairman of the National Organization on Disability, Christopher Reeve, were among those who presented the award to President Goncz.

Mr. Speaker, the Franklin Delano Roosevelt International Disability Award is presented annually to a nation that makes noteworthy national progress toward the full and equal participation of people with disabilities. This important international recognition was given to Hungary in recognition of the great improvements that Hungary has made on behalf of disabled individuals. Hungary's 1998 Rights of Persons Living with Disability and the Equality of Opportunity law defined the rights of this important segment of the population and raised national awareness of disability issues in the country. Hungary has made outstanding improvements by establishing educational programs for children with disabilities and incentives for employers who hire those with disabilities. In addition to these changes the Hungarian government actively promotes the development of disability support groups.

In particular, Mr. Speaker, I want to commend Mrs. Zsuzsa Goncz, the exceptionally talented wife of President Goncz, for her important role and her critical efforts in bringing about the positive steps that have been made by the government of Hungary to provide equal opportunity for the disabled. President and Mrs. Goncz are figures of great integrity and have given important moral leadership to this effort. I am honored to have them as my friends.

Mr. Speaker, Secretary General Kofi Annan made the following statement commending Hungary for its receiving the Roosevelt Award: "The full and equal participation of people with disabilities is the main message of the United Nations World Programme of Action Concerning Disabled Persons. I commend the initiative of the Roosevelt Institute and the World Committee on Disability in establishing this award, and I heartily congratulate the Government of Hungary for its work to build a world in which each and every person can participate fully, actively and equally."

Alan Reich, Chairman of the World Committee on Disability also praised Hungary for its commitment to the U.N. World Programme of Action Concerning Disabled Persons: "Proactive efforts such as Hungary's should inspire other countries throughout the world. There are Half a billion of us on our planet with disabilities. This crisis that demands action. We urge all nations to respond to the U. N.'s call as Hungary has."

Mr. Speaker, the Franklin Delano Roosevelt Award, established in 1995 by the Roosevelt Institute and the World committee on Disability, consists of a bronze bust of Franklin Roosevelt and a $50,000 grant for an outstanding disability program in the selected nation. Previous winners of this award are Ireland, the Republic of Korea, and Canada. President Roosevelt, for whom the award is named, contracted polio at the age of 39 and from that time on could not walk without assistance. Despite this serious disability he was elected President of the United States four times, lead the U.S. through the Great Depression and World War II, and was a founding father of the United Nations.

Mr. Speaker, Ambassador William J. vanden Heuvel, the Chairman of the Roosevelt Institute emphasized the role of the former President of the United States in dealing with disabilities: "President Roosevelt's role in the founding of the United Nations was one of his proudest accomplishments. It is wonderful to be in this institution more than 50 years later, celebrating progress in the rights of people with disabilities-progress that he would fully endorse as a person who lived with a significant disability for much of his life."

Mr. Speaker, I invite my colleagues to join me in paying tribute to Hungary and to Zsuzsa and Arpad Goncz on the occasion of Hungary's receiving the fourth annual Franklin Delano Roosevelt International Disability Award.

TRIBUTE TO ROY ORR

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. FROST. Mr. Speaker, today I honor a dear friend and a great public servant Roy Orr of DeSoto, Texas.

Roy has served his hometown of DeSoto in almost every capacity imaginable, and he has been elected to numerous public offices. First he was elected to the DeSoto Independent School District Board of Trustees, then he served as mayor of DeSoto, and most recently he served as County Commissioner. Recently, Roy finished his term as Chairman and Charter Member of the DeSoto Economic Development Commission. To list all of the boards, commissions, civic and church related activities that Roy has been a part of would be impossible.

Recently, DeSoto's Mayor Richard Rozier and the City Council decided it was time to honor Roy Orr for his many years of service. Friday, June 2, 2000 will be declared Roy Orr Day in the City of DeSoto, and the linear trail system along DeSoto's Ten Mile Creek will be named the "Roy Orr Trail" in his honor.

I deeply regret that I will not be able to join Roy on this special occasion for him. Therefore, I want to thank him now for all he has done to make DeSoto the wonderful place it is today. Congratulations on these tremendous tributes Roy, they are richly deserved for a lifetime of service.

HONORING PICKENS MIDDLE SCHOOL IN PICKENS, SOUTH CAROLINA

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. GRAHAM. Mr. Speaker, today I honor Pickens Middle School in Pickens, South Carolina. This school has been recently named a 1999–2000 school year "Blue Ribbon School" by Secretary of Education, Richard Riley.

Since its inception in 1982, more than 3,800 of the most successful and challenging schools in the country have been honored by inclusion in the Blue Ribbons Schools Program. The schools chosen for this program fulfill stringent, research-based criteria for overall academic excellence. To be eligible to be a Blue Ribbon School, schools are judged in all areas of academics, instruction, professional development, and school curriculum. In addition, honored schools exhibit exceptional levels of community and parental involvement, high student achievement levels and rigorous safety and discipline programs within their schools.

Pickens Middle School was one of only four schools in South Carolina honored with this prestigious award this year. In fact, they were one of an elite 198 schools nationwide chosen for this honor for the 1999–2000 school year.

Pickens Middle School is an outstanding example of effective public school and is well deserving of this national award. Their parents, students, teachers, administrators, and school officials should all be proud for achieving this special honor. This school is a strong example of excellence in academics in the 3rd District of South Carolina and should serve as a model for schools across the country. I am proud to have this blue ribbon school in my district of South Carolina.

Mr. Speaker, I hope my fellow colleagues will join me in congratulating Pickens Middle schools for their commitment to educational excellence.

IN HONOR OF THE NEW JERSEY ARYA SAMAJ MANDIR, INC., AND ITS FIFTH ANNUAL COMMEMORATIVE FLAG-RAISING CEREMONY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. MENENDEZ. Mr. Speaker, today I recognize the New Jersey Arya Samaj Mandir, Inc., and the fifth annual commemorative flag-raising ceremony in celebration of the 34th Anniversary of the Independence of the Republic of Guyana.

This fine organization was incorporated in 1988 to promote Indian culture, while also assisting with the sometimes trying period of adjustment that immigrant families experience upon entering, settling, and residing in a foreign land. Arya Samaj Mandir, Inc., serves the educational, cultural, religious, and social needs of New Jersey's Arya and Hindu immigrants in a way that improves the quality of their American experience.

Guyana's independence is the primary reason for this flag-raising ceremony, and in honor of Guyana's Independence and its many years of struggle to realize that independence, it is important to provide overview of its history.

'Guyana' is an indigenous Indian word that means land of many waters. In 1622, the Dutch began colonizing Guyana and in 1640, the first group of slaves arrived. Following the 1763 Berbice Slave Rebellion, British captured the colony in 1781, were ousted a year later, and they returned in 1812. Laborers were brought from Portugal in 1935, from India in 1838, and from China in 1853.

Under universal suffrage, the first elections were held in 1953. The People's Progressive Party (PPP) won the election, but it was removed 133 days later by the British. The PPP was reelected in 1957 and again in 1961. In 1966, Guyana became an independent nation. However, corrupt elections led to 28 years of unpopular rule. It was not until 1992 that the Republic of Guyana held free and open elections. Today, the PPP-Civic government is in power under the Presidency of Dr. Cheddi Jagan.

I ask my colleagues to join me in recognizing the New Jersey Arya Samaj Mandir, Inc., and the fifth annual flag-raising ceremony in honor of Guyana's independence.

THE U.S.-ISRAEL RELATIONSHIP

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Ms. SCHAKOWSKY. Mr. Speaker, I would like to share with my colleagues excerpts of a speech recently delivered by the Vice President on the subject of the U.S.-Israel relationship and the situation in the Middle East region. I found the Vice President's remarks to be quite thoughtful and believe they would be of great use to members.

The Vice President made a number of especially important points. He stated that the United States can and should continue to guarantee Israel's qualitative military edge. We all want to see peace in the Middle East. But without security, Israel cannot be expected to negotiate with hostile adversaries toward a resolution of age old differences.

I am pleased that the Vice President spoke of Israel's participation in international politics, and underscored his commitment to helping Israel achieve full and fair status at the United Nations.

The Vice President made it clear that he understands the importance of the U.S.-Israel friendship. He also pointed out that while we are close allies, and are supportive of the peace process, we must never pressure Israel to do anything it feels may compromise its security.

I am so pleased that Egypt and Jordan have entered into peace treaties with Israel. I join the Vice President in expressing hope for success with the Palestinian authorities. I agree with him that a final agreement between Israel and the Palestinians is possible. However, we must see as much resolve from Yassir Arafat and the Palestinian leadership toward that goal in order for it to be reality. Like many Israeli's, Syrians, and others around the world, I am disappointed that Syria has not taken advantage of the opportunities presented so far to negotiate in good faith toward a fair and lasting resolution to the issues the two nations face. I hope that President Assad will engage Israel again and commit to working through the challenges that remain in the way of peace between Israel and Syria.

The Vice President's words regarding Russian and Iran were encouraging, in that, he realizes that Russia must actively work to help reduce the threat Iran poses to the international community, to Israel, and to the U.S.

Finally, I join the Vice President and numerous other leaders in this nation and around the world in remaining committed to Israel's security now and in the future. Until the day comes that we witness peace between Israel and all of her neighbors, I will remain steadfast in my support for our great ally in the Middle East. I will always work to maintain a strong friendship and strategic alliance between our two nations.

REMARKS BY VICE PRESIDENT AL GORE

AIPAC ANNUAL POLICY CONFERENCE

". . . Now, almost two decades later, the crowd is a little bigger, and the challenges before Israel and the U.S.-Israel relationship have changed. But some things have not: our enduring support for a strong partnership between the United States and Israel; and our commitment to one of the cornerstones of America's national security—a strong, secure, peaceful, and prosperous State of Israel.

. . . Even when the world is upside down, the United States and Israel see eye-to-eye. Ben-Gurion may have had unorthodox ways of conducting diplomacy, but he was a modern-day prophet. He was part of a generation that believed it was their responsibility to make the centuries-long dream of a Jewish homeland a reality. He was one of the dreamers who believed that they could make the desert bloom. He was one of the warriors who never lost hope for peace. As Ben-Gurion wrote to a friend near the end of his life, "there is hope . . . that peace is approaching, not quickly, but slowly, slowly . . . and it appears to me that by the end of this century, the prophecy of Isaiah will be fulfilled."

I want to talk with you today about what we can do to achieve peace and security for Israel, for our own country, and ultimately, throughout the world. In a speech three weeks ago in Boston, I laid out a vision for America's strength and role abroad. I believe we need to recognize that the classic security agenda—the question of war and peace between sovereign nations—is still with us during this new Global Age, in which the destinies of billions of people around the globe are increasingly intertwined.

We need to recognize that this Global Age presents us with a new set of threats—such as rogue nations or terrorist groups acquiring biological, chemical, or nuclear weapons—or merely the ability to disrupt our computer networks. Or the continued degradation of our environment which threatens the long-term security of all humanity. At the same time, this new age also presents us with new opportunities—for peace, and for economic growth. . . .

. . . When we took office seven years ago, President Clinton and I decided that the United States needed to chart a new course with regard to the Middle East peace process. Unlike our immediate predecessors, we chose to get intimately involved. But we also established a firm, new rule—that we must not, and would not, in any way try to pressure Israel, to agree to measures that they themselves did not see were in their own best interests.

This commitment to Israel was not new for me. I stood against the efforts of the two previous administrations to pressure Israel to take stands against its own view of what was in Israel's best interests. In 1988, I took a strong stand against a previous administration's efforts to force Israel into concessions that would have threatened its security. And in 1991, I remember vividly standing up against a group of administration foreign policy advisers who promoted the insulting concept of "linkage," which tried to use loan guarantees as a stick to bully Israel. I stood with AIPAC, and together, we defeated them.

And incidentally, I have never and will never interfere in an Israeli election. But I certainly hope that all of you will be active in this upcoming American election because a lot is at stake.

Facilitating peace, not forcing it; standing by our friends, not against them—these have been the hallmarks of my approach for my entire career, and it will be my approach if I'm entrusted with the Presidency.

I will never, ever let people forget that the relationship between the United States and Israel rests on granite—on the rock of our common values, our common heritage, and our common dedication to freedom.

If, from time to time, we disagree, I will always work to make sure that we emerge even stronger—with a better understanding of each other's interests—so that we are always working to reinforce one another. I will never forget that Israel's security rests on its superiority in arms. That is why, two years ago, the United States and Israel established a new strategic partnership, ushering in an unprecedented level of military cooperation. I am absolutely committed to make sure that Israel's qualitative edge remains, and remains strong.

Our renewed partnership has brought historic progress over the past seven years. Last year, when we met, I told you I would work to end Israel's half-century of ostracism from the United Nations groupings of countries from which membership in the UN Security Council is drawn.

When I was last at the UN in January, I raised this issue with Secretary General Annan in a private meeting. I have continued to work on it, and I can report to you that we are closer than ever to seeing Israel finally, and proudly, take its rightful, equal place in the international order. The shameful wall that has blocked Israel's full integration into the community of nations must come down.

In these seven years, Jordan has joined Egypt as an Arab state which has signed a peace agreement with Israel. The negotiations between the Palestinians and the Israelis have reached a point where final status talks and a full resolution are still possible, although the difficult struggle to get there is clearly growing more intense. As we have seen again this past week, there are those who prefer violence to negotiation. I condemn this violence. Just as I supported Prime Minister Netanyahu's efforts, I now applaud Prime Minister Barak's resolve, and his clear message that peace will be achieved at the bargaining table, not in streets torn by riots and violence. We should all be proud of his courage. He has shown as much bravery in negotiations as he has demonstrated in a lifetime of heroic service on the battlefield.

The negotiations can not be a one-way street. The Palestinians, too, must recognize that they will not get all that they want. It is the responsibility of Yasir Arafat and the Palestinian leadership—a responsibility they acknowledge—to prevent those who would resort to violence from disrupting the peace process at this extraordinarily difficult and delicate time.

It is a particular disappointment that Syria, at least for now, has turned down offers made in good faith in Geneva. As Israel proceeds to withdraw from Lebanon in compliance with Resolution 425, President Assad can decide to let this happen without incident as a down payment for peace in the future. Or, by continuing to allow Hezbollah to harass Israel as her troops withdraw and even after they withdraw, he can signal that he is not interested in progress.

Syria may not choose to pursue peace for now. But make no mistake: Syria has no right to pursue a course of conflict that denies peace to others. The people of the Galilee should be able to live their lives without the disruption of an air-raid siren. If peace does not come to this area, President Assad will bear a heavy responsibility before the entire world.

It is a sign of how serious matters have become that Prime Minister Barak has decided to remain at home, canceling his trip to the United States. Ehud Barak is far away from here tonight, but the message we all send to him should be loud and clear: we stand by you in these critical days. The classic challenges of war and peace extend beyond Israel's immediate neighborhood, to Iraq and Iran.

In Iran, there is an increasing tension between the people, who clearly want to lead normal lives, and the most extreme clerics, who are bent on preserving their radical regime, by whatever means necessary.

We see this tension playing itself out in the trial of thirteen Iranian Jews in Shiraz. Like the closure of newspapers and the assassination of dissident leaders, this trial is part of the effort to block reform in Iran. Those conducting the trial claim that due process is being served, but the proceedings are closed to international observers and to the press. They say they have received confessions from some of the accused—but it is clear that these confessions are meaningless and that the trials are a mockery of justice. We utterly and absolutely condemn these show trials as an immoral and illegal abuse of basic human rights.

And let me be clear: the United States will judge Iran by its actions, not by its assurances.

Iran is not only a conventional threat to our national interests, the security of Israel, and the stability of the region. It also stands at the crossroads, where the classic and new security agendas meet—for it is a major sponsor of terrorism and seeker of weapons of mass destruction, a deadly and unacceptable combination.

We have been working to cut off all possible suppliers of missile and nuclear technology. We have gained full cooperation from our European allies. But Russia represents a special concern—because there is a gap between the stated policy of its government to stop proliferation, and what occurs in practice. We have used our leverage with Russia.

We have made progress at some points, but not at others. We now call on President Putin to show leadership in this area—not just because it is in our interests, but also because it is in Russia's interests.

The challenges of the classic security agenda—facilitating peace between Israel and its neighbors, and containing and transforming Iran and Iraq—are ones that I believe we can meet, with unwavering vigilance and commitment. But we also recognize that when the time comes for that last peace treaty to be signed—if it comes—there will then be agreements between govermnents, but not necessarily peace between peoples. True peace—if it is to take hold—will come about only if we apply the same courage and determination to making the Middle East a more stable, secure, and prosperous region.

I ask us, for a moment, to lift our eyes and look beyond the ebb and flow of daily events. Despite all the grave problems of the moment, all the real challenges to the prospect for peace, let us envision the Middle East as it can be ten or twenty years from now—a Middle East at peace with itself, taking full advantage of all its potential and the talents of all its people. And let us focus on the steps we can take to make that vision a reality. . . ."

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. LAFALCE. Mr. Speaker, the vote this week on whether to establish Permanent Normal Trade Relations (PNTR) with China will undoubtedly be the most important one we will take in this first year of the new millennium. I rise today to express my intent to vote "yes" on granting stable trade status to China and to explain, in some detail, the reasons behind my decision.

This issue involves the economies of the United States and China, and indeed the economies of nations around the world. But the judgments to be made involve far more than economic concerns alone. What we do this week will affect national and international security. It will set the agenda for how the U.S. interacts with China on such important matters as human and worker rights, the environment, and religious freedom. And it will help to determine how both the U.S. and China address the rest of the world for decades to come.

EVOLUTION IN CHINA

Over the last two decades, I have been fortunate to witness the social and economic evolution in China "up close and personal." In January 1979, I traveled to Beijing as part of a Congressional delegation representing the United States as we reestablished diplomatic relations with China, This past week I reminisced with President Carter about that historic day, the intervening twenty years, and today's historic vote. We share virtually identical views.

Twenty years ago China was a backward, drab country just starting to recover from the disaster that Mao called "the Cultural Revolution." The streets were crowded—with pedestrians and bicycles. A few newspapers posted on a few walls were the only visible demonstration of "openness" allowed by the government at that time.

I went back to China a few years ago. The change and the progress in the human condition were profound. What had been gray now had a rainbow of color. Economic development—and the entrepreneurial spirit—was evident around every corner. The streets were still crowded, but this time jammed with cars. And the newspapers plastered on walls had been supplanted by cell phones and laptop computers with Internet access. There was an openness that I believed was virtually irreversible, although much progress still needs to be made.

Two personal stories: (a) when first in China, a colleague used a Polaroid camera and the Chinese people thought a miracle had been wrought. They had never before seen themselves in print. Today, Eastman Kodak sells more film in China than in any other country in the world outside the United States; (b) when last in China, a human rights activist said to me, "Let's keep in touch. What's your e-mail address?" That's progress.

I have no doubt that commercial relations between China and the United States—and the rest of the world—contributed substantially to these changes in Chinese society. Mao's approach was wrong, and the actions, if not the words, of subsequent leaders in Beijing have demonstrated that they know he was wrong. They have opted for a movement toward a market economy, with all that means for progress and development and, ultimately and inevitably, various forms of freedom.

This view is also held by both President Jimmy Carter and President Bill Clinton, by both Vice President AL GORE and Senator Bill Bradley, by both Governor George W. Bush and Sen. JOHN MCCAIN, by both Senators from New York and by both Senate candidates in New York.

I believe that bringing China further into the international economic system will only accelerate these trends. And I am persuaded that these trends enhance freedoms for the Chinese people which, in turn, should make Asia and the world more secure.

BILATERAL U.S.-CHINA TRADE

Looking at this purely in commercial terms, it seems fairly clear that the consequences of rejection of PNTR on U.S. businesses generally would be quite severe. There is virtual unanimity in the business community that welcoming China into the WTO—which will happen regardless of how the upcoming vote in Congress goes—and stabilizing our trading relations with that massive and growing market is in our economic interest. And if that were the only criterion on which to base our vote, the decision would be easy indeed.

We should also keep in mind that the vote is solely on the status of our trading relationship with China. It is not a vote on whether to permit China to join the WTO. That will happen regardless of how Congress votes. The agreement before us contains provisions which substantially open up China's market to U.S. goods and services, but it does not open our market wider to China's exports. If we approve the agreement, our business community will be able to compete on a level field with European, Japanese and other exporters seeking to expand their business in China. But if we disapprove it, firms from elsewhere in the world will have a major leg up on American exporters, threatening our ability to participate in the growth of the Chinese market and reducing the number of American jobs that would otherwise be created as our trade with China builds.

Even if we wanted to, we cannot build an economic wall around China and one-fifth of the world's people. Outsiders will trade with China; the only question is whether and to what extent they will be Americans. I fear that opposing this agreement would be tantamount to building a wall around ourselves, trying to deal with the world by ignoring it. Throughout the 20th Century we have seen all too often how ineffective such an approach can be.

These points were among those made just last week by Federal Reserve Board Chairman Alan Greenspan when he went to the White House to endorse approval of normalizing trade relations with China.

Looked at from the perspective of New York State, and from my role as the ranking Democrat on the Banking Committee, the case is equally strong. New York's financial services industry is a key source of economic growth and job creation—in the state and nationally—and this agreement will be of enormous economic benefit to that industry.

This is not to say that the business community has been entirely right in its approach to this issue. Quite the contrary. American business leaders have almost refused to acknowledge that the concerns about workers' rights, human rights, religious freedom and the environment are legitimate ones. They have resisted calls for even minimal standards in these areas. What they fail to recognize is that trade requires both capital and labor, and that therefore it's not inappropriate for a trade deal to address concerns of both capital and labor. What they ignore in this situation, as they have so often here at home, is that environmental degradation is a real cost of doing business, just one that doesn't happen to show up on their balance sheet. I wish that there had been greater recognition of these legitimate concerns by the business community as this debate progressed.

JOBS AND WORKERS' RIGHTS

My friends in the labor movement express concerns that approving the China agreement might mean loss of jobs in the U.S. And they also express concerns that a vote for the agreement might be seen as approval of some of the very serious ways in which the regime in China undermines workers' rights there.

These are real concerns. I do not make light of them. The labor leaders who express them are not alarmists; they are in the great tradition of leaders who have helped make the United States the most productive economy in the world; leaders who played such a large role in bringing down communism in the former Soviet Union and eastern Europe.

But I also have deep respect for other labor leaders who take a different view. One is both the former President of the U.A.W. and the former Ambassador to China, Leonard Woodcock. No one would ever describe him as naive, and he was one of the most forceful and effective leaders the United Auto Workers ever had. His view of the proposed trade agreement is that it is an imperative to advance our national interests.

HUMAN RIGHTS AND RELIGIOUS FREEDOM

The leadership in Beijing, while improving the human condition of the Chinese people in many ways over the past twenty years, still has demonstrated inadequate concern. I abhor, for example, population policies which condone and sometimes even demand forced abortions. Freedom of speech and association, among our most cherished treasures, are still being developed in China. And too often, individuals are discriminated against because of their religious beliefs.

In the 19th Century, our nation was abhorred, and rightly so, because of slavery. And subsequently, well into the 20th Century, our society condoned or tolerated lynchings, burnings, and massive racial discrimination including denial of the most fundamental right, the right to vote. Those policies are and were wrong, our nation was wrong. We were equally wrong in denying women the vote for so long. But, fortunately, we were not ostracized from the world community. Rather, other countries dealt with us, despite our shortcomings, and we with them, despite their failures. Our nation evolved and improved, without others seeking to impose their approaches on us. They engaged us, and we learned.

I believe that influencing human rights in another country can be done far more effectively through engagement than through isolation. I believe that if we immerse China with American people and products, it will generate broader freedoms in that nation. I believe that if the Chinese see and interact with Americans, tourists and business men and women, they will see what freedom brings and will demand, and get, more freedoms for themselves.

We should not ignore the situation in Tibet or the recent efforts to suppress the Falun Gong, And some human and religious rights advocates, from China and elsewhere, think that disapproval of PNTR will enhance the cause of freedom inside China. But there are many other human and religious rights advocates who disagree strongly. For example, the views of Martin Lee and other human rights advocates in Hong Kong are particularly striking, to say nothing of the new democratic leaders in Taiwan, and the Dalai Lama. They believe that engagement with China and approval of PNTR will advance the cause of human rights in mainland China.

Moreover, individuals in the United States who have dedicated their lives to advancing human rights and religious freedom for the people of China support granting PNTR with China. President Jimmy Carter argues persuasively that a negative vote would deal a serious setback to further democratization, freedom and human rights in China. Prominent Catholics, among them former-Member of Congress, Father Robert F. Drinan; University of Notre Dame President-Emeritus Father Theodore Hesburgh; and Father Peter Ruggere with the Maryknoll Fathers all support PNTR for China and believe it is how the U.S. can best advance human rights and religious freedom for the people of China. And the Quakers have expressed their belief that normalization of trade with China will advance all of the basic human security concerns—human rights, labor rights, arms control, and environmental protection—to which they are dedicated.

As we rightly criticize China for policies that we abhor, let us also remember that she has done some things that are very praiseworthy as well. China is a poor nation, relatively speaking, but, if nothing else, they have found ways to ensure that their vast population has enough to eat. The poverty level in China is only nine percent, versus a poverty level of over 40% in India. Further, during the recent economic crisis in Asia, China stood the course, resisting the lure of steps which might have helped their economy in the short term (such as devaluation of their currency) but which would have meant much more serious problems for the entire region in the longer term. Finally, China has allowed and is supporting the spread of phones—from virtually none to about 130 million in a generation—and access to the Internet for millions—the greatest democratizing tool the world has ever known, for it brings ideas from every corner of the world. Clearly, the ability to communicate is a fundamental right that has grown dramatically because of our twenty years of engagement.

INTERNATIONAL SECURITY AND GEOPOLITICS

China is arguably the second strongest conventional military power in the world, and of course it is also a member of the nuclear club, with a small but growing capability to deliver nuclear arms. China's relations with her neighbors—Russia and India in particular—become difficult at times. And the situation concerning Taiwan is potentially the hottest "hot spot" in Asia if not the world.

We should not approve PNTR simply because it might help ease tensions in Asia. But it is most appropriate to include this consideration in assessing PNTR. And in that light, it is illuminating to look within China and see how various segments of their society view the move toward broader trade relations with the U.S. and others.

The fact is that the hard-liners in the Chinese government and military oppose or are lukewarm, at best, about China joining the WTO and entering into the proposed agreement with the United States. They believe that taking these steps will enhance freedom inside China, and in so doing dilute their power and influence. I think they are right, and that this is one more reason to engage, rather than isolate. After all, the best way to defeat an enemy is not to best him on the field of battle, but to make him your friend. Disapproving PNTR will result in the hard-liners saying, "See, we told you so, America is hostile to us so we must guard against her." We should do what we can to bolster those in China who want to establish friendly relations with the rest of the world, rather than those who believe that might is the only thing that matters.

The Taiwan situation warrants our most careful attention. The war of words between Beijing and Taipei would lead one to think that there was little if any meaningful contact between Taiwan and the mainland. But that is not the case. Already the amount of trade between the robust economy on Taiwan and the mainland is huge, it is growing, and the economic links grow tighter and tighter. Taiwan's new leaders, proponents of freedom and capitalism, realize that their relations with the leaders in Beijing can enhance or threaten these economic ties. And they favor PNTR.

AVOIDING PAST MISTAKES

As I have studied the situation with China, I have found myself reflecting more and more about mistakes made by the U.S. this century. Almost a century ago, we made a gigantic mistake in not joining the League of Nations, and it helped lead to war with Germany.

A half century ago, we made a gigantic mistake with regard to Cuba. I have concluded that our policies in that situation were seriously mistaken. I believe that if we had resisted imposing the embargo on Cuba, Castro would be history and democracy would be flourishing there as it is in almost every other nation of the western hemisphere. Our effort to isolate Cuba has contributed mightily to keeping its economy from growing. But obviously they did not succeed in bringing about political change. Quite the contrary.

By letting a tiny but vocal minority dictate our Cuba policy, we missed an opportunity to send our message of freedom to the oppressed people there. We have strengthened Castro, unwittingly, and put ourselves in a situation where we have very little real influence on a nation only 90 miles from our shores.

We must not make the same mistakes with a country of 1.3 billion people that we made with a country of 10 million people. China has over 20 percent of the world's population; she is important, even vital, to world peace and prosperity in the decades ahead.

CONCLUSION

This agreement includes the strongest anti-surge controls ever legislated. We created the Congressional-Executive Commission on China to oversee every aspect of human rights, including worker rights. We negotiated a provision blocking imports from slave or prison labor. We fought for the creation of a specific inventory of the rights Congress will examine annually on behalf of the Chinese people. This new way of keeping the spotlight on Beijing is crucial, in my view, as we seek to build on the progress of the past.

China must become part of the world community, one way or another, or we will live in a more dangerous world for decades or longer. I think everyone involved in this debate agrees on that central point. The real question is how we can best influence continued change in China. Whatever choice this Congress makes, China will become a member of the WTO and an ever more important player in the global economy. That will inevitably impact on U.S. labor and U.S. business in ways we cannot avoid—only try to shape.

Labels help to shape the debate, of course. We talk about this being a vote on Permanent Normal Trade Relations with China. But is "permanent" the right word in a world where little is permanent, where laws can change from year to year? I don't think so. To my mind, the better words to use as a label for this issue would be Continuance of the Normal Trade Relations that have existed for 20 years. After all, this year's vote would simply end what has before been an annual automatic sunset on normal trade relations. But it would hardly prohibit Congress from re-visiting the matter next year or at any time in the future and sunsetting it with an affirmative vote, rather than by automatic operation of law. So those who say this is fraught with danger because of its "permanency" are, in my judgment, incorrect.

As I have reviewed this situation, I have frequently thought about the young people of China. A generation ago, Chinese students traveled to Moscow and learned the Russian language and Marxist-Leninist doctrine. Now, the children of these students attend universities in New York City, Chicago, Los Angeles and Buffalo and Rochester.

The collaboration between the school of business at the University of Buffalo and its counterparts in two Chinese universities is a dramatic example. Graduates of those programs are now a successful and influential group of alumni inside China. I have no doubt that China benefits from this educational partnership. But I am also convinced that the United States benefits, too. American faculty and students learn about China while they learn about us. And the messages of capitalism and freedom are spread.

This is but a microcosm of what engagement can mean. Look at what happened in Poland. Americans found ways to interact with people in Poland. Our labor unions supplied Solidarity with computers and vast amounts of assistance and encouragement. No one can know exactly how significant these contacts were in bringing the communist regime down and setting the stage for dismemberment of the old Soviet empire. But what we do know is that they did play a part, and the world is a better place for it.

My vote, Mr. Speaker, is for engagement and against isolation. Our leadership in the world requires it.

TRIBUTE TO JAKE SCHRUM

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. FROST. Mr. Speaker, I rise today to honor Jake Schrum, a tremendous educator who will soon be leaving his position as president of Texas Wesleyan University after a distinguished tenure.

Under Jake's stewardship, Texas Wesleyan has become a truly first-class university—enrollment has doubled, the Annual Fund and operating budget have doubled, and the University has acquired a law school that is accredited by the American Bar Association.

Jake has preformed important work in defining the role of the university in America's urban, multi-cultural settings. His Democracy's last Stand: The Role of the New Urban University, focuses on the mission of Texas Wesleyan and similar schools in maintaining an inclusive learning environment and serving the needs of a student body representing a broad cross section of America's college students.

In addition to his service at Texas Wesleyan, Jake has served on numerous business and community boards and educational organizations in our Fort Worth community and around the world—working on educational issues in Europe, Mexico, and Canada. Jake has said that his primary interest in higher education is fostering the moral development of students.

Jake will become president of Southwest University in Georgetown, Texas. Our loss will certainly be Southwest University and the Georgetown Community's gain. Thank you, Jake, for all you have done for Texas Wesleyan and our Fort Worth community.

COMMEMORATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. BECERRA. Mr. Speaker, it is an honor to join my colleagues in the Congressional Asian Pacific Caucus to commemorate May as Asian Pacific American Heritage Month.

The Asian Pacific American experience displays a journey characterized by triumphs and struggles. Like many groups of people who came to America from other shores, Asian Pacific Americans embraced the values of this nation and worked to build a better life in this country while contributing to a stronger America. Indeed, these citizens have enriched our society in virtually every field and facet.

Today, I am pleased to recognize such notable Asian Pacific Americans as nuclear physicist Samuel Chao Chung Ting whose work earned him the Nobel Prize. Architects like I.M. Pei and Minoru Yamasaki have made enormous contributions to their profession. I extend my appreciation to athletes like Sammy Lee, Kristi Yamaguchi, Michelle Kwan, and Michael Chang who have represented the United States with inspiration and excellence. Our nation has been enriched by Asian Pacific Americans like these who have done so much to earn the applause of their fellow Americans.

As we celebrate the achievements of Asian Pacific Americans, we must also remember the obstacles they endured. Asian immigration into the United States began in the mid 1800's. These immigrants came to work in hopes of a better life. Unfortunately, America did not always extend the torch of liberty to these immigrants. In 1882, Congress passed the Chinese Exclusion Act prohibiting immigration from China. Further, in 1917, Congress acted to prohibit immigrants from an area called the Asiatic Barred Zone which included most of Asia and a majority of the islands in the Pacific Ocean. These actions displayed the resistance that America showed towards Asian Americans at that time.

One of the most staggering reminders of the discrimination that these Americans faced is the unconscionable internment of more than 100,000 Japanese Americans during World War 11. Branded as disloyal to the very flag they saluted, these Americans of Japanese descent endured tremendous hardship during one of our nation's most trying times. History would eventually vindicate these loyal Americans as not even a single documented case of sabotage or espionage was committed by an American of Japanese ancestry during that time. Indeed, the Japanese American soldiers of the 44nd combat regiment, the most decorated group of soldiers in American history, proved their devotion for this country as they fought for our Nation even as their own family members stood locked behind barbed wires.

Truly, Asian Pacific Americans of every stripe have proven their love for their country. I am privileged to represent Los Angeles, home to the largest Asian Pacific American population in the United States. This is a thriving community of people who exemplify American values and a love for our nation. That is why it is so appropriate that we celebrate the profound contributions of Asian Pacific Americans to this country. Accordingly, I stand with my colleagues in observing May as Asian Pacific American Heritage month and salute this rich and diverse community.

RECOGNIZING TERRY STYLES

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. SHAW. Mr. Speaker, I would like to recognize and congratulate Terry Styles for receiving the Developer of the Year Award for 2000.

The National Association of Industrial and Office Properties presented Stiles Corporation with this award. This is a first for a developer in South Florida. This prestigious honor, which is only given to one company each year, illustrates the vibrant industry that entrepreneurs such as Terry Stiles are creating in South Florida.

Stiles Corp. met the six requirements necessary to win the award from NAIOP. The criteria include quality products and services, civic involvement in their communities, and financial consistency and stability. South Florida can use more outstanding companies such as Stiles Corp. I ask the House to Join me in paying tribute to a great businessman.

IN HONOR OF THE ELIZABETH WATERFRONT FESTIVAL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Elizabeth Waterfront Festival, an annual event celebrating the diversity of this great country by bringing together Hispanic families from Cuba, Colombia, Honduras, Peru, the Dominican Republic, El Salvador, Ecuador, and Mexico.

The festival will take place in Elizabeth, New Jersey on May 27, 28, and 29. The expected 450,000 visitors to the festival will enjoy three days of games, rides, crafts, and traditional Latin music and food.

The Waterfront Festival celebrates the history, culture, and arts of the area's Hispanic community, while also providing access to some of Elizabeth's fine resources. The waterfront is an exceptional feature of the city and a perfect place to hold a festival honoring Hispanic heritage.

In addition to celebrating the heritage of other nations, this festival celebrates America's heritage by acknowledging the contributions that made our country great—we are a nation of nations, and this festival is a fine example of why America's collective soul lives on in prosperous fashion—with this celebration, we honor our past and embrace our future.

This celebration would not have been possible without the sponsorship and support of the City of Elizabeth, Melly Mell Productions, Inc., and the Elizabeth Cubanos Lions Club. For their kind support, I extend my sincerest gratitude.

I ask that my colleagues join me in honoring this wonderful festival, and ask that we honor America's rich diversity.

CENTRAL NEW JERSEY RECOGNIZES HELEN AND ALBERT LEVINSON

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. HOLT. Mr. Speaker, I rise today in recognition of Helen and Albert Levinson of Monroe Township, who will be celebrating their 60th wedding anniversary this Friday. Together they have served on a wide variety of committees, held countless leadership positions in the community, and tirelessly advocated the importance of public service and "giving back" to the community.

Both Helen and Albert Levinson were born in the United States. Both of their fathers emigrated from Eastern Europe, while their mothers were born in the United States. They met in Newark, NJ, and were married in 1940. Albert served his country during World War II by working in the Newark Shipyards. After the war, he opened Levinson's Furniture in Newark, and in 1968 entered a real estate business specializing in commercial real estate. Albert concluded his real estate career by joining forces with his two sons, Robert and Marc, in the form of Levinson Associates. Helen received a degree in teaching from Newark State Teachers College, and began teaching primary school while raising her two young boys. She eventually embarked on a new career in social services, specializing in pediatric casework.

Albert and Helen moved to the Clearbrook Adult Community in Monroe Township in 1973, and Albert served as president of that community for 3 consecutive years. He was then asked to join the Township Council and was elected for a 4-year term. Today, both Albert and Helen remain active in their communities. At 83 years of age, Albert still comes to work daily, and is a commissioner of the Monroe Township Municipal Utility Authority.

Albert and Helen have willingly given themselves to the community. As they plan to celebrate their 60th wedding anniversary tomorrow, I urge my fellow representatives to join me in recognizing this exceptional couple.

CONTRIBUTION OF SULTAN QABOOS OF OMAN TO THE DEVELOPMENT OF HIS COUNTRY AND TO U.S.-OMANI RELATIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. LANTOS. Mr. Speaker, without doubt, the most distinctive feature of my office in the Rayburn House Office Building is a model ship. This is not just any model of a ship, it dominates my office—the ship fills one entire wall of the office standing nine feet tall and stretching about 12 feet long. This ship model, Mr. Speaker, is an accurate scale model of the ship *Sultanah,* a vessel built in Oman in the last century. The model was constructed from the original blueprints for the ship which are still in the hands of the Omani government. The *Sultanah* has great importance for United States relations with Oman because this ship brought the first Arab ambassador to the United States in 1840. In fact, Mr. Speaker, April 13 of this year was the 160th anniversary of the arrival of the *Sultanah* in New York harbor.

This ship is not only an important symbol of U.S.-Omani relations, but it is important for U.S. relations with the entire Arab world. This model ship was given to the United States Congress by the government of Oman in 1995 when I hosted an exhibit of Omani culture and history in the Rotunda of the Cannon House Office Building to mark the 25th anniversary of the ascension to the throne of Oman of His Majesty Sultan Qaboos Bin Sid Al-Said. The model of the *Sultanah* is temporarily in my office, Mr. Speaker.

I mention this model of the *Sultanah*, Mr. Speaker, as an introduction to remarks I wish to make today in paying tribute to His Majesty Sultan Qaboos of Oman. First, I want to call to the attention of my colleagues the singular honor recently bestowed on His Majesty. Georgetown University presented the 25th Anniversary Founders Award of the Center for Contemporary Arab Studies to Sultan Qaboos in recognition of his important contribution to the establishment of the Center. In 1975, when the Center was established, the Sultan made one of the first grants to permit its establishment. Five years later, he endowed the Sultanate of Oman Chair in Arabic and Islamic Literature, and in 1993 he made a further endowment by establishing a scholarship fund for the Department of Arabic at the university.

This is only the latest recognition of the Sultan's role in improving relations between Oman and the United States and between the Arab world and the United States. His commitment to better ties between our two countries has been an important element in the friendship that marks our relationship with Oman.

Mr. Speaker, the second reason I call the attention of my colleagues to the activities and role of Sultan Qaboos is that this year marks the 30th anniversary of his assumption of power on July 24, 1970. When he became the new leader of Oman, he was confronted with insurgency in a country plagued by endemic disease, illiteracy, and poverty. One of the new sultan's first measures was to abolish many of his father's harsh restrictions, which had caused thousands of Omanis to leave the country. He offered amnesty to opponents of the previous regime, and many of them returned to Oman and have played critical roles in the economic, political, and cultural development of the country.

Sultan Qaboos established a modern government structure, launched a major development program to upgrade educational and health facilities, built a modern infrastructure or roads, airports, and public utilities, and began the development of the country's resources. The results of this effort have been dramatic. The number of schools rose from three in 1970 to more than 840 by 1993, while hospital and clinic beds increased during this period from 12 to 4,355. There have been further substantial increases in quantity and quality of public services since that time.

Under the leadership of Sultan Qaboos, Oman has pursued a foreign policy that has contributed to stability and moderation in that important part of the world. The relationship between the United States and Oman has been cordial and cooperative. In an important indicator of the warmth and importance of our relationship with Oman, President Clinton stopped in Oman on his return from India earlier this year and held important discussions with Sultan Qaboos. Agreements on security and economic cooperation between the United States and Oman have established a firm and secure basis for our relationship.

Oman has also played a positive role in encouraging peace and reconciliation in the Middle East. It supported the Camp David accords and was one of only three Arab League states that did not break relations with Egypt after the signing of the Egyptian-Israeli Peace Treaty in 1979. Not long after the signature of the Oslo Accords, Israeli Prime Minister Yitzhak Rabin and Foreign Minister Shimon Peres were invited to visit Oman, and the country has taken a positive role as chair and host of a Middle East working group on water issues. During the Gulf War, Oman assisted the UN coalition effort.

Mr. Speaker, I want to call the attention of my colleagues to important legal and political changes that have been taking place in Oman under the leadership of His Majesty. In 1996 with the personal involvement of the Sultan, a Basic Charter was promulgated which provides for many basic human rights, such as an independent judiciary, and freedoms of association, speech, and the press. Some of the enabling legislation issued under the Basic Charter has been issued by the government, but others still remain to be issued.

Sultan Qaboos has also taken a number of important steps to increase the involvement and participation of the citizens of Oman in their government. In November 1991, he established the Majlis ash-Shura (Council of Deliberation/Consultation), in an effort to systematize and broaden public participation in government. In 1997 he established a second consultative body, the Majlis al-Dawla, to further increase the accountability of the government to public representatives. In forthcoming elections, sufferage has been expanded and the participation of women in the political process significantly increased. These political institutions and the broadening of political participation are important steps toward greater democracy, and I commend Sultan Qaboos for taking these important steps.

Mr. Speaker, I invite my colleague to join me in commending Sultan Qaboos and the people of Oman as we mark the thirtieth anniversary of the ascension of the Sultan to the throne of Oman, and as we note Georgetown University's appropriate honor to him for his contribution to better understanding between the people of Oman and the United States.

HONORING THE LATE JAMES HOUSTON DOSS, JR.

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Ms. GRANGER. Mr. Speaker, today I recognize and remember an outstanding civic leader of the 12th District of Texas. Mr. James Houston Doss, Jr., a great business leader and philanthropist, passed away Monday, May 22, at the age of 85. While Mr. Doss's passing is a loss to the community, his life was a blessing to the entire area.

Mr. Doss was raised in Weatherford and graduated from Weatherford College in 1934. He spent time at the University of Texas in 1936 and Harvard Graduate School of Business in 1937.

Many knew Mr. Doss through his role as a successful banker. Not many realized that he worked his way up from the bottom to enjoy his success. Mr. Doss joined Weatherford's Merchants and Farmers State Bank (now Texas Bank) in 1929 as a janitor earning only $15 each month. After years of dedicated service, he was chosen to serve the bank as president from 1945–55.

Mr. Doss then left banking to pursue other interests in homebuilding, shopping center development, and real estate investment but quickly returned to the bank. He served as Chairman of the Board for years and became Chairman Emeritus in 1998. Most recently, Mr. Doss was named "Banker of the Year" by the National Institute of Community Banking.

In addition to his successful career in the banking business, Mr. Doss taught accounting at his alma mater, Weatherford College. His contributions of time, talent, and resources were responsible for the Doss Student Center, the Doss Scholarship Fund, and many other initiatives. His commitment to education was demonstrated in his service as a trustee of Weatherford College and the Weatherford Independent School District. For 33 years, he was on the Board of Trustees at Trinity University in San Antonio. In 1976, he was named Outstanding Citizen of the Year by the Weatherford Chamber of Commerce because of his business success and commitment to education.

In addition to his service in the education community, Mr. Doss was also very involved in the Presbyterian Church. He was the third generation of his family to serve as a Presbyterian elder in Parker County; and he held many positions within the church including moderator for the Synod of Texas of the Presbyterian Church in the USA in 1964, first president of The United Presbyterian Foundation Synod of the Sun, and trustee of the National United Presbyterian Foundation in New York City.

Mr. Speaker, I speak for the entire community when I express our great remorse at the passing of James Houston Doss, Jr. Mr. Doss set a standard for community activism and professional excellence, and he will be greatly missed.

HONORING THE LATE JOSEPHINE BARNETT LACKEY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. PICKERING. Mr. Speaker, my heart is heavy and saddened today at the passing of Mrs. Josephine Barnett Lackey, affectionately known as "Miss Jo", who passed away unexpectedly on Sunday, May 14, 2000, at the St. Thomas Hospital in Nashville, TN, after suffering cardiac arrest. "Miss Jo", a constituent of mine from Forest, Mississippi, was the wife of Jimmy Lackey, owner of Lackey Home Center in Forest, and one of the more prominent Tennessee Walking Horse Breeders, and Exhibitors in our state. Her death was untimely, and has certainly shocked and devastated the Forest community.

"Miss Jo" grew up in the Standing Pine community in Leake County, and graduated from Walnut Grove High School. She graduated from Delta State University with a degree in Elementary Education in the spring of 1950, and shortly thereafter moved to Forest where she taught in the Forest school system. She and Mr. Lackey were married in 1953, and on July 12, 2000, they would have celebrated their 47th wedding anniversary. For more than 50 years, she was a resident of Forest.

"Miss Jo" delighted in meeting, greeting and helping people. That was her hallmark. That is why the Gift and Bridal Registry Shop she operated in the Lackey Home Center was such a fascination and delight to her. She loved being with people, and offering suggestions that would make their life happier and enjoyable. Sid Salter, editor-publisher of the Scott County Times, summed it up real well when he said in his May 17, 2000, editorial, Josephine Lackey, "there are few homes in Forest that don't have a piece of fine crystal or china hand chosen by Jo Lackey as a gift. For rich and poor alike, she gave her best advice and treated every customer at Lackey Home Center as a friend."

"Miss Jo" was president of the Forest Garden Club, and was a member of the Hontokalo Chapter of the National Society of the Daughters of the American Revolution. She was a member of the Forest Baptist Church and was a substitute Sunday School teacher. Her love and faith in God, and the Lord Jesus Christ, was most evident in the two scripture passages that were used by her Pastor Reverend Gordon Sansing, and her former Pastor Sonny Adkins as the text for their remarks at her funeral. These passages were: Psalms 71:17–18 "O God, thou hast taught me from my youth; and hitherto have I declared thy wondrous works. Now that I am old and greyheaded, O God forsake me not, until I have shewed thy strength unto this generation, and thy power to every one that is to come", and Proverbs 3:5–6 "Trust in the Lord with all thine heart, and lean not unto thine own understanding. In all thy ways acknowledge Him, and He will direct thy paths."

Again, quoting Sid Salter, "Josephine Barnett Lackey was—by every rational measure of mind, body and spirit—a beautiful, elegant woman. Blessed with the beauty nature gave her as a young woman, Josephine Lackey merited the still beautiful face of a faithful wife, devoted mother and grandmother, hardworking business woman and dependable friend she had earned at the age of 70 when her great heart finally failed her.

Our community is diminished by her passing and we will—with her family—sorely miss her."

"Miss Jo" had a deep love for her family that included husband, Jimmy, son Jim, daughters Julie and Jenny along with their husbands, and five grandchildren. Another daughter, Joy, preceded her in death in 1996.

Without a doubt, the legacy that "Miss Jo" would want us to remember her by is the love she had for her Lord, her Family, her Church, her Friends, her Country, her State, and by all means her love for Forest and Scott County. She was truly a dedicated Christian lady, and a great American. I extend my heartfelt sympathy to her family. Also, I want to express my appreciation, and that of all citizens of the 3rd district for her life of service, and contributions to the betterment of our world.

INTRODUCTION OF ESTATE TAX RELIEF LEGISLATION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. ETHERIDGE. Mr. Speaker, I am proud today to introduce legislation to provide significant and much needed relief to those who inherit family farms and family-owned small businesses. The current estate tax dramatically reduces any legacy a parent wishes to leave to his or her children. Often, inheritors are forced to sell crucial assets of a business or farm in order to pay this federal tax. This greatly discourages the next generation from continuing the family business or life on the farm.

I hear all the time from parents who fear that they will not be able to pass their operations onto their sons and daughters because of the steep tax due upon their death. Due to inherent value of business or farm equipment, property and other assets, an estate of a family-run business—as many farms are—can quickly and greatly surpass the current exemption of $1.3 million. To me, it is absolutely unfair that people who work all their lives to build a business can have it snatched away from their families by Uncle Sam after they die. According to the Congressional Research Service, more than 70 percent of family businesses do not survive the second generation, and 87 percent are not passed onto a third generation.

Our economy is currently experiencing the largest peacetime expansion in our nation's history. We are constantly reminded that small business has been the engine of this growth. Why can't the fruits of this prosperity be passed to the next generation? Because of a tax code which has not kept up with the rate of economic growth in America.

My bill would increase the current estate tax exemption for family-owned businesses from $1.3 million to $4 million over the next five years and then index the exemption to inflation. I know that this is not as far as some of my colleagues would like to go. However, I believe reducing estate taxes in this way stands a better chance of becoming law than repealing the tax altogether. Frankly, I'd rather get some estate tax relief enacted as opposed to getting nothing accomplished.

Our families deserve to see the fruits of their labor passed on to the next generation, and reducing the burden of estate taxes is something that we absolutely must accomplish. I hope my colleagues will join me in supporting this approach to estate tax relief. Let's get something done on this issue rather than grandstand and obtain nothing.

HONORING THE WOMEN'S DAY 2000 COMMITTEE OF ST. ANTHONY BAPTIST CHURCH "STRIVING TO BE A VIRTUOUS WOMAN" PROVERBS 31:10

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor the Women's Day 2000 Committee of St. Anthony Baptist Church in Brooklyn, New York. On Sunday, May 28, 2000, the Women's Department of St. Anthony will celebrate their annual Women's Day.

To celebrate the first Women's Day of the new Millennium, the theme of the event will be "Striving to be a Virtuous Woman," which is taken from scripture, Proverbs 31:10. The task of being virtuous is not easy to accomplish, but it is attainable. The woman of Proverbs 31 had it all. She had excellence, greatness, the favor of God, love and honor, the law of kindness in tongue, morality and character. All of these amazing attributes are the result of a God-centered life.

Mr. Speaker, the reference to the Virtuous Woman in the scriptures is fine and appropriate for this inaugural Women's Day celebration of this new Millennium. I know the ladies of St. Anthony well, and I can say without hesitation, in the tradition of the late First Lady, Sister Grace McCollum, that every one of them exemplifies excellence in leadership, spiritual integrity, high moral and ethical standards. They truly are made in the image of the Virtuous Woman.

While space will not allow me to name each of these remarkable women individually, I do want to pay special tribute here to Rev. Dr. Carrie Johnson, Rev. Renee Washington and Rev. Barbara Williams Norman, the eloquent and passionate guest speakers at the celebration.

Mr. Speaker, I'd also like to recognize the Chairperson, Sister Elizabeth King-Atwood and Co-Chairperson, Sister Alisa Parris, as well as Captains of the Women's Day 2000 Committee: Sister Tiffany Hiers; Sister Wilhelmena Lewis; Sister Deidre Lewis; Deaconess Enid Hinds-Robinson; Sister Earnestine Frazier; Sister Penny Lilley; Sister Alma Reedy-Dorsey; Sister Carolyn Vails; Sister Clara Martin, and Sister Clara Hayes.

Finally, Mr. Speaker, I'd like to recognize Rev. Theresa Moon, Chaplain; Evangelist Mary Harden; Evangelist Eva Wise; Mother Lucille Norman; Mother Lillian Carter-Wilson; Mother Selma Alexander, and Mother Beatrice Brockington. These women, and the many I could not name here, deserve our recognition and praise.

HONORING THE TEXAS TRANSPORTATION INSTITUTE

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. LAMPSON. Mr. Speaker, it has recently come to my attention that this year, the Texas Transportation Institute will mark a historic occasion. For more than 50 years, the Texas Transportation Institute has conducted applied research in all modes of transportation and transferred the results to the public and private sectors, enhancing transportation safety, efficiency and sustainability and I would like to take this opportunity to congratulate Director Herbert H. Richardson and the Texas Transportation Institute (TTI).

Looking back on the history of the Institute gives us an interesting perspective on how far we've come in terms of transportation and technological advances. I was interested to note that some of the earliest safety research performed by TTI was to develop safer roadside structures, including breakaway supports and impact attenuation systems. One of the first real-world tests of a breakaway sign occurred in my congressional district in September 1965 when a driver lost control of his vehicle and skidded into an "EXIT" sign on IH–10 near Beaumont. Less than 24 hours before the accident, the local THD maintenance force had placed the TTI-designed slip base and hinge sign support in place of the old fixed one. In this accident, the driver and passenger escaped uninjured, and the vehicle sustained only minor damage. Less than a year earlier, a driver hit the same sign, then mounted on a standard base, and was killed. Today, highway safety is still an issue of major concern and I am pleased that TTI has continued to develop technological advances, such as the ADIEM crash cushion, to make our nation's roads and highways safer. I am certain that there are many Americans who owe their lives to the development of this technology, which is now in use in nearly 40 states. Dr. Richardson and the Institute can certainly be proud of the work.

In the 1950's, Dean of the College of Engineering, Fred Benson was quoted in the Daily Eagle as saying "The Institute intends to assemble a group of men at this college with a thorough knowledge of all types of transportation. These men . . . will provide a forum for analyzing and discussing problems [and] will outline and guide our research program and provide high level education to mature students with an interest in transportation." Given the fact that TTI employs about 570 people—275 professionals, 105 support staff and 190 students, divided about evenly between graduate and undergraduate students, is home to four National Research Clearinghouses and eight National Research Centers, and has urban laboratories in every major metropolitan area in the state, I am certain that Dr. Benson would indeed be very proud of the men and women of TTI and their many accomplishments. Congratulations and best wishes for the next 50 years.

HONORING ELIAS KARMON

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. ENGEL. Mr. Speaker, I rise to speak about Elias Karmon, who is being honored tonight at a testimonial dinner celebrating his

90th year. To read what he has done is to wonder if anybody else did anything.

He has generously given of his considerable talents to virtually every worthy cause and individual. In 1943 he successfully fought the extradition of a young African American to North Carolina. He has been named an honorary Puerto Rican, by the Board of Directors of the Puerto Rican Day Parade, is a charter member and founder of the Bronx Urban League, and a life member of the Zionist Organization of America.

He has been honored by, among too many others to mention, the Bronx Council of churches, the National Conference of Christians and Jews, the Bronx Boys and Girls Club, the American Red Cross, the Bronx YMCA, and the Albert Einstein College of Medicine (which he helped to found).

He has organized fund raisers for many worthy organizations. He helped to found the South Bronx Board of Trade, aiding minority businesses in particular, and was four-time president of the Bronx Chamber of Commerce. If that wasn't enough, he is probably the only man to have a housing development, a gym and a swimming pool named after him.

Elias Karmon's accomplishments would scare lesser people. Even in his 90th year, he is not slowing down, for which we all give thanks. I want to thank him for the many outstanding and wonderful things he has done for the Bronx and its people and wish him many more years.

REAUTHORIZING AND REFORMING THE COMMODITY EXCHANGE ACT

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. STENHOLM. Mr. Speaker, today our colleague from Illinois, Mr. EWING, who chairs the Subcommittee on Risk Management, Research, and Specialty Crops of the Committee on Agriculture, is introducing a bill to begin the process of reauthorizing and reforming the Commodity Exchange Act (CEA).

Mr. Speaker, the CEA is the primary statute providing for the regulation of futures and futures options trading in the United States. While its provisions are founded in legislation adopted by Congress in the 1920s, the Act has been modified repeatedly over the years in response to changing market conditions. We have changed the Act to cover metals and energy products, to cover trading in foreign currencies, to cover bonds and stock indexes, and to permit trading in options on futures. Each innovation that the market has brought forward presented challenges to Congress and to regulators. Along with the increase in contracts traded, total volume of trading in derivatives has grown vigorously and consistently over recent decades.

In particular, over the last 15 years is the market in over-the-counter derivatives such as swaps and forward rate agreements has increased tremendously. Because these products have economic characteristics so similar to exchange-traded futures contracts, a legal debate has taken place over whether or not they are in fact covered under the CEA. The Commodity Futures Trading Commission (CFTC) has generally found that these products are not appropriately regulated as futures contracts and has used powers at its disposal to settle that question to the extent possible.

In 1989, the Commission issued the "Swaps Policy Statement" laying out in essence a safe harbor for trading in over-the-counter derivatives. So that the agency would have more flexibility in addressing the swap situation and other situations, the Congress in 1992 granted the CFTC the authority to issue exemptions from the CEA to contracts that meet specified conditions. The CFTC has used that authority to exempt swaps (and other OTC derivatives), hybrid securities, and certain energy contracts from CEA regulation. In spite of these actions, an element of legal uncertainty remains regarding these products.

Mr. Speaker, this Congress has recognized that the financial services industry is changing rapidly. We face this reality very clearly in the derivatives world. During a recent speech before the International Organization of Securities Commissions, CFTC Chairman William J. Rainer pointed out that only two new exchanges sought CFTC approval between 1986 and 1997, while in the last six months the CFTC has become aware of numerous electronic exchanges that may soon seek the agency's approval. Technological advances are greatly complicating our task of keeping our regulatory systems up to date.

Mr. Speaker, financial capital flows across international boundaries today with an ease that was unimaginable only ten years ago. As our commercial world continues to shrink in this manner, we see ever more clearly how vulnerable our industries can be to outside competition if we hamper them with unreasonable or inappropriate regulation.

Mr. Speaker, these changes and trends challenge the Agriculture Committee—working together with the Banking and Commerce Committees—to again update the CEA. Chairman EWING has vigorously engaged all segments of this industry in an effort to discover what improvements need to be made. Thanks to his effort, the task has been clarified and we are poised to proceed ahead on legislation that meets these objectives:

Provides full legal certainty to the OTC derivatives industry so that the rules of commerce will be clear.

Modernizes our scheme for the regulation of trading that occurs on exchanges.

Eliminates statutory barriers to trading products that can be useful to the management of financial risk.

Mr. Speaker, I support Chairman EWING's effort and am committed to participating alongside with him. I share his goals and know that we can find common ground on how they can be achieved. Important components of the legislation he introduces today are the result of very productive industry discussions and I believe they will lay an excellent foundation for modernization of the CEA. Along with industry representatives, the several regulators involved are engaged in cooperative discussions—a condition that has often been lacking in past modernization efforts—and stand to be extremely helpful in resolving these tasks.

Mr. Speaker, while domestic modernization of financial contract regulation is an important goal I will also work to develop provisions that promote the goal of international harmonization of regulatory standards. The Bank for International Settlements (BIS) has demonstrated in recent years that a great deal of coordination can be achieved. In particular, the BIS has devised uniform capital standards that have been widely adopted by bank regulators of the major industrialized nations.

Securities and futures regulators have also made great strides in recent years in creating formal lines of communication with their foreign counterparts to prepare for coordinated responses to cross-border crises. Already they serve as members of the International Organization of Securities Commissions, which has facilitated much of this progress and served as a tool for its member nations to become familiar with the regulatory systems that exist.

Our recent history has shown us that manufacturing capacity moves easily offshore. The manufacturing capacity of financial contracts—capital—moves across borders with much greater ease in search of the lowest cost investment environment. By encouraging continued international discussions regarding regulatory standards, we can encourage the elimination of artificial distortions that threaten the competitiveness of our futures exchanges and other financial institutions. As we develop CEA improvements, we should do all we can to facilitate international coordination and harmonization.

Mr. Speaker, in the weeks ahead I trust that all interested members of the public will take the opportunity to closely examine the bill Mr. EWING introduces today. I am particularly hopeful that the markets' end-users—including agricultural producers and merchants, energy producers, and investors—will pay close attention and provide detailed comments regarding their view of the challenge of achieving appropriate regulation of derivatives markets. I look forward to assimilating those views and to working closely with Chairman EWING, with the Subcommittee Ranking Member, Mr. CONDIT, and others on the Agriculture Committee and other committees in this effort.

HONORING KAY McMANUS

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. INSLEE. Mr. Speaker, today I recognize the outstanding achievement of Kay McManus, one of the many constituents who distinguishes my Congressional District.

Kay works tirelessly to ensure that the children in our schools receive the nutrition they need to pay attention in class, participate in after school activities and do all of the things that young adults need to do to grow into thoughtful adults. We know that when a child receives a good breakfast he or she performs at a higher level. Hungry children have more respiratory illnesses and are absent from school more often than children who are well fed. Many children receive two out of their three meals at school—and it is critical that nutritional choices are available to them. Kay's work is making that possible.

The American School Food Service Association recently recognized Kay's hard work by naming her the "Outstanding Director of the Year." This is the first time that this award has ever been given. It will be bestowed annually on a Food Service director whose work serves as a model for Food Service programs across the country. Future recipients of this award have a tough act to follow. I am proud to represent a district that has so many dedicated, committed individuals. Kay, thank you for making America a better place.

WE THE PEOPLE . . . THE CITIZENS AND THE CONSTITUTION

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. DEGETTE. Mr. Speaker, I rise to recognize the We the People. . . . The Citizen and the Constitution program, and applaud the outstanding East High School students that came to Washington, DC, after winning the state competition and went on to win an Honorable Mention as one of the top ten finalists in the national finals. These young scholars have worked diligently to make it to the finals and their hard work has gained them a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of the students are: Adrienne Cassart, Emma Douglas, Kelly Durcan, Jill Friedman, Aaron Goldhammer, Jessica Harvey, Elizabeth Hultin, Matt Johnson, Casey Madison, Merrin McCabe, Emily Olson, Joe Pallett, Elisha Roberts, Evan Samples, Erica Simms and Grant Wylie. Additionally, I would like to commend their teacher Edna Sutton who deserves much of the credit for the success of this great team and recognize the District Coordinator, Loyal Darr, and the State Coordinator, Barbara Miller.

The We the People. . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by the students acting as constitutional experts before a "congressional committee" made up of a panel of judges acting as Members. The student testimony is followed by a period of questioning during which the judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

I know first hand how well this program works because I was a volunteer coach for years at a high school back in my district in Denver, whose students have done extraordinarily well in the We the People. . . . competitions over the last decade. East High School has been among the top ten finalists most years since they have competed, and they won the competition in 1992.

Once again, I commend the East team for winning the state competition and winning Honorable Mention as one of the top 10 finalists in the national finals.

CELEBRATING SMALL BUSINESS WEEK

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. HINOJOSA. Mr. Speaker, I rise as a member of the House Committee on Small Business and a former small business owner in celebration of the 37th annual Small Business Week.

What better time to recognize America's small businesses and their vital contribution to our nation's well-being. With the advent of a new economy, it is especially appropriate to talk about how high-risk, fast-growing entrepreneurial firms are creating jobs and unprecedented economic growth across the country.

Our challenge is to spread the word across the country that we must do more to support and strengthen risk taking entrepreneurs in both big cities and small towns. In so doing, we will ensure that ever-accelerating global change remains our country's ally. Then we will continue to bring the benefits of our entrepreneurial economy home to every community in America.

IN HONOR OF THE RETIREMENT OF REV. ROBERT T. STROMMEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. KUCINICH. Mr. Speaker, today I honor the Rev. Robert T. Strommen on the occasion of his retirement after 41 years of ministry.

Mr. Strommen graduated from Princeton University in 1956, then went on to earn a master's of divinity from Union Theological Seminary in New York City. He was ordained in 1959, and served as pastor of St. John's United Church of Christ in Larimer, Pennsylvania for the next 7 years. in 1967, Reverend Strommen was called to Philadelphia, where he served as Minister of Metropolitan Mission for the United Church of Christ.

Throughout his many years of faithful service, Reverend Strommen has been active in community affairs. He received an award from the Greenburg-Jeanette Chapter of the NAACP for his services. In Philadelphia he worked with leaders of inner city congregations and developed Conference urban strategy. He also worked with the Philadelphia Welfare Rights Organization, the Action Alliance of Senior Citizens, and other community action groups.

Reverend Strommen began working with the United Church Board for Homeland Ministries in 1976, serving as secretary for Social and Urban Concerns. He was very involved in issues related to health and welfare and also coordinated the Board for Homeland Ministries' Minister of Metropolitan Mission program. In 1987, Mr. Strommen developed a program for training for mission outreach with local churches.

Since September, 1988, Reverend Strommen has served as association minister of the Western Reserve Association of the Ohio Conference. He continues to be involved in urban issues, and has served on the steering committee of the Jobs with Justice coalition in Cleveland.

Reverend Strommen has been a dedicated advocate for the working person's right to be treated with dignity and justice. He has set an example for us all with his tireless and energetic work in defense of workers' rights.

My fellow colleagues, please join with me on the occasion of his retirement in honoring the Rev. Robert T. Strommen for his dedication, faith, and commitment.

INTRODUCTION OF THE COMMUNITY PROTECTION FROM FIREARMS GIVEAWAYS ACT

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. CROWLEY. Mr. Speaker, last year, the House of Representatives failed to consider reasonable gun control and safety measures as part of legislation to combat crime. Despite the support of a majority of the House for reasonable measures, the Republican leadership has consistently refused to debate the numerous gun proposals introduced in the House.

Common sense gun control measures such as a three business day waiting period for background checks, closing the gun show loophole, requiring gun locks to be sold with firearms, and a ban on the importation of large capacity ammunition clips are all reasonable approaches to gun control and safety. However, more can and must be done.

That is why I am being joined by Representatives TOM CAMPBELL, GREG MEEKS, BARBARA LEE, NEIL ABERCROMBIE, ELIOT ENGEL, SHEILA JACKSON-LEE, GRACE NAPOLITANO, JAN SCHAKOWSKY and LOUIS GUTIERREZ in introducing bipartisan legislation, the "Community Protection from Firearms Giveaways Act," to close yet another dangerous loophole in Federal gun control laws.

As unbelievable as it may sound, our current gun control laws allow criminals to win guns at raffles without having to go through a criminal background check. This must be stopped.

Our legislation will amend U.S. law to require winners in a lottery where a firearm is the prize to pass a background check at a licensed gun dealership. The gun dealership may charge a reasonable fee as prescribed under current law for this service. Additionally, the Community Protection from Firearms Giveaways Act has a carve out exempting the background check if the lottery winner has a current gun owners permit, or if the check takes more than 5 business days.

Mr. Speaker, I believe we can all agree that giving away guns as prizes poses a serious danger to our communities. Requiring a background check on a lottery winner if a firearm is the prize is sensible and should be required under Federal law.

Our communities deserve to be protected from criminals with easy access to guns. While gun safety measures will not stop violent crime, it must be a key component of any anti-crime strategy addressed by Congress.

I would urge my colleagues to cosponsor this important legislation.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Protection from Firearms' Giveaways Act".

SEC. 2. EXTENSION OF BRADY LAW TO FIREARMS WON IN LOTTERIES.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z)(1) It shall be unlawful for an individual who is not a licensed importer, licensed manufacturer, or licensed dealer to transfer a firearm won in a lottery (as defined in section 1307(d)) to the winner, unless—

"(A) a licensed dealer contacts the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act;

"(B)(i) the system provides the licensee with a unique identification number; or

"(ii) 5 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by the winner would violate subsection (g) or (n) of this section; and

"(C) the individual and the licensee have verified the identity of the winner by examining a valid identification document (as defined in section 1028(d)(2) of this title) of the winner containing a photograph of the winner.

"(2) The rules of paragraphs (2), (3)(A), (4), (5), and (6) of section 922(t) shall apply to a firearm transfer assisted by a licensee under this subsection in the same manner in which the rules apply to a firearm transfer made by the licensee.".

(b) PENALTIES.—Section 924(a)(5) of such title is amended by striking "or (t)" and inserting ", (t), or (z)".

TRAGEDY AT THE LOWE'S MOTOR SPEEDWAY IN CONCORD, NC

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. HAYES. Mr. Speaker, I know I speak for millions of Americans who were relieved to learn that no fatalities were suffered in the tragic accident that occurred in my hometown of Concord, NC this past weekend. As many of you know, a pedestrian bridge at the Lowe's Motor Speedway collapsed injuring 107 people last Saturday night after the NASCAR Winston stock car race. In time, I hope that investigators will determine the cause of the accident. Today, however, I want to recognize the men and women who provided emergency response to the accident and prevented what could have been a substantial loss of life.

Unfortunately, two individuals remain in critical condition, and I know you will join me in praying for their swift recovery. But amazingly, the other 105 individuals treated for injury are in stable condition or have already been released from the hospital. Mr. Speaker, this kind of emergency medical response speaks volumes about the quality of our professionals who represent the EMS and law enforcement. Doctors, nurses and medics from the greater Charlotte area have not treated this many people from one serious accident in recent memory. And yet their rapid, on-site medical attention to the victims of this catastrophe demonstrated a superior degree of preparation and training.

Most of our local medical facilities were represented in this miraculous effort. We in North Carolina owe a debt of gratitude to the fine staffs of Rowan Regional Medical Center, Carolinas Medical Center, the University Hospital and Presbyterian Hospital. In particular, Mr. Speaker, I want to recognize NorthEast Medical Center in Concord. It is my understanding that under the leadership of my friend Larry Hinsdale NorthEast's handling of this major emergency was flawless.

THE PUTIN PATH: ARE HUMAN RIGHTS IN RETREAT?

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. SMITH of New Jersey. Mr. Speaker, two days ago, the Commission on Security and Cooperation in Europe, which I am honored to chairman, held a hearing entitled "The Putin Path: Are Human Rights in Retreat?" I was pleased to be joined on the dais by my colleagues on the Commission, Co-Chairman Senator BEN NIGHTHORSE CAMPBELL, Senator TIM HUTCHINSON, Ranking House Member Representative STENY HOYER, and Representative MATT SALMON.

As part of the hearing, the Commission had also planned to feature a video-conference with Moscow-based Radio Liberty journalist Andrei Babitsky. As Members are aware, Mr. Babitsky was arrested by Russian authorities for allegedly "participating in an armed formation," as a result of his reporting from besieged Grozny last year. Subsequently, as a civilian, Babitsky was "exchanged" to Chechen forces in return for certain captured Russian military personnel, and is not permitted to leave Moscow. Unfortunately, technical problems precluded the possibility of the videoconference, but Mr. Babitsky provided a written statement for the hearing record. Mr. Babitsky was recently awarded the OSCE Parliamentary Assembly's prize for journalism, and as head of the U.S. Delegation to the OSCE PA, I hope that he will be able to attend the award ceremony at the Assembly's annual meeting in Bucharest this July.

Tuesday's hearing was one of a series of hearings the Commission has held to examine human rights issues in the States of the Organization for Security and Cooperation in Europe. The mandate of the Commission is to monitor and encourage compliance with the provisions of the Helsinki Accords and successive documents of the OSCE.

As I have noted on previous occasions, Russia is no longer the dictatorial, closed society that it was during the Soviet period, and certainly there are countries around the world where human rights are in much more perilous straits. I have yet to hear of a working church in Russia being destroyed by bulldozers and wrecking cranes, as was the case last November in Turkmenistan. And we know that in China religious believers of many faiths are thrown in jail for simply desiring to worship without government interference.

Indeed, under the administration of President Yeltsin, human rights activists were able to achieve significant gains in making respect for human rights, if not a standard, at least a consideration in public policy. There is growing concern, however, that Russia's development in the area of human rights is taking a turn for the worse under recently-elected President Vladimir Putin.

The testimony of Igor Malashenko, First Deputy Chairman of the Board of Directors of Media-Most and President of NTV, summarized how their offices were the target of the infamous raid by government agents on May 11 last. Mr. Malashenko described how the agents carted away documents, tapes, computer discs and equipment, and subsequently issued "contradictory and unsatisfactory justifications" for this raid. Moreover, he provided extensive information on several other less-publicized examples of violence and intimidation toward media outlets and journalists throughout Russia.

General William Odom, former director of the National Security Agency, and a man of exceptional expertise in things Soviet and Russian, noted that Russia is a "weak state" and suffers from a lack of institutions capable of providing the level of civil society and economic development that we had hoped would follow after the collapse of the Soviet Union. General Odom also suggested that the United States should not treat Russia as a major power, or think that much of Russia's internal problems can be solved by "ventriloquism" from the West.

Professor Georgi Derluguian of Northwestern University asserted that President Putin is the product of the KGB network that survived the collapse of the Soviet Union. In order to seek a distraction from the Chechen quagmire, suggested Professor Derluguian, Putin will most likely launch a massive anticrime campaign. I would note that when Yuri Andropov and his KGB began to assume power in the twilight of the Brezhnev regime, part of the crackdown on political dissent at that time was under the guise of cracking down on corruption.

Ms. Rachel Denber, Deputy Director for Europe and Central Asia at Human Rights Watch, testified that in Grozny, "the graffiti on the walls reads 'Welcome to Hell Part Two.' The bombing campaign has turned many parts of Chechnya into a wasteland even the most experienced war reporters we, have spoken to told us they have never seen anything in their careers like the destruction of the capital Grozny." Ms. Denber also described summary executions of civilians, including the death of three generations of one family shot to death in the yard of their own home.

One of the brighter aspects of civil society under President Yeltsin was the expansion of NGO activity. However, Professor Sarah Mendelson of the Fletcher School of Diplomacy and Law at Tufts University noted that there is in Russia today "an atmosphere that is hostile to civil rights activists, and in fact, anyone with opinions that differ from the Kremlin's. While "the treatment of Andrei Babitsky in January and February was shocking and disturbing, and the FSB raid on MediaMost in May was brazen," she testified, this is "part of a larger pattern of harassment that has grown steadily worse over the last year and a half."

In this connection, I would like to point out another proposal made by Professor Mendelson in her testimony. She suggested that President Clinton, while in Moscow next month at the Summit with President Putin, should meet with activists who are promoting human rights and democracy in Russia today. This gesture, she notes, "would send a signal not only to those in Russia who care about democracy but to those in Russia who do not." I believe this idea is right on target. In fact, Mr. HOYER and I have written to the President noting that this year is the twenty-fifth anniversary of the signing of the Helsinki Accords. We have encouraged the President to meet with the surviving veterans of the Soviet-era human rights struggle, and with their contemporary colleagues, in both Moscow and in Kyiv, where the President plans to meet with President Kuchma following his Moscow visit.

I hope that President Clinton will take this advice, as I believe such a gesture would give new impetus to the struggle for human rights and democracy in two pivotal nations of the international community.

In closing, I would call attention to a resolution to be introduced by our colleague Mr. LANTOS and House International Affairs Committee Chairman BEN GILMAN, regarding the issue of free media in Russia. I am pleased to join as an original cosponsor of this resolution, which among other provisions, calls upon the President, the Secretary of State, and other officials and agencies of the United States Government to emphasize to Russian government officials our concern and preoccupation that official pressures against the independent media are incompatible with democratic norms. I am pleased to co-sponsor this resolution, I hope my colleagues will join us, and I hope that President Clinton will heed this call when he meets with President Putin in Moscow next month.

COMMENDING ISRAEL'S REDEPLOYMENT FROM SOUTHERN LEBANON

SPEECH OF

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. GEPHARDT. Mr. Speaker, I am proud to be an original cosponsor of this resolution, and I rise today in strong support of its adoption.

Earlier this week, the Israeli government completed a courageous and historic act. It removed the last of its military forces from southern Lebanon, in compliance with United Nations Security Council Resolution 425. This act was inspired and led by Prime Minister Ehud Barak, whose strategic vision has once again opened up new opportunities for a comprehensive peace in the region.

With this act, Israel has taken a brave step forward in the interest of peace for its people and its neighbors. It is now incumbent upon other parties in the region to follow Israel's lead, and to take the commensurate steps called for in U.N. Resolution 425 to further enhance security in the region. In addition to calling for an Israeli withdrawal from Lebanon, the U.N. resolution demands "strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries." It also establishes and directs a United Nations force—known as UNIFIL—to work with the Lebanese government to restore its effective authority in southern Lebanon.

H. Con. Res. 331 addresses each element of U.N. Security Council Resolution 425, and calls for swift action by Israel's neighbors to demonstrate their own commitment to the terms of the U.N. resolution and to peace in the region. With adoption of this resolution, the House of Representatives will make clear what we expect to occur, now that Israel has withdrawn from Lebanon:

First, we expect the United Nations to swiftly verify and endorse Israel's withdrawal, in full compliance with U.N. Resolution 425.

Second, we expect the United Nations to move swiftly in conjunction with the Lebanese government to assert control over southern Lebanon.

Third, we expect Hezbollah and other groups in southern Lebanon to be disarmed in order to prevent terrorist activities originating from that area against the State of Israel and its people.

Fourth, we expect the Syrian government to follow Israel's lead and remove its own forces from Lebanese territory.

And finally, we expect all parties to use this historic opportunity to resume negotiations aimed toward a comprehensive peace for all of the people of the Middle East.

Israel has shown today that it can—and will—take risks for peace. America stands by Israel in its courageous action, and shares its commitment to peace in the region. I call on Israel's neighbors to demonstrate similar commitments in the days and weeks ahead.

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. COSTELLO. Mr. Speaker, I rise in strong opposition to passage of the PNTR bill before the House of Representatives today.

Passage of this legislation would recognize China as a permanent trading partner as opposed to reviewing our trade relationship with China on an annual basis.

The key word in this debate is permanent. Why would the United States want to move from an annual review process to recognizing China as a permanent trading partner? China continues to make the world a more dangerous place by its cooperation with rogue states and China's ongoing proliferation of weapons of mass destruction.

Normally, individuals and countries are rewarded because of their improvements or achievements. In this case, we would be recognizing a country that has violated every single trade agreement that they have signed with the United States. While proponents of this legislation may be correct in asserting that corporate America and our economy might benefit from this agreement, what message are we sending to the Chinese government, Chinese workers and the rest of the world.

Permanent recognition of China would tell the Chinese government and the rest of the world that when it comes to corporate profits and the almighty dollar the United States will throw in the towel on the very issues that the American people and our country have stood for from the beginning. This is of course not to mention the tens of thousands of jobs that will be lost in the United States as a result of this agreement.

The Chinese government continues to sit by idly while workers are paid 25 cents an hour, forced to work 12 to 14 hour days and are forced to work 7 days a week.

If a person is as bold as Zhang Jingfheng and attempts to organize employees into a union, they in fact can be jailed and sent to prison. Mr. Jingfheng in fact was sentenced to a 13-year prison term—and he is not alone.

In addition to a deplorable record on human rights, the Chinese people have limited freedom to assemble, limited freedom to express and practice their religious beliefs and there is limited freedom of the press.

I do not believe that United States firms are creating new markets in China—or new opportunities for Chinese workers. Instead, I believe they are creating new maquiladoras where products will be made for slave wages in horrible working conditions that will be sold to our consumers here in the United States for huge profits.

This is not the time to throw in the towel and grant permanent trading status to China. We should hold firm and review our trading relationship with China on an annual basis.

Mr. Speaker, for the above reasons, I strongly oppose PNTR and ask my colleagues to join me in voting "no."

INTRODUCTION OF TUBEROUS SCLEROSIS AWARENESS RESOLUTION

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mrs. KELLY. Mr. Speaker, I rise today to introduce the Tuberous Sclerosis Awareness Resolution. Tuberous Sclerosis is a common genetic disorder that remains poorly understood. Even though 1,000,000 people worldwide are affected with the disease, few are even aware of it.

Tuberous Sclerosis is a genetic disorder that causes benign tumors to form in any of the vital organs—including the brain, eyes, heart, kidneys, and skin. It is often first recognized because of epileptic seizures and/or varying degrees of developmental delay. But, too often Tuberous Sclerosis goes undetected or is misdiagnosed because its symptoms are similar to those of more well-known diseases, such as epilepsy or autism. However, more recognition and early diagnosis is desperately needed. Infants and children too often spend their lives being misdiagnosed, possibly leading to irreparable brain damage, kidney failure, and even premature death. With a variety of treatments currently available to ease symptoms and improve the quality of life for people with Tuberous Sclerosis, diagnosis is critical.

Mr. Speaker, as May is Tuberous Sclerosis Month, I urge my colleagues to join me in bringing awareness to a devastating disease that affects at least one child born each day. By helping America to learn about and understand Tuberous Sclerosis, we will help to improve the quality of life for many children.

HONORING HEAR O'ISRAEL

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. BENTSEN. Mr. Speaker, I rise to recognize a valued organization within the Houston community, Hear O'Israel, which is sponsoring Listen to the Cries of the Children National Campaign 2000. Hear O'Israel International, Inc. developed the campaign to strengthen the unity of families and enhance public awareness of the negative effects that alcohol and drug abuse, family violence, child abuse, and gang activity have on children and their families across Houston.

Mr. Speaker, the following resolution approved May 11th by the Mayor and Houston City Council demonstrates the high regard for Hear O'Israel in our community.

[From the Hear O'Israel International, May 22, 2000]

LISTEN TO THE CRIES OF THE CHILDREN NATIONAL CAMPAIGN 2000

A non-profit, non-denominational organization, Hear O'Israel International, Inc. developed its Listen to the Cries of the Children National Campaign to strengthen the unity of families and enhance public awareness of the negative effects that alcohol and drug abuse, family violence, child abuse, and gang activity have on children and their families. The campaign has heard the cries of the children and parents, young and old, who are crying out due to neglect; physical challenges; broken homes; or lack of adequate food, shelter, clothing, and health care. The Listen to the Cries of the Children National Campaign 2000 will promote ". . . wisdom, knowledge, understanding, and forgiveness that will break them out of their prisons, visible or invisible."

As part of its ongoing effort to help the suffering, Hear O'Israel International, Inc. has conducted community-oriented programs, campaigning with former gang members who were shot and, after becoming quadriplegic, are presenting themselves as physical evidence to reinforce the negative consequences of gang involvement and experimentation with drugs and alcohol. As a part of this year's campaign, Hear O'Israel International, Inc. will call for ten seconds of silence at noon C.S.T. every day throughout the year 2000, in an effort to bridge cultural boundaries and unify a response to hear and Listen to the Cries of the Children and to "stop violence and have mercy, love and compassion for our fellow man; to turn the hearts of the fathers to the children and the hearts of the children to their fathers, linking and strengthening the connection that should be present between every parent, child, American, and all around the world."

The Mayor and the City Council of the City of Houston do hereby salute Hear O'Israel International, Inc. for its efforts to improve and enhance the quality of life for our children, and extend best wishes for continued success.

Approved by the Mayor and City Council of the City of Houston this 11th day of May, 2000, A.D.

THE CERRO GRANDE COMPENSATION ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. UDALL of New Mexico. Mr. Speaker, twenty-one days ago the National Park Service in the Bandelier National Monument initiated a prescribed burn located near Los Alamos, New Mexico. Despite adverse and unpredictable weather conditions, the Park Service elected to ignite this fire.

As all of you are aware, control of that fire was quickly lost resulting in the destruction of over 200 homes and over 44,000 acres of land. Although now under control, the fire continues to burn today.

The legislation titled "The Cerro Grande Compensation Act" would expeditiously compensate those individuals who have suffered losses as a direct result of this fire. Specifically, this bill would compensate individuals, businesses, homes, public buildings, and Native American tribes for personal injuries and property losses sustained as a result of this tragedy.

This legislation is only a first step in an attempt to make these victims whole again. Particularly those who lost everything in the fire and have a long road ahead after recovering from their losses.

I will continue to work with the New Mexico delegation and the Clinton Administration to see that a plan is quickly put in place to compensate the victims of the Cerro Grande fire.

Through this painful experience I am confident that we as Members of Congress and the Federal Government will continue to show compassion and understanding to those who have been affected by this disaster, and do everything we can to make them whole.

TIME TO REORGANIZE THE U.S. FOREST SERVICE

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. SKEEN. Mr. Speaker, I rise today to introduce legislation that is long overdue and desperately needed. My legislation, the 2000 U.S. Forest Service Organization Reform bill is simple legislation. Under this proposal the current Regional Offices of the U.S. Forest Service (USFS) would be eliminated. In the terms of organization structure they would be replaced by state USFS offices. Each state would have a state director, just as several other agencies within the U.S. Department of Agriculture operate. The Bureau of Land Management (BLM), in the Department of the Interior also is organized in this manner.

Authority would be granted for the establishment of up to six technical support centers as well as allowing the USFS to have multi-state directors where the Federal forest presence is minor. The Forest Service office for a state would be responsible for the administration of National Forest System lands within the state.

I have come to the conclusion that I can no longer wait for the USFS to do the right thing. I can no longer wait for them to solve their management problems. I can no longer wait to see our forests suffer from neglect, mismanagement and misuse. This administration's record on addressing the major issues facing our forests on these issues is dismal. Reinventing government in the USFS today means that nobody is in charge. It means forest plans that nobody can understand. It means lawsuits and court decisions that destroy people's livelihoods and damage their families irreparably. And now it means catastrophic fires that cost millions of dollars and endangered the life and property of our citizens that live in and near our forests.

USFS state offices will be the first step in bringing accountability into this agency of government. This office will be closer to the people in the state. The Director will interface directly and often with state officials, local government and concerned citizens. The Director will be accountable for what happens in the forest of the respective states. No longer would the USFS be able to hide in their regional offices. No longer would they be able to ignore problems in the respective states. The BLM manages more land than the USFS. The BLM planning program has been a model of unbridled success when compared to the disastrous Forest Service process. Part of the reason for this success is having a more responsive State office.

I would add at this point I have met numerous excellent USFS employees and I have been continually puzzled as to why these good people cannot make this agency work? Why, year after year, do we have study after study that talks about the mismanagement? I have finally decided that it is the structure of the USFS that is smothering the abilities of the individual employees and stopping them from solving the problems on our Forest Service lands. Today, we have "teams" and "team leaders" in government but not supervisors.

Let me repeat, we have teams and team leaders, but not supervisors. Our forests deserve attention not unsupervised teams. We need people who will be responsive to the needs of our natural heritage—not to the faceless bureaucracy that currently exists in the Forest Service.

There is no doubt that the USFS will say the cost of implementing this legislation is too expensive. It will not be too expensive or more expensive. Not if they do it right. They need to stop trying to protect their sacred regional office turf. If USDA agencies can do it and BLM can do it, then so can the USFS.

We need an agency that listens to the people. We need an agency that responds to the communities most impacted by forest policy. We also need funding that is used on the ground projects that improve the health of our forests. We do not need funding that disappears in the Washington, D.C. office and in the Regional offices of the USFS. I ask the Congress when will we say about the total mismanagement "enough is enough"?

NORTHEAST DISTRICT OF THE NATIONAL ASSOCIATION OF NEGRO BUSINESS AND PROFESSIONAL WOMEN'S CLUBS 42ND ANNUAL CONFERENCE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. PALLONE. Mr. Speaker, the Northeast District of the National Association of Negro Business and Professional Women's Clubs, Inc., will hold its 42nd Annual District Conference at the Doubletree Somerset Hotel in Somerset New Jersey from June 2nd through June 4th.

The theme of the conference is "Leadership By Example: Yesterday, Today and Tomorrow." What an appropriate theme: for the challenge of leading by example has been the driving force behind this great organization, on the national level, throughout the Northeast District, and especially the Central Jersey Club. The organization, through its leadership, helps to plant the seeds from which many projects grow, both from within and from outside the organization.

The Central Jersey Club was one of the first organizations to give an AIDS/HIV workshop in the Central New Jersey area, and they also care for AIDS babies at St. Clare's Home in Neptune, NJ. The Club also provides career awareness programs, offers scholarships to needy students, works with the homeless by tutoring the clients and teaching them to knit, and donates clothing and Easter egg hunts for children. Some clubs donated food baskets to the needy during Thanksgiving, Christmas and Easter, and they celebrated Women's History Month by sponsoring essay contests at various schools. The North Jersey Unit promoted and implemented at the local level the Leontyne Price Vocal Arts Competition for talented African American opera singers. The winner will be competing at the semi-finals at the upcoming conference. The Union County Club plays an important part in their community with their scholarship program.

The Northeast Division was organized in 1959, being one of seven districts in the organization. The Northeast is the largest in the organization, consisting of Connecticut, Maine, Massachusetts, New Hampshire, Northern New Jersey, New York, Rhode Island, Vermont and the Commonwealth of Bermuda.

As a non-profit organization, the organization's national program thrust is Health, Education, Employment and Economic Development (HEED). Other projects that clubs participate in are Breast Cancer Awareness Programs, Adopt-A-School, Welfare to Work, and Black Entrepreneurship programs, among others:

The Northeast District's involvement in National projects includes sponsorship of water wells in Cameroon, and the opening of a health care facility in the Village of Atrapa in Ghana. Mary Singletary, past national president and a member of the North Jersey Unit, was very instrumental in these projects. In addition, the District continues to be involved with UNICEF and the United Nations as a non-governmental organization.

I want to salute the great work of Yvonne Harris Jones, the Governor of the Northeast District of the National Association of Negro Business and Professional Women's Clubs, Inc., and all of those whose efforts contribute to making this organization such a force for positive change in our community.

TRIBUTE TO MR. ED CRAPO

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mrs. THURMAN. Mr. Speaker, I rise today to pay tribute to a remarkable man from my district, Mr. Ed Crapo, Property Appraiser of Alachua County. Mr. Crapo has recently been elected to the position of President of the International Association of Assessing Officers.

The IAAO is an educational and research association of individuals in the assessment community and other professionals with an interest in property taxation. Membership is open to anyone, and includes individuals working in government, private industry, academia and members of the general public.

Through the position of president, Mr. Crapo will help the IAAO to promote innovation and excellence in property appraisal and property tax policy and administration through professional development, education, research and technical assistance.

In 1992, Mr. Crapo was first appointed as a State Representative for the IAAO. Through this position, he was able to make the IAAO's professional standards more widely known throughout the state of Florida. Since then, he has served the IAAO through eight other appointed and elected positions.

As chair of the Research and Technology Committee, he guided the development of professional standards and has helped other appraisers with technical assistance. While serving as chair of the Professional Development Committee, he oversaw an education program which trains more than 6000 assessment employees each year. Through his current position as president-elect, as well as being a former vice-president and board member, Mr. Crapo has been able to change the organization as necessary to meet the ever-changing needs of the assessment community.

By being a member of this organization, Mr. Crapo, is able to learn valuable information from other appraisers around the world. Because of this outstanding resource, he is able to bring his knowledge back to Alachua County to better serve the local residents.

Mr. Speaker, please join me in paying tribute to Mr. Ed Crapo for his service to Alachua County and for his election to the office of President of the International Association of Assessing Officers.

TRIBUTE TO THE MEMORY OF GARY YATES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. LANTOS. Mr. Speaker, I ask my colleagues to join me in paying tribute to the life of San Mateo City Councilman Gary Yates, one of the city's most talented and effective public servants, who passed away suddenly last weekend at the age of only 54 years.

During his quarter-century as a San Mateo City resident, Gary served his community in many capacities, from mayor to president of the local homeowners association. Gary was, however, far more than just an officeholder; he was a dedicated advocate for the needs and interests of all the citizens of the City of San Mateo. He championed initiatives to improve paramedic response times; worked to make city government more efficient by expanding the use of performance bonuses; fought to maintain the beauty of the City of San Mateo by authoring a successful ballot measure to limit the height and density of buildings; and spent countless hours solving public problems both large and small. Mr. Speaker, Gary Yates deserves credit for helping to make the City of San Mateo one of the most pleasant cities places in America to live.

Gary Yates was a dear friend, and it was an honor and a pleasure for me to work with him on a number of issues of importance to the people of the City of San Mateo over the past two decades. His daughter, Dana, served ably as an intern in my office. I would like to offer my heartfelt condolences to Gary's wife, Linda, and his entire family. Mr. Speaker, yesterday morning the San Mateo County Times eloquently recounted the outstanding legacy that Gary Yates has left to his community, his friends, and his family. I ask that this editorial be placed in the RECORD.

YATES WILL BE MISSED

San Mateo County Times, May 24, 2000

With the untimely death of City Councilman Gary Yates on Sunday, San Mateo has lost a politician, a civic-minded citizen, a friend. Yates was a man who, in the words of City Manager Arne Croce, "lived and breathed this community."

Yates, 54, served on the council since 1993. But his community involvement stretched back 25 years before that when the San Francisco-born man chose San Mateo as his home town.

Yates became involved with local issues as a member of the Fiesta Gardens Homes Association, and was later president of the umbrella organization, San Mateo United Homeowners Association.

He served as mayor in 1996 and would have held the office again next year.

Yates was remembered by his colleagues on the council as a mediator who could disagree without rancor and always had the community's best interests in mind.

He respected the council's decisions, even when votes didn't go his way.

He was also a strong advocate for public safety, pushing for Advanced Life Support paramedic services countywide and convincing city residents to pass a bond measure funding seismic retrofits at the police and fire stations.

Today, when lots of cities can't even get enough candidates together to hold a contested council election, and many residents are too busy with work and family to get involved in local issues, someone with Yates' dedication to civic life is rare indeed.

Gary Yates will be missed most by his wife, Linda, and his children, Jeff, Dana and Alicia. But the loss echoes throughout San Mateo, which has one less leader and advocate.

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. CROWLEY. Mr. Speaker, although I am for free and fair trade, as well as engagement with China, now is not the time for Permanent NTR.

Like many of my colleagues, I look at all trade agreements on an individual basis and weigh their positives and negatives accordingly.

For example, I support United States participation in the World Trade Organization and I supported annual NTR because I believe it is important to engage China. However, I opposed the Africa/CBI trade deal because it was bad for American workers and did not contain enough protections from potential trade related job losses to mitigate the impact it would have on American employees and my constituents in New York.

For me, this debate is not about engagement or isolation. I am opposed to PNTR because it is the wrong time to make permanent China's trade benefits with the United States.

China, has simply not matured enough politically or economically to have permanent normal trade relations with the United States.

China has a record of gross human rights violations, including the use of prison labor and a lack of religious freedom and it still poses a danger to our national security. China also has a terrible record on the environment and has some of the most polluted cities in the world.

Last year, 1999, was the worst year for religious freedom in China since the Cultural Revolution of the late 60's, according to the U.S. Commission on Human Rights. In China, numerous religious and human rights groups have suffered severe repression, including Catholics and the Falun Gong. No wonder religious leaders and human rights groups are opposed to PNTR, including the U.S. Catholic Conference.

Even the State Department Report on Human Rights contains tough criticism of Beijing's increased repression of democracy activists and religious groups such as Tibetan Buddhists and Chinese Christians. The report states that religious services were broken up while church leaders were harassed, detained, beaten and tortured.

Prison labor continues to be a problem in China as well. The Laogai Research Foundation has documented nearly 1,100 forced labor camps in China. In these prison camps, laborers receive no compensation for their work, conditions are appalling, and beatings are common.

China also continues to pose a threat to our national security and the security of our allies in the region, especially Taiwan.

We know that China sells weapons and weapons technology to countries like Libya, Sudan and Iran. It should come as no surprise that veterans groups such as the American Legion and the Order of the Purple Heart are against this agreement because of the national security implications.

Economic arguments are another good reason to oppose this agreement.

Despite what PNTR proponents are saying, the economic benefits of this deal are overstated. We already have Normal Trade Relations with China, which have resulted in a large and growing trade deficit.

United States imports from China more than tripled in real terms between 1992 and 1999, and the United States trade deficit with China increased 256 percent to $68 billion in 1999 (in 1999 dollars). While China runs a huge trade surplus with the United States, it has a sizeable trade deficit with the rest of the world.

The existing trade deficit with China is the product of current United States trade policies. The United States already accepts 40 percent of China's exports. By giving China PNTR status, Congress will be giving up America's most effective tool for changing those policies. Without the ability to negotiate directly with China, the deficit with China will surely grow and United States job losses as a result of the deficit will mount.

The Chinese also have a bad track record when it comes to adhering to existing agreements.

China has violated every trade agreement it has made with the United States over the last 10 years. The Chinese government has broken agreements on opening its markets, stopping the piracy of intellectual property and ending the export of slave labor-produced goods.

The U.S. response, create a monitoring group. But, by creating a monitoring group the the Administration is undermining its own argument that, by joining the WTO, China will begin to comply with the rules.

We already know that China has not and will not comply with their agreements. How will a powerless monitoring group help?

Unless there is a mechanism that will punish China for its continued violations of human rights, its poor labor record, its environmental excesses and its religious persecution, it will not do enough to help the situation. A monitoring group, or the Commission created under this legislation is a nice idea.

I commend my colleagues, Congressmen SANDER LEVIN and DOUG BEREUTER, for their hard work on this Commission. They have made some promising steps and I encourage the Senate to retain this worthwhile addition. But it's only one step in a multi-step process.

There is also no guarantee that the Chinese will cooperate with the commission. A commission will also not raise the issue in the public mind as much as the annual review process.

Even the surge protections are a welcomed addition to the legislation, but its benefit is exaggerated.

We have protections now, but under the agreement, if we use them, China can retaliate against us. Also, what guarantee do we have that the Chinese will accept our definition of a surge in imports and respect our decision? The real answer is maintaining the annual review process.

The annual review process focuses attention on China's practices in a way that is unmatched with any other country. It brings awareness to China's practices on human rights and other issues to the highest levels. Because of China's record on human rights, the environment and compliance with international treaties, the American people should be making this decision every year.

The administration's plan to set up a new rapid response team to monitor China's compliance with its market commitments under WTO reinforces the argument I've been making all along—China won't comply with the new agreement.

Like some of my colleagues, I believe China must meet a set of benchmarks before we make these benefits permanent.

First, they must recognize basic human and worker rights. Second, they must stop the proliferation of missile and nuclear technology and equipment. Third, they must promote environmental conservation. And fourth, they must comply with past and present international commitments.

When China has proven itself politically and economically mature enough for PNTR, only then should we extend these benefits. Until then, we should oppose this agreement, vote down this legislation and maintain the annual review process.

It is dangerous to give up the most important leverage we have in getting China to comply with its agreements, the annual review process and the carrot of permanent relations. You don't give away the carrot before you get the result you want.

COMMENDING LIFE UNIVERSITY AND ITS 17TH ANNUAL RUN FOR LIFE

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. BARR of Georgia. Mr. Speaker, today I am pleased to congratulate the founder and president of Life University, Dr. Sid E. Williams, and his staff for the continuing success of their Annual Run for Life fund raiser, held each year in Marietta, Cobb County, GA. The 17th Annual Run for Life is set for August 5, 2000. The 2000 Run for Life 5k and 10k will begin at Life University, proceed to the "Big Chicken," then to Historic Marietta Square and back to Life. This is an exciting and fast course that promises to produce many positive results.

Dr. Sid E. Williams conceived the Run for Life as a way to raise funds for community needs while encouraging health and fitness. Their contributions will provide another chance for abused children and youths. In addition, this year's Life University Run for Life is contributing to the World Children's Fund and the "Stop Teenage Smoking" program. Other charities that Life supports are battered women, underprivileged children, American Red Cross, Boys and Girls Clubs of America, and Cobb County Children's Center.

Responding to Dr. Williams' constant quest for excellence, Life has also gained national acclaim for its phenomenal achievements in sports. Life University's athletic programs have claimed national championships in basketball, rugby, soccer, cross-country, ice hockey, indoor track and field, and outdoor track and field. In all, the University has won more than a dozen national titles and has more than justified the title of "School of Champions."

People of all ages in Georgia and surrounding states look forward to their annual trek to the Life University campus where the spectacular, free Christmas lights display never fails to thrill and delight the millions of visitors who have made the Lights of Life a part of their holiday tradition.

Mr. Speaker, Life University, under the leadership of Dr. Sid Williams, is a tremendous asset to Cobb County, the State of Georgia, and, indeed, the nation. This great institution brings honor to my district and to my State, and I offer my sincerest congratulations to Life University for its long list of achievements and wish Dr. Williams and his associates many more decades of success.

TRIBUTE TO THE 2000 CENTRAL CABARRUS HIGH SCHOOL WOMEN'S SOFTBALL TEAM ON WINNING THE NORTH CAROLINA HIGH SCHOOL ATHLETIC ASSOCIATION CHAMPIONSHIP

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. HAYES. Mr. Speaker, it is my distinct honor and pleasure to rise today to pay special tribute to an outstanding group of student-athletes from North Carolina's Eighth District. Last weekend, the Central Cabarrus High School Softball Team completed a truly amazing season by winning the North Carolina AAA Softball State Championship.

"Central Cabarrus set a record for dominance in a softball championship game" wrote a local newspaper. The Viking won by a score of 14–0 over C.B. Aycock High School. This was the largest margin of victory in the history of NCHSAA Softball Championships. This capped off a perfect 28–0 season for the Vikings. The Tournament's most valuable player was sophomore pitcher Crystal Cox who threw a one-hitter and struck out 12 batters. The game was essentially decided in the first inning, finishing the inning with a score of 7–0. The game concluded after only 5 innings, by the 10-run mercy rule.

Mr. Speaker, I would like to congratulate the 2000 North Carolina State 3–A Softball Champions, the Central Cabarrus High School Vikings. I would urge all of my colleagues to join me in paying special tribute to this outstanding team.

HONORING PALOS VERDES PENINSULA HIGH SCHOOL

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize Palos Verdes Peninsula High School, an outstanding educational institution within my district. The U.S. Department of Education recently recognized Peninsula High as one of the top high schools in the nation.

Peninsula High was one of ten high schools in the nation to receive both the Blue Ribbon Schools Award and New American High Schools Award. This is a tremendous accomplishment. It is a testament to the quality of education in the South Bay.

Peninsula High received the Blue Ribbon School Award for its commitment to strong leadership, high quality of teaching, rigorous curriculum, and parental involvement. 198 middle and secondary schools throughout the nation were recognized as Blue Ribbon Schools. Among the 198 Blue Ribbon winners, ten also received the New American High Schools Award. The New American High Schools initiative recognizes American high schools committed to achieving high academic standards for all students, preparing all students for college, and providing them with opportunities to learn about careers.

I commend Principal Kelly Johnson and the teachers of Palos Verdes Peninsula High School for offering a curriculum that encourages its students to develop exceptional learning habits. This preparation is invaluable for students who pursue a higher education. Congratulations on this much deserved recognition. You have earned it. I wish the students and teachers of Peninsula High continued success. You are an example for the nation.

TRIBUTE TO KATRINA MARIE DOMIJANCIC, ELIZABETH ANN JACKSON, AND CARRIE COLLEEN TAYLOR

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. VISCLOSKY. Mr. Speaker, I rise today to congratulate Katrina Marie Domijancic, Elizabeth Ann Jackson and Carrie Colleen Taylor for attaining the Girl Scout Gold Award. They are members of the Senior Girl Scout Troop #326 located in Hobart, Indiana, and will receive this honor at a Girl Scout Gold Award Ceremony on Sunday, May 28, 2000 at the Hobart Scout Cabin.

A special significance is attached to the title of Girl Scout Gold Award, a significance that accompanies a young woman throughout her life. As she pursues endeavors in higher education, business, industry and community service, she will carry with her the lofty goal of success through leadership. To qualify for the Gold Award, each Girl Scout must fulfill rigorous requirements in the areas of leadership, career interest and service. Upon completing the above requirements, a prospective Gold Award candidate must find and complete a project that meets a need in the community. Katrina, Carrie, and Elizabeth's Gold Award Project involved enhancing the underused areas of the Hobart Scout Cabin to provide more useable space.

Katrina Domijancic is the daughter of John and Rebecca Domijancic of Hobart, Indiana. She has been a Girl Scout for nine years, and has been president of Senior Girl Scout Troop #326 since 1998. As a Senior Girl Scout, she has earned the Senior Leadership Pin, the Senior Career Exploration Pin, and the Senior Challenge Pin. Katrina attained the Gold Award in conjunction with her academic achievements at Hobart High School. She has served as Vice President of the Hobart High School Spanish Club, Captain of the Cheerleading Squad, and a member of the National Honor Society. Katrina will graduate this June from Hobart High School with honors. After graduation, Katrina plans to attend college, and hopes to become a pharmacist.

Elizabeth Jackson is the daughter of Charles and Annette Jackson of Valparaiso, Indiana. Elizabeth is a junior at Boone Grove High School, and has been a Girl Scout for eleven years. As a Senior Girl Scout, she has earned the Senior Leadership Pin, the Senior Career Exploration Pin, and the Senior Challenge Pin. In addition to being a member of Senior Girl Scout Troop #326, she has participated in the Valparaiso University Community Band and the Boone Grove High School Band. She also was a member of the Boone Grove High School Math Team, which placed fifth in the state.

Finally, Carrie Taylor is the daughter of David Taylor and Georgia Cox of Hobart, Indiana. She has been a Girl Scout for all thirteen possible years. As a Cadette Girl Scout, she earned the Girl Scout Silver Award for attempting to bring the Martin Luther King, Jr. Holiday to the Hobart Public School System. As a Senior Girl Scout, she has earned the Senior Leadership Pin, the Senior Career Exploration Pin, and the Senior Challenge Pin. Carrie will graduate from Hobart High School in June of this year. She has enlisted in the United States Navy and will begin active duty in August. She will serve in the Atlantic Fleet and be based out of Jacksonville, Florida.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Katrina, Elizabeth and Carrie for their commendable achievement. Their parents and their communities can be proud of these young women. It takes a great deal of tenacity and devotion to achieve such an illustrious award. These young ladies have a promising future ahead of them, which will undoubtedly include improving the quality of life in Indiana's First Congressional District.

HONORING JOE WILLIAMS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. ENGEL. Mr. Speaker, a concerned, giving and caring man is retiring from public office after many years of serving the people of his communities. Joe Williams is stepping down as President of the City Council of Warren, Ohio. He has already received many awards for his outstanding public service; including the Governor's Award and the Mayor's Award for outstanding civic contributions, the City Council Citation, Honorary Auditor by the State Auditor and Honorary Deputy. He was inducted into the Trumbull (County) African-American Achievers Hall of Fame and has also been honored by the Black Knights Police Association and Who's Who Among Black Americans.

He holds the record for being elected to the City Council for 22 years and has been elected to the Trumbull County Central Committee of the Democratic Party for five terms. He was the first African American to represent the Seventh Ward and the first to become President of the Warren City Council.

Joe was born and raised in Tuskegee, Alabama where he attended the Tukegee Institute, completing an Associate Degree in Electrical Design. In 1977 the City of Tuskegee proclaimed him Honorary Mayor.

Joe has been an electrician for 34 years at General Motors. He is married to Marilyn Hainesworth Williams and they have two children. Joe Williams is an outstanding example of someone who dedicates his life to his family and his community. He is a public servant who could serve as a role model for all of us. I congratulate him on his many accomplishments and wish him the very best in the future.

A TRIBUTE TO THE TEXAS BAY AREA AMERICAN CANCER SOCIETY

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. LAMPSON. Mr. Speaker, I rise to commend the Texas Bay Area American Cancer Society.

Anyone who has a friend or family member stricken by cancer knows the importance of the American Cancer Society. We have all heard of the great accomplishments in fighting cancer during the past decade, and ACS has played a key role. Raising millions of dollars to research cancer treatments and cures are perhaps the most well known of its efforts. There is also the Society's important work to prevent cancer through education and other efforts. Its assistance to those struggling with the disease is perhaps most closely felt. Cancer victims and their families turn to the American Cancer Society for support when the fight against cancer become all too personal. There are countless survivors who know what a difference the Society can make.

An effective, national organization, the American Cancer Society derives its greatest strength from its volunteers and activists across the nation. I wish to just highlight one of its many local groups, the Bay Area American Cancer Society in the southeast of Texas. Stretching from Friendswood, to Pearland, through Webster and Nassau Bay, the Baytown Chapter encompasses more than a dozen small towns. These diverse communities across the Clear Lake area of Texas join together in their fight against cancer.

The educational work of the Bay Area American Cancer Society doesn't stop in Clear Lake, or even in Texas. We hear their message even here in the nation's Capitol. Whether it is the call for critical federal research funds or to support coverage of routine patient care costs for Medicare beneficiaries with cancer, it is the local activists who alert me to the key issues in the fight against cancer.

I applaud their efforts, I applaud their accomplishment, and I join in their dream to end the disease of cancer that touches too many lives and families.

HONORING HELEN McDOWELL

HON. EDOLPHUS TOWNS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Helen McDowell, a nurse, a parent, and a pillar of her community. Her motto is: "Lots of talk and activity don't impress me; results are what really counts." I honor her today because she has an impressive history of achieving results and serving the needs of others.

Helen McDowell was born in Montclair, New Jersey, the daughter of the late George McDowell of Birmingham, Alabama and his wife, Mary, of Halifax, North Carolina. After living several years in New Jersey and Queens, New York, Helen McDowell moved with her mother and two brothers to Stuyvesant Avenue in Brooklyn, New York.

In her new home in Brooklyn, Helen attended the Holy Rosary School and Catherine McAuley High School. These distinguished institutions prepared her well for college, and she began her college career at St. John's University. After spending some time at St. John's, Ms. McDowell pursued a course of study at the Bellevue School of Nursing at New York University. Public Nursing was her forte, and her interest in it led her to continue her studies at Teachers College at Columbia University.

"Ms. Mac," as her friends know her, began an illustrious teaching career in San Francisco, California. Through her teaching position in San Francisco, she got the opportunity to travel to Africa, Haiti and the Eastern Caribbean with the United Nations' World Health Organization. As you can imagine, during her seventeen years away from her community in Brooklyn, Ms. Mac had the good fortune to combine her work, travel and, sometimes, play on several continents.

Ultimately, Ms. Mac returned to us in Brooklyn, reestablishing her roots in Bedford Stuyvesant. However, she continued to fulfill her commitment to lifelong learning, a cornerstone of her philosophy of life. So, at the age of 50, she enrolled in a graduate program in Business Administration, which she completed with distinction.

An early retirement enabled Ms. Mac to become deeply involved with non-profit organizations in her local community. She eventually established Marimac Services, Inc., a corporation that enabled her to invest in and assist others with tenant and building management services. Many local professional organizations benefited from her dedication, expertise and professionalism.

While she is too shy to admit her many talents, like her fluency in French, her family and friends know how remarkable she is. Whether she is spending her time overseeing building renovations, home repair or decorating, her energy and resources seem endless. Ms. Mac is more than worthy of receiving this honor, Mr. Speaker, and I hope that all of my colleagues will join me today in honoring this truly remarkable woman.

TRIBUTE TO COCHISE CASH

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. FROST. Mr. Speaker, I rise today to pay tribute to Cochise Cash. For many years now, Mr. Cash has been a leader in our Fort Worth community. He is a groundbreaking journalist, being one of the first African Americans to work as a television reporter in the Dallas/Fort Worth market. He has also given an enormous amount of his time to various charitable and community activities.

In recognition of his dedication to his fellow citizens, this past September Cochise Cash was elected as President of the prestigious Southside Optimist Club of Fort Worth. Mr. Cash is the first African American president in the club's history.

This is a high compliment to Cochise Cash and a fitting recognition of his many years of good work. Your family and friends must be proud of you. Mr. Cash, I'd like to thank you on behalf of all of my constituents, good luck in the future.

IN RECOGNITION OF KALEIDOSCOPE 2000—THE 20TH ANNUAL NAPA VALLEY WINE AUCTION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the Napa Valley Vintners Association's 20th Annual Napa Valley

Wine Auction to be held on June 3, 2000 at Meadowood Resort in St. Helena, CA.

Since its inception in 1981, the Napa Valley Wine Auction has become the world's largest charity wine auction contributing more than $20 million to local nonprofit organizations.

Last year, the auction raised over S4 million, which was allocated to area health care providers, and youth and housing programs. Organizations that have benefited from these funds include Napa Women's Emergency Services, Hospice of Napa Valley, Planned Parenthood, the Boys and Girls Clubs of American Canyon, Napa Valley, and St. Helena, and Healthy Moms and Babies.

The auction weekend kicks off on Thursday, June 1st with the opening of the display auction lots at newly remodeled Silverado Vineyards with a trio of joint venture lots and concludes on Saturday, June 3rd with a family-style dinner on the Meadowood fairway.

The three-day event includes a tasting of foods prepared by dozens of Napa Valley restaurateurs and caterers as well as a Vintners black-tie dinner Gala.

This year's event features soul diva Patti LaBelle, who agreed to perform a 40-minute show after learning that last year's monies went to farm worker housing, youth at risk, and health care.

Mr. Speaker, it is appropriate that we acknowledge the 20th Napa Valley Wine Auction and the Napa Valley Vintners Association's efforts to improve the quality of life in our community.

IN CELEBRATION OF KANSAS CITY'S SESQUICENTENNIAL

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, today I ask my colleagues to join me in celebrating Kansas City, Missouri's 150th Birthday. The sesquicentennial marks an era of growth and prosperity in the Midwest. John Calvin McCoy, the father of Kansas City, created a small trading town on the banks of the Missouri River. It was a link from the stunning East to the sprawling West. Truly in the Heart of America, this City was destined to become a great metropolitan area as it is today.

The innovation of bridges allowed travelers and goods to move through Kansas City to complement the Missouri River's movement of commerce. Soon railroads aided this cause and Kansas City flourished. It became a metropolis known for its stockyards and wheat. The 1900's brought growth.

The citizens of this distinguished and lovable city have seen the building of the Liberty Memorial, the only World War I monument dedicated by the five allied leaders; the development of the Country Club Plaza by J.C. Nichols, the first outdoor shopping venue now visited by travelers from all over the world for its elegance; the Pendergast era in which Kansas City's own political machine ruled for years; a Convention Center rebuilt from fire ruins in less than 90 days for the 1900 Democratic National Convention; and the birth of Kansas City Jazz which can still be heard throughout our country. We became a Major League sports city supported by the Kansas City Royals Baseball team, the Kansas City Chiefs Football team, and the home to the Negro Leagues Baseball Museum. Unfortunately it is impossible to cover the entire expansive and rich history my City has displayed.

Kansas City is now the second largest rail hub. We are second only to Rome in fountains and have more miles of boulevards than Paris. Kansas City is first in greeting card publishing as the home to Hallmark Cards. We have more freeway miles per capita than any major metro area and are 25th in U.S. population. Kansas City is adored for its 24 public lakes and 200 public parks. We stand 1.6 million people strong in the metropolitan area.

We highlight our rich history through events and activities that enliven the culture of our community and celebrates its diversity and sense of unity. This year Kansas City was blessed with events such as "Arrivals and Departures—Union Station" a Kansas City symphony performance to highlight the importance and the memories shared at our newly renovated Union Station; Benjamin Ranch Celebration Picnic allowing our youth to experience the wild outdoors with horse rides, stagecoach and hayrides; the 18th and Vine Vintage Vine afternoon at the Negro Leagues Baseball Museum recreated the excitement of a Monarchs game; and finally the Kansas City Zoological Park brings our community 150 new animals. The grand finale will be held at Arrowhead Stadium where Walter Cronkite, Kenny Rogers, Little Richard, Oleta Adams, and the biggest fountain and pyrotechnic special effects show ever seen in the Midwest will swing us into the next incredible 150 years.

Throughout the 150 years of Kansas City we have been known for our hospitality, strong work ethic, fairness, and ability to develop a consensus. These attributes of our community are constantly enhanced by our citizens' commitment to continue to grow and expand upon these inherent traditions.

Mr. Speaker, please join me in celebrating the City of Kansas City's 150th Birthday.

IRANIAN JEWS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. VISCLOSKY. Mr. Speaker, I rise today to join several of my colleagues in condemning the actions of the Iranian government against 13 members of that nation's Jewish community. These Jews, arrested over a year ago, have been accused of spying for Israel. In Iran, a country where Jews enjoy virtually no freedoms and are under constant government scrutiny, one of the world's most effective intelligence organizations, Israel's Mossad, has allegedly chosen to use Jews to collect state secrets. Not only is this assertion preposterous, it is offensive. A shoe salesman, a candy store owner, and a 16-year-old boy, are being portrayed as agents of espionage.

Ten of the 13 have been imprisoned since their arrest last year. All have been brought before a court with no jury, in which the judge also serves as the prosecutor, to face accusations they have not heard, without the assistance of a lawyer or any contact with their families or friends. To add insult to injury, a Justice Ministry spokesman recently announced that "only one or two" of the 13 Jews were actually accused of espionage, the others were accused of the lesser crime of acting against national security. This after the Minister of Intelligence and Security said, in January, "if they are condemned to hang, they will be hanged." As if "one or two" deaths were any less despicable than 13.

This would not be the first time a show trial in Iran resulted in the deaths of members of the Jewish community there. Since the Islamic revolution in 1979, 17 Jews have been executed in Iran. I say it is time for this to stop. I ask those in Iran who represent fundamental Islamic faith to recall the centuries old Islamic tradition that protects strangers in Muslim lands. I call on those in Iran who represent reason and reform to intervene and prevent a brutal outcome to this trial. And I ask all Iranians to look at the changing world and recognize that by rejecting reconciliation with Jews, they are no longer on the fore of a unified Arab front, they are lonely outsiders who will never reap the benefits of the lasting partnerships being formed in the Middle East.

EVENT AT WEST END MEMORIAL SCHOOL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. ANDREWS. Mr. Speaker, Who: 200 4th and 5th grade students from Woodbury Public Schools.

What: Will host Vice-president Lawrence Engel of the Battleship New Jersey Foundation.

When: May 24, 2000 at 1:30 PM.

Where: West End Memorial School, Woodbury, NJ.

Why: The fifth grade students from the three elementary schools engaged in a two month project of designing, making, and selling needlepoint bookmarks and stock certificates which resulted in raising $1000.00 for the Battleship New Jersey Museum which is to be located in Camden, NJ. An assembly featuring Liberty, Uncle Sam, The Minuteman, Betsy Ross, and Franklin Delano Roosevelt will engage the students in the singing of patriotic songs, the presentation of the check to Col. Engel, and refreshments to celebrate their success.

Col. Engel will present the district with a print of the Battleship and certificates of participation to each of the three elementary schools. He will address the classes about the ship and its contributions to democracy, present a slide show, and bring a six-foot model of the ship with him. He will also comment on the significance of Memorial Day.

May 24 has been designated Red, White, and Blue Day at West End School in celebration of Memorial Day and the student's success.

CELEBRATING 100 YEARS OF THE ILLINOIS PTA

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. EVANS. Mr. Speaker, today I honor the members of the Illinois PTA, and celebrate the 100th, anniversary of this extraordinary organization. Tuesday, May 30, 2000, will mark 100 years of partnership between the dedicated parents and teachers from across the great state of Illinois.

The Illinois PTA is invested in improving the quality of education and opening the doors of opportunity for all students. From our largest cities to our smallest towns, the PTA is working to ensure that each student has the resources needed to succeed and is provided with a safe, healthy environment in which to flourish.

We must make a commitment to helping the members of the Illinois PTA and parents, teachers, and students from across the country, by providing them with the tools they need to do their jobs. We know that the greatest investment we can make in our youth is to provide them with a quality education. In this time of economic prosperity, we can afford to make a long overdue investment in public education. I hope you will join me in the effort to bring quality teachers, smaller class sizes, greater accountability, and modern schools to American communities. The time is now.

I commend the tireless efforts of the members of the Illinois PTA and express my deepest gratitude for their noble work. I wish them continued success in the years to come.

HONORING JUDGE VEL PHILLIPS

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, I am pleased to honor Judge Vel Phillips, who was recognized on May 14, 2000, with an honorary Doctor of Laws from the University of Wisconsin-Milwaukee.

Vel Phillips has been my friend for many years and a friend to the people of Wisconsin for many years more. I first developed my admiration for Vel Phillips as a young paperboy, reading about her work in public office. I assumed two things about her: first, that she must be very important, and second, that she must be very old. I was obviously wrong about her age, because thirty years later, she is as active and vibrant a person as any I know. In fact, she's forever young.

The record of barriers she broke and accomplishments she attained is too long to list in full, but I am pleased to offer a few examples. Vel was the first African American woman to earn a law degree at the University of Wisconsin Law School. She was the first woman and the first African American elected to serve on Milwaukee's Common Council, and her incisive mind, great personal charm and deep sense of devotion to the needs of her constituents made her an effective and respected representative. After 16 years on the Council, Vel was appointed to Milwaukee County's Children's Court, and became the first woman and the first African-American to serve as a Wisconsin judge. In 1978, she ran a successful campaign for Wisconsin Secretary of State and became the first African American to be elected to a statewide, constitutional office.

The University of Wisconsin honored Judge Phillips' unparalleled contributions to our community and to Wisconsin history on May 14, 2000, by bestowing on her an honorary Doctorate of Laws. On May 28th, her friends and admirers will gather at the Community Brainstorming Conference in Milwaukee to congratulate Vel. I join them in commending Judge Vel Phillips on this latest distinction, and I celebrate her years of dedicated service to the people of Wisconsin.

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. OWENS. Mr Speaker, greed has rolled like a bulldozer over all of the numerous logical reasons supporting the denial of a permanent trade agreement with China. The megaprofits to be realized by the corporate elite are so overwhelming that this juggernaut cannot be halted. This act will have tornado-like devastation on the employment of ordinary men and women in this nation. Workers on both sides of the world will be the victims of this agreement. Chinese laborers paid twenty five cents per hour or less will fill the bank accounts of multi-national corporations. American workers will be forced to struggle harder and work more hours as industrial and manufacturing jobs are moved to China. Only lower paying service jobs or hi-tech positions requiring a college education will be left here on our shores.

Trade agreements standing alone on the floor of the House should never be accepted in the future. We should be voting on a comprehensive bill which anticipates the consequences of this arrangement with a nation of 1.2 billion people. The legislation should cover provisions to compensate for the massive economic dislocations that will inevitably escalate over the next few years. A massive worker retraining is needed for adults who face the immediate loss of their livelihoods. We also need a thorough revamping of the nation's public school system, an institution which serves working families, to guarantee that the emerging work force will have the qualifications to fill the thousands of information technology and telecommunications vacancies.

Mr. Speaker, if this risky agreement is passed today, we must immediately develop legislation to establish Worker Technology Retraining Centers to be operated by unions and other worker organizations in all parts of the nation where a loss of jobs will take place.

We must also take advantage of the enormous 200 billion dollar surplus available this year and the anticipated two trillion dollar surplus over the next ten years to revamp our public school system. To cope with the massive transformations of the future work places in America we must mandate that no less than ten percent of the surplus must be allocated to education for the next ten years.

We must vote no on this bill before us. At the same time, we must resolve not to desert our working families. Pledge now to adequately finance the world's greatest public education system.

TRIBUTE TO RAY PERRY, C.O.P.E. UNITY AWARD RECIPIENT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Ms. ESHOO. Mr. Speaker, today I honor a distinguished American, a proud Californian and a great labor leader, Ray Perry, who has been chosen to receive the C.O.P.E. Unity Award at the 21st, Annual Committee on Political Education banquet.

Ray Perry has devoted more than two decades of his life in steadfast support of the San Mateo County California Central Labor Council. Since the beginning of his career as an apprentice mechanic at Alameda Naval Air Station in 1966, Ray Perry has brought his skills and energy to community activism and has become a leader of the labor community. First appointed as a Delegate to the San Mateo Central Labor Council in 1979, Ray Perry is now President of the International Association of Machinists, Local Lodge 1781, representing over 10,000 employees of United Airlines at San Francisco International Airport.

As a Delegate, he's worked tirelessly to guide and develop the COPE structure into one of the most well organized, innovative and effective political programs in San Mateo County. Because of his leadership in the campaign to gather signatures, the drive to restore CAL-OSHA was successful in preserving the toughest worker safety program in our nation.

Today, Ray Perry continues his extraordinary work. As Chairman of the U.A.L. Grievance Committee, he is currently working to strengthen the United Airlines Labor Coalition of Machinists, the Association of Flight Attendants, and the Airline Pilots Association. He is widely admired for his boundless energy and his effective work as well as his passionate crusade to improve the lives of those around him.

Ray Perry's life of leadership and community involvement is instructive to us all. His dedication to the ideals of democracy and public service stand tall. I ask my colleagues, Mr. Speaker, to join me in honoring this good man whom I'm privileged to know and call my friend. We are indeed a better community and a better country because of him.

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes:

Mr. KENNEDY of Rhode Island. Mr. Chairman, the Navy resumed training on the Atlantic Fleet bombing range in Vieques after Federal Agents cleared the bombing range of protesters. Unfortunately, a very tense situation remains. Yet we in the legislature, instead of leaving in place the agreement reached by the President, the governor of Puerto Rico and the Secretaries of Defense and Navy, we tried to add fuel to the fire with a provision in H.R. 4205 that unilaterally undermined a deal where concessions were made on all sides.

I am pleased with the passage of Mr. SKELTON's amendment and celebrate our victory in striking out the deal breaking language in H.R. 4205 and reinstating our agreement with Pedro Rossello, Governor of Puerto Rico. Let us recall that the agreement reached last January is a deal where concessions were made by both sides—negotiators had worked in good faith to reconcile the vital need for training with the legitimate concerns of the people of Vieques. Mr. SKELTON's amendment leaves in place the compromise agreement for the orderly transfer of land on the Western side of Vieques, land not utilized by the Navy, to Puerto Rico. I urge the continuation of the President's deal as H.R. 4205 moves toward conference.

One thing is evident, our actions influenced the Navy's ability to continue crucial training on Vieques. We simply would have done a disservice to our sailors and their readiness if our legislative actions somehow led to more unrest in Puerto Rico. Let us not forget that the Navy has not been the best of neighbors to the American citizens of Vieques. Since the early days of World War II, the people of Vieques have been exposed to bombing raids 180 days of each year. Unfortunately, a little over a year ago, a bomb fell 2 miles off target, killing Mr. David Sanes Rodriquez, a civilian employee by the Navy and severely wounding four others. This tragic accident redefined and emboldened virtually all of Puerto Rico to demand for the safety, the security, and the wellbeing of the 9,311 Puerto Rico Americans who reside in Vieques.

Let me be clear on the point that the Skelton amendment is strongly supported by the Government of Puerto Rico. I have spoken with Governor Rossello. He told me that over 70 percent of the American citizens on Vieques live below the poverty level and that civilian residents reportedly suffer from a cancer rate 26 percent higher than that of Puerto Rico as a whole. Doctors also note high levels of birth defects, skin diseases, asthma and other respiratory diseases. Yet without this amendment the resources that these people need would have been jeopardized.

If you are concerned about the ability of the Navy and our sailors to be militarily ready, then you will support the continuation of the President's's deal in conference because it represents the quickest way for us to resume a full spread of training activities which can include live fire exercises.

The bottom line is that we have already negotiated a deal that is supported by all sides in this debate. But without the Skelton Amendment we would have had no deal. And so whether you are coming at this debate from a military or Puerto Rican perspective you can be sure that supporting the President's deal is the right thing to do.

REMEMBERING LANCE CORPORAL KEOKI P. SANTOS AND LANCE CORPORAL SETH JONES

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Ms. HOOLEY of Oregon. Mr. Speaker, on April 8, 2000 nineteen U.S. Marines were killed in the Arizona desert when their MV–22 Osprey crashed during a training exercise.

Two of those Marines, Lance Corporal Keoki Santos and Lance Corporal Seth Jones, were citizens of Oregon.

Lance Corporal Santos—who was only 24 years old—was a native of Grande Ronde, a Native American confederation which I have the good fortune of representing here in Congress.

He was an outstanding Marine. Keoki was also deeply loved by his mother, Mrs. Christina Mercier.

Lance Corporal Jones, who was only 19 years old, was an equally outstanding Marine.

He too left behind grieving relatives—his mother, Ms. Michele Tytlar, lives in Portland, Oregon and his father, Mr. Daniel Jones, lives in Bend, Oregon.

Mr. Speaker, this Monday is Memorial Day. Most, if not every Member of Congress, will return home to participate in official remembrance ceremonies.

Yesterday, three flags were flown over the Capitol of the United States commemorating the bravery of Lance Corporal Santos and Lance Corporal Jones.

This Memorial Day, I will present these flags to the families of these two Marines at Willamette National Cemetery.

I will also read aloud and present each family a letter from the Commandant of the Marine Corps, General James L. Jones.

This letter shares the Commandant's thoughts on the service and loss of not just these men, but all nineteen of the Marines killed in this tragic accident.

We owe an enormous debt to every American soldier, sailor, flyer, and Marine.

As we all return home this weekend to observe Memorial Day, we must remember those who served our Nation in uniform and now lie in eternal rest.

EXPRESSING SUPPORT FOR INCREASED APPROPRIATIONS FOR THE INS OMAHA DISTRICT OFFICE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. BEREUTER. Mr. Speaker, this Member would commend to his colleagues the following editorial from the May 12, 2000, edition of the Omaha World-Herald.

As the editorial correctly notes, the Omaha District Office of the Immigration and Naturalization Service (INS), which serves Nebraska and Iowa, has experienced a dramatic increase in demand for the services it provides. Despite the on-going efforts of the Nebraska and Iowa Congressional Delegations, on behalf of their constituents, to bring attention to this untenable situation and also to the lack of resources committed to the enforcement of immigration laws in this country's interior states, INS officials at the Federal and regional levels remain unresponsive. This Member and several of his colleagues from Nebraska and Iowa feel that the problems must now be addressed through the appropriations process.

This Member hopes that his colleagues in the House of Representatives will favorably review the requests outlined in the editorial and that they will increase assistance to INS operations not only in Nebraska and Iowa but in this country's interior region as a whole.

[From the Omaha World-Herald, May 12, 2000]

SHOW THEM THE MONEY

The figures are as solid as they are daunting: The Omaha office of the Immigration and Naturalization Service has a backlog of more than 5,000 cases. Over the last five years, it has seen a 400 percent increase in the number of documents processed. Workloads like that can't be handled with smoke and mirrors. Warm bodies must be in place, and that place needs to be safe and efficient. Some members of Congress clearly understand the problem, and they are commendably committed to solving it.

Last week the entire Nebraska congressional delegation, joined by Rep. Jim Leach of Iowa, wrote to colleagues whose committees oversee spending for the INS. The request was for them to earmark enough money (about $119,000 yearly) to add two immigration information officers and two clerical positions to the local office.

This request for a direct appropriation wouldn't have been necessary if Mark Reed, director of the INS Central Region, had responded to these officials' 1999 request to flesh out the office's ability to respond to public needs. It's hard to fathom why he didn't.

Now, Nebraska's three House members have approached the chair of the appropriate subcommittee about getting a one-time injection of $2 million to relocate the Omaha INS branch to new quarters, possibly near Eppley Airfield.

If the lawmakers are successful in these efforts, that will address the local agency's two biggest problems: a personnel shortage and an inadequate physical plant. It's about time something was done. The modern-day trend toward more and more newcomers argues that from an operational standpoint, things are likely to get worse before they get better.

For years, the local INS has operated piecemeal out of four buildings, the main one being at 3736 South 132nd St. Until last fall, clients had to wait outside in all kinds of weather. That was addressed when the local INS officials leased a 2,400-square-foot waiting area, but even that was a stopgap measure. Getting the 65,000-square-foot building envisioned by the local officials and community activists, along with an adequate number of people to staff it, would be the right thing to do.

What the lawmakers are attempting amounts to a fiscal end-run, asking for improvements the INS should already have requested on its own. There's no telling it will work, but let's hope so. Certainly, the intentions are honorable. The INS overload here has gone beyond embarrassing and is edging toward intolerable.

IT'S TIME THAT CONGRESS LOOK INTO THE FEDERALIZATION OF CRIMES

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. MANZULLO. Mr. Speaker, its high time that Congress takes a serious look at the federalization of crimes in the United States. The State and Federal Courts together comprise an intertwined system for the administration of justice in the United States. The two courts systems have played different but equally significant roles in the Federal system. However, the State courts have served as the primary tribunals for trials of criminal law cases.

The Federal Courts have a more limited jurisdiction than the State Courts with respect to criminal matters because of the fundamental constitutional principle that the Federal government is a government of delegated power in which the residual power remains with the States. In criminal matters, the jurisdiction of the Federal Courts should compliment, not supplant, that of the State Courts.

The 1999 Year-End Report on the Federal Judiciary shows how its caselaod has grown:

> One hundred years ago, there were 108 authorized federal judgeships in the federal judiciary, consisting of 71 district judgeships, 28 appellate judgeships, and 9 Supreme Court Justices. Today, there are 852—including 655 district judgeships, 179 appellate judgeships and 9 Supreme Court Justices. In 1900, 13,605 cases were filed in federal district courts, and 1,093 in courts of appeals. This past year, over 320,194 cases were filed in federal district courts, over 546,000 in courts of appeals, and over 1,300,000 filings were made in bankruptcy courts alone.

It is apparent that some growth of the federal court system should occur over time due to increases in population. But what also has grown substantially is the scope of federal jurisdiction. Federalization of the states' criminal codes is something that politicians, especially here at the federal level, cannot seem to help but engage in from time to time. It has been over time, in response to criminal concerns nationwide, that Congress has again and again federalized crimes in the name of fighting crime and protecting the nation's populace. But, is the federalization of crime really an antidote for our nation's crime problems? Is it really proper to federalize crime so politicians can "prove" their effectiveness? These are important questions that must be asked. We all must look in the mirror and ask ourselves whether there is a sound justification for having two parallel justice systems.

Americans should not be subject to different, competing law enforcement systems, different penalties depending on which system brings them to trial, and an ever-lengthening possibility that they might be tried for the same offense more than once.

Mr. Speaker, much of what I just stated is contained in the findings of the bill I introduced today—the Federalization of Crimes Uniform Standards (FOCUS) Act of 2000.

The bill is simple. It lays out what the appropriate Federal activity—response—is an offense against the Federal Government. Under the bill, section 6, an offense, or federal crime, is an activity with respect to which a clear need for uniform Federal law enforcement exists. This includes an activity that involves conduct of an interstate or international nature, or of such magnitude or complexity that a State acting alone cannot carry out effective law enforcement with respect to that conduct; or that involves conduct of overriding national interest, such as interference with the exercise of constitutional rights. The criminal conduct must be an offense directly against the Federal Government, including an offense directly against an officer, employee, agency, or instrumentality of the Federal Government. Seems pretty basic.

The idea behind this section is to set a standard definition to what constitutes a federal crime. The current method seems to be that a federal crime is whatever Congress deems it to be, without any true consideration of the constitutional issues involved. Therefore, under the current methods, political will is the only thing that keeps us from federalizing crime. Political weakness in the face of media sound bite criticisms force Congress to act again and again to federalize crime—even when there is nothing but rhetoric to suggest that "something must be done!" to fight crime.

Sometimes less is better. In 1999, the Senate Governmental Affairs Committee held hearings on the issue of "controlling the federalization of crimes that are better left to state laws and courts to handle." The hearings were held in part as a response to questions raised by Supreme Court Chief Justice William Rehnquist regarding the federalization of criminal law. The hearings also focused on the American Bar Association's Task Force on the same issue. The Task Force, which was chaired by former Attorney General Edwin Meese, concluded that in order to maintain balance in our Constitutional system of justice, there must be a "principled recognition by Congress for the long-range damage to real crime control and to the nation's structure caused by inappropriate federalization."

Inappropriate federalization. Now, some will say that this is a Republican's attempt to weaken the laws of the land. My reply is simply that federalization of crime does not make anyone safer. Simply adding more laws to the federal code will not necessarily help the citizenry. On the contrary, it could end up hurting those we want to help.

Consider that increased federalization has caused a significant case backlog in our federal courts. Those people with cases pending in the federal system for things other than criminal purposes are impacted. Their rights to due process for fair hearings on their issues are delayed. The rights of those who are criminal victims are often delayed, too, due to the length of time it takes at the federal level to hear a criminal case. The backlogs are real. The delays are frustrating. Justice is not being served.

Some say, let's add more money so we can get these cases to trial. Again, my response to that is, why should we have two entirely parallels systems of justice in our country? Money is not the answer. Better utilization of our constitutional system of federalism and separation of powers is a good place to begin.

Let the states work their will. The Federal Government doesn't always have the best answers. We effectively have 50 different constitutional republics that can and do serve as policy laboratories. The electorate in these states are the very same people that elect us all to Congress. They can take control of what is happening in their states and compare outcomes with 49 other state jurisdictions (not to mention the District of Columbia and the territories). With a federal system, will we ultimately move to a single federal criminal code? It would appear that way. It may not happen this year, this decade or even this century. However, over the course of time, the trend indeed is moving that way.

This bill is a common sense approach to checking the Congress' penchant for federalizing crimes. It sets guidelines for Congress, which will certainly debate crime again in the legislative branch. The standards state that no federal criminal legislation shall be enacted unless and until certain criteria are met: the legislation must center on the core functions discussed earlier; the States must be inadequately addressing the perceived need; the Federal Judiciary is able to meet the needs without restructuring and without affecting efficiency; and, the bill includes a federal law enforcement impact statement. We pass bills all the time to address certain needs. Let's put the rhetoric to a test.

Finally, the bill sets up a Commission to Review the Federal Criminal Code. This commission will review, ascertain, report, and recommend action to the Congress on the following matters: the Federal criminal code (Title 18) and any other federal crimes as to compliance with the standards in this Act; recommend changes, either through amendment or repeal, to the President and Congress where appropriate to the offenses set forth in said criminal code (Title 18) or otherwise; and such other related matters as the Commission deems appropriate.

Finally, for each piece of legislation passed out of congressional committees of jurisdiction that modify or add to federal criminal code, the commission must submit a report to Congress. This report will be called a Federal Crimes Impact Statement that shall be included in the reports filed prior to consideration by the House and Senate.

The membership of the commission is important to consider. The bill calls for 5 appointed members—1 each from both sides of the aisle in the House and Senate, and one appointed by the Chief Justice of the United States, who shall chair the Commission. This will being a new, and much needed, dimension to the debate. Under the bill, the commission would be charged with obtaining official data directly from any department or agency of the United States necessary for it to carry out this section—unless doing so would threaten the national security, the health or safety of any individual, or the integrity of an ongoing investigation.

Finally, the bill would subject certain legislation to a point of order—if it has not met the conditions set out in the legislation. This would provide additional time for Congress to debate the merits of legislation being considered.

In effect, this bill is about considered and appropriate debate for federalizing crime. It will help educate Congress to make more informed decisions that impact the daily lives of all of our constituents. It will help take some of the politics out of the important issues that we face with regard to protecting people from crime.

Mr. Speaker, we need to act. The Judiciary has made subtle and not so subtle pleas for Congress to refrain from and restrain its penchant to federalize the criminal code. Most recently, in a decision concerning the Violence Against Women Act, the Chief Justice writes,

> [t]he Constitution requires a distinction between what is truly national and what is truly local, and there is no better example of the police power, which the Founders undeniably left reposed in the States and denied the central government, than the suppression of violent crime and vindication of its victims. Congress therefore may not regulate non-economic, violent criminal conduct based solely on the conducts' aggregate effect on interstate commerce. [*U.S.* v. *Morrison et al. decided May 15, 2000 (Syllabus)*]

Clearly, there is a message in those words about the federalization of crime. It is time that Congress heeds it.

MEMORIAL DAY 2000

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. BOYD. Mr. Speaker, every year on Memorial Day, small replicas of our Star-Spangled Banner appear in cemeteries across our Nation. They mark the final resting places of those who gave their lives to defend the helpless, to let democracy flower around the world, and to defend the freedoms and liberties we enjoy as Americans.

These honored dead have not died in vain, as Abraham Lincoln solemnly pledged during the most divisive, soul-rending war this nation had yet faced. We have a long, proud history of service and sacrifice given by those men and women who quit the safety of everyday life and friends "to hazard all in freedom's fight." Today, we have such men and women deployed around the world, and we hold them and their families in our hearts and prayers.

That oath to defend the Constitution has been sworn by every soldier, sailor, flyer, and Marine, living and dead. On Memorial Day, we recall with bittersweet fondness, those who gave everything to preserve the security and liberty of those they loved and those they never knew. What wonderful people we have lost! What gifts might they have given the world, had war not shortened their lives! And yet they gave the dearest gifts they had, and now they lie beneath small flags of red, white and blue in grassy fields all around us.

We have honored their graves and their lives on Memorial Day since the end of our own Civil War. In 1866, spontaneous rites of remembrance were held in Carbondale, IL, in Columbus, MS, and Waterloo, NY. The families of the men killed in that war came together to place flowers by their gravestones. The veterans joined this practice, honoring their fallen comrades with their own recollections of courage and devotion on stricken fields. Ever since then, veterans and their families have led the observance of Memorial Day.

There have been times, during and right after wars, when most Americans have known some of these honored dead. Those who defend this country, after all, are men and women from every town and every walk of life. They are as ordinary as the earth they lie beneath, and more precious than diamonds.

But in prolonged times of peace, children are born and grow up never knowing anybody who fell in war. While peace is an immeasurable blessing, not to have known any of these honored dead is a loss. Some feel it in never knowing a father or other relative lost in combat. Others have no connection beyond gratitude.

Memorial Day brings that connection to our consciousness. On this day we are all aware of the service so many have given this Nation, and of what risk those who defend this nation share. This is a day, I would hope only one of many, on which the living remember and salute those who served our Nation in uniform and now lie at eternal rest.

On this Memorial Day, I would like to remember two fallen heroes from the Second Congressional District of Florida, which I have the distinct honor of representing in the House of Representatives. Air Force Master Sgt. Sherry Lynn Olds, of Panama City and Marine Sgt. Jesse N. Aliganga, of Tallahassee, made the ultimate sacrifice in the service of their country. These soldiers were two of 12 Americans that gave their lives in the August 7th, 1998, terrorist bombing of the United States Embassy in Nairobi, Kenya. On this day, we honor them and the many others that have gone before them, and the contributions all of them have made for us.

Service of this country in uniform has been, since the beginning, one of the greatest sources of unity and equality, in our national life. More than half a century ago, President Franklin Roosevelt reminded the American people that, "Those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them." I hope on this Memorial Day 2000, we as a nation, and each of us as individuals, will take to heart President Roosevelt's reminder that it is the sacred duty and great privilege of the living to honor and remember those who have died to protect the American ideals of freedom, democracy, and liberty. The men and women who have died in service to America and to all of us deserve no less.

MARTHA MATILDA HARPER'S BUSINESS ACCOMPLISHMENTS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Ms. SLAUGHTER. Mr. Speaker, today I speak in honor of Small Business Week. As we salute the entrepreneurial engine of our country, it is my distinct privilege to inform you that I represent the district where modern franchising was first conceived in Rochester, NY.

In 1888, Martha Matilda Harper, an impoverished Canadian immigrant who came to the United States to change her destiny, developed a new business model to share the economic opportunity of business ownership with former servant women, her working-class sisters. She demonstrated how to use business for social change. Ultimately, Harper had over 500 healthy hair and skin care salons throughout the world, delighting world leaders, including our presidents, first ladies, suffragists, and socialites. President Woodrow Wilson went for nightly scalp massages in the Harper Paris salon to relax his tired nerves, while he was negotiating the Treaty of Versailles.

As we go forth in the new millennium, I hope we remember to credit the early innovators in our country, especially when they were poor women such as Martha Matilda Harper who changed the face of our business models. It is particularly fitting that May 26th in Rochester, NY, is being declared Martha Matilda Harper Day as a new museum exhibit and book reveal the extraordinary feats and principles of this remarkable woman. May her wisdom and leadership guide us as we compete in our global economy.

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Ms. MCKINNEY. Mr. Speaker, I am strongly opposed to recognizing, as normal, China's persistent violations of fundamental human rights, labor rights, reproductive rights, religious freedom, political rights, social and economic rights, as well as their export of sophisticated and destabilizing weapons, and their overt threats to Taiwan, by granting them Permanent Normal Trade Relations.

To be sure, some people will benefit from granting PNTR to China. If you can shut down your production lines in the United States, turn out your employees, and move your production to China where you can pay workers 25 cents an hour in sweatshop conditions—and have no moral qualms about that—then this deal can be a sweet one, indeed. But I thought the United States was supposed to stand for more than just making a quick buck.

I thought the United States was supposed to stand for what is good in the world.

It used to be that we did stand for good in the world. And because of that, we gained the respect and the moral integrity to make our word prevail throughout the world. Indeed, our power and authority went well beyond our ability to rattle sabers and exercise gunboat diplomacy. But it is obvious now to me, that by negotiating agreements like this that are devoid of moral content, my country has completely abdicated its professed concern for human rights.

My vote against PNTR is not a vote against trade. However, my vote against PNTR is a vote against the terms of trade that are being employed today by U.S. firms in China and elsewhere. By granting Permanent Normal Trade Relations, we now eschew one of our most important tools for examining the human rights practices of China. Unfortunately, the human rights record of China will likely get worse before it gets better. And the presence of U.S. corporations has not had and will not have a positive impact on the human rights record of China or on workers' rights.

Each year, the State Department submits to the Subcommittee on International Operations and Human Rights, where I serve as Ranking Democrat, its Country Reports on Human Rights. This is our government's formal assessment of basic human rights practices around the world. The record is clear. China's human rights record has markedly deteriorated as we have expanded trade. In fact, this year, my friend and Chairman of the Subcommittee, Congressman CHRIS SMITH and I had to hold two hearings on the State Departments annual human rights report—one for China, and one for every other nation in the world because China's record is so deplorable and is getting worse.

But after a historic look at rhetoric versus reality, that should not surprise us. After all, we had robust trade with the Nazis before World War II, extensive trade with Iraq just prior to Operation Desert Shield and we maintained an extensive trading relationship with South Africa during the dark years of apartheid.

In fact it was the people of this country—not the corporations—that put South Africa's human rights record on the national agenda. By focusing on South Africa, the people demanded the opposite of normal trade relations—an embargo! U.S. corporations had nothing to do with changing South Africa's internal policy toward its black majority nor U.S. policy of supporting the racist apartheid regime in South Africa. The U.S. corporate community, in fact, protested the embargo and some never abided by it. If we had waited for U.S. corporations to export democracy, Nelson Mandela would still be on Robben Island. On this issue, the people were heard over the high-priced lobbyists in Washington, DC.

And that is what now scares the high-priced lobbyists in Washington.

The way to keep China's human rights record on the national agenda is through our annual NTR review. That is one way that human rights activists in China and in the United States can inform the public of China's human rights record. The fancy lobbyists have squelched that now, so that there is no possibly of the American people becoming informed of what is happening in China, thereby thwarting the kind of action against China that was done against the racists in South Africa.

America's right to know has been severely damaged as a result of this vote.

Freedom, equality, human dignity, and human rights are not for sale. And that's one reason why I chose to vote against this tremendous human rights give-away.

Many proponents of PNTR, including Governor George Bush, say that "Trade is the way to export freedom." A recent study entitled, "Dollars and Democracy" shows the post-Cold War decline of US trade and investment in developing democracies. In other words, US corporations are running away from the countries that are struggling to institute democracy—the countries we say we do like—and are flocking to the authoritarian regimes around the world—the kinds of regimes we say are not good. More to the point, if given a choice between an emerging democracy and an authoritarian regime then US corporations take US taxpayer subsidies and choose the regimes that don't respect human rights, worker rights, or the environment.

For example, Charles Kernaghan in "Made in China" states that at one of the factories where Kathi Lee handbags are being made for Wal-Mart, the workers are forced "to work 12 to 14 hours a day, seven days a week, with only one day off a month, while earning an average wage of 3 cents an hour. However, even after months of work, 46 percent of the workers surveyed earned nothing at all—in fact, they owed money to the company."

Companies are allowed to get away with this kind of worker treatment in authoritarian regimes, not democracies. Furthermore, democracies tend to be more transparent and less corrupt. Yet US private investment currently favors the authoritarian over the democratic.

Supporters of PNTR dribble on about the need of engagement to facilitate a "movement" toward democracy. Yet the facts are that US corporations are leaving democracies at an unprecedented rate. US taxpayers subsidize this new "corporate flight." And unfortunately, one need only look at Chevron Corporation and Occidental Petroleum Company to see examples of just the kind of "movement" that we ought not want to export. In fact, Chevron is in federal court today for aiding and abetting in the murder of Nigerian citizens demonstrating to protect their environment against Chevron's wanton pollution of their indigenous lands. Occidental Petroleum seems to be on the same path as Chevron, willing to run over Colombia's fledgling democracy in order to despoil the sacred lands of the Uwa people. The U'wa have vowed to die before Occidental is allowed on their land. None of this bodes well for anyone involved—except the stockholders, perhaps, of both Chevron and Occidental. And in China, workers who protest their conditions are fired or could face prison for life!

Americans who buy Huffy bicycles, Alpine car stereos, RCA TV's, or Timberland, Keds, Fubu and Nike shoes or Spiegel clothing should have a right to know the conditions under which those items are made. American workers who used to make those items and who are now struggling to find their place in the new economy, certainly should have a right to know why their jobs "fled" to China.

Despite the rhetoric, the vote on China PNTR will not protect the US worker, nor will it protect the Chinese worker. There is a need for something more. That is why I will soon be introducing the Corporate Code of Conduct Act. This bill will establish minimum human rights, labor rights, and environmental protection guidelines based on US and internationally recognized standards. This legislation will allow us all to put our money where our professed values are: fair trade, democracy, respect for workers, sensible environmental standards, and no child labor.

I believe that our corporations can export freedom, prosperity, equality, and justice; and our bill, the Corporate Code of Conduct Act, will ensure that they do.

THE WATER POLLUTION PROGRAM IMPROVEMENT ACT OF 2000 (H.R. 4502)

HON. LARRY COMBEST
OF TEXAS

HON. CHARLES W. STENHOLM
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. COMBEST. Mr. Speaker, as Chairman and Ranking member of the House Committee on Agriculture, we are pleased to introduce the Water Pollution Program Improvement Act of 2000 on behalf of farmers, ranchers, woodland owners, local governments and states throughout America.

In August of 1999, the Environmental Protection Agency (EPA) proposed two changes to the regulations governing the implementation of the Clean Water Act which, if finalized, would fundamentally alter the agency's role in the management of nonpoint sources of pollution. While we agree with the EPA's stated intent of improving the quality of our nation's waters, we strongly oppose both the substance of these rules and the accelerated process employed by the EPA to bring them to finality. Our bill is designed to address these two concerns directly.

Our criticisms of EPA's proposed rules generally fall into two categories: (1) lack of authority and (2) lack of information.

LACK OF AUTHORITY

Congress has clearly identified the responsibilities of the federal government and the states for maintaining the quality of our nation's waters. When Congress enacted the Clean Water Act in 1972, the primary emphasis of that legislation was to address point source pollution discharges. Congress at that time established a clear role for the Federal Government in the regulation of point source pollution through the National Pollutant Discharge Elimination (NPDES) program.

Congress was also careful to define the point sources of pollution that would be subject to the NPDES program. This definition specifically excluded agricultural storm water discharge from the point source designation, thereby placing discharges from farming, ranching and silviculture operations outside of the reach of the federal permitting program.

In 1987 Congress amended the Clean Water Act to establish a framework within which states could carry out their responsibility to manage nonpoint sources of pollution. It was the intent of Congress at that time to preserve the distinctions between point and nonpoint sources of pollution established in the 1972 Act so that there would be no ambiguity with regard to the role of the state in relation to the federal government.

At no time has Congress granted the federal government an affirmative regulatory role in the management of nonpoint sources of pollution. Neither has Congress granted the EPA the authority to unilaterally change the clear distinctions between point and nonpoint sources of pollution currently established in law.

Upon review of the draft rules proposed by the EPA, it is our view that the agency's proposal exceeds the authority provided by the 1972 Act and the 1987 amendments both in terms of the new regulatory role assumed by the EPA and the designation of silvicultural activities as point sources of pollution. We further believe that while the joint statement issued by the EPA and USDA on May 1, 2000 partially addresses concerns raised by Congress and affected stakeholders regarding the EPA's authority, it does little to overcome this fundamental problem.

LACK OF INFORMATION

Over the last 28 years, the Federal government and the states have placed great emphasis on reducing pollution levels from point sources. Both have made significant investments in technologies and scientific methods to measure and control pollution discharges. These investments have paid off as we have seen dramatic decreases in point source pollution over the last two decades.

Recently, both the Federal government and the states have begun to place increasing emphasis on the improvement of programs to reduce pollution from nonpoint sources. Understandably, because of the priority emphasis placed on point sources over the years, the technology and data needed to achieve measurable large-scale reductions on nonpoint source pollution are not yet fully developed.

States, local governments, businesses and landowners are currently poised to voluntarily spend billions of dollars over the next 20 years in an earnest attempt to acquire this technology and data. In order to realize the optimum return on these investments, however, states, local governments and other affected stakeholders must be allowed to operate within the flexible framework established by the 1987 Clean Water Act amendments. This will preserve the ability of the states to develop innovated methods to gather the information upon which sound management objectives can be based and thereafter design programs carefully tailored to meet those objectives.

Unfortunately, EPA's proposed rules move in exactly the opposite direction. By establishing arbitrary deadlines for completing TMDLs, threatening to unilaterally establish TMDLs and load allocations, and imposing mandatory guidelines for best management practices, EPA will force states to act before they have the data needed to act intelligently. In fact, the General Accounting Office has found that few states have the majority of the data needed to comply with the onerous requirements outlined in the EPA's proposed rules. Forcing states to comply with the new regulatory framework required by the EPA at this stage of the process will waste time and money and result in confusion rather than better water quality.

PURPOSE OF LEGISLATION

The purpose of the bill we are introducing today is to address the two concerns raised previously, namely, that the EPA lacks both the authority and the information to proceed with the agency's proposed rules.

Our legislation commissions an independent study of the scientific methodologies, programs, and costs associated with the development and implementation of TMDLs. We intend this independent review to provide the EPA, the Secretary of Agriculture and the states a valuable tool with which to develop sound policies for the management of nonpoint sources of pollution. This approach will help remedy the current problems associated with identifying impaired water bodies and establishing TMDL allocations based on anecdotal and otherwise unverifiable data. It will also require EPA to take a more deliberate and thoughtful look at how the agency might better cooperate with states and landowners to improve water quality rather than impose arbitrary standards and guidelines that will achieve uncertain outcomes.

We are also concerned about the workload impact on the conservation agencies that serve private landowners, such as the Natural Resources Conservation Service (NRCS) and local conservation and resource conservation and development districts. Nor do we believe that EPA has adequately reviewed the technical and financial assistance that will be needed to assist landowners under the proposed rules.

Our bill will also underscore both the language and the intent of the Clean Water Act relative to the role of the EPA in managing nonpoint sources of pollution. We believe the law is clear that the EPA has no regulatory role in the management of nonpoint source pollutions. We also maintain the EPA has no authority to unilaterally change the definition of point source pollution to encompass nonpoint sources. The language of our legislation reemphasizes these points and restricts the EPA from pursuing these unauthorized objectives in a regulatory proceeding.

To summarize, we support the objective of improving the quality of our nation's waters. However, we insist on achieving these objectives within the parameters of the law and using the best available information. The Water Pollution Program Improvement Act of 2000 is designed to help ensure that outcome. We urge our colleagues to support this important legislation.

COMMENDING ISRAEL'S REDEPLOYMENT FROM SOUTHERN LEBANON

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Ms. LEE. Mr. Speaker, I rise today to express my support for Israel's redeployment from Southern Lebanon.

Prime Minister Ehud Barak ensured Israel's compliance with the 1978 United Nations Security Council Resolution 425, which calls on Israel to withdraw its forces from all Lebanese territories. His commitment to redeploy Israeli forces by June 7, 2000 must also be commended.

Prime Minister Barak has shown remarkable leadership in Israel and in his commitment to advance peaceful negotiations with all of her neighbors; I am confident these steps will bring genuine peace to the Middle East. Prime Minister Barak's appeal to the Lebanese President, Emile Lahoud, to use the Israeli withdrawal from south Lebanon as a springboard for peace is a step in the right direction. As these countries move forward in their efforts, it is also extremely important that the American government work to encourage peace in the entire region.

For many years, I have been committed to moving forward to resolve the Arab-Israeli conflict in the spirit of peace. I have stood with great conviction, alongside my constituents, many of whom have close ties, to urge a peaceful resolution to conflicts in the Middle East.

Prime Minister Selim al-Hoss has assured the safety of residents in Southern Lebanon. Lebanon has been a victim of far too much blood shed in recent decades. It now stands in the midst of a crucial transition. Therefore, the physical security guaranteed by all parties must also ensure protection for religious freedom, political independence and liberty. Only under these conditions, will Southern Lebanon be able to fully redevelop its communities and provide its people with the ability to lead fruitful lives.

Again, I offer my support and encourage Prime Minister Barak and President Lahoud to continue on the path of peace and progress.

COMMENDING ISRAEL'S REDEPLOYMENT FROM SOUTHERN LEBANON

SPEECH OF

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. BONIOR. Mr. Speaker, I am pleased that the government of Israel has followed through on its commitment to withdraw its troops from Southern Lebanon.

This is a step that could end one of the most tragic episodes in the difficult recent history of the Middle East.

I commend the government of Prime Minister Ehud Barak for fulfilling its commitment to withdraw Israeli troops from Lebanon, and I urge my colleagues to join me in supporting this resolution.

I have always believed that all foreign forces should leave Lebanon.

We have seen what the cycle of violence has done to people of all faiths and backgrounds in Lebanon and throughout the Middle East. And while it is important to reflect on the past, we must also move forward.

Today, I join with the many voices which are renewing the call for peace. Those who want to perpetuate the violence will try to stand in our way but we can't let that happen.

We must stand together and demand that all the parties work for peace, seek justice, and forsake violence. That is our only option. Let that be our task in the days ahead.

Step by step, over time, the withdrawal of troops and other measures will build tolerance and mutual respect, so that differences are settled not with guns, but with compassion and understanding.

Mr. Speaker, we must all learn to not let our differences stand in the way of joining together for a common purpose. I believe that if all parties work together in good faith peace can be achieved.

PRAISING EFFORTS OF MANUEL STAMATAKIS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to join with the Cradle of Liberty Council Boy Scouts of America in saluting Mr. Manuel N. Stamatakis as the recipient of this year's Scout Mariner Award.

Mr. Stamatakis—in addition to being a close, personal friend—is president and chief executive officer of Capital Management Enterprises, a financial service and communications conglomerate headquartered in Valley Forge, Pennsylvania. Mr. Stamatakis has made community service and partnerships a hallmark of his life's work. He has been and continues to be a shining example of a person of action and integrity. Manuel N. Stamatakis certainly fits the criteria of a "Scout Mariner."

The "Scout Mariner Award" is presented to one who exemplifies in his daily life the ideals of the Boy Scouts of America as expressed in the scout oath and law. The recipients are chosen by their peers for outstanding community service as evidenced by the interest and leadership given to many worthwhile organizations, as well as the respect and esteem in which they are held by their colleagues.

Mr. Stamatakis is also the Chairman of the Delaware River Port Authority. It is interesting to note that the "Scout Mariner Award" is symbolized by a Norman Rockwell painting of a seaman talking to scouts, entitled "Tales of Many Lands." Since 1998 Mr. Stamatakis chairs the Team Pennsylvania Ambassador Program—a network of business, cultural and academic leaders working to expand domestic and international business in Pennsylvania. As chairman, Mr. Stamatakis was particularly well suited to this role as he has traveled throughout the world to promote trade within the Commonwealth. In the past two years alone, he has visited Brazil, Germany, China, Finland, Russia and Japan.

Mr. Speaker, I commend Manuel N. Stamatakis and those like him who take the time to give back to their communities more than they take for themselves. Scouting is a positive force in our area and thousands of youth benefit from the program and the involvement of distinguished business leaders such as Mr. Stamatakis who have gone above and beyond the Boy Scout protocol. I ask all of my colleagues in Congress to please join me in honoring Mr. Manuel N. Stamatakis for his commitment to community service and our youth.

IN HONOR OF BONEAL, INC.—RECIPIENT OF THE 2000 UNITED STATES POSTAL SERVICE QUALITY SUPPLIER AWARD

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. ROGERS. Mr. Speaker, too often, when we think of American manufacturing, images of industrial giants come to mind. We think of huge machinery housed in cavernous factories, men stoking enormous furnaces in an environment of hard hats, rivets and lunchtime whistles.

This image is, in large part, a vision of the past. We still make steel, iron, and heavy machinery. But today's manufacturing is also about men and women in casual attire and rather quiet workstations as they inspect computer boards and assemble complex yet compact circuitry. And, contrary to popular perception, most of the things that are made in America are made in small and mid-sized companies.

Historically, small businesses have been the wellspring of creativity in our society. From the Wright brothers to Bill Gates, some of our most successful manufacturers have started out in a garage with little more than a dream. Inventions that have changed our lives, from that first voyage in flight to the high-speed microprocessors of today, have been developed in small firms. These companies provide the backbone of the manufacturing sector.

Today, I rise to honor one such small business company and its success in providing contract-manufacturing services that include design, completed high-tech assemblies, subassemblies, testing, and more. The U.S. Postal Service has recognized Boneal, Inc., of Means, KY, with the 2000 Quality Supplier Award for its distinguished performance as a specialized small business manufacturer.

Boneal Incorporated, first established in Corbin, KY, in 1980, is a womanowned small business that prides itself in offering "solutions to your most challenging manufacturing needs." Boneal Inc., in its efforts to provide fast and seamless manufacturing, accepts projects from any point in the manufacturing process, ranging from small projects that require hand assembly of consigned components to large projects that require capital investment, equipment design, and product distribution.

And so today, I join the U.S. Postal Service, the community of Means, KY, and small companies throughout the United States in congratulating Boneal, Inc., for its selection to receive this distinguished award. I also recognize its outstanding contribution to American manufacturing.

CONCERNING THE 13 IRANIAN JEWS CURRENTLY ON TRIAL IN THAT COUNTRY

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Ms. STABENOW. Mr. Speaker, I rise to voice my grave concern over the ongoing trial in Iran of 13 Iranian Jews on questionable charges of spying. The world should know that we are watching this case closely. If Iran truly wants to join the community of nations it should ensure an open and fair trial. The Jews facing trial in Iran have been held without due process for over one year. The Clinton administration has rightly put Iran on notice that we are watching these proceedings closely and we will hold the Iranian regime responsible for their actions.

Mr Speaker, we are seeing reports in the press that describe the social isolation of many in Iran's 25,000-strong Jewish community in the wake of this trial. Several shops owned by Iranian Jews have reportedly been attacked in Tehran. Other reports out of Iran claim that school children are treating Jewish classmates with contempt, and some adults have stopped going to work out of fear or shame. There was some hope that the overwhelming election of President Khatemi would mean a more moderate Iranian government, but so far this has not been the case. The regime's record of closing 19 newspapers over the last month is another reminder of the failure of Iran's ruling class in this regard. There is no better way to regain this promise than to ensure freedom and justice for the 13 Iranian Jews on trial in Shiraz. We here in the U.S. and around the world must be vigilant in pressing for this outcome.

A TRIBUTE TO JANE SMITH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. BARCIA. Mr. Speaker, the most important and valuable resource we have in this country is our children. Providing a safe environment to grow and learn has always been this country's number one priority. Today, I rise to recognize Jane Smith of Bay City, Michigan, a wonderful woman who has dedicated her life to protecting and nurturing children. She is retiring from the Bay County Family Independence Agency after 24 years of service.

A graduate of Michigan State University, Jane began her renowned career as a child care worker in Saginaw, Michigan. Assisting families with their child care needs and making home calls to help families with their physical and emotional needs was natural for her and laid the foundation for what would become a distinguished professional career dedicated to protecting children who were being physically abused.

After working in both Genesee and Wayne County as a foster care worker, Jane transferred to the Bay County Department, as a Children's Protective Services worker. It was here, in Bay County, where her contributions and efforts on behalf of Michigan's children and families are legendary. Her tireless efforts investigating cases of child sexual abuse undoubtedly saved thousands of children from being further victims of violence and abuse. She established the procedures for what has become the Bay County Child Sexual Abuse Procedural Manual. She has worked closely with Lutheran Child and Family Services to develop child sexual abuse counseling and the Parents United Program. She enjoys an excellent relationship with school administrators, the Courts in Bay County, area police departments and the Prosecutor's office. Among her peers, Jane is often solicited for her expert opinion and suggestions for handling sensitive cases.

Mr. Speaker, I have seen first-hand Jane's selfless efforts on behalf of Michigan's children. As a member of the State Senate, I worked closely with Jane to author an amendment to the Child Abuse law, that makes it mandatory for Children's Protective Services workers to notify the police of all cases relating to child sexual abuse. Her expansive knowledge, testimony in front of the committee and constant advocation were key to the amendment being passed by the House and Senate and signed into law by the Governor James Blanchard on December 27, 1984.

Mr. Speaker, I invite you and my colleagues to join with me in congratulating Jane Smith on the occasion of her retirement from the Bay County Family Independent Agency and thanking her for her years of exemplary service to the community, especially the children of Bay County. She has truly been an advocate for those who could not speak up for themselves. Our community is certainly a better place because of Jane's hard work. I wish her well and hope that the days ahead are filled with the good fruits of a well deserved retirement.

A TRIBUTE TO CALVIN BROCK, MEMBER OF THE SUMMER 2000 UNITED STATES OLYMPIC BOXING TEAM SUPER HEAVYWEIGHT CATEGORY

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mrs. CLAYTON. Mr. Speaker, I rise today to pay tribute to one of America's finest, twenty-five year old Calvin Brock, member of the Summer 2000 United States Olympic Boxing Team. Over the years, Mr. Speaker, Calvin has shown remarkable progress in his determination to get to the point for which he will be honored by local officials, family and friends on Sunday, May 28, 2000 at Clem's Grand Ballroom in Weldon, North Carolina.

Mr. Speaker, Calvin began his boxing career at age 12. He was defeated his first six matches and as a result, was told by many that he should choose another sport because it was unlikely that he would excel in boxing. Mr. Speaker, this kind of story, which in no way is a fairy tale, but is true to life, tells us a lot about Calvin's dedication, determination and commitment.

There has been a lot of talk in my office about Calvin Brock, Mr. Speaker, but what impresses me most is what is said about his relationship with God. The combination of Calvin's faith in God and his persistence will go the length in ensuring his return from Sidney Australia with an Olympic Gold Medal.

Mr. Speaker, Calvin has certainly invested a tremendous amount of time and has made many sacrifices over the years preparing himself for the Olympics. Among the major tournaments, Calvin has won are the: 1993 National Junior Championships while ages 16 through 18; National Police Athletic League Championships in 1993,1996, and 1998; Eastern Trials that qualified him to compete in the 1996 Olympic Trails for the 1996 Olympic Games in Atlanta, Georgia, however, at that time, Calvin was defeated in the Semi-finals of the 1996 Trials; 1998 National Golden Gloves Champion at heavyweight division 201 pounds; Silver Medalist in 1997 at Heavyweight Division; ranked number two in 1998 at the National U.S. Championship; 1999 National U.S. Champion at super heavyweight division, 201 plus category where he ranked number one in the country; 1999 U.S. Challenge Champion at super heavyweight which qualified Calvin for the 2000 Olympic Trials, a tournament in which only eight boxers in each of the 12 weight classes qualify to compete; 2000 U.S. Olympic Trials Champion at super heavyweight where Calvin won 3 consecutive matches to become champion; the Olympic Trials win qualified Calvin for the Olympic Box-offs; 2000 U.S. Olympic Box-off Champion; this box-off win qualified Calvin to participate on the 2000 U.S. Olympic Boxing Team. This championship was televised on NBC. Calvin is the 2000 American Qualifier Champion. His success at this tournament qualified him to compete in the Summer Olympic Games in Sidney, Australia. Although Calvin made the Olympic Team, he still had to win the American Qualifier Tournament to go to the Olympics. The American Qualifier Tournament consisted of all the countries in North, South, and Central America. Calvin defeated opponents from Brazil, Puerto Rico and Canada Olympians to win the American Qualifier. Calvin is undefeated in international competition with an international record of 10 wins and 0 losses. These 10 were against: England, Algeria, Mexico, Russia, New Zealand, Argentina, Puerto Rico, Brazil, and Canada. Calvin has competed in 183 amateur boxing matches. His record is 147 wins and 36 losses.

Mr. Speaker, Calvin is a 1993 graduate of West Charlotte High School and 1999 graduate of the University of North Carolina at Charlotte where he has been awarded a Degree in Finance. Calvin is presently employed with the Bank of America in Charlotte, North Carolina as a Call Analyst in the Operations Department.

Mr. Speaker, I have had the occasion to meet Calvin and his delightful parents. It is understandable that they are quite proud. Although Calvin grew up and attended Undergraduate School in Charlotte, North Carolina, he has substantial roots in my Congressional District through his mother, Alean Brock who was born in a very small town in my Congressional District called Weldon, and his grandparents, Rebecca and Clinton Anderton who have lived there all of their lives. Calvin's mother and his father, Calvance Brock met during the time that they attended Elizabeth City State University.

Mr. Speaker, I am sure that my Colleague, Congressman MELVIN WATT is just as proud as I am about Calvin's participation in the 2000 U.S. Summer Olympics. One reason is because Congressman WATT's better half, Eulada provided encouragement and guidance to Calvin during the time that he attended Devonshire Elementary School where she was the principal.

Mr. Speaker, I am absolutely delighted for the opportunity to share with my Colleagues the incredible and tremendous achievements of North Carolina's own Olympian Calvin Brock. I wish Calvin the very best at the 2000 Summer Olympics in Sidney Australia and have every confidence that he will return to the United States with an Olympic Gold Medal.

HONORING STANLEY M. CRUSE

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to celebrate the contributions that Mr. Stanley M. Cruse, of Covina, California, has made to his community.

Mr. Cruse was born in Toronto, Ontario, Canada. In 1964, he moved with his family to California, where they settled in Glendora. He attended High School at Charter Oak in Covina and Mt. San Antonio Community College in Walnut. Presently he lives in Covina with his wife of 23 years, Paula. The Cruses are the proud parents of three children and have two grandchildren.

A strong business leader in our community, Mr. Cruse has worked in the banking industry for over 27 years. During this past year, Mr. Cruse joined the Business Bank of California, where he serves as the Regional Vice President/Manager.

For the past four years, Mr. Cruse has served on the Ontario Chamber of Commerce Board of Directors. He has held the prestigious positions of Vice President of Fund Development, President-Elect, and President.

The Chamber's accomplishments under Mr. Cruse's tenure as President have been numerous and impressive: an Airport Awareness committee was developed to focus on the marketing of Ontario International Airport, the Latino Business Council, which continues to grow in attendance each month, was established, and he encouraged the Chamber to model its Education Committee in a more effective manner. As a result of Mr. Cruse's forward-thinking and leadership, Chamber membership is growing and stronger relations with the City Council have been cultivated.

In addition to his duties as President of the Chamber, Mr. Cruse is a member of the Ontario Host Lions Club, a past President of his club and Region Chairman for the District 4L–4 of Lions International. He serves as the Board Chair for the Ontario-Montclair YMCA and is a member of West End Metro YMCA. He is also chairman of the Inland Empire Loan Committee for the Southern California Small Business Development Corporation.

Mr. Cruse has exemplified the Ontario Chamber's mission statement, "To Help Develop, Enhance, and Promote Commerce in the City of Ontario and its Trade Area," and he is deserving of the accolades of this Congress.

CERVICAL CANCER RESEARCH

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. HAYES. Mr. Speaker, I rise today to discuss the problem of cervical cancer for women in America and around the world. Cervical cancer is the most common cause of cancer-related deaths among women worldwide. Over a half million women in the world are affected annually by cervical cancer and, after breast cancer, it is the second most common malignancy found in women. Right here in the United States, more than 15,000 women are diagnosed each year with cervical cancer and more than a third of them die of this horrible disease. Cancers that affect women continue to spread while researchers struggle to find cures that many of these women may never see.

Research has confirmed that the primary cause of cervical cancer is the human papillomavirus, or HPV. In order to develop a vaccine, large quantities of HPV protein fragments are required. Until now, researchers have struggled with ways to mass produce this protein so a vaccine can then be mass-produced and distributed in order to prevent cervical cancer. Recently, it has become possible to biologically engineer tobacco plants to produce this protein. Through a joint project between North Carolina State University and Georgetown University, researchers will further study how to best produce this protein in order to develop this vitally important vaccine. In light of this, I am pleased that I could secure $3 million in order to fund this important project. It is my sincere hope that this research will result in millions of saved lives for generations to come.

FAIRNESS AND EQUITY FOR FEDERAL RETIREES WITH PART-TIME SERVICE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. MORAN of Virginia. Mr. Speaker, today, I am introducing legislation to correct a long-standing inequity that affects a great number of federal retirees in my district and throughout the nation who have served for a portion of their careers in a part-time capacity. I am pleased that Mr. Davis of Virginia, Mr. Wynn, Ms. Norton, Ms. Morella, and Mr. Wolf have joined me as original cosponsors of this important legislation.

The current retirement formula for federal workers with part time service was enacted by Congress in 1986 as a provision of the Consolidated Omnibus Budget Reconciliation Act (COBRA) (P.L. 99–272). For the most part, the reforms contained in COBRA were fair. They ensured an equitable calcualtion for all employees hired after 1986 and prevented part-time employees from gaming the system in order to receive a disproporionately higher benefit. The 1986 reforms were based on a procedure developed and recommended to the Congress by the Government Accounting Office (GAO). In a nutshell, the new methodology determines the proportion of a full time career that a part-time employee works and scales annuities accordingly. Under the formula, a part-time worker's salary is calculated on a full time equivalent basis (FTE) for retirement purposes. Thus, a worker's "high-three salary" could occur during a period of part-time service. This often happens when a senior-level worker cuts back on his or her hours to care for an ill spouse or deal with other personal matters. Many of the people in this situation are women.

The problem is that the 1986 law had unintended and often unfair consequences for workers hired before 1986 who have some part-time service after 1986. Specifically, according to the way the law has been implemented by OPM, some part time workers are not able to apply their full-time equivalent (FTE) salary to pre-1986 employment. This effectively limits their ability to receive the advantage of their "high-three average" salary for their entire careers. The reason for this inequity can be traced to subsection (c) of Section 15204 of Cobra. It provides that the new formula shall be effective with respect to service performed "on or after the date of the enactment of this Act."

Whether this was a drafting error, or whether OPM has taken an unnecessarily restrictive reading of the statute is hard to determine. What is clear is that the current practice is plainly contrary to the intent of the Congress, which was to grandfather existing employees into the new system and to ensure that no federal workers would be harmed by changes in the retirement formula.

In a letter dated February 19, 1987 to then OPM Director Constance Horner, the Chairman of the Committee on Post Office and Civil Service, the Honorable William D. Ford, objected to this anomalous and unfair result. He wrote:

> As in many other instances involving benefits, Congress chose to protect or to "grandfather" past service—to apply the new benefit formula only to future service rather than previously performed service under the older, more generous formula. This policy is often adopted to avoid penalizing individuals through the retroactive application of changes not anticipated by them. (As a measure of fairness, the policy of prospectivity is often applied to benefit improvements as well).

Notwithstanding Chairman Ford's efforts to clarify congressional intent, this inequity has continued for 14 years. OPM has publicly acknowledged that there is a problem with COBRA. Director Lachance stated publicly in a letter to Chairman Fred Thompson of the Senate Committee on Government Affairs: "I agree that an end-of-career change to a part time work schedule can have an unanticipated adverse effect on the amount of the retirement benefit." She also acknowledges in that same letter that a comparable bill in the other body, S. 772 introduced by Senator Robb, "would eliminate the potential for anomalous computations by providing that the full time salary would be applicable to all service regardless of when it was performed while the proration of service credit would apply only to service after April 6, 1986 [the date of enactment."

This is precisely what the bill we are offering today does. It allows the retirees affected by this inequity to have their fill-time equivalent salary for their high three years to apply to their entire careers, not just the portion after 1986. My bill differs from S. 772 in that it places the burden on affected retirees to request a recalculation of benefits. This is coupled with a requirement that OPM conduct a good faith effort to notify annuitants of their right top obtain a recalculation. To all future retirees, benefits will be calculated in accordance with the new formula.

Mr. Speaker, this is a matter of great consequence to many Americans who devoted their most productive years to public service. Some of my constituents have annuities that are thousands of dollars less than they would be under my bill. As I indicated, a disproportionate share of these retirees appears to be women, who left the federal service to care for others.

It is particularly appropriate that we address this issue now, as changing work-force needs and lifestyles make part-time service more popular, both from the standpoint of the worker and the employee. Many of the anticipated work-force shortages that are anticipated in the federal civil service can and should be met with part-time workers. I am concerned that they will not be so long as the anomalous and unfair provisions of P.L. 99–272 are allowed to stand. I urge my colleague to join me in cosponsoring this important legislation.

IN HONOR OF JOSEPH F. SMITH

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. BORSKI. Mr. Speaker, I rise to introduce a bill that would rename a United States

Post Office in Philadelphia, PA, to honor the late U.S. Congressman, Joseph F. Smith.

Joe Smith started his career of service to this Nation as a sergeant in the United States Army, receiving a Purple Heart for his actions during World War II. From 1970–1981, he served in the Pennsylvania State Senate. As you are aware, Joe was elected to the Ninety-seventh Congress in 1981 and served until 1983. He worked at the forefront of the Democratic Party as the Democratic city chairman in Philadelphia from 1983–1986. Joe also served as the 31st ward leader for more than 3 decades. He remained devoted to the people of his community until May 1999, when he passed away.

Throughout his career, the people of Philadelphia looked to him for leadership, and he immersed himself in understanding their needs. Joe understood that public service is most effective when one understands and closely reflects the convictions and beliefs of one's constituents. No matter what body he was serving in, his heart was always with the people who resided in the communities of Kensington, Port Richmond, and Fishtown. After his retirement, Joe could still be found sharing wisdom and insight from his stoop to those who sought advice and kinship.

Joe Smith was an outstanding legislator, a great human being, and a distinguished American. We ask that you join us in honoring his legacy in the community that he so diligently served throughout his life. To learn more about Joe Smith, or to cosponsor this legislation, please contact Karen Bloom with Congressman BORSKI, at 5–8251.

HONORING LONG BEACH'S BLUE RIBBON SCHOOLS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. HORN. Mr. Speaker, I rise today to honor two outstanding middle schools in my district, Charles Evans Hughes Middle School and Will Rogers Middle School of Long Beach. Both have been recognized by the California Department of Education as California Blue Ribbon Schools, for their demonstrated excellence in student achievement, teacher quality, and community and family involvement. These schools are now eligible to be named as National Blue Ribbon Schools by the U.S. Department of Education.

Both Hughes and Rogers Middle Schools have overcome a number of challenges. Both are urban schools with a significant number of low-income and limited English proficient students. Even with these challenges, both schools have demonstrated remarkable progress. Ten years ago, Rogers had some of the lowest test scores in the Long Beach Unified School District. Today, it is consistently among the top five middle schools in the district. At Hughes, 10 percent of the student body earns straight A's, and 75 percent have GPA's of 2.0 or above.

At both schools, teachers undergo regular professional training and both host a number of events designed to bring the community and the students together.

These two schools demonstrate all that is right with public education. They show the remarkable successes that happen when teachers, parents and students are committed to a superior standard of education. I congratulate the faculty, teachers, parents and students of Hughes and Rogers Middle Schools on this remarkable achievement, and wish them well in their continued pursuit of educational excellence.

TRIBUTE TO ADMIRAL CHAPLIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to an outstanding member of our military community. After two years of exemplary service as the Superintendent of the Naval Postgraduate School, Admiral Robert C. Chaplin's new assignment is in Yokosuka, Japan, where he will become the commander of U.S. Naval Forces Japan (CNFJ).

As a former graduate of the NPS, Admiral Chaplin has offered a unique and insightful perspective as the Superintendent of his alma mater by ensuring that we have well-prepared and well-educated Navy officers to meet the challenges of the 21st century. Admiral Chaplin has tirelessly promoted NPS graduates as an existing and available resource for the Navy. He has pushed to create these stronger ties by establishing meetings between the school deans and Navy commanders, as well as between his students and the fleets. This "technical to tactical" bridge, as Admiral Chaplin has titled it, has proven highly successful, and will benefit the Navy long after his departure.

The imprint that this extraordinary leader has left on academics at the NPS is equally commendable. Not only has Admiral Chaplin established two new programs—the Information System Operations and System Engineering Programs—but also he has governed the creation of three additional new curricula scheduled for implementation in September. Pushing the school to be on the cutting edge of distance learning, NPS recently graduated over a dozen students who have never been on the NPS campus. Admiral Chaplin has ably used technology and the Internet to ensure that Navy officers around the world are not denied a postgraduate degree simply by geography. Many of his accomplishments at NPS have been driven from his desire to foster stronger partnerships with many of the region's universities and the nation's top technology schools, as well as bringing together the high tech companies in the Silicon Valley with students at the school.

As a valued member of the greater Monterey Peninsula Community, Admiral Chaplin will be missed by many. Our regret is tempered by recognition of the opportunity that lies before him. Admiral Chaplin is well suited by education and experience to be the Commander of U.S. Naval Forces Japan. So, it is with great pleasure that I ask my colleagues to join me in recognizing the tremendous contribution Admiral Chaplin has made to our national security at Naval Postgraduate School and throughout his long and distinguished Navy career and to wish him many years of continued success.

OHIO COUNTY HIGH SCHOOL

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. WHITFIELD. Mr. Speaker, I rise today to honor a student class from the First District of Kentucky representing the Ohio County High School located in Hartford, Kentucky. Following their victory in the Kentucky State competition, this class was selected to represent the State in the national We the People . . . The Citizen and the Constitution competition which was held in Washington, DC, on May 6–8, 2000.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate students about the Constitution, the Bill of Rights, and principles of democratic government. The program provides curricular materials for upper elementary, middle, and high school students nationwide. Students who are involved in the We the People program have a greater understanding of democratic processes and institutions, participate or plan to participate more in politics, have a greater confidence in government officials, and are more interested in current events and politics in general.

The Ohio County class demonstrated their extensive knowledge of the Constitution while participating in the national event through their skillful application of democratic principles to contemporary issues. The format of the competition was a simulated congressional hearing. Thus the students where required to offer testimony as a witness and answer questions posed by a panel of judges as committee members would.

I am extremely proud of the achievements of the Ohio County High School class. The knowledge and experience gained through their participation in the We the People program will be invaluable throughout life.

AMADOR VALLEY HIGH SCHOOL

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mrs. TAUSCHER. Mr. Speaker, I rise in recognition of wonderful students from a high school in my district, Amador Valley High School. Twenty-one students from this school, along with their teacher, Matt Campbell, recently traveled to Washington, D.C. to compete in a national civics competition called "We the People. . ."

This competition is designed to promote civic competence and responsibility. This program is not about textbooks and tests, but rather a process through which students learn to develop critical thinking and problem solving skills.

I am proud that in my district, we have students who care not only about the social sciences, but also about being involved. The established tradition of excellence in this competition is a testament to the administrators and faculty at Amador Valley High School. It reflects the dedication of inspiring and enthusiastic teachers.

In a time when we decry the state of our public schools, Amador Valley High School shines as a light of hope for the future of our nation. The vision of a first-year teacher, coupled with the determination of these bright students, brought them beyond the district and state finals to our nation's capital. I am proud of this Mr. Campbell and his students for their remarkable journey and their example of excellence.

I would like to thank these students and their teacher for taking an interest in American government; I would like to thank the supportive communities in my district who made this trip possible; and, most of all, I would like to thank the parents of these wonderful students, who have set a standard of excellence for their communities. Congratulations to the students from Amador Valley High School, you are an attribute to our nation!

SUPPORTING DAY OF HONOR FOR MINORITY WORLD WAR II VETERANS

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Ms. BROWN of Florida. Mr. Speaker, I was unable to join my colleagues on the House floor today, but wanted to join them in showing my support for the resolution recognizing the Day of Honor 2000 Project, which gives long overdue recognition to the millions of invisible minority World War II veterans.

During the Second World War these valiant soldiers were waging a war on two fronts. They fought gallantly beside their comrades in the most trying conditions, while battling the bigotry and racism that was still prevalent in the United States military. These same minority war veterans continued their fight against racism at home by forming the grassroots of the civil rights movement.

In my State of Florida, we have the oldest veterans population in the nation. Unfortunately for these veterans and veterans all across the country, the VA budget continues to be underfunded, causing them to be denied the health care and services they need and deserve. As our aging veterans population declines, we will need programs like the Day of Honor 2000 to remind us of the sacrifices minorities made to protect the freedom that we all now enjoy.

I look forward to the passage of this resolution and want to wish Dr. Smith and the other leaders of the Day of Honor 2000 Project the greatest success in portraying the honor and dignity displayed by our Minority World War II veterans. Their efforts and accomplishments have been ignored for far too long and I look forward to sharing their achievements with people today and for generations to come.

WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. WISE. Mr. Speaker, I would like to introduce for the RECORD the names of outstanding students and teachers of Clay Country High School in Clay, West Virginia. These constituents participated in "We the People . . . The Citizen and the Constitution", a national contest concerning fundamental values and ideals of the American government. These students competed against 50 other classes from around the nation and were able to reach the national finals by demonstrating a remarkable understanding and knowledge of our constitutional government. Following is a list of those students and teachers involved.

Students: Brandi Brown, Rachel Douglas, Jeremy Duffield, Josh Ferrebee, Angela Fitzwater, Robin Fitzwater, Casie Frame, Deanna Holcomb, Leslie Lanham, Matt Legg, Rebecca Legg, Eli Litton, Charles McCumbers, Justin Salisbury, Jacob Samples, Angela Shamblin, Autumn Tanner, Jacqueline Taylor, Jada Taylor, Jason Tucker, Evan Updegrave, Bryan Walker, John Ward, Rebecca Workman, and Teacher: Phillip Dobbins.

TRIBUTE TO CAROL E. SCHATZ

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to my close friend, Carol E. Schatz, who will be recognized tonight at this year's Deborah Awards Women of Achievement Dinner. The Anti-Defamation League has chosen this night to honor Carol for her exceptional professional achievements and her outstanding dedication to community and civic activities.

I have known Carol for many years, from her days in state government in Sacramento. She has always impressed me with her dynamism, intelligence and integrity. When she was named by the Los Angeles magazine as one of the ten most powerful business leaders in Los Angeles, I was not surprised. Her passion for her work is second only to her devotion to her husband Fred and her son Jacob.

Carol crashed through the "glass ceiling" when she served as the first woman President and CEO of the Central City Association of Los Angeles. She led that organization to new heights and made it a powerhouse among business advocacy organizations in Los Angeles. Under her leadership, CCA helped transform Downtown Los Angeles by resurrecting the Civic Center Authority, planning for a revitalization of the Figueroa Corridor and advocating for the Staples Center. In addition to her extensive responsibilities at CCA, Carol has tackled many civic roles and public responsibilities. She served as Mayor Riordan's appointee to the Convention and Exhibition Center Authority and as his appointee to the Metropolitan Transportation Authority.

Carol, who holds a B.A. from the University of California Berkeley and a J.D. from Loyola University School of Law, is exceptionally bright and extraordinarily accomplished. However, she stands out not just because of her intelligence, but because she has chosen to focus her energy and vision on improving all of our lives in the greater Los Angeles community.

It is my distinct pleasure to ask my colleagues to join with me in saluting Carol Schatz for her outstanding achievements, and to congratulate her for receiving this prestigious recognition from the Anti-Defamation league.

RECOGNIZING THE RIVERSIDE VETERANS CENTER

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. CALVERT. Mr. Speaker, I rise today to honor and commend a group of individuals who have dedicated their lives to the Inland Empire's veterans in need. There is no more appropriate time than Memorial Day to recognize the men and women who serve at the Riverside Veterans Center in Riverside, California.

The Riverside Vets Center was established in 1981 and has served over 6500 veterans and their families. At the Riverside Vets Center, veterans receive needed counseling, are involved in outreach programs with local schools and community-oriented volunteer programs, work with homeless veterans and participate in social activities. Recently, a writing group established at the Center by Leonard Reims and several other veterans, created and published a moving and inspiring collection of poems entitled "Windows to our Souls."

I would like to express my heartfelt gratitude to the fine staff whose dedication, passion and commitment ensure that the necessary services are available to these veterans. The current and former members of the staff who have made a major impact on these veterans include: head counselor Thomas "Buddy" Hawkins, Max Greenwald, Eleanor Parham, Marion Wilson and Rosendo Reyes.

Lastly, Mr. Speaker, I would also like to give special recognition to Bill Densmore with the Riverside County Vets Service Office, VFW Post 9223 and the Vietnam Vets of America Chapter 47 for their active involvement and support of the Riverside Vets Center.

On behalf of the veterans in California's 43rd District, thank you!

SALUTE TO COMMANDER AL BERNARD

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. CALLAHAN. Mr. Speaker, I would like to ask my colleagues in the House of Representatives to join me in honoring a man of outstanding accomplishment, Commander Al Bernard.

Commander Bernard is retiring from the United States Coast Guard this week, and I would like to call attention to his extraordinary and meritorious service to his country.

Mr. Speaker, as you know, the Coast Guard is an invaluable branch of the United States military. The men and women of our Coast Guard keep our waters free of narcotics and illegal aliens, perform almost all of the search and rescue missions for the United States and provide security and safety in our waterways.

This is just a small sampling of the duties performed by the Coast Guard. We all owe them a huge debt of gratitude for the services they provide.

For 24 years, Commander Bernard has faithfully performed these and other duties in service to our great country. Prior to donning the Coast Guard uniform, Commander Bernard was also a proud U.S. Marine, where he served as an infantryman in Southeast Asia. He has spent more than half of his life in service to this nation and today, we are a grateful nation for his sacrifice.

From his humble beginnings operating small boats as a coxswain to his assignment as liaison officer to the House of Representatives in Washington, Commander Bernard has performed each and every job as a true patriot.

He quickly rose through the ranks of the Coast Guard and in 1979, he was accepted to Officer Candidate School. After receiving his commission, Al's first assignment was as a security officer at Training Center New York, Governors Island. Just a year later, he was promoted to First Lieutenant and deck watch officer on the USCGC *Courageous*, in Cape Canaveral, Florida. He was then chosen to be executive officer of USCGC *Shearwater* in Key West, Florida. In addition, was made the senior controller at the Pacific Area/Twelfth USCG District Rescue Coordination Center.

From there, Al Bernard's military career skyrocketed. He received command of his first ship, the USCGC *Nantucket*, in Roosevelt roads, Puerto Rico. It should be noted that Al is the first American of Puerto Rican descent to command his own ship.

Due to his exceptional abilities, Commander Bernard was relocated to Washington to serve his country at USCG Headquarters. He later received command of another cutter, the USCGC *Citrus*, which was homeported in Coos Bay, OR. After finishing another productive tour, he was made chief, Cutter Management Branch, Coast Guard Pacific Area in Alameda, California.

While on duty in California, he was selected to attend the U.S. Naval War College, where he graduated with distinction, earning a Master of Arts Degree in National Security and Strategic Studies.

Upon graduation, Commander Bernard was given his third command, the USCGC *Decisive* in St. Petersburg, Florida; he later crossdecked to USCGC *Resolute*.

Most recently, he was selected in 1998 to become the liaison officer to the House of Representatives in Washington, where I can personally attest he has served every man and women who wears the Goast Guard uniform with great distinction.

Over the course of his 24 years of service to the United States, Commander Bernard has demonstrated his versatility by serving brilliantly in both the military and legislative arenas. Al Bernard has been recognized for his achievements with numerous awards, such as the Bronze Star with "V" device for valor, the Purple Heart, and Meritorious Service Medal with an "O" device. He has also received seven Coast Guard Commendation Medals with "O" device, the Coast Guard Achievement Medal, the Combat Action Ribbon and various other awards.

He was also selected as the 1989 recipient of the U.S. Navy League's Captain David Jarvis award for professional competence and inspirational leadership.

Mr. Speaker, I know my colleagues join me in congratulating Command Al Bernard on an illustrious military career. Likewise, we salute his wonderful wife, Ann, and their two children, Jason and Bernadelle, who made the many sacrifices military families make in supporting their husband and father all these years. We wish Al the best of luck in all of his future endeavors, for he is truly a fine example for all Americans.

HONORING MAKIA EPIE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. FROST. Mr. Speaker, I rise today to pay tribute to a special young man, Makia Epie, of Cedar Hill, Texas, who is proving to be an outstanding addition to the Air Force Academy. Makia, who entered the Academy in the fall of 1997, has been named Flight Commander for the upcoming academic session. I know the entire 24th Congressional District joins me in celebrating this accomplishment.

As Flight Commander, Makia will assist the Cadet Squadron Commander in developing and training the basic cadets. Makia will work to ensure that cadets develop the right military attitude and attention to duty. He will do this by setting an appropriate example in leading his flight drills.

Makia's performance in the Air Force Academy deserves the highest praise, and I extend my sincerest appreciation for his service to his country. I wish him and his family the best in their future endeavors.

HONORING THE CITY OF TORRANCE

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize the City of Torrance. For the last 41 years, the City of Torrance has honored and acknowledged the men and women of our military during its annual Armed Forces Day Parade.

The Torrance Armed Forces Day Parade is an important event for the residents of the South Bay. Torrance boasts one of the oldest and most noteworthy Armed Forces Day parades in the country. Thousands of people, many waving American flags, lined the streets last Saturday to honor our Armed Forces. Secretary of Defense Bill Cohen was also on hand to participate in the celebration.

The parade has persevered during the last 41 years. It has been protested, glorified, and even scaled back at times. But despite the circumstances of the day, the City of Torrance has held the parade to pay tribute to the men and women of the Armed Forces. This is a valued tradition in the South Bay, one that will continue for years to come.

I congratulate Torrance Mayor Dee Hardison on the success this year's parade. I also commend the citizens of Torrance for they are the ones who have helped keep this tradition alive. We live in a great country. It is our Armed Forces who are responsible for protecting and defending our freedom throughout the world.

COMMENDING ISRAEL'S REDEPLOYMENT FROM SOUTHERN LEBANON

SPEECH OF

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mrs. CAPPS. Mr. Speaker, I want to join my colleagues in commending Israel for its courageous withdrawal from Lebanon. The Israeli action sends a strong signal that Israel is very serious about pursuing a comprehensive peace with all its neighbors. At the same time, it is critical for this Congress to demand a cessation of all terrorist activities in southern Lebanon and to strongly encourage the government of Syria to remove its troops from Lebanon as well.

GRANTING PERMANENT NORMAL TRADE RELATIONS TO CHINA

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. PITTS. Mr. Speaker, I was pleased with the passage of yesterday's legislation to grant Permanent Normal Trade Relations (PNTR) to

China. Passage of PNTR is the first step in reforming China and advancing religious freedom and human rights for the Chinese people. Of course, change will not occur overnight in China. However, it will occur gradually through policies of normal trade, exchange and engagement, through peoples of faith, scholars, the workforce, and businesses.

Mr. Speaker, I would like to submit for the RECORD a powerful statement signed by a broad spectrum of religious leaders in support of PNTR. These individuals and their organizations have worked, and will continue to work, for the advancement of religious liberty and human rights.

STATEMENT BY RELIGIOUS LEADERS IN SUPPORT OF PERMANENT NORMAL TRADE RELATIONS WITH CHINA (EXPANDED LIST OF SIGNATORIES)

MAY 23, 2000.

DEAR MEMBER OF CONGRESS: Soon you will be asked to vote on an issue that will set the course for U.S.-China relations for years to come: enacting Permanent Normal Trade Relations (PNTR) with China. Your vote will also have an impact on how human rights and religious freedom will advance for the people of China in the years ahead. We are writing to urge you to vote *for* PNTR for China because we believe that this is the best way to advance these concerns over the long term.

We share your concern for advancing human rights and religious freedom for the people of China. The findings of the recent report from the U.S. International Religious Freedom Committee are disturbing to us. Clearly, the Chinese government still has a long way to go.

The question for us all is: What can the U.S. government do that will best advance human rights and religious freedom for the people of China? Are conditions more likely to improve through isolation and containment or through opening trade, investment, and exchange between peoples?

Let us look first at what has already occurred within China over the past twenty years. The gradual opening of trade, investment, travel, and exchange between China and the rest of the world has led to significant, positive changes for human rights and religious freedom in China. We observe the following:

The number of international religious missions operating openly in China has grown rapidly in recent years. Today these groups provide educational, humanitarian, medical, and development assistance in communities across China.

Despite continued, documented acts of government oppression, people in China nonetheless can worship, participate in communities of faith, and move about the country much more freely today than was even imaginable twenty years ago.

Today, people can communicate with each other and the outside world much more easily and with much less governmental interference through the tools of business and trade: telephones, cell phones, faxes, and e-mail.

On balance, foreign investment has introduced positive new labor practices into the Chinese workplace, stimulating growing aspirations for labor and human rights among Chinese workers.

These positive developments have come about gradually in large part as a result of economic reforms by the Chinese government and the accompanying normalization of trade, investment, and exchange with the outside world. The developing relationships between Chinese government officials, business managers, workers, professors, students, and people of faith and their foreign counterparts are reflected in the development of new laws, government policies, business and labor practices, personal freedom, and spiritual seeking. Further, the Chinese government is much more likely to develop the rule of law and observe international norms of behavior if it is recognized by the U.S. government as an equal, responsible partner within the community of nations.

The U.S. government and governments around the world have a continuing, important role to play in challenging one another through international forums to fully observe standards for human rights and religious freedom. However, we do not believe that the annual debate in the U.S. Congress, linking justifiable concern for human rights and religious freedom in China to the threat of unilateral U.S. trade sanctions, has been productive toward that end.

Change will not occur overnight in China. Nor can it be imposed from outside. Rather, change will occur gradually, and it will be inspired and shaped by the aspirations, culture, and history of the Chinese people. We on the outside can help advance religious freedom and human rights best through policies of normal trade, exchange and engagement for the mutual benefit of peoples of faith, scholars, workers, and businesses. Enacting permanent normal trade relations with China is the next, most important legislative step that Congress can take to help in this process.

Sincerely,

Dr. Donald Argue, (Former President, National Association of Evangelicals, representing 27 million Christians in the United States of America); John A. Buehrens, (Unitarian Universalist Association); Bruce Birchard, (Friends General Conference); Myrrl Byler, (China Education Exchange, Mennonite Church); Reverend Richard W. Cain, ((Emeritus) President, Claremont School of Theology); Ralph Covell, (Senior Professor of World Christianity, Denver Seminary); Charles A. Davis, PhD, (The Evangelical Alliance Missions); Father Robert F. Drinan, (Professor, Georgetown University Law Center; Member of Congress, 1971-1981); Samuel E. Ericsson, (President, Advocates International, a faith-based global network of lawyers, judges, clergy, and national leaders reaching over 100 nations for justice, reconciliation, and ethics with offices on five continents); Nancy Finneran, (Sisters of Loretto Community); Brent Fulton, (President, ChinaSource, a non-profit, Christian Evangelical organization connecting knowledge and leaders in service to China); Dr. Richard L. Hamm, (Christian Church (Disciples of Christ)); Kevin M. Hardin, (University Language Services); J. Daniel Harrison, (President, Leadership Development International); Bob Heimburger, (Professor (Ret.) Indiana University); Rev. Earnest W. Hummer, (President, China Outreach Ministries); John Jamison, (Intercultural Exchange Network); Rodolf Mak, Ph.D., (Director of Chinese Church Mobilization, OMF International); Jim Nickel, (ChinaSource, a non-profit, Christian Evangelical organization connecting knowledge and leaders in serve to China); Don Reeves, (General Secretary (Interim) American Friends Service Committee); Rabbi Arthur Schneier, D.D., (President, Appeal of Conscience Foundation); Phil Schwab, (ChinaTeam International Services, Ltd.); Dr. Stephen Steele, (Dawn Ministries); Rev. Daniel B. Su, (Special Assistant to the President, China Outreach Ministries); Bishop Melvin G. Talbert, (The United Methodist Church); Dr. James H. Taylor III, (President, MSI Professional Services International); Finn Torjesen, (Executive Director, Evergreen Family Friendship Service, a Christian, non-profit benefit organization working in China); Joe Volk, (Executive Secretary, Friends Committee on National Legislation); Rev. Dr. Daniel E. Weiss, (American Baptist Churches, USA); Dr. Hans M. Wilhelm, (China Partner, an organization serving Church of China by training emerging young leaders); Rev. Dr. Andrew Young, (President, National Council of Churches, former ambassador to the United Nations and member of Congress); Danny Yu, (Christian Leadership Exchange).

TRIBUTE TO MAJOR GENERAL BARRY BATES

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. FROST. Mr. Speaker, I rise today to pay tribute to an outstanding Army leader in my District, Major General Barry Bates, as he relinquishes command of the Army & Air Force Exchanges Service, headquartered in Dallas, Texas.

Under his strong visionary leadership, AAFES has served the military community better than at any time in its history. General Bates exercised astute management which led to annual sales of $7.3 billion and earnings of over $351 million. This produced the highest per capita dividend ($284 per service member) for Morale, Welfare & Recreation programs of our Armed Services. He improved the overseas school feeding program, the military family program, and encouraged youth by establishing a coupon program and Savings Bond drawing to recognize those achieving good grades.

General Bates has expanded business partnerships, improved cooperation among DOD resale activities, and partnered with other services to develop exchange-wide credit card services. He has also advanced AAFES significantly in the application of technology. Internet sales have grown by leaps and bounds to $24.2 million in 1999. AAFES' Information Systems Directorate has won 13 major national awards and opened a state of the art Enterprise Technology Center.

General Bates has made customer service a priority, positioning AAFES as a "customer driven company." At the same time, he has focused on developing, training and caring for AAFES employees. The results tell the story: customer service has improved 25%, and associate satisfaction has increased by 14%.

I've been impressed with the work of General Bates on two vastly different fronts. On a recent trip to Bosnia I shopped at a great PX at Eagle Base in Tuzla. This kind of operation is what AAFES has become known for—they go wherever our soldiers go. General Bates has inspired his team to provide great service on all the U.S. contingency missions. His commitment to be there for the troops was most evident when AAFES established a presence in Albania just five days after our forces arrived there.

At the request of AAFES retirees, I worked personally with General Bates to guarantee the security of the AAFES retirement plan. He was courageous and unyielding in his fight to ensure that the retirement plan was protected for all AAFES retirees and associates.

General Bates has positioned AAFES solidly for the future. His extraordinary leadership and business acumen have set a standard in Texas for quality operations that will ensure quality morale, welfare, and recreation programs for our Army and Air Force for years to come.

A soldier's soldier, General Bates is now returning to Korea to command Army troops in that volatile part of the world. On the occasion of his departure, I want to thank him for helping Congress take care of the troops and their families, for caring for many of my constituents—the wonderful employees of AAFES, and for serving his Army so effectively as the Commander of AAFES. I ask all Members to join me in wishing General Bates success in his new position.

TRIBUTE TO CHIEF MICHAEL R. OBLEMAN

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. MCHUGH. Mr. Speaker, on 9 February, 2000 Chief Master Sergeant Michael R. Obleman retired as the Chief of the Munitions Element for the 174th Fighter Wing, Hancock Field, New York Air National Guard in Syracuse NY. He assumed leadership of the Munitions Element as a Master Sergeant in January of 1982. Previously he worked as a Supervisor for the Weapons Loading Section.

Chief Obleman was born on 1 April, 1948 in Pulaski, New York where he still resides. He graduated from North Syracuse Central High School in June of 1967. In August 1967 he joined the United States Marine Corp where he was an Aviation Ordnance Man. He served in Vietnam from 18 June, 1969 through 9 June, 1970. He was discharged from the Marines in August of 1971. In the Marine Corp he attained the rank of E–5. In the Marines he received the following awards and decorations: National Defense Service Medal, Republic of Vietnam Gallantry Cross w/palm, the Vietnamese Service Medal with 1 device, the Purple heart, the Good Conduct Medal and the Republic of Vietnam Campaign Medal with device.

After his discharge from the Marines he worked a civilian job at Rumsey Distributing from October 1971 to December of 1974. In April 1973 he joined the 174th Fighter Wing as a traditional guardsman. On 22 December, 1974 he became a full time technician in the Weapons Loading Section. He worked in Weapons Loading until June of 1982 when he assumed leadership of the Munitions element as a Master Sergeant. He achieved the rank of Senior Master Sergeant on 15 November, 1987. On 31 August, 1990 he was awarded the rank of Chief Master Sergeant.

As Chief of the Munitions element he recognized that the current procedure for uploading 30-millimeter ammo onto the A–10 aircraft could be accomplished in a safer and more efficient manner. He initiated a design change to the GFU–7 loading system for use with the 30-millimeter GPU–5 gun pods. This design change allowed the GPU–5 gun pod to be loaded in the Munitions Storage Area instead of the flight line resulting in less people and aircraft being exposed to a potentially dangerous explosive operation. High levels of Command visited the 174th Fighter Wing to observe the new method he developed. The GPU–5 30-millimeter gun pod was combat tested during Operation Desert Storm.

Under his leadership the Munitions Element received excellent ratings on all major inspections. Chief Obleman was instrumental in the planning of the initial setup and the successful ongoing operation of the Forward Operating Location at Wheeler-Sack Air Field for the A–10 and F–16 aircraft, part of the only live fire range in the Northeast.

Chief Master Sergeant Michael R. Obleman has 32 years, 6 months and 1 day of dedicated military service. Four years of this service was with the Marines and the remainder of service was with the 174th Fighter Wing, Hancock Field. His Air Force Awards and Decorations include the Air Reserve Forces Meritorious Medal with 6 devices, the Air Force Longevity Service Award with 6 devices, the National Defense Service Medal with 1 device, the South West Asia Service Medal with 2 devices, the Armed Forces Reserve Medal with 1 Device, the Kuwait Liberation Medal Saudi Arabia, the Kuwait Liberation Medal Kuwait, the Air Force Outstanding Unit Award with 4 devices and the Meritorious Service Medal.

Chief Obleman married Nancy Condon on 10 May, 1969. He has three children Michael, Lorianne, and John. Lorianne is married to Trevor Quig, and are the parents of his granddaughter, Adrianna.

RECOGNIZING THE ACCOMPLISHMENTS OF MINE PRESERVATIONIST BURTON BOYUM

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. STUPAK. Mr. Speaker, I rise today to honor an outstanding volunteer for his work in preserving the grand history of mining in the Upper Peninsula of Michigan.

Burton Boyum is a shining example of how giving to one's community brightens the lot for many. Mr. Boyum has selflessly given his time and served in various capacities designed to better the lives of residents and improve their understanding of the area's economic and cultural history.

For decades, the Upper Peninsula was dotted with mines that drew iron ore and copper from the tree-covered hills. The resources, however, were exhausted and now the area is witness to little mining. All that remains of this former economic mainstay, which provided thousands of jobs to hardworking citizens, are the stories of former miners and some dilapidated structures. Gratefully, communities in the Upper Peninsula have been graced by the energy and dedication of Burton Boyum. He has been determined to preserve the historic structures of Michigan's mining past and retain the anecdotes that illustrated miners' lives.

Following his graduation from the University of Minnesota in 1941, Mr. Boyum moved to the Upper Peninsula, where he worked as a Mining Engineer for Cleveland Cliffs International until his retirement in 1984. During that period and beyond, Mr. Boyum worked diligently to capture the history of mining. In 1961, he founded the Quincy Mine Hoist Association, a non-profit organization, and served as President of the Board of Directors from 1973 to 1998. Most notably, in 1998, the Quincy Mine Hoist Association honored this distinguished community member by creating the Burton H. Boyum Award.

Mr. Boyum has contributed to the community in many other laudable ways. He served as a member of the Marquette County Historical Society, where he wrote and published two books: Saga of Iron Mining in Michigan's Upper Peninsula and The Mather Mine. He worked tirelessly to create the United States National Ski Hall of Fame in Ishpeming, Michigan, which is housed in an award-winning structure that beautifully enhances the interpretation of skiing in our country. Finally, Mr. Boyum played a large role in creating the Great Lakes Olympic Education Training Center, which trains athletes for various events in the world's athletic showcase. I have worked on matters concerning the National Ski Hall of Fame and the Great Lakes Olympic Education Training Center and can appreciate the initiative and devotion displayed by Mr. Boyum toward both creating and strengthening these facilities.

Although Mr. Boyum recently suffered a stroke, I am sure that his passion for civic involvement and his appreciation for mining history in the Upper Peninsula will remain steadfast. I ask you Mr. Speaker to join me in this salute to Burton Boyum.

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of granting Permanent Normal Trade Relations for China. I have come to this conclusion after intensely listening to arguments for some period of time from many supporters and opponents of the PNTR, and weighing the pros and cons of this extremely important trade bill.

I want to thank Chairman ARCHER and Ranking Member RANGEL for their important work on this legislation. They should be commended for their hard work.

It is my hope that everyone's views on this bill will be respected on this vote, and that we will find a constructive way to unify after this vote for the good of all Americans. This is truly a vote of conscience that each and every member has wrestled with.

For several years, I have recognized that trade with China has value for Americans and the people of China, yet I have reservations. My record on trade measures since coming to Congress demonstrates my willingness to evaluate each vote on its own merits. Each year that I have voted for most-favored-nation status for China, I have likewise raised my voice against the "undemocratic" ways of that nation.

It is imperative that we recognize that American companies must reinvest in rural and urban America as a result of PNTR. Unlike during the Cold War, we have unparalleled opportunities to bring the people of China and America much closer together. America has a responsibility to invest and to establish a rapid response for companies that are affected as a result of job loss.

I have been working very closely with the Administration to secure a commitment to designate the Department of Labor to study job losses and to provide added relief to American workers adversely affected by the PNTR agreement.

I have also worked to establish a Task Force on small businesses from a range of agencies within the United States government to facilitate and negotiate doing business in China. This Task Force would be responsible for specifically encouraging trade between United States small businesses and these newly established small businesses in China.

We are not here to discuss whether China will gain access to the WTO. We recognize it will do so and that the unconditional most-favored nation (MFN) principle requires that trade concessions be granted "immediately and unconditionally" to all 135 WTO Members. More importantly, the World Trade Organization is not nor should it be a human rights policy toward China. Nothing about this vote should reflect our nation's views about current or past human rights practices in China. This is about how to bring about change over the long-term.

The World Trade Organization would strengthen against surges in imports from China and open Chinese markets to more U.S. exports. The November 1999 Agreement between the United States and China contains a product-specific safeguard, which will be included in China's protocol of accession to the WTO. A provision was recently added to this legislation that spells out procedures for effectively invoking that safeguard.

H.R. 4444 presently before the House enables the United States to grant PNTR to China once it has completed its accession, provided that it is on terms at least as good as those in our 1999 bilateral agreement. By granting permanent trade relations to China, it will open its markets to an unprecedented degree, while in return the United States simply maintains its current market access policies. The enhanced trade and services for American and Chinese companies could be dramatic for Texans and Americans as a whole.

Texas alone has export sales to China of more than $580 million in 1998—nearly 50 percent above its sales in 1993. Shipments through the Port of Houston with China including Hong Kong totaled $444 million in 1998. In 1999, air cargo trade between Houston and China including Hong Kong totaled 1.5 million kilograms and was valued at $56 million. In short, China has come a long way since we established relations in 1971, and develop further relations through PNTR.

Through the PNTR deal, we gain even more significant concessions regarding PNTR. U.S. companies would be able to take advantage of several provisions of the U.S.-China Trade deal after China accedes to the WTO, but only if Congress permanently normalizes China's trade status. For example, tariffs on industrial products on coming into China would fall to an average of 9.4 percent by 2005 from 24 percent. Agricultural tariffs will fall to 17.5 percent from 31 percent.

In addition, the technology industry in my district would benefit from PNTR. For example, foreign companies would be able to own up to 49 percent of Chinese telecommunications ventures upon China's entry into the WTO, and up to 50 percent in the second year. And China will import some 40 foreign films in the first year of the agreement, up from 10, and allow foreign films and musical companies to share in distribution revenues on 20 of these films. The benefits are clearly advantageous to our industries as we support democratization in China.

PNTR is more than a matter of economics for so many of us—including those that have worked on the promotion of democracy and the rule of law around the world. I happen to have been one who with great trepidation voted for the MFN status, based upon the many strong arguments that have been made that if you continue to expose a nation to opportunity, to democracy, to the respect of human rights, would see gradually those parts of the world. I am hoping and would hope most of us would like to believe that we have that kind of trend moving forward in China.

I have had discussions with Former President Jimmy Carter, who strongly voiced his support for granting PNTR to China. Clearly, religious oppression is a continuous concern as a general matter in China. Nevertheless, President Carter eloquently emphasized that villages outside large cities in China are having free elections and that the freedom to practice one's religion has been growing. This is a very positive development. The Chinese people must be counted on to relish these rights and to fight for opportunities at the table of democracy.

Former President Jimmy Carter has worked relentlessly since leaving the oval office to press for open, free, and fair elections all over the world. He has been advocating a powerful human rights agenda within our foreign policy and I salute him for his efforts.

PNTR could help many of these villagers find ways to improve their economic and social well being. For example, some companies are simply showing the Chinese how to improve fertilizers to improve agricultural growth. The people of China certainly should be empowered with the ability to feed their people. That should be a basic right.

At the same time, Americans should understand that granting PNTR should not remove the responsibility from Congress, this Administration, or any future Administration in assessing and responding to any drastic negative impact on Americans as a result of this legislation. For this reason, I expect to develop specific proposals with the Administration that will help small businesses under PNTR. This is vital to small businesses, especially minority and women-owned entities.

In the 18th Congressional District in Houston, Texas, which has a per capita income of $11,091, many of the constituents have not prospered as much as others throughout the Nation. PNTR will spur capital investments, and investment opportunities that would come from international trade.

There will be more appropriate opportunities for expressing dissatisfaction with China's human rights record. I strongly share the view that we must keep pressure on China. A congressional-executive commission within this legislation would help monitor human rights and labor rights while placing safeguards against import surges could play a pivotal role regarding our concerns in China. By addressing human rights matters when they arise, the United States can continue to play a crucial role in demanding that the Chinese leadership live up to WTO commitments.

We must also recognize that the United States has held a vote on renewal of PNTR status for China every year since 1990, never once actually withdrawing NTR status. Unfortunately, the annual NTR vote has been less than effective in promoting the protection of human rights standards in China.

Some argue that granting PNTR means the United States loses leverage over China by surrendering annual reviews. I have considered the gravity of this question for some time. In my work in Congress on numerous human rights matters, whether domestic or internationally oriented, I have focused much of my attention, as a Representative of the 18th Congressional District, on the promotion of economic, civil, and political rights. I have never hesitated to expressly address basic human rights violations wherever the may occur and specifically in the context of the annual review process for normal trade relations (NTR) with China.

Under the proposed legislation, U.S. industries or workers claiming injury due to import surges from China would have legal recourse to the International Trade Commission and in other venues. This would protect our workers or U.S. industries that suffer job losses as a result of the agreement with China.

The vote on PNTR provides a unique opportunity to support the democratization of China. We should be honest that it will not happen overnight. It will only happen over time.

Mr. Speaker, a "no" vote would damage our Sino-American relations—both economic and strategic—for years to come. By denying permanent normal trade relations status, we would irreparably damage our relationship with China, a country of 1.2 billion. I do not think we can afford to follow such a perilous course.

As I review our options today, I am simply unconvinced that constraining China in our trade relations within the WTO will help advance human rights in China. To the contrary, I have become increasingly convinced that changes resulting from the deal, including greater foreign investment and trade, will benefit ordinary Chinese workers and businessmen with the outside world.

Finally, I have deliberated very carefully about the magnitude of this decision. I recognize that trade with China and trade generally is good for our economy and the American people. At the same time, I look forward to opportunities through the WTO to enhance the protection of human rights as I and other lawmakers have advocated.

Mr. Speaker, a vote for PNTR will not leave any American worker behind. We must export democracy to China and not ignore this momentous opportunity. For these reasons, I will vote to give opportunities to the American worker, I will vote to give opportunities to American businesses, and I will vote to give opportunities to the people of China. We must seize the opportunity to export American values of peace, security, democracy, and a better way of life.

MEMORIAL DAY AND THE KOREAN WAR

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. STUMP. Mr. Speaker, America could have rejected the role of world leadership thrust upon her after the destruction and loss of human lives in World War II.

But she accepted that role, and in so doing gave Americans an even stronger motive to celebrate Memorial Day this year.

The special significance of this Memorial Day is its proximity to the 50th anniversary of the outbreak of the Korean War on June 25th. More than a million Americans have died defending their country. Memorial Day is the day we honor them. This particular year, on this particular Memorial Day, with memories of those million dead heroes in formation before us, we might justly order "front and center" to the 55,000 Americans who died in the Korean War.

I've never understood why such a long and brutal war should be known as the "Forgotten War." Perhaps it's the timing. It fell between World War II, a war that mobilized a nation, and the Vietnam War, a war that divided a nation and ended tragically. Perhaps it was the mood of a nation anxious to return to the peacetime pursuits of families and careers after World War II. But whatever the reason, Korea never loomed as large in our historical consciousness as World War II and Vietnam. What better time than the 50th anniversary to give that war and its veterans the recognition due them?

In so doing, we take away nothing from America's other heroes or from the families who still grieve for them. This Memorial Day will still remind us of every sacrifice ever made on every battlefield, and not just to secure our own freedom.

Mr. Speaker, fifty years ago international communism seemed to be the irresistible force of the future. It was a system geared for war and conquest. While the West greeted the end of World War II with relief and dreams of peace, the Soviet and Chinese masters saw it as the signal for the next wave of expansion. Who in the peace-loving West could stop them? In theory, only the United Nations. In reality, that meant the United States.

When North Korean divisions poured across the 38th parallel into South Korea, America was not prepared. We responded anyhow. The first American units thrown into battle hung or until reinforcements arrived and the enemy eventually was forced to negotiate. South Korea is now free because 50 years ago America kept faith with an ally. Let us now keep faith with the guardians of Korea's freedom and our own.

At first glance, America had no stake whatsoever in the freedom of Korea, so different from us culturally and halfway around the world. But a second, longer glance reminds us of our commitment to freedom around the world. That commitment is no mere theory, but a reality backed up by the blood of our citizen soldiers, sailors, airmen and marines.

Mr. Speaker, many of us knew someone who shed that blood and never came home. It will be a somber day for us, because we can remember that person on our hometown streets or playgrounds, sitting next to us in class, delivering our newspaper or groceries, or pushing a lawn mower on his front lawn. We might remember his laughter, his voice over a telephone, and perhaps even our own shock at reading the news of his death in battle. We may even have tried to comfort a grieving family.

But he isn't really dead. It can be said that no one is truly dead until the last person who remembers him is dead. We can honor our dead heroes by remembering them, every day but especially on Memorial Day.

Again this year the President or someone representing him will place a wreath on the Tomb of the Unknowns in Arlington National Cemetery. But the most heart-felt Memorial Day celebrations will take place at cities, towns and villages all over America. There will be parades, speeches, and decorated gravestones. For some Americans, Memorial Day will inspire them to write such heart-felt poetry as the following:

"WAR'S GLOW"

(By Steven R. Schutt, Prescott, Arizona)

The old ones; they know
the pain of war's glow.
While the youthful dead strive,
to keep illusions alive.
Those who survived learned,
how truth has been burned,
with a history of heroes
and reality spurned.
All who came back, mellowed and aged.
Time made from forget just how they had raged.
But the old ones; they know,
the pain of war's glow.

Mr. Speaker, as long as such sentiments are alive in the hearts of private citizens, America will remain a great country and Memorial Day will remain an annual monument to our greatest heroes. This particular Memorial Day, I ask you and all Members to join me in a special salute to the casualties of the Korean War. Let us make the Korean War, the first challenge to communist expansion, a forgotten war no longer.

HONORING JOSEPH THOMAS BRADY, JR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. KILDEE. Mr. Speaker, I am happy to rise before you today on behalf of Petty Officer Joseph Thomas Brady, Jr., who on May 31, will receive an Honorable Discharge from the United States Navy after 20 years of service to our country.

Joseph Brady attended St. Matthews Catholic School and Flint Powers Catholic High School, graduating in 1976. While in school, he was an altar boy, a member of Junior Achievement, and several community service committees. He was also a standout athlete, excelling in basketball and football. After graduation, Joseph attended the University of Michigan-Flint, and Jackson State University. After two years at Jackson State, Joseph decided on a different adventure, and joined the United States Navy. He attended the Great Lakes Academy, and graduated in 1980. He was assigned to various vessels, including the U.S.S. *Schofield,* U.S.S. *Jack Williams,* and U.S.S. *Arleigh Burke,* among others. Since May 1997, Petty Officer Brady has served as Transportation Petty Officer and Collateral Duty Supply, as well as Petty Officer for Customer Service.

Petty Officer Brady has been recognized many times for his hard work and dedication. He has been awarded the Navy and Marine Corps Achievement Medal with three Gold Stars, the "E" Good Conduct Medal with six Bronze Stars, an Armed Forces Expeditionary Medal, Southwest Asia Service Medal, and many ribbons and commendations.

I would also like to acknowledge perhaps Petty Officer Brady's wonderful family, including his wife, Lyvonne, and their children, Joey and Jovanna. I am sure they are very proud.

Mr. Speaker, as the father of two sons who have served in our Armed Forces, I have much respect and admiration for the commitment of these fine men and women. We are all very grateful for their decision to work to protect our nation's borders, and to protect and defend human dignity. I congratulate Petty Officer Joseph Thomas Brady, Jr. on completing his tour of duty, and I ask my colleagues in the 106th Congress to join me in wishing him the best in his future endeavors.

SENATE—*Tuesday, June 6, 2000*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, yesterday was the eighty-first anniversary of the passage of the nineteenth amendment establishing women's suffrage. Thank You for the heroines of our heritage as we celebrate progress in the rights of women in our society. We thank You for the impact of women on American history. We praise You for our founding Pilgrim foremothers and the role they served in establishing our Nation, for the strategic role of women in the battle for independence, for the incredible courage of women who helped push back the frontier, for the suffragettes who fought for the right to vote and the place of women in our society, for the dynamic women who have given crucial leadership in each period of our history.

Today, Gracious God, we give You thanks for the women who serve here in the Senate: for the outstanding women Senators, for the women who serve as officers and in strategic positions in the ongoing work of the Senate, and for the many women throughout the Senate family who glorify You by their loyalty and excellence.

In Your holy name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for up to 5 minutes each.

The Senator from Idaho is recognized.

SCHEDULE

Mr. CRAIG. Mr. President, today the Senate will be in a period of morning business, as the Chair has mentioned, until 12:30 p.m., with Senator DURBIN and Senator THOMAS in control of 1 hour each.

Following morning business, the Senate will recess for the weekly party conferences. As a reminder, the official Senate picture will be taken at 2:15 p.m. today. I encourage my colleagues to be prompt in an attempt to complete the photo in a timely manner.

When the Senate reconvenes, it is hoped the Senate can begin consideration of the Department of Defense authorization bill. Senators who intend to offer amendments to this important legislation are encouraged to keep their amendments germane in an effort to complete action on the bill prior to the end of the week.

I thank my colleagues.

The PRESIDING OFFICER. The assistant minority leader is recognized.

ITEMS TO ACCOMPLISH BEFORE THE JULY 4 RECESS

Mr. REID. Mr. President, I look forward to this period of time prior to the July 4 recess, as does the entire minority. We are hopeful we can make progress on the appropriations bills, which certainly need to be accomplished. Also, I hope there will be an opportunity to do something about the Patients' Bill of Rights, prescription drugs; that we can complete work on the minimum wage, and the juvenile justice bill.

A number of these matters have been languishing, waiting for the conference committees to act. We have all had our time at home, and we are ready to go. We hope we can move forward, I repeat, with the appropriations bills and these matters I have outlined.

BUILDING A BIPARTISAN COMPROMISE

Mr. CRAIG. Mr. President, I certainly concur with my colleague that I hope we can move forward on these critical issues. We are now working hard at accomplishing some of those efforts. As he mentioned, the conference on the Patients' Bill of Rights is at work. We hope we can build a bipartisan compromise as necessary to produce that kind of program and law and protection for the American consumers of health care.

There is a great deal of work to be done. I hope we can come together in a united and bipartisan way to resolve some of these issues, to move the appropriations bills forward, to make sure we complete our business in a timely manner.

Of course, I understand, as I think my colleague from Nevada understands, that is going to take cooperation from both sides. Tragically, and sadly, we got into a bit of a nonproductive period prior to the Memorial Day recess. I hope the recess has cleared the air and we can come back in a productive way.

MEASURES PLACED ON THE CALENDAR—S. 2645 AND H.R. 3244

Mr. CRAIG. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDING OFFICER. The clerk will read the bills by title.

The assistant legislative clerk read as follows:

> A bill (S. 2645) to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.
>
> A bill (H.R. 3244) to combat trafficking of persons, especially into sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against the traffickers, and through protection and assistance to victims of trafficking.

Mr. CRAIG. Mr. President, I object to further proceeding on these bills at this time.

The PRESIDING OFFICER. Under the rule, the bills will be placed on the calendar.

The Senator from South Carolina is recognized.

(The remarks of Mr. THURMOND and Mr. DURBIN pertaining to the introduction of S.J. Res. 46 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolution.")

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. is under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I ask unanimous consent that at 12 o'clock I be allowed to speak for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the time between 12:15 and 12:30 be reserved for myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I yield to the Senator from Wisconsin.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. I thank the Senator from Illinois.

THE NEED FOR A MORATORIUM ON EXECUTIONS

Mr. FEINGOLD. Mr. President, the Federal Government has not executed a person in the name of people of the United States of America since 1963. For 37 years, we as a people have not taken that fateful, irreversible step. I rise today because all that is apparently about to change.

Since January, I have come to the Senate floor several times to urge my colleagues to support a moratorium on executions and a review of the administration of capital punishment. Mr. President, the need for that moratorium has now become more urgent.

During the Senate recess just ended, a Federal judge in Texas set a date for the execution of Juan Raul Garza. In only two months, on August 5, he could become the first prisoner that the Federal Government has put to death since 1963.

In the early hours of a Saturday morning, when most Americans will be sleeping, Federal authorities will strap Mr. Garza to a gurney at a new Federal facility in Terre Haute, Indiana. They will put the needle in his vein. And they will deliver an injection that will kill him.

Mr. President, I rise today to invite my colleagues to consider the wisdom of this action.

More and more Americans, including prosecutors, police, and those fighting on the front lines of the battle against crime, are rethinking the fairness, the efficacy, and the freedom from error of the death penalty. Senator LEAHY, a former federal prosecutor, has introduced the Innocence Protection Act, of which I am proud to be a cosponsor. Congressman DELAHUNT and Congressman LAHOOD have introduced the same bill in the House. Congressman DELAHUNT, also a former prosecutor, is concerned that our current system of administering the death penalty is far from just. He has said: "If you spent 20 years in the criminal justice system, you would be very concerned about what goes on."

In my own home state of Wisconsin, at least eleven active and former state and Federal prosecutors have said that executions do not deter crime and could result in executing the innocent. Michael McCann, the well-respected District Attorney of Milwaukee County, has said that prosecution is a human enterprise bound to have mistakes.

Mr. President, police—the people on the front lines of the battle against crime—are coming out against the death penalty. They are finding that it is bad for law enforcement. Recently, when police chiefs were asked about the death penalty, they said that it was counterproductive. Capital cases are incredibly resource-intensive. They do not yield a reduction in crime proportional to other, more moderate law-enforcement activities.

A former police chief of Madison, Wisconsin, for example, has said that he fears that the death penalty would make police officers' jobs more dangerous, not less so. He expressed concern that a suspect's incentive to surrender peacefully is diminished when the government has plans to execute.

Ours is a system of justice founded on fairness and due process. The Framers of our democracy had a healthy distrust for the power of the state when arrayed against the individual. Many of the lawyers in the early United States of America had on their shelf a copy of William Blackstone's Commentaries on the Laws of England, where it is written: "For the law holds, that it is better that ten guilty persons escape, than that one innocent suffer." And Benjamin Franklin wrote, "That it is better 100 guilty Persons should escape than that one innocent Person should suffer. . . ."

Our Constitution and Bill of Rights reflect this concern for the protection of the individual against the might of the state. The fourth amendment protects: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. . . ." The fifth amendment protects against being "deprived of life, liberty, or property, without due process of law. . . ." The sixth amendment guarantees that "the accused shall enjoy the right . . . to have the assistance of counsel for his defense." And the eighth amendment prohibits "cruel and unusual punishments."

Our system of government is deeply grounded in the defense of the individual against the power of the government. Our Nation has a proud tradition of safeguarding the rights of its citizens.

But more and more, we are finding that when a person's very life is at stake, our system of justice is failing to live up to the standards that the American people demand and expect. More and more, Americans are finding reason to believe that we have a justice system that can, and does, make mistakes.

Americans' sense of justice demands that if new evidence becomes available that could shed light on the guilt or innocence of a defendant, then the defendant should be given the opportunity to present it. Unfortunately, apparently, the people of New York and Illinois are the only ones who understand this. They have enacted laws allowing convicted offenders access to the biological evidence used at trial and modern DNA testing.

If you are on death row in a state other than Illinois or New York, you might be able to show a court evidence of your guilt or innocence based on new DNA tests. But your ability to do so rests on whether you're lucky enough to get a prosecutor to agree to the test or convince a court that it should be done. Or, as we have seen very recently, your ability to show your innocence may rest with the decision of the governor. And that raises the risk of a political decision, not necessarily one that is based solely on fairness or justice.

Mr. President, I am not surprised that both Texas Governor George Bush and Virginia Governor James Gilmore are no longer confident that every prisoner on death row in their states is guilty and has had full access to the courts. Allowing death row inmates the benefit of a modern DNA test is the fair and just thing to do. But scores of other death row inmates, in Texas, in Virginia, and around the country, may also have evidence exonerating them. They may have DNA evidence. Or they may have other exonerating evidence. We must ensure that all inmates with meritorious claims of innocence have their day in court. But, among problems in our criminal justice system, the lack of full access to DNA testing is, unfortunately, just the tip of the iceberg.

Americans' sense of justice demands fair representation and adequate counsel. In the landmark 1963 case of Gideon v. Wainwright, the Supreme Court held that "in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him." The Court in Gideon wrote:

> From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him.

And, in cases since then, for example the 1988 case of McCoy v. Court of Appeals, the Supreme Court has ruled that: "It is . . . settled law that an indigent defendant has the same right to effective representation by an active advocate as a defendant who can afford to retain counsel of his or her choice."

But, Mr. President, more and more, we are finding counsel that fail the standard of adequacy. Drunk lawyers. Sleeping lawyers. Lawyers who never cross-examined. Lawyers whose first trial is a trial where the client's life is on the line. Lawyers who have been subsequently disbarred.

We would never allow a podiatrist to perform heart surgery. And we would never allow a surgeon to perform surgery while drunk, or to fall asleep during surgery. But courts, over and over again, have upheld convictions where the defendants' lawyers were not qualified to represent them, slept through trial, or were drunk in court.

Take the case of the lawyer Joe Cannon. In 1979, one Mr. Carl Johnson was convicted of murder and sent to death row by a Texas state court. During trial, his lead counsel, Joe Cannon, was often asleep. Cannon's co-counsel, Philip Scardino, was two years out of law school and recalls the whole experience as "frightening." He said, "All I could do was nudge him sometimes and try to wake him up." Johnson's appellate attorney, David Dow, said the trial transcript gives the impression that there was no one in the courtroom defending Johnson. It "goes on for pages and pages, and there is not a whisper from anyone representing him." Mr. Johnson was executed in 1995, the 12th execution under Governor Bush's watch.

Now as "frightening" as this sounds, the same attorney continued to work capital cases.

Like the majority of inmates on Texas' death row, Calvin Burdine could not afford an attorney, so the court paid a lawyer to represent him, and that lawyer again was Joe Cannon. Five years after Johnson's trial, and this time without co-counsel, Cannon represented Burdine, and again slept through crucial moments of the trial. The clerk for the trial judge said Cannon "was asleep for long periods of time during the questioning of witnesses." Three jurors noted he did most of his nodding off in the afternoon, following lunch. Burdine's appellate attorneys contend that highly incriminating hearsay testimony was introduced and reached the jury because the attorney was sleeping. In 1995, the Texas Court of Criminal Appeals rejected his claim of ineffective assistance. Burdine's case is now before the U.S. Court of Appeals for the Fifth Circuit.

As Texas State Senator Rodney Ellis said of the Burdine case on ABC's This Week this past Sunday, "That is a national embarrassment." Incredulously, Senator Ellis lamented: "[T]he Texas Court of Criminal Appeals ruled apparently that you can be Rip Van Winkle and still be a pretty good attorney."

Two years after his death, lawyer Joe Cannon remains a courthouse legend. In a span of about 10 years, twelve of his indigent clients went to death row.

Americans' sense of justice demands that the poor, as well as the rich, should get their day in court. Even death penalty supporters like Reverend Pat Robertson recognize that this ultimate punishment appears reserved for the poor.

The machinery of death is badly broken. Since the 1970s, 87 people sitting on death row were later proven innocent. That means that for every seven executions, we've found one person innocent. But remember, this is after they were on death row. Eight of the 87 people later proven innocent relied on modern DNA testing to prove their innocence. But access to DNA testing plainly tells only a small part of the story of the mistakes in our criminal justice system. The remaining 79 innocent people gained their release based on other kinds of evidence—evidence like recanted witness testimony.

Sometimes, it is evidence that an ineffective attorney fails to introduce at trial. Take the case of Gregory Wilhoit. In 1987, an Oklahoma court sentenced Wilhoit to die for the murder of his estranged wife. The key evidence for the prosecution was expert testimony that a bite mark on the victim matched Wilhoit's. The defense never called an expert to challenge the prosecution's dental expert. The court of appeals granted a new trial, recognizing that Wilhoit had ineffective legal representation. The appellate court noted that his counsel was "suffering from alcohol dependence and abuse, and brain damage during his representation." Wilhoit describes his former attorney as "a drunk" and recalls several occasions when the attorney threw up in the judge's chambers. After spending six years on death row, Wilhoit was exonerated after 11 experts—11 experts—testified that the teeth marks did not match.

Mr. President, I hate to say it, but this is the worst of government gone amok. People understand that the government can make mistakes in other areas. They can only expect as much here. Columnist George Will recently wrote that conservatives, especially, should be concerned. George Will wrote: "Capital punishment, like the rest of the criminal justice system, is a government program, so skepticism is in order."

When we do not exercise that skepticism, when we rush to execute with ever growing speed, we contribute to, rather than detract from, a culture of violence. It deprives us of the greatness that is America. We are better than this.

And so, Mr. President, the time has come to pause. That is why today, in the light of the scheduling of the first Federal execution in almost 40 years, and in light of the growing awareness that there are fundamental flaws in our system of justice, I urge my Colleagues to join me in the National Death Penalty Moratorium Act, which I introduced along with Senators LEVIN and WELLSTONE.

This bill is a common sense, modest proposal. It merely calls a temporary halt to executions while a national, blue ribbon commission thoroughly examines the administration of capital punishment. The bill simply calls for a pause and a study. That is not too much to ask, when the lives of innocent people hang in the balance.

When an airplane careens off a runway, the Federal government steps in to review what went wrong. This Nation's system of capital punishment has veered seriously off-course. It is now clear that it is replete with errors.

The time has come to pause and study what is wrong. The time has come to pause and ensure that our system is fair and just.

Our American tradition of fairness and due process demands it. Reverence for our democracy's protection of the individual against the state compels as much. The American people's love of justice deserves no less.

Mr. DURBIN. Mr. President, I commend my colleague from the State of Wisconsin. He is a person of principle. He comes to the floor of the Senate and reminds Members, whether in support of or in opposition to the death penalty, it is fundamental to the American system of justice that we insist on fairness.

In my State of Illinois, some 13 people who were on death row preparing to be executed by the State of Illinois were found by scientific testing to be innocent and were released. Because of that, the Governor of our State, a Republican, George Ryan, made what I consider to be an important and courageous decision. He suspended the death penalty in my home State of Illinois.

The Senator from Wisconsin, Mr. FEINGOLD, reminds Members that the experience in Illinois is not unique. In State after State, we have found people who have been called to justice and have received virtually no representation before the court of law. In the most serious possible cases under our system of justice, these men have been sentenced to death. In many cases, that sentence was carried out with inadequate defense and representation.

For example, I think the decision by Governor Bush of Texas to at least suspend the execution of an individual for 30 days while DNA testing is underway is a thoughtful decision. I commend him for that. The State of Texas, I believe, leads the Nation in the number of executions, and the State of Texas has no public defender system. So in the State of Texas, if you are a criminal defendant facing a capital crime which could result in execution, it is literally a gamble, a crapshoot as to the person who will represent you to defend your life.

In cases that have been cited by Senator FEINGOLD, some of the most incompetent attorneys in America have been assigned this responsibility. In our State of Illinois, we found these attorneys to be not well versed in law; we found them to be lazy; we found them to be derelict in their duty, and in some cases, a person's life was at stake.

Again, I commend my colleague from the State of Wisconsin for his statement. It is a reminder to all, whether we support the death penalty—as I do—or we oppose it, that we in this country believe in a system that is based on fairness and justice.

I have introduced legislation to give to all Federal prisoners who were subjected to capital punishment the same right for DNA testing that exists in my State of Illinois. There are similar bills introduced by my colleagues. I hope that all, conservative and liberals alike, Democrats and Republicans, will at least adhere to the basic standard of justice when it comes to cases of this seriousness and this magnitude.

Mr. FEINGOLD. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mr. FEINGOLD. I thank the Senator and take my hat off to him and to our neighbor to the south, the State of Illinois. Without the leadership of Illinois, which had the courage to admit that it had a problem, this entire issue would not be receiving the kind of examination occurring across the country. That is to the Senator's credit, to that of the Governor, and to all the people of your State.

The bill I have introduced is modeled exactly after the pattern followed in Illinois; that is, the calling of a moratorium by a Governor who is, or at least has been, a death penalty supporter, and then the appointing of a very distinguished blue-ribbon commission, including our former wonderful colleague, Paul Simon, and including both pro- and anti-death penalty people.

Under Illinois' leadership, there will be this kind of pause and examination that is open to people of any view on the death penalty, to simply make sure that system is fixed.

As the Senator pointed out, Illinois could not possibly be the only State that has this problem. In fact, I predict it will not turn out to be the one with the worst problem in this area.

The other States need to join it on this, the Federal Government needs to join, and I compliment your State, as I did in my earlier remarks, as being one of the only two States to recognize the right to have guaranteed DNA testing.

LEGISLATIVE AGENDA

Mr. DURBIN. Mr. President, in the time that remains in morning business, which I will share with my colleague from California, we will address several of the issues which still remain before this session of Congress. Many of us are just returning from a Memorial Day break which we spent with our families back in our States, trying to acquaint ourselves with the concerns of people and the concerns about issues we face here in Washington.

One of the concerns in the State of Illinois and in the city of Chicago continues to be gun violence. This is still a phenomenon which is almost uniquely American and which is tragic in its proportion. To think we lose 12 or 13 children every day to gun violence, that is a sad reminder of what happened at Columbine High School in Littleton, CO, a little over a year ago, when some 13 students were killed at that school. It is merely one instance of a situation which repeats itself every single day.

It has been more than a year since that tragedy, but still this Congress refuses to act on sensible gun safety legislation. I remind those who are following this debate, the proposal for this gun safety legislation is hardly radical. If people are going to buy a gun from a gun dealer in America, they are subjected to a background check. We want to know if they are criminals. We want to know if they have a history of violent crime or violent mental illness or if they are too young to buy a gun—basic questions. I understand that, as of last year, over 250,000 would-be purchasers of guns were denied that opportunity as a result of a simple background check.

Did they turn around and buy a gun on the street? It is possible. But we should not make it easy for them. It should not be automatic. In fact, I hope in many instances, having been denied at a gun dealer, they could not find a gun nor should they have been able to. We believe applying the same standard of gun safety legislation to gun shows just makes common sense.

So that is part of the gun safety legislation we passed in the Senate by a vote of 49–49, and a tie-breaking vote was cast by Vice President AL GORE. That bill left the Senate over 8 months ago, went over to the House of Representatives where it was emasculated by the gun lobby, where the National Rifle Association would not accept the basic idea that we should check on the backgrounds of people who buy guns at gun shows.

The National Rifle Association believes those who go into gun shows should be able to buy a gun with no questions asked. That is just fundamentally unfair and ignorant. That position prevailed in the House of Representatives. The matter went to a conference committee where it has languished ever since.

Since Columbine High School, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will, each day, read the names of some, just some, who lost their lives to gun violence in the past year and will continue to do so every day the Senate is in session.

In the names of those who died, we will continue this fight, and in the names of their families who still grieve their losses, we will continue to remember these victims of gun violence.

Following are the names of some of the people who were killed by gunfire 1 year ago today, on June 6, 1999, at a time after the Senate passed gun safety legislation:

Earnest Barnes, 38, Atlanta, GA; Quentin A. Brown, 29, Chicago, IL; Dexter J. Caruthers, 46, Gary, IN; George Cook, 19, Minneapolis, MN; Don Ferguson, 80, Oakland, CA; Juan J. Gonzales, 28, Oklahoma City, OK; Mark S. Hansher, 33, Madison, WI; Joseph Jainski, 34, Philadelphia, PA; Maurice Lewis, 29, Philadelphia, PA; Donald Norrod, 67, Akron, OH; Allen Ringgold, 23, Baltimore, MD; Lawanza Robertson, 18, Detroit, MI; Agapito Rodriquez, 32, Dallas, TX; Jonathan Shields, 31, Washington, DC; Clarence Veasley, 44, St. Louis, MO; Kirk Watkins, Detroit, MI.

In addition, since the Senate was not in session this year from May 26 to June 5, I ask unanimous consent the names be printed in the RECORD of some of those who were killed by gunfire last year on the days from May 26 through June 5:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 26, 1999

Demarcus Clark, 22, Atlanta, GA.
Delmar Guyton, 23, Detroit, MI.
Shawn Timothy Hamilton, 35, Washington, DC.
James Johnson, 24, Denver, CO.
William Partlow, 26, Charlotte, NC.
Shayne Worcester, San Francisco, CA.

MAY 27, 1999

Steve T. Fleming, 27, New Orleans, LA.
Bruce Harvard, 19, Pittsburgh, PA.
Kewan McKinnie, 19, Detroit, MI.
Victorria Moore, 41, San Antonio, TX.
Bobby Piggle, 39, Kansas City, MO.
Ramona Richins, 47, Salt Lake City, UT.
Kevin Sellers, 25, Baltimore, MD.
Termell Wollen, 31, Detroit, MI.
Unidentified male, 24, Norfolk, VA.
Unidentified male, 25, Norfolk, VA.

MAY 28, 1999

Raymond Adams, 30, Philadelphia, PA.
Carrillo Ambbrocio, 32, Houston, TX.
Luz Balbona, 59, Miami-Dade County, FL.
Jimmy Cottingham, 30, Washington, DC.
Armando Garcia, 16, San Bernardino, CA.
Ignacio Gonzalez, Sr., 42, Chicago, IL.
Terrell Hatfield, 21, Seattle, WA.
Donnell Holmes, 25, Miami-Dade County, FL.
Jose Reyes, 18, Hempstead, NY.
Angela Yglesias, 18, Detroit, MI.

MAY 29, 1999

David D. Adams, 36, New Orleans, LA.
Michael Cal Andretti, 29, St. Paul, MN.
William Berry, 56, Philadelphia, PA.
Vincent Domingeuez, 42, Louisville, KY.
Alayito Finney, 30, Detroit, MI.
Bruce Goldberg, 39, Philadelphia, PA.
Joseph Jenkins, 22, Charleston, SC.
Dil Kahn, 57, Houston, TX.
Roberto Lauret, 30, Miami-Dade County, FL.
Craig Nelson, 34, Philadelphia, PA.
Gregory Ramseth, 33, Seattle, WA.
James Thurston, III, 19, Miami-Dade County, FL.
Roger Vincent, 44, Mesquite, TX.
Unidentified male, 35, Long Beach, CA.

MAY 30, 1999

Lawrence Albeniaic, 45, New Orleans, LA.

Ryan Bailey, 19, Baltimore, MD.
Maxine Bedell, 82, Rochester, NY.
Melco Botache, 33, Miami-Dade County, FL.
Henry Carter, 48, Detroit, MI.
Savatore Damico, 33, Baltimore, MD.
Lovell Daniely, 27, Philadelphia, PA.
David Davidson, 38, St. Louis, MO.
Frank Evans, 18, Chicago, IL.
Rico Montgomery, 24, Detroit, MI.
Antonio Munoz, 17, Providence, RI.
Phyllis Robinson, 38, Chicago, IL.
Brandy Smith, 18, Houston, TX.

MAY 31, 1999

Elizabeth K. Burlan, 55, New Orleans, LA.
Anthony Clay, 40, Atlanta, GA.
Gregory Clay, 40, Atlanta, GA.
Edward Meno, 26, Oakland, CA.
Daron D. Mitchell, 18, Akron, OH.
Miriam Moses, 78, Miami-Dade County, FL.
Shane Newton, 26, Detroit, MI.
Curtis Smith, 26, Cincinnati, OH.
Anthony Wilson, 40, Philadelphia, PA.
Unidentified male, 18, Newark, NJ.

JUNE 1, 1999

Jouvito Bravo, 19, Houston, TX.
Allen R. Darrington, 17, Kansas City, MO.
Martha Enrichez, 21, Dallas, TX.
Antoine Fowler, 21, Charlotte, NC.
Bruce Green, 36, Baltimore, MD.
Jewel Harvey, 49, Dallas, TX.
Johnny Howard, 26, Atlanta, GA.
Stephen Karawan, 53, Miami-Dade County, FL.
Michael Kitchins, 36, Dallas, TX.
Eric Lewis, 21, Detroit, MI.
Jamont Simmons, 22, Rochester, NY.
Jerona Stewart, 15, Washington, DC.
D'Andre Tizeno, San Francisco, CA.
Irene Zaragoza, 47, Houston, TX.
Unidentified male, 39, Honolulu, HI.
Unidentified male, 26, Nashville, TN.

JUNE 2, 1999

Corey Ball, 28, San Antonio, TX.
Clarence A. Bellinger, 30, Chicago, IL.
Barbara Clark, 35, Chicago, IL.
Carlton Copeland, 23, Atlanta, GA.
Felipe Cruz, 26, Dallas, TX.
William Floyd, 18, Washington, DC.
Raymond Gonzales, 33, San Bernardino, CA.
Fairway Huntington, 41, Memphis, TN.
Craig Kallevig, 41, Minneapolis, MN.
Seven Lomax, 30, Philadelphia, PA.
Brian Meridith, 36, Mesquite, TX.
James Nelson, 23, Baltimore, MD.
Cecilia Pagaduan, 44, Daly City, CA.
Edwin Pagaduan, 44, Daly City, CA.
Mario Anthony Phillips, 26, St. Paul, MN.
Ricky Salizar, 12, Roswell, NM.
Kahlil J. Smith, 19, Memphis, TN.

JUNE 3, 1999

Alberto Acosta, 36, Miami-Dade County, FL.
Scott Hughes, 24, Dallas, TX.
Samuel C. Johnson, 51, Seattle, WA.
Chang Dae Kim, Detroit, MI.
Rodney Nelson, 17, Detroit, MI.
Sammy Tate, 35, Chicago, IL.
Mario Wright, 19, Philadelphia, PA.

JUNE 4, 1999

Recardo Aguilar, 23, Pittsburgh, PA.
Donald Carver, 43, Toledo, OH.
Carlos Casaway, 23, Detroit, MI.
Christopher Earl, 26, Knoxville, TN.
Fitzroy Farguharson, 35, Miami-Dade County, FL.
Al Jenkins, 28, Oakland, CA.
Derek D. Miller, 24, Memphis, TN.
Cesar Quevedo, 24, Pittsubrgh, PA.
Juan D. Rodriguez, 48, Houston, TX.
Earl Roos, 25, Oakland, CA.
Jose J. Santoyo, 20, Chicago, IL.
Abimbola Whitlock, 20, Oakland, CA.

JUNE 5, 1999

Nancy Linda Akers, 45, Washington, DC.
Jeffrey Blash, 24, Miami-Dade County, FL.
Mary Kathleen Brady, 35, Cincinnati, OH.
Franco D. Davis, 22, Chicago, IL.
Patrick Dewar, 35, Philadelphia, PA.
Anthony Fletcher, 45, Macon, GA.
Walter Hill, 38, Detroit, MI.
Alice Hough, 54, Miami-Dade County, FL.
Maurice Jiles, 18, Gary, IN.
Fernando Perez, 29, Houston, TX.
Joseph Swinnie, 18, Washington, DC.
Victor Temores-Martinez, 30, Chicago, IL.
Shaun Tilghman, 24, Boston, MA.

Mr. DURBIN. Mr. President, at the National Rifle Association convention, when it was brought up as an issue that so many young people are killed every single day by gunfire in America, in addition to those who are not so young, the people at the National Rifle Association dismissed it and said these are teenage gang bangers and drug criminals and you just have to expect, in the culture in which they live, they are going to kill one another.

As I read this list of people ranging in age from 80 years to 18, it is clear that the victims of gun violence are not just those who were involved in crime in the inner city. Frankly, it involved Americans across the board; Americans—black, white, and brown—of virtually every age group. To dismiss this, as the National Rifle Association did, as something we should not care about I think is evidence of their insensitivity to this issue of gun violence.

Mrs. BOXER. Will the Senator yield for a couple questions?

Mr. DURBIN. I am happy to yield to the Senator from California.

Mrs. BOXER. I thank the Senator from Illinois for reading these names into the RECORD, for putting a human face on what is a national tragedy. He experienced this at home, and I did as well in California.

People are wondering just exactly what we are doing. Since Columbine, we agreed to five sensible gun amendments, one of them to close the gun show loophole, which would make it very difficult, if not impossible, for criminals and children and people who are mentally unbalanced to buy guns at gun shows; also, for example, to make sure that all handguns are sold with safety locks, so if kids get hold of a gun, there is no discharge of a bullet.

I want to engage my friend in a little colloquy. While we were gone last week, there were two horrific stories, just two that made the national news. God knows there were more.

One of them involved a student who was acting out on the last day of school. He was throwing water balloons. And the teacher said: Listen, you are just going to have to leave school. You don't belong here. We don't have tolerance for this kind of behavior.

The child left school, went home; he told someone he was going to get a gun. The child who was told this didn't believe it. Sure enough, he went to his grandfather's stash of guns and got one. It had no safety lock on it. He returned, and he killed a very wonderful, kind family man, a teacher at the prime of his life, in his thirties.

Then we had the incident in Queens where a disgruntled employee essentially executed people who worked at a Wendy's.

What do we do here? Nothing. We do nothing. I am listening for the majority leader. We already passed these amendments in the Senate, and the amendments are languishing in the committee. I say to my friend, what are the American people to think about this inaction? I would like him to comment on that. Then I have another question about the NRA convention.

If my friend could comment, because he feels so strongly about this, what are the American people thinking about the Senate and Congress, controlled by Republicans, who do nothing about the issue of the killing of our people at a far greater rate than our soldiers died in Vietnam? We have a war in our streets. What do you think they should do about it?

Mr. DURBIN. I can say to the Senator from California, as people across the Nation refuse to vote in elections and lose respect for those who are elected to public office, it is a clear indication, as far as I am concerned, that they do not believe we are responsive. They do not believe we are listening. They do not believe the problems that families face across America are problems we share. They think we are some sort of political elite that really is out of touch with the world.

They understand in the cities and the suburbs across Illinois that gun violence is an issue that affects so many lives. They wonder how people can be elected to the Senate and not try to do something about it.

I know the Senator from California agrees with me that even passing this gun safety legislation will not eliminate gun violence, but we hope it will reduce it.

It is a commonsense approach to reducing the ownership of guns by people who should not own them. I believe—and I am sure the Senator from California does, too—those who use guns legally and safely, such as sportsmen and hunters, should be allowed to do so, but I do not agree with the National Rifle Association of basically giving guns to everyone, no questions asked, and hope for the best, and wants to see concealed weapons in every place. Governor Bush decided he wanted concealed weapons to be carried in churches and synagogues in the State of Texas. That strikes me as a ridiculous situation.

Mrs. BOXER. Amusement parks as well.

Mr. DURBIN. Amusement parks. Think about the situation and wonder how in the world can we have a safer America if we have this proliferation of guns that is, obviously, supported by Governor Bush, as well as the National Rifle Association. Democrats and Republicans should be listening to families across this country.

To think gun violence has become so commonplace that we have accepted it is a sad testament on this great Nation. If one looks at gun violence statistics and says "that is life," no, it is not. That is life in America. That is not life in any other country in the world. Virtually every civilized country in the world has basic gun safety laws and gun control laws to keep guns out of the hands of those who would misuse them and out of the hands of children. We live in a country where a disgruntled 13- or 14-year-old goes home and finds grandpa's gun, goes back to school, and kills a teacher. That is not commonplace anyplace in the world but for the United States, which I do not think we should accept, and our failure to do anything about it feeds into the cynicism of America's voters and citizenry who think we are elected to solve problems in this country. When we do not respond, it is no wonder they lose faith in the process.

Mrs. BOXER. I say to my friend, what is extremely frustrating is the talk we hear: Gee, it does not make any difference who gets elected. I want to make a point straight from the shoulder, and I am known for that. The fact is, every single Democrat voted for these sensible gun measures, except one, and we had just a few on the other side join us.

There is a difference. I ask my friend if he happened to hear the NRA convention speeches that were made or if he read them, and, if so, what he thought. I was, frankly, stunned at the all-out personal attack on AL GORE that I heard. I have no objection to people having differences. If they want everyone to carry a concealed weapon, that is their choice to make that decision. I do not think we want to see an America that is a shootout at the OK Corral. I do not think that is going to make our country great. But if somebody thinks that we all ought to pack a weapon, that is their right, but to personally attack the Vice President because he supports sensible gun control laws—which, by the way, are supported by 80 percent of the people—to make this a personal, vicious attack on AL GORE—and I read Wayne LaPierre's speech and I read Charlton Heston's speech. They named AL GORE in the most vicious way and attacked him in the most personal way.

I ask my friend if he would like to see this debate elevated above these personalities. It is dangerous to start attacking people in such a way, and I hope we can keep our disagreements over the issues rather than attack a Vice President who is simply reflecting the views of 80 percent of the people.

When we hear the NRA executive say: When George Bush is elected, we are going to operate out of the White House—that sends chills up and down my spine. No group should operate out of the White House, whether it is Sarah and Jim Brady's gun control group or the NRA. For them to say when George Bush is elected they are going to work out of the White House is a frightening thought to me.

I hope the American people will tune in to this and not say all the candidates are alike and not say all of us are alike. They are not going to find us perfect, that is for sure. No one is perfect. Doesn't my friend believe this is an issue where there are serious differences between the two parties?

Mr. DURBIN. I say to the Senator from California that she has answered her own question: Why is the National Rifle Association attacking the Democratic candidate for President? They made it clear. The chairman of their organization, a gentleman from Iowa whose name I do not have handy, made this announcement—in fact, it has been videotaped and replayed—where he said: Listen, the choice for the National Rifle Association in this Presidential race is clear. If George Bush is elected President of the United States, the National Rifle Association will have its man in the White House.

The Senator from California does not exaggerate. That is exactly what he said.

What does it mean to have your person in the White House next to the President? It means gun safety legislation does not have a chance. Not a single thing is going to be passed by Congress that will not be vetoed by George W. Bush.

Secondly, I hope the Senator from California will also reflect on this, and that is, it is likely in the next Presidency two or three Supreme Court Justices will be nominated. The National Rifle Association is going to have its voice in that process if George Bush is elected President. They will decide whether or not the Supreme Court Justice nominee passes their litmus test, which basically says we should sell guns in this country with no questions asked.

That is not a decision for 4 years; it is a decision for decades because if the Supreme Court has a majority of that point of view, that is going to affect the laws that are approved virtually across the board at the State and Federal level.

When the National Rifle Association at their convention starts ranting and raving about their choice for President, it is because they are sick and tired of President Clinton, who has stood up for gun safety as long as he has been in the White House. They are frightened by the prospect of Vice President GORE becoming President and continuing that tradition of supporting sensible gun safety legislation. They want George W. Bush. They want their man in the White House. They want to help pick the Supreme Court. You can bet as an American, I am concerned that will increase the incidence of gun violence in our country.

Mrs. BOXER. I thank my friend for raising the issue of the Supreme Court. I should have raised it myself. He is so right on that point. The Supreme Court up to now has, in fact, said it is OK for Congress to work on gun laws that keep guns out of the hands of criminals and children, and that it is not, in fact, a violation of the second amendment because we say: Sure, if you are responsible and you need to have a gun and you have a reason to have it—for recreation or to defend your family—and you are a responsible gun owner, that is one situation. But if you are a criminal, you are mentally unbalanced, if you walk in and buy a gun, by the way, when you are high on drugs or alcohol, this is not going to be good for this Nation. The Supreme Court up to now has upheld our ability to regulate.

There is no question that with the NRA operating out of the George Bush White House, we are going to see in the Congress not only a lack of future progress on controlling these guns and who has these guns, but we are going to see the Supreme Court tilt and say: Congress, you have no business dealing with this issue.

I ask my friend this: If we have no other role to play, shouldn't it be that we protect the health and the safety of the people of this country? I know we are trying to get a Patients' Bill of Rights. This is another issue for which we are fighting hard because that is our sacred obligation, if nothing else.

We can have the greatest economy in the world, the best economy in the world, people can be working and thriving, but if some child goes home and gets his grandpa's gun and shoots a beautiful teacher in the head, if some disgruntled employee who has a criminal record can get a gun at a gun show, what good does it do if you have the best job and the best future in the world?

My friend has read the names of people shot down in the prime of their lives. We are supposed to live to our seventies, and a lot of these people are shot down in their teens, in their twenties, or in their thirties.

My friend is so right to raise this issue of the Supreme Court. I thank him so much for engaging in this colloquy.

I know this talk is hard talk. By the way, it certainly raises our names to the NRA; and that is not easy for us, either. But the fact is, I believe in my heart that the NRA gives a lot of money to people in Government but there has to be some of us who stand up. I am proud to say every single Democrat, many of whom absolutely believe, as we do, in the right to gun ownership, have stood strong and said we must keep guns out of the hands of children, the mentally unbalanced, and people with criminal records.

I say this to my friend: This is a fight we are going to wage on this floor. We are not going to let George Bush hide behind the fact that he says nice things. I am amazed that the polls don't reflect that people know what he stands for, making it possible to carry a concealed weapon into a church—we had a horrible massacre in a Texas church—or into hospitals. Why do you need a gun in a hospital—explain that to me—a place of healing, a place of peaceful recuperation?

Why do you need a gun in a church? Why do you need a gun in a hospital? What about an amusement park where there are so many kids around? This makes no sense. He did it because the NRA wanted it done. We have to speak the truth here if we are worth anything.

I thank my friend for speaking the truth, for reading the names of those who died, and for bringing this issue day after day to the floor of the Senate. I will be by his side.

Mr. DURBIN. I thank the Senator from California. She has made a point, too, that I would like to follow up on. We have addressed this issue of the safety of American families, to make sure that we try to do everything that is reasonable to reduce gun violence.

There is also an issue of health not only related to gun violence but in a larger context. We have several measures that are pending on Capitol Hill that have been languishing for months: prescription drug benefits, which we support. We believe that under Medicare the elderly and the disabled should have a prescription drug benefit. To accomplish that, it is certainly going to involve bipartisan cooperation. But we have seen no leadership, none whatsoever, in this Congress.

What are they waiting for? We are now in the month of June. We are talking about resolving a lot of the major issues before our August recess for the conventions. In this short period of time, can we find the political will to address a prescription drug benefit?

Let me add another that has been languishing for months: the Patients' Bill of Rights, which basically says that each one of us, as individuals and members of a family, should be able to walk into a doctor's office and listen carefully to that medical professional, receive their diagnosis and their recommendation, and follow it and not be second-guessed by some insurance company.

I think that is so fundamental and so basic—that a woman who has an obstetrician following her pregnancy, who wants to stay with the person in whom she has confidence, will not lose that right because her company decides to change its health insurance carrier; that someone who wants to be involved in a clinical trial of a new experimental drug for cancer, for example, that might save their life, cannot be denied that opportunity by a health insurance company; that our access to emergency rooms will not be denied because of the decisions of health insurance company clerks.

We had a vote on the floor of the Senate. Overwhelmingly, the American people support what I have said. We lost the vote but not because we did not have support for our position. Three hundred organizations supported the Democratic position on the Patients' Bill of Rights, every major medical group in America. The nurses supported our position. The doctors supported our position. Hospitals supported our position. Yet we lost because one special interest group on the other side prevailed—the insurance companies. They are the ones that are making the profit out of these decisions that take quality care away from families, which exalt the bottom line of profits, and ignore basic health care needs.

This miserable bill that passed out of the Senate is headed over to the House of Representatives. I am happy to report to you that a substantial number of House Republicans said they were not going to scrape and bow to the insurance industry; that they would stand with American families and medical professionals so we have rights, a Patients' Bill of Rights for America.

They passed a good bill, the Dingell-Norwood bill. JOHN DINGELL of Michigan is legendary here on Capitol Hill. Congressman CHARLIE NORWOOD is relatively new but is a Republican who has had the courage to stand up and say: I think it is only right to say no to the insurance companies and yes to American families on a Patients' Bill of Rights.

Let me read to you what Congressman NORWOOD said a few days ago about the situation that has occurred where the Senate passed the insurance industry bill and the House passed one that will help American families; and nothing has happened since. This is what he said on May 25:

> I'm here today to say time's up on the conference committee. We've waited eight months for this committee to approve a compromise bill. Senate Republicans—

This is a Congressman who is a Republican who is saying this about his colleagues in the Senate:

> Senate Republicans have yet to even offer a compromise liability proposal—they have only demanded that the House Conferees abandon their position.

He goes on to say:

> If we don't get a bill, or at least a tentative agreement in writing by the week we come back from Memorial Day, we must move past the conference.

Congressman NORWOOD said:

> Starting today, I am working as if that will be the case. I am willing to pass this measure through any means necessary.

I say congratulations to this Republican Congressman who is standing up to the Republican majority in the Senate, who is standing up to the insurance industry, who is standing with the Democrats and with American families. As on gun safety legislation, this health legislation, important to families across America, has been stalled and blockaded by the Senate Republican leadership. They do not want to even address the issues that families across America care about.

You step back and say: Why in the world do men and women run to be Members of this Senate if they are not willing to at least debate the major issues, if not pass legislation to help families? But time and time and time again, the Senate majority has blockaded, stopped, and stalled every effort to deal with issues of health and safety.

And those are not the only ones. As to an increase in the minimum wage, this is one of the most disgraceful things that has happened to Congress in the last 10 or 12 years. It used to be when it came time for an increase in the minimum wage—under President Reagan, for example, it was done with little fanfare and little debate. It was done on a bipartisan basis. We all believed that the men and women who got up and went to work every day in America for a basic minimum wage deserved an increase periodically to reflect the cost of living.

But the Republican-dominated Congress refuses to allow us to increase this minimum wage. And 350,000 people in my State of Illinois got up this morning and went to work for a minimum wage—$5.15 an hour—with virtually no benefit protection.

I agree with Senator KENNEDY, Senator DASCHLE, and so many others, that we should increase this minimum wage as a matter of basic decency a dollar an hour—50 cents a year for 2 years—so people who are trying to keep their families together, trying to maintain their own standard of living, have a chance to do it with an increased minimum wage. Again, the Republican leadership in Congress refuses to let us bring up this issue of the minimum wage.

Time and time again—gun safety legislation, a prescription drug benefit under Medicare, a Patients' Bill of Rights to protect families when they have the most basic and fundamental concerns about their health, and a minimum wage—these issues have been stalled because the Republican leadership refuses to bring them up for a vote. They know the American people support it but there are special interest groups that oppose each and every one of them.

The National Rifle Association has told them: Put the bar on the door. We don't want any gun safety legislation. The insurance companies have told them: We don't want a Patients' Bill of Rights. We are making a lot of money under the current system. We don't want the doctors and the nurses to make medical decisions. We want businesspeople to make them based on profits. The pharmaceutical industry has told them they don't want a prescription drug benefit to help the elderly and the disabled pay for drugs they need to survive. When it comes to the minimum wage, some people in the business community have said: We don't want to pay anything more than $5.15 an hour. And we don't care what impact it has on the employees.

That is the state of play that reflects the values and reflects the choice the American people will have in this coming election as to whether they want to see the Republican majority continue in Congress and stop this basic legislation so important to every American family.

Mrs. BOXER. Will my friend yield on that point?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. Again, I thank my friend for connecting the dots. To those Americans who say there is no difference between the parties, there are no issues in this election, that it is a matter of who has the best smile, I say that is not what it is about.

It is about issues that impact millions and millions of Americans; 30,000 Americans die every year of gunshots. My friend pointed out that about 13 a day of those are children—children. The Democrats are saying we need sensible gun laws, and our Republican friends are saying we don't need anything, just hang it up in the conference committee and say a few words here and let's move on. We will not let that issue die, if you will, nor the Patients' Bill of Rights and prescription drugs. Again, it is about millions of people.

What always fascinates me is my friends on the Republican side—oh, they are tough on law and order. And I agree with them. I am as tough as they come. I will support the death penalty for heinous crimes. But when an HMO kills a patient because they won't approve the appropriate test—and I have seen it time and time again in my State, where tests for cancer were denied because they were expensive diagnostic tests, and HMOs wind up essentially killing a patient because they got treatment too late—they let them off the hook: We don't want the right to sue. Let these people just walk away with maybe a slap on their wrists.

Where is the outrage? Where is the outrage when people die because of medical malpractice or an HMO not willing to invest in our people?

Take the issue of minimum wage, where people are actually living in poverty. For goodness' sake, some in our military are on food stamps. Yet our friends on the other side will vote for luxury jets to ferry around the generals. I don't know where the shame is. I don't know where the outrage is. I can only say that this is where it is today. It is reflected in the Presidential race, and it is reflected in the Senate races and in the congressional races.

I only ask the American people to wake up, regardless of what party they are in, because that doesn't matter to me. These are not partisan issues. These are issues of right and wrong. These are issues of fairness.

I really think my friend has connected the dots on several of these issues—the gun issue, the Patients' of Bill of Rights, prescription drugs, minimum wage. What do these have in common? They are all issues that matter to America's families, the way we live, and the kind of life we have. They are crucial issues. No matter what happens in the Senate when the majority leader brings legislation forward—or doesn't—whether we do nothing or we do something, we are going to come home with these issues and talk about them, and we are going to organize around these issues. Otherwise, I don't think we deserve to be here if we are silent in the face of inaction.

I thank my friend again for taking this time and for engaging in this colloquy.

(Mr. ENZI assumed the chair.)

Mr. DURBIN. We have not only addressed the major legislative issues bottled up and stalled in this Republican Congress—gun safety legislation, Patients' Bill of Rights, prescription drug benefits, increasing the minimum wage. We should listen as well to the rhetoric coming from the Republican candidate for President, George W. Bush, who is suggesting a massive tax cut of over $2 trillion over 9 years. He is also now suggesting a change in Social Security that will cost over $800 billion over 9 years.—$2.8 trillion that he has suggested we spend over the next 9 years, when we are told by experts in Washington that the surplus we have to deal with is about $800 billion. What the Presidential candidate on the Republican side is suggesting is that he wants to return to the era of deficit spending, where we will, over 9 years, go $2 trillion more in debt.

We can all recall that when President Reagan was elected in 1980, we started on this course of action which led to increasing our national debt to over $6 trillion. We had more debt accumulated during the Reagan-George Herbert Walker Bush years than we had in the entire previous history of the United States. Now to carry on this fine tradition, Gov. George W. Bush is suggesting we go back to deficit spending, $2 trillion more in debt, to give tax breaks to wealthy people, to change Social Security in a risky way.

I think that is another fundamental issue. If we are going to deal with America's economy to keep it moving forward, if we are going to bring about the changes we need to make America a better place to live, we certainly don't need to return to deficit spending. I think that is a critical issue that affects everything we do on Capitol Hill.

Mrs. BOXER. Again, my friend raises a very crucial issue. I have the paperwork here, and my friend is right on target. George W. Bush's tax cut proposal is $1.7 trillion from 2002 to 2010, and going to his privatized plan for Social Security will cost $1 trillion. My friend said $800 billion; it is $1 trillion. The projected on-budget surplus, if the economy continues to do well—and you never can count on that, but we certainly hope so—is $877 billion, which leaves a $2.7 trillion deficit. We are going to go back into the bad days.

So not only are George W. Bush and the Republican Party not wanting to act and make life better by moving forward on the issues about which we talked—the gun issue, prescription drugs, the Patients' Bill of Rights, and the minimum wage. So not only won't they change for the good, they want to go back, and we are going to be facing these horrific deficits, a national debt that will start to soar again, the markets will react with high interest rates, and we will be back into the deepest trouble. We will be bailing ourselves out.

I have to say again that by looking at this entire choice we have in this election, it is very interesting. As I listen to my friend, I realize what we face. We face a situation where either we are going to go forward on certain issues but keep fiscal responsibility, or not move on crucial issues that are really life-and-death issues and go back to the days of horrible economic times.

We all remember when President Bush went to Japan and threw up his hands and said: What are we going to do? We are in deep trouble. Help us.

That was not a high point in American life. Now, with the Clinton-Gore team, we are leading the world, but we will only continue if we don't go back to those bad old days of deficits.

I thank my friend.

The PRESIDING OFFICER. The Senator's time has expired. The next hour is under the control of the Senator from Wyoming.

The Senator from Wyoming is recognized.

THE SENATE'S AGENDA

Mr. THOMAS. Mr. President, we will go to the Senator from Minnesota shortly and then the Senator from Texas and then the Senator from

Idaho. In the meantime, while they are coming, let me say I have briefly listened to my friends on the other side of the aisle, interestingly enough, complaining about not getting anywhere. Let me talk a little bit about that.

We have been here on the floor now for some time talking about the kinds of things people want to do in this country; for instance, education—elementary and secondary education. We had to pull that after a whole week of discussion and debate because our friends on the other side of the aisle didn't want to move forward. They wanted to bring up the same things they have brought up every time we have come into this Chamber, and they have done it over and over and over again.

If you want to talk about getting something done, we ought to talk a little bit about education, a little bit about Social Security, a little bit about the military and doing some things for security that we ought to do for this country. Frankly, I think some of us get weary of the same litany every day and going back and forth on the same thing. We have already talked about gun control; we have gun control pending. We have talked about Patients' Bill of Rights; it is pending. It is out there in conference committee. What we need to do is address ourselves to some of the issues that are here.

You can see that I get just a little bit excited about this. But we have an opportunity to do some things. We have to do some things on this floor, and we need to move forward and stop this business of holding up everything so we can talk about trying to make issues for the election instead of trying to find solutions.

I yield to my friend, the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much, Mr. President.

I thank my colleague from Wyoming for all his good work in trying to keep us focused on the issues about which we are concerned.

ORDER OF PROCEDURE

Mr. GRAMS. Mr. President, I ask unanimous consent that following the official Senate photo, the Senate begin consideration of S. 2549, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I thank the Chair.

THE FUTURE OF SOCIAL SECURITY

Mr. GRAMS. Mr. President, I want to take time today to again talk about what I think is one of the most important issues facing Americans this year, and probably in the next few years: that is, what is the future of Social Security? How are we going to make sure we have a safe and sound retirement system not only for those on retirement today and those about to retire, but also for our children and our grandchildren?

I have held around the State of Minnesota more than 50 townhall meetings trying to outline the problems facing Social Security today, and a plan I have introduced called the Personal Security and Wealth in Retirement Act, which would move from a pay-as-you-go system to a fully-funded, market-based personal retirement accounts.

When you look back at the last 65 years of Social Security, it has basically done the job we have asked it to do; that is, to provide retirement benefits for millions of Americans. But if you look ahead to the next 30 years, the system has problems. It is facing some real problems. It is being strained to the limit. In fact, there will not be enough dollars collected in the system to pay the benefits the Government has promised. If the Congress does nothing, Social Security benefits will have to be reduced as much as one-third or more over the next 25 years.

The biggest risk to Social Security is to do nothing. And there are those who are willing to stick their heads in the sand maybe to get by another election and to ignore the problems facing Social Security.

Let me go through some of these things very quickly.

When Franklin Delano Roosevelt introduced Social Security in 1935, he had concerns that it would only be run by the Government. He wanted part of it to be private accounts. In fact, there was many Americans who were allowed to stay outside of Social Security. In fact, there have been a number of state and local governments over the years—as late as 1981—that saw this loophole, opted out of Social Security, and created their own personal retirement accounts. None of them, by the way, has failed; all have been successful. By that I mean they are paying better benefits to their retirees than Social Security is paying to our retirees today.

President Roosevelt also said that there should be a three-legged stool for Americans' retirement: personal savings, pension, and Social Security. Social Security is just one of the legs. It was never meant to be the sole source of retirement benefits. But for millions of Americans today—when they are paying an average tax bill of nearly 40 percent of their wages in taxes, then they try to raise their family; buy food, clothing, shelter; put a little money away for vacations, and for education for their kids, et cetera—they do not have money left to save for their retirement. If you work for an employer that doesn't have a pension or 401(k), your only source of retirement is Social Security. Clearly, Social Security has stretched to its limit.

Right now, 78 million baby boomers are ready to hit the system by the year 2008. The majority of Americans—nearly 90 percent—retire at the age of 62, not at 65. We are going to see baby boomers bumping into the system beginning as early as 2008. Social Security spending will exceed tax revenues by 2015.

We hear about all of these surpluses in Social Security and the trust fund.

But the truth is there is nothing in the trust fund but IOUs. Senator FRITZ HOLLINGS of South Carolina says there is no trust, and there are no funds in the Social Security trust funds. He is right.

By 2015 there will be no more surpluses. In other words, if we are collecting $100 today and only spending $90, the other $10 is put into this trust fund. Of course, the Government borrows the surplus and spends it. By the year 2015, we will be bringing in $90 and paying out $100 or more. Where do we get the extra money? We are going to have to get it from the taxpayers. By 2015, taxes are going to have to be raised to cash in these IOUs in order to pay the benefits at that time.

You hear a lot of Senators and others saying the system is solvent until 2037. That is only if we can raise taxes on workers to pay those benefits. That is the only way it can remain solvent. Congress is going to have to take action. The Social Security trust fund is going to be broke in 2037 unless we have the dollars to cash in those IOUs. The reason is our pay-as-you-go retirement system cannot meet the challenge of the demographic change.

In 1940, there were about 100 working for every retiree. Today, there are a little over 2.5. By the year 2025, there will be fewer than 2. In 1940, with 100 people working, you only had to pay $10 a month to pay for a $1,000 benefit. Today, it is over $400. And we are going to ask our grandchildren to pay $500 or more in order to meet this obligation of retirement benefits.

If you look over the next 75 years, it is going down like a rock. There is $21.6 trillion in unfunded liabilities. In other words, the benefits the Government has promised to pay—$21.6 trillion—are short of revenues we need to pay those benefits.

How are we going to make them up? There are a couple of choices. We can raise taxes and tinker a little bit with the system. But you cannot tinker with $21.6 trillion deficit. They can cut benefits by a third of what retirees can expect to get. Or they can raise the retirement age. But that will not be enough to make up the $21.6 trillion in deficits over the next 75 years if we don't do make hard choice to save the system.

My plan, the Personal Security and Wealth in Retirement Act, has a transitional cost as well. But it is the cost we have to pay anyway. It would cost about $13 trillion for us to make the transition to go from the Social Security system we know today to total personal retirement accounts. In other words, we are moving to a system where you have control over your retirement—not Washington—you decide when to retire, how much you want save and where you want to invest and how you want to control over your account.

In reality, we have signed our name to a long-term contract that says we are going to guarantee retirement benefits for Americans forever. There is a cost because we have dug ourselves into a hole. Somehow we have to dig ourselves out. There is no free lunch. People around here can ignore it, but there is no free lunch. We are going to have to find a way to finance ourselves to reach our goals to have a safe, solid, and solvent Social Security system. The biggest risk is doing nothing at all.

Social Security has a total unfunded liability of $21 trillion-plus. The trust fund has nothing but IOUs. Vice President Gore said let's pay down the debt and let's put the interest we save into the trust fund. But all he is talking about is adding more IOUs, not building assets in the Social Security trust funds. Instead, today, we have over $800 billion of IOUs, but in 15 years, he wants to have $3.5 trillion worth of IOUs—no real assets, but IOUs.

Again, the only way you can get those IOUs cashed in is to go to the taxpayers and get more taxes from them.

To keep paying Social Security benefits, we are going to probably have to look at least at doubling the FICA tax—the withholding tax—within the near future; not 15.3 percent. By the year of 2025 or 2030, we could see our payroll tax rates increase to 25 percent to 30 percent of wages—nearly doubling the FICA tax in order to maintain the current benefits we promised.

I ask many of our senior citizens at our town meetings to raise their hands if they think they have good retirement benefits from Social Security. If you talk about a $700 check a month, or a $680 check a month, or $1,100 a month, this is not good retirement. This is not the retirement I want. I don't think this is the retirement we want to leave to our children. But in order to maintain even that system, we are going to impose taxes on the next generation. If you have 25 percent in FICA taxes, then you add on the average Federal Government tax of 28 percent or 53 percent, and then add in Minnesota sales tax of 8.5 percent, you are at 62 percent. Then add in sales taxes, property and excise taxes—I mean every tax you can think of—our kids are going to be paying taxes that approach 70 percent of their income. Mr. President, is this the kind of future we want to leave our kids because we stick our head in the sand and do not want to face our problems?

Why is Social Security a bad investment today? If a taxpayer retired in 1960, they probably got back all the money they paid in in 18 months. It was a tremendous return for the early retirees. Today, an average person retiring will get less than 2 percent return on his or her money paid into the system. Our minority population is actually getting a negative rate of return today. They are in fact subsidizing the rest of us. The markets have paid back nearly 11 percent, but when we filter out inflation, it is better than a 7 percent annual return in the market.

What would any person rather have? If an investment counselor said: I can up a plan, but it will not pay very good, less than 2 percent, so anyone 50 or younger, by the time they retire, it will be a negative; or we can put taxpayers in a new plan paying 7, 8, 11, 12 percent, what will you do? There will not be many at the desk signing up for a plan paying zero or giving a negative return on the money.

Mr. President, there is no Social Security account with your name on it. A lot of people don't realize that. After a lifetime of working, taxpayers think there is an account in Washington that has their name on it. There is not. You don't have one dollar set aside for your retirement today. The only thing you can hope, in our pay-as-you-go system, is that when you retire there are people working so we can deduct money from their check to pay your benefit. It is a pay-as-you-go system. The money we bring in the first of June will be paid out in benefits by the end of June. It is a pay-as-you-go system, with no accumulation of wealth, no real assets, no compounding of interest.

By the way, we talk about these IOUs in the trust fund that will make the system solvent. In the President's own budget, he included this paragraph: These balances are available to finance future benefit payments and other trust fund expenditures.

The IOUs are there to pay for the funds or payments to other expenditures, "but only in a bookkeeping sense."

In other words, they are not real. Members on the floor will say: We have the IOUs. That is great, "but only in a bookkeeping sense." There is nothing there.

You can place a million-dollar IOU in your checking account and see how many checks your banker allows to be written against the IOU. None, until you put money in the account.

"They are claims on the Treasury, that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures."

Do we want to reduce Social Security benefits or cut education, transportation, or health care? If we don't make some hard choices now we will be faced with tougher decisions later.

We have these IOUs because the government spent all the surplus in the Social Security Trust Funds. The first step to save Social Security is to stop the government spending Americans' retirement dollars for nothing but their retirement, to keep the dollars outside the hands of the big spenders in Washington and to make sure we set aside the surplus funds today. We have not done it in the past. It needs to be done. I have introduced a second lockbox that says if our estimates are wrong—best faith estimates on what we spend and what we bring in—if we are honest and do not want to spend a dime of Social Security, if the estimates are wrong and we overspend, we need to go back and lower everybody's budget across the board. Perhaps take a .003-percent reduction so we don't have to go into the trust fund, and we will not spend a dime of Social Security.

Mr. President, I have six principles for saving Social Security. I began working on this 7 years ago. I introduced this plan 3 years ago. I said then it would be a major issue in this Presidential debate. It is. I am glad governor George W. Bush has announced his plan to allow at least some privatization for improving and saving the system. And Vice President AL GORE has made a statement—he doesn't want to do anything. He wants status quo, he wants to tinker with the system. That means, again, raise your taxes even more.

We need to make sure we protect current and future beneficiaries. Anyone on Social Security, about to retire, or who wants to stay with it, should be able to so do. It is your option; we will guarantee those benefits. Don't be concerned about it. We will hear scare tactics that somehow this plan is not going to work, we are only going to rob the elderly, and we will not have a safe Social Security. That is hogwash. We will always guarantee those benefits.

Allow freedom of choice. If you want to have a personal retirement account, you should have that option as well. The Government should not stand in your way and say, no, we are going to keep you locked up in a system that will pay you little or nothing on your return.

Preserve the safety net. Again, I have heard the scare tactics that there are no safety nets in the PRAs. That is a lie. Under our plan we have the same safety nets as Social Security. We have survivors benefits, disability benefits, built into the program. It is the same thing, but our plan pays dividends and higher returns than Social Security. The bottom line is we have the same safety nets.

Make Americans better off, not worse off. Today, nearly 20 percent of Americans, when they retire, retire into poverty, because Social Security is all they have—or very little else—and it is not enough to keep them off the poverty. Our system says when you retire you will have a minimum of 150 percent of poverty. Right now, the poverty for single individuals is about $8,400 a year. Our plan says you have to have at least $12,800 a year to retire. We make sure you don't retire into poverty. The people most affected are elderly women and widows. The Social Security system today discriminates against women. Again, we will hear stories that PRAs discriminate against women. That is not true. The current system is the culprit. Changing the system will improve retirement for millions of Americans today, including our elderly ladies.

Create a fully funded system. Make sure if you have an option for private retirement accounts, you can do that. Most importantly, no tax increases, no tinkering with the system.

I introduced my plan, the Personal Security and Wealth in Retirement Act, in the last Congress and the 106th. I will keep introducing this plan until we do something on it.

How does the plan work for retirement options? Workers may divert 10 percent of their income into a personal retirement account to be managed by Government-approved but private investment companies, similar to 401(k)'s and IRAs and FDIC accounts. We make sure they are safe and sound.

Somebody making $30,000 a year now pays $3,720 into Social Security. Our plan says $3,000 goes into a personal retirement account. At the end of the year, you don't just have a promise, you actually have a savings book that has $3,000 cash, plus interest. The other 2.4 percent, $720, goes into the SSA, Social Security Administration, to help fund part of the financing plan for those who want to stay on Social Security, to guarantee their benefits.

Right now in personal retirement accounts, someone earning $36,000 a year pays in the maximum to Social Security, and receives $1,280 a month as a maximum benefit. Take just 10 percent of that income, put it into an average market account, you will have a benefit of $6,514 a month. That is a big difference, five times better under the private retirement account than what Social Security would pay. In addition, the safety nets are there for survivor and disability benefits. Don't let anybody say that somehow this isn't as good or better.

Looking at the returns, people are talking about maybe 2 percent of your Social Security. After 40 years at 2 percent, you will have $171,000 in the account, plus reduced benefits from Social Security. So at least with partial reform plan, a citizen is better off and would have a little bit of reduced benefit from Social Security but will have $171,000 in the bank. Under my plan, you would have $855,000 based on a $36,000 income; $855,000 would have been put away for your retirement.

The family with median income of $58,000, putting away 2 percent has $278,000 in the bank, and a reduced Social Security benefit. Again, better than what we have now. But you could have $1.4 million in a savings account in your name, cash, estate money, if you could put aside 10 percent of your salary.

It is being done across the country. I discussed people in Galvaston, TX, with private retirement accounts who got the OK from Social Security to have their own retirement accounts in 1981. Social Security death benefits? My dad died at 61, we got $253. That is what Social Security offers.

Galveston County that has their own private retirement accounts, receive an average $75,000 death benefit.

Disability benefits for Social Security is $1,280; and Galveston, TX, is $2,749.

What about retirement benefits? Social Security, a maximum on this average income is $1,280; Galveston County, nearly $4,800.

By the way, Galveston has a conservative retirement plan, they invest very conservatively and they still pay those much better returns.

One lady, by the way, named Wendy Cohill, her husband died at 44 of a heart attack. She was 42. She received $126,000 in death benefits plus what was in the account plus the survivors benefit that she used to pay to finish a college education. She was able to care for her family in her own home. If she would have had Social Security, she would have been under the poverty level. She said: Thank God, some wise men privatized Social Security here. If I had regular Social Security, I would be broke.

The city of San Diego also has PRAs, a government employee, 35 years old, contributes 6 percent into the PRAs. After 35 years, they would receive a $3,000-per-month retirement benefit.

Under Social Security, he would receive only $1,077 a month in benefits.

I know the Senator from California said on the floor recently that personal retirement accounts are too risky and we cannot damage the foundation of Social Security. But last year, and I want to read this, the Senator from California—this is Senator BARBARA BOXER along with Senator DIANNE FEINSTEIN and Senator TED KENNEDY, sent a letter to the President saying:

"Millions of our constituents will receive higher retirement benefits"—They are talking about the city of San Diego—"higher benefits from their current public pensions than they would under Social Security."

In other words, they were telling the President to leave San Diego alone because the President's plan for saving Social Security included taking 1 percent, pooling the investments, but he also would take all these with private accounts off the table and put them all into Social Security. She did not like that. She says:

> Mr. President, millions of our constituents who will receive higher retirement benefits from their current public pensions than they would under Social Security, are appealing to their elected Representatives in Washington and we respectfully urge you to honor the original legislative intent underpinning the Social Security system—

That was to exclude these people from Social Security, exclude this provision from your reform and leave San Diego alone, they were saying.

My question is, if the retirement accounts in San Diego are better than Social Security, why can't you and I enjoy a similar system? But if Social Security is better, as Senator BOXER, Senator FEINSTEIN, and Senator KENNEDY will support, then why don't they want the citizens who work for the city of San Diego to have that same benefit? A good question.

I know I do not have much time left. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The time until the hour of 12 noon is under the control of the Senator from Wyoming. He yielded you the time you needed.

Mr. GRAMS. I will go through this quickly. I know we have others wanting to speak.

As I said, this is not an experiment. This is being done around the world. Eleven countries now have privatized their retirement; 30 others are considering it. We like to think we are in the forefront of this. But when it comes to retirement benefits, we are behind the curve.

Chile, 18 years ago, privatized their system because their system was much like ours. Franklin Delano Roosevelt and the brains in Washington did not create Social Security. It was modeled and copied from something that Otto Von Bismark put out in 1880. We adopted it almost exactly. So did Chile and just about every other country around the world. Chile, had the same problems or worse than what we are facing today. It went to bankrupt. They had to privatize their plan.

By the way, 95 percent of the Chilean workers have opted into the personal retirement accounts. Their return last year was 11.3 percent. Ours, again, were less than 2 percent.

British workers have chosen to go into PRAs. They have what they call their second tier Social Security, where they can opt from the Social Security System, like we have, into personal retirement accounts. In Britain, so far two-thirds of all British workers have opted into personal retirement accounts. They have enjoyed, over the past 5 years, a better than 10 percent return on their money. By the way, the pool of retirement in their retirement accounts in Britain exceeds $1.4 trillion. That is how much now they have put away in their accounts. That is more than the total GDP of Britain, and it is more than all other private investments in all the other European countries combined. So it shows you the power of private retirement accounts, and the accumulation of wealth.

Many people say: I have worked for 30 years. I can't give up what I have paid into Social Security.

We have a recognition bond. The Government knows exactly how much you have paid in. If you have paid in $20,000, if you paid in $40,000, if you paid in $90,000, we know. We would give you a recognition bond, plus interest upon retirement.

Mr. President, we must take care of today's Social Security recipients. If an individual chooses to remain in the current system, we must guarantee their benefits. There is no increase in age of retirement, no cuts in benefits, no ifs, ands, or buts, and no raising of taxes.

The plan preserves the safety net, as I said, for survivors benefits and disability benefits. Poverty, as I said, recognized that $8,240 a year—you have to have $12,400, so you would not retire into poverty, again, as nearly 20 percent of our Americans do. Funds that manage PRAs are required to buy the life and disability insurance to provide the safety nets I have talked about.

For those who would come up short—and those would be very few—if you could not get $12,400 a year, we would come in and say we will fill your glass full so when you retire, you would retire with less than that. This is the only entitlement portion of our bill. Again, this is an important safety net of this system.

Rules similar to those that apply to IRAs today would apply to PRAs. Also, a Federal personal retirement investment board would oversee it for safety and soundness to make sure your retirement funds are there, and are safe. Investment companies that manage PRAs would be required to have an insurance plan to pay at least a minimum of 2.5 percent. That would be a floor. Again, that is much better than Social Security, but at least it is a guarantee if something would go wrong you would at least have that as your investment.

In addition, you decide when you want to retire. As I said, right now the Government controls your retirement. They tell you exactly how much they are going to take out of your check, they tell you exactly the day you can retire, and then they tell you what they are going to give you in benefits.

In our plan, you have those controls. You make your retirement decisions. As soon as you can buy an annuity that will keep you 150 percent over poverty, you have met your requirement. You are not going to be a ward of the state. You ensured your future. You can stop. You can do what you want. You can arrange regular withdrawals, for the amounts that are above that requirement. To buy this minimum benefit, you would need about $125,000 in your account. If you are an average worker with earnings of $30,000, you would have $855,000 in your account, so you can use that other $750,000 any way you want.

If you have a family, you could have $1.4 million. What are you going to do with the other $1.2 million. You can do whatever you want with that money; that is yours. You decide how you withdraw it. If you want to go to Europe? Write a check. Buy a new car? You can do it. Give it to your kid. You can do it.

In divorce cases, PRAs are treated as common property. Upon death, PRAs go to heirs without estate taxes; no capital gains, so that at least you have created an estate, and this $1.2 million or $700,000 or whatever you had in your account is your money.

Going back to Social Security, when you die, you get a $253 death benefit. Under this, you get a death benefit in our plan, a minimum, plus you would get what is left in your estate, whatever it might be. You can pass it on to your heirs, your spouse, your kids, your church—wealth that you cannot pass on today because the Government takes all those benefits.

Again, the bottom line is, no new taxes for this system. We do have a responsibility to bail ourselves out, but we are not taxing the system. Retirement income is going to be there whether you stay with Social Security, or if you choose to build a personal retirement account. You can decide the options, you decide how you want to invest it, and you decide when you want to retire. Let's make sure we give you choices.

Just in concluding, despite our colleagues, our Democratic colleagues bashing Governor Bush's reform plan, its popularity is increasing among workers.

I heard one say: I don't come out here and bash it. I want to study everything and I want to look over all of these plans.

He hasn't even seen the Governor's plan. He doesn't really know what Vice President AL GORE has got. But yet he favors AL GORE over Governor Bush.

Recent polls show most Americans support the idea of personal retirement accounts. In fact, if you are under 40 years old, more young people believe in UFOs than that they are going to get Social Security; 90-some percent of young people under 30 would opt into personal retirement accounts.

I believe a national consensus can be reached on ways to save and strengthen Social Security. There will always be a retirement system in this country. What kind of system are we going to leave for our children and grandchildren? For many of us, if we are 50 years old, 55 years old, or older, we might have been condemned to the current system without time left in our working lives to change or take the option in the personal retirement accounts. We can tell our children and grandchildren we want to leave a 70-percent tax system for them, we want to leave them a plan that might guarantee they will get less benefits, pay more into it, and will have to wait longer to retire, or we can leave them an option for them to invest in their own retirement and have personal retirement accounts.

The numbers show Americans overwhelmingly say: I am smart enough to handle my future.

There are many in Washington who believe you are not smart enough; you may be smart enough to earn your money, but you are not smart enough to put it aside for your retirement and only Washington can step in and help you out. That's wrong. Our plan empower working Americans and offers better options and gives you control over your retirement.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, is there any procedural motion I need to make to move forward?

The PRESIDING OFFICER. The time is under the control of the Senator from Wyoming until the hour of 12 noon.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, 56 years ago today, 176,000 allied soldiers landed on the beaches of Normandy in what was the largest invasion in history. The operation was officially known as Operation Overlord, but I have never heard anyone refer to it by that name. It is now known as D-Day.

While there have been hundreds of other D-days in other historic locations such as Okinawa, Iwo Jima, and Inchon, the forces that landed on Normandy Beach 56 years ago today truly changed the course of history. When we hear the term "D-Day," we reflect on that awful and incredible day on Normandy Beach with reverence for what was accomplished and for all that was lost, and with respect the people who were there—those who did not survive and those who did.

Thousands of young Americans died that day establishing that small beachhead on the continent of Europe. Within a year, the Allied forces went on to crush the Nazi war regime and brought forth on the European Continent an unprecedented period of peace.

Today, we look back on that time and we remember and respect what was done.

When the cold war ended, the Wall came down and the Warsaw Pact disbanded. The United States began to draw down forces from Europe for the first time since we had gone in on D-Day and established a presence, and set up the plan to help our vanquished enemy.

Military strategists began to talk of new missions for NATO. They spoke of the need for NATO to go "out of area or out of business," implying that unless NATO could find a new reason to exist after the end of the Cold War, there may be no reason for it to exist at all.

That new mission began to come into focus in the Balkans five years ago when the United States committed peacekeeping forces to Bosnia to enforce the provisions of the Dayton Peace Accords.

What was conceived by the administration as a one-year mission to accomplish specific military objectives is now in its fifth year—with greatly expanded civilian nation-building objectives and no end in sight to the deployment.

Today we are on the eve of another anniversary in the search for new NATO missions. One year ago, on June 10, NATO halted the bombing in Serbia and Kosovo. As in Bosnia, we again have deployed thousands of American forces to yet another Balkan quagmire with unclear objectives—and there is no end in sight to the Kosovo mission, either. This time the ethnic groups we seek to reconcile have not tired of the killing, apparently, and it continues as our soldiers stand by helpless to deter murder.

The General Accounting Office estimates that the cost of our Balkan peacekeeping missions in Bosnia and Kosovo now tops $23 billion. We have become mired in the problem, unable to stand back and assess where we are. Nor are we able to look at the situation and say we must have a strategy.

We know what this has cost our country: For the past five years, recruiting and retention problems in the U.S. military services have been exacerbated by endless peacekeeping missions. Our armed services today are not up to their congressionally mandated troop strength; they are at least 6,000 short.

As the world's only superpower, we have a responsibility to lead. America led when the parties first came together in Dayton, but the Dayton Peace Accords simply stopped the fighting. We did not create conditions that could actually solve the problem without the presence of thousands of outside forces. We ended the hostilities—and we should be respectful of that achievement—but we did not create effective economic and political structures.

That must be our goal for a lasting peace. As one American military peacekeeper said to me on a recent visit, "Everyone's job in Bosnia is to work on the problems we face, but no one seems to have the responsibility for actually solving those problems."

We need to search for ways to solve these problems. Today I am introducing legislation to authorize funds to reconvene the parties to the Dayton Peace Accords that ended the Bosnia conflict, those who were involved in the Rambouillet talks that failed to avert the conflict in Kosovo and other regional entities. We must review our progress to date. If we cannot do that, how can we call ourselves leaders?

We must look for a long-term settlement based on greater self-determination for the governed and less by outside powers. That may involve tailoring current borders to fit the facts on the ground. It will create conditions of genuine stability, reconstruction and prosperity. It will allow us, in a responsible way, to set some timetables, some measurements for success, and, hopefully, to begin turning over these peacekeeping responsibilities to our European allies within a reasonable time frame.

We must have self-determination that works. The current policy wagers America's reputation, prestige and will on a mirage of multicultural democracy in the Balkans. We are trying to create governments that ignore history, nationality and ethnicity. Elections have been held in which refugees were bused into disputed regions to vote for elected officials who cannot serve because they are unable to return to their prewar homes.

American officers spend their days deciding which vehicles can travel down which roads, and escorting Serb families in hostile Albanian territory to the dentist and back or to the library and back.

This effort is diverting the United States from its global responsibilities. We occupy a unique place in the world today, standing astride history's path as the most powerful nation that ever may have existed. Our supercharged economic engine certainly reflects the best that mankind has to offer. However, a superpower's core responsibility is not to right every wrong, but to preserve its strength for those challenges that only a superpower can address.

The United States must know when to encourage capable allies and proxies to address contingencies that fall short of that standard. Instead, time and again, our military readiness to address potential threats—such as North Korea, mainland China, Iraq—has been diverted to contingency provisions on the periphery of our nation's security concerns.

America's peacekeeping burden in the 1990s has resulted in two of our Army divisions reporting themselves unfit for combat.

We can achieve more in the Balkans than a peace enforced at bayonet tip. We ought to tie our continued financial support to a comprehensive regional settlement, to substantial military withdrawal from the region and to a firm policy of encouraging the Europeans to do more—with our support, which will always be there.

Any NATO member can patrol the Balkans, but only the United States can defend NATO. That is the role of a superpower, and that is the role of a strong and reliable ally.

As we take up the armed services budget this week, I hope we can take on the role that is the responsibility of the Senate and try to put some long-term potential peace into play. I am not saying I know what the outcome of any kind of conference should be. But I do know it is our responsibility to call such a conference and begin to assess where we are; to look with vision to the future and set the standard that must be set for the lasting peace that we want and hope for and will work for and support in the Balkans.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, the unanimous consent agreement that we are operating under takes us through 12 noon, does it not?

The PRESIDING OFFICER. It takes us through 12:30.

Mr. CRAIG. Through 12:30?

The PRESIDING OFFICER. There is a unanimous consent agreement that Senator GREGG be given the time from 12 to 12:15, and Senator REID the time from 12:15 to 12:30.

Mr. CRAIG. I yield the floor to my colleague, the chairman of the Armed Services Committee, Senator WARNER, for a statement before I resume my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. I thank my distinguished colleague.

(The remarks of Mr. WARNER and Mr. CRAIG pertaining to the introduction of S. 2669 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to proceed for 15 minutes.

Mr. GREGG. Reserving the right to object, what was the Senator's request?

Mr. CRAIG. I asked to proceed for 15 minutes. I had yielded some time to the chairman of the Armed Services Committee.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I thank the Senator from Idaho for his courtesy. I ask unanimous consent that he be allowed to proceed after I have completed my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIERRA LEONE

Mr. GREGG. Mr. President, I want to speak about the issue of what is happening in Africa, specifically in Sierra Leone. Recently, I have become involved in this issue because, as chairman of the Commerce, Justice, State, and the Judiciary Subcommittee, we have jurisdiction over the funds that flow to the U.N. for peacekeeping activity. In order to adequately do the job as chairman of that subcommittee, our job involves oversight of those funds, to make sure they are being used effectively. After all, they are American tax dollars; Congress has control of the purse strings; and we have a major role in how those dollars are spent.

I recognize fully, as all Members of Congress do, that the key individual who sets foreign policy is our President. Even though we may disagree with our President, he does have that priority position. But there are, obviously, issues on which the Congress has a role in foreign policy—very significant issues. One of them happens to be the funding of peacekeeping activities and the role the United States should play in that. So I have had very serious concerns about our policies in Sierra Leone specifically—on a number of peacekeeping activities, but specifically our policies in Sierra Leone. This is because of a number of issues that have been raised there.

Last year, the United States, regrettably, played a key role in imposing the Lome Accord on a brutalized Sierra Leone. The accord granted a total amnesty to the Revolutionary United Front, RUF, which is basically a gang of thugs that murders, rapes, and mutilates people. Just about everybody in their path has come under their severe act of violence. In fact, they actually empower their soldiers—and they are not really soldiers; many are very young boys—to cut off the arms of women and children in order to make a point. This is a very common practice with this alleged military group called RUF, this gang of thugs. They have been terrorizing the country of Sierra Leone. There is no question about that. Their leader, Foday Sankoh, and his lieutenants, as part of the Lome agreement, as part of the understanding of the Lome agreement—and this is why it was such a horrendous agreement—were given top spots in the "transition" government and guaranteed RUF control over the Sierra Leone diamond mines, which is basically the core of the element of how they generate their revenues.

It is inexcusable that we were party to the Lome agreement and that we therefore empowered these war criminals to take office and to have control over basically the only significant economic resource of the country of Sierra Leone. So I was more than upset about this. I believed it was essentially a surrender in the face of criminal violence. As a result, I did put a hold —not technically a hold, but I actually refused to approve a transfer of peacekeeping funds for the Sierra Leone initiative. I began exploring alternatives to this, what I believed was an extraordinarily unjust accord. In response to my concerns, U.S. Ambassador to the U.N. Holbrooke and his staff took on the difficult task of crafting a better approach to this issue.

Since my "hold" became news, I have been sharply criticized by some, including some in the U.N. and the State Department, and even—not even, but not surprisingly, really—the Washington Post, which recently accused me of "playing at foreign policy," implying that serious students of world affairs would not question U.S. support for the Lome Accord. I simply point out that I think a lot of serious students of foreign policy question the decision to support that accord.

Meanwhile, in Sierra Leone itself, the RUF, as a result of Lome in large part, continued to terrorize civilians and even challenge the U.N. peacekeepers. By last month, the RUF was marching on Freetown in complete violation of the Lome Accord. In fact, of course, they have humiliated the U.N. mission in Sierra Leone, which was supposed to disarm them. It actually ended up being disarmed by them, and much of the military equipment that is being used there by the RUF is U.N. equipment taken from U.N. advisers. Thus, the mission of the U.N., as a result of being an outgrowth of the Lome Accords, which were so disgraceful, is in disarray. Today, all that stands between the RUF and total control of Sierra Leone is the British and Nigerian troops who have come in to try to stabilize the situation.

And what of the U.S. policy? Following our most recent meeting 2 weeks ago, Ambassador Holbrooke has sent me a letter laying out a new strategy for a more just and lasting approach to peace in Sierra Leone that gives me some reason for hope. I would like to read from what his letter says because I think it is an important adjustment in American policy in Sierra Leone. I congratulate him for it.

First, he notes in his opening paragraph that he has taken this issue and walked it through the administration and that he has support for his letter from Secretary Albright, National Security Adviser Berger, and the head of the OMB, Jack Lew. Reading paragraphs from his letter:

> You asked for a letter encapsulating our discussion on Sierra Leone and Congo. After close consultation with Secretary Albright, let me review where we stand on each issue:
>
> First, Sierra Leone. Let me posit five principles that we will use to govern our policy. First, the United States does not believe that Foday Sankoh should play any role whatsoever in the future political process in Sierra Leone, and we will continue to press this point. He must be held accountable for his actions.

This is a significant change in policy, in my opinion, and it is a positive one.

> Second, we strongly support the British military presence in Sierra Leone, which has played a key role in restoring a measure of stability to Freetown. We are discussing with the British their continuing role, and on May 23 London announced an important training program for Sierra Leone army, something that they will undertake at their own expense outside the U.N. system.

This, again, is positive news that the British will be a stabilizing force there, which will be armed and know how to defend itself.

> Third, the objective should be to ensure that regional and international forces in Sierra Leone, together with the armed forces of the government of Sierra Leone, have the capacity to disrupt RUF control of Sierra Leone's diamond producing areas, the main source of RUF income. Completely eliminating them as a military force is not likely to be possible as an acceptable cost, but sharply reducing their sources of financial support and restricting their capability to threaten the people,or government of Sierra Leone is within reach of sufficient numbers of properly trained, equipped, and well-led troops and is vitally important.

That is to paraphrase a much more robust mission directive and portfolio and is exactly what needs to be done.

> The most likely nations to carry the burden would be Nigeria and Ghana, with the backing of other ECOWAS states. Other nations who are already rushing troops to Sierra Leone include India, Jordan and Bangladesh. Most potential troop contributors from the region are likely to require better equipment and training if they are to contribute meaningfully. Pentagon and EUCOM assessment teams are studying the issue urgently. If our objectives are to be accomplished, the U.S. will need to be ready, with congressional support and funding, to provide our share of international effort to provide equipment and training to those who are willing to do the military job—including the government of Sierra Leone and other countries in the region. Any direct training of contributing country troops by U.S. military personnel would be done outside Sierra Leone and no U.S. combat troops would be deployed to Sierra Leone. We will have to work out the relationships between such an operation and the UN, recognizing that for many countries a UN role is preferable—but we must ensure that the mandate is robust. Fourth, since there is virtually no real government structure left in Sierra Leone, if the security situation can be stabilized a longer term international effort will be needed to help build viable institutions in Sierra Leone. It will take time, but in the long run, the rest of the effort will be unsuccessful if it is not accompanied by this component.

However, this cannot start until the situation is stabilized, and there is no present funding request for this function. Fifth (this is a point I failed to mention in our meeting) we must develop a corresponding political strategy for dealing appropriately with Liberia's President, Charles Taylor, and with the illicit diamond trade that fuels conflict and criminality in the region.

That is a reading of two of the major paragraphs in this letter.

Mr. President, I ask unanimous consent the letter be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Representative of the
United States of America to
the United Nations,
May 30, 2000.

Hon. Judd Gregg,
U.S. Senate,
Washington, DC.

Dear Mr. Chairman: Allow me to thank you again for your courtesy and for our exchange of views on peacekeeping issues. I know the Secretary also appreciates your discussion with her on May 20, and I would like to follow up on both conversations. I have shared our discussions with Secretary Albright, Sandy Berger, and Jack Lew, all of whom expressed their appreciation of your decision to release the funds for Kosovo and for your readiness to meet with the Australian Ambassador to resolve the East Timor peacekeeping "hold."

You asked for a letter encapsulating our discussion on Sierra Leone and Congo. After close consultation with Secretary Albright, let me review where we stand on each issue:

First, Sierra Leone. Let me posit five principles that we will use to govern our policy. First, the United States does not believe that Foday Sankoh should play any role whatsoever in the future political process in Sierra Leone, and we will continue to press this point. He must be held accountable for his actions. Second, we strongly support the British military presence in Sierra Leone, which has played a key role in restoring a measure of stability to Freetown. We are discussing with the British their continuing role, and on May 23 London announced an important training program for the Sierra Leone army, something that they will undertake at their own expense outside the UN system. Third, the objective should be to ensure that regional and international forces in Sierra Leone, together with the armed forces of the Government of Sierra Leone, have the capacity to disrupt RUF control of Sierra Leone's diamond producing areas, the main source of RUF income. Completely eliminating them as a military force is not likely to be possible at an acceptable cost, but sharply reducing their sources of financial support and restricting their capability to threaten the people or Government of Sierra Leone is within reach of sufficient numbers of properly trained, equipped, and well-led troops and is vitally important.

The most likely nations to carry the burden would be Nigeria and Ghana, with the backing of other ECOWAS states. Other nations who are already rushing troops to Sierra Leone include India, Jordan and Bangladesh. Most potential troop contributors from the region are likely to require better equipment and training if they are to contribute meaningfully. Pentagon and EUCOM assessment teams are studying the issue urgently. If our objectives are to be accomplished, the U.S. will need to be ready, with congressional support and funding, to provide our share of an international effort to provide equipment and training to those who are willing to do the military job—including the governments of Sierra Leone and other countries in the region. Any direct training of contributing country troops by U.S. military personnel would be done outside Sierra Leone and no U.S. combat troops would be deployed to Sierra Leone. We will have to work out the relationship between such an operation and the UN, recognizing that for many countries a UN role is preferable—but we must ensure that the mandate is robust. Fourth, since there is virtually no real government structure left in Sierra Leone, if the security situation can be stabilized a longer term international effort will be needed to help build viable institutions in Sierra Leone. It will take time, but in the long run, the rest of the effort will be unsuccessful if it is not accompanied by this component. However, this cannot start until the situation is stabilized, and there is no present funding request for this function. Fifth (this is a point I failed to mention in our meeting) we must develop a corresponding political strategy for dealing appropriately with Liberia's President, Charles Taylor, and with the illicit diamond trade that fuels conflict and criminality in the region.

On the Congo, the problems are still daunting, but there has been some real movement since I first discussed this issue with you in late February:

(A) On May 4, in my presence, the Kabila Government signed the Status of Forces Agreement with the UN—an essential precondition for any UN deployment;

(B) Kabila has said he would accept South African troops;

(C) The Lusaka parties signed a new cease-fire agreement effective April 14, calming the situation on the ground considerably;

(D) The UN Security Council Mission negotiated on May 8 a cease-fire between the Ugandans and Rwandans who were fighting in Kisangani (Congo's third largest, and perhaps most strategic, city); Regional leaders subsequently secured agreement between Rwanda and Uganda on a detailed disengagement plan;

(E) The Presidents of Rwanda and Uganda asked for immediate UN assistance in support of demilitarizing Kisangani;

(F) All the parties to the war in the Congo have asked for the UN observer mission as soon as possible to implement the Lusaka Ceasefire Agreement;

(G) The South Africans sent a high-level military mission in New York to discuss their role in Congo, and the Pakistanis (among others) are about to send troops. The South Africans met with a joint State Pentagon-NSC team to discuss close coordination.

Of course, not all the news from Congo is positive. While progressing, the political dialogue called for by Lusaka is off to a slow start; the UN and the OAU military observer missions have not meshed sufficiently; some of the rebels still violate the cease-fire on occasion; and there are many other lesser problems. Still there is a real desire for some resolution to these issues by most parties. What is required next is a step-by-step test of their commitments to implement their own "African agreement for an African problem." This is one of our highest priorities.

As we both said to you, neither the Secretary nor I are certain that Lusaka will succeed. But we *are certain* that Lusaka *will* fail if the UN does not take the next series of steps to support it, as called for by all parties. The recent progress supports this view, I believe.

For the United States, this will require the unblocking of $41 million of *reprogrammed* peacekeeping funds for the current fiscal year for Congo. We believe that this request does not put our national prestige on the line; it is a UN operation (with no U.S. troops in the UN operation). However, if we do not pay our share, we are concerned that the UN will be unable to bring in adequate and properly equipped troops, and the resulting failure of the mission will be attributed, however unfairly, to the United States.

Our arrears on the current operation in Sierra Leone limit our ability to promote effectively the critical policy objectives outlined in this letter. More broadly, failure to pay our share of these missions risks seriously undermining our all-out effort to carry the Helms-Biden reform package, on which we are making real progress. You will note several recent news articles regarding our forward movement on a wide range of issues, including the admission of Israel to a UN regional grouping (after 40 years!), the new GAO report that shows UN progress, and the first debate in 27 years on revising the UN peacekeeping scale. All this forward movement will greatly benefit from your support and I thank you for your thoughtful involvement in this process.

I hope this letter is responsive to your request. If I can be of any further assistance, please do not hesitate to contact me or my colleagues in the State Department.

Sincerely,

Richard C. Holbrooke.

Mr. GREGG. Mr. President, this letter obviously, in my opinion, is a very positive step in the redirection of American policy in Sierra Leone. I congratulate Ambassador Holbrooke for organizing the letter.

Whereas the Article V and IX of the Lome Accord granted Foday Sankoh the Vice Presidency of Sierra Leone and an "absolute and free pardon," Ambassador Holbrooke's plan makes it clear that Foday Sankoh can play no role in the politics or government of Sierra Leone and that "he must be held accountable for his actions." This when as late as a month ago State Department officials were still being quoted as saying that Sankoh's "voice was positive" and that he "has a chance to play a positive role." Now, we will recognize him for what he is, a war criminal, and treat him as such.

Whereas Annex 1 and Articles V and VII of the Lome Accord left Foday Sankoh and the RUF in control of Sierra Leone's diamonds, Ambassador Holbrooke's plan rightly strips Sankoh of his chairmanship of the diamond control board and insists that "allied" forces "have the capacity to disrupt RUF control of Sierra Leone's diamond producing areas, the main source of RUF income." Under Lome, peacekeepers did no more than oversee the looting of Sierra Leone. Now, international troops will fight alongside local forces to expel the RUF from the diamond fields.

Whereas the Lome Accord was silent on root causes of violence in Sierra

Leone and the region, Ambassador Holbrooke's plan seeks a "political strategy for dealing appropriately with Liberia's President, Charles Taylor, and with the illicit diamond trade that fuels conflict and criminality in the region." The RUF is in large part Taylor's proxy. Under Lome, Taylor's success in seizing the riches of Sierra Leone could invite a similar attack on Guinea.

Lome is dead. The U.S. will not turn a blind eye to the rape of a people and a land. We will demand that brutal thugs are held accountable for their atrocities, and regional trouble-makers.

Why the change? I do not flatter myself that my "hold" did all of this, but it did give those of us who opposed the Lome Accord a chance to right a terrible wrong. And to his credit, Ambassador Holbrooke has crafted a forceful plan, and vetted it through the interagency process in record time. It is a plan that I believe Americans can and should support, and can be proud of.

Therefore, I am releasing my hold on the $50,000,000 owed the U.N. for peacekeeping in Sierra Leone. I will also press ahead to ensure that my provision blocking the illicit sale of diamonds from Sierra Leone and other war-torn countries is included in the final version of the fiscal year 2001 military construction appropriations bill. Finally, I look forward to working with Ambassador Holbrooke and his staff to ensure that the strategy laid out in his letter is supported by Congress.

I thank the Chair. I thank the Senator from Idaho for his courtesy.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, thank you very much.

THE SECOND AMENDMENT

Mr. CRAIG. Mr. President, I appear on the floor to speak about a provision of the Constitution of our country that has been under nearly constant attack for 8 years. In fact, we heard on the floor this morning two Senators speak about provisions in law that would alter a constitutional right.

The provision I am talking about is part of our Bill of Rights—the first 10 amendments to our Constitution—which protect our most basic rights from being stripped away by an overly zealous government, including rights that all Americans hold dear:

The freedom to worship according to one's conscience;

The freedom to speak or to write whatever we might think;

The freedom to criticize our Government;

And, the freedom to assemble peacefully.

Among the safeguards of these fundamental rights, we find the Second Amendment. Let me read it clearly:

> A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

I want to repeat that.

The second amendment of our Constitution says very clearly that "A well regulated Militia" is "necessary" for the "security of a free State," and that "the right of the people to keep and bear Arms, shall not be infringed."

What we heard this morning was an effort to infringe upon that right.

Some—even of my colleagues—will read what I have just quoted from our Constitution quite differently. They might read "A well regulated Militia," and stop there and declare that "the right of the people to keep and bear Arms" actually means that it is a right of our Government to keep and bear arms because they associate the militia with the government. Yet, under this standard, the Bill of Rights would protect only the right of a government to speak, or the right of a government to criticize itself, if you were taking that same argument and transposing it over the first amendment. In fact, the Bill of Rights protects the rights of people from being infringed upon by Government—not the other way around.

Of course, we know that our Founding Fathers in their effort to ratify the Constitution could not convince the citizens to accept it until the Bill of Rights was established to assure the citizenry that we were protecting the citizens from Government instead of government from the citizens.

Others say that the Second Amendment merely protects hunting and sport shooting. They see shooting competitions and hunting for food as the only legitimate uses of guns, and, therefore, conclude that the Second Amendment is no impediment to restricting gun use to those purposes.

You can hear it in the way President Clinton assures hunters that his gun control proposals that will not trample on recreation—though his proposals certainly walk all over their rights.

In fact, the Second Amendment does not merely protect sport shooting and hunting, though it certainly does that.

Nor does the second amendment exist to protect the government's right to bear arms.

The framers of our Constitution wrote the Second Amendment with a greater purpose.

They made the Second Amendment the law of the land because it has something very particular to say about the rights of every man and every woman, and about the relationship of every man and every woman to his or her Government. That is: The first right of every human being, the right of self-defense.

Let me repeat that: The first right of every human being is the right of self-defense. Without that right, all other rights are meaningless. The right of self-defense is not something the government bestows upon its citizens. It is an inalienable right, older than the Constitution itself. It existed prior to government and prior to the social contract of our Constitution. It is the right that government did not create and therefore it is a right that under our Constitution the government simply cannot take away. The framers of our Constitution understood this clearly. Therefore, they did not merely acknowledge that the right exists. They denied Congress the power to infringe upon that right.

Under the social contract that is the Constitution of the United States, the American people have told Congress explicitly that we do not have the authority to abolish the American people's right to defend themselves. Further, the framers said not only does the Congress not have the power to abolish that right, but Congress may not even infringe upon that right. That is what our Constitution says. That is what the Second Amendment clearly lays out. Our Founding Fathers wrote the Second Amendment to tell us that a free state cannot exist if the people are denied the right or the means to defend themselves.

Let me repeat that because it is so fundamental to our freedom. A free state cannot exist, our free state of the United States collectively, cannot exist without the right of the people to defend themselves. This is the meaning of the Second Amendment. Over the years a lot of our citizens and many politicians have tried to nudge that definition around. But contrary to what the media and the President say, the right to keep and bear arms is as important today as it was 200 years ago.

Every day in this country thousands of peaceful, law-abiding Americans use guns to defend themselves, their families, and their property. Oftentimes, complete strangers are protected by that citizen who steps up and stops the thief or the stalker or the rapist or the murderer from going at that citizen.

According to the FBI, criminals used guns in 1998 380,000 times across America. Yet research indicates that peaceful, law-abiding Americans, using their constitutional right, used a gun to prevent 2.5 million crimes in America that year and nearly every year. In fact, I believe the benefits of protecting the people's right to keep and bear arms far outweighs the destruction wrought by criminals and firearms accidents. The Centers for Disease Control report 32,000 Americans died from firearm injuries in 1997; under any estimate, that is a tragedy. Unfortunately, the Centers for Disease Control do not keep data on the number of lives that were saved when guns were used in a defensive manner.

Yet if we were to survey the public every year, we would find 400,000 Americans report they used a gun in a way that almost certainly saved either their life or someone else's. Is that estimate too high? Perhaps. I hope it is, because every time a life is saved from violence, that means that someone was threatening a life with violence. But that number would have to be over 13 times too high for our opponents to be correct when they say that guns are used to kill more often than they are used to protect. What they have been saying here and across America simply isn't true and the facts bear that out.

We are not debating the tragedy. We are debating facts at this moment. They cannot come up with 2.5 million gun crimes. But clearly, through surveys, we can come up with 2.5 million crimes thwarted every year when someone used a gun in defense of themselves or their property. In many cases, armed citizens not only thwarted crime, but they held the suspect until the authorities arrived and placed that person in custody.

Stories of people defending themselves with guns do not make the nightly news. It just simply isn't news in America. It isn't hot. It isn't exciting. It is American. Sometimes when people act in an American way, it simply isn't reportable in our country anymore. So the national news media doesn't follow it.

Yet two of the school shootings that have brought gun issues to the forefront in the last year, in Pearl, MS, and Edinboro, PA, were stopped by peaceful gun owners using their weapons to subdue the killer until the police arrived. How did that get missed in the story? It was mentioned once, in passing, and then ignored as people ran to the floor of the Senate to talk about the tragedy of the killing. Of course the killing was a tragedy, but it was also heroic that someone used their constitutional right to save lives in the process.

A third school shooting in Springfield, OR, was stopped because some parents took time to teach their child the wise use of guns. So when that young man heard a particular sound coming from the gun, he was able to rush the shooter, because he knew that gun had run out of ammunition. He was used to guns. He was around them. He subdued the shooter and saved potentially many other lives. We have recognized him nationally for that heroic act, that young high school student of Springfield, OR.

For some reason, my colleagues on the other side of the aisle never want to tell these stories. They only want to say, after a crisis such as this, "Pass a new gun control law and call 9-1-1." Yet these stories are essential to our understanding of the right of people to keep and bear arms.

I will share a few of these stories right now. Shawnra Pence, a 29-year-old mother from Sequim, WA, home alone with one of her children, heard an intruder break into the house. She took her .9 mm, took her child to the bedroom, and when the 18-year-old criminal broke into the bedroom, she said, "Get out of my house, I have a gun, get out now." He left and the police caught him. She saved her life and her child's life. It made one brief story in the Peninsula Daily news in Sequim, WA.

We have to talk about these stories because it is time America heard the other side of this debate. There are 2.5 million Americans out there defending themselves and their property by the use of their constitutional right.

In Cumberland, TN, a 28-year-old Jason McCulley broke into the home of Stanley Horn and his wife, tied up the couple at knife-point, and demanded to know where the couple kept some cash. While Mrs. Horn was directing the robber, Mr. Horn wriggled free from his restraints, retrieved his handgun, shot the intruder, and then called the police. The intruder, Jason McCulley, subsequently died. If some Senators on the other side of the aisle had their way, perhaps the Horns would have been killed and Jason McCulley would have walked away.

Earlier today, we heard the Senator from Illinios and the Senator from California read the names people killed by guns in America. Some day they may read the name Jason McCulley. I doubt they will tell you how he died, however, because it doesn't advance their goal of destroying the Second Amendment. But As Paul Harvey might say: Now you know the rest of the story.

Every 13 seconds this story is repeated across America. Every 13 seconds in America someone uses a gun to stop a crime. Why do our opponents never tell these stories? Why do the enemies of the right to keep and bear arms ignore this reality that is relived by 2.5 million Americans every year? Why is it that all we hear from them is, "Pass a new gun control law, and, by the way, call 9-1-1."

I encourage all listening today, if you have heard of someone using their Second Amendment rights to prevent a crime, to save a life, to protect another life, then send us your story. There are people here who desperately need to hear this in Washington, right here on Capitol Hill. This is a story that should be played out every day in the press but isn't. So let's play it out, right here on the floor of the Senate. Send me those stories from your local newspapers about that law-abiding citizen who used his constitutional right of self-defense. Send that story to me, Senator LARRY CRAIG, Washington, DC, 20510, or send it to your own Senator. Let him or her know the rest of the story of America's constitutional rights.

I ask unanimous consent to proceed for one more moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Having said all of this, let there be no mistake. Guns are not for everyone. We restrict children's access to guns and we restrict criminals' access to guns, but we must not tolerate politicians who tell us that the Second Amendment only protects the right to hunt. We must not tolerate politicians who infringe upon our right to defend ourselves from thieves and stalkers and rapists and murderers. And we must not tolerate the politician who simply says: "Pass another gun control law and call 9-1-1."

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent I be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, with great respect to my colleague from Idaho, and I did not come to the floor of the Senate to talk about this, let me say when any of my colleagues stand up and talk about gun control issues that the minority wishes to pursue—let me explain in a sentence or so what we are trying to do. It is not to restrict the opportunity of anyone in this country who has the right to own a gun. We are trying to close the gun show loophole to prevent convicted felons from getting a gun.

Go to a gun store to buy a gun in this country and you must run your name through an instant check because we do not want convicted felons to have weapons. They cannot, by law, possess weapons. Go to a gun store and you have to run your name through an instant check. If it comes up that you are a convicted felon, you do not get the gun. But go to a gun show on a Saturday morning as a convicted felon and buy a gun and you do not have to have your name checked against anything. Go get your gun at a gun show, if you are a convicted felon and want a weapon. We are trying to close that loophole.

Every American should support closing that loophole and should support it now. That does not affect any law-abiding citizen's right to own a gun. All it does is says let's keep guns out of the hands of felons. No one in this Chamber should believe convicted felons ought to be able to go into a gun show and gain access to a weapon they are not by law entitled to have.

I did not come to the floor to speak about that, but I did want to respond to the pejorative suggestion that people on this side of the aisle want to injure the rights of law-abiding citizens to possess weapons. That is just wrong. We are trying to close a loophole that every American ought to support closing—to keep felons from getting guns.

INTERSTATE PRISONER TRANSFERS

Mr. DORGAN. Mr. President, this is a picture of a man named Kyle Bell. This brutal criminal killed Jeanna North, an 11-year-old girl from Fargo, ND.

After being convicted and imprisoned, Kyle Bell escaped. How did he escape? When North Dakota authorities were going to transport him to a prison out of State for safekeeping, a prison in the State of Oregon, they contracted with a private company called TransCor to haul him there. As he was being transported across the country by bus with a dozen or more other prisoners, this child killer escaped. While stopped at a gas station, two guards with this private company were sleeping; another was apparently buying a cheeseburger. Kyle Bell went out through the top of the bus and this child killer walked away.

When I discovered what had happened, I thought to myself, that cannot be. We are turning child killers over to private companies to be transported across the country? But it is true. Then I discovered the record of these companies. You can be a retired sheriff and call your brother-in-law and say: Let's buy a mini van and let's go into the business of transporting criminals. In fact, in one state, a man and his wife showed up with a little mini van to pick up five convicted murderers. The warden of the penitentiary said: You have to be kidding me. They weren't kidding. That is who the State hired to transport these murderers. And of course the murderers escaped in short order.

What I have discovered is we have private companies being hired by State and local governments to transport violent criminals around the country, and those companies have no requirement to meet any standards at all. That doesn't make any sense.

I have introduced a piece of legislation I call Jeanna's Bill that says if any local or State government is going to contract with a private company to haul a violent criminal, they must meet some basic standards. They must meet some regulations. If you haul toxic waste, you must meet regulations. Haul cattle, you must meet regulations. Haul circus animals, you must meet regulations. But some of our States and local governments are willing to turn killers over to private companies who have no such standards to meet at all.

I received a letter in the last few days from the Governor of Nevada. I want to say I pass him my compliments. The Governor of Nevada was sending a convicted murderer named James Prestridge to North Dakota for safekeeping under the Prisoners Exchange Agreement. Mr. Prestridge, along with another fellow convicted of armed robbery, was being hauled to North Dakota by a company that is called Extraditions International.

Mr. Prestridge, this convicted murderer, escaped, as did John Doran, an armed robber. Mr. Doran was found just south of the Mexican border with a bullet through his brain, and Mr. Prestridge was recently apprehended. I wrote to the Governor of Nevada and said: I hope if you still intend to send this convicted murderer to North Dakota you will do it through the U.S. Marshals Service. They will haul violent offenders anywhere across this country for a flat fee and they don't lose them.

I got a letter back from the Governor of Nevada. He said:

> In response to your request that Nevada stop using private transport companies, please be advised our prison system has ceased its business relationship with Extraditions International and that all of this State's out of state inmate transfers are now being staffed by our prison system.

Good for him. He said, incidentally, Mr. Prestridge is now not going to be sent to North Dakota. Good for us.

But good for him that he changed the policy. In our State, in the most recent days, the company that let this fellow go, the company whose negligence allowed a convicted child killer to walk away and evade authorities for some months, settled with the State for $50,000. The State sent them a bill for $102,000 and the company said: We won't pay it. We'd pay you $50,000. And then the State says this company is a pretty good company and we will use them again.

My State is making a mistake, in my judgment. I would like every State to make a decision when they are going to transport violent criminals around this country, do it with law enforcement officials, do it with the U.S. Marshals Service. They will do it for a flat fee and then some American family won't have to worry that, when they pull up at a gas station, next to them at the pump is a mini van with two inexperienced folks hauling three murderers. What is that about, in terms of public safety?

It seems to me we ought to have enough common sense in this country when we have convicted someone of killing children, when we have convicted someone of murder or violent crimes, at least we ought not to turn them into the arms of someone inexperienced in the private sector, a company that has to meet no standards at all with which to transport them. That doesn't make any sense to me.

So I say to the Governor of Nevada: Good for you. It is the right decision. I would say to our State: Change your mind. Decide this company should not haul violent offenders in North Dakota and that when you are going to transport a violent offender, the U.S. Marshals Service ought to be used to do it.

I say to every State official across this country: Until we get in place basic standards these companies must meet, you ought not use them for transporting violent offenders. Were I a chief executive of a State, I would not use them anyway because I do not think people who kill children, as in the case of Kyle Bell, ought to be turned over to anyone other than law enforcement authorities to transport them to another place of incarceration.

SANCTIONS ON EXPORT OF FOOD AND MEDICINE

Mr. DORGAN. Mr. President, I want to speak about an issue that is of great importance to my State and to all agricultural producers around the country. That is the issue of the sanctions on food and medicine that now exist in our relationships with some countries around the world.

Our country has been in the habit of saying: We don't like certain countries, we don't like the way they behave, so we are going to slap economic sanctions on these countries and we have included sanctions on the shipment of food and medicine. So countries such as Libya, Iran, Cuba, North Korea, and others, are in a circumstance of having economic sanctions enacted against them to punish them, and we have included in those sanctions food and medicine.

A group of us are trying to change that. We do not think it is the moral thing to do. What is this country doing, saying to others that we will not allow them to have access to food and medicine? Taking aim at dictators and hurting poor people, sick people, and hungry people is hardly something about which we ought to be proud. This is not a moral policy.

I come from a farm State, so I care about having access to these markets as well. I admit that. Aside from the market side of this, which is important—after all, these countries against whom we have sanctions on food and medicine represent almost 11 percent of the world's wheat markets, and we have said to our farmers: By the way, 11 percent of the world's wheat market is off limits to you. Why? Because we decided we do not like these countries and we are going to make them pay a price. Part of the price we are going to exact is the ability for them to access food and medicine from the United States.

Of course, other countries access it from Canada, Europe, or others. We are the country that decides to withhold food and medicine from these countries.

Last year, we had a vote in the Senate on that. Senator ASHCROFT, I, and many others who pushed to repeal the sanction on food and medicine won with 70 out of 100 votes. We were hijacked by the House of Representatives in conference. I was one of the conferees. They just flat out hijacked us. When it was clear to them we were going to win the issue in conference, they adjourned the conference, never to see them again, and they stripped the provision.

I offered the same provision in the Senate Appropriations Committee, and it is now in the Agriculture appropriations bill. That is coming to the floor of the Senate. We have 70 Senators who said they think it is wrong to continue sanctions on food and medicine. The message in the Senate is: Stop using food as a weapon. It is the right message.

There are a lot of people in the House of Representatives who apparently are willing to do that except for Cuba; Cuba is a special case, and they will not withdraw sanctions on food and medicine with respect to Cuba. In fact, that is what derailed it last year.

I am one person, but I tell my colleagues that I am not going to allow, to the extent I can prevent it, the hijacking of this issue again this year by just two or three people who decide they are going to strip this provision and then have the House and Senate deal with the broader appropriations issues that do not include this provision.

We have spent a lot of time on this issue. This country is wrong in applying sanctions with respect to food and medicine shipments to countries such as Cuba. Yes, Cuba.

I was in Cuba last year. I have no truck with the Castro government. I think the Cuban government and its economic system have collapsed. But the sanctions that exist with respect to this country's actions against Cuba have represented Fidel Castro's greatest excuse to the Cuban people. He says: Of course my economy does not work; of course my country is in trouble. The United States has had its fist around our neck for 40 years.

It is Fidel Castro's greatest excuse, in my judgment, for an economic system that has failed Cuba. It does not make sense, in my judgment, for us to exact a penalty on the Cuban people, on poor people, on hungry people, and on sick people in Cuba, in North Korea, and elsewhere to continue these absurd sanctions on food and medicine.

We can have a broader discussion at some other time about whether the embargo that exists with Cuba ought to be lifted. That is a different subject, a broader subject. Incidentally, I have strong feelings about that as well. This is a narrower issue: Do we believe it appropriate to continue sanctions with respect to the shipment of food and medicine to countries such as Cuba, North Korea, Iran, and others? The answer ought to be a resounding no.

My colleague, Senator SLADE GORTON from the State of Washington, is in the Chamber. He was a cosponsor of this in the Senate Appropriations Committee. He, I, and JOHN ASHCROFT have issued a statement that says to all within hearing distance that if you think you are going to hijack this issue again this year, think again, because we have 70 votes in the Senate that say we ought not use food and medicine as a weapon, and we intend to insist this year that we prevail on this issue.

I cannot speak for anybody else, but the statement we issued is pretty self-explanatory. I am here to give fair warning to those who want to do what they did last year that it is going to be a pretty difficult proposition if they intend to hijack this issue. We have the votes. Vote on it in the Senate, and it will pass by an overwhelming margin. Allow a vote in the House, and it will pass by an overwhelming margin. The only way those who want to defeat this proposition because it contains Cuba—which is an irrational position, for those who think through this a little bit—the only way they can possibly defeat it is to try to use some hijinks in the process to avoid an up-or-down vote.

I and others intend to see we have a full opportunity to have votes in the House and the Senate on it. If the House leadership does what it did last year, I say to them: Fair warning, I am going to be here on the floor of the Senate objecting to a whole series of things. We need to straighten this out now. This country, at this time, on this issue, says we will no longer use sanctions with respect to the shipment of food and medicine. It does not work, it is not a moral policy, and it ought to stop now.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is concluded.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 12:47 p.m., the Senate recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the President pro tempore.

SENATE PHOTOGRAPH

Mr. LOTT. Mr. President, if I could ask our colleagues to take their seats, then we will begin a series of photographs. Please, stay in place until we are given the all-clear sign. If you can go ahead and be seated, we will be able to determine exactly which Senators may still be missing.

STEVE BENZA

Mr. LOTT. Mr. President, as we prepare to have this photograph taken, I note that the Senate photographer, who has been with the Senate some 32 years, Steve Benza, is preparing to retire. Steve started out as a page. He worked in the Architect's Office. He worked in the Senate Post Office. He worked in the photo lab. And for years he has taken photographs of us in various and sundry places, some of which we would not like to recount but we will remember warmly.

I ask my colleagues, before we begin these series of photographs, to express our appreciation to Steve Benza for his 32 years of service to the institution.

[Applause.]

(Thereupon, the official Senate photograph was taken.)

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Virginia.

Mr. WARNER. Would the Chair kindly advise the Senate with regard to the pending business.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. The pending business is consideration of the Defense authorization bill, S. 2549, which the clerk will report.

Mr. WARNER. I am ready to proceed. I ask my distinguished friend and colleague from Michigan if he is likewise ready to go.

Mr. LEVIN. We are indeed. I thank the Senator.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3173

(Purpose: To extend eligibility for medical care under CHAMPUS and TRICARE to persons over age 64)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. HUTCHINSON, Mr. THURMOND, Mr. INHOFE, Ms. SNOWE, Mr. KERRY, Mrs. HUTCHISON, and Mr. MURKOWSKI, proposes an amendment numbered 3173.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike sections 701 through 704 and insert the following:

SEC. 701. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS UPON THE ATTAINMENT OF 65 YEARS OF AGE.

(a) ELIGIBILITY OF MEDICARE ELIGIBLE PERSONS.—Section 1086(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) The prohibition contained in paragraph (1) shall not apply to a person referred to in subsection (c) who—

"(A) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.); and

"(B) in the case of a person under 65 years of age, is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) or section 226A(a) of such Act (42 U.S.C. 426–1(a))."; and

(2) in paragraph (4), by striking "paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph," and inserting "subparagraph (B) of paragraph (2) who do not satisfy the condition specified in subparagraph (A) of such paragraph".

(b) EXTENSION OF TRICARE SENIOR PRIME DEMONSTRATION PROGRAM.—Paragraph (4) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended by striking "3-year period beginning on January 1, 1998" and inserting "period beginning on January 1, 1998, and ending on December 31, 2002".

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on October 1, 2001.

(2) The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

Mr. WARNER. This is an amendment relating to the change in the existing military medical program to, in the future, encompass retirees over age 65. I shall address this later, and I am sure the Senator from Michigan is aware I would like to have that as the first amendment up. That was my understanding.

Mr. LEVIN. If the Senator will withhold on any unanimous consent request relative to that, I am trying to see if we have been informed of it. Of course, the Senator has a right to offer it.

Mr. WARNER. I am not able to hear my colleague.

Mr. LEVIN. Mr. President, I wonder, is this the amendment to which the Senator made reference this morning?

Mr. WARNER. The Senator is correct.

Mr. REID. Mr. President, is there a unanimous consent request pending now?

The PRESIDING OFFICER. There is none.

Mr. LEVIN. I believe the only request either pending, or perhaps already granted, is to withhold reading of the amendment. Is that correct?

Mr. WARNER. Yes.

Mr. LEVIN. Is my understanding correct that this amendment will be set aside temporarily for opening statements to be given?

Mr. WARNER. Mr. President, that is correct.

Mr. LEVIN. I thank the Senator.

Mr. WARNER. Does the Democratic whip desire to be recognized?

Mr. REID. No.

Mr. WARNER. This amendment was shared beforehand with my colleague from Michigan.

Mr. LEVIN. Mr. President, I don't know of any understanding, but the chairman has a right, of course, to offer an amendment. We just understand that this amendment now is to be temporarily laid aside so the opening statements can be given. The Senator has a right to offer an amendment at any time he wishes.

Mr. WARNER. Mr. President, this is the amendment about which I spoke on the floor earlier this morning. I think colleagues have had an opportunity to inform themselves about it. It is my hope that a number will desire to be cosponsors. We have a number of cosponsors right now.

This amendment relates to the continuing work of the Armed Services Committee with regard to the necessity to provide a health care program for retirees over 65. As the Presiding Officer well knows, the committee has addressed this in several increments, and now with another amendment by the Senator from Virginia, which I offer on behalf of many. I want to recognize that this is a subject that has quite properly gained the attention of a number of colleagues. I know Senator MCCAIN, on our side of the aisle, and Senator HUTCHISON have worked on this subject of health care. In no way do I indicate that anyone—certainly not myself—has been the principal; we have all worked together as a team. And at such appropriate time, I will return to this amendment.

I want to make some opening comments now regarding this very important piece of legislation. This bill contains the much-needed increases in defense funding and critical initiatives, including in the area of recruiting and retention. Retention is one of the most serious problems we have facing us today in our current military, as well as recruiting. This bill, in the collective judgment of the committee, goes a long way toward helping to alleviate the problems we have and to improve those critical areas in our defense.

It is most appropriate that we begin this discussion today, on June 6, the 56th anniversary of D-Day. Today, America recalls the heroic acts of bravery and valor demonstrated on the beaches of France and the many who paid the price in life and limb for liberty and freedom. And how proud we are, as the Senate, to have as the President pro tempore the distinguished senior Senator from South Carolina, STROM THURMOND, among us. He, of course, crossed the beaches of D-Day 56 years ago. He addressed the Senate earlier today on that subject.

As we look to the future and the defense of this Nation, we must never forget what may be required, and indeed what was required, of so many—over 1,400 American servicemen, not to speak of our allies; they had casualties also. But 1,400 American servicemen died on June 6, 1944, on the beaches of France, and thousands more were wounded. They did it to restore freedom to so many nations and people all through Europe—freedom that had been taken away by Hitler and the Axis forces.

I begin by expressing my thanks to the ranking member, Senator LEVIN. We came to the Senate together 21 years ago. We have worked as partners on this bill and have produced a bipartisan product that will strengthen the security of the United States, in the collective judgment of all members of the Armed Services Committee, and improve the quality of life of our men and women in uniform and, most especially, for their families.

I also applaud our subcommittee chairmen, ranking members, and all members of the Committee for their fine work throughout this year. I will put in the RECORD elsewhere the volume of hearings, special meetings, the prolonged markup sessions that led to the work product for which we labored in the Senate today.

A special thanks to our committee staff. What a superb professional staff—not only this year and last year, but throughout the 22 years I have been privileged to be on this committee. Under many distinguished chairmen and ranking members, we have had the most nonpartisan and the hardest-working staff in the Senate. I salute Colonel Les Brownlee, David Lyles, and the personal staff of the committee members for their invaluable work which led to the creation of this bill.

I appeal to all Members to join us in our bipartisan effort to improve our security. The safety and well-being of our men and women in uniform, thousands of whom are deployed at this very moment in harm's way across this world, should not fall victim to any partisan debate and certainly no election year politics. We have done that in the past. I hope we will not do it on this bill and in the future.

We should keep in mind that Members of the Senate have always recognized the importance of the annual Defense authorization bill, and in the past we have put our partisan concerns aside for the good of the Nation. I remind colleagues that the Senate has passed a Defense authorization bill every year since the authorization process began in 1961, some nearly 40 years. The House this year had a strong, resounding vote of 353 yeas to 100-some-odd nays. So that is a clear indication of the strength of the House and the Senate bills and the need for these bills to be brought into law.

At this time of increased tension around the world, at this time of unprecedented deployments of U.S. military personnel around the globe, we must show our support for our troops. Accordingly, I urge all Members to abstain from offering nondefense-related amendments and to join in a bipartisan effort to pass this Defense authorization bill, to send a strong signal of support to our brave troops, wherever they are in the world, for risking their lives at the very moment we address this legislation, risking to safeguard freedom of our allies, our friends, and indeed those of us here at home. The problems and the threats facing the home front have increased to where they are greater today than I ever envisioned in my life.

The national security challenges that the United States will face in the new millennium are many and diverse—new adversaries, unknown adversaries, new weapons, and unknown weapons. A very complex threat faces us at home and our forces forward deployed. It is important that we remain vigilant, forward thinking, and prepared to address these challenges.

Just days ago the National Commission on Terrorism, established by Congress in 1998, issued its report, "Countering the Changing Threat of International Terrorism". I would like to quote from the Report's executive summary: "Today's terrorists seek to inflict mass causalities, and they are attempting to do so both overseas and on American soil. They are less dependent on state sponsorship and are, instead, forming loose, transnational affiliations based on religious or ideological—regrettably I have to use that word, "a common hatred"—affinity and a common hatred of the United States. This makes terrorist attacks more difficult to detect and prevent." We must be prepared to respond to this threat and I look forward to reviewing the numerous recommendations contained within the report which we may address in the course of the deliberations on this bill.

While the Department of Defense (DOD) must plan and allocate resources to meet future threats, ongoing military operations and deployments from the Balkans to Southwest Asia to East Timor continue to demand significant resources in the short term and the foreseeable future.

The National Defense Authorization Act for Fiscal Year 2001 authorizes a total of $309.8 billion for defense spending—$4.5 billion above the President's request—and provides authority and guidance to the Defense Department to address the critical readiness, modernization, and recruiting and retention problems facing our military.

For over a decade, our defense budgets have been based on constrained funding, not on the threats facing the nation or the military strategy necessary to meet those threats. The result of this is evident today in continuing critical problems with recruiting and retention, declining readiness ratings, and aging equipment.

Last year, the Congress reversed the downward trend in defense spending by approving a defense authorization bill which, for the first time in 14 years, included a real increase in the authorized level of defense spending. This year, we continue that momentum with the bill before the Senate the second year of increased authorization levels. As I stated earlier, the authorized level of $309.8 billion in this bill is $4.5 billion above the President's request and consistent with this year's concurrent budget resolution. The fiscal year 2001 funding level also represents a *real increase* in defense spending of 4.4 percent from the fiscal year 2000 appropriated level.

The funding we have provided is primarily going for modernization and readiness and for other benefits for the men and women of the military. The committee authorized $63.28 billion in procurement funding, a $3.0 billion increase over the President's budget. Operations and maintenance was funded at $109.2 billion, with $1.5 billion added to the primary readiness accounts. Research, development, test and evaluation was budgeted at $39.31 billion, a $1.45 billion increase over the President's budget request.

The committee's support for additional funding for defense is based on an in-depth analysis of the threats facing U.S. interests, and testimony from senior military leaders on the many shortfalls in the defense budget.

While the cold war has been over for nearly a decade, it is evident that the world remains a complex and violent place. The greatest threat to our national security today is instability; instability fueled by ethnic, religious, and racial animosities that have existed for centuries, but are now resulting in conflicts fought with the weapons of modern warfare. Many have turned to the United States, as the sole remaining superpower, to resolve the many conflicts around the world and to ensure stability in the future. However, this military power does not ensure our security. As Director of Central Intelligence George Tenet told the committee in January, "The fact that we are arguably the world's most powerful nation does not bestow invulnerability; in fact, it may make us a larger target for those who don't share our interest, values, or beliefs."

U.S. military forces are involved in overseas deployments at an unprecedented rate. Currently, our troops are involved in over 10 contingency operations around the globe. Unfortunately, there appears to be no relief in sight for most of these operations. At an October 1999 hearing of the committee, the Chairman of the Joint Chiefs of Staff, General Hugh Shelton, stated that, "Two factors that erode military readiness are the pace of operations and funding shortfalls. There is no doubt that the force is much smaller than it was a decade ago, and also much busier."

Over the past decade, our active duty manpower has been reduced by nearly a third, active Army divisions have been reduced by almost 50 percent, and the number of Navy ships has been reduced from 567 to 316. During this same period, our troops have been involved in 50 military operations worldwide. By comparison, from the end of the Vietnam war in 1975 until 1989, U.S. military forces were engaged in only 20 such military deployments.

This unprecedented rate of overseas deployments is one of the primary factors contributing to the severe problems we are having with recruiting and retaining quality personnel, and with maintaining adequate readiness of the existing force. We have tried to address these issues in the bill before the Senate.

It has also affected our readiness, as the Presiding Officer well knows as chairman of the subcommittee with the primary jurisdiction of readiness.

I want to pause for a moment and acknowledge the Chairman of the Joint Chiefs of Staff and the Service Chiefs—the Chief of Naval Operations, the Air Force Chief of Staff, the Army Chief of Staff, and the Commandant of the Marine Corps—for their role in helping to reverse the decline in defense spending. I cannot think of one single factor that added greater emphasis not only this year but last year to the increase in defense spending—not one fact greater than their honest, forthright professional and personal assessments which were given this committee time and time in formalized hearings, and indeed in private consultations. I commend them. They have ably represented their troops.

There is no group of leaders more responsible for stopping this downward trend than the Chiefs.

On three separate occasions, October 6, 1998, January 5, 1999, and October 26, 1999, the Chairman of the Joint Chiefs of Staff and the Service Chiefs came before the Armed Services Committee to tell us about the ever increasing challenges the armed forces were facing in carrying out their military missions. Simply put, they did not have enough money. Their individual observations were forthright and candid. Collectively, their reports to the Congress became the unimpeachable voice that made Americans sit up and take notice. The chiefs were heard across the land. Our nation echoed back: we believe you, you have the people's support.

The military service chiefs have testified that they have a remaining shortfall in funding of $9.0 billion for fiscal year 2000, a requirement for an additional $15.5 billion above the budget request to meet shortfalls in readiness and modernization for fiscal year 2001, and a requirement for an additional $85.0 billion in the future years Defense Program.

This bill adds $3.8 billion to the President's budget request to specifically pay for items identified by the Chairman of the Joint Chiefs of Staff and the Service chiefs as necessary requirements: necessary requirements that were not funded by the President's request.

As I said earlier, the high operations tempo of our armed forces is having a negative impact on recruiting and retention. Last year, the committee took action to provide a pay raise and a package of retirement reforms and retention incentives in an effort to recruit and retain highly qualified personnel. The committee has received testimony that these changes are having a positive impact on recruiting and retention efforts.

This year, the committee has focused its "quality of life" efforts on improving military health care for our active duty and retired personnel and their families.

Earlier this year, I announced my intention to join with the majority leader and others to tackle the long-standing problems with the military health care system.

I wish to acknowledge the full cooperation of my distinguished colleague, Mr. LEVIN, and the Members on his side of the aisle. It has truly been a bipartisan effort. We have heard increasing complaints, especially from over 56 retirement communities.

While the Congress was taking some steps in the past to try to improve the health care system, it was time for a major assault on this problem. And we have done more than establish a beachhead. I used that term months ago when I laid down the first piece of legislation with our distinguished majority leader, Mr. LOTT.

The bill before the Senate today is but the first step, I hope, in what will be a continuing process to fulfill our commitment of quality health care for all military personnel—active duty, retired, as well as their families.

The Secretary of Defense, the Chairman of the Joint Chiefs, and the service chiefs have all highlighted the many problems associated with implementing a user-friendly health care program for active duty service members, military retirees, and their families.

In this bill, the committee included initiatives that ensure our active duty personnel and their families receive quality health care and initiatives that fulfill our commitment to military retirees, including extending TriCare Prime to families of service members assigned to remote locations, eliminating copayments for service received under the TriCare Prime, and authorizing a comprehensive retail and national mail order pharmacy benefit for all eligible beneficiaries, including Medicare-eligible beneficiaries with no enrollment fee or deductible.

I will elaborate on the pharmacy benefit. Prescription medication is the major unmet need of the military retiree. I believe this bill meets that need. This bill for the first time provides an entitlement for a comprehensive drug benefit for all military beneficiaries, including those who are Medicare eligible.

Hopefully, I will add my amendment which will further enhance this whole package of retiree benefits, particularly for those over 65. At the appropriate time, I will ask to turn to that amendment.

Other quality-of-life initiatives of note in this bill are a 3.7-percent pay raise for military personnel effective January 1, 2001, and a provision that directs the Department to implement the Thrift Savings Plan for military personnel not later than 180 days after enactment of this act. We put similar provisions in last year's bill but gave the discretion to the Department. This year, we have been forthright and we direct action on that program.

Last year, NATO conducted its first large-scale offensive military operation with the 78-day air war campaign—and it was associated with other military operations and was not exclusive to air—on behalf of the beleaguered and persecuted peoples of Kosovo. The lessons learned from that operation addressed during a series of committee hearings highlighted not only shortfalls in weapon systems and intelligence programs but also the complexities of engaging in coalition operations.

As noted in the combined testimony of Operation Allied Force Commanders, Gen. Wesley Clark, Adm. James Ellis, and Lt. Gen. Mike Short, the Kosovo campaign:

> . . . required [that] we adopt military doctrine and strategy to strike a balance between maintaining allied cohesion, striking key elements of the Yugoslav Armed Forces, minimizing losses of allied aircraft and crew, and containing collateral damage.

Of paramount concern to the committee this year was applying the lessons learned from the air campaign over Kosovo to our defense budget to ensure the future preparedness of the U.S. Armed Forces for future military operations. Accordingly, the committee included over $700 million for a program to include aircraft precision strike capability, aircraft survivability, and intelligence surveillance and reconnaissance assets based on lessons learned from the Kosovo conflict.

Over 38,000 combat sorties were conducted during the Kosovo air campaign—and I proudly say, for all nations that participated, some seven nations flew—with no combat casualties and some heroic rescue operations. While the committee understands that no military operation is without risk, limiting the risk to military personnel is an important goal. Every day, advances in technology such as computing and telecommunications are being integrated into warfighting equipment.

The committee believes the Defense Department must further pursue these technological advances in an effort to provide advanced warfighting capabilities, while at the same time limiting the risk to military personnel. To this end, this legislation directs the DOD to aggressively develop and field unmanned combat systems in the air and on the ground so that within 10 years one-third of our operation of these type aircraft would be unmanned, and within 15 years one-third of our ground combat vehicles would be unmanned. The committee also added $246.3 million to accelerate technologies leading to the development and fielding of remotely controlled air combat vehicles and remotely controlled ground combat vehicles.

As demonstrated in Kosovo, our Armed Forces are the best prepared in the world. They can beat the enemy on any battlefield. I don't say that with arrogance. It is factual. Our enemies, certainly those that can be identified, know that. It is the ones that we can't identify—the growing number we cannot identify, that we cannot anticipate—that pose the greatest threat. Current and future potential adversaries must fully understand, however, our military capability. Many are now intent on carrying the battle right here at home in the continental limits of the United States of America either by ballistic missile attack or attacks with chemical or biological agents or through cyberterrorism. That is where we are soft, soft in the underbelly of this great Nation. Recently, retired Deputy Secretary of Defense John Hamre characterized domestic preparedness as "the mission of the decade." I agree with that distinguished former public servant.

The military services play a critical and important role in domestic preparedness for such attacks. Should some madman or terrorist release a chemical biological agent on the civilian population at home—or, indeed, at a military base that could be a target—the Defense Department must be prepared to assist the first responders, whether they are volunteer firemen, the police officers, or even citizens who instinctively try to come to the aid of those suffering, along with the health care professionals in our local communities. To deter and defeat the efforts of those intent on using weapons of mass destruction or mass disruption in the United States, this bill does the following:

It adds $76.8 million for initiatives to address the threat of cyberattack, including establishment of an Information Security Scholarship Program to encourage recruitment and retention of Department of Defense personnel with computer network security skills. This is a program in which I have had a great deal of interest. I do hope the Members will work with me on this. We have this massive people program, maybe $20 or $30 million just to begin to give incentives for young people to go into cyberspace terrorism. What better evidence do we need than this love note that floated around, causing billions of dollars of loss to the economy in this country for the shutdown of computers.

Second, there is the creation of an institute for defense computer security and information protection to conduct research and critical technology development and to facilitate the exchange of information between the government and the private sector, and sharing of information to try and meet this common threat.

Further, we added $418 million for ballistic missile defense programs, including $129 million for National Missile Defense Risk Reduction, $92.4 million for the Air Forces Airborne Laser Program, $60 million for the Navy Theater-Wide Missile Defense Program, $15 million for the Atmospheric Interceptor Technology Program, $8 million for the Arrow System Improvement Program, $15 million for the Tactical High Energy Laser Program, and $30 million for the Space-Based Laser Program.

This is a serious threat to our homeland, the intercontinental ballistic missiles. We are forging ahead. I wish we could be stronger in our efforts.

I will, with others, try everlastingly to increase our strength to try to approach these things and solve these problems—because we are defenseless. Americans think we spent $300.9 billion this year and $300 billion previous years and that we have some defense. We do not. We are absolutely defenseless against these intercontinental ballistic missiles, particularly the ones that might be fired by a rogue state or terrorist state or, indeed, an accidental firing. It could decimate any of our great cities or, indeed, rural areas.

(Mr. HAGEL assumed the chair.)

Mr. WARNER. Last, we added $25 million for five additional Weapons of Mass Destruction-Civil Support teams formerly known as RAID teams. This will result in a total of 32 of these teams by the end of fiscal year 2001. It is the committee's intent to support the establishment of these teams for each State and territory. I commend this committee, particularly the subcommittee that handles this under Senator ROBERTS, for their relentless initiative to drive and get these teams in place. The Department of Defense has not been as aggressive as has the Senate on this issue.

I would like to briefly highlight some of the other major funding initiatives and provisions of the bill.

First, we strengthen the Joint Strike Fighter Program by significantly increasing funding for the demonstration and validation phase of this program while removing funding for the engineering, manufacture, and development phase in the fiscal year 2001.

It increases the shipbuilding budget by $603.2 million to over $12 billion. I commend the chairman and ranking member of that committee, the Senator from Maine. This is a very essential investment, an increase in spending, if we are ever to hope to maintain just a 300-ship Navy.

It authorizes $98.2 million for military space programs and technologies, $22 million for strategic nuclear delivery vehicle modernization, and $190 million for national and military intelligence programs.

We support the Army transformation initiative and we add additional resources that support research and development efforts designed to lead to the future development of that force.

Congress has to help the Army. They have some very bold initiatives, but the funding profile for these initiatives in the outyears has a degree of uncertainty which troubles this Senator. But we will try to do our best to work with the distinguished Chief of Staff, the Secretary, and others, in trying to move the Army along in its projected transformation program.

We included provisions supporting, under certain conditions, the agreement reached between the Department of Defense and the government of Puerto Rico that is intended to restore relations between the people of Vieques and the Navy and provide for the continuation of live fire training on this island. I commend the former Presiding Officer, the Senator from Oklahoma, for his unrelenting efforts, many visits down to that region to work on this problem.

We increased funding for military construction and family housing programs by $430 million to $8.46 billion.

We authorized $1.27 billion for the environmental restoration accounts to enhance environmental cleanup of military facilities.

We required the Secretary of Defense, in consultation with the Secretary of Energy, to:

No. 1, develop long-range plans for the sustainment and modernization for U.S. strategic nuclear forces and;

No. 2, to conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years.

That is an essential program. We must get that evaluation. We have not done one since 1994. This was of great concern to me. While I commend the President—he did the best he could at the recent summit—it would have been advisable if this Nation had conducted one of these essential programs to make an analysis of the threat—what we have in our inventory, the inventories of the other nations of the world—and, therefore, have a better idea of exactly where this country stands today and what it faces in the future.

These are but a few of the highlights of the many initiatives included in this bill. The subcommittee chairmen are truly the architects of this bill. They will discuss in greater detail the provisions in their respective subcommittees. Each should be congratulated for their study and hard work, together with their ranking members.

I urge my colleagues to support rapid passage of this bill. We need to send a strong signal of support to our Armed Forces in the field, at sea, and those who have gone before them in the line of duty. We are trustees of this great Nation and we are given that trust by generation after generation after generation of Americans who have gone from the shores of our Nation to defend the cause of freedom in farflung places of the world. These are outstanding men and women now serving in uniform. We have an obligation to them as previous Congresses have had obligations to other generations, engaged in the preserving of our freedom.

I, once again, thank my distinguished colleague, the senior Senator from Michigan, for his work on this committee—indeed, nonpartisan hard work—and the wonderful staff. We put this bill together.

I thank the Senator and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am pleased to join with the chairman of the Armed Services Committee in bringing the National Defense Authorization Act for fiscal year 2001 to the floor. The bill is the product of several months of bipartisan work on the part of our committee. I am, indeed, pleased to join with him in bringing this bill to the floor.

This year the President added $12 billion in defense spending to last year's appropriated levels. The congressional budget resolution added an additional $4.5 billion. For the most part, the committee chose to spend the money wisely. More than three-quarters of the money added by the budget resolution would be used to meet needs that are identified as priorities by the Joint Chiefs, or to accelerate items that are included in the future years' defense plan.

I may not agree with every provision in the bill—I do not—but S. 2549 overall is a sound bill that basically continues the bipartisan partnership between the Congress and the administration. This bill would build on the budget that was presented by the Department of Defense to improve the quality of life for the men and women of our Armed Forces and their families, and to transform our military to ensure they are capable of meeting the threats to American security in the 21st century.

I am particularly pleased the bill would implement the administration's proposal to address shortcomings in the health care we provide for our military personnel and retirees. Indeed, the bill would go a step further than the administration proposed and provide a prescription drug benefit for military retirees.

I am appalled, and I hope most of us are appalled, by the rising cost of pharmaceuticals in this country and by the growing gap between the prices paid for drugs by our citizens and people who live in other countries. We have taken an important first step in this bill in agreeing to address the problem for military retirees. But it is my hope, perhaps during the course of this bill, and surely before the end of this Congress, we will be able to provide a similar benefit for Medicare beneficiaries whether they are military retirees or otherwise. All of our seniors—all of our seniors—should have an opportunity to purchase prescription drugs and not be precluded by an inability to pay the outrageous costs which prescription drugs now present to too many of our seniors.

The committee also made the right decision in supporting the Army transformation plan that was put forward by Secretary of the Army Caldera, and Army Chief of Staff General Shinseki. The committee concluded the Army needs to transform itself into a lighter, more lethal, survivable and tactically mobile force, and we approved all the funds that were requested by the Army for that purpose. In fact, we even added some research money that the Army said would help the long-term transformation process.

At the same time, we have instructed the Army to prepare a detailed roadmap for the transformation initiative, and to conduct appropriate testing and experimentation to ensure the transformation effort is successful.

The Department has made a strong commitment to the Joint Strike Fighter Program and the committee supports that effort. While our bill recognizes that slippage in the test schedule is virtually certain to result in a delay of the next milestone decision, we remain open to reprogramming of funds to enable the Department to make that decision in the year 2001, if it proves possible to meet a tighter schedule.

I am also pleased the bill reported by the Armed Services Committee provides full funding for the Department of Defense Cooperative Threat Reduction Program and the three ongoing Department of Energy cooperative programs with Russia and other countries of the former Soviet Union. These programs serve as one of the cornerstones of our relationship with Russia and play an important role in our national security by reducing the threat of proliferation of weapons of mass destruction from Russia or from rogue nations with which Russia may otherwise be tempted to form closer ties in the absence of these programs.

While some restrictive language has been included in the bill, I am hopeful this language will not undermine the effectiveness of the programs. I am disappointed the committee chose not to provide $100 million for a new, long-term Russian nonproliferation program at the Department of Energy.

This program would allow the Department of Energy to accelerate the closure of portions of Russian nuclear weapons complexes and secure additional nuclear materials. I am hopeful, with the help of other Senators, we can address this issue in the course of our debate on the Senate floor or perhaps in conference.

The committee bill would authorize $85 million of military construction sought in fiscal year 2001 by the administration to begin construction of a national missile defense site. The President's budget explains this request as follows:

> The budget includes sufficient funding so that if the administration decides in 2000 to proceed with deployment of a limited system, the resources will be available to quickly proceed toward a 2005 initial capability.

I emphasize the word "if." It is my understanding that this funding is provided consistent with the President's request in the event the President decides to proceed with the deployment of a limited national missile defense. As indicated in the President's budget, this decision will be based on an assessment of four factors: one, the assessment of the threat; two, the status of technology based on an initial series of flight tests and the proposed system's operational effectiveness; three, the cost of the system; and four, the implications of going forward with a national missile defense deployment in terms of the overall strategic environment and our arms control objectives, including efforts to achieve further reductions in strategic nuclear arms under START II and III.

As our chairman said, the committee spent a great deal of time addressing the status of training exercises by Navy and Marine Corps personnel on the island of Vieques. As we all know, training on Vieques was suspended last year after the tragic death of a security guard at the training range. The Secretary of the Navy, the Chief of Naval Operations, and others have testified before the committee that there is no adequate substitute for the live-fire training on the island of Vieques.

Earlier this year, the President entered into an agreement with the Governor of Puerto Rico which establishes an orderly process for what we all hope will be the resumption of such training. As of today, the Commonwealth of Puerto Rico has lived up to its obligations under the agreement. The Navy training on Vieques has been cleared of protesters with the assistance of the government of Puerto Rico, and the Navy training exercises have now resumed on the island with the use of inert ordnance as provided in the agreement.

During the course of our markup, the committee considered proposed legislation which would have been inconsistent with this agreement. In my view, unilateral changes to or actions in violation of the terms of the agreement at a time when the government of Puerto Rico is living up to its obligations under the agreement would have sent exactly the wrong signal. Such changes would have offended many citizens of Vieques and others throughout Puerto Rico, undermining the efforts of the Navy and this committee to eventually resume live-fire training on Vieques.

In the end, the committee included legislation that would implement the provisions of the agreement that call for limited economic assistance and holding a referendum on the island of Vieques. With regard to the other element of the agreement—the transfer of specific land to Puerto Rico under certain circumstances—the legislation is silent, deferring congressional action until a later date.

While I would have preferred to fully implement the agreement between the President and the Governor of Puerto Rico at this time, avoiding unilateral changes to the terms of the agreement was the next best outcome. In light of the position taken on the floor of the House, I expect we will have an opportunity to further consider this issue in conference.

One area where I am very disappointed with the outcome of the markup is the organization of the Department of Energy. Last year, the National Defense Authorization Act contained provisions reorganizing the Department of Energy's nuclear weapons complex by creating a new "semi-autonomous" National Nuclear Security Administration, NNSA, within the Department of Energy. These provisions, which were added in conference, were inconsistent with legislation passed in the Senate by a vote of 96–1 and went far beyond anything that was even considered by the House.

The Secretary of Energy dual-hatted a number of key NNSA employees, authorizing them to serve concurrently in both NNSA positions and DOE positions outside the NNSA. Although the provisions establishing the NNSA did not contain any provision prohibiting dual-hatting, many members of our committee believed this approach was inconsistent with the legislation.

This bill responds to that perceived violation of the statute with provisions that would, one, prohibit the Department of Energy from paying any NNSA officials who are dual-hatted and, two, prohibit the Secretary of Energy from changing the organization of the NNSA in any way. These are unprecedented restrictions on the ability of a Cabinet Secretary to manage his own Department and undermine our ability to hold Secretary Richardson and his successors accountable for the activities of the Department of Energy.

Dual-hatting is commonplace throughout the Government and has been legally permissible since we repealed the Dual Office Holding Act of 1894 more than 35 years ago. Moreover, the Secretary provided our committee with a legal opinion which concluded that such dual-hatting is permissible.

In any case, the prohibition on reorganization is completely unnecessary in light of the express prohibition on dual-hatting. The reorganization prohibition would go far beyond its stated purpose of addressing dual-hatting, and it would prohibit the Secretary of Energy from even establishing, altering, or consolidating any organizational unit, component, or function of the NNSA regardless of demands of efficiency or accountability.

Last year, the President's Foreign Intelligence Advisory Board reported that the Department of Energy's nuclear weapons complex had become organizationally "dysfunctional." Much of this organization remains unchanged despite its transfer to the new NNSA. Yet the provision added in our committee would prohibit the Secretary from addressing that problem.

In short, the Department of Energy organization provisions not only fail to address the problems identified by its sponsors, which is the dual-hatting problem, but go way beyond that and thereby undermine the ability of the Secretary of Energy to address many of the concerns that led to the enactment of last year's legislation in the first place.

I am also disappointed that the bill does not contain a base closure provision. Last year, as this year, the top military and civilian leadership of the Department of Defense came to us and told us that more base closures are critical to saving billions of dollars needed to meet our future national security needs. Year after year, some Members express concerns about shortfalls in the defense budget and then reject the one measure that would do the most to help the Department address those shortfalls in the long term.

Secretary Cohen said recently his biggest disappointment as Secretary has been that the Department of Defense still has too much overhead and that he has not been able to persuade his former colleagues—meaning us—that they are going to have to have more base closures. Authorizing a new round of base closures is an issue of political will to meet our long-term security needs. In the course of our debate on this bill, Senator MCCAIN and I plan to again offer an amendment to allow more base closures.

Finally, I will mention two other issues. First, the bill contains a provision that would replace the School of the Americas with a new Western Hemisphere Institute for Professional Education and Training which would provide a broad curriculum of studies, including human rights training, to both military and civilian leaders of democratic countries. I hope this step will allow us to put the controversial history of this institution behind us while we look instead to the future.

Second, the bill contains an amendment I offered to prohibit the Department of Defense from selling to the general public any armor-piercing ammunition or armor-piercing components that may have been declared excess to the Department's needs.

This prohibition was enacted on a 1-year basis in last year's Defense Appropriations Act, and Senator DURBIN has introduced a bill in the Senate to make the ban permanent. There is no possible justification for selling armor-piercing ammunition to the general public. I am pleased that we have taken this step toward enacting the ban into permanent law.

Again, I thank Senator WARNER for his work as chairman of the committee. There are a lot of provisions in the bill, and there will be, I am sure, a lot of amendments which will be offered in the course of our deliberations on the Senate floor. I think we all look forward to a full debate on all of the issues that will be presented to us.

I am wondering if Senator WARNER is on the floor.

Mr. WARNER. Yes.

Mr. LEVIN. I make a parliamentary inquiry as to whether or not amendment No. 3173, which is the pending amendment, is subject to a point of order and, if so, what point of order.

The PRESIDING OFFICER. The pending amendment that the Senator inquires on violates section 302(f) of the Budget Act.

Mr. LEVIN. This amendment was presented to us this morning. I think we should make an effort to see if we can't bring this amendment somehow or other into compliance with the Budget Act so we can accomplish the important provisions that are in this amendment. This is a goal which has been sought on a bipartisan basis to try to improve the provision of health care services to our retirees.

I think it is in all of our interests to see if we can't find a way that we can make this come into compliance with the Budget Act. I am particularly sensitive to the Budget Act's provisions. I am not sure Senator DOMENICI is with us today. I believe he was absent during the picture, for reasons with which we are familiar. In that case, I am wondering whether or not, because of the Budget Act implications of this amendment, the Senator might be willing to set this aside so we can determine if there are ways of achieving these important goals consistent with the Budget Act.

Mr. WARNER. Mr. President, I say to my good friend, I will try to accommodate you on that because it is a very important amendment. I would like to discuss with you just perhaps the following procedure: That we have the opportunity to have a colloquy and make some presentations about the amendment, and then at that time I will consider laying it aside. I would like to have that opportunity this afternoon. I would very much appreciate the comments of my colleague.

It had been my intention to give it to you a little earlier today, but I think it began to get to your people around 11 or 12 o'clock. It had been my intention to bring it up. That is not a fact in any way I wish to conceal. But anyway, that did not come to the attention of the Senator from Michigan.

So, yes, we will work on this because in fairness to our colleagues—and I anticipate an overwhelming majority of the Senate would like to support the objectives of this amendment—we should address what could be done to the amendment.

I acknowledge that a point of order does lie, and at the appropriate time I would ask for the waiver. Yes. The answer is, we will see what we can do. So I suggest as follows, that we allow other colleagues—the President pro tempore, a member of our committee, the former chairman wishes to address the bill, and the Senator from Colorado wishes to address the bill. There may be others.

So let us have some brief opening statements by our two colleagues, and I will adjust the procedure at the request of the Senator from Michigan.

Mr. LEVIN. That procedure would be fine. I welcome hearing from our good friends, including our former chairman, and then perhaps we will lay this aside so we can try to make it in compliance, if possible, with the Budget Act. I welcome the comments of the chairman.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, as the Senate begins consideration of the national defense authorization bill for fiscal year 2001, I join my colleagues on the Armed Services Committee in congratulating Chairman WARNER and the ranking member, Senator LEVIN, on their leadership in preparing a strong bipartisan defense bill, which passed the Committee by an overwhelming 19–1 vote.

The national defense authorization bill for fiscal year 2001 ensures that our

Armed Forces can continue to carry out their global responsibilities by focusing on readiness, future national security threats, and quality of life. I am especially pleased with the focus on the quality of life issues. Our military personnel and their families are expected to make great sacrifices and they deserve adequate compensation. Therefore, I strongly support the 3.7 percent pay raise, the significant improvements in military health care, especially those impacting our military retirees and their families. These are critical provisions, which when coupled with the additional family housing and barracks construction, will result in a well-earned improvement in the standard of living for all our military personnel.

The defense bill before us continues the improvements in the readiness issues identified by our Service Chiefs. The committee added over $700 million for programs identified as shortfalls during the Kosovo conflict. It increased key readiness programs such as ammunition, spare parts, base operations and training by more than $1.5 billion. Although these are significant improvements, we cannot be satisfied with these increases and must ensure continued robust funding increases for these programs in future bills.

Since the fall of the Berlin Wall our Nation has faced ever changing threats. Among these are the spread of nuclear weapons and other weapons of mass destruction, international terrorism, and the ever increasing sophistication of weapons in the hands of countries throughout the world. To counter these threats the committee added $78.8 million in the Emerging Threats Subcommittee accounts. These resources will fund critical research into new technology, while at the same time provide for the reduction and security of the nuclear and chemical arsenals of the former Soviet Union. It is money wisely spent and deserves our full support.

I have previously congratulated the chairman and ranking member for their work on this bill. Before closing, I want to congratulate each of the subcommittee chairmen—Senator INHOFE, Senator SNOWE, Senator SANTORUM, Senator ROBERTS, Senator ALLARD and Senator HUTCHINSON—and their ranking members for their contribution to this bill. Their leadership and work provided the foundation for this legislation. Finally, I believe it is important that we recognize Les Brownlee and David Lyles for their leadership of a very professional and bipartisan staff.

This national defense authorization bill is a strong and sound bill. I intend to support it and urge my colleagues to join me in showing our strong support for the bill and our men and women in uniform.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank Chairman WARNER for allowing me the opportunity to speak in strong support of this essential bill for our men and women in the armed services. I believe it to be very fitting that we bring up S. 2549, the fiscal year 2001 Department of Defense Authorization Act, only 9 days after Memorial Day.

This bill should always be more than just a funding mechanism for today's military but a fitting tribute and to show our appreciation for those who served, are serving, and will serve in the future.

The Defense bill is entirely too important to be mired in politics. We must respect our military and provide them the best Defense authorization bill we can.

The fiscal year 2001 Defense Authorization Act is a bipartisan effort, and I believe we all did some essential heavy lifting in committee for our warfighters.

For the second year in a row, we have reversed the downward trend in defense spending by increasing this year's funding by $4.5 billion over the President's request, for a funding level of $309.8 billion. This results in a 4.4 percent increase in real growth from last year's appropriated level.

Last year as the Personnel Subcommittee chairman, I had the opportunity to oversee the first major pay raise for our military in almost 20 years. Now, I have the great privilege to serve as the chairman of the Strategic Subcommittee. While it is a tall order to fill the shoes of Senator BOB SMITH as subcommittee chair, I believe the subcommittee has had a very successful and productive session. Just like last year with Senator CLELAND, it is always rewarding to have a dedicated ranking member like Senator LANDRIEU. I want to thank her, as well as all the members of the subcommittee, for all the hard work they put into this bill.

The Strategic Subcommittee has oversight and program authority over the following areas: (1) ballistic and cruise missile defense; (2) national security space; (3) strategic nuclear delivery systems; (4) military intelligence; and (5) Department of energy (DOE) activities regarding the nuclear weapons stockpile, nuclear waste cleanup, and other defense activities.

During the last year, the subcommittee held four hearings.

The first was on our national and theater missile defense programs which showed that the DOD continues to have a funding-constrained ballistic missile defense (BMD) program. In this year's budget, the administration finally increased the funding for the National Missile Defense (NMD) program, but we found that all of the Ballistic Missile Defense Organization's or BMDO's major acquisition programs remain underfunded. Plus, we were very concerned about the lack of funding for the research and development technology programs. That is why in this bill we recommend substantial increases in funding for ballistic missile defense programs and technologies.

We also had a hearing regarding our national security space issues where we identified a number of areas in which budget constraints have caused DOD to insufficiently fund key space programs and technologies and technology development. We also learned from our extensive post-Kosovo conflict hearings that intelligence processing and dissemination was insufficient to meet some of our warfighting requirements. That is why we recommended funding increases for the National Imagery and Mapping Agency to improve the imagery tasking, processing, exploitation and dissemination process.

The Strategic Subcommittee also has oversight over two-thirds of the Department of Energy's budget, including the newly created and much needed National Nuclear Security Administration or the NNSA. The subcommittee also authorized funds for the Defense Nuclear Facility Safety Board, an independent agency responsible for external oversight of safety at DOE defense nuclear facilities.

We held the first congressional hearing to assess the programs of the newly established National Nuclear Security Administration or the NNSA. We remain concerned about the science-based stockpile stewardship program and the fact that it could be 15 years before the DOE stockpile stewardship program can be evaluated as an acceptable substitute for underground nuclear testing. We are also concerned about the slow pace in re-establishing pit manufacturing and tritium production capabilities and any long-term requirements or plans for modernization of its aging weapon production plans.

The fourth hearing was in the area of environmental management. I am encouraged that DOE continues to make progress in focusing its resources on closure of a limited number of sites and facilities. However, just like in the area of space and missile defense, I am very concerned that funding requests for science and technology development continues to drop. DOE needs a vigorous research and development program in order to meet its accelerated cleanup and closure goals.

In response to these needs, the Strategic Subcommittee has a net budget authority increase of $266.7 million above the President's budget. This includes an increase of $530.3 million to the DOD account and a decrease of $263.6 million to DOE accounts.

In the DOD accounts, there is a net increase of $418.6 billion for the Ballistic Missile Defense programs, an increase of $98.2 million for advanced space technology, an increase of $190.0 million for tactical and national intelligence programs, and an increase of approximately $22 million for strategic forces.

There are two provisions which I would like to highlight which pertain to the future of our nuclear forces. First, we have a provision which requires the Secretary of Defense, in consultation with the Secretary of Energy, to conduct an updated nuclear posture review. It has been since 1994 since the last nuclear posture review. This is important piece of the puzzle when determining the future shape of our nuclear forces.

The second provision requires the Secretary of Defense, in consultation with the Secretary of Energy, to develop a long range plan for the sustainment and modernization of the U.S. strategic nuclear forces. We are concerned that neither Department has a long term vision beyond their current modernization efforts.

A few budget items I would like to highlight include: an increase of $92.4 million for the Airborne Laser program that requires the Air Force to stay on the budgetary path for a 2003 lethal demonstration and a 2007 initial operational capability; an increase of $30 million for the Space Based Laser program; a $129 million increase for NMD risk reduction; an increase of $60 million for Navy Theater Wide; and extra $8 million for the Arrow System Improvement Program; and for the Tactical High Energy Program an increase of $15 million.

For the Department of Energy programs, the budget structure we have proposed for DOE is slightly different from the Administration's request. We recommend that all activities of the NNSA appear in a single budgetary provision, as required by section 3251 of the National Defense Authorization Act of FY 2000. The bill has an increase of $87 million to the programs within the NNSA, which is an increase of $331.0 million over last year.

In DOE's Environmental Management account, we decrease the authorization by $132.0 million. However, I want to stress that this bill still increases the environmental management account by more than $350 million over last year's appropriated amount. In addition, we decrease the other defense account by $88.8 million and move the Formerly Utilized Sites Remedial Action Program account to a non-defense account, reflecting a decrease of $140 million. Finally, the bill also provides $34 million to continue progress on restoring tritium production.

I would like to mention an important highlight of the Authorization bill outside of the Strategic Subcommittee.

I want to commend the new Personnel Subcommittee chairman, Senator HUTCHINSON, for his work on the comprehensive health care provisions in the bill. There are many significant improvements to the TRICARE program for active duty family members. The bill includes a comprehensive retail and national mail order pharmacy program for eligible beneficiaries, with no enrollment fees or deductible. This results in the first medical entitlement for the military Medicare eligible population. I am also very happy with the extensions and expansions of the Medicare subvention program to major medical centers and in the number of sites for the Federal Employees Health Benefit demonstration program.

Lastly, I would like to point out a few items specific to Colorado. The Defense Authorization Act fully funds Rocky Flats at $673 million. Plus, we require that all safeguard and security activities to be managed by Rocky Flats, and not at DOE headquarter organization, in order to ensure that future savings will be used for additional Rocky Flats cleanup. There is also a provision asking for a report on, as well as encouraging the Secretary of Energy to use, the authority provided in last years DOD authorization bill which allowed him to use prior year unobligated balances to accelerate cleanup at Rocky Flats. Lastly, we also provide employee incentives for retention and separation of federal employees at closure project facilities. These incentives are needed in order to mitigate the anticipated high attrition rate of certain federal employees with critical skills.

Also, the bill fully funds the Chemical Demilitarization Program at over $1 billion, while fully funding the military construction for the Pueblo Chemical Depot at $10.6 million. For Pueblo's destruction of their chemical agents, there is a provision which provides for the destruction of the chemical agents at Pueblo either by incineration or any technology through the Assembled Chemical Weapons Assessment on or before May 1, 2000. The provision is to expedite the destruction activities by using one of the technologies listed in the National Environmental Policy Act documents for the Pueblo Chemical Depot.

Plus, there are $34 million for the procurement of precision targeting pods for the Air National Guard and I expect these funds to be used for such procurement.

Mr. President, I want to thank Chairman WARNER for the opportunity to point out some of the highlights in the bill which the Strategic Subcommittee has oversight and to congratulate him and Senator LEVIN in the bipartisan way this bill was developed and ask that all Senators strongly support S. 2549. I also want to thank Eric Thoemmes, Paul Longsworth, Tom McKenzie, and Tom Moore of the Strategic Subcommittee, all the Armed Services Committee staff, and Doug Flanders of my staff for all their long hours and hard work they put into this important bill.

Finally, one of Congresses main responsibilities is to provide for the common defense of the United States and I am proud of what this bill provides for our men and women in uniform. We must not be blinded by political motives when it comes to our men and women in the Armed Services. I look forward to moving this bill through the Senate, out of conference and to the President in order to quickly provide the much needed and much deserved resources for our military. To our Armed Services, I say this bill is a tribute to your dedication and hard work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague. It is a great pleasure to work with him. He has one of the toughest assignments as subcommittee chairman, and he does it very ably. I thank him.

Mr. ALLARD. I thank the chairman.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise to strongly support the speedy adoption of the National Defense Authorization Act for fiscal year 2001.

I join my colleagues on the committee in expressing my appreciation to Chairman WARNER for the outstanding job he has done in his work on this bill.

I commend Senator ALLARD for the great work he has done as chairman of the Subcommittee on Strategic Forces, for the work he did on the Personnel Subcommittee prior to my ascension to that post, and for the assistance he has given me; I express my appreciation for that.

As chairman of the Personnel Subcommittee, I worked closely with Senator MAX CLELAND, our ranking member, to develop a package that is responsive to the manpower readiness needs of the military services, that supports the numerous quality of life improvements for our service men and women, their families, and their retirement communities, and that reflects the budget realities we have today and will face in the future.

The subcommittee focused on the challenges of recruiting and retention during each of our hearings this year. Even the health care hearing really focused on that area of recruitment and retention and the impact of what we do in the area of health care on our future retention and recruiting ability.

This bill will have a positive impact on both recruiting and retention as those who might serve and those who are serving see our commitment to provide the health care benefits promised to those who serve with a full military career.

I am very pleased with this bill. I am proud of this bill. I believe these initiatives will result in improved recruiting and retention within the military services.

The bill supports the administration's request for an active duty end strength of 1,381,600, and reserve strength of 847,436, more than this administration requested.

On military personnel policy, there are a number of recommendations intended to support the recruiting and retention and personnel management of the services. Among the most noteworthy is a provision, that would be effective July 1, 2002, requiring high schools to provide military recruiters the same access to the campus, to student directors, to student lists and information as they provide the colleges, universities, and private sector employers unless its governing body, the school board, decides by a majority vote to deny military recruiters access to the high school.

Currently, there are literally hundreds of high schools that have made decisions—usually on the basis of the superintendent or the principal—to deny access to military recruiters. For those school boards that do not vote to limit access to military recruiters, the proposed modification in the bill retains the original requirement that the services must send a general or flag officer to visit high schools within 120 days of the denial of access to military recruiters. If the high school continues to deny equal access to military recruiters, the Secretary of Defense will then send a letter to the Governor notifying him of the denial and requesting assistance in obtaining access for military recruiters.

If, after the efforts of the Secretary of Defense and the Governor, the high school continues to deny access to military recruiters, the Secretary of Defense will notify the congressional delegation of the high school that has not complied with the statute we will enact with the passage of this bill. Of course, if the school board votes not to restrict access of military recruiters, the services and the Secretary of Defense will not be required to go through the procedures I just described.

I believe requiring school boards to take that affirmative vote and to do so publicly in the light of their constituencies will really eliminate this problem that has posed such an obstacle to our military recruiters. In our hearings, we heard from frontline military recruiters that the biggest obstacle they have is actually having access to be able to make their case to young people in our schools today.

Another initiative to support recruiting is a pilot program in which the Army could use motor sports to promote recruiting, implement a program of recruiting in conjunction with vocational schools and community colleges, and a pilot program using contract personnel to supplement active recruiters.

Another important recommendation in this mark is the expansion of JROTC programs. We have added $12 million to expand the JROTC programs. We combine it with the funds in the budget request. This will maximize the services' ability to expand JROTC during fiscal year 2001.

I am proud to be able to support these important programs that teach responsibility, leadership, and ethics and assist the military in recruiting. In fact, it has been one of the most effective tools the military has in recruiting high school students.

Our major recommendations include a 3.7-percent pay raise for military personnel and a revision of the basic allowance for housing to permit the Secretary of Defense to pay 100 percent of the average local housing costs and ensure that housing allowance rates are not reduced while permitting increases that local housing costs dictate.

The bill directs the Secretary of Defense to implement the Thrift Savings Plan for active and reserve forces not later than 180 days after enactment. Making mandatory the provision of the Thrift Savings Plan will be a very positive recruiting and retention tool in assisting the military services in attracting highly qualified personnel and encouraging them to remain until retirement.

This year, the committee focused on improving health care for active, reserve, and retired military personnel and their families. In health care, there are a number of key recommendations. The foremost of these provisions is the pharmacy benefit for Medicare-eligible beneficiaries to which Senator ALLARD alluded in his remarks. This is the first time Medicare-eligible military retirees have an entitlement to military health care.

In addition, prescription drugs represent the largest unmet need of Medicare-eligible beneficiaries. I will be speaking on the Warner-Hutchinson amendment, when that is offered, regarding health care and what we are doing for our men and women in uniform.

I am very proud of this bill and pleased with what the committee has put together. It will provide the resources the military services need to maximize their readiness and to improve the quality of life for active and retired military personnel and their families.

I express my gratitude to Charlie Abell, committee staff, for the outstanding work he has done in the past and for the service he has again performed to our country and to the committee. I appreciate his work, along with other members of the committee staff. I especially thank my personal staff, Michael Ralsky, for the work he has done not only on behalf of our country and our national security but for the State of Arkansas. This is a good bill worthy of the support of the Senate. I am pleased to be supporting it.

I again thank Chairman WARNER for his leadership in putting this bill together.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague for his thoughtful remarks, most particularly the remarks directed at the staff and other members of the committee. He is a hardworking subcommittee chairman, and he is tackling the problem of recruiting and retention. We will hear further from the Senator as we proceed with this bill.

I ask unanimous consent we proceed briefly to discuss the pending amendment, and then we will proceed to an amendment to be offered by Senator McCAIN on food stamps, if that is agreeable as procedure. I say to my colleague, we are moving expeditiously, with Senator ROBERT KERREY anxious to come to the floor.

I am not suggesting we will vote on the Warner amendment. We will discuss it, and when Senator McCAIN comes to the floor, we will take up that amendment. My understanding is he desires less than half an hour. The Senator can indicate the time the other side desires, and then we will proceed to rollcall vote and possibly go to the Kerrey amendment.

Mr. LEVIN. That is fine.

AMENDMENT NO. 3173

Mr. WARNER. I thank the Senator from Michigan. He indicated to the Senator from Virginia that the pending amendment, in our collective judgment, is subject to a budget point of order. I have shared with his senior staff that corrective measures were taken to try to bring that amendment within the strictures of the budget amendment so it would not be subject to a point of order. We will show immediately what we intend to do.

In the meantime, I will discuss the amendment until Senator McCAIN comes to the floor.

I have introduced this amendment today to change the existing military medical program to encompass in the future retirees over 65. This amendment provides uninterrupted access to both TRICARE and CHAMPUS for military retirees and their families without regard to age.

Let me use the term "retirees." Those following this debate might not fully understand. We are talking about men and women in the Armed Forces who put in the necessary number of years of active service or reserve service or guard service, whatever the case may be, to meet the criteria of the various frameworks of law to qualify them for a retirement for such services as they render. That is the class of individuals being referred to. It does not include persons, such as myself, who have short tours of military duties; it does not apply to me. When we use the term "retirees," it is only for those who, by virtue of their services, met the statutory requirements and are eligible to receive retirement benefits.

Beginning in World War II, promises were made to military members that they and their families would be provided health care if they served a full career. Of course, we certainly included active duty and to some limited extent the reserve and guard for military health care. We are talking about that category of persons I have just described.

Subsequent legislation was enacted which cut off medical benefits for those over age 65, leaving them to depend on the Medicare system, which, in their judgment and in the judgment of others, has proven insufficient, and in other ways it is a breach of promise.

So there are many underlying reasons for the legislation I am proposing and the most important is equity. The reputation of those in the military who gave the promise—not knowing there wasn't any statutory foundation—made promises concerning medical care to induce individuals to provide a minimum, say, 20 years of service in most instances, to enable them to have a career in the U.S. military.

Not meeting the commitment to provide medical care is a breach of promise made on behalf of our Nation. We have to correct it. These individuals devoted a significant portion of their lives, their careers, in service to our country. I recognize with profound sorrow how we broke the promise to these retirees, certainly when we passed legislation in the early 1960s. We rectify it today.

I have examined these issues. There is no statutory foundation providing for entitlement to military health care benefits. It simply does not exist, in my judgment. It is mythical in terms of a foundation law. But good-faith representations were made to these members. Who made the commitment is irrelevant.

I have some personal recollection. I was on active duty for a brief time toward the conclusion of World War II, and then I had a second tour of active duty during the Korean conflict—again, less than 2 years. Nevertheless, I was surrounded by military people. I remember well the inducements given at the conclusion of World War II when so many desired to return to civilian life, requests to stay on active duty; the same thing during the Korean conflict—stay on active duty; continue; give the military the opportunity to show you a career pattern. Part of those representations included the health care package.

Our committee has made a determination—and indeed it is a bipartisan decision—that we would fix the issue of health care for our retirees this year. We started with a series of bills, step by step by step. I have acknowledged my gratitude, and indeed other members of the committee acknowledge their gratitude, for what the military retirees did in bringing to our attention certain inadequacies of steps we had taken. Step by step, we have improved the benefits, in this particular phase of legislation, in this fiscal year. We are going to achieve a very significant improvement to the health care benefit, particularly if that amendment is adopted by the Senate.

The amendment I bring to the floor repeals the restriction barring 65 or older military retirees and their families from continued access to the military health care system. If included, this provision will provide an equal benefit for all military health care system beneficiaries, retirees, reservists, guardsmen, and their families. This puts all beneficiaries in the same class.

It is expensive, but I think it is essential we do this to keep the faith with military retirees. I have had many meetings with both active and retired military on the health care issue. I conducted town hall meetings, discussions with groups who have come to my office, and I have listened to those who have attended the Armed Services Committee hearings regarding their views. They filled the room on a number of occasions. They have come from all areas of the country to talk about this. They are not seeking it solely for themselves. They are seeking to preserve the image of the U.S. military so the young people today who are considering joining at the recruiting stations—going through our ROTC, NROTC, the AROTC, all of these programs—will consider a military career.

When they go back home they hear the oldtimers say: Watch out, they broke a promise to me on health care. You are thinking about devoting 20 years of your life to this, or more—watch out.

We are going to get rid of the, "Watch out." That is what we are trying to do, get rid of it, because the military retirees are the most cost-effective recruiters that we have, in America today. They do not cost us anything. Yet it is those ladies and gentlemen who served this Nation who go out and talk to the youngsters. The youngsters look up to them. The youngsters trust them. They look up to the veterans. They have been there. They have done it. They help tremendously helpful in recruiting. So there are many reasons for making these health care improvements.

The amendment is a quantum leap ahead of the provisions already in committee markup at the desk. While the markup includes the comprehensive drug benefit regardless of age, the amendment goes further and provides uninterrupted access to complete health care services. As a result of these initiatives, all military retirees, irrespective of age, will now enjoy the same health care benefits.

In town hall meetings, as I said, I listened carefully to the health care concerns of the military, particularly those over 65. We have all done that. The constant theme that runs through their requests is that once they have reached the point at which they are eligible for Medicare, they are no longer guaranteed care from the military health care system. This discriminatory characteristic of our current health care system has been in effect since 1964. It reduces retiree medical benefits and requires a significant change in the manner in which health care is obtained at a point in the lives of our older military retirees when stability and confidence and respect and indeed the love of the community is most needed. This is an amendment which in effect repeals the 1964 law.

In order to permit the Department of Defense to plan for restoring the health care benefit to all retirees, my provision would be effective on October 1, 2001. While some may advocate an earlier effective date, it is simply not feasible to expand the medical coverage to the 1.8 million Medicare-eligible retirees overnight.

The amendment eliminates the confusing and ineffective transfer of funds from Medicare to the Department of Defense. Military retirees will not be required to pay the high cost of additional basic or supplemental insurance premiums to ensure their health care needs. Military readiness will not be adversely impacted, and our commitment to those who serve their full career will be fulfilled.

What is apparent to me is that the will of the Congress, reflecting the will of the Nation, is that now is the time to act on this issue. Access to military health care has reached a crisis point. With the reduction in the number of military hospitals and with the growth in the retiree population, addressing the health care needs of our older retirees has become increasingly difficult. These beneficiaries should be assured that their health care needs will be met.

I am well aware of the legislative alternatives that have been proposed to address military retiree health care needs. I have struggled to examine the most acute needs of these beneficiaries and have struggled to develop a plan that equally benefits all our retirees, not just those fortunate enough to live near a military medical facility, or those fortunate enough to be selected through some sort of lottery to be allowed to participate in the various pilot programs now underway. My goal is to provide health care through a means that is available to all beneficiaries, in an equitable and complete manner.

As I have made it clear throughout the year, improving the military health care has been the Committee's top quality of life initiative this year.

We have listened. We have, with bipartisan support, enhanced our earlier legislation to include full pharmacy benefits. The amendment now before the Congress complements those earlier efforts and provides an equitable medical benefit, one that is not based on age. It is time to act.

At the suggestion of my distinguished colleague, to avoid a point of order, I am looking at not changing the fundamental provisions in the amendment but limiting it to two or possibly three fiscal years. That will bring us within the constraints of the budget resolution. That is an important step. I appreciate my colleague bringing this to our attention.

It will have another effect. It will enable the Congress, and initially our committee, to go in, in depth, and study this amendment because it is going to have a very significant impact on the existing infrastructure that is caring for the existing active duty and military retirees under 65. We cannot fully calculate, no matter how hard we look into this, what that impact would be. In my own judgment, it will require the Congress to step forward and provide funds, maybe some legislation, to help the existing infrastructure absorb the over-65 retirees as they return to what was justly promised them when they signed up.

So this amendment has the advantages of laying it out, giving a reasonable period of time for the Department and for the Congress to examine it and determine what we have to give by way of additional support.

Also—I say this with no political motive whatsoever—it should become and will become, in my judgment, an issue in the Presidential campaign. I am quite certain the retirees will say to both candidates: Look here, the Senate of the United States included this provision. It went over to the conference with the House. It survived. It was signed into law by the President. But it ends. It ends in, say, 2003. I want to hear what the Presidential candidate has to say about this program and whether he will support it, support it in the sense of extending it beyond 2003, support it in the budget requests to provide the additional funds and whatever is necessary to make the infrastructure of our military able to support this program.

That is what we are working on. Momentarily I will ask my amendment be modified. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, it is my intention to speak for about 10 minutes in reference to the National Defense Authorization Act. I thank the distinguished chairman of the Armed Services Committee, Senator WARNER, for his outstanding leadership in the past year. I also thank the distinguished ranking member, Senator LEVIN, for his leadership as well.

This is a good, solid, and positive effort in behalf of our national defense. As a subcommittee chairman, I am particularly proud of the work we were able to accomplish in the subcommittee that we call the Emerging Threats and Capabilities Subcommittee. I would like to review the key provisions contained in this act that fell under the jurisdiction of the Emerging Threats Subcommittee.

As the chairman has pointed out, as well as the distinguished Senator from Michigan, in the last year, what we call information warfare, and what some call cyberthreats—and the American public is certainly becoming much more aware of that situation—to the United States, including the Department of Defense, have increased very dramatically. The Department of Defense reported that these attacks on Defense Department systems increased from under 6,000 in 1998, only 2 years ago, to over 22,000 in 1999. That figure is doing nothing but dramatically increasing and there is every indication that this trend is going to continue.

From a national economic standpoint in regard to private industry, we are very susceptible and we are very vulnerable. In regard to our national security, we are very vulnerable. I remain concerned that many important, what we call information assurance programs, designed to protect against such cyberattacks, basically remain underfunded by the Department of Defense. For example, at the hearing before the Subcommittee on Emerging Threats and Capabilities, as of this spring witnesses from the Department once again confirmed that such funding shortfalls remain significant and presented a list of almost $500 million in unfunded requirements in this area. Obviously that is a considerable amount of money. When you compare it to the ever-increasing threats and vuneralabilities, you can see just how important this is.

For these reasons, we have included $76.8 million in this bill not only for today's underfunded requirements but also to really try to initiate programs such as training and education. Let me really underscore the word, in regard to education, in something called "cybersecurity," that will continue to provide meaningful solutions far into the future. Senator WARNER's initiative—what I refer to as the Roberts-Warner initiative, and the distinguished chairman refers to it as the Warner-Roberts initiative—he has embarked through his leadership and through his research on a whole series of scholarships in information security to attract our young people, the best and brightest; not to rely on those who come to us from foreign countries with ever-increasing higher immigration quotas. We must bring the next generation on to have this expertise. So these Warner scholarships in regard to information security for the Department of Defense will have far-reaching and, most important, positive effects in this situation.

Second, I want to talk about the terrorist threats to our citizens and our service members. It shows no sign of diminishing. Especially in regard to the weeks that led up to the millennium celebration, numerous individuals who were suspected of planning terrorist attacks directed at U.S. citizens were arrested in the United States and abroad.

This is a threat from state actors and nonstate actors all over the world; and with the proliferation of weapons of mass destruction, the threat of a terrorist attack with a chemical, biological, or nuclear weapon is increasing at an alarming rate.

We asked the experts who came before the Emerging Threats Subcommittee, the experts whose job it is to determine what represents a vital national security risk: What keeps you up at night? What makes you really worry in regard to a vital national security threat?

Their response was largely along two lines of concern: one, in regard to the cyberattacks which we are already experiencing in private industry and the Pentagon experiences every day, and the other one was biological attacks. It is so easy to use, whether it be a state actor or a nonstate actor or anybody connected with organized crime or any individual who wants to cause a great deal of trouble.

We, as a nation, must continue to detect and try to deter such attacks, but if such an attack happens, we must be prepared to deal with the consequences. We call this consequence management. We in Kansas, just to the north of Oklahoma City, full well know what kind of a tragedy can occur in regard to consequence management. Stop and think a minute about a terrorist threat and what could happen in our urban areas or, for that matter, anywhere in the country, and my colleagues can understand the seriousness of this problem.

Our subcommittee will continue to play a leading role in ensuring the Department of Defense is adequately funded and structured to perform its critical role in the overall U.S. Government effort to, again, deter, detect, and combat terrorism. The bill contains an additional $35 million for these efforts.

This year we continue a comprehensive review, initiated last year, of the activities of the Department of Defense to combat terrorism. Obviously, our goal is to make the Department efforts in this critical area more visible and certainly better organized. In fact, at a subcommittee hearing, leading Department of Defense witnesses testified to, No. 1, what their jurisdiction is; No. 2, what they have been doing; No. 3, what they plan to do and what their budget requirements are; and if, in fact, they could ask us for their priority concerns, what would they be.

Before this hearing, I asked them to sit in the order of their chain of command to figure out who was in charge and is this effort being properly coordinated and shared, and what about communication. They looked at one another. There were four witnesses and nobody knew who was at the top of the chain of command. Hello, we have a big problem in that respect.

We included in the markup a provision to address this. When I say "we," I include the distinguished ranking member of the subcommittee, Senator BINGAMAN, and the distinguished Senator whose efforts, in part, led to the creation of the subcommittee, Senator LIEBERMAN.

We have also worked to increase the capabilities of the Department of Defense to assist in the event of a terrorist attack on U.S. soil involving the use of a weapon of mass destruction.

This bill also authorizes over $1 billion, again to support the Russian threat reduction and nonproliferation efforts. During the post-cold-war decade, the U.S. Government has spent—I do not think too many of my colleagues recognize this; I know not too many of our American citizens understand this, but during the post-cold-war decade, the U.S. Government has spent over $4.7 billion in the former Soviet Union to reduce the threat posed by the possible proliferation of weapons of mass destruction and weapons-usable nuclear materials and scientific expertise. After nearly a decade of working in Russia and the other states of the former Soviet Union, committing ourselves to future efforts, we thought it was important for us to review what these programs have achieved.

Senator LEVIN has spoken eloquently of the need for the continuation of this effort and the intent of the effort. I share his commitment, but I am concerned that for all the good intentions and all the significant investment that has been made, the return of reducing the threat has been too small relative to the $4.7 billion. We can do better.

For example, the General Accounting Office found that $481.2 million has been spent since fiscal year 1993 on a program designed to secure the weapons-usable nuclear material in Russia and the states of the former Soviet Union, but only 7 percent of the total nuclear material identified as being at risk has been secured. I am troubled by this progress achieved in light of this significant investment. We are not going to scrap the program, but we must do better.

In March, the GAO testified that the costs associated with achieving the threat reduction will continue to increase due primarily to the following facts: Russia's inability to pay its share of the costs of these programs, and we are certainly working in that regard with our Russian counterparts; Russia's basic reluctance to provide the United States with needed access to its sensitive facilities. I was in Russia last August attempting to gain greater access. We will continue those efforts.

To help solve those problems, this mark contains several initiatives to obtain greater Russian commitment and necessary access to ensure these programs will have a greater chance of attaining their stated objectives, and if we do that, these programs will attain even further widespread support and they can be a success.

I call the attention of my colleagues to a modest, but extremely important, initiative in this bill with widespread bipartisan interest that will lead to a major joint field experiment in 2002. I do not know of any commitment that will be undertaken in the future by any of our military services that will not be joint.

This experiment will evaluate visions of our military services for future combat forces and ensure they can be brought together effectively for joint military operations to deter and counter the emerging threats to our national security. I am talking about the fact that we lack interoperability. I know the services and the service chiefs say we have this interoperability. With all due respect to the service chiefs and others, we do not have that ability to the degree we need it. That is why we feel we must press ahead with a major joint field experiment if we possibly can. It is absolutely essential.

Finally, my colleagues will find in this recommendation an affirmation of the subcommittee's strong support of the Defense Science and Technology Program. This bill includes an increase—I emphasize, an increase—of $446 million to science and technology. That is a 9-percent increase over the President's budget request. It is this investment that will provide for future capabilities to deal with emerging threats to our national security.

This is a solid effort; it is a positive effort. It will meet the objective within the constraints of the defense budget for the work assigned to the Emerging Threats and Capabilities Subcommittee. I urge approval of this legislation.

I join our able chairman in thanking the majority and minority committee staff, my subcommittee staff, and my personal staff for a job well done. I specifically mention Pam Farrell. If one puts charming and tenacious together, it might be considered an oxymoron. It is not the case with Ms. Farrell. Without her leadership and expertise and being just as tenacious as she can be, we would never have increased the science and technology budget by more than 9 percent over the President's budget. She does an amazing job.

I would also like to thank Ed Edens and Joe Sixeas, who is affectionately called Andy, for their work in regard to the counterterrorism efforts we are conducting, more especially with the RAID teams that we now say are CST teams; Chuck Alsup in regard to the joint experimentation initiative; Cord Sterling, who has been in Central America, South America, virtually every country where we have a threat in regard to drugs, working overtime. In regard to cyberattacks, Eric Thoemmes, does an outstanding job. He really has to keep up with that and has done a super job. Then on the cooperative threat reduction programs, Mary Alice Hayward.

All of these folks have done an outstanding job. Their minority counterparts have done likewise. We are only as good as our staff. In this regard, I want to pay personal thanks to the staff.

I urge the adoption of this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I have an amendment.

Mr. WARNER. Before the Senator proceeds, I express my gratitude to our distinguished chairman of the Emerging Threats Subcommittee for a marvelous job. I commend the Senator for giving his staff due recognition for their wonderful work. It is a vital subcommittee. It is on the absolute cutting edge of everything we have to be doing in the Senate.

I thank the Senator and yield the floor.

Mr. ROBERTS. I thank the Senator.

AMENDMENT NO. 3179

(Purpose: To establish a special subsistence allowance for certain members of the uniformed services who are eligible to receive food stamp assistance)

Mr. McCAIN. I have amendment No. 3179 at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 3179.

Mr. McCAIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 206, between lines 15 and 16, insert the following:

SEC. 610. SPECIAL SUBSISTENCE ALLOWANCE FOR MEMBERS ELIGIBLE TO RECEIVE FOOD STAMP ASSISTANCE.

(a) ALLOWANCE.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

"§ 402a. Special subsistence allowance

"(a) Entitlement.—(1) Upon the application of an eligible member of a uniformed service described in subsection (b), the Secretary concerned shall pay the member a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance.

"(2) In determining the eligibility of a member to receive food stamp assistance for purposes of this section, the amount of any special subsistence allowance paid the member under this section shall not be taken into account.

"(b) Covered Members.—An enlisted member referred to in subsection (a) is an enlisted member in pay grade E–5 or below.

"(c) Termination of Entitlement.—The entitlement of a member to receive payment of a special subsistence allowance terminates upon the occurrence of any of the following events:

"(1) Termination of eligibility for food stamp assistance.

"(2) Payment of the special subsistence allowance for 12 consecutive months.

"(3) Promotion of the member to a higher grade.

"(4) Transfer of the member in a permanent change of station.

"(d) Reestablished Entitlement.—(1) After a termination of a member's entitlement to the special subsistence allowance under subsection (c), the Secretary concerned shall resume payment of the special subsistence allowance to the member if the Secretary determines, upon further application of the member, that the member is eligible to receive food stamps.

"(2) Payments resumed under this subsection shall terminate under subsection (c) upon the occurrence of an event described in that subsection after the resumption of the payments.

"(3) The number of times that payments are resumed under this subsection is unlimited.

"(e) Documentation of Eligibility.—A member of the uniformed services applying for the special subsistence allowance under this section shall furnish the Secretary concerned with such evidence of the member's eligibility for food stamp assistance as the Secretary may require in connection with the application.

"(f) Amount of Allowance.—The monthly amount of the special subsistence allowance under this section is $180.

"(g) Relationship to Basic Allowance for Subsistence.—The special subsistence allowance under this section is in addition to the basic allowance for subsistence under section 402 of this title.

"(h) Food Stamp Assistance Defined.—In this section, the term 'food stamp assistance' means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

"(i) Termination of Authority.—No special subsistence allowance may be made under this section for any month beginning after September 30, 2005.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:

"402a. Special subsistence allowance.".

(b) Effective Date.—Section 402a of title 37, United States Code, shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

(c) Annual Report.—(1) Not later than March 1 of each year after 2000, the Comptroller General of the United States shall submit to Congress a report setting forth the number of members of the uniformed services who are eligible for assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(2) In preparing the report, the Comptroller General shall consult with the Secretary of Defense, the Secretary of Transportation (with respect to the Coast Guard), the Secretary of Health and Human Services (with respect to the commissioned corps of the Public Health Service), and the Secretary of Commerce (with respect to the commissioned officers of the National Oceanic and Atmospheric Administration), who shall provide the Comptroller General with any information that the Comptroller General determines necessary to prepare the report.

(3) No report is required under this subsection after March 1, 2005.

Mr. McCAIN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, this amendment would provide the funding necessary to end the food stamp military. I come to the floor with this proposal which I introduced in March. Two months ago, I offered an amendment to the congressional budget resolution for fiscal years 2001 through 2005. The Senate adopted an amendment then to secure funding to end the "food stamp military" by a vote of 99–0.

I would expect a similar vote, but I think it is important that we get Members on record to try to rectify what is really a very deplorable and unacceptable situation, and that is, our junior enlisted service personnel, mostly in the pay grades E1 through E5 are on food stamps.

Mr. President, I ask unanimous consent that several articles in the Washington Post, and several other newspapers—the Memphis Commercial Appeal, the London Sunday Telegraph—be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, July 20, 1999]

Feeling the Pinch of a Military Salary; For Some Families, Pay Doesn't Cover the Basics

(By Steve Vogel)

On a muggy Saturday at Quantico Marine Corps Base, about two dozen Marines and family members quietly poked through piles of discarded furniture, clothing and household goods in what has become a weekly ritual at the big Northern Virginia installation.

Those who defend the nation were trying to make ends meet.

At 8 a.m., the patch of lawn was covered with beds, tables, dressers and desks. Within 45 minutes, almost all the furniture was gone. The price was right—everything was free.

The items had been gathered by volunteers who go "trashing" every Tuesday, scouring garbage left at curbs on the base. Every Saturday, they give away what they collect to needy, eager Marine families.

Their efforts reflect a cold reality for thousands of low-ranking men and women in uniform assigned to high-priced Washington and elsewhere: Military salaries, never substantial, often fall far short of what they need.

"We're talking about the basics of life here, and they don't have it," said Lisa Joles, a Marine wife who created the volunteer network two years ago. "Sometimes, they don't have a thing. I didn't know how large the problem was until I got to Quantico."

Of the 40,000 enlisted soldiers, Marines, sailors and airmen based in the area, many feel compelled to work part-time or even full-time civilian jobs to supplement what their country pays them, according to military families and officials. Hundreds more, especially low-ranking troops with families, rely on food stamps or other forms of federal assistance. Many depend on the charity of their fellow troops.

"How can we send members of the military to Kosovo and expect them to do their job if they're concerned about the family being able to afford new school shoes?" said Sydney Hickey, a spokesman for the National Military Family Association in Alexandria.

Since 1982, military salaries have fallen nearly 14 percent behind civilian pay, according to federal figures. Congress has tentatively approved a 4.8 percent pay raise to take effect Jan. 1; many service members will receive a second raise six months later.

But the raises still will leave a military-civilian gap of more than 11 percent, according to studies. The situation is particularly hard of families—and 53 percent of the enlisted force nationally is married.

"A single Marine, with due diligence, can get by," said Thomas Loughlin, who heads the Marine Corps Community Services at Quantico. "The real problem is people with families. It's a sad indictment of society that somebody who's willing to give his life for his country gets paid close to minimum wage."

Pentagon officials acknowledge that some service members face severe hardships, not only in the Washington area but also in other parts of the country. But they insist that such cases do not reflect conditions for the vast majority of troops, and they point to statistics showing that junior enlisted service members earn more than the general population of high school-educated 18- to 23-year-olds.

At the same time, the officials said that improving pay is critical to Pentagon efforts to solve problems in retaining people in the armed forces. "A lot of our troops are waiting to see what happens with the pay package," said Rudy de Leon, undersecretary of defense for personnel and readiness.

Military pay varies considerably by rank, length of service and other factors. A single Marine private first class, for example, would earn base pay of $1,075 a month, plus a subsistence allowance of $225 a month for food. Those living off base also receive a housing allowance that varies by jurisdiction and would be $612 for someone living near Quantico.

In addition, members of the armed forces receive some benefits, such as medical care, at a fraction of the cost for most civilians. Commissaries offer items that are 30 percent cheaper than at civilian stores, according to Pentagon figures. Service members also do not pay federal taxes on their food and housing allowances.

A recent Pentagon study found that, overall, only 450 of the 1.4 million members of the armed forces were living at or below the national poverty level, which is $13,332 for a family of three.

But advocates for military families said that the statistics and benefits do not reflect how difficult it is for many men and women to both serve their country and live comfortably in peacetime.

"We believe there are an awful lot of families who are living at the wire, and frequently fall over it," Hickey said.

Several evenings each week, as soon as he finishes duty at Quantico, Lance Cpl. Harry Schein darts off base, picks up his 14-month-old son from day care and drops him off with the boy's mother.

Then he drives up I-95 to Arlington and joins a group of Marines who moonlight by moving office furniture until about 11 p.m. On Saturdays and Sundays, he works from 4 p.m. until midnight as a security guard in Alexandria.

"Most of the Marines I know are living check to check and barely making it by and have to get some kind of supplement," said Schein, whose pretax paycheck is $2,168 a month, including housing and food allowances. That, he said, does not cover his $595-a-month apartment in Dale City; gas; car insurance; and day care, clothes and food for his son, Devantre.

On top of his part-time work, Schein has had to turn to the government's Women, Infants and Children nutrition program, which provides federal vouchers so he can buy formula, juice and baby cereal. The Navy-Marine Corps Relief Society also gave him several hundred dollars in commissary vouchers to buy food.

"All the pride in the world, all the awe people have when they see a Marine, all that isn't going to pay the bills," said Schein, 22.

The Queens, N.Y., native said that he joined the Marines to make his parents proud but that he is likely to leave when his enlistment runs out next year. "As much as I love being a Marine, monetarily, I can't," he said.

Military installations do not generally track how many troops receive public assistance. But many officials who work with low-income service members in the Washington area said that the problem is significant and has grown worse in recent years.

Many soldiers "can only afford food, clothing and shelter and getting to work," said Brenda Robbins, an Army Community Services worker at Walter Reed Army Medical Center. "Saving is almost obsolete."

A recent survey of 165 soldiers at Walter Reed found that 41 percent were using some form of public or private charity, according to Bill Swisher, a spokesman.

Commissaries at Fort Belvoir, Fort Meade, Fort Myer, Andrews Air Force Base, Quantico and Patuxent River Naval Air Station collected more than $800,000 worth of food stamps and WIC vouchers last year, according to the Defense Commissary Agency.

More than $21 million worth of WIC vouchers were redeemed at military commissaries last year, according to Pentagon figures. Nearly 12,000 service members—less than 1 percent of the force—received food stamps in 1995, the last year a study was conducted.

"I think it stinks, really, that a member of the armed forces has to go to food stamps," said Lance Cpl. Damon Durre, 25. But that's what the Quantico Marine did after finding he could not support his wife and two children on his take-home pay.

Service members in this area do not receive cost-of-living adjustments in their pay, unlike those in New York, San Francisco and Boston. Washington does not qualify as a high-cost area under a formula used by the military.

Housing allowances are adjusted according to jurisdiction, but many service members say it is not enough to cope with area rents, and many end up living 40 or 50 miles from their duty stations.

"The cost of living will eat you alive," said Sgt. Edna Jackson-Jones, a Marine at Quantico who tried to find affordable housing near the base but instead lives with her three children in an apartment in Fredericksburg. "I had to go further south because it's cheaper down there."

Quantico offers classes in budgeting and buying cars and directs needy Marines to emergency aid, but officials say it is difficult to assist all those facing difficulties.

"We have a lot of problems reaching out to them, because many times, they don't want you to know they have a problem," said Maj. Kim Hunter, deputy director of Marine Community Services. "It's not their nature."

One result is that members of the military routinely work second jobs, often without permission from superiors, military officials acknowledged. Enlisted men and women sell goods at Potomac Mills, flip hamburgers at fast-food restaurants, do construction work, deliver packages for UPS.

"Seems like everybody who's been here a while has a part-time job," said Marine Lance Cpl. Robert Hayes, who has a second job as a mover. "You really don't have enough money to make it to the next paycheck otherwise."

[From the Commercial Appeal, Memphis, TN, Mar. 5, 2000]

On Home Front, Military Families Struggle With Low Pay

(By Kim Cobb, Houston Chronicle)

Quotesha Austin is tired of being poor. It is not what she expected as an Army wife.

Her husband, Pfc. Gary Austin, spends his days training at sprawling Fort Hood, where he drives a lumbering, tank-like vehicle called a Bradley. He is paid $1,171 a month before taxes, a couple hundred dollars in subsistence pay and a housing subsidy that does not cover the rent for his family.

"That spells broke," Quotesha Austin says dryly. They can't afford a car, and she can't find a job that pays enough to cover day care for her two children.

In November, she began collecting food stamps, and the Austins joined the list of an estimated 12,000 military families who do the same.

More than $13 million in food stamps was redeemed last year in military commissaries. There is no way to measure how many were redeemed by military families in civilian supermarkets.

Although food stamp recipients are less than 1 percent of the nation's 1.4 million service members, the issue has embarrassed some officials who claim to be supporters of the military and has erupted as an emotional campaign topic for GOP presidential hopefuls George W. Bush and John McCain.

They argue it is an outrage that men and women who put their lives on the line for their country must seek help to feed their families.

For its part, the Defense Department has studied the food stamp issue and dismissed it as too costly to fix in light of the relatively small number of military families eligible for food stamps.

But the military has another problem—how to recruit and retain good people when jobs are plentiful and the economy is strong. The Senate Armed Services Committee met recently to discuss the subject.

Many advocates for better military pay point to a 13 percent gap between overall military pay and that for comparable civilian jobs. The defense-oriented Center for Strategic and Budgetary Assessments believes the gap is exaggerated but concludes that increasing pay and benefits to some degree is a reasonable response to recruitment problems.

The Defense Department has ordered another study on its food stamp families, the third since 1991. Defense spokesman Susan Hansen said incremental pay raises scheduled through 2005 and a proposed major boost in the housing allowance should help alleviate cost-of-living problems for everyone.

"But I think we've seen in the past that the food stamp issue is more a function of larger families for junior personnel than other demographic groups," Hansen said.

Food stamp recipient Shauntrel Linton says her husband joined the Army specifically because she was pregnant with their first child. Her father was in the military, and they assumed joining the Army would cover their young family's costs. "I think I thought he'd be making the same amount as my dad," she said.

The military doesn't want to encourage people who are young and at low levels in the military to have many children, said Steven Kosiak of the defense-oriented Center for Strategic and Budgetary Assessments. Although raising all military salaries costs more than just taking care of the food-stamp population, targeting special financial consideration to potential food-stamp recipients creates the problem of different pay for the same work. "But having said that, nobody wants to think there are military people who are so underpaid they are resorting to food stamps," Kosiak said. "This is not an unsolvable problem, but it is complicated."

The last Defense Department study, conducted in 1995, found that 59 percent of military food stamp recipients were living on the base. Most of that group would not be eligible for food stamps, the study speculated, if the agencies that administer them were able to fully measure "hidden compensation," like on-post housing.

Those conducting the study found that an additional 41 percent of recipients were collecting food stamps even though they lived off base and their housing allowances were calculated as part of their gross pay. The study determined that of 4,900 food stamp families living off base, only 1,100 should qualify for food stamps, based on income and family size.

At the lowest end of the scale, an enlisted man or woman at the pay grade of E-1 earns $1,005.49 per month in base pay. The largest percentage of servicemen and women drawing food stamps are at the slightly higher E-4 pay grade, which starts at $1,242.90 per month for those with less than two years of service.

The military got a 4.8 percent raise in January for every person in uniform. Seventy-five percent of all service members will receive another pay increase in July, although it's targeted to midgrade and noncommissioned officers.

[From the London Sunday Telegraph, Oct. 31, 1999]

U.S. Soldiers Rely on Charity to Support Families

(By David Wastell)

Thousands of American soldiers serving in the world's most powerful armed forces are so poorly paid that they are having to depend on charity to provide their families with basic household necessities.

The spectacle of America's defenders standing in line at social service offices, or raking through discarded furniture to find beds for themselves and toys for their children, has horrified the nation and is emerging as a potent issue in the forthcoming presidential election.

Although military authorities insist that the problem is small, and only affecting young men with unusually large families, soldiers' wives and welfare organisations say that many more service personnel are struggling to make ends meet—but are too proud to seek the help which they need.

Tony Bradshaw, a 19-year-old lance-corporal at Quantico, a US Marine base 30 miles south of Washington, who has been receiving food stamps—vouchers that can be exchanged for goods at shops—for the past two months, said: "It's very hard to realise and admit it. I have to do whatever I can to provide for my family. But I did not expect it to be like this when I joined up."

A family of three—with one child and the wife not working—would qualify for food stamps if their pre-tax income is less than $873 (£528) per month. A two-child family would qualify on income less than $1,176 (£705) per month, rising to $2086 (pounds 1252) for a family with five children.

Food stamps worth $142 a month have helped eke out the $1,000 monthly pay cheque on which L/Cpl Bradshaw, his wife Tenille and their two young children must live in a small, tin house in the middle of the base. Mrs. Bradshaw said: "Without food stamps my children would not be having much of a Christmas."

But the system can be humiliating. Despite having no other means of paying, L/Cpl Bradshaw was not allowed to buy a loaf of bread at the base's military supermarket recently because although he had his food stamps, he did not have with him an official card stating he was entitled to them. A long line of other shoppers, many of them fellow marines, saw him being refused.

Denis McFeely, food stamps programme manager at the nearest social services office to the base, said: "The coupons identify an individual in a check-out queue as being on a low income. Other people look to see what is being bought with their tax dollars. The programme has a sigma attached to it."

That is one reason why the true number of US servicemen and their families entitled to receive food stamps is almost certainly far higher than the 12,000 who actually do so.

The problem for young recruits to the American forces is that many in the junior enlisted ranks earn only just over $1,000 a month before tax. Even after allowing for free—if rudimentary—housing and other benefits, a package that may be adequate for single soldiers puts those with even small families well below the official American poverty line.

Military pay has fallen behind the rest of the American economy as a result of budget squeezes over the last decade, and a recent vote by Congress to grant a 4.8 per cent increase from January still leaves a wide gap. Senator John McCain, who is trying to beat George W. Bush for the republican presidential nomination, is repeatedly raising the subject in his election campaign.

He said: "These enlisted service members proudly wear their uniforms on our behalf, ready to make the ultimate sacrifice. They are the very same Americans sent into harm's way in recent years in Somalia, Bosnia, Haiti, Kosovo and now East Timor. They have a right to a decent salary."

It is a sentiment shared by many at Quantico, where 7,200 marines, many of them officers in training, live and work inside the sprawling, 10 square-mile base with a small civilian town at its centre. Although the base boasts a marina and a leafy golf course, frequented by the marines' upper echelons, living conditions for lower ranks are more down-to-earth.

In one case a young soldier, his wife and their baby lived without furniture in their newly-allotted house for three weeks before contacting a voluntary group in desperation.

Tobias Miller, 18, who arrived at the base in March from Missouri with her husband Mike, a lance-corporal, shortly after he completed his basic training, said: "We slept on the floor for three weeks before I got up the guts to call someone." Almost all the furniture in their two-bedroom home was subsequently given to them by an organization called Help—Help Enlisted Lives Prosper.

Mrs. Miller and her husband also reluctantly decided to apply for food stamps. But after three separate visits to a social services office outside the base, during the last of which they were forced to wait for three hours, they gave up because they could not endure the humiliation.

Mrs. Miller said: "My mother was on food stamps and I never wanted to be on them myself. This isn't what my husband's recruiter led us to expect." Lisa Joles, 35, the energetic founder of Help and the wife of a local marine, has become an unofficial welfare officer for many of the young families who arrive on the base, often to set up home for the first time.

She encourages them to apply for food stamps and other welfare benefits. She has also worked hard to publicise the problem, something which has not endeared her to the marines' authorities. They have their own support system which Mrs. Joles insists she is trying to complement. They point out that any problems are not unique to Quantico.

Most weekends Mrs. Joles and her husband, Baron, an infantryman, distribute large quantities of furniture, clothing and other household goods which have been donated either by better-off marines or by sympathisers.

Families like the Bradshaws and the Millers have equipped most of their homes that way. Last week L/Cpl Eric Clay and his family—wife Alisha and children Kelsey, aged three and one-year-old Emily—were praising Mrs. Joles as they sifted through the mound of material she had gathered in a shed behind her house.

Mrs. Joles also organises small squads of wives to do temporary work for local employers, helping boost their families; income. But she is no soft touch: if the women do not learn how to manage the extra money they earn she will not ask them back. She said: "I don't want them coming back two weeks later saying they don't have enough money to buy diapers.

"I am teaching them to take care of their young man—that he belongs to the country—and if the country needs him, he will go. If his family is in chaos the marines are not getting 100 per cent from him."

Mr. McCAIN. Mr. President, these are stories concerning the lifestyles of the service men and women in the military. One in the Washington Post article of July 20 concerns Quantico Marine Corps Base in Virginia. One of the enlisted marines says:

I think it stinks, really, that a member of the armed forces has to go to food stamps," said Lance Cpl. Damon Durre, 25. But that is what the Quantico Marine did after finding he could not support his wife and two children on his take-home pay.

In the London Sunday Telegraph there is a story:

Food stamps worth $142 a month have helped eke out the $1,000 monthly pay check on which L/Cpl Bradshaw, his wife Tenille and their two young children must live in a small, tin house in the middle of the base. Mrs. Bradshaw said: "Without food stamps my children would not be having much of a Christmas."

But the system can be humiliating. Despite having no other means of paying, L/Cpl Bradshaw was not allowed to buy a loaf of bread at the base's military supermarket recently because although he had his food stamps, he did not have with him an official card stating he was entitled to them.

These are just demonstrations of a situation that exists in our Armed Forces today; that is, that approximately 6,300 service members receive food stamps. That is an unofficial DOD report, while the General Accounting Office and Congressional Research Service place the number at nearly 13,500. There is some disparity with the numbers, but the fact is that there are still thousands on food stamps. Obviously, I believe this is a national disgrace and it needs to be repaired.

The amendment will cost approximately $28 million over 5 years. That is an average of less than $6 million per year, to pay for an additional allowance of $180 a month to military families who are eligible for food stamps. Additionally, the Congressional Budget Office estimates that this amendment would save millions of dollars in the Food Stamp Program by removing service members from the food stamp rolls for good.

As we know, in recent years military pay increases have barely kept pace with inflation. But last year there was a significant increase, including a pay raise for admirals and generals, who received a 17-percent pay raise last year. And enlisted families continue to line up for free food and furniture.

I was pleased to hear the prospective Chief of Naval Operations, Admiral Vern Clark, support a food stamp stipend when he testified before the Senate Armed Services Committee on May 16. Admiral Clark was asked by Chairman WARNER if he was concerned that a food stamp stipend would create an inequity between service members who qualify for food stamps and those who do not. Admiral Clark stated:

My view is that it is far, far more important to not have our people on food stamps than it is to have a small inequity. . . . This is the kind of thing that speaks volumes, much more than a few dollars that are involved in it, about . . . how important we think they are. I support any measure that would put us in a position where we do not ever have to have a single Sailor on food stamps.

I commend Admiral Clark for his clear thinking and his support of a measure that will reflect whether or not we care fundamentally for our service members. Admiral Clark is right. We need to rectify this problem. There is no provision in the bill at this time concerning the food stamp issue.

I might point out, this amendment is supported by The American Legion, the Veterans of Foreign Wars, the National Association for Uniformed Services, the Disabled American Veterans, The Retired Officer's Association, and every enlisted association or organization that specifically supports enlisted service member issues in the Military Coalition and in the National Military/Veterans Alliance. These associations include the Non Commissioned Officers Association, The Retired Enlisted Association, the Fleet Reserve Association, the Air Force Sergeants Association, the U.S. Coast Guard Chief Petty Officers Association, the Enlisted Association of the National Guard of the United States, and the Naval Enlisted Reserve Association.

During the budget resolution, I talked for a long time about this problem in the military. We are talking about, I believe, a $290-some billion authorization. We are talking about now an additional $6 million a year to handle a problem which has received enormous publicity, enormous visibility. In the view of officers and enlisted alike, it is a problem that has caused a great impact on the morale of the men and women in the military, whether they happen to be on food stamps or not.

I urge adoption of the amendment.

I thank my colleague, Senator WARNER, the chairman of the committee, for allowing me to offer this amendment at this time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my colleague. This is an initiative on which he has worked for some time.

I wish to ask him a question or two. I intend to support it. I think we need a little clarification on one or two points.

I commend him for bringing this up. I commend him for his determination to address this issue, and not only this year but in past years.

It was passed by our committee, this basic language, in last year's bill; am I not correct?

Mr. McCAIN. That is basically correct.

Mr. WARNER. Fine.

Mr. McCAIN. I ask unanimous consent to engage in a brief colloquy with the chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. This question of pay inversion, let me just sort of describe it. You have a sergeant who has served 5 or 6 years. He has a wife and two children. And then a private comes into his platoon, and he has a number of children, which enables him to qualify for food stamps.

Now we add a certain sum of money, which the Senator proposes, and the salary of the private is coming right up very close to the salary of the sergeant. Now, the Senator knows from his long experience in the military—and my experience is far more modest than our distinguished colleague from Arizona, but having served in the Department of Defense, I have watched for many years this question of pay because pay has a tremendous significance not only to the military person who wears the uniform, but to the wife and family. It is a matter of pride. It is recognition for his length of service, for his professionalism, which by virtue of that length of service is greater than the younger people coming on. How do we address that? What guidance do we give, say, the officer corps and senior noncoms who have to deal with this issue, on the assumption that Congress passes it?

Mr. McCAIN. I thank my colleague. I am sure the Senator from Virginia is aware, as he points out, that this is a problem, although the reason why we chose $180 a month was so that while it would not completely close the gap, which is higher than that between the two ranks he just stated, far more important than that—I can only quote the prospective Chief of Naval Operations, Admiral Vern Clark, when asked by Chairman WARNER this past May 16, a few weeks ago, about this exact issue he raises. The response of the prospective Chief of Naval Operations was:

> My view is that it is far, far more important to not have our people on food stamps than it is to have a small inequity. . . . This is the kind of thing that speaks volumes, much more than a few dollars that are involved in it, about . . . how important we think they are. I support any measure that would put us in a position where we do not ever have to have a single Sailor on food stamps.

Also, as I mentioned in my remarks earlier, every enlisted association: the Noncommissioned Officers Association, the Retired Enlisted Association, the Fleet Reserve Association, the Air Force Sergeants Association, et cetera, who are also aware of this situation, still because of the gravity of the problems, support this $180-a-month increase for those who are on food stamps.

Mr. WARNER. Mr. President, I thank my colleague. Indeed, we will have to call upon those organizations to help explain this because it is going to pose some problems. But like others, we have to deal with it.

Mr. McCAIN. If I may respond briefly to my friend, Senator WARNER was involved in this many years ago when we had enormous retention problems in the military, especially in what we call critical rates—those who had specialized skills and talents. The chairman was involved in this because we decided we would give higher pay to people who were of the same time or even less time in the military because they had special skills. And they are today, and were then, receiving higher pay because of the special skills and the need to retain those people with special skills.

I have always felt that the backbone of the Navy was the bosun's mate. Yet we find in the Navy that the bosun's mate is the lowest paid, while the electronic technician, the computer specialist, and others, who are of equal rank—or rate, to be accurate—receive a much higher salary. We did that for practical reasons, which was that it was an absolute criticality of maintaining people in the Navy and other branches of the military who had these critical skills. We are sort of doing the same thing here. We are trying to correct the morale problem that exists when the word spreads throughout the military and in our recruiting efforts in high schools all over America that if you are going to join an organization, i.e., the U.S. military, and you have children, you may still be on food stamps. I think there is some comparability between those two situations, although not an absolute one. I hope the chairman takes my point here.

Mr. WARNER. Mr. President, I do. Of course, that is strictly a question of professionalism in the aviation community to which the Senator has given a lifetime of service. It is critical that they get higher pay, not only for flight but for retention purposes, than other officer segments. I have to chuckle. In what little military experience I have, I was an electrician's mate third class. I am not sure I could have qualified for a bosun's mate.

Mr. McCAIN. Today, you could have a lieutenant who is an aviator making more money than a nonaviator officer, an E1 or E2 ranked senior to that person because of the criticality of keeping those people in the Navy.

Mr. WARNER. The Senator is right, the electronic technician people, and so forth.

The second question is—and it is interesting—you were quoting from the future Chief of Naval Operations—indeed, an outstanding professional. He says he would rather not have people on food stamps. Isn't that what he said?

Mr. McCAIN. He said:

> My view is that it is far, far more important to not have our people on food stamps than it is to have a small inequity. . . .

The Commandant of the Marine Corps and the current Chief of Naval Operations also share those views.

Mr. WARNER. It is important as part of this colloquy that we lay the foundation that the Senator was very careful in arriving at his pay levels—not to bump sergeant, or jump over it, which I think was wise. In doing so, would I not be correct in saying you will not eliminate all food stamp cases? In all probability, the efforts, if adopted and signed into law, will still leave some on food stamps. Would I be correct?

Mr. McCAIN. It is not clear because we have gotten two or three different estimates, I say to the Senator from Virginia. Several experts say this will largely eliminate the problem. There are others who say there will still be a few remaining, but all agree this would eliminate the overwhelming majority of service members on food stamps.

Mr. WARNER. It is going to have my support. Mr. President, those are the questions I had in mind. I thank the Senator for the colloquy.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I commend my good friend from Arizona for his tremendous sensitivity to the issue that he raises. We still have service members who are receiving food stamps and that should not be the case.

If there is good news here—and there is—it is that, since 1991, the number of service members on food stamps has been dramatically reduced, as well as the percentage in the total force has gone down dramatically since 1991. In 1991, there were 19,400 service members receiving food stamps. That number went to 11,900 in 1995, and then in 1999 it went to 6,300. That number—which is the latest we have—does not include the fiscal year 1999 or a later pay raise. So we have at least some good news in this area, which is that the number of service personnel on food stamps has been reduced by about two-thirds since 1991.

As a percentage of our total force, the percentage has been cut roughly in half, from .9 percent in 1991 to .45 percent in 1999. So there has been significant improvement. Senator McCAIN is absolutely right. We still have 6,300 service members on food stamps. We should not be in that situation. He is pointing out to this body again that we should try to do something about it. The informal estimate we get is that his amendment will help. It will not eliminate the number of people who we have on food stamps, but it will reduce by somewhat that number of 6,300. I am going to support it on that basis.

Again, I commend the Senator from Arizona for his constant raising of this issue until we can try to finally resolve this problem.

There is one little wrinkle in here which is sort of an irony, I guess. Maybe that is the best it is. For instance, if you take a typical E4 with three dependents who lives on base in Government housing, he will get the food stamps because he doesn't have a housing allowance. The person under this proposal who might be a similar E4 with the same number of dependents gets a housing allowance if he lives off base, and it is that housing allowance which pushes him above the eligibility level for food stamps. Yet, because that housing allowance may be inadequate to pay for housing, he may actually be in greater need for the food stamps than the person who is on base. However, that is something we will just have to try to work with. We have to try to make this work the best we possibly can to reduce the number of further service members who are receiving food stamps.

Again, I thank Senator McCAIN for his constancy, his commitment, his dedication, and his passion to this issue. He is right, as he so often is in terms of what this goal must be, which is to remove members in the services from receiving food stamps. They should not need food stamps. We ought to be able to pay them enough and give them enough of a housing allowance so there is no need for them to receive food stamps.

I commend him. I will be supporting this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the chairman and the ranking member for their support of this amendment. I think the remarks of both pointing out that this is not a perfect fix but is a significant step in the right direction is entirely appropriate. Obviously, we will have to review the situation after we see what the result of this amendment is once it is enacted into law.

I thank both Senator WARNER and Senator LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, momentarily I believe the Senator from Arizona will ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. WARNER. I thank the Senator.

I want to work with Senator LEVIN to see if we can order the sequencing of amendments this afternoon to accommodate the Senate. We will have the McCain vote. We will decide on that time in a few minutes. I have talked to our distinguished colleague from Nebraska, Mr. KERREY. He has a very important amendment. He just indicated to this manager that he is willing to bring it up and have a vote on it tonight. Is that correct?

Mr. KERREY. That is correct, unless the chairman is going to accept the amendment.

Mr. WARNER. I am not prepared to accept the amendment.

Mr. KERREY. Perhaps we can avoid the vote after he hears my argument. I am prepared to send an amendment to the desk and schedule a vote on it this evening. That is fine. I am ready to go as soon as we vote on the McCain amendment.

Mr. WARNER. I ask my colleague if he has any comment to make.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the managers will address the question of how we proceed from here at the conclusion of the vote on the McCain amendment. Let us proceed. I would suggest the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. WARNER. Let's proceed with the vote.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the McCain amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Louisiana (Mr. BREAUX), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The PRESIDING OFFICER (Mr. L. CHAFEE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—93

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Daschle
DeWine
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—7

Biden
Breaux
Crapo
Dodd
Domenici
Landrieu
Lautenberg

The amendment (No. 3179) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3173, AS MODIFIED

Mr. WARNER. Mr. President, first, I modify the pending amendment, the Warner amendment No. 3173. I send to the desk the amendment, as modified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

Strike sections 701 through 704 and insert the following:

SEC. 701. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS UPON THE ATTAINMENT OF 65 YEARS OF AGE.

(a) ELIGIBILITY OF MEDICARE ELIGIBLE PERSONS.—Section 1086(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) The prohibition contained in paragraph (1) shall not apply to a person referred to in subsection (c) who—

"(A) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.); and

"(B) in the case of a person under 65 years of age, is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) or section 226A(a) of such Act (42 U.S.C. 426–1(a))."; and

(2) in paragraph (4), by striking "paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph," and inserting "subparagraph (B) of paragraph (2) who do not satisfy the condition specified in subparagraph (A) of such paragraph".

(b) EXTENSION OF TRICARE SENIOR PRIME DEMONSTRATION PROGRAM.—Paragraph (4) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended by striking "3-year period beginning on January 1, 1998" and inserting "period beginning on January 1, 1998, and ending on December 31, 2001".

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on October 1, 2001 and terminates September 30, 2004.

(2) The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

Mr. WARNER. Mr. President, I believe my distinguished colleague from Michigan has a request, and then I will present a UC request to the Senate.

Mr. LEVIN. I ask unanimous consent that the Senator from Washington be recognized for 8 minutes as in morning business.

Mr. WARNER. Could I put in a UC request before that?

Would the Senator forbear and allow me to put in a UC request?

Mr. President, in consultation with the majority leader, the Democratic leader, and my colleague, Senator LEVIN—while I had hoped we could continue with votes tonight—we have now reached the following recommendation in the form of a UC request.

I ask unanimous consent that the Senator from Virginia be recognized to modify his amendment, and following the modification of the amendment, the amendment be laid aside and Senator ROBERT KERREY be recognized to offer an amendment relative to strategic forces, and immediately following the reporting by the clerk, the Senator from Virginia be recognized to offer a second-degree amendment.

I further ask consent that following the debate tonight, there be 90 minutes additional beginning at 9:30 a.m. on the strategic forces issue, to be equally divided in the usual form, and following that debate, the amendments be laid aside.

I also ask consent that following that debate, the Senate resume the amendment of the Senator from Virginia, amendment No. 3173, and it be laid aside in order for Senator JOHNSON to offer a similar amendment, and there be 2 hours, equally divided, total, for debate on both amendments, and following that debate, the Senate proceed to vote in relation to the amendments.

I also ask consent that there be no amendments in order to either of the four amendments described above, or the language proposed to be stricken, and there be 2 minutes for explanation prior to each vote. The voting order for tomorrow would be as follows: Warner amendment No. 3173; Johnson amendment; Warner second degree to Kerrey; Kerrey first degree, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I will not, I just want to be clear that the Senator from Washington would be recognized prior to Senator KERREY, and that that time would not come out of any time indicated.

Mr. WARNER. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair and thank my colleagues for working out this UC.

If I could just make an announcement, in light of this agreement, there will be no further votes tonight. However, Members should be aware that at least two, and up to four, back-to-back votes will occur sometime tomorrow commencing at around 12:30 p.m.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair and thank my colleagues for yielding me this time.

ANNIVERSARY OF THE BELLINGHAM PIPELINE ACCIDENT

Mrs. MURRAY. Mr. President, I rise today to mark a solemn occasion in the lives of the people of my home State of Washington.

Many of my colleagues have heard me talk on the Senate floor about pipeline safety.

Today I want to remind everyone of the reason I have become such a strong advocate for improving pipeline safety.

June 10—one year ago, coming up this Saturday—will be the first anniversary of a horrible pipeline accident in Bellingham, WA.

In that accident, a gasoline pipeline ruptured and released more than 275,000 gallons of gasoline into Whatcom Creek. That gasoline caught fire and sent a fireball racing 1½ miles down the creek side. It created a plume of black smoke that rose more than 20,000 feet into the air.

Two 10-year-old boys and a young man were enjoying the outdoors on that quiet summer afternoon. Tragically, they died as a result of that pipeline rupture.

Three families in Bellingham, WA, will never be the same because of the events that took place on June 10, 1999.

As we mark this anniversary, we can never forget the lives that were lost.

For just a moment I want to ask my colleagues and the American people to pay tribute to those young lives: Wade King, Stephen Tsiorvas, and Liam Wood. I also want to honor their parents—who have endured a loss that no family should have to experience.

They have shown such strength and courage. They have led the charge for safer pipelines, and their advocacy has made a difference.

Their courage was clear to everyone who attended the Senate Commerce Committee field hearing in Bellingham on March 13 and to everyone who heard them testify just last month here in Washington, DC, before the Commerce Committee.

They came to Washington, DC, to ask for one thing. They want this Congress to improve pipeline standards this year. This Congress—this year.

I believe we have a moral obligation to do everything we can to meet the parents' wishes and to protect everyone else from pipeline hazards. That is why I have been working to raise the safety standards for oil and gas pipelines.

There are 2.2 million miles of pipelines running across the country. They run near our schools, our homes, and our communities.

They perform a vital service. They bring us the energy we need to fuel our cars and heat our homes.

But at the same time, they are not as safe as they could be. We have a responsibility to pass a bill this year that will protect families from the dangers of unsafe pipelines.

To be honest, I—like many Americans—was not aware of those dangers until the accident in my State.

But as I spent months learning about pipelines, I found that the accident in my State was not a rare event.

Since 1986, there have been more than 5,700 pipeline accidents in this country, 325 deaths, 1,500 injuries, and almost $1 billion in environmental damage.

On average there is one pipeline accident every day in this country, and 6 million hazardous gallons are spilled into our environment every year.

That is why back in January I introduced my own pipeline safety bill—the Pipeline Safety Act of 2000. I want to thank the Members who have signed on as cosponsors—Senators INOUYE, GORTON, WYDEN, LAUTENBERG, and BAYH.

I want my colleagues to know, in the 4 months since I introduced my pipeline safety bill, at least 20 States have experienced pipeline accidents. In addition to my bill, pipeline safety measures have been offered by Senate Commerce Committee Chairman JOHN MCCAIN and by the administration.

I am pleased that all of the current proposals touch on five key areas of pipeline safety. First, all of these bills recognize the need to improve pipeline inspection and accident prevention practices, second, they recognize the need to develop and invest in new safety and inspection technology, third—and importantly—they expand the Public's right to know about problems with pipelines in their neighborhoods, fourth, they recognize that States can be better partners in improving pipeline safety. Finally, these bills increase funding for new State and Federal pipeline safety programs.

I thank Senator MCCAIN for the strong personal interest he has taken in this issue. I thank him for the very effective way he has worked to move this legislation forward. The Senate Commerce Committee has tentatively scheduled a markup session for June 15.

Senator GORTON and I are working with both the majority and minority members of the Senate Commerce Committee to come up with a manager's package that will meet the standards we have outlined and will be acceptable to as many members as possible.

As we work here in the Senate on this important legislation, I want to encourage my colleagues in the House of Representatives to move forward quickly on their legislation so this Congress can pass a bill this year.

One of the things that has been so important over the past year is that so many people have come together to improve pipeline safety. And while I don't have time to thank them all, I do want to mention a few.

First among them is Bellingham's Mayor Mark Asmundson, who has done more to educate the public and legislators about pipeline safety than anyone I know.

I also want to recognize Transportation Secretary Rodney Slater who stationed a pipeline inspector in my State after the accident, and DOT Inspector General Kenneth Mead, who issued a report at my request on the Office of Pipeline Safety.

I also thank the President and the Vice President for their leadership.

In particular, the Vice President took the time to learn about this issue when he was in my State. He recognizes its importance, and he sent the administration's pipeline safety bill to the Senate.

I also thank the rest of the Washington State delegation—which has come together across party lines to address this issue—particularly my colleague Senator GORTON, along with Representatives from our delegtion.

And of course, I want to recognize Washington State Governor, Gary Locke, for the work he has done to raise pipeline standards in our State.

Mr. President, one year has passed since the accident in Bellingham, WA, that you can see on the chart behind me.

We have made some progress, but we need to finish the job.

We need to pass a strong pipeline safety bill this year. We owe it to the people of Bellingham, the victim's families, and to the American people. As we mark the 1-year anniversary of the Bellingham explosion, we must answer the call of the families with a strong bill. Nothing can ease the pain of this anniversary for so many people in my State, but we can and we must use this occasion to enact stronger pipeline safety standards.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

AMENDMENT NO. 3183

(Purpose: To repeal a limitation on retirement and dismantlement of strategic nuclear delivery systems)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself, Mr. LEVIN, Mr. DASCHLE, Mr. HARKIN, Mr. KERRY, and Mr. DURBIN, proposes an amendment numbered 3183.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 1017 and insert the following:

SEC. 1017. REPEAL OF LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS IN EXCESS OF MILITARY REQUIREMENTS.

Section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948) is repealed.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 3184 TO AMENDMENT NO. 3183

Mr. WARNER. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3184 to amendment No. 3183.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

"SEC. 1017. CORRECTION OF SCOPE OF WAIVER AUTHORITY FOR LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS; AUTHORITY TO WAIVE LIMITATION

"(a) Section 1302(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948), as amended by section 1501(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 806), is further amended by striking "the application of the limitation in effect under paragraph (1)(B) or (3) of subsection (a), as the case may be," and inserting "the application of the limitation in effect under subsection (a) to a strategic nuclear delivery system".

"(b) AUTHORITY TO WAIVE LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.—After the submission of the report on the results of the nuclear posture review to Congress under section 1015(c)—

"(1) the Secretary of Defense shall, taking into consideration the results of the review, submit to the President a recommendation regarding whether the President should waive the limitation on the retirement or dismantlement of strategic nuclear delivery systems in section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948); and

"(2) the President, taking into consideration the results of the review and the recommendation made by the Secretary of Defense under paragraph (1), may waive the limitation referred to in that paragraph if the President determines that it is in the national security interests of the United States to do so.".

Mr. KERREY. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, in 1998, the Congress, for the first time in the history of strategic nuclear weapons policy, imposed upon a President a limitation on what that President could do in terms of reducing nuclear weapons. It imposed a floor at the START I levels, which is roughly 6,000 strategic nuclear weapons. It said the President could not go below 6,000, unless and until the Duma ratified START II.

Last year, when I attempted to eliminate this restriction—which I believe is putting a position upon an Executive that would be very difficult to sustain if we were discussing this in the clear light of day, if it was understood by the American people that this was what we were doing—many people on that side of the aisle said: We believe this language will put pressure upon the Duma to ratify START II. The argument carried the day in a close vote of 54-46; the current policy was sustained. The language in the current law is section 1302 of the National Defense Authorization Act. It references that section 1017 of this particular legislation we are considering right now was held in law.

Well, since that time, the Duma has ratified START II. I expected to bring this language to the floor this year with open arms. It worked. We put in a floor and said the United States could not go any lower, declared victory, and the Duma ratified START II. Instead, we have an alternative proposal the Senator from Virginia has offered that has a certain amount of appeal because it requires a strategic review of our nuclear force structure. After that review, it gives the President authority, subject to what the review says, to waive the provisions of 1302 if the President says it is in the national security interest to do so.

It still puts us in a position—whether it is President Clinton or, if Vice President GORE wins the election, President GORE or, if Governor Bush wins, President Bush—the President will be prevented by Congress from reducing nuclear weapons below the START I levels, below 6,000, unless the President of the United States can accelerate a strategic review. I guess that is possible. I would like to find out from the authors of this second degree if that is their understanding. In other words, could President Clinton satisfy the requirements of this amendment by saying: My Secretary of Defense and Secretary of Energy are going to do an accelerated review?

This language has to be concurrent with the quadrennial review and submitted no later than December 2001. Could the President accelerate that review on this particular question? If not, whoever the next President is, they are going to be held up at least until December of 2001 from doing so. That makes complete sense for America to do, in my judgment.

One of the most compelling things that happened on this subject prior to our leaving for our Memorial Day recess was a remarkable speech given by the likely Republican nominee for President, Governor Bush, followed by a speech at the Naval Academy given by Vice President GORE, the likely Democratic nominee for President. The comments, which I found to be very striking and very encouraging, indicate a significant shift in our policy if the Republican nominee has any influence over the Republican Party platform.

Governor George Bush, surrounded by the preeminent thinkers on the Republican side on nuclear strategy—former National Security Chief Brent Scowcroft, former Chairman of the Joint Chiefs Colin Powell, former Secretary of State George Shultz, and former Secretary of State Henry Kissinger—they were all there standing with Governor Bush as he said the following:

> America should rethink the requirements for nuclear deterrence in a new security environment. The premise of the Cold War nuclear targeting should no longer dictate the size of our arsenal. As President, I will ask the Secretary of Defense to conduct an assessment of our nuclear force posture and determine how best to meet our security needs. While the exact number of weapons can only come from such assessment, I will pursue the lowest possible numbers consistent with our national security.

If Governor Bush were President today, he would not think very kindly of Congress coming along and saying: We don't think you have been in office long enough; 9 years is not long enough, so we are going to ask you to do an additional review before you do what you say you are going to do here. It is an interference on the part of Congress at a time, in my view, that the President ought to be doing exactly what Governor Bush is suggesting; that is, to break out of the Cold War thinking, and has us saying we have to maintain our parity with the Russians; otherwise, it is not going to be possible to get the kind of arms control agreements we want to get.

I must say, I find much to be commended in many things I have heard on the other side of the aisle having to do with missile defense, believing that in an era when we begin to reduce nuclear weapons, accidental and unauthorized launches from rogue nations, or the threat of them, are likely to increase as we draw down our nuclear forces. Missile defense becomes, in my judgment at least, an even more compelling part of our arsenal.

Mr. President, I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator.

A MEMORIAL DAY OBLIGATION

Mr. STEVENS. Mr. President, I would like to carry out an obligation I made on Memorial Day at the Arlington National Cemetery services.

This statement was presented at the Arlington National Cemetery memorial service by the Flying Tigers of the 14th Air Force Association. It was in the form of a prayer that was entitled, "Empty Cockpit; To our Departed Comrade."

His is a place no one can take,
The void he leaves cannot be filled,
For the mark he made, stays, fresh on us,
Although his heart has stilled.

Though the years pursue their relentless course,
And images are replaced,
And memories grow dim and fade,
And time obscures that familiar face,
And even a name be forgot,
And the things he said, and did,
And lives more noble may come and go,
But what he was cannot be hid.

The lessons he unknowingly taught,
By being what he was,
Have certainly changed the lives he met,
As his life touched ours.

So that the course which they now take,
Points somehow higher than before,
A true and gently comrade,
Has opened an unknown door.

So although his life on Earth is done,
His heritage will not rust,
For parts of him, that was, remain,
And live on as part of us.

I thank the Chair. I made a commitment to repeat that here on the floor of the Senate. I appreciate the time.

Mr. KERREY. Mr. President, it is somewhat difficult to get back to the somewhat arcane subject of how many nuclear weapons are needed after listening to the recitation of the Senator from Alaska of a short, very moving statement that in many ways gets to the heart of the mood we ought to be in when we are discussing our defense authorization bill, which is not just trying to answer the question how we authorize and defend the United States of America but how we give honor to those who have given the highest and most in service to this country.

I appreciate very much the presentation by the Senator from Alaska of that memorial because I think it puts us indeed in the correct mood, which is, we ought to be writing this law so as to enable all of us to take action to defend the United States of America against all enemies, foreign and domestic, without regard to some previous ideology that we have held onto for a long time.

We ought to do the right thing and not worry about whether or not we are going to find ourselves subject to criticism as a consequence of some group saying we didn't do enough, or we have done too much, and so on and so forth. It is that kind of thinking that is required if we are going to get the right number of nuclear weapons. We spend $15 billion to $20 billion a year on our nuclear weapons force structure. It is an oppressive effort.

I happen to have the privilege of not just serving the people of the State of Nebraska but in the State of Nebraska is an effort and an organization known as STRATCOM. STRATCOM's entire mission is to operate the strategic nuclear force. The current STRATCOM CINC and I have a very good relationship, as I have with all other CINCs, because this mission is very important to the people of the State of Nebraska and to the people of the United States of America. I have had the opportunity on many occasions to be briefed, and I can state to my colleagues that we get our money's worth. These men and women work very hard. They are tireless in the execution of their duties. They want to make certain they follow the command and the orders that are given by the people's leaders—in this case, the Commander in Chief—who instruct STRATCOM on what to do through a Presidential directive. They are following orders.

They put together target requirements. They put together a list of requirements that are called SIOP. SIOP determines what targeting is being done. Then it comes back to us, and it says this is what we need in order to follow the civilian orders. They come to us and say these are the resources we need in order to be able to accomplish that objective.

It is very important for us to follow that because often times it will turn to the military. We turn to the STRATCOM and say such things as: Tell us the minimum level of deterrence. They come back and say: The minimum level is 2,500. We have to have 2,500 warheads.

Remember, that 2,500 number comes as a consequence of an order they have been given by a Presidential directive. They have been given an order. That is where it comes from. Change those requirements and the number of warheads is going to be changed. It may be that a Presidential directive comes and says we need more. I do not know. But right now, without the lengthy review—I appreciate the lengthy force structure review that is in this authorization. That is basically the substitute—that we have a lengthy review that is going to be done.

I urge my colleagues to think of several things.

One, the Russians, first of all, are no longer the military threat they were in the cold war. It is a democratic nation. They have had three elections. They just elected their second President. We have partnerships with them in many different areas. We want their experiment in democracy and free markets to succeed.

The chairman of the Armed Services Committee said earlier he believes the No. 1 threat to the United States of America is political instability. It is uniquely the case. In Russia, that is the case. Our mood toward the Russians ought to be that we want to partner with them and help them be successful in making this transition from an economy run by a central government—a Politburo—to a political system that is not limited to a single party but one that has selected its leadership. They are trying to make a successful transition. They need the partnership and they need the assistance of the world's leading democracy to make that likely to occur.

No. 1, we are dealing with a dramatically different political situation. This is not the Soviet Union. It is Russia we are talking about.

No. 2, everybody who assesses Russia right now understands that as a consequence of the catastrophic failure of the Communist economic system, and as a consequence of a number of other things associated with the decisions made by their political leaders, they have barely enough money to be able to make payroll for a dramatically reduced military, let alone be able to allocate the resources—though they are modernizing in certain areas—and their ability to provide the early warning that is necessary is woefully deficient and is weakening every single day, leading up to the possibility of increasing the likelihood of a false warning to their leadership.

One of the things the President and President Putin agreed on is that we are going to have this site in Russia for the first time. But the Russians are going to be provided data that comes from U.S. computer analysis. They are not going to get it through their own system, or through their own overhead system, or through their own electronic surveillance; they are going to get it from us.

It is likely to give them slightly more confidence. But it is not going to give them the kind of confidence that is necessary when decisions have to be made very rapidly not to put a launch against the United States even though the warning they get may be a false warning.

The second thing colleagues need to understand as we think about imposing—that was a fundamental change in 1998—for the first time on the President that "thou" cannot go below the START I agreements, even though President Bush did it very successfully in 1991, is that we were not going to allow this President to do it in last year's debate. It was because we were putting pressure on the Duma to ratify. This year, it is a different argument that is being used; we are imposing upon the President an unusual and unprecedented restriction at a time when Russia is not able to come up with the resources they need to maintain the level at 6,000. They are begging us to go to 1,500.

It may not be in our interest to go to 1,500, but it is unquestionably in our interest to assist them to go to lower levels since they can't maintain the levels they have now. It increases, in a paradoxical fashion, the likelihood of an unauthorized accidental launch and decreases the likely effectiveness, if we are going to have one, of an effective missile defense system because the Russians aren't going to launch 10 or 20. The Russians aren't going to launch a relatively small number of not very accurate missiles, as rogue nations might. They have very highly accurate missile systems and large numbers of them. They would launch in the hundreds, or perhaps in the thousands, based upon a warning that may be inaccurate.

We are increasing the risk when we force the President to maintain at a START I level at a time when the Russians are saying we can't afford to maintain at that level and begging us to come to some kind of an agreement that enables them to go to lower levels.

The last argument: Again, if you take a commonsense approach to this and just say what the targeting requirements are.

A long time ago, or 6 months ago, much of this was classified. But increasing amounts of it are making their way into the public record.

It is a very interesting problem because, again, the number of nuclear warheads begins as a consequence of a Presidential directive. It goes to STRATCOM. That Presidential directive is then fairly precise language. But it still doesn't tell the exact number. It gives them a set of instructions that they then follow. They produce what is called a SIOP. That SIOP has been read by a very small number of elected representatives. Very few elected people look at the targeting requirement.

Recently, we have seen in published accounts some information which gives us some idea of the size of our capacity and the deadliness of our capacity.

I believe as well it is an unwise conclusion that we ought to maintain at our current level.

The Russian nuclear target of a 2,500 force structure would be slightly under the START II. START II would take us to 3,000. The Pentagon says we need 2,500 warheads. Again, that is based upon the Pentagon taking the Presidential directive they have been given at 2,500.

We have 1,100 nuclear weapons we would put on nuclear sites, 3,500 on conventional weapon sites, 160 on leadership, and 500 nuclear weapons on war-supporting industry.

These numbers tend to dull our thinking, making it difficult to assess just what it is we are talking about.

Let's reverse it. Say the Russians have targeted American territory with 160 nuclear weapons. They don't have a nuclear weapon in the strategic arsenal that is less than the 15-kiloton weapon dropped on Hiroshima. We dropped two weapons in 1945 that ended the war in the Pacific. We had a vested interest in that. My uncle was killed in the Philippines. My father was part of an occupation, instead of invasion force. I believe Truman did the right thing. Nonetheless, it is impressive that two 15-kiloton weapons ended the war in the Pacific. We are talking about hundreds in this case.

Imagine the Russians are only going to hit the United States with 160 nuclear weapons averaging 150 to 300 kilotons each. I don't need a complicated, detailed year-long strategic review to determine that 160 nuclear weapons hitting the United States of America would not just do slight damage; they would cause massive damage to our economy, to our political structures, to our social structures. They would produce monstrous losses to us.

Ask Alan Greenspan what it would do to the economy. He seems to be the most trusted person right now in trying to get American people to be concerned about things going on in the world. It would produce tremendous and devastating losses.

The same is true with Russia. Mr. President, 160 nuclear weapons inside of Russia would reduce Russia to a state of chaos. It wouldn't just damage their leadership and eliminate their leadership. It would do exactly the opposite, in my view, of what we would desire. It would produce the very political instability and chaos we seek to avoid. As a consequence, it likely would not be selected as an option, thereby producing, again, one of the great paradoxes of maintaining a defense system where we authorize $15 to $20 billion of scarce resources.

The chairman of the committee talked earlier about the possible need to allocate additional money for retirees' medical care. There is no question we look across the current conventional forces and we don't have to look far to find a situation where we are flying the wings off the planes. We are having a difficult time sustaining levels of readiness. We are short on the conventional side. At a time when we are short, I don't believe we ought to be expending precious resources into areas that are likely to be unnecessary or that are unlikely to be used.

I am arguing the President ought to go to lower levels. The President may disagree with me. In fact, up until now, the President has disagreed with me and hasn't gone to lower levels. That is why I was pleasantly surprised at that part of Governor Bush's speech prior to the Memorial Day recess where he said we ought to scrap the old cold war thinking. I agree. We need to assess what kind of weapons system we need to keep the people of the United States of America safe in light of the new political realities—not in light of the old mutual assured destruction reality, in light of the new political realities.

I believe without extensive and expensive nuclear review, we would reach a conclusion of significantly lowering. I don't believe this Congress under any circumstance, whether the President agrees with me or not, should be imposing this kind of restriction. It ties the President's hands. It limits the President. It forces the President to do something that up until 1998 we had not required the President of the United States of America to do. Again there was an argument last year made that this would get the Duma to ratify START II on that basis.

I said earlier to the distinguished Senator from Virginia, I was hoping perhaps my amendment would be accepted, declare victory, and we shake hands and say we had a good argument and there is no need to go further. Indeed, I ask the Senator from Virginia, it may be that what I ought to do is vote for the Senator's substitute, depending on what it is the Senator proposed to do. In this amendment, it appears to be that the President would have the authority to waive the restrictions of 1302 after a comprehensive review was done. However, in the language of the Senator's amendment, it merely says this is supposed to be done concurrently with the quadrennial review and due to operate in 2001.

Does the Senator mean, therefore, that President Clinton couldn't ask Secretary Cohen and Secretary Richardson to do an accelerated comprehensive review of the nuclear force structure, and, as a consequence of that review, say perhaps the President says: I want to go to 5500, I want to go below because I think on that basis I could get the Russians to agree to accept changes in ABM that might even be acceptable to the Senator from Virginia —would that sort of accelerated review be possible? It appears it would be in the language of the Senator's amendment.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague.

I remember so well when the Senator brought this up last year. This is a serious effort by one of the most serious, conscientious Senators with whom I have ever been privileged to serve and one for whom I have the highest personal and professional regard. As I said some months ago, this Senator, too, will miss him.

We are not trying to abridge, so to speak, the right of President Clinton. He is the President of the United States. Until the last day, the last hour, the last minute of his term of office, he is entitled to exercise the powers given to him under the Constitution. As the Senator knows so well, being a student of foreign and international affairs, the Constitution designates the President of the United States as that individual who is our chief foreign policy advisor, negotiator, the home realm authority that goes with the Presidency.

I don't wish to be critical, but I will be factual. The President simply did not, in the course of his administration, avail himself of the opportunity to do the indepth type of study that I and other colleagues think is necessary before any decision of the type the Senator describes be made.

As the Republican candidate, George W. Bush said he would move in some of the directions President Clinton has indicated in terms of trying to seek that level of reduction to the lowest level that still protects the security interests of this country. But George W. Bush would only do that after he had received the advice and counsel of the Department of Defense, and presumably his own Secretary. But Members of the Joint Chiefs would still be carrying forward, a number of them, from one administration to the other, and he would carefully counsel with them as he moved forward.

My point is, that study cannot be done in 30, 60, or 90 days, in my judgment, nor should it be done. Let's face it; we have elections coming this November. We have the heat that accompanies any election from the debates that take place between the candidates and, most specifically, the Presidential candidates. To try to overlay a decision of that magnitude and try to have a report generated in 30, 40, 60, 90 days is not, in my judgment, the wise thing to do.

Mr. KERREY. I appreciate that, but there is nothing in the Senator's amendment that would prevent——

Mr. WARNER. I beg your pardon?

Mr. KERREY. Let's say Governor Bush is elected and he comes into office and says I have Brent Scowcroft, Henry Kissinger, George Schultz, and Colin Powell. They have done a review from November to January and they have made a recommendation to go to lower levels. Does the amendment of the Senator allow a President-elect Bush to do that in short order?

Mr. WARNER. Mr. President, there is no constraint on the next President, be it President Bush or President Gore, within which time—I mean it is not next December. He can do it before next December.

Mr. KERREY. If that is the case, if it does not restrict the next President, it does not restrict this President. He could also do it. I have had a briefing on the review that was done in 1997, prior to the Helsinki meeting between President Clinton and President Yeltsin. That was a detailed review on the minimal deterrent level necessary, done by General Shalikashvili. I believe the chairman has had a briefing of that as well. That was a pretty indepth review, was it not? Do you regard that as a good review?

Mr. WARNER. I am not here to prejudge that review. I think it was done very carefully. But let me bring to the attention of my distinguished colleague, who spent great heroism in his career in the military himself, you should not try to make a decision with reference to the strategic capabilities of this country without reference, as needed in the quadrennial review, to the convention. In other words, you cannot just look at that in isolation. It has to be examined in the context of the totality of our military assets, and the quadrennial review has to be done and upgraded.

Mr. KERREY. I presume General Shalikashvili, in 1997, made that review.

Mr. WARNER. I am not in a position to say what he did or did not do.

Mr. KERREY. I would be very surprised, if the Chairman of the Joint Chiefs of Staff, in 1997, reviewing the minimal deterrent level, did not reference that minimal deterrent level to the rest of the conventional forces. This is a conventional Army officer who is the Chairman of the Joint Chiefs of Staff. My guess is that was a pretty detailed review. In fact, he came to the conclusion at that time that 2,500 is the minimal level that is necessary.

Mr. WARNER. The Senator repeatedly says he presumes. I am not here to act on presumptions. What I do know is the realities, and particularly the political realities that face this Nation of an election and a new President. In my opinion, it is the wiser course of action to defer such decisions as this until the next President is in office; he has his quadrennial review; he has his detailed study of our strategic arsenal. Then those decisions.

Mr. KERREY. Let me get this correctly. So the intent of this amendment is to prevent President Clinton from making any decision and to——

Mr. WARNER. We cannot block this President. Nor would we try.

Mr. KERREY. That is precisely what section 1302 does. Section 1302 says the President cannot go below the START I levels. For the first time, it restricted and tied the hands of a President in his own decisionmaking about strategic forces. That is what it did. I sought to strike it last year and was told the concern was the Duma might not ratify START II. They have done that.

It seems to me the language gives the President, this President—I am asking the question because it affects whether or not I simply just declare victory myself and support your second-degree amendment. If your second-degree amendment gives the President the flexibility to waive, if he says, "I have already done that review and I will submit to Congress the review that was done by General Shalikashvili in 1997," it may be we have agreement here. But if you are saying the intent of the amendment is to say President Clinton, after having been Commander in Chief for 7 years, is not sufficiently prepared to make this decision, we need a further review before he can make it, then I couldn't support the second degree.

Mr. WARNER. I certainly cannot rely on a 1997 review as being up to date. Much has occurred in those 2 years, indeed over 2 years, to where we are today.

Let me give one example. The Russians are strapped financially. One of the principal motivations to go to a lower level, on behalf of the Russians, is they simply do not have the financial resources to maintain their existing arsenals—the readiness, the safety, all aspects of those existing arsenals. That is the 1997 assessment. I would not accept that. I would not think President Clinton would want to accept it.

What I am telling the Senator is that I would like to reply in totality to the Senator's question by giving my statement and then we can perhaps continue this colloquy. Is that an option?

Mr. KERREY. That would be an option for me.

Mr. President, let me finish my statement, and I will yield to the Senator from Virginia.

Mr. WARNER. Fine.

Mr. KERREY. I am anxious to hear the statement. As I said, it may be—expecting that the chairman, the Senator from Virginia, after listening to last year's debate, would merely this year declare victory and allow this provision to be struck, it may be I should declare victory and accept this amendment, if it does not restrict the Commander in Chief who has had plenty of time to review it—and he may not. As I said, up to now he hasn't agreed that going to lower levels in exchange for ABM is a good strategy—and he may not. It may all be moot as far as I know. But if it does not restrict this President, or the incoming President, to make a determination prior to December 2001, it may be that I should declare victory and go home as well.

I want to repeat something I tried earlier to discuss. I do not think it is very well understood by many Members of Congress. I certainly do not think it is very well understood by the American people. I say that with great respect. It has been a voyage that has produced some surprising discoveries on my part as well. I am not suggesting I am smarter, more informed than anybody else. I am merely saying I spent time on this.

I am deeply concerned that the threat to the United States of America of an accidental and unauthorized launch from Russia goes up every single day that we maintain the force structure as high as we currently have. We have plenty of safety. We have plenty of redundancy. We have plenty of capacity to tell whether we are actually being attacked or whether the signals are false.

The Russians do not have any of that or they have a declining amount of it. We are forcing them to maintain at levels, in my view, that are increasing the danger to the people of the United States of America. The danger is enhanced as a consequence of our sort of presuming maybe there is no real risk.

I put these numbers out. This is the minimal level. This is what the Pentagon said in 1997. It is what the Pentagon is currently saying is still valid: That the minimal level we need in the number of warheads is 2,500. The reason we need 2,500 is, according to the people who do the targeting—again, they are doing the targeting based upon a Presidential directive, presumably evaluated by the Congress after we do the directing and tell them what needs to be done—there are 2,260 vital Russian nuclear targets.

These are on active alert. We are ready to attack. We are not talking about the kinds of missiles that might miss by a couple of miles. These things are going to hit. They are very accurate; they are very sophisticated; and they are very reliable. We have 1,100 nuclear targets. That is to say the Russians hold nuclear weapons. So 1,100 of our nuclear warheads —and we do not have one under 100 kilotons—are going to be targeted on 1,100 Russian nuclear sites.

Then there are conventional sites, conventional weapons sites—500 targets; 500 targets. I urge my colleagues to get a map out of Russia and try to come up with 500 targets on top of 1,100 targets of nuclear weapon sites. Part of this debate needs to be done in the open so we can do a commonsense check as to whether or not we have more than we actually need, again forcing the Russians to maintain more than they can control.

Mr. President, 160 leadership targets. These are the guys to whom we talk. We have a meeting with them: President Putin, would you agree to modify ABM? And oh, by the way, we have 160 nuclear weapons of 100 kilotons or more targeted on you and all the rest of the Russian leadership. Try to come up with 160 targets. Get a Russian map out and put 160 targets up, or 500 targets, on something called war-supporting industry. This is all published accounts. This is not me coming out of the Intelligence Committee or some top secret briefing; this is now published accounts of this targeting. It is vital for the American people to understand that; otherwise they are going to say to the Congress: Just keep doing what you are doing; it seems to be working.

The longer we continue doing what we are doing, the more likely it is that the horrible, unimaginable disaster occurs and that is an accidental unauthorized launch against the United States of America on the people of America and that the people suffer as a result.

I have no idea if President Clinton would do an expedited review and say: I am going to try to strike a deal with President Putin that will allow us to go to lower levels of ABM to solve the stalemate we have over missile defense. He may not take the option.

Whether he takes the option or not, I believe it is unwise for us to be tying the hands of President Clinton. I think it would be unwise to tie the hands of President Gore, President Bush, or any

President in this fashion. We had never done it up to 1998. There may have been a compelling argument prior to the Duma's ratification of START II, but there is no longer a compelling argument, in my view, and it would be a mistake for us to have this continuing limitation.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Virginia.

Mr. WARNER. I thank the distinguished Presiding Officer.

Mr. President, I am thoroughly enjoying this opportunity. It is an important amendment. Let me start by allowing those who are following the amendment to understand what it is our distinguished colleague wishes to do. By his amendment, he wishes to repeal the limitation on retirement or dismantlement of strategic nuclear delivery systems in excess of military requirements. "Section 1302 of the National Defense Authorization Act for fiscal year 1998 is repealed."

The thrust of what he is trying to repeal limits the President of the United States to certain levels of strategic systems. Are we agreed on that? Does the Senator have a copy?

Mr. KERREY. My amendment simply says:

> Strike section 1017 and insert the following:
>
> Sec. 1017. Repeal of Limitation on Retirement or Dismantlement—

Mr. WARNER. Does the Senator have a copy of section 1017 he can print in the RECORD?

Mr. KERREY. It is 1017 of the authorization—

Mr. WARNER. I understand that. The repeal of the limitation in a previous authorization act of 1998—does the Senator have a copy of 1998?

Mr. KERREY. Section 1302 of the Defense Authorization Act.

Mr. WARNER. Section 1302 of 1998. I left mine in the office inadvertently.

Mr. KERREY. Staff is searching, trying to get an answer. I do have it.

Mr. WARNER. My distinguished ranking member is always prepared. We want to make sure the Senator from Nebraska has a copy.

Mr. KERREY. The answer is yes. The Senator from Virginia and I are looking at, I believe, the same thing.

Mr. WARNER. That is correct. We are looking at the conference report for the 1998 authorization bill on page 330, section 1302, "Limitation on Retirement or Dismantlement of Strategic Nuclear Delivery Systems."

Mr. KERREY. I am looking at the public law.

Mr. WARNER. It is the same thing.

Mr. KERREY. My guess is it is pretty close.

Public Law 105–85 says:

> (a) Funding Limitation.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1998 for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems below the specified levels:
>
> (1) 71 B–52H bomber aircraft.
>
> (2) 18 Trident ballistic missile submarines.

I note that under current law, I believe you have given flexibility to go from 18 to 14; at least you have allowed it to happen.

> (3) 500 Minuteman III intercontinental ballistic missiles.
>
> (4) 50 Peacekeeper intercontinental ballistic missiles.

All of which total, by my rough calculation, slightly more than 6,000, which is the START limitation.

Mr. WARNER. Wouldn't the distinguished colleague from Nebraska say that there Congress expressed its will and put limitations on the powers of the President?

Mr. KERREY. Yes, I do.

Mr. WARNER. Fine, and that is precisely what the Senator wants to take out.

Mr. KERREY. Yes.

Mr. WARNER. Let us frame the argument from that. Congress has already done it. The question is: Should we continue, if we put this into permanent law now, so it is permanent? Am I not correct on that?

Mr. KERREY. The Senator is correct.

Mr. WARNER. The Senator from Virginia comes along and says there could be merit in waiving this and a future President should have the option to waive it, provided he does certain preliminary steps as outlined in the amendment of the Senator of Virginia. Are we agreeable with that interpretation?

Mr. KERREY. No, I would be agreeable if the Senator from Virginia says——

Mr. WARNER. We may not agree, but do we understand that is what I am endeavoring to do?

Mr. KERREY. That may be what you are endeavoring to do, but I am not sure your amendment does it. You are saying with your amendment that you want to make certain President Clinton cannot do it but future Presidents could.

Mr. WARNER. What I am saying, practically speaking, is I do not think President Clinton can do it in a judicious and effective way, given the time limitations between now and the end of his term of office.

Mr. KERREY. That is an interpretation on which perhaps we should have a colloquy. If we can reach a conclusion that the President could do an effective review in short order, it may be, as I said, that I am going to declare victory and go home and maybe support your second-degree amendment.

Mr. WARNER. In the first place, the law of the land is still intact until the Senate and, indeed, the House are in conference and the President signs this bill. At the moment, the law of the land precludes him from doing that.

What I am trying to offer is a relevant course of action whereby the next President has the opportunity to address this situation in the context of a fresh QDR and a fresh up-to-date analysis of all the strategic threats, what the other nations possess, and the like. That is effectively what I am trying to do.

Mr. KERREY. By effectively doing that, you are also saying that the current QDR, the current evaluation, is not valid; that the analysis that was done in 1997 by General Shalikashvili is not valid?

Mr. WARNER. I say it is outdated. Mr. President, 1994 is when the last assessment was made.

Mr. KERRY. Will my colleague permit a question?

Mr. WARNER. Mr. President, I also owe the Senator an answer on a procedural matter which I am prepared to, regrettably, give, but I will give it to him.

Mr. KERRY. I thank the distinguished Senator.

I want to follow up on what the Senator from Nebraska said, and I strongly support what the Senator from Nebraska is trying to achieve. I ask the Senator from Virginia if he will agree that START II was signed by the United States of America and was ratified.

Mr. WARNER. Factual.

Mr. KERRY. And the Senator agrees that now START II has also been ratified by the Russian Duma.

Mr. WARNER. But with certain appendages thereto.

Mr. KERRY. I agree. I understand.

The Senator is correct. The Russian Duma ratified START II with the understanding that they had to have the successor states to the ABM Treaty ultimately recognized by the United States, and there are a series of bilateral agreements they want us to ratify, and because the Senator from North Carolina, the chairman of the Foreign Relations Committee, is fundamentally opposed to these changes, we are stuck. But the larger interests of the United States of America are to make the world and this country safer.

We decided, as a matter of policy, I say to the Senator from Virginia, that the world will be safer if we move to reduce weapons to the levels of START II. In fact, it is the policy of the United States of America now to engage in negotiations toward START III, but no one whom I know, who is rational at least—and I absolutely include the distinguished chairman of the Armed Services Committee as among the most rational and most thoughtful people on this subject—nobody is suggesting that we would not want to reduce from the level of 6,000-plus warheads and try to move in the direction of START II. I assume the Senator agrees.

Mr. WARNER. I simply say to my distinguished colleague, before this

Senator expresses a view on that, I want to see a new quadrennial review, as well as a new analysis of our strategic system. I will not commit to any numbers at this time until I see that. That is essentially what our candidate George W. Bush has said.

Mr. KERRY. I interpret what the candidate, George W. Bush, said somewhat differently, and I read his speech closely the other day.

It was my understanding he said he is prepared to unilaterally reduce weapons no matter what the Russians do. He also wants to accompany that with a fairly robust national missile defense system.

I again say to my colleague, I think the Senator from Nebraska is on target. Look, the former Soviet Union, what remains of it, Russia, has an extraordinarily weak command and control system.

As a current member of the Intelligence Committee, and the Senator from Virginia shares that, we know full well that one of the greatest single threats to the United States of America today is threat reduction efforts. To suggest that the United States, that our citizens, are safer with more warheads and more active missiles being left in place, with an army that is not being paid, with command and control that is disintegrating and degrading, is a very hard thing for me to understand.

Mr. WARNER. Mr. President, if I might reply, I raised that issue earlier. One of the reasons, motivations for the Russians to drive to lower figures as soon as they can possibly get there is the inability fiscally to maintain their own structure in a readiness posture, which equates to what they have had in years past.

Mr. KERRY. I agree.

Mr. WARNER. That is a risk.

Mr. KERRY. But I ask my colleague, if you understand their economic need, because they cannot maintain the warheads properly, and we are worried about accidental launch, how can you then want to prohibit the President of the United States from conceivably making us safer by wanting to mutually move to a level where we are both safer because we have a number of missiles that are able to be maintained properly and the balance of power is correct?

Mr. WARNER. I give to my colleague two responses: No. 1—and I am not trying to be critical of this President's administration—why didn't they do that several years ago? Because the deterioration of the infrastructure and the financial situation in Russia has been an ongoing situation for several years. It commenced under Yeltsin.

Mr. KERRY. Absolutely.

Mr. WARNER. Why didn't your President take those initiatives several years ago?

What I am saying to you now is, before this President or any other President begins to make an assessment of a magnitude such as this, they better have in place an up-to-date analysis. That is essentially what I am saying.

For the record, I would like to read from the George W. Bush statement:

> As President, I will ask the Secretary of Defense to conduct an assessment on our nuclear posture and determine how best to meet our security needs. While the exact number of weapons can come only from such an assessment, I will pursue the lowest possible number consistent with our national security.

Mr. KERRY. Mr. President, it is ironic that a Democrat would be here interpreting the words of the putative Republican nominee. But let me say to my colleague, he very clearly talked about unilateral reductions. His father, President Bush, also was supportive of and negotiated the policy of START II and wanted to move in that direction.

Now START II takes us down to 3,000 warheads. I do not know anybody in the world of nuclear assessments—you look at the SIOPs. I think there are public targeting figures that do not violate classification. But I will be careful with this because I do not want to violate it.

Let me just say that the Senator well knows that the SIOPs plans of the United States have a number of targets that are well taken care of by the current levels of START II, which is why the Joint Chiefs of Staff, the Pentagon, and everybody signed off on it.

In today's world, in a non-cold-war world, the greatest threat is a rusty freighter hobbling its way into New York Harbor, or nearby, and has the potential to launch a cruise missile at us, or the greater threat is some group of terrorists assembling in New York the multiple parts of a nuclear weapon and holding us hostage, or, as we saw in Japan with the sarin gas attack, terrorists who want to cripple the community through chemical or biological warfare.

Those threats chill me far more than the concept of reducing to 3,000 weapons over the course of the next years. It is going to happen. No matter what the Senator from Virginia says about the next quadrennial review, I am willing to bet my seat in the Senate that this country is going to move, together with others, to reduce the levels of weapons to at least 3,000. The debate today is not whether we ought to be at 3,000. The debate today is whether or not 1,000, 1,500, 2,200 to 2,500 are the appropriate levels.

So why on Earth we would want to hobble the ability of the President of the United States to make this country safer by reducing to the level already agreed upon by Republican and Democrat negotiators alike is absolutely beyond me.

Mr. WARNER. Mr. President, I simply say to my colleague, the Congress has done it. Why do we want to hobble? They did it. Last year our colleague brought up the amendment, vigorously argued it, and it was defeated. So Congress did it again.

Mr. KERRY. There was a reason, Mr. President. It is because the Russian Duma had not ratified. Everybody understood the rationale for that. But now they have ratified it. And the only restraint on our moving to a safer world is the fact that the Senate Foreign Relations chairman is unwilling to bring it to the floor.

Mr. WARNER. I am not going to single out the Foreign Relations chairman, but I make the following observation. That is, this is the law of the land. We are giving the opportunity to the next President to do the necessary studies.

Supposing President Clinton took such actions, which under the Constitution I presume he can—except that the law is pretty explicit here, unless it is repealed—and laid down a set of numbers which the next President, whomever it may be, finds unacceptable after he does the requisite studies, not only of the nuclear posture but also the conventional. You have to do them together. Then what happens?

The next President is faced with the dilemma of trying to refute what President Clinton did. That would be the worst of both worlds.

Mr. KERRY. May I ask the distinguished Senator from Virginia, with all his years of experience—he has been on the inside of these negotiations; there is nobody with a stronger career with respect to this—can he really say to me, in this current climate, with the problems of the Russians in reducing and maintaining their current weapons, he can really envision the scenario which would require us to reverse a builddown to the 3,000 level?

Mr. WARNER. First, I thank my colleague for his comments with regard to me. But, No. 1, I never commented on SIOPs. I think that is a classification that should not in any way be breached.

Mr. ALLARD. Will the Senator from Virginia yield?

Mr. WARNER. Let me finish. Then, not addressing the SIOPs in any way—I think you understand why we should not do that—I believe that it is unwise, given the current posture of the studies and the fact that on the face they are not up to date—certainly there has been no revelation that these studies are up to date—that we should be making decisions with regard to numbers at this time. I simply will not put my finger on any particular number. Your assumption is reasonable, but I am not going to accede to it.

Mr. KERRY. Let me say to my friend, he talks about the law of the land. When you sign a treaty and the Senate has ratified it, it is the law of the land. Technically speaking, under international law, it is the law of the land when you sign it. When it is ratified, it is even more so the law of the land.

I realize that technically speaking the SALT II does not, in effect, go into full effect until we pass on the codicils. But that is such a technicality in the context of what we are trying to achieve in the world. We are the leader of the free world. We used to be the most important force in the world for nonproliferation efforts. We used to make the most important efforts to try to encourage other countries to toe the line on nuclear weapons.

If we are now going to suggest that having put into law and ratified a treaty, we are unwilling to reduce these levels of nuclear weapons at a time we know Russia is growing more and more unsafe in its capacity to maintain them, we are not acting in the interests of the American people and making them safer.

I say respectfully to my friend from Virginia, in the next 6 months there is ample opportunity for any President to step in, a new President, and say: I do not want to continue these levels. But we have an opportunity here to make the law of the land on this bill in effect carry through properly. I strongly hope my colleagues will do so because it is the right thing to do.

I thank the Senator from Nebraska.

Mr. WARNER. Mr. President, I have enjoyed my colloquy with my distinguished colleague from Massachusetts.

I would like to present my amendment at an appropriate time. Has the presentation of the presenter, the distinguished Senator from Nebraska, concluded?

Is this an appropriate juncture, because I don't want to encroach on the opportunity for him to fully give his presentation?

Mr. KERREY. The Senator is not encroaching. I stand by and look forward to his argument.

Mr. WARNER. I see the distinguished chairman of the subcommittee on strategic affairs seeking some recognition. I would like to accommodate him. I have had more than adequate opportunity to debate these points.

Mr. ALLARD. Mr. President, I want to point out that the Strategic Subcommittee, which I chair, has been realizing that times are changing and we need to reevaluate and reassess our nuclear forces. In fact, if you look in the bill, we have set up a couple of studies: a revised nuclear posture review in section 1015. Another is a plan for a long-term sustainment of modernization of U.S. strategic nuclear forces in section 1016.

We recognize that times are changing. But this is very serious business. When you are talking about a balance of power between the United States and the rest of the world—and in this particular case, Russia, the former U.S.S.R.—we are talking about very serious business. I don't think this decision should be made by one person. That is why we have set up this posture review process. We suggested it in the bill we have introduced in the full committee and now it is part of the bill. Apparently, this sort of mantle was picked up by Presidential candidate George W. Bush. An important part of his comments is that there be a posture review, a careful analysis of where we are with our nuclear forces. I think your amendment is carrying forward with what the Strategic Subcommittee suggests and the Armed Services Committee and even candidate for the Presidency George W. Bush.

I support the chairman in his amendment to ask for a posture review before we move forward. If I am not a cosponsor on that amendment, I will ask that I be added because I think it is very important. No matter who is President, I don't think one single person should be making these decisions without a careful review from those people who know what they are doing in the Department of Defense.

As I understand the chairman's amendment, it does call for that very careful review. There is one thing I would like to comment on before I yield. The Warner substitute amendment, as I understand it, would provide authority for the President to waive the limitations in current law regarding the retirement of strategic nuclear delivery systems once the Secretary of Defense has completed the Nuclear Posture Review required by section 1015, which I referred to earlier in my comments. The amendment of the Senator from Nebraska, as I understand it, would not be consistent with the policy enunciated by Governor Bush, nor would it satisfy the concerns that Congress has raised for the last 5 years. It would lead to misguided and uninformed reductions, in my view, rather than a force posture based on careful review of all our strategic requirements and how these relate to our overall national military policy. I think the chairman is headed in the right direction.

Mr. WARNER. Mr. President, if I may, I will make one observation and then I will step back. This provision in the bill that is currently before the Senate was done in, first, the subcommittee of which the Senator is chairman.

Mr. ALLARD. That is correct.

Mr. WARNER. It was brought to a markup, at which time any Senators on that side of the aisle could have objected to it. There was no objection. In fact, as I have looked at the record, it was accepted and voted on unanimously by the entire committee, recognizing the importance of having such a review done timely before any analysis could be made as to future levels of weaponry; am I not correct?

Mr. ALLARD. That is correct. This issue was not brought up in subcommittee or full committee that I recall.

Mr. LEVIN. If the Senator will yield on that narrow point, this language was significantly amended in committee, if I may say so. It wasn't offered in that form. It was amended. This language here is not the issue. The issue is that the amendment of the Senator from Virginia says that this President and the next President cannot take an action until after a certain action is taken at the end of 2001. That was never discussed in committee. It is not part——

Mr. WARNER. Any time before. It doesn't limit it to the end of 2001. It could be done earlier on.

Mr. LEVIN. Oh, it can be?

Mr. WARNER. With the next President.

Mr. KERREY. Mr. President, if the Senator will yield on that, the language of the Senator's amendment doesn't say that. That was the question I was going to ask the Senator from Colorado. It doesn't preclude the President from doing a review before December 2001. The Senator from Virginia was saying so long as it is GORE or Bush, it is OK; but if it is Clinton, it is not.

This is June 6, the day Franklin Delano Roosevelt, while going through a Presidential campaign, authorized the landing on the beaches of Normandy. There was bipartisan support for it. He was running against Dewey at the time, and he was courageous enough to say we were going to have a bipartisan foreign policy.

The thing that concerns me is that we are losing that. We are saying President Clinton can't do it. If it is Bush or GORE, fine, they can do it, but Clinton can't. I think that is a signal that we are not willing—for example, the Senator said earlier President Bush signed START II after the November election and authorized troops to go to Somalia late in his term. We understood it was late in his term and that he might not have won the election, but, by gosh, the President had the authority to make these decisions right up to the end of his term. This amendment seems to be saying, although I think the language of the amendment—I am trying to ascertain whether or not I should vote for this amendment because it appears the language would allow the President to do an expedited review. It doesn't say he can't have it done earlier. It may be that the Senator's intent is to prevent President Clinton from doing it. But I don't believe the language of the amendment does that.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. ALLARD. I thought the Senator from Virginia was controlling the time.

Mr. KERREY. I ask the Senator from Colorado, is it his understanding that this language would prevent a President Bush from doing a review that could be done in 60 days from, let's say, either the time of his election or the time he is sworn in as President? Would it prevent an expedited review? Say he has Colin Powell or former National Security Adviser Brent Scowcroft and Henry Kissinger and George Shultz advising him, and the four of them say we believe he ought to go to 5,000, and the Secretary of Energy is going to notify Bush on February 1; would your amendment preclude that?

Mr. ALLARD. In my view, and the way I read the amendment—and I think you are missing the main point of the amendment—is that you have a careful review before making a decision. From a practical standpoint, hopefully, it is not going to be an easy decision arrived at. If you are using February as an example, I think it may be possible, because if you look into it, it says after the quadrennial review of 2001.

Mr. KERREY. No. It says concurrent, which, as I read the language of this amendment, would cause me not to vote for it. It doesn't preclude President Clinton or Bush or GORE from saying we can finish that part of the review faster than the rest of the review and have the Secretary of Energy submit it to Congress for congressional consideration. By the way, you can strike this provision and there is no guarantee at all that President Clinton is going to take any action. He hasn't thus far. He hasn't asked for authority.

Mr. ALLARD. The important point is that we have careful review of our nuclear posture. I think it should be done with a lot of consultation with a lot of different people, other than only the President and his immediate surrounding staff. I think the amendment of Senator WARNER does that. I think it is certainly compatible and consistent with what the committee has been thinking in terms of the studies they think are necessary, both in long-term as well as short-term posturing with the nuclear forces. Personally, I think probably there is going to be an opportunity for us to reduce some of our nuclear forces. But it has to be done with a lot of forethought and careful study. I don't think we are going to solve that on the Senate floor. I think it is going to take people who know and understand all the details of the program—both ours as well as throughout the world—to make this decision. I don't think it can be made quickly.

Mr. KERREY. The Senator's answer is yes, for a new President. He could do it as long as he is satisfied with the definition of "careful review." He could do it prior to December of 2001. According to this amendment, it has to be submitted by 2001. So a careful review could be done before December 2001.

I am trying to get the Senator to talk me into voting for his amendment. That is what I am attempting to do here. If the answer is yes, as it appears to be, you may not want President Clinton to make the decision. By the way, I think it is unlikely that he will. He hasn't thus far.

I just think it would not be a good thing for us to say that we are going to put a restriction on this President that we are not going to put on the President-elect, whoever that happens to be.

Mr. ALLARD. I would like to respond to that. On page 4 of the Warner amendment, it says after submission of a report, consult with the new Congress in subsection (c).

I think if those positions are met, we can move forward.

Mr. WARNER. Mr. President, if I might interject myself, as this is drawn, I can easily amend it so that the next President can bring about the necessary infrastructure of studies and have them completed on a timetable to accelerate it so it is not tied to December. The way this is drawn, it is due in December. But I do not interpret that to preclude an earlier assessment by the next President.

What I say to the Senator most respectfully is, practically speaking, under the current administration you have several years in which to do this work and bring it up to date. It simply has not been done.

I just think, practically speaking, this President would be ill-advised to try in the remaining period of a few months to do this type of important thing and to have these studies suddenly brought up.

Mr. KERREY. First of all, I think it would be a very unwise thing to do.

Again, as I indicated earlier, President Bush took action on START II after the election of 1992. President Bush committed troops to Somalia late in his term without getting my objection to do it. I wasn't going to draw a line in the sand late in his term if he saw a threat to this Nation. And if he had a policy, I would agree with that policy. I was not going to prevent him from doing it simply because it would be late. I think that would be inadvisable.

I look at the language of the amendment. I don't see any need to do in the amendment what the Senator is saying. It seems to me that the language of the amendment says it has to be submitted by December 2001, but also there is language in there precluding President Clinton, if he could, to accelerate a review if he chose to.

I am trying to get the Senator to talk me into voting for his amendment because it seems to me the language of his amendment would allow the President, if he chose to, to do the review just as President-elect Bush or President-elect GORE could do.

Mr. WARNER. I think the Senator from Nebraska has carefully pointed out that some clarification of this December timeframe is desirable. I will begin to draft it immediately and hope he can accept some.

Mr. KERREY. Mr. President, it is not desirable, if the Senator from Virginia seeks to get additional support. I am saying that as long as he keeps the language the way it is right now, I can interpret this in a way that allows President Clinton to do so if he chooses. Again, I say to my good friends on that side that President Clinton hasn't indicated any desire to do so.

Why would we want to draft this amendment so that it prevented an existing President from doing something that a new President could do if the existing President hasn't demonstrated any willingness to do so in the first place?

It seems to me if Congress is saying we just do not trust this particular President, and we are not going to allow him to do that, it is a very bad signal. It signals to people that may have a bad intent toward the United States of America that they might be able to get away with things. They might be able to do things in this current environment as a consequence of Congress not willing to allow what normally the Commander in Chief would be allowed to do.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. KYL. Mr. President, as a cosponsor of the Warner amendment, maybe I can offer a little solace to my colleague from Nebraska, which I think is consistent with the intent of the chairman of the Armed Services Committee.

First of all, as the Senator from Colorado pointed out, the primary point of the Warner amendment is to ensure that two specific studies are done; that this cannot be done just on the certification of the President. That is the primary distinction between this amendment and the amendment from the Senator from Nebraska.

With respect to those two studies, one of them is the quadrennial review. That is the review that Congress now requires of the President every 4 years. It is a very long set of requirements that take all of the defense needs of the country into account in a coordinated, structured way.

It is in that context that I believe, incidentally, Governor Bush would probably want to have this review done. I can't speak for Governor Bush. But I am certain after having talked to him that he has in mind approaching our defense structure generally in a somewhat different way than the past administration has. He has some different strategies in mind.

My guess is that he would want the nuclear review to be done consistent with the quadrennial review so that the Nuclear Posture Review would be coordinated with the quadrennial review. That is precisely what the Warner amendment calls for. It says:

> The secretary of defense shall submit to Congress in unclassified and classified forms as necessary a report on the result of the Nuclear Posture Review concurrently with the Quadrennial Defense Review due in December of 2001.

The Senator from Nebraska is quite correct. That report would be accelerated some. As a practical matter, however, it is not going to be accelerated to the point that would occur in the year 2000, and as a result it would, in fact, occur during the next administration—not this administration, the way the amendment is written, at least as I read it.

While it does not tie the Nuclear Posture Review to a specific date, it does say that it should be submitted concurrently with the QDR, whenever that happens to be submitted.

I think that is the answer to the Senator's question. I think this is a very reasonable approach. I hope the Senator will support the amendment for that reason.

I again go back to primarily the point that was made, and that is that we have two different approaches. One relies on just the certification of the President that he thinks this is a good thing to do. The other specifically requires him to do the Nuclear Posture Review and the quadrennial review and to submit those two concurrently. Then the President can, if need be, bring the force structure down.

I would like to make one other point, if I could. If the Senator from Nebraska wishes to interrupt me, that is fine.

The second point I want to make is this: There is a tendency to speak in just sort of hypothetical terms about numbers: Well, 6,000 is a lot or 3,000 seems more reasonable.

What everyone really needs to understand is that we are talking about one of the most complex sets of interrelated considerations that exist in our defense strategic posture.

The Senator from Nebraska, as the vice chairman of the Intelligence Committee until very recently, appreciates this point as well as anyone. I know that. Among the things that have to be considered, for example, in bringing the number of warheads down, are two things: First, though we all talk in terms of warheads, the Senator from Nebraska knows and the chairman of the Armed Services Committee knows that isn't what we really count. We count delivery systems. Those delivery systems include ICBMs, missiles on submarines, and bombers, which are the three legs of the triad that deliver the warheads.

Here is just one consideration that goes into this equation. The United States has a need to project its conventional forces. We are the superpower of the world. We try to keep peace in parts of the world when other nations cannot do so because among other things, we have the reach to get to those places. We recently involved those forces in Kosovo, and before that we did it in the gulf war. In both cases we used our bomber forces.

Some of these bomber forces, such as the B-2 bomber, clearly count in terms of strategic warheads. If we were to bring the strategic warheads down too far, the result of that would be to take out of service bombers which we need not just for strategic purposes but for conventional purposes as well.

That is why this gets to be a pretty complicated matter and why it shouldn't be done quickly. It certainly shouldn't be done merely for political reasons. I am not suggesting that any President would do that.

That is why clearly a Nuclear Posture Review is critical to any proposal that the President would make in this regard or any decision he would announce. Because you are talking about the interrelationship between conventional and strategic forces, you should tie this to the QDR as well.

That is why the Warner amendment very wisely says the Nuclear Posture Review, and the quadrennial review should be submitted concurrently, and that when they are, the President could make a decision to reduce our warheads below that called for by this agreement.

One more point in response to a point that the Senator from Massachusetts made earlier. The inference of his remarks was now that START II has been ratified by both the United States and Russia, there is no reason why we can't bring these warhead numbers down. But that is not true. START II has not been ratified unconditionally by the Duma. The Duma in Russia ratified START II with conditions, and until those conditions are satisfied, Russia will not submit its articles of ratification. They will not become effective. Until they are deposited with the appropriate international body, and I believe it is Geneva, Switzerland, the Duma ratification of START II is not effective. It is conditional upon two things that the U.S. won't approve: the so-called multilateralization agreement and another agreement which limits the way in which our tactical missile defenses could be arrayed.

We are at a stalemate in terms of START II. That is why it is inaccurate to argue that since both countries have now ratified START II, the President might as well bring the numbers down. That is not true. There may be good reason to bring those numbers down irrespective of START II, but it is not an argument that because both countries have ratified START II, now the President should bring the warhead numbers down. In point of fact, START II has not yet been legally ratified by Russia.

The bottom line is I agree with President Bush. I take it, to some extent based upon what I know of Senator KERREY's comments, that we ought to make a determination which makes sense for America. The world is different now than it used to be. The President ought to, upon proper review, determine the size of our nuclear strategic forces.

Where I think perhaps we may have a disagreement, although perhaps he now is convinced, is that rather than simply saying the President can have that authority and can exercise it irrespective of what the Congress did last year in passing the law that said no, rather than taking that approach, it makes much more sense to ensure that the President makes this decision with the calm, cool reflection of the quadrennial review and the strategic nuclear posture review having been done. When those two things are done and submitted concurrently, it will be an appropriate time for the President then to make this decision.

Mr. KERREY. First, I appreciate very much the statement of the Senator from Arizona. We have been together on a number of occasions before the intelligence committee and in the public environment talking about the threat of the missiles, especially from rogue states. I have enjoyed those associations very much.

He is quite right; the systems are extremely complicated. We do talk about warheads and we ought to focus on the platforms. One of the problems is that it is very rare we have a chance to focus on any of these. It is debated too little, in my view. These are not bullets; these are very complicated systems. If you are the STRATCOM, you have a Presidential directive that tells you what you are supposed to do. Again, that is where it all begins, with a Presidential directive and a PPD 60 that was updated during the Clinton administration. You set forth talents. You are the CINC in charge of this. You have ICBMs, submarine launch ballistic missiles; you have your bombers at your disposal; and you are calculating whether they will be reliable, whether they are available, whether they will be able to do what that Presidential directive says you have to do. I am challenging the Presidential directive, the policy itself.

As I understand it, I thought earlier we could have some flexibility in this amendment. I am uncomfortable tying this thing to quadrennial review. I don't want to speak for the administration. I am not on the Armed Services Committee so I haven't been there when they made the presentations, but I have, as a consequence of being provoked to do so, requested a briefing from STRATCOM that was given to General Shalikashvili in 1997 and was presented to the Armed Services Committee. I believe both the chairman and ranking member received that briefing, as well. I am satisfied that is a current analysis. I am satisfied that it needs relatively little attention.

I don't agree with what the chairman has said, saying that the President has not been evaluating this over the last 7 years. He has arms control negotiators. In fact, he has resisted pressure from this side of the aisle to do the very thing I am talking about right now. He has been unwilling to do it; he has been unwilling to go lower, to do the thing that President Bush did in 1991.

I am not certain, even if this section were stricken, that the President would take any action, but I am not willing to accept that there hasn't been a sufficient amount of review done on this, and I think it would be unwise, as I hear now, not only restricting President Clinton but restricting President-elect Bush or President-elect GORE.

Earlier in a colloquy with the author of the amendment, it seemed there was some flexibility. But I hear the Senator from Arizona saying, no, there is not; it would have to be submitted concurrent with the quadrennial review, which is expected in December of 2001, and it may not be done 2001. It could take longer than December of 2001. We are saying that the current President and future Presidents could not, if they got an attractive offer from the Russians to accept the kind of modifications in ABM that permit a vigorous deployment of missile defense along the lines of what Governor Bush is talking about, this would prohibit Governor Bush from doing that unless we came in and changed the law again.

I think we should not be tying the hands of the President in these kinds of negotiations. What current law does, as modified by the Senator from Virginia, is to untie it slightly, but as I understand it now and if the Senator from Virginia agrees regarding the explanation of the Senator from Arizona in an earlier evaluation, that could not be done, but only submitted concurrent with the submission of the quadrennial review.

Mr. LEVIN. Will the Senator yield?

Mr. KERREY. I yield.

Mr. LEVIN. My understanding is the Senator from Arizona and the Senator from Virginia would have to make a decision on this because it is his amendment. But my understanding is that the decision of the President to lower the force structure—what he negotiates is a totally different issue. We are not limiting what the President can negotiate in terms of a treaty which will then be submitted to the Senate.

We are talking about a force structure which has to be maintained, subject to being changed either by treaty when ratified becomes the law of the land, or by a subsequent law.

What this language does, as I understand it, and I think I partly agree with the Senator from Arizona, is that he could not lower the force structure until that Quadrennial Defense Review and Nuclear Posture Review are submitted. I think that is the way the amendment reads.

However, I think I agree with what the Senator from Virginia suggested before, which is if that Quadrennial Defense Review and Nuclear Posture Review is submitted before December of 2001, at that point this waiver could be exercised by a President.

Mr. KYL. That is exactly my understanding, too. That is precisely the way I think it reads.

Mr. LEVIN. Will the Senator yield for a question?

Mr. KERREY. I am pleased to yield.

Mr. LEVIN. What is interesting to me is that there has been an argument from the Senator from Virginia and our good friend from Arizona that there should be a review; until there is a review, there should not be a reduction in our force from START I levels.

Mr. WARNER. That is correct.

Mr. LEVIN. There was a review in 1994—1994. In 1994, the START II level was deemed to be adequate by the chiefs. There was a nuclear posture review in 1994.

Then, in 1996, we come along and say you can't go to START II levels. You have to stay with START I levels, we said, by law—by law.

So we had this thoughtful Nuclear Posture Review that took place in 1994, but we won't let a Commander in Chief implement that Nuclear Posture Review, which was thoughtfully carried out and which supported the START II levels in 1994 because we came along a year and a half later and said you have to stick with the START I levels.

Now the chiefs are very much opposed to that requirement in law that restricts us to START I levels, the higher levels, and doesn't allow a Commander in Chief to go to the START II levels. They have written us, and they have testified. Here is General Shelton:

> I would definitely oppose inclusion of any language that mandates specific force structure levels.

General Shelton:

> The Service Chiefs and I feel it is time to consider options that will reduce the strategic forces to the levels recommended by the Nuclear Posture Review.

That was 1994. He went on:

> The START I legislative restraint will need to be removed before we can pursue these options. Major costs will be incurred if we remain at START I levels.

So we required that they stick at START I levels, in 1996. And then some of us now are critical of the Commander in Chief for not going to a different force structure. We are saying: Well, that's the law. We passed the law. We require him to stay at the START I levels. And now some of us criticize him for trying to do something precipitously, without adequate study.

There was an adequate study. It was called a Nuclear Posture Review in 1994, which said the START II levels were adequate for the security of this country. We will not let him go to the START II levels. Then, as my good friend from Nebraska points out, in 1997 there was an additional review. I do not think any of us want to suggest the chiefs did not do a thoughtful review in 1997, saying we could safely go, in a START III agreement, to a lower level than START II. But we are stuck at START I. We are at START I levels. Now we are saying we will let the next President go to a lower level than START I, but not this, because we want it to be thoughtful, when we had a thoughtful review in 1994. We will not let them go on. We had a thoughtful review in 1997 to which we won't let him go.

Of course, it should be thoughtful. We have had two of them right in the RECORD, right before us, that we are saying, in the Kerrey amendment, to which we ought to allow a Commander in Chief to go. We have the Chiefs saying they want the option to go to the START II levels. Unless we say the chiefs do not act thoughtfully—and I do not think anybody in this Chamber wants to take that position—then it seems to me we should allow a Commander in Chief to go to the thoughtful Posture Review level of 1994 and the thoughtful 1997 level.

So the first thing we need to do is interpret what this amendment means. I do not know if Senator WARNER agrees with this, but I think Senator KYL has suggested the way I phrased that interpretation was accurate. I would be asking a question, even though Senator KERREY has the floor, of Senator WARNER, whether he agrees with Senator KYL's interpretation of the Warner amendment.

Mr. KERREY. Let me ask Senator WARNER the question.

Mr. WARNER. I ask my colleague to restate his position for clarity, and then I will clearly indicate.

Mr. KERREY. In answering the question of the Senator from Michigan, that portion that was directed to me at least, first of all I say you are right. I think the question is, Do we need an additional review, more than we have already had, to support a President if the President decides to go at lower levels? That is what this amendment says. This amendment says we need additional review and it needs to be more thoughtful than we have had thus far.

I am prepared to say, with the little I know—you know more than I on this subject—that we have had thoughtful and serous review done. What the amendment does is it ties the hands of a President, this President and the President-elect, if we have to wait for it to be submitted concurrently with the quadrennial review, and it weakens him as a consequence. It says to the people who are negotiating with him, if an offer is put on the table by this President that is different from what the current law allows, he cannot do it. He can't sit down and negotiate with President Putin to go to lower levels in exchange for a modification of ABM because the law prevents him from doing it.

It weakens an incumbent President. That is exactly what it does. I think that is what it is intended to do. That is what it will successfully accomplish. I don't think—in fact, I know—from my experience of the Senator from Virginia that is precisely the opposite of the sort of thing he would want. He would avoid it. I am going to listen to the answer of the Senator from Virginia and then come back in the morning to hear even more.

But in the spirit of bipartisanship, I understand the Senator from Virginia is going to be offering later, perhaps, an amendment that would provide some resources for the operation of a World War II memorial.

Mr. WARNER. That is my intention.

Mr. KERREY. I would like to be added as a cosponsor of that.

Mr. WARNER. At long last, he is joining me. I am going to do that as soon as the opportunity presents itself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I believe the question of the Senator from Michigan through the Senator from Nebraska to the Senator from Virginia is whether he agreed with me.

My interpretation is simply the language of the amendment which says that the Nuclear Posture Review shall be submitted concurrently with the quadrennial review, which is due in December——

Mr. WARNER. No later than.

Mr. KYL. No later than December 2001. It could be, therefore, submitted prior to that date. It all depends upon when the QDR would be submitted. But it does have to be at the same time.

If I could just make one other point, I am advised by staff that the last quadrennial review did not include a review of the nuclear posture. So the last Nuclear Posture Review was in fact in 1994.

Mr. WARNER. Mr. President, my colleague is correct on that. I can verify that. And I agree with his interpretation of my amendment. It is as simple as that.

Mr. LEVIN. I think I did say the Nuclear Posture Review of 1994, which was a thoughtful review which supports START II levels. The Commander has been precluded from going to that by our law.

Mr. WARNER. It comes down to a very practical application, that we believe strongly—and this amendment recites it—that certain steps should be taken before any President makes such important decisions with regard to the numbers in our future arsenals.

Mr. President, under the unanimous consent agreement, this debate can continue tomorrow. I think we have had an excellent debate. I think we have narrowed, for the benefit of the Senate, where the differences are on the two sides.

Unless my colleague from Colorado has further to say on this amendment, I will proceed to do another amendment at this time.

Mr. LEVIN. Will the Senator yield for just one procedural question?

Mr. WARNER. Yes, of course.

Mr. LEVIN. Is it the intention, then, of the Senator from Virginia to modify his pending amendment?

Mr. WARNER. I thank the Senator from Michigan. It is not my intention to modify the amendment of the Senator from Virginia at the desk at this time.

Mr. LEVIN. The modification I was referring to was not a technical modification to comply with the unanimous consent agreement. The modification I was referring to is whether the Senator from Virginia is intending to modify any of the language relative to that 2001 date.

Mr. WARNER. At this time I do not think it is necessary. I will ask the Chair, for the purposes of clarity, is the amendment of the Senator from Virginia in order?

The PRESIDING OFFICER. Yes, it is.

Mr. WARNER. There was some concern, technically, heretofore that it was not.

Mr. LEVIN. That is correct.

Mr. WARNER. Mr. President, we will lay aside this amendment for the time being.

The PRESIDING OFFICER. The unanimous consent agreement we are operating under at the present time does not contemplate any additional amendments, so it would require unanimous consent.

Mr. WARNER. That is correct. I am simply at this point in time asking my colleague for unanimous consent that I can send to the desk an amendment relating to the World War II veterans memorial.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, we just need a few minutes to look at it. We just received it.

Mr. WARNER. Why don't we put in a brief quorum call, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

AMENDMENT NO. 3189

(Purpose: To require the disposal of a certain quantity of titanium from the National Defense Stockpile)

Mr. WARNER. Mr. President, I have consulted with my distinguished colleague, and I am going to now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. LEVIN, Mr. THURMOND, Mr. INOUYE, Mr. HOLLINGS, Mr. STEVENS, Mr. ROTH, Mr. HELMS, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. GORTON, Mr. AKAKA, and Mr. KERREY, proposes an amendment numbered 3189.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 613, after line 12, insert the following:

SEC. 3403. DISPOSAL OF TITANIUM.

(a) DISPOSAL REQUIRED.—Subject to subsection (b), the President shall, by September 30, 2010, dispose of 30,000 short tons of titanium contained in the National Defense Stockpile so as to result in receipts to the United States in a total amount that is not less than $180,000,000.

(b) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of titanium under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of titanium; or

(2) avoidable loss to the United States.

(c) TREATMENT OF RECEIPTS.—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of titanium under subsection (a) shall be applied as follows: $174,000,000 to defray the costs of health care benefit improvement for retired military personnel; and $6,000,000 for transfer to the American Battle Monuments Commission for deposit in the fund established under section 2113 of title 36, United States Code, for the World War II memorial authorized by section 1 of Public Law 103–32 (107 Stat. 90).

(d) WORLD WAR II MEMORIAL.—(1) The amount transferred to the American Battle Monuments Commission under subsection (c) shall be used to complete all necessary requirements for the design of, ground breaking for, construction of, maintenance of, and dedication of the World War II memorial. The Commission shall determine how the amount shall be apportioned among such purposes.

(2) Any funds not necessary for the purposes set forth in paragraph (1) shall be transferred to and deposited in the general fund of the Treasury.

(e) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding materials in the National Defense Stockpile.

Mr. WARNER. Mr. President, our beloved former colleague, former majority leader, Senator Dole, and others have been very active in raising funds to build a memorial to those who served in World War II. I have been in consultation with him, as have other Members of the Senate, with regard to the success of this memorial effort.

It has been successful. Today Senator Dole was proud to receive a donation from the private sector in excess of some $14 million. What a fitting day, the 56th anniversary of D-Day. I called Senator Dole, after consultation with a number of my colleagues, most specifically those colleagues in addition to myself who served in World War II, to get their concurrence in a decision that I had made sometime earlier to the effect that I thought Congress should participate in the funding of a portion of this memorial, a relatively small portion that remains to be raised to reach the goal. I asked Senator Dole to come today, which he did several hours ago. We met. We reached concurrence on the following language, which I will address to the Senate.

This is becoming a campaign to build this memorial. It is all America. It is extraordinary. I was very heavily involved in the funding, the legislation and other aspects of the Vietnam Veterans Memorial, spent 2 or 3 years before, in fact, or more working with the courageous group that envisioned that magnificent memorial. I can remember when it was just a glimmer in our eyes, the Vietnam Veterans Memorial. I think there were 10,000 different designs that came in. I remember going out to Andrews Air Force Base where all the designs for the Vietnam Veterans Memorial were posted. We had a group of experts examine them.

Finally, the experts came down on the design which is the current wall. It was designed by a young architectural student or just a graduate, 21 years old. It was as if the hand of providence reached down and touched those individuals who started that campaign, who saw it through at times when we didn't have $5 in the bank and we worked to rescue it. Then this brilliant woman, Maya Lin, created the design out of 10,000 submissions. So much for that history.

I have a very modest association with Senator Dole and others who are working on this, but I am happy to present this to the Senate tonight as America's campaign. Citizens across our land, corporations, foundations, veterans groups, civic, fraternal, professional organizations and State legislatures, yes, indeed, State legislatures, have generously contributed to this important cause. Hundreds of thousands of individual Americans, young and old, are rallying behind the opportunity to say thank you to a generation of Americans from the World War II generation. It is to the military men and women who wore the uniforms, but I, as a young person who went into the service in January 1945, remember the war was raging, the Battle of the Bulge had not been completed yet. The campaign in Iwo Jima was about to start. The whole of America was involved in that war, whether you were in uniform or whether you were on the home front. This is a recognition of the contribution of millions of Americans, upwards of 16 million who wore the uniform in that period, and treble that amount at home were involved in the industrial base, all of the activities to support those who were on the battlefronts in the Pacific and in Europe.

So it was America's generation of uniformed and those civilians here at home who fought courageously and sacrificed in so many ways to make victory assured against tyranny.

The memorial campaign currently is progressing toward raising the $139.6 million needed to build this lasting memorial to the generation that conquered tyranny in the 20th century. While the campaign is very close to the goal, we in the Congress now have an opportunity to show our support and add our shoulder to the wheel.

The site on The National Mall has been chosen, preliminary design approved, and the intent is to break ground on Veterans Day weekend, this November. Since the private sector is generously donating the funds needed to design, construct, and maintain the memorial—over $120 million as of today—I believe it is appropriate for Congress also to support the memorial campaign.

The amendment I introduce tonight, together with my distinguished colleague from Michigan, Mr. LEVIN, will show the support of Congress for this important project. Specifically, the amendment provides for $6 million to the American Battle Monuments Commission from the revenues of sale of titanium from the national defense stockpile—nonappropriated funds, Mr. President. The $6 million should be used to complete all necessary requirements for the design of, groundbreaking for, construction of, maintenance of, and dedication of the World War II memorial.

The Commission plans to complete construction and dedicate the memorial on Veterans Day, 2002. We cannot wait a moment longer to show our support for this project. It is astonishing that over 1,000 men and women each day who proudly wore the uniform, of that 16 million total, are passing on to their great rewards—1,000 a day who die. Now it is the hour for Congress to act and put our shoulder to the wheel to give our expression, along with all other Americans, for this great project.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I congratulate and thank the Senator from Virginia for his leadership in this matter. This is a relatively small contribution from the people, acting through its Congress. The private sector is funding 95 percent of this effort. This is really symbolic almost, but it is an important contribution. It symbolizes where the heart of this institution, this Congress, is, and reflects where the American people are because they would, I think, applaud what the good Senator from Virginia is doing here tonight, and I am happy to join. I thank him. He points out many things that I won't amplify, given the hour, except to say it is surely the right day today, this 56th anniversary of D-Day.

When he talks about how the American people who participated in that effort are all being honored, surely first and foremost are our veterans, but all the American people who are behind them; it is such an important point for all of us to remember.

I remember as a kid the minute, little contribution we kids were making, going around the streets looking for wrappers that we could peel off the foil, put it together in a little ball of metal, and then, with all the little balls of metal, put together a tank or an airplane. But first and foremost, obviously, it is the veterans, those who didn't come back and those who did.

I thank the Senator from Virginia for doing this. I don't know if he listed all the cosponsors.

Mr. WARNER. I was about to do that. It is so hard for the current generation of people to remember that period. Both of us do. I happen to have been in uniform. I remember where we had a little book of stamps, savings bonds, and you put your quarter stamps in. You were rationing butter, meat, shoes and clothing. We never thought about it. It was our way of backing the men and women in uniform. I remember it was 3 gallons, I think, a week of gasoline that you had. My father was a doctor, and I remember that doctors had an additional allocation of gasoline so they could make hospital calls and visit homes. It was just an extraordinary hour in America, the way there was a total effort.

Mr. LEVIN. All the way down to the kids.

Mr. WARNER. Yes. I remember picking up little bits off the cigarette packs and the tin foil.

Mr. LEVIN. We used to flatten cans. After we were done with a can of food, we would take off the other end that hadn't been opened, put it in a box, flatten the can, and carry in the boxes of tins.

Mr. WARNER. Mr. President, does the Senator remember the collection of scrap metal? I will never forget it. In those days, the Nation's Capital, where we lived, had great big trash trucks, and the trucks ran overtime. They would come down the street, and people would come out and put all kinds of scrap metal in the trucks. I remember the person who lived across from me came out with an armful of magnificent guns—shotguns and rifles that belonged to her husband—and the trash guys looked at them and just threw them in the truck. I don't know that those guns ever got to the scrap heap, but I remember that as if it were yesterday.

Mr. LEVIN. I saw letters of President Roosevelt the other day thanking people for their donations—I think it was of telescopes; I am not sure. It was something which people just put into the war effort, either scrapped or used in some way.

This is a special tribute to those of our colleagues, including yourself, who were in World War II. I know you are going to list them. But as this honor roll of heroes is read by the Senator from Virginia, I think we are all going to stand very proud that we have so many Members still in this body who served in World War II and, of course, many who did serve in this body who served in World War II who are also being honored. Senator Dole, of course, is very much in the lead in this effort, but so many others came before us who are currently in this body who served.

How many are there who served in this body?

Mr. WARNER. I have spoken to every one of them today. I will read their names in the order of seniority of the Senate: Senator THURMOND, who crossed the beaches on D-Day. He did it in a glider, and it crashed, he was injured, but he went on and took up his duties despite that. Senator INOUYE is one of the most highly decorated Members of the Senate. The President upgraded his decoration from the Distinguished Service Cross to the Medal of Honor; is that correct?

Mr. LEVIN. That is correct. It will be presented in a ceremony this month at the White House. That was something Senator INOUYE was not even aware of until he read about it.

Mr. WARNER. No. There is not a more modest Member of the Senate.

Mr. LEVIN. So true.

Mr. WARNER. What a great strength he has been to national defense in the 22 years we have worked on this.

FRITZ HOLLINGS was in the European campaign. Senator STEVENS was an Air Corps pilot, before there was an Air Force; he flew in the Pacific. Senator BILL ROTH was in the Army. Senator HELMS was in the Navy. Senator MOYNIHAN was in the Navy, and he was proud to call me Secretary of the Navy. I was just a petty officer third class. Senator LAUTENBERG served. Senator GORTON served in the Army right at the end. Senator AKAKA served. I was a young sailor, and we were trained during the invasion of Japan, and the war ended very precipitously.

Mr. LEVIN. Senator Bob KERREY also wanted to be added as a cosponsor.

Mr. WARNER. Senator Robert KERREY is a Medal of Honor winner. We will add him as a cosponsor. I ask unanimous consent that they all be made cosponsors, along with myself and Senator LEVIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the amendment is agreed to.

The amendment (No. 3189) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I thank my distinguished colleague for joining me and for his kind remarks about our colleagues.

Mr. President, we have made some accomplishments today. The hour is 8 o'clock, and we started promptly at about 2:45. I thank all who participated in moving this. We have an order for tomorrow which lays out the work.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES ON THE OCCASION OF THE 50TH ANNIVERSARY OF THE ASSOCIATION'S CONGRESSIONAL CHARTER

Mr. THURMOND. Mr. President, it is with a great deal of professional pleasure and personal pride that I rise today to honor an organization in which I am a life member and served as the 21st national president nearly 50 years ago. The organization of which I speak is our neighbor across First Street, the Reserve Officers Association of the United States, though it is perhaps best known simply by its initials—ROA. The association was organized in 1922, at the instigation of General of the Armies John J. Pershing, who was then serving as the Army's Chief of Staff. Like many others who served in uniform in World War I, General Pershing was convinced that the war could have been significantly shortened or avoided altogether if an adequate pool of trained officers had existed at the time. Taking his sentiments to heart, 140 Reserve officers met at Washington's Willard Hotel and organized the Reserve Officers Association. It was largely through the dedicated efforts of this voluntary organization and its members that the United States established its Officer Reserve Corps, which was to supply the great majority of America's trained officers in the days leading up to World War II. It is appropriate for the Senate to note that these first ROA members were citizen-soldiers who clearly saw the approaching storm clouds. They pushed the nation toward an unprecedented level of prewar preparedness that arguably saved lives and formed the very foundations of the great victories of democracy that were to follow.

With the end of the war, the ROA resumed its normal operations, raising and maintaining the nation's awareness of the role and contributions of its military forces in the uneasy post-war world. It was in these tense days, in June 1950, that the Congress granted the ROA the formal charter that established the association's object and purpose. That formulation was clear and direct, unambiguous and unequivocal: ROA was "to support a military policy for the United States that will provide adequate national security and to promote the development and execution thereof."

For 50 years, the ROA has followed that guidance, and taken the lead in rigorously advocating a strong and viable national defense posture for our nation. The ROA has worked to support concepts that have strengthened our ability to preserve our freedom and to advance our national interests across the world. It worked to revitalize and fund the Selective Service System, support our Cold War allies, and focus the weight of public opinion in favor of our national commitment during the Gulf War and expanding NATO. It has played a major role in persuading the Congress to provide more than $15 billion in critically needed equipment for our nation's Reserve components. In addition, the ROA has also clearly understood that not all ideas are good ideas. It successfully opposed efforts to combine the Army Reserve and National Guard, and to disestablish the Coast Guard, and Air Force Reserves, as well as the Selective Service System and the commissioned officer corps of the National Oceanic and Atmospheric Administration.

Mr. President, the ROA has, for the past 78 years, proven itself to be a strong and articulate voice in the halls of Congress and the corridors of government for all our service members. It has lived up to its charter and supported the cause of national defense in seasons when it has not been popular to do so. It has established an enviable reputation for nonpartisan expertise and even-handed advocacy, a reputation that has grown and flourished as defense issues have become ever more complex in these days of the Total Force Policy. The ROA enjoys the confidence of the Congress and of the Department of Defense. Its successful legislative efforts have made it a valued partner in the formulation and development of the annual defense bills and in building broad, bipartisan support for our men and women in uniform. Over the years I have learned that serious debate on any issue dealing with our Reserve forces is not complete until we have heard from the ROA. As the number of members of Congress with personal military experience has declined, the importance of ROA's contribution to developing our military policy has increased exponentially. The ROA has played and will continue to play a crucial role in shaping the debate over the appropriate roles and missions of our Armed Forces. The nation is most fortunate to have such an asset to call upon. We should all be grateful.

Mr. President, I urge all Senators to join me in congratulating the Reserve Officers Association of the United States on the fiftieth anniversary of the granting of its congressional charter.

TRIBUTE TO LIEUTENANT GENERAL PHILLIP J. FORD, USAF

Mr. KERREY. Mr. President, I rise today to pay tribute to a life of service devoted to defending the values and ideals of our nation. On July 1, 2000 the country will lose to retirement its Deputy Commander in Chief of the United States Strategic Command, Lieutenant General Phillip J. Ford, USAF. Through his leadership, General Ford has taken the United States and U.S. Strategic Command into a new world environment. During his career, his guidance and foresight helped see the U.S. Military into the new millennium.

Throughout a career that spans four decades, General Ford has commanded the 8th Air Force, the 384th Bomb Wing, and the 524th Bomb Squadron. As commander of the 384th at McConnell Air Force Base, Kansas, he transformed and entire installation to bring in and support a new B-1 bomber wing. General Ford has also served as commandant of the Air Command and Staff College and held key staff positions at the Headquarters of the U.S. Air Force, Military Airlift Command, Air Mobility Command and Strategic Air Command.

As the nation's top bomber commander supporting the United States Central Command, General Ford directed an unprecedented global power strike against Iraq during Operation DESERT FOX. Despite tactical and weapon system limitations, his bombers succeeded in retargeting their air launched cruise missiles while airborne and en route to their targets. His forces delivered their weapons on time and on target, guaranteeing mission success.

As Deputy Commander in Chief of the United States Strategic Command, and as a strong proponent of an enduring, stable, strategic relationship with Russia, General Ford championed the Defense Department's cooperative threat reduction activities, to include military-to-military contacts. General Ford's historic military-to-military exchanges with senior Russian nuclear commanders built a legacy of respect, mutual understanding and cooperation. The general's insight in planning and evaluating the command's communication capabilities assured the nation that the communication between the President, Secretary of Defense, Joint Chiefs and men and women at the helm of ballistic missile submarines, intercontinental ballistic missiles and nuclear bombers remained intact despite Y2K concerns. His efforts will have an enduring, positive impact on strategic stability for many years to come.

Lieutenant General Ford and his wife, Kris leave the military after a distinguished 34 year career serving their nation. The people of the United States salute General Ford and Mrs. Ford and wish them well as they begin a new chapter of their lives after military service.

RECOGNITION OF CHANCELLOR ROBERT KHAYAT'S INDUCTION INTO THE MISSISSIPPI SPORTS HALL OF FAME

Mr. LOTT. Mr. President, I rise today to congratulate my close friend, Robert Khayat. On March 9, 2000, Chancellor Khayat was inducted into the Mississippi Sports Hall of Fame. I want to recognize Chancellor Khayat not just because of his recent induction into this prestigious group, but also for his dedication to the State of Mississippi.

Robert Khayat played college baseball and football at our mutual alma mater, the University of Mississippi. Playing catcher for Ole Miss, he led the team to two consecutive SEC Baseball Championships. A two-time All SEC player, Bob Khayat earned three letters in his sophomore, junior, and senior years.

During Bob Khayat's college football career he demonstrated a definitive leadership role. At the position of place-kicker, "Golden Toe," as he was called, led the Rebels' extraordinary football team to many a victory. His name is forever in the University of Mississippi's history books as one of the greatest place kickers to set foot on the Ole Miss campus. Coach John Vaught's team secured many victories because of Bob Khayat's athletic ability. He was selected as the place-kicker on the Ole Miss Team of the Century.

After graduating from Ole Miss, Bob Khayat played professional football for the Washington Redskins. In his time with the Redskins he scored 204 points, tied the all-time Redskins record for most field goals made in a single game, and was voted into the Pro Bowl. In recognition of his great achievements, the NFL presented Bob Khayat with the 1998 Career Achievement Award for his accomplishments on and off the field.

While performing in the NFL, Robert Khayat pursued his law degree at the University of Mississippi Law School. After graduating third in his class and earning his Juris Doctorate degree in 1966, Bob Khayat entered private practice in Pascagoula, Mississippi. In 1969 he became a law professor at Ole Miss.

From 1980 to 1981, Bob Khayat took a leave of absence to pursue a Masters of Law degree, which he received from Yale Law School. Returning to teach at Ole Miss Law School, he was promoted to Associate Dean before serving as Vice Chancellor for University Affairs in 1984. In 1994 he served as interim athletic director before becoming the University of Mississippi's 15th Chancellor.

Chancellor Robert Khayat plays an instrumental role for the State of Mississippi. He is known for his tireless leadership which he has exemplified as a student, an athlete, a professor and finally as Chancellor of the University of Mississippi. Chancellor Khayat's character is a tremendous asset to Ole Miss. As a person, he is a role model for all who know him.

Mr. President, on behalf of my fellow Mississippians, I would like to commend Chancellor Khayat for his leadership, his accomplishments, and his continued dedication to making our home state a better place. While I am recognizing Chancellor Khayat for his induction into the Mississippi Sports Hall of Fame, his many talents and abilities distinguish him in countless other areas as well.

IN MEMORY OF DR. WALTER WASHINGTON

Mr. LOTT. Mr. President, today I rise to remember an admirable person and a devoted educator, Dr. Walter Washington. Dr. Washington served as a classroom teacher, assistant principal, Dean of Utica Junior College, President of Utica Junior College for twelve years, and served as President of Alcorn State University from 1969 to 1994. Dr. Washington retired as President of Alcorn State University on June 30, 1994, and was subsequently named President Emeritus by the Mississippi Board of Trustees of State Institutions of Higher Learning.

During his tenure as both an educator and administrator, Dr. Washington was a leader in the State of Mississippi and throughout the country. He was a mentor to all who met him, and he set a high standard for his successors. His impact on Mississippi was evident in his work as a representative of the state on several national commissions.

As a man of many talents, he served on the Advisory Council of the National Urban League's Black Executive Exchange Program and the U.S. President's Advisory Council on Historically Black Colleges and Universities. In 1982, he was awarded the Outstanding Presidential Cluster Citation by President Ronald Reagan.

Dr. Washington was a member of several professional organizations, including Kappa Delta Phi, Phi Delta Kappa, and Alpha Kappa Mu Honor Society. He served as president of the Mississippi Teachers Association and held membership in the Mississippi Association of Educators and the national Education Association.

Dr. Washington married his college sweetheart, the former Carolyn Carter, in 1949. In addition to his devotion to his wife, he was involved in many community organizations. Dr. Washington received the Silver Beaver Award from the Boy Scouts of America, the Distinguished Service Award and Distinguished Alumni Award from Peabody College, and the Service to Humanity Award from Mississippi College. He was listed among Ebony's 100 Most Influential Black Americans in 1974, 1975, and 1976, and was selected Mississippi Man-of-the-Year in Education in 1981.

Dr. Washington passed away on December 1, 1999, but his legacy will live on as an eternal flame. I was deeply saddened to hear the news of his death.

Dr. Washington's reputation for hard work and academic excellence set an example which will continue to inspire greatness in the men and women of Mississippi. Such a reputation is the greatest tribute to a man's life. His insight on predicting the needs of future students helped to mold Alcorn State University into one of Mississippi's great universities.

Mr. President, Mississippians and Americans are grateful for Dr. Washington's public service, and I commend him for his leadership and accomplishments.

ACCESS TO INNOVATION FOR MEDICARE PATIENTS ACT

Ms. MIKULSKI. Mr. President, we are so fortunate to live in an era when modern medical breakthroughs are an almost common occurrence. Every day brings new research and insight into the human body and diseases that, unfortunately, affect our friends, families, co-workers, and ourselves. For example, there are several wonderful new therapies that help people with chronic diseases like rheumatoid arthritis, multiple sclerosis, and Hepatitis C live more active and pain-free lives. I am proud to be an original co-sponsor of the Access to Innovation for Medicare Patients Act (S. 2644), which would extend Medicare coverage to new self-injected biological therapies for these chronic diseases.

One of the most important things I do as a United States Senator is listen to the people and the stories of their lives. The story of one of my constituents, Judith Levinson of Rockville, Maryland, is a compelling example of the power of these new therapies. Judith was diagnosed with rheumatoid arthritis (RA) when she was 40 years old. At first, her fingers and toes swelled up and sent sharp pains into her arms and shoulders. Over the next few years, she had multiple surgeries to place artificial knuckles in her fingers, to fuse her thumbs, and to replace both of her wrists with steel rods. Her feet have also been affected. Judith had six surgeries on her feet because bone deterioration made walking very difficult and painful. She now wears a size 2 shoe because so much bone has been removed from her feet. Unfortunately, Judith's suffering did not end with the surgeries. During recovery, her hands had to be placed in cages in order to heal properly—which made her completely dependent on others for daily activities. On a scale of 1 to 10, Judith rated her daily pain as an 8.

In January of 1999, Judith's doctor prescribed a new self-injectable drug called Enbrel, which had just been approved by the Food and Drug Administration (FDA) for the treatment of advanced RA. I am proud to add that the Johns Hopkins University's Division of Rheumatology was instrumental in the development of this breakthrough therapy as one of its clinical trial sites. Judith says that, within five weeks, she had less swelling in her fingers and she had more energy. As she puts it, she is in "go mode." I am happy to report that Judith has resumed writing, takes daily walks with her family without stopping at every street corner, and truly believes that this treatment has changed her life.

Judith is fortunate in that her insurance plan covers the cost of Enbrel, with a small co-payment. Medicare, on the other hand, does not allow coverage of self-administered injectable drugs. It covers only drugs that are administered in a physician's office. That means that many Medicare beneficiaries are going without treatment because they can't afford it themselves, or that they are treated with a therapy that is covered but may not be the most appropriate or effective treatment. That doesn't make sense. I am very proud that most of the breakthroughs in medicine today were invented in the United States. But breakthroughs alone aren't enough—I believe that every American ought to have access to those breakthroughs. Medicare patients are certainly no exception.

It is gratifying that this legislation is supported by a broad range of women, senior, minority, religious, rural, and health professional organizations like the Alliance for Aging Research, the American Public Health Association, the National Farmers Union, the Older Women's League (OWL), the National Hispanic Council on Aging, and more than a dozen other organizations. OWL, the only national membership organization that works on the issues unique to midlife and older women, has stressed the importance of access to innovative medical treatments for older women and urged Congress to recognize that "73% of women on Medicare have two or more concurrent chronic conditions, which often lead to limitations in the activities of daily living and the need for long-term care. In order to improve the health of women suffering with chronic diseases . . . Congress should extend Medicare coverage to self-administered injectables."

Mr. President, we must ensure that Medicare beneficiaries have access to promising and innovative new therapies. This legislation will help thousands of people living with chronic conditions like RA, MS, and Hepatitis C live better, happier, and more productive lives. I urge my colleagues to join Senators GORTON, MURRAY, myself and the other co-sponsors in supporting it.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 5, 2000, the Federal debt stood at $5,642,401,863,301.59 (Five trillion, six hundred forty-two billion, four hundred one million, eight hundred sixty-three thousand, three hundred one dollars and fifty-nine cents).

Five years ago, June 5, 1995, the Federal debt stood at $4,903,928,000,000 (Four trillion, nine hundred three billion, nine hundred twenty-eight million).

Ten years ago, June 5, 1990, the Federal debt stood at $3,127,410,000,000 (Three trillion, one hundred twenty-seven billion, four hundred ten million).

Fifteen years ago, June 5, 1985, the Federal debt stood at $1,776,269,000,000 (One trillion, seven hundred seventy-six billion, two hundred sixty-nine million).

Twenty-five years ago, June 5, 1975, the Federal debt stood at $522,954,000,000 (Five hundred twenty-two billion, nine hundred fifty-four million) which reflects a debt increase of more than $5 trillion—$5,119,447,863,301.59 (Five trillion, one hundred nineteen billion, four hundred forty-seven million, eight hundred sixty-three thousand, three hundred one dollars and fifty-nine cents) during the past 25 years.

ADDITIONAL STATEMENTS

A RETROSPECTIVE ON RACE

• Mr. GRAMM. Mr. President, I wish to share with my colleagues a moving autobiographical article written by Ward Connerly. Mr. Connerly's intelligence and personal experience with racism blend together into a truly insightful analysis and I encourage my colleagues to read about Mr. Connerly's uniquely American story.

Mr. President, I ask that the article which appeared in the June 2000 edition of The American Enterprise be printed in the RECORD.

LAYING DOWN THE BURDEN OF RACE

(By Ward Connerly)

Not long ago, after I'd given a speech in Hartford, Connecticut, I saw a black man with a determined look on his face working his way toward me through the crowd. I steeled myself for another abrasive encounter of the kind I've come to expect over the past few years. But once this man reached me he stuck out his hand and said thoughtfully, "You know, I was thinking about some of the things you said tonight. It occurred to me that black people have just got to learn to lay down the burden. It's like we grew up carrying a bag filled with heavy weights on our shoulders. We just have to stop totin' that bag."

I agreed with him. I knew as he did exactly what was in this bag: weakness and guilt, anger, and self-hatred.

I have made a commitment not to tote racial grievances, because the status of victim is so seductive and so available to anyone with certain facial features or a certain cast to his skin. But laying down these burdens can be tricky, as I was reminded not long after this Connecticut meeting. I had just checked into the St. Francis Hotel in San Francisco to attend an annual dinner as master of ceremonies. After getting to my room, I realized that I'd left my briefcase in the car and started to go back to the hotel parking garage for it. As I was getting off the basement elevator, I ran into a couple of elderly white men who seemed a little disoriented. When they saw me, one of them said, "Excuse me, are you the man who unlocks the meeting room?"

I did an intellectual double-take and then, with my racial hackles rising, answered with as much irritation as I could pack into my voice: "No, I'm not the man who unlocks the rooms."

The two men shrank back and I walked on, fuming to myself about how racial profiling is practiced every day in subtle forms by people who would otherwise piously condemn it in state troopers working the New Jersey Turnpike. As I stalked toward the garage, I didn't feel uplifted by my righteous anger. On the contrary, I felt crushed by it. It was a heavy burden, so heavy, in fact, that I stopped and stood there for a minute, sagging under its weight. Then I tried to see myself through the eyes of the two old men I'd just run into: someone who was black, yes, but more importantly, someone without luggage, striding purposefully out of the elevator as if on a mission, dressed in a semi-uniform of blazer and gray slacks.

I turned around and retraced my steps.

"What made you think I was the guy who unlocks the meeting rooms?" I asked when I caught up with them.

"You were dressed a little like a hotel employee, sir," the one who had spoken earlier said in a genuinely deferential way. "Believe me, I meant no insult."

"Well, I hope you'll forgive me for being abrupt," I said, and after a quick handshake I headed back to the garage, feeling immensely relieved.

If we are to lay this burden down for good, we must be committed to letting go of racial classifications—not getting beyond race by taking race more into account, as Supreme Court Justice Harry Blackmun disastrously advised, but just getting beyond race period as a foundation for public policy.

Yet, I know that race is a scar in America. I first saw this scar at the beginning of my life in the segregated South. Black people should not deny that this mark exists: it is part of our connection to America. But we should also resist all of those, black and white, who want to rip open that scar and make race a raw and angry wound that continues to define and divide us.

Left to their own devices, I believe, Americans will eventually merge and melt into each other. Throughout our history, there has been a constant intermingling of people—even during the long apartheid of segregation and Jim Crow. It is malicious as well as unreasonable not to acknowledge that in our own time the conditions for anger have diminished and the conditions for connection have improved.

We all know the compelling statistics about the improvements in black life: increased social and vocational mobility, increased personal prestige and political power. But of all the positive data that have accumulated since the Civil Rights Act of 1964—when America finally decided to leave its racial past behind—the finding that gives me most hope is the recent survey showing that nearly 90 percent of all teenagers in America report having at least one close personal friend of another race.

My wife Ilene is white. I have two racially mixed children and three grandchildren, two of whose bloodlines are even more mixed as a result of my son's marriage to a woman of half-Asian descent. So my own personal experience tells me that the passageway to that place where all racial division ends goes directly through the human heart.

Not long ago, Mike Wallace came to California to interview Ilene and me for a segment on "60 Minutes." He seemed shocked when I told him that race wasn't a big topic in our family. He implied that we were somehow disadvantaging the kids. But Ilene and I decided a long time ago to let our kids find their way in this world without toting the bag of race. They are lucky, of course, to have grown up after the great achievements of the civil rights movement, which changed America's heart as much as its laws. But we have made sure that the central question for our children, since the moment they came into this world, has always been who are you, not what are you. When we ignore appeals to group identity and focus instead on individuals and their individual humanity, we are inviting the principles of justice present since the American founding to come inside our contemporary American homes.

I won't pretend this is always easy. While a senior at college, I fell in love with an effervescent white woman named Ilene. When Ilene's parents first learned how serious we were about each other, they reacted with dismay and spent long hours on the phone trying to keep the relationship from developing further. Hoping for support from my own relatives, I went home one weekend and told Mom (the grandmother who had raised me) about Ilene. She was cold and negative. "Why can't you find yourself a nice colored girl?" she blurted out. I walked out of the house and didn't contact her for a long time afterward.

Ilene and I now felt secretive and embattled. Marrying "outside your race" was no easy decision in 1962. I knew that Ilene had no qualms about challenging social norms, but I was less sure that she could deal with exclusion by her family, which seemed to me a real possibility. Nonetheless, she said yes when I proposed, and we were married, with no family members present.

I called Mom the day after and told her. She apologized for what she'd said earlier. Ilene's parents were not so quick to alter their position. For months, the lines of communication were down. Sometimes I came home from work and found Ilene sitting on the couch crying.

Finally her parents agreed to see her, but not me. I drove her up to their house and waited in the car while she went in. As the hours passed, I seethed. At one point I started the engine and took off, but I didn't know the area and so, after circling the block, came back and parked again. When Ilene finally came out of the house, she just cried for nearly the entire return trip.

Today, people would rush to hold Ilene's parents guilty of racism.

But even when I was smoldering with resentment, I knew it wasn't that simple. These were good people—hard working, serious, upstanding. They were people, moreover, who had produced my wife, a person without a racist bone in her body. In a sense, I could sympathize with my new in-laws; there were no blacks in their daily life, and they lived in a small town where everyone knew everything about everyone else. Our marriage was a leap nothing in her parents' lives had prepared them to take.

But their reaction to me still rankled. After having to wait in the car that afternoon I vowed never to go near their house again.

For a long time we didn't see Ilene's parents. But we did see her Aunt Markeeta and Uncle Glen. They were wonderful people. Glen, dead now, was a salt-of-the-earth type who worked in a sawmill, and Markeeta had a personality as piquant as her name. They integrated us into their circle of friends, who became our friends too. In those healing days, we all functioned as an extended family.

If I had to pick the moment when our family problems began to resolve themselves if would be the day our son Marc was born.

Not long after, we were invited to come for a visit. This time I was included in the invitation. I remember sitting stiffly through the event, which had the tone of the recently released film, *Guess Who's Coming to Dinner*? I was supremely uncomfortable, but I also sensed that the fever had broken. And indeed, a peace process was in place. The visits became more frequent. The frigid tolerance gradually thawed into welcome.

There was no single dramatic moment that completed the reconciliation; no cathartic conversation in which we all explored our guilt and misconceptions. Instead, we just got on with our lives, nurturing the relationship that had been born along with my son. It grew faster than he did. Within a year we were on our way to becoming what we are now—a close-knit, supportive family. Today, my relationship with my in-laws could not be better. I love them very much, and they let me know that the feeling is mutual.

The moral is clear. Distance exaggerates difference and breeds mistrust; closeness breaks down suspicion and produces connection. My life so far tells me that our future as a nation is with connection.

Most people call me a black man. In fact, I'm black in the same way that Tiger Woods and so many other Americans are black—by the "one drop of blood" rule used by yesterday's segregationists and today's racial ideologues. In my case, the formula has more or less equal elements of French Canadian, Choctaw, African, and Irish American. But just reciting the fractions provides no insight about the richness of life produced by the sum of the parts.

A journalist for the New York Times once described my bloodline as being right out of a Faulkner novel. He was right. And my family was always trying to understand how the strands of DNA dangling down through history had created their individual selves. They had their share of guilty secrets and agonized over the consequences of bad blood, whatever its racial origin. But in their actions, they, like Faulkner's characters, treated race and other presumed borders between people as being permeable.

I grew up with my mother's people. My maternal grand-father was Eli Soniea, a mixed-blood Cajun born in the tiny Louisiana town of Sulphur. He eventually settled in Leesville, not far from the Texas border, a sleepy town with hazy foothills stretching behind it like a movie backdrop.

Eli died ten years before I was born, and I never knew him. But photographs of him have always intrigued me. He was light skinned, had straight black hair, and a serious look. I've been told he spoke a pidgin French and English and was an ambitious man. He worked as a carpenter, sometimes ran a construction gang, and amassed enough money to buy some land and build a restaurant and bar in Leesville. He was evidently a no-nonsense type who didn't like anyone, especially his own kin, putting on airs.

Eli's wife, my grandmother Mary Smith—or "Mom," as I always called her—was half Irish and half Choctaw. This latter element was clearly evident in her high cheekbones and broad features, and in the bloom of her young womanhood she was sometimes referred to as an "Indian Princess." Mom was born and raised in Texas. She married Eli Soniea as a result of an "arrangement" brokered by her parents, after which he brought her to Louisiana.

In their early life together, the two of them lived in that part of Leesville known as "Dago Quarters" because of the large number of Italian immigrants. After Eli's early death—when I was growing up you didn't ask why or how someone died; the mere fact of it ended all discussion—Mary's only income was from the restaurant and bar he had built, which she leased to people who did business with the servicemen from the nearby Army base. Because money was tight, she moved the family to a less expensive neighborhood, the predominantly black "Bartley Quarters."

The complexions of Mom's own six children ranged from light to dark. (William, for instance, was always known as "Red," because of this Indian look and coloring.) But whatever their exact coloration or facial characteristics, they all had "colored" on their birth certificates. In Louisiana in those days, being "colored" was not just a matter of blood; it was also a question of what neighborhood you lived in and what people you associated with. "Colored" is on my birth certificate.

The Sonieas' race problem came not only from whites but from blacks too. Leesville's social boundaries were reasonably porous, but if you were falling down through the cracks rather than moving up, as the Sonieas were doing after Eli died, you attracted notice. My grandmother often recalled how her new neighbors in Bartley Quarters called her and her children "high yellers," a term coined by white Southern racists but used with equal venom by blacks too. In fact, Mom's kids had so much trouble that officials tried to convince them to transfer out of the school to escape the racial animosity. This experience left some of my relatives with hard feelings that never really went away. During the campaign for California's Proposition 209, for instance, when I was being accused of selling out "my people," my Aunt Bert got annoyed one day and said, "When we lived back in Leesville, they didn't want to be our "brothers and sisters'; they didn't own us as 'their people' then; so why do they think we owe them something now because of skin color?

My biological mother Grace, Bert's little sister, was the youngest of Mom's children. I wish I had more memories of her. I have only one sharp image in my mind: a face resting in satin in a casket. Old photographs show my mother as a beautiful woman with a full, exotic face. But she wasn't beautiful lying there with a waxy, preserved look, certainly not to a terrified four-year-old dragged up to the front of the church to pay his last respects. I still remember standing there looking at her with my cousin Ora holding my hand to keep me from bolting as the pandemonium of a Southern black funeral—women yelling, crying, fainting, and lying palsied on the floor—rose to a crescendo all around me.

According to family legend, she died of a stroke. But I suspect that this claim was really just my family's way of explaining away something infinitely more complex. Two other facts about my mother's life may have had something to do with her early passing. First, she had been in a serious car accident that left her with a steel plate in her head. And secondly, she had been physically abused by my father.

I didn't find this out until I was in my fifties. The information accidentally escaped during a conversation with my Aunt Bert, who said, when the subject of my father came up, "You know, your Uncle Arthur once said, excuse the expression, 'That son of a bitch once took out a gun and shot at me!'"

I asked her why.

"Because Arthur told your father that if he ever beat your mother again he'd kill him, and your father got out a gun."

I guess Roy Connerly was what they called a "fancy man" back then. Judging from his photos, he was quite handsome, with light skin and a wicked smile, and a reputation as a gambler, a drinker, and a womanizer. He worked odd jobs, but it seems that his real profession was chasing women. I've been told so many times about the day he got tired of me and my mother and turned us in at my grandmother's house that it has come to feel like my own legitimate memory.

He arrived there one afternoon with the two of us and with his girlfriend of the moment, a woman named Lucy. My Aunt Bert was watering the lawn when he walked into the yard.

"Is Miss Mary here?" my father asked.

Bert said yes.

"Go get her," he ordered.

Bert went in to get Mom, who appeared on the porch wiping her hands on her apron.

"I'm giving them back to you, Miss Mary," Roy said, gesturing at my sobbing mother and at me, the miserable child in her arms. "I want to be with Lucy."

Always composed in a crisis, Mom looked at him without visible emotion and said, "Thank you for bringing them."

A few days later he brought my red wagon over. Then Roy Connerly vanished from my life.

Later on I learned that Roy Connerly eventually got rid of Lucy and, at the age of 39, entered a relationship with a 15-year-old girl named Clementine and had a couple of kids by her. But nothing more than that for over 50 years. Then, just a couple of years ago, a writer doing a profile on me for the New York Times called one day.

"Are you sitting down?" he asked melodramatically.

I asked him what was up. He said that in his research about my background he had discovered that my father was still alive, 84 years old, and living in Leesville. The writer gave me his phone number.

I didn't do anything about it for a long time. Then, in the fall of 1998, I was invited to debate former Congressman William Gray at Tulane University in New Orleans. One of the things that made me accept was how close it was to Leesville. But I didn't actually decide to go there until after the speech. I came back to the hotel, rented a car, and got directions from the concierge.

It was a four-hour drive in a dreary rain. I warned myself not to surrender to counterfeit sentiment that would make a fool of both me and my father.

I stopped on the outskirts of town and called from a convenience store. My father's wife Clementine answered. I told her who I was and asked if I could come by and see him. There were muffled voices on the other end of the line, then she came back on and said that I should stay put and she'd send someone out to lead me to the house.

A few minutes later, a couple of young men in a beat-up blue car came by and motioned at me. I followed them down the main street and over railroad tracks to a run-down neighborhood of narrow houses and potholed roads without sidewalks.

We got out of the car and went into a tiny, shuttered house whose living room was illumined only by a small television set. I introduced myself to Clementine, and we talked about my father for a minute or two. She emphasized that the man I was about to meet was very old, quite ill, and easily confused.

When she led me into the bedroom, I saw him, sunk down in the mattress, a bag of bones. His hands and feet were gnarled and knobby with arthritis, but in his face I saw my own reflection.

I touched his arm: "How are you feeling today?"

He looked up at me uncomprehendingly: "All right."

"You know who I am?"

Seeing that he was lost in a fog, Clementine said, "It's Billy," using my childhood nickname. He looked at her, then at me.

"Oh, Billy," the voice was thin and wavering. "How long you're staying?"

I told him I couldn't stay long.

There was an awkward silence as I waited for him to say something. But he just stared at me. We looked at each other for what seemed like a very long time. Finally, a lifetime's worth of questions came tumbling out.

"Did you ever care how I was doing?" I asked him.

"No," he replied uncertainly.

"Did you ever try and get in touch with me?"

"No," he looked at me blankly.

"Did you ever even care what happened to me?"

"No."

At this point Clementine intervened: "I don't even think he knows what you're asking."

I stood there a moment, resigning myself to the situation. I would never get an explanation for his absence from my life. Then Joseph, one of the young men who'd guided me to the house and who I now realized was my half-brother, beckoned me out of the room. In the hallway, he asked if I'd like to visit some of my other relatives living nearby. I said yes and he took me outside. We crossed the street to a narrow house where an elderly woman was waiting for us. Joseph introduced her to me as my Aunt Ethel. She cordially invited us in.

Ethel had married my father's brother and served as the family's unofficial archivist and historian. As we talked, she asked if I knew anything about my father's family. I said no. Ethel showed me some photos. She told me that his mother, born in 1890, was named Fannie Self Conerly, and that they spelled it with one n then. She said that Fannie's mother was Sarah Ford Lovely, who had died at the age of 98, when I was a boy. This woman, my great-grandmother, had been born a slave.

After I walked back to my father's house and sat for a while beside him. I stood and said, "I've got to be going. You take care of yourself."

"You too," he said to me. "You ever coming back this way again, Billy?"

I smiled and waved and left without answering, and without asking him the one question that was still on my mind: Did you beat my mother like they say? Did you hasten her death and thus deprive me of both of you?

On the drive back to New Orleans I thought about my discoveries—this sickly old man who was my life's most intimate stranger; the fact that his blood and mine had once been owned by another human being. I felt subtly altered, but still the same. My father's gift to me, if you could call it that, was a deeper realization that it is not the life we're given that counts, but the life we make of the life we're given.●

DELAWARE RT. 52—KENNETT PIKE, NATIONAL SCENIC BYWAY DESIGNATION

● Mr. BIDEN. Mr. President, I rise today to offer my continued endorsement for the Federal Highway Administration's National Scenic Byways Program, and to express my support for the Kennett Pike Preservation Committee's efforts to seek both state and federal scenic byways designation for Route 52, the Kennett Pike, in New Castle County, Delaware.

The National Scenic Byways Program recognizes roadways that exhibit outstanding examples of scenic, historic, recreational, cultural, archeological or natural qualities along their routes. The Kennett Pike boasts a number of cultural, scenic, historic and recreational values that I believe make it an excellent candidate for federal designation as a national scenic byway.

Originally constructed in the 1700's and named Doe Run, the Kennett Pike maintains much of its original character, despite more than 200 years of steady development in the area. During the Revolutionary War, General George Washington and his troops were thought to have marched along the road, and, during the Civil War, soldiers settled at Camp Brandywine, now the location of an intersection on the Pike.

Along its route, not only will you find world renown tourist attractions, including Winterthur Museum, Hagley Museum and Longwood Gardens, but also historic villages, numerous inns, farms, parks and mills. Within the Kennett Pike Corridor, over 30 sites are already listed on the National Register of Historic Places, with many more sites in the corridor also eligible for the historic designation.

In addition to its historic and cultural relevance, the Kennett Pike has been designated a greenway by the State of Delaware. A ride along the Pike reveals a beautiful landscape of rolling hills, forests and a state park. The Kennett Pike is truly a gem among the ever increasingly populated suburban landscape of the middle Atlantic region.

In the Fall of 1999, the State of Delaware received a grant from the Federal Highway Administration, in the amount of $140,000, to establish a state scenic byways program. A roadway can only be nominated for a national scenic byway designation after it has been designated on the state level.

It is my hope that the State will act quickly and implement its scenic byways program, so I can continue my efforts to see that Route 52, the Kennett Pike, is designated the first national scenic byway in the State of Delaware.●

A TRIBUTE TO LAW ENFORCEMENT OFFICERS

● Mr. ABRAHAM. Mr. President, on June 9, 2000, at the annual State Conference of the Fraternal Order of Police in Lansing, Michigan, there will be a memorial service honoring seventy-four law enforcement officers who have died over the past year, four of whom died in the line of duty. I rise today in their memory, and to thank them posthumously for their many courageous efforts.

There is perhaps no greater sign of dedication to a community than risking one's life to protect it. Law enforcement officers do this on a daily basis. They risk their lives to ensure that our streets and our neighborhoods are safe. We must not let ourselves forget the incredible dedication that these men and women have to the people they protect. Theirs should not be a thankless job.

Mr. President, the comfort, the protection, and the safety that we enjoy often comes at a very high price to the law enforcement officers themselves. Last year, in the State of Michigan, four officers were killed in the line of duty. In the name of protecting our communities, and our families, they left behind their own communities, and their own families.

As a tribute to these four officers, Mr. President, I would like to have their names inserted into the CONGRESSIONAL RECORD:

Officer Leslie (Les) Keely of the Flint Police Department, Trooper Frederick Hardy, Michigan State Police, Detroit Post, Trooper Rick Lee Johnson, Michigan State Police, Paw Paw Post, Officer Gary Priess, DeWitt Township Police.

I do this not only on behalf of myself, but on behalf of all of my constituents, as a symbol of our appreciation and our gratitude for the work that law enforcement officers do every day throughout the State of Michigan. While this is a small gesture, I hope it will hold some meaning to their families and their fellow officers.●

TRIBUTE TO JOHN P. SPUTZ

● Mr. LAUTENBERG. Mr. President, it is a distinct honor for me to pay tribute to John P. Sputz on the occasion of his retirement from BAE Systems North America.

Mr. President, for more than four decades, John has devoted his life to serving this country's defense needs. Under John's leadership, he and I worked together to further the efforts of the Link-16 program. This program, which includes systems that use secure, anti-jam, line-of-sight data radio communications, has moved from the research phase in 1971 to a major Defense Department program in the 1990s. Thanks to John, this program is about to go into service for the Army, Navy and Air Force as well as for our allies in NATO and elsewhere.

John was also responsible for developing and expanding programs like the F-22 advanced tactical fighter program, the Joint Striker Fighter Program and the programmable digital radio technologies that will one day replace all legacy radios with cost-effective and flexible communications systems.

Mr. President, John's commitment to BAE Systems North America is unsurpassed. Even after retiring, John will continue serving his company as President of MIDSCO, a multi-national joint venture company which helped manage the development of the MIDS Program. I hope the example that John set will inspire BAE Systems North America to achieve even higher goals. I know I speak for everyone who knows John when I thank him for his dedication to our country and wish him the very best in the future.●

AMERICAN SPORTFISHING ASSOCIATION LIFETIME ACHIEVEMENT AWARD

● Mr. ASHCROFT. Mr. President, I am pleased to recognize the winner of the American Sportfishing Association's Lifetime Achievement Award, Mr. Johnny Morris, who is also a friend of mine. This award is being given to Johnny today in recognition of his outstanding lifetime contribution to sportfishing.

Johnny Morris is the founder of Bass Pro Shops, which offers anglers and sportsmen the same equipment that the tournament professionals use. His business has expanded from its original store to include eight additional shops, a catalog, a line of Bass Pro products and a wholesale operation that supplies more than 7,000 independent sporting goods stores in the United States and several foreign countries.

Since 1970, Johnny has provided a place for sportsmen, and the entire family, to outfit their outdoor and sporting activities. Because of my love for the outdoors and fishing, the Bass Pro Shops has long been one of my favorite places in Springfield to visit. I am not alone. The Bass Pro Shops is one of Missouri's top tourist sites, attracting over three and a half million visitors a year.

In addition to outfitting anglers, Johnny donates ten percent of Bass Pro Shops' earnings to conservation efforts, which benefit fishing areas far beyond Missouri's borders. Johnny believes "the future of the sport and of our business depends more on conservation and how we manage our natural resources than absolutely anything else." To further that belief, Johnny is an outspoken supporter of not-for-profit and youth organizations that support or raise awareness of conservation issues. Organizations such as the Missouri Beautification Association, which helps clean up trash along Missouri's roadways and riverbanks, and "Operation Game Thief," a program launched to curb poaching in Missouri, have benefitted from Johnny Morris' support. In March 1998, the first ever World's Fishing Fair was hosted by Bass Pro Shops, and the proceeds were given to Missouri forests and fisheries. I personally have witnessed Johnny's commitment to his community through the many educational events which Bass Pro Shops hosts. Great Outdoors Day, for example, brings together families to learn more about hiking, fishing, archery, shooting and conservation through hands-on experience. He also hosts Kids' Fishing Fun Day in Springfield, an event that brings thousands of young participants to a local pond to try their hand at sportfishing. His efforts show that individual initiative to preserve one's local environment for future generations is not only responsible citizenship but just plain good sense.

I commend Johnny Morris both for receiving this award and for his efforts to enrich the fishing experience for all Americans and to promote conservation through the Bass Pro Shops.•

A TRIBUTE TO LAW ENFORCEMENT OFFICERS

• Mr. ABRAHAM. Mr. President, on June 9, 2000, at the annual State Conference of the Fraternal Order of Police in Lansing, Michigan, there will be a memorial service honoring 70 active and associate members of the F.O.P. In addition, four law enforcement officers who gave the ultimate sacrifice, dying in the line of duty, will also be honored. I rise today in their memory, and to thank them posthumously for their many courageous efforts.

There is perhaps no greater sign of dedication to a community than risking one's life to protect it. Law enforcement officers do this on a daily basis. They risk their lives to ensure that our streets and our neighborhoods are safe. We must not let ourselves forget the incredible dedication that these men and women have to the people they protect. Theirs should not be a thankless job.

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TRIBUTE TO MARC KOENINGS

• Mr. SARBANES. Mr. President, I rise today to pay tribute to an accomplished and respected steward of our National Park System, Marc Koenings, Superintendent of Assateague Island National Seashore. Marc has recently been selected to head Gateway National Recreation Area in New York and New Jersey and I want to wish him well with this important new assignment and thank him for the terrific job he did in managing Assateague over the past seven years.

Throughout his 29-year career in public service, Marc Koenings has distinguished himself as a leader in natural and cultural resource management and conservation at the local, national and international levels. Beginning with the Peace Corps in 1971, Marc also served for nine years in a variety of positions with the Heritage Recreation and Conservation Service before joining the National Park Service. He quickly advanced to top management jobs in four Parks including Golden Gate National Recreation Area, Point Reyes National Seashore and Virgin Islands National Park where he made substantial contributions to improving park facilities, protecting park resources and developing highly professional work forces.

I came to know Marc in 1993 shortly after he came to Maryland from Virgin Islands National Park. I had invited Interior Secretary Bruce Babbitt to join me on a tour of Assateague Island and to officially dedicate the Beach-to-Bay Indian Trail as a National Recreational Trail. Marc served as host and Master of Ceremonies for the visit and I was immediately impressed not only by his professionalism, but by the knowledge and vision which he had for Assateague after such a short period on the job. Over the past seven years, I have had the opportunity and privilege to work closely with Superintendent Koenings and members of his staff at Assateague in efforts to restore the north end of the island, construct a new pedestrian/bicycle bridge, protect the seashore from encroaching development, and develop the new Coastal Ecology Teaching and Research Laboratory. I know from personal experience that these initiatives would not be taking place, but for his persistent efforts, energy and innovation. In addition to these projects, under Marc's leadership, Assateague's barrier island visitors center was expanded and improved, a new Administrative facility was constructed, and new partnerships were formed to develop water trails and promote other eco-tourism opportunities in the area.

The efforts of Marc Koenings throughout his career in the National Park Service have had a lasting effect not only on the parks he has worked to protect, but on the people with whom he has come in contact. He has earned the respect and admiration of his colleagues in the Park Service as well as the visitors and citizens in the local communities surrounding the parks. It is my firm conviction that public service is one of the most honorable callings, one that demands the very best, most dedicated efforts of those who have the opportunity to serve their fellow citizens and country. Throughout his career Marc Koenings has exemplified a steadfast commitment to meeting this demand. I want to extend my personal congratulations and thanks for his many years of hard work and dedication to the principal conservation mission of the National Park Service and join with his friends and coworkers in wishing him and his family well with his new endeavors.•

TRIBUTE TO KENTUCKY'S TOYOTA MOTOR MANUFACTURING TEAM MEMBERS

• Mr. MCCONNELL. Mr. President, I rise today to express congratulations to all of the team members at the Toyota assembly plant in Georgetown, Kentucky, on being recognized by J.D. Power and Associates for the high quality of vehicles which they have produced.

It is my understanding that the Georgetown assembly plant is the only plant in North America to win this award this year. Moreover, I understand that all of the cars produced at the Georgetown plant have been ranked best in their category in this year's J.D. Power and Associates survey of the best cars and trucks. Not only is it an outstanding achievement to be chosen by J.D. Power—whose rankings are widely considered to be the industry standard for new car quality—to receive a Gold Plant Quality Award in recognition of outstanding vehicle quality, but to receive this honor for the fourth time in ten years is a truly remarkable accomplishment. I commend you and all of your hard work in earning this award.

News of the announcement by J.D. Power of the Georgetown plant's award follows closely on the announcement by Toyota that the company hit a milestone with a record-breaking production of 1 million vehicles in North America. A significant amount of the credit for this accomplishment, too, belongs to the hard-working folks at the Georgetown facility, and I want to congratulate you on this achievement, as well.

I am proud of the relationship between Toyota Motor Manufacturing and the Commonwealth of Kentucky. Since Kentucky made its original investment in Toyota in 1986, the state has realized a 36.8 percent annual rate of return, and has benefited greatly from the more than $5 billion which Toyota has invested statewide. Most of all, though, I am proud of the work being done by the Kentuckians who work at the Toyota plant. On behalf of myself and my colleagues in the United States Senate, congratulations again on your significant achievement.•

10TH ANNIVERSARY OF THE ADOPT-A-SCHOOL PROGRAM

• Mr. ABRAHAM. Mr. President, in May of 1990, the Second Grace United Methodist Church of Detroit and the First United Methodist Church of Northville collaborated to "adopt" a Detroit Public School, Dixon Elementary School. On June 16, 2000, the two churches, one metropolitan and one suburban, will celebrate the tenth anniversary not only of the Adopt-a-School Program, but also of their unique relationship. I rise today to commemorate this occasion.

The primary emphasis of the Adopt-a-School Program is the mentoring plan. Adults from both of the churches, as well as the local community, provide tutoring and role modeling for the students. In addition to weekly one-on-one sessions, the mentoring plan also includes a toastmasters club, in which students practice speaking in front of audiences, and a great books program, which introduces students to famous books and authors.

In its ten years, the program has experienced continual expansion, as additional activities have been added for the students. There is an awards dinner each year at Second Grace to recognize students who have attained high levels of academic achievement. Christmas and Easter parties are held each year, as well as the Dixon School Spring Cleanup and Flower Planting Day. Church members also participate in school functions, including career day and musical programs. Finally, what began as a summer field trip has evolved into monthly Saturday field trips for the mentors and their pupils.

Mr. President, the partners are pleased with how the Adopt-a-School Program has developed in the last ten years. The program has touched the lives of over 300 students at Dixon Elementary School, and there is no measure for success like that. The partners look forward to its continued development in the coming years. In addition, efforts will be made by the two churches, along with Dixon Elementary School, to develop a training program to share the Adopt-a-School program with other faith-based communities interested in serving our children in urban schools.

Mr. President, I applaud the efforts of the many people whose hard work over the last ten years has made this birthday celebration possible. Each year, when the partners renew their commitment to this program, it is a testament to the bridges that can be built when people simply reach out to one another. On behalf of the entire United States Senate, I would like to wish the Adopt-a-School Program a happy 10th Anniversary, and continued success in the future.•

SMURFIT-STONE CONTAINER'S MISSOULA MILL NAMED PLANT OF THE YEAR

• Mr. BURNS. Mr. President, I rise today to bring your attention to the fact that the Smurfit-Stone Container Plant in Missoula, Montana has received the Jefferson Smurfit Group Worldwide Award as plant of the year.

As you know, Montana's wood products industry has been hit extremely hard with federal regulation and the lack of available federal fiber to keep our mills running. Despite these hardships, our mill workers and managers continue to take great pride in their work and continue to do the best with the hand they have been dealt.

The result is that Missoula's Smurfit-Stone Container employees have ensured that their mill rose above the other 563 Smurfit facilities world wide and defined themselves as being able to increase productivity and reduce operating costs while actually improving safety and the quality of production.

These accomplishments were worker driven and accompanied a 20% reduction of OSHA incidents last year. Some times efficiency comes at the expense of safety or environmental responsibility. This is not the case at the Missoula plant. In addition to reducing injuries, the plant was able to increase paper efficiency while reducing waste, energy consumption and maintenance costs. While Montana's wood products industry relies on renewable natural resources, we are keenly aware that these resources must be conserved and used responsibly. Smurfit-Stone container consistently looks for ways to make the fiber available to them go as far as possible. It makes sense from both a business and an environmental standpoint, and it is a goal that makes them one of the top employers in Montana.

As I mentioned, Montana has been hit extremely hard by federal restrictions on the wood products industry. As a result we have lost 17 mills in Montana over the last decade. These mills provided jobs for thousands of families and numerous communities. While times are extremely tough, Montanans involved in the industry still take great pride in what they do. This is reflected in the honor recently bestowed on the Missoula Smurfit-Stone Container paper mill. Clearly, this mill deserves recognition not only by their parent group, but by Congress as well.•

NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS GREATER DETROIT CHAPTER CELEBRATES ITS 20TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to recognize the National Association of Women Business Owners Greater Detroit Chapter, which tonight will celebrate its 20th Anniversary. Since 1980, members of the Greater Detroit Chapter have maintained their commitment not only to helping fellow women business owners throughout Michigan, but also to helping the communities in which these businesses reside.

In its twenty years, the Greater Detroit Chapter, originally the Michigan Chapter, has done much to publicize the efforts of women business owners, and to create alliances between women business owners in the State of Michigan. In 1982, chapter members organized the first statewide conference for women business owners, during which awards were given to women business owners in the following categories: Pioneer, Innovator, Dedication to Women Business Owners and Community Service.

In bringing women business owners together from throughout the state, the chapter makes it easier for members to work together on a local level. In 1994, NAWBO North, a networking group of Northern Oakland County members, was formed. In the years since, following the successful model of NAWBO North, satellites have been established in Plymouth, Detroit, Sterling Heights, Brighton, Southfield and Ann Arbor. Involvement in a satellite allows chapter members to work with one another to benefit the community. Currently, 89 percent of chapter members donate money to charities, 76 percent volunteer their time to local organizations, 65 percent serve on local boards, and 61 percent mentor other women.

The Greater Detroit Chapter of the NAWBO has also established many programs to assist women owned businesses. In 1990, the Greater Detroit Chapter helped to launch the EXCELI (The Initiative for Entrepreneurial Excellence) Project in Detroit, along with corporate partner Deloitte and Touche, the Small Business Administration, NAWBO's National Foundation and the YWCA. In 1994, the chapter took over sole responsibility of this program.

In 1993, Huntington Banks of Michigan entered into a partnership with the chapter to offer market-rate financing to chapter member companies through a special lending process for service businesses. And in June of 1996, Comerica Bank announced its Power Perks Program, in which ideas, resources, and benefits are provided exclusively to NAWBO members. Over the next two years, Comerica invested approximately $10 million in the program.

Mr. President, women-owned small businesses are the fastest growing segment of the business community. By the year 2010, they will make up more than one-half of all businesses in the United States. Traveling through the State of Michigan I know that women business owners are working very hard to be successful. The twentieth anniversary of the National Association of Women Business Owners Greater Detroit Chapter is certainly evidence of this.

And this incredible growth has been accomplished in spite of some disadvantages. For example, it is clear that the federal government does not do business with a representative percentage of women-owned businesses. This issue was brought to my attention by NAWBO members at a Small Business Committee meeting I held last August in Troy, Michigan.

Mr. President, in 1994, the Federal Acquisition Streamlining Act established a modest five percent goal of federal procurement dollars for women-owned businesses. Last year, though, women-owned businesses received only 2.4 percent of the total dollar value of all prime federal contracts.

Mr. President, these standards have to change. There are too many women in this nation working too hard, only to not find the proper support from Washington. Earlier this week, I cosponsored Senate Resolution 311, a resolution urging the President to adopt a policy in support of the five percent federal procurement goal, and to encourage the heads of the federal departments and agencies to undertake a concerted effort to meet this five percent goal before the end of the fiscal year 2000. I strongly hope that this action on my part and the part of my colleagues will lead to an increased procurement for women owned businesses this fiscal year.

Mr. President, I applaud the many members of the National Association of Women Business Owners Greater Detroit Chapter on the great work they are doing for women business owners throughout the State of Michigan. I feel that there is much more we can do here in Washington to support them, and I hope that changes will be made, and followed through upon, in this regard. On behalf of the entire United States Senate, I wish the greater Detroit Chapter a happy 20th Anniversary, and continued success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED ON MAY 30, 2000

ENROLLED BILLS SIGNED

A message from the House of Representatives, delivered during the adjournment of the Senate, announced that the Speaker has signed the following enrolled bills:

H.R. 4489. An act to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

H.R. 3293. An act to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2645. A bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

H.R. 3244. An act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9119. A communication from the Oklahoma City National Memorial Trust transmitting, pursuant to law, the report of a final rule entitled "Rules and Regulations for Oklahoma City National Memorial", received May 22, 2000; to the Committee on Energy and Natural Resources.

EC-9120. A communication from the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (SPATS No. IN-147-FOR), received May 23, 2000; to the Committee on Energy and Natural Resources.

EC-9121. A communication from the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program" (SPATS No. OK-027-FOR), received May 23, 2000; to the Committee on Energy and Natural Resources.

EC-9122. A communication from the Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled "Revisions and Clarifications to the Export Administration Regulations; Commerce Control List" (RIN0694-AB86), received May 22, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9123. A communication from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency transmitting, pursuant to law, the report of a final rule entitled "Privacy of Consumer Financial Information" (RIN1557-AB77), received May 22, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9124. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Milk in the New England and Other Marketing Areas; Order Amending the Orders; Correction" (Docket Number DA-97-12), received May 22, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9125. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3

(Native) Spearmint Oil for the 1999–2000 Marketing Year" (Docket Number FV00–985–3 FIR), received May 22, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9126. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebufenozide; Benzoic Acid, 3,5-dimethyll - (1,1 ,-dimethylethyl) -2 - (4-ethylbenzoyl) hydrazide; Pesticide Tolerance" (FRL # 6555–1), received May 19, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9127. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Canon City" (FRL # 6706–5), received May 23, 2000; to the Committee on Environment and Public Works.

EC–9128. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District, South Coast Air Quality Management District, San Diego County Air Pollution Control District, and Monterey Bay Unified Air Pollution Control District" (FRL # 6585–9), received May 23, 2000; to the Committee on Environment and Public Works.

EC–9129. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories" (FRL # 6706–1), received May 23, 2000; to the Committee on Environment and Public Works.

EC–9130. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories" (FRL # 6706–2), received May 23, 2000; to the Committee on Environment and Public Works.

EC–9131. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Allegheny County, Pennsylvania; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators; Correction" (FRL # 6705–7), received May 22, 2000; to the Committee on Environment and Public Works.

EC–9132. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Approval and Promulgation of Implementation Plans; Ohio; Designation of Areas for Air Quality Planning Purposes, Ohio" (FRL # 6701–8), received May 22, 2000; to the Committee on Environment and Public Works.

EC–9133. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Removal of the Maximum Contaminant Level Goal for Chloroform from the National Primary Drinking Water Regulations" (FRL # 6705–4), received May 22, 2000; to the Committee on Environment and Public Works.

EC–9134. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Approval and Promulgation of Implementation Plans; Oregon" (FRL # 6601–1), received May 22, 2000; to the Committee on Environment and Public Works.

EC–9135. A communication from the Federal Trade Commission transmitting a report entitled "Privacy Online: Fair Information Practices in the Electronic Marketplace"; to the Committee on Commerce, Science, and Transportation.

EC–9136. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (44); Amdt. No. 1989 (5–4/5–18)" (RIN2120–AA65) (2000–0027), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9137. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (127); Amdt. No. 1990 (5–4/5–18)" (RIN2120–AA65) (2000–0026), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9138. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (87); Amdt. No. 1992 (5–18/5–22)" (RIN2120–AA65) (2000–0028), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9139. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Prohibition Against Certain Flights Within the Territory and Airspace of Ethiopia; Docket No. 2000–7340 (5–16/5–18)" (RIN2120–AH01), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9140. A communication from the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to the Legal Description of the Hayward Air Termination Class D Airspace Area, CA; Docket No. 00–AWP–4 (5–2/5–22)" (RIN2120–AA66) (2000–0115), received May 22, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By. Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1507: A bill to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments, and for other purposes (Rept. No. 106–306).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 2669. A bill to amend title 10, United States Code, to extend to persons over age 64 eligibility for medical care under CHAMPUS and TRICARE; to extend the TRICARE Senior Prime demonstration program in conjunction with the extension of eligibility under CHAMPUS and TRICARE to such persons, and for other purposes; to the Committee on Armed Services.

By Mr. THOMAS:

S. 2670. A bill to amend chapter 8 of title 5, United States Code, to require major rules of agencies to be approved by Congress in order to take effect, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ASHCROFT:

S. 2671. A bill to amend the Internal Revenue Code of 1986 to promote pension opportunities for women, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2672. A bill to provide for the conveyance of various reclamation projects to local water authorities; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 2673. A bill to direct the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself and Mr. DeWine):

S. 2674. A bill to amend title 5, United States Code to provide for realignment of the Department of Defense workforce; to the Committee on Governmental Affairs.

By Ms. SNOWE (for herself and Ms. Mikulski):

S. 2675. A bill to establish an Office on Women's Health within the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON (for himself, Mr. Gregg, Mr. Enzi, Mr. Hagel, Mr. Sessions, Mrs. Hutchison, Mr. Kyl, Mr. Nickles, Mr. Helms, Mr. Allard, Mr. Smith of New Hampshire, and Mr. Inhofe):

S. 2676. A bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. Feingold, and Mr. Helms):

S. 2677. A bill to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe; to the Committee on Foreign Relations.

By Mr. BRYAN (for himself, Mr. Murkowski, Mr. Reid, and Mr. Allard):

S. 2678. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, and platinum, in either coin or bar, in the same manner as stocks and bonds for purposes of the maximum capital gain rate for individuals; to the Committee on Finance.

By Mr. DASCHLE (for Mr. BREAUX):

S. 2679. A bill to suspend temporarily the duty on stainless steel rail car body shells; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2680. A bill to authorize such sums as may be necessary for a Balkan Stabilization Conference as convened by the United States and to express the sense of Congress that the president should convene such a conference to consider all outstanding issues related to the execution of the Dayton Accords and the peace agreement with Serbia that ended Operation Allied Force; to the Committee on Foreign Relations.

By Mr. DASCHLE (for Mr. BREAUX):

S. 2681. A bill to suspend temporarily the duty on stainless steel rail care body shells; to the Committee on Finance.

By Mr. BIDEN (for himself and Mrs. BOXER):

S. 2682. A bill to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America; to the Committee on Foreign Relations.

By Ms. SNOWE:

S. 2683. A bill to deauthorize a portion of the project for navigation, Kennebunk River, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 2684. A bill to redesignate and reauthorize as anchorage certain portions of the project for navigation, Narraguagus River, Milbridge, Maine; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S.J. Res. 46. A joint resolution commemorating the 225th Birthday of the United States Army; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire:

S.J. Res. 47. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GORTON (for himself, Mr. FEINGOLD, Mr. ABRAHAM, Mrs. HUTCHISON, Mr. LIEBERMAN, and Mr. SESSIONS):

S. Con. Res. 119. A concurrent resolution commending the Republic of Croatia for the conduct of its parliamentary and presidential elections; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 2669. A bill to amend title 10, United States Code, to extend to persons over age 64 eligibility for medical care under CHAMPUS and TRICARE; to extend the TRICARE Senior Prime demonstration program in conjunction with the extension of eligibility under CHAMPUS and TRICARE to such persons, and for other purposes; to the Committee on Armed Services.

LEGISLATION REGARDING MEDICARE-ELIGIBLE MILITARY RETIREES

Mr. WARNER. Mr. President, today I am introducing a bill, S. 2669, to afford members the opportunity to examine the issues related to the complicated military medical program. We desire to change the existing program to encompass, in the future, retirees over age 65.

Beginning in World War II promises were made to military members that they and their families would be provided health care if they served a full career. Subsequent legislation was enacted which cut off medical benefits at age 65, leaving them to depend on the Medicare system, which has provided to be inefficient. This is a breach of promise made on behalf of our country to retirees who devoted a significant portion of their lives with careers in service to their country. I recognize with profound sorrow how we broke this promise to these retirees.

I have gone back and carefully examined these issues. There is no statutory foundation providing for entitlement to military health care benefits. It does not exist. It is a myth. But good faith representation was made to these members. Who made the commitment is irrelevant. I know personally that these representations were made. I served in the military and heard the same promises.

My Committee has made a determination, a bipartisan decision, that we would fix the issue of health care for our older retirees, this year. We have started with a series of bills, strengthening them as we went along, listening to those beneficiaries who use the system. The legislation I bring to the floor today repeals the restriction barring 65 and older military retirees and their families from continued access to the military health care system. If enacted, this legislation will provide an equal benefit for all military health care system beneficiaries, retirees, reservists, guardsmen and families. This puts all beneficiaries in the same class. It is fairly expensive, but we need to do it.

The legislation is a quantum leap over the provisions included in the Committee markup of the annual Defense bill. While the markup includes a comprehensive drug benefit regardless of age, the legislation goes further and provides uninterrupted access to complete health care services.

As a result of my initiatives, all military retirees, irrespective of age, will now enjoy the same health care benefit.

In Town Hall meetings, I have listened carefully to the health care concerns of military retirees—particularly those over age 65 who have lost their entitlement to health care within the current military health care system. The constant theme that runs through their requests is that, once they reach the point at which they are eligible for Medicare, they are no longer guaranteed care from the military health care system. This discriminatory characteristic of our current system—that has been in effect since 1964—reduces retiree medical benefits and requires a significant change in the manner in which health care is obtained at a point in the lives of our older military retirees when stability and confidence are most important. This bill, in effect, repeals the 1964 law.

The bill that I am proposing today would eliminate the current discrimination based on age and would permit military retirees and their dependents to be served by the military health care system throughout their lives. Under my proposal, it would not matter whether the military retiree is 47 years old or 77 years old. He or she will be covered by the military health care system while on active duty and throughout their retirement. No new systems will be required, although the existing military system may require assistance from the Congress to strengthen its ability to serve all retirees. This bill eliminates the confusing and ineffective transfer of funds from Medicare to the Department of Defense. Military retirees will not be required to pay the high cost of additional basic or supplemental insurance premiums to ensure their health care needs are met. Military readiness will not be adversely impacted and our commitment to those who served a full career will be fulfilled.

In order to permit the Department of Defense to plan for restoring the health care benefit to all retirees, my bill would be effective on October 1, 2001. While some may advocate an earlier effective date, it is simply not feasible to expand the medical coverage to the 1.8 million Medicare-eligible retirees overnight.

What is apparent to me is that the will of the Congress, reflecting the will of the Nation, is that now is the time to act on this issue. My bill would eliminate the discriminatory practice that caused concern among our military retirees and will restore full benefits of the military health care system to all retirees.

Access to military health care has reached a crisis point. With the reduction in the number of military hospitals and with the growth in the retiree population, addressing the health care needs of our older retirees has become increasingly difficult. These beneficiaries should be assured that their health care needs will be met. They were promised a healthcare benefit, they served to earn a benefit, and our country needs to fulfill the commitments that were made to them.

I am well aware of the legislative alternatives that have been proposed to address military retiree health care needs. I have struggled to examine the most acute needs of these beneficiaries and have struggled to develop a plan that equally benefits all our retirees, not just those fortunate enough to live near a military medical facility, or those fortunate enough to be selected through some sort of lottery to be allowed to participate in the various pilot programs now underway. My goal is to provide health care through a means that is available to all beneficiaries, in an equitable and complete manner.

As I have made it clear throughout the year, improving the military health care system has been the Committee's top quality of life initiative this year. My Committee has held hearings and listened to a variety of beneficiary representatives. I have traveled throughout my state and listened to the concerns of retirees. I conducted an extensive town hall meeting in Norfolk in March. I have met with many retirees and their representatives at my office, during my travels, and even in social settings. I have listened.

This extensive review has allowed me to examine carefully how to approach this issue. The number one priority I heard from retirees was the importance of access to pharmaceuticals. This inspired me to develop S. 2087, which provided a mail order pharmacy benefit for all military beneficiaries, including—for the first time—all Medicare eligible retirees. S. 2087 also addressed a number of other issues with the military health care system including some critical improvements to the TRICARE program for both active duty and retirees and their family members. I appreciate the bipartisan support of so many of my colleagues in crafting and introducing this critical first step.

In my many meetings with retirees, and through discussions with my colleagues, I came to understand the need to further enhance S. 2087. I proposed amendments to the budget resolution to increase the funding available to address retiree health care needs. Then, again with bipartisan support, I crafted a new piece of legislation which improved and enhanced the pharmacy provisions of the original legislation. With special assistance from Senator SNOWE and Senator KENNEDY, the new S. 2486 included an enhanced pharmacy benefit with no enrollment fees, that included both retail and mail order programs. This improved legislation addressed the major unmet need of retirees, access to pharmaceuticals, and provides an equitable benefit, one that is not discriminatory based on age. This legislation was included during Committee consideration of the Fiscal Year 2001 National Defense Authorization Bill, with the overwhelming support of Committee members.

The bill now before the Congress compliments my earlier efforts and those of the Committee. This bill, in conjunction with the provisions in the Defense Authorization Bill, would provide a complete health care benefit for all military retirees. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the bill and my statement be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS UPON THE ATTAINMENT OF 65 YEARS OF AGE.

(a) Eligibility of Medicare Eligible Persons.—Section 1086(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) The prohibition contained in paragraph (1) shall not apply to a person referred to in subsection (c) who—

"(A) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.); and

"(B) in the case of a person under 65 years of age, is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) or section 226A(a) of such Act (42 U.S.C. 426–1(a)).''; and

(2) in paragraph (4), by striking "paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph," and inserting "subparagraph (B) of paragraph (2) who do not satisfy the condition specified in subparagraph (A) of such paragraph".

(b) Extension of TRICARE Senior Prime Demonstration Program.—Paragraph (4) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended by striking "3-year period beginning on January 1, 1998" and inserting "period beginning on January 1, 1998, and ending on December 31, 2002".

(c) Repeal of Related Demonstration Program.—Section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2431; 10 U.S.C. 1079 note) is repealed.

(d) Effective Dates.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 2001.

(2) The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

By Mr. THOMAS:

S. 2670. A bill to amend chapter 8 of title 5, United States Code, to require major rules of agencies to be approved by Congress in order to take effect, and for other purposes; to the Committee on Governmental Affairs.

THE CONGRESSIONAL REGULATORY REVIEW REFORM ACT OF 2000

• Mr. THOMAS. Mr. President, I rise today to introduce legislation to curb Federal over-regulation by the executive branch of Government and to restore congressional accountability for the regulatory process.

The annual regulatory costs of the Federal Government on the private sector have been estimated to be $200–$800 billion annually. The pace and scope of over-regulation has accelerated under the Clinton Administration. For example, the IRS has tried to raise taxes administratively, the EPA has exceeded its authority with the Clean Water Action Plan and the National Park Service is trying to eliminate snowmobile use in our national parks, all without congressional authorization. Increasingly, we have found that this administration tries to advance through regulation and executive order an agenda it cannot get done through the normal legislative process. In fact, there are currently 137 major regulations in the works that will each have at least a $100 million cost. That means these new regulations will impose at least a $13.7 billion yearly impact on the economy.

Unfortunately, Congress has allowed this to happen. For years Congress has delegated its most fundamental responsibility—the creation of laws—to the executive branch. Consequently, rather than just enforce laws, these unelected bureaucrats now also write the laws. These regulatory bureaucracies have often been called the fourth branch of Government. This fourth branch has misinterpreted, undercut and directly contradicted the will of Congress time and time again. It is well past time to end this "regulation without representation."

As many of my colleagues know, Congress passed the Congressional Review Act in 1996 in an attempt to slow the executive regulatory machine. For the first time, this law established a process by which Congress can review and disapprove virtually all federal agency rules. Unfortunately, the promise of the Act has not been fulfilled.

Between 1996 and 1999, 12,269 non-major rules and 186 major rules were submitted to Congress by federal agencies. Only seven joint resolutions of disapproval were introduced, pertaining to five rules. None passed either House. In fact, none have even been debated on the floor of either House.

The legislation I introduce today will address the flaws in the Congressional Review Act and restore the proper balance between the congressional and executive branches when it comes to rule-making. The Congressional Regulatory Review Reform Act will require all major rules (those with a $100 million annual impact as defined by the Office of Management in consultation with GAO) to be approved by Congress before they take effect. If Congress disapproves a rule, an agency will be precluded from proposing the same or similar rule for a period of 6 months. A rule may be given interim effectiveness if the President determines and certifies that a rule should take effect because of an imminent threat to health and safety or emergency (this decision is not judicially reviewable). Finally, the president is authorized to establish, by executive order a program for the systematic review of agency rules.

I believe that congressional review and accountability for federal regulations will improve efficiency and lessen federal government intervention in the daily lives of the American people. Congress cannot allow the Executive Branch to continue to legislate through rules and regulations. Congress must be responsible. Congress must take back its constitutionally granted authority over the rule-making process.

This is not a partisan issue. Supreme Court Justice Stephen Breyer suggested this idea as long ago as 1984. Nor is the purpose of this legislation to overturn a great number of rules submitted by agencies. It is intended to increase incentives regulators have to respond to the views of the general public, rather than narrow interests and to make Congress and the president more politically accountable for the resulting rules.

Mr. President, I am hopeful my colleagues will join me in supporting this commonsense, good government reform.•

By Mr. ASHCROFT:

S. 2671. A bill to amend the Internal Revenue Code of 1986 to promote pension opportunities for women, and for other purposes; to the Committee on Finance.

THE PENSION OPPORTUNITIES FOR WOMEN'S EQUALITY IN RETIREMENT ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce the Pension Opportunities for Women's Equality in Retirement (POWER) Act of 2000. This legislation is important because the current tax code often fails to give women—especially women who take time off to raise children—sufficient opportunities to earn a large enough pension to guarantee their financial security in retirement.

The facts demonstrate that women need help in building pensions for their future. In America today, two-thirds of women over 65 have no pension other than Social Security. This translates into 300,000 women in my home state of Missouri and 14 million women nationwide. At the same time, the median income from assets for women age 65 and over is only $860 a year. Retirement is often compared to a three-legged stool, with the three legs being pensions, savings, and Social Security. Now, everyone knows what happens to a three legged stool when one of the legs is missing: it falls over. But these statistics shows that many, too many, American women are trying to manage their retirements on only one leg of the stool.

As a result of the lack of pensions and relatively low savings among American women, older women are twice as likely as older men to be living near or below the federal poverty threshold. Further, the poverty rates for widows, divorced women, and never-married women are significantly higher than the rate for all elderly women. The 20 million elderly American women—including 440,000 in Missouri—carry an extremely high risk of poverty.

The causes for this risk can be found in the tax code and pension rules. One of the key elements of pension building is called vesting. Employees cannot build pension assets until they vest, or serve at a particular job for a redetermined amount of time, often 5 years. Employers have a perfectly good reason for vesting requirements—they want to encourage job stability—and there is no inherent bias in these requirements. But the effect of these requirements is to make it harder for women to build up pension assets. The reason for this is that the median job tenure for women is 3.8 years, well below the median job tenure for men, as well as the 5 years most pension plans require for vesting.

Another problem women face is that 59 percent of women have not figured out how much they need to save for retirement. When workers, men and women alike, are younger, they are frequently not thinking of how much they need to save for retirement. Younger workers are concerned with mortgages, school loans, children's needs. When these workers get older, and start thinking about retirement, they often increase the amount of money they will put away for retirement. Unfortunately women, who have often spent less time in the workplace, have less time in which to make the required 'catch-up' contributions that will help create a stable and secure retirement. This process is made even harder by existing rules that limit the amounts of the catch-up contributions.

Given the difficulties women, especially unmarried women, face in their retirement years, I believe that it is time for the Congress to step up and to ensure that retirement security law provides for higher contribution limits for working women, easier catch-up to make up for years women missed in the labor force, and increased portability of pensions.

The POWER Act of 2000 will do three major things: First, the bill will increase contribution limits, allowing workers to contribute more money to retirement accounts during their working years, thereby ensuring that their retirements will be more secure.

For workers who are over fifty, the bill allows additional pension contributions of up to 50 percent more than allowed under current law. This provision is particularly helpful to women who leave the labor force to raise their children, and then want to "catch-up" when they are older by increasing their contributions in the years leading up to retirement. This bill also requires employers to vest employees earlier, so that women, who have shorter average job tenures, can accrue pension benefits earlier.

The bill's third section eases portability of pensions among workers who switch jobs. The bill eases rollovers and requires that rollovers apply to all retirement plans. In addition, the bill extends pension rollovers to include post-tax as well as pre-tax distributions, and calls for the post-tax distributions to be accounted for separately.

These provisions are not controversial. They have all passed both the Senate and the House of Representatives as part of the Taxpayer Refund and Relief Act. President Clinton vetoed that earlier bill. I disagree with the President, but he is entitled to his opinion. On these provisions, however, it is impossible to claim that these female-friendly provisions will cost too much money. The provisions in this bill will help all workers save more for retirement, and develop larger pensions for their golden years.

This bill will particularly help women, who face a much greater risk of poverty. While the POWER Act will help both women and men save for retirement, it will correct specific pension inequalities in the current law that particularly hurt women. Missouri's nearly 900,000 working women certainly will benefit through enhanced opportunities to create financial security for retirement. In Missouri, 65 percent of working age women are in the paid labor force. According to the Missouri Women's Council, only 26 percent of older women receive a pension, compared with 47 percent of men. In addition, the pensions that women do receive are significantly less than those of men—$4,200 for women, on average, compared with $7,800 for men.

I hope that the Senate will take quick action on this matter, to help American women provide for safe and secure retirements.

By Mrs. FEINSTEIN:

S. 2672. A bill to provide for the conveyance of various reclamation projects to local water authorities; to the Committee on Energy and Natural Resources.

THE SUGAR PINE DAM AND RESERVOIR CONVEYANCE ACT

• Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today which will provide for the transfer of the Sugar Pine Dam and Reservoir Project in the Central Valley Project to the Forest Hills Public Utility District. I continue to support the transfer of the Bureau of Reclamation projects to the local water districts which operate and benefit from them.

This bill is important in one other way. The language in this bill will correct the financial inequity that affects

CVP beneficiaries. Some of the costs of constructing Bureau of Reclamation projects have been allocated to other CVP contractors even though the projects have never been operationally integrated into the CVP. Thus, Irrigation and Municipal and Industrial (M&I) contractors such as Contra Costa Water District, East Bay MUD, Santa Clara Valley Water District, Sacramento MUD, City of Fresno and a number of others have incurred substantial costs without ever receiving any benefit.

This bill has the bipartisan support of Congressman GEORGE MILLER and JOHN DOOLITTLE in the House. And I can think of no opposition to assisting Forest Hills Public Utility District and other M&I contractors with this legislation.●

By Mr. REID:

S. 2673. A bill to direct the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries, to the Committee on Energy and Natural Resources.

THE EUREKA COUNTY CEMETERY CONVEYANCE ACT

Mr. REID. Mr. President, I rise today to introduce the Eureka County Cemetery Conveyance Act.

The settlement of Beowawe, Nevada was destination and home to pioneers that settled the isolated high desert of the central Great Basin. The inhabitants of this community set aside a specific community cemetery to provide the final resting place for friends and family who passed away. The early settlers established and managed the cemetery in the late 1800's. The Beowawe cemetery is on land currently managed by the Bureau of Land Management (BLM).

The site of these historic cemetery was established prior to the creation of the BLM as an agency. The BLM was created in 1946. Under current law, the agency must sell the encumbered land at fair market value to this community. My bill provides for conveyance of this cemetery to Eureka County, at no cost. It is unconscionable to me that this community would have to buy their ancestors back from the Federal government.

I sincerely hope that members of Congress recognize the benefit to the local community that the conveyances would provide and pass this legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the historical use by settlers and travelers since the late 1800's of the cemetery known as "Maiden's Grave Cemetery" in Beowawe, Nevada, predates incorporation of the land on which the cemetery is situated within the jurisdiction of the Bureau of Land Management; and

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

SEC. 2. CONVEYANCE TO EUREKA COUNTY, NEVADA.

(a) CONVEYANCE.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary"), shall convey, without consideration, subject to valid existing rights, to Eureka County, Nevada (referred to in this section as the "county"), all right, title, and interest of the United States in and to the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the parcel of public land (including any improvements on the land) known as "Maiden's Grave Cemetery", consisting of approximately 10 acres and more particularly described as S1/2NE1/4SW1/4SW1/4, N1/2SE1/4SW1/4SW1/4 of section 10, T.31N., R.49E., Mount Diablo Meridian.

(c) USE OF LAND.—

(1) IN GENERAL.—The county shall continue the use of the parcel conveyed under subsection (a) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has discontinued the use of the parcel conveyed under subsection (a) as a cemetery, title to the parcel shall revert to the Secretary.

(d) RIGHT-OF-WAY.—At the time of the conveyance under subsection (a), the Secretary shall grant the county a right-of-way allowing access for persons desiring to visit the cemetery and other cemetery purposes over an appropriate access route.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 2674. A bill to amend title 5, United States Code to provide for realignment of the Department of Defense workforce; to the Committee on Governmental Affairs.

THE DEPARTMENT OF DEFENSE CIVILIAN WORKFORCE REALIGNMENT ACT OF 2000

● Mr. VOINOVICH. Mr. President, the Federal Government is facing a little-known, yet serious problem that jeopardizes its ability to provide services to the American people—a crisis in human capital. The federal workforce has endured years of downsizing, hiring freezes, and inadequate investment in the dedicated men and women who comprise the federal civil service. As a result, the Federal Government is ill-equipped to compete with the private sector for a new generation of technology-savvy workers to replace the nearly 900,000 "baby boomers" who will be eligible for retirement from the civil service in the next 5 years.

To meet that challenge, I rise today to introduce legislation, along with my friend and colleague from Ohio, Senator MIKE DEWINE, that will help one critical department of our Federal Government—the Department of Defense—get a head start in addressing its future workforce needs. Our bill, the "Department of Defense Civilian Workforce Realignment Act of 2000," provides the Department of Defense with greater flexibility to adequately manage its civilian workforce and align its human capital to meet the demands of the post-cold-war environment.

During the last decade, the Department of Defense underwent a massive civilian workforce downsizing program that saw a cut of more than 280,000 positions. In addition, the Defense Department—like other federal departments—was subject to hiring restrictions. Taken together, these two factors have inhibited the development of mid-level career, civilian professionals; the men and women who serve a vital role in the management and development of our nation's military. The extent of this problem is exhibited in the fact that right now, the Department is seriously understaffed in certain key occupations, such as computer experts and foreign language specialists. The lack of such professionals has the potential to affect the Defense Department's ability to respond effectively and rapidly to military threats to our nation.

The need to address the pending human capital crisis in the federal workforce is increasingly apparent, as more and more leaders acknowledge that our past policies did not consider future federal workforce needs. Indeed, in testimony before the Oversight of Government Management Subcommittee, which I chair, the head of the General Accounting Office, Comptroller General David Walker, stated, "(I)n cutting back on the hiring of new staff in order to reduce the number of their employees, agencies also reduced the influx of new people with the new competencies needed to sustain excellence."

The bill that Senator DEWINE and I are introducing today will help respond to these concerns by giving the Department of Defense the assistance it needs to shape the "skills mix" of the current workforce in order to address shortfalls brought about by years of downsizing. Our bill will also help the Department meet its needs for new skills in emerging technological and professional areas.

Another area of concern for the Department of Defense—as well as many other federal agencies—is the serious demographic challenges that exist in its workforce. The average Defense Department employee is 45 years old, and more than a third of the Department's workforce is age 51 or older. In the Department of the Air Force, for example, 45 percent of the workforce will be eligible for either regular retirement or early retirement by 2005.

Wright-Patterson Air Force Base in Dayton, OH, is an excellent example of the demographic challenge facing military installations across the country. Wright-Patterson is the headquarters of the Air Force Materiel Command, and employs 22,700 civilian federal workers. By 2005, 60 percent of the Base's civilian workforce will be eligible for either regular retirement or early retirement. Although a mass exodus of all retirement-eligible employees is not anticipated, there is a genuine concern that a significant portion of the Wright-Patterson civilian workforce, including hundreds of key leaders and employees with crucial expertise, could decide to retire, leaving the remaining workforce without experienced leadership and absent essential institutional knowledge.

This combination of factors poses a serious challenge to the long-term effectiveness of the civilian component of the Defense Department, and by implication, the national security of the United States.

Military base leaders, and indeed the entire Defense establishment, need to be given the flexibility to hire new employees so they can begin to develop another generation of civilian leaders and employees who will be able to provide critical support to our men and women in uniform.

That is the purpose of the legislation we are introducing today. The Department of Defense Civilian Workforce Realignment Act addresses the current imbalance between the federal workforce and the skills needed to run the Federal Government in the 21st century, as well as the age imbalance between new employees and the potential mass retirement of senior public employees in the next 5 years. If we wait for this "retirement bubble" to burst before we begin to hire new employees, then not only will we be woefully understaffed in a number of key areas, but we will have fewer seasoned individuals left in the federal workforce who can provide training and mentoring.

The provisions in our bill will allow the Defense Department to conduct a smoother transition by bringing new employees into the Department over the next 5 years. The new employees will have the opportunity to work with and learn from their more experienced colleagues, and invaluable institutional knowledge will be passed along.

While this proposal does not address all of the human capital needs of the Defense Department, it will help ensure that the Department of Defense recruits and retains a quality civilian workforce so that our Armed Forces may remain the best in the world. It is extremely important to the future vitality of the Department's civilian workforce and the national security of the United States that we address the human capital crisis while we have the opportunity. I urge my colleagues to support this legislation.

Thank you, Mr. President. I ask unanimous consent that the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Defense Civilian Workforce Realignment Act of 2000".

SEC. 2. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPARATIONS IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking "September 30, 2001" and inserting "September 30, 2005".

SEC. 3. EXTENSION, REVISION, AND EXPANSION OF AUTHORITIES FOR USE OF VOLUNTARY SEPARATION INCENTIVE PAY AND VOLUNTARY EARLY RETIREMENT.

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 5597 of title 5, United States Code, is amended by striking "September 30, 2003" and inserting "September 30, 2005".

(b) REVISION AND ADDITION OF PURPOSES FOR DEPARTMENT OF DEFENSE VSIP.—Subsection (b) of such section is amended by inserting after "transfer of function," the following: "restructuring of the workforce (to meet mission needs, to achieve one or more strength reductions, to correct skill imbalances, or to reduce the number of high-grade, managerial, or supervisory positions),".

(c) INSTALLMENT PAYMENTS.—Subsection (d) of such section is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) shall be paid in a lump-sum or in installments;";

(2) by striking "and" at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting "; and"; and

(4) by adding at the end the following:

"(5) if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government as described in subsection (g)(1).".

SEC. 4. DEPARTMENT OF DEFENSE EMPLOYEE VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of title 5, United States Code, is amended—

(1) in subsection (d)(2), by inserting "except in the case of an employee described in subsection (o)(1)," after "(2)"; and

(2) by adding at the end the following:

"(o)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

"(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

"(i) is separated from the service involuntarily other than for cause; and

"(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

"(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

"(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

"(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment, as determined by the Secretary of Defense.

"(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

"(C) The employee is serving under an appointment that is not limited by time.

"(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

"(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

"(i) One or more organizational units.

"(ii) One or more occupational groups, series, or levels.

"(iii) One or more geographical locations.

"(iv) Any other similar criteria that the Secretary of Defense determines appropriate.

"(4) The determinations necessary for establishing the eligibility of a person for an immediate annuity under paragraph (2) or (3) shall be made in accordance with regulations prescribed by the Secretary of Defense.

"(5) In this subsection, the term 'major organizational adjustment' means any of the following:

"(A) A major reorganization.

"(B) A major reduction in force.

"(C) A major transfer of function.

"(D) A workforce restructuring—

"(i) to meet mission needs;

"(ii) to achieve one or more reductions in strength;

"(iii) to correct skill imbalances; or

"(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended—

(1) in subsection (b)(1)(B), by inserting "except in the case of an employee described in subsection (d)(1)," after "(B)"; and

(2) by adding at the end the following:

"(d)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

"(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

"(i) is separated from the service involuntarily other than for cause; and

"(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

"(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

"(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

"(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment, as determined by the Secretary of Defense.

"(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

"(C) The employee is serving under an appointment that is not limited by time.

"(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

"(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

"(i) One or more organizational units.

"(ii) One or more occupational groups, series, or levels.

"(iii) One or more geographical locations.

"(iv) Any other similar criteria that the Secretary of Defense determines appropriate.

"(4) The determinations necessary for establishing the eligibility of a person for an immediate annuity under paragraph (2) or (3) shall be made in accordance with regulations prescribed by the Secretary of Defense.

"(5) In this subsection, the term 'major organizational adjustment' means any of the following:

"(A) A major reorganization.

"(B) A major reduction in force.

"(C) A major transfer of function.

"(D) A workforce restructuring—

"(i) to meet mission needs;

"(ii) to achieve one or more reductions in strength;

"(iii) to correct skill imbalances; or

"(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.".

(c) CONFORMING AMENDMENTS.—(1) Section 8339(h) of such title is amended by striking out "or (j)" in the first sentence and inserting "(j), or (o)".

(2) Section 8464(a)(1)(A)(i) of such title is amended by striking out "or (b)(1)(B)" and ", (b)(1)(B), or (d)".

(d) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section—

(1) shall take effect on October 1, 2000; and

(2) shall apply with respect to an approval for voluntary early retirement made on or after that date.

SEC. 5. RESTRICTIONS ON PAYMENTS FOR ACADEMIC TRAINING.

(a) SOURCES OF POSTSECONDARY EDUCATION.—Subsection (a) of section 4107 of title 5, United States Code, is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by adding at the end the following:

"(3) any course of postsecondary education that is administered or conducted by an institution not accredited by a national or regional accrediting body (except in the case of a course or institution for which standards for accrediting do not exist or are determined by the head of the employee's agency as being inappropriate), regardless of whether the course is provided by means of classroom instruction, electronic instruction, or otherwise.".

(b) WAIVER OF RESTRICTION ON DEGREE TRAINING.—Subsection (b)(1) of such section is amended by striking "if necessary" and all that follows through the end and inserting "if the training provides an opportunity for an employee of the agency to obtain an academic degree pursuant to a planned, systematic, and coordinated program of professional development approved by the head of the agency.".

(c) CONFORMING AND CLERICAL AMENDMENTS.—The heading for such section is amended to read as follows:

"§ 4107. Restrictions".

(3) The item relating to such section in the table of sections at the beginning of chapter 41 of title 5, United States Code, is amended to read as follows:

"4107. Restrictions.".

SEC. 6. STRATEGIC PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a strategic plan for the exercise of the authorities provided or extended by the amendments made by this Act. The plan shall include an estimate of the number of Department of Defense employees that would be affected by the uses of authorities as described in the plan.

(b) CONSISTENCY WITH DOD PERFORMANCE AND REVIEW STRATEGIC PLAN.—The strategic plan submitted under subsection (a) shall be consistent with the strategic plan of the Department of Defense that is in effect under section 306 of title 5, United States Code.

(c) APPROPRIATE COMMITTEES.—For the purposes of this section, the appropriate committees of Congress are as follows:

(1) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

(2) The Committee on Armed Services and the Committee on Government Reform of the House of Representatives.●

Mr. DEWINE. Mr. President, today Senator VOINOVICH and I are introducing the Department of Defense Civilian Workforce Realignment Act of 2000. This legislation is designed to give the Department of Defense some of the administrative flexibility it needs to shape the civilian workforce to meet the tremendous national defense challenges that face our nation well into this century.

My colleague from Ohio and I, along with our Ohio colleagues in the House, Mr. HOBSON and Mr. HALL have been working on this issue for almost two years. What has fostered this bipartisan unity is the current workforce situation at Wright-Patterson Air Force Base in Dayton, Ohio. What we have seen there is a rather large microcosm of a current and growing problem that affects the civilian workforce throughout our defense infrastructure. At Wright-Patterson, this problem threatens to diminish significantly the pool of talented experts in critical research and development fields. As I have often said, Wright-Patterson is the brain power behind our air power, and is the central reason why our Air Force is second to none in technological and aeronautical superiority.

Wright-Patterson has already lost a significant number of people who constituted that brain power as a result of Cold War downsizing. In the last decade alone, 8,000 positions at Wright-Patterson have been lost. For the entire Department of Defense, approximately 280,000 positions were lost during the same period. At the same time we were downsizing, hiring restrictions prevented the Defense Department from establishing a foundation of younger innovators. In short, the combination of downsizing, retirement, and a hiring freeze has left a shallow talent pool of young skilled workers.

The statistics tell the story. Today, for example, nearly one out of 10 civilian workers at Wright-Patterson's Aeronautical Systems Center are under the age of 35, while more than one-third of the workforce is over the age of 50. In less than five years, more than half of this workforce will be eligible for retirement, but only 2.5 percent will be under the age of 35. This trend is typical for all civilian functions at Wright-Patterson.

The Department of Defense Civilian Workforce Realignment Act would extend, revise and expand the Defense Department's limited authority to use voluntary incentive pay and voluntary early retirement. Our bill would allow for the Department to utilize the added authority to restructure the civilian workforce to meet missions needs and to correct skill imbalances. Given the significant numbers of eligible federal retirees the Department will face in just a few short years, this legislation would give the Department the ability to better manage this extraordinary transition period. Just as important, this smoother transition period would allow for better and more effective development of our younger workers, who will have a better chance to learn and gain from the expertise of the older generation of innovators.

The legislation we are introducing, fundamentally for Wright-Patterson Air Force Base, is about maintaining technological superiority. That superiority is the foundation of future Air Force dominance in the skies. It's that simple. Weakening that foundation places the lives of our pilots and the security of our nation at risk. Our legislation is a positive step toward rebuilding and strengthening that foundation with an investment in those who will make tomorrow's discoveries and breakthroughs that will keep our pilots safe and our nation secure.

I am pleased that the Department of the Air Force and the Department of Defense have expressed the need for workforce realignment legislation. I believe the legislation Senator VOINOVICH and I are introducing today will meet the concerns they have expressed not just to us, but also to other members of the House and Senate.

I want to thank Senator VOINOVICH for his efforts and leadership on his legislation, and also want to extend my appreciation to his staff, especially Aric Newhouse and Andrew Richardson, for their hard work. The Miami Valley community also has been of great help in demonstrating the importance of this issue not just to Wright-Patterson but also to the entire region and the nation.

I urge my colleagues to support this legislation.

By Ms. SNOWE (for herself and Ms. MIKULSKI):

S. 2675. A bill to establish an Office on Women's Health within the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

WOMEN'S HEALTH OFFICE ACT OF 2000

• Ms. SNOWE. Mr. President, I rise today to introduce the Women's Health Office Act of 2000 and I am pleased to be joined on this legislation by my friend and colleague, Senator BARBARA MIKULSKI. Companion legislation to this bill has been introduced in the House by Congresswomen CONNIE MORELLA and CAROLYN MALONEY.

The Women's Health Office Act of 2000 provides permanent authorization for offices of women's health in five federal agencies: the Department of Health and Human Services (HHS); the Centers for Disease Control and Prevention (CDC); the Agency for Health Care Research and Quality (AHRQ); the Health Resources and Services Administration (HRSA); and the Food and Drug Administration (FDA).

Currently, only two women's health offices in the federal government have statutory authorization: the Office of Research on Women's Health at the National Institutes of Health (NIH) and the Office for Women's Services within the Substance Abuse and Mental Health Services Administration (SAMHSA).

For too many years, women's health care needs were ignored or poorly understood, and women were systematically excluded from important health research. One famous medical study on breast cancer examined hundreds of men. Another federally-funded study examined the ability of aspirin to prevent heart attacks in 20,000 medical doctors, all of whom were men, despite the fact that heart disease is the leading cause among women.

Today, Members of Congress and the American public understand the importance of ensuring that both genders benefit equally from medical research and health care services. Unfortunately, equity does not yet exist in health care, and we have a long way to go. Knowledge about appropriate courses of treatment for women lags far behind that for men for many diseases. For years, research into diseases that predominantly affect women, such as breast cancer, went grossly underfunded. And many women do not have access to reproductive and other vital health services.

Throughout my tenure in the House and Senate, I have worked hard to expose and eliminate this health care gender gap and improve women's access to affordable, quality health services. Ten years, ago, as co-chairs of the Congressional Caucus for Women's Issues (CCWI), Representative Pat Schroeder and I, along with Representative HENRY WAXMAN, called for a GAO investigation into the inclusion of women and minorities in medical research at the National Institutes of Health.

This study documented the widespread exclusion of women from medical research, and spurred the Caucus to introduce the first Women's Health Equity Act (WHEA) in 1990. This comprehensive legislation provided Congress with its first broad, forward-looking health agenda designed to redress the historical inequities that face women in medical research, prevention and services.

Three years later Congress enacted legislation mandating the inclusion of women and minorities in clinical trials at NIH through the National Institutes of Health Revitalization Act of 1993 (P.L. 103-43). Also included in the NIH Revitalization Act was language establishing the NIH Office of Research on Women's Health—language based on my original Office of Women's Health bill that was introduced in the 104th Congress.

And yet, despite all the progress that we have made, there is still a long way to go on women's health care issues. Last month, the GAO released a report—a ten-year update—on the status of women's research at NIH ("NIH Has Increased Its Efforts to Include Women in Research," published on May 2, 2000). This report found that since the first GAO report and the 1993 legislation, NIH has made significant progress toward including women as subjects in both intramural and external clinical trials.

However, the report notes that the Institutes have made less progress in implementing the requirement that certain clinical trials be designed and carried out to permit valid analysis by sex, which could reveal whether interventions affect women and men differently. The GAO found that NIH researchers will include women in their trials—but then they will either not do analysis on the basis of sex, or if no difference was found, they will not publish the sex-based results.

NIH has done a good job of improving participation of women in clinical trials, but our commitment to women's health this is not about quotas and numbers. It is about real scientific advances that will improve our knowledge about women's health. At a time when we are on track to double funding for NIH, it is troubling that the agency has still failed to fully implement both its own guidelines and Congress's directive for sex-based analysis. And as a result, women continue to be shortchanged by federal research efforts.

The crux of the matter is that NIH's problems exist despite the fact that it has an Office of Women's Health that is codified in law. If NIH is having problems, imagine the difficulties we will have in continuing the focus on women's health in offices that don't have this legislative mandate, and that may change focus with a new HHS Secretary or Agency Director.

Offices of Women's Health across the Public Health Service are charged with coordinating women's health activities and monitoring progress on women's health issues within their respective agencies, and they have been successful in making federal programs and policies more responsive to women's health issues. Unfortunately, all of the good work these offices are doing is not guaranteed in Public Health Service authorizing law. Providing statutory authorization for federal women's health offices is a critical step in ensuring that women's health research will continue to receive the attention it requires in future years.

Codifying these offices of women's health is important for several reasons: First, it re-emphasizes Congress's commitment to focusing on women's health. Second, it ensures that Agencies will enact Congress's intent with good faith. Finally, it ensures that appropriations will be available in future years to fulfill these commitments.

By statutorily creating Offices of Women's Health, the Deputy Assistant Secretary for Women's Health will be able to better monitor various Public Health Service agencies and advise them on scientific, legal, ethical and policy issues. Agencies would establish a Coordinating Committee on Women's Health to identify and prioritize which women's health projects should be conducted. This will also provide a mechanism for coordination within and across these agencies, and with the private sector. But most importantly, this bill will ensure the presence of enduring offices dedicated to addressing the ongoing needs and gaps in research policy, programs, and education and training in women's health.

Improving the health of American women requires a far greater understanding of women's health needs and conditions, and ongoing evaluation in the areas of research, education, prevention, treatment and the delivery of services. I urge my colleagues to join Senator MIKULSKI and me in supporting this legislation, to help ensure that women's health will never again be a missing page in America's medical textbook.●

● Ms. MIKULSKI. Mr. President, I rise to join my good friend and colleague, Senator SNOWE, to introduce the Women's Health Office Act of 2000. I'm pleased to join Senator SNOWE in introducing this bill because it establishes an important framework to address women's health within the Department of Health and Human Services (DHHS).

Historically, women's health needs were ignored or inadequately addressed by the medical establishment and the government. It is really only in the last ten years that the health of women has begun to receive more attention. A 1990 General Accounting Office (GAO) report acknowledged the historical pattern of neglect of women in health research, and especially the exclusion of women as research subjects in many clinical trials. This was unacceptable. Women make up half or more of the population and must be adequately included in clinical research. That's why I fought to establish the Office of Research on Women's Health (ORWH) at the National Institutes of Health (NIH) ten years ago. We needed to ensure that women were included in clinical research, so that we would know how treatments for a particular disease or condition would affect women. Would men and women react the same way to a particular treatment for heart disease? We had no way of knowing because women were not being included in clinical trials.

While the ORWH began its work in 1990, I wanted to ensure that it stayed at NIH and had the necessary authority to carry out its mission of ensuring that women were included in clinical research. That's why I authored legislation in 1990 and 1991 to formally establish the ORWH in the Office of the Director of NIH. These provisions were later enacted into law in the NIH Revitalization Act of 1993.

Last year, Senator HARKIN, Senator SNOWE, and I requested that GAO examine how well the NIH and ORWH was carrying out the mandates under the NIH Revitalization Act of 1993. The results were mixed. While NIH had made substantial progress in ensuring the inclusion of women in clinical research, it had made less progress in encouraging the analysis of study findings by sex. This means that women are being included in clinical trials, but we are not able to fully reap the benefits of inclusion because analysis of how interventions affect men and women is not being done. While the NIH is taking steps to address this, we are missing information from research done over the last few years about how the outcomes of the research varied or not for men and women.

NIH is but one agency in the DHHS. Other agencies in DHHS do not even have women's health offices. How are these other agencies addressing women's health? Only NIH and the Substance Abuse and Mental Health Services Administration (SAMHSA) have statutory authorization for offices dedicated to women's health. Other agencies in HHS have a hodgepodge of women's health offices or advisors/coordinators, some of whom have experienced cuts in their funding. For example, funding for the Food and Drug Administration's (FDA) Office of Women's Health has decreased from $2 million in Fiscal Year 1995 to $1.6 million in Fiscal Year 2000. In addition, funding for the Centers for Disease Control and Prevention's (CDC) Office of Women's Health was cut more than 10% between Fiscal Year 1999 and Fiscal Year 2000.

I believe we need a consistent and comprehensive approach to address the needs of women's health in the DHHS. This bill that I join Senator SNOWE in introducing today would do just that. The Women's Health Office Act of 2000 would provide authorization for women's health offices in DHHS, CDC, the FDA, the Agency for Healthcare Research and Quality (AHRQ), and the Health Resources and Serivces Administration (HRSA).

This legislation establishes an important framework and build on existing efforts. The HHS Office on Women's Health would take over all functions which previously belonged to the current Office of Women's Health of the Public Health Service. The HHS Office would be headed by a Deputy Assistant Secretary for Women's Health who would also chair an HHS Coordinating Committee on Women's Heath. The responsibilities of the HHS Office would include establishing short and long-term goals, advising the Secretary of HHS on women's health issues, monitoring and facilitating coordination and stimulating HHS activities on women's health, establishing a national Women's Health Information Center to facilitate exchange of and access to women's health information, and coordinating private sector efforts to promote women's health.

Under this legislation, the Offices of Women's Health in CDC, FDA, HRSA, and AHRQ would be housed in the office of the head of each agency and be headed by a Director appointed by the head of the respective agency. The offices would assess the current level of activity on women's health in the agency; establish short-term and long-term goals for women's health and coordinate women's health activities in the agency; identify women's health projects to support or conduct; consult with appropriate outside groups on the agency's policy regarding women; serve on HHS' Coordinating Committee on Women's Health; and establish and head a coordinating committee on women's health within the agency to identify womens' health needs and make recommendations to the head of the agency. The FDA office would also have specific duties regarding women and clinical trials. All the offices, including the HHS Office beginning no later than Jan. 31. 2002, would submit a report every two years to the appropriate Congressional committees documenting activities accomplished. In addition, the bill authorizes appropriations for all the offices through 2005

I believe that this bill will establish a valuable and consistent framework for addressing women's health in the Department of Health and Human Services. It will help to ensure that women's health research will continue to have the resources it needs in the coming years. This bill is a priority of the Women's Health Research Coalition. The Coalition is comprised of nearly three dozen academic centers, voluntary health associations and membership organizations with a strong focus on women's health research and gender-based biology. I encourage my colleagues to join Senator SNOWE and myself in supporting and cosponsoring this important legislation for women.●

By Mr. HUTCHINSON (for himself, Mr. GREGG, Mr. ENZI, Mr. HAGEL, Mr. SESSIONS, Mrs. HUTCHISON, Mr. KYL, Mr. NICKLES, Mr. HELMS, Mr. ALLARD, Mr. SMITH of New Hampshire, and Mr. INHOFE):

S. 2676. A bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

LEGISLATION REGARDING INFLATION ADJUSTMENTS TO MANDATORY JURISDICTION THRESHOLDS OF THE NATIONAL LABOR RELATIONS BOARD

● Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INFLATION ADJUSTMENTS TO MANDATORY JURISDICTION THRESHOLDS OF NATIONAL LABOR RELATIONS BOARD.

Section 14(c)(1) of the National Labor Relations Act (29 U.S.C. 164(c)(1)) is amended to read as follows:

"(c)(1)(A) MANDATORY JURISDICTION.—The Board shall assert jurisdiction over any labor dispute involving any class or category of employers over which it would assert jurisdiction under the standards prevailing on August 1, 1959, with the financial threshold amounts adjusted for inflation under subparagraph (B).

"(B) INFLATION ADJUSTMENTS.—The Board, beginning on October 1, 2000, and not less often than every 5 years thereafter, shall adjust each of the financial threshold amounts referred to in subparagraph (A) for inflation, using as the base period the later of (i) the most recent calendar quarter ending before the financial threshold amount was established, or (ii) the calendar quarter ending June 30, 1959. The inflation adjustments shall be determined using changes in the Consumer Price Index for all urban consumers published by the Department of Labor and shall be rounded to the nearest $10,000. The Board shall prescribe any regulations necessary for making the inflation adjustments.''.

[From the Dallas Morning News, Apr. 28, 2000]

MIKE HUCKABEE: GOVERNMENT'S FLAWED PURSUIT OF MICROSOFT

(By Mike Huckabee, Governor of Arkansas)

As a lifelong Southerner, I am proud our region is known for its hospitality and common sense. It seems the Justice Department could use a little of both in the handling of its antitrust suit against the Microsoft Corp.

When Federal Judge Thomas Penfield Jackson recently issued his ruling, he gave credence to the flawed logic upon which the government has built its case.

That flawed logic should have precluded the federal government from bringing the case in the first place. Washington bureaucrats shouldn't be in the business of choosing winners and losers in the private sector. That responsibility belongs to consumers.

The government's theory behind the case is that America's high-technology industry has been victimized by Microsoft's stifling competition and squelching innovation. Every piece of the federal government's theory is an insult to the free-enterprise system and the will of consumers.

First, there is no more competitive industry in the world than America's high-tech market. That is as true today as it was before the federal government's five-year, $30 million attempt to regulate free enterprise. There are thousands of companies selling software products today, far more than at the start of the trial.

And in the time since the federal government and 19 state attorneys general filed their suit, America's technology industry has produced one-third of the nation's economic growth.

Those facts hardly would support the government's characterization of the information technology industry as a shell of its former self.

As for innovation, consider the change in the simple matter of personal computing since 1995. In 1995, the personal computer was just starting to have its potential realized with the development—among other innovations—of Windows 95. Just as Windows 95 has since been rendered obsolete by Microsoft itself, so now is the debate beginning about the future of the personal computer as we know it. Many believe the PC soon will be replaced by Internet-based appliances in phones, televisions and hand-held computing devices. The technology industry in 2000 looks nothing like it did in 1995.

Just as many of the technologies of the mid-'90s now are obsolete, so are the issues the government has raised in this case. The high-tech market has moved—and will continue to move—too quickly for any government to keep tabs on it through regulation. By the time federal bureaucrats get around to fixing rules, the market will change them. That is the way of the new economy, built on competition, innovation and customer service.

The federal government's case against Microsoft attacks all three principles.

Instead of the self-regulating competition that has enabled Microsoft to lead the technology industry to its current heights, the government favors either breaking up the company or regulating away its freedom to innovate and compete. The federal government's "remedy" would insert bureaucrats into the technology market in ways never before imagined. Those Washington bureaucrats would be involved in questions of product design and marketing. That would empower pencil-pushing Beltway bureaucrats to second-guess innocent computer programmers and entrepreneurs: The new arrangement would enable regulators to pick winners and losers in the marketplace, stripping consumers of their rights.

In a free market, it is consumers, not bureaucrats, who should control the destinies of individual industries and companies. In response to consumers' influence over the market, companies have lowered prices, created new products and focused on customer services. The government's scheme would negate those market forces. It also would preclude the industry and the government from working together to bridge the digital divide, since the industry probably would be forced to raise prices to account for new regulatory compliance costs. Higher prices would prohibit low-income families from enjoying newer technologies, so poor families would remain behind the technological curve.

The Justice Department has wasted the taxpayers' money and attacked the interests of consumers, from the case's inception to the intentional failure of government lawyers to settle the case to the reckless breakup scheme it hatched to punish Microsoft. The suit is a deliberate attempt by the government to circumvent the economic authority of consumers and entrepreneurs in the free market. It seems the least the federal government could show the American people would be a little bit of hospitality and common sense on this issue.•

By Mr. FRIST (for himself and Mr. FEINGOLD):

S. 2677. A bill to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe; to the Committee on Foreign Relations.

LEGISLATION TO PROMOTE POLITICAL AND ECONOMIC REFORM IN ZIMBABWE

• Mr. FRIST. Mr. President, on its surface, the turmoil and death toll of Zimbabwe's brutal farm invasions is an economic and racial battle. At its core, it is an engineered effort to distract from the government's assault on a besieged democratic opposition movement. The crisis in Zimbabwe has profound implications for Africa far beyond the killings and lawlessness necessary to sustain it. It has the potential to fundamentally compromise the future of the entire region and the United States' most basic interests there. But it is a crisis which we are ill-prepared to address, and time is not on our side.

President Robert Mugabe's orchestration and blessing of the invasions of predominantly white-owned commercial farms—the backbone of Zimbabwe's export economy—by so-called war veterans is actually a shrewd maneuver to disguise behind the veil of a racial drama his relentless attack on the democratic institutions and rule of law in Zimbabwe. By successfully casting the issue as one of race rather than his own lawlessness. President Mugabe has paralyzed the very forces which should otherwise call his bluff.

Most notable among the paralyzed are other African heads of state—and Kofi Annan. The deliberate introduction of a racial element to the controversy has left them in an untenable position: if they dare criticize behavior they find outrageous or even dangerous, they would seemingly side against black Africans on behalf of "colonial" whites. Thus neighboring heads of state—some of whom have shown great commitment to democracy and racial reconciliation in their own countries—are unhappily muted, even seemingly compelled to support President Mugabe's antics.

Yet the near paralysis of the United States is of greatest concern. Over 10,000 Zimbabwean troops from the thin green line which keeps Laurent Kabila in power in the Democratic Republic of Congo. The volatile Kabila, in turn, determines whether or not the war in Congo ends peacefully—a goal to which the administration has staked considerable political capital during "the month of Africa" at the United Nations. Thus, President Mugabe has presented us with a ludicrous choice between support for democracy in Zimbabwe and the chance to prevent Kabila from plunging Congo back into full scale war. The United States is frozen lest we provoke them.

Relatively small Zimbabwe's ability to direct the fate of Congo and the entire central African region is testament to its weight on the continent and why its internal chaos is reason for great concern. Zimbabwe can be a force for good or bad in southern Africa, the region which will in turn, drive either the progress or further demise of the entire continent south of the Sahara. Zimbabwe is currently a driving force for its demise. The best chance to reverse that is through support for the democratic forces challenging a leader whose increasingly destructive acts imperil the continent. The United States' policy imperative in Zimbabwe could not be clearer, but we are seemingly unprepared to take the necessary steps to aggressively defend democracy and our national interests.

First, the United States must be willing to "decouple" our support for democracy in Zimbabwe from the war in Congo. As in any hostage situation, you never let the captor dictate the terms. That will require commitment of considerable political capital and diplomatic muscle. It will require taking some necessary risks.

Second, the United States should not wait until after ballots are cast for parliament on June 24 and 25 to declare whether the elections were "free and fair" or even "flawed but representative." The government's attempt to steal the election now through violence, intimidation, and brazen manipulation of procedures are in daily news reports. Silence on that point makes us accomplices in its attempts to maintain its grip on power and false pretense of democracy. More insidious, the world is helping to pave the way for the same deception and violence in the critical 2002 presidential elections by essentially demonstrating how little we expect when it comes to democracy in Africa. It stands in shameful contrast to our expectations and actions in South Africa in 1994.

Third, we must explicitly link international financial support and cooperation with Zimbabwe to the fate of its democratic institutions. With the virtual end of support from international lending institutions and economic aid, we have precious few "sticks" at our disposal. The "carrots" are real, through. We must use them to communicate that democracy brings immediate benefits and to entice and generously shore up any gains made, including progress on real land reform. In the 20 years since independence, land reform, which is broadly supported in Zimbabwe and among donors, has been slow and has benefitted ruling party insiders.

It is critical that the United States be clear about its support for peaceful democratic transition in Zimbabwe. That fact must be communicated to the Zimbabwean government in no uncertain terms, and to the Zimbabwean people. They should know that we back them in their struggle for democracy.

But it must be more than just words. The United States should be prepared to meet the needs of those fighting for democracy, and to be there to assist them should they have the opportunity to govern.

Mr. President, to that end, Senators FEINGOLD and HELMS have joined me in introducing the Zimbabwe Democracy Act. The legislation contains several critical democratic support mechanisms which we should act quickly to put in place.

First, it unequivocally states the policy of the United States is to support the people of Zimbabwe in their struggles to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

It suspends bilateral assistance to the government of Zimbabwe; suspends any debt reduction measures for the government of Zimbabwe; and instructs the U.S. executive directors of the multilateral lending institutions to vote against the extension of any credit or benefits to the government of Zimbabwe until rule of law and democratic institutions are restored.

It includes explicit exceptions for humanitarian, health and democracy support programs. It authorizes a legal assistance fund for individuals and institutions which are suffering under the breakdown of rule of law. The legal fees for torture victims, independent media supporting free speech and other democratic institutions challenging election results or undemocratic laws can be paid from the funds.

It provides new authority for broadcasting of objective and reliable news to listeners in Zimbabwe.

It doubles next year's funding for democracy programs in Zimbabwe.

It expresses the sense of the Senate that the United States should support election observers to the parliamentary and presidential elections.

It prepares the United States to act decisively to support democracy. If the President certifies to Congress that rule of law has been restored, freedom of speech and association is respected, free elections have been conducted, Zimbabwe is pursuing an equitable and legal land reform program, and the army is under civilian control, a series of programs to support democratic transition and aggressively promote economic recovery are initiated:

Suspended assistance is restored.

The Secretary of Treasury is directed to undertake a review of Zimbabwe's bilateral debt for the purposes of elimination of that debt to the greatest extent possible.

It directs the U.S. executive directors at the multilateral institutions to propose and support programs for the elimination of Zimbabwe's multilateral debt, and that those institutions initiate programs to support rapid economic recovery and the stabilization of the Zimbabwe dollar.

It allocates an initial US$16 million for alternative land reform programs under the Inception Phase of the Land Reform and Resettlement Program—including acquisition and resettlement costs.

It directs the establishment of a "Southern Africa Finance Center" in Zimbabwe which will serve as a joint office for the Export-Import Bank, the Overseas Private Investment Corporation, and the Trade Development Agency to pursue, facilitate and underwrite American private investment in Zimbabwe and the region.

Mr. President, the future stability of Zimbabwe is in the United States national interest. That future is dependent on the viability of the democratic legal and economic institutions in Zimbabwe which are currently under assault. It is clear that the United States must support those individuals and institutions, both during the current assaults and especially if they gain in elections.

This legislation offers clear support for democratic institutions and the rule of law now, and it provides aggressive future United States economic and institutional support for a transition to democracy, including real land reform based on equitable distribution and title to the land.

In the end, President Mugabe may simply dismiss all international and internal pressure. He has both the power to do so and increasingly seems to have the inclination, despite the costs. Even so, the United States cannot be intimidated or compromised. We must act decisively and quickly to support the democratic institutions upon which he is waging war. It is upon the fate of those institutions and individuals which so much of Africa's future depends.●

By Mr. BIDEN (for himself and Mrs. BOXER):

S. 2682. A bill to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America; to the Committee on Foreign Relations.

LEGISLATION REGARDING THE VOICE OF AMERICA/AFRICA ARCHIVES

● Mr. BIDEN. Mr. President, today I am introducing, along with Senator BOXER, a bill to authorize the Broadcasting Board of Governors to make available to a private entity archival materials from the Africa Division of the Voice of America. This bill is also being introduced today in the other body by Representative CYNTHIA MCKINNEY, who initiated this proposal and asked me to introduce the Senate version of the bill.

The bill authorizes the Broadcasting Board of Governors to make available to the Institute for Media Development, a non-profit organization, archival materials of the Africa Division of the Voice of America (VOA). These materials, currently stored at the VOA in analog form, will be put into modern digital form and made available to scholars through the University of California, Los Angeles, and any other institution of higher learning approved by the Board.

I believe this is a very useful public-private partnership that will result in a positive benefit to scholars of African studies. As I am sure my colleagues are aware, the Voice of America is not broadcast in the United States. Programs which may be of interest to students and scholars of African politics, history, literature and foreign policy are often inaccessible. Moreover, there is no systematic means, much less the funds, to make such archival material available. And once the programs are aired, there is no guarantee that the analog tape on which they are recorded will be preserved. History may literally be lost, if news shows and interviews with prominent figures in various African countries are not preserved. Storing these recordings in a central archive should prove invaluable in years to come.

There will be no cost to the U.S. Government. The bill requires that the government be reimbursed for any expenses it incurs in making such materials available, and for the indemnification of the government in the event that the materials are used in a manner that violates the copyright laws of the United States. I would not anticipate that such copyright violations will occur, because the bill also makes clear that materials made available may be used only for academic and research purposes and may not be used for public or commercial broadcast purposes.

I am pleased that the chairman of the Committee on Foreign Relations has agreed to place this legislation on the agenda of the committee later this week. I hope the Committee, and then the full Senate, will give its approval.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF CERTAIN MATERIALS OF THE VOICE OF AMERICA.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to the provisions of this Act, the Broadcasting Board of Governors (in this Act referred to as the "Board") is authorized to make available to the Institute for Media Development (in this Act referred to as the "Institute"), at the request of the Institute, previously broadcast audio and video materials produced by the Africa Division of the Voice of America.

(2) DEPOSIT OF MATERIALS.—Upon the request of the Institute and the approval of the Board, materials made available under paragraph (1) may be deposited with the University of California, Los Angeles, or such other appropriate institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is approved by the Board for such purpose.

(3) SUPERSEDES EXISTING LAW.—Materials made available under paragraph (1) may be provided notwithstanding section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) and section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a).

(b) LIMITATIONS.—

(1) AUTHORIZED PURPOSES.—Materials made available under this Act shall be used only for academic and research purposes and may not be used for public or commercial broadcast purposes.

(2) PRIOR AGREEMENT REQUIRED.—Before making available materials under subsection (a)(1), the Board shall enter into an agreement with the Institute providing for—

(A) reimbursement of the Board for any expenses involved in making such materials available;

(B) the establishment of guidelines by the Institute for the archiving and use of the materials to ensure that copyrighted works contained in those materials will not be used in a manner that would violate the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(C) the indemnification of the United States by the Institute in the event that any use of the materials results in violation of the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(D) the authority of the Board to terminate the agreement if the provisions of paragraph (1) are violated; and

(E) any other terms and conditions relating to the materials that the Board considers appropriate.

(c) CREDITING OF REIMBURSEMENTS TO BOARD APPROPRIATIONS ACCOUNT.—Any reimbursement of the Board under subsection (b) shall be deposited as an offsetting collection to the currently applicable appropriation account of the Board.

SEC. 2. TERMINATION OF AUTHORITY.

The authority provided under this Act shall cease to have effect on the date that is 5 years after the date of enactment of this Act.●

By Ms. SNOWE:

S. 2683. A bill to deauthorize a portion of the project for navigation, Kennebunk River, Maine; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 2684. A bill to redesignate and reauthorize as anchorage certain portions of the project for navigation, Narraguagus River, Milbridge, Maine; to the Committee on Environment and Public Works.

LEGISLATION REGARDING MAINE RIVER NAVIGATION PROJECTS

● Ms. SNOWE. Mr. President, I rise today to introduce two bills that are important to my State of Maine. The first piece of legislation pertains to the Narraguagus River dredge in Milbridge and will reauthorize former Corps project areas so as to design a portion of the 11-foot channel as anchorage. The town has provided the Corps with harbor use data that indicates that the 11-foot channel need only be dredged to 9 feet.

I have already requested $30,000 for FY01 Energy and Water appropriations to complete plans and specifications for a maintenance dredge of the 11-, 9-, and 6-foot channel, from Narraguagus Bay to the town landings and the 6-foot anchorages in Milbridge. The project serves the important commercial fishing and lobstering fleet, acquaculture operations, and fish packing facility, and a small recreational fleet.

The second bill concerns the Kennebunk River in Kennebunkport that deauthorizes a small elongated section of the Federal Navigation Channel. Not only would this allow much needed moorings from a nearby marina to remain where they have been positioned, but most importantly, the deauthorization would be the last piece needed so that the important dredge project can go forward.

This is a very active channel, Mr. President, and the dredge is extremely important for the safe passage not only for fishermen, but also for the tour boats, transporting up to 150 people, which go in and out of the busy harbor area throughout the spring, summer and fall months. Anyone who has been to the "Port" during the heavy tourist season can tell you it is a very popular attraction, particularly the tour boat trips that take tourists out past the breakwater for a view of the Maine coastline. The New England District Corps has given its approval for the deauthorization as has the town and the Joint River Commission.

I look forward to the speedy passage of these two non-controversial bills separately and to support their inclusion into legislation reauthorizing the Water Resources Development Act, or WRDA, for which passage is being considered in this Congress.●

By Mr. THURMOND:

S.J. Res. 46. A joint resolution commemorating the 225th birthday of the United States Army; to the Committee on the Judiciary.

COMMEMORATING JUNE 6, 2000, AS THE UNITED STATES ARMY'S 225TH BIRTHDAY

Mr. THURMOND. Mr. President, today on the anniversary of D-Day, June 6th, 1944, I have the great privilege to introduce a joint resolution honoring the United States Army on its 225th birthday.

Before there was a United States of America, there was an American Army, born on June 14th, 1775. On the town square of Cambridge, Massachusetts, a small group of American colonists came together to form an army, under the authority of the Continental Congress. This June 14th, we will look back over those 225 years and see clearly that the forming of the colonial Army was the prelude to the birth of our nation. As the Army's slogan for this commemoration says, it was the "Birth of an army and the birth of freedom."

Like Members of this body, to be a soldier is to believe in something other than what we can achieve for ourselves as individuals. I am proud to help celebrate the Army birthday, marking more than two centuries of selfless service to the United States of America. More than 42 million Americans have raised their right hands to take an oath, both in times of crisis and in times of peace.

As I introduce this resolution, I ask that each of you, please join me next month to extend the heartfelt thanks of this Congress to each and every soldier for their outstanding service to our nation!

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

Mr. DURBIN. Mr. President, I want to take a moment to note that Senator THURMOND, who took the floor and introduced a joint resolution commending our Armed Forces, is someone who should also be commended personally today. This is the 56th anniversary of Senator THURMOND's landing in the D-Day invasion.

As we consider the construction of the museum in New Orleans, LA, to pay tribute to those soldiers and all those involved in the D-Day invasion, we should take a moment on the floor of the Senate to pay tribute to our colleague from South Carolina, who had such a distinguished career in the military. It is almost inconceivable to think he was there as a volunteer to fly a glider into the D-Day invasion—probably one of the more dangerous assignments of the men and women in uniform who made that invasion such a success. The fact that he is here today is a tribute to not only his longevity, but his continued dedication to this country.

On behalf of a generation—frankly, I wasn't born when that occurred but have been the beneficiary of that victory—I say to my colleague from South Carolina that we are in deepest debt to him for his personal service to this country, and for his courage in participating in that D-Day invasion. I commend not only him but also all of those who made that invasion such a success, and hope that on this 56th anniversary all of the people involved, and their families who waited expectantly to hear the results of that invasion, will be remembered in the thoughts and prayers of every American family.

Mr. THURMOND. Mr. President, I thank the Senator for his kind words. I would do it again, if necessary.

Mr. DURBIN. There is no doubt in the mind of any Member of the Senate that Senator THURMOND would volunteer again, as he just promised that he would. I thank the Senator again.

S.J. RES. 46

Whereas on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas the collective expression of the pursuit of personal freedom that caused the authorization and organization of the United States Army led to our Nation's Declaration of Independence and the codification of our basic principles and values in the Constitution of the United States;

Whereas for the past 225 years, our Army's central purpose has been to fight and win wars that were typically fought and won on distant, foreign battlefields, while at home, the Army provided for the Nation's security;

Whereas whatever the mission, the Nation turns to its Army for decisive victory, regardless of whether those are measured in the defeat of foreign Army forces or the timely delivery of humanitarian assistance at home or abroad;

Whereas the 172 battle streamers carried on the Army's flag are testament to the valor, commitment, and sacrifice of those who have served and fought under its banner;

Whereas Valley Forge, New Orleans, Mexico City, Gettysburg, Verdun, Bataan, Normandy, Pusan, Ia Drang Valley, Grenada, Panama, and Kuwait are but a few of the places where American soldiers have won extraordinary distinction and respect for our Nation and our Army;

Whereas "Duty, Honor, Country" are more than mere words, they are the creed by which the American soldier lives and serves;

Whereas while no one can predict the cause, location, or magnitude of future battles, there is one certainty — American soldiers of character, selflessly serving the Nation, will continue to be the credentials of our Army;

Whereas the Army is prepared to answer the Nation's call, and such calls have been increasing in number and disparity in recent years;

Whereas the threats are less distinct and less predictable than the past, but more complex and just as real and dangerous;

Whereas our Army, the world's most capable and respected ground force, is in the midst of an unparalleled transformation as it prepares for the new challenges of the next century and a different world;

Whereas future forces will be prepared to conduct quick, decisive, highly sophisticated operations anywhere, anytime; and

Whereas our Army will be ready to fight and win our Nation's call to service at home and abroad: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) recognizes the valor, commitment, and sacrifice that American soldiers have made throughout the history of the Nation;

(2) commends the United States Army and American soldiers for 225 years of selfless service; and

(3) calls upon the President to issue a proclamation recognizing the 225th birthday of the United States Army and calling upon the people of the United States to observe that anniversary with appropriate ceremonies and activities.

By Mr. SMITH of New Hampshire:

S.J. Res. 47. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Finance.

LEGISLATION REGARDING THE TRADE ACT OF 1974 WITH RESPECT TO VIETNAM

• Mr. SMITH of New Hampshire. Mr. President, I rise to introduce a resolution concerning our trade relationship with the Socialist Republic of Vietnam. On June 2, 2000, the President of the United States formally recommended a waiver of the application of the Trade Act of 1974 with respect to Vietnam. I am deeply troubled by the President's decision to grant this waiver in light of Vietnam's continuing poor record on human rights. One need only look at the 1999 U.S. State Department report on human rights practices in Vietnam to recognize that the Vietnamese Government once again has failed to meet recognized standards with respect to such fundamental rights as freedom of emigration, freedom of speech and freedom of religion, to name only a few, which are so often taken for granted in our great country.

I would like to quote from this revealing report to emphasize my point. The State Department declared the following regarding Vietnam: "The Government's human rights record remained poor; . . . and serious problems remain . . . The Government continued to repress basic political and some religious freedoms and to commit numerous abuses . . . the Government arbitrarily arrested and detained citizens, including detention for peaceful expression of political and religious views . . . The Government significantly restricts freedom of speech, the press, assembly, and association . . . The Government restricts freedom of religion and significantly restricts the operation of religious organizations other than those entities approved by the State . . . Citizens' access to passports frequently was constrained by factors outside the law, such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities or on the officials' perception that an applicant did not meet program criteria or in order to extort a bribe." The list of violations outlined by our State Department goes on, but I will stop here.

Mr. President, the resolution I have introduced keeps faith with the original Congressional intent of the Trade Act of 1974. Our dedication to fundamental human rights must be resolute, even when it means one powerful interest group or another does not get its way. Unfortunately, the President's decision to grant this waiver once again undermines the United States' longstanding dedication to human rights and sends a message to the rest of the world that the United States is more interested in profits over principles. Finally, rewarding Communist Vietnam by allowing U.S. tax dollars to subsidize business operations in Hanoi, while at the same time their leaders hold back key POW/MIA records from the war, is a disgrace to the men and women who valiantly served our country and were honored just last week on Memorial Day. This Presidential waiver should be overturned by the Congress, as is our right under the law.•

ADDITIONAL COSPONSORS

S. 459

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 620

At the request of Mr. SARBANES, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 656

At the request of Mr. REED, the names of the Senator from Rhode Island (Mr. L. CHAFEE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 784

At the request of Mr. ROCKEFELLER, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 818

At the request of Mr. DEWINE, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1110

At the request of Mr. LOTT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1110, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering.

S. 1159

At the request of Mr. STEVENS, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Georgia (Mr. CLELAND), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1227

At the request of Mr. L. CHAFEE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1227, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes.

S. 1446

At the request of Mr. LOTT, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1487

At the request of Mr. AKAKA, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Idaho (Mr. CRAPO), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1709

At the request of Mr. KYL, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1709, a bill to provide Federal reimbursement for indirect costs relating to the incarceration of illegal aliens and for emergency health services furnished to undocumented aliens.

S. 1716

At the request of Mr. TORRICELLI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1716, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

S. 1717

At the request of Mr. BOND, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1717, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1851

At the request of Mr. CAMPBELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1851, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs.

S. 1883

At the request of Mr. BINGAMAN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1941

At the request of Mr. DODD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 2003

At the request of Mr. JOHNSON, the names of the Senator from Missouri, (Mr. ASHCROFT) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2061

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2062

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2078

At the request of Mr. BUNNING, the name of the Senator from New Mexico, (Mr. BINGAMAN) was added as a cosponsor of S. 2078, a bill to authorize the President to award a gold medal on behalf of Congress to Muhammad Ali in recognition of his outstanding athletic accomplishments and enduring contributions to humanity, and for other purposes.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from Michigan

(Mr. LEVIN) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Missouri (Mr. BOND), the Senator from Florida (Mr. GRAHAM), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

2308

At the request of Mr. MOYNIHAN, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2311

At the request of Mr. JEFFORDS, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Oregon (Mr. SMITH), the Senator from Missouri (Mr. BOND), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2311, supra.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2311, supra.

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2322

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts, (Mr. KERRY) was added as a cosponsor of S. 2322, a bill to amend title 37, United States Code, to establish a special subsistence allowance for certain members of the uniformed services who are eligible to receive food stamp assistance, and for other purposes.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2357

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2365, a bill to amend title XVII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2390

At the request of Mr. DEWINE, the name of the Senator form Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2390, a bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2413

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

At the request of Mr. CAMPBELL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2413, supra.

S. 2459

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2514

At the request of Mr. GRAMS, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2514, a bill to improve benefits for members of the reserve components of the Armed Forces and their dependants.

S. 2519

At the request of Mr. VOINOVICH, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2519, a bill to authorize compensation and other benefits for employees of the Department of Energy, its contractors, subcontractors, and certain vendors who sustain illness or death related to exposure to beryllium, ionizing radiation, silica, or hazardous substances in the performance of their duties, and for other purposes.

S. 2585

At the request of Mr. GRAHAM, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from New York (Mr. SCHUMER), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Security Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2586

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2586, a bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes.

S. 2589

At the request of Mr. JOHNSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2589, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under the Act, and for other purposes.

S. 2601

At the request of Mr. ASHCROFT, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 2601, a bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of an employee any employer provided home computer and internet access.

S. 2617

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2617, a bill to lift the trade embargo on Cuba, and for other purposes.

S. 2621

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2621, a bill to continue the current prohibition of military cooperation with the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions are being met.

S. 2625

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Missouri (Mr. BOND) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2625, a bill to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations.

S. CON. RES. 53

At the request of Mrs. FEINSTEIN, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Con. Res. 53, a concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States.

S. CON. RES. 113

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

S. CON. RES. 118

At the request of Mr. HELMS, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. Con. Res. 118, a concurrent resolution commemorating the 60th anniversary of the execution of Polish captives by Soviet authorities in April and May 1940.

S. RES. 260

At the request of Mr. BOND, the names of the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Res. 260, a resolution to express the sense of the Senate that the Federal investment in programs that provide health care services to uninsured and low-income individuals in medically under served areas be increased in order to double access to care over the next 5 years.

SENATE CONCURRENT RESOLUTION 119—COMMENDING THE REPUBLIC OF CROATIA FOR THE CONDUCT OF ITS PARLIAMENTARY AND PRESIDENTIAL ELECTIONS

Mr. GORTON (for himself, Mr. FEINGOLD, Mr. ABRAHAM, Mrs. HUTCHISON, Mr. LIEBERMAN, and Mr. SESSIONS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 119

Whereas the fourth Croatian parliamentary elections, held on January 3, 2000, marked Croatia's progress toward meeting its commitments as a participating state of the Organization on Security and Cooperation in Europe (OSCE) and as a member of the Council of Europe;

Whereas Croatia's third presidential elections were conducted smoothly and professionally and concluded on February 7, 2000, with the landslide election of Stipe Mesic as the new President of the Republic of Croatia;

Whereas the free and fair elections in Croatia, and the following peaceful and orderly transfer of power from the old government to the new, is an example of democracy to the people of other nations in the region and a major contribution to the democratic development of southeastern Europe; and

Whereas the people of Croatia have made clear that they want Croatia to take its rightful place in the family of European democracies and to develop a closer and more constructive relationship with the Euro-Atlantic community of democratic nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the people of the Republic of Croatia are to be congratulated on the successful elections and the outgoing Government of Croatia is to be commended for the democratic standards with which it managed the elections;

(2) the United States should support the efforts of the new Government of Croatia to increase its work on refugee return, privatization reform, media reform, and further cooperation with the International Criminal Tribunal for Former Yugoslavia (ICTY) to set an example to other countries in the region;

(3) the Congress strongly supports Croatia's commitment to democracy and will give its full support to the efforts of the new Government of Croatia to fully implement democratic reforms;

(4) the United States should continue to promote Croatian-American economic, political, and military relations and to recognize Croatia as a loyal partner in south central Europe; and

(5) taking into consideration Croatia's contributions as a committed partner in the region, the Congress recommends establishing a strategic partnership with the Republic of Croatia and supports the serious consideration of Croatia's candidacy for membership in the North Atlantic Treaty Organization's Partnership for Peace program and its candidacy for accession into the World Trade Organization.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

WARNER (AND OTHERS) AMENDMENT NO. 3173

Mr. WARNER (for himself, Mr. LOTT, Mr. HUTCHINSON, Mr. THURMOND, Mr. INHOFE, Ms. SNOWE, Mr. KERRY, Mrs. HUTCHISON, and Mr. MURKOWSKI) proposed an amendment to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike sections 701 through 704 and insert the following:

SEC. 701. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS UPON THE ATTAINMENT OF 65 YEARS OF AGE.

(a) ELIGIBILITY OF MEDICARE ELIGIBLE PERSONS.—Section 1086(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) The prohibition contained in paragraph (1) shall not apply to a person referred to in subsection (c) who—

"(A) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.); and

"(B) in the case of a person under 65 years of age, is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) or section 226A(a) of such Act (42 U.S.C. 426–1(a)).''; and

(2) in paragraph (4), by striking "paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph," and inserting "subparagraph (B) of paragraph (2) who do not satisfy the condition specified in subparagraph (A) of such paragraph".

(b) EXTENSION OF TRICARE SENIOR PRIME DEMONSTRATION PROGRAM.—Paragraph (4) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended by striking "3-year period beginning on January 1, 1998" and inserting "period beginning on January 1, 1998, and ending on December 31, 2002".

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on October 1, 2001.

(2) The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2001

COLLINS AMENDMENTS NOS. 3174–3178

(Ordered to lie on the table.)

Ms. COLLINS submitted five amendments intended to be proposed by her to the bill (S. 2593) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

AMENDMENT NO. 3174

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the total amount appropriated by title II under the heading "AIRCRAFT PROCUREMENT, ARMY" for the procurement of C-212 short takeoff and landing, fixed-wing aircraft, $15,000,000 may be used for the procurement of C-212 short takeoff and landing, fixed-wing aircraft for the Army National Guard for the use of Special Forces Groups of the Army National Guard.

AMENDMENT NO. 3175

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. In addition to other amounts appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", there is hereby appropriated for the purposes under that heading $2,000,000: *Provided*, That such amount shall be available for continued design and analysis under the reentry systems applications program for the advanced technology vehicle.

AMENDMENT NO. 3176

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. In addition to other amounts appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", there is hereby appropriated for the purposes under that heading $6,000,000: *Provided*, That such amount shall be available for the initial production of units of the ALGL/STRIKER to facilitate early fielding of the ALGL/STRIKER to special operations forces.

AMENDMENT NO. 3177

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. In addition to other amounts appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", there is hereby appropriated for the purposes under that heading $2,000,000: *Provided*, That such amount shall be available for the Marine Corps advanced technology demonstration program for the delivery of the prototype units of the ALGL/STRIKER for testing and evaluation by the Marine Corps that, except for this section, would otherwise be an unfunded requirement of the Marine Corps.

AMENDMENT NO. 3178

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. In addition to other amounts appropriated by title III under the heading "PROCUREMENT, DEFENSE-WIDE", there is hereby appropriated for the purposes under that heading $7,000,000: *Provided*, That such amount shall be available for the procurement of the integrated bridge system for special warfare rigid inflatable boats under the Special Operations Forces Combatant Craft Systems program.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

McCAIN AMENDMENT NO. 3179

Mr. McCAIN proposed an amendment to the bill, S. 2549, supra; as follows:

On page 206, between lines 15 and 16, insert the following:

SEC. 610. SPECIAL SUBSISTENCE ALLOWANCE FOR MEMBERS ELIGIBLE TO RECEIVE FOOD STAMP ASSISTANCE.

(a) ALLOWANCE.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

"§ 402a. Special subsistence allowance

"(a) ENTITLEMENT.—(1) Upon the application of an eligible member of a uniformed service described in subsection (b), the Secretary concerned shall pay the member a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance.

"(2) In determining the eligibility of a member to receive food stamp assistance for purposes of this section, the amount of any special subsistence allowance paid the member under this section shall not be taken into account.

"(b) COVERED MEMBERS.—An enlisted member referred to in subsection (a) is an enlisted member in pay grade E–5 or below.

"(c) TERMINATION OF ENTITLEMENT.—The entitlement of a member to receive payment of a special subsistence allowance terminates upon the occurrence of any of the following events:

"(1) Termination of eligibility for food stamp assistance.

"(2) Payment of the special subsistence allowance for 12 consecutive months.

"(3) Promotion of the member to a higher grade.

"(4) Transfer of the member in a permanent change of station.

"(d) REESTABLISHED ENTITLEMENT.—(1) After a termination of a member's entitlement to the special subsistence allowance under subsection (c), the Secretary concerned shall resume payment of the special subsistence allowance to the member if the Secretary determines, upon further application of the member, that the member is eligible to receive food stamps.

"(2) Payments resumed under this subsection shall terminate under subsection (c) upon the occurrence of an event described in that subsection after the resumption of the payments.

"(3) The number of times that payments are resumed under this subsection is unlimited.

"(e) DOCUMENTATION OF ELIGIBILITY.—A member of the uniformed services applying for the special subsistence allowance under this section shall furnish the Secretary concerned with such evidence of the member's eligibility for food stamp assistance as the Secretary may require in connection with the application.

"(f) AMOUNT OF ALLOWANCE.—The monthly amount of the special subsistence allowance under this section is $180.

"(g) RELATIONSHIP TO BASIC ALLOWANCE FOR SUBSISTENCE.—The special subsistence allowance under this section is in addition to the basic allowance for subsistence under section 402 of this title.

"(h) FOOD STAMP ASSISTANCE DEFINED.—In this section, the term 'food stamp assistance' means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

"(i) TERMINATION OF AUTHORITY.—No special subsistence allowance may be made under this section for any month beginning after September 30, 2005.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:

"402a. Special subsistence allowance.".

(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

(c) ANNUAL REPORT.—(1) Not later than March 1 of each year after 2000, the Comptroller General of the United States. shall submit to Congress a report setting forth the number of members of the uniformed services who are eligible for assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(2) In preparing the report, the Comptroller General shall consult with the Secretary of Defense, the Secretary of Transportation (with respect to the Coast Guard), the Secretary of Health and Human Services (with respect to the commissioned corps of the Public Health Service), and the Secretary of Commerce (with respect to the commissioned officers of the National Oceanic and Atmospheric Administration), who shall provide the Comptroller General with any information that the Comptroller General determines necessary to prepare the report.

(3) No report is required under this subsection after March 1, 2005.

McCAIN AMENDMENTS NOS. 3180–3182

(Ordered to lie on the table.)

Mr. McCAIN submitted three amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

AMENDMENT NO. 3180

On page 206, between lines 15 and 16, insert the following:

SEC. 610. RESTRUCTURING OF BASIC PAY TABLES FOR CERTAIN ENLISTED MEMBERS.

(a) IN GENERAL.—The table under the heading "ENLISTED MEMBERS" in section 601(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 105–65; 113 Stat. 648) is amended by striking the amounts relating to pay grades E–7, E–6, and E–5 and inserting the amounts for the corresponding years of service specified in the following table:

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–7	1,765.80	1,927.80	2,001.00	2,073.00	2,148.60
E–6	1,518.90	1,678.20	1,752.60	1,824.30	1,899.40
E–5	1,332.60	1,494.00	1,566.00	1,640.40	1,715.70
	Over 8	Over 10	Over 12	Over 14	Over 16
E–7	2,277.80	2,350.70	2,423.20	2,495.90	2,570.90
E–6	2,022.60	2,096.40	2,168.60	2,241.90	2,294.80
E–5	1,821.00	1,893.00	1,967.10	1,967.60	1,967.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E–7	2,644.20	2,717.50	2,844.40	2,926.40	3,134.40

ENLISTED MEMBERS—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-6	2,332.00	2,332.00	2,335.00	2,335.00	2,335.00
E-5	1,967.60	1,967.60	1,967.60	1,967.60	1,967.60

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall take effect as of October 1, 2000, and shall apply with respect to months beginning on or after that date.

AMENDMENT NO. 3181

On page 236, between lines 6 and 7, insert the following:

SEC. 646. POLICY ON INCREASING MINIMUM SURVIVOR BENEFIT PLAN BASIC ANNUITIES FOR SURVIVING SPOUSES AGE 62 OR OLDER.

It is the sense of Congress that there should be enacted during the 106th Congress legislation that increases the minimum basic annuities provided under the Survivor Benefit Plan for surviving spouses of members of the uniformed services who are 62 years of age or older.

SEC. 647. SURVIVOR BENEFIT PLAN ANNUITIES FOR SURVIVORS OF ALL MEMBERS WHO DIE ON ACTIVE DUTY.

(a) ENTITLEMENT.—(1) Subsection (d)(1) of section 1448 of title 10, United States Code, is amended to read as follows:

"(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

"(A) a member who dies on active duty after—

"(i) becoming eligible to receive retired pay;

"(ii) qualifying for retired pay except that he has not applied for or been granted that pay; or

"(iii) completing 20 years of active service but before he is eligible to retire as a commissioned officer because he has not completed 10 years of active commissioned service; or

"(B) a member not described in subparagraph (A) who dies on active duty, except in the case of a member whose death, as determined by the Secretary concerned—

"(i) is a direct result of the member's intentional misconduct or willful neglect; or

"(ii) occurs during a period of unauthorized absence.".

(2) The heading for subsection (d) of such section is amended by striking "RETIREMENT-ELIGIBLE".

(b) AMOUNT OF ANNUITY.—Section 1451(c)(1) of such title is amended to read as follows:

"(1) IN GENERAL.—In the case of an annuity provided under section 1448(d) or 1448(f) of this title, the amount of the annuity shall be determined as follows:

"(A) BENEFICIARY UNDER 62 YEARS OF AGE.—If the person receiving the annuity is under 62 years of age or is a dependent child when the member or former member dies, the monthly annuity shall be the amount equal to 55 percent of the retired pay imputed to the member or former member. The retired pay imputed to a member or former member is as follows:

"(i) Except in a case described in clause (ii), the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died.

"(ii) In the case of a deceased member referred to in subparagraph (A)(iii) or (B) of section 1448(d)(1) of this title, the retired pay to which the member or former member would have been entitled if the member had been entitled to that pay based upon a retirement under section 1201 of this title (if on active duty for more than 30 days when the member died) or section 1204 of this title (if on active duty for 30 days or less when the member died) for a disability rated as total.

"(B) BENEFICIARY 62 YEARS OF AGE OR OLDER.—

"(i) GENERAL RULE.—If the person receiving the annuity (other than a dependent child) is 62 years of age or older when the member or former member dies, the monthly annuity shall be the amount equal to 35 percent of the retired pay imputed to the member or former member as described in clause (i) or (ii) of the second sentence of subparagraph (A).

"(ii) RULE IF BENEFICIARY ELIGIBLE FOR SOCIAL SECURITY OFFSET COMPUTATION.—If the beneficiary is eligible to have the annuity computed under subsection (e) and if, at the time the beneficiary becomes entitled to the annuity, computation of the annuity under that subsection is more favorable to the beneficiary than computation under clause (i), the annuity shall be computed under that subsection rather than under clause (i).".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000, and shall apply with respect to deaths occurring on or after that date.

SEC. 648. FAMILY COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) INSURABLE DEPENDENTS.—Section 1965 of title 38, United States Code, is amended by adding at the end the following:

"(10) The term 'insurable dependent', with respect to a member, means the following:

"(A) The member's spouse.

"(B) A child of the member for so long as the child is unmarried and the member is providing over 50 percent of the support of the child.".

(b) INSURANCE COVERAGE.—(1) Subsection (a) of section 1967 of title 38, United States Code, is amended to read as follows:

"(a)(1) Subject to an election under paragraph (2), any policy of insurance purchased by the Secretary under section 1966 of this title shall automatically insure the following persons against death:

"(A) In the case of any member of a uniformed service on active duty (other than active duty for training)—

"(i) the member; and

"(ii) each insurable dependent of the member.

"(B) Any member of a uniformed service on active duty for training or inactive duty training scheduled in advance by competent authority.

"(C) Any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 1965(5)(B) of this title.

"(2)(A) A member may elect in writing not to be insured under this subchapter.

"(B) A member referred to in subparagraph (A) may also make either or both of the following elections in writing:

"(i) An election not to insure a dependent spouse under this subchapter.

"(ii) An election to insure none of the member's children under this subchapter.

"(3)(A) Subject to an election under subparagraph (B), the amount for which a person is insured under this subchapter is as follows:

"(i) In the case of a member, $200,000.

"(ii) In the case of a member's spouse, the amount equal to 50 percent of the amount for which the member is insured under this subchapter.

"(iii) In the case of a member's child, $10,000.

"(B) A member may elect in writing to be insured or to insure an insurable dependent in an amount less than the amount provided under subparagraph (A). The amount of insurance so elected shall, in the case of a member or spouse, be evenly divisible by $10,000 and, in the case of a child, be evenly divisible by $5,000.

"(4) No dependent of a member is insured under this chapter unless the member is insured under this subchapter.

"(5) The insurance shall be effective with respect to a member and the member's dependents on the first day of active duty or active duty for training, or the beginning of a period of inactive duty training scheduled in advance by competent authority, or the first day a member of the Ready Reserve meets the qualifications set forth in section 1965(5)(B) of this title, or the date certified by the Secretary to the Secretary concerned as the date Servicemembers' Group Life Insurance under this subchapter for the class or group concerned takes effect, whichever is the later date.".

(2) Subsection (c) of such section is amended by striking out the first sentence and inserting the following: "If a person eligible for insurance under this subchapter is not so insured, or is insured for less than the maximum amount provided for the person under subparagraph (A) of subsection (a)(3), by reason of an election made by a member under subparagraph (B) of that subsection, the person may thereafter be insured under this subchapter in the maximum amount or any lesser amount elected as provided in such subparagraph (B) upon written application by the member, proof of good health of each person to be so insured, and compliance with such other terms and conditions as may be prescribed by the Secretary.".

(c) TERMINATION OF COVERAGE.—(1) Subsection (a) of section 1968 of such title is amended—

(A) in the matter preceding paragraph (1), by inserting "and any insurance thereunder on any insurable dependent of such a member," after "any insurance thereunder on any member of the uniformed services,";

(B) by striking "and" at the end of paragraph (3);

(C) by striking the period at the end of paragraph (4) and inserting "; and"; and

(D) by adding at the end the following:

"(5) with respect to an insurable dependent of the member—

"(A) upon election made in writing by the member to terminate the coverage; or

"(B) on the earlier of—

"(i) the date of the member's death;

"(ii) the date of termination of the insurance on the member's life under this subchapter;

"(iii) the date of the dependent's death; or

"(iv) the termination of the dependent's status as an insurable dependent of the member.

(2) Subsection (b)(1)(A) of such section is amended by inserting "(to insure against death of the member only)" after "converted to Veterans' Group Life Insurance".

(d) PREMIUMS.—Section 1969 of such title is amended by adding at the end the following:

"(g)(1) During any period in which any insurable dependent of a member is insured under this subchapter, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary (which shall be the same for all such members) as the premium allocable to the pay period for providing that insurance coverage.

"(2)(A) The Secretary shall determine the premium amounts to be charged for life insurance coverage for dependents of members under this subchapter.

"(B) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

"(C) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary in advance of that policy year.

"(h) Any overpayment of a premium for insurance coverage for an insurable dependent of a member that is terminated under section 1968(a)(5) of this title shall be refunded to the member.".

(e) PAYMENTS OF INSURANCE PROCEEDS.—Section 1970 of such title is amended by adding at the end the following:

"(h) Any amount of insurance in force on an insurable dependent of a member under this subchapter on the date of the dependent's death shall be paid, upon the establishment of a valid claim therefor, to the member or, in the event of the member's death before payment to the member can be made, then to the person or persons entitled to receive payment of the proceeds of insurance on the member' life under this subchapter.".

(f) EFFECTIVE DATE AND INITIAL IMPLEMENTATION.—(1) This section and the amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act, except that paragraph (2) shall take effect on the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs, in consultation with the Secretaries of the military departments, the Secretary of Transportation, the Secretary of Commerce and the Secretary of Health and Human Services, shall take such action as is necessary to ensure that each member of the uniformed services on active duty (other than active duty for training) during the period between the date of the enactment of this Act and the effective date determined under paragraph (1) is furnished an explanation of the insurance benefits available for dependents under the amendments made by this section and is afforded an opportunity before such effective date to make elections that are authorized under those amendments to be made with respect to dependents.

AMENDMENT NO. 3182

On page 239, after line 22, add the following:

Subtitle F—Additional Benefits For Reserves and Their Dependents

SEC. 671. SENSE OF CONGRESS.

It is the sense of Congress that it is in the national interest that the President provide funds for the reserve components of the Armed Forces (including the National Guard and Reserves) that are sufficient to ensure that the reserve components meet the requirements specified for the reserve components in the National Military Strategy, including military training.

SEC. 672. TRAVEL BY RESERVES ON MILITARY AIRCRAFT.

(a) SPACE-REQUIRED TRAVEL FOR TRAVEL TO DUTY STATIONS INCONUS AND OCONUS.—(1) Subsection (a) of section 18505 of title 10, United States Code, is amended to read as follows:

"(a) A member of a reserve component traveling to a place of annual training duty or inactive-duty training (including a place other than the member's unit training assembly if the member is performing annual training duty or inactive-duty training in another location) may travel in a space-required status on aircraft of the armed forces between the member's home and the place of such duty or training.".

(2) The heading of such section is amended to read as follows:

"§ 18505. Reserves traveling to annual training duty or inactive-duty training: authority for space-required travel".

(b) SPACE-AVAILABLE TRAVEL FOR MEMBERS OF SELECTED RESERVE AND DEPENDENTS.—Chapter 1805 of such title is amended by adding at the end the following new section:

"§ 18506. Space-available travel: Selected Reserve; dependents

"(a) ELIGIBILITY FOR SPACE-AVAILABLE TRAVEL.—The Secretary of Defense shall prescribe regulations to allow persons described in subsection (b) to receive transportation on aircraft of the Department of Defense on a space-available basis under the same terms and conditions (including terms and conditions applicable to travel outside the United States) as apply to members of the armed forces entitled to retired pay.

"(b) PERSONS ELIGIBLE.—Subsection (a) applies to a person who is a member of the Selected Reserve in good standing (as determined by the Secretary concerned).

"(c) DEPENDENTS.—A dependent of a person described in subsection (b) may be provided transportation under this section on the same basis as dependents of members of the armed forces entitled to retired pay.

"(d) LIMITATION ON REQUIRED IDENTIFICATION.—Neither the 'Authentication of Reserve Status for Travel Eligibility' form (DD Form 1853), nor or any other form, other than the presentation of military identification and duty orders upon request, or other methods of identification required of active duty personnel, shall be required of reserve component personnel using space-available transportation within or outside the continental United States under this section.".

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 18505 and inserting the following new items:

"18505. Reserves traveling to annual training duty or inactive-duty training: authority for space-required travel.

"18506. Space-available travel: Selected Reserve; dependents.".

(d) IMPLEMENTING REGULATIONS.—Regulations under section 18506 of title 10, United States Code, as added by subsection (b), shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 673. BILLETING SERVICES FOR RESERVE MEMBERS TRAVELING FOR INACTIVE DUTY TRAINING.

(a) IN GENERAL.—(1) Chapter 1217 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12604. Attendance at inactive-duty training assemblies: billeting in Department of Defense facilities

"(a) AUTHORITY FOR BILLETING ON SAME BASIS AS ACTIVE DUTY MEMBERS TRAVELING UNDER ORDERS.—The Secretary of Defense shall prescribe regulations authorizing a Reserve traveling to inactive-duty training at a location more than 50 miles from the Reserve's home to be eligible for billeting in Department of Defense facilities on the same basis as a member of the armed forces on active duty who is traveling under orders away from the member's duty station.

"(b) PROOF OF REASON FOR TRAVEL.—The Secretary shall include in regulations under subsection (a) means for establishing that a Reserve seeking billeting in Department of Defense facilities under that subsection is traveling for attendance at inactive-duty training at a location more than 50 miles from the Reserve's home.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12604. Attendance at inactive-duty training assemblies: billeting in Department of Defense facilities.".

(b) EFFECTIVE DATE.—Section 12604 of title 10, United States Code, as added by subsection (a), shall apply with respect to periods of inactive-duty training beginning more than 180 days after the date of the enactment of this Act.

SEC. 674. INCREASE IN MAXIMUM NUMBER OF RESERVE RETIREMENT POINTS THAT MAY BE CREDITED IN ANY YEAR.

Section 12733(3) of title 10, United States Code, is amended by striking "but not more than" and all that follows and inserting "but not more than—

"(A) 60 days in any one year of service before the year of service that includes September 23, 1996;

"(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001; and

"(C) 90 days in the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001.".

SEC. 675. AUTHORITY FOR PROVISION OF LEGAL SERVICES TO RESERVE COMPONENT MEMBERS FOLLOWING RELEASE FROM ACTIVE DUTY.

(a) LEGAL SERVICES.—Section 1044(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) Members of a reserve component not covered by paragraph (1) or (2), but only during a period, following a release from active duty under a call or order to active duty for more than 29 days under a mobilization authority (as determined by the Secretary of Defense), that is not in excess of twice the length of time served on active duty.".

(b) DEPENDENTS.—Paragraph (5) of such section, as redesignated by subsection (a), is amended by striking "and (3)" and inserting "(3), and (4)".

(c) IMPLEMENTING REGULATIONS.—Regulations to implement the amendments made by subsections (a) and (b) shall be prescribed not later than 180 days after the date of the enactment of this Act.

KERREY (AND OTHERS) AMENDMENT NO. 3183

Mr. KERREY (for himself, Mr. LEVIN, Mr. DASCHLE, Mr. HARKIN, Mr. KERRY, and Mr. DURBIN) proposed an amended to the bill, S. 2549, supra; as follows:

Strike section 1017 and insert the following:

SEC. 1017. REPEAL OF LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS IN EXCESS OF MILITARY REQUIREMENTS.

Section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1948) is repealed.

WARNER AMENDMENT NO. 3184

Mr. WARNER proposed an amendment to amendment No. 3183 proposed by Mr. KERREY to the bill, S. 2549, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

"SEC. 1017. CORRECTION OF SCOPE OF WAIVER AUTHORITY FOR LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS; AUTHORITY TO WAIVE LIMITATION.

"(a) Section 1302(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1948), as amended by section 1501(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 806), is further amended by striking "the application of the limitation in effect under paragraph (1)(B) or (3) of subsection (a), as the case may be," and inserting "the application of the limitation in effect under subsection (a) to a strategic nuclear delivery system.

"(b) AUTHORITY TO WAIVE LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.—After the submission of the report on the results of the nuclear posture review to Congress under section 1015(c)—

"(1) the Secretary of Defense shall, taking into consideration the results of the review, submit to the President a recommendation regarding whether the President should waive the limitation on the retirement or dismantlement of strategic nuclear delivery systems in section 1302 National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1948); and

"(2) the President, taking into consideration the results of the review and the recommendation made by the Secretary of Defense under paragraph (1), may waive the limitation referred to in that paragraph if the President determines that it is in the national security interests of the United States to do so.".

BENNETT AMENDMENT NO. 3185

(Ordered to lie on the table).

Mr. BENNETT submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking "180" and inserting "60"; and

(2) by adding at the end the following:

"(g) CALCULATION OF 60-DAY PERIOD.—The 60-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of the Congress sine die.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

ROBB AMENDMENTS NOS. 3186-3187

(Ordered to lie on the table.)

Mr. ROBB submitted two amendments intended to be proposed by him to the bill, S. 2549, supra; as follows:

AMENDMENT NO. 3186

On page , between lines and , insert the following:

SEC. . DEFENSE TRAVEL SYSTEM.

(a) REQUIREMENT FOR REPORT.—Not later than November 30, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the Defense Travel System.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A detailed discussion of the development, testing, and fielding of the system, including the performance requirements, the evaluation criteria, the funding that has been provided for the development, testing, and fielding of the system, and the funding that is projected to be required for completing the development, testing, and fielding of the system.

(2) The schedule that has been followed for the testing of the system, including the initial operational test and evaluation and the final operational testing and evaluation, together with the results of the testing.

(3) The cost savings expected to result from the deployment of the system and from the completed implementation of the system, together with a discussion of how the savings are estimated and the expected schedule for the realization of the savings.

(4) An analysis of the costs and benefits of fielding the front-end software for the system throughout all 18 geographical areas selected for the original fielding of the system.

(c) LIMITATIONS.—(1) Not more than 25 percent of the amount authorized to be appropriated under section for the Defense Travel System may be obligated or expended before the date on which the Secretary submits the report required under subsection (a).

(2) Funds appropriated for the Defense Travel System pursuant to the authorization of appropriations referred to in paragraph (1) may not be used for a purpose other than the Defense Travel System unless the Secretary first submits to Congress a written notification of the intended use and the amount to be so used.

AMENDMENT NO. 3187

On page 545, following line 22, add the following:

PART IV—OTHER CONVEYANCES

SEC. 2876. LAND CONVEYANCE, FORMER NATIONAL GROUND INTELLIGENCE CENTER, CHARLOTTESVILLE, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Administrator of General Services may convey, without consideration, to the City of Charlottesville, Virginia (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, formerly occupied by the National Ground Intelligence Center and known as the Jefferson Street Property.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Administrator determines that the conveyance on that basis would be in the best interests of the United States.

(c) PURPOSE OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be for the purpose of permitting the City to use the parcel, directly or through an agreement with a public or private entity, for economic development purposes.

(d) REVERSIONARY INTEREST.—If, during the 5-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), the Administrator determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(e) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance authorized by subsection (a) shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(f) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Administrator makes the conveyance authorized by subsection (a) the City conveys any portion of the parcel conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Administrator) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Administrator makes the conveyance authorized by subsection (a) without consideration.

(3) The Administrator shall cover over into the general fund of the Treasury as miscellaneous receipts any amounts paid the Administrator under this subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance as the Administrator considers appropriate to protect the interests of the United States.

KERREY AMENDMENT NO. 3188

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 368, between lines 21 and 22, insert the following:

(7) The ability of the United States to deter a nuclear attack with strategic forces at the levels proposed for a third treaty between the United States and the Russian Federation on the reduction and limitation of strategic offensive arms, with consideration being given to the estimated effect on the Russian Federation of a nuclear retaliation by the United States.

WARNER AMENDMENT NO. 3189

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 613, after line 12, insert the following:

SEC. 3403. DISPOSAL OF TITANIUM.

(a) DISPOSAL REQUIRED.—Subject to subsection (b), the President shall, by September 30, 2010, dispose of 30,000 short tons of titanium contained in the National Defense Stockpile so as to result in receipts to the United States in a total amount that is not less than $180,000,000.

(b) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of titanium under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of titanium; or

(2) avoidable loss to the United States.

(c) TREATMENT OF RECEIPTS.—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of titanium under subsection (a) shall be applied as follows: $174,000,000 to defray the costs of health care benefit improvement for retired military personnel; and $6,000,000 for transfer to the American Battle Monuments Commission for deposit in the fund established under section 2113 of title 36, United States Code, for the World War II memorial authorized by section 1 of Public Law 103–32 (107 Stat. 90).

(d) WORLD WAR II MEMORIAL.—(1) The amount transferred to the American Battle Monuments Commission under subsection (c) shall be used to complete all necessary requirements for the design of, ground breaking for, construction of, maintenance of, and dedication of the World War II memorial. The Commission shall determine how the amount shall be apportioned among such purposes.

(2) Any funds not necessary for the purposes set forth in paragraph (1) shall be transferred to and deposited in the general fund of the Treasury.

(e) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding materials in the National Defense Stockpile.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

JEFFORDS (AND OTHERS) AMENDMENT NO. 3190

Mr. WARNER (for Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. FRIST)) proposed an amendment to the bill (S. 2311) to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan White CARE Act Amendments of 2000".

SEC. 2. REFERENCES; TABLE OF CONTENTS.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. References; table of contents.

TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

Subtitle A—Amendments to Part A (Emergency Relief Grants)

Sec. 101. Duties of planning council, funding priorities, quality assessment.
Sec. 102. Quality management.
Sec. 103. Funded entities required to have health care relationships.
Sec. 104. Support services required to be health care-related.
Sec. 105. Use of grant funds for early intervention services.
Sec. 106. Replacement of specified fiscal years regarding the sunset on expedited distribution requirements.
Sec. 107. Hold harmless provision.
Sec. 108. Set-aside for infants, children, and women.

Subtitle B—Amendments to Part B (Care Grant Program)

Sec. 121. State requirements concerning identification of need and allocation of resources.
Sec. 122. Quality management.
Sec. 123. Funded entities required to have health care relationships.
Sec. 124. Support services required to be health care-related.
Sec. 125. Use of grant funds for early intervention services.
Sec. 126. Authorization of appropriations for HIV-related services for women and children.
Sec. 127. Repeal of requirement for completed Institute of Medicine report.
Sec. 128. Supplement grants for certain States.
Sec. 129. Use of treatment funds.
Sec. 130. Increase in minimum allotment.
Sec. 131. Set-aside for infants, children, and women.

Subtitle C—Amendments to Part C (Early Intervention Services)

Sec. 141. Amendment of heading; repeal of formula grant program.
Sec. 142. Planning and development grants.
Sec. 143. Authorization of appropriations for categorical grants.
Sec. 144. Administrative expenses ceiling; quality management program.
Sec. 145. Preference for certain areas.
Sec. 146. Technical amendment.

Subtitle D—Amendments to Part D (General Provisions)

Sec. 151. Research involving women, infants, children, and youth.
Sec. 152. Limitation on administrative expenses.
Sec. 153. Evaluations and reports.
Sec. 154. Authorization of appropriations for grants under parts A and B.

Subtitle E—Amendments to Part F (Demonstration and Training)

Sec. 161. Authorization of appropriations.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Institute of Medicine study.

TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

Subtitle A—Amendments to Part A (Emergency Relief Grants)

SEC. 101. DUTIES OF PLANNING COUNCIL, FUNDING PRIORITIES, QUALITY ASSESSMENT.

Section 2602 (42 U.S.C. 300ff–12) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(C), by inserting before the semicolon the following: ", including providers of housing and homeless services"; and

(B) in paragraph (4), by striking "shall—" and all that follows and inserting "shall have the responsibilities specified in subsection (d)."; and

(2) by adding at the end the following:

"(d) DUTIES OF PLANNING COUNCIL.—The planning council established under subsection (b) shall have the following duties:

"(1) PRIORITIES FOR ALLOCATION OF FUNDS.—The council shall establish priorities for the allocation of funds within the eligible area, including how best to meet each such priority and additional factors that a grantee should consider in allocating funds under a grant, based on the following factors:

"(A) The size and demographic characteristics of the population with HIV disease to be served, including, subject to subsection (e), the needs of individuals living with HIV infection who are not receiving HIV-related health services.

"(B) The documented needs of the population with HIV disease with particular attention being given to disparities in health services among affected subgroups within the eligible area.

"(C) The demonstrated or probable cost and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available.

"(D) Priorities of the communities with HIV disease for whom the services are intended.

"(E) The availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease.

"(F) Capacity development needs resulting from gaps in the availability of HIV services in historically underserved low-income communities.

"(2) COMPREHENSIVE SERVICE DELIVERY PLAN.—The council shall develop a comprehensive plan for the organization and delivery of health and support services described in section 2604. Such plan shall be compatible with any existing State or local plans regarding the provision of such services to individuals with HIV disease.

"(3) ASSESSMENT OF FUND ALLOCATION EFFICIENCY.—The council shall assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the eligible area.

"(4) STATEWIDE STATEMENT OF NEED.—The council shall participate in the development of the Statewide coordinated statement of need as initiated by the State public health agency responsible for administering grants under part B.

"(5) COORDINATION WITH OTHER FEDERAL GRANTEES.—The council shall coordinate with Federal grantees providing HIV-related services within the eligible area.

"(6) COMMUNITY PARTICIPATION.—The council shall establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.

"(e) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—

"(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall—

"(A) consult with eligible metropolitan areas, affected communities, experts, and other appropriate individuals and entities, to develop epidemiologic measures for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

"(B) provide advice and technical assistance to planning councils with respect to the process for establishing priorities for the allocation of funds under subsection (d)(1).

"(2) EXCEPTION.—Grantees under this part shall not be required to establish priorities for individuals not in care until epidemiologic measures are developed under paragraph (1).".

SEC. 102. QUALITY MANAGEMENT.

(a) FUNDS AVAILABLE FOR QUALITY MANAGEMENT.—Section 2604 (42 U.S.C. 300ff–14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) QUALITY MANAGEMENT.—

"(1) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection and to develop strategies for improvements in the access to and quality of medical services.

"(2) USE OF FUNDS.—From amounts received under a grant awarded under this part, the chief elected official of an eligible area may use, for activities associated with its quality management program, not more than the lesser of—

"(A) 5 percent of amounts received under the grant; or

"(B) $3,000,000.".

(b) QUALITY MANAGEMENT REQUIRED FOR ELIGIBILITY FOR GRANTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);".

SEC. 103. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

(a) USE OF AMOUNTS.—Section 2604(e)(1) (42 U.S.C. 300ff–14(d)(1)) (as so redesignated by section 102(a)) is amended by inserting "and the State Children's Health Insurance Program under title XXI of such Act" after "Social Security Act".

(b) APPLICATIONS.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended by inserting after paragraph (3), as added by section 102(b), the following:

"(4) that funded entities within the eligible area that receive funds under a grant under section 2601(a) shall maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters) and other entities under section 2652(a) for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care;".

SEC. 104. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) IN GENERAL.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "HIV-related—" and inserting "HIV-related services, as follows:";

(2) in subparagraph (A)—

(A) by striking "outpatient" and all that follows through "substance abuse treatment and" and inserting the following: "OUTPATIENT HEALTH SERVICES.—Outpatient and ambulatory health services, including substance abuse treatment,"; and

(B) by striking "; and" and inserting a period;

(3) in subparagraph (B), by striking "(B) inpatient case management" and inserting "(C) INPATIENT CASE MANAGEMENT SERVICES.—Inpatient case management"; and

(4) by inserting after subparagraph (A) the following:

"(B) OUTPATIENT SUPPORT SERVICES.—Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.".

(b) CONFORMING AMENDMENT TO APPLICATION REQUIREMENTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)), as amended by section 102(b), is further amended—

(1) in paragraph (7) (as so redesignated), by striking "and" at the end thereof;

(2) in paragraph (8) (as so redesignated), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(9) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).".

SEC. 105. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

(a) IN GENERAL.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)), as amended by section 104(a), is further amended by adding at the end the following:

"(D) EARLY INTERVENTION SERVICES.—Early intervention services as described in section 2651(b)(2), with follow-through referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

"(i)(I) is receiving funds under subparagraph (A) or (C); or

"(II) is an entity constituting a point of access to services, as described in section 2605(a)(4), that maintains a relationship with an entity described in subclause (I) and that is serving individuals at elevated risk of HIV disease;

"(ii) demonstrates to the satisfaction of the chief elected official that Federal, State, or local funds are inadequate for the early intervention services the entity will provide with funds received under this subparagraph; and

"(iii) demonstrates to the satisfaction of the chief elected official that funds will be utilized under this subparagraph to supplement not supplant other funds available for such services in the year for which such funds are being utilized.

(b) CONFORMING AMENDMENTS TO APPLICATION REQUIREMENTS.—Section 2605(a)(1) (42 U.S.C. 300ff–15(a)(1)) is amended—

(1) in subparagraph (A), by striking "services to individuals with HIV disease" and inserting "services as described in section 2604(b)(1)"; and

(2) in subparagraph (B), by striking "services for individuals with HIV disease" and inserting "services as described in section 2604(b)(1)".

SEC. 106. REPLACEMENT OF SPECIFIED FISCAL YEARS REGARDING THE SUNSET ON EXPEDITED DISTRIBUTION REQUIREMENTS.

Section 2603(a)(2) (42 U.S.C. 300ff–13(a)(2)) is amended by striking "for each of the fiscal years 1996 through 2000" and inserting "for a fiscal year".

SEC. 107. HOLD HARMLESS PROVISION.

Section 2603(a)(4) (42 U.S.C. 300ff–13(a)(4)) is amended to read as follows:

"(4) LIMITATION.—With respect to each of fiscal years 2001 through 2005, the Secretary shall ensure that the amount of a grant made to an eligible area under paragraph (2) for such a fiscal year is not less than an amount equal to 98 percent of the amount the eligible area received for the fiscal year preceding the year for which the determination is being made.".

SEC. 108. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2604(b)(3) (42 U.S.C. 300ff–14(b)(3)) is amended—

(1) by inserting "for each population under this subsection" after "council"; and

(2) by striking "ratio of the" and inserting "ratio of each".

Subtitle B—Amendments to Part B (Care Grant Program)

SEC. 121. STATE REQUIREMENTS CONCERNING IDENTIFICATION OF NEED AND ALLOCATION OF RESOURCES.

(a) GENERAL USE OF GRANTS.—Section 2612 (42 U.S.C. 300ff–22) is amended—

(1) by striking "A State" and inserting "(a) IN GENERAL.—A State"; and

(2) in the matter following paragraph (5)—

(A) by striking "Services" and inserting:

"(b) DELIVERY OF SERVICES.—Services";

(B) by striking "paragraph (1)" and inserting "subsection (a)(1)"; and

(C) by striking "paragraph (2)" and inserting "subsection (a)(2) and section 2613";

(b) APPLICATION.—Section 2617(b) (42 U.S.C. 300ff–27(b)) is amended—

(1) in paragraph (1)(C)—

(A) by striking clause (i) and inserting the following:

"(i) the size and demographic characteristics of the population with HIV disease to be served, except that by not later than October 1, 2002, the State shall take into account the needs of individuals not in care, based on epidemiologic measures developed by the Secretary in consultation with the State, affected communities, experts, and other appropriate individuals (such State shall not be required to establish priorities for individuals not in care until such epidemiologic measures are developed);";

(B) in clause (iii), by striking "and" at the end; and

(C) by adding at the end the following:

"(v) the availability of other governmental and non-governmental resources;

"(vi) the capacity development needs resulting in gaps in the provision of HIV services in historically underserved low-income and rural low-income communities; and

"(vii) the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the State;"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (F); and

(C) by inserting after subparagraph (B), the following:

"(C) an assurance that capacity development needs resulting from gaps in the provision of services in underserved low-income and rural low-income communities will be addressed; and

"(D) with respect to fiscal year 2003 and subsequent fiscal years, assurances that, in the planning and allocation of resources, the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), will make appropriate provision for the HIV-related health and support service needs of individuals who have been diagnosed with HIV disease but who are not currently receiving such services, based on the epidemiologic measures developed under paragraph (1)(C)(i);".

SEC. 122. QUALITY MANAGEMENT.

(a) STATE REQUIREMENT FOR QUALITY MANAGEMENT.—Section 2617(b)(4) (42 U.S.C. 300ff–27(b)(4)) is amended—

(1) by striking subparagraph (C) and inserting the following:

"(C) the State will provide for—

"(i) the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and to develop strategies for improvements in the access to and quality of medical services; and

"(ii) a periodic review (such as through an independent peer review) to assess the quality and appropriateness of HIV-related health and support services provided by entities that receive funds from the State under this part;";

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (D), the following:

"(E) an assurance that the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), has considered strategies for working with providers to make optimal use of financial assistance under the State medicaid plan under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of such Act, and other Federal grantees that provide HIV-related services, to maximize access to quality HIV-related health and support services;

(4) in subparagraph (F), as so redesignated, by striking "and" at the end; and

(5) in subparagraph (G), as so redesignated, by striking the period and inserting "; and".

(b) AVAILABILITY OF FUNDS FOR QUALITY MANAGEMENT.—

(1) AVAILABILITY OF GRANT FUNDS FOR PLANNING AND EVALUATION.—Section 2618(c)(3) (42 U.S.C. 300ff–28(c)(3)) is amended by inserting before the period ", including not more than $3,000,000 for all activities associated with its quality management program".

(2) EXCEPTION TO COMBINED CEILING ON PLANNING AND ADMINISTRATION FUNDS FOR STATES WITH SMALL GRANTS.—Paragraph (6) of section 2618(c) (42 U.S.C. 300ff–28(c)(6)) is amended to read as follows:

"(6) EXCEPTION FOR QUALITY MANAGEMENT.—Notwithstanding paragraph (5), a State whose grant under this part for a fiscal year does not exceed $1,500,000 may use not to exceed 20 percent of the amount of the grant for the purposes described in paragraphs (3) and (4) if—

"(A) that portion of the amount that may be used for such purposes in excess of 15 percent of the grant is used for its quality management program; and

"(B) the State submits and the Secretary approves a plan (in such form and containing such information as the Secretary may prescribe) for use of funds for its quality management program.".

SEC. 123. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

Section 2617(b)(4) (42 U.S.C. 300ff–27(b)(4)), as amended by section 122(a), is further amended by adding at the end the following:

"(H) that funded entities maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care.".

SEC. 124. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) TECHNICAL AMENDMENT.—Section 3(c)(2)(A)(iii) of the Ryan White CARE Act Amendments of 1996 (Public Law 104–146) is amended by inserting "before paragraph (2) as so redesignated" after "inserting".

(b) SERVICES.—Section 2612(a)(1) (42 U.S.C. 300ff–22(a)(1)), as so designated by section 121(a), is amended by striking "for individuals with HIV disease" and inserting ", subject to the conditions and limitations that apply under such section".

(c) CONFORMING AMENDMENT TO STATE APPLICATION REQUIREMENT.—Section 2617(b)(2) (42 U.S.C. 300ff–27(b)(2)), as amended by section 121(b), is further amended by inserting after subparagraph (D) the following:

"(E) an assurance that the State has procedures in place to ensure that services provided with funds received under this section meet the criteria specified in section 2604(b)(1)(B); and".

SEC. 125. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

Section 2612(a) (42 U.S.C. 300ff–22(a)), as amended by section 121, is further amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(6) to provide, through systems of HIV-related health services provided under paragraphs (1), (2), and (3), early intervention services, as described in section 2651(b)(2), with follow-up referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

"(A)(i) is receiving funds under section 2612(a)(1); or

"(ii) is an entity constituting a point of access to services, as described in section 2617(b)(4), that maintains a referral relationship with an entity described in clause (i) and that is serving individuals at elevated risk of HIV disease;

"(B) demonstrates to the State's satisfaction that other Federal, State, or local funds are inadequate for the early intervention services the entity will provide with funds received under this paragraph; and

"(C) demonstrates to the satisfaction of the State that funds will be utilized under this paragraph to supplement not supplant other funds available for such services in the year for which such funds are being utilized.".

SEC. 126. AUTHORIZATION OF APPROPRIATIONS FOR HIV-RELATED SERVICES FOR WOMEN AND CHILDREN.

Section 2625(c)(2) (42 U.S.C. 300ff–33(c)(2)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

SEC. 127. REPEAL OF REQUIREMENT FOR COMPLETED INSTITUTE OF MEDICINE REPORT.

Section 2628 (42 U.S.C. 300ff–36) is repealed.

SEC. 128. SUPPLEMENTAL GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) is amended by adding at the end the following:

"SEC. 2622. SUPPLEMENTAL GRANTS.

"(a) IN GENERAL.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in emerging communities within the State that are not eligible to receive grants under part A.

"(b) ELIGIBILITY.—To be eligible to receive a supplemental grant under subsection (a) a State shall—

"(1) be eligible to receive a grant under this subpart;

"(2) demonstrate the existence in the State of an emerging community as defined in subsection (d)(1); and

"(3) submit the information described in subsection (c).

"(c) REPORTING REQUIREMENTS.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

"(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds in the emerging community;

"(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

"(3) a demonstration that the State will maintain HIV-related activities at a level that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

"(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

"(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS including appropriate allocations for services for infants, children, women, and families with HIV disease;

"(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

"(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

"(d) Definition of Emerging Community.—In this section, the term 'emerging community' means a metropolitan area—

"(1) that is not eligible for a grant under part A; and

"(2) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 500 and 1999 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available.

"(e) Funding.—

"(1) In general.—Subject to paragraph (2), with respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize—

"(A) the greater of—

"(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

"(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 1000, but less than 2000, cases of AIDS as reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded; and

"(B) the greater of—

"(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

"(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 500, but less than 1000, cases of AIDS reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded.

"(2) Trigger of funding.—This section shall be effective only for fiscal years beginning in the first fiscal year in which the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), exceeds by at least $20,000,000 the amount appropriated under 2677 to carry out part B in fiscal year 2000, excluding the amount appropriated under section 2618(b)(2)(H).

"(3) Minimum amount in future years.—Beginning with the first fiscal year in which amounts provided for emerging communities under paragraph (1)(A) equals $5,000,000 and under paragraph (1)(B) equals $5,000,000, the Secretary shall ensure that amounts made available under this section for the types of emerging communities described in each such paragraph in subsequent fiscal years is at least $5,000,000.

"(4) Distribution.—The amount of a grant awarded to a State under this section shall be determined by the Secretary based on the formula described in section 2618(b)(2), except that in applying such formula, the Secretary shall—

"(A) substitute '1.0' for '.80' in subparagraph (A)(ii)(I) of such section; and

"(B) not consider the provisions of subparagraphs (A)(ii)(II) and (C) of such section.".

SEC. 129. USE OF TREATMENT FUNDS.

(a) State Duties.—Section 2616(c) (42 U.S.C. 300ff-26(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "shall—" and inserting "shall use funds made available under this section to—";

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively and realigning the margins of such subparagraphs appropriately;

(3) in subparagraph (D) (as so redesignated), by striking "and" at the end;

(4) in subparagraph (E) (as so redesignated), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(F) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.";

(6) by striking "In carrying" and inserting the following:

"(1) In general.—In carrying"; and

(7) by adding at the end the following:

"(2) Limitations.—

"(A) In general.—No State shall use funds under paragraph (1)(F) unless the limitations on access to HIV/AIDS therapeutic regimens as defined in subsection (e)(2) are eliminated.

"(B) Amount of funding.—No State shall use in excess of 10 percent of the amount set-aside for use under this section in any fiscal year to carry out activities under paragraph (1)(F) unless the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to therapeutics.".

(b) Supplement Grants.—Section 2616 (42 U.S.C. 300ff-26) is amended by adding at the end the following:

"(e) Supplemental Grants for the Provision of Treatments.—

"(1) In general.—From amounts made available under paragraph (5), the Secretary shall award supplemental grants to States determined to be eligible under paragraph (2) to enable such States to increase access to therapeutics to treat HIV disease as provided by the State under subsection (c)(1)(B) for individuals at or below 200 percent of the Federal poverty line.

"(2) Criteria.—The Secretary shall develop criteria for the awarding of grants under paragraph (1) to States that demonstrate a severe need. In determining the criteria for demonstrating State severity of need, the Secretary shall consider eligibility standards and formulary composition.

"(3) State requirement.—The Secretary may not make a grant to a State under this subsection unless the State agrees that—

"(A) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant; and

"(B) the State will not impose eligibility requirements for services or scope of benefits limitations under subsection (a) that are more restrictive than such requirements in effect as of January 1, 2000.

"(4) Use and coordination.—Amounts made available under a grant under this subsection shall only be used by the State to provide HIV/AIDS-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under this section in order to maximize drug coverage.

"(5) Funding.—

"(A) Reservation of amount.—The Secretary shall reserve 3 percent of any amount referred to in section 2618(b)(2)(H) that is appropriated for a fiscal year, to carry out this subsection.

"(B) Minimum amount.—In providing grants under this subsection, the Secretary shall ensure that the amount of a grant to a State under this part is not less than the amount the State received under this part in the previous fiscal year, as a result of grants provided under this subsection.".

(c) Supplement and not Supplant.—Section 2616 (42 U.S.C. 300ff-26(c)), as amended by subsection (b), is further amended by adding at the end the following:

"(f) Supplement not Supplant.—Notwithstanding any other provision of law, amounts made available under this section shall be used to supplement and not supplant other funding available to provide treatments of the type that may be provided under this section.".

SEC. 130. INCREASE IN MINIMUM ALLOTMENT.

(a) In General.—Section 2618(b)(1)(A)(i) (42 U.S.C. 300ff-28(b)(1)(A)(i)) is amended—

(1) in subclause (I), by striking "$100,000" and inserting "$200,000"; and

(2) in subclause (II), by striking "$250,000" and inserting "$500,000".

(b) Territories.—Section 2618(b)(1)(B) (42 U.S.C. 300ff-28(b)(1)(B)) is amended by inserting "the greater of $50,000 or" after "shall be".

(c) Technical Amendment.—Section 2618(b)(3)(B) (42 U.S.C. 300ff-28(b)(3)(B)) is amended by striking "and the Republic of the Marshall Islands" and inserting ", the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and only for purposes of paragraph (1) the Commonwealth of Puerto Rico".

SEC. 131. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2611(b) (42 U.S.C. 300ff-21(b)) is amended—

(1) by inserting "for each population under this subsection" after "State shall use"; and

(2) by striking "ratio of the" and inserting "ratio of each".

Subtitle C—Amendments to Part C (Early Intervention Services)

SEC. 141. AMENDMENT OF HEADING; REPEAL OF FORMULA GRANT PROGRAM.

(a) Amendment of Heading.—The heading of part C of title XXVI is amended to read as follows:

"Part C—Early Intervention and Primary Care Services".

(b) Repeal.—Part C of title XXVI (42 U.S.C. 300ff–41 et seq.) is amended—

(1) by repealing subpart I; and

(2) by redesignating subparts II and III as subparts I and II.

(c) Conforming Amendments.—

(1) Information regarding receipt of services.—Section 2661(a) (42 U.S.C. 300ff–61(a)) is amended by striking "unless—" and all that follows through "(2) in the case of" and inserting "unless, in the case of".

(2) Additional agreements.—Section 2664 (42 U.S.C. 300ff–64) is amended—

(A) in subsection (e)(5), by striking "2642(b) or";

(B) in subsection (f)(2), by striking "2642(b) or"; and

(C) by striking subsection (h).

SEC. 142. PLANNING AND DEVELOPMENT GRANTS.

(a) Allowing Planning and Development Grant To Expand Ability To Provide Primary Care Services.—Section 2654(c) (42 U.S.C. 300ff–54(c)) is amended—

(1) in paragraph (1), to read as follows:

"(1) In general.—The Secretary may provide planning and development grants to public and nonprofit private entities for the purpose of—

"(A) enabling such entities to provide HIV early intervention services; or

"(B) assisting such entities to expand the capacity, preparedness, and expertise to deliver primary care services to individuals with HIV disease in underserved low-income communities on the condition that the funds are not used to purchase or improve land or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility."; and

(2) in paragraphs (2) and (3) by striking "paragraph (1)" each place that such appears and inserting "paragraph (1)(A)".

(b) Amount; Duration.—Section 2654(c) (42 U.S.C. 300ff–54(c)), as amended by subsection (a), is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) Amount and duration of grants.—

"(A) Early intervention services.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50,000.

"(B) Capacity development.—

"(i) Amount.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

"(ii) Duration.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.".

(c) Increase in limitation.—Section 2654(c)(5) (42 U.S.C. 300ff–54(c)(5)), as so redesignated by subsection (b), is amended by striking "1 percent" and inserting "5 percent".

SEC. 143. AUTHORIZATION OF APPROPRIATIONS FOR CATEGORICAL GRANTS.

Section 2655 (42 U.S.C. 300ff–55) is amended by striking "1996" and all that follows through "2000" and inserting "2001 through 2005".

SEC. 144. ADMINISTRATIVE EXPENSES CEILING; QUALITY MANAGEMENT PROGRAM.

Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3), to read as follows:

"(3) the applicant will not expend more than 10 percent of the grant for costs of administrative activities with respect to the grant;";

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) the applicant will provide for the establishment of a quality management program to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and that improvements in the access to and quality of medical services are addressed.".

SEC. 145. PREFERENCE FOR CERTAIN AREAS.

Section 2651 (42 U.S.C. 300ff–51) is amended by adding at the end the following:

"(d) Preference in Awarding Grants.—In awarding new grants under this section, the Secretary shall give preference to applicants that will use amounts received under the grant to serve areas that are determined to be rural and underserved for the purposes of providing health care to individuals infected with HIV or diagnosed with AIDS.".

SEC. 146. TECHNICAL AMENDMENT.

Section 2652(a) (42 U.S.C. 300ff-52(a)) is amended—

(1) striking paragraphs (1) and (2) and inserting the following:

"(1) health centers under section 330;"; and

(2) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

Subtitle D—Amendments to Part D (General Provisions)

SEC. 151. RESEARCH INVOLVING WOMEN, INFANTS, CHILDREN, AND YOUTH.

(a) Elimination of Requirement To Enroll Significant Numbers of Women and Children.—Section 2671(b) (42 U.S.C. 300ff–71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D); and

(2) by striking paragraphs (3) and (4).

(b) Information and Education.—Section 2671(d) (42 U.S.C. 300ff–71(d)) is amended by adding at the end the following:

"(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.".

(c) Quality Management; Administrative Expenses Ceiling.—Section 2671(f) (42 U.S.C. 300ff–71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

"(f) Administration.—

"(1) Application.—"; and

(2) by adding at the end the following:

"(2) Quality management program.—A grantee under this section shall implement a quality management program.".

(d) Coordination.—Section 2671(g) (42 U.S.C. 300ff–71(g)) is amended by adding at the end the following: "The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects. Not later than 12 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the findings made by the Director and the manner in which the conclusions based on those findings can be addressed.".

(e) Authorization of Appropriations.—Section 2671(j) (42 U.S.C. 300ff–71(j)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

SEC. 152. LIMITATION ON ADMINISTRATIVE EXPENSES.

Section 2671 (42 U.S.C. 300ff–71) is amended—

(1) by redesignating subsections (i) and (j), as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h), the following:

"(i) Limitation on Administrative Expenses.—

"(1) Determination by secretary.—Not later than 12 months after the date of enactment of the Ryan White Care Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

"(2) Requirements.—

"(A) In general.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

"(B) Limitation.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.".

SEC. 153. EVALUATIONS AND REPORTS.

Section 2674(c) (42 U.S.C. 399ff–74(c)) is amended by striking "1991 through 1995" and inserting "2001 through 2005".

SEC. 154. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS UNDER PARTS A AND B.

Section 2677 (42 U.S.C. 300ff–77) is amended to read as follows:

"SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated—

"(1) such sums as may be necessary to carry out part A for each of the fiscal years 2001 through 2005; and

"(2) such sums as may be necessary to carry out part B for each of the fiscal years 2001 through 2005.".

Subtitle E—Amendments to Part F (Demonstration and Training)

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

(a) Schools; Centers.—Section 2692(c)(1) (42 U.S.C. 300ff–111(c)(1)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

(b) Dental Schools.—Section 2692(c)(2) (42 U.S.C. 300ff–111(c)(2)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

(c) Dental Schools and Programs.—Section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff-111(b)) is amended—

(1) in paragraph (1), by striking "777(b)(4)(B)" and inserting "777(b)(4)(B) (as such section existed on the day before the date of enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105-392)) and dental hygiene programs that are accredited by the Commission on Dental Accreditation"; and

(2) in paragraph (2), by striking "777(b)(4)(B)" and inserting "777(b)(4)(B) (as such section existed on the day before the date of enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105-392))".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. INSTITUTE OF MEDICINE STUDY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(b) REQUIREMENTS.—

(1) COMPLETION.—The study under subsection (a) shall be completed not later than 21 months after the date on which the contract referred to in such subsection is entered into.

(2) ISSUES TO BE CONSIDERED.—The study conducted under subsection (a) shall consider—

(A) the availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services;

(B) the effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment as well as the changing epidemiology of the epidemic;

(C) existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process; and

(D) other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) REPORT.—Not later than 90 days after the date on which the study is completed under subsection (a), the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report describing the manner in which the conclusions and recommendations of the Institute of Medicine can be addressed and implemented.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, June 7, 2000 at 2:30 p.m. to conduct a hearing on S. 2508, the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000. The hearing will be held in room 485, Russell Senate Building.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place on Saturday, June 17, 2000, at 9:00 a.m. on the campus of the College of Southern Idaho, Twin Falls, Idaho.

The purpose of this hearing is to conduct oversight on the proposed expansion of the Craters of the Moon National Monument.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge (202) 224-6170.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that a joint legislative hearing has been scheduled before the Subcommittee on Water and Power, and the Committee on Indian Affairs. The purpose of the hearing is to receive testimony on S. 2508, the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000.

The hearing will take place on Wednesday, June 7, 2000 at 2:30 p.m. in room SR-485 of the Russell Senate Office Building in Washington, D.C.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing regarding the National Marine Fisheries Service's draft Biological Opinion and its potential impact on the Columbia River operations, which has been previously scheduled for Wednesday, June 14, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C. has been indefinitely postponed.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, June 6, at 10:00 a.m., to conduct a hearing to receive testimony on S. 1311, to establish Region XI of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet on Tuesday, June 6, 2000, at 11:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Tuesday, June 6, 2000, at 11:00 a.m., in 226 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that the staff members of the Committee on Armed Services appearing on the list I send to the desk be extended the privilege of the floor during consideration of S. 2549, and further, that David Hahn, a military fellow serving in my Senate office be granted floor privileges for the duration of S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Charles S. Abell, Charles W. Alsup, Judith A. Ansley, John R. Barnes, Beth Ann Barozie, Romie L. Brownlee, Courtney A. Burke, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn R. Creedon, Richard D. DeBobes, Marie Fabrizio Dickinson, Kristin A. Dowley, Edward E. Edens IV, Pamela L. Farrell, Richard W. Fieldhouse.

Mickie Jan Gordon, Creighton Greene, William C. Greenwalt, Gary M. Hall, Mary Alice A. Hayward, Shekinah Z. Hill, Larry J. Hoag, Lawrence J. Lanzillotta, George W. Lauffer, Gerald J. Leeling, Peter K. Levine, Patricia L. Lewis, Paul M. Longsworth, David S. Lyles, Thomas L. MacKenzie.

Michael J. McCord, Ann M. Mittermeyer, Thomas C. Moore, Jennifer L. Naccari, David P. Nunley, Cindy Pearson, Sharen E. Reaves, Suzanne K.L. Ross, Anita H. Rouse, Joseph T. Sixeas, Cord A. Sterling, Madeline N. Stewart, Scott W. Stucky, Eric H. Thoemmes, Michele A. Traficante, Roslyne D. Turner.

Mr. WARNER. Mr. President, I ask unanimous consent that Senator MCCAIN's legislative fellow, Navy Comdr. Douglas J. Denneny, be granted floor privileges during consideration of S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that Mike Daly, a fellow in the office of Senator ABRAHAM, be granted floor privileges during consideration of S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent that Doug Flanders of my staff have floor privileges during the entire debate of S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following member of Senator EDWARDS' staff: Bob Morgan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent Martha McSally, a fellow in my office, be granted floor privileges during the Defense authorization bill, S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED—S. 1650

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate passage of S. 1650 be vitiated; further, the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL

Mr. WARNER. Mr. President, as if in executive session, I ask unanimous consent that the nomination of Robert S. Larussa, of Maryland, to be Under Secretary of Commerce for International Trade, received on May 25, 2000, be jointly referred to the Committee on Finance and the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MILITARY APPRECIATION MONTH

Mr. WARNER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1419, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1419) to amend title 36, United States Code, to designate May as "National Military Appreciation Month."

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1419) was read a third time and passed, as follows:

S. 1419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL MILITARY APPRECIATION MONTH.

(a) FINDINGS.—Congress makes the following findings:

(1) The freedom and security that citizens of the United States enjoy today are direct results of the vigilance of the United States Armed Forces.

(2) Recognizing contributions made by members of the United States Armed Forces will increase national awareness of the sacrifices that such members have made to preserve the freedoms and liberties that enrich this Nation.

(3) It is important to preserve and foster admiration and respect for the service provided by members of the United States Armed Forces.

(4) It is vital for youth in the United States to understand that the service provided by members of the United States Armed Forces has secured and protected the freedoms that United States citizens enjoy today.

(5) Recognizing the unfailing support that families of members of the United States Armed Forces have provided to such members during their service and how such support strengthens the vitality of our Nation is important.

(6) Recognizing the role that the United States Armed Forces plays in maintaining the superiority of the United States as a nation and in contributing to world peace will increase awareness of all contributions made by such Forces.

(7) It is appropriate to recognize the importance of maintaining a strong, equipped, well-educated, well-trained military for the United States to safeguard freedoms, humanitarianism, and peacekeeping efforts around the world.

(8) It is proper to foster and cultivate the honor and pride that citizens of the United States feel towards members of the United States Armed Forces for the protection and service that such members provide.

(9) Recognizing the many sacrifices made by members of the United States Armed Forces is important.

(10) It is proper to recognize and honor the dedication and commitment of members of the United States Armed Forces, and to show appreciation for all contributions made by such members since the inception of such Forces.

(b) NATIONAL MILITARY APPRECIATION MONTH.—Chapter 1 of part A of subtitle I of title 36, United States Code, is amended by adding at the end the following:

"§ 144. National Military Appreciation Month

"The President shall issue each year a proclamation—

"(1) designating May as 'National Military Appreciation Month'; and

"(2) calling on the people of the United States to honor the dedicated service provided by the members of the United States Armed Forces and to observe the month with appropriate ceremonies and activities.".

(c) TABLE OF CONTENTS.—The table of contents in chapter 1 of part A of subtitle I of title 36, United States Code, is amended by inserting after the item relating to section 143 the following new item:

"144. National Military Appreciation Month.".

RYAN WHITE CARE ACT AMENDMENTS OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar 548, S. 2311.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2311) to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill (S. 2311) to amend the Ryan White CARE Act to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for related purposes, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan White CARE Act Amendments of 2000".

SEC. 2. REFERENCES; TABLE OF CONTENTS.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. References; table of contents.

TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

Subtitle A—Amendments to Part A (Emergency Relief Grants)

Sec. 101. Duties of planning council, funding priorities, quality assessment.
Sec. 102. Quality management.
Sec. 103. Funded entities required to have health care relationships.
Sec. 104. Support services required to be health care-related.
Sec. 105. Use of grant funds for early intervention services.
Sec. 106. Replacement of specified fiscal years regarding the sunset on expedited distribution requirements.
Sec. 107. Hold harmless provision.
Sec. 108. Set-aside for infants, children, and women.

Subtitle B—Amendments to Part B (Care Grant Program)

Sec. 121. State requirements concerning identification of need and allocation of resources.
Sec. 122. Quality management.
Sec. 123. Funded entities required to have health care relationships.
Sec. 124. Support services required to be health care-related.
Sec. 125. Use of grant funds for early intervention services.
Sec. 126. Authorization of appropriations for HIV-related services for women and children.
Sec. 127. Repeal of requirement for completed Institute of Medicine report.
Sec. 128. Supplement grants for certain States.
Sec. 129. Use of treatment funds.
Sec. 130. Increase in minimum allotment.
Sec. 131. Set-aside for infants, children, and women.

Subtitle C—Amendments to Part C (Early Intervention Services)

Sec. 141. Amendment of heading; repeal of formula grant program.
Sec. 142. Planning and development grants.
Sec. 143. Authorization of appropriations for categorical grants.
Sec. 144. Administrative expenses ceiling; quality management program.
Sec. 145. Preference for certain areas.
Sec. 146. Technical amendment.

Subtitle D—Amendments to Part D (General Provisions)

Sec. 151. Research involving women, infants, children, and youth.
Sec. 152. Limitation on administrative expenses.
Sec. 153. Evaluations and reports.
Sec. 154. Authorization of appropriations for grants under parts A and B.

Subtitle E—Amendments to Part F (Demonstration and Training)

Sec. 161. Authorization of appropriations.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Institute of Medicine study.

TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

Subtitle A—Amendments to Part A (Emergency Relief Grants)

SEC. 101. DUTIES OF PLANNING COUNCIL, FUNDING PRIORITIES, QUALITY ASSESSMENT.

Section 2602 (42 U.S.C. 300ff–12) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(C), by inserting before the semicolon the following: ", including providers of housing and homeless services"; and

(B) in paragraph (4), by striking "shall—" and all that follows and inserting "shall have the responsibilities specified in subsection (d)."; and

(2) by adding at the end the following:

"(d) DUTIES OF PLANNING COUNCIL.—The planning council established under subsection (b) shall have the following duties:

"(1) PRIORITIES FOR ALLOCATION OF FUNDS.—The council shall establish priorities for the allocation of funds within the eligible area, including how best to meet each such priority and additional factors that a grantee should consider in allocating funds under a grant, based on the following factors:

"(A) The size and demographic characteristics of the population with HIV disease to be served, including, subject to subsection (e), the needs of individuals living with HIV infection who are not receiving HIV-related health services.

"(B) The documented needs of the population with HIV disease with particular attention being given to disparities in health services among affected subgroups within the eligible area.

"(C) The demonstrated or probable cost and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available.

"(D) Priorities of the communities with HIV disease for whom the services are intended.

"(E) The availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease.

"(F) Capacity development needs resulting from gaps in the availability of HIV services in historically underserved low-income communities.

"(2) COMPREHENSIVE SERVICE DELIVERY PLAN.—The council shall develop a comprehensive plan for the organization and delivery of health and support services described in section 2604. Such plan shall be compatible with any existing State or local plans regarding the provision of such services to individuals with HIV disease.

"(3) ASSESSMENT OF FUND ALLOCATION EFFICIENCY.—The council shall assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the eligible area.

"(4) STATEWIDE STATEMENT OF NEED.—The council shall participate in the development of the Statewide coordinated statement of need as initiated by the State public health agency responsible for administering grants under part B.

"(5) COORDINATION WITH OTHER FEDERAL GRANTEES.—The council shall coordinate with Federal grantees providing HIV-related services within the eligible area.

"(6) COMMUNITY PARTICIPATION.—The council shall establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.

"(e) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—

"(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall—

"(A) consult with eligible metropolitan areas, affected communities, experts, and other appropriate individuals and entities, to develop epidemiologic measures for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

"(B) provide advice and technical assistance to planning councils with respect to the process for establishing priorities for the allocation of funds under subsection (d)(1).

"(2) EXCEPTION.—Grantees under this part shall not be required to establish priorities for individuals not in care until epidemiologic measures are developed under paragraph (1).".

SEC. 102. QUALITY MANAGEMENT.

(a) FUNDS AVAILABLE FOR QUALITY MANAGEMENT.—Section 2604 (42 U.S.C. 300ff–14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) QUALITY MANAGEMENT.—

"(1) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection and to develop strategies for improvements in the access to and quality of medical services.

"(2) USE OF FUNDS.—From amounts received under a grant awarded under this part, the chief elected official of an eligible area may use, for activities associated with its quality management program, not more than the lesser of—

"(A) 5 percent of amounts received under the grant; or

"(B) $3,000,000.".

(b) QUALITY MANAGEMENT REQUIRED FOR ELIGIBILITY FOR GRANTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);".

SEC. 103. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

(a) USE OF AMOUNTS.—Section 2604(e)(1) (42 U.S.C. 300ff–14(d)(1)) (as so redesignated by section 102(a)) is amended by inserting "and the State Children's Health Insurance Program under title XXI of such Act" after "Social Security Act".

(b) APPLICATIONS.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended by inserting after paragraph (3), as added by section 102(b), the following:

"(4) that funded entities within the eligible area that receive funds under a grant under section 2601(a) shall maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters) and other entities under section 2652(a) for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care;".

SEC. 104. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) IN GENERAL.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "HIV-related—" and inserting "HIV-related services, as follows:";

(2) in subparagraph (A)—

(A) by striking "outpatient" and all that follows through "substance abuse treatment and" and inserting the following: "OUTPATIENT HEALTH SERVICES.—Outpatient and ambulatory health services, including substance abuse treatment,"; and

(B) by striking "; and" and inserting a period;

(3) in subparagraph (B), by striking "(B) inpatient case management" and inserting "(C) INPATIENT CASE MANAGEMENT SERVICES.—Inpatient case management"; and

(4) by inserting after subparagraph (A) the following:

"(B) OUTPATIENT SUPPORT SERVICES.—Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.".

(b) CONFORMING AMENDMENT TO APPLICATION REQUIREMENTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)), as amended by section 102(b), is further amended—

(1) in paragraph (7) (as so redesignated), by striking "and" at the end thereof;

(2) in paragraph (8) (as so redesignated), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(9) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).".

SEC. 105. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

(a) IN GENERAL.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)), as amended by section 104(a), is further amended by adding at the end the following:

"(D) EARLY INTERVENTION SERVICES.—Early intervention services as described in section 2651(b)(2), with follow-through referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

"(i)(I) is receiving funds under subparagraph (A) or (C); or

"(II) is an entity constituting a point of access to services, as described in section 2605(a)(4), that maintains a relationship with an entity described in subclause (I) and that is serving individuals at elevated risk of HIV disease;

"(ii) demonstrates to the satisfaction of the chief elected official that Federal, State, or local funds are inadequate for the early intervention services the entity will provide with funds received under this subparagraph; and

"(iii) demonstrates to the satisfaction of the chief elected official that funds will be utilized under this subparagraph to supplement not supplant other funds available for such services in the year for which such funds are being utilized.".

(b) CONFORMING AMENDMENTS TO APPLICATION REQUIREMENTS.—Section 2605(a)(1) (42 U.S.C. 300ff–15(a)(1)) is amended—

(1) in subparagraph (A), by striking "services to individuals with HIV disease" and inserting "services as described in section 2604(b)(1)"; and

(2) in subparagraph (B), by striking "services for individuals with HIV disease" and inserting "services as described in section 2604(b)(1)".

SEC. 106. REPLACEMENT OF SPECIFIED FISCAL YEARS REGARDING THE SUNSET ON EXPEDITED DISTRIBUTION REQUIREMENTS.

Section 2603(a)(2) (42 U.S.C. 300ff–13(a)(2)) is amended by striking "for each of the fiscal years 1996 through 2000" and inserting "for a fiscal year".

SEC. 107. HOLD HARMLESS PROVISION.

Section 2603(a)(4) (42 U.S.C. 300ff–13(a)(4)) is amended to read as follows:

"(4) Limitation.—With respect to each of fiscal years 2001 through 2005, the Secretary shall ensure that the amount of a grant made to an eligible area under paragraph (2) for such a fiscal year is not less than an amount equal to 98 percent of the amount the eligible area received for the fiscal year preceding the year for which the determination is being made.".

SEC. 108. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2604(b)(3) (42 U.S.C. 300ff–14(b)(3)) is amended—

(1) by inserting "for each population under this subsection" after "council"; and

(2) by striking "ratio of the" and inserting "ratio of each".

Subtitle B—Amendments to Part B (Care Grant Program)

SEC. 121. STATE REQUIREMENTS CONCERNING IDENTIFICATION OF NEED AND ALLOCATION OF RESOURCES.

(a) General Use of Grants.—Section 2612 (42 U.S.C. 300ff–22) is amended—

(1) by striking "A State" and inserting "(a) In General.—A State"; and

(2) in the matter following paragraph (5)—

(A) by striking "Services" and inserting:

"(b) Delivery of Services.—Services";

(B) by striking "paragraph (1)" and inserting "subsection (a)(1)"; and

(C) by striking "paragraph (2)" and inserting "subsection (a)(2) and section 2613";

(b) Application.—Section 2617(b) (42 U.S.C. 300ff–27(b)) is amended—

(1) in paragraph (1)(C)—

(A) by striking clause (i) and inserting the following:

"(i) the size and demographic characteristics of the population with HIV disease to be served, except that by not later than October 1, 2002, the State shall take into account the needs of individuals not in care, based on epidemiologic measures developed by the Secretary in consultation with the State, affected communities, experts, and other appropriate individuals (such State shall not be required to establish priorities for individuals not in care until such epidemiologic measures are developed);";

(B) in clause (iii), by striking "and" at the end; and

(C) by adding at the end the following:

"(v) the availability of other governmental and non-governmental resources;

"(vi) the capacity development needs resulting in gaps in the provision of HIV services in historically underserved low-income and rural low-income communities; and

"(vii) the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the State;"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (F); and

(C) by inserting after subparagraph (B), the following:

"(C) an assurance that capacity development needs resulting from gaps in the provision of services in underserved low-income and rural low-income communities will be addressed; and

"(D) with respect to fiscal year 2003 and subsequent fiscal years, assurances that, in the planning and allocation of resources, the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), will make appropriate provision for the HIV-related health and support service needs of individuals who have been diagnosed with HIV disease but who are not currently receiving such services, based on the epidemiologic measures developed under paragraph (1)(C)(i);".

SEC. 122. QUALITY MANAGEMENT.

(a) State Requirement for Quality Management.—Section 2617(b)(4) (42 U.S.C. 300ff–27(b)(4)) is amended—

(1) by striking subparagraph (C) and inserting the following:

"(C) the State will provide for—

"(i) the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and to develop strategies for improvements in the access to and quality of medical services; and

"(ii) a periodic review (such as through an independent peer review) to assess the quality and appropriateness of HIV-related health and support services provided by entities that receive funds from the State under this part;";

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (D), the following:

"(E) an assurance that the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), has considered strategies for working with providers to make optimal use of financial assistance under the State medicaid plan under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of such Act, and other Federal grantees that provide HIV-related services, to maximize access to quality HIV-related health and support services;";

(4) in subparagraph (F), as so redesignated, by striking "and" at the end; and

(5) in subparagraph (G), as so redesignated, by striking the period and inserting "; and".

(b) Availability of Funds for Quality Management.—

(1) Availability of grant funds for planning and evaluation.—Section 2618(c)(3) (42 U.S.C. 300ff–28(c)(3)) is amended by inserting before the period ", including not more than $3,000,000 for all activities associated with its quality management program".

(2) Exception to combined ceiling on planning and administration funds for states with small grants.—Paragraph (6) of section 2618(c) (42 U.S.C. 300ff–28(c)(6)) is amended to read as follows:

"(6) Exception for quality management.—Notwithstanding paragraph (5), a State whose grant under this part for a fiscal year does not exceed $1,500,000 may use not to exceed 20 percent of the amount of the grant for the purposes described in paragraphs (3) and (4) if—

"(A) that portion of the amount that may be used for such purposes in excess of 15 percent of the grant is used for its quality management program; and

"(B) the State submits and the Secretary approves a plan (in such form and containing such information as the Secretary may prescribe) for use of funds for its quality management program.".

SEC. 123. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

Section 2617(b)(4) (42 U.S.C. 300ff–27(b)(4)), as amended by section 122(a), is further amended by adding at the end the following:

"(H) that funded entities maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care.".

SEC. 124. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) Technical Amendment.—Section 3(c)(2)(A)(iii) of the Ryan White CARE Act Amendments of 1996 (Public Law 104–146) is amended by inserting "before paragraph (2) as so redesignated" after "inserting".

(b) Services.—Section 2612(a)(1) (42 U.S.C. 300ff–22(a)(1)), as so designated by section 121(a), is amended by striking "for individuals with HIV disease" and inserting ", subject to the conditions and limitations that apply under such section".

(c) Conforming Amendment to State Application Requirement.—Section 2617(b)(2) (42 U.S.C. 300ff–27(b)(2)), as amended by section 121(b), is further amended by inserting after subparagraph (D) the following:

"(E) an assurance that the State has procedures in place to ensure that services provided with funds received under this section meet the criteria specified in section 2604(b)(1)(B); and".

SEC. 125. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

Section 2612(a) (42 U.S.C. 300ff–22(a)), as amended by section 121, is further amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(6) to provide, through systems of HIV-related health services provided under paragraphs (1), (2), and (3), early intervention services, as described in section 2651(b)(2), with follow-up referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

"(A)(i) is receiving funds under section 2612(a)(1); or

"(ii) is an entity constituting a point of access to services, as described in section 2617(b)(4), that maintains a referral relationship with an entity described in clause (i) and that is serving individuals at elevated risk of HIV disease;

"(B) demonstrates to the State's satisfaction that other Federal, State, or local funds are inadequate for the early intervention services the entity will provide with funds received under this paragraph; and

"(C) demonstrates to the satisfaction of the State that funds will be utilized under this paragraph to supplement not supplant other funds available for such services in the year for which such funds are being utilized.".

SEC. 126. AUTHORIZATION OF APPROPRIATIONS FOR HIV-RELATED SERVICES FOR WOMEN AND CHILDREN.

Section 2625(c)(2) (42 U.S.C. 300ff–33(c)(2)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

SEC. 127. REPEAL OF REQUIREMENT FOR COMPLETED INSTITUTE OF MEDICINE REPORT.

Section 2628 (42 U.S.C. 300ff–36) is repealed.

SEC. 128. SUPPLEMENTAL GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) is amended by adding at the end the following:

"SEC. 2622. SUPPLEMENTAL GRANTS.

"(a) In General.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in emerging communities within the State that are not eligible to receive grants under part A.

"(b) Eligibility.—To be eligible to receive a supplemental grant under subsection (a) a State shall—

"(1) be eligible to receive a grant under this subpart;

"(2) demonstrate the existence in the State of an emerging community as defined in subsection (d)(1); and

"(3) submit the information described in subsection (c).

"(c) Reporting Requirements.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

"(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds in the emerging community;

"(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

"(3) a demonstration that the State will maintain HIV-related activities at a level that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

"(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

"(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS including appropriate allocations for services for infants, children, women, and families with HIV disease;

"(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

"(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

"(d) Definition of Emerging Community.—In this section, the term 'emerging community' means a metropolitan area—

"(1) that is not eligible for a grant under part A; and

"(2) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 500 and 1999 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available.

"(e) Funding.—

"(1) In general.—Subject to paragraph (2), with respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize—

"(A) the greater of—

"(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

"(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 1000, but less than 2000, cases of AIDS as reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded; and

"(B) the greater of—

"(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

"(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 500, but less than 1000, cases of AIDS reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded.

"(2) Trigger of funding.—This section shall be effective only for fiscal years beginning in the first fiscal year in which the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), exceeds by at least $20,000,000 the amount appropriated under 2677 to carry out part B in fiscal year 2000, excluding the amount appropriated under section 2618(b)(2)(H).

"(3) Minimum amount in future years.—Beginning with the first fiscal year in which amounts provided for emerging communities under paragraph (1)(A) equals $5,000,000 and under paragraph (1)(B) equals $5,000,000, the Secretary shall ensure that amounts made available under this section for the types of emerging communities described in each such paragraph in subsequent fiscal years is at least $5,000,000.

"(4) Distribution.—The amount of a grant awarded to a State under this section shall be determined by the Secretary based on the formula described in section 2618(b)(2), except that in applying such formula, the Secretary shall—

"(A) substitute '1.0' for '.80' in subparagraph (A)(ii)(I) of such section; and

"(B) not consider the provisions of subparagraphs (A)(ii)(II) and (C) of such section.".

SEC. 129. USE OF TREATMENT FUNDS.

(a) State Duties.—Section 2616(c) (42 U.S.C. 300ff–26(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "shall—" and inserting "shall use funds made available under this section to—";

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively and realigning the margins of such subparagraphs appropriately;

(3) in subparagraph (D) (as so redesignated), by striking "and" at the end;

(4) in subparagraph (E) (as so redesignated), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(F) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.";

(6) by striking "In carrying" and inserting the following:

"(1) In general.—In carrying"; and

(7) by adding at the end the following:

"(2) Limitations.—

"(A) In general.—No State shall use funds under paragraph (1)(F) unless the limitations on access to HIV/AIDS therapeutic regimens as defined in subsection (e)(2) are eliminated.

"(B) Amount of funding.—No State shall use in excess of 10 percent of the amount set-aside for use under this section in any fiscal year to carry out activities under paragraph (1)(F) unless the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to therapeutics.".

(b) Supplement Grants.—Section 2616 (42 U.S.C. 300ff–26) is amended by adding at the end the following:

"(e) Supplemental Grants for the Provision of Treatments.—

"(1) In general.—From amounts made available under paragraph (5), the Secretary shall award supplemental grants to States determined to be eligible under paragraph (2) to enable such States to increase access to therapeutics to treat HIV disease as provided by the State under subsection (c)(1)(B) for individuals at or below 200 percent of the Federal poverty line.

"(2) Criteria.—The Secretary shall develop criteria for the awarding of grants under paragraph (1) to States that demonstrate a severe need. In determining the criteria for demonstrating State severity of need, the Secretary shall consider eligibility standards and formulary composition.

"(3) State requirement.—The Secretary may not make a grant to a State under this subsection unless the State agrees that—

"(A) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant; and

"(B) the State will not impose eligibility requirements for services or scope of benefits limitations under subsection (a) that are more restrictive than such requirements in effect as of January 1, 2000.

"(4) Use and coordination.—Amounts made available under a grant under this subsection shall only be used by the State to provide HIV/AIDS-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under this section in order to maximize drug coverage.

"(5) Funding.—

"(A) Reservation of amount.—The Secretary shall reserve 3 percent of any amount referred to in section 2618(b)(2)(H) that is appropriated for a fiscal year, to carry out this subsection.

"(B) Minimum amount.—In providing grants under this subsection, the Secretary shall ensure that the amount of a grant to a State under this part is not less than the amount the State received under this part in the previous fiscal year, as a result of grants provided under this subsection.".

(c) Supplement and Not Supplant.—Section 2616 (42 U.S.C. 300ff–26(c)), as amended by subsection (b), is further amended by adding at the end the following:

"(f) Supplement Not Supplant.—Notwithstanding any other provision of law, amounts made available under this section shall be used to supplement and not supplant other funding available to provide treatments of the type that may be provided under this section.".

SEC. 130. INCREASE IN MINIMUM ALLOTMENT.

(a) In General.—Section 2618(b)(1)(A)(i) (42 U.S.C. 300ff–28(b)(1)(A)(i)) is amended—

(1) in subclause (I), by striking "$100,000" and inserting "$200,000"; and

(2) in subclause (II), by striking "$250,000" and inserting "$500,000".

(b) Territories.—Section 2618(b)(1)(B) (42 U.S.C. 300ff–28(b)(1)(B)) is amended by inserting "the greater of $50,000 or" after "shall be".

(c) Technical Amendment.—Section 2618(b)(3)(B) (42 U.S.C. 300ff–28(b)(3)(B)) is amended by striking "and the Republic of the Marshall Islands" and inserting ", the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and only for purposes of paragraph (1) the Commonwealth of Puerto Rico".

SEC. 131. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2611(b) (42 U.S.C. 300ff–21(b)) is amended—

(1) by inserting "for each population under this subsection" after "State shall use"; and

(2) by striking "ratio of the" and inserting "ratio of each".

Subtitle C—Amendments to Part C (Early Intervention Services)

SEC. 141. AMENDMENT OF HEADING; REPEAL OF FORMULA GRANT PROGRAM.

(a) Amendment of Heading.—The heading of part C of title XXVI is amended to read as follows:

"Part C—Early Intervention and Primary Care Services".

(b) Repeal.—Part C of title XXVI (42 U.S.C. 300ff–41 et seq.) is amended—

(1) by repealing subpart I; and

(2) by redesignating subparts II and III as subparts I and II.

(c) Conforming Amendments.—

(1) Information regarding receipt of services.—Section 2661(a) (42 U.S.C. 300ff–61(a)) is amended by striking "unless—" and all that follows through "(2) in the case of" and inserting "unless, in the case of".

(2) Additional agreements.—Section 2664 (42 U.S.C. 300ff–64) is amended—

(A) in subsection (e)(5), by striking "2642(b) or";

(B) in subsection (f)(2), by striking "2642(b) or"; and

(C) by striking subsection (h).

SEC. 142. PLANNING AND DEVELOPMENT GRANTS.

(a) Allowing Planning and Development Grant To Expand Ability To Provide Primary Care Services.—Section 2654(c) (42 U.S.C. 300ff–54(c)) is amended—

(1) in paragraph (1), to read as follows:

"(1) In general.—The Secretary may provide planning and development grants to public and nonprofit private entities for the purpose of—

"(A) enabling such entities to provide HIV early intervention services; or

"(B) assisting such entities to expand the capacity, preparedness, and expertise to deliver primary care services to individuals with HIV disease in underserved low-income communities on the condition that the funds are not used to purchase or improve land or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility."; and

(2) in paragraphs (2) and (3) by striking "paragraph (1)" each place that such appears and inserting "paragraph (1)(A)".

(b) Amount; Duration.—Section 2654(c) (42 U.S.C. 300ff–54(c)), as amended by subsection (a), is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) Amount and duration of grants.—

"(A) Early intervention services.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50,000.

"(B) Capacity development.—

"(i) Amount.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

"(ii) Duration.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.".

(c) Increase in Limitation.—Section 2654(c)(5) (42 U.S.C. 300ff–54(c)(5)), as so redesignated by subsection (b), is amended by striking "1 percent" and inserting "5 percent".

SEC. 143. AUTHORIZATION OF APPROPRIATIONS FOR CATEGORICAL GRANTS.

Section 2655 (42 U.S.C. 300ff–55) is amended by striking "1996" and all that follows through "2000" and inserting "2001 through 2005".

SEC. 144. ADMINISTRATIVE EXPENSES CEILING; QUALITY MANAGEMENT PROGRAM.

Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3), to read as follows:

"(3) the applicant will not expend more than 10 percent of the grant for costs of administrative activities with respect to the grant;";

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) the applicant will provide for the establishment of a quality management program to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and that improvements in the access to and quality of medical services are addressed.".

SEC. 145. PREFERENCE FOR CERTAIN AREAS.

Section 2651 (42 U.S.C. 300ff–51) is amended by adding at the end the following:

"(d) Preference in Awarding Grants.—In awarding new grants under this section, the Secretary shall give preference to applicants that will use amounts received under the grant to serve areas that are determined to be rural and underserved for the purposes of providing health care to individuals infected with HIV or diagnosed with AIDS.".

SEC. 146. TECHNICAL AMENDMENT.

Section 2652(a) (42 U.S.C. 300ff–52(a)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) health centers under section 330;"; and

(2) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

Subtitle D—Amendments to Part D (General Provisions)

SEC. 151. RESEARCH INVOLVING WOMEN, INFANTS, CHILDREN, AND YOUTH.

(a) Elimination of Requirement To Enroll Significant Numbers of Women and Children.—Section 2671(b) (42 U.S.C. 300ff–71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D); and

(2) by striking paragraphs (3) and (4).

(b) Information and Education.—Section 2671(d) (42 U.S.C. 300ff–71(d)) is amended by adding at the end the following:

"(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.".

(c) Quality Management; Administrative Expenses Ceiling.—Section 2671(f) (42 U.S.C. 300ff–71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

"(f) Administration.—

"(1) Application.—"; and

(2) by adding at the end the following:

"(2) Quality management program.—A grantee under this section shall implement a quality management program.".

(d) Coordination.—Section 2671(g) (42 U.S.C. 300ff–71(g)) is amended by adding at the end the following: "The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects. Not later than 12 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the findings made by the Director and the manner in which the conclusions based on those findings can be addressed.".

(e) Authorization of Appropriations.—Section 2671(j) (42 U.S.C. 300ff–71(j)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

SEC. 152. LIMITATION ON ADMINISTRATIVE EXPENSES.

Section 2671 (42 U.S.C. 300ff–71) is amended—

(1) by redesignating subsections (i) and (j), as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h), the following:

"(i) Limitation on Administrative Expenses.—

"(1) Determination by secretary.—Not later than 12 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

"(2) Requirements.—

"(A) In general.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

"(B) Limitation.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.".

SEC. 153. EVALUATIONS AND REPORTS.

Section 2674(c) (42 U.S.C. 399ff–74(c)) is amended by striking "1991 through 1995" and inserting "2001 through 2005".

SEC. 154. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS UNDER PARTS A AND B.

Section 2677 (42 U.S.C. 300ff–77) is amended to read as follows:

"SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated—

"(1) such sums as may be necessary to carry out part A for each of the fiscal years 2001 through 2005; and

"(2) such sums as may be necessary to carry out part B for each of the fiscal years 2001 through 2005.".

Subtitle E—Amendments to Part F (Demonstration and Training)

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

(a) Schools; Centers.—Section 2692(c)(1) (42 U.S.C. 300ff–111(c)(1)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

(b) Dental Schools.—Section 2692(c)(2) (42 U.S.C. 300ff–111(c)(2)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

(c) Dental Schools and Programs.—Section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff-111(b)) is amended—

(1) in paragraph (1), by striking "777(b)(4)(B)" and inserting "777(b)(4)(B) (as such section existed on the day before the date of enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105–392)) and dental hygiene programs that are accredited by the Commission on Dental Accreditation"; and

(2) in paragraph (2), by striking "777(b)(4)(B)" and inserting "777(b)(4)(B) (as such section existed on the day before the date of enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105–392))".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. INSTITUTE OF MEDICINE STUDY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(b) REQUIREMENTS.—

(1) COMPLETION.—The study under subsection (a) shall be completed not later than 21 months after the date on which the contract referred to in such subsection is entered into.

(2) ISSUES TO BE CONSIDERED.—The study conducted under subsection (a) shall consider—

(A) the availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services;

(B) the effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment as well as the changing epidemiology of the epidemic;

(C) existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process; and

(D) other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) REPORT.—Not later than 90 days after the date on which the study is completed under subsection (a), the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report describing the manner in which the conclusions and recommendations of the Institute of Medicine can be addressed and implemented.

AMENDMENT NO. 3190

Mr. WARNER. Mr. President, Senator JEFFORDS has an amendment at the desk for himself and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. JEFFORDS, Mr. KENNEDY and Mr. FRIST, proposes an amendment numbered 3190.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. JEFFORDS. Mr. President, it gives me great pleasure today that the Senate is considering the Ryan White Comprehensive AIDS Resources and Emergency Act Amendments of 2000, a measure that will reauthorize a national program providing primary health care services to people living with HIV and AIDS. I especially want to commend Senators HATCH and KENNEDY for the leadership they have provided since the inauguration of the legislation establishing the Ryan White programs over a decade ago. I also want to commend Senator FRIST whose medical expertise played a critical role in key provisions of the bill and continues to be an invaluable resource to our efforts on the range of health issues that come before the Senate. I want to recognize Senator DODD for his unwavering support for this legislation and people living with HIV and AIDS. Finally, I want to acknowledge Senator ENZI's recognition of the growing burden that AIDS and HIV have placed on rural communities throughout the country and the need to address those gaps in services.

Since its inception in 1990, the Ryan White program has enjoyed broad bipartisan support. During the last reauthorization of the Ryan White CARE Act in 1996, the measure garnered a vote of 97 to 3 on its final passage. As evidence that strong bipartisan support continues, I am happy to report that last month this reauthorization bill was passed unanimously out of committee. The bipartisan support for this important legislation underlines the critical need for the assistance this Act provides across the nation.

With this reauthorization, we mark the ten years through which the Ryan White CARE Act has provided needed health care and support services to HIV positive people around the country. Titles I and II have provided much needed relief to cities and states hardest hit by this disease, while Titles III and IV have had a direct role in providing healthcare services to underserved communities. Ryan White program dollars provide the foundation of care so necessary in fighting this epidemic and have allowed States and communities around the country to successfully address the needs of people affected by HIV disease.

In a recently released report, the General Accounting Office found that CARE Act funds are reaching the infected groups that have typically been underserved, including the poor, the uninsured, women, and ethnic minorities. In fact, these groups form a majority of CARE Act clients and are being served by the CARE Act in higher proportions than their representation in the AIDS population. The GAO also found that CARE Act funds support a wide array of primary care and support services, including the provision of powerful therapeutic regimens for people with HIV/AIDS that have dramatically reduced AIDS diagnoses and deaths.

Much has occurred to change the course of the AIDS epidemic since the last reauthorization. During the last reauthorization, Congressman Coburn and our colleague, Senator FRIST, focused our attention on the needs of women living with HIV/AIDS and the problems associated with perinatal transmission of HIV. Since then, the CARE Act has helped to dramatically reduce mother-to-child transmission through more effective outreach, counseling, and voluntary testing of mothers at risk for HIV infection. Between 1993 and 1998, perinatal-acquired AIDS cases declined 74% in the U.S. In this bill, I have continued to support efforts to reach women in need of care for their HIV disease and have included provisions to ensure that women, infants and children receive resources in accordance with the prevalence of the infection among them.

Another key success has been the AIDS Drug Assistance Program. This program has provided people with HIV and AIDS access to newly developed, highly effective therapeutics. Because of these drugs, people are maintaining their health and living longer. The AIDS death rate and the number of new AIDS cases have been dramatically reduced. From 1996 to 1998, deaths from AIDS dropped 54% while new AIDS cases have been reduced by 27%. However, these treatments are very expensive, do not provide a cure, and do not work for everyone.

AIDS, HIV, the people it infects and families that it has affected are not in the news today as often as they have been in the past. But for too many of us, this lack of bad news has created a false sense of complacency. While the rate of decline in new AIDS cases and deaths is leveling off, HIV infection rates continue to rise in many areas; becoming increasingly prevalent in rural and underserved urban areas; and also among women, youth, and minority communities. Local and state healthcare systems face an increasing burden of disease, despite our success in treating and caring for people living with HIV and AIDS. Unfortunately, rural and underserved urban areas are often unable to address the complex medical and support services needs of people with HIV infection. Thus, Ryan White programs remain as vital to the public health of this nation as it was in 1990 and in 1996. As the AIDS epidemic reaches into rural areas and into underserved urban communities across the country, this legislation will allow us to adapt our care systems to meet the most urgent needs in the communities hardest hit by the epidemic.

The bill being considered today was developed on a bipartisan basis, working with other Committee Members, community stakeholders and elected officials at the state and local levels from whom we sought input to ensure that we addressed the most important problems facing communities of people with HIV infection. I held a hearing in March before the Committee on Health, Education, Labor and Pensions to learn whether the program has been successful and whether it needed to be changed. We received testimony from Ryan White's mother, Jeanne White, from Surgeon General David Satcher, from a person living with AIDS, as well as state and local officials familiar with the importance of this program. I especially want to commend Dr. Chris Grace of Vermont who testified as to the particular challenges of providing care to people living with HIV/AIDS in rural, and sometimes remote, parts of the country. It was clear from our witnesses' statements that, despite the successes, challenges remain.

To address these challenges, we have developed a bill that will improve access to care in underserved urban and rural areas. My bill will double the minimum base funding available to states through the CARE Act to assist them in developing systems of care for people struggling with HIV and AIDS. The bill also includes a new supplemental state grant to target assistance to small and mid-sized metropolitan areas to help them address the increasing number of people with HIV/AIDS living outside of urban areas that receive assistance under Title I of the Act. Rural and underserved areas receive a preference for planning, early intervention, and capacity development grants under title III. In order to assist states in expanding access to appropriate HIV/AIDS therapeutics to low-income people with HIV/AIDS, a supplemental grant has been added to the AIDS Drug Assistance Program.

The bill remains primarily a system of grants to State and local jurisdictions, thereby ensuring that grantees can respond to local needs. States, EMAs, and the affected communities will still decide how to best prioritize and address the healthcare needs of their HIV-positive citizens. This bill reinforces the ability of States and EMAs to identify and meet local needs.

Finally, in recognition of the changing nature of the epidemic, I have asked the Institute of Medicine to complete a study of the financing and delivery of primary care and support services for low income, uninsured, and under-insured individuals with HIV disease, within 21 months after the enactment of this Act. Changes in HIV surveillance and case reporting, and the effects of these changes on program funding, will be included in this study. The recommendations from this study will help Congress and the Secretary of Health and Human Services to ensure the most effective and efficient use of Federal funds for HIV and AIDS care and support.

I intend to see this bill become law this year so that the people struggling to overcome the challenges of HIV and AIDS continue to benefit from high quality medical care and access to lifesaving drugs. We have made incredible progress in the fight against HIV/AIDS and I want to be sure that every person in America in need of assistance benefits from our tremendous advances.

Many groups and individuals have contributed significantly to crafting this bill, but I want to acknowledge those at the Health Resources and Services Administration, especially Dr. Joseph O'Neill, Associate Administrator of the HIV/AIDS bureau; John Palenicek, Director of the Office of Policy and Program Development; Doug Morgan, Director of the Division of Service Systems; and Howard Lerner, Principal Adviser for Telehealth and International Collaboration, HIV/AIDS. All of the groups united under the umbrella of the National Organizations Responding to AIDS (NORA) deserve recognition. Representing a diverse community of people with AIDS, CARE Act service providers, and administrative agencies, NORA clearly and effectively communicated to Congress the needs and priorities of their constituents.

I also want to thank several staff members who have worked long and hard to craft this bill and to address the concerns and needs of the affected communities. Sean Donohue and William Oscar Fleming have guided this effort from the beginning, building consensus across the many policy issues, resulting in a bill that meets the pressing needs of people with HIV and AIDS and enjoys broad bipartisan support. Stephanie Robinson and Idalia Sanchez, for Senator KENNEDY, were key to reaching agreement on this bill and have provided invaluable assistance and support throughout the development of this legislation. I would also like to recognize Dave Larson and Mary Sumpter Johnson, of Senator FRIST's office, for their support for the needs of rural and underserved communities throughout the nation. Similarly, Jeannie Ireland with Senator DODD's office, Helen Rhee, working for Senator DEWINE, Libby Rolfe, for Mr. SESSIONS, and Raissa Geary and Mary Jordan in Senator ENZI's office, provided valuable input. Without the efforts of these staff members, we would not have such a strong, well-balanced, and targeted reauthorization bill before us today.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute be agreed to, as amended, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3190) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2311), as amended, was read a third time and passed, as follows:

S. 2311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan White CARE Act Amendments of 2000".

SEC. 2. REFERENCES; TABLE OF CONTENTS.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. References; table of contents.

TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

Subtitle A—Amendments to Part A (Emergency Relief Grants)

Sec. 101. Duties of planning council, funding priorities, quality assessment.
Sec. 102. Quality management.
Sec. 103. Funded entities required to have health care relationships.
Sec. 104. Support services required to be health care-related.
Sec. 105. Use of grant funds for early intervention services.
Sec. 106. Replacement of specified fiscal years regarding the sunset on expedited distribution requirements.
Sec. 107. Hold harmless provision.
Sec. 108. Set-aside for infants, children, and women.

Subtitle B—Amendments to Part B (Care Grant Program)

Sec. 121. State requirements concerning identification of need and allocation of resources.
Sec. 122. Quality management.
Sec. 123. Funded entities required to have health care relationships.
Sec. 124. Support services required to be health care-related.
Sec. 125. Use of grant funds for early intervention services.
Sec. 126. Authorization of appropriations for HIV-related services for women and children.
Sec. 127. Repeal of requirement for completed Institute of Medicine report.
Sec. 128. Supplement grants for certain States.
Sec. 129. Use of treatment funds.
Sec. 130. Increase in minimum allotment.
Sec. 131. Set-aside for infants, children, and women.

Subtitle C—Amendments to Part C (Early Intervention Services)

Sec. 141. Amendment of heading; repeal of formula grant program.
Sec. 142. Planning and development grants.
Sec. 143. Authorization of appropriations for categorical grants.
Sec. 144. Administrative expenses ceiling; quality management program.
Sec. 145. Preference for certain areas.
Sec. 146. Technical amendment.

Subtitle D—Amendments to Part D (General Provisions)

Sec. 151. Research involving women, infants, children, and youth.
Sec. 152. Limitation on administrative expenses.
Sec. 153. Evaluations and reports.
Sec. 154. Authorization of appropriations for grants under parts A and B.

Subtitle E—Amendments to Part F (Demonstration and Training)

Sec. 161. Authorization of appropriations.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Institute of Medicine study.

TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

Subtitle A—Amendments to Part A (Emergency Relief Grants)

SEC. 101. DUTIES OF PLANNING COUNCIL, FUNDING PRIORITIES, QUALITY ASSESSMENT.

Section 2602 (42 U.S.C. 300ff–12) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(C), by inserting before the semicolon the following: ", including providers of housing and homeless services"; and

(B) in paragraph (4), by striking "shall—" and all that follows and inserting "shall have the responsibilities specified in subsection (d)."; and

(2) by adding at the end the following:

"(d) Duties of Planning Council.—The planning council established under subsection (b) shall have the following duties:

"(1) Priorities for allocation of funds.—The council shall establish priorities for the allocation of funds within the eligible area, including how best to meet each such priority and additional factors that a grantee should consider in allocating funds under a grant, based on the following factors:

"(A) The size and demographic characteristics of the population with HIV disease to be served, including, subject to subsection (e), the needs of individuals living with HIV infection who are not receiving HIV-related health services.

"(B) The documented needs of the population with HIV disease with particular attention being given to disparities in health services among affected subgroups within the eligible area.

"(C) The demonstrated or probable cost and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available.

"(D) Priorities of the communities with HIV disease for whom the services are intended.

"(E) The availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease.

"(F) Capacity development needs resulting from gaps in the availability of HIV services in historically underserved low-income communities.

"(2) Comprehensive service delivery plan.—The council shall develop a comprehensive plan for the organization and delivery of health and support services described in section 2604. Such plan shall be compatible with any existing State or local plans regarding the provision of such services to individuals with HIV disease.

"(3) Assessment of fund allocation efficiency.—The council shall assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the eligible area.

"(4) Statewide statement of need.—The council shall participate in the development of the Statewide coordinated statement of need as initiated by the State public health agency responsible for administering grants under part B.

"(5) Coordination with other Federal grantees.—The council shall coordinate with Federal grantees providing HIV-related services within the eligible area.

"(6) Community participation.—The council shall establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.

"(e) Process for Establishing Allocation Priorities.—

"(1) In general.—Not later than 24 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall—

"(A) consult with eligible metropolitan areas, affected communities, experts, and other appropriate individuals and entities, to develop epidemiologic measures for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

"(B) provide advice and technical assistance to planning councils with respect to the process for establishing priorities for the allocation of funds under subsection (d)(1).

"(2) Exception.—Grantees under this part shall not be required to establish priorities for individuals not in care until epidemiologic measures are developed under paragraph (1).".

SEC. 102. QUALITY MANAGEMENT.

(a) Funds Available for Quality Management.—Section 2604 (42 U.S.C. 300ff–14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) Quality Management.—

"(1) Requirement.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection and to develop strategies for improvements in the access to and quality of medical services.

"(2) Use of funds.—From amounts received under a grant awarded under this part, the chief elected official of an eligible area may use, for activities associated with its quality management program, not more than the lesser of—

"(A) 5 percent of amounts received under the grant; or

"(B) $3,000,000.".

(b) Quality Management Required for Eligibility for Grants.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);".

SEC. 103. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

(a) Use of Amounts.—Section 2604(e)(1) (42 U.S.C. 300ff–14(d)(1)) (as so redesignated by section 102(a)) is amended by inserting "and the State Children's Health Insurance Program under title XXI of such Act" after "Social Security Act".

(b) Applications.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended by inserting after paragraph (3), as added by section 102(b), the following:

"(4) that funded entities within the eligible area that receive funds under a grant under section 2601(a) shall maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters) and other entities under section 2652(a) for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care;".

SEC. 104. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) In General.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "HIV-related—" and inserting "HIV-related services, as follows:";

(2) in subparagraph (A)—

(A) by striking "outpatient" and all that follows through "substance abuse treatment and" and inserting the following: "Outpatient health services.—Outpatient and ambulatory health services, including substance abuse treatment,"; and

(B) by striking "; and" and inserting a period;

(3) in subparagraph (B), by striking "(B) inpatient case management" and inserting "(C) Inpatient case management services.—Inpatient case management"; and

(4) by inserting after subparagraph (A) the following:

"(B) Outpatient support services.—Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.".

(b) Conforming Amendment to Application Requirements.—Section 2605(a) (42 U.S.C. 300ff–15(a)), as amended by section 102(b), is further amended—

(1) in paragraph (7) (as so redesignated), by striking "and" at the end thereof;

(2) in paragraph (8) (as so redesignated), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(9) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).".

SEC. 105. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

(a) In General.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)), as amended by section 104(a), is further amended by adding at the end the following:

"(D) Early intervention services.—Early intervention services as described in section 2651(b)(2), with follow-through referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

"(i)(I) is receiving funds under subparagraph (A) or (C); or

"(II) is an entity constituting a point of access to services, as described in section 2605(a)(4), that maintains a relationship with an entity described in subclause (I) and that is serving individuals at elevated risk of HIV disease;

"(ii) demonstrates to the satisfaction of the chief elected official that Federal, State, or local funds are inadequate for the early intervention services the entity will provide with funds received under this subparagraph; and

"(iii) demonstrates to the satisfaction of the chief elected official that funds will be utilized under this subparagraph to supplement not supplant other funds available for such services in the year for which such funds are being utilized.

(b) CONFORMING AMENDMENTS TO APPLICATION REQUIREMENTS.—Section 2605(a)(1) (42 U.S.C. 300ff–15(a)(1)) is amended—

(1) in subparagraph (A), by striking "services to individuals with HIV disease" and inserting "services as described in section 2604(b)(1)"; and

(2) in subparagraph (B), by striking "services for individuals with HIV disease" and inserting "services as described in section 2604(b)(1)".

SEC. 106. REPLACEMENT OF SPECIFIED FISCAL YEARS REGARDING THE SUNSET ON EXPEDITED DISTRIBUTION REQUIREMENTS.

Section 2603(a)(2) (42 U.S.C. 300ff–13(a)(2)) is amended by striking "for each of the fiscal years 1996 through 2000" and inserting "for a fiscal year".

SEC. 107. HOLD HARMLESS PROVISION.

Section 2603(a)(4) (42 U.S.C. 300ff–13(a)(4)) is amended to read as follows:

"(4) LIMITATION.—With respect to each of fiscal years 2001 through 2005, the Secretary shall ensure that the amount of a grant made to an eligible area under paragraph (2) for such a fiscal year is not less than an amount equal to 98 percent of the amount the eligible area received for the fiscal year preceding the year for which the determination is being made.".

SEC. 108. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2604(b)(3) (42 U.S.C. 300ff–14(b)(3)) is amended—

(1) by inserting "for each population under this subsection" after "council"; and

(2) by striking "ratio of the" and inserting "ratio of each".

Subtitle B—Amendments to Part B (Care Grant Program)

SEC. 121. STATE REQUIREMENTS CONCERNING IDENTIFICATION OF NEED AND ALLOCATION OF RESOURCES.

(a) GENERAL USE OF GRANTS.—Section 2612 (42 U.S.C. 300ff–22) is amended—

(1) by striking "A State" and inserting "(a) IN GENERAL.—A State"; and

(2) in the matter following paragraph (5)—

(A) by striking "Services" and inserting:

"(b) DELIVERY OF SERVICES.—Services";

(B) by striking "paragraph (1)" and inserting "subsection (a)(1)"; and

(C) by striking "paragraph (2)" and inserting "subsection (a)(2) and section 2613";

(b) APPLICATION.—Section 2617(b) (42 U.S.C. 300ff–27(b)) is amended—

(1) in paragraph (1)(C)—

(A) by striking clause (i) and inserting the following:

"(i) the size and demographic characteristics of the population with HIV disease to be served, except that by not later than October 1, 2002, the State shall take into account the needs of individuals not in care, based on epidemiologic measures developed by the Secretary in consultation with the State, affected communities, experts, and other appropriate individuals (such State shall not be required to establish priorities for individuals not in care until such epidemiologic measures are developed);";

(B) in clause (iii), by striking "and" at the end; and

(C) by adding at the end the following:

"(v) the availability of other governmental and non-governmental resources;

"(vi) the capacity development needs resulting in gaps in the provision of HIV services in historically underserved low-income and rural low-income communities; and

"(vii) the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the State;"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (F); and

(C) by inserting after subparagraph (B), the following:

"(C) an assurance that capacity development needs resulting from gaps in the provision of services in underserved low-income and rural low-income communities will be addressed; and

"(D) with respect to fiscal year 2003 and subsequent fiscal years, assurances that, in the planning and allocation of resources, the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), will make appropriate provision for the HIV-related health and support service needs of individuals who have been diagnosed with HIV disease but who are not currently receiving such services, based on the epidemiologic measures developed under paragraph (1)(C)(i);".

SEC. 122. QUALITY MANAGEMENT.

(a) STATE REQUIREMENT FOR QUALITY MANAGEMENT.—Section 2617(b)(4) (42 U.S.C. 300ff–27(b)(4)) is amended—

(1) by striking subparagraph (C) and inserting the following:

"(C) the State will provide for—

"(i) the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and to develop strategies for improvements in the access to and quality of medical services; and

"(ii) a periodic review (such as through an independent peer review) to assess the quality and appropriateness of HIV-related health and support services provided by entities that receive funds from the State under this part;";

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (D), the following:

"(E) an assurance that the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), has considered strategies for working with providers to make optimal use of financial assistance under the State medicaid plan under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of such Act, and other Federal grantees that provide HIV-related services, to maximize access to quality HIV-related health and support services;

(4) in subparagraph (F), as so redesignated, by striking "and" at the end; and

(5) in subparagraph (G), as so redesignated, by striking the period and inserting "; and".

(b) AVAILABILITY OF FUNDS FOR QUALITY MANAGEMENT.—

(1) AVAILABILITY OF GRANT FUNDS FOR PLANNING AND EVALUATION.—Section 2618(c)(3) (42 U.S.C. 300ff–28(c)(3)) is amended by inserting before the period ", including not more than $3,000,000 for all activities associated with its quality management program".

(2) EXCEPTION TO COMBINED CEILING ON PLANNING AND ADMINISTRATION FUNDS FOR STATES WITH SMALL GRANTS.—Paragraph (6) of section 2618(c) (42 U.S.C. 300ff–28(c)(6)) is amended to read as follows:

"(6) EXCEPTION FOR QUALITY MANAGEMENT.—Notwithstanding paragraph (5), a State whose grant under this part for a fiscal year does not exceed $1,500,000 may use not to exceed 20 percent of the amount of the grant for the purposes described in paragraphs (3) and (4) if—

"(A) that portion of the amount that may be used for such purposes in excess of 15 percent of the grant is used for its quality management program; and

"(B) the State submits and the Secretary approves a plan (in such form and containing such information as the Secretary may prescribe) for use of funds for its quality management program.".

SEC. 123. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

Section 2617(b)(4) (42 U.S.C. 300ff–27(b)(4)), as amended by section 122(a), is further amended by adding at the end the following:

"(H) that funded entities maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care.".

SEC. 124. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) TECHNICAL AMENDMENT.—Section 3(c)(2)(A)(iii) of the Ryan White CARE Act Amendments of 1996 (Public Law 104–146) is amended by inserting "before paragraph (2) as so redesignated" after "inserting".

(b) SERVICES.—Section 2612(a)(1) (42 U.S.C. 300ff–22(a)(1)), as so designated by section 121(a), is amended by striking "for individuals with HIV disease" and inserting ", subject to the conditions and limitations that apply under such section".

(c) CONFORMING AMENDMENT TO STATE APPLICATION REQUIREMENT.—Section 2617(b)(2) (42 U.S.C. 300ff–27(b)(2)), as amended by section 121(b), is further amended by inserting after subparagraph (D) the following:

"(E) an assurance that the State has procedures in place to ensure that services provided with funds received under this section meet the criteria specified in section 2604(b)(1)(B); and".

SEC. 125. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

Section 2612(a) (42 U.S.C. 300ff–22(a)), as amended by section 121, is further amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(6) to provide, through systems of HIV-related health services provided under paragraphs (1), (2), and (3), early intervention services, as described in section 2651(b)(2), with follow-up referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

"(A)(i) is receiving funds under section 2612(a)(1); or

"(ii) is an entity constituting a point of access to services, as described in section 2617(b)(4), that maintains a referral relationship with an entity described in clause (i) and that is serving individuals at elevated risk of HIV disease;

"(B) demonstrates to the State's satisfaction that other Federal, State, or local funds are inadequate for the early intervention services the entity will provide with funds received under this paragraph; and

"(C) demonstrates to the satisfaction of the State that funds will be utilized under this paragraph to supplement not supplant other funds available for such services in the year for which such funds are being utilized.".

SEC. 126. AUTHORIZATION OF APPROPRIATIONS FOR HIV-RELATED SERVICES FOR WOMEN AND CHILDREN.

Section 2625(c)(2) (42 U.S.C. 300ff-33(c)(2)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

SEC. 127. REPEAL OF REQUIREMENT FOR COMPLETED INSTITUTE OF MEDICINE REPORT.

Section 2628 (42 U.S.C. 300ff-36) is repealed.

SEC. 128. SUPPLEMENTAL GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.) is amended by adding at the end the following:

"SEC. 2622. SUPPLEMENTAL GRANTS.

"(a) In General.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in emerging communities within the State that are not eligible to receive grants under part A.

"(b) Eligibility.—To be eligible to receive a supplemental grant under subsection (a) a State shall—

"(1) be eligible to receive a grant under this subpart;

"(2) demonstrate the existence in the State of an emerging community as defined in subsection (d)(1); and

"(3) submit the information described in subsection (c).

"(c) Reporting Requirements.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

"(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds in the emerging community;

"(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

"(3) a demonstration that the State will maintain HIV-related activities at a level that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

"(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

"(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS including appropriate allocations for services for infants, children, women, and families with HIV disease;

"(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

"(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

"(d) Definition of Emerging Community.—In this section, the term 'emerging community' means a metropolitan area—

"(1) that is not eligible for a grant under part A; and

"(2) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 500 and 1999 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available.

"(e) Funding.—

"(1) In general.—Subject to paragraph (2), with respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize—

"(A) the greater of—

"(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

"(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 1000, but less than 2000, cases of AIDS as reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded; and

"(B) the greater of—

"(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

"(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 500, but less than 1000, cases of AIDS reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded.

"(2) Trigger of funding.—This section shall be effective only for fiscal years beginning in the first fiscal year in which the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(b)(2)(H), exceeds by at least $20,000,000 the amount appropriated under 2677 to carry out part B in fiscal year 2000, excluding the amount appropriated under section 2618(b)(2)(H).

"(3) Minimum amount in future years.—Beginning with the first fiscal year in which amounts provided for emerging communities under paragraph (1)(A) equals $5,000,000 and under paragraph (1)(B) equals $5,000,000, the Secretary shall ensure that amounts made available under this section for the types of emerging communities described in each such paragraph in subsequent fiscal years is at least $5,000,000.

"(4) Distribution.—The amount of a grant awarded to a State under this section shall be determined by the Secretary based on the formula described in section 2618(b)(2), except that in applying such formula, the Secretary shall—

"(A) substitute '1.0' for '.80' in subparagraph (A)(ii)(I) of such section; and

"(B) not consider the provisions of subparagraphs (A)(ii)(II) and (C) of such section.".

SEC. 129. USE OF TREATMENT FUNDS.

(a) State Duties.—Section 2616(c) (42 U.S.C. 300ff-26(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "shall—" and inserting "shall use funds made available under this section to—";

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively and realigning the margins of such subparagraphs appropriately;

(3) in subparagraph (D) (as so redesignated), by striking "and" at the end;

(4) in subparagraph (E) (as so redesignated), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(F) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.";

(6) by striking "In carrying" and inserting the following:

"(1) In general.—In carrying"; and

(7) by adding at the end the following:

"(2) Limitations.—

"(A) In general.—No State shall use funds under paragraph (1)(F) unless the limitations on access to HIV/AIDS therapeutic regimens as defined in subsection (e)(2) are eliminated.

"(B) Amount of funding.—No State shall use in excess of 10 percent of the amount set-aside for use under this section in any fiscal year to carry out activities under paragraph (1)(F) unless the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to therapeutics.".

(b) Supplement Grants.—Section 2616 (42 U.S.C. 300ff-26) is amended by adding at the end the following:

"(e) Supplemental Grants for the Provision of Treatments.—

"(1) In general.—From amounts made available under paragraph (5), the Secretary shall award supplemental grants to States determined to be eligible under paragraph (2) to enable such States to increase access to therapeutics to treat HIV disease as provided by the State under subsection (c)(1)(B) for individuals at or below 200 percent of the Federal poverty line.

"(2) Criteria.—The Secretary shall develop criteria for the awarding of grants under paragraph (1) to States that demonstrate a severe need. In determining the criteria for demonstrating State severity of need, the Secretary shall consider eligibility standards and formulary composition.

"(3) State requirement.—The Secretary may not make a grant to a State under this subsection unless the State agrees that—

"(A) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant; and

"(B) the State will not impose eligibility requirements for services or scope of benefits limitations under subsection (a) that are more restrictive than such requirements in effect as of January 1, 2000.

"(4) Use and coordination.—Amounts made available under a grant under this subsection shall only be used by the State to provide HIV/AIDS-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under this section in order to maximize drug coverage.

"(5) Funding.—

"(A) Reservation of amount.—The Secretary shall reserve 3 percent of any amount referred to in section 2618(b)(2)(H) that is appropriated for a fiscal year, to carry out this subsection.

"(B) Minimum amount.—In providing grants under this subsection, the Secretary shall ensure that the amount of a grant to a State under this part is not less than the amount the State received under this part in the previous fiscal year, as a result of grants provided under this subsection.".

(c) Supplement and not Supplant.—Section 2616 (42 U.S.C. 300ff–26(c)), as amended by subsection (b), is further amended by adding at the end the following:

"(f) Supplement not Supplant.—Notwithstanding any other provision of law, amounts made available under this section shall be used to supplement and not supplant other funding available to provide treatments of the type that may be provided under this section.".

SEC. 130. INCREASE IN MINIMUM ALLOTMENT.

(a) In General.—Section 2618(b)(1)(A)(i) (42 U.S.C. 300ff–28(b)(1)(A)(i)) is amended—

(1) in subclause (I), by striking "$100,000" and inserting "$200,000"; and

(2) in subclause (II), by striking "$250,000" and inserting "$500,000".

(b) Territories.—Section 2618(b)(1)(B) (42 U.S.C. 300ff–28(b)(1)(B)) is amended by inserting "the greater of $50,000 or" after "shall be".

(c) Technical Amendment.—Section 2618(b)(3)(B) (42 U.S.C. 300ff–28(b)(3)(B)) is amended by striking "and the Republic of the Marshall Islands" and inserting ", the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and only for purposes of paragraph (1) the Commonwealth of Puerto Rico".

SEC. 131. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2611(b) (42 U.S.C. 300ff–21(b)) is amended—

(1) by inserting "for each population under this subsection" after "State shall use"; and

(2) by striking "ratio of the" and inserting "ratio of each".

Subtitle C—Amendments to Part C (Early Intervention Services)

SEC. 141. AMENDMENT OF HEADING; REPEAL OF FORMULA GRANT PROGRAM.

(a) Amendment of Heading.—The heading of part C of title XXVI is amended to read as follows:

"Part C—Early Intervention and Primary Care Services".

(b) Repeal.—Part C of title XXVI (42 U.S.C. 300ff–41 et seq.) is amended—

(1) by repealing subpart I; and

(2) by redesignating subparts II and III as subparts I and II.

(c) Conforming Amendments.—

(1) Information regarding receipt of services.—Section 2661(a) (42 U.S.C. 300ff–61(a)) is amended by striking "unless—" and all that follows through "(2) in the case of" and inserting "unless, in the case of".

(2) Additional agreements.—Section 2664 (42 U.S.C. 300ff–64) is amended—

(A) in subsection (e)(5), by striking "2642(b) or";

(B) in subsection (f)(2), by striking "2642(b) or"; and

(C) by striking subsection (h).

SEC. 142. PLANNING AND DEVELOPMENT GRANTS.

(a) Allowing Planning and Development Grant To Expand Ability To Provide Primary Care Services.—Section 2654(c) (42 U.S.C. 300ff–54(c)) is amended—

(1) in paragraph (1), to read as follows:

"(1) In general.—The Secretary may provide planning and development grants to public and nonprofit private entities for the purpose of—

"(A) enabling such entities to provide HIV early intervention services; or

"(B) assisting such entities to expand the capacity, preparedness, and expertise to deliver primary care services to individuals with HIV disease in underserved low-income communities on the condition that the funds are not used to purchase or improve land or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility."; and

(2) in paragraphs (2) and (3) by striking "paragraph (1)" each place that such appears and inserting "paragraph (1)(A)".

(b) Amount; Duration.—Section 2654(c) (42 U.S.C. 300ff–54(c)), as amended by subsection (a), is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) Amount and duration of grants.—

"(A) Early intervention services.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50.000.

"(B) Capacity development.—

"(i) Amount.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

"(ii) Duration.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.".

(c) Increase in limitation.—Section 2654(c)(5) (42 U.S.C. 300ff–54(c)(5)), as so redesignated by subsection (b), is amended by striking "1 percent" and inserting "5 percent".

SEC. 143. AUTHORIZATION OF APPROPRIATIONS FOR CATEGORICAL GRANTS.

Section 2655 (42 U.S.C. 300ff–55) is amended by striking "1996" and all that follows through "2000" and inserting "2001 through 2005".

SEC. 144. ADMINISTRATIVE EXPENSES CEILING; QUALITY MANAGEMENT PROGRAM.

Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3), to read as follows:

"(3) the applicant will not expend more than 10 percent of the grant for costs of administrative activities with respect to the grant;";

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) the applicant will provide for the establishment of a quality management program to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and that improvements in the access to and quality of medical services are addressed.".

SEC. 145. PREFERENCE FOR CERTAIN AREAS.

Section 2651 (42 U.S.C. 300ff–51) is amended by adding at the end the following:

"(d) Preference in Awarding Grants.—In awarding new grants under this section, the Secretary shall give preference to applicants that will use amounts received under the grant to serve areas that are determined to be rural and underserved for the purposes of providing health care to individuals infected with HIV or diagnosed with AIDS.".

SEC. 146. TECHNICAL AMENDMENT.

Section 2652(a) (42 U.S.C. 300ff-52(a)) is amended—

(1) striking paragraphs (1) and (2) and inserting the following:

"(1) health centers under section 330;"; and

(2) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

Subtitle D—Amendments to Part D (General Provisions)

SEC. 151. RESEARCH INVOLVING WOMEN, INFANTS, CHILDREN, AND YOUTH.

(a) Elimination of Requirement To Enroll Significant Numbers of Women and Children.—Section 2671(b) (42 U.S.C. 300ff–71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D); and

(2) by striking paragraphs (3) and (4).

(b) Information and Education.—Section 2671(d) (42 U.S.C. 300ff–71(d)) is amended by adding at the end the following:

"(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.".

(c) Quality Management; Administrative Expenses Ceiling.—Section 2671(f) (42 U.S.C. 300ff–71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

"(f) Administration.—

"(1) Application.—"; and

(2) by adding at the end the following:

"(2) Quality management program.—A grantee under this section shall implement a quality management program.".

(d) Coordination.—Section 2671(g) (42 U.S.C. 300ff–71(g)) is amended by adding at the end the following: "The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects. Not later than 12 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the findings made by the Director and the manner in which the conclusions based on those findings can be addressed.".

(e) Authorization of Appropriations.—Section 2671(j) (42 U.S.C. 300ff–71(j)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

SEC. 152. LIMITATION ON ADMINISTRATIVE EXPENSES.

Section 2671 (42 U.S.C. 300ff–71) is amended—

(1) by redesignating subsections (i) and (j), as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h), the following:

"(i) Limitation on Administrative Expenses.—

"(1) Determination by secretary.—Not later than 12 months after the date of enactment of the Ryan White Care Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

"(2) Requirements.—

"(A) In general.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

"(B) LIMITATION.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.".

SEC. 153. EVALUATIONS AND REPORTS.

Section 2674(c) (42 U.S.C. 399ff-74(c)) is amended by striking "1991 through 1995" and inserting "2001 through 2005".

SEC. 154. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS UNDER PARTS A AND B.

Section 2677 (42 U.S.C. 300ff-77) is amended to read as follows:

"SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated—

"(1) such sums as may be necessary to carry out part A for each of the fiscal years 2001 through 2005; and

"(2) such sums as may be necessary to carry out part B for each of the fiscal years 2001 through 2005.".

Subtitle E—Amendments to Part F (Demonstration and Training)

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

(a) SCHOOLS; CENTERS.—Section 2692(c)(1) (42 U.S.C. 300ff-111(c)(1)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

(b) DENTAL SCHOOLS.—Section 2692(c)(2) (42 U.S.C. 300ff-111(c)(2)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

(c) DENTAL SCHOOLS AND PROGRAMS.—Section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff-111(b)) is amended—

(1) in paragraph (1), by striking "777(b)(4)(B)" and inserting "777(b)(4)(B) (as such section existed on the day before the date of enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105-392)) and dental hygiene programs that are accredited by the Commission on Dental Accreditation"; and

(2) in paragraph (2), by striking "777(b)(4)(B)" and inserting "777(b)(4)(B) (as such section existed on the day before the date of enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105-392))".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. INSTITUTE OF MEDICINE STUDY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(b) REQUIREMENTS.—

(1) COMPLETION.—The study under subsection (a) shall be completed not later than 21 months after the date on which the contract referred to in such subsection is entered into.

(2) ISSUES TO BE CONSIDERED.—The study conducted under subsection (a) shall consider—

(A) the availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services;

(B) the effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment as well as the changing epidemiology of the epidemic;

(C) existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process; and

(D) other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) REPORT.—Not later than 90 days after the date on which the study is completed under subsection (a), the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report describing the manner in which the conclusions and recommendations of the Institute of Medicine can be addressed and implemented.

ORDERS FOR WEDNESDAY, JUNE 7, 2000

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Wednesday, June 7. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day. I further ask unanimous consent that the Senate then resume consideration of S. 2549, the Department of Defense authorization bill under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow and resume debate on the Defense authorization bill. Under the order, there are 90 minutes of debate remaining on the Kerrey amendment and the Warner second-degree amendment, both regarding strategic forces. Following the use or yielding back of time, there will be up to 2 hours of debate on the Johnson and Warner amendments regarding CHAMPUS and TRICARE. If all time is used, Senators can expect to cast up to four votes at approximately 1 p.m. Further amendments are expected to be offered and debated throughout the day. Therefore, additional votes could be anticipated.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order. And I personally express my appreciation to the Presiding Officer and others who enabled us to go well into the night.

There being no objection, the Senate, at 8:04 p.m., recessed until Wednesday, June 7, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 6, 2000:

THE JUDICIARY

K. GARY SEBELIUS, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS, VICE G. THOMAS VAN BEBBER, RETIRING.

KENNETH O. SIMON, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA VICE SAM C. POINTER, JR., RETIRED.

JOHN E. STEELE, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA VICE A NEW POSITION CREATED BY PUBLIC LAW 106-113, APPROVED NOVEMBER 29, 1999.

DEPARTMENT OF THE TREASURY

LISA GAYLE ROSS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE NANCY KILLEFER, RESIGNED.

LISA GAYLE ROSS, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY, VICE NANCY KILLEFER, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRUCE S. ASAY, 4017

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. PAUL W. ESSEX, 6243

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WAYNE D. MARTY, 9856

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAN K. MCNEILL, 4203

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LLOYD J. AUSTIN III, 5848
COL. VINCENT E. BOLES, 8885
COL. GARY L. BORDER, 4796
COL. THOMAS P. BOSTICK, 3680
COL. HOWARD B. BROMBERG, 2959
COL. JAMES A. COGGIN, 0287
COL. MICHAEL L. COMBEST, 6794
COL. WILLIAM C. DAVID, 2507
COL. MARTIN E. DEMPSEY, 8511
COL. JOSEPH F. FIL, JR., 0990
COL. BENJAMIN C. FREAKLEY, 0002
COL. JOHN D. GARDNER, 1994
COL. BRIAN I. GEEHAN, 7655
COL. RICHARD V. GERACI, 7246
COL. GARY L. HARRELL, 7778
COL. JANET E. A. HICKS, 4097
COL. JAY W. HOOD, 6271
COL. KENNETH W. HUNZEKER, 4503
COL. CHARLES H. JACOBY, JR., 3627
COL. GARY M. JONES, 0483
COL. JASON K. KAMIYA, 9579
COL. JAMES A. KELLEY, 0354
COL. RICKY LYNCH, 2073
COL. BERNARDO C. NEGRETE, 1299
COL. PATRICIA L. NILO, 2459
COL. F. JOSEPH PRASEK, 0077
COL. DAVID C. RALSTON, 4648
COL. DON T. RILEY, 7610
COL. DAVID M. RODRIGUEZ, 1850
COL. DONALD F. SCHENK, 9074
COL. STEVEN P. SCHOOK, 9597
COL. GRATTON O. SEALOCK II, 7906
COL. STEPHEN M. SEAY, 2151
COL. JEFFREY A. SORENSON, 3510

COL. GUY C. SWAN III. 1672
COL. DAVID P. VALCOURT. 6455
COL. ROBERT M. WILLIAMS. 6304
COL. W. MONTAGUE WINFIELD. 5342
COL. RICHARD P. ZAHNER. 3707

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10. U.S.C.. SECTION 624:

To be major general

BRIG. GEN. LAWRENCE R. ADAIR. 1436
BRIG. GEN. BUFORD C. BLOUNT III. 5012
BRIG. GEN. STEVEN W. BOUTELLE. 1030
BRIG. GEN. JAMES D. BRYAN. 1525
BRIG. GEN. EDDIE CAIN. 1695
BRIG. GEN. JOHN P. CAVANAUGH. 7354
BRIG. GEN. BANTZ J. CRADDOCK. 7782
BRIG. GEN. KEITH W. DAYTON. 7231
BRIG. GEN. KATHRYN G. FROST. 8467
BRIG. GEN. LARRY D. GOTTARDI. 1032
BRIG. GEN. NICHOLAS P. GRANT. 1178
BRIG. GEN. STANLEY E. GREEN. 4130
BRIG. GEN. CRAIG D. HACKETT. 5451
BRIG. GEN. FRANKLIN L. HAGENBECK. 3956
BRIG. GEN. HUBERT L. HARTSELL. 8996
BRIG. GEN. GEORGE A. HIGGINS. 7049
BRIG. GEN. WILLIAM J. LESZCZYNSKI. 7829
BRIG. GEN. MICHAEL D. MAPLES. 9508
BRIG. GEN. THOMAS F. METZ. 5686
BRIG. GEN. DANIEL G. MONGEON. 4804
BRIG. GEN. WILLIAM E. MORTENSEN. 1064
BRIG. GEN. ERIC T. OLSON. 5130
BRIG. GEN. RICHARD J. QUIRK III. 1272
BRIG. GEN. RICARDO S. SANCHEZ. 9260
BRIG. GEN. GARY D. SPEER. 7286
BRIG. GEN. MITCHELL H. STEVENSON. 3914
BRIG. GEN. CHARLES H. SWANNACK. JR.. 8239
BRIG. GEN. TERRY L. TUCKER. 6846
BRIG. GEN. JOHN R. WOOD. 0518

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10. U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WALTER F. DORAN. 4942

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10. U.S.C.. SECTION 601:

To be vice admiral

REAR ADM. JOSEPH W. DYER. 0881

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10 U.S.C., SECTION 12203:

To be colonel

CATHERINE T. BACON, 1026
KARIN G. MURPHY. 6613

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10. U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRENT M. BOYLES. 0459
EMILE R. DUPERE. 6130
WILLIAM A. HOSE. 8086
MEADE G. LONG III. 1258
JACK T. OGLE. 6474
FRANK J. TODERICO. 3113

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL CORPS OR DENTAL CORPS (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10. U.S.C. SECTIONS 624. 531 AND 3064:

To be colonel

*ROBERT S. ADAMS. JR. 5739 MC
YVONNE M. ANDEJESKI. 8579 MC
VINCENT C. BENTLEY. 9159 MC
BENJAMIN W. BERG. 3066 MC
KENNETH A. BERTRAM. 1896 MC
MARK D. BRISSETTE. 6989 MC
JAMES E. BRUCKART. 6831 MC
RALF P. BRUECKNER. 4221 MC
CHRISHON S. BURT. 7011 DE
JOHN J. BUYER. JR. 7590 DE
KEVIN J. CARLIN. 8586 MC
JOHN D. CASLER. 2413 MC
EDWARD CATHRIGHT. JR. 9429 DE
WILLIAM M. CHAMBERLIN. 0015 MC
EDWARD R. CHESLA. 3704 DE
*RYO S. CHUN. 9977 MC
ELIZABETH E. CORRENTI. 1922 MC
MARC G. COTE. 0760 MC
LEMUEL L. COVINGTON. 3106 DE
TIMOTHY W. CRAIN. 0477 MC
STEVEN E. CROSS. 9357 DE
DAVID F. CRUDO. 0903 MC
CHARLENE A. CZUSZAK. 8627 DE
JIMMY R. DANIELS. 7204 DE
RANDY N. DAVIS. 2661 DE
MICHAEL G. DORAN. 7945 DE
JOSEPH J. DRABICK. 5233 MC
STEVEN L. EIKENBERG. 7565 DE
DAVID C. ELLIOTT. 3362 MC
ROBERT B. ELLIS. 0268 MC
WILLIAM C. ELTON. 0938 DE
WILLIAM S. EVANS. JR. 4124 MC
*MICHAEL E. FARAN. 5170 MC
BRIAN H. FEIGHNER. 1336 MC
TRENT C. FILLER. 2528 DE
JOSEPH P. FRENO. JR. 9018 DE
WILLIAM B. GAMBLE. 6093 MC
JOHN M. GRIFFIES. 5998 DE
STEVEN R. GRIMES. 3082 MC
JEFFREY L. HAIUM. 8317 DE
KEVIN L. HALL. 0243 MC
DAVID K. HAYES. 5818 MC
RICHARD D. HEEKIN. 7795 MC
DAVID R. HILL. 1194 DE
STEVEN D. HOKETT. 5238 DE
*ISMAIL JATOI. 2828 MC
JOHN A. JOHNSON. 5314 MC
DAVID L. JONES. 4755 MC
THOMAS A. JORDAN. 8410 DE
DANIEL S. JORGENSON. 4799 MC
RICHARD W. KRAMP. 2426 MC
MARGOT R. KRAUSS. 8310 MC
*STEVEN G. LANG. 6677 MC
STEVEN B. LARSON. 2024 MC
JAMES G. MADISON. III. 5154 DE
JAMES R. MALCOLM. 4727 MC
DAVID W. MARTIN. 4574 MC
ROBERT R. MARTIN. 5568 MC
MARK E. MCCLARY. 8580 DE
GEORGE B. MCCLURE. 4739 MC
PETER L. MCEVOY. 5378 MC
GEORGE W. MCMILLIAN. 3851 DE
DALIA R. MERCEDBRUNO. 5768 MC
GORDON B. MILLER. JR. 6107 MC
JULIA A. MORGAN. 3193 MC
DAVID D. MUKAI. 1681 MC
CRIS P. MYERS. 2050 MC
STEVEN A. OLDER. 7689 MC
DAVID T. ORMAN. 0909 MC
VERNON C. PARMLEY. 2133 MC
PHILLIP H. PATRIDGE. 2628 DE
ALAN D. PEARSON. 9314 MC
RUSSELL C. PECK. 2506 DE
PATRICIA A. POWERS. 5029 MC
JON A. PROCTOR. 7627 MC
THOMAS J. REID III. 2170 MC
PAUL C. REYNOLDS. 2564 MC
THOMAS A. ROZANSKI. 4163 MC
ARTHUR C. SCOTT. 8280 DE
ROBERT L. SHEFFLER. 3204 MC
KARL C. STAJDUHAR. 0872 MC
WELLINGTON SUN. 2895 MC
GEOFFREY A. THOMPSON. 1111 DE
*MICHAEL B. TIERNEY. 2750 MC
ROBERT A. TONEY. 0951 DE
GEORGE C. TSOKOS. 9060 MC
DEAN S. UYENO. 4894 DE
DAVID W. VAUGHN. 9793 MC
DOUGLAS N. WADE. 7902 DE
VAN E. WAHLGREN. 2995 MC
PAUL G. WELCH. 0034 MC
*SHARON A. WEST. 8369 MC

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL SERVICE CORPS (MS). MEDICAL SPECIALIST CORPS (SP). VETERINARY CORPS (VC) AND NURSE CORPS (AN) (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10. U.S.C.. SECTIONS 624. 531. AND 3064:

To be major

*ROBIN M. ADAMS-MCCALLUM. 9338 AN
*WADE K. ALDOUS. 0109 MS
*ANTHONY M. ARMSTRONG. 4489 MS
*LLOYNETTA H. ARTIS. 1708 AN
*DAVID A. AUT. 5381 MS
*MARVELLA BAILEY. 8096 AN
*DEAN S. BANCROFT. 9818 MS
*WILLIAM P. BARRAS. 2863 AN
*RICHARD E. BAXTER. 4632 SP
*JOHN C. BEACH. 6718 VC
*JAMES R. BEAN. 7907 SP
*DAVID P. BEAUCHENE. 6116 MS
*THOMAS A. BELL. 0135 MS
*STEPHEN M. BENTZ. 2716 MS
*REX A BERGGREN. 5859 MS
*KENNETH J. BETHARDS. 2739 AN
*JAMIE A. BLOW. 6786 MS
*WILLA R. BOBBITT. 5544 SP
*ROBERT S. BOHAM. 9675 MS
*ANTHONY J. BOHLIN. 4503 AN
*SCOTT D. BORMANIS. 5501 VC
*TIMOTHY G. BOSETTI. 1825 MS
*SHARON W. BOWERS. 4719 MS
*JAMES C. BOXMEYER. 1305 MS
*ROBERT E. BOYLES. 8729 SP
*TODD J. BRIERE. 0255 MS
*MATTHEW S. BROOKS. 3145 MS
*MURIEL L. BROWN. 6374 MS
*WILLIAM D. BRUNSON. JR.. 4366 MS
*THOMAS S. BUNDT. 4246 MS
*NELSON BURGOSVIERA. 1485 AN
*CHARLES L. BURTON. 0081 MS
*JOSEPH T. CABELL. 1042 AN
*THOMAS G. CAHILL. 0722 AN
*DEBORAH M. CANADA. 0292 MS
*JOHN L. CANADY. II. 4809 AN
*REAGON P. CARR. 0809 MS
*RENE W. CARRIGAN. 0978 MS
*MICHELLE C. CARROLL. 7176 MS
*NAOMI S. CHILDRES. 4613 AN
*MARY R. CHIZMAR. 8314 MS
*STEPHEN A. CIMA. 2463 MS
*MICHAEL N. CLEMENSHAW. 9124 MS
*EDDRICK B. CLYATT. 6339 MS
*CHRISTOPHER COLACICCO. 8881 MS
*ROBERT C. CONRAD. 2027 MS
*MICHAEL R. COOPER. 8167 AN
*NORMANDIA J. COSME. 7727 MS
*KATHLEEN E. COUGHLIN. 7878 AN
*JOEL S. CRADDOCK. 4189 MS
*DEBORAH J. CRAWFORD. 3353 AN
*DAISY M. DAVIS. 4358 AN
*EARL D. DAVIS. 5777 AN
*MICHAEL B. DAVIS. 4826 MS
*PAUL J. DAVIS. 0645 MS
*KENNETH E. DESPAIN. 3073 VC
*PAUL R. DICKINSON. 3793 AN
*GEORGETTE M. DIGGS. 5004 AN
*PAULA DOULAVERIS. 4526 MS
*SHANDRA R. DRAYTON. 5288 AN
*RICHARD P. DUNCAN. 3990 MS
*RAYMOND DURANT. 1280 MS
*ROBERT P. DURKEE. 1629 AN
*CHRISTINE L. EDWARDS. 5855 SP
*SCOTT G. EHNES. 3051 MS
*ROBERT A. ELIESON. 0944 AN
*SAMUEL L. ELLIS. 4992 MS
*BENJAMIN H. ERVIN. 9762 MS
*FRANKIE L. EVANS. 2928 AN
*ANDREW J. FABRIZIO. 2768 SP
*SCOTT H FISCHER. 8892 MS
*WILLIAM S. FLOURNOY. 2735 VC
*DARREN K. FONG. 9599 MS
*LISA A. FORSYTH. 6437 MS
*ELIZABETH A. FRALEY. 6347 AN
*PETER M. FRANCO. 9208 MS
*ELLEN H. GALLOWAY. 5379 MS
*VIVIAN B. GAMBLES. 3199 AN
*DAWN M. GARCIA. 2182 AN
*PATRICK M. GARMAN. 5607 MS
*ROGER S. GEERTSEMA. 4495 VC
*WILLIAM E. GEESEY. 2969 MS
*JOHN P. GERBER. 2554 SP
*NORMAN F. GLOVER. 8169 AN
*AGUSTIN S. GOGUE. 1983 MS
*KERRIE J. GOLDEN. 8182 SP
*RAOUL F. GONZALES. 0198 VC
*JOSE L. GONZALEZ. 6240 AN
*CHAD B. GOODERHAM. 7512 AN
*KEVIN M. GOPON. 1478 MS
*SONG H. GOTIANGCO. 2491 MS
*MARY P. GOVEKAR. 4519 MS
*PATRICK W. GRADY. 8576 MS
*LILLIAN GREEN. 1951 AN
*EVERETT W. GREGORY. JR.. 1281 MS
*SARAH L. HALE. 4205 VC
*CAROL F. HALLE. 4966 AN
*LAWRENCE W. HALLSTROM. 6227 MS
*JAMES P. HANLON. 8281 MS
*LARRY G. HARRIS. 4696 SP
*MENDALOSE O. HARRIS. 5514 AN
*MICHAEL L. HARRIS. 1709 AN
*LORI D. HENNESSY. 6641 SP
*JEFFREY S. HILLARD. 0544 MS
*LARRY W. HOFF. 5439 SP
*SUSAN M. HOLLIDAY. 9519 AN
*REBECCA K. HOLT. 1481 VC
*RICHARD W. HOYT. JR.. 1129 MS
*VERA L. HUDGENS. 3019 MS
*JENNIFER L. HUMPHRIES. 7641 MS
*JOHN E. HURLEY III. 9473 SP
*JOSELITO S. IGNACIO. 6825 MS
*PATRICK M. JENKINS. 3278 AN
*LOUISE D. JOHNSON. 4633 AN
*JEAN M. JONES. 2252 AN
*LAMONT G. KAPEC. 4179 MS
*MICHAEL J. KAPP. 6979 AN
*JAMES R. KELLEY. 7982 MS
*MICHAEL D. KENNEDY. 8981 SP
*LYLE D. KEPLINGER. JR.. 9542 AN
*DENNIS B. KILIAN. 4574 MS
*JOHN D. KING. 9908 AN
*RICHARD J. KING. 4097 MS
*LINDA M. KNAPP. 0283 MS
*BRIAN K. KONDRAT. 7482 AN
*KAREN M. KOPYDLOWSKI. 8218 MS
*STUART R. KOSER. 9105 AN
*JOYCE M. KRAIMER. 5798 MS
*KATHLEEN M. KRAL. 3880 VC
*MARK D. KRUEGER. 0640 MS
*RANDY J. LANDRY. 7697 AN
*HEIDI M. LANG. 6281 VC
*WILLIE H. LATTIMORE. 9054 MS
*STEVE R. LAWRENCE. 7376 VC
*LISA A. LEHNING. 3394 AN
*PETER A. LEHNING. 8545 MS
*VINCENT L. LETO. 8852 AN
*ANGELIQUE R. LIKELY. 5803 AN
*STEPHEN J. LINCK. 5856 AN
*DAVID T. LINDBLAD. 4819 SP
*BRIDGET E. LITTLE. 7893 AN
MARK B. LITTLE. 6804 MS
*JEFFREY LOCKWOOD. 9187 AN
PAULA C. LODI. 8803 MS
*JULIE C. LOMAX. 1927 AN
*ANTHONY J. LOPICCOLO. JR.. 9282 MS

*JOHN H. LOREY, 2455 MS
*SHANNON M. LYNCH, 5804 SP
*JENNY M. MACDONALD, 8024 MS
*ROSEMARY A. MACKEY, 3582 AN
*PETER J. MARINICH, 5749 AN
RICK L. MARTIN, 3391 AN
STEVEN R. MATSON, 4972 MS
GORDON D. MAYES, 5682 MS
SCOTT D. MCDANNOLD, 5546 AN
*TERENCE S. MCDOWELL, 6691 MS
*BRUCE G. MCLENNAN, 1133 SP
*DANNY J. MCMILLIAN, 5263 SP
*JOHN B. MCNALLY, 6919 MS
*HECTOR L. MENDOZA, 6044 MS
*DONALD W. MILLER, 0094 AN
*TINA L. MILSTEAD, 4494 AN
DAVID G. MOATS, 0786 MS
*ROBERT D. MON, 2017 MS
*WADE D. MORCOM, 7695 AN
*HEATHER H. MORIYAMA, 3097 SP
*ANDREA K. MORMILE, JR., 1733 VC
*LYNNE M. MORRIS, 1841 SP
*VENEE MORTHOLE, I, 0227 VC
*ANTHONY F. MORTON, 5944 SP
*ARTHUR R. MORTON III, 8563 MS
DANNY J. MORTON, 6211 MS
*KELLY C. MOSS, 2876 MS
RICHARD G. MUCKERMAN, 6747 AN
KEVIN J. MULALLEY, 7694 MS
*PETER H. MURDOCK, 6894 AN
*DINO L. MURPHY, 6850 MS
*NOREEN A. MURPHY, 1228 VC
*LAURA E. NEWKIRK, 2722 AN
*RHONDA D. NEWSOME, 0305 AN
*JOSEPH NOVAK, JR., 3513 VC
ANDREW R. OBRIEN, 7749 SP
JOHN C. OSBORN, 0379 MS
*TERRY G. OWENS, 8430 MS
*JANET D. PAIGE, 4543 AN
*SANG J. PAK, 0851 MS
BONNIE L. PAPPASSOLITAIRE, 2578 AN
*JACK PERRY, JR., 6491 MS
*JENNIFER B. PETERS, 4569 AN
*RIVERA L. PETERSEN, 8631 AN
*LLOYD T. PHINNEY, 0679 VC
*RAYMOND L. PHUA, 2406 SP
*AMERICA PLANAS, 5250 AN
*AZIZ N. QABAR, 0233 MS
TIMOTHY J. RAPP, 7495 MS
*JENNI L. READING, 0633 AN
*REGINALD J. RICHARDS, 3323 MS
*DWIGHT L. RICKARD, 1499 MS
*EFREN L. ROSA, 9636 AN
*BRADY H. ROSE, 7481 MS
*MICHELLE W. ROSECRANS, 6985 AN
*ROBERT R. ROUSSEL, 1953 MS
*MATTHEW M. RUEST, 8143 AN
*PAMELA J. RUGGIERO, 8638 MS
*JOHN A. RUIBAL, 9582 SP
*PIETER A. RUTKOWSKI, 8576 AN
*BRETT H. SALADINO, 1272 VC
*MICHAEL A. SALAMY, 3123 MS
*JAMES L. SALL, 5355 AN
PAUL M. SANDER, 4538 MS
*JOHN G. SANDERS, 3036 MS
*MARTA E. SANDERS, 8016 AN
*MICHAEL R. SARDELIS, 4935 MS
*SARAH W. SAUER, 3717 AN
*JOHN M. SCHWARZ, 9815 SP
*CELESTINE A. SECTION, 5762 AN
*DAVID W. SEIFFERT, 4369 AN
*TERRY L. SHIER, 0383 AN
*ANNE M. SILVASY, 5382 AN
*AMELIA M. SMITH, 2565 AN
*ANDREW J. SMITH, 8454 MS
*PHILIP L. SMITH, 1759 MS
*ZACHARY D. SMITH, 5454 MS
*LISA M. SNYDER, 9659 AN
*SHAUNA L. SNYDER, 3631 MS
*JAMES W. SOUTH, 7712 SP
*DAVID M. SPERO, 8395 MS
*SARA J. SPIELMANN, 8308 SP
*MARGARET M. STUBNER, 6985 AN
*SHANNON A. STUTLER, 2365 VC
*MARIA B. SUMMERS, 4217 AN
*SANDRA L. SUMMERS, 5579 AN
*KERRY J. SWEET, 1146 MS
*LINDA A. SWENSON, 7451 AN
*AMY L. SWIECICHOWSKI, 6513 MS
*THOMAS A. SYDES, JR., 5338 MS
*MICHAEL J. TALLEY, 8402 MS
*GARY E. TALSMA, 0555 MS
*SYDNA L. TAYLOR, 7579 MS
*MAX L. TEEHEE, 9353 VC
*ANGELA D. THIBAULTWOODS, 6402 MS
*LISA A. TOVEN, 7541 AN
*LORI L. TREGO, 6921 AN
*JAMES E. TUTEN, 3551 MS
*GARY L. VEGH, 6015 AN
*JOSE R. VELEZRODRIGUEZ, 9188 AN
*HEIDI K. VIGEANT, 0892 AN
*ROBERT J. VOLLMUTH, 4418 MS
*ERIC L. WADE, 6496 MS
*WANDA C. WADE, 1644 MS
*MICHAEL J. WALKER, 2492 SP
*CATHY M. WALTER, 8376 AN
*ROBIN L. WALTERS, 9830 AN
*CHRISTOPHER A. WARING, 8968 SP
*NOVELLA C. WASHINGTON, 4452 MS
*GREGORY A. WEAVER, 2421 SP
*JERALD L. WELLS, 2358 SP
*RODERICK S. WHITE, 7155 MS
*WAYNE H. WHITE, 0343 MS
*WAYNE K. WHITTENBERG, 8962 AN
*EVELYN J. WILLIAMS, 8995 AN
*KANDACE J. WOLF, 9508 AN
*BRIDGET C. WOLFE, 1264 AN
*COLLEEN D. WOLFORD, 4865 AN
*STEPHEN C. WOOLDRIDGE, 0611 MS
*EDWARD E. YACKEL, 6564 AN
TOU T. YANG, 1869 MS
ESMERALDO ZARZABAL, JR., 8358 MS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL CORPS (MC) AND DENTAL CORPS (DE) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

KELLY L. ABBRESCIA, 4926 MC
MICHAEL T. ADAMS, 7172 MC
TODD S. ALBRIGHT, 7183 MC
JERRY B. AMMON, 3972 MC
JOSE P. ANZILOTTI, 2045 MC
GERALD M. ARNOLD, 4016 MC
AMY J. ASATO, 1087 MC
RICHARD M. ASTAFAN, 6977 MC
JANE M. BARKER, 8279 MC
TRACY J. BARNETT, 2817 MC
VINCENT J. BARNHART, 1917 MC
JOHN P. BARRETT, 1367 MC
TIMOTHY P. BARRON, 7150 MC
JAMES D. BARRY, 7941 MC
CHRISTY W. BATTS, 6396 MC
WILLIAM K. BAXTER, 7845 MC
ANTHONY A. BEARDMORE, 8161 MC
GARY W. BEAVER, 4129 MC
BRENT J. BELL, 4912 MC
PHILIP J. BELMONT, 0188 MC
THELMA D. BENDECK, 0650 MC
PAUL D. BENNE, 4984 MC
MICHAEL B. BERRY, 1814 MC
LESLIE A. BORD, 9916 MC
MARK E. BOSELEY, 4091 MC
DANIEL J. BOUDREAUX, 5619 MC
BARBARA L. BOWSHER, 2387 MC
DOUGLAS A. BOYER, 5595 MC
MELVILLE D. BRADLEY, 0075 MC
STEVEN M. BRADY, 2230 MC
ERIC T. BREITER, 9706 MC
KENT G. BROCKMANN, 5547 MC
LAWRENCE D. BRODER, 4812 MC
CHARLES M. BROWN, 9966 MC
STEPHEN J. BROWN, 1199 MC
ROGER A. BROWNE, 7843 MC
PAUL C. BURNEY, 0596 MC
DARLENE M. BURNS, 7634 MC
THOMAS E. BYRNE, 4155 MC
TIMOTHY J. CAFFREY, 8787 MC
ARTHUR B. CAJIGAL, 4078 MC
WALTER CANNON, JR., 1351 MC
MICHAEL F. CARNUCCIO, 2126 MC
SEAN T. CARROLL, 3146 MC
VICTORIA W. CARTWRIGHT, 5598 MC
JEFFERSON P. CASTO, 1362 MC
VIOLA CHEN, 3825 MC
MARK A. CHISHOM, 7125 DE
KAO B. CHOU, 5632 MC
PAUL CHUPKA, 5173 MC
DAVID S. COBB, 5179 MC
HENRY B. COHEN, 9191 MC
TAMMY L. COLES, 4269 MC
JOHN R. COLLINGHAM, 2540 MC
JOHN J. COMBS, 3661 MC
AMY B. CONNORS, 2072 MC
ELLIS O. COOPER III, 7654 MC
GEORGE L. COPPIT III, 7897 MC
MARCO A. CORCHADOBARRETO, 2919 MC
CORINNE F. COYNER, 9986 MC
DONALD M. CRAWFORD, 5100 MC
SCOTT M. CROLL, 1375 MC
PEDRO J. CRUZTORRES, 5733 MC
JUAN E. CUEBAS, 2049 MC
GEORGE H. CUMMINGS, JR., 4457 MC
TIMOTHY M. CUPERO, 8783 MC
DONA C. DAHL, 4677 MC
ERIK A. DAHL, 1288 MC
JULIET M. DANIEL, 4161 MC
RUSSELL A. DAVIDSON, 4504 MC
SHELTON A. DAVIS, 8594 MC
DOUGLAS A. DEGLER, 4105 MC
MICHAEL J. DELGADO, 9710 DE
PAULA M. DENNERLEIN, 4536 MC
JUDITH K. DENTON, 2861 MC
TROY M. DENUNZIO, 9325 MC
JOHN P. DEUEL, 2148 MC
PETER G. DEVEAUX, 8685 MC
JEANNE C. DILLON, 0666 MC
MICHAEL E. DINOS, 5000 DE
JAMES T. DODGE, 1514 MC
STEPHANIE R. EARHART, 1631 MC
JOHN S. EARWOOD, 1122 MC
MARY E. EARWOOD, 7627 MC
DAVID M. EASTY, 4849 MC
MARSHALL E. EIDENBERG, 5110 MC
VESNA ELE, 3523 DE
JIMMY S. ELLIS, 7154 MC
STEPHEN R. ELLISON, 3664 MC
JAY C. ERICKSON, 7217 MC
KAREN C. EVANS, 5713 MC
ANDRE FALLOT, 0717 MC
JOHN W. FAUGHT, 9336 MC
FREDERICK A. FENDERSON, 0084 DE
TOMAS M. FERGUSON, 6793 MC
DOUGLAS S. FILES, 2089 MC
ROGER K. FINCHER, 1423 MC
LOUIS N. FINELLI, 9412 MC
WALTER A. FINK, JR., 6690 MC
ERIC J. FISHER, 1765 MC
THOMAS R. FITZSIMMONS, 8390 MC
CHRISTIAN M. FLYNN, 9602 MC
DAVID A. FOHRMAN, 7950 MC
KAMALA P. FOSTER, 3524 MC
CHARLES J. FOX, 5092 MC
STEPHANIE R. FUGATE, 8160 MC
DOMINIC R. GALLO, 7514 MC
KEVIN J. GANCARCZYK, 1104 MC
TIMOTHY A. GARDNER, 6219 MC
MITCHELL A. GARRISON, 2497 MC
ALAN GATLIN, 1831 MC
ROGER L. GELPERIN, 7575 MC
BARNETT T. GIBBS, 0595 MC
NEIL C. GILLESPIE, 0443 MC
THEODORE E. GLYNN, 3360 MC
BENJAMIN S. GONZALEZ, 8790 MC
CHARLES M. GOODEN, 8168 MC
KIM E. GOODSELL, 0988 MC
CHRISTOPHER G. GORING, 5280 MC
ANDREW C. GORSKE, 3730 MC
LEONARD J. GRADO, 1892 MC
JAMES D. GRADY, 7066 MC
STEVE A. GRANADA, 1438 MC
BARRY L. GREEN, 5696 MC
MARK E. GREEN, 3230 MC
SCOTT D. GREENWALD, 6594 MC
MELANIE L. GUERRERO, 3817 MC
KATHRYN A. HACKMAN, 4123 MC
MARK I. HAINER, 6302 MC
ERIC A. HALL, 6021 DE
MICHAEL C. HARNISCH, 9214 MC
STEPHEN A. HARRISON, 2027 MC
JOHN P. HARVEY, 8907 MC
PETER W. HEETDERKS, 9089 MC
MICHAEL D. HENRY, 0863 DE
STEPHEN M. HENRY, 8971 MC
THOMAS M. HERNDON, 3583 MC
MARK L. HIGDON, 0791 MC
DEMETRICE L. HILL, 5038 MC
KEITH J. HILL, 0988 MC
HOWARD R. HOLBROOKS, 8825 MC
MICHAEL G. HOLMAN, 9517 MC
PHILLIP S. HOLMES, 5346 MC
KURTIS R. HOLT, 6724 MC
ANTHONY L. HORALEK, 4998 DE
EDWARD E. HORVATH, 6503 MC
MICHAEL D. HUBER, 3883 MC
ROBERT W. HUNTER, 2246 MC
FAHEEM HUSSAIN, 3237 MC
JAE I. HWANG, 0218 DE
MARK R. JACKSON, 4685 MC
AARON L. JACOB, 2797 MC
JEFFREY A. JACOBY, 5679 MC
RICHARD K. JANSEN, 9762 MC
DEREK K. JOHNSON, 8666 MC
JEFFREY A. JOHNSON, 7371 MC
PATRICIA P. JONAS, 2736 MC
BRIAN P. JONES, 3076 MC
HEKYUNG L. JUNG, 0238 DE
JENNIFER S. JURGENS, 3696 MC
SHAWN F. KANE, 5415 MC
DEAN E. KARAS, 4563 MC
SANJIV M. KAUL, 0976 MC
SEAN KEENAN, 3009 MC
STEVEN M. KENT, 4236 MC
LLOYD H. KETCHUM, 7714 MC
JESSICA H. KIM, 0704 MC
RICHARD J. KING, 9162 MC
SCOTT E. KINKADE, 5055 MC
ELIZABETH T. KINZIE, 3460 MC
HOMER E. KIRBY III, 1322 MC
PETER F. KIRKHAM, 2111 MC
CHRISTOPHER KLEM, 4949 MC
JOHN E. KOBERT, 0648 MC
STACEY G. KOFF, 7602 MC
SEAN C. KOSKINEN, 2640 MC
CHRISTINE M. KOVAC, 0204 MC
DANIEL L. KRASHIN, 4064 MC
MARY V. KRUEGER, 0298 MC
GEORGE M. KYLE, 1446 MC
JAVIER E. LAGUNARAMOS, 9163 MC
NEIL J. LAHURD, JR., 6548 MC
DZUNG V. LE, 4893 MC
TIMOTHY C. LEE, 6176 MC
RICHARD T. LEI, 6220 DE
COLLEEN M. LENNARD, 8877 MC
JACK E. LEWI, 3805 MC
TO S. LI, 8421 MC
ANTHONY C. LITTRELL, 0959 MC
JOHN D. LIVERINGHOUSE, 7015 MC
JOHN J. LLOYD, 6345 MC
CELESTE M. LOMBARDI, 0263 MC
MALCOLM C. MACLAREN, 0144 MC
ANTHONY MAIORANA, 8720 DE
JAMIL A. MALIK, 6624 MC
MICHAEL A. MALLOY, 2360 MC
KRISTEN M. MANCUSO, 3610 MC
ANTHONY C. MANILLA, 4329 MC
ANDREA R. MANZO, 1167 MC
MICHAEL D. MARSH, 8943 MC
DAVID C. MARTIN, 7123 MC
MARYANN MASONE, 3069 MC
PHILLIP L. MASSENGILL, 4097 MC
PARNELL C. MATTISON, 9486 MC
EDWARD L. MCDANIEL, 2861 MC
MYRON B. MCDANIELS, 1209 MC
HOUDE L. MCGRAIL, 7079 MC
PAUL A. MCGRIFF, 1754 DE

MARK K. MC PHERSON, 7536 MC
MARLA R. MELENDEZ, 4174 MC
RENE F. MELENDEZ, 1993 MC
JULIE A. MESSNER, 6656 MC
MELLISSA A. MEYER, 1653 MC
MICHAEL S. MEYER, 4223 MC
ROBERT L. MILLER, 0681 MC
TIMOTHY P. MONAHAN, 4911 MC
JAIME L. MONTILLASOLER, 1952 MC
KEVIN E. MOORE, 7915 MC
ROBERT W. MOORE, 3969 MC
KIMBERLY A. MORAN, 8260 MC
MICHAEL D. MOREHOUSE, 1154 DE
JAMES J. MORRIS, 1986 MC
JAMES H. MUELLER, 8002 DE
JOHN P. MULLIGAN, 8237 MC
JOSEPH A. MUNARETTO, 4853 MC
SHAWN C. NESSEN, 9140 MC
LORANCE H. NEWBURN, 0793 MC
STACEY R. NIEDER, 6185 MC
ALEXAN E. NIVEN, 1209 MC
TAKARA K. NOVOA, 2519 MC
JODY L. NUZZO, 1809 MC
RICARDO C. ONG, 2994 MC
JOSEPH R. ORCHOWSKI, 4405 MC
MICHAEL S. OSHIKI, 7202 MC
NEIL E. PAGE, 4175 MC
DOUGLAS W. PAHL, 5475 MC
ANDREW D. PALALAY, 5723 DE
DONG S. PARK, 9043 DE
KIP K. PARK, 4024 MC
SARA J. PASTOOR, 6818 MC
KIMBERLEY L. PERKINS, 0631 DE
JAMES L. PERSSON, 0207 MC
ANDREW C. PETERSON, 7553 MC
CECILY K. PETERSON, 4173 MC
THERON M. PETTIT, 7050 MC
ANDREW W. PIASECKI, 1877 MC
DONALD J. PIERANTOZZI, 4679 MC
AMY A. PITTMAN, 3863 MC
JULIE S. PLATT, 6364 MC
THOMAS R. PLUMERI, 7111 MC
JEANNE M. POITRAS, 2222 MC
ROGER D. POLISH, 9705 MC
FULTON L. PORTER III, 0947 MC
JOHN T. PRESSON, 5257 MC
MICHAEL W. PRICE, 5708 MC
RAFAEL L. PRIETO, JR., 9470 MC
MAXIMILIAN PSOLKA, 9472 MC
RAYMOND P. RADANOVICH, 4485 MC
ALVARADO O. RAMOS, 6580 MC
MITCHELL J. RAMSEY, 1283 MC
JOHN C. RAYFIELD, 5724 MC
SCOTT T. REHRIG, 8693 MC
ERIC C. RICE, 2358 MC
DAVID E. RISTEDT, 4863 MC
SCOTTIE B. ROOFE, 1466 MC
RICHARD C. ROONEY, 9193 MC
ANTONIO A. ROSA, 5138 MC
MICHAEL K. ROSNER, 4981 MC
MICHAEL C. ROYER, 6330 MC
RICHARD J. SAAD, 0613 MC
ROBERTO J. SARTORI, 4545 MC
STEPHEN L. SCHMIDT, 3635 MC
BRETT J. SCHNEIDER, 5204 MC
STEPHANIE L. SCHULTZ, 5642 MC
WILLIAM D. SCHULTZ, 6332 DE
GEORGE R. SCOTT, 4630 MC
STEPHEN R. SEARS, 1792 MC
JAMES A. SEBESTA, 8656 MC
MARK D. SHALAUTA, 1854 MC
ELIZABETH C. SHANLEY, 6947 MC
SCOTT B. SHAWEN, 7242 MC
RACHELLE E. SHERER, 4926 MC
LARRY J. SHRANATAN, 8295 MC
DEVEN SHROFF, 5834 DE
GRADY V. SHUE, JR., 3625 MC
MARK L. SIMMONS, 7242 MC
CLAYTON D. SIMON, 7619 MC
DARRELL E. SINGER, 0132 MC
ATUL SINGH, 4282 MC
ROBERT D. SKALA, 7180 MC
JOHN F. SLOBODA, 3541 MC
MICHAEL E. SMITH, 5380 MC
IDA M. SMLOPEZ, 4520 MC
ELIZABETH A. SNYDER, 5338 MC
PRISCILLA SONGSANAND, 8602 MC
BRIAN J. SONKA, 7807 MC
DALE A. SPENCER, 4900 MC
PHILIP C. SPINELLA, 6818 MC
JAMES J. STEIN, 3013 MC
CHARLES A. STILLMAN, 2929 MC
JON D. STINEMAN, 5190 DE
ROBERT L. STONE, 0227 DE
AMY L. STRAIN, 1483 MC
GEORGE M. STRICKLAND, 8134 MC
WILLIAM A. STRICKLING, 1875 MC
PETER J. STULL, 6902 MC
PREM S. SUBRAMANIAN, 7722 MC
HELEN M. SUNG, 9572 MC
STEVEN J. SVOBODA, 9935 MC
ROBERT D. SWIFT, 3460 MC
IRA P. SY, 3069 DE
STEVEN J. TANKSLEY, 1106 MC
BANGORN S. TERRY, 7636 DE
BRUCE E. THOMAS, 9102 MC
DAVID E. THOMAS, 7450 MC
ALVIN Y. TIU, 0527 MC
STEVEN K. TOBLER, 3333 MC
RAYMOND F. TOPP, 7394 MC
ROLANDO TORRES, 3433 MC
MARY A. TRAN, 2656 MC
LADD A. TREMAINE, 5251 MC
FERNANDO C. TRESPALACIOS, 2566 MC
DAWN C. UITHOL, 4346 MC
MARISOL VEGADERUCK, 9407 MC
RICARDO J. VENDRELL, 4305 DE
ADA M. VENTURA, 6568 MC
DAVID M. WALLACE, 0745 MC
PAULA M. WALLACE, 7213 MC
MICHAEL J. WALTS, 9365 MC
ANDREW J. WARGO, 0122 DE
KURT R. WASHBURN, 5236 MC
BRUCE K. WEATHERS, 5696 MC
CHARLES W. WEBB, 4411 MC
HEIDI L. WEBSTER, 9592 MC
ALDEN L. WEG, 3718 MC
ROBERT R. WELCH, 2093 MC
CHARLES F. WENNOGLE JR., 3767 MC
ROBERT B. WENZEL, 4019 MC
LELAND P. WERNER, 9779 MC
ROBERT R. WESTERMEYER II, 9204 MC
DARREN T. WHEELER, 5941 MC
BRADFORD P. WHITCOMB, 4021 MC
JASON S. WIEMAN, 6210 MC
TANYA A. WIESE, 0753 MC
ELLIS J. WILLIAMS, 3066 MC
KEITH J. WILSON, 0547 DE
SHAWN H. WILSON, 9645 MC
JOSHUA B. WINSLOW, 3411 MC
JEFFREY L. WOLFF, 6471 MC
RONALD N. WOOL, 8082 MC
GAIL A. WOOLHISER, 6077 DE
EYAKO K. WURAPA, 4872 MC
GUO Z. YAO, 8960 MC
KEN YEW, 2272 MC
SOPHIA L. YOHE, 3583 MC
DANIEL J. YOST, 7755 MC
ROBERT J. ZABEL, 2450 MC
TIMOTHY J. ZEIEN II, 6281 MC

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ARTHUR J. ATHENS, 8555
GREGORY J. BAUR, 9160
CAREY L. BEARD, 4978
DANNY R. BUBP, 3545
RAYMOND L. BURKART, 8365
KEVIN O. CARMODY, 0329
THOMAS E. CAVANAUGH, 0862
MICHAEL G. CHESTON, 8816
JAMES J. COGHLAN, 9534
TERENCE M. COUGHLIN, 7752
WILLARD D. CRAGG, 4653
RICK D. CRAIG, 9953
JOHN M. CROLEY, 9928
JAMES E. DEOTTE, 1141
THOMAS E. DEOTZER, 6405
CHRISTOPHER E. DOUGHERTY, 5308
JEFFREY J. DOUGLASS, 5833
STEPHEN S. EVANS, 1183
WENDELL S. FINCH, 8366
REGINALD J. GHIDEN, 3644
FRANK R. GUNTER, 4840
DONALD E. HANCOCK, 3831
LAWRENCE E. HOLST, 8615
CHARLES A. JONES, 9656
JOSEPH R. KENNEDY, 3177
BRADLEY C. LAPISKA, 9839
DAVID M. LARSEN, 2637
JOSEPH W. LYDON III, 8723
THOMAS E. MANION, 2693
DAN R. MATER, 2293
SAMUEL D. MCVEY, 3966
MARK E. MEDVETZ, 6096
ROBERT L. MILLER, 6495
TRACY L. MORK, 7668
SCOTT S. OLSEN, 7768
WILLIAM C. PALMER, 5203
CHARLES H. PANGBURN III, 9006
KEITH J. PAVLISCHEK, 7462
ROY A. PEARSON, 7522
LLOYD L. PORTERFIELD II, 2777
ELARIO SEVERO, 2702
BENSON M. STEIN, 7443
SCOTT B. STOKES, 1757
BRIAN P. TURCOTT, 9218
STEVEN B. VITALI, 0322
CARL L. WALKER, 8992
CRAIG L. WALLEN, 1974
DAVID T. WILLIAMS, 3677
WILLIAM F. WILLIAMS III, 2992
MARC A. WORKMAN, 3980

THE FOLLOWING NAMED OFFICERS IN THE UNITED STATES MARINE CORPS FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C. SECTION 531:

To be major

TRAY J. ARDESE, 4567
JAVIER J. BALL, 8657
BRIAN T. BALLARD, 9091
LLOYD E. BONZO II, 3855
ROBERT D. DASCH, JR., 1438
ROBERTO J. GOMEZ, 6250
BRIAN J. KAPPLE, 7229
MICHAEL F. KENNY, 0803
DOUGLAS C. KLEMM, 4993
DOUGLAS J. KUMBALEK, 4156
JOHN A. MULLIN, 1409
JOHN J. NEYLON, 7137
SEAN P. ODOHERTY, 8392
BENJAMIN J. PATRICK, 5349
DAVID R. PRISLIN, 6948
TRAVIS M. PROVOST, 2841
THOMAS P. SAMMEL, 5191
THOMAS P. SIMON, 5467
DAVID N. VANDIVORT, 0559
GROVER L. WRIGHT, JR., 5236

To be captain

CHARLES C. ABERCROMBIE III, 5806
ALLEN D. AGRA, 6789
RICHARD G. ALLISON, JR., 6482
ALAN B. ALTOM, 0879
KARL R. ARBOGAST, 1515
BRIAN E. ARGUS, 0184
RICHARD J. ARMSTRONG, 0443
JAY T. AUBIN, 1575
ANDREW J. AYLWARD, 5620
SPENCER W. BAILEY, 5059
ROBBIE J. BAKER, 1192
WILLIAM T. BAKER, 5223
ANTHONY J. BANGO, 8523
TIMOTHY J. BARBA, 0193
DENNIS C. BARD, 7433
WADE E. BARKER, 9695
DONALD A. BARNETT, 4697
CHRISTOPHER B. BATTS, 9133
GEORGE B. BEACH, 9607
SCOTT R. BEESON, 5004
ARTHUR R. BEHNKE, JR., 5013
MARCOS E. BERTAMINI, 4922
WAYNE R. BEYER, JR., 5597
BRIAN T. BILSKI, 7010
CAROLYN D. BIRD, 7716
ETHAN C. BISHOP, 7263
KEITH R. BLAKELY, 9061
PATRICK R. BLANCHARD, 2547
DERRICK J. BLOCK, 5506
CHARLES E. BODWELL, 8844
RICHARD A. BOGIN, 8612
DAVID M. BOLAND, 1434
HERBERT C. BOLLINGER, JR., 5896
JACK G. BOLTON, 4381
CHRISTOPHER J. BONIFACE, 0619
MARK A. BOSLEY, 2230
ENRIQUE BOUGEOIS III, 6564
JOHN S. BOYCE, 9389
WILLIAM BOZEMAN, JR., 4850
DAVID R. BRAMAN, 7784
JAMES H. BRIDGMAN, 1603
ANDRE L. BROOKS, 7125
BRONCHAE M. BROWN, 2698
JASON P. BROWN, 4610
LARRY G. BROWN, 5855
DOUGLAS J. BRUNE, 4240
MICHAEL R. BRUNNSCHWEILER, 8075
MICHAEL D. BRYAN, 5669
JEROME BRYANT, 3099
ROBERT F. BUDA III, 6098
KEVIN C. BURTON, 8807
ANDREW J. BUTLER, 6663
GEORGE CADWALADER, JR., 1308
BRIAN C. CALLAGY, 6970
MATTHEW D. CALLAN, 1171
FRANK R. CAMPBELL, 8518
THOMAS H. CAMPBELL III, 5095
CHAD M. CASEY, 2190
WILLIAM J. CASLER, JR., 5925
DAVID M. CAVANAUGH, 1858
GREGORY L. CHANEY, 1639
FRANCIS K. CHAWK III, 5801
VICTOR A. CHIN, 9723
ALVIN S. CHURCH, 8481
DONALD J. CICOTTE, 7930
THOMAS G. CITRANO, 3474
PATRICK D. CLEMENTS, 5151
DANIEL H. COLEMAN, 2859
RAFFORD M. COLEMAN, 4253
CHAD R. CONNER, 9150
SCOTT M. CONWAY, 2831
DAVID M. COOPERMAN, 5289
MARK S. COPPESS, 0900
KEVIN S. CORTES, 4187
ANDREW J. CRICHTON, 7420
MITCHELL A. CRIGER, 0770
AARON M. CUNNINGHAM, 2090
WILLIAM H. CUPPLES, 8495
MATTHEW T. CURRIN, 4010
WARREN J. CURRY, 2585
KEVIN J. DALY, 6094
CHARLES E. DANIEL, 7730
VALERIE C. DANYLUK, 1827
KEITH C. DARBY II, 1194
JAMES M. DAVENPORT, 3415
DOMINIC J. DEFAZIO, 2655
CHRISTOPHER F. DELONG, 4483
CHARLES R. DEZAFRA III, 5315
DANIEL J. DIMICCO, 7340
MARK D. DISS, 2636
ARTHUR A. DIXON, 7738
SIMON M. DORAN, 8626
KEVIN M. DOWLING, 1368
DARREN E. DOYLE, 8130
MARK D. DUFFER, 6821
GREGORY S. DUFLO, 6716
JAN R. DURHAM, 0340
CURTIS V. EBITZ, JR., 7041
LARRY R. ECK, 4257
EDDIE J. EDMONDSON, JR., 9912

GEORGES T. EGLI, 6590
PETER J. EPTON, 0786
TIMOTHY R. ETHERTON, 5431
JAKE J. FALCONE, 4083
GREG A. FEROLDI, 7656
JOHN M. FIELD, 5370
MICHAEL J. FITZGERALD, 0486
DARREN C. FLEMING, 7058
CRAIG R. FLUENT, 5650
GORDON W. FORD, 7249
LEON J. FRANCIS, 9560
PHILIP H. FRAZETTA, 0483
FRANK I. FRITTMAN, 7554
ALEX K. FULFORD, 6286
KELVIN W. GALLMAN, 0564
ANTHONY E. GALVIN, 8833
MATTHEW C. GANLEY, 6135
SEAN B. GARICK, 7108
SANDY J. GASPER, 7521
DANA A. GEMMINGEN, 9669
ADAM C. GERBER, 3312
HIETH D. GIBLER, 5640
EDMUND L. GIBSON, JR., 6210
GEOFFREY S. GILLILAND, 4314
ERIC A. GILLIS, 6391
THOMAS R. GLUECK, JR., 9028
HOWARD L. GORDON III, 9632
PAUL A. GOSDEN, 3218
EDWARD C. GREELEY, 1710
DARRY W. GROSSNICKLE, 9585
SHAWN D. HANEY, 1459
JEFFREY C. HANIFORD, 0623
DOUGLAS J. HANLEY, JR., 1408
ANTHONY A. HARDINA, 7701
ELIAS B. HARMAN, 9158
AVONZO L. HARRISON, 5594
GARY C. HARRISON, JR., 4013
GARY D. HARRISON, 1779
CHRISTIAN D. HARSHBERGER, 4254
BRETT A. HART, 2501
KEVIN M. HEARTWELL, 3785
CARL C. HENGER, 0602
VINCENT B. HEPPNER, 9538
KISHA M. HILL, 8715
ERIC HIMLER, 8962
MICHAEL R. HODSON, 1419
CHRISTOPHER J. HOFSTETTER, 6723
MITCHELL L. HOINES, 5184
TODD L. HOLDER, 7556
SEANAN R. HOLLAND, 3722
THOMAS M. HOLLEY, 5622
EVAN N. HOLT, 9573
CHARLES B. HOTCHKISS III, 7223
CHARLES T. HUNT, 4039
SEAN M. HURLEY, 7031
ADAM E. HYAMS, 1514
SCOTT D. HYDE, 5463
ROBBI L. HYLAND, 3122
DANIEL M. IVANOVIC, 1019
LEONARDO M. JAIME, 5461
PETER J. JANOW, 6871
EDWARD L. JEEP, 6250
DARRYL L. JELINEK, 8927
ERIC J. JESSEN, 0535
MICHAEL S. JOHNSON, 8405
CHERISH M. JOOSTBERNS, 7173
MICHAEL A. JUENGER, 4904
JASON W. JULIAN, 6566
JEREMY N. JUNGREIS, 0331
STEPHEN P. KAHN, 3293
MICHAEL P. KANE, 3558
SEKOU S. KAREGA, 0925
JOHN D. KAUFFMAN, 2292
PATRICK T. KAUFMANN, 9887
GERALD W. KEARNEY, JR., 0059
JASON T. KEEFER, 8007
AARON P. KEENAN, 2226
JAMES A. KEISLER, 9605
KEVIN B. KELLIHER, 5436
JOHN J. KELLY, JR., 2302
NICOLE A. KELSEY, 3511
LYLE R. KENDOLL, 4968
JEFFREY R. KENNEY, 0167
JOHN C. KETCHERSIDE, 0460
JOHN F. KIDD, 9432
MICHAEL B. KIDD, 9182
KEITH P. KINCANNON, 8702
DAVID B. KIRK, 2343
ANDREW S. KLEVEN, 1189
RICHARD A. KLUNK, 0497
ANTHONY G. KNIGHT, 8976
ERIC J. KNOWLTON, 6096
MELANIE A. KORTH, 2731
DANIEL R. KREIDER, 0235
KENT L. KROEKER, 1070
KEVIN J. KRONOVETER, 5547
KARL H. KUGA, 8778
JOHN P. LAGANA, JR., 1034
CHARLES B. LAKEY, 2686
GEORGE LAMBERT, 8850
MARK C. LARSEN, 6858
RONAN J. LASSO II, 8988
CHRISTIAN J. LEEUW, 0914
BRIAN R. LEWIS, 3301
GLENN E. LIGHT, 0062
GLEN P. LINDSTROM, 4654
DANIEL R. LINGMAN, 6041
BRIAN L. LIPIEC, 9547
GARY J. LOBERG, 9350
DAVID W. LOCKNER, 1999
JOHN P. LONGSHORE, 1738
ERIK C. LOQUIST, 0244
JOHN J. LUZAR, 0620
WILLIAM R. LYNCH, 7287
VICTOR I. MADUKA, 2918
STEPHANIE L. MALMANGER, 1135
EUGENE A. MAMAJEK, JR., 3469
MICHAEL P. MANDEL, 3435
KIRK E. MARSTON, 8935
ROBERT E. MARTIN, 4795
VINCE R. MARTINEZ, 3903
DEMETRIUS F. MAXEY, 5535
MATTHEW M. MAZURKIWECZ, 1657
BENJAMIN W. MCCAFFERY, 0664
FRANK L. MCCLINTICK, 0488
MATTHEW G. MCCLYMONDS, 5002
MICHAEL T. MCCOMAS, 1205
JAMES F. MCCOY, JR., 7358
DONALD B. MCDANIEL, 2488
RYAN F. MCDONALD, 9571
ERIK P. MCDOWELL, 0335
ROGER T. MCDUFFIE, 0688
MICHAEL R. MCGAHEE, 9432
WILLIAM H. MCHENRY II, 9503
DANIEL J. MCMICHAEL, 0254
JOHN L. MEDEIROS, JR., 9064
JOSE R. MEDINA, 8712
JAMES E. MEEK, 9152
DOWAL E. MEGGS, JR., 1530
CHARLES C. MERKEL, 4612
JONATHAN E. MICHAELS, 2096
MICHAEL W. MIDDLETON, 4625
JAMES R. MILLER, 2937
TIMOTHY P. MILLER, 6361
TERRY S. MILNER, 3452
THOMAS P. MITALSKI, 2732
ANDREW W. MOLITOR, 8621
MICHAEL J. MOONEY, 7067
MARTY A. MOORE, 6945
SAMUEL K. MOORE, 2857
ROBERT S. MORGAN, 6605
KAREN L. MORRISROE, 9246
JAMES D. MOSELEY, 4343
CHARLES J. MOSES, 8679
MICHAEL M. MOTLEY, 0366
ANDREW D. MUHS, 4371
MICHAEL B. MULLINS, 0038
BRENDAN S. MULVANEY, 1789
ANDREW J. MUNRO, 0391
JAMES A. MURPHY, 4731
JOHN C. MURRAY, 2327
MICAH T. MYERS, 3844
STEVEN K. NELSON, 1147
KEVIN R. NETHERTON, 7795
CHRISTOPHER J. NOEL, 1906
BERNARD J. NOWNES II, 1327
THOMAS F. OATES, 3164
SEAN M. OBRIEN, 4502
THOR C. OCONNELL, 9707
THOMAS P. OLAUGHLIN, 1195
CHRISTOPHER H. OLIVER, 5764
ERIC R. OLSON, 0476
MICHAEL J. ONEIL, 2375
NEIL J. OWENS, 1523
RAMON A. OZAMBELA, 7603
STEVEN J. PACHECO, 9436
KEVIN L. PAETZOLD, 5640
GEORGE E. PAPPAS, 6550
RICHARD A. PARADISE, 0123
SEAN P. PATAK, 0638
JEFFERY S. PAULL, 5261
JEFFREY M. PAVELKO, 9770
CORNELL A. PAYNE, 7412
JABARI A. PAYNE, 1322
DANIEL K. PENCE, 8451
CHRISTOPHER R. PERRY, 3907
GEOFFREY S. PETERS, 6850
ROBERT W. PETERS III, 4532
ERIC J. PETERSON, 5087
JOHN D. PETERSON, 5012
DAVID H. PETTERSSON, 7295
MATTHEW H. PHARES, 6833
BLANDON N. PICL, 3612
SCOTT E. PIERCE, 4190
DONNA L. PLEMONS, 7178
GREGORY T. POLAND, 2614
TRAVIS L. POWERS, 9998
TIMOTHY R. POWLEDGE, 6653
TODD E. PRESCOTT, 1501
SCOTT T. PROFFITT, 6139
JAMES M. QUIRK, 8873
EDWARD J. RAPISARDA, 0727
ARCH RATLIFF III, 8622
RICHARD R. RAY, JR., 5212
MICHAEL T. RECCE, 5998
JOSEPH D. REEDY III, 2321
JACKSON L. REESE, 3202
BRENT C. REIFFER, 4989
JOHN REPS, 1071
ROBERT E. RHODE III, 4402
ANDREW M. RICE, 0561
THOMAS W. RICHTER, 5316
BRIAN T. RIDEOUT, 9464
DEAN R. RIDGWAY, 3903
ROBERT J. RITCHIE, 7081
PATRICK B. RIVERA, 2182
WILFRED RIVERA, 4260
MELINDA L. RIZER, 6271
CHESTER ROACH, 5052
ANTHONY J. ROBINSON, 6344
CHRISTOPHER C. ROBINSON, 8887
STEVEN ROBINSON, 0765
MICHAEL E. RODGERS, 1413
FRANCISCO J. RODRIGUEZ, 7446
CHRISTOPHER W. ROE, 1694
DALE S. ROLEN, 3388
NICHOLAS ROSADO, 2662
DANIEL N. RUBEL, JR., 3363
HAROLD J. RUDDY, 1183
MICHAEL P. RUFFING, 1243
BRIAN R. RUSH, 2849
BRIAN J. RUTHERFORD, 0638
EDWARD M. SAGER III, 7885
NORMA SALAS, 9482
PHILLIP D. SANCHEZ, 3107
REX W. SAPPENFIELD, 1711
CHARLES G. SASSER, 5279
WILLIAM R. SAUERLAND, JR., 3782
BRETON L. SAUNDERS, 8509
JOHN L. SCHAURES, 6818
DAVID J. SCHEINBLUM, 8920
TIMOTHY L. SCHNEIDER, 1014
WILLIAM F. SCHOEN, JR., 2305
LOUIS M. SCHOTEMEYER, 0651
RAYMOND J. SCHREINER, 9131
WILLIAM M. SCHUCK, JR., 2652
GREGORY A. SCOTT, 1151
GREGORY G. SEAMAN, 8018
BRIAN F. SEIFFERT, 4592
ANDROY D. SENEGAR, 4972
THEODORE W. SHACKLETON, 8013
JAMES L. SHELTON, JR., 3588
MATTHEW R. SHENBERGER, 8546
DALE E. SHORT, 7698
DONALD L. SHOVE, 0114
PHILIP R. SLEDZ, 4239
ANDREW Q. SMITH, 6579
RAHMAN K. SMITH, 2392
BRYAN M. SMYLIE, 1656
THOMAS M. SONGSTER II, 4118
JOHN W. SPAID, 7129
DEMETRY P. SPIROPOULOS, 6530
JASON V. SPRIGMAN, 2244
GARRY T. STEFFEN, 3001
MATTHEW W. STERNI, 4028
DAVID E. STRAUB, 3957
CHAD D. SWAN, 9357
BRIAN P. SWEENEY, 5427
ROBERT T. SWEGINNIS, 6195
WILLIAM M. TALANSKY, 0961
ANTHONY D. TAYLOR, 3477
JAMES T. TAYLOR, 6525
CHRISTOPHER J. TEAGUE, 8383
MICHAEL R. TEUBNER, 5340
JAMES C. THEISEN, 8446
MARK R. THRASHER, 9775
ROBERT B. TIFFT, 6939
WILLIAM H. TORRICO, 4875
BRADLEY S. TRAGER, 3109
SCOTT R. TRUJILLO, 1706
ERIC B. TURNER, 1015
STEVEN R. TURNER, 2111
MICHAEL S. TYSON, 7390
LES P. VERNON, 5293
MICHAEL H. VILLAR, 2577
SCOTT A. VOIGTS, 9649
MICHAEL G. VOSE, 7195
KENT E. WALSH, 6111
RICHARD J. WEAVER, JR., 2948
CORY R. WECK, 8601
ROBERT S. WEILER, 2532
ANDREW J. WEIS, 3054
BRADLEY C. WESTON, 2771
JEROME S. WHALEN, 6208
BENJAMIN D. WILD, 6046
JUSTIN P. WILHELMSEN, 1039
MARK A. WILKINSON, 0593
JAMES H. WILLIAMS, 1953
JOSEPH D. WILLIAMS, 4814
KRISTIAN R. WILLIAMS, 1294
LABIN O. WILSON, 1941
ERIC S. WOLF, 4542
RONALD S. WOOD, 4954
JASON G. WOODWORTH, 5425
MATTHEW J. WORSHAM, 9127
ELLYN M. WYNNE, 8409
RANDALL S. YEARWOOD, 9138
JUDY J. YODER, 9437
ERNEST B. YOUNG, 6245
BRENDA YSASAGA, 1561
PHILLIP M. ZEMAN, 9939
ANTHONY M. ZENDER, 0762
RICHARD J. ZENDER, 6217
WAYNE R. ZUBER, 9857

To be first lieutenant

MARTIN L. ABREU, 4205
ERIC J. ADAMS, 6232
JOHN B. ADAMS, 9928
RICHARD D. ALBER, 5756
JOSHUA P. ANDERSON, 5607
GEORGE ANIKOW, 2631
JOSEPH J. ATHERALL, 3561
THOMAS A. ATKINSON, 4973
MIGUEL A. AYALA, 0907
MICHAEL J. BABILOT, 7869
RACHEL E. BARNEY, 6567
KENNETH C. BARR, 6812
FRANCIS A. BARTH III, 7759
KENNETH W. BATTAGLIA, 9515
CHRISTOPHER D. BEASLEY, 9223
STEPHANI M. BECK, 2996
BRIAN M. BELL, 1974
THEODORE C. BETHEA II, 1591
BRENT W. BLAND, 2902
ALDRICK C. BLUNT, 7555

ROBERT J. BODISCH, JR., 9716
JAMES A. BOERIGTER, 8101
KENNETH P. BOHO, 3239
MEREDITH M. BOOKER, 8992
GARY A. BOURLAND, 3855
LIA B. BOWLER, 3074
KEVIN J. BOYCE, 3296
BRADLY L. BOYD, 1131
JOHN M. BRADBURY, 1940
JASON L. BRADFORD, 9883
FRANK J. BROGNA III, 2543
RAY E. BROOKS, 9825
GREGORY L. BROWN, 7788
MICHAEL D. BROYAN, 7718
ALVIN L. BRYANT, JR., 3130
ROBERT B. BURGESS III, 8243
GAREY W. BURRILL, JR., 4654
MICHAEL J. BUTLER, 4332
SEAN K. BUTLER, 0320
GREGORY S. CARL, 5977
MARK E. CARLTON, 5036
FREDERICK J. CATCHPOLE, 8245
LEE K. CLARE, 5117
JESUS M. CLAUDIO, 7050
GREGORY H. CLAYTON, 2914
SCOTT E. COBB, 2542
DANIEL E. COLVIN, JR., 2215
ADAM S. CONWAY, 9180
JOHN COOK, 9835
HEATHER J. COTOIA, 7282
BRIAN P. COYNE, 6870
CHRISTOPHER J. CRIMI, 7179
JEFFREY L. CROCKER, 4320
COLIN A. CROSBY, 5071
HENRY L. CRUSOE, 9316
CHRISTOPHER J. CURTIN, 6968
THOMAS DANIELSEN, 5643
JON W. DAVENPORT, 2281
ARTHUR L. DAVIDSON, JR., 0902
JOHN S. DAVIDSON, 7730
SAMUEL D. DAVIS, 9787
SHALISA W. DAVIS, 5160
MANUEL J. DELAROSA, 6875
JOHN Y. DELATEUR, 7476
PATRICIA R. DEYONG, 6440
WILBERT DICKENS, 2807
JOHN J. DIETRICH, JR., 9883
FRANK DIORIO, JR., 0966
STEVEN A. DOLPHIN, 0493
BERNADETTE DOLSON, 7946
JOSEPH E. DONALD III, 0284
DAVID A. DOUCETTE, 8875
ERIC J. DOUGHERTY, 2243
TROY M. DOWNING, 2028
MATTHEW J. DREIER, 8390
AARON S. DUESING, 1789
RICHARD E. DUNN, 9951
MICHAEL A. DURHAM II, 2216
PATRYCK J. DURHAM, 5074
JAMES C. EDGE, 4440
JAMES F. EDWARDS III, 2415
JHAKE ELMAMUWALDI, 9200
BRUCE J. ERHARDT, JR., 0919
KYRL A. ERICKSON, 0180
EDWARD ESPOSITO, 4648
BRIAN L. FANCHER, 5144
ROBERT A. FARIAS, 9733
JOSEPH A. FARLEY, 0860
KRISTOPHER L. FAUGHT, 1546
THOMAS P. FAVOR, 9340
MELVIN FERDINAND, 7470
BETH A. FERLAND, 4527
MICHAEL D. FERRITTO, 5403
JOSE R. FIERRO, 4590
PAUL F. FILLMORE, 3735
CHRISTOPHER M. FLANAGAN, 7320
TIMOTHY M. FLYNN, 8292
DUANE C. FORSBERG, 6283
VICTOR A. FRAUSTO, 3978
STEVIE L. FRAZIER, 6846
IAN C. GALBRAITH, 5498
JOSEPH E. GALVIN, 4387
VINH V. GERALD, 0372
KATE I. GERMANO, 9614
JEREMY L. GETTINGS, 3717
THOMAS H. GILLEY, IV, 1761
SEAN M. GLEASON, 5919
ARMANDO GONZALEZ, 7714
JEFFREY D. GOODELL, 4264
REBECCA L. GOODRICHHINTON, 5461
BRADLEY V. GORDON, 6016
WILLIAM S. GOURLEY, 1982
CRAIG A. GRANT, 0501
SHANNON L. GREEN, 6361
STEVE GRGAS, 0882
DANIEL B. GRIFFITHS, 1216
JAIME L. GUTIERREZ, 9687
JOHN T. GUTIERREZ, 9240
MATTHEW B. HAKOLA, 1466
MARK A. HALEY, JR., 6672
MARGARET J. HALL, 4545
DAVID W. HANDY, 5889
SEAN M. HANKARD, 7045
RICHARD A. HARNEY, 2991
DARIN K. HARPER, 4926
CHARLES M. HARRIS, 2124
ROBERT C. HAWKINS, 4684
BRENDAN G. HEATHERMAN, 0714
MICHAEL E. HERNANDEZ, 4207
LARRY J. HERRING, 0706
RALPH HERSHFELT III, 3520
CHERRONE A. HESTER, 5956
MICHAEL D. HICKS, 5679
DALE A. HIGHBERGER, 7374
GARY E. HILL, 9838
WILLIAM D. HILL, 8875
CRAIG P. HIMEL, 5169
THOMAS A. HODGE, 4748
VALERIE L. HODGSON, 4552
LUKE T. HOLIAN, 4981
ALFRED C. HOLLIMON, 2658
TERRELL D. HOOD, 7431
ARTHUR C. HOUGHTBY II, 7774
JEFFREY S. HOUSTON, 2617
DAVID K. HUNT, 8611
ROBERT M. HUTTO, 7548
CHRISTOPHER J. IAZZETTA, 2479
FRANCINE M. IPPOLITO, 9428
STEVEN M. JACKSON, 0557
RESHANDA L. JENNINGS, 9917
GEORGE W. JOHNSON, 7509
DERRICK L. JONES, 8462
ERIC W. KELLY, 1726
DALLAS G. KEY, 8493
JAMES S. KIMBER, 1768
WILFRID A. KIRKBRIDE, 2720
JOSHUA KISSOON, 7229
CURT R. KNOWLES, 1490
EDWARD C. KOOKEN, 5636
CONSTANTINE KOUTSOUKOS, 4546
JASON J. LATONA, 8660
GABRIEL E. LEAL, 7131
ALAN J. LECOMPTE, JR., 2185
JONATHAN E. LEE, 3686
KATHY R. LEE, 5868
WILSON S. LEECH III, 1792
MATTHEW D. LERNER, 1220
LEONARD J. LEVINE, 5686
SHANE M. LONG, 8868
CHARLES B. LYNN III, 6343
WILLIAM R. MAKEPEACE IV, 9803
MICHAEL C. MARGOLIS, 5152
DELBERT L. MARRIOTT, 9822
DANIEL L. MARTIN, 4455
DAWN M. MARTIN, 5902
JAMES T. MARTIN, 6917
RICHARD S. MARTIN, 5236
ANDREW V. MARTINEZ, 5269
BRETT E. MATTHEWS, 1820
CRAIG S. MAYER, 6700
MICHAEL C. MC CARTHY, 5367
KENYA MC CLAIN, 4601
DAVID A. MC COMBS, 6376
KENNEY MC COMBS, 8389
LYLE L. MC DANIEL, JR., 7794
ARIC A. MC KENNA, 0976
BRIAN P. MC LAUGHLIN, 5347
PATRICK C. MC RAE, 8633
TODD A. MENKE, 6352
NATHAN A. MENTINK, 9676
ANDREW A. MERZ, 0668
DANIEL R. MILLANE, 7316
BRETT M. MILLER, 5707
DAVID H MILLS, 3001
JAMES W. MINGUS, 3292
BRUCE L. MORALES, 2747
STEVEN B. MURPHY, 0160
STEVEN R. MURPHY, 4012
TIMOTHY I. MURRAY, 0176
BARTON K. NAGLE, 8495
ANTHONOL L. NEELY, 7005
SHANNON J. NELLER, 4718
EDWARD T. NEVGLOSKI, 3960
NICHOLAS C. NUZZO, 7815
DEREK S. OST, 7757
RANDALL A. PAPE, 2935
DWAYNE E. PARKER, 6248
HENRY J. PARRISH, 8985
VICTOR A. PASTOR, 9583
TODD A. PATTERSON, 4569
EDWARD J. PAVELKA, 7409
ELIZABETH D. PEREZ, 9828
NICHOLAS R. PERKINS, 0615
LAURA M. PERRONE, 7895
CRAIG O. PETERSEN, 3086
DAVID W. PINION, 4416
RICHARD H. PITCHFORD, 0976
KEVIN J. PRINDIVILLE, 3586
CRAIG T. RALEIGH, 1836
OMAR J. RANDALL, 1392
JOHN G. RANDOLPH, 0410
MARK L. RANEY, 0169
GREGORY A. RATZLAFF, 9703
JORDAN D. REECE, 1305
KARL C. RENNE, 5366
BRIAN A. REYNALDO, 9358
RICHARD J. RIGHTER, 3555
MARK W. RODGERS, 4155
RUPERT S. RODRIGUEZ, 8785
SCOTT M. ROLPH, 5004
THOMAS J. ROPEL III, 1415
SAM L. ROY, 6658
RICHARD A. ROYSE, 9528
JUSTIN R. RUMPS, 4594
LEE M. RUSH, 4426
FREDERICK W. RUSSELL III, 1956
CHARLES W. RYAN, 4185
CHRISTI L. SADDLER, 0712
JOHN H. SAITTA, 6487
MATTHEW D. SAMS, 7344
ROBERT M. SANCHEZ, 0646
DONALD R. SANDERS, 8545
ROLAND G. SARINO, 9268
GLENN SCHMID, 0794
DAVID E. SCHNEIDER, 1256
PHILIP P. SCHRODE, 3327
KARL C. SCHUMACHER, 9482
CHRISTOPHER B. SHERIN, 3349
JOHN T. SILVA, 1684
FRANK L. SIMMONS, 1922
MATTHEW R. SIMMONS, 0085
ELIESER R. SMITH, 1967
GARY L. SMITH, 3003
JAMES R. SMITH, 9268
KEITH D. SMITH, 7001
MIRANDA D. SMITH, 4650
STEVEN C. SNEE, 1841
PETER R. SOLANO, 3102
ROBERT B. SOTIRE II, 7580
PAUL M. SPONHOLZ, 8625
JARED A. SPURLOCK, 0543
MAJOR L. STAPLES, 0918
JASON C. STAR, 4743
MICHAEL W. STEHLE, 9914
WILLIAM C. STOPHEL, 1091
RONALD D. STORER, 1674
JONATHAN J. STRASBURG, 0940
ROBERT A. SUCHER, 5538
ERIC N. SWIFT, 1129
COLON TAYLOR III, 3858
THOMAS M. TENNANT, 3059
GREGORY A. THIELE, 7770
RAYMON F. THOMAS, JR., 8184
NICHOLAS A. THOMPSON, 3886
VIRGIL E. TINKLE, 8407
EDMUND B. TOMLINSON, 6471
ADOLFO TORRES, 5383
JOSEPH M. TURGEON, 6665
TRAY A. TURNER, 1338
CHRISTOPHER G. VEAL, 5958
BENJAMIN M. VENNING, 8236
CHARLIE R. VONBERGEN, 0259
BRIAN J. VONHERBULIS, 3246
MICHAEL L. WAGNER, 7700
WALTER J. WALLACE, 7499
BRANDON M. WALLER, 2580
LAWRENCE M. WALZER, 3444
GREGORY J. WARDMAN, JR., 4881
DAREN V. WASHINGTON, 8067
KEITH S. WATSON, 9604
KEITH S. WEINSAFT, 2579
APRIL K. WHITESCARVER, 8911
MICHAEL S. WILBUR, 3616
WILLIAM T. WILBURN, JR., 0016
DARBY R. WILER, 1526
JOHN D. WILKERSON, 0294
JERRY D. WILLINGHAM, 8805
PETER A. WILSON, 3952
CRAIG A. WOLFENBARGER, 1343
KENNETH P. WOODS, 4626
TOMMY R. WRIGHT, 1945
JAMES L. ZEPKO, 1571
THOMAS G. ZIEGLER, JR., 4214

To be second lieutenant

WILLIAM B. ALLEN IV, 5473
DAVID W. BAAS, 2423
JOHN W. BLACK, 8423
MARK D. BORTNEM, 7206
TRENT L. BOTTIN, 3036
VINTON C. BRUTON IV, 8488
WALTER G. CARR, 7527
CLINT A. CASCADEN, 5409
GEORGE O. CHRISTEL, 2223
DOUGLAS A. COOK, 6698
BILLY R. CORNELL, 2553
JEFFREY W. DAVIS, JR., 9441
JOHN D. DIXON, 4099
TIMOTHY P. DORAN, 8341
JAMES W. EAGAN III, 6569
DAVID C. EMMEL, 4893
ROY H. EZELL III, 1572
DONALD W. FAUL II, 8612
JEREMY S. FILKO, 9116
BRADLEY R. FITZPATRICK, 5197
SHANE R. FLOYD, 2592
ANTHONY E. GIARDINO, 6927
KENNETH K. GOEDECKE, 4719
CHRISTOPHER M. HAAR, 6775
JONATHAN B. HAMILTON, 9097
JACOB R. HARRIMAN, 1524
BENJAMIN R. HERNANDEZ, JR., 2273
EDMUND B. HIPP, 1470
JAMES T. HOFFMANN, 6789
JOHN H. HOUSAND, JR., 0740
JEFFREY A. HUBLEY, 3537
IVAN F. INGRAHAM, 2465
KEVIN A. JACOBS, 1241
CHRISTOPHER R. KNARR, 6225
JAMES M. KOEHLER, 5539
ROBERT O. KOENIG, 3713
RUSSELL S. LASCINK, 8540
WILLIAM M. LENNON, 0224
RONALD L. LOBATO, 5036
JOHN M. MAYBERRY, 4882
BRYAN R. MC CLUNE, 2731
WILLIAM J. MITCHELL, 6522
PHILIP T. O HARA, 2442
KYLE G. PHILLIPS, 3026
JOSHUA M. PIECZONKA, 7872
JASON M. POPOWSKI, 8934
DONALD J. PRITCHARD, 1118
JAMES S. PRYOR, 3876
KEVIN R. ROOT, 0671
RICHARD M. RUSNOK, 4966
JESSE L. SJOBERG, 4108

GIUSEPPE A. STAVALE, 5855
CHRISTOPHER T. STEELE, 2021
STEVEN M. SUTEY, 3703
DEREK L. TRABAL, 4467
JASON M. WARDLOW, 4348
ROBERT J. WEINGART, 0005
CHRISTOPHER M. WESTHOFF, 6610
DAVID E. WESTIN, 9879
ROBERT F. WHALEN, 9761
BARIAN A. WOODWARD, 2833

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 6, 2000, withdrawing from further Senate consideration the following nomination:

THE JUDICIARY

JAMES M. LYONS, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE JOHN P. MOORE, RETIRED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 22, 1999.

HOUSE OF REPRESENTATIVES—*Tuesday, June 6, 2000*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 6, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. There being no requests for morning hour debates, pursuant to clause 12, rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 31 minutes a.m.) the House stood in recess until noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God and Father of all nations, continue to guide the destiny of these United States. Bless the Members of this House. You are their Counselor and Guide. Give them satisfaction in their work, for You are the joy of those who are faith-filled, and the glory of the humble.

May all their deliberations give rise to understanding and further the cause of equal justice. May their determinations be honored and respected, and renew the hope of freedom in the heart of the world.

In You we place our trust, for we believe You have called us to serve this Nation. By Your divine inspiration we will reach the destiny You have in mind for us, for You live now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 26, 2000 at 11:10 a.m.

That the Senate passed without amendment H.R. 3293; that the Senate passed without amendment H.R. 4489; that the Senate passed without amendment H. Con. Res. 280; that the Senate passed without amendment H. Con. Res. 302.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE CHARLES F. BASS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Darwin Cusack, Chief of Staff to the Honorable CHARLES F. BASS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of New Hampshire.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DARWIN CUSACK,
Chief of Staff.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bills on Thursday, June 1, 2000:

H.R. 3293, to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the Memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service;

H.R. 4489, to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

TRIBUTE TO BOB HOPE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, today we honor the U.S. servicemen who participated in the invasion of Western Europe by the Allies on June 6, 1944. It is only fitting, however, that we pay special tribute to a gentleman who is admired by millions of our veterans.

Bob Hope is beloved for his tireless efforts to entertain U.S. troops around the globe, from World War II to the Persian Gulf War.

As one of the countless soldiers that he entertained during Vietnam and Desert Storm, I know personally of the positive impact that his visits made to uplift our spirits.

Last week, Americans were saddened to learn of the legendary entertainer's

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☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

illness requiring a stay at the Eisenhower Medical Center, near his home, in Palm Springs.

With his devoted and loving wife, Delores, by his side, Mr. Hope is recovering, and the family has asked that everyone keep Mr. Hope in their prayers.

Mr. Hope, from those of us who were blessed by your courage and commitment to our efforts around the globe, may God bless you. And, Mr. Hope, we all hope that you get well soon, and our best wishes go out to you and your family.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Madam Speaker, I rise today to talk about the issue of international child abduction. For 3 months now, I have been coming to the floor to tell the story of children who have been abducted abroad. I have also been holding public events and introduced a resolution with my friend the gentleman from Ohio (Mr. CHABOT).

Well, all of this work is beginning to pay off. On Tuesday, May 22, the House passed H. Con. Res. 293, urging signatories to the Hague Convention to abide by that agreement. Just within the past 3 weeks, I have heard amazing news from two different parents whose cases this Congress has brought to light.

One of those parents, Jim Rinnaman, saw his daughter 3 weeks ago for the first time in 4 years. Another, Paul Marinkovich, is bringing his son home after 3 years of searching.

Madam Speaker, these parents are being reunited with their children because of the work that Congress is doing and the pressure that these countries are feeling from our Government and from the media.

On behalf of American parents, I want to thank my colleagues for passing H. Con. Res. 293 and urge them to continue working with me on this very important issue. By continuing to take action and raise awareness, we can bring our children home.

JUSTICE DEPARTMENT CANNOT HANDLE TRUTH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, an Iranian defector said Iran was responsible for the bombing of Pan Am 103, not Libya.

No kidding, Sherlock. The whole world was told that years ago, but the Justice Department turned their back. Reports said that Iran hired the Syrians and the Syrians recruited terrorists from all around the world.

Beam me up. Those two Libyans may have been mules in general, but they are scapegoats specifically.

I yield back the fact that from Waco to Ruby Ridge to now Pan Am 103, the Justice Department just cannot handle the truth. I also yield back the fact, my colleagues, that if these two Libyans masterminded the bombing of Pan Am 103, they would have choked on a chicken bone years ago in Kadafi's cell.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

DESIGNATING WASHINGTON OPERA IN WASHINGTON, D.C., AS NATIONAL OPERA

Mr. GOODLING. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4542) to designate the Washington Opera in Washington, D.C., as the National Opera.

The Clerk read as follows:

H.R. 4542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Washington Opera, organized under the laws of the District of Columbia, is designated as the "National Opera".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper or other record of the United States to the Washington Opera referred to in section 1 shall be deemed to be a reference to the "National Opera".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

GENERAL LEAVE

Mr. GOODLING. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4542.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4542, to designate the Washington Opera in Washington, D.C., as the National Opera.

The beginnings of the Washington Opera were unusual, as it was founded by a music critic, Day Thorpe, of the now defunct Washington Star, along with a few others who decided that the Nation's capital should have an operatic enterprise of its own.

In the early years, the Washington Opera was limited by financial and practical constraints to no more than one or two productions per year. Since that time, the Washington Opera has grown and prospered. Today, it is the resident opera company of the Kennedy Center, due primarily to the artistic excellence of the ensemble.

In addition to performances, the Washington Opera has created several education and community programs that serve a broad and diverse population. These outreach programs are dedicated to enhancing the lives and learning of the children and adults of the greater Washington region, developing future audiences, and making the experience of opera available to those who otherwise have limited access to this art form.

Through these programs, the Washington Opera has made extensive outreach to the Washington, D.C. area public schools and to the community at large. These programs have reached more than 150,000 individuals and have been driven by the idea that "learning by doing" is a highly effective way to spark young children's interest in the arts.

The number and scope of programming has grown to 22 programs that provide performance experiences, curriculum enhancement activities, in-school artist and docent visits, professional development opportunities for teachers and young artists, interactive family-oriented presentations, and more.

Under the stewardship of Artistic Director Placido Domingo, the Washington Opera has achieved the stature of a world-class company and plays to standing-room-only audiences at the Kennedy Center Opera House and Eisenhower Theater.

I would like to mention a personal note about this Artistic Director Placido Domingo. When my daughter, at 17, was playing the professional tour, I did not have the money to send a coach or anybody in the family, so I gave her a lot of advice about not paying too much attention to anybody, particularly men, as she moved from the Italian Open to the Swiss Open to the German Open and then to the French Open. And when she was leaving the French Open to go to the Paris Open, she apparently was standing there in tears and this gentleman asked her what was her problem? And she said, well, my luggage went the other way and I have to play the first round of the French Open as soon as I get to Paris.

The gentleman said, well, the first thing we have to do is put you in first class because you cannot be cramped up back there and then go play tennis.

Well, if the father had known that, he really would have been upset about some man moving her to first class.

When she got to Paris, the gentleman gave her a hundred dollars. And she said, Well, I cannot take that. And he said, well, how will you play? You only have your racket and your sneakers. You will have to buy clothing.

When she came back and we were sitting there as a family watching television, Placido Domingo and Johnny Denver were doing a couple of the duets that they have done, and she said, Dad, that is the man that put me in first class and that is the man who gave me the $100. And it was Placido Domingo. And I understand that is typical of him.

The Washington Opera has earned its position of leadership in the musical world without the government support typical in most world capitals. The company has been a leader through its commitment to sustain new American operas by presenting them in crucial second productions, giving these new works life beyond the short span of their premieres. It leads by championing the lesser known works of significant musical work rarely presented on today's opera stages.

It has been hailed for its work with operas on the epic scale. As the British magazine Opera Now recently stated, "The Washington Opera is carving out a new area of expertise . . . staging grand spectacles to exacting standards with precision and power not often seen even at the world's top houses." The company is also renowned for the number and quality of its new productions, its discovery and nurturing of important young talent, and the international collaboration system it has pioneered with leading foreign companies.

Since 1980, the company has grown from a total of 16 yearly performances of four operas to 80 yearly performances of eight operas, while the budget has increased from $2 million to more than $25 million per year. The company has averaged 98 percent attendance over the last fourteen seasons—a remarkable sales record. It now earns approximately 65 percent of its total budget through ticket sales, raising the remaining 35 percent through contributions from the individuals, corporations, and foundations. A sign of fiscal strength, this ratio of earned to contributed income is the highest of any opera company in the country.

The Washington Opera has requested this legislation designating it as the "National Opera." There are precedents for granting private or quasi-private entities a "national" designation. For example, the National Aquarium in Baltimore and the National Aviary in Pittsburgh both received their "national" designation through acts of Congress. Such a designation does not bring with it federal funding or a federal subsidy. Rather, it grants the entity national prominence, which may increase ticket sales and improve fundraising prospects.

I urge my colleagues to support this legislation and to vote "yes" on final passage.

Madam Speaker, I reserve the balance of my time.

Mr. FATTAH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is an honor to be able to rise in support of the legislation of my colleague. H.R. 4542, which would change the name of the Washington Opera to the National Opera, is a piece of legislation that our side supports wholeheartedly.

□ 1215

This opera was born in 1956, which was the year I was born. It has moved from two performances to now over 80 performances a year with an attendance rate of 98 percent or better, and I want to compliment my chairman for offering this legislation. I think it is an appropriate designation to change the name.

It is a world-renowned opera; and to have the designation of the National Opera, I think, is most appropriate.

Madam Speaker, I reserve the balance of my time.

Mr. GOODLING. Madam Speaker, I yield such time as he may consume to the gentleman from Northern Virginia (Mr. DAVIS), an opera buff.

Mr. DAVIS of Virginia. Madam Speaker, I rise today to support H.R. 4542, the bill to designate the Washington Opera as the National Opera. Since its founding in 1956, the Opera has been providing enrichment and arts education to the Washington Metropolitan area.

From its humble beginnings under the stewardship of music critic Day Thorpe, when a lack of funds limited them to two performances a year, the Opera has consistently grown both in stature and in size. In 1980, the Washington Opera had a total of 16 performances of four operas with an operating budget of $2 million. Throughout the 1990s, the Opera has truly emerged as a world class institution and has grown to 80 performances of eight operas with an annual budget of more than $25 million.

The great success the company has enjoyed is a credit both to its management and the support it has received from the Washington metropolitan community. Over the last 14 seasons, the company has averaged a remarkable 98 percent attendance, with 65 percent of its revenue coming from ticket sales. The remaining 35 percent of the budget is provided by individual and corporate donations. The ratio of 65 earned to 35 contributed is evidence of the company's fiscal strength and is the highest in the Nation.

The Washington Opera has earned its position of leadership in the musical world without the crucial government support that is typical in most world capitals, in a city without the strong business base that helps fund many U.S. opera companies. The company has been a leader through its commitment to sustain new American operas by presenting them in crucial second productions, giving these new works life beyond the short span of their premiers. It leads by championing lesser-known works of significant musical worth rarely presented on today's opera stages. It has been hailed for its work with operas on the epic scale. As the British magazine Opera now recently stated, "The Washington Opera is carving out a new area of expertise, staging grand spectacles to exacting standards with precision and power not often seen at the world's top houses."

The company is also renowned for the number and quality of its productions, its discovery and nurturing of important young talent and the international collaboration system it has pioneered with leading foreign companies.

One of the greatest contributions to the D.C. metro area have come from the company's educational outreach program. Reaching out beyond the bounds of the opera community, the Washington Opera has made a concerted effort to bring the arts to students around the region. As budgets for arts education have continually shrunk, it is more important than ever that private institutions have what limited government support can be provided to reach our school-aged children. It is with that goal in mind that I strongly support the passage of H.R. 4542 and ask my colleagues to do the same. I want to thank the gentleman from Pennsylvania (Mr. GOODLING) for his leadership on this issue and shepherding this bill to the House floor.

Mr. FATTAH. Madam Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I thank the gentleman from Pennsylvania (Mr. FATTAH) for yielding me the time. Madam Speaker, may I say that the chairman of the committee introduced the last speaker as an opera buff; the gentleman is better known in this House as a baseball buff, but we are pleased to rank the gentleman to the rank of opera lovers.

In any case, Madam Speaker, great capitals normally have great cultural institutions. I regret to say that for a very long time, the Nation's capital did not have great cultural institutions. As a fourth generation Washingtonian, I must say that growing up in the Nation's capital was like growing up in a cultural desert. The only great company was the National Symphony Orchestra, and I am pleased that now the Congress would name the Washington Opera the National Opera.

I think this is most appropriate, particularly when we consider that this is not a Nation that subsidizes the arts very greatly; and the very least, it seems to me that we can do is recognize the arts in this way.

Twenty-five million visitors come to the Nation's capital every year, many of them the constituents of Members of the House and Senate. As the Washington Opera becomes the National Opera, I believe that the national Opera will set an example for the country and will welcome millions who would otherwise not be inclined to attend the opera.

Throughout the world, the reputation of this company, particularly since Placido Domingo became the artistic director, is generally regarded as a world-class company. It plays to standing-room-only audiences. It raises its own money. Now it asks very little of us. It asks that we give it a name that will help it raise more of its own money. I would like to bring to the attention of Members something of what the Washington Opera Company does in its immediate area because it has very energetic education and community programs that serve public, private, and home-schooled students throughout the region, 31 percent Anglo, 27 percent African American, 33 percent Latino, 8 percent Asian, roughly reflecting the population of the region. 70 percent of those served by these education and community programs are between the ages of 5 and 18. Of the remaining 30 percent who are adults, 40 percent are senior citizens.

Here is an opera company which has reached to every age group, every ethnic group, and every section of the region. Now as the National Opera Company, it will welcome people to come from all over the country. Its education and community programs target adults and students throughout the grades K through 12 and particularly underserved populations. 40 percent are from the District, 35 percent are from Maryland, 25 percent are from Virginia.

It is particularly appropriate that the chairman would rise to support this bill, because this is in many ways a quintessential educational enterprise. We now know increasingly as we learn more about the brain and its functions that music can be important in the intellectual as well as the social development of students. When the Washington Opera Company comes to the Congress of the United States not with its hands out for money but to ask that it be given a name that will help it raise money, I strongly urge that the Congress give it the public recognition that will help the Washington Opera Company grow as a national opera company and will help it bring opera to increasing millions of citizens of the United States.

Mr. FATTAH. Madam Speaker, I yield myself such time as I may consume.

I would like to just reiterate my support for this legislation. This opera raises over $25 million annually in private support, but I do believe that the new designation as provided in this legislation hopefully will provide additional impetus for those who want to support the continuation of a great cultural institution. I want to compliment, again, the gentleman from Pennsylvania and also the gentlewoman from the District of Columbia for this legislation.

Mr. HOYER. Madam Speaker, I rise in support of H.R. 4542, a bill designating the Washington Opera in Washington, DC, as the National Opera. This opera company is known for the number and quality of new productions, discovery and nurturing of important young talent, and an international collaboration system with leading foreign companies.

The Washington Opera has achieved the stature of a world class company and plays to standing-room only audiences at the Kennedy Center Opera House and Eisenhower Theater. Like so many other institutions in Washington, the opera attracts, entertains, and educates people from all over the world.

The company has averaged 98% attendance over the last fourteen season. It now earns approximately 65% of its total budget through ticket sales, raising the remaining 35% through contributions from individuals, corporations, and foundations.

A sign of fiscal strength, this ratio of earned to contributed income is the highest of any opera company in the country. Beyond the value of music itself, increasing evidence clarifies the role of music in the intellectual and social development of our community.

The opera allows people to cross language and cultural barriers, increase understanding, and build tolerance in a multi-cultural setting.

The Washington Opera remains true to its mission of presenting the highest quality opera in the Nation's Capital, broadening public understanding and awareness of opera, and maintaining opera as a living art form.

Madam Speaker, for over 40 years this opera company has been a beacon of light not only for the Washington, DC community, but also for the entire Nation. People from all over the United States and the world realize this opera company is a reflection of our Nation's commitment to the arts.

As a cosponsor of H.R. 4542, I stand in support of this bill to designate the Washington Opera as the National Opera and urge my colleagues to support this legislation.

Mr. DICKS. Madam Speaker, I rise in support of H.R. 4542, a bill to designate the Washington Opera in Washington, DC, as the National Opera. The Washington Opera has an impressive history that has earned its position as one of opera's premier venues.

The Washington Opera continued to grow and flourish. In 1980, the company has grown from a total of 16 performances and 4 operas to 80 performances and 8 operas, while the budget has increased from $2 million to more than $25 million. In 1980, the opera did not own a single opera set; by the spring of 2000 the company had originated and built 61 new productions, becoming one of the most prolific producing companies in the United States.

The Washington Opera prides itself by providing world-class productions for its audiences. The Washington Opera became the first American Opera Company to produce a repertory season in two separate theaters. Giving performances in the 2,200 seat Opera House and the more intimate 1,100 seat Eisenhower theaters allow the company to perform in settings that reflect each opera's proper acoustical ambiance.

Along with providing quality entertainment, The Washington Opera contributes to the education and diversity of the community. The Education and Community Programs serve a diverse population of public, private and the home school students that are 31% Anglo, 27% African-American, 33% Latino, and 8% Asian. Roughly 70% of those served by Washington Opera programs are students between the ages 5 to 18 of various needs and abilities. Adults constitute the remaining 30%, of which 40% are senior citizens.

Among other programs, The Washington Opera has developed teaching methods that provide educators with tools to engage students in the learning process. At a young age, students learn about the value of the arts. There are 22 programs each providing performance experiences, curricular enhancement activities and professional development opportunities for both teachers and young artists. These programs foster enthusiasm and help enrich our youths' educational experience.

Under the jurisdiction of Artistic Director Placido Domingo, The Washington Opera's reputation continues to increase. The Washington Opera plays to standing-room-only audiences at the Kennedy Center Opera House and Eisenhower Theater. The Washington Opera has earned its position of leadership in the musical world without the critical governmental support typically offered to most world capitals, in a city without the strong business base that helps fund many U.S.. opera companies.

The Washington Opera has requested this legislation to designate The Washington Opera as the "National Opera." There are precedents for granting private entities a "national" designation. For example, the National Aquarium in Baltimore and the National Aviary in Pittsburgh both received their "national" designation through acts of Congress. Such a designation does not bring with it federal funding or a federal subsidy.

This change will grant the group further prominence, which, in turn, may expand ticket sales, improve fundraising capabilities and most importantly, broaden the opera's community programs in an effort to influence a greater breadth of individuals.

Mrs. MORELLA. Madam Speaker, I rise in support of H.R. 4542, a bill to designate the Washington Opera in Washington, D.C., as the National Opera.

When first approached about the redesignation by Artistic Director Placido Domingo, I thought of the Bard's famous line, "What's in a name? That which we call a rose by any other name would smell as sweet."

However, this "national" designation will aid the Washington Opera in furthering their position of leadership in the musical world. Founded in 1956, the Washington Opera has achieved the stature of a world class company and plays to standing room only audiences at the Kennedy Center Opera House and the Eisenhower Theater.

In the spring of 2000, the company had originated 61 new productions, becoming one of the most prolific producing companies in the United States. In addition, the company has averaged 98 percent attendance over the last fourteen seasons.

The Washington Opera has always recognized that their service to the nation does not end with each production. Instead, Washington Opera's Education and Community Programs department dedicates itself to enhancing the lives and learning of children and adults by making the experience of opera available to those who otherwise have limited access to the art form. The Washington Opera has made extensive outreach efforts to area public schools and to the greater Washington community at large. Through their OperAccess program, they have actively involved members of our community who are visually, physically, or audibly impaired. By devoting themselves to broadening the public's understanding and awareness of opera, the company has served as the leader in maintaining opera as a living art form in America.

The National Opera designation will serve to facilitate the company's fundraising efforts and ticket sales, as well as oblige the company, even more than in the past, to become the cradle for American opera.

I urge my colleagues to please support H.R. 4542 and to designate the Washington Opera as the National Opera.

Mr. FATTAH. Madam Speaker, I yield back the balance of my time.

Mr. GOODLING. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 4542.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING CONGRESSIONAL PHILHARMONIC SOCIETY

Mr. GOODLING. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 229) expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance.

The Clerk read as follows:

H. CON. RES. 229

Whereas in February 1996, several Senators and members of the House of Representatives participated in a performance of the Broadway musical "1776", a story depicting the signing of the Declaration of Independence;

Whereas in April 1996 several Senators and members of the House of Representatives met with Maestro Martin Piecuch, the music director of the musical "1776", and formed the United States Congressional Choral Society;

Whereas on May 20, 1998, the United States Congressional Choral Society debuted at St. Joseph's Church on Capitol Hill, with standing ovations following its rendition of the "Song of Democracy" and the "Battle Hymn of the Republic";

Whereas on March 13, 1999, the United States Congressional Philharmonic Orchestra String Quartet played before the Ambassador to the United States from Canada at the Embassy of Canada in the District of Columbia;

Whereas on March 19, 1999, the United States Congressional Choral Society appeared in performance at the Washington National Cathedral;

Whereas on May 13, 1999, the United States Congressional Philharmonic Orchestra String Quartet played before a gathering of Ambassadors at the Benjamin Franklin Diplomatic Reception Room of the United States Department of State;

Whereas the United States Congressional Philharmonic Society is approved as a 501(c)(3) nonprofit organization under the Internal Revenue Code and is a corporation in good standing under the laws of the State of Delaware;

Whereas the United States Congressional Philharmonic Society will offer free concerts to the public in the Washington metropolitan area;

Whereas the United States Congressional Philharmonic Society will encourage the development of young musical talent across the United States by providing educational programs for schools across the nation and establishing internships and scholarships; and

Whereas the United States Congressional Philharmonic Society envisions holding a series of concerts focusing on themes such as Celebrations of America, Salutes to the States, a Great Americans series, and an International Congressional Concert series: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States Congressional Philharmonic Society should be applauded—

(1) for organizing two musical groups, the United States Congressional Choral Society and the United States Congressional Philharmonic Orchestra;

(2) for having as its mission the promotion of patriotism, freedom, democracy, and understanding of American culture through sponsorship, management, and support of these groups and their derivative ensembles as they communicate through the international language of music in concerts and other multimedia performances in the District of Columbia and throughout the United States and the world; and

(3) for promoting musical excellence throughout the educational system, from pre-school through post-graduate, and encouraging people of all ages to commit to the love and expression of musical performance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Concurrent Resolution 229 expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its dual mission, promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance.

In February 1996, several Members of Congress participated in the performance of the Broadway musical 1776, a story depicting the signing of the Declaration of Independence. I practiced and rehearsed and then was unable to participate. The Members of Congress so enjoyed this experience that as an outgrowth, the United States Congressional Choral Society was founded in April 1996. The Congressional Choral Society is composed of Members, staff and friends of the United States Congress. In fact, I have also performed with the choral society.

On May 20, 1998, the Congressional Choral Society debuted along with the Washington Symphony Orchestra at St. Joseph's Church on Capitol Hill with standing ovations following their rendition of the Song of Democracy and the Battle Hymn of the Republic. The marriage of the Congressional Choral Society and the Washington Symphony Orchestra gave birth to the idea and the eventual reality of a congressional Philharmonic orchestra. The United States Congressional Philharmonic Society is the institution principally responsible for the formation, development, and operation of the United States Congressional Philharmonic Orchestra and the United States Congressional Choral Society which, I might add, I have chaired in all 15 years of its existence.

The vision of the Congressional Philharmonic Society is to become the artistic voice of America through the international language of music. The society will do that by encouraging congressional Members, staff, and friends of the United States Congress to use their musical resources and talents. Given those talents and resources, the society can accept invitations to present musical programs and intends to present musical performances that will enrich lives all across America with patriotic and classical presentations.

The mission of the Congressional Philharmonic Society is to promote patriotism, freedom, democracy, understanding, and world peace through music. That mission will be accomplished by sponsoring, managing, and supporting the Congressional Choral Society and the Congressional Symphony Orchestra as they communicate through the international language of music in concerts and other multimedia performances.

House Concurrent Resolution 229 is simple and straightforward. It notes that the Congressional Philharmonic Society is approved as a 501(c)3 nonprofit organization under the Internal Revenue Code, offers free concerts to the public in the Washington metropolitan area, and encourages the development of young musical talent across the United States by providing internships, scholarships, and educational programs for schools across the Nation.

This resolution states that it is the sense of the Congress that the United States Congressional Philharmonic Society should be applauded for having as its mission the promotion of patriotism, freedom, democracy, and understanding of American culture through the international language of music; and for promoting musical excellence throughout the educational system, and encouraging people of all ages to commit to the love and expression of musical performance.

I would like to thank the gentleman from Virginia—Mr. DAVIS—for introducing this resolution, and I would urge my colleagues to support House Concurrent Resolution 229 and the Congressional Philharmonic Society.

☐ 1230

Mr. GOODLING. Madam Speaker, I reserve the balance of my time.

Mr. FATTAH. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H. Con. Res. 229, and I am again amazed at the multitalented nature of the chairman of the Committee on Education and the Workforce. I was not aware that he also performed in these organizations beyond his work on the committee of setting a national education policy, but he is truly a Renaissance man.

Madam Speaker, I support the legislation and the prime sponsor of it, the gentleman from Virginia (Mr. DAVIS). We came to the Congress together, and I hold him in high esteem.

Madam Speaker, I yield back the balance of my time.

Mr. GOODLING. Madam Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Madam Speaker, I thank the gentleman for yielding me this time, and I appreciate his efforts in bringing this bill to the floor.

I rise today as the proud sponsor of H. Con. Res. 229, which expresses the sense of Congress regarding the United States Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the joy and expression of musical performance.

I believe that all Americans should have the opportunity to participate in music and art programs. Arts education programs and, specifically, music education programs have a positive impact on the lives of our children. Music education is a valuable lesson that serves to enrich our children and our society, and the United States Congressional Philharmonic Society plays a vital role in accomplishing these goals.

The United States Congressional Philharmonic Society has created its own unique and appropriate mission which promotes patriotism, freedom, democracy, and understanding of American culture through sponsorship, management, and support of these groups and their derivative ensembles as they communicate through the international language of music in concerts and other multimedia performances in the United States and the world.

Under the organization of Maestro Martin Piecuch, the Congressional Philharmonic Society has quickly established itself as a voice of freedom and democracy through the art of music. Maestro Piecuch can be credited with planting the seed for the Congressional Philharmonic Society when he directed the Broadway musical 1776 at DAR Constitution Hall in March of 1995 in which 12 Members of Congress played roles as the Founding Fathers of this great Nation.

As the music director and conductor of the Washington Symphony Orchestra, the maestro has played a great role in the world of music for the citizens of Northern Virginia. He has served as resident conductor, orchestra manager, and chorus manager at Wolf Trap Farm Park for the Performing Arts and held the position of music director and conductor with the Alexandria Choral Society.

The United States Congressional Philharmonic Society has developed a concert series to promote democracy and peace throughout the world. Most recently, on May 13, 2000, the String Quartet of the United States Congressional Philharmonic Orchestra performed in the United States Department of State Diplomatic Reception Room before the ambassadors to America representing the South African Development countries.

I would also like to thank former United States Senator Charles Percy for his support of the Congressional Philharmonic Society. Senator Percy's leadership and guidance have played a great role in Society's formation.

Madam Speaker, the United States Congressional Philharmonic Society is a living example of how our country's principles of freedom and liberty can be showcased to the entire world through music. I urge all Members to join us in supporting this resolution.

Mr. GOODLING. Madam Speaker, I yield myself such time as I may consume.

I do want to mention that the Capitol Hill Choral Society which I chair was the brainchild of Betty Buchanan who has been our director for 13 years, and she is the wife of our former colleague, Congressman John Buchanan. We have given many concerts with junior high choruses throughout Washington, D.C.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 229.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 229.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RECOGNIZING THE IMPORTANCE OF AFRICAN-AMERICAN MUSIC

Mr. GOODLING. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 509) recognizing the importance of African-American music to global culture and calling on the people of the United States to study, reflect on, and celebrate African-American music, as amended.

The Clerk read as follows:

H. RES. 509

Whereas artists, songwriters, producers, engineers, educators, executives, and other professionals in the music industry provide inspiration and leadership through their creation of music, dissemination of educational information, and financial contributions to charitable and community-based organizations;

Whereas African-American music is indigenous to the United States and originates from African genres of music;

Whereas African-American genres of music such as gospel, blues, jazz, rhythm and blues, rap, the Motown sound, and hip-hop have their roots in the African-American experience;

Whereas African-American music has a pervasive influence on dance, fashion, language, art, literature, cinema, media, advertisements, and other aspects of culture;

Whereas the prominence of African-American music in the 20th century has reawakened interest in the legacy and heritage of the art form of African-American music;

Whereas African-American music embodies the strong presence of, and significant contributions made by, African-Americans in the music industry and society as a whole;

Whereas the multibillion dollar African-American music industry contributes greatly to the domestic and worldwide economy;

Whereas African-American music has a positive impact on and broad appeal to diverse groups, both nationally and internationally; and

Whereas in 1979 President Carter recognized June as African-American Music Month, and President Clinton subsequently recognized June as African-American Music Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of the contributions of African-American music to global culture and the positive impact of African-American music on global commerce; and

(2) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the majesty, vitality, and importance of African-American music.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

GENERAL LEAVE

Mr. GOODLING. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 509.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 509 offered by the gentleman from Pennsylvania (Mr. FATTAH), a very important member of our Committee on Education and the Workforce. I particularly want to call to all of my colleagues' attention that the gentleman has indicated that we will have a most memorable and enjoyable meeting in the City of Brotherly Love when our convention meets there. He has assured me that the bad name that the city gets on sporting events from time to time has nothing to do with the people of the City of Brotherly Love. I think he said they come from across the river, the ones that cause the trouble. Now he is in trouble with the people across the river.

Madam Speaker, African-American music has been a part of the American and global culture for decades. From glorious gospel blues, jazz, rhythm and blues to rap and hip-hop, African-American music has influenced all aspects of our society in the form of dance, fashion, language, art, literature, cinema, media, and advertisements.

Throughout time, African-American artists, songwriters, educators, and other professionals in the music industry have provided inspiration and leadership through their creation of music, dissemination of educational information, and financial contributions to charitable and community-based organizations that had allowed African-American music to embody the strong presence of and significant contributions made by African Americans. All in all, African-American music has made a positive impact on and a broad appeal to diverse groups, both nationally and internationally.

Madam Speaker, this resolution is very simple. We want to rightly recognize and celebrate the magnificent contributions that African-American music has provided, not only in shaping the social and political fabric of our Nation, but to the global culture as well.

I commend the gentleman from Pennsylvania for his leadership in authoring this legislation, and I urge my colleagues to vote in its support.

Madam Speaker, I reserve the balance of my time.

Mr. FATTAH. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 509. I would like to thank the chairman of the committee for facilitating this legislation's appearance here on the floor, and I would share with him again that we look forward to welcoming the Republican National Convention in Philadelphia. It is the first time our city will be hosting a convention in the last 50 years.

Philadelphia is an appropriate place for either of our national parties to meet because it is the founding city of our country in which the document that was referred to earlier, the Declaration of Independence, was penned. Notwithstanding a few people who do not live in our city who may come to a sporting event and not act appropriately, the citizens of our city have agreed that they are going to be Republicans for a whole week when they come for the convention.

Then, on this particular legislation, Philadelphia has played and continues to play, a very important role in the development of African-American music from the Philadelphia Sound, and Marian Anderson, and a host of others. This year I have introduced this resolution, particularly in honor of the late great Grover Washington, Jr. and Curtis Mayfield who both have passed, but the contributions of African Americans in the field of music are well known; and they go through all of the different types of music, from gospel to jazz to hip-hop and the like.

Madam Speaker, I want to thank the majority, particularly the chairman, for allowing this resolution. It is important because, in this month of June under the leadership of the International Association of African-American Music under the leadership of Diana Williams, there will be an important acknowledgment, and this dates back decades now from Jimmy Carter up through President Bill Clinton, acknowledging this month, and I think it is appropriate that the Congress does likewise. I want to thank all of my colleagues and hope for favorable consideration of this resolution.

Mr. KNOLLENBERG. Madam Speaker. I rise today to express my support for House Resolution 509 which extolls the contributions of African-American music to American culture. I would like to thank the gentleman from Pennsylvania, Chairman GOODLING, and the gentleman from Pennsylvania, Mr. FATTAH, for their fine work in crafting this resolution and also for allowing me to insert language into this bill recognizing the importance of the Motown Sound.

Motown, as many of us will remember, Madam Speaker, is the recording label started in Detroit, Michigan back in 1959.

The Motown story is the story of Berry Gordy, Jr., who was born in Detroit, Michigan on November 28, 1929. He was the seventh of eight children of Berry, Sr. and Bertha Gordy who themselves moved to Detroit from the South. After being drafted into the Army in 1951, he obtained his high school equivalency degree while in the Army. When Berry got out of the Army 1953, he opened a jazz-oriented record store called the 3–D Record Mart with his family's help. By 1955, the store had failed and Berry was working on the Ford automobile assembly line. While working on the line, Berry constantly wrote songs, submitting them to magazines, contests, and singers. His first break as a songwriter came in 1957 when Jackie Wilson recorded "Reet Petite", a song he, his sister Gwen and Billy Davis (under the pseudonym of Tyran Carlo) had written. "Reet Petite" became a modest hit and netted Berry $1,000 for the song. The rest, as they say, is history—a wonderful history of African-American contributions to American music and culture.

The list of entertainers that share their roots in Motown is long and incredibly distinguished. Their music forms an integral part of the American experience. This list includes Jackie Wilson, the Miracles, the Four Tops, Marvelettes, Martha and the Vandellas, Supremes, the Temptations, Marvin Gaye, Stevie Wonder, Mary Wells, Mickey Stevenson, Smokey Robinson, Holland-Dozier-Holland, the Funk Brothers, Gladys Knight and the Pips, the Isley Brothers, Diana Ross and the Supremes, Marvin Gaye, Michael Jackson, the Jackson 5, the Commodores, and Lionel Ritchie to name only a few. Motown afforded these and many other talented performers the opportunity to showcase their music to all of America.

In 1970 Motown established a new subsidiary label called Black Forum that released the historical speeches of Dr. Martin Luther King Jr., Stokely Carmichael and black poets such as Langston Hughes and Margaret Danner. The Motown label continues to thrive today, ensuring that future generations will be able to enjoy this rich musical tradition.

For ready information about Motown I would like to express a special thank you to Mike Callahan and his web page, http://www.bsnpubs.com/motownstory.html. I would also like to recommend and thank the web site of the Recording Institute Of Detroit at http://www.recordingeq.com/motown.htm. There you can find a photo essay tour of the Motown Historical Museum guided by Robert Dennis, Former Mastering Supervisor, Motown. For the museum's excellent photos I would like to thank Nick David for REQ and the Motown Historical Museum. An in-person visit is always better. You can contact the museum at (313) 875–2264.

The Motown Historical Museum is housed in two adjacent and connected buildings at 2648

West Grand Boulevard, Detroit, Michigan. These are the two original buildings out of the eight West Grand Boulevard buildings that Motown owned on the boulevard in the 1960's—before the company moved its headquarters to a ten-story office building on Woodward Avenue in downtown Detroit. The Motown Studio A remained at Hitsville, USA.

In light of Motown's historic musical contribution, I felt it necessary that we include recognition of the Motown Sound in this resolution and highlight a fantastic chapter of the Detroit area's place in history. Congratulations and thank you to Motown!

Mr. FATTAH. Madam Speaker, I yield back the balance of my time.

Mr. GOODLING. Madam Speaker, I encourage all of my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the resolution, H. Res. 509, as amended.

The question was taken.

Mr. GOODLING. Madam. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LES ASPIN POST OFFICE BUILDING

Mr. RYAN of Wisconsin. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4241) to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building".

The Clerk read as follows:

H.R. 4241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LES ASPIN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, shall be known and designated as the "Les Aspin Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Les Aspin Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself such time as I may consume.

Former Congressman Les Aspin faithfully served the people of Wisconsin's First Congressional District for over 20 years as their elected representative. During his time in Congress, he was a credit to this institution we now serve in. A former U.S. Army captain, Aspin served as the chairman of the Committee on Armed Services from 1985 to 1993. When the President called on him, Aspin continued his hard work to improve our Nation's security by serving as the U.S. Secretary of Defense from 1993 to 1994. This dedicated public servant passed away, unfortunately, on May 21, 1995 at the age of 56.

Wisconsinites are very proud of Congressman Aspin and all that he has done for Wisconsin's First District and the Nation. I believe that it would be appropriate to honor the late Congressman Aspin by naming the U.S. Post Office in Janesville, Wisconsin, my own hometown, as the Les Aspin Post Office Building. Aspin's former Janesville office had been housed in the old Janesville Post Office downtown, which is now the Keeley Pharmacy, for over 2 decades.

As the Congressman who currently serves the First Congressional District, and as a member of the opposite party that Congressman Aspin served from, I believe that this still would be a fitting tribute to Congressman Aspin, especially since this marks the 30th anniversary to the year he was first elected to this congressional seat.

Les Aspin embodied honest public service and his example continues to inspire Members of Congress today. I thank the gentleman from New York (Mr. MCHUGH), the chairman of the Subcommittee on Postal Service, and the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform, for their cooperation and leadership in bringing this bill to the floor today, and I would urge my colleagues to honor a great American statesman who gave much to this institution and to support H.R. 4241.

Madam Speaker, I reserve the balance of my time.

□ 1245

Mr. FATTAH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4241, joining my colleague, the gentleman from the great State of Wisconsin (Mr. RYAN).

Les Aspin was a leader here in this Congress for many, many years dealing with issues related to national defense and the Armed Forces, but moreover, was a public servant who provided an extraordinary level of leadership to our Nation. He is someone who, as is obvious by the sponsorship of this bill, who enjoyed respect and support on both sides of the aisle. I would like to compliment the gentleman for the introduction.

Madam Speaker, we look forward to favorable, if not unanimous, support for this bill.

Madam Speaker, I yield back the balance of my time.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Madam Speaker, I thank my colleague, the gentleman from Wisconsin, for yielding time to me.

I would like to commend him for taking the leadership to bring this measure before the House today to honor a distinguished son of the State of Wisconsin and a friend of mine, Les Aspin.

While a member of the Democratic Party, Les was a person who took his responsibilities as a United States Representative, not as a party representative, seriously. He often broke party ranks to take actions that he felt were right, and his leadership influenced many others in this body, so that it ended up being quite effective.

I can remember myself wondering whether it made sense for us to get involved in military action in the Gulf at the time of that crisis, when Kuwait was invaded, or whether we should, as many counseled at the time, rely on an embargo, which is still in effect, to bring down Saddam Hussein and roll back the troops.

Les took the well of this House and repeatedly urged us to use military force, overwhelming military force, and predicted that if we marshalled that force it would not be effectively resisted, and we would have, and gasps went from the crowd, if any casualties, casualties in the hundreds, not the thousands.

At the time, people were predicting a quagmire and tens of thousands of American troops and allied troops losing their lives. While it did not seem to many that plausible at the time, Les proved to be absolutely right. His counsel by a narrow vote was followed, and we did roll back the invasion of Kuwait, and set an example that we hope will deter others from taking similar action.

He broke ranks from the military community in opposing the B-2 weapons system. He broke ranks again with party orthodoxy in supporting, but in a moderate way, the SDI, Strategic Defense Initiative, feeling that we should not try in Congress to cut it off, we should not throw money at it, but we should invest in research in that area, as we could prudently and as the defense community indicated could be absorbed.

He was well respected, a former educator, an economist at the Marquette University, and a person who has been honored by Marquette University; there is the Aspin Institute here in this city, which trains many young people who come out to learn about government. I have been pleased to have a number of Aspin Institute scholars in my own office. Others in Congress I think can say the same.

I really am very, very pleased that my colleague and the worthy successor of former Defense Secretary and former Representative Les Aspin, former chairman of the Committee on Armed Services, has chosen to honor Mr. Aspin in this way.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding time to me, and for introducing this resolution to name the building for somebody with whom many of us did serve in this House of Representatives who truly was a great statesman.

He started off with a great education, certainly, having gone through the Milwaukee schools, entering higher education, and then he became a professor, serving very well. He went through the staff positions where he worked for Senator Proxmire. He also worked for Walter Heller, who was the chairman of President Kennedy's Council on Economic Advisors.

Also, he served as a captain in the United States Army. He was an economic adviser to the Secretary of Defense. Then he was elected to the House of Representatives in the 92nd Congress. Then he was reelected to the 11 succeeding Congresses, serving, therefore, from 1971 in January until he resigned in January of 1993.

While serving here in Congress, he was a member of the Committee on Armed Forces, and he was its chairman from the 99th through the 102nd Congresses. We then know he became Secretary of Defense until his resignation in 1994.

Additionally, from August, 1994, until his death at the age of 57 in 1995, he was professor of international policy, Washington Center for Government, Marquette University. He was also chair of the Foreign Intelligence Advisory Board and of the Commission on the Roles and Capabilities of the United States Intelligence Community.

I want to point out, Madam Speaker, that here is a man who, from the beginning of his career until the very end at age 57, devoted himself in so many ways to the greatness of our country. He was indeed a patriot and a public servant.

I want to congratulate our colleague, the gentleman from Wisconsin (Mr. RYAN), sponsor of the legislation, having introduced it in recognition of his predecessor, Les Aspin, who served this Nation and his constituency for many years with great ability, dedication, and finesse. I think he is indeed deserving of having the Post Office located on 1818 Milton Avenue in Janesville, Wisconsin, named after him. I urge all our colleagues to support this measure.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself such time as I may consume.

Just to briefly reiterate, Madam Speaker, Les Aspin served the First Congressional District for 22 years; served as Secretary of Defense, was a scholar, was a professor and academic. He was known as a good statesman, as an honest man.

Whether we agreed or disagreed on a given issue with Les Aspin, we always knew that he thought issues through, and that he was going to give good service to the First Congressional District of Wisconsin. He was a gifted statesman. His memory will live on for quite a while.

We thought it would be especially fitting that the Janesville, Wisconsin, Post Office be renamed after Les Aspin, given the fact that his own office was housed in the old Janesville Post Office for a good 20 years. I might add, Madam Speaker, that the Janesville City Council has passed a resolution affirming the designation of this Post Office.

Madam Speaker, I ask passage of this measure.

Mr. KIND. Madam Speaker, I rise in strong support of H.R. 4241, legislation designating the United States Post Office in Janesville, Wisconsin as the "Les Aspin Post Office Building."

Les Aspin was a larger-than-life political icon who represented Wisconsin's 1st Congressional District in the U.S. House of Representatives from 1971 to 1993. After being successfully reelected in 1992, Les was appointed by President Bill Clinton to become this nation's 18th Secretary of Defense, a position he held until February 3, 1994.

Les accomplished much in his nearly 57 years. Born in Milwaukee, Les received a B.A. from Yale University in 1960, an M.A. from Oxford University in 1962 where he was a Rhodes Scholar, and earned a Ph.D. in economics from MIT in 1965. As an officer in the U.S. Army from 1966 to 1968, Les served as a systems analyst in the Pentagon under Secretary of Defense Robert McNamara. In 1970, after first contemplating running for other state offices, Les was elected to the House of Representatives, where he served for the next 22 years.

Once in the House, Les soon developed a special interest and expertise in defense matters. In 1985, as a junior member of the House Committee on Armed Services, Les leap-frogged Members much more senior to become chair of this powerful committee. As chair, Les proved to be a straight shooter, not one to always toe his party's political line. Les was a strong early supporter of the Persian Gulf War, predicting in advance that the U.S.'s military force would drive the Iraqis from Kuwait. In a paper written prior to the war, Les stated that the United States could win a quick military victory with light casualties. The accuracy of his prediction lent credence to his already strong reputation. As chair, Les' sentinel work on reshaping the Armed Forces after the demise of the Soviet Union was instrumental in the formation of post-Cold War strategies and policies for this nation.

In turn, Presidential candidate Bill Clinton relied on Les for his wisdom and once elected named him as his first defense secretary. During his tenure at the Pentagon, Les dealt with such weighty issues as base closures, a shrinking Pentagon budget, and the growing threat of regional conflicts. As Secretary, Les will always be remembered for instituting the "bottom-up" review which took the first hard look at the organizational structure of the military in a post-Cold War world.

After leaving the Pentagon in early 1994, Les joined the faculty of Marquette University's international affairs program in Washington, D.C. In March 1995, be became a member of the Commission on Roles and Missions. In May, President Clinton chose him as chairman of the President's Foreign Intelligence Advisory Board. In March 1995, he began work as chairman of still another study group, this on the Roles and Capabilities of the Intelligence Community. Shortly thereafter, on May 21, 1995, he died of a stroke.

Les was a brilliant man who, through his tremendous energy and work ethic, worked tirelessly to shape this nation's vision for defense policy and armed forces to meet the changing demands of the 21st century. His intellect and perspective are sorely missed.

Wisconsin has sent a number of nationally known historical leaders to represent them in Washington. Robert LaFollette, Melvin Laird, Bill Proxmire and Gaylord Nelson to name just a few. Without question, Les Aspin's name must be certainly added to this list.

Madam Speaker, I am proud to join my colleagues in paying tribute to former Congressman, Les Aspin.

Mr. ORTIZ. Madam Speaker, I rise today in support of H.R. 4241, to rename the Janesville, Wisconsin, Post Office the Les Aspin Post Office Building.

I served with Les from 1985 until 1993, when he left to serve the Clinton Administration as Secretary of Defense. Les was an incredibly talented public servant with a mind that worked quickly and saw the complexity of problems, both near-term and long-term. He was an amazing man who never lost touch with the people he represented. He could talk to farmers and mechanics as easily as he talked to presidents and prime ministers, a trait I greatly admire. He never lost a political race and worked his entire life to make this country a better place to live.

I think he surprised us all when he challenged Mel Price for the Chairmanship of the House Armed Services Committee, but for the face of the House Representatives, it was indeed a good thing. Les brought a new mindset and new way of thinking to the different problems that we faced as a country in the aftermath of the Cold War. He served in the Army for 2 years and understood the nature of the animal.

As the Secretary of Defense, he led the efforts to address the Quadrennial Defense Review to assess the needs of our military on a regular basis. From this effort came the philosophy that the United States may well need to fight two wars in the not-too-distant future and in the course of that scenario, a rogue state could easily attack the United States or exercise acts of terrorism against us. Les dubbed the U.S. strategy scenario in this instance as "win-hold-win." If the U.S. was indeed in the two-war scenario, Les devised a strategy that would win one war, hold our ground on a second war, and win the third.

Thankfully, we have not seen this worst-case scenario, fighting on two fronts and holding a third, but we have seen terrorism against the U.S. interests around the world, and despotism in Europe (again) required our military response there. Les Aspin's ideas changed the way the House Armed Services Committee operated and changed the way the United States assessed threats and disposed of resources.

Les Aspin made this a better country and was wholly dedicated to public service. I am proud that we will be naming the Janesville Post Office after this great American. I hope Les Aspin's name on the building will inspire pride in the young people in his community who did not have the opportunity to know this politically savvy, academically gifted creative thinker.

Mr. KLECZKA. Madam Speaker, I rise today in support of H.R. 4241, legislation which will rename the post office in Janesville, Wisconsin, as the "Les Aspin Post Office Building."

One of Wisconsin's favorite son's Les Aspin served his home state with distinction during his eleven terms as Congressman from the First District. He went on to serve the Clinton Administration as its first Secretary of Defense. He served his home state and his country with great honor.

Les began and ended his professional career as a professor at Marquette University in Milwaukee. The university's Washington program, which brings students to our Nation's capitol to experience firsthand the way our government works, was renamed in 1996 the Les Aspin Center for Government in his honor. I know Les would be proud to know that the institute which bears his name is building upon his legacy by teaching future generations of leaders about the values of civic involvement and public service.

Madam Speaker, throughout Les' service to his country, his love and commitment to his home state remained deep and unwavering. Today we have the opportunity to further recognize the outstanding achievements of one of our former colleagues who left us far too soon. Renaming the post office in Janesville as the Les Aspin Post Office Building is a fitting tribute to a man who served Wisconsin so well.

Mr. SENSENBRENNER. Madam Speaker, I rise today as an original cosponsor and strong support of H.R. 4241 which designates the facility of the U.S. Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the Les Aspin Post Office Building.

I had the distinguished honor of serving with Mr. Aspin. As a fellow Wisconsinite, I admired his dedication to public service that was evident throughout his tenure; not only as a Member of the House of Representatives, but as Secretary of Defense and Chairman of the President's Intelligence Advisory Board, to name just a few.

Secretary Aspin did not begin his life's devotion to the public in the political arena. He served this country in the U.S. Army from 1966 to 1968. He then entered politics and went on to served in this body from 1971 to 1993. He served as the Chairman of the House Armed Services Committee from 1985 to 1993. He was then appointed by President Clinton as his first Secretary of Defense.

Secretary Aspin was known to share his knowledge and passion for America in many circles. He continued his outreach by serving as a distinguished professor for Marquette University in Milwaukee, WI, and in Washington, DC. The naming of the Marquette University Washington program, the Les Aspin Center for Government, recognized his service to this program.

Secretary Aspin brought his love for his work and his sense of humor into her personal life as well. As an avid dog lover, my fellow Wisconsinite named his dog "Junket," and Junket was equally comfortable and welcome in the office and at home.

I believe that H.R. 4241 is a fitting tribute to a man who gave tirelessly to the people he represented in Wisconsin during his tenure as Congressman and the country during his tenure as Secretary of Defense. I am honored to speak in support of H.R. 4241 and believe that the recognition it would lend to Secretary Aspin, is well deserved.

Mr. RYAN of Wisconsin. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. RYAN) that the House suspend the rules and pass the bill, H.R. 4241.

The question was taken.

Mr. RYAN of Wisconsin. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MATTHEW F. McHUGH POST OFFICE

Mrs. MORELLA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3030) to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the "Matthew F. McHugh Post Office".

The Clerk read as follows:

H.R. 3030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

(a) IN GENERAL.—The facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, shall be known and designated as the "Matthew F. McHugh Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Matthew F. McHugh Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3030.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, our distinguished colleague, the gentleman from New York (Mr. HINCHEY), has introduced the bill before us, H.R. 3030. Pursuant to the policy of the Committee on Government Reform, the entire House delegation of the State of New York has cosponsored this legislation.

The bill designates the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the Matthew F. McHugh Post Office.

The Congressional Budget Office has reviewed H.R. 3030 and estimates that the enactment of the bill would have no significant impact on the Federal budget. Spending by the Postal Service is classified as off-budget, and thus is not subject to pay-as-you-go procedures.

Mr. McHugh studied at Mount St. Mary's College in Emmitsburg, Maryland, the State that I represent. He graduated Magna Cum Laude in 1960 and was the President of the student body. He then received his Juris Doctor from Villanova Law School, where he was the editor of the Law Review. He was city prosecutor in Ithaca, practiced law in Ithaca, New York, and was district attorney in Tompkins County, New York.

Matthew McHugh was the predecessor of the gentleman from New York (Mr. HINCHEY) to Congress, and represented the 27th and 28th Congressional Districts of New York. Representative McHugh was elected to Congress in 1975 and he served until 1992. He served on the Committee on Appropriations, the Subcommittee on Foreign Operations, Export Financing and Related Programs, and the Subcommittee on Rural Development, Agriculture and Related Agencies from 1978 to 1992.

He served on numerous other committees and organizations while in the House, such as the Permanent Select Committee on Intelligence, where he was chairman of the Subcommittee on Legislation. He was acting chairman of the Committee on Standards of Official Conduct, and he served on the Select Committee on Children, Youth, and Families; the Committee on Veterans Affairs; the Committee on Agriculture; the Committee on the Interior; the Arms Control and Foreign Policy Caucus; and as the chairman of the Democratic Study Group.

After leaving the House, Mr. McHugh continued his participation in improving our Nation and the world. He is presently the counselor to the president of the World Bank in Washington, D.C., a position he assumed in 1993.

Prior to that, he was vice president, university counsel, and secretary to the Corporation of Cornell University in Ithaca, New York. He continues to serve in various capacities in organizations, such as the National Endowment for Democracy, the Central and East European Law Initiative of the American Bar Association, the International Crisis Group.

He is president of the Association of Former Members of Congress, Bread for the World, New York State Regents Commission on Higher Education, the Board of Consulters of the Villanova School of Law, and Chairman of the Board of Trustees of Mount St. Mary's College.

I had the pleasure of serving with Mr. McHugh and traveling with him internationally in pursuit of the best interests of our country with foreign affairs, and it is a great pleasure to be able to speak on behalf of this bill to name the post office the Matthew F. McHugh Post Office.

I urge our colleagues to support H.R. 3030, honoring our former colleague by naming that postal facility at 757 Warren Road in Ithaca, New York, as the Matthew F. McHugh Post Office.

Madam Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. HINCHEY) will control the time of the gentleman from Pennsylvania (Mr. FATTAH).

There was no objection.

Mr. HINCHEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it gives me a great deal of pleasure to speak on behalf of this initiative, which will name the postal facility in Ithaca, New York, after my dear friend, colleague, and predecessor, the Honorable Matthew F. McHugh.

It gives me particular pleasure to do so following the statements that have been just made by the gentlewoman from Maryland (Mrs. MORELLA), whose service with Mr. McHugh overlapped.

I know that Matt holds the gentlewoman from Maryland (Mrs. MORELLA) in great respect and affection, as do I, and I know very well that he would be very pleased if he were in this room now to have just heard the very lovely and kind and warm remarks that she made about him, as I was just a moment ago.

□ 1300

I want to thank the gentlewoman from Maryland (Mrs. MORELLA) very much for what she has just said.

Also, I want to say that I too am honored to stand before you today to urge our support, the support of all the Members of the House, for H.R. 3030, which would rename the new post office building in Ithaca, New York, in honor of former Representative Matthew F. McHugh.

Matt was my predecessor in the House, and I know many people here who served with him. He served with distinction for nine terms as a member of the Committee on Appropriations for 14 years. Matt championed issues like hunger in Africa that brought him no particular glory and no attention. He was a passionate advocate for those who could not adequately defend themselves and a voice for meeting our international responsibilities in a humane way.

In his present position at the World Bank, and his many volunteer efforts, he remains a strong, dedicated leader in securing human rights for all.

Matt's road to Congress began like many Members, with a career in law. He first moved to Ithaca, New York, in 1968 to join a law firm in that city. Just 1 year later, he was elected as Tompkins County's district attorney, making him the first Democrat to hold a county-wide elected office there in decades.

In 1974, he was enlisted to run for the House seat which was then being vacated by former Representative Howard Robison, a very distinguished Republican who held that seat for a good many years and who was retiring at that moment. Matt McHugh won that seat and served the district admirably and well for 18 years.

When he retired from the House, he was widely praised by Members of both parties as well as in the press for his thoughtfulness, his fairness, and his integrity. A national columnist, upon the news of his retirement, wrote that Matt McHugh was an example of "the best the House can offer." Our ranking member, the gentleman from Wisconsin (Mr. OBEY) said, and I quote, "In my view, there is no Member of this House who more aptly sums up what public service ought to be all about than does Matt McHugh."

Throughout his years in Congress, he made Ithaca his home. Ithacans continue to take pride in having sent a man of such distinction to the House of Representatives, and community leaders there have told me that they welcome such a permanent commemoration of Matt and his years of public service. Although he was never the kind of man to seek such honors, I know that he deserves recognition and this permanent commemoration of the service he gave will remind people of the fine example he set.

Naming the new Ithaca post office in his honor is one small way in which we can acknowledge his years of hard work, dedication, and commitment to the people of New York's 26th Congressional District.

I owe a special thanks also to the gentleman from New York (Mr. HOUGHTON), our friend and colleague, in whose district the post office lies, as well as to the gentleman from New York (Chairman MCHUGH) for his assistance in bringing this bill to the House. The gentleman from New York (Mr. HOUGHTON) served with Matt here for a number of years. They were, during that service, good friends; and they continue to be good friends to this day.

Matt still provides service for the country, as the gentlewoman from Maryland (Mrs. MORELLA) has said, in his position as vice president and counsel to the president of the World Bank.

He was, in fact, a distinguished Member of this House; indeed, as many people referred to him during his service here, a man of the House. And he continues to be a strong, dedicated, faithful citizen of the United States. We all owe him a great thanks for his service to the country.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I probably knew Matt McHugh for longer than anybody in this body, because I first met him at Villanova Law School in the early 1960s when we were both students there. Above and beyond being students together, we were counselors at that time to the undergraduate students at Villanova University. I also came to know his lovely wife, Alanna, then. They were dating at that time. And when we talk about a great human being, we have to think of two human beings, both Matt and his wonderful wife, Alanna.

From the very first day I knew him, through all of our 18 years in Congress together to today, there is no one I have ever respected more, both professionally and personally. Matt was the type of individual at law school who never had a bad word to say about anyone. If he had a bad thought, he kept it to himself. He only spoke well of others. He was a kind man, a gentle man as a law student.

Mr. Speaker, I remember the tremendous job he did when he was the district attorney in Tompkins County at the time of the uprisings at Cornell, and he handled it so judiciously, so appropriately.

He was elected to Congress in the great Watergate year, 1974. He was one of the "Watergate Babies," and so was I. We were elected at the same time, and we came to Congress on the same day.

As Members, we always like to double check ourselves. Are we doing something right? Are we doing something wrong? And I always wanted to know how Matt McHugh was going to vote on an issue, because if his inclinations were the same as mine, I felt pretty secure in my conviction. And if his inclinations differed from mine, that would give me pause and concern, because I trusted his judgment and knew that he was, perhaps more than anything else, an intellectually honest person.

He was not a partisan. Sure, he was a Democrat more than Republican; he labeled himself as such. But he was not a partisan Democrat. He approached each and every issue on its merits.

There are not too many individuals we can say that of. He did not try to fool others. He tried to give the total truth, not just a half-truth that would serve his own purposes. But perhaps most importantly, he never attempted to fool himself. And the most difficult thing in the world is being honest with yourself.

So when we honor Matt McHugh, we are honoring one of the best persons who has ever served in this House. I am just grateful that he has continued to perform public service since he retired as a Member. When he and I first knew each other, we were counselors to students. Now he is the counselor to the president of the World Bank. And in that sense, he is not just affecting millions of people in the world, or billions, as we in Congress do, but virtually every person in the world in his position as counselor to the president of the World Bank.

Matt would be the first to say that having one's name carved in stone is not a true measure of the person or of his impact on the world. But I and many others will take considerable pleasure in knowing that high above Cayuga's waters for decades to come, Matt's name will be seen by millions of Ithacans and other New Yorkers. And parents will tell their children, Matt McHugh? Oh, he is probably the best public servant this town, this county, this State has ever known.

Mr. Speaker, I hope you and all our colleagues will join me in supporting this honor for one of the best Members of Congress our institution has ever known, Matt McHugh.

Mr. HINCHEY. Mr. Speaker, I yield 5 minutes to the gentleman from San Diego, California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from New York for yielding me this time, and I thank him for introducing this motion for a great former Member of our body. I thank also the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from New York (Mr. HOUGHTON) for their support of this issue.

Mr. Speaker, I have the honor of rising in support of this measure to name the post office in Ithaca after Matthew McHugh. We have heard a lot about his legislative accomplishments, his work in the Committee on Appropriations, his work at the World Bank. I had the privilege of meeting Matt McHugh before he held any of those offices, a little after the gentleman from New York (Mr. LAFALCE) knew him.

I was a student at Cornell in 1968 when Matt McHugh was the Ithaca city prosecutor. "Town and gown" relations between Cornell and Ithaca were never very good, but in 1968 at the height of tensions around this country and at the Cornell campus, literally uprisings, the tensions were even worse. And yet the Ithaca city prosecutor was respected by students at Cornell, and he respected us as students.

It was that mutual respect and that mutual sense of good feeling which has characterized the career of Matt McHugh ever since that day.

At 30 years old, he was elected the first Democratic district attorney for Tompkins County, New York. Many students at Cornell, including myself, worked in that first campaign for Matt McHugh. The respect that he earned in that job, as the gentleman from New York (Mr. LAFALCE) intimated earlier, led to his election to Congress in 1974, again, as the first Democrat from that area in a very, very long time.

Now, Matt McHugh was the kind of man who kept up his relationships. He was never a man who was unfriendly; always a gracious, sharing, caring individual. I kept my relations with him as a Hill staffer in the 1970s and 80's. And what we are saying today, those who knew him and those who served with him, is that Matt McHugh saw politics as a noble profession. Everybody who knows Matt McHugh, and knew him as an elected official, learned that, in fact, politicians, elected officials, could be noble; that elected officials had not only intelligence and insight, but they had integrity and ethics, fairness, and in the case of Matt McHugh, grace.

His wife, Alanna, and his wonderful daughters, played a key role in all of his life. He was proud of them and they were proud of him, and he showed what a family in politics could do together.

Mr. Speaker, having lived in Ithaca for 10 years, and I think the only Cornell alumnus in this body at the present time, I know that all Ithacans will be proud that a post office in their city will be named after Matt McHugh.

Mr. HINCHEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to thank our friends, the gentleman from New York (Mr. LAFALCE) and the gentleman from California (Mr. FILNER), for their words about our dear friend, Matt McHugh. I also want to express my deep appreciation to the gentlewoman from Maryland (Mrs. MORELLA) for the wonderful and very thoughtful things that she said about our friend and colleague, Matt McHugh, as well.

Having followed him here to the House, I can say also without hesitation or fear of conviction that he set, while he was here, a very high standard indeed and he continues to set a high standard in his continuing public service at the World Bank.

We in New York are very, very proud of this man and the service that he has rendered to our State and to the country. It is with a great deal of pride that I offer this measure to the other Members of the House.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased that the gentleman from New York (Mr. HINCHEY) has introduced this resolution to name this post office. During my time with Matt McHugh here in the House of Representatives, I will also say that I found him to be fair, open-minded, warm, bipartisan, and a very committed professional.

I am pleased that he is continuing with his work with the World Bank, because he is helping those who are oppressed and those who need the Bank's services in other countries.

So, Mr. Speaker, I urge this body to vote for H.R. 3030, to name the post office the "Matthew F. McHugh Post Office."

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3030.

The question was taken.

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1315

SHARK FINNING PROHIBITION ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3535) to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning, as amended.

The Clerk read as follows:

H.R. 3535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shark Finning Prohibition Act".

SEC. 2. PURPOSE.

The purpose of this Act is to eliminate the wasteful and unsportsmanlike practice of shark finning and to reduce the high mortality levels associated with shark finning in waters of the United States.

SEC. 3. PROHIBITION ON REMOVING SHARK FIN AND DISCARDING SHARK CARCASS AT SEA.

Section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) is amended—

(1) in subparagraph (N) by striking "or" after the semicolon at the end;

(2) in subparagraph (O) by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(P)(i) to remove any of the fins of a shark (including the tail) and discard the carcass of the shark at sea;

"(ii) to have custody, control, or possession of any such fin aboard a fishing vessel without the corresponding carcass; or

"(iii) to land any such fin without the corresponding carcass;".

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3535.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker I rise in support of H.R. 3535, the Shark Finning Prohibition Act, introduced by the gentleman from California (Mr. CUNNINGHAM). This legislation amends the Magnuson-Stevens Fishery Conservation and Management Act to prohibit the removal of shark fins, including the tail, and then discard the carcass into the sea; to prohibit having the custody, control, or possession of any such fin aboard a fishing vessel without the corresponding carcass; and to prohibit the landing of such fins without the corresponding carcass.

The practice of shark finning is wasteful and wrong. In addition, the practice of shark finning is inconsistent with rules governing the harvest of sharks on the East Coast, in the Gulf of Mexico, and in the Caribbean. This legislation will make shark finning illegal in all U.S. waters.

The Subcommittee on Fisheries Conservation, Wildlife and Oceans reported H.R. 3535 by voice vote with one amendment on May 18, 2000. The full Committee on Resources then reported the bill without amendment by voice vote on May 24. This is a noncontroversial bill that should be supported by all Members.

Members may remember that the House reported a nonbinding resolution on this issue in October of last year which expresses the sense of Congress that the practice of shark finning is a wasteful and unsportsmanlike practice that could lead to overfishing of shark resources.

The resolution further encouraged Federal and State fishery managers to promptly and permanently end the practice of shark finning in all Federal and State waters in the Pacific. Regrettably, this has not occurred; and this legislation is, therefore, necessary.

I urge an aye vote on this important conservation legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would like to thank the individuals from the Committee on Resources, the gentleman from New Jersey (Mr. SAXTON), the gentleman from Alaska (Mr. YOUNG), the gentleman from California (Mr. GEORGE MILLER), and the gentleman from Hawaii (Mr. ABERCROMBIE).

I read in a magazine where sharks had literally been caught, the fin taken off, and then the sharks dumped back into the water still alive. I am a sportsman. I love to hunt and fish. But I also like management and preservation; and I do not like horrific practices when it comes to animals.

The committee has seen fit to bring first a resolution and now this bill, Mr. Speaker. This legislation before the House today will establish scientifically environmentally sound and responsible standards for all American fisheries in this particular issue.

The Shark Finning Prohibition Act has broad bipartisan support. It is strongly supported by Ocean Wildlife Campaign, the coalition includes Center for Marine Conservation, National Audubon Society, National Coalition of Marine Conservation, Natural Resources Defense Council, Wildlife Conservation Society, and the World Wildlife Fund. It is also supported by the State of Hawaii and the Office of Hawaiian Affairs, which had direct interest into this issue; the American Sportfishing Association; Recreational Fishing Alliance; the Sports Fishing Association of California; the Cousteau Society; Western Pacific Fisheries Coalition.

I would like to underscore, Mr. Speaker, that, according to the National Marine Fishery Service, in 1992, there was only 2,289 sharks taken. In just a short time, one can see the growth of the shark finning and the numbers that have actually been released. Over 78,000 sharks had been taken and only 982 were released.

H.R. 3535 will establish America as a worldwide leader in shark and conservation efforts.

I would like to thank my colleagues. When I came to Congress, I did not start off banning hunting and fishing and unsportsmanlike conduct on certain issues. But since then, the tuna-dolphin bill, protecting elephants, snow geese, the MSCP, which provides quarters for endangered species and such, this is good scientific basis for this particular bill. I would like to thank my colleagues for the support in a bipartisan support for this particular bill.

Mr. Speaker, I include the following letters for the RECORD, as follow:

OCEAN WILDLIFE CAMPAIGN,
Washington, DC, September 22, 1999.

Hon. RANDY CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: We are writing to express serious concern regarding the management and health of shark populations in U.S. Pacific waters, specifically in areas under the jurisdiction of the Western Pacific Regional Fishery Management Council (WESPAC). Driven by the international demand for shark fin soup, the practice of shark finning—cutting of a shark's fins and discarding its carcass back into the ocean—is a rapidly growing problem that is directly responsible for huge increases in the number of sharks killed annually and appalling waste of this nation's living marine resources. The National Marine Fisheries Service has prohibited shark finning in the U.S. Atlantic, Gulf of Mexico, and Caribbean. It is time to ban finning in the Pacific.

Between 1991 and 1998, the number of sharks "retained" by the Hawaii-based swordfish and tuna longline fleet jumped from 2,289 and 60,857 annually. In 1998, over 98 percent of these sharks were killed for their fins to meet the demand for shark fin soup. Because shark fins typically comprise only one to give percent of a shark's bodyweight, 95 to 99 percent of the shark is going to waste. Sharks are particularly vulnerable to overfishing because of their "life history characteristics"—slow growth, late sexual maturity, and the production of few young. Once depleted, a population may take decades to recover.

The National Marine Fisheries Service, conservationists, fishermen, scientists, and the public have pressured MESPAC to end the practice of shark finning. Nevertheless, WESPAC and the State of Hawaii recently failed to take action to end or control finning.

This issue of shark finning is characterized by a dangerous lack of management, rampant waste, and egregious inconsistencies with U.S. domestic and international policy stances. It is the most visible symptom of a larger problem: a lack of comprehensive management for sharks in U.S. Pacific waters. The history of poorly or unmanaged shark fisheries around the world is unequivocal: rapid decline followed by collapse. Sharks are not managed in U.S. Central and Western Pacific waters, and with increased fishing pressure there may be rapidly growing problems.

We urge your office to take whatever action is necessary to immediately end the destructive practice of shark finning in U.S. waters and encourage WESPAC to develop a comprehensive fishery management plan for sharks that will, among other things:

1. Immediately prohibit the finning of sharks;
2. Immediately reduce shark mortality levels by requiring the live release of all bycatch or "incidentally caught" animals brought to the boat alive;
3. Immediately reduce the bycatch of sharks;
4. Prevent overfishing by quickly establishing precautionary commercial and recreational quotas for sharks until a final comprehensive management plan is adopted that ensures the future health of the population. Given the dramatic increase in the number of sharks killed in the Hawaiian long line fishery, WESPAC should cap shark mortality at 1994 levels as a minimum interim action, pending the outcome of new population assessments.

Thank you for your attention to this urgent matter.

DAVID WILMONT, Ph.D.,
Ocean Wildlife Campaign.
CAROL SAFINA, Ph.D.,
National Audubon Society.
LISA SPEER,
Natural Resources Defense Council.
TOM GRASSO,
World Wildlife Fund.
SONJA FORDHAM,
Center for Marine Conservation.
KEN HINMAN,
National Coalition for Marine Conservation.
ELLEN PIKITCH, Ph.D.,
Wildlife Conservation Society.

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS,
Honolulu, HI, February 3, 2000.
Hon. RANDY "DUKE" CUNNINGHAM,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: The purpose of this letter is to strongly endorse H.R. 3535, which you recently introduced, banning shark finning in areas where the Magnuson-Stevens Fishery Conservation and Management Act has jurisdiction.

As you are no doubt aware, there has been considerable outcry among the Native Hawaiian population, as well as the population at large in Hawaii, about the practice of shark finning. Currently there are five bills that have been introduced in our legislature to address a ban of Shark finning in waters in which the State has jurisdiction.

Because Hawaiian culture is integrally tied to the health, abundance, and access to indigenous natural resources, Hawaiians have always strived to play a stewardship role by sound management and protection of the natural environment on which the culture relies. Unfortunately, Hawaii is constantly endangered by the imposition of Western beliefs, customs, religions, and economic desires which do not necessarily hold similar views about the importance of the natural environment. Taking a small portion of a shark or any animal and wasting the remainder clearly runs counter to the Hawaiian stewardship views. Traditional use of sharks in Hawaiian cultural meant utilization of the entire animal.

Equally as important to Hawaiians is the cultural and spiritual significance of the shark itself. Many Hawaiian families hold the shark in special esteem as the physical manifestation (called kinolau) of their family guardian (aumakua), who was also regarded as a family ancestor. There are many other kinolau in Hawaiian culture, including the owl, lizard, dog, rocks, and clouds. Imagine the uproar that would arise if the Spotted Owl were to be taken, even as "bycatch" for its wings. The intensity of feeling about shark finning among Hawaiians is magnified a hundred-fold because of the special spiritual significance of the shark. To hurt or destroy the shark wantonly and intentionally is for many families equivalent to desecrating one's own ancestors and heritage. In summary, as recently noted by Hawaiian cultural practitioner Charles Kauluwehi Maxwell, the practice of shark finning is "very offensive" to Hawaiians.

Our Mahalo for your interest in this matter. We hope that the legislation will be reported out by the House Committee on Resources, and approved by the full House and the Senate. If we can be of further assistance, please do not hesitate to contact me or Jerry B. Norris, our Federal Desk Officer at (808) 594-1758.

Sincerely,

COLETTE Y. MACHADO,
Chair, Committee on Legislative and Government Affairs.

AMERICAN SPORTFISHING ASSOCIATION,
Alexandria, VA, September 23, 1999.
Hon. RANDY "DUKE" CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR DUKE CUNNINGHAM: On behalf of the nearly 500 members of the American Sportfishing Association, I wish to express my strong support for your resolution to ban the wasteful practice of shark finning. I commend your initiative in tackling this important, yet easily dismissed issue.

For far too long, we have neglected to take action to stop this most unsportsmanlike fishing activity. We now know that the best shark is not a dead shark; that these oft maligned fish play critical roles in preserving balance in the marine ecosystem. Healthy shark populations help maintain robust fisheries. Your effort to ban finning will not only benefit depressed shark populations, but many other species of commercially and recreationally important fish.

Thank you for your leadership in this area.

Sincerely,

Hon. MIKE HAYDEN,
President/CEO.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3535, the Shark Finning Prohibition Act that is authored by the gentleman from California (Mr. Cunningham) who just spoke in the well.

Shark finning is currently one of the most visible and controversial conservation issues in the waters of the Pacific Ocean. While the practice of finning has already been banned in Federal waters in the Atlantic, Gulf of Mexico, and the Caribbean, as well as waters of 11 coastal States, it remains unregulated in the Pacific.

As a result, and because of the strong demand and the high price of shark fins in Asia, the harvest of shark fins in the Pacific has increased over the past 7 years by more than 2,000 percent. More than 60,000 sharks were caught and killed in 1998 alone, and 98 percent of those sharks were killed simply for their fins, or less than 5 percent of their body weight, and then the shark was dumped overboard to die. This is wrong. It is culturally wrong. It is morally wrong. It is certainly wrong in terms of the laws of conservation and maintaining this species.

In addition, shark finning is inconsistent with U.S. policy, both domestically and internationally. In the United States, it is contrary to the Magnuson Act which requires fisherman to reduce bycatch and the mortality of bycatch that cannot be avoided. Given that 85 percent of the sharks caught are alive when they reach the boats, prohibiting the finning of these sharks will reduce bycatch by significant amounts.

The Shark Finning Prohibition Act will not prevent U.S. fishermen from harvesting sharks, bringing them to shore, and then using the fins or any of the other parts of the shark. Instead, it would simply prevent cutting off of the fins and disposal of carcass at sea, or the transport or landing of fins harvested in this manner by another fishing vessel.

This is good legislation. The House should support it. We should put an end to these kinds of very narrow and greedy practices by some nations that devastate, in this case, the shark species, but it is rampant in other parts of the world with respect to other species. This is a good legislation. The House should support it.

Mr. Speaker, I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, I do rise in strong support of H.R. 3535, the Shark Finning Prohibition Act. I do want to thank the gentleman from California (Mr. CUNNINGHAM) for introducing this measure, and I want to thank the Committee on Resources for expeditiously approving the legislation which we have found out is certainly needed.

H.R. 3535 would bring an end to the abhorrent wasteful and unsportsmanlike practice of shark finning in American waters. The legislation will ban both the act of shark finning and the possession of shark fins without a shark carcass.

Mr. Speaker, for those who are unfamiliar with the practice, the repugnant act of shark finning is a removal of a shark's fins and subsequent dumping of the dying or dead shark back into the ocean. It is a wasteful and environmentally harmful practice. The legislation to ban shark finning is strongly supported by a coalition of environmental and recreational organizations.

U.S. law currently prohibits shark finning in the Federal waters of the U.S. Atlantic and Gulf of Mexico. However, we know that the demand for shark fins from the Pacific Ocean is dramatically increasing. According to the National Marine Fisheries Service, more than 60,000 Pacific sharks were killed in 1998. Almost 100,000 of these sharks were killed solely for their fins.

Mr. Speaker, as an original cosponsor of H.R. 3535, I urge swift passage of this legislation to immediately end repulsive shark finning.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 3535, the Shark Finning Prohibition Act.

In the continental United States, there is obviously a strong feeling that shark finning is a wasteful, abhorrent practice which has no place in U.S. waters. It is seen as contrary to current effort to maintain ecological balance in our oceans, and wasteful in that less than 5% of a shark's mass is comprised of its fins, with the rest of the carcass thrown back into the water unused. Many feel that the trade-off between the loss of life for the benefit of a good-tasting soup, much of which is consumed in Asia, balanced against the amount of waste and the importance of the fishery is tipped significantly in favor of the fishery.

I understand the economic incentives which drive this activity. A small cup of shark fin soup costs $100 in parts of Asia and is considered a delicacy just as much as chocolate-covered ants, snails, and horse meat are in other cultures.

Most of the sharks caught and finned in Hawaii-area waters are a bycatch from long-line fishing boats which are targeting tuna and swordfish. But sharks are not the only bycatch or miscellaneous fish caught and then discarded as waste because they do not have the same market value as tuna or swordfish, and I do not find it particularly reassuring that we are addressing the blue shark problem and ignoring a problem of much greater magnitude with other miscellaneous fish. The killing of these fish just because they are unwanted should be of no less of concern to all of us. We should also be addressing that problem, but are not because we do not have adequate stock assessments of most stocks. Part of the blame for this lies with the National Marine Fishery Service for not requesting additional funding to carry out this research, but part of the problem lies with the Congress as well, for not funding this important work.

Obviously the United States alone cannot adequately address the problem of shark finning, as many other countries participate in this fishery as well. The United States is responsible for only a very small percentage of this industry, and I hope the Administration addresses this subject through international treaty. In the Pacific, the management commission being developed by the Multilateral High level Conference would be appropriate.

As introduced, this legislation did not address the issue of transshipment of shark fins through U.S. ports. The practice of shark finning in international waters by foreign fishing vessels, and then shipping the fins from U.S. ports to foreign countries, is significant. To partially address this problem, I offered an amendment in Subcommittee to prohibit this practice, and I want to thank the majority for accepting that amendment. I hope that our next step will be to address the issue of shark fins transshipped through U.S. ports as bonded cargo. In response to a question I asked the Western Pacific Regional Fishery Management Council earlier this year, the Council reported that approximately 200 tons of dried shark fins are transported through U.S. Pacific ports as bonded cargo.

There are groups in the Pacific that support a ban on shark finning; however, the Western Pacific Fishery Management Council, the entity tasked by law with management of the fisheries in the U.S. Central and Western Pacific Ocean, has repeatedly said that there is insufficient data on which to make that decision. While I do not agree with the Western Pacific Council on this one issue, I do wish to acknowledge the Council's work in including pelagic sharks in its management of pelagic fisheries dating as far back as 1987. To its credit, the Council has also taken aggressive conservation action in many other areas since it was established.

I want to thank Congressmen CUNNINGHAM, Chairman, DON YOUNG and SAXTON, and Congressman GEORGE MILLER for the active roles they have taken in moving this legislation forward, and I look forward to seeing the passage of the bill later today.

Mr. SHERWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3535, as amended.

The question was taken.

Mr. SHERWOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CARLSBAD IRRIGATION PROJECT ACQUIRED LAND TRANSFER ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 291) to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.

The Clerk read as follows:

S. 291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Carlsbad Irrigation Project Acquired Land Transfer Act".

SEC. 2. CONVEYANCE.

(a) LANDS AND FACILITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to subsection (c), the Secretary of the Interior (in this Act referred to as the "Secretary") may convey to the Carlsbad Irrigation District (a quasi-municipal corporation formed under the laws of the State of New Mexico and in this Act referred to as the "District"), all right, title, and interest of the United States in and to the lands described in subsection (b) (in this Act referred to as the "acquired lands") and all interests the United States holds in the irrigation and drainage system of the Carlsbad Project and all related lands including ditch rider houses, maintenance shop and buildings, and Pecos River Flume.

(2) LIMITATION.—

(A) RETAINED SURFACE RIGHTS.—The Secretary shall retain title to the surface estate (but not the mineral estate) of such acquired lands which are located under the footprint of Brantley and Avalon dams or any other project dam or reservoir division structure.

(B) STORAGE AND FLOW EASEMENT.—The Secretary shall retain storage and flow easements for any tracts located under the maximum spillway elevations of Avalon and Brantley Reservoirs.

(b) ACQUIRED LANDS DESCRIBED.—The lands referred to in subsection (a) are those lands (including the surface and mineral estate) in Eddy County, New Mexico, described as the acquired lands and in section (7) of the "Status of Lands and Title Report: Carlsbad Project" as reported by the Bureau of Reclamation in 1978.

(c) TERMS AND CONDITIONS OF CONVEYANCE.—Any conveyance of the acquired lands under this Act shall be subject to the following terms and conditions:

(1) MANAGEMENT AND USE, GENERALLY.—The conveyed lands shall continue to be managed and used by the District for the purposes for which the Carlsbad Project was authorized, based on historic operations and consistent with the management of other adjacent project lands.

(2) ASSUMED RIGHTS AND OBLIGATIONS.—Except as provided in paragraph (3), the District shall assume all rights and obligations of the United States under—

(A) the agreement dated July 28, 1994, between the United States and the Director, New Mexico Department of Game and Fish (Document No. 2-LM-40-00640), relating to management of certain lands near Brantley Reservoir for fish and wildlife purposes; and

(B) the agreement dated March 9, 1977, between the United States and the New Mexico Department of Energy, Minerals, and Natural Resources (Contract No. 7-07-57-X0888) for the management and operation of Brantley Lake State Park.

(3) EXCEPTIONS.—In relation to agreements referred to in paragraph (2)—

(A) the District shall not be obligated for any financial support agreed to by the Secretary, or the Secretary's designee, in either agreement; and

(B) the District shall not be entitled to any receipts for revenues generated as a result of either agreement.

(d) COMPLETION OF CONVEYANCE.—If the Secretary does not complete the conveyance within 180 days from the date of enactment of this Act, the Secretary shall submit a report to the Congress within 30 days after that period that includes a detailed explanation of problems that have been encountered in completing the conveyance, and specific steps that the Secretary has taken or will take to complete the conveyance.

SEC. 3. LEASE MANAGEMENT AND PAST REVENUES COLLECTED FROM THE ACQUIRED LANDS.

(a) IDENTIFICATION AND NOTIFICATION OF LEASEHOLDERS.—Within 120 days after the date of enactment of this Act, the Secretary of the Interior shall—

(1) provide to the District a written identification of all mineral and grazing leases in effect on the acquired lands on the date of enactment of this Act; and

(2) notify all leaseholders of the conveyance authorized by this Act.

(b) MANAGEMENT OF MINERAL AND GRAZING LEASES, LICENSES, AND PERMITS.—The District shall assume all rights and obligations of the United States for all mineral and grazing leases, licenses, and permits existing on the acquired lands conveyed under section 2, and shall be entitled to any receipts from such leases, licenses, and permits accruing after the date of conveyance. All such receipts shall be used for purposes for which the Project was authorized and for financing the portion of operations, maintenance, and replacement of the Summer Dam which, prior to conveyance, was the responsibility of the Bureau of Reclamation, with the exception of major maintenance programs in progress prior to conveyance which shall be funded through the cost share formulas in place at the time of conveyance. The District shall continue to adhere to the current Bureau of Reclamation mineral leasing stipulations for the Carlsbad Project.

(c) AVAILABILITY OF AMOUNTS PAID INTO RECLAMATION FUND.—

(1) EXISTING RECEIPTS.—Receipts in the reclamation fund on the date of enactment of this Act which exist as construction credits to the Carlsbad Project under the terms of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359) shall be deposited in the General Treasury and credited to deficit reduction or retirement of the Federal debt.

(2) RECEIPTS AFTER ENACTMENT.—Of the receipts from mineral and grazing leases, licenses, and permits on acquired lands to be conveyed under section 2, that are received by the United States after the date of enactment and before the date of conveyance—

(A) not to exceed $200,000 shall be available to the Secretary for the actual costs of implementing this Act with any additional costs shared equally between the Secretary and the District; and

(B) the remainder shall be deposited into the General Treasury of the United States and credited to deficit reduction or retirement of the Federal debt.

SEC. 4. VOLUNTARY WATER CONSERVATION PRACTICES.

Nothing in this Act shall be construed to limit the ability of the District to voluntarily implement water conservation practices.

SEC. 5. LIABILITY.

Effective on the date of conveyance of any lands and facilities authorized by this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors, prior to conveyance. Nothing in this section shall be considered to increase the liability of the United States beyond that provided under chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act.

SEC. 6. FUTURE BENEFITS.

Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Reclamation Act of June 17, 1902, and Acts supplementary thereof or amendatory thereto attributable to their status as part of a Reclamation Project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 291.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 291, the Carlsbad Irrigation Project Acquired Land Transfer Act, introduced by Senator DOMENICI of New Mexico, is the companion bill to H.R. 1019, introduced by the gentleman from New Mexico (Mr. SKEEN), my esteemed colleague, that was reported from the Committee on Resources last year.

For the last 6 years, the Subcommittee on Water and Power has pursued legislation to shrink the size and scope of the Federal Government through the defederalization of Bureau of Reclamation assets.

S. 291 continues this defederalization process by authorizing the Secretary of the Interior to convey to the Carlsbad Irrigation District all right, title, and interest of the United States in and to the acquired lands and all interest the United States holds in the irrigation and drainage system of the Carlsbad project and all related land. The Carlsbad project is a paid-out, single purpose irrigation project delivering stored water to approximately 25,000 acres of farmland in southeastern New Mexico.

This bill is one of several working their way through the House and Senate. It is the expectation of the committee that the Senate will accelerate its work on the other transfer bills that currently await action in the Senate.

Mr. Speaker, I yield the balance of my time to the gentleman from New Mexico (Mr. SKEEN), the author of the House version of the Carlsbad transfer, and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in enthusiastic and strong support of S. 291, the Carlsbad Irrigation Project Acquired Land Transfer Act. S. 291 was introduced by Senator DOMENICI and Senator BINGAMAN of New Mexico and is the companion bill to H.R. 1019, legislation that I introduced, which passed the Committee on Resources early last year. In fact, I have introduced a version of H.R. 1019 each of the last three Congresses only to run into some form of legislative or political brick wall each time.

Ideally, I would have preferred to be debating H.R. 1019 right now in lieu of S. 291, as I believe that H.R. 1019 is a stronger bill and will serve the interests of Congress and the Carlsbad Irrigation District best. However, discretion is the better part of valor, and I will be pleased to finally send this bill to the President for his signature.

After all, Senate 291 does continue my long-held belief that the more we can devolve the Federal rule and the local decision-making process the better the management will be.

Now, for a history and justification. In 1905, the U.S. purchased acquired lands from the Pecos Irrigation Company. The amount paid for these lands or the methodology of repayment were contained within the Carlsbad Irrigation District's repayment obligations to the United States.

□ 1330

The district has repaid all the project costs attributed to them, which includes the acquired lands. Their obligations have been met in full. As a single-purpose project, the district received no repayment credits for flood control, recreation or other project beneficiaries.

The 1924 Fact Finders Act requires all revenues, except minerals generated from the acquired lands, to be used by the district for the project and the 1939 Minerals Leasing Act permits all mineral receipts to be used by the district for district purposes. Both of these acts apply whether the district is paid out or not.

In 1991, the district completed its repayment obligations. Almost $2.5 million has accumulated in the Reclamation Fund on behalf of CID and are currently available to offset new construction costs. Over 90 years of precedent and several Solicitor Generals reports clearly recognize the District's right to all revenues from the acquired lands.

However, and as a sign of good will to mistaken opposition, the district is waiving its justified right to the $2 million and allows it to be credited towards the national deficit or debt reduction. That ought to be interesting.

The district is also accepting the O&M costs of Sumner Dam, which is currently the taxpayers' responsibility, and is accepting full responsibility for the conveyed lands and facilities. In addition, the district can only use revenues for maintenance and improvements of the project.

The district is also waiving future eligibility for additional reclamation benefits for the conveyed lands and facilities. And simply put, the district is accepting the costs of the project and saving taxpayer dollars in the process.

The responsible approach on behalf of taxpayers is absolution of the taxpayers' future monetary obligations; and that is accomplished by passage of this legislation, which requires the district's acceptance of financial responsibility.

The State, the county, the city of Carlsbad have soundly endorsed the legislation. The administration supports the legislation. And most importantly, I support the bill.

Mr. Speaker, I want to thank the district manager, Tom Davis; board chairman L.A. Johnson; Bill Ahrens; and the remainder of the board and members of the district for their patience and faith in the process.

Finally, I would like to thank the gentleman from California (Chairman DOOLITTLE), the gentleman from Alaska (Chairman YOUNG), and the gentleman from California (Mr. GEORGE

MILLER) and the gentleman from California (Mr. DOOLEY). For without each of their assistance, what has been a long road would have been considerably longer.

In closing, I would be remiss to not mention the fine work of the majority staff, Bob Faber and Josh Johnson, and minority staffer Steve Lanich. We all know and appreciate the support the staff provides.

Mr. Speaker, I strongly urge passage of S. 291.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great admiration and great respect and high regard for my colleague, the gentleman from New Mexico (Mr. SKEEN), that I rise in support of the Carlsbad Irrigation Project Acquired Lands Transfer Act.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SKEEN) that the House suspend the rules and pass the Senate bill,.S. 291.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

WELLTON-MOHAWK TRANSFER ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 356) to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes.

The Clerk read as follows:

S. 356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Wellton-Mohawk Transfer Act".

SEC. 2. TRANSFER.

The Secretary of the Interior ("Secretary") is authorized to carry out the terms of the Memorandum of Agreement No. 8–AA–34–WAO14 ("Agreement") dated July 10, 1998 between the Secretary and the Wellton-Mohawk Irrigation and Drainage District ("District") providing for the transfer of works, facilities, and lands to the District, including conveyance of Acquired Lands, Public Lands, and Withdrawn Lands, as defined in the Agreement.

SEC. 3. WATER AND POWER CONTRACTS.

Notwithstanding the transfer, the Secretary and the Secretary of Energy shall provide for and deliver Colorado River water and Parker-Davis Project Priority Use Power to the District in accordance with the terms of existing contracts with the District, including any amendments or supplements thereto or extensions thereof and as provided under section 2 of the Agreement.

SEC. 4. SAVINGS.

Nothing in this Act shall affect any obligations under the Colorado River Basin Salinity Control Act (Public Law 93–320, 43 U.S.C. 1571).

SEC. 5, REPORT.

If transfer of works, facilities, and lands pursuant to the Agreement has not occurred by July 1, 2000, the Secretary shall report on the status of the transfer as provided in section 5 of the Agreement.

SEC. 6. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 356.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, S. 356, the Wellton-Mohawk Transfer Act, introduced by Senator KYL of Arizona, is a companion bill to H.R. 841 introduced by the gentlewoman from Hawaii (Mrs. MINK) that was reported from the Committee on Resources last year.

S. 356 continues the defederalization process by conveying certain works, facilities, and titles of the Gila Project and designated lands to the Wellton-Mohawk Irrigation and Drainage District in Arizona.

Wellton-Mohawk has fully repaid its project costs. On July 10, 1998, the district and the bureau signed a memorandum of agreement that covers the details of the transfer of title. It includes transfer of lands between the Federal Government and the district, including the acquisition of additional lands for exchange.

All transfers will be at fair market value. No change in the project operation is contemplated by the transfer and the district will continue to limit irrigated acreage to 62,875 acres. The transfer would include all facilities and works for which full repayment has been made.

"The goal of Reclamation and the District is that within 180 days of the execution of the Title Transfer Contract, the Secretary shall convey to the District all right, title and interest of the United States to the Facilities, works and lands to be conveyed and transferred to the District."

It is the expectation of the committee that the Senate will accelerate its work on other transfer bills that are currently awaiting action in the Senate. The committee expects that the Bureau of Reclamation will adhere to their memorandum of agreement with the district signed on July 10, 1998.

Mr. Speaker, I request an aye vote on the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in support of S. 356, the Wellton-Mohawk Transfer Act. The Wellton-Mohawk has fully repaid its project costs. The district and the bureau signed a memorandum of agreement 2 years ago that covers the details of the transfer of title.

The project facilities that will be transferred under legislation no longer provide benefits to the United States, and it is appropriate that the local district assume full responsibility for these facilities.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 356.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CLARIFYING CERTAIN BOUNDARIES OF COASTAL BARRIER RESOURCES SYSTEM

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4435) to clarify certain boundaries on the map relating to Unit NC01 of the Coastal Barrier Resources System, as amended.

The Clerk read as follows:

H.R. 4435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) IN GENERAL.—The map described in subsection (b) is replaced, in the maps depicting the Coastal Barrier Resources System that are referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), by the map entitled "Pine Island Unit NC–01" and dated May 1, 2000.

(b) Description of Replaced Map.—The map described in this subsection is the map that—

(1) relates to Pine Island Unit NC–01 located in Currituck and Dare Counties, North Carolina; and

(2) is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, revised on October 23, 1992, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

(c) Availability.—The Secretary of the Interior shall keep the replacement map referred to in subsection (a) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4435.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4435, introduced by our colleague, the gentleman from North Carolina (Mr. JONES), corrects a mistake that was made in delineating the boundary of Coastal Barrier Resources System Unit NC01.

The Coastal Barrier Resources System consists of units located on undeveloped coastal barriers and delineated on maps adapted by Congress.

Land included in the system is not acquired by the Government, and the act does not prevent or regulate development on private lands. The act does prohibit the use of Federal developmental assistance, including Federal flood insurance, on property included in the system.

Unit NC01 was originally created in 1990 to incorporate property owned by the National Audubon Society and the surrounding associated aquatic habitat. Unfortunately, a significant amount of privately and publicly owned developed property was inadvertently, or incorrectly, included within its boundary.

In 1992, Congress directed the Secretary of the Interior to redraw the boundary to fix these problems. That new map again failed to accurately portray the boundary of the Audubon Sanctuary, and the unit continued to include privately owned development property.

Mr. Speaker, H.R. 4435 removes the incorrectly labeled private property and adds associated aquatic habitat that was incorrectly left out of the unit in 1992.

The Fish and Wildlife Service supports this change. I commend the gentleman from North Carolina (Mr. JONES) for his efforts in correcting this error and urge an aye vote on H.R. 4435.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation to change the boundaries of the Coastal Barrier Resource System Unit established under the Coastal Barrier Resources Act known as NC01.

I believe that it is important that we contain the so-called technical corrections bills that we have seen in our committee to address those problems that are clear inaccuracies. I believe that this legislation does that. And it is also incumbent that those of us on the committee not use those technical corrections to go for unintended changes and make sure that they are held at a minimum. I think that this legislation does that.

We see a lot of efforts from time to time to use boundary changes to do more than make these technical corrections, but this legislation does not do that. I think that this is consistent with the original intent of the Congress, and I urge passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 4435, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DIRECTING A STUDY TO RESTORE KEALIA POND NATIONAL WILDLIFE REFUGE, HAWAII

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3176) to direct the Secretary of the Interior to conduct a study to determine ways of restoring the natural wetlands conditions in the Kealia Pond National Wildlife Refuge, Hawaii.

The Clerk read as follows:

H.R. 3176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY OF KEALIA POND NATIONAL WILDLIFE REFUGE, HAWAII.

(a) In General.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service in consultation with the Director of the United States Geological Survey, shall conduct a study to determine ways of restoring the natural wetlands conditions in the Kealia Pond National Wildlife Refuge, Hawaii. The study shall include examination of hydrology, manmade impacts on wetlands, species succession, and imbalances in natural habitat in the refuge.

(b) Report.—Not later than 1 year after amounts are first available to implement this section, the Secretary shall complete the study under subsection (a) and report to the Congress findings, conclusions, and recommendations of the study.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $250,000 to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3176.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, H.R. 3176 addresses an ongoing water management problem at the Kealia National Wildlife Refuge on Maui, Hawaii. This bill was introduced by our colleague, the gentlewoman from Hawaii (Mrs. MINK).

The legislation directs the Secretary of Interior to study the serious water management problems that currently exist at the 700-acre refuge. The refuge was created in 1992 to conserve habitat for endangered birds and to provide a wintering sanctuary for a variety of waterfowl species.

Regrettably, the Fish and Wildlife Service has failed to provide the necessary resources to manage the water fluctuations. As a result of changes in the landscape, this refuge experiences the frequent dry-ups which result in dust storms, fish kills, and problems with nuisance insects. These problems have a negative economic and health impact on the people who live near the refuge.

□ 1345

This bill directs the Secretary of the Interior to study the water problems at the refuge and come up with a plan for addressing the management needs within 1 year. H.R. 3176 is noncontroversial, and I urge an aye vote.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3176, to provide for the study of the deterioration that has taken place on Kealia Pond National Wildlife Refuge on the Island of Maui.

The gentleman from Pennsylvania (Mr. SHERWOOD) has properly explained the legislation. I want to commend and thank our colleague, the gentlewoman from Hawaii (Mrs. MINK), for bringing the deterioration of this refuge to the attention of the committee.

I think I and most members of the committee were very disappointed to learn the extent to which this refuge, the largest freshwater pond in the entire State of Hawaii, could have reached such a degraded condition.

I think this legislation will be important in turning that around, and I urge my colleagues to support this legislation.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.R. 3176.

I want to thank Chairman YOUNG, Ranking Member Mr. MILLER of the Resources Committee and Subcommittee Chairman SAXTON and Ranking Member Mr. FALEOMAVAEGA of the Fisheries Subcommittee for their efforts to bring the bill to the floor today.

I introduced H.R. 3176 on October 28, 1999. The legislation requires the Secretary of the Interior to conduct a study to determine ways of restoring the natural wetlands conditions in Kealia Pond National Wildlife Refuge. The study would include an examination of hydrology, manmade impacts on wetlands, species succession and imbalances in natural habitat in the refuge. The legislation authorizes $250,000 to conduct the study. The study would be reported to Congress not later than one year after funds for the study are made available.

The Refuge is located on the island of Maui and is part of the Mai Nui National Wildlife Refuge Complex. It was established in 1992 and consists of 691 acres. The pond itself is the largest natural pond in Hawaii, and covers between 400 and 500 acres at its greatest extent during the wet season. The pond is home of two endangered native Hawaiian birds, the Hawaiian stilt and the Hawaiian coot. The pond also provides food and shelter for numerous migratory waterfowl and shorebirds.

Human activity over the years has significantly changed the nature of the pond. In the early 1900's the pond had a depth of between six and eight feet. Over the years grazing and agricultural use of the land above the pond increased the runoff of sedimentation. Between 1925 and 1930 the pond was used as a rubbish dump, further reducing the depth of the pond. In 1970 twenty-five acres of land north of the pond were converted to a commercial aquaculture operation. Dikes were built, water impounded and a well dug.

All these activities have had a deleterious effect on the natural habitat of the pond.

Now the pond has an average depth of only one foot. As the depth of the pond decreased the pond increasingly lost the ability to carry off sediments. Sand carried into the pond from adjacent dunes that otherwise would have been flushed away now stays in the pond further reducing the depth.

The shallow depth of the pond permits it to dry up quickly. The natural trade winds of the area then cause great clouds of dust to arise. The dust blows into the homes, eyes and lungs of nearby residents. The dust causes burning eyes and residents worry that the cause may be that the dust contains fertilizer and chemical residue from agricultural runoff and unknown chemicals from materials deposited during the period the pond was used as a dump.

The introduction of non-native species has also changed the ecology of the pond. The spotted wing midge was first identified in Hawaii in 1945. The midge has found the pond to be an extremely attractive habitat. A study by Ducks Unlimited estimated that on any given day during the wet season there may be as many as 200 million adult and near-adult midges During midge season the uninitiated visitor may think the refuge is on fire at dawn or dusk, with smoldering fires throwing up swirling clouds of smoke. But it is not smoke. It is clouds of midges swarming.

The midge swarms invade surrounding residences. The midges are small enough to go through screens and some residents have been reduced to keeping their lights out in a vain effort to keep the invaders away. Motorists report that their cars are covered with squashed midges when driving in the area.

Kealia Pond is also home to non-native tilapia. These fish make up 90 percent of the fish population of the pond. They do more damage than good for the wetlands. When the pond dries up there are massive fish die offs. In 1996 Maui correctional inmates, working under the direction of the pond's on-site manager, removed 14 tons of dead and rotting fish from the refuge.

There have been studies of aspects of the ecology of the pond done over the years, both in the public and private sector. However, the studies have frequently concentrated on one aspect of the problem or another. There has been no study directed at restoring Kealia Pond to its natural state.

H.R. 3176 requires a study to identify ways of dealing with these man-made plagues of dust, bugs and rotting fish. My constituents recognize the value of the pond and its contribution to preserving native Hawaiian endangered species. They want to see Kealia Pond restored to its natural state with its native fauna.

Passage of H.R. 3176 will get the answers needed to restore Kealia Pond.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3176.

The question was taken.

Mr. SHERWOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 6 p.m.

Accordingly (at 1 o'clock and 46 minutes p.m.), the House stood in recess until 6 p.m.

☐ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. OSE) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the first four motions to suspend the rules on which further proceedings were postponed earlier today in the order in which those motions were entertained.

Votes will be taken in the following order: House Resolution 509, by the yeas and nays; H.R. 4241, by the yeas and nays; H.R. 3030, by the yeas and nays; and H.R. 3535, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

The remaining four votes will be postponed until tomorrow.

RECOGNIZING THE IMPORTANCE OF AFRICAN-AMERICAN MUSIC

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 509, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the resolution, House Resolution 509, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 52, as follows:

[Roll No. 234]

YEAS—382

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass

Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—52

Bliley
Brady (TX)
Campbell
Chambliss
Coburn
Condit
Conyers
Cook
Cooksey
Costello
Doyle
English
Ford
Franks (NJ)
Greenwood
Hilleary
Hilliard
Houghton
Jefferson
Johnson (CT)
Jones (OH)
Lofgren
Markey
McCollum
McIntosh
McNulty
Meek (FL)
Menendez
Metcalf
Neal
Norwood
Pascrell
Pastor
Payne
Pitts
Price (NC)
Ros-Lehtinen
Roukema
Royce
Salmon
Sanchez
Skelton
Smith (MI)
Sweeney
Tauzin
Taylor (MS)
Terry
Udall (NM)
Vento
Vitter
Waxman
Wise

□ 1822

Mr. STRICKLAND changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TERRY. Mr. Speaker, I was unavoidably detained during rollcall Vote 234. Had I been present, I would have voted "aye."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

LES ASPIN POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4241.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. RYAN) that the House suspend the rules and pass the bill, H.R. 4241, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 378, nays 6, not voting 50, as follows:

[Roll No. 235]

YEAS—378

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Combest
Conyers
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha

Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Chenoweth-Hage
Collins
Cunningham
Sanford
Scarborough
Walsh

NOT VOTING—50

Bliley
Burton
Chambliss
Coburn
Condit
Cook
Cooksey
Costello
Doyle
English
Foley
Ford
Franks (NJ)
Greenwood
Hilleary
Hilliard
Houghton
Jefferson
Johnson (CT)
Jones (OH)
Markey
McCollum
McIntosh
McNulty
Meek (FL)
Menendez
Metcalf
Morella
Neal
Norwood
Pascrell
Pastor
Payne
Pitts
Price (NC)
Ros-Lehtinen
Roukema
Royce
Salmon
Sanchez
Sherwood
Skelton
Smith (MI)
Sweeney
Tauzin
Taylor (MS)
Udall (NM)
Vento
Vitter
Waxman

☐ 1830

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOLEY. Mr. Speaker, on rollcall No. 235 had I been present, I would have voted "yes."

MATTHEW F. McHUGH POST OFFICE

The SPEAKER pro tempore (Mr. OSE). The pending business is the question of suspending the rules and passing the bill, H.R. 3030.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3030, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 2, not voting 47, as follows:

[Roll No. 236]

YEAS—385

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson. E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Chenoweth-Hage
Sanford

NOT VOTING—47

Bateman
Bliley
Chambliss
Coburn
Condit
Cook
Cooksey
Costello
Doyle
English
Ford
Franks (NJ)
Greenwood
Hilleary
Hilliard
Houghton
Jefferson
Johnson (CT)
Jones (OH)
Markey
McCollum
McIntosh
McNulty
Meek (FL)
Menendez
Morella
Murtha
Neal
Norwood
Nussle
Pascrell
Pastor
Payne
Pitts
Roukema
Royce
Salmon
Sanchez
Skelton
Smith (MI)
Sweeney
Tauzin
Taylor (MS)
Udall (NM)
Vento
Vitter
Waxman

☐ 1838

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SHARK FINNING PROHIBITION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3535, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3535, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 1, not voting 43, as follows:

[Roll No. 237]

YEAS—390

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—43

Bliley
Chambliss
Coburn
Condit
Cook
Cooksey
Costello
Doyle
English
Ford
Franks (NJ)
Greenwood
Hilleary
Hilliard
Houghton
Jefferson
Jones (OH)
Leach
Markey
McCollum
McIntosh
McNulty
Meek (FL)
Menendez
Norwood
Pascrell
Pastor
Payne
Pitts
Roukema
Roybal-Allard
Royce
Salmon
Sanchez
Skelton
Smith (MI)
Sweeney
Tauzin
Taylor (MS)
Udall (NM)
Vento
Vitter
Waxman

□ 1845

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, during rollcall votes Nos. 234, 235, 236, and 237, I was unavoidably detained. Had I been present, I would have voted "aye" on all four votes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4006

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania (Mr. WELDON) be removed as a cosponsor of H.R. 4006.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Georgia?

There was no objection.

FREEDOM TO E-FILE ACT

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 777) to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information, with a Senate amendment to the House amendments thereto, and concur in the Senate amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments, as follows:

Senate amendment to House amendments:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom to E-File Act".

SEC. 2. ELECTRONIC FILING AND RETRIEVAL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in accordance with subsection (c), the Secretary of Agriculture (referred to in this Act as the "Secretary") shall, to the maximum extent practicable, establish an Internet-based system that enables agricultural producers to access all forms of the agencies of the Department of Agriculture (referred to in this Act as the "Department") specified in subsection (b).

(b) APPLICABILITY.—The agencies referred to in subsection (a) are the following:

(1) The Farm Service Agency.

(2) The Natural Resources Conservation Service.

(3) The rural development components of the Department included in the Secretary's service center initiative regarding State and field office collocation implemented pursuant to section 215 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6915).

(4) The agricultural producer programs component of the Commodity Credit Corporation administered by the Farm Service Agency and the Natural Resources Conservation Service.

(c) IMPLEMENTATION.—In carrying out subsection (a), the Secretary shall—

(1) provide a method by which agricultural producers may—

(A) download from the Internet the forms of the agencies specified in subsection (b); and

(B) submit completed forms via electronic facsimile, mail, or similar means;

(2) redesign the forms by incorporating into the forms user-friendly formats and self-help guidance materials; and

(3) ensure that the agencies specified in subsection (b)—

(A) use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and

(B) develop common Internet user-interface locations and applications to consolidate the agencies' news, information, and program materials.

(d) PROGRESS REPORTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the progress made toward implementing the Internet-based system required under this section.

SEC. 3. ACCESSING INFORMATION AND FILING OVER THE INTERNET.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, in accordance with subsection (b), the Secretary shall expand implementation of the Internet-based system established under section 2 by enabling agricultural producers to access and file all forms and, at the option of the Secretary, selected records and information of the agencies of the Department specified in section 2(b).

(b) IMPLEMENTATION.—In carrying out subsection (a), the Secretary shall ensure that an agricultural producer is able—

(1) to file electronically or in paper form, at the option of the agricultural producer, all forms required by agencies of the Department specified in section 2(b);

(2) to file electronically or in paper form, at the option of the agricultural producer, all documentation required by agencies of the Department specified in section 2(b) and determined appropriate by the Secretary; and

(3) to access information of the Department concerning farm programs, quarterly trade, economic, and production reports, and other similar production agriculture information that is readily available to the public in paper form.

SEC. 4. AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.

(a) RESERVATION OF FUNDS.—From funds made available for agencies of the Department specified in section 2(b) for information technology or information resource management, the Secretary shall reserve from those agencies' applicable accounts a total amount equal to not more than the following:

(1) For fiscal year 2001, $3,000,000.

(2) For each subsequent fiscal year, $2,000,000.

(b) TIME FOR RESERVATION.—The Secretary shall notify Congress of the amount to be reserved under subsection (a) for a fiscal year not later than December 1 of that fiscal year.

(c) USE OF FUNDS.—

(1) ESTABLISHMENT.—Funds reserved under subsection (a) shall be used to establish the Internet-based system required under section 2 and to expand the system as required by section 3.

(2) MAINTENANCE.—Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.

(d) RETURN OF FUNDS.—Funds reserved under subsection (a) and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, to remain available until expended.

SEC. 5. FEDERAL CROP INSURANCE CORPORATION AND RISK MANAGEMENT AGENCY.

(a) IN GENERAL.—Not later than December 1, 2000, the Federal Crop Insurance Corporation and the Risk Management Agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a plan, that is consistent with this Act, to allow agricultural producers to—

(1) obtain, over the Internet, from approved insurance providers all forms and other information concerning the program under the jurisdiction of the Corporation and Agency in which the agricultural producer is a participant; and

(2) file electronically all paperwork required for participation in the program.

(b) ADMINISTRATION.—The plan shall—

(1) conform to sections 2(c) and 3(b); and

(2) prescribe—

(A) the location and type of data to be made available to agricultural producers;

(B) the location where agricultural producers can electronically file their paperwork; and

(C) the responsibilities of the applicable parties, including agricultural producers, the Risk Management Agency, the Federal Crop Insurance Corporation, approved insurance providers, crop insurance agents, and brokers.

(c) IMPLEMENTATION.—Not later than December 1, 2001, the Federal Crop Insurance Corporation and the Risk Management Agency shall complete implementation of the plan submitted under subsection (a).

SEC. 6. CONFIDENTIALITY.

In carrying out this Act, the Secretary—

(1) may not make available any information over the Internet that would otherwise not be available for release under section 552 or 552a of title 5, United States Code; and

(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.

Mr. LAHOOD (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. STENHOLM. Mr. Speaker, I rise to support the House in concurring with the Senate amendment and passing S. 777, otherwise known as, the Freedom to E-File bill.

I have long been a proponent of initiatives at USDA to provide better service to farmers and ranchers through streamlining and the use of new technologies, while at the same time saving taxpayer dollars.

Growing numbers of farmers and ranchers are using home computers. This fact, coupled with budget demands, is putting enormous pressure on USDA's field service employees. It is therefore imperative that USDA take advantage of the internet for the efficiencies it can offer. Doing so will benefit overworked field service staff, save taxpayer dollars, and allow farmers and ranchers to spend more time on their operations and less time visiting USDA offices.

For these reasons, I believe USDA must improve electronic access to its programs and services. Consequently, I support S. 777, the Freedom to E-File bill.

While I support the goals of this bill, I would prefer a more comprehensive look at USDA reorganization and modernization. Unfortunately, it appears that changes at USDA are only going to be made on an incremental basis.

Mr. Speaker, I urge my colleagues to support this bill.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Illinois?

There was no objection.

The motion to reconsider is laid on the table.

GENERAL LEAVE

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 777.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING PRESIDENT TO AWARD GOLD MEDAL ON BEHALF OF CONGRESS TO CHARLES M. SCHULZ

Mr. LEACH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3642) to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Charles M. Schulz was born on November 26, 1922, in St. Paul, Minnesota, the son of Carl and Dena Schulz.

(2) Charles M. Schulz served his country in World War II, working his way up from infantryman to staff sergeant and eventually leading a machine gun squad. He kept morale high by decorating fellow soldiers' letters home with cartoons of barracks life.

(3) After returning from the war, Charles M. Schulz returned to his love for illustration, and took a job with "Timeless Topix". He also took a second job as an art instructor. Eventually, his hard work paid off when the Saturday Evening Post began purchasing a number of his single comic panels.

(4) It was in his first weekly comic strip, "L'il Folks", that Charlie Brown was born. That comic strip, which was eventually renamed "Peanuts", became the sole focus of Charles M. Schulz's career.

(5) Charles M. Schulz drew every frame of the "Peanuts" strip, which ran 7 days a week, since it was created in October 1950. This is rare dedication in the field of comic illustration.

(6) The "Peanuts" comic strip appeared in 2,600 newspapers around the world daily until January 3, 2000, and on Sundays until February 13, 2000, and reached approximately 335,000,000 readers every day in 20 different languages, making Charles M. Schulz the most successful comic illustrator in the world.

(7) Charles M. Schulz's television special, "A Charlie Brown Christmas", has run for 34 consecutive years. In all, more than 60 animated specials have been created based on "Peanuts" characters. Four feature films, 1,400 books, and a hit Broadway musical about the "Peanuts" characters have also been produced.

(8) Charles M. Schulz was a leader in the field of comic illustration and in his community. He paved the way for other artists in this field over the last 50 years and continues to be praised for his outstanding achievements.

(9) Charles M. Schulz gave back to his community in many ways, including owning and operating Redwood Empire Ice Arena in Santa Rosa, California. The arena has become a favorite gathering spot for people of all ages. Charles M. Schulz also financed a yearly ice show that drew crowds from all over the San Francisco Bay Area.

(10) Charles M. Schulz gave the Nation a unique sense of optimism, purpose, and pride. Whether through the Great Pumpkin Patch, the Kite Eating Tree, Lucy's Psychiatric Help Stand, or Snoopy's adventures with the Red Baron, "Peanuts" embodied human vulnerabilities, emotions, and potential.

(11) Charles M. Schulz's lifetime of work linked generations of Americans and became a part of the fabric of our national culture.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The President is authorized to award posthumously, on behalf of the Congress, a gold medal of appropriate design to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

(b) DESIGN AND STRIKING.—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

Amend the title so as to read: "An Act to authorize the President to award posthumously a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.".

Mr. LEACH (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Iowa?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3642.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMMUNICATION FROM STAFF ASSISTANT OF HON. GEORGE RADANOVICH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Michelle Giannetta, Staff Assistant of the Honorable GEORGE RADANOVICH, Member of Congress:

May 26, 2000.

Hon. DENNIS J. HASTERT,
Speaker, U.S. House of Representatives.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and documents issued by the United States District Court for the Eastern District of California.

Afer consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

MICHELLE GIANNETTA,
Staff Assistant.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DISTURBING TRENDS IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to talk about some disturbing trends in the Middle East. I admire enormously the commitment of Prime Minister Barak of Israel to try to find a peaceful solution to many of the disputes that have troubled the region. I believe historically the record is very clear that Israel sought it first to live in peace with its neighbors. It was forced to resort to armed conflict to defend itself.

Prime Minister Barak to his credit has been willing now after 50 years and more of conflict to take some risks for peace. That is not always unanimously agreed upon within Israel. Israel is, as we know, the only genuine democracy in this part of the world. The people of Israel are contentious in some ways as befits people in a democracy when important issues are at stake. And Prime Minister Barak to me is an admirable example of an elected official who is trying to lead in the direction that he thinks is important.

And in so doing, he has espoused some positions that he believes and I believe will lead to a lasting peace if they meet with an appropriate response from those with whom he seeks to negotiate. What is especially troubling to me has been the negative responses his initiatives have drawn.

His offer to withdraw from the Golan Heights is really by historical standards an extraordinarily generous one. Very few nations which have won this sort of strategic territory and battle have voluntarily given it up, even in the face of the kind of hostility that Syria has evinced towards Israel. But Prime Minister Barak, taking a request politically based on his military judgment, which obviously everyone who knows him respects, was willing to make a deal with the Syrians in which Israel would have given up that very large strategic amount of territory with some safeguards, and essentially, President Assad of Syria refused any kind of reasonable deal.

Interestingly, had Assad agreed to the deal, it would have been controversial within, as real as having given too much to Syria, but Syria would not accept that. For years, people have been urging Israel to withdraw from Lebanon. There is a U.N. resolution that says Israel should withdraw from Lebanon. When the negotiations with Assad ended, because I believe of Assad's unreasonable hostility, Prime Minister Barak again courageously said, I will withdraw unilaterally from Israel; and one of the most extraordinarily depressing reactions I have seen people who had for years had been pressing Israel to withdraw then began to attack Israel for withdrawing unilaterally, as if they needed permission to do what people had been berating them for not doing.

And what happened when Israel withdrew was an outburst of hostility and of inappropriate behavior in much of Lebanon which can only strengthen the hands of those who believe within Israel that Prime Minister Barak has been making a mistake. So in these two important areas with regard to Syria and to Lebanon, you have an elected official, a democratic leader of his country, taking some risks for peace and being met with an extraordinarily hostile reaction; and then, finally, we had a few weeks ago violence on the part of many in the Palestinian areas, including gunfire between the Palestinian authority in Israel.

Again, I want to stress Israel has in the past couple of decades beginning with Prime Minister Begin in the Sinai, engaged in more withdrawal from territory it had been forced to fight to conquer than almost any nation I can think of. And I am talking now about turning it over to the enemies, not with a period of demilitarization. It is not like America, the allies keeping Germany in a very subordinate position for a long time that was not being occupied. It was simply turned over in many cases, and to see the negative reactions from Syria, from people in the south of Lebanon, the more extremists there and within the Palestinian community, is very troubling to me.

I admire the willingness of Prime Minister Barak to persevere. I believe he does this because he understands what is truly in his country's long-term interests. I hope the United States Government will continue to be a strong supporter and partner of Israel and, in particular, make it clear to the extent that Israel does withdraw from some of these areas, potentially exposing itself to some of the problems that might come up that the United States will continue to be a reliable partner. But it has to be noted that the kind of negativism, the kind of extreme hostility which Prime Minister Barak's openness has called from on the part of many Arabs cannot be helpful.

I admire, as I said, Prime Minister Barak for not being deterred by this. He is not allowing the extremists to undermine his efforts, but they ought to understand and people elsewhere ought to understand that there is a price to be paid for this. So I hope, Mr. Speaker, that as Prime Minister Barak goes forward in partnership with the U.S., we will begin to see responsible leaders in the Arab world exercise the kind of reciprocal approach that the prime minister's courage deserves.

CONDEMNING A BOUNTY OFFERED FOR BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, under ordinary circumstances, I would not rise to the floor of the House to discuss as delicate an issue as this if we had been briefed by law enforcement officials, the Department of Justice or the Border Patrol, for the issue is so troubling that I do not even think Americans would want this kind of terrible proposal to be promoted.

□ 1900

But the fact that article was in the Houston Chronicle today brings me to the necessity of addressing this question publicly. "Bounty Offered for Killing Agent of Border Patrol," Houston Chronicle, today, Tuesday, June 6, 2000.

The reason I come to the floor of the House is to condemn any such attempt to put a bounty or to ask for an assassination of any of America's law enforcement officers or, for that matter, anyone in the United States who are lawfully performing their duties.

This request for a bounty on a Border Patrol agent has been asked for by Mexican activist Carlos Ibarra Perez. Certainly, the border between the State of Texas and the other border States and Mexico has had some troubling times. Yes, there has been an infusion of illegal immigrants. There have been acts that have been acted upon by citizens illegally trying to protect their properties. But I think that it is important for those of us who have responsibility and oversight over law enforcement personnel throughout this Nation to condemn this heinous request, to indicate that there is no reason that anyone should call for a bounty and for an act to assassinate or kill another human being and particularly in this instance.

This also calls for this Congress to act expeditiously to provide the extra funding that will necessitate or provide for extra Border Patrol along that border.

In addition, I will be asking the Department of Justice to provide more FBI agents in that area to ensure that this may be what I believe it is, an idle threat. But no life should be taken for granted. And though we have much to do at the border to protect all the individuals who are there, Border Patrol, those who see the necessity to come into this country illegally, and that is wrong, but to protect the area and the people who live there and the lives of people who are in the midst of that, if you will, confusion.

But to be able to sit idly by while someone calls for the assassination of a Border Patrol agent, any Border Patrol agent, is intolerable and should not be accepted.

I am asking that we continue to monitor that area, that the Department of Justice keeps a watchful eye, that more funds are provided for Border Patrol agents, along with more training, and that increased law enforcement is added to that area to ensure the protection of the protectors.

There is no excuse that we should stand idly by, as I have indicated, while these kinds of threats are made whether or not this is a citizen of Mexico. And let me applaud the leadership of Mexico and the foreign policy representatives of Mexico who have, likewise, condemned this travesty.

But this kind of public display of disrespect for the law and disrespect for human life is not to be tolerated; and I, for one, will not tolerate this kind of bounty being set upon law enforcement officers who are doing their job.

I am shamed that this has even happened. I ask for Carlos Ibarra Perez to withdraw such a request. I ask for those who even may be thinking of it to not even dare. And I ask the law enforcement of this country to provide the necessary protection and support for these law enforcement officers, the U.S. Border Patrol, who are doing simply their job.

CLEAR ACT OF 2000

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentleman from South Carolina (Mr. DEMINT) is recognized for 5 minutes.

Mr. DEMINT. Mr. Speaker, as chairman of the Citizen Legislators Caucus and on behalf of many of my colleagues in the Caucus, I am proud to introduce today the Citizen Legislature Empowerment through Access to Resources bill, or, more simply, the CLEAR Act of 2000.

The Citizen Legislators Caucus was established to enhance the effectiveness of term-limited Members of Congress through a positive and constructive agenda. One of the priorities of our Members is working with other Members of Congress to advance legislation that encourages citizen representation and citizen involvement in Government.

Citizen legislators are the lifeblood of a representative democracy. I am honored to serve with so many honorable men and women in this body who have put aside successful careers in other areas of life to come here for a short time to represent their districts and serve their country. Doctors, lawyers, farmers, teachers, small businessmen, people from all walks of life come here for a time to help secure the future of our country and then return home to move on to other areas of service.

I believe such an attitude of service and representation is in keeping with the best examples of our Founding Fathers, as embodied most profoundly in the life of George Washington. President Washington held his positions of leadership in our country, including the presidency, as something with which he was entrusted for a limited time, not for a lifetime.

Our country is a democracy, and a well-informed citizenry is the most important asset of any democracy. Over the past few years, we have worked to put in place a number of important reforms that have changed the way Congress works, giving greater information, access, and control to the people. We have cut committee sizes, we have imposed term limits on committee chairman, and made common sense decisions, such as Congress abiding by the same laws as the rest of the country must live under.

As we move into the 21st century, the Internet provides an incredible opportunity for Congress to continue our reform agenda. We must open the door to Congress for the citizens to see more of what we do and why we do it. The CLEAR Act allows for the posting of reports and issue briefs prepared by the Congressional Research Service for Members of Congress on Member and committee Web sites. The American people, students, teachers, small businessmen, farmers should be able to get this information and facts on which we as Congress base our decisions.

As we work to secure the future of our country, it is important to provide the people with the greatest information possible about their Government. This is a common sense next step in reforming our Government and returning decisions and freedom to the people.

This in no way changes the primary purpose of the Congressional Research Service, which is to serve Congress; but it gives an additional window to the citizens to understand the workings of their Government and see some of the resources we have available.

There is an entire library of resources we could be making available to citizens, information we have at our fingertips and often mail out to our constituents on a regular basis; and yet these resources cannot now be made available to American citizens in the same timely and complete manner on the Web.

This legislation that I am introducing today moves such sharing of information by Members to the public into the next century. I am pleased that many of my colleagues are taking advantage of the Internet with their committees and often Web pages to provide citizens with hearing transcripts and testimonies and copies of the CONGRESSIONAL RECORD.

As we move into the 21st century, I believe reports prepared by the Congressional Research Service should be included, as well.

We live in an a democracy, a government of the people, by the people, and for the people; and we must give a clear view of what is going on in the Government to the people. That is why we are introducing the CLEAR Act today.

I look forward to working with the Congressional Research Service, the gentleman from California (Chairman THOMAS), and the Committee on House Administration and other interested Members of Congress to make what we do a lot clearer to our voters and continue to reform our Congress as we move into the new millennium.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the Congressional Record revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–623 totaling $1,271,000,000 in additional new budget authority and $723,000,000 in additional outlays. This will change the allocation to the House Committee on Appropriations to $601,681,000,000 in budget authority and $625,915,000,000 in outlays for fiscal year 2001. Budgetary aggregates will increase to $1,529,886,000,000 in budget authority and $1,495,136,000,000 in outlays for fiscal year 2001.

As reported to the House, H.R. 4577, the bill making fiscal year 2001 appropriations for the Department of Labor, Health and Human Services, Education and Related Agencies, includes $801,000,000 in budget authority and $315,000,000 in outlays for emergencies; $450,000,000 in budget authority and $396,000,000 in outlays for continuing disability reviews; and, $20,000,000 in budget authority and $12,000,000 in outlays for adoption incentive payments.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Dan Kowalski or Jim Bates at 67270.

HEALTH CARE FOR CHILDREN IN TEXAS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 60 minutes as the designee of the minority leader.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, for the 60 minutes, we plan to address the House on health care for children in Texas. I will be joined by several Members.

My colleagues can see, Mr. Speaker, that this ad has a child that has on boxing gloves. Our children should not have to fight to get health care coverage that they truly deserve.

A child born in the year 2000 is far more likely to grow up healthy and to reach adulthood than a child that was born in 1900. Over the past 100 years, our Nation's scientific, technological, and financial resources have built the most advanced health care system in the world. But the doors of health care still remain shut to some.

Millions of children have inadequate medical care. Ensuring that every child in our Nation receives the best possible health care, we must have a top priority in this Nation. To a large extent, health status is still determined by race, language, culture, geography, and economics.

In general, children in low-income communities get sick more often from preventable acute and infectious illnesses, such as measles, conjunctivitis, and ear infections. Low-income children and teens are also more likely to suffer from chronic medical conditions, such as diabetes and asthma. These are the leading causes of school absences.

In fact, the sharpest increases in asthma rates are among the urban youth. Very prevalent. Despite the tremendous advances in medical technology and public health, millions of children have less of a chance to grow up healthy and strong because of unequal access to health care.

Texas is a perfect example. Children without health insurance or a regular source of health care are more likely to seek care from emergency rooms and clinics, which have long waits to see a provider, limited follow-up, and little to no health education about preventive strategies or ways to manage a chronic illness.

Compared with insured children, uninsured children are up to eight times less likely to have a regular source of care, four times more likely to delay seeking care, nearly three times less likely to have seen a provider in the last past year, and five times more likely to use emergency room as a regular place of care.

There is no question that insurance is key to maintaining health. When Medicaid was initiated in 1965, infant mortality rates began to decrease, and that continues today.

The health insurance status of children through age 18 in Texas compared to that of the rest of the country. On this next chart, imagine 100 children from Texas standing in front of us, 54 of these children are insured through private employer-based policies; 24 percent are uninsured; 22 percent are covered through Medicaid. This equals to about 1.4 million of the 6 million children in Texas without health insurance.

On our next chart, just imagine 100 children from all over the country standing in front of us. Sixty-four percent of these children are insured through private employer-based programs; 21 are covered through Medicare; 15 are uninsured.

Why is it that Texas's percentage of uninsured children is higher than the Nation's average? The reason is due to a Texas Government that chooses not to take advantage of the government funding that will allow many children to be insured.

I just read a news clipping here talking about the millions of dollars that is turned back or unused in the Federal Government simply because we have not enrolled these children. It is unfortunate that we have a Government so benign in Texas that will not enroll the children.

□ 1915

As a matter of fact, Texas can expand its Medicaid coverage to the age of 18 and cover those whose income is up to 300 percent of the Federal poverty level. Presently, Texas only covers children up to age 18 and whose income is 100 percent of the Federal poverty level with title XXI funds. There is something grossly inadequate about how we take care of our children and their health care in Texas. Over half of all States have expanded the coverage to 200 percent and beyond.

The next chart shows income eligibility levels for children 1 and older in Medicaid and separate State programs. This chart shows that most States have expanded health care coverage to children in title XXI funds. This coverage is provided through Medicaid expansions and/or separate insurance programs. Why, then, Texas? Ten States offer Medicaid to those with incomes up to 150 percent of the Federal poverty level. Texas falls within that category. Texas falls at the bottom. Our children fall at the bottom.

There are several colleagues that I have here, Mr. Speaker, who will also make comments on whether or not our children are being treated fairly if they have to simply fight for the health care they deserve.

I yield to the gentleman from Texas.

Mr. HINOJOSA. Mr. Speaker, I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for the work that she is doing, and I agree with her opening remarks that our children should not have to fight to get the health care coverage that they deserve.

Mr. Speaker, I am happy to announce that for the first time, a Children's Health Insurance Program, or CHIP, is available in South Texas. CHIP is low-cost health insurance provided under a State-subsidized insurance program. Any Texas uninsured children, newborns through age 18, are eligible. All costs are flexible and based on family income. For example, a family of four qualifies if the household income is $34,000 or less. If they make more than that, they can qualify for greatly reduced insurance through another program, Texas Healthy Kids.

The CHIP operates like a health maintenance organization, or HMO. It is run by the TexCare Partnership which partners with all 254 Texas counties to sponsor services through one of three different plans. One is CHIP, two is Medicaid, and three is the Texas Healthy Kids. CHIP provides services such as hospital care, surgery, x-rays, therapies, prescription drugs, mental health and substance abuse treatment, emergency services, eye tests and glasses, dental care and regular health care checkups and vaccinations,

For Texas, CHIP is funded from the proceeds of our tobacco settlement with the tobacco companies a couple of years ago. It is critically important in our State because Texas has the highest rate of uninsured in the country. Unfortunately, Texas has the Nation's second highest number of uninsured children. The worst problem we have is that not enough parents are using this great program.

South Texas, in particular, has carried the burden of uninsured children for many years. About 1.4 million of Texas' 5.8 million children lack health insurance, but 470,000 of them are now eligible for coverage under CHIP. Almost one-fourth, or 109,000, of the newly-eligible kids live on the Texas-Mexico border. When children do not have the health insurance, they have to rely on costly medical treatment at the last minute. This threatens the child's future well-being. But now we have a true opportunity to change that. CHIP will give a lot of children the opportunity to lead healthy lives without the fear of getting sick.

Let me share a quote from a lady from my district who recently went through the enrollment process. She said: "My husband and I are hard-working middle-income people who were disqualified from Medicaid because I became employed. We have two incomes, and we can't afford insurance. Now we are told by the TexCare Partnership we will have insurance for our children with low premiums and low copayments that we can afford. My children have health care when they need it."

CHIP was first implemented in 1998 to address a national crisis, almost 12 million children that were without insurance. In Texas, we are now able to offer insurance to approximately half a million children that otherwise would have none. While we can make this offer, it is up to each parent or guardian to enroll or at least inquire about getting their children in this program.

Believe it or not, the hardest part of the CHIP program is getting parents to enroll their children. Most parents need to take advantage of this genuinely great program. I want to stress that even if a parent has never qualified for health insurance for their children before, now they can. CHIP solves the cost problem for many Texas families. In CHIP, many families will only pay an annual fee of $15 to cover all their children in this plan. Some higher-income families will pay monthly premiums of $15 or maybe $18 which covers all children in the family. Most families will also have copayments for doctor/dental visits, prescription drugs, and emergency care. And families must reenroll their children once a year.

Mr. Speaker, children can only get this insurance if their parents apply. I hope all parents listening will take the initiative and make certain their children are enrolled. The application process is simple and straightforward. Any Texan can call my office in McAllen or in Beeville to get the number for the CHIP hotline. If parents want local assistance or information in my congressional district, they can call my office for that number or visit any public library in Hidalgo County or in Bee County to pick up a bilingual brochure and application.

Ms. EDDIE BERNICE JOHNSON of Texas. Could the gentleman tell me why we are just beginning to talk about this information since this has been available for a while?

Mr. HINOJOSA. It has been a fight to get the Texas leadership in the legislature to move the decision-makers to get this enrollment process going. I know that in my office we have been fighting on this for at least 18 months. I can assure the gentlewoman that I am delighted to see it finally get started, because it will stop the suffering of many of the working families that I represent in the 15th District.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. I thank the gentlewoman from Texas for yielding. Mr. Speaker, I rise to address this issue of children's health insurance. I want to commend the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for the work that she is doing in this regard, the gentleman from Texas (Mr. HINOJOSA), and the other Members that we are going to be hearing from. As a government worker, I am guaranteed that my children will have access to quality health care. This knowledge brings me some peace of mind. As it stands, many parents in my home State of Texas do not have this same peace of mind. In fact, many children who are eligible for State or Federal programs are needlessly foregoing quality health care or receiving care in expensive emergency situations only.

As a Member of Congress and as a father, I believe that every family deserves to share the peace of mind that I have today. That is why I am working to reform the current children's health care insurance system. Medicaid and the new State Children's Health Insurance Program, S-CHIP, are the two key publicly funded health insurance programs that offer coverage for low-income adolescents in Texas today. Medicaid provides health insurance coverage for more than 40 million individuals, mostly women, children and adolescents, at an annual cost of about $154 billion in combined Federal and State funds.

In addition to these funds, S-CHIP made available approximately $48 billion in Federal funds over 10 years to help States expand health insurance coverage to low-income children and youth. S-CHIP works to subsidize families with income levels not covered by the Medicaid program. Funded with Federal block grant dollars and State matching dollars, S-CHIP is a health insurance program for children in families who make too much money to be eligible for Medicaid but who cannot afford other private insurance options.

Mr. Speaker, Texas gained a major victory during the 1999 legislative session when it passed S-CHIP. This State program will help affordable health insurance for families earning up to 200 percent of the Federal poverty level. The Federal Government currently allows coverage to children as high as 300 percent. Together, these programs provide many uninsured children in Texas with quality health care.

While the combination of S-CHIP and Medicaid offers powerful opportunities to reduce the percentage of uninsured children in the United States, we can do more. Despite the recently passed S-CHIP program, my home State still has the second highest rate of uninsured children in the country. At the present time, there is a pressing and undisputable need for eligibility reforms and aggressive outreach to low-income families in Texas. Statistics show that Texas is ineffective in retaining low-income kids on Medicaid.

Part of this failure can be attributed to the red tape that unnecessarily burdens the neediest families in Texas. The bureaucratic hurdles that must be overcome to receive Medicaid eligibility in Texas include a face-to-face interview, an assets test, no continuous eligibility, and no presumptive eligibility.

Fortunately, Texas has been given the opportunity to adopt less restrictive methods for counting income and assets for family Medicaid. Without these changes, enrollment will continue to be difficult and complex for applicant families that are referred to Medicaid, many of whom will have a child eligible for CHIP and another one eligible for Medicaid.

Texas can make the system more navigable by implementing a few simple changes. These changes include eliminating the assets test for children's Medicaid, ending the requirement for face-to-face application, adopting uniform statewide documentation and verification options for Medicaid and Texas CHIP, and, finally, adopting 12-month continuous eligibility for children's Medicaid.

At a time of unprecedented prosperity, it is untenable for children to not have access to basic health care. Even more absurd is the fact that many of these sick children are eligible for State and Federal health insurance programs. The time to act is now. We cannot sit idly by and watch our children suffer needlessly. The solution is in our hands.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, this has been available now for at least 2 years. We have already talked about the fact that when people have a language problem or they live a long ways from where they might be able to get health care relief, it is usually the lowest income which means usually the least well educated.

Has Texas taken on any leadership or responsibility to try to be sure that we can spread the word to the persons who are eligible?

Mr. LAMPSON. We certainly should be. We need to spread that word, because what it is doing it is encouraging people to go into the most expensive areas to seek the care that they need. That may be a hospital emergency room. A hospital in my hometown and other hospitals within my district are grossly strapped right now because of the closing of so many, just as an example, rural health care facilities that have lost their ability to continue to offer services across this country.

As this group of people, the children about which we are speaking right now, also find their way into these same facilities, we are driving the cost of health care up to the point where it is causing others not to have access. Where we can do something about it and help fix this problem and make it easier for those to gain the access that they so richly deserve and that we want them to have so that their health does not have an adverse effect on the rest of us in society, then certainly we ought to be taking the opportunity to do it.

□ 1930

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, according to the New York Times, on Sunday, May 21 of this year, Texas had not spent any of the dollars allocated to take care of these children that are poor.

Mr. LAMPSON. Mr. Speaker, if the gentlewoman will yield, that is obviously very, very, very wrong. We have the opportunity to help children, we have the opportunity to help people, and if we cannot reach out and let them know, and make certain that they know about the programs that can provide a better quality of life, then we make serious mistakes. That is why I commend the gentlewoman for the work that she is doing in trying to accomplish just that task.

We can make a difference in people's lives if the word can reach them, if we can do the things that help make their task a little bit easier in getting the quality of care that they need and deserve. I thank the gentlewoman for doing that, and I thank her for sharing the time this evening.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for this emphasis on a very important issue. To even begin to think of the great need of children with respect to health care and not respond to their need seems to be a travesty and a tragedy.

I could not help but listen to the dialogue that the gentlewoman had with our colleague, the gentleman from Texas (Mr. LAMPSON). It seems certainly that there has been a problem with the leadership from the executive of the State of Texas and particularly the Texas Department of Health. Although there may be other issues that they have excelled on, this is one that has seen a great vacuum in leadership.

I remember following the work of the State legislature, and many of the legislators from the urban centers had to work very hard to ensure that the funding for the CHIPs program included children beyond the age of 12. The initial effort by the Texas Department of Health and the governor's office was to only provide these CHIP monies for children up to 12, and many of them with the encouragement of many of us in Congress and the questioning of many of us in Congress, asked the question: Do you mean a child does not get sick after age 13?

It seems to me an outrage. I want to applaud those legislators who took the leadership and demanded that they address the question of the needs of good health care, like Sylvester Turner and Rodney Ellis and Garnett Coleman and I am sure that I am leaving out many others around the State, who were actively involved in pressing the point that we needed to have this kind of funding for children beyond the age of children.

Mr. Speaker, it has already been said that Texas is at the bottom of retaining low-income kids on Medicaid since welfare reform in 1996. It also has been noted that Texas has the highest rate of uninsured in the country, and Texas has the second highest rate of uninsured children in the Nation. But what also needs to be noted is that right now in the State of Texas, some 500,000 children qualify for CHIP, and that means, that symbol that the gentlewoman has, the picture of that baby that says, do our children have to really fight, or should our children have to really fight to get good health care. With 500,000 children already qualifying for CHIP, it seems that we are behind the times in moving forward to ensure that this program works. It is well known that Texas has been slow compared to other States in implementing CHIP.

This is not to say that we do not have some very committed health professionals in our own local communities who have been begging for the CHIP program to be implemented. Children enrolled in Texas CHIP can get a comprehensive benefits package which include eye exams and glasses, prescription drugs and limited dental checkups and therapy, all of the items that provide for a healthy child.

Just last week in my district, Senator PAUL WELLSTONE and myself held hearings on mental health. I know we do not have mental health parity, but to hear the parents of children come forward and cry out for needed services in mental health for diagnostic services, for counseling services, knowing full well that we need to keep working toward parity, that is also health care that parents need.

So we can see that the CHIPS program is long overdue in our community. To avoid a logistical nightmare for both the State and parents, Texas should act as quickly as possible to implement changes in children's Medicare eligibility. To reinforce what has been said, we need to eliminate the access test for children's Medicaid. Texas now makes parents of Medicaid-eligible children document not just income, but also the value of savings, IRAs, automobiles, and valuables. There is a lot better way to do it, and we can utilize the Federal law that is used by the Federal Government in 40 States, plus the District of Columbia.

It is important to drop the requirement for face-to-face applications, recertification interviews, because we realize that parents are very busy. We should allow mail-in applications. This is not required by Federal law. Thirty-eight States, plus the District of Columbia, allow mail-ins. So it is important that as we deal with the elimination of assets which are not required by the Federal Government, nor required by 40 States, we can then make more easier, if you will, the ability for these parents to apply and become eligible for CHIP.

The main point that I think we are trying to impress upon our State and the focus of this Special Order that I think is so very important is our children are voiceless. Their parents are fighting for them, but they are the ones who every time a ballot is cast, a child cannot vote, yet they are in need of the good health care that this CHIPS program would allow.

Mr. Speaker, I would hope that the State of Texas would see the value of responding to the needs of our children and quickly eliminate the complicated process that keeps this CHIPS program from being implemented. I think it is important that we get leadership from the State, and I think it is most important that the Texas Department of Health establish a focus that says in a certain period of time, we will ensure that the CHIPS program is working throughout the entire State, and that that needs to be done now.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, reclaiming my time, statistics tell us that more and more children are being absent from school because of asthma, and yet, it has been determined that we have one of the worst environments in the Nation, so bad that Oklahoma is complaining that we are polluting parts of Oklahoma. If we have this available and not making any effort to cover the children while we are also providing an environment that is conducive to making them even more unhealthy, what does this tell us? Is there any compassion in Texas?

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentlewoman will yield, it seems like we are lacking a great deal of compassion, and the gentlewoman has hit the nail on the head. Healthy children make healthy adults. Children are apt to get all manner of childhood diseases and ailments. Asthma is one of the most devastating childhood diseases that lead into adult asthma. We do have a problem in our respective communities with air quality. We are fighting that problem well now. In fact, as the gentlewoman well knows, she was one of the supporters, and I continue to support, the Mickey Leland Toxic Center that is located in the Texas Medical Center that deals with air quality standards and does the research on respiratory diseases. We find that many children have them.

I believe that there is no compassion in this State if we cannot get the CHIPS program implemented to provide for the children of this State when the program has been passed by this Congress under the Balanced Budget Act since 1997. This is now the year 2000. Why does not the State of Texas, 43rd, if you will, in the care of mental health and some very low number, I know, in the care of health period having the highest number of uninsured cannot provide the CHIPS program for their children. I think that we need to show a great deal more compassion on behalf of Texas children and the Nation's children and ensure that these children do have insurance to make them healthy children and then healthy adults.

Mr. Speaker, I am happy to rise in support of our nation's increased investment in childcare in the form of insurance coverage. A serious oversight has occurred when studies and statistics show a large portion of children that are not covered by medical insurance.

Nationally, over 11 million of our nation's children—one in seven of those children living in the United States are uninsured. Two-thirds of these children live in families with income below 200 percent of the poverty level ($33,400 for a family of four in 1999).

Many escape through the cracks simply because they do not fit the description policy makers have in regards to poverty. Low-income uninsured children typically live in two-parent, working households and have little contact with the welfare system.

In the same instance, families who are below standard income have the misfortune of being undereducated regarding the health benefits they and their children have access to through their entitled aide. Forty-one percent of parents of these eligible uninsured children postponed seeking medical care for their offspring because they could not afford it.

A much-needed solution for adolescents who need insurance comes in the form of Medicaid and the new State Children's Health Insurance Program (CHIP). These two key organizations are publicly funded health insurance programs that offer coverage for low-income adolescents.

These programs enacted by Congress more than thirty years apart, both augment and complement each other. While each has distinctly different characteristics, together they offer a powerful opportunity to reduce the percentage of uninsured adolescents in the United States and to increase adolescents' access to health care.

I must ask that as my colleagues deliberate this week on the real and necessary benefits of the defense appropriations to our nation's security, that they also consider the benefit to domestic security, which is created by their support of health care for all of our nation's youth.

Medicaid provides health insurance coverage for more than 40 million individuals—most are women, children, and adolescents—at an annual cost of about $154 billion in combined federal and state funds.

Eligibility for Medicaid is determined by each state according to its specific guidelines. However, the federal government specifies the mandatory eligibility categories and the optional eligibility categories.

Medicaid is significantly affected by several of the mandatory and optional eligibility categories.

The State Children's Health Insurance Program made available approximately $48 billion in federal funds over ten years to help states expand health insurance coverage to low-income children and youth.

Federal law permits states to use CHIP funds to expand coverage in three ways: through Medicaid expansions; state-designed, non-Medicaid programs; or a combination of these two approaches.

SCHIP, is funded with federal block grant dollars and state matching dollars, as a health insurance program for children in families who make too much money for Medicaid, but who cannot afford other private insurance options.

SCHIP has extended coverage to an additional 2 million children who do not qualify for Medicaid. Yet millions of children are believed to be eligible for these programs, but remain uninsured.

Uninsured youth will benefit from Medicaid and CHIP only if the states in which they live chose to extend eligibility and if states then work to enroll them. This requires more than working with funding for these programs. It entails communicating to the community that needs the service that something is available.

SCHIP benefits depend heavily on program design and state discretion. States currently cover children whose family incomes range generally from below the Federal poverty level (FPL) to as high as 300 percent of poverty.

Even when adolescents are enrolled in insurance programs that provide comprehensive benefits, a number of other factors influenced whether adolescents actually receive the services they need. These include affordability, confidentiality, and availability of providers with expertise and experience in caring for adolescents.

In Texas the rate of uninsured is higher than any other state in the country. In particular Texas has the second highest rate of uninsured children in the nation. In an attempt to combat this high rating the state of Texas has combined the options available to states in order to expand health insurance coverage. This combination includes expansion of Medicaid and state-designed, non-Medicaid programs.

Texas covers children whose family incomes range from below the FPL to 200 percent of poverty. The Federal government allows coverage to children as high as 300 percent.

TEXAS—STATISTICS

Texas has the highest rate of uninsured in the country.

Texas has the second highest rate of uninsured children in the nation.

There are 1.4 million uninsured children in Texas—600,000 are eligible for, but not in Medicaid; nearly 500,000 qualify for CHIP.

Texas attempt to combats the number of uninsured children by combining the options available to states in order to expand health insurance coverage. Texas' combination includes the expansion of Medicaid and state-designed, non-Medicaid programs.

At present time, there is a need for eligibility reforms and aggressive outreach for low-income health programs in Texas.

Texas is at the bottom of retaining low-income kids on Medicaid since welfare reform in 1996.

193,400 Texas children fell off the Medicaid rolls during the past three years, a 14.2 percent decline.

Medicaid data collected finds an increase in the number of people enrolled in Medicaid in June 1999 compared to June 1998, but the magnitude of this success rate is dampened due to the decline of Medicaid in nine states—one of them was Texas.

The status quo in Texas is that children (up to age 19) in families with incomes at or under 100 percent of the federal poverty income level (FPL, $14,140 for a family of 3) can qualify for Medicaid.

Drop the requirement for face-to-face application/re-certification interviews for children's Medicaid. (Allow mail-in applications.) This is not required by federal law, and 38 states plus the District of Columbia allow mail-in application for children. Three states also allow community-based enrollment outside the welfare office.

Adopt and publicize for children's Medicaid the same simple, flexible documentation and verification options used for Texas CHIP. To make a joint mail-in application feasible, children's Medicaid and CHIP must accept the same documents for income and other required verifications. Children's Medicaid documentation should be identical statewide, to make a true joint CHIP-Medicaid mail-in application possible. Federal law allows states to reduce income documentation for children's Medicaid in any way, or even to eliminate it in favor of using third-party verification. Seven states require no income documentation for children's Medicaid.

To avoid a logistical nightmare for both the state and parents, Texas should as quickly as possible implement changes in children's Medicaid eligibility. Without these critical changes, enrollment will be difficult and complex for the many applicant families that are referred to Medicaid—many of whom will have one child eligible for CHIP, and another eligible for Medicaid. States already implementing CHIP report that large proportions of applicants end up in Medicaid. The changes needed are as follows:

Eliminate the assets test for children's Medicaid. Texas now makes parents of Medicaid-eligible children document not just income, but also the value of savings, IRAs, automobiles, and valuables, etc. The test is not required by federal law, and 40 states plus the District of Columbia have already dropped in for children.

Recent federal law changes allow states to cover parents in families with children up to any income limit the state chooses.

Texas has been given the choice to adopt less restrictive methods for counting income and assets for family Medicaid; for example, states can increase earned income disregards, and alter or eliminate asset tests.

Texas has been slow compared to other states in implementing CHIP.

Children enrolled in Texas CHIP will get a comprehensive benefits package—includes eye exams and glasses, prescription drugs, and limited dental check-ups, and therapy.

CHIP does not serve as an alternative to Medicaid for those families, who based on their income, are eligible for Medicaid.

Adopt 12-month continuous eligibility for children's Medicaid. Children enrolled in Texas CHIP stay enrolled for 12 months, regardless of any changes in income during that period. In Texas Medicaid, parents must report any income change within 10 days, and Medicaid is cut off the next month if the new family income is too high for Medicaid. Twelve-month eligibility for Children's Medicaid is a state option Congress created when it passed CHIP. This was done in an effort to allow for identical policies in Medicaid and CHIP, and promote continuity of health care. Fifteen states have adopted continuous eligibility for Children's Medicaid, and Ohio will begin the policy July 2000.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentlewoman very much.

I yield to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentlewoman for yielding.

Let me first start out by commending the gentlewoman for having this Special Order to talk about the CHIPs program and the need for greater access to health care for children in this country. As the gentlewoman knows, back in 1997, we were part of an effort to start the CHIPs program, this was a Federal effort. I was pleased to be a member of the House Committee on the Budget when the 1997 Balanced Budget Act, the reconciliation bill, was crafted and ultimately passed and signed by the President. I think there is a certain amount of credit that is due the President as well for his steadfast support for this program.

It is correct that unfortunately, our State, and as a proud Texan I have to say it is unfortunate that our State was a little late in getting a CHIPs program up and running. The legislature, which meets biennially, did not get a chance to take this up or did not choose to take this up until 1999.

I think it is a little ironic when some of us were saying that the legislature should move on this, that the governor perhaps should call a special session to address this very popular bipartisan program, that with fear that Texas might ultimately lose some funds, we now see that the other body has decided to borrow from some of the funds that Congress set aside back in 1997 from the tobacco tax for this. We do know that Congresses have a way sometimes of borrowing and failing to repay those funds. So I am a little nervous that Texas might lose out as a result of that.

Mr. Speaker, I watched with great interest when our legislature had the debate over whether to cover at 150 percent or 200 percent of the poverty level. I think the legislature, under the leadership of Speaker Pete Laney, did the right thing in going to 200 percent, and that will begin to address what is really a health care crisis in Texas and a health care crisis across the country with uninsured children.

When we were doing the 1997 act, we estimated that there were 10 million children across the country without insurance; about 3 million of those are Medicaid-eligible children and the rest are children of working families who make too much money to be in the Medicaid program but do not get health insurance through the workforce or choose not to take it but cannot afford to buy it on their own.

Now, with respect to that, as my colleague from Houston just talked about, in terms of the Medicaid program, there is no question that we could do a much better job of enrolling children in Medicaid. I have offered, and I think the gentlewoman is a cosponsor, a bill, H.R. 1298, that would give schools the ability to grant presumptive eligibility for children who might be eligible, who are eligible for Medicaid, in the same way that the 1997 act gave that to Federal health care workers.

Our colleague, the gentlewoman from Colorado (Ms. DEGETTE) has a bill that would extend that same ability to grant presumptive eligibility to what are called SCHIP workers, State Children'S Health Insurance workers as well, so that we would have the ability of not only enrolling children in the CHIPs program, but also enrolling those children who are Medicaid eligible in the Medicaid program.

One of the unfortunate facts of our home State of Texas is that we lead the Nation in the number of Medicaid-eligible children who are not enrolled in the program, about 800,000 kids in Texas who should be in the Medicaid program.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, reclaiming my time, there has been a whole legislative session that has come and gone since these dollars have been available, and as of May 21 of this year, we had not used any of the dollars allocated for Texas. Can the gentleman think of any reason why we have denied these children the right to health care when there is nothing standing in the way between them and health care enrollment?

Mr. BENTSEN. Mr. Speaker, if the gentlewoman would yield, we hear from some that we should not be passing new laws, we ought to be enforcing the laws that we have, but sometimes we find from some of the people who say that they are not enforcing the laws that are on their books, and this is one that ought to be enforced.

That gets to the point that I was making on Medicaid, why this is important. I represent the largest medical center in the world, has the largest children's hospital, Texas Children's Hospital, in my district. They have an emergency room that was built I think for something along the lines of 20,000 emergency room visits a year. They get about 60,000. Why do they get so many? They get so many because they have a lot of children who do not have health insurance who are getting ambulatory care, who are getting primary care in the emergency room.

What is wrong about that? Well, one, it overwhelms the system, but the other problem is the cost structure. As the gentlewoman well knows from her professional career before Congress, the cost structure is much higher in the emergency room. A lot of these kids who could have gotten more preventive care if they had been receiving regular primary care, and from the Federal standpoint, and this is something that those of us in the Congress, as stewards of the Federal taxpayer and the budget, should be concerned about is the way that is funded are two ways.

One, it is funded by the hospitals picking up the cost any way they can, and the other is the Federal Government picks up 100 percent of the tab through the disproportionate share program.

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This becomes a big problem, because the States share the Medicaid program with the Federal government, as the gentlewoman knows, and at least they could be picking up 40 percent of the tab for these 800,000 kids in Texas who ought to be in the program, rather than having the Federal government pick up the entire tab.

As the gentlewoman knows, we reduced the Medicaid DSH program in the 1997 Act. We were able to hold the line in Texas because of the good work she did and others in the delegation. But it only makes sense that we ought to enroll these kids in the Medicaid program, we ought to get full enrollment in the CHIP program. In the long run, it will be cheaper than having to continue to fund huge dollars through the DSH program.

Beyond the bottom line aspect, it is the right thing to do, because we want to have healthy kids in Texas, we want to have healthy kids across this country. It is the compassionate conservative thing to do, but it is not enough to care. It is to care enough to do it.

The gentlewoman is on the right track with her special order. We have much more work to do in this area. We need the leadership to get this done, to get these kids enrolled, to make the changes in the Medicaid law so that we can get more kids in there, and we will have a healthier and a stronger society by it. I commend the gentlewoman for having this special order.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the gentleman from Texas (Mr. GREEN) could not be here, but he left a statement. I notice in the statement, in his congressional district, which is also in the Houston area, at least 70 percent of the children in the Aldine School District rely on the school nurse for primary health care services, or as their initial health care provider. That does not have to be, and it should not have to be.

We have too many children who are not getting any kind of attention in Texas. We cannot allow this to continue. It is ironic that we talk about how great we are, this big, wonderful State, with the greatest prosperity in the history of the State. We have all of these children starting out, without the availability of health care, a full life perhaps with chronic illnesses because they do not have access to the care that they deserve, and they can have it. They would have it if we had a Texas government that had enough compassion to enroll them in the program.

Nobody wishes to be poor, no one wishes to be uneducated, no one wishes to be a long ways from various health care outlets. But when that happens, the entire State ought to have access to that care. They need to be informed and they need to be enrolled. This is simply not the time to turn our heads and pretend this is not going on. It is not the time to simply say to poor kids, get back, be quiet, you might make us look bad.

We have got to give attention to these poor kids who are kids of working parents, low-income parents, who do not have access to health care that taxpayers are willing to pay for. The money is available. Texas has access to the money and refuses to use it. Is that compassion, I ask the Members? Is this America? This is not what we stand here and fight for, and what we fund each day.

We tried to be very sure that when welfare reform came, that our poor kids would not fall through the cracks. We did our part at this level. It is time for the State of Texas to look up and acknowledge that though we have much wealth, we have the largest number of poor kids being neglected. In a State where you can hardly breathe the air, we have kids who are getting their lungs injured every day simply because they do not have access to care that has been paid for. We simply refuse to use it.

Mr. Speaker, I call upon all of my colleagues to join me in making a plea to the State of Texas, my home State. I was born in the State and I know the State. I served there in the House and in the Senate. This callousness must not continue, and certainly we must not allow it to spread in this Nation.

Mr. Speaker, I include for the RECORD the statement of the gentleman from Texas (Mr. GREEN).

The statement referred to is as follows:

Mr. GREEN of Texas. Mr. Speaker, it is hard to believe that, here in the world's richest country, one in seven American children does not have health insurance.

Yet, in the midst of our Nation's longest and strongest economic expansion, the health of over 11 million of our children is being jeopardized.

In the Houston region, over a quarter million children are uninsured.

In my Congressional district, at least 70% of children in the Aldine Independent School District rely on the school nurse for primary healthcare services or as their initial healthcare provider.

Our children deserve better.

Congress created Medicaid, and later the new Children's Health Insurance Program (CHIP), to offer coverage for low-income children.

These two programs are an investment in good health—an investment that pays dividends in the long term because prevention saves taxpayers money.

They have reduced the percentage of uninsured children and parents in the United States. And, they have increased access to quality health care services.

Medicaid provides health insurance coverage for more than 40 million individuals—mostly women, children, and adolescents—at an annual cost of about $154 billion in combined federal and state funds.

Eligibility for Medicaid is determined by each state according to its specific guidelines.

States have wide discrepancy in determining what optional benefits will be given, who will be eligible for those benefits and the procedure used to grant the benefits.

While Medicaid has benefited the poorest of the poor, it has not been able to address a second group of uninsured—the working poor.

In 1997, Congress passed the Children's Health Insurance Program or CHIP, which made available approximately $48 billion in federal funds over ten years to help states expand health insurance coverage to low-income children and youth.

Federal law permits states to use CHIP funds to expand coverage in three ways: through Medicaid expansions; state-designed, non-Medicaid programs; or a combination of these two approaches.

CHIP, funded with federal block grant dollars and state matching dollars, is a health insurance program for children in families who make too much money for Medicaid, but who cannot afford other private insurance options.

CHIP has extended coverage to an additional 2 million children who do not qualify for Medicaid. Yet millions of children are believed to be eligible for these programs, but remain uninsured.

Uninsured children will benefit from Medicaid and CHIP only if the states in which they live chose to extend eligibility and if states then work to enroll them.

States currently cover children whose family incomes range generally from below the Federal poverty level (FPL) to as high as 300% of poverty.

While some states moved very quickly to insure low-income children, Texas did not. In the first year in which funds were available, the State of Texas expanded Medicaid coverage for children at or below 100 percent of the federal poverty line.

This resulted in 58,286 children ages 15–18 having insurance. More than 102,000 remained uninsured, even though they were eligible for coverage under the old federal Medicaid rules. This was a very slow start.

However, thanks to the efforts of the Texas Legislature during the 76th Legislative Session, our state is making progress.

Because of the efforts of Senator John Whitmore and Representative Kevin Bailey, Texas created a separate children's health insurance program for children at or below 200 percent of the federal poverty line.

This will provide health insurance for 500,124 Texas children through age 18. In my region, this means 90,802 children will have health insurance.

While this is a good development, we still have a long way to go.

Other states are further along in providing health coverage for children. In the first year of the program, Texas expanded coverage for 58,286 children. By comparison, Alabama enrolled 38,980 children; California enrolled 222,351 children; Florida enrolled 154,594 children; Georgia enrolled 47,581 children; Massachusetts enrolled 67,852 children; Missouri enrolled 49,529 children; New Jersey enrolled 75,652 children; New York 521,301 children; North Carolina enrolled 57,300 children; Ohio enrolled 83,688 children; and South Carolina enrolled 45,737 children.

Of the states that chose to create a separate children's health program, many are extending coverage to more children than is Texas, including California at 250 percent; Connecticut at 300 percent; New Jersey at 350 percent; Vermont at 300 percent; and Washington at 250 percent.

Texas can do more. And we should do more. We have the highest rate of uninsured persons in the country.

And, Texas has the second highest rate of uninsured children in the nation. Over 41% of parents of eligible uninsured children postponed seeking medical care for their child because they could not afford it.

There are 1.4 million uninsured children in Texas—600,000 are eligible for, but not in Medicaid; nearly 500,000 qualify for CHIP.

Texas covers children whose family incomes range from below the federal poverty level to 200% of the federal poverty level. Yet the Federal government allows coverage to children as high as 300%.

Texas, like the rest of the nation, could do more to conduct an aggressive outreach to ensure that eligible children receive the services they need.

New outreach is clearly needed—now, more than ever. Like many states, after federal welfare reform was enacted in 1996, we saw a huge drop in the number of persons applying for and participating in Medicaid. 193,400 Texas children fell off the Medicaid rolls during the past three years, a 14.2% decline.

Because these two programs are no longer linked, many lower-income persons do not realize that they are eligible for health insurance.

Unfortunately, Texas is the worst state in the Nation in terms of retaining low-income kids on Medicaid.

And, a recent New York Times article shows that Texas has used none of the federal funds it is entitled to for outreach. We can do better.

Why are so many persons not receiving the Medicaid and CHIP services they're entitled to?

Red tape burdens the neediest families in Texas.

Medicaid program eligibility requirements in Texas include:

A Face-to-face interview

An Asset test

No continuous eligibility—families must periodically re-enroll

No presumptive eligibility—even if families have proven that they are eligible for another program with the same income guidelines, they must go seven states (Texas included) expanded coverage to only 100 percent of the as quickly as possible implement changes in Children's Medicaid eligibility.

Texas can take steps now to reduce it's state government bureaucracy. For example, the state could:

Eliminate the assets test for children's Medicaid. Texas now makes parents of Medicaid-eligible children document not just income, but also the value of savings, IRAs, automobiles, and valuables.

The test is not required by federal law, and 40 states plus the District to Columbia have already dropped it for children.

Texas could also drop the requirement for face-to-face application/recertification interviews for children's Medicaid and allow mail-in applications.

Thirty-eight states plus the District of Columbia allow mail-in application for children. Three states also allow community-based enrollment outside the welfare office.

Texas could adopt for children's Medicaid the same simple, flexible documentation and verification options used for Texas CHIP. To make a joint mail-in application feasible, children's Medicaid and CHIP must accept the same documents for income and other required verifications.

Federal law allows states to reduce income documentation for children's Medicaid in any way, or even to eliminate it in favor of using third-party verification. Seven states require no income documentation for children's Medicaid.

The state could adopt 12-month continuous eligibility for children's Medicaid. Children enrolled in Texas CHIP stay enrolled for 12 months, regardless of any changes in income during that period.

In Texas Medicaid, parents must report any income change within 10 days, and Medicaid is cut off the next month if the new family income is too high for Medicaid.

Texas could also adopt twelve-month eligibility for Children's Medicaid—this continuous eligibility is a state option Congress created when it passed CHIP. Fifteen states have adopted continuous eligibility for Children's Medicaid, and Ohio will begin the policy in July 2000.

Hopefully, my colleagues in the state legislature will consider some of these ideas as they continue their push to expand health care to the uninsured.

Thanks to their efforts, Texas has done many good things in the past year to reduce the number of uninsured children. We can certainly do more. I am hopeful that successful state partnerships like Medicaid and CHIP will be used by the state to their full potential.

EDUCATION IN AMERICA AND PUBLIC SCHOOL REFORM

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, I intend to be joined here in a few minutes by the gentleman from Michigan (Mr. HOEKSTRA) and possibly some other Members of the House as well.

Mr. Speaker, we had the occasion today of holding a field hearing in St. Paul, Minnesota, and I want to talk a little bit about the content of that hearing, and also some other issues that are critical with respect to education in America in and public school reform in general.

Mr. Speaker, the hearing was held, as I mentioned, in St. Paul this morning. It was conducted by the gentleman from Michigan (Mr. HOEKSTRA). The subcommittee that conducted the hearing was the Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce, the committee that deals with most of the investigations not only that we have conducted with respect to waste, fraud, and abuse in the Department of Education, but also focusing on research and investigation into different innovative activities in public schools; finding out what works, for example, and what does not work; finding out and learning more and witnessing firsthand some of the innovative ideas that are taking place throughout the fifty States under the leadership of Governors and State legislators and other more local leaders.

Today we met with the Superintendent of Schools and some State legislators and some others who are leading the way in education reform and providing some great examples in the State of Minnesota. That just adds, Mr. Speaker, to the collection of data and information that we have been assembling from throughout the country. The subcommittee has been now to 21 different States analyzing the various education reform efforts that are taking place in those States.

One of the topics that was discussed at great length this morning at the hearing was charter schools. Charter schools really got their start in the State of Minnesota. The idea had been discussed and had been bantered around in the halls of State legislatures throughout the country from time to time prior to that. I think it was in 1991 that Minnesota became the first State to pass charter school legislation.

Charter schools are public schools. They are still funded by the government, run by the government. In fact, they are owned by the government, but they are managed and operated often in different ways, largely defined by a specific contract or a charter, as it is called; hence the name "charter schools."

That contract is one that is usually proposed by a group of parents, sometimes a group of teachers, sometimes an organization of some sort. In many cases, charter schools are established by existing public education institutions that find particular difficulty with the policies, rules, regulations, or funding mechanisms of the State they are in or the district that they fall under. That usually constitutes the need or the origin of the charter.

What motivates these groups and these operations or individuals and parents to venture off on their own and try a new way of educating, trying to, for example, break the mold of education delivery in a community, it is often motivated by test scores that are insufficient to meet the needs of the parents that consider charter schools.

Sometimes it is a management-related issue. In many cases we have heard, for example, there is a strong desire to treat teachers like real professionals. Too often the union wage scale that is at play in most States around the country prevents teachers from being treated like real professionals. Consequently, most teachers are paid in a way where the absolute best teacher in a district is compensated on the same basis as the absolute worst teacher in a district.

So often we find education professionals and parents who believe that their children learn best in a professional learning environment, where teachers are treated like professionals rather than all treated the same, as though there is no distinction between them.

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Charter schools are flourishing throughout the country. We are seeing more and more of them. That is certainly the case in Minnesota, as provided in the testimony to the committee today. I think they said there are somewhere on the order of 60 or 70 charter schools, somewhere in that neighborhood, I do not remember the number exactly, charter schools that exist now in Minnesota. Some have closed, which is something that we should actually focus on a little bit tonight.

These charters, these contracts, are usually for a limited duration and period of time, at the end of which the contract ends or expires and must be renewed between the charter applicant and the school district. If the charter has met all of the objectives and the goals that it outlined in the original application, then the charters presumably will be continued. Sometimes there are political battles that prevent that from occurring, but for all intents and purposes they are generally approved if they met the objectives that they initially set out to achieve.

But if a charter school fails to meet those objectives, they frequently find themselves shut down, put out of business. Often it does not even take that long for the renewal question to be raised. Often it comes down to a matter of cash flow. If charter schools cannot satisfy customers, in other words if they cannot satisfy the parents of those children, who care about them the most, in a way that convinces those parents that the education of their child is being accomplished, well, then they simply go somewhere else and the cash flow dwindles and the charter school cannot survive.

It is always unfortunate to see a school fail, but it is important that it occur. And that competitive notion, that level of accountability placed in the hands of parents, rather than the hands of government workers, is what makes all the difference in this particular venue of education reform; and it is why charter schools work well generally throughout the country, and why almost every charter school in America has a substantial waiting list of customers that would like to be educated in those schools.

That is the case in Minnesota as well. When a charter school fails or does not meet those objectives, the doors close. So the question ought to be for all of us here, if we look at charter schools as these microcosms of education research, of experimentation at some times certainly, but as laboratories of sorts where different educational methods are tested, we ought to also consider the customer-driven impacts that charter schools are subject to and ask ourselves when will we ever start applying the same kind of standards to the rest of government-owned schools in general?

Mr. Speaker, what I mean by that is that when a regular government-owned or public school fails to meet the needs of local parents and raise the academic standards and the opportunity for children, those are kind of handled administratively. But the children who are in those schools are frequently trapped there, their parents having virtually no opportunity or no choice to go somewhere else or leave. Consequently, there really is no recourse for those parents; no consequence for a school that is not meeting the needs of its community.

So we ought to ask ourselves why, if charter schools and the presence of competition and parent-driven measurements of quality results in about 4 percent of charter schools failing, why is there no equivalent measurement with the regular government-owned schools? And that is something we ought to explore and we ought to perhaps provide. Because what really drives the agenda in regular community schools and government-owned institutions and neighborhoods, regular public schools as we know them, is the particular attributes that are assembled there: the principal that was assigned there by the district and the teachers that were hired there by a school district. Then the parents of the children who happen to live in a particular neighborhood pick these school for a variety of reasons.

The school curriculum, the way it is managed, the way it is organized, and the way it is funded frequently have little to do with why a family decided to live in a neighborhood, let alone be enrolled in a particular education establishment and education institution.

So it was an interesting hearing because the message that was given to members of the subcommittee was that Washington ought to go slow when it comes to charter schools. Charter schools were created at the State level. They were inspired by local initiative. They were a response to the demands of customers and the responsiveness of State legislators, primarily, in Minnesota, California, and Colorado and in other States since then, those early days in the early 1990s.

Mr. Speaker, it is a response that is working and is providing a remarkable education opportunity for many, many children across the country.

"Keep your hands off of these schools for a while," is the way I would summarize today's message on charter schools. There are efforts here in Washington to try to address some of the problems that charter schools are confronting, namely start-up costs and getting themselves off the ground. Finding a way to organize an education institution from scratch is a very difficult endeavor indeed. Finding a building to house a charter school is a critical challenge as well.

So there is a temptation on behalf of those of us here in Washington who want to see charter schools succeed to reach into the Federal coffers and find ways to get funds from Washington, D.C., to help these local problems; and that is a good problem to be concerned about. That is a sentiment that I find gratifying; and I am encouraged by it, that there are people here who want to help charter schools.

But the concern voiced today on behalf of those who actually run those schools was one of appreciation for Federal concern, but a well-placed fear of the mandates that typically follow the Federal funds that come out of Washington.

I say a "well-placed fear" because that is the history, in fact, of the Federal involvement in education. Every time something good happens in education, people here in Washington want to celebrate it and then become a part of it, and politicians just cannot resist the temptation for claiming credit for it. The best way people have in Washington, it seems, to show compassion and concern for something that works well is by dishing out lots of cash. Ultimately, the cash gets attached to Federal rules, Federal guidelines, Federal regulations and pretty soon that enterprise that was a good idea, that started out as a remarkable reform, perhaps a transformation of education, becomes co-opted by the Federal Government.

That was the concern voiced by some of the most forceful charter school advocates that we heard from this morning in our hearing in Minneapolis.

Mr. Speaker, the gentleman from Wisconsin (Mr. RYAN), my colleague, has joined me on the floor. He has heard a little bit of the discussion, and I yield the floor to him.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Colorado (Mr. SCHAFFER) for his leadership on education in the Committee on Education and the Workforce. He is one of the bright, shining stars in Congress on pushing for education reform. I just wanted to come down and join him in this discussion about education. Specifically, about the kinds of unfunded Federal mandates that we are imposing on our local school districts.

This week, Mr. Speaker, we are going to be considering the Labor-HHS-Education bill. That is the bill that funds all the Federal Government education programs. Well, what I find is unique and interesting is that for the last 30 years we have been doing this, and then some, is that in 1975 Congress passed a law, a good law, the Individuals With Disabilities Education Act. Everybody calls this IDEA. Well, what that law basically did was to say that all children with disabilities should receive a quality education.

That is a very prudent measure, and a law that I think the gentleman from Colorado and I both support. But what they did in that law was say that the Federal Government would fund 40 percent of IDEA spending in our local schools and that the State government would then fund the remaining 60 percent. So a local school district would not have to pay for the educational mandate being imposed on local school districts.

Mr. Speaker, that was 1975. That just is not the case today. Today, in the First District of Wisconsin, Janesville, Beloit, Racine, Kenosha, they are getting about 7 percent of the funding for IDEA. Now, nationwide, the average is about 12 percent, because this Congress and a couple before have doubled the commitment to IDEA under the new majority in Congress. But that is just not enough.

Mr. Speaker, I would like to give a quick illustration of what this unfunded mandate does to our local schools. Many of us, and I know the gentleman from Colorado is a leader in this, are advocates for local control. I, and many others, believe that the educational decisions should best be left to those who know our children the best: teachers, parents, administrators.

As a former Secretary of Education, Bill Bennett, once said: "Education is the moral obligation and responsibility of the parent, the ethical responsibility of the teacher, and the constitutional responsibility of the State."

But an education with respect to IDEA, it specifically is a Federal mandate that forces our local schools to pay for this. But when the local school districts come in and have to pay for this, where is Washington? In my case, where is Madison, the State government? They are nowhere to be found. Local school districts are being stuck with the bill.

What this means is that local control is atrophying. Local control is being sucked out of our schools because our local school boards or property taxes are being driven toward chasing unfunded mandates from Washington.

In a State like Wisconsin where we have a revenue cap on education spending and our education budget, it is even felt more. So when we have a revenue cap on what we can spend on education, on how high property taxes can go, and then Washington comes along, as it is doing, and imposes this mandate, a very costly one, a prudent one, but a very costly one, and does not live up to its end of the bargain, what we do is take every dollar out of those local education needs and put it towards chasing an unfunded Federal mandate.

So every time Madison and Washington impose this mandate on our schools on a year-to-year basis, every time a school board in Janesville, Wisconsin, wants to come up with a new innovative program, a new innovative idea to treat the unique needs and problems of our schools in Janesville or Beloit or Kenosha or Colorado, every dollar we send is a dollar taken out of local control, a dollar taken out of that local resource decision-making.

By imposing these unfunded mandates, as we are doing in IDEA, on our local school districts, we are taking money away from local decision-making.

Mr. SCHAFFER. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from Colorado.

Mr. SCHAFFER. Mr. Speaker, that was the second point I wanted to get into, because we also heard today at that subcommittee hearing in St. Paul from State Representative Alice Seagren of the Minnesota House of Representatives. Alice was a very articulate spokeswoman for not only the charter school movement, but when it came to the discussion of whether the Federal Government ought to provide additional funding for school construction at the local level.

She said, "That is a nice thought and we appreciate the sentiment, but if you really want to help our schools, fully fund the mandate under the IDEA."

Going back to the 1970s, the gentleman is right. This is a mandate that was really handed down by the Supreme Court. And for those of us who are conservatives, and we are now joined by the gentleman from Michigan (Mr. HOEKSTRA), as the three of us here are, we believe that the role of the U.S. Department of Education ought to be minimal when it comes to managing our local schools. The IDEA program is probably the one Federal program where we have an obligation to put the cash forward for it, primarily because the Supreme Court has interpreted the Constitution in a way that suggests we have to.

But the gentleman is right. What started out as a program where the Federal Government promised to fund 40 percent of the total cost of implementing the Individuals With Disabilities Education Act, under the Clinton and Gore administration that percentage was dropped all the way down to 6 percent. We fought for the last 5 or 6 years here as a Republican majority in the House and in the Senate to bump that up. We have got it up to I think it was 12 last year. It is scheduled to go up to about 15 this year. But it is still far short of the 40 percent.

Mr. Speaker, getting us up to 40 percent ought to be our top priority, and I know we are all united in our agreement on that point.

Mr. RYAN of Wisconsin. If the gentleman would yield, so when the gentleman is saying that the President, the Clinton administration dropped the commitment to the Individuals With Disabilities Education Act, did general Federal education spending drop at the same time?

Mr. SCHAFFER. Not at all. General education funding has increased dramatically. But the priority of this one mandate that the Supreme Court has tasked this body with funding has gone in the opposite direction and has actually been reduced in funding.

Mr. RYAN of Wisconsin. What we have been seeing with this administration, and the gentleman should correct me if I am wrong, is the fact that they have lessened our commitment. They have gone away from funding the unfunded mandate we are imposing on local schools, to funding more Federal education programs that have even more strings attached to them, which tie the hands of local education decision-makers, and give us even more unfunded mandates in our schools?

Mr. SCHAFFER. Mr. Speaker, the gentleman is precisely right. One of the expert witnesses we heard from today, Dr. Karen Effrem, who is an M.D., a pediatrician, put that figure at about 70 percent Federal mandate percentage. She said, paraphrasing her words: essentially, what Washington is doing to States is providing somewhere around 6 to 7 percent of the total funding that actually gets to a classroom, and in exchange for that is attaching about 75 percent of all the rules, regulations, and mandates that a local school has to deal with.

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So the effect of the Clinton-Gore administration in Washington on education is just as the gentleman from

Wisconsin (Mr. RYAN) has described. It has been one to pump more cash into the Department of Education, not to classrooms, but to the Department, the bureaucracy, to spread that bureaucracy wider and to more and more Federal programs, none of which work very well. I might add that the end result at the end of the day is that the few important legitimate programs that Washington ought to be concerned about, Individuals with Disabilities Education Act being primary, is diffused in this morass of waste, fraud, and abuse of bureaucratic expenditures. The taxpayers are getting very little for their education funding when we talk about dollars that come to Washington.

Our goal is to try to shrink the size of the Federal government, reduce its influence on managing the day-to-day activities in classrooms, and give the resources to where the local leaders tell us they need it most, Individuals with Disabilities Education Act being paramount.

Mr. RYAN of Wisconsin. Mr. Speaker, I see we have been joined by the gentleman from Michigan (Mr. HOEKSTRA), another education reformer. And I would like to include the gentleman from Michigan in the conversation, but I would like to inform my colleagues of an amendment that I have pending in the Committee on Rules right now that recognizes the fact that Washington has been creating new programs, growing new programs, putting new strings on these programs, and diminishing the commitment to IDEA. I have an amendment which seeks to try and put some more money within the existing appropriations bill into Individuals with Disabilities Education Act to try and help toward funding that unfunded mandate.

What I found is if one looks at the 21st Century Learning Centers, it is a new program that started in 1995. In tracking this program, it was a program conceived of, authored by, and passed by a Republican Congressman from Wisconsin where I come from, Steve Gunderson, who is no longer serving in Congress.

He passed that program at that time to do this, to open up schools, specifically high schools, to rural areas who do not have those kinds of facilities from other means. Meaning if one is in rural western Wisconsin, one does not have a YMCA, one does not have a library or village hall, allow the community as a large to use the swimming pool of a high school, the library of a high school, the computer lab of a high school after schools, during summers. That program was funded with $750,000 to basically keep the schools open for these purposes. Guess what that is funded at now in this bill, $600 million. We have seen an 800 percent increase in the funding for the 21st Century Learning Centers.

The other point is this, Congressman Gunderson, who actually offered this, came to the committee fairly recently and said, This program does not look anything like the program I wrote when I passed it into law. This program has gone well beyond its scope and intent. This program has nothing to do with its original intent. It is overfunded. Its mandate is much, much larger. Now it is duplicating other Federal programs we have in the Federal Government from the Department of Education.

So we have another duplicative program from the Department of Education. It has gone beyond its original mandate. It has grown 800 percent in the last 6 years when we are still sending this unfunded mandate on our local school districts, and we still have kids with disabilities who are being educated, and one is almost pitting those kinds of kids against all other kids in schools when Washington continues to send this unfunded mandate to our school districts.

What my amendment would do is take half of the money from this new growing program that duplicates other programs and put it into Individuals with Disabilities Education Act, and simply say that, if we are going to be increasing programs from the Department of Education which already duplicates other programs by 800 percent, why do not we first take care of the unfunded mandates we have right now. Why do we not first pay our bills and tell our local school districts, we want you to at indicate the resources. We want you to make the decisions in our schools, in our classrooms, in our school districts.

That is why I am hoping that this amendment will be made in order by the Committee on Rules so we can have a demonstration of our commitment on the floor of Congress for trying to get to this unfunded mandate, for saying no to growing new programs, duplicative programs by the tune of 800 percent, and getting to this unfunded mandate.

Mr. HOEKSTRA. Will the gentleman from Colorado (Mr. SCHAFFER) yield?

Mr. SCHAFFER. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I, along with three of our other colleagues, had a great hearing in Minnesota today. It really builds on what we have learned. I think today was the 21st State that we have gone to, the 23rd field hearing that we have gone to people at the local and at the State level. We have asked them what is working in education and then really, and we should maybe do this in future hearings, to give us a grade as to how Washington is either helping them or assisting them in getting them and enabling them to get done what they want to get done at the local level.

I think one of the witnesses that we had today, I do not remember exactly which one it was, maybe the gentleman from Colorado (Mr. SCHAFFER) does, who said when one takes a look at the system that we have created here in Washington, of hundreds of different programs, hundreds of different mandates, and the number that we have heard today was, we get 6 percent of the money from Washington, we get 70 percent of the rules and the regulations.

That is not outlandish. I mean, consistently when we go from one State to the next, Ohio, they have documented it. They said we get 7 percent of our money from Washington, we get 50 percent of the mandates, 50 percent of the paperwork. So that is consistent from all the States that we have talked to.

But one of the people said, "Only you in Washington could come up with a system that looks like this. If you are actually focused on kids, if you were focused on results, which is kids learning, you would have a very different set of programs and requirements. Only a system that is focused on process, you know, that this is what we want to have happen and this funding stream and a system that measures process rather than kids learning is what we have created here in Washington."

Again, we heard it in Minnesota today. We have heard it at every single State that we have gone to; that is, the formula for kids' learning, parental involvement, number one. That is the key. A focus on basic academics.

Again, we have got a charter school today talking, traditional public schools talking about a focus on basic academics. You have to provide a safe and a drug-free school. You cannot have learning go on where kids are concerned about their safety or they are concerned about what their colleagues or their peers are doing in the classroom or in the hallways. You have to focus on getting dollars into the classroom. That consistently is the formula.

The gentleman from Wisconsin (Mr. RYAN) is talking about we have got this program, we have got that program, what have we learned? We learned that, when one has got hundreds of education programs, one has got streams of paperwork of bureaucracy; that every time Wisconsin, Michigan, or Minnesota sends dollars to Washington for education they have got to come back to us begging to get some of their money back.

We then give it to them. We give it to them with a whole string of mandates so they end up spending it on things they do not necessarily believe are their priorities. Instead of getting a dollar back for every dollar that they send here, when one calculates all the paperwork, all of the bureaucracy, all these types of things, we believe that at most they get 60 cents back.

Maybe sometime later as we go through the process there are some other things that we can talk about.

We can talk about exactly how effective the bureaucracy is here in Washington.

This is a Department that now, for 2 years in a row, has failed its audit, meaning that it cannot come back to Congress, it cannot come back to the American people, the people that fund this agency, and say we have been very careful in managing your money and we can tell you exactly where it goes. We know for 2 years they failed their audit. We know that for at least 3 more years, they will not be able to get a clean audit.

We all know that, in that kind of environment, there have been a number of opportunities for waste, fraud, and abuse. We can maybe outline what some of those are later on as we go through this process. Then we can also talk about what some of our priorities are for addressing this issue.

My colleagues have already mentioned one, which is let us fully fund and meet the commitments that we have made to local school districts by increasing and meeting our commitment on IDEA.

We can talk about eliminating bureaucracy and red tape through the Ed-Flex program, giving school districts more flexibility through the State, the straight A's program where we give them the money and say you decide whether you want to hire teachers, train teachers, reduce class size, or whatever, and also we want to focus on getting 95 cents of every Federal education dollar into the classroom. So there is a whole series of things that we can talk about as we continue through this hour.

I yield back to the gentleman from Colorado (Mr. SCHAFFER) to either build on some of these thoughts or on some other ideas that he may have.

Mr. SCHAFFER. Mr. Speaker, first of all, I want to express my appreciation to the gentleman from Minnesota (Chairman HOEKSTRA) for holding that hearing in Minnesota. I, as a member of the subcommittee, have benefited greatly just by having the chance to travel to many communities throughout the country and hear the various ideas that have been invented in States with respect to school reform, but to also have the opportunity to hear the frequency and the consistency of the message my colleagues just described.

It does not matter whether we are in Minnesota, in Florida, in Colorado, or in California, the message never really changes with respect to the Federal involvement in education; that is, we really appreciate all you folks back there in Washington caring about schools, but stop trying to run them from out there. You do not know the names of our kids. You do not even know the names of the schools that we have here much less know about the specific qualities of a neighborhood or the needs of a specific community.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I think the best example today was we know that most States or many States, I think it is over 30, 33, 35 States, have embarked on a charter school initiative. We have gone around and we have heard and we recognize each State is different. This week we are going to embark here in Congress on a program to help charter schools. Part of that is going to be a school construction program. The State representative from Minnesota.

Mr. SCHAFFER. That was representative Alice Seagren was her name.

Mr. HOEKSTRA. Ms. Seagren said, Before you go off on this construction program, giving us construction money, let me tell you what we are doing here in Minnesota. We do not build schools. We do lease plans. So if you come up with a construction program for charter schools in Washington, D.C., I am telling you right now that here is one State where this only does not work, it flies directly in the face of the strategy that we have put in place for charter schools in our State. So what is going to happen is people from Minnesota are sending money to Washington, and we are not going to be able to get any of it back unless we let you in Washington change our strategy for funding charter schools. We think we have got a pretty good system. We think it makes sense. It is not perfect, but this works for us, and this is what we want to do. Now, all of a sudden, to get our money back, we are going to have to change our program. Well, up until today, we did not even know that Minnesota had that kind of a strategy in place.

Mr. SCHAFFER. That is precisely right. I want to go back to the gentleman from Wisconsin (Mr. RYAN) and his proposal because I assure him, he is going to have lots of support here on the floor for an amendment that moves to fully fund IDEA at the expense of lower priorities that are funded or proposed to be funded in the education budget.

I think there will be other proposals like that, because we are a long, long way from being just up to the 40 percent. When we say full funding, we are only talking about 40 percent of the total cost of the program. This is expensive.

I do not think any of us deny that those who suffer from various, whether it is behavioral disorder or learning disability of some other case or so on, that those individuals, those students deserve an equal opportunity and access to quality education. We think that is important. That ought to be a national priority. The Supreme Court has certainly established it as a national priority.

Our point, though, is if we really believe that, if we really are sincere in our belief that all children deserve to learn, and no child should be left behind, then we cannot just come up with the rules and expect somebody else to pay. That is what is going on in America today. So we just want to get up to our commitment to pay 40 percent of the cost associated with these Federal mandates. We are not even close. We are at about 15 percent today.

But the direction of the amendment of the gentleman from Wisconsin (Mr. RYAN) is really the ultimate local control, because the tremendous cost associated with complying with the Individuals with Disabilities Education Act steals dollars from every other important priority that might exist in the State of Wisconsin, the State of Michigan, my State of Colorado, and all States. If we just focus on getting the dollars to the one priority we know we have to deal with through the concept of fungibility, that frees up funds for everything that is important.

So for those States, the gentleman mentioned the 21st Century Learning Centers earlier, for those States that believe 21st Century Learning Centers are what they want and important in that State, paying for IDEA frees up the cash to buy 21st Century Learning Centers. But in my State, it might be something else. It might be teacher pay in my State which is a high priority for us.

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Funding IDEA is a way to provide better pay for teachers. And other States they want to lower the property taxes to make it more business friendly, and fully funding IDEA frees up funds to lower the property taxes in other States.

So the key and the strength of the argument that I think the gentleman has in his favor when he comes to the floor with that amendment is that fully funding IDEA really is at the heart of local control in Washington, and it ought to be. It seems counterintuitive to some. Here we are as conservatives talking about pouring money into a program. The reason it works and the reason it is a conservative idea is because it does have a liberating effect on States. It focuses our emphasis here on Washington more narrowly than what the Clinton/Gore administration has tried to do by diffusing dollars to so many programs that do not work, and it ultimately results in more dollars getting to children, which is what we are for.

Mr. RYAN of Wisconsin. Mr. Speaker, If the gentleman will yield, the gentleman has interpreted my amendment precisely correct. I have had the opportunity as a freshman Member to have many, many, many meetings with school board members, superintendents, teachers, administrators, all the different school districts in the district I represent. I have an educational advisory board with these types of people on there, including parents and home schoolers, to talk about these issues. I get the same thing over and over, let us do our job.

Just in the district I represent, they have vastly different needs, vastly different problems. In one end, in Kenosha, you have different problems; in the other end, in Janesville you have far different problems, let alone the problems that may exist in Harlem or East L.A. or Sante Fe, New Mexico. The point is we have a very vast and different country.

We have a priority of educating our children, but the problems we are experiencing in our school districts are so different. There are so many different ideas out there, so many different solutions out there. By funding IDEA, you free up that decision-making power. So when I bring an amendment to the floor, which I am hoping the Committee on Rules will allow me to do, by funding IDEA or getting closer to meeting that mandate, you are not just voting against one program to put money into another, you are voting for all those programs out there that could be created, if school districts did not have to chase these unfunded mandates.

You are voting for freeing up the hands of parents, teachers, and administrators to get involved in their school districts, to tackle problems, to address the needs that we have in our individual school districts. As a Member of Congress, when you vote to fund IDEA, to free up those local resources, reduce property taxes, find the problems and address them. My school districts that I represent right now cannot do that. They do not have the resources to do the things they think are necessary. And you know why? It is because they are chasing unfunded Federal mandates. That is really the crux of the matter.

I noticed that all of these new programs that are coming up here in Washington through the administration and the Department of Education look pretty good to a politician in Washington. You do not get a lot of political kudos when you simply say let us put more money on unfunded Federal mandates that has been around since 1975. You get more press, you get more notoriety, you sound more proeducation, when you stand up here and have a press conference saying I have this brand new program or this new program or this new program. But what actually ends up happening is each of these new programs takes on a life of their own. They put new mandates on our local school districts; they tell the administrators how to dot every I, how to cross every T. It is a cookie-cutter, one-size-fits-all mandate on all of our schools, regardless of the uniqueness, regardless of the individual problems they may have; and it comes at the expense of funding a mandate that the Supreme Court said we have to fund, that current law says we have to fund, a mandate that we should fund.

That is why I think it is important that as we look at our spending priorities in any budget in Congress, you prioritize; and that is why I am trying to pass an amendment to prioritize this unfunded mandate before going down the road of creating new programs or expedientially increasing new programs that are actually duplicative of other programs. If we fund unfunded mandates like IDEA, you can have a safe drug-free program in every district if you wanted. You could have 21st century learning centers in every school district if you want it.

But guess what, the decision would not be made by politicians in Washington who can take credit for it. It would be made by local decision-makers, school board members, administrators, parents, teachers. That is what the whole debate is about, whether we want Washington to micromanage education or we want our local people, those who know our kids the best, the names of our schools, to manage education. That is what it is really all about.

I just want to say it is a pleasure to be here on the floor of Congress with two of the leaders in education reform, the gentleman from Colorado (Mr. SCHAFFER), the gentleman from Michigan (Mr. HOEKSTRA). They have really set the trend, set the way for education reform in America. They have wakened up the call for reform for education in America, and they have really done this country a great service by highlighting some of the waste, fraud, and abuse that is occurring at our Department of Education. I just really applaud the gentlemen for that.

Mr. SCHAFFER. I thank the gentleman for the nice comments. I appreciate that. The theme of local control is really at the core of our reform efforts that we are pushing here. I want to yield back to the gentleman from Michigan (Mr. HOEKSTRA), and I am hoping I can persuade him to reflect a little bit and share with the Members here and those that are monitoring tonight's proceedings about the testimony of John Scribante, who is the businessman who was at the hearing this morning, who started out in his testimony, I know he referred to the Minnesota State constitution which talks about the responsibility of the State of Minnesota for educating all of the children in Minnesota in order to preserve their liberty and by focusing on their intelligence. He focused on that word and underscored the word intelligence; and he said that is not skills, it is intelligence.

He spoke of the importance of the intellect and the training of the young minds of Minnesota, how critical it is to maintain their liberty, that is not an idea he thought of; but it is one that he saw fit to reference from Minnesota's State constitution. And I was moved by his patriotic compassion at one point in his testimony in which he spoke about the devastating impact that the Federal Government is having in preventing Minnesota from achieving its constitutional objectives.

I am wondering if the gentleman from Michigan can comment further on that. Go ahead.

Mr. HOEKSTRA. Mr. Speaker, I also wanted to build on the comments of our colleague from Wisconsin (Mr. RYAN) because he said some very nice things about us in awakening the call for educational reform. I do not think we have done that. What we have done is we have kind of provided an echo chamber for what people at the local level are demanding. They want their schools back. They know the names of their kids. They know what is best for their kids. Governor Carlson today talked about going back into his public school in the Bronx. We have been to the Bronx. We have had hearings there.

I do not know if we went through the litany with the gentleman from Wisconsin (Mr. RYAN) of the places where we have been; but it was almost every place that he outlined, we have been there. I mean, we have been in to Albuquerque. We have been into L.A. We have been to the Bronx. We have been to Chicago, Milwaukee, Minneapolis. We have been all over the place.

The response we continually get is from local officials and local parents, and they do not exactly say it this way; but what they do say in so many words is Washington has gotten to the point where you want to build our schools, you are going to give us 6 percent of what it takes to build a school, but we will give you the regulations to tell you exactly how to build the whole thing. You want to hire our teachers. You want to train our teachers. You want to develop our curriculum; you want to teach our kids history, set history standards; you want to teach them about art. You want to have school health clinics. You want to buy our technology. You want to feed our kids breakfast. You want to feed our kids lunch. You want to do after-school programs. You want to develop safe and drug free programs, and this is just a small litany of the programs. But after you give us 6 percent of each of the dollars required for each of these programs and you burden on a whole set of rules and regulations, then you step back and say, but other than that, it is your school.

I think, again, one of the witnesses today said that, and we were talking about the school-to-work program, it is like we have received $16 million from Washington to conduct our school-to-work program, but receiving that $16 million has really driven about a half a billion dollars of State spending, State spending that came from the Minnesota taxpayers and went to the State government. And I think this is what Mr. Scribante was talking about saying, we love our kids. We want control of our schools, and we want our schools to be focused on developing the skills of each and every child in our community. And the quote that he had from Winston Churchill, I think he is going to get us that so that we get it right, but maybe my colleague from Minnesota (Mr. GUTKNECHT) has it, but it is really saying, this battle of who controls our schools is important enough to fight and debate today, because now is when we can still have an impact, where there really is still a lot of local control, but where that has been eroding.

I will yield to my colleague from Minnesota, who maybe has the quote right there. He is smiling. He must have it. I appreciate the gentleman very much being a wonderful host today, helping us get an excellent set of witnesses. I think we had 10 or 11 witnesses in Bloomington, I guess we were at today, and just excellent testimony that I think really helped us. I yield to my colleague.

Mr. GUTKNECHT. Let me, first of all, say I thank the gentleman, and second I do not have that quote; but I do have it in my office now, and I will be sharing it from time to time. He quoted Winston Churchill, though; and I think the point was well taken.

Let me give you a simplier quote from Winston Churchill, it is one actually my wife needlepointed for me on my office wall, and it is simple, it says, "Success is never permanent. Failure is never fatal. The only thing that really counts is courage."

And what we saw today in Minnesota, and I cannot thank the gentleman enough, I left that meeting so excited about the future of education, not just in Minnesota, but around the country, because it renewed my belief that Americans do care. They care about their kids, and they want to make certain that every child, and this was what really came through with virtually all of the testimony today, that every child, whether they come from a family of privilege or a family of poverty, every child deserves a first-rate education in this country today.

The truth of the matter is, and we all know this, people on all sides of the political aisles of every spectrum philosophically, we all know that too many kids today are being cheated by the system, and we in Washington cannot completely change everything, but I think we can make some reforms. And the gentleman is making reforms, and I want to thank the gentleman for that and we see it happening.

I was so impressed, and I have worked for many years with Governor Ernie Carlson, now former Governor Carlson; but his testimony today was powerful. I think the only regret I have is that more Americans did not get a chance to actually see and hear that testimony today because it was from the heart. He grew up in a tough section of New York. He told us about PS36. He told us about what it was like when he was growing up, but the great thing was he told us what is happening today with the right leadership, with the right flexibility, allowing that new principal there to control his school, to motivate his teachers, to motivate those students; and, guess what, the results are there.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will just yield, PS36 is Public School 36.

Mr. GUTKNECHT. Yes.

Mr. HOEKSTRA. For those who may be observing or watching this discussion, not knowing what is PS36, it is a public school. It is Public School 36 that Governor Carlson went to in the Bronx. When we were there, we were not at Public School 36, but probably a very rough neighborhood, probably low income; and he talked about some of the kids who would come to school and the first thing they would get from their principal each and every day was kind of talking about what happened at night because a number of them may have had a rough night.

So it is a tough part of New York City, and this principal and this public school has gone in and they have embraced these kids and are really making a difference; and what the gentleman said, what the gentleman saw today in Minnesota, I think that is what the gentleman from Colorado (Mr. SCHAFFER) and I have had the opportunity to see around the country, is that you get to the local level, these parents, these administrators, these legislators, they have got a passion for their kids.

They absolutely have a passion for their kids, and they are kind of, you know, wanting us to get out of the way so that they can really do and help for these kids, and Governor Carlson's public school 36 is just one phenomenal example where they are having great success, not because of what we are doing, but because they are going in and taking the leadership.

Mr. GUTKNECHT. If the gentleman would yield back, and that was the thing that really impressed me, virtually everybody who testified today did not talk about preserving the status quo or protecting certain vested interest. It was not about protecting, you know, these rights and so forth. It really was all about what can we do to improve the quality of education for kids. And it was not us versus them. Unfortunately, what we hear so many times in the debate about education, both here in Washington and around the country, sort of a trench warfare mentality.

I want to congratulate Dr. Keith Dixon, who is a superintendent of schools in Faribault in my district, and he came to us from Colorado, and I was so impressed with him, because, you know, he did not get into this debate about charter schools versus public schools versus private schools. His concern was for the kids. He said to us that he really considered himself the superintendent of all of the children in the district, and it was his job to see that they got a chance. And for some kids maybe it worked out better for them and their parents that they got to charter schools.

He said some of them went to charter schools part of the day and part of the day they went to the public schools, and some went to the public schools part of the day and part of the day the private schools, but they are working out arrangements; but it is all about what is best for the kids.

Mr. HOEKSTRA. If the gentleman will yield, I thought he was a wonderful breath of fresh air in how he viewed that job, in saying, I am a superintendent for all the kids; and I recognize that, you know, my traditional public school may not be the best for all of the kids in this district each and every day, and so what I am doing is, in the business world we call it mass customization.

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He says, I am using the resources that I have been given and I am going to help parents put together a structured program that matches the needs of every child. And so, if some of the parents believe that home schooling, for whatever reason, is best for their kids, you know, if they come through and they want to use the school for band, for some extracurricular or advanced science classes, we are going to be there and we are going to open the door and we are going to work that out for the parents.

And it is the same for the charter and the parochial. It really was a demonstration of what he said, a superintendent for all of the kids in the district. And what I would guess they are doing in that district is just building a phenomenal partnership and a phenomenal loyalty in that community with all of these groups coming together, with the focal point being the kids, not home schooling, not charter schools, not public schools, not parochial schools, but they are developing a trusting relationship between all of the providers of services to these kids that says, let us keep the kids and learning at the center, let us put aside our differences and let us come together and make sure that we have a relationship that enables us to be creative to meet the needs.

I thought it was awesome testimony.

Mr. GUTKNECHT. Mr. Speaker, it absolutely was. I would bet long money and short odds that all the kids in Faribault are going to benefit from that kind of an attitude.

But the other thing I wanted to mention about Governor Carlson, he said something really profound; and that is that, for too long in public education and education in general, we have measured quality education by inputs. And he sort of reversed. Maybe it is because he came from PS-36. Maybe it is because he was State auditor. But when he was governor, he said, we better start measuring outputs. Because we have all labored under this Lake Woebegone mentality that all our children were above average, and that is not necessarily true. And when we began to actually test the students, we began to find out they were not doing nearly as well in many of the areas as we thought they were doing.

And so, we are starting to measure quality now in Minnesota not by how much we put into the process, and we put an awful lot of money in public education in the State of Minnesota, as my colleagues do in Colorado and in Michigan, as well. But we want to find out how well the students really are doing in terms of learning. And I think that if we focus on the students, if we focus on the children, and if we focus on outputs, what we are really getting out for the resources we put into it, I think in the long run the real winners are going to be the children.

So the testimony today was excellent. I cannot thank my colleagues enough. I came away charged up reminded that the Forefathers were even smarter than we thought they were when they created the system that we have today where each State becomes the laboratory of democracy.

We are seeing this happening in places like Milwaukee and in Minnesota and all around the country from governors, State legislators, private nonprofit groups. We heard from a number of them. The Executive Director of Partnership for Choice and Education spoke to us. Kids for Scholarship Fund. They are offering 1,200 scholarships a year now in the State of Minnesota to poor kids to go to the school of their choice. And we heard from some parents excellent testimony of the benefits of allowing students to have that kind of choice.

So I really came away with a renewed optimism that Americans do care about education, they do care about the children, and, in places like Minnesota, there are a lot of people doing the right things and, ultimately, the kids will be the beneficiaries.

So I want to thank my colleagues for coming to Minnesota. I thought the hearing was excellent. As I say, the only regret that I had was that we did not get more people at that hearing so more people could see what is really happening in places like Minnesota. We would love to have our colleagues come back and perhaps bring some of those folks into Washington to share with some of our colleagues what really is happening in terms of educational reform in Minnesota.

Mr. SCHAFFER. Mr. Speaker, the constituents of my colleague were perfect people to testify; and Minnesota turned out to be a perfect place to hold the hearing that we did because their comments were reflective, I think, of the same kind of comments that we have heard throughout the country.

But one of the interesting perspectives that I think we probably spend more time on in Minnesota than most other States is on the topic of the School to Work Program, which passed in 1994 by Congress. It was a program that was inspired by the Nation's desire to see schoolchildren graduating with the skills necessary to help them become more gainfully employed and ready to go to work.

And so, as classically happens here in Washington, there is a legitimate need that is identified by the country; and we throw lots of money at it in Washington. Now, this was before we took the majority. This was when the Democrats ran the House, and we saw even more of that then. But create a new program, throw hundreds of millions of dollars into a program called School to Work; and these dollars were funneled back to the States and once again the States were told, if you want your money back, you have to spend it the way we tell you to.

The School to Work Program is something that is in full force today in all 50 States. It is a mandatory program, there is no voluntary quality about it, that even from the very young ages of kindergarten starts orienting more and more students toward workplace skills. And the concern we heard voiced today was that that focus on workplace skills often comes at the expense of developing one's intellect in an academic approach to learning.

This is a complaint we are hearing more and more about. The School to Work Program, again, built around the right motives and identification of a very legitimate problem that occurs, but the solution is one that deemphasizes academic performance and academic progress in schools and moves the focus to actually an objective that is outside even the Department of Education, that includes the Department of Labor, where this morning the Medicare program is involved in School to Work. And it is kind of a comprehensive Government effort to try to change the way we have educated our children for hundreds of years in America.

Mr. HOEKSTRA. Mr. Speaker, and that is going on at the same time. I still remember the first hearing or one of the first hearings that we did. We did a run through California. And then as we were doing the education at a crossroads hearing, we also did a hearing and we did it in California and we met with a number of the college presidents or the deans of various universities in California. And it was right after this process had started and as we were gathering the data. In one of these initial hearings, the deans came in and said, you know, one of the programs that we need more funding for is for remedial education. And we kind of get a startled look on our face, and these are from some prestigious colleges telling us that they need more money for remedial education. And we hear that from two or three of these experts from the colleges and we finally say, excuse me, why does a prestigious university with high academic standards and high entrance requirements, what do they need money from us for for remedial education?

The answer is, well, 25 percent of the students that are coming to college today are not ready for college requirements. And what does that mean? It meant that they were not at an 8th or 10th grade level for reading, writing, and math. And so, it is one of those key criteria again for successful schools is, rather than overlaying a whole new system on to our education, which is focusing on developing the skills to work, the emphasis should be on teaching our kids and getting them basic academics.

We have seen that on international standards, international comparisons. We are not doing well enough on our kids learning the basics. So before we go off and try to dilute this process any further, let us focus on basic academics.

I do not know if the gentleman was in Arkansas when we went to Arkansas in Little Rock when we were at Central High School.

Mr. SCHAFFER. Mr. Speaker, I was not there.

Mr. HOEKSTRA. Again, it was fascinating. The school in Arkansas that gets some of the highest test scores, we asked them the question, Why are you getting such high test scores? Because they were the lowest funded school in the State? The answer was, We only have the time, energy, and money to focus on basic academics.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman from Michigan (Mr. HOEKSTRA) for joining us in this special order. I see we are almost out of time. I hope this topic of School to Work is one we will be able to spend more time on and explore the impact that it has had in other States. I suspect the testimony we heard in Minnesota is similar to the impact to that which we would hear from other States. And it is one example where, once again, Washington is diffusing the emphasis of education on academic learning in a knowledge-based education.

We need to stop that, really, and we need to start allowing schools to focus on what they believe to be important locally.

VARIOUS ISSUES OF THE DAY

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes.

Mr. SHERMAN. Mr. Speaker, a few minutes ago I became aware that this hour of time to speak before this House was available. I thought about it for a moment. I am confident that my presence here will not adversely affect the ratings of other cable television shows, many of which are made in our area. And so I figured I would take this opportunity even though I have not had the chance to prepare and my remarks may not be quite as crisp as I would like.

I would like to address a number of different topics that I have been thinking about, particularly over this last district work period. The first is an odd attempt by those who claim to love Ronald Reagan to rewrite the history of the fall of the Soviet Union.

We know what the real history was. The Soviet Union looked powerful. We spent on our defense, fearful of Soviet aggression and expansion, and Ronald Reagan led us in those efforts.

Our deficit grew. We tightened our belts domestically. We did so because we were told that the Soviet Union could expand, that it was powerful, that it could emerge as the most powerful nation on Earth.

In 1991, to the surprise of just about everyone both inside and outside the Soviet Union, the Soviet Union began to collapse. That is what really happened.

It is kind of disconcerting to think that all the experts in all the capitals did not foresee such an enormously important event. And experts are reluctant to admit that they cannot always see the future. But what is worse is that those who have come to idolize Ronald Reagan have started to rewrite history.

In their rewriting of history, Ronald Reagan foresaw as early as the early 1980s that, within a decade, the Soviet Union could be pushed into the dust bin of history, that Reagan knew that the Soviet Union had begun to corrode from the inside and far from being a challenge to the United States, in fact, it was a nation that could not survive.

These supposed supporters of Ronald Reagan ascribe to him an omniscience and all-knowingness, that they think is complimentary.

In fact, what these supporters of Reagan are doing are besmirching Ronald Reagan's character, attacking his honesty, and telling us that our former President is a liar to the American people.

Time and again, President Reagan came before us in this hall, I was not here, stood and delivered the State of the Union address and rallied America to spend more and more on our defense.

□ 2100

He never told us it was offense. He said it was necessary to prevent Soviet expansion, not some secret plan to force the Soviet Union into collapse. Ronald Reagan came before the American people and told us the Soviet Union was a powerful threat and would remain so for quite some time. He urged us to embark upon military expenditure projects, some of which would last a decade or 2 decades because, he told us, the Soviet Union was a threat. Now, those who claim to be Ronald Reagan's ideological descendants, some who claim to be his friends, tell us it was all a lie, that Ronald Reagan knew that the Soviet Union had corroded from the inside, that he knew that these expenditures were not necessary to defend us but rather were part of a secret plan to force the Soviet Union to spend more and more on its defense in a dangerous game in which the Soviet Union would be faced either with the prospect of launching a nuclear strike or consenting to an arms race that it could not win, an arms race launched against it by a Reagan administration with a secret plan to drive it into destruction. Ronald Reagan never told us that we were engaged in such an effort. Ronald Reagan never told us that we were trying to push the Soviet Union to destruction, that they would face a moment at which they would blame us and would realize that either they would launch a military strike or go into the dustbin of history.

He never told us this, because he never believed it; and the Soviet Union in its dying hours did not believe it, either. The Soviets knew that their system collapsed of its own weight. Only retroactive American arrogance would say that the other superpower collapsed because of something we did here in Washington, D.C.

The fact of the matter is Communism does not work, and in the last decade or two, both Communist giants have ceased to embrace their ideology; and without that ideology they have ceased to be exporters of Communism, ceased to have confidence in Communism, and it has shaken them to their roots. Are we going to say that Communism lost favor in the Soviet Union because of American hostility and Communist ideology lost favor in China because of American friendship? That either friendship or hostility from America creates the same result? I think not. Communism does not work. Russia and China realized it. This forced a crisis of confidence in both places. The Soviet Union not being one nation but rather an amalgam of nations held together by a failed ideology collapsed, and China has moved from the ideology of Communism to the ideology of nationalism overseen by a relatively small group of oligarchs and local potentates that control the economy. To say that it all happened according to a plan is to dangerously rewrite history.

While I talk about the Reagan administration and the collapse of the Soviet Union, it leads naturally to a discussion of Star Wars, an issue that is still before us. Just because the Soviet Union is no longer intact does not mean that we are safe. In fact, the world is more complicated and more dangerous. There are those who have come before this House and suggested that the world does not have to be a dangerous place if only we developed a missile defense system.

Now, Mr. Speaker, I would like to see us continue to research in this area, and when our technology has advanced to the point where we can provide some reasonable defense at reasonable cost, deployment is certainly called for. But let us not fool the American people. Those that cannot hit us with an ICBM, those who cannot hit us with an intercontinental ballistic missile will be able to smuggle nuclear weapons into our cities no matter how effective our missile shield. A nuclear weapon is about the size of a person, some smaller than a child. And anyone who has been in Southern California or probably just about any major city in this country is aware that every year hundreds of thousands, every day thousands of illegal immigrants are snuck across our border not just from the southern border but the northern as well; that illegal drugs are smuggled into America with relative ease, and this is by people being paid a few hundred dollars to sneak a person into the United States, marijuana importers or smugglers, criminals bringing in bales of marijuana for a few thousand dollars in compensation.

How difficult would it be to sneak a nuclear weapon into an American city? A nuclear weapon smaller than a child does not need ventilation, does not need to be fed. Children who are smuggled into America scream and cry. Nuclear weapons would not. So imagine that we had a perfect defense against Iranian or Iraqi or North Korean missiles. What would those countries do? They would smuggle a weapon or two into an American city, hire or kidnap an American scientist to come look at it, detain that American scientist until it could be moved to another apartment or another city, and inform our government that in some apartment, in some city, in some State in this country, there was a nuclear weapon in the custody of someone reporting to Baghdad or to Tehran.

I would like to see a defensive shield shielding us from intercontinental ballistic missiles. But let us not fool the American people. That is just one small element of our defense. And if we spend a trillion dollars building a roof over a building that has no walls, we will have been misallocating resources. I am not sure that we can police our borders well enough to prevent nuclear weapons from being smuggled here, but I do know that a missile defense shield is of only modest use as long as our borders remain porous.

We need to focus our attention on the rogue states that are currently developing nuclear weapons and might be willing to use them even if they faced the threat of annihilation from our nuclear weapons. And we need to cut off money, investment funds, from going to the regimes of North Korea, Iran and Iraq, because all three of those countries are trying to develop nuclear weapons.

North Korea has agreed to stop its program, and I leave them aside. We can discuss them separately at a different time. But let us focus for a while on the two great enemies or rivals that we face in Southwest Asia. We do need to prevent the government in Baghdad and the government in Tehran from getting their hands on money. When investment capital flows into those two countries, when money is loaned to them, money is given to them, export markets are given to them, when Iraq is allowed to sell its oil and not spend the money on food for its people, then money is in the hands of those who would wish to develop nuclear weapons and whom as I have pointed out will face little difficulty in smuggling them into the United States. Unfortunately, our efforts to stem the flow of money to Tehran and Baghdad have been set back in several different ways.

Today, Mr. Speaker, it was revealed that Iran, having suffered hundreds of thousands of casualties in a war of aggression launched by Iraq 2 decades ago, now is allowing Iraq to use its coastal waters to evade the U.N. blockade, evade U.N. sanctions, sell a billion dollars perhaps every year of oil, and this would not be money in the oil-for-food program controlled by the United Nations. This is money directly into the hands of the Iraqi military.

Mr. Speaker, we could spend a trillion dollars on a missile defense system, but if we do not stop those oil tankers from leaving the Strait of Hormuz, if we do not prevent that oil from being exported, we are literally allowing Saddam Hussein to build nuclear weapons and then we can worry about how to keep them out of the United States. What concerns me, Mr. Speaker, is that our policy toward Iran has been ineffective. The ineffectiveness is shown today by Iran allowing that Iraqi oil to be exported.

Now, we are told that the ships that come from Iran down into the Persian Gulf pass a checkpoint controlled by the revolutionary guard. We are told the revolutionary guard does not report to the President of Iran, and so we should not get bent out of shape if they allow those oil tankers into their coastal waters. The fact remains that in Iran, the president is not the head of their government or military. The supreme leader is. That leader controls those revolutionary guards, and those guards have allowed those tankers to use Iranian coastal waters.

Iran has said, well, we need help in stopping these ships. All Iran has to do is announce that those countries that are enforcing the U.N. blockade are allowed into Iranian coastal waters, allowed within 12 miles of its coast, and we will be able to shut down these illegal Iraqi oil exports. But instead, Iran lets the tankers go by the checkpoint and claims they cannot do anything to stop it and will not let United Nations ships or, rather, American and British ships detailed to enforce the U.N. blockade, will not allow them in their coastal waters.

Mr. Speaker, this is a dangerous situation; and it shows that our policy toward Iran, especially in the last 2 months, has been mistaken. Two months ago, the Secretary of State announced unilaterally, without really much consultation with Congress at all, certainly without any congressional encouragement or approval, the Secretary of State announced that the United States would allow Iran to export to the United States pistachios, carpets, caviar, dried fruit; and many people joked, how important could that be.

Mr. Speaker, first it is symbolically important, because if America will do business with Iran, business as usual, if America will open its markets to these nonenergy exports of Iran, then how can we turn to Europe and Japan and tell them not to do business as usual with Iran on a bigger scale? How can we today turn to Japan and Germany and tell them to stop buying Iranian oil because Iran is clearly complicit in the illegal export of Iraqi oil? Certainly it weakens our position.

□ 2115

These exports, these non-energy exports from Iran, are important to Iran. They are its major non-energy exports. They pale into insignificance in dollar amount compared to oil, but reflect on this: Iran will always get the world price for its oil. Nothing we do is going to change by one penny the amount of revenue Iran gets for every barrel that it exports to a world thirsty for its oil.

In contrast, those other exports, the carpets, pistachios, et cetera, those exports need every market they can find to try to push up the price, and by opening up our markets we invigorate the world market for those Iranian exports, exports as to which there is no fixed world price, exports that are important to the Iranian economy. Some 5 million people, it is reported, work in the Iranian carpet industry. That is just one of the four imports.

We would think that today the State Department would react, react to these illegal shipments through Iranian waters and cut off Iran's access to America's markets. My fear is that that will not happen. Every time there is an opportunity to make a unilateral concession to Iran, we seem to do it and do it quickly, unilateral concession after unilateral concession.

The latest pat on the back that Iran has received is a $231 million loan from the World Bank. The U.S. voted against that loan, but we certainly did not tell our European allies that we would take their votes in favor of that loan as a reason to perhaps reexamine other aspects of our foreign policy. We were good losers. We accepted the defeat. This calls into question how we provide foreign aid.

Mr. Speaker, I have come to this floor in the past to support American foreign aid. I think we should do what we can to help the Third World develop, to help the poorest people on this planet survive. But the recent action by the World Bank threatens America's support for foreign aid. That support is not all that deep to begin with, but how do we go back to our districts and explain that America participates in the World Bank, its capital was provided in significant part by the American taxpayer, and the World Bank disbursed $231 million of loans to Iran; money that is fungible, money that allows the Iranians to spend their oil resources and oil revenues on their military programs? This is going to be a hard sell.

Mr. Speaker, sometime this month we will be dealing with the foreign ops appropriations bill. At that point, we will be asked to appropriate hundreds of millions of dollars to the IDA program administered by the World Bank. We have to be aware that money of the United States disbursed to that program could be lent on a concessionary basis, could be lent at very low interest rates, pay-us-when-you-feel-like-it terms, to such countries as North Korea or Sudan, or any other country that claims to have a good project and is very poor.

North Korea and Sudan are very poor because of the evil of their governments, not because of a lack of world aid. How are we going to go back to our constituents and say, these hundreds of millions of dollars were turned over to an international organization free to make loans to some of the most evil nations or evil governments, I want to stress evil governments, on this planet?

Better we appropriate these same funds, and I do not want to see a reduction, I want to see, if anything, an increase in our foreign aid, and provide these same funds to entities under the control of the United States government or entities where we at least have a veto power, so these funds are loaned or given only for projects in countries that have some minimal respect for human rights?

I look forward to working with Members of the relevant subcommittee and of the Committee on Appropriations to see what we can do to make sure that when we go back to our districts and defend foreign aid, we can say that all U.S. tax dollars are going for projects in countries that we can support.

Mr. Speaker, this is an additional reason why the loan to Iran was not only a poor decision but one that was ill-timed, as well. Not only does Iran today, a few days after the loan, decide to facilitate Iraqi evasion of U.N. sanctions, not only does Iran sponsor terrorism and is on the State Department terrorism list, not only is Iran, along with Iraq, one of the two greatest threats for possible destruction of American cities at such time as they develop nuclear weapons, but Iran a year and a half ago decided to continue its oppression of its small Jewish community, just as it oppresses those of the Baha'i faith.

The Iranian government since its revolution has executed on trumped up charges 17 members of its small Jewish community. Well over half of that community has fled, and now 13 Jews are on trial in the city of Shiraz on the most trumped up charges in trials that would have made Josef Stalin ashamed, trials where the only evidence is the apparently tortured or coerced confessions of the defendants in which the defendants confessed to crimes they could not possibly have committed.

Mr. Speaker, here in the United States we live in a multi-ethnic, multicultural society in which people of any ethnic or religious group may be found in our national security agencies, and yes, may be found among those few who commit espionage.

Mr. Speaker, we have had British-American spies, we have had Jewish-American spies, we have allegedly had Chinese-American spies. Anybody of any ethnic group could find themselves in a position where they are the custodians of our national secrets. Iran is just the opposite. No one of the Jewish faith is allowed near anything of any military or national security significance whatsoever.

Mr. Speaker, these 13 are accused of spying for the CIA, and I put forward that we could not be the world's only superpower, we could not have emerged in this powerful position, if our CIA went to Iran looking for spies and decided to hire people from the small ethnic group that are prohibited from getting anywhere near any of the information our CIA might be interested in.

These charges are absurd. The World Bank loan to Iran, as this trial continues, was the kind of mistake that imperils American support for foreign aid and American support for the World Bank, and imperils a relationship that has recently been celebrated by the President in his farewell tour, farewell as President tour of Europe, involving ties that are certainly disrupted when European nations say, we will ignore the trial of the 13 Jews in Shiraz, we will ignore Iran's other problems, and when they will force the World Bank to take American capital and money borrowed on the strength of American capital and hijack that money to Tehran.

Mr. Speaker, I would now like to shift my focus to a bill that will come before this House I believe on Friday, and that is a bill to repeal the estate tax.

At the outset, let me stress that 98 percent of all Americans, when their wills become operative, do not pay a penny of estate tax. This is a tax paid by only 1½ percent of all the families in America. Yet, to read some of the letters, to listen to some of the rhetoric on this floor, we would think that the estate tax was the most burdensome tax on American working families.

Estates of under $2 million will, after the current law becomes hopefully effective, pay absolutely nothing, as long as some law and estate planning documents are drafted in advance. Mr. Speaker, I introduced a bill that made this law I think less burdensome on upper middle class American families, and said that $2 million could be left by a man and wife or a husband and wife, to their children with no estate tax, even if they did not prepare a bunch of estate planning documents in advance.

This bill was designed to liberate widows and widowers from these bypassed trusts, complicated legal documents, almost required of them by our current estate tax law. But that bill did not get a hearing because there is an effort here not to liberate upper middle class families, and of course, those of lesser means are already exempt, but not to liberate upper middle class families from the estate tax and from the burdens of doing estate planning. The plan here is to abolish this estate tax altogether.

The estate tax is a painful tax. It is a bad tax. I hate the tax. I hate all taxes. Every single one of them is painful. There is no way for the Federal government to get money that does not have a bad effect on those who are required to pay.

The question is not whether the estate tax is a bad tax, but whether it is our worst tax. I ask Members, is a tax that 98½ percent of all Americans are exempt from, is that our worst tax? Or is it an income tax and a FICA tax that falls so heavily on the working poor? Must we first eliminate a tax that falls chiefly on those with estates over $10 million, or must we first eliminate taxes on those who are making $10 an hour or less? Should it be $10 million and more, or $10 an hour or less? Where should we focus our generosity? Where should we focus our tax cuts?

Mr. Speaker, there is an earned income tax credit, but it is not available to many of the working poor, and is not available to any that do not have children in their homes. So we have a situation where we are told that the estate tax diminishes the incentive to work because somebody working at age 40 or age 50 or age 60 is thinking ahead to the point when their estate plan would become effective, in their eighties or nineties, thinking ahead to what the estate tax law might be at that point, knocking off work early and going to the golf course.

Maybe it is happening, maybe it is not. But let us talk also about the effect that our current taxes have on the working poor, people who are called upon to work the second job to support a family, people who are called upon to get off of welfare and to enter the work force, and we tell them, we are going to take a chunk of your money, of your paycheck, to support the social security system, and I support the social security system. We are going to impose an income tax. We are not going to give you a tax credit for the social security tax you pay, and we will give you no tax credit for the State sales tax that you pay.

People who make less than $10 an hour are paying a lot of tax. What about them? Are they affected by incentives? Are we to say that the ability to leave the second $10 million to your kids 20 or 30 years from now is what is uppermost on the minds of somebody building a business, but that the size of today's paycheck is irrelevant to a person who is working two jobs? I do not think so.

Yes, all taxes have an adverse impact on incentive, the incentive to work, the incentive to participate in the economy. But I venture that there is a far worse effect on our economy from taxing those who make less than $10 an hour than taxing those who have more than $10 million.

□ 2130

I would also point out that before we cut the estate tax, before we eliminate the estate tax, we ought to make sure that we are not endangering Social Security, that we are not putting ourselves in a position when we will not be able to provide any pharmaceuticals to those who are on Medicare, some who need $1,000, $5,000, $10,000 a year of pharmaceuticals to survive.

Mr. Speaker, they retired believing they had Social Security and now find that they are insecure, find that they do not have the wherewithal to pay for the pharmaceuticals that they need to survive.

Mr. Speaker, what will come before this House on Friday is a bill to repeal the estate tax before we have made Social Security secure, before we have made Medicare recipients secure. Every Medicare recipient today knows that tomorrow they could be diagnosed with a disease requiring $5,000 or $10,000 a year of pharmaceuticals for which they will get no Federal aid; and we are told that the most important thing we can do with the available Federal funds is to deal with a tax that falls most significantly on those with more than $10 million.

Mr. Speaker, I suggest that we need to explore a number of avenues. Now, I do not want to ignore the adverse effects of the estate tax. It does make it more difficult to leave a business or a family farm to the next generation. And we hear statistics about how businesses are not always left intact to the next generation and we are told that it is the estate tax.

It is not always the estate tax. The son or daughter of a farmer does not necessarily want to farm. The owner who builds a business from nothing to a $50 million business may find that his sons and daughters feel themselves unqualified or just disinterested in continuing to own that business. There is no proof that family businesses will stay in families if only we reduce taxes on those with assets of over $10 million.

Finally, Mr. Speaker, one little secret about the estate tax. No one will tell it to us. That is that at every major hospital complex, nonprofit hospital, at every major university in this country, if we abolish the estate tax, the buildings will not have names. I am not saying that we will not be able to find our way around campus. That is not the problem. The problem is that gifts, major gifts to our universities and hospitals will slow to a trickle.

If we go to any campus today, we see this building is named after the Smith family and that building is named after the Cohen family and we wonder why. The answer is simple. The families involved made huge gifts to the university, huge gifts to the hospital, motivated in part by the fact that those gifts will not be subject to the estate tax.

Charitable giving at the low end, the $5 and $10 put in the collection plate, would not be affected by a repeal of the estate tax. But at the high end, when people are bequeathing millions of dollars to universities that in their graciousness choose to name buildings after the donors, at the high end where people make gifts that are income tax deductible in their 80s, knowing that not only do they get an income tax deduction today but perhaps if they die in their 90s they get estate tax relief as well, those gifts are motivated by the fact that 60 or 70 percent of the gift's value is represented by a tax deduction. That $5 million Smith building cost the Smith family only 30 percent of $5 million.

What is going to happen when we repeal the estate tax? The universities and hospitals will be here saying: now, Congress, you have to appropriate some special money for us. But how will we do that? We will cut our own revenues by $17 billion a year. The colleges, the universities, the hospitals will not come here and tell us about this because essentially they do not want to bite the hand that feeds them.

Speaking of the hand that feeds them, I have had a lot of town halls in my district. I have heard hundreds of questions, hundreds of complaints. I am out in the community almost every day that I am in California. Mr. Speaker, at these public gatherings, I cannot remember a single occasion when someone has come up and said: let us abolish the estate tax.

Mr. Speaker, I hate to admit it, but it is a sin of which virtually everyone in this House suffers or is guilty. I also spend time raising money for my campaign and for the campaigns of my colleagues. Not a day goes by, or not even a couple hours go by. If a couple of hours are spent talking to those who might make major contributions, the estate tax comes up every time. Not with every person, but certainly in every hour or two.

The reason for that is that this tax does fall upon those who can most afford to come to fundraisers. I think that we in this House need to pass campaign finance reform for a lot of reasons, but one of them is that we spend too much time at fundraisers, and we hear too often too repeatedly from that 1½ percent of Americans who pay the estate tax, who happen to be the same 1½ percent of Americans who donate the most money for political campaigns.

Mr. Speaker, if we do not stop and think about it, if we do not filter it out, we are going to come to the conclusion if one serves in this House that the whole country is concerned about the estate tax, because in the average month we hear about it five, 10, 20 times. We have to remember that every one of those times was not out at the community Little League, was not at a visitation to a senior center, was not at a widely publicized town hall, but in nine out of 10 cases, or maybe 10 out of 10 cases, it was through a friend that is a supporter of either us or our colleagues here.

Yes, if we serve in this House, we need to keep in touch with people, and sometimes that is thrown askew when the fundraising burdens and the time commitments of that are imposed upon us.

Mr. Speaker, I would like to comment just briefly on Governor Bush's Social Security plan and some of the rhetoric surrounding that plan. Governor Bush has turned to young people and said that they only get a 1 or 2 percent return for the money they put in Social Security. What he has not said is that the first two generations to participate in Social Security did incredibly well. Social Security brought us out of the Depression as much as any program. And the first two generations to participate in that program contributed for only a portion of their working lives and received the benefits, benefits that many are still receiving today in their 80s and 90s.

So what does this mean? It means that today's Social Security tax is paying for our grandparents' retirement. This was never a pension system where our money is saved exclusively for us. Rather, our money is being used to fund the retirement of those who went before, just as their money went to fund the retirement of those who went before, and we can trace it back to the Depression generation.

Now, we are told that the new generation does not have to contribute to pay for the previous generation's retirement. We are going to have their money diverted into separate individual accounts and that anything else would be unfair. Mr. Speaker, we cannot simultaneously take all the funds that are coming into Social Security and say that is the money of the people who put the money in and continue to fund the Social Security payments to those who are receiving checks today, people whose tax dollars, FICA contributions were used to pay the prior generation's benefits.

The proposal that the governor has put forward is to take one-sixth of the money, virtually, that is now going into the regular Social Security Trust Fund and divert it into special assets owned by those who contribute the funds. I wish we could promise that. I wish we could do that. But before we start bestowing multitrillion dollar benefits, new benefits, why do we not make sure that the program can continue to pay the existing benefits?

Another huge benefit promised by the governor of Texas is that if one were to die before reaching 65, their family gets a huge check from Social Security. Or if they were to die at age 68 or 69 or 70, before they have received their actuarial expected benefit, the family receives a giant benefit.

That is a wonderful promise. I wish I could make that promise. I would be a lot more popular if I made that promise. But what do we do to those who live to 90 or 100? Do we say that those who live less than their average life span get their money back and those that live longer than the average life span stop receiving benefits? There is no solution offered by the governor of Texas. Two huge benefits promised; no source of revenue to pay for them. A sixth roughly of the money diverted. Let us make Social Security secure, and then we can focus on whether we can do better.

Mr. Speaker, I have talked about a number of topics. Topics that are complex topics that I do not get enough time to study about, read about; and it leaves me longing for a greater level of intelligence. Mr. Speaker, there are those working on greater levels of intelligence today. There are those engaged in silicon chip engineering who are creating more intelligent machines all the time. And there will come a time when the silicon chip-driven machines rival humans in intelligence.

There are genetic engineers mapping the human genome and within a few decades they may be in a position to create a more intelligent human being, perhaps one that could have dealt with all of the topics confronting this Congress with greater wisdom than I have been able to muster.

There are those dealing with nanotechnology, technology where things are manipulated at the atomic and molecular levels, technologies that offer a chance to engineer either from biological materials or from electronic materials or from a combination of the two a level of intelligence way beyond today's computers, way beyond today's animals, and perhaps way beyond today's humans.

Speaking of intelligent humans, on August 7, 1939, Albert Einstein wrote to President Roosevelt and brought to his attention clearly and crisply the importance that nuclear technology might have for the future of the world. In just a few years, that nuclear technology literally exploded. What was the high and unusual science of 1939 became the public policy issue of 1945 and beyond.

We today are still wrestling with the political, the international, and the ethical issues of nuclear power and, of course, nuclear weapons.

Would it not have been great if we had gotten a bit more of a head start? Would it not have been good for humankind if the scientists had come to us 20 or 30 years before the nuclear weapons were created and told the world's political leaders that the genie will soon be leaving the bottle and it is time to develop a code of ethics and central understandings that will fit the new technology?

□ 2145

Now, some more than 50 years after nuclear weapons, we are still struggling with the ethical issues that they create. Well, I do not know how many years we have before what I refer to as remembered intelligence poses even more severe ethical issues for us than nuclear weapons do.

Let me bring a few of them to our attention. I know this may sound like science fiction today, but I do not think anyone familiar with science would say that these are not real possibilities. I am not saying this decade, maybe not next decade, maybe not in the lifetime of those of us who have lost our hair, but certainly within the lifetime of some of the younger folks in the back of the room.

First, we will see genetic engineering that will either create or offer to create our slaves or our masters. Today dogs are a man's and woman's best friend. They are great pets, and a few of them are engaged in work, shepherding sheep, for example. Today's dogs have been bred, not genetically engineered, just bred to be friendly, docile, and obedient.

There are a few who think it raises ethical issues, but most of us view a dog's intelligence as below that of self-awareness and consciousness and are quite happy to have dogs that are obedient, docile.

But what happens when the genetic engineers start developing more intelligent canines? What happens when we start having dogs as intelligent or more intelligence than apes? Fortunately, I do not think we are going to face this issue in the next decade. But we are going to face it this century, and we are probably going to face it before we figure out what to do with it.

At what point must we recognize other life forms as being protected by our Constitution? How intelligent must a genetically engineered animal be to be worthy of our protection and respect? I do not know.

Likewise, we have seen many science fiction shows where scientists start with human DNA and deliberately try to create a being that is less intelligent or simply more docile than the average human form, and we are told to imagine a race invented for slavery. I think all of us recoil at the ethics of that.

But will we recoil with the same level of revulsion if the nearly as intelligent as human or perhaps as intelligent as human docile race is engineered from canine DNA or simian DNA, perhaps someday if we are not careful, human DNA? But not only may there be genetic engineering that invents those entities which some would wish to enslave, genetic engineering, whether it starts with simian DNA or human DNA, could very well invent a level of intelligence well beyond that of any of us here, perhaps even beyond that of the Albert Einstein I quoted earlier. Then how should human kind react?

That which can be done with genetic engineering may also be done with silicon chip engineering. A book I have not had a chance to read bears the interesting title the Age of Spiritual Machines. How many decades is it before the computer screen lights up with the question, am I alive? Why am I here? Should there be any ethical limitations on creating computers with intelligence, not just to balance our checkbooks or to figure the trajectory of the rocket, but computers intelligent enough to ask the spiritual questions? I do not know. I do know that it will take a panel of Einsteins to give us some guidance as to what our laws should be. This is going to be a tough issue.

I am going to propose probably next Congress, if I am fortunate enough to be here, if there is interest by some of my colleagues, perhaps we could work on it this month or next month, that we create a national commission on the ethics of engineered intelligence to try to give some guidance to those lawmakers that will come after us in dealing with the issues of silicon or carbon-based intelligence that approach or exceed that of today's human being.

I do not know how to deal with these issues. It is a tradition in this town that, when one does not know what to do, one creates a commission. There is also a tradition in this town to wait till the last minute, to wait till some development is going to impair jobs in our own districts before we get serious about the issue. I would say that these are issues, and there are others as well that we ought to try to tackle at least at the thinking stage at the earliest possible time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4576, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106–652) on the resolution (H. Res. 514) providing for consideration of the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 2001

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106–653) on the resolution (H. Res. 515) providing for consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3605, SAN RAFAEL LEGACY DISTRICT AND NATIONAL CONSERVATION ACT

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106–654) on the resolution (H. Res. 516) providing for consideration of the bill (H.R. 3605) to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I come to the floor as we return from the Memorial Day work recess and am again pleased to appear before the House and my colleagues to talk about what I consider the most important subject facing this country and this Congress and that is the problem of illegal narcotics.

During this recess, as chair of the oversight and investigation Subcommittee on Criminal, Justice, Drug Policy and Human Resources of the House of Representatives, I had the opportunity to continue our series of hearings, both here in the Congress the day before we left and adjourned and then during this holiday recess to conduct three national field hearings.

One of those was in New Orleans at the request of the gentleman from Louisiana (Mr. VITTER), also a member of the Subcommittee on Criminal, Justice, Drug Policy and Human Resources, to look at a drug testing program that had been instituted in some of the private schools and is being expanded to the public schools in New Orleans. That hearing was conducted during the recess.

Then we moved our field hearings to Orlando, my own backyard, the area immediately south of me where we conducted a field hearing on the subject of club drugs and designer drugs and their impact now in central Florida, the State of Florida, and across the Nation.

Then we conducted a third hearing in the Dallas/Fort Worth, Texas area, actually in the city of Mesquite outside of Dallas at the request of the gentleman from Texas (Mr. SESSIONS). We looked at an area that had been hard hit by narcotics, illegal narcotics, primarily heroin, looked at the trend in illegal narcotic trafficking, particularly some of the designer drugs, methamphetamine, and focused our attention on what that community had done in successful treatment and prevention education, community-based programs to deal with the problem of illegal narcotics and drug abuse.

So we have had a full schedule, and tonight I want to update my colleagues and the American people on where we stand in our efforts to combat illegal narcotics.

Now, today is the 6th of June, and we come back from Memorial Day, a time when we remembered those who fought and died in service to this country to our great Nation. We remember today of course D-Day, such a memorable day in the history of the country, the beginning of the end of World War II when thousands of Americans died on the beaches of Normandy in attempting to bring the Second World War to an end.

As we remember each of those fallen heroes on Memorial Day and remember this day, we must realize that these individuals gave up their lives for service to this country and respect their great sacrifice and always honor that great sacrifice.

Tonight our country does not face the threat of a Cold War, of nuclear bombs possibly being rained from a Soviet Union. We still have many external threats. But today we face probably the most serious domestic threat since the very founding of this Nation. The toll continues to mount.

I asked my staff to research the number of American dead in some of the wars. In World War I, 117,000, nearly 117,000 Americans lost their lives. In World War II, over 408,000 Americans lost their lives. In the Korean War, some 52,246 Americans died in service of their country. The Vietnam War, some 58,219. In the Persian Gulf conflict in the past decade, 363 Americans gave their life in those battles.

It is incredible to note the loss of life directly and indirectly to illegal narcotics. Our Drug Czar, head of the National Office of Drug Control Policy, Barry McCaffrey, testified before our Subcommittee on Criminal, Justice, Drug Policy and Human Resources in the neighborhood of 52,000 Americans lost their lives the last year as a result of direct and indirect deaths.

As a result of direct deaths, the last statistic that we have is 1998, and that figure was 15,973 Americans lost their lives. It is only to be compared to the external conflicts in which we have lost so many Americans.

So it is fitting that in the light of Memorial Day that we remember those who lost their lives in service to this great Nation, but it is sad to come back and face the reality of tens of thousands of Americans dying at the hands and at the call and at the destruction of illegal narcotics across our land.

□ 2200

The toll in dead and destroyed families goes on and on. We have conducted field hearings across the Nation in the past year and a half since I have assumed the chairmanship and this responsibility. I am concerned that this situation may be getting even worse, rather than better.

Tonight I want to talk about where we are, some of the things we learned in our field hearings, where we can go from here, what we have done in the past that was correct, and what we have done most recently that has been incorrect, and what path we need to follow to get this situation under control. But, again, we have a very, very serious situation. It was brought to light in the hearing that was conducted in my own backyard in central Florida.

The last hearing we held focused on the last year and a half. That hearing focused on the number of deaths from heroin overdoses, which unfortunately continues to rise and even the number of admissions from overdoses of heroin continues to rise dramatically. The only reason we have not had more deaths, I am told by medical and law enforcement experts, is that they have developed better techniques to save our young people. And those who suffer from overdoses, they do not fall victim; but, nonetheless, we have even greater numbers of deaths from heroin.

We have taken a measure to create a high intensity drug traffic area, which is just getting underway the last year and a half in central Florida, and that may well be expanded up until Jacksonville and go through Orlando to Tampa, combined with the Miami HIDTA and Puerto Rican HIDTA, high intensity drug traffic area, Federal designation by Federal law that allows every possible Federal asset to be combined with State, local, other law enforcement efforts, to go after traffickers, certainly, a Federal responsibility. But even with those efforts underway, the incidents of death by heroin are still dramatically high.

Now we have learned about and we focused our hearing on club drugs, designer drugs and particularly Ecstasy. The cover of this week's Time magazine features Ecstasy, and it was ironic that we would have this national publication come out at the same time that we had this hearing in Orlando.

We had planned the hearing in advance of this publication, but certainly the problem that we heard in Orlando with Ecstasy and designer drugs, unfortunately, in this article, for those of us who will read it, will disclose, in fact, that Ecstasy and designer drugs are now rampant across the United States.

Club drugs, those drugs that are in dance and rave clubs in central Florida and around the country now, where sometimes parents think that their children are going to a dance or a music concert or activity where there is security, where there is no alcohol, these places that seem and sound secure have now turned, according to testimony we have had, into major sources of illegal designer drugs for our young people.

In Florida, the head of our State office of drug control policy, Jim McDonough, testified that we lost 200 individuals in Florida in the last several years to designer and club drugs and overdoses of these new fancy narcotics.

I do not think I have ever seen a more insidious threat to this country than what we face probably in the next year, not only from external heroin and cocaine coming in to the United States in unprecedented quantities and waves. And I will talk about how we got ourselves into that situation. Now we find the threat of these designer drugs, Ecstasy, coming in also through every conceivable means, huge quantities coming in from the Netherlands, which has had lax laws relating to narcotics distribution and consumption; huge quantities coming in from Mexico, our neighbor to the south, which we have given free and open trade access to the United States and to our markets.

Also the problem of methamphetamine, which really was not on the charts some 6 years ago or 7 years ago, and now we see an epidemic of methamphetamine from the West Coast, to the East Coast, from the North to the South, methamphetamine with consequences on individuals, that puts crack to shame. The crack epidemic that we had in the 1980s was brought under control by the Reagan administration. And this crack that caused people to do such bizarre actions, commit such bizarre crimes is nothing compared to what we are seeing around this country with methamphetamine.

It is hitting the rural areas. We are going out to Iowa to conduct a hearing at the request of the representative from Iowa (Mr. Latham), the heartland and core of America. Minnesota, another area filled full of family and tradition is now also ravaged by methamphetamine.

We conducted a hearing several weeks ago and had for the first time the Federal Sentencing Commission in, and the Sentencing Commission provided us with some charts, which I would like to put up and have my colleagues and the speaker pay attention to for a minute, this problem has gotten entirely out of control since 1992. We look at the crack problem that we had, and I mentioned in the 1980s that was brought under control and rather limited.

If we look at this chart in two areas, in 1992, at the end of the Bush administration, Bush and Reagan had done an incredible job in bringing that situation under control. Methamphetamine in 1992, and again, I did not produce this chart, this was given by the Federal Sentencing Commission to our subcommittee, there is almost no meth on the chart in 1992.

If we go to 1993, we see the spread of crack, the appearance of methamphetamine. In 1994, you have to remember some of the situations which we developed; this is the end of the Bush and Reagan administration. This is the beginning of the Clinton/Gore just say maybe to drugs. Here is just say no era. Here is the just say maybe. Here is the appointment of a chief health officer of the United States, Jocelyn Elders, who said to our children, if it feels good, do it, the just say maybe generation.

Here we see the beginning of the meth epidemic, the cocaine, the crack reappearance. Again, these charts are just absolutely dramatic and revealing. 1994, in 1993, they began the closedown of the war on drugs.

During the break, I was home and heard one of our local councilmen, who is also an active Democrat, say that well, in fact, the problem is the war on drugs is a failure, and we just have not put enough money into treatment.

Let me just, if I may, show how much money we have put in treatment. Here is 1991, 1992, even in the Bush administration in these eras, we had put money into treatment. In almost every succeeding year and from this point on here, we have almost doubled the amount of money in treatment.

At the same time, this administration began the employment of an unprecedented number of people, and even the White House Executive Office of the President with such recent drug use histories that they could not pass security checks, the situation was so bad that, in fact, the Secret Service required a drug testing program be instituted before they would grant additional clearances to these individuals.

We ended up with an administration that began the dismantling of the war on drugs, cutting, with a Democrat-controlled House of Representatives, the entire executive branch, the presidency, the House and the Senate, the other body, by huge majorities, from 1993 to 1995 controlled this whole process. They began the dismantling of the war on drugs.

The money that had previously been used, the funds that had been previously used for stopping drugs at their source called international programs or funds were cut in half, gutted by, again, a White House and a Democrat-controlled Congress bent on just going for treatment, ignoring a war on drugs, closing down on a war on drugs.

The drug czar's office was slashed from 120 positions to some 30 positions in 1993. The use of the military for interdiction to stop drugs most cost effectively from their source before they got into the country, and our military people must understand, do not become involved in drug enforcement, they provide surveillance information; that information is given to source countries, and the source countries go after the drug traffickers. That is the pattern, and that is what can work, worked so effectively in the Bush and Reagan administration, no question about it.

They chose another path. This is, again, the result, another chart showing what took place from almost, again, if we went back to 1992, we had no methamphetamine on this chart and two spots of crack showing up. 1996, this is the result of that policy. 1997, almost the entire country now engulfed, finishing the job in 1998 and 1999.

These are some of the most dramatic charts, again, ever supplied, I think, to Congress showing the failure of a policy of this Congress, and the damage that was done in a 2-year, 3-year period by this administration.

I can only say to those that think the war on drugs is a failure to, again, please look at this chart.

And no matter how I stand, if I got up on top of this and looked down, if I look at it from the side, or if I get underneath, these are the facts. The source is the University of Michigan. In the Reagan administration, we see the long-term prevalence of drug use taking a decline; in the Bush administration, a dramatic decline.

I have not doctored these. I have not touched these. These were presented to our subcommittee. For any illicit drug, this is probably the best barometer that is produced on this. You look at the Clinton administration, you look at the emphasis of putting all of the money into treatment, closing down the enforcement or closing down the interdiction, closing down the source country, failing to stop drugs at their source, closing down the drug czar's operation, as we knew it, and these are the results.

So this, my friends, is not failure. This is success. This is a reduction. This is failure. It is incredible to see that where the Republicans took over, and even with the thwarting of this administration blocking the new majority's efforts to stop drugs at their source, to regain the cooperation and use of the military for surveillance purposes, and going after tough prosecution on some of the things that we have done, have we even begun to stabilize this in the last several years.

□ 2215

But now I submit that the situation is again getting out of hand, and for several specific reasons.

First, during the holidays, the headline is very telling in The Washington Post. It says, "Antidrug Efforts Stalls in Colombia." And it is ironic that on the same page they have "U.S. Calls Peruvian Election Invalid."

This shows two great failures of this administration. First, we begged, we pleaded with this President since 1994, when they started first of all closing down the sharing of information with Peru and Colombia and other countries that were sources of hard narcotics, we pleaded with them to continue allowing that surveillance information to be given.

Liberals from this administration and others who went into these various agencies, including the Department of Defense, came up with a cockamamie, and I am not sure, for the benefit of the Speaker and the stenographer, how "cockamamie" is spelled, but a cockamamie opinion was drafted by these liberals that we could no longer share that information and they closed down the surveillance, they closed down stopping us providing that information and, basically, shut down the shoot-down policies that these countries had adopted.

When we would provide these countries information on drugs leaving their source, they would, in fact, send their pilot out after warning and shoot down drug traffickers. It worked. It worked in the Bush administration. It worked in the Reagan administration. And we saw this decline.

I always ask, how many people have HD TVs? Not many people have HD TVs. That is because there is not a big supply of HD TVs, there is a very small supply available and the price is very high.

With the policy of closing down the war on drugs, you would not have your planes shot down, if the surveillance is prohibited, which it was by this administration, and that mistake was made back in 1994 and 1995 and only corrected after a bipartisan effort, everyone in the House who dealt with this issue knew the great mistake that was made, the damage that was made, and we changed the law and allowed that information to be shared.

And then in the last 2 or 3 years, we see the same pattern over and over again. This administration has failed to provide the interdiction effort. The Department of Defense does not have the will. And I just thought of this the other day. Have my colleagues ever heard the President of the United States mention the war on drugs? Have we ever heard Bill Clinton, the Chief Executive Officer, from this podium, in a joint session of Congress or in any public forum? I cannot recall.

At one time I know that a search was done on one of these Nexus searches to see how many times he had mentioned illegal narcotics or an effort to deal with the drug problem; and, in fact, it is almost the lowest recorded of any President. That is why we see the lack of leadership from the White House and not only the lack of leadership and the message that is sent to our young people and our population, but also the policy and the policy is an antidrug effort stalled in Colombia.

Why did it stall? This administration never brought up until the last minute, almost to the week of the presentation of the budget, their proposal for dealing with this problem in Colombia.

Now, when the gentleman from Illinois (Mr. HASTERT) chaired the subcommittee responsible for trying to deal with that narcotics problem, he actually was the chair of the subcommittee that had this responsibility in the last Congress, he began restoration in several countries and was able to get in Peru and Bolivia efforts started. They have eliminated between 55 and 60 percent of the cocaine production in both of those countries, successful programs.

That is why I thought this was ironic that the U.S. calls the Peruvian election invalid. I think they backed off today. But here, this administration, instead of praising President Fujimori, is condemning President Fujimori. Why in the world would we take a president who has stabilized the country, and I can tell my colleagues firsthand because I flew into Lima, Peru in 1990, the end of 1993, with the airport sandbagged, with people sleeping in the streets, with chaos, with thousands of displaced Indian population, hungry people, I will never forget going to a village outside of Lima and meeting a peasant woman and she had five children and the interpreter told me what she was saying, and she said that her difficulty, her problem, was she only had enough food for four of those children so she had to choose which child not to feed that would die.

This is the situation that President Fujimori inherited, complete chaos, 60, 70 percent of the cocaine coming into the United States produced in that country. Here is someone who brought law and order, who calmed a country that was in total disruption, and here is this administration condemning him for a candidate who called not to have a runoff election and would not commit to a date certain.

Could you imagine the Republicans saying, we will not have a runoff election or the Democrats in this country saying we will not have a runoff election or do not have a runoff election, and we will figure out at some time when the election will be? This is a slap in the face to President Fujimori who has done an incredible job of first stabilizing that country.

I remember going down when I took over chairmanship of this responsibility on our drug policy and trying to put these programs back together both with the gentleman from Illinois (Mr. HASTERT) and myself when I assumed this chair and met with President Fujimori, I was stunned at Lima, I was stunned at the countryside, at the order, the ability of people to conduct their daily business, of glass everywhere, which everything had been boarded, people sleeping in the alleyways, bombs going off at night, gunfire. And that was a situation he inherited, brought the cocaine trafficking under control, brought down the terrorism that disrupted so many lives, and stabilized the economy so a mother would not have to make a decision whether she fed four children and let one die.

This is the type of foreign policy. Even the President of the United States's representative in Peru wrote this administration and said, your policy for, and this is the policy of a second time, they made the mistake in 1994 and 1993 by stopping the surveillance information, they stopped it again, and the President's representative, the ambassador of the United States of America, appointed by the President of the United States, said, this is a mistake in a report that was given to me in December by GAO, the General Accounting Office. I asked for a report from an impartial panel to see what was going on.

So mistake after mistake, error after error, has been made.

Now, again, in the 1980s, we had most of the cocaine coming in from South America and from Peru and Bolivia. About 95 percent of it really was coming in from those two countries. We were able to stem that. We were able to bring down the prevalence of drug use. This is the new picture; and we have almost all of the cocaine, probably 80 to 90 percent of the cocaine, now being produced in Colombia.

Now, in 6 or 7 years, we managed to turn Colombia from a transit and trafficking country into a producing country. Fortunately, the policies of the gentleman from Illinois (Mr. HASTERT) and the new Republican majority were instituted at very low cost, $20 million, $30 million, $40 million in those source countries to stop incredible volumes of cocaine coming into the United States. But what happened is the Clinton administration blocked aid, blocked helicopters, blocked equipment again because the liberals in the administration said, oh, we cannot harm the hair on the back of any leftist, Marxist guerilla. It does not matter if they, in fact, were trafficking and supporting their guerilla activities through the sale of illegal narcotics that were coming into the United States.

So now we have really, protected by the Clinton-Gore administration, Colombia with no resources. It is almost farcical what has happened. And until the first couple of months of this year were we able to get to the National Police three Blackhawk helicopters, which we have been pleading and begging for 4 or 5 years to get down to Colombia.

We knew what was going to happen, and it happened. This administration ignored it. They sent the military assets to Haiti. Ironically, Haiti is now one of the biggest traffickers in the Caribbean, lawless killing. We have one corrupted administration replacing another one. After billions of American taxpayer dollars, this is now one of the main routes. And Colombia is another disaster. The two foreign policy disasters unparalleled in the history of this hemisphere. Billions spent there, nothing spent there, creating a market, creating a source for drug trafficking.

There was almost no heroin produced in 1993 in January when this President took office, President Clinton; and this is now the source of some 75 percent of the heroin killing kids in Orlando and Plano, Texas and California; Chicago; and New York. And now it is transiting through the country, where we spent $3 billion in nation building, in establishing a judicial system and electoral processes that have been, in fact, a farce.

It is the bad leading, the bad destroying American business activity there, forcing the whole island, at least this half, which is Haiti, of Dominica, the island nation of Haiti into a welfare state supported by U.S. taxpayers, one of the saddest chapters in failed policy of this administration.

And then what was not diverted here, the Defense Department will tell you was diverted to Kosovo, to Bosnia, to the other many deployments of this administration.

What are the results of these policies? For the first time again, we are seeing with the blocking of aid to Colombia, and I must say that at this point the Republicans must take some heat in the United States Senate, the other body, and some blame and responsibility for blocking the aid. The House did act and had a package ready to go to aid Colombia to get additional resources. The other body did not act with the speed they should have. But again, there is some justification because the President dragged his heels in getting this request to the Congress.

□ 2230

This is what is happening now. We are seeing a resurgence of cocaine. The chart that I showed just a few minutes ago showed the crack coming in. Crack is part of the cocaine trafficking. This was presented to us by the Customs Service. These are boats mostly coming through Haiti with literally tons of cocaine which is smuggled in through the hulls of these vessels. This is 706 pounds of cocaine seized. This is just what they are seizing, January 31, 2000. This is another vessel, 1,083 pounds of cocaine coming in at the beginning of February. Another one, February 5, 539 pounds of cocaine. Another one, February 10, 226 pounds of cocaine, most of it coming into the United States through Haiti, some of it being transshipped through Puerto Rico, the Bahamas and into Florida. We are seeing an unprecedented amount of cocaine again for the first time coming in.

We are seeing an unprecedented amount of methamphetamine labs. Most of the meth we hear about is tied to Mexican gangs, Mexican drug dealers and chemical dealers who are selling the precursors or organizing the lab efforts. We have had testimony that their operations from Mexico extend, of course, through Texas, through Oklahoma. We heard testimony that from 60 labs in the Oklahoma area that the FBI controls Oklahoma and Texas, there is now over 1,000 labs that have been busted. In Iowa, the heartland again of America. On the West Coast in Sacramento, up in the north central area, incredible amounts of methamphetamine all the way down to the base of California with methamphetamine. Methamphetamine we have done hearings on.

I want to digress for a minute and talk about methamphetamine. Because I do not think we have ever seen a more damaging substance than methamphetamine. These are some charts provided to us by the National Drug Institute. Dr. Leschner presented these before our subcommittee, showing the normal brain with dopamine which helps with the brain function which is shown in the bright yellow. This is the normal brain. The second is a brain that has had a small amount of methamphetamine. The third is someone addicted to methamphetamine. The last one is someone who has Parkinson's Disease in a serious stage.

This drug, methamphetamine, does incredible things to human beings. It causes the most bizarre actions. This is what chemically happens to the brain and destroys the brain function. It is not something that can be regenerated. This is permanent damage. This is damage so severe that mothers and fathers abandon their children not to reclaim them, as we found in testimony in California, where in a small county some 600 addicted to methamphetamine, only a handful were even capable or could take back or would take back their children. This is what happens to the brain. Meth is absolutely a destructive substance and again causes people to commit the most bizarre actions. The worst case we heard was a mother and father that tortured their child and then boiled the child to finally kill the child. Again, just incredibly bizarre acts that are committed on this drug.

Mr. Speaker, we are facing a very, very difficult situation. When you have in one small locale 1,000 meth labs and this methamphetamine being produced by recipes provided over the Internet, by people experimenting and getting substances from their drug stores, chemicals, and then the larger problem, the Mexican meth dealers and getting the precursor chemicals from predominantly Mexico, China, and the Netherlands according to testimony we have had.

We are facing an incredible challenge with these narcotics coming into the United States. I am convinced, too, given the ability to produce these drugs domestically, such as methamphetamine, and we can do our best, we have a responsibility to do our best to control the precursor chemicals and find them before they come into the country and then as they come into the country and are used for these illicit purposes; but we must do an even better job of education and prevention.

Treatment is fine, but treatment assumes that someone is already addicted and a victim. If we fought World War II and we only treated victims, we did not invent the equipment that we did, the bomb that we did to go after the source, we did not stop the production of the German rockets, if we did not stop their war machine, we never would have brought the war under control. The war on drugs, it does not take a rocket scientist to figure out, you stop the drugs at their source. This also, though, as I have said, is a much more insidious threat than anything we have seen, again with Ecstasy, again with methamphetamine, again with GHB, and I believe it is GHB, I really do not know that much other than what I have heard at the last hearings about this new drug.

This is another drug that has an incredible consequence in its use. People are using it, mixing it with alcohol and dropping dead. The difference with GHB is that there is almost no trace left in the blood stream. There is almost no trace left in the body to detect. So it is a much more insidious drug; it is a deadly drug, and people are dying from it; and we do not even know they are dying. We had expert testimony that tells us because it dissipates from the body that what happens is the only way that you can really detect it is by doing a dissection of the brain and an autopsy after death and finding minute traces of this substance.

But we are facing with these designer drugs an incredible challenge to this Nation, to our young people, to parents. Parents have no idea about these drugs that are out there and again available in these clubs that sound like they would be something that you could securely send your children to with no alcohol, with security posted, with other limits. Yet these clubs, and we now have the term club drugs and we have this wide variety of small tablets and pills. Some of them we saw at the hearing that were presented in the Orlando hearing by this drug enforcement and Customs agency that had been seized that are small pills with designer emblems, designer emblems of Nike, of other trademarks that are imposed, and the drugs have such an attractive appearance and seem almost harmless that now our young people are being victimized by even the appearance of these drugs. Again, the dramatic rise in death in Florida has been recounted, and the deaths that we cannot count because of, again, drugs like GHB that are almost impossible to detect.

Again, I think it is important that we look at what is happening. Our hearing focused on that in Orlando.

This chart talks about a comparison of designer drugs and other drug overdoses and shows in 1999, this would be other drugs and this is designer drugs in the year 2000 so far to date, we see we are well on our way to breaking the records of 1999, and we are only partially through the year. What is interesting is we conducted this hearing in Orlando; we moved to New Orleans. I heard the same scenario being laid out by the district attorney there, Harry Connick, and others who testified, local sheriffs, the same problem is being repeated. Then we went on to Dallas and we hear the Dallas-Fort Worth area also being victimized by designer drugs and incredible increases in activity.

One of the problems that we have had in this administration, not only a failure in closing down some of the war on drugs, again, source country interdiction, the drug czar's office, getting that back up and running full speed, which I might say Barry McCaffrey is doing his best. General McCaffrey inherited a disaster from Lee Brown who should have been run out of office, who dismantled the drug czar's office, did the most damage of any public official probably in the history of the United States, just an incredible disaster. Barry McCaffrey and others like myself are now stuck with trying to bring us out of this morass.

One of the additional policy failures we have had, I talked about Haiti, the nation-building effort and now a disaster, one of the major sources of drug transit operations. This administration knew that Panama was going to cease our military operations in Panama. Panama was key to the war on drugs because all of the forward operating locations were centered from Panama. This little yellow dot here represents and is right over Panama. We had Howard Air Force Base, part of the $10.5 billion in assets that we turned over to the Panamanians last year. May 1 of last year was an important date, about a year ago. The U.S. knew this was going to happen, but this administration failed to negotiate with Panama not for continued military use but for continued use of drug surveillance flights, because this was such a key area, and it covered this whole area very cost effectively. We had also built the infrastructure, billions of dollars for those bases, and we could have in fact even leased them for a small amount of money. Instead, the talks collapsed. Instead, the administration was left in the cold and they quickly scurried to the Department of Defense and Department of State to find other locations. Now, that is a responsible thing to do. It was irresponsible in the fashion it was done because it was delayed. We called them before our committee even before I was chair of this subcommittee; said, are things getting in place, are you ready, are you negotiating with the Panamanians, could we not just keep the drug operations out of there, this forward operation going and do it cost effectively with cutting a deal with the Panamanians?

In fact, what happened is it all fell apart. We were totally asked to leave, kicked out of Panama. Even Barry McCaffrey told me that corrupt tenders by the Panamanians allowed the Chinese to take control of the two port activities and the U.S. was excluded from any flights as of May 1.

So as of May 1 last year, we have had a wide-open field day for drug traffickers because the United States, the Department of Defense and the State Department, have been handicapped in getting these forward-operating locations, drug surveillance operations back in place.

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When we do not have that information, we have this huge supply. Remember what I said about HDTVs? Not too many people have them because there is not a big supply. Well, on every street in this country we can find cocaine in unprecedented quantities today. On every street in this country we can find heroin in unprecedented quantities today, because we have an incredible supply.

Just doing treatment, as this administration put its eggs all in the treatment basket, it just does not cut it. We have to stop some of this supply from its source. We know it is coming from Colombia.

The American taxpayers are now stuck with the bill in trying to put together this operation in a piecemeal fashion with a base in Ecuador, a base in Curacao and Aruba, and possibly a base in El Salvador. Unfortunately, the price tag will probably be $100 million.

Ecuador, in a recent hearing we conducted, and we will be talking about this again in a hearing on Friday with the Department of Defense and Department of State, it will not be until 2002 that this runway, which is incapable of supporting some of the aircraft that we need to do this surveillance work, it will not be until 2002 until that is in place, so that is one reason we have tons of this stuff coming in unchecked.

In Aruba, we do have some flights going out of Aruba. Unfortunately, they take off from a commercial field, and our staff has said that sometimes these flights are even delayed.

Now we have a problem with Venezuela, who has thumbed its nose at the President of the United States, at the United States' efforts to conduct surveillance flights in Venezuelan airspace or pursue traffickers, even when we provide them with information.

In the final area, we have two 10-year contracts here. We will be investing that money for 10 years, and again, not up until 2002. The last location that they have suggested and recently signed an agreement, but I believe it has not been approved by the El Salvador parliament, is a location in El Salvador. So we have three that will not be in place for a long time. More drugs will be coming into the country. It is another disaster at our doorstep.

Let me again look at, if we can, the money that was spent for interdiction and also international programs, which is source country programs. These are the figures in 1991, 1992, and 1993. This would be the end of the Bush administration, the beginning of the Clinton administration.

Members will see the dramatic drop, the dramatic drop here. In fact, we are barely at, and with the efforts of the gentleman from Illinois (Mr. HASTERT), who was able to fund additional money when he had responsibility for chairing drug policy, we are barely back at the levels at the end of the Bush-Reagan administration when these programs were gutted.

As we gut these programs, it is interesting, and we turn to treatment, and we saw the graphs on treatment, we see again in the Reagan-Bush era that this is a lifetime annual and 30-day drug use, and we see it declining in the Bush and Reagan administration. We see it on a steep incline, and again, this is the policy of success of this administration.

We only see here where we began, again, the Republican and new majority takeover, some slight change. But I will tell the Members that this chart, if we continue and not stop drugs coming in from Colombia, not stop drugs coming in from their source, not interdicting drugs, not stopping the precursor chemicals that allow the production of deeper drugs and methamphetamine, Mr. Speaker, we are about to have this again go off the charts. The damage to our 12th graders and others will be unbelievable.

This is long-term trend of prevalence of heroin use, and also produced by the University of Michigan. We see in the Reagan administration pretty much a flat line, some downturn, another downturn in the Bush administration. In the Clinton administration, it is off the charts. I did not make these charts. We enlarged them. This obviously is a story of failure. This is success.

Now, any administration like the Clinton administration that can get us long-term trends on prevalence of heroin use going up like that, that is a success. That means that the war on drugs was a failure, but this is a success. Again, we see the first bleep there, again after some of the policies of the gentleman from Illinois (Mr. HASTERT), the new Republican administration of the Congress took over, not of the executive branch.

Again, we see in the Reagan era, this is long-term prevalence use of cocaine, and in the Bush era a dramatic success. This is the beginning of the Andean strategy, stopping the cocaine at its source. This was the Vice President's task force that Vice President Bush led. This is blue lightning and other initiatives to go after this stuff.

This did not work, Mr. Speaker. These are imaginary downturn lines, but then we see the Clinton administration, and I would be afraid to rechart this given what we now know about the Clinton administration diverting assets, with Vice President Gore sending AWACs to Alaska to look for oil spills, the President of the United States in his many deployments in Haiti diverting resources from this anti-narcotics effort to nationbuilding while our people are falling like flies, particularly our young people.

If Members do not believe those charts, there is a 1999 GAO report that I requested that shows in fact that in 1992–1993, the beginning of the Clinton administration, dramatic drops occurred in this.

First is the total use of DOD assets in the war on drugs. This is, again, not produced by me but the General Accounting Office; overall assets down dramatically.

This next line in red, the DOD, down dramatically. The Coast Guard was up slightly, but also leveled off here.

Mr. Speaker, I will continue next week on more information relating to our efforts to stem illegal narcotics and drug abuse in this country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McNULTY (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Ms. SANCHEZ (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. PASTOR (at the request of Mr. GEPHARDT) for today on account of illness in the family.

Mr. VENTO (at the request of Mr. GEPHARDT) for today and the balance of the month on account of illness.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. ENGLISH (at the request of Mr. ARMEY) for today on account of a death in the family.

Mr. GREENWOOD (at the request of Mr. ARMEY) for today and June 7 on account of personal reasons.

Mr. HILLEARY (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. SMITH of Michigan (at the request of Mr. ARMEY) for today and the balance of the week on account of emergency eye surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LAMPSON) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. DEMINT) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. VITTER, for 5 minutes, today.

Mr. DEMINT, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today, June 7 and 13.

Mr. METCALF, for 5 minutes, June 7, 8, and 9.

Mrs. CHENOWETH-HAGE, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4489. To amend section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, and for other purposes.

H.R. 3293. To amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 7, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7875. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenhexamid; Pesticide Tolerances [OPP–300991; FRL–6553–7] (RIN: 2070–AB78) received April 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7876. A communication from the President of the United States, transmitting requests for Fiscal Year 2001 budget amendments for the Departments of Agriculture, Energy, Health and Human Services, and State; International Assistance Programs; the Corporation for National and Community Service; the Merit Systems Protection Board; the National Archives and Records Administration; and, the National Capital Planning Commission; (H. Doc. No. 106—251); to the Committee on Appropriations and ordered to be printed.

7877. A letter from the Principal Deputy Under the Secretary of Defense, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force; to the Committee on Appropriations.

7878. A letter from the Director, Defense Finance and Accounting Service, Department of Defense, transmitting notification that the Defense Finance and Accounting Service is initiating an A–76 cost comparison study of the Security Assistance Accounting function, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

7879. A letter from the Acting Secretary, Department of the Navy, transmitting the Secretary's determination and findings that it is in the public interest to use other than competitive procedures for a specific procurement, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

7880. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report on Federally Funded Research and Development Centers Estimated FY 2001 Staff-years of Technical Effort (STE), pursuant to 10 U.S.C. 2367nt.; to the Committee on Armed Services.

7881. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting a report entitled, "Dental Care For Active Duty Military Family Members 18 Years of Age and Under"; to the Committee on Armed Services.

7882. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting a report describing the scope of preventive health care benefits to all eligible TRICARE beneficiaries; to the Committee on Armed Services.

7883. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, "Distribution of DoD Depot Maintenance Workloads Fiscal Years 2000 Through 2004"; to the Committee on Armed Services.

7884. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a interim response to the Department of Defense missions and functions review report under OMB Circular A–76; to the Committee on Armed Services.

7885. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Manufacturing Technology Program [DFARS Case 99–D302] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7886. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Caribbean Basin Countries [DFARS Case 2000–D006] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7887. A letter from the Directors of Congressional Budget Office and Office of Management and Budget, transmitting a joint report on the National Defense Function (050) outlays for Fiscal Year 2001, pursuant to 10 U.S.C. 226(a); to the Committee on Armed Services.

7888. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of Lieutenant General Phillip J. Ford, United States Air Force; to the Committee on Armed Services.

7889. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 1999; to the Committee on Armed Services.

7890. A letter from the Senior Banking Counsel, Office of General Counsel, Department of the Treasury, transmitting the Department's final rule—Bank Holding Companies and Change in Bank Control (RIN: 1505–AA78) received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7891. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Single Family Mortage Insurance; Appraiser Roster Removal Procedures [Docket No. FR–4429–F–03] (RIN: 2502–AH29) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7892. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Malaysia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

7893. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Asset and Liability Backup Program (RIN: 3064–AC23) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7894. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Activities and Investments of Insured State Banks (RIN: 3064–AC38) received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7895. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Amendment of Membership Regulation and Advances Regulation [No. 2000–10] (RIN: 3069–AA94) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7896. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Devolution of Corporate Governance Responsibilities [No. 2000–09] (RIN: 3069–AA–96) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7897. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Determination of Appropriate Present-Value Factors Associated With Payments Made by the Federal Home Loan Banks to the Resolution Funding Corporation [No. 2000–15] (RIN: 3069–AA92) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7898. A letter from the Secretary, BCP, Division of Financial Practices, Federal Trade Commission, transmitting the Commission's final rule—Advisory Opinion Regarding the Fair Debt Collection Practives Act—received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7899. A letter from the Chairman, National Credit Union Administration, transmitting the 1999 Annual Report of the National Credit Union Administration, pursuant to 12 U.S.C. 1752a(d); to the Committee on Banking and Financial Services.

7900. A letter from the Chairman, National Credit Union Administration, transmitting the 1999 annual report regarding activities related to credit practices, pursuant to 12 U.S.C. 1752a(d); to the Committee on Banking and Financial Services.

7901. A letter from the Director, Office of Thrift Supervision, transmitting the Preservation of Minority Savings Institutions Annual Report to Congress for 1999; to the Committee on Banking and Financial Services.

7902. A letter from the Director, Office of Management and Budget, transmitting the OMB Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

7903. A letter from the Secretary of Labor, transmitting the Department's annual report to Congress on the FY 1998 program operations of the Office of Workers' Compensation Programs (OWCP), the administration of the Black Lung Benefits Act (BLBA), the Longshore and Harbor Workers' Compensation Act (LHWCA), and the Federal Employees' Compensation Act for the period October 1, 1997, through September 30, 1998, pursuant to 30 U.S.C. 936(b); to the Committee on Education and the Workforce.

7904. A letter from the Acting Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting the Department's final rule—Teacher Quality Enhancement Grants Program—received April 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7905. A letter from the Acting Assistant Secretary for Postsecondary Education, Department of Education, transmitting the Department's final rule—Teacher Quality Enhancement Grants Program—received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7906. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule—Projects With Industry (RIN: 1820–AB45) received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7907. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Federal Perkins Loan Program—received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7908. A letter from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—Projects With Industry (RIN: 1820–AB45) received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7909. A letter from the Chairman, National Council on the Humanities, transmitting the Federal Council on the Arts and the Humanities' twenty-fourth annual report on the Arts and Artifacts Indemnity Program for Fiscal Year 1999, pursuant to 20 U.S.C. 959(c); to the Committee on Education and the Workforce.

7910. A letter from the Administrator, Energy Information Administration, transmitting the Energy Information Administration's "International Energy Outlook 2000," pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Commerce.

7911. A letter from the Secretary, Department of Health and Human Services, transmitting the 1999 annual report on the Loan Repayment Program for Research Generally, pursuant to 42 U.S.C. 2541—1(i); to the Committee on Commerce.

7912. A letter from the Assistant General Counsel for Regulatory Law, Western Area Power Administration, Department of Energy, transmitting the Department's final rule—Energy Planning and Management Program; Integrated Resource Planning Approval Criteria (RIN: 1901–AA84) received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7913. A letter from the National Committee on Vital and Health Statistics, Department of Health and Human Services, transmitting the Third Annual Report to Congress on the Implementation of the Adminstrative Simplification Provisions of the Health Insurance Portability and Accountability Act, pursuant to Public Law 104—191, section 263 (110 Stat. 2033); to the Committee on Commerce.

7914. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Removal of Designated Journals; Confirmation of Effective Dates [Docket No. 99N–4957] received April 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7915. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Indiana [IN99–1a; FRL–6573–7] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7916. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone [FRL–6575–7] received April 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7917. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Interim Enhanced Surface Water Treatment Rule (IESWTR), the State 1 Disinfectants and Disinfection Byproducts Rule (Stage 1DBPR), and Revisions to State Primacy Requirements to Implement the Safe Drinking Water Act (SDWA) Amendments [FRL–6575–9] (RIN: 2040–AD43) received April 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7918. A letter from the Director, Office of Regulatory Managment and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP); Delegation of Authority to the States of Iowa; Kansas; Missouri; Nebraska; LINCOLN–Lancaster County, Nebraska; and City of Omaha, Nebraska [FRL–6577–1] received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7919. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Connecticut; Plan for Controlling MWC Emissions From Existing MWC Plants [Docket No. CT–055–7214A; FRL–6577–3] received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7920. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators [DE040–1023a; FRL–6577–7] received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7921. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Mississippi [MS23-200015a; FRL-6574-3] received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7922. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans, California—South Coast [CA-237-0221; FRL-6570-7] received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7923. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Allegheny County, Pennsylvania; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators [PA152-4099a; FRL-6571-5] received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7924. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Antelope Valley Air Pollution Control District and Mojave Desert Air Quality Management District [CA231-0227a; FRL-6570-9] received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7925. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the Georgia State Implementation Plan: Transportation Conformity Interagency Memorandum of Agreement [GA-48-200010(a); FRL-6573-5] received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7926. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Transportation Conformity Amendment: Deletion of Grace Period [FRL-6574-7] (RIN: 2060-AI76) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7927. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that State has Corrected the Plan Deficiency and Stay of Sanctions; Phoenix PM-10 Nonattainment Area, Arizona [AZ092-002; FRL-6575-2] received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7928. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Revised VOC Rules [MA063-01-7200a; A-1-FRL-6574-7A] received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

29. A letter from the Deputy Chief, Industry Analysis Division, Federal Communications Commission, transmitting the Commission's final rule—Local Competition and Boardband Reporting [CC Docket No. 99-301] received April 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7930. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Voluntary Submission of Performance Indicator Data [NRC Regulatory Issue Summary 2000-08] received April 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7931. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Use of Risk-Informed Decision-making in License Amendment Reviews [NRC Regulatory Issue Summary 2000-07] received April 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7932. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the Board's report entitled "Report to the U.S. Congress and the Secretary of Energy—1999 Findings and Recommendations," pursuant to 42 U.S.C. 10268; to the Committee on Commerce.

7933. A letter from the Lieutenant General, USA, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 00-43), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7934. A letter from the Lieutenant General, USA, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 00-41), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7935. A letter from the Lieutenant General, USA, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 00-42), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7936. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a copy of Transmittal No. 14-99 which constitutes a Request for Final Approval for the Memorandum of Agreement with Canada and the United Kingdom concerning Chemical, Biological and Radiological (CBR) Defense Material, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7937. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on chemical and biological weapons proliferation control efforts for the period of February 1, 1999 to January 31, 2000, pursuant to 22 U.S.C. 5606; to the Committee on International Relations.

7938. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7939. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's Determination No. 2000-16, regarding certification of the 26 major illicit drug producing and transit countries; to the Committee on International Relations.

7940. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the 1999 annual reports on activities of the Occupational Safety and Health Review Commission, pursuant to 29 U.S.C. 675; to the Committee on Government Reform.

7941. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued or released by the GAO in March 2000, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

7942. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting the FY 2001 Performance Plan and the Annual Performance Report for FY 1999; to the Committee on Government Reform.

7943. A letter from the Chairman, Broadcasting Board of Governors, transmitting a copy of the Broadcasting Board of Governors' 1999 Annual Report, pursuant to 22 U.S.C. 6204; to the Committee on Government Reform.

7944. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions and Deletions—received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7945. A letter from the Chairman, Defense Nuclear Facilities Board, transmitting the Annual Program Performance Report for Fiscal Year 1999; to the Committee on Government Reform.

7946. A letter from the Assistant Secretary, Civil Works, Department of the Army, transmitting the Annual Financial Report for Fiscal Year 1999; to the Committee on Government Reform.

7947. A letter from the Chief Financial Officer, Department of Energy, transmitting the Fiscal Year 1999 Accountability Report; to the Committee on Government Reform.

7948. A letter from the Administrator, Environmental Protection Agency, transmitting the Fiscal Year 1999 Annual Performance Report; to the Committee on Government Reform.

7949. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Fiscal Year 1999 Annual Performance Report and Fiscal Year 2000 Annual Performance Plan; to the Committee on Government Reform.

7950. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 1999 Program Performance Report; to the Committee on Government Reform.

7951. A letter from the Director, Federal Emergency Management Agency, transmitting the Fiscal Year 2001 Annual Performance Plan; to the Committee on Government Reform.

7952. A letter from the Chairman, Federal Labor Relations Authority, transmitting the Fiscal Year 1999 Annual Program Performance Report; to the Committee on Government Reform.

7953. A letter from the Chairman, Federal Maritime Commission, transmitting the Annual Program Performance Report for FY 1999; to the Committee on Government Reform.

7954. A letter from the Director, Holocaust Memorial Museum, transmitting the Annual

Performance Report for Fiscal Year 1999; to the Committee on Government Reform.

7955. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Fiscal Year 1999 Performance Report; to the Committee on Government Reform.

7956. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Fiscal Year 1999 Annual Performance Report; to the Committee on Government Reform.

7957. A letter from the Chairman, National Capital Planning Commission, transmitting the Commission's annual report fulfilling the reporting requirements of the Inspector General Act of 1978 (IG Act), as amended, and the Federal Manager's Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7958. A letter from the Executive Director, National Council on Disability, transmitting the Annual Performance Report Fiscal Year 1999; to the Committee on Government Reform.

7959. A letter from the Chairman, National Credit Union Administration, transmitting the 1999 Performance Plan and the Annual Plan for 2000; to the Committee on Government Reform.

7960. A letter from the Director, National Gallery of Art, transmitting the Annual Program Performance Report for FY 1999; to the Committee on Government Reform.

7961. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the Performance Program Report for Fiscal Year 1999; to the Committee on Government Reform.

7962. A letter from the Director, Office of Personnel Management, transmitting the Fiscal Year 1999 Annual Performance Report; to the Committee on Government Reform.

7963. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the King, WA, Nonappropriated Fund Wage Area (RIN: 3206–AI75) received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7964. A letter from the The Special Counsel, Office of Special Counsel, transmitting the Annual Performance Report for Fiscal Year 1999; to the Committee on Government Reform.

7965. A letter from the Secretary of the Treasury, transmitting the FY 1999 Annual Performance Report; to the Committee on Government Reform.

7966. A letter from the Secretary of the Treasury, transmitting the Financial Report of the United States Government for the Fiscal Year 1999; to the Committee on Government Reform.

7967. A letter from the Secretary of Housing and Urban Development, transmitting the Government National Mortgage Association's (GNMA) management report, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

7968. A letter from the Secretary of Labor, transmitting the Fiscal Year 1999 Annual Report on Performance and Accountablity; to the Committee on Government Reform.

7969. A letter from the Secretary of Transportation, transmitting the Fiscal Year 2001 Performance Plan combined with the Fiscal Year 1999 Performance Report; to the Committee on Government Reform.

7970. A letter from the Director, U.S. Trade and Development Agency, transmitting the Annual Performance Report for FY 1999; to the Committee on Government Reform.

7971. A letter from the Secretary of Commerce, transmitting the 1999 Biennial report with respect to the Striped Bass Research Study, pursuant to 16 U.S.C. 1851; to the Committee on Resources.

7972. A letter from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting notification of proposed refunds of offshore lease revenues where a refund or recoupment is appropriate, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

7973. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Northern Idaho Ground Squirrel (RIN: 1018–AE84) received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7974. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka MACKeral in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 000211040–0040–01; I.D. 040300A] received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7975. A letter from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Grant Minority Serving. Institutions Partnership Program: Request for Proposals for FY 2000 [Docket No. 000218045–0045–01] (RIN: 0648–ZA80) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7976. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District in the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 033100A] received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7977. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock Within the Shelikof Strait Conservation Area.in the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 032300A] received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7978. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Amendment 9 [Docket No. 991008273–0070–02; I.D. 062399B] (RIN: 0648–AK89) received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7979. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Hawaii-based Pelagic Longline Fishery Line Clipper and Dipnet Requirement; Guidelines for Handling of Sea Turtles Brought Aboard Hawaii-based Pelagic Longline Vessels [Docket No. 000214041–0081–02; I.D. 012100C] (RIN: 0648–AN50) received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7980. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery Management Plan [Docket No. 990713189–9335–02; I.D. 060899B] (RIN: 0648–AK79) received April 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7981. A letter from the Attorney General, transmitting the FY 1999 Annual Accountability Report; to the Committee on the Judiciary.

7982. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a report on Forensic DNA Laboratory Improvement Program, Phase 4 for Fiscal Year 1999; to the Committee on the Judiciary.

7983. A letter from the Chief Financial Officer, Paralyzed Veterans of America, transmitting a copy of the annual audit report of the Paralyzed Veterans of America for the fiscal years ended September 30, 1998 and 1999, pursuant to 36 U.S.C. 1166; to the Committee on the Judiciary.

7984. A letter from the Director, The Federal Judicial Center, transmitting the Federal Judicial Center's Annual Report for 1999, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

7985. A letter from the Administrator, Federal Aviation Administration, transmitting the fourth annual report of actions the Federal Aviation Administration has taken in response to Section 304 of the Federal Aviation Administration Authorization Act of 1994, pursuant to 49 U.S.C. 40101nt.; to the Committee on Transportation and Infrastructure.

7986. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Jet Routes; AK [Airspace Docket No. 98–AAL–13] (RIN: 2120–AA66) received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7987. A letter from the Regulations Officer, FHA, Department of Transportation, transmitting the Department's final rule—Federal Motor Carrier Safety Regulations; Definition of the Commercial Motor Vehicle [FHWA Docket No. FHWA 97–2858] (RIN: 2125–AE22) received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7988. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones [Docket No. FAA–99–5926 NM 3–27–00; Amendment No. 93–80 NM 3–28–00] (RIN: 2120–AG74) received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7989. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Commercial Air Tour Limitation in the Grand Canyon National Park Special Flight Rules Area [Docket No. FAA–99–5927; Amdt. No. 93–81; NM–3–28–00] (RIN: 2120–AG73) received

April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7990. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Colored Federal Airways; AK [Airspace Docket No. 98-AAL-15] (RIN: 2120-AA66) received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7991. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Delaware, OH [Airspace Docket No. 98-AGL-37] received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7992. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29977; Amdt. No. 1985] received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7993. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29976; Amdt. No. 1984] received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7994. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. J-2 Series Airplanes That Are Eqipped With Wings Lift Struts [Docket No. 99-CE-13-AD; Amendment 39-11479; AD 99-26-19] (RIN: 2120-AA64) received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7995. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes [Docket No. 99-NM-317-AD; Amendment 39-11459; AD 99-25-16] (RIN: 2120-AA64) received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7996. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes Equipped With Rolls Royce Engines [Docket No. 99-NM-125-AD; Amendment 39-11431; AD 99-24-07] (RIN: 2120-AA64) received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7997. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW 4000 Series Turbofan Engines [Docket No. 97-ANE-55-AD; Amendment 39-11220; AD 99-15-01] (RIN: 2120-AA64) received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7998. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. Models SA226-T, SA226-T(B), SA226-AT, and SA226-TC Airplanes [Docket No. 99-CE-15-AD; Amendment 39-11348; AD 99-21-05] (RIN: 2120-AA64) received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7999. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER), Model EMB-145 Series Airplanes [Docket No. 99-NM-203-AD; Amendment 39-11655; AD 2000-07-01] (RIN: 2120-AA64) received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8000. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-200, -200C, -300, and -400 Series Airplanes [Docket No. 99-NM-84-AD; Amendment 39-11654; AD 2000-06-13] (RIN: 2120-AA64) received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8001. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 2000-NM-86-AD; Amendment 39-11656; AD 2000-07-02] (RIN: 2120-AA64) received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8002. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9, DC-9-80, and C-9 (Military) Series Airplanes; and Model MD-90 Airplanes [Docket No. 98-NM-147-AD; Amendment 39-11208; AD 99-13-13] (RIN: 2120-AA64) received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8003. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 99-SW-08-AD; Amendment 39-11657; AD 2000-07-03] (RIN: 2120-AA64) received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8004. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance for Developing TMDLs in California EPA Region 9—received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8005. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Withdrawl of Certain Federal Human Health and Aquatic Life Water Quality Criteria Applicable to Rhode Island, Vermont, the District of Columbia, Kansas and Idaho [FRL-6576-2] received April 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8006. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—EPA Review and Approval of State and Tribal Water Quality Standards [FRL-6571-7] (RIN: 2040-AD33) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8007. A letter from the Chairman, Federal Maritime Commission, transmitting the 38th Annual Report of the Federal Maritime Commission for fiscal year 1999, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

8008. A letter from the Chairman, Bureau of Consumer Complaints and Licensing, Federal Maritime Commission, transmitting the Commission's final rule—In the Matter of a Single Individual Contemporaneously Acting as the Qualifying Individual for Both an Ocean Freight Forwarder and a Non-vessel-operating Common Carrier [Docket No. 99-23] received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8009. A letter from the Deputy Administrator, General Services Administration, transmitting informational copy of a lease prospectus for FY 2001, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

8010. A letter from the Administrator, General Services Administration, transmitting an informational copy of the the lease prospectus for the Federal Bureau of Investigation, Cleveland, OH, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

8011. A letter from the Secretary of Transportation, transmitting a report on the Coast Guard's regulations concerning oils, including animal fats and vegetable oils, carry out the intent of the Edible Oil Regulatory Reform Act (P.L. 104-324) Section 1130 of the Coast Guard Authorization Act of 1996 (P.L. 104-324) directs the Secretary of Transportation to submit these annual reports; to the Committee on Transportation and Infrastructure.

8012. A letter from the Secretary of Labor, transmitting a report entitled, "Uniformed Services Employment and Reemployment Rights Act of 1994 (USERA) Annual Report to Congress For Fiscal Year 1999"; to the Committee on Veterans' Affairs.

8013. A communication from the President of the United States, transmitting notification of his determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 106—252); to the Committee on Ways and Means and ordered to be printed.

8014. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in efect for the People's Republic of China will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 106—253); to the Committee on Ways and Means and ordered to be printed.

8015. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for the Republic of Belarus will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 106—254); to the Committee on Ways and Means and ordered to be printed.

8016. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Floor Stocks Tax for Cigarettes (99R-259P) [T.D. ATF-423] (RIN: 1512-AB95) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8017. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and

Firearms, transmitting the Bureau's final rule—Yountville Viticultural Area (98R–28P) [TD ATF–410; RE: Notice No. 864] (RIN: 1512–AA07) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8018. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Chiles Valley Viticultural Area (96F–111) [TD ATF–408; Re: Notice No. 858] (RIN: 1512–AA07) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8019. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Increase in Tax on Tobacco Products and Cigarette Papers and Tubes [99R–88P] [T.D. ATF–420] (RIN: 1512–AB88) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8020. A letter from the Acting Assistant Secretary for Import Administration, International Trade Administration, Department of Commerce, transmitting the Department's final rule—Amended Regulation Concerning the Revocation of Antidumping and Countervailing Duty Orders [Docket No. 990521142–9252–02] (RIN: 0625–AA54) received April 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8021. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Charitable Split-Dollar Insurance Reporting Requirements [Notice 2000–24] received April 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8022. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Department Stores Indexes [Rev. Rul. 2000–21] received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8023. A letter from the Secretary of Health and Human Services, transmitting the 1999 Report on the Analysis of the Impact on Welfare Recidivism of PRWORA Child Support Arrears Distribution Policy Changes; to the Committee on Ways and Means.

8024. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Federal Old-Age, Survivors and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Determining Disability and Blindness; Classification of "Age" as a Vocational Factor [Regulations Nos. 4 and 16] (RIN: 0960–AE 96) received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8025. A letter from the Secretary of Defense, transmitting a notification of the designation of operations in East Timor are expected to exceed $50 million; jointly to the Committees on Armed Services and International Relations.

8026. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Presidential Determination 2000–19, the President has exercised the authority provided to him and has issued the required determination to waive certain restrictions on the maintenance of a Palestine Liberation Organization (PLO) Office and on expenditure of PLO funds for a period of six months; jointly to the Committees on International Relations and Appropriations.

8027. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification: Nonproliferation and Disarmament Fund (First Submission for FY 00); jointly to the Committees on International Relations and Appropriations.

8028. A letter from the President, U.S. Institute of Peace, transmitting the audit of the Institute's accounts for the fiscal year 1999 conducted by certified accountants from the firm of Ernst & Young, pursuant to 22 U.S.C. 4611; jointly to the Committees on International Relations and Education and the Workforce.

8029. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting a listing of one property covered by the Coastal Barrier Improvement Act of 1990; jointly to the Committees on Resources and Banking and Financial Services.

8030. A letter from the Secretary of the Interior, transmitting a legislative proposal entitled, "Coalfields Security Act of 2000"; jointly to the Committees on Resources and Ways and Means.

8031. A letter from the the Commissioners, the National Commission on Terrorism, transmitting a report entitled, "Countering The Changing Threat Of International Terrorism," pursuant to Public Law 105—277; (H. Doc. No. 106—250); jointly to the Committees on the Judiciary and International Relations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on May 25, 2000 the following reports were filed on June 1, 2000]

Mr. LEWIS of California: Committee on Appropriations. H.R. 4576. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–644). Referred to the Committee of the Whole House on the State of the Union.

Mr. PORTER: Committee on Appropriations. H.R. 4577. A bill making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–645). Referred to the Committee of the Whole House on the State of the Union.

Mr. REGULA: Committee on Appropriations. H.R. 4578. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–646). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following action occurred on May 26, 2000]

Pursuant to clause 5 of rule X the Committee on Ways and Means discharged. H.R. 1070 referred to the Committee of the Whole House on the State of the Union.

[Submitted June 6, 2000]

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3605. A bill to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes; with an amendment (Rept. 106–647). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4435. A bill to clarify certain boundaries on the map relating to Unit NC01 of the Coastal Barrier Resources System (Rept. 106–648). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3176. A bill to direct the Secretary of the Interior to conduct a study to determine ways of restoring the natural wetlands conditions in the Kealia Pond National Wildlife Refuge, Hawaii (Rept. 106–649). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3535. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning; with an amendment (Rept. 106–650). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 8. A bill to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period; with an amendment (Rept. 106–651). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 514. Resolution providing for consideration of the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–652). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 515. Resolution providing for consideration of the bill (H.R. 4577) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for fiscal year ending September 30, 2001, and for other purposes (Rept. 106–653). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 516. Resolution providing for consideration of the bill (H.R. 3605) to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes (Rept. 106–654). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following action occurred on May 26, 2000]

H.R. 984. Referral to the Committees on International Relations, Banking and Financial Services, the Judiciary, and Armed Services extended for a period ending not later than June 7, 2000.

H.R. 1656. Referral to the Committees on Commerce and Education and the Workforce extended for a period ending not later than June 7, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HANSEN:

H.R. 4579. A bill to provide for the exchange of certain lands within the State of Utah; to the Committee on Resources.

By Mr. BLUMENAUER (for himself and Mr. WU):

H.R. 4580. A bill to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed

Management Unit, Oregon, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself, Mrs. Jones of Ohio, Mr. Hilliard, Ms. Carson, Mrs. Clayton, Ms. Brown of Florida, Ms. Eddie Bernice Johnson of Texas, Mr. Clyburn, Mr. Payne, Ms. Lee, Mr. Davis of Illinois, Mr. Thompson of Mississippi, Mr. Clay, Mr. Owens, Mr. Cummings, Ms. Jackson-Lee of Texas, Mr. Conyers, Mr. Hastings of Florida, Mr. Towns, Ms. Millender-McDonald, Ms. Waters, Mr. Wynn, Mr. Scott, Mr. Jefferson, Mr. Lewis of Georgia, Mr. Rangel, Mr. Ford, Ms. McKinney, Ms. Kilpatrick, Mr. Meeks of New York, Mr. Dixon, Mr. Fattah, Mrs. Meek of Florida, and Mr. Watt of North Carolina):

H.R. 4581. A bill to authorize the Homeward Bound Foundation to establish the Middle Passage National Monument; to the Committee on Resources.

By Mr. DEMINT (for himself, Mr. Canady of Florida, Mrs. Chenoweth-Hage, Mr. Coburn, Mr. Hill of Montana, Mr. Metcalf, Mr. Salmon, Mr. Sanford, Mr. Tancredo, and Mr. Toomey):

H.R. 4582. A bill to provide Internet access to congressional documents, including certain Congressional Research Service publications, and for other purposes; to the Committee on House Administration.

By Mr. HANSEN:

H.R. 4583. A bill to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs; to the Committee on Resources.

By Mr. LAFALCE:

H.R. 4584. A bill to require insured depository institutions to make affordable transaction accounts available to their customers, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LEACH:

H.R. 4585. A bill to strengthen consumers' control over the use and disclosure of their health information by financial institutions, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mrs. Capps, Mr. Luther, and Mr. Evans):

H.R. 4586. A bill to amend the Consumer Product Safety Act and the Federal Hazardous Substances Act regarding repair, replacement, or refund actions, civil penalties, and criminal penalties under those Acts; to the Committee on Commerce.

By Ms. McKINNEY:

H.R. 4587. A bill to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America; to the Committee on International Relations.

By Mr. YOUNG of Alaska:

H.R. 4588. A bill to amend the Radiation Exposure Compensation Act to include workers who were employed on Amchitka Island, Alaska, in the construction and maintenance of deep shafts for underground nuclear testing and various other military purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 4589. A bill to direct the Administrator of the Environmental Protection Agency to establish an eleventh region of the Environmental Protection Agency, comprised solely of the State of Alaska; to the Committee on Resources.

By Mr. GUTIERREZ (for himself, Mr. Baca, Mr. Gonzalez, Mr. Menendez, Mrs. Napolitano, Mr. Ortiz, Mr. Reyes, Mr. Rodriguez, and Ms. Roybal-Allard):

H.R. 4590. A bill to amend the Immigration and Nationality Act to establish special procedures for the filing and consideration of asylum applications by alien children who are unaccompanied by a parent or guardian and for the detention of any alien children unaccompained by a parent or guardian; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H.J. Res. 99. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Ways and Means.

By Mr. ROEMER:

H. Con. Res. 344. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to present the Congressional Gold Medal to Father Theodore Hesburgh; to the Committee on House Administration.

By Mr. ROGAN:

H. Con. Res. 345. Concurrent resolution expressing the sense of the Congress regarding the need for cataloging and maintaining public memorials commemorating military conflicts of the United States and the service of individuals in the Armed Forces; to the Committee on Resources.

By Mr. WYNN:

H. Con. Res. 346. Concurrent resolution concerning the establishment of a permanent United Nations security force; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

317. The SPEAKER presented a memorial of the Legislature of the State of Kansas, relative to House Concurrent Resolution No. 5050 urging Congress to pass legislation allowing state-inspected meat and meat products to be shipped interstate and to pass legislation increasing the number of poultry to be slaughtered at home and offered for sale to the consumer; to the Committee on Agriculture.

318. Also, a memorial of the Legislature of the State of Wisconsin, relative to 1999 Senate Joint Resolution 13 memorializing Congress to amend the Federal Meat Inspection Act to allow for the interstate shipment of state-inspected meat; to the Committee on Agriculture.

319. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 125 memorializing Congress to restore quality health care to active duty and retired military personnel and their families; to the Committee on Armed Services.

320. Also, a memorial of the Senate of the State of Iowa, relative to Senate Joint Resolution No. 107 memorializing the United States Department of Defense, the United States Army, and the United States Congress to place production work at the Rock Island Arsenal, and to consider increased utilization of the Arsenal's facilities, so that the capabilities of the Rock Island Arsenal, and economic vitality of the surrounding region, may be utilized to the fullest extent possible; to the Committee on Armed Services.

321. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 92 memorializing the United States Congress and the United States Department of the Army to select Fort Belvoir as the site of the United States Army Museum; to the Committee on Armed Services.

322. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 222 memorializing the United States Congress to increase funding for Historically Black Colleges and Universities (HBCUs) and financial aid for middle income students; to the Committee on Education and the Workforce.

323. Also, a memorial of the Senate of the State of Missouri, relative to Senate Resolution No. 1034 memorializing the President and the Congress of the United States to provide the full forty-percent federal share of funding for special education programs so that Missouri and other states participating in these critical programs will not be required to take funding from other vital state and local programs in order to fund this underfunded federal mandate; to the Committee on Education and the Workforce.

324. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 10 memorializing the President and the Congress to authorize humanitarian assistance to the people of Taiwan and urging the President to seek public renunciation from China of any potential use of force by China against Taiwan; and affirming that Taiwan's future should be resolved peacefully; to the Committee on International Relations.

325. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Resolution 1001 proposing amendments to the Constitution of Arizona; amending article X, sections 1 through 4, 7 and 10, Constitution of Arizona; amending article X, Constitution of Arizona, by adding sections 12, 13 and 14; Relating to State Lands; to the Committee on Resources.

326. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2003 memorializing the President, the Secretary of the Interior and the Congress of the United States to take action to prevent the designation of any additional National Monuments or Forest Service roadless areas in this state without full public participation and an express act of Congress; to the Committee on Resources.

327. Also, a memorial of the Legislature of the State of Arizona, relative to House Joint Resolution 2001 denouncing the establishment of new national monuments in the State of Arizona without full public participation, consent and approval of local governments, the Arizona Legislature, the Governor and Congress; to the Committee on Resources.

328. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 108 urging the President of the United States and the Congress of the United States to enact federal legislation to provide full deductibility from federal income taxes of health insurance premiums for individuals, the self-employed and small groups; to the Committee on Ways and Means.

329. Also, a memorial of the General Assembly of the Commonwealth of Virginia,

relative to Senate Joint Resolution No. 98 memorializing the Congress of the United States to amend that portion of the Trade Act of 1974 establishing the North American Free Trade Agreement Transitional Adjustment Assistance Program to extend the maximum time period for receipt of benefits from 52 weeks to 78 weeks; to the Committee on Ways and Means.

330. Also, a memorial of the Legislature of the State of Utah, relative to House Concurrent Resolution No. 3 memorializing the United States Congress to immediately increase the tax-exempt private activity volume cap and the allocation of low-income housing tax credits available to Utah to levels that would fully restore the tax-exempt private activity bond volume cap purchasing power of the states to levels that would offset the diluted effects of inflation since 1987, and to index increases for these resources to inflation in future years; to the Committee on Ways and Means.

331. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 35 memorializing the Congress of the United States to enact "The Keep Our Promise to America's Military Retirees Act"; jointly to the Committees on Armed Services and Government Reform.

332. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 255 memorializing Congress to protect Virginia's dairy industry by approving the Southern Dairy Compact and ensuring that the federal Clean Water Act is implemented in a way that does not place an undue burden on farmers; jointly to the Committees on the Judiciary and Transportation and Infrastructure.

333. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8017 memorializing the President of the United States and the Congress to provide federal assistance in ensuring pipeline safety; jointly to the Committees on Transportation and Infrastructure and Commerce.

334. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Resolution No. 109 memorializing the President of the United States and the Congress of the United States to enact federal legislation to increase Medicare reimbursements to levels allowing providers to fully recover the actual costs of providing necessary health care services to Medicare eligible patients; jointly to the Committees on Ways and Means and Commerce.

335. Also, a memorial of the Senate of the State of New Hampshire, relative to Senate Resolution No. 14 memorializing the Congress of the United States to repeal the new 25 percent Weatherization Program match requirement scheduled to go into effect in 2001, which would place states like New Hampshire at potential risk of loss of all federal funding for this valuable program and to support increased funding for much-needed federal programs, so that states can best assist residents and businesses to decrease their fuel consumption and afford essential heating costs; jointly to the Committees on Commerce, International Relations, and Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FORD introduced a bill (H.R. 4591) to provide for the reliquidation of certain entries of steel wire rods; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. TRAFICANT, Mr. MALONEY of Connecticut, and Mr. SMITH of New Jersey.

H.R. 49: Mr. KUCINICH, Mr. HOLT, and Mr. MEEHAN.

H.R. 207: Mr. HOYER.

H.R. 220: Mr. BARTLETT of Maryland.

H.R. 229: Mrs. TAUSCHER, Mr. BOUCHER, and Mr. STARK.

H.R. 460: Mr. CALVERT, Mr. OWENS, Mr. CARDIN, and Ms. KILPATRICK.

H.R. 483: Ms. WOOLSEY.

H.R. 488: Ms. LOFGREN.

H.R. 531: Mr. GUTKNECHT and Mr. WYNN.

H.R. 534: Ms. DeLAURO, Mr. HORN, and Mr. JEFFERSON.

H.R. 583: Mr. GORDON.

H.R. 632: Mrs. CLAYTON, Mr. WATT of North Carolina, Mr. SAWYER, and Mr. SAXTON.

H.R. 742: Ms. BERKLEY.

H.R. 860: Ms. BROWN of Florida.

H.R. 1020: Mr. MASCARA, Mr. HALL of Ohio, Mr. WYNN, Mr. NETHERCUTT, Mr. GILLMOR, Mr. BARRETT of Wisconsin, Mr. MARTINEZ, Mr. WAMP, Ms. SANCHEZ, Mr. SAXTON, and Mr. ALLEN.

H.R. 1053: Mr. HILLIARD, Mr. SABO, and Mr. LANTOS.

H.R. 1080: Ms. NORTON.

H.R. 1179: Mr. NORWOOD.

H.R. 1216: Mr. RODRIGUEZ.

H.R. 1227: Mr. HILLIARD.

H.R. 1248: Mr. COYNE.

H.R. 1322: Mr. CHAMBLISS, Mr. OSE, Mr. CONDIT, Mr. COBLE, Mr. FORD, Mr. LEACH, Ms. DANNER, and Mr. JOHN.

H.R. 1382: Mr. SAXTON.

H.R. 1396: Mr. CROWLEY, Mrs. CAPPS, and Mr. THOMPSON of Mississippi.

H.R. 1494: Mr. RILEY and Mr. THORNBERRY.

H.R. 1532: Mr. MORAN of Virginia.

H.R. 1623: Mr. LUCAS of Kentucky.

H.R. 1634: Mr. BAKER.

H.R. 1640: Mr. TIERNEY.

H.R. 1732: Mr. SMITH of New Jersey.

H.R. 1795: Mr. LaHOOD, Mr. BARCIA, Mr. BARTLETT of Maryland, Mr. GUTKNECHT, and Mr. BLUMENAUER.

H.R. 1871: Mr. FRANK of Massachusetts.

H.R. 1914: Mr. NETHERCUTT.

H.R. 1926: Mrs. ROUKEMA.

H.R. 2129: Mr. WAMP, Mrs. FOWLER, Mr. RUSH, Mr. COOK, and Mr. GORDON.

H.R. 2298: Mr. WYNN.

H.R. 2341: Mr. WEXLER, Mr. NUSSLE, Mr. MOAKLEY, Mrs. CHRISTENSEN, Ms. NORTON, Mr. NEAL of Masssachusetts, Mr. MEEHAN, and Mr. McHUGH.

H.R. 2355: Mr. BORSKI.

H.R. 2451: Mr. JOHN.

H.R. 2485: Mr. SCHAFFER.

H.R. 2499: Ms. WOOLSEY.

H.R. 2512: Mr. LARSON.

H.R. 2528: Mr. CALVERT.

H.R. 2586: Mr. ALLEN.

H.R. 2631: Mr. ENGEL, Mr. GOODE, and Mr. DOYLE.

H.R. 2697: Mr. WYNN.

H.R. 2733: Mr. WYNN.

H.R. 2739: Mr. McGOVERN.

H.R. 2741: Mr. WYNN, Mr. LANTOS, and Ms. LOFGREN.

H.R. 2790: Mr. ANDREWS, Ms. LEE, Mr. PASCRELL, Mr. REYNOLDS, Mr. TRAFICANT, Mr. WAMP, and Mr. STARK.

H.R. 2807: Mr. WYNN.

H.R. 2883: Mr. MORAN of Virginia.

H.R. 2892: Mr. COYNE and Mr. WAMP.

H.R. 2909: Mr. CASTLE and Mr. HINCHEY.

H.R. 2919: Mr. KINGSTON.

H.R. 2966: Mr. CUMMINGS.

H.R. 3006: Mr. NADLER.

H.R. 3083: Ms. KILPATRICK.

H.R. 3102: Mr. LIPINSKI and Mr. RUSH.

H.R. 3142: Mr. WYNN, Mr. BLUMENAUER, and Mr. HILLIARD.

H.R. 3144: Mr. JOHN.

H.R. 3161: Mr. GORDON.

H.R. 3235: Mrs. TAUSCHER and Mr. SHERMAN.

H.R. 3294: Mr. SANDLIN.

H.R. 3301: Mr. COYNE, Mr. THOMPSON of California, Mr. BLUMENAUER, and Mr. GILCHREST.

H.R. 3315: Mrs. THURMAN, Mr. STRICKLAND, and Mr. UNDERWOOD.

H.R. 3433: Mr. STARK, Ms. STABENOW, Ms. ESHOO, Mr. CROWLEY, Mr. KUYKENDALL, Ms. LOFGREN, Mr. OBERSTAR, Mr. FORBES, Mr. ACKERMAN, Mr. GEJDENSON, and Mr. WEYGAND.

H.R. 3485: Mr. McNULTY, Mr. PASCRELL, Mr. MALONEY of Connecticut, Mr. GUTIERREZ, Mr. LoBIONDO, Mr. FROST, and Mr. CHABOT.

H.R. 3540: Mr. WELLER.

H.R. 3546: Mr. PICKETT, Mr. CALVERT, Mr. ISAKSON, Mr. ROMERO-BARCELO, Ms. NORTON.

H.R. 3576: Mrs. EMERSON, Mr. ROYCE, and Mr. COMBEST.

H.R. 3580: Mr. HILLIARD, Mr. SPRATT, Mr. RAMSTAD, Mrs. MINK of Hawaii, Ms. CARSON, Mr. SCARBOROUGH, Mr. PASCRELL, Mr. VISCLOSKY, Mr. BERRY, Mrs. CAPPS, Mr. CUMMINGS, Mr. DAVIS of Florida, Mr. DICKEY, and Mr. BEREUTER.

H.R. 3590: Mr. LEWIS of California.

H.R. 3609: Mr. ADERHOLT.

H.R. 3634: Mr. HILLIARD, Mr. HOLT, and Ms. JACKSON-LEE of Texas.

H.R. 3663: Mr. HUTCHINSON and Mr. HOYER.

H.R. 3677: Mr. SANFORD and Mr. WOLF.

H.R. 3688: Mr. HORN, Mr. BRADY of Pennsylvania, Mr. FORBES, and Mr. GANSKE.

H.R. 3694: Mr. BAKER.

H.R. 3766: Mr. NADLER and Mr. SAXTON.

H.R. 3817: Mr. HUNTER.

H.R. 3825: Mr. CLAY.

H.R. 3826: Mr. CAPUANO, Mr. HILLIARD, Mr. PASTOR, Mr. FILNER, Ms. KILPATRICK, Mr. BACA, and Mr. BOUCHER.

H.R. 3836: Mr. LaHOOD.

H.R. 3896: Ms. STABENOW and Mr. WU.

H.R. 3918: Mr. BONILLA, Mr. CALVERT, Mr. DEAL of Georgia, and Mr. DIAZ-BALART.

H.R. 4042: Mr. COOK and Mr. LANTOS.

H.R. 4118: Mr. MENENDEZ.

H.R. 4149: Mr. ENGEL and Mr. MARKEY.

H.R. 4176: Ms. SCHAKOWSKY, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. McGOVERN, and Mrs. CHRISTENSEN.

H.R. 4196: Mr. HASTINGS of Washington.

H.R. 4206: Mr. CAPUANO, Mr. EVANS, and Mr. SANDLIN.

H.R. 4209: Mr. SMITH of New Jersey.

H.R. 4214: Ms. STABENOW, Mr. SNYDER, Mr. WYNN, and Mr. SAXTON.

H.R. 4219: Mr. GOODLING, Mr. HILLIARD, Mr. DOYLE, Mr. VISCLOSKY, and Mr. ALLEN.

H.R. 4239: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FORD, Mr. RUSH, Ms. DeGETTE, Mr. HILLIARD, Mr. WYNN, Mr. DELAHUNT, Mr. BECERRA, Mr. OLVER, Mr. OWENS, Mr. TIERNEY, Mr. MATSUI, Mr. BISHOP, Mr. NADLER, Ms. BROWN of Florida, Mr. FROST, Mr. DICKS, and Mr. DOYLE.

H.R. 4245: Mr. HUTCHINSON, Mr. SNYDER, Mr. WYNN, and Mr. SAXTON.

H.R. 4246: Mr. ANDREWS.

H.R. 4257: Mr. CALVERT and Mr. COMBEST.

H.R. 4259: Mr. UDALL of Colorado, Mr. BAIRD, Mr. NETHERCUTT, Mr. GILCHREST, and Mr. McGOVERN.

H.R. 4271: Mr. SALMON, Ms. PRYCE of Ohio, and Mr. KUCINICH.

H.R. 4272: Mr. SALMON, Ms. PRYCE of Ohio, and Mr. KUCINICH.

H.R. 4273: Mr. SALMON, Ms. PRYCE of Ohio, and Mr. KUCINICH.

H.R. 4274: Ms. PRYCE of Ohio, Mr. OWENS, and Mr. JEFFERSON.

H.R. 4277: Mr. HILLIARD, Mr. RAHALL, and Mr. PASTOR.

H.R. 4298: Mr. POMBO.

H.R. 4301: Mr. GORDON, Mr. BOEHNER, Mr. EWING, and Ms. LEE.

H.R. 4320: Mr. MORAN of Virginia, Mr. DICKS, Mr. ABERCROMBIE, Mr. DELAHUNT, Mr. DOYLE, and Mr. NADLER.

H.R. 4328: Mr. FROST, Mr. FILNER, Mr. SNYDER, and Mr. GILCHREST.

H.R. 4329: Mr. FOLEY and Mr. McNULTY.

H.R. 4334: Mr. WYNN and Mr. SAXTON.

H.R. 4357: Mr. GEORGE MILLER of California, Ms. LEE, Mr. NADLER, Mr. HALL of Ohio, Ms. NORTON, and Mrs. LOWEY.

H.R. 4361: Mr. OBERSTAR, Mr. KLINK, Mr. GUTIERREZ, Mr. LaHOOD, Mr. HUTCHINSON, Mr. PETRI, and Mr. McGOVERN.

H.R. 4384: Mr. ROHRABACHER, Mr. GILMAN, Mr. GEKAS, Mr. McINTOSH, Mr. BILBRAY, Mr. KNOLLENBERG, Mr. DOOLITTLE, Mr. JONES of North Carolina, Ms. DANNER, Mr. WOLF, Mr. SHOWS, Mr. EVANS, Mr. SPRATT, Mrs. THURMAN, Mr. WAXMAN, Mrs. NAPOLITANO, Mr. BLAGOJEVICH, Mr. PALLONE, Mr. ETHERIDGE, Mr. TAYLOR of Mississippi, Mrs. MALONEY of New York, Ms. BROWN of Florida, Mr. SAWYER, Mr. FROST, Mr. BLILEY, Mr. PAYNE, Mr. REYNOLDS, Mr. FLETCHER, Mr. McINNIS, Mr. STUPAK, Mrs. BIGGERT, Mr. UPTON, Mr. McHUGH, Mr. PETERSON of Minnesota, Mr. ORTIZ, Mr. THOMPSON of California, Mr. FOSSELLA, Mrs. KELLY, Mr. DOOLEY of California, Mr. THOMPSON of Mississippi, Mr. BARRETT of Wisconsin, and Ms. MILLENDER-McDONALD.

H.R. 4393: Mr. BILIRAKIS and Mr. WAMP.

H.R. 4395: Mr. HAYWORTH, Mr. LEWIS of Georgia, and Mr. DOYLE.

H.R. 4442: Mr. GILCHREST and Mr. KENNEDY of Rhode Island.

H.R. 4453: Ms. NORTON, Mr. NADLER, Ms. McKINNEY, and Mr. BROWN of Ohio.

H.R. 4467: Mr. UDALL of Colorado, Mr. ISTOOK, Mr. BARR of Georgia, Ms. CARSON, Mr. DOYLE, Mr. BACHUS, Mr. BARRETT of Nebraska, Mr. LATHAM, and Mr. EDWARDS.

H.R. 4470: Mr. MATSUI, Mr. SHAW, and Mr. FOLEY.

H.R. 4471: Mr. SALMON, Mr. BLUMENAUER, Mr. PETERSON of Minnesota, Mr. ROEMER, Mr. JOHN, Mr. JEFFERSON, Mr. RAMSTAD, Mr. KIND, and Mr. FORD.

H.R. 4483: Ms. MILLENDER-McDONALD and Mrs. THURMAN.

H.R. 4492: Mr. GIBBONS, Mr. DAVIS of Virginia, Mr. SHIMKUS, Mr. LaHOOD, Mrs. KELLY, Mr. SMITH of Washington, Mr. OWENS, Mr. MORAN of Virginia, Mr. PRICE of North Carolina, Mr. DAVIS of Illinois, Mr. SWEENEY, Mrs. MINK of Hawaii, Mr. ROHRABACHER, Ms. DeLAURO, Mr. SHOWS, Mr. WYNN, Mr. FROST, Mr. GUTIERREZ, Mr. BARRETT of Nebraska, Mr. SAXTON, Mr. GEJDENSON, Mr. BROWN of Ohio.

H.R. 4537: Mr. TIAHRT.

H.R. 4539: Mr. FRANKS of New Jersey and Mr. ROGAN.

H.R. 4542: Mr. HOYER.

H.R. 4547: Mr. HOBSON.

H.R. 4549: Mr. HILLIARD.

H.R. 4560: Mr. PETERSON of Minnesota and Mr. RADANOVICH.

H.R. 4567: Mr. WYNN, Mr. LARSON, Mr. PALLONE, MR. OWENS, and Ms. DeLAURO.

H.J. Res. 56: Mr. ACKERMAN.

H. Con. Res. 238: Ms. HOOLEY of Oregon.

H. Con. Res. 285: Mr. FOLEY and Mr. ANDREWS.

H. Con. Res. 306: Mrs. THURMAN, Mr. GILCHREST, Mr. BARRETT of Wisconsin, Mr. BOUCHER, Mr. McDERMOTT, Mr. NADLER, Ms. DeLAURO, Mr. LaTOURETTE, and Mr. LUCAS of Kentucky.

H. Con. Res. 308: Mr. BROWN of Ohio.

H. Con. Res. 332: Mr. BROWN of Ohio.

H. Con. Res. 341: Mr. HOLT, Mr. MEEHAN, and Mrs. MALONEY of New York.

H. Con. Res. 343: Mr. FILNER, Mrs. JONES of Ohio, Mr. JEFFERSON, Mr. MATSUI, Mr. HILLIARD, and Mr. ENGEL.

H. Res. 37: Mr. BACA.

H. Res. 238: Mr. WYNN.

H. Res. 398: Mr. LARSON, Ms. NORTON, Mr. McHUGH, Mr. LoBIONDO, Mr. BOEHLERT, Mr. KUYKENDALL, Mr. LAZIO, Mr. ENGLISH, Mr. FRANK of Massachusetts, Mr. COX, Mr. CAMPBELL, Mr. DeFAZIO, Mr. DEUTSCH, and Mr. SHAYS.

H. Res. 461: Mr. HOYER, MR. RUSH, Ms. NORTON, Mr. NADLER, and Ms. McKINNEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4006: Mr. WELDON of Pennsylvania.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

86. The SPEAKER presented a petition of City of Cordova, relative to Resolution No. 04–00–17 supporting the Conservation and Reinvestment Act of 1999 H.R. 701 and S. 2123; jointly to the Committees on Agriculture, Resources, and the Budget.

87. Also, a petition of Kodiak Island Borough, relative to Resolution No. 2000–13 supporting the Conservation and Reinvestment Act of 1999 H.R. 701 and S. 2123; jointly to the Committees on Resources, Agriculture, and the Budget.

88. Also, a petition of Downers Grove Board of Park Commissioners, relative to Resolution No. 00–3 urging Congress to pass HR 701/S 2123 the Conservation Reinvestment Act (CARA) during its session in 2000; jointly to the Committees on Resources, Agriculture, and the Budget.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3605

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 1: At the end of the bill, add the following new title:

TITLE III—WILDERNESS

SEC. 301. SHORT TITLE.

This title may be cited as the "San Rafael Swell Region Wilderness Act of 2000".

SEC. 302. DESIGNATION.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain public lands in Utah, comprising approximately 1,054,800 acres as generally depicted on a map entitled "Proposed Wilderness within San Rafael Swell Region" and dated March, 2000, and as specified in subsection (b) of this section, are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System.

(b) WILDERNESS AREAS.—The areas designated as wilderness by subsection (a) are as follows:

(1) The lands identified as "Sids Mountain" and "Eagle Canyon" on the map referred to in subsection (a), comprising approximately 112,000 acres, which shall be known as "Sids Mountain-Eagle Canyon Wilderness".

(2) The lands identified as "Mexican Mountain" on the map referred to in subsection (a), comprising approximately 99,000 acres, which shall be known as "Mexican Mountain Wilderness".

(3) The lands identified as "Muddy Creek" on the map referred to in subsection (a), comprising approximately 235,000 acres, which shall be known as "Muddy Creek Wilderness".

(4) The lands identified as "Wild Horse Mesa" on the map referred to in subsection (a), comprising approximately 91,000 acres, which shall be known as "Wild Horse Mesa Wilderness".

(5) The lands identified as "Factory Butte" on the map referred to in subsection (a), comprising approximately 25,000 acres, which shall be known as "Factory Butte Wilderness".

(6) The lands identified as "Red Desert" and "Capital Reef Adjacent Units" on the map referred to in subsection (a), comprising approximately 40,000 acres, which shall be known as "Red Desert Wilderness".

(7) The lands identified as "Price River-Humbug" on the map referred to in subsection (a), comprising approximately 99,000 acres, which shall be known as "Price River-Humbug Wilderness".

(8) The lands identified as "Lost Spring Wash" on the map referred to in subsection (a), comprising approximately 35,000 acres, which shall be known as "Lost Spring Wash Wilderness".

(9) The lands identified as "Mussentuchit Badlands" on the map referred to in subsection (a), comprising approximately 25,000 acres, which shall be known as the "Mussentuchit Badlands Wilderness".

(10) The lands identified as "Rock Canyon" on the map referred to in subsection (a), comprising approximately 17,000 acres, which shall be known as "Rock Canyon Wilderness".

(11) The lands identified as "Molen Reef" on the map referred to in subsection (a), comprising approximately 33,000 acres, which shall be known as "Molen Reef Wilderness".

(12) The lands identified as "Limestone Cliffs" on the map referred to in subsection (a), comprising approximately 24,000 acres, which shall be known as "Limestone Cliffs Wilderness".

(13) The lands identified as "Jones Bench" on the map referred to in subsection (a), comprising approximately 2,800 acres, which shall be known as "Jones Bench Wilderness".

(14) The lands identified as "Hondu Country" on the map referred to in subsection (a), comprising approximately 20,000 acres, which shall be known as "Hondu Country Wilderness".

(15) The lands identified as "Devil's Canyon" on the map referred to in subsection (a), comprising approximately 23,000 acres, which shall be known as "Devil's Canyon Wilderness".

(16) The lands identified as "Upper Muddy Creek" on the map referred to in subsection (a), comprising approximately 19,000 acres,

which shall be known as "Upper Muddy Creek Wilderness".

(17) The lands identified as "Cedar Mountain" on the map referred to in subsection (a), comprising approximately 15,000 acres, which shall be known as "Cedar Mountain Wilderness".

(18) The lands identified as "San Rafael Swell Reef" on the map referred to in subsection (a), comprising approximately 105,000 acres, which shall be known as "San Rafael Swell Reef Wilderness".

SEC. 303. MAP AND LEGAL DESCRIPTION.

As soon as practicable after the date of the enactment of this Act, a map and a legal description for each of the Wilderness Areas shall be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. Each such map and legal description shall have the same force and effect as if included in this Act, except that the Secretary, as appropriate, may correct clerical and typographical errors in such legal description and map. Such map and legal description for each such Wilderness Area shall be on file and available for public inspection in the offices of the Director and Utah State Director, Bureau of Land Management, Department of the Interior.

SEC. 304. ADMINISTRATION OF WILDERNESS AREAS.

(a) In General.—Subject to valid existing rights and to subsection (b), the Wilderness Areas shall be administered by the Secretary in accordance with the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in such provisions to the effective date of the Wilderness Act is deemed to be a reference to the effective date of this Act; and

(2) any reference in such provisions to the Secretary of Agriculture is deemed to be a reference to the Secretary of the Interior.

(b) Further Acquisitions.—Any lands within the boundaries of any of the Wilderness Areas that are acquired by the United States after the date of the enactment of this Act shall become part of the relevant Wilderness Area and shall be managed in accordance with all the provisions of this Act and other laws applicable to such a Wilderness Area.

SEC. 305. NO BUFFER ZONES.

The Congress does not intend for the designation of the Wilderness Areas by this Act to lead to the creation of protective perimeters or buffer zones around any Wilderness Area. The fact that nonwilderness activities or uses can be seen or heard from areas within a Wilderness Area shall not, of itself, preclude such activities or uses up to the boundary of the Wilderness Area.

SEC. 306. DEFINITIONS.

As used in this title:

(1) Public lands.—The term "public lands" has the same meaning as that term has in section 103(e) of the Federal Land Policy and Management Act of 1976.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

(3) Wilderness area.—The term "Wilderness Area" or "Wilderness Areas" means one or more of the areas specified in section 302(b).

H.R. 3605

Offered By: Mr. Holt

Amendment No. 2: Strike section 202(b) and insert the following:

(b) Uses.—

(1) In general.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established.

(2) Motorized vehicles.—Except where needed for administrative purposes or to respond to an emergency—

(A) no motorized vehicles shall be permitted in any wilderness study area or other roadless area within the Conservation Area; and

(B) use of motorized vehicles on other lands within the Conservation Area shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (f).

H.R. 3605

Offered By: Mr. Udall of Colorado

Amendment No. 3: In the last subsection of section 202 (relating to wilderness Acts), strike the final period and insert the following: ", and in order to maintain the options of Congress with regard to possible future designation of lands as wilderness, the public lands in the San Rafael area, comprising approximately 1,054,800 acres as generally depicted on a map entitled 'Wilderness Study Lands Within San Rafael Swell Region' and dated April, 2000, shall be administered by the Secretary in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976, so as not to impair the suitability of such areas for preservation of wilderness until Congress determines otherwise.".

H.R. 4461

Offered By: Mr. Andrews

Amendment No. 23: At the end of title VII of the bill, add the following new section:

Sec. 753. Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

"(13) Guarantees for refinancing loans.—Upon the request of the borrower, the Secretary shall, to the extent provided in appropriation Acts, guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the following requirements:

"(A) Interest rate.—The refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

"(B) Security.—The refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

"(C) Amount.—The principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 2 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), (6)(A), (7), and (9) shall apply to loans guaranteed under this subsection, and no other provisions of paragraphs (1) through (12) shall apply to such loans.".

H.R. 4576

Offered By: Mr. DeFazio

Amendment No. 1: Page 2, line 15, insert "(increased by $1,500,000)" after the dollar amount.

Page 3, line 3, insert "(increased by $197,500,000)" after the dollar amount.

Page 3, line 15, insert "(increased by $1,500,000)" after the dollar amount.

Page 4, line 3, insert "(increased by $45,000,000)" after the dollar amount.

Page 8, line 22, insert "(increased by $168,000,000)" after the dollar amount.

Page 9, line 4, insert "(increased by $68,000,000)" after the dollar amount.

Page 9, line 14, insert "(increased by $414,400,000)" after the dollar amount.

Page 10, line 2, insert "(increased by $34,100,000)" after the dollar amount.

Page 28, line 15, insert "(reduced by $930,000,000)" after the dollar amount.

H.R. 4576

Offered By: Mr. DeFazio

Amendment No. 2: Page 28, line 15, insert "(reduced by $930,000,000)" after the dollar amount.

H.R. 4576

Offered By: Mr. DeFazio

Amendment No. 3: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. ____. None of the funds made available in this Act may be used to enter into a contract with an entity that has submitted information to the Secretary of Defense, pursuant to the Federal Acquisition Regulation, that the entity has, on a total of three or more occasions after the date of the enactment of this Act, either been convicted of, or had a civil judgment rendered against it for—

(1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State, or local contract or subcontract;

(2) violation of Federal or State antitrust statutes relating to the submission of offers for contracts; or

(3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

H.R. 4576

Offered By: Mr. DeFazio

Amendment No. 4: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. ____. None of the funds made available in this Act may be used to enter into a contract with an entity for which a total of 3 or more convictions or civil judgments are rendered (as determined using information available to the Secretary of Defense pursuant to the Federal Acquisition Regulation) after the date of the enactment of this Act for—

(1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State, or local contract or subcontract;

(2) violation of Federal or State antitrust statutes relating to the submission of offers for contracts;

(3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(4) commission of any other offense indicating a lack of business integrity or business honesty that seriously or directly affects the present responsibility of a Government contractor or subcontractor.

H.R. 4576

Offered By: Mr. DeFazio

Amendment No. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to enter into a contract with an entity for which a conviction or civil judgment is rendered (as determined using information available to the Secretary of Defense pursuant to the Federal Acquisition Regulation) for—

(1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State, or local contract or subcontract;

(2) violation of Federal or State antitrust statutes relating to the submission of offers for contracts;

(3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(4) commission of any other offense indicating a lack of business integrity or business honesty that seriously or directly affects the present responsibility of a Government contractor or subcontractor.

H.R. 4576

OFFERED BY: MR. DICKS

AMENDMENT NO. 6: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . Notwithstanding any other provision of law—

(1) from amounts made available for Research, Development, Test and Evaluation, Air Force in this Act and the Department of Defense Appropriations Act, 2000 (Public Law 106–79), an aggregate amount of $99,700,000 (less any proportional general reduction required by law and any reduction required for the Small Business Innovative Research program) shall be available only for the B–2 Link 16/Center Instrument Display/In-Flight Replanner program;

(2) the Secretary of the Air Force hereafter shall not be required to obligate funds for potential termination liability in connection with the B–2 Link 16/Center Instrument Display/In-Flight Replanner program; and

(3) if any Act hereafter appropriates an amount for the B–2 Link 16/Center Instrument Display/In-Flight Replanner program for fiscal year 2001 or fiscal year 2002, the Secretary of Defense shall make such amount available for obligation not later than 60 days after the date of the enactment of such Act.

H.R. 4576

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 7: At the end of title VIII (page 116, after line 22) insert the following new section:

SEC. . (a) PROHIBITION AGAINST USE OF FUNDS FOR CERTAIN PREFERENCE.—None of the funds made available in this Act may be used to give or withhold a preference to a marketer or vendor of firearms or ammunition based on whether the manufacturer or vendor is a party to a covered agreement.

(b) COVERED AGREEMENT DEFINED.—For purposes of this section, the term "covered agreement" means any agreement requiring a person engaged in a business licensed under chapter 44 of title 18, United States Code, to abide by a designated code of conduct, operating practice, or product design respecting importing, manufacturing, or dealing in firearms or ammunition.

H.R. 4576

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 8: Page 33, line 5, insert "(reduced by $174,024,000)" after the dollar amount.

Page 35, lines 10 and 11, insert "(increased by $174,024,000)" after the dollar amount.

H.R. 4576

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 9: At the end of the bill (before the short title), insert the following:

SEC. 8119. Of the amount provided in title IV for "Research, Development, Test, and Evaluation, Defense-Wide", not more than 1,566,214,000 shall be available for the National Missile Defense program.

(b) The amount provided in title IV for "Research, Development, Test, and Evaluation, Defense-Wide" is hereby reduced by $174,024,000.

H.R. 4576

OFFERED BY: MR. MARKEY

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:

SEC. 8119. (a) None of the funds appropriated or otherwise made available in title III of this Act may be obligated or expended for procurement for the National Missile Defense program.

(b) The amount provided in title III for "Procurement, Defense-Wide" is hereby reduced by $74,530,000.

H.R. 4576

OFFERED BY: MR. SANDERS

AMENDMENT NO. 11: At the end of title VIII (page 116, after line 22) insert the following new section:

SEC. . GRANT TO SUPPORT RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS BY MILITARY PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR.

(a) GRANT TO SUPPORT ESTABLISHMENT OF RESEARCH FACILITY TO STUDY LOW-LEVEL CHEMICAL SENSITIVITIES.—Of the amounts made available in this Act for research, development, test, and evaluation, the Secretary of Defense shall make a grant in the amount of $1,650,000 to a medical research institution for the purpose of initial construction and equipping of a specialized environmental medical facility at that institution for the conduct of research into the possible health effect of exposure to low levels of hazardous chemicals, including chemical warfare agents and other substances and the individual susceptibility of humans to such exposure under environmentally controlled conditions, and for the conduct of such research, especially among persons who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War. The grant shall be made in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The institution to which the grant is to be made shall be selected through established acquisition procedures.

(b) SELECTION CRITERIA.—To be eligible to be selected for a grant under subsection (a), an institution must meet each of the following requirements:

(1) Be an academic medical center and be affiliated with, and in close proximity to, a Department of Defense medical and a Department of Veterans Affairs medical center.

(2) Enter into an agreement with the Secretary of Defense to ensure that research personnel of those affiliated medical facilities and other relevant Federal personnel may have access to the facility to carry out research.

(3) Have demonstrated potential or ability to ensure the participation of scientific personnel with expertise in research on possible chemical sensitivities to low-level exposure to hazardous chemicals and other substances.

(4) Have immediate access to sophisticated physiological imaging (including functional brain imaging) and other innovative research technology that could better define the possible health effects of low-level exposure to hazardous chemicals and other substances and lead to new therapies.

(c) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that each element of the Department of Defense provides to the medical research institution that is awarded the grant under subsection (a) any information possessed by that element on hazardous agents and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War and on the effects upon humans of such exposure. To the extent available, the information provided shall include unit designations, locations, and times for those instances in which such exposure is alleged to have occurred.

(d) REPORTS TO CONGRESS.—Not later than October 1, 2002, and annually thereafter for the period that research described in subsection (a) is being carried out at the facility constructed with the grant made under this section, the Secretary shall submit to the congressional defense committees a report on the results during the year preceding the report of the research and studies carried out under the grant.

H.R. 4577

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: Page 84, after line 21, insert the following:

SEC. 518. None of the funds appropriated or otherwise made available by title III of this Act may be used to prohibit a State vocational rehabilitation agency, for purposes of reimbursement for the agency under the Rehabilitation Act of 1973, from counting a blind or visually-impaired person as successfully rehabilitated under such Act if the person is placed in a noncompetitive or nonintegrated employment setting at the Federal minimum wage or higher.

H.R. 4577

OFFERED BY: MR. GARY MILLER OF CALIFORNIA

AMENDMENT NO. 2: Page 64, after line 6, insert the following:

SEC. 306. The amounts otherwise provided by this title are revised by decreasing the amount made available under the heading "DEPARTMENT OF EDUCATION—EDUCATION REFORM" for ready to learn television, and by increasing the amount made available under the heading "DEPARTMENT OF EDUCATION—SPECIAL EDUCATION" for grants to States, by $16,000,000.

H.R. 4577

OFFERED BY: MR. PAUL

AMENDMENT NO. 3: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)).

EXTENSIONS OF REMARKS

IN RECOGNITION OF MR. JOSEPH BALCHUNAS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today in recognition of Mr. Joseph Balchunas, a fourth-grade teacher at Fairway Elementary School in Miramar, Florida. On May 18, 2000, the Florida Department of Education and the Burdines Corporation acknowledged his innovative teaching style by naming him Florida Teacher of the Year. I would like to congratulate Joseph on this tremendous honor, and thank him for serving as a positive role model for the students of Fairway Elementary.

With over 130,000 public school teachers statewide, only one person is recognized as Florida's Teacher of the Year. To select the one educator that epitomizes the ability to teach and communicate with students, the Florida Department of Education appoints a selection committee of teachers, principals, parents, and businessmen. This year the selection committee recognized Joseph for his innovative teaching philosophy, for his exemplary school and community service, and most importantly for his ability to inspire a love of learning in students of diverse backgrounds and abilities.

Joseph has been teaching for only five years, making him, at age 28, a neophyte in the long list of educators who have previously been acknowledged as Teacher of the Year. A native of New York City, Joseph attended Nova Southeastern University and began teaching at Dwight D. Eisenhower Elementary in Davie before moving to his current position at Miramar's Fairway Elementary School. Throughout his short term of service in Broward County, Joseph has proven himself to be a hero in the eyes of his students, speaking to them on a level they can understand. Indeed, he has found a balance between teacher, authority figure, and friend—a balance that makes active learning fun for everyone involved.

Educators statewide will benefit from this amazing South Florida teacher as Joseph serves as an ambassador for the Florida Department of Education throughout the next year. In this role, Joseph will tour the state and share his methodology with others. This award also qualifies him to be considered for the honor of National Teacher of the Year.

Mr. Speaker, I hope my Florida colleagues will join me in praising Mr. Joseph Balchunas for all of the wonderful things he is doing to help the youth of South Florida. I would like to congratulate Joseph, along with the students and parents of his fourth-grade class, on this amazing accomplishment. Indeed, Fairway Elementary School and the Broward County School Board should be very proud of Joseph for the good work he is doing. In summary, I wish Joseph all the best in his future endeavors, and I thank him for his extraordinary work of positively influencing the youth of South Florida.

TRIBUTE TO RABBI DR. EUGENE MARKOVITZ

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a remarkable person, Rabbi Dr. Eugene Markovitz of Clifton, New Jersey, who will be recognized on Sunday, June 11, 2000 because of his 50 years of service as the spiritual leader of the Clifton Jewish Center. It is only fitting that he be honored, for he has a long history of caring, generosity and commitment to others.

Rabbi Markovitz was recognized for his many years of leadership in Clifton, which I have been honored to represent in Congress since 1997, and so it is only fitting that these words are immortalized in the annals of this greatest of all freely elected bodies.

The 50-year relationship between Rabbi Eugene Markovitz and his congregation has added much to the rich history of the State of New Jersey. In addition, it has provided many years of friendship and leadership to the Clifton and Passaic Jewish communities and the community at-large.

Born in Romania, Rabbi Markovitz moved to America when he was 15 years old. His father, already living in the United States, brought him to this country along with his mother and five siblings. His father was a rabbi in Lexington, Massachusetts. Later in 1938, the family moved to New York. During these early years he worked at Wilson's meat packers. He spent most of his youth in Coney Island.

At Yeshiva University in New York, Rabbi Markovitz received both his bachelors and doctorate degrees. After he was ordained he worked as a student rabbi in Dover, New Hampshire. It was the small steps in the beginning of his career that taught him the fundamentals that would make him a role model to the people that he now serves.

In 1950, the Rabbi moved to Clifton with his wife Klara. The two lived in Middle Village. Working together with 60 to 75 other families he helped create a new Jewish congregation in Clifton. The Clifton Jewish Center's popularity grew throughout the years. Often attracting 50 to 100 new members a year. People came from Passaic, Paterson, Newark and New York.

Services for the Jewish Center used to be held in the Grand Union on Clifton Avenue and junior congregation services were in the Clifton Theater. In the 1950s the Hebrew School increased in size dramatically, so the building was expanded in 1958. The Jewish Center reached its peak in the late 1960s and early 1970s with 350 children attending Hebrew School each year.

The congregation under the leadership of Rabbi Markovitz has had many significant achievements. First, the Hebrew School helped to produce six rabbis. In addition, the annual silent Kol Nidre appeal is a wonderful accomplishment.

Noted for his civic involvement, the Rabbi is active throughout the City of Clifton. He is noted as the spiritual leader of the Clifton Jewish Center and as a good friend of the Clifton/Passaic community.

Mr. Speaker, I ask that you join our colleagues, Rabbi Markovitz's family and friends, the Clifton Jewish Center, Passaic County, the State of New Jersey and me in recognizing the outstanding and invaluable service to the community of Rabbi Dr. Eugene Markovitz.

RECOGNIZING THE IMPORTANCE OF SMALL BUSINESS AND PAYING TRIBUTE TO THIS YEAR'S SMALL BUSINESS AWARD RECIPIENTS IN NEW HAMPSHIRE

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. BASS. Mr. Speaker, I am pleased to have this opportunity to recognize several small businesses and small business leaders from my home state of New Hampshire. As we all know, small businesses in the United States serve as the backbone of our economy, accounting for more than ninety-nine percent of America's employers and employing fifty-three percent of America's workforce. The role of small businesses, especially in New Hampshire, is essential in strengthening our economy, expanding opportunities for employers and employees, and providing goods and services that are second to none.

This year, several individuals and businesses from New Hampshire have been recognized by the U.S. Small Business Administration for their exemplary contributions to the state. At the annual "New Hampshire's Salute to Small Business" dinner and awards ceremony, the following individuals and businesses will be honored for their overall promotion of small business and for their individual successes during the past year:

Joseph C. Leddy, CEO of Work Opportunities Unlimited, Inc., in Stratham, will be presented with the New Hampshire Small Business Person of the Year Award;

Carolyn Martin, of the Keene Sentinel, will be presented with the New Hampshire Small Business Journalist of the Year Award;

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Belknap County Economic Development Council, in Laconia, will be presented with the New Hampshire Small Business Financial Services Advocate of the Year Award;

Eileen Kennedy, of the Telegraph, in Nashua, will be presented with the New Hampshire Small Business Women in Business Advocate of the Year Award; and

Secure Care Products, Inc., in Concord, will be presented with the New Hampshire Small Business Exporter of the Year Award.

Mr. Speaker, I am extremely pleased that Joseph, Carolyn, the Belknap County Economic Development Council, Eileen, and Secure Care Products have been recognized for their contributions to small business in New Hampshire. As a small business owner myself, I clearly understand how necessary small business is to our economy, our community, and, most important, to our way of life. New Hampshire is indeed fortunate to have individuals and businesses of this exceptional caliber as members of the small business community. I hope that the House will join me in extending our congratulations to this year's small business award recipients.

NATIONAL TASTE OF PIZZA MONTH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. TOWNS. Mr. Speaker, it is with the utmost pleasure and privilege that I rise today to salute the contributions of the Tony Modica Pizza Dance Foundation and One World-One Heart, Inc., organizations which exemplifies our nation's direction of unity and cultural exchange through inter-generational activities and programs.

One World-One Heart, Inc., a non-profit organization, serves to provide access to educational, recreational, cultural and intergenerational programs for participants from all ethnic, religious, economic and cultural backgrounds. The founders, Catherine Laport and Steven Kaplansky have over 30 years of experience of providing non-profit, social and recreational services to communities at large.

Tony Modica came to this country as an immigrant and became successful in the pizza industry. This foundation is a means for him to give back to the community through a program that benefits the elderly and the youth. Modica uses pizza as an international symbol of unity. Pizza is a favorite food of both young and old and its incorporation into a program which features song and dance makes for an enjoyable experience for all involved. The foundation has created programs that promote unity; and encourage children to stay in school and improve their grades. After his lectures, the students and seniors socialize and are treated to pizza. The Tony Modica Pizza Dance Foundation and One World-One Heart join together every year in June and sponsor a month-long celebration of unity and to raise awareness of the joys of life through free public activities for all ages which include lectures, song, dance and pizza.

The concept behind the pizza campaign is a simple but powerful one. They are not merely celebrating the worldwide love of the delicacy, but also the theory that the pizza with its varied toppings on a round of bread is symbolic of the many cultures in our society. Our culture, like the toppings on the pizza is very different, yet the toppings taste great on one foundation of bread. We as a global society have more in common than we sometimes can imagine, and our differences can be greatly appreciated. It is this commonality which is embedded in the joy of life, and respect for one another that is celebrated in the month long pizza campaign in June. The events celebrate unity and cultural diversity in a fun, spirited way. The campaign brings together corporate, non-profit, religious and elected officials who come together to support a month of unity; understanding and appreciation of cultural diversity. The Tony Modica Foundation and One World-One Heart, Inc. are positive examples of how private citizens and non-profit organizations can make a difference in the community with the support of business and government.

It is for these reasons that I implore my colleagues from both sides of the aisle to join me in recognizing The Tony Modica Pizza Foundation, One World-One Heart and "the Pizza" in proclaiming June, "The National Taste of Pizza Month."

HONORING THE WESTCHESTER LARIATS

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize the Westchester Lariats, a non-profit educational folk dance troupe for young boys and girls in grades 5 through 12. The organization will soon celebrate 50 years of community involvement.

The Westchester Lariats was founded in 1950 by Dr. J. Tillman Hall as an after school dance club for local youth. The club has evolved over the years into an important community program for young adults.

It is also a valuable cultural experience for the members of the dance troupe. They have traveled extensively throughout the country performing at various venues. The Lariats have also performed in Mexico, Canada, Europe and Australia.

Performing American swing and square dances, in addition to Hawaiian, European, and Middle Eastern dances, the dance troupe has entertained the local community for the last fifty years.

I congratulate the Westchester Lariats on achieving this milestone. You have provided joy and entertainment to many throughout the Westchester community. I wish you continued success.

SPECIAL TRIBUTE TO CARL AND MARTHA CLOSE ON THE OCCASION OF THEIR 40TH WEDDING ANNIVERSARY

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pride to rise today to pay special tribute to an outstanding couple from Virginia's Eleventh Congressional District, Carl and Martha Close. I extend my best wishes to Carl and Martha, who marked their 40th wedding anniversary on Thursday, May 18. The wedding anniversary was celebrated by the congregation at St. Paul's Episcopal Church in Bailey's Crossroads, Virginia.

Mr. Speaker, I join together today with the extended family of St. Paul's Episcopal Church to commend Carl and Martha on this joyous occasion and to share the warm wishes of the citizens of Virginia's 11th Congressional District.

Carl was born in Oregon and grew up in Colorado, while Martha is a native of Alabama. He is a Harvard graduate and was the Assistant Director of Eastern Field Operations for the Department of Interior's Office of Surface Mining. Martha attended Radcliff and is a graduate of American University. She completed her Masters of Science Degree at Catholic University in Library and Information Science. Together, they have lived in the Washington Metropolitan area for more than thirty years. The Closes are the proud parents of two children, Carol and Stewart.

True to their marriage vows, they have dedicated their lives to each other and shared in the joys and challenges of marriage. As we honor their fortieth anniversary, let us reflect on their lives, their love for one another, and wish them a happy and healthy marriage in the years to come.

Mr. Speaker, as Carl and Martha Close celebrate this very special occasion, I wish them, their children, and all of their family many years of love and happiness. I am grateful to be reminded of such a couple and to have the opportunity to recognize such a momentous day in their lives. I hope that their anniversary was spent celebrating the memories of their most cherished memories together. Carl and Martha are to be commended for their commitment to one another, and for the wonderful example they set for their many friends and family. I wish them many more happy and healthy days together.

TELEPHONE EXCISE TAX REPEAL ACT

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. STARK. Mr. Speaker, as one of two Members of Congress to oppose H.R. 3916, the telephone excise tax bill, I believe there is a need to explain the reasons for my vote. I opposed H.R. 3916 because this is just another fiscally irresponsible way for the Republicans to reduce federal revenues for the vital programs that the working families of this country rely on. The leadership of the 106th Congress doesn't care if it squanders $20 billion in tax revenues by repealing the telephone excise tax because it doesn't care if we have enough money to save Social Security and Medicare for future generations. But I do care and did not vote to repeal the excise tax.

I never heard from one constituent asking me to repeal the federal excise tax on their phone service because it was a hardship. I did, however, hear from Bell Atlantic who will soon raise its phone rates and from big companies asking me to lower their phone bill. This bill will save the average family $34 per year—no wonder there wasn't a clamor from constituents demanding the repeal. I do hear from working families who want a better education for their children, and from seniors who want a Medicare prescription drug benefit. I also hear from families who don't have any health insurance for their children or who want a cleaner environment.

EPA estimates it will cost billions of dollars over the next twenty years for municipal wastewater treatment programs. This funding assists local governments in the construction of projects to manage municipal wastewater. Untreated wastewater ends up in public drinking supplies, lakes and rivers. This untreated water is a major source of pollution for lakes and rivers and we need to address this problem now.

Eleven million children are without health insurance. Children are the least expensive segment of our population to insure. Even though we all recognize this fact, Congress insists on giving another freebie to corporate America when we should be enacting my MediKids Health Insurance Act.

The GOP does not have the interest of working families in mind with their legislative agenda. I refuse to contribute to their continual cause of promoting corporate interests. The U.S. taxpayers have told us their priorities, and eliminating the telephone excise tax was not one of them. We need these revenues for America's priorities. This bill recklessly cuts $20 billion in taxes that could be used for meaningful legislation; therefore I oppose H.R. 3916.

FORMER SENATOR BOB DOLE SPEAKS FOR WORLD WAR II MEMORIAL IN WASHINGTON, D.C.

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. LANTOS. Mr. Speaker, this morning the Subcommittee on National Security, Veterans Affairs, and International Relations of the Committee on Government Reform held a hearing under the very able leadership of my dear friend and our distinguished colleague, the gentleman from Connecticut (Mr. SHAYS), which examined the status of the World War II Memorial to be built here in our nation's capital.

The lead witness at this morning's hearing, Mr. Speaker, was the distinguished former Majority Leader of the United States Senate, the former Senator from Kansas Bob Dole. Senator Dole is a veteran of World War II and the Chair of the National World War II Memorial Campaign.

Mr. Speaker, Senator Dole has selflessly served our nation for over half a century. He was seriously wounded in Italy during the final weeks of World War II. After four hard years of determined effort, he was able to return to a useful and productive life in his native Kansas where he served as county attorney after completing law school. In 1960 he was elected a member of Congress, and eight years later, he was elected a United States Senator from Kansas. Between 1985 and 1996, Senator Dole served as Republican leader of the Senate, both as majority leader and as minority leader. His over 11 years of service as Republican leader was the longest of any individual in the history of the United States Senate. As my colleagues know, Senator Dole was the Republican candidate for President of the United States in the 1996 election.

As one of our nation's outstanding veterans of World War II, Mr. Speaker, I can think of no individual better qualified than Bob Dole to serve as Chairman of the World War II Memorial Campaign.

In addition to the excellent testimony which Senator Dole provided at this morning's hearing, he wrote an excellent piece on the World War II Memorial which was published in today's Washington Post. Mr. Speaker, I submit Senator Dole's article to be placed in the RECORD and I urge my colleagues to read it carefully. I also urge my colleagues to support the construction and completion of the World War II Memorial honoring those who participated in that great conflict for the preservation of America's freedom.

[From the Washington Post, June 6, 2000]

ONE FINAL SALUTE

(By Bob Dole)

Fifty-six years ago today, American and allied forces launched the invasion that turned the tide of World War II. What better time than this anniversary of D-Day to remember that the peace we enjoy today was secured at a precious price—and to recommit ourselves to honor the sacrifices of the veterans of World War II with a memorial on the National Mall in Washington?

It is testament to the overwhelming success of the World War II generation that we can barely imagine a conflict in which nearly 300 young servicemen and women died each day—year after year after year. Unfortunately, the veterans of that war are now passing away in even greater numbers. Before the World War II generation is gone, we owe them one last salute, and the peace of mind that their service will be remembered.

Our country has endured three great challenges and has emerged from each stronger and more united. The American Revolution demonstrated our determination to be free, and the Civil War tested our will to extend that freedom to all. The third great moment of trial, confrontation and resolution occurred nearly 60 years ago. The struggle of free men and women against totalitarianism peaked during World War II and lingered through the Cold War. Freedom's victory over tyranny is now so complete that it is easy to forget the issue was ever in doubt.

Throughout World War II, my generation was inspired by the legacy of past defenders of freedom. Thousands of servicemen absorbed the words of the Founders etched in stone on the great monuments of our nation's capital. From the memorials to George Washington and Abraham Lincoln, young GIs drew deep reserves of faith, courage and fortitude. These solid and silent monuments did not sit idly as war raged; they passed on America's noble purpose from one generation to the next.

No doubt future generations will be asked to mount their own defense of American freedoms. We must act now to build a National World War II Memorial to honor the achievements of the last generation and to inspire future generations. We must complete the unfinished business of World War II before the last veterans of that great conflict are gone.

Our task is nearly complete. On Veterans Day 1995, a deserved site on the Mall between the Washington Monument and the Lincoln Memorial was dedicated. The Capital Campaign for the National World War II Memorial is closing in on the $100 million goal with contributions from corporations, foundations, veterans' groups and private citizens in every state of the Union.

I will be accepting today a contribution of more than $14 million for the memorial—money collected from individual Americans in Wal-Mart and Sam's Club stores across the country. This generous spirit is being replicated in communities throughout America.

The memorial is the right statement in the right place. Its design creates a special place to commemorate the sacrifice and celebrate the victory of World War II, yet remains respectful and sensitive to the vistas and parklike setting of its historic surroundings. This summer we will seek final approval of the design from the Commission of Fine Arts and the National Capital Planning Commission so that we can break ground for the memorial on Veterans Day weekend in November.

Meanwhile, another 1,000 veterans of World War II pass away every day—so quickly that in a few years there will be only a handful left. The youngest participants in World War II are today in their mid-seventies—enjoying the closing chapters of their lives.

These veterans deserve a memorial to preserve the memory of their actions against the tide of time. It is up to us, and the time is now.

HONORING HARLAND AND RUTH JACOB

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. McINNIS. Mr. Speaker. It is with great pleasure that I now wish to take this moment to honor two individuals that I am proud to call friends, Harland and Ruth Jacob. On June 4, 2000, Harland and Ruth will celebrate their 50th wedding anniversary. As family and friends gather to celebrate this wonderful occasion, I too would like to pay tribute to the 50 year union of these great Americans. Harland and Ruth Jacob were married on June 4, 1950 in Bloomfield, Nebraska.

Harland had been attending the University of Nebraska in the months prior, but was forced to return to Bloomfield to run the family farm when his father fell ill. While the illness was deeply unfortunate, it appears that Mr. Jacob's illness had something to do with a larger plan. You see, Mr. Speaker, had Harland not returned to Bloomfield because of his father's illness, he never would have met his bride-to-be Ruth at a town barbecue in the fall of 1949. As fate would have it, Ruth and her three sisters would all later marry young men that they met for the first time at this fateful barbecue.

Clearly smitten by Ruth, Harland didn't waste any time before seeking Ruth's hand in marriage—Harland asked Ruth to be his wife that Christmas. Six months later, they would start their new life together as husband and wife.

After farming for about 3 years in Nebraska, Harland took a job with J.C. Penney's, where he would work for the next 20 years. Together, the Jacob family moved from town to town—J.C. Penney to J.C. Penney—all over the midwest, eventually settling in the great town of Grand Junction, Colorado. After retiring from Penney's many years later, Harland, with the support and able assistance of Ruth, started up his own carpet store in Grand Junction. Surviving a cycle of boom and busts that claimed the life of many a business in the Grand Valley, the Jacob's store is set to celebrate its 17th year in business. The business, and the years of hard work put into it by Ruth and Harland, is rightfully a source of great pride for the Jacob's and their many friends and family. In so many ways, Harland and Ruth Jacob's dedication to keeping their furniture store afloat—through good times and bad—embodies the entrepreneurial spirit that makes America so great.

While the success of their carpet business speaks volumes about Ruth and Harland, their enduring legacy rests in their beautiful family. Harland and Ruth are the proud parents of four—Kathy, Mike, Jean, and Todd—the grandparents of 14—Kelly Paxton, Rachel Jacob, Jake Zambrano, Amanda Hamblin, Elissa Zambrano, Joey Pepper, Josh Zambrano, Megan Lawson, Greg Jacob, Matt Pepper, David Pepper, Manon Jacob, Luke Jacob, and Amelia Jacob—and the great-grandparents of six more—Alexia Zambrano, Jerika Hamblin, Alex Zambrano, Arianna Zambrano, Sydney Hamblin, and Josh Zambrano.

As you can see, Mr. Speaker, the Jacob family has been very blessed over the course of the last 50 years. As my friends Harland and Ruth celebrate this wonderful occasion, I want to wish them congratulations and continued happiness on behalf of their many friends, family, and neighbors. Ruth and Harland, we are all very proud of you!

HALT PHARMACEUTICAL LOBBYING TO PHYSICIANS TO INCREASE R&D

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. STARK. Mr. Speaker, I submit for the RECORD several examples of unsolicited drug company "freebies" a Florida physician received in just one week. Over the years, I have received numerous examples of doctors being given free meals, cocktails, travel subsidies and recreational events—all financed by pharmaceutical companies. Drug companies spend billions a year promoting their products to physicians through these very questionable tactics instead of using this money for life-saving research and development.

Last January, the Journal of the American Medical Association (JAMA) found that more than $11 billion is spent each year by drug companies promoting and marketing their products—with about $8,000 to $13,000 spent per year on each physician. JAMA concluded that present physician-industry interactions adversely affects prescribing and professional behavior.

Additionally, a March USA Today article described a growing trend among pharmaceutically-financed advertising and marketing firms to sponsor physician continuing medical education (CME) courses that doctors in 34 states need to keep their licenses. These marketing firms are paid by drug companies that often hire faculty to teach these courses to push their sponsors' products.

Such evidence of pharmaceutical waste, the adverse impact of drug company gifts on prescribing practices and the need for increased pharmaceutical R&D led me to introduce H.R. 4089, the Save Money for Prescription Drug Research Act of 2000. My bill would deny tax deductions to drug companies for certain gifts and benefits provided to physicians (other than product samples) and instead encourage drug companies to use those funds for a much more important use—pharmaceutical research and development.

Research and development is much more important than drug company promotions. Our nation has reaped great rewards as a result of pharmaceutical research. Pharmaceutical and biotech research have led to the discovery of lifesaving cures and treatments for ailments that would have cut lives short in earlier years. But drug companies can do more. Think of all the additional lives that could be saved if the pharmaceutical industry dedicated the resources now spent on physician promotions to R&D.

Mr. Speaker, Congress has a responsibility to put an end to this pharmaceutical "giftgiving" and to encourage research and development of life-saving drugs. The drug industry's lobbying of physicians, which clearly leads to distorted, inappropriate, overprescribing of drugs, must be brought to an end.

HONORING MRS. HAZEL PAHLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. McINNIS. Mr. Speaker, I want to ask that we all pause for a moment to remember a woman who we have lost, Hazel Pahler. Though she is gone, she will live on in the hearts of all who knew her.

Mrs. Pahler was a first lieutenant in the Army Nurse Corps. She was laid to rest with full military honors, in Grand Junction, Colorado after her battle with cancer. Mrs. Pahler was a nurse who witnessed the horrors of war. She was dedicated to her profession and was able to endure all the hardships of war while remaining focused on the welfare of the soldiers.

As a result of her untiring efforts, Mrs. Pahler earned many awards. She has been honored with the European, African and Middle Eastern medals, the American Defense Medal, the Red Cross Service Pin, the World War II Victory Medal and three Overseas Service Bars. She is a remarkable person that devoted her life to the service of others.

Hazel Pahler is someone who will be missed by many. Her friends and family will miss the woman that they all enjoyed spending time with. The rest of us will miss this woman who exemplified the selflessness that so few truly possess. But, when we lose a woman such as Mrs. Pahler, being missed is certainly no precursor to being forgotten. And everyone who ever knew her will walk through life a bit differently for it.

TRIBUTE TO THE CONSUMER LEAGUE OF NEW JERSEY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a remarkable organization, the Consumers League of New Jersey (CLNJ), which was recognized on Tuesday, May 16, 2000 because of its many years of service and leadership at a dinner celebration in West Orange, New Jersey. This year marks the 100th anniversary of the group, so it is only fitting that these words are immortalized in the annals of this greatest of all freely elected bodies.

Since 1900, the Consumers League has fought for the rights of consumers. Congress used ideas from CLNJ testimony in the U.S. Home Equity Loan Consumer Protection Act, to prohibit "rate rise surprise." Congress also adopted a CLNJ measure to help save homes from foreclosure, by giving homeowners a chance to pay their mortgages through bankruptcy payment plans. The league helps people shop for credit with a pamphlet on low-cost credit cards. Consumers League also helps low income consumers with its "rent to own" campaign.

Consumers League of New Jersey is nonpartisan. CLNJ does not make endorsements nor does it contribute money to candidates. They give people an honest opinion, and try to persuade elected officials to help consumers.

In the early 1900s children worked in factories, and many of the protections of modern life which we take for granted were nonexistent. Consumers League struggled for 35 years before its original agenda of safe food, safe working conditions, prohibitions on child labor, promotion of minimum wages laws and union protections, was enacted into law as the New Deal.

CLNJ has always been ahead of the country in its vision of justice. It was not until the New

Deal that many of the reforms championed by CLNJ became law. CLNJ was a founding member of the National Consumers League (NCL), and worked with NCL and unions to bring about change. CLNJ also took up the cause of the "watch-dial" radium poisoning of female workers in Essex County, New Jersey.

In the 1960s and 1970s, CLNJ leaders spoke out for consumer protection laws, credit laws, usury limits, and enforcement of minimum wage and child labor laws. They looked into supermarket prices. They also went to the fields to support migrant farm-workers. Rutgers University of New Jersey has considerable archives about the early and middle years of CLNJ history.

From 1985 onward CLNJ has fought for consumer rights and basic justice. For fifteen years they promoted lower interest rates by publicizing lower interest credit cards. They gave away tens of thousands of credit card pamphlets. CLNJ also lamented bank mergers, which resulted in fewer choices, higher prices for consumers and interest rates that never went down. In addition, CLNJ supported the Fair Lending Coalition. They also helped enact New Jersey's Basic Banking law.

From 1986–89, CLNJ's President was a member of the Federal Reserve Board's Consumer Advisory Council. The president opposed "checkhold" delays. The common ground discovered between CL and bankers proved to be the formula which Congress enacted into law: the Federal Reserve must process checks quicker, and banks must end the long holds. In addition, the president supported Truth in Savings, which was also enacted.

CLNJ fought against weakening New Jersey's Secondary Mortgage Loan Act. When the Legislature legalized abuses, less than one year later, CLNJ testified before the United States Senate in 1987 about home equity loans, or as CLNJ put it "charge a blouse, put a lien on your house." Congress banned what New Jersey had approved: the "rate rise surprise" (the power to change a home equity contract after you borrowed significant funds).

Mr. Speaker, I ask that you join our colleagues, the United States of America, the State of New Jersey and me in recognizing the outstanding and invaluable service to the community of the Consumers League of New Jersey.

HONORING MICHAEL L. PESCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor one of Brooklyn's finest residents, Michael L. Pesce, who was recognized last night at the First Tri Block Association's June meeting.

Michael L. Pesce was born in the small coastal town of Mola di Bari, Italy. He and his family immigrated to America when he was 12 years of age and settled in the Carroll Gardens section of Brooklyn. He attended local public schools and graduated from City College with a Bachelor's degree in Economics. Justice Pesce received his J.D. Degree from Detroit College of Law in 1969 and was admitted to the bar in 1970. He began his career working for the Legal Aid Society in their Hunts Point, Bronx office, handling a wide range of civil matters.

In 1972, he was elected to the New York State Assembly, representing the 52nd Assembly District. Over the next eight years, he served on many committees, including Labor, Governmental Operations, and Higher Education, and served as Chair of the Special Assembly Committee on Ports and Terminals. During this period, he was also a partner in the firm of Pesce & Levine.

Justice Pesce was elected to the Civil Court in 1980, and was assigned to the Criminal Court, where he served for three years. He was designated an Acting Justice of the Supreme Court in 1984 and was elected to a full term in 1989 from Kings and Richmond Counties. In 1996, he was designated Administrative Judge for the 2nd Judicial District.

He has long been actively involved in Carroll Gardens and in the wider Italian-American community. Justice Pesce serves on the Board of Directors of Amico, Inc., and is a member of the Board of Directors of the Visiting Nurse Association of Brooklyn. In 1986, the Italian government granted Justice Pesce the title of "Cavaliere" (Order of Merit). Please join me in honoring Justice Michael L. Pesce, one of Brooklyn's finest.

RECOGNIZING THE MILFORD HIGH "WE THE PEOPLE" TEAM

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. BASS. Mr. Speaker, today I honor the "We the People" team from Milford High School in Milford, New Hampshire. These outstanding young students recently won an award at the "We the People" national finals held in Washington, D.C. As you may know, the "We the People" mock hearings test student knowledge of the U.S. Constitution. The Milford students were recognized for their expertise on the following subject: How Did the Values and Principles Embodied in the Constitution Shape American Institutions and Practices? The dozen Sophomores, Juniors, and Seniors competed against 50 other classes from throughout the nation. The team demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

I had the privilege to serve as a judge for this year's state competition to come to Washington for the national competition. It was apparent to me then that the Milford High School students had the knowledge, team-work, and enthusiasm necessary to successfully compete against 50 other classes from throughout the nation. These students can be proud of their award winning performance.

I was honored to have the team visit me here on Capitol Hill during their trip to Washington for the national competition. I would like to take this opportunity to congratulate the following students for their performance at the national "We the People" competition: Adam Berger, Jon Butt, Jenn Catherine, Vanessa Chretien, Mike Gott, Keith Holt, Pam Murphy, David Norway, Mike Parisi, Abby Parker, Pete Phillips, and Ashley Standbridge.

HONORING MR. RYAN PATTERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the accomplishments of an outstanding student, Ryan Patterson. His innovative mind has won him a parade of awards, most recently he has won top prize in the Colorado Science Fair. He also represented Colorado at the Intel International Science and Engineering Fair, in which he won almost $10,000.

His outstanding invention rightfully called "Sleuthbot" is a computerized device schools can use to seek out bombs or suspicious individuals without getting put into harms way during a crisis. Mr. Patterson traveled to Detroit with 1,200 other students from 40 countries to compete in the Intel International Science and Engineering Fair. His accolades from the competition are extensive, but most admirable is the $250 and a paid internship he received from Axonne Corp. Mr. Patterson is a model for all students to follow and one that will be sure to achieve great things for the good of mankind. He has proven to be an asset to his school and community.

It is with this, Mr. Speaker, that I say congratulations to Ryan Patterson on a truly exceptional accomplishment. Due to his dedicated service and ingenuity, it is clear that Colorado is a better place.

CONFERENCE REPORT ON H.R. 2559, AGRICULTURAL RISK PROTECTION ACT OF 2000

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mrs. CLAYTON. Mr. Speaker, I rise in strong support of the Agriculture Risk Protection Act (H.R. 2559) conference report. I commend Chairman COMBEST and Ranking Member STENHOLM for their efforts to craft comprehensive legislation which will help restore the safety net for agriculture producers.

Risk management tools such as crop or revenue insurance provide protection from yield or price declines within a growing and marketing season. Indeed statistics for North Carolina show that over the last ten years the number of acres insured has increased from 581,764 in 1988 to 2,844,524 in 1999. Participation is very high, with 82 percent of acres covered for tobacco, 83% of acres covered for peanuts, and 89% covered for cotton.

In 1999, $131 million in liability was paid to North Carolina producers who suffered crop damages, first from drought and then from three hurricanes and subsequent historic flooding in eastern North Carolina. Even with these payments North Carolina producers will benefit greatly from their portion of the additional emergency assistance monies, which nationwide total $7.1 million over two fiscal years (2000 & 2001), provided by this legislation. This includes $340 million for tobacco farmers to compensate for economic losses along with $47 million in economic assistance for peanut producers, which equates to $30.50 per ton for quota peanuts and $16 for additional peanuts. I am especially thankful that we have included provisions which address conditions created when producers suffer multiple years disasters.

Additional emergence assistance provisions include:

$40 million for USDA to provide soil, water and natural conservation assistance for farmers in the form of cost share or incentive payments;

$10 million for USDA's Farmland Protection Program

$34 million FY 2000 and $76 million in FY 2001 for USDA to purchase additional food commodities for distribution to schools participating in the school lunch program

$32 million in FY 2001 available for a variety of agricultural research programs including those related to soil, science, forest health and management, tobacco research for medicinal purposes and reducing and managing waste in livestock and poultry operations.

Mr. Speaker, I urge all of our colleagues to support and vote for the conference report.

CONFERENCE REPORT ON H.R. 2559, AGRICULTURAL RISK PROTECTION ACT

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. SENSENBRENNER. Mr. Speaker, I would like to provide a more detailed explanation—including a section-by-section analysis—of the Biomass Research and Development (R&D) Act of 2000 included as Title III of H.R. 2559, the Agricultural Risk Reduction Act.

The Biomass R&D Act of 2000 combines features of three separate bills that were referred to the Committee on Science: Title I of S. 935 and H.R. 2827, the National Sustainable Fuels and Chemicals Act of 1999; and H.R. 2819, the Biomass Research and Development Act of 1999. This important piece of legislation would help fund the research, development, and demonstration (RD&D) necessary to bring to market affordable biobased industrial products, including fuels, chemicals, building materials, or electric power or heat produced from biomass.

I want to express my appreciation to many Members of the House and Senate for all of their hard work in crafting the Biomass R&D Act of 2000. This includes: the Ranking Minority Member (Mr. HALL of Texas) and Mr. UDALL of Colorado of the House Committee on Science; the Chairman (Mr. COMBEST) and Ranking Minority Member (Mr. STENHOLM) of the House Committee on Agriculture; the Chairman (Mr. EWING) and Ranking Minority Member (Mr. CONDIT) of the House Committee on Agriculture's Subcommittee on Risk Management, Research and Specialty Crops; the Chairman (Mr. LUGAR) and Ranking Minority Member (Mr. HARKIN) of the Senate Committee on Agriculture, Nutrition and Forestry; and the Chairman (Mr. MURKOWSKI) and Ranking Minority Member (Mr. BINGAMAN) of the Senate Committee on Energy and Natural Resources.

SECTION-BY-SECTION ANALYSIS—BIOMASS RESEARCH AND DEVELOPMENT (R&D) ACT OF 2000—(TITLE IV OF H.R. 2559, THE AGRICULTURAL RISK REDUCTION ACT)

SECTION 401. SHORT TITLE.

Section 401 cites Title III as the "Biomass Research and Development Act of 2000" (hereafter, "Act").

SECTION 402. FINDINGS.

Section 2 lists 13 findings.

SECTION 403. DEFINITIONS.

Section 403 defines ten terms: (1) "Advisory Committee," (2) "Biobased Industrial Product," (3) "Biomass," (4) "Board," (5) "Initiative," (6) "Institution of Higher Education," (7) "National Laboratory," (8) "Point of Contact," (9) "Processing," and (10) "Research and Development."

The term "biomass" means "any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal wastes, municipal wastes, and other waste materials." The conferees gave specific consideration to a proposal to exclude old-growth timber and unsegregated municipal solid waste (garbage) from the definition of biomass, and rejected the proposal as being scientifically unsound.

Also, the term "research and development" means "research, development, and demonstration." Department of Energy (DOE) activities conducted under this Act are subject to the cost-sharing provisions of section 3002 of the Energy Policy Act of 1992 (Public Law 102-486).

SECTION 404. COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT

Section 404 mandates cooperation and coordination between the Secretary of Agriculture and the Secretary of Energy with respect to policies and procedures that promote R&D leading to the production of biobased industrial products. In order to facilitate this cooperation and coordination, a senior official in each of the U.S. Department of Agriculture (USDA) and DOE is to be designated as a "point of contact." The points of contact are to assist in arranging interlaboratory and site-specific supplemental agreements for research, development, and demonstration projects relating to biobased industrial products; serve as cochairpersons of the Board; administer the Initiative; and respond in writing to each recommendation of the Advisory Committee.

SECTION 405. BIOMASS RESEARCH AND DEVELOPMENT BOARD.

Section 405 requires the Secretaries of Energy and Agriculture to jointly establish the Biomass Research and Development Board to coordinate programs within and among departments and agencies of the Federal Government for the purpose of promoting the use of biobased industrial products. This Board is to supercede the Interagency Council on Biobased Products and Bioenergy established by Executive Order 13134. This section also specifies the Board's: (b) membership, (c) duties, (d) funding, and (e) frequency of meetings.

SECTION 406. BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.

Section 406 establishes the Biomass Research and Development Technical Advisory Committee, which is to supercede the Advisory Committee on Biobased Products and Bioenergy established by Executive Order 13134. This section also specifies: (b) the Advisory Committee's membership and appointment process; (c) duties; (d) coordination; (e) frequency of meetings; and (f) terms. With respect to terms, section 406(f) specifies that members of the Advisory Committee shall be appointed for a term of 3 years, except that—(1) ⅓ of the members initially appointed shall be appointed for a term of 1 year; and (2) ⅓ of the members initially appointed shall be appointed for a term of 2 years.

SECTION 407. BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.

Section 407(a) requires the Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Biomass Research and Development Board, to establish and carry out a Biomass Research and Development Initiative under which competitively awarded grants, contracts, and other financial assistance are provided to, or entered into with, eligible entities to carry out research, development, and demonstration on biobased industrial products.

Other provisions of Section 407 address: (b) the purposes of grants, contracts, and other financial assistance under this section; (c) eligible entities; (d) uses of grants, contract, and assistance; (e) technology and information transfer to agricultural users; and (f) authorization of appropriations.

Section 407(c)(2)(D) requires that preference be given to applications for grants, contract, and assistance under this section that: (i) involve a consortia of experts from multiple institutions; and (ii) encourage the integration of disciplines and application of the best technical resources. However, this "preference" is not meant to negate the requirements of Section 407(c)(2)(D) requiring that "grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by an independent panel of scientific and technical peers".

Section 407(f) provides that in addition to funds appropriated for biomass R&D under the general authority of the Secretary of Energy (which may also be used to carry out this Act), there are authorized to be appropriated to the Department of Agriculture to carry out this Act $49.0 million for each of fiscal years 2000 through 2005.

SECTION 408. ADMINISTRATIVE SUPPORT AND FUNDS.

To the extent administrative support and funds are not provided by other agencies under section 408(b), section 408(a) authorizes the Secretary of Energy and the Secretary of Agriculture to provide such administrative support and funds of DOE and USDA to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out this Act. Section 408(c) provides that not more than 4 percent of the amount appropriated for each fiscal year under section 407(f) may be used to pay the administrative costs of carrying out this Act.

SECTION 409. REPORTS.

Section 409 specifies the Act's reporting requirements, which include: (a) an initial report and (b) annual reports.

SECTION 410. TERMINATION OF AUTHORITY.

Section 410 terminates the authority under this Act on December 3 1, 2005.

TRIBUTE TO SAUL ZAENTZ

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of the acclaimed film producer, Saul Zaentz of Passaic, New Jersey, who was feted on Friday, May 19, 2000. It is only fitting that the Second Ward Educational and Charitable Foundation, Inc. in cooperation with the Passaic Board of Education celebrate the dedication of the auditorium at the William B. Cruise Memorial School Number 11 as the Saul Zaentz Auditorium because of his remarkable talents and contributions to the entertainment industry and society as a whole. He is honored for his professional successes and never forgetting his roots.

Saul Zaentz was born on February 28, 1921 in Passaic. He has produced only eight movies since 1975, yet three have won the best picture Oscar. These are The English Patient (1996), Amadeus (1984), and One Flew over the Cuckoo's Nest (1975). In addition, his film The Unbearable Lightness of Being (1988) was nominated for multiple Oscars. He has a three-film version of the J.R.R. Tolkien epic Lord of the Rings trilogy in production. The first of the three, The Fellowship of the Ring, is due out in December of 2000. In 1978, he produced an animated film version of the book.

The 76-year-old's effort, The English Patient, won nine Oscars. The making of The English Patient is a story in itself. Saul entered a partnership with 20th Century Fox for the film, but the studio insisted on big-name casting. Unwilling to compromise, he found another backer in Miramax. Because of the size of the budget, the producer also persuaded the entire cast and crew to defer half their salaries until the film recouped its costs.

In addition to winning an Oscar for The English Patient, Saul garnered the honorary award, the Irving G. Thalberg Memorial Award from the Academy of Motion Picture Arts and Sciences. This only adds to a lifetime of achievement. The special award goes to, "creative producers whose bodies of work reflect a consistently high quality of motion picture production," according to Academy rules.

The audience at the 1997 Academy Awards, the night of his triumph, was filled with actors and other film professionals who have worked with Saul. They all gave him a standing ovation.

In 1937, Darryl F. Zanuck, Jr. won the first Thalberg Award and Saul was the 33rd winner. The previous time the Academy conferred the award, in 1995, it went to Clint Eastwood. This native of Passaic, who struggled for years to bring The English Patient to the screen, was given the Producers Guild's Darryl F. Zanuck Award as producer of the year. He also received its Eastman Kodak Vision Award for his "special cinematic vision" and took home a Golden Laurel marking his movie as the best drama of the year. Although it is only eight years old, the guild's awards have a near perfect record for predicting the best-picture Oscar.

As a producer Saul's filmography includes many notable productions. In addition to his Oscar winning ventures, he has produced At Play in the Fields of the Lord (1991), The Mosquito Coast (1986) and Three Warriors (1977). He served as Executive Producer for Payday (1972). In One Flew Over the Cuckoo's Nest, he took an uncredited turn as an actor, playing the captain on the shore when the boat returns.

Mr. Speaker, I ask that you join our colleagues, Saul's family and friends, the Second Ward Educational and Charitable Foundation, Inc., the Passaic Board of Education, the City of Passaic, the State of New Jersey and me in recognizing the outstanding and invaluable achievements of Saul Zaentz.

HONORING A TRUE AMERICAN HERO, ALFRED RASCON

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to honor a true American hero, Medal of Honor recipient Alfred Rascon. Rascon risked his own life suffering serious injury to save the men of his battalion during the Vietnam War.

Alfred Rascon, a soft-spoken Army medic, exhibited the type of heroism that few encounter in a lifetime. On March 16, 1966, Rascon and his unit, a reconnaissance platoon for the 173rd Airborne Brigade's 1st Battalion, 503rd Regiment, was advancing through the jungle in Long Khanh Province to assist another battalion that had come under fire. However, Rascon's unit was ambushed before they reached the besieged battalion. Through heavy gunfire and grenade blasts, Rascon risked his life during the intense battle tending to his fallen comrades.

Twice Rascon jumped on wounded soldiers to shield them from grenades, taking the shrapnel himself. He was also shot while shielding another member of his platoon. Despite these wounds, he was still able to retrieve a machine gun and ammunition that helped keep the enemy at bay, saving his platoon. Rascon served his country with the utmost diligence, and saved the lives of many. The wounds he suffered that day were so serious that he was given last rites.

Alfred Rascon did survive, and despite many years and the red tape of bureaucracy, he was awarded the Medal of Honor this past February. I commend his remarkable display of bravery. His loyalty to his battalion is an inspiration to all.

I congratulate Alfred Rascon on receiving the much-deserved Medal of Honor. His heroic actions that day in March saved the lives of his battalion. He is a great American. He went beyond the call of duty to serve his country. For that, the nation expresses its gratitude.

A SPECIAL TRIBUTE TO REINHART "ART" AND MARIE SCHMIDT ON THE OCCASION OF THEIR 70TH WEDDING ANNIVERSARY

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to Art and Marie Schmidt, two notable members of the Northern Virginia community. On Wednesday, May 17, 2000, the Schmidt's marked their 70th wedding anniversary. The wedding anniversary was celebrated by the congregation at St. Paul's Episcopal Church in Bailey's Crossroads, Virginia.

Mr. Speaker, I join together today with the extended family of St. Paul's Episcopal Church to commend Art and Marie on this joyous occasion and to share the warm wishes of the citizens of Virginia's 11th Congressional District. Anytime our community honors the 70th anniversary of any accomplishment, it is a moment to cherish. When we then celebrate a marriage of 70 years, a marriage of dedication, patience, love, and understanding, we are struck by the power and beauty of this human commitment. Grand occasions such as this magnify the many blessings that have been bestowed upon this wonderful couple.

The Schmidts have given generously of their personal time and resources to their family and to our community. Throughout their lives together, they have worked hard, appreciating the opportunities that life has offered them. Art and Marie are fifty-five year residents of the Bailey's Crossroads area of Northern Virginia. They have witnessed the transformation of Fairfax County from a sleepy suburb of our Nation's Capital into a cultural and commercial destination in its own right. The loving couple are the proud parents of three children; Robert, Marilyn, and Doug.

After living in Kansas City, St. Louis, and Chicago, the Schmidts moved to the Washington D.C. metro area where Art was in charge of the weather bureau at National Airport in Arlington, Virginia. At that time, the weather bureau was part of the U.S. Department of Commerce and the National Oceanic and Atmospheric Administration had not been created. Marie was a telephone operator for Bell Atlantic. Their commitment to public service, our Nation, and their neighbors are the hallmark of their careers.

Mr. Speaker, I know my colleagues join me, their neighbors, family and friends in wishing Art and Marie Schmidt a happy 70th wedding anniversary. I am grateful to be reminded of such a loving couple and to have the opportunity to recognize such a momentous day in their lives. Art and Marie are to be commended for their commitment to one another, and for the wonderful example they set for their many friends and family. I wish them many more happy and healthy days together.

TRIBUTE TO CHERYL DOUGHERTY—FULBRIGHT SCHOLAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to congratulate Cheryl Dougherty for receiving the U.S. Department of Education's 2000 Fulbright-Hays Scholarship. She is one of 30 American teachers to receive this prestigious award out of an applicant pool of over 10,000. The scholarship will engage Cheryl in a six-week program that will allow her to travel to Poland and Hungary.

Ms. Dougherty is no stranger to international travel and education. Some of her academic travels have taken her to such destinations as Hawaii and Japan. She is a former participant of the Fulbright Memorial Scholarship program where she was given the opportunity to travel and teach in Japan. Cheryl was even given the opportunity to address Japanese students in their native language, a commendable experience.

She believes it is crucial to educate our youth on different cultures and customs. She is constantly encouraging her student base to interact and become aware of these differences. It is not uncommon for her students to exchange letters or videos with students from different countries.

It is encouraging to honor teachers of Cheryl's caliber. With more teachers like her, we can continue to dissolve cultural barriers and promote international prosperity. I am confident she will continue to strive for academic excellence and further the knowledge of our youth.

HONORING OPHELIA YOUNG PERRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Ophelia Young Perry. Though a native of Buckingham County, Virginia, she presently resides with her mother, Thelma Jones and husband, William Frank Perry Jr. in the Bushwick section of Brooklyn, New York. They have one son, William Frank Perry III.

She is an assistant to Brooklyn Borough President Howard Golden, and serves as a liaison to the Brooklyn Christian community. She has been an active member of the Berean Missionary Baptist Church in Brooklyn for 49 years. Ophelia has a passion for her community and civic affairs. She is currently the president of ChurchWomen United in Brooklyn, an ecumenical movement of Christian women. Under Mrs. Perry's leadership, the membership has increased to include over 700 Christian women. It is the largest unit of CWU in the country.

CWU sponsors many other activities to raise funds for contributions to others in need, such as it's Prison Ministry and holiday sharing program where 2,000 bedside bags are annually prepared and distributed to hospitals, nursing homes and to those who are incarcerated. The group also contributed to world wide church activities. In addition to supporting the Bedford-Stuyvesant Ambulance Service, recently CWU really supported the flood victims in North Carolina.

In response to shrewd spiritual insight, Ophelia conceived the idea for an observance centered on "The Seven Last Words of Christ". For 16 years, the ecumenical worship service has begun at 7:00 am on Good Friday and the attendance continues to grow. These services have been held in various community churches and have continued to draw over 3,000 worshipers. Participants travel throughout the metropolitan area and from many other parts of the United States to attend this annual worship celebration.

Ophelia Perry serves as the chairperson of the Development Committee of the Brooklyn Division of the Council of Churches. She is a lifetime member of the National Council of Negro Women, Brooklyn section. She is also a member of the Society for the Preservation of Weeksville. Ophelia has been honored and recognized for her civic work and achievements. Her many awards include: "Woman of the Year"—The National Conference of Christians and Jews; Salute to Brooklyn Women Leadership Humanitarian Award—The Brooklyn Urban League; The Caribbean American Award—Chamber of Commerce: Outstanding Service Award—The Council of Churches—City of New York; "Woman of Influence"—Brooklyn YWCA; Thomas R. Fortune Community Service Award—Unity Democratic Club; Valiant Women Award—Church Women United; The Sandy F. Ray Award; and The Christian Service award.

I wish to recognize the lifelong efforts of Ophelia Young Perry, and wish her continued success in her future endeavors.

RECOGNITION OF WIRELESS SAFETY WEEK, MISS AMY SPARKS, AND GN NETCOM

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. BASS. Mr. Speaker, I am pleased to have this opportunity to recognize Wireless Safety Week 2000, which is held the week leading into Memorial Day Weekend (May 22–28, 2000). Wireless carriers and hardware manufacturers have sponsored this initiative every year since 1990 to focus attention on the benefits of responsible cell phone use. During Wireless Safety Week 2000, the wireless industry reminds customers and consumers that safety is the most important call they will ever make.

More than 90 million people in the United States today take advantage of the convenience, value and safety of wireless phones. One of these 90 million is Ms. Amy Sparks, of Bethlehem, New Hampshire.

Ms. Sparks used her wireless phone twice in one week to call for emergency assistance. While on her way from school, she witnessed a car accident and immediately called emergency services and offered road-side assistance to those involved. Two days later, Amy again witnessed an accident. Once more she called emergency assistance and stayed with the drivers until help arrived on the scene. That Amy is a Good Samaritan and heroine is evident.

GN Netcom has been an integral part of the Nashua, New Hampshire community since 1995, and employs over 250 highly-skilled employees. This company has grown over the last 13 years to become the world leader in cordless/wireless headset solutions. P. Michael Fairweather, President and CEO of GN Netcom, has long been active in helping to educate consumers on their need to use their wireless phones safely and responsibly. The entire wireless industry deserves credit for its strong effort to educate the American public of the responsibility each of us has when using a wireless phone while driving.

In closing, I wish to commend Amy Sparks for her quick and admirable actions, and all GN Netcom employees for their efforts to save lives, stop crime, summon assistance, and make their communities a better place to live.

TRIBUTE TO THE 65TH INFANTRY REGIMENT FROM PUERTO RICO/BORINQUENEERS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention to the deeds of the 65th Infantry Regiment from Puerto Rico, which was recognized on Friday, May 26, 2000 because of its many years of service and leadership. The regiment, honored by the Puerto Rican Parade of Paterson 2000/Desfile Puertorriqueño, Inc. 2000, is celebrating a century of service to the nation and the 50th anniversary of its participation in the Korean Conflict.

The 65th Infantry Regiment was organized on March 2, 1899; one year after United States Military Forces occupied Puerto Rico during the Spanish-American War. The group began as a volunteer force charged with defending the island. Even though it was an active Army Regiment, Puerto Ricans that enlisted or were appointed as officers in the 65th could expect to spend their entire military careers in Puerto Rico.

In 1917, one year after Puerto Ricans were granted American citizenship, the 65th was reorganized as the Puerto Rican Regiment of Infantry. In 1920 it became the 65th Infantry Regiment.

During World War I, the 65th Infantry protected the Panama Canal Zone against Germany and other opposing nations. After the war, they returned to garrison duty in Puerto Rico.

During World War II, the 65th moved first to Panama in January of 1943, then to France in September 1944. The 65th fought in several European battlefields, including, the decisive skirmish near the River Arno, the Ardennes and other key engagements along the French and Italian borders. The unit also carried out civil actions and security duties such as guarding high-ranking Nazi officials during the Nuremberg trials.

The 65th became a highly decorated unit during the second World War, with members earning the Distinguished Service Cross, two Silver Stars, 90 Purple Hearts, 22 Bronze Stars and 1,367 Combat Infantry Badges, After the war, the group returned to garrison duty in Puerto Rico.

On September 23, 1950, the 65th Infantry Regiment entered the Korean Conflict. This unit, the only segregated Hispanic unit in the Army's history was composed mostly of native Puerto Ricans. In Korea the group participated in nine major campaigns, saw intense action and distinguished itself with gallant combat performances. It became one of the most highly decorated army units in history. These honors include a United States Presidential Unit Citation, a Meritorious Unit Commendation, two Republic of Korea Presidential Unit Citations and the Greek Gold Medal for Bravery.

The men of the 65th Infantry, the "Borinqueneers" as they came to be known, were awarded four distinguished Service Crosses, 155 Silver Stars, 562 Bronze Stars and 1,014 Purple Hearts among other awards. Borinqueneers is a word indigenous to Puerto Rico meaning, "native islander."

The United States Army dissolved the 65th Infantry Regiment in 1956. On February 15, 1959 the 65th Infantry became a regiment in the Puerto Rico Army National Guard.

Today the 65th Infantry continues its proud tradition of service as part of the 92nd Infantry Brigade.

In 1992, the National Guard honored the unit with a Heritage painting. The scene depicts the regiment conducting a bayonet charge against a Chinese division in Korea on February 2, 1951. More than 61,000 Puerto Ricans served in the Korean Conflict. More than 6,000 served in the 65th. In addition, more than 732 Puerto Ricans lost their lives in Korea.

Mr. Speaker, I ask that you join our colleagues, Puerto Rican Parade of Paterson 2000/Desfile Puertorriqueño, Inc. 2000, Puerto Rico, the United States and me in recognizing the outstanding and invaluable contributions of the 65th Infantry Regiment from Puerto Rico. Throughout its 100 years of service, the 65th has always lived up to its motto, "Honor and Fidelity."

S. 1402, VETERANS AND DEPENDENTS MILLENNIUM EDUCATION ACT

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. RODRIGUEZ. Mr. Speaker, as an original co-sponsor of the House version of this measure, I commend the House and the House Veterans' Affairs Committee for bringing this long-awaited increase in education resources for veterans to quick passage. I urge the Senate to accept the House version and send this bill to the President.

In this legislation, we boost Montgomery GI bill funding significantly. The increase is fully offset and will go directly to veterans to help pay for their education. The bill would primarily increase the Montgomery GI Bill (MGIB) benefit from $536 to $600 per month on October 1, 2000, and to $720 per month on October 1, 2002, for full-time students, with proportionate increases for part-time students. I am disappointed that we cannot offer a benefit which is tied to the real escalating costs of higher education, and plans that recognize the actual growing costs of tuition should be given their day.

As a college professor who taught and advised students who were eligible for Montgomery GI bill benefits, I know first hand the tremendous help that this program has conferred upon those who have served their nation.

I am pleased with the additional provisions of S. 1402. As amended, these include:

1. Furnishing individuals still on active duty who either turned down a previous opportunity to convert to the MGIB or had a zero balance in their Vietnam-era Veterans' Education Assistance Program (VEAP) account, the option to pay $2,700 to convert to MGIB eligibility.

2. Increasing survivors' and dependents' educational assistance benefits for full-time students from $485 to $600 per month effective October 1, 2000, and $720 per month effective October 1, 2002, with proportionate increases for part-time students; also authorizes an annual cost of living adjustment.

4. Permiting the award of Survivors' and Dependents' Educational Assistance payments to be retroactive to the date of the entitling event, that is, service-connected death or award of 100 percent disability rating.

5. Allowing monthly educational assistance benefits to be paid between term, quarter, or semester intervals of up to 8 weeks.

6. Allowing use of MGIB benefits to pay the fee for a veteran's civilian occupational licensing or certification examination.

The added flexibility this bill would provide is crucial as more and more veterans seek higher education after their service. While this does not satisfy all the problems that may be out there or emerge in the future, it goes a long way in boosting the finest educational program for those who have served, the Montgomery GI bill.

I regret missing the vote on this important bill, where I would have voted aye on passage, as I was in the district attending my daughter's high school graduation.

TRIBUTE TO NORBERT L. KANE, AN OUTSTANDING EDUCATOR AND CHICAGO CITIZEN

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute today to a dedicated educator who has spent the last 44 years serving the Chicago Public School (CPS) system and the Southwest side of Chicago. This year, Norbert L. Kane, an Assistant Principal at Hubbard High School, will be retiring after 35 years of hard work for local students.

Norbert Kane represents all that Chicago citizens can ask for in an educator. He is a devoted family man, married to Delores Kane and a father of six children. Professionally, Norbert excelled in the program of management for Hubbard High School—Region 5. With his many organizational talents, Norbert earned the respect of his many colleagues and students.

In addition, Norbert has been honored for his many self-less contributions to the 3rd Congressional District and Southwest Chicago. For several years, Mr. Kane administered the Combined Charities Campaign, as well as numerous blood drives. He has also served as American Legion District Commander—1st Division, while being constantly committed to the beautification of Hubbard High School.

Mr. Speaker, Hubbard High School is regrettably going to lose an outstanding Assistant Principal and public servant. It gives me great pleasure to share Mr. Kane's accomplishments with my colleagues today. Again, I thank Norbert L. Kane for his many years of service, and I wish him equal success in his retirement.

THE RESURRECTION PROJECT CELEBRATES ITS 10TH ANNIVERSARY

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. GUTIERREZ. Mr. Speaker, it is a great privilege for me to pay tribute to the Resurrection Project (TRP) for its invaluable work creating healthy communities on the occasion of its 10th anniversary.

Founded on May 22, 1990 by a coalition of Pilsen churches, The Resurrection Project is an institution-based neighborhood organization whose mission is to build relationships and challenge people to act on their faith and values to create healthy communities through organizing, education and community development.

The Resurrection Project provides assistance through community organizing, family programs, housing services, real estate development, asset management and workforce and business development.

The Resurrection Project builds institutional power and develops new leadership by organizing through its member institutions and block club network. TRP prepares leaders to actively participate in the issues affecting their community. TRP's Family and Community Programs respond to the developmental needs of children, adults and families by building upon their values and culture. Each program works to build skills and create opportunities that promote stronger families. TRP programs include Esperanza Familiar (Family Hope), Supportive Housing Programs and the Centro Familiar Guadalupano (Guadalupano Family Center). The Housing Services division educates families on property ownership issues and facilitates investment by residents and financial institutions into the community.

TRP staff provides home owner education, client counseling and oversees the marketing and sales for its New Homes program. The Resurrection Project also develops and renovates community-owned real estate in a sustainable, affordable manner. TRP undertakes the property acquisition, financial packaging and construction management for its rental housing and commercial developments. TRP also oversees the physical, financial and tenant management of all its properties, ensuring the long term sustainability of the organization's real estate projects. TRP is developing the economic capacity of community residents through an innovative approach to workforce and business development. The Resurrection Construction Cooperative provides entrepreneurial assistance to new and emerging construction related businesses. The Resurrection Loan Fund provides working capital loans up to one-hundred thousand dollars to these businesses. The Resurrection Employment program offers comprehensive support to individuals seeking better employment. Staff provides support on an individual basis, assessing skills and guiding participants through the job-seeking process.

Resurrection Project's exceptional work for our community has been recognized with awards such as the LaSalle Bank's Tom Gobby Community Leadership Award, BP Amoco Foundation's BP Amoco Leader Award for job creation, Bank of America's Community Impact Award and Fannie Mae Foundation's Maxwell Award of Excellence for the Production of Low Income Housing.

Some of TRPs accomplishments include building 112 new homes for low and moderate income families, developing a new daycare and after school care center for 208 children, assisting 32 local contractors to begin, develop and expand their own construction businesses, creating a bilingual second stage housing program for homeless single mothers and generating more than twenty-five million dollars in community investment.

I have witnessed the many positive accomplishments of the Resurrection Project throughout my community. The organization's hard work, commitment and dedication is invaluable to the people I serve. I commend the Resurrection Project for ten years of building affordable new homes and rental housing, helping businesses grow, challenging community residents to become leaders and strengthening families through the development of new child care centers.

TRIBUTE TO FERNANDO LUIS GARCIA, EURIPIDES RUBIO, JR., CARLOS JAMES LOZADA AND HECTOR COLON SANTIAGO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday June 6, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the deeds of four distinguished servicemen, who were honored on Friday, May 26, 2000 by the Puerto Rican Parade of Paterson 2000/Desfile Puertorriqueño, Inc. 2000 in coordination with Memorial Day. It is only fitting since these soldiers, Fernando Luis Garcia, Euripides Rubio, Jr., Carlos James Lozada and Hector Colon Santiago are among the 3,400 plus brave men that have merited the Medal of Honor. The Medal of Honor is the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the Armed Services of the United States. The Medal is generally presented to its recipient by the President of the United States of America in the name of Congress, it is often called the Congressional Medal of Honor. The world lost four truly remarkable people when these four brave men perished while in the line of duty.

Fernando Luis Garcia served as a Private First Class in the United States Marine Corps, Company, 3rd Battalion, 5th Marines, 1st Marine Division. He entered the service in San Juan Puerto Rico. He was born on August 14, 1929 in Utuado, Puerto Rico.

The stellar life of Fernando Luis Garcia was cut short when he was killed in Korea on September 5, 1952. An excerpt from his citation notes, "He was intrepid in his service as a member of Company I, in action against enemy aggressor forces. PFC Garcia unhesitatingly chose to sacrifice himself for the life of another Marine. His great personal valor and cool decision in the face of almost certain death, sustain and enhance the finest traditions of the United States Naval Services. He gallantly gave his life for his country."

Euripides Rubio, Jr. attained the rank of Captain in the United States Army in Headquarters and Headquarters Company, 1st Battalion, 28th Infantry, 1st Infantry Division, RVN. He entered the service at Fort Buchanan in Puerto Rico. He was born on March 1, 1938 in Ponce, Puerto Rico.

The military exploits of Euripides Rubio were marked with bravery and valor. He started his tour of duty on July 10, 1966 and lost his life on November 8, 1966 in Tay Ninh Province, Republic of Vietnam. He was 28 years old. His citation shows he was feted for, "Braving withering fire, aiding the wounded, unhesitatingly assuming command and selflessly exposing himself to enemy fire. Captain Rubio's singularly heroic act turned the tide of battle, and his extraordinary leadership and valor were a magnificent inspiration to his men." His name can be found on the Vietnam Veterans Memorial in Washington, DC on the wall panel 12E, row 44.

Carlos James Lozada served his country at the rank of Private First Class in the United States Army, 2nd Battalion, 503rd Infantry, 173rd Airborne Brigade. He entered the service in New York City, New York. He was born on September 6, 1946 in Caguas, Puerto Rico.

The venerable Carlos James Lozada began his tour of duty on June 11, 1967. He was struck down, while missing, at the age of 21. He died on November 20, 1967 in Dak To, Republic of Vietnam. Part of his citation reads, "PFC Lozada apparently realized that if he abandoned his position, there would be nothing to hold back the surging North Vietnamese solders and that the entire Company withdrawal would be jeopardized. He made this decision realizing that the enemy was converging on three sides. His heroic deed served as an inspiration to his comrades throughout the ensuing four-day battle." His name is inscribed on the Vietnam Veterans Memorial wall panel 30E, row 45.

Hector Colon Santiago's rank was Specialist Fourth Class. He served in the United States Army, Company B, 5th Battalion, 7th Cavalry Division. He entered the service in New York City, New York. He was born on December 20, 1942 in Salinas, Puerto Rico.

A remarkable individual, Hector Colon Santiago began his tour of duty on October 23, 1967. He died at the age of 25 on June 28, 1968 in Quang Tri Province, Republic of Vietnam. A portion of his citation states, "Specialist Fourth Class Santiago-Colon distinguished himself at the cost of his life while serving as a gunner in the mortar platoon of Company B. He heroically sacrificed himself to save the lives of those who occupied the foxhole with him, and provided them with the inspiration to continue fighting until they had forced the enemy to retreat from the perimeter." His name is etched in the wall of the Vietnam Veterans Memorial on panel 54W, Row, 13.

Mr. Speaker, I ask that you join our colleagues, the Puerto Rican Parade of Paterson 2000/Desfile Puertorriqueño, Inc. 2000, Puerto Rico, the United States and me in recognizing the outstanding and invaluable achievements and sacrifices of Fernando Luis Garcia, Euripides Rubio, Jr., Carlos James Lozada and Hector Colon Santiago. Each of these men was cited for, "Conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty."

TRIBUTE TO MARY KORTE—PRESIDENTIAL AWARD FOR EXCELLENCE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to congratulate Mary Korte for receiving the 1999 Presidential Award for Excellence in Mathematics and Science Teaching. She is one of 200 teachers to receive this prestigious award nationally and one of four to receive this award from Colorado. She will also receive a $7,500 grant in the name of Grand Junction High School in conjunction with the award. Her dedication and enthusiasm are unsurpassed in the field of math and science.

Mary's real passion lies in educating her students about the environment. A class entitled "River Dynamics" is one included in her curriculum. This class allows students to rigorously investigate rivers using many different academic skills. She encourages students to be "hands on" and enjoys seeing them actively participate in their environmental communities.

It is encouraging to see teachers of Mary's stature receive awards for excellence in their prescribed academic rigor. Mary has also received the Radio Shack National Teachers Award among her many accomplishments. I am confident she will continue to strive for academic excellence and continue to encourage our future generations to pursue an active role in the health of their environment.

THE ADMISSION OF ISRAEL TO THE "WEOG" GROUP AT THE UNITED NATIONS IS A CRITICAL STEP FORWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. LANTOS. Mr. Speaker, just a few days ago the leaders of Western Europe took an immensely important step by inviting the State of Israel to join the "Western Europe and Other Group" (WEOG) at the United Nations. Membership in a regional grouping is significant at the United Nations because seats on the UN Security Council and other similar rotating positions are made through regional caucuses.

Israel has been a member of the United Nations since 1949—the year after the State of Israel was officially proclaimed—but during that half century, until it was invited to join the WEOG group last week, it was never a member of a regional group. As a result, Israel is the only country in the UN never to hold one of the rotating Security Council seats.

Mr. Speaker, this welcome decision is one that many of our colleagues in the Congress have fought to achieve through letters, resolutions and similar actions. Several months ago, at my suggestion, the ambassadors in Washington of the countries who are members of the WEOG group were invited to a meeting with members of the Committee on International Relations, where we pressed for the inclusion of Israel in that regional grouping. This important meeting made clear to our friends in Western Europe the importance that we in the Congress have given to this issue, and I think it was essential in helping to overcome the ill-founded resistance to Israel's participation in WEOG.

As I said to that large group of ambassadors attending the meeting, geographical proximity is not a consideration since WEOG includes, Turkey, the United States, Canada, Australia and New Zealand, in addition to the countries of Western Europe. Israel's strong links with Europe and North America as well as its advanced economy make its interests and policies very consistent with those of the other participants in the WEOG. Israel's exclusion from the Asia Group and the Middle East subgroup is a case of blatant discrimination and a deliberate effort to de-legitimize the State of Israel.

Some of the countries who are members of WEOG were particularly supportive of Israel's participation, and I want to thank in particular the United Kingdom, as well as the northern countries of Denmark, Norway, Sweden and Finland for their enlightened efforts on this matter.

Mr. Speaker, I would also like to pay tribute to many of those who have worked to bring Israel into more complete participation in the United Nations.

The United States representative to the UN, Ambassador Richard Holbrooke, has been an important voice for resolving this issue. He appropriately called this decision to admit Israel to WEOG "the rectification of a long-standing and wholly inexcusable exclusion of one country—and one country only—from any of the regional groups of the United Nations."

UN Secretary General Kofi Annan also has personally been involved in the effort to resolve this important issue. When Israel was invited to join the WEOG the Secretary General said "this step rectifies a long-standing anomaly" which "should pave the way for Israel to participate on an equal footing with other nations in the main organs of the United Nations, and it upholds the principle, enshrined in the Charter, of equality among all member states."

Mr. Speaker, this temporary membership for Israel in WEOG is not the final step for Israel's full participation in the United Nations, and I am disappointed that the United Nations is still treating Israel differently than other nations. Although Israel will be a member of WEOG, it has been asked to forgo the opportunity to take its turn holding the most influential seats, such as the Security Council, for the foreseeable future. Also, the invitation does not include the right to participate in European caucuses at United Nations regional offices in Geneva, Vienna, and Nairobi. The failure to include Israel in Geneva caucuses is significant because the UN Human Rights Commission is headquartered in Geneva, and this organization has frequently taken a hostile attitude toward Israel.

Mr. Speaker, I welcome the decision of the WEOG to invite Israel to participate, but I emphasize that this is only a first step. Unfortunately, this first step does not fully rectify the half-century of discrimination at the United Nations to which the State of Israel has been subjected. I look forward to Israel's full participation, and I invite my colleagues to join me as we continue our efforts in this regard.

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday May 24, 2000

Mr. ROEMER. Mr. Speaker, today we are considering an incredibly important piece of legislation, legislation that will affect the way our Nation and our world move into the next millennium. However, I would like to outline three simple points that should show why supporting Permanent Normal Trade Relations for China is the right thing to do, both for the benefit of the United States and the people of China. Those three points are the economic benefits to American workers and business, the human rights benefits for the people of China, and the necessity to move forward into a more productive and challenging relationship with the government of China.

First, and most important to our communities and constituents, is the way in which PNTR for China will help Americans economically.

Many people become understandably confused over the complexities of trade policy. However, the necessity of PNTR can be easily explained. China will soon be joining the WTO, and that is not a matter to be decided in Congress. However, as part of the terms of their accession to the WTO, China has been required to negotiate a bilateral trade agreement with the United States. We won those negotiations.

The agreement that was reached requires China to throw open their doors to American business and agriculture. They will reduce tariffs on American-made products from automobiles and aircraft landing systems, to soybeans and pork products. They will dramatically reduce existing quotas on American made products. They will increase the access to their domestic economy by opening up distribution and marketing channels. All of these changes mean that American businesses will be able to sell more of their products to more Chinese people. At the same time, the United States gives up nothing to the Chinese—not one single thing. There is absolutely nothing in this agreement that would encourage an American company to move to China. In fact the agreement actually gives American companies more incentive to stay in the United States. More exports to China means more jobs for Americans at better wages. Passing PNTR will change the status quo, and allow us to export American products, not American jobs.

However, if this body fails to pass this measure today, the United States will not be able to take advantage of that deal. The current status quo will remain, and American companies will find it increasingly difficult to sell their wares to a booming Chinese market. In fact, due to the fact that the European Union, and other countries in Asia and around the world have similar agreements with China, American companies will actually be worse off than they are now! The other WTO members will be able to market their products to China more efficiently than we can, effectively shutting the United States out of the China market.

The choice is simple: Economic stagnation and regression, or commercial growth and prosperity. We need to respond to the new global economy, driven by a technological revolution, with a new fair trade policy.

The choice is just as clear on the issue of human rights.

It may be easy for people in Washington, D.C. to speculate what policies might be best for the Chinese people. However, when it comes to improving the human rights and political freedoms of people in China, I tend to place more weight on what the people in China, fighting those fights every day, think is best for themselves.

The following human rights advocates strongly endorse this new policy:

Martin Lee—chairman of the Democratic Party of Hong Kong which struggles daily to maintain the freedoms that are unique to that region;

Xie Wanjun—chief director of the China Democracy Party, most of whose members are now in detention in China;

Nie Minzhi—a member of the China Democracy party who is under house arrest as we stand in this Chamber today;

Zhou Yang—a veteran of the 1979 Democracy Wall movement;

Bao Tong—a persecuted dissident and human rights activist;

Dai Quing—an environmentalist and writer who served time in prison after Tiananmen Square;

Zhou Litai—a pioneering Chinese labor lawyer who represents injured workers in legal battles against Chinese companies;

Even the Dalai Lama himself, probably the most famous Chinese dissident in the world, supports WTO accession.

All of these people have been fighting for democracy and freedom in China on the ground, day-to-day. They all say the same thing: Support PNTR for China. They say this because they have seen how the annual renewal of NTR for China has become a bargaining chip for an oppressive government. They have seen firsthand how engagement with the United States has made China a more open society. They don't want to become isolated from the world. They want to join us in freedom and democracy.

Working to ensure human rights in China is the right thing to do. However voting against PNTR is not the way to do it. We need to listen to the brave people fighting the good fight on the ground in China, and we need to pass PNTR. Very prominent Americans, such as Gen. Colin Powell, Rev. Billy Graham, and President Jimmy Carter agree with this approach.

Finally, I want to stress the need for a change in our relationship with China. While we have come to see some improvement in China since the late 1970's, the Chinese government has still remained insular, resistant to change, and unwilling to allow sweeping reforms. The relationship between our two countries has warmed, but it has not completely thawed.

Voting against PNTR is telling China and the rest of the world that you like things the way they are today; that you prefer the status quo. As a an elected representative to Congress however, I cannot in good conscience say that keeping the status quo with China is best way for our country to proceed in this new millennium.

Isolation and recriminations in the face of repression get us nowhere. One only has to look next door to China to North Korea. We cut that country off from the world fifty years ago, and look what happened to them. North Korea is easily one of the most unstable, irrational, and hostile nations on this planet. Human rights and political freedoms are nonexistent, and on top of it all, their people are slowly starving to death in a massive famine. Is that what we want China to become? Do we want to shut China off from the world? Will we refuse to challenge and engage the Chinese government?

I say that pursuing a policy of thoughtless isolationism is not only economical suicide for the American worker, it is also callously dismissive of those brave souls in China who are trying to create change and fight for human rights.

We must vote for PNTR today. We must actively work to make our world a better place for our children. We must reach out to the Chinese and attempt to lead them down the right path to embrace our values of democracy, open markets, and human rights. We must help them become a modern nation. The United States will probably be the main beneficiary of this evolution in China, but it will help the Chinese people some day join our fellowship of democratic nations with a respect for universal human rights.

CONDEMNING THE ACTIONS OF IRAN REGARDING 13 JEWISH CITIZENS

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. FORBES. Mr. Speaker, I rise to express my outrage about the ongoing activities in the City of Shiraz, Iran. Thirteen Jewish citizens of Iran were arrested on Passover eve in 1999 for allegedly spying for Israel and the United States, despite adamant denials from both countries regarding these trumped-up allegations. These individuals, including rabbis, religious teachers, and community activists, have committed no crime other than openly practicing the Jewish religion. In Iran, members of the Jewish faith are prohibited from holding any positions that would grant them access to state secrets or sensitive materials; thus, there is no possibility that Israel or the United States would employ 13 Jewish individuals to be spies—particularly those living hundreds of miles from the capital city of Tehran. According to the Los Angeles-based Council of Iranian American Jewish Organizations, Iranian officials have even admitted that the charges of espionage were false. "They have never claimed there 13 people were spies. . . . They were very forthright and up front about the fact that this is part of a game, and to show that Iran will not be bullied and that they have ultimate control over their citizens."

The Iranian government's false accusations of spying and arrests of innocent individuals on these sham charges are wholly unacceptable. If these ludicrous charges are allowed to stand, these innocent individuals may be found guilty and executed. The government of Iran must know that the world community is watching and will not stand by idly and accept this treatment of our contemporaries!

Since the arrests over one year ago, the Iranian government has treated these Jewish citizens in a deplorable manner and denied them any due process. Primarily, the government detained these innocent individuals for over one year without being charged. During that time, they were barely allowed any visitors. Moreover, no attorney was allowed to visit or meet with the 13 Jewish citizens. Finally, the three youngest citizens were released on bail, but the other ten Jewish citizens are still being wrongly detained. Inherently unfair, the "judge" is also the investigator, chief interrogator behind bars, prosecutor, and jury in this sham trial. These trials are devoid of public attendance; there is virtually no information or evidence provided, only hollow conclusionary and coerced confessions without any details.

Recent actions have brought further concerns. Just before the "trial" began in early May, a leading Iranian cleric delivered a sermon over state radio declaring, "These people are spies . . . they are Jews and are . . . by nature enemies of Muslims." Most disconcerting, since the beginning of May, these Jewish citizens are beginning to "confess" to crimes that they did not commit. Now the Iranian government is showing these alleged confessions on television. This vicious propaganda is impacting Jews negatively throughout Iran. Jews throughout the country—even Jewish children—are experiencing harassment on the street, at work, and in school. There are reports of anti-Jewish graffiti and fears of an economic boycott of Jewish-owned shops. This anti-Semitism and persecution of Jews must stop, and it must stop immediately.

The oldest Jewish Diaspora community and the biggest in the Middle East after Israel, Jews lived in peace in Iran for more than 2700 years. In 1979, there were 80,000 Jews living comfortably in Iran. Since the Islamic Revolution of 1979, however, the Iranian government has consistently articulated anti-Israel and anti-Semitic propaganda. In the last twenty years, seventeen Jews have been executed on charges of spying, and Jewish property has been confiscated. Many of these executions occurred without any trials of the accused. Now, there are only 25,000–30,000 Jewish citizens, and the entire Jewish community is threatened by further state sponsored religious persecution.

In May, we in Congress took steps to emphasize how seriously this sham trial will affect Iran's status in the world community. We wrote to the World Bank and contacted nations on the bank's loan approval board to urge postponement of pending loans for development projects for Iran. Unfortunately, loans to Iran were approved for hundreds of millions of dollars. Our government—President Clinton and Secretary of State Madeleine Albright, rightfully indicated that the World Bank should not have made these loans to Iran at the very time that its government was conducting these sham trials. Nonetheless, Members of Congress or other world leaders will not overlook the outcome of this "trial."

In addition, I am a proud co-sponsor of H. Con. Res. 307, a critical resolution introduced by my New York colleague, Mr. BENJAMIN GILMAN. This important measure expresses the sense of Congress that the Clinton Administration should condemn the arrest and prosecution of these 13 Jewish individuals, demand that the fabricated charges be dropped and the individuals released immediately, and ensure that Iran's treatment of this case is a benchmark for determining the nature of current and future relations between the United States and Iran. We must work quickly and diligently to pass this important resolution.

I stand here to urge the government of Iran to release all 13 wrongly imprisoned citizens and drop all charges against these innocent individuals immediately. I also urge our government to continue to apply pressure to the government of Iran until this anti-Semitic behavior is terminated. We must be vigilant and work tirelessly until the government of Iran has restored freedom and respect to all its people.

TRIBUTE TO ROBERT FOSTER, CLIFTON OPTIMIST YEAR 2000 FRIEND OF YOUTH AWARD

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a remarkable person from my district, Robert Foster of Clifton, New Jersey, who was recognized on Friday, May 12, 2000 at the Optimist Dinner because of his many years of service and leadership. The Clifton Optimist Year 2000 Friend of Youth Award was conferred upon him at a dinner held at the Clifton Boys and Girls Club. It is only fitting that he is honored, for he has a long history of caring, generosity and commitment to others.

Robert was recognized for his many years of leadership in Clifton, which I have been honored to represent in Congress since 1997, and so it is only fitting that these words are immortalized in the annals of this greatest of all freely elected bodies.

Each year the Clifton Optimist Club recognizes a special person for his work with youth. This year the award is bestowed upon Robert, Director of the Boys and Girls Club of Clifton. He is an excellent choice for this honor because he embodies the theme "Friend of Youth" with his dedicated service and affiliations involving the children of the City of Clifton.

Robert is a graduate of Springfield College in Springfield, Massachusetts. He received his Bachelor of Science degree in Recreation and Leisure Services from the school in 1980.

From the time of his graduation, twenty years ago, until the present day, Robert has worked at the Boys and Girls Club of Clifton, Inc. improving the lives of young people. He began his career as the Teens/Social Recreation Director of the club. In January of 1986 he became the program director for the organization. This change brought him a greater range of responsibility. The time spent working as the Teen/Social Recreation Director instilled in Robert the attributes necessary for him to become a stellar force in the community. It was the small steps in the beginning of his career that taught him the fundamentals that would make him a role model to the youths that he now serves.

Known for a questioning mind and an ability to get things done, Robert was promoted to his current position of Director of Operations in September of 1991. He is responsible for the daily operations of the Boys and Girls Club of Clifton. The club currently serves 2,200 youths from the ages of two and a half to seventeen.

Robert continually touches the lives of the people around him. This is exemplified by his club affiliations. He is a member of the Clifton Optimist Club and is a Clifton Stallions Soccer Club Trustee. In addition, he is a member of the Clifton Board of Recreation.

Mr. Speaker, I ask that you join our colleagues, Robert's family and friends, the Boys and Girls Club of Clifton, the City of Clifton and me in recognizing the outstanding and invaluable service to the community of Robert Foster.

TRIBUTE TO GEORGE STRAFACE—FORMER DISTRICT 51 SUPERINTENDENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to thank George Straface for the time he spent as Superintendent of District 51 in western Colorado. George Straface truly had a passion for education and it was evident in the effort he put forth. George dedicated nearly 20 years of his life to District 51, six of them acting as Superintendent. His presence will surely be missed.

George brought to the District an ability to balance all of the difficult tasks that are required of a superintendent. He did his job to the best of his ability and influenced all of the educators around him. His abilities to listen to and motivate people distinguished him in his leadership role. Not only was George able to accommodate the many needs of parents, teachers, and students, but also George's strong vision helped make the District a reputable model for others around the state.

Mr. Straface will continue his pursuit of furthering education as he has agreed to take the position of Head of Schools in Westminster, Colorado. I am sure that he will continue to put education as the first priority on his agenda and continue to encourage educators to assist students in furthering their learning endeavors. I wish him the best of luck and thank him for his dedicated effort.

REMARKS OF RABBI IRVING GREENBERG AT THE DAYS OF REMEMBRANCE COMMEMORATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. LANTOS. Mr. Speaker, on Thursday, May 4, Members of Congress joined with representatives of the diplomatic corps, executive and judicial branch officials and hundreds of Holocaust survivors and their families to commemorate the Days of Remembrance in the Great Rotunda of the United States Capitol. The theme of this year's commemoration was "The Holocaust and the New Century: The Imperative to Remember."

Even after more than half a century, Mr. Speaker, it is imperative that we continue to commemorate the horrors of the Holocaust in order to honor the memory of those victims of Hitler's twisted tyranny. We must also mark this catastrophe because mankind still has not learned the lessons of this horror, as evidenced most recently by the mass killings in Kosovo.

Mr. Speaker, Rabbi Irving Greenberg, the newly designated Chairman of the United States Holocaust Memorial Council, delivered a moving address at this year's Day of Remembrance ceremony. Rabbi Greenberg was appointed Chair of the Holocaust Council on February 15 of this year. He previously served as a member of the U.S. Holocaust Memorial Council's founding board from 1980 to 1988 and again as a member of the board since 1997. He is a pioneer of Holocaust remembrance and education in the United States and in the Jewish-Christian dialogue that has sought to revise theology in light of the Holocaust. He received his Ph.D. from Harvard University, he is the President of the Jewish Life Network in New York, and from 1974 to 1997 he served as the founding President of the National Jewish Center for Learning and Leadership. He also was executive director of President Jimmy Carter's Commission on the Holocaust. He and his wife, Blu Grenauer Greenberg, have five children.

Mr. Speaker, I ask that Rabbi Greenberg's excellent remarks at the Days of Remembrance ceremony in the Capitol be placed in the RECORD, and I urge my colleagues to give them thoughtful consideration.

RABBI IRVING GREENBERG'S REMARKS: DAYS OF REMEMBRANCE—MAY 4, 2000

"Behold I place before your today [for your choice] life and good, death and evil" (Deuteronomy 30:15)

And again: "I call heaven and earth to witness to you: [the choice of] life and death I have placed before you, the blessing and the curse; choose life so that you and your children may live." (Deuteronomy 30:19)

These biblical words are more than sacred scripture. They are the wisdom of living.

Every moment of living is a moment of choice. From the time we are born, we start to die. Unless we choose to live, unless we choose to love, to create children, to build society, then death will win out finally. No action is neutral. The next food we choose to eat is a choice of health and life or it is harmful and a choice of death. The next word we speak is a word of love, of healing, of encouragement and hope, or it is a word of stereotyping and degradation, of dismissal and death of the soul. The next act we do builds society and repairs the world; or, it is an act of vandalism, of environmental degradation, of breaking down the world and death.

As it is with individuals so it is with societies and nations. There are forces that can be deployed for human dignity and freedom and life or these same forces can be deployed to degrade and enslave, that is in the service of death.

Sixty to seventy years ago, in a tragic process we now call the Holocaust, nations and individuals made a series of decisions that in sum added up to the choice of death for millions and millions.

Panicked by economic depression and fear of social instability, millions of German voters chose to undermine democracy. They voted for a politician promising to restore them by removing the conflicts and risky choices of modern society, by concentrating power and by excluding foreigners and strangers and Jews. Thereby they unleashed a force of death. Fearful of making hard choices and of confronting an extremist, political leaders chose to make a pact with the devil and brought Adolf Hitler to power. Then legislators elected to go along with concentrating that power. Then the Nazis chose to suppress democracy, to crush the unions and the socialists and to exclude and isolate the Jews. Then jurists opted to go along with perverted justice and bureaucrats decided to classify and discriminate. These were all choices that brought death to power. These were the choices of death.

Two thousand years earlier, a great world religion had chosen to pursue its own encounter with God and salvation and its message of love. But those great people chose to express their spiritual liberation in the form of a religious monopoly and asserted that Christianity had superceded the mother religion, Judaism. This claim was followed by stereotyping and devaluation of the carriers of the ancestral religion, the Jews. Thereby Christians set the Jews up in isolation, as targets of hatred and stereotyping. In the 20th century, in the hands of new pagans, new secular racists, even anti-Christians, these attitudes were turned into lethal decisions to rain death and destruction on the Jews.

In the Holocaust, whole societies chose death. Generals in the German Army chose to set up killing squads. Businesses competed to build gas chambers and crematoria and supply poison gas. Corporations elected to use slave labor and work people to death.

Democracies chose to close their doors to refugees and to remain indifferent and inactive in the face of the anguished cries for help of the victims. Hundreds of thousands of professionals and workers exercised their career choices to seek out and deliver Jews to their cruel fate. Millions of neighbors chose to remain silent or to look the other way or even to actively cooperate with despoliation and death.

Unchecked by counter choices, the forces of death and degradation always spread their focus. The Nazis set up a machinery of oppression so millions of Poles were enslaved and persecuted and whole cadres were seized and killed. Roma/Gypsies were rounded up and tens of thousands were killed. Millions of Russian POW's were starved and brutalized and executed.

Worldwide, Jewish leadership failed to grasp the enormity of the catastrophe and to risk all their standing to goad or dragoon the world into acting to save lives.

These were all choices of death. In a cascade of such choices, humanity abandoned millions of humans. Death reigned supreme and the forces of hatred killed and degraded millions.

After the war, banks chose to deny the survivors the return of their own bank accounts, and insurance companies rejected paying for life insurance policies they had issued. Others opted to reject responsibility for this catastrophe or for healing its survivors. Others choose to this day to deny that this tragedy even happened.

Thus in the 20th century, a realm of death was created. A decision to kill a whole people—every last person—was made by a government and six million Jews died in the Shoah. When humanity looked into the abyss and realized that it now had the power of technology and human nature had the capacity for evil to the point of unlimited murder and the death of life itself.

It would appear that the world failed to stop the triumph of death. But death and evil did not have the final word.

Then the survivors arose. They chose not to revenge, not to hate, not to give up in despair and go silently to the grave. They chose life. They chose to love, to marry, to have children, to make new lives in new places. The Jewish people arose and rebuilt its life; it created the State of Israel where 250,000 survivors and millions of refugees created themselves anew. Jewry took power to protect itself. Throughout the world, millions, then hundreds of millions learned the lesson: NEVER AGAIN should people of any religion, of any race or color, be vulnerable and dependent for their dignity on the arbitrary power of others. National liberation and the demand for self-determination spread worldwide. Then outsiders, and second-class citizens, and second-class genders and sexual orientations learned the lessons of the Holocaust and determined to be free and equal by right. They chose to work for a world where human dignity would be universal and human life supported by political/cultural/legal structures by right. And traditional groups shifted from passive acceptance to activity to insure that their values be heard and their dignity upheld.

For decades now, more and more people have awakened to the need to learn the lessons of this catastrophe. Out of love of life, they determined to preserve the memory of the victims, of their lives, of their dignity and courage in their struggle for existence, of their worlds that were destroyed. Thus they chose to reaffirm the value of life. More and more religions chose to confront the tragic flaws which facilitated this catastrophe and moved to purify themselves. More and more Christians worldwide have studied the lessons, confessed the sins and determined to correct the teachings. Thereby Christianity chose life and love again and reasserted its own vitality as a gospel of love bringing healing to the world.

This process led the United States Government to establish a United States Holocaust Memorial Museum on the national mall, and to establish Days of Remembrance in the very week of Yom Hashoah when the survivors and the victims' families devote their days to remembering. Millions of Americans—the vast majority not Jewish, not Poles or Gypsies or gays or any of the Nazis' victims whose story is told in the Museum—come there to confront the painful truth. Through this encounter, they learn how democracies fail, when governments turn indifferent, and by what process bureaucracy, technology, and obedience were turned into servants of death. Inwardly they pledge to work that this democracy shall not fail; that never again will this people stand by indifferently as millions of others are degraded or destroyed.

Each of these steps represents the choice of life.

Everywhere, people are coming to understand that the evil we have witnessed, this model of death and degradation cannot be ignored or even bypassed. Rather there must be an active response—nothing less than a mighty outburst of freedom, a choice to universalize human dignity for life. Worldwide, there is a frenzy of attempts to restore the human image of God that was defaced and destroyed. There are urgent efforts to clear up stereotypes in religion or culture that degrade others or may lead to indifference to their fate. There is a powerful thrust to develop pluralism in culture, in religion, in political process, in economic power—to prevent any concentration of power that could lead to a future choice of destruction or suppression of others.

Everywhere worldwide, these forces turn to the study of the Holocaust. Millions seek out encounter with its story and people because the encounter evokes the forces of love, compassion, human responsibility, the forces of life. Wherever people seek life, they draw strength from the bedrock of memory. Everywhere, humanity is driven by the goad to conscience which is intrinsic in Holocaust education.

Of course the forces of death are not quiescent. Out of fear of a changing world and the transformation of culture, intolerance reasserts itself. Forms of fundamentalism which deny others their freedom of religion appear. Anti-Semitism and denial of the rights of foreigners and other outsiders surge again. Forces of neo-Nazism and terrorism strengthen. Not surprisingly, such forces often deny the reality of the Holocaust or belittle its dimensions.

We are asked. Will there be an imperative to remember the Holocaust in the 21st century? The answer is: As long as humanity chooses life, then more and more people will remember and learn the lessons of the Holocaust. Then governments will more likely intervene to stop genocide, more likely create open, pluralist multi cultural societies, more likely deny dictators the claim that no one dare interfere in their internal affairs.

The true question is not whether humanity will honor the imperative to remember the Holocaust. The true question and challenge is: will humans rise to greatness in the choice of life.

Can our conscience seared by the fires of Auschwitz, become an irresistible political force so nations will not tolerate, nay, will intervene to stop genocide? Can the model of the survivors and the righteous gentiles, inspire us to a new human solidarity that will enable all peoples to live in freedom and peace?

The memory of the victims and the voices of the survivors, the actions of the righteous and the rescuers call out to us: Choose life that you and your children may live.

POPE JOHN PAUL II CONGRESSIONAL GOLD MEDAL ACT

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of H.R. 3544 which would award the Congressional Gold Medal to Pope John Paul II. As he celebrates his 80th birthday this Thursday, May 25, the spiritual leader of more than one billion Catholics around the world and millions of Catholics in the United States deserves our nation's highest Congressional honor.

In the recent past, we have honored Mother Teresa and South African President Nelson Mandela. The Pope clearly serves in such company as a global figure who continues to make an impact on spiritual and moral leadership and the struggle for equal rights and protection for all people.

There is no doubt that historians of the future will single out Pope John Paul II as one of the most influential leaders of his time. He used all the modern tools in transportation and communications to personally deliver his message of love and compassion to the far reaches of the globe. He not only made dialogue, but also influenced world movements such as the fall of Communism and the beginning of the third millennium of Christianity on earth.

We are fortunate to have lived in such changing times and to have had such leaders as the Pontiff who recognized the ever-changing facets of life around him and took steps to utilize necessary tools to effect change for the better. As he travels the world, he leads by example as a symbol of tolerance, peace and fairness not only for Catholics, but for people of different faiths, ethnicity and economic status. I commend the House for bringing this legislation to the floor and urge the enactment of this bill as expeditiously as possible.

COMMENDING ISRAEL'S REDEPLOYMENT FROM SOUTHERN LEBANON

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Ms. DELAURO. Mr. Speaker, I am proud to vote to commend Israel for its courageous decision to withdraw from southern Lebanon.

Israel stands as a reminder of the courage and strength of the human spirit—and what it can accomplish. Against all odds and enemies, the people of Israel have united to build a strong nation. It has not been an easy journey, but it has been a triumphant one. Now, more than ever, as Israel strives to build a stable and peaceful region, it is vital that we unite behind its efforts.

This critical step must be followed by equal efforts by Israel's neighbors. It is vital that all foreign forces withdraw from Lebanese territory, that all acts of terrorism against the people of Israel cease, and that southern Lebanon be given a real chance of rebuilding and reintegrating. Southern Lebanon must never become the home base for attacks against Israel again.

Congratulations again to Israel for taking this brave step and for continuing to stand as an example of courage, vigilance, and dedication to peace.

TRIBUTE TO THE HONORABLE AMOS C. SAUNDERS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a man whom I and countless others consider to epitomize justice and fairness, the Honorable Amos C. Saunders of Totowa, New Jersey. Judge Saunders was recognized on Monday, May 15, 2000 at the Brownstone House in Paterson, New Jersey, because of his many years of service and leadership in the courtrooms of Passaic County, New Jersey. He marked the end of his stellar career when he retired on March 1, 2000. It is only fitting that Judge Saunders be honored in the annals of this great body for his unwavering efforts in the name of the law.

For the past 23 years Judge Amos Saunders has become one of the most well respected Superior Court Judges in the State of New Jersey. Judge Saunders has presided over criminal, civil and family courts and was the judge in Passaic County with the most judicial experience. Judge Saunders last sat in the Chancery Division, in which he served for the last 10 years. In doing his job, Judge Saunders' motto was, "Use your common sense, be practical, read all the papers and listen." It is by these words that he served as judge, but anyone who knows Judge Saunders knows that these words simply understate his jurisprudential excellence. As a leader in the judicial community, Judge Saunders' rulings have often served as both a precedent and a resource for other judges.

As a judge in the Chancery Division, Judge Saunders had the opportunity to handle probate, estate cases and injunctions. Over the years, however, Judge Saunders perhaps became best known as a nationally respected expert on the legal aspects of the sport of boxing. He handled many high profile boxing cases in his court including those of the prominent boxing promoters Lou and the late Dan Duva and Don King. In 1997, the International Boxing Digest magazine listed Judge Saunders as number 16 in the list of boxing's 50 most influential people.

Born in Paterson on March 9, 1934 and raised in Paterson and Fair Lawn, New Jersey, Judge Saunders has spent his years in dedicated service to the community. Judge Saunders received his Bachelor of Arts degree from Hampden-Sydney College in Virginia. Upon graduation he enrolled in Columbia Law school in New York where he received his law degree in 1958. During the first 18 years of his career, Judge Saunders worked as a private civil attorney from 1959 until 1977.

In 1977, Judge Saunders was appointed to the Superior Court of New Jersey, Passaic County by then Governor Brendan T. Byrne, and took the bench on December 7, 1978. In addition to his work in the courtroom, Judge Saunders has served as a lecturer for the National Judicial College. He is also the founding president of the Justice Robert L. Clifford American Inn of Court. In addition, Judge Saunders served as Administrative Judge to the Bi-State Waterfront Commission of New York Harbor.

In his retirement Judge Saunders has expressed interest in focusing on a new career, his family, his golf game, fishing and travel. In March of 2000 he began work at Carlet, Garrison and Klein, LLP in Clifton, New Jersey as Counsel to the Firm in Mediation and Arbitration. He currently resides in Totowa with his wife Janet, his high school sweetheart. The couple, who married in 1955, has three children and three grandchildren.

As a Congressman and former mayor of Paterson, New Jersey, Mr. Speaker, I can say that Judge Amos Saunders has one of the finest judicial minds in the State of New Jersey. Furthermore, one of my sons, David, had the honor of serving as Judge Saunders' judicial clerk in 1995 and 1996. I know that Judge Saunders has had a profound effect on his life.

Mr. Speaker, I ask that you join our colleagues, Judge Saunders' family and friends, the County of Passaic, the State of New Jersey and me in recognizing the extraordinary dedication, commitment and enthusiasm of Judge Amos C. Saunders in his service to the judiciary and to the people.

HENRY CLARKE, DISTINGUISHED UNION ORGANIZER AND LEADER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, after more than 38 years of distinguished service to the independent union movement and to public employees, Henry L. Clarke will be retiring from Public Employees Union, Local One, and I rise to honor Henry and to celebrate his lifetime commitment to unionism.

In the early years of Henry's career, he was hired by the American Federation of Teachers to help organize the teachers in New York City. Henry was a part of a small team of progressive labor activists who organized the entire teacher work force, the largest single group of teachers in the United States at that time. He continued to work for the AFT until 1962 when he was hired by the Board of Directors of the Contra Costa County Employees Association as the General Manager. Under Henry's skifful organizing efforts, membership in the Association grew from 634 members to 2,100 members in 4 years, and the local agencies represented expanded to include school classified employees, city and special district employees in addition to the employees of Contra Costa County.

In 1969, the Contra Costa County Employees Association voted to disafffliate from the AFL–CIO and under Henry's leadership formed Public Employees Union, Local One. The membership has grown over the years from fewer than 1,000 members to over 12,000 members. The success of this growth is based upon the basic principles instituted in the formation of the union—the members have a voice in how their union is run; the union organization is founded upon democratic principles; the members have open access to the General Manager and the staff, and members freely participate through broad representation on the union Board of Directors.

Mr. Speaker, Henry Clarke has been an inspiration and mentor to other "independent" labor organizations throughout the State of California, and he was instrumental in developing and insuring support for a statewide legislative council. Henry has earned a reputation for being a formidable political force and also a respected and beloved advocate on behalf of his members.

Henry Clarke has built Local One on a foundation of honesty and integrity and forged professional relationships and friendships with elected officials, administrators and members. His powerful representation of his members has always reflected his compassion for working men and women as well as his insight into the needs of the community and the public served by Local One members.

Mr. Speaker, I respectfully request that my esteemed colleagues join me in saluting Henry L. Clarke, an example of honesty, integrity, and outspoken, effective advocacy on behalf of the working men and women he has so ably represented for nearly 40 years.

TRIBUTE TO THE MAKE-A-WISH FOUNDATION ON ITS 20TH ANNIVERSARY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. CARDIN. Mr. Speaker, today I pay special tribute to the Make-A-Wish Foundation, which is celebrating the 20th anniversary of its founding. A non-profit organization that has 82 chapters nationwide, the Foundation is the oldest, largest and most-respected wish-granting organization in the world. Since its founding, it has fulfilled the wishes of 60,000 children between the ages of 2 and 18 who suffer from life-threatening illnesses.

The Mid-Atlantic chapter was established in 1983 by concerned Maryland citizens who had heard about how the Foundation began with the granting of a wish of a 7-year-old boy with leukemia in Arizona. Since then, the Mid-Atlantic chapter has fulfilled the wishes of more than 3,000 children from Maryland, Delaware, Northern Virginia and Washington, D.C. Now one of the four largest chapters based on the number of wishes granted, the Mid-Atlantic chapter has grown from granting only three wishes its first year, to more than 300 in the fiscal year 1998.

Deeply committed to granting the wishes of each approved child, the Foundation depends on not only the service of more than 13,000 volunteers, but also the support of individual and group donations, corporate and small business contributions, foundation grants, community events, and Wish Friends Inc., a non-profit organization that produces events and other developmental programs to benefit the Foundation.

I hope that my colleagues will join me in saluting the Make-A-Wish Foundation for its efforts and success on the behalf of children over the past 20 years, and congratulating Ralph A. Nappi, Jr., President of the Mid-Atlantic chapter of the Foundation, and the entire chapter for their tireless work in ensuring the fulfillment of each child's wish.

SALUTE TO COMMANDER AL BERNARD

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. CALLAHAN. Mr. Speaker, I would like to ask my colleagues to join me in honoring a man of outstanding accomplishment, Commander Al Bernard.

Commander Bernard is retiring from the United States Coast Guard this week, and I would like to call attention to his extraordinary and meritorious service to his country.

Mr. Speaker, as you know, the Coast Guard is an invaluable branch of the United States military. The men and women of our Coast Guard keep our waters free of narcotics and illegal aliens, perform almost all of the search and rescue missions for the United States and provide security and safety in our waterways.

This is just a small sampling of the duties performed by the Coast Guard. We all owe them a huge debt of gratitude for the services they provide.

For 24 years, Commander Bernard has faithfully performed these and other duties in service to our great country. Prior to donning the Coast Guard uniform, Commander Bernard was also a proud U.S. Marine, where he served as an infantryman in Southeast Asia. He has spent more than half of his life in service to this nation and today, we are a grateful nation for his sacrifice.

From his humble beginnings operating small boats as a coxswain to his assignment as liaison officer to the House of Representatives in Washington, Commander Bernard has performed each and every job as a true patriot.

He quickly rose through the ranks of the Coast Guard and in 1979, he was accepted to Officer Candidate School. After receiving his commission, Al's first assignment was as a security officer at Training Center New York, Governors Island. Just a year later, he was promoted to First Lieutenant and deck watch officer on the USCGC Courageous, in Cape Canaveral, Florida. He was then chosen to be executive officer of the USCGC Shearwater in Key West, Florida. In addition, he was made the senior controller at the Pacific Area/Twelfth USCG District Rescue Coordination Center.

From there, Al Bernard's military career skyrocketed. He received command of his first ship, the USCGC Nantucket, in Roosevelt Roads, Puerto Rico. It should be noted that Al is the first American of Puerto Rican descent to command his own ship.

Due to his exceptional abilities, Commander Bernard was relocated to Washington to serve his country at USCG Headquarters. He later received command of another cutter, the USCGC Citrus, which was homeported in Coos Bay, OR. After finishing another productive tour, he was made chief, Cutter Management Branch, Coast Guard Pacific Area in Alameda, California.

While on duty in California, he was selected to attend the U.S. Naval War College, where he graduated with distinction, earning a Master of Arts Degree in National Security and Strategic Studies.

Upon graduation, Commander Bernard was given his third command, the USCGC Decisive in St. Petersburg, Florida; he later crossdecked to the USCGC Resolute.

Most recently, he was selected in 1998 to become the liaison officer to the House of Representatives in Washington, where I can personally attest he has served every man and woman who wears the Coast Guard uniform with great distinction.

Over the course of his 24 years of service to the United States, Commander Bernard has demonstrated his versatility by serving brilliantly in both the military and legislative arenas. Al Bernard has been recognized for his achievements with numerous awards, such as the Bronze Star with "V" device for valor, the Purple Heart, and Meritorious Service Medal with an "O" device. He has also received seven Coast Guard Commendation Medals with "O" device, the Coast Guard Achievement Medal, the Combat Action Ribbon and various other awards.

He was also selected as the 1989 recipient of the U.S. Navy League's Captain David Jarvis award for professional competence and inspirational leadership.

Mr. Speaker, I know my colleagues join me in congratulating Commander Al Bernard on an illustrious military career. Likewise, we salute his wonderful wife, Ann, and their two children, Jason and Bernadette, who made the many sacrifices military families make in supporting their husband and father all these years. We wish Al the best of luck in all his future endeavors, for he is truly a fine example for all Americans.

56TH ANNIVERSAY OF D-DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. GILMAN. Mr. Speaker, I rise to take this opportunity to bring to the attention of our colleagues that today, June 6th , marks the 56th anniversary of the D-Day invasion, known as Operation Overlord.

It was 56 years ago today that a miracle of liberation began. On that morning, democracy's forces landed to end the enslavement of Europe. This miracle took place on the shores of Normandy, as 150,000 troops engaged in the largest amphibious invasion in history. Some historians have gone so far as to acclaim the liberation effort as the greatest military invasion in the history of mankind. Regardless of the label placed on the invasion, the D-Day invasion unarguably 2 represents a noble effort to uphold democracy and free mankind from the evils of oppression and tyranny.

Operation Overlord did not represent the selfish interests of one nation. Rather, it was a humanitarian effort that required the unification of soldiers from many nations. American, British, French, and Canadian soldiers united in a fight for freedom and liberation of not only a nation but of a multicultural, diverse continent. Rallied by this universal goal, General Dwight D. Eisenhower told his troops: "We will accept nothing less that full victory." Victory for Eisenhower and the allied troops was not just to win, it was to uphold and give back the unalienable rights that Nazi tyranny stole from the people.

The attainment of such a goal did not come without sacrifice. 6,600 Americans were killed and many more wounded.

Mr. Speaker, it is appropriate that all Americans should join in honoring the lives that were sacrificed in that noble battle to facilitate an environment in which oppression and tyranny do not prevail.

Accordingly, I urge all of our colleagues to join in paying tribute to this red letter day in history.

TRIBUTE TO CATHERINE G. ANTON

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to pay special tribute to Cathy

Anton, the Executive Director of the Safety Council of Western Massachusetts, who is leaving the Pioneer Valley to accept a new position in Florida. For over 25 years, in both the human resources and safety fields, she has consistently worked to improve the quality of life of others. As she begins the next chapter of her life, I ask my colleagues to join me in wishing her, her husband Dennis, and son Geoffrey continued success.

The mission of the Safety Council is to educate and train people in business and the community in the prevention of accident and related losses, and to influence the formulation and application of safety and health policies and procedures in the region. Under the dedicated leadership of Cathy Anton, the Safety Council has done that and more. It has become the region's leading voice on health and safety issues in the workplace.

Preventing unintentional injuries on the job should be a top priority for all Americans. Safety and health are serious issues that effect every person who goes to work each day. In both the public and private sector, we have a unique responsibility to raise awareness about the importance of safety protection. With millions of workers being injured or killed each year, the need for increased education and training cannot be minimized.

Mr. Speaker, during her tenure with the Safety Council, Cathy Anton lead the effort to make western Massachusetts a safer place to live and work. She has made a real difference on behalf of working men and women in Springfield and its surrounding communities. As she prepares for her next professional challenge, I would like to express my personal gratitude for all her efforts.

REMARKS OF SWEDISH PRIME MINISTER GÖRAN PERSSON AT THE DAYS OF REMEMBRANCE COMMEMORATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. LANTOS. Mr. Speaker, on Thursday, May 4, Members of Congress joined with representatives of the diplomatic corps, executive and judicial branch officials and hundreds of Holocaust survivors and their families to commemorate the Days of Remembrance in the Great Rotunda of the United States Capitol. The theme of this year's commemoration was "The Holocaust and the New Century: The Imperative to Remember."

After more than half a century, Mr. Speaker, we must still commemorate the horrors of the Holocaust in order to honor the memory of those victims of Hitler's twisted tyranny. At the same time, we must mark this catastrophe because mankind still has not learned the lessons of this horror, as evidenced most recently by the mass killings in Kosovo.

Mr. Speaker, the keynote speaker at this impressive event was His Excellency Göran Persson, Prime Minister of Sweden. The selection of Prime Minister Persson was particularly appropriate since he has led Sweden in its commitment to furthering Holocaust education and remembrance, both in Sweden and internationally. Under his leadership, Sweden hosted the 44-nation International Forum on the Holocaust in Stockholm last January. In his address at the closing session of the Stockholm Forum the Prime Minister issued a very appropriate call to remembrance: "It is the end of the silence, and the beginning of a new millennium . . . Although we have left the century in which the Holocaust occurred, we must continue to study it in all its dimensions, at all times. We must add more pieces to the puzzle, foster greater awareness of the causes, acquire more knowledge about the consequences."

Mr. Speaker, Prime Minister Persson has had a distinguished political career in Sweden. Since 1996, he has served as Prime Minister and Chairman of the Swedish Social Democratic Party. He previously served as Minister of Finance, Minister at the Ministry of Education, a Member of the Riksdag (Parliament), and a local government official in Katrineholm. He is married to Annika Persson, and he has two daughters.

Prime Minister Persson's remarks at this year's Day of Remembrance ceremony were moving and particularly meaningful. I ask that Prime Minister Persson's remarks be placed in the RECORD, and I urge my colleagues to give them thoughtful consideration.

DAY OF REMEMBRANCE OBSERVANCE, CAPITOL ROTUNDA, WASHINGTON, MAY 4, 2000

Mr. Greenberg, Mr. Meed, Excellencies of the Diplomatic Corps, Honourable Members of the U.S. Congress, Holocaust Survivors. Dear Friends: Today, we meet in the Capitol Roumda, in the very heart of the American democracy.

Here we meet to commemorate the victims of the Holocaust and to honour survivors and liberators.

We meet to demonstrate our strong commitment to make the lessons of the past a living exhortation for the future.

Let me begin by telling you a story handed down to posterity by a teacher in the ghetto of Lodz.

A little boy, whose entire family had been deported, was dawdling in the street, talking loudly to himself. In one fist he clutched a handful of small stones.

First he dropped three small stones. They hit the ground with a faint sound, then two more, followed by another three. Then the little boy quickly closed his fist. In his lively eyes the shiny black pupils stopped racing for a moment. He said:

"Nine brothers like these stones we were once, all close together. Then came the first deportation and three of the brothers didn't return, two were shot at the barbed wire fence and three died of hunger. Can you guess how many brother-stones are still left in my hand?"

As all children do, this boy played games to help him understand the world around him. Only his world was a world of incomprehensible evil. Only his was the world of the Holocaust.

Ladies and Gentlemen, the Holocaust was no accident of history. The systematic murder of the Jews did not happen by chance. Nor did the genocide of the Roma, the mass murder of disabled persons or the persecution and murder of homosexuals, dissidents and Jehovah's Witnesses.

It occurred because people willed it, planned it and carried it through. It occurred because people made choices which allowed it to happen. It occurred, not least, because people remained silent. As the 21st century dawns we must ask ourselves: Can we be sure that the societies we build on today do not house the very same mechanisms that made the Holocaust possible?

Dear friends, the answer is no. We cannot be sure. We have good reason to be fearful. Look around you. Today, well-organized Nazi groups form international networks where they help each other to recruit and train new members and learn how to exploit the weaknesses of democracies, how to use terror and frighten witnesses.

Nazis and revisionists make full and effective use of the new information technology to spread their lies, to sell white power music and to reach potential new members among young people in all parts of the world. Even today, Nazis march in our streets, persecute, assault and murder people because of their ethnic affiliation, sexual preferences or beliefs. The risk we face, is that anti-democratic forces continue to gain support. The danger lies in our failure to learn from history, in our failure to see the connections.

Ladies and Gentlemen, let me use the words of a survivor, a well-known Swede, the late Professor Jerzy Eihnorn, who passed away less than a week ago. At the Stockholm Forum on the Holocaust in January he said: "To remember the Holocaust is a fragile defence but still the best one against the development of Nazism in our countries—a reminder of Nazism's ruthless cruelty, a reminder that we must never lower our guard, never accept Nazism as a necessary evil within a democracy."

This was his message—a message for all of us. He wanted us to take it with us. Because then, he said: "our suffering has not been entirely in vain. Then we and all those that did not survive, will have contributed to a better world for coming generations." We have to take this message.

We must fight Nazism, racism, antisemitism and xenophobia wherever and whenever they rear their ugly heads. We must fight them with the lessons of our past, but also with our visions for tomorrow. It will not be easy. But we have no other choice.

The future is not sealed by fate, no more than the bitter history of the past. It is our actions today—the ones we take and the ones we fail to take—that will shape the future. It is you and I, all of us, united in determination to remember, that are the only guarantees we have against the recurrence of an evil past.

Ladies and Gentlemen, there is good reason to be fearful, but surely also to feel hope. People want to know, people want to discuss values and ideas, people want to take responsibility and learn from history.

This is the encouraging conclusion we draw from the national project initiated by the Swedish Government in 1997—Living History. The idea was to spread knowledge about the Holocaust to young people in Sweden, but also to generate an active dialogue between generations on values in general.

To support parents, teachers and students in this task we launched a number of projects. One of these was a book entitled Tell ye your children. The response to the project in general and the book in particular exceeded anything we could have dreamed of. In every second Swedish home with schoolchildren you will find a copy of the book. It was not just sent there. It was ordered by the families who waned to have a base for the important discussion on democratic and humanistic values. I became convinced that this positive experience was not unique to Sweden.

In January 1998, I wrote to President Clinton and Prime Minister Blair suggesting international cooperation in this field. Little did I then know that only one year later, nine countries—in a network known as the Task Force—would cooperate with . such countries as the Czech Republic, Latvia, Lithuania, Argentina and several others in liaison projects designed to remembrance, education and research about the Holocaust.

As the new millennium dawned, and the very first international high-level conference was held, it didn't deal with economics. Nor did it deal with security and stability.

It dealt with fundamental values, with democracy and human dignity, with how to confront the better memories of a horrifying past in order to help shape better policies for tomorrow's world. It was the end of silence and the beginning of a new millennium.

Next year we will meet in Stockholm again. In response to an initiative of the Nobel Laureate Eli Weisel, the Swedish Government will host an annual international conference—a Stockholm Forum on Conscience and Humanity.

We have to conduct ourselves to the question of Elie Wiesel: "Will our past become our children's future?"

We have to learn from the words of another man who has devoted his life to teach about the Holocaust in order to prevent future genocides—professor Yehuda Bauer from Israel and the Yad Vashem Institute. He said:

"I come from a people who gave the ten commandments to the world. Time has come to strengthen them by three additional ones, which we ought to adopt and commit ourselves to: thou shall not be a perpetrator; thou shall not be a victim; and thou shall never, but never, be a bystander."

Ladies and Gentlemen, today we are gathered to remember.

Remember, because to forget would be to betray those irreplaceable people who died and those who survived. It would be to betray the deeds or Raoul Wallenberg and all the others who stood up for human dignity and risked their own lives to save the lives of others.

Remember, because to forget would be to betray every single child who comes into this world.

Let us therefore remember a little boy in the ghetto of Lodz, and through him all the others who were forced to endure the unthinkable.

Let us pick up the brother-stones, clasp them firmly in our hands, and realise how much we will need them on our journey through a new century.

Let us carry them with us as a constant reminder and a challenge to never again allow forces to grow that are capable of such evil.

Thank you.

COCOA BEACH 75TH ANNIVERSARY

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. WELDON of Florida. Mr. Speaker, seventy-five years ago this month a very special place in American history was founded. That special place is the town of Cocoa Beach, Florida.

We all know that America was created out of the spirit of frontierism. Bold men and women shook off the shackles of oppression and set forth to a new world of opportunity and adventure. Today we all know about Plymouth Rock and its significance in our nation's history.

America is still the land of frontier explorers and furthering the promise of freedom and adventure. I am proud to represent a town that has been the Plymouth Rock to the stars, Cocoa Beach.

Founded 75 years ago, what started out as a small, agrarian town enjoyed a pleasant, but sleepy existence. That solitude and quiet was interrupted with the introduction of the U.S. military's ballistic missile program after World War II.

Suddenly, Cocoa Beach became home for many rocket engineers, scientists and their families who came to Florida to help the United States win the Cold War. That work was only a small taste of the exciting future which was to come.

Soon the United States found that it was in our nation's military and economic national interests to have the capability to put people and objects into orbit. NASA was created and soon Cape Canaveral was selected to be the prime location for NASA's space launch activities. This resulted in Cocoa Beach's coming of age as a modern, thriving town on the cusp of a new age in human history.

Through Mercury, Gemini, Apollo, Skylab, Space Shuttle and International Space Station, Cocoa Beach has been there through it all. Its dynamic people striving to lead the next age of exploration into the new frontier.

Many feel that without frontiers and boundaries to push against, America stops being what America is all about. As long as we have cities like Cocoa Beach leading the charge into space, America's promise of freedom will continue into the stars.

JIM COLLINS: A HALF CENTURY OF JOURNALISM

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. LATOURETTE. Mr. Speaker, today I rise to pay tribute to Jim Collins and his 50 years in journalism.

While Jim has been a journalist for a half century, his interest and employment in newspapers actually dates back to 1941, when he began his career as a News-Herald delivery boy. Jim wasn't even a teenager yet, and the paper cost 6 cents for twice-weekly delivery. Jim went on to graduate from Willoughby Union High School and Kent State University, and returned to the News-Herald after receiving his degree in June 1950. By then, Jim had shed the title of delivery boy and begun his career as a cub reporter.

Mr. Speaker, I certainly don't wish to draw undue attention to Jim's age, but I think it is worth noting other important milestones of 1950 so folks have some perspective about how long Jim has been a working journalist. The same year Jim became a reporter, Peanuts debuted, Alger Hiss was convicted, the first telephone answering machine was invented, Diner's Club became the first credit card, CBS began broadcasting in color, the first leak-proof ballpoint pen was introduced by PaperMate, Paul Harvey began broadcasting nationally on radio, and Silly Putty was introduced. Back then, it cost 3 cents to mail a letter, gas was 20 cents a gallon, and the average income was about $3,200 a year. My guess is Jim made less than this, however, as journalists certainly don't enter the field for generous paychecks.

Jim stayed at the News-Herald until 1952, when he was drafted for a two-year tour of duty in the U.S. Army. After serving his country with honor, Jim returned to the field of journalism and eventually made it back to his home, the News-Herald. Jim has worked tirelessly since then and quickly ascended to the brass ring of newspaper management. He has been editor of the News-Herald since 1967, and has overseen its tremendous growth and development.

Over the last 50 years, Jim has received many prestigious awards for his writing, and his weekly column is a must-read for anyone who cares about what's happening in the news. He also is about the most prolific commentary writer you're likely to find, and has made his mark by offering common-sense solutions to state, local and national problems. As great as Jim's accomplishments are in journalism, however, they pale in comparison to what he has done for our local communities. As editor of the News-Herald, Jim has had a constant presence in the communities the paper covers, and has always been actively involved in civic and philanthropic activities. He is respected by all who know him.

Mr. Speaker, I feel honored to have known Jim Collins all the years I've been a public servant, and even a few before then. He is one of the most kind, fair, humble and caring men I've ever met. He is an exceptional journalist and an even better man. His word is his honor. On behalf of the 19th Congressional District of Ohio, I congratulate Jim Collins on his 50 years in journalism, and wish him well as he continues to devote his life to the profession he loves so dearly.

AIR FORCE MEMORIAL EXTENSION ACT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. HANSEN. Mr. Speaker, I am pleased to introduce the Air Force Memorial Extension Act. In December of 1993 the President signed into law authorization for the Air Force Memorial Foundation to establish an Air Force Memorial in the District of Columbia or its environs to honor the men and women who have served in the United States Air Force. This memorial was to comply with the provisions of the Commemorative Works Act.

Among other things, the Commemorative Works Act provides that the legislative authority for the commemorative work will expire at the end of the seven-year period beginning on the date of the enactment of such authority, unless a construction permit has been issued. To date, no construction permit has been issued. Due to unforeseen lawsuits, all work, including the fund raising for the memorial was put on hold for approximately 3 years. The lawsuits have been settled and work is ready to re-commence regarding the memorial. However, due to the delay and the 7-year requirement of the Commemorative Works Act, time is about to run out. In fact, the authority will expire on December 2 of this year unless Congress passes a time extension.

With considerable work already accomplished and the lawsuits settled the memorial needs to be completed. Thus, this bill would extend authority to the Air Force Memorial Foundation to complete the well-deserved memorial. The authority would extend until 2005 giving the Foundation the time to fulfill the final construction and dedication of the Air Force Memorial.

CONSUMER PRODUCT SAFETY COMMISSION ENHANCED ENFORCEMENT ACT OF 2000

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. MARKEY. Mr. Speaker, I rise today to introduce the "Consumer Product Safety Commission Enhanced Enforcement Act of 2000", a bill intended to improve consumer safety by increasing compliance with existing requirements to report hazards when they are known. The legislation would increase the civil and criminal penalties that the CPSC can impose upon firms that do not inform the Commission when they have sold a product that could pose a substantial hazard to consumers. The legislation would also help make some product recalls more effective.

The CPSC is the government agency that makes sure cribs, toys, and other products in your home are safe, and recalls them when they're not. The CPSC oversees the safety of 15,000 different kinds of consumer products. Each year there are more than 29 million injuries and about 22,000 deaths related to consumer products.

Current law provides that if companies have information that one of their products could have a serious safety defect, they are required to report that to the government. Unfortunately, some companies are not obeying the law. The CPSC estimates that in half of the most serious cases they deal with, the company has failed to report injuries. Instead, the information comes to the attention of the agency from its own investigators, from consumers, or tragically, from hospital emergency room reports or death certificates.

When companies don't report, dangerous products that could have been recalled or modified remain on store shelves. They continue to be sold and they stay in consumers' homes where they can cause serious injury.

Some consumers pay a very high price for a company's failure to report.

For example, a 3-year-old girl died while playing on her swing. Her grandfather was cutting weeds in the yard using a weed trimmer with a replacement head that was made with a metal chain. The end link broke off the chain and it flew through the air as if it were a piece of deadly shrapnel—travelling 240 miles an hour. It hit his granddaughter in the temple, penetrated her skull and killed her.

The company didn't tell the CPSC about this death, nor did they tell the CPSC about the 40 other serious injuries from chains breaking. The CPSC was forced to do its own investigation and recalled the product nationwide in May.

Such failures to report result in tragic losses of life and limb that are avoidable and preventable if compliance with reporting were higher.

Under current law, the CPSC can fine companies for violating the law, but the amount of the fine is limited by statute to a level that does not sufficiently deter violations. Under current law, companies can face criminal penalties for violating consumer product safety laws, but they are only misdemeanors. Under current law, in any recall, companies provide a repair, replacement or refund for defective products. In most cases, the CPSC can find a good solution to the problem for consumers. But in rare cases where the product is older and has been on the market for many years, the company sometimes elects a refund that is much too small to even catch consumers' attention, so the dangerous product stays on the market.

To remedy these deficiencies, the legislation would: Eliminate the cap on civil penalties for violations of product safety laws.

Under current law, the CPSC cannot assess more than $1,650,000 for a related series of violations against a company that knowingly violates consumer product safety laws. The legislation would eliminate this maximum civil penalty. Many of the cases in which the Commission seeks civil penalties involve very large corporations that can easily absorb a $1.65 million fine. More substantial civil penalties would provide a needed incentive for those companies to notify CPSC of defective products so that the agency can take timely action to protect consumers. Other agencies have civil penalty authority with no "cap" on the amount of the penalty for a related series of violations, including the Federal Trade Commission.

Increase the penalty for a "knowing and willful" criminal violation of product safety laws from a misdemeanor to a felony and eliminate the requirement that the agency give notice to the company that is criminally violating the law.

The legislation would increase the potential criminal penalties for a "knowing and willful" violation of consumer product safety laws from a misdemeanor (up to one year in prison) to a felony (up to three years in prison). It would also increase the maximum monetary criminal penalty in accordance with existing criminal laws. These heightened penalties are commensurate with the seriousness of product safety violations, which can result in death or serious injury to children and families. Other agencies have authority to seek substantial (felony) criminal penalties for knowing and willful violations of safety requirements, including the Food and Drug Administration for prescription drug marketing violations and the Department of Transportation for the transportation of hazardous materials.

The legislation would also eliminate the requirement that the Commission give notice of noncompliance before seeking a criminal penalty for a violation of the Consumer Product Safety Act. The notice requirement makes it all but impossible to pursue a criminal penalty for violations of the Act, even in the most serious cases. The threat of a criminal felony prosecution would create an additional strong incentive for companies to report product defects to the Commission.

Give CPSC the authority to overrule the remedy chosen by a manufacturer for fixing a defective product in a product recall when the Commission determines that an alternative would be in the public interest.

Under current law, a company with a defective product that is being recalled has the right to select the remedy to be offered to the public. The company can choose repair, replacement, or refund "less a reasonable allowance for use."

The legislation would continue to permit the company to select the remedy in a product recall. However, the legislation would allow the Commission to determine (after an opportunity for a hearing) that the remedy selected by the company is not in the public interest. The Commission may then order the company to carry out an alternative program that is in the public interest.

Sometimes companies choose a remedy in a recall that does not further public safety. For example, if a manufacturer chooses to refund "less a reasonable allowance for use" the purchase price of a product that has been on the market for a long time, the amount due consumers may be so small that there is no incentive for the consumer to take advantage of the recall. This is especially true where the hazardous product is still useful to the consumer and the cost of replacement is substantial. Companies may choose an insubstantial refund even though people have been at risk for a number of years, thousands of products are still in use, and injuries are continuing to occur. In this example, a refund would do little, if anything, to stop consumers from using the dangerous product and the public interest would not be served.

HONORING THE LATE ERNESTO ANTONIO PUENTE, JR.

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday June 6, 2000

Mr. ROMERO-BARCELÓ. Mr. Speaker, on this occasion I express our sadness over the death of Ernesto Antonio Puente, Jr., June 2, 2000, the man everyone around the world knew as Tito Puente, the King of Mambo. His achievements in pursuit of a higher musical ground and his legendary flamboyant style have left an indelible mark on our nation's musical heritage.

To his fellow Puerto Rican-Americans, Tito Puente was more than a legend, more than just the Mambo King. He was a trailblazer in the world of music, fusing Afro-Caribbean rhythms with jazz, mambo, salsa. He created an explosion of inspiration for entire generations of aspiring musicians and for generations of youths who learned by watching that it was possible to make something of yourself if you worked hard.

In commemorating the late "timbalero," Tito Puente, I would also like to honor the countless other Puerto Ricans who have enriched our nation's diverse musical culture and those Puerto Ricans who continue to rise on the world stage.

IN HONOR OF THE 20TH ANNIVERSARY OF THE MAKE-A-WISH FOUNDATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. WOLF. Mr. Speaker, I am proud today to honor the 20th anniversary of the Make-A-Wish Foundation, a non-profit organization that fulfills the wishes of children fighting life-threatening illnesses.

In 1980, a 7-year-old boy named Chris, from Arizona, who was fighting leukemia wished to be a police officer. Friends of Chris's family worked to fulfill his wish and in April that year, Chris spent a day learning about being a police officer and was even sworn in as the first-ever and only Honorary State Trooper in Arizona history.

Shortly after Chris's wish, the Make-A-Wish Foundation was created to help bring happiness to more children. From this humble start, the Make-A-Wish Foundation has grown and now has 80 chapters in the United States and 20 international affiliates. More than 80,000 children fighting life-threatening illnesses worldwide have had their wishes fulfilled. Popular wishes include visiting Walt Disney theme parks, getting home computer systems, taking family vacations, and meeting celebrities.

Two months ago, one of my constituents had his wish fulfilled by Make-A-Wish Foundation of the Mid-Atlantic, Inc. Last year, 7-year-old Ryan Davidson of Ashburn, VA, was diagnosed with a life-threatening illness. It was devastating to him and his family.

When the Make-A-Wish Foundation asked Ryan what his greatest wish was, it didn't surprise anyone that he wanted to meet NASCAR driver Bobby Labonte. Ryan learned about auto racing while playing video games and became an instant fan. Of all the drivers, Labonte is his favorite. On April 26, Ryan, his father Kirby, his mother Amy and his sister Mallory traveled to California where they visited a NASCAR racetrack, watched the action close up and met Labonte. Ryan came home with loads of memories and souvenirs, including his favorite—an autographed collector's edition of Labonte's car. Ryan's wish was a great success. "This is the best day of my life," he told his parents after meeting Labonte.

The Make-A-Wish Foundation gives children fighting life-threatening illnesses a positive break from a world of doctors, hospitals and medicine. I salute the Make-A-Wish Foundation's volunteers and supporters who work to make wishes come true not only in Virginia's 10th Congressional District, but literally all over the world. I invite those interested in leavning more about the Foundation to contact them at 1–800–722–9474 or on the Internet at www.wish.org.

BETTI LIDSKY CELEBRATES 50 YEARS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Betti Lidsky on her fiftieth birthday celebration.

Betti Lidsky is an exemplary woman who personifies love and self sacrifice. As the mother of three children who suffer from Retinitis Pigmentosa, an eye degenerative disease which may lead to blindness, she battles valiantly everyday to seek ways in which to increase funding for finding a cure and save the eyesight of her children and others like them. A true heroine, she selflessly devotes her time and energy to her family, to the national Foundation Fighting Blindness where she serves as a board member, and to the South Florida community where she is highly admired and respected.

Betti Lidsky is an advocate whose services and kind spirit have touched the lives of many, and on this very special occasion, I ask that my colleagues join me in wishing Betti Lidsky a very happy fiftieth birthday.

OLDER PEOPLE DO NOT NEED CHAPERONES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, in the May issue of SeniorScope, the newspaper published by the city of New Bedford dealing with issues of particular importance to older people, editor Rona Zable has an excellent column. Ms. Zable effectively refutes those who would interfere with the rights of older people to make their own decisions, specifically in this case with regard to their choice to gamble if they wish in legal establishments. I have been struck by the degree to which people who usually respect the rights of others to make their own choices make an exception for gambling, and for some reason, people seem often ready to use a caricature of older people as an excuse for this. Indeed, some who believe that we should make a radical change in the Social Security system and have people be dependent on their stock picks for retiring income draw an inexplicable line against letting them go to a casino every so often with some of that retirement income.

As Rona Zable trenchantly asks, "are older people perceived to be so witless, so gullible, that we need to be protected from ourselves lest we buy too many lottery tickets or play bingo too often? . . . If Congress is really concerned about senior citizens, they ought to do something about the sky high cost of prescription drugs. Because, chances are, we're more apt to blow the family inheritance at the drugstore counter than we are at the casinos!"

Mr. Speaker, Ms. Zable is exactly right and I submit her very thoughtful essay here.

DO YOU NEED A CHAPERONE AT THE CASINO?

There are folks out there who are quite concerned about you. They worry that one of these days, you might gamble away your kid's inheritance.

"Are Casinos Preying On Our Elders?" was the headline of a recent story in the AARP Bulletin. Noting the popularity of bingo halls, lotteries and casinos, the article asked, "Is it harmless entertainment? Or are older Americans being targeted deliberately by advertising and marketing efforts designed to ensure that they keep pumping large sums of money into the gambling industry."

The focus of the article was a study published in the Law Journal of the University of Illinois College of Law. The author stated that older people are at greater risk than others for problem gambling because of circumstances that make them vulnerable . . . namely, loss of a spouse loneliness and boredom. The study concluded that "the casino industry targets its marketing to older people because they are reliable spenders with leisure time to visit casinos often."

Well, duh! Like—we didn't know that?

Apparently, our legislators also believe that seniors are more at risk than other age groups for problem gambling. Timothy A. Kelly, executive director of a commission appointed by Congress to examine the economic impact of gambling, believes state and federal lawmakers should consider halting the expansion of gambling around the nation pending further research. Kelly, whose National Gambling Impact Study Commission spent two years examining the issues, says, "We heard a lot of stories about elderly parents gambling away the family inheritance."

Aw, come on, guys. Seriously—does any SeniorScope reader know of any elderly parent who gambled away the family inheritance? (Maybe some younger folks have done that, but not the old folks).

To me, this is one more instance of the Dumbing Down of Senior Citizens. Are older people perceived to be so witless, so gullible, that we need to be protected from ourselves lest we buy too many lottery tickets or play Bingo too often? Do we need Big Brother to watch over us at the blackjack tables and slot machines?

If this sounds like I am some kind of a big-time casino player, rest assured I am not. In fact, I have never set foot in Foxwoods or Mohegan Sun. But I defend the right of anyone over age 21 to spend their money where they please—be it a casino, bingo hall, sports arena, vacation resort, ect. It so happens I am a "shopping mall" person . . . and just as some people enjoy the socialization and buffets at Foxwoods, I enjoy the clearance sales and food court at the Galleria Mall.

Nor would I like it one bit if the Senate appointed a Commission to limit the expansion of malls to curtail shopping by senior citizens. Or, for that matter, to limit the expansion of restaurants because older Americans are eating out too much and putting on weight.

If Congress is really concerned about senior citizens, they ought to do something about the sky high cost of prescription drugs. Because, chances are, we're more apt to blow the family inheritance at the drugstore counter than we are at the casinos!

IN TRIBUTE TO JACK EDWARD TANNER

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. McDERMOTT. Mr. Speaker, I rise today to honor my friend, Jack Edward Tanner, for his outstanding career as a federal judge and his unwavering commitment to ensuring that all Americans are treated fairly in our judicial system. Judge Tanner has set a standard of excellence that we all should aspire too. On May 17, 1978, the Senate of the United States did unanimously consent to the nomination of Jack Edward Tanner to serve as United States District Judge for the Eastern and Western Districts of Washington. On June 2, 1978, Jack E. Tanner took the oath of office administered by Marshall A. Neil, Chief Judge Eastern District of Washington, in Tacoma, Washington. On this date, Judge Tanner has completed 22 years on the federal judiciary. We salute him as one of this nation's "Great Native Sons."

The path to the United States District Court was paved with distinguished achievements. As the son of Trixie and Ernie Tanner, Jack and his two siblings, Erna and Bob, were shielded from poverty, but not injustice. As pioneers in the Northwest, the Tanner family was often singled out and later called upon for leadership. Like his father, young Jack excelled in sports in grade school, junior high, and at Stadium High School. For a sports career, however, young Jack was born too soon, in the mid-thirties the Major Leagues, for which he was ably qualified, was not yet integrated by Blacks.

After serving in the United States military in one of its segregated, "Jim Crow" units, Jack returned to the waterfront as a longshoreman, while attending college at the University of Puget Sound. Working on the docks in Commencement Bay as a longshoreman provided the foundation for Jack's dedication to the needs and concerns of blue-collar workers and others. This perspective has never left him and it is reflected in many of his federal decisions.

The headlines of the Tacoma News Tribune for Sunday, December 29, 1963 feature Tacoma's Top Ten Stories and Personalities. It is no wonder that a photo of Jack Tanner and the controversial "Open Housing Referendum No. 4" are prominent. Arguing for fair housing in 1963 brought to Tacoma, and to Washington State, the nation's struggle for equal rights for all.

Jack challenged Washington State to address de-facto segregation in schools and housing. As local NAACP President and national NAACP board member, lawyer Tanner believed that the direct action taken by the student demonstrators in the South also would be effective in the Northwest. With others, he led a march against discriminatory housing in the Tri-cities. This was done despite the wishes of some Blacks, who believed they would be burdened rather than benefited. As a result of Tanner's urging, efforts undertaken in Seattle to de-segregate the public schools resulted in the First non-court ordered desegregation plan in the United States. Jack's effective approach blended the best of the strategies used by the NAACP and the student nonviolent protests.

John F. Kennedy, the President of the United States, invited Jack to attend the White House on two different occasions. In June, 1963, just after the assassination of Medgar Evers, the nation was in crisis. Tanner as a leader in the Northwest, worked closely with his friend Senator Warren Magnuson, the Chair of Senate Commerce Committee, to help Kennedy's famous 1964 Civil Rights Bill get introduced. Equality in public accommodations, the core of the bill, opened the way for later legislation on voting rights, fair housing and employment.

Clarence Mitchell, Director of the Washington Bureau for the NAACP said it best, "It is a fact that the passage of the Civil Rights bill has come about because of the tremendous and consistent work that you and others have done to make it possible. It is true that there have been some magnificent contributions by Senate leaders in this fight, but it was also you and the people that you represented who used your resources to make it possible for us to get a successful vote. Therefore, I wish to thank you and to let you know that this is your time of triumph."

As Washington's First African-American member of the federal judiciary, controversy did not elude Judge Tanner. Among the first cases he decided, he drew sharp criticism: by finding conditions at Walla Walla State Penitentiary, as cruel and unusual punishment (Hoptowit case); the unconstitutionality of the 1982 anti-busing initiative; and unequal pay for women by the State of Washington, known nationally as the Comparable Worth case. In this landmark decision, Judge Tanner decided that the state's policy of paying lower salaries in 14,000 jobs, held predominately by women, than those paid in comparable jobs held by men, "overwhelmingly constituted direct, overt, and institutionalized discrimination."

In the midst of criticism, Judge Tanner continued to rule on cases, by doing what he believes is right, and not for personal gain or popularity. But Father, he rules from the heart and the law to improve the lives of others, especially those who have been historically disenfranchised. We Thank you Judge Tanner for Being our Shining Judicial Light.

On this day, June 6, 2000 and in celebration of 22 years on the federal judiciary and for his life-time achievements, I, JIM MCDERMOTT, as United States Congressman from the Seventh Congressional District, along with the entire Washington delegation, ask that the Congressional Record reflect, the "Triumph of this Native Son, the Honorable Jack E. Tanner, a Tacoman, a Washingtonian and a True American."

FAIR LAWN LIONS CLUB ANNIVERSARY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. ROTHMAN. Mr. Speaker, I rise today to celebrate the 50th anniversary of the Fair Lawn Lions Club which will be celebrated June 9, 2000.

For 50 years this group has been an important asset to local and statewide charities, raising in excess of $750,000. Unlike many organizations, every dollar raised by the Fair Lawn Lions Club is donated to charity.

The Fair Lawn Lions Club founded The Fair Lawn Opportunity Center, a facility for mentally challenged adults. To this date, they remain its largest private contributor. In addition to the Opportunity Center, the Fair Lawn Lions also contribute to the Mental Health Center, the Boy and Girl Scouts, the Ambulance Corps, Fire Department, and several other groups.

Furthermore, they financially support many statewide services. Among these are the St. Joseph's School for the Blind and the Juvenile Diabetes Foundation. I commend their fervent dedication in assisting both the community and the entire state of New Jersey.

Worldwide, The Lions Clubs International is currently the largest service organization. They operate in 180 countries, boasting 50,000 clubs and 2,000,000 members.

I am proud to recognize the services of Charter Member and Past International Director William McCormick and Past District Governor Paul A. Meyer. I encourage the Fair Lawn Lions Club to continue their cause. They set a positive example for the community by raising money for those in need and are sure to remain a pillar of the community for the next 50 years and beyond.

On this, their 50th anniversary, I am proud to extend my congratulations to the Fair Lawn Lions Club.

TRIBUTE TO THE LATE MILTON V. FREEMAN

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. FROST. Mr. Speaker, I rise today to note the passing of one of the truly outstanding attorneys of the 20th century, Milton V. Freeman.

Milton Freeman died on June 3 at the age of 88 after a long and remarkable career. He graduated from City College of New York in 1931 and received his law degree from Columbia University in 1934, serving on the law review. Following his graduation from law school, Milton Freeman spent the next 12 years as an attorney with the Securities and Exchange Commission.

During his tenure at the SEC, Milton Freeman wrote many of the regulations that implemented the law that created the SEC, regulations that are still in effect today. I once introduced him at a meeting of my classmates at Georgetown Law Center as a "famous author" and, in fact, he was just that. He was the author of SEC Rule 10b–5, the heart of the SEC's anti-fraud regulations dealing with insider trading.

But Milton Freeman was much more than just a pioneering SEC lawyer. For many years he served as managing partner of Arnold and Porter, one of the most prestigious law firms in the nation. He also took time to defend people accused under anti-communist laws at the height of the McCarthy era, one of the darkest periods in our history.

Milton Freeman was a warm, generous person. He and his wife Phyllis befriended a group of insecure first-year law students at Georgetown who were friends of his daughter Nancy, who was also attending Georgetown. We spent a number of wonderful evenings at their home, evenings which somehow made the traumatic experience of the first months of law school a little more bearable.

Another of Milton's four children, Dan, also became a lawyer and has served the U.S. House of Representatives with great distinction for many years. Dan is currently Chief Counsel and Parliamentarian for the House Judiciary Committee, a position he has held under both Democratic and Republican chairmen.

Mr. Speaker, Milton Freeman was a good husband and father and a great American. He will be truly missed.

TRIBUTE TO SENIOR CHIEF PETTY OFFICER JAMES HERBERT HOWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American and dedicated veteran who passed away on March 15, 2000.

James Herbert Howard enlisted in the United States Navy on July 7, 1942 beginning a period of thirty-six years of service to his beloved country. He was a veteran of World War II. He was catapulted off aircraft carriers, transferred at sea and saw combat in the Solomon Islands.

James Herbert Howard served aboard several LSTS and was assigned to the U.S.S. *Teror* until it was decommissioned in 1947. Chief Howard served as a Quarter Master aboard such distinguished Naval Ships as the U.S.S. *Ajax* and the U.S.S. *Ticonderoga*. In 1972, Commander N.H. Kragseth wrote, "Chief Howard is a man of poise with an excellent military appearance . . . that he can express his ideas and communicate his instructions. He is dedicated to the United States Navy. He contributes to our retention, advancement and organization and he is an individual I would most want in my unit."

James Herbert Howard was a highly valuable asset to the United States Navy. He received numerous commendations including the Good Conduct Medal and Bronze Star on July 1, 1945, January 20, 1960, and January 20, 1963. While Chief Howard might have been frightened as a young man when he saw combat, he believed there to be a greater fear, a fear of a great nation losing freedom.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a wonderful man who lived a life of purpose, who loved his country and who believed in the United States of America and that we extend our deepest sympathy to his loving family.

TRIBUTE TO DR. RONALD UZELAC

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. MATSUI. Mr. Speaker, I rise in tribute to a truly outstanding citizen of Sacramento, Dr. Ronald Uzelac. On June 8, 2000, he will be retiring as Principal of Rio Americano High School in Sacramento, California. As his friends and co-workers gather to celebrate his retirement, I ask all my colleagues to join with me in saluting his remarkable career.

Dr. Uzelac attended California State University, Sacramento, where he received his B.A. Degree and Teaching Credential. He continued his educational pursuits there and went on to receive a Master's Degree in Education and his Administrative Credential.

Over the years, he has dedicated himself to educating today's youth. He has served as an Elementary Vice Principal, Elementary Principal, Junior High School Principal, and High School Principal.

In these various educational posts, Dr. Uzelac has accumulated a vast collection of awards and citations. In 1983, he received the Administrator of the Year, Secondary Level by the Association of California School Administrators. He has been recognized with the ACSA Silver Star Award (Region 3) for leadership in developing a National Blue Ribbon School in March of 1996. In addition, he was the recipient of an Honorary Service Award Administrator of the Year from the San Juan PTA Council in April of 1996.

The list of accolades for Dr. Uzelac's schools is as extensive as his personal awards. Some of these include the California Distinguished Schools Award in 1988, 1990, and 1994. Also, he received national recognition from the Department of Education as a National Blue Ribbon School in 1996. Further achievements include recognition as one of Redbook's "American Best Schools" in 1996. His was one of only five California schools recognized for overall excellence.

In an effort to improve his schools, Dr. Uzelac has implemented programs to ensure their continued success. One such program is CIVITAS: a Political Studies Academy with restructured curriculum aligned with school-to-career emphasis. This has been in place since 1994.

Over the years, Dr. Uzelac has been recognized by California State Senator Patrick Johnston, former California State Senator Leroy Greene, and myself for his tremendous leadership and dedication to the youth of Sacramento. He is a very valuable member of our community.

Mr. Speaker, as Dr. Uzelac's friends and coworkers gather to celebrate his retirement, I am honored to pay tribute to one of Sacramento's most outstanding citizens. Dr. Uzelac's contributions to Sacramento and California have indeed been commendable. I ask all of my colleagues to join with me in wishing him and his family continued success in all their future endeavors.

IN HONOR OF MARY KAY KOSA

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to an absolutely elegant woman. Mary Kay Kosa has been an educator and school administrator in the Monroe Public Schools for the past 50 years. She is also a dedicated volunteer, community activist and public servant who is the epitome of an involved and caring citizen. Mary Kay is admired by all and commands my highest respect and admiration as well. Mary Kay has decided to retire from her career in education where she currently serves as the principal of two Monroe elementary schools. She will undoubtedly be missed by the Monroe Public School System, but I take some measure of comfort in knowing that Mary Kay's kind and giving nature will make it impossible for her to also retire from her community activism.

Always independent and feisty, Mary Kay does not take no for an answer and will always fight for what is right. In the 1950's, Mary Kay stood up to the paranoia and censorship created by McCarthyism, she continued to teach her students the truth about the world and withstood fervent attempts to stop her. A champion of the poor, underprivileged and challenged, Mary Kay used her tremendous compassion and energy to serve as an effective advocate for those who are in need and less fortunate.

While always dedicated to first educating Monroe's children, Mary Kay has also managed to serve as a member and chair of several boards and commissions. The Huron Valley Girl Scout Council, Monroe Historic Districts Committee, Child and Family Services Board, Monroe County Mental Health Board, Monroe Housing Commission, Monroe County United Way Board of Directors, Monroe City Planning Commission, Salvation Army Advisory Council, The Art Lebow Community Center, Monroe County Opportunity Program, and the American Association of University Women have all benefited from Mary Kay's leadership and involvement.

A proud and active member of the Michigan Education Association, Mary Kay has used her activism, involvement and leadership to make public education better for our children. She has also utilized her talents to create a better situation for generations of public school teachers.

Mary Kay has been married to Edward Kosa for 41 years. Their loving relationship speaks volumes about the outstanding character of this wonderful woman and her terrific family. Mary Kay remains a valuable advisor, confidant and friend. She has touched the lives of everyone in Monroe County in a meaningful and substantial way and the community will be ever grateful for her dedication and good deeds.

Mr. Speaker, I would ask my colleagues to rise with me in tribute to a fine educator and public servant, Mary Kay Kosa.

IN HONOR OF REVEREND JOHN P. SCHLEGEL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday June 6, 2000

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to Reverend John P. Schlegel, S.J., for his 9 remarkable years as President of the University of San Francisco. Father Schlegel has been honored with the position of President of Creighton University. His many friends in the San Francisco Bay Area bid him farewell with mixed emotions—happy for his personal success, sad that he is leaving, and forever grateful for his many accomplishments as President of the University of San Francisco.

Father Schlegel brought with him to San Francisco strong academic credentials. He holds B.A. and M.A. degrees from Saint Louis University, a B.D. degree in Theology from the University of London, and a Doctorate in International Relations from Oxford University. He entered the Wisconsin Province of the Society of Jesus in 1963 and was ordained in 1973.

He also brought a record of strong leadership. John began his academic career as a lecturer at Creighton University in 1969. He joined Creighton's faculty in the Political Science department in 1976 and also served as Assistant Academic Vice President from 1978–1982. John went on to serve as Academic Dean and Dean of Arts and Sciences at Rockhurst College, as Dean of the College of Arts and Sciences at Marquette University, and as the Executive and Academic Vice-President at John Carrol University in Cleveland.

Father Schlegel continued that record of service and leadership while in San Francisco. John serves on the Boards of Trustees of Loyola University in Chicago and of Xavier University in Cincinnati. He is the Chair of the Executive Committee of the Commonwealth Club of California, a director of the American International School of Hong Kong, and a member of the Advisory Council at the California Academy of Sciences. John also serves on the Board of Directors of the Coro Foundation and the Association of Catholic Colleges and Universities, and on the Executive Committees of the Western College Association and the Association of Independent California Colleges and Universities.

At the University of San Francisco, John has had remarkable success. Thanks to his leadership, the caliber of the faculty and students has risen, the facilities have been upgraded, and the endowment has grown enormously. At the same time, the Jesuit mission of the University has been advanced.

We are grateful to Father John Schlegel for all that he has done for the University of San Francisco and for the entire Bay Area. We will miss him greatly but know that it is Creighton University's turn to benefit from his wisdom and vision. As we glory in his triumphant return home, we hope that he will visit San Francisco often. I join my constituents in wishing him the very best.

* * *

RECOGNIZING CHUCK BLASKO OF THE VOGUES

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. KLINK. Mr. Speaker, I rise today to recognize a musical legend, Chuck Blasko of The Vogues. A native of Turtle Creek, PA, and a resident of my congressional district, Mr. Blasko celebrates the 35th year of the music group this year. In 1965 he created the vocal group, and is the only original member still touring and performing.

During the 1960s and 1970s, the Vogues recorded 16 hits on the top 40 charts, including 9 in the top 20. Some of their best-known hits include "Turn Around, Look At Me" and "Five O'Clock World." Few groups have rivaled the success of the Vogues in placing so many songs on the top 40 charts.

Led by Mr. Blasko, their harmonic vocals continue to attract fans to sellout concerts and club appearances. With his outstanding talent and love of performing, the Vogues is an enduring fixture on the music scene and one of the world's top concert acts. Mr. Blasko has been immortalized by the Vocal Music Hall of Fame where fans can see photos of the group and a set of his stage clothes.

Despite his tremendous success, Mr. Blasko and his family continue to make western Pennsylvania their home. As an avid fan of The Vogues, I am truly honored to have this opportunity to acknowledge not only a fine musician but a man who cares about his community.

Once again, I urge my colleagues to rise and recognize Mr. Blasko on his 35th anniversary in the music industry. His commitment to his family and to his music represent the finest qualities of the people of the Fourth Congressional District.

SENATE—*Wednesday, June 7, 2000*

(Legislative day of Tuesday, June 6, 2000)

The Senate met at 9:31 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You are never reluctant to bless us with exactly what we need for each day's challenges and opportunities. Sometimes we are stingy receivers who find it difficult to open our tight-fisted grip on circumstances and receive the blessings that You have prepared. You know our needs before we ask You but wait to bless us until we ask for Your help. We come to You now honestly to confess our needs. Lord, we need Your inspiration for our thinking, Your love for our emotions, Your guidance for our wills, and Your strength for our bodies. We have learned that true peace and lasting serenity result from knowing that You have an abundant supply of resources to help us meet any situation, difficult person, or disturbing complexity. And so we may say with the psalmist, "Blessed be the Lord, who daily loads us with benefits.—Psalm 68:19. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Virginia is recognized.

SCHEDULE

Mr. WARNER. Mr. President, today the Senate will resume consideration of the Department of Defense authorization bill. Under the order, there will be a total of 90 minutes on the Kerrey amendment regarding strategic forces, and the Warner second-degree amendment. Following that debate, there will be up to 2 hours of debate on the Johnson and Warner amendments regarding CHAMPUS and TRICARE. After the use or yielding back of that time, there will be up to four votes on the pending amendments. Therefore, Senators can expect votes to begin not later than 1 p.m.

Those Senators who intend to offer amendments are encouraged to work with the bill managers in an effort to complete this important legislation prior to the end of this week. Further votes can be anticipated during today's session of the Senate.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2549, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 90 minutes of debate equally divided on the Kerrey and Warner amendments.

Pending:

> Warner modified amendment No. 3173, to extend eligibility for medical care under CHAMPUS and TRICARE to persons over age 64.
>
> Kerrey amendment No. 3183, to repeal a limitation on retirement or dismantlement of strategic nuclear delivery systems in excess of military requirements.
>
> Warner amendment No. 3184 (to amendment No. 3183), to provide for correction of scope of waiver authority for limitation on retirement or dismantlement of, strategic nuclear delivery systems, and authority to waive limitation.

Mr. WARNER. Yesterday, Mr. President, we made progress on this bill—not quite as much as I had hoped, but nevertheless progress was made. I wish to draw to the attention of my colleagues that late last night the ranking member and I put forth an amendment to this bill regarding the D-Day memorial. As the last act, it seemed to the distinguished Senator from Michigan and myself that it was most appropriate that the 56th anniversary of D-Day be concluded with an amendment which provides the opportunity for, first, the Senate, and hopefully the entire Congress, to participate in the raising of the needed dollars for the World War II memorial. Over 1,000 World War II veterans are dying each day. Organizers are within $6 million of reaching that sum of money needed to complete the construction and design phases of this memorial.

I am pleased to say this amendment passed last night. I thank my distinguished colleague, Mr. LEVIN, for joining me. All the World War II veterans currently serving in the Senate were added as cosponsors. I served very briefly at the end of World War II. And the others, seven in number, were added as cosponsors together with our distinguished colleague, Senator KERREY—although not a World War II veteran, a veteran of Vietnam with greatest distinction. So I am pleased to make that announcement. Some Senators may have missed it last night.

I note Senator KERREY's presence in the Chamber. We thank the Senator for cosponsoring the amendment last night by which the Senate goes on record endorsing a contribution of $6 million, I might add, out of nonappropriated funds. We were able to get the funding from that account.

Mr. LEVIN. Mr. President, I join my good friend from Virginia in commenting on that action last night, how appropriate it is for the heroes and heroines who served us so well in World War II, both in war and on the home front. As my dear friend from Virginia mentioned last night, there were an awful lot of heroes and heroines—obviously, veterans first and foremost, but a lot of folks here at home. And this memorial is to them. We have now nine World War II veterans remaining, I believe, in the Senate; is that correct?

Mr. WARNER. We have the number here. I will get it.

Mr. LEVIN. Every one of those were cosponsors, each one with extraordinary stories to tell. I was just delighted to be a small part of that, even though I am not a vet, just in some way to speak for the nonvets in this body about the contributions which have been made by those who served us.

Mr. WARNER. Mr. President, I want to make it very clear that this Senator, the Senator from Virginia, although his service at the end of World War II was brief, a little less than 2 years, does not put himself in the hero class with those in this body who, indeed, very humbly and rightfully earned that hero distinction. I may have served in Korea in the second engagement of our country in war but not at this particular time. Basically, the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Navy educated me, for which I am grateful. The GI bill helped me, as it did all of those us who served at the time. That was probably the greatest investment the United States ever made in a bill.

Mr. LEVIN. The Senator from Virginia and I properly tipped our hats to Bob Dole last night.

Mr. WARNER. We did. I talked to him last night after we departed the Chamber. Guess what. He sat and watched us and critiqued us very carefully. We are proud of Bob Dole.

Mr. KERREY. Mr. President, if I could make a comment on that subject, very much a part of this effort to try to find a compromise on this memorial, in the beginning I opposed the design and they redesigned it. I am very pleased now to be able to support both the design and construction.

One of the things, I say to my friend from Virginia, that happened during this process was that there was a deletion made from this design that I think at some point needs to be corrected —not on this site because its too small a site to accommodate it—and that is the construction of a museum that tells the full story. And I think it has relevance, in fact, to the debate on this bill because when George Marshall accepted Roosevelt's appointment to be Chief of Staff of the Army on September 1, 1939, the Armed Forces of the United States of America were approximately 137,000 people. Marshall had to build the Army to 8 million people in order for it to be an effective fighting force, and it wasn't just the military people who responded. There was a huge civilian effort that supported that buildup. It is a story of how dangerous it is, even though you may not see an enemy on the horizon at the moment, how dangerous it is to stack arms for the United States of America.

We had a resolution a couple of years ago, I think, on this bill to try to allocate the resources and do the study to build. There were a number of terrific places in the Senator's State right across the river that were cited. I believe this will be a wonderful memorial, but the missing piece is to tell the full story of what happened from Versailles all the way through the Second World War. There was basically an interruption for 20 years while America tried to withdraw one more time from the world. We paid a terrible price for it. I appreciate very much the Senator's willingness to allocate the money for this.

Mr. WARNER. If I can advise my distinguished colleague, the subject of a military museum embracing the chronological history of the participation of men and women of our Nation in causes of freedom beyond our shores is very much in the minds of the members of the Armed Services Committee. At the moment, I and other Senators are promoting a museum colocated with Arlington Cemetery on the ridge that overlooks where the current headquarters of the Marine Corps is located. That is due for demolition. That site seems to me and others to lend itself to the convenience of tourists visiting this Nation's Capital. It would embrace the military history of all branches of our services. We are a modest size in comparison to others, but the Senator is right.

I noticed with interest yesterday in Great Britain the Queen opened an extraordinary exposition and permanent museum devoted to the Holocaust, again, a reminder of chapters of the tragedy that unfolded on the European Continent as a consequence of Hitler and the Axis powers.

Mr. KERREY. I know that site fairly well. I think it would be a terrific site for history of the Armed Forces, but I also believe oftentimes the most important decisions aren't the decisions the military is making but that the civilians made prior to the military having to act, at least as I see the history.

In the Second World War, there were an awful lot of mistakes made in the 1920s and the 1930s that created the necessity for that terrible war. It is a very important reminder, especially today. It is something I am asked all the time when debating authorization for the military.

People say: Do we need it? Who is the enemy? We are spending more than 20 leading nations, et cetera, et cetera.

People say: Why do we need to continue to do this? The cold war is over, and so forth.

The best answer lies in that 20-year period between 1919 and 1939 during which the United States of America tried, in the face of all evidence to the contrary, to stack arms and withdraw and become isolationist.

We have talked long enough on that subject. I appreciate very much the Senator responding to former Senator Dole's request. This is the minimum that the people of the United States of America ought to do to participate in constructing this important memorial.

Mr. WARNER. One footnote to this colloquy. Yesterday Senator Dole, who is chairman of the National World War II Memorial Campaign, received a check for $14.5 million from Wal-Mart stores. The contribution was presented by a group of World War II veterans and Wal-Mart associates during a special ceremony yesterday. That, together with the action by this Chamber which I hope will become law, are the final building blocks needed in that fundraising campaign.

Mr. KERREY. The junior Senator from Virginia and I actually sponsored legislation earlier. We have been trying to support what it is you are trying to do with this Armed Forces memorial that will tell the story of the Armed Forces of the United States of America.

Mr. WARNER. Senator ROBB is very active in that.

I yield the floor.

AMENDMENT NO. 3183

Mr. KERREY. Mr. President, the amendment before the Senate now presents to Members of the Senate a series of questions that we have to answer.

The first is, Should the Congress, under any circumstances, impose a limitation on the Commander in Chief? As it says, the Commander in Chief can't go below a certain level of strategic nuclear weapons. We imposed this for the first time in 1998. One of the strongest arguments made in 1998 and 1999 was that we needed that in order to put pressure on the Duma to ratify START II. They have now ratified START II. I think it is unwise to impose a limitation. Whether the President is a Democrat, whether the President is a Republican, I think it limits that President's ability to be able to negotiate. As a consequence, it puts the President in a weaker position when he is talking, whether to Russia or other nations—it puts that President in a weaker position and gives him less maneuverability to be able to protect the people of the United States. If we don't like the action a President takes, the Congress can intervene to act. That is question No. 1.

Do you think, under any circumstances that you can describe, we ought to pass a law that says a President cannot go below a certain level? In this case, the START I level is not only 6,000 warheads, but as the Senator from Arizona indicated earlier, we describe in the law the precise platform delivery systems for the warheads.

Mr. WARNER. The Senator posed a question. I will take responsibility to answer the question as we go along, and we can frame for colleagues where the differences are between yourself and my amendment, and then the distinguished Presiding Officer will take the second question.

Mr. KERREY. I am pleased to do that.

The first question is, Did the Congress do the right thing in 1998 and 1999, and would we be doing the right thing today or in the future to have a statute that imposes upon a President a floor, a limitation, under which that President cannot go as a consequence of our deciding that should only occur as we described in this law?

We did it in 1998 and again in 1999 and we are proposing to do it again this year.

Mr. WARNER. The answer to that question is very simple. It was first done in 1996. We repeated it in 1997, 1998, and 1999. In 2000, we made it permanent. That is the provision which the Senator from Nebraska is trying to strike.

In response to that, Congress took action and the President of the United States signed it into law one time, two times, three times, four times, five times. That should answer the question posed by the Senator from Nebraska.

The President concurred in the judgment of the Congress which said that you should not drop below those levels. What the amendment from the Senator from Virginia says is it doesn't, in my judgment, restrict the President's constitutional right to negotiate, but it says, Mr. President, you should not unilaterally, as Commander in Chief, reduce our Armed Forces in terms of those strategic levels until you do two things which have been followed by previous Presidents, and, indeed, this President when he first came to office. You make a QDR study.

For those that do not understand it, it is an entire study of the world threat situation, our force levels, force levels which are conventional, force levels which are strategic, and you do a comprehensive review of the nuclear posture.

Those two things having been done, then you can proceed to exercise your judgment as Commander in Chief to reduce certain force levels.

There it is. The President signed it five times, clearly. He could have vetoed it. He did not. He signed it into law five times. It remains the law of the land today. I will vigorously oppose the efforts of my colleague and good friend from Nebraska to repeal that law because that law very clearly says you must take prudent actions. My amendment sets out what those prudent actions are. Then my amendment gives the President the right, after taking those actions of the QDR and the posture review of the nuclear forces, to waive the statute that has been signed five times by the President of the United States.

Mr. KERREY. Mr. President, first, Congress should be making a decision based upon what we think is right. We oftentimes pass defense authorization bills that have things the President doesn't like. My guess is that the Senator from Virginia has urged the President on many occasions: I understand, Mr. President, you don't like this particular provision, but I urge you to sign it anyway. There are many other good things in the bill. Mr. President, we hope you will sign it because we can't get it any better.

That happens all the time here.

So the fact that the President signed it does not mean the President concurs. Nor should it cause a Senator to say, just because the President signed it, that doesn't mean it is a good act. We disagree with the President all the time around here. We will get behind him when we like what he is doing, and we will get out in front of him when we do not like what he is doing. That is the appropriate way, I suspect, it ought to be done. Members of the Senate should be deciding: Do we think it is a wise thing? Do we want to restrict future President Bush or future President GORE? It is not accidental that was imposed in 1996. It has not been imposed on previous Presidents. It has been imposed only on this particular President. So whether the President signs the bill or not, in my view, is secondary to the question: Do you think it is a sound policy?

In a post-cold-war era where we have had three Presidential elections in Russia—and understand, the bulk of our strategic weapons system is for Russia. That is the bulk of our system. What would the Senator say, 75 percent or 80 percent of the SIOP is dealing with the democratic nation of Russia with whom we have relations, with whom we are trying to work to help to be successful in their democratic experiment and their experiment with free markets? The question is, Does it restrict the President and make it less likely he can begin to think in a new way—which, in my judgment, needs to occur?

So, regardless, whether the President signs it or not, my guess is the President does not support this provision. But even if he said, "I support it," I would still oppose it. I still think it is unreasonable for Congress to do. So that is question No. 1 that you have to decide. Whether the President signs it or not is secondary. My guess is a lot of folks on that side of the aisle think the President signs a lot of things they wish he would not sign, things they voted against. So it is not, to me, a very compelling argument to say we have to do this because the President signed five previous bills that had this provision in them.

Mr. WARNER. I simply say to my good friend, I strongly disagree. This President signed this five times. We saw an example where the distinguished Senator from West Virginia and I had the Byrd-Warner amendment regarding the deployment of our troops and taking certain steps by the Congress. What happened? Not only this President but the candidates for President, both Vice President GORE and George W. Bush, communicated in various ways they believed that amendment was an encroachment on Presidential power, and we missed that by a mere three votes, is my recollection, because of that very issue. It was an abridgement of Presidential power. Nothing is fought on this Chamber floor with greater vigor than protecting the powers of the President of the United States.

Mr. KERREY. Mr. President, first of all, is our time being charged to the two of us? Is that how this is being worked?

Mr. WARNER. It seems to me that is a fair allocation in the course of a colloquy.

The PRESIDING OFFICER (Mr. ALLARD). When the Senator from Nebraska speaks, that is charged against his time. When the Senator from Virginia speaks, it is allocated against his time.

Mr. KERREY. I do not think it is going to be persuasive to the Senator from Virginia, but this is the statement of policy on the Senate defense authorization bill:

> The administration appreciates the bill's endorsement of our plan to reduce the Trident submarine force from 18 to 14 boats, while maintaining a survivable, effective START I-capable force. However, we prefer repealing the general provision that maintains the prohibition, first enacted in the FY 1998 Defense Authorization Act, against obligating funds to retire or dismantle any other strategic nuclear delivery systems below specified levels. . . .

And on and on and on.

So the President has signed it, but the President does not support this policy. Again, I do not suppose that is going to be persuasive to my colleague, but he used an argument against repealing this provision that said the President supports it, or he signed the bill which implies that he supports the provision.

I personally believe the Congress should be making the decision. The Senator's argument, with great passion, that he does not like infringing upon the prerogatives of the President—I have heard him many times down here arguing, oftentimes against Members of his own party, against efforts to do that. So I am surprised, in fact, especially now that the Russian Duma has ratified START II, that we want to continue this policy. I think it is not good. So that is question No. 1. You have heard very eloquent argument on the other side. Question No. 1 is: Does Congress want to do that under any circumstances with or without a review?

The second question we are now going to be asked, as a consequence of the second-degree amendment, is: Do we want to delay action? Do we want to restrict the action in accordance with the second-degree amendment which basically says we have to have a nuclear force structure review and that review is submitted concurrently with the quadrennial review which is expected December of 2001?

I believe it is time for the people's representatives, elected by the people, to be having a debate about what kind of force structure we want to maintain. And it is counterproductive, it is difficult for us to reach the right decision, if we once again farm it off and say we want somebody else to figure it out. It is the civilians who send instructions to the CINC at STRATCOM. It is PDD-60 that determines what the Single Integrated Operating Plan, the SIOP, is. The targets are selected as a consequence of civilian instructions, not the other way around. It is we who have to decide, Do we have enough? Do we have too much? Or is it right? It is we who have to bring commonsense analysis to the debate and answer the question: Given the current status, given what we expect out in the future, do we have enough?

We have the statements of General Shalikashvili in 1995, as he evaluated this, that seem to indicate that lower levels are safe. But even there, General Shalikashvili is following civilian instructions.

I understand this amendment provides people an opportunity to sort of vote for this thing and we are going to have a normal review. It may in fact carry the day. It is a very complicated argument, and it may in fact be that the second-degree amendment passes. I hope not, because it is time for this Congress to take back the responsibility for targeting and answer the question: Do we have enough, do we have too little, or do we have the numbers quite right?

I urge Members to look at what we now have in the public realm, data that indicates what that targeting is. We have an analysis, public analysis now, of what happens when we have 2,500 strategic warheads after we subtract that fraction that may not be available to us for a variety of reasons. Understanding we are not shooting bullets here, these are very complicated systems, and you cannot, with 100-percent reliability, predict that they are going to arrive on target in the manner that has been described. So they are very complicated systems. It requires modernization; it requires constant analysis. The men and women at STRATCOM and others who have that responsibility are highly skilled, and they work on that problem all the time.

This is why I think the review is not a good idea. It pushes away from us one more time the problem of just considering what these nuclear weapons can do instead of asking ourselves, with a commonsense analysis—because, again, the targeting begins with civilian instructions. It is the Presidential directive that determines what the targeting is. We have modified the targeting, certainly, to accommodate some of the changes that have occurred as a result of the end of the cold war. But I believe if you look at these things and say, oh, my gosh, what will those do, you will reach a commonsense conclusion that we have more than is necessary in order to keep the people of the United States of America safe.

That is the mission of this defense authorization bill, whether we are debating the pay for our military, whether we are debating our force structure, or readiness, whatever it is. We ought to authorize and we ought to appropriate such funds as necessary to keep the people of the United States of America and our interests and our allies safe. That is what our mission is.

But, again, on the question of the need for review, what is needed is for Congress to review it, for Congress to answer the question. We have, under what is called the minimal deterrent level, the 2,500 warheads: We have 500 100- to 300-kiloton weapons that will land on war-supporting installations in Russia, 160 on leadership, 500 on conventional forces, 1,100 on nuclear targets.

I urge, rather than doing a review, what we need to do is bring out a map of Russia and take a look and answer the question, What do 2,260 nuclear detonations of a minimum of 100 kilotons do to Russia? Remember, the war in the Pacific ended in 1945 as a consequence of two 15-kiloton detonations. I stipulated earlier my uncle died in the Philippines and my father was a part of the occupation force rather than invasion. I have a vested interest in declaring that I think Truman did the right thing. But those were two 15-kiloton detonations. We are talking about 2,260 detonations in excess of 100 kilotons. We do not need a review by professionals. The people's representatives need to do an analysis of this, and I urge my colleagues to do that kind of analysis. Imagine those kinds of detonations and ask yourself, Do we have enough?

Connected with that, do an analysis yourself, both of the command and control capability of Russia and of their ability to do warnings, because if they have mistakes made at either command and control or warning—and their capacity to do early warning not only is declining but it is declining enough so the President, in one of the few successes he had, in addition to getting an agreement to eliminate weapons-grade plutonium, got an agreement to do a joint warning center in Moscow because the analysis says their capacity to do accurate warning is declining. What does that mean? It means if they get a false alarm, they are going to launch because their instructions are to launch on warning.

So what we are doing is, as a consequence of maintaining higher levels pending more reviews, et cetera, et cetera, we are forcing the Russians to maintain a level higher than they are able to maintain, putting us at risk. It increases the risk today. That is how the end of the cold war has changed things. Russia cannot maintain 6,000 strategic weapons. They have been begging us for years. Indeed, one of the things I said yesterday, one of the paradoxes of this whole debate, is I am not sure this administration would take action.

(Mr. WARNER assumed the chair.)

Mr. ALLARD. Will the Senator from Nebraska yield for just a moment? I would like to be able to answer his question.

Mr. KERREY. I am pleased to.

Mr. ALLARD. The Chairman made a good point. We need to run a comparison. The question the Senator asked is, Do we need to delay actions? The answer is, No, we don't want to unnecessarily delay action. But I think we need to have a responsible decisionmaking process set up. These are very complex issues.

There are a lot of issues involved. Hearing the Senator's comments sounds to me as if he would agree with what the committee has tried to do. They said: Look, these are complicated issues. We need to have a careful review. In fact, the Strategic Subcommittee, which I chair, has set up a process where we have two studies to review our nuclear posture of where we are and move into negotiations.

For the committee to be informed means we have to hear from the professionals who deal with these issues. They need to bring the information to the committee.

We represent the people of the United States in the Congress and the Armed Services Committee tries to represent those interests. We have to set up a process to do exactly what the Senator from Nebraska is talking about.

A lot has changed since the last posture review in 1994, and what was relevant in 1994 is not necessarily relevant today. We have new leadership, by the way, since that review. In Russia, we have new leadership. We have new leadership around the world. We have leadership that has changed even in this country. We need to reevaluate in the context of this new political environment. We need to reevaluate in the context of new technology, new positions as far as the nuclear posture is concerned.

This amendment is critical to protecting our country and stabilizing the world. We need to get the current crop of experts, military and civilian—it is proper to bring in the civilian role—to formulate recommendations given today's dynamic changes.

It seems to me the Senator from Nebraska would agree with what the committee is trying to do. We agree perhaps times have changed. As the chairman pointed out earlier, the law expressly prohibited the President. Now we are saying, with a careful Nuclear Posture Review, maybe we can move ahead and review some of these issues.

(Mr. L. CHAFEE assumed the chair.)

Mr. KERREY. I appreciate that response. I made it clear in questions yesterday posed to the Senator from Virginia and the Senator from Colorado having to do with the issue of whether or not this action could be taken prior to December of 1991, whether or not an accelerated comprehensive review could occur if it was a President Bush or a President GORE. The answer was yes, leading me to say in that situation maybe I would support the amendment because if they can do an accelerated review, so can President Clinton.

The answer then came back: No, we do not want President Clinton to do an accelerated view. We are willing to let President GORE or President Bush do it but not President Clinton. That is precisely why it is a bad provision because I believe it is there because of distrust of a single President. It is not wise, in my judgment, for the Congress to impose that kind of restriction because it does send a signal to our allies not to negotiate.

It makes it much more difficult for the President to negotiate not only arms control agreements but to take action as President Bush did in 1991 facing a problem of how do we leapfrog the arms control process.

I heard my colleagues on the other side say the old arms control process needs to be torn up. That is not inconsistent with this kind of thinking. That is exactly what Governor Bush said in his press club speech surrounded by Henry Kissinger, George Shultz, Brent Scowcroft, and Colin Powell. If those four men were part of that new administration and they came out and said we need a review in November, December, and January and we think we can go to lower levels and we want to go immediately, we can get Russia to agree to a robust missile defense, my guess is every single Member of the other side would go along with it immediately, understanding these men are qualified and they understand what is necessary to protect the United States of America.

They do not need another review, and they certainly do not need Congress imposing a limitation on where they can go. This is a limitation that has been imposed on a single President. If it becomes policy for Congress to do it, I believe it is going to be very difficult for us to take advantage of this new post-cold-war opportunity, as the other side has done repeatedly. There are times when the President submits a budget for defense and they say it is not enough. They do not say we need a review of this for another 3 or 4 months or a long period of time. They say we have done a review; we are not ready so we have to put more money in the budget, we have to put more weapons systems in the budget that were not in the President's request.

We do not have any difficulty confronting the President. We do not ask for reviews when the President is not asking us to do something we want. This is, in my judgment, a provision that was put in here as a consequence of not trusting a particular President, and it is a mistake. It is going to hamstring the next President, whoever that President is. This amendment attempts to soften it a bit, but it still leaves it in place. Senator KYL, I understand, was speaking for how they now interpret the amendment, saying, no, the review has to be submitted concurrently with a quadrennial review whenever that occurs. Maybe it is not in December 2001. Maybe it is done in January 2002. What if you have a President Bush coming online with Secretary of Defense Colin Powell and George Shultz and Brent Scowcroft and Henry Kissinger as part of that administration, and they do a review in November and December and come to you and say: We decided we want to go to 5,000 in exchange for an agreement; is that sufficient?

Mr. ALLARD. Let me tell you what the committee was thinking, as chairman of the Strategic Subcommittee, when we looked at this and said we need to have a careful Nuclear Posture Review. The Senator is trying to imply there was a political motive with that. This committee, made up of Democrats and Republicans, said we need to have a careful Nuclear Posture Review and we need to look at the facts. We recognized that in 1994 we had a review. We need to go back.

Mr. KERREY. I am not implying a political motivation. I am rereading your answers to my questions yesterday. I saw reason I would support this amendment, and the reason I could have supported the amendment is, if you had said to me, yes, a thoughtful and thorough review can be done by civilians in less time than done by a quadrennial review that would allow President Bush or President GORE, and the answer was that would be acceptable. I then said: What if Clinton did the same thing? The answer was no. I am reading back and remembering what the exchange was yesterday.

Mr. ALLARD. In considering this issue, we need to have a careful Nuclear Posture Review. It is not going to happen quickly. What the Senator from Nebraska wants to see happen in public policy where we would carefully evaluate where we are in comparison with the rest of the world is not going to happen in 3 or 4 months. It is going to take time. We have to have input from civilian experts. We have to have input from military experts. From a practical standpoint, it is probably not going to be an opportunity on which this President can act. Whether it is a Democrat or Republican President, whoever is in office next, I think the same policy is going to have to apply because the ultimate goal is to have a careful posture review and make sure we do not unilaterally disarm this country, that we do not make it more vulnerable than it is today.

I yield my time to the chairman of the committee.

Mr. WARNER. I will be happy to listen.

Mr. KERREY. Go ahead.

Mr. WARNER. I simply reiterate what my colleague, who is the chairman of the subcommittee, has said. This amendment, which I drew up carefully, is drawn in such a way that it does not preclude President Clinton from negotiating and, indeed, preclude him from exercising his authority as Commander in Chief to direct the Chairman of the Joint Chiefs and others in the Pentagon: This is a level to which you will drive nuclear weapons. He can do it.

We are saying it should only be done after a quadrennial review, after a nuclear posture study has been completed. From a practical standpoint, it simply, in my judgment, cannot be achieved. If it were forced to be done, it would be viewed not only by us but the Russians and all others who follow this as an imprudent, an unwise step by our President. That is it.

Mr. KERREY. May I ask the Senator a question?

Do you think that Congress made a mistake not having a similar provision in place so we could have prevented President Bush from taking his action in 1991?

Mr. WARNER. No. Fine. Let's review what President Bush did. In the final hours of the days of his Presidency, he did the START II. I understand that. But the point is, that was a process that evolved over many years. The work had been done. The studies had been done. All of it was in place ready for his signature.

I say to the Senator, that is not the case in this instance. The last posture review of importance was 1994. Why this administration sought not to bring those up to date, to bring up a current one——

Mr. KERREY. But I say to the Senator, the question directly is, Do you think Congress should have passed a similar restriction on President Bush so he could not have done what he did in 1991?

Mr. WARNER. I would say, if this situation today were of a parallel situation at the time of President Bush, I would have been the first to pass this same law. It was an entirely different factual situation, I say to the Senator. I hope those listening understand that. But you posed the question. If President Bush at that time was faced with the decision such as this to lower the numbers drastically, I would say it should not be done until the staff work and the careful work had been done by those entrusted, namely, the Chairman of the Joint Chiefs and the Joint Chiefs of Staff, to make the analysis before a President acts.

Mr. LEVIN. Will the Senator yield just for——

Mr. KERREY. I yield the floor to you.

Mr. LEVIN. I thank the Senator.

I must say, I am utterly amazed by the last answer of my good friend from Virginia. What the Senator from Virginia said is that President Bush carefully, after thorough deliberation and consideration, negotiated a START II treaty. That was done, to use my good friend's words: After the studies were done, after the work was done.

I am wondering if my friend from Nebraska would agree with what I am now going to say. The law that is on the books will not let us go down to the Bush START II level, which was so carefully negotiated.

Think about what our law is. We just heard—and I agree with the good Senator from Virginia—that President Bush carefully, thoughtfully, in the words of the Senator from Virginia, after the studies were done and the work was done, negotiated a START II treaty. I agree with that. The law on the books will not let us go to the level that President Bush negotiated. We have to stay at START I levels.

Mr. KERREY. I quite agree with that.

Mr. LEVIN. You cannot have it both ways. If President Bush thoughtfully—and he did—carefully—and he did—after work was done—and it was—negotiated a START II level—we have ratified START II—the Joint Chiefs want us to go to that level and have testified to that, that we are wasting money staying at the START I level—we have peacekeepers that we can't afford to maintain; it is wasteful—they say, please don't force us to keep to that level, but we have a law on the books which says we have to stay at the START I level of 6,000 warheads. We cannot go down to the START II level of 3,000 to 3,500 warheads because of the law on the books. You can't have this both ways.

To add insult to injury, now we are saying that the only way that can be waived, that limit, that START I requirement that we have on the books, is if there is another Nuclear Posture Review. We have had two very thoughtful, Nuclear Posture Reviews, one in 1994, one in 1997.

You will not let us implement it. This law will not let us implement the previous careful, thoughtful Nuclear Posture Reviews. I do not have any problem with another one, by the way. I do not have any problem with the bill the way it now reads.

The problem I have is with the Warner amendment, which says that we can't do what we negotiated in START II, even though it has been confirmed by two thoughtful posture statements, unless the President—the next President, not this one—first has another Nuclear Posture Review. That is the problem.

I think the amendment that has been offered by the Senator from Virginia is aimed very clearly at this President. I think it is a mistake in terms of its approach. It is being limited to hobble this President, to force him to maintain a force structure which was negotiated to a lower level by a previous President. I think that is a mistake in terms of precedent and in terms of what we should be doing in terms of a body. It should not be aimed at one President.

But in addition to that, I must say that we are maintaining a force structure which the Joint Chiefs say we do not need, a force structure which START II—which was negotiated by President Bush—says we do not need. So we are wasting a lot of money as well as engaging, I believe, in a partisan effort to hobble the President.

That is the sad news. That is one of the problems with the Warner amendment. But there is some good news—not in this amendment, but there is some good news that should give us a little bit of comfort.

It will not work. We can waste money. We are. We can maintain a dangerous level of force structure, for the reasons which the Senator from Nebraska gave, making us less secure, not more. We can do all that. But we cannot hobble the President, although I believe the intent of this amendment is to hobble this President. I believe that is the intent because it is only aimed at this President.

The next President—whether it is a Democratic or Republican President—we have been told last night, can go through this review in a matter of months, if they want to, and then waive this statute, but not this President. So I think it is aimed at this President. But this President has the constitutional right to negotiate a treaty, should he see fit. Thank God, the Constitution is there again to save us.

Because although this language will not allow a waiver by this President to get down to the level which President Bush negotiated, and which the Joint Chiefs of Staff say is all we need to keep us secure—half of the level which the current law forces us to maintain—even though that is what this language will force us to do, it cannot stop the President from carrying out his constitutional duty to his last day in office.

He can negotiate a treaty at a lower level. If he does so, we can reject it. The Senate has to ratify under the Constitution. But the President is nonetheless able to negotiate reductions below the START II level, as the Joint Chiefs have said he safely can.

In 1997, the Joint Chiefs said we can safely go down to 2,000, 2,500, which is about 1,000 below the START II level. They have already said that after a careful posture review. I hope the President succeeds in coming up with a treaty which allows us to deploy a limited national missile defense at a lower level of nuclear weapons. I hope he succeeds.

But I must say this amendment is not constructive. It is not something which I believe would be offered were a President of a different party in office. I do not believe that it would be offered. I think the answers last night give support to that conclusion.

It is a very sad conclusion on my part to reach that because I know my friend from Virginia is not ordinarily of that bent. We have worked together long enough so I know what his instincts usually are. But in this case, I am afraid it falls short of where we should be as a body, which should be supporting our right to ratify, supporting a force structure we need, but not maintaining a force structure we no longer need according to two careful posture reviews, for purposes which I believe are intended to restrict this President.

Before I yield the floor, I ask the Senator from Nebraska, is it not accurate that the START II level which was negotiated by President Bush was supported by a Nuclear Posture Review made by the Joint Chiefs of Staff?

Mr. KERREY. The Senator is correct. It is one reason additional review is not necessary. It is offered in good faith, but it is certainly not necessary to make this determination.

Mr. WARNER. Mr. President, if I might summarize, again, on five occasions President Clinton has signed into law actions by the Congress of the United States which state very clearly we should not go to these levels. There it is.

It is interesting, one of the reasons Congress took that action is we were not sure what the Duma would do on START II. We were right. They accepted START II, but with the following conditions on it: ABM treaty demarcation protocol, ABM treaty succession multilateralization protocol, START II extension protocol. Those protocols have not been sent to the Senate by the President. No one can refute that; they have not been sent here. They do not have his endorsement. That is why we should not undo hastily with this amendment this fabric of legislation which for 5 consecutive years has been passed by the Congress and signed by the President of the United States.

The Warner amendment does not preclude President Clinton from negotiating. It does not preclude our President from creating a QDR in the next few months, creating an updated nuclear posture. He could do it. But it would be imprudent and unwise to do it because it would run against the guidance provided by the Congress. No one should say this Congress, particularly the Senate, is not an equal partner on matters of seriousness of this nature, particularly as it relates to treaties. It is in the Constitution just as clearly as is the President's Commander in Chief role.

Mr. LEVIN. Mr. President, if I may have 1 additional minute, I will then yield the floor.

Mr. KERREY. I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. On the point of the President signing five bills, when the President signs bills—these bills are 600 pages long—he makes it very clear he doesn't agree with every single provision in every bill he signs. As a matter of fact, if that were the test, I am sure we could get a statement right now from the President indicating his opposition to this provision. I would think the Senator from Virginia would still not drop this provision, even though the President of the United States would indicate opposition to it.

The Chairman of the Joint Chiefs, speaking for the administration, I am sure, in 1995, said:

> Our analysis shows that, even under the worst conditions, the START II force levels provide enough survivable forces and survivable, sustained command and control to accomplish our targeting objectives.

That is the Joint Chiefs speaking for the administration in 1995. The current law will not allow this administration to go down to the levels which General Shalikashvili and the current Joint Chiefs say are adequate. It is wasteful as well as attempting to hobble the President. But if the test is whether the President supports the language or not, I am sure we can get a quick letter from the President indicating his opposition to the Senator's amendment. I wonder whether the Senator would drop his amendment if the President indicated opposition in a letter?

Mr. WARNER. Unequivocally, no, I say to my good friend.

Mr. LEVIN. I thank my good friend.

Mr. WARNER. In quick summary, he cites what the Chairman of the Joint Chiefs said in 1995. Fine. But General Shelton and others were acting on the predicate, on the assumption, which was a fair assumption, that the Russian Duma would adopt START II as it was written and not put these conditions on it. Once they put these conditions on, it was a clear signal to all of us, we had better go back and reexamine what in effect is the desire of Russia on arms control. These are conditions which they know this Chamber, as presently constituted, would never accept.

I yield the floor.

Mr. LEVIN. Mr. President, I ask unanimous consent that a statement of General Shelton be printed in the RECORD at this time, indicating that major costs would be incurred if we remain at START I levels, stating his opposition to the language which the Senator from Virginia would maintain in our law without the possibility of a waiver until next year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY BEFORE THE SENATE COMMITTEE ON ARMED SERVICES, JANUARY 5, 1999

RATIONALE FOR STAYING AT START I FORCE LEVELS

Senator LEVIN. General Shelton, in your view, is there any military reason why we should freeze our strategic forces at the START I level until Russia ratifies START II?

What is the cost (a) in fiscal year 2000; and (b) through the FYDP; to maintain our forces at the START I level instead of a lower level that is required for military reasons?

General SHELTON. As a result, the force structure could undergo change. The Joint Chiefs and I are working with the Commander in Chief of our Strategic Command on a recommendation for the Secretary of Defense. There are a number of alternative force structures with fewer platforms that meet our national security needs and still provide 6,000 strategic warheads to maintain leverage on the Russians to ratify START II. The Service Chiefs and I feel it is time to consider options that will reduce our strategic forces to the levels recommended by the Nuclear Posture Review. The START I legislative restraint will need to be removed before we can pursue these options.

Major costs will be incurred if we remain at START I levels. Since our START II baseline calls for Peacekeeper to be retired by 31 December 2003, costs in fiscal year 2000 include an additional $51 million to maintain all Peacekeeper missiles for 1 year. Overall Peacekeeper costs are approximately $150 million per year and maintaining them over the FYDP will cost $560 million. Keeping our SSBN force structure at START I levels (18 SSBNs) until fiscal year 2006 will costs an additional $5.3 billion, which includes refueling, overhaul, and backfitting four Trident SSBNs with D–5 missiles.

* * * * *

Secretary COHEN. . . . So the answer is, I do not think we need to have the legislation, which expires, and we can maintain the same level until such time as—level of warheads that we have under START I, until such time as the Russians ratify START II, so we can achieve that particular goal.

Senator LEVIN. So, the way the legislation is framed is not helpful or necessary?

Secretary COHEN. I think it is unnecessary at this point.

* * * * *

FISCAL YEAR 2000 DEFENSE AUTHORIZATION ACT

Senator LEVIN. Would you oppose inclusion of a provision in the Fiscal Year 2000 Defense Authorization Act mandating strategic force structure levels—specific numbers of Trident Submarines, Peacekeeper missiles and B–52 bombers?

General SHELTON. Yes, I would definitely oppose inclusion of any language that mandates specific force levels. It is important for us to retain the ability to deploy the maximum number of warheads allowed by START I but the Services should also have the flexibility to do so with a militarily sufficient, yet cost effective, force structure.

* * * * *

Senator LEVIN. Are there any military requirements for the 50 Peacekeeper ballistic missiles?

General SHELTON. The Commander in Chief United States Strategic Command conducted an extensive analysis of maintaining 14 Tridents, 500 Minutemen IIIs, and 0 Peacekeepers uploaded to the approximate warhead limits of START I in our inventory and he concluded this force was militarily sufficient and I concurred with this assessment.

* * * * *

Senator LEVIN. I would hope they take that into account and also the fact that they are doing that because that is what we wanted them to do under the START agreements, is to move to the new kind of weapons system. But whatever you want to take into account, please respond to that for the record.

[The information referred to follows:]

The Service Chiefs and I agree it is time to reduce the number of our nuclear platforms to a level that is militarily sufficient to meet our national security needs. Specifically, we should move to the force structure levels recommended by the Nuclear Posture Review. For fiscal year 2000, this means programming for the reduction of our nuclear-powered fleet ballistic missile submarine (SSBN) force structure from 18 to 14 TRIDENTs while maintaining 50 PEACEKEEPERs. We strongly believe it is militarily prudent to review PEACEKEEPER annually. The four SSBNs will continue to operate until they reach the end of their reactor core life when they will be retired. With a strategic force of 14 TRIDENT SSBNs, 50 PEACEKEEPER and 500 MINUTEMAN III intercontinental ballistic missiles (ICBMs), and our nuclear capable bombers, we will still be capable of deploying approximately 6,000 strategic warheads as allowed by START I. The statutory provision that keeps us at the START I level for both TRIDENT SSBNs and PEACEKEEPER ICBMs will need to be removed before we can pursue these options.

Mr. WARNER. Mr. President, if I may make one observation in reply, the President's budget for 2001 includes funds to sustain our strategic forces at current levels. Why then did he send up a budget request to maintain those strategic levels, the levels you are now asking him not to knock down?

Mr. KERREY. Mr. President, the answer to that is a question back to the Senator from Virginia. If the President is asking for these levels, why would he insist on a prohibition of his going lower? Why is he so concerned he is going to go lower, if the President is asking for these levels? Why does he need this provision?

Mr. WARNER. Mr. President, ultimately we will go lower. But we should take into consideration the actions of the Duma and the fact that we should study very carefully this nuclear posture in view of the actions taken by the Duma.

Mr. KERREY. The question the Senator from Virginia asked me was, Why did the President send up an authorization request for current levels if he was thinking about going lower? That is a good question. I am not certain the President would use his authority. The question that provokes is, Why, if the President is asking for existing levels, are this Senator from Virginia and others so concerned that he might go lower? Why do we have this prohibition on any President? It is an unnecessary and unwarranted interference, and it makes the people of the United States of America an awful lot less safe, given what is going on in Russia today.

The PRESIDING OFFICER. Who yields time?

Mr. KERREY. Mr. President, I yield 10 minutes to the Senator from Delaware.

Mr. WARNER. Mr. President, will the Chair state the allocation of the time remaining between the distinguished Senator from Nebraska and myself.

The PRESIDING OFFICER. The Senator from Nebraska has 14 minutes remaining, and the Senator from Virginia has 25 minutes remaining.

The Senator from Delaware.

Mr. BIDEN. Mr. President, the Kerrey amendment is a sensible proposal that merits bipartisan support.

The Joint Chiefs of Staff decided many years ago under the Bush administration that we could safely go below START I force levels. President Bush signed START II, and the Senate approved it in 1996.

Now the Russian parliament has approved START II. That treaty cannot enter into force yet, due to differences over the ABM Treaty, but both the United States and Russia could usefully go below START I levels.

The Joint Chiefs have consistently opposed the statutory ban on going below START I levels. As General Shelton said to Senator LEVIN in an answer for the record.

> The cold war is over. . . . The Service Chiefs and I feel it is time to consider options that will reduce our strategic forces to the levels recommended by the Nuclear Posture Review. The START I legislative restraints will need to be removed before we can pursue these options.

The ban that the Kerry amendment would repeal is a hindrance to rational planning and resource allocation. It makes us maintain forces that are not needed, at the expense of more pressing needs. As General Shelton replied to Senator LEVIN: "Major costs will be incurred if we remain at START I levels."

The Warner second-degree amendment would retain this ban for another year-and-a-half, for no good reason.

It would prevent the President of the United States from implementing strategic force reductions that are supported by our military leaders. It would also prevent his successor from implementing such reductions for nearly a year, and from deactivating any of those forces for another 30 days beyond that.

This is not just a slap in the face of our President—although it is surely that. It is also a slap in the face of the likely Republican nominee for President, Governor Bush of Texas.

Two weeks ago, Governor Bush proposed cuts in U.S. forces below the START II level—not just below START I, but below START II. Governor Bush said: "The premises of Cold War nuclear targeting should no longer dictate the size of our arsenal."

He may think that the White House is the home of cold war thinking. If the American people should ever elect Governor Bush to be our President, however, he'll find that the cold war is alive and well a couple of miles east of the White House—in his own party.

Governor Bush added, 2 weeks ago:

> . . . the United States should be prepared to lead by example, because it is in our best interest and the best interest of the world. This would be an act of principled leadership—a chance to seize the moment and begin a new era of nuclear security.

Would the Warner amendment allow him to seize the moment? Not for many months.

Imagine our new President negotiating with President Putin of Russia in 2001. Putin says: "Let's do START III." President Bush (or President GORE) replies: "Heck, my Senate won't even let me go under START I. Come back next year!"

Hamstringing the President in this way is silly, and we all know that. The Joint Chiefs opposed it; the future Republican nominee for President wants to go far beyond it; and the Congressional Medal of Honor winner from Nebraska, whom the Senator from Virginia praised just last night, would never undermine our national security.

Let's stop playing games. Let's defeat the Warner amendment and support the Kerrey amendment.

Mr. President, I will respond to some of what I have heard in today's debate. My dad has an expression: Sometimes what people say is not what they mean, even though when they say it, they think they may mean it. That sounds confusing. I always used to wonder what he meant by that. I think I understand it better now.

The Senator from Virginia has an amendment that, with all due respect to him, is bad logic, bad law, and bad politics. I know him to be a much more informed fellow. I have asked myself why, why does he have this amendment? What is the real reason? I am not suggesting duplicity. I am not suggesting any kind of treachery, but why? Why would you have an amendment that says a President cannot do what a previous President said was proper to do and all the military people then and since then have said we should do? Why would you do this?

It has dawned on me that we are finally getting to the place—I suggest humbly—that I predicted we would get to 18 months ago. We are finally coming out of the closet in the real debate. The real debate is whether there should be arms control any longer or not. I ask unanimous consent to print in the RECORD at the conclusion of my remarks a piece by Charles Krauthammer on this very point.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BIDEN. It is in the latest Time magazine. Mr. Krauthammer is a very bright fellow. The thesis of his piece is that no one really listened to what George W. had to say. Everybody misunderstood what he meant when he stood up, with Henry Kissinger and Colin Powell and George Shultz standing behind him, and laid out his position, at least his position on nuclear weapons and on national missile defense.

He said that what Governor Bush really means is that this is a new era. No more arms control, period. START I, START II, START III, START anything, START V—no more. He ends his article by saying we should make our judgments about whether to reduce our weapons or to increase our weapons, or whether to build a national missile defense, irrespective of anything other than what we believe should be done at that moment. And that dictates, he says, the end of arms control.

That is what this debate is about. Cut through all the haze here. The problem with the Senator from Delaware, the Senator from Michigan, the Senator from Nebraska, and my two colleagues on the floor now, is that we know too much about this. We are like nuclear theologians. I have been doing this for 28 years. I used to know what the PSI of the Soviet SS–18 missile silo was. That is very valuable information for someone to have to walk around with. The old joke is that we have forgotten more about these details than most people ever learned. In the process, we also forgot what this is really about.

What is the logic of the Warner amendment? The logic is that this President cannot enter into any more agreements. Really he doesn't need an agreement to go down, but what they are worried about is that he could decide, either with Russian President Putin or without Putin, to take numbers down to the START II levels, and that that will be offered as a sign of good faith to Putin that the President, in fact, is ready to go lower, which is what the Russians want in a START III agreement.

This is about arms control. Let's cut through all the malarkey. Before this next 12 months are over, in the next administration—Democrat or Republican—it will finally be out in the open. This place will be divided between those who say that arms control has a place in our strategic doctrine and those who say it has no place. We are getting there. We are getting there, inching to it. They are feeling their way, I say to my friend from Nebraska, feeling their way around this because, up until now, arms control has been the Holy Grail of both Republicans who are informed and Democrats who are informed. Nobody except the wackos has been flat opposed to any arms control. But there is a feeling emerging in the intellectual community on the right, as well, that what we should be doing as the United States of America, because of our overwhelming military political and economic superiority relative to the rest of the world, not just the Russians—is taking advantage of the luxury of dictating outcomes without consultation.

My friend from Virginia knows that a lot of his friends and my acquaintances in think tanks on the right believe what I just said. I am not saying the Senator does. But that is the genesis, the root, the cause of this debate—a legitimate debate to have. But they are just a little afraid, in this election year, to say they don't like arms control: If we are elected, no more arms control. We will adjust, or not adjust, to the levels that we choose independently, not in the context of a negotiation with anyone else. That is what this is about, with all due respect to my friends who support the amendment; even if they don't think that is what it is about, that it is just logical, rational, political purpose.

Think what you are saying. You are telling the President of the United States of America: you can't go down—although, by the way, constitutionally we probably can't do this. He is Commander in Chief. Nobody has been more aware than I of the prerogative of the Senate as it relates to the war clause and the Constitutional relationship of the authority between the executive and legislative branches relative to the ability to use force and/or control the forces we have.

The reason that there was a provision on the Commander in Chief was not to allow Presidents to go to war unilaterally. It was rather to make sure Congresses didn't tell George Washington he could or could not move troops out of Valley Forge. They had a bad experience during the Articles of Confederation. So they wrote it in saying, hey, don't tell the Commander in Chief he can't steam here with the fleet or he can't move the flanks there, or he can't move troops from one place to another. That is what somebody should do day to day. We are telling him in the law and in the Warner amendment that he cannot reduce force numbers to something that has been negotiated and that everybody says makes sense.

Let me return to the Krauthammer piece, entitled "The End of Arms Control; George W. Bush Proposed a Radical New Nuclear Doctrine. No One Noticed."

Byline: Charles Krauthammer. Concluding paragraph:

> We don't need new agreements; we only need new thinking. If we want to cut our nuclear arsenal, why wait on the Russians? If we want to build a defensive shield, why ask the Russians? The new idea—extraordinarily simple and extraordinarily obvious—is that we build to order. Our order.
>
> Read my lips. No new treaties.

That is what this is about. Whether old "W" knows it or not—and I don't know that he does; I mean that sincerely; he may know more than all of us on the floor combined; he may know as little as it appears that he knows; I don't know—this approach says "no new treaties." That is what this is about.

So I would like us to have national elections. There should be a national referendum as well. We should have a national debate on that. I urge my friends to come out of the closet completely. Let's have an up-or-down debate. It is a little embarrassing to make the case for the Warner amendment on either logical grounds or constitutional grounds or political grounds, based on the way it is now. It doesn't add up.

I thank the Chair. I see my time is up. I thank my colleagues, and I have a feeling this is only the beginning of what is going to be a big, big, long debate—not on this particular amendment, but for this Nation.

EXHIBIT 1

JUNE 12, 2000.

There have been two revolutions in nuclear theology since the doctrine of Mutual Assured Destruction became dominant four decades ago. The first came in 1983. President Reagan proposed that defensive weapons take precedence over offensive weapons. The second happened last week. It came from George W. Bush and was almost universally misunderstood. Bush was said to have proposed the primacy of defensive weapons over offensive weapons. That is old news. In fact, he did something far more important: he proposed the end of arms control.

This seems strange to us. For more than a generation we have been living in a world in which arms control is the norm. But for all of history before that, it was not: if you needed a weapon to defend yourself and had the technology to build it, you did not go to your enemy to get his agreement to let you do so.

When the world was dominated by two bitterly antagonistic superpowers, arms control made sense. Barely. The world was made marginally safer by the U.S. and the Soviet Union having a fairly good idea of, and a fairly good lid on, the nuclear weapons in each other's hands.

For the U.S. it was important because of a rather arcane doctrine called extended deterrence: we pledged to defend Western Europe not by matching the huge Warsaw Pact tank forces (which would have been outrageously costly) but by threatening nuclear retaliation against any conventional invasion.

Not a very credible threat to begin with. And as the Soviets overcame the American nuclear monopoly, it became less credible by the year. We needed arms control to ensure that there would be enough American nuclear firepower (relative to Moscow's) to make our security guarantee to Europe at least plausible.

As I said, arcane. But then again, the whole arms race with the Soviets had a distinctly academic, almost unworldly quality. It was really a form of bean counting. Like money to billionaires, it had little intrinsic meaning: it was just a way of keeping score.

Perhaps most important, arms control gave the Soviets and us something to talk about at a time when there was very little else to talk about. We were fighting over every inch of the globe, from Berlin to Saigon. So, every few years, we would trade beans in Geneva, shake hands for the cameras and thus reassure the world that we were not going to blow it up.

But now? That late-20th century world of superpowers and bipolarity and arms control is dead. There is no Warsaw Pact. There is no Soviet Union. What is the logic of tailoring our weapons development against various threats around the world to suit the wishes of a country—Russia—that is not longer either an enemy or a superpower?

Yet that is exactly what President Clinton has been intent on doing in Moscow this week. He is deeply enmeshed in arms-control negotiations (1) to revise the treaty that radically restricts America's ability to defend itself from missile attack (the ABM treaty) and (2) to set new numbers for American and Russian offensive missiles (a START III treaty).

The parts of this prospective deal that are not anachronistic are, in fact, detrimental to American security. One of the reasons the development of an effective missile defense has been so slow and costly is that the ABM treaty prevents us from testing the most promising technologies, such as sea-based and space-based weapons. Even today, we cannot test a high-speed interceptor against any incoming missile traveling faster than 5 km per SEC, because the Russians are afraid it might be effective against their ICBMs. This is quite crazy. It means that because of a cold war relic, the U.S. has to forgo building the most effective defense it can against nuclear attack by a rogue state such as North Korea.

But Bush's idea is significant because it goes beyond questioning why we should be tailoring our defensive weapons to Russian wishes. He asks, Why should we be tailoring offensive weapons—indeed, any American military needs—to Russian wishes?

He proposes to reduce the American nuclear arsenal unilaterally. The Clinton idea—the idea that has dominated American thinking for a generation—is to hang on to superfluous nukes as bargaining chips to get the Russians to reduce theirs.

Why? Let the Soviets keep, indeed build what they want. If they want to bankrupt themselves building an arsenal they will never use—and that lacks even the psychologically intimidating effects it had during the cold war—let them.

We don't need new agreements; we only need new thinking. If we want to cut our nuclear arsenal, why wait on the Russians? If we want to build a defensive shield, why ask the Russians? The new idea—extraordinarily simple and extraordinarily obvious—is that we build to order. Our order.

Read my lips. No new treaties.

Mr. WARNER. Mr. President, I would like to pose a question or two to my very dear friend and good colleague from Delaware.

Mr. BIDEN. I will answer on the Senator's time.

Mr. WARNER. Fine. We will do that. I ask my friend to not overextend his responses.

Mr. BIDEN. I won't.

Mr. WARNER. I think the Senator has raised a legitimate question. Are we as a body in the Senate to look in a bipartisan way to future arms control or are we not? It is a fair question given the action by this Chamber, which is a proper action, on the test ban treaty. I fought hard against that. The Senator was on the other side. We rocked the Halls of this Chamber with that debate. But that is history.

I want the Senator to know that this Senator from Virginia firmly believes in an ongoing arms control process, firmly believes that this country should continue its leadership with this very important endeavor to try to make this a more safe world. But every arms control agreement that comes along is not the one we should buy into. I say to my good friend, if he says this Chamber is divided, I commit this Senator to work, so long as I am privileged to be a Senator, for arms control. But for some reason, the Russian Duma, although it is in comparison a very new legislative body, had the opportunity to take START II and accept it, just as President Bush had signed it, put it into force and effect—but how well you understand, they put conditions on and those conditions they knew would not be acceptable in this Chamber. So they intentionally blocked going into force and effect the START II treaty. I say to my friend, why did they do that?

Mr. BIDEN. I am sorry?

Mr. WARNER. Why did the Russian Duma deliberately put conditions on START II, knowing that those conditions would never survive a vote in this Chamber?

Mr. BIDEN. Well, I would respond rapidly by saying that we have enough trouble figuring what happened in this Chamber, let alone a new parliamentary body in a place called Russia. I think what they did was to put those conditions on because we had said we wanted these protocols.

We negotiated with them. They cannot anticipate that we in the Senate do not want to do what our Presidents have negotiated with them to get done. But there is a little concern by them about this Senate like we are concerned about them.

They are saying: Look, you negotiated a START II treaty with us, and you also negotiated demarcation protocols with us that you asked for. We didn't say we want new protocols to allow certain missiles to fly at certain speeds, et cetera. We didn't ask for that. You came to us and you said that.

We agree. If you are going with the whole package you negotiated with us over the years, we are in on the deal. If you are not going with the whole package you negotiated with us, we are not in on the deal, because we don't know what you are about.

I think that is what they are thinking. That is what I think. Keep in mind that the demarcation protocols the Senators are talking about are not protocols that the Russians initiated. They did not sit down and say: By the way, let's accommodate your ability to have theater missile defenses. We said: We want to be able to do that. And we went to them. They said: We don't want to do anything on the protocol. We said: You have to. So there were negotiations for several years. And they said OK. Finally, they signed it.

That is what I think. I don't know. I have enough trouble figuring out this place, let alone the Duma.

Mr. WARNER. Mr. President, in quick reply to my good colleague, he knows full well that those protocols put on by the Duma relate to the ABM Treaty. That is a subject of great controversy.

Mr. BIDEN. If the Senator will yield for just a second, those demarcation protocols to the ABM Treaty were protocols that we—not the Duma—asked for. We asked for them. We said we will not ratify the extension of START II deadlines unless you, the Russians, allow us to test these theater missile defenses, which you claim are in violation of the ABM Treaty. Unless you amend the ABM Treaty to allow us to do this and also ratify START II, we will not ratify START II extension or go to START III. Right?

Mr. WARNER. Mr. President, our President doesn't take the exact turn in the way these things are written. The Duma knew full well that in this Chamber—and, indeed, in the Congress and, indeed, in the whole of the United States—there is a very serious and important debate going on; I hope it is part of the Presidential election debates, as to whether or not this Nation should allow itself to be held hostage by Russia in terms of a critical need to defend our Nation against the growing threat of strategic intercontinental missiles. You know that, and I know that. That is what these protocols go—the ability of this Nation to defend itself. They were very clever in the Duma because they knew that was putting out, as we say in the military, a "tank trap." We were stopped cold once those protocols were put on.

Mr. BIDEN. Mr. President, will the chairman yield for another response? I will be very brief. Let me make an analogy for the chairman.

Say we have a contract with someone on the rental of an apartment building. We say we want to renegotiate that contract to be able to rent to build 12 more units on that apartment building. We say: By the way, although parking is no part of this lease, we want to renegotiate our parking lot agreement with you as well. Before we agree to go into a new deal with you on the building, we want to get 10 more parking spaces. The guy who owns the building says: Wait a minute. I don't want to. I will only negotiate with you on the building. We say: We are not going to do it unless you give us more parking spaces.

That is what we did here. They said they want to go to START III. We said we are not going to do that unless you give us more parking spaces—unless you allow us to do something the ABM does not allow us to do right now. You give us the ability to test these missiles at a faster speed to be able to intercept your missiles that are called theater nuclear missiles. You allow us to do that. If you do not, we are not going to renegotiate a deal on the whole building. Do the parking, or we will not even talk about the building.

That is what we said. We said allow us to amend ABM, or we are not going to go down to these levels.

That is what happened.

Mr. WARNER. Mr. President, I don't know.

I must regain the floor and control it.

I thank my colleague.

Mr. BIDEN. The Senator is welcome.

Mr. WARNER. Mr. President, I strongly disagree. I don't believe that linkage existed in these negotiations. What is clear is that our President, in good faith—I commend our President—at the summit did the best he could. I am concerned about some of the language he used in regard to the future discussions on the ABM Treaty.

I ask unanimous consent to have printed in the RECORD an article written by William Safire, which I think in a very clear and careful way points out the language about which I have a concern.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 5, 2000.]

MISTAKE IN MOSCOW

(By William Safire)

WASHINGTON.—"We have agreed to a statement of principles," President Clinton told a joint news conference in Moscow, "which I urge you to read carefully."

Noting that the Russian and American sides disagreed on whether a limited missile defense against rogue states posed a threat to the mutual deterrence of the ABM treaty, Clinton added: "The statement of principles that we have agreed to I thought reflected an attempt to bring our positions closer together . . . let me say I urge you all to read that."

O.K., let's read it. The central issue is whether the U.S. will allow Russia to hold us to the ABM treaty negotiated 30 years ago with the Soviet Union. We want to build defenses against the few missiles from terrorist nations, not the thousands held by Russia. President Vladimir Putin of Russia wants to make us pay for his permission by slashing our offensive missile forces in Start III down to levels our military leaders consider imprudent.

Clinton went along with the sweeping assertion that the two nations "reaffirm their commitment to that [ABM] treaty as a cornerstone of strategic stability."

Putin then gave Clinton a little wiggle room by agreeing that the missile threat from other nations "represents a potentially significant change in the strategic situation . . ." and to "consider possible proposals for further increasing the viability of the Treaty." That means allowing the U.S. to defend its cities against rogue nations, terrorists and accidental launches only in ways that Moscow approves.

Thrice did Clinton embrace the word viability, which means "capable of living." He committed the U.S. "to strengthen the ABM treaty and to enhance its viability" and agreed that we "attach great importance to enhancing the viability of the Treaty. . . ."

So here we have Clinton breathing new life into the cold-war treaty provided Putin will allow some minor amendments that may not meet future U.S. defense needs.

And then the outgoing American president stepped into the incoming Russian president's trap. He paid for Putin's permission to tinker with the ABM treaty with an enormous concession:

> "They agree that issues of strategic offensive arms cannot be considered in isolation from issues of strategic defensive arms and vice versa. . . ."
>
> Read that again to savor its import: that is the principle of linkage. It's what Putin's military wanted and what Clinton never should have given.
>
> "Issues of strategic offensive arms" means Start III: the reduction of the massive U.S. and Russian arsenals. The issue there is how far to cut: our military says our strength would be sapped at fewer than 2,000 missiles, while the Russians—who can't afford to keep that many nukes—want us to weaken our worldwide missile forces by 25 percent more.
>
> "Issues of strategic defensive arms" means ABM and our national missile defense against dictators who could threaten us with nuclear blackmail and against a possible Chinese threat. By mistakenly linking reductions in Start III (our missile offense) to the minor modification of ABM (our missile defense), Clinton played into Russian hands, making future arms negotiation more difficult for his American successor.
>
> Now here comes the strange part. Putin must know the substantial difference in approach between candidates Al Gore and George W. Bush, Gore goes along with Clinton and presumably will embrace his ABM-Start III linkage. Bush wants a free hand with a limited anti-missile system and would set our offensive missiles at a level to suit our deterrent needs, inviting the Russians to reciprocate. Huge policy difference.
>
> And yet Putin said, "We're familiar with the programs of the two candidates . . . we're willing to go forward on either one of these approaches."
>
> Did he mean to ad-lib that? Was he misinterpreted? Having won his linkage with Clinton-Gore, is the inexperienced Putin willing to toss that advantage aside with Bush? Is a puzzlement.
>
> Despite Clinton's policy error, he neither embraced the K.G.B.'s man nor called him "Volodya." Our president's demeanor remained coolly correct, and we can at least be thankful for that.

Mr. WARNER. Mr. President, it is very clear that the next President of the United States must be given every possible bit of leverage he can have as he readdresses in good faith, as did President Clinton, this issue of the ABM Treaty. It could well be that the levels we are debating right here in this amendment are the levels of those arms reductions which we all know as a certainty will be done at some point in time.

We believe, of course, in accordance with the Warner amendment, that it should be done after careful analyses and steps have been taken. In any event, we will come down to those levels. We know that.

But should not that next President have in his negotiating strategy the ability to do those negotiations of lower levels as a part of the essential requirement to get some reasonable modification to the ABM Treaty that enables this country, as George W. Bush said in his statement, to rightfully defend itself? That is what this is all about. Don't take away a possible negotiating bit of leverage he has with regard to the levels of these weapons.

Will the Chair advise us with regard to the time remaining.

The PRESIDING OFFICER. The Senator from Nebraska has 4 minutes, and the Senator from Virginia has 15 minutes.

Mr. WARNER. Mr. President, I see my distinguished colleague, the chairman of the subcommittee, rising. I see other distinguished colleagues.

I yield the floor.

Mr. ALLARD. Mr. President, I would like to take a moment to point out that the START II agreement is not a unilateral agreement, it is a bilateral agreement. It takes the approval of both the Duma and the Russian leadership, as well as the United States.

Also, to clarify the record, in 1997 the Quadrennial Defense Review didn't include a Nuclear Posture Review. I think it is entirely appropriate that we have a Nuclear Posture Review. Since 1994, a lot of leadership has changed. A lot of technology has changed. Certainly I would like to see us move forward with disarmament. But it needs to be verifiable. It shouldn't be unilateral. I think those are two very important conditions as we move forward on the disarmament discussion.

I congratulate the chairman because I think he is moving forward with this amendment pretty much with the strategic committee; that is, we need a very careful Nuclear Posture Review. It should involve civilians as well as the military.

This is not going to happen quickly. It is going to take time. This should happen no matter who the President of the United States is. We shouldn't rush into these agreements until we fully understand where we stand and where our posture is.

I know we have some Members on the floor who may want to speak. But I say to the chairman that I think perhaps at this time we ought to have a little bit of review as to what has been happening here in the debate. I would like to take the time to do that and to clarify some statements that have been made in this debate.

Since fiscal year 1996, Congress has passed, and the President has signed, legislation prohibiting the retirement of strategic nuclear delivery systems—bombers, intercontinental ballistic missiles, and strategic submarines—until the START II agreement enters into force. This provision was designed to put pressure on Russia to actually ratify the START II agreement.

The idea was not that they were going to send back a counterproposal to the United States. Again, it would have to be considered by this Congress. This was not an inflexible position.

I point out that, for example, last year the law was modified to allow the Navy to retire 34 Trident strategic submarines. Moreover, the law has been and continues to be consistent with the administration's own policy.

We have heard quite a bit about the statement made by Gov. George W. Bush relating to U.S. strategic forces. What has been overlooked in his focus on the need to have a comprehensive review of our strategic guided forces is the statement that originally was made by Governor Bush. He said, "As President, I will ask the Secretary of Defense to conduct an assessment of our nuclear force posture." Then he goes on to say, "the exact number of weapons can only come" after this careful assessment.

I think we are very much in step with what the committee has been saying, what George W. Bush would like to see happen, and what I hear the chairman of the Armed Services Committee saying he would like to see happen.

I would like to again review where we are with the Warner amendment.

The Warner amendment substitute would include additional items to be considered in the review required by section 1015, including whether reductions can be conducted in a balanced and reciprocal manner, whether changes in our alert posture would enhance our security and strategic stability, and whether U.S. strategic reductions could adversely impact our conventional delivery systems, such as the B-52 bomber.

The Warner substitute amendment provides authority for the President to waive the limitations in current law regarding the retirement of the strategic nuclear delivery systems once the Secretary of Defense has completed the Nuclear Posture Review required by section 1015.

The amendment by the Senator from Nebraska, on the other hand, would not be consistent with a policy enunciated by Governor Bush, nor would it satisfy the concerns Congress has raised for the last 5 years. It could lead to misguided and uninformed reductions rather than a forced posture review based on careful review of all of our strategic requirements and how they relate to overall national military strategy.

I thank the chairman for his leadership. I pledge that I will continue to work with the Senator for disarmament, move towards disarmament, but it has to be bilateral and verifiable.

Mr. WARNER. I thank my colleague. He has served this committee very well in his chairmanship. I think he has stated very clearly the issues in this amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I have enjoyed the debate very much. I wish there was more opportunity to examine the subject. I ask unanimous consent to have two documents printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. NUCLEAR FORCES (APPROXIMATE)

Type	Name	Launchers/ SSBNs	Year deployed	Warheads x yield (kiloton)	Total warheads
ICBMs					
LGM-30G	Minuteman III:				
	Mk-12	200	1970	3 W62 x 170(MRV)	600
	Mk-12A	300	1979	3 W78 x 335(MRV)	900
LGM-118A	MX/Peacekeeper	50	1986	10 W87 x 300(MRV)	500
Total		550			2,000
SLBMs					
UGM-96A	Trident I C-4	192/8	1979	8 W76 x 100(MRV)	1,538
UGM-133A	Trident II D-5	216/10			
	Mk-4		1992	8 W76 x 100(MRV)	1,536
	Mk-5		1990	8 W88 x 475(MRV)	384
Total		408/18			3,456
Bombers*					
B-2	Spirit	21/16	1994	ALCM/W80-1 x 5-150	400
				B61-7/-11, B83 bombs	950
B-52H	Stratofortress	76/56	1961	ACM/W80-1 x 5-150	400
Total		97/72			1,750
Non-strategic forces					
Tomahawk SLCM		325	1984	1 W80-0 x 5-150	320
B61-3, -4, -10 bombs		n/a	1979	0.3-170	1,350

[1] First bomber number reflects total inventory. Second bomber number is "primary mission" number which excludes trainers and spares. Bombers are loaded in a variety of ways depending on mission. B-2s do not carry ALCMS or ACMS. The first 16 B-2s initially carried only the B83. Eventually, all 21 bombers will be able to carry both B61 and B83 bombs. B53 bombs have been retired and were replaced with B61-11s.

ACM—advanced cruise missile; ALCM—air-launched cruise missile; ICBM—intercontinental ballistic missile (range greater than 5,500 kilometers); MIRV—multiple independently targetable reentry vehicles; SLCM—sea-launched cruise missile; SLBM—submarine-launched ballistic missile; SSBN—nuclear-powered ballistic missile submarine.

Why does the Pentagon Say We Need 2,500 Warheads?

Vital Russian Nuclear Targets

	Amount
Nuclear	1,110
Conventional	500
Leadership	160
War-Supporting Industry	500
Total	2,260

Damage Expectancy Levels = 80%

80% of 2,260 targets = 1,800 warheads necessary to achieve damage expectancy in an attack against Russia.

Additional targets in China, Iran Iraq, and North Korea have been assigned to U.S. strategic nuclear forces.

In total, a minimum of 2,500 U.S. warheads are needed to fulfill the SIOP.

Mr. KERREY. Mr. President, in 1968 I had the good fortune, or misfortune, to be given the chance to go down to Fort Benning and go through Army Ranger School. We had a little joke that was keying in on a line from a John Wayne movie. We looked out in the darkness and said: It sure is quiet out there. Somebody else would come back with a punchline: Too quiet.

That is precisely my instinct when it comes to strategic nuclear weapons. There is a real danger. For some reason, we understand the danger if it is North Korea maybe getting nuclear weapons or Iraq maybe getting nuclear weapons or Iran maybe getting nuclear weapons.

Russia has 7,000 strategic nuclear weapons and 12,000 tactical. These are not inaccurate, unreliable systems. These are very accurate, reliable, and deadly systems. They have more than they need, and we have more than we need. Instead of pressing the President to go to lower levels, the current language of law and this amendment says we want further delay; we want to push the President in the opposite direction. We are pushing this President in the wrong way. We should be pushing the President to go to lower levels because it keeps America safe if we do.

Why does it keep America safe? Not only is it sort of odd to be negotiating with Putin on all sorts of things at the same time that we have 160 nuclear weapons aimed at Russian leadership, but in addition, the Russian economy simply doesn't generate enough income to enable them to be able to sustain the investments necessary to control their community system and most importantly, their warning system.

So what happens? We are pushing the President to go slow, we are asking for more studies.

Mr. President, we don't need more studies. We can make this debate about more and more studies, but for gosh sakes, this is one subject on which we don't need more studies. This has been examined up one side and down the other. We have studies coming out the wazoo. We need decisions. Looking at the current situation, one can reach no other conclusion than that we are requiring the Russians, as a consequence of current law, to maintain a level beyond what they can safely control, increasing the risk far beyond the risk of rogue nations such as Iraq or Iran or North Korea, far beyond that. If there is an accidental or unauthorized launch that occurs as a consequence of a mistake made because of a warning failure, they are not going to send a couple. It will be a couple hundred or a couple thousand.

I smell danger. I am glad we have had this debate, but we are pushing the President in the wrong direction both with the amendment of the Senator from Virginia and the existing law. I hope that enough colleagues on the other side of the aisle have listened to this debate and will vote against the Warner amendment. I believe quite seriously that it increases the risk to the people of the United States of America.

Mr. WARNER. Mr. President, this has been a good debate. It is on a very important issue. I express my gratitude to so many colleagues who have participated.

In summary, I simply say this body, five times, has passed the statute which my good friend desires to have repealed. Do not repeal this statute. Do not, I say to my colleagues, in good faith, repeal a statute which was signed into law five times by the President. I ask my friend, what has changed to justify repealing it? He says the ratification of START II by the Duma. Had that ratification been in accordance with the way this Chamber ratified it, I would say it is time to let the statute go. But they did not do it. They put protocols on that treaty which pose a great problem to the next President—indeed, to this President—as he saw when he went to the summit.

And nyet, nyet, nyet, nyet, time and time again when our President tried in a very rational way to determine the flexibility that Russia might have on the ABM Treaty, which flexibility is essential for this Nation to provide for its own defense. Nyet, nyet, nyet. Those are the only changes since five times this Chamber has adopted that law; five times the President has signed it. The only change is a ratification of START II by the Duma, with impossible conditions put on it, which not only the Senate would not accept but nor would this Nation accept.

Mr. LEVIN. Any time remaining?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. LEVIN. I ask unanimous consent the portion of the 1997 QDR saying that the 1994 posture review still applied and was adequate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NUCLEAR FORCES

Our nuclear forces and posture were carefully examined during the review. We are

> committed to reducing our nuclear forces to START II levels once the treaty is ratified by the Russian Duma and then immediately negotiating further reductions consistent with the START III framework. Until that time, we will maintain the START I force as mandated by Congress, which includes 18 Trident SSBNS, 50 Peacekeeper missiles, 500 Minuteman III missiles, 71 B–52H bombers, and 21 B–2 bombers. Protecting the option to maintain this force through FY 1999 will require adding $64 million in FY 1999 beyond the spending on these forces contained in the FY 1998–2003 President's budget now before Congress.

Mr. LEVIN. That posture review supported the START II levels. Our Joint Chiefs of Staff support the START I levels. They want to be able to go to the START II levels. It has nothing to do with the ratification by the Duma. It has to do with what we no longer need in our force structure, which the law requires them to maintain, and costs dollars that could be better used elsewhere, including for perhaps health care.

Mr. WARNER. I regain 30 seconds of my time. I simply say at the time that was done, they did not foresee the Duma would put these conditions on the START II treaty. That is the essence of this debate.

Mr. LEVIN. Mr. President, I am a cosponsor of the Kerrey amendment and urge the Senate to adopt this important amendment.

Current law prohibits the U.S. from reducing its strategic nuclear delivery systems below START I levels. This law requires the U.S. to stay at START I levels—to maintain 6000 nuclear warheads, until START II enters into force. This law was enacted, in 1996, just 16 months after the START II treaty was signed. The amendment offered by Senator KERREY will repeal this law which is neither needed or helpful.

The START II treaty allows the U.S. to reduce the number of nuclear warheads to 3000–3500, but the law requires that we maintain 6000 warheads. We do not need 6000 thousand warheads and we do not need this law.

The Department of Defense has consistently argued that the law is not necessary. When asked his view about this provision, the Chairman of the Joint Chiefs of Staff, General Shelton, was clear: "I would definitely oppose inclusion of any language that mandates specific force structure levels." General Shelton made it clear that the Chiefs also oppose this provision: "The Service Chiefs and I feel it is time to consider options that will reduce the strategic forces to the levels recommended by the Nuclear Posture Review. The START I legislative restraint will need to be removed before we can pursue these options. Major costs will be incurred if we remain at START I levels." We have already spent millions staying at the START I, 6000 warhead level. For instance, we are unnecessarily spending to maintain the 50 Peacekeeper ICBMs.

The Nuclear Posture Review, conducted in 1994, reaffirmed that the U.S. did not need 6000 warheads and that the START I level of 3000–3500 warheads was adequate. General Shalikashvili stated, in 1995, in testimony before the Armed Services Committee that "Our analysis shows that even under the worst conditions the START II force levels (3000–3500 warheads) provide enough survivable forces, and survivable, sustained command and control to accomplish our targeting objectives."

It is ironic that Governor Bush criticizes the Clinton administration for "remain(ing) in a Cold War mentality" and for failing "to bring the U.S. force structure into the post-Cold War world" when it is this law, put in place by Congress, that requires staying in the Cold War mentality.

If this law is not repealed now, it will tie the hands of the next President, the next Secretary of Defense, as well as the Chairman of the Joint Chiefs.

The Warner second degree amendment would require the U.S. to stay at the START I 6000 warhead level for at least another 18 months. Even though there is general agreement that we need to go below the START I level of 6000 warheads, the Warner amendment would keep the U.S. at this high warhead level, even though the 3000–3500 START II level has been reviewed and validated repeatedly and continually since 1992 when the START II Treaty was signed.

In 1994 the DOD conducted a comprehensive Nuclear Posture Review that validated the START II force structure levels—3000–3500 warheads. The 1997 Quadrennial Defense Review carefully reviewed and affirmed that the START II nuclear force structure was appropriate to protect U.S. national security requirements. In 1997, in preparation for discussions in Helsinki between the United States and Russia, the DOD and the Joint Chiefs again reviewed nuclear force structure levels and determined that an even lower force structure level at the proposed START III level of 2000–2500 warheads was adequate.

Just last month, in extensive testimony before the Armed Services Committee, the Chairman of the Joint Chiefs and the Commander of the Strategic Command testified that the 2000–2500 warhead level proposed for START III level was adequate to meet U.S. military requirements. Only Congress is still stuck at a START I force structure levels.

In light of the nuclear force structure reviews that have been conducted since START II was signed, it is clear that force structure levels will be at or below START II levels of 3000–3500 warheads. Why do we have to wait another 18 months to go below the START I force structure level—a level that no one seriously argues should be maintained?

Mr. President, the Kerrey amendment is a simple amendment to repeal a law whose time and usefulness has past. I urge its adoption.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the Kerrey motion to strike the Section 1017 of the Defense Authorization Act regarding U.S. strategic nuclear force levels.

I do not believe that the restrictions that this bill contains, which prevents the Department of Defense from reducing U.S. strategic nuclear delivery vehicles—warheads—below START I levels until START II enters into force, is necessary or, given the current international security environment, needed.

Striking this provision does not mandate any cuts in U.S. nuclear forces: It merely makes it possible, now that the Russian Duma has ratified the START II treaty, for the U.S. to make further cuts below START I levels.

In fact, I believe that it is important that the President, the Joint Chiefs, and the Secretary of Defense have the flexibility to determine the appropriate force level and alert status for U.S. nuclear forces based on military and security need.

In fact, the original reason for including this provision in the Defense Authorization bill in 1998 was not based on military or security need per se, but rather to encourage the Russian Duma to ratify START II. Well, now they have, and the U.S. should be prepared to reduce our nuclear forces below START I levels, consistent with our national security needs, if and when Russia moves to reduce its forces below START I levels in a verifiable manner. That is what the Kerrey Amendment will allow.

Before I conclude, I would also like to take a few minutes today to speak to some of the larger issues raised by this debate.

We no longer live in the world of the superpower nuclear arms race of the 1950s, 1960s, 1970s or 1980s.

During the Cold War the threat of nuclear war was omnipotent, and the size and configuration of the U.S. nuclear arsenal was very much a function of the Cold War international security environment and the needs of nuclear deterrence with the Soviet Union.

But the Soviet Union is gone. The Berlin Wall came down over ten years ago. Poland, Hungary, and the Czech Republic are now members of NATO. The world in the year 2000 is not the same as the world of twenty, thirty, or forty years ago. And I believe that our nuclear weapons policy should reflect these new realities.

We live in a transformative moment for international politics: The security structures and imperatives that guided our thinking during the Cold War have either melted away or are malleable to change. Both AL GORE and George W. Bush recognize that. Why should the

U.S. Senate remain captive to the thinking of the Cold War, or to the nuclear weapons counting arithmetic of the Cold War?

The world has changed, yet as Dr. Bruce Blair, President of the Center for Defense Information, has pointed out, the Single Integrated Operating Plan (SIOP) which guides our nuclear weapons targeting, has been growing steadily since 1993, and grew over 20 percent in the last five years alone. It includes over 500 weapons aimed at Russian factories in a country whose economy is all but defunct and which produced almost no armaments last year, and over 500 Russian conventional military targets for an army of a country that can not even successfully invade itself.

Something is amiss. Clearly we need to retain a force capable of robust deterrence. But we can not allow ourselves to pursue an outdated policy that dictates an arsenal far larger than new, current-day reality suggests we need or is advisable.

I strongly believe that deterrence can remain robust with a smaller nuclear arsenal. Analysis by Dr. Blair and others suggests that with a force of 10 Tridents, each with 24 missiles, 300 Minuteman III land-based missiles, 20 B-2 bombers and 50 B-52 bombers we can assure the destruction of between 250 and 1,000 targets worldwide in retaliation for any strike against the United States. If this sort of retaliatory capacity does not deter any adversary, than it is hard to imagine what would.

I also believe that it is critical, as we move into this new world, for the United States to review our own nuclear alert status and those of other nuclear capable-states. Right now the U.S. maintains 2,300 warheads on launch-ready alert: 98 percent of the Minuteman III and Peacekeeper land-based force on 2-minute launch readiness and 4 Trident submarines, two in each ocean, on 15 minute launch readiness. The Russians, likewise, maintain their forces on hair-trigger alert. Keeping these forces on hair-trigger alert is a potential accident waiting to happen, with devastating consequences if it does.

In January 1995 a commercial space-launch off the coast of Norway in the middle of the night was almost misinterpreted by Russia as a U.S. Trident missile launch, despite the fact that we had pre-notified them about the launch. As I understand it, Russia prepared for a nuclear retaliatory strike. It was only at the last minute that the Russians realized that this was a commercial launch headed for space, not a nuclear weapon headed for Moscow and stood-down their forces.

These risks—these needless risks which do nothing to add to our security but, just the opposite, make the world a less safe, stable, and secure place—need to be addressed.

And they need to be addressed in a way that will allow us to embrace the challenge of the new century, not be held captive to the grim math of the old. As Governor Bush pointed out on May 23, "These unneeded weapons are relics of dead conflicts and they do nothing to make us more secure."

Mr. President, I think that it is important to point out that the Kerrey Amendment does not mandate that we cut U.S. nuclear force levels. It merely gives the President, the Secretary of Defense, and the Joint Chief the flexibility to determine whether, if and how lowering U.S. force levels below the START I limits would be a net-plus for U.S. national security and, if it is, to do it.

As Senator KERREY has argued, by mandating force levels higher than are needed or desired for national security needs, we actually run the risk of undermining our security interests. If we force the Russians to maintain at hair-trigger status more nuclear weapons than they can safely control we run the risk of an accidental or unauthorized launch. If we maintain our own nuclear arsenal at high levels when it is unnecessary to do so, we encourage rouge nations to pursue their own nuclear weapons programs.

A decade after the end of the Cold War, and on the cusp of the twenty-first century, I believe that it is critical that the United States Senate show a willingness to engage in the serious business of forging a new strategic vision. We must do so with no preconditions or preconceived notions about how many, or how few, nuclear weapons are necessary. If an objective review of our national security needs dictate that we should maintain an arsenal at START I levels, then I will be second to none in this body in insisting that our arsenal remain at that size. But if, as Governor Bush has suggested, deeper cuts are advisable, then I do not believe that artificial barriers to achieving this goal should be put in place by this legislation.

I urge my colleagues to support the Kerrey Amendment and strike Section 1017 of this bill.

The PRESIDING OFFICER. All time is yielded back on both sides.

Under the previous order, amendments numbered 3183 and 3184 shall be laid aside, and the Senate will resume consideration of the Warner amendment, No. 3173. Under the previous order, amendment 3173 shall be laid aside, and the Senator from South Dakota is recognized to offer a similar amendment.

Mr. LEVIN. What is the time agreement on the upcoming two amendments?

The PRESIDING OFFICER. Under the previous order, there are 2 hours equally divided for the two amendments.

The Senator from South Dakota is recognized.

AMENDMENT NO. 3191

(Purpose: To restore health care coverage to retired members of the uniformed services)

Mr. JOHNSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BURNS). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. JOHNSON], for himself, Mr. MCCAIN, Mr. BINGAMAN, Mrs. MURRAY, Mr. REID, and Mr. JEFFORDS, proposes an amendment numbered 3191.

Mr. JOHNSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 241, strike line 17 and all that follows through page 243, line 19, and insert the following:

SEC. 703. HEALTH CARE FOR MILITARY RETIREES.

(a) FINDINGS.—Congress makes the following findings:

(1) No statutory health care program existed for members of the uniformed services who entered service prior to June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability.

(2) Recruiters for the uniformed services are agents of the United States government and employed recruiting tactics that allowed members who entered the uniformed services prior to June 7, 1956, to believe they would be entitled to fully-paid lifetime health care upon retirement.

(3) Statutes enacted in 1956 entitled those who entered service on or after June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability, to medical and dental care in any facility of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

(4) After 4 rounds of base closures between 1988 and 1995 and further drawdowns of remaining military medical treatment facilities, access to "space available" health care in a military medical treatment facility is virtually nonexistent for many military retirees.

(5) The military health care benefit of "space available" services and Medicare is no longer a fair and equitable benefit as compared to benefits for other retired Federal employees.

(6) The failure to provide adequate health care upon retirement is preventing the retired members of the uniformed services from recommending, without reservation, that young men and women make a career of any military service.

(7) The United States should establish health care that is fully paid by the sponsoring agency under the Federal Employees Health Benefits program for members who entered active duty on or prior to June 7, 1956, and who subsequently earned retirement.

(8) The United States should reestablish adequate health care for all retired members of the uniformed services that is at least equivalent to that provided to other retired Federal employees by extending to such retired members of the uniformed services the

option of coverage under the Federal Employees Health Benefits program, the Civilian Health and Medical Program of the uniformed services, or the TRICARE Program.

(b) COVERAGE OF MILITARY RETIREES UNDER FEHBP.—

(1) EARNED COVERAGE FOR CERTAIN RETIREES AND DEPENDENTS.—Chapter 89 of title 5, United States Code, is amended—

(A) in section 8905, by adding at the end the following new subsection:

"(h) For purposes of this section, the term 'employee' includes a retired member of the uniformed services (as defined in section 101(a)(5) of title 10) who began service before June 7, 1956. A surviving widow or widower of such a retired member may also enroll in an approved health benefits plan described by section 8903 or 8903a of this title as an individual."; and

(B) in section 8906(b)—

(i) in paragraph (1), by striking "paragraphs (2) and (3)" and inserting "paragraphs (2) through (5)"; and

(ii) by adding at the end the following new paragraph:

"(5) In the case of an employee described in section 8905(h) or the surviving widow or widower of such an employee, the Government contribution for health benefits shall be 100 percent, payable by the department from which the employee retired.".

(2) COVERAGE FOR OTHER RETIREES AND DEPENDENTS.—(A) Section 1108 of title 10, United States Code, is amended to read as follows:

"§ 1108. Health care coverage through Federal Employees Health Benefits program

"(a) FEHBP OPTION.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to provide coverage to eligible beneficiaries described in subsection (b) under the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

"(b) ELIGIBLE BENEFICIARIES; COVERAGE.—(1) An eligible beneficiary under this subsection is—

"(A) a member or former member of the uniformed services described in section 1074(b) of this title;

"(B) an individual who is an unremarried former spouse of a member or former member described in section 1072(2)(F) or 1072(2)(G);

"(C) an individual who is—

"(i) a dependent of a deceased member or former member described in section 1076(b) or 1076(a)(2)(B) of this title or of a member who died while on active duty for a period of more than 30 days; and

"(ii) a member of family as defined in section 8901(5) of title 5; or

"(D) an individual who is—

"(i) a dependent of a living member or former member described in section 1076(b)(1) of this title; and

"(ii) a member of family as defined in section 8901(5) of title 5.

"(2) Eligible beneficiaries may enroll in a Federal Employees Health Benefit plan under chapter 89 of title 5 under this section for self-only coverage or for self and family coverage which includes any dependent of the member or former member who is a family member for purposes of such chapter.

"(3) A person eligible for coverage under this subsection shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 (except as provided in paragraph (1)(C) or (1)(D)) as a condition for enrollment in health benefits plans offered through the Federal Employees Health Benefits program under this section.

"(4) For purposes of determining whether an individual is a member of family under paragraph (5) of section 8901 of title 5 for purposes of paragraph (1)(C) or (1)(D), a member or former member described in section 1076(b) or 1076(a)(2)(B) of this title shall be deemed to be an employee under such section.

"(5) An eligible beneficiary who is eligible to enroll in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 is not eligible to enroll in a Federal Employees Health Benefits plan under this section.

"(6) An eligible beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or section 1097. Such a beneficiary may continue to receive health care in a military medical treatment facility, in which case the treatment facility shall be reimbursed by the Federal Employees Health Benefits program for health care services or drugs received by the beneficiary.

"(c) CHANGE OF HEALTH BENEFITS PLAN.—An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change health benefits plans and coverage in the same manner as any other Federal Employees Health Benefits program beneficiary may change such plans.

"(d) GOVERNMENT CONTRIBUTIONS.—The amount of the Government contribution for an eligible beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section may not exceed the amount of the Government contribution which would be payable if the electing beneficiary were an employee (as defined for purposes of such chapter) enrolled in the same health benefits plan and level of benefits.

"(e) SEPARATE RISK POOLS.—The Director of the Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 to maintain a separate risk pool for purposes of establishing premium rates for eligible beneficiaries who enroll in such a plan in accordance with this section.".

(B) The item relating to section 1108 at the beginning of such chapter is amended to read as follows:

"1108. Health care coverage through Federal Employees Health Benefits program.".

(C) The amendments made by this paragraph shall take effect on January 1, 2001.

(c) EXTENSION OF COVERAGE OF CHAMPUS.—Section 1086 of title 10, United States Code, is amended—

(1) in subsection (c), by striking "Except as provided in subsection (d), the", and inserting "The";

(2) by striking subsection (d); and

(3) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

Mr. JOHNSON. Mr. President, I am pleased to be joined by Senators McCAIN, BINGAMAN, MURRAY, REID, and JEFFORDS in offering an amendment dealing with military retiree health care. I first want to thank Senators WARNER and LEVIN for their continued hard work in the Armed Services Committee in attempting to address this critical and urgent issue.

Last year, the Senate began to address critical recruitment and retention problems currently facing our nation's armed services. The pay table adjustments and retirement reform enacted with my support in the fiscal year 2000 Department of Defense authorization bill were, frankly, long overdue improvements for our active duty military personnel.

However, these improvements did not solve our country's difficulty in recruiting and keeping the best and the brightest in the military. In order to maintain a strong military for now and in the future, our country must show that it will honor its commitment to military retirees and veterans as well.

Too often, military health care is treated as an afterthought rather than a priority. That's why on the first day of this legislative year, I introduced the Keep our Promise to America's Military Retirees Act, S. 2003. This legislation currently has 32 bipartisan cosponsors including 18 Republicans and 14 Democrats.

Companion legislation in the House has over 300 bipartisan cosponsors. The bill also has the strong support of military retirees across the country and organizations including the Retired Enlisted Association, the Retired Officers Association, the National Association of Uniformed Services, and the Disabled American Veterans.

The amendment I offer today is the same language as that contained in S. 2003. This legislation honors our nation's commitment to the men and women who served in the military by keeping our Nation's promise of health care coverage in return for their service and selfless dedication.

In doing so, it also illustrates to active duty men and women that our country will not abandon them when their military career ends.

Our country must honor its commitments to military retirees and veterans, not only because it's the right thing to do, but also because it's the smart thing to do.

We all know the history: For decades, men and women who joined the military were promised lifetime health care coverage for themselves and their families. They were told, in effect, if you disrupt your family, if you work for low pay, if you endanger your life and limb, we will in turn guarantee lifetime health benefits.

Testimony from military recruiters themselves, along with copies of recruitment literature dating back to World War II, show that health care was promised to active duty personnel and their families upon the personnel's retirement.

In fact, Chairman of the Joint Chiefs of Staff, General Henry Shelton, testified before the Senate Armed Services Committee and said:

> Sir, I think the first thing we need to do is make sure that we acknowledge our commitment to the retirees for their years of service and for what we basically committed to at

the time that they were recruited into the armed forces.

Defense Secretary William Cohen also testified before the Senate Armed Services Committee and said:

> We have made a pledge, whether it's legal or not, it's a moral obligation that we will take care of all of those who served, retired veterans and their families, and we have not done so.

Prior to June 7, 1956, no statutory health care plan existed for military personnel, and the coverage which eventually followed was dependent upon the space available at military treatment facilities.

Post-cold war downsizing, base closures, and the reduction of health care services at military bases have limited the health care options available to military retirees.

That's right: Many of the people who helped us win the cold war have lost their health care because the cold war ended.

Some military retirees in South Dakota and other rural states are forced to drive hundreds of miles to receive care. Furthermore, military retirees are currently kicked off the military's TRICARE health care system when they turn 65.

This is a slap in the face to those men and women who have sacrificed their livelihood to keep our country safe from threats at home and abroad.

My amendment honors the promise of lifetime health care coverage. It does so in two ways:

First, it allows military retirees who entered the armed services before June 7, 1956 (the date military health care for retirees was enacted into law) to enroll in the Federal Employees Health Benefits Program (FEHBP), with the United States paying 100 percent of the costs.

Second, military retirees who joined the armed services after space-available care was enacted into law on June 7, 1956 would be allowed to enroll in FEHBP or continue to participate in TRICARE—even after they turn 65. Military retirees who choose to enroll in FEHBP will pay the same premiums and fees—and receive access to the same health care coverage—as other Federal employees.

In my own family, my oldest son is in the Army and currently serves as a sergeant in Kosovo. I fully appreciate what inadequate health care and broken promises can do to the morale of military families.

This stress on morale not only effects the preparedness of our military units, but also discourages some of our most able personnel from reenlisting, making recruitment efforts more difficult.

I have long contended that all the weapons and training upgrades in the world will be rendered ineffective if military personnel and their families are not afforded a good "quality of life" in our nation's armed forces. I have been a strong advocate of better funding for veterans health care, military pay, active duty health care, education and housing.

The Johnson amendment continues these efforts led by Senator WARNER, Senator LEVIN, and others to address these important quality of life issues.

Senator WARNER's modified amendment incorporates an important part of S. 2003—the extension of TRICARE to Medicare-eligible retirees and dependents. I applaud the Senator for his work.

However, only my amendment fulfills the promise of health care for military retirees while illustrating to current active duty personnel that our country supports its commitments to men and women in the military.

I am also concerned that Senator WARNER's modified amendment terminates in 2004. This could leave military retirees once again wondering where their health care will come from. The Johnson amendment does not terminate.

I understand the rationale for Senator WARNER's amendment. I am going to support the amendment of Senator WARNER. It is a good-faith effort to do the best that can be done on the health care issues, within the context of the budgetary marching orders that have been imposed on Senator WARNER's committee. I understand that. I understand he is doing the best he can within the fiscal envolope that he has been afforded.

But it frustrates me, as I know it frustrates tens of thousands of military retiree and active duty personnel, that for years and years we have been told: Yes, we know we have a commitment to you for health care but we can't afford it. The Nation's budget is in the red. We are running deficits. We simply cannot afford to live up to those promises.

That was never entirely true. In fact, in the context of a $1.5 trillion budget, we could have reoriented priorities, I believe, in such a way that we could have kept our promises to military personnel and retirees. But there was an element of truth to the fact that we were running red ink and we were running massive deficits.

Those days are gone for a lot of different reasons. We have had much debate on this floor as to why we now find ourselves running significant budget surpluses over and above that attributable to Social Security and why those surpluses, projected out 10 years from now, will run in the $3 trillion range, some $700 billion to $1 trillion over and above what is required for Social Security because we are certainly in agreement we are not going to dip into anything that is attributable to Social Security. That is off the table, and rightfully so. There is the question about what will we do with the $700 billion to $1 trillion budget surplus that is being projected by both the White House and by the congressional budget experts.

The amendment pending is an expensive amendment. I understand that. It could run around $3 billion next year and $9 billion a year after that, according to our friends at the Congressional Budget Office. That is a significant expense. What I am asking is if this is not a time when we can afford to live up to our promises to our military retirees and our military personnel, then when will that time ever occur?

There are those who see other uses for that $700 billion to $1 trillion surplus over and above Social Security. I have other things I would like to do as well, including some tax relief. There are those who want tax relief in the range of essentially the entire surplus. I am suggesting there is room for tax relief, there is room for paying down the debt, there is room for education, and a number of other things. If we do this right, this is a once-in-a-lifetime opportunity to utilize some of that projected surplus to, in fact, finally—finally—live up to our commitment to our military personnel and retirees, many of whom, frankly, have gone to their graves without the benefits they were promised. We do have that once-in-a-lifetime, unique opportunity this year to do something constructive, to make a commitment that we will fund this, not out of military readiness, not out of active duty budgets, but, in fact, out of this projected surplus that the CBO and OMB people tell us is headed our way.

Military retirees and veterans are our Nation's most effective recruiters. Unfortunately, poor health care options make it difficult for these men and women to encourage the younger generation to make a career of the military. In fact, in Rapid City, SD, which is outside of Ellsworth Air Force Base, a very significant B-1 military base in my State, I was talking to military personnel and talking to retirees who are as loyal and as patriotic, who have paid a price second to none for our Nation's liberty, and they told me: Senator, I can't in good faith tell my nephews, my children, young people whom I encounter, that they ought to serve in the U.S. military, that they ought to make a career of that service because I see what the Congress has done to its commitment to me, to my family, to my neighbors. The health care promises were never lived up to, and we don't think you ever will live up to them. You have no credibility with us. It has gone decades, it has gone generations, and you have not lived up to the health care obligations and responsibilities that you said, if we put our lives in danger, we would have. How can I in good faith tell these young people they ought to make a career of the military, that it is a distinguished professional option they ought to consider, when you treat us shabbily?

That is the message I hear from active duty as well as retired military personnel in my State. It is the same in the mail and e-mail I get from all across the country saying: 2003 is the only legislative option we see that truly lives up to Congress' obligations.

No more excuses. The money is there. The only question is, Is the political will there? Is this a priority or is it not? I am pleased we are having this debate.

Mr. DORGAN. Will the Senator from South Dakota yield?

Mr. JOHNSON. I yield to my colleague.

Mr. DORGAN. Mr. President, Senator JOHNSON has been working on this issue for a long while. I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this amendment addresses a critical need. I ask him if he sees in South Dakota what we know and see in North Dakota with respect to the veterans' health care system. The system is not working. We have a fellow in north central North Dakota who went to Vietnam and took a bullet in the brain and is severely disabled for life. Because of that, he has muscle atrophy and a range of other health problems and had to have a toe removed.

The VA system said to his father: Haul him over to Fargo, ND, and we will do that in the VA system.

In other words, take this severely disabled person, put him in a car, drive him nearly 200 miles to the east and have this procedure done—not a major procedure—and then drive him 200 miles back, and that is the only way we will cover that expense.

The father said: Is this the way to treat a son who served his country in Vietnam and was shot in the head and is now consigned to a very difficult life? Is this a way to treat him? It is not. The health care system is not working. The VA system is not able to meet the needs.

I ask the Senator from South Dakota, is it not the case, in his opinion, that the cost of veterans' health care is part and parcel of the cost of defending this country? It ought to be part of the cost of defense because it is a promise we made and have not kept to veterans in this country when we said: Serve your country, and we will provide you a health care system that works for your needs.

Mr. JOHNSON. Mr. President, the Senator is exactly right. We have a problem both on the VA health care side and on the military retiree side; that is, those who have served their 20 years in the military and rely on TRICARE currently, previously CHAMPUS, for their health care needs in both instances.

These people who have served this Nation in such an extraordinary fashion have, in all too many instances, not received the quality, the accessibility, or the affordability of health care they deserve. It is doubly difficult in rural States, such as our own, but it is a problem everywhere.

It is suggested as a compromise that we simply extend TRICARE to those who are age 65 and older. That is an additional option which I applaud, but that does not extend the Federal Employees Health Benefits System to either people prior to 65 or older and, frankly, up until now, TRICARE is not viewed in my State with great enthusiasm by many of our military retirees. I understand it is a new program, and it may improve as time goes on. Simply doing that alone falls far short of living up to the obligations Congress made during times of war when we were not sure if our Republic was going to survive World War II, when we did not know what would happen and we called these people into service, followed with Korea, Vietnam, and other conflicts, with people dying for our liberty. We were quick to make promises at that time: If you help us out, if you work for almost nothing, disrupt your families and serve this Nation, we will provide you with quality health care.

They did their share. They came home and we said: Wait a minute, this is a little more costly than we thought, and we have decided to forget about it.

We are not going to live up to those obligations. That is what this Congress has said through administrations of both political parties over the years.

We have an opportunity now to bring that, at last, to a halt and to deal with our military retirees with a spark of integrity, at last. That is what this amendment is about.

Mr. DORGAN. Will the Senator yield for a last question?

Mr. JOHNSON. Yes.

Mr. DORGAN. I appreciate the indulgence of the Senator from South Dakota.

I assume he agrees with me we are not in any way attempting to denigrate the wonderful men and women who work at the VA health care centers around the country. Many of them do an extraordinary job. But they are not funded well enough. We do not have the resources to do the job we should.

I just want to mention, on a Sunday morning some while ago, I was at a VA hospital presenting medals that had been earned, but never received by an American Indian. His family came, but also at this VA hospital, the doctors and the nurses came into his room. I pinned those medals on the pajama tops of this man named Edmund Young Eagle. He died 7 days later. He was very ill with cancer. But it was an enormously proud day for him because he served his country in Africa and Europe in World War II. The fact is, this man served this country around the world. He never complained about it.

The day I pinned the medals on his pajama tops, you could see the pride in his eyes. I appreciated the fact that at this VA hospital the doctors and nurses came around and were part of that small ceremony.

But there are so many people such as Edmund Young Eagle and others who served their country, have never asked for much, but then need health care, only to discover that the system for delivering that health care is not nearly funded well enough, while in the Congress, somehow we are more eager to say that defense relates to the things in the Defense Department and that the VA health care system is somehow not part of that obligation. It is part of that obligation. That is why I am pleased to support this amendment.

As I mentioned, I say to Senator JOHNSON, he has been working on these issues for a long while. I hope the Congress will embrace this approach now so that we can be as proud of what we are doing for veterans and for their health care needs as Edmund Young Eagle was proud that day of serving his country.

Isn't it the case that we have dramatic needs—underfunding in these facilities—and that the Senator's approach to dealing with this would say it is a priority in this Congress to address the health care needs of veterans and we believe the health care needs of veterans are part and parcel of this country's defense requirements?

Mr. JOHNSON. I think the Senator from North Dakota raises an excellent point. He himself has been a champion for veterans and military retirees.

Obviously, when we come to the point of the VA-HUD appropriations issues, we will do the very best we can within the VA context, while at the same time trying to address the military retiree issues. They go hand in hand. They are both very much part and parcel of our overall effort towards military recruitment, retention, and readiness. They are part of that same package. I certainly commend the Senator from North Dakota for his leadership in that regard.

Mr. WARNER. Will the Senator yield?

Mr. JOHNSON. I certainly yield to the Senator from Virginia.

Mr. WARNER. I want very much for the Senator to have a full opportunity to present his viewpoints, of course, in the time remaining. But at some point I think it would be very helpful to the other Senators following this debate to frame exactly what the differences are between the Senator's approach and the approach I have in my amendment. If he could indicate in the course of his presentation when we can bring that into sharp focus for the benefit of our colleagues, I would like then to get into a colloquy, on my time for such portion of the colloquy as I expend in my statements.

Mr. JOHNSON. The chairman, the Senator from Virginia, has a very constructive suggestion. I certainly will not put words in his mouth relative to the interpretation of his legislation. I applaud him for his legislative efforts. But I will draw some distinctions as to his pending amendment and my amendment.

I intend to vote for both amendments. My amendment is farther reaching and, as I am sure the distinguished Senator from Virginia would note, is more costly. Because of that, it runs into additional parliamentary issues perhaps. But I will attempt, in closing, to draw some distinctions between what it is we are trying to do.

Mr. WARNER. If the Senator would indicate such time it would be convenient for him to proceed to questions, then I would seek recognition.

Mr. JOHNSON. Very good.

The opponents of S. 2003, in my amendment, again would claim that it simply costs too much; roughly $3 billion in fiscal year 2001, and, over 10 years, CBO estimates an average cost of $9 billion a year to fulfill our promise of health care for military retirees. This does not come cheaply. I am very up front on that fact. However, we are talking about a $200 billion budget surplus—$9 billion here; $200 billion surplus—$800 billion to $1 trillion over 10 years. That is a conservative estimate.

So if we look at the larger scheme of things, in terms of where this ought to be within our budget, and also with the possibility of some reprioritization of the existing budget, I believe the argument that we simply can no longer afford to live up to our promises to military personnel who sacrificed so much, including families of those who have died defending our right to be here debating this issue today, simply no longer holds.

We invest billions of dollars each year to build new weaponry, and rightfully so. But all the weapons in the world will be rendered useless or less useful without the men and women in uniform and without the high-quality, qualified personnel we need to operate them.

I believe a promise made should be a promise kept. We owe it to our country's military retirees to provide them with the health care they were promised. The effort behind this amendment has been 100-percent driven by military retirees taking action on the benefits to which they are entitled. It is the right thing to do. No more tests; no more demonstration projects; no more experiments.

I think we need to act now on a program that works, building on the Federal Employees Health Benefits Plan system. On average, 3,784 military retirees are dying each month. The time to act is now. These retirees have mobilized in a grassroots lobbying campaign throughout the country to fight for lifetime health care.

I hope we do not leave this floor today without giving true access to health care to these soldiers, sailors, and airmen who have patriotically served our country. We have a long way to go. I will continue to work with Senators WARNER and LEVIN, and my colleagues, to be sure that our country's active-duty personnel, military retirees, and veterans receive the benefits they deserve.

Senator WARNER has suggested we draw some clear distinctions between the amendments. I think that is a very constructive suggestion. I am sure he will elaborate on the differences.

A difference, as I understand it, is that my amendment would allow those who retired before June 7, 1956, to have fully paid participation in the Federal Employees Health Benefits Plan. That is the plan in which all Federal employees, including Members of this body, participate. Frankly, it is a very successful and very popular health system. Ask any Federal employee. They will tell you the Federal Employees Health Benefits Plan is an excellent one. It provides every citizen with an option, a menu, from a "Cadillac" to lower-priced option, depending on how extravagant they feel in relation to their share of premiums in the health care plan.

For those who retired before 1956, we will say, if you want to continue to participate in TRICARE, you certainly can, but your other option is to move over to the Federal Employees Health Benefits Plan, like other Federal employees and like your Senator. What is good for your Senator is good for you.

For those who retired after the magic date of June 7, 1956, we say, you, too, have the option of participating in the Federal Employees Health Benefits Plan, or you can continue to use TRICARE. You will, however, pay premiums similar to what Federal employees pay.

It is not entirely free, but you will have this additional option, and you may continue to stay there post age 65 in retirement.

Our plan builds on utilization of the Federal Employees Health Benefits Plan, fully premium paid for those older military personnel with premiums for the somewhat younger personnel, optional. And it is perpetual. This is not a pilot project. This is not an experiment. We will not take this away from you 2 years down the road because we ran out of money. This is a commitment. You have to decide what your retirement plans are. You have to plan for that. We don't want to be jerking the rug out from under you. We have a plan. It is there. You choose it, if you choose it. No more demonstration projects that apply to some parts of the country and not other parts or it is in for a couple years and then we will assess it and decide whether to continue it or not. We are not interested in that.

The Warner amendment, which I think is certainly a step ahead of where we are now, does move the health care benefits down the road in a constructive way. I applaud the Senator for that. But as I understand the Senator's amendment, it essentially allows those who are 65 and older, rather than to be pushed out of TRICARE on to Medicare, to continue their participation in TRICARE health care services post 65. That is an additional option. I am all for options. I think that is a good thing.

It does cost some money. Senator WARNER's amendment does fit within the current budget resolution, but in order to get it within the budget resolution, it would terminate in 2004. It may be, if this is successful, there will be additional revenue, and maybe we will continue it post-2004. But there is no certainty to that within the legislation. It fits within the current budget resolution because it has been chopped short in fiscal year 2004. So while TRICARE works better for some people than for others, it has not worked terribly well in my home State. My State is a rural State, which may be a bit different. Trying to make managed care work in my State is a little more difficult than it might be in other areas. I certainly concede that. But in my area, even if we gave people a continued TRICARE option, I am not sure they would beat a path to it particularly. Some may. Again, I certainly applaud the option.

That is the basic difference between Senator WARNER's amendment, which is constructive and does give an additional option to those who are post 65, and my plan, which builds on the Federal Employees Health Benefits Plan, applies both to pre-56 and post-56—pre-56 with premiums paid—and on into retirement, and gives people those options.

Frankly, most people I talked to, if they had a choice between TRICARE and the Federal Employees Health Benefits Plan, they would run as fast as they can go to the Federal Employees Health Benefits Plan, the plan their Senators and Congressman have, and, for that matter, all Federal employees in their hometown have.

As I see it, put very shortly and perhaps not with as much detail towards the plan of the senior Senator from Virginia, that is the basic difference from which we have to choose. They are not inconsistent necessarily, but I do believe that 2003 is a far, far more expansive and permanent approach to the urgent crisis we have for military retiree health care.

The distinguished Senator from Virginia has suggested that he may want to comment at this stage on his amendment. I think it is appropriate that we discuss both of them in this context.

Mr. President, I renew my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I advise my colleagues that at an appropriate time someone from the Budget Committee on this side of the aisle will make a point of order.

Mr. President, we are almost parallel in thought here, certainly parallel in thought for the need to help the retirees. I have been privileged to be in this institution 22 years. This is the first time, I say to my colleague, we have ever taken a step to provide for retirees. No one can refute that. If I may say, to push aside a little humility, it came from this side of the aisle. It was not in President Clinton's budget. It hasn't been in any of his budgets. We took the initiative. We have done it carefully step by step. I commend my colleague for his leadership on this issue. Indeed, it is the interest in his bill which has been garnered across our land that has helped our committee to, step by step, begin to increase these provisions.

I see my colleague wishes to make a point.

Mr. LEVIN. I wonder if the Senator will yield for one quick comment?

Mr. WARNER. I will.

Mr. LEVIN. The provision in the bill that provides the prescription drug benefit for retirees was a bipartisan effort in our committee.

Mr. WARNER. Absolutely, Mr. President.

Mr. LEVIN. I think the Senator said it came from a certain side of the aisle. It was not in the President's budget, but it was a bipartisan effort in committee which I now believe the President supports.

Mr. WARNER. Mr. President, once we took the initiative on our side of the aisle in the committee, we had bipartisan support across the board. The Senator is absolutely right. The point is where we are. We are faced with constraints in military spending, as we are in all other avenues. Let's make it clear—let's see if the Senator and I can agree—the CBO, in costing out my bill, said it would be about $40 billion over 10 years. Will the Senator agree with that?

Mr. JOHNSON. That is as I understand it.

Mr. WARNER. The CBO, looking at the Senator's bill, said it would cost about $90 billion over 10 years.

Mr. JOHNSON. Nine billion per year.

Mr. WARNER. Correct. So the difference between the two approaches is very significant in terms of dollars. In fact, the distinguished Senator's bill would cost along the following lines: He said $3 billion in fiscal year 2001; $5.7 billion in 2002; up to $8.3 billion in 2003; $9.4 billion in 2004; and going out to 2010, $12 billion. So those are the figures. I think we are in agreement as to the dollar consequences of the two bills.

Yesterday, my distinguished colleague, the ranking member of this committee, when I raised the amendment, said that a point of order would rest. The inference was clearly that it would be brought against my amendment. Whereupon, I thought it imperative that I take my amendment and amend it, which I did, to just go out to the year 2004. By so doing, the expenditures under my bill, as they flow out through these years, bring it within the Senate budget resolution and, therefore, does not make it subject to a point of order.

I think we can agree on that point.

Mr. JOHNSON. I am in agreement with the Senator on that issue.

Mr. WARNER. But my distinguished colleague proposing this amendment has decided not to try to take a similar action with regard to his amendment. Am I correct in that?

Mr. JOHNSON. The Senator is correct.

Mr. WARNER. The retiree community, in particular, following this, will say to the Senator from Virginia: Why did you cut short to 2004? I simply say: Because the likelihood of getting 60 votes was in doubt, and I didn't want to have that doubt. I wanted to make sure we got started on some major incremental series of benefits for retirees. That is why I did it. I made that calculation. I take full responsibility for having done it.

Now, let's see if we can narrow the differences between the approach of my colleague and the one I take. I summarize it as follows: I have provided in my bill, albeit only through 2004, every provision the Senator has. Particularly, I commend him for waiving the 1964 law—not waiving it, but taking it off—which was essential. We did that together.

The main difference is the coverage that is given to these retirees under the Federal Employees Health Benefits Program; would I be correct in that?

Mr. JOHNSON. I believe that is a key difference. Also is the fact that this legislation of mine does address the issue of free medical care.

Mr. WARNER. But my point is, had it been able to go out 10 years, we continue to use that baseline. I am absolutely confident that this issue of retiree health care will be injected into the Presidential campaign. Each candidate will be asked what position he wants to take on that. I am certain they will. And should my amendment be adopted by the Senate and become the law of the land, and given that it has to stop in 2004, the first question I would ask the candidates is, Are you going to support rewriting the Warner amendment such that it goes out in perpetuity? I forewarn the candidates to be prepared to answer that question.

I support, of course, that action by the Congress, with the support of the next President, to make it in perpetuity. But going back to the Senator's point, coverage under the Federal Employees Health Benefits Program is what takes my bill from $40 billion to yours to at $90 billion; are we correct on that? Let's address the situation.

We passed—I believe it was 2 years ago—a program to allow the retirees to decide whether or not they wanted to go into this Federal health program. Interestingly, we allowed up to 66,000 to enter under that experimental test program. Mr. President, astonishingly, only 2,500 of those eligible opted to do it, indicating to our committee that they felt if they could get the full benefits offered to them when they were on active duty in their retired status, they preferred to have that rather than to go into the Federal health program. What clearer evidence could there be? We offered 66,000 a chance to do it and only 2,500 accepted.

Mr. JOHNSON. If the Senator will yield on that point, apart from the fact that the military retiree organizations themselves are telling us in no uncertain terms that they prefer the Federal Employees Health Benefits Plan coverage, I think the following points need to be made. First, relative to this 66,000 test program, there was, in fact, I am told, a lack of timely delivery of accurate, comprehensive information about the Federal Employees Health Benefits Test Program. Some of those surveyed claimed that townhall meetings sponsored by the Department of Defense to promote the test were poorly planned and publicized. Many retirees noted the inability to get accurate information and forms from the Department of Defense call center.

Frankly, there has been a fear of the unknown with the test program. Retirees are being asked to change health programs for a test program that ends in 2002. Many retirees are worried they would have to simply change back at the end of the test period. One retiree responded to the military coalition survey by saying, "I just could not risk having to try to get insurance at age 73 should the demonstration fail to be renewed." That may have been a misperception, but it was one that skewed the results of the 66,000-member test. There is no doubt about that.

Mr. WARNER. I say to my good friend, clearly some of that may have taken place. It is better that retiree organizations should certainly have tried to give them the information and explain it. They have done a magnificent job in explaining what my colleague is offering in his amendment.

I wish to return to the following. Here we go. We are now taking the retirees who are given only Medicare, and the Warner bill now restores them to the full rights they had when they were on active duty in terms of health care. My good friend, Senator JOHNSON, wants to offer them also the chance to go into the Federal program, and the cost of that is largely borne by the Federal Government. That raises his amendment up to twice the cost of mine, using the 10-year average. But we are giving them both.

At the same time, I project that the Congress is going to be called upon, should the Warner amendment or the Senator's amendment become law, to begin to add funds for the existing military health care program so that it can absorb back this community. That is not an insignificant expenditure. Now, having done that, which we have to do under either amendment, then to offer them the chance to go into the Federal program, you put the infrastructure in place, they don't avail themselves of it, they go into the Federal employees program, and you have built a big medical program that will not be fully utilized.

Mr. JOHNSON. If the Senator will yield for a moment, one of the benefits of the Federal Employees Health Benefits Plan is it doesn't require a large, new infrastructure to be set up. People simply choose the insurance policy of their wish and they go to whomever they wish, whether managed care or fee for service, and you are not left with trying to create a new Federal bureaucracy or structure.

Mr. WARNER. The Senator is correct. But am I not also correct that if we mandate by law that the existing military health program has to absorb back into it this class of retirees, they will have to augment doctors, nurses, perhaps modest increase in facilities, and all of the other infrastructure that is necessary to give these people fair, good quality health care; am I not correct?

Mr. JOHNSON. I am not sure I understand the Senator's point on this. In fact, it would seem to me that more military retirees will have their own personal health care services taken care of, and there would be less reliance on the existing military health care structure.

Mr. WARNER. Mr. President, the number of retirees over 65 is roughly 1.4 million persons. Under the Warner amendment, as well as the Johnson amendment, they are now taken back into the existing infrastructure that cares for active duty and under-65 persons. Anyone would know that with 1.4 million now given the opportunity to come back in, you would have to augment and refurbish that system. This will be a justifiable issue before the Congress very quickly. I am certain the Secretary of Defense—the next Secretary—in the posture statement of the next President will say: All right, Congress; you said we are to take them back. We are happy to take them back, but give us the funds to refurbish and augment that system. That will be done.

That system will be prepared to take back these people, and at the same time, you are saying to these people while we put the infrastructure in place, you may decide not to use it and go off here and avail yourself of other taxpayer dollars—namely, paying a premium of 70-plus percent, in most cases, to go into the private sector. Of course, there is no augmentation to the private sector. The private sector could probably absorb this class. There could be a competition between the private sector and the military infrastructure. But the military infrastructure has to be put into place. As you say, very little would have to be done in the private sector to absorb them.

So that is the reason, I say to my colleagues, no matter how laudatory the amendment would be. I suggest we go a step at a time in treating these people fairly. And we have taken the initiative to do it. Let's do it a step at a time and first refurbish the existing military system to accept them back and give it a period of several years under my amendment to see how it works before we take the next leap and put on the American taxpayers double the amount of money that my amendment would cost.

Mr. LEVIN. Will the Senator yield for a question?

Mr. WARNER. Yes.

Mr. LEVIN. This is to clarify the differences between the approaches. I understand there is another difference between the two, which is that TRICARE would be available to all over 65 under both proposals, but under the proposal of the Senator from Virginia, TRICARE would only be available for those who pay Part B.

Mr. WARNER. He is accurate in his statement.

Mr. LEVIN. Whereas, under the Johnson proposal, Part B would not have to be paid for by retirees in order to have TRICARE provided to them.

Mr. JOHNSON. The Senator is correct.

Mr. LEVIN. I believe the Senator indicated before that TRICARE was available to all retirees under both proposals, that this would be one difference in that regard, and that under your proposal, Part B would not have to be paid for by the retiree; whereas, under the proposal of the Senator from Virginia, it would have to be. I am not arguing the merits or demerits, but factually that is a difference; is that correct?

Mr. JOHNSON. The Senator is correct.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 23 minutes.

Mr. WARNER. Mr. President, would you give both times?

The PRESIDING OFFICER. The Senator from Virginia has 46 minutes remaining.

Mr. WARNER. Mr. President, I yield such time as the distinguished Senator from Arkansas may require.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I join Chairman WARNER in expressing my gratitude to Senator JOHNSON for his leadership on this issue. He made some very salient points on which I hope to reflect in my comments in support of the Warner-Hutchinson amendment.

The question here is not one of sentiment. It is not one of seeing the problem. It is not one of wanting to act and to act now. The question is, What is the realistic way?

The fact that the Johnson amendment will cost over $90 billion and will be subject to a budget point of order, which Senator LEVIN saw fit to raise in regard to the underlying Warner-Hutchinson amendment which would have made this permanent but has not seen fit to raise against Senator JOHNSON, but undoubtedly that is going to happen, that is a huge barrier, as we know, and a big problem.

I think we have to do something this year. That is why I am glad to rise and join Senator Warner in introducing the Warner-Hutchinson amendment for the national defense authorization bill for fiscal year 2001.

I want to comment also on Senator DORGAN's points concerning the VA health care system; that it was this Congress last year that increased VA medical care spending by over 10 percent, the largest single increase in VA health care spending in over a decade; that, indeed, with our veterans, as well as with our military retirees, our credibility is in tatters when it has been this Congress that has been determined to take the steps necessary to restore that credibility and to restore that confidence—with the pay raise last year, with the 10-percent increase in VA medical spending, far above the President's budget request, and now with this enormous step. Let us not, in comparing it with Senator JOHNSON's broad amendment, try to minimize the significance of the step that will be taken under the Warner-Hutchinson amendment. I am glad to be a sponsor of this amendment in introducing it.

In my experience as the Armed Services Committee Personnel Subcommittee chairman, and in my experience as a member of the Veterans' Affairs Committee—I have served on the Veterans' Affairs Committee in the House and in the Senate since I came to Congress—I visit regularly with retired military personnel on a broad range of topics.

Time and time again when speaking with military retirees, or responding to letters of concern, the subject of adequate health care coverage comes up. Senator JOHNSON is absolutely right about the feelings expressed by our military retirees and their concerns since we have broken our commitment and our promise to them.

The citizens of our country who have served proudly in the armed services prefer to be doing other things than spending their time petitioning Members of the Senate. They are mature, humble, and they are patriotic by nature. But in this situation, they simply must speak out. These fine Americans have been slighted as the years have passed. They have seen benefits erode. They have seen promises broken or the fulfillment of promises delayed.

No issue causes more distress than the lack of comprehensive medical care as part of their retirement benefits. Military retirees are annoyed. They are more than annoyed. They are distressed. They feel betrayed. They have witnessed bureaucratic stalling through trial programs and tests that serve no purpose and simply nibble around the edges of the problem. They do not provide the kind of permanent and tangible fixes to the inadequacies and shortfalls of the medical care system.

I want to share a couple of quotes from several of the thousands of heartfelt letters I have received on the subject of military retirees in my home State of Arkansas. These letters from Arkansans who have served faithfully in our Nation's Armed Forces are a mere representation of the sentiments expressed by military retirees all across the Nation.

Col. Bob Jolly, of Hot Springs, AR, echoes the feelings of many others when he writes:

> Thousands of military retirees are dying each month while denied the health coverage our government willingly gives all other federal retirees. We older retirees, now in our sixties and seventies, cannot wait for your Senate colleagues to prescribe years of tests to receive the care we were promised and have earned through decades of fighting our nation's wars.

Then, in a letter Mr. Stewart Freigy, a retired Air Force pilot from Hardy, AR, writes:

> My decision to make a career of the Air Force was based on two things. First a sense of patriotism instilled in me as a child. The second factor was a promise by my government that if I served twenty years, I would receive half of my base pay plus free medical and dental care for myself and my dependents for the rest of my life. By the time I retired, the dental benefits were already gone. Since then I have watched the erosion of my benefits through Champus and then through Tri-Care. In short, like many other military retirees, I feel I have been deceived by a government that I served faithfully.

Mr. President, it is time we let retired military personnel know that the Senate hears their plea for justice and equity. How we handle this issue will not only send a message to these Americans that correction is on the way, but it will also send the proper message to those on active duty and to those young people who are considering whether or not they want to enter the Armed Forces or whether they want to make a career of the military.

I have heard from recruiters time and time again since I assumed the position as chairman of the Personnel Subcommittee that the most important pool from which to attract military recruits is the children of those who had careers in the military. When their parents feel betrayed, it becomes increasingly less likely that they are going to make the choice to go into the military themselves. It is important that Congress and the American people demonstrate that we are going to honor our promises to our military personnel.

The Warner-Hutchinson amendment will permit military retirees to be served by the military health care system throughout their lives regardless of age and active duty or retirement status. That is an incredibly huge and important step for this Congress to take. Under our proposal, the current age discrimination will be eliminated. No one will be kicked out of the military health care system just because they turn 65.

Let us not minimize and let us not underestimate the dramatic step of the Warner-Hutchinson proposal: No more age discrimination, no more kicking military retirees out of the health care system and forcing them to leave the doctors and the system with which they have been served for many years and with which they are familiar. Beneficiaries will continue their health care coverage in a system with which they are comfortable and will not be forced to pay the high cost of supplemental insurance premiums to ensure their health care needs are adequately provided. Medicare will pick up what Medicare pays for, and TRICARE will be the supplemental plan to pick up the remainder.

It is a dramatic, important, and positive step and commitment we are making. This initiative will act as a statement of our absolute commitment to the promises made to those who have faithfully served the United States of America in our Armed Forces.

As Senator WARNER stated, improving the military health care system has been the top priority of the Senate Armed Services Committee this year.

Last year, we did the pay raise. Personnel chiefs tell me that has made an enormous difference in their ability to go out and recruit. It has improved morale in the Armed Forces. This is the next big step: Improving the health care system both with the prescription drug component as well as this very major step we are taking for our retired military. Hearings have been held on this issue, and input from retirees has been received and has been heard loud and clear.

Time and again, our extensive review of the situation has highlighted the importance of retiree access to the health care system and to pharmaceuticals, with pharmaceuticals and prescription drugs being the No. 1 concern for retirees. This already addresses the issue of pharmaceutical actions by providing a pharmacy benefit with no enrollment fee for both the retail and mail order programs. On a bipartisan basis, that has been included. It is an important provision with overwhelming support.

The Warner-Hutchinson amendment complements that pharmacy benefit and continues the efforts of the committee to provide a comprehensive solution to the issue of health care for America's deserving military retirees. By adopting this amendment the Defense authorization bill will provide a comprehensive health care benefit for all of our country's military retirees.

As chairman of the Personnel Subcommittee, I am well aware of the other legislative alternatives that have been proposed. There has been a very positive, productive colloquy and debate on the floor on these alternatives. However, I believe strongly that the Warner-Hutchinson amendment provides the most effective and realistic remedy in a fiscally responsible manner. America's military retirees were promised a health care benefit. They served our country and we, as a nation, need to fulfill our duty by honoring the commitments made to them. This amendment does that.

I applaud Senator WARNER and his leadership on this issue, his willingness to take this bold step. I believe this amendment will pass with overwhelming support. I appreciate Senator JOHNSON's continued leadership. I know this will be a debate that continues in the years to come. It should not preclude first taking this step. I urge my colleagues to support this amendment.

I yield the floor.

Mr. JOHNSON. I applaud the work the Senator from Arkansas and the Senator from Virginia have done.

Mr. LEVIN. If the Senator will yield.

Mr. JOHNSON. I certainly yield to the ranking member.

Mr. LEVIN. I assure my friend from Arkansas, when I inquired yesterday about whether or not the amendment of the Senator from Virginia was subject to a point of order, that was the only amendment that was at the desk to which I could make such an inquiry to which the Parliamentarian could respond.

Now that the Johnson amendment is there, I ask the same question: Is the Johnson amendment subject to a point of order?

The PRESIDING OFFICER (Mr. HUTCHINSON). In the opinion of the Parliamentarian, it is.

Mr. LEVIN. While we are on the subject, there is now apparently some indication that there may still be a point of order problem with the Warner amendment which we are trying to assert.

Mr. WARNER. At this time, I will address that issue. In the course of our floor consideration, we frequently ask the CBO for their estimates. They gave me estimates yesterday which they have now revised this morning.

AMENDMENT NO. 3173, AS FURTHER MODIFIED

Mr. WARNER. I ask unanimous consent that the Senator from Virginia may modify his amendment. I have sent to the desk such an amendment, which reduces the year of my amendment from 2004 to 2003.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, and I will not, so we are all very clear, because there has been some discussion as to the differences between the two amendments, if this modification is made, the length of time that the Warner provision would be in effect, then, would be the years 2002 and 2003 instead of 2002, 2003, and 2004. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I have no objection. I think it is important everyone understand.

Mr. WARNER. I thank my colleague from Michigan. We all have to rely on these estimates.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 3173), as further modified, is as follows:

Strike sections 701 through 704 and insert the following:

SEC. 701. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS UPON THE ATTAINMENT OF 65 YEARS OF AGE.

(a) ELIGIBILITY OF MEDICARE ELIGIBLE PERSONS.—Section 1086(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) The prohibition contained in paragraph (1) shall not apply to a person referred to in subsection (c) who—

"(A) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.); and

"(B) in the case of a person under 65 years of age, is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) or section 226A(a) of such Act (42 U.S.C. 426–1(a))."; and

(2) in paragraph (4), by striking "paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph," and inserting "subparagraph (B) of paragraph (2) who do not satisfy the condition specified in subparagraph (A) of such paragraph".

(b) EXTENSION OF TRICARE SENIOR PRIME DEMONSTRATION PROGRAM.—Paragraph (4) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended by striking "3-year period beginning on January 1, 1998" and inserting "period beginning on January 1, 1998, and ending on December 31, 2001".

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on October 1, 2001.

(2) The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

(d) ADJUSTMENT FOR BUDGET-RELATED RESTRICTIONS.—Effective on October 1, 2003, section 1086(d)(2) of title 10, United States Code, as amended by subsection (a), is further amended by striking "in the case of a person under 65 years of age," and inserting "is under 65 years of age and".

Mr. WARNER. My amendment is now modified so it is not subject to a point of order.

Our distinguished colleague is subject to a point of order, and at an appropriate time he will raise that point of order.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 3191

Mr. JOHNSON. Mr. President, I make a clarification relative to my amendment. There may have been some confusion earlier. I wish to make it very clear that under my amendment those who entered the armed services prior to June 7, 1956, would be eligible for Federal employee health benefit plan coverage with the Government paying 100 percent of the premiums. Those who entered the armed services after June 7 of 1956 can choose Federal employee health benefit plans with premiums or TRICARE. I want to make sure that point is very clear.

There has been reference to points of order, and the Senator from Virginia is very correct that a point of order will be raised on my amendment. My amendment does cost more. It does more and it costs more. It is perpetuating. It is not a 2-year commitment.

A point of order, while not taken up lightly, is simply an opportunity to determine whether 60 votes in this body believe the issue at hand is of sufficient importance that it ought to have that first level of concern, that priority.

The question is, Are we going to pass or waive a point of order with 60 votes and invade surplus dollars that otherwise are available for tax cuts or are we going to put our money where our mouth is? Do we have the 60 votes to say we will use those dollars, at least that part of it that is required, that $90 billion out of the $800 billion or so that is available, for this purpose?

One of the things that makes this debate interesting, and the parliamentary process interesting, I don't know if we have the 60 votes to waive the order or not. After all these years of Veterans Day and Memorial Day rhetoric about how important our veterans are, this at last will be an opportunity for every Member of this body to stand up and be counted. Is that rhetorical support or are you willing to put these priorities ahead of other budget priorities, including tax relief? Are you willing to waive the Budget Act and make this happen or not? If you are not, I respect your views. Members can go home and explain that. That is certainly your prerogative.

It is long overdue. We have an opportunity for some accountability for the American public to understand who is willing to truly make this a budget priority and who is not. If you are not, then you have those justifications that you can make. That is what the nature of this is. This is not because it is more costly, that this is an impossible program. It will require 60 votes, assuming that the point of order is raised, rather than the 50 votes of the Senator from Virginia.

It will allow the Senate to make a determination in this body whether these priorities are ahead of other priorities that people have, a thousand other things for which they want to use the budget surpluses. No doubt almost all of them are worthy causes. But is this only one of many, many causes, one that we are going to cut short after only 2 years, and then provide less than the full level of commitment to the promises made to our veterans or is this, in fact, a first priority and we are complying with our promises, albeit belatedly, but a full commitment permanently, and in order to do that invade into surpluses dollars that no doubt other people on both sides of the aisle have other purposes for which they can use the dollars? That is the question with which ultimately we have to contend.

My colleague from New York has come to the floor and has a 1 minute request on an unrelated issue. I ask unanimous consent the Senator from New York be permitted 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, let's have clarified the amount of time remaining under the control of the Senator from South Dakota and the amount of time under my control.

The PRESIDING OFFICER. The Senator from Virginia has 33 minutes. The Senator from South Dakota has 17 minutes.

Mr. WARNER. That is 17 and 33. I say to my friend, I am prepared to yield back a considerable amount of my time because I think our caucuses are about to meet. It is very important. If he would give me some estimate of what he desires, and I will just do basically half that time remaining and do a quick wrapup?

Mr. JOHNSON. Mr. President, I say to the distinguished Senator from Virginia, we have no additional speakers on my side. I agree we ought to expedite this debate at this point, unless the Senator has other speakers to whom I would choose to respond.

Mr. WARNER. No, I am ready.

Mr. JOHNSON. I will be open to conveying back my time.

Mr. WARNER. At this point?

Mr. JOHNSON. Yes.

Mr. WARNER. Fine. Let's clarify one other thing. Senator LEVIN brought up the points of order.

Mr. President, I ask unanimous consent at this time that it be in order for the Senator from Virginia to raise a point of order that the Johnson amendment, No. 3191, violates section 302(F) of the Budget Act, and that would take effect after my vote. Then there would be a point of order, and the Senator could, at this time, ask for the waiver.

Mr. JOHNSON. Mr. President, I move to waive the point of order. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. So at the conclusion of the brief remarks from my colleague, say not more than 2 minutes on my behalf, we then proceed to the votes as they have been ordered previously? That order, of course, is we will vote—I think the Presiding Officer should state the order of votes.

The PRESIDING OFFICER. The first vote will be on the Warner amendment No. 3173, followed by a vote on the waiver of the budget point of order. If the waiver vote is successful, that is to be followed by a vote on the Johnson amendment. If it is not successful, the vote will be on the Warner amendment, No. 3184, followed by a vote on the Kerrey amendment.

Mr. WARNER. I thank the Chair.

Does the Senator have anything further? Otherwise, I will just say two words.

Mr. JOHNSON. It is my understanding, then, the Johnson amendment, the waiver vote on the Johnson amendment, will be the first vote? If that is successful——

The PRESIDING OFFICER. That will be the second vote, following the vote on the Warner amendment.

Mr. JOHNSON. The Warner vote then is the first vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON. Followed by the point of order on the Johnson amendment?

The PRESIDING OFFICER. The waiver.

Mr. JOHNSON. Yes. And we would each be permitted 2 minutes apiece at that time, at the time of that vote—that is my understanding—if that is acceptable?

Mr. WARNER. Mr. President, I will follow my colleague with maybe 2 minutes of remarks if he has any concluding remarks before we proceed to the sequence of votes.

Mr. JOHNSON. That is satisfactory.

Mr. WARNER. At this time, you yield such time under your control?

I am prepared to yield my time, reserving a minute and a half.

The PRESIDING OFFICER. Time is yielded back.

Mr. WARNER. I simply say once again I thank the Senator from South Dakota. He has been a leader on this issue. Indeed, his amendment has been widely supported throughout the retirement community.

I have come in with the second-degree simply to say we should take these steps incrementally, one after another. Let us bring the retirees back into the fold of the military health care system. Let us build the infrastructures necessary to take care of them and try that out in the light that only 2,500 ever opted for the Federal program out of 66,000 eligible. Let us try that out for the 2 or 3 years my program would be in effect.

The next President will have to address this situation. The next Congress will address this situation. But we will have made enormous progress if the Senate will adopt the Warner amendment. Indeed, it represents well over two-thirds of the amendment by our distinguished colleague from South Dakota.

The only thing remaining is whether or not we should give both at this point in time, which would double the cost over a 10-year period. It would double the cost if we gave them the option of the Federal program in addition to what we are giving them under the Warner amendment; namely, now back into the system which has taken care of them for the period of their active duty and that period between the termination of their active duty and retirement up to age 65.

Mr. BYRD. Mr. President, the Senate is making important strides in working to improve health care benefits for our military retirees. A case in point is the Defense Authorization measure before the Senate today, which includes significant improvements in pharmacy benefits for military beneficiaries as well as several demonstration projects intended to evaluate long range health care solutions for military retirees.

But more needs to be done. We recognize that, and we are working to remedy the current situation. Senator WARNER's proposal to permit military retirees aged 64 or older to remain under CHAMPUS and TRICARE by requiring these plans to be secondary payers to Medicare is a good step in the right direction, a responsible step, and I strongly support it.

I also commend Senator JOHNSON for the laudatory goal of his amendment, but absent a plan to pay for such a sweeping reform, I fear that we are getting ahead of ourselves. The Senate has not set aside any money to pay for this proposal, and without a sure source of funding, we are offering our military retirees little more than an empty promise. For this reason, I am opposed to waiving the budget point of order against the Johnson amendment.

The Senate has been moving toward improved medical benefits for all members of the military, active and retired, over the past several years. Health care benefits remain a top priority. Senator WARNER's proposal to provide specific enhanced health benefits for older retirees for a three-year period while continuing to explore, test, and evaluate a long term solution is a prudent course of action. It gives us the opportunity to address the immediate health care needs of military retirees, while also giving Congress needed time to assess the best long-term solution, and to provide the necessary funding for whatever solution we reach.

Mr. DASCHLE. Mr. President, the Senate has just spoken on one of the most important national security issues facing this Nation today—the quality of health care services we provide for those who have so selflessly served this Nation. As pointed out during this debate, we promised millions of Americans lifetime, quality healthcare as partial compensation for their service to this country. Sadly, for far too many of America's veterans, this promise remains unfulfilled.

The amendments just voted on by the Senate represent efforts by their supporters to keep that commitment. These measures adopted a fundamentally different approach toward solving this problem. And although I had some reservations about each, I supported both.

I would like to briefly discuss my reasons for doing so. However, before getting into the specifics of these very different amendments, I would like to commend the efforts of Senators JOHNSON and WARNER. As a result of their hard work, we are much closer than ever before to keeping our health care commitment to this Nation's veterans. They are both to be commended for keeping this issue alive and forcing the Senate to deal with it on the bill currently before us.

Under current law, military retirees under the age of 65 are eligible to enroll in TRICARE Prime or to use TRICARE's insurance programs. Those who use TRICARE's insurance may also seek care at a military treatment facility, MTF, on a space-available basis. Once retirees turn 65, they are no longer eligible to use TRICARE, though they may continue to seek care at an MTF when space is available. The same eligibility rules apply to survivors of veterans. Unfortunately, the shortcomings of the current system are well known to thousands of America's veterans. I receive letters virtually every week describing the failures of TRICARE.

Senator JOHNSON's amendment would address some of these failures and increase health insurance benefits for retirees. Specifically, retirees who entered military service before June 7, 1956 and their spouses would be able to use military health insurance and enroll in the Federal Employees Health

Benefits Program, FEHBP. Those enrolling in FEHBP would pay no out-of-pocket premiums. Military retirees who entered the service after June 7, 1956 and their survivors would be eligible for increase coverage regardless of their age. They could either enroll in FEHBP or use TRICARE's insurance program.

Senator JOHNSON's amendment clearly would provide better health care coverage for millions of veterans. My concerns with it are twofold and both are cost-related. First, I am somewhat troubled by the overall cost of this proposal. Although I believe no price is too high to keep our commitment to America's veterans—and Senator JOHNSON's amendment certainly represents a giant step in that direction—I wonder whether there may be a more cost effective means of doing so. Second, I am concerned that for those retirees who entered service after 1956 and who choose FEHBP, the Government would only pick up about 70 percent of the premium. Retirees and their families would be expected to pick up the remaining 30 percent. Depending on the plan chosen, this could represent an annual out-of-pocket expense of $2,000 or more—not an insignificant expenditure for many.

Senator WARNER's amendment also has merit as well as one fundamental flaw. Under the Warner amendment, all Medicare-eligible retirees would be allowed to remain in TRICARE. In other words, TRICARE would be a second-payer to Medicare, covering certain costs above and beyond those covered by Medicare. This change would greatly improve the quality of health care provided to our Nation's veterans. Unfortunately, in order to comply with a flawed Republican budget resolution, Senator WARNER was forced to sunset this new benefit in 2003. In other words, the Warner amendment provides veterans a new health benefit with one hand and, two years later, takes it away with the other.

As I said at the outset, I supported both of these amendments despite the flaws I have just discussed. I did so because I believe it is important we focus on the forest and not the trees and because both of these amendments would bring us closer to keeping this Nation's commitment to its military retirees. And I did so because I believed it was the right thing to do. I commend Senators WARNER and JOHNSON for their work on behalf of our veterans and look forward to working with them to fulfill the promise we made to those who sacrificed so much to serve this Nation.

Mr. KENNEDY. Mr. President, I support the amendment by the distinguished Chairman of the Armed Services Committee, Senator WARNER. It takes the next step toward honoring the promise of lifetime health care for our military retirees. It removes the Title 10 provision that limits eligibility for military health care benefits to retirees under the age of 65.

The amendment expands health care benefits for Medicare-eligible military retirees by removing the age limitation on who qualifies for military health care programs. It gives all military retirees one consistent health care benefit, with TRICARE supplementing Medicare after the retiree reaches the age of 65. This is the right thing to do for our retirees.

I also support the amendment offered by Senator JOHNSON. It corrects an inconsistency in access to the Federal Employees Health Benefits Program. Currently, our retired service members do not have the opportunity to participate in this program. While the out-of-pocket costs for some health plans offered under FEHBP may make this approach less attractive to senior military retirees, they should be given the option to join. Again, this is only fair. One, consistent health care program for all beneficiaries makes sense and is the right thing to do.

I commend Senator WARNER and Senator JOHNSON for their leadership in this important area. I support their amendments, and I urge my colleagues to approve them.

This year is, indeed, the Defense Department's "Year of Health Care!" In the Armed Services Committee, we began the year considering how to improve health care for active duty service members and their families, and to address the well-documented health care needs of military retirees, especially those over the age of 65.

The Administration's budget request was a major positive step for active duty service members and their families. It proposed to expand TRICARE Prime to the families of service members who live far from military hospitals. It also proposed to eliminate the co-payments by active duty service members' families for medical care by civilian health care providers in TRICARE Prime.

We heard testimony from Secretary Cohen, General Shelton, the Service Secretaries, and each of the Service Chiefs, that the availability of health care for senior military retirees is a serious problem. They are conducting a variety of TRICARE demonstration programs to find the best way to address it. We also heard from retirees and the organizations that represent them that the problem is urgent, and that Congress needs to act now.

A promise of lifetime health care was made to our service members at the time of their enlistment. We have an obligation to meet that commitment. It is wrong that service men and women who have dedicated their lives serving and defending our country should lose their military health care benefits when they reach the age of 65. We must fix this injustice, and we must do it now.

The pending DOD Authorization Bill takes a first step towards honoring this promise by giving military retirees a retail and mail-order pharmacy benefit. Almost a third of them already have this benefit. 450,000 military retirees over the age of 65 have a pharmacy benefit under the base closing agreement. It provides a 90-day supply of prescription drugs by mail for an $8 co-payment, or a 30 day supply of prescription drugs from a retail pharmacy network for a 20 percent co-payment. The pending Defense Authorization Bill expands this benefit to all 1.4 million Medicare-eligible retirees. It makes sense, and it is fair that all military retirees over 65 have the pharmacy benefit, not just those affected by the base closing process.

This pharmacy benefit addresses one of the most important concerns of the military retiree community—the high cost of prescription drugs.

All of us are pleased that the Senate is taking this step to make good on our promise of health care to military retirees. But we should not forget the millions of other senior citizens who need help with prescription drugs too.

It's long past time for Congress to mend another broken promise the broken promise of Medicare. Medicare is a guarantee of affordable health care for America's senior and disabled citizens. But that promise is being broken every day because Medicare does not cover prescription drugs. It is time to keep that promise.

When Medicare was enacted in 1965, only three percent of private insurance policies offered prescription drug coverage. Today, ninety-nine percent of employment-based health insurance policies provide prescription drug coverage—but Medicare is caught in a 35-year-old time warp.

Fourteen million elderly and disabled Medicare beneficiaries—one-third of the total have no prescription drug coverage today. The most recent data indicate that only half of all senior citizens have drug coverage throughout the entire year.

The only senior citizens who have stable, secure, affordable drug coverage today are the very poor, who are on Medicaid. The idea that only the impoverished elderly should qualify for needed hospital and doctor care was rejected when Medicare was enacted. Republicans say they want to give prescription drugs only to the poor. But senior citizens want Medicare, not welfare.

Too many seniors today must choose between food on the table and the medicine they need to stay healthy or to treat their illnesses.

Too many seniors take half the pills their doctor prescribes, or don't even fill needed prescriptions—because they cannot afford the high cost of prescription drugs.

Too many seniors are paying twice as much as they should for the drugs they need, because they are forced to pay full price, while almost everyone with a private insurance policy benefits from negotiated discounts.

Too many seniors are ending up hospitalized—at immense cost to Medicare—because they aren't receiving the drugs they need at all, or cannot afford to take them correctly.

Pharmaceutical products are increasingly the source of miracle cures for a host of dread diseases. But millions of Medicare beneficiaries will be left out and left behind if Congress fails to act. In 1998 alone, private industry spent more than $21 billion in conducting research on new medicines and bringing them to the public. These miracle drugs save lives—and they save dollars too, by preventing unnecessary hospitalization and expensive surgery.

All patients deserve affordable access to these medications. Yet, Medicare, which is the nation's largest insurer, does not cover outpatient prescription drugs, and senior citizens and persons with disabilities pay a heavy price for this glaring omission.

The ongoing revolution in health care makes prescription drug coverage more essential now than ever. Coverage of prescription drugs under Medicare is as essential today as was coverage of hospital and doctor care in 1965, when Medicare was enacted. Senior citizens need that help—and they need it now.

So I say to my colleagues—while we are making good on broken promises, it's long past time to cover prescription drugs under Medicare for all elderly Americans. If we can cover military retirees, we can cover other senior citizens too.

Elderly Americans need and deserve prescription drug coverage under Medicare. Any senior citizen will tell you that—and so will their children and grandchildren. It is time to make this need a priority as well.

Mr. McCAIN. Mr. President, I rise today to voice my support for the need for responsible military health care reform.

There is a critical need for real military health care reform. I am concerned that if this amendment passes today, that this body, as well as the lower chamber, will wipe their hands of this problem and move on to other issues. Our servicemembers past, present, and future deserve a world class military health care delivery system, and the Congress should accept no less.

When the defense bill before us today came out of committee, I voted against it for several reasons. One of the most pressing reasons was that the health care legislation included in the defense authorization bill did not address the broken "promise" of lifetime medical care, especially for those over age 65. Voting for its passage would have been an abrogation of my responsibility as a Senator to let our declining military health care system continue without a responsible legislative remedy.

One of the areas of greatest concern among military retirees and their families is the "broken promise" of lifetime medical care, especially for those over age 65. While the Committee included some key health care provisions, they failed to meet what I think is the most important requirement, the restoration of this broken promise.

This week, we recognize the anniversary of the invasion of the European continent to free hundreds of millions of people from the grasp of a tyrannical dictator. Our servicemembers have served courageously in Korea, Vietnam, the Persian Gulf, and other locations throughout the world. We owe our servicemembers, past, present, and future a health care delivery system that adequately supports those who have served with honor and courage throughout the years.

Today, our military health care delivery system is facing some very difficult and costly challenges. One of these is how best to reconfigure the military health care delivery system so that it might continue to meet its military readiness and peace-time obligations at a time of continuous change for the armed forces. In the process of deciding how to proceed, I have met with and heard from many military family members, veterans and military retirees from around the country. I have been inundated with suggestions for reform.

In every meeting and in every letter, I encountered retired service men and women who have problems with every aspect of the military medical care system—with long waiting periods, with access to the right kind of care, with access to needed pharmaceutical drugs, and with the broken promise of lifetime health care for military retirees and their spouses. I heard these concerns expressed as I have traveled across the United States over the past year. I was proud to introduce S. 2013, the Honoring Health Care Commitments to Service Members Past and Present Act of 2000.

S. 2013 was drafted with the help of the Military Coalition and the National Military and Veterans Alliance. The Military Coalition has strongly endorsed S. 2013, stating, "We applaud your leadership in introducing comprehensive legislation aimed at correcting serious inequities in the military health care benefit." I am proud of the work on S. 2013, and I was prepared to re-introduce key provisions of this bill as an amendment to the defense authorization bill.

However, the Warner amendment, and the more comprehensive Johnson, Coverdell, and McCain amendment, are coming up for a vote today, and I would like to comment on their attributes and my concerns.

I would like to commend my colleagues, Senators JOHNSON and COVERDELL, whose amendment fully restores the "broken promise" to our military retirees and their families. I am proud to be an original cosponsor of this amendment, as well as their companion bill, S. 2003.

This amendment fully restores the "broken promise" by providing free military medical health care to military retirees and their spouses. I am a strong proponent of this amendment, because it gives the retirees what they were promised, military medical health care for life. This health care would be provided through the Federal Employees Health Benefits Program (FEHBP). I urge my colleagues to vote for this amendment. Our service members deserve our support, and we have an obligation not to renege on a promise made to them many years ago.

As I have mentioned, I was prepared to offer an amendment today—a version of S. 2013—that builds on the limited health care improvements provided in the defense authorization bill. However, I have decided to withhold my amendment at this time to fully support the Johnson amendment, as well as vote for the Warner amendment. The Warner amendment provides a substantial increase in the health care benefit provided to over-65 military retirees and their families that current law and the Armed Services Committee-reported bill, S. 2549, have failed to address. The Warner amendment is not a perfect solution, but it is a step in the right direction.

Mr. President, I commend my colleagues for their efforts to address many of these important military health care challenges. Not lost on any of us is the urgent need to address the over-age-65 issue, since there are reportedly 4,000 World War II, Korean and Vietnam War-era military retirees dying every month. It is imperative that as changes are made to our nation's armed forces, Congress not only stay focused on bringing health care costs under control, but that steps be taken to retain the health care coverage so critical to our nation's active duty personnel, their families, retirees, and survivors.

Make no mistake, retiree health care is a readiness issue as well. Today's servicemembers are acutely aware of retirees' disenfranchisement from military health coverage, and exit surveys cite this issue with increasing frequency as one of the factors in members' decisions to leave service. In fact, a recent GAO study found that "access to medical and dental care in retirement" was a significant source of dissatisfaction among active duty officers in retention-critical specialties.

Mr. President, this year will be, in the words of the Joint Chiefs, the year of health care reform. Whether we are successful or not will depend on several factors: Congress' ability to realize real health care reform and provide the necessary resources, the Pentagon's ability to work with private industry to control costs on pharmaceuticals and health insurance plans, and the military retirees who utilize the system coming together and galvanizing support for the future of military health care.

VOTE ON AMENDMENT NO. 3173, AS FURTHER MODIFIED

Mr. WARNER. Mr. President, I ask for the yeas and nays on the Warner amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3173, as further modified.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

The PRESIDING OFFICER (Mr. ENZI). Are there any other Senators in the Chamber who desire to vote?—

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles,
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Kerrey

NOT VOTING—3

Crapo
Domenici
Harkin

The amendment (No. 3173), as further modified, was agreed to.

AMENDMENT NO. 3191

Mr. WARNER. We are ready for the vote on a point of order.

I ask unanimous consent, on behalf of the two leaders, that the next two votes be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

There will be 2 minutes of debate equally divided.

Mr. WARNER. Mr. President, a point of order has been raised on the amendment of the Senator from South Dakota. I would like to have Senator GRAMM of Texas recognized to argue that point of order and that his name replace my name on having made it. He is on the Budget Committee. I simply made it on behalf of the Budget Committee. He makes it in his own right, my name to be deleted.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me remind everyone that 4 years ago we moved to begin to correct an injustice in military medicine, and the injustice was that if you served in the military for 20 or more years, you received a commitment, at least in your mind and I believe in reality, that you and your dependents would have access to military medicine for the rest of your life. When Medicare came in and the federal government started making the military pay Medicare payroll taxes, it stopped allowing retirees over 64 to use military medicine. That was a breach of faith. Then we started an experiment 4 years ago to allow them to use their Medicare coverage to obtain treatment at base hospitals again. The Warner amendment we just adopted will allow people who served a career in the military to get treatment at base hospitals from military doctors, and have Medicare pay the cost. It is a good idea and I strongly support it.

Now, Senator JOHNSON has offered an amendment that on its face has merit, and that is to put military retirees into FEHBP. Maybe in the long run that is the answer to the problem. But the problem with Senator JOHNSON's amendment today is that it busts the budget by $92 billion. So I urge my colleagues, whether they support the FEHBP solution or not, to not bust the budget today. Let's stand with the taxpayers today, and let's also complete the Medicare subvention experiment, and let's take up Senator JOHNSON's proposal when we know how to pay for it. I thank the chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I join Senator MCCAIN and the other cosponsors in support of this legislation. We have a fundamental question before us, and that is whether the military retirees of this Nation deserve to have the same kind of health care system that Members of this body have, or other Federal employees, through the Federal Employees Health Benefits Plan. That is the amendment that the military retiree organizations are asking to have and we can, once and for all, be done with the question about whether we are going to live up to our commitment to our military personnel in terms of the medical care that they were promised and which they deserve.

I think there is an across-the-board agreement in this body that if we are truly going to live up to this obligation, this legislation is what we have to pass. It would involve a waiver, and the fundamental question we have, then, is whether we have 60 votes in this body to get into the surplus dollars, or whether those surplus dollars will remain available for tax cuts and other purposes.

If you believe that military health care is a first priority, ought to come first, rather than the crumbs that come after we have made other budget decisions, you will support the Johnson-McCain amendment.

Mr. WARNER. Mr. President, we had a very good debate on this. I see it slightly different. What we are doing in the Johnson amendment is giving two health care programs to military retirees. We are giving them the military health care program and then asking the taxpayers to add on the tax burdens of the Federal program. So it is not the same as we get; we do not get the military program. I have to correct the Senator. There are two systems if you vote for that. That is why his is $90 billion over 10 years versus the Warner amendment, which is $40 billion.

Mr. JOHNSON. Mr. President, given Senator WARNER's observation, I ask unanimous consent for 10 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Saying our military retirees would beat a path to the Federal system offering TRICARE as an alternative—frankly, that is an unpopular option. This Johnson amendment is what the military retirees want and deserve.

Mr. GRAMM. Mr. President, the issue before us is whether we are going to waive the budget point of order. I insist on the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive the Buget Act. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—52

Abraham
Akaka
Ashcroft
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Burns
Cleland
Collins
Conrad
Daschle
DeWine
Dorgan
Durbin
Edwards
Feinstein
Gorton
Grams
Harkin
Hatch
Hollings
Jeffords
Johnson

Kennedy
Kerry
Kohl
Landrieu
Leahy
Lieberman
Lincoln
McCain
Mikulski
Moynihan
Murray
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Shelby
Smith (NH)
Snowe
Thomas
Torricelli
Wellstone
Wyden

NAYS—46

Allard
Baucus
Bond
Brownback
Bunning
Byrd
Campbell
Chafee, L.
Cochran
Coverdell
Craig
Dodd
Enzi
Feingold
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Kerrey
Kyl
Lautenberg
Levin
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Reed
Roberts
Sessions
Smith (OR)
Specter
Stevens
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Crapo
Domenici

The PRESIDING OFFICER. On this question, the yeas are 52 and the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained.

Mr. GRAMM. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COVERDELL. Mr. President, the Senate just conducted two very significant and unprecedented votes—unprecedented in the respect that, as the good chairman of the Senate Armed Services committee has pointed out, this is the first time that the Congress has taken steps to provide health care equity for our Nation's military retirees. This effort was not led by the White House. It was led by Congress and by military retirees across the country.

I have been deeply involved in this issue for many years now. As my colleagues know, I am the lead cosponsor of S. 2003, Senator JOHNSON's bill to restore the broken promise of lifetime health care made to military retirees. The mere presence of this bill, as Chairman WARNER noted, drove the debate on military retiree health care this year and moved us to the point where we are today—on the verge of enacting the first comprehensive solution to the military retiree health care issue. This is a matter of fairness for military retirees, but our goal must be accomplished without destroying the fiscal discipline that has made this day possible.

As a result, even though I am the lead cosponsor of S. 2003 and fully support its objectives, I could not vote to waive the budget point of order raised against the amendment today. The Senate has budget rules that must be protected if we want to ensure, year-in and year-out, that all of the Nation's priorities are fairly and appropriately funded. These are the fiscal rules of the road that have enabled us to balance the budget, to create unprecedented surpluses for the first time in decades, and to contemplate any funding for a military health care proposal such as this. Once the rules are broken, fiscal discipline will evaporate. Deserving long-term priorities would be pitted against the politically popular causes of the moment in a rush to tap the surplus dollars first.

We must also remember that we are working with the fourth consecutive balanced budget that protects Social Security—a tremendous exercise in fiscal restraint that the Senate must not abandon. Preserving Social Security has been a priority for the American people for a long time and it took the Congress many years to make it a reality. If we begin our fiscal work by eviscerating the budget rules, we will put the Social Security surplus and the retirement benefits for millions of seniors at great risk.

I could have taken the politically expedient route, the easy route by casting my vote to waive the budget rules. But that vote would not have changed the outcome or brought us closer to passage of S. 2003. Had the motion to waive the budget rules prevailed, it would have set a dangerous precedent and ultimately would make it more difficult to protect the funding needed to restore the broken promise. My vote today to preserve the budget rules, notwithstanding my strong support for military retirees, represents my view that the work of the Nation must move forward and that it will not unless the Senate works responsibly within the budget process in order to balance competing demands for funding.

There is no doubt in my mind that the gains on this issue today would not have been achieved without the introduction of S. 2003. At the beginning of this Congress, we were at ground-zero on this issue—the same place as in every previous Congress. We made headway this year in the Armed Services Committee and with our colleagues on the Budget Committee. Today, Senator WARNER's amendment, while not everything we wanted, did take an important step forward by giving military retirees one part of what they deserve—the ability to keep their military health benefits when they reach Medicare eligible age. I believe the Senate has demonstrated a new found commitment to our Nation's military retirees and I look forward to continuing our work to restore the broken promise in full.

Mr. WARNER. It is my understanding we are now to turn to the amendment by the distinguished Senator from Nevada, Mr. REID, after the next two votes.

The PRESIDING OFFICER. There are 2 minutes equally divided on the amendment of the Senator from Virginia.

Mr. WARNER. Following that, after the two votes, if two votes are necessary, the Senator from Nevada is recognized.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. After the amendments of the Senator from Nevada are disposed of, I ask unanimous consent to be recognized as the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3184

Mr. WARNER. Mr. President, for 5 consecutive years, the Senate has put language into law with the President's signature reserving these numbers, which the distinguished Senator from Nebraska now wishes to strike from 5 years of consecutive law signed by the President.

The Warner amendment simply says that the President, whether it be President Clinton or the next President, should follow a very careful procedure before changing the numbers, of strategic systems; namely, to do a QDR process which takes into consideration not only the strategic weapons but the conventional weapons and then do an updated posture statement regarding exclusively the strategic.

Those are prudent steps that should be taken. In essence, this Chamber recognized that in the 5 consecutive years we have kept this language in.

Given the nyet—no, no, no—that our President received in Moscow on the ABM issue, he may well need the leverage given by the 5 consecutive years of law. My amendment gives the President the right of waiver, but it imposes on him the need to take a prudent managerial course of action before any decision is made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, with great respect to the Senator from Virginia, both the underlying law and his amendment push the President in the wrong direction. Both Russia and the United States have more nuclear weapons than we need. This has been studied to death. There are plenty of studies, plenty of reviews, plenty of evaluation. Gov. George W. Bush, with Henry Kissinger, with George Shultz, with Brent Scowcroft, and with Colin Powell, has it right. It requires new thinking. We will not only be pushing President Clinton in the wrong direction, but if Governor Bush wins, we push him in the wrong direction. We are forcing the Russians to maintain nuclear weapons in excess of what they can control. As a consequence, we are increasing the risk, threat, and danger to the people of the United States of America.

I urge my colleagues, in as strong a language as possible, to vote against the Warner amendment.

The PRESIDING OFFICER. All time has expired. The yeas and nays have not been ordered on the amendment.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3184.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 51, nays 47, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Conrad
Coverdell
Craig
DeWine
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Smith (OR)
Torricelli
Wellstone
Wyden

NOT VOTING—2

Crapo
Domenici

The amendment (No. 3184) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. L. CHAFEE). The question is on the underlying amendment, as amended. The yeas and nays have been ordered.

Mr. WARNER. Mr. President, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3183) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we have worked out, hopefully, a mutually agreed upon unanimous consent request. I will slowly propound it.

I ask unanimous consent that the previous order for Senator WARNER to be recognized to offer an amendment on working capital be laid aside to recur following the disposition of the BRAC amendment.

I further ask that on the Reid amendment, it be limited to 1 hour, with 45 minutes under the control of Senator REID and 15 minutes under the control of Senator WARNER, and no second-degree amendment in order prior to the vote in relation to the amendment.

I further ask consent that following the disposition of the Reid issue, Senator KENNEDY be recognized to offer his HMO amendment, and that there be 2 hours equally divided prior to a vote in relation to the amendment, with no second-degree amendments in order prior to the vote.

I further ask that following the disposition of the Kennedy issue, Senators MCCAIN/LEVIN be recognized to offer their amendment, re: BRAC, on which there will be 2 hours equally divided, under the same terms as outlined above; namely, an hour under the control of Senators MCCAIN and LEVIN, and 1 hour under the control of Senator WARNER.

I further ask that following the disposition of the Warner amendment, Senator WELLSTONE be recognized to offer his amendment, re: Child soldiers, on which there will be 30 minutes equally divided in the usual form and under the same terms as outlined above.

I further ask consent that during the debate today or tomorrow, the following Members be recognized for debate only: JOHN KERRY for up to 60 minutes and Senator FEINGOLD for up to 12 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, I appreciate the distinguished chairman and his interest in accommodating the many colleagues who want to offer amendments. I think we are almost there. I don't think we are quite able to reach agreement yet on this side. I wonder if it would be appropriate, given the fact that we could not yet agree to that sequencing, if we might proceed with the amendment to be offered by the Senator from Nevada, and while that amendment was being considered, address the other parts of the unanimous consent request just propounded by the Senator from Virginia. If he would be interested in pursuing that approach, we might be able to find some final resolution to the other elements of the proposal he suggested.

Mr. WARNER. Mr. President, I certainly respect the contribution by our distinguished minority leader. I don't have any other recourse.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the other side has advised Senator WARNER that the unanimous consent can be accepted provided that paragraph 3 relating to Senator KENNEDY be taken out. I agree to that.

Mr. LEVIN. Mr. President, reserving the right to object—I will not—we agreed that Senator KENNEDY would have an amendment or amendments sequenced at a later time.

Mr. WARNER. That is correct.

Mr. BIDEN. Mr. President, reserving the right to object—I am not sure I will—I ask for a continuation of the quorum call for another 3 minutes, if I may. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I again propound the amended unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3198

(Purpose: To permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for himself and Mr. INOUYE, Ms. LANDRIEU, Mr. JOHNSON, Mr. DASCHLE, Mr. MCCAIN, Mr. DORGAN, and Mr. BRYAN, proposes an amendment numbered 3198.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title VI, insert the following:

SEC. . CONCURRENT PAYMENT OF RETIRED PAY AND COMPENSATION FOR RETIRED MEMBERS WITH SERVICE-CONNECTED DISABILITIES.

(a) CONCURRENT PAYMENT.—Section 5304(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(3) Notwithstanding the provisions of paragraph (1) and section 5305 of this title, compensation under chapter 11 of this title may be paid to a person entitled to receive retired or retirement pay described in such section 5305 concurrently with such person's receipt of such retired or retirement pay.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and apply with respect to payments of compensation for months beginning on or after that date.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of the amendment made by subsection (a) for any period before the effective date of this Act as specified in subsection (b).

Mr. REID. Mr. President, 109 years ago, for reasons no one can quite understand, a law was passed that prevented someone who had a service-connected disability from drawing disability at the time they were drawing retirement pay from the U.S. military.

If someone is injured, for example, in combat, they are eligible for a disability pension. If they have military service for 20 or 30 years, they are eligible for retirement. But under a quirk in the law that has been around for 109 years—let's assume the disability is $200 a month, and the retirement is $500 a month—the person who has been injured in combat must either waive his entire disability or take $200 from retirement to receive the $200 of disability.

To say the least, this is certainly not an incentive for someone to stay in the military, in addition to its basic unfairness. For example, someone can retire from the Forest Service or the Department of Energy or the Department of Treasury —any executive office—and have a disability from the military. They could draw both retirements. But if you retire from the military, you can't. Certainly this is a nonincentive to stay in the military.

If an individual leaves the military and begins a career in the executive branch, that person may receive both entitlements, but not if they choose to serve our country in the U.S. military.

It seems unusual to me at a time when the military is having difficulty retaining personnel. This is, to say the least, ridiculous. This amendment will encourage improvement and retention for armed services.

This bill has been introduced in its substantive form in this body. There is a similar measure in the House of Representatives that has approximately 250 sponsors.

In effect, this amendment will permit retired members of the armed services who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

The original law was passed in 1891 to prohibit concurrent receipt. It is time we eliminate this unfair law that has been an injustice for 109 years. This law discriminates against military men and women who decide to serve their country as a career, whereas a civil service retiree's pension may be received in its total in addition to the disability from the U.S. military.

Totally unfair.

This discriminates unfairly against disabled career soldiers. In effect, they must pay their own disability as a result of this quirk in the law. Military retirement pay and disability compensation are earned and awarded for entirely different purposes: One is for having served your country for a specific period of time; the other is for having been injured while you were a member of the U.S. military.

Retirement with service disability compensation for injury incurred in the line of duty certainly is deserved. This amendment represents an honest attempt to correct an injustice that existed for far too long. It affects approximately 437,000 disabled military men and women. Each day, this great country of ours loses 1,000 patriots who served as military combatants in World War II. Every day, there are 1,000 deaths of World War II veterans. Each day we delay the passage of this legislation, thousands of men and women are denied their benefits.

Some say this is too expensive. I say no amount of money can equal the sacrifices these military men and women have made. Yesterday, in this Senate, STROM THURMOND, who is approaching 100 years of age, spoke eloquently of his feelings about World War II. Following his statement, Senator DURBIN of Illinois gave a very compelling statement regarding STROM THURMOND. STROM THURMOND is an example of the sacrifices people made in World War II. Even though he was over the age where people would normally go into the armed services, he went into the armed services as a combat military man and, in a glider, went into Europe where he was injured and still suffers some disability from his injuries.

In this Chamber there are many others who sacrificed significantly as a result of World War II: Senator DAN INOUYE, who I am happy to say is going to receive a Congressional Medal of Honor for his valiant service in Italy; Senator FRITZ HOLLINGS served valiantly in World War II; Senator WARNER served toward the end of World War II, as he stated on the floor today. This amendment recognizes the people who served in World War II, the Korean conflict, Vietnam, and the other skirmishes we have had since then. People who have been injured and have service-connected disability who have been able to finish their full term in the U.S. military deserve both benefits. That is what this amendment is all about.

Recently, the Congressional Budget Office reported a budget surplus of about $160 billion. A few of those dollars should be used to take care of this anomaly in the law. The best use of the budget surplus is to support this concurrent receipt legislation. Our veterans earned this. Now is our chance to honor their service to our Nation. It comes a little late for many of these service-connected veterans.

This amendment is supported by veteran service organizations: the Disabled Veterans, the American Legion, and the Paralyzed Veterans of America.

The interesting thing about this law that prevents this concurrent receipt now is that nobody knows why it originally was passed. There is a lot of conjecture. Maybe it was to relate to the fact that we didn't have large standing armies in 1891; maybe it was that only a small portion of what we did have in the military consisted of career soldiers. We don't know. What we know now, 109 years later, is it is unfair. It is unfair that a person who served this country, was discharged honorably, and has a service-connected disability, can't draw both benefits. That is what this amendment does.

The present law discriminates against career military men and women, when you consider when they retire from some other branch of our Government they can draw both benefits.

I respectfully request of the managers of this legislation that this amendment be accepted. I am happy to have a vote, if that is what is required. I think if there were ever an example of where we should send this to the House by unanimous vote, this is it. This is fair. This amendment is supported by many veterans organizations; to name only a few, the Disabled American Veterans, American Legion, and Paralyzed Veterans of America. They and the American public deserve to have this injustice corrected.

I yield the floor.

How much of the 45 minutes have I used?

The PRESIDING OFFICER. The Senator from Nevada used 9 minutes and 20 seconds of the 45 minutes.

Mr. WARNER. Mr. President, the amendment by the distinguished minority whip, the Senator from Nevada, is one I intend, as manager of the bill, to accept because it has in it some provisions we have studied for many years. I think it is important we study it in the context of the conference. I am strongly in favor of a number of the concepts the Senator has raised.

At the appropriate time I will indicate the acceptance of the measure.

Mr. REID. If I could ask the Senator, would it be appropriate, then, if the Senator accepts my amendment, that following accepting this amendment, the Senator from Wisconsin have 12 minutes and the Senator from New Jersey have 10 minutes?

Mr. WARNER. Fine. If I might inquire, for the purpose of addressing the Senate—not for putting in an amendment?

Mr. REID. For debate.

Mr. WARNER. It is 12 minutes and 10 minutes. That falls within the period the Senator has reserved. We will put that in the form of a unanimous consent request.

I thank the Senator for reference to those who served in World War II. I don't want to put myself in any category of the heroism displayed by Senator INOUYE. I was a simple sailor serving in training command, waiting for the invasion of Japan. I always want to be careful.

Mr. REID. I only say to my friend, we are all aware of the work the Senator has done and the love the Senator has for the military, having been one of our Secretaries.

Yesterday was a very moving day, to see our President pro tempore step down here and speak with the strong voice that he has, recognizing the sacrifices made by others. He didn't, of course, mention his own name, but he is an example of what has made our country great.

Mr. WARNER. I thank the Senator for that reference to Senator THURMOND. Indeed, he crossed the beaches in a glider and crashed and was wounded. He got out and took right on his duties.

Also, late last night, Senator CARL LEVIN and I put in an amendment which was accepted, was cosponsored by all the veterans of World War II who are now in the Senate, some eight or nine, and it provided $6 million toward the memorial that is being constructed on The Mall.

Earlier that day, our former distinguished majority leader and colleague, Robert Dole, accepted a $14.5 million contribution. Together with the $6 million of the Senate, and my understanding from Senator Dole, with whom I spoke late last night, that brings within completion the budget they had for design, construction, and otherwise for that memorial.

It was a historic day.

Mr. REID. I ask unanimous consent, following the acceptance of my amendment, the Senator from Wisconsin, Mr. FEINGOLD, be recognized for 12 minutes on general discussion, not to offer an amendment; following that statement, the Senator from New Jersey, Mr. TORRICELLI, be recognized for 10 minutes to speak on an unrelated subject and not to offer an amendment.

Mr. WARNER. Reserving the right to object, and I will not object, I want to advise Senators that was in the timeframe allocated to the distinguished Senator from Nevada for the purpose of his amendment. That is how this time was freed up. Otherwise, Senator LEVIN and I are anxious to keep this bill moving.

Following presentations by two distinguished colleagues, we should proceed, then, to the McCain-Levin amendment on base closure.

Mr. REID. I say to my friend, he is absolutely right. The only reason we are doing it this way is just to make the process a little more orderly.

Mr. WARNER. I understand that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Has my amendment been accepted then?

Mr. WARNER. I urge adoption of the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3198) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE ZIMBABWE DEMOCRACY ACT OF 2000

Mr. FEINGOLD. Mr. President, I rise today to speak in favor of the Zimbabwe Democracy Act of 2000. I am very pleased to join my colleague, Senator FRIST, in cosponsoring this legislation and sending an unambiguous signal to the current government of Zimbabwe that the international community will not passively stand aside while that country's great promise is squandered; the United States will not remain silent while the rule of law is undermined by the very government charged with protecting a legal order; this Congress will not accept the deliberate dismantling of justice and security and stability in Zimbabwe.

Since the ruling party lost the outcome of a February referendum, in which voters rejected a new constitution which would have granted President Robert Mugabe sweeping powers, a terrible campaign of violence has gripped the country. Veterans of Zimbabwe's independence struggle and supporters of the ruling party have invaded a number of farms owned by white Zimbabweans. When the courts ordered the police to evict the invaders, President Mugabe explicitly continued to support the invasions, and called on the police force to ignore the court. Predictably, confusion and violence have ensued, and the rule of law, the basic protections upon which people around the world stake their safety and the safety of their families, has been seriously eroded.

This is not a race war. Let me repeat that—this is not a race war. Race is not the critical issue in Zimbabwe today. And no one need take my word for that. One need only look at the facts on the ground. One need only observe the disturbing frequency with which members of the opposition have been the targets of violence. It is the Movement for Democratic Change, an opposition party that has been rapidly gaining the support of the disillusioned electorate, that is the real target of President Mugabe's campaign. It is the electorate that rejected the ruling party's proposed constitution that is suffering, and this is not unprecedented. In the early 1980s, supporters of a rival political faction were brutally slaughtered in Matabeleland—a dark period in the young country's history for which there is still not a satisfying public account. So we must not be intimidated by the scape-goating of the power-hungry. Once there was a struggle against a terrible system of oppression, grounded in racial discrimination, in the country now called Zimbabwe. But that is not the heart of the matter today.

Nor is this crisis really about land tenure reform, although there is no question at all that land tenure reform is desperately needed and long overdue in Zimbabwe. But the government's past efforts at land reform have too often involved distributing land to key supporters of the ruling party, not the landless and truly needy. Fundamentally, land reform is about improving quality of life for the people of Zimbabwe—something that is utterly undermined by the violent tactics of the ruling party today.

So while this is not about race and it is not, at its core, about land, what this is about is an increasingly discredited President, who, watching his legacy turn increasingly into a source of shame rather than celebration, has hatched a desperate campaign to cling to power, even though this campaign, if successful, would render him the leader of an utterly broken country. Runaway government spending has led to high inflation and unemployment. Corruption infects the state. And, at this time of economic strain and hardship, the Government of Zimbabwe is spending over $1.5 million a month on its participation in the Congo conflict.

The Zimbabwe Democracy Act indicates that the U.S. will have no part of the terrible campaign of violence now compounding Zimbabwe's troubles. The bill suspends U.S. assistance to Zimbabwe while carving out important exceptions—humanitarian relief, food or medical assistance provided to nongovernmental organizations for humanitarian purposes, programs which support democratic governance and the rule of law, and technical assistance relating to ongoing land reform programs outside the auspices of the government of Zimbabwe. And it articulates clear conditions for ending this suspension of assistance—including a return to the rule of law, free and fair parliamentary and presidential elections, and a demonstrated commitment on the part of the Government of Zimbabwe to an equitable, legal, and transparent land reform program.

The bill also offers assistance to the remarkable forces working within Zimbabwe in support of the rule of law, in support of democracy, and in support of basic human rights for all of Zimbabwe's citizens. It establishes a fund to finance the legal expenses for individuals and institutions challenging restrictions on free speech in Zimbabwe, where the latest campaign has also included a media crackdown. The fund would also support individuals and democratic institutions who have accrued costs or penalties in the pursuit of elective office or democratic reform.

I had the chance to be in Zimbabwe in December, and I do not believe that I have ever encountered a more dynamic, committed, and genuinely inspiring group of civil society leaders than the group I met in Harare a few months ago. These forces must not be abandoned in Zimbabwe's time of crisis.

And, very responsibly, this legislation recognizes that Zimbabwe will need the assistance of the international community when it seeks to rebuild once the crisis has passed. It authorizes support for ongoing, legally governed land tenure reforms, and authorizes an innovative approach to facilitating the development of commercial projects in Zimbabwe and the region.

I urge my colleagues to support this legislation, and I commend Senator FRIST and his staff for their efforts on this matter. Right now a country of great promise and a people of tremendous potential are enduring a terrible campaign of lawlessness and oppression. Right now, one of the most important states on the African continent, economically and politically, is in crisis. To write off Zimbabwe, to lose this opportunity to speak and act on the matter, would be a terrible mistake.

States descend into utter chaos in stages. Let us move to arrest Zimbabwe's descent today, not next year, when the problems will be more complex and more deeply entrenched, and not after 5 years of crisis, when Afro-pessimists will undoubtedly ignore the country's proud history and cynically assert that Zimbabwe cannot be salvaged. Let us be far-sighted, let us act now, pass this legislation, and stand firmly behind the forces of law, of democracy, and of justice in Zimbabwe.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

CAMPAIGN FINANCE REFORM

Mr. TORRICELLI. Mr. President, this Senate has been engaged in more than a decade of discussion about reforming the campaign finance system in the United States. Indeed, the Senate has not only debated the issue but has focused attention on McCain-Feingold, attention that brought about a national debate about how to change this system. The Senate may be on the verge of yet another discussion in the coming days.

I take the floor today because, while I praise Senator McCAIN and Senator FEINGOLD and, indeed, once again pledge my vote for their reform legislation, I believe it is a disservice for the Senate to believe there are no other contributions that can be made to solving the campaign finance dilemma.

McCain-Feingold, and the former comprehensive legislation, would be the best answer. It is not the only answer. There are a variety of very real problems to enacting this legislation that begin with legitimate constitutional problems, decisions by the Federal courts, legitimate differences on philosophical questions about how to conduct elections in America, and some real political problems. The reality is that whether I believe in McCain-Feingold or not, whether the entire Democratic caucus votes for it or not, it is not going to be enacted. That leads many to believe that simply, then, nothing will happen; there can be no change because there are not enough votes.

I believe that is not necessary, that does not have to be the final word.

Yesterday's primary election in the State of New Jersey, now setting a record of $31 million in expenditures in a single partisan primary, again focuses the Nation on the problem. Our campaign finance laws in the United States are recognized in the breach. There is no national governing system of campaign finance laws. They are misunderstood, violated, contradictory, and incomplete. Regrettably, there is a failure to look at the contributions that others can make and the alternatives that exist in law given the current deadlock in this Senate acting on campaign finance.

Indeed, to listen to the network anchors each evening—Mr. Rather, Mr. Brokaw, and Mr. Jennings—one would believe there are no other answers; this is simply a case of political candidates raising as much as can be raised in a complete vacuum of other considerations.

I believe that until this Congress acts and there is a majority for campaign finance reform, there are things that others can do and, indeed, it begins with the media itself. The costs of these campaigns are staggering, but I have never met a candidate for political office who wanted to raise money beyond what was actually required to win the race. It is not only a question of how much is being raised; it is how much the campaigns cost.

As my friend, MITCH McCONNELL, has pointed out on a variety of occasions, America is not suffering from too much political discussion. There is not too much debate. Campaigns are simply too expensive. That begins with an analysis of where the money is going.

In New York City today, a 30-second prime time advertisement can cost $50,000. In Chicago, the same advertisement is $20,000. A 30-second ad on the late news in New York is $6,000; in Chicago, $4,500. The effect of this is obvious.

Year in and year out, the networks charge more money for the same advertisements for the use of the public airwaves, and an endless spiral of costs is driving campaign fundraising in America. Indeed, the same network anchors who rail against campaign fundraising almost every night are the principal beneficiaries of the campaign fundraiser. I do not know any candidate in America who wants to raise this money voluntarily if they had a choice. There is no other means of communicating with the American people but to buy network television advertising, and I have never seen the cost of advertising go down.

The New York Times estimates that the 2000 elections in the United States will cost $3 billion. That is a 50-percent increase over 1996. Mr. President, $600 million of that advertising, or 20 percent, will be spent directly on network television advertising. That is a 40-percent increase over what the networks absorbed only 4 years ago.

Isolating the Presidential campaign in 1996, President Clinton and Senator Dole spent $113 million on television ads. Half of all the money they spent went to network television. This is done for a reason. It is not only the spiraling cost of network advertising far beyond the rate of inflation; far beyond the rate of increase of the cost of anything else in political campaigns is the networks themselves. They are the principal generating force in the rising cost of campaign finance.

They are part of the problem not in one dimension but in two. From Labor Day through election day in 1998, ABC, CBS, and NBC aired 73 percent fewer election stories than they did in the same period in 1994. The amount of advertising is going up and the cost is going up because candidates' ability to communicate with the American people through legitimate news stories is going down. It is not going down marginally; it is not going down significantly; it is going down overwhelmingly. There is a 73 percent reduction in the amount of legitimate news stories aired over the public airwaves to inform the American electorate.

What, Mr. Rather, Mr. Jennings, and Mr. Brokaw, are candidates for elective office in the Democratic and Republican Parties to do? The amount of legitimate free news stories to inform the electorate is in a state of collapse. The number of Americans reading newspapers is declining. There is a similar reduction in the amount of newsprint for legitimate news stories, and your rates are skyrocketing.

The result is clear: Costs of campaigns are soaring. Indeed, there is a solution. The most obvious solution is we could change the national campaign finance laws. For constitutional reasons, philosophical reasons, and political reasons I have suggested, that is not about to happen. I suggest the networks, therefore, look at themselves and their own ability unilaterally to reduce the cost of advertising on the public airwaves. After all, the public airwaves are not their own province. It is not something for which they paid and own exclusively. These are the public airwaves, licensed to ABC, CBS, and NBC, with a public responsibility to the American people, a responsibility they do not meet.

No other democracy in the Western world allows private corporations to use the public airwaves exclusively for their own benefit charging candidates for national office what approach commercial rates to communicate with the people themselves. Use the people's airwaves, charge exorbitant rates to candidates for public office to communicate in a national election—it would not happen in Canada, and it does not happen in Britain, Germany, Italy, or France. It happens nowhere, but it happens here.

While we wait for this Congress to act, I challenge the network executives: Be part of the solution, not the principal cause of the problem. Act unilaterally until this Congress can act. But they do not.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TORRICELLI. Will the Senator from Nevada yield me an additional 5 minutes?

Mr. REID. According to Senator WARNER, we have 45 minutes. We have used 31. That will be appropriate. I ask unanimous consent that the Senator from New Jersey be allowed to speak for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. I thank the Senator for yielding.

One can recognize why the networks are in this extraordinary hypocrisy. They are for campaign finance reform. They are against spending in national political campaigns increasing. Indeed, we all share that concern, but they are also the principal beneficiaries.

In 1998, automotive ads were 25 percent of all national advertising. Retail sales were 15 percent. Political advertising was 10 percent of all revenues. They are offended at the cost of national political campaigns, but it is the third largest source of their funding.

Similarly, it is not a stable problem. Political ads are a rapidly rising, indeed, the largest increasing, source of network revenues, from 3 percent in 1990 to approaching 10 percent of all network revenues in the year 2000. What an extraordinary hypocrisy.

But it gets worse. They are for campaign finance reform, but they want the advertising revenues. What could be worse? The National Association of Broadcasters last year spent $260,000 in PAC money and soft money, often supporting candidates who are against campaign finance reform, and hundreds of thousands of dollars lobbying to protect their right to use the public airwaves at retail costs for people who need to communicate with the American electorate.

I applaud Senator McCAIN and Senator FEINGOLD for coming to this floor and fighting for campaign finance reform. I applaud my colleagues who have the courage to stand for it and fight for it. I always will. But changing the American political system in America to reduce money in the equation is not our fight; it is everybody's fight.

I could understand it if the networks were to be neutral, but to engage in this headlong daily criticism of the process while they profit by it is inexcusable.

My friends in the networks, join the fight. Help us reform the system. Lead by example. Reduce the costs of the public airwaves for the public good. Allow candidates to communicate ideas without exorbitant costs. And meet your public responsibilities by dedicating more—not less—time to discussions of the issues. Make that a legitimate discussion of real choices before the American people—not horse races, an accounting simply of expenditures in races. Be positive, be responsible, and be part of the process of change.

Mr. President, I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAMS). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

Mr. WARNER. Mr. President, I express my gratitude to the distinguished ranking member and to the distinguished minority whip.

We are endeavoring to ascertain the remainder of the amendments that could be brought before the Senate in connection with this bill. There are strong initiatives on this side. We are going to put out a hotline on our side. We are urging Senators to contact the respective cloakrooms and to indicate—in the event they have a desire to have a matter covered on this bill by amendment—their desire to speak in relation to this bill or other procedural steps so that we can try to project the conclusion for this bill. We hope by 6 o'clock tonight is to get a unanimous consent request to lay down a list of amendments to be considered for the remainder of time on this bill.

Mr. LEVIN. Mr. President, I support the request for our colleagues to contact the cloakrooms about their intentions relative to amendments and speaking on the bill. It will help us to organize the rest of the time we will need on the bill.

I particularly thank Senator REID. He has been working hard on our side. I know that kind of effort is being made also on the Republican side to see if we cannot come up with a finite list at the end of the day of amendments that Members intend to offer.

Mr. REID. Mr. President, I think we have made progress. Sometimes it has been painfully slow. But this is a very big and important bill. We have a number of Senators on the minority side who expressed their desire to offer some amendments. We have a hotline going out from our cloakroom asking that we try to develop a finite list of amendments. Once that is done, we will be in a better position to determine approximately how long it will take to complete this bill.

I should say to both managers of this bill that the minority is desirous of having this bill completed as quickly as possible.

As the managers of this bill know, in the past this bill has taken a long time. We are going to try to move it more quickly than in the past. But we still have a lot of amendments. But by the end of the day, I hope we will be in some kind of position to indicate to the managers of the bill how many amendments we have on this side. We hope the majority will tell us how many amendments they have.

Mr. WARNER. Mr. President, I certainly appreciate the expression from our distinguished leader on the minority that it is the minority's desire to move this bill to completion. That is very reassuring.

Mr. REID. Mr. President, we have a pending unanimous consent request. We are not in a position at this time to agree to that. We are getting very close. As soon as that is possible, we will notify the manager of the bill and enter into that unanimous consent agreement to take care of some things tomorrow.

Mr. WARNER. Mr. President, I assure our distinguished leadership on this side that Senator LOTT, I, and others believe very strongly that this bill is essential for the United States and essential for the men and women in the Armed Forces. I think considerable bipartisanship has prevailed up to this moment. I hope it continues and we can complete this bill.

Mr. LEVIN. Mr. President, my staff just handed me some interesting statistics, since we have a moment. Over the last 10 years, we have averaged 5½ days on the Defense authorization bill and 116 amendments, on average. We are actually doing pretty well. We are making some progress. We may beat the average even. We never know.

Mr. REID. Especially considering the fact that we didn't start this bill until late yesterday afternoon. We have only been on this bill a little more than one day.

Mr. WARNER. Mr. President, a hotline will be going out to both cloakrooms. I thank my colleagues. We are still awaiting the arrival of Senator MCCAIN, at which time we will proceed to the McCain-Levin amendment, which is described in detail in the unanimous consent request.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3197

(Purpose: To authorize additional rounds of base closures and realignments under the Defense Base Closure and Realignment Act of 1990 and 2003 and 2005)

Mr. MCCAIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Arizona (Mr. MCCAIN), for himself and Mr. LEVIN, Mr. ROBB, Mr. VOINOVICH, Mr. REED, Mr. DEWINE, and Mr. WYDEN, proposes an amendment numbered 3197.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 530, after line 21, add the following:

SEC. 2822. AUTHORITY TO CARRY OUT BASE CLOSURE ROUNDS IN 2003 AND 2005.

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Subsection (c)(1) of section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking "and" at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting a semicolon; and

(iii) by adding at the end the following new clauses (iv) and (v):

"(iv) by no later than January 24, 2003, in the case of members of the Commission whose terms will expire at the end of the first session of the 108th Congress; and

"(v) by no later than March 15, 2005, in the case of members of the Commission whose terms will expire at the end of the first session of the 109th Congress."; and

(B) in subparagraph (C), by striking "or for 1995 in clause (iii) of such subparagraph" and inserting ", for 1995 in clause (iii) of that subparagraph, for 2003 in clause (iv) of that subparagraph, or for 2005 in clause (v) of that subparagraph".

(2) MEETINGS.—Subsection (e) of that section is amended by striking "and 1995" and inserting "1995, 2003, and 2005".

(3) STAFF.—Subsection (i)(6) of that section is amended in the matter preceding subparagraph (A) by striking "and 1994" and inserting ", 1994, and 2004".

(4) FUNDING.—Subsection (k) of that section is amended by adding at the end the following new paragraph (4):

"(4) If no funds are appropriated to the Commission by the end of the second session of the 107th Congress for the activities of the Commission in 2003 or 2005, the Secretary may transfer to the Commission for purposes of its activities under this part in either of those years such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.".

(5) TERMINATION.—Subsection (l) of that section is amended by striking "December 31, 1995" and inserting "December 31, 2005".

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Subsection (a)(1) of section 2903 of that Act is amended by striking "and 1996," and inserting "1996, 2004, and 2006,".

(2) SELECTION CRITERIA.—Subsection (b) of such section 2903 is amended—

(A) in paragraph (1), by inserting "and by no later than December 31, 2001, for purposes of activities of the Commission under this part in 2003 and 2005," after "December 31, 1990,";

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting "and by no later than February 15, 2002, for purposes of activities of the Commission under this part in 2003 and 2005," after "February 15, 1991,"; and

(ii) in the second sentence, by inserting ", or enacted on or before March 31, 2002, in the case of criteria published and transmitted under the preceding sentence in 2001" after "March 15, 1991"; and

(C) by adding at the end a new paragraph:

"(3) Any selection criteria proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of a military installation shall be based on the total cost and savings to the Federal Government that would result from the proposed closure or realignment of such military installation.".

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Subsection (c) of such section 2903 is amended—

(A) in paragraph (1), by striking "and March 1, 1995," and inserting "March 1, 1995, March 14, 2003, and May 16, 2005,";

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(C) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) In making recommendations to the Commission under this subsection in any year after 1999, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

"(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

"(C) The recommendations made by the Secretary under this subsection in any year after 1999 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result."; and

(D) in paragraph (7), as so redesignated—

(i) in the first sentence, by striking "paragraph (5)(B)" and inserting "paragraph (6)(B)"; and

(ii) in the second sentence, by striking "24 hours" and inserting "48 hours".

(4) COMMISSION REVIEW AND RECOMMENDATIONS.—Subsection (d) of such section 2903 is amended—

(A) in paragraph (2)(A), by inserting "or by no later than July 7 in the case of recommendations in 2003, or no later than September 8 in the case of recommendations in 2005," after "pursuant to subsection (c),";

(B) in paragraph (4), by inserting "or after July 7 in the case of recommendations in 2003, or after September 8 in the case of recommendations in 2005," after "under this subsection,"; and

(C) in paragraph (5)(B), by inserting "or by no later than June 7 in the case of such recommendations in 2003 and 2005," after "such recommendations,".

(5) REVIEW BY PRESIDENT.—Subsection (e) of such section 2903 is amended—

(A) in paragraph (1), by inserting "or by no later than July 22 in the case of recommendations in 2003, or no later than September 23 in the case of recommendations in 2005," after "under subsection (d),";

(B) in the second sentence of paragraph (3), by inserting "or by no later than August 18 in the case of 2003, or no later than October 20 in the case of 2005," after "the year concerned,"; and

(C) in paragraph (5), by inserting "or by September 3 in the case of recommendations in 2003, or November 7 in the case of recommendations in 2005," after "under this part,".

(c) CLOSURE AND REALIGNMENT OF INSTALLATIONS.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in each such report after 1999 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined to be the most-cost effective method of implementation of the recommendation;".

(d) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909(a) of that Act is amended by striking "December 31, 1995," and inserting "December 31, 2005,".

(e) TECHNICAL AND CLARIFYING AMENDMENTS.—

(1) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(ii)(I) of that Act is amended by striking "that date" and inserting "the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)".

(2) OTHER CLARIFYING AMENDMENTS.—

(A) That Act is further amended by inserting "or realignment" after "closure" each place it appears in the following provisions:

(i) Section 2905(b)(3).
(ii) Section 2905(b)(5).
(iii) Section 2905(b)(7)(B)(iv).
(iv) Section 2905(b)(7)(N).
(v) Section 2910(10)(B).

(B) That Act is further amended by inserting "or realigned" after "closed" each place in appears in the following provisions:

(i) Section 2905(b)(3)(C)(ii).
(ii) Section 2905(b)(3)(D).
(iii) Section 2905(b)(3)(E).
(iv) Section 2905(b)(4)(A).
(v) Section 2905(b)(5)(A).
(vi) Section 2910(9).
(vii) Section 2910(10).

(C) Section 2905(e)(1)(B) of that Act is amended by inserting ", or realigned or to be realigned," after "closed or to be closed".

Mr. McCAIN. Mr. President, the amendment I propose today is one which we have attempted on several occasions in the past. It authorizes two rounds of U.S. military installation realignments and closures to occur in the years 2003 and 2005—in other words, BRAC, or Base Realignment and Closure.

I am pleased to join Senators LEVIN, ROBB, VOINOVICH, REED, DEWINE, and WYDEN as cosponsors.

We have heard for the last several years of the severe problems that exist in the military. We addressed one of those problems, food stamps, earlier in the proceedings on this legislation. We have heard in the Senate Armed Services Committee repeated testimony of plunging readiness and modernization programs that are decades behind schedule and quality-of-life deficiencies so great that we can't retain or recruit quality personnel necessary to defend this Nation's vital national security interests.

Statistics are sometimes numbing but sometimes interesting also. The Air Force will be 2,000 pilots short by the end of next year, the Navy SEALS are losing two-thirds of their officer corps, and the Army is struggling to retain its captains. In the last few weeks, there was a well publicized study conducted by the Army which shows an unprecedented exodus of Army officers at the rank of captain from the U.S. Army.

The consequences of losing the majority of your junior officers at that rank are indeed disturbing and even alarming. Equipment is falling in disrepair. The Marine Corps spends more time fixing broken equipment than it does training on it. And the Air Force is discovering that its F–16 fleet is only safe to fly for 75 percent of its original planned service life. The Army is in need of new engines for its entire M–1 tank fleet.

Modernization of our military equipment has all but ceased for the very large and risky programs such as the Joint Strike Fighter, Comanche helicopter, and excessively expensive ship and submarine programs of questionable design and questionable requirement.

There is no doubt that many of the woes of our military can be addressed in areas other than the budget, but more judicious use of the military by the national command authority and reduced operational tempo will help with personnel retention.

Any person in the military will tell you today that our military personnel, both active duty as well as Guard and Reserve forces, are being deployed all too frequently at the expense of their lifestyles, their family lives, and ultimately their desires to continue to serve the country in the uniform of the military.

Streamlined training and greater attention to exercise management will result in less strain on our service members and their equipment. But ultimately we must pay for the last 7 years of chronic underfunding of our military. Finding these dollars at a time when we must also carefully attend to the health of our Social Security system and other much needed social benefits will be absolutely difficult.

It is against this backdrop that we should acknowledge the absolute requirement to close unneeded military bases. The armed services is carrying the burden of managing and paying for an estimated 23-percent excess infrastructure costing at least $3.6 billion a year. Let me point out again, Mr. President, keeping these bases open is not without significant cost. In fact, about $3.6 billion every year could be saved when these unnecessary bases are ultimately closed.

By the year 2003, these costs will grow to a total of over $25 billion. If Congress allows the military to streamline its infrastructure, these costs can be realized as real savings that can be used to address the military's readiness shortfalls. Many have heard strong testimony supporting further BRAC rounds from the service chiefs, all the service Secretaries, and the Secretary of Defense. Potential savings are dramatic. The savings in 1 year alone would more than pay for the proposed personnel pay benefits—including health care, buy over 36 new F–22 strike fighters for the Air Force, fully fund our Nation's ballistic missile defense program, or pay for 75 percent of the next generation aircraft carriers.

Savings over the next 4 years are conservatively estimated to reach $25 billion. The annual net savings from previous BRAC rounds have grown from $3 billion in 1998 to $5.6 billion to $7 billion a year by 2001. That is an important statistic because so many of the opponents of a base-closing round argue that money is not only not saved but spent because of the cleanup costs that are associated with base closings.

There are two points to be made. One is that these cleanups, although lengthy and difficult sometimes, depending on the type of operations that took place on that military base, have now been completed to a large degree, and the money is being saved. As I mentioned, between $5.6 to $7 billion will be saved next year. Also, it should disturb us if these bases are not cleaned up anyway, whether they are open or closed. It is an expense that probably will continue to grow. To say that we shouldn't close bases because of the cleanup costs then, I guess, using a certain logic, would mean we would want areas that are hazardous to ourselves and our children's health to remain unaddressed.

These savings are, as I said, real. They are coming sooner and they are greater than anticipated.

The GAO recently noted that in most communities where bases were closed, incomes were actually rising faster and unemployment rates were lower than the national average. In my own home State of Arizona there was great wailing and gnashing of teeth as Williams Air Force Base appeared on the base-closing list several years ago. It is now called Williams Gateway Airport and it is generating sizably more revenue for the community and the State of Arizona than it was when it was a military installation. That is true at bases throughout the Nation.

There is a provision in this bill that allows for the no-cost transfer of property from the military to the community in areas affected by closures. This amendment authorizes two additional rounds of base closure in 2003 and 2005. The amendment is similar to that introduced last year except the rounds are 2003 and 2005 instead of 2001 and 2003. Why did we change the date from 2001, which would then obviously mean it would take action well into the next administration? Due to the justifiable mistrust, particularly on this side of the aisle, about this President's nonpoliticization of the process. There are credible arguments that the last base-closing round, as far as Kelly Air Force Base in Texas and McClellan up in Sacramento, were politicized.

Last year, when Senator LEVIN and I and others brought this amendment up, the distinguished chairman of the committee said: There will be immediately "acting" in the bowels of the Pentagon to somehow politicize this process. I say to my friend from Virginia, the distinguished chairman of the committee, they won't be acting in the bowels of the Pentagon, at least until the year 2003, under this proposal.

So we are talking about an evolution that would not take place. The round would not take place for 3 years, 3 years from now, and then obviously those recommendations would not be implemented until beginning with the final determination of the base-closing commission and approval by the President and the Congress.

Additionally, under this proposed legislation, privatization in place would be permitted only when explicitly recommended by the Commission, which I hope would prevent a recurrence of the kind of machinations, whether legitimate or not, that were conducted by the present administration, which has caused so much skepticism about the results of the last Base Closure Commission.

Finally, the Secretary of Defense must consider the total cost the final base closure rounds have on the Government, not just cost or savings to the Department of Defense. We can continue to maintain a military infrastructure that we don't need or we can provide the necessary funds to ensure our military can fight and win future wars. Our men and women are deployed and continuing to train and prepare for upcoming deployments, many to active combat regions. They are undermined, increasingly short on critical weapon systems, and are struggling to overcome a multitude of readiness deficiencies.

Recently, one of the Army divisions was declared in the lowest category of readiness. It struck home to a lot of us in this body who happen to still revere the great and wonderful Senator from Kansas, Mr. Dole, who was our majority leader, who served and sacrificed in the famous 10th Mountain Division. He, among others, was surprised when a division with that glorious and wonderful history was declared, for all intents and purposes, unfit to be deployed into a combat situation.

The cost associated with maintaining excess infrastructure represents real money that is not available for essential programs and for alleviating real defense programs.

Earlier this year, the Armed Services Committee met to discuss the need to add critical funds to the defense account for much needed modernization projects. I was amazed that although there were arguments for the need for increased defense spending, no one could see that critical defense reforms such as further BRAC rounds were required. These rounds could provide long-term funding for modernization and readiness programs without risking other key programs.

We must finish the job we started by authorizing a new round of base closures. I urge my colleagues to join in support of this amendment and work diligently to put aside politics for what is clearly in the best interests of our military forces in our Nation.

We had kind of an unusual occurrence last year in that the Joint Chiefs of Staff, in what was deemed by most observers as a rather unusual move, they testified before the Senate Armed Services Committee that they had significant shortfalls in funding.

The committee asked for detailed responses as to what were those shortfalls in funding. The Army came up with some $5.5 billion in unfunded requirements they thought were necessary. This comes from the uniformed heads of the services. The Army needed $5.5 billion for programs ranging from Longbow Apache to night vision goggles, to UH-60 Blackhawk procurement. The list is very detailed and very long: The Navy needed about $5.8 billion; the Marine Corps needed $1.6 billion; the Air Force needed $3.5 billion; the Special Operations Command needed $260 million; the Army National Guard needed $800 million; and the Air National Guard came in with a requirement for $2.4 billion.

We are taking strides to improve funding for our military. But when you add all of this up, it comes to a very significant amount of money, about $20 billion, that the military chiefs have submitted in written testimony to the Congress as to the needs of the individual services.

I have to be sort of candid. I am not sure we are going to come up with $20 billion that the services need. We are increasing funding, and that is the first time in some years. But I do not see that in the realm of this $20 billion, when you look at the additional costs which are already basically there without us being able to do anything about it—first, the funding for the new fighter aircraft, funding for the additional ships, planes, tanks, et cetera, that will be necessary to replace existing aging equipment and modernize our armed forces.

So here is $20 billion the chiefs say they need. I do not see a huge increase of that size, frankly, in the future, as far as the Congress is concerned, nor, at least under this administration, do I see that sizable additional request.

Obviously, as I pointed out earlier, it would be a savings of some $25 billion over a period of the next 4 years. The savings are conservatively estimated to reach about $25 billion. I do not want to have any of my colleagues be misled. That would be the case if we had a base-closing commission that declared its decisions today. But if the base-closing commission, in the year 2003, made its decisions, we could save over the following 4 years some $25 billion. I want to make it clear.

Yes, there will be initial costs for cleanup of these bases. That is a sad fact—and at that time an unexpected—experience that we had. But I also argue, with the perspective of time, we have found there is now, as a result of the earlier base closings, annual net savings which are growing from $3 billion in 1998 to $5.7 to $7 billion per year by next year.

I would be distressed if Yuma Marine Corps Air Station in Yuma were on the base-closing list. I would be distressed if Luke Air Force Base in Phoenix were on the base-closing list. I would be distressed if Davis Mountain Air Force Base in Tucson were on the base-closing list. I see my friend from Nevada here, one of the cosponsors of this amendment. I am sure he would be deeply distressed if Nellis Air Force Base in Reno were on the base-closing list. There is not, I believe, a Senator or very few Senators who would not feel the impact of a base-closing commission.

But I challenge the opponents of this amendment to find me one—I say one—credible military expert who resides outside of the Congress of the United States who will not say that we need to have a base-closing commission to decide on the elimination of unneeded infrastructure in the reform of bases that the military does not need.

I ask any of us to pick up the phone and call up Gen. Colin Powell; call up Gen. Norman Schwarzkopf; call up Cap Weinberger; call up Dick Cheney; call up Zbigniew Brzezinski; Call up anyone, anyone today, who is a person who has credentials as far as military readiness is concerned, and I think you would be hard pressed to find anything but the overwhelming majority—perhaps not totally but the overwhelming majority of opinion on this issue by credible military experts is that we have excess infrastructure in the form of too many bases which we do not need and which should be closed in order to use those funds for badly needed military requirements.

I apologize to this body, to keep going back to the plight of the service men and women in the military today. But we do have service men and women in the military on food stamps. We do have service men and women in the military in my own State residing in barracks that were built during World War II. We do have service men and women in the Marine Corps who are, for example, retreading military vehicle tires so they can get additional money in order to have ammunition with which to practice.

The stories go on and on.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. McCAIN. I will be glad to yield to the distinguished chairman at any time, including now.

Mr. WARNER. At an appropriate time.

Mr. McCAIN. Please go ahead.

Mr. WARNER. Since he and I joined together several years ago on a piece of legislation to initiate the BRAC process—you remember that, and I will not go into the chronology—I share with the Senator appreciation of the need for an assessment of our base structure. That should be made in the context of the demands of the armed services. There is no one—you just had an amendment that succeeded overwhelmingly in the Senate on food stamps. You begin to address these problems. I commend my old friend and colleague.

This comes to my mind. There is no one who is a stronger fighter for the prerogatives of the President of the United States. You fought hard here recently on an amendment which I had with Senator BYRD. I think you took the line we could be strapping the President of the United States.

Factually speaking, with no criticism towards President Clinton, there will be an election in this country and a new President elected in a few months. He will take office. Should we not accord him the courtesy to address this question, address it in the context of the needs that you have stated, address it in the context of a QDR, his own analysis of the military structure of the United States? Address it in the context of what his direction will likely be with respect to the Armed Forces of the United States?

My colleague, above all, and I are strong supporters of one particular candidate. He has spoken out very forcefully on the need to further strengthen our military. I think if we were to start the process now, it could in some ways impede or indeed thwart the next President's, what I consider, complete freedom to look at this issue.

My colleague was right. He was talking about the $20 billion this could possibly generate. He was correct in assessing the needs of the Chairman of the Joint Chiefs of Staff and others. Just moments ago we missed by a few votes a $90 billion program for retirement, which was tough for those who had to go against it, but we had to resist that.

I am suggesting: What is the reason we should start now versus just allow the next President to frame this legislation in terms of his own needs and aspirations?

Mr. McCAIN. Again, I thank the chairman for his leadership and the courage he has displayed on a number of occasions on a number of issues.

First, I respond to my friend from a practical standpoint. This amendment authorizes a base-closing commission. The President of the United States does not have to appoint the Commissioners and the President of the United States can reject the findings of the Commission. So I do not believe we are forcing the next President of the United States in that respect.

My second point is, it is well known the advisers, at least to the party on this side of the aisle, to the person we believe will be the next President of the United States—George Shultz, Brent Scowcroft, Condolleeza Rice, Colin Powell, Robert Zoellick——

Mr. WARNER. And I suggest yourself.

Mr. McCAIN. Addressing every one of those individuals, if the chairman and I picked up the telephone and said, "Do you think we should have a base-closing commission?" they would say yes. They would say yes.

I argue, even though I understand and appreciate and sympathize with the position of our nominee for President of the United States not to interfere too much with what goes on in the Congress, I believe he would be very supportive as well.

On the other side of the aisle, if it should occur that the nominee from the other side of the aisle were elected President of the United States, the fact is very well known the Vice President of the United States supports a base-closing commission as well and has voted on this floor for the appointment of a base-closing commission.

By the way, I want the record to be very clear that I have the greatest respect and friendship for the Vice President of the United States.

It is the decision of the people of this country who will be the next President of the United States. I had respect for the Vice President and his involvement in military issues when he and I served together, as we did, in the Senate.

Mr. WARNER. Mr. President, he served on our committee with the Vice President.

Mr. McCAIN. The Vice President of the United States, who is the nominee of the other party on the other side of the aisle, is also supportive of and would support a base-closing commission. I believe whoever will be President of the United States supports at this time authorizing further base-closing commissions. I believe the advisers to both individuals also support a base-closing commission, and if that commission were authorized, it still would not require the next President of the United States to act even in the appointment of commissioners, much less accepting the recommendations of that commission. I yield to the Senator from Virginia, if he has any additional comments.

Mr. WARNER. No, I think Senator McCAIN answered my question. We both made our points. Mr. President, the time that I consumed will be chargeable to those in opposition to the McCain amendment. I shall eventually vote in opposition to the McCain-Levin amendment.

Mr. McCAIN. Mr. President, I simply conclude by saying I hope we can authorize this. It is important, not only because of the money we save which is critical for defense, but we as a body should understand that it does not enhance our reputation about our concerns about the needs of the military when we refuse to take what is a very logical step, and that is to approve a base closure commission which would make recommendations which could be either accepted or rejected by the President of the United States and rejected by this body if this body, in its wisdom, decided those recommendations were invalid.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, will the Senator from Arizona yield me 10 minutes?

Mr. McCAIN. Mr. President, I yield to the Senator from Michigan whatever time he uses.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, once again, it is necessary for Senator McCAIN and I and a number of colleagues he has specified to make an effort to authorize an additional two rounds of base closings. On this issue, the Congress simply can run but it cannot hide.

Every time we speak about the need for additional resources, be it for health care in the military for retirees or active duty people, whether it is for modern equipment, whether it is for a reasonable, decent cost-of-living allowance or a pay increase for our active duty people, whatever it is we talk about as being needed in our military, it seems to me to be a little bit hollow if we are not willing to make the savings that clearly are essential and can be made and are requested by our uniform military to help pay for those additional expenditures. We can run but we simply cannot hide from our responsibilities in this area.

The amendment would implement the recommendation of the Quadrennial Defense Review. We have heard a lot about Quadrennial Defense Review today and how important it is that review take place, and it is important. The recommendation of the Quadrennial Defense Review was that we have additional rounds of base closings. The National Defense Panel recommended additional rounds of base closings. The Joint Chiefs of Staff have recommended additional rounds of base closings. The Secretary of Defense has made the same recommendation.

The way to respond to the need for resources for our military is to eliminate the expenditures which are not essential.

This amendment would authorize two base-closure rounds: one in 2003 and one in 2005. The first round would take place well into the next administration. The second round would take place in the administration after that.

The amendment Senator McCAIN and I and others are offering would follow the base-closure process that was used previously in 1991, 1993, and 1995, with three main exceptions: First, because 2005—which is the second round under this amendment—will be the first year of a new administration, the schedule in 2005, which again would be the second round, would start and end about 2 months behind the schedule that would be used in 2003. The 2003 schedule would basically mirror the 1995 schedule, except that it would start and end about 2 weeks later than in 1995. We include a 2-month slip in the timetable of the whole process in 2005 to allow a new administration time to decide whether they want to have a base-closure process and to make its appointments to the commission.

As our friend from Arizona pointed out, this process we would authorize is simply that—we authorize the process. The President would decide whether or not to trigger the process by the appointments of the members of the base-closing commission and then would have a fail-safe mechanism to reject the recommendations of the commission.

The second exception to the general rules that were followed in the last rounds' process is this amendment also includes the language to address the problem of privatization in place for future BRAC rounds. It would allow the Secretary of Defense to privatize in place the workload of a closing military installation only when it is specifically recommended by the Base Closure Commission. That would address the issue which has been raised about the previous round when some thought that round was politicized when there was privatization in place, which was allowed. This cures that problem by saying no privatization in place unless the Base Closure Commission itself specifically recommends that course of action.

The third main difference between this and the previous rounds is that this amendment specifies we look at the costs and savings not just of the one agency but total costs and savings to the Federal Government. That is important so that we do not simply save money in one Federal Government pocket but cost money in another Federal Government pocket; that we look at the costs and the savings to the entire Government from a proposed closing when these recommendations are made and not just to the Department of Defense.

In 1997, the Congress mandated there be a report on base closures. Secretary Cohen, in compliance with that, issued a report in April of 1998. That report, which we insisted on, contains a convincing analysis of 1,800 pages of detailed backup material. It is responsive to those who said last year that we needed a thorough analysis before we could reach a decision on the need for more base closures.

What that report reaffirms is that the Department of Defense simply has more bases than it needs. Since 1989, we have reduced the total active duty military end strength by one-third, but even after four base-closure rounds, DOD's base structure in the United States has been reduced by only 21 percent. We have a disconnect. We have too much structure. There are too many bases and facilities which are operating which we can no longer afford to operate and which must be consolidated.

Each of us in States that have faced those closures understand the short-term pain involved. We have lost all of our Strategic Air Command bases in Michigan. We understand what is needed in the aftermath to cushion the impact of those so-called realignments, which were closures, of our three SAC bases, but we succeeded. We are on our way back in all three areas.

The Department of Defense is telling us they have 23-percent excess capacity in current base structure. It seems to me we cannot hold our heads up and talk about the need of additional resources for the Department of Defense if we are not willing to close or at least put a process in motion which would fairly recommend the closure of some of this 23-percent excess capacity which the Department of Defense analysis says we have.

Mr. President, in relation to the excess capacity we have in our defense structure, the Department of Defense analysis concludes that we have 23 percent excess capacity in its current base structure. Just a few examples now of that excess capacity which I think are indefensible, again, particularly for those who are urging additional resources in the defense budget.

How do we justify the Army having reduced classroom training personnel by 43 percent while classroom space is only reduced by 7 percent? What we are doing by not allowing additional rounds of BRAC is telling the Army: You have to maintain all that classroom space even though you have no personnel to run it. So the classroom training personnel is reduced 43 percent; classroom space is only 7 percent reduced.

The Navy will have 33 percent more hangars for aircraft than it requires. We are telling the Navy—unless we allow these additional rounds of BRAC—you have to maintain those extra hangars even though you do not have the aircraft or the need for it.

The Air Force has reduced the number of fighters and other aircraft by 53 percent since 1989, while the base structure for those aircraft is 35 percent smaller. So they have to keep 18 percent more base structure than they need because we have been unable to show the political will to allow the military to do what they are pleading with us to allow them to do.

The chiefs come over here, the Secretary of Defense comes over here, year after year, and they say: We need additional rounds of base closures. So far, for the last few years at least, since the last round, we have been unwilling to show that political will to make those savings possible.

The report of Secretary Cohen has demonstrated some significant savings. People say: What about the savings? Can you really demonstrate savings? First of all, it seems to me, there is a commonsense demonstration that if you have four stores and you are making a profit in three, you are going to close one of those stores.

So many of us always tell the Defense Department they ought to emulate the private sector more, to act a little bit more as a business, be a little bit more businesslike, to show some savings in order to make it possible for us to fund some other things needed in the defense budget.

The Department of Defense estimates—these are not ours, these are the Department of Defense estimates—that BRAC, so far, has saved us $14.5 billion net. After 2001, when all of the four BRAC actions must be completed, what we call steady state savings, the savings will be $5.7 billion per year. Those are not our estimates; those are the Department of Defense estimates: $5.7 billion every year saved, starting after 2001, as a result of the four rounds we have had so far.

The CBO and the GAO reviewed the Department of Defense report. So our Budget Office and our General Accounting Office reviewed that report, and they agreed that base closure saves substantial amounts of money.

Based on the savings from the first four BRAC rounds, every year that we delay another base closure round, we deny the Defense Department, the taxpayers, and our Nation's defense about $1.5 billion in annual savings we can never recoup.

Again, I know base closings can be painful. I know that probably as well as anybody because all three SAC bases, as I said, in my home State have been closed, and we are still working hard to overcome the economic blow to those communities. But we are working successfully. There is no question that the BRAC process is the fairest, most open, most objective way to close bases. Without it, we are not going to close bases. That is what history has shown.

Furthermore, in last year's bill we took steps to make the conveyance of BRAC property even easier for local communities. We have taken care of the objectionable part which surfaced last time when there was privatization in place which many thought had not been provided for by the Base Closure Commission but which the administration nonetheless allowed. We have cured that in this bill by saying the next Base Closure Commission must specifically authorize privatization in place for a closed facility or else it cannot occur.

Our forces need quality training. They need precision weapons. They do not need extra military bases. We just simply have higher priorities for our defense dollars than funding bases we no longer need.

As the Senator from Arizona said, we have paid a lot of attention, and should pay a lot of attention, to the chiefs' unfunded requirement lists. We should give, and do give, great weight to them. The Senator from Arizona listed the shortfalls the chiefs listed, totaling approximately $20 billion.

There are a number of ways to fund those unfunded requirements. One is to use some of the surplus we have worked so hard to achieve by just simply adding to the budget for the Defense Department, to the so-called top line. But we are not limited to that approach, and it is a difficult approach.

Whether or not we pay down the national debt, whether or not we protect Medicare, whether or not we have a tax cut, or whether or not we spend some of that on education, there are very important competing interests for the surplus. We don't have to simply say: We will use the surplus and add money to the defense budget. We can find savings and reapply those savings to higher priorities. That is what past BRAC rounds are already doing for us, and that is what the BRAC rounds in this amendment will do for us in the future, if we are willing to do what the Secretary is asking us to do, not for himself but for his successors and, more importantly, for the men and women who will be serving under his successors.

Secretary Cohen said recently that his biggest disappointment as Secretary has been that the Department of Defense still has too much overhead and he has not been able to persuade his former colleagues, meaning us, to do what needs to be done to have more base closures. We all know Secretary Cohen. He was a colleague of most of us. I think every one of us trusted his judgment. We all know that BRAC affected him and his State when he served in this body, so this is not a request Secretary Cohen makes lightly. He knows what he is talking about and what he is asking of us.

We can't have it both ways. We can't say we want additional billions for health care, which we said today with the Warner amendment. We can't say we want additional billions for disability compensation, which was provided for in Senator REID's amendment. We can't talk about an additional pay raise for the military and all the other things we rightfully talk about and are concerned about and at the same time we maintain in place unneeded bases and structure. It is inconsistent. We can't have it both ways. It is an issue of political will and overcoming back-home concerns, understandable concerns but nonetheless overcoming those concerns to meet our long-term security needs.

Are we willing to do the necessary thing, the right thing to avoid the wasteful spending which is inherent when we maintain base structure we don't need, when we have reduced the size of our force by a third but our base structure by only 20 percent, and when we have classrooms and hangars that are no longer needed, a hundred other things that are no longer needed, because we don't have the political will to put in place an outside base-closing commission whose recommendations can be totally rejected if they are unfair by either the President or by us? That is a reasonable amount of political will for which to ask in order to achieve the billions of dollars of savings that will be achieved by additional rounds of base closings.

I yield the floor and thank the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Virginia.

Mr. WARNER. Mr. President, we now have a unanimous consent request. Piece by piece we are working and succeeding in putting forth UC requests to keep this bill moving forward.

I ask unanimous consent that at 3 p.m. on Thursday, June 8, the Senate temporarily lay aside any pending amendments and Senator DASCHLE and/or his designee be recognized to offer his amendment re: HMO, and that there be 2 hours, equally divided, prior to the vote in relation to the amendment, with no second-degree amendments in order prior to the vote.

I further ask consent that during today's or tomorrow's session, Senator INHOFE be recognized for up to 10 minutes and Senator SNOWE be recognized for up to 30 minutes, each for general debate on the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I urge all Senators—we are trying to move towards a 6 o'clock deadline tonight with respect to first-degree amendments. We are making considerable progress on both sides.

Mr. REID. Mr. President, I say to the manager of the bill, I have been working with our manager. We are working very hard to come up with a finite number of amendments. It is as the Senator indicated. The average number of amendments on this bill is about 111, and 5 and a half or 6 days on the bill. We would certainly hope to beat that record. But at the present time we are trying to get a list of amendments. We hope to have that sometime later tonight or the first thing in the morning.

Mr. WARNER. Let's continue to work toward 6 o'clock tonight. I think it is important we do so. So many Senators have plans, and we want to accommodate them.

Mr. REID. We will do our best.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, on behalf of the manager, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LEVIN. Mr. President, I ask unanimous consent that the time which is utilized by the Senator from Oklahoma come from the side of the opponents of this amendment.

The PRESIDING OFFICER. That is the understanding. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I wouldn't want anything I say to be misinterpreted by anyone as to how I am going to be voting on the defense authorization bill under consideration. I am going to strongly support it, although it is strongly inadequate for the needs we are faced with right now. I am realistic enough to know that when we get into a rebuilding program, that is going to have to happen under a different administration than the administration we have had over the last 7½ years.

I was elected to the House of Representatives in 1986; my first term was 1987. It happened that a very smart young Congressman from Texas named Dick Armey made the decision that we were going to have to do something about excess infrastructure and devised a way, this smart guy who got his Ph.D. from the University of Oklahoma, to take politics out of the base realignment and closing process. I strongly supported him.

The first round voted on, I believe, in 1987, to be implemented in 1989, about which I spoke on the floor of the House and supported, was one that I felt this country did need. So for the first two of the four rounds we have already had, it was cherry-picking time. Yes, we closed bases and installations that resulted in a tremendous savings, and it was good.

The third and the fourth rounds didn't work out that way. We have to keep in mind that it had always been virtually impossible politically to close installations because of the politics involved. There are always Members of the House and Senate who don't want anything closed in their States. Consequently, this system that was devised, this BRAC process, was to take politics out. Everyone agreed, even though they didn't like the results, that there had to be a process free from politics to do that. It worked out for the first four rounds.

The last round that came through in 1995 was one where, among other things, the BRAC committee evaluated the air logistics centers. There are five of them in the United States, and each one was operating at that time at 50-percent capacity. Any logical business conclusion would demand that we close two of them and transfer the workload to the remaining three. I heard the distinguished Senator from Michigan talk about the process, about the fact that privatization in place is something that would be precluded in the next BRAC round, if he is successful in getting that authorized. I suggest that if somebody in the White House wants to violate the integrity of this process, it is not only privatization in place that will happen. He can find out some other way of doing it.

We are going to have, it now appears, one of two people as the next President of the United States. It will either be Vice President AL GORE or George W. Bush. In the case of Vice President GORE, let's remember what happened in the 1995 round. They made the recommendation to close two and transfer the workloads of the remaining three. They evaluated all five air logistics centers and determined that the two least efficient ones were at McClellan Air Force Base in California and Kelly Air Force Base in Texas.

That being right before the election and both being in vote-rich swing States, the President and the Vice President went to McClellan and then to Kelly and said: Don't worry; even though they said that we are going to close your bases, we are not going to let that happen. We are going to—and just out of the air he grabbed a phrase—"privatize in place." Well, that made it very clear that if you really want to figure out a way to politicize the system, you can do it.

Who was it at that time who made the announcement out at McClellan in California and at Kelly in Texas? It wasn't President Clinton. It was Vice President AL GORE. I said when I began that one of those two individuals, GORE or Bush, is going to be the next President. I will fight to the bitter end, until at least the time we know who the next President is going to be, before I will vote to authorize future BRAC rounds in that one of the candidates, Vice President AL GORE, has already demonstrated that he will induce politics back into a system that is supposed to be free of politics. I think that has to be considered.

The second issue is, in this rebuilding process, I believe that if the next President of the United States is George W. Bush, having had personal conversations with him, he recognizes that we are in the same hollow force situation we were in in 1980 when Ronald Reagan became President and had to start a massive rebuilding program.

What is a massive rebuilding program today? The Joint Chiefs have all said, in testimony before our committee, with Senator LEVIN and myself present, that we need to have an additional $140 billion over the next 6 years to reach the minimum expectations of the American people. What are the minimum expectations of the American people? It is to defend America on two regional fronts. This has been a concept most Americans think we can do today, and we cannot do that simultaneously.

So if we start this rebuilding process and it is going to be as significant as we think it is going to be, then we need to be looking at what our infrastructure needs will be then, not what they are today. If we have artificially lowered our force strength in this country to an artificially low level, we don't want to bring our infrastructure down to the same level because when we start to rebuild, we don't know what our infrastructure needs will be.

That is the whole point. We will know with the new administration, and we will be able to project in the future what that is going to be. The argument is used that we can't have it both ways and we need to have more money. That is true. I think we need to have a lot more money than we have right now. In fact, we have testimony from the service chiefs that, even with the budget we have today, we are still inadequate to the degree of about $11 billion-plus a year in order to start the rebuilding process and get to the point we just described.

Why would we be in a hurry to do this? When they talk about the fact that we are going to have savings, we know those savings aren't even going to take place in the best scenarios until, at the earliest, 2008. In fact, I will read out of a March 2, 2000, news article that quotes Bill Cohen. He said it will be somewhere between 2008 to 2015.

Now that is beyond the point, hopefully, that we have a crisis in this country. Our crisis is here today. There are a lot of people who would like to believe there is not a threat out there because the cold war is over. I look wistfully back to the days of the Cold War. At least we knew who the opposition was. We had two superpowers, and we had good intelligence on both sides. We knew what they had, and they knew what we had. We were able to address it. Today, we have all these rogue nations that all have weapons of mass destruction. We have countries that possess missiles that will reach to the United States of America, China, Russia, North Korea, and maybe others—warheads that could blow us up.

I come from Oklahoma, and I think most of the people realize it was just 5 years ago in April that we had the most devastating domestic terrorist attack in the history of America. It happened in Oklahoma. When you saw the pictures of that Murrah Federal Office Building, you saw parts of bodies that were stuck to the wall in that flaming building and the absolute devastation, and you stopped to realize that the smallest nuclear warhead known to man today is 1,000 times that powerful.

So here we are vulnerable, with no defense system at all on an incoming missile. Secondly, we are at one-half the force strength in 1991 during the Persian Gulf war. We have one-half of the Army divisions, one-half of the tactical air wings, one-half of the ships floating out there. Our force strength is down. At the same time, under this administration, we have had more deployments in the last 7 years than we had in the previous 40 years collectively. They have been in areas where we don't have national security interests. So we are taking these rare assets we have, and we are putting them into places such as Kosovo and Bosnia, where we should not have gone in the first place.

So facing that 1980 dilemma our rebuilding is going to have to start immediately for national security reasons. I would like to think that by 2008 we would be back where we were in 1986 after the rebuilding. I have no way of knowing that for sure, but let's hope that is the case.

Anyway, while the Senator from Arizona said it is not at all sure, he said, to be perfectly candid, that we are going to be able to save $20 billion over that period of time. There is one thing I suggest we are sure of, which is that the cost over the next 5 years is going to be $2.6 billion. That means it is going to be negative during this time that we have to start the rebuilding process. Things, right now, are in a much more deplorable condition than America wants to believe.

As chairman of the Readiness Subcommittee of the Armed Services Committee, I have had occasion to go to all the military installations around the world, and I don't like what I see. We have RPMs, real property maintenance accounts, that are supposed to be done immediately, taken care of, and they are not doing it. We have barracks in Fort Bragg where when it rains—and I was there when it rained—the roof has been leaking now for years. They are unable to fix that because they don't have the money to do it. Our troops are actually lying down over their equipment to keep it from rusting. It is a crisis.

You can go to the 21st TACOM over in Germany and look at our M-915 trucks. Many of them have over a million miles on them. They are spending as much in maintenance on each one over the next 3 years as it would take to buy a brand new truck. It is a crisis that we don't have the money to buy new trucks when we need them. It is not feasible to do it that way, but that is our only choice.

We don't have spare parts for airplanes. The cannibalized rate is higher than ever before. That means they bring in a crated F-100 engine to be put into an F-16, and in order to keep the F-16 there running with a fairly recent engine, they have to rob parts from this. It is highly labor intensive. Consequently, we are having a problem in retention that is not only with pilots, which is an-all time low, but also the mechanics putting those parts in.

Our pilot retention in the Navy right now is below 20 percent. It costs between $6 million and $9 million to train each one of them. Yet over 80 percent of them are leaving and not taking the second full tour of duty. The mechanics fixing the planes are leaving, too. I have talked to these people, and they say this country has lost its sense of mission. It is not keeping its strength. We can't buy bullets for guns. Talk to the Air Force people who go out to the red flag exercises at Nellis in the desert. They have cut them down so they don't believe they are getting the necessary training to be combat ready and to compete.

Look at our modernization program. Now we have been cutting back on the Crusader Program, which the Army believes is the crown jewel—that thing we have to have for our launching capability on the ground. Look at our modernization program in airplanes. I was never more proud of a four-star general than I was the other day when he stood up and said America needs to know that the Russians now have the SU–34, an air-to-air, air combat vehicle that is better than anything we have, including the F–15.

The average American would say we are fine and we have the very best of equipment. We used to, but we don't now. Look at the ranges we have now. We are faced with an issue of having to close—temporarily, I hope—the firing range on Vieques. That is going to have a dramatic effect on which installations to keep open. We won't have anyplace to have live fire training. We will lose such ranges as Cape Wrath in Scotland, Capo Teulada in southern Sardinia. Why? Because there is no justification to allow us to fire our artillery if we are not willing to do it on our own lands.

All of these things form a crisis. When I said I look back wistfully at the days of the cold war, it isn't just me. I was redeemed the other day at our subcommittee meeting when we had George Tenet, the Director of Central Intelligence, there. This happened to be telecast live on C-SPAN. I said:

> Right now, we are in the most threatened position that we have been in as a Nation in the history of this country since the Revolutionary War. Would you respond to that?

He said:

> Absolutely correct. We are in the most threatened position.

It is because of the combined reasons of deployments, force strength and, of course, not having the national missile defense systems. All those will be elements of rebuilding. Who knows what our needs are going to be when we start this rebuilding. I hope the next President will be a Republican, and that we will be in a position to rebuild our defense system. When that happens, we don't know what the elements of that system are going to be.

Lastly—and I don't want to overdo the time here—we are asked this question by the distinguished Senator from Arizona: I challenge my colleagues to name any military expert who says we should not have another BRAC round.

You can name a lot of them.

The Assistant Secretary of Defense under Ronald Reagan said in an article in the Washington Post on May 14, 1998, when we were having the same debate, that Secretary of Defense William S. Cohen is correct when he says that the Department of Defense needs the support of Congress to have a cost-effective national defense. But the Secretary is blaming Congress for problems that are not of its making. More importantly, Cohen is ignoring the administration's own complicity in creating funding difficulties for defense and vastly is exaggerating the potential problems that could occur if Congress fails to heed his advice. Cohen wants Congress to authorize two new rounds of base closures to free up an additional $3 billion a year for buying badly needed new weapons. But what Cohen has not stated is that these savings would not begin until a decade from now.

I think that is the significant thing. These savings would set in after a period of time that we would be going through this rebuilding process.

I hold him up as one expert who says we should not do a round at this time.

Another is the Commandant of the Marine Corps, Gen. Jim Jones, who said that he knew of no Marine installation he would recommend for closure. He said: We cannot give it away or we will never get it back.

I don't think anyone is going to say that Gen. Jim Jones is not a military expert. He has one of the most distinguished careers of any of them.

Adm. Jay L. Johnson, the CNO, said his view was "not far" from that of Jones. He said he is concerned about permanently losing training ranges, air space, and access to the sea.

The Chief of the Army, General Shinseki, said he would support some closures in the future but said that the Army needs to decide what its future force level is going to be before it can judge base consolidation with certainty.

We have three of the four chiefs of our services saying if we are going to do it we should wait and do it after we determine what our force strength should be in the future and not do it before that time.

For the combination of those reasons, there is certainly no rush to do it and do it in this bill. Certainly I would be willing to talk about this after the next administration comes in. It wouldn't make any difference anyway because the first round wouldn't be until 2003.

I think Dick Armey did a wonderful job back in 1987. I think it served a very useful purpose—particularly the first three BRAC rounds that we were able to accomplish. They saved a lot of money. We are now enjoying some of the savings. However, the amounts that we saved have far exceeded what we lost by the cleanup costs. I don't think those estimates would be anymore accurate if we were to go through two new rounds.

Keep in mind that every succeeding round is going to yield fewer benefits than the round before. I certainly think the Senator from Rhode Island, with his background and experience, knows that if you are going to start a closing process, you pick off the cherries to start with and accumulate those savings.

I conclude by saying that we need to look at them in the next administration after we find out what our force strength is going to be, and after we find out what degree of rebuilding we will have to undergo in order to protect America and meet the minimum expectations of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I seek to be recognized under the time of Senator McCAIN.

Mr. LEVIN. Mr. President, I am authorized to yield the Senator from Rhode Island whatever time he may need.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

Mr. President, I rise in support of this amendment to authorize two rounds of base closings in the years 2003 and 2005. I commend particularly Senator McCAIN and Senator LEVIN, the prime sponsors of this legislation.

We all realize that base closing is a very sensitive issue because it affects dramatically all of the communities that have military installations. My home State, as some States, has not been immune to base closings. We had a significant presence of the Navy in Narragansett Bay. That presence has been diminished over the last several years. But we still have a strong and vibrant naval presence in the form of the Naval War College, and the Naval Underseas Warfare Laboratory. All of these contribute significantly not only to our national defense but to our economy in Rhode Island.

We approach this understanding that it is a very sensitive issue. But it is an issue that we must address. It is an issue that requires determination at this point so we can, indeed, free up the resources that are necessary for the modernization of our services.

The reality is quite compelling that we have excess capacity in our military establishment in terms of infrastructure. We have reduced the force structure by 36 percent since 1989. Yet we only managed to reduce the infrastructure—the buildings and the facilities—by 21 percent. This mismatch is obvious. This mismatch causes us to continue to spend in maintenance and operational expenses hundreds of millions of dollars a year minimally for facilities that we don't need. As a result, I think we have to recognize that we should authorize another round of base closings. The Department of Defense estimates they are maintaining 23 percent of excess infrastructure which is sapping resources that they could use for a host of critical needs—modernization, training, and quality of life for servicemen and servicewomen throughout our military.

Indeed, we hear so often that one of the persistent complaints is that Government should be as business; that Government should be run as efficiently as business. No business would suggest that it reduce its personnel dramatically and not make comparable reductions in the infrastructure and the facilities that have been in place for more than 50 years, in many cases.

We still have the residue of the World War II buildup. There were so many posts put up because we had to at that point train millions of soldiers, sailors, airmen, and coastguardsmen to staff an Army that was many, many times larger than it is today and a Navy that was comparably larger. Yet those facilities are still on our rolls because we had been unable to effectively initiate base-closing rounds after our first few rounds.

We know that the base-closing process yields savings. It has been estimated by the Department of Defense that past closures will produce net savings of about $14 billion by the end of the fiscal year 2001, and they estimate annual savings thereafter will be about $5.7 billion. This is the result of decisions we already made, base-closing rounds that have already taken place, and the bases that have already been closed. That is a lot of money, particularly as we all are concerned about additional resources for defense.

Another way to look at that is to consider how much more difficult it would be to buy new platforms, to provide pay increases, and to enhance the quality of life through improved houses and through improved health care if we were still maintaining and spending billions of dollars on these facilities that have been closed.

The Department of Defense estimates that two additional rounds of base closings would generate annual savings of about $23 billion after they are implemented. Again, those are significant resources that can be used for programs that we consider to be critical to the defense of the Nation and the wellbeing of our men and women in uniform.

Both the Congressional Budget Office and the GAO agree that the Department of Defense continues to maintain excess capacity and that base closings will result in substantial savings. These are objective analyses of the current situation with respect to bases in our country.

The argument has been made that, well, we go out and we close these bases, and all of the savings are just eaten up by environmental remediation. I remind everyone that the requirement to remediate the environment is not a function of closing the bases. It is an ongoing responsibility of the Department of Defense. It is mandated regardless of whether a base remains open or closed. It is part of our law.

The Defense Department, as every other Federal entity and private entity, has responsibilities to restore degraded environment.

What happens in a base closing is, as part of the process not only to close the base but also to make the base useful for civilian pursuits and community economic development, this environmental cleanup is accelerated. One could argue that accelerated environmental cleanup simply discharges a duty that already exists and also, importantly, makes these facilities much more amenable to economic development and private benefit for the local communities, which is a plus, not a minus.

The issue before the Senate should be addressed, as we so often address it, in the context of advice we have received from individuals charged with the administration of our military policy. The Secretary of Defense, the service secretaries, and many others have commented upon the desirability of the additional base closing rounds. In his testimony before the Armed Services Committee on February 8 of this year, General Shelton, Chairman of the Joint Chiefs stated: We continue to have excess infrastructure, and any funds applied toward maintaining unneeded facilities diminish our capacity to redirect those funds towards higher priority modernization programs.

At the same hearing, Secretary of Defense Cohen requested funding to implement two more BRAC rounds, so that: scarce defense dollars will not continue to be spent on excess infrastructure; rather, on the vital needs of our Armed Forces.

Some of my colleagues argue that the base-closing process is appropriate, the need is there, but the base-closing process in 1994 was politically tainted; that politics and not sound defense policy dictated what would stay open, what would be closed, and the schedule for closures.

This amendment clearly obviates the potential for that by declaring that the base-closing rounds will take place in the year 2003 and in 2005. There will be a new administration. Any aspersions to the operations of this administration should have no effect whatever when we consider the legislation included in this amendment.

I believe we can go forward with the notion that if we act today, we will have a much firmer picture of our strategic challenges, our strategic posture by the year 2003, so that we will in fact be anticipating those strategic decisions by giving our military leaders, both civilian and military, the tools to implement their concepts to meet the new challenges, the new threats we see all around the world.

This issue, as I said, is difficult. It impinges on the communities we all represent. Anytime we authorize a base closing round, essentially we put all of our facilities in play. We all run the risk of losing a facility which is a vital part of our community, disrupting our community. But that is the very narrow view, a very parochial view.

The broader national view is that we need to eliminate the excess capacity. We need to free up resources for higher priority initiatives of the Department of Defense. We need, also, to move away from this essentially still World War II infrastructure to a much more reduced but more efficient logistical and facility base for the future of this new century. Until we are able to eliminate some of these older posts, some of these posts that were designed for and that were extremely important in World War II and throughout the cold war years, we will not have the resource to do what we have to do to face the future.

I suggest we adopt this amendment because it gives us the ability to fund higher priority functions. It gives us the ability to eliminate unnecessary facilities. We simply can't have it both ways. We can't continue to argue for modernization, for enhancement of the quality of life for our troops, for additional training dollars, and still cling to facilitates that are not needed, still insist that we maintain a World War II and cold war infrastructure as we face the challenges of this new century.

I urge my colleagues to support this amendment, give our defense leaders the tools to reduce their overhead as they have reduced the force structure, so that we have a more efficient, more effective military force for this new century.

I yield the floor.

Mr. LEVIN. How much time do the proponents have?

The PRESIDING OFFICER. Eight minutes.

Mr. LEVIN. I yield 6 minutes to the Senator from Ohio.

Mr. VOINOVICH. I rise today to support the amendment offered by my distinguished colleagues, Senator McCAIN and Senator LEVIN.

Between fiscal year 2000 and fiscal year 2001, defense spending in our Nation will increase by more than 6 percent, nearly three times the rate of inflation. Under normal circumstances, I would likely oppose legislation that would increase defense spending at such a rate. However, we have a crisis in the military right now with respect to readiness, recruitment, retention, procurement, modernization; and the crisis must be met immediately. I will support more money for defense.

Having said that, I believe in the long term the Defense Department must focus on those activities that will help bring down their overall costs. Part of the problem we run into in this body is our inability to admit that priorities can and should be established by the Department of Defense. We need to focus on ways in which the Department can cut back on some of its expenditures and use the moneys allocated more wisely. In other words, we need to get a bigger bang for our buck. We need to work harder and smarter, and we need to do more with less.

One of the ways we can do that is to eliminate those military facilities that no longer serve a useful purpose. I know that is not easy. We have experienced the pain of closing bases in Ohio with the closure of Newark Air Force Base, Rickenbacker Air National Guard Base, and the Defense Electronic Supply Center. Even with the closures and the pain we went through, we understood that it was necessary if we were going to allocate resources where they were really needed in the Department of Defense.

According to a 1998 Department of Defense report, and as stated by Secretary of Defense William Cohen, our Armed Forces currently have 23 percent more military base capacity than is needed in this Nation. Think of that, 23 percent. Keeping this much extra capacity adds up. Right now, we spend billions of dollars annually. We will keep on spending that money until we acknowledge that we have excess capacity and exercise the will to shut it down.

As difficult as this may sound, we have been through this process before. We know that. The Department of Defense reports that because of the base closings that have been conducted, we will have saved $14 billion a year by the end of 2001. The projected net savings, annual savings, for the first four rounds have been estimated at nearly $5.7 billion in fiscal year 2001, a savings that should occur annually. We have that money, and it has been reallocated.

This amendment initiates another two rounds of base closings in 2003 and 2005. In his testimony earlier this year before the Armed Services Committee, Secretary Cohen stated that if we initiate two more rounds of base closings, this will save about $3 billion per year that we can use for some of the needs we have today in our Defense Department.

I am here today to urge my colleagues to support this amendment. I think there are those who say we ought not to do it at this time. I think we all know that if we don't get started now and start the procedure and do it today, do it this year, we are not going to be able to move forward in 2003 and 2005 when we project the base closings will occur.

I say again, I know this is a tough amendment to support for some of my colleagues, but for the good of our Nation I urge my colleagues to support this amendment.

Ms. SNOWE. Mr. President, I rise today in strong opposition to this amendment that seeks to authorize two additional BRAC rounds in fiscal years 2003 and 2005.

I have been a steadfast opponent to future BRAC proposals. This Administration has proposed BRAC legislation for the last 3 years. Each year, this administration has asked us to address the same issue. Yet over the last three years, nothing has changed.

First, the estimated savings achieved by closing bases are just that—estimated; and second, the inconsistent application of the BRAC process—which this Administration so readily demonstrated after the 1995 round, will result in lost training areas or access to airspace or the sea space by our military forces. This will result in degraded force readiness and will be to the overall detriment of our Armed Forces.

Advocates of base closures allege that billions of dollars will be saved, despite the fact that there is no consensus on the numbers among different sources. These estimates vary because, as the Congressional Budget Office explains, BRAC savings are really "avoided costs." Because these avoided costs are not actual expenditures and cannot be recorded and tracked by the DoD accounting systems, they cannot be validated which has lead to inaccurate and overinflated estimates.

For example, as revealed by the General Accounting Office, land sales from the first base closure round in 1988 were estimated by Pentagon officials to produce $2.4 billion in revenue, however, as of 1995, the actual revenue generated was only $65.7 million. That is about 25 percent of the expected value. And what was the real up-front cost to generate these so called savings? No one really knows.

This type of overly optimistic accounting establishes a very poor foundation for initiating a policy that will have a permanent impact on both the military and the civilian communities surrounding these bases.

I also want to address the issue of the up-front costs involved in the base closure process. This appears to be noticeably absent from the debate. The facts reveal that there are billions of dollars in costs incurred to close a base.

This includes over $1 billion in Federal financial assistance provided to each affected community—a cost paid by the Federal Government, not through BRAC budget accounts, and therefore is not counted in the estimates. And more significantly, there is $9.6 billion in environmental cleanup costs as a result of the first four BRAC rounds—a conservative figure according to a December 1998 GAO report—a number that will continue to grow.

The administration and proponents of additional BRAC rounds are quick to point out that reducing infrastructure has not kept pace with our post cold war military force reductions. They say that bases must be downsized proportionate to the reduction in total force strength.

However, this thinking is based on the 1997 Quadrennial Defense Review. Since the end of the cold war we have reduced the military force structure by 36 percent and have reduced the defense budget by 40 percent. But now I ask you how much are we employing that force?

Let me point out that although the size of the armed services has decreased, the number of contingencies that our service members have been called upon to respond to has dramatically increased—the Navy/Marine Corps team alone responded to 58 contingency missions between 1980 and 1989, and between 1990 and 1999 they responded to 192—a remarkable threefold increase!

During the cold war, the U.N. Security Council rarely approved the creation of peace operations. The U.N. implemented only 13 such operations between 1948 and 1978, and none from 1979 to 1987. Since 1988, by contrast, 38 peace operations have been established—nearly three times as many than the previous 40 years.

In hearing after hearing this year, the Armed Services Committee has heard from our leaders in uniform how our current military forces are being stretched too thin, and that estimates predicted in the fiscal year 1997 QDR underestimated how much the United Sates would be using its military. Clearly, the benefits of the peace dividend are not being realized.

So, we are seeing first hand that the 1997 QDR force levels underestimated how much our military force was intended to be used, that our military force is being called upon now more than what military strategies estimated, and that our forces are being stretched to cover a wide range of operations.

These force levels have to be revisited, and if the trend for current deployments remains true, I would expect that these force levels may have to be increased. So would we then go and buy back this property that we have given up in future BRAC rounds to build new bases—I think not.

Before we legislate defense-wide policy that will reduce the size and number of training areas critical to our force readiness, the Department of Defense needs a comprehensive plan that identifies the operational and maintenance infrastructure required to support the services national security requirements. The peacekeeping and humanitarian missions clearly require a greater force structure than expected.

It has become clear that we are committing more military forces—and more often—than we had planned or anticipated. There is no straight line corollary between the size of our forces and the infrastructure required to support them.

We must realize that once property is given up and remediated, it is permanently lost as a military asset for all practical purposes. In the words of the Chief of Naval Operations, "we cannot give it away or we will never get it back".

In the full committee hearings and the subcommittee hearings that the Armed Services Committee held this past year, the Chief of Naval Operations and fleet commanders testified that the QDR established force levels are not sufficient to support their operational requirements. A report released earlier this year by the Chairman of the Joint Chiefs of Staff concluded that the submarine force levels needed to be raised from the 1997 Quadrennial Defense Review and I anticipate that the next QDR will support an increase in the "300 ship" Navy as well.

Therefore, given the elasticity in the QDR numbers, it would be premature and costly to base permanent BRAC decisions on estimates that we know are not being realized.

Finally, it would be hypocritical to say that opponents of additional BRAC rounds are politicizing the process. Politics weigh heavily on both sides of the debate. In December 1998, the General Accounting Office reported that of the 499 recommendations made by the four BRAC commissions, 48 were amended and removed from the closure list. And we are all well aware of the Administration's "intervention" in the last round that resulted in the "privatization-in-place" of the McClellan and Kelly Air Force Base depots instead of their closure.

I want to protect the military's critical readiness and operational assets. I want to protect the home port berthing for our ships and submarines, the airspace that our aircraft fly in and the training areas and ranges that our armed forces require to support and defend our Nation. We cannot degrade the readiness of our armed forces by chasing illusive savings.

I reaffirm my opposition to legislation authorizing additional BRAC rounds and encourage my colleagues to join me to vote against it. I urge my colleagues to defeat this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, Senator INHOFE, I believe, desires some time, and then I will yield to Senator HATCH for 10 minutes.

Mr. INHOFE. Mr. President, if I can respond to a couple of the statements of the Senator from Ohio and the Senator from Rhode Island, first of all, I know the Senator from Rhode Island is sincere when he says this would not take place until 2003; it would be a new administration. But we have to keep in mind that administration could very well be a Gore administration. It was Vice President Gore who was very instrumental in politicizing the system before. I think that is significant.

I would say also to my friend from Ohio, while there are savings that would be effected, the savings, according to Secretary Cohen, would not even start until 2008. By that time, we are hoping we will have been able to use every available dollar to get us out of the situation we are in right now. I think that is very significant. Our crisis is now. Our crisis is a rebuilding program for the next 4 to 5 years.

I yield.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as somebody who lived through the last BRAC process, and lived through it in a very intensive way, I have to say the process did not work. Everyone lost: the taxpayers, the workers in Utah, as well as those in the losing states of California and Texas, and the Air Force's state of military readiness. The process was too politicized, as I elaborate upon in my later remarks. It was a pitiful exercise, in many respects.

There were some good things about it, I have to acknowledge, but most of it was not.

Utah had the Air Force's highest rated air logistics command in the nation, bar none. Nobody could compare with it. It was listed No. 1. It made the top of every chart. The workforce and its achievements were models of efficiency. But, after the President finished tampering with the BRAC results, we had to fight like dogs against raging wolves to prove repeatedly what the BRAC had already determined..

No sooner did we get through all that process—time after time appearing at hearings, appearing at major meetings considering BRAC, and considering what should be done, making our case over and over, and winning, winning, winning—this administration came in and immediately undertook questionable steps to sully the BRAC process.

My experience gives me little confidence in this process. And it's not done yet: we won't have the process completed until late 2001, six years after the BRAC decision. I do not care who is in charge. When you politicize the base closing process, it just leads to the type of anquish I and my colleagues are expressing here today.

How can we forget the major problems between San Antonio and McClellan, both of which were installations important to their respective States but did not reach the high standards of Utah's Hill Air Force Base. If Hill Air Force Base had come in last, I would not be here arguing today, nor back then, to keep it alive.

Let's not forget that we need high military readiness—it is a deterrent that allows for peace through strength. But that means having a system that accentuates everything that is good about our military, like Hill Air Force Base. I would not back a base that was not doing the job.

But in this particular case, McClellan had been judged by the Air Force and the BRAC commssion as deficient, as was the San Antonio Air Logistics Center at Kelly Air Force Base, Texas. Yet, we wanted to help Kelly, if we could, because it had a high percentage of Hispanic workers. But the brutal facts showed that Kelly could not measure up. Neither did McClellan.

Then came the administration's misguided and downright wrongful attempts to save some of those jobs.

Mr. President, Ronald Reagan immediately comes to mind when I consider today's debate on BRAC . . . "Here we go again." We're being asked to engage in the same type of taxpayer deception that characterized the 1995 BRAC. We promise savings, and deliver nothing. All BRAC produces is a politicized outcome that makes a mockery of the independent commission process.

We need to remind ourselves why we sought a BRAC in the first place: It was because we did not feel Congress could be trusted. In fact, it was the President who couldn't be trusted. Let's look at some facts, facts especially painful to states which lost bases, and those that had to defend what they had won again, again and again. I refer to Utah's Ogden Air Logistics Center at Hill AFB—three times we had to compete for workloads that the BRAC awarded us, but which the President delayed sending to Utah.

The President intervened in the BRAC 95 process to secure California's 54 electoral votes in the 1996 election. My good friends from California—Senators BOXER and FEINSTEIN—publicly stated that they would get relief from the White House after BRAC decided to close McClellan Air Force Base in Sacramento. They succeeded, and at the cost of work that ought to have gone to Georgia and Utah, but which was delayed.

The President called the BRAC decision to close McClellan an "outrage", in a Rose Garden statement. He actually rejected the decision of his own independent commission. In its place, the President put great pressure on the Air Force to sully an already messy situation. He called this "privatization in place." He attempted to keep the jobs which were intended to be distributed to Utah, Oklahoma and Georgia in California by forcing a public-private competition that GAO rejected as unfair. It had the effect of leaving in California as many as 3,200 jobs for as long as six years after the BRAC decision, or conveniently after the year 2000 Presidential election.

The BRAC monies designated to move jobs and equipment to Utah and elsewhere were mismanaged. They were spent to improve the very facilities at McClellan AFB that the BRAC had intended to close! This, the President and his gang thought, would make it easier for the base to attract private contractors to perform the privatized work in place.

The delay caused by this contrived competition cost the taxpayers an additional $500 million, according to GAO, to sustain the bases' workloads in place, despite the decision of BRAC to ship the workloads to the other Air Force depots.

In May 1998, as many of you will remember, the Secretary of the Air Force was embarrassed by a memo written by his office urging that the Lockheed-Martin bid for the California work win the award. This behavior, to my mind, remains one of the most egregious violations of the Ethics Reform Act I have seen in my 24 years in the Senate. This act prohibits precisely the type of collusion in which the Secretary of the Air Force participated.

It was so outrageous that Secretary Bill Cohen, to his everlasting credit, removed the Secretary of the Air Force from the selection team that would oversee the public-private competition for the McClellan workload.

But this was not the end of the Clinton Administration's meddling: they directed the Air Force to deny the GAO, the congressional watchdog agency responsible for overseeing the expenditure of taxpayers' funds, access to the cost-data and other information used by the Air Force to put together competition for the McClellan workload.

As might be expected, the long-term effect of this mischievous meddling had a cost on readiness. Delays in workload transfer were directly responsible for a severe F–16 parts shortage in 1999. Also, there is a suspicious relationship between the delayed workload transfer and the KC–135 tanker problems early this year when the fleet was grounded because of a rear stabilizer malfunction, a problem akin to the cause of the Alaskan Airline aircraft off the California coast. My personal inquiry into the KC–135 issue demonstrated that if the entire KC–135 team responsible for the repair of this part of the aircraft had been transferred to Utah in a timely way, as directed by the BRAC, the design flaw would probably never have occurred.

There is an answer to BRAC: let Congress endorse the decisions of the military services, without the filter of presidential intervention, whether by a BRAC-like commission or any other procedure. The military services know better than any other body the best and the worst of their installations, the ones that pay their own way, and the ones that drain the taxpayers' pockets. After my state's experience with the BRAC process, I am more inclined to trust this body to evaluate the services' recommendations.

I see that we have a very important guest. I will be happy to yield the floor at this time for Senator HELMS.

VISIT TO THE SENATE BY THEIR MAJESTIES KING ABDULLAH II AND QUEEN RANIA AL-ABDULLAH OF THE HASHEMITE KINGDOM OF JORDAN

Mr. HELMS. Mr. President, I ask unanimous consent the Senate stand in recess for 7 minutes so the Senators may pay their respects to the Honorable King of Jordan and his lovely lady.

There being no objection, the Senate, at 4:56 p.m. recessed until 5:04 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 3197

Mr. WARNER. Mr. President, the pending business is the amendment offered by the Senator from Arizona; am I not correct?

The PRESIDING OFFICER. The Senator has 33 minutes.

Mr. WARNER. It is my intention to yield back the time, I say to my colleagues. I will wait momentarily, and we can proceed to the vote. Has the vote been ordered, Mr. President?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. WARNER. I ask for the yeas and nays on the McCain-Levin amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. WARNER. Mr. President, we jointly yield back all time. The vote may proceed.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3197. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 63, as follows:—

The result was announced—yeas 35, nays 63, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—35

Bayh
Biden
Bryan
Byrd
Chafee, L.
DeWine
Feingold
Gramm
Grassley
Hagel
Harkin
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Moynihan
Reed
Reid
Robb
Rockefeller
Roth
Smith (OR)
Thompson
Voinovich
Wellstone
Wyden

NAYS—63

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Campbell
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Daschle
Dodd
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Grams
Gregg
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Lautenberg
Lott
Mack
McConnell
Mikulski
Murkowski
Murray
Nickles
Roberts
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Warner

NOT VOTING—2

Crapo
Domenici

The amendment (No. 3197) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I wish to keep all Senators informed. We are making progress on this bill. We are still anxious to get indications from Senators with regard to their amendments. We are having very good cooperation on both sides. I will address that later this evening.

Under the existing order, I believe it is now the amendment of the Senator from Virginia. Am I not correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I ask unanimous consent that this amendment be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that following the disposition of the Wellstone amendment—that will now be the pending business as soon as I yield the floor. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Following the disposition of the Wellstone amendment, which is subject to a 30-minute time agreement, I ask unanimous consent that Senator ROBERT SMITH be recognized to offer his amendment regarding security clearances on which there will be 30 minutes equally divided with no amendments in order prior to the vote in relation to the amendment.

Mr. BIDEN. Mr. President, reserving the right to object, I will object, unless I can be assured that I have an agreement to 1 hour equally divided. If I can be put in the order after Senator SMITH, I will not object.

Mr. LEVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I am trying to move things forward. Senator HELMS and I are working out language. I think we will have an agreement, but I thought I would start speaking on this amendment so we can move this forward.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this is a sense-of-the-Senate amendment that deals with the importance of condemning the use of child soldiers in dozens of countries around the world. It is also about very important protocol that is being developed and the importance of building support for it and moving forward as expeditiously as possible on this question.

Today, there are 300,000 children who are currently serving as soldiers in current armed conflicts. Child soldiers are being used in 30 countries around the world, including Colombia, Lebanon, and Sierra Leone. Child soldiers witness and are often forced to participate in horrible atrocities.

I am talking about 10-year-olds being abducted, forced to participate in horrible atrocities, including beheadings, amputations, rape, and the burning of people alive. These young combatants are forced to participate in all kinds of contemporary warfare. They wield AK-47s and M 16s on the front lines. They serve as human mine detectors. They participate in suicide missions. They carry supplies and act as spies, messengers, or lookouts.

One 14-year-old girl abducted in January 1999 by the Revolutionary United Front, a rebel group in Sierra Leone, reported to human rights observers:

> I've seen people get their hands cut off, a ten-year-old girl raped and then die, and so many men and women burned alive * * * So many times I just cried inside my heart because I didn't dare cry out loud.

Mr. President, no child should experience such trauma. No child should experience such pain.

Last year, I introduced a resolution expressing the sense of the Congress that U.S. policy permit consensus on language on this optional protocol on child soldiers, directing the State Department to work positively to address its concerns, in language within the United Nations Working Group on Child Soldiers. Today I thank the State Department for its work, and I thank the Department of Defense for its conscientious work, and I thank the Joint Chiefs of Staff for signing off on this protocol. I think it is terribly important work.

On January 21 in Geneva, representatives from more than 80 countries, including the United States, worked out an agreement raising the minimum wage for conscription in direct participation in armed conflict to 18 and prohibiting the recruitment and use in armed conflict of persons under the age of 18 by nongovernmental armed forces. The agreement calls on governments to raise the minimum wage for voluntary recruitment above the current standard of 15 but still allows the armed forces to accept voluntary recruits from the age of 16, subject to certain safeguards.

The Pentagon, and again the State Department, Harold Cohen in particular, have been great to work with. I believe this is a humanitarian crisis that we ought to address now. It is absolutely unbelievable that in the year 2000 we see people as young as age 10 abducted—I have talked to some of the mothers of these children who are abducted—and forced to commit atrocities. It is unbelievable that we see children age 10 cutting off the arms of other people, engaging in murder. It is unbelievable the extent to which young women are abducted, and they themselves are terrorized and raped. This is a practice that takes place in 30 countries around the world involving 300,000 children.

Finally, after years of work, the United Nations has put together an important protocol. We are, I believe, close to supporting this.

In conclusion, this is just a sense-of-the-Senate resolution that the Congress joins in condemning the use of children as soldiers by governmental and nongovernmental armed forces. We talk about the importance of taking this action. We make it clear that it is essential that the President consult closely with the Senate in the objective of building support for the protocol, and we also urge the Senate to move forward as expeditiously as possible.

I think it is important that all of us support this. I urge my colleagues to do so. I want colleagues to know that Congressman LEWIS and Congressman LANTOS on the House side have a very similar resolution.

Mr. DURBIN. Will the Senator from Minnesota yield for a question?

Mr. WELLSTONE. I am pleased to yield.

Mr. DURBIN. I commend my colleague for bringing this issue to our attention. I think it is particularly timely that he would raise this on the floor of the Senate. In a trip to Africa just a few months ago, I discovered the ravages of the AIDS epidemic. There are some 10 million AIDS orphans. These children are likely to become the soldiers in these armies the Senator from Minnesota has just described. The young girls are likely to become either victimized or prostitutes themselves, who are going to really, in a way, continue this cycle of disease and dependency and death.

I commend my colleague from the State of Minnesota, Senator WELLSTONE, for calling this important moral issue to the attention of the Senate. I rise in strong support. I ask him if he has considered the impact of the AIDS epidemic and similar health problems that have created so many orphans in Africa, and now we have the fastest growth of HIV infection in the world in India, and the impact this could have on the issue he has raised.

Mr. WELLSTONE. Mr. President, in the time I have remaining let me say to my colleague from Illinois, I believe my colleague from Illinois, the Senator from California, the Senator from Wisconsin, and others have really brought to our attention the number of citizens, not just children, who are HIV infected, struggling with AIDS. It is a humanitarian crisis of tremendous proportions.

I think for too long the world has just turned its gaze away from this and from the whole question of how to get affordable drug treatment to deal with this, prescription drug treatment, to ways in which our country ought to be more engaged, to ways in which we can encourage governments in Africa to deal directly with this. Finally, we are doing so. My colleague is right, it is also true, for the worst of economic reasons or reasons of desperation, that these young people, including young people infected with AIDS, are the recruits. They become the child soldiers—again, colleagues, 300,000 children, many of them abducted, in 30 countries, used as child soldiers.

This resolution, I think, is terribly important. Our Department of Defense and State Department have worked hard. A year ago, our Government was not supporting this. I think we now have language that is important language. This simply urges the Senate to condemn this practice and talks about the importance of the President moving forward and building support for this protocol, and it calls upon the Senate to act expeditiously on this matter.

I hope there will be 100 votes for this. I thank my colleague Senator HELMS, chairman of the Foreign Relations

Committee, for working with me. We have changed some language, and I think we have a good resolution.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent it be in order for me to speak from my seat.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. President, I have prepared the best speech you will never hear. I was prepared to have to oppose my friend from Minnesota, but we have come to an understanding about this matter. We have agreed to amend and modify the proposed amendment in a way that makes it satisfactory to me.

AMENDMENT NO. 3211

(Purpose: To express condemnation of the use of children as soldiers and expressing the belief that the United States should support and, where possible, lead efforts to end this abuse of human rights)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. DURBIN, proposes an amendment numbered 3211.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. SENSE OF CONGRESS REGARDING THE USE OF CHILDREN AS SOLDIERS.

(a) FINDINGS.—Congress finds that—

(1) in the year 2000 approximately 300,000 individuals under the age of 18 are participating in armed conflict in more than 30 countries worldwide;

(2) many of these children are forcibly conscripted through kidnapping or coercion, while others join military units due to economic necessity, to avenge the loss of a family member, or for their own personal safety;

(3) many military commanders frequently force child soldiers to commit gruesome acts of ritual killings or torture against their enemies, including against other children;

(4) many military commanders separate children from their families in order to foster dependence on military units and leaders, leaving children vulnerable to manipulation, deep traumatization, and in need of psychological counseling and rehabilitation;

(5) child soldiers are exposed to hazardous conditions and risk physical injuries, sexually transmitted diseases, malnutrition, deformed backs and shoulders from carrying overweight loads, and respiratory and skin infections;

(6) many young female soldiers face the additional psychological and physical horrors of rape and sexual abuse, being enslaved for sexual purposes by militia commanders, and forced to endure severe social stigma should they return home;

(7) children in northern Uganda continue to be kidnapped by the Lords Resistance Army (LRA), which is supported and funded by the Government of Sudan and which has committed and continues to commit gross human rights violations in Uganda;

(8) children in Sri Lanka have been forcibly recruited by the opposition Tamil Tigers movement and forced to kill or be killed in the armed conflict in that country;

(9) an estimated 7,000 child soldiers have been involved in the conflict in Sierra Leone, some as young as age 10, with many being forced to commit extrajudicial executions, torture, rape, and amputations for the rebel Revolutionary United Front;

(10) on January 21, 2000, in Geneva, a United Nations Working Group, including representatives from more than 80 governments including the United States, reached consensus on an optional protocol on the use of child soldiers;

(11) this optional protocol will raise the international minimum age for conscription and direct participation in armed conflict to age eighteen, prohibit the recruitment and use in armed conflict of persons under the age of eighteen by non-governmental armed forces, encourage governments to raise the minimum legal age for voluntary recruits above the current standard of 15 and, commits governments to support the demobilization and rehabilitation of child soldiers, and when possible, to allocate resources to this purpose;

(12) on October 29, 1998, United Nations Secretary General Kofi Annan set minimum age requirements for United Nations peacekeeping personnel that are made available by member nations of the United Nations;

(13) United Nations Under-Secretary General for Peace-keeping, Bernard Miyet, announced in the Fourth Committee of the General Assembly that contributing governments of member nations were asked not to send civilian police and military observers under the age of 25, and that troops in national contingents should preferably be at least 21 years of age but in no case should they be younger than 18 years of age;

(14) on August 25, 1999, the United Nations Security Council unanimously passed Resolution 1261 (1999) condemning the use of children in armed conflicts;

(15) in addressing the Security Council, the Special Representative of the Secretary General for Children and Armed Conflict, Olara Otunnu, urged the adoption of a global three-pronged approach to combat the use of children in armed conflict, first to raise the age limit for recruitment and participation in armed conflict from the present age of 15 to the age of 18, second, to increase international pressure on armed groups which currently abuse children, and third to address the political, social, and economic factors which create an environment where children are induced by appeal of ideology or by socio-economic collapse to become child soldiers;

(16) the United States delegation to the United Nations working group relating to child soldiers, which included representatives from the Department of Defense, supported the Geneva agreement on the optional protocol;

(17) on May 25, 2000, the United Nations General Assembly unanimously adopted the optional protocol on the use of child soldiers;

(18) the optional protocol was opened for signature on June 5, 2000; and

(17) President Clinton has publicly announced his support of the optional protocol and a speedy process of review and signature.

(b) SENSE OF CONGRESS.—(1) Congress joins the international community in—

(A) condemning the use of children as soldiers by governmental and nongovernmental armed forces worldwide; and

(B) welcoming the optional protocol as a critical first step in ending the use of children as soldiers.

(2) It is the sense of Congress that—

(A) it is essential that the President consult closely with the Senate with the objective of building support for this protocol, and the Senate move forward as expeditiously as possible;

(B) the President and Congress should work together to enact a law that establishes a fund for the rehabilitation and reintegration into society of child soldiers; and

(C) the Departments of State and Defense should undertake all possible efforts to persuade and encourage other governments to ratify and endorse the new optional protocol on the use of child soldiers.

Mr. WELLSTONE. Mr. President, I say to colleagues, I will not require a recorded vote. If we want to go forward with a voice vote, that will be fine with me if it is fine with my colleague.

Mr. WARNER. Mr. President, I strongly urge we consider this matter by voice vote.

I urge the question.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3211) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3210

(Purpose: To prohibit granting security clearances to felons)

Mr. SMITH of New Hampshire. Mr. President, I call up my amendment No. 3210 at the desk and ask for its immediate consideration.

Mr. LEVIN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. LEVIN. Do I understand there is a pending Warner amendment which is being temporarily laid aside for this?

The PRESIDING OFFICER. There is no pending Warner amendment. There was just an agreement that Senator WARNER be recognized to offer an amendment. If he does not seek recognition, he waives that right.

Mr. WARNER. Mr. President, I just ask that be temporarily laid aside.

Mr. LEVIN. Mr. President, what is being temporarily laid aside if there is not a pending amendment?

Mr. WARNER. It is the right to offer the amendment.

The PRESIDING OFFICER. The right to offer the amendment.

Mr. LEVIN. So as I understand it, after the disposition of the Smith amendment, there would be an opportunity for Senator WARNER to offer an amendment?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. Am I correct, as the manager of the bill he would have that opportunity in any event? If he sought recognition, he would be first to be recognized after the leadership; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, this amendment No. 3210——

The PRESIDING OFFICER. The Senator will withhold.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], proposes an amendment numbered 3210.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . PERSONNEL SECURITY POLICIES.

No officer or employee of the Department of Defense or any contractor thereof, and no member of the Armed Forces shall be granted a security clearance unless that person:

(1) has not been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

(2) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

(3) has not been adjudicated as mentally incompetent;

Mr. SMITH of New Hampshire. Mr. President, this amendment is really quite simple. It involves the issue of whether or not a felon should get a security clearance. That is the essence. If you favor felons having a security clearance, you would vote against my amendment. If you think it is wrong that convicted felon should have a security clearance, then you would vote with me.

On April 6 there was a hearing the Armed Services Committee held that touched upon an important and urgent issue, that of the longstanding protections set in place to guard the most vital secrets of the Nation and of our national security community. But we had a virtual security meltdown in this administration, from our DOE labs to people without clearances getting White House passes, to the recent scandal of missing and highly classified State Department laptops. It goes on and on. While we couldn't possibly begin to address all our Nation's security deficiencies within this one authorization bill, I believe we can make progress in one very specific area.

A reporter by the name of Ed Pound of USA Today has done an outstanding job with recent news reports and investigative reporting on this issue.

Mr. President, I ask unanimous consent that articles written by Mr. Pound from USA Today be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROBE OF SECURITY CLEARANCES URGED—SENATOR SAYS CONTRACT HIRINGS POSE A THREAT

(By Edward T. Pound)

WASHINGTON.—Sen. Bob Smith, R-N.H., urged the Senate Armed Services Committee Tuesday to investigate why the Defense Department is granting high-level security clearances to employees of military contractors who have long histories of problems, even criminal activity.

Smith, a senior member of the armed services panel, asked its chairman, Sen. John Warner, R-Va., to conduct the inquiry and hold a hearing. In a letter to Warner, Smith said industrial espionage is on the upswing. "One person can cause immeasurable damage to national security," he wrote.

Smith said that white felons can't vote in some states, they have been allowed by the Pentagon to retain access to sensitive classified information. "This doesn't pass the smell test," he said.

Warner could not be reached Tuesday for comment.

Smith is chairman of the Environment and Public Works Committee. He is the second senior senator to seek reform in the wake of a USA TODAY story last week. It detailed how the Defense Office of Hearings and Appeals, or DOHA, regularly granted clearances to contractors with histories of drug and alcohol abuse, sexual misconduct, financial problems or criminal activity.

Sen. Tom Harkin, D-Iowa, urged Defense Secretary William Cohen last week to correct the situation. "All necessary steps must be taken to correct this problem immediately," he said in a statement. "Our nation's security depends on it."

The General Accounting Office, the investigative arm of Congress, also will review DOHA and other Pentagon clearance agencies. While defending DOHA, a Pentagon spokesman said that any problems uncovered by the GAO would be corrected.

In his letter, Smith also asked Warner to explore why the Defense Department is struggling to process security background investigations, which serve as the basis for issuing clearances. The Pentagon has a backlog of more than 600,000 investigations for renewals of clearances. Smith and others say the problem poses a national security risk because spies usually are trusted insiders.

Smith said many clearances granted by DOHA violated an executive order issued by President Clinton in 1995. It requires that clearances be issued only to those whose history indicates "loyalty in the United States, strength of character, trustworthiness, honesty, reliability, discretion and sound judgment."

Clearance officials evaluate security applicants under "adjudicative guidelines," the standards for granting clearances. They cover, among other matters, allegiance to the United States, foreign influence, security violations, sexual behavior, financial problems criminal conduct, and drug and alcohol abuse.

Smith said the armed services panel could force reform. "I would strongly urge you to task your staff to investigate" the clearance problems, Smith wrote Warner. He said an inquiry could "restore integrity and quality control" to the clearance process.

[From USA Today, Dec. 29, 1999]

FELONS GAIN ACCESS TO THE NATION'S SECRETS

(By Edward T. Pound)

WASHINGTON.—As a teenager, he was in trouble many times and built an imposing rap sheet: delinquency, disorderly conduct, resisting arrest, attempted theft, possession of a deadly weapon, possession of marijuana, five counts of burglary and three of theft. He got jail time and probation.

In 1978, at age 21 and a heavy drug user, he and two accomplices kidnapped, robbed and murdered a fellow drug user. He was charged in the murder, convicted and sentenced to 30 years in prison.

Today, at 42, he is out of prison and working in a white-collar job in the defense industry. He remains on parole until 2006. As a convicted felon, he can't vote in many states. But under federal law, he can and does hold a government-issued security clearance, a privilege that allows access to sensitive classified information off-limits to most Americans.

His case is not exceptional. A USA Today review of more than 1,500 security clearance decisions at the Department of Defense shows that a Pentagon agency regularly grants clearances to employees of defense contractors who have long histories of financial problems, drug use, alcoholism, sexual misconduct or criminal activity.

Applicants have been given sensitive clearances despite repeatedly lying about past misconduct to Defense Department investigators. One employee lied at least four times about his drug history, including twice in sworn statements. Officials didn't refer the matter to the Justice Department for prosecution, something they rarely do; instead, they allowed him to retain his secret-level clearance.

In other instances, contractor employees involved in significant criminal frauds were granted clearances. So, too, were applicants who had violated state and federal laws by not filing income tax returns for several years, including a woman who had not submitted timely returns for 11 years because she was depressed.

Another employee mishandled classified material during a five-year period but didn't lose his top-secret access. A clearance official excused his actions because he had been working in a "pressure-cooker environment."

All of these clearances were approved by the Defense Office of Hearings and Appeals, or DOHA, a little-known Pentagon agency that decides whether to grant or deny clearances to employees of defense contractors. The decisions were made by DOHA (pronounced DOUGH-ha) administrative judges. They rule in cases in which applicants seek to overturn preliminary decisions denying them access to classified information.

DOHA's quasi-judicial program, now in its 40th year, was developed to give employees of contractors the right to review the evidence against them and to challenge denials in hearings, if they so choose, before an administrative judge. Most clearance decisions are made by other DOHA officials and never reach the judges.

About two-thirds of the time, the judges decide against granting clearances. However, their approval of clearances for some employees with deeply troubled histories concerns other clearance officials in the military as well as security investigators in the Defense Department.

They argue that DOHA has gone too far, granting clearances to unstable people who might pose a risk to national security. They worry that some employees with pressing financial problems might sell secrets to foreign powers or that others, vulnerable because of embarrassing personal problems, could be blackmailed into espionage.

Army and Navy clearance officials criticize the agency for being too "lenient." Along with former DOHA officials, they complain that the agency sometimes ignores the government's "adjudicative guidelines"—the standards for granting clearances—in issuing decisions.

"To be honest with you, I think DOHA often finds in favor of the individual and not national security," says Edwin Forrest, executive director of the Navy's Personnel Security Appeal Board, which reviews clearance appeals from Navy employees. "What we see coming from DOHA are decisions that go outside the envelope—outside the adjudicative guidelines."

Howard Strouse, a former senior DOHA official who retired last January, is blunt: "Any Americans who looked at these DOHA decisions would be horrified. To know that we are giving clearances to some of these people is just intolerable."

But DOHA officials strongly defend their program and say they put national security first. "The decisions speak for themselves," says Leon Schachter, the agency's director the past 10 years. "Do I believe in, or agree, with every decision? Of course not. But it is important to treat people fairly, and we have a system designed to be fair."

He says the idea is not to punish security applicants for past misconduct. "The goal is to understand past conduct and predict the future on it," he says. "We are being asked to use a crystal ball. It is a very difficult job."

Indeed it is. On the one hand, President Clinton, in an August 1995 executive order governing access to classified information, directed that government clearances should be given only to people "whose personal and professional history affirmatively, indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment."

But the guidelines for granting clearances give administrative judges and other federal clearance officials leeway to consider "mitigating" circumstances: an applicant who had committed a crime, for instance, might get a clearance if the crime was not recent and there was evidence of rehabilitation.

DOHA reviews cases involving access to classified information at three levels of sensitivity: top-secret, secret and confidential. A presidential directive says top-secret information, if disclosed, could cause "exceptionally grave damage" to national security; secret, if disclosed, could cause "serious damage"; and confidential, if revealed, could cause "damage."

Classified material covers a lot of ground. It includes the design plans and other data on dozens of weapons systems, such as bombers and nuclear submarines, and information on spy satellites, sophisticated technology and communications systems. But it also includes such things as the composition of the radar-absorbing coatings on Stealth bombers and the names of employees who work on sensitive projects.

People within the contracting community with access to classified information aren't jut top officials. They include consultants, scientists, computer specialists, analysts, secretaries and even blue-collar workers such as janitors and truck drivers with access to classified areas.

The quality of DOHA's decisions is vital. Though none of the cases involved DOHA decisions, according to agency officials, a government report says 12 contractor employees have been convicted of espionage in the past 17 years. And in the aftermath of the Cold War, industrial espionage is on the upswing. Spies from dozens of nations—some of them friendly—have stepped up efforts to gather industrial intelligence on technologies used in U.S. weapons systems.

Meanwhile, the Pentagon is struggling to process security background investigations, which serve as the basis for clearance decisions. It has a backlog of more than 600,000 periodic reinvestigations—cases in which defense employees and contractor personnel are to be re-evaluated.

The backlog is significant. Spies traditionally are trusted insiders. Many cases reviewed by DOHA involve requests to retain clearances. This backlog was disclosed last summer by USA Today in an examination of the Defense Security Service, another Pentagon agency, which conducts the background checks.

In its inquiry into DOHA's actions, USA Today reviewed decisions issued by the agency's 15 administrative judges since 1994. Under the Privacy Act, DOHA deletes the names and other identifying information from the files. The judges review 300 to 400 cases a year. USA Today requested interviews with two senior judges, but the Pentagon wouldn't make them available.

In the case involving the murder, government lawyers sought to block the clearance, but Administrative Judge Paul Mason wrote that the man had earned a college degree and had reformed.

"Against the heinous nature of the crime," he wrote, "are the positive steps applicant has taken over the years in making himself a productive member of society." He said he was persuaded the "applicant was genuinely remorseful" and would not resume a criminal career.

The man's lawyer, James McCune of Williamsburg, Va., won't discuss the criminal case. But, he says, clearance decisions must be weighed carefully because employees often lose their jobs when they lose their clearances. "It is really a black mark," he says.

A sampling of other approvals:

On Aug. 27, 1997, Administrative Judge John Erck ruled that a 43-year-old man who had participated in a scheme to defraud the Navy of $2 million could keep his secret-level clearance. The man was employed at the time of the fraud, in 1991, as a ship's master for a company that operated ships for the Navy in the U.S. Merchant Marine program. He and other employees submitted false time sheets for overtime to assist their financially troubled company. Judge Erck wrote that the fraud was not recent and that although it amounted to "serious criminal activity," he was "impressed" with the applicant's "honesty and sincerity."

That same year, Administrative Judge Kathryn Moen Braeman allowed a 30-year-old employee of a defense contractor to keep his secret clearance, even though he was a convicted sex offender and on probation. The man was convicted in a state court of two felony charges of criminal sexual contact with a minor in June 1996, less than a year before the administrative judge's decision.

The case file shows the man fondled his 8-year-old stepdaughter and on 50 occasions entered her bedroom and masturbated while she was asleep. Braeman said there were "mitigating" circumstances: the man, she wrote, had completed counseling in a sex-offenders program and his therapist did not believe the pedophilia with his stepdaughter would recur. According to Braeman, the therapist concluded the man would always have a sexual interest in children but had learned through therapy to control himself.

A 42-year-old employee of a defense contractor was given a secret clearance by Chief Administrative Judge Robert Gales, although earlier in his career, as an investor, he had been convicted of bank fraud, imprisoned and ordered to pay $150,000 restitution. According to DOHA files, the man "made false entries" on loan forms to obtain $2.3 million in mortgages. He pleaded guilty in December 1994. Two years later, while the man remained on probation in the criminal case, Judge Gales approved his clearance; Gales cited his cooperation with prosecutors and said he had "clean(ed) up his act."

Judge Erck approved a secret clearance for the 53-year-old owner of a defense contracting business despite his long history of violent altercations with others. In one case, the decision shows, the man tried to bulldoze another car blocking his exit from a parking lot. In another incident, Erck wrote, he "challenged" a state court judge in court after the judge ruled in favor of the other party in a civil lawsuit. Police were called and "an altercation occurred," according to Erck. The man was arrested and jailed for resisting arrest. In a third incident, he left a threatening message on his ex-wife's answering machine advising her he had a "shotgun and two Uzis" and was coming to her house to get his son. Police arrested him at his former wife's house and he was jailed on an assault conviction.

"There is an obvious nexus between Applicant's criminal conduct and the national security," Erck wrote in his decision. "An individual who repeatedly loses his temper and breaks the law is much more likely to violate security rules and regulations." Nonetheless, Erck granted the clearance. He said the man had become active in the church and had learned to control his temper. He was, Erck wrote, a "changed man."

In February 1996, a 44-year-old computer software engineer was allowed to retain his top-secret clearance despite a 10-year history of sexual exhibitionism. Once, in the early morning, he stood naked outside the kitchen door of a 26-year-old woman and masturbated. The police were called and he was charged with two felonies, including "gross lewdness." The man's "history of exhibitionism reflects adversely on his judgment, reliability and trustworthiness," Administrative Judge Elizabeth Matchinski wrote. But, she added, "his contributions to the defense industry in combination with his recent pursuit of therapy" justified giving him a clearance.

Those cases are not unusual. There are other similar decisions in DOHA's files.

The DOHA process grew out of the abuses of the McCarthy era in the 1950s when many people were attacked for alleged Communist ties. President Eisenhower, acting after the Supreme Court ruled that contractor employees had the right to a hearing if their clearances were jeopardized, issued an executive order requiring hearing procedures.

The vast majority of cases processed by DOHA never go before the agency's 15 judges.

When they do review cases, the judges deny clearances in many egregious cases, or their approvals are overturned by the DOHA Appeal Board composed of three of their own members. One example: a 59-year-old man convicted of sexually abusing his granddaughter, a felony, was approved for a clearance by an administrative judge. The appeal board reversed the decision. It said the judge's decision was "arbitrary, capricious, and contrary to law."

Judges and other government clearance officials make decisions based on government-wide adjudicative guidelines. The guidelines cover, among other things, allegiance to the United States, foreign influence, sexual behavior, financial considerations, alcohol and drug use, security violations and criminal conduct. Applicants are evaluated under the "whole person" concept, which requires both favorable and unfavorable information to be considered.

Clearance officials are urged to make "common sense" determinations. "The individual may be disqualified if available information reflects a recent or recurring pattern of questionable judgment, irresponsibility, or emotionally unstable behavior," the guidelines state.

They also require clearance officials to err on the side of national security. "Any doubt as to whether access to classified information is clearly consistent with national security," they state, "will be resolved in favor of the national security."

Most people pass the guidelines without a hitch. Tens of thousands of military and contractor personnel are cleared each year. The Defense Department says only 2% to 4% of its applicants are denied a clearance or have their existing access revoked. In 1998 the Pentagon denied or revoked clearances in 3,516 cases, including 628 contractor employees. About 2.4 million people hold Pentagon-issued clearances.

DOHA's role is not limited to contractor employees. Its judges also review appeals from military personnel and civilian employees of the Defense Department. The judges issue "recommended decisions," but those opinions are not binding. Final decisions are made by clearance boards established by the Pentagon. Each branch of the service and the Pentagon's administrative arm, Washington Headquarters Services, have their own clearance boards, known as Personnel Security Appeal Boards, or PSABS.

Those PSABs often reject the judges' recommendations to grant clearances to people with background problems. DOHA statistics show that the judges recommended granting clearances in 271 of 740 cases they have reviewed since 1995. The PSABs rejected the advice in 120 cases, or 44% of the time.

The PSABs say they are tougher.

"We are not saying that everybody who drinks too much is a security threat," says K.J. Weiman, executive secretary of the Army's PSAB. But, he says, screeners must be concerned when people have financial problems, histories of drug use or heavy drinking.

"For instance, are you a quiet drunk or are you a talkative drunk?" he asks. "Are you the kind who will have too many drinks and you are sitting in a bar and saying, 'Did you know this, that, there is a terrorist threat out for Y2K?' "

Private lawyers who represent clients in clearance cases defend DOHA. They say the military process doesn't give applicants all the rights they should have and say the importance of the whole-person concept cannot be over-emphasized.

Sheldon Cohen, an attorney in Arlington, VA., says the government must evaluate the whole person in deciding whether to approve or reject a clearance: "The use of a variety of drugs by a person in high school or college, even to a substantial degree, might not disqualify that person, while a single use of marijuana by an adult while that person held a security clearance would probably cause loss of a clearance."

Adds Elizabeth Newman, a Washington lawyer. "The fact we don't want them as neighbors does not mean they will misuse classified information."

But some former DOHA employees believe there has been too much "lawyering." A clearance is a privilege, not a right, and the Supreme Court has so ruled, they say.

Howard Strouse, the retired DOHA official who was based in Columbus, Ohio, supervised the preparation of many administrative cases against contractor employees over a 14-year-period. He is frank in his assessment of the agency.

DOHA is doing a lousy job, he says.

"DOHA is due process heaven, and I'm not proud of that," he says. "You want due process, yes, but these attorneys and judges who work for DOHA have to realize they work for the government, and we are talking about national security."

Strouse says there were countless times when he and his staff pressed cases against applicants with questionable backgrounds but were overruled by the headquarters office in Arlington, VA.

"In looking at some of these administrative judge decisions," he says, "you are only seeing the tip of the iceberg."

He says he had frequent disputes with senior DOHA lawyers and Schachter, the agency's director, over "liberal" decisions. He says Schachter talked about how no spies have ever been cleared by DOHA. But, Strouse says: "Of course, he can't be disputed because there hasn't been a spy to come up. But I'm sure they are out there. Industry has long been a problem for spying."

Schachter declined to answer many questions. In a letter to USA Today, he wrote: "Sensationalizing a few cases distorts the overall record of seriousness, professionalism and dedication reflected throughout the DOHA staff and judges."

But Thomas Ewald, who directed security background investigations for the Defense Department before retiring in 1996, worries that some DOHA decisions will come back to haunt the agency. "There is no question that all of us in the business felt that many clearances should be denied that weren't," he says. "It only takes one person to cause untold damage to national security."

[From the USA Today, Jan. 4, 2000]

EASY ACCESS TO NATION'S SECRETS POSES SECURITY THREAT

GAO, USA TODAY reports show erosion of standards for clearances.

"No one has a right to a national security clearance." At least, that is what the Supreme Court said in 1988, ruling that the government should grant clearances "only when consistent with the interests of national security."

Yet, as an outraged Sen. Tom Harkin, D–Iowa, noted, citing a special report in USA TODAY last week, the Pentagon "apparently has an 'ask don't care' policy when it comes to contractor security clearances." And this week, Congress' General Accounting Office (GAO) announced that it is undertaking a new inquiry to determine whether the Defense Department consistently complies with government guidelines for issuing clearances.

There's good reason to wonder. The USA TODAY report detailed numerous instances of defense contractors' workers receiving top-secret clearances despite long histories of financial problems, drug use, alcoholism, sexual misconduct and even criminal activity.

One was awarded a clearance while on probation for bank fraud. Another was allowed to keep his high-level clearance after taking part in a $2-million fraud against the Navy. Another had a history of criminal sexual misconduct for which he was still receiving therapy.

Such behavior runs counter to President Clinton's 1995 executive order requiring that recipients of clearances have a personal and professional history showing "loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion and sound judgment."

And it's not the first example of the Pentagon's relaxed-fit attitude when it comes to maintaining the integrity of the security-clearance system that is designated to protect the nation's top secrets. As previous USA TODAY and GAO investigations have shown in recent months, the Pentagon has a backlog of more than 600,000 investigations for renewals of clearances. The GAO also concluded that "inadequate personal-security investigations pose national security risks." It found that 92% of the investigations it audited were deficient on matters including citizenship and criminal history.

Oversight wasn't the problem with the cases cited by USA TODAY last week. Those individuals received clearances because special judges in the Defense Office of Hearings and Appeals overruled Pentagon investigators and the office's own lawyers.

Hearings before such judges provide a needed level of protection against the arbitrary and capricious denial of security clearances by the government. People can correct facts and provide mitigating evidence to prove they aren't a threat to national security.

But prove that they must. And standards shouldn't be lowered for private contractors' employees. Defense contractors build the nation's advanced weapons. They develop the software and hardware for guarding the country's infrastructure and mapping attack or defense plans. Their secrets are as important as any at the Pentagon.

Harkin is demanding that the Pentagon demonstrate that it is taking steps to "ensure that security clearance is not granted to people likely to abuse the privilege."

As a start, investigators, hearing judges and defense contractors should consider the Supreme Court's message a reminder. Don't allow national security clearances to endanger national security.

A SECURITY CHECK

In deciding whether to grant security clearances, federal guidelines require judges to consider the following factors: Allegiance to the United States, Foreign influence, Sexual behavior, Personal conduct, Financial considerations, Alcohol consumption, Drug involvement, Emotional, mental and personality disorders, Criminal conduct, Security violations, Outside activities, and Misuse of information technology systems.

Mr. SMITH of New Hampshire. At the Defense Office of Hearings and Appeals, USA Today reported that felons, convicted felons—I want my colleagues to listen carefully here—convicted felons, including a murderer, individuals with chronic alcohol and drug abuse problems, a pedophile, an exhibitionist—all received security clearances in order to work for defense contractors.

I want to repeat that because I think most people would say, you have to be kidding, that really happened? The answer is yes, which is why this amendment is so urgently needed. This was investigative reporting by USA Today that reported that a murderer, people with chronic alcohol and drug abuse problems, a pedophile, and an exhibitionist received security clearance to work for defense contractors.

There was another individual who was awarded a clearance while on probation for bank fraud. Yet another was allowed to keep his clearance after taking part in a $2 million fraud against the U.S. Navy. Another had a history of criminal sexual misconduct for which he was still undergoing therapy.

For goodness' sake, I say to my colleagues, most of us and the American people would say: Gee, to get a security clearance, that is a big deal; you get to see all the secrets. At least that is what the people think. We have different levels of security clearances, from confidential, to secret, to top secret, to code level. These are security clearances for individuals who have no right to get those clearances, and I think every American would agree: $2 million in fraud against the U.S. Navy, pedophiles, murderers, chronic alcohol and drug abusers getting security clearances to see the highest classified material on various defense contracts.

An even more egregious example is that an administrative judge at the Defense Office of Hearings and Appeals—that is who hears these cases—granted a clearance to a defense contractor's project manager who had a lengthy history of drug and alcohol abuse, including two convictions of selling cocaine for which he served two separate terms in Federal prison. Overriding Government lawyers who said this man's criminal past made him ineligible for a clearance, the judge at this defense hearing ruled this individual "had no desire to ever engage in criminal conduct again."

I repeat. This is an individual who was granted a clearance by an administrative judge at the Defense Office of Hearings and Appeals. He had a lengthy history of drug and alcohol abuse, including two convictions for selling cocaine and served two separate prison terms for it. The Government lawyers said: No, this guy should not have a clearance; what are you talking about here?

They were overridden. The judge ruled the individual "had no desire to ever engage in criminal conduct again." Therefore, we will give him his clearance.

The case in point, when somebody else comes along tomorrow and says: Yes, I robbed a couple of banks, killed a couple of people, but I am sorry; I will not do it again if you will just give me my security clearance, that is what I am talking about. That is the logic: Yes, I sold a little cocaine, maybe I used a little cocaine; I am sorry. Can I have my clearance? I want to get access to classified secrets so I can work for a defense contractor.

It is unbelievable to think this is happening in our Government, but it is. Common sense dictates that one convicted murderer or one convicted drug dealer with a security clearance is one too many.

I have been told by at least one former DOD official that the USA Today's reported cases of felons granted security clearances is probably only the tip of the iceberg. These are the ones we know about.

I am also informed that the Defense Office of Hearings and Appeals is the only organization dictated to by attorneys, while in the others—for example, the military services—the security specialists are in charge. We want the security specialists to be in charge, and apparently they are not.

A frequent complaint is when there is reasonable doubt about an applicant, the Defense Office of Hearings and Appeals judges rule in favor of the applicant rather than the national interest. This is a very important point. Do you err on the side of national defense, national security, national interest, or do you err on the side of the individual?

This is not rocket science, and it is not a big deal about how they do this. Yet it is happening. In other words, err on the side of the individual; he will be OK; he is sorry; he is not going to do it again; do not worry about the cocaine; do not worry about the murder; do not worry about that; it is fine; we think he will be OK so we are going to err on his side, not on the side of national security.

I say to my colleagues, we all have staff who get security clearances. My colleagues know how tough it is to get them and how long they wait and what they put these guys and gals through. My colleagues know what is on the forms and how long it takes to get a clearance. It is an outrage this is occurring.

The adjudicative guidelines require that national security be the first priority. Those are the guidelines. These guidelines are not being enforced. As my colleagues watch me, they must be thinking: This cannot be true; he has to be blowing smoke; no way.

It is true. I have researched these cases. Senator HARKIN, who has done an outstanding job, has also researched these cases. Senator HARKIN is with me on this amendment. In fact, he first helped bring this to my attention.

When I repeatedly questioned the DOD general counsel at the April 6 hearing about whether it is acceptable to grant a clearance to an individual who committed a cold-blooded murder, he would not say no to my question.

I said to him: Is it acceptable ever to grant a clearance to an individual who committed a cold-blooded murder? I wanted him to say no. I gave him every opportunity to say no, but he refused to say no.

If you do not say no, it has to mean there is a time when it is in the interest of the individual, never mind national defense, to grant the clearance because he may not commit a murder anymore and he might be great. He could be the greatest contractor employee the Defense Department ever saw, but do we want to take the chance? Do we want to take a chance?

If my colleagues had a staff member who was asking for a security clearance—I do not know if they would be working for them if he or she committed a murder, but if they did and tried to get one, good luck. We know they would not get it. Therefore, if that is the rule for staff, then it ought to be the rule for those contractors who work for the Defense Department.

Senator HARKIN's press release about this scandal when it broke argued very persuasively:

> No one has a right to a national security clearance.

No one has a right to it. Senator HARKIN, who testified at the SASC hearings on the DSS and DOHA, argued people go through intense scrutiny just to serve on the Commission on Library Sciences, and they do not have to handle any Government secrets. We should at least have the same high standards for those holding security clearances as we require of those serving on the Commission of Library Sciences. Senator HARKIN is absolutely right. I agree with him.

Additionally, there were examples of the Defense Office of Hearings and Appeals granting clearances to people with recent drug and alcohol addictions. Why is the Defense Office of Hearings and Appeals, knowing there will always be risks that some people with clearances will betray their country for money or for ideology, placing an additional risk into the system by giving these felons clearances? Why do we take the risk? There are many good, decent people who have never committed a crime in their lives who do not gain access to classified material because they do not need to know and, therefore, they do not get their clearances because they do not need to know. Why does a convicted murderer, rapist, or convicted drug dealer need to know? The answer is simply they do not.

You might say: We should give this person a chance. No, we should not, no, no, no; not if we are going to risk the national defense of our country, we should not give them a chance.

As Senator HARKIN has said: It is not a right. It is a privilege that you earn. Additionally, there were examples of, as I said, clearances for those with recent drug and alcohol problems. Why would we want these convicted lawbreakers given access to these secrets? We know how much damage just one individual can wreak on national security. We have heard the stories—the legacy of Aldrich Ames, Jonathan Pollard, and the Walkers, the Rosenbergs. Go back as far as you want to go. It is well known to all of us who have dealt with national security issues, we simply cannot afford to have loose standards when it comes to protecting our secrets and protecting lives. They are loose enough as it is.

We have had stolen secrets from our atomic weapons labs going to the Chinese. We certainly do not need to invite people into critical areas, where sensitive technology and sensitive information is bandied about, to have a person who would have that kind of a background to get a security clearance.

I emphasize, again, I know in America we are all in favor—and I am, too—of giving people a break, giving a person a chance, giving them a second chance, but not when it comes to national security.

I guarantee you, for every cocaine dealer you think is fine now and would be a great person to work for a Government contractor—I guarantee you—there are 100 who never had any cocaine convictions who would be just as good. I guarantee it. We ought to start looking down the line to find them.

In some States, an individual would lose his or her right to vote based on a felony conviction. The 1968 Gun Control Act stripped individuals convicted of felonies of their constitutionally protected second amendment right. I have known of an instance where a Capitol Hill staffer was denied a clearance because he was a few months behind in his student loan payment.

Keep in mind, a security clearance is not a right; it is a privilege. In fact, it is more than that. It is an honor. That says something about this person, that this is a special person who can be trusted with the secrets, sensitive information about the U.S. Government, about the weapons we make.

To say that we would dumb those standards down at that level is a disgrace and, frankly, it is an embarrassment to our country, to our Government, to our Defense Department, to our administration, to everybody involved, and, yes, even an embarrassment to the members of the Armed Services Committee of the Senate that this is happening. It is an embarrassment. The only way to correct it is to stop it and say it is wrong.

Right now you can have a felony conviction and still be granted a clearance and access to sensitive secrets; and that does not pass the commonsense test. It does not pass the smell test, folks, that a convicted murderer can be granted a security clearance. Believe it or not, they had an explanation for it. It was not a good one. They had an explanation for it: He's reformed now. He's OK now.

In conclusion, the bottom line is, my amendment is very simple. It would prevent DOD from granting security clearances to those who have been convicted in a court of a crime punishable by imprisonment for a term exceeding 1 year. It would also disallow a clearance for anyone who is an unlawful user or addicted to any controlled substance or has been adjudicated as mentally incompetent or has been dishonorably discharged from the U.S. Armed Forces.

It is sad, though, that we have to pass an amendment on the floor of the Senate, add language to the DOD authorization bill that says the people who do these things—the people who review these cases, who review these individuals—we have to pass an amendment which is nothing more than common sense that says you cannot put murderers and felons and cocaine dealers, people who have been convicted of these crimes, in positions where they have access to national security information. We have to pass an amendment because the people we put in charge are not doing this, are not stopping this. Can you imagine that?

That is what it has come to. I am embarrassed by it. But I will tell you what. I would rather be embarrassed by it than have it continue to happen, where our secrets get compromised because somebody could be compromised as a result of this kind of background.

We cannot take all the risks out of the system no matter how good we are, no matter how good the DOHA, the Defense Office of Hearings and Appeals. No matter how good they are, they are going to make mistakes. That is human. Sometimes people such as Pollard and Walker get clearances, unfortunately. And they ought to pay the price for it when they are caught. But let's not take this kind of ridiculous risk and dumb down the entire operation.

I might add—it does not say this in the amendment—if we have people who are looking at these cases, and assessing the risks, and they are concluding that people with these kinds of backgrounds can get security clearances, we may want to change some of the people who are doing the evaluating as well. That may be the next step if it does not stop.

I regret that many of the committee members missed the DSS, the Department of Security Services, and the Defense Office of Hearings and Appeals hearing that we had because it was an eye-opener for me. Even though I read the press articles relating to the scandal, I was surprised those individuals I questioned—when I gave them the opportunity when I questioned them—still said they would not say no when I asked them whether they believed it would be all right to give somebody such as that a clearance. They would not say no, which gives me the impression there would be circumstances where they should be able to get the clearances.

That is my amendment. I know the manager of the bill is not prepared to vote at this time. But at this point, Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. SMITH of New Hampshire. Mr. President, I yield the floor.

I will take this moment to thank my colleague, Senator WARNER, the chairman of the committee, for the outstanding leadership he has provided as the chairman of the committee.

Mr. WARNER. Mr. President, I thank my colleague and simply say we are endeavoring and working with the other side of the aisle to see if we might come up with some clarification to his amendment.

I yield the floor.

AMENDMENT NO. 3214 TO AMENDMENT NO. 3210

Mr. McCAIN. Mr. President, I send a second-degree amendment to the pending amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Arizona [Mr. McCAIN], for himself, Mr. FEINGOLD and Mr. LIEBERMAN, proposes an amendment numbered 3214 to amendment No. 3210.

Mr. McCAIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. McCAIN. Mr. President, I offer this amendment on behalf of myself, Senator FEINGOLD, and Senator LIEBERMAN.

This amendment would mandate that the names of contributors to entities operating under section 527 of the Tax Code be disclosed. This amendment is simple. It is straightforward. It would impose no substantial burdens on any entity. And most importantly, it is constitutional and in no way infringes on the free speech of any individual or group.

Before I discuss the matter further, I thank my colleagues, Senator LIEBERMAN and Senator FEINGOLD, for all they have done to close this 527 loophole. They have been stalwarts in this effort, and their hard work and dedication deserves note and praise. In fact, Senator LIEBERMAN has separate legislation supported by myself and Senator FEINGOLD on this very issue.

On May 18 of this year, USA Today stated:

> What's happening? Clever lawyers for partisan activists, ideological causes and special interests have invented a new way to channel unlimited money into campaigns and avoid all accountability. Hiding behind the guise of "issue advocacy" and an obscure part of the tax law, nameless benefactors with thick bankrolls can donate unlimited sums to entities known as "section 527 committees," beyond the reach of the campaign-reporting laws designed to curb such abuses.

> If the Chinese Army had discovered this tactic first, its infamous contributions of 1996 would have been quite legal. It wasn't supposed to be this way. Post-Watergate reforms a quarter-century ago required that all donations of $200 and more be publicly reported by name. There would be no more "hidden gifts" of $2 million and up like those that helped fuel the illegal activities of Richard Nixon's re-election campaign. At least voters would know where a candidate's political debts lay.
>
> But that is not the way the system has evolved. And today no one knows how many anonymous contributors are exploiting the loopholes in the law or how much these loopholes are adding to the swamp of money in politics.

USA Today sums it up well. This is a dark, uncontrolled sector of the political landscape. It is a danger to our electoral system. Unfortunately, unless we act, the problem will only grow worse.

The Associated Press reported on June 6:

> At crucial moments in the presidential campaign, George W. Bush has benefited from millions of dollars in advertising paid for by mysterious groups and secret donors.
>
> Similar ads have also boosted Vice President Al Gore, but they generally were done by well-established organizations with clear agendas. Still, their donors remained secret, too.
>
> It's a new form of political warfare that's quickly becoming the tool of choice for people looking to influence Election 2000, made possible by a once-obscure provision in the tax code that lets anyone form a group and spend money on campaign-style ads without saying who is paying for them.

This amendment in no way restricts the ability of any individual or organization from spending money to influence a political or electoral system. I believe 527 should be abolished completely. I am not sure that at this moment in time we have sufficient votes to do that in the Senate.

This amendment protects free speech but recognizes that the public has a right to know who is speaking. This amendment gives the American public an answer to the question raised by the Associated Press story; namely, who is paying for these multimillion-dollar ad campaigns?

While the rhetoric of speech being protected is sometimes bantered around without much thought, it is not actually speech that is constitutionally protected but the individual who is protected to speak his or her thoughts. Speech is not naturally occurring. It is not created of matter and therefore exists outside of the human realm. It is the individual who is protected. Under this amendment, the individual is protected. He or she can speak their will. Again, the public is given the right to know who is speaking.

The 2000 Federal election cycle has brought a new threat to the integrity of our Nation's election process: the proliferation of so-called stealth PACs operating under section 527 of the Tax Code. These groups exploit a recently discovered loophole in the Tax Code that allows organizations seeking to influence Federal elections to fund their election work with undisclosed and unlimited contributions at the same time as they claim exemption from both Federal taxation and the Federal election laws.

Section 527 of the Tax Code offers tax exemption to organizations primarily involved in election-related activities such as campaign committees, party committees, and PACs. It defines the type of organization it covers as one whose function is, among other things, "influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office. . .."

Because the Federal Election Campaign Act uses near identical language in defining entities it regulates, organizations that spend or receive money "for the purpose of influencing any election for Federal office," section 527 formerly had been generally understood to apply only to those organizations that register as political committees under, and comply with, Federal election campaign laws, unless they focus on State or local activities and do not meet certain other FECA requirements.

Nevertheless, a number of groups engaged in what they term "issue advocacy campaigns" and other election-related activity recently began arguing that the near identical language of FECA and section 527 actually mean two different things. In their view, they can gain freedom from taxation by claiming they are seeking to influence the election of individuals to Federal office but may evade regulation under FECA by asserting they are not seeking to directly influence an election for Federal office.

Let me repeat that. This is what these organizations are saying: They can gain freedom from taxation by claiming they are seeking to influence the election of individuals to Federal office, but they evade regulation under Federal election laws by asserting they are not seeking to directly influence an election for Federal office.

As we have seen in the past, they simply avoid using the infamous six words noted in the Buckley decision as a footnote; namely, "vote for, vote against, support" or "oppose." As a result—because unlike other tax exempt groups such as 501(c)(3)s and (c)(4)s, section 527 groups don't even have to publicly disclose their existence—these groups gain both the public subsidy of tax exemption and the ability to shield from the American public the identity of those spending their money to try to influence our elections.

Indeed, according to news reports, newly formed 527 organizations pushing the agenda of political parties are using the ability to mask the identity of their contributors as a means of courting wealthy donors who are seeking anonymity in their efforts to influence our elections.

There are some in this body who would fully regulate 527s under the FECA. This amendment doesn't do that. While I would personally support such an effort, this amendment does not impose the burdens mandated under FECA to 527 organizations. This amendment would, however, require 527 organizations to disclose their existence to the IRS, to file publicly available tax returns, and to file with the IRS or make public reports specifying annual expenditures of over $500 and identifying those who contribute more than $200 annually to the organization. What could be more simple? What could be more fair, honest, and straightforward?

The Washington Post recently stated:

> For years, opponents of campaign finance reform have been saying that disclosure is disinfectant enough. Don't enter the swamp of trying to regulate the raising and spending of campaign money, they say; just require the prompt reporting of contributions, and let the voters perform the regulatory function at the polls.

This is an argument that has been made continuously by my colleagues. On September 26, 1997, the senior Senator from Kentucky stated, in regards to contributor information reported by the Democratic National Committee:

> Disclosure would have been the best disinfectant.

On the same day, on the floor of the Senate, the majority leader stated:

> Why don't we, instead, go with freedom, open it up, have full disclosure and let everybody participate to the maximum they wish?

I believe this amendment is 100 percent in accordance with Senator LOTT's comments. For the information of my colleagues, the amendment places no new restrictions of any kind on giving to so-called 527 organizations or how they spend their money. It merely mandates full disclosure.

Senator LOTT stated on May 13, 1992:

> It seems to me that something that has that big an influence on an election, campaign election, should at least be reported. Disclosure. That is the key. Let us always disclose to the American people where we are getting our money, where it is being spent. That is the answer.

On September 26, 1997, Senator BENNETT stated:

> So, if you are going to look for a local example of something that works, you could say, based on my state's experience, that we ought to open the whole thing up and let corporate contributions come in as well as individual contributions. The one thing that we do have in Utah that has made it work is full and complete disclosure so that everybody knows that, if the Utah Power and Light company is giving to X campaign, that is on the public record. And when the Governor goes to deal with utility regulation, everybody knows how much the power company gave him.

Under this amendment, 527 entities would disclose their contributors exactly in the manner Senator BENNETT claims should be done.

Senator CRAIG, on February 24, 1998, stated:

> Instead [of McCain-Feingold] full and immediate public disclosure of campaign donations would be a much more logical approach.

To be fair, Senator CRAIG was referring to contributions to candidates. But we all recognize that political ads that run under the 527 loophole are designed to accomplish the exact same goal as candidate-run ads: to elect or defeat candidates or causes and, as such, the contributors to 527s, such as contributors to candidates, should be immediately and fully disclosed.

The clarion call for greater disclosure has been heard and it is time we acted. This amendment is not designed to give any one party any advantage over the other. As I noted earlier in my remarks, both parties are the beneficiaries of 527 expenditures.

As the Washington Post editorialized:

> Both parties use these Section 527 committees. The failure to disclose is insidious, the ultimate corruption of a political system in which offices if not the office holders themselves, are increasingly bought. At least, they could vote for sunshine. Or is the truth too embarrassing for either donors or recipients?

Many times, I have stood on the floor of the Senate and argued for the constitutionality of the so-called McCain-Feingold legislation. I strongly believe that campaign contributions should not only be disclosed but that they can be constitutionally limited. Recent Supreme Court decisions clearly affirm that fact.

But there was dissent noted in the most recent Supreme Court case on campaign finance reform. I want to note for the record that in Justice Kennedy's dissent he stated:

> What the Court does not do is examine and defend the substitute it has encouraged, covert speech funded by unlimited soft money. In my view, that system creates dangers greater than the one it has replaced. The first danger is the one already mentioned: that we require contributors of soft money and its beneficiaries mask their real purpose. Second, we have an indirect system of accountability that is confusing, if not dispiriting, to the voter. The very disaffection or distrust that the Court cites as the justification for limits on direct contributions has now spread to the entire discourse.

In his dissent, Justice Kennedy also points out:

> Among the facts the Court declines to take into account is the emergence of cyberspace communication by which political contributions can be reported almost simultaneously with payment. The public can then judge for itself whether the candidate or the officeholder has so overstepped that we no longer trust him or her to make a detached neutral judgment. This is a far more immediate way to assess the integrity and the performance of our leaders than through the hidden world of soft money and covert speech.

In his dissent concerning the same campaign finance reform case, Justice Thomas paraphrases the Buckley case and states:

> And disclosure laws "deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity."

Based on the dissent issued in the Missouri case and what was clearly stated by the majority, the kind of disclosure mandated by this amendment would not only be constitutional but is clearly in the public's best interest.

Mr. President, this amendment is the right thing to do. It is not as comprehensive an approach as I believe is necessary to deal with the numerous problems associated with our current campaign finance system. I believe much more needs to be done, and I intend to continue my fight with my friend from Wisconsin, Senator FEINGOLD, to truly reform our campaign finance laws. But it is a simple, easy-to-understand solution to one specific problem that currently plagues our electoral system. It is a solution we can enact today or tomorrow. It is a solution to a problem that has just begun and one that is easily solved. I hope my colleagues will support this amendment.

I have been in elected office since 1983. I first came to the other body and then to this one. If at the time I first came to the Congress of the United States you told me tickets would be sold by fundraisers for $500,000, that we would have organizations that took part in our political system and directly intervened in our elections, where it was not even required for contributors to disclose unlimited amounts of money, if you had told me that we would have a situation which would cause so much concern and anger and discontent, as in the 1996 election where money poured in even from foreign sources, that huge amounts of money from a Communist country, China, would pour into our elections—we may never know how much—that, in my view, would have been illegal and deserved the appointment of an independent counsel. The machinations that went into the Justice Department to prevent that from happening have been revealed.

If we don't require full disclosure of these 527s, then we will say as a body that it is legal for money to come from anywhere, from anyone, and it doesn't even have to be disclosed to the American people. That is a sad state of affairs, a very sad state of affairs.

I see my friend, Senator FEINGOLD, here waiting to speak, and I know others want to speak on this. I have said a couple of times on the floor of the Senate that I learned a lot in the last campaign in which I was involved. The most disheartening thing that I learned—which was affirmed long before I learned it by the 1998 election, which had the lowest voter turnout in history of the 18 to 26-year-olds in this country—was that particularly young Americans are becoming more and more disconnected and even alienated from their Government. Young Americans don't believe they are represented anymore. Young Americans in a focus group conducted by the Secretaries of State of America—those responsible for our elections in every State —the focus groups of young people were very alarming in their results. A lot of young people said they thought we were corrupt. A lot of young people said they would never run for public office. There is an unwillingness to serve the country—at least in the area of public service today—because young Americans believe that we no longer represent their hopes, dreams, and aspirations.

This situation has gradually evolved, as any evil does in life. We started out with a situation where soft money was set up that required full disclosure, and different organizations calling themselves "independent" began to accept unlimited amounts of money. But at least they fell under laws that required full disclosure. Now we have this new, burgeoning industry. I have no idea if it is tens of millions or hundreds of millions of dollars that will go into this political campaign under the guise of 527. I intend, later in the debate, to quote from news articles describing the dramatic growth of these 527s. Mr. President, it has to stop.

A funny thing is happening in the world. Today, the former Chancellor of the Federal Republic of Germany, Mr. Helmut Kohl, is in disgrace in his nation—the man who led his nation through a great deal of the cold war for 16 years. Helmut Kohl is in disgrace in the eyes of his countrymen because Helmut Kohl refuses to disclose the names of the people who gave him money for political purposes while he was the Chancellor of the Federal Republic of Germany.

In the United States of America, the beacon of home and freedom and the institutions of democracy throughout the world, we now have a situation where it is legal for anyone to give unlimited amounts of money which will directly affect American political campaigns. There is not even disclosure. It is evil in itself that unlimited amounts of money are able to be contributed because it is a direct violation of the $1,000 contribution limit which the U.S. Supreme Court just upheld as constitutional. But now we have reached a point where the Washington Post says failure to disclose is insidious, the ultimate corruption of a political system in which offices, if not the officeholders themselves, are increasingly bought. At least we could vote for sunshine.

I would like to yield to my friend from New York briefly because Senator FEINGOLD is waiting.

Mr. SCHUMER. Mr. President, I want to ask the Senator a question to clarify. His amendment is one of disclosure. Is that the same as the one the Senator from Connecticut introduced? It would not affect first amendment rights. It would not affect limits on how much you give but simply disclose what is given. Am I correct in that assumption?

Mr. MCCAIN. The Senator from New York is correct. I would like to say to the Senator from New York that we are doing this because perhaps we can't sell the whole package; perhaps we can't do the whole thing. This is in no way an indication that Senator FEINGOLD and I or the Senator from New York or the Senator from Connecticut are not equally committed to McCain-Feingold soft money elimination, et cetera. But at least let's get this ill cured.

How in the world a vote can be cast against disclosure of this is not comprehensible to me.

I thank the Senator.

Mr. SCHUMER. I think it is an excellent idea. I would like to speak later in support of the Senator's amendment.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am very pleased to again be on the floor with my colleague and friend, the Senator from Arizona, and to join with him in offering this amendment.

I am especially pleased also to be offering this amendment with the Senator from Connecticut, Mr. LIEBERMAN, who has offered a bill in this same form.

I ask unanimous consent that the Senator from New York, Mr. SCHUMER, be added as a cosponsor of the amendment as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, if there is one thing on which the entire Senate should be able to agree, it is that we need to have full disclosure by groups participating in the electoral process by running advertisements that mention candidates.

This is a first step. In fact, it is only a first step on this bill. We intend to offer other steps, including our McCain-Feingold legislation concerning soft money, on this bill. But this is the first step.

The so-called 527 organizations that this amendment addresses are the newest wrinkle in the breakdown of our campaign finance laws.

These 527 groups are now openly and proudly flouting the election laws by running phony issue ads and refusing to register with the FEC as political committees or disclose their spending and contributors. It is time that Congress called a stop to this, not to try to keep anyone from speaking or otherwise participating in elections, but to give the American people information that they desperately need and deserve about who is behind the ads that are already flooding our airwaves, six months before the election.

There is no reason that our tax laws should give protection to any group that refuses to play by the election law rules. For that reason, I have cosponsored and wholeheartedly endorse S. 2582, a bill introduced earlier this year by Senators LIEBERMAN, DASCHLE, MCCAIN, and others to restrict the tax exempt status available under section 527 of the Internal Revenue Code only to those groups that register and report with the FEC. This amendment is even more mild. But at the very least, the public deserves more information on the financial backers and activities of groups that benefit from this tax exempt status, and that is what this amendment attempts to provide. This amendment simply seeks disclosure. It would be a small step towards addressing one of the loopholes in our current campaign laws that is eroding the public's faith in our electoral system. It's a small step, but an important step. It is the first step, and the second step is the ban on soft money.

Time and time again when we have debated reform here on the floor of the Senate, the opponents of the McCain-Feingold bill have said that they favor full and complete disclosure of campaign contributions and spending.

The Senator from Arizona did a fine job of sharing with us some of the quotes from Senators who said they would support disclosure even if they couldn't support a ban on soft money.

Well, those Senators who so confidently proclaim that full disclosure is the answer to our campaign finance problems should realize that they cannot be consistent in that view if they don't support this amendment. All this amendments seeks is disclosure, the most basic and commonsense tenet of our campaign finance laws, by groups that are spending millions of dollars to influence elections. It is said that sunshine is the best disinfectant. Here is our chance to throw some sunshine on this latest effort to cast a dark cloud on our campaign finance system.

Sadly, what to me is perhaps the most shameful thing about this whole process is we know that many Members of Congress are involved in raising money for these 527s.

Recently, there was a very disturbing report in the Washington Post about the majority leader urging hi-tech companies to contribute to a new group called Americans for Job Security that is now running ads supporting one of our colleagues who is up for reelection. Americans for Job Security is almost certainly claiming a tax exemption under section 527, but at the same time it will not disclose its contributors or its spending. And we all know of the highly publicized connections between the majority whip in the House, Mr. DELAY, and various 527 organizations.

These groups pose a special danger to the political process because if Members of Congress can organize them or raise money for them, the real possibility of corruption emerges. What is the difference between a million dollar contribution directly to a candidate and a million dollar contribution requested by a candidate that goes to a group that plans to run ads to support that candidate or, more likely, attack his or her opponent? There really is no difference when you come right down to it, but right now, the first contribution is illegal, as it should be, and the second contribution is not. It is legal. Our amendment does not prohibit that second contribution, it just asks that it be made public.

As groups proliferate, the chances of scandal increase as well. It will not be long before reports of legislative favors received by big donors to 527 groups start making the headlines. Or foreign money or money derived from organized crime making its way into our election process by way of 527s. The 527 loophole is a ticking time bomb of scandal.

As noted in the recent Common Cause report, "Under the Radar: The Attack of Stealth PACs on our Nation's Elections," here are some of the groups that are taking advantage of the 527 loophole to collect unlimited contributions and use them to influence federal elections without any disclosure. Saving America's Families Everyday, the Republican Majority issues Committee, Citizens for Better Medicare, Republicans for Clean Air, Shape the Debate, Business Leaders for Sensible Priorities, the Peace Voter Fund, citizens for Reform, and the Sierra Club. When the American people see an ad by one of these groups, they will know it is coming from a Stealth PAC, a 527, but that's all they will know because these groups are currently not reporting anything to the FEC or the IRS.

Money, politics, and secrecy is a dangerous mixture. Mr. President. The least we can do is address the secrecy ingredient in this potion with this amendment. There is no justification whatsoever for allowing these groups to operate under the radar. None. Citizens deserve to know who is behind a message that is being delivered to them in the heat of a campaign. These groups that hide behind apple pie names are trying to obscure their identities from the public. The public is entitled to that information. And it is entitled to withhold a tax exemption from any group that would refuse to provide the information.

I think I have heard from almost every one of my colleagues recently that they believe this campaign finance system is completely out of control, that they sense it is about to completely explode. We all know it. It is completely out of control. This is a first step to try to bring that control back and then to move on quickly to the effort to address the other even more enormous problem at this point—the problem of soft money being contributed to political parties.

I thank the Senator from Arizona and my colleagues on the floor, the Senators from Connecticut and New York, for their work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

I rise to support the amendment offered by the Senator from Arizona. I am proud to be a cosponsor of it and to join with him and the Senator from Wisconsin, my friend, and also my colleague from New York.

This is a bold but absolutely necessary step which was initiated by the Senator from Arizona, based on some work a bipartisan group did together earlier in the year to try to respond to this latest threat to the integrity of our Nation's election process, and that is the proliferation of so-called "stealth" PACs operating under section 527 of the Tax Code.

As my colleagues have indicated, these groups exploit a relatively recently discovered loophole in the Tax Code that allows organizations seeking to influence Federal elections to fund those elections with undisclosed and unlimited contributions at the same time as they claim exemption from both Federal taxation and the Federal election laws.

As I say these words, and as I have listened to my colleagues, I wonder about the folks listening to the proceedings on C-SPAN. People must justifiably be scratching their heads or, I hope, standing up in outrage at what is happening within our political system.

I was taught as a student at school long ago about the power of water, the natural force of water, to move and find weakness and then move through that weakness to continue to go forward. The flow of money in our political system today, which is not as natural as the movement of water through nature, seems to follow the same kind of unstoppable movement where it pursues a point of weakness in our legal system and pushes through, to the detriment of our democracy.

Section 527 is the latest point of vulnerability that has been found by the forces and flow of money in our political system. Section 527 offers tax exemption to organizations, primarily involved in election-related activities such as campaign committees, party committees, and PACs. That is what the law says it is supposed to do. It defines the type of organization it discovers as one whose function is, among other things, "Influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office."

Because the Federal Election Campaign Act uses nearly identical language to define the entities it regulates, section 527 formally had been generally understood to apply only to those organizations that register as political committees under the Federal Election Campaign Act.

Nevertheless, the flow of money moves to find a point of vulnerability in our existing legal system. A number of groups engaging in what they term "issue advocacy campaigns" and other election-related activities, have begun arguing that the near identical language of our Federal Election Campaign Act and section 527 actually mean two different things. This would be hilarious if it wasn't so serious. In their view, these groups gain freedom from taxation by claiming they are seeking to influence the election of individuals to Federal office, but they claim they can evade regulation under the Campaign Act by asserting that they are not seeking to influence an election for Federal office.

They are going two ways at once, trying to claim the benefit of two inconsistent laws, and, for the time being, getting away with it. As a result, unlike other tax-exempt groups, section 527 groups don't even have to publicly disclose their existence. They gain both the public subsidy of tax exemption and the ability to shield from the American public the identity of those spending their money to try to influence our elections. Indeed, according to news reports, newly formed 527 organizations pushing the agenda of political parties are using the ability to mask the identity of their contributors as a means of courting wealthy donors who are seeking anonymity in their efforts to influence our elections.

This is so venal, an end run on the clear intention of our laws, that I cannot believe we will let it continue. Section 527 organizations are not required to publicly disclose their existence. It is impossible to know the precise scope of this problem. The Internal Revenue Service private letter rulings, though, make clear that organizations that are intent on running what they call "issue ad campaigns" and engaging in other election-related activities are free to assert section 527 status. Of course, there have been numerous news reports that provide specific examples of groups taking advantage of these rulings.

Common Cause recently issued a report which is engaging in unsettling reading, under the title "Under the Radar: The Attack of the Stealth PACs on Our Nations's Elections," which offers details on 527 groups set up by politicians, industry groups, right-leaning ideological groups, and left-leaning ideological groups. The advantages conferred by assuming this 527 form, which are the anonymity provided to both the organization and its donors, the ability to engage in unlimited political activity without losing your tax-exempt status, and significantly the exemption from gift tax which otherwise would be imposed on large donors, leaves no doubt that these groups will continue to proliferate as the November election approaches.

No one should doubt that the expansion of these groups poses a real and significant threat to the integrity and the fairness of our election system. One of the basic promises that our system makes is for full disclosure. Senator MCCAIN and Senator FEINGOLD have spoken of comments that have been made on this floor and elsewhere by those who opposed other forms of regulating and limiting campaign finance contributions, limits on expenditures, but at least support disclosure, sunshine, the right to know. The identity of the messenger, the identity of the contributor supporting a message, naturally, would help a citizen, a voter, reach a judgment on the quality and the effect of that message.

The risk posed by the 527 loophole goes even further than depriving the American people of critical information. I believe it threatens the very heart of our democratic political process because allowing these groups to operate in the shadows poses a real and present danger of corruption and makes it difficult for anyone to vigilantly guard against that risk. The press has reported that a growing number of 527 groups have connections to, or even have been set up by, candidates and elected officials who are otherwise limited—clearly, at least so is the intention of the law—by other laws. Allowing individuals to give to these groups and allowing elected officials to solicit money for these groups without ever having to disclose their dealings to the public, at a minimum leads to exactly the appearance of corruption that the Supreme Court in some of its election law cases has warned against and sets the conditions clearly that would allow corruption to thrive.

If people in public life are allowed to continue seeking money secretly, particularly sums of money that exceed what the average American makes in a year, there is no telling what will be asked for in return. And there is no predicting how many more tens of thousands, hundreds of thousands, millions of our fellow citizens will turn away from our political system because they reach the conclusion that there is not actually equal access to our Government; that an individual or group or corporation that gives hundreds of thousands of dollars secretly to this kind of political committee clearly have more influence than they do, and it is not worth even turning out to vote.

In the hopes of forestalling this growing cancer in our body politic, a bipartisan group of Members of the Senate earlier this year introduced two bills to deal with this 527 problem. The first was what we called our aspirational bill. It would have completely closed the 527 loophole by making clear that tax exemption under 527 is available only to organizations regulated under the Federal Elections Campaign Act. It was pretty straightforward and, in my opinion, eminently sensible and logical. If this bill were ever enacted, groups would no longer be able to tell one thing to the IRS to get a tax benefit and then deny the same thing to the FEC, the Federal Election Commission, in order to evade Federal Election Campaign Act regulation.

But recognizing that a complete closing of this ever growing 527 loophole might not be possible to achieve in this Congress, we also offered a second alternative, slightly narrower. That is what this amendment is before the Senate now. It is aimed at forcing section 527 organizations simply to emerge from the dark shadows, from the secret corners, and let the public know who they are—that is not asking too much—where they get their money—that is a fundamental right—and how they spend it.

This amendment would require 527 organizations to disclose their existence to the IRS, to file publicly available tax returns and to file with the IRS and make public reports specifying annual expenditures of at least $500 and identifying those who contribute at least $200 annually to the organization. That is not asking very much. It is simple fairness, basic facts, respecting the public's right to know.

No doubt opponents of this amendment may claim the proposal infringes on their first amendment rights, perhaps, to free speech and association. But nothing in this amendment infringes on those cherished freedoms in the slightest bit. This amendment does not prohibit anyone from speaking. It does not force any group that does not currently have to comply with the Federal Elections Campaign Act or disclose information about itself to do either of those things. This amendment speaks only to what a group must do if it wants the public subsidy of tax exemption, something the Supreme Court has made clear that no one has a constitutional right to have. We in Congress, Representatives of the people, makers of the law, have the right to attach conditions in return for the public subsidy of tax exemption. As the Supreme Court explained in Regan v. Taxation with Representation of Washington, a 1983 case:

> Both tax exemptions and tax-deductibility are a form of subsidy that is administered through the tax system, [and] Congressional selection of particular entities or persons for entitlement to this sort of largess is obviously a matter of policy and discretion. . . .

That is policy and discretion to be exercised in the public interest by this Congress. Under this proposal, any group not wanting to disclose information about itself or abide by the election laws would be able to continue doing whatever it is doing now. It would just have to do so without the public subsidy of tax exemption conferred by section 527. Again, that is not asking too much.

We have become so used to our campaign finance system's long, slow descent that I fear it is sometimes hard to ignite the kind of outrage that should result when a new loophole starts to shred the very spirit of yet another law aimed at protecting the integrity of our system.

I suppose if there is any direct relevance of this proposal to the Department of Defense Authorization Act on which it is offered, it is that generations of Americans have fought, been injured, and died for our political system, our principles, our values: The right to exercise the franchise, the right to know. We are witnessing, without acting to correct it, the corruption and erosion of those basic freedoms.

This new 527 loophole should outrage us and we should act, I hope unanimously, across party lines, by adopting this amendment to put a stop to it.

Mr. President, I urge all our colleagues to join us in supporting this proposal. I thank the Chair and I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Colorado.

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent Senators be allowed to speak on this issue, and therefore ask further proceedings under the quorum call be suspended.

Mr. ALLARD. I object.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. I object.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that the pending McCain amendment and the Robert Smith amendment be laid aside, the McCain amendment become the pending business at 1 p.m. on Thursday, and there be 2 hours equally divided on the McCain amendment, with a vote to occur in relation to the McCain amendment immediately following the scheduled vote re: HMO at 5 p.m. on Thursday.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. In light of this agreement, there will be no further votes this evening, and the Senate will resume the DOD authorization bill at 9:30 a.m. on Thursday morning.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Senator BYRD, who has been a tremendous leader on campaign finance reform for decades, Senator BIDEN, Senator REID of Nevada, and Senator LEVIN be added as cosponsors to the McCain-Feingold-Lieberman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Michigan.

BIRTH OF SENATOR LEVIN'S GRANDDAUGHTER

Mr. LEVIN. Mr. President, one of the reasons I left the floor with great joy during the day was to greet the arrival of my granddaughter, Bess Rachel—who was delivered today. Bess is named after my mother. I am sure she will forgive me for doing this because she is too young to know the difference. Her mother, my daughter Kate, and my son-in-law Howard Markel, may be looking at us now. If they are, I hope they will forgive me, too. I am just a proud grandpa, with grandma Barbara there at the hospital in New York. That is why I disappeared for a few minutes.

As always, HARRY REID does yeoman work on this floor for all of us on this side of the aisle, obviously, but really for every Member of the Senate. I thank him for filling in.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INSTRUCTIONAL FACILITY AT FORT LEAVENWORTH

Mr. ROBERTS. Mr. President, I am concerned that the current primary instructional facility, Bell Hall, at the Command & General Staff College, U.S. Army Combined Arms Center, Fort Leavenworth, Kansas, is becoming incapable of performing its mission of preparing officers for positions of increased complexity and responsibility within the United States Army and other services. Bell Hall is the central academic and instructional facility of the C&GSC but the building's deteriorating physical plant and patchwork communication infrastructure can no longer support the instructional requirements contained in current and evolving Army curriculum. I am concerned that if a replacement facility is not constructed as soon as possible maintenance costs will continue to increase while Army Operation and Maintenance resources decline and student access to state-of-the-art technology required to teach advanced warfighting skills will remain limited.

Mr. WARNER. I believe construction of a new Command & General Staff College instruction facility will be included in the FY 2003 through 2007 Military Construction Future Years Defense Plan and I would certainly encourage the Army to execute this project as soon as possible.

Mr. ROBERTS. I thank the distinguished chairman of the Senate Armed Services Committee for his consideration and ask that the conferees include language in the conference report noting the need to execute this essential project as soon as possible.

MORNING BUSINESS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETIREMENT OF STEVE BENZA

Mr. THURMOND. Mr. President, It is neither an understatement, nor a misstatement of fact, to say that the United States Senate is an impressive, awe inspiring, and unique institution for many different reasons. Certainly one of the biggest reasons that the Senate is such a special place is the talented, dedicated, and bright men and women who work in support of us and our duties. I rise to pay tribute to one of these individuals, Steve Benza, who is retiring today after thirty-two years of service as an employee of the United States Senate.

Though he retains some of the mannerisms and accent that one would expect to find in someone who was born in the Bronx, New York City, Steve Benza is for all intents and purposes a native of the Senate. His family moved to the Washington area in 1958 and he began working in the Senate while a high school student, spending his summer breaks as a Page. Following graduation, Steve spent time working on the Grounds Crew and in the Senate Post Office before seizing the opportunity to work as a staff photographer, and his career was launched. As an aside, I would be remiss if I did not mention the fact that Senate service is a family tradition with the Benzas. Steve's mother Christine Benza has served with the Architect of the Capitol for the past forty-years.

Beginning his career as a "shooter", even before the contemporary Photographic Studio was established back in 1980, Steve Benza has become a familiar and well liked member of the Senate family. During his career here, Steve has met hundreds of Senators, taken probably millions of pictures, and has become an instantly recognizable institution with trademark mustache and trusted camera slung over his shoulder. In his almost thirty-years of working as an official photographer, Steve Benza has seen and chronicled everything from the mundane and routine to the unusual and historic. Confirmation hearings for Supreme Court Justices, the Fiftieth Anniversary of the D-Day Invasion, the Inaugurations of four Presidents, dozens of State of the Union Addresses and Joint Sessions of Congress, and the Impeachment Trial of President Clinton are all among the events that have been covered by Steve Benza.

In 1997, Steve was promoted from his position of supervisor of the Senate Photographers to Manager of the Senate Photo Studio where he has proven himself not only to be an able administrator, but someone of vision. Under his direction, the Senate Photographic Studio has invested in new equipment and technology, embracing the revolution in digital photography which has allowed for many innovations including quicker turn around time on orders, the creation of an image data base, and expanded services that ultimately benefit us and our constituents. Also under his direction, the Senate Photo Laboratory facilities were upgraded and training opportunities for staff were increased. All in all, the contributions and leadership of Steve Benza have turned the Photo Studio into a modern operation, equipped with the technology of the new century, and as a result, he has increased the efficiency of this vital Senate support service. He unquestionably leaves an impressive legacy of dedication to his job, and he has set an excellent example for others to emulate.

It is hard to believe that after more than three-decades, Steve Benza has decided to retire. I know it is safe to say that he will missed by countless individuals including all one-hundred Senators, but I am certain that each of us will remember him. I had the pleasure of having Steve travel with me to the People's Republic of China when I led a delegation to that nation in 1997. Beyond putting together an impressive collection of images that chronicled our journey, Steve's relaxed disposition and ready sense of humor made what was a pleasurable journey all the more enjoyable.

As many of us know, Steve Benza is a devoted family man. Though I understand that he has not made-up his mind as to what he will do in his retirement, I am certain that spending time with his wife Alma, and children George and Annie, will be a big part of his activities, as will pursuing his passions of fishing and golfing. Regardless of what Steve chooses to do in the future, I wish him many years of health, happiness, and success, and I want him to know that I am grateful and appreciative for his many years of loyal service to the United States Senate. It has been a pleasure to know him and I will certainly miss him.

TRIBUTE TO COLONEL TERESA M. PETERSON, UNITED STATES AIR FORCE

Mr. LOTT. Mr. President, I would like to recognize the professional dedication, vision, and public service of Colonel Teresa M. Peterson who is leaving the 14th Flying Training Wing (14 FTW) after two years of devoted service to become the Director of Transportation on the Air Force staff in the Pentagon. It is a privilege for me to recognize her many outstanding achievements at Columbus Air Force Base, and to commend her for the superb service she has provided the Air Force and our great Nation.

As Commander of the 14th Flying Training Wing, Colonel Peterson spearheaded the training and education of our Nation's next generation of Air Force pilots. The epitome of an Air Force officer and accomplished pilot, she provided our Nation's future warriors with inspirational leadership and an outstanding training environment. Her talents were showcased in every aspect of Columbus AFB operations and highlighted through outstanding performances on command inspections such as the 1998 Headquarters Air Education and Training Command (AETC) Operational Readiness Inspection.

Colonel Peterson's quality of life initiatives for Columbus AFB provided the installation with $56 million in improvements. Those initiatives included construction of a $6.3 million Unaccompanied Officer Quarters and a $25 million, 202 unit, highly sensitive family housing complex. She deftly negotiated resolution of several complex contracting challenges on the family housing project and ensured that contractor issues were handled quickly and efficiently. Her vision and oversight of numerous facilities construction and renovation projects significantly enhanced the training environment and living conditions of Columbus AFB personnel.

Under Colonel Peterson's leadership and guidance, Columbus AFB was a showcase for visitors which included the Secretary of the Air Force, members of Congress, foreign dignitaries, numerous flag officers, and friends and families of the Specialized Undergraduate Pilot Training Program. Her dedication to the Air Force and her people and the vision she established for Columbus AFB are her greatest assets, netting Columbus unprecedented recognition with AETC and the Air Force.

She aggressively met the increased Air Force pilot demand through activation of the first reserve associate squadron, seamlessly integrating reservists with active duty instructor pilots to mitigate force reduction problems. Colonel Peterson managed the second busiest military airfield east of the Mississippi River, with more than 200,000 aircraft operations annually. Her area of responsibility included 49,000 square miles of airspace in close coordination with 13 civilian satellite airports. Under her command, Columbus AFB has remained one of the safest flying operations in the AETC.

She astutely enhanced pilot training at its initial phase by establishing coequal T–37 squadrons with an operating concept for synchronized training and operations under two distinct supervisors. She managed pilot training and support operations for USAF and international officers using a fleet of 247 T–37B, T–38A, T–1A and AT–38B aircraft and 14 instrument simulators. Her extraordinary aviation skills, coupled with her vast experience and boundless warrior spirit, ensured that Columbus AFB was aggressively able to meet the challenge of increased Air Force pilot demand. Her efforts produced 585 Specialized Undergraduate Pilot Training and 481 Introduction to Fighter Fundamental student pilots who flew 146,795 sorties totaling 198,722 hours during her tenure.

As Colonel Teresa Peterson leaves Columbus Air Force Base, she leaves behind a legacy of excellence and "firsts." She was the first woman in the Air Force to command a flying squadron; the first active duty woman to command an Air Force flying wing; and, the first woman pilot to make the rank of brigadier general. She is recognized as an honorary member of the Tuskegee Airmen (Alva N. Temple Chapter) and a member of the Mississippi University for Women's National Board of Distinguished Women. Colonel Peterson is an outstanding officer and a credit to the United States Air Force and our great Nation. I call upon my colleagues from both sides of the aisle to recognize her service to Columbus Air Force Base and wish her well in her next assignment.

VICTIMS OF GUN VIOLENCE

Mr. SCHUMER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

June 7, 1999: Devron Baker, 17, Baltimore, MD; Allen Galathe, 19, New Orleans, LA; Jose Junco, 27, Houston, TX; Raynell Lawrence, 24, New Orleans, LA; Kenneth Martin, 41, New Orleans, LA; Earl Merriweather, 23, Atlanta, GA; Solomon Morrison, 65, New Orleans, LA; Lawrence Piedra, 39, Philadelphia, PA; Allan P. Raidna, 30, Seattle, WA; Angel Retemar, 19, Bridgeport, CT; Timothy Stovall, 12, New Orleans, LA; Unidentified male, 49, Bellingham, WA.

UNANIMOUS CONSENT REQUEST

Mr. SHELBY. Mr. President, I ask unanimous consent that a letter to Senators LOTT and DASCHLE dated May 25, 2000, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 25, 2000.

HON. TRENT LOTT,
Majority Leader,
Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

SENATOR LOTT AND DASCHLE: S. 1902, the Japanese Imperial Army Disclosure Act, contains provisions affecting intelligence activities and programs. This legislation, which amends the National Security Act of 1947, would permit the release of any portion of any operational file of the Central Intelligence Agency. As you know, these are issues of significant interest to, and clearly within the jurisdiction of, the Select Committee on Intelligence. Therefore, pursuant to Senate Resolution 400, we hereby request that S. 1902 be referred to the Intelligence Committee for consideration.

Sincerely,

RICHARD C. SHELBY,
Chairman.
RICHARD H. BRYAN,
Vice Chairman.

COMMITTEE ON RULES AND ADMINISTRATION RULE CHANGE

Mr. McCONNELL. Mr. President, I would like to give notice to Members and staff of the Senate that the Committee on Rules and Administration has approved the following change to its Rules of Procedure.

The Committee's rules approved at the beginning of the 106th Congress require 4 members of the committee to constitute a quorum for the purpose of taking testimony under oath and 2 members of the committee to constitute a quorum for the purpose of taking testimony not under oath.

The Committee intends to amend paragraph 3 of Title II of the Rules of Precedure for the Committee on Rules and Administration to state:

> 3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that once a quorum is established for the purpose of taking testimony under oath, any one member can continue to take such testimony.

This amendment shall be effective on June 8, 2000, and will make the Rules Committee's quorum rules more consistent with the quorum rules of most other standing committees.

PENNSYLVANIANS RAISE FUNDS FOR WORLD WAR II MEMORIAL

Mr. SANTORUM. Mr. President, I rise today to recognize the accomplishments of 30,020 Pennsylvanian Wal-Mart associates. These dedicated individuals, along with 870,000 other Wal-Mart associates nationwide, raised more than $14 million for the National World War II Memorial Campaign.

This outstanding achievement brought the World War II Memorial Fund to more than $90 million. This donation brings the fund increasingly closer to its goal of $100 million. On June 6, 2000, Barbara Ritenour and Bonnie Cowell from Belle Vernon, PA joined 40 other Wal-Mart associates to present this contribution to former Senator Robert Dole, National Chairman of the World War II Memorial Campaign on the National Mall in Washington, D.C.

The purpose of this event on June 6 was to thank those who went above and beyond the call of duty to help meet this financial goal. It was the small contributions of bake sales and parking lot carnivals that made such a difference.

Wal-Mart employs over 1,900 World War II veterans. They recognize the importance of constructing a memorial to salute the men and women who fought in the war as well as those who supported it from the home front.

I commend the efforts of those so dedicated to the memory of those who served in World War II, and I wish the World War II Memorial Campaign continued success as they work to meet the remainder of their $100 million goal.

RYAN WHITE CARE ACT

Mr. KENNEDY. Mr. President, yesterday we passed the Ryan White

CARE Reauthorization Act. I commend everyone in the Senate who has worked so effectively on the issue of HIV and AIDS, beginning with Senator JEFFORDS, who has been a champion on this issue since the CARE Act was first authorized in 1990. I also thank the sponsors of this bill and our colleagues on the Health Committee who have sounded the alarm about the HIV/AIDS crisis through their unwavering support of the CARE Act reauthorization.

There is no stronger or more effective support than a full Senate unanimous vote today to show that, in each and every one of our states, we stand behind a bill that will enable so many citizens to receive the benefits of advances in therapies and support developed through our efforts over the past ten years.

At times of great human suffering or great tragedies or epidemics, it has often been the leadership of the federal government that has helped our fellow citizens deal with difficulties. It is in that very important tradition that this legislation was originally enacted and I urge the Senate to approve this important reauthorization of it today.

Ryan White, the young boy after whom the CARE Act was named, would have celebrated his twenty-eighth birthday this year. If we had we been as far along as we are now in providing life-prolonging and life-saving therapies, Ryan might well have been here with us, thanking each of us for the lifeline and the hope provided through the CARE Act.

Since the beginning of this epidemic, AIDS has claimed over 400,000 lives in the United States, and an estimated 900,000 Americans are living with HIV/AIDS today. AIDS continues to claim the most vulnerable among us. Like other epidemics before it, Aids is now hitting hardest in areas where knowledge about the disease is scarce and poverty is high. The epidemic has dealt a particularly severe blow to communities of color, which account for 73% of all new HIV infections. Women account for 30% of new infections. Over half of all new infections occur in persons under 25. This means that HIV infection of the nation's youth is a national crisis.

AIDS continues to kill brothers and sisters, children and parents, friends and loved ones—all in the prime of their lives. From the 30,000 AIDS orphans in New York City to the 21 year old gay man with HIV living in Iowa, this epidemic knows no geographic boundaries and has no mercy.

An estimated 34% of AIDS cases in the U.S. are in rural areas, and this percentage is growing. We know the challenges faced in rural communities where pulling together in the face of adversity is commonplace in other case. But where too often today there is silence and isolation because of the fear of condemnation over AIDS.

In addition, access to good medical care is often a significant barrier for many of our citizens with disabling diseases, who have to travel to urban centers to receive the care they need and deserve. As the AIDS crisis continues year after year, it has become more and more difficult for anyone to claim that AIDS is someone else's problem. In a very real way, we are all living with AIDS or are directly touched by AIDS.

The epidemic still kills over 47,000 persons a year. But we have good reason today to feel encouraged by the extraordinary medical advances made over the past ten years. AIDS deaths declined by 20% between 1997 and 1998. Many people with HIV and AIDS are leading longer and healthier lives today.

In addition, we have witnessed the smallest increase in new AIDS cases—11% in 1998, compared to an 18% increase in 1997. More families are leading productive lives in our society, in spite of their HIV diagnosis. This is the good news. But unfortunately, the number of people living with AIDS who can't afford expensive medical treatment is growing which means that greater demands are being placed on community-based organizations and state and local governments that serve them.

The advances in the development of life-saving HIV/AIDS drugs has come with an enormous price tag and these advances have been costly. An estimated 30% of person living with AIDS do not have health care coverage to pay for costly treatments. For these Americans, the CARE Act continues to provide the only means to obtain the health care and the treatment they need.

In Massachusetts we have seen an overall 77% decline in AIDS and HIV-related deaths since 1995. At the same time, however, like many other states, the changing HIV/AIDS trends and profiles are serious problems. AIDS and HIV cases increased in women by 11% from 1997 to 1998. 55% of persons living with AIDS in the state are person of color. State budgets often provide funds for prevention, screening and primary care. But no state could provide the major financial resources needed to help person living with HIV disease to obtain the medical and support services they need, without the Ryan White CARE Act.

By passing this legislation, we are making clear that the AIDS epidemic in the United States will receive the attention and public health response it deserves. The CARE Act reauthorization brings hope to over 600,000 persons each year in dealing with the devastating disease. It also brings hope and help to their families and their communities.

The enactment of this legislation in 1990 was an emergency response to the devastating effects of HIV on individuals, families, communities, and state and local governments. The Act targets funds to respond to the specific needs of specific communities. Title I targets the hardest hit metropolitan areas in the country. Local planning and priority-setting requirements under Title I assure that each of the Eligible Metropolitan Area can respond effectively to the local HIV/AIDS needs.

Title II funds emergency relief to states. It helps them to develop HIV care infrastructure, and to provide effective and life-sustaining drug therapies through the AIDS Drug Assistance Program to over 61,000 persons each month.

Title III funds community health centers and other primary health care providers that serve areas with a significant and disproportionate need for HIV care. Many of these community health centers are located in the hardest hit areas, serving low income communities. Title IV of the CARE Act meets the specific needs of women, children, and families.

This reauthorization builds on these past accomplishments, while recognizing the challenge of ensuring access to HIV drug treatments for all who need them. Our goal is to reduce health disparities in vulnerable communities, and improve the distribution and quality of services. Senator JEFFORDS and I have worked together to address new challenges we face in the battle against AIDS. This reauthorization will create additional funding for states that have had to limit access to new therapies due to lack of resources. The bill also targets new funds to smaller metropolitan areas and to rural and urban communities, where the epidemic is growing and adequate infrastructure is lacking.

In addition, the bill funds early intervention services to promote early diagnosis of HIV disease, referral to health care, and initiation of effective treatments to reduce the onset of the illness and its progression. Health disparities in communities of color will be reduced by requiring states and local communities funded by the Act to plan, set priorities, and fund initiatives to meet documented local needs in dealing with the epidemic. The reauthorization will also establish quality and accountability in HIV service delivery, by strengthening quality management activities to make them consistent with Public Health Service guidelines.

Our action yesterday affirmed our long-standing commitment to citizens with HIV/AIDS and to sound public policy for all citizens, families and communities touched by this devastating disease. We have the resources to continue to battle AIDS. We must continue to deal with this disease with the same courage shown to us ten years ago by the valiant ten year old, Ryan White, who spoke out against the ignorance the discrimination faced by so many people living with AIDS. The lives saved by our efforts through the CARE Act will mean a chance for real hope as medical research comes closer and closer to finding a cure.

Mr. SMITH of Oregon. Mr. President, I am delighted that last night the Senate voted to reauthorize the Ryan White CARE Act, S. 2311. I am proud to count myself as one of the cosponsors of this legislation in the Senate and strongly support its swift passage by the House.

The HIV/AIDS epidemic continues to take a high toll on Americans infected with HIV and their families. HIV/AIDS has affected Oregon in many ways. Almost five thousand Oregonians have been diagnosed with AIDS—resulting in almost 3,000 deaths. In addition, those infected with HIV number up to 8,500 in Oregon. This epidemic has touched people in every part of my State—rural and urban, rich and poor, senior citizens and newborns.

Although the story of each of these individuals living with HIV/AIDS is different, they all have one thing in common: they all benefit from the Ryan White CARE Act. Oregon received almost $8.5 million federal dollars last year to fund programs through the Ryan White CARE Act.

Passage of the Ryan White CARE Act will allow Oregonians living with HIV to have timely access to life-prolonging medications and necessary health care and support services, regardless of income level or insurance status. The Ryan White CARE Act will also improve access for HIV positive Oregonians to clinical trials, with the potential for additional scientific breakthroughs in the treatment of HIV/AIDS.

I call for the House to join the Senate in a similar quick passage of the Ryan White CARE Act that will allow hundreds of thousands of HIV positive Americans to remain healthy, productive members of their communities, while slowing the spread of the AIDS epidemic.

I would like to thank my friend Terry Bean of Portland, Oregon for talking to me about the good things the Ryan White Act does for Oregonians living with HIV/AIDS. Terry is a long time board member of the Human Rights Campaign and has been a highly valued advisor on issues affecting the Gay and Lesbian community in Oregon.

Terry's thoughts and wisdom on hate crimes, ENDA and fighting against all types of discrimination have provided me with an ethical marker for doing what is right on the Senate Floor for Oregonians. I do feel lucky that Terry's advice is dispensed on a golf course—though the only criticism I may have for Terry is that he lacks the political savvy to lose to a United States Senator. I thank him anyway for his strong support and good advice.

Mrs. FEINSTEIN. Mr. President, yesterday the Senate reauthorized a very important piece of legislation: the Ryan White CARE Act. I want to thank Senators KENNEDY and JEFFORDS for their work and commitment to reauthorizing the Ryan White CARE Act.

The CARE Act provides access to health care for tens of thousands of low-income people living with HIV and AIDS. This vital Act is set to expire on September 30, 2000. We must move quickly to ensure that it is reauthorized. Without the CARE Act, access to important health-related services could be jeopardized for hundreds of thousands of people living with HIV/AIDS.

Since 1990, the CARE Act has helped establish a comprehensive, community-based continuum of care for uninsured and under-insured people living with HIV and AIDS, including access to primary medical care, pharmaceuticals, and support services. The CARE Act provides services to people who would not otherwise have access to care.

The CARE Act is particularly important to communities of color. The HIV epidemic is devastating communities of color. Currently, AIDS is the leading cause of death among African American men and the second leading cause of death among African American women between the ages of 25 and 44. Comparably, AIDS is the fifth leading cause of death among all Americans in this age group. A disproportionate number of African Americans and Hispanic/Latinos are also living with AIDS. Whereas African Americans represent only 13 percent of the total U.S. population, they represent 36 percent of reported AIDS cases. Likewise, Latinos represent 9 percent of the population but 17 percent all of AIDS cases.

The Ryan White CARE Act is important to thousands of Californians. Two of California's largest cities, Los Angeles and San Francisco, are among the top four metropolitan cites with the highest number of AIDS cases in the United States. California has the second highest number of AIDS cases, with over 40,000 Californians currently living with AIDS. Through the CARE Act, Los Angeles has provided services to over 43,160 clients since 1996. San Francisco has provided services to 47,440 since 1996. These numbers alone demonstrate the significant impact the CARE Act has had on California.

A majority of newly diagnosed AIDS cases in California are among people of color. Through 1998, over half of all AIDS cases are reported among racial and ethnic minorities in California. In Los Angeles, and Oakland that number rises to over 60 percent, according to the Ryan White CARE Act state profiles.

Los Angeles County and San Francisco County were among the first sixteen eligible metropolitan areas to receive Title I emergency Ryan White CARE Act funds in 1991. California has been significantly impacted by the HIV/AIDS since the beginning of the epidemic, and has greatly benefitted from the Ryan White CARE Act since 1990.

The CARE Act has been very successful in the past decade. Over the last several years, the CARE Act has:

Helped to reduce AIDS mortality by 70 percent. Due to combination anti-retroviral therapies being made more widely available through the CARE Act, the AIDS death rate in 1997 was the lowest in nearly a decade.

Helped to reduce mother-to-child transmission by 75 percent.

Helped to reduce the number and length of expensive hospitalizations by 30 percent. It has also helped decrease the use of medical speciality care.

Helped 97,000 individuals access drugs through the AIDS Drug Assistance Program in 1997.

Helped 315,234 people receive HIV testing and counseling services in 1997.

Helped 66,000 people access dental care in 1998.

Promoted health and well-being which has enabled many people living with HIV to return to work and remain healthy, and actively participate in society.

The CARE Act is more important now than ever. HIV/AIDS remains a health emergency in the United States. The Centers for Disease Control estimates that 40,000 new cases are reported annually. According to the Centers for Disease Control, between 650,000 and 900,000 Americans are currently infected with HIV while the number of AIDS cases has nearly doubled over the past five years. According to Dr. Fauci at the National Institutes of Health, the worse is yet to come in the 21st century. The state of the epidemic points to the need for an increase, rather than a decrease, in health care and drug treatment for people living with HIV/AIDS. Communities of color and women will continue to be the most heavily impacted in the 21st century.

We have made many advances in testing, treatment, and research since the early days of the disease and the beginnings of the Ryan White CARE Act. Drugs now exist that can prolong and improve the quality of life. These drugs are not a cure, but they enable many people to lead a more "normal" life. Our job is not done, however, until we have made certain that all people have access to these life-prolonging medications.

The work we were able to accomplish in San Francisco for people living with HIV/AIDS is one of my proudest achievements as Mayor of the City and County of San Francisco. In 1981, when there were only 76 diagnosed cases, we provided $180,000 for prevention and social services for people living with HIV/AIDS. These were some of the first public funds allocated for AIDS in the United States. In 1987, during my last full year as mayor, 20,000 AIDS deaths were reported in San Francisco and we increased funding to $20 million. There was no federal Ryan White program then; I struggled to find this money in the city budget. Fortunately, for cities and States across the country, we now have the Ryan White CARE Act.

I pledge to do all I can to eliminate AIDS. As I have said time and time again: I was there in the beginning and I plan to be there in the end. In the meantime, we must make certain that the uninsured and under-insured have access to life-prolonging HIV treatments. The Ryan White CARE Act has proven to be an essential and effective Federal program for the uninsured and under-insured. We must ensure the continuation of the Ryan White CARE Act.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 6, 2000, the Federal debt stood at $5,647,513,754,741.07 (Five trillion, six hundred forty-seven billion, five hundred thirteen million, seven hundred fifty-four thousand, seven hundred forty-one dollars and seven cents).

Five years ago, June 5, 1995, the Federal debt stood at $4,904,369,000,000 (Four trillion, nine hundred four billion, three hundred sixty-nine million).

Ten years ago, June 5, 1990, the Federal debt stood at $3,127,273,000,000 (Three trillion, one hundred twenty-seven billion, two hundred seventy-three million).

Fifteen years ago, June 5, 1985, the Federal debt stood at $1,776,407,000,000 (One trillion, seven hundred seventy-six billion, four hundred seven million).

Twenty-five years ago, June 5, 1975, the Federal debt stood at $524,448,000,000 (Five hundred twenty-four billion, four hundred fourty-eight million) which reflects a debt increase of more than $5 trillion—$5,123,065,754,741.07 (Five trillion, one hundred twenty-three billion, sixty-five million, seven hundred fifty-four thousand, seven hundred forty-one dollars and seven cents) during the past 25 years.

ADDITIONAL STATEMENTS

STAFF SERGEANT ANA V. ORTIZ

• Mr. DODD. Mr. President, I rise today to pay tribute to a well-respected and remarkable public servant, Staff Sergeant Ana V. Ortiz, who has been chosen to receive the 2000 National Image Salute to Hispanics Award. Not only is Staff Sergeant Ortiz an upstanding and dedicated member of the Connecticut Air National Guard, but she is also the principal of the Betances Elementary School in Hartford and an active and vital member of her community.

Staff Sergeant Ortiz has dedicated nine years of service to the Connecticut Air National Guard, displaying the qualities of a natural leader and setting an example for others to follow. She participated in three Air Force contingency operations that have sent her around the world. In 1996, she supported Operation Decisive Endeavor in Italy; 1998 found her in Panama playing a role in Constant Vigil; and just last year she worked in Southwest Asia for Operation Guarded Skies. Staff Sergeant Ortiz previously attended the Air National Guard Diversity Conference, as well as the National Guard Bureau's National Diversity Program. A vocal advocate for diversity within the Air National Guard, she worked to build a solid foundation for minorities in the military, as well as a better understanding of the armed forces among both minorities and non-minorities. Her work in the Guard has earned her the Armed Forces Reserve Medal and two Air Force Achievement Medals.

Although her military feats are impressive, Staff Sergeant Ortiz is further known for her strong commitment to the Hartford schools and community. As the principal of Betances Elementary School she keeps actively involved with her students and community. Staff Sergeant Ortiz is a member of the Language Arts Committee for the State of Connecticut, and a contributor to the Center for Youth After-School Programs, the Center City Churches, and the Charter Oak Cultural Center. She also encourages and maintains a partnership program with suburban schools in the surrounding area, and is constantly working to improve education and educational opportunities for her students.

Ms. Ortiz' commitment to her students extends far beyond the school grounds. She was selected to serve on the Hartford Police Department Task Force for students at risk in the community, which strives to encourage children to find positive ways to overcome the dangers of drugs and violence that face our communities today. Furthermore, Ms. Ortiz is actively involved in protecting Connecticut's park attractions through her membership on the board of directors of the Bushnell Park Foundation, again promoting the well-being of her school children, as well as the entire community.

Ms. Ortiz' professional achievements are matched by an impressive educational background. She earned a Bachelors of Science degree in Education with an English major from Central University in Puerto Rico, a Masters degree in Reading from the University of Hartford, and a six year degree in Supervision and Administration from the University of Connecticut. Her wide range of expertise has enabled her to better excel in all aspects of her life, and the surrounding community has clearly benefitted as a result.

Staff Sergeant Ortiz strives to make the world a better place for all—through her military service, community work, and involvement with Connecticut schools. Her dedication and commitment appear to be boundless, and she is wholly deserving of the 2000 National Image Salute to Hispanics Award. Staff Sergeant Ortiz will travel to San Juan, Puerto Rico on Thursday, June 8, 2000 to receive her prestigious award.•

RETIREMENT OF RICHARD W. CANNON

• Mr. L. CHAFEE. Mr. President, on June 16th, family, friends and colleagues will gather to honor Richard W. Cannon, who has served the Social Security Administration for 39 years, and is retiring as District Manager of the Providence, RI office.

Mr. Cannon has demonstrated an exemplary record of service to New England and the Social Security Administration (SSA). He began his career with SSA as a Claims Representative in the Pawtucket, RI office in September, 1961. He quickly rose through the ranks, receiving promotions to field Representative, Operations Supervisor, Branch Manager, Assistant District Manager, and finally to District Manager by 1976. He has held the position of District Manager for 24 years in three offices: New London, CT; Cambridge, MA; and since May 1987, Providence.

Not only has Rhode Island benefited from Richard's services, but regions across the country have as well. He served stints in Social Security Administration offices in New York, California, and Hawaii. But, it has been our good fortune that he continues to return to his home state of Rhode Island.

He has shared his knowledge and expertise not only with his office colleagues, but with members of the Rhode Island Federal Executive Council, which he led as chairman for two years, and the New England Social Security Managers Association, where he also held office.

Lest we think that Richard's life was dedicated solely to the Social Security Administration, he also enjoys the outdoors. I have it on good authority that he can often be seen leaving his home in Snug Harbor to cruise the waters of Narragansett Bay, hoping to entice a fish or two to join him in his boat.

As Richard prepares for his private life away from the duties of his terribly demanding job, I want to congratulate and thank him for all that he has given to the Social Security Administration and his community.•

KANSAS CITY SESQUICENTENNIAL

• Mr. ASHCROFT. Mr. President, I rise to honor one of the great cities in Missouri: Kansas City. On June 3, 1850, the

Town of Kansas was incorporated. Three years later, the town was reincorporated as the City of Kansas and renamed Kansas City in 1889. Today, Kansas Citians are celebrating the sesquicentennial of Kansas City, Missouri.

Kansas City is situated at the point of entry at the confluence of the Missouri and Kansas Rivers. In the beginning, Kansas City was known as the last point of civilization before venturing into the untamed West. The settlement quickly prospered as an outfitting post for gold prospectors and homesteaders who were moving west.

Because of its geographical location in the middle of the United States, Kansas City was destined to develop into one of our nation's most important trading markets and distribution hubs for goods and services.

As Kansas City began to grow and prosper it became a major region for raising and sending cattle to market. Kansas City quickly emerged as the largest cattle market in the world. Since that time, each Fall, the American Royal Festival is held to pay tribute to this rich cultural heritage.

Two words come to mind when people talk about Kansas City. Those two words are Jazz and Barbecue. Kansas City is world renowned for both. One also must not forget the grandeur of the Christmas lights that adorn Country Club Plaza, viewed annually by thousands.

Kansas City is home to the Liberty Memorial which honors America's sons and daughters who defended liberty and our country through their service in World War I. This Memorial serves as a tribute to ensure that the sacrifices made by those brave men and women are not forgotten.

Union Station was the gateway for many World War II service men and women passing through Kansas City on their way to service. Now newly refurbished it still stands tall and stately as a major tourist attraction.

In the 1960s, Kansas City emerged as a powerhouse in professional sports. Lamar Hunt brought the Chiefs NFL football team to Kansas City, and Ewing Kauffman was awarded a major league baseball franchise. The Kansas City Chiefs and the Kansas City Royals have both captured world pennants.

From its vibrant past to its glowing future, Kansas City is a community that remains on the cutting edge of technology, industry, medical research, manufacturing, and sports. At the dawn of a new century, Kansas City will continue to grow and prosper and rise to her highest and best.

Mr. President, it is a distinct privilege to represent this great city in the United States Senate. I request that my colleagues join me in recognizing Kansas City for its 150 years of contributions to our great land and paying tribute to the KC150 celebration, Kansas City's sesquicentennial.

CONGRATULATIONS TO CHARLIE HOWELL

• Mr. COVERDELL. Mr. President, I am pleased to inform my colleagues that a young man from my state, Charlie Howell, won the individual National Collegiate Athletic Association golf championship this past weekend. Charlie hails from Augusta, home of the Masters Golf Tournament, and his achievement marks the beginning of another chapter in the great golf tradition of the Augusta area.

Charlie, a junior at Oklahoma State University, finished the event with a final score of 265, a full 23 strokes under par. His score shattered the previous championship record of 17 under. Given the number of talented players who have won the title, including Tiger Woods, Charlie's accomplishment is nothing short of phenomenal.

Along with his win in the individual tournament, Charlie helped the Oklahoma State team win the National Championship as well. This marks the first time since 1990 that the individual champion was also apart of a national championship team.

While success on the professional golf circuit almost certainly awaits Charlie, he has decided that his future can wait. Charlie will return to OSU for his senior year, helping to lead his team in defense of their title, and more importantly, to complete his college education.

Charlie's hard work and dedication to the sport have paid off handsomely. He now joins an elite group of golfers that can call themselves NCAA champions. I commend Charlie for his tremendous accomplishment, and wish him well in all of his future endeavors.•

HONORING STUDENTS FROM GREEN RIVER HIGH SCHOOL

• Mr. THOMAS. Mr. President, on May 6–8, 2000, more than 1200 students from across the United States came to Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Green River High School in Green River, Wyoming, represented my state in this national event. These young scholars worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The participating students were Richard Baxter, Natalie Binder, Katharine Bracken, Cameron Kelsey, Sandra Newton, Jacque Owen, Jeremy Pitts, Benjamin Potmesil, Meagan Reese, Rachel Ryckman, Ryan Stewart, and Steven Ujvary. I also want to recognize their teacher, Dennis Johnson, who deserves much of the credit for the success of the team.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress, during which a panel of judges from a variety of appropriate professional fields probes the students for their depth of understanding and ability to apply their constitutional knowledge.

The class from Green River represented the state of Wyoming well during the finals, and I wish these "constitutional experts" the best of luck as they continue to cultivate their interest in the principles upon which our great country was founded.•

REGARDING THE IMPORTANCE OF OUR CONSTITUTION

• Mr. ENZI. Mr. President, I want to take a moment to recognize some special students from my home state of Wyoming, Green River to be specific, who have been spending a lot of their time studying our Constitution. They got so good at it, in fact, that they entered a national competition here in Washington to test their knowledge against the best of their peers and had a remarkable result.

Earlier this month students from around the country came to the nation's capital to compete on their understanding of our Constitution and our American Government. The students of Green River High School did very well in that event. In fact, their understanding and grasp of the fundamental principles of our Democracy and the meaning of our Constitution was judged to be among the best of the 50 teams that participated.

Programs like the one the students of Green River participated in are vital if we are to ensure that our future leaders have an understanding of the principles of our Constitution and the beliefs and values our Founding Fathers brought to the creation of our government. Such an understanding is an important part of our children's education for it will help them understand that the rights and freedoms afforded by our Constitution bring with them certain duties and responsibilities - the duties and responsibilities of citizenship. That will help them understand their role as they become our local, state and national leaders and face the challenges of the new millennium.

Good work, Green River High School! Led by their teacher, Dennis Johnson, and supported by their State Coordinator, Dick Kean, and their District Coordinator, Matt Strannigan, they did a great job and made Wyoming proud.

I would also like to congratulate each member of the team, which includes: Richard Baxter, Natalie Binder, Katharine Bracken, Cameron Kelsey, Sandra Newton, Jacque Owen, Jeremy Pitts, Benjamin Potmesil, Meagan Reese, Rachel Ryckman, Ryan Stewart and Steven Ujvary.•

RECOGNITION OF WHITE PASS & YUKON RAILROAD'S 100TH ANNIVERSARY

• Mr. MURKOWSKI. Mr. President, I rise today to recognize an Alaskan institution as it nears its 100th birthday.

It is a major tourist attraction in Alaska, the eighth most popular in the state in 1998, boosting ridership in 1999 to about 274,000 passengers. It is an engineering marvel, having been named an International Historic Civil Engineering Landmark in 1994, such as the Panama Canal, Eiffel Tower, and the Statue of Liberty. It is an historic institution, its history tied directly to that of the Territory and State of Alaska. It got its start because of the famed Klondike Gold Rush of 1898—the last great Gold Rush in North American history. But it is more.

The White Pass & Yukon narrow-gauge Railroad is a lasting monument to the power of a dream, and to the ability of this country to mobilize technology. And it is proof positive that if you never give up, you can accomplish any worthwhile task, no matter how difficult the challenge. That lesson is as important today, as it was in 1900, at the line's completion.

It was early in 1898 when two men came north intent upon solving a transportation dilemma—intent upon moving men and supplies across the daunting Coast Mountains of Southeast Alaska, so they could reach the gold fields of the Yukon to forge national wealth for both Canada and America from the virgin wilderness. Sir Thomas Tancrede, a representative of a group of British financiers and Michael J. Heney, a Canadian railway contractor, by chance met one night at a hotel bar in Skagway, Alaska.

Tancrede, after detailed surveys, had concluded that it was impossible to build a railroad through the rugged St. Elias Mountains that separate the interior of the Yukon from Alaska at the northern end of the Alaska Panhandle. But Heney had just the opposite view. After an all-night "discussion," one of the world's great railroad projects was no longer a dream, but an accepted challenge.

On May 28, 1898, construction began on the White Pass & Yukon Route. Utilizing tons of black powder and thousands of workers the project began. Two months later the railroad's first engine pulled an excursion train from Skagway north over the first four miles of completed track, making the WP&YR, the northernmost railroad in the Western Hemisphere—the first built above 60 degrees north latitude.

From there on, the going got tough. The railroad, truly an international undertaking, climbed from sea level at the docks in Skagway through sheer mountains to 2,865 feet at the summit of the White Pass. It faces grades as steep as 3.9 percent. Heney's workers hung suspended by ropes from the vertical granite cliffs, chipping away with picks and planting black powder to blast a right-of-way through the mountains. Heavy snow and temperatures as low as −60 °F hampered the work. And the mere whisper of a new gold find sent workers scurrying off in droves.

With all odds against it, the track reached the summit of White Pass on Feb. 20, 1899 and by July 6, construction reached the headwaters of the great Yukon River at Lake Bennett. While southern gangs blasted their way through the pass, a northern crew worked toward Whitehorse, later the capital of the Yukon Territory. On July 29, 1900, the 110-miles of rails met at Carcross, where a ceremonial spike was driven by Samuel H. Graves, the company's first president. It is that anniversary—the Golden Spike Centennial Celebration—that will take place in Carcross, Yukon Territory, on Saturday, July 29 that is a reason for this statement.

Another reason, however, is simply to honor the White Pass, one of the most historic and quaint railroads in the world. Through the years when Alaska was a territory and later a state, the railroad enjoyed a rich and colorful history. It hauled passengers and freight to the Yukon; was a chief supplier for the U.S. Army's Alaska Highway construction project during World War II; and later was a basic freight railroad, hauling metal from the mines of the Yukon to tidewater in Alaska. The company after WWII began modernizing itself, retiring the last of its stream engines in 1964, switching to diesel locomotives. It became a fully-integrated transportation system, carrying freight (containers and highway tractor-trailer units) and passengers from Alaska to Canada's Interior.

In 1982, however, world metal prices plummeted and the major mines in the Yukon shut down—metals being the most dependable freight during its first 82 years of service—causing the railroad's operations to be suspended. It was six long years later that the railroad reopened to provide tourist excursions for the 20.4 mile trip from tidewater to the summit of the White Pass and back to Skagway. It also picks up hikers who trek the famed Chilkoot Trail that ends at Lake Bennett and brings them to the Klondike Highway for road transport home.

The railroad along the way paid homage to its heritage by saving old steam engine No. 73, a 1947, 2–8–2 Mikado class steam locomotive, and later restoring her for ceremonial service, so that passengers can venture from the docks in historic downtown Skagway—center of the Klondike Gold Rush National Historic Park—toward the old Gold Rush cemetery, just 1.5 miles away. In those few miles, tourists can feel the rumble, hear the noise and experience the romance of historic American train travel.

The White Pass embodies Alaska's "boom-and-bust" history, being born as a result of the Klondike Gold Rush. It is the direct result of the spirit and economic boom started in August 1896 when George Washington Carmack and his two Indian companions, Skookum Jim and Tagish Charlie, found gold in a tributary of the Klondike, later named Bonzana Creek outside of Dawson. The railroad experienced the territory's malaise in the early 20th Century, until World War II reinvigorated it. It survived the downturn in North American mining industry and is now benefiting from the growth of the nation's tourism industry and America's renewed interest in its history.

All of America is better off for the railroad's presence. It today is a slice of living history that helps fuel the imagination of Americans and a love for our nation's past. It is a national treasure that we all need to protect and preserve. Happy Golden Anniversary to all the employees of the railroad and may you have a second great century of exciting and historic travel.•

MESSAGE FROM THE HOUSE

At 10:47 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 3642) an act to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

The message also announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 777) an act to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3030. An act to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the "Matthew F. McHugh Post Office."

H.R. 3535. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

H.R. 4241. An act to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building."

H.R. 4542. An act to designate the Washington Opera in Washington, D.C., as the National Opera.

The message also announced that the House has agreed to the following concurrent resolution, which it requests the concurrence of the Senate:

H. Con. Res. 229. A concurrent resolution expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3030. An act to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the "Matthew F. McHugh Post Office"; to the Committee on Governmental Affairs.

H.R. 3535. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning; to the Committee on Commerce, Science, and Transportation.

H.R. 4241. An act to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building"; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 229. A concurrent resolution expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9141. A communication from the Assistant Secretary for Planning and Analysis, Department of Veterans' Affairs, transmitting, a draft of proposed legislation to authorize major medical facility projects for the Department of Veterans Affairs for Fiscal Year 2001 and for other purposes; to the Committee on Veterans' Affairs.

EC-9142. A communication from the Assistant Secretary for Planning and Analysis, Department of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "The Veterans Housing Loan Amendments of 2000"; to the Committee on Veterans' Affairs.

EC-9143. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on transportation security for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC-9144. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the Automotive Fuel Economy Program for calendar year 1999; to the Committee on Commerce, Science, and Transportation.

EC-9145. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report for calendar year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-9146. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of a statement with respect to a transaction involving U.S. exports to Taiwan; to the Committee on Banking, Housing, and Urban Affairs.

EC-9147. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, a report relative to the provisions of the new part 702 concerning the NCUA Board; to the Committee on Banking, Housing, and Urban Affairs.

EC-9148. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to agency compliance with mandatory use concerning Government charge cards; to the Committee on Governmental Affairs.

EC-9149. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "The Costs and Benefits of Federal Regulations, 1999"; to the Committee on Governmental Affairs.

EC-9150. A communication from the Commissioner of Social Security, transmitting, a draft of proposed legislation entitled "The Social Security Administration Fiscal Year 2001 Budget Support Act"; to the Committee on Finance.

EC-9151. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to amend the Customs user fee statute to extend for seven years the authorization for collection of such fees; to the Committee on Finance.

EC-9152. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on geographic adjustment factors under the Medicare Program; to the Committee on Finance.

EC-9153. A communication from the President of the United States, transmitting, pursuant to law, the report of Presidential Determination 2000-22 concerning the extension of waiver authority for Belarus; to the Committee on Finance.

EC-9154. A communication from the President of the United States, transmitting, pursuant to law, the report of Presidential Determination 2000-23 concerning the extension of waiver authority for the People's Republic of China; to the Committee on Finance.

EC-9155. A communication from the President of the United States, transmitting, pursuant to law, the report of Presidential Determination 2000-21 concerning the extension of waiver authority for Vietnam; to the Committee on Finance.

EC-9156. A communication from the Chair of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Selected Medicare Issues"; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2000. (Reappointment)

Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2000. (Reappointment)

David N. Greenlee, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Paraguay.

Susan S. Jacobs, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Soloman Islands, and as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

John F. Tefft, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

John R. Dinger, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia.

Donna Jean Hrinak, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Venezuela.

John Martin O'Keefe, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Daniel A. Johnson, of Florida, Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

V. Manuel Rocha, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia.

Rose M. Likins, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

W. Robert Pearson, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

Marc Grossman, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

Anne Woods Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

James Donald Walsh, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning Craig B. Allen and ending Daniel E. Harris, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 7, 2000.

Foreign Service nominations beginning C. Franklin Foster, Jr. and ending Michael Patrick Glover, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 7, 2000.

Foreign Service nominations beginning Leslie O'Connor and ending David P. Lambert, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 11, 2000.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself, Mr. ASHCROFT, and Mr. ABRAHAM):

S. 2685. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the production, sale, and use of highly-efficient, advanced technology motor vehicles and to amend the Energy Policy Act of 1992 to undertake an assessment of the relative effectiveness of current and potential methods to further encourage the development of the most fuel efficient vehicles for use in interstate commerce in the United States; to the Committee on Finance.

By Mr. COCHRAN (for himself and Mr. AKAKA):

S. 2686. A bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes; to the Committee on Governmental Affairs.

By. Mr. SMITH of New Hampshire:

S. 2687. A bill regarding the sale and transfer of Moskit anti-ship missiles by the Russian Federation; to the Committee on Foreign Relations.

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. COCHRAN, Mr. DODD, Mr. KENNEDY, Mrs. MURRAY, and Mr. SCHUMER):

S. 2688. A bill to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes; to the Committee on Indian Affairs.

By. Ms. LANDRIEU:

S. 2689. A bill to authorize the President to award a gold medal on behalf of Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. SMITH of Oregon, Ms. COLLINS, Mr. LEVIN, Mr. JEFFORDS, Mr. FEINGOLD, Mr. MOYNIHAN, Mr. AKAKA, Mr. KERREY, and Mr. WELLSTONE.

S. 2690. A bill to reduce the risk that innocent persons may be executed, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 2691. A bill to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. DURBIN):

S. 2692. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported products, and for other purposes; to the Committee on Health Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By. Ms. LANDRIEU:

S. Res. 317. A resolution expressing the sense of the Senate to congratulate and thank the members of the United States Armed Forces who participated in the June 6, 1944, D-Day invasion of Europe for forever changing the course of history by helping bring an end to World War II; to the Committee Armed Services.

By Ms. SNOWE (for herself, Mr. SMITH of New Hampshire, Mr. GREGG, Ms. COLLINS, Mr. WARNER, Mr. ROBB, Mr. SESSIONS, Mr. LEVIN, and Mr. KENNEDY):

S. Res. 318. A resolution honoring the 129 sailors and civilians lost aboard the U.S.S. Thresher (SSN 593) on April 10, 1963; extending the gratitude of the Nation for their last, full measure of devotion; and acknowledging the contributions of the Naval Submarine Service and the Portsmouth Naval Shipyard to the defense of the Nation; considered and agreed to.

By Mr. ROBB (for himself, Mr. REID, and Mr. KENNEDY):

S. Con. Res. 120. A concurrent resolution to express the sense of Congress regarding the need to pass legislation to increase penalties on perpetrators of hate crimes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COCHRAN (for himself and Mr. AKAKA):

S. 2686. A bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes; to the Committee on Governmental Affairs.

LEGISLATION TO IMPROVE THE PROCESS FOR ESTABLISHING NONPROFIT POSTAGE RATES

Mr. COCHRAN. Mr. President, today I am introducing a bill to improve the process used by the United States Postal Service to establish postage rates for nonprofit and other reduced-rate mailers.

Under the current rate setting procedure, nonprofit postage rates have changed significantly, often rising more than corresponding commercial rates. In fact, in some cases, nonprofit mail rates have increased so much that the nonprofit rates are higher than similar commercial rates. According to the Postal Service, the unpredictable rate changes experienced by nonprofit mailers stem from difficulties the Service has had with gathering accurate cost data for small subclasses of mail.

By establishing a structured relationship between nonprofit and commercial postage rates, this legislation would protect all categories of nonprofit mail from unpredictable rate swings in the future. The bill would set nonprofit and classroom Periodical rates at 95 percent of the commercial counterpart rates (excluding the advertising portion), set nonprofit Standard A rates at 60 percent of the commercial Standard A rates, and set Library and Educational Matter rates at 95 percent of the rates for the special subclass of commercial Standard B mail.

The Postal Service recently proposed to increase postage rates for all classes of mail, and this proposal is now pending before the Postal Rate Commission. As part of its request, the Postal Service asked for nonprofit postage rates that are premised on the enactment of this, or similar, legislation to change the process for setting nonprofit mail rates. Without this legislation, nonprofit mailers will face potential double-digit rate hikes.

This bill achieves an appropriate balance between nonprofit and commercial postage rates, and provides nonprofit mailers with much needed rate predictability. It is a compromise solution that is supported by the United States Postal Service and several major commercial and nonprofit mailer associations, including: the Alliance of Nonprofit Mailers, the National Federation of Nonprofits, the Direct Marketing Association, the Magazine Publishers of America, and the Association of Postal Commerce.

I invite my colleagues to support this effort to protect nonprofit mailers by improving the method for establishing nonprofit postage rates.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL RATEMAKING PROVISIONS.

(a) ESTABLISHMENT OF REGULAR RATES FOR MAIL CLASSES WITH CERTAIN PREFERRED SUBCLASSES.—Section 3622 of title 39, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) Regular rates for each class or subclass of mail that includes 1 or more special rate categories for mail under former section 4358(d) or (e), 4452(b) or (c), or 4554(b) or (c) of this title shall be established by applying the policies of this title, including the factors of section 3622(b) of this title, to the costs attributable to the regular rate mail in each class or subclass combined with the mail in the corresponding special rate categories authorized by former section 4358(d) or (e), 4452(b) or (c), or 4554(b) or (c) of this title.".

(b) RESIDUAL RULE FOR PREFERRED PERIODICAL MAIL.—Section 3626(a)(3)(A) of title 39, United States Code, is amended to read as follows:

"(3)(A) Except as provided in paragraph (4) or (5), rates of postage for a class of mail or kind of mailer under former section 4358 of this title shall be established in a manner such that the estimated revenues to be received by the Postal Service from such class of mail or kind of mailer shall be equal to the sum of—

"(i) the estimated costs attributable to such class of mail or kind of mailer; and

"(ii) the product derived by multiplying the estimated costs referred to in clause (i) by the applicable percentage under subparagraph (B).".

(c) SPECIAL RULE FOR NONPROFIT AND CLASSROOM PERIODICALS.—Section 3626(a)(4) of title 39, United States Code, is amended to read as follows:

"(4)(A) Except as specified in subparagraph (B), rates of postage for a class of mail or kind of mailer under former section 4358(d) or (e) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate category mailing.

"(B) With respect to the postage for the advertising pound portion of any mail matter under former section 4358(d) or (e) of this title, the 5-percent discount specified in subparagraph (A) shall not apply if the advertising portion exceeds 10 percent of the publication involved.".

(d) SPECIAL RULE FOR NONPROFIT STANDARD (A) MAIL.—Section 3626(a) of title 39, United States Code, is amended by adding at the end the following:

"(6) The rates for mail matter under former sections 4452(b) and (c) of this title shall be established as follows:

"(A) The estimated average revenue per piece to be received by the Postal Service from each subclass of mail under former sections 4452(b) and (c) of this title shall be equal, as nearly as practicable, to 60 percent of the estimated average revenue per piece to be received from the most closely corresponding regular-rate subclass of mail.

"(B) For purposes of subparagraph (A), the estimated average revenue per piece of each regular-rate subclass shall be calculated on the basis of expected volumes and mix of mail for such subclass at current rates in the test year of the proceeding.

"(C) Rate differentials within each subclass of mail matter under former sections 4452(b) and (c) shall reflect the policies of this title, including the factors set forth in section 3622(b) of this title.".

(e) SPECIAL RULE FOR LIBRARY AND EDUCATIONAL MATTER.—Section 3626(a) of title 39, United States Code, as amended by subsection (d) of this section, is amended by adding at the end the following:

"(7) The rates for mail matter under former sections 4554(b) and (c) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate mailing.".

SEC. 2. TRANSITIONAL AND TECHNICAL PROVISIONS.

(a) TRANSITIONAL PROVISION FOR NONPROFIT STANDARD (A) MAIL.—In any proceeding in which rates are to be established under chapter 36 of title 39, United States Code, for mail matter under former sections 4452(b) and (c) of that title, pending as of the date of enactment of section 1 of this Act, the estimated reduction in postal revenue from such mail matter caused by the enactment of section 3626(a)(6)(A) of that title, if any, shall be treated as a reasonably assignable cost of the Postal Service under section 3622(b)(3) of that title.

(b) TECHNICAL AMENDMENT.—Section 3626(a)(1) of title 39, United States Code, is amended by striking "4454(b), or 4454(c)" and inserting "4554(b), or 4554(c)".

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. COCHRAN, Mr. DODD, Mr. KENNEDY, Mrs. MURRAY, and Mr. SCHUMER):

S. 2688. A bill to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes.

NATIVE AMERICAN LANGUAGES ACT AMENDMENTS ACT OF 2000

• Mr. INOUYE. Mr. President, I rise today to introduce a bill to amend the Native American Languages Act to provide authority for the establishment of Native American Language Survival Schools. I am joined in cosponsorship by Senators AKAKA, COCHRAN, DODD, KENNEDY, MURRAY and SCHUMER.

Mr. President, for hundreds of years, beginning with the arrival of European settlers on America's shores, the native peoples of America have had to fight for the survival of their cultures. History has shown that the ability to maintain and preserve the culture and traditions of a people is directly tied to the perpetuation of native languages. Like others, the traditional languages of Native American people are an integral part of their culture and identity. They provide the means for passing down to each new generation the stories, customs, religion, history and traditional ways of life. To lose the diversity and vibrant history of many Indian nations, is to lose a vital part of the history of this country.

Mr. President, Native American languages are near extinction in the United States. Studies suggest that at one time several thousand distinct Indian languages existed in what is now America. Today that number has dwindled to approximately 155 Indian languages. Of these 155 languages remaining, 45 are only spoken by elders, 60 are spoken only by middle-aged adults or older adults, 30 are spoken by all adults but not children, and only 20 Native languages are spoken by most of the children. With so many Native communities facing the loss of their languages as elderly native speakers pass on before the language can be taught to younger generations, it is little wonder that this tragedy is growing exponentially, day by day.

In the 1880s, as part of the United States' forced assimilation policies towards Native Americans, a system of off-reservation boarding schools was initiated. Native American children were forcibly taken from their families, transported hundreds of miles to schools where their hair was cut notwithstanding the religious importance of hair length in most native cultures, their clothes replaced with military-style uniforms, and they were forbidden to speak their native languages or practice their religion. Although this effort to eradicate Indian culture was not successful, it did separate several generations of Native Americans from their native languages.

The Native American Languages Act of 1990 officially repudiated the policies of the past and declared that "it is the policy of the United States to preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages." The Act was amended in 1992 to provide financial support to Native American language projects.

Mr. President, this bill would bring the nation one step closer to assuring the preservation and revitalization of Native American languages by supporting the development of Native American Language Survival Schools. These schools would provide a complete education through the use of both Native American languages and English. The bill also provides support for Native American Language Nests, which are Native American language immersion programs for children aged six and under. In addition, the bill provides authority for the following activities: curriculum development, teacher, staff and community resource development, rental, lease, purchase, construction, maintenance or repair of educational facilities, and the establishment of two Native American Language School support centers at the Native Language College of the University of Hawaii at Hilo, and the Alaska Native Language Center of the University of Alaska at Fairbanks.

Mr. President, I urge my colleagues to support this legislation to assist the

Native people of America in their efforts to reverse the effects of past Federal policies by reintroducing today's children to their Native languages and preserving Native languages for the generations to come.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Languages Act Amendments Act of 2000".

SEC. 2. PURPOSE.

The purposes of this Act are to—

(1) encourage and support the development of Native American Language Survival Schools as innovative means of addressing the effects of past discrimination against Native American language speakers and to support the revitalization of such languages through education in Native American languages and through instruction in other academic subjects using Native American languages as an instructional medium, consistent with United States' policy as expressed in the Native American Languages Act (25 U.S.C. 2901 et seq.);

(2) encourage and support the involvement of families in the educational and cultural survival efforts of Native American Language Survival Schools;

(3) encourage communication, cooperation, and educational exchange among Native American Language Survival Schools and their administrators;

(4) provide support for Native American Language Survival School facilities and endowments;

(5) provide support for Native American Language Nests either as part of Native American Language Survival Schools or as separate programs that will be developed into more comprehensive Native American Language Survival Schools;

(6) support the development of local and national models that can be disseminated to the public and made available to other schools as exemplary methods of teaching Native American students; and

(7) develop a support center system for Native American Survival Schools at the university level.

SEC. 3. DEFINITIONS.

Section 103 of Public Law 101-477 (25 U.S.C. 2902) is amended to read as follows:

"DEFINITIONS

"In this Act:

"(1) Indian.—The term 'Indian' has the meaning given that term in section 9161 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881).

"(2) Indian tribal government.—The term 'Indian tribal government' has the meaning given that term in section 502 of Public Law 95–134 (42 U.S.C. 4368b).

"(3) Indian tribe.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(4) Indian reservation.—The term 'Indian reservation' has the meaning given the term 'reservation' in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).

"(5) Native american.—The term 'Native American' means an Indian, Native Hawaiian, or Native American Pacific Islander.

"(6) Native american language.—The term 'Native American language' means the historical, traditional languages spoken by Native Americans.

"(7) Native american language college.—The term 'Native American Language College' means—

"(A) a tribally-controlled community college or university (as defined in section 2 of the Tribally-Controlled Community College or University Assistance Act of 1978 (25 U.S.C. 1801));

"(B) Ka Haka 'Ula 0 Ke'elikolani College; or

"(C) a college applying for a Native American Language Survival School in a Native American language which that college regularly offers as part of its curriculum and which has the support of an Indian tribal government traditionally affiliated with that Native American language.

"(8) Native american language educational organization.—The term 'Native American Language Educational Organization' means an organization that—

"(A) is governed by a board consisting of speakers of 1 or more Native American languages;

"(B) is currently providing instruction through the use of a Native American language for not less than 10 students for at least 700 hours of instruction per year; and

"(C) has provided such instruction for at least 10 students annually through a Native American language for at least 700 hours per year for not less than 3 years prior to applying for a grant under this Act.

"(9) Native american language nest.—The term 'Native American Language Nest' means a site-based educational program enrolling families with children aged 6 and under which is conducted through a Native American language for not less than 20 hours per week and not less than 35 weeks per year with the specific goal of strengthening, revitalizing, or re-establishing a Native American language and culture as a living language and culture of daily life.

"(10) Native american language survival school.—The term 'Native American Language Survival School' means a Native American language dominant site-based educational program which expands from a Native American Language Nest, either as a separate entity or inclusive of a Native American Language Nest, to enroll families with children eligible for elementary or secondary education and which provides a complete education through a Native American language with the specific goal of strengthening, revitalizing, or reestablishing a Native American language and culture as a living language and culture of daily life.

"(11) Native american pacific islander.—The term 'Native American Pacific Islander' means any descendant of the aboriginal people of any island in the Pacific Ocean that is a territory or possession of the United States.

"(12) Native hawaiian.—The term 'Native Hawaiian' has the meaning given that term in section 9212 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7912).

"(13) Secretary.—The term 'Secretary' means the Secretary of the Department of Education.

"(14) Traditional leaders.—The term 'traditional leaders' includes Native Americans who have special expertise in Native American culture and Native American languages.

"(15) Tribal organization.—The term 'tribal organization' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).".

SEC. 4. NATIVE AMERICAN LANGUAGE SURVIVAL SCHOOLS.

Title I of Public Law 101-477 (25 U.S.C. 2901 et seq.) is amended by adding at the end the following new sections:

"GENERAL AUTHORITY

"Sec. 108. (a) In General.—The Secretary is authorized to provide funds, through grant or contract, to Native American Language Educational Organizations, Native American Language Colleges, Indian tribal governments, or a consortia of such organizations, colleges, or tribal governments to operate, expand, and increase Native American Language Survival Schools throughout the United States and its territories for Native American children and Native American language-speaking children.

"(b) Eligibility.—As a condition of receiving funds under subsection (a), a Native American Language Educational Organization, a Native American Language College, an Indian tribal government, or a consortia of such organizations, colleges, or tribal governments—

"(1) shall—

"(A) have at least 3 years experience in operating and administering a Native American Language Survival School, a Native American Language Nest, or other educational programs in which instruction is conducted in a Native American language; and

"(B) include students who are subject to State compulsory education laws; and

"(2) may include students from infancy through grade 12, as well as their families.

"(c) Use of Funds.—

"(1) Required uses.—A Native American Language Survival School receiving funds under this section shall—

"(A) consist of not less than 700 hours of instruction conducted annually through a Native American language or languages for at least 15 students who do not regularly attend another school;

"(B) provide direct educational services and school support services that may also include—

"(i) support services for children with special needs;

"(ii) transportation;

"(iii) boarding;

"(iv) food service;

"(v) teacher and staff housing;

"(vi) purchase of basic materials;

"(vii) adaptation of teaching materials;

"(viii) translation and development; or

"(ix) other appropriate services;

"(C) provide direct or indirect educational and support services for the families of enrolled students on site, through colleges, or through other means to increase their knowledge and use of the Native American language and culture, and may impose a requirement of family participation as a condition of student enrollment; and

"(D) ensure that students who are not Native American language speakers achieve fluency in a Native American language within 3 years of enrollment.

"(2) Permissible uses.—A Native American Language Survival School receiving funds under this section may—

"(A) include Native American Language Nests and other educational programs for students who are not Native American language speakers but who seek to establish fluency through instruction in a Native American language or to re-establish fluency as descendants of Native American language speakers;

"(B) include a program of concurrent and summer college or university education course enrollment for secondary school students enrolled in Native American Language Survival Schools, as appropriate; and

"(C) provide special support for Native American languages for which there are very few or no remaining Native American language speakers.

"(d) Curriculum Development and Community Language Use Development.—The Secretary is authorized to provide funds, through grant or contract, to Native American Language Educational Organizations, Native American Language Colleges, Indian tribal governments, or a consortia of such organizations, colleges, or tribal governments, for the purpose of developing—

"(1) comprehensive curricula in Native American language instruction and instruction through Native American languages; and

"(2) community Native American language use in communities served by Native American Language Survival Schools.

"(e) Teacher, Staff, and Community Resource Development.—

"(1) In general.—The Secretary is authorized to provide funds, through grant or contract, to Native American Language Educational Organizations, Native American Language Colleges, Indian tribal governments, or a consortia of such organizations, colleges, or tribal governments for the purpose of providing programs in pre-service and in-service teacher training, staff training, personnel development programs, programs to upgrade teacher and staff skills, and community resource development training, that shall include a program component which has as its objective increased Native American language speaking proficiency for teachers and staff employed in Native American Language Survival Schools and Native American Language Nests.

"(2) Program scope.—Programs funded under this subsection may include—

"(A) visits or exchanges among Native American Language Survival Schools and Native American Language Nests of school or nest teachers, staff, students, or families of students;

"(B) participation in conference or special non-degree programs focusing on the use of a Native American language or languages for the education of students, teachers, staff, students, or families of students;

"(C) full or partial scholarships and fellowships to colleges or universities for the professional development of faculty and staff, and to meet requirements for the involvement of the family or the community of Native American Language Survival School students in Native American Language Survival Schools;

"(D) training in the language and culture associated with a Native American Language Survival School either under community or academic experts in programs which may include credit courses;

"(E) structuring of personnel operations to support Native American language and cultural fluency and program effectiveness;

"(F) Native American language planning, documentation, reference material and archives development; and

"(G) recruitment for participation in teacher, staff, student, and community development.

"(3) Conditions of fellowships or scholarships.—A recipient of a fellowship or scholarship awarded under the authority of this subsection who is enrolled in a program leading to a degree or certificate shall—

"(A) be trained in the Native American language of the Native American Language Survival School, if such program is available through that Native American language;

"(B) complete a minimum annual number of hours in Native American language study or training during the period of the fellowship or scholarship; and

"(C) enter into a contract which obligates the recipient to provide his or her professional services, either during the fellowship or scholarship period or upon completion of a degree or certificate, in Native American language instruction in the Native American language associated with the Native American Language Survival School in which the service obligation is to be fulfilled.

"(f) Endowment and Facilities.—The Secretary is authorized to provide funds, through grant or contract, for endowment funds and the rental, lease, purchase, construction, maintenance, or repair of facilities for Native American Language Survival Schools, to Native American Language Educational Organizations, Native American Language Colleges, and Indian tribal governments, or a consortia of such organizations, colleges, or tribal governments that have demonstrated excellence in the capacity to operate and administer a Native American Language Survival School and to ensure the academic achievement of Native American Language Survival School students.

"NATIVE AMERICAN LANGUAGE NESTS

"Sec. 109. (a) In General.—The Secretary is authorized to provide funds, through grant or contract, to Native American Language Educational Organizations, Native American Language Colleges, Indian tribal governments, and nonprofit organizations that demonstrate the potential to become Native American Language Educational Organizations, for the purpose of establishing Native American Language Nest programs for students from infancy to age 6 and their families.

"(b) Requirements.—A Native American Language Nest program receiving funds under this section shall—

"(1) provide instruction and child care through the use of a Native American language or a combination of the English language and a Native American language for at least 10 children for at least 700 hours per year;

"(2) provide compulsory classes for parents of students enrolled in a Native American Language Nest in a Native American language, including Native American language-speaking parents;

"(3) provide compulsory monthly meetings for parents and other family members of students enrolled in a Native American Language Nest;

"(4) provide a preference in enrollment for students and families who are fluent in a Native American language; and

"(5) receive at least 5 percent of its funding from another source, which may included Federally-funded programs, such as a Head Start program funded under the Head Start Act (42 U.S.C. 9801 et seq.).

"DEMONSTRATION PROGRAMS REGARDING LINGUISTICS ASSISTANCE

"Sec. 110. (a) Demonstration Programs.—The Secretary shall provide funds, through grant or contract, for the establishment of 2 demonstration programs that will provide assistance to Native American Language Survival Schools and Native American Language Nests. Such demonstration programs shall be established at—

"(1) Ka Haka ‘Ula O Ke‘elikolani College of the University of Hawaii at Hilo, in consortium with the ‘Aha Punana Leo, Inc., and with other entities if deemed appropriate by such College, to—

"(A) conduct a demonstration program in the development of the various components of a Native American Language Survival School program, including the early childhood education features of a Native American Nest component; and

"(B) provide assistance in the establishment, operation, and administration of Native American Language Nests and Native American Language Survival Schools by such means as training, hosting informational visits to demonstration sites, and providing relevant information, outreach courses, conferences, and other means; and

"(2) the Alaska Native Language Center of the University of Alaska at Fairbanks, in consortium with other entities as deemed appropriate by such Center, to conduct a demonstration program, training, outreach, conferences, visitation programs, and other assistance in developing orthographies, resource materials, language documentation, language preservation, material archiving, and community support development.

"(b) Use of Technology.—The demonstration programs authorized to be established under this section may employ synchronic and asynchronic telecommunications and other appropriate means to maintain coordination and cooperation with one another and with participating Native American Language Survival Schools and Native American Language Nests.

"(c) Direction to the Secretary.—The demonstration programs authorized to be established under this section shall provide direction to the Secretary in developing a site visit evaluation of Native American Language Survival Schools and Native American Language Nests.

"(d) Endowments and Facilities.—The demonstration programs authorized to be established under this section may establish endowments for the purpose of furthering their activities relative to the study and preservation of Native American languages, and may use funds to provide for the rental, lease, purchase, construction, maintenance, and repair of facilities.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 111. There are authorized to be appropriated such sums as may be necessary to carry out the activities authorized by this Act for fiscal years 2001 through 2006.".•

By Ms. LANDRIEU:

S. 2689. A bill to authorize the President to award a gold medal on behalf of Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II; to the Committee on Banking, Housing, and Urban Affairs.

ANDREW JACKSON HIGGINS

• Ms. LANDRIEU. Mr. President, I speak today to honor an innovative and patriotic American—the logger-turned-boatbuilder, who single-handedly transformed the concept of amphibious ship design when our nation and her Allies needed it most. Despite a series of bureaucratic obstacles set up by America's World War II war-machine, Higgins skillfully engineered Marine Corps landing craft, and eventually won contracts to build 92 percent of the Navy's war-time fleet. The story of Andrew Jackson Higgins exemplifies the American Dream, and merits full recognition of this body for his ingenuity, assiduous work, and devotion to our country.

In the late 1930's, Higgins was operating a small New Orleans work-boat company, with less than seventy-five employees.He quickly earned a reputation for fast, dependable work, turning out specialized vessels for the oil industry, Coast Guard, Army Corps of Engineers, and U.S. Biological Survey. But when he presented his plans for swift amphibious landing crafts, he met hard resistance. The U.S. Navy had overestimated French and British abilities to secure France's ports from German encroachment, and had thus overruled decisions to create landing boat crafts. As the U.S. Marine Corps discerned the need for mass production of amphibious vessels for both the Pacific and European theaters, top brass began to lobby the Navy to abandon its internal contracting, and procure ships from Higgins Industries, which boasted high performance quality, and unprecedented speed for turning out boats. In 1941, the Navy finally asked Higgins to begin designing a landing draft to carry tanks. Instead of a design, Higgins delivered an entire working boat. It had only taken 61 hours to design and construct his first Landing Craft, Mechanized (LCM). Quickly, the Higgins firm grew to seven plants, eventually turning out 700 boats a month—more than all other shipyards in the nation combined. By the war's end, Higgins had turned out 20,000 boats, ranging from the 46-foot LCVP (Landing Craft, Vehicle & Personnel) to the fast-moving PT boats, the rocket-firing landing craft support boats, the 56-foot tank landing craft, the 170 foot freight supply ships and the 27-foot airborne lifeboats that could be dropped from B-17 bombers.

Able to conceive various ship designs and mass-produce vessels quickly at affordable prices, Higgins not only transformed wartime ship building acquisition, but sustained the universal faith American invention and global power projection. Higgins landing craft crashed on the shores of Normandy on June 6, 1944, launching the greatest amphibious assault in world history, and commencing a eastward drive to liberate Europe from Nazi Germany. In addition to his contributions to Allied war efforts abroad, Higgins' manufacturing further changed the face of my own city of New Orleans, home to most of the firm's business. I urge my colleagues to support provisions to award Andrew Jackson Higgins the Gold Medal of Honor, in the tradition of our great institution.

Mr. President, in 1964, President Dwight D. Eisenhower was reflecting on the success of the 1944 Normandy invasion to his biographer, Steven Ambrose. Andrew Jackson Higgins "is the man who won the war for us," he said. "If Higgins had not developed and produced those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war." to me, Mr. Higgins and his 20,000-member workforce embody American creativity, persistence, and patriotism; they deserve to be distinguished for their critical place in history.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Andrew Jackson Higgins Gold Medal Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Andrew Jackson Higgins was born on August 28, 1886, in Columbus, Nebraska, moved to New Orleans in 1910, and formed Higgins Industries on September 26, 1930.

(2) Andrew Jackson Higgins designed, engineered, and produced the "Eureka", a unique shallow draft boat the design of which evolved during World War II into 2 basic classes of military craft: high speed PT boats, and types of Higgins landing craft (LCPs, LCPLs, LCVPs, LCMs and LCSs).

(3) Andrew Jackson Higgins designed, engineered, and constructed 4 major assembly line plants in New Orleans for mass production of Higgins landing craft and other vessels vital to the Allied Forces' conduct of World War II.

(4) Andrew Jackson Higgins bought the entire 1940 Philippine mahogany crop and other material purely at risk without a government contract, anticipating that America would join World War II and that Higgins Industries would need the wood to build landing craft. Higgins also bought steel, engines, and other material necessary to construct landing craft.

(5) Andrew Jackson Higgins, through Higgins Industries, employed a fully integrated assembly line work force, black and white, male and female, of up to 30,000 during World War II, with equal pay for equal work.

(6) In 1939, the United States Navy had a total of 18 landing craft in the fleet.

(7) From November 18, 1940, when Higgins Industries was awarded its first contract for Higgins landing craft until the conclusion of the war, the employees of Higgins Industries produced 12,300 Landing Craft Vehicle Personnel (LCVP's) and nearly 8,000 other landing craft of all types.

(8) During World War II, Higgins Industries employees produced 20,094 boats, including landing craft and Patrol Torpedo boats, and trained 30,000 Navy, Marine, and Coast Guard personnel on the safe operation of landing craft at the Higgins' Boat Operators School.

(9) On Thanksgiving Day 1944, General Dwight D. Eisenhower stated in an address to the Nation: "Let us thank God for Higgins Industries, management, and labor which has given us the landing boats with which to conduct our campaign.".

(10) Higgins landing craft, constructed of wood and steel, transported fully armed troops, light tanks, field artillery, and other mechanized equipment essential to amphibious operations.

(11) Higgins landing craft made the amphibious assault on D-day and the landings at Leyte, North Africa, Guadalcanal, Sicily, Iwo Jima, Tarawa, Guam, and thousands of less well-known assaults possible.

(12) Captain R.R.M. Emmett, a commander at the North Africa amphibious landing, and later commandant of the Great Lakes Training Station, wrote during the war: "When the history of this war is finally written by historians, far enough removed from its present turmoil and clamor to be cool and impartial, I predict that they will place Mr. (Andrew Jackson) Higgins very high on the list of those who deserve the commendation and gratitude of all citizens.".

(13) In 1964, President Dwight D. Eisenhower told historian Steven Ambrose: "He (Higgins) is the man who won the war for us. If Higgins had not developed and produced those landing craft, we never could have gone in over an open beach. We would have had to change the entire strategy of the war.".

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized, on behalf of Congress, to award a gold medal of appropriate design to—

(A) the family of Andrew Jackson Higgins, honoring Andrew Jackson Higgins (posthumously) for his contributions to the Nation and world peace; and

(B) the D-day Museum in New Orleans, Louisiana, for public display, honoring Andrew Jackson Higgins (posthumously) and the employees of Higgins Industries for their contributions to the Nation and world peace.

(2) MODALITIES.—The modalities of presentation of the medals under this Act shall be determined by the President after consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the "Secretary") shall strike 2 gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medals struck under this Act, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $60,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 4 shall be deposited in the United States Mint Public Enterprise Fund.●

By Mr. LEAHY (for himself, Mr. SMITH of Oregon, Ms. COLLINS, Mr. LEVIN, Mr. JEFFORDS, Mr. FEINGOLD, Mr. MOYNIHAN, Mr. AKAKA, Mr. KERREY, and Mr. WELLSTONE):

S. 2690. A bill to reduce the risk that innocent persons may be executed, and for other purposes; to the Committee on the Judiciary.

THE INNOCENCE PROTECTION ACT OF 2000

● Mr. LEAHY. Mr. President, a few months ago, I came to this floor to draw attention to a growing national crisis in the administration of capital punishment and to suggest some solutions. You will recall some of the shocking facts I described:

> For every 7 people executed, 1 death row inmate is shown some time after conviction to be innocent of the crime.
>
> Many of those exonerated have come within hours of being executed, and many have spent a decade or more in jail before they were given a fair opportunity to establish their innocence.
>
> Capital defendants are frequently represented by lawyers who lack the funds or the competence to do the job, or who have been disbarred or suspended for misconduct, and, from time to time, by lawyers who sleep through the trial, but the courts turn a blind eye.
>
> Inexpensive and practically foolproof means of proving innocence are often denied to defendants.

The saddest fact of all, to me, is that the society facing this crisis is not a medieval one; it is America, today, in the 21st Century. As the Governor of Illinois told us when he placed a moratorium on the death penalty in his State earlier this year, something urgently needs to be done to remedy this situation. That is why I have been talking with Senators on both sides of the aisle and all sides of the capital punishment debate. That is why I have been searching for ways to reduce the risk of mistaken executions.

That is why I am so pleased that today, with my good friend, the junior Senator from Oregon (Senator GORDON SMITH), we are introducing the bipartisan Innocence Protection Act of 2000. This bill is a carefully crafted package of criminal justice reforms designed to protect the innocent and to ensure that if the death penalty is imposed, it is the result of informed and reasoned deliberation, not politics, luck, bias or guesswork.

Every American child is taught that justice is blind. It is important to remember what justice is supposed to be blind to. Justice should never be blind to the truth, it should never be blind to the evidence, and it should never be blind to the teachings of modern science. What justice should be blind to is ideology, politics, race and money.

Too often in this chamber, we find ourselves dividing along party or ideological lines. The bill that Senator SMITH and I are introducing today is not about that, and it is not about whether in the abstract, you favor or disfavor the death penalty. It is about what kind of society we want America to be in the 21st Century.

I am optimistic about America's future. I have become all the more optimistic in the past few months as I have seen an outpouring of support across the political spectrum and across the country for common-sense measures to reduce the risk of executing the innocent.

Today, Senator SMITH and I are joined by Senators from both sides of the aisle, by some who support capital punishment and by others who oppose it. On the Republican side, I want to thank my friend Senator SUSAN COLLINS of Maine and my fellow Vermonter, Senator JIM JEFFORDS. On the Democratic side, Senators LEVIN, FEINGOLD, MOYNIHAN, AKAKA, KERREY, and WELLSTONE. I also want to thank our House sponsors WILLIAM DELAHUNT and RAY LAHOOD, along with their 39 cosponsors, both Democratic and Republican. Here on Capitol Hill it is our job to represent Americans. The scores of legislators who have sponsored this legislation clearly do represent Americans, both in their diversity and in their readiness to work together for common-sense solutions.

The outpouring of bipartisan support we have seen in Congress reflects an emerging public consensus. Opinion polls show Americans divided on the death penalty in the abstract. But they show overwhelmingly that Americans will not tolerate the execution of innocent people, and that Americans expect their justice system to provide everyone with a fair trial and a competent lawyer. A recent Gallup Poll found that 92 percent of Americans believe that people convicted before modern advances in DNA technology should be given the opportunity to obtain DNA testing if such tests might show their innocence.

I am also encouraged by the growing chorus of calls for reform of our capital punishment system by criminal justice experts and respected opinion leaders nationwide. George Will wrote in a April 6th column that "skepticism is in order" when it comes to capital punishment. Another conservative columnist, Bruce Fein, wrote in The Washington Times on April 25th:

> A decent respect for life . . . demands scrupulous concern for the reliability of verdicts in capital punishment trials. Otherwise, the death penalty game is not worth the gamble of executing the innocent—a shameful stain on any system of justice—and life sentences (perhaps in solitary confinement) should be the maximum.
>
> Mr. Fein writes as one who served as a senior Justice Department official in the Reagan Administration.

More recently, on May 11th, the Constitution Project at Georgetown University Law Center established a blue-ribbon National Committee to Prevent Wrongful Executions, comprised of supporters and opponents of the death penalty, Democrats and Republicans, including six former State and Federal judges, a former U.S. Attorney, two former State Attorneys General, and a former Director of the FBI. According to its mission statement, this Committee is "united in [its] profound concern that, in recent years, and around the country, procedural safeguards and other assurances of fundamental fairness in the administration of capital punishment have been significantly diminished." Many of the concerns that the Committee has raised are addressed in the legislation that Senator SMITH and I are introducing today.

Just yesterday, the editors of The Washington Times noted that "the increased use of DNA analysis has in fact revealed some serious flaws in the way the justice system exacts the supreme penalty," and succinctly expressed the commonsense view of nine out of ten Americans and the basic point that underlies our legislation: "Surely no one could reasonably object to making sure we execute only the guilty."

I ask unanimous consent that The Washington Times editorial be included in the RECORD at this point, together with the articles by George Will and Bruce Fein, and editorials dated February 19 and 28 from the New York Times and The Washington Post, both praising the Innocence Protection Act.

As I describe some of the major reforms proposed by our legislation, I ask you to consider these issues from the perspective of a capital juror, an ordinary citizen who is asked by his government to do one of the toughest things a citizen can do: sit in judgment on another person's life. You would not want to make the wrong decision. You would want the process to work so that you could make the right decision.

We need to enact real reforms to combat the very real risk in America today that an innocent person is being executed. I will now describe some of the major reforms proposed by our legislation.

More than any other development, improvements in DNA testing have provided the critical evidence to exonerate innocent people. In the last decade, scores of wrongfully convicted people have been released from prison—including many from death row—after DNA testing proved they could not have committed the crime for which they were convicted. In some cases the same DNA testing that vindicated the innocent helped catch the guilty.

As I already mentioned, 92 percent of Americans agree that we need to make DNA testing available in every appropriate case. But this legislation is not about public opinion polls—it is about saving innocent lives.

A few months ago, I met Kirk Bloodsworth, a former Marine who was convicted and sentenced to death in

Maryland for a crime that he did not commit. Nine years later, DNA testing conclusively established his innocence.

On the same day, I met Clyde Charles. He spent 9 years pleading with the State of Louisiana for the DNA testing that eventually exonerated him. He missed the childhood of his daughter, he contracted diabetes and tuberculosis while in prison, and both of his parents died before his release.

Just last Wednesday, the Governor of Texas pardoned A.B. Butler, who served 17 years of a 99-year sentence for a sexual assault that he did not commit before he was finally cleared by DNA testing. Butler spent 10 years trying to have DNA testing done in his case.

One day later, the Governor of Virginia ordered new DNA testing for Earl Washington, a retarded man convicted of a rape-murder in 1982.

There are still significant numbers of convicted men and women in prisons throughout the country whose trials preceded modern DNA testing. If history is any guide, then some of these individuals are innocent of any crime.

If DNA testing can help establish innocence, there is no reason to deny testing, and every reason to grant it. This is not about guilty people trying to get off on legal technicalities. This is about innocent people trying to prove their innocence—and being thwarted by legal technicalities. Our bill will allow retroactive tests for people tried before DNA technology was available to them, and eliminate the procedural bars that may prevent the introduction of new, exculpatory DNA evidence. Our bill will also ensure that inmates are notified before a State destroys a rape kit or other biological evidence that may, through DNA testing, prove that an inmate was wrongfully convicted.

What possible reason could there be to deny people access to the evidence—often the only evidence—that could prove their innocence? Now that we have DNA fingerprinting that can prove a person's innocence, why should we as a society be willfully blind to the truth?

The sole argument I have heard advanced against the Leahy-Smith proposal is that it is somehow overly broad. As best I can understand this objection, the point seems to be that in some cases, DNA evidence will only confirm the jury's guilty verdict. That is the point that Virginia prosecutors have advanced in opposing DNA testing for death row inmate Derek Barnabei. But as the Washington Post pointed out in a March 20th editorial about the Barnabei case, the possibility that DNA testing will confirm an inmate's guilt is no reason to deny testing:

> It is hard to see why a state, before putting someone to death, would be unwilling to demonstrate a jury verdict's consistency with all of the evidence. Indeed, this is precisely the type of case in which the state should have no choice. Under [the Innocence Protection Act], states would be obligated in such circumstances to allow post-conviction DNA testing. Such a law would not merely offer a layer of protection to innocent people but would increase public confidence in the convictions of guilty people.

I am grateful for the Post's endorsement.

As the Post has pointed out, this is a commonsense reform. As opinion polls have shown, the idea of ensuring DNA testing is available in appropriate cases enjoys the support of the vast majority of Americans. And as the recent cases that I have discussed make clear, this is a matter of national urgency. I hope we can move forward expeditiously.

Post-conviction DNA testing is an essential safeguard that can save innocent lives when the trial process has failed to uncover the truth. As the Governor of New York has recognized, DNA testing also serves as a window into the systemic flaws of our capital punishment apparatus. In May, Governor Pataki proposed the creation of a panel to investigate the facts behind DNA exonerations and to determine what went wrong.

When DNA uncovers one miscarriage of justice after another, it is neither just nor sensible to stop at making post-conviction DNA testing more available. It is unjust because innocent people should not have to wait for years after trial to be exonerated and freed. It is not sensible because society should not have to wait for years to know the truth. When dozens of innocent people are being sentenced to death, and dozens of guilty people are working free because the State has convicted the wrong person, we must ask ourselves what went wrong in the trial process, and we must take what steps we can to make sure it does not happen again.

There is a recurring theme in wrongful conviction cases—incompetent and grossly underpaid defense counsel. That theme is well illustrated by the case of Federico Macias. He spent nine years on Texas's death row and came within two days of execution because his trial lawyer did almost nothing to prepare for trial. No doubt, being paid less than $12 an hour was a disincentive for the lawyer to conduct a more thorough investigation.

This lawyer failed to call available witnesses who could have refuted the State's case, and based his trial decisions on a fundamental misunderstanding of Texas law. The lawyer also admitted he did no investigation at all for the sentencing phase. His only preparation was to speak to his client and his client's wife during the lunch break of the sentencing proceeding.

Macias was eventually cleared of all charges and released from prison, thanks to volunteer work by a Washington lawyer who intervened just before the scheduled execution. Here is what the Federal Court of Appeals had to say when it overturned Macias's conviction:

> We are left with the firm conviction that Macias was denied his constitutional right to adequate counsel in a capital case in which actual innocence was a close question. The state paid defense counsel $11.84 per hour. Unfortunately, the justice system got only what it paid for.

Federico Macias's case was not unique. In the Texas criminal justice system, there is a whole category of capital cases known as the sleeping lawyer cases, to which the majority of the Texas Court of Criminal Appeals has responded with apathy. This attitude was chillingly conveyed by one Texas judge who reasoned that, while the Constitution requires a defendant to be represented by a lawyer, it "doesn't say the lawyer has to be awake."

But this is not just a Texas problem, this is a nationwide problem. In case after case across the country, capital defendants have found their lives placed in the hands of lawyers who are hopelessly incompetent—lawyers who were drunk during the trial; lawyers who never bothered to investigate the case or even meet with their client before trial; and lawyers who were suspended or disbarred.

Oklahoma spent all of $3,200 on the defense of Ronald Keith Williamson; it got what it paid for when Williamson's lawyer failed to investigate and present to the jury a simple fact—the fact that another man had confessed to the murder. Both Williamson and his codefendant were eventually cleared of any crime.

In Illinois, Dennis Williams was defended by a lawyer who was simultaneously defending himself in disbarment proceedings. Williams was eventually exonerated in 1996, after 18 years on death row, with the help of three journalism students from Northwestern University.

That is not how the American adversarial system of criminal justice is meant to work. Americans on trial for their lives should not be condemned to rely on sleeping lawyers, drunk lawyers, disbarred lawyers, or lawyers who do not have the resources to do the job. In our society, lawyers and journalists both serve important fact-finding functions. But, as one of the Northwestern University journalism students so aptly said after proving the innocence of yet another death row inmate, Anthony Porter, "Twenty-one-year-olds are not supposed to be responsible for finding the innocent people on death row."

The need for competent and adequately funded lawyers to make our adversarial system work is not a novel insight, and the lack of such lawyers and funding is not a novel discovery. In 1991, Retired Chief Justice Harold

Clarke of Georgia told the Georgia State Bar that:

> Providing lawyers for poor people accused of crimes is a state obligation. The Constitution teaches us that. But more important, common sense and human decency tell us that. Yet we haven't listened to those voices.

In repeated resolutions dating back to the 1980s, the Conference of Chief Justices has urged States to do more to ensure that capital defendants are provided quality representation. In 1995, for example, the Chief Justices resolved that each State should "establish standards and a process that will assure the timely appointment of competent counsel, with adequate resources, to represent defendants in capital cases at each stage of such proceedings."

As we enter the 21st century, a few States have heeded this advice. But many are still not listening to the voices of the people who know first hand what a mockery incompetent and underfunded defense lawyers can make of our criminal justice system. I have described two cases, from Texas and Oklahoma, in which the State grossly underfunded appointed counsel and got what it paid for. There are many more examples, including an Alabama case within the past year in which the court, after a full trial, limited the fee for investigating and defending against a charge of capital murder to about $4,000. After paying his investigator and paralegal, the lawyer pocketed $1,212, which worked out to $5.05 an hour—less than the minimum wage.

We should not sit back and rely on 21-year-old journalism students to save innocent people from execution. And a quarter of a century of experience with the death penalty since the Supreme Court restored it in 1976 teaches us that we cannot sit back and rely on the States to provide adequate counsel to those whom they seek to execute.

We in Congress can never guarantee that the innocent will not be convicted. But we have a responsibility, at a minimum, to ensure that when people in this country are on trial for their lives, they will be defended by lawyers who meet reasonable minimum standards of competence and who have sufficient funds to investigate the facts and prepare thoroughly for trial. That goal can be achieved by cooperation between the States and the Federal Government whereby we give the States money to fund their criminal justice systems conditioned on their meeting a floor of minimum standards, and leave the States free to improve on those standards if they are so inclined. That is what our bill seeks to achieve.

What do we owe to the innocent people who are able to win their release from prison? How do we compensate them for all the years they spent behind bars, sometimes on death row, for all the lost wages, for all the pain and suffering. In most cases, there is no compensation, or at least not much. Federal law provides a miserly $5,000 in cases of unjust imprisonment, regardless of the time served. In the case of Clyde Charles, who spent 18 years in Louisiana's Angola prison, that would come out to about 75 cents a day. Is that what society owes to Clyde Charles, for the walls placed between him and his family for 18 years, for missing his daughter's childhood, and for the diabetes and tuberculosis he contracted in prison? Does that seem about right—75 cents a day?

How about nothing at all? In 36 States, people who have been unjustly convicted and incarcerated for crimes they did not commit are barred from recovering any damages against the State. Louisiana, which destroyed the life of Clyde Charles, has no compensation statute. The States that have compensation statutes generally put a cap on payments, although none sets the cap as low as the current Federal cap of $5,000.

Let us step back and put this situation in perspective. A few years ago, a Maryland jury found that three young men had been falsely imprisoned by a security guard at an Eddie Bauer clothing store. The guard detained these men for about 10 minutes on suspicion of shoplifting, and forced one of them to remove his shirt. How much did the jury award for those 10 minutes of false imprisonment? $1 million.

Now compare what happened to Walter McMillian. In 1986, in a small town in Alabama, an 18-year-old white woman was shot to death. Walter McMillian was a black man who lived in the next town. From the day of his arrest, McMillian was placed on death row. No physical evidence linked him to the crime, and several people testified at the trial that he could not have committed the murder because he was with them all day. All three witnesses who connected McMillian with the murder later recanted their testimony. The one supposed "eyewitness" said that prosecutors had pressured him to implicate McMillian in the crime.

The jury in the trial recommended a life sentence, but the judge overruled this recommendation and sentenced McMillian to death. His case went through four rounds of appeal, all of which were denied. New attorneys, not paid by the State of Alabama, voluntarily took over the case and eventually found that the prosecutors had illegally withheld exculpatory evidence. A story about the case appeared on 60 Minutes in November 1992. Finally, the State agreed to investigate its earlier handling of the case and admitted that a grave mistake had been made. McMillian was freed into the welcoming arms of his family and friends on March 3, 1993.

Despite many years of litigation, McMillian has never been given any recompense for the years he was unjustly held on death row. His attorney has taken the issue of just compensation all the way to the U.S. Supreme Court, but to no avail.

Let us take another example in another State. In Oklahoma, 4 inmates have been exonerated by DNA testing over the past few years. When you add it up, they spent about 40 years in prison. Two of them were on death row. One came within 5 days of execution. None has received compensation—not a dime.

Putting one's life back together after such an experience is difficult enough, even with financial support. Without such support, a wrongly convicted person might never be able to establish roots that would allow him to contribute to society.

We need to do more to help repair the lives that are shattered by wrongful convictions. The Innocence Protection Act does this by raising the Federal cap on compensation, and by pushing the States to provide meaningful compensation to any person who is unjustly convicted and sentenced to death.

Money damages will never compensate for the mental anguish of being falsely convicted, for the lost years, or for the day-to-day brutality and deprivations of prison. But we must do what we can. Society owes a moral debt to the wrongfully imprisoned; that debt should be paid.

Finally, we as a Nation need to go back to first principles when it comes to deciding who is eligible for the death penalty. The United States stands alongside Iran, Nigeria, Pakistan, and Saudi Arabia as the only nations still executing people for crimes committed as juveniles. Is this the company that we want to keep?

The execution of juvenile offenders is also barred by several major human rights treaties, including the U.N. Convention on the Rights of the Child, the American Convention on Human Rights, and the International Covenant on Civil and Political Rights—perhaps the most important human rights documents in the world today. As a leader in the human rights community, it would be fitting if the United States agreed to respect the precepts of international humans rights law and comply with the terms of these treaties.

This country should also stop executing the mentally retarded. People with mental retardation have a diminished capacity to understand right from wrong. They are more prone to confess to crimes they did not commit simply to please their interrogators, and they are often unable to assist their lawyer in preparing a defense. Executing them is wrong; it is immoral. In addition, the execution of the mentally retarded, like the execution of juvenile offenders, severely damages U.S. standing in the international community.

Today, 13 States with capital punishment forbid the execution of defendants with mental retardation. The State Senator who sponsored the Nebraska bill in 1998 later said that it should not have been necessary because "no civilized, mature society would ever entertain the possibility of executing anybody who was mentally retarded."

The legislation that I introduce today proposes that the United States Congress speak as the conscience of the Nation in condemning the continued execution of juvenile offenders and the mentally retarded.

There can be no longer be any question that our capital punishment system is in crisis. The Innocence Protection Act is the absolute minimum we must do to prevent and catch these mistakes and to restore the public's confidence in our criminal justice system.

I ask unanimous consent that the bill, a summary of the bill, and additional material be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Innocence Protection Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXONERATING THE INNOCENT THROUGH DNA TESTING

Sec. 101. Findings and purposes.
Sec. 102. DNA testing in Federal criminal justice system.
Sec. 103. DNA testing in State criminal justice systems.
Sec. 104. Prohibition pursuant to section 5 of the 14th amendment.

TITLE II—ENSURING COMPETENT LEGAL SERVICES IN CAPITAL CASES

Sec. 201. Amendments to Byrne grant programs.
Sec. 202. Effect on procedural default rules.
Sec. 203. Capital representation grants.

TITLE III—COMPENSATING THE UNJUSTLY CONDEMNED

Sec. 301. Increased compensation in Federal cases.
Sec. 302. Compensation in State death penalty cases.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Accommodation of State interests in Federal death penalty prosecutions.
Sec. 402. Alternative of life imprisonment without possibility of release.
Sec. 403. Right to an informed jury.
Sec. 404. Annual reports.
Sec. 405. Discretionary appellate review.
Sec. 406. Sense of Congress regarding the execution of juvenile offenders and the mentally retarded.

TITLE I—EXONERATING THE INNOCENT THROUGH DNA TESTING

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Over the past decade, deoxyribonucleic acid testing (referred to in this section as "DNA testing") has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene.

(2) Because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant. In other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact.

(3) While DNA testing is increasingly commonplace in pretrial investigations today, it was not widely available in cases tried prior to 1994. Moreover, new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce. Consequently, in some cases convicted inmates have been exonerated by new DNA tests after earlier tests had failed to produce definitive results.

(4) Since DNA testing is often feasible on relevant biological material that is decades old, it can, in some circumstances, prove that a conviction that predated the development of DNA testing was based upon incorrect factual findings. Uniquely, DNA evidence showing innocence, produced decades after a conviction, provides a more reliable basis for establishing a correct verdict than any evidence proffered at the original trial. DNA testing, therefore, can and has resulted in the post-conviction exoneration of innocent men and women.

(5) In the past decade, there have been more than 65 post-conviction exonerations in the United States and Canada based upon DNA testing. At least 8 individuals sentenced to death have been exonerated through post-conviction DNA testing, some of whom came within days of being executed.

(6) The 2 States that have established statutory processes for post-conviction DNA testing, Illinois and New York, have the most post-conviction DNA exonerations, 14 and 7, respectively.

(7) The advent of DNA testing raises serious concerns regarding the prevalence of wrongful convictions, especially wrongful convictions arising out of mistaken eyewitness identification testimony. According to a 1996 Department of Justice study entitled "Convicted by Juries, Exonerated by Science: Case Studies of Post-Conviction DNA Exonerations", in approximately 20 to 30 percent of the cases referred for DNA testing, the results excluded the primary suspect. Without DNA testing, many of these individuals might have been wrongfully convicted.

(8) Laws in more than 30 States require that a motion for a new trial based on newly discovered evidence of innocence be filed within 6 months or less. These laws are premised on the belief—inapplicable to DNA testing—that evidence becomes less reliable over time. Such time limits have been used to deny inmates access to DNA testing, even when guilt or innocence could be conclusively established by such testing. For example, in Dedge v. Florida, 723 So.2d 322 (Fla. Dist. Ct. App. 1998), the court without opinion affirmed the denial of a motion to release trial evidence for the purpose of DNA testing. The trial court denied the motion as procedurally barred under the 2-year limitation on claims of newly discovered evidence established by the State of Florida, which has since adopted a 6-month limitation on such claims.

(9) Even when DNA testing has been done and has persuasively demonstrated the actual innocence of an inmate, States have sometimes relied on time limits and other procedural barriers to deny release.

(10) The National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has issued a report entitled "Recommendations For Handling Post-Conviction DNA Applications" that urges post-conviction DNA testing in 2 carefully defined categories of cases, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of the inmate to pay for the testing.

(11) The number of cases in which post-conviction DNA testing is appropriate is relatively small and will decrease as pretrial testing becomes more common and accessible.

(12) The cost of DNA testing has also decreased in recent years. The typical case, involving the analysis of 8 samples, currently costs between $2,400 and $5,000, depending upon jurisdictional differences in personnel costs.

(13) In 1994, Congress authorized funding to improve the quality and availability of DNA analysis for law enforcement identification purposes. Since then, States have been awarded over $50,000,000 in DNA-related grants.

(14) Although the Supreme Court has never announced a standard for addressing constitutional claims of innocence, in Herrera v. Collins, 506 U.S. 390 (1993), a majority of the Court expressed the view that, "a truly persuasive demonstration of 'actual innocence'" made after trial would render imposition of punishment by a State unconstitutional.

(15) If biological material is not subjected to DNA testing in appropriate cases, there is a significant risk that persuasive evidence of innocence will not be detected and, accordingly, that innocent persons will be unconstitutionally incarcerated or executed.

(16) To prevent violations of the Constitution of the United States that the Supreme Court anticipated in Herrera v. Collins, it is necessary and proper to enact national legislation that ensures that the Federal Government and the States will permit DNA testing in appropriate cases.

(17) There is also a compelling need to ensure the preservation of biological material for post-conviction DNA testing. Since 1992, the Innocence Project at the Benjamin N. Cardozo School of Law has received thousands of letters from inmates who claim that DNA testing could prove them innocent. In over 70 percent of those cases in which DNA testing could have been dispositive of guilt or innocence if the biological material were available, the material had been destroyed or lost. In two-thirds of the cases in which the evidence was found, and DNA testing conducted, the results have exonerated the inmate.

(18) In at least 14 cases, post-conviction DNA testing that has exonerated a wrongly convicted person has also provided evidence leading to the apprehension of the actual perpetrator, thereby enhancing public safety. This would not have been possible if the biological evidence had been destroyed.

(b) PURPOSES.—The purposes of this title are to—

(1) substantially implement the Recommendations of the National Commission on the Future of DNA Evidence in the Federal criminal justice system, by ensuring the

availability of DNA testing in appropriate cases;

(2) prevent the imposition of unconstitutional punishments through the exercise of power granted by clause 1 of section 8 and clause 2 of section 9 of article I of the Constitution of the United States and section 5 of the 14th amendment to the Constitution of the United States; and

(3) ensure that wrongfully convicted persons have an opportunity to establish their innocence through DNA testing, by requiring the preservation of DNA evidence for a limited period.

SEC. 102. DNA TESTING IN FEDERAL CRIMINAL JUSTICE SYSTEM.

(a) In General.—Part VI of title 28, United States Code, is amended by inserting after chapter 155 the following:

“CHAPTER 156—DNA TESTING

“Sec.
“2291. DNA testing.
“2292. Preservation of biological material.

“§ 2291. DNA testing

“(a) Application.—Notwithstanding any other provision of law, a person in custody pursuant to the judgment of a court established by an Act of Congress may, at any time after conviction, apply to the court that entered the judgment for forensic DNA testing of any biological material that—

“(1) is related to the investigation or prosecution that resulted in the judgment;

“(2) is in the actual or constructive possession of the Government; and

“(3) was not previously subjected to DNA testing, or can be subjected to retesting with new DNA techniques that provide a reasonable likelihood of more accurate and probative results.

“(b) Notice to Government.—

“(1) In general.—The court shall notify the Government of an application made under subsection (a) and shall afford the Government an opportunity to respond.

“(2) Preservation of remaining biological material.—Upon receiving notice of an application made under subsection (a), the Government shall take such steps as are necessary to ensure that any remaining biological material that was secured in connection with the case is preserved pending the completion of proceedings under this section.

“(c) Order.—The court shall order DNA testing pursuant to an application made under subsection (a) upon a determination that testing may produce noncumulative, exculpatory evidence relevant to the claim of the applicant that the applicant was wrongfully convicted or sentenced.

“(d) Cost.—The cost of DNA testing ordered under subsection (c) shall be borne by the Government or the applicant, as the court may order in the interests of justice, if it is shown that the applicant is not indigent and possesses the means to pay.

“(e) Counsel.—The court may at any time appoint counsel for an indigent applicant under this section.

“(f) Post-Testing Procedures.—

“(1) Procedures following results unfavorable to applicant.—If the results of DNA testing conducted under this section are unfavorable to the applicant, the court—

“(A) shall dismiss the application; and

“(B) in the case of an applicant who is not indigent, may assess the applicant for the cost of such testing.

“(2) Procedures following results favorable to applicant.—If the results of DNA testing conducted under this section are favorable to the applicant, the court shall—

“(A) order a hearing, notwithstanding any provision of law that would bar such a hearing; and

“(B) enter any order that serves the interests of justice, including an order—

“(i) vacating and setting aside the judgment;

“(ii) discharging the applicant if the applicant is in custody;

“(iii) resentencing the applicant; or

“(iv) granting a new trial.

“(g) Rule of Construction.—Nothing in this section shall be construed to limit the circumstances under which a person may obtain DNA testing or other post-conviction relief under any other provision of law.

“§ 2292. Preservation of biological material

“(a) In General.—Notwithstanding any other provision of law and subject to subsection (b), the Government shall preserve any biological material secured in connection with a criminal case for such period of time as any person remains incarcerated in connection with that case.

“(b) Exception.—The Government may destroy biological material before the expiration of the period of time described in subsection (a) if—

“(1) the Government notifies any person who remains incarcerated in connection with the case, and any counsel of record or public defender organization for the judicial district in which the judgment of conviction for such person was entered, of—

“(A) the intention of the Government to destroy the material; and

“(B) the provisions of this chapter;

“(2) no person makes an application under section 2291(a) within 90 days of receiving notice under paragraph (1) of this subsection; and

“(3) no other provision of law requires that such biological material be preserved.”.

(b) Technical and Conforming Amendment.—The analysis for part VI of title 28, United States Code, is amended by inserting after the item relating to chapter 155 the following:

“156. DNA Testing .... 2291”.

SEC. 103. DNA TESTING IN STATE CRIMINAL JUSTICE SYSTEMS.

(a) DNA Identification Grant Program.—Section 2403 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk-2) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “shall” and inserting “will”;

(B) in subparagraph (C), by striking “is charged” and inserting “was charged or convicted”; and

(C) in subparagraph (D), by striking “and” at the end;

(2) in paragraph (3)—

(A) by striking “shall” and inserting “will”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(4) the State will—

“(A) preserve all biological material secured in connection with a State criminal case for not less than the period of time that biological material is required to be preserved under section 2292 of title 28, United States Code, in the case of a person incarcerated in connection with a Federal criminal case; and

“(B) make DNA testing available to any person convicted in State court to the same extent, and under the same conditions, that DNA testing is available under section 2291 of title 28, United States Code, to any person convicted in a court established by an Act of Congress.”.

(b) Drug Control and System Improvement Grant Program.—Section 503(a)(12) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii), by striking “is charged” and inserting “was charged or convicted”; and

(B) in clause (iv), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) the State will—

“(i) preserve all biological material secured in connection with a State criminal case for not less than the period of time that biological material is required to be preserved under section 2292 of title 28, United States Code, in the case of a person incarcerated in connection with a Federal criminal case; and

“(ii) make DNA testing available to a person convicted in State court to the same extent, and under the same conditions, that DNA testing is available under section 2291 of title 28, United States Code, to a person convicted in a court established by an Act of Congress.”.

(c) Public Safety and Community Policing Grant Program.—Section 1702(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-1(c)) is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) in paragraph (11), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(12) if any part of funds received from a grant made under this subchapter is to be used to develop or improve a DNA analysis capability in a forensic laboratory, or to obtain or analyze DNA samples for inclusion in the Combined DNA Index System (CODIS), certify that—

“(A) DNA analyses performed at such laboratory will satisfy or exceed the current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131);

“(B) DNA samples and analyses obtained and performed by such laboratory will be accessible only—

“(i) to criminal justice agencies for law enforcement purposes;

“(ii) in judicial proceedings, if otherwise admissible under applicable statutes and rules;

“(iii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant was charged or convicted; or

“(iv) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes;

“(C) the laboratory and each analyst performing DNA analyses at the laboratory will undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program that meets the standards issued under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131); and

“(D) the State will—

“(i) preserve all biological material secured in connection with a State criminal case for not less than the period of time that biological material is required to be preserved under section 2292 of title 28, United States Code, in the case of a person incarcerated in connection with a Federal criminal case; and

"(ii) make DNA testing available to any person convicted in State court to the same extent, and under the same conditions, that DNA testing is available under section 2291 of title 28, United States Code, to a person convicted in a court established by an Act of Congress.".

SEC. 104. PROHIBITION PURSUANT TO SECTION 5 OF THE 14TH AMENDMENT.

(a) Request for DNA Testing.—

(1) In general.—No State shall deny a request, made by a person in custody resulting from a State court judgment, for DNA testing of biological material that—

(A) is related to the investigation or prosecution that resulted in the conviction of the person or the sentence imposed on the person;

(B) is in the actual or constructive possession of the State; and

(C) was not previously subjected to DNA testing, or can be subjected to retesting with new DNA techniques that provide a reasonable likelihood of more accurate and probative results.

(2) Exception.—A State may deny a request under paragraph (1) upon a judicial determination that testing could not produce noncumulative evidence establishing a reasonable probability that the person was wrongfully convicted or sentenced.

(b) Opportunity To Present Results of DNA Testing.—No State shall rely upon a time limit or procedural default rule to deny a person an opportunity to present noncumulative, exculpatory DNA results in court, or in an executive or administrative forum in which a decision is made in accordance with procedural due process.

(c) Remedy.—A person may enforce subsections (a) and (b) in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a district court of the United States, naming either the State or an executive or judicial officer of the State as defendant. No State or State executive or judicial officer shall have immunity from actions under this subsection.

TITLE II—ENSURING COMPETENT LEGAL SERVICES IN CAPITAL CASES

SEC. 201. AMENDMENTS TO BYRNE GRANT PROGRAMS.

(a) Certification Requirement; Formula Grants.—Section 503 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753) is amended—

(1) in subsection (a), by adding at the end the following:

"(13) If the State prescribes, authorizes, or permits the penalty of death for any offense, a certification that the State has established and maintains an effective system for providing competent legal services to indigents at every phase of a State criminal prosecution in which a death sentence is sought or has been imposed, up to and including direct appellate review and post-conviction review in State court."; and

(2) in subsection (b)—

(A) by striking "(b) Within 30 days after the date of enactment of this part, the" and inserting the following:

"(b) Regulations.—

"(1) In general.—The"; and

(B) by adding at the end the following:

"(2) Certification regulations.—The Director of the Administrative Office of the United States Courts, after notice and an opportunity for comment, shall promulgate regulations specifying the elements of an effective system within the meaning of subsection (a)(13), which elements shall include—

"(A) a centralized and independent appointing authority, which shall have authority and responsibility to—

"(i) recruit attorneys who are qualified to represent indigents in the capital proceedings specified in subsection (a)(13);

"(ii) draft and annually publish a roster of qualified attorneys;

"(iii) draft and annually publish qualifications and performance standards that attorneys must satisfy to be listed on the roster and procedures by which qualified attorneys are identified;

"(iv) periodically review the roster, monitor the performance of all attorneys appointed, provide a mechanism by which members of the Bar may comment on the performance of their peers, and delete the name of any attorney who fails to complete regular training programs on the representation of clients in capital cases, fails to meet performance standards in a case to which the attorney is appointed, or otherwise fails to demonstrate continuing competence to represent clients in capital cases;

"(v) conduct or sponsor specialized training programs for attorneys representing clients in capital cases;

"(vi) appoint lead counsel and co-counsel from the roster to represent a defendant in a capital case promptly upon receiving notice of the need for an appointment from the relevant State court; and

"(vii) report the appointment, or the failure of the defendant to accept such appointment, to the court requesting the appointment;

"(B) compensation of private attorneys for actual time and service, computed on an hourly basis and at a reasonable hourly rate in light of the qualifications and experience of the attorney and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases;

"(C) reimbursement of private attorneys and public defender organizations for attorney expenses reasonably incurred in the representation of a client in a capital case, computed on an hourly basis reflecting the local market for such services; and

"(D) reimbursement of private attorneys and public defender organizations for the reasonable costs of law clerks, paralegals, investigators, experts, scientific tests, and other support services necessary in the representation of a defendant in a capital case, computed on an hourly basis reflecting the local market for such services.".

(b) Certification Requirement; Discretionary Grants.—Section 517(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3763(a)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) satisfies the certification requirement established by section 503(a)(13).".

(c) Director's Reports to Congress.—Section 522(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3766b(b)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

"(5) descriptions and a comparative analysis of the systems established by each State in order to satisfy the certification requirement established by section 503(a)(13), except that the descriptions and the comparative analysis shall include—

"(A) the qualifications and performance standards established pursuant to section 503(b)(2)(A)(iii);

"(B) the rates of compensation paid under section 503(b)(2)(B); and

"(C) the rates of reimbursement paid under subparagraphs (C) and (D) of section 503(b)(2); and".

(d) Effective Date.—

(1) In general.—Subject to paragraph (2), the amendments made by this section shall apply with respect to any application submitted on or after the date that is 1 year after the date of enactment of this Act.

(2) Exception.—The amendments made by this section shall not take effect until the amount made available for a fiscal year to carry out part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 equals or exceeds an amount that is $50,000,000 greater than the amount made available to carry out that part for fiscal year 2000.

(e) Regulations.—The Director of the Administrative Office of the United States Courts shall issue all regulations necessary to carry out the amendments made by this section not later than 180 days before the effective date of those regulations.

SEC. 202. EFFECT ON PROCEDURAL DEFAULT RULES.

Section 2254(e) of title 28, United States Code, is amended—

(1) in paragraph (1), by striking "In a proceeding" and inserting "Except as provided in paragraph (3), in a proceeding"; and

(2) by adding at the end the following:

"(3) In a proceeding instituted by an indigent applicant under sentence of death, the court shall neither presume a finding of fact made by a State court to be correct nor decline to consider a claim on the ground that the applicant failed to raise such claim in State court at the time and in the manner prescribed by State law, unless—

"(A) the State provided the applicant with legal services at the stage of the State proceedings at which the State court made the finding of fact or the applicant failed to raise the claim; and

"(B) the legal services the State provided satisfied the regulations promulgated by the Director of the Administrative Office of the United States Courts pursuant to section 503(b)(2) of title I of the Omnibus Crime Control and Safe Streets Act of 1968.".

SEC. 203. CAPITAL REPRESENTATION GRANTS.

Section 3006A of title 18, United States Code, is amended—

(1) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(2) by inserting after subsection (h) the following:

"(i) Capital Representation Grants.—

"(1) Definitions.—In this subsection—

"(A) the term 'capital case'—

"(i) means any criminal case in which a defendant prosecuted in a State court is subject to a sentence of death or in which a death sentence has been imposed; and

"(ii) includes all proceedings filed in connection with the case, including trial, appellate, and Federal and State post-conviction proceedings;

"(B) the term 'defense services' includes—

"(i) recruitment of counsel;

"(ii) training of counsel;

"(iii) legal and administrative support and assistance to counsel;

"(iv) direct representation of defendants, if the availability of other qualified counsel is inadequate to meet the need in the jurisdiction served by the grant recipient; and

"(v) investigative, expert, or other services necessary for adequate representation; and

"(C) the term 'Director' means the Director of the Administrative Office of the United States Courts.

"(2) GRANT AWARD AND CONTRACT AUTHORITY.—Notwithstanding subsection (g), the Director shall award grants to, or enter into contracts with, public agencies or private nonprofit organizations for the purpose of providing defense services in capital cases.

"(3) PURPOSES.—Grants and contracts awarded under this subsection shall be used in connection with capital cases in the jurisdiction of the grant recipient for 1 or more of the following purposes:

"(A) Enhancing the availability, competence, and prompt assignment of counsel.

"(B) Encouraging continuity of representation between Federal and State proceedings.

"(C) Decreasing the cost of providing qualified counsel.

"(D) Increasing the efficiency with which such cases are resolved.

"(4) GUIDELINES.—The Director, in consultation with the Judicial Conference of the United States, shall develop guidelines to ensure that defense services provided by recipients of grants and contracts awarded under this subsection are consistent with applicable legal and ethical proscriptions governing the duties of counsel in capital cases.

"(5) CONSULTATION.—In awarding grants and contracts under this subsection, the Director shall consult with representatives of the highest State court, the organized bar, and the defense bar of the jurisdiction to be served by the recipient of the grant or contract.".

TITLE III—COMPENSATING THE UNJUSTLY CONDEMNED

SEC. 301. INCREASED COMPENSATION IN FEDERAL CASES.

Section 2513 of title 28, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) DAMAGES.—

"(1) IN GENERAL.—The amount of damages awarded in an action described in subsection (a) shall not exceed $50,000 for each 12-month period of incarceration, except that a plaintiff who was unjustly sentenced to death may be awarded not more than $100,000 for each 12-month period of incarceration.

"(2) FACTORS FOR CONSIDERATION IN ASSESSING DAMAGES.—In assessing damages in an action described in subsection (a), the court shall consider—

"(A) the circumstances surrounding the unjust conviction of the plaintiff, including any misconduct by officers or employees of the Federal Government;

"(B) the length and conditions of the unjust incarceration of the plaintiff; and

"(C) the family circumstances, loss of wages, and pain and suffering of the plaintiff.".

SEC. 302. COMPENSATION IN STATE DEATH PENALTY CASES.

(a) CRIMINAL JUSTICE FACILITY CONSTRUCTION GRANT PROGRAM.—Section 603(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3769b(a)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) reasonable assurance that the applicant, or the State in which the applicant is located—

"(A) does not prescribe, authorize, or permit the penalty of death for any offense; or

"(B)(i) has established and maintains an effective procedure by which any person unjustly convicted of an offense against the State and sentenced to death may be awarded reasonable damages upon substantial proof that the person did not commit any of the acts with which the person was charged; and

"(ii)(I) the conviction of that person was reversed or set aside on the ground that the person was not guilty of the offense or offenses of which the person was convicted;

"(II) the person was found not guilty of such offense or offenses on new trial or rehearing; or

"(III) the person was pardoned upon the stated ground of innocence and unjust conviction.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any application submitted on or after the date that is 1 year after the date of enactment of this Act.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. ACCOMMODATION OF STATE INTERESTS IN FEDERAL DEATH PENALTY PROSECUTIONS.

(a) RECOGNITION OF STATE INTERESTS.—Chapter 228 of title 18, United States Code, is amended by adding at the end the following:

"§ 3599. Accommodation of State interests; certification requirement

"(a) IN GENERAL.—Notwithstanding any other provision of law, the Government shall not seek the death penalty in any case initially brought before a district court of the United States that sits in a State that does not prescribe, authorize, or permit the imposition of such penalty for the alleged conduct, except upon the certification in writing of the Attorney General or the designee of the Attorney General that—

"(1) the State does not have jurisdiction or refuses to assume jurisdiction over the defendant with respect to the alleged conduct;

"(2) the State has requested that the Federal Government assume jurisdiction; or

"(3) the offense charged is an offense described in section 32, 229, 351, 794, 1091, 1114, 1118, 1203, 1751, 1992, 2340A, or 2381, or chapter 113B.

"(b) "STATE DEFINED.—In this section, the term 'State' means each of the several States of the United States, the District of Columbia, and the territories and possessions of the United States.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 228 of title 18, United States Code, is amended by adding at the end the following:

"3599. Accommodation of State interests; certification requirement.".

SEC. 402. ALTERNATIVE OF LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE.

Section 408(l) of the Controlled Substances Act (21 U.S.C. 848(l)), is amended by striking the first 2 sentences and inserting the following: "Upon a recommendation under subsection (k) that the defendant should be sentenced to death or life imprisonment without possibility of release, the court shall sentence the defendant accordingly. Otherwise, the court shall impose any lesser sentence that is authorized by law.".

SEC. 403. RIGHT TO AN INFORMED JURY.

(a) ADDITIONAL REQUIREMENTS.—Section 20105 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13705) is amended by striking subsection (b) and inserting the following:

"(b) ADDITIONAL REQUIREMENTS.—To be eligible to receive a grant under section 20103 or 20104, a State shall provide assurances to the Attorney General that—

"(1) the State has implemented policies that provide for the recognition of the rights and needs of crime victims; and

"(2) in any capital case in which the jury has a role in determining the sentence imposed on the defendant, the court, at the request of the defendant, shall inform the jury of all statutorily authorized sentencing options in the particular case, including applicable parole eligibility rules and terms.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any application for a grant under section 20103 or 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13703; 13704) that is submitted on or after the date that is 1 year after the date of enactment of this Act.

SEC. 404. ANNUAL REPORTS.

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Attorney General shall prepare and transmit to Congress a report concerning the administration of capital punishment laws by the Federal Government and the States.

(b) REPORT ELEMENTS.—The report required under subsection (a) shall include substantially the same categories of information as are included in the Bureau of Justice Statistics Bulletin entitled "Capital Punishment 1998" (December 1999, NCJ 179012), and the following additional categories of information:

(1) The percentage of death-eligible cases in which a death sentence is sought, and the percentage in which it is imposed.

(2) The race of the defendants in death-eligible cases, including death-eligible cases in which a death sentence is not sought, and the race of the victims.

(3) An analysis of the effect of Witherspoon v. Illinois, 391 U.S. 510 (1968), and its progeny, on the composition of juries in capital cases, including the racial composition of such juries, and on the exclusion of otherwise eligible and available jurors from such cases.

(4) An analysis of the effect of peremptory challenges, by the prosecution and defense respectively, on the composition of juries in capital cases, including the racial composition of such juries, and on the exclusion of otherwise eligible and available jurors from such cases.

(5) The percentage of capital cases in which life without parole is available as an alternative to a death sentence, and the sentences imposed in such cases.

(6) The percentage of capital cases in which life without parole is not available as an alternative to a death sentence, and the sentences imposed in such cases.

(7) The percentage of capital cases in which counsel is retained by the defendant, and the percentage in which counsel is appointed by the court.

(8) A comparative analysis of systems for appointing counsel in capital cases in different States.

(9) A State-by-State analysis of the rates of compensation paid in capital cases to appointed counsel and their support staffs.

(10) The percentage of cases in which a death sentence or a conviction underlying a death sentence is vacated, reversed, or set aside, and the reasons therefore.

(c) PUBLIC DISCLOSURE.—The Attorney General or the Director of the Bureau of Justice Assistance, as appropriate, shall ensure that the reports referred to in subsection (a) are—

(1) distributed to national print and broadcast media; and

(2) posted on an Internet website maintained by the Department of Justice.

SEC. 405. DISCRETIONARY APPELLATE REVIEW.

Section 2254(c) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2) For purposes of paragraph (1), if the highest court of a State has discretion to decline appellate review of a case or a claim, a petition asking that court to entertain a case or a claim is not an available State court procedure.".

SEC. 406. SENSE OF CONGRESS REGARDING THE EXECUTION OF JUVENILE OFFENDERS AND THE MENTALLY RETARDED.

It is the sense of Congress that the death penalty is disproportionate and offends contemporary standards of decency when applied to a person who is mentally retarded or who had not attained the age of 18 years at the time of the offense.

INNOCENCE PROTECTION ACT OF 2000—SECTION-BY-SECTION SUMMARY

OVERVIEW

The Innocence Protection Act of 2000 is a comprehensive package of criminal justice reforms aimed at reducing the risk that innocent persons may be executed. Most urgently, the bill would (1) ensure that convicted offenders are afforded an opportunity to prove their innocence through DNA testing; (2) help States to provide competent legal services at every stage of a death penalty prosecution; (3) enable those who can prove their innocence to recover some measure of compensation for their unjust incarceration; and (4) provide the public with more reliable and detailed information regarding the administration of the nation's capital punishment laws.

TITLE I—EXONERATING THE INNOCENT THROUGH FEDERAL POST-CONVICTION REVIEW

Sec. 101. Findings and purposes. Legislative findings and purposes in support of this title.

Sec. 102. DNA testing in Federal criminal justice system. Establishes rules and procedures governing applications for DNA testing by convicted offenders in the Federal system. An applicant must allege that evidence to be tested (1) is related to the investigation or prosecution that resulted in the applicant's conviction; (2) is in the government's actual or constructive possession; and (3) was not previously subjected to DNA testing, or to the form of DNA testing now requested. The court may, in its discretion, appoint counsel for an indigent applicant.

Because access to DNA testing is of no value unless evidence containing DNA has been preserved, this section also prohibits the government from destroying any biological material in a criminal case while any person remains incarcerated in connection with that case, unless such person is notified of the government's intent to destroy the material, and afforded at least 90 days to request DNA testing under this title.

Sec. 103. DNA testing in State criminal justice system. Conditions receipt of Federal grants for DNA-related programs on an assurance that the State will adopt adequate procedures for preserving biological material and making DNA testing available to its inmates.

Sec. 104. Prohibition pursuant to section 5 of the 14th amendment. Prohibits States from (1) denying requests for DNA testing that could produce new exculpatory evidence or (2) denying inmates a meaningful opportunity to prove their innocence using the results of DNA testing. Creates an authority to sue for declaratory or injunctive relief to enforce these prohibitions.

TITLE II—ENSURING COMPETENT LEGAL SERVICES IN CAPITAL CASES

Sec. 201. Amendments to Byrne grant programs. Conditions Federal funding under the Byrne grant programs—when such funding equals or exceeds an amount that is $50 million greater than the amount appropriated for such programs in FY 2000—on certification that the State has established and maintains an "effective system" for providing competent legal services to indigent defendants at every stage of death penalty prosecution, from pre-trial proceedings through post-conviction review. The Director of the Administrative Office of the United States Courts is charged with specifying the elements of an "effective system," which must include a centralized and independent authority for appointing attorneys in capital cases, and adequate compensation and reimbursement of such attorneys.

Sec. 202. Effect on procedural default rules. Provides that certain procedural barriers to Federal habeas corpus review shall not apply if the State failed to provide the petitioner with adequate legal services.

Sec. 203. Capital representation grants. Amends the Criminal Justice Act, 18 U.S.C. §3006A, to make more Federal funding available to public agencies and private non-profit organizations for purposes of enhancing the availability and competence of counsel in capital cases, encouraging the continuity of representation in such cases, decreasing the cost of providing qualified death penalty counsel, and increasing the efficiency with which capital cases are resolved.

TITLE III—COMPENSATING THE UNJUSTLY CONDEMNED

Sec. 301. Increased compensation in Federal cases. Raises the total amount of damages that may be awarded against the United States in cases of unjust imprisonment from $5,000 to $50,000 a year in a non-death penalty case, or $100,000 a year in a death penalty case. Identifies factors for court to consider in assessing damages.

Sec. 302. Compensation in State death cases. Encourages States to permit any person who was unjustly convicted and sentenced to death to be awarded reasonable damages, upon substantial proof of innocence and formal exoneration, by adding a new condition for Federal funding to assist in construction of correctional facility projects.

TITLE IV—MISCELLANEOUS

Sec. 401. Accommodation of State interests in Federal death-penalty prosecutions. Protects the interests of States (including the District of Columbia and any commonwealth, territory or possession of the United States) by limiting the Federal government's authority to seek the death penalty in States that do not permit the imposition of such penalty. Department of Justice guidelines provide that in cases of concurrent jurisdiction, "a Federal indictment for an offense subject to the death penalty will be obtained only when the Federal interest in the prosecution is more substantial than the interests of the State or local authorities." Section 401 builds on that principle by requiring the Attorney General or her designee to certify that (1) the State does not have jurisdiction or refuses to assume jurisdiction over the defendant; (2) the State has requested that the Federal government assume jurisdiction; or (3) the offense charged involves genocide; terrorism; use of chemical weapons or weapons of mass-destruction; destruction of aircraft, trains, or other instrumentalities or facilities of interstate commerce; hostage taking; torture; espionage; treason; the killing of certain high public officials; or murder by a Federal prisoner.

Sec. 402. Alternative of life imprisonment without possibility of release. Provides juries in Federal death penalty prosecutions brought under the drug kingpin statute, 21 U.S.C. §848(l), the option of recommending life imprisonment without possibility of release. This amendment brings the drug kingpin statute into conformity with the more recently-enacted death penalty procedures in title 18, which govern most Federal death penalty prosecutions. See 18 U.S.C. §3594.

Sec. 403. Right to an informed jury. Conditions Federal truth-in-sentencing grants upon certification that, in any capital case in which the jury has a role in determining the defendant's sentence, the defendant has the right to have the jury informed of all statutorily-authorized sentencing options in the particular case, including applicable parole eligibility rules and terms. The purpose is to give full effect to the due process principles underlying the Supreme Court's decision in *Simmons* v. *South Carolina*, 512 U.S. 154 (1994), which held that a defendant who has been convicted of a capital offense is entitled to an instruction informing the sentencing jury that he is ineligible for parole under State law.

Sec. 404. Annual reports. Directs the Justice Department to prepare an annual report regarding the administration of the nation's capital punishment laws. The report must be submitted to Congress, distributed to the press and posted on the Internet.

Sec. 405. Discretionary appellate review. Respects State procedural rules by allowing Federal habeas corpus petitioners to raise claims that State courts discouraged them from raising when seeking discretionary review in the State's highest court. Responds to the Supreme Court's decision in *O'Sullivan* v. *Boerckel*, 119 S. Ct. 1728 (1999), which held that a State prisoner must present his claims to a State supreme court in a petition for discretionary review in order to satisfy the exhaustion requirement of 28 U.S.C. §2254(b)(1), (c).

Sec. 406. Sense of the Congress regarding the execution of juvenile offenders and the mentally retarded. Expresses the sense of the Congress that the death penalty is disproportionate and offends contemporary standards of decency when applied to juvenile offenders and the mentally retarded.

[From the Washington Times, June 6, 2000]

THOUGHTS ON EXECUTIONS

In his decision to halt Thursday evening's execution of a convicted killer for a period of 30 days, Texas Gov. George W. Bush did what had to be done. Where there is no shadow of a doubt, the death penalty can sometimes be the right course of action. Yet, where doubt, any doubt, remains, the consequences are awesome. In the case of Ricky Nolan McGinn, who was sentenced to death for raping and murdering his 13-year-old stepdaughter in 1993, there seems to be some uncertainty, in which case every means should be used to establish the truth. When you take a man's life, you take everything he's got. There simply is no way to make up for a mistake made in the execution chamber.

Mr. Bush cannot be accused of being soft on criminals. During his five and a half years in office, Mr. Bush has presided over more executions than any other governor in the country: 131, all told. Most famously, Mr. Bush refused to reduce the sentence of Karla Faye Tucker in 1998. She had been convicted of the particularly horrible execution-style murder of two persons during a gas station robbery, and while in prison had become a born-again Christian. Though religious leaders such as Pat Robertson pleaded for her life, Mr. Bush allowed the execution to go forward. The fact that he has chosen to grant a 30-day reprieve in this one case can hardly be said to indicate a change of heart on the death penalty.

Nevertheless, in the partisan heat of a presidential election year, Mr. Bush has been accused of playing politics with the death penalty. If this is the case, he is doing so on the side of giving someone on death row a final chance. This contrasts with Gov. Bill Clinton's decision to proceed with the execution of a severely retarded Arkansas man during the 1992 presidential election campaign, which was meant to establish his tough-on-crime credentials.

But beyond the question of politics, there's science. Mr. Bush is catching a nationwide movement, based on advances that are making DNA testing increasingly sophisticated. The increased use of DNA analysis has in fact revealed serious flaws in the way the justice system exacts the supreme penalty. The trend towards state moratoria on executions has been led by Gov. George Ryan of Illinois, a Republican. In Illinois, during the course of the 23 years since the death penalty was reinstated, a dozen persons have been put to death—but 13 have been cleared of capital murder charges through DNA testing after having been sentenced to death. This is a stunning and sobering fact. Unless Illinois is vastly different from the rest of the United States, that statistic ought to produce second thoughts for everyone. (One of those second thoughts might be that for every innocent man executed, a guilty man is still out there, unpunished.)

We do not suggest here that the United States should stop punishing the guilty to the fullest extent of the law, even if that means death. However, if this country is to have the death penalty, we must be as certain as is humanly possible that executions are restricted to the guilty. States should be encouraged to make sure that is the case. Even if 66 percent of Americans support the death penalty, it is no argument to say (as some conservatives have done) that the death of an innocent person here or there is not enough to reconsider what we are doing. This argument has been put forward by the Rev. Jerry Falwell. Some have even argued that this may be the price of the death penalty's deterrent effect; Rep. Bill McCollum, Florida Republican, suggested as much in an article for the Atlantic Monthly last year.

Perhaps the most cogent argument against the death penalty is that it degrades the sensibilities of otherwise good and reasonable men and women, who have come to believe in it so obsessively that they would impose it on the innocent if that is the only way to keep the death penalty in the law.

During a moratorium, the state would keep its electricity and gas bills paid and its stockpiles of potassium chloride intact against the day when the moratorium ends and executions resume—presumably following improvements in the way convictions are produced. Surely no one could reasonably object to making sure we execute only the guilty.

[From the Washington Post, Apr. 6, 2000]

INNOCENT ON DEATH ROW

(By George F. Will)

"Don't you worry about it," said the Oklahoma prosecutor to the defense attorney. "We're gonna needle your client. You know, lethal injection, the needle. We're going to needle Robert."

Oklahoma almost did. Robert Miller spent nine years on death row, during six of which the state had DNA test results proving his sperm was not that of the man who raped and killed the 92-year-old woman. The prosecutor said the tests only proved that another man had been with Miller during the crime. Finally, the weight of scientific evidence, wielded by an implacable defense attorney, got Miller released and another man indicted.

You could fill a book with such hair-curling true stories of blighted lives and justice traduced. Three authors have filled one. It should change the argument about capital punishment and other aspects of the criminal justice system. Conservatives, especially, should draw this lesson from the book: Capital punishment, like the rest of the criminal justice system, is a government program, so skepticism is in order.

Horror, too, is a reasonable response to what Barry Scheck, Peter Neufeld and Jim Dwyer demonstrate in "Actual Innocence: Five Days to Execution and Other Dispatches From the Wrongly Convicted." You will not soon read a more frightening book. It is a catalog of appalling miscarriages of justice, some of them nearly lethal. Their cumulative weight compels the conclusion that many innocent people are in prison, and some innocent people have been executed.

Scheck and Neufeld (both members of O.J. Simpson's "dream team" of defense attorneys) founded the pro-bono Innocence Project at the Benjamin N. Cardozo School of Law in New York to aid persons who convincingly claim to have been wrongly convicted. Dwyer, winner of two Pulitzer Prizes, is a columnist for the New York Daily News. Their book is a heartbreaking and infuriating compendium of stories of lives ruined by:

Forensic fraud, such as that by the medical examiner who, in one death report, included the weight of the gallbladder and spleen of a man from whom both organs had been surgically removed long ago.

Mistaken identifications by eyewitnesses or victims, which contributed to 84 percent of the convictions overturned by the Innocence Project's DNA exonerations.

Criminal investigations, especially of the most heinous crimes, that become "echo chambers" in which, because of the normal human craving for retribution, the perceptions of prosecutors and jurors are shaped by what they want to be true. (The authors cite evidence that most juries will convict even when admissions have been repudiated by the defendant and contradicted by physical evidence.)

The sinnister culture of jailhouse snitches, who earn reduced sentences by fabricating "admissions" by fellow inmates to unsolved crimes.

Incompetent defense representation, such as that by the Kentucky attorney in a capital case who gave his business address as Kelly's Keg tavern.

The list of ways the criminal justice system misfires could be extended, but some numbers tell the most serious story: In the 24 years since the resumption of executions under Supreme Court guidelines, about 620 have occurred, but 87 condemned persons—one for every seven executed—had their convictions vacated by exonerating evidence. In eight of these cases, and in many more exonerations not involving death row inmates, the evidence was from DNA.

One inescapable inference from these numbers is that some of the 620 persons executed were innocent. Which is why, after the exoneration of 13 prisoners on Illinois' death row since 1987, for reasons including exculpatory DNA evidence, Gov. George Ryan, a Republican, has imposed a moratorium on executions.

Scheck, Neufeld and Dwyer note that when a plane crashes, an intensive investigation is undertaken to locate the cause and prevent recurrences. Why is there no comparable urgency about demonstrable, multiplying failures in the criminal justice system? They recommend many reforms, especially pertaining to the use of DNA and the prevention of forensic incompetence and fraud. Sen. Patrick Leahy's Innocence Protection Act would enable inmates to get DNA testing pertinent to a conviction or death sentence, and ensure that courts will hear resulting evidence.

The good news is that science can increasingly serve the defense of innocence. But there is other news.

Two powerful arguments for capital punishment are that it saves lives, if its deterrence effect is not vitiated by sporadic implementation, and it heightens society's valuation of life by expressing proportionate anger at the taking of life. But that valuation is lowered by careless or corrupt administration of capital punishment, which "Actual Innocence" powerfully suggests is intolerably common.

[From the Washington Times, Apr. 25, 2000]

DEATH EDICT FOR THE GUILTY ONLY

(By Bruce Fein)

Can reasonable people dispute that the government should confine the death penalty to persons guilty of the crime charged? And can reasonable people deny that the climbing number of exonerations of death row inmates on the ground of actual innocence creates chilling worries on that scores?

Those questions make both urgent and compelling enactment of the cool-headed bill (S. 2071) by Sen. Patrick Leahy, Vermont Democrat, to upgrade the reliability of verdicts in capital cases.

Manifold reasons justify the death penalty (which the U.S. Supreme Court has restricted to crimes of homicide): retribution against offenders whose killings are earmarked by shocking and barbaric wickedness, something akin to the Adolf Eichmann example; to control prison inmates already laboring under life sentences with no parole possibilities; to deter the murder of police or crime witnesses in the hope of escaping punishment of a lesser crime; and encouraging guilty pleas contingent on cooperation with prosecutors in murder conspiracy cases in exchange for a non-capital sentence.

Whether death sentences in general deter crime is hotly disputed, but if they do, their effects would not even begin to dent the crime problem.

A decent respect for life also demands scrupulous concern for the reliability of verdicts in capital punishment trials. Otherwise, the death penalty game is not worth the gamble of executing the innocent—a shameful stain on any system of Justice—and life sentences (perhaps in solitary confinement) without parole should be the maximum.

The Leahy bill laudably aims to preserve the death penalty by slashing the prevailing and highly worrisome risk of executing the innocent through greater DNA testing and competent defense counsel.

Unzip you ears to these facts. Since the Supreme Court in 1976 affirmed the constitutionality of the death penalty for heinous and aggravated murders, 610 death sentences have been implemented. Concurrently, 85 death row prisoners have been released not for technical procedural flukes but because of exculpatory evidence establishing their innocence. In other words, for every seven executions approximately one capital sentence has been levied on an innocent defendant.

Moreover, the detections of these grim injustices has been more haphazard than systematic. The case Randall Dale Adams and Antony Porter are emblematic.

The former was released after attracting the attention of cinematic genius, Earl Morris. His gripping movie, "The Thin Blue Line," discredited the prosecution's case to a nationally awakened audience.

Mr. Porter had lived with the Sword of Damocles for 16 years, and in 1998 his hourglass fell to 48 hours. He was saved from wrongful execution by the plucky work of Northwestern University undergraduate journalism students, who proved Mr. Antony's innocence, a verdict that the State of Illinois conceded.

Quirks and citizen altruism, however, are woefully inadequate safeguards against executing the innocent. While nothing in life is absolutely certain but death and taxes, the Leahy bill would add two muscular measures to make the truth-finding process in capital cases as reliable as is reasonably feasible.

First, post-conviction DNA testing of biological material would be available to an inmate through court order upon a demonstration that the test could provide noncumulative exculpatory evidence; that the material is actually or constructively possessed by the government; and that no previous DNA test had been conducted or that new DNA techniques might reasonably yield more accurate and probative evidence. Jurisdictions also would be directed to preserve biological material gathered in the course of an investigation during the period of the criminal's incarceration for the purpose of possible DNA testing.

Of vastly greater importance to reliable death penalty verdicts, however, is securing competent defense counsel in lieu of incompetence or worse. The U.S. Supreme Court has repeatedly celebrated the indispensability of reasonably skilled lawyers to reliable verdicts. In the infamous Scottsboro, Ala., criminal justice farce, Powell vs. Alabama (1932), Justice George Sutherland, speaking for a unanimous court, lectured: "Left without the aid of counsel [the accused] may be put on trial without a proper charge, and convicted on incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge to prepare his defense, even though he has a perfect one. He requires the guiding hand of counsel at every step of the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence."

Capital cases generally feature indigent defendants. And their court-appointed lawyers are frequently deficient because of austere rates of reimbursement or plain laziness.

For instance, the lawyer appointed to represent Ronald Keith Williamson was uncurious about the fact that another had confessed to the crime. He neglected to raise the exculpatory confession at trial, Williamson was convicted, and was later proven innocent through DNA testing after a 1997 federal appeals court decision overturned the trial verdict because of inert or anemic lawyering.

The Leahy legislation would end this blight in death penalty prosecutions by instructing the director of the Administrative Office of the United States Courts to creating a scheme for credentialing attorneys and providing reasonable pay in capital prosecutions against indigent defendants.

Aren't executions too definitive to be left to chancy discoveries of innocence? If the government does not want to pay the price of turning square corners in capital cases, shouldn't the prosecution accept a lesser maximum punishment?

[From the Washington Post, Feb. 28, 2000]

Innocent on Death Row

Sen. Patrick Leahy (D-Vt.) has introduced a bill that seeks to strengthen safeguards against wrongful executions. Those who support capital punishment should be as determined as its opponents to ensure that innocent people are not executed. By that logic, this legislation should enjoy wide support.

The bill would require both state and federal courts to permit post-conviction DNA testing in cases in which there is a significant question of innocence. It also would encourage states to retain biological evidence, thereby ensuring that there is a material to test when innocence questions arise. Perhaps more important, the bill would make federal criminal justice funds to the states contingent on their improving legal representation for the accused in all stages of death-penalty litigation.

This is a critical reform, as the absence of competent counsel is a pervasive theme in wrongful convictions. The bill would raise the insultingly low limit for damages against the federal government—$5,000 per year in jail—for those wrongly convicted of federal crimes. And it would encourage states to offer reasonable compensation as well.

These are common-sense improvements to the basic infrastructure of the death penalty. For those who favor the abolition of capital punishment, they may seem inadequate. But by focusing only on protecting the innocent—not on a broader agenda of halting all executions—Mr. Leahy places the spotlight on what should be bedrock principle for all who believe in due process. To support these reforms, one need only believe that people accused of capital crimes should have reasonably able counsel and that—when substantial questions arise about the rightness of their convictions—they should have the ability to prove their innocence.

[From the New York Times, Feb. 19, 2000]

New Looks at the Death Penalty

America is at last beginning to grapple honestly with the profound flaws of the death penalty system. Late last month Gov. George Ryan of Illinois, a Republican, became the first governor in a death penalty state to declare a moratorium on executions, citing well-founded concerns about his state's "shameful record of convicting innocent people and putting them on death row." That has now been followed by moves in Congress and the executive branch to review death penalty policies from a national perspective.

Senator Russell Feingold of Wisconsin has urged President Clinton to suspend all federal executions pending a review of death penalty procedures similar to the one Governor Ryan has initiated in Illinois. Problems of inadequate legal representation, lack of access to DNA testing, police misconduct, racial bias and even simple errors are not unique to Illinois, Mr. Feingold noted.

The Justice Department has also initiated its own review to determine whether the federal death penalty system unfairly discriminates against racial minorities. At his news conference this week, Mr. Clinton praised the death penalty moratorium in Illinois, but indicated he thought a federal moratorium was unnecessary. Mr. Feingold has urged him to reconsider. Given his lame-duck status, the president can afford to call a halt without worrying about being falsely labeled soft on crime. Moreover, the fact that a Republican governor was first to announce a moratorium should minimize any concern about Vice President Al Gore being so labeled.

Congress need not wait for the administration to act. Last week Senator Patrick Leahy, Democrat of Vermont, introduced legislation to address "the growing national crisis" in how capital punishment is administered. This promising measure, the Innocence Protection Act of 2000, stops short of abolishing the death penalty, the course we hope the nation will eventually follow. But key provisions would lessen the chance of unfairness and deadly error by making DNA testing available to both state and federal inmates, and by setting national standards to ensure that competent lawyers are appointed for capital defendants.

Without such protections, there is a grave possibility of judicial error. Nationally, 612 people have been executed since the Supreme Court reinstated capital punishment in 1976. During the same period, 81 people in 21 states have been found innocent and released from death row—some within hours of being executed. That suggests that many who were executed might also have been innocent.

Neither the states nor the courts are providing adequate protection against awful miscarriages of justice. In Texas, the nation's leader in executions, courts have upheld death sentences in cases where defense lawyers slept during big portions of the trial. Lately, Congress and the Supreme Court have exacerbated the danger of mistaken executions by curtailing appeal and habeas corpus rights. They have also ignored the festering problem of inadequate legal representation that caused the American Bar Association to call for a death penalty moratorium three years ago. Even death penalty supporters have to be troubled by a system shown to have a high risk of executing the innocent.

[From the Washington Post, Mar. 20, 2000]

On Virginia's Death Row

Derek Barnabei evokes no sympathy. He is on death row in Virginia for the rape and murder of his girlfriend, Sarah Wisnosky, in 1993. The evidence of his guilt seems strong. But that strong probability of guilt makes Virginia's unwillingness to permit DNA testing of potentially key evidence all the more puzzling. Mr. Barnabei has maintained his innocence, and the case has a few troubling aspects. In light of this, it only makes sense to test bloodstained physical evidence retained but never tested by investigators. Yet Virginia balks on the grounds that Mr. Barnabei's guilt is so clear.

The likelihood is that the blood is Ms. Wisnosky's, which would neither bolster nor undermine the jury's verdict in the case. It also could be Mr. Barnabei's, which would reinforce the integrity of the verdict. But the presence of someone else's blood would make Mr. Barnabei's claims more credible.

It is hard to see why a state, before putting someone to death, would be unwilling to demonstrate a jury verdict's consistency with all of the evidence. Indeed, this is precisely the type of case in which the state should have no choice. Under a bill being pushed by Sen. Patrick Leahy (D-Vt.), states would be obligated in such circumstances to allow post-conviction DNA testing. Such a law would not merely offer a lawyer of protection to innocent people but would increase public confidence in the convictions of guilty people.●

Mr. SMITH of Oregon. Mr. President, I am a supporter of the death penalty. I believe there are some times when humankind can act in a manner so odious so heinous, and so depraved that the right to life is forfeited. Notwithstanding this belief—indeed, because of this belief—I rise today to talk about the importance of protecting innocent people in this country from wrongful imprisonment and execution. Today, Senator LEAHY and I are introducing the Innocence Protection Act of 2000 that will use the technological advances of the 21st century to ensure that justice is served swiftly and fairly.

It has been difficult to open a newspaper in recent months without finding discussion of the death penalty and possible miscarriages of justice. You have almost certainly seen or heard reports of inmates being freed from death row based on results of new genetic tests that were unavailable at the time of trial. There have been a number of cases where this has, in fact, occurred.

This is a cause for concern for a number of cases. First and foremost, of course, is the possibility that an innocent person could lose his or her life if wrongfully convicted. In such cases, this also leads to the double tragedy that the true guilty party remains free to roam the country in search of future victims. Clearly, capturing and convicting the true perpetrator of a crime is in everyone's best interests.

The Innocence Protection Act of 2000 would provide a national standard for post-conviction DNA testing of inmates who believe they have been wrongly incarcerated. Although many inmates were convicted before modern methods of genetic fingerprinting were available, not all states routinely allow post-conviction DNA testing.

This does not make sense. If we are to have a system that is just, transparent, and defensible, we must make absolutely certain that every person who is behind bars deserves to be there. One of the best ways to do this is to make the most advanced technology available for cases in which physical evidence could have an influence on the verdict.

Making DNA testing available will result in some convictions being overturned. In such cases, people who have been unjustly incarcerated must be afforded fair compensation for the lost years of their lives. The Leahy-Smith Innocence Protection Act of 2000 has a provision that would do this. Sometimes a person who has been wrongly imprisoned is released from prison with bus fare and the clothes on his or her back. This practice simply heaps one wrong upon another.

While officers of America's courts and law enforcement work extremely hard to ensure that the true perpetrators of heinous crimes are caught and convicted, there have been instances where defendants have been represented by overworked, underpaid, or even unqualified counsel, and this situation cannot be tolerated in a system of criminal justice. The Leahy-Smith Innocence Protection Act of 2000 would ensure that defendants who are put on trial for their lives receive competent legal representation at every stage in their cases.

The Innocence Protection Act of 2000 will allow us, as a nation, to continue our confidence in the American judicial system and in the fair and just application of the death penalty. We must have confidence in the integrity of justice, that it will both protect the innocent and punish the guilty. This legislation will not prevent true criminals from being executed; rather, it will increase support for the death penalty by providing added assurances that American justice is administered fairly across the country.

Therefore, I urge my colleagues on both sides of the aisle, whether you support or oppose capital punishment, to join Senator LEAHY and me in backing the Innocence Protection Act of 2000, which will put the fingerprint of the 21st century on our criminal justice system, ensuring that innocent lives are not unjustly taken in this country.

Ms. COLLINS Mr. President, I am pleased to join as a cosponsor of the "Innocence Protection Act."

Since the reinstatement of capital punishment in 1976, 610 people have been executed in our nation. In that same period of time, an astounding 87 people who were sentenced to die have been found innocent and released from death row. Each of these individuals has lived the Kafkaesque nightmare of condemnation and imprisonment for crimes they have not committed. It is difficult to imagine the despair and betrayal these individuals must have felt as they were accused, tried, convicted and sentenced, all the time knowing they were not guilty. And during all those years they remained in prison, the real perpetrators remained at large.

I am an opponent of the death penalty, and I am proud to be from the State of Maine which outlawed the death penalty in 1887. The legislation we introduce today is, however, not an anti-death penalty measure.

The legislation we introduce today simply requires logical safeguards to be put in place to prevent wrongful convictions. Its two most important provisions compel DNA testing where it can yield evidence of innocence, and puts in place a new process to ensure defendants receive competent counsel in death penalty cases.

The "Innocence Protection Act" calls on the federal government and the states to make DNA testing available in circumstances where it could yield new evidence of innocence. The incidents in which DNA testing has exonerated individuals are not isolated—64 people have been released from prison or death row due to DNA testing.

Linus Pauling once said that "science is the search for truth." Through DNA testing, science provides a tool that can uncover the truth, and lend certainty to our moral obligation in a civilized society—proper administration of our criminal justice system.

The legislation we introduce today assists the wrongfully convicted, and will help prevent the miscarriages of justices that have seemed sadly common. It will also serve the interests of justice and protect crime victims. Justice is never served until the true perpetrator of a crime is identified, convicted and punished. We owe it to the victims and their families to pursue every avenue to find and hold accountable the true criminals who have injured them.

Our American ideals and sense of justice simply cannot tolerate the current risk for mistaken executions. The case of Mr. Anthony Porter should shock the conscience of America. Mr. Porter spent over 16 years on death row, and at one point he was only two days short of receiving a lethal injection, having been convicted of two murders. A determined group of journalism students investigated his case and uncovered evidence that exonerated Mr. Porter. It was only through their efforts that the identity of the real murderer was determined, a review of the case compelled, and Mr. Porter ultimately freed. The peculiar good fortune that lead to the release of Mr. Porter undeniably highlights a weakness in our system of justice that cries out for remedy.

Nothing that we can do here today can restore those years to Mr. Porter, or others who have been wrongly convicted, but we can demand safeguards be put in place to protect the innocent from conviction, and protect society from real criminals who may remain loose on our streets. Regardless of one's views about the death penalty, I hope we all can agree to needed safeguards to help ensure that justice is served.

Thank you, Mr. President, I yield the floor.

• Mr. FEINGOLD. Mr. President, I am extremely pleased to join my distinguished colleague from Vermont and ranking member of the Judiciary Committee, Senator LEAHY, as a cosponsor of the Innocence Protection Act of 2000. I commend him for his leadership on this important legislation. The insight and unique experience that he brings to this issue as a former federal prosecutor is invaluable. I have no doubt that because of his leadership and diligence, Americans have recently become more aware of the important role that the certainty of science can have in our criminal justice system. Improvements in DNA testing have allowed us to determine with greater accuracy whether certain offenders committed the crime that sent them to prison, including, very importantly, of course, those who have been condemned to death row.

Since the 1970s, 87 people sentenced to die were later proven innocent. Some of those innocent death row inmates were able to prove their innocence based on modern DNA testing of biological evidence. But, Mr. President, this is not just about ensuring that we not condemn the innocent. DNA testing can also ensure that the guilty person not go free. DNA testing can be a tool for the prosecution to determine whether they have the right person.

Over the last several months, I have spoken often on the floor about the serious flaws in the administration of capital punishment across the nation. I strongly support Senator LEAHY's bill. It is a much over-due package of reforms that goes after some of the worst failings in our nation's administration of capital punishment—those that are unfair, unjust and plain just un-American.

Very simply, Senator LEAHY's bill can help save lives. His bill would make it less likely for an innocent man or woman to be sent to death row, where biological evidence is central to the issue of guilt or innocence. The bill also would make it more likely that a poor person receive adequate defense representation and less likely that a poor person gets stuck with a lawyer that sleeps through trial. Yesterday, I spoke on the floor about specific examples of such cases of egregious failings of defense counsel.

We must ensure the utmost fairness in the administration of this ultimate punishment. I hope our colleagues—both those who support the death penalty in principle and those who oppose it—will join together in fixing this broken system and restoring fairness and justice. All Americans demand and deserve no less.

Mr. President, I think it is very significant that this important bill now has bipartisan support. I want to thank and commend my colleagues, Senators GORDON SMITH, SUSAN COLLINS and JAMES JEFFORDS, for recognizing that flaws exist in our system of justice and acknowledging that something has to be done about it. I hope this is a sign that we can work together with the very real goal of passing this bill this year. Until we do so, the lives of innocent people literally hang in the balance.•

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 2691. A bill to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

THE LITTLE SANDY WATERSHED PROTECTION ACT

Mr. WYDEN. Mr. President, I rise today to introduce the Little Sandy Watershed Protection Act.

I promised Oregonians that my first legislative business when Congress reconvened after the Memorial Day Recess would be the introduction of this bill.

Therefore, joined by my friends Senator GORDON SMITH and Congressman EARL BLUMENAUER, I introduce this legislation to make sure that Portland families can go to their kitchen faucets and get a glass of safe and pure drinking water today, tomorrow, and on, into the 21st century.

The Bull Run has been the primary source of water for Portland since 1895. The Bull Run Watershed Management Unit, Mount Hood National Forest, was protected by Congressional action in 1904, 1977 and then again, most recently, in 1996 (P.L. 95-200, 16, U.S.C. 482b note) because it was recognized as Portland's primary municipal water supply. It still is.

Today I propose to finish the job of the Oregon Resources and Conservation Act of 1996. That law, which I worked on with Senator Mark Hatfield, finally provided full protection to the Bull Run watershed, but only provided temporary protection for the adjacent Little Sandy watershed. I promised in 1996 that I would return to finish the job of protecting Portland's drinking water supply and intend to continue to push this legislation until the job is complete.

The bill I introduce today expands the Bull Run Watershed Management Unit boundary from approximately 95,382 acres to approximately 98,272 acres by adding the southern portion of the Little Sandy River watershed, an increase of approximately 2,890 acres.

The protection this bill offers will not only assure clean drinking water, but also increase the potential for fish recovery. Reclaiming suitable habitat for our region's threatened fish populations must be an all-out effort. Through the cooperation of Portland General Electric and the City of Portland, the Little Sandy can be an important part of that effort.

My belief is that the children of the 21st century deserve water that is as safe and pure as any that the Oregon pioneers found in the 19th century. This legislation will go a long way toward bringing about that vision.

Mr. SMITH of Oregon. Mr. President, let me begin by saying that I am pleased to be a cosponsor of this legislation aimed at protecting the Little Sandy Watershed for future generations. The Little Sandy lies adjacent to the Bull Run Watershed, which is the primary municipal water supply for the City of Portland, Oregon. The water that filters through these forests and mountainsides to the east of Portland is of the highest quality in the nation and does not require artificial filtration or treatment.

The Bull Run Watershed Management Unit was established by congressional action in 1977, creating a management partnership between the USDA Forest Service and the City of Portland for the review of water quality and quantity. Additional protection was given to the Bull Run by the Northwest Forest Plan in 1993, restricting all timber harvests in sensitive areas. Neither of these actions, however, extended a satisfactory level of protection to the nearby Little Sandy Watershed. Population growth and heightened water quality expectations have brought the preservation of the Little Sandy Watershed to the forefront of the public's interest in recent years.

The legislation that I have cosponsored would expand the boundary of the Bull Run Watershed Management Unit to include the southern portion of the Little Sandy. This would add nearly 3,000 acres to the Management Unit, including a number of acres currently managed by the Bureau of Land Management (BLM). I am aware that questions have just arisen as to whether some of this acreage is currently managed by O & C lands. If so, there are concerns that O & C land would be devalued by a change in management designation. If this is the case, as the bill moves through the legislative process, I will seek the redesignation of other lands outside the preserve in order to maintain the wholeness of O & C land and the timber base.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. DURBIN):

S. 2692. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve safety of imported products, and for other purposes; to the Committee on Health Education, Labor, and Pensions.

IMPORTED PRODUCTS SAFETY IMPROVEMENT AND DISEASE PREVENTION ACT OF 2000

Ms. MIKULSKI. Mr. President, I rise today to reintroduce the "Imported Products Safety Improvement and Disease Prevention Act of 2000." I am proud to be the sponsor of this important legislation which guarantees the improved safety of imported foods, and I have high hopes that we will act on it this year.

The health of Americans is not something to take chances with. It is important that we make food safety a top priority. Every person should have the confidence that their food is fit to eat. We should be confident that imported food is as safe as food produced in this country. Cars can't be imported unless they meet U.S. safety requirements. Prescription drugs can't be imported unless they meet FDA standards. You shouldn't be able to import food that isn't up to U.S. standards, either.

We import increasing quantities of fresh fruits and vegetables, seafood, and many other foods. In the past seven years, the amount of food imported into the U.S. has more than doubled. Out of all the produce we eat, 40% of it is imported. Our food supply has gone global, so we need to have global food safety.

The impact of unsafe food is staggering. There have been several frightening examples of food poisoning incidents in the U.S. When Michigan schoolchildren were contaminated with Hepatitis A from imported strawberries in 1997, Americans were put on alert. Thousands of cases of cyclospora infection from imported raspberries—resulting in severe, prolonged diarrhea, weight loss, vomiting, chills and fatigue were also reported that year. Imported cantaloupe eaten in Maryland sickened 25 people. As much as $663 million was spent on food borne illness in Maryland alone. Overall, as many as 33 million people per year become ill and over 9000 die as a result of food borne illness. It is our children and our seniors who suffer the most. Most of the food-related deaths occur in these two populations.

These incidents have scared us and have jump-started the efforts to do more to protect our nation's food supply. Now, I believe in free trade, but I also believe in fair trade. FDA's current system of testing import samples at ports of entry does not protect Americans. It is ineffective and resource-intensive. Less than 2 percent of imported food is being inspected under the current system. At the same time, the quantity of the imported foods continues to increase.

What this law does is simple: It improves food safety and aims at preventing food borne illness of all imported foods regulated by the FDA. This bill takes a long overdue, big first step.

First, it requires that FDA make equivalence determinations on imported food. This was developed with the FDA by Senator KENNEDY and myself in consultation with the consumer groups.

Today, FDA has no authority to protect Americans against imported food that is unsafe until it is too late. According to the GAO, the FDA lacks the authority to require that food coming into the U.S. is produced, prepared, packed or held under conditions that provide the same level of food safety protection as those in the U.S. This means that currently, food offered for import to the U.S., can be imported under any conditions, even if those conditions are unsanitary. The Imported Products Safety Improvement and Disease Prevention Act of 2000 will allow FDA to look at the production at its source. This means that FDA will be able to take preventive measures. FDA will be able to be proactive, rather than just reactive.

That means that when you pack your childrens' lunches for school or sit down at the dinner table, you can rest assured that your food will be safe. Whether your strawberries were grown in a foreign country or on the Eastern Shore, in Maryland, those strawberries will be held to the same standard. You won't have to worry or wonder where your food is coming from. You won't have to worry that your children or families are going to get sick. You will know that the food coming into this country will be subject to equivalent standards.

Second, this bill contains strong enforcement measures. Last year, the Permanent Subcommittee on Investigations, under the leadership of Senator SUE COLLINS, held numerous hearings on the safety of imported food. These enforcement measures are largely a product of those facts uncovered during those hearings.

Finally, this bill covers emergency situations by allowing FDA to ban imported food that has been connected to outbreaks of food borne illness. When our children, parents and communities are getting seriously sick, the Secretary of Health and Human Services can immediately issue an emergency ban. We don't have to wait till someone else gets seriously sick or dies. We no longer have to go through the current bureaucratic mechanism that is inefficient and resource intensive. We can stop the food today, to protect our citizens.

My goal is to strengthen the food supply, whatever the source of the food may be. This bill won't create trade barriers. It just calls for free trade of safe food. It calls for international concern and consensus on guaranteeing standards for public health.

This bill is important because it will save lives and makes for a safer world. Everyone should have security in knowing that the food they eat is fit to eat. I look forward to working on a bipartisan basis to enact this legislation. I pledge my commitment to fight for ways to make America's food supply safer. This bill is an important step in that direction.

Mr. President, I ask unanimous consent that the text of the bill and a summary be added to the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Imported Products Safety Improvement and Disease Prevention Act of 2000".

TITLE I—IMPROVEMENTS TO THE PRODUCT SAFETY IMPORT SYSTEM

SEC. 101. EQUIVALENCE AUTHORITY TO PROTECT THE PUBLIC HEALTH FROM CONTAMINATED IMPORTED PRODUCTS.

(a) EQUIVALENCE DETERMINATIONS, AND MEASURES, SYSTEMS, AND CONDITIONS TO ACHIEVE PUBLIC HEALTH PROTECTION.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following:

"(d)(1) Subject to paragraphs (2) and (3), any covered product offered for import into the United States shall be prepared (including produced), packed, and held under a system or conditions, or subject to measures, that meet the requirements of this Act or that have been determined by the Secretary to be equivalent to a system, conditions, or measures for such covered product in the United States and to achieve the level of public health protection for such covered product prepared, packed, and held in the United States. Consistent with section 492 of the Trade Agreements Act of 1979 (19 U.S.C. 2578a), the Secretary shall make, where appropriate, equivalence determinations described in that section relating to sanitary or phytosanitary measures (including systems and conditions) that apply to the preparation, packing, and holding of covered products offered for import into the United States.

"(2) In carrying out this subsection, the Secretary shall conduct systematic evaluations of the systems, conditions, and measures in foreign countries that apply to the preparation, packing, and holding of covered products offered for import into the United States.

"(3) The Secretary shall develop a plan for the implementation of the authority under this subsection within 2 years after the date of enactment of the Imported Products Safety Improvement and Disease Prevention Act of 2000. In developing the plan, the Secretary shall provide an opportunity for, and take into consideration, public comment on a proposed plan.".

(b) GENERAL AUTHORITY.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended in subsection (a), is further amended by inserting after subsection (d) the following:

"(e)(1)(A) The Secretary shall establish a system, for use by the Secretary of the Treasury, to deny the entry of any covered product offered for import into the United States if the Secretary of Health and Human Services makes and publishes—

"(i) a written determination that the covered product—

"(I) has been associated with repeated and separate outbreaks of disease borne in a covered product or has been repeatedly determined by the Secretary to be adulterated within the meaning of section;

"(II) presents a reasonable probability of causing significant adverse health consequences or death; and

"(III) is likely, without systemic intervention or changes, to cause disease or be adulterated again; or

"(ii) an emergency written determination that the covered product has been strongly associated with a single outbreak of disease borne in a covered product that has caused serious adverse health consequences or death.

"(B)(i) The Secretary shall make a determination described in subparagraph (A) with respect to—

"(I) a covered product from a specific producer, manufacturer, or shipper; or

"(II) a covered product from a specific growing area or country;

that meets the criteria described in subparagraph (A).

"(ii) Only the covered product from the specific producer, manufacturer, shipper, growing area, or country for which the Secretary makes the determination shall be subject to denial of entry under this subsection.

"(C) The denial of entry of any covered product under this paragraph shall be done in a manner consistent with bilateral, regional, and multilateral trade agreements and the rights and obligations of the United States under the agreements.

"(D)(i) Before making any written determination under subparagraph (A)(i), the Secretary shall consider written comments, on a proposed determination, made by any party affected by the proposed determination and any remedial actions taken to address the findings made in the proposed determination. In making the written determination, the Secretary may modify or rescind the proposed determination in accordance with such comments.

"(ii)(I) The Secretary may immediately issue an emergency written determination under subparagraph (A)(ii) without first considering comments on a proposed determination.

"(II) Within 30 days after the issuance of the emergency determination, the Secretary shall consider written comments on the determination that are made by a party described in clause (i) and received within the 30-day period. The Secretary may affirm, modify, or rescind the emergency determination in accordance with the comments.

"(III) The emergency determination shall be in effect—

"(aa) for the 30-day period; or

"(bb) if the Secretary affirms or modifies the determination, until the Secretary rescinds the determination.

"(2)(A) The covered product initially denied entry under paragraph (1) may be imported into the United States if the Secretary finds that—

"(i) the written determination made under paragraph (1) no longer justifies the denial of entry of the covered product; or

"(ii) evidence of remedial action submitted from the producer, manufacturer, shipper, specific growing area, or country for which the Secretary made the written determination under paragraph (1) addresses the determination.

"(B)(i) The Secretary shall take action on evidence submitted under subparagraph (A)(ii) within 90 days after the date of the submission of the evidence.

"(ii) The Secretary's action may include—

"(I) lifting the denial of entry of the covered product; or

"(II) continuing to deny entry of the covered product while requesting additional information or specific remedial action from the producer, manufacturer, shipper, specific growing area, or country.

"(iii) If the Secretary does not take action on evidence submitted under subparagraph (A)(ii) within 90 days after the date of submission, effective on the 91st day after the date of submission, the covered product initially denied entry under paragraph (1) may be imported into the United States.

"(3) The Secretary shall by regulation establish criteria and procedures for the system described in paragraph (1). The Secretary may by regulation modify those criteria and procedures, as the Secretary determines appropriate.".

(c) Technical and Conforming Amendments.—

(1) Section 351(h) of the Public Health Service Act (42 U.S.C. 262(h)) is amended by striking "section 801(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e))" and inserting "section 801(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)(1))".

(2) Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended—

(A) in paragraph (t), by striking "section 801(d)(1)" and inserting "section 801(f)(1)"; and

(B) in paragraph (w)—

(i) by striking "sections 801(d)(3)(A) and 801(d)(3)(B)" and inserting "subparagraphs (A) and (B) of section 801(f)(3)";

(ii) except as provided in clause (i), by striking "section 801(d)(3)" each place it appears and inserting "section 801(f)(3)"; and

(iii) by striking "section 801(e)" and inserting "section 801(g)".

(3) Section 303(b)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(b)(1)(A)) is amended by striking "section 801(d)(1)" and inserting "section 801(f)(1)".

(4) Section 304(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334(d)(1)) is amended—

(A) by striking "section 801(e)(1)" and inserting "section 801(g)(1)"; and

(B) except as provided in subparagraph (A), by striking "section 801(e)" each place it appears and inserting "section 801(g)".

(5) Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended—

(A) in subsection (a), in the third sentence, by striking "subsection (b) of this section" and inserting "subsection (b) or subsection (e)(2)(A) (in the case of a covered product described in that subsection)";

(B) in paragraph (3)(A) of subsection (f), as redesignated in subsection (a), by striking "section 801(e) or 802" and inserting "subsection (g), section 802,"; and

(C) in paragraph (1) of subsection (h), as redesignated in subsection (a), by striking "subsection (e)" and inserting "subsection (g)".

(6) Section 802 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 382) is amended—

(A) in subsection (a)(2)(C), by striking "section 801(e)(2)" and inserting "section 801(g)(2)";

(B) in subsection (f)(3), by striking "section 801(e)(1)" and inserting "section 801(g)(1)"; and

(C) in subsection (i), by striking "section 801(e)(1)" and inserting "section 801(g)(1)".

SEC. 102. PROHIBITION AGAINST THE DISTRIBUTION OF CERTAIN PRODUCTS.

(a) Adulterated Products.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

"(h)(1) If—

"(A) it is a covered product being imported or offered for import into the United States;

"(B) the covered product has been designated by the Secretary for sampling, examination, or review for the purpose of determining whether the covered product is in compliance with this Act;

"(C) the Secretary requires, under section 801(a)(2)(B), that the covered product not be distributed until the Secretary authorizes the distribution of the covered product; and

"(D) the covered product is distributed before the Secretary authorizes the distribution.

"(2) In this paragraph, the term 'distributed', used with respect to a covered product, means—

"(A) moved for the purpose of selling the covered product, offering the covered product for sale, or delivering the covered product for the purpose of selling the covered product or offering the covered product for sale; or

"(B) delivered contrary to any bond requirement.".

(b) Prohibition.—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended—

(1) in the third sentence, by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(2) by striking "(a) The" and inserting "(a)(1) The";

(3) in the last sentence, by striking "Clause (2)" and inserting "Subparagraph (B)";

(4) by moving the fourth sentence to the end;

(5) in the sentence so moved, by striking "The Secretary" and inserting the following: "(2)(A) The Secretary"; and

(6) by adding at the end the following:

"(B) The Secretary of Health and Human Services may require that a covered product being imported or offered for import into the United States not be distributed until the Secretary authorizes distribution of the covered product.".

SEC. 103. REQUIREMENT OF SECURE STORAGE OF CERTAIN IMPORTED PRODUCTS.

(a) Adulterated Products.—Section 402 of the Federal Food, Drug, and Cosmetic Act, as amended in section 102(a), is further amended by adding at the end the following:

"(i) If—

"(1) it is a covered product being imported or offered for import into the United States;

"(2) the Secretary requires, under section 801(a)(2)(C), that the covered product be held in a secure storage facility until the Secretary authorizes distribution of the covered product; and

"(3) the covered product is not held in a secure storage facility as described in section 801(a)(2)(C) until the Secretary authorizes the distribution.".

(b) Requirement.—Section 801(a)(2) of the Federal Food, Drug, and Cosmetic Act, as amended in section 102(b), is further amended by adding at the end the following:

"(C)(i) The Secretary of Health and Human Services may require that a covered product that is being imported or offered for import into the United States be held, at the expense of the owner or consignee of the covered product, in a secure storage facility until the Secretary authorizes distribution of the covered product, if the Secretary makes the determination that the covered product is—

"(I) being imported or offered for import into the United States by a person described in clause (ii); or

"(II) owned by or consigned to a person described in clause (ii).

"(ii) An importer, owner, or consignee referred to in subclause (I) or (II) of clause (i) is a person against whom the Secretary of the Treasury has assessed liquidated damages not less than twice under subsection (b) for failure to redeliver, at the request of the Secretary of the Treasury, a covered product subject to a bond under subsection (b).".

SEC. 104. REQUIREMENT OF ADMINISTRATIVE DESTRUCTION OF CERTAIN IMPORTED PRODUCTS.

(a) ADULTERATED PRODUCTS.—Section 402 of the Federal Food, Drug, and Cosmetic Act, as amended in section 103(a), is further amended by adding at the end the following:

"(j) Notwithstanding subsections (a)(2)(A) and (b) of section 801, if—

"(1) it is a covered product being imported or offered for import into the United States;

"(2) the covered product presents a reasonable probability of causing significant adverse health consequences or death;

"(3) the Secretary, after the covered product has been refused admission under section 801(a), requires under section 801(a)(2)(D) that the covered product be destroyed; and

"(4) the owner or consignee of the covered product fails to comply with that destruction requirement.".

(b) REQUIREMENT.—Section 801(a)(2) of the Federal Food, Drug, and Cosmetic Act, as amended in section 103(b), is further amended by adding at the end the following:

"(D) The Secretary of Health and Human Services may require destruction, at the expense of the owner or consignee, of a covered product imported or offered for import into the United States that presents a reasonable probability of causing significant adverse health consequences or death.".

SEC. 105. PROHIBITION AGAINST PORT SHOPPING.

Section 402 of the Federal Food, Drug, and Cosmetic Act, as amended in section 104(a), is further amended by adding at the end the following:

"(k) If it is a covered product being imported or offered for import into the United States, and the covered product previously has been refused admission under section 801(a), unless the person reoffering the article affirmatively establishes, at the expense of the owner or consignee of the article, that the article complies with the applicable requirements of this Act, as determined by the Secretary.".

SEC. 106. PROHIBITION OF IMPORTS BY DEBARRED PERSONS.

Section 402 of the Federal Food, Drug, and Cosmetic Act, as amended in section 105, is further amended by adding at the end the following:

"(l) If it is a covered product being imported or offered for import into the United States by a person debarred under section 306(b)(4).".

SEC. 107. AUTHORITY TO MARK REFUSED ARTICLES.

(a) MISBRANDED PRODUCTS.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

"(t) If—

"(1) it has been refused admission under section 801(a);

"(2) the covered product has not been required to be destroyed under subparagraph (A) or (B) of section 801(a)(2); and

"(3) the packaging of the covered product does not bear a label or labeling described in section 801(a)(2)(E).".

(b) REQUIREMENT.—Section 801(a)(2) of the Federal Food, Drug, and Cosmetic Act, as amended in section 104(b), is further amended by adding at the end the following:

"(E) The Secretary of Health and Human Services may require the owner or consignee of a covered product that has been refused admission under paragraph (1), and has not been required to be destroyed under subparagraph (A) or (B), to affix to the packaging of the covered product a label or labeling that—

"(i) clearly and conspicuously bears the following statement: 'United States: Refused Entry.';

"(ii) is affixed to the packaging until the covered product is brought into compliance with this Act; and

"(iii) has been provided at the expense of the owner or consignee of the covered product.".

SEC. 108. EXPORT OF REFUSED ARTICLES.

Paragraph (2)(A) of section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)), as designated in section 102(b), is amended by striking "ninety days" and inserting "30 days".

SEC. 109. COLLECTION AND ANALYSIS OF SAMPLES OF PRODUCT IMPORTS.

Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended in section 101(a), is further amended by adding at the end the following:

"(i) The Secretary may issue regulations or guidance as necessary to govern the collection and analysis by entities other than the Food and Drug Administration of samples of a covered product imported or offered for import into the United States to ensure the integrity of the samples collected and the validity of the analytical results.".

SEC. 110. DEFINITION.

Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(kk) The term 'covered product' means an article that is described in subparagraph (1), (2), or (3) of paragraph (f) and that is not a dietary supplement. The term shall not include an article to the extent that the Secretary of Agriculture exercises inspection authority over the article at the time of import into the United States.".

TITLE II—ENFORCEMENT AND PENALTIES FOR IMPORTING CONTAMINATED PRODUCTS

SEC. 201. ENHANCED BONDING REQUIREMENTS FOR PRIOR INVOLVEMENT IN IMPORTING ADULTERATED OR MISBRANDED PRODUCTS.

Section 801(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2)(A) The Secretary of the Treasury, acting through the Commissioner of Customs, shall issue regulations that establish a rate for a bond required to be executed under paragraph (1) for a covered product if an owner, consignee, or importer of the covered product has committed a covered violation.

"(B) The regulations shall require the owner or consignee to execute such a bond—

"(i) at twice the usual rate; or

"(ii) if the owner, consignee, or importer has committed more than 1 covered violation, at a rate that increases with the number of covered violations committed, as determined in accordance with a sliding scale established in the regulations.

"(C) In this paragraph:

"(i) The term 'committed' means been convicted of, or found liable for, a violation by an appropriate court or administrative officer.

"(ii) The term 'covered violation' means a violation relating to—

"(I) importing or offering for import into the United States—

"(aa) a covered product during a period of debarment under section 306(b)(4);

"(bb) a covered product that is adulterated within the meaning of paragraph (h), (i), (j), (k), or (l) of section 402; or

"(cc) a covered product that is misbranded within the meaning of section 403(t); or

"(II) making a false or misleading statement in conduct relating to the import or offering for import of a covered product into the United States.

"(iii) The term 'usual rate', used with respect to a bond, means the rate that would be required under paragraph (1) for the bond by a person who has not committed a covered violation.".

SEC. 202. DEBARMENT OF REPEAT OFFENDERS AND SERIOUS OFFENDERS.

(a) IN GENERAL.—Section 306(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335a(b)) is amended—

(1) in paragraph (1), in the paragraph heading, by striking "IN GENERAL.—" and inserting "DEBARMENT FOR VIOLATIONS RELATING TO DRUGS.—";

(2) in paragraph (2), in the paragraph heading, by striking "PERSONS SUBJECT TO PERMISSIVE DEBARMENT.—" and inserting "PERSONS SUBJECT TO PERMISSIVE DEBARMENT FOR VIOLATIONS RELATING TO DRUGS.—";

(3) in paragraph (3), in the paragraph heading, by striking "STAY OF CERTAIN ORDERS.—" and inserting "STAY OF CERTAIN ORDERS RELATING TO DEBARMENT FOR VIOLATIONS RELATING TO DRUGS.—"; and

(4) by adding at the end the following:

"(4) DEBARMENT FOR VIOLATIONS RELATING TO PRODUCT IMPORTS.—

"(A) IN GENERAL.—The Secretary may debar a person from importing a covered product or offering a covered product for import into the United States, if—

"(i) the Secretary finds that the person has been convicted for conduct that is a felony under Federal law and relates to the importation or offering for importation of any covered product into the United States; or

"(ii) the Secretary makes a written determination that the person has repeatedly or deliberately imported or offered for import into the United States a covered product adulterated within the meaning of paragraph (h), (i), (j), or (k) of section 402, or misbranded within the meaning of section 403(t).

"(B) IMPACT.—On debarring a person under subparagraph (A), the Secretary shall provide notice of the debarment to the Secretary of the Treasury, who shall deny entry of a covered product offered for import by the person.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 306 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335a) is amended—

(A) in subsection (c)—

(i) in paragraph (1)—

(I) in subparagraph (B), by striking ", and" at the end and inserting a comma;

(II) by redesignating subparagraph (C) as subparagraph (D); and

(III) by inserting after subparagraph (B) the following:

"(C) shall, during the period of a debarment under subsection (b)(4), prohibit the debarred person from importing a covered product or offering a covered product for import into the United States, and";

(ii) in paragraph (2)(A), by inserting after clause (iii) the following:

"(iv) The period of debarment of any person under subsection (b)(4) shall be not less than 1 year."; and

(iii) in paragraph (3)—

(I) in subparagraph (C)—

(aa) by striking "suspect drugs" and inserting "suspect drugs or covered products"; and

(bb) by striking "fraudulently obtained" and inserting "fraudulently obtained or on a covered product wrongfully imported into the United States"; and

(II) in subparagraph (E), by inserting "in the case of a debarment relating to a drug," after "(E)";

(B) in subsection (d)—

(i) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in clause (i), by striking "or (b)(2)(A)" and inserting "or paragraph (2)(A) or (4) of subsection (b)"; and

(bb) in clause (ii)(II), by inserting "in the case of a debarment relating to a drug," after "(II)"; and

(II) in subparagraph (B)—

(aa) in clause (i), by striking "or clause (i), (ii), (iii) or (iv) of subsection (b)(2)(B)" and inserting ", clause (i), (ii), (iii), or (iv) of subsection (b)(2)(B), or subsection (b)(4)"; and

(bb) in clause (ii), by striking "subsection (b)(2)(B)" and inserting "paragraph (2)(B) or (4) of subsection (b)"; and

(ii) in paragraph (4)—

(I) in subparagraph (A), by striking "(a)(2)" and inserting "(a)(2) or (b)(4)";

(II) in subparagraph (B)—

(aa) in clause (ii), by striking "involving the development or approval of any drug subject to section 505" and inserting "involving, as appropriate, the development or approval of any drug subject to section 505 or the importation of any covered product"; and

(bb) in clause (iv), by striking "drug" each place it appears and inserting "drug or covered product"; and

(III) in subparagraph (D), in the matter following clause (ii), by inserting ", in the case of a debarment relating to a drug," before "protects"; and

(C) in subsection (l)(2), in the second sentence, by striking "(b)(2)(B)" and inserting "(b)(2)(B), subsection (b)(4),".

(2) CIVIL PENALTIES.—Paragraphs (6) and (7) of section 307(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335b(a)) are amended by striking "306" and inserting "306 (except section 306(b)(4))".

SEC. 203. INCREASED ENFORCEMENT TO IMPROVE THE SAFETY OF IMPORTED PRODUCTS.

Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"SEC. 712. POSITIONS TO IMPROVE THE SAFETY OF IMPORTED PRODUCTS.

"There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2003 to enable the Commissioner, in carrying out chapters IV and VIII, to decrease the health risks associated with imported covered products through the creation of additional employment positions for laboratory, inspection, and compliance personnel.".

TITLE III—IMPROVEMENTS TO PUBLIC HEALTH INFRASTRUCTURE AND AWARENESS

SEC. 301. IMPROVEMENTS.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

"PART C—PUBLIC HEALTH INFRASTRUCTURE AND AWARENESS

"SEC. 251. DEFINITIONS.

"In this part:

"(1) COVERED PRODUCT.—The term 'covered product' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention.

"SEC. 252. PUBLIC HEALTH SURVEILLANCE ENHANCEMENT.

"(a) IN GENERAL.—The Secretary may—

"(1) make grants to, enter into cooperative agreements with, and provide technical assistance to eligible agencies to enable the agencies to enhance their capacity to carry out activities relating to surveillance and prevention of pathogen-related disease borne in a covered product, particularly pathogen-related disease associated with imported covered products, as described in subsection (b)(1); and

"(2) carry out the activities described in subsection (b)(2).

"(b) USE OF ASSISTANCE.—

"(1) AGENCIES.—An eligible agency that receives assistance under subsection (a) shall use the assistance to enhance the capacity of the agency—

"(A) to identify, investigate, and contain threats of pathogen-related disease borne in a covered product, particularly pathogen-related disease associated with imported covered products; and

"(B) to conduct additional surveillance and studies to address prevention and control of the disease.

"(2) CENTERS FOR DISEASE CONTROL AND PREVENTION.—The Secretary may use not more than 30 percent of the funds appropriated to carry out this section—

"(A) to assist an agency described in paragraph (1) in enhancing the capacity described in paragraph (1) by providing standards, technologies, information, materials, and other resources; and

"(B) to enhance national surveillance systems, including the ability of domestic and international agencies and entities to respond to product safety issues associated with imported covered products that are identified through such systems.

"(c) ELIGIBLE AGENCIES.—To be eligible to receive assistance under subsection (a)(1), an agency shall be a State or local health department.

"(d) APPLICATION.—To be eligible to receive assistance under subsection (a)(1), an agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2003.

"SEC. 253. PATHOGEN DETECTION RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary may conduct applied research, directly or by grant or contract, to develop new or improved methods for detecting and subtyping emerging pathogens (borne in covered products) in human specimens, covered products, and relevant environmental samples. The Secretary may use funds appropriated to carry out this section to support applied research by State health departments or institutions of higher education.

"(b) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2003.

"SEC. 254. TRAINING, EDUCATION, AND PUBLIC INFORMATION.

"(a) IN GENERAL.—The Secretary may—

"(1) make grants and enter into contracts with eligible entities, to support training activities and other collaborative activities with the entities to inform health professionals about disease borne in covered products, including strengthening training networks serving State, local, and private entities; and

"(2) increase and improve the activities carried out by the Centers for Disease Control and Prevention to provide information to the public on disease borne in covered products.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under subsection (a), an entity shall be a medical school, a nursing school, an entity carrying out clinical laboratory training programs, a school of public health, another institution of higher education, a professional organization, or an international organization.

"(c) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with Federal, State, and local agencies, international organizations, and other interested parties.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2003.

"SEC. 255. INTERNATIONAL PUBLIC HEALTH TRAINING AND TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—The Secretary shall, directly or by agreement, provide training and technical assistance to agencies and entities in foreign countries, to strengthen the surveillance and investigation capacities of the agencies and entities relating to disease borne in covered products, including establishing or expanding activities or programs such as the Field Epidemiology and Training Program of the Centers for Disease Control and Prevention.

"(b) APPLICATION.—To be eligible to enter into an agreement under subsection (a), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2003.

"SEC. 256. SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.

"(a) IN GENERAL.—On the request of a recipient of assistance under section 252, 253, 254, or 255, the Secretary may, subject to subsection (b), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the section involved and, for such purpose, may detail to the grant recipient any officer or employee of the Department of Health and Human Services. Such detail shall be without interruption or loss of civil service status or privilege.

"(b) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in subsection (a), the Secretary shall reduce the amount of payments under the section involved by an amount equal to the cost of detailing the officer or employee and the fair market value of the supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such a request, expend the amounts withheld.".

SUMMARY OF IMPORTED PRODUCTS SAFETY IMPROVEMENT AND DISEASE PREVENTION ACT OF 2000

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TITLE I: IMPROVEMENTS TO THE PRODUCT SAFETY IMPORT SYSTEM

TITLE II: ENFORCEMENT AND PENALTIES FOR IMPORTING CONTAMINATED PRODUCTS

TITLE III: IMPROVEMENTS TO PUBLIC HEALTH INFRASTRUCTURE AND AWARENESS

Imported Products Safety Act of 2000—Title I: Improvements to the Product Safety Import System—Amends the Federal Food, Drug, and Cosmetic Act to require imported covered products to be prepared, packed, and held under a system meeting the requirements of such Act, or determined by the Secretary of Health and Human Services (Secretary) to be equivalent to domestic requirements. ("Covered product" means a food as defined under Section 201(f) of the Act and that is not a dietary supplement.) Directs the Secretary to: (1) develop an implementation plan; and (2) conduct overseas covered product system evaluations.

Directs the Secretary to establish, for use by the Secretary of the Treasury, a system to deny the entry of imported covered products from a specific area, producer, manufacturer, or transporter into the United States that: (1) has been repeatedly adulterated or associated with repeated outbreaks of foodborne disease, presents a health danger, and is likely without systematic changes to cause disease or be adulterated again; or (2) in an emergency determination, has been strongly associated with a serious outbreak of foodborne disease.

Makes a conforming amendment to the Public Health Service Act.

(Sec. 102) Deems as adulterated an imported (of offered for import) covered product: (1) withheld for review that is distributed prior to the Secretary's authorization of distribution; (2) ordered to be held in secure storage prior to distribution that is not so held; (3) required to be destroyed that is not so destroyed; (4) previously denied admission that is subsequently offered for admission without a showing of appropriate compliance (port shopping); or (5) owned or consigned by a debarred person.

Authorizes the Secretary to: (1) prohibit distribution of an imported covered product until the Secretary so authorizes; (2) prohibit distribution and require the secure storage of an imported covered product if the importer, owner, or consignee of such product is a person against whom the Secretary of the Treasury has assessed certain liquidated damages for failure to redeliver covered products subject to a bond; (3) order dangerous imported covered products to be destroyed; and (4) require marking of refused entry (but not ordered destroyed) covered product until brought into appropriate compliance. Deems as misbranded a covered product refused entry that is not so marked.

(Sec. 108) Shortens the period before a refused entry article which is not exported shall be destroyed.

(Sec. 109) Authorizes the Secretary to provide for the collection and analysis of imported covered products by entities other than the Food and Drug Administration.

Title II: Enforcement and Penalties for Importing Contaminated Food—Amends the Federal Food, Drug, and Cosmetic Act to establish bonding requirements for persons involved in prior importing of adulterated or misbranded covered products.

(Sec. 202) Authorizes the Secretary to debar a person from importing covered products into the United States for covered product import-related repeat or felony activities.

(Sec: 203) Authorizes appropriations for additional Food and Drug Administration laboratory, inspection, and compliance personnel.

Title III: Improvements to Public Health Infrastructure and Awareness—Amends the Public Health Service Act to authorize the Secretary, through the Centers for Disease Control and Prevention, to make grants to, enter into contracts with, and provide technical assistance to State and local health entities for enhanced surveillance and prevention of foodborne disease, particularly related to imported covered products. Authorizes appropriations.

Authorizes the Secretary, with respect to foodborne disease, to: (1) conduct pathogen detection research and development; and (2) provide for training, education, and public information. Authorizes appropriations.

Directs the Secretary to provide related international public health training and technical assistance. Authorizes appropriations.

Mr. KENNEDY. I am reintroducing this important bill because of the seriousness of the problem it addresses and to spur this Congress to take action. I commend Senator MIKULSKI for her continued leadership on this legislation to close the critical gaps in our imported food safety laws.

Citizens deserve to know that the foods they eat are safe and wholesome, regardless of their source. The United States has one of the safest food supplies in the world. Yet, every year, millions of Americans become sick, and thousands die, from eating contaminated food. Food-borne illnesses cause billions of dollars a year in medical costs and lost productivity. Often, the source of the problem is imported food.

The number of reports in the press of illnesses caused by eating contaminated imported foods has grown steadily over the past few years.

For example, in 1997, school children in five states contracted Hepatitis A from frozen strawberries served in the school cafeterias. Fecal contamination is a potential source of Hepatitis A, and the strawberries the children ate came from a farm in Mexico where workers had little access to sanitary facilities.

Earlier this year, cases of typhoid fever in Florida were linked to a frozen tropical fruit product from Guatemala. Again, poor sanitary conditions appear to be at the root of the problem.

Gastrointestinal illness has been linked to soft cheeses from Europe. Bacterial food poisoning has been attributed to canned mushrooms from the Far East.

The emergence of highly virulent strains of bacteria, and an increase in the number of organisms that are resistant to antibiotics, make microbial contamination of food a major public health challenge.

Ensuring the safety of imported food is a huge task. Americans now enjoy a wide variety of foods from around the world and have access to fresh fruits and vegetables year round. In 1997, the Food Safety Inspection Service of the Department of Agriculture handled 118,000 entries of imported meat and poultry. The FDA handled far more—2.7 million entries of other imported food. Current FDA procedures and resources allowed for less than two percent of those 2.7 million imports to be physically inspected. Clearly, we need to do better.

The FDA lacks sufficient authority to prevent contaminated food imports from reaching our shores. The agency has no legal authority to require that food imported into the United States has been prepared, packed and stored under conditions that provide the same level of public health protection as similar food produced in the United States. Under current procedures, the FDA takes random samples of imports as they arrive at the border. The imports often continue on their way to stores in all parts of the country while testing is being done, and it is often difficult to recall the food if a problem is found. Unscrupulous importers make the most of the loopholes in the law, including substituting cargo, falsifying laboratory results, and attempting to bring a refused shipment in again, at a later date or at a different port.

The legislation we are reintroducing today will give the Secretary of Health and Human Services the additional authority needed to assure that food imports are as safe as food grown and prepared in this country.

It will give the FDA greater authority to deal with outbreaks of foodborne illness and to bar further imports of dangerous foods until improvements at the source can guarantee the safety of future shipments. This authority covers foods that have repeatedly been associated with food-borne disease, have repeatedly been found to be adulterated, or have been linked to a catastrophic outbreak of food-borne illness.

The legislation will also close loopholes in the law and give the FDA better tools to deal with unscrupulous importers.

In addition, the legislation will authorize the Centers for Disease Control and Prevention to target resources toward enhanced surveillance and prevention activities to deal with foodborne illnesses, including new diagnostic tests, better training of health professionals, and increased public awareness about food safety.

Too many citizens today are at unnecessary risk of food-borne illness. The measure we are proposing is designed to reduce that risk as much as possible, both immediately and for the long term. We know that there are powerful special interests that put profits ahead of safety. But Americans need and deserve laws that better protect their food supply. This is essential legislation, and I look forward to working with my colleagues to see that it is enacted as soon as possible.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 656

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 779

At the request of Mr. ABRAHAM, the names of the Senator from Indiana (Mr. BAYH) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

S. 801

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 866

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1074

At the request of Mr. TORRICELLI, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as a cosponsor of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1110

At the request of Mr. LOTT, the names of the Senator from California (Mrs. BOXER) and the Senator from North Carolina (Mr. HELMS) were added as cosponsor of S. 1110, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering.

S. 1472

At the request of Mr. SARBANES, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

S. 1562

At the request of Mr. NICKLES, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property.

S. 1762

At the request of Mr. COVERDELL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1851

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1851, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2045

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

S. 2068

At the request of Mr. GREGG, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2083

At the request of Mr. ROBB, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2083, a bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2225

At the request of Mr. GRASSLEY, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2225, a bill to amend the Internal Revenue Code for 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2287, a bill to amend the

Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2293

At the request of Mr. EDWARDS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2363

At the request of Mr. CRAPO, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2363, a bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications.

S. 2365

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2397

At the request of Mr. HUTCHINSON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2397, a bill to amend title 10, United States Code, to deny Federal educational assistance funds to local educational agencies that deny the Department of Defense access to secondary school students or directory information about secondary school students for military recruiting purposes; and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2458

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2458, a bill to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building."

S. 2460

At the request of Mr. FEINGOLD, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2460, a bill to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

S. 2519

At the request of Mr. VOINOVICH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2519, a bill to authorize compensation and other benefits for employees of the Department of Energy, its contractors, subcontractors, and certain vendors who sustain illness or death related to exposure to beryllium, ionizing radiation, silica, or hazardous substances in the performance of their duties, and for other purposes.

S. 2524

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2524, a bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis.

S. 2546

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2546, a bill to amend the Clean Air Act to prohibit the use of methyl tertiary butyl ether, to provide flexibility within the oxygenate requirement of the reformulated gasoline program of the Environmental Protection Agency, to promote the use of renewable ethanol, and for other purposes.

S. 2585

At the request of Mr. GRAHAM, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2587

At the request of Mr. NICKLES, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2587, a bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires.

S. 2600

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2600, a bill to amend title XVIII of the Social Security Act to make enhancements to the critical access hospital program under the medicare program.

S. 2609

At the request of Mr. CRAIG, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2669

At the request of Mr. WARNER, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from South Carolina (Mr. THURMOND), the Senator from Oklahoma (Mr. INHOFE), the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KERRY), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Nebraska (Mr. HAGEL), and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. 2669, a bill to amend title 10, United States Code, to extend to persons over age 64 eligibility for medical care under CHAMPUS and TRICARE; to extend the TRICARE Senior Prime demonstration program in conjunction with the extension of eligibility under CHAMPUS and TRICARE to such persons, and for other purposes.

S. CON. RES. 105

At the request of Mr. ABRAHAM, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. Con. Res. 105, a concurrent resolution designating April 13, 2000, as a day of remembrance of the victims of the Katyn Forest massacre.

S. CON. RES. 113

At the request of Mr. MOYNIHAN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

SENATE RESOLUTION 317—A RESOLUTION EXPRESSING THE SENSE OF THE SENATE TO CONGRATULATE AND THANK THE MEMBERS OF THE UNITED STATES ARMED FORCES WHO PARTICIPATED IN THE JUNE 6, 1944, D-DAY INVASION OF EUROPE FOR FOREVER CHANGING THE COURSE OF HISTORY BY HELPING BRING AN END TO WORLD WAR II

Ms. LANDRIEU submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 317

Whereas General George C. Marshall, President Roosevelt's chief of staff, appointed General Dwight D. Eisenhower, to the war plans division of the United States Army in December 1941 and commissioned General Eisenhower to design an operational scheme for Allied victory in World War II;

Whereas in January 1943, the plan was adopted and given the code name Operation "Overlord";

Whereas the June 6, 1944, invasion of Europe, commonly known as "the D-Day invasion", was the largest single assault in the most massive military conflict in history;

Whereas participants in that invasion included 156,000 British, Canadian, and United States servicemembers and approximately 30,000 vehicles and 600,000 tons of supplies, and those servicemembers, backed by paratroopers and bombers, stormed a 50-mile stretch of beach in Normandy, France;

Whereas on June 6, 1944, D-Day, and in the seven months that followed, approximately 3,500,000 British, Canadian, and United States servicemembers embarked for Europe from Southampton, England;

Whereas approximately 31,000 United States servicemembers and more than 3,000 vehicles embarked for the D-Day invasion on 208 vessels at Weymouth and Portland, England;

Whereas between 15,000 and 20,000 tons of bombs were dropped in support of the D-Day invasion in the 24 hours between the night of June 5 and the night of June 6, 1944;

Whereas landing forces in the D-Day invasion were compelled to cross more than 200 yards of treacherous beach blanketed by mines, heavy machine-gun fire, and rifle fire;

Whereas the D-Day invasion was supported by more than 13,000 fighter, bomber, and transport aircraft, against which the German Air Force, the Luftwaffe, was able to deploy fewer than 400 aircraft of all types;

Whereas by June 11, 1944, the invasion force had established a bridgehead 50 miles wide and 12 miles deep, into which were landed 326,547 men, 54,186 vehicles, and 104,428 tons of supplies;

Whereas of the 156,000 British, Canadian, and United States servicemembers who took part in the initial D-Day invasion landings, 10,000 were casualties on the first day of the invasion;

Whereas total United States casualties on D-Day numbered 6,303, including 2,499 casualties among members of two airborne divisions participating in the invasion;

Whereas those casualties included 1,465 killed in action, 3,184 wounded in action, 1,928 missing in action, and 26 prisoners of war;

Whereas the success of the D-Day invasion was responsible for starting the liberation of occupied Europe from Nazi Germany and marked the beginning of the end of World War II; and

Whereas of the approximately living 25,000,000 United States veterans, approximately 1,500 die each day of whom two-thirds are veterans of World War II: Now, therefore, be it

Resolved, That it is the sense of the Senate to congratulate and thank the members of the United States Armed Forces who participated in the June 6, 1944, D-Day invasion of Europe for forever changing the course of history by helping bring an end to World War II.

• Ms. LANDRIEU. Mr. President, I rise today to honor the thousands of America, British, Canadian, and French veterans of the greatest amphibious invasion in military history. On June 6, 1944, the D-Day Allied Expeditionary Force included 150,000 troops, 1,500 tanks, 5,300 ships and landing craft, 12,000 airplanes, and 20,000 airborne troops. Ultimately, their task was to establish a western foothold on the European continent, and commence an overwhelming thrust against France's Nazi occupiers. General Dwight D. Eisenhower was convinced that launching Operation Overlord would hasten the end to World War II, as he stated on D-Day morning to his American troops, "In company with our brave Allies and brothers-in-arms on other Fronts you will bring about the destruction of the German war machine, the elimination of Nazi tyranny over oppressed peoples in Europe, and security for ourselves in a free world."

The invasion of Normandy far surpassed its goals, accomplishing four monumental tasks: it initiated the liberation of France and dismantlement of the Nazi Third Reich, established a critical milestone in military strategic history, inaugurated an era of American preeminence, and, ultimately, made the world safe for democracy. But victory could not be achieved without any cost. By the end of D-Day, U.S. forces, including two deployed airborne divisions, suffered 6,603 casualties, with 1,465 killed, 3,184 wounded, and 1,928 missing in action. To these men who paid the ultimate price for our freedom, the world owes an incalculable measure of gratitude. Today, the people of the United States salute their memory, and continue honoring the courageous service of other D-Day veterans, like the senior senator from South Carolina, who risked similar fates in southern France.

Now, 56 years after the first Higgins Landing Craft beached on the Normandy shores, our country's first National D-Day Museum will open in my hometown of New Orleans. Built in the heart of Downtown, this institution will not only commemorate an awesome military success, but exhibit the unified vision of a nation's political, strategic, and industrial leaders. From the formulation of Operation Overlord to innovations in amphibious technology, every aspect of war-planning and implementation will be on display; contributors to our victory from various sectors of society will be studied—the decision-makers, the war tacticians, the equipment manufacturers, and the Americans in uniform. Esteemed political scientist, Stephen Ambrose has dedicated this museum to the American Spirit, the teamwork, optimism, courage and sacrifice of the men and women who won World War II. As they embarked on their "Great Crusade," Eisenhower reminded America's soldiers that "the eyes of the world are upon you." Well, today I say to the veterans of Normandy that the hopes and prayers of liberty-loving people everywhere continue to march with you. Forever embodied in the National D-Day Museum, we have distinguished one of America's finest generations with an indelible place in our country's history, sustaining a promising legacy for our country's future generations.•

SENATE RESOLUTION 318—HONORING THE 129 SAILORS AND CIVILIANS LOST ABOARD THE U.S.S. "THRESHER" (SSN 593) ON APRIL 10, 1963; EXTENDING THE GRATITUDE OF THE NATION FOR THEIR LAST, FULL MEASURE OF DEVOTION; AND ACKNOWLEDGING THE CONTRIBUTIONS OF THE NAVAL SUBMARINE SERVICE AND THE PORTSMOUTH NAVAL SHIPYARD TO THE DEFENSE OF THE NATION

Ms. SNOWE (for herself, Mr. SMITH of New Hampshire, Mr. GREGG, Ms. COLLINS, Mr. WARNER, Mr. ROBB, Mr. SESSIONS, Mr. LEVIN, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 318

Whereas this is the 100th year of service to the people of the United States by the United States Navy submarine force, the "Silent Service";

Whereas this is the 200th year of service to the Nation of the Portsmouth Naval Shipyard;

Whereas Portsmouth Naval Shipyard launched the first Navy built submarine, the L–8, on April 23, 1917;

Whereas 52 years and 133 submarines later, on November 11, 1969, Portsmouth Naval Shipyard launched the last submarine built by the Navy, the U.S.S. Sand Lance;

Whereas the U.S.S. Thresher was launched at Portsmouth Naval Shipyard on July 9, 1960;

Whereas the U.S.S. Thresher departed Portsmouth Naval Shipyard on April 9, 1963, with a crew of 129 composed of 16 officers, 96 sailors, and 17 civilians;

Whereas the mix of that crew reflects the unity of the naval submarine service, military and civilian, in the protection of the Nation;

Whereas at approximately 7:45 a.m. on April 10, 1963, at a location near 41.46 degrees North latitude and 65.03 degrees West longitude, the U.S.S. Thresher began her final mission;

Whereas the U.S.S. Thresher was declared lost with all hands on April 10, 1963;

Whereas from the loss of that submarine, there arose the SUBSAFE program which has kept America's submariners safe at sea ever since as the strongest, safest submarine force in history;

Whereas from the loss of the U.S.S. Thresher, there arose in our Nation's universities the ocean engineering curricula that enables America's preeminence in submarine warfare; and

Whereas the "last full measure of devotion" shown by the crew of the U.S.S. Thresher characterizes the sacrifice of all submariners, past and present, military and civilian, in the service of this Nation: Now, therefore, be it

Resolved, That the Senate—

(1) remembers with profound sorrow the loss of the U.S.S. Thresher and her gallant crew of sailors and civilians on April 10, 1963;

(2) expresses its deepest gratitude to all submariners on "eternal patrol", forever bound together by their dedicated and honorable service to the United States of America;

(3) recognizes with appreciation and respect the commitment and sacrifices made by the Naval Submarine Service for the past 100 years in providing for the common defense of the United States; and

(4) offers its admiration and gratitude for the workers of the Portsmouth Naval Shipyard whose 200 years of dedicated service to the United States Navy has contributed directly to the greatness and freedom of the United States.

SEC. 2. TRANSMISSION OF RESOLUTION.

The Secretary of the Senate shall transmit this resolution to the Chief of Naval Operations and to the Commanding Officer of the Portsmouth Naval Shipyard who shall accept this resolution on behalf of the families and shipmates of the crew of the U.S.S. Thresher.

Ms. SNOWE. Mr. President, I rise today to introduce a resolution that recognizes the contributions and sacrifices to our nation's defense provided by the men and women of the United States Naval Submarine Service and the Portsmouth Naval Shipyard at Kittery, Maine, and to specifically recognize that "last full measure of devotion" shown by the crew of the USS *Thresher* on April 10, 1963.

As you are aware, this year the U.S. Navy is celebrating the 100th year of service to our country by the Naval Submarine Service. From the acquisition of its first submarine, the USS *Holland*, in April 1900 to the present day, the U.S. Naval Submarine Service has served America bravely, gallantly, and steadfastly. We are all aware of the debt we owe the Submarine Service for their role in World War II when, in the immediate dark days after the attack on Pearl Harbor, the "Silent Service" took the war to the enemy. Although they lost 52 submarines and more than 3,500 submariners, they accounted for 55 percent of all enemy ships lost and significantly contributed to the final victory in the Pacific. Since that time the Submarine Service has continued to protect the nation through its deterrence patrols and many other missions. In just the past few years the ability of our submarines to provide a stealthy, land-attack capability in support of operations in the Persian Gulf and in Kosovo has proven once again that their adaptability and capability are vital to the security interests of this nation.

A significant supporter of the Submarine Service for the past 100 years and this nation for the past 200 years has been the Portsmouth Naval Shipyard in Kittery, Maine. Beginning in 1800, the shipyard provided the U.S. Navy with "ships of the line" and during the War of 1812 it became a Navy command. But it is the shipyard's contributions to the Submarine Service that I want to talk about here today.

In April 1917, the first submarine built in a government shipyard, the *L–8*, was launched at the Portsmouth Naval Shipyard and in the ensuing 52 years, the shipyard launched another 133 submarines, including a record 31 in 1944 alone. In November 1971, the last submarine built in a government yard, the USS *Sand Lance*, was launched at Portsmouth before they took on their new role to overhaul, repair, and refuel nuclear submarines. But during their 52 years of building submarines Portsmouth delivered many firsts to the Submarine Service: First U.S. submarine built with an all-welded steel hull—the *Snapper*; first U.S. submarine built of high tensile steel—the *Balao*; first snorkel installed in a U.S. submarine—the *Irex*; first truly submersible hull developed using dirigible form, a breakthrough in hydrodynamic design—the *Albacore*; and the first nuclear powered submarine built in a government shipyard—the *Swordfish*.

But the shipyard and the Submarine Service could not have accomplished these important contributions to our nation's security without the unfailing valor and unselfish service of the submarine crews and shipyard workers that put them to sea. Perhaps there is no greater example of our American virtue of standing together for the common defense than the story of the USS *Thresher*, a nuclear submarine launched at Portsmouth Naval Shipyard on July 9, 1960.

When she was launched the *Thresher* represented a new class of submarine for the Navy. The *Thresher*-class was designed to be the world's first modern, quiet, deep-diving fast-attack submarine. Some of her innovative features included machinery rafts for sound silencing, a large bow-mounted sonar, torpedo tubes amidships and a hydrodynamically streamlined hull. After two and a half years of trials, evaluations, and the development of new fast-attack tactics, the *Thresher* returned to her home yard. On April 9, 1963, she got underway for a series of deep-diving trials to be held about 220 nautical miles east of Cape Cod. On board was a crew of 129 made up of sailors, officers, Portsmouth Naval Shipyard workers and contractors. Shortly after beginning her dive, something went horribly wrong and the *Thresher* and all 129 souls on board were lost at sea.

But another example of our American character is the drive to create success from adversity and from the loss of the *Thresher* came two initiatives that have permitted the Submarine Service to gain unchallenged preeminence in undersea warfare.

First was the implementation of the SubSafe program. This standard dictates that every submarine, every hull integrity-related system and every pressure-related part within those systems must be 100 percent certified safe for use aboard the submarine. And since that time, no submarine has been lost because of a similar casualty.

Second, a recommendation by the Deep Submergence Systems Review Group, which looked into the cause of the tragedy, was that a curriculum be established to train engineers to design and develop systems specifically for use in the ocean environment—the discipline of ocean engineering. Since that time ocean engineering programs have been established in Florida, Rhode Island, Massachusetts, Texas, Virginia, Hawaii and the Naval Academy. From these programs have come the engineers who have designed and developed the *Los Angeles*, the *Ohio*, the *Seawolf* and the *Virgnia*-classes of submarines. Engineers like retired Admiral Millard Firebaugh, a former ship superintendent at the Portsmouth Naval Shipyard, who earned a doctorate of science degree in Ocean Engineering from MIT and went on to become the program manager for the design and construction of the *Seawolf*.

We in this nation owe a great debt to the 129 crewmen of the USS *Thresher*, to all who have served aboard submarines over the past 100 years and to the civilians who have accepted the risk and sacrified alongside their submarine shipmates. When I learned that there had never been a resolution passed in this body acknowledging the loss of this gallant crew and expressing our gratitude for their sacrifice, I believed that in this 100th year of the Submarine Service and the 200th year of their home yard, the Portsmouth Naval Shipyard, it was entirely appropriate and timely of us to do so.

I therefore ask unanimous consent that an enrolled copy be transmitted to and accepted by the commanding officer of Portsmouth Naval Shipyard on behalf of the families and shipmates of the crew of the *USS Thresher*, the crews of the Naval Submarine Service and the workers of the Portsmouth Naval Shipyard.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 120—TO EXPRESS THE SENSE OF CONGRESS REGARDING THE NEED TO PASS LEGISLATION TO INCREASE PENALTIES ON PERPETRATORS OF HATE CRIMES

Mr. ROBB (for himself, Mr. REID, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 120

Whereas diversity and tolerance are essential principles of an open and free society;

Whereas all people deserve to be safe within their communities, free to live, work, and worship without fear of violence and bigotry;

Whereas crimes motivated by hatred against persons because of their race, color, religion, national origin, gender, sexual orientation, or disability undermine the fundamental values of our Nation;

Whereas hate crimes tear at the fabric of American society, leave scars on victims and their families, and weaken our sense of community and purpose; and

Whereas individuals who commit crimes based on hate and bigotry must be held responsible for their actions and must be stopped from spreading violence: : Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Congress—

(1) needs to pass legislation that amends the Federal criminal code to set penalties for persons who commit acts of violence against other persons because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person;

(2) condemns the culture of hate and the hate groups that foster such violent acts;

(3) commends the communities throughout our Nation that are united in condemning such acts of hate in their neighborhoods;

(4) commends the efforts of Federal, State, and local law enforcement officials; and

(5) reaffirms its commitment to a society that fully respects and protects all people, regardless of race, color, religion, national origin, gender, sexual orientation, or disability.

Mr. ROBB. Mr. President, I rise to introduce a concurrent resolution urging Congress to enact meaningful hate crimes legislation. Today marks the sad second anniversary of the killing of James Byrd, Jr., the victim of a vicious hate crime in Texas. Mr. Byrd, a 49-year-old African-American man, was dragged for approximately two miles while chained to the back of a pickup truck by his white assailants. As a result of this brutal attack, Mr. Byrd's head and right arm were severed from his body.

Reflecting on this terrible act of deep hatred against the dignity of a human being should strengthen our resolve to combat acts of bias in our society. We will not get to where we need to go in this country until we have eradicated the discriminatory hatred that lies in some people's hearts. While we cannot legislate away the prejudice in a person's heart or soul, we can certainly punish those who act upon their feelings of hatred and commit acts of utter brutality. Hate crimes tear at the very fabric of American society and often scar, not just the victims, but the families and communities involved as well. Those who harbor hatred must know that America will punish them for their actions and that we will not tolerate their acts of inhumanity.

Our Nation is composed of a great diversity that contributes to our economic and educational preeminence in the world. We will never achieve all that our Nation is capable of accomplishing unless we are united in addressing the scourge of prejudice and hate crimes in our society. The Congress can lead on this issue by enacting comprehensive legislation, such as the Hate Crimes Prevention Act, that expands existing hate crimes law. Not only should those who are victimized by hate crimes because of their gender, sexual orientation, or disability be afforded access to appropriate justice, but we as a Nation should also pursue swift and serious punishment against violent hate-mongers to send a message that we will not tolerate their hate.

Today, I join with colleagues from both the Senate and the House to introduce this concurrent resolution and spur action to combat the crimes motivated by bias which continue to shock the conscience of our civil society. Federal hate crimes legislation provides another avenue for prosecuting the perpetrators of violent hate, and I look forward to enacting a comprehensive Federal hate crimes statute. I am confident that our abhorrence of hate crimes will move the Congress to action.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

JOHNSON (AND OTHERS) AMENDMENT NO. 3191

Mr. JOHNSON (for himself, Mr. MCCAIN, Mr. BINGAMAN, Mrs. MURRAY, Mr. REID, Mr. JEFFORDS, Mr. DORGAN, Mr. ROBB, AND Mr. WELLSTONE) proposed an amendment to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 241, strike line 17 and all that follows through page 243, line 19, and insert the following:

SEC. 703. HEALTH CARE FOR MILITARY RETIREES.

(a) FINDINGS.—Congress makes the following findings:

(1) No statutory health care program existed for members of the uniformed services who entered service prior to June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability.

(2) Recruiters for the uniformed services are agents of the United States government and employed recruiting tactics that allowed members who entered the uniformed services prior to June 7, 1956, to believe they would be entitled to fully-paid lifetime health care upon retirement.

(3) Statutes enacted in 1956 entitled those who entered service on or after June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability, to medical and dental care in any facility of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

(4) After 4 rounds of base closures between 1988 and 1995 and further drawdowns of remaining military medical treatment facilities, access to "space available" health care in a military medical treatment facility is virtually nonexistent for many military retirees.

(5) The military health care benefit of "space available" services and Medicare is no longer a fair and equitable benefit as compared to benefits for other retired Federal employees.

(6) The failure to provide adequate health care upon retirement is preventing the retired members of the uniformed services from recommending, without reservation, that young men and women make a career of any military service.

(7) The United States should establish health care that is fully paid by the sponsoring agency under the Federal Employees Health Benefits program for members who entered active duty on or prior to June 7, 1956, and who subsequently earned retirement.

(8) The United States should reestablish adequate health care for all retired members of the uniformed services that is at least equivalent to that provided to other retired Federal employees by extending to such retired members of the uniformed services the option of coverage under the Federal Employees Health Benefits program, the Civilian Health and Medical Program of the uniformed services, or the TRICARE Program.

(b) COVERAGE OF MILITARY RETIREES UNDER FEHBP.—

(1) EARNED COVERAGE FOR CERTAIN RETIREES AND DEPENDENTS.—Chapter 89 of title 5, United States Code, is amended—

(A) in section 8905, by adding at the end the following new subsection:

"(h) For purposes of this section, the term 'employee' includes a retired member of the uniformed services (as defined in section 101(a)(5) of title 10) who began service before June 7, 1956. A surviving widow or widower of such a retired member may also enroll in an approved health benefits plan described by section 8903 or 8903a of this title as an individual."; and

(B) in section 8906(b)—

(i) in paragraph (1), by striking "paragraphs (2) and (3)" and inserting "paragraphs (2) through (5)"; and

(ii) by adding at the end the following new paragraph:

"(5) In the case of an employee described in section 8905(h) or the surviving widow or widower of such an employee, the Government contribution for health benefits shall be 100 percent, payable by the department from which the employee retired.".

(2) Coverage for other retirees and dependents.—(A) Section 1108 of title 10, United States Code, is amended to read as follows:

"§ 1108. Health care coverage through Federal Employees Health Benefits program

"(a) FEHBP Option.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to provide coverage to eligible beneficiaries described in subsection (b) under the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

"(b) Eligible Beneficiaries; Coverage.—(1) An eligible beneficiary under this subsection is—

"(A) a member or former member of the uniformed services described in section 1074(b) of this title;

"(B) an individual who is an unremarried former spouse of a member or former member described in section 1072(2)(F) or 1072(2)(G);

"(C) an individual who is—

"(i) a dependent of a deceased member or former member described in section 1076(b) or 1076(a)(2)(B) of this title or of a member who died while on active duty for a period of more than 30 days; and

"(ii) a member of family as defined in section 8901(5) of title 5; or

"(D) an individual who is—

"(i) a dependent of a living member or former member described in section 1076(b)(1) of this title; and

"(ii) a member of family as defined in section 8901(5) of title 5.

"(2) Eligible beneficiaries may enroll in a Federal Employees Health Benefit plan under chapter 89 of title 5 under this section for self-only coverage or for self and family coverage which includes any dependent of the member or former member who is a family member for purposes of such chapter.

"(3) A person eligible for coverage under this subsection shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 (except as provided in paragraph (1)(C) or (1)(D)) as a condition for enrollment in health benefits plans offered through the Federal Employees Health Benefits program under this section.

"(4) For purposes of determining whether an individual is a member of family under paragraph (5) of section 8901 of title 5 for purposes of paragraph (1)(C) or (1)(D), a member or former member described in section 1076(b) or 1076(a)(2)(B) of this title shall be deemed to be an employee under such section.

"(5) An eligible beneficiary who is eligible to enroll in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 is not eligible to enroll in a Federal Employees Health Benefits plan under this section.

"(6) An eligible beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or section 1097. Such a beneficiary may continue to receive health care in a military medical treatment facility, in which case the treatment facility shall be reimbursed by the Federal Employees Health Benefits program for health care services or drugs received by the beneficiary.

"(c) Change of Health Benefits Plan.—An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change health benefits plans and coverage in the same manner as any other Federal Employees Health Benefits program beneficiary may change such plans.

"(d) Government Contributions.—The amount of the Government contribution for an eligible beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section may not exceed the amount of the Government contribution which would be payable if the electing beneficiary were an employee (as defined for purposes of such chapter) enrolled in the same health benefits plan and level of benefits.

"(e) Separate Risk Pools.—The Director of the Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 to maintain a separate risk pool for purposes of establishing premium rates for eligible beneficiaries who enroll in such a plan in accordance with this section.".

(B) The item relating to section 1108 at the beginning of such chapter is amended to read as follows:

"1108. Health care coverage through Federal Employees Health Benefits program.".

(C) The amendments made by this paragraph shall take effect on January 1, 2001.

(c) Extension of Coverage of CHAMPUS.—Section 1086 of title 10, United States Code, is amended—

(1) in subsection (c), by striking "Except as provided in subsection (d), the", and inserting "The";

(2) by striking subsection (d); and

(3) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

KERREY AMENDMENT NO. 3192

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 200, following line 23, add the following:

SEC. 566. PREPARATION, PARTICIPATION, AND CONDUCT OF ATHLETIC COMPETITIONS AND SMALL ARMS COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) Preparation and Participation of Members Generally.—Subsection (a) of section 504 of title 32, United States Code, is amended—

(1) by striking "or" at the end of paragraph (2);

(2) in paragraph (3)—

(A) by inserting "prepare for and" before "participate"; and

(B) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) prepare for and participate in qualifying athletic competitions.".

(b) Conduct of Competitions.—That section is further amended by adding at the end the following new subsection:

"(c)(1) Units of the National Guard may conduct small arms competitions and athletic competitions in conjunction with training required under this chapter if such activities would meet the requirements set forth in paragraphs (1), (3), and (4) of section 508(a) of this title if such activities were services to be provided under that section.

"(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with activities under paragraph (1).".

(c) Availability of Funds.—That section is further amended by adding at the end the following new subsection:

"(d) Subject to provisions of appropriations Acts, amounts appropriated for the National Guard may be used in order to cover the costs of activities under subsection (c) and of expenses of members of the National Guard under paragraphs (3) and (4) of subsection (a), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.".

(d) Qualifying Athletic Competitions Defined.—That section is further amended by adding at the end the following new subsection:

"(e) In this section, the term 'qualifying athletic competition' means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.".

(e) Conforming and Clerical Amendments.—(1) The section heading of such section is amended to read as follows:

"§ 504. National Guard schools; small arms competitions; athletic competitions".

(2) The table of sections at the beginning of chapter 5 of that title is amended by striking the item relating to section 504 and inserting the following new item:

"504. National Guard schools; small arms competitions; athletic competitions.".

BINGAMAN AMENDMENTS NOS. 3193–3195

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to the bill, S. 2549, supra; as follows:

Amendment No. 3193

At the end of title X, insert the following:

SEC. 10___. CONGRESSIONAL MEDALS FOR NAVAJO CODE TALKERS.

(a) Findings.—Congress finds that—

(1) on December 7, 1941, the Japanese Empire attacked Pearl Harbor and war was declared by Congress on the following day;

(2) the military code developed by the United States for transmitting messages had been deciphered by the Japanese, and a search was made by United States Intelligence to develop new means to counter the enemy;

(3) the United States Government called upon the Navajo Nation to support the military effort by recruiting and enlisting 29 Navajo men to serve as Marine Corps Radio Operators;

(4) the number of Navajo enlistees later increased to more than 350;

(5) at the time, the Navajos were often treated as second-class citizens, and they were a people who were discouraged from using their own native language;

(6) the Navajo Marine Corps Radio Operators, who became known as the "Navajo

Code Talkers", were used to develop a code using their native language to communicate military messages in the Pacific;

(7) to the enemy's frustration, the code developed by these Native Americans proved to be unbreakable, and was used extensively throughout the Pacific theater;

(8) the Navajo language, discouraged in the past, was instrumental in developing the most significant and successful military code of the time;

(9) at Iwo Jima alone, the Navajo Code Talkers passed more than 800 error-free messages in a 48-hour period;

(10) use of the Navajo Code was so successful, that—

(A) military commanders credited it in saving the lives of countless American soldiers and in the success of the engagements of the United States in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa;

(B) some Code Talkers were guarded by fellow Marines, whose role was to kill them in case of imminent capture by the enemy; and

(C) the Navajo Code was kept secret for 23 years after the end of World War II;

(11) following the conclusion of World War II, the Department of Defense maintained the secrecy of the Navajo Code until it was declassified in 1968; and

(12) only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

(b) CONGRESSIONAL MEDALS AUTHORIZED.—To express recognition by the United States and its citizens in honoring the Navajo Code Talkers, who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and hastening the end of World War II in the Pacific, the President is authorized—

(1) to award to each of the original 29 Navajo Code Talkers, or a surviving family member, on behalf of the Congress, a gold medal of appropriate design, honoring the Navajo Code Talkers; and

(2) to award to each person who qualified as a Navajo Code Talker (MOS 642), or a surviving family member, on behalf of the Congress, a silver medal of appropriate design, honoring the Navajo Code Talkers.

(c) DESIGN AND STRIKING.—For purposes of the awards authorized by subsection (b), the Secretary of the Treasury (in this section referred to as the "Secretary") shall strike gold and silver medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(d) DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of the medals struck pursuant to this section, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the medals.

(e) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51, of title 31, United States Code.

(f) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, not more than $30,000, to pay for the costs of the medals authorized by this section.

(g) PROCEEDS OF SALE.—Amounts received from the sale of duplicate medals under this section shall be deposited in the United States Mint Public Enterprise Fund.

AMENDMENT NO. 3194

On page 236, between lines 6 and 7, insert the following:

SEC. 646. EQUITABLE APPLICATION OF EARLY RETIREMENT ELIGIBILITY REQUIREMENTS TO MILITARY RESERVE TECHNICIANS.

(a) TECHNICIANS COVERED BY FERS.—Paragraph (1) of section 8414(c) of title 5, United States Code, is amended by striking "after becoming 50 years of age and completing 25 years of service" and inserting "after completing 25 years of service or after becoming 50 years of age and completing 20 years of service".

(b) TECHNICIANS COVERED BY CSRS.—Section 8336 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(p) Section 8414(c) of this title applies—

"(1) under paragraph (1) of such section to a military reserve technician described in that paragraph for purposes of determining entitlement to an annuity under this subchapter; and

"(2) under paragraph (2) of such section to a military technician (dual status) described in that paragraph for purposes of determining entitlement to an annuity under this subchapter.".

(c) TECHNICAL AMENDMENT.—Section 1109(a)(2) of Public Law 105-261 (112 Stat. 2143) is amended by striking "adding at the end" and inserting "inserting after subsection (n)".

(d) APPLICABILITY.—Subsection (c) of section 8414 of such title (as amended by subsection (a)), and subsection (p) of section 8336 of title 5, United States Code (as added by subsection (b)), shall apply according to the provisions thereof with respect to separations from service referred to in such subsections that occur on or after October 5, 1999.

AMENDMENT NO. 3195

On page 53, after line 23, add the following:

SEC. 243. ENHANCEMENT OF AUTHORITIES REGARDING EDUCATION PARTNERSHIPS FOR PURPOSES OF ENCOURAGING SCIENTIFIC STUDY.

(a) ASSISTANCE IN SUPPORT OF PARTNERSHIPS.—Subsection (b) of section 2194 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting ", and is encouraged to provide," after "may provide";

(2) in paragraph (1), by inserting before the semicolon the following: "for any purpose and duration in support of such agreement that the director considers appropriate"; and

(3) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or any provision of law or regulation relating to transfers of surplus property, transferring to the institution any defense laboratory equipment (regardless of the nature of type of such equipment) surplus to the needs of the defense laboratory that is determined by the director to be appropriate for support of such agreement;".

(b) DEFENSE LABORATORY DEFINED.—Subsection (e) of that section is amended to read as follows:

"(e) In this section:

"(1) The term 'defense laboratory' means any laboratory, product center, test center, depot, training and educational organization, or operational command under the jurisdiction of the Department of Defense.

"(2) The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).".

BINGAMAN (AND MURRAY) AMENDMENT NO. 3196

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

SEC. 656. ADDITIONAL BENEFITS AND PROTECTIONS FOR PERSONNEL INCURRING INJURY, ILLNESS, OR DISEASE IN THE PERFORMANCE OF FUNERAL HONORS DUTY.

(a) INCAPACITATION PAY.—Section 204 of title 37, United States Code, is amended—

(1) in subsection (g)(1)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(C) by adding at the end the following:

"(E) in line of duty while—

"(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) traveling to or from the place at which the duty was to be performed; or

"(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence."; and

(2) in subsection (h)(1)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(C) by adding at the end the following:

"(E) in line of duty while—

"(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) traveling to or from the place at which the duty was to be performed; or

"(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.".

(b) TORT CLAIMS.—Section 2671 of title 28, United States Code, is amended by inserting "115," in the second paragraph after "members of the National Guard while engaged in training or duty under section".

(c) APPLICABILITY.—(1) The amendments made by subsection (a) shall apply with respect to months beginning on or after the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply with respect to acts and omissions occurring before, on, or after the date of the enactment of this Act.

McCAIN (AND OTHERS) AMENDMENT NO. 3197

(Ordered to lie on the table.)

Mr. McCAIN (for himself, Mr. LEVIN, Mr. ROBB, Mr. VOINOVICH, Mr. REED, Mr. DEWINE, and Mr. WYDEN) submitted an amendment to be proposed by them to the bill, S. 2549, supra; as follows:

On page 530, after line 21, add the following:

SEC. 2822. AUTHORITY TO CARRY OUT BASE CLOSURE ROUNDS IN 2003 AND 2005.

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Subsection (c)(1) of section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX

of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking "and" at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting a semicolon; and

(iii) by adding at the end the following new clauses (iv) and (v):

"(iv) by no later than January 24, 2003, in the case of members of the Commission whose terms will expire at the end of the first session of the 108th Congress; and

"(v) by no later than March 15, 2005, in the case of members of the Commission whose terms will expire at the end of the first session of the 109th Congress."; and

(B) in subparagraph (C), by striking "or for 1995 in clause (iii) of such subparagraph" and inserting ", for 1995 in clause (iii) of that subparagraph, for 2003 in clause (iv) of that subparagraph, or for 2005 in clause (v) of that subparagraph".

(2) MEETINGS.—Subsection (e) of that section is amended by striking "and 1995" and inserting "1995, 2003, and 2005".

(3) STAFF.—Subsection (i)(6) of that section is amended in the matter preceding subparagraph (A) by striking "and 1994" and inserting ", 1994, and 2004".

(4) FUNDING.—Subsection (k) of that section is amended by adding at the end the following new paragraph (4):

"(4) If no funds are appropriated to the Commission by the end of the second session of the 107th Congress for the activities of the Commission in 2003 or 2005, the Secretary may transfer to the Commission for purposes of its activities under this part in either of those years such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.".

(5) TERMINATION.—Subsection (l) of that section is amended by striking "December 31, 1995" and inserting "December 31, 2005".

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Subsection (a)(1) of section 2903 of that Act is amended by striking "and 1996," and inserting "1996, 2004, and 2006,".

(2) SELECTION CRITERIA.—Subsection (b) of such section 2903 is amended—

(A) in paragraph (1), by inserting "and by no later than December 31, 2001, for purposes of activities of the Commission under this part in 2003 and 2005," after "December 31, 1990,";

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting "and by no later than February 15, 2002, for purposes of activities of the Commission under this part in 2003 and 2005," after "February 15, 1991,"; and

(ii) in the second sentence, by inserting ", or enacted on or before March 31, 2002, in the case of criteria published and transmitted under the preceding sentence in 2001" after "March 15, 1991"; and

(C) by adding at the end a new paragraph:

"(3) Any selection criteria proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of a military installation shall be based on the total cost and savings to the Federal Government that would result from the proposed closure or realignment of such military installation.".

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Subsection (c) of such section 2903 is amended—

(A) in paragraph (1), by striking "and March 1, 1995," and inserting "March 1, 1995, March 14, 2003, and May 16, 2005,";

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(C) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) In making recommendations to the Commission under this subsection in any year after 1999, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

"(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

"(C) The recommendations made by the Secretary under this subsection in any year after 1999 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result."; and

(D) in paragraph (7), as so redesignated—

(i) in the first sentence, by striking "paragraph (5)(B)" and inserting "paragraph (6)(B)"; and

(ii) in the second sentence, by striking "24 hours" and inserting "48 hours".

(4) COMMISSION REVIEW AND RECOMMENDATIONS.—Subsection (d) of such section 2903 is amended—

(A) in paragraph (2)(A), by inserting "or by no later than July 7 in the case of recommendations in 2003, or no later than September 8 in the case of recommendations in 2005," after "pursuant to subsection (c),";

(B) in paragraph (4), by inserting "or after July 7 in the case of recommendations in 2003, or after September 8 in the case of recommendations in 2005," after "under this subsection,"; and

(C) in paragraph (5)(B), by inserting "or by no later than June 7 in the case of such recommendations in 2003 and 2005," after "such recommendations,".

(5) REVIEW BY PRESIDENT.—Subsection (e) of such section 2903 is amended—

(A) in paragraph (1), by inserting "or by no later than July 22 in the case of recommendations in 2003, or no later than September 23 in the case of recommendations in 2005," after "under subsection (d),";

(B) in the second sentence of paragraph (3), by inserting "or by no later than August 18 in the case of 2003, or no later than October 20 in the case of 2005," after "the year concerned,"; and

(C) in paragraph (5), by inserting "or by September 3 in the case of recommendations in 2003, or November 7 in the case of recommendations in 2005," after "under this part,".

(c) CLOSURE AND REALIGNMENT OF INSTALLATIONS.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in each such report after 1999 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined to be the most-cost effective method of implementation of the recommendation;".

(d) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909(a) of that Act is amended by striking "December 31, 1995," and inserting "December 31, 2005,".

(e) TECHNICAL AND CLARIFYING AMENDMENTS.—

(1) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(ii)(I) of that Act is amended by striking "that date" and inserting "the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)".

(2) OTHER CLARIFYING AMENDMENTS.—

(A) That Act is further amended by inserting "or realignment" after "closure" each place it appears in the following provisions:

(i) Section 2905(b)(3).

(ii) Section 2905(b)(5).

(iii) Section 2905(b)(7)(B)(iv).

(iv) Section 2905(b)(7)(N).

(v) Section 2910(10)(B).

(B) That Act is further amended by inserting "or realigned" after "closed" each place in appears in the following provisions:

(i) Section 2905(b)(3)(C)(ii).

(ii) Section 2905(b)(3)(D).

(iii) Section 2905(b)(3)(E).

(iv) Section 2905(b)(4)(A).

(v) Section 2905(b)(5)(A).

(vi) Section 2910(9).

(vii) Section 2910(10).

(C) Section 2905(e)(1)(B) of that Act is amended by inserting ", or realigned or to be realigned," after "closed or to be closed".

REID (AND OTHERS) AMENDMENT NO. 3198

(Ordered to lie on the table.)

Mr. REID (for himself, Mr. INOUYE, Ms. LANDRIEU, Mr. JOHNSON, Mr. DASCHLE, Mr. MCCAIN, Mr. DORGAN, Mr. BRYAN, and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the appropriate place in title VI, insert the following:

SEC. ___. CONCURRENT PAYMENT OF RETIRED PAY AND COMPENSATION FOR RETIRED MEMBERS WITH SERVICE-CONNECTED DISABILITIES.

(a) CONCURRENT PAYMENT.—Section 5304(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(3) Notwithstanding the provisions of paragraph (1) and section 5305 of this title, compensation under chapter 11 of this title may be paid to a person entitled to receive retired or retirement pay described in such section 5305 concurrently with such person's receipt of such retired or retirement pay.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and apply with respect to payments of compensation for months beginning on or after that date.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of the amendment made by subsection (a) for any period before the effective date of this Act as specified in subsection (b).

BIDEN AMENDMENT NO. 3199

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill (S. 2549), supra; as follows:

At the appropriate place, insert the following:

DIVISION —VIOLENCE AGAINST WOMEN

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Violence Against Women Act II”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Accountability and oversight.

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

Sec. 101. Full faith and credit enforcement of protection orders.
Sec. 102. Role of courts.
Sec. 103. Reauthorization of STOP grants.
Sec. 104. Reauthorization of grants to encourage arrest policies.
Sec. 105. Reauthorization of rural domestic violence and child abuse enforcement grants.
Sec. 106. National stalker and domestic violence reduction.
Sec. 107. Amendments to domestic violence and stalking offenses.
Sec. 108. Grants to reduce violent crimes against women on campus.

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

Sec. 201. Legal assistance for victims.
Sec. 202. Shelter services for battered women and children.
Sec. 203. Transitional housing assistance for victims of domestic violence.
Sec. 204. National domestic violence and sexual assault hotline.
Sec. 205. Federal victims counselors.
Sec. 206. Study of State laws regarding insurance discrimination against victims of violence against women.
Sec. 207. Study of workplace effects from violence against women.
Sec. 208. Study of unemployment compensation for victims of violence against women.
Sec. 209. Enhancing protections for older women from domestic violence and sexual assault.

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

Sec. 301. Safe havens for children pilot program.
Sec. 302. Reauthorization of runaway and homeless youth grants.
Sec. 303. Reauthorization of victims of child abuse programs.
Sec. 304. Report on effects of parental kidnapping laws in domestic violence cases.

TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

Sec. 401. Education and training in appropriate responses to violence against women.
Sec. 402. Rape prevention and education.
Sec. 403. Education and training to end violence against and abuse of women with disabilities.
Sec. 404. Community initiatives.
Sec. 405. Development of research agenda identified by the Violence Against Women Act of 1994.

TITLE V—BATTERED IMMIGRANT WOMEN

Sec. 501. Short title.
Sec. 502. Findings and purposes.
Sec. 503. Improved access to immigration protections of the Violence Against Women Act of 1994 for battered immigrant women.
Sec. 504. Improved access to cancellation of removal and suspension of deportation under the Violence Against Women Act of 1994.
Sec. 505. Offering equal access to immigration protections of the Violence Against Women Act of 1994 for all qualified battered immigrant self-petitioners.
Sec. 506. Restoring immigration protections under the Violence Against Women Act of 1994.
Sec. 507. Remedying problems with implementation of the immigration provisions of the Violence Against Women Act of 1994.
Sec. 508. Technical correction to qualified alien definition for battered immigrants.
Sec. 509. Protection for certain crime victims including crimes against women.
Sec. 510. Access to Cuban Adjustment Act for battered immigrant spouses and children.
Sec. 511. Access to the Nicaraguan Adjustment and Central American Relief Act for battered spouses and children.
Sec. 512. Access to the Haitian Refugee Fairness Act of 1998 for battered spouses and children.
Sec. 513. Access to services and legal representation for battered immigrants.

TITLE VI—EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND

Sec. 601. Extension of Violent Crime Reduction Trust Fund.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term “domestic violence” has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2); and

(2) the term “sexual assault” has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

SEC. 3. ACCOUNTABILITY AND OVERSIGHT.

(a) REPORT BY GRANT RECIPIENTS.—The Attorney General or Secretary of Health and Human Services, as applicable, shall require grantees under any program authorized or reauthorized by this Act or an amendment made by this Act to report on the effectiveness of the activities carried out with amounts made available to carry out that program, including number of persons served, if applicable, numbers of persons seeking services who could not be served and such other information as the Attorney General or Secretary may prescribe.

(b) REPORT TO CONGRESS.—The Attorney General or Secretary of Health and Human Services, as applicable, shall report annually to the Committees on the Judiciary of the House of Representatives and the Senate on the grant programs described in subsection (a), including the information contained in any report under that subsection.

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

SEC. 101. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.

(a) IN GENERAL.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended—

(1) in the heading, by adding “**AND ENFORCEMENT OF PROTECTION ORDERS**” at the end;

(2) in section 2101(b)—

(A) in paragraph (6), by inserting “(including juvenile courts)” after “courts”; and

(B) by adding at the end the following:

“(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.”; and

(3) in section 2102—

(A) in subsection (b)—

(i) in paragraph (1), by striking “and” at the end;

(ii) in paragraph (2), by striking the period at the end and inserting “, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);”; and

(iii) by adding at the end the following:

“(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

“(4) will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.”; and

(B) by adding at the end the following:

“(c) DISSEMINATION OF INFORMATION.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.”.

(b) PROTECTION ORDERS.—

(1) FILING COSTS.—Section 2006 of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–5) is amended—

(A) in the heading, by striking “**filing**” and inserting “**and protection orders**” after “**charges**”;

(B) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

“(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or”; and

(ii) in paragraph (2)(B), by striking “2 years” and inserting “2 years after the date of enactment of the Violence Against Women Act II”; and

(C) by adding at the end the following:

"(c) Definition.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.".

(2) Eligibility for grants to encourage arrest policies.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(A) in subsection (c), by striking paragraph (4) and inserting the following:

"(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction."; and

(B) by adding at the end the following:

"(d) Definition.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.".

(3) Application for grants to encourage arrest policies.—Section 2102(a)(1)(B) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-1(a)(1)(B)) is amended by inserting before the semicolon the following: "or, in the case of the condition set forth in subsection 2101(c)(4), the expiration of the 2-year period beginning on the date of enactment of the Violence Against Women Act II".

(4) Registration for protection orders.—Section 2265 of title 18, United States Code, is amended by adding at the end the following:

"(d) Registration.—

"(1) In general.—A State or Indian tribe according full faith and credit to an order by a court of another State or Indian tribe shall not notify the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State or tribal jurisdiction unless requested to do so by the party protected under such order.

"(2) No prior registration or filing required.—Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding any requirement that the order be registered or filed in the enforcing State or tribal jurisdiction.

"(e) Notice.—A protection order that is otherwise consistent with this section shall be accorded full faith and credit and enforced notwithstanding the failure to provide notice to the party against whom the order is made of its registration or filing in the enforcing State or Indian tribe.

"(f) Tribal Court Jurisdiction.—For purposes of this section, a tribal court shall have full civil jurisdiction over domestic relations actions, including authority to enforce its orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe and in which at least 1 of the parties is an Indian.".

(c) Technical Amendment.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended in the item relating to part U, by adding "and Enforcement of Protection Orders" at the end.

SEC. 102. ROLE OF COURTS.

(a) Courts as Eligible STOP Subgrantees.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (a), by striking "Indian tribal governments," and inserting "State and local courts (including juvenile courts), Indian tribal governments, tribal courts,"; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting ", judges, other court personnel," after "law enforcement officers";

(ii) in paragraph (2), by inserting ", judges, other court personnel," after "law enforcement officers"; and

(iii) in paragraph (3), by inserting ", court," after "police"; and

(2) in section 2002—

(A) in subsection (a), by inserting "State and local courts (including juvenile courts)," after "States," the second place it appears;

(B) in subsection (c), by striking paragraph (3) and inserting the following:

"(3) of the amount granted—

"(A) not less than 25 percent shall be allocated to police and not less than 25 percent shall be allocated to prosecutors;

"(B) not less than 30 percent shall be allocated to victim services; and

"(C) not less than 5 percent shall be allocated for State and local courts (including juvenile courts); and"; and

(C) in subsection (d)(1), by inserting "court," after "law enforcement,".

(b) Eligible Grantees; Use of Grants for Education.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by inserting "State and local courts (including juvenile courts), tribal courts," after "Indian tribal governments,";

(2) in subsection (b)—

(A) by inserting "State and local courts (including juvenile courts)," after "Indian tribal governments";

(B) in paragraph (2), by striking "policies and" and inserting "policies, educational programs, and";

(C) in paragraph (3), by inserting "parole and probation officers," after "prosecutors,"; and

(D) in paragraph (4), by inserting "parole and probation officers," after "prosecutors,";

(3) in subsection (c), by inserting "State and local courts (including juvenile courts)," after "Indian tribal governments"; and

(4) by adding at the end the following:

"(e) Allotment for Indian Tribes.—Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.".

SEC. 103. REAUTHORIZATION OF STOP GRANTS.

(a) Reauthorization.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (18) and inserting the following:

"(18) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part T $185,000,000 for each of fiscal years 2001 through 2005.".

(b) Grant Purposes.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (b)—

(i) in paragraph (5), by striking "racial, cultural, ethnic, and language minorities" and inserting "underserved populations";

(ii) in paragraph (6), by striking "and" at the end;

(iii) in paragraph (7), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(8) supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault and domestic violence."; and

(B) by adding at the end the following:

"(c) State Coalition Grants.—

"(1) Purpose.—The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

"(2) Grants to state coalitions.—The Attorney General shall award grants to—

"(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.); and

"(B) each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

"(3) Eligibility for other grants.—Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b).";

(2) in section 2002(b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(B) in paragraph (1), by striking "4 percent" and inserting "5 percent";

(C) in paragraph (4), as redesignated, by striking "$500,000" and inserting "$600,000"; and

(D) by inserting after paragraph (1) the following:

"(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/53 of the total amount made available under this paragraph for each fiscal year;

"(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/53 of the total amount made available under this paragraph for each fiscal year;";

(3) in section 2003—

(A) in paragraph (7), by striking "geographic location" and all that follows through "physical disabilities" and inserting "race, ethnicity, age, disability, religion, alienage status, language barriers, geographic location (including rural isolation), and any other populations determined to be underserved"; and

(B) in paragraph (8), by striking "assisting domestic violence or sexual assault victims through the legal process" and inserting "providing assistance for victims seeking necessary support services as a consequence of domestic violence or sexual assault"; and

(4) in section 2004(b)(3), by inserting ", and the membership of persons served in any underserved population" before the semicolon.

SEC. 104. REAUTHORIZATION OF GRANTS TO ENCOURAGE ARREST POLICIES.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (19) and inserting the following:

"(19) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part U $65,000,000 for each of fiscal years 2001 through 2005.".

SEC. 105. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.

(a) REAUTHORIZATION.—Section 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 to carry out this section $40,000,000 for each of fiscal years 2001 through 2005."; and

(2) by adding at the end the following:

"(3) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.".

SEC. 106. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.

(a) REAUTHORIZATION.—Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended to read as follows:

"SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 to carry out this subtitle $3,000,000 for each of fiscal years 2001 through 2005.".

(b) TECHNICAL AMENDMENT.—Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031 note) is amended by inserting "and implement" after "improve".

SEC. 107. AMENDMENTS TO DOMESTIC VIOLENCE AND STALKING OFFENSES.

(a) INTERSTATE DOMESTIC VIOLENCE.—Section 2261 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) OFFENSES.—

"(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

"(2) CAUSING TRAVEL OF VICTIM.—A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).".

(b) INTERSTATE STALKING.—Section 2261A of title 18, United States Code, is amended to read as follows:

"§ 2261A. Interstate stalking

"Whoever—

"(1) with the intent to kill, injure, harass, or intimidate another person, engages within the special maritime and territorial jurisdiction of the United States in conduct that places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 2266) to, that person or a member of the immediate family (as defined in section 115) of that person; or

"(2) with the intent to kill, injure, harass, or intimidate another person, travels in interstate or foreign commerce, or enters or leaves Indian country, and, in the course of or as a result of such travel, engages in conduct that places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 2266) to, that person or a member of the immediate family (as defined in section 115) of that person,

shall be punished as provided in section 2261(b).".

(c) INTERSTATE VIOLATION OF PROTECTION ORDER.—Section 2262 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) OFFENSES.—

"(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce, or enters or leaves Indian country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

"(2) CAUSING TRAVEL OF VICTIM.—A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).".

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended to read as follows:

"§ 2266. Definitions

"In this chapter:

"(1) BODILY INJURY.—The term 'bodily injury' means any act, except one done in self-defense, that results in physical injury or sexual abuse.

"(2) ENTER OR LEAVE INDIAN COUNTRY.—The term 'enter or leave Indian country' includes leaving the jurisdiction of 1 tribal government and entering the jurisdiction of another tribal government.

"(3) INDIAN COUNTRY.—The term 'Indian country' has the meaning stated in section 1151 of this title.

"(4) PROTECTION ORDER.—The term 'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

"(5) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning stated in section 2119(2).

"(6) SPOUSE OR INTIMATE PARTNER.—The term 'spouse or intimate partner' includes—

"(A) a spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

"(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.

"(7) STATE.—The term 'State' includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States.

"(8) TRAVEL IN INTERSTATE OR FOREIGN COMMERCE.—The term 'travel in interstate or foreign commerce' does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.".

SEC. 108. GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.

Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is amended—

(1) in subsection (f)(1), by inserting "by a person with whom the victim has engaged in a social relationship of a romantic or intimate nature," after "cohabited with the victim,"; and

(2) in subsection (g), by striking "fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "each of fiscal years 2001 through 2005".

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

SEC. 201. LEGAL ASSISTANCE FOR VICTIMS.

(a) IN GENERAL.—The purpose of this section is to enable the Attorney General to award grants to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

(b) DEFINITIONS.—In this section:

(1) DOMESTIC VIOLENCE.—The term "domestic violence" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(2) LEGAL ASSISTANCE FOR VICTIMS.—The term "legal assistance" includes assistance to victims of domestic violence, stalking, and sexual assault in family, criminal, immigration, administrative, or housing matters, protection or stay away order proceedings, and other similar matters. No funds made available under this section may be used to provide financial assistance in support of

any litigation described in paragraph (14) of section 504 of Public Law 104–134.

(3) SEXUAL ASSAULT.—The term "sexual assault" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(c) LEGAL ASSISTANCE FOR VICTIMS GRANTS.—The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, stalking, and sexual assault.

(d) GRANT TO ESTABLISH DATABASE OF PROGRAMS THAT PROVIDE LEGAL ASSISTANCE TO VICTIMS.—

(1) IN GENERAL.—The Attorney General may make a grant to establish, operate, and maintain a national computer database of programs and organizations that provide legal assistance to victims of domestic violence, stalking, and sexual assault.

(2) DATABASE REQUIREMENTS.—A database established with a grant under this subsection shall be—

(A) designed to facilitate the referral of persons to programs and organizations that provide legal assistance to victims of domestic violence, stalking, and sexual assault; and

(B) operated in coordination with the national domestic violence and sexual assault hotline established under section 316 of the Family Violence Prevention and Services Act.

(e) EVALUATION.—The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault, and on evaluation research.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $35,000,000 for each of fiscal years 2001 through 2005.

(2) ALLOCATION OF FUNDS.—Of the amount made available under this subsection in each fiscal year, not less than 5 percent shall be used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(3) NONSUPPLANTATION.—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

SEC. 202. SHELTER SERVICES FOR BATTERED WOMEN AND CHILDREN.

(a) STATE SHELTER GRANTS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking "populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation" and inserting "populations underserved because of race, ethnicity, age, disability, religion, alienage status, geographic location (including rural isolation), or language barriers, and any other populations determined by the Secretary to be underserved".

(b) STATE MINIMUM; REALLOTMENT.—Section 304 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended—

(1) in subsection (a), by striking "for grants to States for any fiscal year" and all that follows and inserting the following: "and available for grants to States under this subsection for any fiscal year—

"(1) Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the combined Freely Associated States shall each be allotted not less than ⅛ of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made; and

"(2) each State shall be allotted for payment in a grant authorized under section 303(a), $600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.";

(2) in subsection (c), in the first sentence, by inserting "and available" before "for grants"; and

(3) by adding at the end the following:

"(e) In subsection (a)(2), the term "State" does not include any jurisdiction specified in subsection (a)(1).".

(c) SECRETARIAL RESPONSIBILITIES.—Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking "an employee" and inserting "1 or more employees";

(2) by striking "of this title." and inserting "of this title, including carrying out evaluation and monitoring under this title."; and

(3) by striking "The individual" and inserting "Any individual".

(d) RESOURCE CENTERS.—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended—

(1) in subsection (a)(2), by inserting "on providing information, training, and technical assistance" after "focusing"; and

(2) in subsection (c), by adding at the end the following:

"(8) Providing technical assistance and training to local entities carrying out domestic violence programs that provide shelter, related assistance, or transitional housing assistance.

"(9) Improving access to services, information, and training, concerning family violence, within Indian tribes and Indian tribal agencies.

"(10) Providing technical assistance and training to appropriate entities to improve access to services, information, and training concerning family violence occurring in underserved populations.".

(e) CONFORMING AMENDMENT.—Section 309(6) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(6)) is amended by striking "the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands" and inserting "the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the combined Freely Associated States".

(f) REAUTHORIZATION.—Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $175,000,000 for each of fiscal years 2001 through 2005.

"(2) SOURCE OF FUNDS.—Amounts made available under paragraph (1) may be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211).";

(2) in subsection (b), by striking "under subsection 303(a)" and inserting "under section 303(a)";

(3) in subsection (c), by inserting "not more than the lesser of $7,500,000 or" before "5"; and

(4) by adding at the end the following:

"(f) EVALUATION, MONITORING, AND ADMINISTRATION.—Of the amounts appropriated under subsection (a) for each fiscal year, not more than 1 percent shall be used by the Secretary for evaluation, monitoring, and administrative costs under this title.".

(g) STATE DOMESTIC VIOLENCE COALITION GRANT ACTIVITIES.—Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended—

(1) in subsection (a)(4), by striking "underserved racial, ethnic or language-minority populations" and inserting "underserved populations described in section 303(a)(2)(C)"; and

(2) in subsection (c), by striking "the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands" and inserting "the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States".

SEC. 203. TRANSITIONAL HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

Title III of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

"SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.

"(a) IN GENERAL.—The Secretary shall award grants under this section to carry out programs to provide assistance to individuals, and their dependents—

"(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and

"(2) for whom emergency shelter services are unavailable or insufficient.

"(b) ASSISTANCE DESCRIBED.—Assistance provided under this section may include—

"(1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses, such as payment of security deposits and other costs incidental to relocation to transitional housing, in cases in which assistance described in this paragraph is necessary to prevent homelessness because an individual or dependent is fleeing a situation of domestic violence; and

"(2) short-term support services, including payment of expenses and costs associated with transportation and job training referrals, child care, counseling, transitional housing identification and placement, and related services.

"(c) TERM OF ASSISTANCE.—An individual or dependent assisted under this section may not receive assistance under this section for a total of more than 12 months.

"(d) REPORTS.—

"(1) REPORT TO SECRETARY.—

"(A) IN GENERAL.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.

"(B) CONTENTS.—Each report shall include information on—

"(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;

"(ii) the number of months each individual or dependent received the assistance;

"(iii) the number of individuals and dependents who were eligible to receive the assistance, and to whom the entity could not provide the assistance solely due to a lack of available housing; and

"(iv) the type of support services provided to each individual or dependent assisted under this section.

"(2) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

"(1) $25,000,000 for each of fiscal years 2001 through 2003; and

"(2) $30,000,000 for each of fiscal years 2004 and 2005.".

SEC. 204. NATIONAL DOMESTIC VIOLENCE AND SEXUAL ASSAULT HOTLINE.

(a) REAUTHORIZATION.—Section 316(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $2,750,000 for each of fiscal years 2001 through 2005.".

(b) DOMESTIC VIOLENCE AND SEXUAL ASSAULT.—Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

(1) in the title of the section, by striking "**national domestic violence hotline grant**" and inserting "**grant for national domestic violence and sexual assault hotline**";

(2) in subsections (a), (d), and (e), by striking "victims of domestic violence" each place it appears and inserting "victims of domestic violence or sexual assault";

(3) in subsection (e)—

(A) in paragraph (2), by striking "national domestic violence hotline" and inserting "national domestic violence and sexual assault hotline"; and

(B) in paragraph (3), by striking "area of domestic violence" and inserting "area of domestic violence and sexual assault";

(4) by redesignating subsection (f) as subsection (g); and

(5) by inserting after subsection (e) the following:

"(f) REPORT BY GRANT RECIPIENT.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Violence Against Women Act II, each recipient of a grant under this section shall prepare and submit to the Secretary a report that contains—

"(A) an evaluation of the effectiveness of the activities carried out by the recipient with amounts received under this section; and

"(B) such other information as the Secretary may prescribe.

"(2) NOTICE AND PUBLIC COMMENT.—The Secretary shall—

"(A) publish in the Federal Register a copy of the report submitted by the recipient under this subsection; and

"(B) allow not less than 90 days for notice of and opportunity for public comment on the published report.".

SEC. 205. FEDERAL VICTIMS COUNSELORS.

Section 40114 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1910) is amended by striking "(such as District of Columbia)—" and all that follows and inserting "(such as District of Columbia), $1,000,000 for each of fiscal years 2001 through 2005.".

SEC. 206. STUDY OF STATE LAWS REGARDING INSURANCE DISCRIMINATION AGAINST VICTIMS OF VIOLENCE AGAINST WOMEN.

(a) IN GENERAL.—The Attorney General shall conduct a national study to identify State laws that address discrimination against victims of domestic violence and sexual assault related to issuance or administration of insurance policies.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the findings and recommendations of the study required by subsection (a).

SEC. 207. STUDY OF WORKPLACE EFFECTS FROM VIOLENCE AGAINST WOMEN.

The Attorney General shall—

(1) conduct a national survey of plans, programs, and practices developed to assist employers and employees on appropriate responses in the workplace related to victims of domestic violence, stalking, or sexual assault; and

(2) not later than 18 months after the date of enactment of this Act, submit to Congress a report describing the results of that survey, which report shall include the recommendations of the Attorney General to assist employers and employees affected in the workplace by incidents of domestic violence, stalking, and sexual assault.

SEC. 208. STUDY OF UNEMPLOYMENT COMPENSATION FOR VICTIMS OF VIOLENCE AGAINST WOMEN.

The Secretary of Labor, in consultation with the Attorney General, shall—

(1) conduct a national study to identify State laws that address the separation from employment of an employee due to circumstances directly resulting from the experience of domestic violence by the employee and circumstances governing that receipt (or nonreceipt) by the employee of unemployment compensation based on such separation; and

(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report describing the results of that study, together with any recommendations based on that study.

SEC. 209. ENHANCING PROTECTIONS FOR OLDER WOMEN FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

(a) DEFINITION.—In this section, the term "older individual" has the meaning given the term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(b) PROTECTIONS FOR OLDER INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN PRO-ARREST GRANTS.—Section 2101(b) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

"(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals (as is defined in section 102 of the Older Americans Act of 1965) (42 U.S.C. 3002)).".

(c) PROTECTIONS FOR OLDER INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN STOP GRANTS.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001(b)—

(A) in paragraph (7) (as amended by section 103(b) of this Act), by striking "and" at the end;

(B) in paragraph (8) (as added by section 103(b) of this Act), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(9) developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support and counseling services to such older individuals."; and

(2) in section 2003(7) (as amended by section 103(b) of this Act), by inserting after "any other populations determined to be underserved" the following: ", and the needs of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are victims of family violence".

(d) ENHANCING SERVICES FOR OLDER INDIVIDUALS IN SHELTERS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) (as amended by section 202(a)(1) of this Act) is amended by inserting after "any other populations determined by the Secretary to be underserved" the following: ", and the needs of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are victims of family violence".

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

SEC. 301. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.

(a) IN GENERAL.—The Attorney General may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities to provide supervised visitation and safe visitation exchange of children by and between parents in situations involving domestic violence, child abuse, or sexual assault.

(b) CONSIDERATIONS.—In awarding grants under subsection (a), the Attorney General shall take into account—

(1) the number of families to be served by the proposed visitation programs and services;

(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit,

nongovernmental entities in the local community served, including the State domestic violence coalition, State sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

(c) Applicant Requirements.—The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

(d) Reporting.—

(1) In general.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report that includes information concerning—

(A) the number of—

(i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);

(ii) the number of individuals from underserved populations served and turned away from services; and

(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

(2) Guidelines.—The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

(e) Authorization of Appropriations.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $15,000,000 for each of fiscal years 2001 and 2002.

(f) Allotment for Indian Tribes.—Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.

SEC. 302. REAUTHORIZATION OF RUNAWAY AND HOMELESS YOUTH GRANTS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended by striking paragraph (4) and inserting the following:

"(4) Part E.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part E $22,000,000 for each of fiscal years 2001 through 2005.".

SEC. 303. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE PROGRAMS.

(a) Court-Appointed Special Advocate Program.—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:

"(a) Authorization.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle $12,000,000 for each of fiscal years 2001 through 2005.".

(b) Child Abuse Training Programs for Judicial Personnel and Practitioners.—Section 224 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024) is amended by striking subsection (a) and inserting the following:

"(a) Authorization.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle $2,300,000 for each of fiscal years 2001 through 2005.".

(c) Grants for Televised Testimony.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) and inserting the following:

"(7) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part N $1,000,000 for each of fiscal years 2001 through 2005.".

(d) Dissemination of Information.—The Attorney General shall—

(1) annually compile and disseminate information (including through electronic publication) about the use of amounts expended and the projects funded under section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)), and section 1007(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects; and

(2) focus dissemination of the information described in paragraph (1) toward community-based programs, including domestic violence and sexual assault programs.

SEC. 304. REPORT ON EFFECTS OF PARENTAL KIDNAPPING LAWS IN DOMESTIC VIOLENCE CASES.

(a) In General.—The Attorney General shall—

(1) conduct a study of Federal and State laws relating to child custody, including custody provisions in protection orders, the Parental Kidnaping Prevention Act of 1980, and the amendments made by that Act, and the effect of those laws on child custody cases in which domestic violence is a factor; and

(2) submit to Congress a report describing the results of that study, including the effects of implementing or applying model State laws, and the recommendations of the Attorney General to reduce the incidence or pattern of violence against women or of sexual assault of the child.

(b) Sufficiency of Defenses.—In carrying out subsection (a) with respect to the Parental Kidnaping Prevention Act of 1980, and the amendments made by that Act, the Attorney General shall examine the sufficiency of defenses to parental abduction charges available in cases involving domestic violence, and the burdens and risks encountered by victims of domestic violence arising from jurisdictional requirements of that Act and the amendments made by that Act.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $200,000 for fiscal year 2001.

(d) Condition for Custody Determination.—Section 1738A(c)(2)(C)(ii) of title 28, United States Code, is amended by striking "he" and inserting "the child, a sibling, or parent of the child".

TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 401. EDUCATION AND TRAINING IN APPROPRIATE RESPONSES TO VIOLENCE AGAINST WOMEN.

(a) Authority.—The Secretary of Health and Human Services, in consultation with the Attorney General, may award grants in accordance with this section to public and private nonprofit entities that, in the determination of the Secretary, have—

(1) nationally recognized expertise in the areas of domestic violence and sexual assault; and

(2) a record of commitment and quality responses to reduce domestic violence and sexual assault.

(b) Purpose.—Grants under this section may be used for the purposes of developing, testing, presenting, and disseminating model programs to provide education and training in appropriate and effective responses to victims of domestic violence and sexual assault (including, as appropriate, the effects of domestic violence on children) for individuals (other than law enforcement officers and prosecutors) who are likely to come into contact with such victims during the course of their employment, including—

(1) caseworkers, supervisors, administrators, administrative law judges, and other individuals administering Federal and State benefits programs, such as child welfare and child protective services, Temporary Assistance to Needy Families, social security disability, child support, medicaid, unemployment, workers' compensation, and similar programs; and

(2) medical and health care professionals, including mental and behavioral health professionals such as psychologists, psychiatrists, social workers, therapists, counselors, and others.

(c) Authorization of Appropriations.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section

$5,000,000 for each of fiscal years 2001 through 2003.

SEC. 402. RAPE PREVENTION AND EDUCATION.

(a) IN GENERAL.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following:

"SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

"(a) PERMITTED USE.—The Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, shall award targeted grants to States to be used for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities for—

"(1) educational seminars;

"(2) the operation of hotlines;

"(3) training programs for professionals;

"(4) the preparation of informational material;

"(5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities;

"(6) education to increase awareness about drugs used to facilitate rapes or sexual assaults; and

"(7) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

"(b) COLLECTION AND DISSEMINATION OF INFORMATION ON SEXUAL ASSAULT.—The Secretary shall, through the National Resource Center on Sexual Assault established under the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, provide resource information, policy, training, and technical assistance to Federal, State, local, and Indian tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault, including maintenance of a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section, $50,000,000 for each of fiscal years 2001 through 2005.

"(2) NATIONAL RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not more than the greater of $1,000,000 or 2 percent of such amount shall be available for allotment under subsection (b).

"(d) LIMITATIONS.—

"(1) SUPPLEMENT NOT SUPPLANT.—Amounts provided to States under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services of the type described in subsection (a).

"(2) STUDIES.—A State may not use more than 2 percent of the amount received by the State under this section for each fiscal year for surveillance studies or prevalence studies.

"(3) ADMINISTRATION.—A State may not use more than 5 percent of the amount received by the State under this section for each fiscal year for administrative expenses.".

(b) REPEAL.—Section 40151 of the Violence Against Women Act of 1994 (108 Stat. 1920), and the amendment made by such section, is repealed.

SEC. 403. EDUCATION AND TRAINING TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to States and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(b) PRIORITIES.—In awarding grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on—

(1) the nature, definition, and characteristics of domestic violence, stalking, and sexual assault experienced by women who are individuals with disabilities;

(2) outreach activities to ensure that women who are individuals with disabilities who are victims of domestic violence, stalking, and sexual assault receive appropriate assistance;

(3) the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973; and

(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.

(c) USES OF GRANTS.—Each recipient of a grant under this section shall provide information and training to organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, and domestic violence programs providing shelter or related assistance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.

SEC. 404. COMMUNITY INITIATIVES.

Section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (G), by striking "and" at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) groups that provide services to individuals with disabilities;"; and

(2) by striking subsection (h) and inserting the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.".

SEC. 405. DEVELOPMENT OF RESEARCH AGENDA IDENTIFIED BY THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) IN GENERAL.—The Attorney General shall—

(1) direct the National Institute of Justice, in consultation and coordination with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a research agenda based on the recommendations contained in the report entitled "Understanding Violence Against Women" of the National Academy of Sciences ; and

(2) not later than 1 year after the date of enactment of this Act, in consultation with the Secretary of the Department of Health and Human Services, submit to Congress a report which shall include—

(A) a description of the research agenda developed under paragraph (1) and a plan to implement that agenda;

(B) recommendations for priorities in carrying out that agenda to most effectively advance knowledge about and means by which to prevent or reduce violence against women.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 31001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) such sums as may be necessary to carry out this section.

TITLE V—BATTERED IMMIGRANT WOMEN

SEC. 501. SHORT TITLE.

This title may be cited as the "Battered Immigrant Women Protection Act of 2000".

SEC. 502. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children without fearing that the abuser will retaliate by withdrawing or threatening withdrawal of access to an immigration benefit under the abuser's control; and

(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

(b) PURPOSES.—The purposes of this title are—

(1) to remove barriers to criminal prosecutions of persons who commit acts of battery or extreme cruelty against immigrant women and children; and

(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State and tribal protection orders, domestic violence, and family law statutes.

SEC. 503. IMPROVED ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR BATTERED IMMIGRANT WOMEN.

(a) INTENDED SPOUSE DEFINED.—Section 101(a) of the Immigration and Nationality

Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

"(50) The term 'intended spouse' means any alien who meets the criteria set forth in section 204(a)(3)(A)(ii) or 204(a)(4)(A)(ii).".

(b) IMMEDIATE RELATIVE STATUS FOR SELF-PETITIONERS MARRIED TO U.S. CITIZENS.—

(1) SELF-PETITIONING SPOUSES.—

(A) BATTERY OR CRUELTY TO ALIEN OR ALIEN'S CHILD.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended to read as follows:

"(iii) An alien who is described in paragraph (3) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if the alien demonstrates to the Attorney General that—

"(I) the marriage or the intent to marry the United States citizen was entered into in good faith by the alien; and

"(II) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.".

(B) DESCRIPTION OF PROTECTED SPOUSE OR INTENDED SPOUSE.—Section 204(a) of the Immigration and Nationality Act (8 U.S.C. 1154(a)) is amended by adding at the end the following:

"(3) For purposes of paragraph (1)(A)(iii), an alien described in this paragraph is an alien—

"(A)(i) who is the spouse of a citizen of the United States; or

"(ii)(I) who believed that he or she had married a citizen of the United States and with whom a marriage ceremony was actually performed; and

"(II) who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States; or

"(iii) who was a bona fide spouse of a United States citizen within the past 2 years and—

"(I) whose spouse died within the past 2 years;

"(II) whose spouse lost or renounced citizenship status related to an incident of domestic violence; or

"(III) who demonstrates a connection between the legal termination of the marriage and battering or extreme cruelty by the United States citizen spouse;

"(B) who is a person of good moral character;

"(C) who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) or who would have been so classified but for the bigamy of the citizen of the United States that the alien intended to marry; and

"(D) who has resided with the alien's spouse or intended spouse.".

(2) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read as follows:

"(iv) An alien who is the child of a citizen of the United States, or who was a child of a United States citizen parent who lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who resides, or has resided in the past, with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent. For purposes of this clause, residence includes any period of visitation.".

(3) FILING OF PETITIONS.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154 (a)(1)(A)(iv)) is amended by adding at the end the following:

"(v) An alien who is the spouse, intended spouse, or child of a United States citizen living abroad and who is eligible to file a petition under clause (iii) or (iv) shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clauses (iii) or (iv).".

(c) SECOND PREFERENCE IMMIGRATION STATUS FOR SELF-PETITIONERS MARRIED TO LAWFUL PERMANENT RESIDENTS.—

(1) SELF-PETITIONING SPOUSES.—Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read as follows:

"(ii) An alien who is described in paragraph (4) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and if the alien demonstrates to the Attorney General that—

"(I) the marriage or the intent to marry the lawful permanent resident was entered into in good faith by the alien; and

"(II) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.".

(2) DESCRIPTION OF PROTECTED SPOUSE OR INTENDED SPOUSE.—Section 204(a) of the Immigration and Nationality Act (8 U.S.C. 1154) (as amended by subsection (b)(1)(B) of this section) is amended by adding at the end the following:

"(4) For purposes of paragraph (1)(B)(ii), an alien described in this paragraph is an alien—

"(A)(i) who is the spouse of a lawful permanent resident of the United States; or

"(ii)(I) who believed that he or she had married a lawful permanent resident of the United States and with whom a marriage ceremony was actually performed; and

"(II) who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such lawful permanent resident of the United States; or

"(III) who was a bona fide spouse of a lawful permanent resident within the past 2 years and—

"(aa) whose spouse lost status due to an incident of domestic violence; or

"(bb) who demonstrates a connection between the legal termination of the marriage and battering or extreme cruelty by the lawful permanent resident spouse;

"(B) who is a person of good moral character;

"(C) who is eligible to be classified as a spouse of an alien lawfully admitted for permanent residence under section 203(a)(2)(A) or who would have been so classified but for the bigamy of the lawful permanent resident of the United States that the alien intended to marry; and

"(D) who has resided with the alien's spouse or intended spouse.".

(3) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to read as follows:

"(iii) An alien who is the child of an alien lawfully admitted for permanent residence, or who was the child of a lawful permanent resident who lost lawful permanent resident status due to an incident of domestic violence, and who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who resides, or has resided in the past, with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent. For purposes of this clause, residence includes any period of visitation.".

(4) FILING OF PETITIONS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding at the end the following:

"(iv) An alien who is the spouse, intended spouse, or child of a lawful permanent resident living abroad is eligible to file a petition under clause (ii) or (iii) shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clauses (ii) or (iii).".

(d) GOOD MORAL CHARACTER FOR SELF-PETITIONERS AND TREATMENT OF CHILD SELF-PETITIONERS AND PETITIONS INCLUDING DERIVATIVE CHILDREN ATTAINING 21 YEARS OF AGE.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) by redesignating subparagraphs (C) through (H) as subparagraphs (E) through (J), respectively; and

(2) by inserting after subparagraph (B) the following:

"(C) Notwithstanding section 101(f), an act or conviction that qualifies for an exception or is waivable with respect to the petitioner for purposes of a determination of the petitioner's admissibility under section 212(a) or deportability under section 237(a) shall not bar the Attorney General from finding the petitioner to be of good moral character under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty. In making determinations under this paragraph, the Attorney General shall consider any credible evidence relevant to the determination.

"(D)(i)(I) Any child who attains 21 years of age who has filed a petition under clause (iv) of section 204(a)(1)(A) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date assigned to the self-petition filed under clause (iv) of section 204(a)(1)(A). No new petition shall be required to be filed.

"(II) Any individual described in subclause (I) is eligible for deferred action and work authorization.

"(III) Any derivative child who attains 21 years of age who is included in a petition described in clause (ii) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date as that assigned to the petitioner in any petition described in clause (ii). No new petition shall be required to be filed.

"(IV) Any individual described in subclause (III) and any derivative child of a petition described in clause (ii) is eligible for deferred action and work authorization.

"(ii) The petition referred to in clause (i)(III) is a petition filed by an alien under subparagraph (A)(iii), (A)(iv), (B)(ii) or (B)(iii) in which the child is included as a derivative beneficiary.".

(e) Access to Naturalization for Divorced Victims of Abuse.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended—

(1) by inserting ", or any person who obtained status as a lawful permanent resident by reason of his or her status as a spouse or child of a United States citizen who battered him or her or subjected him or her to extreme cruelty," after "United States" the first place such term appears; and

(2) by inserting "(except in the case of a person who has been battered or subjected to extreme cruelty by a United States citizen spouse or parent)" after "has been living in marital union with the citizen spouse".

SEC. 504. IMPROVED ACCESS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended to read as follows:

"(2) Special rule for battered spouse or child.—

"(A) Authority.—The Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien demonstrates that—

"(i)(I) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a United States citizen (or is the parent of a child of a United States citizen and the child has been battered or subjected to extreme cruelty in the United States by such citizen parent);

"(II) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a lawful permanent resident (or is the parent of a child of an alien who is or was a lawful permanent resident and the child has been battered or subjected to extreme cruelty by such permanent resident parent); or

"(III) the alien has been battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen's or lawful permanent resident's bigamy;

"(ii) the alien has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application, and the issuance of a charging document for removal proceedings shall not toll the 3-year period of continuous physical presence in the United States;

"(iii) the alien has been a person of good moral character during such period, subject to the provisions of subparagraph (C);

"(iv) the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not deportable under paragraphs (1)(G) or (2) through (4) of section 237(a), and has not been convicted of an aggravated felony unless the act or conviction qualifies for an exemption or is waivable with respect to the alien for purposes of a determination of the alien's admissibility under section 212(a) or deportability under section 237(a); and

"(v) the removal would result in extreme hardship to the alien, the alien's child, or the alien's parent.

"(B) Physical presence.—Notwithstanding subsection (d)(2), for purposes of subparagraph (A)(i)(II) or for purposes of section 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996)—

"(i) an absence in excess of 90 days shall not bar the Attorney General from finding that the alien maintained continuous physical presence if the alien has been physically present for a total of 3 years and demonstrates that the interrupting absence or a portion thereof was connected to the alien's having been battered or subjected to extreme cruelty; and

"(ii) absences that in the aggregate exceed 180 days shall not bar the Attorney General from finding that the alien maintained continuous physical presence if the alien has been physically present for a total of 3 years and demonstrates that the interrupting absences or portions thereof were connected to the alien's having been battered or subjected to extreme cruelty.

"(C) Good moral character.—Notwithstanding section 101(f), an act or conviction that qualifies for an exception or is waivable with respect to the alien for purposes of a determination of the alien's admissibility under section 212(a) or deportability under section 237(a) shall not bar the Attorney General from finding the alien to be of good moral character under subparagraph (A)(i)(III) or section 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty and determines that a waiver is otherwise warranted.

"(D) Credible evidence considered.—In acting on applications under this paragraph, the Attorney General shall consider apy credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.".

(b) Children of Battered Aliens and Parents of Battered Alien Children.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended by adding at the end the following:

"(4) Children of battered aliens and parents of battered alien children.—

"(A) In general.—The Attorney General shall grant parole under section 212(d)(5) to any alien who is a—

"(i) child of an alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); or

"(ii) parent of a child alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

"(B) Duration of parole.—The grant of parole shall extend from the time of the grant of relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the effective date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to the time the application for adjustment of status filed by aliens covered under this paragraph has been finally adjudicated. Applications for adjustment of status filed by aliens covered under this paragraph shall be treated as if they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c).".

(c) Effective Date.—Any individual who becomes eligible for relief by reason of the enactment of the amendments made by subsections (a) and (b), shall be eligible to file a motion to reopen pursuant to section 240(c)(6)(C)(iv). So much of the amendment as is included in section 240A(b)(2) (A)(iii), (B), (D), and (E) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 587).

SEC. 505. OFFERING EQUAL ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR ALL QUALIFIED BATTERED IMMIGRANT SELF-PETITIONERS.

(a) Eliminating Connection Between Battery and Unlawful Entry.—Section 212(a)(6)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)(ii)) is amended—

(1) by striking subclause (I) and inserting the following:

"(I) the alien qualifies for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1); and";

(2) in subclause (II), by striking ", and" and inserting a period; and

(3) by striking subclause (III).

(b) Eliminating Connection Between Battery and Violation of the Terms of an Immigrant Visa.—Section 212(a)(9)(B)(iii)(IV) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)(IV)) is amended by striking "who would be described in paragraph (6)(A)(ii)" and all that follows before the period and inserting "who is described in paragraph (6)(A)(ii)".

(c) Battered Immigrant Waiver.—Section 212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by adding at the end the following: "The Attorney General in the Attorney General's discretion may waive the provisions of section 212(a)(9)(C)(i) in the case of an alien to whom the Attorney General has granted classification under clause (iii), (iv), (v), or (vi) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B), in any case in which there is a connection between—

"(1) the aliens having been battered or subjected to extreme cruelty; and

"(2) the alien's—

"(A) removal;

"(B) departure from the United States;

"(C) reentry or reentries into the United States; or

"(D) attempted reentry into the United States.

(d) Domestic Violence Victim Waiver.—

(1) Waiver for victims of domestic violence.—Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended by inserting at the end the following:

"(7) Waiver for victims of domestic violence.—

"(A) In general.—The Attorney General is not limited by the criminal court record and may waive the application of paragraph (2)(E)(i) (with respect to crimes of domestic violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship—

"(i) upon a determination that—

"(I) the alien was acting is self-defense;

"(II) the alien was found to have violated a protection order intended to protect the alien; or

"(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime—

"(aa) that did not result in serious bodily injury; and

"(bb) where there was a connection between the crime and the alien's having been battered or subjected to extreme cruelty.

"(B) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.".

(2) CONFORMING AMENDMENT.—Section 240A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(1)(C)) is amended by inserting "(unless the act or conviction qualifies for an exception or is waivable for the purposes of a determination of the alien's admissibility under section 212(a) or deportability under section 237(a))" after "237(a)(3)".

(e) MISREPRESENTATION WAIVERS FOR BATTERED SPOUSES OF UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.—

(1) WAIVER OF INADMISSIBILITY.—Section 212(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(i)(1)) is amended by inserting before the period at the end the following: "or, in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who would otherwise qualify for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect before the date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), the alien demonstrates extreme hardship to the alien or the alien's United States citizen, lawful permanent resident, or qualified alien parent or child".

(2) WAIVER OF DEPORTABILITY.—Section 237(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)) is amended—

(A) in clause (i), by inserting "(I)" after "(i)";

(B) by redesignating clause (ii) as subclause (II); and

(C) by adding after clause (i) the following:

"(ii) is an alien who qualifies for classification under clause (iii), or (iv), of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who qualifies for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect before the date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).".

(f) BATTERED IMMIGRANT WAIVER.—Section 212(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(g)(1)) is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by adding "or" at the end; and

(3) by inserting after subparagraph (B) the following:

"(C) qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B), relief under section 240A(b)(2), or relief under section 244(a)(3) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996);".

(g) WAIVERS FOR VAWA ELIGIBLE BATTERED IMMIGRANTS.—Section 212(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(h)(1)) is amended—

(1) in subparagraph (B), by striking "and" and inserting "or";

(2) by adding at the end the following:

"(C) the alien qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A), classification under clause (ii) or (iii) of section 204(a)(1)(B), relief under section 240A(b)(2) or relief under section 244(a)(3) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); and".

(h) PUBLIC CHARGE.—Section 212(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)(B)) is amended by adding at the end the following:

"(iii) In determining under this paragraph whether or not an alien described in section 212(a)(4)(C)(i) is inadmissible under this paragraph or ineligible to receive an immigrant visa or otherwise to adjust to the status of permanent resident, the consular officer or the Attorney General shall not consider any benefits the alien may have received that were authorized under section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1641(c)).".

(i) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives covering, with respect to the fiscal year 1997 and each fiscal year thereafter—

(1) the policy and procedures of the Immigration and Naturalization Service by which an alien who has been battered or subjected to extreme cruelty who is eligible for suspension of deportation or cancellation of removal can request to be placed, and be placed, in deportation or removal proceedings so that such alien may apply for suspension of deportation or cancellation of removal;

(2) the number of requests filed at each district office under this policy;

(3) the number of these requests granted reported separately for each district; and

(4) the average length of time at each Immigration and Naturalization office between the date that an alien who has been subject to battering or extreme cruelty eligible for suspension of deportation or cancellation of removal requests to be placed in deportation or removal proceedings and the date that the immigrant appears before an immigration judge to file an application for suspension of deportation or cancellation of removal.

SEC. 506. RESTORING IMMIGRATION PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) REMOVING BARRIERS TO ADJUSTMENT OF STATUS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) IMMIGRATION AMENDMENTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in subsection (a), by inserting "or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or" after "into the United States."; and

(B) in subsection (c), by striking "Subsection (a) shall not be applicable to" and inserting the following: "Other than an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or B(iv) of section 204(a)(1), subsection (a) shall not be applicable to".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications for adjustment of status pending on or made on or after January 14, 1998.

(b) REMOVING BARRIERS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) NOT TREATING SERVICE OF NOTICE AS TERMINATING CONTINUOUS PERIOD.—Section 240A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by striking "when the alien is served a notice to appear under section 239(a) or" and inserting "(A) except in the case of an alien who applies for cancellation of removal under subsection (b)(2) when the alien is served a notice to appear under section 239(a), or (B)".

(2) EXEMPTION FROM ANNUAL LIMITATION ON CANCELLATION OF REMOVAL FOR BATTERED SPOUSE OR CHILD.—Section 240A(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)(3)) is amended by adding at the end the following:

"(C) Aliens in removal proceedings who applied for cancellation of removal under subsection (b)(2).".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 587).

(4) MODIFICATION OF CERTAIN TRANSITION RULES FOR BATTERED SPOUSE OR CHILD.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended—

(A) by striking the subparagraph heading and inserting the following:

"(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION AND FOR BATTERED SPOUSES AND CHILDREN.—"; and

(B) in clause (i)—

(i) in subclause (IV), by striking "or" at the end;

(ii) in subclause (V), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(VI) is an alien who was issued an order to show cause or was in deportation proceedings before April 1, 1997, and who applied for suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of this Act).".

(5) EFFECTIVE DATE.—The amendments made by paragraph (4) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).

(c) ELIMINATING TIME LIMITATIONS ON MOTIONS TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended by adding at the end the following:

"(iv) SPECIAL RULE FOR BATTERED SPOUSES AND CHILDREN.—There is no time limit on the filing of a motion to reopen, and the deadline specified in subsection (b)(5)(C) for filing such a motion does not apply—

"(I) if the basis for the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), or section 240A(b)(2); and

"(II) if the motion is accompanied by a cancellation of removal application to be filed with the Attorney General or by a copy of the self-petition that has been or will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1229–1229c).

(2) DEPORTATION PROCEEDINGS.—

(A) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)), there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—

(i) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

(ii) if the motion is accompanied by a suspension of deportation application to be filed with the Attorney General or by a copy of the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.

(B) APPLICABILITY.—Subparagraph (A) shall apply to motions filed by aliens who—

(i) are, or were, in deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)); and

(ii) have become eligible to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) as a result of the amendments made by—

(I) subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.); or

(II) this title.

SEC. 507. REMEDYING PROBLEMS WITH IMPLEMENTATION OF THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP STATUS ON SELF-PETITION.—

(1) RECLASSIFICATION.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) (as amended by section 503(b)(3) of this title) is amended by adding at the end the following:

"(vi) For the purposes of any petition filed under clause (iii) or (iv), the denaturalization, loss or renunciation of citizenship, death of the abuser, divorce, or changes to the abuser's citizenship status after filing of the petition shall not adversely affect the approval of the petition, and for approved petitions shall not preclude the classification of the eligible self-petitioning spouse or child as an immediate relative or affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on the approved self-petition under such clauses.".

(2) LOSS OF STATUS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) (as amended by section 503(c)(4) of this title) is amended by adding at the end the following:

"(v)(I) For the purposes of any petition filed or approved under clause (ii) or (iii), divorce, or the loss of lawful permanent resident status by a spouse or parent after the filing of a petition under that clause shall not adversely affect approval of the petition, and, for an approved petition, shall not affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on an approved self-petition under clause (ii) or (iii).

"(II) Upon the lawful permanent resident spouse or parent becoming or establishing the existence of United States citizenship through naturalization, acquisition of citizenship, or other means, any petition filed with the Immigration and Naturalization Service and pending or approved under clause (ii) or (iii) on behalf of an alien who has been battered or subjected to extreme cruelty shall be deemed reclassified as a petition filed under subparagraph (A) even if the acquisition of citizenship occurs after divorce or termination of parental rights.".

(3) DEFINITION OF IMMEDIATE RELATIVES.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(b)(2)(A)(i)) is amended by adding at the end the following: "For purposes of this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) of this Act remains an immediate relative in the event that the United States citizen spouse or parent loses United States citizenship on account of the abuse.".

(b) ALLOWING REMARRIAGE OF BATTERED IMMIGRANTS.—Section 204(h) of the Immigration and Nationality Act (8 U.S.C. 1154(h)) is amended by adding at the end the following: "Remarriage of an alien whose petition was approved under section 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii) or marriage of an alien described in section 204(a)(1)(A) (iv) or (vi) or 204(a)(1)(B)(iii) shall not be the basis for revocation of a petition approval under section 205.".

SEC. 508. TECHNICAL CORRECTION TO QUALIFIED ALIEN DEFINITION FOR BATTERED IMMIGRANTS.

Section 431(c)(1)(B)(iii) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)(iii)) is amended to read as follows:

"(iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).".

SEC. 509. PROTECTION FOR CERTAIN CRIME VICTIMS INCLUDING CRIMES AGAINST WOMEN.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress makes the following findings:

(A) Immigrant women and children are often targeted to be victims of crimes committed against them in the United States, including rape, torture, trafficking, incest, battery is or extreme cruelty, sexual assault, female genital mutilation, forced prostitution, being held hostage or other violent crimes.

(B) All women and children who are victims of these crimes and other human rights violations committed against them in the United States must be able to report these crimes to law enforcement and fully participate in the investigation, of the crimes or other unlawful activity committed against them, the prosecution of the perpetrators of such crimes or activity, or both such investigation and prosecution.

(2) PURPOSE.—

(A) The purpose of this section is to create a new nonimmigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of trafficking of aliens, battering, extreme crudity, and other crimes committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States.

(B) Creating a new nonimmigrant visa classification will facilitate the reporting of violations to law enforcement officials by exploited, victimized, and abused aliens who are not in a lawful immigration status. It also gives law enforcement officials a means to regularize the status of cooperating individuals during investigations, prosecutions, and civil law enforcement proceedings. By providing temporary legal status to aliens who have been severely victimized by criminal or other unlawful activity, it also reflects the humanitarian interests of the United States.

(C) Finally, this section gives the Attorney General discretion to convert such nonimmigrants to permanent resident status when it is justified on humanitarian grounds or is otherwise in the public interest.

(b) ESTABLISHMENT OF HUMANITARIAN/MATERIAL WITNESS NONIMMIGRANT CLASSIFICATION.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (R);

(2) by striking the period at the end of subparagraph (S) and inserting "; or"; and

(3) by adding at the end the following:

"(T)(i) an alien who the Attorney General determines—

"(I) is physically present in the United States or at a port of entry thereto;

"(II) is or has been a victim of a severe form of trafficking in persons as defined in section 3 of the Trafficking Victims Protection Act of 2000;

"(III)(aa) has not unreasonably refused to assist in the investigation or prosecution of acts of trafficking; or

"(bb) has not attained the age of 14 years; and

"(IV) would face a significant possibility of retribution or other hardship if removed from the United States,

and, if the Attorney General considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in this subparagraph if accompanying, or following to join, the alien, except that no person shall be eligible for admission to the United States under this subparagraph if there is substantial reason to believe that the person has committed an act of a severe form of trafficking in persons as defined in section 3 of the Trafficking Victims Protection Act of 2000;

"(ii) subject to section 214(m), an alien (and the spouse, children, and parents of the alien if accompanying or following to join the alien) who files an application for status under this subparagraph, if the Attorney General determines that—

"(I) the alien possesses material information concerning criminal or other unlawful activity;

"(II) the alien is willing to supply, has supplied, or has not unreasonably refused to supply such information to Federal or State law enforcement official or a Federal or State administrative agency investigating or bringing an enforcement action, or to a Federal or State court;

"(III) the alien. would be helpful, were the alien. to remain in the United States, to a Federal or State investigation or prosecution of criminal or other unlawful activity;

"(IV) the alien (or a child of the alien) has suffered substantial physical or mental abuse as a result of the criminal or other unlawful activity;

"(V) the alien has filed an affidavit from a Federal or State law enforcement official or a Federal or State administrative agency investigating or bringing and enforcement action, or is a Federal or State court, that provides information addressing the requirements under subclauses (I) through (III); and

"(iii) the provisions of section 204(a)(1)(H) shall apply to applications filed under clause (i) or (ii).".

(2) Duties of the Attorney General With Respect to "T" Visa Nonimmigrants.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following:

"(i) With respect to nonimmigrant aliens described in subsection (a)(15)(T)—

"(1) the Attorney General and other government officials, where appropriate, shall provide those aliens with referrals to nongovernmental organizations that would educate the aliens regarding their options while in the United States and the resources available to them; and

"(2) the Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, grant the aliens authorization to engage in employment in the United States and provide the aliens with an 'employment authorized' endorsement or other appropriate work permit.".

(3) Waiver of Grounds for Ineligibility for Admission.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following:

"(13) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so. Nothing in this section shall be regarded as prohibiting the Attorney General from instituting removal proceedings against an alien admitted as a nonimmigrant under section 101(a)(15)(T) for material nontrafficking related conduct committed after the alien's admission into the United States, or for material nontrafficking related conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under section 101(a)(15)(T).".

(c) Conditions for Admission.—

(1) Numerical Limitations, Period of Admission, etc.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

"(m)(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(T) in any fiscal year may not exceed 2,000.

"(2) The period of admission of an alien as such a nonimmigrant may not exceed 3 years and such period may not be extended.

"(3) As a condition for the admission (or the provision of status), and continued stay in lawful status. of an alien as such a nonimmigrant, the alien—

"(A) may not be convicted of any criminal offense punishable by a term of imprisonment of 1 year or more after the date of such admission (or obtaining such status) unless the alien qualifies for an exception or a waiver under section 212(a) or section 237(a); and

"(B) shall abide by any other condition, limitation, or restriction imposed by the Attorney General.

"(4) The Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, grant the aliens authorization to engage in employment in the United States and provide the aliens with an 'employment authorized' endorsement or other appropriate work permit.".

(2) Prohibition of Change of Nonimmigrant Classification.—Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking "or (S)" and inserting "(S), or (T)".

(3) Nonexclusive Relief.—Nothing in this title, or the amendments made by this title, affects the ability of an alien to seek any relief for which the alien may be eligible, including—

(A) asylum, gender-based asylum, withholding of removal, or withholding of removal based on protection under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; or

(B) relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), section 240A(b)(2), or section 244(a)(3) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

(4) Prohibition on Adverse Determinations of Admissibility or Deportability.—Section 384(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended—

(A) by striking "or" at the end of subparagraph (D),

(B) by adding at the end the following:

"(E) in the case of an alien applying for relief under section 101(a)(15)(T), the perpetrator of the substantial physical or mental abuse and the criminal or unlawful activity; and"; and

(C) by inserting in paragraph (2) after "216(c)(4)(C)," the following "101(a)(15)(T),".

(d) Adjustment to Permanent Resident Status.—Section 245 of the Immigration and Nationality Act (8 U.S.C 1255) is amended by adding at the end the following:

"(l)(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)(i)—

"(A) has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under section 101(a)(15)(T)(i);

"(B) has, throughout such period, been a person of good moral character;

"(C) has not, during such period, unreasonably refused to provide assistance in the investigation or prosecution of acts of trafficking; and

"(D) would face a significant possibility of retribution or other hardship if removed from the United States,

the Attorney General may adjust the status of the alien (and the spouse, married and unmarried sons and daughters, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

"(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

"(3) The Attorney General may adjust the status of an alien admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(T) (and a spouse, child, or parents admitted under such section) to that of an alien lawfully admitted for permanent residence if—

"(A) in the opinion of the Attorney General, the alien's continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest; and

"(B) the alien is not described in subparagraph (A)(i)(I), (A)(ii), (A)(iii), (C), or (E) of section 212(a)(3).

"(4) Upon the approval of adjustment of status under paragraph (1) or (3), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval.".

SEC. 510. ACCESS TO CUBAN ADJUSTMENT ACT FOR BATTERED IMMIGRANT SPOUSES AND CHILDREN.

(a) In General.—The last sentence of the first section of Public Law 89–732 (November 2, 1966; 8 U.S.C. 1255 note) is amended by striking the period at the end and inserting the following: ", except that such spouse or child who has been battered or subjected to extreme cruelty may adjust to permanent resident status under this Act without demonstrating that he or she is residing with the Cuban spouse or parent in the United States. In acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).".

(b) Effective Date.—The amendment made by subsection (a) shall be effective as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.).

SEC. 511. ACCESS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT FOR BATTERED SPOUSES AND CHILDREN.

Section 309(c)(5)(C) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note) is amended—

(1) in clause (i)—

(A) by striking "For purposes" and inserting "Subject to clauses (ii), (iii), and (iv), for purposes";

(B) by striking "or" at the end of subclause (IV);

(C) by striking the period at the end of subclause (V) and inserting "; or"; and

(D) by adding at the end the following:

"(VI) is at the time of filing of an application under subclause (I), (II), (V), or (VI) the spouse or child of an individual described in subclause (I), (II), or (V) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subclause (I), (II), or (V).''; and

(2) by adding at the end the following:

''(iii) Consideration of petitions.—In acting on a petition filed under subclause (VI) or (VII) of clause (i) the provisions set forth in section 204(a)(1)(H) shall apply.

''(iv) Residence with spouse or parent not required.—For purposes of the application of subclauses (VI) and (VII) of clause (i), a spouse or child shall not be required to demonstrate that he or she is residing with the spouse or parent in the United States.''.

SEC. 512. ACCESS TO THE HAITIAN REFUGEE FAIRNESS ACT OF 1998 FOR BATTERED SPOUSES AND CHILDREN.

(a) In General.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538) is amended to read as follows:

''(B)(i) the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a);

''(ii) at the time of filing or the application for adjustment under subsection (a) or this subsection the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subsection (a); and

''(iii) in acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).''.

(b) Residence With Spouse or Parent Not Required.—Section 902(d) of such Act is amended—

(1) in paragraph (1), by striking ''The status'' and inserting ''Subject to paragraphs (2) and (3), the status''; and

(2) by adding at the end the following:

''(3) Residence with spouse or parent not required.—A spouse, or child may adjust to permanent resident status under paragraph (1) without demonstrating that he or she is residing with the spouse or parent in the United States.''.

SEC. 513. ACCESS TO SERVICES AND LEGAL REPRESENTATION FOR BATTERED IMMIGRANTS.

(a) Law Enforcement and Prosecution Grants.—Section 2001(b) of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (1), by inserting '', immigration and asylum officers, immigration judges,'' after ''law enforcement officers'';

(2) in paragraph (8) (as amended by section 209(c) of this Act), by striking ''and'' at the end;

(3) in paragraph (9) (as added by section 209(c) of this Act), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(10) providing assistance to victims of domestic violence and sexual assault in immigration matters.''.

(b) Grants To Encourage Arrests.—Section 2101(b)(5) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)(5)) is amended by inserting before the period the following: '', including strengthening assistance to domestic violence victims in immigration matters''.

(c) Rural Domestic Violence and Child Abuse Enforcement Grants.—Section 40295(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953; 42 U.S.C. 13971(a)(2)) is amended to read as follows:

''(2) to provide treatment, counseling, and assistance to victims of domestic violence and child abuse, including in immigration matters; and''.

(d) Campus Domestic Violence Grants.—Section 826(b)(5) of the Higher Education Amendments of 1998 (Public Law 105–244; 20 U.S.C. 1152) is amended by inserting before the period at the end the following: '', including assistance to victims in immigration matters''.

TITLE VI—EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND

SEC. 601. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) In General.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) for fiscal year 2001, $6,025,000,000;

''(2) for fiscal year 2002, $6,169,000,000;

''(3) for fiscal year 2003, $6,316,000,000;

''(4) for fiscal year 2004, $6,458,000,000; and

''(5) for fiscal year 2005, $6,616,000,000.''.

(b) Discretionary Limits.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

''SEC. 310002. DISCRETIONARY LIMITS.

''For the purposes of allocations made for the discretionary category under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

''(1) with respect to fiscal year 2001—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

''(2) with respect to fiscal year 2002—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,169,000,000 in new budget authority and $6,020,000,000 in outlays;

''(3) with respect to fiscal year 2003—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

''(4) with respect to fiscal year 2004—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,459,000,000 in new budget authority and $6,303,000,000 in outlays; and

''(5) with respect to fiscal year 2005—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.''.

JEFFORDS (AND OTHERS) AMENDMENT NO. 3200

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself, Mr. Allard, Mr. Bingaman, Mr. Kennedy, and Mr. Leahy) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

SEC. 656. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF THE SELECTED RESERVE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) In General.—Subsection (a) of section 16133 of title 10, United States Code, is amended by striking ''(1) at the end'' and all that follows through the end and inserting ''on the date the person is separated from the Selected Reserve.''.

(b) Certain Members.—Paragraph (1) of subsection (b) of that section is amended in the flush matter following subparagraph (B) by striking ''shall be determined'' and all that follows through the end and inserting ''shall expire on the later of (i) the 10-year period beginning on the date on which such person becomes entitled to educational assistance under this chapter, or (ii) the end of the 4-year period beginning on the date such person is separated from, or ceases to be, a member of the Selected Reserve.''.

(c) Conforming Amendments.—Subsection (b) of that section is further amended—

(1) in paragraph (2), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)(1)'';

(2) in paragraph (3), by striking ''subsection (a)'' and inserting ''subsection (b)(1)''; and

(3) in paragraph (4)—

(A) in subparagraph (A), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)(1)''; and

(B) in subparagraph (B), by striking ''clause (2) of such subsection'' and inserting ''subsection (a)''.

THOMAS AMENDMENT NO. 3201

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill (S. 2549), supra; as follows:

At the appropriate place in the bill, add the following new section and renumber the remaining sections accordingly:

SEC. . PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) Prohibition.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located in a cemetery of the national Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

DODD AMENDMENT NO. 3202

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AUTHORITY TO PROVIDE HEADSTONES OR MARKERS FOR MARKED GRAVES OR OTHERWISE COMMEMORATE CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) in subsections (a) and (e)(1), by striking "the unmarked graves of"; and

(2) by adding at the end the following:

"(f) A headstone or marker furnished under subsection (a) shall be furnished, upon request, for the marked grave or unmarked grave of the individual or at another area appropriate for the purpose of commemorating the individual.".

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendment to subsection (a) of section 2306 of title 38, United States Code, made by subsection (a) of this section, and subsection (f) of such section 2306, as added by subsection (a) of this section, shall apply with respect to burials occurring before, on, or after the date of the enactment of this Act.

(2) The amendments referred to in paragraph (1) shall not apply in the case of the grave for any individual who died before November 1, 1990, for which the Administrator of Veterans' Affairs provided reimbursement in lieu of furnishing a headstone or marker under subsection (d) of section 906 of title 38, United States Code, as such subsection was in effect after September 30, 1978, and before November 1, 1990.

INHOFE (AND NICKLES) AMENDMENT NO. 3203

(Ordered to lie on the table.)

Mr. INHOFE (for himself and Mr. NICKLES) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. INDUSTRIAL MOBILIZATION CAPACITY, MCALESTER ARMY AMMUNITION ACTIVITY, OKLAHOMA.

Of the amount authorized to be appropriated under section 301(1), $10,300,000 shall be available for funding the industrial mobilization capacity at the McAlester Army Ammunition Activity, Oklahoma.

STEVENS AMENDMENT NO. 3204

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

SEC. 656. RECOGNITION OF MEMBERS OF THE ALASKA TERRITORIAL GUARD AS VETERANS.

(a) IN GENERAL.—Section 106 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f) Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 656(b) of the National Defense Authorization Act for Fiscal Year 2001 shall be considered active duty for purposes of all laws administered by the Secretary.".

(b) DISCHARGE.—(1) The Secretary of Defense shall issue to each individual who served as a member of the Alaska Territorial Guard during World War II a discharge from such service under honorable conditions if the Secretary determines that the nature and duration of the service of the individual so warrants.

(2) A discharge under paragraph (1) shall designate the date of discharge. The date of discharge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that paragraph.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any individual for any period before the date of the enactment of this Act by reason of the enactment of this section.

SANTORUM AMENDMENT NO. 3205

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 31, between lines 18 and 19, insert the following:

SEC. 126. REMANUFACTURED AV–8B AIRCRAFT.

Of the amount authorized to be appropriated by section 102(a)(1)—

(1) $374,132,000 is available for the procurement of remanufactured AV–8B aircraft;

(2) $32,600,000 is available for the procurement of UC–35 aircraft;

(3) $81,039,000 is available for the procurement of Litening II targeting pods for AV–8B aircraft; and

(4) $262,514,000 is available for engineering change proposal 583 for FA–18 aircraft.

SMITH OF NEW HAMPSHIRE (AND OTHERS) AMENDMENT NO. 3206

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, Mr. ALLARD, and Mr. HUTCHINSON) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the appropriate place, add the following:

"SEC. . PERSONNEL SECURITY POLICIES.

No officer or employee of the Department of Defense, and no member of the Armed Forces shall be granted a security clearance unless that person:

(1) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

(2) is not a fugitive from justice;

(3) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

(4) has not been adjudicated as a mental defective or been committed to a mental institution;

(5) has not been discharged from the Armed Forces under dishonorable conditions; and.".

JOHNSON AMENDMENTS NOS. 3207–3209

(Ordered to lie on the table.)

Mr. JOHNSON submitted three amendments intended to be proposed by him to the bill, S. 2459, supra; as follows:

AMENDMENT NO. 3207

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following:

"(f) Own, feed, or control livestock intended for slaughter (for more than 14 days prior to slaughter and acting through the packer or a person that directly or indirectly controls, or is controlled by or under common control with, the packer), except that this subsection shall not apply to—

"(1) a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

"(A) own, feed, or control livestock; and

"(B) provide the livestock to the cooperative for slaughter; or

"(2) a packer that is owned or controlled by producers of a type of livestock, if during a calendar year the packer slaughters less than 2 percent of the head of that type of livestock slaughtered in the United States; or"; and

(3) in subsection (h) (as so redesignated), by striking "or (e)" and inserting "(e), or (f)".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

AMENDMENT NO. 3208

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. MEDICARE PRESCRIPTION DRUG PRICE REDUCTION PROGRAM.

(a) PARTICIPATING MANUFACTURERS.—

(1) IN GENERAL.—Each participating manufacturer of a covered outpatient drug shall make available for purchase by each pharmacy such covered outpatient drug in the amount described in paragraph (2) at the price described in paragraph (3).

(2) DESCRIPTION OF AMOUNT OF DRUGS.—The amount of a covered outpatient drug that a participating manufacturer shall make available for purchase by a pharmacy is an amount equal to the aggregate amount of the covered outpatient drug sold or distributed by the pharmacy to medicare beneficiaries.

(3) DESCRIPTION OF PRICE.—The price at which a participating manufacturer shall make a covered outpatient drug available for purchase by a pharmacy is the price equal to the lower of the following:

(A) The lowest price paid for the covered outpatient drug by any agency or department of the United States.

(B) The manufacturer's best price for the covered outpatient drug, as defined in section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)).

(b) SPECIAL PROVISION WITH RESPECT TO HOSPICE PROGRAMS.—For purposes of determining the amount of a covered outpatient drug that a participating manufacturer shall make available for purchase by a pharmacy under subsection (a), there shall be included in the calculation of such amount the amount of the covered outpatient drug sold or distributed by a pharmacy to a hospice program. In calculating such amount, only amounts of the covered outpatient drug furnished to a medicare beneficiary enrolled in the hospice program shall be included.

(c) ADMINISTRATION.—The Secretary shall issue such regulations as may be necessary to implement the program established by this section.

(d) REPORTS TO CONGRESS REGARDING EFFECTIVENESS OF SECTION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Secretary shall report to Congress regarding the effectiveness of the program established by this section in—

(A) protecting medicare beneficiaries from discriminatory pricing by participating manufacturers; and

(B) making covered outpatient drugs available to medicare beneficiaries at prices substantially lower than the prices such beneficiaries would have paid for such drugs on the date of enactment of this section.

(2) CONSULTATION.—In preparing such reports, the Secretary shall consult with public health experts, affected industries, organizations representing consumers and older Americans, and other interested persons.

(3) RECOMMENDATIONS.—The Secretary shall include in such reports any recommendations that the Secretary considers appropriate for changes in this section to further reduce the cost of covered outpatient drugs to medicare beneficiaries.

(e) DEFINITIONS.—In this section:

(1) PARTICIPATING MANUFACTURER.—The term "participating manufacturer" means any manufacturer of drugs or biologicals that, on or after the date of enactment of this section, enters into or renews a contract or agreement with the United States for the sale or distribution of covered outpatient drugs to the United States.

(2) COVERED OUTPATIENT DRUG.—The term "covered outpatient drug" has the meaning given that term in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396r–8(k)(2)).

(3) MEDICARE BENEFICIARY.—The term "medicare beneficiary" means an individual entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) or enrolled under part B of such title (42 U.S.C. 1395j et seq.), or both.

(4) HOSPICE PROGRAM.—The term "hospice program" has the meaning given that term under section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(f) EFFECTIVE DATE.—The Secretary shall implement this section as expeditiously as practicable and in a manner consistent with the obligations of the United States.

AMENDMENT NO. 3209

At the end of the bill, add the following:

DIVISION D—GENERIC PHARMACEUTICAL ACCESS

SEC. 4001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Generic Pharmaceutical Access and Choice for Consumers Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION D—GENERIC PHARMACEUTICAL ACCESS

Sec. 4001. Short title; table of contents.
Sec. 4002. Findings and purposes.

TITLE XLI—ENCOURAGEMENT OF THE USE OF GENERIC DRUGS

Sec. 4101. Encouragement of the use of generic drugs under the Public Health Service Act.
Sec. 4102. Application to Federal employees health benefits program.
Sec. 4103. Application to medicare program.
Sec. 4104. Application to medicaid program.
Sec. 4105. Application to Indian Health Service.
Sec. 4106. Application to veterans programs.
Sec. 4107. Application to recipients of uniformed services health care.
Sec. 4108. Application to Federal prisoners.

TITLE XLII—THERAPEUTIC EQUIVALENCE REQUIREMENTS FOR GENERIC DRUGS

Sec. 4201. Therapeutic equivalence of generic drugs.

TITLE XLIII—GENERIC PHARMACEUTICALS AND MEDICARE REFORM

Sec. 4301. Sense of the Senate regarding a preference for the use of generic pharmaceuticals under the medicare program.

SEC. 4002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Generic pharmaceuticals are approved by the Food and Drug Administration on the basis of testing and other information establishing that such pharmaceuticals are therapeutically equivalent to brand-name pharmaceuticals, ensuring consumers a safe, efficacious, and cost-effective alternative to brand-name pharmaceuticals.

(2) The pharmaceutical market has become increasingly competitive during the last decade because of the increasing availability and accessibility of generic pharmaceuticals.

(3) The Congressional Budget Office estimates that—

(A) the substitution of generic pharmaceuticals for brand-name pharmaceuticals will save purchasers of pharmaceuticals between $8,000,000,000 and $10,000,000,000 each year; and

(B) quality generic pharmaceuticals cost between 25 percent and 60 percent less than brand-name pharmaceuticals, resulting in an estimated average savings of $15 to $30 on each prescription filled.

(4) Generic pharmaceuticals are widely accepted by both consumers and the medical profession, as the market share held by generic pharmaceuticals compared to brand-name pharmaceuticals has more than doubled during the last decade, from approximately 19 percent to 43 percent, according to the Congressional Budget Office.

(b) PURPOSES.—The purposes of this Act are—

(1) to reduce the cost of prescription drugs to the United States Government and to beneficiaries under Federal health care programs while maintaining the quality of health care by encouraging the use of generic drugs rather than nongeneric drugs under those programs whenever feasible; and

(2) to increase the utilization of generic pharmaceuticals by requiring the Food and Drug Administration, where appropriate, to determine that a generic pharmaceutical is the therapeutic equivalent of its brand-name counterpart, and by affording national uniformity to that determination.

TITLE XLI—ENCOURAGEMENT OF THE USE OF GENERIC DRUGS

SEC. 4101. ENCOURAGEMENT OF THE USE OF GENERIC DRUGS UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following new section:

"SEC. 247. USE OF GENERIC DRUGS ENCOURAGED.

"(a) Each grant or contract entered into under this Act that involves the provision of health care items or services to individuals shall include provisions to ensure that, to the extent feasible, any prescriptions provided for under such grant or contract are filled by providing the generic form of the drug involved, unless the nongeneric form of the drug is—

"(1) specifically ordered by the prescribing provider; or

"(2) requested by the individual for whom the drug is prescribed.

"(b) In this section:

"(1) The term 'generic form of the drug' means a drug that is the subject of an application approved under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), for which the Secretary has made a determination that the drug is the therapeutic equivalent of a listed drug under section 505(j)(5)(E) of that Act (21 U.S.C. 355(j)(5)(E)).

"(2) The term 'nongeneric form of the drug' means a drug that is the subject of an application approved under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 4102. APPLICATION TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) IN GENERAL.—Section 8902 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(p) To the extent feasible, if a contract under this chapter provides for the provision of, the payment for, or the reimbursement of the cost of any prescription drug, the carrier shall provide, pay, or reimburse the cost of the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), except, if the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

"(1) specifically ordered by the prescribing provider; or

"(2) requested by the individual for whom the drug is prescribed.".

(b) Effective Date.—The amendment made by this section shall apply to any drug furnished during contract years beginning on or after January 1, 2001.

SEC. 4103. APPLICATION TO MEDICARE PROGRAM.

(a) In General.—Section 1861(t) of the Social Security Act (42 U.S.C. 1395x(t)) is amended by adding at the end the following new paragraph:

"(3) For purposes of paragraph (1), the term 'drugs' means, to the extent feasible, the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of such drug (as defined in section 247(b)(2) of such Act) is—

"(A) specifically ordered by the health care provider; or

"(B) requested by the individual to whom the drug is provided.".

(b) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

(2) Medicare+choice plans.—In the case of a Medicare+Choice plan offered by a Medicare+Choice organization under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.), the amendment made by this section shall apply to any drug furnished during contract years beginning on or after January 1, 2001.

SEC. 4104. APPLICATION TO MEDICAID PROGRAM.

(a) In General.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (64), by striking "and" at the end;

(2) in paragraph (65), by striking the period at the end and inserting "; and"; and

(3) by adding the following new paragraph:

"(66) provide that the State shall, in conjunction with the program established under section 1927(g), to the extent feasible, provide for the use of a generic form of a drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act is—

"(A) specifically ordered by the provider; or

"(B) requested by the individual to whom the drug is provided.".

(b) Effective Date.—The amendment made by this section shall apply with respect to any drug furnished under State plans that are approved or renewed on or after the date of enactment of this Act.

SEC. 4105. APPLICATION TO INDIAN HEALTH SERVICE.

(a) In General.—Title II of the Indian Health Care Improvement Act (25 U.S.C. 1621 et seq.) is amended by adding at the end the following new subsection:

"SEC. 225. USE OF GENERIC DRUGS ENCOURAGED.

"In providing health care items or services under this Act, the Indian Health Service shall ensure that, to the extent feasible, any prescriptions that are provided for under this Act are filled by providing the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act) involved, unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

"(1) specifically ordered by the prescribing provider; or

"(2) requested by the individual for whom the drug is prescribed.".

(b) Effective Date.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 4106. APPLICATION TO VETERANS PROGRAMS.

(a) Use of Generic Drugs Encouraged.—Subchapter III of chapter 17 of title 38, United States Code, is amended by inserting after section 1722A the following new section:

"§ 1722B. Use of generic drugs encouraged

"When furnishing a prescription drug under this chapter, the Secretary shall furnish a generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

"(1) specifically ordered by the prescribing provider; or

"(2) requested by the individual for whom the drug is prescribed.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1722A the following new item:

"1722B. Use of generic drugs encouraged.".

(c) Effective Date.—The amendments made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

SEC. 4107. APPLICATION TO RECIPIENTS OF UNIFORMED SERVICES HEALTH CARE.

(a) Use of Generic Drugs Encouraged.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1110. Use of generic drugs encouraged

"The administering Secretaries shall ensure that, whenever feasible, each health care provider who furnishes a drug furnishes the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act) under this chapter, unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

"(1) specifically ordered by the prescribing provider; or

"(2) requested by the individual for whom the drug is prescribed.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1109 the following new item:

"1110. Use of generic drugs encouraged.".

(c) Effective Date.—The amendments made by this section shall apply with respect to any drug furnished under this chapter on or after the date of enactment of this Act.

SEC. 4108. APPLICATION TO FEDERAL PRISONERS.

(a) In General.—Section 4006(b) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(3) Use of generic drugs encouraged.—The Attorney General shall ensure that, whenever feasible, each health care provider who furnishes a drug to a prisoner charged with or convicted of an offense against the United States furnishes the generic form of the drug (as defined in section 247(b)(1) of the Public Health Service Act), unless the nongeneric form of the drug (as defined in section 247(b)(2) of such Act) is—

"(A) specifically ordered by the prescribing provider; or

"(B) requested by the prisoner for whom the drug is prescribed.".

(b) Effective Date.—The amendment made by this section shall apply with respect to any drug furnished on or after the date of enactment of this Act.

TITLE XLII—THERAPEUTIC EQUIVALENCE REQUIREMENTS FOR GENERIC DRUGS

SEC. 4201. THERAPEUTIC EQUIVALENCE OF GENERIC DRUGS.

(a) In General.—Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended—

(1) in paragraph (5), by adding at the end the following new subparagraph:

"(E)(i) For each abbreviated application filed under paragraph (1), the Secretary shall determine whether the new drug for which the application is filed is the therapeutic equivalent of the listed drug referred to in paragraph (2)(A)(i) prior to the approval of the application.

"(ii) For purposes of clause (i), a new drug is the therapeutic equivalent of a listed drug if—

"(I) each active ingredient of the new drug and the listed drug is the same;

"(II) the new drug and the listed drug (aa) are of the same dosage form; (bb) have the same route of administration; (cc) are identical in strength or concentration; (dd) meet the same compendial or other applicable standards, except that the drugs may differ in shape, scoring, configuration, packaging, excipient, expiration time, or, subject to paragraph (2)(A)(v), labeling; and (ee) are expected to have the same clinical effect and safety profile when administered to patients under conditions specified in the labeling; and

"(III)(aa) the new drug does not present a known or potential bioequivalence problem and meets an acceptable in vitro standard; or (bb) if the new drug presents a known or potential bioequivalence problem, the drug is shown to meet an appropriate bioequivalence standard.

"(iii) With respect to a new drug for which an abbreviated application is filed under paragraph (1), the provisions of this subparagraph shall supersede any provisions of the law of any State relating to the determination of the therapeutic equivalence of the drug to a listed drug."; and

(2) in paragraph (7)(A), by adding at the end the following:

"(iv) The Secretary shall include in each revision of the list under clause (ii) on or after the date of enactment of this clause the official and proprietary name of each listed drug that is therapeutically equivalent to a new drug approved under this subsection during the preceding 30-day period, as determined under paragraph (5)(E).".

(b) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

TITLE XLIII—GENERIC PHARMACEUTICALS AND MEDICARE REFORM

SEC. 4301. SENSE OF THE SENATE REGARDING A PREFERENCE FOR THE USE OF GENERIC PHARMACEUTICALS UNDER THE MEDICARE PROGRAM.

It is the sense of the Senate that legislative language requiring, to the extent feasible, a preference for the safe and cost-effective use of generic pharmaceuticals should be considered in conjunction with any legislation that adds a comprehensive prescription drug benefit to the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

SMITH OF NEW HAMPSHIRE (AND OTHERS) AMENDMENT NO. 3210

Mr. SMITH of New Hampshire (for himself, Mr. INHOFE, Mr. ALLARD, Mr. HUTCHINSON, and Mr. HARKIN) proposed and amendment to the bill S. 2549, supra; as follows:

At the appropriate place, add the following:

“SEC. . PERSONNEL SECURITY POLICIES.

No officer or employee of the Department of Defense or any contractor thereof, and no member of the Armed Forces shall be granted a security clearance unless that person:

(1) has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

(2) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

(3) has not been adjudicated as mentally incompetent;

(4) has not been discharged from the Armed Forces under dishonorable conditions.”.

WELLSTONE (AND DURBIN) AMENDMENT NO. 3211

Mr. WELLSTONE (for himself and Mr. DURBIN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. SENSE OF CONGRESS REGARDING THE USE OF CHILDREN AS SOLDIERS.

(a) FINDINGS.—Congress finds that—

(1) in the year 2000 approximately 300,000 individuals under the age of 18 are participating in armed conflict in more than 30 countries worldwide;

(2) many of these children are forcibly conscripted through kidnapping or coercion, while others join military units due to economic necessity, to avenge the loss of a family member, or for their own personal safety;

(3) many military commanders frequently force child soldiers to commit gruesome acts of ritual killings or torture against their enemies, including against other children;

(4) many military commanders separate children from their families in order to foster dependence on military units and leaders, leaving children vulnerable to manipulation, deep traumatization, and in need of psychological counseling and rehabilitation;

(5) child soldiers are exposed to hazardous conditions and risk physical injuries, sexually transmitted diseases, malnutrition, deformed backs and shoulders from carrying overweight loads, and respiratory and skin infections;

(6) many young female soldiers face the additional psychological and physical horrors of rape and sexual abuse, being enslaved for sexual purposes by militia commanders, and forced to endure severe social stigma should they return home;

(7) children in northern Uganda continue to be kidnapped by the Lords Resistance Army (LRA), which is supported and funded by the Government of Sudan and which has committed and continues to commit gross human rights violations in Uganda;

(8) children in Sri Lanka have been forcibly recruited by the opposition Tamil Tigers movement and forced to kill or be killed in the armed conflict in that country;

(9) an estimated 7,000 child soldiers have been involved in the conflict in Sierra Leone, some as young as age 10, with many being forced to commit extrajudicial executions, torture, rape, and amputations for the rebel Revolutionary United Front;

(10) on January 21, 2000, in Geneva, a United Nations Working Group, including representatives from more than 80 governments including the United States, reached consensus on an optional protocol on the use of child soldiers;

(11) this optional protocol will raise the international minimum age for conscription and direct participation in armed conflict to age eighteen, prohibit the recruitment and use in armed conflict of persons under the age of eighteen by non-governmental armed forces, encourage governments to raise the minimum legal age for voluntary recruits above the current standard of 15 and, commits governments to support the demobilization and rehabilitation of child soldiers, and when possible, to allocate resources to this purpose;

(12) on October 29, 1998, United Nations Secretary General Kofi Annan set minimum age requirements for United Nations peacekeeping personnel that are made available by member nations of the United Nations;

(13) United Nations Under-Secretary General for Peace-keeping, Bernard Miyet, announced in the Fourth Committee of the General Assembly that contributing governments of member nations were asked not to send civilian police and military observers under the age of 25, and that troops in national contingents should preferably be at least 21 years of age but in no case should they be younger than 18 years of age;

(14) on August 25, 1999, the United Nations Security Council unanimously passed Resolution 1261 (1999) condemning the use of children in armed conflicts;

(15) in addressing the Security Council, the Special Representative of the Secretary General for Children and Armed Conflict, Olara Otunnu, urged the adoption of a global three-pronged approach to combat the use of children in armed conflict, first to raise the age limit for recruitment and participation in armed conflict from the present age of 15 to the age of 18, second, to increase international pressure on armed groups which currently abuse children, and third to address the political, social, and economic factors which create an environment where children are induced by appeal of ideology or by socio-economic collapse to become child soldiers;

(16) the United States delegation to the United Nations working group relating to child soldiers, which included representatives from the Department of Defense, supported the Geneva agreement on the optional protocol;

(17) on May 25, 2000, the United Nations General Assembly unanimously adopted the optional protocol on the use of child soldiers;

(18) the optional protocol was opened for signature on June 5, 2000; and

(17) President Clinton has publicly announced his support of the optional protocol and a speedy process of review and signature.

(b) SENSE OF CONGRESS.—(1) Congress joins the international community in—

(A) condemning the use of children as soldiers by governmental and nongovernmental armed forces worldwide, and

(B) welcoming the optional protocol as a critical first step in ending the use of children as soldiers.

(2) It is the sense of Congress that—

(A) It is essential that the President consult closely with the Senate with the objective of building support for this protocol, and the Senate move forward as expeditiously as possible.

(B) the President and Congress should work together to enact a law that establishes a fund for the rehabilitation and reintegration into society of child soldiers; and

(C) the Departments of State and Defense should undertake all possible efforts to persuade and encourage other governments to ratify and endorse the new optional protocol on the use of child soldiers.

LOTT AMENDMENT NO. 3212

(Ordered to lie on the table.)

Mr. LOTT submitted an amendment intended to be proposed by him to the bill, S. 2459, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. WEATHERPROOFING OF FACILITIES AT KEESLER AIR FORCE BASE, MISSISSIPPI.

Of the total amount authorized to be appropriated by section 301(4), $2,800,000 is available for the weatherproofing of facilities at Keesler Air Force Base, Mississippi.

BENNETT AMENDMENT NO. 3213

(Ordered to lie on the table.)

Mr. BENNETT submitted an amendment intended to be proposed by him to the bill, S. 2459, supra; as follows:

On page 611, after line 21, add the following:

SEC. 3202. LAND TRANSFER AND RESTORATION.

(a) SHORT TITLE.—This section may be cited as the “Ute-Moab Land Restoration Act”.

(b) TRANSFER OF OIL SHALE RESERVE.—Section 3405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–261) is amended to read as follows:

“SEC. 3405. TRANSFER OF OIL SHALE RESERVE NUMBERED 2.

“(a) DEFINITIONS.—In this section:

“(1) MAP.—The term “map” means the map entitled ‘Boundary Map, ...’, numbered and dated , to be kept on file and available for public inspection in the offices of the Department of the Interior.

“(2) MOAB SITE.—The term ‘Moab site’ means the Moab uranium milling site located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917.

“(3) NOSR–2.—The term ‘NOSR–2’ means Oil Shale Reserve Numbered 2, as identified on a map on file in the Office of the Secretary of the Interior.

“(4) TRIBE.—The term ‘Tribe’ means the Ute Indian Tribe of the Uintah and Ouray Indian Reservation.

“(b) CONVEYANCE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the United States conveys to the Tribe, subject to valid existing rights in effect on the day before the date of enactment of this section, all Federal land within the exterior boundaries of NOSR–2 in fee simple (including surface and mineral rights).

“(2) RESERVATIONS.—The conveyance under paragraph (1) shall not include the following reservations of the United States:

“(A) A 9 percent royalty interest in the value of any oil, gas, other hydrocarbons, and all other minerals from the conveyed land that are produced, saved, and sold, the payments for which shall be made by the Tribe or its designee to the Secretary of Energy during the period that the oil, gas, hydrocarbons, or minerals are being produced, saved, sold, or extracted.

"(B) The portion of the bed of Green River contained entirely within NOSR–2, as depicted on the map.

"(C) The land (including surface and mineral rights) to the west of the Green River within NOSR–2, as depicted on the map.

"(D) A ¼ mile scenic easement on the east side of the Green River within NOSR–2.

"(3) CONDITIONS.—

"(A) MANAGEMENT AUTHORITY.—On completion of the conveyance under paragraph (1), the United States relinquishes all management authority over the conveyed land (including tribal activities conducted on the land).

"(B) NO REVERSION.—The land conveyed to the Tribe under this subsection shall not revert to the United States for management in trust status.

"(C) USE OF EASEMENT.—The reservation of the easement under paragraph (2)(D) shall not affect the right of the Tribe to obtain, use, and maintain access to, the Green River through the use of the road within the easement, as depicted on the map.

"(c) WITHDRAWALS.—Each withdrawal that applies to NOSR–2 and that is in effect on the date of enactment of this section is revoked to the extent that the withdrawal applies to NOSR–2.

"(d) ADMINISTRATION OF RESERVED LAND AND INTERESTS IN LAND.—

"(1) IN GENERAL.—The Secretary shall administer the land and interests in land reserved from conveyance under subparagraphs (B) and (C) of subsection (b)(2) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

"(2) MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a land use plan for the management of the land and interests in land referred to in paragraph (1).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection.

"(e) ROYALTY.—

"(1) PAYMENT OF ROYALTY.—

"(A) IN GENERAL.—The royalty interest reserved from conveyance in subsection (b)(2)(A) that is required to be paid by the Tribe shall not include any development, production, marketing, and operating expenses.

"(B) FEDERAL TAX RESPONSIBILITY.—The United States shall bear responsibility for and pay—

"(i) gross production taxes;

"(ii) pipeline taxes; and

"(iii) allocation taxes assessed against the gross production.

"(2) REPORT.—The Tribe shall submit to the Secretary of Energy and to Congress an annual report on resource development and other activities of the Tribe concerning the conveyance under subsection (b).

"(3) FINANCIAL AUDIT.—

"(A) IN GENERAL.—Not later than 5 years after the date of enactment of this section, and every 5 years thereafter, the Tribe shall obtain an audit of all resource development activities of the Tribe concerning the conveyance under subsection (b), as provided under chapter 75 of title 31, United States Code.

"(B) INCLUSION OF RESULTS.—The results of each audit under this paragraph shall be included in the next annual report submitted after the date of completion of the audit.

"(f) RIVER MANAGEMENT.—

"(1) IN GENERAL.—The Tribe shall manage, under Tribal jurisdiction and in accordance with ordinances adopted by the Tribe, land of the Tribe that is adjacent to, and within ¼ mile of, the Green River in a manner that—

"(A) maintains the protected status of the land; and

"(B) is consistent with the government-to-government agreement and in the memorandum of understanding dated February 11, 2000, as agreed to by the Tribe and the Secretary.

"(2) NO MANAGEMENT RESTRICTIONS.—An ordinance referred to in paragraph (1) shall not impair, limit, or otherwise restrict the management and use of any land that is not owned, controlled, or subject to the jurisdiction of the Tribe.

"(3) REPEAL OR AMENDMENT.—An ordinance adopted by the Tribe and referenced in the government-to-government agreement may not be repealed or amended without the written approval of—

"(A) the Tribe; and

"(B) the Secretary.

"(g) PLANT SPECIES.—

"(1) IN GENERAL.—In accordance with a government-to-government agreement between the Tribe and the Secretary, in a manner consistent with levels of legal protection in effect on the date of enactment of this section, the Tribe shall protect, under ordinances adopted by the Tribe, any plant species that is—

"(A) listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

"(B) located or found on the NOSR–2 land conveyed to the Tribe.

"(2) TRIBAL JURISDICTION.—The protection described in paragraph (1) shall be performed solely under tribal jurisdiction

"(h) HORSES.—

"(1) IN GENERAL.—The Tribe shall manage, protect, and assert control over any horse not owned by the Tribe or tribal members that is located or found on the NOSR–2 land conveyed to the Tribe in a manner that is consistent with Federal law governing the management, protection, and control of horses in effect on the date of enactment of this section.

"(2) TRIBAL JURISDICTION.—The management, control, and protection of horses described in paragraph (1) shall be performed solely—

"(A) under tribal jurisdiction; and

"(B) in accordance with a government-to-government agreement between the Tribe and the Secretary.

"(i) REMEDIAL ACTION AT MOAB SITE.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary of Energy shall prepare a plan for the commencement, not later than 1 year after the date of completion of the plan, of remedial action (including ground water restoration) at the Moab site in accordance with section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)).

"(2) LIMIT ON EXPENDITURES.—The Secretary shall limit the amounts expended in carrying out the remedial action under paragraph (1) to—

"(A) amounts specifically appropriated for the remedial action in an Act of appropriation; and

"(B) other amounts made available for the remedial action under this subsection.

"(3) RETENTION OF ROYALTIES.—

"(A) IN GENERAL.—The Secretary of Energy shall retain the amounts received as royalties under subsection (e)(1).

"(B) AVAILABILITY.—Amounts referred to in subparagraph (A) shall be available, without further Act of appropriation, to carry out the remedial action under paragraph (1).

"(C) EXCESS AMOUNTS.—On completion of the remedial action under paragraph (1), all remaining royalty amounts shall be deposited in the General Fund of the Treasury.

"(D) EXCLUSION OF WEAPONS ACTIVITIES FUNDING.—The Secretary shall not use any funds made available to the Department of Energy for weapons activities to carry out the remedial action under paragraph (1).

"(E) AUTHORIZATION OF APPROPRIATIONS.—

"(i) IN GENERAL.—There are authorized to be appropriated to the Secretary of Energy to carry out the remedial action under paragraph (1) such sums as are necessary.

"(ii) CONTINUATION OF NRC TRUSTEE REMEDIATION ACTIVITIES.—After the date of enactment of this section and until such date as funds are made available under clause (i), the Secretary, using funds available to the Secretary that are not otherwise appropriated, shall carry out—

"(I) this subsection; and

"(II) any remediation activity being carried out at the Moab site by the trustee appointed by the Nuclear Regulatory Commission for the Moab site on the date of enactment of this section.

"(4) SALE OF MOAB SITE.—

"(A) IN GENERAL.—If the Moab site is sold after the date on which the Secretary of Energy completes the remedial action under paragraph (1), the seller shall pay to the Secretary of Energy, for deposit in the miscellaneous receipts account of the Treasury, the portion of the sale price that the Secretary determines resulted from the enhancement of the value of the Moab site that is attributable to the completion of the remedial action, as determined in accordance with subparagraph (B).

"(B) DETERMINATION OF ENHANCED VALUE.—The enhanced value of the Moab site referred to in subparagraph (A) shall be equal to the difference between—

"(i) the fair market value of the Moab site on the date of enactment of this section, based on information available on that date; and

"(ii) the fair market value of the Moab site, as appraised on completion of the remedial action.".

(c) URANIUM MILL TAILINGS.—Section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)) is amended by inserting after paragraph (3) the following:

"(4) DESIGNATION AS PROCESSING SITE.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the Moab uranium milling site (referred to in this paragraph as the 'Moab Site') located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917, is designated as a processing site.

"(B) APPLICABILITY.—This title applies to the Moab Site in the same manner and to the same extent as to other processing sites designated under this subsection, except that—

"(i) sections 103, 107(a), 112(a), and 115(a) of this title shall not apply;

"(ii) a reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of enactment of this paragraph; and "(iii) the Secretary, subject to the availability of appropriations and without regard to section 104(b), shall conduct remediation at the Moab site in a safe and environmentally sound manner, including—

"(I) ground water restoration; and

"(II) the removal, to at a site in the State of Utah, for permanent disposition and any necessary stabilization, of residual radioactive material and other contaminated material from the Moab Site and the floodplain of the Colorado River.".

(d) CONFORMING AMENDMENT.—Section 3406 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105-261) is amended by inserting after subsection (e) the following:

"(f) OIL SHALE RESERVE NUMBERED 2.—This section does not apply to the transfer of Oil Shale Reserve Numbered 2 under section 3405.".

McCAIN (AND OTHERS) AMENDMENT NO. 3214

Mr. McCAIN (for himself, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. SCHUMER, Mr. BYRD, Mr. BIDEN, Mr. REID, and Mr. LEVIN) proposed an amendment to amendment No. 3210 proposed by Mr. SMITH of New Hampshire to the bill, S. 2549, supra; as follows:

At the end of the pending matter add the following new Title:

TITLE —INFORMATION DISCLOSURE

SECTION . REQUIRED NOTIFICATION OF SECTION 527 STATUS.

(a) IN GENERAL.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations) is amended by adding at the end the following new subsection:

"(i) ORGANIZATIONS MUST NOTIFY SECRETARY THAT THEY ARE SECTION 527 ORGANIZATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (5), an organization shall not be treated as an organization described in this section—

"(A) unless it has given notice to the Secretary, electronically and in writing, that it is to be so treated, or

"(B) if the notice is given after the time required under paragraph (2), the organization shall not be so treated for any period before such notice is given.

"(2) TIME TO GIVE NOTICE.—The notice required under paragraph (1) shall be transmitted not later than 24 hours after the date on which the organization is established.

"(3) CONTENTS OF NOTICE.—The notice required under paragraph (1) shall include information regarding—

"(A) the name and address of the organization (including any business address, if different) and its electronic mailing address,

"(B) the purpose of the organization,

"(C) the names and addresses of its officers, highly compensated employees, contact person, custodian of records, and members of its Board of Directors,

"(D) the name and address of, and relationship to, any related entities (within the meaning of section 168(h)(4)), and

"(E) such other information as the Secretary may require to carry out the internal revenue laws.

"(4) EFFECT OF FAILURE.—In the case of an organization failing to meet the requirements of paragraph (1) for any period, the taxable income of such organization shall be computed by taking into account any exempt function income (and any deductions directly connected with the production of such income).

"(5) EXCEPTIONS.—This subsection shall not apply to any organization—

"(A) to which this section applies solely by reason of subsection (f)(1), or

"(B) which reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year.

"(6) COORDINATION WITH OTHER REQUIREMENTS.—This subsection shall not apply to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee.".

(b) DISCLOSURE REQUIREMENTS.—

(1) INSPECTION AT INTERNAL REVENUE SERVICE OFFICES.—

(A) IN GENERAL.—Section 6104(a)(1)(A) of the Internal Revenue Code of 1986 (relating to public inspection of applications) is amended—

(i) by inserting "or a political organization is exempt from taxation under section 527 for any taxable year" after "taxable year",

(ii) by inserting "or notice of status filed by the organization under section 527(i)" before ", together",

(iii) by inserting "or notice" after "such application" each place it appears,

(iv) by inserting "or notice" after "any application",

(v) by inserting "for exemption from taxation under section 501(a)" after "any organization" in the last sentence, and

(vi) by inserting "OR 527" after "SECTION 501" in the heading.

(B) CONFORMING AMENDMENT.—The heading for section 6104(a) of such Code is amended by inserting "OR NOTICE OF STATUS" before the period.

(2) INSPECTION OF NOTICE ON INTERNET AND IN PERSON.—Section 6104(a) of such Code is amended by adding at the end the following new paragraph:

"(3) INFORMATION AVAILABLE ON INTERNET AND IN PERSON.—

"(A) IN GENERAL.—The Secretary shall make publicly available, on the Internet and at the offices of the Internal Revenue Service—

"(i) a list of all political organizations which file a notice with the Secretary under section 527(i), and

"(ii) the name, address, electronic mailing address, custodian of records, and contact person for such organization.

"(B) TIME TO MAKE INFORMATION AVAILABLE.—The Secretary shall make available the information required under subparagraph (A) not later than 5 business days after the Secretary receives a notice from a political organization under section 527(i).".

(3) INSPECTION BY COMMITTEE OF CONGRESS.—Section 6104(a)(2) of such Code is amended by inserting "or notice of status of any political organization which is exempt from taxation under section 527 for any taxable year" after "taxable year".

(4) PUBLIC INSPECTION MADE AVAILABLE BY ORGANIZATION.—Section 6104(d) of such Code (relating to public inspection of certain annual returns and applications for exemption) is amended—

(A) by striking "AND APPLICATIONS FOR EXEMPTION" and inserting ", APPLICATIONS FOR EXEMPTION, AND NOTICES OF STATUS" in the heading,

(B) by inserting "or notice of status under section 527(i)" after "section 501" and by inserting "or any notice materials" after "materials" in paragraph (1)(A)(ii),

(C) by inserting or "or such notice materials" after "materials" in paragraph (1)(B), and

(D) by adding at the end the following new paragraph:

"(6) NOTICE MATERIALS.—For purposes of paragraph (1), the term 'notice materials' means the notice of status filed under section 527(i) and any papers submitted in support of such notice and any letter or other document issued by the Internal Revenue Service with respect to such notice.".

(c) FAILURE TO MAKE PUBLIC.—Section 6652(c)(1)(D) of the Internal Revenue Code of 1986 (relating to public inspection of applications for exemption) is amended—

(1) by inserting "or notice materials (as defined in such section)" after "section)", and

(2) by inserting "AND NOTICE OF STATUS" after "EXEMPTION" in the heading.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) ORGANIZATIONS ALREADY IN EXISTENCE.—In the case of an organization established before the date of the enactment of this section, the time to file the notice under section 527(i)(2) of the Internal Revenue Code of 1986, as added by this section, shall be 30 days after the date of the enactment of this section.

(3) INFORMATION AVAILABILITY.—The amendment made by subsection (b)(2) shall take effect on the date that is 45 days after the date of the enactment of this section.

SEC. 2. DISCLOSURES BY POLITICAL ORGANIZATIONS.

(a) REQUIRED DISCLOSURE OF 527 ORGANIZATIONS.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations), as amended by section 1(a), is amended by adding at the end the following new section:

"(j) REQUIRED DISCLOSURE OF EXPENDITURES AND CONTRIBUTIONS.—

"(1) DENIAL OF EXEMPTION.—An organization shall not be treated as an organization described in this section unless it makes the required disclosures under paragraph (2).

"(2) REQUIRED DISCLOSURE.—A political organization which accepts a contribution, or makes an expenditure, for an exempt function during any calendar year shall file with the Secretary either—

"(A)(i) in the case of a calendar year in which a regularly scheduled election is held—

"(I) quarterly reports, beginning with the first quarter of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the 15th day after the last day of each calendar quarter, except that the report for the quarter ending on December 31 of such calendar year shall be filed not later than January 31 of the following calendar year,

"(II) a pre-election report, which shall be filed not later than the 12th day before (or posted by registered or certified mail not later than the 15th day before) any election with respect to which the organization makes a contribution or expenditure, and which shall be complete as of the 20th day before the election, and

"(III) a post-general election report, which shall be filed not later than the 30th day after the general election and which shall be complete as of the 20th day after such general election, and

"(ii) in the case of any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year, or

"(B) monthly reports for the calendar year, beginning with the first month of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the 20th day after the last day of the month and shall be complete as if the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with subparagraph (A)(i)(II), a post-general election report shall be filed in accordance with subparagraph (A)(i)(III), and a year end report shall be filed not later than January 31 of the following calendar year.

"(3) Contents of Report.—A report required under paragraph (2) shall contain the following information:

"(A) The amount of each expenditure made to a person if the aggregate amount of expenditures to such person during the calendar year equals or exceeds $500 and the name and address of the person (in the case of an individual, include the occupation and name of employer of such individual).

"(B) The name and address (in the case of an individual, include the occupation and name of employer of such individual) of all contributors which contributed an aggregate amount of $200 or more to the organization during the calendar year and the amount of the contribution.

Any expenditure or contribution disclosed in a previous reporting period is not required to be included in the current reporting period.

"(4) Contracts to Spend or Contribute.—For purposes of this subsection, a person shall be treated as having made an expenditure or contribution if the person has contracted or is otherwise obligated to make the expenditure or contribution.

"(5) Coordination With Other Requirements.—This subsection shall not apply—

"(A) to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee,

"(B) to any State or local committee of a political party or political committee of a State or local candidate,

"(C) to any organization which reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year,

"(D) to any organization to which this section applies solely by reason of subsection (f)(1), or

"(E) with respect to any expenditure which is an independent expenditure (as defined in section 301 of such Act).

"(6) Election.—For purposes of this subsection, the term 'election' means—

"(A) a general, special, primary, or runoff election for a Federal office,

"(B) a convention or caucus of a political party which has authority to nominate a candidate for Federal office,

"(C) a primary election held for the selection of delegates to a national nominating convention of a political party, or

"(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.".

(b) Public Disclosure of Reports.—

(1) In general.—Section 6104(d) of the Internal Revenue Code of 1986 (relating to public inspection of certain annual returns and applications for exemption), as amended by section 1(b)(4), is amended—

(A) by inserting "REPORTS," after "RETURNS," in the heading,

(B) in paragraph (1)(A), by striking "and" at the end of clause (i), by inserting "and" at the end of clause (ii), and by inserting after clause (ii) the following new clause:

"(iii) the reports filed under section 527(j) (relating to required disclosure of expenditures and contributions) by such organization,", and

(C) in paragraph (1)(B), by inserting ", reports," after "return".

(2) Disclosure of Contributors Allowed.—Section 6104(d)(3)(A) of such Code (relating to nondisclosure of contributors, etc.) is amended by inserting "or a political organization exempt from taxation under section 527" after "509(a))".

(3) Disclosure by Internal Revenue Service.—Section 6104(d) of such Code is amended by adding at the end the following new paragraph:

"(6) Disclosure of Reports by Internal Revenue Service.—Any report filed by an organization under section 527(j) (relating to required disclosure of expenditures and contributions) shall be made available to the public at such times and in such places as the Secretary may prescribe.".

(c) Failure To Make Public.—Section 6652(c)(1)(C) of the Internal Revenue Code of 1986 (relating to public inspection of annual returns) is amended—

(1) by inserting "or report required under section 527(j)" after "filing)",

(2) by inserting "or report" after "1 return", and

(3) by inserting "AND REPORTS" after "RETURNS" in the heading.

(d) Effective Date.—The amendment made by subsection (a) shall apply to expenditures made and contributions received after the date of enactment of this Act, except that such amendment shall not apply to expenditures made, or contributions received, after such date pursuant to a contract entered into on or before such date.

SEC. 3. RETURN REQUIREMENTS RELATING TO SECTION 527 ORGANIZATIONS.

(a) Return Requirements.—

(1) Organizations required to file.—Section 6012(a)(6) of the Internal Revenue Code of 1986 (relating to political organizations required to make returns of income) is amended by inserting "or which has gross receipts of $25,000 or more for the taxable year (other than an organization to which section 527 applies solely by reason of subsection (f)(1) of such section)" after "taxable year".

(2) Information required to be included on return.—Section 6033 of such Code (relating to returns by exempt organizations) is amended by redesignating subsection (g) as subsection (h) and inserting after subsection (f) the following new subsection:

"(g) Returns Required by Political Organizations.—In the case of a political organization required to file a return under section 6012(a)(6)—

"(1) such organization shall file a return—

"(A) containing the information required, and complying with the other requirements, under subsection (a)(1) for organizations exempt from taxation under section 501(a), and

"(B) containing such other information as the Secretary deems necessary to carry out the provisions of this subsection, and

"(2) subsection (a)(2)(B) (relating to discretionary exceptions) shall apply with respect to such return.".

(b) Public Disclosure of Returns.—

(1) Returns made available by Secretary.—

(A) In general.—Section 6104(b) of the Internal Revenue Code of 1986 (relating to inspection of annual information returns) is amended by inserting "6012(a)(6)," before "6033".

(B) Contributor information.—Section 6104(b) of such Code is amended by inserting "or a political organization exempt from taxation under section 527" after "509(a)".

(2) Returns made available by organizations.—

(A) In general.—Paragraph (1)(A)(i) of section 6104(d) of such Code (relating to public inspection of certain annual returns, reports, applications for exemption, and notices of status) is amended by inserting "or section 6012(a)(6) (relating to returns by political organizations)" after "organizations)".

(B) Conforming amendments.—

(i) Section 6104(d)(1) of such Code is amended in the matter preceding subparagraph (A) by inserting "or an organization exempt from taxation under section 527(a)" after "501(a)".

(ii) Section 6104(d)(2) of such Code is amended by inserting "or section 6012(a)(6)" after "section 6033".

(c) Failure To File Return.—Section 6652(c)(1) of the Internal Revenue Code of 1986 (relating to annual returns under section 6033) is amended—

(1) by inserting "or section 6012(c)(6) (relating to returns by political organizations)" after "organizations)" in subparagraph (A)(i),

(2) by inserting "or section 6012(c)(6)" after "section 6033" in subparagraph (A)(ii),

(3) by inserting "or section 6012(c)(6)" after "section 6033" in the third sentence of subparagraph (A), and

(4) by inserting "OR 6012(C)(6)" after "SECTION 6033" in the heading.

(d) Effective Date.—The amendments made by this section shall apply to returns for taxable years beginning after June 30, 2000.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, June 15, 2000, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the goals and specific legislative provisions of S. 2557, the National Energy Security Act of 2000. The bill would protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and elderly, and for other purposes.

Presentation of oral testimony is by Committee invitation only. However, those who wish to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural

Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150. For further information, please contact Brian Malnak at (202) 224-4971.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 7, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 7, 2000 at 11:00 am to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet on Wednesday, June 7, 2000 at 2:30 p.m. in room 485 of the Russell Senate Building to conduct a hearing on S. 2508, the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. WARNER. Mr. President, I ask unanimous consent that the Joint Economic Committee be permitted to meet on June 6, 2000 from the hours of 9:30 a.m. to 12:30 p.m. and on June 7, 2000 from the hours of 10 a.m. to 12:30 p.m. in room 216 of the Hart Senate Office Building to conduct a congressional hearing on high technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on Wednesday, June 7, 2000 at 2:00 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 7, at 2:00 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 2300, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any one State; S. 2069, a bill to permit the conveyance of certain land in Powell, Wyoming; and S. 1331, a bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion be authorized to meet during the session of the Senate on Wednesday, June 7, 2000 at 2:30 pm to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Senator JEFFORDS' fellow, Sande Blalock, be given floor privileges under this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that Lt. Col. Tim Wiseman, a legislative fellow on my staff, and Amanda Wiley, a staff intern, be given floor privileges for the remainder of the debate on S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent Curt McFarlin from the Office of KAY BAILEY HUTCHISON be granted floor privileges during consideration of this bill, S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent Nancy Thompson of my staff be granted floor privileges during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Bob Herbert, a Congressional Fellow in my office, be granted floor privileges during the pendency of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent that Glen Davis, a fellow in my office, be granted the privilege of the floor during the entire debate of S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that John Jennings, Dana Krupa, and Pam Nicholson, legislative fellows in Senator BINGAMAN's office, be granted floor privileges during the pendency of S. 2549.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that Major Greg Sheppard, an Air Force fellow in my office, be granted floor privileges for the remainder of the debate on Defense authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, in consultation with the Democratic leader, pursuant to Public Law 105-389, announces the appointment of Robert R. Ferguson III of North Carolina to serve as a member of the First Flight Centennial Federal Advisory Board.

DESIGNATION OF THE NATIONAL OPERA

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4542, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4542) to designate the Washington Opera in Washington, DC as the National Opera.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4542) was read a third time and passed.

HONORING THOSE LOST ABOARD THE U.S.S. "THRESHER" ON APRIL 10, 1963

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 318, submitted earlier by Senator SNOWE, for herself and others.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 318) honoring the 129 sailors and civilians lost aboard the USS THRESHER on April 10, 1963, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally, any statements relating to the resolution be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 318) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 318

Whereas this is the 100th year of service to the people of the United States by the United States Navy submarine force, the "Silent Service";

Whereas this is the 200th year of service to the Nation of the Portsmouth Naval Shipyard;

Whereas Portsmouth Naval Shipyard launched the first Navy built submarine, the L–8, on April 23, 1917;

Whereas 52 years and 133 submarines later, on November 11, 1969, Portsmouth Naval Shipyard launched the last submarine built by the Navy, the U.S.S. Sand Lance;

Whereas the U.S.S. Thresher was launched at Portsmouth Naval Shipyard on July 9, 1960;

Whereas the U.S.S. Thresher departed Portsmouth Naval Shipyard on April 9, 1963, with a crew of 129 composed of 16 officers, 96 sailors, and 17 civilians;

Whereas the mix of that crew reflects the unity of the naval submarine service, military and civilian, in the protection of the Nation;

Whereas at approximately 7:45 a.m. on April 10, 1963, at a location near 41.46 degrees North latitude and 65.03 degrees West longitude, the U.S.S. Thresher began her final mission;

Whereas the U.S.S. Thresher was declared lost with all hands on April 10, 1963;

Whereas from the loss of that submarine, there arose the SUBSAFE program which has kept America's submariners safe at sea ever since as the strongest, safest submarine force in history;

Whereas from the loss of the U.S.S. Thresher, there arose in our Nation's universities the ocean engineering curricula that enables America's preeminence in submarine warfare; and

Whereas the "last full measure of devotion" shown by the crew of the U.S.S. Thresher characterizes the sacrifice of all submariners, past and present, military and civilian, in the service of this Nation: Now, therefore, be it

Resolved, That the Senate—

(1) remembers with profound sorrow the loss of the U.S.S. Thresher and her gallant crew of sailors and civilians on April 10, 1963;

(2) expresses its deepest gratitude to all submariners on "eternal patrol", forever bound together by their dedicated and honorable service to the United States of America;

(3) recognizes with appreciation and respect the commitment and sacrifices made by the Naval Submarine Service for the past 100 years in providing for the common defense of the United States; and

(4) offers its admiration and gratitude for the workers of the Portsmouth Naval Shipyard whose 200 years of dedicated service to the United States Navy has contributed directly to the greatness and freedom of the United States.

SEC. 2. TRANSMISSION OF RESOLUTION.

The Secretary of the Senate shall transmit this resolution to the Chief of Naval Operations and to the Commanding Officer of the Portsmouth Naval Shipyard who shall accept this resolution on behalf of the families and shipmates of the crew of the U.S.S. Thresher.

PUBLIC HEALTH SERVICE ACT AMENDMENT

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Health Committee be discharged from further consideration of S. 2625, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2625) to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2625) was read a third time and passed, as follows:

S. 2625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ORGAN PROCUREMENT ORGANIZATION CERTIFICATION ACT OF 2000.

(a) Findings.—Congress makes the following findings:

(1) Organ procurement organizations play an important role in the effort to increase organ donation in the United States.

(2) The current process for the certification and recertification of organ procurement organizations conducted by the Department of Health and Human Services has created a level of uncertainty that is interfering with the effectiveness of organ procurement organizations in raising the level of organ donation.

(3) The General Accounting Office, the Institute of Medicine, and the Harvard School of Public Health have identified substantial limitations in the organ procurement organization certification and recertification process and have recommended changes in that process.

(4) The limitations in the recertification process include:

(A) An exclusive reliance on population-based measures of performance that do not account for the potential in the population for organ donation and do not permit consideration of other outcome and process standards that would more accurately reflect the relative capability and performance of each organ procurement organization.

(B) A lack of due process to appeal to the Secretary of Health and Human Services for recertification on either substantive or procedural grounds.

(5) The Secretary of Health and Human Services has the authority under section 1138(b)(1)(A)(i) of the Social Security Act (42 U.S.C. 1320b–8(b)(1)(A)(i)) to extend the period for recertification of an organ procurement organization from 2 to 4 years on the basis of its past practices in order to avoid the inappropriate disruption of the nation's organ system.

(6) The Secretary of Health and Human Services can use the extended period described in paragraph (5) for recertification of all organ procurement organizations to—

(A) develop improved performance measures that would reflect organ donor potential and interim outcomes, and to test these measures to ensure that they accurately measure performance differences among the organ procurement organizations; and

(B) improve the overall certification process by incorporating process as well as outcome performance measures, and developing equitable processes for appeals.

(b) Certification and Recertification of Organ Procurement Organizations.—Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by realigning the margin of subparagraph (F) (as so redesignated) so as to align with subparagraph (E) (as so redesignated); and

(3) by inserting after subparagraph (C) the following:

"(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary within the previous 4-year period as meeting the performance standards to be a qualified organ procurement organization through a process that either—

"(i) granted certification or recertification within such 4-year period with such certification or recertification in effect as of January 1, 2000, and remaining in effect through the earlier of—

"(I) January 1, 2002; or

"(II) the completion of recertification under the requirements of clause (ii); or

"(ii) is defined through regulations that are promulgated by the Secretary by not later than January 1, 2002, that—

"(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

"(II) rely on outcome and process performance measures that are based on empirical evidence, obtained through reasonable efforts, of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

"(III) use multiple outcome measures as part of the certification process; and

"(IV) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;".

ORDERS FOR THURSDAY, JUNE 8, 2000

Mr. SMITH of New Hampshire. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Thursday, June 8. I further ask unanimous consent that on Thursday immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day. I further ask unanimous consent that the Senate then resume consideration of S. 2549, the Department of Defense authorization bill, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent that Senator SMITH of New Hampshire be recognized for up to 30 minutes of general debate on S. 2549 during tomorrow's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SMITH of New Hampshire. Mr. President, for the information of all Senators, on behalf of the leader, I announce that the Senate will convene at 9:30 a.m. tomorrow and resume debate on the Defense authorization bill. Under the order, at 1 p.m. there will be 2 hours of debate on the McCain-Feingold amendment regarding soft money disclosure. Following that debate, at 3 p.m. the Senate will begin consideration of the Kennedy HMO amendment for up to 2 hours. Votes on the McCain and Kennedy amendments will be stacked to occur at 5 p.m. Further amendments may be offered prior to the votes, and therefore votes may occur prior to the 5 p.m. votes.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SMITH of New Hampshire. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:05 p.m., adjourned until Thursday, June 8, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, June 7, 2000*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, You have said:

"Whoever believes shall not be put to shame."

Strengthen us in faith, O Lord.

May we hold in high value the faith of Your people.

May the laws of this land and the concerns of this Chamber protect and never diminish the free exercise of the faith of this Nation.

Make us steadfast in addressing doubt and confusion.

Give us compassion so as to guide those who are weak in their convictions.

Form out of us a haven for those who lose hope because of injustice.

Lord, may we be creative in restoring hope, persistent in making right judgments, and persevering in speaking the truth.

For You are the perfector of our faith now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. HUTCHINSON) come forward and lead the House in the Pledge of Allegiance.

Mr. HUTCHINSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 1419. An act to amend title 36, United States Code, to designate May as "National Military Appreciation Month".

S. 2311. An act to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair will entertain 1 minute requests.

DEATH TAX SHOULD BE REPEALED

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Woody Allen once said that "death should not be viewed as the end, but as a very effective way to cut down expenses."

Well, unfortunately, this maxim just does not hold true. Currently, at the time of death, Americans are assessed an additional tax on the value of their property known as the death tax. This added expense is why over 70 percent of the family businesses do not survive to the second generation.

Mr. Speaker, it is simply shameful that the Federal Government requires an American to pay up to 60 percent of their savings, their businesses, or their farm in taxes when they die. Therefore, I encourage all of my colleagues to support H.R. 8 which will eliminate the unfair death tax over the next 10 years. Americans should not have to mourn the loss of a family, a business, or a farm in addition to the loss of a loved one.

It is time to bury the death tax once and for all.

MEDICARE TO COVER CLINICAL TRIALS

(Mr. BENTSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I rise today to praise President Clinton for acting today to ensure that senior citizens have access to clinical trials identical to legislation, H.R. 61, which I have sponsored.

The President's Executive Order announced this morning will ensure that Medicare will cover the routine costs associated with clinical trials. This action is long overdue and will ensure that 39 million Medicare beneficiaries get access to cutting-edge treatments which save lives.

Clinical trials are research projects which test new therapies and treatments. It is especially significant that this initiative ensures access to all types of clinical trials, not just cancer, in the same manner as my legislation would.

Under current law, Medicare does not provide coverage for routine patient costs associated with clinical trials. As a result, many senior citizens do not participate in these trials because they cannot afford to pay the out-of-pocket costs. Today, only 1 percent of senior citizens participate in clinical trials, yet seniors disproportionately face these diseases, such as cancer, Alzheimer's, heart disease, and diabetes.

This initiative is the right thing to do for our seniors. With more participation by seniors, researchers will discover treatments at a more rapid pace, because more participation will yield scientifically valid data to test the protocols being developed.

I praise the President for this action.

ELIMINATION OF DEATH TAX IS RIGHT FOR AMERICA

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Mr. Speaker, Benjamin Franklin said that the only thing certain in life were death and taxes, but I do not even think Ben Franklin could have foreseen that death and taxes would eventually come hand in hand. Yet, for too many years, the death tax has been punishing Americans simply for dying.

Because of the death tax, many Americans are denied the opportunity to pass on their life's work to their children or grandchildren. This unfair tax is especially hard on small business owners and farmers. Nine out of 10 American businesses are owned by families, and these families should have the right to keep their business. In Arkansas, because of the death tax, many farmers and small business owners must take out expensive life insurance policies to help their families cope with the tax burden. Instead of enjoying their retirement years, these Arkansans must worry about the government taxing their family into the ground.

This week, the House will be voting on the Death Tax Elimination Act, a bill that is long overdue. Eliminating the death tax is the right thing to do for American families, American farmers, and American small business owners.

AMERICANS NEED AFFORDABLE, QUALITY DAY CARE

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, in 7 out of 10 families, both parents work. The supply of day care is not adequate to the need. In New York City alone, over 37,000 families are on the waiting list for subsidized day care.

Yesterday, I joined Vice President GORE, Mrs. Gore, and Rosie O'Donnell at a day care center in my district where Vice President GORE outlined his plans to expand access and quality of day care. Vice President GORE would help parents afford child care by expanding the child care tax credit for families with two working parents and where one parent stays at home. He would increase the child care development block grant so that more families could afford child care. His Ready to Learn plan would provide funding for States that develop better training and raise standards.

Mr. Speaker, difficult challenges require creative solutions. The Vice President's plan, his 4-year plan, would expand affordable, available, quality day care.

TAX ON DYING SHOULD BE REPEALED

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise to request truth in advertising.

Is America not the land of opportunity? Is not the sweat of our brow, the work of our hands supposed to be all that is required to succeed in this country? Well, that may be the case until the farm or the family business is ready to be passed to the next generation.

A family-owned farm or business stands to lose more than half of everything to the Federal estate tax, which is really a tax on death. Mr. Speaker, 70 percent of families are forced to sell or abandon businesses after one generation because of death taxes. Only 13 percent survive to the third generation.

Farmland is disappearing in America by millions of acres. Mr. Speaker, how can we expect the people to work hard and achieve the American dream if we are just going to take it from them in the end?

When a business closes, jobs are lost; on an average, 30 jobs for every small business liquidated due to death taxes. Our national productivity suffers. On the other hand, 60 percent of business owners say they would add jobs if the estate tax was repealed, and that is just what we ought to do.

Mr. Speaker, let us get rid of this terrible tax on dying.

WORLD TRADE ORGANIZATION SIDES WITH JAPAN ON ILLEGAL STEEL DUMPING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the World Trade Organization ruled that an 84-year-old American law duly passed by Congress, designed to stop illegal dumping was, in fact, no longer legal. The WTO sided with Japanese steel imports saying that the American law is a violation of international trade.

Unbelievable. Illegal steel-dumping is killing America, and these sons of bachelors, believe me, side with Japan dumping.

Beam me up, Mr. Speaker. I thought America won the war. I yield back a $320 billion trade deficit, most of it going to Japan, and the Chinese Red Army.

PRESERVE THE AMERICAN DREAM BY VOTING TO REPEAL DEATH TAX

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, in a movie called Meet Joe Black, Death disguises himself as a young man named Joe Black so as to better observe life on Earth. While watching a dinner party, one guest remarks to another that the only 2 certainties in life are death and taxes. Joe Black responds, death and taxes, what an interesting pairing.

For years, the IRS has thought so too. Americans are currently subjected to the death tax, a law that taxes families up to 60 percent of their loved one's savings, or the worth of their farm or family business, upon their death. This unfair tax prevents more than 70 percent of America's small businesses and family farms being passed from one generation to the text.

This week, the House will vote on legislation to repeal the death tax. I urge my colleagues to support preserving the American dream by voting to end the death tax.

□ 1015

BIPARTISAN HATE CRIMES PREVENTION ACT

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today in support of a bipartisan Hate Crimes Prevention Act and also to mark the second anniversary of the murder of James Byrd in Jasper, Texas. We must continue to fight to end the racial stereotypes that create misunderstanding and prejudice that lead to such acts of violence. Congress must work to change attitudes, laws, and institutions for the good of all Americans and reject the voices of hate and separatism.

By passing H.R. 1082, Congress can reaffirm our Nation's commitment to the true American dream: an integrated society rich in diversity and open equally to all. Thank goodness that we no longer see signs that read "white" and "colored." The voters' booth and the schoolhouse door now swing open for everyone. However, while much has been accomplished, more needs to be done.

Mr. Speaker, we cannot rest until we solve the oldest, most stubborn, most painful challenge of our Nation: the continuing challenge of race. We must not be finished with seeking peace or justice or freedom equality, human dignity or reconciliation. We must continue to cry out for equality and justice. Because if we are silent, another innocent citizen like James Byrd, Jr., may be brutally beaten or savagely murdered.

We must not rest, nor must we fail to act. Passing H.R. 1082 will be a victory for every American and bring our Nation one step closer to the American dream. Mr. Speaker, it is a Federal crime to seize an automobile. Let us make it one to kill a man because of the color of his skin.

REPEAL OF THE DEATH TAX

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, this week the House will vote on H.R. 8, the Death Tax Elimination Act, a bipartisan bill supported by 244 Members of the House, including 46 Democrats and one Independent.

Mr. Speaker, repeal of the death tax is supported by a huge coalition of folks all over this country. The Black Chamber of Commerce, the Hispanic Chamber of Commerce, the National Indian Business Association, many environmental groups and the National Association of Women Business Owners.

Twenty-five years ago, women were given access to business loans. Now, many are struggling to pass their life's work on to their children. According to their most recent study, women business owners spend an average of $1,000 a month on estate planning just to prepare for the death tax and keep the family business in the family. With 44 million Americans without health insurance, a majority of them working for small businesses, that $1,000 a month could go a long way toward providing benefits for employees.

Mr. Speaker, I urge my colleagues to support this important measure. Support repealing the unfair death tax.

CONGRESS MUST MAKE EDUCATION OUR TOP PRIORITY

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on this Congress to get its priorities straight and invest in public education to strengthen America.

Yesterday, Microsoft's Bill Gates told the Joint Economic Committee, and I quote, "Among the many high-tech issues before this Congress, none carries greater importance for our future economic vitality than education." I couldn't agree more.

But this week, Mr. Speaker, this House will consider a bill that guts education funding to finance a massive irresponsible tax package. We should be investing in education so that America can compete and win in the New Economy, but this misguided bill cuts education by $2.9 billion, with a "b."

The bill cuts $1 billion in targeted investments to improve teacher quality and recruit new teachers. The bill repeals 100,000 new teachers planned to reduce class sizes, many of whom are now teaching. The bill rejects the administration's plan to renovate 5,000 school facilities that need urgent safety and health repairs. It cuts 53,000 poor children from Head Start, and the list goes on.

Mr. Speaker, I am for responsible tax relief for our families, but we ought not to cut taxes on the backs our children and jeopardize America's competitive economic opportunities.

DEATH TO THE DEATH TAX

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I welcome people of all points of view to this Chamber and to this well, but facts are stubborn things.

Perhaps if the Washington bureaucrats at the Department of Education were better educated in mathematics, they could tell us where $18 billion appropriated by this Congress ended up. Here is a major hint: it did not end up in the classroom helping teachers teach and helping children learn.

So when we have the litany of shame, remember the real shame is the people who ask for more and more and yet less and less responsibility in actually helping our children learn with the money we send to Washington.

Mr. Speaker, another case in point: a lady now in her 80s, dependent on Social Security. Twenty years ago, her husband died and the IRS came to her and said she owed Uncle Sam $800,000. The family business was sold.

Is that compassionate? Is that an irresponsible thing? I think it is irresponsible, not compassionate. Let us put the death tax to death and ask for more responsibility.

HATE CRIMES PREVENTION ACT: AN IDEA WHOSE TIME HAS COME

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to urge the House to take action on the Hate Crimes Prevention Act of 1999.

Today marks the second anniversary of the death of James Byrd, Jr., who was maliciously dragged from a speeding car along a back road in Jasper, Texas. His murderers had no problem with him other than the fact that he was black.

The Hate Crimes Act will protect individuals like James Byrd and others who have been attacked because of race, color, sexual orientation, religion, gender, or disability. In our society, rich with diversity, the desire for peaceful living is uppermost. It is past time for Congress to set and maintain civilized standards of peaceful diversity.

Hate crimes, like any other crime, should be unallowable and punished. Innocent people should not be allowed to be reaped upon just because of their race, color or gender.

Mr. Speaker, this is an idea whose time has come. I urge its immediate consideration and passage.

NO TAXATION WITHOUT RESPIRATION

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute.)

Mr. SCHAFFER. Mr. Speaker, we associate many symbols with death such as the Grim Reaper, tombstones, coffins, hearses and, of course, the IRS standing by any ordinary American who draws on his last breath.

Americans who work their entire lives to leave their families a savings account, farm, or small business are robbed at death by Federal taxes that devour 37 to 55 percent of everything they created. In the cruelest of ironies, families are often forced to sell these well-intentioned gifts in order to afford the taxes.

Mr. Speaker, this week the Congress will decide on whether to repeal the death tax. It is an issue that transcends party politics.

The Colonists rallied around the slogan, "No taxation without representation." This week let us agree: No taxation without respiration. May the death tax rest in peace.

HATE CRIMES: A FORM OF DOMESTIC TERRORISM

(Ms. BALDWIN asked and was given permission to address the House for 1 minute.)

Ms. BALDWIN. Mr. Speaker, on this 2-year anniversary of the brutal dragging death of James Byrd, I rise to ask congressional leaders to let us vote on the Hate Crimes Prevention Act before we adjourn this year.

Hate crimes are meant to instill fear and that fear is not only targeted at the immediate victim of the crime, the fear is experienced by all members of the group.

Hate crimes are different from other violent crimes because they seek to terrorize an entire community. This sort of domestic terrorism demands a strong Federal response, because this country was founded on the premise that a person should be free to be who they are without fear of violence.

I know that hate crime bills cannot cure the hate that still resides within some in our country. But this legislation can provide more protection for victims and send an important message that hate crimes against any group are a serious national problem. Let us pass the Hate Crimes Prevention Act this year.

PRESERVING THE AMERICAN DREAM

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, imagine an American working and sacrificing their entire life, hoping to one day be able to pass the fruits of their hard work on to their family. Then imagine that after they die, the Federal Government swoops down like an enormous vulture, grabs what they have earned and saved as if it is a carcass, and tosses the remains to their relatives.

That, Mr. Speaker, is the death tax. Every year, the death tax ravages thousands of family-owned businesses and farms to the tune of $46 billion in tax penalties and administrative costs.

No American family should be forced to pay 60 percent of their savings and their business or their farm in taxes when a loved one dies. By repealing the death tax, we will help to preserve thousands of family-owned farms and small businesses across the country that will not have to be sold just to pay this onerous tax.

Mr. Speaker, we are not just ending a tax; we are attempting to preserve the American dream.

MILLIONS OF AMERICANS MUST CHOOSE BETWEEN FOOD OR MEDICINE

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute.)

Mr. HALL of Ohio. Mr. Speaker, last week, I went on a hunger tour in Appalachia in parts of Ohio, Kentucky, and West Virginia; and I heard about a man by the name of Tom Nelson who is one of the tens of millions of poor Americans we do not see. He was a senior citizen who worked at a food bank in Huntington.

A few months ago, the food bank was not able to pay Mr. Nelson, in large measure because it had not received funding promised by the State for nearly a year. To stretch his Social Security check, Mr. Nelson tried to stretch his blood pressure medicine. The cause of his death was listed as a heart attack, but the truth is he died trying to feed his family.

The poorest 2½ percent of Americans rank with the poorest people in the world, according to the World Health Organization. I think the only thing more shameful than that is the fact that too few of us know about people like Mr. Nelson.

Mr. Speaker, this is the People's House, and I urge all of us, including the Nation's media, to look harder for the 30 million Americans who go hungry each year, and for many more who every day must make the choice Mr. Nelson made between paying for food or paying for medicine.

NEW MEXICO FIRES AND H.R. 1522

(Mrs. CHENOWETH-HAGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH-HAGE. Mr. Speaker, at this time, devastating forest fires like this are burning vast areas in our Nation. Today, my subcommittee is having a timely joint hearing on fire management that begin on Federal lands.

Last year on this subject, I introduced H.R. 1522, which is a very simple bill designed to reduce fire risks like this in areas like Los Alamos, New Mexico, where the forest meets the town in the wildland urban interface.

Many of these forests are simply too dense, too crowded, with too many trees, after 100 years of fire prevention, to be treated by fire alone. My bill calls for thinning of forests to make it easier and safer to allow fires naturally to return without being destructive.

On February 9, 1999, at a hearing on my bill, the Clinton-Gore administration testified against this bill. They said that these kinds of treatments of thinning were simply unnecessary. A couple of weeks ago, Secretary Babbitt held a press conference where he announced that we need a new strategy to deal with fire risks in these urban-wildland interfaces, a strategy that calls for a combination of thinning and prescribed fire. What a revelation. We need this now.

MARKING THE SECOND ANNIVERSARY OF THE MURDER OF JAMES BYRD, JR.

(Mr. DELAHUNT asked and was given permission to address the House for 1 minute.)

Mr. DELAHUNT. Mr. Speaker, I join with my colleagues in marking the solemn anniversary of the senseless murder of James Byrd. Random acts of violence have become a tragic part of modern American life, but James Byrd was not selected at random. No, he was singled out for death solely because of his race.

Just as the youngsters at the Jewish day school in Los Angeles County were singled out because of their religion. Just as Matthew Shepard and Private First Class Barry Winehell were singled out because of their sexual orientation. They were not random victims. They were targeted not because of what they did or where they were, but because of who they were.

Each of these vicious acts was intended to send a message, a message of hatred and intimidation. Well, it is time for us to send a message in response. It is time to pass the Hate Crimes Prevention Act.

□ 1030

DEATH TAX

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, today we are faced with the largest tax burden since World War II and what many people do not realize is that the Federal Government is really taxing American values. A good example is the death tax.

The death tax is one of the most onerous taxes imposed by the Federal Government. It is double and triple taxation on American families' hard-earned savings. Even worse, the death tax forces grieving sons and daughters to sell family businesses or farms just to pay the tax. It is absolutely outrageous that we allow the Federal Government to do this to families.

Enough is enough. It is time to repeal the death tax and end the assault on American values of family, hard work, savings, and entrepreneurship.

Let us bury the death tax now. By doing this, we will be giving freedom and a new birth to the next generation of families, farmers, and small business owners.

SUPPORT BIPARTISAN HATE CRIMES PREVENTION ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to say that an institution such as the United States Congress is judged as much for what it supports as what it opposes. It is time now for us to support the bipartisan Hate Crimes Prevention Act and to oppose the hateful acts that caused the dismemberment of James Byrd, Jr., caused the tragic killing in Illinois of Jews and Asians and African Americans, and the terrible attack on the Jewish day care center in Los Angeles. It is time for this institution to be able to say that we abhor hate crimes.

I join Senator ROBB in the offering of Senate Resolution 92 that will ask or state the sense of this House or the sense of the Senate is to oppose hateful acts, and I will offer such a resolution in this House.

Let me also end by simply saying I applaud as well on another topic Tipper Gore's message and effort to provide more mental health resources for Americans and America's children. I held a hearing in my district that indicates that children need to be listened to and heard and that children have depression and mental health needs as well.

Let us pass a bipartisan Hate Crimes Prevention Act.

BRING HATE CRIMES PREVENTION ACT TO THE FLOOR FOR DEBATE

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I, too, join today in urging Congress to, not only debate the Hate Crimes Prevention Act, but pass it. We should no longer in America tolerate racial hatred, bigotry, crimes against persons because of their sexual orientation.

We are America. We are a proud country. But, regrettably, deaths like James Byrd, which occurred 2 years ago today, still occur in America, the death of Matthew Shepard, the death of so many others based on their color, their race, their ethnicity, or their orientation. Shamefully, America witnesses once again every day another dimension of killing in this country.

But only if Congress speaks loudly against violence and specifically against violence perpetrated because of hate will we only cleanse our souls and urge our Nation to move forward in a better, more positive spirit.

So I urge my leaders to consider bringing the Hate Crimes Prevention Act to the floor so that we can debate this in the well, in this Chamber, and pass it on behalf of all Americans.

HATE CRIMES PREVENTION LEGISLATION

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, hate crimes are a form of terrorism, and they demand a national response from this Congress. My own State of New York is expected to pass a hate crimes bill later today. But Congress stays silent. The Federal hate crimes bill should be marked up in the Committee on the Judiciary and debated on this floor as soon as possible. We should stand together to ensure the safety of our citizens and to punish those who terrorize large groups of people with vicious acts of hatred.

Some people say that all crimes are hate crimes, that this bill would seek to punish thoughts. That is simply not true. The bill does not create a new crime for thinking racist or homophobic thoughts, it simply strengthens laws to punish those who physically attack others based on their perceived race, religion, sexual orientation, ethnicity, disability, or gender. It punishes action and intent, not thoughts.

Hate crimes are especially odious because they victimize more than just the individual victim. They are acts of terrorism directed against an entire class of citizens. They are intended to terrify people simply because of who they are.

We should act now before new names join those of Matthew Shepard and James Byrd as victims of hate crimes. We should pass a sensible hate crimes bill this year.

PRESERVATION OF STILTSVILLE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands for holding a hearing calling for the preservation of Stiltsville.

Stiltsville is a group of seven homes located south of Key Biscayne, Florida, located in my congressional district that has been part of the landscape and seascape of our young community since the 1930s.

Mother Nature has destroyed many of these homes, but now the Federal bureaucracy seeks to do what previous hurricanes have not succeeded in doing, which is to tear down these beautiful homes.

The homeowners have gathered a powerful coalition to help them with the causes of saving Stiltsville, and they obtained over 60,000 signatures and resolutions of support from the Dade Heritage Trust, almost all of the municipalities in the Miami-Dade County, the Dade County Commission, the Florida House of Representatives, and the South Florida Congressional Delegation.

Governor Jeb Bush also supports the preservation of Stiltsville, and I thank the gentleman from Utah (Chairman HANSEN) for his help to our cause.

We will continue to negotiate with the Department of Interior on finding a solution that meets the goals of the National Park Service while saving this remarkable landmark that we call Stiltsville.

HATE CRIMES PREVENTION ACT

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I am the author of the Hate Crimes Prevention Act. We have 191 cosponsors. Today is the day that marks the senseless death, lynching of James Byrd, Jr. in Jasper, Texas, when he was dragged for miles over a country road, chained by the ankles to a pickup truck. His body was shredded and ripped in the 2-hour ordeal.

Since the 2 years of his murder, the House has done nothing to address the nationwide outburst of hate violence. So my bill really should be taken up by the Committee on the Judiciary. We should stop the stalling.

We know that the year of 1999 was called the summer of hate. Events of violence have occurred throughout the country. So we cannot, as a body, dismiss these atrocities as anonymous agents of lunatics. We need a hate crimes prevention law.

SUPPORT ESTATE TAX RELIEF

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, in 1978, Susan Tagera left her corporate job at IBM and decided to pursue her American dream of owning her own business, a bicycle shop. She worked real hard over the 21 years to build up this shop and get a good clientele. Unfortunately, now she has breast cancer. She has to do something about the shop. She is passing it on to her son.

Only one problem. It has got an estate tax problem. See Uncle Sam has got it so that enterprising businesswoman like Susan cannot successfully pass their business on to the next generation.

That is why we need estate tax relief so that small business owners like Susan and millions all over America and family farmers can pass on what they have worked hard and struggled for and dreamed about, just pass it on to the next generation.

At the same time, they will be economically independent so that they will not have to depend on tax dollars for their livelihood and long-term care in the future. They have become independent. Why does our Tax Code penalize them?

This week, Congress has a chance to help Susan out by voting for estate tax relief. I hope that all Members on both sides support this legislation.

HATE CRIMES LEGISLATION

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I listened with interest this morning to people talking about the anniversary of the BYRD death, and I started to think, why is it that we sit here in Congress and profess how far America has come, how great the prosperity is, and how we have grown economically and socially? Is it not time, then, for America to grow morally? For those who fear to answer this question, I will answer it for them. The time is now.

Over a year ago, the bipartisan Hate Crimes Prevention Act was introduced. This legislation will make it easier for Federal authorities to assist in the prosecution of racial, religious, and ethnic violence. It has been referred to a subcommittee. Why have we not done more? Instead of doing more to strengthen hate crime legislation, members of society with no sense of remorse are killing those who they believe to be inferior to them.

Most people that are born do not have anything to do with their race, not a whole lot to do with their religion because their parents are the ones who help to determine that, and certainly not their sexual orientation.

Let us move, Mr. Speaker. Let us pass this legislation.

WORKING TO SOLVE PROBLEMS WITH USE AND ABUSE OF PUBLIC LANDS

(Mr. CANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANNON. Mr. Speaker, I rise today to invite our colleagues to join with us and listen to the debate on what I think is a remarkable piece of legislation that will, I believe, significantly affect the course of public lands and legislation in America.

I want to thank the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands for his work on this bill. I encourage all of our colleagues to take a look at what we can actually do to solve the problems of use and abuse of our public lands.

SAN RAFAEL WESTERN LEGACY DISTRICT AND NATIONAL CONSERVATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 516

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3605) to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL); pending which I yield myself such much time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

H. Res. 516 would grant an open rule waiving all points of order against the consideration of the bill, H.R. 3605, the San Rafael Western Legacy District and National Conservation Act.

The rule provides 1 hour of general debate to be equally divided between the chairman and ranking member of the Committee on Resources. It makes in order the Committee on Resources' amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment which shall be open for amendment at any point.

The rule also provides that the amendment printed in the report of the Committee on Rules accompanying the resolution shall be considered as read and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

□ 1045

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. It also allows the chairman of the Committee of the Whole to postpone votes during the consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, the purpose of H.R. 3605 is to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes. The San Rafael region possesses many important historical, cultural, and natural resources that are representative of the American West. Its history includes influences from Native American culture, exploration, pioneering, and industrial development. The bill will provide important Federal protections, similar to heritage designation protections, to the lands designated in the bill.

H.R. 3605 would require the Secretary of the Interior, acting through the National Park Service, to establish a legacy council to furnish advice regarding management, grants, projects, and technical assistance. It would authorize the Secretary to make matching grants up to 50 percent to any nonprofit organization or government unit with authority inside the legacy district's boundaries.

The bill limits appropriations to no more than $1 million annually and $10 million in total. The Congressional Budget Office estimates the enactment of H.R. 3605 would cost $15 million over the 2001 to 2005 period. Pay-as-you-go procedures would not apply, and the bill contains no unfunded governmental mandates as defined in the Unfunded Mandates Reform Act. CBO estimates that some State and local governments might incur some costs as a result of the bill's enactment, but those costs would be voluntary.

Mr. Speaker, the Committee on Resources reported the bill by a voice vote and the Committee on Rules has granted a request for an open rule so that Members wishing to offer germane amendments might have the fullest opportunity to do so. Accordingly, I encourage my colleagues to support both the rule and the underlying bill, H.R. 3605.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me this time, and I yield myself such time as I may consume.

This is an open rule. It will allow the House to consider H.R. 3605. This is about the San Rafael Western Legacy District and National Conservation Act.

As my colleague has described, this rule will provide 1 hour of general debate to be controlled and equally divided by the chairman and ranking minority member on the Committee on Resources.

This permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

The bill creates the San Rafael Western Legacy District of 2.8 million acres in Emery County, Utah. The bill authorizes up to $10 million for grants which can be used for planning, museum exhibits, preservation projects, and public facilities.

The San Rafael Swell is an area of beauty and history. It has been home to the Basketmakers, Fremont Indians and Ute Indians. The explorer, John Wesley Powell, led an expedition to the area. The famous outlaw, Butch Cassidy, once escaped into the desolate canyons there.

Because of the natural beauty of the area, it has been proposed often as a natural park. Unfortunately, the bill before us falls short of offering that kind of protection that I think this area deserves.

The bill does not effectively deal with the increasing use of off-road vehicles, which damage the soil and vegetation. The bill does not protect the water resources of the district. Even more important, the bill does not address the need to study the wilderness areas within the district.

It seems to me, Mr. Speaker, that if the Federal Government is going to provide $10 million in grants, we should have sufficient safeguards to protect the basic historic and natural resources. But this is an open rule, and Members will have the opportunity to offer germane amendments and to improve the bill. Therefore, I will support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. HANSEN), the subcommittee chairman in charge of this legislation.

Mr. HANSEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the rule and in support of H.R. 3605.

The San Rafael area of Emery County, Utah, is home to some of the most beautiful landscapes in the West. For years, the county commissioners and the Bureau of Land Management have sought to protect the lands within the San Rafael Swell. After years of controversy, literally years, 20 years possibly, the county commissioners sat down with Secretary Babbitt and his professional staff and crafted 3605.

Mr. Speaker, H.R. 3605 will protect nearly 1 million acres of Federal lands in Emery County, Utah, in a fashion that will allow wilderness, recreation, preservation, and wildlife to coexist without degrading the resource. This bill sets up a public planning process wherein all views will be considered under the National Environmental Policy Act. Moreover, this bill will further protect the wilderness study area contained within the National Conservation Area. In fact, over 600,000 acres of potential wilderness area will receive further protection from OHV use, mining and other uses which are incompatible with the area.

H.R. 3605 enjoys the enthusiastic support of Secretary Bruce Babbitt and this administration. Through months of strenuous negotiation, this consensus legislation is brought before the House on a bipartisan basis. Secretary Babbitt has stated that "the administration supports this legislation because of the additional protection it provides for important public land, including the withdrawal from mineral development and sale or exchange, restrictions on off-highway vehicle use and innovative provisions for a legacy district." In fact, the administration holds H.R. 3605 out as a model to show how we should protect these BLM lands managed under National Conservation Areas.

Mr. Speaker, I will go into greater detail in general debate on the legislation. Members are hearing from the extreme environmental groups that this is anti-wilderness legislation or some other blatant untruth such as that. The fact is that some extremists would rather raise money than solve problems to protect public grounds, and this seems to be, from sea to shining sea, the way a lot of these extremists look at it.

This legislation comes before the House with overwhelming support of the Committee on Resources, Secretary Babbitt, the administration, the governor of Utah, local elected officials, the people of Utah, sportsmen, wildlife groups, historic preservation people; and the list goes on and on. I urge the Members to look at this legislation and see the facts and ignore the rhetoric.

Mr. Speaker, I support this rule and I urge Members to support this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. CANNON), the sponsor of this important legislation.

Mr. CANNON. Mr. Speaker, I am pleased today that the House is considering H.R. 3605, San Rafael Western Legacy District and National Conservation Area Act.

As my colleagues may know, the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands of the Committee on Resources, and I have been working on this legislation since I came to Congress in 1997. We have made great progress, and I am especially pleased that the Secretary of the Interior has now shown that he is fully behind this bill. He supports the concept of this National Conservation Area, as well as the specific implementation of it, that the people of Emery County have developed.

This bill sets aside nearly 1 million acres as a National Conservation Area, withdrawn from future mining claims and providing protection for primitive and semi-primitive areas. The Secretary of the Interior, in conjunction with an advisory council, will develop a management plan for the National Conservation Area that will allow various land uses, while simultaneously preserving the natural resources of the area for future generations.

It would also place 2.8 million acres into a legacy district to be managed for the conservation of the area's historical and cultural resources, allowing management that would guarantee the preservation of the dramatic canyons, wildlife, and historic sites of the San Rafael Swell. I am pleased to be contributing to the conservation of such a beautiful and historic area.

Negotiations have been ongoing for 3 years on this bill, and everyone from the Bureau of Land Management to the Secretary of the Interior to the county commission has agreed to its final form. Additionally, the county commissioners have presented it to as many groups as they could find to participate, and received agreement.

Recent negotiations regarding this bill have shown me just how committed the people of Emery County, Utah, are to the protection of this land. I am proud to offer with them and the Secretary of the Interior this bill to protect the San Rafael area. I urge my colleagues to support this rule.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 516 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3605.

☐ 1055

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3605) to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3605, the San Rafael Western Legacy District and National Conservation Area Act sponsored by my colleague and friend, the gentleman from Utah (Mr. CANNON).

H.R. 3605 will protect for future generations the spectacular lands known as the San Rafael Swell in Emery County, Utah.

Mother Nature created this area nearly 50 million years ago with a massive geological uplift in the Earth's crust. After millions of years of erosion by water, wind, heat, and cold, the amazing high mesas, deep canyons, domes and arches of the San Rafael decorate nearly a million acres of Federal lands. The rugged nature of these lands has allowed little or no development even today.

Man first came to this area 11,000 years ago. The Fremont culture thrived and their history is written in petroglyphs and pictographs throughout the area. Spanish explorers came to this area in the mid-18th century with regular visits from American explorers in the 1850s. Brigham Young established the first permanent occupation of this area in 1877 by sending 50 hearty Mormon families to Castle Valley. These strong individuals have been prospering in this area ever since. However, the sheer cliffs, steep canyons, columns and shafts of rock have insured the preservation of the Swell for decades.

Today, Mr. Chairman, we have an opportunity to continue protecting this area with bipartisan consensus legislation. The San Rafael Western Legacy District and National Conservation Act provides important protection for these lands. H.R. 3605 contains two levels of protection: first, all of Emery County will be designated as the Western Legacy District, where Americans will learn of the history, science, archeology, and culture of over 2.8 million acres of land.

Secondly, H.R. 3605 establishes the San Rafael National Conservation Area, which consists of nearly 1 million acres of Federal lands managed by the Bureau of Land Management.

☐ 1100

Subject to valid existing rights, the entire area will be withdrawn from mining, mineral leasing, or land disposal. The Secretary is mandated to enter into a public planning process to manage the area in a manner that conserves, protects, and enhances its resources and values. Over 600,000 acres of potential wilderness will receive a higher level of protection, and recreational use will be organized and managed in a way as to prevent resource degradation.

Mr. Chairman, early this Congress I asked Secretary Babbitt to take the time to look at the San Rafael area and help us find a way to protect these lands in a manner that fits the landscape and will ensure that we can fully protect some BLM lands in Utah. Secretary Babbitt sent Molly McUsic and other staff out there and they toured the lands, heard the concerns of the people who live and work in the area; and that began months of work by many dedicated BLM staff and the Emery County commissioners and their staff.

H.R. 3605 is a result of this work and represents a consensus bill that is supported by Secretary Babbitt, the administration, the Governor of Utah, the county commission, wildlife experts, historians, and conservationists. The bill has enjoyed overwhelming support in the Committee on Resources.

Mr. Chairman, I would like to address some of the issues that Members are hearing rhetoric about surrounding this legislation. Extreme groups are claiming that this is an anti-wilderness bill because it fails to designate wilderness. As many Members know, the issue of wilderness in Utah is one of the most polarized public land issues in America. However, that debate has raged for over 20 years; and although many efforts have been made by both sides, the fact is that we have failed to protect BLM lands in Utah because of this wilderness debate.

H.R. 3605 will finally protect nearly one million acres of BLM land in central Utah. This bill will actually provide enhanced protection to over 600,000 acres of potential wilderness land. In fact, this process has resulted in further protections already. The BLM, after working with the county, recently closed OHV trails and wilderness study areas. This will ensure that these lands remain available for wilderness protection by future Congresses.

For myself, and I believe Secretary Babbitt feels the same way, we would prefer to resolve the wilderness issue within the San Rafael area. However, that is impossible in today's climate. This legislation is a major step in the right direction. The BLM will formulate a management plan that will ensure that those lands that have wilderness qualities will be managed to protect those qualities. H.R. 3605 mandates the Secretary to manage these lands to prevent resource degradation.

Furthermore, the legislation formally recognizes that wilderness is left to future Congresses to decide how many of these million acres should be designated. This bill will ensure that these lands are protected in the future to allow for wilderness designation.

Attempts were made by some to amend the bill with wilderness designations that are reflected in legislation sponsored by my colleague the gentleman from New York (Mr. HINCHEY). Wilderness designations are more complicated than simply dropping legislation that seems to ignore all the science, all the work of the BLM professionals, the views of the people of Utah, and the opinion of the Secretary of Interior.

Let us pass this bill today, protect one million acres of the BLM land, and ensure that further Congresses have the ability to designate wilderness.

Mr. Chairman, claims are being made by extreme groups that this bill fails to adequately manage off-road vehicle use within the San Rafael. I would hope that Members would actually read the bill and also recognize what actions have already been taken by the BLM.

The legislation in section 202 specifically states that use of motorized vehicles in the conservation area will be restricted to existing roads and trails. Thus, cross-country four-wheeling is prohibited by the bill.

More importantly, the legislation mandates that the BLM mapping OHV use pursuant to 43 CFR 8340. This regulation guarantees that OHV will be prohibited if vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, etc. The legislation ensures that the management plan, through a public process, will appropriately manage the activities.

Those who wish to simply prevent all OHV recreation in this area are ill-informed. Just because they prohibit this use in the law does not mean the activity will stop. The language in this bill presently was negotiated with Secretary Babbitt and is acceptable to the recreation community. We currently have agreements with all OHV users, the BLM, and the county, who will be charged with policing many of these uses.

The bill calls for regulation of OHV pursuant to the BLM's own regulations. This bill is not an attempt to micromanage these lands but to set up a planning process under NEPA wherein all of America can be involved in the decision-making process.

Under the language in H.R. 3605, the Secretary is mandated to close any road or trail where undue problems are occurring. I urge the Secretary to exercise his authority over these regulations. The bill, as written, allows for a public process and ensures that the Secretary has the necessary tools to close roads and trails when it becomes necessary.

I urge my colleagues to defeat any attempt to change this language.

The current boundaries reflected in H.R. 3605 were drawn by Secretary Babbitt, his staff, and the professionals of BLM. There is criticism that the entire swell is not included. First, this is completely false. Who should we rely on to tell us what land should be included, the professionals at the BLM who manage these lands, or a few extreme groups who have an agenda but no responsibility for managing the lands in question?

The boundaries are drawn just like every other provision of this bill. They have been worked out with the Secretary and professionals. There is room for some tinkering around the edges, and we attempted to work with the minority to make some of the changes they sought. However, as with many of these issues, it was an all-or-nothing proposition.

If the Secretary and the county would not agree to all of their wants, there would be no negotiations. And that is the hallmark of these groups. The boundaries in H.R. 3605 make geographical and management sense and they include those lands worthy of protection. This House should respect the professional judgment of our Federal land managers and keep the boundaries as reflected in the bill.

The San Rafael area is a desert. There has been some misinformation floating around about the fact that this bill does not protect the water of this area. The fact is there are only two bodies of water in the whole conservation area. One is the San Rafael River. This river begins with the conservation area and is currently protected because the State holds an instream flow right in perpetuity on the river. Thus, the Federal-reserved water right is simply not necessary. No water will be diverted, no dams will be built, no pipes, nothing. The State holds all the rights for conservation purposes.

The second body of water is an intermittent stream called Muddy Creek. H.R. 3605 mandates that the Secretary shall enter into agreements with the State to ensure that these waters are preserved.

The language in the bill was heavily debated with Secretary Babbitt and the Solicitor's office, and all parties are comfortable with this language. The bill further protects the small amount of water in this area. I urge my colleagues to defeat any efforts to amend this language.

Mr. Chairman, H.R. 3605 is progressive conservation legislation that will protect nearly one million acres of Federal land. Every word of this legislation has been fully agreed to by Secretary Babbitt and the administration. We have sat down at the table, and this is a bipartisan measure that deserves our full support.

I urge the Members to ignore the rhetoric of the extreme groups and look at the hard work of the Secretary and the gentleman from Utah (Mr. CANNON) who have put this legislation together. I urge my colleagues to defeat destructive amendments designed to kill this effort, and I urge support for this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON), the sponsor of the bill.

Mr. CANNON. Mr. Chairman, as we begin debate on H.R. 3605, the San Rafael Western Legacy District and National Conservation Area Act, I first would like to thank the gentleman from Utah (Mr. CANNON), our subcommittee chairman, for his work and commitment to this legislation.

Emery County and the State of Utah do not have a stronger voice in this body than the gentleman from Utah (Mr. HANSEN). His continued dedication and unyielding support for this and other land management initiatives will finally prove successful in H.R. 3605. The gentleman from Utah (Chairman HANSEN) successfully shepherded this legislation through the committee process, and his efforts have given us a very strong, effective, and balanced bill.

In addition, I would like to acknowledge the efforts of Emery County Commissioner Randy Johnson and thank him. He has been tireless in his 3-year campaign to protect and preserve the San Rafael Swell. But for the dedication and devotion of Randy to this crusade, we would not all be here today. The people of Emery County should be proud to have such a hard-working public servant.

As many of our colleagues know, we have been working on this project to protect the San Rafael Swell for over 3 years. This legislation sets up a process to preserve the remarkable area famous for such outlaws as Butch Cassidy and the Sundance Kid and many, many others of the famous western outlaws.

Over the last 3 years, people in Emery County, Utah, the off-road vehicle users, the sportsmen, and others came together with county officials, landowners, and the Bureau of Land Management to approve this plan.

The San Rafael Western Legacy District and Conservation Area Act would place 2.8 million acres into a Legacy District to be managed for the conservation of the region's historical and cultural resources.

Similar to a National Heritage Area, this designation would allow the people of Emery County to invest in the protection of their diverse cultural, archaeological, and natural assets. Additionally, they will be able to better manage the many tourists who now strain the region's tourism infrastructure, providing the tourists with a more enjoyable visit and the region with a sustainable economy.

Additionally, this bill will set aside almost a million acres as a national conservation area, withdrawn from future mining claims and closed to cross-country vehicle travel.

The Secretary of Interior, in conjunction with an advisory council, will develop a management plan for the national conservation area that will provide for various lands uses and that the preservation of these amazing natural resources for future generations. This is an amazing area that is sorely in need of protection, and the national conservation area will provide that in a flexible context that incorporates the views of those closest to the land.

We, as Americans, are united in our love for our public lands and our desire to use them appropriately. I introduced this bill to preserve a beautiful and historic part of the State of Utah while taking into account the local economy. It provides a process for managing the land and providing access for people who come to enjoy it.

This bill represents a breakthrough in land management policy for the western United States. It gives the proper weight for citizen input in balancing wilderness preservation, commercial use, and recreation. It proves that consensus can be achieved from the ground up, rather than from the top down.

Today we have an opportunity to pass landmark legislation to protect and conserve the historical and cultural values of one of the most beautiful and pristine areas in the Union. We have come a long way in our discussions by crafting legislation that is supported by the administration, the local officials, and outdoor enthusiasts. This area is experiencing record visitation, and the time to establish adequate protections is now.

I urge my colleagues to support H.R. 3605 and preserve these lands for generations to come.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT), my friend.

Mr. BOEHLERT. Mr. Chairman, I rise in support of H.R. 3605.

Mr. Chairman, I have negotiated with the gentleman from Utah (Chairman HANSEN) to prepare some amendments that will further clarify and improve the bill. But even in its current form, I support the general thrust of the bill, as does the Secretary of the Interior, Bruce Babbitt, with whom we have been in contact this morning.

H.R. 3605 is the product of lengthy negotiations between local officials in Utah and officials of the Department of the Interior, including, as I mentioned, Secretary Babbitt.

These two sets of officials, representing local and national interests, agreed to wade into a protracted and politically thorny set of land use issues to put aside years of acrimony, to break a draining, pointless, ideological stalemate by working out practical, helpful compromises. And to just about everyone's amazement, they succeeded.

I believe these local and Federal officials of both political parties deserve to be rewarded for their success, not snubbed. The negotiations that produced this bill should be a precedent for resolving land use disputes. That does not mean that every dispute will be resolved or that every resolution will merit congressional support. But thoughtful, carefully worked out resolutions like this one concerning the San Rafael Swell have earned our support.

□ 1115

Does this bill successfully dispose of every issue the way I would most prefer? No, of course not. But this is a case where an old congressional saying is quite appropriate: "Let's not make the perfect the enemy of the good."

To those who believe that more land should be protected more fully than this bill allows, I say there is nothing in the bill that would block consideration of further land protection at a later date. But this bill will protect the bulk of the San Rafael Swell right now. To those who want greater restrictions on off-highway vehicles, I say the management plan or later laws can impose even further limitations. But this bill will codify significant restrictions on off-highway vehicle use right now. So we need to act right now to increase the protections for the San Rafael area. That is good for the environment.

The amendments I have worked out will make the bill better for the environment by expanding the boundaries of the conservation area, clarifying the restrictions on off-highway vehicles and ensuring that land in the conservation area remains at least as protected as it is right now.

I urge my colleagues to support H.R. 3605 as a bipartisan step forward in protecting our lands in the West for all Americans.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I regret that this bill is before the House today because I do not think it is ready for this prime time appearance. By that I do not mean that the bill is all bad. It does have some positive aspects. And I do not mean that the sponsors are not serious when they say that they want to improve the management of this special part of the public lands. I know they are sincere and I respect their efforts. What I do mean is that the bill still has several serious flaws. We should have fixed those flaws when we considered the bill in the Committee on Resources, but that did not happen. We should have revised the bill so that it would cover the entire San Rafael Swell area, but we did not. We should have provided the BLM with all the tools it needs to protect the resources and values of these public lands that have been shaped by the forces of wind and water, but we did not do that, either. And we should have made the bill truly wilderness neutral by providing at least interim protection for the wilderness resources of these lands. Again, we did not do that in the committee.

So here we are with a bill that falls short. We will be considering some amendments to try to do at least part of the work that we could have done in the committee. Those amendments deserve approval. But unless the bill's flaws are corrected, it should be rejected so that we can start again in the Committee on Resources and do the job right the next time.

Mr. Chairman, I include the following for the RECORD:

ENVIRONMENTAL DEFENSE, WESTERN WATER PROJECT—TROUT UNLIMITED, LAND AND WATER FUND OF THE ROCKIES,

June 5, 2000.

Hon. BRUCE BABBITT,
Secretary of the Interior,
Washington, DC.

DEAR SECRETARY BABBITT: We are writing about H.R. 3605, the San Rafael Western Legacy District and National Conservation Act, that was reported out of the Resources Committee, as amended, on May 16, 2000. Environmental Defense and Trout Unlimited have not been a part of the negotiations and debate that surround this legislation, and we are not in a position to express a general position on that legislation. However, we have been made aware of this legislation's water rights provision and have carefully reviewed that legislation language. We have very serious concerns about this provision. We do not believe that its terms will permit the Bureau of Land Management to protect and conserve the water-related resources of the San Rafael Swell. And we are gravely concerned about the precedent that this legislation likely will set. Thus, we urge you to insist that this legislative provision be removed or substantially strengthened.

I. GENERAL COMMENTS

By way of background, we note that H.R. 3605 withdraws those lands within the proposed national conservation area from disposal under the public lands laws. That is certainly a positive step forward. However, we also note that H.R. 3605, both as introduced and as amended, expressly disclaims either an express or implied federal reserved water right. This is a dramatic departure from the general approach that the Congress has taken when it reserves lands either for wilderness or for national conservation areas. For example, section 201(f) of the Arizona Desert Wilderness Act (which dealt with Bureau of Land Management lands) both effected a reservation of water sufficient to fulfill the purposes of the reservation and directed the Secretary to take all necessary steps to protect those rights. Section 706 of the California Desert Protection Act of 1994 and section 8 of the Nevada Wilderness Protection Act of 1989 were to like effect. Similarly, when it established the El Malpais National Conservation Area, the Congress expressly reserved water to carry out the purposes of the national conservation area. And when Congress established the San Pedro Riparian National Conservation Area, the Congress expressly reserved a quantity of water sufficient to fulfill the purposes of the national conservation area. 16 U.S.C. §460XXX.

Admittedly, in individual cases the Congress has seized upon an alternative strategy to protect and conserve the water-related resources within a reservation. The Colorado Wilderness Act of 1993 is perhaps the best example of such an approach. The water rights language in that legislation established a model for providing a high level of protection for water-related resources within a reservation without resort to a reserved right. However, the water rights language approved by the Resources Committee for the San Rafael Swell would neither effect a reserved right nor establish an alternative approach for protecting water-related resources. Instead, the Resource Committee's amended bill would effectively abdicate the United States' responsibility for protecting and conserving water and water-related resources within the Swell. We believe that would be a serious error.

II. SPECIFIC COMMENTS

Set out below are our more specific comments on the water provisions added to the bill during Resource Committee markup:

A. Water rights already have been appropriated. Subsection (k) of the amendment avers that available water resources within the external boundaries of the conservation area already have been appropriated. While we do not have the information to determine whether that is an accurate statement, we will assume for the sake of argument that it is; most river basins in the West would fit within that general description. But even if this is an accurate description, it is not a sufficient basis to both disavow a reserved right and fail to adopt an equally effective alternative for the protection of water resources within the national conservation area. We should start with the fundamentals. And the fundamentals are that those of us who have visited the Swell, as you perhaps have, know that at certain times of the year there is abundant water in the water courses that arise upon or flow through the proposed national conservation area. And of course, the riparian vegetation that adjoins those watercourses is dependent upon those flows. But the assertion that water resources within the basins that will, in whole or in part, be encompassed by the national conservation area are appropriated is not necessarily in conflict with the presence of flowing and standing water within the proposed national conservation area. Neither is a sufficient argument to disclaim not only a reserved right but even a meaningful alternative for protecting water resources within the proposed national conservation area.

It may be that water storage projects upstream of the proposed national conservation area are not capable of capturing the entire flow of the streams during heavy rains or during the spring. It may be that the water rights upstream of the proposed national conservation area are unperfected and may, or may not, ever be made absolute. It may be that upstream appropriators are simply unable, at this time, to make full use of the waters that arise upon or flow through the national conservation area. Thus, there may be water that is available for a junior appropriation even though the area appears fully appropriated.

B. No express or implied reservation of water. The water provisions in the committee amendment do preserve pre-existing valid existing water rights. However, there is no evidence in the record that we have seen to suggest that the Bureau of Land Management possesses existing water rights adequate to protect water-related resources within the national conservation area. Moreover, as noted above, subsection (1) of the water provisions added during committee markup expressly disclaims either an express or implied federal reserved water right. This is a deeply troubling precedent. But notwithstanding the claim that is routinely made in legislation such as this that water provisions are not intended to create a precedent, our own experience had disapproved any such claim. If the Congress follows this course, this legislation language inevitably will become the template for future legislation. That would be a tragic mistake. Although western interests have been hostile to federal reserved and non-reserved rights for over a century, these tools have been indispensable to the protection of water resources on reservations created on the public land.

If this legislation instead adopted the course traveled by so many other public lands statutes, the Secretary would have the ability to file for a water right to protect the Swell's water resources. Admittedly, the water right would be junior to all pre-existing water rights. Nevertheless, such a water right would enable the Secretary to prevent senior water rights from being changed or expanded if such actions would "injure" the junior reserved right. Similarly, the existence of a reserved right, however junior, would permit the Secretary to protect water resources within the Swell from injury by over-use of water upstream of the national conservation area (either through diversions in excess of upstream rights, or by over-application of water to a beneficial use). In the absence of a reserved right, the Secretary will be seriously challenged in his or her ability to address problems such as these. Indeed, we believe future Secretaries will be entirely disabled from effectively dealing with issues such as this. At the same time, without a reserved or nonreserved right (both of which appear to be foreclosed by this legislation), the Secretary may well discover ten or twenty years in the future that he or she is unable to secure adequate water supplies even to serve the visiting public at visitors centers, campgrounds, and similar facilities.

C. No other authority for water resources. The most troubling part of the amendment is the provision directing that if the United

States determines it needs additional water resources, it must attempt to work with a state agency that is eligible to hold instream flow water rights in order to acquire such rights in accordance with state water law. But under Utah state law, only the state may hold an upstream water right; neither an individual nor a federal agency can acquire an instream flow right. Moreover, and even more troubling, Utah state agencies may only convert existing water rights to instream flows; there is no statutory basis that would enable even a state agency to file a new, junior appropriation for an instream flow within the national conservation area. Ut. Rev. Code §73–3–3. The current bill language thus creates a chimera for protection of instream values. Worse, it would preclude entirely the Secretary from obtaining any right to divert water for other legitimate governmental uses associated with the conservation area, such as providing water for fire protection.

III. SUMMARY

This legislation, as it currently stands, would tie the hands of the United States. The Bureau of Land Management would lack the tools that are needed to protect valuable resources within this reservation. Indeed, this legislation effectively abdicates the federal government's responsibilities in that regard. Those of us who have visited the Swell, as you have, know full well that the Swell is an extraordinary place. It is a place that was shaped by the forces of wind and water. Whatever the other merits of this proposal may be, it would be a tragic mistake to accept a legislative proposal that contains this sweeping precedent on water resources. We urge you to insist that this provision be removed or substantially strengthened.

Respectfully,
JAMES B. MARTIN,
Senior Attorney,
Environmental Defense.
MELINDA KASSEN,
Director, Colorado Office,
Western Water Project, Trout Unlimited.
DANIEL LUECKE,
Senior Scientist/Regional Director,
Environmental Defense.
BRUCE DRIVER,
Executive Director,
Land and Water Fund of the Rockies.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say at the outset of this debate that the gentleman from Utah has worked very, very hard on this legislation; and I think any of us who are familiar with these issues in the West recognize the controversy that they provoke. As many of us are also aware, the controversy goes on for a considerable period of time. In this particular area, we have had controversy and discussions since the 1930s about what to do in the San Rafael area. This legislation deals with the San Rafael Swell, which is an incredible dome of uplifted sedimentary rock that rises some 1,500 feet above the surrounding desert measuring 50 miles long and 30 miles wide. This is an area that those who may be familiar with the area recognize is sheer-walled cliffs and twisting canyons with incredible mesas and buttes. This is the incredible beauty of this area of the West, this area of Utah; and that is why it has been an area of such great controversy because there are those who live there and make their livelihood there. There are those who want to protect it in the highest form of protection we can provide as a national treasure, and there are those who simply want to drive by and look at it as part of their summer vacation. It is a dramatic area, it is a beautiful area, and it clearly has resources and values and assets that are on a par with Arches, Canyonlands and Zion National Parks.

This is not a minor piece of legislation. This is dealing with one of the great environmental assets in this Nation. But again it is also that fact that makes this legislation so controversial and even the discussion of the parts of this legislation is controversial. The gentleman from Utah has worked hard with the community in trying to develop a consensus and worked with the Secretary of Interior as he pointed out over many, many months recently to see whether or not they could come up with a legislative package that addressed all of their needs. I am sad to say that I do not believe that they have yet arrived at that package, that this legislation has a number of flaws that need to be corrected. We repeat some mistakes that we know have turned out to be very costly from the past, and, that is, when we start setting environmental and ecological boundaries that are based upon political jurisdictions and political decisions that follow existing roads or follow existing section lines or follow existing political boundaries of counties or townships, that we very often make a terrible mistake because that does not reflect the true protection of the environmental assets, it does not reflect the movement of wildlife, it does not reflect the expanse of habitat, it does not reflect necessarily the corridors that are needed for wildlife to move during different seasons and wet and dry periods of the year.

Yet in this legislation once again we see that almost the entire southern boundary here is based upon a county line. As we know, as we struggled with the issues surrounding Yellowstone Park and other preserves in this country, those old decisions that were made in that fashion have turned out to be very bad for the protection and the conservation of those resources. I think that we even see in areas where we would be considering wilderness protection, protection of those assets in some cases, the boundaries here split those in two without taking that into consideration.

The same is true with known wildlife habitat. I also think that we make the mistake in this legislation in not addressing the need for wilderness area. I appreciate the controversy that that raises in the West when discussing the wilderness area, and our committee from time to time has tried to work around that area; but to simply set these up as conservation areas is to allow a whole range of activities in those areas that then later work against the qualification of those areas for wilderness areas, whether it is communication towers, whether it is roads, those kinds of uses that then people use as evidence to say, Well, you can't consider this a wilderness area.

So a great deal of damage can be done to the wilderness areas and the potential for wilderness protection if in fact we do not arrive at that level of protection. We have studied this, we have had a number of wilderness assessments done in this State, most recently several years ago, and clearly have identified these areas. There will be amendments on the floor to establish this as a wilderness area or a wilderness study area. I think the Members ought to give serious consideration to that.

The other one is, there has been a tragic history here of really irresponsible off-the-road vehicle use. Clearly that is one of the uses of lands in many parts of the West. It is very controversial. Some people adamantly disagree with it and do not believe there should be any ORV use. I do not think that is realistic necessarily, or appropriate or necessary; but what we do have to have is responsible policies. In the past, this area has been closed because of those irresponsible policies and now simply to engage and let those people continue this for another 4 years I think is a mistake and again fails to recognize what we have learned from the past management of this land. We would in effect be codifying the same BLM regulations that have failed to protect this area.

We also have the problem of creating something called the Western Legacy District. We do not know what a Western Legacy District is; we do not know what values it is there to protect. It appears that apparently this county has determined that. I think if we were looking for historical assets or whatever the basis is or environmental assets, we might find others that are more worthy of that designation. Clearly some definition, some protection of both the areas and of the taxpayer ought to be written into this legislation.

I am also deeply concerned, again this is a controversial area in the West, about the issues of Federal reserve water rights. Here the Secretary apparently turned over whatever would be a federally reserved water right to the States, the State of Utah; but that does not provide for the kinds of protections necessary to protect the full range of a Federal asset here because it is a rather limited water right that the State has for conservation based mainly on wildlife and puts the State in the position of negotiating with its own citizens who may want to make withdrawals and consumptive use of this water. I know this is controversial, but we should be protecting these Federal assets to the full extent of the law and the need of the area; and if we start just continuing to take consumptive use upstream from this area, we then denigrate the environmental values and assets of this area. Clearly, I think the Secretary has made a mistake on the Federal reserve water rights.

There will be amendments offered after the general debate on these areas. I would hope Members would support the amendments by the gentleman from Colorado (Mr. UDALL), the gentleman from New Jersey (Mr. HOLT), the gentleman from Washington (Mr. INSLEE), and the gentleman from New York (Mr. HINCHEY) because I do believe that they strengthen this bill; and most importantly they provide the kind of protection that the people of this Nation are entitled to for environmental assets that are as magnificent as the San Rafael Swell and the surrounding areas.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of H.R. 3605, the San Rafael Western legacy Act. This bill does not do all I would like it to do, but having seen the stalemate which has existed for decades, I believe it is time to move forward.

Mr. Chairman, in the 105th Congress, as the ranking member on the Subcommittee on National Parks and Public Lands, I went to Southern Utah more than once and spent some time traveling the area to better understand the national and local issues involved. As noted by my colleagues, this truly is a unique area which deserves protection. On that there is agreement. As we have seen this afternoon, the problem arises in what level of protection do we afford, and how much area do we protect.

I do not see this bill as the end of wilderness protection in the State of Utah—rather I see it as a first step. I am glad to see that the Administration was able to reach a compromise with the Representatives from this area, and I urge my colleagues to support this compromise bill.

Ms. DEGETTE. Mr. Chairman, there is no question in my mind that the stunning landscape of the San Rafael Swell with its multicolored sandstone exposed in deep canyons should be protected. The question before us today is, does this legislation offer that protection? Unfortunately, the answer is no. Therefore, I rise in opposition to H.R. 3605 because it fails to protect and preserve the unique beauty that this wild area of Utah deserves.

While I adamantly support the strongest protection possible for the San Rafael Swell in Utah, and have cosponsored the "America's Redrock Wilderness Act," H.R. 3605 provides inadequate protection for these lands. This legislation creates the "San Rafael Western Legacy District," a vague moniker that falls short of the real protection this land merits.

How can this land be protected by legislation that does not address the rampant off-road vehicle use, which poses the gravest risk to this land? How can this land be preserved for generations when this legislation fails to designate a single acre as a wilderness study area, much less declare any land as wilderness? How can this ecosystem be protected by legislation that does not address the issue of water rights?

Terry Tempest Williams wrote that these lands "swing the doors of our imagination wide open." It is passed time to protect these treasured lands and ensure they remain wild and free before they slip away from us forever.

Mr. GEORGE MILLER of California. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Rafael Western Legacy District and National Conservation Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term "Conservation Area" means the San Rafael National Conservation Area established by section 201.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) WESTERN LEGACY DISTRICT.—The term "Western Legacy District" means the San Rafael Western Legacy District established by section 101.

TITLE I—SAN RAFAEL WESTERN LEGACY DISTRICT

SEC. 101. ESTABLISHMENT OF THE SAN RAFAEL WESTERN LEGACY DISTRICT.

(a) IN GENERAL.—In order to promote the preservation, conservation, interpretation, scientific research, and development of the historical, cultural, natural, recreational, archeological, paleontological, environmental, biological, educational, wilderness, and scenic resources of the San Rafael region of the State of Utah, as well as the economic viability of rural communities in the region, there is hereby established the San Rafael Western Legacy District, to include the San Rafael National Conservation Area established by section 201.

(b) AREAS INCLUDED.—The Western Legacy District shall consist of approximately 2,842,800 acres of land in the County of Emery, Utah, as generally depicted on the map entitled "San Rafael Western Legacy District and National Conservation Area" and dated .

(c) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to the Congress a map and legal description of the Western Legacy District. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of the Land Management in Utah.

(d) LEGACY COUNCIL.—

(1) IN GENERAL.—The Secretary shall establish a Legacy Council to advise the Secretary with respect to the Western Legacy District. The Legacy Council may furnish advice and recommendations to the Secretary with respect to management, grants, projects, and technical assistance.

(2) MEMBERSHIP.—The Legacy Council shall consist of not more than 10 members appointed by the Secretary. Two members shall be appointed from among the recommendations submitted by the Governor of Utah and 2 members shall be appointed from among the recommendations submitted by the Emery County Commissioners. The remaining members shall be persons recognized as experts in conservation of the historical, cultural, natural, recreational, archeological, environmental, biological, educational, and scenic resources or other disciplines directly related to the purposes for which the Western Legacy District is established.

(3) RELATIONSHIP TO OTHER LAW.—The establishment and operation of the Legacy Council established under this section shall conform to the requirement of the Federal Advisory Committee Act (5 U.S.C. App.) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) ASSISTANCE.—

(1) IN GENERAL.—The Secretary may make grants and provide technical assistance to accomplish the purposes of this section to any nonprofit or unit of government with authority in the boundaries of the Western Legacy District.

(2) PERMITTED USES.—Grants and technical assistance made under this section may be used for planning, reports, studies, interpretive exhibits, historic preservation projects, construction of cultural, recreational, educational, and interpretive facilities that are open to the public, and such other expenditures as are consistent with this Act.

(3) PLANNING.—Up to $100,000 of amounts available to carry out this section each fiscal year, up to a total amount not to exceed $200,000, may be provided under this subsection only to a unit of government or a political subdivision of the State of Utah for use for planning activities.

(4) MATCHING FUNDS.—Federal funding provided under this section may not exceed 50 percent of the total cost of the activity carried out with such funding, except that non-Federal matching funds are not required with respect to—

(A) planning activities carried out with assistance under paragraph (3); and

(B) use of assistance under this section for facilities located on public lands and that are owned by the Federal Government.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under this section not more than $1,000,000 annually for any fiscal year, not to exceed a total of $10,000,000.

SEC. 102. MANAGEMENT AND USE OF THE SAN RAFAEL WESTERN LEGACY DISTRICT.

(a) IN GENERAL.—The Secretary, through the Bureau of Land Management and subject to all valid existing rights, shall administer the public lands within the Western Legacy District pursuant to this Act and the applicable provisions of the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.). The Secretary shall allow such uses of the public land as the Secretary determines will further the purposes for

which the Western Legacy District was established.

(b) FISH AND WILDLIFE.—Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Utah with respect to fish and wildlife within the Western Legacy District.

(c) PRIVATE LANDS.—Nothing in this Act shall be construed as affecting private property rights within the Western Legacy District.

(d) PUBLIC LANDS.—Nothing in this Act shall be construed as in any way diminishing the Secretary's or the Bureau of Land Management's authorities, rights, or responsibilities for managing the public lands within the Western Legacy District.

TITLE II—SAN RAFAEL NATIONAL CONSERVATION AREA

SEC. 201. DESIGNATION OF THE SAN RAFAEL NATIONAL CONSERVATION AREA.

(a) PURPOSES.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values of the Western Legacy District and the public lands described in subsection (b), including historical, cultural, natural, recreational, scientific, archeological, paleontological, environmental, biological, wilderness, wildlife, educational, and scenic resources, there is hereby established the San Rafael National Conservation Area in the State of Utah.

(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 947,000 acres of public lands in the County of Emery, Utah, as generally depicted on the map entitled "San Rafael Western Legacy District and National Conservation Area" and dated ______ . Notwithstanding any depiction on such map, the boundary of the Conservation Area shall be set back 300 feet from the edge of the Interstate 70 right-of-way and 300 feet from the edge of the State Route 24 right-of-way.

(c) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to the Congress a map and legal description of the Conservation Area. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management and in the appropriate office of the Bureau of Land Management in Utah.

SEC. 202. MANAGEMENT OF THE SAN RAFAEL NATIONAL CONSERVATION AREA.

(a) MANAGEMENT.—The Secretary, acting through the Bureau of Land Management, shall manage the Conservation Area in a manner that conserves, protects, and enhances its resources and values, including those resources and values specified in section 201(a), and pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law, including this Act.

(b) USES.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established.

(c) VEHICULAR USES.—

(1) IN GENERAL.—Except where needed for administrative purposes or to respond to an emergency, and subject to paragraph (2), use of motorized vehicles in the Conservation Area shall be—

(A) prohibited at all times in areas where roads and trails did not exist as of February 2, 2000;

(B) limited to roads and trails that—

(i) existed as of February 2, 2000; and

(ii) are designated for motorized vehicle use as part of the management plan prepared pursuant to subsection (f); and

(C) managed consistent with section 8340 of title 43, Code of Federal Regulations (relating to designating public lands as open, limited, or closed to the use of off-road vehicles and establishing controls governing the use and operation of off-road vehicles in such areas).

(2) LIMITATION ON APPLICATION.—(A) Subparagraphs (A) and (B) of paragraph (1) do not limit the provision of reasonable access to private lands or State lands within the Conservation Area.

(B) Any access to private lands or State lands pursuant to subparagraph (A) of this paragraph shall be restricted to exclusive use by, respectively, the owner of the private lands or the State.

(d) WITHDRAWALS.—

(1) IN GENERAL.—Subject to valid existing rights and except as provided in paragraph (2), all Federal lands within the Conservation Area and all lands and interests therein that are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry, and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto. Nothing in this paragraph shall be construed to effect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(2) COMMUNICATION FACILITIES.—The Secretary may authorize the installation of communications facilities within the Conservation Area, but only to the extent that they are necessary for public safety purposes. Such facilities must have a minimal impact on the resources of the Conservation Area and must be consistent with the management plan established under subsection (f).

(e) HUNTING, TRAPPING, AND FISHING.—Hunting, trapping, and fishing shall be permitted within the Conservation Area in accordance with applicable laws and regulations of the United States and the State of Utah, except that the Utah Division of Wildlife Resources, or the Secretary after consultation with the Utah Division of Wildlife Resources, may issue regulations designating zones where and establishing periods when no hunting, trapping, or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(f) MANAGEMENT PLAN.—Within 4 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range protection and management of the Conservation Area. The plan shall describe the appropriate uses and management of the Conservation Area consistent with the provisions of this Act. The plan shall include, as an integral part, a comprehensive transportation plan for the lands within the Conservation Area. In preparing the transportation plan the Secretary shall conduct a complete review of all roads and trails within the Conservation Area. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the Conservation Area.

(g) STATE TRUST LANDS.—The State of Utah and the Secretary may agree to exchange Federal lands, Federal mineral interests, or payment of money for lands and mineral interests of approximately equal value that are managed by the Utah School and Institutional Trust Lands Administration and inheld within the boundaries of the Conservation Area.

(h) ACCESS.—The Bureau of Land Management, the State of Utah, and Emery County may agree to resolve section 2477 of the Revised Statutes and other access issues within the Conservation Area.

(i) WILDLIFE MANAGEMENT.—Nothing in this Act shall be deemed to diminish the responsibility and authority of the State of Utah for management of fish and wildlife within the Conservation Area.

(j) GRAZING.—Where the Secretary of the Interior currently permits grazing, such grazing shall be allowed subject to all applicable laws, regulations, and executive orders.

(k) NO BUFFER ZONES.—The Congress does not intend for the establishment of the Conservation Area to lead to the creation of protective perimeters or buffer zones around the Conservation Area. The fact that there may be activities or uses on lands outside the Conservation Area that would not be permitted in the Conservation Area shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area consistent with other applicable laws.

(l) WATER RIGHTS.—Because the available water resources in the drainage basins included in part within the exterior boundaries of the Conservation Area have already been appropriated—

(1) nothing in this Act, the management plan required by subsection (f), or any action taken pursuant thereto, shall constitute either an express or implied reservation of surface or ground water;

(2) nothing in this Act affects any valid existing water rights in existence before the date of enactment of this Act, including any water rights held by the United States; and

(3) if the United States determines that additional water resources are needed for the purposes of this Act, the United States shall work, with or through any agency that is eligible to hold instream flow water rights, to acquire such rights in accordance with Utah State water law.

(m) WILDERNESS' ACTS.—Nothing in this Act alters the provisions of the Wilderness Act of 1964 (16 U.S.C. 1131) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as they pertain to wilderness resources within the Conservation Area. Recognizing that the designation of wilderness areas requires an Act of Congress, the Bureau of Land Management, the State of Utah, Emery County, and affected stakeholders may work toward resolving various wilderness issues within the Conservation Area.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title such sums as may be necessary.

The CHAIRMAN. The amendment printed in House Report 106-654 shall be considered read and shall not be subject to amendment or to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 106-654 offered by Mr. HANSEN:

In section 101(b), strike "2,842,800" and insert "2,859,100".

In section 101(b), strike "dated" and all that follows through the period and insert "dated March 24, 2000.".

In section 201(b), strike "947,000" and insert "958,600".

In section 201(b), strike "dated" and all that follows through the first period and insert "dated March 24, 2000.".

Mr. HANSEN. Mr. Chairman, this is a technical amendment containing the more exact acreage measurements according to the official BLM map dated March 24, 2000. According to the map dated March 24, 2000, the acreage changes are from 2,842,800 to 2,859,100. That is on page 2, line 26; and from 947,000 to 958,600 on page 7, line 15.

Mr. Chairman, this is a noncontroversial amendment. I urge my colleagues to support it.

AMENDMENT OFFERED BY MR. BOEHLERT TO THE AMENDMENT OFFERED BY MR. HANSEN

Mr. BOEHLERT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT to the amendment offered by Mr. HANSEN:

In the first amendment to section 201(b), strike "958,600" and insert "1,052,800".

In the second amendment to section 201(b), strike "March 24, 2000" and insert "June 6, 2000".

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1130

Mr. BOEHLERT. Mr. Chairman, this is an amendment that has been negotiated with the gentleman from Utah (Mr. HANSEN) and the gentleman from Utah (Mr. CANNON). The amendment would expand the boundaries of the San Rafael Conservation Area to include parts of the Factory Butte and Muddy Creek areas in Wayne County. These are areas that, appropriately, environmental groups have been most interested in protecting and so am I, and thus this amendment.

I know that some Members and outside groups would like to include even more terrain in the Conservation Area. But this is the most we can get right now without destroying the fragile coalition that reached the agreement that is embodied in this bill. There is nothing in the bill that prejudices or prevents any decision to add further territory later on.

So I urge support for this amendment, which will extend the protection of this bill to two key scenic areas. Let us make the San Rafael Conservation Area as large as we can right now for the protection of the environment and the enjoyment of all Americans.

Mr. Chairman, I urge adoption of my amendment.

Mr. HANSEN. Mr. Chairman, I rise in support of the Boehlert amendment.

Mr. Chairman, I appreciate the gentleman from New York (Mr. BOEHLERT), his excellent efforts to include these areas. Maybe this technically is out of the San Rafael Swell, but, frankly, no one really knows what the San Rafael Swell is anyway. But as far as we can tell, this expands it, rather substantially in the areas of Factory Butte, which is absolutely a fantastic beautiful monument all by itself and also Muddy Creek.

And, in my opinion, this will make the bill substantially better, and on top of that, it should negate many of the arguments that have been coming up in the last little while that we have not gone far enough. This does expand it, and I agree with the gentleman from New York (Mr. BOEHLERT), let us do it now and get it done. So I think that probably ends most of the arguments that should be brought up regarding the expansion of the San Rafael Swell. And I support the gentleman's amendment to my amendment.

Mr. CANNON. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, first, I would like to thank the gentleman from New York (Mr. BOEHLERT) for his involvement and effort on this issue. Recent negotiations regarding this bill have shown me just how committed the people of Emery County, Utah, are to the protection of this land.

Each time that we considered a change, they have gone out of their way to accommodate the proposals. In fact, a couple of weeks ago, one of our county commissioners flew out there at great expense to negotiate language changes. He then flew back to Utah to present to a neighboring county, that is Wayne County, the expansion of the boundaries of the National Conservation Area to include such areas as Factory Butte, which, by the way, is really a beautiful area.

Although the Secretary of the Interior felt comfortable with the current boundaries, Commissioner Johnson negotiated in good faith to include more land in the National Conservation Area. Even this new county, Wayne County, was willing to work with us and developed an excellent offer to expand the boundaries.

The language that Mr. BOEHLERT is offering is this compromised language, which continues, in the spirit of this bill, to accommodate all parties.

Mr. Chairman, I urge all Members to support this amendment to Mr. HANSEN's amendment.

Mr. COOK. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment of the gentleman from New York (Mr. BOEHLERT) to expand the boundaries of the San Rafael Western Legacy District. I commend my colleagues, the gentleman from Utah (Mr. HANSEN), the gentleman from Utah (Mr. CANNON), for accepting this southern boundary addition.

The underlying bill would have fragmented fragile ecosystems and excluded several wildland areas. The amendment of the gentleman from New York (Mr. BOEHLERT) will bring spectacular parts of the San Rafael Swell's southern wilderness landscape into the protection of the Western Legacy District. Places like Factory Butte, pictured behind me, and Red Desert will now be preserved for generations. More importantly, the new boundary now will make scientific and ecological sense.

Mr. Chairman, I urge my colleagues to support this amendment and protect these southern Utah wildlands; and if some additional amendments can be achieved, I can even see myself supporting the underlying bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT) to the amendment offered by the gentleman from Utah (Mr. HANSEN).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment, offered by the gentleman from Utah (Mr. HANSEN), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of Colorado:

At the end of the bill, add the following new title:

TITLE III—WILDERNESS STUDY AREAS

SEC. 301. SHORT TITLE.

This title may be cited as the "San Rafael Swell Region Wilderness Study Act of 2000".

SEC. 302. DESIGNATION.

(a) IN GENERAL.—In order to maintain the options of Congress with regard to possible future designation of lands as wilderness, certain public lands in Utah, comprising approximately 1,054,800 acres as generally depicted on a map entitled "Proposed Wilderness within San Rafael Swell Region" and dated March, 2000, and as specified in subsection (b) of this section, are hereby designated as wilderness study areas.

(b) WILDERNESS STUDY AREAS.—The areas designated as wilderness study areas by subsection (a) are as follows:

(1) The lands identified as "Sids Mountain" and "Eagle Canyon" on the map referred to in subsection (a), comprising approximately 112,000 acres, which shall be known as "Sids Mountain-Eagle Canyon Wilderness Study Area".

(2) The lands identified as "Mexican Mountain" on the map referred to in subsection (a), comprising approximately 99,000 acres, which shall be known as "Mexican Mountain Wilderness Study Area".

(3) The lands identified as "Muddy Creek" on the map referred to in subsection (a), comprising approximately 235,000 acres, which shall be known as "Muddy Creek Wilderness Study Area".

(4) The lands identified as "Wild Horse Mesa" on the map referred to in subsection (a), comprising approximately 91,000 acres, which shall be known as "Wild Horse Mesa Wilderness Study Area".

(5) The lands identified as "Factory Butte" on the map referred to in subsection (a), comprising approximately 25,000 acres, which shall be known as "Factory Butte Wilderness Study Area".

(6) The lands identified as "Red Desert" and "Capital Reef Adjacent Units" on the map referred to in subsection (a), comprising approximately 40,000 acres, which shall be known as "Red Desert Wilderness Study Area".

(7) The lands identified as "Price River-Humbug" on the map referred to in subsection (a), comprising approximately 99,000 acres, which shall be known as "Price River-Humbug Wilderness Study Area".

(8) The lands identified as "Lost Spring Wash" on the map referred to in subsection (a), comprising approximately 35,000 acres, which shall be known as "Lost Spring Wash Wilderness Study Area".

(9) The lands identified as "Mussentuchit Badlands" on the map referred to in subsection (a), comprising approximately 25,000 acres, which shall be known as the "Mussentuchit Badlands Wilderness Study Area".

(10) The lands identified as "Rock Canyon" on the map referred to in subsection (a), comprising approximately 17,000 acres, which shall be known as "Rock Canyon Wilderness Study Area".

(11) The lands identified as "Molen Reef" on the map referred to in subsection (a), comprising approximately 33,000 acres, which shall be known as "Molen Reef Wilderness Study Area".

(12) The lands identified as "Limestone Cliffs" on the map referred to in subsection (a), comprising approximately 24,000 acres, which shall be known as "Limestone Cliffs Wilderness Study Area".

(13) The lands identified as "Jones Bench" on the map referred to in subsection (a), comprising approximately 2,800 acres, which shall be known as "Jones Bench Wilderness Study Area".

(14) The lands identified as "Hondu Country" on the map referred to in subsection (a), comprising approximately 20,000 acres, which shall be known as "Hondu Country Wilderness Study Area".

(15) The lands identified as "Devil's Canyon" on the map referred to in subsection (a), comprising approximately 23,000 acres, which shall be known as "Devil's Canyon Wilderness Study Area".

(16) The lands identified as "Upper Muddy Creek" on the map referred to in subsection (a), comprising approximately 19,000 acres, which shall be known as "Upper Muddy Creek Wilderness Study Area".

(17) The lands identified as "Cedar Mountain" on the map referred to in subsection (a), comprising approximately 15,000 acres, which shall be known as "Cedar Mountain Wilderness Study Area".

(18) The lands identified as "San Rafael Swell Reef" on the map referred to in subsection (a), comprising approximately 105,000 acres, which shall be known as "San Rafael Swell Reef Wilderness Study Area".

SEC. 303. ADMINISTRATION OF WILDERNESS STUDY AREAS.

(a) IN GENERAL.—Subject to valid existing rights and to subsection (b), the Wilderness Study Areas shall be administered by the Secretary in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976, so as not to impair the suitability of such areas for preservation of wilderness until Congress determines otherwise.

(b) FURTHER ACQUISITIONS.—Any lands within the boundaries of any of the Wilderness Study Areas that are acquired by the United States after the date of the enactment of this Act shall become part of the relevant Wilderness Study Area and shall be managed in accordance with all the provisions of this Act and other laws applicable to such a Wilderness Study Area.

SEC. 304. DEFINITIONS.

As used in this title:

(1) PUBLIC LANDS.—The term "public lands" has the same meaning as that term has in section 103(e) of the Federal Land Policy and Management Act of 1976.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) WILDERNESS STUDY AREA.—The term "Wilderness Study Area" or "Wilderness Study Areas" means one or more of the areas specified in section 302(b).

Mr. UDALL of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. UDALL of Colorado. Mr. Chairman, this amendment deals with the lands in the San Rafael Swell area that would be designated as wilderness by H.R. 1732, America's Red Rock Wilderness Act, introduced by our colleague, the gentleman from New York (Mr. HINCHEY). I am a cosponsor of that bill, as are 160 other Members of this body.

However, this amendment would not designate those lands as wilderness. Instead, it would require that instead they be managed as wilderness study areas.

Mr. Chairman, I am very familiar with these lands. I have walked the length and breadth of the San Rafael Swell. I have floated Muddy Creek down through the beautiful Narrows. I am convinced that these lands fully deserve and need the full protection that would come with their designation as wilderness.

So when the Committee on Resources considered this bill, I gave serious consideration to offering an amendment to provide that wilderness designation. However, I decided against offering that amendment.

I did so because of the assurance by the bill's sponsor, the gentleman from Utah (Mr. CANNON), that he intends for the bill only to defer consideration of wilderness designations in this part of Utah and not to influence one way or another the outcome of the future debate.

I have great respect for my colleague, the gentleman from Utah (Mr. CANNON). I know that he means what he says. So I decided to offer an amendment which is completely consistent with his intention, and that is what I am now offering.

This amendment is the same that I offered in the Committee on Resources. This amendment would assure that this bill is truly wilderness neutral because it would assure that the Congress would retain all its options with respect to these lands. It would do that by requiring that they be managed so they will retain their present suitability to be designated as wilderness until Congress decides in the future, not now, on that question of wilderness designation.

The amendment would also simplify and unify the management of these lands. Right now, some of them are formal wilderness study areas, others are lands that are subject to the BLM's inventory process, while others are not in either of those categories.

To be specific, the amendment will require interim protection of about 1,054,800 acres of public lands that are managed by the Bureau of Land Management. Of that total right now, about 263,000 acres are classified as formal wilderness study areas. Another 500,000 are being managed as if they were wilderness study areas, but the remaining 291,000 acres, which would be designated as wilderness under the Redrock Wilderness bill, do not even have that interim protection.

My amendment would change this. It would end the current differences in bureaucratic classification. It focuses on the most important characteristics of these lands, the things that they have in common, their wild, unspoiled character and their eminent suitability for being added to the National Wilderness Preservation System.

Mr. Chairman, by itself, this amendment will not make this a perfect bill. But by adopting this amendment, the House can assure that the bill will not prejudice the outcome of the future debate about designated wilderness in the San Rafael Swell area.

I personally think that the wilderness debate has been delayed too long. I would prefer that we were debating the question today. But for now, I can support deferring this debate about wilderness provided that in the meantime we act to prevent the wilderness characteristics of the superlative public lands from being impaired. That is the purpose of the amendment.

Mr. Chairman, it is not all that I would really like, but I think it is a reasonable and appropriate compromise. And I urge its adoption.

Mr. HANSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment. Mr. Chairman, I agree with my friend, the gentleman from Colorado (Mr. UDALL). This debate has gone on too long. In my 20 years in Congress, I think this is about the umpteenth-hundredth bill we have done on something to do regarding wilderness in Utah.

One of the problems is we cannot get people to sit down and talk about it. In fact, I have a memorandum from some extreme groups that say they will not sit down and talk about, or it could be resolved. In the State of Utah, the legislature has done its study. The governor has done a study. There has been study upon study upon study.

Finally, after all of this work and after Secretary Babbitt gets involved, we say here is a way to take one small segment of Utah and get it resolved. There will be ample opportunity for this protection group that I spoke of in my opening remarks to look at this and determine where we can put this into wilderness. But just arbitrarily say, let us put all of this in WSAs, let us not look at it, let us not go.

Most of these amendments that are coming at us people have not even seen the areas, they could not even identify it. It is as bad as the Grand Staircase Escalante, when the person who designated it put it in the wrong State. Anyway, be that as it may, we find ourselves in the situation here where this is unnecessary.

There is no reason to do this amendment at this time because there will be things coming up. Some extreme groups are claiming that this is an antiwilderness bill because it fails to designate wilderness, the very reason we are failing to designate wilderness, because we cannot get to that point. And when we can, it should be, some of it should be; I do not have any argument with that.

I do not buy into the argument that wilderness is the only thing, the only panacea that is going to solve and protect ground. In fact, I can give you actual cases where it is gotten better protection under a management plan than it does as a national monument or wilderness.

So when they buy that argument, that is very fallacious. As many Members know, the issue of wilderness in Utah is a polarized one, and Utah has become the focal point; however, that debate has gone on and on.

H.R. 3605 will finally, finally protect nearly 1 million acres of BLM lands in central Utah. This bill will actually provide enhanced protection to over 600,000 acres of potential wilderness grounds. It is right in the bill, so why do we need this amendment?

In fact, this process has resulted in further protection already. The BLM, after working with the county, and I hope the gentleman realizes, it has been in all the papers in Utah, maybe in Colorado, recently closed OHV trails in wilderness study areas, and this will ensure that these lands remain available for wilderness protections by some future Congress when we have a chance to look at it, to digest it, to see if it fits the criteria of wilderness, which no one seems to know.

If you look at the 1964 Wilderness Act, the criteria of wilderness is untrammeled by man, as if man was there, there was no sign of man. What does that mean? I would be willing to ask my colleagues on both sides of the aisle show me a picture of this area, show me where those roads, those signs of man would be.

We do not get that. We just get these general statements of amendments. The BLM will formulate a management plan, will ensure that those lands that have wilderness qualities will be managed to protect those qualities, and that is what the Secretary is saying. That is why Molly McKusack went down, 8 months pregnant she went down there, bless her heart, and walked all over the area and saw the whole thing. This is a great lady who went to all of this work so we could come up with this piece of legislation.

H.R. 3605 mandates that. Furthermore, the legislation formally recognizes that wilderness is left to future Congresses, and that is where it should be. Congress should be the ones to act on the public lands of America. Congress should be the ones to do national monuments and to do wilderness areas. This bill will ensure that these lands are protected.

Wilderness designation is very complicated, and simply dropping legislation that ignores all the science, all the work of the BLM professionals, all of the support of Secretary Babbitt, all of the support of this administration; and let us just pass the bill today, and let us vote against the amendment of my friend, the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding, and I want to first express my great respect and affection for my colleague, the gentleman from Utah (Mr. HANSEN). I think we do see this in many ways in a similar fashion. We both agree that the Congress ought to decide the ultimate fate of these lands, and that is simply what this amendment would do. It would just say these are going to be wilderness study areas, that we will manage them in that way, so we do not preclude the option of Congress.

As you know, Mr. Chairman, if these lands are left in a state where they can be degraded in any way, then the point becomes moot as to whether they have wilderness values in 5 or 10 years; and that is all this amendment would do is make sure these lands are managed in the way that we say we want them to be managed.

Mr. HANSEN. Mr. Chairman, if I may reclaim my time and say to my friend, the gentleman from Colorado (Mr. UDALL), I would offer the gentleman and any of my colleagues on the other side of the aisle, come on out, let us look at it, let us have input in this area, if you want that input; but let us do it by that method rather than finding ourselves in a situation we arbitrarily put a wilderness designation in it. I think the gentleman should withdraw his amendment, but I say that with my tongue in my cheek, obviously.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. UDALL OF COLORADO

Mr. BOEHLERT. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT as a substitute for the amendment offered by Mr. UDALL of Colorado:

At the end of the bill add the following new title:

TITLE III—LAND MANAGEMENT

SEC. 301. PROTECTIVE STATUS.

Pending completion of the management plan required by section 202(f), the Secretary shall manage each section of the Conservation Area in a manner at least as protective of the environment as was the case on June 6, 2000.

SEC. 302. INTENT REGARDING MANAGEMENT PLAN.

The Congress does not intend for the establishment of the Conservation Area to reduce the protection of any land within the Conservation Area. The Congress expects that, in general, the management plan developed under section 202(f) will be at least as protective of the environment as were the Bureau of Land Management policies in effect as of June 6, 2000.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. UDALL of Colorado. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will continue reading the amendment.

The Clerk continued reading the amendment.

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Mr. BOEHLERT. Mr. Chairman, my amendment would ensure that the conservation area results in more, not less, protection for the land within its borders. That is the whole point of this bill, after all.

Of particular concern are the so-called 202 lands, lands that are not now wilderness study areas, but are being considered for that designation. My amendment includes two provisions to ensure that such lands and other lands outside the WSAs are strongly protected.

First, my amendment makes clear that lands within the conservation area are to be managed in at least as protective a manner as they are right now, pending completion of the management plan.

Second, my amendment clearly states Congress's intent that the management plan overall only strengthen existing land protections. We have to allow some latitude for the management plan, or there is no point in developing it. But the burden of proof will be on those who want to weaken protections for any portion of the conservation area, and the overall plan must at least maintain the current level of protection.

Mr. Chairman, I know that the gentleman from Colorado (Mr. UDALL), my friend with whom I have so often worked closely in partnership, would like to go a step further and give more land WSA status, and that may indeed be something we should do at a later date, but this bill is designed to move the ball forward without raising new wilderness issues.

My amendment should guarantee that land in the conservation area is more protected than ever before. Let me stress that. My amendment should guarantee that land in the conservation area is more protected than ever before. Let us save for another day, without prejudice, the question of how much more of that land should be WSAs or wilderness. Let us provide further protection now, without undermining the progress embodied in this bill.

Mr. Chairman, I urge support for my amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

I rise in opposition because I think that the amendment, while well intentioned, fails to recognize the battle that rages in the West over wilderness study areas. What the gentleman from Colorado (Mr. UDALL) is trying to do with his amendment is to protect many of those lands that, in fact, have been identified as having wilderness qualities eligible for wilderness study areas, but have not yet been designated. That is one of the problems that the gentleman from Washington (Mr. INSLEE) will address, because if we look at the southern edge of the boundary here, we have significant areas that have been identified in the 202 process, and that is halted and it is halted as of this day, which means, in fact, they can be managed in an area that is inconsistent with the notion that they would later be designated as a wilderness study area. That is also true on the western edge of this swell also where that is going on outside of the boundaries.

Now, why do we have to designate these wilderness study areas, which is different than designating them as wilderness? That is a separate determination. We do that because we have to protect the environmental assets that are on the ground, in place. We know that out West there is a hard attitude in some communities against wilderness, and we know that there is constant lobbying going on in terms of claims on land, in terms of efforts to push roads into lands, into ORV policies that do not adequately protect them, and then later, those are used as evidence saying that these lands should not be wilderness because they have been degraded.

So this amendment does not really protect those lands, even those lands that have already been designated by BLM in its process that it went through of reevaluating these lands after a rather flawed process in the late 1980s and in the early 1990s.

This is not a stagnant situation. This does not just stay frozen in time because of this bill or this amendment. With all due respect, wilderness is about politics. Wilderness is about politics. It is about judgeships, it is about appointments, it is about what the administration wants and does not want. This is not child's play; this is the big leagues out West. So U.S. senators saying what they want and what they do not want in wilderness has nothing to do with the environment, and what members of delegations tell the administration, this administration and the next administration and the last administrations. It is sort of nonpartisan, if you will, in some cases, or bipartisan, because this is the struggle about the politics of local communities and of the States. If we do not adopt the Udall amendment, all of that continues and these areas are quite eligible for further degradation of those environmental values.

The gentleman from New York (Mr. BOEHLERT) is trying to upgrade that but, in fact, the amendment does not do that. That is why we need to designate these lands as wilderness study areas.

Finally, let me say, as the gentleman from Utah suggested, that this is an arbitrary amendment, that we are just slamming down wilderness study areas. The fact of the matter is much of it is as a result, or all of it is as a result of the 202 process that has been gone through and has identified these areas. This is far from arbitrary. In fact, very little about wilderness is arbitrary in the West because it has been argued for so many years and has been identified and the values have been argued back and forth. So the fact of the matter is, to provide the real protections that these areas are entitled to means that we have to reject the Boehlert amendment and pass the Udall amendment.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to acknowledge the good work that I have completed with the gentleman from New York (Mr. BOEHLERT), my friend and colleague. I do think there is a dilemma here. I think that the gentleman from New York (Mr. BOEHLERT) wants to do the right thing, he is trying to do the right thing with his amendment, but I think it is only almost the right thing, and I think that that is just not quite good enough.

The gentleman from California (Mr. MILLER) points out that the rub here is that if we allow these lands to be degraded, then they do not meet the standard of wilderness, and so our choice then, the decision that we talked about making in the future could be precluded and we would not be able to make that choice. There are half a million acres of lands that only have administrative protection under the wilderness study status, and there are another 260,000 acres of land that have no protection at this time.

So I would, with some reluctance, need to oppose this amendment from the gentleman from New York (Mr. BOEHLERT). It just does not quite get there; it only keeps the status quo in place.

Mr. CANNON. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Boehlert amendment to the Udall amendment.

I would like to start by thanking the gentleman from Colorado (Mr. UDALL) who has been very active in this discussion in a way that has brought a certain collegiality, a certain friendliness to the process which I think sometimes has been missing in the past and, certainly when we get outside of these hallowed halls, it deteriorates sharply. But there are a couple of things that I would like to say to help folks here to understand what is going on here and where we are headed.

First of all, to describe half a million acres as not adequately protected because it is only protected under an administrative plan does not mean that it is not significant and major protection.

Secondly, let me tell a little story if I can to help give a sense of what this area means. A couple of years ago, I was invited to tour a facility of Intel in my district and little had I known that they ended up with 500 employees, it had grown virtually overnight and after I visited the facility, they asked me if I would like to speak for a few minutes to the employees, so I took a few minutes and talked about what was going on in Washington and then asked for questions. The first hand up was this question: What are you going to do about the Sam Rafael Swell? Not knowing exactly what I was into I said well, let me ask you all a question. How many of you have been motorbiking in the San Rafael Swell?

Now, most of these people were new move-ins from other areas, came to Utah because it is a remarkably beautiful place where they can come to work in a high-tech environment but get out and enjoy the incredible beauties of my district. As I asked that question, how many of you have been motorbiking, I looked over at that audience, and everybody in that audience was making some multiple of $75,000 a year; these are high-tech, high-paid people, and three-quarters of the hands went up.

Now, we cannot just talk in the abstract about land that people are coming from all over the world to visit, to see, and to go four-wheeling on and just say that we want a perfect wilderness bill with perfect wilderness protections when that is not going to happen, at least in the near term, and the amount of degradation that is going on by people who are not channeled into the right areas, into the areas that would probably be most interesting for them, but which would be the most robust; if you have a wash and you run down a wash on a four-wheel drive, it does not do anything. But if you have people out wandering without the right signage out there, if you do not direct people where to go and let them know what they are doing when you get them off the roads, then you are going to have massive degradation; and that has been happening today.

Now, the county and BLM have done some really dramatic things. They have changed the dynamic of how we are organizing things out there. But I urge my colleagues to remember this. In an area the size of the State of Connecticut, we have one BLM enforcement official. That man cannot possibly, without immediate, without current, without right-now help, he cannot possibly help solve the problems of the degradation that is going on. This bill immediately solves the problem. In fact, BLM and the county have already significantly reduced the ability of these people to get off in the wrong areas with signage and other things.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, a key concern that the gentleman from Colorado (Mr. UDALL) and I share is continuing the protection of the so-called 202 lands. My amendment says that the 202 areas must continue to be managed at least as strictly as they are now.

My concern about going further, as the gentleman from Colorado (Mr. UDALL) does, is that it will destroy a very delicate and very carefully crafted agreement, and we will get nothing.

Mr. CANNON. Mr. Chairman, reclaiming my time, let me just point out, and I will be happy to yield if I have further time, the current 202 process is on hold from an appropriations bill rider. This bill moves us beyond that and puts the 202 process; that is, the reinventorying of wilderness areas, back on track

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I am seeking clarification from the gentleman from New York (Mr. BOEHLERT), if the gentleman from Utah (Mr. CANNON) would yield for a question.

Mr. CANNON. Mr. Chairman, I am happy to also yield to the gentleman from New York (Mr. BOEHLERT) to answer a question.

Mr. BLUMENAUER. I thank the gentleman.

Mr. Chairman, the gentleman from New York (Mr. BOEHLERT) is talking about the protection of the 202 areas. Would that not only apply to the areas within the boundary that is designated under this bill and leave off all of the other areas that would have been included under the Udall bill?

Mr. BOEHLERT. Mr. Chairman, the gentleman is correct, it would include the areas covered in this bill. It is the same as Udall, is my understanding.

Mr. BLUMENAUER. No.

Mr. CANNON. Mr. Chairman, reclaiming my time, let me point out to the gentleman that we already included an extension of the area that would include the Factory Butte and other wilderness study areas to the south of this area.

Let me just finish by saying then, Mr. Chairman, this bill goes a long, long way to take violent, strong forces and bring them together for current protection of this area, which will not happen in a more restrained environment.

Mr. HANSEN. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Boehlert amendment. Mr. Chairman, I really think what we have here puts in perspective that the gentleman from New York has crafted the middle ground. Here is what the bill says, here is what the gentleman from Colorado (Mr. UDALL) wants, and he has come up with a very moderate and reasonable middle ground that should solve this issue and take care of the problem.

I ask my friends from Colorado, what more do you want? We have taken out mining, we have taken out mineral leaving, we have stopped OHV from going into the area, we just expanded the area. And I keep hearing this argument, well, what about the rest of the area? Listen, I am a native of that area, I have been through that area, I have camped in that area, my dad had mining in that area. I have even looked for cows where there is no grass to feed them in that area.

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We get down there and say, what other area are they talking about? We have covered the area. That is the whole show. That is the whole shooting match.

Now, if they want to go over to Nevada on one side, Colorado on the other side, go through those big rolling hills of sagebrush that maybe the President put in the national monument, that is fine. Go ahead and do that. We have covered the area. There is nothing more to do.

When we get down to that, let us cover the area, and the last time these gentlemen were there, tell me what they are talking about; the last time they rode in that country, rode an ATV, put a back country pilot there. There is no other area. This is the whole shooting match that we have got in this bill.

I think the gentleman from New York has come up with a fine way to handle this area. I support that amendment that he has made to the Udall amendment.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague, the gentleman from Utah, for yielding.

The gentleman asks me what I want. I appreciate all the good work that has been done. What I want is for the gentleman to support my amendment. I think it makes good sense. I want to just make the point that this is not about creating new wilderness, as my colleague, the gentleman from Utah (Mr. CANNON), might suggest. This is just about protecting these lands that are already in pristine shape in the wilderness study category.

Mr. HANSEN. Mr. Chairman, reclaiming my time, I renew my offer to my good friend from Colorado. Let us go out and spend some time and look at it. We can work with these BLM professionals. Why do we not trust these BLM guys? That is what this whole bill is about.

I feel kind of funny in this position, Mr. Chairman. The folks on the other side of the aisle are saying that to me. But I am just saying, okay, they have in good faith gone out there, they have spent hundreds of hours on it. They have shown us they are doing it right. I am willing to trust them to do it this time.

I would ask my friends on the other side of the aisle, come with us. Let us all go together and say, let us have our input into it, but let us not do it abstractly, off the top of our heads, without seeing the area, knowing the area, talking to the people. Those things are all important.

For some reason, I have the opinion that the people who live on the ground should have some say in it. I think it would make a lot of sense that they have a say in it. They are our commissioners, our Governor, our legislators. They support this legislation. I think those people are kind of important, myself. I am sure the gentleman from Colorado would agree with that.

Mr. UDALL of Colorado. I agree. My question is, are we going to walk, ride, or float?

I also would acknowledge that the local people ought to have some input in this, and I think they have. But as my colleague, the gentleman from Utah (Mr. CANNON) suggested, the West's economic structure is changing. People are coming to the West for different economic reasons. They want to have these open spaces. They want to have places in which to recreate.

I think that is the intent of my legislation, my amendment, is to keep that option open in the long term. I thank my colleague.

Mr. HANSEN. I appreciate the gentleman's comments.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a Westerner, and not the near West, like my friends, the gentlemen from Colorado and Utah, but the real West, out there in the West Coast, I have some modest sense of what goes on in wilderness areas. I have spent a little time interacting with people over the last 30 years as an elected official. I have watched the dynamic.

I would not pretend to be an expert in the wilderness areas in Utah, but I would take some exception with perhaps lumping in my friend from Colorado with people who do not quite know what they are talking about. I would venture a bet that there is nobody in this legislative body that has spent more time on foot and on watercraft going through this area than the gentleman from Colorado (Mr. UDALL). He is offering this up not as an extremist.

Again, I am concerned about the rhetoric that is sometimes employed when talking about people who are concerned about the protection of these precious resources that belong to the American people as extremist.

I am one of 160 cosponsors in this assembly of H.R. 1732, America's Red Rock Wilderness Act, which would go far beyond the amendment offered by my friend, the gentleman from Colorado. I do not think those 160 people or the vast majority of groups and organizations and media outlets that are involved in supporting it could be characterized as extremists. Indeed, I come from a western State, and I think a lot of the people would be regarded pretty much as mainstream.

Coming forward, I am supporting the Udall amendment and against my good friend, the gentleman from New York. Often I find I am on the same side on issues of protecting wilderness values. But the question that I posed to him in terms of what would be protected in terms of those 202 lands, it is clear if we look at the map that what the Boehlert amendment would do would be to extend it to the portion that is in the bill itself.

The Udall amendment would go far beyond that to deal not with a political fix that makes sense in terms of the local politics in Utah, in terms of county boundaries and where roads are. But looking at it from satellite, looking at it in terms of an ecosystem, the Udall amendment would provide wilderness study. It would not designate it as wilderness, but it would require that we get on with the study, and it would reserve to this Congress the ability of making a wilderness designation, if that is what is warranted, over the whole area, and not having degraded it in the time being.

These are areas that are under assault. I am sure that my friend, the gentleman from New York (Mr. BOEHLERT), would not like to see this area eroded away, that we would have an arbitrary fracture of the whole wilderness potential area; have damage, have people establish in their mind that it is severable, when in fact I think he would agree, based on his environmental orientation, that it is not.

I have great sympathy for the problems of people who are in small States where these are very inflamed and sensitive issues. I know there are strong cross-currents. We need to respect them. There has been lots of opportunity in Utah, and that will continue.

I respect what my colleagues from the Utah delegation have done, and Secretary Babbitt. But I think we ought not to foreclose the opportunity of doing this right by adopting the Boehlert amendment and undercutting what the gentleman from Colorado (Mr. UDALL) is trying to do, protect the options of this Congress and protect the future of that area.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague from Oregon for yielding to me.

Just to set the record straight, my colleague, the gentleman from New York (Mr. BOEHLERT), who is trying to do the right thing, and he is almost right but I think we need to do more, if we look at his amendment, it would leave out the following areas: The limestone cliffs, Jones Bench Rock Canyon, Molan Reef, Eagle Canyon, and the red desert and others.

This is about wilderness study areas, not about creating wilderness. This is about maintaining areas in the wilderness study category so Congress can make those decisions when we deem fit.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding. I have a high regard for the gentleman, as he well knows.

We are not foreclosing any options. We are saying, very simply, we are making it clear that lands within the conservation area are to be managed in at least as protective a manner as they are right now. Secondly, we are stating clearly Congress' intent that the management plan overall only strengthen existing land protections.

This can be revisited later. We may well be on the same page when we do so.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. BLUMENAUER) has expired.

(By unanimous consent, Mr. BLUMENAUER was allowed to proceed for 2 additional minutes.)

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I have completed my thoughts, but I just want stress to one and all that this is a very fragile, carefully crafted agreement which has been signed onto by the Secretary of the Interior, with whom we have been in touch just this morning.

We are not foreclosing any options. Once again, we have worked so well in the past, and I look forward to working continually in the future as well. We are not foreclosing any options. We may revisit this and say we have to do more, but let us not put at risk this carefully crafted compromise. I thank the gentleman.

Mr. BLUMENAUER. Reclaiming my final minute, Mr. Chairman, the area that I take exception to what the gentleman is talking about is two-fold.

One is that it leaves out areas that have already been studied and virtually all rational people agree have wilderness characteristics. They are sensitive areas. His amendment would undercut what my colleague from Colorado is attempting to do.

Second, these are areas that are in fact under assault. These are areas where there are extreme pressures, where there is growing use of recreation vehicles. It is extraordinarily destructive, in the public mindset. With all due respect, I do think there are problems. That is why I do not want to settle for the limited vision that is so uncharacteristic of my friend, the gentleman from New York.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank the gentleman from Colorado (Mr. UDALL) for addressing this important issue. I rise in opposition to the Boehlert amendment, and to offer support for the underlying Udall amendment.

I urge all my colleagues to support this amendment. This is a commonsense approach to ensure that we do not have wilderness destruction by default. Like the gentleman from Colorado (Mr. UDALL) and many others, I believe that the entire area deserves the greatest protection we can offer.

In a sense, I am from the West. I represent part of western New Jersey. I want to make the point that this is a national treasure that people in my district, as well as in the district of the gentleman from Oregon (Mr. BLUMENAUER), as well as in the district of the gentleman from Colorado (Mr. UDALL), as well as in the district of the gentleman from New York (Mr. BOEHLERT), value strongly.

H.R. 3605 does not provide the protection this area needs. Like many, like the gentleman from Colorado (Mr. UDALL) and many others, I, too, am a cosponsor of H.R. 1732, America's Red Rock Wilderness Act. I believe it is only prudent to add the lands in the San Rafael Swell to those areas designated in this act as wilderness study areas.

I believe that by making all the lands in this region wilderness study areas, we can be certain that this land will be protected until Congress makes a permanent decision on classification. This amendment would preserve the land and preserve our options.

This amendment thoughtfully addresses the inadequacies of H.R. 3605. I know no one who understands this issue better than the gentleman from Colorado (Mr. UDALL), and I rise in support for his amendment. I urge all Members to support this reasonable compromise.

Mr. BAIRD. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, this is an issue of profound importance to me. I actually grew up in the Slick Rock country of southwestern Colorado, a little tiny place called Fruita. There is also a Fruita, Utah, which I know well. I went to the University of Utah for undergraduate school, and the University of Wyoming for graduate school.

I respect very much the efforts of my colleagues on both sides of the aisle today to try to resolve what is admittedly a complex and difficult issue. But I feel the need to put it into context.

As we talk here on the floor of the House and as we look, if we walk back and forth from our offices with the cacaphony of noise, cars, taxis, whatnot, in southern Utah today there is profound silence. The areas we are talking about have a silence which most Americans cannot imagine. It is a silence that is breathtaking, a silence that is awe-inspiring, a silence which must be preserved.

When we take someone, as I have on several occasions, for hikes there, they are profoundly moved, moved in ways that we cannot describe in the debate on the floor, moved in ways that we cannot put in words in the language of legislation, but moved in ways which we must protect and preserve, because they touch at the very heart of our souls. They touch at the heart of our being. They touch at the heart of what is great about America.

This legislation we are talking about, the Udall amendment, is designed to do fundamentally this: to preserve that option for current generations, and to study ways in which it can be preserved for future generations.

The other thing that is happening in southern Utah today, even as we speak, is that ORVs and other activities are, in some cases willfully, in some cases inadvertently, intruding upon areas that by rights, by qualifications, should be designated as wilderness. We need to stop that.

There are places, Mr. Chairman, where we are not allowed to tread, because to tread on something would be to tread on sacred ground. To intrude the noise and the destruction that currently is happening in parts of this wilderness area or potential wilderness area should not be allowed.

☐ 1215

I rise in strong support of the amendment offered by the gentleman from Colorado (Mr. UDALL). I would like to take every Member of this body on a 3- or 4- or 5-day trip to understand what happens, how transformational it is to go to those lands. Not everybody here can do that, but I would invite them to do that. And I strongly urge support for the Udall amendment.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I would like to thank the gentleman for his moving description of my district. It is truly a wonderful breathtaking area, and we invite all of our colleagues and everyone in America to visit and to enjoy the experiences that the gentleman has obviously had there.

Let me add that one of the deep concerns that I have here is that we do have uncontrolled and destructive off-highway vehicle use. I believe that if this body supports the Udall amendment, that this bill will not go forward, that destruction will continue, and we will not have even the opportunity to currently solve the growing problem that we have today.

So sharing the gentleman's views and his sincere desire to see this continue, I suggest, is the best reason for opposing the Udall amendment.

Mr. BAIRD. Mr. Chairman, reclaiming my time, I appreciate the comments of the gentleman from Utah (Mr. CANNON). My concern is this: I appreciate the sincere effort to reduce the damage to the existing areas, but there are, however, very precious and unique lands that are currently left out of this legislation and that the amendment offered by the gentleman from Colorado (Mr. UDALL) would address.

My fear is we do not address that. And my other fear, as I understand the legislation proposed, is it would manage areas at current management levels, but not at more potentially restrictive designations.

Mr. Chairman, I think we need to make sure that two things happen: we restrain and restrict and stop the destruction currently caused by ORVs in the existing and proposed areas and that we expand those areas recognized for their unique features.

It is indeed the area that the gentleman represents, and I respect that very much. But it is also an area cherished and regarded by the entire country as a unique national resource. That is why we are here today to speak on their behalf, the U.S. Congress speaking on behalf of that.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the amendment offered by the gentleman from New York (Mr. BOEHLERT). The Members from the other side of the aisle from the West who have described in most eloquent terms the areas of silence, the areas that truly still represent the pristine nature of the mechanics of creation under which they have evolved for so many millions of years, are correct in their assessment to protect these lands that are public lands.

The gentleman from Utah (Mr. CANNON) feels, and correctly so, that if the amendment is offered and then is passed, it is likely that the bill will not pass and then the difficulty of trying to restore many of these beautiful areas, some of which are designated wilderness, many of which are not managed in that way but could be managed in that way, will not prevail.

So in this interim step, we are moving in the direction, I believe, and certainly will work in that direction, for the preservation of much, if not most, if not all of this beautiful pristine area of Utah.

Now, I have never been to Utah, but I lived in a designated wilderness area of northern Idaho in the Bitter Root Mountains. We lived, my family, in a little cabin on top of the mountains in a designated wilderness area the size of Massachusetts. Our nearest neighbor we could not see from the highest mountain because they were well on the other side of the horizon. So our respect for this magnificent land and restoring and keeping it in this pristine state is something that I think we all can work diligently for.

Mr. Chairman, I am from the State of Maryland; and we do not have any designated wilderness study areas, except for a tiny little place called Assateague Island on the Atlantic Ocean. But every place else in Maryland, if we read the letter of the law, would not be suitable for a designated study area. Yet I think most of us know if we set aside a little land, and I have seen it happen by State law, if we set aside a little land, nature will come in and that silence will come back, only broken by the occasional migrating song bird or the yipping of a fox or a coyote or a bald eagle.

So in the interim of the designation of this as designated wilderness land, I think the gentleman from New York (Mr. BOEHLERT) has the bridge which we can construct, and we can cross it later on.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for his remarks, and he has been a wonderful supporter of the environment. This is different than the process that he might be familiar with, as the gentleman said, in Maryland or even in many parts of California any longer.

The threshold for wilderness is very, very high. That is why we go through extensive studies.

Mr. GILCHREST. Mr. Chairman, reclaiming my time for a second, I would like to work on legislation to change the threshold of the requirements to designate something wilderness. The gentleman from Utah (Mr. HANSEN) had an eastern wilderness bill that was percolating through legislation that would have designated certain areas east of whatever meridian it was, east of the Mississippi River, which I actually supported, which would have changed the classification for what could be designated as wilderness, because there were many areas in the east that would not meet that classification. I would like to see it change.

Mr. GEORGE MILLER of California. Mr. Chairman, if the gentleman would continue to yield, I would invite the gentleman to read the Wilderness Act, because that threshold is quite properly set, because we cannot achieve the quality that the gentleman from Washington (Mr. BAIRD) talked about, and others have experienced, by simply changing designations.

It is about a place. It is about the quality of the place. It is about a place that is untrammeled. And that is why, as we go through these areas in Utah or California or anywhere else and we look at them, they are taken in consideration with their surroundings. So if ORVs have gone crazy in the meantime, or people have punched in roads, or mining claims have been established, they are not qualified for wilderness because we cannot achieve the qualities in the Wilderness Act.

As the West continues to fill up with people at the rate that it is, the preservation of these qualities is more and more difficult. I am not lecturing the gentleman, because the gentleman appreciates this. But my point is that the Boehlert amendment does not go to these areas that were cut out by an arbitrary county line and so we start to lose those qualities here, and they impact on the wilderness study areas on the other side of the line. That is the tragedy of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from Colorado (Mr. UDALL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. UDALL of Colorado. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from New York (Mr. BOEHLERT) will be postponed.

The point of no quorum is considered withdrawn.

Are there other amendments?

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 7, strike lines 14 through 22 and insert the following: "(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 1,288,570 acres of land in the State of Utah, as generally depicted on the map prepared by the Bureau of Land Management entitled "San Rafael Western Legacy District and National Conservation Area" and dated March 28, 2000."

POINT OF ORDER

Mr. HANSEN. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HANSEN. Mr. Chairman, the amendment is not in proper form, because it is drafted as an amendment to the wrong page and line of the bill.

The CHAIRMAN. The gentleman from Washington (Mr. INSLEE) has placed a corrected form at the desk, and the Chair would ask the Clerk to report the corrected form.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 7, strike lines 19 through 22 and insert the following:

"(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 1,288,570 acres of land in the State of Utah, as generally depicted on the map prepared by the Bureau of Land Management entitled "San Rafael Western Legacy District and National Conservation Area" and dated March 28, 2000.".

Mr. INSLEE. Mr. Chairman, I appreciate the gentleman's correction. We appreciate that. We also appreciate the interest of the gentleman from Utah (Mr. HANSEN) in this bill and his sincere effort to move forward in this regard, as well as the interest of the Secretary of the Interior.

Mr. Chairman, our amendment is necessitated by the simple fact that the bill as currently written falls considerably short of protecting the San Rafael Swell in its entirety. What our amendment would do, which is widely supported by those who are interested in the Red Rock area of this wonderful State, would essentially add about 14 percent of the San Rafael Swell that is not currently protected by the legislation.

Mr. Chairman, I think any of us who are familiar with this area would conclude that these hundreds of thousands of acres which we have not proposed to be protected in this bill need to be protected both because of their scenic splendor, and because of their virtue of silence and their ecosystem protection for various endangered and threatened species who live in the area.

Let me address those issues if I may, Mr. Chairman. Basically, what happened to create the imperfection in this bill as it currently is situated is that the drafters, in attempting in good faith to obtain consensus, have drawn a boundary of the San Rafael Swell created by man with political boundaries and sometimes by small roads, rather than on the Creator's boundaries, the way the Creator made this land and these incredible rock formations.

In that regard, boundaries as currently drawn would cut off a significant portion of the area which is so scenic and so important to the ecosystem in this area. Those include a number, and I want to talk about some of those areas because they are incredibly scenic. Those are the Eagle Canyon area, which is perhaps closest to the populated area in Utah; the Rock Canyon area; the Molen Reef area; the Limestone Cliffs area. Let me address why some of these areas are important.

Let me address this Limestone Cliffs area. This is an area which is essentially a conduit for elk, deer, a number of wonderful critters when they go between the lower elevations and the higher elevations. If we do not protect these areas, we will not have done justice to the basic thrust of this bill.

There is an area here too that I just cannot fail to mention. There is an area that would be protected under our amendment called the Mussentuchit Badlands, and I think that is the proper language that we ought to think about it. Because "mustn't touch it" should be the approach that this Congress takes to not allow development or spoiling of that area. It is an incredibly beautiful area. Those who have been there know, this is sedimentary rock, this Red Rock Canyon area. In this Mussentuchit Badlands, there are fins, vertical layers of igneous rock that come shooting up out of this sedimentary rock that are really spectacular.

Why is that not protected in the bill? Why did the drafters not include Mussentuchit Badlands? The reason is sort of an artifact of political boundaries. Frankly, if we are going to protect this area, we have got to protect it the way the Creator made it, not due to political boundaries.

The Limestone Cliffs area I addressed happened to be west of a boundary line of a particular county. It is in Sevier County. Now, why we should exclude an area simply because it is over a county line? I do not think that comports with the basic thrust of this bill, which is to protect wild areas, to protect scenic areas, and to protect these ecosystems.

□ 1230

I will tell my colleagues, the deer and the other animals who reside in this area do not respect these county lines. When we develop a boundary for a conservation area, we should not draw these boundaries the way man has on the map but the way they are created and laid out on the ground.

Let me address, if I can, a basic, perhaps, argument here today between some who suggest that, I guess, if one does not live in Utah, one does not have enough sensitivity or care or knowledge of this land. I do not purport to have the knowledge of the representatives of Utah about this land.

But what I would say is, when it comes to Federal land, when the good people of Utah come to Mt. Rainier in Washington, my home State, they take back a piece of Mt. Rainier back to Utah. It is something they never forget. It is the same of the people I represent. When my software engineers go down and hike the Red Rock Canyons, they take a piece of Utah back with them that is right here as much as in Utah.

We will respect our constituents nationwide if we adopt this amendment and fully protect this incredible area.

Mr. HANSEN. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, let me respectfully point out, and let us go back just a little half hour ago when we had the gentleman from New York (Mr. BOEHLERT) cure the county line problem. This is not in Emery County. We are not following county lines. So now it goes into Wayne County.

I thought we solved this problem on expansion because we took in the most beautiful areas. We took in that bottom part of Muddy Creek. We took in Factory Butte. That was done. So we have already cured that problem, if I may respectfully say to the gentleman from Washington (Mr. INSLEE).

Let me also point out one other thing. Who drew these lines? These lines were drawn by the Secretary of the Interior. Who is to say what is beauty to the eye out there? I find it interesting that folks keep standing up and saying it is not in the swell. Well, what is the swell? Will somebody please define that? Now, the local folks have defined it. The BLM has defined it. The Secretary has defined it. The State of Utah has defined it. All of a sudden, we are finding new definitions.

Now, we get one that expands off to the west. Now, what is in that western area? That western area, I know some groups would like to include it; and in many of their proposals through the last 20 years, they have included that.

But let us go back to the idea of saying, well, what is the definition of wilderness, which I think we are getting at here. The definition and what fell out of the definition is no roads, no sign of man, man was never there.

Now, let me point out, the area that the gentleman is talking about has gypsum mines in it, a whole bunch of them in there that people mine, are currently doing that. The area the gentleman is talking about has roads through it. Not only are they just two tracks that we often debate on this floor, they are county roads that are graded and have got regulatory signs on them. What we are talking about is there are communities in that area. I mean, this just does not fit. It does not fit the definition.

So I have great respect for the gentleman's argument. But as far as I am concerned, why did we go to all this work? Why is it BLM agreed on this? Why is it the Secretary agreed on this? They are not apt to give away grounds of the West. I have never seen this Secretary do that. If anything, he even expands them.

So, in my mind, I have no problem with the intent of the gentleman. But let me respectfully say that this does not fit the area. Let us go back to what BLM did. Let us go back to the professionals. Let us go back to the definition of words. Let us not put an area that does not fit, does not add anything to the swell at all, it would really be detrimental to it, and it would hurt the industry in that area and hurt the communities and hurt the employment. Therefore, I respectfully would oppose the gentleman's amendment.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I am happy to yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I just want to make sure there is no confusion because my understanding is the amendment of the gentleman from New York (Mr. BOEHLERT) added certain lands south of this particular county. However, it did not add areas that were subject to wilderness potential study and certainly which we believe is within this swell area in Sevier County. I am speaking specifically of the Limestone Cliffs area.

Now, I just want to make sure that we understand the amendment of the gentleman from Washington (Mr. BOEHLERT). This is our understanding on this side. I just ask the gentleman from Utah (Mr. HANSEN) to clarify that.

Mr. HANSEN. Mr. Chairman, I apologize if I misinterpreted the gentleman's earlier comments when he talked about where we were following county lines. The gentleman from New York (Mr. BOEHLERT) went right through a county line with the agreement of people and went into Wayne County. Now the gentleman talks about Sevier County that is to the west, and that is where our argument comes down. We say it does not qualify. It hardly qualifies.

But if I may respectfully say so, some of those organizations that some folks are looking at what they have come up with, in looking in the last 20 years, some of them go right over the top of everything but an interstate, right over little cities, right over other areas.

I think this one, and I really wish the gentleman from Washington (Mr. INSLEE) would come out with me and look at it, because I would sure like to show him a few of the people out there who live on that area, who mine that area, who live there, who have school buses go up and down it. I do not think we want to hurt those folks.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I am happy to yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, if I might just say, my district, as I pointed out a little earlier, has really remarkably beautiful areas. The area the gentleman is talking about in Sevier County is actually a pretty nice area, but it is a long way away of what we are trying to deal with here. What we are trying to do is establish a process so we can, in fact, integrate all of the facets of public land management into one bill.

So I oppose the current amendment on the basis that it goes way beyond what makes sense on the ground and does not add anything to the Boehlert amendment, which actually does bring this all together and in an integrated fashion.

Mr. HANSEN. Mr. Chairman, reclaiming my time, let me just say the Boehlert amendment very logically went into an area that is absolutely gorgeous. The gentleman from Utah (Mr. COOK) put up a picture showing one of the prettiest areas in southern Utah. It is a well thought out, well crafted amendment, and something we should all go with. I am glad to see we agreed on that. I am glad to see the two counties agreed on that. That took a long time to get those folks to the table.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of the Inslee amendment because I think, absent the Inslee amendment, we do not have the kind of package here that is necessary.

The Boehlert amendment does not fully protect the lands to the south. In fact, some of the wilderness areas are, in fact, split by that amendment.

The point here between the Udall amendment and the Inslee amendment is to, in fact, provide the kind of protection that is necessary to maintain the potential wilderness qualities of these areas by designating them as wilderness study areas and expanding the boundary.

I appreciate apparently mining is okay, good enough for the wilderness areas inside the boundary study areas, but it is not good enough for the areas outside the study. Let us be consistent here. I would prefer we did not have mines in either one of them. The fact it exists, and that is why it is a study area to see whether or not it can meet the definition of wilderness.

Wilderness is not something that we go back and we create. Wilderness either exists or it does not exist, and we designate it. We do not create it. It was created by the creator, if you will, at this point. The question is whether or not we have the ability to recognize it and to protect it.

As I said, it is a difficult and a tough threshold. If one would read the definition of wilderness, in contrast to those areas where man and his own works dominate the landscape is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor and does not remain, and it goes on with the characteristics. These areas are tougher and tougher to find.

The gentleman from Utah raises a number of concerns that we obviously have as we look at these wilderness areas, as a number of them probably will not qualify. Although that particular area may have great environmental value, but when put into this definition, it may in fact not qualify because of preexisting activities that are there.

That is why the current protection is so important because those activities will continue on. They continue on with a lesser level of protection, and then that is used as evidence to suggest why that area cannot be designated as wilderness because it is already fully trammeled by man. It is fully under restraints because of the activities of man. The gentleman from New Jersey (Mr. HOLT) is going to address one of those issues.

We now see we have wilderness study areas under the bill that has preserved routes for ORV vehicles that run right through the middle of the wilderness study areas. So rather than even try to repair those areas, that is what happens, it becomes a process of boot strapping. This become a process of boot strapping in the West where a trail becomes a road, and a road becomes an impediment to wilderness.

That is why these amendments are necessary. That is why the Boehlert amendment offered as a substitute to the amendment offered by the gentleman from Colorado (Mr. UDALL) does not go far enough, and the boundary change is important so that these lands will be brought in under this protection. We will not continue this process of arbitrarily drawing these boundaries based upon roads, based upon political subdivisions.

So, in fact, what we have here, and I would hope that my colleagues would pay attention to it, is a package of amendments that really, really protect this area in a manner in which it is entitled to. Between the Udall amendment, the Inslee amendment, and the Holt amendment, we, in fact, provide the kind of protection that, unfortunately, the BLM has not provided in the past and has been called to task for that. But in one case in the bill, we find ourselves reaffirming bad decisions they made by preserving those ORV routes.

I appreciate the Secretary's involvement. I think the Secretary with all due respect made a bad deal here, made a bad deal. He made a bad deal in the Federal Reserve water rights. He made a bad deal in the protection of wilderness study areas. He made a bad deal on the ORVs.

That is why the Congress of the United States is involved in this process. We can correct some of that, and we can provide the kinds of protections.

So I would hope that people would support the Inslee amendment.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank my colleagues for this opportunity to discuss the protection of the San Rafael Swell region of southern Utah.

I want to turn the subject of the discussion to wilderness. I believe that we have not done enough to protect wilderness in the country. It is, in fact, a diminishing resource especially in the San Rafael Swell region, which contains jagged cliff faces, narrow slot canyons, hidden valleys that swell 1,500 feet above the surrounding desert, there is much more that we need to do in terms of protecting these areas.

As the sponsor of H.R. 1732, which is known as America's Red Rock Wilderness Act, I have a keen interest in today's debate on this bill, H.R. 3605, and the amendments that are being presented to it.

There are over 1 million acres of wilderness quality public lands in 20 units in the San Rafael region that have been recognized by my legislation, and this includes places that are arbitrarily outside the boundaries of H.R. 3605, places including Factory Butte, Jones Bench, Limestone Cliffs, Red Desert, Rock Canyon, and Eagle Canyon that deserve to be protected as wilderness and are not protected in this bill. In fact, they would be discarded under this bill.

There are 163 cosponsors of America's Red Rock Wilderness Act who support wilderness designation for these nationally significant areas that are public lands owned by all Americans.

While 80 percent of the lands in H.R. 3065 are slated for wilderness protection by America's Red Rock Wilderness Act, there is no mention of protecting the wilderness qualities in these lands in the bill of the gentleman from Utah (Mr. CANNON). I see that and I hope others will see it, as they should, as a fatal flaw, a fatal shortcoming. Not only does it fail to protect these wild areas, but it will directly contribute to their further abuse and degradation.

I have an amendment that I was going to offer which would designate the million plus acres of wilderness quality lands in the swell region as wilderness. These wild places deserve the protection that America's Red Rock Wilderness Act would confer upon them. But instead of offering this amendment, I am willing to make the bill wilderness neutral by not offering it.

While the proponents of the present bill say that their intent is to make this bill wilderness neutral, they know and I know that that is simply not the case. This bill that we have before us, H.R. 3605, is anti-wilderness. It is anti-wilderness because it would continue the abuse of these lands, and its arbitrary boundaries divide or exclude several proposed wilderness areas.

The chief local proponent of H.R. 3605 has said that this bill "is a way of getting around wilderness," meaning pass this bill and then we never have to consider the wilderness question for the San Rafael Swell region again. If the House passes this bill, it could become a model of how to undercut both of this protection for our public lands.

So I am asking the House to reject the bill, to pass the amendment of the gentleman from Washington (Mr. INSLEE), pass the amendment of the gentleman from Colorado (Mr. UDALL). These are constructive amendments which will give us an opportunity to understand these regions better than we do. Let us keep them in study as the Udall amendment, for example, would propose.

The Udall amendment, the Inslee amendment make constructive contributions to the national debate about how to protect America's wild lands. The bill that we have before us, H.R. 3605, would, in effect, end that debate. It would end that debate by precluding the opportunity to include vast regions of the San Rafael Swell area particularly from any further consideration or inclusion in the wilderness category.

☐ 1245

It would preclude further debate that would allow us the opportunity to protect those lands which so greatly deserve protection and, in fact, now need protection and will need it even more so if they are to succumb to the assault that would be inflicted upon them if 3605 were ever to become law.

We have the opportunity here to make this a much better proposition. Let us pass the Inslee amendment; let us pass the Udall amendment and thereby make this a much more effective bill.

Mr. CANNON. Mr. Chairman, will the gentleman yield for a point of clarification?

Mr. HINCHEY. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, the gentleman quoted someone as saying this bill is a way to get around wilderness. Let me clarify what I think the intent of that quote was.

The issue is not to avoid or get around wilderness but to get beyond the debate which has stagnated, which is not moving forward, and which is leaving these lands subject to the degradation that I think we are all concerned about here. It is not a matter of getting around wilderness or around the gentleman's bill; it is a matter of getting around the problem of not improving the area.

Mr. HINCHEY. Reclaiming my time, Mr. Chairman, I would like to respond to the gentleman's comment, which I think is a very important one. The fact of the matter is passing the bill would preclude debate on wilderness for those regions; passing the bill would obviate the ability to protect those areas.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to rise in support of the Inslee amendment, and talk specifically for a minute about the Muddy Creek area. I have had the opportunity to float Muddy Creek, which runs out of Emery County and down into Wayne County. I appeal to my friends from Utah and say that I think this would be a great reason to include the Inslee amendment because those lands would be protected.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Utah.

Mr. HANSEN. I think we have already included Muddy Creek in the first amendment.

Mr. UDALL of Colorado. Reclaiming my time, Mr. Chairman, that is excellent news; and I appreciate the chairman for working with me, as I had appealed to him in previous colloquy. We would like to get all of the watershed.

But I wanted again to make the point that we are talking about in the Inslee amendment taking into account the natural features, the geographic features, of this beautiful area; and I think that is the important point that we ought to acknowledge in the Inslee amendment.

My colleagues may remember John Wesley Powell, the first head of the geologic survey, the one-armed Civil War veteran who first ran the Grand Canyon, suggested we organize the West on a watershed basis. Had we had the vision to do that, I think we would have a much easier time of managing our precious water resources in the West.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I thank the gentleman for yielding to me.

Many of my colleagues have graciously invited me and others to come see this incredible property, and we want to come. This is just a picture of one area. This is a picture of the Jones Bench, which is an area that is not protected under the existing proposal but would be evaluated and protected under the Inslee amendment.

Let me say sincerely and graciously that the reason for this amendment is to make sure that Jones Bench is there in its current position by the time I get there. And this amendment would simply say we are going to honor the gentleman's invitation, but we would like him to keep the place the way it is before we get there to evaluate the inclusion of this for wilderness status.

Let me make sure people understand this, too, because perhaps there is some confusion. The area of Jones Bench is in Sevier County, not Emery County. It is in Sevier County. And because it is in Sevier County, and because it is on the wrong side of another little road somebody put in somewhere, by man not the Creator, we in the existing proposal would not protect it. And I think the proposition we are testing in Congress today is how are we going to decide what is worthy of protection. Are we going to decide just based on county lines and where man created roads, or are we going to give respect to the Creator and decide it where the Creator put the red rock?

I stand here to say we ought to respect the Creator's handiwork and draw these boundary lines on the basis of where the Creator put these ecosystems and this red rock. If we do not do this, my colleagues, I will not be able, because of the pressure down in this neck of the woods is tremendous in these areas, I believe we may not be able to honor the gentleman's invitation if we do not include this amendment. And I respectfully urge my colleagues to join us in adding about 14 percent to this amendment to include the Creator's handiwork.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Utah.

Mr. HANSEN. I appreciate the gentleman yielding to me, and I wanted to respond to the gentleman from Washington, if I may, about his saying that would not be protected. The gentleman realizes that is 10 miles from the boundary of the Swell. So we have a whole bunch of protection in between there.

Now, let me add one other thing. The gentleman has a little problem there because it is protected now. It is called management plan which protects that area. So that area the gentleman is worried about, when he comes to see it, which we would love to have him do, it already has a pretty heavy restriction on what is protected and what is not.

It is interesting to note that BLM, Forest Service, Park Service, even Reclamation has management plans that somewhat protect areas more than wilderness does. A classic example of that is the Grand Staircase Escalante, which is protected more under the management plan than it is under the national monument. But people think that makes them happy, and I guess that is what counts.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding. I want to make sure I understand and all my colleagues here understand what is at stake.

Is it not true that what we are talking about is whether this protective area will include land that falls within natural boundaries that otherwise would not be included because they are on the other side of an arbitrary east-west latitudinal county line?

The CHAIRMAN. The time of the gentleman from Colorado (Mr. UDALL) has expired.

(By unanimous consent, Mr. UDALL of Colorado was allowed to proceed for 2 additional minutes.)

Mr. UDALL of Colorado. Mr. Chairman, I will continue to yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. So I want to make sure my understanding is correct: it is whether we include land that happens to be on the other side of an arbitrary east-west latitudinal county line.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Washington.

Mr. INSLEE. If I may be heard in answer to that question, Mr. Chairman, there are two artificial human lines that prevent protection of this resource and others like it. One is a county line, a human-drawn boundary; and the second is some small roads up farther north. Both of these are human-drawn boundaries.

The point we are making with our amendment is that those political decisions, that political history, should not be respected as much as the Creator's handiwork. And by the way, if there is any question about the Swell, I advise my colleagues that there are some great geological texts that clearly define this area and others as within the San Rafael Swell.

And I want to address this Muddy Creek, if I can, because I know it is a favorite of the gentleman from Colorado (Mr. UDALL). Without the Inslee amendment, we do not, repeat, we do not protect the entire watershed of Muddy Creek.

The one thing I know about arteries in our body is if we cut it off in one place it does not make it any good if we protect the other 98 percent. We do not protect a significant percentage of the Muddy Creek watershed. And if we had gone back and redrawn the history of the West, we certainly would have protected watersheds rather than north-south lines and meridians. We would have protected watersheds.

Now is the chance, today, for the U.S. Congress to start a new direction when we decide how we protect the West. Today we can decide to protect watersheds rather than historical documents that some surveyor punched a straight line through Utah on. And I think that is an advance for the U.S. Congress, and I hope that we will make it.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I think the gentleman from New Jersey (Mr. HOLT) asked a question, and I would like to answer it in a different way.

The little roads up to the north is actually a 2-lane highway.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. UDALL) has expired.

(On request of Mr. CANNON, and by unanimous consent, Mr. UDALL of Colorado was allowed to proceed for 30 additional seconds.)

Mr. UDALL of Colorado. Mr. Chairman, I will continue to yield to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. I thank the gentleman for yielding to me.

So as I was saying, there is a 2-lane highway that divides this area. And in addition to that, it is 10 miles and more distant from the outer edge of what people normally call the Swell.

We can use definitions all day long, but if the gentleman travels the area it is obvious. And again I invite everyone in Congress and across America to visit my district. There are many, many places worthy of protection and designation. But we are dealing with the Swell here; and this is an area that truly is geographically, esthetically, and dramatically different and separate from the area we are dealing with in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. INSLEE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from Washington (Mr. INSLEE) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOLT:

Strike section 202(b) and insert the following:

(b) USES.—

(1) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established.

(2) MOTORIZED VEHICLES.—Except where needed for administrative purposes or to respond to an emergency—

(A) no motorized vehicles shall be permitted in any wilderness study area or other roadless area within the Conservation Area; and

(B) use of motorized vehicles on other lands within the Conservation Area shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan prepared pursuant to subjection (f).

Mr. HOLT. Mr. Chairman, I rise to offer an amendment that will significantly improve the protections provided to the San Rafael Swell under H.R. 3605, and I want to thank the gentleman from Minnesota (Mr. VENTO), who initiated this work and who would like to be here today to advocate it.

I also want to thank the gentleman from California (Mr. GEORGE MILLER) for his work as a champion of environmental protection and conservation, not just on this issue.

The San Rafael Western Legacy District and National Conservation Act utilizes a never-before-used so-called legacy district designation to protect the San Rafael Swell in eastern Utah. However, this legislation falls far short of providing the resource protections that the San Rafael region so richly deserves.

The chief environmental threat, the chief environmental threat to these lands is off-road vehicles. This abuse of ORVs in Utah has exploded over the past 10 to 15 years; and as a result, ORV abuse has become much more common, with ORV'ers pushing new trails into remote areas each year. In fact, this past March, the Bureau of Land Management was forced to make an emergency ORV closure of part of the Swell's wilderness study areas. The BLM found extensive damage to soil, to vegetation, and other resources caused by ORV abuse.

With this kind of damage occurring in the most pristine areas of the region, my colleagues can be sure that other spectacular lands in the San Rafael Swell are at risk. Nevertheless, H.R. 3605 does nothing to deal effectively with these problems. Since 1991, the BLM has attempted to come up with a plan to regulate ORV use but has failed to do so. This failure has led to severe damage in the Swell.

H.R. 3605 would essentially codify BLM regulations that have failed to protect the San Rafael region. The legislation stipulates a 4-year planning process with no guarantees that future ORV use will be controlled. In the short term, during the 4 years of further study, the Swell will continue to be at extreme risk.

I am offering a simple amendment to manage ORV use and protect the vast geological and scenic wonders within the San Rafael Swell. My amendment does two things: one, it does not permit motorized vehicles in any wilderness study area or other roadless areas within the conservation area; and, two, it restricts motorized vehicles on other areas within the conservation area to roads and trails designated for such use.

Now, I would like to make a distinction here. What I am trying to do is to prevent ORV abuse not ORV use. I am not trying to stop citizens and recreation enthusiasts from enjoying responsibly this spectacular region from their vehicle. More importantly, with my amendment, there would still be 1,000 miles of road marked and recognized for use that would still be open.

Let met put this into perspective. A few years ago, the Grand Staircase Escalante, to which the gentleman referred a moment ago, was designated a national monument in southern Utah. This area consists of almost 2 million acres and has about 900 miles of road available for use.

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The San Rafael Conservation Area is half the size and has a thousand miles of roads for open use. It is clear that there will still be enough roads for those who wish to visit and to use the region.

In closing, I would just like to say that if ORV use is not managed to protect conservation area values, then the designation of a national conservation area is meaningless. If we do not put in these protections, the designation would be meaningless.

So please help protect the San Rafael Swell with the protection that it needs. I ask support for my amendment.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOLT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT as a substitute for the amendment offered by Mr. HOLT:

In section 202(c)(1)—

(1) after "shall be" insert "limited to roads and trails that are designated for motorized vehicle use as part of the management plan prepared pursuant to subsection (f), except that motorized vehicle use shall be"; and

(2) strike subparagraphs (A), (B), and (C) and insert the following:

(A) prohibited at all times in areas where roads and trails did not exist as of February 2, 2000;

(B) prohibited in areas where roads and trails were closed to motorized vehicles by the Bureau of Land Management as of June 6, 2000, pursuant to Federal Register Document 00-6796 published on March 21, 2000; and

(C) prohibited in any area in which the Secretary determines at any time that motorized vehicle use is causing or will cause adverse effects pursuant to section 8340 of title 43, Code of Federal Regulations, in effect on June 6, 2000.

The CHAIRMAN. The Chair advises that on the original amendment offered by the gentleman from New Jersey (Mr. HOLT), the Clerk designated the amendment numbered 2 in the RECORD and the gentleman offered a different amendment, which the Clerk will now report.

The Clerk read as follows:

Amendment offered by Mr. HOLT:

In section 202, strike subsections (b) and (c) and insert the following (and make appropriate conforming changes):

(b) USES.—

(1) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established.

(2) MOTORIZED VEHICLES.—Except where needed for administrative purposes or to respond to an emergency—

(A) no motorized vehicles shall be permitted in any wilderness study area or other roadless area within the Conservation Area; and

(B) use of motorized vehicles on other lands within the Conservation Area shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (f).

The CHAIRMAN. The Committee now has pending the amendment offered by the gentleman from New Jersey (Mr. HOLT) and the substitute offered by the gentleman from New York (Mr. BOEHLERT).

The gentleman from New York (Mr. BOEHLERT) may proceed under the 5-minute rule.

Mr. BOEHLERT. Mr. Chairman, my amendment, once again, tries to seek the sensible middle ground. It protects the area. It does not foreclose options for the future. It also does not jeopardize a very fragile, carefully crafted agreement, which has been endorsed by the Secretary of the Interior.

As we address the subject of off-highway vehicles, the amendment would make clear that the management plan cannot supersede existing prohibitions or Secretarial authority concerning motorized vehicle use. The amendment explicitly codifies the road closures and wilderness study areas that the Bureau of Land Management announced in March. And the amendment explicitly codifies the Secretary's regulatory authority to block motorized use that would degrade or is degrading environmental resources.

Let me repeat that because it is worth emphasis. The amendment explicitly codifies the Secretary's regulatory authority to block motorized use that would degrade or is degrading environmental resources.

These provisions will strengthen the BLM's ability to block off-highway vehicle use in the conservation area.

The amendment does not automatically close all roads to OHV use, as the Holt amendment would. The management plan required by the bill could close all the roads, but doing so today would undermine the agreement that brought forward this bill. That agreement is necessary to ensure that off-highway vehicle restrictions are truly enforced.

So I urge support for my amendment that would strengthen OHV limitations but would not put in place restrictions that cannot yet be enforced.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, just for clarification, does the amendment of the gentleman allow off-road vehicle use in wilderness study areas?

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, only where the BLM has allowed that.

Mr. HOLT. Mr. Chairman, if the gentleman will continue to yield, this would be codifying the March decision?

Mr. BOEHLERT. Mr. Chairman, yes.

Mr. HOLT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have here a map of the area of the wilderness study area and it shows the areas that were permitted for off-road vehicle use in March. They go right smack through the middle of the wilderness study area. There are four routes. They essentially bisect and hit some of the most scenic and, I believe, fragile parts of that area. Let me just point out that that is right smack in the middle of this wilderness study area.

I have photographs here of the damage that is being done by these off-road vehicles in the wilderness study area. I mean, these photographs are in the wilderness study area. And it is exactly that that my amendment is intended to protect.

If wilderness study area is going to mean anything, we have to protect it from the most damaging environmental effect; and, at least today, that is the most damaging force on the wilderness study areas.

So to say this only codifies what has already been approved underscores exactly what I am talking about. If we do not pass my amendment, if we do not defeat the Boehlert amendment, we will, in fact, suffer the kind of damage that my colleague, the gentleman from Washington (Mr. INSLEE), was referring to earlier that will leave the place much diminished by the time those millions of Americans accept the invitation of my colleague to come from all over the United States and visit.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, is the gentleman from New Jersey (Mr. HOLT) aware that the roads that remain as well as, arguably, all of the other roads that have been closed preceded in existence the wilderness study designation and, in fact, have histories that go far enough back that they are probably not under the jurisdiction and control of this body to close?

Mr. HOLT. Mr. Chairman, reclaiming my time, I believe it is within the jurisdiction of this body to close. And I understand that they preceded this. But that is the point. We are trying to protect this region. And it does not mean that past abuses will be codified and accepted. It means that we want to preserve this area for the appreciation of today's and future generations of Americans.

Mr. CANNON. Mr. Chairman, if the gentleman will continue to yield, I recognize the concern of the gentleman in preserving the areas. But if the county and the State have rights to those roads, the gentleman would not suggest that we pass legislation that simply overrides those rights without compensation without going through the constitutional process as required of us?

Mr. HOLT. Mr. Chairman, reclaiming my time, I do not believe that there is anything in the March directive that cannot be overridden by our legislation here today.

Mr. CANNON. Mr. Chairman, just as a matter of fact, let me point out that the March directive made a huge leap forward in progress in controlling the damage done by OHVs, but it was done with the county. In other words, the county that has the rights to these roads, the county that can assert those right-of-ways, has said, we will work with the BLM in the context of this bill to solve the problem that we agree is currently existing.

We cannot as a body here, or together as a Federal Government, override what those interests in those roads are.

What the amendment of the gentleman from New Jersey (Mr. HOLT) would do is actually turn back the clock on the very degradation he is attempting to stop.

Mr. HOLT. Mr. Chairman, reclaiming my time, the BLM has tried to solve this for years; and it is partly out of frustration of their inability to do so that I am offering this amendment today.

I would say that the point is not to codify past abuses but to put in place the protections that Americans want for this valuable resource.

Mr. CANNON. Mr. Chairman, if the gentleman will continue to yield, many people have been frustrated by the abuse that has happened in these wilderness study areas, including the BLM. I agree with the gentleman. The reason the BLM has been frustrated and not done anything is because unilaterally they did not have the ability to do anything.

What this bill does is create a context where the rights of Emery County is understood and put in context and thoughtful decisions and conclusions can be made, like the decision that was made in March.

We cannot do it unilaterally any other way, and that is why the frustration has been because of the legal problems the constitutional protections that the counties had, not because of any desire not to have these things solved. That is why this bill is so important and why I would urge that this amendment be defeated.

Mr. HOLT. Mr. Chairman, I would say the reason why this is so important that we defeat the Boehlert amendment is that there is 4 years during which great destruction could take place.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. HOLT) has expired.

(By unanimous consent, Mr. HOLT was allowed to proceed for 2 additional minutes.)

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to point out that of the many, many routes included, only four, as the gentleman correctly observed, are covered here. But we specifically and explicitly codify the regulatory authority of the Secretary to block motorized use that would degrade or is degrading environmental resources.

Moreover, in the Federal Register, I would point out this phrase: "These routes will remain open on a conditional basis. Motorized use of these routes will be allowed to continue contingent upon the success of a rehabilitation and monitoring plan designed to restore areas to nonimpairment conditions and prevent further travel off of these predescribed routes."

Mr. HOLT. Mr. Chairman, reclaiming my time, so this conditional basis means it would allow the BLM to protect this as well as they have protected it for the past 10 years?

Mr. BOEHLERT. Mr. Chairman, if the gentleman will continue to yield, it says to the BLM to study it and if there is any indication it is degrading to the environment, they should proceed to close it.

Mr. HOLT. Mr. Chairman, we have to do more, I would say.

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. BOEHLERT) and against the amendment offered by the gentleman from New Jersey (Mr. HOLT).

Mr. Chairman, this really is not necessary what he is bringing up here. Because if he would go back and check this out, he would find that we all agree on OHV making a mess on public ground, that that should not be done. And we can see it in the San Rafael Swell, so much so that the Secretary, back in March, determined certain regulations that he would take over. And this bill we are talking about gives him those regulations.

I guess the question in front of us today, Mr. Chairman, is this: Do we want to micromanage from Washington, D.C., or do we trust the Secretary and the BLM professionals to do it themselves? That seems to be the question.

If I may have the attention of the gentleman from New Jersey (Mr. HOLT), the gentleman correctly pointed out those four different areas there; and here is the information that came out on March 21, 2000, from the BLM, Department of Interior, addressing the same issue. Here is what they said: "The BLM feels that motorized travel on these ways, most of which combine to form a popular loop trail, can continue in a manner that is compatible with resource protection as long as travel is restricted to the identified routes. Continued use, however, is contingent upon the curtailment of motorized travel off these ways and the completion of rehabilitation efforts to restore the areas. Over the next few weeks, the BLM price office will develop a set of standards and a monitoring protocol laying out what needs to happen to keep these vehicle ways open."

Now, I honestly think that I would much rather trust those folks on the ground who are doing it every day, who are in that area that the folks can talk to, the counties can talk to, the locals can talk to, they can trust it. So the amendment of the gentleman from New York (Mr. BOEHLERT) fits perfectly with what was said there.

So we find ourselves in a situation where the Secretary has moved in and made substantial restrictions in the Swell on where they can and cannot travel.

Now, I would worry a little bit because I think the amendment of the gentleman goes way too far because there are a lot of areas in there, and I appreciate his saying that, where people should have the opportunity to have travel. I mean, there are certain areas in there that are pretty well traveled that have good roads in them and people have to have that access in those areas.

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I would respectfully point out that this amendment is not needed, because we already have protection going in there. We already have the Secretary fully advised of it. We already have BLM working on it. I cannot see a reason to restrict what little bit of traffic there is left and some of the recreation that some people get by the gentleman's amendment.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, evidently my friend and the BLM think that this constitutes protection. That is the point. The BLM may say that it is compatible with use. It sounds like they are prejudging the results of their study. The fact of the matter is we should curtail this use now before further damage is done.

This is in the wilderness study area. This is in the wilderness study area. If my colleague could see these, he would have to admit this is damaging. The BLM has pointed out that the number one damage to this area in vegetation, in topography is from off-road vehicles.

Mr. HANSEN. I would concur with the gentleman from New Jersey that there are places in the Swell that people have violated and hurt it. There is no question about it. I am not sure they are in the Sid's Mountain area. I am a little familiar with that. It could be. I do not know. Some group could take those pictures. One can find those all through the West and the East where people violate. But on the other side of the coin we have professionals that are out there taking pictures, trying to find those areas, trying to work them. I would be happy to take the gentleman from New Jersey to some of those areas that at one time looked horrible look pretty good right now. Mother Nature is pretty good at restoring as long as somebody is standing there to help her. She is doing a good job. Frankly, I can see no reason for the gentleman's amendment. I know his heart is in the right place, but I think it would be more detrimental than it would be help to the area that we are working on. I think the gentleman from New York has come to that good middle ground that will solve this issue on OHVs.

Mr. HOLT. If the gentleman will yield further, the amendment of the gentleman from New York does not address what my colleague was speaking about a moment ago, the allowed areas of use. We all agree that there are appropriate areas for use. But the wilderness study area is not. I would welcome the opportunity to come and tour the area with all of my colleagues. But when I get there, this is not what I want to see. I do not want to see this destroyed wilderness.

Mr. HANSEN. The gentleman probably will not see that.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Utah (Mr. HANSEN) has expired.

(By unanimous consent, Mr. HANSEN was allowed to proceed for 1 additional minute.)

Mr. HANSEN. Mr. Chairman, let me just say, the Secretary is given the right to monitor these things. That is what we are doing here. I think he can probably do a better job than I can sitting back here in Washington, D.C., or anybody else. He has got people on the ground that are doing those things. He has agreed to do it. They have taken an extremely active part in this. The Secretary of the Interior buys into this legislation. He thinks it is a good idea; he feels we are finally resolving a very contentious issue. That OHV thing has been a thorn in our flesh for years. I agree with the gentleman. How do we handle these things? Little by little we are getting a good control on it, and I think in this bill we are getting the control.

Now, we can do this, we can just say, Let's just throw this whole thing wide open, let's not pass this bill, let's have unrestricted mining, let's have unrestricted OHVs, let's just desecrate the area. That is basically what we are going to get if we do not pass this bill. We have had some interesting discussion here today, but let us get together, get this thing passed, and give this area some good protection. That is what we are really trying to do.

Mr. CANNON. Mr. Chairman, I move to strike the requisite number of words.

Does the gentleman from New Jersey (Mr. HOLT) know where those pictures come from? We are dealing with various kinds of areas in this bill. Part of it is already wilderness study areas. I know that those come from the wilderness study area. But does he happen to know if they come from the remaining roads that are open or if they come from those areas that are now closed?

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, one of them comes from the San Rafael Reef inside the wildnerness study area. The other comes from Red Wash inside Mexican Mountain. The point is, both of these are within the wildnerness study area, and that is what we are trying to protect.

Mr. CANNON. Reclaiming my time, if I could just ask the question. The Secretary took action to close a large number of roads in this area, leaving four open. The question I am asking is, is this degradation? Are the pictures that we are dealing with from that massive area that has now been closed off, or is the gentleman suggesting that the remaining four roads are represented by the degradation in those pictures?

Mr. HOLT. It is my understanding that these are areas that are not closed under the Secretary's action.

Mr. CANNON. Let me point out that I think that those areas that the gentleman referred to in the pictures are now unavailable for access. Here is the problem, if I can just take a moment to help people understand this issue. It is a little complex but not very much so. We have an area that was crisscrossed with roads and has been for a long time. There is some controversy about whether or not the counties have ownership of those roads.

In my mind there is no controversy. It is a matter of heavy-handed unilateral extreme groups trying to take advantage of vagueness in the law or a vagueness in the interpretation of the law in this current Department of the Interior to advance the idea that the rights to those roads do not exist. That debate has been terribly destructive to what is happening actually on the ground in the State of Utah. It has been very difficult. Now, because we have actually had this bill in the process of negotiation, the county has given an approval to the BLM to close roads that they have now closed that I think represent where that destruction has happened.

Here is the problem. We have got an area the size of the State of Connecticut, and we have one BLM enforcement officer to control that whole area. They cannot do it. They cannot control all that degradation with that many roads because when somebody gets outside some of these roads that are historic roads and gets off the trail, they have to be there to find out who did it and then they have to ticket them. The problem with that is not only finding the people but the excuse that they may be not actually off a road. So what BLM has done now has limited the actual area where an off-highway vehicle can go so that they can keep much better track of what is happening. The degradation the gentleman is talking about is in fact eliminated already just in anticipation of this bill. It has been done.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, let me say in response to what the gentleman from New Jersey was talking about, here is the emergency order here. It says, if I may read that: "Under the emergency order, all public lands, including vehicle ways are closed to OHVs in the Muddy Creek, Devil's Canyon, Crack Canyon, San Rafael Reef, Horseshoe Canyon and Mexican Mountain WSAs." The issue is resolved.

Mr. CANNON. Reclaiming my time and finishing up here, it occurs to me that there is some confusion on your side. I would assume that it is not a matter of distortion or petty fighting here; but the degradation that the gentleman is concerned about has been dealt with in the most dramatic fashion. It has already been done. Under the Boehlert amendment, the Secretary of the Department of the Interior continues to have the authority to monitor what is happening on those remaining roads and see if there is going to be degradation. But the degradation he is concerned about, what he is saying essentially is we want not only no abuse but no use of these dramatic areas that have had roads for a very, very long period of time.

Mr. HOLT. If the gentleman will yield further, these are roadless wildnerness study areas. This has not been dealt with in the most dramatic fashion. The most dramatic fashion would put an end to this.

Mr. CANNON. Reclaiming my time, when he says these are roadless wilderness areas, what does he mean? Is he talking about where the pictures are?

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman is referring to his amendment. This is not about precluding that as the gentleman characterized. The gentleman's amendment goes to wildnerness study areas and to roadless areas. There is obviously a reason for that. One, you should not be punching into these roadless areas; and, two, the other one is that the reason it is a wildnerness study area is because it is under study as to whether or not Congress in the future will so designate it. If you are running around it on ORVs, it is never going to be designated.

Mr. CANNON. Reclaiming my time, the problem we have here is that we have wildnerness study areas around roaded areas.

Mr. GEORGE MILLER of California. That is right.

Mr. CANNON. The access by those roaded areas, these thousands of miles of roaded areas means that people can get off those roads and into areas where they cause degradation. That is what his pictures are of. What the BLM has already done is closed the vast majority of those roads so that the remaining roads, the major roads in the area can now be policed.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words. The point being, the gentleman from Utah is quite correct. This is the problem. This is why we worry. When we reject all these amendments and accept the bill or accept the bill with the Boehlert amendments, we are allowing additional wilderness areas to continue to suffer degradation by what goes on around them. As the gentleman points out, people go off, because this is not a place where it is clearly signed or it is fenced or it is any of these other things. People will go off sometimes because they innocently leave an area and sometimes because they are just simply irresponsible. But the fact of the matter is we know how this goes. I ride ORVs. My sons have done it. We race motorcycles. A trail becomes a road pretty soon. There is a new area and away people go.

The fact of the matter is if we are going to prevent that, we have got to have a policy. At least then people can see you designate it on the lands, on the maps that they are wildnerness study areas, you cannot go in there. Because while the Secretary precluded and closed some roads in the wildnerness study areas, what he did not do was close the wildnerness study areas to future activity. That is not what these regulations do. The Boehlert amendment with all due respect is the current law. It is the current law that has got us into this situation.

This Secretary, this BLM is the reason we are here today because for 10 years they have not figured out how to do this. Now they are saying trust us. We are saying, fine, we will trust you; but we are not going to trust you in terms of continuing to degrade the wildnerness study areas. What the gentleman from New Jersey's amendment does is take those wildnerness study areas and say you can ride ORVs everywhere else that the Secretary will agree to and the BLM in the other adjoining areas that are not protected; but stay out of here until Congress makes the determination. The same is true with roadless areas.

I think that that is a fair compromise. It is a fair compromise because it allows for the protection of these areas and allows for responsible continued ORV activities. That is why we should accept this amendment. With all due respect, the Boehlert amendment is the bill. The bill is the law, the current law. So we have not progressed at all except to leave it in the hands of the BLM, leave it in the hands of the Secretary; and with all due respect, it is that 10 years that has given us these photographs that have taken place.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, the gentleman understands that part of the reason that the BLM has not been able to avoid this kind of degradation is because there is some very clear claim. Granted it is obfuscated by the county as to the ownership of those roads and that whether or not you agree to every road, many of those roads are RS–2477 roads and the county has the right to them.

The gentleman would agree further, would he not, that in fact many of these roads have been shut down appropriately in conjunction with the county. The key factor here being that the county has worked with the BLM to solve the problem. Does the gentleman understand my question? In other words, the BLM has not been able to avoid this because of the rights of the county and the argument over that.

Mr. GEORGE MILLER of California. These are not designated wilderness. These are study areas. They can be withdrawn from study areas. That is how we resolve the conflict. But right now we leave those areas open and that is unacceptable.

Mr. CANNON. But we are not talking about new roads here, as the gentleman has alluded to several times. These are roads, many of these roads, especially the ones that have been closed, are roads that have been there for a very long time.

Mr. GEORGE MILLER of California. In all cases we are not talking about roads. We are talking about ORV activity that does not in all due respect rise to the occasion of a road, but it rises to the occasion of degrading the area. This is not a fight over the county roads and who owns these roads. This is about a lot of activity that takes place like in the term off-road vehicle.

Mr. CANNON. We are not talking about asphalted roads here. We are talking about county right of ways.

Mr. GEORGE MILLER of California. I understand what the gentleman is talking about, but there is a clear distinction. We can go back to the photographs. The gentleman has seen it. I have been out in the area. I have witnessed it. This does not rise to the occasion of a trail or road. This rises to the occasion of random activities and riding through areas that are repeated time and again. That is the kind of protection that we are trying to provide in this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. HOLT) will be postponed.

AMENDMENT OFFERED BY MR. COOK

Mr. COOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COOK:

In section 101(E)(2), before the period insert ", but shall not be used for commercial advertising and/or commercial bill boards".

Mr. COOK. Mr. Chairman, H.R. 3605, the San Rafael Western Legacy District and National Conservation Act as currently written could inappropriately spend Federal funds. The bill would appropriate Federal funding for various activities and administration for a total of $1 million a year, not to exceed $10 million total over the life of the project.

□ 1330

My fellow colleagues, I am concerned that the broad and loosely defined language in section 101 would allow for money to be used to purchase commercial billboards and other commercial advertising. Federal taxpayer money should not be used to subsidize commercial advertising, commercial billboards that will benefit only a small area.

I realize that by voice vote and on suspension this Congress has supported similar measures in the past; but appropriators will tell you that despite our prosperous economy, we are still faced with tight budgets and tight budget caps and we need to be very diligent as we appropriate these Federal funds and make sure they are managed properly. Therefore, I am offering an amendment that would prohibit any funds being used to promote commercial advertising or commercial billboards.

Mr. Chairman; Americans deserve better management of Federal funds used on the Nation's public lands, and H.R. 3605 can be made, I think, a sound conservation measure without any unnecessary Federal funding of these kinds of commercial promotions. To do otherwise, I think, would be poor economics and a bad usage of taxpayer money. I urge my colleagues to support my amendment.

Mr. HANSEN. Mr. Chairman, this side has reviewed the amendment of the gentleman from Utah (Mr. COOK) and has no problem with it. This side would accept the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, we have problems, but they do not rise to this occasion, so we support the amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Utah (Mr. COOK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act (including any amendment made by this Act), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act (including any amendment made by this Act), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this Act shall report any expenditures on foreign-made items to the Congress within 180 days of the expenditure.

Mr. TRAFICANT. Mr. Chairman, it is a buy-American amendment. It is the sense of the Congress that any money expended be used where possible to buy American-made goods, there be a notice made to the people who get this money, and after it's all over and they do the buying, they tell us what they bought. Finally, one last provision I am adding that is new, if they violate the law, they will get a rare bird disease that is "untweetable."

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, we accept the amendment of the gentleman from Ohio (Mr. TRAFICANT). We feel it is a good amendment. We accept it.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California, the ranking member.

Mr. GEORGE MILLER of California. Mr. Chairman, we accept the amendment, tweetable or not.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 516, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: substitute amendment offered by the gentleman from New York (Mr. BOEHLERT); the underlying amendment offered by the gentleman from Colorado (Mr. UDALL); amendment offered by the gentleman from Washington (Mr. INSLEE); substitute amendment offered by the gentleman from New York (Mr. BOEHLERT); and the underlying amendment offered by the gentleman from New Jersey (Mr. HOLT).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. UDALL OF COLORADO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from Colorado (Mr. UDALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 211, not voting 12, as follows:

[Roll No. 238]

AYES—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—211

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—12

English
Franks (NJ)
Greenwood
Houghton
Markey
Nethercutt
Roukema
Salmon
Skelton
Smith (MI)
Sweeney
Vento

□ 1404

Mrs. CAPPS, Mrs. JONES of Ohio, Ms. VELÁZQUEZ, Ms. HOOLEY of Oregon, and Messrs. SAXTON, CONYERS, STENHOLM, HALL of Texas, and TANNER changed their vote from "aye" to "no."

Messrs. BAKER, HERGER, HEFLEY, HUTCHINSON, SANFORD, SHAYS, GILMAN, and LOBIONDO changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 516, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. UDALL OF COLORADO, AS AMENDED

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL), as amended.

The amendment, as amended, was agreed to

AMENDMENT OFFERED BY MR. INSLEE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 194, not voting 12, as follows:

[Roll No. 239]

AYES—228

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Sisisky
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn

NOES—194

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOT VOTING—12

English
Franks (NJ)
Greenwood
Houghton
Markey
Nethercutt
Roukema
Salmon
Skelton
Smith (MI)
Sweeney
Vento

□ 1414

Mr. CALVERT changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOLT

The CHAIRMAN pro tempore (Mr. SHIMKUS). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BOEHLERT) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 210, noes 214, not voting 11, as follows:

[Roll No. 240]

AYES—210

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot

Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—214

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—11

English
Franks (NJ)
Greenwood
Houghton
Markey
Nethercutt
Roukema
Salmon
Smith (MI)
Sweeney
Vento

□ 1431

Messrs. TAYLOR of Mississippi, LUCAS of Kentucky, and HALL of Texas changed their vote from "aye" to "no."

Messrs. THOMAS, RADANOVICH, and GILMAN and Mrs. KELLY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HANSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3605) to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 4576, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 514 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 514

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday, the Committee on Rules met and granted an open rule for H.R. 4576, the fiscal year 2001 Department of Defense Appropriations Act.

The rule waives all points of order against consideration of the bill. It provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI prohibiting unauthorized or legislative provisions in a general appropriations bill.

The rule allows the chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H. Res. 514 is an open rule for a strong bipartisan bill. In fact, the Committee on Appropriations approved this bill 2 weeks ago by voice vote and without an amendment.

I have always admired the patriotism and dedication of our military personnel, especially given the poor quality of military life for our enlisted men and women; but today we are doing something to improve military pay, housing, and benefits.

We are helping to take some of our enlisted men off of food stamps by giving them a 3.7 percent pay raise, and we are offering $163 million in enlistment and reenlistment bonuses. They are called bonuses, but they earn them.

To follow through on our health care promises to our service men and women, we are providing a 1-year 9 percent increase in health care resources. A good portion of these funds will go to improve care for our military retirees who have never been given the treatment that they deserve.

At the same time, we are boosting the basic allowance for housing so that our military families do not have to pay as much out of their own pockets.

Along with personnel, we have to take care of our military readiness. We live in a dangerous world, and Congress is working to protect our friends and families back home from our enemies abroad. We are providing for a national missile defense system so that we can stop a warhead from places like China or North Korea or Iraq if that day ever comes.

We are boosting the military's budget for weapons and ammunition. We are providing $40 billion for research and development so our forces will have top-of-the-line equipment for their job.

I urge my colleagues to support the rule and to support the underlying bill, because now more than ever we must improve our national security.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule and in strong support of the Department of Defense appropriations for fiscal year 2001. This bill provides $288.5 billion in budget authority for the programs of the Department of Defense, the very programs that ensure the security of this Nation and which, in large part, enable our country to keep the peace and remain the leader of the free world.

Mr. Speaker, this bill reflects the understanding of both Democrats and Republicans for the need to ensure that our national defense is second to none.

□ 1445

This bill also reflects the understanding that in order for our military to maintain its global superiority, it is necessary to make substantial financial commitments in order to restructure our Cold War forces to meet the challenges of the 21st century. This bill addresses serious readiness deficiencies and equipment modernization shortfalls that have seriously strained the ability of our military forces to meet the demands of the many missions they undertake.

I am pleased to support this revitalization of our armed forces. Among the important provisions of this bill, Mr. Speaker, is a 3.7 percent military pay raise and $12.1 billion for the Defense Health Program, which provides monies not only for active duty personnel and their families, but also to an unfortunately limited extent military retirees and their dependents. This bill does make positive strides in expanding prescription drug coverage for Medicare eligible military retirees but falls short in providing for a permanent health care system for military retirees.

While I appreciate the fact that the bill contains a provision requiring the submission of a plan to Congress by an independent oversight panel no later than December 31, 2002, I would encourage the subcommittee to at least consider including the language of the Taylor amendment in a conference agreement since this amendment was agreed to by an overwhelming vote of 406 to 10 during the DOD authorization debate. We have made a promise to our military retirees, and it is time for us to keep it.

Mr. Speaker, this bill also continues the commitment to a wide range of weapons programs that will ensure our continued military superiority in the skies, on land, as well as at sea. I am particularly pleased this bill includes $2.15 billion for the procurement of 10 F–22 Raptors, the next generation Air Force fighter that will assure our continued dominance in any air campaign against any foe in the future with air-to-air and air-to-ground capabilities. The bill also provides $396 million in advance procurement and sets aside an additional $1.411 billion for research, development, test and evaluation of the F–22.

The bill also includes $1.1 billion for the procurement of 16 V–22 Osprey tiltrotor aircraft for the Marine Corps, $336 million for 4 Air Force V–22s, and an additional $148 million for research and development on this important addition to our military arsenal. In addition, the bill provides $249 million for various F–16 modifications.

Mr. Speaker, during the recent recess in April, I had the opportunity to travel to Bosnia and Kosovo to see firsthand the dedication of the men and women of our military who are serving there. I had the privilege of visiting some of the National Guardsmen from the State of Texas who are serving in Bosnia to see how they are faring under very difficult circumstances. I can say, Mr. Speaker, that these troops are doing a remarkable job and are fully aware of the importance and necessity of their mission.

However, as I mentioned in the Committee on Rules yesterday, this bill does nothing to fund the missions that we have undertaken in Bosnia and Kosovo. Mr. Speaker, it is vital that funds to reimburse the Department of Defense for expenditures already made to meet our obligations in that region be included. It is simply not responsible to delay this funding, forcing the Defense Department to face shortfalls in critical operations and maintenance accounts during the last quarter of fiscal year 2000.

I was certainly gratified when the chairman and ranking member of the committee assured me yesterday during the hearing before the Committee on Rules that this funding would most likely be included in the conference agreement on the military construction appropriations measure no later than August 1, and I know of their commitment to making the Department whole. However, Mr. Speaker, I think it is important that we all understand that American men and women are serving an important mission in Bosnia and Kosovo and this Congress has the responsibility to provide the money to make this mission a success without shortchanging other programs within DOD.

I spoke with a representative of the Army this morning who told me that the Army faces a very bleak picture in the fourth quarter of this fiscal year if this money is not provided forthwith. It is unfortunate that this legislation is on the floor without addressing the money for Kosovo and Bosnia. Because if this money is not provided as an add-on to the military construction appropriation later this summer, the Defense Department and the Army, specifically, will be forced to curtail, drastically curtail, training and other activities that are critical to the success of their mission.

Mr. Speaker, this is a good bill; and I urge Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I would share with my colleagues that I believe we have a very fair rule and also a very strong bipartisan bill that is coming to the House floor that will serve the national security needs of those men and women who serve in our armed forces.

I want to compliment the Committee on Appropriations. I think the chairman and the ranking member did a very good job in working with the authorizing committee. I have not seen this type of cooperation in the 8 years I have served here in Congress. Sometimes we get conflict between the authorizing and the appropriating committees, but in this case I extend great compliments on their work.

Let me first speak about the quality of life. Despite 5 years of sustained efforts to improve the quality of living for U.S. military personnel and their families, service members continue to voice their displeasure with the military life by leaving the force, which is very bothersome to many of us. As a result, each of the services has experienced significant recruiting and retention problems, threatening the strength and readiness of the all-volunteer force.

The authorizing and the appropriation committees recognize the great personal sacrifices made by U.S. service members and have focused quality-of-life improvements in two areas: one, reforming the Defense Health Program and, number two, sustaining the viability of the all-volunteer force.

While efforts in these areas in recent years have been substantial, there are no silver bullets to end the quality-of-life challenges facing the U.S. military. It will require a commitment to a long-term battle against these challenges if America is to sustain the world's foremost military force. It is with this commitment that the committees recommended a quality-of-life package that will improve the military health care system, provide for fair compensation, support the morale, welfare and recreational programs, and improve the facilities for which the military personnel live and work. We also are working on sustaining the proper weapon systems that they need.

Let me speak for a moment about the military health delivery system. Again, I extend compliments to the appropriators, because what we are trying to do here is put our arms around all of these different programs that are out there, and specifically with regard to the military retiree. Now, all of us here in this body have heard from our constituents about the TRICARE System. As we seek to implement TRICARE, we have had hiccups and little burps here and there with that system, and it has been difficult. We have sought to make improvements. And I appreciate the support of the appropriators. We are going to work to create savings in the claims processing area, which will save $500 million and then will be poured back into the system.

Now, what about the military retiree? The military retiree is disgruntled, and rightfully so. The question is whether or not we as the Federal Government are fulfilling our obligation to the military retiree, given the sacrifices that they have given on behalf of the Nation. With the expectation that they would receive health care benefits for life, have we been fulfilling that requirement? The answer is no.

When the military retiree retired and lived next to that military base during the 1970s, 1980s and into the early 1990s, there was a comfort zone. Even though they were turning 65, they gained access to the medical treatment facilities despite in law that they would be triggered into the Medicare program. When we went through the base closure process, they were triggered directly into Medicare, and they did not gain access to the medical treatment facilities. So they came to Congress.

Congress is fishing for the right answer. We create different types of pilot programs, and we struggle with them and try to figure out what is the best way to provide relief in the system. I believe we have come close to finding the right answer, and that is we have put our arms around these pilot programs and we extend them to 2003. We sunset the programs. We have created the commission to examine it; and in the meantime, what we can deliver is the pharmacy benefit. I appreciate the appropriators for funding the pharmacy benefit to the military retiree. It is a generous benefit.

What was bothersome to the military retiree was that they felt that because of their sacrifice and the protections of the freedoms and liberties that we enjoy in our Nation, that perhaps they should be treated a little differently. So it bothered them that they were then taken and thrown right into the Medicare system back in 1965, which many of them did not even realize until the early 1990s. So now, as Congress is presently about to deliver a pharmacy benefit that is different from the Medicare population, it is a richer benefit, the last thing we should do is now say, oh, every grandma and grandpa who never served in the military should now be treated just as if they had served in the military.

What a curious thing. I think some people in this body look out the window and think, well, everybody should drive the same kind of car and should be treated the same way. False. I just wanted to bring this up because it was not long ago, about 10 days ago, that the President endorsed that. Well, of course he endorses it, because he thinks everybody should be treated alike in this country. That is false. There are different people who have done different things.

So I want to compliment the appropriators who have said, yes, we are going to follow the lead from the authorizing committee; and we are going to fund the pharmacy benefit for the military retirees, which they rightfully deserve.

I also want to share that we are providing a 3.7 percent military pay raise that has been funded; also $163 million for the reenlistment bonuses. Those are extremely important. We provide $64 million for the basic housing allowance. I think many of us wish that the numbers could be higher in that regard, but the more monies we can move directly into the pockets of our soldiers, sailors, airmen, and Marines is extremely important. The more money we get in the pocket, and especially tax free, the more we can actually help them.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first, let me plead guilty to one of the accusations that was leveled by the previous speaker. I do believe that older people who are sick should have their prescription drugs covered. The fact that there are 70- and 80-year-old women who did not serve in the armed forces and who cannot afford their prescription medicine does not seem to me a good reason to deny them a prescription drug benefit under Medicare. So I will plead guilty to that accusation.

Indeed, that is one of the reasons why I am opposed to this bill. Much of what it does is very important, the pay increase and the improvement in the living conditions for the people; but it maintains an effort to fund inadequately an extremely flawed strategy. Obviously, we should provide the funds necessary to carry out what we say we are going to do militarily. The problem is we say we are going to do too much. We continue to err by keeping large numbers of troops in Western Europe when our Western European allies are well enough financed to be able to do this on their own. We continue to hold to an obsolete two-war theory. We continue to fund weapons whose idea began in the Cold War.

□ 1500

So, yes, I want an adequately funded military. I want one with a margin of safety. I want the United States to be as it has been and will continue to be by far the strongest Nation in the world. But we make a mistake when we overreach and then use the overreach as an excuse to overspend. And there we have also, of course, the tendency of people, particularly in the Senate, to add weapons whose primary justification is not the enemy they will confront but the constituents they will comfort.

We have nuclear attack submarines that we are going to fund, and I have not yet been able to have anyone explain to me who the enemy is. They are wonderful weapons. But the fact that they are so technologically skilled is not enough of a justification to have them. It is unlikely that they are going to encounter Iranian, Libyan, or North Korean submarines that they have to encounter.

This bill will spend more than half of the money available to the Federal Government in discretionary accounts. And prescription drugs are relevant. Because the people who support this bill are telling us, on the other hand, some of them, that we cannot afford prescription drugs, that we cannot afford to send money to build schools, that we cannot afford more police on the streets, that we cannot afford more effective cleanup.

This bill overspends to defend the people of Western Europe against nonexistent threats when they can afford to do it themselves. It overspends on weapons whose political justification far exceeds their military justification. It overspends to fund outdated theories that date from the Cold War. And, consequently, it requires us to underspend on important domestic priorities.

The bill ought to be defeated and sent back to the committee. It increases by tens of billions of dollars over last year, and that comes directly out of every other appropriation bill.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I would advise everyone that it is no secret that the Republicans are putting together the plan to derive a pharmacy benefit for the over-65 individuals of whom are most needy; and we are not ashamed of that at all.

I will also say that what a curious thing it is that we will always have a critic that will always question a weapons system that will say, well, what is the purpose of that? It has never shot a nuclear missile?

My colleagues, we had a B–2 bomber, this is called the Spirit of Indiana, and I dedicated that B–2 bomber in Indiana; and when I dedicated it, I prayed that it would never drop a bomb.

Now, why would we ever build a billion-dollar weapon system and pray that it would never drop a bomb? Because it is a deterrent.

A police officer, when he carries a weapon, I say to the gentleman from Massachusetts (Mr. FRANK), he says a prayer that he never has to use his weapon. When he pulls that weapon, he does not say, I want to brandish it, I want to threaten, actually, I want to pull the trigger and shoot and kill someone because it is going to make me feel good. No. It is used as a deterrent. We have different weapon systems out there that are used as a deterrent, and they are extremely important.

For the gentleman to question to say, why are we building nuclear weapons, in fact, that we are never going to use them, and then to say that we have other domestic priorities is ridiculous and rather silly.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, in the first place, I did not question nuclear weapons. I questioned nuclear submarines, attack submarines.

Obviously, we should have nuclear weapons. I want us to keep most of them. My point was nuclear attack submarines had a Cold War justification; and given the state of the enemy that we are likely to confront today, the smaller, poorly armed, evil-minded states, nuclear attack submarines are a waste of money and do take away from other things.

Mr. BUYER. Mr. Speaker, reclaiming my time, the Russian Bear has been replaced by a thousand Vipers; and we have to be leaning forward and be very prepared and be very ready because we do not know who is going to be the next threat.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I appreciate the gentleman yielding me the time.

Mr. Speaker, I want to say first of all that I think this is a very fine rule that allows the House to work its will on this very important legislation. I think this is an exceptionally good bill.

First of all, I want to compliment the gentleman from California (Mr. LEWIS), our chairman, and the gentleman from Pennsylvania (Mr. MURTHA), our ranking Democrat, for their excellent leadership on this particular bill.

One of the things that I think stands out in my mind about this bill is the fact that we are moving forward the Army's program to transform Army brigades to a new medium configuration that can be deployed within 96 hours anywhere in the world on a C–130 or, better, on a C–17. I am very pleased that the Army has selected Ft. Lewis, Washington, as the place to do this transformation of two of these brigades.

I think the Army is correct to try to have a more deployable force. We saw the problems in Kosovo with the Apaches, first of all the inability to deploy them for some period of time, and then the fact that they were not prepared when they got there to be utilized. I think that is a serious problem for the Army that we must confront.

I would only say to my friend, the gentleman from Massachusetts (Mr. FRANK), that attack submarines, by the way, were just given a scrub by the Joint Chiefs of Staff. They think the fact that we only have 50 is a serious mistake. They think we should have about 68. We will be very fortunate if we can keep 57 attack submarines.

Now, I would point out to the gentleman that there is an ASW role for attack submarines. There is a special forces role for attack submarines. There is a very important intelligence role. And they are very crucial in any kind of a war-fighting scenario against any country. Anytime somebody has a ship at sea, an attack submarine is the last thing they want to confront. So I think they still have a very important utilization.

One of the things that I worked on, and I see my good friend from Texas and my good friend from California here on the floor, has been the effort to modernize our bomber force. In this whole defense debate, I do believe the one serious mistake we are making is not adequately funding our bomber force.

I was particularly proud of the fact that the B–2 bomber was utilized, along with the B–1s and the B–52s, in the war in Kosovo and Yugoslavia. Many of us read the report in Newsweek that talked about the difficulty against relocatable targets. Well, I will tell my colleagues this, that the B–2 with the 2,000-pound JDAMs was used against fixed targets and it was extremely accurate and extremely effective.

In fact, we are now going to, with the money that is in this bill, put a new bomb rack on the B–2s and we are going to be able to put 80 500-pound JDAMs on each of these planes. And they will all be independently targetable. We will be able to take out 80 separate targets in one sortie. I mean, this is revolutionary.

We are also adding capability with Link 16 to give the B–2 not only the ability to go deep underground but also to go against relocatable targets and, with the use of submunitions, to go against advancing armor. This will turn out to be the most impressive, the most important conventional weapon ever developed by the United States or by any military force in the history of mankind. I am proud that the Congress, this House, four times voted with the gentleman from Washington on this particular issue.

I think we have been vindicated by those who said it could not fly in the rain. By the way, in Yugoslavia, it was the only plane that did fly in the rain that could drop bombs because we were using the GPS system, which does not rely on laser guidance. So I am very proud of the fact that we continue the modernization of the B–2 with some adds in this particular bill to give it even greater capability. Its mission planning has been improved. We were giving it a multitude of bombs that it can handle. It will be a conventional weapon that I think allows us to make some reductions under START I, under START II, and eventually under a START III agreement in the number of nuclear weapons that we need for deterrent purposes.

I think it is much more important to have conventional weapons that we can utilize. It is true that deterrence is based on weapons like the Trident submarine, which I have been a major supporter of. But we are not going to use those weapons. In fact, I hope that we can take the four Tridents that we are downsizing and use them for conventional purposes, to add a conventional capability with Tomahawk to those four Tridents and maybe using two of them for special forces operations.

So I think there are many good things.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. McKEON).

Mr. McKEON. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in strong support of this rule and H.R. 4576.

Mr. Speaker, this is the first year that the President has brought us a reasonable defense budget for consideration. Over the last 7 years, the President's budget has failed the military service chiefs and our fighting men and women in uniform. While the President's budget was reasonable this year, it still failed our arms services to the tune of $16 billion, according to what the service chiefs have told us.

However, under the leadership of the gentleman from California (Chairman LEWIS), the House has once again added funding to support our defense requirements. While still living within a balanced budget, we have added $4 billion to the President's defense request. This was used to fund much-needed programs.

For instance, the B–2 bomber that my friend the gentleman from Washington (Mr. DICKS) just spoke about was the central part of the success story from the air war in Kosovo. The B–2's success in this conflict underscored our need for an adequate and modern bomber fleet.

We also learned some very important lessons about the effectiveness of our smart bombs during the war and we learned we had some shortcomings. We found that there are changes that could be made that would make our bomber fleet more effective. One of those was to add 500-pound bomb capabilities instead of just the 2,000-pound bombs. We used to talk about how many planes it would take to take out a target. Now we are talking about how many targets one plane can take out.

Unfortunately, the President failed to fund the research and development of the 500-pound JDAM and the 500-pound JDAM bomb rack even though the service chiefs had told us that that was a high requirement.

It was under the leadership of the gentleman from California (Chairman LEWIS) that funding was added for these upgrades and advancements. In total, the committee added funding of $96 million for upgrades on the B–2. These include the Link 16 upgrades that will modernize the cockpit and allow for in-flight replanning, research, and development of the 500-pound JDAM and the integration on the B–2.

The flights that we had over Kosovo were actually 30-hour flights that went from the State of Missouri. And when we are on long missions like that, sometimes changes are made in the planning. These Link 16 upgrades will allow for that. With the success of the B–2, these upgrades will allow our military to exert further strength and keep freedom and peace abroad, thus making B–2 truly the Spirit of America.

This is just one program of many that the committee has seen fit to fund at the level it needs. Faced with a very difficult task, the committee found a way to ensure that our forces are taken care of and our national security remains strong. I congratulate them for this bill, and urge a yes vote on this rule and on the legislation.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it is time that we in Congress get our priorities straight. Today, despite the so-called economic boom, tens of millions of Americans are working longer hours for lower wages than was the case 25 years ago. They are working two jobs or they are working three jobs and they are desperately trying to keep their heads above water.

In the United States today, 44 million Americans have no health insurance, and millions more are underinsured. The United States has the greatest gap in the industrialized world between the rich and the poor, and 20 percent of our children live in poverty, the highest child poverty rate of any major country.

Millions of senior citizens in this country and middle-income families cannot afford the prescription drugs they need, and the U.S. Congress has made the health care crisis even worse by cutting in 1997 several hundred billion dollars from Medicare. Throughout this country, veterans who put their lives on the line defending this Nation are unable to get the quality health care they need and deserve.

In the United States today, we are experiencing an affordable housing crisis, with millions of hard-working families paying more than 50 percent of their limited incomes just to pay the rent; and some of the more unfortunate low-income workers are people sleeping out on the streets or in their automobiles.

In this country we talk a whole lot about education, but millions of American middle-class families cannot afford to send their kids to college and many of our kids who graduate find themselves deeply in debt.

In other words, Mr. Speaker, the middle class of this country, the working families, our senior citizens, our veterans, our young people, low-income people, have some very serious problems.

□ 1515

Unfortunately, when these constituents cry out to Congress and ask for help, they are told over and over again that there is just no money available to help them, that we just do not have the resources. But when it comes to military spending, it appears that the defense contractors who want to design the most exotic and expensive weapons systems in the history of the world are able to obtain all of the funding they want. When it comes to defense spending, we apparently have billions to spend on the construction of a national missile defense system that many scientists believe will not work and is not needed; billions to spend on aircraft carriers and fighter planes that just coincidentally are built in the States and districts of powerful Members of Congress; billions to spend on military projects that coincidentally are built by contractors who contribute huge sums of money to both political parties. When it comes to military spending, we apparently have the resources to increase the defense budget by 7 percent, a $22 billion increase from last year.

Mr. Speaker, I believe that the U.S. needs a strong and superior military system. We must be prepared for the new threats and challenges that lie ahead. We must provide decent pay, good housing, good quality health care and child care and other vital services to our men and women in uniform.

We must do a much better job than at present in understanding the cause of Gulf War illness which is why I am offering an amendment later on in this bill so that we can better understand the cause of that illness which is affecting 100,000 Americans.

But the bottom line, Mr. Speaker, is enough is enough. Today when we look at our military budget, it is not just that we spend more than 18 times as much as the military spending of all of our potential adversaries combined; but when we combine our spending with NATO, who will be our allies in any major international conflict, the numbers are absolutely incredible. The bottom line is that we as a Nation have got to get our priorities right. There is a limited sum of money out there, and we must make sure that we spend it appropriately. We cannot turn our backs on our seniors, on working people, on the children and simply look toward the military budget.

I would ask that this bill be defeated, sent back to the committee and brought forth again for a more appropriate response.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, I want to take with my short time maybe a little bit different tack here. I want to speak on the rule for just a minute or two. I think this is a good rule. I want to associate myself with the remarks of the gentleman from Washington (Mr. DICKS) earlier from the other side who took some time to talk to the rule and to the bill. I think that the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) have taken great effort to fashion a bill that warrants debate. The rule this afternoon allows for that kind of debate to take place here in the House and offers everybody an opportunity should they wish to be heard on that. I suggest to Members that they approve the rule.

On the bill, itself, Mr. Speaker, we find increasingly here in the House that nothing is easy when we are talking about appropriations bills. We are asked increasingly to do more with less, whether we are talking about this bill or any of the others that will come these next few weeks and months. I happen to believe that our priorities in this case are appropriate. I think as I said on the rule issue a few moments ago that some time and energy has taken place here to make sure that we do have a bipartisan bill for us to look at.

We have a bipartisan opportunity for us to talk about what should be done and what should not be done, but when we are talking about money and when we are talking about taxpayers' money and priorities, I believe that this time around we are going to offer the House an opportunity to vote affirmatively on a bill that has those priorities in place. Whether we are talking about those of us who want to geographically cast ourselves from the Northeast and the Midwest and the West and the South, I think that the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) have taken that time, have listened to their members, they have listened not only to the members on the subcommittee and the full committee, but they have listened to Members at large who had things to say before the committee during some of those hearings.

I would say to our colleagues who are out in their offices and will be back here later this afternoon and this evening to vote on this bill that they take a good look at it. I think that we have begun this early in our system of rules and bills because it is a bipartisan effort. I suggest approval later this evening.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, we are about to consider the defense appropriations bill. Buried in this bill is a seemingly innocuous provision that would have a profound effect. The provision would require the Defense Department to obtain prior approval from both defense authorizing and appropriating committees before transferring funds to the Justice Department for litigation.

The motivation for this provision may be to allow the Congress to keep track of funds appropriated to the Defense Department, but the provision has a major unintended and adverse effect. It would effectively block the Defense Department's contribution to the Justice Department's suit against the tobacco industry. This suit is currently under active consideration in the courts. Cutting off funds would seriously cripple DOJ's efforts to hold the tobacco industry accountable and to recover the billions of dollars spent by the Government on smoking-related health care.

The tobacco lawsuit is strongly supported by the Department of Defense. Smoking-related illnesses cost the Department nearly a billion dollars each year. If the Justice Department case is successful, it could result in a substantial financial benefit to DOD health care programs which stand to share in the recovery.

I had considered offering a simple amendment. It would ensure that the restrictions on transfers would not apply to currently pending litigation. It would thus ensure that there is no unintended impact on the tobacco case. However, I do not intend to offer my amendment at this time. I understand that the underlying provision is part of the bill's report language, not its statutory language; and I believe that the provision can and, I am hopeful, will be fixed in conference so that it no longer has any impact on the tobacco litigation.

However, other appropriations bills moving through the House, such as VA-HUD and Commerce-State-Justice contain statutory language that is explicitly designed to stop the tobacco lawsuit. This is simply wrong. Rather than supporting the administration's effort to protect the Federal taxpayers and public health, these bills are trying to defund the litigation. This is nothing less than a secret gift to the tobacco industry. As the other appropriations bills move through the process, I urge my colleagues to strip out special protections for big tobacco; but if these provisions remain, I intend to shine the spotlight on them and fight to eliminate them.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise in support of the rule and to express my full support for H.R. 4576, the Defense Appropriations Act for fiscal year 2001. This important legislation honors the men and women serving in our Nation's armed services. I commend the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) for their leadership and commitment in addressing the needs of our service men and women and their families.

This bill enhances recruiting, retention and quality-of-life programs. It also includes a 3.7 percent pay raise and an additional $64 million for basic housing allowances. It also addresses procurement shortfalls that our military has suffered since the Kosovo campaign.

In particular, I am thankful for the gentleman from California's support for metrology and calibration accounts and the C–17 Globemaster funding levels. I look forward to working with the gentleman to explore the active associate wing concept for any additional C–17s procured.

Mr. Speaker, I believe this bill is good for the U.S. service men and women, good for the national security needs of our country, and a sound investment for the people of the United States. Once again I would like to thank the gentleman from California (Mr. LEWIS) and the staff of the Subcommittee on Defense of the Committee on Appropriations for their long hours and dedication. I know my district and the Nation's service men and women are better off because of their commitment. I support the rule and the bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding me this time.

Mr. Speaker, the bill before us today would in 1 year raise funding for the Pentagon by $24 billion. Given some of the stories I have heard from the troops in the field, some of that money might be well spent. Unfortunately, I do not believe it is in this bill, and I do not believe it is getting to the folks that need it. I met the dad of a Marine who had a fancy new digital radio, that is true, they had acquired that for him; but the Pentagon told him they could not afford a waterproof cover for the nonwaterproof digital radio, and his dad was in GI Joe's in Oregon buying the kid a waterproof cover for his radio. There is something wrong with a Pentagon that can provide the fancy equipment, but it cannot provide the basics. We still have families in the military on food stamps. This bill does not take care of that problem. We have recruitment and retention problems. We have problems for hard duty, sea duty. There were requests by the Pentagon to fund those programs. They are not funded in this budget.

This budget does not take care of the young men and women serving us in the military, but it does take care of the defense contractors. Huge new weapons programs will be rushed forward with this bill. More billions for Star Wars that is yet to have one successful test. We are going to rush production of the F–22 aircraft. Yet this is an aircraft that is 2 years behind on its flight tests and has yet to complete even basic flight testing.

But we are going to move ahead to procurement of a weapon that may not be needed that at this point does not work at a cost of $300 million per fighter plane. It is supposed to be stealthy. The only thing stealthy about it is if we spend all our money on F–22s, they will be stealthy, we will hardly see an American fighter plane in the next war because we will not have hardly any and the ones we have might not be able to fly. Let us slow that down.

Contractors return voluntarily nearly $1 billion of overpayments sent to them by a Pentagon that cannot keep track of its funds, and the GAO says there were another $5 billion of overpayments at least that were rendered. They cannot even do bookkeeping. The answer is to give them another $24 billion; $24 billion that does not go to the troops, $24 billion that does not go to basic readiness, $24 billion that does not go to recruitment and retention problems, $24 billion that flows to weapons systems that we do not need, that do not work, that are costing outrageous amounts of money.

It is time to inject a little common sense into this debate. I am going to offer an amendment on the F–22 to slow that program down and save $1 billion. I am also going to offer another simple common sense amendment, perhaps too common sense for us inside the Beltway here, not for me but maybe for other Members, that would say that any contractor who three times is convicted of procurement fraud against the taxpayers of the United States would not be eligible to further contract with the Department of Defense. I will not even go back in time. If we did it retroactively, it would disqualify all our defense contractors. But let us go from this date forward and say from this date forward defense contractors are not going to commit fraud against the taxpayers of the United States; and if they do, they will lose their contracts.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, the Preamble to the Constitution of the United States when it speaks of we the people of the United States, it goes on to speak of forming a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, securing the blessings for ourselves and our posterity.

Providing for the common defense is something that we as Members of Congress need to do. But we also have to ask when $24 billion extra is put into a defense budget, when the defense budget today is in excess of $300 billion, we have to ask whether or not some of the other promises to the people of this country are being ignored. Because certainly the national defense should include the ability to provide for decent health care for all, for a decent education for all, for decent jobs for all. That too should be part of our national security. If that is not, then we should in the alternative make sure that in this huge Federal budget that we meet the economic and social needs of the people.

□ 1530

Now, this bill, Mr. Speaker, includes a provision for $1.8 billion for a boondoggle called the National Missile Defense System. This system is a fraud on the taxpayer, and it is a danger to arms reduction. First, the technology is not feasible. It is not testable, and, therefore, not reliable. It does not protect against real threats, but it does richly line the pockets of military contractors.

It will destabilize our relations with our allies worldwide and will spark a new and expanded nuclear arms race. It violates years of work towards disarmament and nonproliferation. This national missile defense, so-called defense, is a technological failure. A recent New York Times article gives Congress an inkling to the truth about this missile defense.

This Times analysis, which was based on a report from an MIT scientist, goes on to state that, well, the national missile defense system depends on the system's ability to discriminate between the target warhead of an incoming missile and decoys, something has gone wrong with this system.

According to the New York Times, the system has failed those tests, that it cannot discriminate between the target warhead of an incoming missile and decoys. This is a quote from the newspaper, "The Pentagon hailed the first intercept try as a success, but later conceded that the interceptor initially drifted off course and picked out the decoy balloon rather than the warhead," end of quote, that is because, according to the Times, the system cannot tell the difference between warheads and decoys. Experiments with the National Missile Defense System have revealed that the system is, quote, "inherently unable to make the distinction," and that is between the target warhead, and decoys. The New York Times characterized the MIT scientist as saying the signals, quote, "from the mock warhead and decoys fluctuated in a varied and totally unpredictable way," that is inner quotes, revealing no feature, inner quotes, "that can be used to distinguish one object from another," end quote.

Indeed, the Times reported the test showed that warheads and decoys are so similar that sensors might never be able to tell them apart. In other words, Mr. Speaker, the national missile defense which we are about to appropriate close to $2 billion for does not work and cannot work because it is inherently unable to tell the difference between warheads and decoys, Mr. and Mrs. Taxpaying America.

Now, listen to this, Mr. Speaker. After this report appeared in the New York Times, Defense saw to it that this letter that was sent was classified. Now, it was classified before we had a chance to have a debate over this on this floor; that classification tactic was simply, I believe, to chill the debate.

I am going to be called on the appropriate legal enforcement agencies to investigate this whole effort to cover up a system that does not work, to trick up test results, because there is fraud and deceit here. The taxpayers are being cheated. I am going to offer an amendment that seeks to, as other Members will, deal with this subject, because the national missile defense does not address the real threats that exist, and the system will simply line the pockets of major defense contractors.

It is wrong to cheat the taxpayers of the United States. And that is what this so-called phony missile defense program does. We have already spent $60 billion in the last 15 years on anti-missile defense research, and it has not produced a weapons defense system that can work. It is wholly ineffective. It is a lie, and it needs to be exposed and it will be.

[From the Cleveland Plain Dealer, June 6, 2000]

MISSILE DEFENSE IS POLITICAL FICTION

(By Frances FitzGerald)

The debate over national missile defenses has been nothing short of surreal.

On the one hand. President Bill Clinton and Vice President Al Gore have been promoting a limited defense system to protect the nation against attacks by rogue states, though the system has not been proven and may never work reliably. They have also been asking Russia to agree to amend the anti-ballistic missile treaty to permit such a system, though the Russians have always adamantly opposed such an amendment and continued to do so at the summit meeting last weekend in Moscow.

On the other hand, Gov. George W. Bush has promised a much more robust national missile defense, though based on technologies he has not yet named.

In addition, he has promised deep reductions in the American and Russian strategic arsenals. The Russians, however, have already told us that they see a larger defense effort as a threat to their nuclear deterrent. The idea that they would make deep reductions in the face of such an effort defies logic.

Everyone in Washington knows all of this, so what is going on?

The answer, of course, is politics. But it is a politics that cannot be understood apart from the history of the debate, a debate that has never been about reality.

On March 23, 1983, President Ronald Reagan, whose hard-line anti-Soviet policies had by then given rise to the largest anti-nuclear movement in Cold War history, personally—and almost in secret—wrote an insert to a routine defense speech, calling on the scientific community to turn its great talents to the cause of world peace and to give us a means of rendering nuclear weapons "impotent and obsolete."

In background briefings after the speech, there was talk of such Buck Rogers weaponry as space-based lasers that could destroy the entire Soviet missile arsenal.

Reagan's own officials, among them Secretary of State George Shultz, were appalled, and some speculated that the president had gotten the idea from a science-fiction film. It took them almost a year to discover what a stroke of political genius the speech insert was.

Since 1946, opinion polls had shown that the vast majority of Americans believed that scientists could develop a defense against nuclear missiles if they put their minds to it. Indeed, except when the issue of vulnerability was front and center in the news, most Americans expressed confidence that the United States had a defense against nuclear weapons already.

Just two weeks after Reagan's speech, a White House poll asked respondents whether they believed scientists could come up with "a really effective way to destroy Soviet nuclear missiles from space." The answer was, as always, a resounding yes.

Reagan certainly expected this answer. In addition, he and his close aides recognized that, because of its inherent ambiguity, a defense initiative would appeal to conservatives as a way to develop a weapons system even while it appealed to the public at large as a means to eliminating the nuclear threat.

By the time of Reagan's re-election in November 1984, all of his top officials had lined up behind the Star Wars concept. A number of existing research programs were cobbled together, and the Strategic Defense Initiative was launched with great fanfare and much rhetoric about the potential of lasers and other exotic technologies.

Shultz, Robert McFarlane and other moderates in the administration wanted to use SDI as a bargaining chip for Soviet strategic weapons.

"It would be like giving them the sleeves off our vest," Shultz told the president.

However, Defense Secretary Caspar Weinberger, his aide Richard Perle and their fellow hard-liners had other ideas. They saw SDI as a way to block offensive-arms reductions, to tear up the 1972 ABM treaty and to begin an arms race in defensive as well as offensive weapons.

The two sides brawled for the rest of the Reagan administration, and neither succeeded in gaining its ends.

In the meantime, however, SDI became extremely popular in the polls. While the hardliners pleased knowledgeable conservatives by blocking strategic talks, Reagan pleased the public by offering to share SDI technology with the Soviets and promising the elimination of nuclear weapons. The anti-nuclear movement, its rhetoric stolen, gradually faded away.

In the past 15 years, the United States has spent $60 billion on anti-missile-defense research and has yet to produce a workable weapons system. An effective defense of the country remains wholly elusive.

Yet Republican conservatives have continued to speak as if exotic technologies were ready to jump off the assembly lines, and have continued to press for a deployment of something—anything—that would irrevocably commit this country to an open-ended process of developing national missile defenses.

Congressional Democrats tried to resist the pressure, but their ability to do so waxed and waned with their own political fortunes and those of the Republican right. In early 1998, or around the time the Republicans took their impeachment case against President Clinton to the Senate, the Democrats gave way.

The previous fall a commission headed by Donald Rumsfeld, a former defense secretary, had concluded that "rogue states" could acquire ballistic-missile technologies, and North Korea had test-fired a long-range missile out over the Pacific.

In January the Clinton administration pledged financing for the deployment of a national missile-defense system to cope with this threat. In March the Senate, with administration support, overwhelmingly approved a resolution calling for a deployment.

At the time, White House officials commented that the administration's support for the bill would help to defuse a potent political issue for the Republicans in the campaign of 2000.

Last fall Clinton announced that he would make a final deployment decision this summer, in the very midst of the presidential campaign.

This determination clearly had little to do with technology, for the schedule did not permit time for adequate testing—and since then one of the two tests has failed. Rather, it had to do with the fear that the Republicans would call Democrats weak on defense.

In their unsuccessful attempt to persuade the Russians to agree to the deployment, administration officials assured them that they could defeat the system if they kept 1,000 or more strategic nuclear weapons on full alert. This was hardly a bargain for either country, given the decay of the Russian early-warning system and the increasingly real threat of an accidental launch.

In the midst of these technological and diplomatic embarrassments for the administration, Bush revived the political issue by calling for the entire Reagan program: Star Wars, radical nuclear-arms reductions, the de-alerting of nuclear forces and the sharing of anti-missile technology with our allies and possibly the Russians as well.

The proposal is, of course, self-contradictory. It is also wildly implausible, in that the Pentagon is no more likely to agree to give away advanced American technology than it ever was, and no country except the United States can afford an open-ended missile-defense program.

But then, the majority of Americans did not notice any of these problems when Reagan made the proposal 15 years ago.

[From the Washington Post, June 4, 2000]

A STRATEGY OF SILENCE ON MISSILE DEFENSE

(By Greg Schneider)

If President Clinton wants to show Russian President Vladimir Putin the potent mix of interests making ballistic-missile defense a priority in this country, he could invite Putin to continue their summit at the Wyndham Franklin Plaza Hotel in Philadelphia.

There they would find an archetypal blend of politics, military and industry in the form of a week-long conference hosted by Rep. Curt Weldon (R-Pa.) and co-chaired by the Pentagon's Ballistic Missile Defense Organization and Lockheed Martin Corp.

Inside those closed-door sessions are the stakeholders in a campaign to create a land-based anti-missile system designed to shoot down warheads launched at the United States by terrorists or "rogue" states. The National Missile Defense program is to receive $12 billion over the next six years and could grow much larger.

While President Clinton weighs a decision on whether to order construction of the system, and while Republican presidential candidate George W. Bush calls for an expanded defense shield, the nation's defense contractors are uncharacteristically silent about this potential windfall of them and their shareholders.

The Philadelphia conference is closed to the public and press, though representatives of several foreign militaries will take part. The companies in attendance and others in the defense sector do virtually no marketing of missile defense in the media. They don't even do much direct lobbying on Capitol Hill, according to executives, lobbyists, staffers and experts.

The technology is too risky, sources said, and the issue has too many international complications. But mostly there is little need to lobby, because Congress is already dead set on finding a way to stop hostile foreigners from hitting American troops or cities with long-range missiles.

"It's religion on Capital Hill," said an industry executive who asked not to be named. "I think [the companies] sense there's an irresistible drive that something is going to be fielded, and perhaps in this instance they can sit out the overt plug for the system itself and let the events just carry the current like a wave ahead of them," said retired Army Col. Daniel Smith, chief of research at the nonpartisan Center for Defense Information. "That way they can be good guys in a sense and still get the contracts and save their powder for the real battles."

Critics charges that the companies take a subterranean approach to the issue, funneling money to think tanks that use speeches studies and seminars to spread the gospel of missile defense. "It's been a very sophisticated disciplined lobbying effort," said William D. Hartung of the World Policy Institute in New York.

The stakes are high and growing. The national has spent more than $60 billion on missile-defense research since Ronald Reagan announced his plan for a space shield against Russian warheads in the early 1980s. It could spend anywhere from $30 billion to $50 billion more on the National Missile Defense program by 2015, depending on how extensive a system is built, according to the Congressional Budget Office.

Thousands of companies across the country benefit from ballistic-missile defense programs, though nearly half of the spending goes to four major players: Lockheed Martin, Boeing Co., Raytheon Co. and TRW Inc.

Although much of the work is done in Alabama and California, a breakdown of $2.55 billion in current contracts shows 46 Northern Virginia-based companies receiving a total of $166 million, according to Eagle Eye Publishers, Inc. in Fairfax. Seventeen contractors in Maryland and the District divided another $28 million.

Others would like to get into the field. Northrop Grumman Corp., for example, has spent years prepping for a chance to build radar for an expanded version of the National Missile Defense program.

But John Johnson, director of advanced technology businesses at Northrop Grumman's electronics sector near Baltimore, said he recently learned that National Missile Defense prime contractor Boeing is planning to stick with the radar it currently buys from Raytheon.

"It's difficult to understand why in the world they would not want to have competition," Johnson said. "Especially when you consider the fact that whoever does this is going to have a monopoly for the next 20 to 30 years in that particular line of business. We're talking a tremendous amount of money, billions of dollars, for tens of years."

Such scale is especially irresistible to the big companies that hunger for huge, long-term contracts after a decade of industry consolidation and several years of rejection by Wall Street. The primary question is how far Congress will ultimately be willing to go.

Reagan's original vision of a vast space shield, dubbed "star wars," evaporated in the hot glare of physics and negative publicity. But the Persian Gulf War rekindled the issue as Saddam Hussein menaced Israel and attacked U.S. troops with crude Scud missiles. The military had no reliable answers to that threat so Congress ordered it to come up with something.

Since then, North Korea and other potential enemies have worked to develop rocket technology that could let them deliver warheads of every description to faraway places—theorectially including the United States.

So the Pentagon is stoking antiballistic missile technology on two fronts: The National Missile Defense program would establish a limited network to protect the nation from the odd missile or two launched by terrorists. And several "theater missile defense" programs are aimed at protecting troops or ships in battle from Scud-like threats.

Boeing is the lead company on National Missile Defense, having won a three-year, $1.6 billion contract in 1998 to assemble a basic system.

Lockheed Martin lost out on that contract but is the major player in theater missile defense, with its upgraded version of the Patriot missile and the Army's $14 billion Theater High-Altitude Area Defense, or Thaad, system. The company could gain an important role in national missile defense as well, if the program is expanded to include Navy ships using Lockheed Martin's Aegis combat system.

Raytheon and TRW are present as subcontractors on virtually every type of missile-defense program. Raytheon makes the crucial X-band radar for both National Missile Defense and for Thaad, as well as the "kill vehicle" on the tip of the NMD missile. TRW is creating the battle management, command and control system for NMD; is working with Boeing and Lockheed Martin on the Air Force's Airborne Laser program; and is competing to build a low-orbiting network of early-warning satellites.

The Ballistic Missile Defense Organization, which coordinates most of the systems, also has a small-business innovation program that has awarded about $450 million in research contracts to thousands of companies in all but about three states since 1985. The agency sends out a monthly newsletter highlighting technology contracts in particular states, which experts say is BMDO's most overt effort to emphasize the far-flung political constituencies of its programs.

National Missile Defense is by far the most politically sensitive project. It is a topic not only at this weekend's summit in Russia but also in this year's presidential campaign. The central issue is when to begin deploying a land-based missile-defense system, and how big to make it. Many defense officials expect President Clinton to postpone the deployment decision until the next administration.

One executive in the defense industry said that while contractors believe George W. Bush would act faster and on a bigger scale, they also have faith that pressure from Congress would make Democrat Al Gore follow suit eventually.

Either way, the executive said, the research dollars will keep flowing.

Such research could lead to valuable spin-off technology in other business areas such as communications, remote sensing and optical technologies, said Malcolm O'Neill, who heads Lockheed's air and missile defense efforts. O'Neill, a retired Army general who was the first commander of the Ballistic Missile Defense Organization, continues to serve on a BMDO advisory panel.

The industry's expectation that research dollars will flow regardless of when the system is deployed is one reason, insiders say, that defense lobbyists are not trying to push missile defense.

A bigger factor is that the topic "is so political that the defense contractors really don't want to be prominently involved in something that is that visceral in terms of opposition or support," said Richard Cook, a veteran lobbyist and former head of government operations for Lockheed.

Cook recalled catching a company official briefing a group of senators on the promise of missile defense in the early 1980s. "I chewed [him] out," Cook said. "I said, 'Hey, what are you doing talking about missile defense? You have no idea what it's going to cost, and the politics are such that you're going to have little or no influence and in fact you'll probably end up embarrassing Lockheed.'"

At that time, too, he said, the company's own scientists were divided over whether the technology would even work.

Critics argue today that the whole effort—but especially National Missile Defense—is technologically impossible. "This isn't going to defend anyone except defending the interests of some defense contractors and lining their pockets," Rep. Dennis J. Kucinich (D–Ohio) said last week at a rally against missile defense.

He pointed out that the four biggest contractors are heavy campaign donors. The defense industry as a whole supplied more than $2.3 million in soft money to the major parties last year, according to Common Cause.

Hartung, the arms-control expert at the World Policy Institute, charges that defense companies have shaped the debate over missile defense by working indirectly through think tanks and study groups that influence key participants.

"These companies are desperate for cash, and they view this system as their meal ticket—not for this year but for the next generation," Hartung said.

He emphasized links between defense contractors and the Center for Security Policy, an arms advocacy group run by former Reagan defense official Frank J. Gaffney Jr. The center has written speeches for politicians who support missile defense, hosted conferences and honored public figures for championing the cause.

Gaffney said in an interview that he hopes his group has helped accelerate interest in missile defense, but he rejected the suggestion that his effort is tainted because the center's board of advisers includes executives from Lockheed Martin, Northrop Grumman and other companies.

"I think people who don't like our message would find any pretext to dismiss the message," he said. The center reported that corporations contributed 17 percent of its $1.2 million in revenue for 1998, the most recent year available.

Gafney also is intimately involved with a new group called the Coalition to Protect Americans Now, which has funded a pair of television ads warning that "America is unprotected against missile attacks and calling on the president to deploy "a strong missile defense—now."

The ads, which were being run on CNN this weekend so that the president could see them in Europe, are being funded by Colorado heiress Helen Krieble, Gaffney said.

He expressed frustration that the companies involved in ballistic-missile defense have not so far chosen to participate. That was a sentiment shared by Curt Weldon, the Pennsylvania congressman who persuaded the Ballistic Missile Defense Organization to hold the conference in Philadelphia tomorrow through Thursday.

"I think they've not done enough", and they've benefited from these programs," Weldon said of the companies. "They have a responsibility I think, to use their resources to at least make the case why it's important business-wise. We're not doing this because it means jobs, but the fact that it does means jobs make it somewhat critical for them to tell that story."

Five or 10 years ago, Weldon said, the companies were reluctant to take a high profile because the programs were so controversial. "But we've changed that. We've changed the whole debate in this country," he said. "Now I think it's appropriate for them to weight in . . . and I will continue to press them until that happens."

SCIENTIFIC PANEL SAYS NATIONAL MISSILE DEFENSE WON'T WORK

The Union of Concerned Scientists and the Massachusetts Institute of Technology Security Studies Program today released the first major study presenting technical evidence that the planned US National Missile Defense (NMD) system would be defeated by simple responses from new missile states.

The report, by a panel of eleven independent senior physicists and engineers, also finds that the current NMP testing program is not capable of assessing the system's effectiveness against a realistic attack.

"This so-called national missile defense system won't do the job," said report chair Dr. Andrew Sessler, former director of the Lawrence Berkeley Laboratory and past president of the American Physical Society. "The United States should shelve its NMD plans and rethink its options for countering missile threats."

The NMD system is intended to defend US territory from attacks by tens of intercontinental-range ballistic missiles armed with nuclear, chemical, or biological weapons. President Clinton is scheduled to decide on deployment this fall, after a third intercept test in June and a Pentagon recommendation in July. The first intercept test in October scored an ambiguous hit; the second test in January was a miss.

The report was researched by top scientists from Lawrence Berkeley Laboratory, MIT, Cornell University, the University of California at Los Angeles, the University of Maryland, and the University of Pennsylvania. Study members include senior defense consultants to the US government and nuclear weapons laboratories, and former members of the Defense Science Board, the Rumsfeld Commission, and the Lockheed Corporation. The scientists used physics and engineering calculations to analyze both the planned NMD system and the simple steps—

known as "countermeasures"—that nations developing long-range missiles could take to foil the defense.

For biological or chemical weapons, the missile warhead can be divided into many small bomblets that would be released from the missile early in flight and overwhelm the defense with too many targets. The analysis in the report shows that the technology for bomblets would be readily available to an emerging missile state.

"Any long-range missile attack with biological weapons would surely be delivered by bomblets," said Dr. Kurt Gottfried, a physicist at Cornell University and chair of the Union of Concerned Scientists. "The planned NMD system could not defend against such an attack."

The report also finds that attackers using nuclear weapons could defeat the system by deploying their warheads inside mylar balloons and releasing many empty balloons along with them, presenting the defense with an unwinnable shell-game. Or a nuclear warhead could be covered by a shroud cooled to very low temperatures, preventing the heat-seeking interceptor from detecting and homing on the target.

The US intelligence community, in a September 1999 report, also found that developing nations could deploy countermeasures with their long-range missiles and would be motivated to do so by US NMD deployment.

"Any country that can deploy a long-range missile with a nuclear or biological weapon can deploy these countermeasures," said Dr. Lisbeth Gronlund, a physicist at UCS and MIT. "Pentagon claims that the system can deal with countermeasures simply do not stand up to technical scrutiny."

The study shows that the NMD testing program will not be able to determine if the system would be effective against these countermeasures. Tests against realistic targets will not be conducted before the first phase of deployment in 2005, if at all.

"Since we find that even the full NMD system would be defeated by realistic countermeasures, it makes no sense to begin deployment," said Dr. Sessler. "A defense that doesn't work is no defense at all."

As a companion to the new report, USC produced an animation that shows how straightforward devices like balloons and bomblets would confuse the NMD system. The animation and report can be viewed on the UCS website at www.ucsusa.org/arms/.

Missile Shield Analysis Warns of Arms Buildup

(By Bob Drogin and Tyler Marshall)

Washington—The U.S. intelligence community is writing a secret report warning the Clinton administration that construction of a national missile defense could trigger a wave of destabilizing events around the world and possibly endanger relations with European allies, a U.S. intelligence official said Thursday.

The new National Intelligence Estimate will sketch an unsettling series of political and military ripple effects from the proposed U.S. deployment that would include a sharp buildup of strategic and medium-range nuclear missiles by China, India and Pakistan and the further spread of missile technology in the Middle East.

A supplement to the highly classified report will also note that the threat of attack from North Korea has eased since last fall, when Pyongyang effectively froze its ballistic-missile testing program in response to U.S. overtures.

Outside critics have long argued that the proposed national missile defense could backfire and actually diminish national security and global stability. But the CIA-led analysis and updated threat assessment are the first official evaluation of how the system could generate new threats.

The administration has pledged to decide this fall whether to proceed with an initial base of 100 "interceptor" missiles in Alaska, backed by ground-based phased radar stations and satellite-based infrared sensors, in a system designed to shield the continental United States from a limited missile attack.

Proponents of the system argue that North Korea, Iran or Iraq may threaten U.S. territory with intercontinental ballistic missiles someday. Critics argue that the threat is exaggerated, that the antimissile technology is unproved and that deployment would undermine crucial arms control and nonproliferation regimes.

CIA analysts believe that Russia would accept U.S. arguments that no system could protect against the number of missiles Moscow could launch and that its deterrent thus would be preserved. But China has only 20 CSS-4 intercontinental ballistic missiles in vulnerable silos, and the analysts say that, after a U.S. deployment, Beijing would conclude that it had lost its deterrent force—and act accordingly.

"We can tell the Russians that [the missile defense] won't affect the viability of their deterrent force," the intelligence official said. "I don't know how we can say that to the Chinese with a straight face."

If the U.S. system is built, the CIA believes, China would install multiple independent nuclear warheads on its missiles for the first time in an effort to overwhelm any missile shield. Beijing has possessed the technology for more than a decade but has not used it so far.

In addition, Beijing is deemed likely to build several dozen mobile truck-based DF-31 missiles, which it first tested last year, to create a more survivable force. It also is likely to add such countermeasures as booster fragmentation, low-power jammers, chaff and simple decoys to confuse or evade U.S. interceptors.

The intelligence official said that Russia and China both would increase proliferation, including "selling countermeasures for sure" to such nations as North Korea, Iran, Iraq and Syria.

Moreover, the official said, India is deemed likely to increase its nuclear missile force if it detects a sharp buildup by China, its neighbor and longtime rival. That, in turn, likely would spur Pakistan, India's archenemy, to increase its own nuclear strike force, the official said.

Former National Security Advisor Brent Scowcroft called such a scenario "plausible" and expressed concern about its possible implications.

"We ought to think whether we want the Chinese to change their very minimalist strategy," he said in a telephone interview. "I'm not sure what the answer is, but this is certainly one of the possible consequences that, in a sense, is more serious than the Russian reaction might be."

THE LIKELIHOOD OF A DOMINO EFFECT

Other specialists said that, while it is likely China would move to increase its intercontinental ballistic missile arsenal—now thought to be about 20 strong—it is questionable whether India and Pakistan would follow suit.

"China has had a strategic capability for a long time relative to India, and India has hardly gone on a missile arms race to counter it," noted John E. Peters, an arms control specialist at Rand Corp., a Santa Monica-based think tank.

Michael O'Hanlin, who tracks the missile defense issue at the Brookings Institution, a nonpartisan think tank in Washington, argued that, however dramatic it may sound, a domino-style nuclear arms buildup would be a lesser threat to the United States than China's potential willingness to develop and sell missile defense countermeasures to countries like North Korea. Arms control specialists have expressed strong concern that the missile defense system as designed would be incapable of overcoming relatively cheap and easy-to-deploy countermeasures, such as clusters of decoys.

"If they do that, it could defeat the entire purpose of the national missile defense," O'Hanlin said. "That is the scenario that's very important."

Further afield, the intelligence official who outlined the report said, America's allies in Europe and the North Atlantic Treaty Organization could be angered if the United States is seen to be walling itself off from its allies with an antimissile shield.

N. KOREA'S TEST PROGRAM FROZEN

The updated threat assessment notes that North Korea has frozen its program to test an intercontinental ballistic missile—the Taepo-Dong 2—since the administration proposed relaxing economic and diplomatic sanctions last year.

The missile still could be tested on short notice, the official said, and related tests of the system's electronics, pumps, tanks and other equipment are still going on.

CIA analysts, who warned last year that Iran may try to test an intercontinental ballistic missile by 2010, have detected little progress in Tehran's program. "We're not seeing some of the things we expected," the official said. "We're not seeing the threat advance."

The White House requested the intelligence estimate as part of its decision-making review.

The analysis, to be delivered next month, presents two different scenarios of how other nations are likely to react to a U.S. deployment.

The first is based on the premise that Russia agrees to U.S. demands to amend the Anti-Ballistic Missile treaty of 1972 to allow a missile shield. The second assesses the effect if Russia refuses and Washington simply abandons the arms control process, as many Republicans have demanded.

At the moment, Russia and China are the only potential adversaries capable of hitting the United States with nuclear missiles. Russia has about 1,000 strategic missiles and 4,500 warheads.

The report pointedly declines to describe North Korea and other hostile states as "rogue" nations, since the argot suggests that their leaders are irrational.

"The term rogue state almost predisposes you in favor of" the missile defense system, the intelligence official said.

Moreover, the report warns that the missile defense shield would not protect Americans against what the official called "more accurate, more reliable and much cheaper" ways of delivering chemical, biological or nuclear weapons. These include ship-launched missiles, suitcase bombs and other covert means.

"The joke here is, if you want to bring a nuclear weapon into the United States, just hide it in some drugs," the official said.

BIPARTISAN THINKERS LOOK PAST TRADITIONAL ARMS CONTROL

(By Carla Anne Robbins)

WASHINGTON—When President Clinton goes to Moscow next month, he will try to sell Russian President Vladimir Putin a new arms-control "grand bargain."

For years, the prospect of any agreement would have been greeted with cheers and sighs of relief. This deal, in which Washington trades somewhat deeper cuts in both sides' arsenals for Moscow's grudging acquiescence to a limited U.S. missile-defense program, is supposed to break a seven-year stalemate in nuclear-arms reductions.

But a decade after the Cold War's end, a group of American thinkers from both parties is raising a more radical idea: Traditional arms control simply might not work anymore.

With the world vastly changed, they are calling for the old rulebook to be jettisoned. In this bold new order, there would be deep, even unilateral cuts in U.S. nuclear forces. Russia, and perhaps China, would join the U.S. and Europe in building missile-defense systems. Finally, there would be a global campaign, championed by Washington and its allies, along with Moscow and Beijing, to control the spread of terror weapons.

Stephen Hadley, a top aide in the Bush Pentagon, says he can imagine a day when the U.S. and Russia simply "advise" each other of their nuclear plans. "It's a perverse outcome of Cold War arms-control [that] both sides have kept an inventory of strategic weapons far above what they need or want," he says. Jan M. Lodal, a former top official in the Clinton Pentagon, warns that the U.S. is "making a huge diplomatic effort to preserve treaties that don't have any effect on the real problems" of fighting proliferation.

It is hard to overstate what a sweeping change this would mean. For 30 years, mankind's survival was thought to rest on the successful negotiation and implementation of arms-control treaties. Only arms control could walk the world back from the nuclear brink.

So why would anyone dare to try a different way?

Consider some current problems:

The U.S. and Russia agreed in 1993 to slash their arsenals to 3,000 to 3,500 long-range weapons, but domestic and international wrangling has blocked the cuts. Even if Mr. Clinton and Mr. Putin make a deal, the GOP-led Senate is threatening to reject it, while the Pentagon is already planning a larger antimissile program. The next president will have to start renegotiating the grand bargain a few months after taking office.

The nuclear-driven India-Pakistan conflict is today's most dangerous clash. But since neither country is recognized as a "nuclear state" under the nonproliferation treaty, the U.S. can't give them technology or know-how to help prevent accidental launches or wars of miscues.

Chemical weapons have been outlawed by an international treaty championed by the U.S. But the organization negotiated to monitor the ban has been hobbled by its members states' lowest-common-denominator restrictions. The country setting the lowest denominator? The U.S.

With such a grim record, there may be little choice but to start over. Nobody can be sure how well a new arms-control order would work. But here's how it might look:

Step one: The U.S. must begin, the new thinkers say, by shrinking its own arsenal to reflect a world where nuclear war with Russia is far less of a risk than the risk of Russia losing or selling off its weapons to rogue states or terrorists.

Moscow—which spent only about $5 billion on all its defenses last year, or less than 2% of the Pentagon's budget—already is calling for both sides to go down to 1,500 long-range weapons. U.S. military planners are insisting on keeping 2,000 to 2,500 weapons.

Mr. Lodal says the U.S. can cut back to 1,000 "survivable" weapons, mainly on hard-to-find submarines, and still deter all potentials enemies. For the sake of speed, he says the U.S. should make those cuts unilaterally and expect the Russians to follow suit. Future agreements with Russia would focus on "transparency" to calm suspicions of a secret buildup by either side.

There is a precedent of this "arms control by example." In 1991, President Bush broke all of the rules, unilaterally taking all U.S. strategic bombers off alert and pulling all American short-range nuclear weapons out of Europe and Asia. A week later, Soviet leader Mikhail Gorbachev pulled all of his short-range nuclear weapons back to Russia and pledged to slash another 1,000 long-range weapons from the Soviet arsenal. The shocking moves and countermoves had analysts heralding a new "arms race in reverse."

Step two: The U.S. has to figure out how to build missile defenses without creating a permanent international crisis.

There are serious doubts about whether the technology is ready or the rogue-state threat imminent. Nevertheless, national missile defense may be a political inevitability.

The prohibition against building defenses, enshrined in the 1972 ABM treaty, is the most passionately held arms-control taboo. During the Cold War, stability was supposed to be based on mutual vulnerability to devastating nuclear retaliation.

That high-risk equation may no longer be necessary, says Barry Blechman, a longtime critic of President Reagan's Star Wars concept who now embraces the need for limited defenses. The threat today, he argues, comes from a few rogue states or terrorists, making defenses an easier technological problem to solve. But the challenge is still so daunting that it will be years before the U.S. can build anything that can defeat Russia's force.

"I've always been of the mind that deterrence is what you do if you can't defend." Mr. Blechman, chairman of the Stimson Center, a Washington international security think tank.

The biggest challenge may be to calm Russia's fears of a multbillion-dollar missile-defense race. Russia is unlikely to launch a major nuclear buildup. But a spurned Moscow could still make real trouble: slowing arms reductions, cutting off cooperative nuclear-security programs or even selling technology to foil missile defenses to North Koreas or Iraq. By pulling out of the ABM, and provoking a crisis with Russia, the U.S. would also seriously damage its already strained credibility as a crusader against global proliferation.

Mr. Hadley, who now advises the presidential campaign of Texas Gov. George W. Bush, but says his ideas are his alone, believes the best hope is to revive a Bush administration proposal to bring the Russians and perhaps the Chinese into a "Global Protection System."

The U.S., he says, could start by sharing early-warning data with Moscow. Russian and U.S. defense companies could collaborate on building and selling smaller theater missile-defense systems to countries that otherwise might be tempted to acquire their own missiles. Most ambitiously, the U.S., Russia and Europe could work together to develop a national missile-defense system that all could deploy.

The West would likely have to foot a good part of Russia's cost, while Moscow would have to implement far tougher technology-transfer controls. If China also wanted in, it "would have to show a real commitment to the effort against proliferation that so far it hasn't shown," says Mr. Hadlen. Even then, China, which has about 20 long-range missiles capable of hitting the U.S., is almost certain to increase its nuclear forces to be sure of being able to overwhelm the U.S. system.

Some of the fiercest opponents to Mr. Hadley's plan could be members of his own party, who increasingly argue that the U.S. can ignore a weakened Russia's objections. And while Mr. Gorbachev once expressed interest, it isn't certain whether Russia's new leaders would want to join.

Step three: Really fight weapons proliferation.

Nuclear tests by India and Pakistan showed how few tools there are to punish countries determined to flout international treaties. The U.S. is still hoping to dissuade the two rivals from mating nuclear warheads to missiles. If that fails, it may have little choice but to rewrite or defy the nonproliferation treaty, providing both countries with the technology and know-how to prevent accidental wars.

"Arms-control treaties are only good when they reflect the underlying realities," Mr. Blechman says.

Ferreting out secret cheaters is even harder. Politics is part of the problem. To win Senate ratification of the Chemical Weapons Convention, the Clinton administration reserved the right to block challenge inspections on national security grounds and barred monitors from taking chemical samples abroad for analysis. Now "other countries will have the ability to block the inspectors the same way," warns Amy Smithson of the Stimson Center. The Indian parliament is considering the Technology may be a bigger obstacle, especially when chemical and biological weapons can be cooked up in a garage or a bathroom.

So what to do? The new thinkers suggest the U.S. will have to move beyond treaties. It will need to enlist Russia and China, the biggest potential sources of illicit weapons, as well as its European allies, in a global antiproliferation campaign: Sharing intelligence, policing their defense industries and scientists, and joining in diplomatic initiatives to isolate offenders.

Sen. Richard Lugar, a longtime arms-control proponent, says that even with their weaknesses, these multilateral treaties can still provide useful "norms" for rallying international pressure or justifying unilateral punishments, as in the U.S. bombing of Iraq. "It may be the only real sanction in the world is the U.S. armed forces," the Indiana Republican says.

Mrs. MYRICK. Mr. Speaker, I would like to inquire of the gentleman from Texas (Mr. FROST) if he has any more speakers.

Mr. FROST. Mr. Speaker, I respond that I reserve the final 2 minutes to close. There are no other speakers on the floor.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may assume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I would like to respond to some of the comments from the critics of the bill and from those of whom consistently vote against the defense bills that are brought to this House floor in a bipartisan basis. It always is difficult for me to try to understand the dimension of others of whom perhaps do not share my opinions, because I, for one, believe that part of the purpose of forming a government is to make sure that we protect the Nation's borders; that we protect our interests; that we protect those of whom sleep in peace and tranquility and domestically within the borders of our own country, so we take great pride in our police force, our firefighters, those who serve in the military, those of whom who put on the uniform and say they give an oath to lay down their life.

It was a Vietnam veteran that turned to me when I was a young cadet and said I want you to memorize this statement: those who serve their country on a distant battlefield see life in a dimension for which the protected may never know.

Those of whom may be the protected yet have never seen the horrors of a battlefield are very quick to become the critics of the defense industry, become critics of those of whom serve in the military, those of whom question a system of honor and of integrity, of character, of the essence of the nobility of life.

They say, well, we will be there when you need it; that is false. It takes the commitment of a Nation, weapons systems that we will use in the next war are not crafted and built based on the successes of the last. If we do that, it is a prescription for failure.

You design your weapons systems thinking far ahead; it is why when you go into battle that we want to place our men and women who serve in harm's way with the ability to overmatch, so we do not see the coffins coming back to Dover, Delaware.

That is why I enjoy it when the defense bill comes to the House floor, because it is one of the few bills that this body comes together as Democrats and Republicans.

Mr. KUCINICH. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Indiana. Since I am a little hard on you, I yield to the gentleman.

Mr. KUCINICH. Mr. Speaker, I do not take from anything that the gentleman said that the gentleman would endorse fraud.

Mr. BUYER. Mr. Speaker, I will reclaim my time, that is a silly statement. No one in this body endorses fraud, for crying out loud. I do not even know where that came from. What bothers me is it is easy to say, oh, well, the Pentagon, they spend this much on a weapons system, they spend that much on a part, these weapons systems are highly sophisticated and it takes awhile. They only make one or two parts. It is not making 10,000 parts.

Let me go back to my compliment, though, to the body. My compliment to the body is that we have many Members in here that have put on the uniform, and no one ever asked when we took that oath whether we were Republican or Democrat. So those of us who served in the authorizing committee and the appropriating committees who have the interest on national security keep that dimension.

Now, there will always be a critic of a bill for one particular reason or another. We have those of whom who are passivists. They should take pride in themselves, if they are a passivist, say they are a passivist. Do not just pick apart the bill for one reason or another. Expose your character. If they do not, I will be more than happy to.

Let me tell you something else that has bothered me when we take an individual who may be a critic of the defense industry or, in particular, of our defense. They are the same individuals of whom are seeking to socialize our military. So when they stand up here on the House floor and they talk about, well, we are having recruiting and retention problems in the military, and they give this long laundry list of what is wrong with the military, see they are the same ones who endorsed socialization policies of our military.

Socialization policies that, in fact, then begin to hurt the military. A sergeant at Fort Campbell, Kentucky, came up to me and says, Congressman, if the Army gets any more sensitive, it is going to cry. We have to stop and think what are we doing to the military.

Mr. Speaker, I have traveled around; and I have conducted a lot of hearings, being chairman of personnel. Well, many are quick to blame recruiting and retention problems on a good economy, easy access to other sources of college funding, reduced propensity to enlist, a shortage of quality recruits. My findings point to other issues that stress the military force. It is called lack of spare parts, lack of adequate training time, aging equipment and high depreciation rates on our equipment, socialization policies, longer working hours and prolonged family separation due to an increased operational tempo.

We also have a mismatch in the Clinton/Gore national security strategy between a foreign policy of engagement and enlargement at our national military strategy. When we take 265,000-plus troops and put them in 135 nations all around the world and then we begin to have them serve as quasidiplomats, we then have a workforce out there that begins to then have questioned the mission; it is called mission credibility. They say I do not mind being separated from my family, but to do this? And they say then, wait a second, what happened to the warrior. The warriors now have become the humanitarian.

They are outstretched all over the world as quasidiplomats on all of these humanitarian missions. Now, are some of them noble? Are some of them worthy? Yes. But we always have to be very careful about what happens when you take a warrior and we then turn him into a humanitarian. You dull the war-fighting skill. When you do that to a division, it takes us a year to retrain the division back to the war-fighting skill.

So as I listened to some of the comments of some of the Members, it is easy to pick apart the bill. I believe that this bill is going to receive a large bipartisan support.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I would say to the gentleman, I understand his criticisms and critique. We could give a critique on both sides of the aisle, but what the gentleman just said, I think, is the most important thing, and that is, we need to continue to maintain a bipartisan consensus in the House for national defense, for our troops, for taking care of the spare parts problems. I think it is good if we can try to work and build consensus behind national defense.

I hear some of the criticism on my side of the aisle, because they are worried about wastefulness. They are worried are we doing enough in terms of testing, national missile defense, have we done enough testing on the F–22. Frankly, as a member of the committee I am concerned about those issues myself.

I think we need to be careful as stewards of national security not to always believe everything we are told, I know the gentleman does not fall under this category, by the Pentagon is necessarily totally accurate. I mean, we have to go in and do a good job of oversight and looking at what has actually happened. And that is why I was impressed when the gentleman said he was going out and taking a look to see about spare parts.

By the way, our committee has added hundreds of millions of dollars over a sustained period of years on these issues during the Reagan buildup, during this buildup; but I hope we can try to have the rhetoric in a constructive tone, rather than in a tone that kind of gets us into a fight over this issue.

There still is a huge consensus in this Congress, at least 325 Members, who are strongly committed and it is very bipartisan. So I just wanted to make those points.

Mr. BUYER. Mr. Speaker, I reclaim my time. My compliments to the gentleman from Washington (Mr. DICKS).

He has have devoted a great deal of his time in Congress to the issues of national security. The issues on spare parts, I think American people would be shocked to go out on the flight line and see that we are swapping out engines to put F-14s in the air.

If we told our parents that, you know, I am going to be a little bit late for Christmas dinner because I have to pull the Chevy engine out of the car and put it in any other car, they say what are you doing; that sounds ridiculous. With the spare part problem out there that we are actually swapping out engines to put planes in the air is a little stunning.

I want to compliment the gentleman, because he has worked very hard on our spare part problem and concern.

Mr. DICKS. Mr. Speaker, if the gentleman will continue to yield, this is a good bill. I see the gentleman from California here. I want to say to the gentleman, too, our subcommittee, it is a great subcommittee to be a Member of, there is never any partisan rhetoric to speak of; and we try to focus in on trying to do the best possible job with the resources we have to do the best for defense.

I think this year, for example, taking the money and accelerating the two brigades that will be part of the Army's effort to lighten up and be more mobile. That is a great decision on the part of the committee. I hope the Congress will endorse that, and I hope we can get the Senate to go along with it.

Mr. BUYER. Mr. Speaker, reclaiming my time, I think we are going to see the real compliment of the work product that came, not only out of the authorizing committee, but also the gentleman's work, this bill is going to pass in a huge bipartisan bill. I compliment the gentleman.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this is a good bill. It will pass with a very significant bipartisan vote of both Democrats and Republicans.

☐ 1545

I would only like to underscore one point that I made earlier in the debate, and I would hope that the leadership on the other side of the aisle in this body will impress upon the leadership on their side of the aisle in the other body how important it is to move the defense supplemental for Kosovo and Bosnia right now. Because while there is significant money in this bill for 2001, our troops face a crisis in the fourth quarter for fiscal year 2000, beginning in about a month, because of the inability of this Congress to fund what has already happened in Bosnia and Kosovo, and because of the fact that this requires our military to take money away from training and to take money away from the vital things that need to be done right now in the remainder of this fiscal year.

So while it is laudable that we are going to pass by a significant bipartisan vote a good piece of legislation for the fiscal year that starts October 1, we need to move the money in the supplemental for the remainder of this fiscal year, or we are going to face a real crisis situation starting about August 1.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. CUNNINGHAM) to close.

Mr. CUNNINGHAM. Mr. Speaker, I would like to reiterate what the gentleman from Texas (Mr. FROST) spoke about and the gentleman from Washington (Mr. DICKS). The supplemental is important. We have over 21 ships that are tied up to the pier that cannot go anywhere, and we are going below that 300-ship Navy. Yet, there are some people on that side of the aisle that would even cut defense in an emergency situation like this. I think that is wrong.

I would like to thank the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Washington (Mr. DICKS) and the Subcommittee on Defense of the Committee on Appropriations. When I served on the authorizing body, it was the absolute best committee to serve on. There are no Republicans and no Democrats on that committee; they are all looking forward to helping the men and women in the services. Unfortunately, when we get to this floor, there are critics of those policies that want to cut for social spending. That is wrong. We put at risk our men and women in the services.

I would like to thank the gentleman from Texas (Mr. FROST) and the gentleman from Washington (Mr. DICKS) and the gentleman from Pennsylvania (Mr. MURTHA), the authorizers. This is a good rule. I thank especially the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense of the Committee on Appropriations, who has been tied up in another committee today.

Mr. Speaker, this is a good rule and a good bill. I thank my colleagues for supporting it. We need to get the other body in line with the supplemental.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4576, and that I may include tabular and extraneous material in the RECORD.

The SPEAKER pro tempore (Mr. WICKER). Is there objection to the request of the gentleman from California?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 514 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4576.

The Chair designates the gentleman from Michigan (Mr. CAMP) as chairman of the Committee of the Whole, and requests the gentleman from Ohio (Mr. GILLMOR) to assume the chair temporarily.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, with Mr. GILLMOR (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Pennsylvania (Mr. MURTHA) and I are pleased to bring before the Membership today the fiscal year 2001 appropriations bill for the Department of Defense. This bill, which received strong bipartisan support in our subcommittee and the Committee on Appropriations, passing through the committee with no amendments, continues the efforts of the Congress to ensure that our Nation's military is ready for the challenge of the 21st century. Those challenges are daunting as any we have faced during the Cold War, and I am gratified that my colleagues understand that our security and the defense of freedom must remain above partisanship.

Mr. Chairman, let me say at the beginning of this that the foundation laid by our subcommittee is designed to make certain that America remains as the single superpower well into the next century. Indeed, the foundation laid in this committee's product is a direct result, first of all, of the work done by my colleague and my chairman, the gentleman from Florida (Mr. YOUNG) when he was chairman of this subcommittee, and now as full Committee chairman and before that, the foundation was further laid by the gentleman from Pennsylvania (Mr. MURTHA) when he was chairman of the committee. I must say, if we have a committee in the House in which both parties work better together, I do not know what committee that is. For indeed, this is a product of the work of our very fine staff working with the members of the committee on both sides of the aisle who recognize just how critical it is that America be ready for the 21st century.

Mr. Chairman, let me say that this bill in many ways is a very forward-leaning bill. Among other things, perhaps most important, we have taken seriously the efforts on the part of the new chief of the Army, General Eric Shinseki, to develop a vision and a transformation strategy that will take our Army into a posture that will cause it to be the Army we need well into 2020, 2025, 2050. Indeed, it is the Army, the men and women of our military, who make a critical difference in terms of America's strength.

So I am proud to say that the bill is designed to accelerate the efforts on the part of General Shinseki in building that vision for the future.

Mr. Chairman, we are approximately $1.2 billion above and beyond the budget request in connection with the Army's vision implementation. We have gone forward, rounding out the first interim brigade that Eric Shinseki is recommending, and we are fully funding as well a second brigade in support of his effort. We have included language that will require the Army to give us direct feedback so that we can monitor carefully the progress that is being made in their effort at Fort Lewis, Washington.

Let me say that as we look to the next century, the Members should know that we are hurdling into an age of warfare that will require heretofore unimaginable speed, complexity, and flexibility for our fighting machines and the men and women who design, build, and operate them. Imagine, if you will, a battle where most of our fighter pilots never see their enemy before they are engaged. Imagine pinpoint attacks on enemy ground targets from 35,000 feet in the air or 100 miles away at sea. Imagine computer-guided flying machines that never put our personnel at risk. Imagine planning and executing a battle on foreign shores from the computer stations in the Pentagon.

This is no longer the stuff of science fiction. Our Armed Forces faced many of these challenges in their engagement in Kosovo, and it is indicative of the rapidly changing climate that the Congress and our military leaders must address for the real future.

Mr. Chairman, America, as I have suggested, is the country which will preserve freedom in the next century. This bill is designed to set the stage to be sure that we are ready for that. In connection with a fundamental piece of our direction, the bill includes over $40 billion for the kind of R&D that will make sure that the assets are available that are required to do that sort of research that assures America's strength.

I might mention 2 other areas in which the bill is making an effort to lean forward. I would point out the fact that most are aware today of the reality that we could face some serious challenges in our communications systems, especially the computer in the months and years and the decades ahead. We have begun within this bill by providing a $150 billion pool to begin to help us figure out what the questions are that need to be answered in the arena that we now describe as cyber war.

I might further mention that one of the elements that was more controversial in last year's bill relates to America's future efforts in terms of having the best available tactical fighters. This bill provides for the funding that was part of an agreement regarding the F–22 aircraft that took place last year. While the Air Force is going forward with the kind of testing that we feel is absolutely necessary to be sure that the F–22 is the airplane we hope it to be, we have laid the foundation with those commitments to testing while providing the funding, the full funding for 10 production aircraft that will keep them on a pathway to further tests of that aircraft.

Mr. Chairman, this is a very, very healthy appropriations bill that is some $19.5 billion beyond last year's appropriation. The total amount is $288.5 billion. Further, we should state for the RECORD that the bill is approximately $3.5 billion beyond the President's budget request. It is a bill that has broadly-based bipartisan support.

Mr. Chairman, we are pleased to bring before the membership today the Fiscal Year 2001 appropriations bill for the Department of Defense. This bill, which received near-unanimous bipartisan support in our subcommittee and the Appropriations Committee, continues the efforts of Congress to ensure that our nation's military is ready for the challenges of the 21st Century. Those challenges are as daunting as any we faced during the Cold War, and I am gratified that my colleagues understand that our security and the defense of freedom must remain above partisanship.

The bipartisan path we follow today toward strengthening our nation's forces was forged by my chairman, BILL YOUNG, in his years as chairman of this subcommittee. Before that, the groundwork was being laid by our ranking member, Congressman JOHN MURTHA, when he chaired the subcommittee. Their wealth of knowledge and commitment to our military are precious assets to Congress. I would also like to commend the hard work of all of the members and staff of the Defense Subcommittee. This bill is truly a fruit of their combined labors.

The Appropriations Committee submits to you today a Fiscal Year 2001 Appropriations Bill for the Department of Defense that we believe will allow our armed forces to embark on a new millennium in military technology, deployment strategy and world view. It will allow us to demonstrate our commitment to our nation's defense by providing $288.5 billion in new budget authority.

We are hurtling into an age of warfare that will require heretofore unimaginable speed, complexity and flexibility for our fighting machines and the men and women who design, build and operate them. Imagine a battle where most of our fighter pilots never see their enemy before they are engaged. Imagine pinpoint attacks on enemy ground targets from 35,000 feet in the air or 100 miles away at sea. Imagine computer-guided flying machines that never put our personnel at risk. Imagine planning and executing a battle on foreign shores form computer stations in the Pentagon.

This is no longer the stuff of science fiction films. Our armed forces faced many of these challenges in their engagement in Kosovo. And it is indicative of the rapidly changing climate the Congress and our military leaders must address for the real future.

The bill we bring before you today strongly supports the need for the most forward-looking technology in our aircraft, ships, ground weapons and missile defense. We must press forward in developing this technology, looking not to today but to 2020, 2050 and beyond.

The most crucial commitment we must address, however, is the one we make to the soldiers, sailors, airmen, and Marines who are the reason America is the remaining superpower, unrivaled in our ability to defend and support freedom anywhere in the world.

The members of the Defense Subcommittee believe we must show our unequivocal support for our military men and women by providing them with the best pay and benefits, best working conditions, and best living conditions possible. Every member of Congress should take time in the coming year to visit military installations and experience the inspiring morale and commitment of our troops.

What you will find is an enthusiasm and level of technical expertise that would be the envy of our nation's business leaders. We are depending on these young men and women to operate some of the most sophisticated machinery and complicated battle plans in the world. When they receive adequate training and support, they rise to that challenge.

But you will also see a desperate need for barracks renovation and improved maintenance at our military installations. You will hear of a disturbing lack of spare parts, that combined with a high operating tempo has left much of our advanced equipment on the tarmac or in repair facilities indefinitely.

In spite of these shortfalls, we can still count on our men and women in uniform to dedicate themselves to protecting their nation. We must dedicate ourselves to providing the support they need to do that well.

To address the needs of our troops, the bill provides $2 billion more than in FY 2000 for active and reserve personnel pay and benefits. We fully fund a pay raise for the troops. We add $250 million to the budget request for enlistment bonuses, housing allowances and other personnel investments. We have also increased funding for military health care and medical research by $988 million over last year. A portion of these funds will implement the plan approved by the House in the authorization process to improve access to health care for service members, their dependents and the retired medical community.

Operation and maintenance accounts receive $1.2 billion more than requested by the administration. This will continue help us tackle the critical shortages in facilities maintenance, field-level equipment maintenance and logistical support and spare parts. It also funds such basic needs as cold-weather clothing, body amor and shipboard living needs for sailors.

While this spending bill provides numerous incentives for our military leaders to reach toward the future, I would like to highlight two areas that we believe are particularly urgent.

The first is the Army Transformation, a much-needed overhaul of our basic ground forces. The subcommittee members enthusiastically support the Army Chief of Staff, General Ric Shinseki, in his vision to create new Army brigades, and eventually divisions, which he believes will be able to place a very strong, mobile force into a battle situation within 96 hours. The Chief has proposed to jump-start this process by standing up, in fiscal year 2001, two new medium combat brigades. Our spending bill would fully fund those brigades. And we strongly urge the Army to reform its internal structure to revitalize and modernize procurement processes. We must put an end to weapons systems that take 30 years to develop.

The other forward-looking element of the bill is a $150 million addition over the budget for what are popularly known as "cyber-war" systems. The recent international outbreak of the Love Bug virus is only the latest danger signal that anyone anywhere in the world is capable of compromising our computer systems. The military must be on the cutting edge of information technology and its uses, but we must also recognize that the growing use of this technology brings potential vulnerabilities.

Finally, I would like to briefly address a subject many of you will remember from last year: Our tactical fighter program and the F–22. This year, we have funded the first 10 production models of this fighter, which has the potential to be one of our most fabulous assets. But our bill continues the requirement that critical Block 3.0 avionics software be tested in the aircraft before production begins, and also requires a report of the adequacy of testing overall.

In conclusion, I believe this spending bill commits Congress to providing the support our military leaders need to defend our nation, and defend freedom around the world. This commitment must be continued and increased in future years, for while ensuring peace is expensive, the alternative is war, whose costs are unimaginable.

At this point I would like to insert for the RECORD a brief summary of the funding recommendations in this bill.

DEFENSE APPROPRIATIONS BILL, 2001 (H.R. 4576)
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	22,006,361	22,198,457	22,242,457	+236,096	+44,000
Military Personnel, Navy	17,258,823	17,742,897	17,799,297	+540,474	+56,400
Military Personnel, Marine Corps	6,555,403	6,822,300	6,818,300	+262,897	-4,000
Military Personnel, Air Force	17,861,803	18,282,834	18,238,234	+376,431	-44,600
Reserve Personnel, Army	2,289,996	2,433,880	2,463,320	+173,324	+29,440
Reserve Personnel, Navy	1,473,388	1,528,385	1,566,095	+92,707	+37,710
Reserve Personnel, Marine Corps	412,650	436,386	440,886	+28,236	+4,500
Reserve Personnel, Air Force	892,594	961,710	960,610	+68,016	-1,100
National Guard Personnel, Army	3,610,479	3,747,636	3,719,336	+108,857	-28,300
National Guard Personnel, Air Force	1,533,196	1,627,181	1,635,681	+102,485	+8,500
Total, title I, Military Personnel	73,894,693	75,801,666	75,904,216	+2,009,523	+102,550
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	19,256,152	19,073,731	19,386,843	+130,691	+313,112
(By transfer - National Defense Stockpile)	(50,000)	(50,000)	(50,000)		
Operation and Maintenance, Navy	22,958,784	23,250,154	23,426,830	+468,046	+176,676
(By transfer - National Defense Stockpile)	(50,000)	(50,000)	(50,000)		
Operation and Maintenance, Marine Corps	2,808,354	2,705,658	2,813,091	+4,737	+107,433
Operation and Maintenance, Air Force 2/	20,896,959	22,296,977	22,316,797	+1,419,838	+19,820
(By transfer - National Defense Stockpile)	(50,000)	(50,000)	(50,000)		
Operation and Maintenance, Defense-Wide	11,489,483	11,920,071	11,803,743	+314,260	-116,328
Operation and Maintenance, Army Reserve	1,469,176	1,521,418	1,596,418	+127,242	+75,000
Operation and Maintenance, Navy Reserve	958,978	960,946	992,646	+33,668	+31,700
Operation and Maintenance, Marine Corps Reserve	138,911	133,959	145,959	+7,048	+12,000
Operation and Maintenance, Air Force Reserve	1,782,591	1,885,859	1,921,659	+139,068	+35,800
Operation and Maintenance, Army National Guard	3,161,378	3,182,335	3,263,235	+101,857	+80,900
Operation and Maintenance, Air National Guard	3,241,138	3,446,375	3,480,375	+239,237	+34,000
Overseas Contingency Operations Transfer Fund	1,722,600	4,100,577	4,100,577	+2,377,977	
United States Court of Appeals for the Armed Forces	7,621	8,574	8,574	+953	
Environmental Restoration, Army	378,170	389,932	389,932	+11,762	
Environmental Restoration, Navy	284,000	294,038	294,038	+10,038	
Environmental Restoration, Air Force	376,800	376,300	376,300	-500	
Environmental Restoration, Defense-Wide	25,370	23,412	23,412	-1,958	
Environmental Restoration, Formerly Used Defense Sites	239,214	186,499	196,499	-42,715	+10,000
Overseas Humanitarian, Disaster, and Civic Aid	55,800	64,900	56,900	+1,100	-8,000
Former Soviet Union Threat Reduction	460,500	458,400	433,400	-27,100	-25,000
Pentagon Renovation Transfer Fund	222,800			-222,800	
Quality of Life Enhancements, Defense	300,000		480,000	+180,000	+480,000
Total, title II, Operation and maintenance	92,234,779	96,280,113	97,507,228	+5,272,449	+1,227,115
(By transfer)	(150,000)	(150,000)	(150,000)		
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	1,451,688	1,323,262	1,547,082	+95,394	+223,820
Missile Procurement, Army	1,322,305	1,295,728	1,240,347	-81,958	-55,381
Procurement of Weapons and Tracked Combat Vehicles, Army	1,586,490	1,874,638	2,634,786	+1,048,296	+760,148
Procurement of Ammunition, Army	1,204,120	1,131,323	1,227,386	+23,266	+96,063
Other Procurement, Army	3,738,934	3,795,870	4,254,564	+515,630	+458,694
Aircraft Procurement, Navy	8,662,655	7,963,858	8,179,564	-483,091	+215,706
Weapons Procurement, Navy	1,383,413	1,434,250	1,372,112	-11,301	-62,138
Procurement of Ammunition, Navy and Marine Corps	525,200	429,649	491,749	-33,451	+62,100
Shipbuilding and Conversion, Navy	7,053,454	12,296,919	12,266,919	+5,213,465	-30,000
Other Procurement, Navy	4,320,238	3,334,611	3,433,063	-887,175	+98,452
Procurement, Marine Corps	1,300,920	1,171,935	1,229,605	-71,315	+57,670
Aircraft Procurement, Air Force	8,228,630	9,539,602	10,064,032	+1,835,402	+524,430
Procurement of Ammunition, Air Force	442,537	638,808	638,808	+196,271	
Missile Procurement, Air Force	2,211,407	3,061,715	2,893,529	+682,122	-168,186
Other Procurement, Air Force	7,146,157	7,699,127	7,778,997	+632,840	+79,870
Procurement, Defense-Wide	2,249,566	2,275,308	2,303,136	+53,570	+27,828
National Guard and Reserve Equipment	150,000			-150,000	
Defense Production Act Purchases	3,000		3,000		+3,000
Total, title III, Procurement	52,980,714	59,266,603	61,558,679	+8,577,965	+2,292,076
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	5,266,601	5,260,346	6,025,057	+758,456	+764,711
Research, Development, Test and Evaluation, Navy	9,110,326	8,476,677	9,222,927	+112,601	+746,250
Research, Development, Test and Evaluation, Air Force	13,674,537	13,685,576	13,760,689	+86,152	+75,113
Research, Development, Test and Evaluation, Defense-Wide	9,256,705	10,238,242	10,918,997	+1,662,292	+680,755
Developmental Test and Evaluation, Defense	265,957			-265,957	
Operational Test and Evaluation, Defense	31,434	201,560	242,560	+211,126	+41,000
Total, title IV, Research, Development, Test and Evaluation	37,605,560	37,862,401	40,170,230	+2,564,670	+2,307,829

DEFENSE APPROPRIATIONS BILL, 2001 (H.R. 4576)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	90,344	916,276	916,276	+825,932	
National Defense Sealift Fund:					
Ready Reserve Force	257,000	258,000	270,500	+13,500	+12,500
Acquisition	460,200	130,158	130,158	-330,042	
Total	717,200	388,158	400,658	-316,542	+12,500
Total, title V, Revolving and Management Funds	807,544	1,304,434	1,316,934	+509,390	+12,500
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance	10,522,647	11,244,543	11,525,143	+1,002,496	+280,600
Procurement	356,970	290,006	290,006	-66,964	
Research and development	275,000	65,880	327,880	+52,880	+262,000
Total, Defense Health Program	11,154,617	11,600,429	12,143,029	+988,412	+542,600
Chemical Agents & Munitions Destruction, Army: 1/					
Operation and maintenance	543,500	607,200	607,200	+63,700	
Procurement	191,500	121,900	105,700	-85,800	-16,200
Research, development, test, and evaluation	294,000	274,400	214,200	-79,800	-60,200
Total, Chemical Agents	1,029,000	1,003,500	927,100	-101,900	-76,400
Drug Interdiction and Counter-Drug Activities, Defense	847,800	836,300	812,200	-35,600	-24,100
Office of the Inspector General	137,544	147,545	147,545	+10,001	
Total, title VI, Other Department of Defense Programs	13,168,961	13,587,774	14,029,874	+860,913	+442,100
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	209,100	216,000	216,000	+6,900	
Intelligence Community Management Account	158,015	137,631	224,181	+66,166	+86,550
Transfer to Dept of Justice	(27,000)	(27,000)	(33,100)	(+6,100)	(+6,100)
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	35,000	25,000	25,000	-10,000	
National Security Education Trust Fund	8,000	6,950	6,950	-1,050	
Total, title VII, Related agencies	410,115	385,581	472,131	+62,016	+86,550
TITLE VIII					
GENERAL PROVISIONS					
Ship Transfers (FY99 with FY2000 carryover)	-170,000			+170,000	
Additional transfer authority (Sec. 8005)	(1,600,000)	(2,000,000)	(2,000,000)	(+400,000)	
Indian Financing Act incentives (Sec. 8022)	8,000		8,000		+8,000
Disposal & lease of DOD real property (Sec. 8037)	32,200	24,000	24,000	-8,200	
Overseas Military Fac Investment Recovery (Sec. 8040)	4,300	3,000	3,000	-1,300	
Rescissions (Sec. 8054)	-350,180		-690,492	-340,312	-690,492
FY 1999 Economic Adjustment (rescission)	-452,100			+452,100	
Women in Service for America Memorial	5,000			-5,000	
Civilian personnel under execution	-123,200			+123,200	
Foreign Currency Rev Economic Assumptions (Sec. 8092)	-171,000		-537,600	-366,600	-537,600
A-76 Studies	-100,000			+100,000	
WMD consequence management	35,000			-35,000	
Travel Cards (Sec. 8098)	5,000	5,000	5,000		
Recovery of DoD admin expenses from FMS	-87,000			+87,000	
Advance pay appropriation	-1,838,426			+1,838,426	
Transfer to Department of Transportation	(5,000)			(-5,000)	
Aircraft leasing	19,000			-19,000	
Munitions/Readiness	-100,000			+100,000	
Red Cross	5,000			-5,000	
United Service Organizations	5,000			-5,000	
F-22 Program Transfer Account	1,000,000			-1,000,000	
F-22 Program Termination Liability	300,000			-300,000	
Performance Based Academic Model (Sec. 8104)	5,500		5,000	-500	+5,000
Seattle Conveyance	1,000			-1,000	
Eisenhower Memorial Commission	300			-300	
Rome Labs	13,000			-13,000	
Aviation Support Facility	10,000			-10,000	
Depot Maintenance	-400,000			+400,000	
Spares	-550,000			+550,000	
Base Operations	-100,000			+100,000	
Munitions	-356,400			+356,400	
O&M general reduction	-7,200,000			+7,200,000	
O&M contingent emergency	7,200,000			-7,200,000	
Working Capital Fund Cash Balances (Sec. 8085)			-800,000	-800,000	-800,000
Foreign Currency Cash Balance Stabilization(Sec. 8109)			-463,400	-463,400	-463,400
Total, title VIII	-3,350,006	32,000	-2,446,492	+903,514	-2,478,492
Grand total	267,752,360	284,520,572	288,512,800	+20,760,440	+3,992,228

DEFENSE APPROPRIATIONS BILL, 2001 (H.R. 4576)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
OTHER APPROPRIATIONS					
Waiver of certain sanctions against India and Pakistan	43,000			-43,000	
P.L. 106-113:					
Title II - O&M, Army	100,000			-100,000	
Title VI - 1994 Friendly Fire Settlement	2,000			-2,000	
Title III - Across the board cut (0.38%)	-1,028,000			+1,028,000	
Total, other appropriations	-883,000			+883,000	
Adjusted total (incl other appropriations)	266,869,360	284,520,572	288,512,800	+21,643,440	+3,992,228
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Adjustment for unapprop'd balance transfer (Stockpile)	150,000	150,000	150,000		
Stockpile collections (unappropriated)	-150,000	-150,000	-150,000		
Spectrum	-2,600,000			+2,600,000	
Subtotal	-2,600,000			+2,600,000	
Advance pay appropriation (P.L. 106-31)	1,838,426			-1,838,426	
Total adjustments	-761,574			+761,574	
Adjusted total (incl scorekeeping adjustments)	266,107,786	284,520,572	288,512,800	+22,405,014	+3,992,228
RECAPITULATION					
Title I - Military Personnel	73,894,693	75,801,666	75,904,216	+2,009,523	+102,550
Title II - Operation and Maintenance	92,234,779	96,280,113	97,507,228	+5,272,449	+1,227,115
(By transfer)	(150,000)	(150,000)	(150,000)		
Title III - Procurement	52,980,714	59,266,603	61,558,679	+8,577,965	+2,292,076
Title IV - Research, Development, Test and Evaluation	37,605,560	37,862,401	40,170,230	+2,564,670	+2,307,829
Title V - Revolving and Management Funds	807,544	1,304,434	1,316,934	+509,390	+12,500
Title VI - Other Department of Defense Programs	13,168,961	13,587,774	14,029,874	+860,913	+442,100
Title VII - Related agencies	410,115	385,581	472,131	+62,016	+86,550
Title VIII - General provisions	-3,350,006	32,000	-2,446,492	+903,514	-2,478,492
Total, Department of Defense (in this bill)	267,752,360	284,520,572	288,512,800	+20,760,440	+3,992,228
Funds provided in Supplemental Acts	1,838,426			-1,838,426	
Other appropriations	-883,000			+883,000	
Total DoD funding available	268,707,786	284,520,572	288,512,800	+19,805,014	+3,992,228
Other scorekeeping adjustments	-2,600,000			+2,600,000	
Total mandatory and discretionary	266,107,786	284,520,572	288,512,800	+22,405,014	+3,992,228
RECAP BY FUNCTION					
Mandatory	209,100	216,000	216,000	+6,900	
Discretionary:					
General purpose discretionary:					
Defense discretionary	265,898,686	284,304,572	288,296,800	+22,398,114	+3,992,228
Nondefense discretionary					
Total discretionary	265,898,686	284,304,572	288,296,800	+22,398,114	+3,992,228
Grand total, mandatory and discretionary	266,107,786	284,520,572	288,512,800	+22,405,014	+3,992,228

1/ Included in Budget under Procurement title.

2/ O&M, AF request reduced by $300,000 by a technical correction budget amendment (H. Doc. 106-222).

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, everyone in this House knows that the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) are pros. They understand this defense budget, they know their stuff, and they know it in detail. They are truly legislative craftsmen.

However, I want to get some things off my chest, nonetheless, about this bill and the context in which it is being presented. The President presented to the Congress a defense bill which had a hefty $16 billion, 6 percent increase. It contained the President's recommendation for a military pay raise, it made sure that we hit the $60 billion target for procurement, and it was presented to the Congress in the context of other administration initiatives to also make needed investments in education, in health care, in science, and in environmental cleanup across the board.

□ 1600

This bill comes to us in a quite different context. This bill raises the President's request for the military budget by $4 billion, and it does so at the same time that it requires that we cut over the next 5 years $125 billion out of domestic programs for education, health care, and the like. It also does so in the context of the majority party insistence that we pass, in piecemeal fashion, tax cuts largely aimed at the wealthiest people in our society, which will total over $700 billion over that same time period.

We cannot do all of those things and meet the obligations we have to this society. We are not going to be able to eliminate the debt that everyone promises we are going to eliminate if the majority party insists on tax cuts of those magnitude, especially aimed where they aim them. If they do insist on those tax cuts, then something else has to give, in my opinion.

I want to simply point out one thing about this bill. This chart demonstrates what we spend versus what everybody else in the world spends on defense. We are now spending $266 billion, represented by that blue bar. NATO is spending $227 billion. The last time I looked, they were on our side.

If we take a look at what "they" spend, our potential main opponents, Russia is spending $54 billion; China, $37 billion; Iran, $6 billion; North Korea, $2 billion; Libya, $1 billion. That is not the picture of a country in trouble in terms of defense preparedness.

Despite these gross differences, I would be willing to support this bill if it were presented in a balanced context, if it were not presented at the same time that the majority party is asking us to provide billions of dollars in excessive tax cuts, and in the context of what is happening on the other side of the budget, where we are forcing a huge squeeze on education, on health care, on job training and the rest.

In that context, I do not believe this bill makes sufficiently tough choices in a number of areas, most especially with respect to the aircraft choices being made by the Pentagon.

I have in the committee report listed my concerns, most especially my concerns about the F–22. We have been given three separate caution flags by agencies that we ought to pay attention to: the Pentagon's director of Operational Testing and Evaluations, the committee's own Surveys and Investigation staff, and the General Accounting Office, which said we should be producing no more than six of those aircraft, instead of the expanded number in the bill.

I think that is just one example of the choices which this Congress is not making that it should be making if it is going to impose much deeper reductions and a much tighter squeeze on the rest of the budget. So if Members want my vote for a bill like this, they have to bring it to the floor in the context of a better balance between what we are doing to deal with our education problems, our health care problems, our national security problems, and most especially what we are doing on the tax side of the aisle.

We could afford the tax cuts we are talking about if we were not trying to fund increases like this, maybe. But we certainly cannot afford them both. It is about time this Congress makes some of the tough choices in this bill that it is making in other bills, or else recognize that there is no room in the budget for the excess of tax cuts that we are bringing to the floor piece by piece.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I thank my distinguished colleague for yielding me this time.

Mr. Chairman, I want to rise in strong support of this bill. This is a good bill. The subcommittee has worked really hard to fashion a bill that meets the needs as best they could with the funding available to them.

I would like to compliment and congratulate the subcommittee chairman, the gentleman from California (Mr. LEWIS), who has done such a magnificent job as chairman of the subcommittee, and his partner and our very dear friend, the gentleman from Pennsylvania (Mr. MURTHA), the ranking member, who in his turn served as chairman of the subcommittee. They have done a good job.

I rise today to discuss an important role that Congress plays in the whole business of national defense. I have reviewed the Constitution today, as I do periodically. Article 1, Section 8 of the Constitution, which provides the authorities and responsibilities of the Congress, talks about providing for the common defense.

It also says that Congress "has the authority to raise and support the armies, to provide and maintain a Navy, to make rules for the government and regulation of the land and naval forces."

I take that responsibility very seriously, as I know my colleagues in the House do, Mr. Chairman. But we have more of a responsibility than just sending troops into combat or declaring war. We have more of an obligation to those who serve in the military of our country not only to give them the best training that is second to none, the best equipment that we hope will be second to none, but we also have an obligation to house them, to clothe them, to feed them, to provide their health care, not only to those who serve in the uniform, but also their families.

I want to rise today, and I appreciate the gentleman yielding the time to me, to discuss some issues that are in my opinion very important as they relate to military health care.

As many of my colleagues know, during my long tenure as a Member of the Subcommittee on Defense of the Committee on Appropriations, and 5 years ago became its chairman, I was totally committed and an outspoken advocate for our military families and their health care.

Today, as chairman of the full committee, I continue that commitment, because it is essential. It is an obligation that we have as Members of Congress to care for these troops and their families. That includes proper medical care.

That support is evident by the fact that since fiscal year 1996, the Committee on Appropriations has recommended and Congress has approved $66 billion for the defense health program. That is an amount that is $3.5 billion more than the President requested for military health care for that same period. Of that $3.5 billion increase, about $2.5 billion was provided for urgent requirements of the Department of Defense.

In other words, the Department's budgets for military health were grossly insufficient when they arrived in the Congress. If Congress had not provided these additional funds, the health care of military families and military retirees would have been severely affected.

To give an idea of how much was needed year by year for the last few years, let me add this. In fiscal year 1997, Congress added $475 million over the President's budget for military health care. In 1998, we added another

$274 million as a budget amendment. In fiscal year 1999, we added $200 million over the President's budget in our supplemental. In the supplemental for this year, 2000, we added $1.6 billion. That provision is now in conference. Hopefully we will respond to that quickly.

Needless to say, this support for military medicine and quality care continues under the outstanding leadership of the chairman, the gentleman from California (Mr. LEWIS), and the gentleman from Pennsylvania (Mr. MURTHA). This bill today appropriates over half a billion dollars more than the administration requested for military medicine.

I raise the issue because it is important to understand that besides just preparing them for wars and battles, that it is our responsibility to provide health care for those who serve in our military, whether it is at time of war, time of battle, or whether there are injuries in training. Whatever it might be, it is our responsibility. We provide for the hospitals and the clinics and the doctors and the nurses and the corpsmen and the specialists, all who serve our military men, women, and their families.

I have been concerned about these extra monies that we have had to increase, but we have done it. I am just not satisfied that all of those monies are being used effectively. To the contrary, I think maybe there is too much bureaucracy. Maybe there is too much administrative staffing. There is something wrong, because my office and the office of the Committee on Appropriations have received numerous complaints.

In one of our military hospitals today, as we sit here in this Chamber, lies a retired Marine colonel who received the Medal of Honor in Vietnam, a real hero. He had a serious operation a few days ago, and he laid in pain in his bed for almost a whole day when the pain machine that he was given did not work. These are machines that allows the patient to push a button and a measured amount of painkiller then will enter the body and help ease the pain. For nearly a day, after request after request, that Marine colonel, Medal of Honor recipient, laid in pain. That is just not right.

Another case, a young soldier was shot during a training exercise. He was moved to one of our military hospitals. Early one morning he had stabbing pains with every breath that he took. Orders were given to do CAT scans or x-rays to find out what was causing this problem, but it was a Sunday, and the tests that were ordered Sunday morning had not been done even as late as late Sunday night. But thank God for the intervention of a doctor outside of that particular institution who went to that hospital and insisted that the test be done.

Those tests resulted in the discovery that this young Marine had two pulmonary embolisms, either one of which could have broken loose at a moment's notice and killed him. That is not right. Something needs to be done.

I had planned to offer an amendment today that would have dealt with this issue very, very effectively, but I have been in contact with a member of our Defense Department for whom I have tremendous respect and we have discussed this issue at length. He has promised that he will do everything that he possibly can to correct these situations wherever they might be.

So I am not going to offer that amendment today, but I will reserve that amendment for a future date if necessary. Again, I want to remind my colleagues, it is our obligation. We are responsible under the Constitution for the men and women who serve in our uniform, and their health care is just part of it. We provide for the hospitals, we provide for the staff. It is our obligation. If we see something that is not working properly, it is our obligation to fix it. I make that commitment to my colleagues today, that I will be there on the front line to fix these problems wherever I find them.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, the chairman of the committee and I have discussed this whole subject area very extensively. The gentleman has brought to my personal attention some of the serious difficulties that actually exist out there in this hospital system.

I want the chairman to know that our subcommittee is committed, following the time we get through with the conference, to bring our committee together to have public hearings regarding this matter, and to bring in the authorizers as well, to make sure that we get at the bottom of the very questions that are being raised. It is not going to be taken lightly by this subcommittee.

Mr. YOUNG of Florida. I thank the chairman for that, Mr. Chairman, and I appreciate that commitment.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I would like to bring to the subcommittee chairman's attention the Next Generation Small Loader program included in the bill. The bill cuts funding for the NGSL program by $12.6 million. The United States Air Force estimates the number of loaders for FY 2001 would be reduced by 60 percent.

I am concerned that the committee's adjustment was based on information that was outdated and incomplete. Considering that the current materials-handling fleet, which this new loader will supplement, is short by more than 100 units from the authorized number, and considering that more than half of the existing loaders are outdated and ready for retirement, I believe it is imperative that any adjustments made to this program be based on the latest and best information available.

Mr. Chairman, would the chairman be willing to review this program again going into conference, and if the facts merit, work to restore funding as appropriate for this important program?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WICKER. I yield to the gentleman from California.

Mr. LEWIS of California. I would be happy to revisit this matter going into conference to ensure that the committee has all available information to make the best possible judgment on the appropriate funding level for this program.

Mr. WICKER. I thank the distinguished subcommittee chair.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. RILEY) for a colloquy.

Mr. RILEY. Mr. Chairman, as a member of the Committee on Armed Services, I know how difficult the task was this year, given the amount of the President's request and the magnitude of the unfunded requirements list the service chiefs presented to us earlier this year. Many difficult choices have been made, and I appreciate very much the chairman's willingness to take the time today to address an issue here that is critical to our military readiness and important to the citizens of my district.

This year the authorizing committee, both authorizing committees, included $50 million in additional funds for the M–113 upgrades, while no additional funds were included in either appropriation bill.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. RILEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would say to the gentleman from Alabama (Mr. RILEY), as one of the Members concerned with these things in the Committee on Armed Services, I know the gentleman from Alabama does understand how difficult this process has been.

□ 1615

We have worked hard to address the Chiefs' requirements, given current budget restraints. I appreciate the gentleman's particular concerns about this funding shortfall and the impact it will have on his constituents who work on the M113.

Mr. RILEY. Mr. Chairman, recognizing that there could be job losses next year if the current funding level in this bill is enacted, I ask the gentleman if he will agree to bring this issue up in conference.

Mr. LEWIS of California. Mr. Chairman, if the gentleman would continue to yield, I am happy he brought this funding matter to our attention. We definitely will be discussing it in conference, and I look forward to continuing to work with the gentleman.

Mr. LEWIS of California. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, as the gentleman from California (Mr. LEWIS) knows, I think this is an excellent bill that he has brought to the floor today, but there are three issues that I hope might receive additional attention in the context of conference.

First, the sole domestic manufacturer of sonar domes has been working on an advanced submarine sonar dome that will result in a less expensive, more capable system. This is a program of great importance to the Navy and the Nation and was authorized by the House this year at $2 million.

Second, I remain concerned that the training requirements of the Army National Guard did not receive adequate consideration in the President's budget request. A critical training device known as A-FIST XXI, which is the Guard's number one unfunded training system requirement and which the House authorized at $9 million this year, did not receive funding.

Finally, I would note my interest in the S-3B Surveillance System Upgrade program which has been funded by Congress in the past and was authorized by the House this year at $12 million. SSU has leveraged existing technologies to yield highly successful tactical exercises that have drawn the praise of fleet commanders.

Mr. Chairman, I would certainly appreciate the assurance of the gentleman from California (Mr. LEWIS) that the committee will look at these programs carefully in the context of conference to consider whether additional attention and funding may be in order.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. FOWLER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, let me say to the gentlewoman, I cannot express deeply enough how strongly I appreciate her work with us by way of her participation on the authorizing committee. I am certainly happy to give her my assurance that we will look at these programs carefully as we go to conference.

Mr. KUYKENDALL. Mr. Chairman, I rise today to express my support for H.R. 4576, the Defense Appropriations Act for Fiscal Year 2001. This bill is a fair and balanced approach to address the military's many legitimate needs with the limited funds available. I especially appreciate the efforts to address healthcare issues facing both our active duty and retired veterans. It is essential for our servicemen and women to have quality, accessible and affordable health care. Given the current economic prosperity in America, sustaining an all-voluntary military force has been challenging. Add to that a disgruntled population of retired veterans, many who have been an important part of our recruiting effort in the past, and sustaining appropriate personnel levels becomes nearly impossible. The House Armed Services Committee (HASC) recently began the process of addressing these difficult issues, in spite of the enormous costs associated with these problems. The Defense Appropriations Subcommittee had the difficult task of fulfilling the HASC's commitment by finding the budgetary resources.

Another critical issue that we continue to focus on is modernization of our military equipment. Modernization is difficult enough when the only question is replacing old equipment with similar new equipment. However, advances in technology and manufacturing are causing everyone in defense to revisit how we perform R&D and procurement in a manner that keeps pace with the advances in technology and ensures timely fielding and upgrading of equipment. As always, we must provide our soldiers, sailors, airmen, and marines with modern equipment, ensuring that they continue to succeed on today's battlefield. I applaud the leadership you have provided as this committee determines funding levels needed to shape and define our future armed forces.

While I fully support the objectives and provisions of this bill, I am disappointed in the committee's recommendation to terminate the Discoverer II program. I appreciate the expense involved to field a complete constellation of satellites. However, I believe the decision to terminate this program may be premature. The benefits of tracking ground movements from a satellite-based system are undeniable. For example, during the Kosovo operation, weather impeded or canceled many scheduled aircraft sorties, including those aircraft necessary to gather aerial intelligence. Receiving intelligence data from a space-based asset that can provide coverage 24 hours a day, unconstrained by weather or political boundaries will be beneficial to warfighters and their planners, avoiding many of the problems we encountered in Kosovo. Advances in technology enable us to capture vast amounts of intelligence data—so much so that the infrastructure required to disseminate this increased amount of data has not kept pace. Fixing this processing problem at the expense of denying future intelligence gathering capabilities is not the answer. While I understand the committee's desire to ensure the viability of all our intelligence gathering and disseminating systems, I would urge it to keep available all options concerning future requirements and systems, like Discoverer II, that might fulfill those requirements.

Thank you, Mr. Chairman, and I urge my colleagues to support America's military by voting to support this bill.

Mr. HAYES. Mr. Chairman, for almost a decade now, this nation's defense budgets have continued to fall victim to the Clinton administration's cutting ax. We have gone from a budget in 1992 that exceeded $300 billion to a budget that in the mid-90's fell perilously low. This year, thanks to the vigilance of the Defense Appropriations chairman and his subcommittee, Congress will reverse the downward and misguided trend in our nation's defense spending. I applaud the chairman for his leadership and support his call to renew our commitment to the men and women who selflessly serve in the defense of our country.

One of the things I didn't fully realize before coming to Congress is the true crisis in readiness that has taken shape in our military. When you look at the big picture, the problem is easy to understand: Over the last 10 years, our service branches have been forced into far more missions while receiving less and less dollars. Consider this:

In the last 10 years, we have more than doubled our number of deployments.

From 1950–1990 the United States deployed its troops 10 times.

However, since 1990, we have deployed our troops over 30 times.

We have been doing this with shrinking forces.

In 1990 the U.S. military had 18 Army divisions, 546 Navy battle force ships and 36 fighter wings.

Today, we have only 10 Army divisions, 346 Navy battle force ships and 20 fighter wings.

That isn't surprising given the fact that our national investment in our Armed Forces went down sharply.

From 1986–1997, defense spending declined by $150 billion.

This isn't right. Without true national security, we can't move forward and work for a stronger economy, better education or higher quality health care. If we continue to deprive the men and women who defend our country of the assets and resources they need to do their job, we will all ultimately pay the price.

This year's defense appropriations bill continues the good work we began last year in what was called "the year of the troops." I look forward to returning to my district and telling the young soldiers and airmen at Ft. Bragg and Pope Air Force Base that our work last year was no fluke. That we are resolved to strengthen once again our Armed Forces and this year's appropriations represents another important step to ensure our men and women in uniform have the resources they need.

I urge my colleagues not to forget a profound statement of President Calvin Coolidge, "The nation which forgets its defenders will be itself forgotten."

Mr. STARK. Mr. Chairman, I adamantly oppose H.R. 4576, the Defense Appropriations bill for Fiscal Year 2001. This bill spends $288.5 billion for defense programs. However, this amount does not include the $8.6 billion already passed by the House in the Military Construction Appropriations bill (H.R. 4425), nor does it include the $13 billion expected to be allocated for defense needs in the upcoming Energy and Water Appropriations bill. The three measures provide $310 billion on defense needs alone. Monday, the Washington Post reported that the Joint Chiefs of Staff are preparing to request increases in military spending of more than $30 billion per year over the next 10 years starting in FY 2002. The U.S. Congress must not yield to the whims of the Joint Chiefs and the demands of military contractors when the American people have real needs that Government can provide.

This is the wrong time to throw money at pork-barrel defense projects such as the national missile defense (NMD) system and the F–22 program. The U.S. is experiencing unprecedented economic growth and the federal budget is balanced. Now is the time that we should provide health insurance for the eleven million children without it, provide a Medicare prescription drug benefit for 39 million Medicare beneficiaries, and ensure solvency of the Social Security and Medicare systems for the millions of baby boomers in their near retirement years. Let's make no mistake about priorities—the Republican majority has done nothing to extend the solvency of Medicare or Social Security in the 106th Congress. Now they want to squander hundreds of billions of dollars on high-cost, unreliable weapons systems.

According to recent analysis by the General Accounting Office, the F–22 aircraft program continues to encounter various problems with defects in the aircraft structure causing delays and fewer flight tests per month. In addition, the GAO analysis indicates that the Air Force has not been able to control F–22 costs. The GAO recommends that the F–22 low-rate production should be limited to approximately seven aircraft per year. Merry Christmas, Lockheed and Boeing—you get 10 unproven F–22s from Congress!

The Department of Defense has spent $18 billion on the F–22 since the mid-1980's. The project is too expensive and simply not needed. The program was initiated in 1981 to meet the threat of next generation Soviet aircraft. However, that threat no longer exists. Last year's war in Kosovo illustrates why the U.S. does not need the F–22. The current fleet of F–15s and F–16s demonstrated U.S. dominance in the air in Kosovo. Proponents of the F–22 claim that the aircraft is far superior than the F–15 in air to air combat. This is yet to be determined, but given it is true, we never had air to air combat in Kosovo and we don't need anything superior. The Yugoslav Air Force never engaged the U.S. in air to air combat because they would have faced defeat much sooner. No nation in the world comes close to challenging U.S. air dominance. However, there are many countries that scoff at the U.S. for not providing health insurance to our children. Eliminating the 10 F–22s appropriated in today's bill will allow us to insure 1.6 million children currently without health insurance.

Attention in recent months has focused on the military's readiness problems and difficulty recruiting and retaining quality people, yet today's appropriations bill continues to stress weapons over personnel and training. While funding for Operations and Maintenance, the so-called "readiness" account, goes up by 5% and the personnel account rises 2%, funding for the purchase of new weapons goes up over 16%. The U.S. spends two-and-a-half times what Russia, China and all potential threat countries spend on their militaries combined. We are preparing for World War III against a phantom enemy that cannot rival U.S. military strength.

We could save $40 billion per year if we keep our current generation of sophisticated weapons systems; cut nuclear weapons to no more than 1,000 warheads; continue research and development programs on new technology rather than introduce it into the force; and cut back on deployments in Europe. This would enable my home state of California to provide health care for every uninsured child in the state and provide Head Start for 94,209 additional children. It would also give California $1.3 billion to rebuild our schools and enough to build 18,506 affordable housing units.

I encourage my colleagues to dissect our annual defense spending and expose the façade that the GOP is helping the men and women in uniform. The leadership is helping those who line their campaign pockets. There are too many domestic needs to make pork-barrel defense spending our number one spending priority. I urge my colleagues to join me in voting no on the Defense Appropriations bill before us today.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in opposition to the Department of Defense Appropriations bill. I am very disappointed with this bill. Let me say at the outset of this debate many of us are aware of the need to protect democracy at home and promote it abroad. However, the question here today is at what cost?

Do we really need to spend $183 million for 60 Blackhawk helicopters while at the same time withhold $1.3 billion for much needed school renovation?

Do we really need to spend $709 million to repair faulty Apache helicopters while at the same eliminate the elementary school counselors program? I am sure all of us are aware of the 13-year-old honor student accused of killing his English teacher simply because he was reprimanded for throwing water balloons.

Do we really need to spend $285 million for 2,200 Hellfire missiles? What is a Hellfire Missile?

Do we really need to spend $433 million for 12 Trident II ballistic missiles? While in the very next bill that we must vote on today will cut $26 million from reading instruction programs, $416 million from title 1 reading and math programs and $600 million from our Nation's Head Start programs.

Mr. Chairman, building a strong army is not enough to promote democracy or protect our society. It is our duty here in Congress to build a society where no sick person will go unattended, no hungry person will go without food, no able bodied person will go without adequate employment and good schools will be provided for every American child.

This bill is too expensive, unnecessary and I urge all Members to vote "no."

Mr. BISHOP. Mr. Chairman, I rise today in support of H.R. 4576, the Defense Appropriations for FY 2001. I wish to commend Chairman LEWIS and Ranking Member MURTHA for crafting a bill which provides the necessary tools for military readiness and a better quality of life for our men and women in the armed services.

I believe, as the vast majority of Americans do, in a strong national defense. We live in an uncertain time and an unstable world. While the Soviet Union is no longer considered an enemy and no other nation has assumed the "evil empire" status, there are nations arming themselves and becoming real threats to our national security.

The measure before us today will allow this nation to have the most technologically advanced armed services in the world. The funding levels contained in this bill will provide our troops with the superior weapons they need to prosecute and deter war as effectively as possible. However, there is a human face to this equation and that is the focus of my remarks today.

Georgia's Second Congressional District is home to three military installations: Fort Benning, home of the 75th Ranger Regiment; Moody Air Force Base in Valdosta, home of the 347th Fighter Wing; and, the Marine Corps Logistics Base and Materiel Command in Albany. I have seen, first hand, the excellent work that our fighting men and women do, often under very difficult circumstances. Our responsibility is to make their jobs easier. We cannot expect to attract qualified recruits if poor pay and benefits, inadequate housing and increased ops tempo are the norm. I support this bill because it addresses both readiness and raises the quality of life for our armed forces.

This measure provides a 3.7-percent increase for military personnel in FY2001. It appropriates $433 million for the Cooperative Threat Reduction program to assist in the denuclearization and demilitarization of the states of the Former Soviet Union. This funding goes a long way in helping to disarm those would be rogue states that are currently buying nuclear material on the black market. The bill also funds drug interdiction activities of the U.S. military at $812 million. And, in an attempt to be proactive to the evolving threat to computer security, the measure appropriates and extra $150 million for research an development in support of the Defense Department's information systems security program.

Mr. Chairman, it is for these and many other reasons that I gladly support H.R. 4576 today and encourage my colleagues to support this bill.

Mr. BENTSEN. Mr. Chairman, I rise today in support of H.R. 4576, the Fiscal Year 2000 Department of Defense Appropriations bill. This bill will provide $288 billion for defense programs which is sufficient to meet the needs of today's military.

I would like to highlight an important project included in this bill that would provide $10 million for the Disaster Relief and Emergency Medical Services [DREAMS] program. This is the fourth installment on funding for DREAMS that would help to save lives and reduce health care costs. In 1997, Congress provided $8 million for DREAMS, in 1999, $10 million for DREAMS, and in 2000, $10 million for DREAMS. These federal funds have been leveraged with State of Texas funding, financial support from the National Institutes of Health and the ANA and philanthropic sources.

DREAMS is a joint Army research project with the University of Texas Houston Health Science Center and Texas A&M University System. The DREAMS project will demonstrate in both civilian and military terms how to attend to wounded soldiers from remote locations during emergency situations. The project will fund two broad areas, digital Emergency Medical Services [EMS] and advanced diagnostic and therapeutic technologies.

The EMS program will use emergency helicopters to fly directly to injured persons and treat these individuals after a trauma injury. Using the fiber-optic traffic monitoring system already being used in Houston, the DREAMS project will help helicopters to reach their victims faster. The second part of this EMS program is to collect real-time patient data and relate this information back to trauma physicians to make immediate diagnosis and recommended treatments.

The advanced diagnostic and therapeutic technologies will help to develop techniques to identify chemical and biological threats to victims. In addition, DREAMS is developing mechanisms for the biological decontamination and detoxification of these chemical agents. The City of Houston is an ideal location for these tests because of that large number of petrochemical and industrial facilities located in our area.

The diagnostic methods and therapies program will determine possible applications to treat patients during the "golden hour" following a traumatic injury. These methods will develop new technologies to diagnose inflammation, cancer, and necrosis utilizing infrared catheters. This program is also exploring new treatment to resuscitate victims by increasing blood flow that is common in many trauma patients. This project is also exploring how to prevent cell death as a result of traumatic injury. The DREAMS project will yield new results and procedures to help patients become stabilized before sending them to trauma centers.

I am also pleased that this legislation includes $6 billion for the Biology, Education, Screening, Chemoprevention, and Treatment [BESCT] lung cancer proposal at University of Texas MD Anderson Cancer Center in Houston, Texas. This is the second installment on a five-year project to reduce lung cancer and save lives.

The BESCT program would provide comprehensive services for lung cancer patients including smoking cessation, early diagnosis, inhibition of cancer development in active and former smokers, and improved treatment and survival for patients with active lung cancer. This ambitious program is necessary to save lives and reduce health care costs.

Lung cancer is the leading cause of cancer death in the United States today, killing more than 60,000 individuals a year. Research for this disease is not receiving adequate funding in proportion to the number of lung cancer patients who are suffering from this disease.

As you know, the Department of Defense during World War II, Korea, and Vietnam, encouraged smoking among our soldiers. I believe that the federal government should help fund research that will save the lives of these soldiers. The current five-year survival rate of lung cancer is less than 15 percent. Because many lung cancer victims do not usually live long enough to advocate the necessary funding to accelerate progress against this disease, I am pleased that the House Appropriations Committee has acted to fight for them.

I am pleased that Congress has included these vitally important research projects and urge my colleagues to support this measure.

Mr. WATTS of Oklahoma. Mr. Chairman, I want to add my support to the FY 2001 Department of Defense Appropriations Act. This legislation applies virtually all of the additional $4 billion above the President's request to unfunded requirements identified by the military service chiefs and defense agencies. Unfortunately, this bill cannot solve the fundamental problems facing the U.S. military with a single year's appropriations bill. It will take a substantiated effort over a number of years to bring our military forces to the level needed to maintain our national security.

We in Congress must fund the military based on the fact that the first priority of the Federal Government is national defense. As we look at the defense budget and the U.S. military in general, we need to remember the quote attributed to George Washington, "Those who love peace prepare for war" is as true today as it ever been.

Frankly, I sometimes worry that many people have forgotten the real mission of the military. I firmly believe the U.S. Armed Forces exist for only one reason—to win the Nation's wars when told to do so by the elected representatives of the American people. To accomplish this mission, we must ensure that our military remains focused on war fighting and readiness. We have done much in this bill to allow our Armed Forces to be prepared to fight not only today, but also tomorrow. First, we have given a well deserved increase in military pay of 3.7 percent. Next, we included increasing funding for National Missile Defense development by $739 million over last year's bill; $4 billion for the Air Force's F–22 Fighter Program; and $1.8 billion for transforming the Army into a more mobile and technologically advanced force. Another provision of great significance to the nation is $355 million appropriated for the Crusader program. The Crusader is a fully digitized system that revolutionizes artillery for the 21st century. Crusader has three times the effectiveness of Paladin (the system it will replace), with a 33 percent reduction in manpower for each system. It delivers precision low-cost munitions decisively and with very low chance of collateral damage, in all weather.

Finally, we must keep the faith with our veterans and military retirees so that our present and future service members know that the American people, through their elected officials, can be trusted. Toward that end, this bill includes $12.1 billion for Defense Health Program, $543 more than requested by the President. This legislation has $280 million to implement healthcare enhancements such as removing barriers to an effective TRICARE system thereby generating significant savings that will be redirected to pay for future benefits, and restoring pharmacy access to all Medicare-eligible military retirees.

I know some do not believe that a strong defense is necessary today. I believe just the opposite. We must strengthen the Armed Forces by increasing funding of defense and we must insure that our foreign policy makes sense.

I strongly urge my fellow Members of Congress to support the Department of Defense Appropriations Act for Fiscal Year 2001.

Mr. OXLEY. Mr. Chairman, I rise in full support of H.R. 4576 and thank Chairman LEWIS, Ranking Member MURTHA, and the Defense Appropriations Committee for the great work in putting together this legislation. They are to be commended for expertly balancing our national security interests with very unforgiving budget constraints.

Even though the Army, in my opinion, has shortsightedly threatened the superiority of our heavy forces by terminating the Heavy Assault Bridge program, the committee is wisely supporting the bridge and the most superior tank in the world, the M1A2 Abrams.

The M1A2 Abrams System Enhancement Program [SEP] tank is a major component of the Army's heavy forces and will remain so through the year 2020. The committee very wisely is providing $512 million for the Abrams Upgrade Program. I am also pleased the committee provides $36 million for the SEP System Enhancement Program and $36 million for M1 Abrams tank modifications.

The Wolverine Heavy Assault Bridge [HAB] is a mobile bridge deployable in five minutes, retrievable in less than ten minutes, and can support 70-ton vehicles. Like the Grizzly Breacher, the President's budget terminated this program to pay for Army Transformation efforts, even though Congress has provided multi-year procurement authority and additional funds for HAB in recent years. It is the top unfunded modernization requirement of the Chief of Staff of the Army for fiscal year 2001. To restore this program, the committee rightly directs the Army to use $82 million in fiscal year 2000 funds to procure the Wolverine. An additional $15 million of unobligated FY00 Research, Development, Test and Evaluation, Army funds appropriated for the Grizzly program is transferred to procure additional Wolverines as well.

I urge all my colleagues to support this vital legislation.

Mr. BARR of Georgia. Mr. Chairman, today, I rise in strong support of the Department of Defense Appropriations Bill for FY 2001.

The Defense Committee's decision to fully fund $3.96 billion for the production of 10 F–22 production planes, and to provide continued funding for advance procurement and research, development, technology and engineering, places us one major step closer to our goal of seeing the next generation of air superiority fighter into production.

As the next generation air superiority fighter, the F–22 will replace our aging F–15 aircraft which was designed in the early 1970s. Defense experts stress the urgency in maintaining our capability to control the skies through air superiority. Many defense experts agree the F–22 performs a vital—indeed, absolutely essential—role in maintaining air superiority in future conflicts. As witnessed in the recent strikes in Kosovo and the Persian Gulf, air superiority is the only effective way to protect our nation and our interests abroad. Without the complete development of stealth technology and advanced avionics features, we put our soldiers at risk.

The F–22 is America's next generation air superiority fighter, and has been developed to counter any future threats posed by foreign advanced surface-to-air missiles (SAMs). As we witnessed over the skies of Iraq, SAMs and other advanced fire-controlled radars pose a real, tangible threat to U.S. combat air fighters. The only defense against those systems is the F–22 program, which has the ability to operate against multiple targets and use advanced avionics. As foreign countries continue to develop and purchase increasingly advanced air defense systems, our nation must continue advancement of our own fighters to preserve future air superiority.

The goal of the F–22 program is to maintain the dominance of aerodynamic stealth performance and will enable the Department of Defense to continue its air superiority. As the F–22 program continues to exceed every technical and programmatic challenge, the U.S. Air Force continues to give its strong, explicit support to the project's continuation.

From the start, the F–22 has been designed for minimal maintenance and will provide a reliable aircraft which is far superior to any other aircraft today. Compared to the F–15, which requires an average of 23 maintenance personnel, the F–22 will require only 15 personnel, which represents a substantial cost savings when calculated over the 20-to-30 year life of an aircraft. Through the use of advanced technology, several benefits will be gained by developing a cost efficient design strategy, creating substantial savings, and improving operational flexibility throughout the life of this program.

As other foreign countries begin to develop and acquire combat aircraft that will be superior to our current fighters, the F–22 program is the only hope to beat the encroachment of advanced foreign arsenals. Countries such as Russia are developing advanced fighters for their foreign customers such as Syria, China, India, and others. It is certain advanced stealth fighter aircraft produced by other countries in the near future, will fall into the hands of rogue states such as Iraq, Iran and Libya.

The F–15 began service over 25 years ago. When the F–22 becomes operational in FY06, the F–15 will average nearly 30 years of service. The F–15's flight characteristics are well-known today, making it even more susceptible to the next generation of foreign missiles and fighters.

The F–22 is the only opportunity our nation has to ensure America's military continues to control the sky in the 21st century. There is no other combat aircraft in service today that has similar capacity to successfully operate amid our growing future foreign threats.

I urge you to support this defense initiative that builds our nation's future conflict capability while still maintaining our nation's air superiority. We must continue to guarantee air superiority through the continued support and funding of the F–22 program. There is no other American aircraft that can offer the insurance and protection our soldier's and their families desperately need.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $22,242,457,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $17,799,297,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $6,818,300,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $18,238,234,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,463,320,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,566,095,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $440,886,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $980,610,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,719,336,000.

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,635,681,000.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I, through page 7, line 14, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $10,616,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $19,386,843,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds made available under this heading, $6,000,000, to remain available until expended, shall be transferred to "National Park Service—Construction" within 30 days of enactment of this Act, only for necessary infrastructure repair improvements at Fort Baker, under the management of the Golden Gate Recreation Area: *Provided further*, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance.

Operation and Maintenance, Navy

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $5,146,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $23,426,830,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $2,813,091,000.

Operation and Maintenance, Air Force

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,878,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $22,316,797,000 and, in addition, $50,000,000, shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, $500,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

Operation and Maintenance, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $11,803,743,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $32,700,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That of the amount provided under this heading, $10,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance, procurement, and research, development, test and evaluation appropriations accounts, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided in this Act: *Provided further*, That of the funds made available under this heading, $15,000,000 shall be available only for retrofitting security containers that are under the control of, or that are accessible by, defense contractors.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,596,413,000.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $992,646,000.

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $145,959,000.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,921,659,000.

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $3,263,235,000.

Operation and Maintenance, Air National Guard

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $3,480,375,000.

Overseas Contingency Operations Transfer Fund

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $4,100,577,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $8,574,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $389,932,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $294,038,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $376,300,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $23,412,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $196,499,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), $56,900,000, to remain available until September 30, 2002.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, $433,400,000, to remain available until September 30, 2003.

QUALITY OF LIFE ENHANCEMENTS, DEFENSE

For expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Department of Defense (including military housing and barracks), $480,000,000, for the maintenance of real property of the Department of Defense (including minor construction and major maintenance and repair), which shall remain available for obligation until September 30, 2002, as follows:

Army, $282,500,000;
Navy, $70,000,000;
Marine Corps, $47,000,000;
Air Force, $70,000,000; and
Defense-Wide, $10,500,000:

Provided, That notwithstanding any other provision of law, of the funds appropriated under this heading for Defense-Wide activities, the entire amount shall only be available for grants by the Secretary of Defense to local educational authorities which maintain primary and secondary educational facilities located within Department of Defense installations, and which are used primarily by Department of Defense military and civilian dependents, for facility repairs and improvements to such educational facilities: *Provided further*, That such grants to local educational authorities may be made for repairs and improvements to such educational facilities as required to meet classroom size requirements: *Provided further*, That the cumulative amount of any grant or grants to any single local education authority provided pursuant to the provisions under this heading shall not exceed $1,500,000.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent the remainder of title II of the bill through page 20, line 10 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,547,082,000, to remain available for obligation until September 30, 2003: *Provided*, That of the $183,371,000 appropriated under this heading for the procurement of UH-60 helicopters, $78,520,000 shall be available only for the procurement of 8 such aircraft to be provided to the Army Reserve.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,240,347,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,634,786,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,227,386,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 35 passenger motor vehicles for replacement only; and the purchase of 12 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,254,564,000, to remain available for obligation until September 30, 2003.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $8,179,564,000, to remain available for obligation until September 30, 2003.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,372,112,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $491,749,000, to remain available for obligation until September 30, 2003.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $12,266,919,000, to remain available for obligation until September 30, 2005: *Provided*, That additional obligations may be incurred after September 30, 2005, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 63 passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,433,063,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 33 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,229,605,000, to remain available for obligation until September 30, 2003.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $10,064,032,000, to remain available for obligation until September 30, 2003.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 28, line 16 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Are there any amendments to title III?

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DEFAZIO:

Page 28, line 15, insert "(reduced by $930,000,000)" after the dollar amount.

Mr. DEFAZIO. Mr. Chairman, this amendment serves two purposes. We have heard and continue to hear a litany of concerns from our men and women serving in the military about their basic needs not being met. We still know some can receive and are eligible for food stamps. I talked earlier about a Marine's dad who had to buy him a waterproof case for his new digital radio as a communications specialist, because the Pentagon could not afford it. We have problems meeting sea duty pay. We have problems in readiness.

This amendment will go to many of those concerns. It is quite modest in its scope, actually, and follows the recommendations of a number of professionals. It says that we should slow down the procurement of a plane that has not yet been successfully tested. We would cut from 10 to six this fiscal year under consideration the procurement of the F–22, a plane which has failed to meet any of the major benchmarks in its testing and advanced purchases from 16 to eight.

Mr. Chairman, this would follow the recommendations of the General Accounting Office, the Pentagon's Director of Operational Tests and Evaluation and, in fact, the committee's own surveys and investigations staff recommendations.

I met this morning with Colonel Riccioni. He was a principal in the development of the F–16, a very decorated fighter pilot. He said in his critique, which was absolutely devastating of the F–22, and perhaps it should be classified like the critiques of Star Wars have recently been by a prominent physicist, his are not classified. He said this plane was designed to be stealthy. It is not stealthy. It is bigger than an F–15. It is visible. It is visible at a longer distance. It is visible from look-down or look-up radar. It has a huge radar signature of its own.

It is not stealthy on an infrared basis, and it fails all of those criteria. It does not have, nor does he believe they can prove, a supersonic cruise capability. It was the idea in the designing to fight deep into the Soviet Union against threats which the Soviet Union is not building.

The avionics do not work. In fact, what he says will happen here is that if we go ahead with procurement of this plane, which will not meet the standards that were set out, that we will jeopardize our future combat capacity because we will produce so few of these planes and replace so many planes with them.

The original plan was for 800 F–22s. Then it was 620. Then it was 460. Then it was 339. Not because of our operational needs. We have always enjoyed numerical air superiority. If we cut down to 339, and I suspect we will end up maybe with 200 the way the prices are running with this plane if it works, we are going to give up the idea of numerical superiority and bet on this plane which is totally unproven.

Mr. Chairman, I am not even saying we should not build it. I am not saying we should not go forward. I am saying we should slow down until we meet the benchmarks and the tests. Take a billion dollars and take that billion dollars and put it into needs that were requested by the Pentagon that are not met in this bill. That makes sense to me. I think it would make sense to a lot of the troops on the ground.

It may not make sense to some of the brass hats at the top of the Pentagon; and it certainly will not make sense to the contractor who is building this plane, at this point at such an extravagant cost overrun.

So I would suggest strongly that my colleagues, if they support the recommendations of the Pentagon in the areas of recruiting, bonus payments for sailors on sea duty, basic allowance for subsistence, that means get the troops and their families off food stamps once and for all; if we are looking at the O&M request of the Marine Corps, the personnel request of the Marine Corps again for basic allowance; O&M requests for the Air Force for maintenance and base operations, recruiting and retention for the Air Force, basic allowance, get the young men and women in the Air Force off food stamps; get the young men and women in the Army off food stamps and look at O&M defense-wide for cooperative threat reduction and for overseas humanitarian disaster and civic aid. We have an extraordinary list of things we could fund if we just followed the advice of the experts and said do not rush into full production at accelerated production with a plane that has not even yet met its basic test requirements.

That is what we are talking about here. This was a subject of concern last year. The committee, in fact last year in the House, the House bill did not include funding for this plane. They killed it. They went much further than I am going. They killed the plane because of these similar concerns.

I am just saying take and transfer this nearly a billion dollars to these real identified readiness needs of our men and women on the ground. Slow this thing down. Do full testing. And then if it meets those tests, if it operates and can meet the criteria we set out at the beginning, which Colonel Riccioni and others say it will not and cannot do, then go ahead. But if it cannot, then maybe we should think later about canceling it and investing in other projects that are proposed, like the Joint Strike Fighter.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I realize we could have a lot of people speak about this, but we have debated this at great length in the committee. Last year we cut the money out because we felt the Air Force was going in the wrong direction. We felt they needed more testing. This year we have taken the cap off the testing. We are insisting they finish the testing. But we do think they are moving in the direction that we originally agreed to.

I would hope we will not hear a lot of debate today so we could move forward with this bill and then just get right to the vote.

But this is an important program. I think the gentleman may have overestimated the numbers. I am not sure we will ever get to the numbers that even he predicts in this airplane. I think it is a sophisticated airplane which deals with one specific program and am not sure, because of its cost, we will get any higher. But I can assure the gentleman we are making sure that this airplane is going to be tested before it flies. And we have been on the Air Force more than the contractor. The contractor has been more cooperative than the Air Force, so the Air Force is the one causing us the problems.

Mr. Chairman, I would hope we could get to a vote very quickly on this amendment and go forward with the bill.

□ 1630

Mr. CHAMBLISS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, I want to associate myself with the remarks of the gentleman from Pennsylvania (Mr. MURTHA) who has already stated that we went through this battle last year. We answered the questions that the gentleman from Oregon (Mr. BLUMENAUER) has raised here with respect to the F–22.

But I also want to point out the fact that, in the last two military conflicts that the United States of America has engaged in, we have proven beyond any shadow of a doubt that, when air superiority and air dominance is maintained by the United States, that the loss of life of our brave young men and women who serve in our military forces is minimized and, to a certain extent, is even eliminated altogether.

As we move into the 21st century, we must have the F–22, a full complement of the F–22, in order to continue to maintain air superiority and air dominance. This plane is going to be tested. If we slow down production of it, we are going to increase the cost of this airplane. That is the wrong move to make. Not just from a budgetary perspective, but also from the perspective of trying to ensure that we eliminate or significantly decrease the possible loss of life of our young men and women who are called into combat to protect freedom and integrity of this country around the world.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise to support the amendment.

Mr. Chairman, the cost of this development program has doubled since 1985 to $24 billion. Only 15 percent of the testing program has been accomplished, since the engineering manufacturing development program began in 1991. The conference agreement last year on the F–22 prohibits a production decision until the so-called Block III software is flight tested in an actual F–22 aircraft. That testing is not even scheduled to occur until the fall of next year at the earliest.

It should be noted that the Air Force has to conduct only a system flight test to meet the congressional requirements and to allow the program to enter initial production.

Mr. DICKS. Mr. Chairman, will the gentleman from Wisconsin yield for a point of clarification?

Mr. OBEY. I yield to the gentleman from Washington.

Mr. DICKS. The gentleman said the fall of next year, I believe. I checked with the staff, it is the fall of this year.

Mr. OBEY. I am sorry, the fall of this year. The gentleman from Washington is correct.

Let me simply say, Mr. Chairman, that, as I said in my earlier remarks, one has to understand this amendment in the context of the way the bill is being presented, not just the broad budget context, but what we are doing with respect to other tactical aircraft.

We are expected to move forward on the Joint Strike program at a cost of possibly up to $200 billion. In addition to that, we have the F–18 and we have got the F–22. As I said earlier in my remarks, there have been three cautionary flags raised that the Congress ought to pay attention to with respect to this program.

First of all, the Pentagon's Director of Operational Testing Evaluation testified before Congress that, and I quote, "basically not enough of the test program has been completed to know whether or not significant development problems remain to be corrected."

Secondly, our committee's own surveys and investigation staff reported to the committee in March that the decision to enter into the F–22 production in December is "premature in light of fatigue and avionics testing, which is yet to be accomplished." It recommended no production funds until the year 2002.

The General Accounting Office recently told the defense authorization and Committee on Appropriations, "we believe low rate initial production should begin at no more than six aircraft and that aircraft quantity should not exceed six to eight aircraft per year until developmental and operational testing and evaluation are complete."

It recommended reducing the fiscal 2001 budget by $828 million, a reduction of four aircraft. It is pretty clear to me that three independent organizations have indicated there are major problems with this aircraft, and two of them have explicitly recommended that the F–22 production not be funded at the level being proposed in the budget.

I recognize this amendment is not going to pass and I congratulate the subcommittee for trying to take this issue on last year. I guess I do not blame them for backing off after they had gotten bloodied and had their heads knocked against the stone wall.

But the fact is the decision last year to question this production was the correct decision. I wish the Congress would stick to it. I wish the House would stick to it. If we did, in the long-term, we would be doing a favor, both to the defense establishment to this country charged with the responsibility to defend the country and to the taxpayers who are, after all, going to pay for it all.

Mr. DICKS. Mr. Chairman, if the gentleman from Wisconsin (Mr. OBEY) will yield for a personal inquiry, maybe the gentleman would like to join me in advocating bombers as a much more economical way to proceed as these expensive fighters.

Mr. OBEY. Mr. Chairman, I welcome the gentleman's conversion to support B–2 bombers. It is the first time I have ever known he has been for that program.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address a couple of the statements that have been made by the proponents of this amendment. First of all, when it was stated that the cost has doubled, when one takes all the research and development money, and one spreads that over 756 airplanes, each of those airplanes cost a certain amount. If one cuts in half the buy of those airplanes to less than 336 today, all that research and development money goes over on a fewer number of airplanes driving up the cost of that airplane.

We took that into account last year. I joined with the committee last year looking, because I was concerned about the cost of the F–22 and the upcoming electronics in it. I would tell the gentleman from Wisconsin (Mr. OBEY) I am not bloody. I stood for what I believed was right and fought for that. No lobbying, nothing swayed me in what I believed.

I will tell the gentleman, if he has any idea what it is like to look at tracers coming across the canopy, if he has any idea what is like to see a sidewinder coming up one's tailpipe, if he has got any idea what it feels like to be coming down in a parachute over enemy territory, then he would support the F–22.

I would tell my colleagues this, why have we not had the funds for the joint strike fighter and the F–18E/F? Because the White House has delayed and delayed and delayed and delayed, and amendments like this have delayed procurement of aircraft knowing that, in the out years, they said, oh, we will give it to you in the out years, but knowing when we come to the out years, we will not have the money to fund all the different systems that we need to support national security effectively.

It makes me sick to hear, well, we want to take care of the food stamp military personnel. We want to take care of those poor military that are shipped around. But, yet, when it came to Somalia and Haiti, we told you that there would be a cost associated with that. $200 billion out of the defense budget for 149 deployments.

So we do not have the money for R&D. We do not have the money for procurement. There are unfunded requirements by the military because of the liberal foreign policy that does not give us the amount of money to support aircraft and equipment.

I would tell the gentleman from Oregon (Mr. DEFAZIO) I flew the F–15 alongside the F–22. The gentleman's information is wrong. It does have super cruise. I could not keep up with it in an F–15. Or General Ryan could not keep up with it in the F–16.

The V_O, which is the stealth capability, gives us the ability to close an enemy fighter and fire before he fires on us because his missiles are better today, his radar is better, and we cannot see through his jammer. The F–22 gives us that capability.

I beg the gentleman, go down and look at the simulator with the actual electronic equipment. In a dog fight, it is also helpful to know where one's wingman is. It is also nice to know who he has locked up so that one can fire efficiently at the enemy and take him out before he takes us out.

The F–22 does that; so does the joint strike fighter. The joint strike fighter is going to use the same technology that is being tested today in the F–22.

The F–22, I am concerned about the cost of the F–22. We need to hold that down so that we can buy in greater numbers that aircraft. Because we need to look at the threat.

Mr. Chairman, if our pilots fly against the SU–27 today, both in the intercept and in the dog fight, our pilots die 90 to 95 percent of the time. But our liberal and socialist friends would tell us the Cold War is over, there is no threat. Our kids are going to die, and it is amendments like this that have stopped our military from surviving and puts us in a situation where we have got 21 ships along pier that cannot be deployed because they are down for maintenance. Our kids are getting worn out, and we are flying 30-year-old equipment.

The CHAIRMAN. The time of the gentleman from California (Mr. CUNNINGHAM) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, will the gentleman yield to me since he mentioned my name?

Mr. CUNNINGHAM. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I wondered how long it would take the gentleman from California before he gets to his usual accusation that those who disagree with him are socialists or worse.

I would simply say that the assertion that amendments like this have somehow killed people is absurd. This House has not adopted an amendment to cut back any major defense program in 20 years.

Mr. CUNNINGHAM. Mr. Chairman, I reclaim my time. Two classic examples. The helicopters that we lost in Kosovo, the pilots were not trained. They did not get trained in night goggles. They did not get trained in combat wielded aircraft. Captain O'Grady that was shot down in Bosnia was not even qualified in combat maneuvering, because we did not have the money because of all the 149 deployments that the gentleman supported.

Mr. OBEY. Mr. Chairman, what does that have to do with the F–22? Nothing.

Mr. ISAKSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise for just a brief period of time to remind all of us that last year the former chairman and ranking member and the gentleman from California (Chairman LEWIS) placed the F–22 under the most scrutiny of any procurement and testing in the defense authorization, in the defense budget, much less anything else.

The reference was made they had hit a stone wall, and I guess that alluded to a lot of political pressure. But the truth of the matter is one who learned a little bit about this process last year, because I was new, and one that does have an interest because the production of this airplane is almost in my district and a lot of its workers live there, I watched the diligence that the former chairman and the ranking member and the chairman placed the airplane, the engineers, and the company, not to mention the military, under to see if it was worth the investment of this Congress. The answer was ultimately yes.

The stone wall was not a stone wall of politics and lobbying, although that component always exists. It was the promise that that aircraft, its design, and its predictable avionics would deliver, which now, in initial testing, are being borne out.

So I would ask all of us to remember that it was a year ago we placed this very program under the most scrutiny of any program in the DoD budget period, and it passed. It passed the scrutiny of two of the most distinguished gentlemen in this House. It passed the scrutiny of those who think America needs to be prepared to defend ourselves and our young men and women in the 21st century.

I rise to oppose the amendment and to thank both these fine gentlemen in the committee for last year allowing that aircraft to pass the test which will deliver for our country in the years ahead.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. The F–22 will give us air superiority into the future for at least the next 30 years. I have been around here long enough to know that, yes, in every one of these programs, there are problems that have to be dealt with, whether it is the radar or wing bump or whatever it is. But we go through a development program for that purpose to make those corrections.

Now, the reason air superiority is so important, if one looks at what happened in Iraq and then what happened in Yugoslavia, within a matter of hours, we were able to completely dominate the Earth. Remember the aircraft from Iraq went to Iran. They fled the country because they knew they would all be shot down.

Once we have air superiority and once we can control the surface-to-air missiles and their anti-aircraft guns, then we can bring in, not only our stealthy airplanes like the B–2 and the F–117, which are used to go after those fixed targets, but then we can bring in all of the nonstealthy planes, the F–16s, the F–15s, the F–18s Es and Fs and Cs and Ds, and the B–52 and the B–1s.

□ 1645

But the Enabler is our ability to gain air superiority rapidly; and that saves American lives, saves money, and that is what the F–22 is all about.

I was pleased last year, and I supported our chairman and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), in reviewing this program; but I think we still need to have an unquestioned air superiority fighter for the future. As General Ryan says over and over again, "We do not want a fair fight."

I believe that once we get through the development that this plane will live up to expectations. We are not going to buy as many of them as some people would like to buy, because of affordability reasons; but we will have enough of them to ensure that in the next 30 years we will have unquestioned superiority in this area, which is crucial to winning wars early, decisively, saving money and saving American lives.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. OBEY moves that the Committee now rise and present the bill to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I would not have done this but for the words uttered by the gentleman from California.

Mr. Chairman, the gentleman from California who just spoke attacked those who were supporting this amendment as being "leftists and socialists and the like." I would like to ask him whether he believes that the Pentagon's director of Operational Test and Evaluation, whether he is a leftist or a socialist. I would like to ask him whether he believes the committee's own staff on surveys and investigation are a collection of leftists and socialists. I would ask him if he believes the General Accounting Office is a collection of leftists and socialists.

I would simply point out the gentleman himself, in the subcommittee last year, when we marked up this bill, supported the proposal to slow down the production of this aircraft until some of these questions could be offered and said that what was happening on that day was "a good thing," and I am quoting him directly.

I have a great deal of respect for the service the gentleman has provided this country, in the military and in this institution; but that does not give him a right to question the views or motives of those who disagree with him by calling them leftists or socialists. Every person here on this floor is a good American and we believe we are doing our duty when we have the "temerity" to raise at least a question or two before we spend almost $290 billion of the taxpayers' money.

The question is not whether we want this country defended or not; the question is whether we want this country defended in the most effective manner. And if we cannot have an honest discussion of that question without calling into question people's patriotism or motives, then that says a whole lot more about the gentleman who made those charges than it says about us.

The CHAIRMAN. Does the gentleman from California (Mr. CUNNINGHAM) rise in opposition to the motion?

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to the motion, and I would say that the liberal left is known to fight against national security and defense for greater socialized spending. The gentlemen that support this amendment are members of the Progressive Caucus in which——

Mr. OBEY. I am not.

Mr. CUNNINGHAM. Let me finish. The author of the amendment is.

Mr. OBEY. The statement was "the gentlemen who support."

Mr. CUNNINGHAM. I stand corrected. And in that they are listed under the Democrat Socialists of America that want to cut defense by 50 percent.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I will not at this moment.

Mr. SANDERS. The gentleman is making a factual inaccuracy.

Mr. DEFAZIO. I think we are going to get into a point of personal privilege very soon if the gentleman continues with his bizarre and inaccurate accusations because he cannot operate a computer properly.

The CHAIRMAN. The gentleman will suspend. The gentleman from California (Mr. CUNNINGHAM) controls the time.

Mr. CUNNINGHAM. On the computer program the Democrat Socialists of America have their own Web page, and on that Web page are listed the Progressive Caucus. That is a fact. And I have stated that the Democrat Socialists of America——

Mr. DEFAZIO. Is the gentleman familiar with the first amendment? Anybody can list anything. I am going to be asking for a point of personal privilege if the gentleman continues to insult me in the most inaccurate manner and make inaccurate statements.

The CHAIRMAN. The gentleman from California (Mr. CUNNINGHAM) controls the time.

Mr. DEFAZIO. He does not have the time to make inaccurate statements, and I will be asking to have his words taken down if he continues in this vein.

Mr. CUNNINGHAM. The words that I state are factual. The Progressive Caucus is listed under the Democrat Socialists of America, their Web page.

Mr. DEFAZIO. The gentleman is inaccurate. They are listed as a reference by another group. Any group, I am sure that the Nazis of America can list people in this House if they want. Anybody can make such lists. It has no affiliation. If the gentleman is alleging an affiliation, he is absolutely wrong, inaccurate.

Mr. CUNNINGHAM. Mr. Chairman, it is my time.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) must seek time later in the debate.

Mr. CUNNINGHAM. Some people cannot stand for the truth, and they would like to shout it down.

Mr. DEFAZIO. Mr. Chairman, I demand that the words be taken down.

The CHAIRMAN. The Clerk will report the words objected to.

□ 1700

The CHAIRMAN. Does the gentleman from Oregon (Mr. DEFAZIO) insist on his demand?

Mr. DEFAZIO. Mr. Chairman, I have seen the transcript, which uses the word "some" people.

Obviously, I feel strongly the gentleman from California (Mr. CUNNINGHAM) was directly referencing another Member of the House, me. Perhaps he was not.

If he is not, then I will remove the objection at this point in time.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) withdraws his demand.

The gentleman from California (Mr. CUNNINGHAM) is recognized.

Mr. CUNNINGHAM. Mr. Chairman, it is well known that people have a right to either support national security or they do not. That does not make them a socialist.

A difference of opinion does not make them categorized by a political spectrum. But over a period of time, those that oppose national security, in my opinion, have hurt the ability of our troops to fight and wage a conflict that our President and this Nation offers.

This particular amendment does not make one a socialist. This particular amendment does not mean that one wants to hurt defense. But over a period of time, if historically a person opposes the advancement of defense, that is their right. But I have the right, also, to disagree with that. And in this case, I strongly disagree.

It was my own self that opposed the F-22 even last year. If the gentleman would say that because I opposed the amendment last year I was a socialist, I would agree, too. That is not the case. But it is the case that I would make that our troops are hurting. They have been exposed to 149 deployments. Over $200 billion has come out of the defense bill. The White House has cut defense in the past. And all of these accumulated have caused a lack of training, older machines, poor retention, and the things that we are trying to address in this bill. And at the same time, there is a very definite threat out there.

Those were the points I was attempting to make.

The CHAIRMAN Does the gentleman from Wisconsin (Mr. OBEY) withdraw the preferential motion?

Mr. OBEY. Yes, I do, Mr. Chairman.

The CHAIRMAN. Without objection, the motion is withdrawn.

There was no objection.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there is sort of a contradictory vein here raised by the previous gentleman. He expresses concern about readiness, training, basic tools, and things that our men and women in uniform need.

In fact, this amendment would follow the recommendations of the Government Accounting Office, the Pentagon, the Investigations Committee of the Armed Services, and slow down procurement of a plane that has yet to meet any significant portion of its testing benchmarks, the same concerns expressed last year. And the GAO says, in fact, things have gotten dramatically worse since December of last year, the concerns raised by the committee. That is the GAO saying that. That is not me. Things have gotten dramatically worse.

I am saying it would be prudent before we begin to purchase for production planes that have not yet been proven, planes that are going to cost nearly $200 million a copy, when, as the gentleman says, and I agree with him, we are not meeting the basic needs of our troops, whether it be in the Air Force, which he is particularly concerned with, or the Navy, or the Army, or the Marines, like the young man whose father I met who was issued a garbage bag as a waterproof cover for his $12,000 new super-duper digital radio.

I think he should have the digital radio. We need encrypted communications in the field so they would not have to use cell phones like they have in the last couple of conflicts. That is great. But the Pentagon cannot find the wherewithal to get a waterproof cover for his radio and his dad has to go buy him one at G.I. Joe's. There is something wrong.

There is something wrong when Hal the Computer at the Pentagon is ordering parts that are in a 100-year supply for wartime and it is ordering more. It is ordering parts for weapons that have been retired at outrageous prices. That steals from the men and women in the field and their basic needs, and it steals from every American and all their needs.

The management is broken. That is the statement of the chairman of the Committee on the Budget on that side of the aisle, that they cannot find things, like the $960 million that they mistakenly sent to contractors, which they voluntarily sent back. I think that is wonderful. But we do not know how much money was mistakenly sent to contractors who did not send it back. And we have accounts still of outrageously overpriced items. That steals from the men and women in the field.

And to say the response is more, more, more, as opposed to better management, is a mistake. And that is the position I have consistently taken since I have come to this House of Representatives. I want the strongest, most efficient defense this country can buy so we do not steal from the men and women in the field and we do not steal from all the other needs in this country and more and more shoveled after bad management in an attempt not to punish the troops in the field who are being punished, as the gentleman himself pointed out, because they are not getting the training they need which we could fulfill if this amendment passed because we would transfer a billion dollars from a premature acquisition of a weapon that is not yet proven which has significant problems according to a number of very highly reputed sources.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this bill and its provisions for funding of the next phase of the F–22 development is supported by the Department of Defense, by the House Committee on Armed Services, the House Committee on Appropriations, and by the distinguished membership of the Subcommittee on Defense of the House Committee on Appropriations.

This amendment to cut the spending for the F–22 program is opposed by the Department of Defense, by the House Committee on Armed Services, by the House Committee on Appropriations, and the subcommittee chaired by the distinguished gentleman from California.

That fact should tell us something; and what it tells us is my position, as well: Oppose this amendment, which is a gutting amendment.

Mr. Chairman, equipment, no matter how good, does not guarantee victory on the battlefield. But bad equipment, no matter how competent the training of the individuals who use it, no matter how highly motivated is the motivation of those who use it, will guarantee defeat.

The F–22 has already proved itself, even in this stage of development, as the most superb fighter ever conceived by the mind of man. The technology that has already been proven, even in these early stages of its development, are utterly awesome.

We need to show our fighting men and women and we need to show the rest of the world that America remains committed to providing the world cutting edge technology. That cutting edge technology, which when combined with the superb training and the high motivation of our men and women, has always, and will with the F–22, guarantee air superiority and, therefore, victory and minimize losses on the field.

Is the program perfect? Probably not. Are there problems? Obviously there are. But the scrutiny, as my colleagues from Georgia have already indicated, under which this particular program has been placed, and rightfully so, by this Congress and by the administration are handling those problems in a straightforward, efficient manner. Every one of them has been overcome. I am confident that every problem that arises in the future will be overcome.

Is this program expensive? Yes, it is. Is any technological advance expensive? Yes, it is. Is that a reason not to move forward? No, it is not.

I urge my colleagues to strongly oppose this gutting amendment, to move forward with this piece of legislation with the funding for the next phase of the development of the F–22 aircraft. Our fighting men and women need it. Our country needs it. The world needs it. And they are watching.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I applaud my colleague, the gentleman from Oregon (Mr. DEFAZIO), for offering this amendment. I think what the issue that we are debating about is priorities.

I believe that every Member in the House wants to see the United States have a very strong national defense. But we want to make sure that that national defense is cost effective, because there are other needs in this country.

No Member of the Congress ever wants to see a service person killed in action. And we want to protect them the best way that we can. But similarly, I would hope that no Member of the Congress wants to see an elderly person die because they cannot afford prescription drugs, wants to see a child end up in jail rather than college because that child is not getting adequate elementary education, wants to see an American veteran sleep out on the street because the VA is underfunded, wants to see a veteran of World War II not get the health care they need in a VA hospital. I do not think any Member wants to see that happen.

But we have to make choices. And some of us say, enough is enough. When we talk about increasing military spending by $22 billion and we talk about greatly outspending all of our enemies combined and then we add NATO to it and another $200 billion, how much do we need?

We have middle class families in this country who cannot afford to send their kids to college. Should we not be addressing that? We are talking about not having enough money for Medicare. Several years ago this institution, against my vote, cut Medicare by $200 billion; and the result is massive dislocation in our hospitals, our nursing homes, and in our home health care agencies.

Those are the choices that we have to make. Talk about those people. Do my colleagues want to see elderly people not get the health care that they need? That is part of this equation. And this is serious discussion.

We cannot have it all, not unless we balloon the deficit and go back to where we were. So I applaud my colleague, the gentleman from Oregon (Mr. DEFAZIO), for raising serious questions about how we spend our money in the military.

Ms. GRANGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to the DeFazio amendment.

The F–22 is essential to providing U.S. air superiority in future conflicts. Testing and development is ongoing, and the program continues to meet or exceed design goals for this stage of its development.

Since World War II, not one of our U.S. land forces has been killed by an enemy tactical fighter. And as our recent history clearly demonstrates, U.S. and NATO policy places an ever greater reliance on U.S. air superiority as a means to reduce casualties and project U.S. power.

Unfortunately, I respectfully submit that the information that my colleagues are being provided by the opposition is inaccurate and misleading. Here are the facts:

F–22 flight testing is proceeding extremely well and avionics development is well ahead of schedule, a first for a major aircraft development program.

□ 1715

The F–22 is technically sound, and the contractor is controlling costs and remaining under the congressionally mandated cost cap.

It has been said the F–22 will cost three times as much as an F–15. This is incorrect. Adjusted for fiscal year 2000 dollars, the flyaway cost of an F–22 is $83.6 million. An F–15 is approximately $70 million. Approaching the end of the production run, an F–22 will cost only $61 million. No fighter program in history will have flown as many flight test hours by the time the decision is made to proceed to low-rate production. This is the slowest ramp-up rate in the history of tactical aviation. No fighter in aviation history will have produced fewer fighters in low-rate initial production. The fact is reducing these production numbers will cause massive inefficiencies, will distress small second- and third-tier suppliers and will cause a breach in the congressionally mandated production cost cap, having little impact on the reduction of any technical risks.

I urge my colleagues to oppose the DeFazio amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I guess much of the world knows that last year our subcommittee went about what many thought to be impossible, that is, we came together in a forum that was entirely nonpartisan, beginning to attempt to address the question of future tactical fighter capability for the country. At question was the reality that we had three aircraft lines moving forward in terms of research and development. We had potential production costs that were almost endless. Yet our objective out there by 2020 and 2050 was to make sure that America had the best possible tactical aircraft available for our men and women who defend freedom in the world.

As we raised this question about the F–22, our point was to say this appears to be an aircraft that can meet our needs in the decades ahead. But, indeed, if we commit to that line before we know that it really works, we could commit ourselves to a procurement line that is horrendously expensive; and we could find ourselves on a pathway not similar to that which was the B–2 not so long ago.

So the committee dared to ask, should we insist upon testing, actual flight testing of this aircraft before we went forward with that long-term procurement? The committee made some very difficult choices and began a debate in the Pentagon that was a very, very healthy debate. As of this moment, the Congress in this bill has provided for the advance procurement funding that was our agreement last year. The gentleman from Pennsylvania (Mr. MURTHA) and I agreed in the process that if the testing that we required, that pattern was followed, that we in turn would commit to the funding of 10 production aircraft. That agreement that we are going forward with here today is a reflection of both. I think I can speak for the gentleman from Pennsylvania (Mr. MURTHA) and myself, that we are keeping our word in terms of that commitment.

Let me assure my colleagues that under our bill, none of the funds provided for the 10 aircraft in fiscal year 2001 may be obligated until these tough testing requirements are fully satisfied. It is absolutely necessary that we follow this pathway because if we are going to make the expenditure to fully buy out this aircraft as it is now planned, it is a very, very big expenditure indeed. With that, let me suggest as of this moment, the F–22 is doing very, very well; but it has some very tough testing ahead of it. We look to that with great interest and will continue to ask the kinds of professional questions that is our oversight responsibility.

Mr. STEARNS. Mr. Chairman, I rise in opposition to this amendment.

American air superiority has reigned for over 40 years allowing our ground forces to conduct operations unmolested by enemy air attacks. To continue that protection, the United States needs a next-generation fighter to maintain our technological edge in combat. Air dominance does not mean we have more fighters than the enemy. It means, we have the fighters, the training, and the technology to overcome any hostile threat.

Russian built Mig 29s and Su 27s can provide the enemy rough parity in the air, and in some instances, may be able to outperform current U.S. fighters. In addition, our fighters will face increasingly advanced and lethal air defense systems.

In fact, Mr. Chairman, the cost of losing our air superiority in the future will vastly outweigh the cost of producing the aircraft to maintain it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 514, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

The Clerk will read.

The Clerk read as follows:

Missile Procurement, Air Force

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,893,529,000, to remain available for obligation until September 30, 2003.

Procurement of Ammunition, Air Force

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $638,808,000, to remain available for obligation until September 30, 2003.

Other Procurement, Air Force

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 173 passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $230,000; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $7,778,997,000, to remain available for obligation until September 30, 2003.

Procurement, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 115 passenger motor vehicles for replacement only; the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,303,136,000, to remain available for obligation until September 30, 2003.

AMENDMENT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNEY:

Page 31, line 7, insert after the dollar amount the following: "(reduced by $74,530,000)".

Page 35, lines 10 and 11, insert after each dollar amount the following: "(increased by $29,000,000)".

Mr. TIERNEY. Mr. Chairman, I seek to amend the bill by removing funding for procurement of the National Missile Defense and increasing funding for the military's TRICARE senior pharmacy program, prescription drugs for senior retirees. The Department indicates the program is seriously underfunded despite Congress' expressed desire to fund it. This is not the time for us to be spending money on actual procurement. Already we have substantial appropriations for research and development of NMD. This amendment would not affect those funds. Research and development would continue.

But to start down the path of spending on procurement is premature and inappropriate. Any decision to embark on such a plan should only come after serious, informed national debate about the effect of such a decision on a multiple of important national interests. Foremost should be a determination if we really desire to alter our historic reliance first on the theory of mutually assured destruction now, coupled with serious and somewhat successful efforts at nuclear nonproliferation. Are we fully prepared to face the likely consequences of that decision without first considering its wisdom?

Here are some of the other considerations that should be fully deliberated, debated, and determined before we leave the R&D phase and start procurement: Are we overreacting to the threat that has been identified? Have we adequately considered that the costs and development together with the United States withdrawal from the ABM treaty might be more dangerous than any potential rogue state threat?

Our largest nuclear arsenal threat is in Russia which fears that the National

Missile Defense is a precursor to a larger system directed at them. Withdrawal from the ABM would essentially end the strategic arms reduction process which ought to be our real goal. Russia would feel forced to design its force to assure penetration of future National Missile Defense by retaining its MIRV land-based ICBMs, already banned under START II. China could be expected to accelerate its strategic modernization program, since even the first phase limited NMD could defend against Chinese missiles and survive a preemptive strike. If China accelerated, what would we expect India and then Pakistan to do? Acting so precipitously to violate the ABM or to lead to withdrawal from it would be a serious blow to United States credibility as the leader in efforts to control nuclear weapons and to strengthen the nuclear nonproliferation regime.

Our allies and our friends as well as our potential allies and friends see NMD as unnecessary and provocative. We should proceed only with caution. Have we fully analyzed and accepted the cost of building the National Missile Defense? The first phase is estimated to cost $20 to $30 billion. All three phases in the current plan will probably cost two times that much. History shows that far less demanding high technology systems have gone well beyond original predictions, so we can expect the numbers to double. Commencing procurement before we have a true demonstration of readiness will encourage and whet the appetite of the true NMD believers, and they will press for a more comprehensive system a la Star Wars, costing some $100 to $200 billion.

Have we truly satisfied ourselves that the proposed system is sufficiently analyzed and demonstrated to be ready? Is it unworkable? Before turning the arms policy of this country inside out, this topic warrants a discussion about whether the system will actually work and whether or not it is now at a stage where there is reasonable assurance that it will, in fact, work. The development and testing of NMD are simply not mature enough for the United States to make a confident deployment decision this year. We should not be directing our resources for procurement until that level of confidence is obtained. The key problem will be to get the defense to work against an enemy who is trying to foil the system, and any attacker can do so with technology much simpler than that needed for the defense system itself.

We have all seen the papers from experts clearly depicting at least three of the many countermeasures that could defeat any such system. The Pentagon has divided the missile problem into two parts, getting the system to work without realistic countermeasures and getting the system to work with realistic countermeasures. It is our job to insist that we not commit procurement funds year after year until we are technically ready to meet both parts of that equation. This summer's tests are not the answer. They lack realistic countermeasures. Starting to commit funds for procurement now is, as one expert says, like deciding to build a bridge to the Moon. Instead of assessing feasibility of the full project before moving forward, we are deciding instead to start building the on-ramps because that is the part we actually know how to do.

Air Force Lieutenant General Ron Kadish, commander of the Pentagon's Ballistic Missile Defense Organization admits the lack of operational tests for the complex system of radars, interceptor missiles, and high-speed computers is anomalous for the Defense Department.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. TIERNEY) has expired.

(By unanimous consent, Mr. TIERNEY was allowed to proceed for 1 additional minute.)

Mr. TIERNEY. He said that it would be sometime in the 2004 time frame before all elements of the missile defense system could be tested together and then we can make a decision on whether to fully put it on full alert. He said that we are going to be working on simulations and hypothetical data.

So when do we begin to learn? As Ernest Fitzgerald, Air Force financial analyst used to tell us, there are only two phases of a weapons program: too early to tell and too late to stop.

Mr. Chairman, this is the time for us to stop on the procurement and proceed with the R&D. We have other needs. One of those is the TRICARE senior pharmacy program while the R&D continues.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment. As the gentleman knows, this is long, long lead money. This is money the President requested. The President will make a decision this fall. I predict his decision will probably be to put it off until the next President. But the point is this is not the time to cut out that money. If the President makes a decision, whichever way the test goes we will have ample opportunity when we are in conference to eliminate this money. But this is money that has to be spent early on in order to continue the program, in order to allow the orderly decision by the President this fall in order to decide one way or the other. The money, though, will not be spent until sometime way into the end of next year. This is premature to make this cut. I oppose the amendment.

Mr. KUCINICH. Mr. Chairman, I rise in support of the Tierney amendment. I think it is a wise amendment because the idea of limiting money for procurement on a system that we already have preliminary information about cannot possibly work is a service to the taxpayers, and I certainly want to support such an amendment.

There are many who say right now in the scientific community that the system simply cannot work, that it is a waste of taxpayers' dollars. Now, let us say that there is a warhead coming in from this system. Right now as it is being developed, and that as it is coming in, the missile is launched to intercept it, and the way we hope it works is that, in an ideal world, the missile touches the warhead and destroys it. That is what this is all about. However, what has actually happened according to the New York Times, a test was taken and the warhead simulation goes up, the missile intercept goes at it; but what happens is it actually missed the warhead and hits a decoy. Now, if it hits a decoy, what happens to the warhead? The warhead continues on towards its target and good-bye whatever city it is headed towards.

The problem according to the technology that is being discussed right now, which is why the Tierney amendment on procurement is so good, is that the technology does not exist to tell the difference between a warhead or a decoy. So the missiles will go up, and the chances are they are not going to do the job of intercepting.

Now, there is a further complication to this and that is that on the one time that a test was said to be successful, there are creditable reports which again have been reported publicly by the New York Times which suggest that so-called successful test actually was achieved through refiguring the test results and in effect jimmying the test results, tricking them up, if you will, fraudulently putting the test results together and then passing that off as a successful test. That, by the way, has been communicated to the White House.

□ 1730

We ought to be concerned about whether or not a system works or whether it can work.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague, the gentleman from Ohio (Mr. KUCINICH), for yielding. I think, as the gentleman knows, it is just possible that reporters even of an esteemed newspaper like the New York Times do not have access to all of the material that might be available that is pertinent to this discussion. I think the gentleman further knows that every Member of the House does have the opportunity to go to the intelligence room, to read the material that is there, that is a clear evaluation of that which has been suggested by a number of sources, some of which are very, very poorly developed sources.

I would urge my colleague to take advantage of both your responsibility, but also your opportunity to go to the intelligence room and read that material for literally the protection of America's involvement, and so I would appreciate my colleague considering that.

Mr. KUCINICH. Mr. Chairman, I reclaim my time and I respect the gentleman's suggestions. As a matter of fact, I have been following this for 15 years. And the United States taxpayers have paid $60 billion over that 15 years, and we do not have a system that works.

Now, think about that. Mr. and Mrs. American Taxpayer has paid over $60 billion. Here, it is warheads up, missile comes up, shoo, $60 billion. How far can this keep going before it becomes a farce? I think we are already at that point. That is why I support the amendment of the gentleman from Massachusetts (Mr. TIERNEY).

Mr. Chairman, I followed this for 15 years. This is not Buck Rogers, folks. This is real tax dollars going for a system that does not work, and now there is claims of fraud on the only test that was said to have worked. I think that the gentleman from Massachusetts (Mr. TIERNEY) raises a good point about cutting procurement. I think that the issue of destabilization of our relations with China and Russia ought to be of concern. I think that we could conclude that national security is being diminished here; that it would diminish global stability; that it is technologically unproven; that the threat is exaggerated; and that it would undermine arms agreement.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word and hopefully the program.

Mr. Chairman, I, like many Members here, have became a student of the eminent gentleman from Pennsylvania, (Mr. MURTHA), the ranking Democrat and once a future chairman I hope of this subcommittee; and he always does a wonderful job. And I am particularly impressed because he has managed to classify all amendments that would cut defense spending into two categories: some are premature and others come too late.

The gentleman from Pennsylvania (Mr. MURTHA) has in my time here successfully managed to consign every amendment to either too soon or too late. We never quite hit the moment. Indeed, if there is anything less likely than that ballistic missile system that is going to hit a missile, it is that it will hit the right time, according to the gentleman from Pennsylvania (Mr. MURTHA.)

I do not think either is very likely. They could not comment that failure in both cases is very expensive. If we do not meet the gentleman's timetable, there goes a few billion. If we do not hit the missile, there goes a few more billion, sometimes in the same billion.

Now one of the arguments for not adopting this amendment to move the spending is that the money it seeks to spend will not be spent. The fact that money will not be spent until very late in the year and maybe never because a new President will come in and make a decision, it is hardly a reason to do it.

We have paid a lot of lip service to TRICARE. Indeed, any veteran who has lip problems is probably in great shape, any Member of the military, because we have done a lot for the lip area; but we have not done a lot for some of the other health areas. Previously, I did not get a chance to respond, the gentleman from Indiana said, well, you know, we are under a tough situation now, because the bear, the Soviet Union, has been replaced by the vipers. Well, I challenge that history.

If we listen to that statement, there is an assertion that we used to have the Soviet Union, and then when it disappeared, a new threat came up, North Korea, Libya, Iran, Iraq. It is not my impression that any of those countries sprang into being in 1991.

We used to have the bear and the vipers, to use that metaphor. Now we know longer have the bear; we have the vipers. And as I look at this, I think the business of many of my colleagues in many of the defense spending a very profitable business has had their vision clouded. They cannot adjust to the fact that the Cold War is over; and the fact is that, yes, there are countries out there run by people who are unstable, who are evil, who wish us harm; but their capacity to do us harm is much less.

Now, let us take the situation which we are told we confront here that North Korea might decide to launch a missile against us. My own view is that the people who run North Korea are immoral, but not totally suicidal; for any nation as weakly armed as any of the vipers to attack the United States consciously is to expect total devastation.

We are not talking here about mutually assured destruction; that was the U.S. and the Soviet Union. We are talking now about very poor countries, none of which could do more than provoke great retaliation against the United States.

I want us to have the capacity to continue to deter that, but spending ultimately hundreds of billions of dollars on a technologically very unlikely scheme to try to prevent North Korea from attacking America when there are a number of other ways in which we can prevent North Korea from attacking America is a mistake.

We are told the next President is going to decide it. Let us then deal with it at that point. But I will tell my colleagues what will help because premature and too late will come forward. Now, we will be told, as we have been, that it is premature to strike the money. By the time that the next President gets around to it, we will be told it is too late, because we will have already spent the money and after all you do not want to spend the money for no good purpose, unless you are in the Pentagon, which you will do occasionally.

We have a tight budget. We have unmet needs in this country. Let's say this, I may differ from some of my colleagues, if someone wanted to give me this ballistic missile defense system for free, I would accept it. The Chinese would not like it, some others will not like it, but I will accept it. Paying, however, tens of billions of dollars at a time when we are denying ourselves so many important necessary programs domestically makes no sense. It makes no sense, in particular, to begin to commit now to a vast amount of money to deter North Korea from attacking the United States; that is what we are talking about.

We are talking about deterring North Korea from attacking the United States. I believe we have far superior, more cost-effective methods of preventing North Korea from attacking the United States. Committing ourselves to this ballistic missile defense system, and that is what we will be doing, the rhetoric now will be this is very tentative, but tentative will become a decision already made when we attach it later.

By the way, it is only when we are dealing with the defense budget that we can talk about spending a few hundred million or a couple of billion tentatively. Tentativeness of the Pentagon is, of course, the entire budget of many important programs.

I commend my colleague, the gentleman from Massachusetts (Mr. TIERNEY). It is a very thoughtful amendment. My colleagues say we are not getting really ready to make a decision; let us put it into health care where we need it, and let us once try to hit the mean between premature and too late.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment, but I do want to say to the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Massachusetts (Mr. TIERNEY) that I think this is a much closer call on the viability of this program.

General Kadish, who is the person who runs this office, says very clearly that this is a high-risk proposition. And we have not done enough testing yet to really make a deployment decision.

The gentleman from South Carolina (Mr. SPRATT) and I have been looking into this in great detail. And, frankly, I am a bit concerned about the time schedule here for a decision. Apparently, we are going to have an additional test sometime this summer; and after that, the President in August is going to make a decision about whether we go forward with deployment, or as the gentleman from Pennsylvania (Mr. MURTHA) has suggested, he may decide that we do not have enough information and that the criteria that was laid out last year in the bill that talks about costs, risk and what this means to all of our allies and what does it mean to the Russians.

I mean, there is a real question here, I believe, about, you know, how much this is going to add to our defense, and whether it is going to set off a chain reaction with the Chinese wanting to increase their weapons, then India, Pakistan. This has got tremendous ramifications that need to be considered.

Frankly, the President was trying to work out an agreement with Mr. Putin in his recent trip to the Soviet Union, and he was unsuccessful in getting a limited amendment to the ABM agreement so that we could do our hundred interceptors, but not abrogate the treaty. Now, the problem is we have got money in the military construction bill to start on the X ban radar site in Alaska.

In order to start, if we are going to abrogate the treaty or whatever we are going to do with the treaty, we have to notify the Russians in November of this year that we are going to do something that goes outside the agreement. Now, some people have suggested maybe there is a way to finesse that, and that really starting this construction is not really an abrogation, but this gets into very legalistic determinations.

So I think the thing to do here is that we should make a point, all of us, with this administration, just as we said on the F-22, Mr. Chairman, that we need more testing. We need to look at the question of can this thing handle the decoys and can it handle these other threats that are presented.

I must say, I have always been a strong believer in our triad, our strategic deterrent; and although I am rarely persuaded by the gentleman from Massachusetts (Mr. FRANK) on these matters, I do believe there is a strong case that anybody would be acting suicidally and insanely to try to launch one or two weapons at the United States.

I do believe my own judgment is deterrence will continue to work for a reasonable period of time into the future. It is going to take us at least 5 years before we have this system anyway, so let us do it right. Let us get the testing; let us make sure we have got this thing done. We have already spent $60 billion. We are going to spend a lot more; probably we are going to do this. So let us take the time to do it right.

I am still going to stay with the committee on this particular amendment, but I did want to say this today because I think the gentleman has a very thoughtful amendment and has approached this in a very constructive way.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, first of all, I want to thank the gentleman for his comments, and I thank the gentleman for all time that we spent discussing this and expressing his views. The concern I have, obviously, is the fact that we seem once again when it comes to a military procurement to be spending the money to start building something before all of the appropriate testing is done and before we know that we are realistically going to be able to perform the act.

I think too often we have had insufficient and unrealistic testing, and as the GAO has said, along with overstated performance claims and understated cost reports. And I think this procurement since it is not anticipated as the gentleman from Pennsylvania (Mr. MURTHA) said to be really spent this fiscal year or at least not until the very end of it, why not take this opportunity to not start down this path where we are putting the cart before the horse, put the money where it is really needed in the TRICARE, where we know that is an expense we are going to have, and allow the research and development to get us to that point, if it ever does, where we can say that now both ends, both the idea of getting the missile up to work without deception and one that works with deception in place, that would be the time to move forward. Otherwise, I think we are recreating a scenario that we saw with Star Wars since 1984, it was mentioned, all this time later, $50 billion-plus later, we find ourselves still without anything tangible for it.

Mr. DICKS. Mr. Chairman, reclaiming my time, I do agree with the gentleman from Massachusetts (Mr. TIERNEY) that this is a high-risk venture. Even the proponents of it recognize that, but I think we need to keep moving this thing. I think what we need to see does the next test work and can the President do anything diplomatically. If not, I hope, frankly, that he pushes this off until the next Presidency. I think it would be much better for the next President to make this decision.

The CHAIRMAN. The time of the gentleman from Washington (Mr. DICKS) has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, is it correct that there are no plans to test the capability of this system to deal with decoys even scheduled until the year 2005, as has been reported in the press?

Mr. DICKS. No, no, they have tested it already against decoys. They used a balloon. I hope this is not classified. Is this classified?

MR. LEWIS of California. Be careful.

Mr. DICKS. Okay. I cannot get into any classified information.

Mr. DOGGETT. I do not want to get into anything classified.

Mr. DICKS. I strike those words. We have tested it against some decoys.

Mr. DOGGETT. Not the major tests?

Mr. DICKS. It is not against a high-up?

Mr. DOGGETT. The major test is scheduled for 2005 according to published reports in the press within the last month.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I suggest to the gentleman from Washington (Mr. DICKS) that we not get into this.

□ 1745

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I do not understand how anybody can object to meeting a real need with health care and not putting up money for beginning procurement of a system that is not yet known, it is not a known quantity; it has not had, as far as we know, any successful test.

Now, it is true they claim to have had a successful test, but an employee of the contractor filed suit saying, in fact, they had faked the tests and the data. An expert on this sort of missile technology, Ted Postal at MIT, obtained the data, analyzed it, and wrote a letter and said, in fact, she was right, they had faked up the data, it did not work, it could not discriminate among decoys. This is all in the public realm. The first response of the Pentagon and the White House was that Mr. Postal was absolutely wrong, he was working with the wrong data set, his analysis was bad, and they would prove him wrong. But before they proved him wrong, they classified his critique and they now are not trying to prove him wrong, so I guess his critique was right.

In fact, the data was faked out by the contractor and, in fact, the system does not work; after $60 billion, it still does not work, a couple more billion this year, and now let us move to procurement. Let us vitiate the only viable arms control we have ever had in terms of the agreements we have reached with the former Soviet Union and vitiate the ABM Treaty and start a new arms race with China and what is left of the Soviet Union, Russia and whoever else can produce these things.

Mr. Chairman, this is madness. This is madness. It is almost as mad as the thought that the dictator of North Korea is going to build a missile, if he could, that could possibly wobble its way over to the United States and hit us with one missile, and then if he had that thing, he would shoot it, which would be detected 30 seconds after launch, and the retaliation would turn his country into glass. I do not think he is going to shoot that missile.

There are other ways that a dictator or terrorist can threaten our security, and it is not with a missile that can be detected. And, if they were not going to use a missile, then it would be someone who is a little more advanced who would shoot underneath the system. It cannot work against cruise missiles which can carry nuclear warheads; it cannot work against depressed submarine-launched missiles, depressed trajectory missiles. Everyone admits that. No one is saying they are trying to design a system to do that, so we already know. They can use countermeasures, they can bring in ICBMs. If they do not want to use ICBMs, they can use a much cheaper cruise missile, they can use a much cheaper submarine missile, they can go under it, but I do not even think that is a real threat.

Mr. Chairman, I am on the Subcommittee on Coast Guard and Maritime Transportation. We have a real threat. Today, anybody can steam a tramp steamer under a bizarre foreign flag, Libya or some other country that does not exist that has a phoney registry, into any port in this Nation without being checked. Well, that might present a real threat to the security of this country, and I am not going to go on very much more about that, but that is something we ought to be thinking about.

We are not dealing with the real threats here. We are dealing with a program that was cynically designed to put expenditures in three-quarters of the congressional districts of this country to provide some profits to some defense contractors and some employment to some scientists that cannot ever successfully defend our Nation.

Mr. Chairman, it is time to stop wasting the money. If we want to go ahead and continue to waste the money on testing, do not lock us into procurement, do not vitiate the ABM Treaty, and do not lock us into procurement on a system that has yet to have a successful, honest test.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to congratulate the distinguished chairman and ranking member for their leadership on this issue and my colleagues on both sides of the aisle for working in a bipartisan manner.

Let us get some facts straight, first of all. The gentleman raised a point about the need to deal with weapons of mass destruction. Let us make the case and let us put the facts where they are, if the gentleman will listen to me. We are spending $11 billion this year, $11 billion on weapons of mass destruction and the consequence management to deal with those threats. $11 billion. To say that we are not doing anything is poppy cock.

The second point the gentleman said is that there is no need to defend against missiles. Well, let us face the facts, I say to my colleagues. The weapon of choice today is a missile. When Saddam Hussein wanted to reign terror on the Jewish folks in Israel, he did not choose a truck bomb, he did not choose to put a ship up in the harbor, he fired the Scud missiles that he got from North Korea and Russia into Israel; and we could not defend against it. When those two dozen young Americans, half of them from my friend's district came back home in body bags 9 years ago because they were killed in the largest loss of life in the last 10 years, it was not because of a truck bomb, it was because Saddam Hussein chose to try to neutralize America by firing a Scud missile that we could not defend against, into a barracks, while young men and women from our friend's district, half of them, from Greensburg, Pennsylvania, were massacred.

Mr. Chairman, this amendment is a disastrous amendment. We cannot deploy a missile defense system next year. That is all rhetoric, and all of our colleagues who attended the 150 classified briefings and closed hearings know that over the past 6 years. We cannot deploy under the President's planning system until 2005.

But, Mr. Chairman, there are certain things we have to do now to be ready to make that decision. The money that is in this bill for national missile defense is for radar, it is for preparing a site, it is for integration of systems. We cannot wait until the very end to do those things.

So if we pass this amendment, we kill the program. Let us be honest about it. We all want successful intercepts. My colleague said we have not had some successful intercepts. Well, let me just again correct the RECORD and let me point out what, in fact, we have done since 1999 in March. We have had six successful intercepts. We had, using hit-to-kill technology, one with our NND program, two with THAAD, our Army program, and three with PAC 3. In fact, the Israelis have had similar successful intercepts with the ARROW program.

Mr. Chairman, we are making progress. Have we solved all of the problems? No. But it is a challenge that the scientists who are dealing with these issues feel that we can meet.

The gentleman says it is a pork barrel program. I do not have any missile defense contractors in my district. I do not have any. I do not have any favorite programs. I am willing to let the administration decide what is the best option. Some of my colleagues want sea based, some want land based, and some want space based. I am willing to let the administration make those decisions. This amendment ruins all of those options.

We have worked hard in a bipartisan way to get to where we are today. Democrats and Republicans have joined together for what is best for this country. This Sunday, I will leave for Russia, for Moscow with Secretary Cohen at his invitation. I am going to go to Moscow and miss votes because I think it is important, as I did before our bill came up last March, to brief the Russians on why we are doing what we are doing. We are not trying to back Russia into a corner, and the gentleman knows that. We have a concerted effort to work with the Russians. And when I go to Moscow with Secretary Cohen on Monday and Tuesday and Wednesday, I will sit there with the members of the Duma, with General Sergeyev, the Minister of Defense in Russia and we will sit there with the Minister of Foreign Affairs from Russia. And we will tell them that the threat is not Russia, but the threat is from the rogue states of Iran, Iraq, Syria, Libya and North Korea.

When the North Koreans test launched the Taepo Dong I 3-stage missile on August the 31st of 1998 over Japan's territory, the CIA acknowledged that that missile can now hit the U.S.; and we have no defense against that. If this amendment is passed, we will not be able to keep a time frame in place to move toward a 2005 deployment date. This is a wrecking amendment.

Mr. Chairman, I urge my colleagues on both sides of the aisle, my good Democrat friends like my colleague and friend, the gentleman from Pennsylvania (Mr. MURTHA), and the gentleman from Washington (Mr. DICKS), the gentleman from South Carolina (Mr. SPRATT), all of those who have come together on this program; the gentleman from Virginia (Mr. PICKETT), the gentleman from Virginia (Mr. SISISKY), the gentleman from Texas (Mr. REYES), all of them; the gentleman from Hawaii (Mr. ABERCROMBIE), all of my colleagues who have worked hard, to continue to support the program that my gentleman's President wants from his party, and I acknowledge that he is our leader, and that is a program to move forward to a deployment date in the year 2005. Passing this amendment stops that process. Passing this amendment does severe damage.

My friend would say well, we want to make sure the program works. Well, we do too, and that is why in the last bill we punished the Lockheed Corporation because they were not successfully testing a THAAD program. We put in $10 million hits every time they were unsuccessful.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WELDON) has expired.

(By unanimous consent, Mr. WELDON of Pennsylvania was allowed to proceed for 2 additional minutes.)

Mr. WELDON of Pennsylvania. Mr. Chairman, when we had a problem with the THAAD program, the Members of Congress in both committees, the Committee on Appropriations and the authorization committee, from both sides came together and they said, we do not want to fund programs that do not work; we do not want companies making big bucks and not being held accountable. So what did we do?

My friend and my leader up there, the gentleman from South Carolina (Mr. SPENCE), working with the gentleman from Missouri (Mr. SKELTON), with the gentleman from California (Mr. LEWIS), and working with the gentleman from Pennsylvania (Mr. MURTHA), told the Lockheed Martin Company, if you do not get your act together and straighten out the quality control issues in the THAAD program, we are going to punish you. We have put language in the defense bill that said, every unsuccessful intercept would cost them $10 million out of their corporate pockets, out of their profits, and that allowed then Lockheed to get their program together and their act together and the THAAD program has now had three successful intercepts in a row.

So when my colleague points out that we all want successful tests, he is right. I would just urge our colleagues on both sides of the aisle to overwhelmingly reject this amendment, support the request of President Clinton, support the request of Secretary Cohen, and allow this program to move to the next step. If we do that together, in the end, we will have a viable program that will provide the protection for America that will prevent similar situations like we had 9 years ago when those Americans came home in body bags because we could not defend a low-class missile from hitting and killing them while they were asleep in their barracks.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Tierney amendment and thank him for introducing it and engaging in this debate.

Today, we are debating a defense bill that includes billions of dollars for a national missile defense system that is profoundly flawed. Now, I had the privilege to work with my predecessor, Congressman Ron Dellums, for many years, and I remember and many of us remember his vigilance, his dedication and his careful analysis and profound arguments against star wars. Well, here we are again.

In the 1980s, critics of star wars rightly argued that it would cost billions, restart the nuclear arms race and ultimately not work. National missile defense is star wars with a new name, and all of the old problems. This program will cost billions of dollars at a time when we have failed to solve deep and far-reaching social problems here at home. We will be putting billions of dollars into an unproven military system when we have some 275,000 homeless veterans living on the streets of our cities and 44 million uninsured Americans with no health care.

This year's appropriation will be followed by billions more if we go down this road. We will be putting billions of dollars into a system in the name of national defense that will actually create greater international instability and accelerate nuclear proliferation. National missile defense, or Star Wars II, undermines the antiballistic missile treaty with Russia and, in all likelihood, it will probably convince the Chinese to expand their nuclear arsenal. National missile defense escalates the international arms race and escalates and accelerates nuclear proliferation, and it will not protect us from the most likely nuclear threat. In all probability, a nuclear assault will not come as an ICBM but as a suitcase bomb that Star Wars systems will never see and will never shoot down.

Finally, we will be putting billions of dollars into a system that expert after expert has told us will not work, even against attacks from ICBMs.

□ 1800

For example, the Union of Concerned Scientists and the American Physical Society have both pointed out that in addition to moral questions, in addition to geopolitical questions, in addition to economic questions, national missile defense systems will not work. These physicists tell us that MMD can be fooled by countermeasures that can be produced by any country that is capable of building a nuclear bomb in the first place.

Understand, I am not opposed to ensuring our national security. What I am opposed to is this national missile defense system, Star Wars II. Nor am I alone in making this distinction. The United States has failed to respond to the new realities of the post-Cold War.

Let me give a quote which I recently discovered: "It is as if [President] Bill Clinton's military was structured to go to war with [President] Ronald Reagan's, rather than that of Iraq or North Korea."

This quote comes from an organization, Business Leaders for Sensible Priorities, a group that includes retired brigadier generals, rear admirals, and some of the Nation's foremost businessmen and women. It is leading the way in calling for sensible, rational, and necessary budget cuts.

This organization commissioned President Ronald Reagan's Assistant Secretary of Defense to analyze today's military budget. In their report, "a Cold War Budget Without a Cold War," they convincingly argued that the proposed ballistic missile spending and the defense budget as a whole are excessive and out of sync with actual security needs.

The 20th century was really stamped and we are still dealing with the imprint, I would say, of the Cold War. But it is our responsibility really to forge safer and sounder and saner policies in the 21st century. National missile defense is really not the way to do that. Rather, we should do what this amendment does. We should ensure that there are adequate funds to ensure that our retirees, for example, have access to medicines and to pharmaceuticals which they so deserve.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment and in opposition to the fantasy that is properly called "the Star Wars Missile Defense System." I commend the gentleman from Massachusetts for his courage in advancing this amendment.

It is not too early for the Congress to debate this important issue. Indeed, it is quickly becoming too late to have a meaningful debate about a national missile defense system. The United States has already spent over $100 billion dollars, on Star Wars. Now we are told that for a mere $60 billion more, according to the Republican Congressional Budget Office, we can have a "limited missile defense system."

Of course, the many advocates of Star Wars, who say that a mere $60 billion system would be too limited, recommend spending two or three times that amount. They mistakenly search for absolute security by absolutely draining the taxpayer for a very questionable venture.

Without the amendment of the gentleman from Massachusetts (Mr. TIERNEY), this debate is limited to choosing between bad and worse, between an ultra expensive program and a larger, more outlandishly and even more expensive program.

There are multiple problems with Star Wars.

First, Star Wars does not work. The supporters are really saying, "do not let good science get in the way of good politics;" "Deploy first and then see if it works later."

Hitting a bullet with a bullet is a significant, technical challenge. The advocates of this plan promise that it will shield the entire country when, in fact, it cannot dependably destroy even one incoming missile. Nor can this system adequately detect the difference between missiles and decoys.

The second problem with Star Wars is that it does not adequately deal with what is a very real threat from rogue nations and terrorist groups. An enemy that wants to detonate a weapon of mass destruction does not need to develop an intercontinental missile system. They can rely on a smart bomb, which can little more than a suitcase and a fanatic. A human being with a nuclear or biological weapon can do great damage. But this defense at $60, $120, perhaps $200 billion offers absolutely no ability to defend against that kind of threat.

The third and perhaps most important problem is that Star Wars is counterproductive. It actually jeopardizes our security.

In Asia, Star Wars even the possibility of deployment is already encouraging the Chinese, to produce even more missiles and to plan for MIRVing existing missiles with multiple warheads. A much larger Chinese nuclear force will be the natural result of the deployment of even a so-called "limited" system.

As China expands its nuclear capability, India will feel threatened. As India expands its nuclear capability, Pakistan will feel threatened. In short, Star Wars will create the very reality, the very threat that it seeks to avoid.

In Europe, we send forth a message of division. All of our major allies for whom this "limited" deployment offers absolutely no protection are left to fend for themselves. That is one of the reasons that they have consistently objected to even a limited, ill-advised Star Wars system.

With the foolish decision that was made in this Capitol last year to reject the Comprehensive Test Ban Treaty, and the refusal to ratify other arms control agreements, a decision to deploy now sends a Cold War message to Russia when we should be seizing an historic opportunity to dramatically reduce the number of nuclear weapons on this planet.

Deploying Star Wars, whether on a limited, complete, or in between basis, will fuel a world arms race that will make this Earth a much more dangerous place for all of our families. It substitutes political arrogance for good sense and good science. In short, Star Wars means that American families will pay more taxes for much less security. I urge adoption of the amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are at a very, very critical time in America's history. There is little doubt that in the past, as Ronald Reagan raised the question of a strategic defense initiative and a thing dubbed, by some, Star Wars, that one of the fall-outs of all of that discussion is that media across the country would make a mockery of the suggestion that we might be challenged by way of a missile threat.

Over time, the public came to the point of believing that we actually had a missile defense system. They actually, in sizeable percentages, think we have this in place. The reality is that these are very hard things that we are about. The business of hitting a missile with a missile or a bullet with a bullet is very difficult stuff.

But we have technology moving forward that offers huge potential in terms of America's capability to defend itself from an errant missile attack, from a rogue Nation reacting in a fashion that would make no sense. Nonetheless, this President, William Jefferson Clinton, has asked us to put in this budget a dollar amount for long lead procurement, for development, laying the foundation for us to have the sensors and other equipment in place to measure whether this kind of defense system actually has potential to protect our people. He is not doing that lightly.

At the same time, the President has just finished a personal round of discussions with Mr. Putin. We all know that President Clinton is a very persuasive fellow, especially when he is one on one, and as of this moment, Mr. Putin is reconsidering the role of a shield in terms of Russia's interests as well as our interests. They are not rigid on this matter, and in no small part because I believe this President is very persuasive.

All of the experts that I have had the privilege of spending a lot of time with in recent years suggest to me that perhaps America has no near peer in the world for maybe as long as 10 years. I believe that that is likely the case. Over time there is a chance that China may come online and that India indeed might develop a competitive spirit in Asia.

Laying the foundation for that. Mr. Chairman, it seems to me there lies the strongest argument for this $288.5 billion bill, is to set the stage for America to be ready to defend our country if we need to long-term.

Our actual purpose is not that. Our purpose is to set the stage that causes those leaders in Asia to know that America is so good and so able to defend herself that there must be other avenues to making it to a successful path in this shrinking world. What we hope is that the future leaders of China and India, indeed, will look around and say, wait a minute, why should we waste our resources following that pathway when the marketplace itself will work? Indeed, what we are about here is seeking to provide leadership for peace.

We talked about costs a while ago. Some of the costs that were discussed would suggest that we should not put a lot of money in R&D to make sure we are the best of the best in the future. The F-22, for example, will cost in just a short time ahead some $61 billion as we go out to make sure this tactical fighter system will work. Peace and building for peace is not cheap, Mr. Chairman.

This bill reflects the only real reason to have a national government; that is, to make sure that we are prepared to fight if we need to, but most importantly, to pursue those pathways to peace.

I must conclude my remarks by suggesting to all my colleagues that peace indeed is very, very expensive, and the most serious of our responsibilities as a national government. But we cannot begin to calculate the cost of war, Mr. Chairman. What America's leadership is about is to lay a foundation that will almost guarantee that leaders of common sense in the future will not want to follow a pathway that follows confrontation and war.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Tierney amendment. The national missile defense as proposed would not be effective. We have heard that over and over again today. It would be costly to deploy and easily circumvented.

The proposed missile defense system probably would not work as designed, and wishing so will not overcome the physics. I speak with some background in the area. It could be confused with decoys. It could be bypassed with suitcase bombs and pick-up trucks and sea-launched missiles.

It would be not just billions of dollars down the drain. It is not just a diversion of precious resources that could be used for TRICARE or other such things. But we are told that this is going to provide a defense for us. No, it is worse than a waste. Simple strategic analysis tells us that a provocative yet permeable defense system is destabilizing and actually leads to reduced security.

In fact, the more effective the system turned out to be, the worse an idea it would be, because of the increase in instability and the damage done to our efforts to reduce weapons around the world.

Mr. Chairman, this is a weapons system in search of a cooperative enemy. Sure, it is a shield. We have heard about shields of the knights of yore. But where do the knights use those shields? Not around the house. They uses them in battle. They use them in battle because they can thrust and parry from behind that shield.

We say, no, no, this is just a defensive shield. Those other countries do not need to be concerned what we are doing behind our shield. Well, only a cooperative enemy would believe us. Only a cooperative enemy would not try to use technically easily accessible decoys to defeat the system.

Therefore, I think we should defeat the Star Wars, Star Wars II, Star Wars

Lite, Star Wars again program and use those resources for other, more humanitarian, much saner uses, and in the process, increase our security.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, is the gentleman aware that Russia, which he has alluded to, has an operational ABM system, which he said is not necessary, and they have upgraded it three times? Is the gentleman aware of that?

Mr. HOLT. I am aware of the 1968 ABM treaty.

Mr. WELDON of Pennsylvania. I am not talking about treaty, but an ABM system that protects 75 percent of the Russian people surrounding Moscow, upgraded three times. Is the gentleman aware of that?

Mr. HOLT. I am aware that there is a system. It does not protect 75 percent of the Russian people.

Mr. WELDON of Pennsylvania. Mr. Chairman, I would ask the gentleman, has the gentleman ever come to one of our 145 briefings on the issue? I have not seen him at one.

Mr. HOLT. I have had classified briefings on the subject.

Mr. WELDON of Pennsylvania. Personal briefings. I thank the gentleman.

Mr. HOLT. I do know something about the subject having studied and taught physics over many years.

In the vacuum above the Earth's atmosphere, it is almost trivial to set up decoys that would spoof such a system.

Mr. WELDON of Pennsylvania. Is the gentleman aware that we had a test occur October 2, 1999, where we launched an interceptor from Kwajalein that carried a 120-pound EXOatmospheric kill vehicle that intercepted a reentry vehicle and distinguished it from a decoy, distinguished it from a decoy successfully at 16,000 miles per hour 140 miles above the Pacific Ocean?

Is the gentleman aware of the test?

Mr. HOLT. I believe, if I am not mistaken, that was the test where the intercept vehicle tracked the decoy for a while.

Mr. WELDON of Pennsylvania. The thing is, it successfully distinguished the decoy from the reentry vehicle, hit it, and knocked it out, which is exactly the challenge we are pursuing. The gentleman just said we cannot do that. We have done it. If the gentleman would contact his own administration, he would find the facts.

□ 1815

Mr. HOLT. Mr. Chairman, I am aware of that test. I do not find it convincing and I certainly do not find the many failures that preceded and followed that convincing.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, the point just is there was a statement made earlier that passing of this amendment would kill the program. I think that is a bit of an exaggeration on that. I cannot imagine for a second that if this amendment passed, that next year we would not see these numbers back in here and another attempt to put it in.

This amendment, according to the gentleman from Pennsylvania (Mr. MURTHA), this money may not be spent this fiscal year and likely will not be spent this year. So surely that is not going to kill it.

Mr. Chairman, we ought to talk about what this is. It is an amendment to reduce the procurement money to keep the R&D. And clearly, the research shows that it cannot work.

Mr. MARKEY. Mr. Chairman, the amendment offered by Representative TIERNEY and myself is quite simple. It would strike $74.5 million from the "Defense-Wide Procurement" funds in this defense appropriations act and return $29 million to the Defense Health Program. The only program that it would reduce is the National Missile Defense System.

Sixteen years ago we started this debate on a national missile defense system. Back then we had fanciful names for the components of the proposed missile defense system. We had "brilliant pebbles" to blind our senses with the wonders of our technological imagination. Of course, you had to have rocks in your head to believe it. This system was so imaginative we even named it "Star Wars". This umbrella of hydrogen-bomb-pumped lasers and kinetic kill vehicles was supposed to protect us against a full-scale Soviet nuclear missile attack.

Well, Mr. Chairman, there was a reason the name was based on Hollywood—the system was—and is—pure fiction. With time—and lots of money spent—only the names have changed. Today we are talking about procuring hardware for upgrades to early warning radars and X-band radars. Hardly the exotic names of the past. But the system is no less fanciful, just less effective.

No longer are we trying to protect against thousands of warheads. Now we hope to shoot down just ten or twenty. It seems the more money we spend, the less we plan to hit. With $60 billion in past research and development and another $60 billion in planned investment, we may be able to protect our country against 30 missiles.

Even after all this investment the technology still has a long way to go. In the simple tests we conducted, the system has not performed well. In one test the interceptor failed to hit the dummy target. In the other test, there was a hit, but only because the interceptor found the decoy, not the warhead. So today we're talking about procuring equipment for a system that still doesn't work, that has cost $60 billion and will cost at least another $30 billion. Most importantly, the Administration hasn't even made the decision to go forward with this latest summer rerun of "Star Wars".

Now there is one thing this system will definitely do. You see we are being asked to procure parts for a national missile defense system that might defend our country against a ballistic missile attack from a nation such as North Korea or Iran but will promote nuclear proliferation in Russia, China and other nonnuclear states eyeing the advisability of jumping the nuclear fence. In this case, it will be the vertical proliferation that characterized the arms build-up of the 80s.

Russia, we know, opposes any unilateral deployment of a National Missile Defense system that would violate the Anti-Ballistic Missile Treaty. If we go ahead and deploy unilaterally, the Russians have promised to withdraw from the arms control agreements that finally put a ceiling on the rising nuclear arms skyscrapers and started to take them down floor by floor. Eliminating this system of treaties would have severe consequences for the safety and security of the United States. It could re-ignite the arms build-up that we have worked so hard to stop.

The opposition of China to a missile defense system could be an even bigger problem. Only two weeks ago this body voted to grant permanent normal trade relations with China, to increase and improve their economy. Are we going to spark a new arms spiral to make sure that their new economy is consumed by new weapons?

China has indicated that they will likely respond to a National Missile Defense system with an increase in missiles. On May 12, in the Washington Times, Sha Zukang, director of arms control and disarmament at the Chinese Foreign Ministry indicated, "The proposed U.S. National Missile Defense could neutralize China's . . . arsenal and already has prompted Russia and China to begin discussions on ways to overcome it."

How does this supposed "defense" system increase our security, if it leads to an offensive response from nations with proven nuclear ballistic missile systems? Remember, the greatest threat to U.S. security is still the mammoth nuclear arsenals in Russia and China. These are real rockets capable of real destruction not the maybe missiles of North Korea.

The American people understand this. In a recent poll conducted by the Pew Research Center For the People and The Press and the Pew Charitable Trust, when asked how they felt about missile defense if it jeopardizes arms reduction talks with Russia, 55% of respondents opposed missile defense and only 35% support it. The people have spoken, now it is time for this Congress to listen.

I urge members to support this amendment and halt the initial procurement for the national missile defense system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $3,000,000 only for microwave power tubes and to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $6,025,057,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $9,222,927,000, to remain available for obligation until September 30, 2002: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique requirements of the Special Operation Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $13,760,689,000, to remain available for obligation until September 30, 2002: *Provided*, That none of the funds in this Act may be used to develop an ejection seat for the Joint Strike Fighter other than those developed under the Joint Ejection Seat Progam.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,918,997,000, to remain available for obligation until September 30, 2002.

AMENDMENT NO. 8 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. KUCINICH:

Page 33, line 5, insert "(reduced by $174,024,000)" after the dollar amount.

Page 35, lines 10 and 11, insert "(increased by $174,024,000)" after the dollar amount.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from California (Mr. LEWIS) reserves a point of order.

Mr. KUCINICH. Mr. Chairman, my amendment would reduce spending for research, development and testing for the National Missile Defense System by 10 percent, about the same amount of the increase made by the committee for the Ballistic Missile Defense Organization over the budget request. It would increase the budget for the Defense Health Program by the same amount.

This bill includes a provision for $1.8 billion for a boondoggle called the National Missile Defense System. First, the system is a fraud on the taxpayer and a danger to arms reduction.

Second, the technology is not feasible, not testable, and therefore not reliable.

Third, it does not protect against real threats.

Fourth, it will destabilize our relations with our allies worldwide and will spark a new and expanded armed race.

Fifth, it violates years of work towards disarmament and nonproliferation.

And sixth, its sole purpose seems to be to line the pockets of military contractors.

Let me deal with a few of the many reasons why this whole idea is wrong. As many of my colleagues know, the National Missile Defense System depends on the system's ability to discriminate between the target warhead of an incoming missile and decoys. But according to the New York Times, the system failed those tests.

Quote from the Times: "The Pentagon hailed the first intercept try as a success, but later conceded that the interceptor had initially drifted off course and picked out a decoy balloon rather than a warhead." That is because according to the Times, the system cannot tell the difference between warheads and decoys.

Experiments with the National Defense System have revealed that the system is "inherently unable to make the distinction," and that is between the target warhead and decoys. The New York Times characterized the MIT scientists as saying that the signals from the "mock warheads and decoys fluctuated in a varied and totally unpredictable way, revealing no feature that could be used to distinguish one object from the other." Indeed, The New York Times reported that "the test showed that warheads and decoys are so similar that sensors might never be able to tell them apart."

So in other words, Mr. Chairman, the National Missile Defense does not work and cannot work because it inherently cannot tell the difference between warheads and decoys.

While the National Missile Defense is a technological failure and a fraud, it could potentially succeed in setting the stage for a worldwide arms race and dismantle past arms treaties. The NMD violates the central principle of the ABM Treaty, which is a ban on the deployment of strategic missile defenses. It will undermine the Nuclear Nonproliferation Treaty. It will negate the Anti-Ballistic Missile Treaty.

It will frustrate SALT II and SALT III. It will lead directly to proliferation by the nuclear nations. It will lead toward transitions toward nuclear arms for the nonnuclear nations. It will make the world less safe. It will lead to impoverishment of people of many nations as budgets are refashioned for nuclear arms expenditures.

That the United States would be willing to risk a showdown with Russia or China and the rest of the world over the unlikely possibility that North Korea may one day have a missile which can touch the continental United States argues for talks with North Korea, not the beginning of a new worldwide arms race.

President Clinton has recently returned from Russia and Europe in an effort to convince our allies that a U.S. Star Wars system is in their best interest, but many say this is simply not true. Many officials in the intelligence and scientific community have said otherwise. According to an article in the L.A. Times, high-ranking intelligence officials are set to offer a report that states deploying a Star Wars system could result in destabilizing events worldwide. I think this is significant, when the President's advisors and the intelligence community are saying that it could result in instability and insecurity worldwide.

The Times indicates that the report is expected to state, and I agree, that such a deployment may result in a buildup of nuclear missiles worldwide and the spread of missile technology.

Mr. Chairman, we spent over $60 billion as a Nation on this failed system since 1985. Why spend another $60 billion? This system does not work. Here we are 15 years later, a scientist conducting a review says he could prove it does not work. Worst, claims have been made that the tests were fraudulently interpreted, which means that not only is there a question of fraud on the taxpayers, but a fraud on our national defense.

Scientists have sent letters to the White House regarding the fraud. The New York Times has printed articles about claims of fraud. After the articles were published, the Department of Defense slapped a "classified" label on the letter, so I cannot read that letter. I cannot read about the claims of fraud to this Congress, even though the claims have already been reported on by national newspapers of record, even though documented claims of fraud have been made by reputable scientists on a matter currently before this House.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KUCINICH) has expired.

(By unanimous consent, Mr. KUCINICH was allowed to proceed for 1 additional minute.)

Mr. KUCINICH. Mr. Chairman, on a matter currently before this House where we are ready to appropriate nearly $2 billion for an antimissile system which does not work. We have a classification label slapped onto this to cover up what? Fraud?

Not only has the system already cost $60 billion. At this very moment, this

House and the taxpayers are going to fork over another $2 billion now and another $58 million later?

The American taxpayers and this Congress have a right to know about claims of fraud, about claims of a tricked-up test result, about whether those tests have been rigged to defraud the American taxpayer. The House has a right to know. The taxpayers have a right to know. Why the secrecy about claims of fraud on the taxpayer?

Mr. Chairman, if my colleagues are for this antimissile system, it is their obligation to find out if it works and if there is fraud.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California (Mr. LEWIS) insist on his point of order?

Mr. LEWIS of California. I do, Mr. Chairman. I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act, as amended.

The CHAIRMAN. Does the gentleman from Ohio (Mr. KUCINICH) wish to be heard on the point of order?

Mr. KUCINICH. Mr. Chairman, I do.

The CHAIRMAN. The gentleman may proceed.

Mr. KUCINICH. Mr. Chairman, I would like to respond. This amendment is merely perfecting the number on an unauthorized account by increasing it. This is within the rule, because it merely perfects a number. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI prohibiting unauthorized or legislative provisions in a general appropriations bill and prohibiting reappropriations in a general appropriations bill. Therefore, an appropriations bill put in breach by the rule is allowed to remain.

Mr. Chairman, I will read that again. An appropriations bill put in breach by the rule is allowed to remain, so amendments that increase are permitted.

Clause 2(f) of rule XXI states that when we are reaching ahead to increase a program, the CBO must determine budget authority and outlay neutrality. This amendment has been scored by the CBO and has the CBO-determined budget authority and outlay neutrality. This amendment is within the rules of this House. I have the CBO table for the record.

On the note of that according to CBO, if one looks at the entire effect of this amendment, it is outlay neutral. In the end, there is no outlay effect. But for each individual year, there may be an outlay effect.

I would ask a question of the Parliamentarian, and that is if an amendment has an effect on outlays per year but does not change the overall end effect of the bill, is it outlay neutral?

The CHAIRMAN. The Chair will not entertain the question to the Parliamentarian. The gentleman may continue discussing the point of order.

Mr. KUCINICH. Mr. Chairman, I would state then my insistence that this amendment is in order. That if the Parliamentarian had reviewed it, or did review it, he would see that the amendment has an effect on outlays per year, but does not change the overall end effect of the bill. It is outlay neutral.

The CHAIRMAN. The Chair is prepared to rule on the point of order. The gentleman from California makes a point of order under section 302(f) of the Budget Act which constrains budget authority.

The amendment provides no net new budget authority. That it may not be neutral on outlays is of no moment under section 302(f) of the Budget Act. The point of order is overruled.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word. I am not going to take the full 5 minutes, but this is another amendment that is in my opinion a mischievous amendment.

Mr. Chairman, we have had 145, 150 classified hearings, open hearings, and briefings. The gentleman from Ohio mentioned that there were some secrets. I have never seen the gentleman, my good friend and colleague, at any briefing in 150 of them over 6 years. Not one on missile defense. I have chaired them all. I have not seen him at one.

Now, that does not mean he is not a good Member, because he is a friend of mine. But if he wants to have access to classified information, he can have all the classified information he wants. If he wants a letter that is classified, we will get it for him. If he wants to have a classified briefing, as we did on the House floor last year, he can get it. All of that information is available.

Mr. Chairman, in the committee, Members of both parties have attended. All of those briefings were attended by Members of both parties. It was not like the Republicans only did a briefing without the minority. The minority has been in the lead on some of these investigations.

To say that somehow that we are trying to keep something secret, or that one scientist out of perhaps a couple hundred thousand has the answer, I think is a little shortsighted and naive.

In terms of what this amendment would do, the gentleman takes the money out of the research accounts. We have already cut the research accounts in the military budget by 25 percent over the past 8 years. There has been a 25 percent reduction. I want to remind my colleague, the bulk of the money that we have cut in terms of R&D goes to universities. The 6.1, 6.2, and 6.3 account lines of the Defense budget are all R&D in the science and technology account lines. They go to all of our universities. They go to Harvard, and they go for basic research in basic technology areas, in the composites area, in physics.

The other thing I would say to the gentleman from Ohio, my colleague and my friend, is that he mentioned the research on missile defense. I would cite at least six examples that I have in front of me that I jotted down off the top of my head of technology that is used for medical purposes that would not have been developed except it was spun off from technology being used to develop missile defense capabilities.

One of those technologies developed through an SBIR program allows us now to understand the problems of nearsightedness. Using technology that was developed for our missile defense system now helps people be treated that have nearsightedness problems. There are many breakthroughs that have occurred from the spin-offs of these technologies that would be cut by this, besides the original intent of this, which is to allow us to fully fund a robust R&D program.

□ 1830

I agree with the gentleman. We do not want to waste money. I do not want to waste money. He understands, and he and I both know that. I do not want to do anything to create a provocation with the Russians. My friend and colleague knows that. We went to Vienna together. We sat across the table from the Russian leadership for 2 days.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I am happy to yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I would like to state my affection for the gentleman from Pennsylvania (Mr. WELDON), my respect for his sagacity, his knowledge of these issues. I think this is an important debate. I think that those of us who, for the last 15 years, have been watching this who perhaps have not had the opportunity to attend any of the gentleman's meetings can still develop a point of view based on information that we receive independently that can achieve a level of debate which this House is entering into.

Of course my main point is what we know right now. We have a lot of information that suggests there is serious questions as to whether the system works or not which is even before we get into the feasibility of it on a national defense basis.

But I want to reiterate my great respect for the gentleman from Pennsylvania (Mr. WELDON), and my appreciation for his commitment to the defense of our country.

Mr. WELDON of Pennsylvania. Mr. Chairman, I would just say in closing, I will invite the gentleman from Ohio (Mr. KUCINICH) to attend any session he wants. I will arrange for a full-scale briefing with every leader in this program in his office at a classified level to answer any question the gentleman has.

Ms. MCKINNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support real steps to protect the American public from nuclear holocaust such as the de-alerting of nuclear weapons, the START process, the Cooperative Threat Reduction Program. And the most significant obstacle to meaningful nuclear arms control right now is the National Missile Defense program, the sequel to President Reagan's Star Wars fantasy.

The administration has told us that the decision on whether to deploy Star Wars II will be based on four criteria: the technical progress of the system, the cost, an assessment of the threat, and the impact of deployment on existing treaties, and arms control efforts. I believe in each of these areas, the evidence clearly leads to a decision to reject deployment.

With respect to the impact of deployment on arms control, the proposed missile defense clearly violates the ABM treaty which is the foundation of real arms control efforts, including the START reductions. Deployment will also violate the spirit, if not the letter of the Non-Proliferation Treaty, particularly Article VI.

Even our closest allies in Europe have voiced opposition to deployment. A February 15 article in the International Herald Tribune reported that "European governments without exception oppose the U.S. anti-missile project."

With respect to the real or perceived threat, the threat of a limited missile attack from a rogue state is overstated. The CIA's own analysis is revealing. They reported that "U.S. territory is probably more likely to be attacked with weapons of mass destruction by nonmissile delivery means than by missiles, primarily because nonmissile delivery means are less costly and more reliable and accurate."

The last point is very important because Star Wars II advocates must ignore reality and assume two things. First, that the threat of massive retaliation by the United States is no longer a valid deterrent. Second, that a country with the advanced technical capability to build a weapon of mass destruction and the missile technology to deliver it will not be able to figure out how to sneak a bomb into the United States on a boat.

With respect to the cost, since President Reagan announced his strategic defense initiative, we have spent more than $60 billion on researching technical means of hitting a bullet with a bullet. The current estimate for deployment is another $60 billion, bringing the total cost to the program at least $120 billion.

While such a staggering sum is undoubtedly of considerable interest to the weapons industry, it is also, in the final sense, a theft from programs designed to meet human needs. In fact, if we decide to pursue this program, in the end, it will cost every American family $1,760.56. This is welfare for some of the wealthiest corporations in the country paid for by working Americans.

With respect to technological assessment, the most recent independent analysis, a study conducted by the Union of Concerned Scientists and MIT found that the hit-to-kill technology of NMD can be easily fooled by countermeasures using existing technology.

An independent panel headed by retired Air Force General Larry Welch said that the deployment decision should not be made until 2003, after testing how the various components of the system work together. The panel characterized Congress' push for early deployment as a rush to failure.

I believe the jury is regarding each of these criteria. To date, proven arms control efforts have eliminated thousands of Russian nuclear weapons aimed at American cities, saving the taxpayers billions of dollars. Conversely, despite the billions wasted on development, NMD has not eliminated a single missile, and it never really will.

Mr. Chairman, there are active and robust government and nongovernment programs in place that are doing more to reduce the threats from rogue states or terrorists right now than Star Wars ever will. They include efforts by USAID, USIA, the State Department, National Endowment for Democracy, the Asia Foundation. U.S. NGOs, including the Carter Center, universities, unions, faith-based organizations, research and policy institutions are among the most active in the world in promoting democracy and goodwill.

Ultimately the security of America is not served by a neo-isolationist fortress America type of foreign policy. If we truly seek to promote democracy and enhance the security of all Americans, we should divert some of the billions that we waste on programs like this and instead invest it on agencies and organizations that are capable of doing the job.

I urge a yes vote on the Kucinich amendment.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words, and I rise to support this amendment.

Sooner or later, this Congress will come to grips on what really defines our national security and realize that it is not billions and billions of dollars to build a national defense system that will not work. A national defense system or Star Wars II will create greater instability and accelerate nuclear proliferation.

As I mentioned earlier, the Union of Concerned Scientists and the American Physical Society have both pointed out that, in addition to economic questions, in addition to geo-political questions, and in addition to moral questions, it just will not work.

Our national security needs really should be defined by how our budget priorities guarantee the security of our children and our families. Two hundred seventy-five thousand homeless veterans do not go to bed at night secure. Forty-four million Americans with no health insurance do not go to bed at night secure. Children who have no future because we have not invested in their education do not go to bed at night secure.

During the 1970s and 1980s and 1990s, we listened to my predecessor Congressman Ron Dellums set forth a clear analysis and profound arguments in opposition to an escalating military budget and to Star Wars and to raise our awareness to the fact that a strong and secure America is not based upon how many missiles we build but rather upon how secure Americans are from within our own borders.

It was true then. It is true now. Spending billions and billions of dollars on a national missile defense system that will not work takes us in the wrong direction.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment of the gentleman from Ohio (Mr. KUCINICH) to the defense bill. Like my colleague, I have grave concerns about this bill's funding commitment for ballistic missile defense programs.

But before I tell my colleagues what my reservations are, I have to make an observance. This observance is that we could take the investment we make in the ballistic missile defense program, and that alone would be a great down payment in waging peace. We do not even talk about that on this floor.

What if we invested an equal amount of time debating how we can get to peace, we the United States and the rest of the global community? That would be a real investment, Mr. Chairman. That would be an investment in our national security.

Now, about this anti-missile system program. Let us face it, this program is not anti-missile. It is anti-woman, anti-children, and anti-family. It takes valuable resources from urgent civilian needs that also affect national security.

Instead of investing in a national missile defense program, we should be spending our scarce financial resources in our real domestic needs, like our children's education, our seniors and their health care, our families and their security, and a debate on waging peace.

Our current nuclear arsenal costs about $35 billion annually. It is approximately 13 times the budget for the

National Cancer Institute. It is also 120 times the amount spent annually on domestic violence, on battered women's shelters, and on runaway youths.

Mr. Chairman, if the past is prologue, prior poor management and oversight of nuclear weapons programs have cost hundreds of billions of dollars that contributed little or nothing to defense and deterrence. I wonder what the American tax payers are going to get from this investment.

Since 1940, the United States has spent $5.8 trillion on nuclear weapons programs, more than any single program except Social Security. The U.S. has already spent more than $100 billion on missile defenses with very little to show, if anything. So why would we continue to throw good money after bad?

For example, the U.S. spent over $21 billion on the safeguard anti-ballistic missile system that was ultimately cancelled because high operational costs eclipsed the limited defense benefits. We also wasted $12.5 billion on the development of the B–1A bomber that was cancelled, and $12.5 billion for four B–1A bomber planes, two of which crashed.

Also, the nuclear aircraft propulsion program cost taxpayers $7 billion, only to be cancelled due to poor management, technical problems, and the lack of a clear mission. Finally, the Midgetman, small ICBM, cost taxpayers over $5.5 billion, only to be cancelled due to a lack of need and the end of the Cold War.

Considering this poor track record, it is outrageous that funding for ballistic missile defense programs is still being debated. Even more so considering several Pentagon officials studying the NMD proposal have expressed reservation that it is unnecessary and it would be ineffective.

The last reason for my concern, Mr. Chairman, about the national missile defense program is its grave implications for current arms control agreements. In order for this administration to proceed with a national missile defense, the anti-ballistic missile treaty may have to be modified.

For the past several decades, this treaty has been the cornerstone of efforts to contain, reduce, and abolish nuclear weapons. We should all be concerned about funding a program that requires any thought of abandoning our prior commitments to nuclear disarmament agreements.

Mr. Chairman, I have come to the well of this House to comment on our misplaced priorities as far as nuclear weapons programs are concerned. I commend the gentleman from Ohio (Mr. KUCINICH) for offering this amendment that will free up funds in unneeded nuclear weapons funding.

I urge my colleagues to support this amendment.

□ 1845

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; policy and guidance for the Department's overall test and evaluation functions; test and evaluation infrastructure investment and oversight; specialized assessment capabilities; and administrative expenses in connection therewith, $242,560,000, to remain available for obligation until September 30, 2002.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $916,276,000: *Provided*, That during fiscal year 2001, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 330 passenger carrying motor vehicles for replacement only for the Defense Security Service.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), $400,658,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $12,143,029,000, of which $11,525,143,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2002; of which $290,006,000, to remain available for obligation until September 30, 2003, shall be for Procurement; of which $327,880,000, to remain available for obligation until September 30, 2002, shall be for Research, development, test and evaluation, and of which $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $927,100,000, of which $607,200,000 shall be for Operation and maintenance to remain available until September 30, 2002, $105,700,000 shall be for Procurement to remain available until September 30, 2003, and $214,200,000 shall be for Research, development, test and evaluation to remain available until September 30, 2002: *Provided*, That of the funds available under this heading, $1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further*, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $812,200,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $147,545,000, of which $144,245,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $3,300,000 to remain available until September 30, 2003, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $216,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $224,181,000, of which $22,577,000 for the Advanced Research and Development Committee shall remain available until September 30, 2002: *Provided*, That of the funds appropriated under this heading, $33,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2003, and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2002.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $25,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $6,950,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

M2A3 Bradley fighting vehicle; DDG–51 destroyer; and UH–60/CH–60 aircraft.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2001, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2002.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(d) of title 38, United States Code, for any member of the armed services who, on or after the date of the enactment of this Act, enlists in the armed services for a period of active duty of less than 3 years, nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than 19 noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or Tricare shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2002 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8021. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8022. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That contractors participating in the test program established by section 854 of Public Law 101–189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8023. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections

5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8024. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8025. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8026. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

Sec. 8027. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8028. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8029. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8030. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8031. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2001 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2001, not more than 6,227 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,009 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2002 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8032. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8033. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8034. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8035. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2001. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8036. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8037. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8038. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8039. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8040. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: *Provided*, That none of the funds made available for expenditure under this section may be transferred or obligated until 30 days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2001 and 2002, and the specific expenditures to be made using funds transferred from this account during fiscal year 2001.

SEC. 8041. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8042. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8043. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2002 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8044. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2002: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

SEC. 8045. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8046. Of the funds appropriated by the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8047. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8048. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8049. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8050. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8051. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8052. Funds appropriated by this Act and in Public Law 105–277, or made available by the transfer of funds in this Act and in Public Law 105–277 for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2001 until the enactment of the Intelligence Authorization Act for Fiscal Year 2001.

SEC. 8053. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8054. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

"Aircraft Procurement, Army, 2000/2002", $7,000,000;

"Missile Procurement, Army, 2000/2002", $6,000,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2000/2002", $7,000,000;

"Procurement of Ammunition, Army, 2000/2002", $5,000,000;

"Other Procurement, Army, 2000/2002", $16,000,000;

"Aircraft Procurement, Air Force, 2000/2002", $32,700,000;

"Missile Procurement, Air Force, 2000/2002", $5,500,000;

"Other Procurement, Air Force, 2000/2002", $6,400,000;

"Research, Development, Test and Evaluation, Army, 2000/2001", $19,000,000;

"Research, Development, Test and Evaluation, Air Force, 2000/2001", $42,000,000; and

"Research, Development, Test and Evaluation, Defense-Wide, 2000/2001", $33,900,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project and activity within each appropriation account: *Provided further*, That the following additional amounts are hereby rescinded as of the date of enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

"Shipbuilding and Conversion, Navy, 1998/2002", SSN–21 attack submarine program, $74,000,000;

"Other Procurement, Army, 1999/2001", $3,000,000;

"Weapons Procurement, Navy, 1999/2001", $22,000,000;

"Aircraft Procurement, Air Force, 1999/2001", $12,300,000;

"Missile Procurement, Air Force, 1999/2001", $20,000,000;

"Other Procurement, Air Force, 1999/2001", $8,000,000;

"Missile Procurement, Army, 2000/2002", $150,000,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2000/2002", $60,000,000;

"Other Procurement, Army, 2000/2002", $29,000,000;

"Aircraft Procurement, Navy, 2000/2002", $6,500,000;

"Missile Procurement, Air Force, 2000/2002", $6,192,000;

"Other Procurement, Air Force, 2000/2002", $20,000,000;

"Research, Development, Test and Evaluation, Army, 2000/2001", $52,000,000;

"Research, Development, Test and Evaluation, Air Force, 2000/2001", $30,000,000; and

"Reserve Mobilization Income Insurance Fund", $17,000,000.

SEC. 8055. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8056. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8057. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8058. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8059. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2000 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8060. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,222,000,000.

SEC. 8061. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8062. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8063. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8064. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8065. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8066. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8067. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8068. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: *Provided*, That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8069. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8070. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8071. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8072. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8073. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8074. None of the funds provided in title II of this Act for "Former Soviet Union Threat Reduction" may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. During the current fiscal year, no more than $10,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8076. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8077. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8078. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 2001, a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 2002 budget request was reduced because the Congress appropriated funds above the President's budget request for that specific activity for fiscal year 2001.

SEC. 8079. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8080. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this section shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8081. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8082. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8083. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

Sec. 8084. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

Sec. 8085. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $800,000,000 to reflect working capital fund cash balance and rate stabilization adjustments, to be distributed as follows:

“Operation and Maintenance, Army”, $40,794,000;

“Operation and Maintenance, Navy”, $271,856,000;

“Operation and Maintenance, Marine Corps”, $5,006,000;

“Operation and Maintenance, Air Force”, $294,209,000;

“Operation and Maintenance, Defense-Wide”, $10,864,000;

“Operation and Maintenance, Navy Reserve”, $31,669,000;

“Operation and Maintenance, Marine Corps Reserve”, $563,000;

“Operation and Maintenance, Air Force Reserve”, $43,974,000;

“Operation and Maintenance, Army National Guard”, $15,572,000; and

“Operation and Maintenance, Air National Guard”, $85,493,000.

Sec. 8086. None of the funds made available in this Act may be used to approve or license the sale of the F–22 advanced tactical fighter to any foreign government.

Sec. 8087. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

(d) Section 8093(d) of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1253), is amended by inserting “design, manufacture, or” after “obligated or expended for”.

Sec. 8088. Funds made available to the Civil Air Patrol in this Act under the heading “Drug Interdiction and Counter-Drug Activities, Defense” may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: *Provided*, That of these funds, $300,000 shall be made available to establish and operate a distance learning program: *Provided further*, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

Sec. 8089. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 2000, may be extended for two years: *Provided*, That any such extension may only take place if the Secretary of Defense determines that it is in the best interest of the Government: *Provided further*, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: *Provided further*, That notwithstanding any other provision of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 2000, may include a base contract period for transition and up to seven 1-year option periods.

Sec. 8090. None of the funds in this Act may be used to compensate an employee of the Department of Defense who initiates a new start program without notification to the Office of the Secretary of Defense, the Office of Management and Budget, and the congressional defense committees, as required by Department of Defense financial management regulations.

Sec. 8091. Training and Other Programs. (a) Prohibition.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) Monitoring.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) Waiver.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Report.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

Sec. 8092. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $537,600,000 to reflect savings from favorable foreign currency fluctuations, to be distributed as follows:

“Military Personnel, Army”, $114,600,000;

“Military Personnel, Navy”, $36,900,000;

“Military Personnel, Marine Corps”, $9,700,000;

“Military Personnel, Air Force”, $83,600,000;

“Operation and Maintenance, Army”, $177,500,000;

“Operation and Maintenance, Navy”, $31,600,000;

“Operation and Maintenance, Marine Corps”, $1,600,000;

“Operation and Maintenance, Air Force”, $53,500,000;

“Operation and Maintenance, Defense-Wide”, $15,300,000; and

“Defense Health Program”, $13,300,000.

Sec. 8093. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the ADC(X) class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

Sec. 8094. Of the funds made available in this Act, not less than $65,200,000 shall be available to maintain an attrition reserve force of 23 B–52 aircraft, of which $3,200,000 shall be available from “Military Personnel, Air Force”, $36,900,000 shall be available from “Operation and Maintenance, Air Force”, and $25,100,000 shall be available from “Aircraft Procurement, Air Force”: *Provided*, That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 23 attrition reserve aircraft, during fiscal year 2001: *Provided further*, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2002 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

Sec. 8095. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

Sec. 8096. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8097. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term "custodial care" shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8098. During the current fiscal year—

(1) refunds attributable to the use of the Government travel card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received; and

(2) refunds attributable to the use of the Government Purchase Card by military personnel and civilian employees of the Department of Defense may be credited to accounts of the Department of Defense that are current when the refunds are received and that are available for the same purposes as the accounts originally charged.

SEC. 8099. (a) REGISTERING INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. An information technology system shall be considered a mission critical or mission essential information technology system as defined by the Secretary of Defense.

(b) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—(1) During the current fiscal year, a major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C4ISR) Architecture Framework.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term "major automated information system" has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 8100. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8101. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8102. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8103. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8104. In addition to the amounts provided elsewhere in this Act, the amount of $5,000,000 is hereby appropriated for "Operation and Maintenance, Defense-Wide", to be available, notwithstanding any other provision of law, only for a grant to the High Desert Partnership in Academic Excellence Foundation, Inc., for the purpose of developing, implementing, and evaluating a standards and performance based academic model at schools administered by the Department of Defense Education Activity.

SEC. 8105. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under paragraph (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8106. During the current fiscal year, the Secretary of Defense shall fully identify any health care contract liabilities, requests for equitable adjustment, and claims for unanticipated healthcare contract costs during the budget year of execution: *Provided*, That the Secretary of Defense shall provide a report to the congressional defense committees which fully details the extent of such health care contract liabilities, requests for equitable adjustment and claims for unanticipated healthcare contract costs not later than March 1, 2001: *Provided further*, That the Secretary of Defense shall establish an equitable and timely process for the adjudication of claims, and recognize actual liabilities during the Department's planning, programming and budgeting process: *Provided further*, That nothing in this section should be construed as congressional direction to liquidate or pay any claims that otherwise would not have been adjudicated in favor of the claimant.

SEC. 8107. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8108. Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Defense-Wide", $115,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8109. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $463,400,000 to reflect stabilization of the balance available in the "Foreign Currency Fluctuation, Defense" account, to be distributed as follows:

"Military Personnel, Army", $40,200,000;
"Military Personnel, Navy", $70,200,000;
"Military Personnel, Marine Corps", $27,700,000;
"Military Personnel, Air Force", $92,700,000;
"Operation and Maintenance, Army", $137,300,000;
"Operation and Maintenance, Navy", $34,800,000;
"Operation and Maintenance, Marine Corps", $4,400,000;
"Operation and Maintenance, Air Force", $35,500,000;
"Operation and Maintenance, Defense-Wide", $11,500,000; and
"Defense Health Program", $9,100,000.

SEC. 8110. None of the funds provided in title III of this Act may be obligated for F-16 aircraft modifications until the Secretary of the Air Force submits a report to the congressional defense committees detailing a plan to assign, no later than the first quarter of fiscal year 2002, F-16 Block 40 aircraft, or later model F-16 aircraft, to Air National Guard units which were deployed to Operation Desert Storm.

SEC. 8111. (a) REPORT TO THE CONGRESSIONAL DEFENSE COMMITTEES.—Not later than May 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on work-related illnesses in the Department of Defense workforce, including the workforce of Department contractors and vendors, resulting from exposure to beryllium or beryllium alloys.

(b) PROCEDURE, METHODOLOGY, AND TIME PERIODS.—To the maximum extent practicable, the Secretary shall use the same procedures, methodology, and time periods in carrying out the work required to prepare the report under subsection (a) as those used by the Department of Energy to determine work-related illnesses in the Department of Energy workforce associated with exposure to beryllium or beryllium alloys. To the extent that different procedures, methodology, and time periods are used, the Secretary shall explain in the report why those different procedures, methodology, or time periods were used, why they were appropriate, and how they differ from those used by the Department of Energy.

(c) REPORT ELEMENTS.—The report shall include the following:

(1) A description of the precautions used by the Department of Defense and its contractors and vendors to protect their current employees from beryllium-related disease.

(2) Identification of elements of the Department of Defense and of contractors and vendors to the Department of Defense that use or have used beryllium or beryllium alloys in production of products for the Department of Defense.

(3) The number of employees (or, if an actual number is not available, an estimate of the number of employees) employed by each of the Department of Defense elements identified under paragraph (2) that are or were exposed during the course of their Defense-related employment to beryllium, beryllium dust, or beryllium fumes.

(4) A characterization of the amount, frequency, and duration of exposure for employees identified under paragraph (3).

(5) Identification of the actual number of instances of acute beryllium disease, chronic beryllium disease, or beryllium sensitization that have been documented to date among employees of the Department of Defense and its contractors and vendors.

(6) The estimated cost if the Department of Defense were to provide workers' compensation benefits comparable to benefits provided under the Federal Employees Compensation Act to employees, including former employees, of Government organizations, contractors, and vendors who have contracted beryllium-related diseases.

(7) The Secretary's recommendations on whether compensation for work-related illnesses in the Department of Defense workforce, including contractors and vendors, is justified or recommended.

(8) Legislative proposals, if any, to implement the Secretary's recommendations under paragraph (7).

SEC. 8112. Of the amounts made available in title II of this Act for "Operation and Maintenance, Army", $1,900,000 shall be available only for the purpose of making a grant to the San Bernardino County Airports Department for the installation of a perimeter security fence for that portion of the Barstow-Daggett Airport, California, which is used as a heliport for the National Training Center, Fort Irwin, California, and for installation of other security improvements at that airport.

SEC. 8113. The Secretary of Defense may during the current fiscal year and hereafter carry out the activities and exercise the authorities provided under the demonstration program authorized by section 9148 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1941).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8114. Of the funds appropriated under the heading "Research, Development, Test and Evaluation, Army" in title IV of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) for the Grizzly minefield breacher program, $15,000,000 is hereby transferred to "Procurement of Weapons and Tracked Combat Vehicles, Army", in title III of the Department of Defense Appropriations Act, 2000, and shall be available only for the Wolverine heavy assault bridge program: *Provided*, That funds transferred pursuant to this section shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That not later than 60 days after the enactment of this Act, the Department of the Army shall, from within funds available under the heading "Procurement of Weapons and Tracked Combat Vehicles, Army", in the Department of Defense Appropriations Act, 2000, obligate $97,000,000 for procurement of the Wolverine heavy assault bridge program.

SEC. 8115. (a)(1) None of the funds described in paragraph (2) that are provided in title III of this Act for the Department of the Army to procure a second brigade set of Interim Armored Vehicles (also referred to as the Family of Medium Armored Vehicles) and other equipment to support the fielding of a second new interim brigade combat team (hereinafter in this section referred to as a "medium brigade") may be obligated or expended until the Secretary of Defense submits to the congressional defense committees, after February 1, 2001, a certification of the following:

(A) That the fiscal year 2002 budget of the Department of Defense submitted as part of the budget of the President for fiscal year 2002 (including any amendment or supplement to such budget) fully funds the fiscal year 2002 procurement costs, development costs, and initial year operation and maintenance costs associated with the procurement and fielding of two additional new medium brigades (in addition to those for which funds are provided in this Act and previous appropriations Acts).

(B) That the Future Years Defense Plan (FYDP) current at the time of such budget submission includes amounts to fully fund the procurement costs, the development costs, and the operation and maintenance costs associated with the procurement and fielding of at least two additional medium brigades per fiscal year covered by that Future Years Defense Plan.

(C) That the Director of Operational Test and Evaluation of the Department of Defense has approved the Test and Evaluation Master Plan for the Interim Armored Vehicle.

(2) The funding provided in title III of this Act to support the fielding of a second new medium brigade that is subject to the limitation in paragraph (1) is the amount of $600,000,000 provided under the heading, "Procurement of Weapons and Tracked Combat Vehicles, Army", and the amount of $200,000,000 provided under the heading "Other Procurement, Army", for procurement of equipment for a second medium brigade, as set forth in the report of the Committee on Appropriations of the House of Representatives accompanying the Department of Defense Appropriations Act for fiscal year 2001.

(b) Not later than 90 days after the date of the source selection for the Interim Armored Vehicle program (also referred to as the Family of Medium Armored Vehicles program), the Secretary of the Army shall submit to the congressional defense committees a detailed report on that program. The report shall include the following:

(1) The required research and development cost for each variant of the Interim Armored Vehicle to be procured and the total research and development cost for the program.

(2) The major milestones for the development program for the Interim Armored Vehicle program.

(3) The production unit cost of each variant of the Interim Armored Vehicle to be procured.

(4) The total procurement cost of the Interim Armored Vehicle program.

(c) The Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report (in both classified and unclassified versions) on the joint warfighting requirements to be met by the new medium brigades for the Army. The report shall describe any adjustments made to operational plans of the commanders of the unified combatant commands for use of those brigades. The report shall be submitted at the time that the President's budget for fiscal year 2002 is transmitted to Congress.

(d) In this section, any reference to the budget of the President for fiscal year 2002 refers to a budget transmitted to Congress under section 1105 of title 31, United States Code, after January 20, 2001.

SEC. 8116. None of the funds made available in this Act or the Department of Defense Appropriations Act, 2000 (Public Law 106–79) may be used to award a full funding contract for low-rate initial production for the F–22 aircraft program until—

(1) the first flight of an F–22 aircraft incorporating Block 3.0 software has been conducted;

(2) the Secretary of Defense certifies to the congressional defense committees that all Defense Acquisition Board exit criteria for the award of low-rate initial production of the aircraft have been met; and

(3) upon completion of the requirements under (1) and (2) above, the Director of Operational Test and Evaluation submits to the congressional defense committees a report assessing the adequacy of testing to date to measure and predict performance of F–22 avionics systems, stealth characteristics, and weapons delivery systems.

SEC. 8117. (a) The total amount expended by the Department of Defense for the F–22 aircraft program (over all fiscal years of the life of the program) for engineering and manufacturing development and for production may not exceed $58,028,200,000. The amount provided in the preceding sentence shall be adjusted by the Secretary of the Air Force in the manner provided in section 217(c) of Public Law 105–85 (111 Stat. 1660). This section supersedes any limitation previously provided by law on the amount that may be obligated or expended for engineering and manufacturing development under the F–22 aircraft program and any limitation previously provided by law on the amount that may be obligated or expended for the F–22 production program.

(b) The provisions of subsection (a) apply during the current fiscal year and subsequent fiscal years.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the text of the bill through page 113, line 25, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 8118. JOINT STRIKE FIGHTER PROGRAM.—(a) REPORTS.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Joint Strike Fighter (JSF) aircraft program. The report shall include a detailed description of any change or modification to that program made since the submission of the President's budget for fiscal year 2001, including any such change or modification initiated by the Department of Defense and any such change or modification resulting from congressional action on the fiscal year 2001 budget for the Department of Defense. The report shall also include the following:

(A) The acquisition strategy for the Joint Strike Fighter program, including the estimated total program costs for development and for production, the program development schedule, and the planned production profile.

(B) If applicable, the effect of any revisions to that acquisition strategy on the average unit cost of the Joint Strike Fighter aircraft when compared to the original acquisition strategy for that program.

(C) Results derived to date from the concept demonstration/validation phase of the program, including available data from flight tests of demonstration aircraft.

(D) An assessment of the degree to which the concept demonstration/validation phase has addressed key aircraft and aircraft subsystem performance parameters before a source selection decision is made and the engineering and manufacturing development (EMD) phase of the program is begun.

(E) The strategy of the Department for insertion of technology into the Joint Strike Fighter aircraft, including details regarding when critical subsystems to be incorporated on the aircraft are to be demonstrated in a prototype configuration (either before or in the early stages of Engineering and Manufacturing Development).

(2) Not later than March 30, 2001 (and not earlier than February 1, 2001), the Secretary of Defense shall submit to the congressional defense committees a second report on the acquisition plan for the Joint Strike Fighter aircraft program. That report shall address each of the matters specified in paragraph (1) as of the time of that report, as well as any additional changes to that acquisition plan that have been made as a consequence of the fiscal year 2002 Department of Defense budget (as submitted as part of the budget of the President for fiscal year 2002 transmitted under section 1105 of title 31, United States Code, after January 20, 2001) and the accompanying Future Years Defense Plan (as well as any amendment to the Department of Defense budget submitted before the submission of the report).

(b) ENGINEERING AND MANUFACTURING DEVELOPMENT.—Consistent with funds provided in title IV of this Act, none of the funds provided in this Act may be used to award a contract for engineering and manufacturing development (EMD) of the Joint Strike Fighter aircraft program—

(1) before the later of—

(A) June 1, 2000; and

(B) the date of the submission of each of the reports required by subsection (a); and

(2) until the Secretary of Defense certifies to the congressional defense committees that the Joint Strike Fighter engineering and manufacturing development program is fully funded in the Future-Years Defense Plan for each of the principal Department of Defense participants in the Joint Strike Fighter program.

AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

At the end of the bill, insert after the last section (preceding the short title) the following new section;

SEC. ____. None of the funds made available in this Act may be used to enter into a contract with an entity that has submitted information to the Secretary of Defense, pursuant to the Federal Acquisition Regulation, that the entity has, on a total of three or more occasions after the date of the enactment of this Act, either been convicted of, or had a civil judgment rendered against it for—

(1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State, or local contract or subcontract;

(2) violation of Federal or State antitrust statutes relating to the submission of offers for contracts; or

(3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order, and the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I would hope the gentleman does not insist on his point of order, because the amendment that is before the House now, which I am offering, would provide for "three strikes and you're out" for defense contractors who are convicted of government procurement related fraud only. They can have other offenses of law against their employees, environmental laws, any other Federal law, but more than three government procurement-related fraud convictions would suspend them from bidding on government contracts.

I have quite a list of firms here, which I am not going to read through in its entirety, obviously; but the list, from 1988 to 1999, of several hundred convictions consists of $1.125 billion in penalties on firms for both civil and criminal fraud in the area of procurement.

I believe that if we are talking about having the best most effective military we can have, the best weapon systems, the most cost-effective weapon systems, and having money adequate to provide training for our young men and women in uniform, we should do everything we can to squeeze fraud out of the system. Fraud is occurring, regularly occurring. Many would be shocked by the numbers and the names on this list, which is available through the Government Accounting Office.

If the gentleman's point of order prevails, I will have to offer another amendment on this subject which would provide for "one strike and you're out," which is in order and would also be retroactive. My legislation which is before us now would be "three strikes and you're out," and it is not retroactive. So these hundreds of prior convictions would be forgiven, but the message would be sent to these defense contractors that we will no longer allow them to freely commit fraud in procurement; and if they do, the fourth time they do, they would be barred from further procurement for some period of time. The bill is not specific on the period of time for which they would be barred. There would be discretion available under existing law to the Secretary.

I cannot see how anybody could raise an argument against this. Yes, someone can make a point of order and reduce it down to one strike and make it retroactive, which would of course disbar most of our existing contractors, because many have one, two, three or more convictions for prior fraud; but I would hope that everybody here is concerned about fraud.

I believe this amendment could be crafted in a way that it would not be deleterious to our national defense. I would hope that the committee would accept the amendment and then perhaps rework it in a conference committee. I attempted to offer this amendment during the authorizing process, and I was precluded by the rule in offering a more sophisticated version of this amendment which would have dealt with a number of the questions that I am certain are going to be raised by members of the committee here. I had hoped to be able to do that during the authorizing process. I was not allowed to offer that amendment by the Committee on Rules, though it was submitted on a timely basis to the Committee on Rules.

How can anybody defend continuing fraud? We have limited resources. Some of the fraud jeopardizes the safety of our troops; some of it goes to quality; some of it goes just to ripping off the Federal taxpayers. Either way, we cannot defend it; and we should bring an end to it. So I would suggest strongly that the gentleman withdraw his point of order, accept the amendment, and if they have some problems with some of the details, certainly those details could be provided for in conference with the Senate.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California insist on his point of order?

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes a change in existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2, rule XXI.

The CHAIRMAN. Does anyone wish to be heard on the point of order?

Mr. DEFAZIO. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) is recognized.

Mr. DEFAZIO. Mr. Chairman, the amendment does not impose any new requirements on the Secretary of Defense or contracting officers. Therefore, it is not legislating.

According to the Federal Acquisition Regulations, FAR 9.409(a), when the contract value is expected to exceed $25,000, contractors are required to disclose honestly, they are already required to disclose honestly, the existence of indictments, charges, convictions, or civil judgments against them in the area of procurement.

Further, the contracting officer can come back to the contractor and request specific information on the indictments, charges, convictions, or civil judgments in order to evaluate the business integrity of a contract.

This is all under existing law. My amendment is a limitation amendment that merely states if an entity, if a contractor, which again they are required to do under the FAR, admits to more than three convictions for civil or criminal fraud, then the taxpayer dollars spent by the Pentagon cannot be used to support that contractor because of their criminal behavior.

The amendment lists a number of offenses that would trigger the contract prohibition. These provisions in my amendment were taken directly from the FAR 9.406–2. So, again, there is no new legislating or authorizing going on in this amendment.

I would say that many and most all Members of this House voted for "three strikes you're out" on Federal crimes against persons or the State. I would suggest that it would be appropriate to extend that principle to the very critical area of defense.

The CHAIRMAN. The Chair is prepared to rule on the point of order. The amendment offered by the gentleman from Oregon imposes a new burden on the Secretary of Defense by requiring him to discover the number of times an entity seeking to enter a contract with funds under this act has committed certain violations of law. While current law already imposes a duty on the Secretary to be apprised whether such violations have occurred, it does not require him to keep a tally.

As such, the amendment constitutes legislation in violation of clause 2 of rule XXI and the amendment is not in order. The point of order is sustained.

AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . None of the funds made available in this Act may be used to enter into a contract with an entity that has submitted information to the Secretary of Defense, pursuant to the Federal Acquisition Regulation, that the entity has, either been convicted of, or had a civil judgment rendered against it for—

(1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, State, or local contract or subcontract;

(2) violation of Federal or State antitrust statutes relating to the submission of offers for contracts; or

(3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

Mr. DEFAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I had hoped to not be required to offer an amendment which would disbar contractors for committing criminal or civil fraud in procurement from the Federal taxpayers in doing business with the Pentagon, and do that with only one offense. I was willing to give them both the opportunity to amend their ways, that is to say, it would not be retroactive. And, secondly, that it would allow three strikes, the same thing allowed in many criminal cases against persons under Federal law.

What message are we sending here tonight if the committee objects to this amendment? We have had extensive and emotional discussion about the lack of resources for our young men and women in uniform. What message are we sending to them saying the next time a contractor provides a piece of equipment that does not meet specifications and endangers their lives, their mission, that could strand them behind enemy lines.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would just advise the gentleman that I did not reserve a point of order against this wonderful amendment that he is now presenting.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I did not say that the gentleman had. What I said is that the gentleman prevailed on his point of order against the first one, so now I must offer one that goes to one strike, which I admit is very rigorous.

But the point I am making is what message are we sending to defense contractors who have committed fraud, and the list is long and it is ongoing, according to the Government Accounting Office, if we say to them we are not going to crack down on you; keep committing fraud, fraud that endangers the lives of young men and women in the military with substandard equipment, fraud that drains precious tax dollars from the training the gentleman from California so eloquently talked about earlier, fraud that takes resources away from the American people, their tax dollars, and diverts it into the coffers that have not been earned by defense contractors? What message are we sending if we cannot crack down on fraud?

I cannot believe that Members would vote against such an amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield for a point of clarification?

Mr. DEFAZIO. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, would this amendment apply to the allegations against the Loral Corporation and Bernard Schwartz and the technology transfer to China?

Mr. DEFAZIO. Reclaiming my time, Mr. Chairman, we have Loral down here on 12/8/89, $1.5 million, procurement fraud. The gentleman asked about a specific firm, and I was not going to read specific firms, but Loral has one conviction in 1989. I am looking to see if there are subsequent convictions of Loral.

Oh, yes. Loral Electric Systems, DEFective pricing, 10/95, $1.55 million. Loral only seems to have two convictions. So under my previous amendment, they would not have been barred, and I do not know if there is pending litigation against them, but many other firms would be. Although under the modified amendment, which is in order, they would be barred because they have two convictions.

So I would hope that the gentleman from California (Mr. LEWIS) would reconsider. If he has concerns about barring firms who have only one criminal fraud indictment against them, DEFrauding the American taxpayer, DEFrauding the military and jeopardizing our military security, that then he would go back and reconsider, accept the original amendment, or accept this amendment with the idea of going to 5 or 10 or 15 or 20 strikes, whatever he thinks would be necessary in the conference with the other body.

□ 1900

Personally, I think three strikes with no retroactivity having been put on notice by the $1.2 billion of fines paid in the past would be adequate.

I would really hate to have to go and put Members on record on this vote. I think it is a very difficult vote for Members to cast. We would hear that this would hurt the defense of the country because most of our defense contractors have committed fraud at least once and been convicted of it. That is true. That is why I wanted to go with three fraud convictions.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first of all, I want to say to my friend the gentleman from Oregon (Mr. DEFAZIO) that his amendment is strongly opposed by the Defense Department because they already have the ability to deal with these issues.

Let me give my colleagues what they say. This comes over from the comptroller:

> The Department strongly opposes this provision since it would supersede the current suspension and debarment program established in the Federal Acquisition Regulation, FAR; unduly burden the procurement process; and eliminate the Department's flexibility in choosing with whom to do business.
>
> The Department agrees that it should not do business with firms or individuals whose conduct is unethical or unlawful. To this end, the suspension and debarment system now in place protects the Government from dealing with unscrupulous contractors. It allows for individual debarment determinations based on factors, such as poor performance or violation of law, and requires due process so that exceptions, often in the form of settlement agreements, may be made when circumstances warrant.
>
> The Department recommends that the offenses listed continue to be handled through the current FAR suspension and debarment process. Last year over 800 firms and individuals were suspended or debarred by the DOD.
>
> Government-wide there are 5,000 firms and individuals currently suspended or debarred from doing business with the Government. The existing FAR system gives the Department the flexibility to consider mitigating factors and select an appropriate debarment period.
>
> Potential mitigating factors include the fact that a firm is the sole source supplier of a product or service, that the offense was committed several years ago, and that the firm has taken steps to prevent a recurrence or has removed the individual responsible for the improper conduct and educated its workforce on ethics and integrity.
>
> The FAR debarment process is well established and does not impose undue administrative burdens or absolutely prohibit doing business with critical suppliers.
>
> The Department already has the authority to debar individuals and contractors for commission of offenses, such as the ones indicated, as well as for a general lack of business integrity or honesty.
>
> Making debarment statutory adds nothing to the authority DOD already has and removes our ability to tailor the appropriate sanctions to individual cases.

So not only is this not necessary, the amendment of the gentleman would immediately debar almost all of the defense industry. Now, I know that he does not favor the defense industry, but getting rid of all of it at once, I think, would be overkill.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, how many strikes would the gentleman accept?

Mr. DICKS. Mr. Chairman, reclaiming my time, I cannot accept any strikes because the gentleman has not even gotten close to the plate with this amendment. So let us vote it down and move along.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was rejected.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take this time to thank the gentleman from California (Chairman LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA), the ranking member, for their assistance in including language in this important bill concerning Beryllium illness and compensation and to make it a part of this defense appropriations measure.

The language in the bill requires the Department of Defense to report to Congress for the first time on the incidence of Beryllium-related diseases amongst Department of Defense current and former employees, contractor employees serving during the Cold War, and vendor employees and to do so by May of next year.

This requirement is a complement to the work already undertaken by the Department of Energy, under the leadership of Secretary Richardson, the difficulty we are having in getting our executive branch to focus on those workers who are ill who have performed work related to Beryllium either in Government-run plants, such as DOE facilities, or plants that were totally 100 percent contract shops for the Department of Defense or their vendors.

The House would have considered the defense authorization bill last month included a sense of Congress resolution stating that Congress and the Federal Government has a responsibility toward people suffering from Chronic Beryllium Disease and other occupational diseases contracted while performing work related to our national security. But, of course, there was no actual compensation or medical benefits even contemplated in that particular measure.

I want to place on the RECORD, Mr. Chairman, the bill that I have introduced, H.R. 3418, that actually would authorize that compensation and medical assistance for people who served in the line of duty to this country who are dying and who are having the Government of the United States turn its back on them year after year.

Let me also state, for the RECORD, that Chronic Beryllium Disease is a horrendous illness. It is often debilitating, and it can be a fatal lung condition for a small percentage of people who worked in this industry, 2 percent. But we believe over 1,200 Americans have contracted this disease mostly by working in defense-related plants and some in energy-related facilities.

What essentially happens is that if they have the Beryllium sensitivity, their lungs begin to crystallize over a period of time and they, essentially, are strangled to death.

One of the people who was so injured was a constituent in my district, Mr. Gaylen Lemke, who first came to see me over 5 years ago to tell me about his experience. He worked in a contract shop that was on contract to the Department of Defense. Without question, he contributed his work and his life to this Nation winning the Cold War; and he suffered a slow and cruel death, as the disease slowly sapped his ability to breathe over the years.

Gaylen Lemke is as much a veteran of this country as anyone who has flown an airplane or served on a submarine, and we owe him and his survivors the kind of treatment and compensation we provide for those who have suffered in the service of our Nation, our paralyzed veterans, our disabled veterans.

I really hope that this Congress will find a way to provide the kind of compensation and medical care so these families, at one of the most difficult times in their lives, do not have to worry about the compensation and medical care for the person who has done so much for the Nation.

I just again want to thank the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from California (Chairman LEWIS) for including the language in this bill that pushes us forward as a country to understand the true costs of freedom.

Mr. Chairman, I include for the RECORD the following time line of events on Beryllium disease and what we, as a country, have done thus far:

CHRONIC BERYLLIUM DISEASE BACKGROUND MEMORANDUM

U.S. Beryllium production

Brush Wellman, Inc. in Elmore, Ohio, is currently the only company in the country that produces beryllium, a strong, light metal. Beryllium is of strategic interest to the United States because of its unique applications in the aeronautic and aerospace fields. It is also an important component in nuclear weapons and nuclear facilities.

A former Brush facility in Luckey, Ohio, was closed in 1958, and it is currently undergoing remediation by the U.S. Army Corps of Engineers.

The Brush manufacturing facility in Elmore employs about 600 people and produces both berryllium and beryllium alloy products.

Brush mines and processes beryllium ore at its facility in Delta, Utah, and has other facilities in Pennsylvania and Arizona.

Until the mid-1990's Brush was primarily a defense dependent industry with the Department of Defense and Department of Energy being as much as 90% of its customer base. Since then, the company has made a major transition toward commercial products, and today those alloy products represent the majority of the company's production. The transition has also resulted in the expansion of the Elmore plant and increased employment there.

Kaptur legislative initiatives relating to beryllium

Defense Strategic Metals Classification and Defense Conversion: Initiatives in several Defense Authorization bills to classify beryllium and related strategic metals as a unique set of defense-related materials requiring special attention and the transition of defense-related production to commercial market applications.

Medical Research: Appropriations for scientific and medical research on prevention and treatment of chronic beryllium disease (CBD).

Victim Compensation: Compensation for the victims of CBD at both federal (H.R. 3478) and state levels.

Chronic Beryllium Disease

Chronic Beryllium Disease is a chronic, often debilitating, and sometimes fatal lung condition. A relatively small number, perhaps 10% of the general population are uniquely sensitive to exposures to beryllium. Of these, perhaps 20% (2 percent of the general population) could develop symptoms of CBD if exposed.

Several 9th District constituents, former and current Brush Wellman employees suffer from CBD. Some of them have asked for assistance on a number of issues. The most regular requests are in three areas:

Screening for beryllium sensitivity,

Improved disability benefits for people suffering from CBD,

Additional federal support for scientific research into CBD, and

A tightening of the exposure limits for persons working with beryllium.

Benefits

There is no special program, federal or state, for persons suffering from CBD, and victims are looking to the federal government for relief as virtually all persons who have contracted CBD, at least since WWII, have either worked for the federal government or for employers contracted to the federal government. They want a special federal compensation program for beryllium workers similar to the Brown Lung program for coal miners.

State Workers Compensation or Occupational Disability laws are woefully inadequate in providing compensation for CBD largely because of the latency period of the disease tends to be longer than the statute of limitations on claims.

Compensation legislation in the 106th Congress, 1st Session

H.R. 675: Introduced February 10, 1999, by Rep. Paul Kanjorski (D-PA) establishes a federal beryllium disease trust fund to provide a benefit for some former national defense workers who suffer from CBD or for their families if they are deceased:

H.R. 675 establishes the Beryllium Exposure Compensation Trust Fund in the Department of the Treasury.

The trust fund would pay a one time award of $100,000 to persons who worked in the beryllium industry between 1930 and 1980, were exposed to significant beryllium hazards in the course of that employment, and who developed a condition known to be related to beryllium exposure.

The bill does not make any provision for funding the trust fund. The trust fund if established would be dependent on annual appropriations. That is a problem because it would establish a federal entitlement without a dedicated revenue source. It makes a promise to CBD sufferers without a guarantee that the promise will be fulfilled.

H.R. 675 provides no specific definition of covered diseases.

H.R. 675 is cosponsored by Reps. Brady, Sherrod Brown, Gilchrest, Gutierrez, Holden, Inslee, Tubbs Jones, Klink, Kucinich, Lantos, Manzullo, Pastor, Slaughter, Strickland, Tancredo, Mark Udall, and Tom Udall.

As a solution to the problem of CBD, H.R. 675 is now no longer under active consideration by the House.

H.R. 3418: Introduced by Rep. Kanjorski on November 17, 1999, on behalf of the Clinton Administration. H.R. 3418 reflected the position of the Department of Energy at the time.

H.R. 3418 establishes a federal compensation program for employees of the DOE contractors and vendors who suffer from CBD providing wage replacement benefits and medical coverage.

H.R. 3418 provides the choice of retroactive compensation for victims of CBD contracted before the bills enactment or, at the employee's option, a retroactive lump sum award of $100,000 to cover previous lost wages and medical expenses.

H.R. 3418 does not provide benefits for contractors or vendors to the Department of Defense.

H.R. 3418 also provides for a pilot project to examine the possible relationship between workplace exposures to radiation, hazardous materials, or both and occupational illness or other adverse health conditions.

H.R. 3418 also provides a compensation program similar to the beryllium compensation program for workers exposed to radiation hazards at the Paducah, Kentucky, gaseous diffusion plant.

H.R. 3418 is cosponsored by Reps. Biggert, Brady, Sherrod Brown, DeFazio, Holden, Kaptur, Klink, Phelps, Slaughter, Thornberry, Mark Udall, Wamp, and Whitfield.

H.R. 3478: Introduced by Rep. Kaptur on November 18, 1999, provides a more comprehensive beryllium compensation bill.

H.R. 3874 authorizes a federal workers' compensation program for beryllium workers employed by the Department of Energy and the Department of Defense, their contractors and vendors who suffer from CBD.

H.R. 3874 provides for a $200,000 lump sum retroactive payment option.

H.R. 3874 is cosponsored by Reps. Gillmor, Kanjorski, and Hansen.

H.R. 3874 does not address diseases other than those related to beryllium.

S. 1954: Introduced by Senator Jeff Bingaman (D-NM) on November 17, 1999. This bill is essentially identical to Rep. Kanjorski's H.R. 3418.

Compensation legislation in the 106th Congress, 2nd Session

H.R. 4398: Reps. Strickland and Whitfield also introduced a compensation bill on May 9, 2000.

H.R. 4398 establishes a beryllium compensation program administered by the Department of Labor under contract with the Department of Energy.

H.R. 4398 provides a $200,000 retroactive payment option with prospective medical benefits.

H.R. 4398 establishes a similar compensation program for Department of Energy nuclear workers.

H.R. 4398 directs the Secretary of Energy to determine if similar compensation benefits should be provided to DOE contractor employees exposed to other toxic materials in the course of their work.

H.R. 4398 does not provide coverage for construction subcontractor employees at vendor plants.

S. 2514: Senators Voinovich and DeWine introduced a beryllium compensation bill, S. 2514, on May 9, 2000, which is essentially the same as the Strickland/Whitfield bill.

H.R. 4205, Defense Authorization Act for Fiscal 2001: Kaptur supported a sense of the Congress amendment on the House floor stating that Congress should act on legislation providing compensation for Department of Energy workers with beryllium disease.

Defense Appropriation Bill for Fiscal 2001: In May 2000, Kaptur secured bill language requiring the Department of Defense to report back to Congress by May 2001, on the impact of beryllium disease on DOD contractors and recommendations for compensation for these employees.

Research

The federal government had conducted research into the health effects of beryllium in the past, but by the early 1990's federal support for such research had lagged.

In the fiscal 1998 appropriations process, Rep. Kaptur raised the issue of the need for further research on CBD with Dr. Kenneth Olden, Director of the National Institute on Environmental Health Sciences (NIEHS). She suggested areas where additional research might be useful, among them:

The standardization of diagnostic criteria and clinical pathologic diagnostic modalities for CBD; and

Determination of the physical, chemical, and steric properties of beryllium in the work place to determine if the size distribution, the particle number, and/or the particle morphology are critical factors in the production of CDB in the worker.

As a result of this inquiry, Rep. Kaptur requested an increase in the appropriation for the NIEHS to be used for further research into CBD. The appropriation was increased.

On March 18, 1999, almost solely as a result of Rep. Kaptur's efforts, NIEHS, the National Heart, Lung, and Blood Institute, the National Institute of Occupational Safety and Health, and the Department of Energy announced, a major new research initiative to the mechanisms of CBD.

Exposure limits

CBD support groups have argued that the current work place exposure limits for beryllium are too high and result in an unnecessarily high incidence of CBD among beryllium workers.

The current exposure limit is 2 micrograms per cubic meter ($\mu g/m^3$), measured as an 8 hour, time weighted average.

Rep. Kaptur officially wrote to Charles Jeffress, Assistant Secretary of Labor for Occupational Safety and Health asking the status of the current review of OSHA's current beryllium exposure standard. Response received July 21, 1999, saying that OSHA is reviewing the exposure standard.

In December 1998, the Department of Energy issued a proposed rule to change the beryllium exposure limits for DOE employees to a bifurcated standard.

The new DOE standard would establish a new short-term exposure limit of 10 $\mu g/m^3$ for small-scale, short-duration exposures.

And lower the 8 hour, time weighted exposure limit to 0.5 $\mu g/m^3$.

The public comment period for this proposed new rule ended on March 9, 1999.

On December 8, 1999, the DOE issued a final rule, The Chronic Beryllium Disease Prevention Program for DOE facilities. The new regulation retained the 2 $\mu g/m^3$ PEL but instituted a new action level of 0.5 $\mu g/m^3$ at which a number of engineering and work practice precautions must be instituted.

Defense conversion and materials research

In 1994, Rep. Kaptur secured $2 million in the fiscal 1995 Defense Appropriations bill to aid in the companies' conversion from defense-dependent companies to ones that also produce advanced products for the commercial market. Of this, Brush received a few hundred thousand dollars which helped in the development of copper-beryllium alloy products for the electronics and other high-tech industries Brush Related Defense Projects:

Because beryllium is such a critical national security resource, Rep. Kaptur has acted a number of times behalf to secure our nation's stockpile of strategic metals including beryllium. She has also worked to insure that important national defense research development projects related to beryllium and other aerospace metals are funded.

In May, 1995, Rep. Kaptur requested authorization of $25 million from Subcommittee on Military Research and Development for the continued development of advanced strategic aerospace metals and other lightweight structural materials as a unique subset of the strategic materials reserve. She also requested a $20 million appropriation for this same purpose for fiscal 1996.

Aerospace Metals Affordability Consortium: In 1998, Rep. Kaptur secured in the fiscal 1999 Defense Appropriations bill $5 million to initiate this applied research project to meet the national security need for advances in special aerospace metals and metal alloys for aircraft and space vehicle structures, propulsion, components, and weapon systems. Ohio firms are leading participants. The Consortium is funded through and directed by the Air Force Research Laboratory at Wright Patterson AFB in Dayton. For fiscal 2000 she secured an additional $5 million for the Consortium, and for fiscal 2001, she secured $15 million to continue the Consortium's work. Authorizing language for the Aerospace Metals Affordability Consortium was included in the fiscal 2001 Defense Authorization bill.

National Defense Strategic Metals Stockpile: Because beryllium is an important national security resource, Rep. Kaptur has on different occasions written to the Armed Services Committee and to the Pentagon on strategic stockpile issues.

In May 1997, for instance, she wrote to the Pentagon in the spring of 1997 regarding the potential sale of beryllium and beryllium-copper alloy from the National Defense Stockpile. The DOD responded that such sales were not being contemplated at that time.

Luckey FUSRAP site

Brush Beryllium, the predecessor company to Brush Wellman, operated a plant in Luckey, Ohio, as a beryllium production facility under contract with the Department of Energy between 1949 and 1958.

The site has been included in the Formerly Utilized Site Remedial Action Program (FUSRAP) currently under the direction of the Army Corps of Engineers. A preliminary radiological survey at the site showed that several areas contain radiation, primarily from radium, in excess of applicable guidelines. In addition, beryllium concentrations in the soil at the site are well above background levels.

The Corps is presently conducting an assessment of the project's scope. The site is scheduled to be remediated by 2005.

AMENDMENT NO. 11 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SANDERS:

At the end of title VIII (page 116, after line 22) insert the following new section:

SEC.   . GRANT TO SUPPORT RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS BY MILITARY PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR. (a) GRANT TO SUPPORT ESTABLISHMENT OF RESEARCH FACILITY TO STUDY LOW-LEVEL CHEMICAL SENSITIVITIES.—Of the amounts made available in this Act for research, development, test, and evaluation, the Secretary of Defense is authorized to make a grant in the amount of $1,650,000 to a medical research institution for the purpose of initial construction and equipping of a specialized environmental medical facility at that institution for the conduct of research into the possible health effect of exposure to low levels of hazardous chemicals, including chemical warfare agents and other substances and the individual susceptibility of humans to such exposure under environmentally controlled conditions, and for the conduct of such research, especially among persons who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War. The grant shall be made in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The institution to which the grant is to be made shall be selected through established acquisition procedures.

(b) SELECTION CRITERIA.—To be eligible to be selected for a grant under subsection (a), an institution must meet each of the following requirements:

(1) Be an academic medical center and be affiliated with, and in close proximity to, a Department of Defense medical and a Department of Veterans Affairs medical center.

(2) Enter into an agreement with the Secretary of Defense to ensure that research personnel of those affiliated medical facilities and other relevant Federal personnel may have access to the facility to carry out research.

(3) Have demonstrated potential or ability to ensure the participation of scientific personnel with expertise in research on possible chemical sensitivities to low-level exposure to hazardous chemicals and other substances.

(4) Have immediate access to sophisticated physiological imaging (including functional brain imaging) and other innovative research technology that could better define the possible health effects of low-level exposure to hazardous chemicals and other substances and lead to new therapies.

(c) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that each element of the Department of Defense provides to the medical research institution that is awarded the grant under subsection (a) any information possessed by that element on hazardous agents and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War and on the effects upon humans of such exposure. To the extent available, the information provided shall include unit designations, locations, and times for those instances in which such exposure is alleged to have occurred.

(d) REPORTS TO CONGRESS.—Not later than October 1, 2002, and annually thereafter for the period that research described in subsection (a) is being carried out at the facility constructed with the grant made under this section, the Secretary shall submit to the congressional defense committees a report on the results during the year preceding the report of the research and studies carried out under the grant.

Mr. SANDERS. Mr. Chairman, I have an amendment at the desk which in a moment I am going to ask unanimous consent to withdraw.

I have spoken to leading members of the committee and to their staff, and I have received assurance that this very important matter will, in fact, be taken care of later on during the process; and I am happy to accept their assurances. I would, however, like to take just a moment to raise the issue of what this amendment is about.

Mr. Chairman, since 1993, there has been a bipartisan consensus in the House that the establishment of an environmental medical unit and research into multiple chemical sensitivity is one of the most promising areas in terms of understanding and treating Gulf War illness.

In fact, in the fiscal year 1994 Department of Defense appropriations bill, this House approved money to begin construction of that unit. Unfortunately, that funding was greatly reduced in the subsequent conference committee and the Department of Defense chose to ignore the report language supporting the establishment of that project.

In other words, 6 years later, and after all of the suffering and pain associated with Gulf War illness, we still have not been able to build a relatively inexpensive unit that could give us key information about the causes and possible treatment of Gulf War illness. And, frankly, this is unacceptable.

Mr. Chairman, I will be submitting to the committee a letter to the Honorable Jesse Brown, who was then Secretary of Defense of Veterans Affairs, dated November 19, 1993. This bipartisan letter, which was signed by Sonny Montgomery, the gentleman from Arizona (Mr. STUMP), Roy Roland, the gentleman from New Jersey (Mr. SMITH) and Frank Tejeda, Democrats and Republicans, asks for that money to build this environmental medical unit.

The question is how many years do we have to wait before this very important project is undertaken?

Mr. Chairman, as I have indicated, this process has dragged on for too many years. Gulf War illness is a tragedy. It affects close to 100,000 Americans. The gentleman from Connecticut (Mr. SHAYS), who is chairman of the relevant subcommittee has done a terrific job. I have worked with him in trying to bring forth witnesses who can give us the information about Gulf War illness.

There is widespread belief that multiple chemical sensitivity is one of the causes of Gulf War illness. This unit will go a long way in allowing us to understand the relationship of multiple chemical sensitivity and Gulf War illness.

I ask for unanimous consent, Mr. Chairman, to withdraw this amendment. And I believe that I have assurances from both the chairman and the ranking member that we are going to proceed on this.

The CHAIRMAN. Does the gentleman from Vermont (Mr. SANDERS) withdraw his amendment?

Mr. SANDERS. Yes, Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to take a moment to have the House know that this was the end of the first session in which Dave Killian has provided a leadership role on the other side of the aisle. He is a very able member of the Committee on Appropriations staff and worked with us for many, many years. I want to express our appreciation for his efforts this year, as well to express my appreciation for all of the staff on both sides of the aisle, and in particular Kevin Roper, who is my staff director, but especially to Betsy Phillips, who has been here all day on her birthday.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 2 offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was refused.

So the amendment was rejected.

Mr. DICKS. Mr. Chairman, I rise to thank the Chairman for his efforts to address the serious problem of toxic waste remaining on the island of Bermuda and submit, on behalf of myself and the gentleman from New Jersey, Mr. FRELINGHUYSEN, for insertion in the RECORD, two letters to the chairman on this issue, one from the Premier of Bermuda and one from the British Ambassador, as well as a letter the Chairman wrote to the Secretary of the Navy on this topic.

HAMILTON, BERMUDA,
May 29, 2000.

Hon. JERRY LEWIS,
Chairman, Subcommittee on Defense, House Appropriations Committee, Washington, DC.

DEAR MR. CHAIRMAN, I have been advised that the House Appropriations Committee is now considering report language that would require the U.S. Department of Defense to work with the Governments of Bermuda and the United Kingdom on a resolution of the Bermuda base lands clean-up issue.

In this connection, the Navy has on several occasions stated that Bermuda agreed to accept the reversion of the former Navy properties in Bermuda in an "as is" condition. I wish to advise you unequivocally that this is not the case. Bermuda has consistently expressed its concern directly to the U.S. Navy about the contaminated condition of the base lands and has never agreed to accept the property in its contaminated state. As Ambassador Meyer reaffirmed during his visit with the Subcommittee recently, the British Embassy has also consistently supported Bermuda's position in this matter.

Immediately following notification that the properties would be returned, Bermuda expended more than $1.5 million on three separate environmental assessments of the base lands. The assessments showed that leaks from the Navy's storage tanks had created major free product plumes that are threatening Bermuda's groundwater supplies. The assessment also showed that sludge and raw sewage at the bottom of Bassett's Cave and more than 400 tons of friable asbestos are posing significant health risks to Bermuda's population. Bermuda promptly turned over all such studies to the Navy.

On the 14th of December 1994, some eight months before the bases were closed, Bermuda submitted a formal position paper to Captain Tim Bryan, Commanding Officer of the Bermuda Naval Air Station. The paper detailed the environmental problems at the base lands and communicated the view that the U.S. should bear full responsibility for the contamination and environmental problems at the U.S. base lands. In a subsequent position paper dated 17th May 1995, three months before closure, Bermuda formally notified the Navy that it would not accept the U.S. position concerning abandonment of the bases, and that "the U.S. has moral and political obligation for clean-up". The Bermuda notification also stated that "Bermuda has formally advised the U.S. Navy on two occasions that the contamination constitutes an unacceptable imminent risk to citizens, residents and visitors to Bermuda".

You will find attached for ease of reference Bermuda's position papers of 14th December 1994 and 17th May 1995. I hope this information is helpful to you. This matter has now been protracted over nearly five years without a satisfactory resolution. I have attached also two recent articles from Bermuda's newspapers that show just how much this issue continues to be a matter of major concern in Bermuda.

We very much hope that your Committee will initiate a process that can lead to a satisfactory resolution of this matter without further delay. As always, we are very grateful for your continuing interest in this issue.

Yours sincerely,
THE HON. C. EUGENE COX, JP, MP.,
Acting Premier.

BRITISH EMBASSY,
Washington, DC, May 1, 2000.

Hon. JERRY LEWIS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN, I understand that the House Appropriations Sub-Committee on Defense, which you chair, will soon be completing consideration of the Defense Department's Appropriations Bill for Fiscal Year 2001, including the issue of the environmental clean-up of the former U.S. military baselands in Bermuda, which closed in 1995. I am writing to confirm that the British Government have always backed Bermuda's claim. This letter sets out why we believe the U.S. has both a moral and legal responsibility to clean up the environmental damage at the sites.

EXTENT OF ENVIRONMENTAL DAMAGE

A number of studies by experienced U.S. and Canadian firms have revealed extensive environmental damage at the bases. The main concerns are:

Serious soil and groundwater pollution caused by leaking fuel storage tanks improperly closed when the bases ceased operating;

Bassett's Cave, in which the U.S. Navy disposed of raw sewage and industrial wastes. There is now a layer of sludge two to five feet thick, containing numerous toxic substances;

Asbestos: approximately 70% of the abandoned U.S. buildings contain asbestos, 25% of which is crumbling, and thus particularly hazardous.

I enclose a paper setting out the damage in more detail (Annex A), and a paper challenging (i) the U.S. Navy's assertions that Bermudian claims are exaggerated, and (ii) the extent of the U.S. remedial efforts before departure (Annex B).

LEGAL POSITION

The U.S. Government have argued that there is no legal requirement for additional clean-up. We disagree. We believe that the reference in the 1941 Agreement to the "spirit of good neighborliness", as well as its character as a lease, imply a requirement that the lessee, the U.S., would return the leased areas in a good physical condition, in accordance with common law. Moreover, under customary international law, and the "polluter pays" principle to which the U.S. subscribes, States have a general obligation to ensure that their activities do not damage other States' environment.

We do not accept the U.S. Government's view that it is entitled to compensation for the residual value of the facilities which were left behind on closure. The 1941 Agreement makes no provision for this. Nor under common law is a lessor liable to his lessee for improvements voluntarily made by the lessee. In fact, the Bermudians will need to spend a lot of money to turn the abandoned bases into useful assets.

The third enclosed paper (Annex C) sets out in more detail the legal position on environmental damage, and on the separate but related issue of the U.S. obligation to maintain Longbird Bridge.

THE CANADIAN PRECEDENT

The bases were established under the 1941 U.S./UK Leased Bases Agreement. This agreement also applied to certain bases in Canada. When these were closed, the U.S. Congress did agree, in October 1998, to compensation, citing the unique and longstanding national security alliance between the U.S. and Canada, and the fact that the sites were used by the U.S. and Canada for their mutual defense. We believe that the same arguments apply at least as strongly to Bermuda in light of the uniquely close U.S./UK defence relationship. In the Canadian case, Congress also cited the substantial risk which environmental contamination could pose to the health and safety of U.S. citizens also applies in the case of Bermuda, which 463,000 U.S. citizens visited last year and where 4,600 U.S. nationals have homes.

Although we believe that the Canadian case does provide a precedent for Bermuda, we do not believe that clean-up in Bermuda need create a precedent which might be used against the U.S. in relation to bases elsewhere in the world, given the limited territorial scope of the 1941 Leased Bases agreement.

I hope that this information is helpful, and would welcome your views on the best way to advance this issue. I would be happy to brief you and your colleague son the Defence Sub-Committee on Appropriations, to whom I am copying this letter, in more detail if you felt this would be useful. I could accompany my briefing with a short video highlighting the extent of the contamination on the island.

Sincerely,

CHRISTOPHER MEYER.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 25, 2000.

Hon. RICHARD J. DANZIG,
Secretary of the Navy,
Washington, DC.

DEAR SECRETARY DANZIG: On May 4, 2000, the British Ambassador, Sir Christopher Meyer, met with several members of the Defense Appropriations Subcommittee to explain the British Government's strong support for Bermuda and its interest in seeing the Bermuda base cleanup issue resolved promptly.

As we had not yet had an opportunity to discuss this issue with you, the Committee chose not to include any directive language regarding environmental cleanup at Bermuda in the fiscal year 2001 Department of Defense Appropriations bill that we have just reported out of Committee. It is our intention, however, to revisit this issue during conference committee deliberations with the Senate.

I understand from a previous Navy report to the Committee, forwarded on February 11, 1998, that it is the Navy's position that "the United States is under no legal obligation to remediate environmental contamination at its former bases in Bermuda". However, I am concerned that this issue could become a serious irritant between the U.S, the U.K. and Bermuda if it is not resolved soon. I therefore request that you look into this issue to determine what options you have at your disposal and what recommendations you would make to reach a satisfactory resolution of this issue.

Sincerely,

JERRY LEWIS,
Chairman, Defense Subcommittee.

The CHAIRMAN. The Clerk will read the remainder of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of Defense Appropriations Act, 2001".

□ 1915

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 514, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). As indicated by the bells, the next series of votes will be 5 minutes each.

The vote was taken by electronic device, and there were—yeas 367, nays 58, not voting 9, as follows:

[Roll No. 241]

YEAS—367

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts

Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—58

Baldwin
Barrett (WI)
Blumenauer
Brown (OH)
Campbell
Capuano
Conyers
Coyne
Davis (IL)
DeFazio
DeGette
Delahunt
Doggett
Ehlers
Eshoo
Fattah
Filner
Frank (MA)
Ganske
Gutierrez
Hinchey
Hooley
Jackson (IL)
Kind (WI)
Kucinich
Lee
Lofgren
Luther
McDermott
McGovern
McKinney
Meeks (NY)
Miller, George
Minge
Nadler
Oberstar
Obey
Owens
Paul
Payne
Peterson (MN)
Ramstad
Rangel
Rivers
Sanders
Sanford
Schakowsky
Sensenbrenner
Serrano
Shays
Stark
Tierney
Towns
Udall (CO)
Velázquez
Watt (NC)
Waxman
Weiner

NOT VOTING—9

Danner
Greenwood
Houghton
Istook
Markey
McInnis
Smith (MI)
Vento
Wise

□ 1936

Messrs. RANGEL, TOWNS and BROWN of Ohio changed their vote from "yea" to "nay."

Mr. WYNN and Mr. METCALF changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The motion to reconsider is laid on the table.

Stated for:

Mr. ISTOOK. Mr. Speaker, on rollcall No. 241, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to clause 8 of rule XX, the Chair will now put the question on the each motion to suspend the rules on which further proceedings were postponed on Tuesday, June 6, in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 291, by the yeas and nays;

S. 356, by the yeas and nays;

H.R. 4435, by the yeas and nays; and

H.R. 3176, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each electronic vote after the first such vote in this series.

CARLSBAD IRRIGATION PROJECT ACQUIRED LAND TRANSFER ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 291.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 291, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 242]

YEAS—422

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Cunningham
Danner
Gephardt
Gilchrest
Greenwood
Houghton

Istook
Markey
McGovern
Smith (MI)
Vento
Wise

☐ 1945

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WELLTON-MOHAWK TRANSFER ACT

The SPEAKER pro tempore (Mr. GUTKNECHT). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 356.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 356, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 243]

YEAS—423

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Archer
Danner
Gephardt
Greenwood
Houghton
Istook
Lewis (KY)
Markey
Smith (MI)
Vento
Wise

☐ 1953

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CLARIFYING CERTAIN BOUNDARIES OF COASTAL BARRIER RESOURCES SYSTEM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4435, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 4435, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 12, as follows:

[Roll No. 244]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling

Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Blumenauer

NOT VOTING—12

Archer
Clay
Danner
Gephardt
Greenwood
Houghton
Istook
Markey
Sisisky
Smith (MI)
Vento
Wise

□ 2000

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

"A bill to clarify certain boundaries on the map relating to Unit NC-01 of the Coastal Barrier Resources System.".

A motion to reconsider was laid on the table.

DIRECTING A STUDY TO RESTORE KEALIA POND WILDLIFE REFUGE, HAWAII

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R 3176.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3176, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 14, not voting 14, as follows:

[Roll No. 245]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson

Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—14

Armey
Chenoweth-Hage
Cubin
DeLay
Emerson
Johnson, Sam
Paul
Pombo
Royce
Sanford
Schaffer
Sensenbrenner
Stearns
Tiahrt

NOT VOTING—14

Archer
Clay
Danner
Ehrlich
Gephardt
Greenwood
Houghton
Istook
Jefferson
Markey
Sisisky
Smith (MI)
Vento
Wise

☐ 2008

Mr. ROYCE changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHIEF OF STAFF OF HON. JAMES A. TRAFICANT, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. GARY MILLER of California) laid before the House the following communication from Mr. Paul Marcone, Chief of Staff of the Honorable James A. Traficant, Jr., Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 7, 2000.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to rule VIII of the rules of the House of Representatives, that the Custodian of Records, Office of the Honorable James A. Traficant, Jr., has been served with a subpoena for documents issued by the United States District Court for the Northern District of Ohio.

After consultation with the Office of General Counsel, the determinations required by Rule VIII will be made.

Sincerely,

PAUL MARCONE,
Chief of Staff.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OPPOSING H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, I rise to speak in opposition to H.R. 4577, the Labor-HHS-Education appropriation bill.

Once again, the Republicans are cutting taxes for the wealthy. The Republicans have lost sight of what the American people want: to improve our schools, preserve Medicare and social security, enact a Patients' Bill of Rights, provide for prescription drug benefits, and eliminate the debt.

H.R. 4577 is bad for America and it is bad for my district. The bill cuts $400 million from after-school programs, 100,000 school counselors, 100,000 teachers, programs to recruit teachers, math and science programs for 650,000 children, school safety programs for 40 school districts, programs for 1.6 million elderly, and programs for the disabled.

Education, because education is my top priority, I am concerned that the bill cuts $3.8 billion from the President's educational programs, such as class size reduction and school construction. I state that California will lose at least $369 million for the education under this bill. I state that California will lose $369 million for education under this bill.

Just as we invest in the future of space programs, we need to make sure that we invest in our future, because children are our future. We need additional programs for math and science. We should not be cutting programs. We need to plant the seeds so that our children can guide us for tomorrow. If we do not plant the seed, it will never flourish.

Education is the foundation that provides us with a change. All kids should have an opportunity.

Cuts in after-school programs. The Republican plan cuts after-school programs by over $400 million, or 40 percent of the President's proposal. It will throw children out into our streets instead of having them safely in schools. They will be placed as a burden on our churches to care for our young people.

School counselors. It eliminates funding for over 100,000 school counselors, so the kids will not know which classes to take. I was a counselor, and I know the importance of having counselors that can direct our children and tell them what classes they need to take to make sure that they are prepared academically not only to graduate from high school, but at the same time to go on to a community college, a State college, or to a university.

☐ 2015

Class size reduction: The Republican plan will result in larger class sizes. It rejects the President's plan to hire additional 100,000 new teachers. In California alone, we have implemented the class reductions that have been very effective in the State of California where the grades have begun to increase for a lot of our children.

We had small classes; we owe the same opportunity to our children. We can remember that when most of us were baby boomers or going to school, our classes were small and we were able to learn in that kind of environment. This presents a very difficult environment for a lot of our children that will have 35 students in a classroom to 45 students in the classrooms. We need further reduction in classes.

Teacher quality: It will cut incentives for hiring good teachers by $1 billion. There are over 30,000 teachers needed in California alone this year. Our schools need to succeed, not to fail. We need to increase teachers' salaries from $32,000 to approximately $36,000, and provide incentives for our teachers.

Programs: The Republican plan will cut reading and math for up to 650,000 children. It cuts reading tutorial programs for our children. It will cut $68 million from programs for education technology centers, yet the President just recently said that we are going to provide additional money in science and technology.

Especially, it affects a lot of our institutions across the United States. And we need to make sure that our children advance and are meeting the future in that area.

School safety: The Republican plan will result in unsafe schools. One-third of our schools need extensive repairs or replacement of buildings. Republicans rejected $1.3 billion for urgent safety and health repairs at 5,000 schools.

Our children will be in classes with unsafe wiring, roofs could fall or leak. It is important that we provide an atmosphere and an environment that is conducive to learning. When our children feel that they are safe in schools, that do not have leaky roofs, that we provide that kind of environment, their attitude and self-esteem will change and it will be a lot better.

Republicans cut $51 million from the President's request to fight drugs in schools. We need to keep programs like DARE programs, "Say No to Drugs," Red Ribbon Week, the Police Athletic League, the Friday Night Live, the Boys and Girls Club, Los Padrinos program, the City of Fontana Drug Court program, the drug treatment/recovery programs for adolescents established in legislation that I carried, AB 1784.

The Republicans have eliminated funding to make our schools safe.

The Republicans eliminated funding for a program to make our schools safe from violence in over 40 school districts. We need to avoid more tragedies. That is why I am carrying H.R. 4428 which would create school safety programs!

The elderly.—The Republican bill cuts funding to protect elderly Americans. It eliminates 95% of the funding to improve quality of care in nursing homes.

It will cut pension and health care plan protections!

It rejects a Medicare prescription drug benefit.

The disabled.—It will put the disabled on the streets, including our veterans, who have fought for our country. The bill cuts employment assistance to 3,100 homeless veterans!

The Republican plan helps the wealthy.—At the same time the Republicans are slashing programs, they are giving tax breaks to the very wealthy!

Democrats believe in responsibility.

But the Republican plan spends down the bank account. It does not save for a rainy day. It is a poor investment in our future.

The war on poverty, illiteracy, and disease.—There are hundreds of thousands of American citizens living without basic services that most Americans take for granted!

We need to take immediate action to give them the opportunity to succeed. We should have the courage and commitment to provide adequate living conditions.

No matter where they live, children must be given an equal opportunity to live healthy and safe lives. Seniors should have food, shelter, and medicine!

We should remember the words of Cesar Chavez, "Si se puede!" There is hope to take care of our children and seniors!

Conclusion.—We must look to the future. For our seniors and our young people. We must do the right thing.

We must oppose H.R. 4577. It is bad for my district! It is bad for America!

EDUCATION FUNDING REQUIRES ACCOUNTABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I realize that Americans are flocking to the beaches and taking with them a variety of reading materials. And so I guess in that sense, Mr. Speaker, it comes as no surprise that we are treated to the latest fiction and rhetorical terror from the leftists in this community who always trust Washington bureaucrats instead of the people.

As I listened to the litany of fiction just a few moments ago preceding me in the well, I noticed with interest that nowhere in any of the statements of the gentleman from California was there one scintilla of a request for accountability. Not in the litany of alleged shortages was there a simple request to have an accounting.

Now, I guess it should come as no surprise because under the Clinton-Gore administration, Mr. Speaker, do we realize that the Department of Education cannot account for $18 billion of our money? The books of the Department of Education are unauditable. Mr. Speaker, Secretary Riley, President Clinton, Vice President GORE would be well-advised to take a mathematics refresher course.

No one doubts that children are our future. No one doubts that education is vitally important. But, Mr. Speaker, how do we serve the people when $18 billion is not accounted for? That is real money.

Worst still is the notion that somehow by supplying more and more dollars, even when they cannot be accounted for, to Washington bureaucrats that somehow that magically by osmosis fixes our public schools. Nothing could be further from the truth.

We understand in this common sense Congress with an emerging bipartisan majority that the best way to help teachers teach and help children learn is to call for accountability, first and foremost with parents and teachers and local leaders. That is the key and that is the major defense. That is why our majority in this House of Representatives time and again has asked for dollars to get to the classroom. That for every dollar of Federal taxpayer money devoted to education, 90 cents go to the classroom; only 10 cents be left for the care and feeding of Washington bureaucrats.

That is why, Mr. Speaker, I was pleased that every Member of this House last summer joined me in voting for the New Education Land-Grant Act that helps local school districts in 44 of our 50 states receive at low cost, $10 an acre, up to 100 acres of federally controlled land that is not environmentally sensitive so that precious resources within those communities can go to what is really important, helping teachers teach and helping children learn. But again it becomes a question of accountability.

So when we hear the litany of fictions brought to this well, and when we hear the recitations of the gloom and doom, understand this: How can we entrust the Washington bureaucrats when these folks cannot even account for $18 billion of our money? We do not put out a fire by throwing gasoline on it, nor do we solve problems always by throwing money. Spending money wisely, empowering parents, teachers, local leaders, Mr. Speaker, that is the way we improve education, and by getting dollars to the classroom instead of the bureaucratic cesspools where they remain unaccounted for.

TRIBUTE TO JAMES BELANOFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Mr. James Belanoff, a long-time union leader for the United Steelworkers in Indiana who was part of a politically and social activist family, many of whom lived in Chicago and were actively involved in the labor and political activity of Chicago and of Illinois.

Mr. Belanoff was born in Canada and moved to Chicago where he lived until he returned home from the military and moved to Gary, Indiana, and then to Hammond. Mr. Belanoff went to work for Inland Steel, joined the union, became involved, and ultimately became president of his local.

From 1977 to 1981, he served as full-time director of District 31 of the United Steelworkers of America. He developed his labor and community activist interests from his father who owned a grocery store, but who always was involved in civic and community life. Mr. Belanoff graduated from Roosevelt University with a bachelor's degree and was elected to two terms to the Hammond Indiana City Council.

Standing up for the common person was a trademark of Mr. Belanoff and that tradition has been embraced by other members of his family as they too have become involved in public service.

His sister, Mariam, served as a Cook County judge and as a member of the Illinois General Assembly. His nephew, Clem, is a former State representative and 10th Ward Democratic committeeman. Mr. Belanoff's son, THOMAS, is President of Local 73 of the Service Employees International Union and on the State Council of the Service Employees Union in Illinois.

In addition to his son Tom, Mr. Belanoff leaves to mourn his wife, Betty, two sons, James Junior and Joseph, a daughter, Katherine Robinson, four brothers, John, Clem, Theodore, and William, and seven grandchildren.

Mr. Speaker, Mr. Belanoff and the Belanoff family represent the very best of what America can be: Common folks doing uncommon things, always representing themselves and their neighbors and their friends. So I am pleased to have had this moment to pay tribute to not only a giant of a man, but a tremendously civic-, community-, and politically active family. I wish for them the best as they mourn their father, their uncle, their grandfather, and a friend to all of humanity.

INDIANA PACERS HEAD TO THE NBA FINALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, for the first time in history of the NBA, the Indiana Pacers are going to be playing in the finals starting tonight. They are the Eastern Division champions and we are just so pleased in Indiana that that happened. The Indiana Pacers. Remember, they played the New York Knicks. They said it was the hicks versus the Knicks.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, is that the team where the best player is still the guy on the bench doing the coaching?

Mr. BURTON of Indiana. Larry Bird was a great player, but he is also a great coach.

Mr. Speaker, let me get back to the focus of my short message tonight. That is that the Indiana Pacers for the first time in history are going to be playing in the finals of the NBA. They are going to be playing the overwhelming favorite, the Los Angeles Lakers and Shaquille O'Neil, that titan of a man who is so tough to defend.

But I want to tell a little story. I had an opportunity to talk to Jack Nicholson, the outstanding movie star, about another issue on the phone. He has won several Academy Awards. Mr. Nicholson, the first time I called him was at a Lakers game and I mentioned it to him. He said, "Yes, I go to all the Lakers games." And I said, "You know, Mr. Nicholson, it is a shame that the Los Angeles Lakers are going to be playing the Indiana Pacers, because we are going to beat their tail." And here is what he said: "Not in your life, Dan."

I do not know if that imitation was very good. "Not in your life, son."

So all I want to say tonight to Mr. Nicholson, if he happens to be watching in California, Mr. Speaker, is, "You do not know anything about Hoosier pride, because we are going to win. We are going to win. We are going to kick the tail of the Los Angeles Lakers." Go Pacers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members not to address the television viewing audience.

COMMON SENSE GUN LEGISLATION AND THE DEATH OF LORI GONZALEZ, GRANDDAUGHTER OF LOS ANGELES POLICE CHIEF BERNARD PARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-McDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to give a tissue to the gentleman from Indiana (Mr. BURTON) after the last game of the Pacers and Lakers, when that happens.

Mr. Speaker, I rise tonight because I think we were all excited last week as we went to our districts for our District Work Period for a week. And I was excited because first, I received the President and CEO of Amtrak coming in to Los Angeles to show the high-speed rail that we are trying to get to move people and goods throughout the State of California and all across the Nation.

□ 2030

All of California was quite excited about that.

I also had the privilege of opening up a one-stop capital shop for small businesses to grow, to expand, and to have job creation through the Small Business Administration. The small business administrator, Ms. Aida Alvarez, came to open up this shop. I had the mayor of Los Angeles, Richard Riordan.

I even received an award, Mr. Speaker, on my legislation from pediatric asthma from the Asthma Foundation. I went to Sacramento to talk to the Governor and its people about funding for higher education.

So I thought it was a good week until the moment came where I got the call that one of our young women again had fallen to gun violence. This young woman, Lori Gonzalez, was the granddaughter of our chief of police Bernard Parks.

I guess I stand tonight once again to remind this Congress how important it is to pass meaningful gun safety reform. Because of the recent death of Lori Gonzalez, 20 years old, had not reached her adult life, and of the many who have fallen to gun violence, I urge this Congress to swiftly move to protect our Nation's children and its communities by approving common sense gun safety provisions.

Just a few weeks ago, I joined with other mothers in my community in Los Angeles and the thousands and thousands of mothers across this Nation who marched in Washington and 71 other cities to call on this Congress to finally enact common sense gun legislation.

On Mother's Day, we paused to remember the thousands of children who have been killed by gunfire and to pray that our message would finally move Congress to address this very critical issue before another day passes and another one of our Nation's children would be lost to gunfire.

In the weeks since Mother's Day, Congress has continued to sit idle, refusing to answer the prayers of, not just the Nation's mothers, but of the majority of Americans who favor the passage of common sense gun legislation. Today and every day gun violence continues to plague our communities and has taken the lives of innocent victims like Lori Gonzalez.

With the ineptitude and stagnation that has infiltrated the halls of Congress, I would unfortunately be fooling myself if I thought the death of one individual, Lori Gonzalez, could once again get this Congress to take up meaningful gun legislation.

This is the Congress that has done nothing in the wake of the horrible shootings in Columbine High School in Littleton, Colorado. This is the same Congress that has ignored every shooting in the past years simply accepting shootings as a part of daily life in America.

Lori Gonzalez, as I said, the daughter of Los Angeles Chief Bernard Parks was gunned down over the Memorial weekend outside of the fast food restaurant in Los Angeles. This could be any child because our kids do like to go to fast food restaurants, Mr. Speaker, even my grandchildren and even my adult children.

Ms. Gonzalez was a Saddleback College English student, was killed one week shy of her 21st birthday. Her friends and family have spoken about Ms. Gonzalez's high spirit and boundless energy. They spoke of a young woman who, with huge ambitions, urged smaller kids to reach for the stars and have hope in her small acts of kindness like soothing the ache of a burn victim, helping to stucco houses in Mexico and of her passion for helping the children in her community.

I say to my colleagues I call on this Congress to pass the gun safety lock bill that I introduced in the 105th Congress and the 106th Congress. We can ill-afford to have another gun violence victim in this Nation.

DISADVANTAGES OF ESTATE TAX BILL

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, on Friday, we are going to take up a bill to abolish the estate tax, a bill that has about as much merit as the prediction of the gentleman from Indiana (Mr. BURTON) that the Pacers will defeat the Lakers in the upcoming series.

Let us first put this tax in context. Only 2 percent of American families pay a single penny of estate tax. This is because the tax is designed so that a husband and wife can leave their first $2 million, first $2 million to their heirs without paying a penny in tax. So this tax is for those who are asked, do you want to be a millionaire, and literally became millionaires, $2 million. Literally millionaire, that word meaning someone who inherits a million dollars.

The tax, of course, does not fall upon the decedent but rather on their heirs. The tax falls exclusively on billionaires by definition. The tax is an obnoxious tax as all taxes are obnoxious. But if we are going to start to abolish taxes, we ought to start abolishing the ones that hit working families the hardest.

This is a tax that falls exclusively, not on the fruits of the effort of the person paying the tax, but on the fruits of inheritance instead.

Now, we are told that this tax represents double taxation. Let us put one thing in context. When someone makes an investment, buys some stock for $1,000, holds that stock until the stock is worth $1 million and leaves it to their children, there is no tax on that $999,000 profit.

The reason is that there is an estate tax on those assets. Those who propose to abolish the estate tax while continuing the current provision that provides a step up in the basis of assets received from a decedent are not arguing to abolish double taxation, they are arguing to abolish single taxation. In fact, the amount of revenue that the Federal Government gives up through allowing that step up in basis is quite significant, even when compared to the total revenue generated by the estate tax.

I would point out that, if we want to abolish double taxation, let us start by providing a credit for every working family equal to the sales tax that they have to pay, so that somebody who is trying to make it on 6 bucks an hour or 9 bucks an hour goes out and buys goods in their State, goes out and buys food and clothing, that we care for that working American first and worry about that double taxation where somebody makes 6 bucks an hour, makes a certain amount, loses a chunk due to Federal taxation, and then sees a portion of that net pay going in State sales tax.

We are told that many businesses are not continued in family ownership and that somehow that is terrible for the employees. But we are given only the statistic that the heirs of small businesses choose not to continue those businesses. We are not told why. Does the son or daughter of a farmer want to be a farmer? Sometimes yes, sometimes no. If they choose not to be in agriculture, is that traceable to the estate tax? Only by a few stories, a few analyses, no statistics.

We are told that family businesses are sold and that is bad for the employees of those businesses. Are we given any statistics as to what happens when those family businesses are sold? No. Nor are we told whether those family businesses are sold because there is a Federal estate tax or for some other reason.

In fact, we have special provisions in the estate tax law designed to minimize and delay the effect of the estate tax on those whose inheritance is made up chiefly of a farm or chiefly of a closely held business. Those tax provisions are availed of, I believe, roughly 6 percent of the time. That means we are abolishing a tax that 94 percent of those paying the tax have nothing to do with small business, or at least nothing to do with those provisions.

Mr. Speaker, I regret only that 5 minutes does not allow me to even scratch the surface of the disadvantages of this bill. I look forward to the debate on Friday.

NATIONAL EMPLOYMENT DISPUTE RESOLUTION ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I am today introducing the National Employment Dispute Resolution Act of 2000. This bill will build on H.R. 3528, the Alternative Dispute Resolution Act of 1998, which we passed last Congress. The goal of this initiative is to establish alternative avenues for the resolution of disputes.

The bill I introduced today will amend five current statutes, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, the Vocational Rehabilitation Act of 1973, and the Civil Rights Act of 1991.

Essentially, the bill mandates mediation as an alternative to litigation of employee claim under these statutes.

Alternative dispute resolution is commonly referred to as ADR. ADR includes a range of procedures, such as mediation, and it also includes arbitration, peer panels and ombudsmen.

Traditional dispute resolution in America almost always involves a plaintiff and a defendant battling each other in a court before a judge or jury to prove that one is wrong and one is right. It is time consuming, it is expensive, too expensive for most wage earners to afford, and often too time consuming to be of much practical use.

In addition, as one writer has observed, a process that has to pronounce "winners and losers necessarily destroys almost any preexisting relationship between the people involved" and "it is virtually impossible to maintain the civil relationship once people have confronted one another across a courtroom."

The National Employment Dispute Resolution Act of 2000 requires all Federal agencies and private employers to establish a volunteer alternative dispute resolution program.

The purpose of the bill is to guarantee that all litigants have another way to resolve their differences short of a full trial.

Mediation is a volunteer process in which a neutral party, a mediator, assists disputants in reaching a negotiated settlement of their differences.

The process allows the principal parties to vent and diffuse feelings, clear misunderstandings, find areas of agreement, and incorporate these areas of agreement into solutions that the parties themselves construct.

The process is quick, efficient, and economical. It also facilitates the lasting relationship between disputants.

A recent survey by the General Accounting Office showed that mediation is the ADR technique of choice among the five Federal agencies and five private corporations that were surveyed.

The report stated, "Most of the organizations we studied had data to show that their ADR processes, especially mediation, resolved a high proportion of disputes, thereby helping them to avoid formal redress processes and litigation."

In a taped message during a recent Law Day Ceremony, Attorney General Janet Reno said, "Our lawyers are using mediation . . . to resolve employment cases. I have directed that all of our attorneys in civil practice receive training in mediation advocacy."

On that same day, President Clinton issued a memorandum creating a Federal interagency committee to promote the use of alternative dispute resolution methods within the Federal Government pursuant to the Administrative Dispute Resolution Act of 1996.

In addition, the Civil Rights Act of 1991 encourages the use of mediation and other alternative means of resolving disputes that arise under the act or provisions of Federal laws amended by the title. In 1995, the Equal Employment Opportunity Commission promulgated its policy on ADR which encourages the use of ADR in appropriate circumstances.

Mr. Speaker, thus the bill that I introduce today is but another step in the fabric we must weave to ease the burden on our courts and provide an expeditious response to disputants who wish to resolve their claims and differences.

I urge all of my colleagues to take a close look at the National Employment Dispute Resolution Act of 2000.

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ELIMINATING THE ESTATE TAX

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. CRANE) is recognized for 60 minutes as the designee of the majority leader.

Mr. CRANE. Mr. Speaker, I rise today to address the tax that is one of the most obscene, unfair, and immoral of all taxes. The estate tax, or what is commonly referred to as the death tax, since it is generally triggered only by one's removal from productive life, has outlived its usefulness. Later this week, this body will be voting on legislation to eliminate the death tax, and I think it is past time to bury the death tax once and for all.

Mr. Speaker, I am submitting for the RECORD an article by William Beach from the Heritage Foundation entitled "Time to Eliminate the Costly Death Tax."

TIME TO ELIMINATE THE COSTLY DEATH TAX

(Published by William W. Beach, the Heritage Foundation)

The U.S. House of Representatives is once again poised to vote on repealing the federal death tax. In view of the strong support that death tax repeal receives from the general public, the House debate should be firmly grounded in what an increasingly large percentage of voters already know: Death taxes adversely affect many times the number of people who pay the tax collector. The Death Tax Elimination Act (H.R. 8), sponsored by Representatives Jennifer Dunn (R–WA) and John Tanner (D–TN), is a response to this growing understanding and offers the House its second opportunity in an many years to eliminate this onerous tax.

Death taxes most often burden the very people that tax policy is intended to help. For example:

Women and minorities are very often owners of small and medium-sized businesses. After sacrificing daily to build their businesses by reinvesting their profits, they soon realize that the financial legacy of their hard work, which they hoped to pass on to their children, instead will fall victim to confiscatory taxation and liquidation.

Farmers often face losing their farms, but this is not so much because of competition from wealthy agribusinesses or capitalist "robber barons." More often, it is because the federal government heavily taxes the estates of people who invested most of their earnings back into their farms and had only meager liquid savings.

Workers suffer when they lose their jobs because many small and medium-sized businesses are liquidated to pay death taxes and because high capital costs depress the number of new businesses that could offer them a job.

Low-income people are harmed—not only because the general economy is weakened by the death tax's rapacious appetite for family-owned businesses, but also because the death tax discourages savings by encouraging consumption.

Specifically:

Death taxes hurt small businesses. Investing in a business is one of the many ways to save for the future. For most small firms, every available dollar goes into the business—the dry cleaning firm, the restaurant, the trucking company—to ensure that it sustains an income for the owners's family and is an asset to pass on to children. Women with children often find self-employment to be the only entry-level work available. Minorities, many of whom wish to raise their families in ethnic communities, understand well the virtues and promises of self-employment. Yet the financial security that family-owned and small businesses provide these Americans is put at risk if the owner dies with a taxable estate.

In an important 1995 study of how minority business owners perceive the estate tax, Joseph Astrachan and Craig Aronoff, economists of Kennesaw State University in Georgia, found that:

Some 90 percent of the surveyed minority businesses know they might be subject to the federal estate tax;

Although 67 percent of these businesses have taken steps (gifts of stock, restructuring ownership, purchasing life insurance, and buy-sell agreements) to shelter their assets from estate taxes, over 50 percent of them indicate that they would not have taken these steps had there been no estate tax; and

Some 58 percent of all respondents in the survey anticipate business failure or great difficulty maintaining the business after their death.

Death taxes are more "affordable" as income rises. Taxpayers who cannot pay tax-planning fees frequently lose more of their estates to death taxes. Thus, what appears to be a progressive tax contains a regressive dimension. Experts on the death tax continually are struck by the number of taxpayers who are insufficiently prepared to pay the death tax and by the high correlation of these types of people with those who have not had the benefit of high-priced legal and accounting advice. Indeed, legal avoidance of high death tax liabilities is closely related to the amount of fees taxpayers are able to pay for expensive tax-planning advice.

Death taxes undermine savings and investment. Not only do death taxes reduce potential employment opportunities and undermine the promise that hard, honest labor will be rewarded, but they also encourage consumption and undermine savings. What can be said generally about income taxes can be stated emphatically about death taxes: Accumulation of more wealth will lead to more taxes, while consumption of income will result in relatively lighter taxation. In other words, it makes more tax-planning sense to buy vacations in Colorado or a painting by Rubens than to invest in new production equipment or expand a business.

Death taxes are costly to collect. The economic effects of the disincentive to save and invest are striking, especially in light of the relatively small amount of federal revenue raised by death taxes. A 1996 Heritage Foundation analysis of death taxes using the WEFA Group U.S. Macroeconomic Model and the Washington University Macro Model, for example, found that, if the estate tax had been repealed in 1996, then over the next nine years: The U.S. economy would average as much as $11 billion per year in extra output; an average of 145,000 additional new jobs could be created; personal income could rise by an average of $8 billion per year above current projections; and the extra tax revenue generated by extra growth would more than compensate for the meager revenue losses stemming from the repeal.

The death tax is not even a good value for the government. Federal death taxes probably are the most expensive taxes to pay and collect. Death taxes raise just slightly more than 1 percent of total federal revenues, but according to one 1994 analysis, total compliance costs (including economic disincentives) amount to about 65 cents for every dollar collected. Other studies, which subtract disincentives and examine only direct outlays by taxpayers to comply with estate tax law, put the compliance cost at about 31 cents per dollar. This additional cost means that the $27.8 billion collected in federal death taxes last year actually cost taxpayers $36.4 billion.

Mr. CRANE. Mr. Speaker, I would now yield to our distinguished colleague, the gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from Illinois (Mr. CRANE), the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means here in the House of Representatives.

Mr. Speaker, later this week we will come to this floor to vote on putting at long last the death tax to death, and we will be offered a clear choice. Some in this chamber will embrace the politics of envy, but, Mr. Speaker, I believe a bipartisan majority will embrace the principles of fairness, hope and opportunity, for that is what we seek.

As my good friend from Illinois just pointed out, there is no tax more unfair than this death tax. Stop and think about it. Think back to the very foundations of our Nation, to one of our founders, Benjamin Franklin, who had a gifted and diverse career, who indeed won much public acclaim and a fair amount of his fortune as a social commentator in Poor Richard's Almanac when he observed, "There are only two certainties in life, death and taxes." But even Dr. Franklin, with all his wisdom, with his ability to seemingly see into the future, not even a person as impressive as Dr. Franklin do I believe would realize that one day the constitutional republic that he helped to found would literally tax its citizens upon the day of their death.

The rallying cry is simple, my colleagues. The American people instinctively understand it. No taxation without respiration. And here is why. This vast Federal Government, accumulating revenue in much the same way as I, before I went on my diet, would go to a buffet line kind of piling it up, searching for it in every nook and cranny, this ravenous Washington bureaucracy seeking revenue, when all is said and done, picks up precisely 1 percent of its revenue through the death tax, and yet three-quarters of that 1 percent is spent badgering widows and children and survivors of those who embraced the American Dream, who built up small businesses, who fed and clothed Americans on farms and ranches.

Indeed, my colleagues, perhaps nowhere is it more dramatic a dilemma than on the family farm or on the family ranch across the width and breadth of our great Nation. This is a classic dilemma. Those who have the family farm could be accurately called cash poor and land rich. When there is a death, it is quite simple, Uncle Sam comes to the survivors and says, here is an expensive tax bill, pay it. How then is it paid? Well, the family farm is sold.

And one of my friends who chooses to embrace the politics of envy, who preceded me in this well, claimed there were no statistics to offer on this. Well, I know that there are those who long for the soul of the accountant in all of these transactions, but I do not want to besmirch the profession of accountancy. I simply want to point out that especially my colleagues from suburban and urban districts might be compelled to realize that there is life outside the major metropolises; that power does not come from a light switch; that milk does not come from the corner market; that America's farmers provide these things, and the death tax absolutely pummels rural communities and family farms and ranches.

We feel that acutely in the Sixth Congressional District of Arizona, a district in square mileage almost the size of the Commonwealth of Pennsylvania, from the small hamlet of Franklin in Southern Greenlee County, north to Four Corners, west to Flagstaff, and south again to Florence, really all the way south to San Manuel, site of the largest underground mine in North America. Hard working people who play by the rules and a multitude of small towns are ravaged by this death tax. Because those who have spent their time building businesses, who helped provide for the farmers and ranchers, are forced to sell those businesses.

Perhaps my colleagues have seen it in their communities. Perhaps those in larger cities would see it if they could take off their blinders and resist for a time the politics of envy. Perhaps they too could realize that, yes, more often than not, when a family loses control of a business, there is a reassessment and, yes, long-time valued employees are let go. Under new management often means faithful employees are out the door.

And even as we champion new economic opportunities, why add to uncertainty? What crime have these families committed that would prompt the Federal Government to say to them, "Sell your business; pay Uncle Sam." They have committed to crime. But under our curiously misguided Tax Code, as it stands today, they have committed an offense in the eyes of those who always embrace the radical redistribution of wealth. Mr. Speaker, those folks worked hard and succeeded and they are being punished for succeeding. And it is wrong and it has cost America too many family farms, too many family ranches, and too many small businesses.

No matter the platitudes of the left and those who preach the politics of envy, it is common sense, Mr. Speaker. Across the width and breadth of the Sixth Congressional District I have held many town meetings. My colleagues who join me tonight will attest to the fact that there is no greater thrill than meeting with constituents and listening to what is on their minds. And how many times have I heard the story of a family ranch being sold to satisfy the tax man.

Indeed, Mr. Speaker, we hear these stories even as we return to this capitol, ofttimes referred to as the crossroads of America because we meet so many people from so many other places. A gentleman stopped me just last night, told me the story of his 83-year-old mother who, some years ago, upon the death of his father, was told by the Washington bureaucrats, "You have a tax bill of over $800,000. We don't care how you pay it, you just pay it." And, just like that, the family business was gone, Mr. Speaker.

Now, some of my friends in accounting might say, oh, that lady had the assets to sit down with a tax attorney or an accountant. Certainly she could have provided some sort of means to hold on to the family business. She is to blame for not doing so. No, Mr. Speaker. No, the blame is not on that lady in her 80s, now forced to subsist on Social Security. The fault lies in a Tax Code that punishes people for succeeding, that deprives other Americans of jobs, that inhibits the very free market principles and the notion of rewarding ambition and success and prosperity upon which this country was built and upon which this country can prosper. But we can change that this Friday when we put this death tax to death.

I mentioned a second ago, Mr. Speaker, town hall meetings. Another thrill we have, those of us who are honored to serve in the Congress of the United States, comes on those occasions when we are able to appoint young men and women to our military academies. I was in Winslow, Arizona, where two young men who aspired to attend one of those military academies received permission from their high school principal to leave during the lunch hour and join us at city hall for a town hall meeting. And there in Winslow, Arizona, the farmers, the ranchers, and the small business people were lamenting this death tax. And one of those young men, just really the epitome of all that is good in young people wanting to serve their country, one of those young men stood ramrod straight and said, "Congressman, sir, do you mean to tell me the Federal Government taxes you when you die?"

Now, initially, there was laughter among the older members of that audience in that town hall meeting. But then, upon further reflection, my constituents decided that really was not funny; that it epitomized just what was so unfair, just what was so unjust, just what was so unproductive about continuing to punish people for succeeding and trying to pass on their businesses, their dreams, to their heirs.

Now, again, my colleagues, we have a choice. There will be those who continue to propagate the fiction that we should rely on the politics of envy, but a bipartisan majority will emerge this Friday saying we embrace the policies of hope. And the first step we take to do that is to put this unfair, unjust death tax to death.

Mr. Speaker, I yield back to my colleague from Illinois.

Mr. CRANE. Mr. Speaker, I congratulate our colleague for his insightful observations on this immoral Tax Code that we are speaking about tonight. And I now would like to yield to our distinguished colleague, the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman for yielding to me tonight to join with him and others to talk about the repeal and the elimination of the death tax.

As the gentleman knows, the strength of our Nation's economy rests in its small businesses, small farms, and small ranches. That is where new jobs are created. That is where the economic vitality of this country is. I am proud of the fact that I represent, I think, the largest constituency of small businesses, over 25,000 small businesses in my district, over 40,000 farms and ranches.

One of the characteristics of every one of these businesses is that the owners plow almost all the cash flow that they generate, almost all the dollars they earn back into those enterprises and those businesses. Early on, it is usually to pay off the debt that it takes in order to get started in that business. Then, later on, they will use that money to add to inventory or to add new equipment or machinery to expand the business and to make it grow or to put new people to work.

Now, these family farmers and these family ranchers and these small business owners usually make very little. In the case of the farmers and ranchers, they will accumulate a thousand acres or so, perhaps, and 100 critters or so, but they have relatively little cash flow to show for it. They often have little to show for it. Almost always they have no savings account, no retirement account. Sometimes they will have an old pickup truck or an old car or an old farm vehicle.

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As my colleague the gentleman from Arizona (Mr. HAYWORTH) said, these people become asset rich and cash poor. But eventually for all of us retirement comes, and it is at this point that these folks have a really big problem. Because they have little in savings and little in retirement, the only thing they can rely upon is the asset, the farm or the ranch or the small business that they accumulated. So, in order to retire, they usually have to sell this business or part of this business to their kids or to other people.

Now, until the Republican Congress reduced the capital gains tax, if we added the Federal tax and the State tax together, that owner of that business had to give a third of whatever they got for that business in taxes. But that was not the whole story. If they sold that business to their kids, their kids would have to pay 40 percent income tax on those payments, as well.

So, in order to transfer that family farmer business, if they sold it to their kids, they would have to pay 70 to 80 percent taxes on that transaction. Very few businesses could generate that kind of income.

We reduced the capital gains tax, and now it is down perhaps with State and local tax to 25 percent. But if they sell part of this business to retire to have some cash flow and leave the rest of it to their kids, they are going to pay 60 percent tax on what they sell to them and 56 percent tax on what they give to them.

Now, if they can possibly generate the money that is necessary to pay those kinds of taxes, what it means is there are no dollars to modernize that business to cause that business to grow and to expand; and the result of that is that the lion's share of those businesses fail because of the huge debt that they have to take on because of estate tax.

Virtually every farm group in this country, virtually every advocate for small business in this country will tell us that the greatest threat to these family enterprises, farms and ranches and small businesses, is the death tax. It is not low commodity prices. It is not competition. It is this unfair tax. Farmers and ranchers just simply cannot generate the cash flow they need to create a living for the people that work and operate that farm or ranch or business and to pay this tax.

So what ends up happening as an alternative? Well, what ends up happening as an alternative is they will sell out to celebrities, for example, in my State. Ranch after ranch are being bought by Hollywood types or people who have earned their income from somewhere else who buy their ranches or farms for recreation. The result of that is that they are no longer productive farms and ranches, they no longer add to the vitality of these small rural communities, and it is destroying the economy of these rural communities.

Worse yet, many times the farmer or the rancher will subdivide the land, divide it into 20- or 30- or 40-acre parcels, and sell one parcel or two parcels a year to generate enough money to retire on. In the end, they replace a ranch with a bunch of ranchettes. What happens then is we lose all the wildlife habitat, we lose the open spaces and the greenbelts that so many people advocate for in this Congress.

Now, the sad thing about all this is that the very wealthy do not pay this tax. They use trusts, family trusts and charitable trusts, and all kinds of mechanisms to avoid paying these taxes for generation after generation. They avoid this tax.

But, my colleagues, 40 percent of the death taxes that are collected by this Government are collected on estates of less than a million. These are estates where there are family enterprises. They are the ones that pay this tax.

It is not a fair tax. It is not good for our economy. It is not good for our environment. It is eliminating green spaces and greenbelts. It is destroying the economy of rural America. It is eliminating the visual relief that so many of our city dwellers want to see when they pass into the farm country. But passing this bill to repeal the death tax, the Death Tax Elimination Act is essential for keeping agriculture and families, for maintaining these family farms and these family ranches, and to continue these family businesses.

I am proud to be a cosponsor of H.R. 8. On Friday I know we are going to have a strong bipartisan vote. I am confident the Senate will pass it and the President will sign it. I urge my colleagues to support the bill.

Mr. CRANE. Mr. Speaker, I yield to our distinguished colleague, the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I rise in support of the efforts that we are going to do for American families this week and eliminate the unfair death tax.

Some of us like to talk about this issue in terms of numbers and percentages and policy. And really what this does is it protects our families. This is a family bill, but let us talk about it in the sense of overall policy. And that is that, in my generation, we have done well in either running the family business or even starting our own; and our fathers, the greatest generation, have done well, as well.

So we have to figure out, in continuing prosperity and trying to widen and deepen prosperity so it touches even more, if we are going to continue policies of the Government usurping and taking money out of the private sector and, therefore, stalling or risking future prosperity for our children, then that is one policy we can take as this next generation transfers their assets to the next generation.

Or we can do the right thing and allow that money to transfer to the next generation, where it will be put back into the economy, where it will be spent to expand, to recapitalize the family businesses. Or, God forbid, they spend it on other things and continue to stimulate our economy and ensure prosperity for our children when they graduate from school that they will have opportunities for good jobs.

But we can talk about it in the policy sense and how it is the right thing to do. But what I want to do is just talk about the impact on the families in Nebraska, because I am here to fight for those families. Because what this does, when we eliminate the death tax, what we are, in essence, doing is protecting the culture, the history and the heritage of families.

Yesterday in our office we had the Farm Wives Association. What was their number one issue? It was elimination of the death tax. They want to try to pass their family farm, many of which their grandfathers staked out, they want to pass it to their sons and their daughters. But they cannot.

The average farm size in Nebraska is about 840 acres. That is well over the limit before we even get to the machinery and the value that the IRS would place on that business. But it is a cash poor business. They have no choice but to sell that farm instead of passing it to the next generation. They have to sell it to pay their IRS tax bills. They have to. They have no other choice.

So, as we are talking about protecting the history and the culture of our small family farmer, it is our IRS policy that is forcing the consolidation. It is these families that are selling out to the Ted Turners who own tens of thousands of acres in Nebraska.

But let us talk about in Omaha, Nebraska, where I was born and raised. Let us talk about the Omaha Printing Company, a third-generation company. It is a small business. They employ about 30 or 40 folks. Yet, they have several really impressive machines when I took the tour of it, and each of those machines run well over $500,000 to $600,000. They have three of them right there that is putting them to the limit before we get to all the other assets of that business and the valuation.

The father that is currently operating that business is going to have a choice to make. Sure, they have paid the lawyers and the accountants to try to comply with this tax code and trying to pass it to the next generation, but they are realizing that they are probably going to have to spend about 40 percent to 50 percent of the assets of that business to try and keep it in the family.

What about in south Omaha, the great and colorful cultural area of our town, with the Jocobo's grocery store and tortilla plant. They have got a couple of taco shell and tortilla shell machines in the back, just a couple of them. But the value of their inventory and the value of the machines itself puts them over before we get to the valuation. And Carlos, who is in his early 40s and has a young family that he would like to pass the grocery store on to, he may not have that opportunity.

Mr. Jocobo emigrated from Mexico several years ago, 40 years ago, and established a small south Omaha business. It is really the center and the hub of this colorful Hispanic community that is so vibrant in south Omaha.

I just hope that we do the right thing, Mr. Speaker, for that Hispanic owned grocery store and small business in a colorful part of my district. We have an historic opportunity to protect, to work, and fight for families and their history and their culture. Let us not miss this opportunity.

Mr. CRANE. I now yield, Mr. Speaker, to our distinguished colleague from California (Mr. BILBRAY). I was going to say Australia.

Mr. BILBRAY. Mr. Speaker, I thank the gentleman very much for yielding.

For the record, my mother is from Australia, but she is an American who is from Australia.

Mr. Speaker, I just wanted to sort of echo the issue that when we talk about the death tax, I think too often we talk about the families that have to give up their businesses and give up their homes and their farms and the way that it breaks up the hard work and the sweat of parents, their ability to pass it on to their children, but I think that we do not talk about the bigger picture.

I want to articulate something. The fight against the death tax should not be a fight for the taxpayer. It should not even be for the small farmer or the small business owner. The fight against the death tax should be a fight for a civilized, decent society, and that is it.

Now, my colleagues may say how can I tie the death tax to the concept of decency? Well, Mr. Speaker, I always try to think about what will history say about us as a society.

There is this movie out "The Gladiator" about this great civilization called Rome. But how can they be a great civilization when they had the kind of blood letting they had? And history has damned the Romans for that.

What I worry about is what will history say of the greatest nation in the history of the world, the United States of America? What will they say about us a thousand years from now? And will they say about us, oh, they were a great nation, but they taxed their dead? How are we going to justify ourselves to history?

Now, there is a bigger picture here that I think we have got to address, and that is the fact that this tax does not just impact individuals and businesses but it is impacting us as a society.

I think those of us on the Republican and the Democratic side will say one of the biggest concerns we have is watching multinational corporations come into the United States and absorb and digest and consume small entrepreneurial family businesses such as farms and businesses. And we will hear those on both sides of the aisle talk about how multinational corporations are getting so big and they are basically getting the monopoly because the little guy is being gobbled up. And it is right.

The true defender of the consumer is not government. The true enemy of big business is not big government. It is little business that competes and gives the consumer an alternative than the big business corporations and the multinational corporations that we hear our liberal friends always yelling about. But our tax laws, my colleagues, are subsidizing and encouraging and at many times mandating the selling out of small entrepreneurial businesses to the multinational corporations.

I will give my colleagues one example. Roll Construction in San Diego is a family-built construction business and they have come to the conclusion that when mom dies, the only way for them to be able to pay the death tax is to sell out to a major multinational corporation.

□ 2115

This is what it really comes down to. Are we for the little guy? Are we truly for the taxpayer? Are we truly for the American? Or are we so hell-bent to get our pound of flesh that we are willing to not only tax the dead, sell the farm, sell the business, but also subsidize the big corporate interests? That is something that we do not hear a lot of talk about here. I think that we need to talk about it. Because I think that we have got to understand that this will not only impact and help the corporate but when the consumer is looking for competition, when the consumer needs the break, the consumer will not have the little entrepreneurial business to be able to beat the big guy because he is not going to be around because the United States government has taxed them into nonexistence. And so I think that when we talk about the death tax, I want to ask our colleagues on both sides of the aisle, think about what you really care about. And if you are so hell-bent to try to get the rich guy, remember what happened in 1898 when this government said we are going to get the rich guy by taxing the rich guy's phones because everyone knows that the little guy and the working class does not have phones. History has proved this year, we realized what a huge mistake that politics of envy and of hate generate in the tax code. The working class got nailed the worst of anybody proportionately.

Remember in the early 1990s when they said we are going to tax the rich and get their boats because that is a luxury by the rich. Who got hurt? Who got hurt was the working class that were building those boats. They were out of work. The business left the country. I think we all remember the concept of the income tax was to really tax those who made about $800,000 in today's dollars. It was only going to be 1 percent. Who would care? We are only taxing the rich. I think every working-class family today now realizes what goes around comes around.

Mr. Speaker, I just think that we have got to say if we believe in capitalism, if we believe in a free economy, if we believe in government not subsidizing major world corporations, if we believe in the fact that the family unit has the right to serve a community as a family unit, as a business and a farm, then the death tax has to go.

I will close with one last example. There is a Latino family in my district whose father immigrated here back in the 1950s, who has raised a family and the sisters and the brothers and the mother and the father and the uncles work in that print shop. They have grown their business in printing. The fact is, though, they came to me and said, "If anything happens to mom and dad, we have to sell out." Who will they sell out to? To the people who have the money to buy them out, the big corporate interests that do not want to see those small entrepreneurial immigrants competing with them. I would just ask us to consider that and let us not talk about and cry about the fact that big companies are getting bigger unless you are willing to stand up and say, okay, there are some things we cannot control in the private sector but this is one we can. Government, for God sakes, quit subsidizing the major national corporations and start it here first by not forcing small family businesses to sell out to them. We hear a lot of talk about that, about not subsidizing corporate business, on both sides of the aisle. That should be right. But the death tax is the major force of making them sell out. You can see every study in the world what breaks the back of the family business.

So I ask my colleagues a thousand years from now, what will historians say about this Congress and this society and this Nation? Will they say that we taxed the dead and taxed their citizens to death or will they say they recognized the wrong, they recognized the injustice, they recognized the immorality of their tax code and they did the right thing and killed the death tax.

Mr. CRANE. I commend my distinguished colleague from California.

Mr. Speaker, I yield to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I want to first of all to say that I rise in very strong support of this legislation to eliminate the death taxes in this country. This is something that I have cosponsored for several years. I want to thank the gentleman from Illinois for yielding. First of all I want to commend him for putting together this very important special order and for leading the charge in this battle as he has on so many other things over the years in this Congress.

I first got to know the gentleman from Illinois (Mr. CRANE) when he came to speak to a very small group of conservative students at the University of Tennessee in 1966. Then I think it was about 1972, I had him come speak to the George Washington University Law School to a packed audience. I think he put those students into shock because with the lack of true academic freedom that we have on the college campuses in this country, many of those students at George Washington Law School had never really heard a truly conservative speaker such as the gentleman from Illinois. I am proud to call him a friend. I think he is one of the finest men that I have ever known in my life.

Mr. Speaker, let me just say that today, and many people do not realize this, the average person pays almost 40 percent of his or her income in taxes of all types, State, Federal and local, sales, property, income, gas, excise, Social Security, all of the other types of taxes, and the estate or death taxes. Then it is estimated that consumers pay another 10 percent in regulatory costs that are passed on to the consumer in the form of higher prices. A

Member of the other body our good friend Senator THOMPSON from Tennessee, I remember a couple of years ago he had ads on television which said today one spouse works to support the family while the other spouse has to work to support the government. There are some of us in this Congress, in fact many of us in this Congress and I think an even greater majority across the country that think that basically half of the average family's income going to support government is not only enough, it is far, far too much. This legislation to eliminate the death tax I am told will put over $20 billion back into the pockets of average Americans. It probably, as the gentleman from California (Mr. BILBRAY) has just pointed out, is the most important single thing that we can do to help small business and to help small family farmers in this country.

It has been a regular thing since World War II to have White House conferences on small business. In almost every one of those conferences, the number one or number two issue for these small businesses has been the effort to try to eliminate the estate or death taxes. It has been I think one of the very top issues for the American Farm Federation and other farm organizations. It is something that is long, long overdue. The gentleman from Pennsylvania (Mr. PETERSON) told me that it takes $12 billion just to collect this tax. And so the government really does not make that much but it takes a lot of money away from families and small businesses in this country. As the gentleman from California did such a great job just a few minutes ago pointing out, this is probably the best thing that we could do to help small business, if we all decry the fact and worry and show concern about the fact that every industry seems to be going to the big giants, the big keep getting bigger and the small keep going by the wayside because they cannot survive, they have to merge and they have to keep growing and get bigger and bigger to survive or merge or sell out. And so if somebody wants to really help the big giants in almost every industry and if you want to help, as the gentleman from California said, the big multinational corporations, probably one of the best things you could do is support keeping these death taxes in effect. But if you want to see family farms survive and if you want to see small businesses survive, then you will support this legislation to eliminate these death taxes that I think we will have on the floor on Friday.

I remember several years ago, quite a few years ago I went with a friend to see the University of Tennessee play Georgia in a football game. We were in Atlanta and had breakfast with these two accountants who specialized in buying businesses. They told us that most of the businesses they bought, they bought from second-generation owners because they said it was hard to buy from a first-generation owner because the business was usually that person's dream. But they said that if they ever found a business that was in a third-generation ownership, they thought they had hit the jackpot. But they told us, do you realize how rare it is, how extremely unusual it is that a business makes it into the third generation of ownership? And I think one of the main reasons that so few businesses make it into the third generation of ownership is because of these death or estate taxes that have forced so many families to sell out to bigger businesses or bigger corporations.

We started several years ago when control of this Congress changed trying to bring Federal spending and the Federal Government under a little bit of control. The first 6 years I was in this Congress, we were just routinely voting 12, 15, 18 percent increases for every department and agency out there. Mr. Speaker, to show how bad it had gotten, Alice Rivlin who was the President's head of the OMB and is now in the Federal Reserve put out a memo that said if we did not make some changes, this was a few months after President Clinton came in, we were going to have yearly deficits or yearly losses of over $1 trillion a year by the year 2010 and between 4 and $5 trillion a year by the year 2030. If we had sat around and allowed that to happen, I think everybody knew the whole economy would crash. Since the control of the Congress changed, we at least have brought Federal spending under some type of control so it is basically just rising at the rate of inflation. But we have not cut nearly as much, and we really have not cut at all like some people think. About 3 months ago, Robert Samuelson in Newsweek wrote a column, and he is not considered to be a conservative columnist at all, he wrote a column and he said, "Government is slowly getting bigger because paradoxically we think it is getting smaller." That is what Robert Samuelson wrote in Newsweek about 3 months ago. "Government is slowly getting bigger because paradoxically we think it is getting smaller." Government keeps getting bigger and taking more and more from the people of this country and there are many of us who think that the average person in this country knows better how to spend his or her own money than Federal bureaucrats in Washington know how to spend it for them. That is the philosophy behind this legislation to eliminate the death taxes. There is very little legislation that can do more to help the economy and to help small business and small family farms and to give a little money back to the people of this country so that they can use it on their own families rather than have the Federal Government just continue to waste it and waste it and waste it. I rise in strong support of this legislation.

Mr. CRANE. I thank the gentleman for his kind remarks. I would remind colleagues I had the distinct privilege of serving with his father who was also our chairman of the Committee on Ways and Means. We are all honored that the gentleman has had the opportunity to succeed his father and represent the good folks down in Tennessee.

Mr. Speaker, I yield to the distinguished gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding very much. I did not intend to come to the floor and speak tonight but I was watching this discussion on television and decided to come and share just a couple of points I think that are important. About 3 years ago, we passed the Balanced Budget Act of 1997. It had a lot of good things in it and a few bad things in it. As we oftentimes have to do, you have to weigh the good versus the bad and make a judgment call. I think a lot of good came out of that. But very few people out there realize that at the very last minute of the negotiations of the Balanced Budget Act of 1997, which really have set in place the framework of the balanced budget and the spending caps that have kept the budget balanced and I think stimulated the markets and given investors confidence and helped this economy thrive over these last 3 years, but at the very last minute, one of the biggest disappointments that I have had in the last 6 years that I have been here was that they changed their plans with respect to the elimination of the death tax or the lifting of the exemption of the death tax, because the negotiations centered around doubling the exemption back in 1997 for the estate tax, the death tax so that when people die, a certain percentage of what they have is not taxable.

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And it was a great disappointment at the 11th hour back in 1997 when, instead of doubling the exemption for the death tax, they came back and put just an annual index on it. So it gradually goes up.

That was a big disappointment, because back home in Tennessee, where I live and spend time with my family and the people that I represent, there are a lot of stories about regular people, hard-working small business people that are affected by this unfair tax at death, where the taxman comes, when a family member dies, and asks for the money very soon after death, within 6 months, and you have to pay up. You have to find the money to pay up.

In Washington, we went through an appropriation's markup today. There is a lot of rhetoric from the other side of the aisle about this whole tax proposal to eliminate the death tax over time and to raise the exemptions and to give death tax relief to small business people and individuals out there.

There is a lot of talk that this is a tax plan for the top 1/10 of 1 percent of the wealthiest Americans. Let me tell you what my experience is: This is all about doing what is fair for people in this country. Some of them, yeah, they were in business. Some of them are family farmers, but a lot of them are just grassroots small business people that find themselves in a position that they have to pay the taxman when maybe their parent passes away.

I just want to tell a story, without naming names, about a young man, a young family in my Sunday School class at Red Bank Baptist in Chattanooga, Tennessee. This young man is in business with his father. He lost his mother just a few years ago. When his mother passed away, he analyzed the situation being in business with his father, because it really hit him like a ton of bricks that he needed to have some tax professionals look at his situation. He found that if something were to happen to his father, he would owe the taxman large sums of money and, effectively, be forced to sell his business.

Now, this is not some kind of big business. Let me tell you. This is small business. I am talking about old buildings. I am talking about a lot of maintenance. I am talking about very few employees, less than 10. I am talking about a very small family business, yet, over time, they built up enough momentum and enough assets that at death this individual, if his father passed on, would have an enormous and immediate tax bite.

Frankly, all that money that has been generated for this family business over this generation has already been taxed, yet, the government in this country at a time where we have a budget surplus, where we do have a good economy and consumer confidence, this is the time where WE say what are the most unfair taxes and let us eliminate them; what are the taxes that will give the most economic stimulus, and let us cut them.

This is a time where you can return some of the money to the people that pull the wagon in this country, and that is what I found. My friend needs this tax relief. He is not wealthy. He needs this tax relief so if something happens to his father, he is not forced to sell that business.

We have to have some generational equity in this country again, where families work and invest and hand down and pass down the fruits of their labor. We cannot have let us take it all out, we have to have, you know, a culture that says let us invest and save and pass down. That is the American dream. This legislation will shore up that American dream.

In closing, let me say this, our free enterprise system is what people in Eastern Europe and the Soviet Union were willing to risk their lives to have. We run all over it. We take it for granted. We mistreat it. We overtax it. We overregulate it. We overlitigate it. It is the goose that lays the golden egg of American opportunity, and that is our free enterprise system.

It is precious. This piece of legislation is the next great example of the difference between the two approaches of whether we hold up profit as a good word and the free enterprise system as really the anchor of our society. The free enterprise system; yes, you can go into business in this country; yes, you can make a profit. Greed is a bad word. Profit is a good word.

Let us quit treating profit like it is a bad word. The free enterprise system is what the other folks want to have. Let us treat it fairly. Let us give it what it needs. Let us treat these small business people with dignity, and let us lift this estate tax exemption as much as we can. I would say over time, let us just wipe it out, but let us take this next first step on Friday, and let us not let the demagogues win.

This is not about tax breaks for the wealthy. This is about working people that pay the taxes that pull the wagon, and we have to give them some help and get the government off their backs.

Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE) for everything he has done over the years in this institution in the Committee on Ways and Means. I appreciate what he has done for the free enterprise system in this country. I wish him all the best. I am proud of him for what he has done in his personal life. It is outstanding. I appreciate the opportunity.

Mr. CRANE. Mr. Speaker, I thank the gentleman from Tennessee (Mr. WAMP). I deeply appreciate his comments.

Mr. Speaker, I yield to our distinguished colleague, the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE), the chairman, for putting this together tonight and for bringing this issue to this Congress.

I guess a year or two ago, we heard the demagogues say that the capital gains tax did not need to be cut; that it was going to cost necessary revenues for this country to run off. It was going to cause all kinds of economic chaos.

What happened when we cut the capital gains tax from 28 percent to 20 percent? It released capital. People began to sell properties and sell stocks and sell things that they paid capital gains on, because that 28 percent tax had been reduced to 20 percent. They were willing to pay 20 percent where they were not willing to pay 28 percent.

What happened the first year? $38 billion of additional revenue came into the Federal Government. It did not cost to cut that tax. I think if we would have cut it to 15 percent last year as we talked, we probably would have increased revenues again. We certainly would have helped the growth of business.

Today and this week we are going to be dealing with the death tax, the estate tax. We are going to hear the same arguments, we heard it tonight, that it is about billionaires. It is not about billionaires. It is about small business, small farmers, small sawmills, small manufacturers, supermarket operators, locally-owned ones, locally-owned hardware stores, the people that are in our communities that serve on our borough councils, that serve on our local advisory boards, that serve in the recreations commission that give back to their community.

It is not corporate America. It is the local business people. We heard that it was about billionaires. Well, here are the numbers. 53 percent are 1 million or less, 39 percent are 1 million to 2½ million, 7 percent from 2½ million to 5 million, and 3.7 percent of the cases are over 5 million.

You do not have to have a very big business today to have a couple million dollar business. You can have 4 machines in a building, a couple of trucks and some other office equipment, and you have a several million dollar business. Let us say it is a family business and the children are involved. Oftentimes, the children helped grow the business.

It was a partnership between fathers and sons and mothers and daughters, and as they made this business grow and the parents passed on, the only way they could protect themselves was to spend a lot of capital and buy insurance to pay the taxes, and some do that. It takes money that they might need to buy another machine to expand to grow the business.

This tax is not about large corporations. The public-held corporations do not pay this tax. And where is the future of America? The future of America is small business. The strength and growth of our economy has been new businesses. The record of new businesses is not always real good. Indirectly small business owners, the major producers of most new jobs are forced to hire fewer workers than they desire because of the high capital costs associated with death taxes.

Likewise, with death of a small business owner, many employees lose their jobs when relatives of the deceased owners are forced to liquidate the business to pay the death taxes. This occurrence is not rare; 70 percent of all businesses never make it past the first generation. 87 percent do not make it to the third generation, and only 1 percent make it to the fourth generation. One of the major reasons for this phenomenon appears to be the death tax.

A recent survey conducted by Prince & Associates demonstrated that 90 percent of successors to family-owned businesses that were forced to liquidate within 3 years of the original owner's death claiming that paying death taxes was one of the major culprits of the company's demise.

Now, when you stop and look at our individual communities, the backbone of our communities are not the national corporations, though we are fortunate if we have a plant there, or if they have businesses there, but the real strength of our communities are the local entrepreneurs, the local businesses, the local sawmill, the local hardware store, people who have lived their life there, who are vitally a part of that community.

Yes, one third of small business owners today will have to sell or liquidate part of their business to pay estate taxes. Half of those who liquidate to pay death taxes will have to eliminate 30 or more jobs. So if we want job growth, this is a tax that prohibits businesses from continuing the growth cycle they are on. Mr. Speaker, maybe they were a business that had two restaurants and were ready to go to number three, and one of the parents die, and suddenly they have to sell one of the restaurants to pay the death taxes.

They stop the growth cycle whenever they were going to go to restaurant number 4 or restaurant number 5, or they were going to add machine number 5 or machine number 6 that would have employed three more people, one more for each shift, and more people for the office and more people to truck the goods in and out.

It is a tax that makes no economic sense. It is also one that is not easy to collect. It costs considerable. It is 65 percent of the tax, 65 percent of the tax that is collected is costs of collection. That is not a very efficient tax. And when you want less of something, tax it heavily.

When you tax something 37 percent to 55 percent, you are going to have a whole lot less of it, and that is what we are doing to successful businesses in this country. We are taxing them 37 percent to 55 percent when they want to transfer that business from the parents at their death to the children. There is nothing right about that.

A study by George Mason University Professor Richard Wagner showed that eliminating the death tax would have a substantial impact on lowering the costs of capital and thus increase the health of the economy. Wagner found that within 8 years of eliminating the death tax, the gross domestic product would be $80 billion larger than expected, resulting in the creation of 250,000 additional jobs and $640 billion larger capital stock.

Ladies and gentlemen, cutting this tax will not lose revenue for this country. In the long run, it will be a stimulus to our country. It will help the small businesses who are competing with the large corporate entities of this world. The future lies with the Bill Gates' of the future who may start in their garage, who may start in a little warehouse someplace in the corner of it and start to grow a new business, providing new service, with a new concept, a new idea, and when suddenly that generation passes on, the next generation can continue.

Yes, even liberals support this. A University of Southern California Law Professor Edward McCaffrey, a self-described liberal, stated in testimony before the Senate Committee on Finance recently, the death tax discourages behavior that a liberal democratic society ought to like. It discourages work. It discourages savings. It discourages bequests, and it encourages behavior that such a society ought to suspect, the large scale consumption, leisure, giving of the very rich. It is a tax on working and savings without consumption. It is a tax on thrift, on long-term savings.

There is no reason, even a liberal populace supports it. The current gift and estate tax does not work. It is a deep tension with liberal ideals and lacks strong popular or political support; that is from a liberal.

Ladies and gentlemen, it is time for us to do away with the death tax. It will have a positive economic impact on the future growth of America. It will grow new jobs. It will inspire our economy to grow, and it is time we eliminate it.

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Mr. CRANE. Mr. Speaker, I thank my distinguished colleague for his remarks. In conclusion, I would simply like to pay tribute to our colleagues, the gentlewoman from Washington (Ms. DUNN) and the gentleman from Tennessee (Mr. TANNER) who are cosponsors of H.R. 8. It has had bipartisan cosponsorship from the outset, and I look forward to good, strong bipartisan support on Friday when we finally eliminate this obscene component of our Tax Code.

CONCERNS OVER SOCIAL SECURITY CHANGES PROPOSED BY GOVERNOR BUSH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I would like to discuss my concerns over the changes in Social Security that have been proposed by Governor Bush of Texas.

Mr. Speaker, as we know, Social Security has lifted millions of seniors out of poverty. It is by far the most successful economic program ever passed by Congress, and the reason for its success is simple. It offers a guaranteed benefit for every American retiree. More than half of all Americans, especially working families, have no retirement savings beyond Social Security. Without the guaranteed income provided by Social Security, millions of seniors could fall through the cracks, left to live out their lives in poverty.

Recently, Governor Bush proposed a Social Security plan that would undermine Social Security, in my opinion, and simultaneously threaten our thriving economy. By diverting funds from the Social Security Trust Fund to set up individual retirement accounts, Bush's plan would hasten the insolvency of the Social Security Trust Fund and force seniors to question, rather than to count on, their Social Security benefits.

Now, Governor Bush has also proposed a tax cut that would cost an estimated $1.7 billion. When combined with the cost of his individual retirement accounts, Governor Bush's plan would spend more than 3 times the projected surplus over the next 10 years. That money would come directly out of the Social Security Trust Fund, weakening the program even further, and leaving little room in the budget for other priorities like the prescription drug benefit under Medicare and investment in education.

In my opinion, Mr. Speaker, no plan that would endanger the guarantees of Social Security or rob the trust fund and leave other priorities unfunded can possibly be taken seriously, and that is why I think it is important, Mr. Speaker, that Democrats fight this dangerously ill-conceived proposal every step of the way. Myself and other Members on our side of the aisle will be here frequently over the next few weeks and the next few months speaking out against Governor Bush's proposal.

Mr. Speaker, I wanted to discuss some of the major problems that I see associated with replacing part of Social Security with individual accounts the way that Governor Bush has proposed, and I would like to just get into a little more detail about some of these problems this evening.

First, I would point out that individual accounts would mean massive cuts in Social Security benefits. Using a portion of the payroll tax to fund individual accounts would divert vitally important financial resources away from Social Security and would make Social Security's financial shortfall much worse. We know that we are eventually going to have a shortfall in Social Security and we have to find some way of shoring up the fund to make sure that the money is available. Well, what the Bush individual accounts plan does is to basically make the financing shortfall even worse.

For instance, redirecting 2 percentage points of the current payroll tax into individual accounts without other program changes would more than double Social Security's currently projected long-range deficit of 1.89 percent of taxable payroll. To make up for this lost payroll tax revenue, individual account plans would also have to impose dramatic cuts in Social Security benefits. One such plan introduced in the 105th Congress would have reduced Social Security benefits by one-third for an average wage worker retiring in 2025. I want to repeat that. It would reduce Social Security benefits by one-third for an average wage worker retiring in 2025. This is why I say that Bush's plan is so radical, because rather than having a guaranteed level of money that would come to you, a guaranteed income that would come to you, you could likely see a one-third cut in that income that you are expecting.

Now, some claim that Governor Bush could avoid cutting Social Security benefits by relying on anticipated budget surpluses to finance individual accounts. We know that there is going to be a significant and ever-growing surplus, assuming the economy continues to be good. But the problem is that Governor Bush has already made commitments during his campaign for President that would preclude the use of budget surpluses for that purpose.

First, he has offered a variety of tax proposals that, all told, would cost roughly $1.7 trillion from the years 2002 through 2010; $800 billion in excess of projected nonSocial Security surpluses over the same period. So the money is simply not there from the surplus to shore up Social Security or to pay for these individual accounts because he has already said that he wants to use it for these tax cuts, primarily for wealthy individuals and corporations.

Also, Governor Bush has pledged to protect future Social Security surpluses by placing them in a lockbox, thus neither surpluses from Social Security nor outside of the program would be available to finance individual accounts if Governor Bush intends to keep his other campaign promises.

Mr. Speaker, it just does not add up. On the one hand, Governor Bush proposes taking a percentage of the trust fund and using it for individual savings accounts; there is no money to pay for that, and it would actually force us to have less benefits for recipients in the future. On the other hand, he cannot use the surplus to make up for that because he already has this huge tax plan that would use up most of the surplus.

Now, the next problem I would like to discuss, Mr. Speaker, is that individual accounts would force Americans to bear greater risk. Social Security protects against a host of risks: the risk of death or disability, the risk of low lifetime earnings, the risk of unexpectedly long life, the risk of inflation. Now, individual accounts would undermine these protections and would add the uncertainty of market risk to the program. Advocates of individual accounts argue that since fluctuations in the stock market average out over time, that individual investment risk is negligible. Well, I do not think that is true at all. I think it is highly risky and a lot of people do not realize what the risk is.

Averages, essentially, are misleading. For every person whose investments perform above average, there is another person counting on Social Security whose investments perform below average with the stock market. Averages also ignore timing and the millions of Americans who might retire during a downturn in the stock market. Now, just to give some examples, and I use an example from the Congressional Budget Office. There were 15 years in the past century, 1908 through 1912; 1937 through 1939; 1965 through 1966; 1968 through 1973, in which the real value of the stock market fell by more than 40 percent over the preceding decade. Moreover, if we look at the AARP's Center for Retirement Research, they point out that between January 1973 and September of 1976, the stock market declined by 43 percent and did not return to its 1972 high for almost 10 years. And then, just as another source of data on this problem, the General Accounting Office observes that over the past 70 years or so, stock returns were negative in nearly one out of 4 years. So anyone who tells us that this is not a risky venture, that this investment does not pose potential problems for the money that one invests in these individual accounts, is simply not looking at the historical record.

Another major problem I would like to mention this evening, Mr. Speaker, is that individual accounts would be expensive to administer. The governor does not say how he is administering or where the money is coming from to pay for administering these individual accounts. When he announced his Social Security principles, Governor Bush failed to specify the structure or the institutions he would create to oversee individual accounts. This should come as no surprise, since the administration of such accounts would impose new and substantial burdens on employers, workers, and to the Federal Government. Even administrative charges that appear small at the outset add up over time. An annual fee of 1 percent of assets under management over the course of a 40-year career would absorb 20 percent of the worker's individual account. So once again, this all sounds very nice in theory, but in practice, the reality is that the money just is not there.

Mr. Speaker, another problem I would like to point out tonight is that individual accounts would cripple efforts to eliminate the national debt. This is such an important reason why Governor Bush's proposal should not be adopted, because we are now paying down the national debt for the first time in anyone's memory, and this is a significant factor in keeping the economy going and letting the economy grow. In the absence of benefit cuts, diverting a portion of the Social Security payroll tax into individual accounts would lead to significantly smaller Social Security surpluses and to the rapid depletion of the Social Security Trust Fund.

According to the Center on Budget and Policy Priorities, if the current payroll tax were reduced by 2 percentage points to fund individual accounts, which is what Governor Bush has proposed, and if the current payroll tax were reduced by 2 percentage points in that way, the assets in the Social Security Trust Funds would be exhausted in 2023, well before the currently expected date of 2037. Moreover, Social Security benefit payments would begin to exceed payroll tax revenue by 2005, a decade earlier than what is now projected. So again, the money is not there. If we start taking the money away from these individual accounts, Social Security is going to become insolvent a lot sooner.

Mr. Speaker, this has direct implications on the ability to pay down the national debt. Reduced Social Security surpluses and an earlier date of trust fund exhaustion necessarily implies less debt reduction. The Federal Government has been able to begin retiring decades of debt only because of large Social Security surpluses and fiscal discipline in the rest of the budget. Less debt reduction necessarily implies higher interest costs and using payroll taxes to fund individual accounts would mean that billions of dollars would be used for interest payments on the debt, rather than for critical investments in our Nation's future.

Now, the President, President Clinton has suggested a plan that would dedicate all projected Social Security surpluses to debt reduction. The President's plan would not only extend Social Security solvency until 2054, but it would also eliminate the debt held by the public by 2013. The combination of Governor Bush's tax proposal and his Social Security principles would make it impossible to eliminate the publicly-held debt that quickly.

When I talk to my constituents, they all tell me the same thing. They want to make sure that Social Security is there for them when they retire. Well, if we implement Governor Bush's plan, it will not be there because the insolvency will occur even earlier, and, worse than that, we do not pay down the national debt, which I think is a major factor in our ability to keep the economy going and to continue growth in our economy.

Mr. Speaker, I would like to point this evening to an analysis that was done by the Social Security Network. The Social Security Network is a project of the Century Foundation. Basically, they did an analysis recently that evaluates the diversion of 2 percentage points of the current Social Security payroll tax into individual accounts. Now, Governor Bush has not specified how large his proposed individual accounts would be, but the Bush campaign has used examples involving the 2 percentage points, and that is why I use that 2 percentage points, and that is why the Social Security network used the 2 percentage points in its analysis. But this analysis, and I should also say, before I get into this analysis a little more, that the calculations it uses, if anything, underestimate the cuts in Social Security benefits likely to occur under a Bush-like individual account plan.

But what this analysis by the Social Security network suggests is the following: first, if Social Security benefits were cut equally for all workers age 55 or younger in 2002, benefits would have to be cut by 41 percent to maintain the solvency of Social Security over the next 75 years.

□ 2200

So here again, their analysis shows we are going to have an even greater problem maintaining the solvency of social security.

To avoid a sharp reduction in retirement income for older workers that would result from this, benefit cuts could be phased in. Because less would be saved in early years, reductions for younger workers would have to be larger to ensure that social security remains solvent over the next 75 years.

For example, under one plausible phase-in approach, social security benefits would have to be reduced by 29 percent for those 50 years old in 2002, and by 54 percent for those 30 years old or younger. So what we are saying is if we do not do this all at once but we phase it in, then the consequence on younger workers is even greater in terms of the amount of benefits they are going to have when they retire.

Not only would the average benefits be cut relative to current law under the Bush proposal, but workers would also have to shoulder substantially increased risk under individual accounts. In other words, benefits might be smaller or larger than under current law.

Here again, the Social Security Network gives us some examples. If holders of individual accounts suffer from market returns as low as the worst 35-year period since World War II, the total benefit reduction, including the individual account income, for 30-year-old single average earners would be 38 percent rather than 28 percent. So depending on the market fluctuations, and if we use the period before World War II as an example, we could have as much as a 38 percent reduction in the benefits that we get.

Then the Social Security Network has another example. If, on the other hand, individual account holders enjoy market returns as good as the best of the 35 years since World War II, so now we are going in the opposite direction, instead of using the worst years prior to World War II we are using the best years after World War II, including now, the income for 30-year-old single average earners would be about the same as under current law.

So what are we gaining? What this is essentially saying in this analysis is if we use the best years since World War II, you would not gain anything. If we use the worst years prior to World War II, we could have as much as a 38 percent reduction. There is no benefit.

The problem is that everyone, that Governor Bush is relying on people's assumptions about the economy in the last 5 or 10 years, when things have been the best they have ever been. There is no guarantee that is going to continue over the life of the program before somebody who is younger retires, which could be 35, 40 years.

The conclusion is that Governor Bush's proposal could cut social security benefits by more than 50 percent for young workers, and the proceeds from the individual account would on average make up only a portion of that cut while exposing individuals to significant risk. This is from, as I said, the Social Security Network's analysis.

Mr. Speaker, I did not intend to take up a lot of time tonight because I intend to come back and keep talking about this on other occasions, but I just wanted to say in conclusion, Mr. Speaker, that the bottom line is that Governor Bush's social security proposal simply does not add up. Most of the surplus for tax cuts plus most of the surplus for a risky social security plan equals too much of the Federal budget. We cannot take the money from this tax plan and at the same time have a huge tax cut and end up with anything but less benefits for the average social security recipient.

If we take these two things together, his social security plan and the tax cut, we swallow up the surpluses whole for the next 10 years, and we use a significant portion of the social security surplus as well, so both the general revenue and the social security surplus would be used up.

Devoting all the surplus to these two plans, the Governor's social security plan and the tax cut plan, means leaving nothing at all for the rest of the budget. The combination would leave no room for other vital priorities like the Medicare prescription drug benefit or more funding for new teachers and modern classrooms.

In addition to the fact that it does not add up for the recipient, who would probably end up with cuts in their benefits, it also means that money is not going to be available to expand Medicare, which I think, Mr. Speaker, we know that many of our constituents, most of our constituents, are saying that they would like Medicare to be expanded to include prescription drugs.

There is no way we could do that if we adopted Bush's social security plan as well as his tax cut, because there would not be any money left over to do that, to help seniors with a program under Medicare that would pay for their prescription drugs.

Of course, that does not even take into account other priorities that affect the general population, like the need for more money for education to go back to local schools so they can have smaller class sizes by hiring more teachers, or the need to pay for school construction and give money to the local schools so they can renovate school buildings and upgrade the infrastructure for the Internet, and those types of things.

Nothing would be left. This would just take up everything, and for no reason, for no actual benefit to the average senior citizen.

I just think that the Governor's proposal for social security is extremely radical. It does not add up. I just hope that over the next few months that we are able to expose this so the American people realize this, because it should not be enacted, and it certainly should not be the basis for any policy program by Governor Bush or anyone else.

RECESS

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2357

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 11 o'clock and 57 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–657) on the resolution (H. Res. 518) providing for consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human

Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 8, DEATH TAX ELIMINATION ACT OF 2000

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–658) on the resolution (H. Res. 519) providing for consideration of the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of family illness.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for June 6 before 4:00 p.m. on account of official business.

Mr. ENGLISH (at the request of Mr. ARMEY) for today until 3:00 p.m. on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BACA, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. OSE) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today and June 8.

Mr. BURTON of Indiana, for 5 minutes, June 14.

Mrs. JOHNSON of Connecticut, for 5 minutes, June 8.

(The following Members (at their own request) to revise and extend his remarks and include extraneous material:)

Mr. HAYWORTH, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2311. An act to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes; to the Committee on Commerce.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Thursday, June 8, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8032. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—2000 Amendments to Cotton Board Rules and Regulations Adjusting Supplemental Assessment on Imports [CN–00–002] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8033. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Quarantined Areas and Treatment Dosage [Docket No. 99–078–2] received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8034. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Quarantined Areas [Docket No. 00–007–1] received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8035. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Utilization of Indian Organizations and Indian-Owned Economic Enterprises [DFARS Case 99–D300] received April 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8036. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General David J. Kelley, United States Army; to the Committee on Armed Services.

8037. A letter from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—The State Vocational Rehabilitation Services Program (RIN: 1820–AB14) received May 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8038. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA 00–7013; Notice 1] (RIN: 2127–AG70) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8039. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Iranian Transactions Regulations: Licensing of Imports of, and Dealings in, Certain Iranian-Origin Foodstuffs and Carpets—received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8040. A letter from the Secretary of Labor, transmitting the Semiannual Report of the Department of Labor's Inspector General covering the period October 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8041. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the Fiscal Year 1999 Annual Report, pursuant to D.C. Law 12—152; to the Committee on Government Reform.

8042. A letter from the Associate General Counsel, Department of Treasury, transmitting the Department's final rule—Disclosure of Records: Freedom of Information Act (RIN: 1505–AA76) received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8043. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 1999, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

8044. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Andrews-Murphy, NC [Airspace Docket No. 00–ASO–4] received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8045. A letter from the Secretary of Transportation, transmitting the Reports on Traffic Flow and Safety Applications of Road Barriers; to the Committee on Transportation and Infrastructure.

8046. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Supplemental Infomation on Revenue Procedure 2000–12 for Prospective Qualified Intermediaries [Announcement 2000–48] received May 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8047. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reorganizations; Nonqualified Preferred Stock: Plain Language Summary—received May 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8048. A letter from the Chief Executive Officer, Corporation For National Service, transmitting the annual reports for 1999; jointly to the Committees on Education and the Workforce and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. Reports on the Revised Suballocation of Budget Allocations for Fiscal Year 2001 (Rept. 106–656). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 518. Resolution providing for consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–657). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 519. Resolution providing for consideration of the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period (Rept. 106–658). Referred to the House Calendar.

DISCHARE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on International Relations, Banking and Financial Services, the Judiciary and Armed Services discharged. H.R. 984 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. McCollum: Committee on the Judiciary. H.R. 3125. A bill to prohibit Internet gambling, and for other purposes, with an amendment; referred to the Committee on Commerce for a period ending not later than June 23, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X. (Rept. 106–655, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1656. Referral to the Committees on Commerce and Education and the Workforce extended for a period ending not later than June 9, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CAMP:

H.R. 4592. A bill to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations; to the Committee on Commerce.

By Mrs. CLAYTON:

H.R. 4593. A bill to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Vocational Rehabilitation Act of 1973, and the Civil Rights Act of 1991, to require the Equal Employment Opportunity Commission to mediate employee claims arising under such Acts; and for other purposes; to the Committee on Education and the Workforce.

By Ms. DeGETTE (for herself, Mr. Nethercutt, Mr. LaFalce, and Mr. Weldon of Pennsylvania):

H.R. 4594. A bill to amend the Public Health Service Act with respect to reducing the burden of diabetes among children and youth; to the Committee on Commerce.

By Mr. ISAKSON:

H.R. 4595. A bill to suspend temporarily the duty on nelfilcon polymer; to the Committee on Ways and Means.

By Ms. McKINNEY (for herself, Mr. Sanders, Mr. Kucinich, Mr. Jackson of Illinois, Mr. Wynn, Ms. Carson, Mrs. Meek of Florida, Mr. Stark, Mr. Evans, Mrs. Mink of Hawaii, Mr. Owens, Mr. DeFazio, Mr. Filner, Mr. Payne, and Mr. Nadler):

H.R. 4596. A bill to require nationals of the United States that employ more than-20 persons in a foreign country to implement a Corporate Code of Conduct with respect to the employment of those persons, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Government Reform, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 4597. A bill to amend the Fair Labor Standards Act of 1938 to protect employees who seek equal wages under that Act; to the Committee on Education and the Workforce.

By Mr. SHAW (for himself, Mrs. Thurman, Mr. Foley, Mr. Tanner, Mr. Camp, Mr. Ramstad, Mr. McCrery, and Mr. Lewis of Kentucky):

H.R. 4598. A bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas (for herself, Mr. Conyers, Ms. Carson, Mr. Cummings, Mr. Davis of Illinois, Ms. Eddie Bernice Johnson of Texas, Mr. Hastings of Florida, Mr. Wynn, Ms. Lee, Ms. McKinney, Mr. Towns, Mr. Jefferson, Mr. Jackson of Illinois, Mr. Lampson, Mrs. Mink of Hawaii, Mr. Rothman, Ms. Baldwin, Mr. Clyburn, Mr. Gilman, Mr. Dingell, Ms. Berkley, and Mr. Bonior):

H. Con. Res. 347. Concurrent resolution expressing the sense of the Congress regarding the need to pass legislation to increase penalties on perpetrators of hate crimes; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself, Mr. Porter, Mr. Lantos, Mr. Payne, Mr. LaHood, Mr. English, Mr. Brady of Pennsylvania, Mrs. Christensen, Mr. Gillmor, Mrs. Lowey, Mr. McGovern, Ms. Norton, Mr. Capuano, Ms. Lofgren, Mr. Waxman, Mr. Berman, Mr. Sanders, Mr. Crowley, Mr. McDermott, Mr. Engel, Mr. Stark, Mr. Owens, Ms. Slaughter, Mr. Allen, Mr. Kennedy of Rhode Island, Ms. McKinney, Mrs. Morella, Mr. Moakley, Ms. Rivers, Mrs. Meek of Florida, Ms. Pelosi, Ms. Lee, and Mr. Gonzalez):

H. Con. Res. 348. Concurrent resolution expressing condemnation of the use of children as soldiers and expressing the belief that the United States should support and, where possible, lead efforts to end this abuse of human rights; to the Committee on International Relations.

By Mr. MOORE (for himself, Ms. McCarthy of Missouri, and Mr. Moran of Kansas):

H. Res. 517. A resolution expressing the sense of the House of Representatives with respect to the Bloch Cancer Foundation; to the Committee on Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

336. The SPEAKER presented a memorial of the Legislature of the State of Utah, relative to House Concurrent Resolution No. 1 memorializing the United States Congress to provide funds sufficient to relieve Utahns of the devastating economic impact of the state's cricket and grasshopper infestion; to the Committee on Agriculture.

337. Also, a memorial of the Legislature of the State of Utah, relative to House Concurrent Resolution No. 5 memorializing the Congress of the United States that any Federal Legislation designating wilderness in the west desert region of Utah at a minimum provides certain protections; to the Committee on Resources.

338. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 107 memorializing the Director of the Idaho Office of the Bureau of Land Management, the Senate and the House of Representatives of the United States in Congress Assembled, and to the Congressional Delegation of the State of Idaho to eliminate the grazing limit permits with a reduction of the grazing season by two and one-half months; to the Committee on Resources.

339. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 17 memorializing the Congress that February 21 is designated as "Stand Up for Steel" day; to the Committee on Ways and Means.

340. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 106 memorializing the Senate and the House of Representatives to request the United States Forest Service not move forward with the final rule based on the October 5, 1999, proposal; jointly to the Committees on Resources and Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GRAHAM introduced a bill (H.R. 4599) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Tokeena;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. Leach, Mr. Sawyer, and Mr. Bentsen.

H.R. 116: Mr. Holt, Mr. Baird, Mr. Ehrlich, Mr. Baca, Mr. Klink, Mr. Owens, Mr. Doyle, Ms. Jackson-Lee of Texas, and Mr. LoBiondo.

H.R. 125: Mr. Borski.

H.R. 141: Mr. LoBiondo and Mr. Neal of Massachusetts.

H.R. 218: Mr. Etheridge.

H.R. 229: Ms. Pelosi.

H.R. 230: Ms. Rivers.

H.R. 303: Mr. Pascrell and Mr. Hayes.

H.R. 488: Ms. Berkley.

H.R. 534: Mr. Luther, Mr. LoBiondo, Mr. Graham, Mr. Chambliss, and Mr. Inslee.

H.R. 654: Mr. DeMint.

H.R. 792: Mr. Boehner.

H.R. 828: Mr. Kanjorski.

H.R. 954: Mr. Payne.

H.R. 1178: Mr. Shadegg and Mrs. Chenoweth-Hage.

H.R. 1217: Ms. DeGette, Ms. Brown of Florida, and Mr. Norwood.

H.R. 1248: Mr. Hall of Texas.

H.R. 1285: Mr. Pastor.

H.R. 1322: Mr. McInnis, Mr. Baca, and Mr. Dicks.

H.R. 1371: Mr. Capuano.

H.R. 1396: Ms. McCarthy of Missouri, Mr. Rothman, Ms. Berkley, and Mr. Hoeffel.

H.R. 1485: Mr. Watt of North Carolina.

H.R. 1531: Mr. Stupak.

H.R. 1798: Mr. Tauzin and Mr. Hilliard.

H.R. 1914: Mr. Herger.

H.R. 1976: Mr. Nadler.

H.R. 1994: Ms. Carson.

H.R. 2298: Ms. Millender-McDonald.

H.R. 2321: Mr. Wynn.

H.R. 2355: Mr. Minge.

H.R. 2382: Mr. Bliley.

H.R. 2402: Mr. Calvert.

H.R. 2543: Mr. Shays and Mr. Aderholt.

H.R. 2562: Mr. Price of North Carolina.

H.R. 2597: Mr. Bartlett of Maryland.

H.R. 2720: Mr. Peterson of Minnesota, Mr. Wynn, Mr. Larson, Mr. Bryant, and Mr. Minge.

H.R. 2802: Mr. Wynn.

H.R. 2892: Mr. Green of Texas.

H.R. 2909: Mr. Boehlert.

H.R. 2969: Mr. Filner.

H.R. 3032: Mr. Nadler.

H.R. 3065: Mr. Chabot.

H.R. 3082: Mr. Nussle.

H.R. 3125: Mrs. Fowler and Mr. Gilchrest.

H.R. 3193: Mr. Sweeney and Mr. Forbes.

H.R. 3508: Mr. Udall of Colorado.

H.R. 3514: Mr. Dicks.

H.R. 3571: Mrs. Meek of Florida.

H.R. 3573: Mr. Reyes.

H.R. 3593: Mr. Dooley of California.

H.R. 3634: Mr. Boucher.

H.R. 3667: Mr. Synder.

H.R. 3766: Mr. Maloney of Connecticut, Mr. Edwards, and Mr. LoBiondo.

H.R. 3809: Mr. Gilchrest.

H.R. 3825: Ms. Jackson-Lee of Texas.

H.R. 3842: Mr. Boyd, Mr. Andrews, Mr. Norwood, Mr. Boehlert, Mr. Coyne, Mr. Delahunt, Mr. Hill of Indiana, Mr. Pomeroy, Mr. Nussle, and Mr. Sessions.

H.R. 3861: Mr. Olver.

H.R. 3874: Mrs. Christensen, Mr. Waxman, Mr. Allen, and Mr. Berry.

H.R. 3875: Mr. DeFazio and Mr. Rodriguez.

H.R. 4001: Mr. Engel, Ms. McKinney, Mr. Hinchey, Mr. Owens, Mr. Frost, and Mr. Dingell.

H.R. 4012: Mr. Klink and Mr. Sanders.

H.R. 4013: Mr. George Miller of California, Mr. Pallone, and Mr. Ramstad.

H.R. 4046: Mr. Porter, Ms. Lee, Mr. Moran of Virginia, Mr. Evans, Mr. Hinchey, and Mr. McGovern.

H.R. 4066: Mr. Rush, Ms. Kikpatrick, Mr. Olver, and Mr. Lantos.

H.R. 4132: Mr. Schaffer, Mr. Underwood, Mrs. Christensen, and Mr. Gibbons.

H.R. 4167: Mr. Upton, Mr. Rangel, Mr. Foley, Mr. Baird, Mr. Lantos, and Mr. Filner.

H.R. 4170: Mr. Dreier and Mr. Largent.

H.R. 4172: Mr. Davis of Illinois, Mr. Berman, Mrs. Christensen, Mr. Owens, Mr. Wynn, Mr. Blagojevich, Mr. Diaz-Balart, Ms. Ros-Lehtinen, and Mr. Pastor.

H.R. 4178: Mr. Rangel.

H.R. 4183: Mr. Moore.

H.R. 4184: Mr. Doyle and Mr. McCollum.

H.R. 4207: Mr. Nethercutt and Mr. Stupak.

H.R. 4210: Ms. Berkley and Mr. Larson.

H.R. 4239: Mr. Weiner.

H.R. 4282: Mr. Gary Miller of California.

H.R. 4289: Ms. Kaptur, Mr. Barrett of Wisconsin, Ms. McCarthy of Missouri, Mrs. Meek of Florida, Mr. Conyers, Mr. Spratt, Mr. Scott, Mrs. Christensen, Mr. Rush, Mr. Thompson of Mississippi, Mr. Ford, Ms. Eddie Bernice Johnson of Texas, Ms. Jackson-Lee of Texas, Mr. Fattah, Mr. Jackson of Illinois, Mr. Rangel, Ms. Millender-McDonald, Mr. Abercrombie, Mr. Dicks, and Ms. Lee.

H.R. 4302: Mr. Maloney of Connecticut.

H.R. 4313: Mr. Filner, Mrs. Meek of Florida, Mr. Blunt, and Mr. Jenkins.

H.R. 4320: Ms. Lee.

H.R. 4328: Mr. Isakson and Mrs. Meek of Florida.

H.R. 4334: Mr. Mascara.

H.R. 4374: Mr. Reyes.

H.R. 4384: Mr. Bartlett of Maryland, Mr. Moakley, Mr. Wynn, Mr. Berman, Mr. Neal of Massachusetts, Mr. Dixon, Mr. Rahall, Mr. Leach, Mr. Gutknecht, Mrs. Capps, and Mr. Skelton.

H.R. 4406: Mr. Frost and Mr. Nadler.

H.R. 4429: Mr. Baird.

H.R. 4465: Mrs. Myrick.

H.R. 4466: Mrs. Myrick and Mr. Goode.

H.R. 4467: Mr. McInnis and Mr. Minge.

H.R. 4488: Mrs. Maloney of New York and Mr. Wynn.

H.R. 4492: Ms. Eddie Bernice Johnson of Texas.

H.R. 4529: Ms. Norton.

H.R. 4531: Mr. Royce.

H.R. 4547: Mr. Sensenbrenner.

H.R. 4557: Mr. Hinchey.

H.R. 4560: Mr. Green of Wisconsin.

H.R. 4566: Mr. Larson and Mr. Pascrell.

H.R. 4567: Mr. McGovern and Mrs. Cayton.

H.R. 4569: Mr. Hoyer.

H. Con. Res. 266: Mr. Hoekstra.

H. Con. Res. 286: Mr. Hoeffel.

H. Con. Res. 297: Mr. Schaffer, Mr. Horn, Mr. Lantos, Mr. Pickering, Mr. Tiahrt, Mr. Frost, Mr. Dingell, Mrs. Johnson of Connecticut, and Ms. Kaptur.

H. Con. Res. 308: Ms. Pelosi and Mr. Wexler.

H. Con. Res. 321: Mr. Smith of Texas, Mr. Thornberry, Mr. McIntyre, Mr. Davis of Illinois, Mr. Ramstad, Ms. DeGette, Mr. Boswell, Mr. Schaffer, Mr. Frelinghuysen, Mr. Baca, Mr. DeMint, Mr. Barton of Texas, Mrs. Maloney of New York, Mr. Hansen, Mr. Baker, and Mrs. Lowey.

H. Con. Res. 327: Mr. McGovern, Mr. Callahan, Mr. Saxton, Mr. Green of Texas, Mr. Sununu, Mr. Meehan, Mr. Lipinski, Mr. Kleczka, Mr. Buyer, Mr. Frost, and Mr. Whitfield.

H. Con. Res. 341: Mr. Leach.

H. Res. 205: Mr. Ney.

H. Res. 414: Mr. Nadler, Mr. Hilliard, and Mr. Udall of Colorado.

H. Res. 415: Mr. Gilchrest, Ms. Eshoo, Mrs. Christensen, and Mrs. Capps.

H. Res. 458: Mr. Barrett of Wisconsin, Mr. King, Mr. Price of North Carolina, Mr. Wolf, Mr. Gejdenson, and Mr. Green of Wisconsin.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

Offered By: Mr. Allen

Amendment No. 24: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to approve any application for a new drug submitted by an entity that does not, before completion of the approval process, provide to the Secretary of Health and Human Services a written statement specifying the total cost of research and development with respect to such drug, including a separate statement specifying the portion paid with Federal funds and the portion paid with State funds.

H.R. 4577

Offered By: Mr. Andrews

Amendment No. 4: Page 49, after line 12, insert the following new section:

Sec. 214. The amounts otherwise provided by this Act are revised by reducing the amount made available for "DEPARTMENT OF HEALTH AND HUMAN SERVICES—Office of the Secretary—general departmental management", and increasing the amount made available for "Health Resources and Services Administration—health resources and services" (to be used for a block grant to the Inner City Cardiac Satellite Demonstration Project operated by the State of New Jersey, including creation of a heart clinic in southern New Jersey), by $40,000,000.

H.R. 4577

Offered By: Mr. Andrews

Amendment No. 5: At the end of the bill, insert after the last section (preceding the short title), the following new section:

Sec. 518. None of the funds in this Act may be used to make payments to a Medicare+Choice organization offering a Medicare+Choice plan with respect to which the Secretary finds the organization to be out of compliance with requirements of part C of title XVIII of the Social Security Act pursuant to an audit conducted under section 1857(d) of such Act (42 U.S.C. 1395w–27(d)).

H.R. 4577

Offered By: Mr. Bass

Amendment No. 6: Page 2, line 13, after the dollar amount, insert the following: "(reduced by $42,000,000)".

Page 2, line 14, after the dollar amount, insert the following: "(reduced by $42,000,000)".

Page 20, line 11, after the first dollar amount, insert the following: "(reduced by $134,000,000)".

Page 22, line 7, after the dollar amount, insert the following: "(reduced by $10,000,000)".

Page 24, line 7, after the first dollar amount, insert the following: "(reduced by $130,000,000)".

Page 31, line 23, after the dollar amount, insert the following: "(reduced by $75,000,000)".

Page 51, line 21, after each dollar amount, insert the following: "(reduced by $78,000,000)".

Page 52, line 12, after each dollar amount, insert the following: "(reduced by $480,000,000)".

Page 52, line 18, after the dollar amount, insert the following: "(reduced by $450,000,000)".

Page 53, line 5, after the dollar amount, insert the following: "(reduced by $30,000,000)".

Page 53, line 17, after the first dollar amount, insert the following: "(increased by $1,011,000,000)".

Page 53, line 17, after the second dollar amount, insert the following: "(increased by $1,001,000,000)".

Page 53, line 20, after the dollar amount, insert the following: "(increased by $10,000,000)".

Page 55, line 2, after the dollar amount, insert the following: "(reduced by $3,000,000)".

Page 55, line 10, after the first dollar amount, insert the following: "(reduced by $22,000,000)".

Page 55, line 11, after the dollar amount, insert the following: "(reduced by $22,000,000)".

Page 58, line 3, after the dollar amount, insert the following: "(reduced by $7,000,000)".

H.R. 4577

OFFERED BY: MR. BASS

AMENDMENT NO. 7: Page 53, line 17, after each dollar amount, insert the following: "(increased by $200,000,000)".

Page 57, line 14, after the first dollar amount, insert the following: "(reduced by $200,000,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 8: Page 2, line 13, after the dollar amount, insert the following: "(increased by $1,026,078,000)".

Page 2, line 14, after the dollar amount, insert the following: "(increased by $572,578,000)".

Page 2, line 16, after the dollar amount, insert the following: "(increased by $453,500,000)".

Page 2, line 18, after the dollar amount, insert the following: "(increased by $253,500,000)".

Page 2, line 19, after the dollar amount, insert the following: "(increased by $200,000,000)".

Page 3, line 4, insert before the period the following:

: *Provided further*, That funds provided to carry out section 171(d) of the Workforce Investment Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers

Page 4, line 16, after the first dollar amount, insert the following: "(increased by $154,000,000)".

Page 4, line 16, after the second dollar amount, insert the following: "(increased by $50,000,000)".

Page 5, line 9, after the dollar amount, insert the following: "(increased by $154,000,000)".

Page 5, line 10, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 16, beginning on line 21, strike "up to $7,241,000 for the President's Committee on Employment of People With Disabilities, and including".

Page 16, line 24, after the dollar amount, insert the following: "(increased by $14,361,000)".

Page 18, line 14, after the first dollar amount, insert the following: "(increased by $5,364,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 9: Page 16, line 24, after the dollar amount, insert the following: "(increased by $97,000,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 10: Page 20, line 11, after the first dollar amount, insert the following: "(increased by $244,000,000)".

Page 33, line 19, after the dollar amount, insert the following: "(increased by $36,000,000)".

Page 34, strike the proviso beginning on line 16.

Page 40, line 25, after the dollar amount, insert the following: "(increased by $175,000,000), of which not less than $125,000,000 shall be for an expanded focus on respite and other assistance for families of vulnerable elderly, as authorized by section 341 of the Older Americans Act of 1965".

Page 72, line 21, after the dollar amount, insert the following: "(increased by $156,000,000)".

Page 73, line 19, after the dollar amount, insert the following: "(increased by $156,000,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 11: Page 31, after line 23, insert the following:

In addition, $600,000,000 for such purposes: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 12: Page 37, line 19, after the dollar amount, insert the following: "(increased by $417,328,000)".

Page 39, line 10, after the dollar amount, insert the following: "(increased by $600,000,000)".

Page 39, line 17, after the dollar amount, insert the following: "(increased by $600,000,000)".

Page 49, line 20, after the dollar amount, insert the following: "(increased by $400,000,000)".

Page 50, line 11, after the dollar amount, insert the following: "(increased by $416,000,000)".

Page 50, line 12, after the dollar amount, insert the following: "(increased by $416,000,000)".

Page 50, line 17, after the dollar amount, insert the following: "(increased by $416,000,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 13: Page 49, strike lines 1 through 12 (section 213).

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 14: Page 49, line 20, after the dollar amount, insert the following: "(increased by $65,000,000)".

Page 49, line 21, after the dollar amount, insert the following: "(increased by $65,000,000)".

Page 52, line 7, after "titles" insert "II,".

Page 52, line 12, after each of the two dollar amounts, insert the following: "(increased by $960,000,000)".

Page 52, strike the proviso beginning on line 17 and insert the following: ": *Provided*, That of the amount appropriated, $960,000,000 shall be for title II of the Elementary and Secondary Education Act of 1965, notwithstanding any other provision of law, for State formula grants and other competitive grants subject to such terms and conditions as the Secretary of Education shall establish to improve the knowledge and skills of such individuals as early childhood educators, teachers, principals, and superintendents, and for teacher recruitment and retention activities: *Provided further*, That of the amount appropriated, $2,115,750,000 shall be for title VI of the Elementary and Secondary Education Act of 1965, of which $1,750,000,000 shall be available, notwithstanding any other provision of law, to reduce class size, particularly in the early grades, using fully qualified teachers to improve educational achievement for regular and special needs children in accordance with section 310 of Public Law 106–113".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 15: Page 53, after line 14, insert the following:

SCHOOL RENOVATION

For grants and loans to carry out school renovation under title XII of the Elementary and Secondary Education Act of 1965, $1,300,000,000, which shall become available on July 1, 2001 and shall remain available until expended, of which (1) $50,000,000 shall be for grants to local educational agencies (as defined in section 8013(9) of such Act) in which the number of children determined under section 8003(a)(1)(C) of such Act constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year; (2) $125,000,000 shall be for grants to local educational agencies (other than those eligible under paragraph (1)); and (3) $1,125,000,000 shall be for the costs of direct loans to local educational agencies: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $7,000,000,000: *Provided further*, That notwithstanding any provision of titles XII and XIV of the Elementary and Secondary Education Act of 1965, the Secretary of Education shall make these grants and loans subject to such terms and conditions as the Secretary shall establish.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 16: Page 53, line 17, after each of the two dollar amounts, insert the following: "(increased by $1,510,315,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 17: Page 56, line 13, after the dollar amount, insert the following: "(increased by $938,000,000)".

Page 56, line 16, after the dollar amount, insert the following: "(increased by $300)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 18: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . It is the sense of the House of Representatives that tax reductions for taxpayers in the top 1 percent of income levels should not be enacted until the Congress enacts a universal voluntary prescription drug benefit for all Americans under Medicare.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 19: Page 2, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 20: Page 16, line 24, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 21: Page 20, line 11, after the first dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 22: Page 25, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 23: Page 31, line 23, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 24: Page 37, line 19, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 25: Page 49, line 20, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 26: Page 49, line 20, after the dollar amount, insert the following: "(increased by $1,000)".

Page 61, line 8, after the dollar amount, insert the following: "(reduced by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 27: Page 50, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

Page 50, line 12, after the dollar amount, insert the following: "(increased by $1,000)".

Page 50, line 17, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 28: Page 50, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

Page 50, line 12, after the dollar amount, insert the following: "(increased by $1,000)".

Page 50, line 17, after the dollar amount, insert the following: "(increased by $1,000)".

Page 61, line 8, after the dollar amount, insert the following: "(reduced by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 29: Page 51, line 21, after the dollar amount, insert the following "(increased by $1,000)".

Page 51, line 26, after the dollar amount, insert the following: "(increased by $1,000)",

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 30: Page 51, line 21, after the dollar amount, insert the following: "(increased by $1,000)".

Page 51, line 26, after the dollar amount, insert the following: "(increased by $1,000)".

Page 61, line 8, after the dollar amount, insert the following: "(reduced by $1,000)"

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 31: Page 52, line 12, after the dollar amount, insert the following: "(increased by $1,000)".

Page 52, strike the proviso beginning on line 17.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 32: Page 52, line 12, after the dollar amount, insert the following: "(increased by $1,000)".

Page 52, strike the priviso beginning on line 17.

Page 61, line 8, after the dollar amount, insert the following: "(reduced by $1,000)"

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 33: Page 53, line 17, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 34: Page 53, line 17, after the dollar amount, insert the following: "(increased by $1,000)".

Page 61, line 8, after the dollar amount, insert the following: "(reduced by $1,000)"

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 35: Page 56, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 36: Page 56, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

Page 61, line 8, after the dollar amount, insert the following: "(reduced by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 37: Page 2, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

Page 2, line 14, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 38: Page 2, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

Page 2, line 16, after the dollar amount, insert the following: "(increased by $1,000)".

Page 2, line 18, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 39: Page 2, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

Page 2, line 16, after the dollar amount, insert the following: "(increased by $1,000)".

Page 2, line 19, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 40: Page 2, line 13, after the dollar amount insert the following: "(increased by $1,000)".

Page 2, line 20, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 41: Page 2, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

Page 2, line 23, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 42: Page 2, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

Page 2, line 25, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 43: Page 3, line 24, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 44: Page 4, line 9, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 45: Page 4, line 16, after the first dollar amount, insert the following: "(increased by $1,000)".

Page 5, line 9, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 46: Page 4, line 16, after the second dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 47: Page 6, line 23, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 48: Page 7, line 5, after the first dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 49: Page 7, line 15, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 50: Page 8, line 2, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 51: Page 8, line 15, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 52: Page 10, line 4, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 53: Page 11, line 21, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 54: Page 12, line 17, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 55: Page 15, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 56: Page 16, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 57: Page 16, strike lines 21 and 22 and insert "the".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 58: Page 18, line 6, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 59: Page 18, line 14, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 60: Page 18, line 20, after the first dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 61: Page 20, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 62: Page 20, line 11, after the first dollar amount, insert the following: "(increased by $1,000)".

Page 20, line 20, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 63: Page 20, line 11, after the first dollar amount, insert the following: "(increased by $1,000)".

Page 21, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 64: Page 20, line 11, after the first dollar amount, insert the following: "(increased by $1,000)".

Page 21, line 23, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 65: Page 20, line 11, after the first dollar amount, insert the following: "(increased by $1,000)".

Page 22, line 2, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 66: Page 22, line 7, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 67: Page 23, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 68: Page 23, line 20, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 69: Page 24, line 7, after the first dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 70: Page 25, line 18, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 71: Page 25, line 23, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 72: Page 26, line 5, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 73: Page 26, line 10, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 74: Page 26, line 15, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 75: Page 26, line 19, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 76: Page 26, line 24, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 77: Page 27, line 4, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 78: Page 27, line 9, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 79: Page 27, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 80: Page 27, line 18, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 81: Page 27, line 23, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 82: Page 28, line 4, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 83: Page 28, line 9, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 84: Page 28, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 85: Page 28, line 17, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 86: Page 28, line 21, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 87: Page 28, line 25, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 88: Page 29, line 7, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 89: Page 29, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 90: Page 29, line 22, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 91: Page 29, line 26, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 92: Page 31, line 5, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 93: Page 32, line 5, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 94: Page 33, line 19, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 95: Page 34, strike the proviso beginning on line 16.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 96: Page 35, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 97: Page 36, line 12, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 98: Page 36, line 16, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 99: Page 37, line 6, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 100: Page 37, line 12, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 101: Page 38, line 8, after the dollar amount, insert the following: "(increased by $1,000)".

Page 38, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 102: Page 39, line 10, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 103: Page 39, line 10, after the dollar amount, insert the following: "(increased by $1,000)".

Page 39, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 104: Page 39, line 10, after the dollar amount, insert the following: "(increased by $1,000)".

Page 39, line 17, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 105: Page 40, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 106: Page 40, line 16, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 107: Page 40, line 25, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 108: Page 41, line 19, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 109: Page 42, line 1, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 110: Page 42, line 12, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 111: Page 42, line 20, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 112: Page 43, line 10, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 113: Page 43, line 21, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 114: Page 49, line 5, before the colon, insert the following: ", plus an additional $1,000".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 115: Page 49, line 20, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 116: Page 50, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 117: Page 50, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

Page 50, line 12, after the dollar amount, insert the following: "(increased by $1,000)".

Page 50, line 17, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 118: Page 52, line 12, after the dollar amount, insert the following: "(increased by $1,000)".

Page 52, strike the proviso beginning on line 17.

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 119: Page 53, after line 14, insert the following:

"RENOVATION

"For grants and loans to carry out school renovation under title XII of the Elementary and Secondary Education Act of 1965, $1,000.".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 120: Page 53, line 17, after each dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 121: Page 72, line 21, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 122: Page 73, line 19, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 123: Page 49, line 20, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 124: Page 49, line 20, after the dollar amount, insert the following: "(increased by $1,000)".

Page 49, line 21, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 125: Page 50, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

Page 50, line 12, after the dollar amount, insert the following: "(increased by $1,000)".

Page 50, line 17, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 126: Page 50, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

Page 50, line 12, after the dollar amount, insert the following: "(increased by $1,000)".

Page 50, line 22, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 127: Page 50, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

Page 50, line 12, after the dollar amount, insert the following: "(increased by $1,000)".

Page 51, line 2, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 128: Page 51, line 21, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 129: Page 51, line 21, after the dollar amount, insert the following: "(increased by $1,000)".

Page 51, line 22, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 130: Page 51, line 21, after the dollar amount, insert the following: "(increased by $1,000)".

Page 51, line 24, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 131: Page 51, line 21, after the dollar amount, insert the following: "(increased by $1,000)".

Page 52, line 1, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 132: Page 51, line 21, after the dollar amount, insert the following: "(increased by $1,000)".

Page 52, line 2, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 133: Page 52, line 22, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 134: Page 53, line 5, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 135: Page 53, line 12, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 136: Page 53, line 17, after each dollar amount, insert the following: "(increased by $1,000)".

Page 53, line 23, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 137: Page 54, line 5, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

OFFERED BY: MR. OBEY

AMENDMENT NO. 138: Page 54, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 139: Page 54, line 17, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 140: Page 55, line 2, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 141: Page 55, line 10, after the dollar amount, insert the following: "(increased by $1,000)".

Page 55, line 10, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 142: Page 55, line 10, after the dollar amount, insert the following: "(increased by $1,000)".

Page 55, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

Page 55, line 18, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 143: Page 55, line 10, after the dollar amount, insert the following: "(increased by $1,000)".

Page 55, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

Page 55, line 21, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 144: Page 55, line 10, after the dollar amount, insert the following: "(increased by $1,000)".

Page 55, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

Page 61, line 8, after the dollar amount, insert the following: "(reduced by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 145: Page 55, line 10, after the dollar amount, insert the following: "(increased by $1,000)".

Page 55, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

Page 61, line 8, after the dollar amount, insert the following: "(reduced by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 146: Page 57, line 8, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 147: Page 57, line 14, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 148: Page 58, line 3, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 149: Page 58, line 11, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 150: Page 58, line 24, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 151: Page 59, line 10, after the first dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 152: Page 59, line 10, after each dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 153: Page 59, line 10, after the first dollar amount, insert the following: "(increased by $1,000)".

Page 60, line 6, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 154: Page 60, line 25, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 155: Page 61, line 4, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 156: Page 61, line 8, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 157: Page 63, strike lines 20 through page 64, line 6 (section 305).

H.R. 4577

Offered By: Mr. Obey

Amendment No. 158: Page 64, line 15, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 159: Page 65, line 10, after the dollar amount, insert the following: "(increased by $1,000)";

H.R. 4577

Offered By: Mr. Obey

Amendment No. 160: Page 65, line 22, after the dollar amount, insert the following: "(increased by $1,000)";

H.R. 4577

Offered By: Mr. Obey

Amendment No. 161: Page 66, line 16, after the dollar amount, insert the following: "(increased by $1,000)";

H.R. 4577

Offered By: Mr. Obey

Amendment No. 162: Page 67, line 14, after the dollar amount, insert the following: "(increased by $1,000)";

H.R. 4577

Offered By: Mr. Obey

Amendment No. 163: Page 67, line 19, after the dollar amount, insert the following: "(increased by $1,000)";

H.R. 4577

Offered By: Mr. Obey

Amendment No. 164: Page 67, line 23, after the dollar amount, insert the following: "(increased by $1,000)";

H.R. 4577

Offered By: Mr. Obey

Amendment No. 165: Page 68, line 9, after the dollar amount, insert the following: "(increased by $1,000)";

H.R. 4577

Offered By: Mr. Obey

Amendment No. 166: Page 68, line 14, after the dollar amount, insert the following: "(increased by $1,000)";

H.R. 4577

Offered By: Mr. Obey

Amendment No. 167: Page 68, line 20, after the dollar amount, insert the following: "(increased by $1,000)";

H.R. 4577

Offered By: Mr. Obey

Amendment No. 168: Page 69, line 15, after the dollar amount, insert the following: "(increased by $1,000)";

H.R. 4577

Offered By: Mr. Obey

Amendment No. 169: Page 69, line 21, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 170: Page 70, line 1, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 171: Page 70, line 16, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 172: Page 70, line 24, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 173: Page 71, line 7, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 174: Page 71, line 24, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 175: Page 72, line 3, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 176: Page 72, line 12, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 177: Page 72, line 21, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 178: Page 73, line 13, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 179: Page 73, line 19, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 180: Page 75, line 24, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Obey

Amendment No. 181: Page 76, line 16, after the dollar amount, insert the following: "(increased by $1,000)".

H.R. 4577

Offered By: Mr. Oxley

Amendment No. 182: Page 65, line 22, strike "$365,000,000" and insert "$361,350,000".

H.R. 4577

Offered By: Mr. Oxley

Amendment No. 183: Page 65, line 22, after "$365,000,000" insert ", of which $10,000,000 shall be for costs associated with the transition of public television broadcasting to provide digital broadcasting services".

H.R. 4577

Offered By: Mr. Oxley

Amendment No. 184: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. 5 . None of the funds made available in this Act may be used to provide any salary, wages, pay, bonus, or other monetary compensation to or on behalf of any officer or employee of the Corporation for Public Broadcasting, the Public Broadcasting Service, or National Public Radio, in an amount such that the aggregate amount of such salary, wages, pay, bonuses, and other monetary compensation for any year to or on behalf of the officer or employee would exceed the amount of the annual rate of pay in effect for that year with respect to Members of the House of Representatives under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(a)).

H.R. 4577

Offered By: Mr. Roemer

Amendment No. 185: Page 52, line 12, after the first dollar amount, insert the following: "(increased by $25,000,000)".

Page 52, line 19, strike the period and insert the following: ": *Provided further*, That of the amount appropriated for programs under this heading, $25,000,000 shall be made available for teacher transition programs described under section 306."

Page 59, line 10, after the first dollar amount, insert the following: "(decreased by $25,000,000)".

Page 64, after line 6, insert the following new section:

Sec. 306. (a) Purpose of Teacher Transition.—The purpose of this section is to address the need of high-need local educational agencies for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, needed by those agencies, following the model of the successful teachers placement program known as the 'Troops-to-Teachers program', by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

(b) Program Authorized.—

(1) Authority.—The Secretary is authorized to use funds appropriated under paragraph (2) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this section.

(2) Authorization of appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $9,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) Application.—Each applicant that desires an award under subsection (b)(1) shall submit an application to the Secretary containing such information as the Secretary requires, including—

(1) a description of the target group of career-changing professionals upon which the applicant will focus its recruitment efforts in carrying out its program under this section, including a description of the characteristics of that target group that shows how the knowledge and experience of its members are relevant to meeting the purpose of this section;

(2) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

(3) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, support, and provide teacher induction programs to program participants under this section, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

(4) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

(A) the program's goals and objectives;

(B) the performance indicators the applicant will use to measure the program's progress; and

(C) the outcome measures that will be used to determine the program's effectiveness; and

(5) such other information and assurances as the Secretary may require.

(d) Uses of Funds and Period of Service.—

(1) Authorized activities.—Funds under this section may be used for—

(A) recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them;

(B) training stipends and other financial incentives for program participants, not to exceed $5,000 per participant;

(C) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

(D) placement activities, including identifying high-need local educational agencies with a need for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

(E) post-placement induction or support activities for program participants.

(2) Period of service.—A program participant in a program under this section who completes his or her training shall serve in a high-need local educational agency for at least 3 years.

(3) Repayment.—The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under paragraph (1)(B), but fail to complete their service obligation under paragraph (2), repay all or a portion of such stipend or other incentive.

(e) Equitable Distribution.—To the extent practicable, the Secretary shall make awards under this section that support programs in different geographic regions of the Nation.

(f) Definitions.—As used in this section:

(1) The term 'high-need local educational agency' has the meaning given such term in section 2061.

(2) The term 'program participants' means career-changing professionals who—

(A) hold at least a baccalaureate degree;

(B) demonstrate interest in, and commitment to, becoming a teacher; and

(C) have knowledge and experience that are relevant to teaching a high-need subject area in a high-need local educational agency.

(e) Authorization of Appropriations.—There is authorized to carry out this section $25,000,000 for fiscal year 2001.

H.R. 4577

Offered By: Mr. Ryan

Amendment No. 186: Page 64, after line 6, insert the following:

Sec. 306. The amounts otherwise provided by this title are revised by decreasing the amount made available under the heading "DEPARTMENT OF EDUCATION-EDUCATION REFORM" for the 21st Century Community Learning Centers, and by increasing the amount made available under the heading "DEPARTMENT OF EDUCATION—SPECIAL EDUCATION" for grants to States, by $300,000,000.

H.R. 4577

Offered By: Mr. Sanders

Amendment No. 187: Page 36, line 12, after the dollar amount, insert the following: "(increased by $300,000,000)".

H.R. 4677

Offered By: Mr. Sanders

Amendment No. 188: Page 56, line 13, after the dollar amount, insert the following: "(increased by $40,000,000)".

Page 60, line 25, after the dollar amount, insert the following: "(reduced by $40,000,000)".

H.R. 4577

Offered By: Mr. Stearns

Amendment No. 189: Page 49, after line 12, insert the following section:

Sec. 214. Amounts made available in this title for carrying out the activities of the National Institutes of Health are available for a report under section 403 of the Public Health Service for the following purposes:

(1) To identify the amounts expended under section 402(g) of such Act to enhance the competitiveness of entities that are seeking funds from such Institutes to conduct biomedical or behavioral research.

(2) To identify the entities for which such amounts have been expended, including a separate statement regarding expenditures under section 402(g)(2) of such Act for individuals who have not previously served as principal researchers of projects supported by such Institutes.

(3) To identify the extent to which such entities and individuals receive funds under programs through which such Institutes support projects of biomedical or behavioral research, and to provide the underlying reasons for such funding decisions.

H.R. 4577

Offered By: Mr. Stearns

Amendment No. 190: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. . None of the funds made available in this Act may be used to provide funds to a local educational agency or school that denies a request for access for military recruiting purposes made under section 503(c) of title 10, United States Code.

H.R. 4577

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 191: Page 84, after line 21, insert the following new section:

SEC. 518. The amounts otherwise provided by this Act are revised by reducing the aggregate amount made available for "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES" , by reducing the aggregate amount made available for "EDUCATION FOR THE DISADVANTAGED", by reducing the amount made available under the penultimate proviso (relating to section 1002(g)(2) of the Elementary and Secondary Education Act of 1965) under the heading "EDUCATION FOR THE DISADVANTAGED", by reducing the amount made available under title III for "DEPARTMENTAL MANAGEMENT—PROGRAM ADMINISTRATION", and by increasing the aggregate amount made available for "SPECIAL EDUCATION", which increase shall be available for carrying out part B of the Individuals with Disabilities Education Act, by $5,000,000, $20,000,000, $20,000,000, $5,000,000, and $30,000,000, respectively.

H.R. 4577

OFFERED BY: MR. VITTER

AMENDMENT NO. 192: Page 50, line 11, insert after the dollar amount the following: "(decreased by $116,000,000)".

Page 51, line 21, insert after the first dollar amount the following: "(decreased by $78,548,000)".

Page 52, line 12, insert after the first dollar amount the following: "(decreased by $158,450,000)".

Page 53, line 5, insert after the dollar amount the following: "(decreased by $30,765,000)".

Page 53, line 17, insert after the first dollar amount the following: "(increased by $1,419,597,000)".

Page 54, line 13, insert after the dollar amount the following: "(decreased by $900,000)".

Page 54, line 17, insert after the dollar amount the following: "(decreased by $5,849,000)".

Page 55, line 2, insert after the dollar amount the following: "(decreased by $3,420,000)".

Page 55, line 10, insert after the first dollar amount the following: "(decreased by $36,850,000)".

Page 56, line 13, insert after the dollar amount the following: "(decreased by $823,283,000)".

Page 57, line 14, insert after the first dollar amount the following: "(decreased by $158,502,000)".

Page 58, line 3, insert after the dollar amount the following: "(decreased by $7,030,000)".

EXTENSIONS OF REMARKS

ISRAEL'S WITHDRAWAL FROM SOUTH LEBANON: THE OTHER SIDE OF THE STORY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. RAHALL. Mr. Speaker, on May 25, 2000, this body unanimously adopted a resolution commending Israel for its "redeployment" from Lebanon. I voted yes, despite the extremely one-sided nature of the resolution, even down to the use of the word "redeployment," which most of the world terms as withdrawal.

Let us not forget. This is a valiant victory for the people of Lebanon who have suffered immensely both before, but more tragically since, the Israeli occupation lasting over 22 years. Now our own government can pride itself on one less U.N. Resolution which it so embarrassingly failed to enforce for more than two decades.

The following article, which appeared in the May 26, 2000 edition of the Los Angeles Times, and written by Hussein Ibish, communications director for the American-Arab Anti-Discrimination Committee (ADC), puts into much more balance the recent House action.

[From the Los Angeles Times, May 26, 2000]

KNOW NOW THAT ARAB LIVES ARE AS WORTHY AS ISRAELIS'

(By Hussein Ibish)

As the Lebanese people have finally liberated themselves from more than two decades of Israeli occupation, most American commentors are reacting with only one concern: Will northern Israel be safe from attack?

The focus on this misleading question is the result of a widespread acceptance of the official Israeli line that its 22-year rampage in southern Lebanon was in essence a futile quest for peace in a hostile region. This view is consistent with the pattern of putting Israeli lives and concerns over those of Arabs, but it is completely inconsistent with the history of the occupation and the experiences of its Lebanese victims.

It is blind to the tens of thousands of Lebanese civilians killed by Israel during the occupation, the hundreds of thousands made homeless and the scores of destroyed villages and cities. It forgets the ghastly massacres of unarmed civilians for which the Israelis have been responsible in Lebanon, including the massacres at the Sabra and Shatila refugee camps and the U.N. base at Qana. It ignores the Lebanese civilians held hostage to this day in Israeli prisons and the hundreds of Lebanese men, women and children held prisoner and tortured at the notorious Khiam detention center run by the Israeli-controlled militia, the South Lebanese Army. It does not acknowledge the pain of the Lebanese nation at being divided for almost a quarter of a century and subject to continuous attacks on its civilian population and infrastructure.

No wonder, given this history, that the scenes of liberation from south Lebanon have been truly extraordinary. Hundreds of Lebanese streamed back into villages and towns from which they had been expelled by Israel. Tears of joy flowed as relatives were reunited after years of separation. Hundreds of civilians stormed Khiam, freeing about 140 prisoners and exposing the hideous apparatus of torture and terror employed there.

These scenes have potentially far-reaching implications. Can others in the Middle East living under foreign military occupation, such as the Palestinians in the West Bank and Gaza, have failed to register what real liberation looks like?

Everywhere Hezbollah fighters, derided by the Israeli and U.S. governments as "terrorists," conducted themselves in an exemplary manner, handing prisoners over to government troops and ensuring that the liberation was not marred by acts of vengeance. These supposed fanatical terrorists were once again shown to be a disciplined and responsible liberation force.

How quickly it is forgotten that Hezbollah is itself a product of the Israeli occupation, founded in 1982 with the aim of driving out the Israeli army and freeing the south of the hellish experience of occupation. The fretting about potential Hezbollah rocket attacks on northern Israeli towns is misplaced, given that since 1996 Hezbollah has almost always carried out such attacks in response to Israeli killings of Lebanese civilians, often only after repeated atrocities. By contrast, in recent months Israel repeatedly attacked Lebanese civilian targets, such as power stations, in response to attacks on its soldiers in Lebanon.

The Israeli army may have fled Lebanon in chaos and humiliation, but not without issuing dire threats of massive attacks against Lebanon. Israel's retreat from Lebanon is incomplete and insufficient. Israel was driven out of most of southern Lebanon by an extraordinary campaign of popular resistance, but continues to occupy the Shabaa Farms area. It holds numerous Lebanese hostage.

There is every indication that Israel still feels it can attack the Lebanese people with impunity. Israel's foreign minister, David Levy, recently threatened that Israel would continue to target Lebanese civilians "blood for blood, child for child."

The international community, while paying lip service to Lebanese territorial integrity, failed to exert any pressure on Israel to end its occupation. Instead it was left to resistance groups such as Hezbollah to enforce U.N. Security Council Resolution 425, which in 1978 demanded Israel's unconditional withdrawal from Lebanon "forthwith."

The United States, Israel's main patron, financier and arms supplier, has been particularly culpable by repeatedly using its diplomatic muscle, including its Security Council veto, to protect Israel from international criticism after its invasions and atrocities. Rather than helping enforce Resolution 425, which it voted for, the U.S. government line has been that "all foreign forces should withdraw from Lebanon."

This was an obvious ploy intended to buy time and space for Israel by drawing a false moral and legal equivalence between Israel's brutal and illegal occupation of south Lebanon and the Syrian presence in Lebanon. Syria's role there is controversial, supported by many and oppposed by others as overbearing, while the Israeli occupation was universally despised, as was amply demonstrated by the instantaneous collapse of its proxy militia. Had the United States been willing to stand by interntional law rather than making disingenuous excuses for outrageous Israeli conduct, the international community might have been able to act responsibly toward Lebanon.

The obvious questions now are: Will Israel be forced to complete its withdrawal from all of Lebanon, or will it be allowed to hang on to the Shabaa Farms, where it has built a ski resort and a settlement for Ethiopians? Will Israel be seriously pressured to release the Lebanese hostages, or will it yet again be granted an exception to the most basic international human rights norms? Will Israel be made to pay the reparations it owes to the Lebanese for the invasions, bombings and occupation, as is supposed to now be the norm for international aggressors? When will the American government and media acknowledge that Lebanese and Arab lives and rights are as important and worthy as those of Israelis?

Finally, and most importantly, will the international community at long last live up to its responsibility to prevent Israel from ever again invading or bombing Lebanon and murdering its people?

STATE REPRESENTATIVE PHYLLIS MUNDY RECEIVES ATHENA AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to State Representative Phyllis Mundy of the 120th Legislative District in Luzerne County, Pennsylvania, who will receive the prestigious ATHENA Award from the Greater Wilkes-Barre Chamber of Commerce of Business and Industry at its annual Business Awards Luncheon on June 8.

The ATHENA honor is presented to a person who has attained professional excellence, devoted time and energy to the community in an meaningful way, and assisted women in attaining their full potential. That description certainly applies to Representative Mundy.

Phyllis is one of the hardest working, most effective, and more committed legislators in Pennsylvania, and I am proud to consider her a friend as well as a colleague. I consider her a valued partner and a true asset and leader for the community, as well as for the entire Commonwealth of Pennsylvania.

She is a strong leader who has done an outstanding job encouraging women in Northeastern Pennsylvania and throughout the state. From her support of programs like

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

WILL—Women in Legislative Leadership—to the assistance she provides to lower-income working women and their children, she exemplifies the qualities recognized in the ATHENA Award.

She has authored many legislative proposals to assist women, including bipartisan legislation to establish the "Ounce of Prevention" home visiting initiative to provide early intervention services for at-risk women and children.

Her monthly luncheons for women encourage business networking and friendship. She has served as a mentor for Leadership Wilkes-Barre and as a member of the Advisory Committee of the Domestic Violence Center, the Board of Sponsors for Wilkes University's School of Business, Society and Public Policy and the Wyoming Area Kiwanis Club. As a volunteer, she has worked with the Junior League, Domestic Violence Service Center, Big Brothers/Big Sisters, and Volunteers for Literacy. She has also served two terms as President of the League of Women Voters of the Wilkes-Barre Area.

Among her many honors, Representative Mundy has received the Guardian of Small Business Award from the National Federation of Independent Business, the Legislator of the Year Award from the Pennsylvania Mental Health Counselors Association, the Distinguished Service Award from Bloomsburg University, the John Heinz Friend of Nursing Award, and the Pathfinder Award from the Wyoming Valley Women's Network.

In her work as Representative from the 120th District, she serves on the Education, Commerce and Economic Development and Appropriations Committees of the House. A strong advocate for the taxpayers, she is well known in Harrisburg for her thorough questioning of high state officials during the annual hearings on the budget. She also uses her committee assignments to promote the economic health of our region and all of the state, and to advocate for common-sense policies and priorities that will bring the greatest benefit to the greatest number of children. As she is fond of pointing out, for every one dollar invested in early childhood development programs, we can save up to seven dollars over the lifetime of an individual in the areas of education, health care, and crime.

Joined by numerous advocates for children, she has worked tirelessly and in a bipartisan manner to ensure that lower income working families would continue to receive a state subsidy that enables them to keep working and place their children in quality day care. On this issue, she has been second to none.

Representative Mundy resides in Kingston, Pennsylvania, and is the parent of a son, Brian, who lives in Walnut Creek, California, with his wife, April, and son, Mason.

Mr. Speaker, I am pleased to join the Greater Wilkes-Barre Chamber in honoring Representative Mundy. I send my best wishes for her continued success and my thanks for her hard work on behalf of our shared constituents.

ANNUAL CHISHOLM TRAIL ROUND-UP

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Ms. GRANGER. Mr. Speaker, I rise today to recognize an honored tradition in the Great State of Texas and in Texas' Twelfth District—the Annual Chisholm Trail Round-Up. This is the twenty-fourth year for the Round-up which will take place on Friday, June 16, 2000. This classic festival gives folks the opportunity to "Saddle Up," "Ride on the Old Chisholm Trail," and celebrate the western heritage of the City of Fort Worth. Folks bring their own horses, authentic western wear, and zeal for the Old West festivities. This year's theme, "Salute to the Fort," will recognize the U.S. Military and its veterans and will feature the biggest red, white, and blue parade in history.

This year promises to be the biggest and best Round-Up ever. From the Big Ball in Cowtown Gala to the traditional Chisholm Trail ride, Fort Worth will be alive with western culture. In addition to great food, there will be great entertainment with Nashville recording artists and the finest Texas music entertainers. The event will also include Old Western Heritage re-enactment groups that celebrate how life used to be in Fort Worth.

The Chisholm Trail Round-Up is the biggest event of the summer in Fort Worth. Everyone joins in to continue the tradition and celebrate our western heritage and culture. The Annual Chisholm Trail Round-Up is a wonderful way to unite the community in the rich heritage which ties us all together. I salute this historic event and all the people who give their time and energy to make this event successful.

SUPPORT FOR H.R. 4094

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Ms. SANCHEZ. Mr. Speaker, I rise today to draw attention to the deplorable conditions of so many of our nation's public schools.

One need only listen to the stories of our teachers to know what those facilities are really like.

For example: "Often the children weren't able to have large group meetings because the room had peeling paint and ceiling tiles falling. When tropical storm Floyd hit, my daughter complained that they didn't have enough buckets to put under all the leaks."

Or: "The school in which I teach was just closed down following an emergency evacuation due to a collapsed ceiling and subsequent flooding."

And: "Our middle school was condemned 30 years ago and is still being used. It is in fairly good shape considering that, but we do have one downfall that no corporation would put up with. We have bats!"

If my fellow Members of Congress visited schools in their districts during the Memorial Day recess, as I did, they witnessed facility conditions firsthand. Chances are many were run down and out of room.

School bonds can help. School bonds are good for our communities, they're good for our schools and, most importantly, they're good for our children.

That is why I urge my colleagues to join me in supporting H.R. 4094, the "America's Better Classroom Act of 2000." This bipartisan legislation, authored by Representatives NANCY JOHNSON and CHARLIE RANGEL, helps communities leverage funds for school bonds.

The 106th Congress has the opportunity to pass meaningful school construction legislation. Endorsing this bill, as Members on both sides of the aisle have done, will enable the House to consider a valuable bill and begin to help our schools prepare to educate a new century of students.

IN RECOGNITION OF DR. HOWARD BRAVERMAN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize Dr. Howard Braverman of Hollywood, Florida. On June 24, 2000, Howard will be sworn in as the 79th president of the American Optometric Association (AOA) during the AOA's annual Congress in Las Vegas, Nevada. Howard's extraordinary vision and enthusiasm has made him an exemplary contributor to the healthcare community, and I congratulate him on this well deserved honor.

A graduate of both the University of Miami and the University of Houston College of Optometry, Dr. Braverman has exhibited an intense dedication to the profession of optometry at the local, state, and national levels, throughout his career. He is a past president of the Southern Council of Optometrists and the Florida and Broward County Optometric Associations. Additionally, he has served both as a member and as chair of the Florida State Board of Optometry. Howard's resume in the field of optometry is quite impressive: he has previously been named Broward County's and Florida's Optometrist of the Year in 1985, Florida's Optometrist of the Decade in 1991, and a member of the board of trustees of the AOA.

In addition to his noteworthy professional achievements, the South Florida community has greatly benefited from Howard's leadership due to his active participation in civic affairs. Well known for his devotion to volunteer work within the community, Dr. Braverman is also a past president of the local Rotary Club.

Mr. Speaker, through his unique vision and spirit, Dr. Howard Braverman has distinguished himself as an outstanding leader in the South Florida community. I wish to convey a heartfelt congratulations to Howard and his family on the occaision of his becoming the new president of the American Optometric Association, as well as many thanks for working to enrich the lives of those around him.

TRIBUTE TO CONNIE MOORE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend Connie Moore of Bonnie, IL. On March 7, 2000, Connie was awarded the Illinois Women of Achievement award. Lt. Governor Corrine Wood and Mayor Jim Dycus of Bonnie presented Connie with the award at a ceremony and reception held in the rotunda of the State Capitol in Springfield.

Connie was honored for demonstrating excellence in her professional and volunteer work and committing herself to enhancing her community. She was recognized for founding the Housing Rehabilitation Program and for serving as the secretary/treasurer of Bonnie for many years.

I want to thank Connie for her commitment to serve her community. She is an example for all of us to follow.

SALUTING KELLY AND JOHN THOMAS: TODAY'S STUDENTS, TOMORROW'S LEADERS

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. ROGAN. Mr. Speaker, too often, we in Congress take to heart the negativity so often seen in the news, on television, and in popular culture. It is refreshing however, to return home to our districts and see stories that inspire, motivate and remind us that this is not the case. Indeed, as I have recently seen, today's students are tomorrow's leaders.

In my home district, two local students, John and Kelly Thomas have taken their compassion for older Americans and united it with some technological know-how. Their efforts are proving that they are indeed shining examples of tomorrow's leaders. In honor of their recent accomplishments, and in recognition of their commitment to older Americans, I ask my colleagues here today to join me in saluting John and Kelly Thomas.

Kelly is a senior at Flintridge Preparatory School in La Canada Flintridge, California. As part of her community service requirement at school, she began playing the piano in area senior centers. And, as the Glendale News-Press recently reported, Kelly with the help of her younger brother John harnessed the power of a new home computer and began to reach out to seniors all across the country.

The brother and sister team had noticed that seniors throughout the community were often isolated and alone living in retirement homes. John and Kelly's new Internet site became a launching pad uniting seniors who are too often lonely with concerned neighbors online and in person. Their web site http://come.to/writeseniors.com, has brought people together and proved that John and Kelly, while still in high school are successful not just as businesspeople, but as concerned citizens as well.

In recognition of their accomplishments and with gratitude for their commitment to others in the community, I ask my colleagues to join me in saluting Kelly and John Thomas: Today's students, tomorrow's leaders.

MENTAL HEALTH AND SUICIDE ATTEMPTS BY CHILDREN

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I submit the following article which appeared in the Houston Chronicle into the RECORD.

[From the Houston Chronicle, June 3, 2000]

PANEL TOLD OF MENTAL HEALTH ILLS/SUICIDE ATTEMPTS BY CHILDREN CITED

(By Janette Rodrigues)

Alma Cobb trembled with nervous tension Thursday as she told a roomful of strangers the ways her 14-year-old son, David, has tried to commit suicide since his first attempt at age 5.

But her voice was surprisingly firm.

"He tried to hang himself, stab himself and electrocute himself," Cobb testified during a hearing Thursday on children's mental health needs called by U.S. Rep. Sheila Jackson-Lee, D-Houston.

A transcript of the hearing will go into the congressional record. Jackson-Lee and Sen. Paul Wellstone, D-Minn., who also attended the hearing, hope to use the transcript in getting Congress to pass legislation improving children's mental health services.

Studies estimate that 13.7 million American school children suffer from mental health, emotional or behavioral problems. In the Houston area alone, more than 178,000 will need mental health care during their school years.

Suicide and entry into the juvenile criminal justice system are by-products, advocates say, of a society that shuns the issue and hasn't exerted the political will to address preventable problems.

Cobb's story and that of other such parents, services providers and mental health professionals was compelling, and sometimes moving.

But what Cobb has experienced is startling.

Her daughter, Clara, 14, also suffers from emotional and behavioral disorders. She first tried to kill herself at age 7. She and her brother have been absent from school because of their diagnosed mental illness and numerous hospitalizations related to suicide attempts.

Despite documentation of that fact, Cobb said later, the district where her children attend school considered her children truants, not sick, and fined her more than $3,000 and took her to court.

"Sometimes, my children can't attend school because of their mental illness and suicide attempts, but schools don't understand it," Cobb said, "They just understand their regulations."

Regenia Hicks, deputy director of child and adolescent services for the Harris County Mental Health/Mental Retardation Authority, is familiar with the Cobb family's story. The children receive services through the agency.

Hicks said their struggle with the school district is unusual but, unfortunately, not unheard of in cases involving children.

Studies show that at least one in five children and teens in America has a mental illness that may lead to school failure, substance abuse, violence or suicide.

Most such schoolchildren don't receive adequate help because of the stigma attached to their condition, the lack of early intervention and scarce resources, mental health care professionals and service providers told the hearing.

Speaker after speaker voiced the need for increased funding.

"In Texas, we must be particularly concerned that the state budget for children's mental health services has remained virtually flat since 1993, despite growth in both population and need," said Betty Schwartz, executive director of the Mental Health Association of Greater Houston.

"Current budget discussions offer little hope for improvement in the coming legislative session."

Harris County Juvenile Court Associate Judge Veronica Mogan-Price said the piece of MHMRA's budgetary pie for juveniles is small.

She and others spoke of their frustration that the juvenile justice system has become a surrogate for mental health facilities.

Many said it's the norm in Harris County for mentally ill juveniles to get adequate help only after they commit an act that ends with them in a detention facility.

TRIBUTE TO THE CREWS OF SUBMARINES "DARTER" AND "DACE" AND ALL NAVY SUBMARINERS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. STUPAK. Mr. Speaker, on May 27 in Marquette, Michigan, a community in my congressional district a special ceremony was held to honor the officers and crew members of the submarines *Darter* and *Dace*, SS227 and SS247. These two submarines played a decisive role in what has been called the greatest naval battle of all time, the Battle of Leyte Gulf in October 1943.

The opening shots of that battle were fired by Marquette native Cdr. David McClintock, skipper of the *Darter*, who had positioned his sub to penetrate a powerful Japanese fleet, one that included the famous Japanese super-battleship *Yamato*.

As commander of the two-sub squadron, Captain McClintock had also helped position the *Dace* to make an independent attack on the 31-ship Japanese battle fleet.

Firing torpedoes from both his forward and stern tubes, Captain McClintock sank the heavy cruiser *Atago*, flagship of the Japanese Navy's Second Fleet, and he disabled another heavy cruiser. The *Dace* also sank one heavy cruiser. Two Japanese destroyers were forced to leave the battle fleet to guard the disabled cruiser, bringing to five the number of ships impacted by the *Darter-Dace* attack.

The daring combat actions of these two submarine crews and the essential naval intelligence they provided, were pivotal in helping to prevent a crushing blow to American forces that had just returned a few days earlier to the Philippines under the command of General Douglas MacArthur.

Mr. Speaker, this ceremony included a dedication of a new submarine exhibit at the Marquette Maritime Museum. This exhibit, which includes a submarine conning tower, is intended to honor not only the *Darter* and *Dace* crews but all U.S. Navy submariners, that special group of young heroes who have chosen to go "in harm's way" in dangerous and solitary service beneath the waves. A diorama of the battle, a three-foot scale model of the *Darter,* and a working periscope are also part of the exhibit.

Captain McClintock, who completed a career in the Navy before returning to Marquette after retirement, attended Saturday's service. His classmate at the Naval Academy, Captain B.D. Claggett, who commanded the companion submarine, the *Dace,* also attended the ceremony.

This was an extremely fitting way to commemorate Memorial Day, because it honored this special group of Americans, both living and dead. Perhaps one day, Mr. Speaker, you and our colleagues may have an opportunity to visit Marquette, Michigan and see this special permanent tribute to the unique individuals who have given so much on behalf of our country.

TRIBUTE TO RAY WOLFE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to honor Ray Wolfe of Edwardsville, IL. Ray is a veteran of World War II, whose army unit liberated the notorious Buchenwald death camp in Germany.

Ray is speaking out about the Holocaust. He has been interviewed by many as a witness to the Holocaust and its horrific events. Ray was invited back to Germany five years ago for the 50th anniversary of the Buchenwald liberation.

I would like to take this opportunity to thank Ray for his service to his country. His willingness to bring light to the Holocaust and to teach us about its horrors makes us eternally grateful.

SALUTING THE PASADENA PLAYHOUSE: CELEBRATING 75 YEARS OF LOCAL COMMITMENT TO THE ARTS

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. ROGAN. Mr. Speaker, one of the most important and active centers for the arts in Southern California is the Pasadena Playhouse. Later this month, this distinguished theatre company will celebrate its 75th anniversary. In recognition of this achievement, and in gratitude for the center's contributions to the arts in Pasadena, Los Angeles County, and to the state of California, I ask my colleagues to join me in saluting the Pasadena Playhouse.

The Pasadena Playhouse began as nothing but a dream. After a group of dedicated Pasadena area residents united to promote the arts, the center opened its doors in May 1925. Since then, it has grown from a small community theater company into a national arts leader, taking musicals, dramas and other stage performances from concept planning to opening day.

In the years since its opening, the Pasadena Playhouse has revolutionized theater arts in Southern California. To many in the industry, the playhouse has put Southern California stage productions on the map. Numerous productions have moved on from Pasadena to Broadway, were made into feature films or continued on as national touring shows. In 1996, the production, Sisterella broke local house records receiving eight NAACP Theatre Awards, including Best Play. This is just one of the many successful shows to open in Pasadena every year.

In addition, the theatre has become the center of a large community-based arts program. The Pasadena Playhouse is home to a half-dozen original plays each year, with 300 annual performances. The artists who produce, write, direct and star in these plays have also played a vital role in the community, leading lecture series, arts programs, classes and open houses for residents young and old.

On the occasion of its 75th anniversary, the theatre has been recognized as the state theatre of California. To help the city and the state commemorate this significant occasion, I ask my colleagues to join me in saluting the men and women who have brought the arts to our community for nearly a century, and helped to put Pasadena and Southern California on the map in the theatre world: Congratulations to the Pasadena Playhouse for 75 successful years.

REMEMBERING JAMES BYRD JUNIOR

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I express my grief and shame that after 2 years from the date of James Byrd Junior's vicious murder on a paved road in Jasper County, TX, that the Bipartisan Hate Crimes Prevention Act of 1999 has not become law.

Only recently have men been indicted to face trial in the nearly 40-year-old murders of three African-American children who were killed one Sunday morning by a bomb while they participated in services at the 16th Street Baptist Church. This terrible act galvanized the civil rights movement and began a shout for justice, which may at last be answered in a court of law as two Ku Klux Klansmen in Alabama's Jefferson County are finally being brought to justice for the 1963 bombing.

As the years passed from the time of the bombing, it was felt that America had made great strides until the night of June 7, 1998 when this Nation's deepest sin was revealed by the murder of James Byrd Jr.

There is no case, which more graphically reminds this Nation that the submerged intolerance caused by racism that the steeps throughout the fabric of our society can erupt into gangrenous crimes of hate violence like the murder of James Byrd in Jasper, TX.

We mark the second anniversary of his killing today with 1-minute speeches so that we can impress upon our fellow Members of the House the importance of passing strengthened hate crimes legislation.

The lynching of James Byrd struck at the consciousness of our Nation, but we have let complacency take the place of unity in the face of unspeakable evil. It was difficult to imagine how in this day and age that two white supremacists beat Byrd senseless, chained him by the ankles to a pickup truck and then dragged him to his death over 3 miles of country back roads.

I regret to inform this body that the Chief Executive of Texas did not attend Mr. Byrd's funeral and was active in opposing the passage of stronger hate crime legislation for the State of Texas. This level of passivity on the part of leadership in response to this terrible crime has left this Nation without the critical leadership it needs to face the truth regarding hate crime in American society.

Since James Byrd Jr's death our Nation has experienced an alarming increase in hate violence directed at men, women and even children of all races, creeds and colors.

Ronald Taylor traveled to the eastside of Pittsburgh, in what has been characterized, as an act of hate violence to kill three and wound two in a fast food restaurant. Eight weeks later, in Pittsburgh, Richard Baumhammers, armed with a .357-caliber pistol, traveled 20 miles across the west side of Pittsburgh which now leaves him charged with killing five. His shooting victims included a Jewish woman, an Indian, "Vietnamese," Chinese, and several black men.

The decade of the 1990's saw an unprecedented rise in the number of hate groups preaching violence and intolerance, with more than 50,000 hate crimes reported during the years 1991 through 1997. The summer of 1999 was dubbed "The Summer of Hate" as each month brought forth another appalling incident, commencing with a 3-day shooting spree aimed at minorities in the Midwest and culminating with an attack on mere children in California. From 1995 through 1999, there has been 206 different arson or bomb attacks on churches and synagogues throughout the United States—an average of one house of worship attacked every week.

Like the rest of the nation, some in Congress have been tempted to dismiss these atrocities as the anomalous acts of lunatics, but news accounts of this homicidal fringe are merely the tip of the iceberg. The beliefs they act on are held by a far larger, though less visible, segment of our society. These atrocities, like the wave of church burnings across the South, illustrate the need for continued vigilance and the passage of the Hate Crimes Prevention Act.

This legislation will make it easier for Federal authorities to assist in the prosecution of racial, religious and ethnic violence, in the same way that the Church Arson Prevention Act of 1996 helped Federal prosecutors combat church arson: By loosening the unduly rigid jurisdictional requirements under federal law. Current law (18 U.S.C.A. 245) only covers a situation where the victim is engaging in certain specified federally protected activities. The legislation will also help plug loopholes in State criminal law, as 10 States have no hate crime laws on the books, and another 21 States fail to specify sexual orientation as a category for protection. This legislation currently has 191 cosponsors, but has had no legislative activity in this House.

It is long past time that Congress passed a comprehensive law banning such atrocities. It is a Federal crime to hijack an automobile or to possess cocaine, and it ought to be a Federal crime to drag a man to death because of his race or to hang a person because of his or her sexual orientation. These are crimes that shock and shame our national conscience and they should be subject to Federal law enforcement assistance and prosecution.

Therefore, I would urge fellow members of the United States House of Representatives to be counted among those who will stand for justice in this country for all Americans and nothing else.

TRIBUTE TO MARY ANN BARTUSCH AND ROSEANN PALLADINO, LONGTIME CHICAGO EDUCATORS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. LIPINSKI. Mr. Speaker, I rise to pay tribute to two longtime educators who are retiring from the Chicago Public School system (CPS) this year. After several years of tremendous service, Mary Ann Bartusch and Roseann Palladino will be leaving Byrne Elementary School in Southwest Chicago. These teachers are perfect examples of the continuously hard-working, but often-unrecognized efforts of teachers in the 3rd Congressional District of Illinois. It gives me great pride to share with you their stories and accomplishments.

Mary Ann Bartusch graduated from Bradley University in Peoria, Illinois, majoring in Speech Language Pathology. For 34 years, Mary Ann served the Chicago Public Schools as a speech language pathologist. She began her career at Baum Elementary School (now Tonti Elementary School). In addition to John F. Kennedy High School, she then served at John C. Dore, Blair, Kinzie, Francis McKay, Mark Twain, Sawyer, and Michael M. Byrne Elementary Schools. For over three decades, Mary Ann gained the trust and love of her often disadvantaged students who found communication with her remarkably easy.

Mary Ann's avocations included volunteering for local Brownies and Girl Scouts organizations. Her daughters were active in 4H and received several awards, gaining their mother's pride. In Mary Ann's well-deserved leisure time, she pursues gardening and air-travel.

Roseann Palladino spent over 35 years in Chicago as a distinguished science teacher. In 1964, she graduated from Chicago Teacher's College with a Bachelors of Education (B.E.) degree. Eleven years later, she received a Master of Arts (M.A.) degree from the Illinois Institute of Technology's (IIT) Design program.

Her service to Chicago's youth began at Gershwin Elementary School, where she served for 8½ years. After 15 years at Morrill, she spent the last 12 years at Byrne Elementary.

Over the years, Roseann participated in several school trips, and appropriately received numerous awards and recognition. Commenting on her retirement, Roseann humbly stated: "My thanks for all my years of service in Chicago is the love and success I see in all the children I have taught."

Again, I was pleased to learn of the retirement and wonderfully productive lives of Mary Ann Bartusch and Roseann Palladino. In a time when these educators are receiving numerous recognition and praise, I gladly echo my own thanks from the halls of the U.S. Congress. These two educators represent the day-to-day hard work and compassion that steer Chicago's youth toward successful futures. Mr. Speaker, I wish Mary Ann Bartusch and Roseann Palladino a well-deserved long and happy retirement.

TRIBUTE TO JOHN FRIDLEY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend John Fridley of New Baden, IL. John has devoted his time and energy to being a servant and volunteer in his community. Besides the demand of a full-time job and continuing education, John has spent hours volunteering for youth sports, educational, church, and charity work.

He is now a member of the Wesclin Community Unit School board, as well as the board of the Kaskaskia Special School District and the advisory board at Belleville Area College for Office Administration and Technology. John is also very involved in his local church, St. George's Catholic Church.

John understands what it means to serve others, and because of this I want to recognize his efforts to make his community a better place to live. I thank him for his dedication and commitment.

HONORING THE CAREER OF GINGER BREMBERG

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. ROGAN. Mr. Speaker, last month, the City of Glendale witnessed the end of an era in local politics: longtime public servant Ginger Bremberg retired from office. Ginger is a seasoned politician, more focused on doing what was right than doing what is easy.

After nearly a decade and a half, she has left her mark on Glendale. Today, my hometown is one of the most prosperous and fiscally healthy cities in the region. In recognition of Ginger's service and dedication to our community, I ask my colleagues here with me today to join me in saluting Ginger Bremberg.

Ginger did not come to elected office early in life, or out of aspirations of higher office. After graduating from Beloit College in Wisconsin, she moved across the country with her husband Bruce and their young family. She focused on raising her two sons Chuck and Blair. In her spare time, she volunteered with community or education organizations.

More than two decades ago, Ginger moved to Glendale, California, bringing with her this solid background of service. In 1981, she was elected to the Glendale City Council, as the largest single vote-getter. She served on the council until this year, including three terms as mayor.

On the Glendale City Council, Ginger built a reputation as a straight-talking official, willing to stand for principle before politics. She immersed herself in policy details, studying for hours how potential decisions would affect not just her city, but each of its residents.

At City Hall, Ginger focused on revitalizing Glendale's economic base, bringing in new businesses, corporate headquarters and thousands of new jobs. Working overtime every week, she put her constituents first—she kept her telephone number and home address listed, and frequently talked from home with area residents who were pleased when their mayor answered her home phone.

Ginger also worked as a member of President Reagan's National Council on Historic Preservation. She worked tirelessly to preserve open space and historic resources in Glendale, while working to make the city friendly to homeowners and businesses alike. Ginger has built a reputation for fairness, honesty and service with integrity.

In recognition of her two decades of service to our community, and in gratitude for her commitment to making the City of Glendale the best it can be, I ask my colleagues here today to join me in saluting the career of Ginger Bremberg.

SALUTE TO THE MAKE-A-WISH FOUNDATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. NORTON. Mr. Speaker, I rise today to salute the 20th anniversary of the Make-A-Wish Foundation, which has brought happiness and joy to thousands of children around the world. On April 29, a seven-year-old boy in Arizona had one wish: he wanted to become a police officer. Friends and neighbors granted his wish. The boy became an honorary state trooper and received his own uniform. From this boy's experience arose the Make-A-Wish Foundation.

Twenty years later, the organization has fulfilled the wishes of more than 500 District of Columbia children and more than 80,000 worldwide. In the last year alone, the Foundation has granted the wishes of 70 District children who are fighting life-threatening illnesses.

This year, the Make-A-Wish Foundation will grant the wishes of approximately 8,000 children. Some of the popular wishes, of course, include a trip Walt Disney World, computers, shopping sprees and visits with celebrities. But each year, about 25 children ask for trips to our nation's capital, where they witness what District residents have always known—that Washington, D.C., is a beautiful city with kind and generous citizens.

Mr. Speaker, I ask my colleagues to join me in this 20th anniversary salute to the Make-A-Wish Foundation for a job well done.

A SALUTE TO REPRESENTATIVE STEPHEN S.F. CHEN

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. LIPINSKI. Mr. Speaker, since the Republic of China moved its seat of government to Taiwan in 1949, it has overcome many difficulties and achieved many successes. Where Taiwan was once a war-torn island with a per capita annual income of less than $300, today that figure has surpassed $13,000. Taiwan is now an economic powerhouse and one of the largest markets for U.S. products in the world. Already, Taiwan holds the third largest foreign exchange reserves in the world, and this year, its economy is expected to grow by another 6.7 percent.

Taiwan's successes have not been limited strictly to the realm of economics. Over the last few decades, Taiwan has consolidated its status as one of Asia's most vibrant and viable democracies. Following the lifting of bans on the creation of new political parties and the growth of the free media in the 1980s, Taiwan has gradually expanded the scope of its electoral politics by holding direct elections for the President and the Parliament. This year, on March 18, the people of Taiwan once again exercised their democratic rights and elected a new administration that will take office on May 20.

This unprecedented development will mark the first peaceful exchange of ruling power from one political party to another in the history of Chinese civilization and will enhance Taiwan's role as a model of democracy for the people of mainland China. It is my hope that as the powerful influence of Taiwan's democracy grows, so too will the momentum for the peaceful resolution of issues between the two sides of the Taiwan Strait.

At this time of great hope and opportunity, Taiwan's principal representative to the U.S. and the head of the Taipei Economic and Cultural Representative Office in Washington, D.C., Representative Stephen S.F. Chen, has announced his retirement after 40 years of service in Taiwan's corps. It is because of his efforts that Taiwan has maintained its prestige and standing in the international community. His steady hand has helped steer Taiwan through the good times and the bad, and it is clear that the international community has been enriched by his work. Representative Chen's professionalism and diplomatic skills are second to none, and I wish to thank him for his tireless efforts to further strengthen the close and friendly ties between Taiwan and the U.S.

Mr. Speaker, I wish to salute the 23 million people who live in the prosperous democracy on Taiwan. I also salute Representative Chen for his patriotism, dedication, and friendship. On the occasion of his retirement, I invite my colleagues to join me in extending our best wishes and sincere appreciation for all that Stephen Chen has done, and most importantly, for all that he will continue to do as he moves on to write the next brilliant chapter of his life's work.

TRIBUTE TO SENIOR SAINTS HALL OF FAME AWARD WINNERS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize 12 Jefferson County, IL residents who have been selected as this year's Senior Saints Hall of Fame award winners. The Senior Saints are: Everett D. Atkinson, Bob Beck, Margaret Benton, Anne Garrison, Don Hahn (posthumously), Frank Hazlip, L. Joan Kent (posthumously), Virginia Riley, Ellis Roane, Christina Stables, Merle Tate, and Samuel Totten.

I want to thank these 12 individuals who have devoted so much of themselves to their community, their friends, and their family. I join with the city of Mt. Vernon, the Jefferson County Board, and the Jefferson County Chamber of Commerce in honoring these Senior Saints for their achievement.

TRIBUTE TO ARLENE E. WILSON

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. CRANE. Mr. Speaker, today I want to praise the work of Arlene E. Wilson, a Specialist in International Trade and Finance at the Congressional Research Service. Dr. Wilson is retiring after 23 years at CRS, where she conducted major studies, briefings, and seminars on international trade and financial issues for Members of Congress and Congressional staff. Dr. Wilson's knowledge of trade and international finance is so broad and deep and her communication skills so excellent that she is able to explain the European Monetary Union and make U.S. antidumping laws understandable.

Dr. Wilson holds a B.A. in history from St. Lawrence University in Canton, New York, an M.A. in economics from the University of Michigan, and a Ph.D. in economics from New York University. Prior to coming to CRS in 1977, Dr. Wilson was a research associate at the New York Stock Exchange and a lecturer in economics at Marymount College in New York City, and at George Mason University in Fairfax, Virginia.

Over the years, she has written 72 reports for Congress, many on international finance issues such as trade and payments balances, the international banking system, and the European Monetary Union. Eight of her reports appeared in committee prints; six others were published by the Fund for Public Policy Research in Studies in Taxation, Public Finance and Related Subjects—A Compendium.

Dr. Wilson has proven to be an authority on foreign trade as well as one on international finance. During one of the most intense trade debates in recent memory, Dr. Wilson led the CRS team covering the North American Free Trade Agreement (NAFTA) in the early 1990s and has written on many aspects of NAFTA: the broad economic perspective; economic comparisons of the United States, Mexico, and Canada; U.S. jobs at risk; the peso-dollar exchange rate; the Mexican peso devaluation; and the impact of NAFTA after it went into effect.

Before NAFTA, Dr. Wilson coordinated the CRS efforts on the U.S.-Canada free trade agreement. She led a workshop and wrote up proceedings on the potential effects of the agreement on the United States and coordinated the work of 16 CRS analysts on the agreement's possible effects on U.S. industries. Her study examining the U.S.-Canada agreement after one year was printed in the Bulletin of The Atlantic Council of the United States.

An expert on almost every aspect of the World Trade Organization, Dr. Wilson has written on the antidumping and services agreements reached during the Uruguay Round, on trade and the environment, and on fast-track trade negotiating authority. She had principal responsibility of analyzing future negotiations in the WTO. Even after she leaves, her work on the WTO will continue to assist Congress as we face a decision on our participation in the WTO.

From 1983 to 1987, Dr. Wilson served as Head of the International Section in the Economics Division. She participated in the U.S. Congressional Task Force for Interparliamentary Cooperation in 1995 and 1996, and spoke on the European Monetary Union for the USIA Germany Speaker Program in 1997 and at the Foreign Service Institute of the Department of State in 1998, 1999, and 2000. She coauthored a course guide entitled "International Economics" for a course sponsored by the University of Maryland.

Dr. Wilson is without question an expert in her field. She has served the Congress at the highest level of expertise and has assisted us on virtually every major trade issue of our time. We wish her well on her retirement and thank her for her outstanding service.

INTRODUCTION OF THE FAIR PAY ANTI-RETALIATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. NORTON. Mr. Speaker, each year, the President, in his State of the Union address, exhorts the Congress to honor families with equal pay for women. Each year, the Congress, as if on cue, rises in agreement and applauds itself. It's time not only to rise to the President's words, but to rise to the occasion.

Two bills provide the opportunity. My Fair Pay Act directly attacks the major pay problem women face in today's workplace—the often discriminatory pay reserved for the traditional sex-segregated jobs that most women perform. If not my bill, surely it's time to pass the Paycheck Fairness Act, which I strongly support. That bill is not a new departure, but it does strengthen existing enforcement. The best evidence that stronger Equal Pay Act enforcement is needed is right here under our congressional noses. The women custodial workers who serve the U.S. Congress have waged a three-year battle alleging that they are paid a dollar less hourly than men who do the same or similar work. The women's lawsuit has been validated by a federal court as a certified class action. As a former chair of the Equal Employment Opportunity Commission, I know a solid Equal Pay Act case when I see one. As a Member of the Congress, I now know what it means to be an embarrassed defendant who may lose an Equal Pay Act case any day.

Today, to get some movement on equal pay for American women, to get more than a rise out of the Congress, to call the question, I am introducing as a separate bill the non-retaliation section common to both the Paycheck Fairness Act and the Fair Pay Act. Both bills make it a violation to intimidate employees who inquire of their fellow workers or others about the pay these employees receive or the pay practices of the employer. In the absence of more comprehensive legislation, this non-retaliation provision at least would allow women to engage in self-help where necessary by seeking pay increases based on what they, themselves, learn about the pay practices where they work.

Our message is simple: Start with the Fair Pay Act, or start with the Paycheck Fairness Act, or start with the provision that allows women, themselves, to start with self-enforcement. Start where you like—but Congress must not go home for the July 4th recess without making a start on fair pay for American women and their families. We've had it with standing up for the right words. It's time to stand up and be counted for an equal pay bill.

TRIBUTE TO WESTHILL HIGH SCHOOL GIRL'S SOCCER TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. WALSH. Mr. Speaker, on Saturday, November 20, 1999, the Westhill High Warriors defeated the St. Thomas Aquinas of Rochester 2–1 in sudden death overtime to win the New York State Class B Girls Soccer Championship. This was a great win for the Warriors, who were outshot 23–7, but still managed to hold on for the victory. Although there were few scoring chances, Westhill's all-time leading scorer Courtney Spencer put the Warriors on the scoreboard first. Then, in the second overtime, Meagan Rogers, a senior midfielder, scored the game winner on a great header from teammate Leanne Guinn. On defense, Westhill sophomore goalie Ally Walker had a stellar showing to keep the Warriors in the game and was applauded for her talents as goalie of the game.

The entire team gave an outstanding performance throughout the season, putting Westhill's soccer team among the best in the country. Not only did the girls win the championship but just two months earlier gave their coach Ann Riva her 300th career win. However, winning the championship was extra special to her. According to the local newspapers, Coach Riva said this state championship was the most memorable in her career. Many parents and fans felt from the very beginning that this team with its special chemistry was destined for great things.

I am very proud of these young women, who have exhibited discipline, sportsmanship, and love of sports while representing their school in the very finest Westhill tradition. I am equally proud of the Westhill Athletic Department, the parents, and administrators who are so supportive of this outstanding group of fine young athletes.

TRIBUTE TO JOSEY KUNZ

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Josey Kunz of Bluffs, IL. Josey, a fourth grader from Bluffs Elementary School was one of only four State Organ/Tissue Donor Poster Contest winners.

I would like to take this opportunity to congratulate Josey for his talent and accomplishment. He is an exceptional young man who has made me and the people of my district proud.

TRIBUTE TO FATHER JIM WILLIAMS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. STUPAK. Mr. Speaker, today I honor Father Jim Williams, a Catholic priest whose parish is located on beautiful and historic Mackinac Island in my northern Michigan congressional district.

It was from this spot in the U.S. House that I rose in July 1996 to call the attention of the nation to the tricentennial celebration of Ste. Anne's de Michilimackinac Church. Today I honor Father Jim, who spearheaded the fundraising effort to restore the historic church. I honor him on the occasion of the 30th anniversary of his ordination, and on the occasion of his receipt of the Mackinac Island Community Foundation's first "Community Service Award." Mr. Speaker, I can tell you there is no more fitting recipient.

A special ceremony on June 4 recognized Father Jim's many community accomplishments and his unique, personal and loving ministry. Michigan Governor John Engler and Michigan Attorney General Jennifer Granholm served as honorary co-chairpersons of this event, which took place at Mackinac Island's remarkable Grand Hotel. To further honor Father Jim, the Grand Hotel generously donated a reception, dinner and hotel stay for guests of the event.

Every servant of God must follow his own path, trusting the Voice within to lead him toward his life's mission. Father Jim, born a Methodist in Pontiac, Michigan, graduated from the University of Michigan in 1963 with a double major in history and literature. Working on Isle Royale, a remote park in Lake Superior, he met the priest responsible for his eventual conversion to Catholicism.

He was ordained while living on the Bay Mills Indian Reservation on the Lake Superior shore, and in the next ten years adopted or served as foster parent to 12 children. Perhaps unique among Catholic clergy, Father Jim has numerous grandchildren and even one great-grandson, Little Bear.

He was so near Mackinac Island then, but his path carried him instead to sea, where he served as chaplain aboard the aircraft carriers *Nimitz, Kennedy* and *Coral Sea.* In 1986 his path led him back to Upper Michigan, and in 1990 Father Jim came to Mackinac Island.

The sense of a community that is part of island living must be what suits him best. It was on a Great Lakes island that his new faith took root and it is now on another Great Lakes island that his role as community shepherd has flowered. "This is the place I've loved being the most," Father Jim says of his parish. "I love being part of a community with so few walls, where there is such a great mix of people, rich and poor, a wide variety of cultures, nationalities and races. The magic of the Island is the magic of its people, and the magic of the people is the mix of many peoples."

In his work to restore Ste. Anne's, Father Jim made sure it would have a community room in the basement, and this room is open to the Jamaican, Mexican and Filipino workers three nights a week as a place they can gather and celebrate their own cultures. For these workers, Father Jim has started classes in English as a second language.

Because of Father Jim, the island has Teen Night, a night for the island's youth to gather as a drug- and alcohol-free option. Father Jim started a "Take Your Wife Out to Dinner," night once a week, and weekly square dancing. A ribbon cutting will soon be held for affordable housing units, another project that Father Jim helped bring to fruition.

My wife Laurie and I were honored last year on our 25th wedding anniversary with a mass celebrated by Father Jim at Ste. Anne's with our sons Ken and Bart Jr. Even though we are residents of Menominee, Michigan, we were grateful to receive the blessings and prayers of our dear friend on Mackinac Island for our special personal celebration.

A man of God finds his own reward and does not seek our praise for his work. But I know Father Jim appreciates the fact that he can be a model and an inspiration to others, who may not know how much one man can accomplish. Mr. Speaker, in these remarks, I hope that some of the power of the good works of this island priest shine through.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 8, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 13

Time to be announced

Commerce, Science, and Transportation

To hold hearings to examine the practices of Internet network advertisers and steps that can be taken to improve consumers' privacy online.

SR–253

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities Subcommittee

Financial Institutions Subcommittee

To hold joint hearings to examine the Merchant Banking Regulations pursuant to the Gramm-Leach-Bliley Act of 1999.

SD–538

10 a.m.

Environment and Public Works

To hold hearings on the nomination of James V. Aidala, of Virginia, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency; the nomination of Arthur C. Campbell, of Tennessee, to be Assistant Secretary of Commerce for Economic Development; and the nomination of Ella Wong-Rusinko, of Virginia, to be Alternate Federal Cochairman of the Appalachian Regional Commission.

SD–406

Health, Education, Labor, and Pensions

To hold hearings to examine drug safety and pricing.

SD–430

Judiciary

To hold hearings to examine post-conviction DNA testing.

SD–226

2 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the situation five years after the Dayton Agreement which ended the war in Bosnia-Herzegovina.

B318 Rayburn Building

JUNE 14

9:30 a.m.

Indian Affairs

To hold hearings on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture.

SR–485

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To hold hearings on the environmental benefits and impacts of ethanol under the Clean Air Act.

SD–406

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD–430

10 a.m.

Governmental Affairs

Business meeting to markup pending calendar business.

SD–342

JUNE 15

9:30 a.m.

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To hold hearings on the Environmental Protection Agency's proposed highway diesel fuel sulfur regulations.

SD–406

Energy and Natural Resources

To hold hearings on certain provisions of S. 2557, to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly.

SD–366

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on the United States General Accounting Office March 2000 report entitled"Need to Address Management Problems that Plague the Concessions Program".

SD–366

JUNE 20

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings on pending business.

SD–430

JUNE 21

9:30 a.m.

Indian Affairs

To hold hearings on certain Indian Trust Corporation activities.

SH–216

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

JUNE 22

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine issues dealing with aviation and the internet, focusing on purchasing airline tickets through the internet, and whether or not this benefits the consumer.

SR–253

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine medical device reuse.

SD–430

JUNE 27

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings on S. 1016, to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

SD–430

JUNE 28

9:30 a.m.

Indian Affairs

To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

SR–485

JULY 12

9:30 a.m.

Indian Affairs

To hold oversight hearings on risk management and tort liability relating to Indian matters.

SR–485

JULY 19

9:30 a.m.

Indian Affairs

To hold oversight hearings on activities of the National Indian Gaming Commission.

SR–485

JULY 26

9:30 a.m.

Indian Affairs

To hold hearings on S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act.

SR–485

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

POSTPONEMENTS

JUNE 14

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the National Marine Fisheries Service's draft Biological Opinion and its potential impact on the Columbia River operations.

SD–366

HOUSE OF REPRESENTATIVES—*Thursday, June 8, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHIMKUS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 8, 2000.

I hereby appoint the Honorable JOHN SHIMKUS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Father James Scherer, St. Paul the Apostle Church, Greensboro, North Carolina, offered the following prayer:

"To do work carefully and well, with love and respect for the nature of our task and with due attention to its purpose, is to unite ourselves to God's will in our work." Thomas Merton.

Lord, we have no idea where we are going. We do not even see the road ahead. We cannot know for certain where it will end. The fact that we think that we are following Your will does not necessarily mean that we are. We believe, however, the desire to please You does, in fact, please You. We hope we will never do anything apart from that desire. We know You will lead us by the right road. Therefore, we trust You always that You may lead us and we may not be lost. We will not fear, for You are ever with us, and You will never leave us to face our perils alone. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FOLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. PHELPS) come forward and lead the House in the Pledge of Allegiance.

Mr. PHELPS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4542. An act to designate the Washington Opera in Washington, D.C., as the National Opera.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2625. An act to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations.

The message also announced that pursuant to Public Law 105–389, the Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader, announces the appointment of Robert R. Ferguson III of North Carolina, to serve as a member of the First Flight Centennial Federal Advisory Board.

WELCOMING FATHER JIM SCHERER

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, I am pleased to welcome Father Jim Scherer from Greensboro, North Carolina as our guest chaplain today, although I did not sponsor Father Jim. Father Jim was sponsored by the gentleman from Pennsylvania (Mr. WELDON) who this session has, in turn, sponsored Father Jim's nephew. I am delighted to welcome Father Jim Scherer to the House today.

Father Jim serves 3 parishes back in the 6th district of North Carolina. Our Lady of Grace where he conducts weekday mass; and Father Jim, I had the pleasure of addressing the student body at Our Lady of Grace last year; St. Paul the Apostle, and St. Pios for Sunday masses. In addition to that, Father Jim also served as a marriage and family therapist in private practice in Greensboro.

Mr. Speaker, I know my colleagues will join me in extending a warm welcome to Father Jim Scherer as our guest chaplain today.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BRYANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 45, answered "present" 5, not voting 21, as follows:

[Roll No. 246]

YEAS—363

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—45

Aderholt
Baird
Baldwin
Bilbray
Borski
Brady (PA)
Costello
Crane
DeFazio
Dickey
English
Fattah
Filner
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hefley
Hill (MT)
Hilleary
Hilliard
Kucinich
Lewis (GA)
LoBiondo
McDermott
Oberstar
Peterson (MN)
Pickett
Pomeroy
Ramstad
Sabo
Slaughter
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Udall (NM)
Visclosky
Waters
Weller
Wicker
Wu

ANSWERED "PRESENT"—5

Barrett (NE)
Carson
Conyers
Levin
Tancredo

NOT VOTING—21

Clay
Cummings
Danner
Fossella
Gejdenson
Greenwood
Hinojosa
Houghton
Jefferson
Klink
Manzullo
Markey
McIntosh
Obey
Peterson (PA)
Radanovich
Rangel
Rohrabacher
Smith (MI)
Tierney
Vento

□ 1025

Mr. TAYLOR of Mississippi changed his vote from "present" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to House Resolution 407, this time has been designated for the taking of the official photo of the House of Representatives in session.

The House will be in a brief recess while the Chamber is being prepared for the photo. As soon as these preparations are complete, the House will immediately resume its actual session for the taking of the photograph.

About 15 minutes after that, the House will proceed with the business of the House. The 1-minutes will be at the end of the legislative session today.

For the information of the Members, when the Chair says, the House will be in order, we are ready to take our picture. That will be in just a few minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10:30 a.m.

Accordingly (at 10 o'clock and 29 minutes a.m.), the House stood in recess until 10:30 a.m.

□ 1030

AFTER RECESS

The recess having expired, the House was called to order at 10 o'clock and 30 minutes a.m.

(Thereupon the Members sat for the official photograph of the House of Representatives for the 106th Congress.)

RECESS

The SPEAKER. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 10:50 a.m.

Accordingly (at 10 o'clock and 33 minutes a.m.), the House stood in recess until approximately 10:50 a.m.

□ 1052

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 10 o'clock and 52 minutes a.m.

PROVIDING FOR CONSIDERATION OF H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 518 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 518

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with ": *Provided*" on page 44, line 4, through "as amended" on line 14. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. The amendment printed in part B of the report of the Committee on Rules may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment printed in part B of the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the

Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may : (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. House Resolution 515 is laid on the table.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 518 is an open rule to provide for consideration of the Labor, Health and Human Services, Education Appropriations bill for fiscal year 2001. Traditionally, this bill has proven quite controversial, and this year is no exception. However, this rule should not be controversial as it provides for an open and fair debate of the many issues at hand.

Under the rule, there will be an hour of general debate divided between the chairman and ranking member of the Committee on Appropriations. The amendments printed in part A of the Committee on Rules report will be considered as adopted, along with the rule.

I want to make a few facts clear about these amendments before the rhetoric starts flying. Under the first amendment, the maximum Pell Grant, which will reach the highest level in history under this bill, will not be reduced. The second amendment provides a mechanism to ensure that the House complies with the fiscal restraints dictated in the budget resolution.

Now, specifically, the amendment provides an incentive for the House to remain within the advanced appropriations cap set in the budget resolution. While the amendment does use the child care and development block grant to create this incentive, it also ensures that the child care block grant will not be reduced beyond a certain level, a level that provides for an increase above last year's spending.

After general debate, the bill will be open for amendment under the 5-minute rule, except that the amendment printed in part B of the Committee on Rules report, to be offered by the gentlewoman from New Mexico (Mrs. WILSON), will be debatable for 10 minutes. Members who have preprinted their amendments in the CONGRESSIONAL RECORD will receive priority recognition. The rule also waives clause 2(e) of rule XXI to protect Members' ability to offer certain amendments.

During consideration of the rule, the Chair will have the flexibility to postpone votes and reduce voting time as a way to expedite consideration of the bill and give due consideration to Members' schedules.

Finally, the minority will have another opportunity to alter the bill through the customary motion to recommit with or without instructions.

Mr. Speaker, before my good friends and colleagues on the other side of the aisle begin their expected protest of this legislation, I would like to point out some facts as well as the merits of this bill.

☐ 1100

We will hear my Democratic colleagues claim that there is not adequate funding in this measure, but the bill actually spends $4 billion more than last year.

I think in most people's mind, $4 billion is nothing to sneeze at, and this funding will allow many worthwhile programs to see increased spending under this legislation. This bill balances fiscal responsibility and Government accountability with social responsibility.

Making tough spending decisions and setting priorities is a part of responsible governing that respects the trust and hard-earned dollars of the taxpayer. This bill focuses on our priorities, including education.

I am pleased that this legislation will provide almost $43 billion for education programs, which is an added investment of $2 billion over last year. This funding will assist students from preschool age through college. Head Start will receive a $400 million increase. Elementary and secondary education programs will receive $576 million more than last year. And the maximum Pell Grant for college students will be raised to $3,500, the highest level in history.

In addition, the bill addresses the educational needs of the disabled. By injecting an extra $500 million in State special education grants, this bill keeps our commitment to children with disabilities.

The Federal Government mandates that States provide a free public education to disabled children, but we have not kept up our end of the bargain in terms of sharing in the cost. This bill moves us one step closer to keeping our promise.

By fulfilling this commitment, we will free up State and local resources, which can then be devoted to education priorities set by the State and local school districts who are closest to the children we are trying to help.

This legislation further meets the needs of today's classrooms and students by preparing them for jobs in a high-tech economy through an increase in the Technology for Education program, bringing total funding to more than $900 million.

Even more important than providing for an educated citizenry is ensuring their good health. That is why this legislation invests an additional $2.7 billion in discretionary health care spending. These added resources will be pumped into community health centers that have done such yeoman's work serving the poor and uninsured in our communities.

The Ryan White AIDS Care Act programs will also see an increase over last year's level and above the President's request. Perhaps most importantly, this legislation gives hope to those who suffer from incurable or untreatable diseases by making a significant investment of almost $19 billion in biomedical research through the National Institutes of Health, with a commitment to do more in the future.

I would like to commend the gentleman from Illinois (Chairman PORTER) for his dedication to the goal of doubling funding for the NIH over 5 years. The chairman understands the great promise that this research holds for saving lives and conquering diseases such as cancer, heart disease, diabetes, Parkinson's, and many others.

I am also encouraged by the progress made in the last couple of years in the area of pediatric research through an appropriation for the graduate medical education provided in children's hospitals. While the $800 million this bill provides falls short of the full authorization, it does represent progress, since it doubles last year's funding.

I hope to work with the chairman through the end of the process to find a way to fully fund children's GME at a level of $285 million and put freestanding children's hospitals on par with other teaching institutions.

It is critical that we recognize the differences between adult and child medicine and provide this support to those whom we trust with caring for our most precious resources.

Mr. Speaker, I think the dedication this bill demonstrates towards these priorities within the constraints dictated by fiscal responsibility is to be congratulated.

The subcommittee did not face a simple task in crafting this bill, but I believe it is a responsible approach; and I am proud of their willingness to make tough decisions to keep our fiscal house in order while making wise investments in the areas of greatest need.

Still, I am sure if each of my colleagues legislated alone, they would look at the many worthwhile programs in this bill and prioritize spending in 435 different ways. In recognition of the different views among us, this legislation is being considered under an open process which will allow every Member an opportunity to rework this legislation to their will. So there is really no reason that every single one of my colleagues should not support this rule.

Mr. Speaker, I encourage all of my colleagues to vote yes on the rule, as well as the subcommittee's balanced approach to this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from Ohio (Ms. PRYCE) for yielding me the customary half hour.

Mr. Speaker, this annual appropriations dance is growing staler than the Macarena. Year after year, this leadership attempts to gut programs critical to working families, and year after year they are publicly shamed into finally passing adequate spending levels. Fiscal year 2001 is gearing up to be no different.

The rule for this underlying bill is a sham and deserves to be defeated. In the dead of night, the Committee on Rules has rewritten the underlying bill in the hopes it might survive a floor vote. No one in this body has had an opportunity to adequately review this new version, but I can share with my colleagues at least one little gem.

According to the new rule, any programs that are forward-funded in the bill will trigger an automatic rescission. And did the majority pick on someone their own size in choosing the program to target for this rescission? Not in the least. The automatic rescission will cut funds from the Child Care Development Block Grant, which funds child care for the poorest children in our Nation.

Passing annual appropriations bills remains the most basic and critical function that we perform in this body. This particular spending bill funds some of our most essential programs, those that keep Americans healthy, educate our children, and protect our workers. But once again, the current leadership has skirted this responsibility and is pushing a bill that it knows will be vetoed in its current form.

The original bill was narrowly adopted in the Committee on Appropriations on a party-line vote 29–22, with every Democrat opposed. Moreover, the committee version of the bill would delay any new worker safety provisions, particularly those designed to protect workers from repetitive motion injuries.

My colleagues and I have often marveled at the short-sighted vision the current leadership holds for the Nation, and this year's Labor HHS appears to be no exception.

The bill cuts education funding at a time when school enrollment is exploding and education is at the top of our Nation's list of priorities. Education is cut $3.5 billion below the President's request, including the repeal of last year's bipartisan commitment to hire 100,000 new teachers, to reduce class size and turning that initiative into a block grant; denial of $1.3 billion to renovate 5,000 schools for urgently needed safety repairs; $1 billion cut from teacher quality initiatives for recruitment and training; $400 million cut from after-school care serving 1.6 million children; $416 million cut from title I assistance, affecting up to 650,000 low-income children; $600 million cut from Head Start, denying early education to 53,000 children, elimination of funding for elementary school counselors.

The leadership's bill cuts funding to train and protect America's workforce and contains a controversial rider which once again blocks OSHA's regulation on ergonomics for the sixth consecutive year.

The bill cuts millions from worker protection initiatives, including efforts to make the workplace safer, to promote equal pay, to protect pensions, and to crack down on sweatshops.

The ergonomics rider prohibits the issuance of a new OSHA rule that would prevent 300,000 debilitating ergonomics injuries per year. In addition, the bill cuts over $1 billion for the training of adult and dislocated workers and summer jobs for 72,000 at-risk youth.

Moreover, the underlying bill cuts funding to protect elderly Americans. The bill eliminates family care support for 250,000 Americans with long-term care needs; cuts funds to enforce quality nursing and family care for 1.6 million elderly and disabled people; cuts mental health for seniors; cuts funds to eliminate Medicare waste, fraud, and abuse.

In addition, the bill cuts funding for the battered women's shelters, for family planning, and for health coverage for uninsured workers.

Mr. Speaker, earlier this week the Committee on Rules had an opportunity to correct these cuts by allowing full consideration of amendments offered by my colleagues. We offered amendments to increase funding for education and research. We offered amendments to protect senior citizens and attack weak labor standards. All of these efforts were defeated on a party-line vote.

Thusly, Mr. Speaker, I urge the defeat of this ill-conceived rule.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. PORTER), the chairman of the subcommittee, who crafted this very difficult legislation in a very fine manner.

Mr. PORTER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the time.

Mr. Speaker, I would say to my friend and colleague, the gentlewoman from New York (Ms. SLAUGHTER), that the cuts she has described, are not cuts. They are cuts from the President's budget. And the President's budget, this President, has been particularly adept at drawing a political document. All Presidents draw a political document, but this President has taken it to an art form; and it is, basically, a document that is not responsible.

Let us start the debate today by being very, very clear. When the other side talks about cuts, they are talking about cuts from an irresponsible President's budget. If we look at the Department of Education, there are no cuts in programs. There is a $2.4 billion increase in spending in this bill over last year in discretionary programs.

If we look at the Department of Health and Human Services, there is a $2.2 billion increase over last year.

There are cuts in some programs in the Department of Labor. But this is an economy that is growing so fast, where we have almost full employment, that the need for job training is less than in the past. Such growth justifies a slowdown in spending.

So I would say to the gentlewoman, let us talk not about cuts. There are not cuts except in certain areas where they are justified. There are increases. They simply are not increases of the magnitude that the President has suggested because the President's budget is not responsible, I believe; and because we have a limited allocation.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member on the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my great colleague, my dear friend, the gentlewoman from New York (Ms. SLAUGHTER), for yielding me the time.

Mr. Speaker, do my colleagues know where their Committee on Rules was last night around midnight at the witching hour? When everybody else was nestled all snug in bed, the Committee on Rules was at work, under the cover of darkness, rewriting the rule for the Labor, Health and Human Services appropriations bill, where they once again put children's programs on the chopping block.

Mr. Speaker, picking on children is becoming the pattern in the Committee on Rules. Two weeks ago, the

Committee on Rules killed an amendment that would have sent American medicine and American food to sick and starving children in North Korea and Sudan.

Then my Republican colleagues took money from the Women, Infants' and Children's Nutrition Program, the WIC program, and handed it over to the apple and potato growers.

Today, Mr. Speaker, they will put child care block grants at risk, and all to please the Republican conservatives who fear using next year's money to pay this year's bill because they themselves have imposed impossible budget caps.

Mr. Speaker, children should not be the scapegoats of Republican budget cuts just because they cannot fight back. And people will find out what my Republican colleagues did even though it was late at night.

If my Republican colleagues really need to come up with some more money, I think they should stop picking on children, pick on someone their own size.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), the very distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of the rule. I thank my friend from Columbus, Ohio, for yielding me the time.

Mr. Speaker, I would like to say that we are proud to have a hard-working Committee on Rules. I am glad that the gentleman from Massachusetts (Mr. MOAKLEY) was able to join us last night.

One of the challenges of dealing with a very recalcitrant minority that wants to obstruct any kind of progress here in this House is that we have to try to fashion rules that will get the majority to provide full support; and, unfortunately, we have a difficult time working in a bipartisan way.

We try our best to do it. We try to reach out to the other side. But when we hear rhetoric like that that my friend, the gentleman from Massachusetts, just provided, it makes it really tough for us. Because, in fact, in the area of child care development, we have a 33 percent increase over last year.

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Now, one of the things that I was proud to have worked on earlier this year, that unfortunately I fell short by eight votes of getting the support on, was something called biennial budgeting. I know that while one member of the Committee on Rules in the minority joined us in support of this, my friend from Massachusetts opposed it.

We are talking here about all kinds of scenarios that are down the road and that, frankly, future Congresses will be addressing. As we look at this question of advance appropriations and forward funding, it seems to me that if we were able to have a biennial budget process, which it seems my friend is advocating here, it sounds like he is an advocate of the biennial budgeting process, he should have joined with us and voted in favor of that so we could have addressed this question in what I believe would be a really more responsible way than going through the annual process. But we have to deal with it as it is right now.

I want to say that I believe that this is a very, very responsible measure. My friend from Illinois (Mr. PORTER), who is going to be presiding over the last labor, health and human services appropriations bill before his retirement, is to be commended for his hard work. I think that his words just a few moments ago put it right on target when he said that all kinds of rhetoric is going to be out there trying to claim that cuts are being made when, in fact, we are bringing about responsible increases to address these issues. I commend him for his very fine work.

There are a number of very important issues that are being addressed in this measure. I want to particularly compliment him for the $900 million that is for technology, for education programs which will help today's students have the potential to be competitive when it comes to dealing with our global economy. We have a responsibility to ensure that we pursue that. I think we have been right on target in doing that.

There are a wide range of very good measures in this bill. What we need to do is recognize that we are complying with the budget resolution that passed, not, as the gentleman from Illinois said, the very irresponsible budget package that was put forward by the President of the United States. That is not what is providing us with direction here. We are following the budget resolution that passed. We are increasing responsibly in areas where need is taking place.

Mr. Speaker, we continue to hear the other side of the aisle talk about Draconian cuts. We went through this in the middle part of the last decade right after we won the majority and they tried to claim that we were cutting the school lunch program when we were increasing it, they tried to claim that we were cutting programs for seniors. They were trying to describe us as being somehow inhumane. Nothing could be further from the truth. We are, in fact, responsibly dealing with societal needs while at the same time dealing with the fiscal constraints that are imposed with the budget process that we have.

I strongly support this rule. I urge my colleagues to support it and the very important appropriations bill that we will be moving ahead with.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Democrat leader.

Mr. GEPHARDT. Mr. Speaker, I urge Members to vote no on this rule and if it does pass, to vote no on this bill. Everyone in America knows that the most important issue in front of us is education and training children, the way we raise children. Go into any business in America today and they will tell you they need trained people. They do not have enough trained people to fill the jobs. We constantly are asked by businesspeople for legitimate reasons to open up immigration rolls to bring in trained people to fill the jobs that Americans are not available to fill today.

Every family knows that raising a child today is more difficult in a very busy and different world that we live in. Parents have less time with children by about a third than they did 15 or 20 years ago. This bill walks away from all of those concerns. There is not enough money in it for the teachers that we need to teach our children in elementary and secondary schools across the country. It zeros out the funds that are supposed to be there for the 100,000 teachers that we should be trying to help the local districts with. It provides no funds for the effort to try to repair and rehabilitate and expand school building structures, so we can get smaller class sizes to go with the teachers that are all designed to get smaller class size. It guts the President's proposal to improve teacher quality and insist on teacher recruitment and school accountability.

Denying all of this funding is frankly inexcusable and unnecessary. Part of the reason, I guess, that we are not able to put enough money into these efforts is that tomorrow we have a bill to wipe out the estate tax entirely. Everything that we do here is a choice. We have a choice. We can wipe out the estate tax entirely or we can simply modify it and make it more reasonable, thereby not spending as much money on that effort and using those moneys that we do not use on that effort to deal with schools and children and teachers and standards in public schools.

We are making a choice this week that we want the top 10 percent of the top 1 percent of Americans to get an incredible tax cut rather than spending the money on our children, on our future, on our ability to keep this economy which is white hot going in the right direction. That is the choice we face today.

I urge Members to vote against this rule, to vote against this bill so that we can make the right choice for America's most precious resource which are our children.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. I thank the gentlewoman for yielding me this time.

Mr. Speaker, in about 6 months from now, I will be back in my medical practice in Oklahoma. The one thing I will not miss is a lack of integrity and straightforwardness about when we discuss these issues.

Everybody in this House knows that the funding in Labor-HHS bills have climbed faster than in any other thing that we have funded in this House under Republican control. We are $40 billion more under this appropriation bill than we were in 1995. There is $14.3 billion more for children, for health, for education to be available, to be spent in 2001 than was available last year. And for anyone to come to the House floor and to say that there is a cut in programs, it is not only untrue but it smirches the integrity of this entire House.

We have a bill that spends much more than I want to spend on many of these programs because the accountability is not there, but we are going to spend the money to fulfill the needs even though the accountability is not there. It is important for us to make sure when we talk about priorities that what we are really talking about is a difference in the amount of increase in spending in priorities, not in cutting any major program. My heart aches for my grandchildren, because if we progress in this House with statements of untruth for political demagoguery purposes, we do neither party any positive benefit and we undermine the very value of this institution.

So I would beg that as we debate this bill the next 16 hours, to tell the Members of the House and tell the people in the country the same thing you would tell your grandchildren. Would you lie to your grandchildren? Would you be untruthful about what is really going on? We can have an honest debate about the differences in priorities. But I beg you, do not undermine the integrity of this House by baseless claims of cuts in spending.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, we have heard a lot of talk here today from people who understand the cost of everything and the value of nothing. When someone says that we do not have cuts in this bill for education and health care and job training, what they ignore is what happens to real people.

This budget is not the last budget for the Clinton administration. This budget is the first budget for the next decade. We do not have a society or a country frozen in time. We have a growing population. They have growing needs. We are going to have over a million additional students in college needing Pell grants, needing Work Study. We are going to have about a million and a half additional students in high school, needing title I and all the rest. We are going to have more people needing medical services, because our population is growing larger and it is aging. We are going to have about 25 million more people in the coming decade. It would be kind of nice if the people's bill, which this bill is, responds to those growing needs. But it does not. That is why it cuts the President's educational request by $3 billion. It cuts worker training and other worker protection programs by $1.7 billion. It cuts health care by $1 billion from the President's request.

Why does it do that? Because we are moving into a new era. We have been in an era of huge deficits. We are now moving into an era of large surpluses. We have some choices. The choices are whether you use those surpluses to cut taxes or to buy down debt or to invest in national security, education, health care, science and the like or whether you do a reasonable combination of all of them. What we are doing in this bill today is making these cuts because the Republican majority in this House has decided that rather than provide a prescription drug benefit under Medicare, rather than invest larger amounts in teacher quality, rather than investing larger amounts in smaller class size, rather than strengthening job training, they want to provide $90 billion in tax relief to people who make over $300,000 a year. That is why these cuts are being made. I think that is wrong.

I have no objection to legitimate tax cuts aimed at farmers who are on the edge or aimed at trying to help small businessmen provide health care for their employees. But when those tax cuts are so large that they prevent us from eliminating the debt and prevent us from making needed additional investments in child care, in health care, in after-school centers and in enforcement of international child labor standards, then this bill is misguided and misbegotten.

This rule denies us the opportunity to offer 11 amendments to add funding to restore teacher quality, school facility repair, early childhood education, child care, after-school initiatives, better nursing home care and all the items that I just mentioned. It tries to hide it, but when you adopt this rule, you are also voting to cut by over $800 million the child care block grant. You can deny it, but that is the fact. All of the amendments we want to be made in order could be financed by simply having the Republican majority in this House cut back their planned tax cuts by 20 percent and you would have enough to do all of the things we think that are necessary to move this society into the 21st century and to respond to the growing population and the growing need that accompanies that growing population.

This vote more than any other vote defines the differences between the two parties. It tells us what your values are. It tells us whose side you are really on. In our view, the majority party ought to scale back its tax promises so that we can meet the education and health care and job training responsibilities of this society.

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We did not get to have the greatest economy in the world by nickel-nursing on these needed training programs.

Mr. Speaker, we are going to have 35 million more people knocking on the doors of national parks over the next 10 years, we are going to have 40 percent more commercial airline flights, we are going to have millions of more kids in school. We need to respond to that. If we do not provide these increases, then on a per-person basis and on a per-family basis, we are cutting back the amount of help we are giving to working families trying to share in the American dream.

This is the bill more than any other in the Congress that attempts to do that. It is a sad commentary on the priorities of this place that we are denied the opportunity to even offer the amendments, to even offer the amendments. They provided protection in the rule for all kinds of unauthorized programs that are in the bill itself, but they will not provide that same protection under the rule for the amendments we seek to offer. It is an unbalanced rule; it is an unfair bill. It should be defeated.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. PORTER), the distinguished chairman of the subcommittee.

Mr. PORTER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I would say to the gentleman from Wisconsin, my friend and colleague, that he is going to offer all 11 amendments as we have agreed, and the reason that the rule denies him the right to offer them is because none of them have any offsets. They contain $10 billion of additional spending that would, obviously, breach our allocation and therefore violate the budget that was adopted by the majority of this House. The amendments are irresponsible.

Sure, we would like to add $10 billion of spending to this bill. It has very important priorities. But somebody has to be responsible for the bottom line and put some restraint on adding spending at any level to our bill or any other bill. So it seems to me that the gentleman is going to have an adequate opportunity to offer the amendments. We will make a point of order because they do not have offsets as our rules require. This does define the difference between the two parties. We are responsible for the bottom line.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would simply say in response that yes, we can offer the amendments, we just cannot get votes on them. That does not help a whole lot.

Secondly, they are offset. We suggest that we pay for them by cutting back tax plans by 20 percent. If we cut the outlays on the tax plans by $2.4 billion, we can pay for every single one of the amendments we would like to have votes on.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I am very proud to be in the well supporting the gentleman from Illinois (Mr. PORTER). I am very proud to be here supporting him for the last 4 years. I will tell the minority leader why you are going to bring in 200,000 people from other countries. For 20 years I sat here in the minority, and the only thing I ever heard from the majority was quantity, quantity. No quality. No quality. The only thing they ever talked about was quantity. If we can just cover more children, if we can just have more programs, if we just spend more money. Nobody ever went out to see whether they were doing any good, so we spent $140 billion in title I.

So what do we have now? Do you close the achievement gap? No, Mr. Minority Leader, you did not close the achievement gap one bit. In fact, it has increased. So for the first time in the last 4 or 5 years we have been talking about quality, not quantity. We have been talking about results, not process. Every time they would come and say we need more money, and I would say, for what, they would say, to cover more children, and I say, with what, mediocrity? You are not helping them.

So yes, now we have the highest Pell grants; and yes, now we have the lowest interest rates. Yes, now we have more money for college work study, all of these things. We also took 166 job-training programs spread out over every agency doing nothing to prepare our people, because there was so little money and so many programs. But again, it was the same mindset: more programs, more programs, and somehow or other, all of our problems will go away.

Well, we have changed this. We are now moving toward quality, not quantity. We are now moving toward results, not process; and we are going to see a big difference.

So again, I am proud to be here supporting the gentleman from Illinois (Mr. PORTER) in this effort. We want to close that achievement gap. More money for Even Start, more money for Head Start; but we reformed Head Start. For 10 years we heard, more money for Head Start, more money, but nobody said, are we accomplishing anything? Lo and behold, we discovered all over this country we were accomplishing very little to get them reading-ready to go to school. Now we have changed that, and so the word is quality. The word is also family literacy. For the first time we are now talking about if we are going to break the cycle, we deal with the entire family.

So again, we are on the right road, and thanks to the gentleman from Illinois (Mr. PORTER) for the last several years we have been moving in the right direction. The whole emphasis is on quality, not quantity; results, not process.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, we should reject this appropriations bill which turns its back on our children and our veterans. It demonstrates a lack of commitment to our Nation's veterans which we should not stand for, but maybe even more troubling is the degree to which this grossly underfunds Federal education programs.

The Republican bill is a giant step backward for American education. It eliminates funding for two programs that are critical for giving students the tools they need to flourish: the class size reduction initiative and the Elementary School Counselors Demonstration Act. Over the next 10 years, we will need 2.2 million new teachers nationwide to keep pace with enrollment. The Republicans want to play politics with children and slash the Democratic initiative to hire 100,000 additional teachers. This will jeopardize more than 1,000 teachers already hired in my home State of Illinois; it will leave kids packed in overcrowded classrooms.

The elimination of the Elementary School Counseling Demonstration program will deny counseling services to more than 100,000 elementary students. These essential services help troubled students overcome problems, promoting the mental health of our students and the safety of our schools. In April, I was joined by over 80 Members in calling for the funding of the school counselor program at $100 million in fiscal year 2001. In addition, the bipartisan Working Group on Youth Violence recommended that we fund school counselor programs to help reduce school violence. Despite the support and to the detriment of the school safety and our children's well-being, no funding was provided for this initiative.

Mr. Speaker, at this time I will include the Working Group's report and the letter to the appropriators for the RECORD.

BIPARTISAN WORKING GROUP ON YOUTH VIOLENCE—FINAL REPORT—NOVEMBER 17, 1999

Members of the Bi-Partisan Working Group on Youth Violence:

Republicans: Jennifer Dunn, Chair, Zach Wamp, Vice-Chair, Heather Wilson, Jim Greenwood, Mark Souder, Sue Kelly, Marge Roukema, Judy Biggert, Buck McKeon, Bob Barr, Tom Tancredo, and Rob Portman.

Democrats: Martin Frost, Co-Chair, Robert Menendez, Vice-Chair, Bud Cramer, William Delahunt, Sander Levin, Bobby Scott, Bart Stupak, Bob Etheridge, Ruben Hinojosa, Patsy Mink, Tim Roemer, and Sheila Jackson-Lee.

V. SCHOOLS.

Findings

C. Often one adult can make a difference by taking an interest in a child and nurturing him or her. This might be a teacher, an administrator, a counselor, or others.

Students with behavior disorders account for a majority of problems encountered in schools today. Additional resource staff in our schools, such as counselors, school psychologists, and social workers are needed, not only to help identify these troubled youth, but to work on development skill building. (Emphasis added.)

There is no real infrastructure of support for our kids when it comes to mental health services in our schools and no national models for how best to structure school community mental health programs. Currently, there are only 90,000 school counselors for approximately 41.4 million students in our public schools—roughly 1 counselor for every 513 students. In California, there is only one counselor for more than 1,000 students. That is simply not enough. As Mr. Porter stated during this presentation, current school counselors are unable to address students' mental health needs since they are responsible for such large numbers of students. Instead, their role is relegated to administrative, scheduling, and career counseling

Additional resource staff is needed to address specifically the personal, family, peer level, emotional, and developmental needs of students. By focusing on these mental health needs, these staff members will pick up early warning signs of troubled youth and improve student interaction and school safety.

The resource staff can also provide consultation with teachers and parents about student learning, behavior and emotional problems. They can develop and implement prevention programs, deal with substance abuse, set up peer mediation, and enhance problem-solving skills in schools. In short, resource staff can provide important support services to students, parents, and teachers.

There are a number of different ways to enhance the availability of emotional support and mental health services in schools. Schools can partner with community-based mental health organizations or enhance staff training by providing more opportunities at school for the development of informal adult-child mentoring relationships. We expect that there are a number of models that may vary in effectiveness at different schools and age levels. The federal government should initially support the development of research-based models for school mental health programs that could then be built upon.

Furthermore, schools and communities should incorporate programs that encourage parents to become involved in their child's educaiton. Improving parenting skills through federally-funded programs like WAC, TANF, Food Stamps, Medicaid, public health clinics, teen parenting, child welfare, juvenile delinquency and homeless programs may be an effective way to reduce juvenile violence in the long term.

Finally, teacher quality has been shown to have a profound impact on the success of a child. Because teachers are on the front line, there is a great need to help them understand how to identify and intervene in the life of a troubled child. Studies indicate that by the school year 2008–2009, we will need an additional two million teachers in our schools. We can ensure that we have quality teachers in the future by creating incentives for educators to continue teaching and by encouraging people to begin teaching after careers in other professions through such programs which help mid-career professionals become teachers.

Recommendations:

Congress should provide grants to States and local educational agencies to recruit, train, and hire school-based resource staff, such as school counselors, school psychologists, and social workers. (Emphasis added.)

Congress should authorize the Department of Health and Human Services to work with schools and the mental health community in developing models that enhance the availability of mental health services in schools. (Emphasis added.)

Congress should encourage local educational agencies to implement professional development activities designed to assist teachers in identifying and assisting at-risk youths. (Emphasis added.)

Congress should authorize the Departments of Health and Human Services and Education to develop a public awareness campaign aimed toward parental involvement in schools.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 18, 2000.

Hon. JOHN PORTER,
Chairman, Subcommittee on Labor, Health and Human Services and Education, Appropriations Committee, Washington, DC.

Hon. DAVID OBEY,
Ranking Member, Subcommittee on Labor, Health and Human Services and Education, Appropriations Committee, Washington, DC.

DEAR CHAIRMAN PORTER AND CONGRESSMAN OBEY: We write to request funding for the Elementary School Counseling Demonstration Act (ESCDA) under Title X of the Elementary and Secondary Education Act at $100 million in FY 2001.

At a time when our communities are experiencing surges in school violence, we have an obligation to do all that we can to provide communities with the resources they need to keep their schools and students safe. School counselors are an integral part of this effort.

School counselors, school psychologists, and school social workers provide some of the most effective prevention and guidance services available to our nation's children. These highly trained professionals help improve students' academic achievement, provide students with essential mental health services and intervention, and help students cope with the stresses of youth.

Across the country, school counseling professionals are stretched thin and students are not getting the help they desperately need. Studies indicate that, although 7.5 million children under the age of 18 require mental health services, only 20 percent receive necessary counseling. This lack of access to counseling services is having detrimental effects on both the students and the community. Of those students who most need, but do not receive, mental health services, 48 percent drop out of school. Of those who drop out of school, 73 percent are arrested within five years of leaving school.

America's schools are in desperate need of qualified school counselors. The current national average student-to-counselor ratio in our elementary and secondary schools is 561 students to every school counselor. According to the American Counseling Association and the American School Health Association, the maximum recommended ratio is 250:1. Every state in the nation exceeds this recommended student-to-counselor ratio.

Congress can ease the pressing shortage of school counselors by investing in this important initiative. The Elementary School Counseling Demonstration Act (ESCDA)—expected to soon be expanded to the Elementary and Secondary School Counseling Program—enhances schools' ability to provide much needed counseling and mental health services. ESCDA is a small program that awards funds through a competitive grant process to only those schools most in need of counseling services.

And the best news yet—this worthy initiative gets results. Under the model ESCDA program, Smoother Sailing, counseling services have proven to decrease the use of force, weapons, and threats against others; decrease school suspensions; decrease the number of referrals to the principal's office by nearly half; and make students feel safer. Further, school counseling and mental health services improve students' academic achievement and reduce classroom disturbances. Studies on the effects of small group counseling for failing elementary school students found that 83 percent of participating students showed improved grades.

In FY 2000, ESCDA was funded at $20 million. This funding will only provide grants to approximately 60 of our nation's 14,000 public school districts. We believe that we must do better and increase funding for elementary and secondary school counseling services under ESCDA to $100 million for fiscal year 2001.

We understand that you are under considerable pressure to manage requests for the FY 2001 Education Appropriations. However, we urge you to give serious consideration to this important request.

Sincerely,

Lane Evans; Nancy Pelosi; Lynn Woolsey; Nancy L. Johnson; Connie Morella; Bernard Sanders; Lois Capps; Sherrod Brown; Debbie Stabenow; Harold Ford, Jr.; Steve Rothman; Elijah E. Cummings; Nick Rahall; Carolyn B. Maloney; Patrick J. Kennedy; Dennis J. Kucinich; John Spratt; Eliot L. Engel; Diana DeGette; Edolphus Towns; Adam Smith; Stephanie Tubbs Jones; Anthony Weiner; Earl Pomeroy; Melvin L. Watt; John D. Dingell; Corrine Brown; David Wu; Earl Blumenauer; Carlos Romero-Barceló; Grace F. Napolitano; John Conyers; James McGovern; Marcy Kaptur; Tom Lantos; David Price; John E. Baldacci; Ike Skelton; George Miller; Cynthia McKinney; Jerry Costello; Michael Doyle; Robert T. Matsui; Julia Carson; Bennie Thompson; James L. Oberstar; Alcee L. Hastings; Jerrold Nadler; Barbara Lee; Jan Schakowsky; Donald M. Payne; Michael E. Capuano; James H. Maloney; Karen L. Thurman; Danny K. Davis; Gene Green; Eleanor Holmes Norton; Sam Gejdenson; Henry A. Waxman; Joseph Crowley; Robert Wise; Dale E. Kildee; Sheila Jackson-Lee; Martin Frost; Thomas Allen; Bob Clement; Leonard L. Boswell; Mark Udall; Chaka Fattah; Fortney Pete Stark; Collin C. Peterson; Bruce R. Vento; Joe Baca; Brian Baird; Tom Sawyer; Robert Menendez; Juanita Millender-McDonald; Jim Davis; Ted Strickland; John Larson; Ciro D. Rodriguez; Peter Deutsch.

Mr. Speaker, all in all, this bill fails our students and does not reflect the priorities that Americans place on investing in quality education. I urge my colleagues to oppose this bill.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, as I am listening to the other side talking about cuts in this bill, it is really very hard for me to fathom this. This is like hearing that black is white, that up is down. I think George Orwell would find this rhetoric very, very familiar.

I would suggest that my colleagues turn to page 277 of the committee report. It simply says, it shows quite clearly that in fiscal year 2001 the program administrators, the people actually spending this money, are going to have $12.3 billion more money to spend than they had in fiscal year 2000; $12.3 billion. That is an increase. The 2001 number is bigger than the 2000 number. It is not just a little bit bigger. It is 14.5 percent bigger. That is three times the rate at which the economy is growing. It is about five times the rate of inflation. But what we are hearing from the other side is that even that increase is not enough. Frankly, I think it is too high, but it is consistent with the budget resolution that we passed in this Chamber and in the other Chamber, and I am going to support it. But to hear the other side complaining about cuts is shocking to me.

Now, if the other side really finds programs that they feel need more funding, which no doubt they do, they are free to offer amendments to reshuffle this money around, to transfer from one account to another; but they cannot do that to their satisfaction, even with a 14.5 percent increase in the money that is available.

I think what is clear here, the difference between the two parties is that there is no amount of money that is enough. We have a record high level of spending, record high discretionary spending. This bill is at a record high level, and we have record high taxes. Despite that, they want more money and more spending.

Mr. Speaker, I urge my colleagues to vote yes on this rule, which simply keeps the bill consistent with the budget resolution and then vote yes on final passage.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule.

This bill cuts the heart out of opportunities for education, for health, and for the well-being of our families in order to be able to provide for, in the long run, a tax cut for the wealthiest people in this Nation.

Let me give my colleagues one example of one area of cuts. It dramatically will cut the Child Care Development Block Grant. It specifically singles out child care funding to be the first on the chopping block. Our Nation's children on the chopping block.

Not long ago, a group of Members, 120, wrote to the committee urging an increase of funding for this critical program. They were a bipartisan group of Members, I might add. Now we have to stand here today, and we have to stand and oppose a proposed cut in funding. How can this be? The Child Care Development Block Grant provides access to quality child care to thousands of working families. It allows parents and in many cases single working mothers as they leave home each day to be able to support their families, to be able to make sure that their children have child care.

Mr. Speaker, we cannot allow working families, but most importantly, the children of these families, to fall through the cracks. Even the current funding levels serving only one in 10 eligible children are completely inadequate. Studies show that serious problems with child care quality persists, leaving children at risk of important development and school failure.

Mr. Speaker, children are our Nation's most precious resource; they are our future. In these times of great economic prosperity, how can we leave these youngsters behind? Where is our commitment to child care in our country if we ignore the needs of children zero to 3, we ignore the needs of children 3 to 5, we ignore the needs of working families in this bill? Let me just tell my colleagues that budgets, in fact, are not just numbers on a piece of paper. Budgets are a reflection of our values and our priorities as a Nation. Defeat this rule and defeat this bill.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. It is amazing, Mr. Speaker, how the people on the other side of the aisle can continue to come forth with such statements that Republicans are cruel to children. Most of these education programs are actually being increased in spending, so I do not understand where the rhetoric is coming from.

The reason I am here today is to advise that last April I invited the OSHA administrator to visit Zenith Cutter in my district. Zenith Cutter is a small manufacturer of industrial knives and has about 175 employees. Mr. Jeffress saw firsthand, with Cedric Blazer, the owners, what industry is already doing in the area of ergonomics without any government mandates. It makes no sense to finalize the ergonomics rule by the end of this year, because nobody at OSHA understands the rule.

In fact, we held a hearing in our congressional district the day after a blizzard. Over 100 people showed up from small to large industries. The OSHA people came in from Chicago, and as well-intentioned and as kind as they were, they could not adequately describe exactly what these ergonomic rules are or the standards that would be promulgated with the resulting rules.

So I therefore support the decision of the Committee on Appropriations to hold off any action on the proposed ergonomic rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

□ 1145

Mr. DOGGETT. Mr. Speaker, in Austin, Texas, working families of over 2,000 children rely on Federal assistance to cover part of the cost of their child care. Unfortunately, almost as many families cannot get child care assistance and are on a waiting list. Countless others never apply because they know the wait is so long. For those working families, this vote does not represent a tough choice; it is the wrong choice. It says these families will have to wait a little longer.

Child care that is safe, affordable, and of high quality is essential for our families, and it is essential for our Nation. This bill makes the wrong choice on this vital need.

For older children, working parents know that the period after school and before they return home from work is a critical time. It is prime time for juvenile crime, and a top need for constructive, after-school care. The cuts in this bill to after-school care are not a tough choice, they are the wrong choice for those students as well as their neighbors.

For students who advance all the way through school and who deserve to be able to get all of the educational opportunity for which they are willing to work, college student financial assistance in the form of Pell grants is essential. The cuts to Pell grants in this bill are not a tough choice, they are a wrong choice for our students and their hope for the future.

Let me say, Mr. Speaker, that these wrong choices being forced on the House today are not by accident; they are directly related to the next bill that this House will take up. That is a bill to cut the taxes for poor old Steve Forbes, for poor old Ross Perot. Seventy-three percent of this huge, Republican-proposed tax cut would go to the wealthiest 17 percent of taxpayers. In order to give this huge tax cut to the very richest people in this country, they propose their so-called tough choice, which is the wrong choice on child care, the wrong choice for after-school care, and the wrong choice on grants for college education.

The two bills are closely intertwined. And they are wrong on both. We ought not to cut Ross Perot and Steve Forbes' taxes in order to inflict so many cuts on the working families of this country.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in opposition to this rule and to this bill. The committee unfortunately included a prohibition on the Occupational Safety and Health Administration, this is hard to believe, to stop OSHA from implementing protections against repetitive stress disorder, carpal tunnel syndrome, and the litany of physical injuries workers sustain every day because of the dangerous design of their jobs and workplace.

Many of these workers are women. They are our mothers, our aunts, our sisters, and our daughters. Each year, according to the AFL-CIO, 400,000 women workers suffer injuries from dangerously designed jobs. Sixty-nine percent of all workers who suffer from carpal tunnel syndrome, and I think everyone knows this, are women.

The bill therefore represents a betrayal of promises made to the women of America. In fiscal year 1998, the Committee on Appropriations report stated that "the committee will refrain from any further restrictions with regard to the development, promulgation, or issuance of an ergonomic standard following the fiscal year 1998."

In the following year, Chairman Livingston and the gentleman from Wisconsin (Mr. OBEY) signed and sent a letter reiterating Congress' promise. The letter stated, "It is in no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics."

So why does the bill before us prohibit OSHA from protecting women workers who are hurting and being crippled by dangerous workplace? A promise was broken, and Congress is on the verge of leaving America's working people, the vast majority of our citizens, unprotected from dangerous workplaces.

I urge my colleagues to vote no on the rule and no on this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise today in opposition to the rule, and I am also in strong opposition to the provision in this bill which would bar OSHA from implementing its ergonomic standard. This standard would protect hundreds of thousands of American workers suffering from musculoskeletal disorders every year. As a public health nurse, I know the debilitating effects these disorders can have.

They are the most prevalent, expensive, and preventable workplace injuries, accounting for more than one-third of all occupational injuries and illnesses serious enough to result in days away from work, affecting more than a half a million workers each year, and costing businesses over $15 billion.

Congress has prevented OSHA from issuing an ergonomic standard since 1995. So many medical and professional organizations have strongly encouraged OSHA to act without further delay on this ergonomics rule.

Medical and professional organizations have strongly encouraged OSHA to act without further delay on this ergonomics rule. These groups include: The American College of Occupational and Environmental Medicine, the American Academy of Orthopedic Surgeons, the American Association of Occupational Health Nurses, the American Occupational Therapy Association, the American Nurses Association, the American Public Health Association, and the AFL–CIO and all of their affiliated unions.

Mr. Speaker, I am disappointed that this appropriations process has once again become the means by which we leave our workers without the safety protections they deserve. I believe it is irresponsible to prohibit OSHA from acting in the best interests of American workers. I object to the rider on the Labor-HHS appropriations bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, this is a wasted opportunity. H.R. 4577 is a bad bill, and we should have a rule that would include an amendment to guarantee every one of our students and all of their schools the resources and the assistance they need to perform at the very, very highest standards.

Instead, we have a bill that repeals last year's bipartisan agreement to hire 100,000 new teachers. This bill rejects the funds needed to make urgent safety and health repairs to 5,000 schools. It denies after-school services to more than 1 million students, and actually eliminates Head Start for 53,000 children.

The one amendment that does bring funding to education does it by taking funds now used to keep American workers safe on their jobs.

I strongly urge my colleagues to vote against this rule, and insist on a new rule that allows the House to vote for education funds so that our students and schools will not be left behind.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I stand here today and see a bill that would do little for the educational system of our country. This is a result of the budget that the Republican majority has given us. It emphasizes cutting taxes, but it hurts the future of our Nation.

This bill does not provide for the President's plan for school modernization, and ensures our children will continue to suffer from substandard school facilities.

In my home State of Texas, where my wife teaches high school algebra, we have 4 million students in almost 7,000 schools. Of these schools, 76 percent need repairs or upgrades to reach good condition; 46 percent need repairs in building features such as plumbing, electrical, heating, or cooling; 60 percent have at least one environmental problem, air quality, ventilation, or lighting; and the student ratio to computers stands at 11 to 1.

Over the next decade it will get worse, not only in Texas but across the country. Over the next decade, the number of Texas students in elementary and secondary schools will increase by 8 percent.

What we need to do is not underfund $1 billion in teacher quality improvement and recruiting, as this bill does, cut 40 percent of after-school programs, underfund Head Start. We need to provide for the future of our Nation.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to my distinguished colleague, the gentleman from Mississippi (Mr. WICKER), a member of the subcommittee.

Mr. WICKER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, yesterday we talked about national defense, and it is an issue on which we can be a little more bipartisan. But, unfortunately, today is a day when we have to put on our partisan hats. My friends from both sides of the aisle have seen this happen already today.

Let me just take this time, as a member of the subcommittee, to thank someone, my subcommittee chairman, the gentleman from Illinois (Mr. PORTER), and also the full authorizing committee chairman, the gentleman from Pennsylvania (Mr. GOODLING), two people who are retiring this year, for working and trying to work on a bipartisan basis for education and for health care over the last 5 years. We have a good record to show. We have a record of a 46 percent increase over 5 years in education.

We will today put on our partisan hats and define the differences in the parties. We have had references to the American dream, and certainly the American dream is embodied in this very fine piece of legislation today. The American dream includes a good education. I mentioned the 46 percent increase that we have had over the last 5 years of Republican governance in this House of Representatives.

The American dream means good health care. The American dream means good jobs and good job training. I am proud of everything we have done in that respect.

The American dream, Mr. Speaker, also means a sound economy. It means being fiscally responsible and living within our budget, and giving the people of America back just a little bit of their hard-earned income in the form of a tax cut.

Mr. Speaker, we have heard about the President's budget being slashed. It is easy for the President of the United States to float a figure out there when he knows that this House of Representatives and this Congress has got to live within a budget, and at the end of the day we are going to live within the bottom line.

It is easy to say, yes, the President had a budget and we have cut numbers from the budget, but look what the President did and his party did when they had it all to themselves. This is spending for special education, cumulative growth in funding. Look what happened in 1993, 1994, in fiscal year 1995, when the President and his party had it all to themselves. Then look at the increase in special education, cumulative growth funding since Republicans have been in office and in the majority in this House. We have a record. These are real figures for real people. I am proud of our record in special education growth.

With regard to Job Corps funding, again part of the American dream, the figures are right here for us. Look at the increases that the Democrats had when they were in control, when they ran the Committee on Rules, when they had vast majorities in this House of Representatives. These were the small increases in Job Corps training. This is what a Republican Congress has done on the other side of the page. The numbers speak for themselves.

Vote for the rule. Vote for fiscal responsibility and vote for a continuation of the American dream.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, two exemplary students apply to the school of their dreams. Both are accepted. Both are overjoyed. But one will not be attending this institution of higher learning for one reason and one reason only: He or she did not receive enough financial aid.

Who is going to tell this well-deserving student, I am sorry but the money just is not available, even though we now live in the greatest fiscal times in our history?

I will vote against this rule, and one of the reasons is because of the example of the reduction of Pell grant money by $48 million. Do we even know how many children's lives this would affect? We are cutting funding to students who otherwise would not be able to go to college, many of whom are our summer interns.

This grant provides an opportunity. It provides for a future for students who otherwise would not have the resources to attend college. We tell our children that education is a means of success and a better way of life. If we take away the funding that Pell grants provide, we are taking away students' chances for a better life. We should increase these opportunities, not take them away.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. PORTER), chairman of the subcommittee.

Mr. PORTER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

I just want to tell the gentleman who just spoke that Pell grants in the bill are increased by $200 to the requested level, and the only reason that there is an adjustment in the amount of money spent for the Pell grants is that there is estimated to be less demand for them in the next fiscal year.

There is increase in the Pell grants. We are not cutting them, we are increasing them, exactly as the President put in his budget.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, all of us say we have education as a priority, and we understand education is a priority of the American citizens, but when we come to appropriations, it does not seem that way. Maybe it is just in North Carolina. My State tells me we will lose almost $92 million. Please, Mr. Speaker, I beg for people to correct me, to say that this is not true. I want to make sure that that is not true.

They say we will lose $1.4 million in adult training; in youth training, again, $1.2 million; in disabled workers, again we will lose; just down the line; Head Start, $11 million; development block grants, another $11 million plus; and Title I, Title I, even there, it is $39,000; ESEA Title I migrant programs, more than $1 million; again, the Eisenhower/Teach to High Standards grant, $15 million; class size reduction, and we all know smaller classes mean indeed that we are able to teach better, $36 million.

I must vote against this rule, and I urge my colleagues, please allocate those resources for those children we say we love.

Mr. Speaker, I am sure that as you visited local schools, and talked to teachers, students and school administrators during our most recent recess, you heard their cry for additional teachers, more training and smaller class sizes. They shared with you the challenges they face daily to accommodate the ever increasing enrollments.

We must provide adequate funding to hire 100,000 new teachers to meet the enrollment needs. This is especially important for our nation's poor, minority and rural community children.

I don't know if you had an opportunity to analyze the effects of this bill on your state.

Our state would be facing devastating reductions in:

	Dollars
Adult Training	−1,401,000
Youth Training	−1,298,000
Dislocated Workers	−4,134,000
Re-employment Services	−1,557,000
Unemployment Insurance	−1,967,000
Head Start	−11,935,503
Child Care and Development Block Grant	−11,439,157
ESEA Title I LEA Grants	39,586
ESEA Title I Migrant Grants	−1,030,448
Eisenhower/Teach to High Standards Grants	−15,225,126
Class Size Reduction	−36,217,944
Vocational Education Tech-Prep Grants	−5,771,250
Leveraging Educational Assistance (LEAP)	−868,140
Preparing Teachers to Use Technology	?
21st Century Community Learning Center	?

Passing this bill in its current state could be devastating to the state of North Carolina, netting more than a $92,000,000 loss for the state. North Carolina would receive no support under this bill. It doesn't assist the state improve its dilapidated schools or poor performing schools.

Ninety-two million dollars is a lot of money and could make a major difference in improving education in our state.

This bill seems to me to say, it's okay if we continue to ignore the needs of our children.

My colleagues, I urge you to fully fund the President's proposal.

Because of the tremendous lack of support and vision for education and health of children and teachers, I must vote "no" on this bill.

□ 1200

Ms. PRYCE of Ohio. Mr. Speaker, I reserve my time to close.

Ms. SLAUGHTER. Mr. Speaker, I yield the remaining 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, over the last 2 weeks, we have seen a systematic attack by this House on public investments that make this economy the flourishing growing economy that it is today. Just yesterday in the committee, we put together a bill which cut deeply into the President's request for National Science Foundation funding. That is the basic scientific research that underlies all the advances we eventually make in health care through the National Institutes of Health, in developing new technologies, such as the Internet, which was developed through an investment by the Defense Department and the National Science Foundation.

This bill itself says that it wants to have a 15 percent increase in the National Institutes of Health, but then it has a language provision in the bill which prevents that money from actually being spent. This bill ignores the fact that we have growing school populations and growing senior populations who need added services, not less.

This bill denies us the opportunity to support the President's program to strengthen teacher training. The gentleman from Pennsylvania (Mr. GOODLING) for years has said do not just put money into class size, put money into quality teachers. The gentleman is right, and that is why we have tried to do both in the amendments that we wanted to offer but are being denied the opportunity to get a vote on in the rule today.

So I would suggest there are all kinds of reasons why, if you care about the future economic strength of this country, if you care about equal educational opportunity, if you think people ought to get health care without begging for it, there are all kinds of reasons to vote against this bill.

This bill makes all of these reductions in order to finance your huge tax cuts for the wealthiest people in this country; 73 percent of the benefits go to the wealthiest 1 percent. That is a high price to pay to give those folks a bonus.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, let me remind my colleagues again that this is an open rule. The bill before us will be debated under an open process that will allow Members who disagree with the bill's priorities to change them. Also, despite my colleagues warnings of dire consequences, this bill actually increases spending to the tune of $4 billion over last year.

The extra investment will allow for increases, not cuts, but increases in many priority programs including National Institutes for Health, Job Corps, Community Health Centers, Ryan White AIDS Care programs, the Centers for Disease Control, the Substance Abuse and Mental Health programs, Services Administration, Low Income Home Energy Assistance, Childcare and Development Block Grant, Head Start, the Technology for Education Program, Special Education, Impact Aid and Student Financial Assistance, and that is just to name a few.

Mr. Speaker, at the same time, this bill is responsible, balancing the need to fund worthwhile programs while keeping our budget balanced. It is this kind of responsible governing, where priorities are set, waste is eliminated, and fiscal prudence is maintained that will keep our Nation's economy on track.

I urge my colleagues to support this fair and open rule as well as the underlying legislation.

Mrs. MEEK of Florida. Mr. Speaker, I rise to speak against the rule because it is a stealth attempt to reduce funding for Pell Grants for education by $48 million. This is ridiculous, particularly at a time when our nation and our world is moving at warp speed with new technologies, globalization, and innovations and change. Changes which affect how we live, how we work, how we learn.

It is a quality education that has allowed America to master these rapid changes and move forward in this new economy.

Education has helped us move forward from the days of the horse and buggy to the information superhighway.

It is education that has allowed us to move from horse stables into stable careers and success in the new economy. And, for millions of Americans the Pell Grant has made education possible.

We know that our continued economic prosperity depends on two things—businesses getting the skilled workers they need for our growing economy, and workers getting the skills and training they need to keep working smarter. If this backwards rule passes, we will have turned our backs on both the American public and American businesses who depend upon a highly trained, well educated workforce.

By voting to slash Pell Grants, Congress will be saying "no" to millions of students trying to gain the skills necessary to move forward, and compete in the 21st century. And, "no" to the businesses that tell us everyday how desperate they are for a highly skilled and well educated workers.

During this period of economic prosperity and budget surplus, we should be seizing the opportunity to advance the well being of our citizens by training and educating our students and workers instead of shortchanging them.

Let's not say "no" to the 67 percent of our high school graduates who are now going on to college, and struggling to pay college tuition.

Vote against this rule (bill) and in favor of needy students across this country, and in favor of American businesses who desperately need a well educated workforce. Let's keep our American economy growing.

Mr. GILMAN. Mr. Speaker, I rise to speak on this rule for H.R. 4577, the FY 2001 Department of Labor, HHS and Education Appropriations Act, to offer my strong objection and concern with the addition of another amendment to part A of the Rules Committee report, providing for a rescission from the child care and development block grant (CCDBG) of any funds appropriated in excess of the $23.5 billion advanced appropriation cap contained in the FY 2001 concurrent budget resolution.

The child care development block grant (CCDBG) is a major source of child care assistance for low and moderate working families. Usually out of necessity, not choice, mothers are working outside the home in greater numbers than ever before. Moreover, with many employers having difficulty finding the workers they need, due to a 30-year low in unemployment; and the continued demand generated by welfare reform. It is imperative now more than ever that the availability of affordable and quality child care services exist.

Accordingly, now is not the time from Congress to limit the amount of funding available for CCDBG.

Regretably, as I read the language found in the Rules Committee report it is essentially placing a marker which states that the House of Representatives does not support the need for this important program.

While, I will vote for the rule as I believe it is important that the House have the opportunity to debate the important provisions in the Labor, HHS appropriations bill, I strongly oppose the Rules Committee report language on the CCDBG. And I intend to work for additional funding for this necessary, beneficial program.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PEASE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 218, nays 204, not voting 13, as follows:

[Roll No. 247]

YEAS—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—13

Clay
Danner
Fossella
Franks (NJ)
Gejdenson
Greenwood
Houghton
Klink
Markey
Meeks (NY)
Myrick
Smith (MI)
Vento

□ 1224

Mr. PALLONE and Mr. MOLLOHAN changed their vote from "yea" to "nay".

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, and pursuant to 10 U.S.C. 4355(a), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Military Academy:

Mr. RODRIGUEZ of Texas.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

REPORT OF NATIONAL SCIENCE BOARD ENTITLED "SCIENCE AND ENGINEERING INDICATORS, 2000"—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

As required by 42 U.S.C. 1863(j)(1), I am pleased to submit to the Congress a report of the National Science Board entitled, "Science and Engineering Indicators—2000." This report represents the fourteenth in a series examining key aspects of the status of American science and engineering in a global environment.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 8, 2000.*

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4577, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 518 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4577.

The Chair designates the gentleman from Nebraska (Mr. BEREUTER) as chairman of the Committee of the Whole, and requests the gentleman from Indiana (Mr. PEASE) to assume the chair temporarily.

□ 1228

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Service, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois (Mr. PORTER) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I begin the general debate, I want to acknowledge the wonderful work of our staff on our subcommittee. Tony McCann, the clerk and chief of staff has done a magnificent job for this subcommittee for the entire 6 years that I have been privileged to chair it; and he has been very ably assisted by a wonderful staff: Carol Murphy, Susan Firth, Geoff Kenyon, Tom Kelly, and Francine Salvador on our side and Mark Mioduski and Cheryl Smith on the minority side.

□ 1230

Every one of them is an expert. We rely greatly upon their counsel and advice, and we are fortunate to have professionals of this standard as our staff.

I also want to thank the associate staff of the subcommittee. They work very hard for each of the Members; and I want to thank my staff, particularly Katharine Fisher, my administrative assistant, and Spencer Perlman, my legislative director.

Let me add that it has been a tremendous privilege for me to serve for the last 21 years on the Committee on Appropriations and on this subcommittee, and it has been wonderful to be able to serve as one of the subcommittee chairmen under our full committee chairman, the gentleman from Florida (Mr. YOUNG). He does a magnificent job for our country, for this House of Representatives, and for our committee; and it has been an absolute joy to be a subcommittee chairman under his leadership.

Let me also say that it has been a great privilege for me to serve with my colleague, the gentleman from Wisconsin (Mr. OBEY). We work very well and closely together. People may not believe that after the debate we will probably have today; but we do. And I have learned a great deal from him. He is a very senior Member of the House, has been on this committee, interestingly enough, many years longer than I have; and I think our relationship is a very solid and good one. Both of us realize that, in the end, the process leads us to finding common ground and to making the right decisions for our country and for the programs that are under the jurisdiction of the subcommittee.

Each of the subcommittee members, the gentleman from Texas (Mr. BONILLA), the gentleman from Oklahoma (Mr. ISTOOK), the gentleman from Florida (Mr. MILLER), the gentleman from Arkansas (Mr. DICKEY), the gentleman from Mississippi (Mr. WICKER), the gentlewoman from Kentucky (Mrs. NORTHUP), and the gentleman from California (Mr. CUNNINGHAM), on our side; the gentleman from Wisconsin (Mr. OBEY), of course; the gentleman from Maryland (Mr. HOYER); the gentlewoman from California (Ms. PELOSI); the gentlewoman from New York (Mrs. LOWEY); the gentlewoman from Connecticut (Ms. DELAURO); and the gentleman from Illinois (Mr. JACKSON) on the minority side, they spend countless hours in hearings that last far longer than any other subcommittee. They are all very, very dedicated and hardworking Members that give a great deal of their time and effort to this process; and I want to thank each one of them. It has been for me a great privilege to have Members like this serving on this subcommittee, and I know that they will provide the institutional knowledge that will carry it forward long after I have departed.

Let me also add that we work very, very closely with the gentleman from Pennsylvania (Mr. GOODLING). He has provided the kind of leadership in the authorization of many of the programs that our subcommittee funds, and he has been the kind of authorizing chairman that appropriators salute because he has taken on the job of reauthorizing almost all of the education and some of the labor law that needs reauthorizing. He has not shirked one bit from that responsibility and has done a terrific job of reflecting the kind of philosophy that we believe gets results for people.

That is, after all, what this bill and what all of our bills are all about, getting results for the American people. The entire tenor of Congress during the last 5 or 6 or 8 years has changed, as we look very hard at every single program to see whether it really works to changes people's lives and to do the right thing in terms of the expenditure of money and getting results.

Now, Mr. Chairman, the committee bill, despite what we may hear from now on, increases discretionary spending by $2.4 billion over last year. It contains a few cuts. A number of programs are level funded, but many are increased. The bill provides increased spending of $2.4 billion to 98.6 billion and a total of $342 billion overall.

The President, of course, requested $106.2 billion. That is easy to do when he is not responsible for the bottom line. With the extra funds, the President proposed dozens of new programs, many of them duplicative; hastily conceived, in our judgment; and aimed more at constituencies than at true national policy.

Within our funding level, determined by a budget resolution adopted by the majority of both Houses of the Congress, and that we have to live by, I have attempted to support high-priority programs while restraining the growth of other lower-priority programs. We did not fund any of the dozens of new small untested programs proposed by the President, almost all of which were unauthorized.

We did fund the Job Corps at $1.4 billion, $7 million above the President's request. We did fund community health centers at $1.1 billion, $31 million above the President's request. We funded graduate medical education payments to Children's Hospitals at $80 million, the request level.

We funded Ricky Ray Hemophilia Relief at $100 million. Ryan White, under our bill, is increased by $130 million to $1.725 billion, $5.5 million above the President's request.

TRIO was increased by $115 million, a very important program serving minority youngsters in our society. It is increased by $115 to $760 million, $35 million above the President's request.

Overall, the Centers for Disease Control and Prevention is funded at $368 million above last year's level and $189 million above the President's request. This level includes both the regular account and the Public Health Emergency Fund. I have specifically included $145 million, $8 million above the President's request, for the critical infrastructure needs of the CDC.

Mr. Chairman, I funded the National Institutes of Health at the request level, $1 billion above last year. I believe this level is not sufficient, but it is all I could manage within our allocation. The bill has been written to assure that a 15 percent increase is part of the conference's consideration.

For child care, the mark includes $2 billion for fiscal year 2002 for this normally advanced funded program, although there is a sequester in place should we breach the budget resolution. And for fiscal 2001, the mark provides an additional $400 million as a ramp up to the larger amount for fiscal year 2002. Child care is not shirked. We wish there were more funds; we are doing the best we can within the allocation.

Head Start is funded at $5.7 billion, a 7.5 percent increase. Education Technology is funded at $905 million, $2 million above the President's request and $139 million above last year. After School centers are increased by almost $150 million and over a 30 percent increase to $600 million.

The mark fully funds Impact Aid at $985 million, a $75 million increase and $215 million above the President's request. Special education is increased by $500 million to $6.25 billion. Pell Grants are increased by $200 and SEOG's and work studies are funded at the requested level.

Because of the importance of the Administrative Account for the delivery of Social Security benefits, I have increased this account by almost $400 million. Most other programs are funded at last year's level.

The bill includes the same language provisions as were included in previous years, including the Hyde language on abortions. It includes prohibition on needle exchange programs, national testing and embryo research, the same as last year. It includes the same language as last year on Title X, Family Planning, compliance with State laws and family involvement.

It includes new language requiring filters on computers purchased with Federal funds to assure they cannot be used to access child pornography, obscene material, and other material harmful to children on the Internet.

For 4 of the last 5 years this bill has been enacted without a normal conference because it failed to pass either the House or the Senate. Mr. Chairman, this is a failure of democracy which we should never allow to happen. This bill should be shaped by the entire body on the House floor. I am very pleased that this year the bill is coming to the floor early; that the body will have a chance to shape the bill in the way they wish to see it leave this body. I believe that we should never again allow the enactment of this or any other bill shaped in the normal process by the Members in open debate on the House floor under an open rule.

I believe this bill does a very good job of funding high priorities for this country. Yes, we do not have an allocation as large as we might like, but we are operating under a budget resolution adopted by the majority of this House. And we are doing the best that we can to provide for the high-priority programs to serve people most at risk, to serve our children, to serve our elderly populations; and I believe that we have done the best we possibly can with the money that we have available.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, before I begin, I would like to make a few comments on the stewardship of the gentleman from Illinois (Mr. PORTER).

As he has indicated, he has served this House and his district and this country ably and with great distinction and great honor in all of the years that I have known him. He is truly a quality person, he is truly a quality legislator, he is infinitely fair, and I think he has more integrity than 90 percent of the Members I have ever served with.

I would say that in a legislative body I understand that political conflict and intellectual conflict can be pretty intense. When we engage in that conflict, we take a good measure of both our allies and our adversaries. I am proud of the relationship that I have had with a variety of subcommittee chairs, full committee chairs, and ranking minority members in the years I have been in this place.

I treasure the relationship that I had with Mickey Edwards when he ran the Republican side on the Subcommittee on Foreign Operations, Export Financing and Related Programs; and I chaired it. I treasure the relationship I had with Bob Livingston, both when he served as chairman of the committee and as my ranking member on foreign operations. I cherish the relationship I have with the gentleman from Florida (Mr. YOUNG), the chairman of the committee, and I especially cherish the relationship that I have with the gentleman from Illinois. He is one of those persons of unquestioned integrity who always, in my view, does what he believes is the right thing for the country; and I do not think there is any higher compliment that can be paid any Member. We are all going to miss him, and I think the majority party has been well served, as has the country, by his stewardship.

What I say about this bill has nothing whatsoever to do with my respect and affection for the gentleman from Illinois. What I say about this bill is required because of my love of this country and my passion for what I believe this country ought to do to expand opportunities for all people in this society, not just the fortunate.

This chart shows what is at the guts of the problem with this bill today because the majority party, in its budget resolution, has determined that it is going to, in piecemeal fashion, push through this House tax bill after tax bill which, when they are all added up together, will wind up, over a 10-year period, costing us over $700 billion in lost revenue. Seventy-three percent of the tax cuts will go to that 1 percent that represents the wealthiest 1 percent of people in this society. Seventy-three percent will go to that one person. Twenty-seven percent will be to the other 99 percent.

□ 1245

That is not my idea of a square deal.

They will bring to the floor tomorrow a bill which, when fully operative, will provide tax cuts of $50 billion a year; and that will occur by relieving the estate tax on the wealthiest 2 percent of people in this society who are left to pay that tax. For that $50 billion going to the fat cats in this country, we could provide health care for every single uninsured American.

So that is one option. Do you want to put the $50 billion in Mr. Moneybag's pocket, or do you want to put it in the pocket of every American unserved by health care? That is one choice.

Another choice you could make is to respond to the fact that our high school enrollment is going to be going up between this year and the end of the decade. Between this year and the end of the decade, we are going to be adding about a million and a half more students in high school. We are not doing enough to respond to that challenge.

Another thing we could do is to recognize that our higher education enrollment will be going up by almost 1.5 million people over the same 10 years. And we are not doing enough to deal with that.

Pell Grants. Pell Grants used to make up almost two-thirds of the cost of going to college in a public 4-year institution. Today they make up about a third. We could be doing something about that. But, instead, the money is going to be committed for these very large tax cuts.

Now, I have no problem with tax cuts targeted to small farmers who need them, small businessmen who need them, middle-class taxpayers. But this bill, in the end, cuts 36 education programs below the President's request. It cuts 24 programs to protect workers and train workers below the President's request. It cuts 18 health programs below the President's request.

Now, they will say, oh, these are not cuts, they are increases from the base. The fact is, this bill is frozen in time because it does not respond to the growing costs, growing pressures in our society, even though we have moved from an era of large deficits to large surpluses. And so it is simply a question of where you think we ought to put our resources, and it is an honest difference of opinion.

The folks on this side of the aisle put as their first priority providing over $700 billion in tax cuts. We have put as our first priority investing that money in Social Security and Medicare and education, in health care, in job training, in basic science to keep this economy going and to build opportunity.

As great as this country is, it can be better. But to be better, we have to continue to make the right kind of public investments that have gotten us this glorious economic recovery.

We are not going to do it under this bill. We are not going to do it under the science bill that came out of committee yesterday. We not going to do it out of the agriculture bill. At least not now.

We will do it eventually. We will do it in September, because in September we will get to the get-real time part of this session, and that is when the majority will finally face up to the fact that this bill and most of the others are not going to be signed by the President of the United States unless additional resources are put in it. And if you say, "Oh, they are not offset, you are just trying to spend money," every single one of the amendments that we want the committee to adopt can be paid for if the majority simply cuts back on the size of its tax package by about 20 percent.

That is all it would take. It would still leave you room for significant tax cuts, and we will have one on the floor tomorrow that will demonstrate that, but it will not provide tax cuts that are so large that you get in the way of either deficit reduction or making the needed investments we need to make on our people.

So that is what is at stake on this bill. I would urge Members at the end of the day to vote no because it simply does not measure up to what America is all about.

Mr. PORTER. Mr. Chairman, may I inquire of the Chair how much time remains on each side.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Illinois (Mr. PORTER) has 18½ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 21 minutes remaining.

Mr. PORTER. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise today in strong support of the Labor, Health and Human Services, and Education Appropriations bill. This legislation includes substantial increases for many important health, education, and job training programs.

I also want to commend the gentleman from Illinois (Chairman PORTER) for the work he has done. I want to especially thank him for his commitment to increased funding for the National Institutes of Health. I am proud to be a member of the Committee on Appropriations and a Congress that have made quality health care a priority.

From 1995 to 2001, Republicans have increased NIH funding by an average of 11 percent per year, 15 percent per year in the last 3 years.

I am also pleased to say we have provided a 33 percent increase in the amount of awards. This funding boosts hope and opportunity for patients across this Nation. With this money, we will continue to lead the world in our quest for cures for Alzheimer's, Parkinson's, diabetes, cancer, and other diseases that wreck families and cause loss of quality of life for our citizens.

Mr. Chairman, as a woman, a mother, and a member of the Committee on Appropriations, I am pleased to be a part of this historic NIH increase. I think this is an important day for patients and, also, quality of care.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, at a time over the last few days when we have listened to such prominent leaders in our business community like Bill Gates at Microsoft and Andrew Groves at Intel and Carly Feorina at Hewlett-Packard say that we need to do more in terms of quality in education, we need to do more in terms of new ideas, we need to do more in terms of technology, we need to do more in terms of training our teachers to learn how to use the technology. This bill does less.

At a time when we are facing a new economy with new challenges in the digital divide with some of our students, if they are black or Hispanic, not having equal access with this digital divide to the latest technology, we are doing less at a time when, according to the Wall Street Journal a few weeks ago, schools are turning to temp agencies for substitute teachers, and it quotes the Kelly Services going out into the community to put substitute teachers into our schools.

Now, I think the quality of teaching is the single biggest need in this country because we will need 2 million new teachers, but we have to make sure the current teachers can teach with the challenges of the technology that are before them. Temp agencies might be able to do some good things, but I am not sure that one of their strengths is putting qualified teachers in our schools.

So what I would hope in this bill that I would recommend at this point a no vote on is that it falls short, particularly in the Title I area, where I offered an amendment on the authorization process to increase Title I by $1.5 billion, 39 Republicans voted with that amendment. This bill does not reflect that increase to $9.8 billion for Title I kids.

So the Title I program does not come up to the funding that we even authorized with bipartisan support for some of the poorest of the poor children in some of the poorest school districts in the country.

The second major reason to vote against this bill is the lack of professional development. Now, with the Teacher Empowerment Act not being authorized and with the Eisenhower Program not being funded in this bill, we have a huge gaping hole on one of the biggest needs in America today, and that is making sure we have quality teachers who can work with the technology, work with overcrowded schools, work in overcrowded classrooms, and teach effectively to 20 or 25 or 28 or 30 kids.

So Title I is underfunded for the poorest schools. Professional development, there is a huge gaping hole in this bill without an authorization process taking place. When we need to do more, we are doing less in education. I would encourage a no vote.

Mr. PORTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Kansas (Mr. TIAHRT), a member of the full Committee on Appropriations.

Mr. TIAHRT. Mr. Chairman, I want to thank the gentleman from Illinois (Chairman PORTER) for the opportunity to speak in favor of this bill.

Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) said earlier that we have this tax cut and if we did not have this tax cut we could spend more money on education.

Well, there is a difference in philosophy here. We have overpaid the cost of government. I do believe that the taxpayers deserve a break. We could spend more, but let us look at what is included in this bill.

In this bill, we have an overall increase of 7.6 percent. That exceeds inflation. But a portion of this is mandatory, and we have to increase it a certain amount. But if we look at the discretionary portion that we have the opportunity to either increase or decrease, the discretionary portion is increasing nearly 15 percent.

Pell Grants, for example, are going from $2,300 in 1994 to $3,500 in this bill. It is over a 50-percent increase since 1994.

We are doing some wonderful things in this bill. I think the body ought to take that into consideration. The priorities may be different, but it is a good bill and I urge its passage.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this bill, but I do so with great sadness because I have such great respect for my friend, the gentleman from Illinois (Mr. PORTER), our chairman, who has been such an extraordinary leader in this House from his commitment and his passion to the NIH budget, to his initiative to produce better health outcomes for our kids, to increasing resources for the world-class CDC.

The gentleman from Illinois (Mr. PORTER) represents the very best of this institution. His integrity, his commitment, his passion to do the right thing is an example for this institution and for this great Nation of ours. Without him, we will be a lesser House. But I have such great confidence that the gentleman will continue to make a major contribution in the field of his choice and to this great Nation. We are really going to miss him. He is a friend. He is a great colleague. I have the greatest respect for him.

□ 1300

I also wish, quite frankly, that our colleagues had seen their way to giving him a more fitting allocation in his final year. I serve on this subcommittee with such pride. It was the committee I chose. I wanted it so badly because of all the good things that this committee does. I believe so strongly that the Federal Government must be a partner in meeting the need to educate, keep healthy, protect the safety of our children, our workers, and our families. The chairman has made it very clear that he is not satisfied with the allocation our subcommittee has received, and I am ready to work with him and my colleagues to improve this bill so that at the end of the process we can pass a bill that we can be very, very proud of.

But I also stand with the gentleman from Wisconsin (Mr. OBEY) who has passionately and consistently made the case for a true appropriations process and for a real Labor-HHS bill. Americans deserve that and so does this House. This is the first time that I can recall that we have had a debate on a Labor-HHS bill since 1997. Unfortunately, we have not made much progress by bringing the bill to the floor. Members on both sides of the aisle have already conceded that the House bill is going nowhere. It is almost $3 billion below the President's request for the Department of Education, $1.7 billion below the President's request for the Department of Labor, $1.1 billion below the President's request for the Department of Health and Human Services. The bill did not even make it out of subcommittee without the White House issuing a veto threat.

The bill contains major reductions in the President's budget for education, health care, and worker safety and training. It sidesteps once again our national crisis in school modernization. In the end, the bill before us is about $6 billion below the President's request and close to $8 billion below the Senate's level. Our Nation is growing. We have pressing needs in education, health, and training. Yet there are no funds provided to continue the class size reduction that the President has requested that will place 100,000 new teachers in our schools. There are, as I said, no funds to renovate the schools so they can perform urgently needed safety and health repairs.

$1 billion is cut from teacher quality improvement and recruiting efforts. There are no funds to increase our effort to keep women safe during pregnancy, despite the terrible rate of maternal mortality and morbidity in this country. It level funds our critical domestic violence shelters program and the Hotline service. Compared to the President's request, the bill is a 40% cut in after-school programs, one of my top priorities, and a $600 million cut in Head Start. Despite the troubling trends of violence and alienation among our young people, no funds are provided for elementary school counselors.

We have the resources now to address the changing needs of our workers, in the Internet economy, and of our students—many of whom are adults trying to build up their skills. We have the resources now to prepare a secure and healthier retirement for our seniors, and fund the world-class health prevention research that the United States is known for—but this bill does not take advantage of the extraordinary opportunity this tremendous economy has provided us. That's why I oppose this bill, and why I urge my colleagues to defeat it.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MILLER), a member of the subcommittee who does a wonderful job for his constituents in Florida.

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. It has indeed been a pleasure for the past 6 years to serve with such a distinguished Member who, unfortunately, is leaving us. One thing I do agree with my colleagues on the other side of the aisle, that we all feel very strong about the wonderful job and the leadership he has provided this committee over the years. It has been a real special honor for me to have that opportunity.

Mr. Chairman, I rise in support of this year's bill. One of the things I am most proud of in my service here is we have finally reached a day of having a balanced budget and a surplus. It is hard work to have a surplus in government. We have to have some real goals and be committed to a balanced budget concept. But now that we have a surplus, it seems so easy to say, let's spend more money, let's spend more money.

Yes, there are some good things that we spend money on. A few decades ago, Everett Dirksen used to say, "A billion here, a billion there, we're talking about real money pretty soon." This bill is $2.4 billion more in discretionary spending than last year. That is real money. There is an increase in spending in this bill. To say, oh, my gosh, the sky is falling, all these Chicken Little stories that things are falling apart. Hey, there is more money in this bill. We are funding the highest priority programs.

One of the programs that I think, as the gentleman from Illinois (Mr. PORTER) does, too, the crown jewel of the government is the National Institutes of Health, cancer research, Alzheimer's research, diabetes research, AIDS research; and thank goodness, under the gentleman from Illinois' leadership we have had a great increase in that spending.

Look at this chart. Look at how it has grown back from when the Democrats controlled Congress. Now under Republican leadership, look at the rate of growth. Look at that growth rating that has been going on since the Republicans took over. We need to be proud of that, because that is a high priority. As a fiscal conservative and one that has a good record of saying we have got to restrain spending, I believe basic research is one area we should put our resources in and can be proud of that because that is something we should continue to support. This is a good bill. I urge my colleagues to support it.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished ranking member for yielding me this time and for his extraordinary leadership on establishing budget priorities for our country which are in keeping with our national values.

Mr. Chairman, in reviewing this bill that is before us today, I am reminded of the story of someone who said how come so many good mathaticians come out of MIT, and the answer is, because so many good mathematicians go into MIT. Why is this a very bad bill? Because very bad budget considerations went into this bill.

This is a bad bill. Compared to the President's budget, it would cut $2.9 billion from education services, cut $1.7 billion from labor with cuts to workforce development and safety investments, and cut more than $1 billion from critical health programs. This is a bad bill also because it eliminates and cuts services for America's senior citizens and their families.

And why? Why are we forced to vote on this bad bill? We are forced to vote on this bad bill because Republican House leadership passed a bad budget resolution that puts tax cuts for the wealthiest Americans above investments to promote America's education, workforce and health services. Their $175 billion tax cut exceeds the projected budget surplus and requires deep cuts in nondefense discretionary appropriations. The result was a Republican-designed budget resolution that was so bad that even the Republican chairman of this subcommittee opposed it.

And soon we will be voting on a measure to repeal the estate tax. Within 24 hours, we will be cutting education and we will be repealing the estate tax. How could that be a proper statement of our national priorities? Repealing the estate tax will provide over $50 billion to the wealthiest 2 percent of taxpayers. How much is enough? When will Republicans be satisfied with the amount of money they have given to the wealthy and turn their attention to the majority of Americans who want a good education, a strong workforce, and a healthy future?

I do not know if we will have an opportunity to offer amendments today. That is why I had hoped that the rule would go down because it did not protect the rights of the minority to offer amendments to this bill. One that I had in the full committee which failed would have added $1.7 billion to the National Institutes of Health which we cannot afford because the Republicans insist on giving a tax cut to 2 percent of the wealthiest Americans.

I urge my colleagues to vote no on this bill.

Mr. PORTER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Oklahoma (Mr. ISTOOK), a member of our subcommittee.

Mr. ISTOOK. Mr. Chairman, I appreciate the time from the gentleman from Illinois. The gentleman from Illinois has done great, thankless work for so many years in trying to craft together one of the most controversial bills that comes before us each and every year. You could not find a finer gentleman whether you agree or disagree with him on different issues. He has handled himself very well and deserves our appreciation for that.

Mr. Chairman, this bill at the same time represents some of the best things and some of the worst things in this Congress. I appreciate the bipartisan cooperation working with the gentleman from Wisconsin (Mr. OBEY) and the gentlewoman from New York (Mrs. LOWEY) on a couple of things that are in this bill. To say that when the Federal Government is purchasing computers that go in public schools and we are spending hundreds of millions of dollars for that, that we want to make sure that filters are on that so that they are not being exposed to Internet pornography through a computer paid for by taxpayers, that is a bipartisan effort. That is in here. That is good.

We also have in here an expansion of the Federal programs trying to promote abstinence among teenagers. If you want to reduce out-of-wedlock pregnancies and births, tell kids that they ought to be waiting until marriage. We have had hundreds of millions of dollars, billions of dollars in Federal money teaching a so-called safe sex message. It is about time we start promoting a message that promotes our values and the right decisions. That is in here, thanks to bipartisan support.

Yet we hear people say, well, this bill is not spending enough. This bill is spending $12 billion more in optional spending than last year. I heard one speaker talk about a figure of a 15 percent increase. Yet some people say, oh, you're cutting this and you're cutting that, you're cutting things. Come on. Get real. If you want to say it is below the President's request, that is fine. That is honest. But to say that it is cutting, no, that is not.

Mr. Chairman, this bill deserves our support. It spends more than many of us want to spend but for goodness sakes, do not claim it spends less.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, this Republican bill puts irresponsible tax breaks before critical funding for education. We need to invest in our schools so that our children receive the best education in the world and are prepared for working in a 21st century economy. We must expect the best from our schools, then give them the tools that they need to succeed. Smaller classes help students to get individualized attention, discipline, and the instruction that they need. But the Republican bill repeals efforts to hire new teachers to reduce those class sizes and will not make classrooms the places where our students can learn and our teachers can teach.

The most important thing that we can do for our children's education is to make sure that teachers are highly qualified in their subjects and well trained in new technology. Yet this Republican bill cuts teacher training and recruitment by $1 billion. The bill cuts reading instruction and tutoring for 100,000 children and math improvement programs for another 650,000 youngsters. It cuts after-school programs by 40 percent; programs that serve 1.6 million children in more than 3,000 schools across this country.

By denying a $1.3 billion in funding for local school districts to make urgent and needed repairs to school buildings, this bill denies 5,000 school districts the leverage that they need to fix leaky roofs, upgrade plumbing and bring schools into compliance with local safety codes. It cuts Head Start funding by $400 million, denying more than 50,000 low-income children critical Head Start funding. And it eliminates college preparation for more than 640,000 high school seniors.

Budgets are not numbers on a page. We bring to life our values and our priorities through our budgets and the bills that we pass in this people's House. This Republican leadership bill denies the opportunity to make sure our youngsters get the very, very best start in life. It does not reflect our values. It does not reflect our priorities as a Nation. It does not give education the proper place that it deserves in our society, that is, as a great equalizer to make sure that youngsters no matter where they come from, no matter what their background is, no matter what their gender is, be able to achieve according to the talents that they have been given by God in this country.

It is a bad bill. We ought to turn it down.

Mr. PORTER. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP), a valued member of our subcommittee.

Mrs. NORTHUP. Mr. Chairman, first of all, I want to say that as a mother of six children, the issues of health and education are near and dear to all of our hearts, especially as we look at our children and the challenges they face. I want to thank the chairman for the leadership of this committee that addresses what the needs are of children and educational systems and health across this country. He has been supportive, he has been encouraging, and his manner of balancing the differing opinions have been really very inspirational.

□ 1315

Mr. Chairman, I think of the story of the child who had a $5 allowance and came in to see his dad and said, Dad, I really need a raise in my allowance. Can I have $10? The father said no, but I will give you a $7 allowance. He said, well, why are you cutting my allowance?

This is what we see on the other side. People who think an increase is a decrease. When they talk about the quality of schools, I can tell my colleagues that there must have been a few classrooms across this country that they attended where the difference between addition and subtraction was not made clear.

In this bill, we are adding money to education. But really, the bill and the debate here is very much at the crux of the difference between the minority party and the majority party. The fact is, we are listening to our schools. Our schools reflect what the challenges are that each school faces.

It is no wonder that some people come to this Congress and say, we need to build more school buildings. Others say we need more teachers. Other say we need to be able to raise our teachers' salaries so that we attract more quality students into our classrooms. Other people come to Congress and say, no, we need to invest in technology. Because in every community, the challenges are different, what States have invested in already are different. Some States have made a tremendous investment in school buildings. But they are eager to raise the salary of their teachers so that they attract high-quality teachers.

Mr. Chairman, we believe that the money should go back to the schools, back to the communities where they decide what the critical needs are. I thank the Chairman for a bill that reflects their needs.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time.

I too congratulate the gentleman from Illinois (Mr. PORTER) for his leadership of this committee, but this bill does not represent the gentleman's leadership; and it ought not to be hung around his neck, because if he were in charge, this would not be his bill. These would not be his figures. This would not represent the depth of his priorities. So let us not delude ourselves, I say to my friends.

Newt Gingrich stood on this floor, and he talked to the perfectionist caucus on the Republican side of the aisle; and he pointed out that the American public sent a President, House Members, and Senate Members, and the real problem with why we have gridlock in Washington and why we have the absurd charade through which we are now going, and undercutting the American people's priorities, not just our priorities, is because there is one group that does not agree with most of the other groups; and it is, I say to my friends, the Republican Conference within the House of Representatives.

Mr. Chairman, we have had a number of people stand up here and say oh, what you Democrats want to do. Do you not want the American public to know that what we want to do, our colleagues in the United States Senate have already done in their committee? Their figures are more than our figures, I say to my colleagues, not less. They too believe that our Republican colleagues are undercutting America's children and America's families and America's health; they too, our Republican colleagues in the Senate, not just those on this side of the aisle that you would like to say oh, look at how awful they are, and then show your charts about your spending. It is interesting, the red lines they put up showing more spending. What a different story you tell at home about how you are cutting spending. My colleagues cannot have it both ways. But they try; but they try.

For instance, the gentleman from Oklahoma (Mr. COBURN) got up here and said this is a 14.6 percent increase. Hooey, hooey. It is a 3.8 percent increase. Why? Because last year, my Republican colleagues played games and they pretended the 302(b) numbers were at $84 million, their figures. But guess what? They then added on a lot of money after that so the real spending was $96 billion. But it did not count on the 302(b)s.

Now, why are we here? The American public must wonder, why are we having this debate? Because we are discussing priorities.

I am going to offer an amendment and talk about how many children and families are adversely affected by this bill as opposed to the priorities we are offering and the priorities they put forward across the Capitol in the United States Senate. But we are here because we are deciding between those large tax cuts that my colleagues do not like us to talk about. They lament and say, oh, these numbers are not good; but we had to do this because the budget makes us do it.

However, nobody made us adopt the budget. Nobody made us adopt the large tax cuts for the wealthiest Americans that are going to shortchange children and families. I tell my friend from North Carolina, nobody made us do that. We did it ourselves. Not with my vote, but it was done. And as a result, we are going to talk about the number of children and families that will not be served, but that the Senate wants to serve on both sides of the aisle and that we want to serve. I hope my Republican colleagues will support my amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. PEASE). Members are reminded that they are to refrain from characterizing positions taken by Members in the other body.

Mr. PORTER. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. BONILLA), a senior member of the subcommittee.

Mr. BONILLA. Mr. Chairman, first, for a moment, a word about the gentleman from Illinois (Mr. PORTER), a member of this body who has the unmatched sense of caring, fairness and wisdom that will, when he is gone, be very difficult shoes to fill. He set an example here that I think has been respected for many years; and I think it is difficult for those who are trying to be critical of what this bill is representing this time to be critical of the gentleman from Illinois and his subcommittee. Because we all know, everybody in this body understands, on both the Democrat and Republican side, that he is truly a man who comes to work every day with a sense of caring for the people of this country and tries to do the right thing day in and day out without any political factors included.

I say to the gentleman that he is a person who all of us respect tremendously in this body; and he will be sorely missed, and we will work hard to pass this last and final bill that he has put out of the subcommittee of which I have been a part of for my eighth year now and have learned so much under the gentleman's leadership; and I look forward to carrying on its legacies at some time in the future as a continuing member of this subcommittee.

It is very difficult, I am sure, for a lot of the critics to step up here and say this is a bad bill and act like Chicken Little as though the sky is falling for supporting such a bill, because this is the People's bill. We have more money in this bill for such programs as education programs like TRIO, increasing that program by $115 million, $35 million more than the President requested; community health centers increased by $81 million, which is even $31 million more than the President requested; health professions up by $69 million, $113 million more than the President requested; biomedical research dollars, also a tremendous increase to 6 percent, we are trying to get it even higher, but on track. We are doubling the biomedical research funds for over a period of 5 years.

Mr. Chairman, this is a good bill. This is a bill that provides a lot of services for a lot of people out there. Anyone who stands up and tries to oppose this bill should understand they are opposing people programs, education, biomedical research, all of these good programs that make a true difference in the community. We will also hear more today about a provision in this bill that saves the private sector from an onerous OSHA regulation involving ergonomics.

Mr. Chairman, I strongly urge all of my colleagues to support this bill.

Mr. Chairman, I rise today in support of H.R. 4577, the Departments of Labor, Health and Human Services and Education Appropriations Act.

It seems that year after year, this bill attracts more and more rhetoric about how it will devastate American families, American workers, the elderly. . . . you name it. The truth is this bill is the People's bill and it will help the American people.

This bill provides vital funding for important labor, health and education programs while maintaining the fiscal responsibility that the American people demand of us. We have made some tough decisions and have funded high priorities.

The other side claims that we have cut health care, cut education, cut job training. Since when is a $4 billion increase a cut? Let me set the record straight.

The bill increases funding for the community health centers program by $81 million, $31 million more than the President requested. This means that more uninsured Americans will have access to high quality health care in their communities.

The bill increases funding for the health professions programs by $69 million, $113 million more than the President requested. These programs provide vital training for health care professionals, many of whom go on to provide care to patients in medically underserved areas. The President's budget zeroed out funding for primary care physicians, dentists and gerontologists—denying opportunities to those students and denying health care to patients.

The bill increases funding for the TRIO programs by $115 million, $35 million more than the President requested. The TRIO program works to help low-income complete high school and go on to college.

These are just a few examples of the priorities placed in this bill. As the American people watch this debate, I trust that they will listen to the sincerity of our efforts to try to help Americans in every neighborhood, in every city, in every state.

I urge my colleagues to stop the rhetoric and pass this bill.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, I want to start by saying that I appreciate the hard work that the distinguished chairman, ranking member, and other members of the subcommittee and subcommittee staff have done to get us here today.

The Labor-H mark is woefully inadequate to address the profound needs of the country, because this bill's allocation is economically short-sighted. For some in America, the economy is booming and unemployment is at its lowest rate in the last 30 years; yet the economy is not booming for all Americans. In the Chicago metropolitan area, congressional districts on the North side of Chicago like the chairman's have more jobs than people. In my district, there are more people than jobs. Hence, the chairman and his political party who are Republicans want less government and less taxes.

I am a Democrat who is progressive and, in the absence of a private sector in my congressional district, I need more government services; my constituents need them, to make a difference in the shortfalls in their lives. For example, in the last several years, the number of people in this country who are uninsured and underinsured has increased by several million in the Chicago metropolitan area that primarily finds itself on the South Side and the south suburbs that I represent. This bill could have provided an opportunity for us to leverage the benefits of this booming economy so that no American is left behind.

I appreciate all of the competing interests that must be balanced in this bill. Unfortunately, the mark has been dealt by the chairman a bad hand and he has been given an allocation that cannot adequately improve the lives of all Americans.

In title I of this bill, this mark cuts $322 million of the President's request for youth programs serving 72,000 fewer at-risk youth, compared to the fiscal year 2000 level when the House cut $75 million, serving 34,000 fewer youth. As a result, efforts to ensure that today's youth have 21st century skills for 21st century jobs and can compete successfully in the growing economy will be thwarted, hurting not only young people, but also employers and the economy.

The funding of four programs that are of particular interest to me are grossly underfunded. The mark slashes the youth opportunities initiative grants by over 50 percent. The mark cuts summer jobs and year-round job training for 12,575 disadvantaged youth. Over half of these jobs go to 15- and 14-year-olds who generally are not employed by the private sector.

This mark cuts funding for the President's proposed reintegration of services for 15,300 young offenders. With approximately 500,000 people leaving prison each year, the Nation needs to provide positive alternatives and opportunities for unemployment to these individuals.

The mark rejects expansion of the safe schools, healthy schools initiative. These programs, Mr. Chairman, are in serious trouble. At the very least, this bill should work to protect the most vulnerable in our society.

REJECTS EXPANSION OF THE SAFE SCHOOLS/HEALTHY STUDENTS INITIATIVE

The House zeros out the President's request to provide $40 million to enable DOL to join the existing DOJ, ED, HHS partnership in supporting community-wide programs to prevent youth violence and drug abuse, and to expand the effort to address out-of-school youth. Without these funds, no new communities can join this very successful effort.

These programs are in serious trouble. At the very least this bill should work to protect the most vulnerable in our society. The cuts to these programs below the President's recommended budget and the FY 2000 levels will produce tragic results for this nation's most vulnerable youth.

This bill could have provided an opportunity for us to leverage the benefits of this booming economy so that no American is left behind. I appreciate all of the competing interests that must be balanced in this bill. Unfortunately the Chairman has been dealt a bad hand and he has been given an allocation that cannot adequately improve the lives of all Americans.

In Title I of this bill, this mark cuts $322 million out of the President's request for youth programs, serving 72,000 fewer at-risk youth. Compared to the FY 2000 level, the House cuts $75 million, serving 34,000 fewer youth. As a result, efforts to insure that today's youth have 21st century skills for 21st century jobs and can compete successfully in the growing economy will be thwarted, hurting not only young people, but also employers and the economy. The funding for four programs of particular interest to me are grossly underfunded.

SLASHES THE YOUTH OPPORTUNITIES INITIATIVES BY OVER 50 PERCENT

Congress provided funds for the first 2 years of a 5 year commitment by the President to increase the long-term employment and educational attainment of youth living in 36 of the Nation's poorest urban neighborhoods and rural areas. The House mark cuts $200 million out of the President's $375 million request, eliminating the proposed expansion to 20 new communities and potentially reducing third year grants to the existing 36 communities. This will deny 40,000 of some of the most disadvantaged youth a bridge to the skills and opportunities of our strong economy and alternatives to welfare and crime—including 15,000 youth in the existing projects. The demand for these funds is high—over 160 communities sought these limited resources and developed the broad partnerships and comprehensive plans as part of last year's grant process. These deserving communities and their young people will not get a second chance.

CUTS SUMMER JOBS AND YEAR-ROUND TRAINING FOR 12,575 DISADVANTAGED YOUTH

For Youth Activities (the program that combines Summer Jobs and Year-Round Youth), the House mark provides only $1.001 billion, a decrease of $21 million, or 2% below the President's request level. This action reduces the estimated number of low income youth for FY 2001 in this program by 12,575 below the request. These cuts will compound the difficulties communities are experiencing this summer due to the structural changes in the program required by the Workforce Investment Act. This important program provides the first work experience for many at-risk youth, offering an important first step that can lead to a life of self-sufficiency and independence. Over half of these jobs go to 14–15 year olds who generally are not employed by the private sector.

CUTS FUNDING FOR THE PRESIDENT'S PROPOSED RE-INTEGRATION SERVICES FOR 15,300 YOUNG OFFENDERS

The House mark rejects the President's $61 million increase for a $75 million initiative to bring young offenders into the workplace through job training, placement, and support services, and by creating new partnerships between the criminal justice system and the WIA workforce development system. With the approximately 500,000 people leaving prison each year, the Nation needs to provide positive alternatives and opportunities for employment of these individuals, which will also strengthen the future of our communities. With the strong economy, this is an excellent time to address their re-entry into the job market. Raising their employment rates can decrease recidivism, reduce long-term costs to society, and increase the pool of available workers.

Mr. PORTER. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise to announce my intent to vote for this bill and to thank the chairman for including report language encouraging the National Institutes of Health to fund appropriate research to further explore the findings of Dr. Wakefield at the Royal Free Hospital in London on the safety and possible side effects of the MMR vaccine.

As a physician myself, I consider maintaining the safety and public confidence in our vaccine program to be of vital importance to the health of America's children; and I applaud the chairman, the gentleman from Illinois (Mr. PORTER), for his interest in this area. I am looking forward to working with him in the months ahead on this issue, and I too congratulate him on his years of service to his constituents and this body.

Mr. PORTER. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

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Mr. HAYES. Mr. Chairman, I thank the gentleman for yielding time to me. I thank the chairman for all his efforts and for a great bill.

Mr. Chairman, we are going to spend over $342 billion on this bill. That is a lot of money in anybody's circles. I particularly appreciate the increase in impact aid for our school system, in Fayetteville and Cumberland County, North Carolina.

It is very simple, the issue is trust. Mr. Chairman, I would say to my friends on the other side and my chairman, do we trust our parents and our citizens to spend their money more wisely, or do we trust government to take the money from our hard-working citizens and then let government make the decisions on how that money is going to be spent?

I think our parents, our teachers, and our local citizens can do a better job using their money to make the choices on how to raise, educate, and empower their children.

Again, I support the bill.

Mr. PORTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Chairman, I rise today to discuss a program that has been left out of the Labor-HHS-Education bill as it is currently drafted, the Rural Education Initiative Act, which I introduced and which the House passed as part of H.R. 2 last October.

The Rural Education Initiative Act provides small rural school districts with additional funds and flexibility to help meet their unique challenges posed by the most current Federal formula grant programs. It would affect about 39 States, has wide bipartisan support, and it has been endorsed by over 80 education organizations.

I am fully aware that enacting the Initiative Act would require authorizing on an appropriations bill, and I hope the ESEA will be reauthorized and we will not have to ask the appropriators for their support. If ESEA is not reauthorized, there are a lot of small rural schools out there that cannot wait another year for Congress to act. They need the flexibility and they need the assistance now.

Although I choose not to offer an amendment at this time, Mr. Chairman, I hope that as we continue through the process Members would consider adding the provisions of the Act to the bill.

Mr. PORTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to praise the increased funding for the Individuals with Disabilities Education Act, IDEA. This bill provides over $6 billion in funding for IDEA for fiscal year 2012. This is a $500 million increase in funding from last year, $210 million more than the President requested.

Congress finally comes one step closer to honoring the commitment made to the States and local school districts 24 years ago. In 1975, Congress promised to contribute 40 percent of the average per pupil cost to assist States and local schools. This chart shows the funding first by the Democrats, very slowly, and later by the Republicans, and we can see we are trying, so $500 million is a good beginning.

Mr. PORTER. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I want to thank the gentleman from Illinois (Chairman PORTER) for all the work he has done on this bill with the types of constraints we have this year. I think it is a shame that in his last year here in Congress we could not have made it easier for him, but I think he has worked real hard to fund important programs to improve the education, health, and well-being of all Americans.

I commend him very much for the hard work that he has done to double NIH over the 5 years, increase funding for graduate medical education for children's hospitals, and in strengthening our Nation's community health centers.

From one who represents a very poor area, a very rural area, the fact that he has been able to increase our community health centers by $81.3 million is a huge boost to those people who are underserved in my area, who do not have access to affordable health care, and every dollar that we spend on community health centers will help the insured have much more health care than they presently have.

I also want to just mention quickly the $200 million increase for impact aid funding. These help reimburse our localities for revenues lost. I can tell the Members, with so much public land in my district, this is going to be a very big boost.

I would ask my colleagues to support this bill.

Mr. PORTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding time to me. I, too, want to congratulate the chairman on a very fine bill.

As the chairman of the Subcommittee on Social Security, I would like to discuss the provisions of H.R. 4577 that fund the social security programs.

Social Security touches nearly every American family. In 1999, the Social Security Administration paid social security and SSI benefits to more than 50 million beneficiaries. Without a doubt, continuing to provide timely, accurate benefits and world class service will remain Social Security's number one mission in the years ahead.

This mission will become more complicated as the huge Baby Boom generation enters its peak disability years and then reaches retirement age starting in 2008. By 2010 Social Security retirement benefit claims are expected to rise by 16 percent and disability claims by 47 percent. For an agency facing a wave of retirements by its own workers and high expectations from customers, that's a great challenge.

This is no idle concern. Although Social Security is widely regarded as among the best-administered federal programs, the need to improve public service was highlighted in a recent report by the bipartisan Social Security Advisory Board.

This report concluded "there is a significant gap between the level of services that the public needs and that which the Agency is providing. Moreover, this gap could grow to far larger proportions in the long term if it is not adequately addressed."

That's why I'm pleased that the amount of funding provided for the Social Security Administration is very close to the Administration's request. The Commissioner requested, and was denied, a further $200 million increase by the President.

Through this bill, the Social Security Administration's funding has increased by nearly half a billion dollars compared to last year. That's a 7 percent increase, substantial by most standards as we try to adhere to our overall spending blueprint.

I, for one, am quite willing to add resources to the Social Security Administration to provide better service, increase productivity, combat waste, fraud, and abuse, and further modernize technology at the agency. House floor action is just the first step. The Senate expects to approve funding at a level slightly higher but close to ours. We will then have the opportunity to work with the Administration to arrive at agreeable funding levels.

Unfortunately, this agency finds itself in the midst of a very unusual set of budgetary rules. Its administrative expenses paid directly from payroll tax receipts, all benefits are considered mandatory expenses, yet due to complex and unclear scoring rules the costs to run this agency are counted as part of the discretionary spending cap.

With budget surpluses both in the Social Security and non-Social Security categories, it is time for Congress to clarify these antiquated and haphazardly drawn budget rules so the Social Security Administration can effectively prepare for the service delivery challenges of the baby boom retirement. Workers who finance this vital program with their hard-earned wages will expect nothing less.

In the coming days, I will introduce legislation which frees the Social Security Administration from these outdated scorekeeping rules to ensure workers and their families receive the public service they paid for and so well deserve.

Earlier this year, I had the opportunity to testify before the Labor-HHS Subcommittee regarding to show my commitment to the goal of doubling funding for the National Institutes of Health. The breath-taking pace of NIH-sponsored research being conducted by scientists nationwide is only dwarfed by the tremendous amount of very promising research that is not yet funded.

I strongly support the $20.8B in funding for NIH, a $2.7B increase over the current year.

I would also like to briefly highlight my support for several specific areas of NIH research funded in this bill for Alzheimer's Disease, Cancer, Alpha 1 (alpha-1-proteinase inhibitor deficiency) and Polycystic Kidney Disease (PKD).

I also support H.R. 4577 because it contains $70.4B in funding for Medicare and $93.5B for the federal share of Medicaid. Make no mistake about it—this Congress is keeping our promise to provide health care to the most vulnerable Americans—seniors, women and children.

And speaking of our children, there is no more important issue than education. I am proud that H.R. 4577 contains an increase of $1.65B for education programs. Roughly $40B will dedicated to the education of our children next year and this education funding deserves our strong support. Let me say that I believe we all wish that we could provide a larger increase for education programs, however, we also have a fiduciary responsibility to our children and grandchildren, and this bill does a good job of balancing each of these important priorities.

In closing, I urge my colleagues to support H.R. 4577. It is a good bill put together by an excellent Chairman, Mr. PORTER. I thank Mr. PORTER for his exemplary tenure, and wish him the best in his retirement.

Mr. Chairman, we plan to offer some legislation in the next few days which will help us as the baby boomers get into this very important retirement program.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Wisconsin (Mr. OBEY) is recognized for 3½ minutes.

Mr. OBEY. Mr. Chairman, I just want to use this time to respond to a couple of claims made by our friends on the other side.

One of the speakers said they have had a big increase in the National Institutes of Health budget. What they are trying to do is have it both ways. This bill pretends that it is appropriating $2.7 billion in additional money for the National Institutes of Health, but it has language tucked into the bill which says that only $1 billion of that can be spent. I do not regard that as real money.

The gentleman from Oklahoma (Mr. ISTOOK) indicated that this bill is $12 billion above last year. That is because they are pretending that last year's bill cost $85 billion, when in fact it cost $96 billion. They hid billions of dollars in spending last year. In fact, when we take a look at all appropriation bills last year, they hid more than $45 billion, so they are pretending that we are above a let's-pretend level of last year, which is $45 billion higher than they are continuing to admit.

On Pell grants, they brag about what they are doing for Pell grants. What a double game their party has played on that issue. Last year they passed an authorizing bill telling the country they were going to raise Pell grants by $400 for the maximum grant. They then proceeded to cut that back to $175 in the appropriation bill they passed just 2 months later.

Their presidential candidate came to my State. I want to read from this quote. The headline says, "Bush averse to more college grant funding." Here is what it says from the Eau Claire Leader Telegram:

> Texas Governor George W. Bush gave strong indications Thursday he is not inclined to increase Federal spending to give more grants for students to go to college. Bush, who attended both Yale and Harvard, conceded that some people have complained that those loans carry a repayment burden. "Too bad," he said. "That is what a loan is." Then he went on to say, "There is a lot of money available to students and families who are willing to go out and look for it. Some of you are just going to have to pay it back. That is just the way it is."

That attitude just does not reveal what he thinks about student aid. It shows that we have Richie Rich not understanding how the other half lives and not bothering to find out. I would suggest that we can do a little better than this bill is doing on Pell grants.

Then we are told what a wonderful deal this bill is on special education for disabled children. I want to point out, this bar graph shows that just 36 days ago this House passed legislation, the IDEA Full Funding Act, which said we were going to put $7 billion into that program. What are they putting in? $5.5 billion. I do not regard that as full funding, and I do not regard that as fulfilling their promise.

I guess the only points we are making is that when we get down to the bottom line, there are three basic differences between them and us. They think we ought to spend $3 billion less on education than we do, they think we ought to spend $1.7 billion less on worker protection and $1 billion less on health care.

We respectfully disagree. That is why we are going to vote no.

Mr. PORTER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. PORTER) is recognized for 2 minutes.

Mr. PORTER. Mr. Chairman, for 40 years the minority party controlled the House of Representatives, and most of that time the Senate as well. For all of those years, for 30 of those years, at least, they ran one deficit after another, some of them approaching $300 billion a year.

In the 5 years that the majority party has controlled the House of Representatives and the Senate, we have reduced the deficits to zero. We now run surpluses, and we are engaged in arguments as to how that money should best be spent.

I believe very strongly we should commit to doubling the funding for the

National Institutes of Health over 5 years, and we have provided 15 percent for the last 2 years. We intend and will do our best to provide an additional 15 percent this year to get us to that ultimate doubling in the 5-year period on a compounding basis.

It is fascinating to me that the minority wants to make an issue of that. We agree on it. The only difference is we are having to operate within the constraints of a budget resolution, and it is very easy to criticize when there are no constraints whatsoever.

Special education is a great case in point. When they controlled the Chamber, they got it up to 6 percent. In the last 5 years, we have it up to 13 percent. We have increased funding for special education by $3 billion over that time period, and are doing a much better job toward getting us towards that goal of 40 percent, where we ought to be, than has ever been done before. Yet, no credit is given by our colleagues on the other side of the aisle.

I believe within the constraints of fiscal responsibility we are doing the best that we can to address the needs of people of this country. I recommend Members to support this bill very strongly.

Mr. MOORE. Mr. Chairman, tomorrow, the leadership of this House will ask us to support an estate tax cut that benefits fewer than two percent of Americans. You might ask—how much will it cost to give a tax break to this tiny fraction of Americans? The answer is $104 billion over ten years, and an explosion of $50 billion per year after that.

Today, the leadership of this House gives us the choice between special education children and our neediest children receiving Title I assistance, the children of the armed services, families who need child care and college students who need Pell Grants.

Why must we rob Peter to pay Paul? Why do we have to choose today between our children with special needs and Ryan White AIDS funding? Or the Centers for Disease Control? Or mental health block grants? Or after-school funding?

Because the leadership of this House would prefer to spend $104 billion giving tax cuts to the estates of the wealthiest one of every 1,000 people who die.

But what about special education? The bill in front of us includes $6.6 billion in funding for special education, $514 million over last year's funding but far short of the $16 billion-plus we need to fulfill the longstanding federal commitment to our most vulnerable children.

This $104 billion tax cut could fully fund the federal government's share of special education costs for six and a half years. This seems strange, because today we in the House will vote again and again to add needed money to special education, but our only choice is to divert it from other programs that benefit people who don't have K Street lobbyists—our kids.

Mr. Chairman, I unequivocally support increasing funding for special education—I have supported it again and again on the floor of this House. In fact, I cosponsored my colleague Mr. VITTER's bill that would fully fund special education in two years.

But it is clear to me, as it should be clear to the American people, that funding special education is unfortunately not the real priority of the leadership of this House.

Mr. BLUMENAUER. Mr. Chairman, my goal in Congress is the promotion of livable communities; communities that are safe, healthy and economically secure. By definition, livable communities must have a top-notch school system and must protect the physical and mental well-being of children, adults and seniors. The annual Labor, Health and Human Services and Education Appropriations bills form the primary Federal contribution to meet these critical needs.

Unfortunately, this year's Labor, Health and Education bill (H.R. 4577) falls short and I must oppose it. H.R. 4577 cuts from the President's budget $1 billion in teacher quality and improvement programs and $38 million that would have ensured 1.6 million elderly and disabled Americans receive quality nursing care. The bill also leaves out $1.5 billion in payments for the education of disabled children, money that the House of Representatives has indicated, by vote, should be provided to local school districts. The list goes on.

I am extremely discouraged that H.R. 4577 underfunds health and education programs while at the same time Congress is setting a course for a broken budget. Overall FY 2001 spending will certainly mark an increase over FY 2000 spending. With a $21 billion increase in defense spending for FY 2001, it is not hard to guess the priorities of this Congress. We are preparing to spend $60 billion over the next 15 years on a national missile defense system that will not work, but spending little in today's bill to ensure our children will grow up prepared to work.

Tomorrow, the House takes up an estate bill that offers enormous benefits to a few hundred of the wealthiest people in America, whose billions in unrealized capital gains will pass to their heirs without ever having been taxed. When fully realized, these estate tax changes will drain $50 billion a year from the Treasury. I am a champion of providing targeted estate tax relief to family farms and businesses, which we can do for relatively few dollars. But instead of a targeted estate tax bill, one that would leave enough revenue to insure the 11 million American children who go without health coverage or help seniors buy prescription drugs, Congress is racing to pass a fiscally irresponsible tax cut for those who need it least.

Mr. Chairman, I realize that H.R. 4577 is, and should be, a work in progress. Unfortunately, not enough progress has been made. I am voting "no" with the knowledge that H.R. 4577 will be back in the House at a later date and call on my colleagues to rethink our funding priorities.

Mrs. MALONEY of New York. Mr. Chairman, I rise today to speak against this ill-conceived legislation that hurts working American families.

This legislation will prevent the Department of Labor from issuing common-sense, scientifically-based workplace safety standards.

These reasonable standards will ensure that workplace safety guidelines are in place to prevent increasingly common workplace injuries.

More than 647,000 Americans suffer serious injuries and illnesses due to musculo-skeletal disorders each year.

There injuries are currently costing businesses $15 to $20 billion annually in workers' compensation costs.

Tragically, these injuries disproportionately affect women workers.

Although women make up 46 percent of the workforce and 33 percent of those injured, 63 percent of repetitive motion injuries happen to women.

Women experience 70 percent of carpal tunnel syndrome injuries that result in lost work time.

This is unacceptable and we must act now to prevent these injuries.

Americans who are willing to work hard each day to support themselves and their families deserve reasonable standards to prevent workplace injuries.

Many of the workers who will be covered by these common sense guidelines often work more than one job just to make ends meet.

They work long hours loading trucks, moving boxes, and delivering packages.

Their jobs aren't easy, but they are willing to show up every day and do their best.

The last thing these hard-working Americans want is to get hurt. These sensible standards will keep them on the job and prevent costly workplace injuries.

Opponents of these common-sense guidelines claim that they will "regulate every ache and pain in the workplace".

This is simply not true. These standards will only ensure that companies make someone responsible for ergonomic standards and that employees are not afraid to report these injuries. This is hardly an overwhelming request. Lets eliminate this language today and give hard-working Americans the chance to avoid these career threatening injuries.

I would also like to register my support for the additional resources requested by the Administration for the National Labor Relations Board and OSHA.

These agencies are doing everything possible to improve the health and safety of the workplace. We should support their efforts.

I urge all of my colleagues to stand with hard-working Americans and to oppose this harmful legislation.

Mr. REYES. Mr. Chairman. I stand in strong opposition to the passage of the 2001 Labor, HHS, and Education Appropriations bill because it severely cuts programs that are extremely important to the education of our children and because it hurts displaced workers. I urge my colleagues to oppose it.

The first problem with this GOP bill is that it severely shortchanges education—by $3.5 BILLION. This bill would end our commitment to hire 100,000 new teachers and to reduce class sizes. I am concerned by the fact that this bill would eliminate Head Start for some 53,000 children and cut $1.3 BILLION for urgent repairs to schools across the country. These are critical issues for my district and for many districts across the country. This bill will also eliminate school counselors serving 100,000 children. This action will deprive schools of the professionals they need to identify and help troubled children.

This bill also does considerable injustice to Bilingual and Immigrant Education. The amount included in the bill for programs addressing these issues is $54 million below the budget request. The professional development of our bilingual education teachers is critically important. The Labor, HHS, and Education bill in its current form provides an amount that is $28.5 million below the budget request for the important programs of Bilingual Education Professional Development. The grants that are provided for the development of our teachers in bilingual education are needed to increase the pool of trained teachers and strengthen the skills of teachers who provide instruction to students who have limited English proficiency. These funds support the training and retraining of bilingual teachers. The disparities in minority education will be increased if this bill is passed.

Secondly, this bill severely shortchanges programs that assist displaced workers. This is a major issue for my constituents in El Paso, as I know that it is for many of you in your home districts.

In El Paso and in other areas along the U.S./Mexico border, NAFTA has created many displaced workers, and this bill does an injustice to programs that could help them. For example, the bill cuts assistance to over 215,000 dislocated workers and it cuts the dislocated worker program by $207 million below the 2000 level. These cuts will make it more difficult for these workers to find jobs. This bill also cuts adult job training for almost 40,000 adults. The cuts in adult training programs equal $93 million or 10 percent below the request and 2000 levels.

Finally, this bill provides only $9.6 million for employment assistance to another class of displaced workers: Our homeless veterans. There are over a quarter million homeless veterans in this country, and the provisions in this bill will deny employment assistance to thousands of these Americans who have faithfully served their country. This is unacceptable.

The root of these problems is that in order to pay for the proposed Republican trillion-dollar tax breaks for the wealthiest Americans, we are attacking programs that are needed to educate our children and to assist displaced workers. Again, I stand in strong opposition to passage, and I urge my colleagues to oppose this bill.

Ms. SANCHEZ. Mr. Chairman, I rise today in opposition to this bill.

The bill before the House is very damaging to our nation's schools.

It is simply unconscionable to cut education funding at a time when school enrollment is exploding. In my own district, in Orange County, I have seen the effect that the years and overcrowding have taken on our schools and the safety of those within them.

I remind my colleagues that Americans have told us—time and time again—that education should be at the top of our nation's list of priorities. No education matter can be more important than keeping our schools safe.

This bill backs down on our promise to hire new teachers to keep classes small. When classes are too large, teachers can't watch for the warning signs of impending trouble.

This bill refuses to help schools with emergency safety repairs to their buildings. School officials can't focus on safety when they're worried about leaking roofs and rotting pipes.

And I remind my colleagues that this bill even cuts school counselors serving 100,000 children. We know we need trained professionals to help keep our schools safe, yet this legislation cuts funding for school counselors.

With this bill, we'll lose after-school care, teacher training, assistance for low-income communities, and Head Start programs. It endangers our communities and our schools, rather than improve them or make them safer.

I will vote against this bill, because I believe that failing to invest in our children is not in our nation's best interests.

I urge my colleagues to oppose the Labor, Health and Human Services and Education appropriations bill.

Mr. GEKAS. Mr. Chairman, thanks to research done through the National Institutes of Health, the United States is the world leader in biomedical research. I wish to express my support for funding of the NIH in this Labor, Health & Human Services and Education Appropriation bill. As we all know we are working towards doubling the NIH budget in five years. Although funding in this bill is not sufficient to continue that effort, but I know Chairman YOUNG and subcommittee Chairman PORTER will be working towards that goal as they work to finalize this bill, so I will be voting for the bill.

The benefits derived from biomedical research have led to medical breakthroughs that not only save lives, but have dramatically increased the quality of life for disease sufferers by decreasing levels of disability and reducing pain and suffering. We have proven that diseases can be detected, managed, eliminated and prevented more effectively through new medical procedures and therapies. Nearly completed research on the deciphering the human genome will literally transform the practice of medicine.

Despite these extraordinary advances that have made to fight disease over the past century, serious health challenges still exist. Chronic diseases such as diabetes, Parkinson's, Alzheimer's, heart disease, cancer and stroke still pose enormous social and economic burdens to families throughout the world. Researchers in the United States, working through the NIH, are on the verge of finding cures for many diseases that still affect millions of people, but the key is funding to unlock the knowledge we need to find these cures.

The economic costs of illness in the United States alone are approximately three trillion dollars annually. This represents 31% of the nation's Gross Domestic Product. While this research has spawned the biotechnology revolution, the future of that industry is dependent upon the continued advances in biomedical research by the NIH. It is estimated that an investment of one billion dollars in NIH research saves approximately forty billion dollars in future health care costs. One single breakthrough can lead to spectacular financial savings for American families who face the burden of increasing health care costs.

While past accomplishments are helping to find cures for the major illnesses of today, we must also look to the future challenges and benefits that increased funding for biomedical research will provide. It is estimated that by 2025, one out of every five Americans will be over the age of 65. Because most of the chronic diseases and disabilities we face are associated with aging, it is vital that we double our research efforts. We must make the investment in research now to plan for the anticipated increase in the population of older Americans and to contain health care costs. In addition, the cost of illness threatens to rise because these diseases are constantly evolving to combat our own advances. Dangerous bacteria are growing more resistant to every new round of antibiotics that our researchers can discover. We must keep increasing funding for NIH to keep pace with the evolving face of disease.

Medical research represents the single most effective weapon we have to combat healthcare challenges today and in the future. We must build on the tremendous advances we have made in conquering and preventing disease by accelerating the momentum behind our medical research efforts. Therefore, increasing the funding for the National Institutes of Health should remain a top Congressional priority.

Two years ago, Congress pledged to double the NIH budget over a five year period. Since then, Congress has increased the NIH budget by 15% each of the last two years. It is now time for Congress to take the third step by providing another 15% increase, continuing us on that path. This requires a $2.7 billion increase, which would bring the NIH budget to $20.5 billion in FY 2001. We must stay on track to double the NIH budget by 2003. This is an investment that will dramatically improve the lives of countless Americans now and for years to come.

Through this third down payment towards doubling the NIH budget, we look forward to enhanced research in some of the areas that have been presented at briefings to the Congressional Biomedical Research Caucus, which I co-chair. In fact, the increased investments that have recently been made are already leading to fundamental breakthroughs in the fight against disease. One exciting illustration of the results of this new research comes from recent progress on the development of new "gene-chip" technologies, which can be used to generate genetic fingerprints that measure what genes are turned on or turned off in certain types of cancers. In the past year, American scientists have used gene chip technology to discover that several cancers that were once indistinguishable with standard diagnostic methods can now be distinguished by their genetic fingerprints. In one striking case, a type of cancer with highly variable outcomes has suddenly been recognized to be two different diseases. One type is aggressive and quickly fatal, the other is slower with a likelihood of longer survival. Thus, it may now be possible to identify patients with these two types of cancer and treat them differently with more appropriate therapies.

Similarly, substantial new investments in biological computing and a new area called bioinformatics are catalyzing the fusion of clinical medicine, genetics, and information science. This important work will help us understand how each of our unique genetic constitutions predisposes us to different diseases and clinical outcomes.

A final example comes from new investment in bioengineering. Important new understanding of organ physiology, and cell growth is emerging rapidly. In the coming years, we expect that new research in these areas, stimulated by increased funding, will lead to the construction of new heart, liver, and pancreatic tissue for those who wait for transplants or tissue-based therapy.

I will support this bill with the knowledge that this Congress will do everything in its power to continue the effort to double the investment in the NIH over the next five years.

Mr. LEVIN. Mr. Chairman, they say that in politics, where you stand depends on where you sit. But the Labor-HHS-Education Appropriations bill the Republican leadership has brought to the floor looks bad from every seat in the House.

The bill fails our kids. It would undo the progress we've made toward improving the quality of education for every child by eliminating funding for the President's plan to hire 100,000 teachers, a plan we made a bipartisan down payment on last year. It would also force our children and teachers to continue working in overcrowded schools with leaky roofs and crumbling buildings, because this bill provides no funding for the President's school construction initiative. Finally, it provides ten percent less funding than the President requested for Head Start, guaranteeing that we will not be able to provide preschool education to all children who need it.

The bill fails families. The Baby Boomers are often called the "sandwich generation" because they often have to care for their children and their elderly parents. This bill fails those caregivers at both ends. It denies funding for the Family Caregiver Program, which provides support for 250,000 Americans who care for elderly or disabled relatives at home. It also cuts in half the President's increase in funding for child care, which will prevent 80,000 eligible families from getting help with child care.

The bill fails senior citizens. This bill shortchanges important senior programs like Meals-on-Wheels. It also shows the Republican Party's true colors on Medicare and Social Security by slashing funding for the Social Security Administration and the Health Care Financing Administration. Those agencies make sure seniors get their Social Security checks on time and receive the health care they're entitled to. Cutting the budgets of agencies that do this important work puts all seniors at risk.

The bill fails workers. This bill would, for the sixth year in a row, delay a Department of Labor regulation which would help to prevent 300,000 workers from being injured at work. Neither does it provide enough funding to operate the Unemployment Insurance program, which protects workers who lose their jobs. It cuts funding for worker training programs that help people get better-paying jobs with benefits.

The bill fails millions of Americans who suffer from deadly diseases. Over the past 3 years, Congress has made three installments on a bipartisan promise to double funding for the National Institutes of Health (NIH), the primary source of medical research in the United States. This year's increase is only six percent, far less than the fifteen percent increase needed to reach our goal in five years.

Finally, the bill fails the taxpayers. Over the past few years, the Department of Health and Human Services had dramatically reduced fraud and waste in the Medicare program. This bill slashes funding for HHS' anti-fraud activities.

The supreme irony here is that while the Republican Party is denying necessary funding for education, medical research and seniors, they plan to bring a tax bill to the Floor tomorrow that showers hundreds of billions of dollars in tax cuts on the very richest people in America. What does this say about the Majority's priorities.

This bill fails kids, families, seniors, workers, and taxpayers. It does not deserve the support of the House, and I urge its defeat.

Mr. CLAY. Mr. Chairman, the Republican leadership has once again succeeded in bringing to the floor a Labor, Health and Education Appropriations bill designed to please only themselves and their right-wing friends. H.R. 4577 fails to make needed investments in public education and the domestic workforce, and, as the result, would undermine American competitiveness in the 21st century. This bill has already received what has now become its customary and well-deserved veto threat from the Clinton administration. It is clearly going nowhere, and should be soundly defeated.

This bill was doomed from its inception, because the economic premise upon which it is based is flawed. Earlier this year, before the appropriations process began, the Republican leadership decided to resume its efforts to push for big tax cuts for the rich. They attached hundreds of billions of dollars of these tax cuts to the minimum wage bill and the budget resolution. This decision to squander the surplus, rather than invest it, severely reduced the funds available to meet many of our Nation's critical needs.

Overall, the bill provides $2.9 billion less than the President request for the Department of Education, and $1.7 billion less for the Department of Labor. As the result, education, job training, workplace safety, and other programs are either frozen or cut, significantly reducing the level of services that can be provided.

For example, the bill would slash Title I funding, forcing school districts to cut back on assistance to disadvantaged students. The Clinton/Clay class size reduction initiative is gutted, leaving school districts without the resources to hire and train 20,000 more top-quality teachers. Adequate funding is denied for after-school and summer programs intended to improve student achievement and reduce juvenile crime. And no funds are provided to renovate crumbling and unsafe schools.

At the same time efforts are ongoing in the Congress to erase limits on the immigration of foreign workers to fill high-tech jobs, this bill would make steep cuts in the funding of training programs aimed at helping domestic workers fill them and other positions. Dislocated workers and at-risk youth are particularly hard hit by these cuts, even though they are the ones most in need of skills training. By failing to adequately invest in our own workforce, the Republican leadership is jeopardizing American competitiveness and prosperity.

This bill also jeopardizes worker health and safety by shortchanging OSHA and blocking issuance of the ergonomics rule intended to prevent about 300,000 workplace injuries a year. The Wilson amendment would add insult to injury by cutting $25 million more from OSHA.

Mr. Chairman, this appropriation bill is a disaster. It fails to adequately invest in education, and in the development and security of the Nation's workforce. I urge a no vote on H.R. 4577.

The CHAIRMAN pro tempore. All time has expired. Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendments printed in Part A of House Report 106–657 are adopted.

The amendment printed in Part B of the report may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 4577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; the Women in Apprenticeship and Nontraditional Occupations Act; and the National Skill Standards Act of 1994; $2,552,495,000 plus reimbursements, of which $1,340,155,000 is available for obligation for the period July 1, 2001 through June 30, 2002; of which $1,175,965,000 is available for obligation for the period April 1, 2001 through June 30, 2002, including $1,000,965,000 to carry out chapter 4 of the Workforce Investment Act and

$175,000,000 to carry out section 169 of such Act; and of which $20,375,000 is available for the period July 1, 2001 through June 30, 2004 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act, and $3,500,000 shall be for carrying out the National Skills Standards Act of 1994: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

AMENDMENT OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACKSON of Illinois:

Page 2, line 13, after the dollar amount, insert the following: "(increased by $1,026,078,000)".

Page 2, line 14, after the dollar amount, insert the following: "(increased by $572,578,000)".

Page 2, line 16, after the dollar amount, insert the following: "(increased by $453,500,000)".

Page 2, line 18, after the dollar amount, insert the following: "(increased by $253,500,000)".

Page 2, line 19, after the dollar amount, insert the following: "(increased by $200,000,000)".

Page 3, line 4, insert before the period the following:

: *Provided further*, That funds provided to carry out section 171(d) of the Workforce Investment Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers

Page 4, line 16, after the first dollar amount, insert the following: "(increased by $154,000,000)".

Page 4, line 16, after the second dollar amount, insert the following: "(increased by $50,000,000)".

Page 5, line 9, after the dollar amount, insert the following: "(increased by $154,000,000)".

Page 5, line 10, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 16, beginning on line 21, strike "up to $7,241,000 for the President's Committee on Employment of People With Disabilities, and including".

Page 16, line 24, after the dollar amount, insert the following: "(increased by $14,361,000)".

Page 18, line 14, after the first dollar amount, insert the following: "(increased by $5,364,000)".

Mr. JACKSON of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. PORTER) reserves a point of order on the amendment.

Mr. JACKSON of Illinois. Mr. Chairman, I have a sound and sensible amendment that adds $1.25 billion to skills programs at the Department of Labor.

Specifically, this amendment adds $93 million to restore the President's request for adult skills training.

It adds $389 million to restore the President's request for dislocated worker assistance.

It adds $200 million to restore the President's request for youth opportunity grants.

It adds $254 million to restore cuts in the summer jobs program resulting from the implementation of the Workforce Investment Act.

It adds $61 million to restore the President's request for reintegration of youth.

It adds $30 million to restore the President's request for incumbent workers, $50 million to restore the President's request for employment services, $154 million to restore the President's request for one-stop career centers.

It adds $5 million to restore the President's request for homeless veterans, and it adds an additional $14 million to restore the President's request for disability initiatives.

At the dawn of a new century, Mr. Chairman, America must close the skill gaps and open the doors of opportunity.

□ 1345

This amendment invests in skills training that America's workers need to compete and succeed in the new economy. Some have argued that since the economy is so strong, we can afford not to invest in skills training programs.

I would argue that we cannot afford not to invest in skills training programs. An essential ingredient to sustaining the strong economy is to provide the skilled workers that businesses need. As Robert Kuttner, the BusinessWeek economist stated in his May 15, 2000 column, "what's holding back even faster economic growth is the low skill levels of millions of potential workers."

This strong economy gives us the rare opportunity to bring skills and jobs to individuals and communities that have for too long been left behind.

The demand for skilled workers means that the 13 million Americans in the untapped pools of potential, young people, displaced workers, individuals with disabilities, veterans and people who want to get off of welfare, have a chance to get and keep good, family-supporting jobs.

Since January 1993, the unemployment rate has fallen 7.3 percent to 3.9 percent, its lowest level in 30 years. Over 21 million new jobs have been created. Employment-population rates are at record highs.

Yet, all have not prospered. Many Americans are being left behind. Pockets of extremely high unemployment, pools of untapped, underutilized workers exist; and the risk of becoming a dislocated worker remains high.

In April 2000, there existed 13 million untapped and underutilized Americans: 5.2 million who are unemployed, 4.4 million who are out of the labor force but want to work, and 3.0 million who work part time but want to work full time.

The booming economy has led employers to say that their growing inability to find skilled workers that they need has generated upward pressure on wages, translating into higher consumer prices.

Concern is mounting that the broad-based skills shortages are putting our boom in jeopardy. Furthermore, it is inconsistent for Congress to disinvest in American workers at the very same time that we are debating the expansion of the H1-B visa program to offer job opportunities to foreign workers.

The workers we need to keep our economy growing are right here. They are in our cities and in our rural areas. They simply need us to invest more in skills training, as the President proposed, not less, as the House bill proposes.

This Congress passed bipartisan legislation in 1998, the Workforce Investment Act, to establish a workforce system, with One-Stop Career Centers as its cornerstone, that would provide employers with skilled workers they need and provide information and assistance for jobs and people seeking those jobs.

This is the first year of implementation of the new system and the House bill will gut the investments critical to implementation of WINA as envisioned by Congress and the administration.

This amendment, Mr. Chairman, very specifically places top priority on developing the skills of American workers, raising the participation of people with disabilities, strengthening the skills of youth and former welfare recipients, providing income support and training for dislocated workers, reintegrating ex offenders into the mainstream, and removing barriers, for example, childcare, that make it difficult to hold a job.

The bill before us today puts our expansion in jeopardy and will prevent unprecedented prosperity from being even more broadly shared.

Mr. Chairman, I strongly urge my colleagues to support this amendment. We have never been at a more crucial time for investing in the skills of all Americans. If we do not take advantage of the opportunities this economy is providing right now, not next week, but right now, then we will, indeed, undermine our own potential as a Nation.

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentleman from Illinois insist on his point of order?

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

The CHAIRMAN pro tempore. The gentleman continues to reserve his point of order.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the minority has talked about cuts in many places in the bill. Where there is cuts is in the Department of Labor and several of the programs are actual cuts from the previous year. For example, in adult job training there is a cut from $950 million to $857 million. For dislocated worker assistance, there is a cut from $1.58 billion to $1.382 billion. For youth opportunity grants, there is a grant from $250 million to $175 million. Those are the major accounts that are cut in the Department of Labor appropriation.

If I understand correctly, the gentleman from Illinois (Mr. JACKSON) is offering amendments to add $1.25 billion back to the bill. The gentleman does not offer any offset and it's simply an addition of funds that would put his amendment beyond the budget resolution.

The subcommittee, in recommending funding for adult training, youth training-now including summer jobs and for dislocated workers, we recommended $3.2 billion in the bill. That is a reduction, as I say, of $300 million for these programs.

In addition, we recommended funding for youth opportunities grants $75 million less than the year 2000, as I have stated, and less than the President's request.

These levels are recommended because of limited budget resources and, particularly, Mr. Chairman, because of the state of the economy.

According to the Department of Labor, in their 1999 annual report, unemployment averaged 4.2 percent in 1999, the lowest rate since 1969, the lowest rate in 20 years. A greater percentage of the population aged 16 and over is employed now than at any other time in U.S. history.

Minorities are making significant gains in employment, with unemployment among African Americans falling to 7.6 percent in May 1999, the lowest rate ever recorded. Hispanic unemployment reaching a record low of 5.9 percent in March of 1999.

The poverty rate has fallen to 12.7 percent in 1999, the lowest rate since 1979. The unemployment rate has been below 4.2 percent since October of 1999, and payroll employment has grown by 2.3 persons since that time.

In other words, our economy is doing better than ever before, because there are more jobs than ever before. There is less unemployment than ever before. There is less unemployment among minorities in our country than ever before.

The money for job training, for adult job training, for dislocated workers, for youth opportunities, that is important money, but there are fewer people that need to be served in this astounding economy than there have been previously. We believe that there is sufficient money to serve the people that need the funding to provide opportunities for them, and we believe that the cuts therefore, are justified.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman from Illinois for yielding, and I want to just say at the very outset that I agree with the gentleman from Maryland (Mr. HOYER) when he says that our chairman, the gentleman from Illinois (Chairman PORTER), if he had been dealt a different hand in the budget debate, in the budget resolution, that we might indeed be looking at stronger investments in this area.

Mr. Chairman, our concern today is something that is consistent with what something the Chairman of the Federal Reserve said, that our ability to sustain the current period of economic growth hinges on continued investment in the skills of American workers.

But the gentleman rightfully acknowledged in title I there are significant cuts; is there anything we might be able to do to improve upon those cuts?

Mr. PORTER. Mr. Chairman, reclaiming my time, obviously, moving the bill at this point is part of a longer process. We will sit down with the Senate that marked up a bill at $5.5 billion higher than our allocation and perhaps there will be.

But, again, I believe that this is an area, while it is of great importance and is needed, the demand for these funds is lower because of a high employment rate, a very low unemployment rate and even so among minorities.

I certainly intend to do my very best within the funds that we have available ultimately to address these needs, as well as others. I think we have done a proper job in putting this at a fairly low priority because of the strength of our economy in this bill.

The CHAIRMAN pro tempore. Does the gentleman from Illinois (Mr. PORTER) continue to reserve his point of order?

Mr. PORTER. Mr. Chairman, I continue to reserve a point of order.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment of the gentleman from Illinois (Mr. JACKSON).

It is absolutely true that we have the lowest unemployment rate in generations. It is absolutely true that we have more jobs than ever in this economy, but you have heard the joke where a fellow is watching the politician on the television screen talking about all of the new jobs created, and he turns to his wife and says a lot of jobs are created, and I have got three of them.

There are lots of people who are working at low-paid jobs. Just a couple of months ago I ran into a single mother in Rhinelander, Wisconsin. Her husband had walked out on her, working like crazy at three different jobs trying to keep her head above water and support a child.

With all of the golden glow that we have on our economy, there is not yet enough to reach that woman, and hundreds of thousands just like her all over the country.

Chairman Greenspan of the Federal Reserve said this "the rapidity of innovation and the unpredictability of the directions it may take imply a need for a considerable investment in human capital. Workers in many occupations are being asked to strengthen their cognitive skills, basic credentials by themselves are simply not enough to ensure success in the workplace. Workers must be equipped not simply with technical know-how but also with the ability to create, analyze and transform information and to interact effectively with others. Moreover, that learning will increasingly be a lifelong activity. And it is not enough to create a job market that has enabled those with few skills to finally be able to grasp the first rung of the ladder of achievement.

"More generally, we must ensure that our whole population receives an education that will allow full and continuing participation in this dynamic period of the American economy."

That was said by one of those well-known fiscally irresponsible left-wing radical's, Alan Greenspan.

If you take a look at what this amendment is trying to do, I defy you to tell me it is not needed. This bill eliminates all funding for one stop career centers, America's labor market information system that the administration is trying to promote. It cuts assistance to $215,000 dislocated workers. It eliminates assistance from 220,000 unemployment insurance claimants. It cuts adult job training for 37,000 adults. It eliminates the President's proposal to assist 80,000 noncustodial parents and low-income parents. It cuts employment assistance to 3,100 homeless veterans, on and on and on and on.

You can use any justification you want to explain the fact that this Congress apparently thinks more of providing tax cuts for the wealthiest 1 percent of people in this country than it does in providing a help up the job ladder for the poorest folks in our society or the least lucky in our society. But those are not our set of values on this side of the aisle, and I think the amendment offered by the gentleman demonstrates clearly what a preferable set of values would be.

It just seems to me that if we can afford tomorrow to say to someone who is unfortunate enough to inherit $5 million, if we can afford to bleed all over the floor for that person, say, oh, you have such a burden, we are going to eliminate your taxes, then it seems to me we ought to be able to provide a few more nickels for people who need to upgrade their job skills.

This bill is clearly not adequate on that score, and I recognize that we are in a Wizard of Oz situation here, an Alice in Wonderland situation, because we may be able to offer an occasional amendment but we will not be able to get a vote on it because the rules preclude us from getting a vote.

This is the only way we have to try to identify what we think are the inadequacies of this bill. And it is the simple question, do you think the economy is going to be helped more by adequately equipping every single American worker or by giving those who already have so much some more? I think the answer to that ought to be obvious.

□ 1400

The CHAIRMAN. Does the gentleman from Illinois (Mr. PORTER) continue to reserve his point of order?

Mr. PORTER. Yes, Mr. Chairman, I continue to reserve the point of order.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Again, I would like to remind Congress, for the 20 years I sat here in the minority, we saw job-training programs being proliferated one after another until we got to 166 job-training programs. All of them so small that they were worthless, spread out over every agency downtown, 30 agencies as a matter of fact.

It was not until 1998, as a matter of fact, when we finally got people to stop that nonsense and said, what one has to do now is combine these programs, eliminate the bad programs, keep the good programs, combine them, get them back to the local area where the people know better what jobs are available and what jobs will be available in the future.

I would remind my colleagues that it is not until July 1 of this year when every State must have their workforce boards in place in order to meet the requirements of the Workforce Development Act, too early to call how well we have done because the real blow comes on July 1 when every workforce development board must be in place by those States.

So, again, for all those years, we had a golden opportunity to provide quality job-training programs. But we chose not to think about quality, only about quantity.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I am happy to yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I was hoping the distinguished gentleman from Pennsylvania (Chairman GOODLING) would be able to respond a little more specifically to the amendment and the request that we have in this amendment to add $93 million to the adult skills training program.

If the gentleman from Pennsylvania would be kind enough to respond to our very simple question to increase the spending in this bill for $93 million for just one of the programs that I outlined in the title 1 of the bill.

Our goal, Mr. Chairman, is to increase, in light of what Chairman Alan Greenspan indicated that we need to invest more money in underskilled, underutilized workers. I understand the comments of the gentleman from Pennsylvania a few moments ago, but I was hoping that he would respond more specifically to the thrust of this amendment.

Mr. GOODLING. Mr. Chairman, again, if I had all the money in the world, and I were in charge, my goal would be to take the quality programs, make them better, and spend as much money as you must spend in order then to make sure that we close that achievement gap, to make in order that we have improved the life of each American.

But that is not what happened. For all of those years, we spent the money. Title I is a good example, $140 billion. It did not close the achievement gap one little iota. In fact, it may have even gotten worse, because no one cared whether it was a quality program. They only said more money will do the job. We will cover more children. Again, the disadvantaged suffered.

For all of these years, the only argument I have ever heard on this floor, and will hear it a million times again today, the only argument to conceal the failure of well-meaning programs that no one would allow us to make them work is, oh, a tax cut for the rich. I have heard that over and over and over again.

The problem is we have got to admit, as I told my committee over and over again, we have got to first admit the programs did not work. Then we have to be creative enough to make them work. That is what we have been trying to do in our committee.

I think we are going to have some success. I will not be here to see the success, but I think we have made the progress.

Mr. Chairman, I yield to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just want the gentleman from Pennsylvania (Mr. GOODLING) to know there are many of us on this side of the aisle who, for years, shared his concern. But the issue, in my judgment, is how did we legislate excellence. The gentleman and I know it is very difficult. The challenge is, of course, to fund the programs that do work.

I would like to say, as I will speak later on my own time, that I join with the gentleman in wanting to support these good programs that do work; and I would be delighted to work with him and his successors in figuring out, as I ask every time in every hearing, how do we legislate excellence.

But the answer is not to cut back when there is so many people who need the education, they need the retraining, because not everyone is benefiting from this great economy.

So I am sure my colleagues on this side of the aisle would be delighted to work with the gentleman's successors to make sure that these programs are delivering. That is the challenge to all of us. We do not want to fund everything.

The CHAIRMAN. Does the gentleman from Illinois (Mr. PORTER) wish to continue to reserve the point of order?

Mr. PORTER. Yes, Mr. Chairman, I continue to reserve my point of order.

Mrs. THURMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, maybe to add to this debate a little bit, particularly when it was brought up to the issue of local groups that are using these programs and find them to be important in delivery of employment, I just would like to add into this.

I have a letter here from a mayor, Paula DeLaney out of Gainesville. And she writes to me, "Dear Representative Thurman: We have just learned that severe cuts in the Department of Labor's FY 2001 appropriations are under consideration by both the House and Senate, and that these may eliminate or severely reduce funding for One-Stop Career Centers, Adult Employment and Training, Dislocated Workers Programs, and the Youth Opportunities Program. I am writing to tell you of the crucial importance of these threatened programs to Gainesville and to request your help in obtaining the resources needed to sustain our community's workforce investment system." Work force investment system.

She goes on to say, "The impact on Gainesville would include the following should these threatened cuts occur: To eliminate or reduce the One Stop Center Program would deny our local employers a single point of contact to list openings and find skilled workers.

"To cut Adult Employment and Training would deny many of our citizens the ability to obtain skills training needed for today's workplace.

"To reduce the Dislocated Workers Program would cause hardship to those citizens who, through no fault of their own, find themselves unemployed.

"To reduce the Youth Opportunities Program would create the most severe impact of all. While the national unemployment rate has remained low, teenagers still face very high unemployment. Even more significant would be the impact on the future of our African American youth, already documented as disadvantaged in the competition for employment.

"All of these programs are now used to train our workforce and to provide local employers with a pool of skilled workers. I urge you to see that funding for an employment training program is restored. These programs are essential to local governments and to the citizens they serve. Thank you for your consideration.

Sincerely, Paula M. DeLaney, Mayor."

But even on another note, let me just say, we have had businesses in our offices for the last 6 months telling us they do not have enough workers. The unemployment is so low we do not have workers out there. We are all scrambling up here. How are we going to get high-tech workers? So we have the H1B program so we can bring over 200,000 people.

But you are cutting out of this bill an opportunity for hundreds of thousands of people to have an opportunity to participate. That is just flat wrong. Not to mention what about the nurses, teachers, the shortages that we have all been talking about. Every State legislature in this country is grappling with getting good teachers, nurse shortages, all of these areas that are critical to quality of life of our communities.

Let us not shut down these issues for our communities to succeed and, most importantly, to have a skilled workforce that is desperately needed in a time of low unemployment. I commend the gentleman for bringing this to our attention.

Mr. OBEY. Mr. Chairman, would the gentlewoman yield?

Mrs. THURMAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to say, look what this Congress did just a few weeks ago in taking the lid off of Social Security income because employers all over the country were telling us there are not enough skilled workers. Look at what we are doing with additional visas to bring these foreign workers into this country because employers are telling us they cannot find enough skilled workers. All you have to do to understand why this amendment is necessary is open your eyes, open your ears, and read your mail.

Mrs. THURMAN. Mr. Chairman, reclaiming my time, we have given hope to employers by having skilled workers. We all will hear from our communities about how important these issues are. Let us not shut out the very same people that you talked about giving these programs to now have gotten them developed, have done a good job, and then pull the rug out from underneath them.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number words.

Mr. Chairman, I want to just talk a little bit about some of the priorities that we have put in this bill that are very good that address the very needs that my friends on the other side of the aisle are bringing up.

But first I want to remind this body that, for nearly a generation under Democrats' control, this Congress continued to overspend the amount of money that was coming into the Federal Government. They continued to spend every penny of the Social Security surplus. They continued to spend every penny of the Medicare surplus.

What was the money spent on? It was spent on too many programs that were too inefficient. Instead of stopping and looking at what we were doing to find out what works, what is the best investment in our dollars, we just continued to blindly throw money at the program, at different programs.

I see this continuing now in some of the proposals. I have a chart here that talks about one of the high priorities in this bill. It is a program that works, and it works for the people who are in need of finding good programs or good jobs and in need of getting good skills, and that is the disadvantaged youth in America.

This chart shows that, from fiscal year 1992 through fiscal year 1995, a slight increase in the job corps funding. But under Republican control, we put a priority in job corps funding because it works. It is a substantial investment in this job corps program.

Now, this funding is part of the Federal effort to provide employment assistance to the disadvantaged youths between ages 16 and 24, those people who are just trying to develop their skills, trying to find their place in life. It is accomplished through programs that have a proven track record. Since 1995, over $300 million has been added to the job corps program, a nearly 30 percent increase over that time.

Now, the investment in the job corps is an investment in a program that has been proven to work for specifically disadvantaged youths. I want to emphasize that point. A recent independent evaluation program found that job corps participation led to an increase in one full school year of time spent in education and training, training that focused on vocational skills.

There was a substantial increase in student attainment of GED and vocational certification, an 11 percent earnings gain for job corps participants, and a reduction of 20 percent in arrests, convictions, and incarcerations of job corps participants.

Under the appropriation, since 1995, 11 job corps centers have been added, including the fiscal year 2001 request before the House. From 1989 to 1995, this period here on the left side of the chart, under the Democratic-controlled House, only four job corps centers were added in the national total.

Now, some of the excuses for this blind deluge of more money into this bill I think comes from the argument they say that there is this tax cut that has been threatened by the Republicans. Well, we have overpaid the cost of government, and we do want to return that change. When one goes to McDonald's and one orders $4.50 worth of food, one expects 50 cents of change back.

When one has the price of government being overfunded, the change ought to go back to the taxpayers, those people who work so hard.

Well, we have overpaid the cost of government. There is room for tax relief. Still we are protecting every penny of Social Security surplus, every penny of Medicare surplus. This money that was in the past spent on programs that did not work, we have dedicated this money to Social Security, the surplus from Social Security, dedicated the surplus from Medicare to Medicare. Still there remains money coming in that is over and above the cost of government.

So when we do look at what programs that we are going to fund, we ought to fund those that have a proven track record, eliminate those that are not very efficient and continue.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I am glad to yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Maybe there is a little misunderstanding of my amendment because it keeps getting couched in Democratic and Republican terms, who controls the House, who does not control the House. I know the gentleman's strong advocacy for youth.

My amendment specifically adds $200 million to restore the President's request for youth opportunity grants, and it adds an additional $61 million to restore the President's request for the reintegration of youth into the economic mainstream.

Would the gentleman from Kansas (Mr. TIAHRT) please comment on whether or not he supports that idea in his advocacy for the youth and whether or not he supports my amendment.

Mr. TIAHRT. Mr. Chairman, if the gentleman would like to listen, I do support advocating for youth, especially disadvantaged youth, and I think we do so through this bill and the priorities that we have established through the job corps and other areas.

I think the reason that we have brought in other issues is to respond to what has been brought up by the gentleman from Wisconsin (Mr. OBEY) and others.

The CHAIRMAN. The time of the gentleman from Kansas (Mr. TIAHRT) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. TIAHRT was allowed to proceed for 1 additional minute.)

□ 1415

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to welcome the gentleman aboard. I know it has been a long road on the road to Damascus, but I have been here long enough to remember when the majority party was singing hosannas because Ronald Reagan was trying to zero out the Job Corps and David Stockman said that it did not work, despite the fact that three studies from his own shop showed that it did. I also recall that just 3 short years ago the majority party tried to cut $100 million out of the President's request for Job Corps.

So I welcome the conversion. I wish it had come sooner, but Allah be praised; hosanna; thank God; alleluia; welcome aboard.

Mr. TIAHRT. Reclaiming my time. Mr. Chairman, I guess we can expect the gentleman's support for this bill on final passage, now that we have agreed together that we have an emphasis on Job Corps. I thank the gentleman for his vote on this bill.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Illinois (Mr. JACKSON). He has put forth a number of propositions. Those propositions are that we have an outstanding economy; we have a surplus.

Our colleagues differ on the reason for that. My view is that because of 1990's bill, which they largely voted against, and the 1993 economic program, which every one of them voted against, we have this economy and we have these surpluses. As a matter of fact, as they, I am sure, know, their own CBO just 2 years ago said that the reason we have the surplus is because of the 1993-94 Congress, which, of course, the Democrats controlled. And in the two Congresses subsequent to that, the Republicans added $12 billion to the debt, while we reduced it $142 billion. So that is what the Republicans' CBO says.

But that aside, this is a substantive important debate. It is about priorities. And I want to say to my friend, the chairman of the subcommittee, for whom I have, as he knows, unbridled respect and affection, he got up initially in opposition to the amendment of the gentleman from Illinois and said, look, we have the best economy that we have had in a very long period of time. We have 3.9 percent unemployment. And as a result of that, people are employed, people are working, and, therefore, they do not need the services and, therefore, we can cut, as he said, in real terms these programs.

Now, I hope the chairman will listen to me, because while his general proposition may be true, it is not true for one of the specific cuts that I am going to speak on. This bill adds $14 million back into the bill through this amendment for those with disabilities.

In 1990, in a very bipartisan way, we passed the Americans with Disabilities Act. George Bush signed that act on July 26, 1990. One of the titles in that bill was to get those with disabilities into the job force so that they could work, so that they could support themselves, so that they would have a substantial measure of self-respect.

As the chairman well knows, there are only 29 percent of those with disabilities who are working in America today. Only 29 percent. Now, that means, without much math, that 71 percent of those with disabilities are not working. It is not 3.9 percent, 14 percent, 18 percent, or 25 percent. It is 71 percent of those with disabilities who are not working. So Secretary Herman suggested to the President that we add some money into this bill, approximately $21 million, for the purposes of establishing an office that would reach out to those with disabilities, reach out to employers and bring them together so that they could be employed and have, as Mr. Gingrich so often referred to, an opportunity society. Well, it meant, as George Bush said, an opportunity society for those with disabilities.

What the gentleman from Illinois (Mr. JACKSON) is trying to do is to say that Secretary Herman and President Clinton were correct; that we need to make this effort, we need to make sure those with disabilities are brought into the workforce. And I would say to my friend that over three-quarters of those who are not working want to work. They want to work. What this initiative of the President, which the gentleman has cut out of his bill, is trying to do is to help those people work.

We passed a welfare bill. It was controversial, but its premise was that in America if an individual can work, they should work to support themselves and to have a sense of self-worth and good feeling about themselves. We know that that expands the ability of human beings to feel good about themselves and be healthy.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Illinois.

Mr. PORTER. We are trying to figure out exactly what the gentleman is referring to when he is talking about the disabled in the bill.

Mr. HOYER. The Office on Disabilities is cut $14 million in the chairman's bill from the President's request of $21 million or $23 million.

Mr. PORTER. From the President's request. I see.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I would say to the gentleman that it is flat funded at $9 million. But this is a new initiative. So the entire thing is cut. This is a new initiative to switch from the commission into an office. And the premise of Secretary Herman was that we were not succeeding.

The gentleman from Pennsylvania (Mr. GOODLING) said, well, if we are succeeding, do away with the program. If we are not succeeding, do away with the program.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. So the Secretary's premise, Mr. Chairman, was to add this money, which the President included in his bill, $14 million, to reach out to those with disabilities.

When George Bush, Republican President of the United States, signed the disabilities act on July 26, 1990, he said to all those with disabilities in America, 43 million people then, over 50 million now, he said to all those folks that we want to include them in; we want to give them the opportunity to work. But we have not succeeded. Why? Because we have not made the effort.

We passed the bill. Very nice. As the American public knows, to say in a statute rhetoric that they are free or they can work or they are going to be educated is fine, but if we do not work to make that happen and it is not reality, our country loses, and those with disabilities lose.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I just wanted to say to my colleague that, obviously, part of our problem is the allocation that we had to work under. We do consider this to be an important priority; and, of course, we will do our best when we go to conference to try to address this issue.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I would hope we would, therefore, adopt the gentleman's amendment.

Mr. ISTOOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the concern of the gentleman from Illinois (Mr. JACKSON) with employment of people, and I find it interesting to hear some descriptions, because I keep hearing from the White House and from the administration talk about the booming American economy. I know we had new figures in Oklahoma that show we have the lowest unemployment, which means the best employment, in decades; under 3 percent.

It may be different in the gentleman's district or in the gentleman's State, but right now businesses all over the country are saying that we have got to give them more visas to bring immigrants in from other countries to do the jobs because there are so many jobs available in the United States of America. And yet it sounds like the gentleman is saying, gosh, we have to help people find work.

If we look at these programs, because I know some are like summer jobs initiatives, hundreds of millions of dollars proposed so that mayors in cities all over the country can put on these seminars and say, oh, this is the mayor's summer job fair for youth. And it happens in most every city in the country. How many people know that that is coming out of the Federal Treasury, so mayors all over the country can claim responsibility for kids working? Except a lot of those are, frankly, make work jobs. They are not really working. Some of them are sitting around listening to music but being paid for it.

I realize that is not always the case, and I know that is not what the gentleman from Illinois intends. But when employment is up and unemployment is down, they say, well, the answer is we have to spend more on Federal job programs. And, of course, if employment is down and unemployment is up, they say, oh, that is another sign we need to spend more money on Federal job programs. Whether times are good, times are bad, times are indifferent there is only one answer we hear; we have to spend more. Why? Not because there is a real need. The need, as people see it, is political. They want to tell people if they want to work, they are going to be beholden to a politician, because we want their first, their first effort to be to turn to some sort of Federal job program so that a Congressman or a mayor or somebody else in politics can claim credit for getting them work.

Well, let me tell my colleagues, the economy does not boom because government is out there with make-work programs or Federal work programs. It booms when we enable businesses, private individuals, to flourish and hire people. And believe me, there are tons of jobs out there for kids this summer and for adults as well. That is what we want. But is there not ever a moment of relief when we say we have had some success with getting the American economy going so there are opportunities for people if they are just willing to take them? We say, oh, no, no, we cannot do that. We have to have more Federal money instead.

Why not relieve the tax burden on people, not have so many Federal programs, not teach them that they should be beholden to somebody in politics for the right to work? Teach them self-accountability, teach them the free enterprise system. We have tons of Federal job programs already, billions of dollars each year, and I do not think it is justified to say we should quit paying down the national debt so that, instead, we can add another $200 million to these spending programs. I do not think that is the way to go.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise first of all in strong support of the Jackson amendment. But before I get to why this amendment is so crucially important in our new economy, where we are involved in trade and worker dislocation and underskilled and unskilled workers, I want to join in the chorus of accolades for the chairman of the subcommittee, the gentleman from Illinois (Mr. PORTER).

There are a lot of great things we can say about the gentleman from Illinois (Mr. PORTER) and his devotion to education and his hard work in his district, in his independence in his voting record, fighting for what he believes in, but I want to state in one area of this bill, where he has fought to increase the National Institutes of Health spending, where I have children and young people in my district that get on a plane, oftentimes once a month to go from Indiana to Washington, DC., to get help at that National Institutes of Health, that that funding increase is saving lives all over the third district of Indiana, the State of Indiana, and the world, literally, and we thank the gentleman for his efforts in that area.

On this Jackson amendment, I want to state my unequivocal support. The chairman knows that we are in a new world, with new challenges, and a new economy. And in this new world we have challenges, such as how do we help our workers get cradle-to-grave training in unskilled and underskilled areas?

In my district, in the third district of Indiana, in the Midwest, the heart and soul of manufacturing in this country, we have many of our workers that are currently trying to move from the tool box to new technology and training. They are trying to move from how to work with a power drill and a hammer and a screwdriver to a robotic arm and a computer. This Jackson amendment helps the unskilled worker and the underskilled worker get those skills to move from the tool box to the technology of the future.

The second reason I support the Jackson amendment is because it deals with dislocated workers. Now, we just had 237 people vote for the China trade bill, and we are going to have some dislocation in trade in the world. New Democrats, for one, believe that we need to follow up on our trade votes with investing in the workers of this country and making sure that they can survive in this new economy; that we can export products into China, not jobs into China.

□ 1430

So we need to make sure this dislocated worker that was in a foundry gets the new skill to go work in a chip manufacturing plant.

So, Mr. Chairman, this Jackson amendment realizes the importance of investing in underskilled, investing in unskilled workers. This Jackson amendment understands the new economy and the challenges of trade. This Jackson amendment understands that we need, with our business community and our unions, one of the biggest challenges, new workers and more skilled and more productive workers. That is what we are investing in with the Jackson amendment, to make sure that skilled workers are a premium and that we do not just address the challenges of this economy by bringing in H-1B visa personnel from India and China but we invest in our workers here in America.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. ROEMER) has expired.

(By unanimous consent, Mr. ROEMER was allowed to proceed for 30 additional seconds.)

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, our amendment is very, very specific. The activities covered for youth in this House bill is 599,400 youth will be covered under this bill. Our amendment moves that number to 739,000 youth. For youth opportunities, the House bill covers 40,700 Americans. Our bill moves that number to 84,600 Americans.

For young offenders, it moves the House bill from 3,500 youth under the bill to 18,800 youth under the bill; adult activities from 342,800 to 380,000.

I want it thank the gentleman from Indiana (Mr. ROEMER) for his strong support of this amendment. This is a pro-American amendment, not a Democratic amendment, particularly at a time, as the gentleman pointed out, that our economy is doing so well. Let us spread the wealth.

Mr. ROEMER. Mr. Chairman, reclaiming my time, this is a pro-American amendment, it is a pro-worker amendment, and it is a pro-business amendment.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Jackson amendment and with great respect for our distinguished Chair, because I am sure that he would be willing to work with us to sit down and figure out a plan so we can help strengthen our workers and make sure that all of our citizens have the opportunity to succeed.

This amendment invests in the adult, youth, and dislocated worker training that Americans need to compete and succeed in the new economy. Investing in training is not only good sense, it is good business. An essential ingredient to sustaining a strong economy is to ensure that we are training the skilled workers that this economy needs.

Since January 1993, the unemployment rate has fallen, we have heard, from 7.3 percent to 3.9 percent, its lowest level in 30 years. And that is great. Over 21 million new jobs have been created. Employment population rates are at a record high. That is great news.

But, unfortunately, many Americans have not shared in these benefits. They may live in areas of extremely high unemployment, areas where the industries are changing, workers are underutilized, where the risk of becoming a dislocated worker remains high. Americans are worried. In fact, last year 33 percent of workers surveyed said they were frequently concerned about being laid off. This figure exceeds, much to my surprise, comparable figures of 17 percent and 21 percent in 1979 and 1989 at similar points in the business cycle and even exceeds the rate during the 1981–1982 recession.

We cannot completely protect American industry and workers from the vast changes in our economy, but we can do something to address their concerns and their needs for retraining.

To keep the good economy going, we need to intensify, not reduce, our efforts to increase access to broad-based skills training. Now is the time. The unprecedented strength of this economy gives us the rare opportunity to bring skills and jobs to individuals and communities that have for too long been left behind.

There are approximately 13 million Americans, men and women, moving from welfare to work, young people who have dropped out of school, displaced workers, individuals with disabilities and veterans who need the training and the opportunity to get and keep good family-supporting jobs.

I do not see my colleague, the gentleman from Oklahoma Mr. ISTOOK), on the floor, but I did want to address some of his comments. I agree with my colleagues who understand that we have to invest in the programs that do work and discontinue the programs that do not work. But there is a difference. Maybe there is a distinction between our sides of the aisle.

I believe that we need better evaluation of programs that are not working. We have to make sure they are really training our young people for the jobs that exist, not cut them out.

Now, there are some who would say, and I think the gentleman from Oklahoma (Mr. ISTOOK) was saying that before, that if a program is not working, get rid of it. I see too many young people who need the training to get the new jobs. And as we were talking before, no matter which side they are on the recent trade debate, we are here asking for more visas to bring people in from India and China, more skilled workers in.

There are too many people in our country who need that training to be part of the new economy. Therefore, I strongly support the amendment of my colleague, the gentleman from Illinois (Mr. JACKSON).

We have a responsibility at this time of prosperity to make sure that we are reaching out and giving every young person that opportunity to get the training so that they can succeed, and I think that is what this is all about.

So I want to applaud the gentleman and support him. I know that our chairman will be happy to work with us later on in the process, and I hope we can continue to invest in these programs so we can train our workers that are being displaced.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order, and I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. The gentleman continues to reserve his point of order; and, without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. PORTER. Mr. Chairman, I would say to the gentlewoman from New York (Mrs. LOWEY), who was not here when the chairman of the full committee spoke, that we have, as the gentlewoman knows, recently eliminated over 150 job-training programs and consolidated those into a much, much smaller number. And, as he mentioned, evaluations are being conducted today to determine whether they are providing the kind of results we are looking for, for people or not. We do not yet have that data, but we believe that they are undoubtedly doing a much better job than all the little programs did in terms of getting results for people.

I would also say to the gentlewoman that, since most of these programs are administered through the States where there are pockets of unemployment that are higher than in other areas, the States can direct their money to where it is most needed. So there is a flexibility enough in the programs to address needs that are particular at any one place.

I think the gentleman from Indiana (Mr. ROEMER) has left the floor, but he mentioned the need for support for workers that are displaced by trade. That is a mandatory program in the Department of Labor. It is funded at $94 million, and funds there should be ample to take care of people that might be displaced by reason of trade rather than for other reasons.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I thank my distinguished colleague for his comments. I appreciate his efforts to provide for evaluation dollars to make sure these programs are effective.

I would just say that where there may be some disagreement, and I am hoping that we can work together as we move towards the final product, that as we reevaluate the needs, the needs for the H–1B visas, that we can take this dollar amount into consideration; and there may be more need, as we are saying there is, for more investment in particular areas.

That does not mean that what we are doing is not trying to establish the best programs and evaluate them and make sure they are succeeding. But I think we disagree, and we believe that there has to be even more investment because it is so critical at this time of displacement as a result of trade and other areas.

Mr. PORTER. Mr. Chairman, reclaiming my time, there is certainly no difference between us in terms of our intent to provide the best possible opportunities for people who are outside the workforce to be trained for jobs that can provide them a higher standard of living and to provide those protections for individuals that are needed in a very dynamic economy.

We simply feel that by reason of the economy growing so fast and unemployment being so low and employment being so high that there is simply less demand than there is where the economy is not performing that way as it has sometimes in the past.

So I do not think there is any real disagreement among us except that we feel that these are lower priorities than others in the bill given our need to choose priorities given this very, very strong economy.

Mr. Chairman, I continue to reserve my point of order.

Mr. STRICKLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, sometimes I think that those of us who serve in this Chamber need a reality check. I serve a county where the unemployment rate is 17.1 percent. I serve multiple counties that have double digit unemployment. That is why I rise today in strong support of the Jackson amendment to restore funding for programs that help jobless Americans.

I guess some people think that things are so good that we do not have any dislocated workers to worry about. I would invite the gentleman from Oklahoma (Mr. ISTOOK) and others to come to my district in southern Ohio and see the conditions there, come and talk with one of the 800 coal miners who are about to lose their jobs in a region that suffers 10.5 percent unemployment, miners who are awaiting word today on a job-training grant they view as their best hope for future employment.

I would like for them to come and talk to one of the 550 union workers from the Goodyear plant who lost their jobs last summer and are now back in school thanks to a Federal dislocated workers grant. Without further education, how can they ever expect to land a job in a county with an unemployment rate over 11 percent?

I would like for my colleagues here to come to southern Ohio and talk to some of the 619 union workers from Ironton Iron who lost their jobs in March and who just recently received word that there would be trade adjustment assistance for them.

This community of just over 12,000 people has lost over 1,200 jobs in the last year and a half. Ten percent of the entire population is jobless. Tell them they do not deserve a second chance.

I would like for my colleagues to come to southern Ohio and visit the Piketon uranium enrichment facility and talk to the enrichment workers who will lose their jobs next month because this Government chose to privatize their industry. Go tell them they are not a priority.

Mr. Chairman, this Nation may be doing well; but there are people, and many of them are in my district, who are being left behind. This Congress should not be funding tax cuts for the wealthy and at the same time cutting funds for training jobless workers. It is unconscionable.

For these reasons, I urge my colleagues to support the Jackson amendment.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. STRICKLAND. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am really excited that the gentleman from southern Ohio (Mr. STRICKLAND) came to the floor today to make the case for support of this amendment.

Under the House bill, 215,800 fewer of the 3.3 million workers who lose their jobs through no fault of their own each year will be served under the President's request of $389 million for dislocated worker assistance, which my amendment, Mr. Chairman, restores to the Labor, HHS mark.

Mr. Chairman, every time I come to this House floor and offer an amendment of the magnitude that we are talking about, someone inevitably says, minorities are doing better. I mean, here comes the gentleman from Illinois (Mr. JACKSON) to the House floor. He has got to be talking about minorities.

The gentleman does not represent a district primarily of minorities, but he talked about counties where unemployment in his congressional district are as high as 17 percent.

□ 1445

I was hoping that the gentleman would please expound upon what the implications of this increase would do for his congressional district.

Mr. STRICKLAND. My people who have lost their jobs through no fault of their own, these are salt of the earth people, people who want to work, who want to enjoy the American life as we enjoy it here in this Chamber. Yet they are being deprived oftentimes of getting the skills they need to enable them to go out and to compete. These are folks who have worked at steel foundries, they have worked at heavy manufacturing jobs. Those jobs are disappearing from my district. They need to go back; they need to learn how to become computer literate. They need new technological skills. Without them, they are destined to be jobless. We just simply cannot forget those people. I applaud the fact that we have a booming economy. I applaud the fact that in Redmond, Washington, I have heard some of the average salaries are at six figures. But I have got people who are struggling to survive. This Congress cannot forget those Americans. If we do, we are being negligent and we are failing. We are failing not only our individual constituents, but we are failing this country.

Mr. JACKSON of Illinois. I thank the gentleman for his support of my amendment.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Jackson amendment to restore $1.25 billion for skill training programs at the Department of Labor. Last week, I joined over 200 young people from a coalition of Alternative Schools Network, CCA Academy, the Latino Alternative School, 200 young people who were marching and protesting. They were marching and protesting the reductions of millions of Federal dollars allocated to skilled training programs for at-risk youth. I, along with the 200 people there, tossed peanuts around to symbolize the small amount of money being allocated to skill training programs and the Labor-HHS appropriations bill.

If this budget appropriations process was a poker game, we would have to say that Labor-HHS was dealt a weak hand but still had to play. Therefore, I believe that the gentleman from Illinois (Mr. PORTER) has done what he could with a faulty deck stacked against him.

Mr. Chairman, these people were not protesting for the things that normal teenagers are often concerned about. Rather, these teenagers were protesting for the opportunity to learn. They were protesting for the opportunity to become well-trained workers and the opportunity to make contributions to this Nation. They were protesting so that we will not have to import workers from foreign countries to take care of skilled job opportunities that are needed.

If we truly want to improve the environment of those less fortunate in this society, what we really need to do is provide the necessary funding this amendment calls for. We need to show our communities that we believe that education and job training are essential tools for success. We need to show that we understand what it means to a community when the businesses are downsizing, privatizing, and moving out of the community and in many instances out of the country, obviously displacing workers and increasing the need for training so that they can survive and participate.

Therefore, Mr. Chairman, I urge a vote in support of the Jackson amendment. If we had an adequately funded skill training program as well as an adequately funded Labor-HHS appropriations bill, we could truly fulfill our duty to help build a society where no sick person would go unattended, no hungry person would go unfed, no able-bodied person would go without adequate employment. Mr. Chairman, we need to ante up. We need to live up to our promise, live up to our duty, live up to our responsibility and vote yes to the Jackson amendment.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when Congress passed the Workforce Investment Act, we believed that we were making a statement about the importance of investing in the American worker. Because by investing in the American worker, we are investing in the future of America. We are investing in developing skills for American workers. We are investing in the hopes and dreams of American workers. We are investing in the hopes and dreams of those who are dislocated, those who are disabled, those who are young, those who are ex offenders, to those who want to fully participate in what we call the American dream. We are investing in assisting American business in helping to provide American business with a well-trained workforce. We are investing in the jobs of tomorrow.

We all know that unemployment is low, but unemployment is low among trained workers. Everyone knows that. But unemployment remains a crisis among teenagers, minorities, and dislocated workers. I represent the State of Ohio and the City of Cleveland. Our manufacturing economy is in transition. Over the last year, we have seen representatives from the State of Ohio, from the State of Michigan, the State of Indiana, the State of Pennsylvania take to the floor of this House to talk about the impact of our trade policies on the steel industry.

We sought protection for our steel industry because tens of thousands of jobs have been at risk because of dumping. But in some cases, the job loss was felt, and in manufacturing industry after manufacturing industry, we have seen a dislocated workforce with people hungry for retraining. We saw over 400,000 American jobs lost in NAFTA. We will see hundreds of thousands of jobs lost in our trade deal with China, where we have a $70 billion trade deficit. That job loss will not only be in manufacturing where we need people retrained, but that job loss will be in high-tech industries where people who are currently working in high-tech industries will need to be retrained.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Illinois.

Mr. PORTER. I would simply say to the gentleman that trade adjustment assistance is a mandatory account and it is fully funded obviously in the bill. So that part, no cuts have been made obviously.

Mr. KUCINICH. I thank the gentleman. The point being that not only have we a challenge with respect to the existing workforce but the workforce of tomorrow is going to be severely impacted by policies which do not take a strong stand for worker retraining. The Workforce Investment Act called for one-stop shopping, for helping people make applications, getting them into a program, getting them into retraining. So we go from a one-stop system to a full-stop system.

The legislation which we will be voting on absent the Jackson amendment cuts $21 million from job opportunities for young people. Now, I know there have been people on this floor talking about the summer jobs program just being some kind of a slush fund. How dare this House of Representatives attack opportunities for young people who otherwise would not have a job. It is the moral obligation of government to stand as a guarantor of employment for our young people if the private sector does not or cannot provide the jobs. It is our moral obligation. We need to show our young people that it pays to work. We need to develop in our young people the work ethic. We need to stand strong and to say that wherever we can provide more opportunities for our young, that we provide those opportunities. We need to make sure that we look at the implications of welfare reform here. We are taking people off welfare, and we are cutting job training programs. There is something wrong with this picture.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KUCINICH) has expired.

(On request of Mr. FORD, and by unanimous consent, Mr. KUCINICH was allowed to proceed for 1 additional minute.)

Mr. KUCINICH. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. PORTER. I would say the rhetoric is soaring here. If this is that high a priority, what is wrong with offering an amendment to move some funds out of another account of lower priority to this priority? This amendment is out of order because the gentleman has not sought any offsets. He just adds spending without any responsibility. If it is that high a priority, I would say to the gentleman from Ohio, offer an amendment to move money from a low priority account and let us consider it.

Mr. KUCINICH. Reclaiming my time, this is the tax break issue. We are going to get into that. Yes, there is no offset, but there are some who are being very insistent on passing tax cuts for the wealthy. If there was not this insistence, there would be money in the budget to invest in working families. We are told a rising tide lifts all boats. But what if people are not in the boat? What if they do not know how to swim?

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

I thank the gentleman from Illinois (Mr. JACKSON) for his leadership and thank all of my colleagues on this side of the aisle for theirs as well on this important issue.

We have heard it mentioned over and over again. We are indeed, I say to the gentleman from Illinois (Mr. PORTER) and the gentleman from Pennsylvania (Mr. GOODLING), the chairman of my full committee, at the zenith of our prosperity as a Nation. It is amazing. We have heard those in this Congress criticize this administration. We have heard those in this Congress try to take credit for the amazing growth that has taken place over the last 8 years.

It is difficult, it is hard to imagine that we have come so far and that we have accomplished so much considering the rhetoric that goes back and forth. Eight years ago the Dow was at 3500. Today it is three times that. Eight years ago the unemployment rate was hovering at about 8 percent. Now it is around 4 percent. Eight years ago there were only 50 worldwide Web sites. Today there are more than 50 million.

We are only at the beginning of this amazing revolution. Many of our companies, American companies are producing more wealth than many countries around the world. But in many communities, including my home of Memphis, talk about the growth of the Dow and even the NASDAQ is almost as foreign as international monetary policy.

A few of us on this side had the opportunity, Mr. Chairman, to visit some of our high-tech leaders out in Silicon Valley over the recent break. We can read about it and listen to those talk about the amazing and wonderful things happening out there, but until you actually witness it, it is difficult to grasp, to see young people really at the start of a revolution helping to transform our entire economy and really everything that we enjoy and do in life really to produce a positive benefit.

We had an opportunity to meet those who are sequencing the human genome. It is amazing in a few years we might be able to attack breast cancer and prostate cancer and catch those cells early on. I thank the gentleman from Illinois for all his work with the National Institutes of Health. But the common denominator in all that these leaders out there talked about was the need to close the skills deficit that is plaguing our domestic workforce.

We will vote in a few weeks, perhaps in a few days on whether or not to raise the quota, and "quota" on that side of the aisle is often a profane word, but to raise the quota for H1-B visas to bring in workers to fill jobs here in America because we have not stepped up to the plate to train a new generation of workers.

The one issue that came out of all the sessions that we had, Mr. Chairman, the one thing that could jeopardize our prosperity and continued growth is the lack of an investment in a qualified workforce for the future.

□ 1500

I support raising this quota in the short term, but it is foolish to believe for one moment that we are going to solve our domestic workforce challenges and problems by bringing in foreigners every year to fill the jobs which we should be training people to do here.

With this vote on the Jackson amendment, we make this choice, I say to all of my colleagues: do we wish to continue to be a Nation of entrepreneurs and innovators and workers, or do we want to banish ourselves to a country of temporary workers and low-wage workers? My Republican colleagues have asked for offsets. I suggest that they cut their tax break, make some investments in children and young people throughout this Nation, not just for these young people, but for all of those leaders in industry. I am sure we could go home, and this is not a partisan issue back home, Republican businessmen, Democratic businessmen and business women all say the same thing, and that is that they are looking for more qualified workers.

Mr. Chairman, I would close on this note, and perhaps I think the most exciting thing about what the gentleman from Illinois (Mr. JACKSON) is doing, restoring the money for youth opportunity grants and summers jobs programs for kids. The main reason I support summer jobs for kids is because I want your wallets to stay in your back pockets, I want your hub caps to stay on your cars, I want women's pocketbooks to stay on their shoulders.

When we teach and train young people and expose them to the rigors and habits of work, good things happen, Mr. Chairman, good things happen, I say to Members on both sides of the aisle. Last week the application period for the Memphis summer jobs program closed, and 800 teens will have jobs for the summer. That is wonderful. That is the good news. But the bad news, Mr. Chairman, is that 3,000 go home without jobs. We will find a way to arrest them if they do something wrong during the summer; we will find a way to process them; we will find a way to prosecute them; we will find a way to house them for a few days or a few weeks. But we cannot find the capacity, we cannot find the wherewithal, we cannot find a solution amidst all the rhetoric, to just give them a summer job, give them an opportunity.

I am a little offended when I hear some of my colleagues brag about the job core center; I brag about it too, but they are two totally different programs we are talking about here. Sensible Members on that side understand that; sensible Members on this side understand that. Let us discontinue the name calling and the game playing. Instead of arresting these kids, let us give them a job and an opportunity and in the meantime help prepare them for the demands of this new marketplace.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mr. BLAGOJEVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me talk a little bit about summer jobs. I want to associate myself with the previous speaker. I think it certainly makes perfectly good sense to do what we can to make sure that the kids have a chance to work as opposed to giving them a chance to hang around a street corner. There is no question about it, if the kids are employed, working on and pursuing something tangible and something productive keeps them away from the street corners, keeps them away from the bad influences that could cause them to, frankly, at a turning point in their lives, either move towards a productive life or go down the other route.

I believe that a short-term investment in summer jobs programs for kids, for teenage kids in disadvantaged communities is a long-term investment, not only in the next generation of Americans, but also in terms of protecting the taxpayers' pocketbook. Because if we put our money into the kids early enough and give them a chance to learn the habits of work, we are probably, in all likelihood, creating a workforce and a next generation of Americans that are going to value work and not hang around the street corner, not get arrested and not cost the taxpayers dollars that they ultimately pay to incarcerate them because at a turning point in their lives they have taken the wrong path.

Mr. Chairman, studies show, studies show that early work experience increases somebody's earning potential by 10 to 12 percent. One year on a job during a summer means 2 years in college in terms of earning potential for the future. If we are going to be about pursuing the American dream and if we are going to be about building a better future for America, I can think of few things more important than $254 million in a multitrillion-dollar budget to restore the summer jobs programs to give disadvantaged teenagers a chance to not only get a job early, but also learn what it is like to work and develop the habits of work, because one does not just grow up being able to work; one learns those habits. One is not born as a worker; one is taught to work by the habits and the values that are instilled in us.

One of the previous speakers on the other side suggested that the summer jobs programs are make-work programs. One of the previous speakers suggested that what we ought to do he said was, and if I am not quoting, I am paraphrasing, we ought to teach them accountability and teach them the free market. But in so many communities in our country, disadvantaged communities, be it in the inner cities or the poor rural areas, those kids do not know free enterprise; those kids do not know what it is like to be accountable. They learn that early in life. A summer jobs program gives them a chance to do that.

The summer jobs programs we are talking about impacting kids at 14 and 15 and 16. These are kids in areas that do not have access to the jobs that are available in this burgeoning economy that we live in in America today. For those kids the American dream is not a dream. For those kids, the American dream does not even exist. They live in an environment of hopelessness. We need to give them a chance to learn the habits of work early in life, and a $254 million investment to help fund those programs I think goes a long way in the long run to give them a better future and save taxpayer dollars in the long run.

There has been discussion about the job core program. The job core program is a good program. We have funded that program. But one of the unintended consequences of that program is that it is taking money away from the summer jobs program; and in some cases, with the job core program, a kid can be in high school and we are rewarding a kid who drops out of high school and giving that kid a job; but we are doing nothing about a kid who is in school and needs to do something during the summer months when all of the opportunities to be mischievous and others are available.

So I hope that we recognize the need to fund the summer jobs program and recognize the job core program does good things, but has, in some cases, hurt the summer jobs program.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. BLAGOJEVICH. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, the job core program has proven over and over again a very effective program. Many of us think of our summer youth programs as the way they are in our cities, but there is clear evaluation that the summer youth program does nothing to increase job skills and provide greater access to the job market. It may keep kids out of trouble, but it does not do what the gentleman has been alluding to it is doing. In many cases, it is a make-work program that is a disgrace. In other cases, like our own area, it is a well-run program and does have benefits. But one of them is not obtaining job skills and getting greater access to a job or to the job market.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. BLAGOJEVICH. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Chairman, I am an exception to that. I had a summer jobs program, and I graduated from law school and my voters elected me to Congress. I would just submit to the gentleman that there are those of us who never attended the job core program, but had a few summer jobs here on the Hill and other places and moved right into the workforce. My voters think I am doing a good job, perhaps some here may not.

Mr. PORTER. Mr. Chairman, if the gentleman would continue to yield, I would say again the job core program is very effective. Some summer youth jobs programs are good; others are not good.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. BLAGOJEVICH) has expired.

(By unanimous consent, Mr. BLAGOJEVICH was allowed to proceed for 1 additional minute.)

Mr. BLAGOJEVICH. Mr. Chairman, let me simply say that if some are good and some are not good, I think it is well worth the investment to make sure that we make those that are good the rule and not the exception, and make the other ones that are not as good, make them work. But the principle still applies: providing opportunities for kids early on at 14, 15 and 16 is a good idea. It keeps them off the street; that is a good thing. And, secondly, it gives them a chance to learn work. If we can make those programs better, that is fine.

Where I come from in Chicago, I have seen examples of how that works. There is a young man from the Robert Taylor Home named Paris Thompson who was 14 years old when he first had his chance to work under the Met program in Chicago. Today he is 27 years old, and today he is lobbying Congress. He began his early experience at the Robert Taylor Home learning the value of work in an environment where there are kids like him who did not have that experience, who are not doing the things that they ought to be doing, and in many cases are in the penitentiary.

With that, I would simply say, let us take action on Jackson and support the Jackson amendment.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Ms. DeLAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just say one word about summer jobs. I held recently in my community with about 140 young people, the issue was not summer jobs, but it was a youth violence conference to talk to young people about their own responsibility with regard to youth violence. Some of the kids came up to me afterward and they said to me, what is going on with this summer job effort? We were relying on that. Our families were relying on that. We want to try to participate. Can you help us try to get the resources that we need in order to be able to have summer jobs? They saw this as a part, again, of the responsibility in the context of youth violence.

If we have young people who are working and who are off the streets and at the same time gathering some skills and in many instances, these young people are trying to provide their own families with some assistance, economic assistance at the same time. It is a very, very worthwhile investment.

Mr. Chairman, I rise in support of the amendment by the gentleman from Illinois (Mr. JACKSON), my colleague and friend. The Department of Labor's request essentially was designed to ensure the success of America's workforce investment system and its programs, trying to serve American workers and their employers. The point of our speaking up here today and the point of this amendment by the gentleman from Illinois (Mr. JACKSON) is that the bill that we have up on the floor here today seriously jeopardizes this goal. We have seen the employment rate in this Nation fall since January of 1993 from 7.3 percent to 3.9 percent. It has risen a little bit in the last month or so, but the long and the short of it is it is at its lowest level in 30 years. We have seen 21 million new jobs that have been created, and employment population rates are at record highs. We understand that, and we are happy about that. But the fact of the matter is that not all have prospered.

Earlier, a colleague on the floor said that we have all of these industries and businesses which have all of these jobs that are available and they do not have people to fill them. Well, they just proved the point of the Jackson amendment by saying that in fact what we do need to do is to train folks for those jobs, and we have the capacity to do it. But not all have responded because of this economic environment that we are in. So many Americans are being left behind. We have pockets of high unemployment, pools of untapped, underutilized workers who exist out there and who are at risk; and there are dislocated workers.

I cite my own third district of the State of Connecticut, a State, I might add, that has been heavily dependent on defense and one that has been dependent on the insurance industry. Insurance in my State has downsized, dislocating a lot of workers. The defense industry has downsized, dislocating a tremendous amount of workers. Those workers wanted to continue at Sakorsky and at Pratt & Whitney and at the Stratford Army Engine plant, but they have nowhere to go today. These are people who have kids in college, who have mortgages to pay, and who are fighting for their lives in order to be able to meet their responsibilities and their obligations as parents and as breadwinners for their families.

Mr. Chairman, we are leaving them high and dry, without the opportunity to get further skills training, to get the kind of training that they need to put them back into the economic mainstream once again. We have 90 million adult Americans who perform at low levels of literacy. These are individuals who are not well equipped to meet the challenges of the new economy. Yet, this bill slashes the kinds of programs that provide hard-working Americans with the skills that they need to compete in today's economy. That is the issue my friend, the gentleman from Illinois (Mr. JACKSON), is making. That is the one that we are trying to impress on people here today.

Mr. Chairman, we want people to be able to realize their dreams in this country. That is why we deal with school-to-work programs, that is why we encourage people to work and to take on that responsibility. That is what this country is all about. That is a very deep-seated value in the United States.

Mr. Chairman, in April of 2000 there were 13 million untapped and underutilized Americans, 5.2 million who were unemployed, 4.4 million who were out of the labor force but wanted to work, and 3 million who worked part-time, but wanted full-time work. In March of 2000 there were 22 metropolitan areas with unemployment rates in excess of 7 percent. The low skills of many of the poorest Americans reflect accumulated disadvantage. Poor families and neighborhoods in which they grow up and live, underfinanced, often ineffective schools that they attended, lack the access to jobs that provide meaningful training and opportunities for advancement. Any attempt, any attempt to improve their schools has got to address the barriers that they face.

Mr. Chairman, we cannot leave people behind in this country. That is not what this Nation is founded on. It is founded on responsibility, hard work. Let us train people to do it. Let us vote for the Jackson amendment.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order, and I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PORTER. Mr. Chairman, I would like to emphasize something about the amendment that bears on all of this discussion. The reason this amendment is out of order is because the gentleman from Illinois has no offsets.

Now, the majority, in accordance with a budget resolution adopted by the majority of both Houses of the Congress, has to live within its allocation.

□ 1515

It is easy to offer an amendment simply adding back money. That does not take any responsibility.

The gentleman could have offered an amendment with offsets. The difficulty is that his side of the aisle it seems to me is unwilling to provide cuts anywhere; is always willing to add money, but unwilling to take the responsibility to say, this is a higher priority, this is a higher priority.

We have to do that. We have to do that. That is our job. We have to be responsible for the bottom line.

POINT OF ORDER

Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974.

The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 7, 2000. That is House Report 106–656. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of the Act.

Mr. Chairman, I ask for a ruling of the Chair.

The CHAIRMAN. The Chair understands the gentleman from Illinois has yielded back his pro forma amendment.

Does the gentleman from Illinois (Mr. JACKSON) wish to be heard on the point of order?

Mr. JACKSON of Illinois. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McHUGH) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

□ 1530

RECESS

The SPEAKER pro tempore (Mr. McHUGH). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 3:45 p.m.

Accordingly (at 3 o'clock and 30 minutes p.m.), the House stood in recess until 3:45 p.m.

□ 1545

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. McHUGH) at 3 o'clock and 45 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 8, DEATH TAX ELIMINATION ACT of 2000

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 519 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 519

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by a Member designated in the report, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the legislation before us today provides for the consideration of H.R. 8, the Death Tax Elimination Act of 2000. Mr. Speaker, House Resolution 519 is a modified closed rule which is a standard rule for all revenue measures.

The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Additionally, the rule waives all points of order against the bill.

The rule further provides that the amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted.

The rule also provides for consideration of the amendment in the nature of a substitute printed in the report if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided between the proponent and an opponent.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, Benjamin Franklin once noted that "in this world, nothing can be said to be certain except death and taxes." But while death may be certain, taxes are immortal. That is because our current tax system plays a cruel joke on farmers and small business owners.

After years of hard work and sacrifice, building their farm, ranch or business, working Americans hoping to pass on their legacy to their children and grandchildren often find their life's work will instead be passed on to the Federal Government.

The death tax is turning the American dream into The Nightmare on Elm Street.

The death tax is arguably the biggest threat to the future viability of small businesses, family farms, and ranches. It creates a disincentive to expand and create jobs. It often literally taxes family businesses right out of the family.

According to the National Federation of Independent Businesses, nearly 60 percent of business owners say they would add more jobs over the coming years if death taxes were eliminated.

The death tax has turned Uncle Sam into the Grim Reaper, destroying family-owned farms and ranches with penalties reaching as high as 55 percent and forcing farmers and ranchers to sell off land, buildings, or equipment otherwise needed to operate their businesses.

When those farms and ranches disappear, the rural communities and businesses they support also suffer. A piece of community and family history is lost forever. The death tax impact on family farms is so devastating that the Farm Bureau has listed elimination as their number one priority.

Think about that. An industry association concerned with all aspects of farming and ranching lists the death tax as the number one threat to the viability of family farming. That is how repressive this tax is.

Now, many opponents of eliminating the death tax argue that estate planning is a viable alternative to changing our tax laws. Their theory that our farmers and ranchers should be huddled with accountants rather than growing food for America is both misguided and wrong.

They fail to take into account the high cost of estate planning tools, both the time spent away from their businesses and the high price tag that includes attorneys fees, life insurance premiums, and internal labor costs. Would not we rather have small business owners and farmers using their resources to operate and expand their businesses and to create jobs?

Too often there is a simplistic approach that we should soak the rich. The problem with that theory, as Ronald Reagan once said, is that everybody gets wet in the process. Nowhere is that more profound than in the death tax; for it is hard working middle American families who are most hurt.

But that is not all. The death tax actually raises relatively little revenue for the Federal Government. Some studies have found that it may cost the Government and taxpayers more in administrative and compliance fees than it raises in revenue.

Last year, the Public Policy Institute of New York State conducted a survey on the impact of the Federal estate tax on upstate New York. The findings were alarming. The study found that, in the past 5 years, family-owned and operated businesses on average spent nearly $125,000 per company just on tax planning alone. These are costs incurred prior to any actual payment of Federal estate taxes.

The study found that an estimated 14 jobs per business have already been lost as a result of the Federal estate tax planning. For just the 365 businesses surveyed, the total number of jobs already lost due to the Federal estate tax is over 5,100.

Mr. Speaker, a clear majority of participants in this survey indicate that the death of an owner would put their businesses at grave risk because they would be forced to take the purely tax-motivated steps of obtaining loans to redeem the owners stock or using the stock as collateral in order to meet their Federal estate tax obligations.

Simply put, death tax stifles growth, discourages savings, stymies job creation, drains resources, and ruins family businesses. It is time we phase out this unfair tax and allow the American dream to be passed on to our children and our future generations.

In conclusion, I would like to commend the gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means, and the gentlewoman from Washington (Ms. DUNN) and the gentleman from Tennessee (Mr. TANNER), the bill's sponsors, for bringing this measure before the House today.

Mr. Speaker, I urge my colleagues to support this rule and the underlying measure.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Those in the gallery are reminded that demonstrations of support or opposition are not allowed under the rules of the House. The Chair appreciate your cooperation.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS), my dear friend, for yielding me the customary half hour.

Mr. Speaker, once again, my Republican colleagues are doing their level best to help the rich get richer. Today's Republican bill will gradually repeal estate tax which affects the richest 2 percent of Americans. By repealing it gradually, my Republican colleagues will ensure that only the descendants of the very rich people who hold out 10 years before dying will benefit.

People who are not very rich or who die within the next 10 years do not get any benefit out of this bill.

So, Mr. Speaker, the result of the Republican bill will be to benefit a few very rich people. For a little while, it will cost the Government $50 billion every year in lost revenue, and do nothing whatsoever to make sure baby boomers have Social Security and Medicare when they retire.

Mr. Speaker, as nearly everyone knows, Social Security and Medicare are headed for some very serious problems. When the baby boomers retire and we do not do something to shore it up now, there will be big problems later.

Thanks to this rule, Mr. Speaker, there is hope. This rule makes in order a Democratic substitute that will help people pass on their estates and still retain hope of fixing Medicare and Social Security.

The Democratic bill takes effect now so people who want to pass things along will not have to hold out for 10 years.

The Democratic bill says, if one's farm or business is worth up to $4 million, then one can pass it on immediately, without any estate tax whatsoever.

Furthermore, Mr. Speaker, the Democratic substitute will cost the Federal government much less in lost revenue. We will still be able to hold out hope of saving Medicare. We will still be able to hold out hope of saving Social Security, and not to mention the possibility of enacting a prescription drug program.

Now, the Democratic motion to recommit goes even further, Mr. Speaker. It makes in order the Doggett amendment to let the sunshine into political committees. My Republican colleagues, twice in the Committee on Ways and Means and once on the House floor, have decided to keep political committees secret. My Republican colleagues want to continue to allow political committees to raise and spend as much money as they want in complete secret, Mr. Speaker.

But the amendment of the gentleman from Texas (Mr. DOGGETT) says it is time to lift up the shades and let the sunshine in. One cannot have the gift tax if one does not disclose one's contributors.

So I urge my colleagues to oppose the previous question. If the previous question is defeated, I will offer the Sherman-Stenholm amendment which will make the repeal of the estate tax contingent upon the President certifying that we are on the path to reduce the debt, protect Social Security and Medicare.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, I rise in support of this rule and the underlying legislation.

Mr. Speaker, when our time on Earth is done, we want to know that our families and loved ones have been provided for and protected; we want to know that our hard work and diligence over the years will continue to positively affect those that we really care about.

Those who live the American dream, are successful in their profession, and have the ability to save a little money want to pass along the fruits of their labors on to their survivors. In Kansas and throughout the country, our farmers and business owners are being punished by the current tax system by following that dream.

The current death tax is in fact killing our family farms and businesses. Less and less farmland and fewer and fewer businesses are being passed along to our children and grandchildren due to this unnecessary and unjust tax.

It has been said that the deterioration of every government begins with the decay of the principles on which it was founded. If we look back at history, we are reminded that the unfair taxation triggered the revolution of 1776. We fought a war for freedom from such taxes. Mr. Speaker, we must cast a vote to end this oppressive taxation that falls heaviest on those who can least afford to pay it.

Mr. Speaker, I urge my colleagues to join me to vote yes on the rule and vote yes on H.R. 8.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. SHERMAN), who is the co-author of the Sherman-Stenholm amendment.

Mr. SHERMAN. Mr. Speaker, let us put this in context. This bill would actually cut roughly $50 billion from Federal revenues once it is fully phased in. It affects only 2 percent of the richest American families, most of the taxes collected from those who have over $10 million in assets. This bill provides not 1 penny in tax relief for those who make $10 an hour, but total tax relief for those with assets of over $10 million.

We went to the Committee on Rules with the Sherman-Stenholm amendment to say at least let us make this bill dependent upon the country being on the right fiscal track. At least do not give up the $50 billion unless Social Security and Medicare are secure, unless we are going to pay down the debt by 2013, and unless we have eliminated deficits.

□ 1600

And the Committee on Rules said no.

What is particularly severe is that just a few weeks ago this House considered the Miller-Young bill, which would protect the legacy of all Americans by providing roughly $1 billion, one-fiftieth of the cost of this bill, $1 billion, to acquire the lands that are environmentally sensitive and pristine and need to be protected for prosperity. And the Shadegg amendment was allowed by the Committee on Rules, requiring that protecting the legacy of all Americans to our great outdoors be contingent upon these same certifications, namely that the debt would be paid off by 2013 and Medicare and Medicaid would be secure.

So what we have here is a Committee on Rules that says, when we are trying to protect the legacy of all Americans, they will allow an amendment that limits that bill's effectiveness to only if certain fiscal certifications can be made. But when we are talking about the legacy of multimillionaires, literally heirs to multi-million dollar fortunes, then fiscal responsibility is not even an issue that this House can discuss on the floor.

I will point out that this bill will assure a dramatic cut in major contributions to universities and hospitals. Those institutions will be here asking for Federal help. We will not be able to give it to them because $50 billion will be taken out every year of the funds available to the Federal Government.

And, finally, this bill means higher taxes for widows and widowers. Under the present law, widows and widowers pay no estate tax and get a full step up in bases of the assets they acquire for income tax purposes. Under this bill that step up in bases is severely limited. So if my colleagues want to deprive the country of $50 billion and raise taxes for widows that is what this bill and this rule would do.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of the rule and the death tax repeal.

Small farmers that lose their farms or are challenged after they die to pass it on to their children are giving them up.

My colleagues on the other side cannot stand any kind of tax cut whatsoever. Their mantra is tax breaks for the rich. Well, in 1993, when they had the White House, the House and the Senate, they had the highest tax increase in history, they raised the tax on Social Security, and they raised the tax on the middle class. They could not help themselves, because they wanted to spend. They even stole every dime out of the Social Security Trust Fund to put up here for extra spending.

Any time we want to take away that right or that control, they fight it. They fought a balanced budget because it limited their spending. They fought welfare reform because it limited their spending. They fought the Social Security lockbox because they used that money for socialized spending. And now the mantra is tax breaks for the rich.

Well, the small farmers in my district in California are not the rich.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, I could speak all day long on why this particular bill is a bad one and why this particular rule is a bad one, but I think we will hear lots of debate on it. No one will come to this well on either side asking that small businesses and small farmers be overtaxed. I think everyone here would be happy to work on those two issues. That is not the point, and everybody here knows it is not the point.

This bill goes way beyond that. On top of that, it does an additional thing no one seems to want to talk about. Many States in this country raise lots of money through the estate tax. That is their choice. Nobody makes them do it. Of our 50 States, 34 of them, plus the District of Columbia, raise estate tax money solely on the Federal income tax credit that is allowed for estate tax deductions. The maximum amount allowed. That is all they raise their money on. The taxpayer would have to pay the same amount of money no matter what, it is just a matter of who they cut the check to.

Of those 35 States, right now approximately $4 billion a year are raised out of that money; $1 billion in New York, $730 million in California, $480 million in Florida, $180 million in Massachusetts, $200 in Illinois, $200 million in Texas, $130 million in Arkansas, et cetera. If this bill is passed, these States will lose that money.

Now, I understand fully well that there are philosophical differences, but I ask the people that propose this bill to then turn around and tell these States what they are going to do, how they are going to help them to educate their children, to put police on the street, and to do all the other things that States do. Because this bill, the way it is written, will take that money out of those State coffers.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I thank the gentleman for yielding me this time, and I would say to my colleagues that there has never been a tax cut that we have discussed on the floor of this body where my friends from the Democratic side of the aisle have not gotten up here and talked about the revenue that we would lose and the parades of horribles that would happen if we cut taxes on the American people.

The fact is we cut taxes in 1997, and revenues have increased $200 billion per year each year since then over and above what was projected by the Congressional Budget Office. And I predict that if this goes through, and it eventually will go through, we will see the economic return; and, actually, we will have more revenue.

But I am up here to talk, Mr. Speaker, about a friend of mine from Mississippi. He is not a small businessman, he is not a small farmer, he is an agent of the Internal Revenue Service. I had a conversation with him a while back, and he said, "Congressman, I have been doing this for a long time. You folks ought to go back up to Washington and abolish the death tax." He said, "I have had to be the one to go and enforce the law of the land and tell a small farmer or a small businessman that he has got to come up with this much money to pay the inheritance tax on his parents' farm or his parents' business. And I have seen that farm have to be sold and that small business have to go out of business because of what the estate tax does." And he said, "Congressman, it is wrong, and it does not make us that much money. When you add up all the compliance costs and all the nuisance costs and all of the heartache it causes families and to the economy, it is not worth it."

And besides that, Mr. Speaker, it is wrong in this country to tax the event of death. I commend the authors of this bill. I urge a vote "yes" in favor of the rule and for the underlying bill. Let us abolish the tax on death.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise against this rule on H.R. 8, the Estate Tax Bill. And once again I call on Congress to tackle the issue of section 527s. These so-called 527 groups are tax exempt political organizations which try to influence elections. They can spend millions of dollars on negative ads, direct mail campaigns, and phone banks.

I want to read to my colleagues directly from the Web page of a 527 loophole from my home State of California. This Web page tells a potential donor that they can make contributions in unlimited amounts. These can be from any source and they are not ever going to be a matter of public record.

These 527s pose a grave threat, I believe, to our current democratic process. Unfortunately, our House leadership will not give us a vote on this important issue. It is my hope that the next time I come to the House floor to discuss these 527s it will be to pass the bill authored by the gentleman from Texas (Mr. DOGGETT). Surely, in the House of Representatives, we can do something to close this loophole and to clean up our election laws, and we should do it now.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I was not going to speak until I heard a speech a minute ago from the other side, and I just wanted to make a point as simply as I could as to why this is such an important law for all Americans.

There was a comment made about this bill being a legacy for the rich. Let me just, by using this piece of paper, give my colleagues an example. When a first generation American small business owner or family farmer passes to the second generation what he has, the United States gets this, and the family gets this. When the second generation dies, to pass to the third, this is what the government gets, and this is what the family has.

If we do the math, we expect an American family who works and toils and hires and pays taxes to grow a business eight times its original worth on the death of the first owner in order for the third family generation, 40 years later, to have the same thing, while the United States Government has received 150 percent of the production of that business.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time. I do not think 2 minutes is going to capture the frustration I feel in rising today to speak about this rule.

There is not one of us on this floor or in this House that does not recognize the value of giving relief to small business owners and family farms. I do know however, that the Democratic substitute that hopefully will be offered does address those family farmers and small businesses, by providing real estate tax relief, without the $50 billion cost of the Republican proposal.

My frustration arises, because in the middle of a debate on Labor-HHS, we stop it to debate this, when $1.25 billion has been taken out of the workers' programs to exclude help for homeless reform and help for incumbent workers along with youth summer jobs. We stop that debate to debate the rule on the estate tax. And then this rule does not include the amendment of the gentleman from Texas (Mr. DOGGETT) on 527s, that deals with exposing which donors donate to groups organized around advocating for certain issues yet can use the funds for any campaign use without real limits. Why can't we debate frankly and fairly an amendment that will tell the American people who is contributing to what group for what political purpose—let's not hide behind the 1st amendment to avoid simple disclosure.

If we are not trying to take dollars from family farms and small businesses, why are we relying on big bloated individuals to fund these unknown entities with 527 funds, and we cannot even say who is it that is giving money.

I am frustrated because I think the debate on Labor-HHS should have continued. We should have been able to discuss youth opportunity grants, we should have been able to discuss training of incumbent workers. The Nabisco plant that was closed in my district had workers that should have the funds to benefit from worker training dollars that are now cut from the Labor-HHS appropriation bill. Such dollars could help these individuals to be trained for possible jobs in the technology industry. Homeless veterans should have been able to get the dollars that were needed, yet we stopped the debate on Labor-HHS to debate an estate tax provision that costs $50 billion at the same time we will need the money to fund Social Security.

Mr. Speaker, the rule is unfair in several respects, one, that the Doggett amendment on 527 groups was not allowed under this rule; two, that we are debating this estate tax legislation with its 50 billion dollar price tag instead of proceeding with the Labor-HHS legislation; and then, thirdly, we have on the floor a $50 billion bill that could have been done in a bipartisan manner at less costs that would have truly given estate tax relief to small businesses and family farmers.

Mr. REYNOLDS. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I appreciate the conversation today, and it is interesting that we are talking about giving estate tax relief for American families yet my colleagues on the other side of the aisle are changing the subject to campaign finance reform. It is interesting today that DNC, the Democratic National Committee, begins airing soft money ads for AL GORE, but nonetheless we are still talking, as the majority party, about giving tax relief to families.

The premise was launched today about the rich getting a benefit under the bill. Well, let me tell my colleagues that the estates did not just materialize. The people who have created the businesses and the wealth in America paid excise taxes, paid property taxes, paid sales taxes, paid income taxes. And the wealthy that my colleagues are speaking of with such affection know how to avoid estate taxes. They buy high-dollar denomination insurance policies. But the small family business cannot afford them because they are paying ever larger taxes.

□ 1615

I understand there is a substitute being offered by the minority. And it is interesting, they have had 40 years to eliminate seniors earning test, they have had 40 years to do something about estate relief tax, they have had 40 years to change the Tax Code. But know we are here today to try to rectify what is an egregious violation of hard work and equity on the American taxpayer.

Let us remember, my colleagues, that small businesses grew through hard work, entrepreneuralism, and strength of families; and, lo and behold, when the person who created the business and prayed to God that all that hard work would some day benefit their children, in steps the Government, their new partner. They were not there to assist them through the growing formative years. But, lo and behold, they are here today to take out not only their fair share but an excessive share.

Then we hear the hew and the cry from the other side about the diminution of revenue to the States. Well, let us cry for that today. Because the families who work their entire life have their businesses decimated, destroyed, subdivided, and sold off in pieces at auction to pay the Government's need for revenue. They are addicted to cash in the States and the Federal Treasury. We should do something today for the American families.

I always learned growing up, my parents told me to work hard, strive for success, reach for excellence, build equity, make a life for yourself, be independent. Under the assumption today, we are passing a bill that furthers that independence and creates self-worth and dignity. Under their approach, let me take it out of their pocket. I do not care how hard they work. It is my money, and I will spend their money as I see fit.

My colleagues, let us focus on estate taxes. Let us focus on families. We will deal with 527 corporations. But let us not change the subject. Pull the ads on the air by the DNC, and then we will talk about 527s.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, we are going to debate and adopt some form of estate tax relief today, as we should, as was pointed out by the previous speaker. But we also have an obligation to deal with an immediate problem that has developed in our campaign finance reform system which, we have to admit, is rancid. And that immediate problem is a gaping loophole that has developed that is referred to as the section 527 committee, a committee that solicits funds that are intended to be used to influence the outcome of an election and there is absolutely no disclosure whatsoever.

As has been alluded to, this is not just a Republican problem. It has started off that way. I am terribly concerned the Democrats will succumb to the temptation to engage in this abuse. We need to stop that before it happens.

What is at stake here? What is at stake here is that, when people go out to vote in elections this fall, they have the right to know who is talking to them. People should put their names on their ads if they are attempting to influence the outcome of an election.

What is the only substantive argument against this? There are groups that have said that if their names have to go on some of the ads they want to run, they will not run those ads. If they are not willing to put their name on a message that they are sending to the voters, they should not have a right in this country to be engaging in anonymous political advertising.

We can put a stop to that today. We can repeal the gift law exemption. With respect to these 527 acts, we can do that. And we can do estate tax relief. Let us do the right thing. Let us defeat the rule, and let us bring it back at the right time, and let us stop this abuse before it gets worse.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I have got to comment on the fact that the Democrats seem to rather talk about campaign finance reform on this than relieving America from an insidious tax, an immoral tax, a tax on what they accumulated through their lifetime and want to pass on to their children. Next to the gift tax, it is the least moral tax. But they would rather talk about 527 organizations that are used in campaigns.

Their indignation, while seeming real, seems also very selective. Where were they when the peace action 527 was hammering Republicans? Ben and Jerry's has a 527 trying to cut the Pentagon budget. I did not hear them talk about them. The AFL/CIO has been using them for years, and the Sierra Club spent millions on issue ads in 1996 through their 527. I did not hear anybody up here hollering about them.

But guess what? The Republicans copied their practice, formed a 527, and all of a sudden it is a threat to democracy. It is a threat to democracy.

This indignation is too selective to be seen as real. Let us pass this rule and move on with doing the right thing for the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am rising in strong opposition to the rule, primarily because it has denied the gentleman from Texas (Mr. STENHOLM) the opportunity to offer an amendment that I believe was meant to protect Social Security, Medicare, and debt reduction. In fact, this was the same amendment that was offered on the CARIB bill that was just for $3 billion on May 10.

Now, we could accept it on that one. Today we are looking at a bill that is going to cost us $50 billion and for about 45,000 people.

Mr. SUNUNU. Mr. Speaker, will the gentlewoman yield?

Mrs. THURMAN. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Speaker, I ask the gentlewoman, how did she vote on the Shadegg amendment?

Mrs. THURMAN. Mr. Speaker, reclaiming my time, I voted "yes."

And I am certainly glad the gentleman did point that out because, yes, I did. And then, of course, we revoted that vote, with every Democrat and Republican on this floor except for three voting to protect Medicare and Social Security. And if the gentleman remembers, that was $3 billion.

Today they want to spend $50 billion. So today we are going to spend $50 billion, and we are not going to be given the same opportunity to offer this amendment again.

The amendment basically says, and I will read it directly from the CONGRESSIONAL RECORD.

By the gentleman from Arizona (Mr. SHADEGG):

"Mr. Chairman, I yield myself 5 minutes.

"The American people have spoken. They agree that conservation funding is important. I commend the sponsors of this bill on that point. But there is a very important condition. They do not agree that we should raid the Social Security Trust Fund. They have made that position extremely clear last year and the year before. They want 100 percent of the surplus set aside. They also want to know that Medicare is funded and solvent. They have made that very clear. They want to know that it is there for their health care as seniors. And they want to know that the public debt will be paid off by the deadline of 2013."

Why can we not have this amendment? I do not understand that. I think we should vote against this rule and allow the gentleman from Texas (Mr. STENHOLM) to have his day.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I almost have to say that demagoguery is a serious ailment, an illness, to a democratic form of government. It is unfortunate that we cannot have serious dialogue and debate about the issue that we have. This is about a rule on the repeal of the death tax. It is not about campaign finance reform.

I served here under the minority in the 39th and 40th year of Democrat rule when this House was a sea of red ink, the debt exploding, deficits as far as the eye could see. Now they are trying to claim that they are the protectorates of the treasury, that they somehow are the protectorates of Social Security when they took the Social Security Trust Fund monies to grow Government? That is absurd.

What we have here today is to repeal the death tax. This is long overdue. This tax hits individuals who have worked hard all their lives, who have worked and saved in their efforts to fulfill the American dream.

My constituent from Marion, Indiana, wrote to me about her parents: "My parents were frugal and saved any large sum of money they ever got their hands on. My mother taught school. My father was a master pattern maker. They will were products of the Depression. They purchased land in Arkansas. And now their estate looks to total over $1 million. Now this estate is forced with a 39-percent estate tax. What a disgrace. Surely we do not have to take from those of whom were frugal, made sure that they paid their way; and are now dead."

This tax hits the small business owner and the family farmer the hardest. These are the individuals who sacrifice, who invest their time and money in the family business and their farm, and they want to leave this world comforted with the knowledge that their children and grandchildren can also continue their labor and hard work.

The death tax collects for the Federal Government merely 1 percent of the revenues. Do my colleagues realize that if we cleaned up the fraud on the earned income tax credit we could more than offset this tax?

Yet compliance costs are nearly as much as the revenue collected. And the time a small business owner or farmer spends to plan for the inevitable coming of death, is time and energy and money that is not spent on growing the business. A dollar that goes to the accountant or lawyer is a dollar that does not go to new equipment or expansion.

This is a tax on the very behavior the government should be encouraging . . . Hard Work.

Only one-third of family-owned businesses survive into the next generation. All too often a family business or farm has to be liquidated so the heirs can pay the death tax. When a family has to sell the family farm to pay taxes, it can mean that open space, fields and forests, are lost to development. There is an indirect adverse impact to our environment from this tax.

The death tax is unnecessary, unfair and against the virtue of hard work. It is wrong to confiscate the savings of people who work hard all their lives.

I urge the adoption of the rule and support the repeal of the death tax.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I hope during the course of this debate someone will explain to me how a Nation that is $5.7 trillion in debt; a Nation that squanders $1 billion a day in interest on that debt; a Congress that during their lifetimes saw the debt rise by $4.7 trillion; a Congress that is delaying the pay of the troops in the military from September 29 to October 1 in a budget game to move that $2.5 billion expense to the next fiscal year, no big deal for a Congressman, big deal for an E2 or an E3 when they do not have money for diapers or formula that weekend; a Congress that will not vote on the Shows bill to help our Nation's veterans and military retirees because they say we do not have the $5 billion, but this same Congress is now saying we are going to ignore the fact that we owe the Social Security Trust Fund $800 billion, we are going to ignore the $1 billion a day we are paying in interest on that debt, and we are going to give the wealthiest two percent of all Americans a tax break.

If they earn $650,000, they pay taxes on it. But they can inherit $650,000 and pay nothing. That is the present law. So we are really talking about things above that. And if it happens to be a couple, then it is $1.3 million.

Yes, there are some farmers who are the unfortunate victims of the inflation value of their acreage. Yes, there are some small business owners. Let us gear this bill to take care of them instead of helping the folks who have the most, who, in all probability, benefit when we borrow money because they sell us the T bills, and they are already getting the interest on that debt and all we are going to do is pass this generation's bills on to our children.

I will not do that as an individual. I will not do that as a Congressman.

Mr. REYNOLDS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in strong support of H.R. 8, the Death Tax Elimination Act of 2000. I urge my colleagues to lend this bill their full support.

The estate tax is an outmoded policy that has long outlived its usefulness. Alternatively known as the death tax, this tax was instituted back in the early 1900s, about 1960, to prevent too much wealth from congregating from the wealthy capitalist families in early 20th century America.

Regrettably, the law failed in its original purpose, as the truly wealthy are always able to shelter their income with the help of tax attorneys that the middle class cannot afford.

In recent years, the estate has tax has been responsible for the death of 85 percent of America's small businesses by the third generation. Furthermore, countless number of farms have had to be sold in order to pay an outrageously high estate tax ranging as high as 55 percent of the farm's assessed value.

By forcing the sale of such farmland to outside buyers, often commercial developers, the estate tax has been a large contributor to suburban sprawl and unchecked growth in my congressional district in southern New York State.

The most indefensible point about the estate tax, however, is the cost associated with enforcing and collecting it. Recent estimates have placed the cost of collecting at 65 cents out of every dollar taken in.

Given this excessive cost, as well as the fact that the assets taxed under the estate tax have often already been taxed several times, it makes no sense for us to continue this nonsensical practice. Family-owned small businesses certainly will do better without the taxes, as would family farms that still operate from generation to generation.

Accordingly, I urge my colleagues to join in supporting this worthy legislation.

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Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM), the cosponsor of the amendment.

Mr. STENHOLM. Mr. Speaker, let me first say what I am for and what I will vote for tomorrow, and that is eliminating the death tax on every estate of $4 million and less. I could be persuaded in the kind of debate that I would hope we would have to repeal the entire death tax if it was done in the context of total tax reform. But in the context of which we will discuss it today and tomorrow and in this rule, I oppose strongly this rule because it prevents the gentleman from California (Mr. SHERMAN) and I from offering an amendment to ensure that the estate tax repeal does not threaten Social Security and undermine the fiscal discipline that has produced our strong economy.

During the debate on the Conservation and Reinvestment Act, I joined with the gentleman from Arizona (Mr. SHADEGG) to offer an amendment that made the new spending for conservation programs contingent upon certification that we were on a path to eliminate the debt by 2013 and protecting the integrity of the Social Security and Medicare funds. The gentleman from California (Mr. SHERMAN) and I submitted an amendment applying this principle to phase-in of the estate tax repeal in H.R. 8. Our amendment is a very straightforward proposal which would simply require that this tax cut fit within the context of a fiscally responsible budget and maintain our commitment to eliminating the publicly held debt as quickly as possible.

Since the Shadegg amendment passed with strong bipartisan support, I would have hoped that my friends on the other side of the aisle who supported this principle when it applied to spending would support our effort to provide the same safeguards for tax cuts consuming the projected surplus.

Mr. Speaker, not only did I vote with the gentleman from New Hampshire (Mr. SUNUNU) and others, I enthusiastically supported them, and I will be very disappointed if not any of them today support a similar type of an amendment.

I do not understand how we can have this rhetoric going back and forth between the sides blaming us on this side when some of us are asking consistency and when most of us who are concerned about paying down the debt and protecting Social Security on both sides of the aisle agree that an H.R. 8 that is backend loaded that will provide a $50 billion hole in the budget in 2010 is not the kind of fiscal responsibility that we stand up and talk about day after day. I do not understand how we can have such a dual purpose. When we can have bipartisan support for the Shadegg amendment but when we offer the same amendment or we ask under the rule to be allowed to have the same amendment voted on, you say no.

Mr. Speaker, I would yield any time to anyone on this side of the aisle right now to explain to me why they would not allow a simple up-and-down vote to say yes, we will have this repeal of the death tax if it does not materially affect the survival of Social Security beginning in 2010. I will be happy to yield to any Member right now to give me a reason why they would not allow the gentleman from California (Mr. SHERMAN) and I to offer this same amendment on this bill.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Speaker, there is a lot of rhetoric on the floor here today, but this is an important and a substantive issue. I believe firmly it is not a question about rich and poor, it is really a question of right and wrong. It is a question of fundamental fairness. Is it right to tax an estate, a family, simply because the owner of that estate happens to pass away? Is it right to take up to half of what that family owns?

My colleagues here today are talking about their interest in protecting a small business. What does that really mean? Let us take a closer look. That means if your estate, your home, your business, your farm is only worth $650,000 or $1 million, and you die, well, they agree that should not be taxed. But if you are successful, if you are too successful in their eyes, and your business or farm is worth $5 million or $10 million or $20 million, then the Federal Government should be able to take half, 55 percent of everything you own. The Federal Government is given a presumptive claim to all of it. Is that right? Never. It is wrong if your estate is worth $50,000, it is wrong if your estate is worth $50 million. It is wrong if you are Bill Gates and your estate is worth $50 billion for the Federal Government to step in and say we get 55 percent of everything you have.

I think that cuts to the core of what this debate is all about. It is morally wrong to have written into the Tax Code that kind of power to confiscate any individual's property, rich, poor, farmer, small businessman, individual, or family.

I ask my colleagues to support the entire elimination of the death tax here on the floor tomorrow, not because of dollars and cents but because of right and wrong.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. I thank the gentleman for yielding me this time.

Mr. Speaker, the Joint Tax Committee estimates that only 2 percent of all estates will pay estate taxes. Only 3 percent of that 2 percent are estates where family-owned businesses and farms make up more than half the value of the estate. To put this in further perspective, in 1998, the Department of Treasury estimates that only 776 family businesses and 642 family farms were subject to the estate tax. As a small businessperson, I am very much aware of the burden under which many entrepreneurs and working families must operate.

My family has a family business, and I understand the concerns of those who want to pass their business on to the next generation. We have passed legislation in this Chamber which has exempted 98 percent of the family-owned family businesses and family farms. Still we are going to do more, and I support doing more. The plan that is before us today even in the 10-year period is $50 billion a year, but really what we are talking about is over $500 billion from 2011 to 2020, $500 billion when the baby boomers are coming of age for Social Security, for Medicare, and Medicaid and talking about a prescription drug program.

I think that the lockbox that everybody promoted earlier and all of us have supported, the lockbox will be empty when it is opened up and it is already going to be taken out for less than 2 percent of the estates in the entire country who are going to have those resources available to them. The substitute plan which we are supporting which is a common sense approach to continuing to reduce the burden on family businesses and family farms is a 20 percent reduction across the board in raising the level, further reinforcing tax relief for these families and to make sure that they have an opportunity to pass it on from one generation to the next.

It is something that is very important to me. We have reached across the aisle and tried to work bipartisanly, but the plan that the majority is supporting is going to break the bank and not going to leave any resources for any relief for any Americans.

I think one thing that I hear from my business friends which I would like to bring up here today is that if we could work on reducing the interest rates and reducing the debt and deficit, that there would be a lot more economic activity and a lot more purchases of homes, lower student loan interest rates, lower car loans and increasing economic activity throughout America. That is what we ought to be doing, is looking to reducing the debt and the deficit and not squandering it for a very few families who are very, very wealthy and taking up all of what is left for Social Security, Medicare, and a prescription drug program.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, let us remind ourselves how we got here. When, in 1993, I introduced the first bill in the history of the income tax to repeal the death tax, we had just a few sponsors. By the 106th Congress, I had over 200 sponsors on my legislation to repeal the death tax. And last year the House and the Senate agreed on legislation that we sent to President Clinton to completely repeal the death tax. In September 1999, Bill Clinton vetoed death tax relief.

Now we are back here to do it again for one simple reason. The gathering momentum behind repeal of the death tax is a result of the increasing realization of where the burden of this tax falls. It does not fall on the dead rich person. That is the one person who does not care. It does not even fall on the wealthy people in the family of the rich person. They might have to pay 55 percent or 60 percent because of a 5 percent surtax that kicks in, but the real burden of this falls on the low-wage worker who pays a tax rate of 100 percent when he or she loses a job because that medium-sized business or small business that is not publicly owned has to be liquidated in whole or in part to pay the tax man.

That is why when in California we put this to an initiative of the people, even though the Los Angeles Times repeatedly said it is a tax break for the rich, almost two-thirds of voters agreed we should completely repeal California's death tax. Larry Summers, now the Secretary of the Treasury, when he was an economist at Harvard just a few years ago told us that we probably lose money on this tax, that we may not even make a penny even though it seems to raise 1 percent of our revenues because of all the tax avoidance schemes that people use to not pay it, such as lifetime gifts. That takes away from income tax they pay this year.

It is time for the death tax to die. I am thrilled we are bringing it to the floor again. Let us send it to the President again and this time ask him not to veto it, Mr. President, but to sign it.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the rule and also in opposition to the majority estate tax repeal bill that will be debated on the floor here tomorrow and in support of the Democratic substitute. I do not understand why the rule did not make in order the Stenholm amendment which merely demands some accountability to ensure that a $500 billion 10-year tax cut that is going to benefit the wealthiest 2 percent individuals in our country does not jeopardize our chances for meaningful national debt reduction and the long-term solvency of the Social Security program. It is something that was demanded during the CARA bill just a couple of weeks ago when it came to conservation and environmental programs that will benefit the entire Nation and it should apply as equally well to a large tax cut bill which is going to be a boom to the wealthiest Americans in this Nation. The Democratic substitute on the other hand, will take care of the family farmers and small business owners but in a fiscally responsible manner.

I want to, however, take a few moments to also speak about the latest scourge in the campaign finance system and that is the creation of the 527 corporations that we are seeing in modern American politics. These are the unregulated, unlimited, unaccountable corporations that are being formed for the sole purpose of influencing the outcome of campaigns.

They are unaccountable in the fact that no one knows where these large contributions are coming from. In fact, they could be coming from foreign sources and it would be legal for foreign contributors make contributions to the 527s in order to influence the American political process. And that is wrong and it should be changed. For too long in this Chamber, the opponents of finance reform have always claimed that the only thing we need to demand is more disclosure in the system.

The Moore-Doggett bill does exactly that. All it requires is accountability through disclosure to apply to 527s so we have an idea of where all this money is coming from. It is an outrage what is going on. It is unacceptable. If we are to live up to the words and the rhetoric that has been permeating these halls for too long, we should at least take this very sensible and practical approach. If we cannot pass comprehensive finance reform or even incremental reform with Shays-Meehan or the McCain-Feingold bill in the Senate, let us at least do the right thing and demand disclosure in the 527s.

Mr. REYNOLDS. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to say that it is amazing to me that so much of the debate against this bill has been about campaign finance. I am for the rule, I am for the bill. If I was on the other side of it, I might be trying to talk about something else as well. Two weeks ago, we repealed a tax that we had put on the books in 1898 to fight the Spanish American War. This tax was put on the books in 1916 to fight World War I. It is time to get rid of these 100-year-old special purpose taxes and even the 86-year-old special purpose taxes. People do not have anything at their death that they have not paid taxes on many times. Death should not be a taxable event. You should not have to see the IRS agent and the undertaker the same week or you should not have to see the IRS agent because you saw the undertaker.

We need to eliminate this tax. We can do this. The American people know it is unfair. Let me make one final point. In terms of spending like we were talking about in the CARA bill and so often the gentleman from Texas

(Mr. STENHOLM) and I are on the same side, we are talking about spending on Federal land or for more Federal land. If a family budget goes in the red, they cut their spending. They do not get a new source of income. There is nothing wrong with cutting taxes and giving the American family the tax break they need. If we have a shortfall, we ought to find that shortfall in spending just like we said on the CARA bill we were prepared to do.

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Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, the problem with the underlying bill that repeals the estate tax is that it is backloaded. It provides the relief in the outyears and explodes in costs and is fiscally irresponsible. The substitute provides relief now and does it in a fiscally responsible way.

Let me just give my colleagues one example. Under current law, if one has a net estate of $1 million, one pays $125,000 in estate tax. Under the underlying bill, if one dies in 2001, it will be reduced to $93,000. Under the Democratic substitute, one would pay zero estate taxes in 2001. If one's estate is $1.5 million under current law one would pay $335,000 in taxes. Under the underlying bill, the repeal bill, one would still pay $277,000, a 17 percent reduction. But under the Democratic substitute, one would only pay $135,000, or a 60 percent reduction.

The problem is that we are trying to deal with family-owned businesses and family farms, which represents 3 percent of the 2 percent of the estates that are subject to the estate tax, .06 percent of the estates. We spend a lot of money to do it. The substitute deals with it directly by raising that to $4 million before it is subject to estate tax.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, thanks to this full, wholesome, and hard-hitting debate, one might conclude that this is a partisan issue when, in fact, it is very bipartisan. There are 46 Democrats who have joined with the gentlewoman from Washington (Ms. DUNN) as cosponsors of this very important legislation.

As has been pointed out several times, death should, in fact, not trigger a tax; and it is very, very unfortunate that there are many people who, upon facing death, family members have to, along with visiting the undertaker, visit the IRS agent, visit the tax lawyer, visit their accountant, and that is wrong. We want to end that.

There are many people here who have been arguing that this is somehow going to create a drain on the flow of revenues to the Federal Treasury. That is clearly wrong. Empirical evidence has shown that if we would have repealed the death tax back in 1971, by 1991, the gross domestic product growth would have been 1 percentage point higher, obviously generating an increase in the flow of revenues to the Federal Treasury.

As we look at a study that recently came out, it showed that 75 percent of successful businesses failed after the death of the owner, and lack of capital has been the reason that 70 percent of those businesses reported that they failed and obviously, the death tax, which has created real uncertainty and great problems and a drain, have played a role in jeopardizing economic growth.

So it seems to me that we have a very important obligation to realize that this is the responsible thing to do; the American people want us to do this. Double taxation is wrong, and this is a first step towards repealing that. This is a fair rule. We have turned ourselves inside out to make sure that we provided for a substitute that is going to be offered by the ranking minority member of the Committee on Ways and Means, and we also suspect that there may be a motion to recommit. It is a tax bill. We do not open up the Tax Code. The Democrats never did it, we are not doing that, and yet we have provided 2 bites at the apple for Members of the minority; so it is a very fair measure, and I urge my colleagues to support the rule and to support the bill itself.

Mr. MOAKLEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, the gentleman from California and the other Republican members of the Committee on Rules have now joined their Republican colleagues on the Committee on Ways and Means, who have twice voted, on a strictly partisan basis, to ensure that this House does nothing to clean up the mess in our political system.

My amendment that they rejected is to the gift tax, a critical part of this estate and gift tax bill. I believe that it is time for taxpayers to stop subsidizing those, who make unlimited, secret contributions to section 527 political organizations.

What is a 527? Not some new kind of aircraft. A 527 political organization, quite simply, is a political hit squad. It relies on contributors who are hidden: they can be foreign, they can be Iraqi, Cuban, Chinese, whatever, or just home-grown special interest corporate treasury money. Its operations are secret, and its mission is character assassination. These are the groups that pollute the airwaves and fill our mailboxes with hate ads attacking one side or the other.

Last week, before we recessed for Memorial Day, 201 Democrats and 6 Republicans stood on this floor and said, enough of that nonsense. They voted to clean up this mess, and at least get disclosure, nonpartisan disclosure. This amendment applies to everyone, regardless of political philosophy or association or allies, to see that all of them meet the simple, narrow requirement of merely answering: "who gave you the money" and "what did you spend it on."

Today, as we speak on this floor, on the other side of this Capitol, Republican Senators are rising to say they cannot do anything about cleaning up 527 political organizations because it is a tax measure, the very reason I offer the amendment here, and that the House must act first. So we have on one side, the Republican leadership saying the House must act first, while the House leadership hammers into submission the members of its caucus to keep them from doing what they know is right. Our Republican colleagues know that their leadership, and some have said this, they know their leadership's position is absolutely indefensible, that one cannot defend relying on secret, hidden money to produce these hate ads, and yet that is what the leadership insists that they do.

Those who say that the Republicans, as some reports have suggested, now have a proposal to deal with this problem are wrong. They do not have a bill, they do not have a hearing, they do not have a proposal for which they will even provide an outline. All that they are doing is trying to provide their caucus some cover, because they also do not have any good excuse for not resolving this problem. As Senator JOHN MCCAIN has said, this is "the latest manifestation of corruption in American politics," and we can do something about it with this bill.

Tomorrow, there is going to be a moment of truth, a motion to recommit and an opportunity to vote up or down to stand and show whether we are in favor of more deceit, of more character assassinations on the television airwaves paid for with hidden money, or whether we are in favor of cleaning up this corruption of the American political system.

The Washington Post said it best today in its editorial, "In Love With the Dark": "It is hard to believe that a majority of the House, including the leadership, cannot be shamed into voting at least for sunlight. Why would they prefer the dark?"

Mr. Speaker, I would challenge my Republican colleagues to answer that question.

Mr. REYNOLDS. Mr. Speaker, I have enjoyed the special orders during the rule that we are now debating.

I yield 1½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I say to the gentleman, I would be pleased to set the record straight on his comments. The gentleman has raised a very substantial, interesting, and I think important issue in his proposal to require disclosure by 527 groups, and I believe the gentleman is aware that the Subcommittee on Oversight and Investigation of the Committee on Ways and Means is, as we speak—and has been back only 2 days since this was discussed at the Committee on Ways and Means full committee meeting—is preparing a proposal that goes beyond the gentleman's proposal in a very important way. It goes beyond the gentleman's proposal by treating all tax-exempt entities that are allowed under the law to engage in political activity the same way.

I agree with the gentleman's proposal. I just do not believe that it is evenhanded tax law, because it does not treat in an evenhanded, equitable, fair way all entities that are tax-subsidized, that is, citizen-subsidized, but allowed to engage in political activity the same way.

So we are going to do a very good job on this, in my estimation. Sunshine is important. Entities that engage in political activity with taxpayer subsidies should be required, in my estimation, to report their contributors and their expenditures; and I believe that we will have the opportunity in committee and on this floor, to pass legislation that builds on the gentleman's proposal, and does what is necessary, and that is, treats 501(c)(3)s, 4s and 5s and 6s the same way.

So I urge support for the rule and opposition to the previous question motion.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if the previous question is defeated, I will offer an amendment to the rule. My amendment will make in order the Sherman-Stenholm fiscal responsibility amendment. The fiscal responsibility amendment requires that the estate tax relief will not take effect until, one, the OMB certifies that the public debt will be retired by the year 2013; and, two, that the trustees certify that plans are in place to keep solvent the Social Security and the Medicare trust funds. Mr. Speaker, I urge a "no" vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of my amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. MCHUGH). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from New York for yielding, and I thank the gentlewoman from Washington (Ms. DUNN) for bringing this bill to the floor, and I support the rule.

The story of Alvin Conklin and his idea of opening up a small lumber shop on Staten Island represents one man's hope of securing the American dream for himself and his family. Established in 1888, Farrell Lumber remains a family-owned and family-operated business in its truest sense. For 112 years, Alvin Conklin and then Harry Farrell and his wife, and today, their children, Bob and Don, and grandchildren all helped make Farrell Lumber a thriving small business with an impeccable reputation for quality and service. They are a proud member of the Staten Island community.

However, the estate tax threatens their small business much like it threatens so many small businesses in America today. For the Farrells, the estate tax could potentially confiscate the valuable family business and, worse, strip the Farrells of their dream to pass it on to their children and grandchildren. It is evident that the death tax discourages savings and investment and entrepreneurship and punishes families like the Farrells who work 7 days a week, 15-hour days to grow and expand their business.

Repealing the estate tax would ensure economic fairness for all Americans, while encouraging expanded growth and prosperity for our country as a whole. Let us not forget the 35 people who work for the Farrells. Those are the guys who load the truck with lumber, who drop it off at your house, or the lady who helps you select a door. If the Farrells are forced to close their doors, those 35 people will be out of work.

There is a story like that across America. Let us end it and make it a good one for the Farrells.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

The death tax stifles growth, discourages savings, stymies job creation, drains resources, and ruins family businesses and farms. It is time we phase out this unfair tax and allow the American dream to be passed on to our children and future generations.

Mr. MOAKLEY. Mr. Speaker, I include for the RECORD the material previously referred to.

PREVIOUS QUESTION VOTE TO MAKE IN ORDER THE SHERMAN-STENHOLM FISCAL RESPONSIBILITY AMENDMENT

On page 2, line 13, strike "and" the second place it occurs and after "(3)" insert the following:

"The further amendment printed in section 2 of this resolution, which may be offered only by Representative Sherman of California or Representative Stenholm of Texas, or their designee, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and by an opponent; and (4)"

At the end of the resolution, add the following:

"Section 2. Amendment to be Offered by Representative Sherman of California or Representative Stenholm of Texas, or their designee:

At the end of the bill (page ___, after line ___), add the following new title:

TITLE VI—ENSURING DEBT RETIREMENT AND INTEGRITY OF THE SOCIAL SECURITY AND MEDICARE TRUST FUND SURPLUSES

SEC. 601. ENSURING DEBT RETIREMENT AND INTEGRITY OF THE SOCIAL SECURITY AND MEDICARE TRUST FUND SURPLUSES.

(a) IN GENERAL.—Notwithstanding any other provision of this Act or of an amendment made by this Act, a reduction in the rate of tax (including the repeal thereof) under section 2001(c), and an increase in the exemption amount under section 2001(b), of the Internal Revenue Code of 1986 which is scheduled to take effect in a calendar year shall not take effect unless the certifications specified by subsection (b) for the fiscal year in which such calendar year begins are made before the beginning of such fiscal year.

(b) CERTIFICATIONS SPECIFIED.—The certifications specified in this subsection are the following:

(1) The Director of Office of Management and Budget has certified that a law has been enacted which—

(A) ensures that a sufficient portion of the on-budget surplus is reserved for debt retirement to put the Government on a path to eliminate the publicly held debt by fiscal year 2013 under current economic and technical projections, and

(B) ensures that, under current economic and technical projections, the unified budget surplus for the fiscal year in which such calendar year begins shall not be less than the surplus of the Federal Old-Age and Survivors Insurance Trust Fund and Federal Hospital Insurance Trust Fund for such fiscal year.

(2) The Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund has certified either—

(A) that outlays from such trust funds are not anticipated to exceed the revenues to such trust funds during such fiscal year and any of the next 5 fiscal years, or

(B) that legislation has been enacted extending the solvency of such trust funds for 75 years.

(3) The Board of Trustees of the Federal Hospital Insurance Trust Fund has certified either—

(A) that the outlays from such trust fund are not anticipated to exceed the revenues to such trust fund during such fiscal year and any of the next 5 fiscal years, or

(B) that legislation has been enacted extending the solvency of such trust fund for 25 years.

(c) CONTINUATION OF PRIOR RATE OF TAX.—If a reduction in the rate of tax (including the repeal thereof), or an increase in the exemption amount, under section 2001 of such Code does not take effect for a calendar year by reason of subsection (a), the rate of tax and exemption amount under such section in effect immediately before the beginning of such calendar year shall continue in effect.

Mr. RAMSTAD. Mr. Speaker, I rise as a cosponsor and strong supporter of the measure before us to eliminate the unfair Death Tax.

The Death Tax destroys a fundamental American dream—being able to pass on the success we have earned to our children. Currently, more than 70 percent of family businesses do not survive to the second generation, and 87 percent do not make it to the third. My own family worked to build a family-owned car dealership, and we felt the punitive blow of the Death Tax.

How can we continue to impose a tax that forces the sale of family businesses and throws Americans out of work? How can we continue to tax the very values we should be encouraging—work and saving for our families?

Mr. Speaker, the American people understand that this tax is unfair and should be eliminated. The Death Tax forces families to expend resources on burdensome estate planning.

Small businesses understand that it forces them to cut back operations, sell income-producing assets, lay off workers and sometimes liquidate the business.

Conservation groups understand that the Death Tax damages the environment by forcing families to sell land to developers to pay the onerous tax.

Mr. Speaker, the Death Tax deserves to die. This bill will kill the anti-family, anti-job and anti-environmental tax, and I urge my colleagues to support it.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 225, nays 199, not voting 10, as follows:

[Roll No. 248]

YEAS—225

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—10

Clay
Danner
Greenwood
Houghton
Istook
Klink
Markey
Smith (MI)
Vento
Watkins

□ 1718

Messrs. HALL of Texas, DICKS, ROTHMAN, BLAGOJEVICH, SANDLIN and FORD and Ms. KAPTUR changed their vote from "yea" to "nay."

Mr. GILLMOR and Mr. LAZIO changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McHUGH). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 180, not voting 12, as follows:

[Roll No. 249]

AYES—242

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham

Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOES—180

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Slaughter
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—12

Clay
Danner
Green (WI)
Greenwood
Houghton
Istook
Klink
Markey
Smith (MI)
Stark
Vento
Watkins

□ 1730

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GREEN of Wisconsin. Mr. Speaker, on rollcall No. 249, had I been present, I would have voted "aye."

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mr. MCHUGH). Pursuant to House Resolution 518 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4577.

□ 1735

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Illinois (Mr. JACKSON) had been disposed of and the bill was open for amendment from page 2, line 3 to page 3, line 4.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding to me. Mr. Chairman, I rise to ask the gentleman from Illinois (Chairman PORTER) if he would yield to me for the purpose of engaging in a brief colloquy.

Mr. PORTER. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Chairman, on April 12, 2000, I testified in the subcommittee chaired by the gentleman from Illinois (Mr. PORTER) with a group representing the bipartisan Congressional Women's Caucus about a problem that affects women slightly more than men but has become a major national health problem across the entire population for children and for men and women of every age group and background.

Alarming increases in overweight and obesity increasingly have become a major American health problem. More than 50 percent of Americans are overweight or obese.

Surgeon General David Satcher says that overweight and obesity are major contributors to many preventable diseases and causes of death, including cardiovascular diseases, stroke, high blood pressure, high cholesterol, Type II diabetes, arthritis, gallbladder disease, asthma, and some cancers, including breast, endometrial, prostate, and colon cancers. The incidence of overweight and obesity is the worst in our history.

Obesity trends are particularly serious among the youngest Americans. Almost 25 percent of young people ages 6 to 17 are overweight, and the percentage who are seriously overweight has doubled in the last 30 years. The responsibility of lifestyle for this troubling trend, especially fast food and lack of exercise, is very clear.

I want to thank the gentleman from Illinois (Chairman PORTER) for including $125 million in this Labor, HHS appropriations bill that will allow the Centers for Disease Control to begin a more aggressive national effort against overweight and obesity.

I want to especially thank the gentleman from Illinois (Chairman PORTER) for his support of the bill I introduced, the Lifelong Improvements in Food and Exercise Act, building on the work his subcommittee has already done in making grants to the CDC. I am also pleased that the CDC supports my bill.

As the gentleman knows, Mr. Chairman, the LIFE bill authorizes the CDC to address overweight, obesity, and sedentary lifestyles in three ways: by training health professionals to recognize the signs of obesity and to recommend prevention activities and several other ways.

Would the gentleman from Illinois (Chairman PORTER) agree that some of the $125 million in this Labor HHS bill be spent on the activities specified in the LIFE legislation?

Mr. PORTER. Mr. Chairman, I am pleased to support the LIFE bill, and I believe that the goals of the national campaign to change children's health behaviors will address the initiatives in the LIFE legislation.

Ms. NORTON. Mr. Chairman, if the gentleman will further yield, toward that end, will the gentleman join me in requesting the gentleman from Virginia (Chairman BLILEY) and the gentleman from Michigan (Mr. DINGELL), ranking member of the authorizing committee of jurisdiction, the House Committee on Commerce, to support inclusion of the LIFE bill in the conference agreement on this bill?

Mr. PORTER. Mr. Chairman, I would be happy to do so.

Ms. NORTON. Mr. Chairman, I want to thank the gentleman from Illinois (Chairman PORTER) for his support and for the leadership on this vital health issue he has shown throughout his career here in the House.

The CHAIRMAN. Are there further amendments to this portion of the bill?

AMENDMENT NO. 6 OFFERED BY MR. BASS

Mr. BASS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. BASS:

Page 2, line 13, after the dollar amount, insert the following: "(reduced by $42,000,000)".

Page 2, line 14, after the dollar amount, insert the following: "(reduced by $42,000,000)".

Page 20, line 11, after the first dollar amount, insert the following: "(reduced by $134,000,000)".

Page 22, line 7, after the dollar amount, insert the following: "(reduced by $10,000,000)".

Page 24, line 7, after the first dollar amount, insert the following: "(reduced by $130,000,000)".

Page 31, line 23, after the dollar amount, insert the following: "(reduced by $75,000,000)".

Page 51, line 21, after each dollar amount, insert the following: "(reduced by $78,000,000)".

Page 52, line 12, after each dollar amount, insert the following: "(reduced by $480,000,000)".

Page 52, line 18, after the dollar amount, insert the following: "(reduced by $450,000,000)".

Page 53, line 5, after the dollar amount, insert the following: "(reduced by $30,000,000)".

Page 53, line 17, after the first dollar amount, insert the following: "(increased by $1,011,000,000)".

Page 53, line 17, after the second dollar amount, insert the following: "(increased by $1,001,000,000)".

Page 53, line 20, after the dollar amount, insert the following: "(increased by $10,000,000)".

Page 55, line 2, after the dollar amount, insert the following: "(reduced by $3,000,000)".

Page 55, line 10, after the first dollar amount, insert the following: "(reduced by $22,000,000)".

Page 55, line 11, after the dollar amount, insert the following: "(reduced by $22,000,000)".

Page 58, line 3, after the dollar amount, insert the following: "(reduced by $7,000,000)".

Mr. BASS. Mr. Chairman, I would like to start by thanking the gentleman from Illinois (Mr. PORTER), chairman of the subcommittee, for his attention and his patience and, frankly, his extraordinary wisdom concerning the issues that all of us are concerned about here, most notably with this amendment, the issue of special education IDEA funding.

Now, this is the first of two amendments I plan to offer during the course of debate on this appropriation. Now, the bill before my colleagues, as we have previously discussed, raises special ed funding by $500 million from $5 billion to $5.5 billion a year. This amendment that I offer here now will increase that funding further by $1 billion for a total increase of $1.5 billion in the next fiscal year.

Now, at a subsequent time later on this evening, I intend to offer another amendment that will increase special education funding by an additional $200 million. It is my understanding that the gentleman from Wisconsin, (Mr. RYAN) plans to offer another amendment that will further increase this program by an additional $300 million, bringing the total funding for special education up to $2 billion, which is the amount that we agreed to try to attain in the resolution that we passed a couple of weeks ago.

The net effect of this amendment will be to bring the total funding for special education up to $6.9 billion. This amendment increases funding for this critical program to $6.5 billion, which would be a 16.5 percent total of the total cost of the program.

Now, I am not going to spend more than 30 seconds reviewing the need for this important program. All of us in this body share the need to adequately address the issues of IDEA and education for those who are less fortunate than all of us here in this body this evening.

As one who has been committed to attaining as much funding for this program as possible, I would like to see full funding of special education, the full amount, $15 billion a year. But I also understand the limitations under which we operate in this body, and I want to support this appropriation; but I want to support it with the maximum amount of funding that I can possibly find for this important program.

Now, there are 14 other programs that my amendment targets for reallocation in order to increase funding for special education. Not one of these programs, not one of these programs that I ever targeted for reductions would be reduced below the spending level for the fiscal year we are in today.

□ 1745

Some of them would still have significant increases.

I want to see us reach our goal of full funding of special education. I am proud of the fact that since I have been in Congress we have increased special education funding from about $2.3 billion, and, hopefully, after this amendment passes, up to $6.5 billion, or 16.5 percent of the total amount we need to provide in this body.

I just want to urge my colleagues to join me in passing this amendment, understanding that these funds will free up money on the local level for other programs, for property tax relief, for classroom construction, for hiring of teachers. It is a good amendment, its time has come, and I urge the Congress to adopt it.

Mr. PORTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I know how strongly the gentleman from New Hampshire feels about the importance of the IDEA program, and I share those feelings. But in order to increase IDEA State grants by over $1 billion dollars, it would cut Job Corps $42 million, health professions $69 million, Ryan White $65 million, abstinence education $10 million, CDC by $130 million, SAMSHA by $60 million, mental health by $15 million, Impact Aid by $78 million, the Teacher Empowerment Act by $450 million, charter schools by $30 million, Indian education by $30 million, Gallaudet University by $3 million, vocational ed by $22 million, and Howard University by $7 million.

Now, Mr. Chairman, the reason these programs are funded above the budget request or above last year's level in the bill is that these programs are doing a good job of meeting the needs of people. We have increased funding for IDEA at a very, very fast rate. It has been a high priority for us. We have added $2.7 billion of new funding to IDEA during our tenure; and we have brought the additional per pupil percentage costs to serve disabled children up to 13 percent. It was at 9 percent in 1995. Other Federal funding brings it to 18 percent. We have put this particular account, IDEA, at a very, very high priority.

We have added a $500 million to the bill already. We would like to, and hope that in some time in the course of the process of considering this bill in conference with the Senate and in negotiation with the White House, we can add more. At this time, I think that the cuts that would be made in very important programs would be very severe and would not serve the interests of the persons served by those programs at all well. These are needed monies in every case.

For that reason, while I respect the gentleman's concern about IDEA, I believe that this amendment should not be adopted.

Mr. BASS. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from New Hampshire.

Mr. BASS. I respect the gentleman's concern about this, and I would only point out that we have time and time again in this body said that special education is, if not our very highest priority, it is certainly at the very top of the list. And I would only point out that at least five of these programs that the gentleman mentioned still have increases in them, and not one of them, not one of them is cut from the level of spending from last year.

I agree with the gentleman, it is not an easy job to propose an amendment like this, but I think special education is important enough to me that it deserves to be funded at a $2 billion increase.

Mr. GOODLING. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

As the leader of trying to get the Congress to put its money where its mouth has been for 20 years in the minority, and now 6 years in the majority, I have to rise to oppose this very effort for several reasons.

First of all, this takes money from the Teacher Empowerment Act. The whole purpose of the Teacher Empowerment Act is to get quality teachers in the classroom so that, as a matter of fact, we do not keep increasing the number of young people who get placed into a special needs class.

Charter schools. They are working, and they are working to make sure that we do not increase the number of children who end up in a special needs program.

Job Corps. Last chance for these young people. And let me tell my colleagues, if we do not succeed on that last chance, the cost of taking care of those people will even be far greater than the cost of meeting special needs.

Impact Aid. We take it from them one place and give it back to them in another. So I think this is positively the wrong way to go if we really want to reduce the number of special needs children.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I very much respect the gentleman from New Hampshire, and I respect his concern for special education. I have a special interest in special education which I have to confess. I have a nephew who is a Down syndrome child, and I know many other good friends who have children in need of the same kind of services. But there is a way to do something and a way not to do something.

This chart shows, as the gentleman indicated, that just 36 days ago this House promised that it was going to spend $7 billion on special education. This bill contains $5.5 billion for special education. We were trying to offer an amendment to add $1.5 billion to special education, not by cutting all of the programs that the gentleman from Illinois has just listed but by changing this equation.

We wanted the majority party to take 20 percent of the tax cuts which they are voting through this place this year, eliminate 20 percent of those tax cuts so that we could fully fund not only education for the handicapped but so that we could fully fund other education and health and worker training programs. We could have funded all of those amendments by simply scaling back the size of the tax cut by 20 percent. And before anybody has a heart attack, 73 percent of the benefits from those tax cuts are scheduled to go to the richest 1 percent of people in the country. The other 99 out of 100 are only scheduled to get 27 percent.

Now, that is a better way to finance this amendment than the way that the gentleman is proposing. A couple of hours ago, when the gentleman from Kansas (Mr. TIAHRT) was on the floor, he presented the House with a chart and he was bragging about how much the majority party has increased funding for the Job Corps. And I stood up and I said, hooray, Allah be praised, hallelujah, everything else I could think of, welcome to the club, because I remember fighting on this floor in 1981 when Ronald Reagan was trying to zero out the Job Corps. So I welcomed the gentleman and I welcomed the conversion of the majority party to support for Job Corps. This amendment, 3 hours later, would cut Job Corps by $42 million.

Job Corps has only a 50 percent success rate, but we are starting out in Job Corps with kids who have been losers 100 percent of the time. So a 50 percent rate of saving kids who otherwise are on a short route to nowhere is a whole lot better batting average than Babe Ruth ever had.

But this would cut Job Corps. It would cut nurses training. It would cut community health funding. That is where poor people go to get their health care because they often cannot go to a normal middle-class hospital and get that health care without begging. It would cut that back. It would cut back the abstinence aid that the gentleman from Oklahoma is so interested in. It would cut back public health funding in the Center for Disease Control. It would cut back funding to fight drug abuse. It would cut back Impact Aid. It would make a $450 million cut in the class size block grant.

The majority has asked us on this side of the aisle why we do not block grant this money instead of requiring that money be spent to reduce class sizes? And we have said because we have seen what happens when we block grant money. First, we block grant it, and then after it is put in one block, then it is cut; and you can escape the political attention that comes from having to cut the programs individually because they are all in one lump.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. So we have evidence right here in this amendment, Mr. Chairman, to verify our fears. We do not even yet have the block grant put into law and already this amendment is trying to cut it by $450 million.

Then it cuts Indian education. It even cuts $3 million out of Gallaudet, the school for the blind. And there are some other cuts.

So, Mr. Chairman, I would point out that even the people who are the beneficiaries of this amendment are asking that it not be passed. The Council for Exceptional Children, that is the group that lobbies for funding for special education is saying, "Do we want the money? Yes. But do we want it at the expense of cutting these other educational programs? No, we do not." PTA is saying the same thing. Our local school administrators are saying the same thing.

I do not blame the gentleman for offering this amendment, because he has a legitimate heartfelt concern. But what this amendment demonstrates is what we have been trying to say all year on this side of the aisle. It demonstrates there is simply not enough funding in this bill for education of all kinds and for health care and for job training. Sooner or later the majority will recognize that. Sooner or later it is going to have to change this equation so that we get a better deal for middle-class taxpayers; and, at the same time, sooner or later we will put back not only the money for special education but the additional money we need for Pell Grants, for Title I, and the list goes on and on.

It, unfortunately, is going to take longer than it ought. But, meanwhile, we should not complicate it by passing this amendment. So I regretfully urge its rejection.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to talk a little bit about broken promises. It was not Republicans in 1975 that said to the American people that we will move this legislation and within a few years we will give 40 percent of excess costs. We were not in the majority.

During that entire time, while that majority was here, we never got anywhere near the 40 percent. We never got above 6 percent. At least in the last 5 years we have gotten up to 13 percent.

So do not tell me about broken promises. They were made from the other side of the aisle and they were made back in 1975, and nothing was done when they had a 2-to-1 majority in this Congress of the United States.

□ 1800

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I sympathize with the gentleman that is offering the amendment. I was chairman of the Subcommittee on Authorization when this bill came through for the first time on IDEA. If my colleagues have ever had a tangle where they put parent groups and school groups together, it is like putting a Persian and a Siamese cat together. It is a very difficult and it is a very complicated bill.

I rise in opposition to the amendment of the gentleman. And I was the IDEA man of the year that year for pushing the bill through. And then later we had a colleague take over that position when I came to Appropriations.

But if the gentlemen on both sides really want to help, and I think they do legitimately, Alan Bersin is the superintendent of San Diego City Schools. He was the appointee of President Clinton on the border. He did a pretty good job, and now he is a superintendent. His number one problem is IDEA in the schools.

Why? Not so much the funding, but we are losing good teachers that want to help special-needs children. They are being forced into the courts by liberal trial lawyers that form cottage organizations and go to these parent groups and demand super Cadillac systems when they may only qualify for a small portion.

We have a school in San Diego where it costs $200,000 a year for one child in special education. And the schools cannot afford that. Quite often, as we increase the money, the trial lawyers come in and steal that money.

I agree with the gentleman, special education does need more money. I would like to work with the gentleman on that. But some of these programs, for example Impact Aid, do my colleagues know how negatively that affects military families and Native American families? It really impacts them negatively. And so, I would say to the gentleman, I agree with the gentleman from Wisconsin (Mr. OBEY) that these are programs some of us feel are very, very important, Impact Aid, Galludet University. Republicans and Democrats play in a basketball game there every year just to raise a little bit of money.

Howard University. I went out and visited the president. When we talk about minority education, look and see the job they are doing. Over half of the new teachers hired in the last couple of years were not qualified. And this funds the Teacher Empowerment Act, makes sure that those teachers are qualified.

We have test scores that are slightly rising. But yet, when a student goes to the university, they have to take remedial education. Why? Because in many cases in our inner cities those teachers are not qualified; and unless we bring up the quality of those teachers, then our students are always going to fall behind, and they are going to be left behind.

So it is with great reluctance I oppose the gentleman. I know it is in good faith. A large part of me wants to support him. But, overall, I have to oppose him.

Mr. BALDACCI. Mr. Chairman, I am a strong supporter of the Individuals with Disabilities Education Act. I strongly agree that every child deserves the opportunity to benefit from a public education and is able to reach his or her fullest potential.

In addition, I recognize the tremendous cost of this endeavor. If our schools are truly to serve all students, the federal government must increase IDEA funding.

During my years in Congress, I have worked tirelessly to support increases in special education funding. I continue to support increasing funding for special education, and would like to see us funding it at $7 billion this year.

But there is a right way, and a wrong way to go about this.

The right way is to increase overall funding for education so that, in this time of extraordinary budget surpluses, we are meeting the needs of all students.

The wrong way is what is proposed in this amendment—robbing Peter to pay Paul. This amendment takes money from other equally worthy programs in order to pay for IDEA. Simply shifting money around doesn't solve the problem.

The Labor HHS Education bill is woefully underfunded. Why? Not because our nation cannot afford to invest in education. But because our Republican colleagues want to give large tax breaks to their wealthy friends.

The result is that good programs are pitted against one another, forced to compete for artificially scarce resources. This is no way to govern.

I am committed to moving ahead with fully funding the Federal government's promised 40% of IDEA expenses. But I will not do so at the expense of other equally worthy programs. As the Labor HHS Education bill goes to conference, I will be urging my colleagues in the House to accept the far more generous funding levels of the Senate bill, and to direct some of those additional resources toward special education.

So I urge my colleagues to increase funding for IDEA, but to do it the right way. Therefore, I urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BASS).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2001 through June 30, 2002; and of which $100,000,000 is available for the period October 1, 2001 through June 30, 2004, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $343,356,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $96,844,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $406,550,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $43,452,000, together with not to exceed $3,054,338,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2001, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2003; and of which $43,452,000, together with not to exceed

$738,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2001 through June 30, 2002, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2001 is projected by the Department of Labor to exceed 2,396,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2002, $435,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2001, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $100,944,000, including $6,431,000 to support up to 75 full-time equivalent staff, the majority of which will be term Federal appointments lasting no more than one year, to administer welfare-to-work grants, together with not to exceed $45,056,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

Pension and Welfare Benefits Administration

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $98,934,000.

Pension Benefit Guaranty Corporation

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2001, for such Corporation: *Provided*, That not to exceed $11,148,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

Employment Standards Administration

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $337,030,000, together with $1,740,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports as required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $56,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2000, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2001: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $30,510,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging, medical bill review, and periodic roll management, in support of Federal Employees' Compensation Act administration, $19,971,000; (2) for conversion to a paperless office, $7,005,000; (3) for communications redesign, $750,000; (4) for information technology maintenance and support, $2,784,000; and (5) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,028,000,000, of which $975,343,000 shall be available until September 30, 2002, for payment of all benefits as authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $30,393,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, $21,590,000 for transfer to Departmental Management, Salaries and Expenses, $318,000 for transfer to Departmental Management, Office of Inspector General, and $356,000 for payment into miscellaneous receipts for the expenses of the Department of Treasury, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: *Provided*, That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year.

Occupational Safety and Health Administration

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $381,620,000, including not to exceed $83,771,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the

Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2001, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $233,000,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; and, in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $372,743,000, together with not to exceed $67,257,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $7,241,000 for the President's Committee on Employment of People With Disabilities, and including the management or operation of Departmental bilateral and multilateral foreign technical assistance, $244,579,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

AMENDMENT NO. 9 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. OBEY:

Page 16, line 24, after the dollar amount, insert the following: "(increased by $97,000,000)".

Mr. PORTER. Mr. Chairman, I reserve a point of order on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, just 2 weeks ago, the Congress passed the China trade legislation. There were a lot of reasons why a lot of Members voted against that bill.

One of the reasons is that a lot of us are concerned about the prospect of putting American workers in a position where they are going to be directly undercut by practices such as slave labor and child labor.

The administration, the White House, tried to make at least a nominal effort to try to prevent those problems from becoming any worse than they are by raising funding for efforts to combat the incidence of child labor and weak labor standards.

This committee chose not to agree with that funding. This amendment simply would restore for the international labor standards portion of the bill the amount of money requested by the administration that was not included in the bill.

Let me explain in a little more detail what it does. It would add $730 million to reduce the incidence of child labor. It would add $17 million to enforce core labor standards. And it would add $10 million for responding to the HIV/AIDS crisis in sub-Sahara Africa by supporting workplace education and prevention programs.

I would simply point out, Mr. Chairman, that, according to the International Labor Organization, there are 250 million children between the ages of 5 and 14 who are working in developed nations with approximately half of them working full-time but not going to school.

The President wants to expand the successful efforts of the ILO and the Department of Labor and USAID to develop education infrastructure and build data and monitoring systems to take kids out of factories and put them in schools.

Mr. Chairman, these programs are working. In Bangladesh they have helped 9,000 kids get out of garment sweatshops and into classrooms. In Pakistan they have got 7,000 kids into school learning to read and write instead of sitting in a factory stitching soccer balls. In Guatemala they are getting kids out of quarries where they crush rocks by hand all day instead of sitting in a classroom where they could have a book in their hand instead of a rock.

175 countries have signed the ILO Convention that calls for eliminating the worst forms of child labor. This budget is supposed to fund the technical assistance to help them make that pledge a reality.

Now, we will be told we do not need this money because this program had a large increase last year. I would suggest that for years all countries, including ours, have ignored the tools that we could use to improve this situation. And so finally last year, for the first time, we began to provide a pittance for some of these programs.

These programs are in the interest of every child in the third world. They are in the interest of every working American who has a right to a level playing field. I think this amendment ought to be adopted.

Now, we will be told, "Oh, you have not provided a corresponding cut in the bill." That is because under the rule under which this bill is being considered, the only other programs we could cut are other education or other health or other job training programs. We cannot get into other portions of the Federal budget, as the gentleman knows.

And so, again, all we are suggesting is that all of these major 11 amendments that we would like to offer could be financed by scaling back the size of the intended tax cut by 20 percent. I think that would do a whole lot more for children. It would certainly do a whole lot more for our consciences. I believe that the amendment ought to be adopted.

Mr. PORTER. Mr. Chairman, I continue to reserve a point of order.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as late as 1997, this Bureau was funded at $9.5 million. That is 3 years ago. In the fiscal year 2000 appropriation, it received funding of $70 million. This is an over-600 percent increase in just 3 years.

The administration wants to add an additional $97 million, which would be an additional 140 percent increase from last year. At $167 million, funding for this Bureau would be more than that requested for the Wage an Hour Division, which oversees labor standards in the United States, including child labor.

We recognize that this country needs to be an international leader in labor issues, such as child labor and international labor standards, which is why we have agreed to such large increases in this Bureau over the last 3 years.

I generally support the concept of the amendment of the gentleman from Wisconsin (Mr. OBEY) and would have funded this at the requested level if I could under our allocation. I will work with the gentleman to achieve the funding level in conference if we have sufficient allocation at that time. However, I regret that at the appropriate time I will have to press the point of order.

□ 1815

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

One of the great things about the experiment that we live in this great democracy is as we provide more protection for those who have the least in society, we actually improve the living standard of every American. When we look to these developing nations, one of the economic systems that is in play is as more and more children work, and not in family farms as I did and so many others did growing up, not in a family loom or a small family business but often in the worst kind of conditions, chemicals endangering their future development and growth, hazardous materials that may bring their lives to an early end. Beyond even those dangers to these children that are put before some of the greatest dangers that are out there in the industrial world, it also deprives their families, their fathers and mothers of a living wage. Because a society that has dozens and dozens and hundreds and thousands of small children working means there is a surplus of labor. And so at the end of the day not only are the children deprived of an education, deprived of an opportunity to grow up not protected from these hazardous chemicals but the child's parents then earn not enough to survive.

This small program here would help us to do what we need to do globally. If we do not want to see the kinds of crises develop across Asia and Africa as we have seen so often before, we have to lift these societies. A majority of the people in this Congress voted to give China PNTR without dealing with the environment, without dealing with labor issues. We were precluded from bringing those issues to the debate.

Here is an opportunity to take a small step to provide some basic protection for children. We all come to the floor with speeches, we are pro family, we are for children. How about these children? How about making sure we have the resources to give their parents an even break, to give our workers an even break, and to give these children a chance to grow up and live a healthy life? If they are working when they are 5 and 6 years old in these factories, they are not going to get an education; and these societies are not going to move forward. It is bad for us, it is bad for them, it dooms them.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding. I find it ironic to consider how this bill has been handled today. We started out to deal with this bill this morning to try to provide Federal funding for education and health and job training programs.

And then this bill was knocked off the floor for 2 hours while the majority party brought to the floor the rule that will allow them to consider their tax bill tomorrow. Their tax bill tomorrow will effectively eliminate the estate tax. In some cases that may be justified. But the way they brought it to the floor means that there will be some people who strike it rich, make huge amounts of money and are never taxed once on any of that money, while working people are taxed on every dollar they earn in the workplace every day.

The eventual revenue lost to the treasury will be about $50 billion a year that will go into the pockets of Mr. Money Bags in this society. That is enough to provide health coverage for every single American who does not have it. But when you raise that possibility, they say, "Oh, no, socialized medicine." And so forget it, we will not try that.

"At least," we say, "what about the poorest wretches on this planet?" Will you give them something other than a few conscience pennies, the way John D. Rockefeller used to give kids dimes? Will you do something real that improves their lives and protects the working standards and the living standards of American wage earners at the same time? The choice is whether you believe in putting the money here or whether you believe in putting it in places it will help those kids.

Mr. GEJDENSON. Reclaiming my time, I think the gentleman makes an important point. The difference between providing a break for family farmers and small businesses which I think the Democrats believe in, although Mr. Gates was dealt a blow yesterday by the courts, I think economically he is okay and we do not need to give him a tax shelter at some point when he leaves it to his children. They will be fine as well. We ought to make sure we have the resources to provide the health care and education of this country and to also take a few small steps to bring others in this planet up just a little bit. I thank the gentleman for his efforts here and in so many other places.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is very, very important and I think legitimate debate to see the differences between two opinions and to do that in a legitimate way without casting aspersions. First of all, I do not want Hoss and Little Joe to have to sell the Ponderosa. I saw a movie. It was about a lady that emigrated, that had a child out of wedlock, she worked in a sweatshop back in the teens. She sold jelly, she sold everything she could for 5 years and finally saved some pennies and finally when she was able to bake cakes and things, she bought a little shack and started a store. The bottom line was she ended up with one of the largest department stores in New York. A true story. That is the American dream. I do not want that gentlewoman to have to give back 55 percent of everything she owns. I support that gentlewoman and the work and the taxes that she paid.

Mr. Speaker, I want to tell the gentleman the differences of opinion. For 30 years, the Democrats had control of this House. Did we have a balanced budget? No. Did we have tax increases? Yes. In 1993 when my colleagues on the other side of the aisle controlled the House, the White House and the Senate, they wanted what they called was tax breaks for the middle class. But yet they gave us the highest tax increase in history. They increased the tax on Social Security. They increased the tax on the middle class. And they increased again the tax on Social Security.

They increased the gas tax. And did it go into the transportation fund? No. It went into the general fund so that they could spend more money on socialized programs. And then they took every dime out of the Social Security trust fund and spent that. In doing so they drove this country into debt.

Now, the Republicans, when we took the majority, we balanced the budget. Many of my colleagues on the other side opposed that because it took the ability to spend money away. We had welfare reform. Many of my colleagues on the other side opposed that, because it took their ability to rain money down, but yet I think when you talk about the American dream, I look at the children that now see their parents coming home with a paycheck instead of a welfare check. Is there reason to look at the help that welfare people need? Yes. But 20 years, average, on welfare is wrong. Yet they wanted to keep dumping money into those programs time after time like in this bill.

Education, when they had control for 30 years, take a look at what we started with. Schools, construction, falling down. We are last in math and science of all the industrialized nations. We have got less than 48 cents out of the Federal dollar to the classroom. Programs like title I spent trillions of dollars in education but was there any accountability? No, just more money, more money.

And we had more and more programs. Was this mean spirited? No. You had somebody that wanted a new program, but what happened was they spread it out so much that none of the programs, Head Start, IDEA, any of them got the funding they needed because everybody wanted a new program. But yet to get that, they had to keep taxing to pay for these new programs.

Any tax cut we offer, they are going to fight. The mantra, and I think some of their constituencies actually believe it is only tax breaks for the rich. They say it over and over and over again. But the bottom line is they will not support any tax relief because it takes the power away from government, which they truly and legitimately believe does a better job. We disagree with that. I think that is a legitimate fact.

We saved and locked up Social Security into a lockbox. That also prevented them from spending more money in bills like this, because we operate under a balanced budget and do not increase taxes like the President's budget did every time. We do not raid the Social Security trust fund, but we operate within the rules that the gentleman from Illinois (Mr. PORTER) has to operate under and classify these different programs. My colleagues want to keep spending above those amounts. That is a difference, ladies and gentlemen.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

I find it interesting when we are talking about a program to try and provide technical assistance to some of the poorest nations and some of the poorest people on Earth that the gentleman would come down and make a case for giving 2 percent of the richest people maybe on the face of the Earth a tax cut worth almost $400 billion. But that is why we do not have the money to deal with this program, because they have already made their decisions.

It is not the gentleman from Illinois' (Mr. PORTER) problem. His problem is the money that the leadership gave him because they took most of the money for their tax cuts, tax cuts that have been rejected by the American public time and again because the American public understands there is an agenda that has to be dealt with by this Congress and by this Nation of securing Social Security, securing Medicare and paying down the debt, taking care of the education of our children. But they refuse to do that. So this appropriation bill comes to the floor with inadequate resources.

Let us talk a little bit about the gentleman's amendment. This is an effort to continue to provide technical assistance to the ILO against child labor. These are efforts that have been successful. The gentleman talked about the effort in the soccer ball where before young children were given soccer balls to sew because theoretically they had flexible small hands and they could sew those soccer balls. They did it until such time as their hands were crippled. Then they were released from those jobs. They could not really go to work, and they had never been to school.

Led by the Secretary of Labor, Senator HARKIN, myself, and others, we brought the manufacturers of soccer balls together along with the ILO, along with various countries and those manufacturing processes were brought in-house. They were brought in-house and adults were given those jobs and children were sent to school and schools were built so that children could participate in an education and their parents could earn enough money.

Now when American children play soccer in this country, they know that the soccer balls are not made by the misery of child labor in foreign countries. That model can be replicated and is being replicated time and again, but it needs assistance to do that. That was part of the debate about globalization that we went through last week, about whether or not American workers are going to have to compete against these kinds of unfair labor practices and whether or not it is just enough for America to say send us anything as long as you can keep the costs down and you do it through human misery.

That is not what the American people want. They have said time and again they want child labor reduced, they do not want to buy articles of clothing, sporting goods, and other commodities that are made with child labor. This is an effort. The administration made the request, and the request could not be met. Not because this committee did not want to do it, because the priorities were set earlier in the year with the $1 trillion tax cut.

What we are going to see time and again is appropriations bills come to this floor, the priorities of this Nation are not being met because of that tax cut. The interruption that took place earlier today to report the rule for the repeal of the estate tax is just part of that package. They could not pass the whole package, so now they are going to separate it into pieces. But that is going to address 2 percent of the wealthiest people in this country.

It is going to cost us almost $400 billion over 10 years, and it is very hard to do justice if you do not have the money to try to help people who are far less fortunate than we are so that they can have a good life for their families, their children can go to school, and they can start to aspire to the same kind of dreams that we want for our children.

I thank the gentleman for offering the amendment.

□ 1830

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a sub-allocation of budget totals for fiscal year 2001 on June 7, 2000, House report 106-656. This amendment would provide new budget authority in excess of the subcommittee's sub-allocation made under section 302(b) and is not permitted under section 302(f) of the act. I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) wish to be heard on the point of order against his amendment?

Mr. OBEY. Yes, I do, Mr. Chairman. I would simply say that given the fact that the rule under which this bill is being considered guarantees that at all costs that tax breaks for the wealthiest 1 percent of people in this society will come before the needs of everybody else, I reluctantly agree that because of that rule, the gentleman is technically correct, and the amendment, while correct and just, is not in order under the Rules of the House.

The CHAIRMAN. The Chair is authoritatively guided by the estimate of the Committee on the Budget, pursuant to section 312(a) of the Budget Act, that an amendment providing a net increase in new discretionary budget authority greater than $1 million would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from Wisconsin (Mr. OBEY), on its face, proposes to increase the level of new discretionary budget authority in the bill by greater than $1 million. As such, the amendment would violate section 302(f) of the Budget Act.

The point of order is sustained, and the amendment is not in order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $184,341,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2001. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $16,936,000, of which $7,300,000 shall be available for obligation for the period July 1, 2001, through June 30, 2002.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $48,095,000, together with not to exceed $3,830,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 19, strike lines 15 through 19 (section 103).

Mr. TRAFICANT. Mr. Chairman, section 103 reads, "None of the funds made available in this act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed temporary or final standard on ergonomic protection."

The Traficant-Weldon amendment would simply strike the provision, and it would prevent OSHA from going forward with its proposed rule, requiring employers to come up with basic programs to prevent repetitive motion injuries.

Last August the House passed H.R. 987, the Workplace Preservation Act, to have OSHA wait until another study is complete to implement the standards. For the record, I voted against the bill. Now, this bill overrides the wait provision and tells OSHA that it cannot set those standards.

We have many American workers, and I know what the complaints are, that some of these workers are taking advantage in the workplace of some of these musculoskeletal problems where, through repetitive work in industry, they develop these musculoskeletal problems and muscular problems that prevent them from working.

By striking the language, very simply, we would affect, in my opinion, 650,000 workers in the positive. We have an opportunity to pass a very straightforward amendment. Some employers have had experience with these programs in meat packing, foot wear facilities that have seen significant reductions in these disorders, and I think today we should guarantee that other industries and employers see the same reduction in injuries and see fewer missed days of work.

It does not seem like a tough job being a cashier, or nurses in nursing homes, or court reporters who sit with their fingers constantly moving and their hands subject to, over a period of years, much wear and tear, and that is not even getting to the point of those workers in manufacturing and assembly plants who, on a very repetitive motion, are bringing about certain heavy industrial tools and machinery.

So without a doubt, I think in the best interest, certainly to serve the working community, and I think in the best interest of Congress, I think we should strike section 103. I think it is the right thing to do. By doing so, I think we would help many American workers.

Mrs. NORTHUP. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I recognize and agree with the concerns of the gentleman from Ohio (Mr. TRAFICANT) who is offering this amendment. I believe that we are all worried about healthy workers, about workers who are important to this economy, they are important to their families, their income is important to their community and their family. This is an issue that is very important.

The problem is that the Department of Labor has been absolutely tone deaf in developing this rule. They have had all of these years they have been talking about to develop a rule. There are many people that wish to come to the table and work on this issue. The fact is, in workplaces all across America we have employers, we have cities, we have States, we have hospitals, nursing homes, teachers, every single place across this country, people are looking for workers. It is in all of our best interests to keep our workers healthy and on the job.

But the fact is that the Department of Labor has written a rule that is absolutely unacceptable. It does not at all bring all of the people concerned about this to the table and help work out a reasonable rule. It has put all of the costs on the employer, and it is not just businesses that are terribly concerned about this, it is schools; the school districts are talking about being absolutely unable to comply because of the cost. Nursing homes, hospitals, States, cities, the League of Cities. We all know that is not some conservative organization. They are saying that this rule is written in a way that they simply could not, could not comply with this.

Mr. Chairman, it threatens the solvency of our workers' compensation program because it overrides current workers compensation programs that have worked so well in our States; and instead it provides an extraordinary level of reimbursement for our workers who would need time off because of repetitive motion injuries.

The problem here is one of fairness. It is simply not fair to have two workers that work side by side, one that is truly injured, completely and totally on the job, to get one level of reimbursement and a worker who is off because of a repetitive motion that may be partly his job, partly what he does outside of his job, partly what happened before he came to this workplace, getting an extraordinary level of benefits. It places all of the responsibility on the employer. It has no regard to preexisting condition or what is done outside.

The fact is, Mr. Chairman, we need to work on ergonomics rules in total. What ergonomics are, are people that start to have injuries. Those of us over 50 probably do not have a friend that does not have an elbow, a shoulder, a neck, a backache, something that is a repetitive motion problem. Is it exacerbated in the workplace? Sometimes it is. So that is a component of it. But it also may be aggravated by what happens outside of the workplace.

So what this rule does not do is recognize the outside of the workplace being part of the cause and what has to be addressed.

In truth, what this bill does is chase our best jobs out of this country. It begins to make Mexico and Canada look like great places to put one's next plant or any expansion that one does, so that one can have a reasonable workplace where one can work with one's workers, work to address their concerns, and not absorb enormous costs that are open-ended. It discriminates against older workers, because I hate to say, it does not take long for somebody to figure out that somebody like me in my 50s is more likely to have a joint or a backache or a carpal tunnel problem than it is for a 24-year-old. So if one is an employer and one knows that they have to keep spending money until this person's problem goes away, one can figure out that it is better to hire 23-year-olds than it is 53-year-olds.

The gentleman from Ohio (Mr. TRAFICANT) is exactly right. Companies are spending millions of dollars right now. They are doing everything they possibly can to reengineer the workplace, to trade and rotate jobs, to address their employees' needs. But it makes no sense to enact a rule or to let the Department of Labor go on with a rule that is so one-sided and does not really bring us solutions.

In closing, Mr. Chairman, I would like to point out that there is one workplace that the OSHA rule would not apply, and that is the one workplace that the Federal Government has total control over. Federal employees would not be covered by this rule. It is not enforceable in Federal workplaces, and so they would be the one group that would be exempted.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to join with the gentleman from Ohio (Mr. TRAFICANT), my friend and colleague, in offering this amendment and rise to express my concerns about the status of some of America's workers. I agree with the gentlewoman that we should have a great deal of concern about jobs going away from America. In fact, that is why I opposed NAFTA. I think if we look at the results of the implications of NAFTA, we would find that many of America's manufacturing jobs have, in fact, gone to Mexico and Canada and have left the U.S.

But I want to talk about this issue in particular, and I do not rise in a vacuum. Mr. Chairman, before coming to Congress, I was an educator, and one of the assignments that I had as an educator was to run the corporate training department for a very large insurance company, the Insurance Company of North America, which later became known as the Cigna Corporation. My job at that corporation was to train their workers' comp specialists, and we had some 700 of them that worked with companies across the country.

Mr. Chairman, during that experience, what I saw time and time again among our insureds were examples of workers suffering from carpal tunnel syndrome and suffering from problems associated with workplaces that were not properly considering the atmosphere of the worker, the conditions of the worker, the ergonomics of the workplace environment.

Now, the rightful response by industry should have been, and in some cases has been, an effort to redesign the workplace, to make the job more conducive to the human body. Unfortunately, that has not always occurred.

What OSHA has proposed to do is to set up some standards that, in fact, would allow that to happen. We can argue for and against the fairness, but I think the bottom line in my opinion is we have to very strongly say as a Congress that this issue of ergonomics must be addressed, and I think it is appropriate that it be addressed and supported by Members of both sides of the aisle.

□ 1845

If we look at the history of this issue in both the House and Senate, there have been a number of hearings on ergonomics and on the issues associated with it.

In fact, it is interesting to me, Mr. Chairman, that in the fiscal year 1998 Labor-HHS appropriations bill, OSHA was prohibited from funding the implementation of the ergonomics rule during that fiscal year. In the accompanying report, however, the committee specifically stated, "The committee will refrain from any further restrictions with regard to the development, promulgation of issuance, or issuance of an ergonomics standard following fiscal year 1998."

So here we had in the 1998 bill language that basically said we would not move to restrict these kinds of guidelines in the future. There is a feeling there have been enough studies on the subject, Mr. Chairman, including a 1998 study by the Academy of Sciences, a critical review by the National Institute for Occupational Safety and Health, and over 2,000 scientific articles on ergonomics. It is a major problem and is causing severe problems for our constituents across the country.

In fact, Mr. Chairman, in August of 1999, the full House passed H.R. 987, which would deny funding for the ergonomics rule until the National Academy of Sciences completed its study on the proposal. This bill basically precludes the need to take the action that is included in this appropriation measure.

In fact, the most interesting part of this whole debate, Mr. Chairman, is where this idea first originated for an ergonomics standard. It did not originate under Bill Clinton. An ergonomics standard within OSHA was first proposed by Labor Secretary Libby Dole under the Bush administration. Granted, it may not be the standard we are looking at today, but the idea of moving toward an ergonomic standard is one based in the tradition of both parties.

For these reasons, Mr. Chairman, I stand in favor of this amendment. I ask my colleagues to look at it and support it in an effort to find support on this legislation, to show the workers of America that we are going to do more than give lip service to the concerns related to carpal tunnel syndrome and other similar workplace problems associated with the problem of ergonomics.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not question the sincerity of any Member of this House, but it is well known that all day the majority party leadership has been looking for a sponsor for this amendment. I doubt that it is because they have experienced a recent Damascus conversion which now suddenly makes them passionate defenders of worker health and safety issues.

I think it might be legitimate to ask the question whether or not there are a number of Republican moderates in the House who are worried about having to cast a vote for this bill in the end because it cuts education from the President's request by $3 billion, it cuts the President's request on health care by well over $1 billion, and it cuts support for worker protection and worker training programs by almost $2 billion.

So I think it is fair to ask whether some of those moderates would not feel more comfortable if they had a little political cover by being able to vote for an amendment like this. Perhaps it might make it easier for some folks to vote against the interests of workers by voting for this bill on final passage with the deep cuts that it provides in programs that help workers.

I also find it interesting that this vote occurs just 2 weeks after the China trade vote. I would ask myself the question whether or not we do not also have some Members who might be interested in trying to climb back into the good graces of labor by having an opportunity to vote on this amendment after they voted for the China trade bill a few weeks ago. I do not know, but I think a reasonable observer might come into the House and ask that question.

Having said that, let me say, of course this amendment should pass. OSHA has been trying to develop a rule to protect workers from repetitive motion injury for over 10 years. For 5 of those years they have been blocked by the Congress of the United States. In my view, that has been a sometimes scurrilous action taken by this body.

I would note that at my insistence the committee 2 years ago contained the following language in its report: "The committee will refrain from any further restriction with regard to the development, promulgation, or issuance of an ergonomics standard following fiscal year 1998."

Despite the committee's declaration in writing, this committee chose to insert the language of the Northup amendment, which abrogated the agreement that the committee had announced to the country and the House.

So of course this amendment should pass. But I do not believe American workers are going to be fooled. I do not believe that a vote for this amendment, followed by a vote for this bill, will be seen by American workers as doing them any favors. I think it will be seen for exactly what it is.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is a defining moment and offers the opportunity for all of us in this body to actually show the American people whose side we are on.

There are many of us who came to this body to fight for what we believe is the driving engine of America's economy, the small business out there, providing 80 to 85 percent of all jobs in America; people who work hard, people who are fighting for raises, for better benefits, for higher-paying jobs in their community, expanding the opportunity for jobs for people across the country.

I believe that is what we should be doing here every day we come to work, because America has risen to great heights historically because of private sector growth.

On the other side, we have OSHA bureaucrats and power-hungry union leaders who are trying desperately to implement an ergonomics rule that would put a noose around the neck of many employers in this country.

This is an issue quite frankly that many Members have been struggling with for many years. I would ask rhetorically for Members of both sides of the aisle, when is the last time they had a town meeting and they had people stand up and say, my goodness, Congressman, we really need that OSHA ergonomics rule to be implemented as quickly as possible?

I happen to represent an area that is very independent-minded, not necessarily a Republican or Democrat district, and I have not had one piece of mail, not one phone call, not one question at a town meeting where someone said, please, we need this regulation at our workplace.

This is strictly driven by bureaucracy, bureaucrats at OSHA, and driven by power-hungry union leaders who are desperate to get a greater grip on the private sector of this country.

On the side we are fighting for, we do have the small business community. We have small manufacturers, we have farmers, we have ranchers, we have hospitals, we have all of the folks out there who are working hard every day to make a living. It is mind-boggling to me that anyone could find even any gray on this issue at all.

There is no science, there is no medical research that has conclusively shown that this regulation is necessary. In spite of what a lot of people up here who love big government like to say, believe it or not, the private sector is doing a lot to improve the work environment when it comes to dealing with repetitive stress injuries in the workplace.

Grocery store chains, insurance companies, computer manufacturers, all of those that are creating this tremendous economic growth have dealt with this issue in the workplace privately, and it is working. Let us all review the statistics that OSHA has even been presenting over the last few years: Workplace injuries are down consistently over the last decade. There is a lot being done out there to improve the work environment for workers.

Again, this is something that is going to have a high price tag, as well. Those who are trying to rush this rule into place have not acknowledged, for example, that for each particular industry, for whatever it may be, the cost of implementing it could run into the billions of dollars. In some industries the cost will be upwards of $20 billion.

The Post Office is even against this. So if Members cannot find that they can identify with small business in America, if they cannot identify with the farmers and ranchers and the doctors and the hospitals, maybe they can identify with the Post Office, because they are against it, as well. Or maybe they can identify it with the former OSHA director, who is also against this regulation.

I asked a question recently in a hearing about this issue to the director of OSHA, the head of OSHA, of how, because of the vagueness of the way the rule is written, how would an employer even know they are in compliance, because there is tremendous vagueness in the rule? That is the problem with one-size-fits-all rules. They are written for dance studios, bakeries, restaurants, and farms and ranches. We cannot possibly apply a single rule like that, where everyone can fit in a particular category and say, yes, we are in compliance.

The director of OSHA said, do not worry, we will let the employers know when they are in compliance, which means that this will give the Federal bureaucracy at OSHA a tremendous latitude in determining when employers are in compliance.

This has the ability, Mr. Chairman, all across the board in America, again, whether it is an auto parts store, a customs broker office, a doctors office, a restaurant, a small manufacturing company, the cost of mailing a letter, all of this is going to increase, could increase greatly in cost for consumers out there if this rule is implemented the way it has been written.

I would just strongly encourage all of my colleagues to look at whose side they are on on this issue. There is no gray. They are either on the side of the salt of the Earth economic engine that drives this country, the small business sector, or they are on the side of the power hungry union leaders who are trying to implement this.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that on this amendment, debate be limited to 30 additional minutes, to be divided 7½ minutes to the gentleman from Pennsylvania (Mr. TRAFICANT), 7½ minutes to the gentlewoman from Kentucky (Mrs. NORTHUP), 7½ minutes to the gentleman from Wisconsin (Mr. OBEY), and 7½ to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. TRAFICANT. Reserving the right to object, Mr. Chairman, I would ask, what was that? I did not hear that.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would tell the gentleman, I asked unanimous consent that we limit further debate on this amendment to 30 minutes, to be divided four ways, 7½ to the gentleman from Ohio (Mr. TRAFICANT), 7½ to the gentlewoman from Kentucky (Mrs. NORTHUP), 7½ to the gentleman from Wisconsin (Mr. OBEY), and 7½ to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. GEORGE MILLER of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment, which would safeguard America's working women and America's working family. That is whose side we are on in this debate.

Mr. Chairman, this is a $60 billion national problem that affects 650,000 workers each year. Ergonomic health disorders afflict female occupations, including nursing aides, orderlies, attendants, registered nurses, cashiers, and maids.

Women suffer disproportionately. While ergonomic hazards produce 34 percent of all workplace injuries and illnesses, they cause nearly one-half of these among women. Although women comprise 46 percent of the work force and 33 percent of the injured workers, women represent 63 percent of repetitive motion syndrome, including 69 percent of lost work time cases resulting from carpal tunnel syndrome.

Congress' fight to protect workers' health and safety has been a long one. In 1996, I had an amendment on the floor which we won in a Republican Congress, which we won almost unanimous support from the Democratic side, a few votes on the Republican side.

What this language in the legislation before us does, this is an obstruction to the implementation of that 1996 amendment. What the amendment of the gentlemen from Pennsylvania, Mr. Weldon and Mr. Traficant, would do is to strike that language.

This is very constructive. I hope our colleagues will support the Department of Labor's ergonomic standards and oppose all delaying amendments, including the language in this bill, and support Weldon-Traficant.

Mr. Chairman, the scientific evidence supports OSHA's standard. The National Academy of Sciences, the National Institute of Occupational Health and Safety, the American Public Health Association, and many other scientific and public health organizations have already concluded that workplace risk factors contribute to health problems, and ergonomics programs reduce this risk. That is whose side we are on, the National Academy of Sciences.

□ 1900

The National Academy of Sciences 1998 study on ergonomics reported that risk factors at work cause musculoskeletal disorders and these are preventable. The National Institute of Occupational Safety and Health 1997 peer review analysis of more than 600 prior reported reliable evidence that job-related heavy physical work contributes to workplace injuries and illnesses.

Employer ergonomic programs are effective. Many very responsible businesses, large, medium, and small, in this country have decreased their recordable cases in worker compensation costs because they have invested in ergonomic programs and they have recouped the costs of implementing their program. This evidence is available from companies as diverse as Minnesota-based 3M with nearly 40,000 employees, to North Carolina's Charleston Forge with only 150 workers.

OSHA's ergonomic standard is sensible, limited in scope, and based on success. Prior Congresses have voted in support of it. In 1996, as I mentioned, 1997, and 1998 Congress specifically agreed not to delay OSHA from finalizing an ergonomic standard. This language in the bill before us today would violate these standards.

And as I said earlier, women are disproportionately affected by ergonomic injuries, and I talked about their percentage in the workforce, and the disproportionate impact on women and days lost.

I do want to say, because the question was asked whose side are we on. We are on the side of America's working families. We are on the side of the National Academy of Sciences. We are on the sides of responsible business large, small, and moderate-size businesses in our counties who have taken the initiative.

I stand here with the American Association of Occupational Health Nurses, the American College of Occupational and Environmental Medicine, the prior GOP Labor Secretaries, in support of OSHA's effort to finalize its ergonomic standard.

Nearly 20 years ago, in April, 1979, OSHA hired its first ergonomist. Nearly a decade ago, in 1990, Labor Secretary Elizabeth Dole said, by reducing repetitive motion injuries, we will increase both the safety and the productivity of America's workforce.

Secretary Dole said, I have no higher priority than accomplishing just that. And so 10 years ago, Elizabeth Dole was right. Let us not wait another day to protect America's working women, America's working families.

Mr. Chairman, I urge a "yes" vote on this amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to the amendment offered by my colleague, the gentleman from Ohio (Mr. TRAFICANT), which will allow OSHA to rush forward with its flawed ergonomics rulemaking. I strongly support the provision in the underlying bill sponsored by my colleague, the gentlewoman from Kentucky, (Mrs. NORTHUP), prohibiting OSHA from finalizing its risky ergonomics rule which is not based on good science.

For more than 2 years, the Committee on Education and the Workforce has expressed concerns to OSHA about the lack of a scientific basis for an ergonomic standard through hearings and through letters to the Department of Labor.

Last year, the House approved the bill, which would require OSHA to wait for the results of the congressionally funded National Academy of Sciences study and ergonomics, a million dollar study I might mention. The Northup language ensures that OSHA will abide by the provisions of H.R. 987 passed by the House last year.

Despite the significant scientific and economic questions about ergonomics in the workplace, OSHA continues to plow ahead, and the result of this can only be an arbitrary, unfair, and expensive mandate without the scientific knowledge to get it right.

The health and safety of American workers is certainly a top priority of all Members of Congress. Nevertheless, it is important that Congress not stand idly by while a regulation is rushed through that is not based on sound science.

I would like to thank the gentlewoman from Kentucky (Mrs. NORTHUP) for recognizing the importance of Congress' oversight role. The gentlewoman has genuine concern for the health and safety of workers. Despite loud and misguided opposition, she has had the fortitude to focus attention on the genuine and legitimate concerns with the ergonomics proposal.

Mr. Chairman, I would urge my colleagues to oppose this amendment and to support a 1-year freeze. If we really want to help workers, then we need the results of an independent scientific study, let us get it right.

Mr. Chairman, I yield to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, I just want to respond to the previous speaker and say we are all concerned about workers' safety. We all want workers to be able to prevent injury, but the Labor cabinet has not brought us anything that will help us do that, instead they bring us a one-sided rule. It does not include any collaborative effort, and it does not include any employee/employer partnership, which is what all of worker health is about.

I would like to tell my colleagues that right here is a response to a request where the Labor cabinet paid 28 people $10,000 to organize and to present testimony in their behalf. The people that oppose the rule that talked about the obstacles and the difficulties in complying came on their own behalf, as citizens, as individuals, as the private sector, to say, hey, listen to us, we want what you want, please, work with us.

The Labor cabinet paid 28 people $10,000 apiece to come and testify and enter into the record information to bolster their side. They had to pay people to support their position. So I think that what we see here is people who want to come to the table. They want to work with OSHA. They want best practice guidance.

They want an idea of how they can look to best remedy their employee's problems, but what they do not want is a bang-you-over-the-head elephant-in-a-china-shop approach of a big government bureaucracy that will do nothing but cost them money and not give them any good guidance on how to achieve what they very much want to achieve.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wonder if my colleague from Kentucky (Mrs.

NORTHUP) knows what the average salary is of the lawyers who sit at the table who represent the big business industries, that have in the past been opposed to trying to do something to protect the safety of working men and women in this country.

The story of ergonomics is one of unending scientific study in the support of ergonomics and unyielding and baseless delaying tactics on the part of ergonomics opponents. We have had an 8-year ordeal of exhaustive scientific study that supports the science of ergonomics as, in fact, a way to protect workers and to save America's businesses money.

For each year of delay, another 1.8 million U.S. workers experience a work-related musculoskeletal disorder. The Department of Labor estimates that the ergonomics rule would prevent about 300,000 injuries per year, save $9 billion in workers' compensation and related costs, about one-third of general industry work sites should be covered by the rule, protecting 27 million workers.

Fewer than 30 percent of general industry employers currently have effective ergonomics programs, and it is probably because of the high-priced lawyers that they have hired to keep this rule from being promulgated. About a third of the industries, or over 600,000 incidents, are serious enough to require time off from work and cost businesses 50 to $20 billion in workers' compensation.

According to the Bureau of Labor Statistics, 34 percent of all lost workday injuries are related to ergonomic injuries.

When my colleague introduced this rider into the bill, it was said that this was a limitation and not a rider. I said at that time and I say, again, you can dress up a pig, you can put lipstick on it, you can call it Monique, but it is still a pig. This is a rider.

This is a continued delaying tactic in this legislation. The National Academy of Sciences concluded in 1998 that ergonomic industries are directly related to work, that higher on-the-job physical stress leads to more ergonomic injuries, that most people face their greatest exposure to physical stress at work. Interventions that reduce physical stress on the job reduce the risk of injury.

Since the process was begun during the Bush administration, over 1,000 witnesses have testified, more than 7,000 written comments have been submitted. OSHA has included 1,400 studies in the ergonomics rulemaking record. Science supports ergonomics. It protects worker health in this country. It will save American businesses billions of dollars.

Why then do they want to continue to delay? Why do we want to do that? Let us support the amendment of the gentleman from Ohio (Mr. TRAFICANT). Let us move ahead with an ergonomics rule, so, in fact, what we can do is to do what we are sent here to do and not to do harm, but, in fact, to protect working men and women in this country.

Mr. BLUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are here again talking about this topic that has been pointed out by many of my colleagues, has been discussed many times in this Congress. In fact, last year, we had a debate on the floor of the House, not 1996, not 1997, not 1998, but in 1999, to wait until the study by the National Academy of Sciences that had just been started was completed until OSHA moved forward with this regulation.

The House passed that legislation and said that is what we would like to do. OSHA started that study, a year ago, about the time that this provision would be exhausted, that we get to the end of the fiscal year, that this provision would make it impossible for OSHA to implement these ergonomics regulations, that study will be completed, there will have then 90 days to look at it. And, in fact, if you ask most Americans, if it made sense to spend a million dollars on a study and then look at it before you move forward with regulations, they would say it did.

The last National Academy of Sciences effort on this may have been exhaustive, but if I have read it right, it was over a long weekend. And the last recommendation in that exhaustive National Academy of Sciences study was this needs more study. When we had hearings last year on the bill where we talked about waiting for the National Academy of Sciences study, the past two presidents of the American College of Hand Surgery, many others who work in this area came in and said we are not ready yet to fully understand the causes or the treatments for these injuries.

At the same time, it has been pointed out by others of my colleagues that the American workforce as fully employed as it has been in a long time is a valued workforce, that we have seen without this regulation ergonomics-related injuries declining every single year during this time that it has been said that the Congress is stretching out rushing to these standards.

It is like OSHA's contention that every year that OSHA has been in existence that fatalities at the workplace have declined; that is true. It is also true that they were declining faster in the 20 years before OSHA went into existence. You can prove anything you want to with figures, but the one figure that is undeniable here is that workplace injuries are declining without these standards. These standards will benefit from scientific study, this amendment added to the bill by the gentlewoman from Kentucky (Mrs. NORTHUP) would give us the time we need for these studies to be completed, for us to not rush to judgment on issues that really, I think, cost Americans their jobs, moves American companies to that final decision to make a capital investment instead of an investment in people.

If Federal bureaucrats are going to mess with the jobs of working Americans, they should do that with great extreme caution. They should do that based on sound science. This prohibition to implementing the ergonomic standards gives us a chance to look at that sound science.

I urge my colleagues to defeat this striking amendment, to move forward with this prohibition and to do the right thing for American workers.

□ 1915

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what puzzles me a little bit about this objection to the provision that is in the appropriations bill before us today is that it ignores the work that States are doing on ergonomics.

My State of Washington has worked for sometime with employers and others to develop ergonomic standards that are different than those that are part of the Federal standards or proposed to be the Federal standards.

So what this does is put employers and employees in a dilemma in States like Washington State concerned that they want to comply with the State standard but also concerned that they will have to comply with the Federal standard that may be different.

So I think we ought to be cautious in this whole effort to rush to judgment with respect to a Federal standard that will employ Federal employees to do Federal inspections that will put different burdens on people in States that are also facing the very real prospect of having State officials that the case of my State the Washington State Department of Labor and Industries also involved in inspections and oversight with respect to worker injuries.

It is a given, I think, Mr. Chairman, that all of us want to make sure that our workers are protected and that they are not injured in the workplace. That is not in the best interest of employees; it is not in the best interest of employers. But to have this duplicate standard and the idea that the Federal standard is the only standard that is valuable is wrong.

We do it, not only in OSHA, but we do it in other agencies as well where we have this sense that the Federal standard and the Federal Government is the only vehicle by which we can have fair and free and operating standards that affects citizens in our respective States.

So I would just say my colleagues, Mr. Chairman, that I respect the proponents of this amendment; but I think that it is not the right amendment. I am going to vote against it and support the bill as it came out of the full committee with the idea that let us let States take leads on this as well, in particular, take leads that are not going to burden onerously the employers and the employees of our respective States and our respected businesses who are working so hard to make this engine of our economy move forward.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of this amendment. They have dragged out every phrase that is designed to scare the American people that the big Federal Government is rushing into promulgating this rule. Only to the Republicans would 10 years be a rush. Only to the Republicans would it be irresponsible to try to cover people who every day are getting crippled and losing job opportunities and losing compensation ability to support their families by a well thought-out rule.

Only the Republicans would think that it is new science to have a report that reviews the existing science. There is no new science in this report. This is a review of literature as mandated by this Congress. But year after year, they have tried to delay this rule; and they have been successful in doing so.

For those who say, well, we want our States to do it, what happens if one lives in a State that does not want to do it? I must say there is a lot of room for one's States to do whatever they want to do and a lot of room for one's employers to do whatever they want to do, because only 30 percent of the people working in general industry have any kind of effective program at all.

Our committee in the Subcommittee on Labor, Health and Human Services and Education, they were suggesting they really did not see this. This was not a real injury. This was a fiction. I guess they do not go to the supermarket and they do not see the checkers who are wearing arm braces and wrist braces. They do not see the flight attendants who are wearing wrist braces. Maybe they do not go to Home Depot, an employer that has an ergonomics program and people are wearing back braces. They think that is dressing up. That is not a cumberbund; that is a back brace. Why? Because they are insurers and they work together, and they made a determination that they could reduce back injuries.

Maybe the Republicans would recognize ergonomics injuries if we applied it to tennis and golf. Because certainly my colleagues have friends who are wearing arm braces on their left hand as they come through the ball and they have an ergonomics injury or from their forearm smash. Maybe then my colleagues would recognize that as ergonomics.

But those people my colleagues see in the supermarket and the working place, on the construction site and the manufacturing areas, in the steel mills and the auto plants that are wearing those braces that is not for that reason. That is for the reason of repetitive motion.

It is not to be laughed at. It is not to be made fun of. It is not to put people in the place of if they will have a responsible employer, they have protection; if they have an irresponsible employer, they will not have protection.

The fact of the matter is that this rule is very well thought out. This rule is not one size fits all that is supposed to scare one away. It is not one size fits all. It is targeted where 60 percent of the injuries occur, of this kind of injury occur.

It has been vetted. Thousands and thousands of people have commented on it. Seven thousand people I guess have had written comments. A thousand witnesses testified on this. OSHA went beyond the minimum requirements in terms of taking public testimony, and hearing witnesses went far beyond that. Yet, the gentlewoman from the other side would suggest to us that this is a rush, this is a hurry up. There is no such thing.

This is a carefully thought-out rule designed to protect workers in the American workplace. It is a rule designed to save employers billions of dollars in worker compensation costs. It is designed to save employees millions of hours of lost time so they do not lose the wages that they use to support their families and provide for their families. That is what this rule is about.

But every year, the Republicans have been able to stop it. Every year, the Republicans have been able to keep it from going into effect. Many of our colleagues refer to the fact that it was Elizabeth Dole, George Bush's Secretary of Labor, that brought this issue to the forefront and started this process. But that was 10 years ago. In that 10 years' time, hundreds of thousands of Americans have suffered this injury and suffered the loss of work, the loss of opportunity, and the loss of the ability to provide for their families.

That is what is at stake here tonight. That is all that is at stake here tonight is whether or not people will go and they will go into a safer and safer workplace or whether they will be put at the whims of the chicken factories and irresponsible businesses that use people up and then throw them away, people so badly crippled in their hands they cannot take another job if they can no longer do that job. We have seen that. It is time to get rid of it. That is what this rule does, and we should support the Traficant amendment.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as chairman of the Subcommittee on Workforce Protection, I had firsthand knowledge of the blatant disrespect that OSHA has shown Congress in the regulatory process in implementing its proposed ergonomic standard. As the gentleman previously said, they took 8 years and they have not changed nothing, allowing only a 60-day comment period, but 30-day extension for an analysis of a 1,200 page regulation. It is absurd. By limiting the total number of days allowed for comment on the proposed regulation to 90 days, OSHA simply told small business that their comments do not count.

In case my colleagues do not know, business decisions are made on the basis of cost, as the gentlewoman from Kentucky (Mrs. NORTHUP) said. Injured employees cannot work. So it is up to the companies' interest, it is in their interest to protect their physical health.

The law says one must have workman's compensation. It is expensive. It is not free. So employers work to protect their employees, they buy forklifts, they build conveyors, all without any government mandates.

OSHA says that the ergonomic standard will only cost $4 billion. That is a wild guess. Business says it could cost $80 billion to $90 billion for a single industry. Industry has two choices: automate the jobs out of existence or move the business out of the country. We need some more accurate ideas as to what it will cost.

In October of 1998, Congress appropriated almost $1 million for a nonpartisan study by the National Academy of Science, NAS, to focus on the relationship between repetitive task and repetitive stress injuries and the validity of ergonomics as a science.

On August 3 of last year, the House passed the Workplace and Preservation Act to prohibit OSHA from issuing a prepared or final rule on workplace ergonomics until after the NAS study is completed in the year 2001.

As we have seen, OSHA believes that it does not have to adhere to the will of Congress or the medical community in seeking to finalize the proposed rule by this fall. They have got a study going, but it is run by NIOSH, which is a division of OSHA. Nothing like examining oneself.

In conclusion, as currently written, the proposed ergonomics rule jeopardizes the jobs and welfare of both employers and employees. Pushing this inaccurate, unscientific proposal in such a short time period is both arrogant and reckless.

I urge my colleagues to reject the Traficant amendment and support the prohibitive language in this bill to stop OSHA from moving forward on an ergonomic standard.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I also want to oppose the overall bill. It is an anti-family bill overall. This amendment, if passed, would make it a little better but not good enough. This is an anti-working family's bill which takes away very vital parts that are necessary to keep working families afloat.

The job-training section has been gutted. The school construction section, a mere $1.3 billion from school construction has been removed at a time when the public schools, only schools that working families can afford to attend, are being abandoned and in great need of repair.

The National Education Association survey has recently shown that one needs $254 billion just to maintain the infrastructure of public schools across the country at the level to serve the present enrollment, let alone to prepare for future enrollments. Yet we have cut out $1.3 billion of a very modest proposal made by the President in this legislation. So if this amendment does pass, it will be slightly better; but we should still vote against the entire bill because it is against working families.

This is against working families. It is against women in particular, because the philosophy here in opposing ergonomics is that, if an injury does not show blood, if there is no blood and there is no crushed bones, there is no pain. There is no injury. It is a Neanderthal approach to looking at the kinds of things that happen, in the workplace.

One does not have to go very far. One does not have to go to a town meeting to find people who are suffering from carpal tunnel syndrome. This place is full of them. We have lots of secretaries, lots of people who do the kind of work that results in carpal tunnel syndrome. Just look around. Do an honest survey. Republicans and Democrats should look around and do an honest survey.

I have one person on my staff right now who has a problem with carpal tunnel syndrome. I had a person 12 years ago who worked on my staff and her hands gave out. She could not type. She had done a lot of typing before electric typewriters came on, before computers. She was ashamed to even complain and thought something was wrong with her. I did not know at that time what the problem was. I clearly identify it right now. It is a very real injury; 600,000 workers a year at minimum suffer from musculoskeletal disorders.

There is a lot of talk about NAS doing another study. I want to emphasize the fact that it is a second study. They are calling for a second study by the National Academy of Sciences. They have done one already. They want it reversed. They want to hold out for it.

The truth of it is the people who have called for this additional study are now showing their true colors in this particular legislation. The opponents had argued before that OSHA should wait for another National Academy of Sciences report before moving forward with the rule. They hope the National Academy of Sciences would change its earlier findings that support the ergonomics rule.

Now they are not willing to wait for the NAS study. They are now saying that the rule should be stopped regardless of a conclusion of a new NAS study. There is kind of a blind ideological opposition to ergonomics. They have changed their tune either because they no longer hope NAS would change its findings or because they never really cared about a respected science in the first place. Backers of this rider are willing to ignore commitments and promises and sound science too.

In 1997, NIOSH completed the most comprehensive review ever conducted of musculoskeletal disorders in the workplace. NIOSH reviewed over 600 epidemiologic studies and concluded there is strong evidence of an association between musculoskeletal disorders and work related disorders to high levels of repetition, forceful exertions, and awkward exposures.

The study was peer reviewed by 27 experts from throughout the country. NAS, as I said before, came to the same conclusion after they conducted their own review.

What we have here is a blind ideological refusal to accept the fact that, in this modern society, there are new kinds of disorders that can be very real and very painful and can rob a person of their ability to earn a living.

I have seen many examples of women who have lost their ability to use their hands. They can no longer type, they can no longer make a living, the only way they knew how to make a living. It is very real. This anti-family bill is particularly harsh for women for that reason.

Construction industries and many of the other standards that have been set by OSHA over the years relate to obvious kinds of injuries. When a person bleeds, when a bone is broken, nobody can quarrel about the fact that that is a real injury. But ergonomics produces very real injuries, also.

□ 1930

Mr. HILL of Montana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this issue of repetitive stress injury and repetitive motion injury is really a serious matter, and it is a very complex problem, and that is one of the reasons I think it has created as much debate as it has. It does have and can have a dramatic impact on the life of workers. But the problem is that it is extraordinarily difficult to separate these injuries that arise at the workplace from normal circumstances that just occur as a consequence of the wear and tear of the aging process. It is also complicated by the fact that workplaces are very complex places; and they are also very dynamic places, with circumstances and conditions changing all the time.

The Labor Department's approach to this problem has been a complicated set of rules that will literally micromanage every workplace in America. These rules will dictate changes in virtually every office, every dental office, every restaurant, every doctor's office, even those job locations where there is no evidence or any record of any kind of injury or any indication that there has been any threat of injury.

What concerns many of us is that OSHA's approach to workplace safety has not worked. And it is generally not going to work, because if we take a one-size-fits-all set of safety rules and regulations and we try to apply it to these changing and complex workplaces, it does not produce the results that people expect. What these ergonomics rules do is they take what is a failed concept and they take it to its zenith. It will add dramatically to the cost of the operation of every small business in America, and it is going to fail to deliver on the promise of a safer workplace.

There is a better way to do this, and the better way to do this is to focus on outcomes, setting goals, working with employer groups to reduce these kinds of injuries, providing employers with the flexibility that they need to be able to address their specific workplace with solutions to the problem.

Now, how do we know that that is going to work? Because it is working. The safety rates in this country have increased dramatically in instances where employers and workers are given the flexibility to address workplace safety problems cooperatively. Injury rates of this kind are dropping. And that is because employers care about their employees. They are very concerned about their employees and they value them.

Government cannot create a safe workplace, Mr. Chairman. Employers working with employees in a flexible setting addressing the specific problems in that business and that workplace do. I would oppose this amendment. Suspending this rule is a good idea. We need better science, we need better solutions.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

My colleagues, I would like to respond briefly to the gentleman from Montana. We deal with many complex issues in this body, and I would daresay if complexity is the excuse for non-action, then we really would not be debating anything around here.

And I would also like to respond to a second comment when the gentleman was talking about government cannot make our workplaces safer. Having served on this committee, and I am privileged to serve on the committee, government cannot make it better, most employees, most employers make the workplace better, but the government can encourage those employers, who may not make the workplace as safe as they can, to make it safer.

I can remember very well the fire in the chicken factory when the employers locked the doors and 29 people died. So some employers, not most, may need an encouragement.

I just want to comment on this particular amendment, because I do feel, my colleagues, enough is enough. The science exists, we have heard of it over and over again, the evidence has been gathered, the public comment has been heard and, frankly, our experience in our own offices confirm it. Each year more than 650,000 Americans suffer disorders caused by repetitive motion, heavy lifting or awkward postures that occur in the workplace. These disorders account for more than a third of all workplace injuries.

We have to try our best to prevent these injuries using simple collaborative steps where we can work together. These are serious health problems and OSHA should be able to go forward within its authority to work with employers and employees to prevent and relieve them. Let us prevent and relieve these injuries and save billions of dollars in health care and productivity costs. Let us live up to our obligation doing what we can to protect American workers.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding to me.

I simply want to announce to the House that I am going to insert for the RECORD a letter from the American Federation of Labor, the AFL–CIO, in a letter dated June 8 to me. The letter says as follows:

> The Traficant amendment is being offered against the wishes of the AFL–CIO. It is being done in a way that does not provide an appropriate opportunity to work on behalf of its passage. Further, it appears to be an effort on the part of some to provide cover and encourage Members to support legislation that is blatant anti working family. We do not view this amendment as helpful to the effort to achieve final promulgation of an effective ergonomic standard. With or without this amendment, this legislation seriously harms the interests of American workers and we will continue to strongly oppose the passage of H.R. 4577.

I simply note that so that Members understand that even if they vote for this amendment that is not going to fool anyone who represents American workers into thinking that that has made this bill acceptable to the interests of working families because it clearly is not and will not be so.

Mr. Chairman, the letter I referred to above follows:

> AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
> *Washington, DC, June 8, 2000.*
>
> Hon. DAVID OBEY,
> *House of Representatives, Washington, DC.*
>
> DEAR CONGRESSMAN OBEY: The Traficant amendment is being offered against the wishes of the AFL–CIO. It is being done in a way that does not provide an appropriate opportunity to work in behalf of its passage. Further, it appears to be an effort on the part of some to provide cover and encourage members to support legislation that is blatantly anti working family.
>
> We do not view this amendment as helpful to the effort to achieve final promulgation of an effective ergonomic standard.
>
> With or without this amendment, this legislation seriously harms the interests of American workers and we will continue to strongly oppose the passage of H.R. 4577.
>
> Sincerely,
> PEGGY TAYLOR,
> *Director, Department of Legislation.*

Mrs. LOWEY. Reclaiming my time, Mr. Chairman, I would just like to say, in conclusion, we as representatives of our community cannot solve all the problems, we cannot solve all the problems in the workplace, but we have a responsibility to do what we can, based on the science, to pass legislation that can make life a little better for workers who are working in many situations at a disadvantage to their health.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Traficant amendment. First of all, let me put in the RECORD that I am very proud that Elizabeth Dole initiated this national debate and that our former colleague, Lynn Martin, when she was Secretary of Labor, moved it forward. And I daresay that if either of them were Secretary of Labor now we would not be here tonight.

We are here because the proposed regulations issued by the Department of Labor are so unfair to workers. It is unfair to workers to have the Federal Government mandate a 90 percent compensation because an individual is injured as the result of ergonomics and a lower level of compensation if injured some other way. Do my colleagues realize what that is going to do in the long run to the sense of equity and fairness in labor law for working Americans?

We are here tonight because this sets up a really unfair system of compensation, for the first time ever people getting compensated differently depending on the origin of their injury. It also will interfere with the very mechanisms that in my district have been put in place. And, believe me, I have been in factory after factory over the last year. And if my colleagues have not been there and looked at how their factories are improving their safety records, then they cannot really understand how these regulations will prevent the very mechanisms that are creating an absolutely astounding reduction in workplace injuries.

Do my colleagues realize that occupational injury and illness rates are at their lowest level since the Bureau of Labor Statistics began recording this information in the 1970s? And, in fact, since 1992, injuries resulting in the loss of workdays have dropped 20 percent. In my district I can tell my colleagues why that is happening. It is because people are very serious about keeping their employees healthy.

In the factories in my district, teams of workers are out there looking at this stuff all the time. They are improving it. These regulations the Department of Labor is interested in would lay over this employee activity that is working, a bureaucratic administrative mechanism that is only sort of didactically driven. It interferes with the very dynamic, the communication, the vitality, all the things that are happening in the workplace to reduce injuries.

I have seen that in plant after plant after plant, and I have had workers stand there and ask me how we can tell them they are doing it wrong when they are doing so well. I was in one of the plants in my district that was used by OSHA to do its research to develop these regulations. And what appalled them was that together they did identify some things that were problems, for which none of them could think up any solutions. But under these regulations one incident, not a pattern of problems, not a pattern of injuries, not a pattern of even symptoms, but one injury would trigger the whole 1200 pages of Federal regulations coming down on their head, even though OSHA themselves could find no solution to the problem that jointly the workers, management, and OSHA had identified.

So this regulation that OSHA has come out with is so wildly inappropriately related to the problem of getting working people and helping working people and giving them the resources to identify the problems and find solutions, when employers are clearly highly motivated to invest in safety. It is so wrong headed it cannot be fixed and it must be stopped.

Lastly, the idea of providing a separate, different, higher compensation for people because they are injured as a result of one cause versus another is simply going to create a system of such gross inequity that we should not here tonight let that go forward. I want a good ergonomics regulation. This Secretary has not produced it. And these regulations must be stopped.

At the rate the Department works, it will take them a year to figure out and look at what would be the next step. But these regulations would be catastrophic for the constructive employers who are winning awards for safety, and that ought to tell my colleagues something.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that the question has gone begging this evening. Frankly, what we should be discussing is an overall policy point of view that this Nation wants to take with respect to its American workers.

I have great difficulty with this legislation and will oppose it, but in particular this amendment clearly begs or asks the question, what do we do about 1.8 million U.S. workers that experience a work-related musculoskeletal disorder, such as injuries from over-exertion or repetitive motion? How do we ignore that?

The real question is not how we see it fitting in our respective districts but how we see it fitting across the Nation as it responds or relates to the idea that we must find some basis of dealing with this national issue, and that is that workers across the Nation are, in fact, experiencing these kinds of injuries. Do we also realize that over 600,000 incidences occur that are serious enough to require time off from work and cost businesses between $15 billion and $20 billion?

I would beg to differ as to whether or not our Secretary of Labor and the Department of Labor have not done what they are supposed to do. Ergonomics regulations may affect some businesses to the extent that they do not want them to affect them, but our responsibility here on the floor of the House is to deal with individual workers who cannot address these issues themselves. It is a responsibility to make national policy that answers the question with respect to a safe workplace.

The Department of Labor estimates that the ergonomics rule would prevent about 300,000 injuries a year. I would simply say that that is an important preventive measure. That is an important policy decision that responds to the needs of at least 300,000 workers. Why would we not want to do that? Why would an amendment even be accepted to eliminate that aspect of the Department of Labor's responsibility?

I am dealing in another committee with a complaint that an agency has not written rules to address a particular legislative initiative.

☐ 1945

Now, we have an agency that has and we have the claim that their regulations are unfair to workers and unfair, of course, to businesses. I am simply speechless. Because if they are unfair, why are we continuing to have these injuries? We obviously need to solve the problem in some way, shape, or form or fashion.

I would argue that the ergonomics would prevent about 300,000 injuries per year and save $9 billion.

Mr. Chairman, I think it is important to note that about one-third of general-industry work sites will be covered by the rule, protecting 27 million workers. Fewer than 30 percent of general industry employers currently have effective ergonomics programs.

This is a policy question that I hope this House does not find itself on the wrong side of the street. I would like us to err on the side of protecting 27 million workers and preventing the injuries of 300,000 of those who are injured.

Ergonomics are real. The injuries are real. The need is real. I would ask that we would support this amendment, at least to make the statement and to protect the workers as they work on a daily basis.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, section 103 of the bill says "none of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer or enforce any proposed temporary or final standard on ergonomic protection."

Earlier in this debate, I rose and went to that well to speak to what was wrong with that section, and I joined my good friend, the gentleman from Wisconsin (Mr. OBEY), in stating that I am opposed to this bill; but I am going to support this amendment. And the reason I am going to support this amendment is because in my district in Cleveland, when I go out and meet the people, as I do all the time and as many of us do in our own districts, I always study people. And when I go out to shake hands and hands reach out, I want to tell my colleagues how many times I would see over and over a scar on somebody's wrist, mostly women I might add.

And my colleagues know what it is more often than not. Someone has had surgery to correct a carpal tunnel condition. So we see a hand reach out; and if there is a scar on that wrist, more often than not, that person has had a repetitive motion injury, carpal tunnel.

Now, if we shake that hand of that person who had that injury and had surgery to correct the condition, we might consider the moral statement of joining hands with someone who has had that injury and then at the same time be willing to sweep aside any attempt to stop others from being able to be protected in the workplace.

Now, I know about one such person because it happened to be my Aunt Betty. She helped to raise most of the children in our extended family. And Aunt Betty did it by working her 40 hours a week in a large corporation in downtown Cleveland as an executive secretary and spent 30 years on the job typing away and then finally took retirement because her hand would not work anymore. That is why she quit. She would still be doing it, just that her hand would not work anymore.

So she had surgery. And now she is in her seventies and enjoying life retired. She would have kept working as long as she could, but her hands would not work anymore.

Well, I can tell my colleagues there are a lot of Aunt Bettys out there. And when I go and reach out in the crowd, I can see the little marks on their wrists. We need ergonomic standards. We need to have the Occupational Safety and Health Administration be able to promulgate and issue and implement and administer and enforce temporary or final standards on ergonomic protection. That is why I am going to be supporting this amendment.

Arguments to the contrary attempt to reduce all workers to the status of cheats. I think most Americans who have a job want to work; they do not want to find a way out of work. I think most businesses who have well-trained workers want their people to stay on the job; they do not want to waste the human capital.

This is an issue about human beings and our dedication to them.

Mr. Chairman, I yield to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, Secretary of Labor Elizabeth Dole announced a major initiative to reduce repetitive motion trauma. She said she intended to begin the rule-making process immediately. She said Assistant Secretary of Labor Scanell shall begin an inspection program in early 1991.

My colleagues, this is 2000. I think 9 years is enough.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that 10 minutes of additional debate be allowed on this amendment with 5 minutes allocated to the gentleman from Wisconsin (Mr. OBEY) and 5 minutes allocated to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. TRAFICANT. Mr. Chairman, reserving the right to object, I would like some time in the closing of this debate.

Mr. PORTER. Mr. Chairman, I ask the gentleman, how about 2½ minutes to the gentleman from Ohio (Mr. TRAFICANT), 2½ minutes to the gentleman from Wisconsin (Mr. OBEY), 2½ minutes to me, and 2½ minutes to the gentlewoman from Kentucky (Mrs. NORTHUP)?

Mr. TRAFICANT. Mr. Chairman, I shall accept that.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman for the opportunity to address this committee.

Mr. Chairman, I was sitting in my office listening to the discussion with regard to ergonomics. I rise in opposition to the legislation but in support of the amendment.

The reason I came over here is because I have a mother who turned 79 years old this year, and we were sitting at the table the other day and her right hand is like this; and her right hand is like this because she worked in a factory folding boxes for 20 years.

She ultimately retired from the factory from another injury, having fallen from a stool and busting her tailbone on the cement of that floor. But, ultimately, she is right now in the process of about, at 79, to have this hook of her hand repaired. And it comes from carpal tunnel syndrome.

I suggest to my colleagues the inability of the Department of Labor and the Secretary of Labor to promulgate rules hits me very close to home to my 79-year-old mother, Mary Tubbs.

I would suggest that there are mothers across this country who are in the same condition as my mom, and I would say that we have the opportunity to address this terrible injury where people who have worked all of their lives end up being deformed as a result of ergonomics.

Mr. PORTER. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, I just want to reiterate that we all agree that we need to look at ergonomics. The fact is that the mother of the gentlewoman from Ohio (Mrs. JONES) and my mother and my mother-in-law and many senior women, whether they have been in the workforce or not, are struggling with carpal tunnel. The fact is it is caused not just by the workplace, but in my case it was caused by years of cooking and sewing.

The gentlewoman from Connecticut (Mrs. JOHNSON) just mentioned that the time that she struggled with it the most in her life and needed surgery on both hands was a result of the years of sewing and cooking. The fact is that whatever we are doing causes stress on certain joints if we use it over and over.

But the gentlewoman from Connecticut (Mrs. JOHNSON) also made the point that, even in the workplace that OSHA used to consider this rule, they identified problem after problem where all the employees and the employer and OSHA, working all together with consultants, could not devise a strategy for addressing this particular problem that an employee had.

We do need a collaborative effort. We do need the authority of OSHA that has helped reduce workplace injuries. We need them to come to the table and help us to develop some best-thought-out strategies.

But as my colleagues on the other side of the aisle have stated, after 8 years and an amazing amount of money and pages in testimony, this bureaucracy has turned out a rule that did not take any of those things into consideration. They have been tone deaf to the people that have asked fair questions about what sort of solution really brings a remedy to their employees in the workplace.

Another one of the speakers said complexity is not an excuse for inaction. But I want to tell my colleagues what it does call for. Complexity calls for balance. And we have not seen any balance in this rule, none of it, that reflects the fair concerns of employers and employees in the workplace. Instead, it is heavy-handed and it is extremely expensive.

And for those jobs that are not offshore as a result, let me tell them what it does. It absorbs an enormous amount of money in the workplace. What does that mean? It means lower salaries for working families.

Mr. Chairman, I yield myself the final 2½ minutes.

Mr. Chairman, and so who is going to pay the price as the workplace begins to spend money and to spend money in ways just to experiment with possible remedies just to prove that they are doing something? The person that pays the price is the worker.

As the employer says to the worker, I am sorry, I cannot give you the raise you deserve and need and your family wants because, instead, I have to spend the money in the workplace.

Has this ever happened before? It has happened before when companies have had to swallow such large costs in health insurance that they have had to go to the bargaining table and reduce what they wanted to offer their employees in terms of salaries and their wages in order to meet the cost of their health insurance.

What we are creating here in this rule is an enormous cost driver, and the people that are going to pay the price are the people that have to share what is left over after we meet this bureaucracy regulation.

Workers in America are not asking for big, new costs, they are not asking for a big bureaucracy, and they are not asking for our intervention. They are asking us to do everything we can to help them raise their families, support their families, invest in their futures, and send their children to school. They are asking us not to drive up costs, not to drive up taxes, not to create big bureaucracies, and not to centralize more of the Federal Government but, instead, to help them and equip them to meet their needs.

OSHA ought to be a partner in that. They should not be an obstacle in it, and they should not drive up the costs and suck out of our economy money that could be in the hands of our workers.

This is not fair to our workers. It is not fair to those of us that are looking to OSHA to give us common sense regulation. It comes from a bureaucracy that created the home workplace regulations that were quickly withdrawn. That was not an accident, Mr. Speaker. That was not something that happened by a mistake or one person. That happened because we have an agency that is out of control, that is tone deaf, that will not listen, that does not understand the meaning of balance, and does not understand common sense regulation.

☐ 2000

I believe, Mr. Chairman, that this party is the majority party today because in 1994, the American people said enough is enough and that we are not getting balance, we are getting huge bureaucracies that have promised us everything and delivered us nothing.

Please defeat this amendment and send back to the American families what they are really asking for.

Mr. TRAFICANT. Mr. Chairman, I yield myself 1 minute.

I have heard arguments that protecting workers is shoving jobs overseas. I would like to make issue with that. I think our tax and trade policies are chasing American companies overseas. And here is how we are trying now to save a few jobs, on the backs of worker protection.

You show me a 50-year-old court reporter who does not have carpal tunnel problems. Show me one. Maybe they never came forward with it. It started in 1990 with Elizabeth Dole, God bless her. In 1991, her assistant secretary was going to begin the process. It is 2000. Most of those workers are now so debilitated, they cannot function. I believe it is unconscionable for this Congress to try and create jobs on the back of destroying workers' rights.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the only repetitive motion injury that some Members of Congress are likely ever to endure will come from the routine genuflecting to special interests that so often goes on around here. We ought to have an exception to that general rule by passing this amendment tonight.

But if you vote for it, do not think you can then go home and pretend to your workers that you are a friend of the working man and a friend of working families all over this country if you vote to pass this bill, because it will still be cutting education from the President's request by over $3 billion, it will be cutting health care by more than $1 billion, it will be cutting worker protection and job training programs by almost $2 billion. That is not going to fool anybody.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

I do not know how you are going to vote on final passage. That is your business. But I do know one thing that I say to the chairman and ranking member, that votes set precedents. You vote to keep this language in and you certify this language will become the law of the land and it will never be changed. I am here talking about a precedent, a precedent that says, and I do not give a damn what the AFL–CIO says. Quite frankly they did not even support me. If my workers do not know a damn thing about AFL–CIO, they know this. Their parents and their grandparents have problems, and Congress has put off and put off and put off.

Let me say this to both parties. Elizabeth Dole started it 10 years ago. Congratulations, Republicans. Democrats, I do not care how you vote on final passage but tonight we set a precedent. What is that precedent going to be? Is that precedent going to be none of the funds may be used by OSHA to implement or enforce even temporary standards? God almighty. Shove that AFL–CIO letter right up your T-shirt. This amendment should be passed, and the Republicans should pass it with us.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded to adopt appropriate language.

The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 518, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

Mr. PORTER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise today to engage in a colloquy with my colleague from Illinois, the distinguished chairman of the subcommittee, to discuss one of the most important programs funded in this bill, the consolidated health centers program.

The gentleman from Illinois has been a tremendous supporter of health centers. I realize that talking to him about this issue is like preaching to the choir. Members on both sides of the aisle of his subcommittee have united to advance this program, true testaments of the integral role health centers play in the delivery of health care for this Nation. Under his leadership, the subcommittee approved an increase of $81 million to this program, bringing its overall budget to $1.1 billion.

While this commitment is a wonderful step in the right direction, it is my hope that the gentleman will continue to work throughout the process to increase funding for the program by a total of $150 million. Every day, community health centers provide critical services to the Nation's most vulnerable populations. These services are especially important for those under the age of 19 and those belonging to minority groups. Health centers serve one out of every six low-income children in America or 4.5 million children. That number also includes one out of every five or 1.6 million low-income, uninsured children. With the current number of uninsured Americans growing in excess of 44 million, the demand for more health centers and more services continues to rise. In addition, health centers provide quality care to more than 7 million people belonging to minority groups.

As a former health center employee in the inner city of Chicago, I can attest that health centers provide a key solution to the health care crisis in America which continues to be one of the greatest challenges to our society. We must find a way to provide an additional $150 million to the health center program to help meet the challenges they face in providing care to our Nation's most vulnerable populations, the poor, the uninsured, the underinsured and those with nowhere else to turn for health care services.

Mr. Chairman, when it comes to the health care of our Nation, it remains divided. It is divided along the lines of those with access and those without. Health centers continue to bridge that divide and contribute to a healthier and a more productive America.

Mr. Chairman, I appreciate the gentleman's commitment to this program and hope that he will continue to work throughout the legislative process to ensure the health center program is provided an additional $150 million in the final bill.

Mr. PORTER. I thank the gentleman for his very kind words. We have agreed in the subcommittee that health centers are among our highest priorities. Since 1995, we have increased this program by $365.5 million, or 50 percent. We recognize that in too many cases, health centers provide the only access individuals have to our health care system.

Obviously the health centers program within appropriated funds cannot solve the overall access problem. Nevertheless, in the absence of progress on access, we will do our best through the remainder of the process and within fiscal restraints to reach the $150 million increase. I will be pleased to work with the gentleman from Illinois to reach that goal.

Mr. DAVIS of Illinois. The gentleman has truly been a champion for these programs. He will be sorely missed, and his leadership will be missed when he is gone.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

On page 19, after line 19, insert the following new section:

MINIMUM WAGE

SEC. 104. Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 26(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.15 an hour beginning September 1, 1997,

"(B) $5.65 an hour during the year beginning April 1, 2000, and

"(C) $6.15 an hour beginning April 1, 2001;".

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the amendment be offered at the end of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. PORTER. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. OBEY. Mr. Chairman, I also reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. TRAFICANT. Mr. Chairman, I think everybody is going to object to this amendment.

This is one of 13 bills that will ultimately become law. Many of the things the Republicans have in the bill are not going to be in this final bill. There will be precedents set in this bill and there should be an opportunity to carve out opportunity in this bill. This amendment is the exact amendment that I passed to H.R. 3846, March 9 of this year. It passed 246–179. What is the shell game? Is it tied up in politics with the tax cut and now it is tied up with legislating on an appropriations bill?

The Traficant amendment simply says there shall be an increase in the minimum wage, $1 over 2 years. The original language was $1 over 3 years. The House has already spoken its will on this. It has not been signed into law, and it is being tied up with the tax cut. But it should not be tied up in a measure like this. I want to compliment the gentleman. He is one of the first chairmen to bring a bill out because these bills are folded into continuing resolutions because both parties are playing politics with it and it is an election.

I want a minimum wage increase. Tell me how else we can get it, and I would be glad to support it. But if the labor appropriations bill is not the place for a minimum wage increase, God save America. Let me say this. The appropriators should have done this. The appropriators should have done this. I am disappointed the Democrat Party did not bang away on this issue. I guess they are more concerned about the AFL–CIO and election-year politics. Quite frankly, battle it out, folks. But I think the $1 over 2 years that passed overwhelmingly in this body with bipartisan support should be included in this bill. It would take a hell of a lot of politics out of it and it would make that White House take a good look at it and it would make that conference with the gentleman from Florida (Mr. YOUNG) very exciting.

I think that is what Congress should do. I do understand it is legislating on an appropriations bill, but that has been going on around here for years, and I do ask for that exception and give the Congress an opportunity to vote on it. Otherwise, we just masquerade for party sakes, of proffering legislation designed to win majorities. I think it is time to win America, and I think it is time to do what is right for workers.

I will say this. This rising tide that is raising all ships has left a lot of little people behind. I know this bill ultimately is going to be folded into some legislation, and I would hope that the chairman would reconsider his position and that the chairman would defer to the vote of the authorizing mechanism of this Congress who duly passed this amendment.

□ 2015

I say to the chairman of the subcommittee, he should do the right thing. I see politics being played on both sides. I see election year politics over here, election year politics over there. To be quite honest, I think I see more over here. But there are parts of this bill we cannot support. But I think if there are parts of this bill we cannot support, that sends it to conference, and maybe we can come out with a compromise that we can all live with, including the White House. I thought that was the reason for bringing this bill out, is a dead-bang veto in the first place.

So having stated that, I would hope that the chairman would reconsider his position, vote with me and allow the gentleman from Connecticut (Mr. SHAYS) to stand up in support of it as well.

With that, I would request of the Chair that if there is an objection, that I be permitted the opportunity to contest that objection.

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: an amendment to a general appropriation bill shall not be in order if it changes existing law. The amendment directly amends existing law.

I ask for a ruling from the Chair.

The CHAIRMAN. The gentleman makes a point of order against the Traficant amendment.

Does the gentleman from Ohio wish to be heard on the point of order?

Mr. TRAFICANT. Yes, Mr. Chairman, I do. I believe the gentleman's argument is in order, save for the possible precedents of an unusual situation. Although it is not existing law, the authorizing committee of this body being the body of the full House, has already voted on the issue and spoken on the issue. That should make it subject to a parliamentary ruling that is quite different from an individual bringing out of the blue a minimum-wage increase with no prior authorizing foundation.

Mr. Chairman, we do not here make decisions for the other body. We can only make those decisions for ourselves. We have already made that decision. The House has technically authorized, if you will, and placed in motion the authorization of a minimum-wage increase. I do not believe we are striking new territory, and if such a precedent is needed, then maybe a precedent should be voted on.

Now, I do not want to challenge the ruling of the Chair, and I fully respect the ruling of the Chair; but I want a minimum wage increase in this bill, and I am going to give it that shot. My final argument is this: when the House votes and authorizes, is it not a fact that one cannot have anything other than that authorization by law in an appropriation bill? So by law, if the appropriators put the Traficant language passed in H.R. 3846 in this bill, it could not have been stricken. So the appropriators now made a decision, relative to the full House, and I do not believe the appropriators should have control over the decisions of the full House. Thus, I believe, that precedent should be set, and the parliamentarians should rule, because the House has already spoken and a Member is attempting to put the authorization language of the House, the full House, into the appropriation bill. The authorization bill has not been passed by the other body; the appropriation bill has not been passed by the other body. Thus this bill is wide open for this amendment.

Now, before the Chairman reads the bad news, I want to say this again. The other body has not voted on the authorizing package; but the other body has not voted nor, in fact, assembled over this appropriation bill. Since there is no objection from the other body, and this full House has authorized that provision, that should make a precedent and allow it to be included as an amendment to be offered on the floor, and it should not be prohibited from being heard in this appropriations cycle.

The CHAIRMAN. The Chair is prepared to rule.

The amendment offered by the gentleman from Ohio (Mr. TRAFICANT) directly amends existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

Mr. TRAFICANT. Mr. Chairman, I move to appeal the ruling of the Chair.

The CHAIRMAN. The question is, shall the decision of the Chair stand as the judgment of the Committee.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TRAFICANT. On that, Mr. Chairman, I demand a recorded vote; and pending that, I make a point of order that a quorum is not present.

Mr. Chairman, I ask unanimous consent that the vote be held over until tomorrow, if it poses a hardship on Members.

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. That unanimous consent is not in order in the Committee of the Whole.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent to withdraw my appeal tonight and to be allowed to appeal the Chair tomorrow on the issue.

The CHAIRMAN. That unanimous consent is not in order. The gentleman could offer his amendment again when the Committee resumes its sitting if that is his choice, perhaps at a different place in the bill.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that I be allowed to offer my amendment tomorrow and that it be limited to a total of 10 minutes debate, 5 minutes divided, by both parties, an opponent, and myself as the proponent.

The CHAIRMAN. When the Committee of the Whole resumes its sitting, the gentleman could reoffer his amendment.

Mr. TRAFICANT. I thank the Chairman.

The CHAIRMAN. Does the gentleman withdraw his appeal at this time?

Mr. TRAFICANT. Mr. Chairman, pending the fact that when we return to this bill, I will be able to, in fact, offer my amendment.

The CHAIRMAN. The gentleman has that option under the rule when the Committee resumes its sitting.

Mr. TRAFICANT. Mr. Chairman, I withdraw the appeal of the ruling of the Chair.

The CHAIRMAN. The appeal is withdrawn. The point of order is sustained.

Mr. SHAYS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 4577, despite my concerns about the funding of certain critical programs.

I commend the gentleman from Illinois (Mr. PORTER) for his commitment and dedicated service to this body during his 11 years of service. The chairman has lead the bipartisan effort to increase funding for the National Institutes of Health and so many other valuable, worthy, and important programs. He has been a champion of increasing biomedical research and has tirelessly worked to ensure that no child is left behind in our educational system.

I am particularly concerned about the Older Americans Act and, specifically, the congregate meal program funded under the act. I was disappointed, but not surprised, to learn that the congregate meal program was once again flat funded, at the President's requested amount, marking the fourth consecutive fiscal year without an increase.

Because the congregate meal program is unauthorized under H.R. 4577, given the failure of this body to reauthorize the Older American Act, I am unable to introduce an amendment to increase the earmark for the program included in the report language.

Mr. Chairman, funding for the congregate meal program has not kept pace with inflation, increasing only $20 million over the past 10 years. In 1999 dollars, funding for the program has actually decreased by $93 million over 10 years.

Congregate meal programs serve the nutrition and social needs of seniors and operate in senior centers, community centers, schools and adult day care centers across the country. Many sites provide a variety of social services in addition to meals, including education, health screening, and social activities which enrich the lives of seniors.

Mr. Chairman, this body has a responsibility to ensure that the program is funded adequately. A 1996 evaluation confirmed the senior nutrition program is an important part of ensuring our seniors are healthy. According to the evaluation, participants in the program are among our most vulnerable population. They are older, poorer, and more likely to be members of minority groups compared to the total elderly population. The evaluation also indicated that for every Federal dollar spent in congregate meals, other funding sources contributed $1.70.

The Federal Government must uphold its end of the bargain by recognizing the changing buying power of the dollar and increase funding for the congregate meal program accordingly.

I became deeply involved in this issue last November when I became aware that the Agency on Aging in my district began cutting back the congregate meal program after exhausting their reserve funds. In the face of a potential crisis, the State of Connecticut and local governments agreed to make up the financial shortfall for this fiscal year. The additional funds will allow the agency to temporarily overcome the financial shortfall and enable providers to serve the same number of meals this year as were served in 1999. While this financial contribution is significant and speaks volumes about the importance of the congregate meal program to seniors in Connecticut, it does nothing to prevent a similar funding shortfall from occurring next year and the year after that.

Mr. Chairman, I would conclude by thanking this body for allowing me the opportunity to provide my colleagues with my thoughts on this issue of great importance to my district.

It is my hope that the appropriators will work in conference to increase the earmark for congregate meal funding, above the President's requested level, in order to guarantee that seniors have access to the meals they need.

Mr. Chairman, I am prepared to vote this bill out. I believe that the gentleman from Illinois (Mr. PORTER) will be able to make it a better bill in conference. I know he has limited resources to work with, and I stand ready to help him in any way I can.

The CHAIRMAN. Are there further amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

> This title may be cited as the "Department of Labor Appropriations Act, 2001".

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4577), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LIMITING CONSIDERATION OF CERTAIN AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 2001

Mr. PORTER. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 4577, pursuant to House Resolution 518, it shall be in order only at the appropriate point in the reading of the bill to consider each of the amendments printed in the CONGRESSIONAL RECORD and numbered 10, 11, 12, 13, 14, 15, 16, 17 and 18, pursuant to clause 8 of rule XVIII, if offered by the gentleman from Wisconsin (Mr. OBEY), or his designee; none of the designated amendments shall be liable to the point of order that a portion of the amendment addresses a portion of the bill not yet read for amendment; all other points of order against each of the designated amendments shall be considered as reserved pending completion of the debate thereon; each of the designated amendments shall be debatable only for 30 minutes, equally divided and controlled by the proponent and an opponent; each of the designated amendments shall not be subject to amendment; and each of the designated amendments may be withdrawn by its proponent after debate thereon.

□ 2030

The SPEAKER pro tempore (Mr. Isakson). Is there objection to the request of the gentleman from Illinois?

Mr. OBEY. Mr. Speaker, reserving the right to object, I simply would note under my reservation, Mr. Speaker, that I have no objection to this arrangement, with the understanding that when the House returns to this bill, it will not be at a time when Members are still flying back to Washington on their airplanes, and that it will not be debated in the dead of night.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, I would say to the gentleman that I will be flying back on an airplane late Monday afternoon, and hope that we would also be able to address this at a civil hour.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. YOUNG of Florida. Mr. Speaker, reserving the right to object, about this time last year we had interfered substantially with a very personal matter relative to our ranking member on the Committee on Appropriations, so just in the event that that might happen again, and I hope it does not, I wanted to wish him a happy anniversary, and hopefully he will be able to get to do something proper with his wife this year which he was prevented from last year.

Mr. OBEY. If the gentleman will yield, that will be tomorrow.

Mr. YOUNG of Florida. I understand it is tomorrow. Just in case something happens between now and then.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 518 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4577.

□ 2031

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier this evening, the Clerk had read through page 19, line 21.

Pursuant to the order of the House of today, it shall be in order only at the appropriate point in the reading of the bill to consider each of the amendments printed in the CONGRESSIONAL RECORD and numbered 10, 11, 12, 13, 14, 15, 16, 17, and 18 if offered by the gentleman from Wisconsin (Mr. OBEY) or his designee.

Each amendment shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and may be withdrawn by its proponent after debate thereon.

Pursuant to House Resolution 518, proceedings will now resume on the amendment on which further proceedings were postponed.

AMENDMENT OFFERED BY MR. TRAFICANT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 220, not voting 12, as follows:

[Roll No. 250]

AYES—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Clay
Danner
Gilman
Greenwood
Istook
Klink
Lazio
Markey
Martinez
Smith (MI)
Smith (WA)
Vento

□ 2054

Messrs. SOUDER, DUNCAN, BRADY of Texas and MORAN of Kansas changed their vote from "aye" to "no."

Mr. DAVIS of Florida and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FLETCHER) having assumed the Chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4577), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

TRIBUTE TO DR. UZELAC

(Mr. OSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSE. Mr. Speaker, I rise today to pay tribute to Dr. Uzelac who is retiring today after serving as the principal of my alma mater, Rio Americano High School for the past 15 years and has worked in education for the past 38 years.

□ 2100

Dr. Uzelac's roles and accomplishments are many. Let me highlight just a few. Not only was he an elementary school vice principal and principal, but he was also a junior high school teacher and principal as well as a high school principal.

His accomplishments are many, and they include playing an instrumental role in Rio Americano becoming a National Blue Ribbon School as well as a four-time California distinguished school. Dr. Uzelac was the administrator of the year in 1983. He has been recognized by many, including the gentleman from California (Mr. MATSUI), former State Senator Leroy Greene, current State Senator Patrick Johnson for his tremendous leadership in education back in February of 1996. He has received the Honorary Service Award as the administrator of the year from the San Juan Parent and Teachers Association in April of 1996. During his tenure of acting principal, Rio Americano High School was the winner of Redbook's American Best Schools award. That was in April of 1996.

Dr. Uzelac and his wife Virginia will be spending more time with their three children and grandchildren at their home in Capitola, California. His devoted service epitomizes selflessness and devotion. He will be truly missed, and I applaud him for his willingness to better the lives of our youth. Godspeed to Dr. Uzelac.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FLETCHER). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the Congressional Record revisions to the allocations for the House Committee on Appropriations. For fiscal year 2000, the allocation established by H. Con. Res. 290 is increased to reflect $350,000,000 in additional new budget authority and $290,000,000 in additional outlays. This will change the fiscal year 2000 allocation to the House Committee on Appropriations to $575,151,000,000 in budget authority and $611,940,000,000 in outlays. Budgetary aggregates will increase to $1,471,750,000,000 in budget authority and $1,453,390,00,000 in outlays.

Outlays from that additional budget authority continue in fiscal year 2001. The allocation for the House Committee on Appropriations printed in House Report 106–656 is therefore increased to reflect $60,000,000 in additional outlays. This will establish a fiscal year 2001 allocation to the House Committee on Appropriations of $601,681,000,000 in budget authority and $625,975,000,000 in outlays. Budgetary aggregates become $1,529,886,000,000 in budget authority and $1,495,196,000,000 in outlays.

As reported to the House, H.R. 4578, the bill making fiscal year 2001 appropriations for the Department of Interior and Related Agencies, includes $350,000,000 in fiscal year 2000 budget authority for emergencies. Outlays flowing from that budget authority are $290,000,000 in fiscal year 2000 and $60,000,000 in fiscal year 2001.

These adjustments shall apply while the legislation is under consideration and shall take effected upon final enactment of the legislation. Questions may be directed to Dan Kowalski or Jim Bates at 67270.

DISADVANTAGES OF ESTATE TAX REPEAL BILL

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, last night, I spoke for 5 minutes to try to list the disadvantages of the estate tax repeal bill that we will deal with tomorrow. Unfortunately, 5 minutes, or perhaps not even an hour, is sufficient to list all those disadvantages.

First, let us put this bill in context. Once it is fully phased in, it will cost this country $50 billion a year. All of that tax relief will go to the richest 1 percent to 1½ percent of American families. Basically all of the tax relief goes to those with assets of $10 million and more.

Mr. Speaker, this bill provides $50 billion of tax relief basically for families with assets of more than $10 million and provides not a penny of tax relief for people who make $10 an hour.

Mr. Speaker, we tried to add an amendment to this bill to say that its provisions would become applicable only upon certification, that the debt will be paid off by 2013, and that Medicare and Social Security will remain solvent.

The supporters of this bill on the Committee on Rules refused to even allow the House to debate that Sherman-Stenholm amendment. So we have before us a bill that makes no attempt at all to provide tax relief for working American families.

It costs us $50 billion whether or not that drives Social Security and Medicare into the red or not. But the disadvantages continue.

Mr. Speaker, this bill will dramatically cut charitable giving. Now, I am not talking about charitable giving when somebody puts $5 or $10 in a collection plate. But if one goes to any college campus or major hospital in this country and one sees the buildings named after the multimillion-dollar donors, those are the donors who have consulted with their estate planning lawyers before they made that gift. Those are donors who decided to give only knowing that they would save 50 to 75 cents out of every dollar on their taxes for what they gave to the universities.

Those universities, not getting those charitable contributions will come to this House and ask us for money; and we will say, sorry, we cut Federal revenues by $50 billion in the estate tax bill. We cannot help you.

Mr. Speaker, when one goes to the universities in the future, the buildings will not have names, because the charitable contributions justifying naming a building after someone will not be made.

Mr. Speaker, this bill, however, actually increases taxes on one group of people: widows and widowers. It takes away from them most of the step-up in basis which reduces income taxes on the sale of assets that they acquire from their deceased spouse. So while providing $50 billion of tax cuts, it increases taxes on widows and widowers.

The bill is supposed to make it easier for family businesses to stay in the family; yet not a single statistic has been put forward as to how much the estate tax is driving families who choose to sell their businesses nor whether it is better for the economy to sell businesses to those who really want to be in that business rather than those who inherit them.

Finally, Mr. Speaker, this bill is certain to be vetoed. So it is a show, a show of where we stand in terms of our values; but mostly, it is delay. Because if instead this House worked together, we could provide reasonable estate tax relief for upper middle-class families who are currently caught either paying the tax or caught having to draw long estate planning documents bypass trusts, extra tax returns every year for widows and widowers, all in an effort to escape a tax that was never designed to be applied to them anyway.

So I have introduced a bill that would say that, if someone inherits assets, they also inherit the unified credit. So that every husband and wife could pass to their children $2 million in assets without paying a single penny of estate tax and without having to deal with bypass trusts, Form 1041 special income tax returns, and all of the complication the present law afflicts them with.

Mr. Speaker, there are 50 billion reasons to vote against the bill that we will consider tomorrow.

NIGHTSIDE CHAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, once again we are here for a nightside chat. It is very interesting. I just had the opportunity to hear the gentleman from California (Mr. SHERMAN) speak about the death tax. What I was surprised about is he actually got some applause as he concluded his remarks.

I want to talk about his remarks on the death tax. This is a supporter of the death tax in this country. I want to specifically go through the impacts, the negative impacts that this tax called the death tax has on our country.

I want to point out very clearly, Mr. Speaker, that the current administration, the Democrats, have not only proposed not to cut the estate tax but, in fact, in the administration budget, and I would urge my colleagues from the State of California to look in the administration's budget, and they will find out that there is not a freeze on the death tax; that, in fact, the administration proposes a $9.5 billion increase in the death tax. I say come on to my colleagues from the Democratic side who are supporting this death tax. Be straightforward. Be up front. Talk about that administration budget. Talk about the administration policy.

They want to increase the death tax on the American people. They do not want to freeze it. They do not want to cut it. Let us talk about facts here this evening. Let us address it.

Today, very interesting, I read the Wall Street Journal. I tell my colleagues, I am an avid reader of the Wall Street Journal. I think they have excellent articles. I also read articles written, and I have it here to my left taped on this platform, an article by Albert R. Hunt. I thought this evening would be a good opportunity for us to go over a few points made in his article, because I think his article is full of inaccuracies.

I am afraid that the gentleman, Mr. Hunt, who wrote this article has not been to rural America. I am afraid that he simplifies, is even disingenuous in his comments towards those of us in rural America who are impacted by death taxes.

Now, before we start our conversation, Mr. Speaker, let us just remind ourselves what are the death taxes. Death taxes are a tax imposed upon one's estate, actually upon one's death. One has about 9 months to pay them. They are taxes, in many cases, on property that one already has paid taxes upon. In other words, during one's lifetime, for example, a rancher, a farmer, a small business, one begins to work the American dream, one begins to accumulate some assets.

It does not take much anymore to get to $675,000 if one owns some land, for example, in Colorado or if one owns a small business and one has benefited from the growth in this economy.

What the Government says is, despite the fact one has paid taxes all one's life on most of this property that one has now accumulated, with the exception of some IRAs, despite the fact that one has paid taxes one's entire life, we the Government, we Uncle Sam are going to come to one's estate and, upon one's death, we are going to tax one again, as if the Government has not gotten enough.

Well, let me tell my colleagues it has been oversimplified by the previous speaker, the gentleman from California (Mr. SHERMAN). He makes it sound as if it is the very wealthiest people in this country and all we are doing is asking him to dig out some pocket change and throw it out on the table so that the Government can be satisfied and take its take and walk away. That is not what is happening out there.

I am disappointed the gentleman from California (Mr. SHERMAN) has left the Chamber because I wish he were here so he could hear firsthand what that does to the small business people, what it does to the ranchers and the farmers, and what it does to the people in Colorado and throughout this Nation who are advocating open space instead of condominiums.

It is time, Mr. Speaker, to wake up to what this death tax is doing: number one, what that impact is, and, number two, what is important is the principle. Where is the justification to go to somebody who has succeeded in the American dream, who understands American free enterprise, who has been successful with American free enterprise, who wants to pass something on to the next generation. Where is the principle of justification in going to that family's estate and saying to them, hey, we are Uncle Sam, and we have not had enough. We want to tax you just a little more. By the way, a little more could go clear up to 55 percent of your estate.

I am going to give my colleagues a specific example here a little later on of how it impacted, not only the estate, but how it impacted the family of a successful individual who recognized the American dream who started out with nothing, and probably most important, and, again, I wish the gentleman from California (Mr. SHERMAN) were here on the floor, how it impacted the entire community.

My colleagues want to talk about charitable giving to churches, well, stay tuned for my example of what happens when the Government comes in and taxes property that has already been taxed, in many cases not only once, twice, or three times.

□ 2115

Let me turn now for a moment to this article by Mr. Hunt. Let us kind of go through the article. Of course, in the first paragraph Mr. Hunt compares what the House Republicans are doing. I am glad that he has made it very clear that, in fact, it is the Republicans who have taken the lead on eliminating this tax, the death tax. Ironically, in the last couple of days, the Democratic leadership has jumped up and all of a sudden exhibited a great deal of interest in also trying to get rid of the estate tax at the same time apparently some of the troops have been directed to come out here and talk about how abusive it is. And, of course, Mr. Hunt plays right into their hands.

Let us go over this article. Mr. Hunt. “House Republicans, with the help of some accommodating Democrats,” as if it is wrong for a Democrat to support doing away with the death tax, “wants to give $50 billion to Steve Forbes and Bill Gates.” Of course, Mr. Hunt is going to talk about the Steve Forbes and the Bill Gates kind of people. How interesting in that paragraph he does not talk about the ranchers, he does not talk about the open space matters, he does not talk about the small businesses. Mr. Hunt does not talk about the American dream. All Mr. Hunt talks about is $50 billion.

We are getting this money from a tax that, in my opinion, is not justified; a tax that is the most punitive tax we have in our system, punitive meaning punishing tax. It is there for one purpose, it is there as a shot based on a person's wealth. It is there penalizing someone who has become successful. That is the only reason that tax is in place. Yet Mr. Hunt's concern, as expressed in this article, is not whether or not it is justified in principle, Mr. Hunt's point is that we are losing $50 billion. So whether it is right or not, we cannot afford to lose the $50 billion.

How interesting that Mr. Hunt in his article does not mention that the administration proposes this year to increase the death tax by $9.5 billion. Is that fair? What we were hoping for, until George Bush takes office, which I hope occurs, and the reason I mention this is because George W. Bush has committed to eliminating the death tax, but until that happens, I was in hopes at least the Democratic leadership would stay neutral on this estate tax. It was too much to expect the Democratic administration would actually support us in a reduction of the estate tax, but they caught me off guard because I did not expect the Democratic administration to propose this year in the administration's budget a $9.5 billion increase on the death tax.

Let us go a little further. I just mentioned that Bush advocates the repeal. Here they talk about diminished support for churches. If we do not tax the rich people, so-called, as they quote it, if we do not tax the rich people in this country the churches are going to suffer. Now, boy, is that an example. The churches are going to suffer. I am going to go through an example and show my colleagues how the estate tax made a church suffer; how an entire community in small town America suffered. Not Bill Gates' community, not Steve Forbes' community. And, by the way, he names two Republicans. Let us talk about some Democrats. Not the Kennedys, none of these big families' communities, but small town America. Let us talk about small town America tonight and what this estate tax does to small town America.

It is interesting that the gentleman who spoke said that this bill is wrong because it does not give tax relief to working families. That is what the gentleman from California just told all of us, my colleagues, that this bill to reduce the estate tax does not give a tax break to working families. In other words, the gentleman's assumption, as he spoke, and I am not sure if it was his intent, but as the gentleman spoke his comments were that if an individual happened to accumulate more than $675,000 either in a small business or some lands or some other type of success, that individual apparently is not a working member of our society; that somehow that money just fell out of the sky and that the government is entitled to come to that individual's family, to that person's survivors, and tax them. Where is the equity of that?

Let us go a little further in this article. Mr. Hunt says, with regard to this estate tax, "these arguments are Trojan horses. The pressure for repeal comes from wealthy campaign contributors rather than the average voters." Mr. Hunt needs to come with myself or some of my colleagues out to rural America. He needs to step out there and let us show him these wealthy contributors, these families, these small ranchers, these farmers.

All of my colleagues know that the very wealthy, the Bill Gateses and the Steve Forbeses have an entire floor of attorneys to advise them on how to escape that estate tax. They can afford it. They have the expertise to minimize the tax. The people that do not have that kind of money are people like my in-laws. They are ranchers. They have been on the same ranch since 1860, somewhere in that time period. A hundred-some years they have been on that ranch, I would say to Mr. Hunt and to my colleagues.

We should not underestimate the American dream and what it meant to my wife's descendants, what it meant to those people in her family who came over to this country for the American dream. Yet the gentleman from California says they must not be working members of our society because they have accumulated wealth to the extent that the government can tax it. Wealth, for example in my in-laws' family, is not cash, it is the land they live on. It is the land they have ranched on for over 100-some years. It is the land they live for. It is the house where my father-in-law was born and where his father was born. It is the community where my wife was born.

Maybe some of these people who think this estate tax, one, is fair and, two, is only for the wealthy should spend a weekend with me in Colorado. I will show my colleagues some of these people that are being impacted.

Let us talk a little further about this article. He says it is disingenuous, for example, to talk about farms and small businesses. After all, he says, they are fewer than 5 percent of all taxable estates. I do not give a darn if a small family farm or a small family ranch is only 1 percent of the taxable estates. We have a fiduciary duty as representatives of the citizens of this country to be fair. And how can we be fair if we go to even 1 percent of the small ranches and farms in this country and say to them that even though they have worked their land, even though they have tried to save it so that their farm or their ranch can be passed on to the next generation, that because they only represent 1 percent, we are going to nail them to the wall. We are going to come and tax them on land that they have already been taxed on.

My gosh, I wish my colleagues could see what my in-laws went through to save their pennies, to sell their cows so that they could buy the land and have a ranch to pass on to the next generation. And now, of all the things that their descendants could ever have imagined back in the 1860s or the 1800s, when my in-laws' grandfathers and grandmothers came to this country, of all the things that would destroy their dream, I am sure they never thought it would be the government; that upon their death they would have a new tax called the death tax.

And let me tell my colleagues, the purpose, the real reason the death tax was put in place was jealousy. It was put in as a punitive measure against some of the tycoons of the early 1900s, the Carnegies, the Rockefellers, and people like that. Our forefathers never envisioned, when they drafted our constitution, they never envisioned when they settled this country that the government would, upon a person's death, punish that person's family by taking the valuable assets that had been accumulated, whether or not they amounted to a whole bunch.

Let us go a little further in this article and talk about what it does here. It talks about, well, the Democrats, the top Democrat tax writer, for example, will offer an alternative that will lower rates, and somehow this is the magical thing. Let me say, before we talk about lowering rates, let us address the issue of whether or not this tax is justified. If we have a tax in place and we come to the conclusion that the tax is not fair, we should not care about whether or not it is producing revenue, we should care about is it fair to the people that we represent.

This country is a country based on the principle of fairness, based on justice, and is it just and is it fair to impose a tax on the American people even if it is only 1 percent of the American people; a tax that serves as a punishment and not as a legitimate taxing purpose? That is exactly what we have with the death tax.

Now, I referred earlier in my comments about giving an example of the American dream and how the American dream was crushed. It is not about a Bill Gates, it is not about a Kennedy, it is not about a Steve Forbes, it is not about any wealthy family in America. It is about small town America. It is about a small town in the State of Colorado. It is about a small town that has churches and schools. It is a small town that has a lot of community unity in it. Let me tell my colleagues what happened in that small town.

A young man, many, many years ago, came to this small town in Colorado with big dreams. He started working in a construction company with a shovel in his hand. The gentleman's name was Joe. Joe went out and he dug ditches. He worked 10 hours a day, 12 hours a day, 14 hours a day, because all he wanted was to gain a little foothold on the American dream. He wanted to go out and have the opportunity, if he worked harder, if he thought smarter, to be successful for himself and for his family. That, after all, is how he was brought up. Those were the principles of America: Go out and enjoy capitalism, go out and enjoy the American free enterprise.

So that is what Joe did. He started in this small community digging ditches. Pretty soon he got promoted to be the bookkeeper of this construction company, and later on, several years later, he had an opportunity, on an installment basis, making payments out of his check every month, at the same time trying to support his young family, to buy into the business. Now, colleagues, he did not inherit any money. He did not come into this with a bag full of money. He came into it with a bag full of energy, with a bag full of dedication, with the American dream that maybe he could own a part of this construction company.

Now, Joe's family, his wife and his two boys, although his boys were very, very young at the time, they shared in the sacrifice. They did not get the extra privileges of life, because papa was out there taking every penny he could to make his payment to have a little shot at ownership of the construction company.

Well, that ownership began to pay off after years. And during those years that the amount of money coming back from the construction company began to exceed the money invested in the construction company, in other words, the profits from his investment, he paid his taxes. Never once in his life did Joe evade taxes. Never once in his life did the government have to come to Joe and tell him that he had not paid his taxes; that he had tried to cheat the American people; that he was not carrying his fair share because he was trying to get out of his taxes. It never happened once with Joe.

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Joe is one of the most patriotic men I ever met. And so as he began to make profits, the first thing he did was pay his taxes. And then do you know what he did? He took money, and he put it back into the business. The more money he put back into the business, the more people in this small community he gave jobs to.

Then some of the money he took home he put in the local bank. And the money that he put in the local bank grew the bank, and pretty soon the bank was able to make more loans to people with the American dream in this small town of Colorado. This money was circulating in the community. It was not transferred to the Government in Washington, DC, except for the legitimate taxes.

What else did he do? And I hope my colleague from the State of California is listening to this. He supported the local church. In fact, at the time of his death, he supported the local church to the extent of about 70 percent.

Mr. Speaker, let me recap where we are.

Joe goes to the small community in Colorado. He does not have any money. He did not inherit. He is not wealthy, he and his wife both. At that point in time, the role was she was to assume the role of being a homemaker. She worked as hard as he did. She took care of the kids, who are two young boys. He worked 10 to 14 hours every day of the week, started in a ditch with a shovel, to try and make good to try and accomplish the American dream.

And as often happens in America, if you work hard, you are rewarded. That is what happened to this gentleman. Joe began to become rewarded. The first person that got their hands on the money that he made was the Government. And it was fair. Joe, as long as I knew him, never complained about the taxes. He felt that he needed to give a fair share to the Government for the roads and for the military and for our national issues. So he paid his taxes.

As I mentioned before, he was never late on taxes. He never avoided taxes. He was never cited by the Government for cheating on the taxes. He paid his taxes. And then he took the other money that he made and he put it back in the small company. This was the construction company which employed a few people.

Pretty soon it employed a few more people, and pretty soon those people were able to take money home to their family. And pretty soon those people were able to save for their dream and their life because Joe was able to employ them. It created jobs in our community.

The gentleman from California that spoke here earlier, the Democrat, believes that the way to create jobs is to create them in Washington, DC.

I am telling you, this death tax, that is exactly what it does. It transfers wealth from a small community like ours or from any community. And where does that money go? When the Government charges a death tax, do you think that money stays in the community? Of course it does not.

That money is immediately, within 9 months, has to be transferred to your State for their estate death tax or, more importantly, to Washington, DC; and then Washington, DC, redistributes it in this community for jobs in Washington, DC. It does not help our little communities out there in Colorado. And it did not help Joe.

But Joe kept working, and he accumulated more and more ownership of the construction company until one day he was able to buy his own construction company after years and years of making payments. And so Joe ran that construction company, and he provided the majority of support for the local church of which he was a member. He supported the majority from a contribution point of view. He gave the largest contributions to almost every charity drive in that community. When somebody in that community got sick, when somebody in that community had a hardship, they went to Joe for help and Joe helped them.

Now, I say Joe. I should also add, in fairness, Joe and his wife. Because, with all due credit, his wife worked just as hard as Joe did. So I should include both of those parties. So Joe and his wife, you could always go to them and they would always help out in their local community.

So what happens? Joe and his wife were able to educate their children. Then Joe's wife takes ill. She does not come to a hospital in Washington, DC. By the way, his kids were not educated in Washington, DC. They were able to be sent to a State school. But Joe's wife becomes sick. She becomes ill. She dies of cancer.

So Joe decides that he is going to sell the company. So Joe sells the company. And he immediately pays a capital gains tax, pays a capital gains tax on the sale of the company. Joe never complained about that. He made capital gains on that company.

In other words, capital gains is you buy the company at this price, and you sell it at that price. That profit is called a capital gain. That is a legitimate gain upon which to charge tax. And that is exactly what they did. He did not complain about it. He paid a tax in excess of 28 percent on the profit he made from the construction company he was able to own after starting in the ditch with a shovel.

But then let me tell you what happened. Within 3 months Joe got cancer and he died. Do you know what the Federal Government did to that family estate? They went into that family estate, and they assessed it with a tax of 55 percent. Now, you add the 55 percent; and you add 24 percent on capital gains because the construction company was the primary asset in the family estate, and you come up with a tax of 79 percent.

What this man and his wife spent their entire life working for, 79 percent of it was taxed by the Government upon his death. That is within that period of time, 4 months preceding his death and upon his death.

Now, I know the son very well, both the sons. I asked the one son, I said, now, tell me, 79 percent, that means your family got 21 cents on the dollar? In other words, 21 percent of what your father and mother spent their entire life working for, you got 21 cents on the dollar. No, no, no, he says. We did not get 21 cents on the dollar. Because we were forced to sell. We had to sell it within a very short period of time. We could not get the best price. We had to get whatever somebody would pay us so that we could pay the Government before the Government then assessed penalties upon us because we did not pay the death tax in time. So we really did not realize 21 percent.

This family told me they thought they realized about 15 cents on the dollar. So their father and their mother worked their entire lives to accomplish an American dream. They paid taxes their entire lives. They never cheated the Government on one penny of tax; and upon their death, the Government came in and took over 79 percent of the value of that estate.

And Mr. Hunt calls that, why do the Republicans complain about that? My colleague from California stands up and says, my gosh, it is going to cost us $50 billion; who cares about the fairness. It is going to cost the Government $50 billion to be fair to these people.

Well, now what happens? The next thing that happens is that the local church comes to my friend, the son, the son of the father and mother I just talked about that died, and they said, you know, we are sorry about your father and your mother's passing. But did you know that your father provided the majority of support for our local church? The son says, no, I did not. And did you know that our drive for a new building and these other charities, your father and mother were the primary people who donated in our small town; they are the ones that made it happen? The son says, no, I did not.

Well, they said, the church, we hope that you are going to be able to continue on the commitment that your father and mother made, that you are going to be able to carry on like they did and make these major contributions, major in a small community. We are not talking about a $10 million grant to the Kennedy Center. We are talking about a small church in small town America. And we hope you are going to be able to continue this.

Do you know what the son said? I cannot. I do not have the money. We had to send that money to the Federal Government in Washington, D.C.

Now, this gentleman from California, my colleague, stands here and talks about fairness, talks about the fact that if we eliminate the estate tax that we are going to hurt churches. Wake up, my colleague.

You want to see what hurts churches and what hurts charitable causes? Go out and see what you are doing with this punitive tax. And quit bringing up the name Bill Gates and the name Forbes and all of these wealthy families. Start talking about some of the people that do not have a lot of cash in their pocket, but instead their pockets are full of the American dream and they have had a little success so you penalize them.

I see my colleague, the gentleman from Missouri (Mr. HULSHOF), is here; and I am happy to yield to the gentleman if he would like to join in the discussion.

Mr. HULSHOF. Mr. Speaker, I appreciate the gentleman yielding very much and especially on this very timely topic, as we have this discussion tomorrow on get getting rid of the Federal death tax, this very punitive tax.

I know the gentleman has been talking about a recent editorial, in fact I think in today's Wall Street Journal. I am mindful of an editorial that was written in yesterday's Washington Post in a similar vein that indicates that what we are about to do tomorrow is "Government by Bumper Sticker," as the editorial says.

I suspect that we are going to have during the course of this debate that mantra from those who oppose this idea that this is tax breaks for the wealthy.

And yet, speaking of bumper stickers, the gentleman has been talking about friends near and dear to him back home in Colorado, but over the Memorial Day recess I had the opportunity to travel the highways of Missouri's 9th Congressional District, and I got behind this minivan vehicle that was pulling a camper trailer behind it; and the bumper sticker on the camper trailer said "I'm spending my kids' inheritance."

And, of course, this is kind of a whimsical thought. And first I had to make sure that was not my family that was traveling down the highway spending their kids' inheritance. I think it points up really a more serious issue; and that is, it really in some cases, and my colleague pointed out some very real-life examples, in some cases it is cheaper to sell off the family business pre-death rather than to experience first of all the personal tragedy of the loss of a loved one but then having to deal with the Internal Revenue Service at the moment of death.

The best bumper sticker slogan that I can think of regarding this issue is as follows: "The death of a family member should not be a taxable event."

The point is, and I know that the editorials talk about and my colleague has spoken very eloquently and very passionately about the opponents of this repeal say, well, this is only going to help, as you my colleague mentioned, the Bill Gateses or the wealthy class but the wealthiest Americans.

I think what gets lost in all of the debate is how many resources, how much money is spent, how much time and effort is spent in a way to avoid the death tax. There is not a lot of discussion about the amount of, again, resources committed to estate plans.

Now, I have got many friends that are tax lawyers or accountants. But speaking of a real-life example, back home in Columbia, Missouri, which is my home, a family, the Eiffert family, Howard Eiffert started a lumber business, along with his wife Lucy; and they worked very hard during the course of their lifetimes; and their two sons, Brad and Greg, who now are the principals in that lumber business. And it has been successful.

People around the mid-Missouri area recognize this lumber company. Howard is now enjoying retirement, and he is becoming more seasoned as a mature American. And yet the amount of money that the Eiffert family, particularly the two principals are spending, $35,000 a year on insurance premiums. And the sole purpose of purchasing that insurance policy is to have something in place so that when the inevitable mortality occurs that they will have proceeds from which they can then pay the Federal death tax.

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That is $35,000 a year of capital that they could be investing in their business, investing in their families, putting aside money for a college education, whatever, letting them have that decision. But instead they are making the choice to put 35 grand a year in an insurance policy because they know that, as they have done their estate planning, that they are going to be socked with the Federal death tax.

Mr. McINNIS. The gentleman's point is so well taken. In Colorado one of the families I am very familiar with, it is a ranching family, they barely get by from year to year but they have the land they have accumulated. In fact I will give an example of my in-laws. The family has been on there since the late 1860s. Somebody like our colleague from California, the Democrat who supports this or the administration that has actually asked for an increase, their response to my in-laws and to other family farmers and ranchers is, go out and buy life insurance. The example you just gave is that family puts out $35,000 per year. My in-laws do not have $35,000 a year to pay for life insurance. They are lucky enough to get a new pickup every 5 or 6 years.

I wish some of these people who think this only applies to the Gates family or some of the other wealthy, and mind you, I do not take a thing away from the American dream, these people who have met with success. I wish they could come out and see the kind of expenditures that people like my in-laws have. They are very happy, they have lots of love, they love the land they are on, but they are not driving new pickups, flying in Gulfstreams, taking vacations in the Bahamas or anywhere else. Every penny they have got has to go back into the cattle operation. They do not have extra change for life insurance. I think the point the gentleman brings up is very valid.

Mr. HULSHOF. I think what needs to be mentioned, Mr. Speaker, is that under present law, certain estates are shielded from the Federal death tax and that exemption or that unified credit, to talk the terminology, presently is under $700,000. If you consider a family farm anywhere across the country but certainly in Missouri, let us say if you have a 400-acre farm and let us say for the purposes of this hypothetical, $1500 per acre, some places in Missouri that would be low, some places in Missouri perhaps high but I think on average if you say $1500 per acre average, for a 400-acre farm, right there you are talking about a $600,000 value just on land, not mentioning equipment that is needed to produce, not talking about the residence or the home.

My friend from Colorado mentioned his constituent, having grown up and being born and grown up in the residence and worrying about being able to hang on to that asset. Life insurance proceeds, all of this becoming part of the estate that now is subject to the tax. Once that estate value is $1 more than the exemption, you are looking at about a 37 percent tax rate up to, as the gentleman says, over half, 55 percent and in some instances as high as 60 percent.

The point I would like to make is this, and I hope tomorrow as we have this debate, I really would encourage or challenge anybody who opposes this to give me a good policy reason why we have an inheritance tax. Really what is the reason? Two weeks ago in this House we repealed the Spanish American War tax that was imposed 102 years ago in 1898, that, quote, temporary tax to fund the Spanish American War which now we finally repealed, the inheritance tax as we know it today, 1916 and really what is the policy reason? What is the justification? I can really only think of two. One is to punish the successful, which I do not think even our liberal friends would necessarily agree with that. The only other instance I can think of as far as justification for keeping the inheritance tax is redistribution of wealth. I think certainly under our present tax code and the progressive nature, there are many far better ways and certainly when we are talking about to, quote, raise revenue for the government, rather than this very unfair tax which I think punishes family farms, family businesses of whatever size, whether they are facing the tax or whether they are expending resources to avoid the tax along the course of one's lifetime, I think that tomorrow afternoon we will be gratified with a vote. I would hope and I know our friends down on the other end of Pennsylvania Avenue have issued some sort of a veto threat under the present bill, I would like to see as we get that vote tallied tomorrow, a two-thirds vote in this House. It is a bipartisan bill with 45 Democratic cosponsors, many Republicans, and so I urge my colleagues, Mr. Speaker, to vote in favor of this repeal, to do what is right, because again the death of a family member should not be a taxable event.

Mr. McINNIS. I would acknowledge to my friend the 45 Democrats that have signed onto this, they have enough guts to stand up to the administration and stand up and say wait a minute to their colleagues on the Democratic side, let us talk about, is this tax justified. Sure the revenue might be important but the primary focus of our question here this evening and the primary focus of our debate tomorrow should be, is this tax upon one's death a fair and justified tax? You can only answer that honestly by saying no.

As the gentleman just very accurately pointed out, there are three reasons that this tax came about. One was an animosity and a jealousy towards the Rockefellers and the Carnegies and those kinds of families. It was a transfer of wealth. Even Al Hunt in his article today in the Wall Street Journal says the tax has always been aimed at the accumulation of wealth by sons and daughters of the elite. So because your parent as in my case in small town Colorado, because their parents realized the American dream, because they had a company that employed people in that community, they should be penalized.

The second reason that these aristocrats and I call these the aristocrats, they may not have been aristocrats in wealth but they were aristocrats in class warfare. That is the second reason. Hey, let's go after the rich. The rich are always the wrong people. If you are rich somehow in this country, they never figure out and the same with the administration, they never figure out maybe you worked for it, maybe the American dream allowed you to have it. And what does "rich" mean? In a lot of our towns in Colorado, owning 50 acres is something. If I had 50 acres, I would feel rich. The government looks at it as an opportunity to tax you. I think it is very important that as we look into tomorrow's debate that we look at real life examples that somehow my colleagues on the Democratic side of the aisle who are opposing any kind of reduction or oppose elimination of the death tax, that they first go out into their community and do not go out to the Kennedys or the Gates or the wealthy people, go out to the average person in your community who has had some success, who has a home or some property valued over that $675,000 and ask them what happens to their money upon their death. What I urge my Democrat colleagues and what I ask the administration to take a look at on their policy is remember that what you are doing, you are removing money from a community and you are transferring it to Washington, D.C.

Let me tell you what we have experienced in the State of Colorado. Fortunately a lot of you visit Colorado, and I am happy you do. Unfortunately a lot of people decided to stay there, it is so beautiful. And so our land values have gone up in Colorado. What we are seeing in Colorado is a lot of our beautiful open space, our mountains are being converted to subdivisions. Those mountains and those fields and those farms, they are farms and ranches. The reason that that land is available is not because these families want to give up farming, not because these families want to give up ranching, not because they want to give up the rural way of life but because in many cases the Federal Government through its death tax forces the family to sell that land. If you want to help protect open space, let these farms and ranches continue in existence and do not let the Al Hunts of this world tell you, well, they ought to just go out and plan for it, or the Gates family we are talking about or the Forbes family we are talking about, or the Carnegies or the Rockefellers. Do not let them sell you on that. They are sugar-coating it. Do not let them sugar-coat what you are doing by this death tax. It is not right, it is not fair, and you ought to admit it is not right and it is not fair. And you ought to get a firsthand experience from your own constituents as to what it does to your community. And the example I gave you this evening, what it did to the local church. The ranch example, what I gave you this evening and what it does to open space in States like Colorado, what it does to little businesses like Brookhart Lumber Company in Delta, Colorado. Headline in our local newspaper about 4 months ago, Brookhart must sell because of estate taxes. Brookhart, by the way, is not Home Depot. Brookhart maybe had 20 or 30 employees. Those people's jobs were at risk. I do not know whether they had to sell it or liquidate it. In a lot of cases they have to liquidate it. Remember that the only time that money does not work in a community, the only time you do not see the wealth, somebody's wealth circulate in a community is if a wealthy person goes out and digs a hole and buries their money in the ground. That does not happen very often. People who accumulate through success money in a community put it in the bank, they hire more people, they make investments, they buy land, that money circulates and circulates and circulates. And all the death tax does is it goes in and forces that money, one, to be converted to a cash form which requires in a lot of cases forced sales; two, it requires double or triple taxation; and, three, and probably as critical as anything else, it sucks that money out of the small community or out of any community and transfers the money to the Federal Government in Washington, D.C. for redistribution. By the way, a lot of that money is redistributed in the confines of Washington, D.C. So this community benefited upon the death of my constituents out in rural Colorado. Where is the fairness of that? Where is the fairness of a family in rural Missouri having their family accumulation under the American dream sucked to Washington, D.C.? That saying, the giant sucking sound of NAFTA many years ago, that is exactly what the estate tax does.

I am asking all of my colleagues tomorrow when we do this debate, do not let them divert you into the vast wealth of a few rich American families. Again, I do not take it away from those families. Those people realized the American dream. Who cares how rich the person is that invented the seat belt? Who cares how rich the person is going to be that invents the cure to cancer or the cure to AIDS? Who cares? I do not. That is the incentive that drives it. But do not be diverted by a few select names they use tomorrow, of the status of like a Rockefeller or a Carnegie. Instead, bring those people that are using that in the debate, my colleagues and your colleagues, bring them back to the American farm family, bring them back to the Colorado rancher, bring them back to the small lumber company in Missouri, bring them back to the small businesses in your communities. And then also ask them the fundamental question of the death tax and every American ought to be asked this question. Is it fair? Is it justified? How, Government, can you say you should go upon the tragedy, upon the death of a person and tax property upon which they have already taxed? I have no objection if somebody has some property that has not been taxed. Everybody agrees they should pay their fair share. But do not let them draw you off course with that, either. Talk about the property they have already paid the taxes on, and ask them, what does the American dream really mean? Does the American dream mean that you are not entitled to pass something on to your children? I can tell you in my own personal example, my wife and I are not wealthy but I can tell you one of our dreams in being in America is to save enough of our pennies so that maybe our kids when they grow up can have their own house, maybe our kids if they get in a hard spot and they need a new car, they can buy a new car. I am not talking about buying them a jet, I am not talking about buying them a palace in Aspen, Colorado. I am talking about buying them a basic house. That would give my wife and I a great deal of happiness if we could do something for our kids, but the government is doing everything they can through this death tax to take that American dream away from a lot of people. For a lot of our young constituents out there, our young men and women in their early 20's who are just starting on their career paths, who have in their mind a dream to do what my wife and I dream of doing, and that is provide something for the next generation, keep in mind that the group or society out there that will do everything they can within their powers to prevent you from going onto that next generation is your own government through this unfair and unjust tax called the death tax.

Mr. Speaker, in the final minutes that I have, I would like to move to another subject. Today I had an opportunity this morning to visit with a famous singer, a gentlewoman named Carole King, very talented, very capable, and frankly a very impressive person. It was interesting to be a part of that discussion. The discussion was on wilderness areas and preservation of the wilds in the United States. Fundamentally we did not disagree on that issue. In fact, I am not sure anybody in this country disagrees on the fundamental issues of trying to preserve and utilize, kind of like Teddy Roosevelt. We have a right to use the land but we have no right to abuse the land. I have never met people that really consciously want to abuse the land and if we have those kinds of people, we ought to do something to eliminate their opportunities to abuse our land. But one of the things that I learned from our conversation this morning is that even people of note sometimes have not had the opportunity to understand the differences between the western United States and the eastern United States.

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So in these next 9 minutes or so, I would like to show my colleagues a fundamental difference in the eastern United States compared to the western United States. Let us start with the first fundamental difference.

Remember that in the west it does not rain like it does in the east. In the east, in a lot of cases, their problem is getting rid of the water. In the west, our problem is being able to save the water, to store the water, to obtain the water. For example, my State, the State of Colorado, is the only State in the union where all of our water runs out of the State. We have no water, free-flowing water for our use that comes into Colorado. So our water issues out here in the State of Colorado are different than water issues here in the State of New York or in the State of Maine or other places. Keep that in mind. If one lives in the east there is a fundamental difference on water alone as compared to the west. So it is very easy for people in the east, it is a free vote for them, to oppose us in the west where we have to store water.

The second point is demonstrated by this map that I have brought here tonight. This map is titled, Government Lands. Take a look at the government landownership in the east. It is very sparse. In fact, one could take this pen and one could identify on this map with pencil points the government landownership in the east, with a couple of exceptions. We have a blotch in the Appalachias, we have the Everglades, we have some up in the northeast.

But then take a look at the government ownership in the west. This is the western United States. It is almost entirely owned by the government. So people in the east have no idea, for the most part, what kind of impact we have when we are surrounded by government lands, when we live on government lands. So it is very easy for people in the east to talk about life in the west, but it is very hard for them to understand, and I say this with due respect to my colleagues from the east. They have never had to live under those conditions.

Now, the history to that is really pretty simple. What happened in the early days when this young, growing country wanted to increase in size, we had to figure out a way to encourage people to leave the comforts of the East Coast and to go west to settle this country, because then, our purchases like the Louisiana Purchase, we needed to possess the land. A deed did not mean much. One actually needed to be in possession of the land. We know the old saying, possession is nine-tenths of the law, that is where it came from. So to get people to settle out here, they said, look, we will give you free land, it is called the Homestead Act or the Home Stake Act, and it worked good. Here is 160 acres, 320 acres. Well, it worked good until it got to the Colorado Rockies or the Wyoming mountains or Montana or Idaho and they found out that while in Kansas or Pennsylvania or eastern Colorado, or Ohio, 160 acres could support one's family, here in these mountains, 160 acres would not even feed a cow.

So the government consciously decided, they said, well, we cannot give them an equivalent amount of acres; for example, 3,000 acres would be the equivalent of 160 acres. Let us go ahead and let the government keep the title for this. Politically, that is the wise thing to do because we cannot give that much land away to one person, so let us for formality just keep the title, but we will let the people use it. It is the government who put the people out there. It is the government who, for generation after generation has asked these people to occupy and make their living on this land. So understand that.

This morning, in my conversation with Carol King, I thought it was very beneficial, and I look forward to future discussions, and I hope my colleagues do too, with individuals of this type of capability to explain the fundamental differences that exist. Because before we can come to some kind of understanding between the east and the west, before we can come to that understanding, we need to have an idea of each other's lifestyle. The people in the east need to understand our water problems in the west. The people in the east need to understand. For example, when they want to build something, they go to their city council or their county commissioner or their province. In the west, we have to do all that, plus in many, many cases we have to go all the way to the Federal Government clear in Washington to get permission to do something out here.

So I am urging my colleagues from the east, do not just walk away with a free vote on people in the west. Sit down with us. Talk to us about what is different in the west than in the east. We all are Americans. This is the United States of America. We are a team. But we cannot be a team unless every team member understands what the other team member faces, understands the burdens that the other team members have. That is what makes the strongest team.

This morning, in my conversation with Carol King, she indicated to me that she was willing to sit down and try and listen to us and try and understand what we face there. Although she is from Idaho, I am not sure she was aware of this map. My guess is she had never seen this, but I saw willingness there. I would express to my colleagues from the east, take time to understand our water problems in the west. Take time to understand why we need water storage in the west. Take time to understand that most of the government ownership in this country is in the west. Take time to include us on the team.

Yes, sure, in the east, you have the population, but understand, we are Americans too, and we have a part to play, and let us play it.

Mr. Speaker, in conclusion, number one, I ask that we have more of a team effort from our colleagues in the east. Help us out. We are a good team, we make a great team.

Second of all, in the debate tomorrow on this death tax, do not let them mislead us. This is not about the wealthiest families in America, this is about a lot of average, middle-income families in America. This is about a lot of family farms and a lot of family ranches and a lot of family businesses. This is about local churches and local charitable causes. This is about keeping money that was made under the American dream in the local community. This is about not allowing that money to be transferred from the local community to Washington, D.C. for redistribution.

Mr. Chairman, I hope all of my colleagues pay attention in that debate tomorrow. It is important, and fundamentally it is the question we must ask, and my final comment of the evening is, is the death tax fair? Is it justified to go to a family that has realized the American dream and say to them, we do not want you to be able to transfer that wealth to your next generation, we want to transfer that money to the bureaucracy in Washington, D.C., so we are going to tax you on your death. If you think it is fair, vote with the administration to increase the estate tax $9.5 billion, which they are doing. But if you do not think it is fair, do not play party line, Democrats. Forty-five of you had enough guts to join us. Join us and let us get two-thirds up on that voting panel tomorrow, so we can override the administration's intent to raise the death tax, so that we can be fair to the many people in America who have gone after, sought, and succeeded in the American dream.

CONFERENCE REPORT ON S. 761, ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

Mr. BLILEY (during the Special Order of the gentleman from Colorado) submitted the following conference report and statement on the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

CONFERENCE REPORT (H. REPT. 106–661)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 761), to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Signatures in Global and National Commerce Act".

TITLE I—ELECTRONIC RECORDS AND SIGNATURES IN COMMERCE

SEC. 101. GENERAL RULE OF VALIDITY.

(a) IN GENERAL.—Notwithstanding any statute, regulation, or other rule of law (other than this title and title II), with respect to any transaction in or affecting interstate or foreign commerce—

(1) a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form; and

(2) a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation.

(b) PRESERVATION OF RIGHTS AND OBLIGATIONS.—This title does not—

(1) limit, alter, or otherwise affect any requirement imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than a requirement that contracts or other records be written, signed, or in nonelectronic form; or

(2) require any person to agree to use or accept electronic records or electronic signatures, other than a governmental agency with respect to a record other than a contract to which it is a party.

(c) CONSUMER DISCLOSURES.—

(1) CONSENT TO ELECTRONIC RECORDS.—Notwithstanding subsection (a), if a statute, regulation, or other rule of law requires that information relating to a transaction or transactions in or affecting interstate or foreign commerce be provided or made available to a consumer in writing, the use of an electronic record to provide or make available (whichever is required) such information satisfies the requirement that such information be in writing if—

(A) the consumer has affirmatively consented to such use and has not withdrawn such consent;

(B) the consumer, prior to consenting, is provided with a clear and conspicuous statement—

(i) informing the consumer of (I) any right or option of the consumer to have the record provided or made available on paper or in nonelectronic form, and (II) the right of the consumer to withdraw the consent to have the record provided or made available in an electronic form and of any conditions, consequences (which may include termination of the parties' relationship), or fees in the event of such withdrawal;

(ii) informing the consumer of whether the consent applies (I) only to the particular transaction which gave rise to the obligation to provide the record, or (II) to identified categories of records that may be provided or made available during the course of the parties' relationship;

(iii) describing the procedures the consumer must use to withdraw consent as provided in clause (i) and to update information needed to contact the consumer electronically; and

(iv) informing the consumer (I) how, after the consent, the consumer may, upon request, obtain a paper copy of an electronic record, and (II) whether any fee will be charged for such copy;

(C) the consumer—

(i) prior to consenting, is provided with a statement of the hardware and software requirements for access to and retention of the electronic records; and

(ii) consents electronically, or confirms his or her consent electronically, in a manner that reasonably demonstrates that the consumer can access information in the electronic form that will be used to provide the information that is the subject of the consent; and

(D) after the consent of a consumer in accordance with subparagraph (A), if a change in the hardware or software requirements needed to access or retain electronic records creates a material risk that the consumer will not be able to access or retain a subsequent electronic record that was the subject of the consent, the person providing the electronic record—

(i) provides the consumer with a statement of (I) the revised hardware and software requirements for access to and retention of the electronic records, and (II) the right to withdraw consent without the imposition of any fees for such withdrawal and without the imposition of any condition or consequence that was not disclosed under subparagraph (B)(i); and

(ii) again complies with subparagraph (C).

(2) OTHER RIGHTS.—

(A) PRESERVATION OF CONSUMER PROTECTIONS.—Nothing in this title affects the content or timing of any disclosure or other record required to be provided or made available to any consumer under any statute, regulation, or other rule of law.

(B) VERIFICATION OR ACKNOWLEDGEMENT.—If a law that was enacted prior to this Act expressly requires a record to be provided or made available by a specified method that requires verification or acknowledgment of receipt, the record may be provided or made available electronically only if the method used provides verification or acknowledgment of receipt (whichever is required).

(3) EFFECT OF FAILURE TO OBTAIN ELECTRONIC CONSENT OR CONFIRMATION OF CONSENT.—The legal effectiveness, validity, or enforceability of any contract executed by a consumer shall not be denied solely because of the failure to obtain electronic consent or confirmation of consent by that consumer in accordance with paragraph (1)(C)(ii).

(4) PROSPECTIVE EFFECT.—Withdrawal of consent by a consumer shall not affect the legal effectiveness, validity, or enforceability of electronic records provided or made available to that consumer in accordance with paragraph (1) prior to implementation of the consumer's withdrawal of consent. A consumer's withdrawal of consent shall be effective within a reasonable period of time after receipt of the withdrawal by the provider of the record. Failure to comply with paragraph (1)(D) may, at the election of the consumer, be treated as a withdrawal of consent for purposes of this paragraph.

(5) PRIOR CONSENT.—This subsection does not apply to any records that are provided or made available to a consumer who has consented prior to the effective date of this title to receive such records in electronic form as permitted by any statute, regulation, or other rule of law.

(6) ORAL COMMUNICATIONS.—An oral communication or a recording of an oral communication shall not qualify as an electronic record for purposes of this subsection except as otherwise provided under applicable law.

(d) RETENTION OF CONTRACTS AND RECORDS.—

(1) ACCURACY AND ACCESSIBILITY.—If a statute, regulation, or other rule of law requires that a contract or other record relating to a transaction in or affecting interstate or foreign commerce be retained, that requirement is met by retaining an electronic record of the information in the contract or other record that—

(A) accurately reflects the information set forth in the contract or other record; and

(B) remains accessible to all persons who are entitled to access by statute, regulation, or rule of law, for the period required by such statute, regulation, or rule of law, in a form that is capable of being accurately reproduced for later reference, whether by transmission, printing, or otherwise.

(2) EXCEPTION.—A requirement to retain a contract or other record in accordance with paragraph (1) does not apply to any information whose sole purpose is to enable the contract or other record to be sent, communicated, or received.

(3) ORIGINALS.—If a statute, regulation, or other rule of law requires a contract or other record relating to a transaction in or affecting interstate or foreign commerce to be provided, available, or retained in its original form, or provides consequences if the contract or other record is not provided, available, or retained in its original form, that statute, regulation, or rule of law is satisfied by an electronic record that complies with paragraph (1).

(4) CHECKS.—If a statute, regulation, or other rule of law requires the retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with paragraph (1).

(e) ACCURACY AND ABILITY TO RETAIN CONTRACTS AND OTHER RECORDS.—Notwithstanding subsection (a), if a statute, regulation, or other rule of law requires that a contract or other record relating to a transaction in or affecting interstate or foreign commerce be in writing, the legal effect, validity, or enforceability of an electronic record of such contract or other record may be denied if such electronic record is not in a form that is capable of being retained and accurately reproduced for later reference by all parties or persons who are entitled to retain the contract or other record.

(f) PROXIMITY.—Nothing in this title affects the proximity required by any statute, regulation, or other rule of law with respect to any warning, notice, disclosure, or other record required to be posted, displayed, or publicly affixed.

(g) NOTARIZATION AND ACKNOWLEDGMENT.—If a statute, regulation, or other rule of law requires a signature or record relating to a transaction in or affecting interstate or foreign commerce to be notarized, acknowledged, verified, or made under oath, that requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable statute, regulation, or rule of law, is attached to or logically associated with the signature or record.

(h) ELECTRONIC AGENTS.—A contract or other record relating to a transaction in or affecting interstate or foreign commerce may not be denied legal effect, validity, or enforceability solely because its formation, creation, or delivery involved the action of one or more electronic agents so long as the action of any such electronic agent is legally attributable to the person to be bound.

(i) INSURANCE.—It is the specific intent of the Congress that this title and title II apply to the business of insurance.

(j) INSURANCE AGENTS AND BROKERS.—An insurance agent or broker acting under the direction of a party that enters into a contract by means of an electronic record or electronic signature may not be held liable for any deficiency in the electronic procedures agreed to by the parties under that contract if—

(1) the agent or broker has not engaged in negligent, reckless, or intentional tortious conduct;

(2) the agent or broker was not involved in the development or establishment of such electronic procedures; and

(3) the agent or broker did not deviate from such procedures.

SEC. 102. EXEMPTION TO PREEMPTION.

(a) IN GENERAL.—A State statute, regulation, or other rule of law may modify, limit, or supersede the provisions of section 101 with respect to State law only if such statute, regulation, or rule of law—

(1) constitutes an enactment or adoption of the Uniform Electronic Transactions Act as approved and recommended for enactment in all the States by the National Conference of Commissioners on Uniform State Laws in 1999, except that any exception to the scope of such Act enacted by a State under section 3(b)(4) of such Act shall be preempted to the extent such exception is inconsistent with this title or title II, or would not be permitted under paragraph (2)(A)(ii) of this subsection; or

(2)(A) specifies the alternative procedures or requirements for the use or acceptance (or both) of electronic records or electronic signatures to establish the legal effect, validity, or enforceability of contracts or other records, if—

(i) such alternative procedures or requirements are consistent with this title and title II; and

(ii) such alternative procedures or requirements do not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures; and

(B) if enacted or adopted after the date of the enactment of this Act, makes specific reference to this Act.

(b) EXCEPTIONS FOR ACTIONS BY STATES AS MARKET PARTICIPANTS.—Subsection (a)(2)(A)(ii) shall not apply to the statutes, regulations, or other rules of law governing procurement by any State, or any agency or instrumentality thereof.

(c) PREVENTION OF CIRCUMVENTION.—Subsection (a) does not permit a State to circumvent this title or title II through the imposition of nonelectronic delivery methods under section 8(b)(2) of the Uniform Electronic Transactions Act.

SEC. 103. SPECIFIC EXCEPTIONS.

(a) EXCEPTED REQUIREMENTS.—The provisions of section 101 shall not apply to a contract or other record to the extent it is governed by—

(1) a statute, regulation, or other rule of law governing the creation and execution of wills, codicils, or testamentary trusts;

(2) a State statute, regulation, or other rule of law governing adoption, divorce, or other matters of family law; or

(3) the Uniform Commercial Code, as in effect in any State, other than sections 1–107 and 1–206 and Articles 2 and 2A.

(b) ADDITIONAL EXCEPTIONS.—The provisions of section 101 shall not apply to—

(1) court orders or notices, or official court documents (including briefs, pleadings, and other writings) required to be executed in connection with court proceedings;

(2) any notice of—

(A) the cancellation or termination of utility services (including water, heat, and power);

(B) default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual;

(C) the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities); or

(D) recall of a product, or material failure of a product, that risks endangering health or safety; or

(3) any document required to accompany any transportation or handling of hazardous materials, pesticides, or other toxic or dangerous materials.

(c) REVIEW OF EXCEPTIONS.—

(1) EVALUATION REQUIRED.—The Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall review the operation of the exceptions in subsections (a) and (b) to evaluate, over a period of 3 years, whether such exceptions continue to be necessary for the protection of consumers. Within 3 years after the date of enactment of this Act, the Assistant Secretary shall submit a report to the Congress on the results of such evaluation.

(2) DETERMINATIONS.—If a Federal regulatory agency, with respect to matter within its jurisdiction, determines after notice and an opportunity for public comment, and publishes a finding, that one or more such exceptions are no longer necessary for the protection of consumers and eliminating such exceptions will not increase the material risk of harm to consumers, such agency may extend the application of section 101 to the exceptions identified in such finding.

SEC. 104. APPLICABILITY TO FEDERAL AND STATE GOVERNMENTS.

(a) FILING AND ACCESS REQUIREMENTS.—Subject to subsection (c)(2), nothing in this title limits or supersedes any requirement by a Federal regulatory agency, self-regulatory organization, or State regulatory agency that records be filed with such agency or organization in accordance with specified standards or formats.

(b) PRESERVATION OF EXISTING RULEMAKING AUTHORITY.—

(1) USE OF AUTHORITY TO INTERPRET.—Subject to paragraph (2) and subsection (c), a Federal regulatory agency or State regulatory agency that is responsible for rulemaking under any other statute may interpret section 101 with respect to such statute through—

(A) the issuance of regulations pursuant to a statute; or

(B) to the extent such agency is authorized by statute to issue orders or guidance, the issuance of orders or guidance of general applicability that are publicly available and published (in the Federal Register in the case of an order or guidance issued by a Federal regulatory agency).

This paragraph does not grant any Federal regulatory agency or State regulatory agency authority to issue regulations, orders, or guidance pursuant to any statute that does not authorize such issuance.

(2) LIMITATIONS ON INTERPRETATION AUTHORITY.—Notwithstanding paragraph (1), a Federal regulatory agency shall not adopt any regulation, order, or guidance described in paragraph (1), and a State regulatory agency is preempted by section 101 from adopting any regulation, order, or guidance described in paragraph (1), unless—

(A) such regulation, order, or guidance is consistent with section 101;

(B) such regulation, order, or guidance does not add to the requirements of such section; and

(C) such agency finds, in connection with the issuance of such regulation, order, or guidance, that—

(i) there is a substantial justification for the regulation, order, or guidance;

(ii) the methods selected to carry out that purpose—

(I) are substantially equivalent to the requirements imposed on records that are not electronic records; and

(II) will not impose unreasonable costs on the acceptance and use of electronic records; and

(iii) the methods selected to carry out that purpose do not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures.

(3) PERFORMANCE STANDARDS.—

(A) ACCURACY, RECORD INTEGRITY, ACCESSIBILITY.—Notwithstanding paragraph (2)(C)(iii), a Federal regulatory agency or State regulatory agency may interpret section 101(d) to specify performance standards to assure accuracy, record integrity, and accessibility of records that are required to be retained. Such performance standards may be specified in a manner that imposes a requirement in violation of paragraph (2)(C)(iii) if the requirement (i) serves an important governmental objective; and (ii) is substantially related to the achievement of that objective. Nothing in this paragraph shall be construed to grant any Federal regulatory agency or State regulatory agency authority to require use of a particular type of software or hardware in order to comply with section 101(d).

(B) PAPER OR PRINTED FORM.—Notwithstanding subsection (c)(1), a Federal regulatory agency or State regulatory agency may interpret section 101(d) to require retention of a record in a tangible printed or paper form if—

(i) there is a compelling governmental interest relating to law enforcement or national security for imposing such requirement; and

(ii) imposing such requirement is essential to attaining such interest.

(4) EXCEPTIONS FOR ACTIONS BY GOVERNMENT AS MARKET PARTICIPANT.—Paragraph (2)(C)(iii) shall not apply to the statutes, regulations, or other rules of law governing procurement by the Federal or any State government, or any agency or instrumentality thereof.

(c) ADDITIONAL LIMITATIONS.—

(1) REIMPOSING PAPER PROHIBITED.—Nothing in subsection (b) (other than paragraph (3)(B) thereof) shall be construed to grant any Federal regulatory agency or State regulatory agency authority to impose or reimpose any requirement that a record be in a tangible printed or paper form.

(2) CONTINUING OBLIGATION UNDER GOVERNMENT PAPERWORK ELIMINATION ACT.—Nothing in subsection (a) or (b) relieves any Federal regulatory agency of its obligations under the Government Paperwork Elimination Act (title XVII of Public Law 105–277).

(d) AUTHORITY TO EXEMPT FROM CONSENT PROVISION.—

(1) IN GENERAL.—A Federal regulatory agency may, with respect to matter within its jurisdiction, by regulation or order issued after notice and an opportunity for public comment, exempt without condition a specified category or type of record from the requirements relating to consent in section 101(c) if such exemption is necessary to eliminate a substantial burden on electronic commerce and will not increase the material risk of harm to consumers.

(2) PROSPECTUSES.—Within 30 days after the date of enactment of this Act, the Securities and Exchange Commission shall issue a regulation or order pursuant to paragraph (1) exempting from section 101(c) any records that are required to be provided in order to allow advertising, sales literature, or other information concerning a security issued by an investment company that is registered under the Investment Company Act of 1940, or concerning the issuer thereof, to be excluded from the definition of a prospectus under section 2(a)(10)(A) of the Securities Act of 1933.

(e) ELECTRONIC LETTERS OF AGENCY.—The Federal Communications Commission shall not hold any contract for telecommunications service or letter of agency for a preferred carrier change, that otherwise complies with the Commission's rules, to be legally ineffective, invalid, or unenforceable solely because an electronic record or electronic signature was used in its formation or authorization.

SEC. 105. STUDIES.

(a) DELIVERY.—Within 12 months after the date of the enactment of this Act, the Secretary of Commerce shall conduct an inquiry regarding the effectiveness of the delivery of electronic records to consumers using electronic mail as compared with delivery of written records via the United States Postal Service and private express mail services. The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 12-month period.

(b) STUDY OF ELECTRONIC CONSENT.—Within 12 months after the date of the enactment of this Act, the Secretary of Commerce and the Federal Trade Commission shall submit a report to the Congress evaluating any benefits provided to consumers by the procedure required by section 101(c)(1)(C)(ii); any burdens imposed on electronic commerce by that provision; whether the benefits outweigh the burdens; whether the absence of the procedure required by section 101(c)(1)(C)(ii) would increase the incidence of fraud directed against consumers; and suggesting any revisions to the provision deemed appropriate by the Secretary and the Commission. In conducting this evaluation, the Secretary and the Commission shall solicit comment from the general public, consumer representatives, and electronic commerce businesses.

SEC. 106. DEFINITIONS.

For purposes of this title:

(1) CONSUMER.—The term "consumer" means an individual who obtains, through a transaction, products or services which are used primarily for personal, family, or household purposes, and also means the legal representative of such an individual.

(2) ELECTRONIC.—The term "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) ELECTRONIC AGENT.—The term "electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part without review or action by an individual at the time of the action or response.

(4) ELECTRONIC RECORD.—The term "electronic record" means a contract or other record created, generated, sent, communicated, received, or stored by electronic means.

(5) ELECTRONIC SIGNATURE.—The term "electronic signature" means an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.

(6) FEDERAL REGULATORY AGENCY.—The term "Federal regulatory agency" means an agency, as that term is defined in section 552(f) of title 5, United States Code.

(7) INFORMATION.—The term "information" means data, text, images, sounds, codes, computer programs, software, databases, or the like.

(8) PERSON.—The term "person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(9) RECORD.—The term "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(10) REQUIREMENT.—The term "requirement" includes a prohibition.

(11) SELF-REGULATORY ORGANIZATION.—The term "self-regulatory organization" means an organization or entity that is not a Federal regulatory agency or a State, but that is under the supervision of a Federal regulatory agency and is authorized under Federal law to adopt and administer rules applicable to its members that are enforced by such organization or entity, by a Federal regulatory agency, or by another self-regulatory organization.

(12) STATE.—The term "State" includes the District of Columbia and the territories and possessions of the United States.

(13) TRANSACTION.—The term "transaction" means an action or set of actions relating to the conduct of business, consumer, or commercial affairs between two or more persons, including any of the following types of conduct:

(A) the sale, lease, exchange, licensing, or other disposition of (i) personal property, including goods and intangibles, (ii) services, and (iii) any combination thereof; and

(B) the sale, lease, exchange, or other disposition of any interest in real property, or any combination thereof.

SEC. 107. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall be effective on October 1, 2000.

(b) EXCEPTIONS.—

(1) RECORD RETENTION.—

(A) IN GENERAL.—Subject to subparagraph (B), this title shall be effective on March 1, 2001, with respect to a requirement that a record be retained imposed by—

(i) a Federal statute, regulation, or other rule of law, or

(ii) a State statute, regulation, or other rule of law administered or promulgated by a State regulatory agency.

(B) DELAYED EFFECT FOR PENDING RULEMAKINGS.—If on March 1, 2001, a Federal regulatory agency or State regulatory agency has announced, proposed, or initiated, but not completed, a rulemaking proceeding to prescribe a regulation under section 104(b)(3) with respect to a requirement described in subparagraph (A), this title shall be effective on June 1, 2001, with respect to such requirement.

(2) CERTAIN GUARANTEED AND INSURED LOANS.—With regard to any transaction involving a loan guarantee or loan guarantee commitment (as those terms are defined in section 502 of the Federal Credit Reform Act of 1990), or involving a program listed in the Federal Credit Supplement, Budget of the United States, FY 2001, this title applies only to such transactions entered into, and to any loan or mortgage made, insured, or guaranteed by the United States Government thereunder, on and after one year after the date of enactment of this Act.

(3) STUDENT LOANS.—With respect to any records that are provided or made available to a consumer pursuant to an application for a loan, or a loan made, pursuant to title IV of the Higher Education Act of 1965, section 101(c) of this Act shall not apply until the earlier of—

(A) such time as the Secretary of Education publishes revised promissory notes under section 432(m) of the Higher Education Act of 1965; or

(B) one year after the date of enactment of this Act.

TITLE II—TRANSFERABLE RECORDS

SEC. 201. TRANSFERABLE RECORDS.

(a) DEFINITIONS.—For purposes of this section:

(1) TRANSFERABLE RECORD.—The term "transferable record" means an electronic record that—

(A) would be a note under Article 3 of the Uniform Commercial Code if the electronic record were in writing;

(B) the issuer of the electronic record expressly has agreed is a transferable record; and

(C) relates to a loan secured by real property. A transferable record may be executed using an electronic signature.

(2) OTHER DEFINITIONS.—The terms "electronic record", "electronic signature", and "person" have the same meanings provided in section 106 of this Act.

(b) CONTROL.—A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

(c) CONDITIONS.—A system satisfies subsection (b), and a person is deemed to have control of a transferable record, if the transferable record is created, stored, and assigned in such a manner that—

(1) a single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;

(2) the authoritative copy identifies the person asserting control as—

(A) the person to which the transferable record was issued; or

(B) if the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred;

(3) the authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(5) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

(d) STATUS AS HOLDER.—Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in section 1-201(20) of the Uniform Commercial Code, of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under the Uniform Commercial Code, including, if the applicable statutory requirements under section 3-302(a), 9-308, or revised section 9-330 of the Uniform Commercial Code are satisfied, the rights and defenses of a holder in due course or a purchaser, respectively. Delivery, possession, and endorsement are not required to obtain or exercise any of the rights under this subsection.

(e) OBLIGOR RIGHTS.—Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under the Uniform Commercial Code.

(f) PROOF OF CONTROL.—If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record.

(g) UCC REFERENCES.—For purposes of this subsection, all references to the Uniform Commercial Code are to the Uniform Commercial Code as in effect in the jurisdiction the law of which governs the transferable record.

SEC. 202. EFFECTIVE DATE.

This title shall be effective 90 days after the date of enactment of this Act.

TITLE III—PROMOTION OF INTERNATIONAL ELECTRONIC COMMERCE

SEC. 301. PRINCIPLES GOVERNING THE USE OF ELECTRONIC SIGNATURES IN INTERNATIONAL TRANSACTIONS.

(a) PROMOTION OF ELECTRONIC SIGNATURES.—

(1) REQUIRED ACTIONS.—The Secretary of Commerce shall promote the acceptance and use, on an international basis, of electronic signatures in accordance with the principles specified in paragraph (2) and in a manner consistent with section 101 of this Act. The Secretary of Commerce shall take all actions necessary in a manner consistent with such principles to eliminate or reduce, to the maximum extent possible, the impediments to commerce in electronic signatures, for the purpose of facilitating the development of interstate and foreign commerce.

(2) PRINCIPLES.—The principles specified in this paragraph are the following:

(A) Remove paper-based obstacles to electronic transactions by adopting relevant principles from the Model Law on Electronic Commerce adopted in 1996 by the United Nations Commission on International Trade Law.

(B) Permit parties to a transaction to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced.

(C) Permit parties to a transaction to have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(D) Take a nondiscriminatory approach to electronic signatures and authentication methods from other jurisdictions.

(b) CONSULTATION.—In conducting the activities required by this section, the Secretary shall consult with users and providers of electronic signature products and services and other interested persons.

(c) DEFINITIONS.—As used in this section, the terms "electronic record" and "electronic signature" have the same meanings provided in section 106 of this Act.

TITLE IV—COMMISSION ON ONLINE CHILD PROTECTION

SECTION 401. AUTHORITY TO ACCEPT GIFTS.

Section 1405 of the Child Online Protection Act (47 U.S.C. 231 note) is amended by inserting after subsection (g) the following new subsection:

"(h) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real (including the use of office space) and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts or grants not used at the termination of the Commission shall be returned to the donor or grantee.".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

TOM BLILEY,
BILLY TAUZIN,
MICHAEL G. OXLEY,
JOHN D. DINGELL,
EDWARD J. MARKEY,
Managers on the Part of the House.

From the Committee on Commerce, Science, and Transportation:

JOHN MCCAIN,
CONRAD BURNS,
TED STEVENS,
SLADE GORTON,
SPENCER ABRAHAM,
ERNEST F. HOLLINGS,
JAMES M. INOUYE,
JAY ROCKEFELLER,
JOHN F. KERRY,
RON WYDEN,

From the Committee on Banking, Housing, and Urban Affairs, for items within their jurisdiction:

PAUL S. SARBANES,

From the Committee on the Judiciary, for items within their jurisdiction:

ORRIN HATCH,
PATRICK LEAHY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck all of the Senate bill after the enacting clause, and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and House amendment.

The managers on the part of the House and Senate met on May 18, 2000, and reconciled the differences between the two bills.

TOM BLILEY,
BILLY TAUZIN,
MICHAEL G. OXLEY,
JOHN D. DINGELL,
EDWARD J. MARKEY,
Managers on the Part of the House.

From the Committee on Commerce, Science, and Transportation:

JOHN MCCAIN,
CONRAD BURNS,
TED STEVENS,
SLADE GORTON,
SPENCER ABRAHAM,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
JAY ROCKEFELLER,
JOHN F. KERRY,
RON WYDEN,

From the Committee on Banking, Housing, and Urban Affairs, for items within their jurisdiction:

PAUL S. SARBANES,

From the Committee on the Judiciary, for items within their jurisdiction:

ORRIN HATCH,
PATRICK LEAHY,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of family illness.

Mr. SMITH of Washington (at the request of Mr. GEPHARDT) for after 8:00

p.m. today and June 9, on account of personal business.

Mr. GILMAN (at the request of Mr. ARMEY) for after 8:00 p.m. today and June 9, on account of attending a family funeral.

Mr. ISTOOK (at the request of Mr. ARMEY) for after 4:00 p.m. today and June 9, on account of a family medical emergency.

Mr. GREENWOOD (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. GILLMOR (at the request of Mr. ARMEY) for after 7:00 p.m. today through June 13 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. RUSH, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. HULSHOF) to revise and extend their remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

Mr. SUNUNU, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2625. An act to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations; to the Committee on Commerce.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2559. An act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program.

H.R. 3642. An act to authorize the President to aware posthumously a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

H.R. 4542. An act to designate the Washington Opera in Washington, D.C., as the National Opera.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 777—An act to require the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 2559. To amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program.

H.R. 3642. To authorize the President to award posthumously a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Friday, June 9, 2000, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8049. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting reports entitled, "The DoD Health Care Benefit: How Does It Compare to FEHBP and Other Plans?" and "TRICARE/CHAMPUS Behavioral Health Benefit Review"; to the Committee on Armed Services.

8050. A letter from the Assistant, Legal Division, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Privacy of Consumer Financial Information [Docket No. 2000-45] (RIN: 1550-AB36) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8051. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Privacy of Consumer Financial Information (RIN: 1550-AB36) received May 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8052. A letter from the Legislative and Regulatory Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Privacy of Consumer Financial Information [Docket No. 2000-45] (RIN: 1550-AB36) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8053. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F-1910] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8054. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F-5111] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8055. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Polymers [Docket No. 98F-1019] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8056. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Mt. Washington, Jefferson, New Hamsphire, and Newry, Maine) [MM Docket No. 99-8 RM-9433, RM-9642] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8057. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (St. Johnsbury and Barton, Vermont) [MM Docket No. 99-6 RM-9431 RM-9596] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8058. A letter from the Lieutenant General, USA, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 00-37), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8059. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fiscal Year 1999 report on implementation of the support for East European Democracy Act (SEED) Program, pursuant to 22 U.S.C. 5474(c); to the Committee on International Relations.

8060. A letter from the Acting Assistant Administrator for Fisheries, Domestic Fisheries Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2000 Specifications [Docket No. 000119014-0137-02; I.D. No. 112399C] (RIN: 0648-AM48) received May 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8061. A letter from the Secretary of Health and Human Services, transmitting the Evaluation of the Community Nursing Organization Demonstration Final Report; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calender, as follows:

Mr. YOUNG of Alaska. Committee on Resources. H.R. 3292. A bill to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana: with an amendment (Rept. 106–659). Referred to the Committee on the Whole House on the State of the Union.

Mr. YOUNG of Florida. Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2001 (Rept. 106–660). Referred to the Committee on the Whole House on the State of the Union.

Mr. BLILEY: Committee of Conference. Conference report on S. 761. An Act to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes. (Rept. 106–661). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PICKERING (for himself, Mr. FRANKS of New Jersey, Mr. TAUZIN, Mr. LARGENT, Mr. CRAMER, Mr. PITTS, Mr. BAKER, Mr. JONES of North Carolina, Mr. DEMINT, Mr. HILLEARY, Mr. HUTCHINSON, Mr. WICKER, and Mr. ISTOOK):

H.R. 4600. A bill to require schools and libraries to implement filtering or blocking technology for computers with Internet access as a condition of universal service discounts under the Communications Act of 1934; to the Committee on Commerce.

By Mr. FLETCHER (for himself, Mr. ARCHER, Mr. KASICH, Mr. TOOMEY, Mr. CRANE, Mr. SHAW, Mr. HERGER, Mr. CAMP, Mr. RAMSTAD, Mr. NUSSLE, Mr. SAM JOHNSON of Texas, Ms. DUNN, Mr. PORTMAN, Mr. ENGLISH, Mr. HAYWORTH, Mr. WELLER, Mr. MCINNIS, Mr. LEWIS of Kentucky, Mr. BLUNT, Mr. KUYKENDALL, Mr. DEMINT, Mr. GREEN of Wisconsin, and Mr. CHABOT):

H.R. 4601. A bill to provide for reconciliation pursuant to section 213(c) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, Mr. DELAY, Mr. HYDE, Mr. BURTON of Indiana, Mr. MCCOLLUM, Mr. KING, Mr. POMBO, Mr. DEUTSCH, and Mr. GONZALEZ):

H.R. 4602. A bill to protect United States citizens against expropriations of property by the Government of the Republic of Nicaragua; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ:

H.R. 4603. A bill to require studies and reports on the feasibility and potential impact of increasing the maximum amount of deposit insurance under the Federal Deposit Insurance Act and the Federal Credit Union Act from $100,000 to $200,000 per depositor or such other amount as may be determined to be appropriate, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. CHENOWETH-HAGE (for herself, Mr. PAUL, Mr. STUMP, Mr. MCINTOSH, and Mr. DOOLITTLE):

H.R. 4604. A bill to amend the Federal Food, Drug, and Cosmetic Act to compel Food and Drug Administration compliance with the first amendment to the United States Constitution and to protect freedom of informed choice in the dietary supplement marketplace consistent with the decision of the United States Court of Appeals for the District of Columbia Circuit in Pearson v. Shalala, 164 F.3d 650 (D.C. Cir. 1999), reh'g denied en banc, 172 F.3d 72 (D.C. Cir. 1999); to the Committee on Commerce.

By Ms. DEGETTE (for herself, Mr. MICA, Mr. WAXMAN, Mr. DINGELL, Mr. BROWN of Ohio, Mr. LATOURETTE, Mr. TOWNS, Mr. STARK, and Mr. KUCINICH):

H.R. 4605. A bill to amend the Public Health Service Act with respect to the protection of human subjects in research; to the Committee on Commerce.

By Ms. DELAURO (for herself and Mr. LEACH):

H.R. 4606. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Commerce.

By Ms. ESHOO (for herself, Mr. ENGEL, Mr. FROST, Mr. GORDON, Mr. DEUTSCH, Mrs. CAPPS, Mr. WYNN, Ms. DEGETTE, Mr. SAWYER, Ms. MCCARTHY of Missouri, Ms. WOOLSEY, Mr. RUSH, and Mr. ACKERMAN):

H.R. 4607. A bill to amend title XVIII of the Social Security Act to provide for a prescription drug benefit for Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JENKINS (for himself, Mr. DUNCAN, Mr. BRYANT, Mr. WAMP, Mr. HILLEARY, Mr. GORDON, Mr. CLEMENT, Mr. TANNER, and Mr. FORD):

H.R. 4608. A bill to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the "James H. Quillen United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Ms. KILPATRICK:

H.R. 4609. A bill to amend title 49, United States Code, to encourage airports to develop and implement recycling programs for newspapers and other recyclable items; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself and Mr. TIERNEY):

H.R. 4610. A bill to require the Food and Drug Administration to conduct a study of the health effects of radiofrequency emissions from wireless telephones; to the Committee on Commerce.

By Mr. MARKEY:

H.R. 4611. A bill to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of Social Security numbers and Social Security account numbers, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 4612. A bill to provide for the conservation and rebuilding of overfished stocks of Atlantic highly migratory species of fish, and for other purposes; to the Committee on Resources.

By Mr. SOUDER (for himself, Mr. STUPAK, Mr. FORBES, Mr. ROMERO-BARCELO, Mr. ENGLISH, Mr. METCALF, Mr. HOLDEN, Mr. LOBIONDO, Mr. SHAYS, Mr. GILLMOR, and Ms. KAPTUR):

H.R. 4613. A bill to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program; to the Committee on Resources.

By Mr. STARK (for himself, Ms. ESHOO, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Ms. PELOSI, Ms. LEE, and Mr. LANTOS):

H.R. 4614. A bill to amend title XVIII of the Social Security Act to require skilled nursing facilities furnishing services to Medicare beneficiaries to submit data to the Secretary of Health and Human Services with respect to nursing staff levels of the facility, to require posting of staffing information by facilities and the Secretary, to assess the adequacy of training requirements for certified nurse aides, and provide for grants to improve the quality of care furnished in nursing facilities; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. BARRETT of Nebraska, and Mr. BEREUTER):

H.R. 4615. A bill to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the "Reverend J.C. Wade Post Office"; to the Committee on Government Reform.

By Mr. WEXLER:

H.R. 4616. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, homeownership plans; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. WOLF, Mr. CARDIN, Mr. SALMON, Ms. SLAUGHTER, Mr. GREENWOOD, Mr. FORBES, and Mr. PITTS):

H.J. Res. 100. A joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act; to the Committee on International Relations.

By Mr. SPENCE (for himself and Mr. SKELTON):

H.J. Res. 101. A joint resolution recognizing the 225th birthday of the United States Army; to the Committee on Armed Services.

By Mr. CROWLEY (for himself and Mr. ROTHMAN):

H. Con. Res. 349. Concurrent resolution commending the member states of the

United Nations Western European and Others Group for addressing over four decades of injustice and extending temporary membership in that regional bloc to the state of Israel; to the Committee on International Relations.

By Mr. DEFAZIO (for himself, Mr. KUCINICH, Ms. MCKINNEY, Mr. SANDERS, Ms. LEE, Mr. OLVER, Mr. NADLER, Mr. WAXMAN, Mr. LANTOS, Mrs. MORELLA, Mr. DELAHUNT, Mr. PORTER, Mr. CAPUANO, Mr. STARK, Ms. PELOSI, Mr. LIPINSKI, Ms. HOOLEY of Oregon, Mr. PAYNE, Mr. ENGEL, Ms. KAPTUR, Ms. DEGETTE, Mr. UDALL of Colorado, Mr. MCGOVERN, Mr. OBERSTAR, Mr. RUSH, Mr. MINGE, Mr. EVANS, and Mr. CONYERS):

H. Con. Res. 350. Concurrent resolution expressing the sense of the Congress with regard to political repression of foreign observers in Mexico; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

341. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to Substitute Senate Joint Memorial 8026 encouraging communities nation-wide to hold public recognition programs commemorating the 50th anniversary of the Korean War; to the Committee on Armed Services.

342. Also, a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 4 memorializing the President and Congress of the United States to take whatever action necessary to obtain the release of Americans who may be held against their will in North Korea, China, Russia, and Vietnam; to the Committee on International Relations.

343. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 97 memorializing Congress to enhance the benefits for individuals eligible for NAFTA transitional assistance; to the Committee on Ways and Means.

344. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 138 memorializing the Congress of the United States to enact legislation to increase the cap on the low-income housing tax credit and index it in accordance with the consumer price index; to the Committee on Ways and Means.

345. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 139 memorializing the Congress of the United States to enact legislation to increase the state ceiling on mortgage revenue bonds and index it in accordance with the consumer price index; to the Committee on Ways and Means.

346. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial 4022 memorializing the President of the United States and the Congress of the United States to provide full funding as necessary to build a virtification treatment plant, retrieve waste from the tanks, feed waste into said virtification treatment plant, and dispose of resulting glass logs be forthcoming on schedule to meet the negotiated dates contained in the Tri-Party Agreement between the Washington State Department of Ecology, the United States Environmental Protection Agency, and the United States Department of Energy; jointly to the Committees on Commerce and Armed Services.

347. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 111 urging the Environmental Protection Agency to use its authority to support efforts by the Idaho Department of Environmental Quality to resolve the Coeur d'Alene Basin problem and to refrain from any strategic delays, unilateral decisions or media manipulation; jointly to the Committees on Commerce and Transportation and Infrastructure.

348. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 105 memorializing the U.S. Forest Service to extend the deadline to submit comments on the NOI by one hundred twenty days; jointly to the Committees on Resources and Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. MYRICK:

H.R. 4617. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel Double Eagle^2; to the Committee on Transportation and Infrastructure.

By Mr. WELDON of Pennsylvania:

H.R. 4618. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of 3 barges; to the Committee on Transportation and Infrastructure.

By Mr. WEXLER:

H.R. 4619. A bill for the relief of Rigaud Moise, Cinette Dorlus Moise, Jean Rigaud Moise, and Phara Moise; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 137: Mr. PASCRELL.

H.R. 218: Mr. KINGSTON.

H.R. 229: Mr. WAXMAN.

H.R. 303: Mr. HEFLEY.

H.R. 797: Mr. VENTO.

H.R. 827: Mr. CLYBURN, Mr. DOYLE, and Mr. WEYGAND.

H.R. 914: Mr. HOLT.

H.R. 965: Mr. HOEFFEL.

H.R. 979: Mr. LEVIN.

H.R. 1045: Mr. DOOLITTLE.

H.R. 1168: Mr. LAZIO.

H.R. 1227: Mr. LEVIN.

H.R. 1396: Ms. BROWN of Florida.

H.R. 1577: Mr. COLLINS.

H.R. 1621: Mr. HORN, Mr. BOYD, and Mr. FATTAH.

H.R. 1824: Mr. POMBO, Mr. SCHAFFER, and Mr. HEFLEY.

H.R. 1839: Mr. CLEMENT and Mr. BACA.

H.R. 1841: Mr. ENGEL and Mr. RYAN of Wisconsin.

H.R. 1890: Mr. BARTLETT of Maryland.

H.R. 2002: Ms. MCKINNEY.

H.R. 2059: Mr. LATHAM and Mr. BACA.

H.R. 2175: Mr. RUSH and Mr. ENGEL.

H.R. 2271: Mr. UDALL of New Mexico.

H.R. 2316: Mr. MINGE.

H.R. 2356: Mr. CUNNINGHAM and Mr. MATSUI.

H.R. 2420: Mr. MALONEY of Connecticut, Mr. PORTER, Mr. BORSKI, Ms. DELAURO, Mr. MCINNIS, and Mr. SMITH of Texas.

H.R. 2431: Mr. NUSSLE.

H.R. 2457: Mr. PRICE of North Carolina, Mr. HILLIARD, Mr. MINGE, and Ms. KAPTUR.

H.R. 2511: Mr. SALMON.

H.R. 2512: Mr. KLECZKA.

H.R. 2562: Mr. RAMSTAD and Mr. FILNER.

H.R. 2594: Ms. DELAURO.

H.R. 2631: Mr. PASTOR.

H.R. 2736: Mr. WYNN.

H.R. 2738: Mr. ENGEL.

H.R. 2753: Mr. MCINNIS.

H.R. 2784: Mr. SESSIONS.

H.R. 2790: Mr. HOLDEN and Mr. PALLONE.

H.R. 2969: Mr. ROTHMAN.

H.R. 3004: Mrs. JONES of Ohio.

H.R. 3082: Mr. JEFFERSON.

H.R. 3091: Mr. KUYKENDALL.

H.R. 3100: Ms. CARSON, Ms. MILLENDER-MCDONALD, Mr. BACA, and Mr. GOODLING.

H.R. 3144: Mr. ORTIZ and Mr. DAVIS of Florida.

H.R. 3180: Mr. GOODLING.

H.R. 3192: Mr. VISCLOSKY, Mr. MINGE, Mr. WU, Mr. HILLIARD, Mr. MEEHAN, Mr. BERMAN, Mr. HOYER, Mr. CUMMINGS, and Mr. DAVIS of Florida.

H.R. 3299: Mr. LEWIS of Georgia.

H.R. 3517: Mr. LATHAM and Mr. FROST.

H.R. 3578: Mrs. FOWLER.

H.R. 3580: Mr. GREEN of Wisconsin, Mr. RODRIGUEZ, Mr. HILL of Montana, Mr. NETHERCUTT, Mr. BARRETT of Nebraska, Mr. HASTINGS of Florida, Mr. VITTER, and Mr. LATHAM.

H.R. 3665: Mr. CROWLEY.

H.R. 3669: Mr. KANJORSKI, Mrs. CHENOWETH-HAGE, Mr. SHAYS, Mr. WALDEN of Oregon, Mr. TANCREDO, Mr. WELLER, Mr. NETHERCUTT, Mr. DIAZ-BALART, Mr. STUMP, and Mr. MARTINEZ.

H.R. 3698: Mr. SPRATT, Mr. NETHERCUTT, Mrs. MALONEY of New York, Ms. CARSON, Mr. LEWIS of Georgia, Ms. PELOSI, Mr. DOYLE, Mr. BACA, Mr. SMITH of Texas, Mr. MCINTYRE, Mr. BARRETT of Wisconsin, Mr. RODRIGUEZ, Mr. LEWIS of California, Mr. BARRETT of Nebraska, and Mr. VITTER.

H.R. 3710: Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. QUINN, Mr. BACA, Mr. BARRETT of Wisconsin, Mr. RODRIGUEZ, Mr. HASTINGS of Florida, Mr. SHERMAN, and Mr. FATTAH.

H.R. 3800: Mr. WELLER.

H.R. 3806: Mr. OLVER.

H.R. 3865: Mr. GOODLING.

H.R. 3866: Mr. BRYANT and Mr. MOORE.

H.R. 3897: Mr. UNDERWOOD, Mr. HOYER, Mr. ORTIZ, and Ms. VELÁZQUEZ.

H.R. 4019: Mr. HYDE.

H.R. 4066: Mr. MCGOVERN.

H.R. 4082: Mr. WOLF, Mr. RUSH, Mr. DAVIS of Virginia, and Mr. EHRLICH.

H.R. 4115: Mr. ROMERO-BARCELO.

H.R. 4126: Mr. PASTOR.

H.R. 4152: Ms. DELAURO, Ms. RIVERS, and Mr. BLUMENAUER.

H.R. 4162: Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. RUSH, Mr. OWENS, and Ms. WATERS.

H.R. 4165: Mr. CONYERS, Mr. SAWYER, and Mr. GORDON.

H.R. 4181: Mr. BARRETT of Wisconsin.

H.R. 4184: Mr. THORNBERRY.

H.R. 4201: Mr. TERRY, Mr. SHOWS, and Mr. GREEN of Wisconsin.

H.R. 4206: Mrs. MEEK of Florida and Mr. BALDACCI.

H.R. 4210: Mr. GILCHREST and Mr. BAKER.

H.R. 4211: Mr. HILLIARD, Ms. DEGETTE, Mr. BARRETT of Wisconsin, Mr. CAPUANO, Mr.

Pastor, Mr. Filner, Mr. Boucher, and Mr. Kind.

H.R. 4213: Mr. Foley and Mr. Crowley.

H.R. 4215: Mr. Pickering.

H.R. 4236: Mr. Hayworth.

H.R. 4257: Mr. Barr of Georgia, Mr. Whitfield, Mr. McIntosh, Mr. Ney, and Mr. Hefley.

H.R. 4259: Mr. Lipinski, Mr. Aderholt, Mr. Ballenger, Mr. Bateman, Mrs. Biggert, Mr. Bilbray, Mrs. Bono, Mr. Bryant, Mr. Burr of North Carolina, Mr. Calvert, Mr. Campbell, Mrs. Chenoweth-Hage, Mrs. Cubin, Ms. Carson, Mr. Coble, Mr. Collins, and Mr. Baker.

H.R. 4263: Mr. Wamp.

H.R. 4271: Mr. Boehner.

H.R. 4272: Mr. Boehner.

H.R. 4273: Mr. Boehner.

H.R. 4274: Mr. Tiahrt, Mr. DeMint, Mr. Ballenger, and Mr. Barr of Georgia.

H.R. 4277: Mr. Pallone.

H.R. 4283: Mr. LaTourette and Mr. English.

H.R. 4330: Mr. Abercrombie.

H.R. 4338: Mr. Baca.

H.R. 4340: Mr. John and Mr. Istook.

H.R. 4375: Mr. Hilliard.

H.R. 4384: Mr. Hilliard, Mr. Green of Texas, Mr. Davis of Illinois, Mr. Rodriguez, Mr. Reyes, Ms. Baldwin, Mr. Lipinski, Mr. Cramer, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Engel, Mr. Nadler, Mr. Forbes, Mr. Sandlin, Mr. Ford, Mr. Crowley, Mr. Holt, Mr. Scott, Mr. Kleczka, Mr. Larson, Mr. Hall of Ohio, Mr. Clyburn, Mr. Edwards, Mrs. Jones of Ohio, Mr. Walsh, Mr. Filner, Mr. Underwood, Mr. McGovern, Mr. Lantos, Mrs. Fowler, Mrs. Morella, and Mr. Burton of Indiana.

H.R. 4390: Mr. Kucinich.

H.R. 4395: Ms. Eshoo, Mr. Bilbray, Mr. Matsui, and Mr. Cunningham.

H.R. 4398: Mr. Duncan and Ms. DeGette.

H.R. 4416: Mr. Andrews.

H.R. 4467: Mr. Terry.

H.R. 4488: Mr. Bonior.

H.R. 4492: Mrs. Biggert, Mrs. Myrick, Mr. Kuykendall, Mr. English, Ms. Sanchez, Mr. Holden, Mr. Terry, Mr. Spratt, and Mr. Tierney.

H.R. 4498: Mrs. Morella, Mr. Ewing, Mr. Manzullo, and Mr. Gilman.

H.R. 4502: Mr. Bass, Mr. Simpson, Mr. Everett, Mr. Wicker, Mr. Radanovich, Mr. Watkins, Mr. Holden, Mr. Jenkins, Mr. Lucas of Oklahoma, Mr. Hostettler, Mr. Green of Wisconsin, Mr. Thompson of Mississippi, Mr. Stupak, Mr. Bonilla, Mr. McIntyre, Mr. Gutknecht, Mr. Metcalf, Ms. Danner, and Mr. Latham.

H.R. 4537: Mr. Boehner.

H.R. 4548: Mr. Sweeney, Mr. Green of Wisconsin, Mr. Canady of Florida, Mr. Nethercutt, Mr. Cunningham, and Mr. Manzullo.

H.R. 4549: Mr. Hilleary.

H.R. 4550: Mr. Lewis of Georgia.

H.R. 4553: Mr. Mica, Mr. Gilman, Mr. Lipinski, and Mr. Oxley.

H.R. 4555: Mr. McGovern.

H.R. 4566: Mr. Regula, Mr. Dingell, and Mr. Markey.

H.R. 4567: Mr. Waxman.

H.R. 4574: Mr. Larson, Mrs. Napolitano, Mr. Moore, Mr. Udall of Colorado, Ms. Berkley, Mr. Frank of Massachusetts, Mr. Lewis of Georgia, Mr. Green of Texas, Mr. Campbell, Mr. Frost, Mr. Hoyer, Mr. Holt, and Ms. Pelosi.

H.R. 4582: Mr. Shays.

H.R. 4590: Mr. Hinojosa and Mr. Pastor.

H. Con. Res. 307: Mr. Sandlin, Mr. Weygand, Mr. Brady of Pennsylvania, Mr. Knollenberg, Mr. Forbes, Mr. Rothman, Mr. Rangel, Mr. Ackerman, Mr. Allen, Mr. Moran of Virginia, Mr. Borski, Mr. Wexler, Ms. Norton, Ms. DeLauro, Mrs. Lowey, Mr. Lazio, Mr. Kuykendall, Mr. Maloney of Connecticut, and Mr. Souder.

H. Con. Res. 308: Mr. Goodling, Mr. Rohrabacher, and Mr. Cox.

H. Con. Res. 327: Mr. Cramer, Mr. LoBiondo, and Mr. Skelton.

H. Con. Res. 341: Mr. Stearns.

H. Res. 82: Ms. Pelosi.

H. Res. 420: Mr. Larson.

H. Res. 479: Mr. Underwood.

H. Res. 494: Mr. Upton, Mr. Knollenberg, Mr. Salmon, Mr. McInnis, and Mr. Terry.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

Offered By: Mrs. Clayton

Amendment No. 25: Page 40, line 23, before the period insert the following:

: *Provided*, That of the total amount made available for loans to section 502 borrowers, $5,400,000 shall be available for use under a demonstration program to be carried out by the Secretary of Agriculture in North Carolina to determine the timeliness, quality, suitability, efficiency, and cost of utilizing modular housing to re-house low- and very low-income elderly families who (1) have lost their housing because of a major disaster (as so declared by the President pursuant to The Robert T. Stafford Disaster Relief and Emergency Assistance Act), and (2)(A) do not have homeowner's insurance, or (B) can not repay a direct loan that is provided under section 502 of the Housing Act of 1949 with the maximum subsidy allowed for such loans: *Provided further*, That, of the amounts made available for such demonstration program, $5,000,000 shall be for grants and $400,000 shall be for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of loans, for such families to acquire modular housing.

H.R. 4461

Offered By: Mr. DeFazio

Amendment No. 26: Insert at the end of the bill (before the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. Notwithstanding any other provision of this Act, not more than $28,684,000 of the funds made available in this Act may be used for Wildlife Services Program operations under the heading "Animal and Plant Health Inspection Service", and none of the funds appropriated or otherwise made available by this Act for Wildlife Services Program operations to carry out the first section of the Act of March 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild predatory mammals for the purpose of protecting livestock.

H.R. 4577

Offered By: Mr. Boehner

Amendment No. 193: Page 52, line 12, after each dollar amount, insert the following: "(decreased by $23,000,000)".

Page 53, line 17, after each dollar amount, insert the following: "(increased by $23,000,000)".

H.R. 4577

Offered By: Mr. Boehner

Amendment No. 194: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. . None of the funds made available in this Act may be used for any Native Hawaiian program under part B of title IX of the Elementary and Secondary Education Act of 1965.

H.R. 4577

Offered By: Mr. Boehner

Amendment No. 195: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. . None of the funds made available in this Act may be used for any Native Hawaiian program under section 4118 of the Elementary and Secondary Education Act of 1965 or part B of title IX of such Act.

H.R. 4577

Offered By: Mr. Boehner

Amendment No. 196: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. . None of the funds made available in this Act may be used for any program under part B of title IX of the Elementary and Secondary Education Act of 1965.

H.R. 4577

Offered By: Mr. Boehner

Amendment No. 197: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. . None of the funds made available in this Act may be used for any program under section 4118 of the Elementary and Secondary Education Act of 1965 or part B of title IX of such Act.

H.R. 4577

Offered By: Mr. Stearns

Amendment No. 198: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. . None of the funds made available in this Act may be used to prohibit military recruiting at secondary schools.

H.R. 4577

Offered By: Mr. Traficant

Amendment No. 199: Page 19, strike lines 15 through 19 (section 103).

H.R. 4577

Offered By: Mr. Traficant

Amendment No. 200: On page 19, after line 19, insert the following new section:

MINIMUM WAGE

Sec. 104. Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.15 an hour beginning September 1, 1997,

"(B) $5.65 an hour during the year beginning April 1, 2000, and

"(C) $6.15 an hour beginning April 1, 2001;".

H.R. 4577

Offered By: Mr. Traficant

Amendment No. 201: At the end of the bill add the following new section:

MINIMUM WAGE

Sec. 104. Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.15 an hour beginning September 1, 1997,

"(B) $5.65 an hour during the year beginning April 1, 2000, and

"(C) $6.15 an hour beginning April 1, 2001;".

SENATE—*Thursday, June 8, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The guest Chaplain, Rev. Philip A. Smith, president of Providence College, Providence, RI, offered the following prayer:

Let us pause for a few moments and place ourselves in the presence of God.

As we gather in Your presence this morning, O gracious God, we thank You for the gifts You have bestowed on us. The grandeur of the universe, the wonder of love, the beauty of friendship, and the time to enjoy it all. We thank You for the privilege of living in a land of plenty and promise, equality and opportunity, a land where freedom reigns and peace is possible.

We ask Your blessings on the Members of this Senate as they grapple with complex economic, social, political, and cultural challenges in this Nation and around the world. Grant them the insight, wisdom, and courage to fashion legislation that will create a fresh vision and inspire hope, that will balance opportunity costs with social justice, that will enhance the quality of life for all Americans, while paying special attention to those in our midst who experience their existence as fragile or painful: the ill and the elderly, the unloved and the unwanted, the hungry and the homeless, the disadvantaged and the downtrodden.

Finally, we ask to enrich our faith and strengthen our hope, nurture our wisdom and deepen our love, increase our compassion, and broaden our tolerance so that our lives may illuminate the lives of others and light up the places where we labor and live.

We ask You this as a people of faith confident of Your love and goodness and as a people of hope who trust in Your promises. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2549, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.
>
> Pending: Smith (of NH) amendment No. 3210, to prohibit granting security clearances to felons.
>
> McCain amendment No. 3214 (to amendment No. 3210), to require the disclosure of expenditures and contributions by certain political organizations.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, again I wish to express my cooperation to the leadership of the Senate, most specifically my distinguished ranking member, Mr. LEVIN. We are making progress on this bill.

I inquire first of the Chair with regard to time allocations. I believe, under the previous order, 1 hour has been reserved for the distinguished junior Senator from Massachusetts, to be assigned at some point today; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I inquire further about the distinguished Senator from New Hampshire, Mr. ROBERT SMITH. I believe he has 30 minutes, and again that is an undesignated time?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I think there are other designations of time we should recite.

The PRESIDING OFFICER. Senator INHOFE from Oklahoma has 10 minutes; Senator SNOWE from Maine has 30 minutes.

Mr. WARNER. If those Senators will counsel with the managers, we are going to do everything we can to arrange for their recognition at a time mutually convenient.

I see the distinguished junior Senator from Massachusetts on the floor. It may well be that we could proceed with that, but I shall defer to my colleague momentarily.

SCHEDULE

For the benefit of the Senate, we will resume consideration of the Department of Defense authorization bill. At 1 o'clock, the Senate will begin 2 hours of debate on the McCain amendment regarding soft money disclosure. That 2 hours will be equally divided between the sponsors of that amendment and the Senator from Virginia.

Following that debate, Senator KENNEDY will be recognized to offer an amendment regarding health care management organizations. Under a previous order, there will be up to 2 hours of debate on the Kennedy amendment, again, with the time equally divided between Kennedy proponents and the Senator from Virginia and/or his designee.

Votes will occur at approximately 5 o'clock. Senators should be aware, other amendments may be offered during the morning session. Therefore, votes may occur prior to the 1 o'clock orders.

I thank my colleagues. I know the distinguished minority whip seeks recognition on a matter.

Mr. REID. Mr. President, the only correction I make is that the amendment will be offered by Senator DASCHLE or his designee, rather than Senator KENNEDY.

Mr. WARNER. I thank the distinguished Senator. Yesterday I believe the Senator brought that to my attention and we failed to record it. My statement is so amended by the distinguished Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. REID. Mr. President, on behalf of Senator CONRAD, I ask unanimous consent, under rule VI, paragraph 2, he be permitted to be absent from the service of the Senate today, Thursday, June 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I propose to my ranking member that as soon as we conclude our opening remarks, the Senate then recognize the junior Senator from Massachusetts for a period of 1 hour; is that correct?

Mr. KERRY. Mr. President, my two colleagues, the Senator from Connecticut and the Senator from Rhode Island would like to take a moment to acknowledge our distinguished visiting Chaplain this morning. If they could just have a moment to do that.

Mr. WARNER. I am delighted to accommodate them in that fashion.

The PRESIDING OFFICER. The Senator from Rhode Island.

GREETINGS TO REV. PHILIP A. SMITH

Mr. REED. Mr. President, I am delighted to welcome Father Philip Smith, the president of Providence College, our guest Chaplain.

Providence College is an extraordinary institution in my home State of

Rhode Island. It is a place where many of my neighbors and friends have been educated. More than that, it has been a source of strength, purpose, and inspiration for the whole community. Father Smith is the 11th president of Providence College and has been a paramount leader both for his institution and for the State of Rhode Island.

Providence College is a Dominican college, a college committed to not only developing the minds but the character of its students. Its leader is a theologian, a scholar, and a leader in his own right. His leadership is not simply intellectual; he is a leader of integrity and of commitment.

Rhode Island is proud of Providence College, and particularly proud of the president of Providence College, Rev. Philip Smith. It was an honor to have him in the Chamber today to lead us in prayer. I thank him and I commend him. I wish him well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, at this juncture I ought to ask to associate myself with the remarks of the distinguished Senator from Rhode Island. He has spoken eloquently about Father Philip Smith and his wonderful leadership at Providence College.

I am honored to be a graduate of Providence, as was my father. I have fond memories of my years there, as my father did in his undergraduate days.

Father Smith led this institution most admirably during his tenure. We are delighted and honored he is performing the duties of assistant chaplain here today. I commend him for his opening prayer.

The Dominican priests are known as the order of preachers, Mr. President. Certainly Father Smith eloquently displayed that historic reputation of the Dominican order. The lives of the students who have attended Providence College have been so admirably altered as a result of the education of this wonderful institution. I know they join me in expressing our gratitude, not only to Father Smith but the faculty and administrator and others over the years who provided literally thousands of students and families with a wonderful educational opportunity in liberal arts, medicine and health, a very diverse academic curricula that is offered at Providence College. But also as my colleague from Rhode Island has adequately and appropriately identified, it is the spiritual leadership as well which we appreciate immensely.

It is truly an honor to welcome Father Smith to this Chamber, to thank him for his words, and to wish him and the entire family of Providence College the very best in the years to come.

The PRESIDING OFFICER. The Senator from Virginia.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

Mr. WARNER. Mr. President, for the information of the Senate, I would like to pose a unanimous consent request with regard to the sequencing of speakers.

We have the distinguished Senator from Massachusetts who has, under a previous order, 1 hour. I suggest he be the first and lead off this morning, followed by the distinguished Senator from Maine, the chair of the Senate Seapower Subcommittee, and that would be for a period of 30 minutes thereafter. Following that, the distinguished ranking member and I have some 30 cleared amendments which we will offer to the Senate following these two sets of remarks.

Then Senator SMITH; as soon as I can reach him, I will sequence him in.

I just inform the Senate I will be seeking recognition to offer an amendment on behalf of Senator DODD and myself, and I will acquaint the ranking member with the text of that amendment shortly.

Just for the moment, the unanimous consent request is the Senator from Massachusetts, followed by the Senator from Maine followed by a period of time, probably not to exceed 30 minutes, for the ranking member and myself to deal with some 30-odd amendments.

The PRESIDING OFFICER. Is there objection? The Senator from Michigan.

Mr. LEVIN. Mr. President, I would add the following: It is my understanding of the unanimous consent agreement that recognition of the speakers who are listed here with a fixed period of time, including Senator KERRY, Senator SMITH, Senator SNOWE, and Senator INHOFE, is solely for the purpose of debate and not for the purpose of offering an amendment. Is the Senator correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the chairman and ranking member for their courtesy and I appreciate the time of the Senate to be able to discuss an issue of extraordinary importance. It is an issue that is contained in this bill. It is a line item in this bill of some $85 million with respect to the issue of national missile defense.

President Clinton has just returned from his first meeting with the new Russian President, Vladimir Putin, and arms control dominated their agenda, in particular, the plan of the United States to deploy a limited national defense system, which would require amending the 1972 ABM Treaty. Russia is still strongly opposed to changing that treaty, and I think we can all expect this will continue to be an issue of great discussion between the United States and Russia in the months and possibly years to come.

As I said, in the Senate today, this defense bill authorizes funding for the construction of the national missile defense initial deployment facilities. Regretfully, we do not always have the time in the Senate to lay out policy considerations in a thorough, quiet, and thoughtful way, and I will try to do that this morning. The question of whether, when, and how the United States should deploy a defense against ballistic missiles is, in fact, complex—tremendously complex. I want to take some time today to walk through the issues that are involved in that debate and to lay bare the implications it will have for the national security of the United States.

No American leader can dismiss an idea that might protect American citizens from a legitimate threat. If there is a real potential of a rogue nation, as we call them, firing a few missiles at any city in the United States, responsible leadership requires that we make our best, most thoughtful efforts to defend against that threat. The same is true of the potential threat of accidental launch. If ever either of these things happened, no leader could explain away not having chosen to defend against such a disaster when doing so made sense.

The questions before us now are several. Does it make sense to deploy a national missile defense now, unilaterally, if the result might be to put America at even greater risk? Do we have more time to work with allies and others to find a mutually acceptable, nonthreatening way of proceeding? Have the threats to which we are responding been exaggerated, and are they more defined by politics than by genuine threat assessment and scientific fact? Have we sufficiently explored various technologies and architectures so we are proceeding in the most thoughtful and effective way?

The President has set out four criteria on which he will base his decision to deploy an NMD: The status of the threat, the status and effectiveness of the proposed system's technology, the cost of the system, and the likely impact of deploying such a system on the overall strategic environment and U.S. arms control efforts in general. In my judgment, at this point in time none of these criteria are met to satisfaction.

While the threat from developing missile programs has emerged more quickly than we expected, I do not believe it justifies a rush to action on the proposed defensive system, which is far from technologically sound and will probably not even provide the appropriate response to the threat as it continues to develop. More importantly, a unilateral decision of the United States to deploy an NMD system could undermine global strategic stability, damage our relationship with key allies in Europe and Asia, and weaken our continuing efforts to reduce the nuclear danger.

Turning first to the issue of the threat that we face, this question deserves far greater scrutiny than it has thus far received. I hear a number of colleagues, the State Department, and others, saying: Oh, yes, the threat exists. Indeed, to some degree the threat does exist. But it is important for us to examine to what degree. Recently, the decades-long debate on the issue of deploying an NMD has taken on bipartisan relevance as the threat of a rogue ballistic missile program has increased.

I want to be very clear. At this point, I support the deployment, in cooperation with our friends and allies, of a limited, effective National Missile Defense System aimed at containing the threat from small rogue ballistic missile programs or the odd, accidental, or unauthorized launch from a major power. But I do not believe the United States should attempt to unilaterally deploy a National Missile Defense System aimed at altering the strategic balance. We have made tremendous progress over the last two decades in reducing the threat from weapons of mass destruction through bilateral strategic reductions with Russia and multilateral arms control agreements such as the Chemical Weapons Convention. We simply cannot allow these efforts to be undermined in any way as we confront the emerging ballistic missile threat.

Even as we have made progress with Russia on reducing our cold war arsenals, ballistic missile technology has spread, and the threat to the United States from rogue powers, so-called, has grown. The July 1998 Rumsfeld report found that the threat from developing ballistic missile states, especially North Korea, Iran, and Iraq, is developing faster than expected and could pose an imminent threat to the U.S. homeland in the next 5 years. That conclusion was reinforced just 1 month later when North Korea tested a three-stage Taepo Dong-1 missile, launching it over Japan and raising tensions in the region. While the missile's third stage failed, the test confirmed that North Korea's program for long-range missiles is advancing towards an ICBM capability that could ultimately—and I stress ultimately—threaten the United States, as surely as its shorter range missiles threaten our troops and our allies in the region today.

A 1999 national intelligence estimate on the ballistic missile threat found that in addition to the continuing threat from Russia and China, the United States faces a developing threat from North Korea, Iran, and Iraq.

In addition to the possibility that North Korea might convert the Taepo Dong-1 missile into an inaccurate ICBM capable of carrying a light payload to the United States, the report found that North Korea could weaponize the larger Taepo Dong-2 to deliver a crude nuclear weapon to American shores, and it could do so at any time, with little warning. The NIE also found that, in the next 15 years, Iran could test an ICBM capable of carrying a nuclear weapon to the United States—and certainly to our allies in Europe and the Middle East—and that Iraq may be able to do the same in a slightly longer time frame.

The picture of the evolving threat to the United States from ballistic missile programs in hostile nations has changed minds in the Senate about the necessity of developing and testing a national missile defense. It has changed my mind about what might be appropriate to think about and to test and develop.

If Americans in Alaska or Hawaii must face this threat, however uncertain, I do not believe someone in public life can responsibly tell them: We will not look at or take steps to protect you.

But as we confront the technological challenges and the political ramifications of developing and deploying a national missile defense, we are compelled to take a closer look at the threat we are rushing to meet. I believe the missile threat from North Korea, Iran, and Iraq is real but not imminent, and that we confront today much greater, much more immediate dangers, from which national missile defense cannot and will not protect us.

To begin, it is critical to note that both the Rumsfeld Commission and the National Intelligence Estimate adopted new standards for assessing the ballistic missile threat in response to political pressures from the Congress.

The 1995 NIE was viciously criticized for underestimating the threat from rogue missile programs. Some in Congress accused the administration of deliberately downplaying the threat to undermine their call for a national missile defense.

To get the answer that they were looking for, the Congress then established the Rumsfeld Commission to review the threat. Now, that commission was made up of some of the best minds in U.S. defense policy—both supporters and skeptics of national missile defense. I do not suggest the commission's report was somehow fixed. These are people who have devoted their lives in honorable service to their country. The report reflects no less than their best assessment of the threat.

But in reaching the conclusions that have alarmed so many about the immediacy of the threat, we must responsibly take note of the fact that the commission did depart from the standards that we had traditionally used to measure the threat.

First, the commission reduced the range of ballistic missiles that we consider to be a threat from missiles that can reach the continental United States to those that can only reach Hawaii and Alaska.

I think this is a minor distinction because, as I said earlier, no responsible leader is going to suggest that you should leave Americans in Hawaii or Alaska exposed to attack. But certainly the only reason to hit Hawaii or Alaska, if you have very few weapons measured against other targets, is to wreak terror. And insomuch as that is the only reason, one has to factor that into the threat analysis in ways they did not.

Secondly, it shortened the time period for considering a developing program to be a threat from the old standard which measured when a program could actually be deployed to a new standard of when it was simply tested.

Again, I would be willing to concede this as a minor distinction because if a nation were to be intent on using one of these weapons, it might not wait to meet the stringent testing requirements that we usually try to meet before deploying a new system. It could just test a missile, see that it works, and make plans to use it.

These changes are relatively minor, but they need to be acknowledged and factored into the overall discussion.

But the third change which needs to be factored in is not insignificant because both the Rumsfeld Commission and the 1999 NIE abandoned the old standard of assessing the likelihood that a nation would use its missile capacity in favor of a new standard of whether a nation simply has the relevant capacity for a missile attack, with no analysis whatsoever of the other factors that go into a decision to actually put that capability to use.

This is tremendously important because, as we know from the cold war, threat is more than simply a function of capability; it is a function of attention and other political and military considerations. Through diplomacy and deterrence, the United States can alter the intentions of nations that pursue ballistic missile programs and so alter the threat they pose to us.

This is not simply wishful thinking. There are many examples today of nations who possess the technical capacity to attack the United States, but whom we do not consider a threat. India and Pakistan have made dramatic progress in developing medium-range ballistic missile programs. But the intelligence community does not consider India and Pakistan to pose a threat to U.S. interests. Their missile capacity alone does not translate into a threat because they do not hold aggressive intentions against us.

Clearly, North Korea, Iran, and Iraq are hostile to us, and our ability to use diplomacy to reduce the threat they pose will be limited. But having the capacity to reach us and an animosity towards us does not automatically translate into the intention to use weapons of mass destruction against us.

In the 40 years that we faced the former Soviet Union, with the raw capability to destroy each other, neither side resorted to using its arsenal of missiles. Why not? Because even in periods of intense animosity and tension, under the most unpredictable and isolated of regimes, political and military deterrence has a powerful determining effect on a nation's decision to use force. We have already seen this at work in our efforts to contain North Korea's nuclear and missile programs. We saw it at work in the gulf war when Saddam Hussein was deterred from using his weapons of mass destruction by the sure promise of a devastating response from the United States.

During the summer of 1999, intelligence reports indicated that North Korea was preparing the first test-launch of the Taepo Dong-2. Regional tensions rose, as Japan, South Korea and the United States warned Pyongyang that it would face serious consequences if it went ahead with another long-range missile launch. The test was indefinitely delayed, for "political reasons," which no doubt included U.S. military deterrence and the robust diplomatic efforts by the United States and its key allies in the region.

Threatening to cut off nearly $1 billion of food assistance and KEDO funding to North Korea should the test go forward, while also holding out the possibility of easing economic sanctions if the test were called off, helped South Korea, Japan and the United States make the case to Pyongyang that its interests would be better served through restraint. An unprecedented dialogue between the United States and North Korea, initiated by former Secretary of Defense William Perry during the height of this crisis, continues today. It aims to verifiably freeze Pyongyang's missile programs and end 50 years of North Korea's economic isolation.

Acknowledging that these political developments can have an important impact on the threat, the intelligence community, according to a May 19 article in the Los Angeles Times, will reflect in its forthcoming NIE that the threat from North Korea's missile program has eased since last fall. And if it has eased since last fall, indeed, we should be thinking about the urgency of decisions we make that may have a profound impact on the overall balance of power.

In short, even as we remain clear-eyed about the threat these nations pose to American interests, we must not look at the danger as somehow preordained or unavoidable.

In cooperation with our friends and allies, we must vigorously implore the tools of diplomacy to reduce the threat. We must redouble our efforts to stop the proliferation of these deadly weapons. We cannot just dismiss the importance of U.S. military deterrence.

Only madmen, only the most profoundly detached madmen, bent on self-destruction, would launch a missile against U.S. soil, which obviously would invite the most swift and devastating response. One or two or three missiles fired by North Korea or Iraq would leave a clear address of who the sender was, and there is no question that the United States would have the ability to eliminate them from the face of this planet. All people would recognize that as an immediate and legitimate response.

My second major concern about the current debate over the missile threat is that it does nothing to address equally dangerous but more immediate and more likely threats to U.S. interests.

For one, U.S. troops and U.S. allies today confront the menace of theater ballistic missiles, capable of delivering chemical or biological weapons. We saw during the gulf war how important theater missile defense is to maintaining allied unity and enabling our troops to focus on their mission. We must continue to push this technology forward regardless of whether we deploy an NMD system.

The American people also face the very real threat of terrorist attack. The 1999 State Department report on Patterns of Global Terrorism shows that while the threat of state-sponsored terrorism against the U.S. is declining, the threat from nonstate actors, who increasingly have access to chemical and biological weapons, and possibly even small nuclear devices, is growing. These terrorist groups are most likely to attack us covertly, quietly slipping explosives into a building, unleashing chemical weapons into a crowded subway, or sending a crude nuclear weapon into a busy harbor.

An NMD system will not protect American citizens from any of these more immediate and more realistic threats.

Finally, on the issue of the missile threat we are confronting, I remain deeply concerned about Russia's command and control over its nuclear forces. Russia has more than 6,000 strategic missiles armed with nuclear warheads. Maintaining these missiles on high alert significantly increases the threat of an accidental or an unauthorized launch. In 1995, the Russian military misidentified a U.S. weather rocket launched from Norway as a possible attack on the Russian Federation. With Russia's strategic forces already on high-alert, President Yelstin and his advisors had just minutes to decide whether to launch a retaliatory strike on the United States. And yet, in an effort to reassure Russia that the proposed missile defense will not prompt an American first strike, the administration seems to be encouraging Russia to, in fact, maintain its strategic forces on high alert to allow for a quick, annihilating counterattack that would overwhelm the proposed limited defense they are offering.

In effect, in order to deploy the system the administration is currently defining, they are prepared to have Russia, maintain with a bad command-and-control system weapons on hair trigger or targeted in order to maintain the balance.

In sum, the threat from rogue missile programs is neither as imminent nor is as mutable as some have argued. We have time to use the diplomatic tools at our disposal to try to alter the political calculation that any nation might make before it decided to use ballistic missile capacity.

Moreover, the United States faces other, more immediate threats that will not be met by an NMD. To meet the full range of threats to our national security, we need to simultaneously address the emerging threat from the rogue ballistic missile program, maintain a vigorous defense against theater ballistic missiles and acts of terrorism, and avoid actions that would undermine the strategic stability we have fought so hard to establish.

Let me speak for a moment now about the technology. In making his deployment decision, the President will also consider the technological readiness and effectiveness of the proposed system. Again, I have grave concerns that we are sacrificing careful technical development of this system to meet an artificial deadline, and, may I say, those concerns are shared by people far more expert than I am. Moreover, even if the proposed system were to work as planned, I am not convinced it would provide the most effective defense against a developing missile threat.

Let's look for a moment at the system currently under consideration. The administration has proposed a limited system to protect all 50 States against small-scale attacks by ICBMs. In the simplest terms, this is a ground-based, hit-to-kill system.

An interceptor fired from American soil must hit the incoming missile directly to destroy it. Most of the components of this system are already developed and are undergoing testing. It will be deployed in 3 phases and is to be completed by about 2010, if the decision to deploy is made this year. The completed system will include 200, 250 interceptors deployed in Alaska and North Dakota, to be complemented by a sophisticated array of upgraded early-warning radars and satellite-based launch detection and tracking systems. I have two fundamental questions about this proposed system: Will the technology work as intended, and is the system the most appropriate and effective defense against this defined threat?

There are three components to consider in answering the first question: The technology's ability to function at the most basic level, its operational effectiveness against real world threats, and its reliability.

I do not believe the compressed testing program and decision deadline permit us to come close to drawing definitive conclusions about those three fundamental elements of readiness.

In a Deployment Readiness Review scheduled for late July of this year, the Pentagon will assess the system, largely on the results of three intercept tests. The first of these in October of 1999 was initially hailed as a success because the interceptor did hit the target, but then, on further examination, the Pentagon conceded that the interceptor had initially been confused, it had drifted off course, ultimately heading for the decoy balloon, and possibly striking the dummy warhead only by accident. That is test No. 1.

The second test in January of 2000 failed because of a sensor coolant leak.

The third test has not even taken place yet. The third test, initially planned for April 2000, was postponed until late June and has recently been postponed again. It is expected in early July, just a few weeks before the Pentagon review.

To begin with, after two tests, neither satisfactory, it is still unclear whether the system will function at a basic level under the most favorable conditions. Even if the next test is a resounding success, I fail to see how that would be enough to convince people we have thoroughly vetted the potential problems of a system.

On the second issue of whether the system will be operationally effective, we have very little information on which to proceed. We have not yet had an opportunity to test operational versions of the components in anything such as the environment they would face in a real defensive engagement. We are only guessing at this point how well the system would respond to targets launched from unanticipated locations or how it would perform over much greater distances and much higher speeds than those at which it has been tested.

Finally, the question of reliability is best answered over time and extensive use of the system. Any program in its developing stages will run into technical glitches, and this program has been no different. That does not mean the system will not ever work properly, but it does mean we ought to take the time to find out, particularly before we do something that upsets the balance in the ways this may potentially do.

That is one more reason to postpone the deployment decision, to give the President and the Pentagon the opportunity to conduct a thorough and rigorous testing program.

This recommendation is not made in a vacuum. Two independent reviews have reached a similar conclusion about the risks of rushing to deployment. In February of 1998, a Pentagon panel led by former Air Force Chief of Staff Gen. Larry Welch, characterized the truncated testing program as a "rush to failure." The panel's second report recommended delaying the decision to deploy until 2003 at the earliest to allow key program elements to be fully tested and proven. The concerns of the Welch Panel were reinforced by the release in February 2000 of a report by the Defense Department's office of operational test and evaluation (DOT&E).

The Coyle report decried the undue pressure being applied to the national missile defense testing program and warned that rushing through testing to meet artificial decision deadlines has "historically resulted in a negative effect on virtually every troubled DOD development program." The Report recommended that the Pentagon postpone its Deployment Readiness Review to allow for a thorough analysis and clear understanding of the results of the third intercept test (now scheduled for early July), which will be the first "integrated systems" test of all the components except the booster.

The scientific community is concerned about more than the risks of a shortened testing program. The best scientific minds in America have begun to warn that even if the technology functions as planned, the system could be defeated by relatively simple countermeasures. The 1999 NIE that addressed the ballistic missile threat concluded that the same nations that are developing long-range ballistic missile systems could develop or buy countermeasure technologies by the time they are ready to deploy their missile systems.

Just think, we could expend billions of dollars, we could upset the strategic balance, we could initiate a new arms race, and we could not even get a system that withstands remarkably simple, inexpensive countermeasures. Now, there is a stroke of brilliant strategic thinking.

The proposed national missile defense is an exo-atmospheric system, meaning the interceptor is intended to hit the target after the boost phase when it has left the atmosphere and before reentry. An IBM releases its payload immediately after the boost phase. If that payload were to consist of more than simply one warhead, then an interceptor would have more than one target with which to contend after the boost phase.

The Union of Concerned Scientists recently published a thorough technical analysis of three countermeasures that would be particularly well suited to overwhelming this kind of system, chemical and biological bomblets, antisimulation decoys, and warhead shrouds. North Korea, Iran, and Iraq are all believed to have programs capable of weaponizing chemical and biological weapons which are cheaper and easier to acquire than the most rudimentary nuclear warhead.

The most effective means of delivering a CBW, a chemical-biological warfare warhead on a ballistic missile, is not to deploy one large warhead filled with the agent but to divide it up into as many as 100 submunitions, or bomblets. There are few technical barriers to weaponizing CBW this way, and it allows the agents to be dispersed over a large area, inflicting maximum casualties. Because the limited NMD system will not be able to intercept a missile before the bomblets are dispersed, it could quickly be overpowered by just three incoming missiles armed with bomblets—and that is assuming every interceptor hit its target. Just one missile carrying 100 targets would pose a formidable challenge to the system being designed with possibly devastating effects.

The exo-atmospheric system is also vulnerable to missiles carrying nuclear warheads armed with decoys. Using antisimulation, an attacker would disguise the nuclear warhead to look like a decoy by placing it in a lightweight balloon and releasing it along with a large number of similar but empty balloons. Using simple technology to raise the temperature in all of the balloons, the attacker could make the balloon containing the warhead indistinguishable to infrared radar from the empty balloons, forcing the defensive system to shoot down every balloon in order to ensure that the warhead is destroyed. By deploying a large number of balloons, an attacker could easily overwhelm a limited national missile defense system. Alternately, by covering the warhead with a shroud cooled by liquid nitrogen, an attacker could reduce the warhead's infrared radiation by a factor of at least 1 million, making it incredibly difficult for the system's sensors to detect the warhead in time to hit it.

I have only touched very cursorily on the simplest countermeasures that could be available to an attacker with ballistic missiles, but I believe this discussion raises serious questions about a major operational vulnerability in the proposed system and about whether this system is the best response to the threats we are most likely to face in the years ahead. I don't believe it is.

There is a simpler, more sensible, less threatening, more manageable approach to missile defense that deserves greater consideration. Rather than pursuing the single-layer exo-atmospheric system, I believe we should focus our research efforts on developing a forward-deployed, boost phase intercept system. Such a system would build on the current technology of the Army's land-based theater high altitude air defense, THAAD, and the Navy's sea-based theaterwide defense system to provide forward-deployed defenses against both theater ballistic missile threats and long-range ballistic missile threats in their boost phase.

The Navy already deploys the Aegis fleet air defense system. An upgraded version of this sea-based system could be stationed off the coast of North Korea or in the Mediterranean or in the Persian Gulf to shoot down an ICBM in its earliest and slowest stage. The ground-based THAAD system could be similarly adapted to meet the long-range and theater ballistic missile threats. Because these systems would target a missile in its boost phase, they would eliminate the current system's vulnerability to countermeasures. This approach could also be more narrowly targeted at specific threats and it could be used to extend ballistic missile protection to U.S. allies and to our troops in the field.

As Dick Garwin, an expert on missile defense and a member of the Rumsfeld Commission has so aptly argued, the key advantage to the mobile forward-deployed missile defense system is that rather than having to create an impenetrable umbrella over the entire U.S. territory, it would only require us to put an impenetrable lid over the much smaller territory of an identified rogue nation or in a location where there is the potential for an accidental launch. A targeted system, by explicitly addressing specific threats, would be much less destabilizing than a system designed only to protect U.S. soil. It would reassure Russia that we do not intend to undermine its nuclear deterrent, and it would enable Russia and the United States to continue to reduce and to secure our remaining strategic arsenals. It would reassure U.S. allies that they will not be left vulnerable to missile threats and that they need not consider deploying nuclear deterrents of their own. In short, this alternative approach could do what the proposed national defense system will not do: It will make us safer.

There are two major obstacles to deploying a boost phase system, but I believe both of those obstacles can and must be overcome. First, the technology is not yet there. The Navy's theaterwide defense system was designed to shoot down cruise missiles and other threats to U.S. warships. Without much faster intercept missiles than are currently available, the system would not be able to stop a high speed ICBM, even in the relatively slow boost phase. The THAAD system, which continues to face considerable challenges in its demonstration and testing phases, is also being designed to stop ballistic missiles, but it hasn't been tested yet against the kinds of high speeds of an ICBM.

Which raises the second obstacle to deploying this system: the current interpretation of the ABM Treaty, as embodied in the 1997 demarcation agreements between Russia and the United States, does not allow us to test or deploy a theater ballistic missile system capable of shooting down an ICBM. I will address this issue a little more in a moment, but let me say that I am deeply disturbed by the notion that we should withdraw from the ABM Treaty and unilaterally deploy an ABM system, particularly the kind of system I have defined that may not do the job. In the long run, such a move would undermine U.S. security rather than advance it. It is possible—and I believe necessary—to reach an agreement with Russia on changes to the ABM Treaty that would allow us to deploy an effective limited defense system such as I have described. In fact, President Putin hinted quite openly at the potential for that kind of an agreement being reached. I commend the President for working hard to reach an agreement with Russia that will allow us both to deploy in an intelligent and mutual way that does not upset the balance.

I want to briefly address the issue of cost, which I find to be the least problematic of the four criterion under consideration. Those who oppose the idea of a missile defense point to the fact that, in the last forty years, the United States has spent roughly $120 billion trying to develop an effective defense against ballistic missiles. And because this tremendous investment has still not yielded definitive results, they argue that we should abandon the effort before pouring additional resources into it.

I disagree. I believe that we can certainly afford to devote a small portion of the Defense budget to develop a workable national missile defense. The projected cost of doing so varies—from roughly $4 billion to develop a boost-phase system that would build on existing defenses to an estimated $60 billion to deploy the three-phased ground-based system currently under consideration by the Administration. These estimates will probably be revised upward as we confront the inevitable technology challenges and delays. But, spread out over the next 5 to 10 years, I believe we can well afford this relatively modest investment in America's security, provided that our research efforts focus on developing a realistic response to the emerging threat.

My only real concern about the cost of developing a national missile defense is in the perception that addressing this threat somehow makes us safe from the myriad other threats that we face. We must not allow the debate over NMD to hinder our cooperation with Russia, China, and our allies to stop the proliferation of WMD and ballistic missile technology. In particular, we must remain steadfast in our efforts to reduce the dangers posed by the enormous weapons arsenal of the former Soviet Union. Continued Russian cooperation with the expanded Comprehensive Threat Reduction programs will have a far greater impact on America's safety from weapons of mass destruction than deploying an NMD system. We must not sacrifice the one for the other.

Let me go to the final of the four considerations the President has set forward because I believe that a unilateral decision to deploy a national missile defense system would have a disastrous effect on the international strategic and political environment. It could destabilize our already difficult relationships with Russia and China and undermine our allies' confidence in the reliability of the U.S. defensive commitment. It would jeopardize current hard fought arms control agreements, and it could erode more than 40 years of U.S. leadership on arms control.

The administration clearly understands the dangers of a unilateral U.S. deployment. President Clinton was not able to reach agreement with the Russian President, but he has made progress in convincing the Russian leadership that the ballistic missile threat is real. To be clear, I don't support the administration's current proposal, but I do support its effort to work out with Russia this important issue. The next administration needs to complete that task, if we cannot do it in the next months.

While simply declaring our intent to deploy a system does not constitute an abrogation of the ABM Treaty, it surely signals that the U.S. withdrawal from the treaty is imminent.

Mr. President, the first casualty of such a declaration would be START II. Article 2 paragraph 2 of the Russian instrument of ratification gives Russia the right to withdraw from START II if the U.S. withdraws from or violates the 1972 ABM Treaty. Russia would also probably stop implementation of START I, as well as cooperation with our comprehensive threat reduction program. I don't have time at this moment to go through the full picture of the threat reduction problems. But suffice it to say that really the most immediate and urgent threat the United States faces are the numbers of weapons on Russian soil with a command and control system that is increasingly degraded, and the single highest priority of the United States now is keeping the comprehensive threat reduction program on target. To lose that by a unilateral statement of our intention to proceed would be one of the most dramatic losses of the last 40 to 50 years.

So continued cooperation with Russia on these arms control programs is critical. Furthermore, no matter how transparent we are with Russia about the intent and capabilities of the proposed system, Russia's military leadership will interpret a unilateral deployment as a direct threat to their deterrence capacity. And while Russia doesn't have the economic strength today to significantly enhance its military capabilities, there are clear examples of Russia's capacity to wield formidable military power when it wants. We must not allow a unilateral NMD deployment to provoke the Russian people into setting aside the difficult but necessary tasks of democratization and economic reform in a vain effort to return to Russia's days of military glory.

Finally, with regard to Russia, a unilateral deployment by the United States would jeopardize our cooperation on a whole range of significant issues. However imperfect it is, U.S.-Russian cooperation will continue to be important on matters from stopping Teheran's proliferation efforts and containing Iraq's weapons programs to promoting stability in the Balkans.

While the impact of a limited U.S. system on Russian security considerations would be largely perceptual, at least as long as that system remains limited, its impact on China's strategic posture is real and immediate. China today has roughly 20-plus long-range missiles. The proposed system would undermine China's strategic deterrent as surely as it would contain the threat from North Korea. And that poses a problem because, unlike North Korea, China has the financial resources to build a much larger arsenal.

The Pentagon believes it is likely that China will increase the number and sophistication of its long-range missiles just as part of its overall military modernization effort, regardless of what we do on NMD. But as with Russia, if an NMD decision is made without consultation with China, the leadership in Beijing will perceive the deployment as at least partially directed at them. And given the recent strain in U.S.-China relations and uncertainty in the Taiwan Strait, the vital U.S. national interest in maintaining stability in the Pacific would, in fact, be greatly undermined by such a decision made too rashly.

Nobody understands the destabilizing effect of a unilateral U.S. NMD decision better than our allies in Europe and in the Pacific. The steps that Russia and China would take to address their insecurities about the U.S. system will make their neighbors less secure. And a new environment of competition and distrust will undermine regional stability by impeding cooperation on proliferation, drug trafficking, humanitarian crises, and all the other transnational problems we are confronting together. So I think it is critical that we find a way to deploy an NMD without sending even a hint of a message that the security of the American people is becoming decoupled from that of our allies. In Asia, both South Korea and Japan have the capability to deploy nuclear programs of their own. Neither has done so, in part, because both have great confidence in the integrity the U.S. security guarantees and in the U.S. nuclear umbrella that extends over them. They also believe that, while China does aspire to be a regional power, the threat it poses is best addressed through engagement and efforts to anchor China in the international community. Both of these assumptions would be undermined by a unilateral U.S. NMD deployment.

First, our ironclad security guarantees will be perceived by the Japanese, by the South Koreans, and others, as somewhat rusty if we pursue a current NMD proposal to create a shield over the U.S. territory. U.S. cities would no longer be vulnerable to the same threats from North Korea that Seoul and Tokyo would continue to face. And so they would say: Well, there is a decoupling; we don't feel as safe as we did. Maybe now we have to make decisions to nuclearize ourselves in order to guarantee our own safety.

China's response to a unilateral U.S. NMD will make it, at least in the short term, a far greater threat to regional stability than it poses today. If South Korea and Japan change their perceptions both of the threat they face and of U.S. willingness to protect them, they then could both be motivated to explore independent means of boosting their defenses. Then it becomes a world of greater tensions, not lesser tensions. It becomes a world of greater hair-trigger capacity, not greater safety-lock capacity.

Our European allies have expressed the same concerns about decoupling as I have expressed about Asia. We certainly cannot dismiss the calculations that Great Britain, France, and Germany will make about the impact of the U.S. NMD system. But I believe their concerns hinge largely on the affect a unilateral decision would have on Russia, concerns that would be greatly ameliorated if we make the NMD decision with Russia's cooperation.

Finally, much has been made of the impact a U.S. national missile defense system would have and what it would do to the international arms control regime. For all of the reasons I have just discussed, a unilateral decision would greatly damage U.S. security interests. I want to repeat that. It will, in fact, damage U.S. security interests.

The history of unilateral steps in advancing strategic weapons shows a very clear pattern of sure response and escalation. In 1945, the United States exploded the first atomic bomb. The Soviets followed in 1949. In 1948, we unveiled the first nuclear-armed intercontinental bomber. The Soviets followed in 1955. In 1952, we exploded the first hydrogen bomb. The Soviets followed 1 year later. In 1957, the Soviets beat us, for the one time, and launched the first satellite into orbit and perfected the first ICBM. We followed suit within 12 months. In 1960, the United States fired the first submarine-launched ballistic missile. The Soviets followed in 1968. In 1964, we developed the first multiple warhead missile and reentry vehicle; we tested the first MIRV. The Soviets MIRVed in 1973, and so on, throughout the cold war, up until the point that we made a different decision—the ABM Treaty and reducing the level of nuclear weapons.

The rationale for testing and deploying a missile defense is to make America and the world safer. It is to defend against a threat, however realistic, of a rogue state/terrorist launch of an ICBM, or an accidental launch. No one has been openly suggesting a public rationale at this time of a defense against any and all missiles, such as the original Star Wars envisioned, but some have not given up on that dream. It is, in fact, the intensity and tenacity of their continued advocacy for such a system that drives other people's fears of what the U.S. may be up to and which significantly complicates the test of selling even a limited and legitimately restrained architecture.

Mr. President, in diplomacy—as in life—other nations and other people make policies based not only on real fears, or legitimate reactions to an advocacy/nonfriend's actions, but they also make choices based on perceived fears—on worst case scenarios defined to their leaders by experts. We do the same thing.

The problem with unilaterally deployed defense architecture is that other nations may see intentions and long-term possibilities that negatively affect their sense of security, just as it did throughout the cold war. For instance, a system that today is limited, but exclusively controlled by us and exclusively within our technological capacity is a system that they perceive could be expanded and distributed at any time in the future to completely alter the balance of power—the balance of terror as we have thought of it. That may sound terrific to us and even be good for us for a short period of time—but every lesson of the arms race for the last 55 years shows that the advantage is short lived, the effect is simply to require everyone to build more weapons at extraordinary expense, and the advantage is inevitably wiped out with the world becoming a more dangerous place in the meantime. That is precisely why the ABM treaty was negotiated—to try to limit the unbridled competition, stabilize the balance and create a protocol by which both sides could confidently reduce weapons.

The negotiation of the ABM Treaty put an end to this cycle of ratcheting up the strategic danger. After 20 years of trying to outdo each other—building an increasingly dangerous, increasingly unstable strategic environment in the process—we recognized that deploying strategic defenses, far from making us safer, would only invite a response and an escalation of the danger. There is no reason to believe that a unilateral move by the United States to alter the strategic balance would not have the same affect today as it had for forty years. At the very least, it would stop and probably reverse the progress we have made on strategic reductions. And it will reduce our capacity to cooperate with Russia on the single greatest threat we face, which are the "loose nukes" existing in the former Soviet Union.

Under START I levels, both sides agree to reduce those arsenals to 6,500 warheads. Under START II, those levels come down to 3,500 warheads. And we are moving toward further reductions in our discussions on START III, down to 2,000 warheads. With every agreement, the American people are safer. A unilateral withdrawal from the ABM Treaty would stop this progress in its tracks. No NMD system under consideration can make us safe enough to justify such a reckless act.

I strongly disagree with my colleagues who argue that the United States is no longer bound by our legal obligations under the ABM Treaty. No president has ever withdrawn us from the Treaty, and President Clinton has reaffirmed our commitment to it. We retain our obligations to the Treaty under international law, and those obligations continue to serve us well. It would never have been possible to negotiate reductions in U.S. and Soviet strategic forces without the ABM Treaty's limit on national missile defense. The Russians continue to underscore that linkage. And since, as I've already argued, Russia's strategic arsenal continues to pose a serious threat to the United States and her allies, we must not take steps—including the unilateral withdrawal from the ABM Treaty—that will undermine our efforts to reduce and contain that threat.

However, the strategic situation we confront today is worlds apart from the one we faced in 1972, and we must not artificially limit our options as we confront the emerging threats to our security. Under the forward-deployed boost-phase system I have described, the United States would need to seek Russian agreement to change the 1997 ABM Treaty Demarcation agreements, which establish the line between theater missile defense systems that are not limited by the Treaty and the strategic defenses the Treaty proscribes. In a nutshell, these agreements allow the United States to deploy and test the PAC-3, THAAD and Navy Theater-Wide TMD systems, but prohibit us from developing or testing capabilities that would enable these systems to shoot down ICBMs.

As long as we are discussing ABM Treaty amendments with Russia, we should work with them to develop a new concept of strategic defense. A boost-phase intercept program would sweep away the line between theater and long-range missile defense. But by limiting the number of interceptors that could be deployed and working with Russia, China, and our allies, so that we move multilaterally, we can maximize the transparency of the system; we can strike the right balance between meeting new and emerging threats without abandoning the principles of strategic stability that have served us well for decades.

The most important challenge for U.S. national security planners in the years ahead will be to work with our friends and allies to develop a defense against the threat that has been defined. But how we respond to that threat is critical. We must not rush into a politically driven decision on something as critical as this; on something that has the potential by any rational person's thinking to make us less secure—not more secure.

I urge President Clinton to delay the deployment decision indefinitely. I believe, even while the threat we face is real and growing, that it is not imminent. We have the time. We need to take the time to develop and test the most effective defense, and we will need time to build international support for deploying a limited, effective system.

I believe that support will be more forthcoming when we are seen to be responding to a changing security environment rather than simply buckling to political pressure.

For 40 years, we have led international efforts to reduce and contain the danger from nuclear weapons. We can continue that leadership by exploiting our technological strengths to find a system that will extend that defense to our friends and allies but not abrogate the responsibilities of leadership with a hasty, shortsighted decision that will have lasting consequences.

I hope in the days and months ahead my colleagues will join me in a thoughtful and probing analysis of these issues so we can together make the United States stronger and not simply make this an issue that falls prey to the political dialog in the year 2000.

I thank my colleagues for their time. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Maine is recognized for 30 minutes.

Ms. SNOWE. I thank the President.

I want to begin my remarks by commending our Chairman, Senator JOHN WARNER, who has provided extraordinary leadership in crafting this measure which supports our men and women in uniform with funding for the pay, health care, and hardware that they need and deserve. I can think of no one with greater credibility on these issues or a wider breadth of knowledge, and I thank him for his outstanding efforts.

I also want to thank the distinguished ranking member of the Senate Armed Services Committee, Senator LEVIN, who also has made invaluable contributions to the development of this reauthorization.

This critical legislation which we are considering here today, with our distinguished chairman, and the bipartisan support of the ranking member, Senator LEVIN, the senior Senator from Michigan, represents the committee's response to legitimate concerns and recognizes the sacrifices of those who are at the heart of the legislation—the men and women who serve in our Nation's Armed Forces.

As a member of the Armed Services Committee and chair of the Seapower Subcommittee, I know we must never forget that the men and women in uniform are the ones who make our Nation's defense force the finest and strongest in the world, and I salute each of them for their unwavering service.

We are honor bound to ensure that they are provided the very best equipment, afforded the highest respect, and compensated at a level commensurate with their remarkable service to this Nation. And I believe this bill reflects those principles.

Since the end of the cold war we have reduced the overall military force structure by 36 percent and reduced the defense budget by 40 percent—a trend that this bill reverses.

And let me say that comes not a moment too soon. Because while the size of our armed services has decreased, the number of contingencies that our service members are called on to respond to has increased in a fashion that can only be described as dramatic.

In fact, the Navy/Marine Corps team alone responded to 58 contingency missions between 1980 and 1989, while between 1990 and 1999 they responded to 192—a remarkable threefold increase in operations.

During the cold war, the U.N. Security Council rarely approved the creation of peace operations. In fact, the U.N. implemented only 13 such operations between 1948 and 1978, and none from 1979 to 1987. By contrast, since 1988—just twelve years ago—38 peacekeeping operations have been established—nearly three times as many than the previous 40 years.

As a result of the challenges presented by having to do more with less, the Armed Services Committee has heard from our leaders in uniform on how our current military forces are being stretched too thin, and that estimates predicted in the fiscal year 1997

QDR underestimated how much the United States would be using our military.

I fully support this bill which authorizes $309.8 billion in budget authority, an amount which is consistent with the concurrent budget resolution. For the second year in a row—we recognize the shortfall and reverse a 14-year decline by authorizing a real increase in defense spending. This funding is $4.5 billion above the President's fiscal year 2001 request, and provides a necessary increase in defense spending that is vital if we are to meet the national security challenges of the 21st century.

This bill not only provides funds for better tools and equipment for our service men and women to do their jobs but it also enhances quality of life for themselves and their families. It approves a 3.7-percent pay raise for our military personnel as well as authorizing extensive improvements in military health care for active duty personnel, military retirees, and their families.

As chair of the Seapower Subcommittee, I was particularly interested in an article that I read this morning in Defense News titled "U.S. Navy: Stretched Too Thin?" by Daniel Goure. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Defense News, June 12, 2000]

U.S. NAVY: STRETCHED THIN?—SURGING DEMANDS OVERWHELM SHRINKING FORCE

(By Daniel Goure)

The term floating around Washington to describe the current state of the U.S. armed forces is overstretched. This means the military is attempting to respond to too many demands with too few forces.

Clear evidence of this overstretch was provided by the war in Kosovo. In order to meet the demands posed by that conflict, the United States had to curtail air operations in the skies over Iraq and leave the eastern Pacific without an aircraft carrier.

The number of missions the U.S. military has been asked to perform has increased dramatically in the last decade—by some measures almost eight-fold—while the force posture has shrunk by more than a third

In testimony this year before Congress, senior Defense Department officials and the heads of the military services revealed the startling fact that by their own estimates the existing force posture is inadequate to meet the stated national security requirement of being able to fight and win two major theater wars.

Nowhere is the problem worse than for the Navy. This is due, in large measure, to the Navy's unique set of roles and missions. Unlike the other services which are now poised to conduct expeditionary warfare based on power projection from the continental United States, the Navy is required to maintain continuous forward presence in all critical regions.

The Armed Forces Journal reported that in September 1998, Adm. Jay Johnson, chief of naval operations, told the Senate Armed Services Committee that "On any given day, one-third of the Navy's forces are forward deployed. . . . In addition, it must ensure freedom of the seas and, increasingly, provide time-critical strike assets for operations against the world's littorals under the rubric of operations from the sea."

It should be remembered that the 1999 military strikes against terrorist sites in Afghanistan, which is land-locked, and Sudan, which has coastline only on the Red Sea, was accomplished solely by cruise missiles launched from U.S. Navy ships.

Naturally, naval forces are in demand during crisis and conflict and have made significant, and in some instances, singular contributions to military operations in the Balkans and Middle East.

In fact, since the end of the Cold War, the Navy has responded to some 80 crisis deployments, approximately one every four weeks, while struggling to maintain forward presence in non-crises regions.

So far, the Navy has been able to perform its missions and respond to crises. This is unlikely to remain true in the future. The size of the navy has shrunk by nearly half during the last decade. From a force of well over 500 ships at the end of the Cold War, the navy is reduced to some 300 ships today.

The mathematics of the problem are simple: A force half the size attempting to perform eight times the missions has an effective 16-fold increase in its required operational tempo. This increased burden results in longer deployments, reduced maintenance, lower morale and less time on-station. Ultimately, it means that on any given day, there will not be enough ships to meet all the requirements and cover all the crises.

The Navy understands the problem. In testimony before the House of Representatives this year, Vice Adm. Conrad Lautenbach, deputy chief of naval operations, stated that "it is no secret that our current resources of 316 ships is fully deployed and in many cases stretched thin to meet the growing national security demands."

This is not merely the view from the headquarters. Adm. Dennis McGinn, commander Third Fleet, stated in an appearance before Congress in February that "force structure throughout the Navy is such that an increased commitment anywhere necessitates reduction of operations somewhere else, or a quality of life impact due to increased operating tempo."

Vice Adm. Charles Moore, commander of the U.S. Fifth Fleet, operating in the Arabian Sea and Persian Gulf, told the House Armed Services procurement subcommittee Feb. 29 that "Although I am receiving the necessary forces to meet Fifth Fleet obligations, the fleet is stretched, and I am uncertain how much longer they can continue to juggle forces to meet the varied regional requirements, including the Fifth Fleet's.

"I am uncertain that we have the surge capability to a major theater contingency, or theater war. Eventually, the increased operational tempo on our fewer and fewer ships will take its toll on their availability and readiness."

The reality is that numbers matter, particularly for naval forces. This is due in part to the tyranny of distance that is imposed on every Navy ship, whether or not it is steaming in harm's way. Deployments to the Persian Gulf, 8,000 miles from the Navy's home ports on both coasts, mean ships must travel from 10 to 14 days just to reach their forward deployed positions.

Even deployments from Norfolk, Va., to the Caribbean take several days. The conventional wisdom is that in order to provide adequate rotation and maintain a tolerable operational tempo, an inventory of three ships is required for every one deployed forward.

However, when the time required for steaming to and from global deployment areas, maintenance and overhaul, and training and shakedowns are included, the ratio rises to four, five and even six ships to one.

As a result of recent events such as Kosovo, in which U.S. naval forces in the western Pacific were stripped of their aircraft carrier in order to support naval operations in the Adriatic, public and congressional attention was focused on the inadequacy of the Navy's inventory of aircraft carriers. The Joint Chiefs of Staff published an attack submarine study that concluded the nation requires 68 attack boats instead of the 50 they had been allowed.

Attention is particularly lacking on the Navy's surface combatants. These are the destroyers and cruisers, the workhorses of the Navy. Not only do they protect aircraft carriers and visibly demonstrate forward presence, but due to the advent of precision strike systems and advanced communication and surveillance, increasingly are the principal combat forces deployed to a regional crisis.

A recent surface combatant study concluded that the Navy required up to 139 multimission warships to satisfy the full range of requirements and meet day-to-day operations. Instead, the navy has been allowed only 116. At least a quarter of these are aging frigates and older destroyers that lack the modern offensive and defensive capabilities essential to a 21st-century Navy.

Speaking about the inadequate number of surface combatants, one senior Navy source cited by Defense News in the Jan. 31 issue said, "We know we are broken. We are running our ships into the ground, our missions are expanding and our force structure is being driven down to 116 surface ships. We have to address it before we hit the precipice."

To avoid breaking the force, the Navy must increase its number of surface combatants. This also will expand significantly the number of vertical-launch system tubes available in the fleet. The Navy needs to add 15–20 more surface combatants to the fleet during the next decade, beyond the new construction already planned, just to maintain its current operational tempo.

In order to meet immediate needs, the Navy must retain older DDG–51s and build more of them. When a new destroyer, the DDG–21, becomes available later in the decade, the Navy would like to purchase an additional 16 ships beyond the 32 they are scheduled to buy.

It is time for the administration, Congress and the American people to realize that U.S. national security and global stability could be damaged by no maintaining an adequate Navy.

To paraphrase an old rhyme, for want of a surface combatant, forward presence was lost. For want of forward presence, an important ally was lost. For want of an ally, peace in the region was lost. For want of peace, the region itself was lost. And all this for the want of surface combatants.

Ms. SNOWE. Mr. President, this article describes the current state of the U.S. Armed Forces and how they are overstretched. This means that the military is attempting to respond to too many demands with too few forces. And I quote "Nowhere is the problem worse than for the Navy."

In the Seapower subcommittee's work this year in review of the fiscal year 2001 budget request we continued the Congress' review of the adequacy of Navy and Marine Corps force structure to carry out the National Security Strategy, which we all know has been signed by the President of the United States.

This included hearings, visits to fleet units, and discussions with the most junior personnel in the fleet to the highest flag officers and civilian leaders in the Navy and Marine Corps.

The subcommittee constructed a firm foundation for review of the fiscal year 2001 budget request by requesting operational commanders to testify on their ability to carry out the National Security Strategy.

The operational commanders confirmed what my colleagues and I had been hearing directly from fleet units which included discussions with individual sailors and marines representing a cross section of all ranks. The operational commanders provided convincing evidence that their commands do not have a sufficient number of ships and airplanes to carry out the National Security Strategy to shape the international environment and respond to crisis within the required time frame.

They further testified that the Navy has reduced the force structure to the extent that the brunt of the burden of this inadequate force structure is being borne, in their words, by the men and women in their commands.

Simply put, in the words of the Sixth Fleet commander,

> Nine years ago, we never anticipated the environment in which we find ourselves operating. The sense that it was going to be a much easier load, that we might actually be able to take our pack off every now and again prevailed. And it for the most part underpinned the decline in defense spending in my estimation. We were wrong. And the facts have borne that out with ever increasing consistency in those nine years that have occurred.

And I quote the Second Fleet commander.

> . . . back in the euphoric days at the end of the Cold War as we were drawing down, we actually figured that we would have a window of opportunity here where we could afford to, in fact, decrease structure, turn some of that savings into a long-term recapitalization, maybe forego an upgrade or modernization here and there. And that just has not been the case.

In this article, Mr. Goure quotes Vice Admiral Charles Moore, commander of the U.S. Fifth Fleet, he states "I am uncertain how much longer they can continue to juggle forces to meet the varied regional requirements."

And he further quotes Vice Admiral Dennis McGinn, commander of the Third Fleet, "that force structure throughout the Navy is such that an increased commitment anywhere necessitates reduction of operations somewhere else, or a quality of life impact due to increased operating tempo."

Again, those are the words of our commanders on the front lines charged with carrying out the day-to-day operations of our naval forces and to the challenges and requirements around the world.

It is noteworthy that these commanders state that the prediction of how much our naval forces could be reduced does not represent the reality of what is going on in the world.

I have two charts which I think explain graphically the numbers that are consistent with the commander's explanations and characterizations of the demands that have been placed on them as a result of a reduced force structure, while at the same time increasing the number of responses to contingency operations. Both charts use the same timeframe across the board. The charts track data in 4-year increments starting in 1980 and continuing through 1990. Each chart shows the 8 years before the cold war, 1980 through 1987, then the period between the end of the cold war and the beginning of the Quadrennial Defense Review in assessing exactly how many ships will be required to meet the security demands around the world. Here we have the ship force structure from 1980 to 1999.

I bring to my colleagues' attention the last 8 years charted in the graphs, the time period between 1992 to 1995, which is before the Quadrennial Defense Review; and then in 1996 to 1999, the post Quadrennial Defense Review in terms of the number of ships we have. We have the ship force structure on the top chart, and on the bottom chart we have the number of contingency operations during these same time periods. These last two data points in these graphs are significant because they show the large force structure reductions of over 200 ships while at the same time the contingencies more than triple, from 31 to 103.

The QDR, we know, developed the exact force structure that was necessary for both the Navy and the Marine Corps in this instance to respond to the number of requirements around the world and what they anticipated would be the number of operations around the world. The QDR has anticipated there would be a rise in contingency operations but not to the extent to which they have occurred.

The first chart shows the ship force structure, the dramatic decline in the number of ships, both in decommissioning and in the reduction, and the number of new constructions. At its peak during the cold war, we were up to 500, going towards a 600-ship Navy. We can see we had 500 ships in 1980 to 1983; up to 1988, we had 550 ships. We were building up to a 600-ship Navy. We declined to 417 ships at the end of the cold war and, prior to the development of the Quadrennial Defense Review, to a total of 316 ships. In those 8 short years where we declined from 500 ships to 316 ships, we had a dramatic increase in the number of contingency operations.

The second chart shows during the end of the cold war we had 31 contingency operations, when we had 550 ships. During 1992 and 1995, prior to the Quadrennial Defense Review in terms of assessing how many ships we would need, we had 68 contingency operations and 417 ships. In the post QDR, in 1996 to 1999, we had 103 contingency operations, tripling the number we had during the cold war. Yet we only had 316 ships during this period.

This is a dramatic increase in the number of contingency operations. While we had the highest number of ships, we had the lowest number of contingency operations. While we now have the lowest number of ships, we have the highest number of contingency operations. That is placing tremendous pressure on our Armed Forces and our personnel because of the lack of ships to meet those responses. So not only is it a problem in trying to meet the demands around the world, but it also is problematic for our men and women in uniform in terms of the quality of life, in terms of morale, in terms of recruitment and retention. That is the end result of what is happening. It may be difficult to quantify. I think these charts illustrate very clearly the pressures that are being placed on our naval forces and the Marine Corps today.

This is a disturbing and alarming trend. I think it does support the commander's testimony that we are being stretched too thin in responding to the increasing number of contingencies while reducing the number of ships. The assertion that a smaller number of more capable ships resulting in a stronger Navy is just not being borne out. Some would say it is quality that matters. That may well be true. In fact, we are moving to enhance the quality of the ships in the future.

As the commanders have told us time and again and repeatedly in testimony before the Seapower Subcommittee, numbers do count. Quantity, as one commander said, is a quality all its own. One ship, even though it is more capable than three ships it replaces, cannot cover two geographic areas at once. The fact is, we found that out during the course of the Kosovo campaign and the onset of the Kosovo campaign. In fact, General Clark, the Supreme Allied Commander, had requested an aircraft carrier presence in the Adriatic. It took 2 weeks before we were able to have an aircraft carrier in the Adriatic, 2 weeks into the Kosovo conflict.

We heard in testimony before the Seapower Subcommittee from Vice Admiral Murphy, who is commander of the 6th Fleet, who told us that:

> . . . if we had a Navy air wing—

And I am using his words—

> in the fight from day one, we could only speculate as to the difference the naval air would have made in the first 2 weeks but I believe it would have been substantial.

In his words, he said it would have been substantial. It could have made a difference, having that airpower there from day one of the Kosovo conflict. But that did not happen. It took 2 weeks.

In the meantime, we left a gap in the Pacific command. We left the Pacific command without an aircraft carrier because we had to cover the Persian Gulf and, of course, meet the demands in Kosovo. That is what happens when we are stretched too thin and we do not have the number of ships to meet our responsibilities around the world.

As I said in the course of my discussion this morning, the fact is, the demands being placed on our naval forces and the Marine Corps are becoming greater and greater. Yet the number of ships to meet those demands is becoming fewer. So the question becomes, How many ships? That is a good question, one we are striving to answer. Have we gone too far in bringing down the number of ships to 300? The operational commanders will tell us yes. Without a doubt, due to the high operational tempo that is reflected in this chart, as we have seen, tripling the number of contingency operations compared to where we were during the cold war, I would have to agree. We have had 103 contingency operations during the period of 1996 to 1999, with 316 ships. Yet during the cold war period, during a 9-year period, we only had 31. So obviously the demands are greater.

I think we have to make some decisions about where we need to go in the future. As the commander of the 6th Fleet testified, again during the course of his testimony, he said:

> Numbers count. If there is an insufficiency of numbers, by the time you figure it out, it is usually too late.

So these shortcomings become a concern, as I say, leaving gaps, for example, in the Pacific command, not being able to respond to the Supreme Allied Commander by having an aircraft carrier for the duration of the entire conflict because we don't have enough ships; or because of the impact on the men and women because of the extended deployments, because of the quality of life, because of the recruitment and retention problems and the soaring cost of contingency operations—it is having an impact across the board. So, yes, there are higher risks in all respects. We have to address those risks.

We are trying. As chair of the Seapower Subcommittee and member of the overall committee, we have been asking for a report from the Pentagon as to what is their long-term shipbuilding plan that will ascertain exactly how many ships will be required to respond to these demands.

Senator ROBB of Virginia had included an amendment to the Defense authorization last year that asked for this long-term shipbuilding plan. The statutory requirement included a deadline of February of this year for the Pentagon to submit this report to the committee and to the Congress. They have failed to meet this prescribed statutory requirement of this analysis so the committee could make some decisions for the long term because it is not easy to shift these decisions when it comes to shipbuilding. It takes 5 to 6 years, on average, to construct a ship.

If we are going to reverse some of the trends that are already inherent in the budgets that have been submitted by the Pentagon, and if we are going to respond to those shifts, it is going to take a required lead time to make those changes. Yet the Defense Department has not submitted this analysis that was required under the law by February of this year. We have asked time and again; we have submitted letters to the Pentagon. I plan to hold a hearing to find out exactly why this report has not been submitted to the committee so we, in turn, can make the decisions, evaluate the analysis, and make some changes for the future.

If we are being told by the top civilian and military leadership of the Navy and Marine Corps that they are being stretched too thin, even with today's force structure of about 316 ships, then we are required to make some decisions about the future. They have confirmed time and again the predicted operating tempo of the Quadrennial Defense Review upon which this force structure of 316 ships is being based is different, quite different from what is occurring around the world. In fact, in regard to the QDR, the Navy's Deputy Chief of Naval Operations for Resources, Warfare Requirements and Assessments testified:

> . . . prognostications for the future were different than the reality has turned out in the last few years . . . we need to build higher number of ships than we are building today.

Other witnesses have also confirmed the budget request that was submitted by the administration did not include the construction of 8.7 new ships required to recapitalize the fleet at a rate that would maintain 308 ships, let alone increasing the number above the 316 ships in the fleet today.

We had testimony from a Congressional Research Service witness that a $10 billion to $12 billion investment on an annual basis, depending on the actual ship mix, to build an average of 8.7 ships per year is required just to maintain a 308-ship Navy. However, as I said, the budget request submitted by the Pentagon and by the administration for future years was only 7.5 ships per year on average. So that exacerbates the force structure problem rather than addressing it with the required resources.

The fact is, the historical average for shipbuilding over the last 5 to 6 years has been 7.5 ships. That puts us on a course for 263 ships in the Navy. So it is obviously far below the 300-ship Navy that has been determined to be necessary by the Quadrennial Defense Review, certainly less than the 316-ship Navy we have today, and certainly that is fewer ships than we need to be able to respond when it comes to the number of challenges around the world and the number of contingency operations that we have been engaged in and are responding to, just in a 4-year period between 1996 and 1999, which has been 103 contingency operations.

The subcommittee has tried to respond to these challenges. We have tried to respond in a number of ways, at least to begin to reverse course until we get this analysis from the Pentagon. Again, as I said, we will demand that analysis from the Pentagon so we can make a decision whether it is going to be 300 ships or 263 ships—which we are on a course towards, given the request and given the previous budgets by the administration—or if we are going to change that course, increasing the number from 316 or 300 or whatever the number may be. But we need to have a realistic assessment of where we should go in the future.

We have tried in this budget before us today in the reauthorization to respond to some of the issues. We have decided to do it in a number of ways. First, we included a legislative provision that will provide for advanced procurement but at the same time save $1.1 billion in taxpayers' dollars, if the Navy takes advantage of the opportunities that are provided in this reauthorization. To attain $500 million of the $1.1 billion in savings, the bill authorizes the Navy to buy the next six DDG–51 ships under a multiyear agreement at an economic rate of three ships per year and provides $143 million in advanced procurement to achieve economies of scale.

An additional $600 million in savings will result from the Navy contracting for the LHD–8 with prior year funding, as well as $460 million in this bill, and future full funding.

These smart acquisition strategies are actions that leverage the ship construction funding. It also provides a number of other cost-saving provisions. We authorize a block buy for economic order quantities for up to five *Virginia* class submarines and smart product modeling for our Navy's aircraft carriers. Both of these initiatives will result in shipbuilding savings.

Over the long haul, to sustain the minimum ship requirements, the Navy must find economies in all areas, including reducing operational costs for its entire fleet. The key to reducing these operating costs of ships lies in research and development for the design of future ships that can operate more efficiently and with less manning.

Our bill does approve ship design research and development which will directly result in reduced overall lifecycle costs of the Navy's next generation of ships. The research and development investment includes $550 million for the DD–21 program, $38 million for the CVN–77, $236 million for the CVN(X) and $207 million for the *Virginia* class submarine technologies.

In addition to the ship force structure issues, subcommittee witnesses testified that capabilities must remain ahead of the threats designed to disrupt or deny maritime operations on the high seas and in the littorals.

We also had testimony that indicated air and sea strategic lift and support are absolutely important to support all warfighting commanders in chief and all services, as well as supporting other Government agencies.

We tried to address the requirements to modernize the equipment as soon as possible while continuing the research and development which has the potential to provide our forces with the future systems they require.

We also supported the Marine Corps requirements of two LPD–17 class amphibious ships, which is state-of-the-art advance transport ships, as well as 12 MV–22 tilt-rotor aircraft, one landing craft air cushion life extension, and an additional $27 million for the advanced amphibious assault vehicle research and development.

We tried to address a number of the requirements for both the Navy and the Marine Corps to address what we consider to be the deficiencies that were submitted in the budget request by the administration for the Navy and the Marine Corps. It is also an attempt to fill the gap that has been placed on both of those services with respect to demands that not only have been required of them in contingency operations, but also in terms of the reduced force structure that has been demonstrated by these charts and by the realities in the world today.

I hope in the future we will be able to have the kind of analysis upon which we can develop what will be an adequate force structure, what will be an adequate number of ships, and other requirements for the Navy and the Marine Corps. Whether it is a 300-ship Navy, 308-ship Navy, a 316-ship Navy or beyond, or a 263-ship Navy, which has been the historical trend, as I said, over the last 5 to 6 years and which this authorization is attempting to reverse, it is going to take more than that. Obviously, we need to have the numbers and the analysis upon which to base those numbers from the Defense Department so that Congress has the ability to analyze those numbers in terms of what is sufficient to meet the security challenges around the world.

As I said earlier, the Quadrennial Defense Review developed a number. They said a 300-ship Navy would be adequate to respond to the security challenges. They anticipated there would be an increase in contingency operations, but the problem is they did not anticipate the extent to which those operations would place demands on our naval forces and our Marine Corps.

The PRESIDING OFFICER (Mr. ALLARD). The Senator's time has expired.

Ms. SNOWE. Mr. President, I again thank the chairman of the Armed Services Committee for his leadership and the ranking member of the Subcommittee on Seapower, Senator KENNEDY. I also thank the professional staff: Gary Hall, Tom McKenzie, and John Barnes on the majority side, and Creighton Greene on the minority side. I also thank my personal staff: Tom Vecchiolla, Sam Horton, and Jennifer Ogilvie, defense fellows in my office as well.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our distinguished colleague for her contribution first as chairman of the Seapower Subcommittee, and for this very important message she has delivered to the Senate this morning.

I understand our distinguished colleague from Michigan, Mr. LEVIN, and the Senator from Georgia have consulted, and the Senator from Georgia desires some time now.

Mr. LEVIN. I hope the Chair will now recognize the next person seeking recognition.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. Mr. President, I thank Chairman WARNER and ranking member LEVIN for their hard work during the Department of Defense authorization process this year. They have done a tremendous job in enhancing the quality of life for our military personnel and their families. I appreciate the support of Senators LEVIN, BINGAMAN, REED, and ROBB, who have cosponsored my GI bill enhancements which we are about to adopt.

Specifically, I recognize the chairman of the Senate Armed Services Committee, the distinguished Senator from Virginia, Mr. WARNER, who himself went to school on the GI bill after World War II. I thank him for his support and his encouragement in improving the GI bill for military personnel and their families.

My amendment will improve and enhance the current educational benefits and create the GI bill for the 21st century.

One of the most important provisions of my amendment would give the Service Secretaries the authority to authorize a service member to transfer his or her basic Montgomery GI bill benefits to family members. It will make the GI bill for the first time family friendly. This will give the Secretaries of the services a very powerful retention tool.

My amendment will also give the Secretaries the authority to authorize the Veterans' Educational Assistance Program, VEAP, participants and those active duty personnel who did not enroll in the Montgomery GI bill to participate in the current GI bill program.

Another enhancement to the current Montgomery GI bill extends the period in which the members of Reserve components can use this benefit.

Other provisions of this amendment will allow the Service Secretaries to pay 100 percent of tuition assistance or enable service members to use the Montgomery GI bill to cover any unpaid tuition and expenses when the services do not pay 100 percent.

This GI bill amendment is an important retention tool for the services, as well as a wonderful benefit for the men and women who bravely serve our country. I believe that education begets education. We must continue to focus our resources in retaining our personnel and meeting their personal needs. It is cheaper and better all around to retain than retrain.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank Senator CLELAND for making an extraordinary contribution, not just on this amendment but in so many ways on the Armed Services Committee and in the Senate. This will be an aid to recruitment and retention. I congratulate him for his usual perceptiveness of trying to improve the morale and conditions for the men and women in our armed services. He is a supreme leader in that regard. I thank him for his continuing leadership and look forward to the adoption of his amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I join my distinguished colleague from Michigan. The Senator and I have been here 22 years, and we have seen a lot of Senators come and go on the Armed Services Committee. When this fine American stepped on to our committee, from the first day he has taken a position for which we all respect and value his guidance and judgment.

I will say, this man has a sense of humor. Now, it takes sometimes a little probing to get it out. He always combines his humor with history. He is a great student of military history and those who have been in public life in the past. He livens up the committee meetings and the markups. When things are sort of in a trough, he will inject himself.

But this is something he and I have discussed for a number of years. I am very hopeful that we, in the course of the conference, can achieve some measure of these goals, maybe the full measure, I say to the Senator, but I know not.

As I have said, with great humility, what modest military career I have had in terms of periods of active duty, both at the end of World War II and during the Korean War, in no way compares to the heroic service that this fine Senator rendered his country.

But I will say, the greatest investment America made in post-World War II, in those years when this country was returning to normalcy—they were exciting years, 1946 to 1950—it was the GI bill, the investment by America in that generation of some 16 million men and women who were privileged to serve in uniform during that period, and I was a modest recipient of the GI bill. I would not be here today, I say to the Senator, had it not been for that education given to me.

My father had passed on in the closing months of World War II, and my mother was widowed. We were prepared to all struggle together to do the best we could in our family. Among the assets was not the money to go to college. Had it not been for the GI bill, I would not be here today.

So you have a strong shoulder at the wheel with this Senator. But I salute you. We are going to do our very best. I thank you for working tirelessly on behalf of the men and women of the Armed Forces.

Mr. President, the distinguished ranking member and I are prepared to offer a number of amendments with our colleagues.

AMENDMENT NO. 3216

(Purpose: To ensure that obligations to make payments under the CVN-69 contract for a fiscal year after fiscal year 2001 is subject to the availability of appropriations)

Mr. WARNER. Mr. President, on behalf of Senator SNOWE and Senator KENNEDY, I offer an amendment, which is a technical amendment to section 125 of the bill regarding the overhaul of CVN-69, the U.S.S. *Eisenhower*.

Mr. President, I believe this amendment has been cleared by the other side; am I correct?

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Ms. SNOWE, for herself and Mr. KENNEDY, proposes an amendment numbered 3216.

Mr. WARNER. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, strike lines 16 through 18, and insert the following: "of the CVN-69 nuclear aircraft carrier.

"(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall include a clause that states that any obligation of the United States to make a payment under the contract for a fiscal year afer fiscal year 2001 is subject to the availability of appropriations for that purpose for that later fiscal year."

The PRESIDING OFFICER. Is there further debate on the amendment?

There being no further debate on the amendment, the amendment is agreed to.

The amendment (No. 3216) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3217

(Purpose: To repeal authorities to delay pay days at the end of fiscal year 2000)

Mr. WARNER. Mr. President, I offer an amendment which repeals authorities to delay pay days—that is, military and civilian—at the end of fiscal year 2000 and into fiscal year 2001. I believe this amendment has been cleared.

Mr. LEVIN. It has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3217.

The amendment is as follows:

On page 364, between the matter following line 13 and line 14, insert the following:

SEC. 1010. REPEAL OF CERTAIN PROVISIONS SHIFTING CERTAIN OUTLAYS FROM ONE FISCAL YEAR TO ANOTHER.

Sections 305 and 306 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113 (113 Stat. 1501A-306), are repealed.

The PRESIDING OFFICER. Is there any further debate on the amendment?

There being no further debate, the amendment is agreed to.

The amendment (No. 3217) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3218

(Purpose: To require a report on the Defense Travel System and to limit the use of funds for the system)

Mr. LEVIN. Mr. President, on behalf of Senator ROBB, I offer an amendment which requires the Secretary of Defense to submit a report to the congressional defense committees concerning the management and fielding of the defense travel system. I believe this has been cleared by the other side.

Mr. WARNER. Mr. President, it has been cleared. I commend the Senator from Virginia. This is a very important subject. Indeed, it is one on which we should have additional oversight. This report will be helpful.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. ROBB, proposes an amendment numbered 3218.

The amendment is as follows:

On page , between lines and , insert the following:

SEC. . DEFENSE TRAVEL SYSTEM.

(a) REQUIREMENT FOR REPORT.—Not later than November 30, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the Defense Travel System.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A detailed discussion of the development, testing, and fielding of the system, including the performance requirements, the evaluation criteria, the funding that has been provided for the development, testing, and fielding of the system, and the funding that is projected to be required for completing the development, testing, and fielding of the system.

(2) The schedule that has been followed for the testing of the system, including the initial operational test and evaluation and the final operational testing and evaluation, together with the results of the testing.

(3) The cost savings expected to result from the deployment of the system and from the completed implementation of the system, together with a discussion of how the savings are estimated, and the expected schedule for the realization of the savings.

(4) An analysis of the costs and benefits of fielding the front-end software for the system throughout all 18 geographical areas selected for the original fielding of the system.

(c) LIMITATIONS.—(1) Not more than 25 percent of the amount authorized to be appropriated under section 301(5) for the Defense Travel System may be obligated or expended before the date on which the Secretary submits the report required under subsection (a).

(2) Funds appropriated for the Defense Travel System pursuant to the authorization of appropriations referred to in paragraph (1) may not be used for a purpose other than the Defense Travel System unless the Secretary first submits to Congress a written notification of the intended use and the amount to be so used.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 3218) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3219

(Purpose: To modify authority to carry out a fiscal year 1990 military construction project relating to Portsmouth Naval Hospital, Virginia)

Mr. WARNER. Mr. President, on behalf of Senator ROBB and myself, I offer an amendment which would modify the authority to carry out a fiscal year 1990 military construction project relating to the naval hospital at Portsmouth, VA.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. ROBB, proposes an amendment numbered 3219.

The amendment is as follows:

On page 501, between lines 10 and 11, insert the following:

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1990 PROJECT.

(a) INCREASE.—Section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), is amended in the item relating to Portsmouth Naval Hospital, Virginia, by striking "$351,354,000" and inserting "$359,854,000".

(b) CONFORMING AMENDMENT.—Section 2405(b)(2) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1999, is amended by striking "$342,854,000" and inserting "$351,354,000".

Mr. WARNER. Let the RECORD reflect it has been cleared on both sides.

Mr. LEVIN. We support the amendment.

The PRESIDING OFFICER. There being no objection, the amendment is agreed to.

The amendment (No. 3219) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3220

(Purpose: To authorize the payment of $7,975 for a fine for environmental permit violations at Fort Sam Houston, Texas)

Mr. WARNER. Mr. President, I offer an amendment to section 345 of S. 2549 that would authorize the Secretary of the Army to pay the cash fine of $7,975 to the Texas Natural Resources Conservation Commission for permit violations assessed under the Resource Conservation and Recovery Act at Fort Sam Houston, TX.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3220.

The amendment is as follows:

On page 94, between lines 6 and 7, insert the following:

(6) $7,975 for payment to the Texas Natural Resource Conservation Commission of a cash fine for permit violations assessed under the Solid Waste Disposal Act.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3220) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3221

(Purpose: To strike section 344, relating to a modification of authority for indemnification of transferees of closing defense property)

Mr. WARNER. Mr. President, I offer an amendment to strike all of section 344 of S. 2549.

I believe this amendment has been cleared.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3221.

The amendment is as follows:

On page 88, strike line 11 and all that follows through page 92, line 19.

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3221) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3222

Mr. WARNER. Mr. President, I offer an amendment which makes technical corrections to the bill. This has been cleared on the other side.

Mr. LEVIN. It has been cleared.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3222.

The amendment is as follows:

On page 147, line 6, strike "section 573(b)" and insert "section 573(c)".

On page 303, strike line 10 and insert the following:

SEC. 901. REPEAL OF LIMITATION ON MAJOR.

On page 358, beginning on line 11, strike "Defense Finance and Accounting System" and insert "Defense Finance and Accounting Service".

On page 358, beginning on line 12, strike "contract administration service" and insert "contract administration services system".

On page 359, line 5, strike "Defense Finance and Accounting System" and insert "Defense Finance and Accounting Service".

On page 359, beginning on line 6, strike "contract administration service" and insert "contract administration services system".

On page 359, beginning on line 9, strike "Defense Finance and Accounting System" and insert "Defense Finance and Accounting Service".

On page 493, in the table following line 10, strike "136 units" in the purpose column in the item relating to Mountain Home Air Force Base, Idaho, and insert "119 units".

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without further debate on the amendment, the amendment is agreed to.

The amendment (No. 3222) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3223

Mr. WARNER. Mr. President, I offer a technical amendment in relation to the DOE future-years nuclear security plan.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3223.

The amendment is as follows:

On page 584, line 13, strike "3101(c)" and insert "3101(a)(1)(C)".

Mr. LEVIN. Mr. President, the amendment has been cleared on this side.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the amendment is agreed to.

The amendment (No. 3223) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3224

Mr. WARNER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3224.

The amendment is as follows:

On page 565, strike lines 9 through 13.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3224) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3225

Mr. WARNER. I offer a technical amendment in relation to the mixed oxide fuel construction project.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3225.

The amendment is as follows:

On page 554, line 25, strike "$31,000,000." and insert "$20,000,000.".

On page 555, line 4, strike "$15,000,000." and insert "$26,000,000.".

Mr. LEVIN. The amendment has been cleared on this side.

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3225) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3226

(Purpose: To enhance and improve educational assistance under the Montgomery GI Bill in order to enhance recruitment and retention of members of the Armed Forces)

Mr. LEVIN. Mr. President, on behalf of Senator CLELAND, and other cosponsors whom he has identified, I offer an amendment that would enhance the Montgomery GI bill for both active and reserve members of the Armed Forces. This is the amendment we just discussed and on which we are so appreciative of Senator CLELAND's leadership.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. CLELAND, for himself, Mr. ROBB, and Mr. REED, proposes an amendment numbered 3226.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CLELAND. Mr. President, I come before you today to offer an amendment that addresses the educational needs of our men and our men and women in uniform and their families. I appreciate the support of my colleagues who have supported my provisions to enhance the GI bill, Senators LEVIN, BINGAMAN, REED, and ROBB. I also like to recognize the chairman of the Senate Armed Services Committee, Senator WARNER, who himself went to school on the GI bill. I want to thank him for his support and encouragement in improving the GI bill for military personnel and their families.

I call this measure the HOPE—Help Our Professionals Educationally—Act of 2000. This measure is the same at my original legislation, S. 2402.

Last year, Time magazine named the American GI as the Person of the Century. That alone is a statement about the value of our military personnel. They are recognized around the world for their dedication and commitment to fight for our country and for peace in the world. This past century has been the most violent century in the modern era. The American GI has fought in the trenches during the First World War, the beaches at Normandy, in the jungles of Vietnam, in the deserts of the Persian Gulf, and most recently in the Balkans and Kosovo.

The face of our military and the people who fight our wars has changed. The traditional image of the single, mostly male, drafted, and disposable soldier is gone. Today we are fielding the force for the 21st century. This new force is a volunteer force, filled with men and women who are highly skilled, married, and definitely not disposable. Gone are the days when quality of life for a GI included a beer in the barracks and a three-day pass. Now, we know we have to recruit a soldier and retain a family.

We have won the cold war. This victory has changed the world and our military. The new world order has given us a new world disorder. The United States is responding to crises around the globe—whether it be strategic bombing or humanitarian assistance—and our military is the most effective response. In order to meet these challenges, we are retooling our forces to be lighter, leaner and meaner. This is a positive move. Along with this lighter force, our military professionals must be highly educated and highly trained.

Our nation is currently experiencing the longest running peacetime economic growth in history. This economic expansion has been a boom for our nation. However, there is a negative impact of this growing economy. With the enticement of quick prosperity in the civilian sector it is more difficult than ever to recruit and retain our highly skilled force.

In fiscal year 99, the Army missed its recruiting goals by 6,291 recruits, while the Air Force missed its recruiting goal by 1,732 recruits. Pilot retention problems persist for all services; the Air Force ended FY99 1,200 pilots short and the Navy ended FY99 500 pilots short. The Army is having problems retaining captains, while the Navy faces manning challenges for Surface Warfare Officers and Special Warfare Officers. It is estimated than $6 million is spent to train a pilot. We as a nation cannot afford to train our people, only to lose them to the private sector. It is better to retain than retrain.

There is hope that we are addressing these challenges. Last year was a momentous year for our military personnel. The Senate passed legislation that significantly enhances the quality of life for our military personnel. From retirement reform to pay raises, this Congress is on record supporting our men and women in uniform. However, more must be done.

In talking with our military personnel, we know that money alone is not enough. Education is the number one reason service members come into the military and the number one reason its members are leaving. Last year the Senate began to address this issue by supporting improved education benefits for military members and their families. Since last year, we have gone back and studied this issue further. In reviewing the current Montgomery GI bill, we found several disincentives and conflicts among the education benefits offered by the services. These conflicts make the GI bill, an earned benefit, less attractive than it could be.

My amendment will improve and enhance the current educational benefits and create the GI bill for the 21st century.

One of the most important provisions of my amendment would give the Service Secretaries the authority to authorize a service member to transfer his or her basic MGIB benefits to family members. Many service members tell us that they really want to stay in the service, but do not feel that they can stay and provide an education for their families. This will give them an Educational Savings Account, so that they can stay in the service and still provide an education for their spouses and children. This will give the Secretaries a very powerful retention tool. The measure would allow the Services to authorize transfer of basic GI bill benefits anytime after 6 years of service. To encourage members to stay longer, the transferred benefits could not be used until completion of at least 10 years of service. I believe that the Services can use this much like a reenlistment bonus to keep valuable service members in the service. It can be creatively combined with reenlistment bonuses to create a very powerful and cost effective incentive for highly skilled military personnel to stay in the Service. In talking with service members upon their departure from the military, we have found that the family plays a crucial role in the decision of a member to continue their military career. Reality dictates that we must address the needs of the family in order to retain our soldiers, sailors, airmen, and marines.

My amendment would also give the Secretaries the authority to authorize the Veterans' Educational Assistance Program (VEAP) participants and those active duty personnel who did not enroll in MGIB to participate in the current GI bill program. The VEAP participants would contribute $1200, and those who did not enroll in MGIB would contribute $1500. The services would pay any additional costs of the benefits of this measure.

Another enhancement to the current MGIB would extend the period in which the members of Reserve components can use this benefit. Currently they lose this benefit when they leave the service or after 10 years of service. They have no benefit when they leave service. My amendment will permit them to use the benefit up to 5 years after their separation. This will encourage them to stay in the Reserves for a full career. Other provisions of this amendment would allow the Service Secretaries to pay 100 percent tuition assistance or enable service members to use the MGIB to cover any unpaid tuition and expenses when the services don't pay 100 percent.

Mr. President, I believe that this is a necessary next step for improving our education benefits for our military members and their families. We must offer them credible choices. If we offer them choices, and treat the members and their families properly, we will show them our respect for their service and dedication. Maybe then we can turn around our current retention statistics. This GI bill is an important retention tool for the services. I believe that education begets education. We must continue to focus our resources in retaining our personnel based on their needs.

Mr. LEVIN. I wonder if the clerk could read for us the list of cosponsors on that amendment so any others who might wish cosponsorship.

The PRESIDING OFFICER. The clerk will read the cosponsors.

The legislative clerk read as follows:

The Senator from Michigan Mr. LEVIN, for Mr. CLELAND, for himself, Mr. WARNER, Mr. ROBB, and Mr. REED of Rhode Island.

Mr. LEVIN. I ask unanimous consent to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, given the importance of this legislation, I ask unanimous consent that such other Senators who desire to be cosponsors may be listed through the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the amendment is agreed to.

The amendment (No. 3226) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3227

(Purpose: To strike section 553(c) which repeals authority regarding grants and contracts to uncooperative instutions of higher education)

Mr. LEVIN. Mr. President, on behalf of Senator KENNEDY, I offer an amendment that would strike a repeal of the duplicative authority from section 553 of the bill. I believe the amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, for himself, and Mr. CLELAND, proposes an amendment numbered 3227.

The amendment is as follows:

On page 186, strike lines 1 through 9, and insert the following:

(c) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall take effect on July 1, 2002.

(2) The amendments made by subsection (b).

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3227) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3228

(Purpose: To amend titles 10 and 38, United States Code, to strengthen the financial security of families of uniformed services personnel in cases of loss of family members)

Mr. WARNER. On behalf of Senator McCAIN, I offer an amendment that will enhance the survival benefit plan available to retired members of the uniformed services, and I ask unanimous consent to be listed as cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. McCAIN, for himself, Mr. WARNER, and Mr. LEVIN, proposes an amendment numbered 3228.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. McCAIN. Mr. President, today I am introducing three amendments to S. 2549, the National Defense Authorization Act for FY2001. The first amendment will provide more pay for mid-career enlisted service members. The second amendment will authorize survivor benefit improvements for the families of service members. The third amendment will improve benefits for members of the National Guard and Reservists.

Last year, I was pleased to see military pay table reform enacted into law. Our servicemembers will receive a much needed pay raise next month, and I commend my colleagues on both sides of the aisle who voted for this legislation.

However, there was one group of servicemembers that was under-represented in last year's pay table reform. Our E–5s, E–6s and E–7s have seen their pay erode in comparison to other pay grades. With our severe recruitment and retention issues still looming, we must adequately compensate our mid-grade enlisted servicemembers who are critical to leading the junior enlisted force.

We have significantly underpaid these enlisted members since the advent of the All-Volunteer Force. The value of their pay, compared to that of a private/seaman/airman, has dropped 50% since the all volunteer force was enacted by Congress.

The 1990s placed undue burdens on our career NCOs. Their expansion of duties during the drawdown came with little or no pay incentives, resulting in the departure of mid-grade NCOs and Petty Officers from the uniformed services.

On promotion to grades E–5 through E–8, the gap between military and civilian pay begins to widen. Last year's pay table reform, which helped to alleviate this gap, increased the pay of mid-grade officers, but is lacking for the mid-grade enlisted force.

My amendment would alleviate this inequity by increasing the pay for E–5s, E–6s and E–7s to the same level as those of officers with similar lengths of service. The amendment is estimated to cost approximately $200–300 million a year and is similar to legislation recently introduced in the House.

My second amendment would provide low-cost survivor benefit plan improvements for the survivors of active duty personnel who die in the line of duty. Under current SBP rules, only survivors of retired members or those of active duty members who have greater than 20 years of service are eligible for SBP.

My amendment, at an estimated cost of only $800 thousand in FY01 and $12.6 million over 5 years, would extend SBP coverage to all survivors of members who die on active duty with the annuities calculated as if the member had been retired with a 100% disability on the date of death.

This is an inexpensive amendment that would greatly help the survivors of our courageous servicemembers who have made the ultimate sacrifice in the defense of our country.

The second part of this amendment is a no-cost initiative that would allow the spouses and children of active duty personnel to participate in the Serviceman Group Life Insurance Program.

Junior servicemembers can rarely afford commercial insurance on their spouses and children, and the unexpected loss of their spouses—who in many cases are the primary care givers of their children—places an extreme strain on the service members' ability to properly take care of their families.

Premiums for this insurance would be significantly lower than comparable life insurance programs, because the Serviceman Group Life Insurance Program is composed of a consortium of insurance companies. This amendment would simply authorize spouses to buy up to 50% of the servicemember benefits—a maximum of $100,000 in coverage, and each dependent child could be covered for up to $10,000.

The final amendment I have offered today increases benefits for the Total Force—members of the National Guard and the Reserve Components. The National Guard and Reserves have become a larger percentage of the Total Force and are essential partners in a wide range of military operations. Due to the high operating tempo demands on the active component, the Reserve components are being called upon more frequently and for longer periods than ever before. We must stop treating them like a "second class" force.

This amendment will specifically authorize five improvements for the National Guard and Reserves. First, it will urge through a sense of Congress that the President should adequately request in the DoD budget the funds necessary to modernize these forces, and support their training and readiness accounts to ensure that the Total Force can continue to support our National Military Strategy.

Second, this amendment will authorize National Guard and reserve servicemembers to travel for duty or training on a space-required basis on military airlift between the servicemember's home of record and their place of duty.

Third, it will authorize National Guard and reserve servicemembers who travel more than 50 miles from their home of record to attend their drills to be able to stay at Bachelor Quarters on military installations.

Fourth, it will increase from 75 to 90 the maximum number of reserve retirement points that may be credited in a year for reserve service.

Finally, it will authorize legal/JAG services be extended for up to twice the length of period of military service after active duty recall for National Guard and reserve servicemembers to handle issues or problems under the Sailor and Soldier Act.

In conclusion, I would like to emphasize the importance of enacting meaningful improvements for our servicemembers; our Soldiers, Sailors, Airmen, Marines, their families and their survivors. They risk their lives to defend our shores and preserve democracy and we can not thank them enough for their service. But we can pay them more, improve their benefits to their survivors, and support the Total Force in a similar manner as the active forces. Our servicemembers past, present, and future need these improvements, and these three amendments are just one step we can take to show our support and improve the quality of life for our servicemembers and their families.

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3228) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask unanimous consent to be added as a cosponsor to amendment No. 3228.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3229

(Purpose: To provide an additional increase in military basic pay for enlisted members of the uniformed services in pay grades E-5, E-6, or E-7)

Mr. WARNER. Mr. President, on behalf of Senator MCCAIN, I offer an amendment that would provide an additional increase in the military basic pay for enlisted personnel in grades E5, E6, E7, and I ask unanimous consent to be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, for himself, and Mr. WARNER, proposes an amendment numbered 3229.

The amendment is as follows:

On page 206, between lines 15 and 16, insert the following:

SEC. 610. RESTRUCTURING OF BASIC PAY TABLES FOR CERTAIN ENLISTED MEMBERS.

(a) IN GENERAL.—The table under the heading "ENLISTED MEMBERS" in section 601(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 105-65; 113 Stat. 648) is amended by striking the amounts relating to pay grades E-7, E-6, and E-5 and inserting the amounts for the corresponding years of service specified in the following table:

ENLISTED MEMBERS

[Years of service computed under section 205 of title 37, United States Code]

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-7	1,765.80	1,927.80	2,001.00	2,073.00	2,148.60
E-6	1,518.90	1,678.20	1,752.60	1,824.30	1,899.40
E-5	1,332.60	1,494.00	1,566.00	1,640.40	1,715.70
	Over 8	Over 10	Over 12	Over 14	Over 16
E-7	2,277.80	2,350.70	2,423.20	2,495.90	2,570.90
E-6	2,022.60	2,096.40	2,168.60	2,241.90	2,294.80
E-5	1,821.00	1,893.00	1,967.10	1,967.60	1,967.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E-7	2,644.20	2,717.50	2,844.40	2,926.40	3,134.40
E-6	2,332.00	2,332.00	2,335.00	2,335.00	2,335.00
E-5	1,967.60	1,967.60	1,967.60	1,967.60	1,967.60

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall take effect as of October 1, 2000, and shall apply with respect to months beginning on or after that date.

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3229) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3230

(Purpose: To improve the benefits for members of the reserve components of the Armed Forces and their dependents)

Mr. WARNER. Mr. President, on behalf of Senators GRAMS, MCCAIN, SESSIONS, ALLARD, ASHCROFT, and myself, I offer an amendment that would improve benefits for members of the reserve components of the Armed Forces and their dependents.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRAMS, for himself, Mr. MCCAIN, Mr. SESSIONS, Mr. ALLARD, Mr. ASHCROFT, Mr. WARNER, and Mr. LEVIN, proposes an amendment numbered 3230.

The amendment is as follows:

On page 239, after line 22, add the following:

Subtitle F—Additional Benefits For Reserves and Their Dependents

SEC. 671. SENSE OF CONGRESS.

It is the sense of Congress that it is in the national interest for the President to provide the funds for the reserve components of the Armed Forces (including the National Guard and Reserves) that are sufficient to ensure that the reserve components meet the requirements specified for the reserve components in the National Military Strategy, including training requirements.

SEC. 672. TRAVEL BY RESERVES ON MILITARY AIRCRAFT.

(a) SPACE-REQUIRED TRAVEL FOR TRAVEL TO DUTY STATIONS INCONUS AND OCONUS.—(1) Subsection (a) of section 18505 of title 10, United States Code, is amended to read as follows:

"(a) A member of a reserve component traveling to a place of annual training duty or inactive-duty training (including a place other than the member's unit training assembly if the member is performing annual training duty or inactive-duty training in another location) may travel in a space-required status on aircraft of the armed forces between the member's home and the place of such duty or training.".

(2) The heading of such section is amended to read as follows:

"§ 18505. Reserves traveling to annual training duty or inactive-duty training: authority for space-required travel".

(b) SPACE-AVAILABLE TRAVEL FOR MEMBERS OF SELECTED RESERVE, GRAY AREA RETIREES, AND DEPENDENTS.—Chapter 1805 of such title is amended by adding at the end the following new section:

"§ 18506. Space-available travel: Selected Reserve members and reserve retirees under age 60; dependents

"(a) ELIGIBILITY FOR SPACE-AVAILABLE TRAVEL.—The Secretary of Defense shall prescribe regulations to allow persons described in subsection (b) to receive transportation on aircraft of the Department of Defense on a space-available basis under the same terms and conditions (including terms and conditions applicable to travel outside the United States) as apply to members of the armed forces entitled to retired pay.

"(b) PERSONS ELIGIBLE.—Subsection (a) applies to the following persons:

"(1) A person who is a member of the Selected Reserve in good standing (as determined by the Secretary concerned) or who is a participating member of the Individual Ready Reserve of the Navy or Coast Guard in good standing (as determined by the Secretary concerned).

"(c) DEPENDENTS.—A dependent of a person described in subsection (b) shall be provided transportation under this section on the same basis as dependents of members of the armed forces entitled to retired pay.

"(d) LIMITATION ON REQUIRED IDENTIFICATION.—Neither the 'Authentication of Reserve Status for Travel Eligibility' form (DD Form 1853), nor or any other form, other than the presentation of military identification and duty orders upon request, or other methods of identification required of active duty personnel, shall be required of reserve component personnel using space-available transportation within or outside the continental United States under this section.".

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 18505 and inserting the following new items:

"18505. Reserves traveling to annual training duty or inactive-duty training: authority for space-required travel.

"18506. Space-available travel: Selected Reserve members and reserve retirees under age 60; dependents.".

(d) IMPLEMENTING REGULATIONS.—Regulations under section 18506 of title 10, United States Code, as added by subsection (b), shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 673. BILLETING SERVICES FOR RESERVE MEMBERS TRAVELING FOR INACTIVE DUTY TRAINING.

(a) IN GENERAL.—(1) Chapter 1217 of title 10, United States Code, is amended by inserting after section 12603 the following new section:

"§ 12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training

"(a) AUTHORITY FOR BILLETING ON SAME BASIS AS ACTIVE DUTY MEMBERS TRAVELING UNDER ORDERS.—The Secretary of Defense shall prescribe regulations authorizing a Reserve traveling to inactive-duty training at a location more than 50 miles from that Reserve's residence to be eligible for billeting in Department of Defense facilities on the same basis and to the same extent as a member of the armed forces on active duty who is traveling under orders away from the member's permanent duty station.

"(b) PROOF OF REASON FOR TRAVEL.—The Secretary shall include in the regulations the means for confirming a Reserve's eligibility for billeting under subsection (a).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12603 the following new item:

"12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training.

(b) EFFECTIVE DATE.—Section 12604 of title 10, United States Code, as added by subsection (a), shall apply with respect to periods of inactive-duty training beginning more than 180 days after the date of the enactment of this Act.

SEC. 674. INCREASE IN MAXIMUM NUMBER OF RESERVE RETIREMENT POINTS THAT MAY BE CREDITED IN ANY YEAR.

Section 12733(3) of title 10, United States Code, is amended by striking "but not more than" and all that follows and inserting "but not more than—

"(A) 60 days in any one year of service before the year of service that includes September 23, 1996;

"(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001; and

"(C) 90 days in the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001 and in any subsequent year of service.".

SEC. 675. AUTHORITY FOR PROVISION OF LEGAL SERVICES TO RESERVE COMPONENT MEMBERS FOLLOWING RELEASE FROM ACTIVE DUTY.

(a) LEGAL SERVICES.—Section 1044(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) Members of reserve components of the armed forces not covered by paragraph (1) or (2) following release from active duty under a call or order to active duty for more than 30 days issued under a mobilization authority (as determined by the Secretary of Defense), but only during the period that begins on the date of the release and is equal to at least twice the length of the period served on active duty under such call or order to active duty.".

(b) DEPENDENTS.—Paragraph (5) of such section, as redesignated by subsection (a)(1), is amended by striking "and (3)" and inserting "(3), and (4)".

(c) IMPLEMENTING REGULATIONS.—Regulations to implement the amendments made by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.

Mr. GRAMS. Mr. President, I thank Chairman WARNER for his help and leadership in accepting my amendment to help our National Guard and Reserves. Without his steadfast support for our military personnel, the changes being endorsed in my amendment would not be possible.

In an attempt to maintain a strong national defense despite budget cuts, the President has increasingly asked the Guard and Reserves to make up the difference. Work days contributed by reservists have risen from 1 million days in 1992, to over 13 million days last year. If you look at the Armed Forces personnel participating in the Bosnia and Kosovo operations, 33 percent are members of the Guard and Reserves in Bosnia and 22 percent in Kosovo. The National Guard can provide many of the same services as the active duty personnel at a fraction of the cost. But what impact does this have on Guardsmen, Reservists, and their families?

I support the total force concept, but I don't believe we can afford to balance DoD's budget on the backs of our citizen soldiers and airmen. That's why I introduced this amendment to the Defense Authorization bill, along with Senators MCCAIN, ALLARD, SESSIONS, ASHCROFT, WARNER, and LEVIN.

My amendment addresses quality of life issues. It extends space required travel to the National Guard and Reserves for travel to duty stations both inside and outside of the United States. It also provides the same space available travel privileges for the Guard, Reserves, and dependents that the armed forces provides to retired military and their dependents. My amendment gives them the same priority status and billeting privileges as active duty personnel when traveling for monthly drills. It raises the annual reserve retirement point maximum, upon which retirement pensions are based, from 75 to 90. Finally, it will extend free legal services to Selected Reservists by Judge Advocate General officers for a time equal to twice the length of their last period of active duty service.

I believe the dramatic increase in overseas active-duty assignments for reserve members merits the extension of military benefits for our Nation's citizen soldiers. It is only fair to close these disparities. This amendment would restore fairness to Guard and Reserve members, and it would strengthen our national defense and increase our military readiness by alleviating many of the recruitment and retention problems.

These are difficult days, without clear and easy answers. But I'm glad that, as we often have during trying times, we're able to turn to the men and women of the National Guard and Reserves to help ease the way. We must not forget their sacrifices. For in the words of President Calvin Coolidge, "the nation which forgets its defenders will itself be forgotten."

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3230) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask unanimous consent to be added as a cosponsor of amendment No. 3230.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3231

(Purpose: To authorize the President to award the gold and silver medals on behalf of the Congress to the Navajo Code Talkers, in recognition of their contributions to the Nation)

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment that would authorize the President to award gold and silver medals on behalf of Congress to the Navaho Code Talkers in recognition of their contributions to the Nation during World War II.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows;

The Senator from Michigan [Mr. Levin], for Mr. BINGAMAN, for himself and Mr. WARNER, proposes an amendment numbered 3231.

The amendment is as follows:

At the end of title X, insert the following:

SEC. 10 . CONGRESSIONAL MEDALS FOR NAVAJO CODE TALKERS.

(a) FINDINGS.—Congress finds that—

(1) on December 7, 1941, the Japanese Empire attacked Pearl Harbor and war was declared by Congress on the following day;

(2) the military code developed by the United States for transmitting messages had been deciphered by the Japanese, and a search was made by United States Intelligence to develop new means to counter the enemy;

(3) the United States Government called upon the Navajo Nation to support the military effort by recruiting and enlisting 29 Navajo men to serve as Marine Corps Radio Operators;

(4) the number of Navajo enlistees later increased to more than 350;

(5) at the time, the Navajos were often treated as second-class citizens, and they were a people who were discouraged from using their own native language;

(6) the Navajo Marine Corps Radio Operators, who became known as the "Navajo Code Talkers", were used to develop a code using their native language to communicate military messages in the Pacific;

(7) to the enemy's frustration, the code developed by these Native Americans proved to be unbreakable, and was used extensively throughout the Pacific theater;

(8) the Navajo language, discouraged in the past, was instrumental in developing the most significant and successful military code of the time;

(9) at Iwo Jima alone, the Navajo Code Talkers passed more than 800 error-free messages in a 48-hour period;

(10) use of the Navajo Code was so successful, that—

(A) military commanders credited it in saving the lives of countless American soldiers and in the success of the engagements of the United States in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa;

(B) some Code Talkers were guarded by fellow Marines, whose role was to kill them in case of imminent capture by the enemy; and

(C) the Navajo Code was kept secret for 23 years after the end of World War II;

(11) following the conclusion of World War II, the Department of Defense maintained the secrecy of the Navajo Code until it was declassified in 1968; and

(12) only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

(b) CONGRESSIONAL MEDALS AUTHORIZED.—To express recognition by the United States and its citizens in honoring the Navajo Code Talkers, who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and hastening the end of World War II in the Pacific, the President is authorized—

(1) to award to each of the original 29 Navajo Code Talkers, or a surviving family member, on behalf of the Congress, a gold medal of appropriate design, honoring the Navajo Code Talkers; and

(2) to award to each person who qualified as a Navajo Code Talker (MOS 642), or a surviving family member, on behalf of the Congress, a silver medal of appropriate design, honoring the Navajo Code Talkers.

(c) DESIGN AND STRIKING.—For purposes of the awards authorized by subsection (b), the Secretary of the Treasury (in this section referred to as the "Secretary") shall strike gold and silver medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(d) DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of the medals struck pursuant to this section, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the medals.

(e) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51, of title 31, United States Code.

(f) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, not more than $30,000, to pay for the costs of the medals authorized by this section.

(g) PROCEEDS OF SALE.—Amounts received from the sale of duplicate medals under this section shall be deposited in the United States Mint Public Enterprise Fund.

Mr. WARNER. Mr. President, I ask unanimous consent to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without further debate, the amendment is agreed to.

The amendment (No. 3231) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, let me expand on this and say how much I respect Senator BINGAMAN for bringing this to the attention of the Senate and incorporating this most well-deserved recognition on behalf of these individuals.

Again, with brief service in the concluding months of the war, particularly while I was in the Navy, the Marine Corps utilized these individuals a great deal. What they would do is get on the walkie-talkies in the heat of battle and in their native tongue communicate the orders of the officers and noncommissioned officers to forward and other positions, subjecting themselves to the most intense elements of combat at the time. They were very brave individuals. They performed a remarkable service. Here we are, some 56 years after the intensity of the fighting in the Pacific, which began in 1941, honoring them. They were magnificent human beings, and the men in the forward units of combat appreciated what they did. I salute our distinguished colleague. I am delighted to be a cosponsor.

Mr. LEVIN. Mr. President, I join my good friend, Senator WARNER, in thanking and commending the men for their gallant service during World War II and to thank Senator BINGAMAN for remembering them and having us as a body remember them. That is a real service, too. We are both grateful to Senator BINGAMAN.

Mr. WARNER. In other words, the enemy simply did not, if they picked up this language with their listening systems, have the vaguest idea. There are stories of the confusion of the enemy: They didn't know who it was on the beach, what was coming at them. It was remarkable.

Mr. LEVIN. It is a great bit of history, and it is great to be reminded of it.

Mr. WARNER. Indeed.

Mr. LEVIN. I hope it has been written up because it is not familiar to me. I am now going to become familiar with it.

Mr. WARNER. There were quite a few stories written about them. They were self-effacing, humble people, proud to be identified with their tribes. They went back into the sinews of America, as so many of the men and women did, to take up their responsibilities at home.

AMENDMENT NO. 3232

(Purpose: To revise the fee structure for residents of the Armed Forces Retirement Home)

Mr. WARNER. Mr. President, on behalf of Senator LOTT, I offer an amendment that would revise the fee structure for residents of the Armed Services Retirement Home.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LOTT, proposes an amendment numbered 3232.

The amendment is as follows:

On page 236, between lines 6 and 7, insert the following:

SEC. 646. FEES PAID BY RESIDENTS OF THE ARMED FORCES RETIREMENT HOME.

(a) NAVAL HOME.—Section 1514 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 414) is amended by striking subsection (d) and inserting the following:

"(d) NAVAL HOME.—The monthly fee required to be paid by a resident of the Naval Home under subsection (a) shall be as follows:

"(1) For a resident in an independent living status, $500.

"(2) For a resident in an assisted living status, $750.

"(3) For a resident of a skilled nursing facility, $1,250.".

(b) UNITED STATES SOLDIERS' AND AIRMEN'S HOME.—Subsection (c) of such section is amended—

(1) by striking "(c) FIXING FEES.—" and inserting "(c) UNITED STATES SOLDIERS' AND AIRMEN'S HOME.—";

(2) in paragraph (1)—

(A) by striking "the fee required by subsection (a) of this section" and inserting "the fee required to be paid by residents of the United States Soldiers' and Airmen's Home under subsection (a)"; and

(B) by striking "needs of the Retirement Home" and inserting "needs of that establishment"; and

(3) in paragraph (2), by striking the second sentence.

(c) SAVINGS PROVISION.—Such section is further amended by adding at the end the following:

"(e) RESIDENTS BEFORE FISCAL YEAR 2001.—A resident of the Retirement Home on September 30, 2000, may not be charged a monthly fee under this section in an amount that exceeds the amount of the monthly fee charged that resident for the month of September 2000.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3232) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3233

(Purpose: To request the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served in positions of command during World War II; and to express the sense of Congress regarding the professional performance of Admiral Kimmel and Lieutenant General Short)

Mr. LEVIN. Mr. President, on behalf of Senator KENNEDY, I offer an amendment that would authorize the President to advance Rear Adm. Husband Kimmel on the retired list to the highest grade held as commander in chief, U.S. Fleet, during World War II and to advance Army Maj. Gen. Walter Short on the retirement list of the Army to the highest grade held as commanding general, Hawaiian Department, during World War II.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, for himself, Mr. THURMOND, Mr. ROTH, and Mr. BIDEN, proposes an amendment numbered 3233.

The amendment is as follows:

On page 200, after line 23, insert the following:

SEC. 566. SENIOR OFFICERS IN COMMAND IN HAWAII ON DECEMBER 7, 1941.

(a) FINDINGS.—Congress makes the following findings:

(1) Rear Admiral Husband E. Kimmel, formerly the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941, attack on Pearl Harbor.

(2) Major General Walter C. Short, formerly the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941, attack on Pearl Harbor.

(3) Numerous investigations following the attack on Pearl Harbor have documented that Admiral Kimmel and Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6 to 7, 1941, known as the Fourteen-Part Message.

(4) On December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general.

(5) Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of "dereliction of duty" only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that "these two officers were martyred" and "if they had been brought to trial, both would have been cleared of the charge".

(6) On October 19, 1944, a Naval Court of Inquiry exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941, attack on Pearl Harbor were proper "by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor"; criticized the higher command for not sharing with Admiral Kimmel "during the very critical period of November 26 to December 7, 1941, important information . . . regarding the Japanese situation"; and, concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service.

(7) On June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel.

(8) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that Lieutenant General Short had not been kept "fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war"; detailed information and intelligence about Japanese intentions and war plans were available in "abundance" but were not shared with the General Short's Hawaii command; and General Short was not provided "on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this".

(9) The reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral Kimmel and Major General Short were denied their requests to defend themselves through trial by court-martial.

(10) The joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty.

(11) The then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., on April 27, 1954, recommended that Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947.

(12) On November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that Lieutenant General Short "was unjustly held responsible for the Pearl Harbor disaster" and that "it would be equitable and just" to advance him to the rank of lieutenant general on the retired list.

(13) In October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Admiral Kimmel and recommended that the case of Admiral Kimmel be reopened.

(14) Although the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of Rear Admiral Kimmel or Major General Short in grade, it did set forth as a conclusion of the study that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared".

(15) The Dorn Report found that "Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications . . . which provided crucial confirmation of the imminence of war"; that "the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and followup at higher levels"; and, that "together, these characteristics resulted in failure . . . to appreciate fully and to convey to the commanders in Hawaii the sense of focus

and urgency that these intercepts should have engendered".

(16) On July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from Admiral Kimmel and Lieutenant General Short.

(17) The Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list.

(18) Rear Admiral Kimmel and Major General Short are the only two eligible officers from World War II who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under the terms of the Officer Personnel Act of 1947.

(19) This singular exclusion from advancement on the retired list serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

(20) Major General Walter Short died on September 23, 1949, and Rear Admiral Husband Kimmel died on May 14, 1968, without the honor of having been returned to their wartime ranks as were their fellow veterans of World War II.

(21) The Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, and the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of Admiral Kimmel and Lieutenant General Short through their posthumous advancement on the retired lists to their highest wartime grades.

(b) Advancement of Rear Admiral Kimmel and Major General Short on Retired Lists.—(1) The President is requested—

(A) to advance the late Rear Admiral Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and

(B) to advance the late Major General Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(2) Any advancement in grade on a retired list requested under paragraph (1) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

(c) Sense of Congress Regarding the Professional Performance of Admiral Kimmel and Lieutenant General Short.—It is the sense of Congress that—

(1) the late Rear Admiral Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and

(2) the late Major General Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.

Mr. KENNEDY. Mr. President, I am proud to join my colleagues in again offering this amendment to restore the reputations of two distinguished military officers who have unfairly borne the sole blame for the success of the Japanese attack on Pearl Harbor at the beginning of World War II—Admiral Husband E. Kimmel of the United States Navy and General Walter C. Short of the United States Army.

The Senate passed this same amendment as part of last year's Department of Defense Authorization Act, but unfortunately it was dropped in conference. Now, our amendment is part of this year's House version of the Defense Authorization Act.

At last, we have an excellent opportunity to correct a serious wrong from World War II that has unfairly tarnished the reputation of our military and our nation for justice and honor.

Admiral Kimmel and General Short were the Navy and Army commanders at Pearl Harbor during the attack on December 7, 1941. Despite their loyal and distinguished service, they were unfairly turned into scapegoats for the nation's lack of preparation for that attack and the catastrophe that took place.

Justice for these men is long overdue. Wartime investigations after the attack concluded that our fleet in Hawaii under the command of Admiral Kimmel and our land forces under the command of General Short had been properly positioned, given the information they had received. The investigations also found that their superior officers in Washington had not passed on vital intelligence information that could have made a difference in America's preparedness for the attack. These conclusions of the wartime investigations were kept secret, in order to protect the war effort. Clearly, there is no longer any justification for ignoring these facts.

Since these initial findings, numerous military, governmental, and congressional investigations have concluded that the blame for this attack should have been widely shared. This amendment, and the case for Admiral Kimmel and General Short, have received strong support from former Chiefs of Naval Operations, Army Chiefs of Staff, and Chairmen of the Joint Chiefs of Staff, including Admiral Thomas H. Moorer, Admiral Carlisle Trost, Admiral J.L. Holloway III, Admiral William J. Crowe, Admiral Elmo Zumwalt, General Andrew J. Goodpaster, and General William J. McCaffrey.

Our amendment recommends that the President posthumously advance Admiral Kimmel and General Short to their highest wartime rank in accord with the Officer Personnel Act of 1947. Admiral Kimmel and General Short are the only two officers eligible under this act who did not receive advancement on the retired list. The amendment involves no monetary compensation. It simply asks that now, at this late date, these two military leaders finally be treated the same as their peers.

I first became interested in this issue when I received a letter 2 years ago from a good friend in Boston who, for many years, has been one of the preeminent lawyers in America, Edward B. Hanify. As a young Navy lawyer and Lieutenant J.G. in 1944, Mr. Hanify was assigned as counsel to Admiral Kimmel.

He accompanied Admiral Kimmel when he testified before the Army Board of Investigation, and he later heard the testimony in the lengthy congressional investigation of Pearl Harbor by the Roberts Commission.

Mr. Hanify is probably one of the few surviving people who heard Kimmel's testimony before the Naval Court of Inquiry, and he has closely followed all subsequent developments on the Pearl Harbor catastrophe and the allocation of responsibility for that disaster.

I would like to quote a few brief paragraphs from Mr. Hanify's letter, because it eloquently summarizes the overwhelming case for justice for Admiral Kimmel. Mr. Hanify writes:

> The odious charge of "dereliction of duty" made by the Roberts Commission was the cause of almost irreparable damage to the reputation of Admiral Kimmel, despite the fact that the finding was later repudiated and found groundless.
>
> I am satisfied that Admiral Kimmel was subject to callous and cruel treatment by his superiors who were attempting to deflect the blame ultimately ascribed to them, particularly on account of their strange behavior on the evening of December 6 and morning of December 7 in failing to warn the Pacific Fleet and the Hawaiian Army Department that a Japanese attack on the United States was scheduled for December 7, and that intercepted intelligence indicated that Pearl Harbor was a most probable point of attack. Washington had this intelligence and knew that the Navy and Army in Hawaii did not have it, or any means of obtaining it.
>
> Subsequent investigation by both services repudiated the "dereliction of duty" charge. In the case of Admiral Kimmel, the Naval Court of Inquiry found that his plans and dispositions were adequate and competent in light of the information which he had from Washington.

Adequate and competent in light of the information which he had from Washington.

Mr. Hanify concludes, "The proposed legislation provides some measure of remedial justice to a conscientious officer who for years unjustly bore the odium and disgrace associated with the Pearl Harbor catastrophe."

Last year, the Senate took a giant step toward correcting this great wrong by passing our amendment. I urge the Senate to support this amendment again this year.

Mr. THURMOND. Mr. President, I rise in support of my colleague Senator KENNEDY's amendment which would act on restoring the honor and rank of Admiral Kimmel and General Short. I have been working on this issue since 1985.

In my opinion, Admiral Kimmel and General Short are the two final victims of Pearl Harbor. These men were doing their duty to the best of their ability.

The blame directed at these two WWII flag officers for nearly six decades is undeserved. Neither Admiral Kimmel nor General Short was notified before the attack that Washington had decoded top-secret Japanese radio intercepts that warned of the pending attack. Despite the fact that the charge of dereliction of duty was never proved against the two officers, that charge still exists in the minds of many people.

This perception is wrong and must be corrected by us now. History and justice argue for nothing less. Military, governmental, and congressional investigations have provided clear evidence that these two commanders were singled out for blame that should have been widely shared.

The following are several basic irrefutable facts about this issue:

The intelligence made available to the Pearl Harbor commanders was not sufficient to justify a higher level of vigilance than was maintained prior to the attack.

Neither officer knew of the decoded intelligence in Washington indication the Japanese had identified the United States as an enemy.

Both commanders were assured by their superiors they were getting the best intelligence available at the time.

There were no prudent defensive options available for the officers that would have significantly affected the outcome of the attack.

On numerous occasions, history has vindicated the axiom that "victory finds a hundred fathers but defeat is an orphan." Admiral Kimmel and General Short have been solely and unjustly rendered the "fathers of Pearl Harbor." Responsibility for this catastrophe is just not that simple.

It is extremely perplexing that almost everyone above Kimmel and Short escaped censure. Yet, we know now that civilian and military officials in Washington withheld vital intelligence information which could have more fully alerted the field commanders to their imminent peril.

The bungling that left the Pacific Fleet exposed and defenseless that day did not begin and end in Hawaii. In 1995, I held an in-depth meeting to review this matter which included the officers' families, historians, experts, and retired high-ranking military officers, who all testified in favor of the two commanders.

In response to this review, Under Defense Secretary Edwin Dorn's subsequent report disclosed officially—for the first time—that blame should be "broadly shared." The Dorn Report stated members of the high command in Washington were privy to intercepted Japanese messages that in their totality ". . . pointed strongly toward an attack on Pearl Harbor on the 7th of December, 1941 . . ." and that this intelligence was never sent to the Hawaiian commanders.

The Dorn Report went so far as to characterize the handling of critically important decoded Japanese messages in Washington as revealing "ineptitude . . . unwarranted assumptions and misestimates, limited coordination, ambiguous language, and lack of clarification and followup at higher levels."

They are eligible for this advancement in rank by token of the Officer Personnel Act of 1947, which authorizes retirement at highest wartime rank. All eligible officers have benefited. All except for two: Admiral Kimmel and General Short. This advancement in rank would officially vindicate them. No retroactive pay would be involved.

The posthumous promotion of Admiral Kimmel and General Short will be a small step in restoring honor to these men.

It is time for Congress and the administration to step forward and do the right thing.

This year is the 59th anniversary of the Pearl Harbor attack, providing an appropriate time to promote Admiral Kimmel and General Short. I urge adoption of the amendment and yield the floor.

Mr. ROTH. Mr. President, I rise today with my colleague from Delaware, Senator BIDEN, and Senator KENNEDY, and Senator THURMOND to sponsor an amendment whose intent is to redress a grave injustice that haunts us from the tribulations of World War II.

On May 25 of last year, this body held an historically important vote requesting the long-overdue, posthumous advancement of two fine World War II officers, Admiral Husband Kimmel and General Walter Short. The Senate voted in support of including the Kimmel-Short resolution as part of the Defense Authorization Bill for Fiscal Year 2000, but the provision was not included in the final legislation. This year, the House of Representatives had included the exact language of the Senate amendment adopted last year, and so we are again seeking the Senate to support inclusion of this important resolution.

Admiral Husband Kimmel and General Walter Short were the two senior commanders of U.S. forces deployed in the Pacific at the time of the disastrous surprise December 7, 1941, attack on Pearl Harbor. In the immediate aftermath of the attack, they were unfairly and publicly charged with dereliction of duty and blamed as singularly responsible for the success of that attack.

Less than 6 weeks after the Pearl Harbor attack, in a hastily prepared report to the President, the Roberts Commission—perhaps the most flawed and unfortunately most influential investigation of the disaster—levelled the dereliction of duty charge against Kimmel and Short—a charge that was immediately and highly publicized.

Admiral William Harrison Standley, who served as a member of this Commission, later disavowed its report, stating that these two officers were "martyred" and "if they had been brought to trial, they would have been cleared of the charge."

Later, Admiral J.O. Richardson, who was Admiral Kimmel's predecessor as Commander-in-Chief, U.S. Pacific Fleet wrote:

"In the impression that the Roberts Commission created in the minds of the American people, and in the way it was drawn up for that specific purpose, I believe that the report of the Roberts Commission was the most unfair, unjust, and deceptively dishonest document ever printed by the Government Printing Office."

After the end of World War II, this scapegoating was given a painfully enduring veneer when Admiral Kimmel and General Short were not advanced on the retired lists to their highest ranks of war-time command—an honor that was given to every other senior commander who served in war-time positions above his regular grade.

Admiral Kimmel, a two star admiral, served in four star command. General Short, a two star general, served in a three star command. Let me repeat, advancement on the on retired lists was granted to every other flag rank officer who served in World War II in a post above their grade.

That decision against Kimmel and Short was made despite the fact that war-time investigations had exonerated these commanders of the dereliction of duty charge and criticized their higher commands for significant failings that contributed to the success of the attack on Pearl Harbor. More than six studies and investigations conducted after the war, including one Department of Defense report completed in 1995 at Senator THURMOND's request, reconfirmed these findings.

Our amendment is a rewrite of Senate Joint Resolution 19, the Kimmel-Short Resolution, that I, Senator BIDEN, Senator THURMOND, Senator HELMS, Senator STEVENS, Senator COCHRAN, Senator KENNEDY, Senator DOMENICI, Senator SPECTER, Senator ENZI, Senator MURKOWSKI, Senator ABRAHAM, Senator CRAIG, Senator DURBIN, Senator JOHN KERRY, Senator KYL, Senator HOLLINGS, Senator BOB SMITH, Senator COLLINS, Senator LANDRIEU, Senator VOINOVICH, Senator DEWINE, and Senator FEINSTEIN—a total of 23 co-sponsors—introduced last April. It is the same amendment this body adopted by a rollcall vote last May. It is the same amendment accepted by the House Armed Services Committee as part of their version of the Department of Defense authorization bill.

The amendment calls upon the President of the United States to advance posthumously on the retirement lists Admiral Kimmel and General Short to the grades of their highest war-time commands. Its passage would communicate the Senate's recognition of the injustice done to them and call upon the President to take corrective action.

Such a statement by the Senate would do much to remove the stigma of blame that so unfairly burdens the reputations of these two officers. It is a correction consistent with our military's tradition of honor.

Mr. President, the investigations providing clear evidence that Admiral Kimmel and General Short were unfairly singled out for blame include a 1944 Navy Court of Inquiry, the 1944 Army Pearl Harbor Board of Investigation, a 1946 Joint Congressional Committee, and a 1991 Army Board for the Correction of Military Records.

The findings of these official reports can be summarized as four principal points.

First, there is ample evidence that the Hawaiian commanders were not provided vital intelligence that they needed, and that was available in Washington prior to the attack on Pearl Harbor.

Second, the disposition of forces in Hawaii were proper and consistent with the information made available to Admiral Kimmel and General Short.

In my review of this fundamental point, I was most struck by the honor and integrity demonstrated by General George Marshall who was Army Chief of Staff at the time of the December 7, 1941 attack on Pearl Harbor.

On November 27 of that year, General Short interpreted a vaguely written war warning message sent from the high command in Washington as suggesting the need to defend against sabotage. Consequently, he concentrated his aircraft away from perimeter roads to protect them, thus inadvertently increasing their vulnerability to air attack. When he reported his preparations to the General Staff in Washington, the General Staff took no steps to clarify the reality of the situation.

In 1946 before a Joint Congressional Committee on the Pearl Harbor disaster General Marshall testified that he was responsible for ensuring the proper disposition of General Short's forces. He acknowledged that he must have received General Short's report, which would have been his opportunity to issue a corrective message, and that he failed to do so.

Mr. President, General Marshall's integrity and sense of responsibility is a model for all of us. I only wish it had been able to have greater influence over the case of Admiral Kimmel and General Short.

A third theme of these investigations concerned the failure of the Department of War and the Department of the Navy to properly manage the flow of intelligence. The 1995 Department of Defense report stated that the handling of intelligence in Washington during the time leading up to the attack on Pearl Harbor was characterized by, among other faults, ineptitude, limited coordination, ambiguous language, and lack of clarification and follow-up.

The fourth and most important theme that permeates the aforementioned reports is that blame for the disaster at Pearl Harbor cannot be placed only upon the Hawaiian commanders. They all underscored significant failures and shortcomings of the senior authorities in Washington that contributed significantly—if not predominantly—to the success of the surprise attack on Pearl Harbor.

The 1995 Department of Defense report put it best, stating that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short; it should be broadly shared."

This is an important quote. It shows that the Department of Defense recognizes that these two commanders should not be singled out for blame. Yet, still today on this issue, our government's words do not match its actions. Kimmel and Short remain the only two officials who have been forced to pay a price for the disaster at Pearl harbor.

Let me add one poignant fact about the two wartime investigations. Their conclusions—that Kimmel's and Short's forces had been properly disposed according to the information available to them and that their superiors had failed to share important intelligence—were kept secret on the grounds that making them public would have been detrimental to the war effort.

Be that as it may, there is no longer any reason to perpetuate the cruel myth that Kimmel and Short were singularly responsible for the disaster at Pearl Harbor. Admiral Spruance, one of our great naval commanders of World War II, shares this view. He put it this way:

"I have always felt that Kimmel and Short were held responsible for Pearl Harbor in order that the American people might have no reason to lose confidence in their government in Washington. This was probably justifiable under the circumstances at that time, but it does not justify forever damning those two fine officers."

Mr. President, this is a matter of justice and fairness that goes to the core of our military tradition and our nation's sense of military honor. That, above, all should relieve us of any inhibition to doing what is right and just.

Mr. President, this sense of the Senate has been endorsed by countless military officers, including those who have served at the highest levels of command. These include former Chairmen of the Joint Chiefs of Staff Admiral Thomas H. Moorer and Admiral William J. Crowe, and former Chiefs of Naval Operations Admiral J.L. Holloway III, Admiral Elmo R. Zumwalt and Admiral Carlisle A.H. Trost.

Moreover a number of public organizations have called for posthumous advancement of Kimmel and Short. The VFW passed a resolution calling for the advancement of Admiral Kimmel and General Short.

Let me add that Senator Robert Dole, one of our most distinguished colleagues and a veteran who served heroically in World War II, has also endorsed this sense of the Senate resolution.

Yesterday, June 6, is a day that shall forever be remembered as a date of great sacrifice and great accomplishment for the men who took part of Operation Overload. D-Day marked the turning of the tide in the allied war effort in Europe, and led to our victory in the Second World War.

December 7, 1941, is also a date that will forever be remembered. That day will continue to be "a date which will live in infamy." It will serve as a constant reminder that the United States must remain vigilant to outside threats and to always be prepared.

However, this amendment is about justice, equity, and honor. Its purpose is to redress an historic wrong, to ensure that Admiral Kimmel and General Short are treated with the dignity and honor they deserve, and to ensure that justice and fairness fully permeate the memory and the important lessons learned from the catastrophe at Pearl Harbor.

As we commemorate another anniversary of the success of D-Day, it is a most appropriate time to redress this injustice. After 50 years, this correction is long overdue. I urge my colleagues to support this amendment.

Mr. BIDEN. Mr. President, I and my colleagues—Senators ROTH, KENNEDY, and THURMOND—are reintroducing an amendment that the Senate passed last year to provide long overdue justice for the two fine military officers, Admiral Husband Kimmel and General Walter Short.

Last year the Senate voted to include this amendment in the Defense authorization bill, but because the House had not considered such a provision, it was not included in the final conference report.

This year, having had time to consider the facts, the House Armed Services Committee included the exact same language that the Senate passed last year in their fiscal year 2001 Defense authorization bill, which passed the full House on May 18.

I also want to remind my colleagues that this resolution has the support of various veterans groups, including the Veterans of Foreign Wars (VFW) and the Pearl Harbor Survivors Association. It is also a move supported by former Chiefs of Naval Operations, including Admirals Thomas H. Moorer, Carlisle Trost, J.L. Holloway III, William J. Crowe, and Elmo Zumwalt.

As most of you know, Admiral Kimmel and General Short commanded U.S. forces in the Pacific at the time of the 1941 attack on Pearl Harbor. Afterwards, they were blamed as completely responsible for the success of that attack.

I will not go through an exhaustive review of this case. I think the amendment itself provides the facts and the record from last year's debate was also quite thorough. Instead, I want to review the reasons I think this is the right action to take.

For me, this issue comes down to basic fairness and justice. It was entirely appropriate for President Roosevelt to decide to relieve these officers of their command immediately following the attack. Not only was it his prerogative as Commander in Chief, he also needed to make sure the nation had confidence in its military as it headed into war. So, I can understand the need, at that time, to make them the scapegoats for the devastating defeat. What I do not accept is that the decisions of this government in those extreme times have been left to stand for the past 59 years.

To be more specific, it was a conscious decision by the government to actively release a finding of "dereliction of duty" a mere month after Pearl Harbor. Not one of the many subsequent and substantially more thorough investigations to follow agreed with that finding. Even worse, the findings of the official reviews done by the military in the Army and Navy Inquiry Boards of 1944—saying that Kimmel and Short's forces were properly disposed—were classified and kept from the public.

Think about it. We are a nation proud to have a civilian led military. The concept of civilian rule is basic to our notion of democracy. This means that the civilian leadership also has responsibilities to the members of its military. The families of Admiral Kimmel and General Short were vilified. They received death threats. Yet, Admiral Kimmel and General Short were denied their requests for a court martial. They were not allowed to properly defend themselves and their honor.

Whatever the exigencies of wartime, it is unconscionable that government actions which vilified these men and their families should continue to stand 59 years later. It is appropriate that government action be taken to rectify this. There are very few official acts we can take to rectify this. The one suggested by this amendment is to advance these officers on the retirement list. They were the only two officers eligible for such advancement after Congress passed the 1947 Officer Personnel Act, denied that advancement.

I also want to point out that I do not believe this is rewriting history or shifting blame, instead, it is acknowledging the truth. The 1995 report by then Undersecretary Edward Dorn said, "Responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared." To say that and then take no action to identify others responsible or to rectify the absolute scapegoating of these two officers is to say that military officers can be hung out to dry and cannot expect fairness from their civilian government.

Again, with civilian leadership, comes responsibility. This advancement on the retirement ranks involves no compensation. Instead, it upholds the military tradition that responsible officers take the blame for their failures, not for the failures of others. The unfortunate reality is that Admiral Kimmel and General Short were blamed entirely and forced into early retirement. As Members of Congress we face no statute of limitations on treating honorable people with frankness and finding out the truth so that we can learn from our mistakes.

By not taking any action to identify those who Undersecretary Dorn says share the blame, we have denied our military the opportunity to learn from the multiple failures that gave Japan the opportunity to so devastate our fleet.

This is not to say that the sponsors of this amendment want to place blame in a new quarter. This is not a witchhunt aimed at those superior officers who were advanced in rank and continued to serve, despite being implicated in the losses at Pearl Harbor. Instead, it validates that the historic record, as it is becoming clearer and clearer, is correct to say that blame should be shared. This amendment validates the instincts of those historians who have sought the full story and not the simply black-and-white version needed by a grieving nation immediately following the attack.

So, I urge my colleagues to support this amendment again this year. Quite simply, in the name of truth, justice, and fairness, after 59 years the government that denied Admiral Kimmel and General Short a fair hearing and suppressed findings favorable to their case while releasing hostile information owes them this official action.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3233) was agreed to.

Mr. WARNER. Mr. President, Senator ROTH has worked tirelessly on the issue of revisiting that chapter of our history, the attack on Pearl Harbor. Those listening to this debate will recall that Admiral Kimmel was the Navy commander and General Short was the Army commander.

There has been a great deal of controversy throughout history as to their role and the degree of culpability they had for the actions that befell our Armed Forces on that day. This is an action of some import being taken by the Senate. I remember a debate on the floor one night in the context of last year's authorization bill when Senator ROTH sat right here in this chair for hour upon hour when we debated this issue.

Mr. LEVIN. Mr. President, I tip my hat in tribute to Senators KENNEDY and BIDEN, Senator ROTH and Senator THURMOND, and others, who have brought this to our attention repeatedly over the years. Hopefully, this matter can now be resolved in the appropriate way. Senator KENNEDY and his colleagues have been absolutely tenacious in this matter. Hopefully, it will result in a good ending.

Mr. REID. Mr. President, 3 or 4 days ago, I received a letter from the grandson of Admiral Kimmel. It was a very moving letter. I wasn't personally familiar with this issue.

I ask unanimous consent that the letter written to me by the admiral's grandson be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 24, 2000.

Hon. HARRY REID,
McLean, VA.

DEAR SENATOR REID: There is a matter of great interest to me that I would like to bring to your attention as a member of the Senate. I'm particularly interested in your opinion because I know you as a man of great integrity.

Last year, May 25th, the Senate voted (52 yeas, 47 nays, 1 not voting) in favor of Amendment No. 388 to the Senate Defense Authorization Act of FY 2000 recommending to the President that he restore the rank of Admiral for my grandfather, Rear Admiral Husband E. Kimmel. Amendment No. 388 was subsequently deleted from the Joint Defense Authorization Act for FY 2000.

On May 18, 2000 the House voted (353 yeas, 63 nays) in favor of the House Defense Authorization Act for FY 2001, which contains the same rank-restoration language for my grandfather that the Senate voted for last year.

It appears that the Senate will soon be asked to again vote on the rank-restoration matter for my grandfather. Since I have never talked to you about this subject, I do not know why you voted against the Amendment last year. I would very much appreciate the opportunity to discuss this issue with you. My interest in this matter goes beyond the familial. I spent ten years in the navy, twenty-five years in the FBI, and a lifetime of study, which I believe gives me unique perspective and insight into this seminal event.

I have enclosed a copy of Admiral Kimmel's Facts About Pearl Harbor, and thank you for your attention to this matter.

Respectfully,

THOMAS K. KIMMEL, Jr.

Enclosure (1).

FACTS ABOUT PEARL HARBOR

(By Husband E. Kimmel)

GROTON, CONNECTICUT,
June 3, 1958.

Hon. CLARENCE CANNON,
Congressman from Missouri, House Office Building, Washington, DC.

SIR: Your remarks on the floor of the House of Representatives on May 6, 1958 were recently called to my attention. They included the following passages which I quote from the Congressional Record of May 6, 1958.—

"A subcommittee of the Committee on Appropriations held hearings in which it was testified that at the time of the attack the Naval Commander, Admiral Kimmel and the Army Commander General Short were not even on speaking terms. And the exhaustive investigations by the commission appointed by the President and by the Joint Committee of the House and Senate showed that although both had been repeatedly alerted "over a period of weeks prior to the attack" they did not confer on the matter at any time.

"At one of the most critical periods in the defense of the nation, there was not the slightest cooperation between the Army and the Navy.

"Had they merely checked and compared the official message; received by each, they could not have failed to have taken the precautions which would have rendered the attack futile and in all likelihood have prevented the Second World War and the situation in which we find ourselves today. . . .

"It was not the Japanese superiority winning the victory. It was our own lack of cooperation between Army and Navy throwing victory away. . . .

"When the Jap naval code was broken and when for some time we were reading all official messages from Tokyo to the Japanese fleet, much of this information came to Admiral Kimmel at his Hawaiian headquarters.". . .

From your remarks I have learned for the first time the origin of the lie that General Short and I were not on speaking terms at the time of the attack. I would like very much to know the identity of the individual who gave this testimony before a subcommittee of the Appropriations Committee.

In regard to the alleged lack of cooperation between General Short and me your statement is completely in error. We did consult together frequently. As a man in your position should know before making the charges you have made, the Naval Court of Inquiry which was composed of Admiral Orin G. Murfin, Admiral Edward C. Kalbfus and Vice Admiral Adolphus Andrews, all of whom had held high commands afloat, made an exhaustive investigation and reached the following conclusion:—

"Finding of Fact Number V.

"Admiral Kimmel and Lieutenant General Short were personal friends. They met frequently, both socially and officially. Their relations were cordial and cooperative in every respect and, in general, this is true as regards their subordinates. They frequently conferred with each other on official matters of common interest, but invariably did so when messages were received by either which had any bearing on the development of the United States-Japanese situation or on their general plans in preparing for war. Each was mindful of his own responsibility and the responsibilities vested in the other. Each was informed of measures being undertaken by the other to a degree sufficient for all practical purposes."

Your statement that the actions of the 1941 Hawaiian Commanders might have prevented the Second World War and the situation in which we find ourselves today is utterly fantastic. The Hawaiian Commanders had no part in the exchange of notes between the two governments and were never informed of the terms of the so called ultimatum of November 26, 1941 to Japan, nor were they notified that the feeling of informed sources in Washington was that the Japanese reply to this ultimatum would trigger the attack on the United States. To blame the Hawaiian Commanders of 1941 for the situation in which we find ourselves today is something out of Alice in Wonderland.

With regard to the Japanese messages intercepted and decoded, exhaustive testimony before the Naval Court of Inquiry and the Joint Congressional Committee of Investigation shows that none of these decoded messages received after July 1941 were supplied to me and none were supplied to General Short.

My book, "Admiral Kimmel's Story", contains a collection of documented facts which support this statement and give the text of important decoded intercepts which were withheld from me and from General Short. These decoded intercepts were in such detail that they made the Japanese intentions clear. Had they been supplied to the Hawaiian Commanders the result of the attack would have been far different if indeed the attack would ever have been made.

I know of no other occasion in our military history where vital information was denied the commanders in the field.

To make unfounded charges against me and General Short to support your argument is grossly unfair and a misrepresentation of facts. The success of the attack on Pearl Harbor was not the result of inter-service rivalries at Pearl Harbor. This success was caused by the deliberate failure of Washington to give the Commanders in Hawaii the information available in Washington to which they were entitled. This information which was denied to the Hawaiian Commanders was supplied to the American Commanders in the Philippines and to the British.

I request you insert this letter in the Congressional Record.

Yours very truly,

HUSBAND E. KIMMEL.

GROTON, CONNECTICUT,
July 7, 1958.

Hon. CLARENCE CANNON,
House of Representatives, Committee on Appropriations, Eighty Fifth Congress, Washington, DC.

SIR: You have failed up to the present time to provide me with the name of the individual whom you quoted in your remarks appearing in the Congressional Record of May 6, 1958 as authority for your statement that General Short and I were not on speaking terms when the Japanese attacked Pearl Harbor. I know that to be wholly false and believe I am entitled to the name of the person so testifying. Whether or not he testified under oath and his qualifications. Moreover I would appreciate a definite reference to the hearing of the Sub-Committee of the appropriations Committee if printed and if not a transcript of that part of the record to which you refer.

The receipt of your remarks in the Congressional Record of 18 June is acknowledged. It was forwarded without accompanying letter in a franked envelope bearing your name and I presume sent by your direction.

Your remarks are a continuation of the frantic efforts of the Roosevelt Administration to divert attention from the failures in Washington and to place the blame for the catastrophe on the Commanders at Pearl Harbor. Your account of the testimony that General Short and I were not on speaking terms given to your committee shortly after Pearl Harbor was effectively publicized though sixteen years later I am still denied the name of the individual who perpetrated this lie.

For four years, from 1941 to 1945, the administration supporters and gossip peddlers had a field day making statements which the wall of government war time secrecy prevented me from answering.

One of the most persistent and widespread was to the effect that General Short and I were not on speaking terms at the time of the attack. Another was that the uniformed services in Hawaii were all drunk when the attack came. This is the reason the Naval Court of Inquiry investigated these charges thoroughly and set forth their falsity in unmistakable language.

You still seek to sustain these charges by the simple expedient of attacking the integrity of the investigators and witnesses who reached conclusions or gave testimony which does not suit you.

You have slandered the honorable, capable, and devoted officers who served as members of the Army Board of Investigation and the Navy Court of Inquiry. You have also slandered the personnel of the Army and Navy stationed in Hawaii in 1941, many of whom gave their lives in defense of this country.

It is astounding to me that you should charge General Short and me of falsely testifying as to our personal and official cooperation even when as you phrase it "all but life itself depended on their convincing the world that they had been friends when they should have been friends."

The testimony on this matter given before the Naval Court of Inquiry was given under oath and was true to my personal knowledge and is substantiated by much other testimony.

You, yourself, refer to the statements in the Roberts Report to the effect that General Short and I conferred on November 27 and December 1, 2 and 3. You further state from the Roberts Report—"They did not then or subsequently hold any conferences specially directed to the meaning and significance of the warning messages received by both." (General Short—Admiral Kimmel).

How ridiculous it is to assume that the Commander in Chief of the Pacific Fleet is unable to understand a message sent by the Navy Department without conferring with the Commanding General of the Hawaiian Department to determine what the Navy Department meant by the messages that were sent to him and conversely that the Commanding General Hawaiian Department had to confer with the Commander in Chief Pacific Fleet in order for him to know what the messages sent to him by the War Department meant. If the messages were so worded the fault lay neither with me or General Short.

You imply that my request to revise the transcript of my testimony before the Roberts Commission is censurable and completely ignore the published statement of Admiral William H. Standley, USN, retired, a former Chief of Naval Operations and a member of the Roberts Commission. He wrote regarding Admiral Kimmel—"He was permitted no counsel and had no right to ask questions or to cross examine witnesses as he would have had if he had been made a defendant. Thus both Short and Kimmel were denied all of the usual rights accorded to American citizens appearing before judicial proceedings as interested parties." Even communists plotting the overthrow of our country are accorded far more legal safeguards than were granted to me and General Short. Admiral Standley also wrote, "In spite of the known inefficiency of the Commission's reporters, when Admiral Kimmel asked permission to correct his testimony in which he had found so many errors that it took him two days to go over it, the Commission voted to keep the record as originally made although the answers recorded to many questions were obviously incorrect and many of them absurd. At my urgent insistences, the Commission did finally authorize Admiral Kimmel's corrected testimony to be attached to the record as an addendum."

Your remarks with regard to the conduct of both officers and men on the evening preceding the Pearl Harbor attack is an insult to the gallant men who died in the treacherous Japanese attack and to all the members of both Army and Navy stationed on the Island of Oahu. Infrequently there might be an individual who overindulged in intoxicants but these were promptly apprehended by the shore patrol or military police and returned to their ship or station. The evidence as to the sobriety of officers and men was clear in the documentary evidence available to the investigation boards and yet in spite of their findings you state, "But the very fact that it was considered necessary to emphasize this testimony naturally gives rise to some doubt." You apparently are quite willing to doubt the testimony given and believe the worst of the fine young men in the armed forces that were stationed in Hawaii.

I was not permitted to know what testimony was presented to the Roberts Commission and was never given an opportunity to clarify or refute any statement made before it.

I was not made a defendant before the Hawaii one-man investigation, was not called to testify, and was not permitted to have any knowledge of the proceedings. I requested authority to attend this investigation and was advised that time did not permit. When I repeated my request the Secretary of the Navy did not even reply. Perhaps the reason may be found in the testimony of Captain Safford who narrated before the Joint Congressional Committee the pressure to which he was subjected by the Committee Counsel to make him change his testimony. All did not have the strength of character of Captain Safford and some modified their preceding sworn statements.

Although I requested the Joint Congressional Committee to call certain witnesses many of them were not called to testify. Among these was Fleet Admiral F. Halsey, my senior Fleet Air Officer at the time of the attack.

The Navy court of Inquiry was the only investigation of Peal Harbor before which I was permitted to cross examine and call witnesses. You are substantially correct in your statement that this inquiry "found Admiral Kimmel as pure as the driven snow." In more moderate language expressed by Admiral Murfin, the President of the Court, years later, "We found Admiral Kimmel had done everything possible under the circumstances."

On Advice of Counsel I declined to take part in the Hart Investigation because the stipulations demanded of me would have placed my fate completely in the hands of the Secretary of the Navy. This I did regretfully because it was through my efforts that this investigation was initiated. The proceedings of the Hart Investigation were a valuable contribution.

Why were the Secretary of the Navy and the Secretary of War so anxious to have the damaging testimony in both the Naval Court of Inquiry and the Army Inquiry changed? The answer is very simple, both inquiries had found that the responsibility for the Pearl Harbor disaster rested in large part at the Headquarters of our government in Washington. Admiral Standley whom I have referred to above wrote:

"From the beginning of our investigation I held a firm belief that the real responsibility for the disaster at Pearl Harbor was lodged many thousands of miles from the Territory of Hawaii."

Even the Hewitt Investigation found—

"During his incumbency as Commander in Chief Pacific Fleet, Admiral Kimmel was indefatigable, resourceful and energetic in his efforts to prepare the Fleet for war."

You refer to the information that had been forwarded to me and to General Short and specifically to a message based upon information from our Ambassador in Tokyo, Mr. Grew, dated 27 January 1941 to the effect that the Peruvian Ambassador in Tokyo had heard rumors that in the event of trouble breaking out between the United States and Japan, the Japanese intended to make a surprise attack against Pearl Harbor but you make no mention of the letter of the Chief of Naval Operations which forwarded this information to me on 1 February 1941 to the effect that, "The Division of Naval Intelligence places no credence in these rumors. Furthermore based upon known data regarding the present disposition and employment of Japanese Naval and Army forces no move against Pearl Harbor appears imminent or planned for the foreseeable future."

This estimate was never changed.

When you refer to—"A position so admirable defended as Pearl Harbor with every facility, submarine nets, radar, sonar, planes and ships of the line" you create a very false impression. Admiral Richardson was relieved because he so strongly held that the Fleet should not be based in the Hawaiian area.

The Army anti-aircraft batteries were woefully lacking but the War Department was unable to supply more.

Of 180 long range bombing planes authorized by the War Department early in 1941 only 12 had arrived and of these six were out of commission as they had been stripped of vital parts to enable other planes of similar type to continue their flight to their destination in the Philippines.

Of 100 Navy patrol planes authorized for the 14th Naval District at Pearl Harbor not one had arrived prior to December 7, 1941.

With regard to the radar installations, these had just been installed and their personnel were under training. The installation of these stations had been delayed due to the inability of the Army and the Interior Department to agree upon the location of these stations.

With reference to personnel for the ships there were serious shortages of both officers and enlisted personnel and men were constantly being detached to provide crews for ships being newly commissioned.

No one has ever explained why the weaknesses so clearly described in the Secretary of the Navy's letter of 24 January, 1941 were permitted to continue during all the months at this outlying station whose security was vital to the safety of the fleet and of the United States.

Facilities to fuel the fleet were inadequate and a severe handicap to all fleet operations.

The only planes in Hawaii suitable for long distance scouting were the patrol planes assigned to the fleet and they were totally inadequate to cover the approaches to Hawaii. The only planes suitable for long range bombing were the six B–17 Army planes and those attached to the two carriers.

At the time of the attack the two carriers were on missions initiated by the Navy Department.

These and other deficiencies had been repeatedly reported by General Short and me as well as by our predecessors.

The messages of October 16, November 24 and November 27, 1941 from the Navy Department to the Commander of the Pacific Fleet and the messages of November 27 and November 29, 1941 to General Short from the War Department stressed sabotage and that an attack if made would be directed against ports in South East Asia or the Philippines. With the benefit of the intercepted Japanese messages, how they arrived at this conclusion will always be a mystery to me.

To add to our difficulties the messages also directed that, "If hostilities cannot, repeat cannot be avoided, the United States desires that Japan commit the first overt act. . . ."

The message of November 27, 1941 from the War Department to General Short specifically directed him to, "Report measures taken". On the same date General Short replied, "Department alerted to prevent sabotage. Liaison with Navy."

Recorded testimony shows this report was read by the Secretary of War, the Chief of Staff of the Army, the Chief of War Plans Army, and the Chief of War Plans Navy. There can be no reasonable doubt that this report was read and understood by these responsible officials in Washington. For nine days and until the Japanese attack the War Department did not express any disapproval of this alert and did not give General Short any information calculated to make him change the alert.

What was most needed at Pearl Harbor at this time was the information in Washington from the Japanese intercepts that indicated clearly an attack on Pearl Harbor.

The Navy Department sent me various messages quoting from intercepted Japanese dispatches. I believed I was getting all such messages and acted accordingly. After the attack I found that many vitally important messages were withheld from the Hawaiian Commanders.

I was never informed that Japanese intercepted messages had divided Pearl Harbor into five areas and sought minute information of the berthing of ships in those areas.

A Japanese dispatch decoded and translated on October 9, 1941 stated,

"With regard to warships and aircraft carriers, we would like to have you report on those at anchor, (those are not so important) tied up at wharves, buoys, and in docks. (Designate types and classes briefly. If possible we would like to have you make mention of the fact when there are two or more vessels alongside the same wharf)".

On October 10, 1941, another dispatch was decoded and translated in Washington which described an elaborate and detailed system of symbols to be used thereafter in designating the location of vessels in Pearl Harbor.

A dispatch of November 15 decoded and translated in Washington on December 3, 1941 stated,

"As relations between Japan and the United States are most critical, make your "ships in harbor report" irregular but at the rate of twice a week. Although you already are no doubt aware, please take extra care to maintain secrecy."

A dispatch of November 18 decoded and translated in Washington on December 5, 1941 stated,

"Please report on the following areas as to vessels anchored therein: Area N. Pearl Harbor, Mamala Bay (Honolulu), and the Areas adjacent thereto. (Make your investigation with great secrecy)".

A dispatch of November decoded and translated in Washington on December 6, 1941, stated the Japanese Consul General in Honolulu had reported that in area A there was a battleship of the Oklahoma Class; that in Area O there were three heavy cruisers at anchor, as well as carrier "Enterprise" or some other vessel; that two heavy cruisers of the Chicago Class were tied up at docks "KS". The course taken by destroyers entering the harbor, their speed and distances apart were also described.

On December 4 a dispatch was decoded and translated in Washington which gave instructions to the Japanese Consul in Honolulu to investigate bases in the neighborhood of the Hawaiian military reservation.

On December 5, 1941 a dispatch was decoded and translated in Washington which stated.

"We have been receiving reports from you on ship movements, but in future you will also report even when there are no movements".

In no other area was the Japanese Government seeking the detailed information that they sought about Pearl Harbor.

In the period immediately preceding the attack reports were demanded even when there were no ship movements. This detailed information obtained with such pains-taking care had no conceivable usefulness from a military viewpoint except for an attack on Pearl Harbor.

No one had a more direct and immediate interest in the security of the fleet in Pearl Harbor than its Commander-in-Chief. No one had a greater right than I to know that Japan had carved up Pearl Harbor into sub areas and was seeking and receiving reports as to the precise berthings in that harbor of the ships of the fleet. I had been sent Mr. Grew's report earlier in the year with positive advice from the Navy Department that no credence was to be placed in the rumored Japanese plans for an attack on Pearl Harbor. I was told then, that no Japanese move against Pearl Harbor appeared, "imminent or planned for the forseeable future". Certainly I was entitled to know what information in the Navy Department completely altered the information and advice previously given to me. Surely I was entitled to know of the intercepted dispatches between Tokyo and Honolulu on and after September 24, 1941, which indicated that a Japanese move against Pearl Harbor was planned in Tokyo.

Yet not one of these dispatches about the location of ships in Pearl Harbor was supplied to me.

Knowledge of these foregoing dispatches would have radically changed the estimate of the situation made by me and my staff.

General Willoughby in his book MacArthur 1941–1945 quotes a staff report from MacArthur's Headquarters.

"It was known that the Japanese consul in Honolulu cabled Tokyo reports on general ship movements. In October his instructions were "sharpened". Tokyo called for specific instead of general reports. In November, the daily reports were on a grid-system of the inner harbor with coordinate locations of American men of war: this was no longer a case of diplomatic curiosity; coordinate grid is the classical method for pin-point target designation; our battleships had suddenly become targets."

"Spencer Akin was uneasy from the start. We drew our own conclusions and the Filipino-American troops took up beach positions long before the Japanese landings."

If MacArthur's Headquarters which had no responsibility for Pearl Harbor were impressed by this information it is impossible to understand how its significance escaped all the talent in the War and Navy Department in Washington.

The dispatches about the berthing of ships in Pearl Harbor also clarified the significance of other Japanese dispatches decoded and translated in the Navy Department prior to the attack.

The deadline date was first established by a dispatch decoded and translated on November 5, 1941 the date of its origin.

"Because of various circumstances, it is absolutely necessary that all arrangements for the signing of this agreement be completed by the 25th of this month. I realize that this is a difficult order, but under the circumstances it is an unavoidable one. Please understand this thoroughly and tackle the problem of saving the Japanese-United States relations from falling into a chaotic condition. Do so with great determination and with unstinted effort, I beg of you.

"This information is to be kept strictly to yourself alone".

The deadline was reiterated in a dispatch decoded and translated in the Navy Department on November 12, 1941.

"Judging from the progress of the conversations, there seem to be indications that the United States is still not fully aware of the exceedingly criticalness of the situation here. The fact remains that the date set forth in my message #736 is absolutely immovable under present conditions. It is a definite deadline and therefore it is essential that a settlement be reached by about that time. The session of Parliament opens on the 15th (work will start on (the following day?)) according to the schedule. The government must have a clear picture of things to come in presenting its case at the session. You can see, therefore, that the situation is nearing a climax, and that time is indeed becoming short . . ."

"Whatever the case may be, the fact remains that the date set forth in my message #736 is an absolutely immovable one. Please, therefore, make the United States see the light, so as to make possible the signing of the agreement by that date".

The deadline was again repeated in a dispatch decoded in Washington on November 17.

"For your Honor's own information.

1. I have read your #1090 and you may be sure that you have all my gratitude for the efforts you have put forth, but the fate of our Empire hangs by the slender thread of a few days, so please fight harder than you ever did before".

"2. In you opinion we ought to wait and see what turn the war takes and remain patient. However, I am awfully sorry to say that the situation renders this out of the question. I set the deadline for the solution of these negotiations in my #736 and there will be no change. Please try to understand that. You see how short the time is; therefore, do not allow the United States to sidetrack us and delay the negotiations any further. Press them for a solution on the basis of our proposals and do your best to bring about an immediate solution".

The deadline was finally extended on November 22 for four days in a dispatch decoded and translated on November 22, 1941.

"It was awfully hard for us to consider changing the date we set in my #736. You should know this, however, I know you are working hard. Stick to our fixed policy and do your very best. Spare no efforts and try to bring about the solution we desire. There are reasons beyond your ability to guess why we wanted to settle Japanese-American relations by the 25th, but if within the next three or four days you can finish your conversations with the Americans; if the signing can be completed by the 29th, (let me write it out for you—twenty-ninth); if the pertinent notes can be exchanged; if we can get an understanding with Great Britain and the Netherlands; and in short, if everything can be finished, we have decided to wait until that date. This time we mean it, that the deadline absolutely cannot be changed. After that things are automatically going to happen. Please take this into your careful consideration and work harder than you ever have before. This, for the present, is for the information of you two Ambassadors alone."

Again on November 24, 1941, Tokyo specifically instructed its ambassadors in Washington that the November 29 deadline was set in Tokyo time.

In at least six separate dispatches on November 5, 11, 15, 16, 22 and 24 Japan established and extended the deadline finally advanced to November 29.

After the deadline date a Japanese plan was automatically going into operation. It was of such importance that the Japanese Government declared: "The fate of our Empire hangs by the slender thread of a few days."

On December 1, 1941 Tokyo advised its ambassadors in Washington:

"The date set in my message #812 has come and gone and the situation continues to be increasingly critical."

A dispatch on November 28 decoded and translated on the same day, stated:

"Well, you two ambassadors have exerted superhuman efforts but, in spite of this, the United States has gone ahead and presented this humiliating proposal. This was quite unexpected and extremely regrettable. The Imperial Government can by no means use it as a basis for negotiations. Therefore, with a report of the views of the Imperial Government on this American proposal which I send you in two or three days, the negotiations will be de facto ruptured. This is inevitable."

Not one of the Japanese messages about the "Deadline" were supplied to me although the American Commanders in the Philippines were supplied with this information as they were also supplied with all the information in the decoded Japanese intercepts that were denied to the Hawaiian Commanders.

The Commanders at Pearl Harbor were not kept informed of the progress of negotiations with Japan. I was never supplied with the text of Mr. Hull's message of November 26, 1941 to the Japanese Government which has been referred to frequently as an ultimatum. Mr. Stimson characterized it as Mr. Hull's decision to "kick the whole thing over."

Among other terms this note provided:

"The Government of Japan will withdraw all military, naval, air and police forces from China and Indo China.

"The Government of the United States and the Government of Japan will not support—militarily, politically, economically—any government or regime in China other than the National Government of the Republic of China with Capital temporarily at Chunking.

"Both Governments will agree that no agreement which either has concluded with any third power or powers shall be interpreted by it in such a way as to conflict with the fundamental purpose of this agreement, the establishment and preservation of peace throughout the Pacific Area."

The reply to this note was delivered in Washington within hours of the Japanese attack.

My information on this and previous exchanges between the two governments was obtained from newspapers and radio. I believe Washington newspaper correspondents and the editors of our leading newspapers were kept better informed than were the Commanders at Pearl Harbor.

After receipt by Tokyo of the American note of November 26, the intercepted Japanese dispatches indicate that Japan attached great importance to the continuance of negotiations in order to conceal the plan that would take effect automatically on November 29, as evidenced by the Japanese dispatch of November 28:

". . . I do not wish you to give the impression that the negotiations are broken off. Merely say to them that you are awaiting instructions and that, although the opinions of your government are not yet clear to you, to your own way of thinking the Imperial Government has always made just claims and has borne great sacrifices for the sake of peace in the Pacific. . . ."

I never received this information.

Again the dispatches from Tokyo to Washington of December 1, 1941:

". . . to prevent the United States from becoming unduly suspicious we have been advising the press and others that though there are some wide differences between Japan and the United States, the negotiations are continuing. (The above is for only your information.)"

I never received this information.

Again in the transpacific telephone conversations and dispatches the same theme is stressed, be careful not to alarm the Government of the United States and do nothing to cause a breaking off of negotiations.

This information was decoded and translated in Washington on November 30 and was never sent to me.

The intercepted Japanese diplomatic dispatches show that on and after November 29 a Japanese plan of action automatically went into effect: that the plan was of such importance it involved the fate of the Empire: that Japan urgently wanted the United States to believe that negotiations were continuing after the deadline date to prevent suspicion as to the nature of the plan.

What was the plan? Why such elaborate instructions to stretch out negotiations as a pretext to hide the unfolding of this plan? Anyone reading the Japanese intercepted messages would face this question.

No effort was made to mask the movements or presence of Naval Forces moving southward, because physical and radio observation of that movement were unavoidable. The troop movements to southern Indo China were the subject of formal exchanges between the Governments of Japan and the United States as evidenced by the communication which Mr. Wells handed to Mr. Nomura on December 2, 1941.

Other dispatches were received in Washington which gave evidence of the deepening crisis.

On the afternoon of December 6, 1941 a Japanese intercept was decoded which warned that a fourteen part message from Japan was on its way to the Ambassadors in Washington. That the time for presenting this message to our State Department would be supplied later.

By 3:00 p.m. December 6, 1941 thirteen of the fourteen parts had been received. The decoding and translation was completed by 9:00 p.m. and distributed to the most important officers of the government by midnight. Nine p.m. in Washington was 3:30 in the afternoon in Hawaii. At midnight it was 6:30 p.m. in Hawaii.

When the thirteen parts were delivered to Mr. Roosevelt about 9:00 p.m., he remarked, "This means war".

The time of delivery message and the fourteenth part were decoded and translated by 9:00 a.m. December 7, 1941, the time for delivery was set at 1:00 p.m. Washington time which was 7:30 a.m. at Honolulu and 2:00 a.m. at Manila.

Yet not one word of the receipt of these messages which again clearly indicated an attack on Hawaii were ever given to General Short and me.

The story of the whereabouts of the Chief of Staff of the Army and the Chief of Naval Operations and their unaccountable lapse of memory has been publicized so much that it is unnecessary for me to repeat it.

I have written a documented account of Pearl Harbor. Other accounts which also tell the true story have been published by Charles A. Beard, Charles Callan Tansill, Frederic R. Sanborn, Harry Elmer Barnes, Admiral Robert A. Theobald, John T. Flynn, George Morgenstern, Walter Trohan, Percy L. Greaves, Jr. and many others.

I repeat to you once more Mr. Cannon, the success of the attack on Pearl Harbor was not the result of inter-service rivalries at Pearl Harbor. This success was caused by the deliberate failure of Washington to give the Commanders in Hawaii the information available in Washington to which they were entitled. This information which was denied to the Hawaiian Commanders was supplied to the American Commanders in the Philippines and to the British.

Finally, Mr. Congressman, the officers and men stationed in the Hawaiian Islands were fine, upstanding and well disciplined young Americans whom the American People should ever remember with gratitude and honor. In the attack launched by the Japanese they showed themselves fearless, resourceful and self-sacrificing and I shall always be proud of having commanded such men but I cannot forgive those responsible for the death of the more than 3000 soldiers, sailors and marines who died for their country on the 7th of December 1941 nor accept your insinuation that hangovers from intemperance ashore on the night of 6 December may have contributed to the delay in opening fire on the attacking Japanese planes. As a matter of fact many anti-aircraft guns on the ships were manned at the time of the attack and all anti-aircraft guns of the fleet were in action in less than ten minutes.

It is requested that you insert this letter in the Congressional Record.

Yours very truly,

HUSBAND E. KIMMEL.

GROTON, CONNECTICUT,
July 8, 1958.

Mr. J. EDGAR HOOVER,
Federal Bureau of Investigation,
Washington 25, DC.

MY DEAR MR. HOOVER: Thank you for your letter of 25 June, 1958, and your references to the Robert's Commission, The Army Pearl Harbor Report, the Naval Court of Inquiry and the Hewitt Inquiry. I am familiar with them, but all except the Roberts Commission Report were long after the hearings of a sub committee of the Appropriations Committee of the House of Representatives in 1942. Congressman Cannon advised me the information given to the Committee immediately after Pearl harbor was from the Federal Bureau of Investigation.

I judge from your letter there was no evidence in the Federal Bureau of Investigation in 1942 to the effect that General Short and I were not on speaking terms at the time of the Japanese attack on Pearl Harbor.

Is this correct?

If this is not correct will you kindly cite the evidence in order that I may learn the name of the individual who instigated this infamous lie.

Yours very truly,

HUSBAND E. KIMMEL.

JANUARY 28 1962.

Mr. Cannon refused to publish my letters in the Congressional Record, but some Congressmen friends of mine did so.

I never received a reply to my letter of 8 July, 1958 to Mr. J. Edgar Hoover and I have never been supplied with the name of the individual who is alleged to have testified that General Short and I were not on speaking terms.

HUSBAND E. KIMMEL.

Mr. REID. The letter was very moving, about what the whole family has gone through as a result of this incident. It affected the life of not only the admiral but his entire family. I also extend my appreciation to the Senators who have been so tenacious in allowing this matter to move forward.

Mr. WARNER. Mr. President, I ask unanimous consent that Senator MCCAIN be listed as a cosponsor on the amendment by the Senator from Georgia on the Montgomery GI bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, in the context of the Kimmel/Short matter, recently I have had an opportunity to be visited by the former Chief of Naval Operations, Adm. James Holloway, who would strongly endorse the action that is before the Senate with regard to these two officers.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator REID of Nevada be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3234

(Purpose: To require reports on the spare parts and repair parts program of the Air Force for the C–5 aircraft)

Mr. LEVIN. On behalf of Senators BIDEN and ROTH, I send an amendment to the desk that would require reports on the spare parts and repair parts program of the Air Force for the C–5 aircraft.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BIDEN, for himself and Mr. ROTH, proposes an amendment numbered 3234.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON SPARE PARTS AND REPAIR PARTS PROGRAM OF THE AIR FORCE FOR THE C–5 AIRCRAFT.

(a) FINDINGS.—Congress makes the following findings:

(1) There exists a significant shortfall in the Nation's current strategic airlift requirement, even though strategic airlift remains critical to the national security strategy of the United States.

(2) This shortfall results from the slow phase-out C–141 aircraft and their replacement with C–17 aircraft and from lower than optimal reliability rates for the C–5 aircraft.

(3) One of the primary causes of these reliability rates for C–5 aircraft, and especially for operational unit aircraft, is the shortage of spare repair parts. Over the past 5 years, this shortage has been particularly evident in the C–5 fleet.

(4) NMCS (Not Mission Capable for Supply) rates for C–5 aircraft have increased significantly in the period between 1997 and 1999. At Dover Air Force Base, Delaware, an average of 7 through 9 C–5 aircraft were not available during that period because of a lack of parts.

(5) Average rates of cannibalization of C–5 aircraft per 100 sorties of such aircraft have also increased during that period and are well above the Air Mobility Command standard. In any given month, this means devoting additional manhours to cannibalizations of C–5 aircraft. At Dover Air Force Base, an average of 800 to 1,000 additional manhours were required for cannibalizations of C–5 aircraft during that period. Cannibalizations are often required for aircraft that transit through a base such as Dover Air Force Base, as well as those that are based there.

(6) High cannibalization rates indicate a significant problem in delivering spare parts in a timely manner and systemic problems within the repair and maintenance process, and also demoralize overworked maintenance crews.

(7) The C–5 aircraft remains an absolutely critical asset in air mobility and airlifting heavy equipment and personnel to both military contingencies and humanitarian relief efforts around the world.

(8) Despite increased funding for spare and repair parts and other efforts by the Air Force to mitigate the parts shortage problem, Congress continues to receive reports of significant cannibalizations to airworthy C–5 aircraft and parts backlogs.

(b) REPORTS.—Not later than January 1, 2001, and September 30, 2001, the Secretary of the Air Force shall submit to the congressional defense committees a report on the overall status of the spare and repair parts program of the Air Force for the C–5 aircraft. The report shall include the following—

(1) a statement the funds currently allocated to parts for the C–5 aircraft and the adequacy of such funds to meet current and future parts and maintenance requirements for that aircraft;

(2) a description of current efforts to address shortfalls in parts for such aircraft, including an assessment of potential short-term and long-term effects of such efforts;

(3) an assessment of the effects of such shortfalls on readiness and reliability ratings for C–5 aircraft;

(4) a description of cannibalization rates for C–5 aircraft and the manhours devoted to cannibalizations of such aircraft; and

(5) an assessment of the effects of parts shortfalls and cannibalizations with respect to C–5 aircraft on readiness and retention.

Mr. BIDEN. Mr. President, I rise to offer an amendment that addresses a problem that I have seen directly impact the morale and readiness of units at the base I am most familiar with, Dover Air Force Base. First, I want to thank the committee for all of its hard work on this issue and for accepting this amendment. Despite the fact that we in Congress have increased the funding levels for spare parts for the past three years, the supply of spare and repair parts for the C–5's at Dover has been inadequate.

What does this mean? It means maintenance crews must work two-to-three times as hard because they have to cannibalize parts from other airplanes. It means planes that should be performing missions are being used for parts so that other planes may fly. It means that planes spend between 250 and 300 days on average in depots, waiting for regular maintenance, modernizations, and part replacements.

At Dover, from 1997 to 1999, an average of 7 to 9 C–5 aircraft were not available because of a lack of parts. This is out of a total fleet at Dover of only 36 aircraft! In addition, the average manhours required for cannibalizations during that period was between 800 and 1,000. Those are additional hours, above what is normally expected to replace a part.

Think of that in terms of a typical 40 hour work week—that's 20 to 25 additional weeks of work! Clearly, our maintenance teams cannot be expected to continue working like this. These are highly skilled professionals who are willing to sacrifice for this nation because they know how important the C–5's mission is to national security. It is absolutely wrong of this nation to continue to ask them to make those sacrifices year in and year out. We must get them the tools, and in this case, the parts, to do their jobs the right way.

In his testimony March 3, 2000 before the Readiness Subcommittee of the Armed Service Committee, Secretary of the Air Force F. Whitten Peters talked about the problem, pointing out that, "The C–5 related MICAP rate had increased over the last two quarters by 36 percent." Just to clarify, MICAP rate is defined by the Secretary "as the total hours a maintenance technician waits for all the parts that have been ordered to fix an aircraft."

In that same testimony, the Secretary also said, "The impact of these additional MICAP hours has been a decline in readiness."

The problem is not just a Dover problem. On March 7, 2000, Major General Larry D. Northington, the Deputy Assistant Secretary (Budget) for the Air Force testified on the problem of parts shortages throughout the Air Force to Readiness Subcommittee. He pointed out that we must look at all aspects of this problem. "We must, therefore, expect significant spares investments for along time to come. We also need to understand that mission capable rates are not a product of spares funding alone. It requires dollars, deliveries of the right parts, trained and experienced technicians, and, over time, a sustained effort to upgrade the fleet to achieve higher levels of reliability and maintainability."

In other words, this is not a problem that can be solved by increased funding alone. We must also look at the entire structure that is supposed to be delivering parts and making sure we have adequate numbers of experienced people to maintain aircraft. In addition, we have to look at long-term modernization.

I am very pleased that this committee has fully supported the three C–5 modernization programs that are critical to improving reliability and maintainability—High Pressure Turbine Replacement, Avionics Modernization Program, and Reliability Enhancement and Re-engining Program.

Already, the High Pressure Turbine replacements that have occurred has meant that engines stay on their wings at least double the time they had in the past before needing to be removed for maintenance. This is an easy mid-term fix that is already paying for itself. For the longer term, new engines are essential. The Committee authorized full funding for the necessary testing and design to put new engines on the C–5 and to replace antiquated parts that are particularly prone to breaking.

The C–5 engine was one of the first large jet engines ever made. Commercial planes are a good 5 generations of engines beyond the C–5. It is no wonder that there are no longer parts suppliers available. In fact, it can take up to two years to get parts because manufacturers no longer make those parts and so new versions must be created. Two years is not acceptable. With new engines, reliability will increase and operations and maintenance costs will go down. This not only means enhanced readiness, it also means that our military personnel doesn't have to work 20 to 25 extra weeks a year.

In addition, the committee fully supported the Avionics Modernization Program. This program will ensure that C-5's can fly in operationally more efficient airspace under the new Global Air Traffic Management System. In addition, this program improves the safety of aircrews by installing systems like Traffic Collision and Avoidance Systems (TCAS) and enhanced all weather navigation systems. Clearly, as the committee recognized, we cannot justify delaying these important upgrades to the entire C-5 fleet.

Until these modernization programs are completed though, the immediate problem is the day-to-day maintenance needs. Foremost among those needs is that parts be available to keep planes flying and that the cannibalization rates be reduced.

The current situation cannot continue. It daily hurts the morale of our personnel and lowers the readiness of our military force. The C-5 is the long-legged workhorse of our strategic airlift fleet. It carries more cargo and heavier cargo further than any other plane in our inventory. It is what gets our warfighters and their heavy equipment to the fight. It is also what gets humanitarian assistance to needy victims quickly enough to make a difference.

My amendment simply requires the Secretary of the Air Force provide two reports to Congress, one by January 31 and one by September 30 of next year on the exact situation of C-5 parts shortages, what is being done to fix this problem, what the impacts of the problem are for aircraft readiness and reliability ratings, and what the impacts of the problem are for personnel readiness and retention. It is my hope that such a thorough review will allow us to take the necessary steps to fix this problem once and for all. I know that the Air Force is concerned and taking steps to improve the parts shortage problem. I want to make sure that those efforts are comprehensive and that the hardworking men and women at Dover Air Force Base get some relief.

Mr. ROTH. Mr. President, I rise to discuss an amendment offered by my colleague from Delaware, Senator JOE BIDEN, and myself. This amendment deals with the vital importance of the C-5 Galaxy to our nation's strategic airlift capability. No other aircraft has the capabilities of this proven workhorse, and as we look to prepare our military for the future we must not overlook the need to ensure the Galaxy has the parts necessary to perform safely and effectively.

I would like to commend the chairman and the ranking member for accepting this very important amendment, which requires the Secretary of the Air Force to report on "the overall status of the spare and repair parts program of the Air Force for the C-5 aircraft."

The C-5 is the largest cargo transport plane in our Air Force. It is proven, and we depend on it to perform a vital role in our nation's Strategic Airlift. Currently, spare parts shortages have resulted in the grounding of nearly one quarter of the C-5 fleet. Needless to say, this is a serious problem.

The report required by this amendment will detail the funds currently allocated to parts for the C-5, the adequacy of those funds to meet future requirements for the C-5, the descriptions of current efforts to address short-term and long-term shortfalls in parts, an assessment of the effects of the shortfalls on C-5 readiness and reliability ratings, a description on cannibalization rates for the C-5 aircraft and man hours devoted to cannibalizations, and the effects of these shortfalls on readiness and retention.

I believe this report will shed light on a problem of which my colleague from Delaware and I are painfully aware. Dover Air Force Base, in my state of Delaware, is home to 36 C-5 Galaxies. At Dover, the spare parts shortage has truly hit home.

"Cann Birds", or C-5 Galaxies that have been cannibalized for their parts, is an unfortunate sight on the base. Men and women at Dover must spend long hours cannibalizing aircraft to find parts necessary for other C-5s. These long hours have led to increased frustration and lowered morale among some of the hardest working and most valuable people in our Air Force and civilian personnel. We are losing expertise in this area due to this decreased morale.

The lack of spare parts is not the only issue. Often, when the need for a part is recognized, there is a long lag-time between requests for parts and delivery. I hope that this amendment, by shining light on these problems and requiring the Air Force to examine the issues, will result in greater understanding of how to reach a solution.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3234) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, there are several colleagues desiring to be recognized for debate on this bill. Senator LEVIN and I will proceed to ask of the Chair that a group of amendments be adopted en bloc.

Mr. LEVIN. Mr. President, that is fine with this Senator.

AMENDMENTS NOS. 3235 THROUGH 3251, EN BLOC

Mr. WARNER. Mr. President, I send a series of amendments to the desk that have been cleared by the ranking member and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], proposes amendments numbered 3235 through 3251, en bloc.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc, the motions to reconsider be laid upon the table, and that any statements relating to these individual amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3235 through 3251) were agreed to en bloc, as follows.

AMENDMENT NO. 3235

(Purpose: To authorize a land conveyance, Fort Riley, Kansas)

On page 539, between lines 7 and 8, insert the following:

SEC. 2836. LAND CONVEYANCE, FORT RILEY, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Kansas, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 70 acres at Fort Riley Military Reservation, Fort Riley, Kansas. The preferred site is adjacent to the Fort Riley Military Reservation boundary, along the north side of Huebner Road across from the First Territorial Capitol of Kansas Historical Site Museum.

(b) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the following conditions:

(1) That the State of Kansas use the property conveyed solely for purposes of establishing and maintaining a State-operated veterans cemetery.

(2) That all costs associated with the conveyance, including the cost of relocating water and electric utilities should the Secretary determine that such relocations are necessary, be borne by the State of Kansas.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Director of the Kansas Commission on Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3236

(Purpose: To clarify the authority of the director of a laboratory to manage personnel under an existing authority to conduct a personnel demonstration project)

On page 436, between lines 2 and 3, insert the following:

SEC. 1114. CLARIFICATION OF PERSONNEL MANAGEMENT AUTHORITY OF UNDER A PERSONNEL DEMONSTRATION PROJECT.

Section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 is amended—

(1) by striking the last sentence of paragraph (4); and

(2) by adding at the end the following:

"(5) The employees of a laboratory covered by a personnel demonstration project under this section shall be managed by the director of the laboratory subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics. Notwithstanding any other provision of law, the director of the laboratory is authorized to appoint individuals to positions in the laboratory, and to fix the compensation of such individuals for service in those positions, under the demonstration project without the review or approval of any official or agency other than the Under Secretary.".

AMENDMENT NO. 3237

(Purpose: To authorize, with an offset, an additional $1,500,000 for the Air Force for research, development, test, and evaluation on weathering and corrosion on aircraft surfaces and parts (PE62102F))

On page 34, between lines 2 and 3, insert the following:

SEC. 203. ADDITIONAL AUTHORIZATION FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ON WEATHERING AND CORROSION OF AIRCRAFT SURFACES AND PARTS.

(a) INCREASE IN AUTHORIZATION.—The amount authorized to be appropriated by section 201(3) is hereby increased by $1,500,000.

(b) AVAILABILITY OF FUNDS.—The amount available under section 201(3), as increased by subsection (a), for research, development, test, and evaluation on weathering and corrosion of aircraft surfaces and parts (PE62102F) is hereby increased by $1,500,000.

(c) OFFSET.—The amount authorized to be appropriated by section 201(4) is hereby decreased by $1,5000,000, with the amount of such decrease being allocated to Sensor and Guidance Technology (PE63762E).

AMENDMENT NO. 3238

(Purpose: To state the sense of the Senate on maintaining an effective strategic nuclear TRIAD)

On page 372, between lines 6 and 7, insert the following:

SEC. 1019. SENSE OF SENATE ON THE MAINTENANCE OF THE STRATEGIC NUCLEAR TRIAD.

It is the sense of the Senate that, in light of the potential for further arms control agreements with the Russian Federation limiting strategic forces—

(1) it is in the national interest of the United States to maintain a robust and balanced TRIAD of strategic nuclear delivery vehicles, including long-range bombers, land-based intercontinental ballistic missiles (ICBMs), and ballistic missile submarines; and

(2) reductions to United States conventional bomber capability are not in the national interest of the United States.

AMENDMENT NO. 3239

(Purpose: To require the designation of each government-owned, government-operated ammunition plant of the Army as Centers of Industrial and Technical Excellence)

On page 72, strike line 3, and insert the following:

"(B) Each arsenal of the Army.

"(C) Each government-owned, government-operated ammunition plant of the Army.".

On page 77, strike line 17, and insert the following: "gency.

"(f) CONSTRUCTION OF PROVISION.—Nothing in this section may be construed to authorize a change, otherwise prohibited by law, from the performance of work at a Center of Industrial and Technical Excellence by Department of Defense personnel to performance by a contractor.".

AMENDMENT NO. 3240

(Purpose: To establish a commission to assess the future of the United States aerospace industry and to make recommendations for actions by the Federal Government)

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AEROSPACE INDUSTRY BLUE RIBBON COMMISSION.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States aerospace industry, composed of manufacturers of commercial, military, and business aircraft, helicopters, aircraft engines, missiles, spacecraft, materials, and related components and equipment, has a unique role in the economic and national security of our Nation.

(2) In 1999, the aerospace industry continued to produce, at $37,000,000,000, the largest trade surplus of any industry in the United States economy.

(3) The United States aerospace industry employs 800,000 Americans in highly skilled positions associated with manufacturing aerospace products.

(4) United States aerospace technology is preeminent in the global marketplace for both defense and commercial products.

(5) History since World War I has demonstrated that a superior aerospace capability usually determines victory in military operations and that a robust, technically innovative aerospace capability will be essential for maintaining United States military superiority in the 21st century.

(6) Federal Government policies concerning investment in aerospace research and development and procurement, controls on the export of services and goods containing advanced technologies, and other aspects of the Government-industry relationship will have a critical impact on the ability of the United States aerospace industry to retain its position of global leadership.

(7) Recent trends in investment in aerospace research and development, in changes in global aerospace market share, and in the development of competitive, non-United States aerospace industries could undermine the future role of the United States aerospace industry in the national economy and in the security of the Nation.

(8) Because the United States aerospace industry stands at an historical crossroads, it is advisable for the President and Congress to appoint a blue ribbon commission to assess the future of the industry and to make recommendations for Federal Government actions to ensure United States preeminence in aerospace in the 21st century.

(b) ESTABLISHMENT.—There is established a Blue Ribbon Commission on the Future of the United States Aerospace Industry.

(c) MEMBERSHIP.—(1) The Commission shall be composed of 12 members appointed, not later than March 1, 2001, as follows:

(A) Up to 6 members appointed by the President.

(B) Two members appointed by the Majority Leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) One member appointed by the Minority Leader of the Senate.

(E) One member appointed by the Minority Leader of the House of Representatives.

(2) The members of the Commission shall be appointed from among—

(A) persons with extensive experience and national reputations in aerospace manufacturing, economics, finance, national security, international trade or foreign policy; and

(B) persons who are representative of labor organizations associated with the aerospace industry.

(3) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) The President shall designate one member of the Commission to serve as the Chairman.

(5) The Commission shall meet at the call of the Chairman. A majority of the members shall constitute a quorum, but a lesser number may hold hearings for the Commission.

(d) DUTIES.—(1) The Commission shall—

(A) study the issues associated with the future of the United States aerospace industry in the global economy, particularly in relationship to United States national security; and

(B) assess the future importance of the domestic aerospace industry for the economic and national security of the United States.

(2) In order to fulfill its responsibilities, the Commission shall study the following:

(A) The budget process of the Federal Government, particularly with a view to assessing the adequacy of projected budgets of the Federal Government agencies for aerospace research and development and procurement.

(B) The acquisition process of the Federal Government, particularly with a view to assessing—

(i) the adequacy of the current acquisition process of Federal agencies; and

(ii) the procedures for developing and fielding aerospace systems incorporating new technologies in a timely fashion.

(C) The policies, procedures, and methods for the financing and payment of government contracts.

(D) Statutes and regulations governing international trade and the export of technology, particularly with a view to assessing—

(i) the extent to which the current system for controlling the export of aerospace goods, services, and technologies reflects an adequate balance between the need to protect national security and the need to ensure unhindered access to the global marketplace; and

(ii) the adequacy of United States and multilateral trade laws and policies for maintaining the international competitiveness of the United States aerospace industry.

(E) Policies governing taxation, particularly with a view to assessing the impact of current tax laws and practices on the international competitiveness of the aerospace industry.

(F) Programs for the maintenance of the national space launch infrastructure, particularly with a view to assessing the adequacy of current and projected programs for maintaining the national space launch infrastructure.

(G) Programs for the support of science and engineering education, including current programs for supporting aerospace science and engineering efforts at institutions of higher learning, with a view to determining the adequacy of those programs.

(e) REPORT.—(1) Not later than March 1, 2002, the Commission shall submit a report on its activities to the President and Congress.

(2) The report shall include the following:

(A) The Commission's findings and conclusions.

(B) Recommendations for actions by Federal Government agencies to support the maintenance of a robust aerospace industry in the United States in the 21st century.

(C) A discussion of the appropriate means for implementing the recommendations.

(f) IMPLEMENTATION OF RECOMMENDATIONS.—The heads of the executive agencies of the Federal Government having responsibility for matters covered by recommendations of the Commission shall consider the implementation of those recommendations in accordance with regular administrative procedures. The Director of the Office of Management and Budget shall coordinate the consideration of the recommendations among the heads of those agencies.

(g) ADMINISTRATIVE REQUIREMENTS AND AUTHORITIES.—(1) The Director of the Office of Management and Budget shall ensure that the Commission is provided such administrative services, facilities, staff, and other support services as may be necessary. Any expenses of the Commission shall be paid from funds available to the Director.

(2) The Commission may hold hearings, sit and act at times and places, take testimony, and receive evidence that the Commission considers advisable to carry out the purposes of this Act.

(3) The Commission may secure directly from any department or agency of the Federal Government any information that the Commission considers necessary to carry out the provisions of this Act. Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission,

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) The Commission is an advisory committee for the purposes of the Federal Advisory Committee Act (5 U.S.C. App. 2).

(h) COMMISSION PERSONNEL MATTERS.—(1) Members of the Commission shall serve without additional compensation for their service on the Commission, except that members appointed from among private citizens may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in government service under subchapter I of chapter 57 of title 5, United States Code, while away from their homes and places of business in the performance of services for the Commission.

(2) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate any staff that may be necessary to enable the Commission to perform its duties. The employment of a head of staff shall be subject to confirmation by the Commission. The Chairman may fix the compensation of the staff personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rates of pay fixed by the Chairman shall be in compliance with the guidelines prescribed under section 7(d) of the Federal Advisory Committee Act.

(3) Any Federal Government employee may be detailed to the Commission without reimbursement. Any such detail shall be without interruption or loss of civil status or privilege.

(4) The Chairman may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(i) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

Mr. LIEBERMAN. Mr. President, I rise to make a few remarks concerning an amendment to the National Defense Authorization Act (S. 2549) that would establish a commission to assess the future of the United States aerospace industry and to make recommendations for actions by the Federal Government to improve this industries global competitiveness.

The modern aerospace industry fulfills vital roles for our nation. It is a pillar of the business community that employs 800,000 skilled workers. It is an engine of economic growth that generated a net trade surplus of $37 billion in 1998, larger than any other industrial sector. It is a working model of private-public partnership, yielding commercial and military benefits that have enhanced our communication and transportation networks while enabling the aerospace dominance demonstrated in both Kosovo and the Gulf War. And its well-known products, from the Boeing 777 to the Blackhawk helicopter to the Space Shuttle, serve as fitting symbols of American preeminence in an inter-connected world that thrives on speed and technology.

Unfortunately, this key industrial sector is facing new challenges to its leadership role in the global economy. Since 1985, foreign competition has cut the American share of the worldwide aerospace market from 72 percent to 56 percent. In order to remain competitive, we must reevaluate industrial regulations enacted during the Cold War, that might hamper innovation, flexibility, and growth. We must reconsider our defense research priorities, to counteract the 50% decline in domestic funding for aerospace research and development during the last decade. We must reexamine the rules that govern export of aerospace products and technologies, and develop policies that permit access to global markets while protecting national security. we must assess all of these areas in light of new trade agreements that may require adjustments to federal regulations and policies. Ultimately, we must assess the future of the aerospace industry and ensure that government policy plays a positive role in its development.

To accomplish this goal, this amendment calls for the creation of a Presidential commission empowered to recommend action to the federal government regarding the future of the aerospace industry. The commission shall be composed of experts in aerospace manufacturing, national security, and related economic issues, as well as representatives of organized labor. The commission is directed to study economic and national security issues confronting the aerospace industry, such as the state of government funding for aerospace research and procurement, the rules governing exportation of aerospace goods and technologies, the effect of current taxation and trade policies on the aerospace industry, and the adequacy of aerospace science and engineering education in institutions of higher learning. I urge the Congress to support the creation of the Commission and the next President to support its activities and heed its counsel. By creating such a commission and through careful consideration of these complex issues, we can ensure that this valuable American industry soars into the 21st century, turbulence-free.

AMENDMENT NO. 3241

(Purpose: To guarantee the right of all active duty military personnel merchant mariners, and their dependents to vote in Federal, State, and local elections)

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Voting Rights Act of 2000".

SEC. 2. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 700 et seq.) is amended by adding at the end the following.

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"((b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

SEC. 3. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking our "FOR FEDERAL OFFICE".

AMENDMENT NO. 3242

(Purpose: To modify authority for the use of certain Navy property by the Oxnard Harbor District, Port Hueneme, California)

On page 543, between lines 19 and 20, insert the following:

SEC. 2855. MODIFICATION OF AUTHORITY FOR OXNARD HARBOR DISTRICT, PORT HUENEME, CALIFORNIA, TO USE CERTAIN NAVY PROPERTY.

(a) ADDITIONAL RESTRICTIONS ON JOINT USE.—Subsection (c) of section 2843 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3067) is amended to read as follows:

"(c) RESTRICTIONS ON USE.—The District's use of the property covered by an agreement under subsection (a) is subject to the following conditions:

"(1) The District shall suspend operations under the agreement upon notification by the commanding officer of the Center that the property is needed to support mission essential naval vessel support requirements or Navy contingency operations, including combat missions, natural disasters, and humanitarian missions.

"(2) The District shall use the property covered by the agreement in a manner consistent with Navy operations at the Center, including cooperating with the Navy for the purpose of assisting the Navy to meet its through-put requirements at the Center for the expeditious movement of military cargo.

"(3) The commanding officer of the Center may require the District to remove any of its personal property at the Center that the commanding officer determines may interfere with military operations at the Center. If the District cannot expeditiously remove the property, the commanding officer may provide for the removal of the property at District expense.".

(b) CONSIDERATION.—Subsection (d) of such section is amended to read as follows:

"(d) CONSIDERATION.—(1) As consideration for the use of the property covered by an agreement under subsection (a), the District shall pay to the Navy an amount that is mutually agreeable to the parties to the agreement, taking into account the nature and extent of the District's use of the property.

"(2) The Secretary may accept in-kind consideration under paragraph (1), including consideration in the form of—

"(A) the District's maintenance, preservation, improvement, protection, repair, or restoration of all or any portion of the property covered by the agreement;

"(B) the construction of new facilities, the modification of existing facilities, or the replacement of facilities vacated by the Navy on account of the agreement; and

"(C) covering the cost of relocation of the operations of the Navy from the vacated facilities to the replacement facilities.

"(3) All cash consideration received under paragraph (1) shall be deposited in the special account in the Treasury established for the Navy under section 2667(d) of title 10, United States Code. The amounts deposited in the special account pursuant to this paragraph shall be available, as provided in appropriation Acts, for general supervision, administration, overhead expenses, and Center operations and for the maintenance preservation, improvement, protection, repair, or restoration of property at the Center.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

AMENDMENT NO. 3243

(Purpose: To amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older)

In title VI, at the end of subtitle D, add the following:

SEC. . COMPUTATION OF SURVIVOR BENEFITS.

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount." and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001, 40 percent for months beginning after such date and before October 2004, and 45 percent for months beginning after September 2004.".

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and inserting "the percent specified under subsection (a)(1)(B)(i) as being applicable for the month".

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.".

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: "COMPUTATION OF ANNUITY.—".

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(2) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004.".

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2004.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

Mr. THURMOND. Mr. President, last year, I introduced S. 763, a bill that would correct a long-standing injustice to the widows of our military retirees. Although my bill was accepted by the Senate as an amendment to the fiscal year 2000 defense authorization bill, it was dropped during the conference at the insistence of the House conferees.

Today, I am again offering S. 763 as an amendment to the national Defense authorization bill. My amendment would immediately increase the minimum Survivor Benefit Plan annuity from 35 percent to 40 percent of the Survivor Benefit Plan for survivors over the age 62. The amendment would provide a further increase to 45 percent of covered retired pay as of October 1, 2004.

Mr. President, I am confident that each senator has received mail from military spouses expressing their dismay that they are not receiving the 55 percent of their husband's retirement pay as advertised in the Survivor Benefit Plan literature provided by the military. The reason that they do not receive the 55 percent of retired pay is that current law mandates that at age 62 this amount be reduced either by the account of the Survivors Social Security benefit or to 35 percent of the SBP. This law is especially irksome to those retirees who joined the plan when it was first offered in 1972. These service members were never informed of the age-62 reduction until they had made an irrevocable decision to participate. Many retirees and their spouses, as the constituent mail attests, believed their premium payments would guarantee 55 percent of retired pay for the life of the survivor. It is not hard to imagine the shock and financial disadvantage these men and women who so loyally served the Nation in troubled spots throughout the world undergo when they learn of the annuity reduction.

Mr. President, uniformed services retirees pay too much for the available SBP benefit both, compared to what is promised and what is offered to other federal retirees. When the Survivor Benefit Plan was enacted in 1972, the Congress intended that the government would pay 40 percent of the cost to parallel the government subsidy of the Federal civilian survivor benefit plan. That was short-lived. Over time, the government's cost sharing has declined to about 26 percent. In other words, the retiree's premiums now cover 74 percent of expected long-term program costs versus the intended 60 percent.

Contrast this with the Federal civilian SBP, which has a 42 percent subsidy for those personnel under the Federal Employees Retirement System and a 50 percent subsidy for those under the Civil Service Retirement System. Further, Federal civilian survivors receive 50 percent of retired pay with no offset at age 62. Although Federal civilian premiums are 10 percent retired pay compared to 6.5 percent for military retirees, the difference in the percent of contribution is offset by the fact that our service personnel retire at a much younger age than the civil servant and, therefore pay premiums much longer than the federal civilian retiree.

Mr. President, the bill that we are currently considering contains several initiatives to restore to our military retirees benefits that they have earned, but which gradually were eroded over the past years. My amendment would add a small, but important, earned benefit for our military retirees, especially their survivors.

Mr. President, I want to thank Senators LOTT, CLELAND, COCHRAN, LANDRIEU, SNOWE, MCCAIN, SESSIONS, INOUYE, and DODD for joining me as cosponsors of this amendment and ask for its adoption.

AMENDMENT NO. 3244

(Purpose: To eliminate an inequity in the applicability of early retirement eligibility requirements to military reserve technicians)

On page 236, between lines 6 and 7, insert the following:

SEC. 646. EQUITABLE APPLICATION OF EARLY RETIREMENT ELIGIBILITY REQUIREMENTS TO MILITARY RESERVE TECHNICIANS.

(a) Technicians Covered by FERS.—Paragraph (1) of section 8414(c) of title 5, United States Code, is amended by striking "after becoming 50 years of age and completing 25 years of service" and inserting "after completing 25 years of service or after becoming 50 years of age and completing 20 years of service".

(b) Technicians Covered by CSRS.—Section 8336 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(p) Section 8414(c) of this title applies—

"(1) under paragraph (1) of such section to a military reserve technician described in that paragraph for purposes of determining entitlement to an annuity under this subchapter; and

"(2) under paragraph (2) of such section to a military technician (dual status) described in that paragraph for purposes of determining entitlement to an annuity under this subchapter.".

(c) Technical Amendment.—Section 1109(a)(2) of Public Law 105-261 (112 Stat. 2143) is amended by striking "adding at the end" and inserting "inserting after subsection (n)".

(d) Applicability.—Subsection (c) of section 8414 of such title (as amended by subsection (a)), and subsection (p) of section 8336 of title 5, United States Code (as added by subsection (b)), shall apply according to the provisions thereof with respect to separations from service referred to in such subsections that occur on or after October 5, 1999.

AMENDMENT NO. 3245

(Purpose: To provide space-required eligibility for travel on aircraft of the Armed Forces to places of inactive-duty training by members of the reserve components who reside outside the continental United States)

On page 239, after line 22, insert the following:

SEC. 656. TRAVEL BY RESERVES ON MILITARY AIRCRAFT TO AND FROM LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES FOR INACTIVE-DUTY TRAINING.

(a) Space-Required Travel.—Subsection (a) of section 18505 of title 10, United States Code, is amended—

(1) by inserting "residence or" after "In the case of a member of a reserve component whose"; and

(2) by inserting after "(including a place)" the following: "of inactive-duty training".

(b) Clerical Amendments.—(1) The heading of such section is amended to read as follows:

"§ 18505. Space-required travel: Reserves traveling to inactive-duty training".

(2) The item relating to such section in the table of sections at the beginning of such chapter is amended to read as follows:

"18505. Space-required travel: Reserves traveling to inactive-duty training.".

AMENDMENT NO. 3246

(Purpose: To provide additional benefits and protections for personnel incurring injury, illness, or disease in the performance of funeral honors duty)

On page 239, following line 22, add the following:

SEC. 656. ADDITIONAL BENEFITS AND PROTECTIONS FOR PERSONNEL INCURRING INJURY, ILLNESS, OR DISEASE IN THE PERFORMANCE OF FUNERAL HONORS DUTY.

(a) Incapacitation Pay.—Section 204 of title 37, United States Code, is amended—

(1) in subsection (g)(1)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(C) by adding at the end the following:

"(E) in line of duty while—

"(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) traveling to or from the place at which the duty was to be performed; or

"(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence."; and

(2) in subsection (h)(1)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(C) by adding at the end the following:

"(E) in line of duty while—

"(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

"(ii) traveling to or from the place at which the duty was to be performed; or

"(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.".

(b) Tort Claims.—Section 2671 of title 28, United States Code, is amended by inserting "115," in the second paragraph after "members of the National Guard while engaged in training or duty under section".

(c) Applicability.—(1) The amendments made by subsection (a) shall apply with respect to months beginning on or after the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply with respect to acts and omissions occurring before, on, or after the date of the enactment of this Act.

AMENDMENT NO. 3247

(Purpose: To require a study of the advisability of increasing the grade authorized for the Vice Chief of the National Guard Bureau to Lieutenant General)

On page 155, line 4, strike "(g) Effective Date.—This" and insert the following:

"(g) Vice Chief of National Guard Bureau.—(1) The Secretary of Defense shall conduct a study of the advisability of increasing the grade authorized for the Vice Chief of the National Guard Bureau to Lieutenant General.

"(2) As part of the study, the Chief of the National Guard Bureau shall submit to the Secretary of Defense an analysis of the functions and responsibilities of the Vice Chief of the National Guard Bureau and the Chief's recommendation as to whether the grade authorized for the Vice Chief should be increased.

"(3) Not later than February 1, 2001, the Secretary shall submit in the Committees on Armed Services of the Senate and House of Representatives a report on the study. The report shall include the following:

"(A) The recommendation of the Chief of the National Guard Bureau and any other information provided by the Chief to the Secretary of Defense pursuant to paragraph (2).

"(B) The conclusions resulting from the study.

"(C) The Secretary's recommendation regarding whether the grade authorized for the Vice Chief of the National Guard Bureau should be increased to Lieutenant General.

"(h) Effective Dates.—Subsection (g) shall take effect on the date of the enactment of this Act. Except for that subsection, this".

AMENDMENT NO. 3248

(Purpose: To exempt commanders of certain Air Force specified combatant commands from a limitation on the number of general officers while general or flag officers of other armed forces are serving as commander of certain unified combatant commands)

On page 155, between lines 9 and 10, insert the following:

SEC. 511. CONTINGENT EXEMPTION FROM LIMITATION ON NUMBER OF AIR FORCE OFFICERS SERVING ON ACTIVE DUTY IN GRADES ABOVE MAJOR GENERAL.

Section 525(b) of title 10, United States Code, is amended by adding at the end the following:

"(8) While an officer of the Army, Navy, or Marine Corps is serving as Commander in Chief of the United States Transportation Command, an officer of the Air Force, while serving as Commander of the Air Mobility Command, if serving in the grade of general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under paragraph (1).

"(9) While an officer of the Army, Navy, or Marine Corps is serving as Commander in

Chief of the United States Space Command, an officer of the Air Force, while serving as Commander of the Air Force Space Command, if serving in the grade of general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under paragraph (1).''.

AMENDMENT NO. 3249

(Purpose: To increase the end strengths authorized for full-time manning of the Army National Guard of the United States)

On page 125, line 19, strike ''22,536'' and insert ''22,974.''

On page 126, line 10, strike ''22,357'' and insert ''24,728.''

Mr. BOND. Mr. President, my amendment affects every State in the Nation—the Bond-Bryan amendment to S. 2549. As co-chair of the Senate Guard Caucus, I firmly believe that this important piece of legislation is critical to meeting the number one priority of the National Guard—full-time support. As you know, the National Guard relies heavily upon full-time employees to ensure readiness. By performing their critical duties on a daily basis, these hard-working men and women ensure drill and annual training remain focused on preparation for war fighting and conducting peacetime missions.

During the cold war, Guard and Reserve forces were underutilized. During the 1980's, for example, they numbered more than one million personnel but contributed support to the active forces at a rate of fewer than 1 million work days per year.

At the end of the cold war, force structure and personnel endstrength were drastically cut in all the active services. Almost immediately, the nation discovered that the post-cold-war world is a complex, dangerous, and expensive place. Deployments for contingency operations, peacekeeping missions, humanitarian assistance, disaster relief and counter-terrorism operations increased dramatically. Most recently, our forces have been called upon to destroy the capability of Saddam Hussein and his forces, bring peace and stability to Haiti, force Slobodan Milosevic and his forces out of Kosovo, ensure a safe, stable and secure environment in the Balkans, and rescue and rebuild from natural disasters at home and abroad.

Because of the increased deployments and the reduction in the active force, we became significantly more dependent on the Army and Air National Guard. In striking contrast to cold war levels of contributory support, today's Guard and Reserve forces are providing approximately 13 million work days of support to the active components on an annual basis—a thirteen-fold increase and equivalent to the addition of some 35,000 personnel to active component end strength, or two Army divisions. For example, the 49th Armored Division from the Lone Star State is currently leading operations in Kosovo, and the Army just identified four more Guard units for deployment to Kosovo.

With this shift in reliance from the active force to the Guard came the obligation to increase Guard staffing to keep pace with the expanded mission. The Army and Air National Guard established increased full-time staffing as their number one priority. We agreed with them, but we have not yet held up our end of the bargain. We gave them the mission; we must now give them the personnel resources to accomplish it.

The Department of Defense has identified a shortfall in full-time manning of 1,052 ''AGRs'' (Active Guard/Reserves) and 1,543 Technicians. Frankly, I agree with their numbers, but I do not see how we can afford immediately to increase their staffing to those levels. Accordingly, the Bond-Bryan amendment proposes an incremental increase in the number of full-time positions. We ask that S. 2549 be amended to provide for an additional 526 ''AGRs'' (Active Guard/Reserves) and 771 Technicians. As you can see, this is about half of what the Guard requested, and far less than what was requested in the past. We believe these additional positions will give the Guard the minimum it needs to do the job, while providing the opportunity to reexamine the situation during the next fiscal year.

When we expand the mission, when we increase operating tempo, and when we ask for greater effort; we have to realize that increased funding is often necessary and appropriate. In this case, we have attempted to provide the minimum additional personnel to accomplish a mission we previously assigned but did not fully resource. Your support for this amendment sends a strong message to your constituents and the Guard units in your state that you support the National Guard in its significant role in our Nation's defense, and that you are willing to give the men and women in its ranks the resources to do the job.

Mr. President, I thank Senator WARNER, Senator LEVIN, my co-chair, Senator BRYAN, and our esteemed colleagues for your support of this critical issue.

Mr. BRYAN. Mr. President, I thank the distinguished chairman of the Senate Armed Services Committee, as well as the distinguished ranking member, for agreeing to accept this critical amendment relating to full-time manning for the National Guard. Both of these leaders have been strongly supportive of our efforts, past and present, to ensure that the National Guard has the resources it needs to perform its dual missions, and I want to express my personal gratitude for their leadership and support of the National Guard over the course of several years.

As co-chairman of the Senate National Guard Caucus, there is clearly no higher priority for the National Guard in this fiscal year than the need to provide sufficient resources for full-time operational support. These full-time personnel are the backbone of the National Guard, and make no mistake about it, if we fail to provide sufficient full-time support, there will be a noticeable and precipitous decline in the ability of the National Guard to fulfill its mission both to the states and as part of the National Force Structure.

The amendment we are offering today will authorize $38 million to provide an additional 526 AGRs and 771 Technicians for the Army National Guard. Frankly, Mr. President, I would have liked to have gone further, and provided the Guard with the personnel they need to achieve the minimal personnel levels identified by the National Guard Bureau of 23,500 AGRs and 25,500 Technicians. But like the incremental increases that were provided last year, this amendment represents an important step towards achieving that overall goal.

Our amendment has well over 60 cosponsors from both sides of the aisles. Not many issues attract this much support from across the ideological spectrum, and I interpret that as a Senate endorsement of the critical missions the National Guard performs, ranging from providing important emergency and other support services to their states, to participating in international peacekeeping missions across the globe, including Bosnia and Kosovo. It should be noted that both the Senate majority leader and the Senate minority leader are original cosponsors, as are the chairman and ranking member of the Senate Appropriations Committee. The amendment is also supported by the National Guard Bureau, the National Guard Association of the United States, the Adjutants General Association of the United States, and other organizations.

The National Guard represents 34 percent of our Total Force Army Strength and 19 percent of our Total Air Force Strength. Nearly half a million Americans serve in the National Guard, playing a critical complementary role to their active duty counterparts, and we have an obligation and a responsibility to make sure every Guard unit and armory across the country has the support personnel it requires to function efficiently and effectively.

I am hopeful that with such broad, bipartisan support from the members of the Senate and the Armed Services Committee, we can continue to provide the resources required by the National Guard that will allow these dedicated Americans to perform their mission in support of the Armed Forces of the United States.

Finally, Mr. President, I want to thank my fellow co-chairman of the

Senate National Guard Caucus, Senator BOND, for his authorship and leadership on this amendment. Senator BOND continues to demonstrate an impassioned commitment to the National Guard, our reserve components, and all of our Armed Forces. I also wish to recognize and thank Mr. James Pitchford and Ms. Shelby Bell of Senator BOND's staff for their hard work on this successful, bipartisan effort.

AMENDMENT NO. 3250

(Purpose: To provide compensation and benefits to Department of energy employees and contractor employees for exposure to beryllium, radiation, and other toxic substances)

(The text of the Amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. KENNEDY. Mr. President, I strongly support this important step to compensate workers who became sick from occupational exposure to beryllium, radiation, and other toxic substances as part of the Cold War buildup. I commend my colleagues Senator THOMPSON, Senator VOINOVICH, Senator DEWINE, and Senator BINGAMAN for their leadership on this issue.

During the cold war, thousands of men and women who worked at the nation's atomic weapons plants were exposed to unknown hazards. Many were exposed to dangerous radioactive and chemical materials at far greater levels than their employers revealed. The debilitating, and often fatal, illnesses suffered by these workers came in many forms of cancer, as well as other illnesses that are difficult to diagnose. This provision brings long overdue relief to these workers and their families.

The Department of energy investigated this issue. It found that workers who served for years to maintain and strengthen our defenses during the cold War were not informed or protected against the health hazards they faced at work. Only during the Clinton Administration has the government openly acknowledged that these workers were exposed to materials that were much more radioactive—and much more deadly—than previously revealed.

I commend Secretary Richardson for his leadership in bringing this issue to light, and for his efforts to close this tragic chapter in the nation's history for the thousands of workers and their families whose lives were affected.

On of the earliest instances of the health dangers of beryllium occurred during World War II at the Sylvania Company in Salem, Massachusetts. At this plant, doctors first identified cases of beryllium disease, an acute and often fatal lung illness that seemed similar to tuberculosis. At the time, the company used beryllium in manufacturing fluorescent light bulbs.

Some of the earliest radiation experiments were conducted at the Massachusetts Institute of Technology in Cambridge as part of the Manhattan Project. Scientists at MIT were also among the first to conduct experiments with beryllium oxide ceramics for the Manhattan Project and the Atomic Energy Corporation. Many of the first cases of beryllium disease occurred among these scientists.

We have an opportunity today to remedy the wrongs suffered by these Department of Energy workers. Our amendment creates a basic framework for compensation. It is the least we can do for workers who made such great sacrifices for our country during the cold war. They have already waited too long for this relief.

Mr. THOMPSON. Mr. President, I rise to offer an amendment along with a bipartisan group of Senators, including Senator BINGAMAN, Senator VOINOVICH, Senator KENNEDY, Senator DEWINE, Senator REID, Senator THURMOND, Senator BRYAN, Senator FRIST, Senator MURRAY, Senator MURKOWSKI, Senator HARKIN, and Senator STEVENS.

Mr. President, watching President Clinton's summit meeting with Russian President Vladimir Putin last weekend, I think we were all reminded of how far our two nations have come over the past decade, since President Reagan implored President Gorbachev to "tear down (the Berlin) Wall," and President Bush presided over its destruction. While dangerous new threats have emerged, the Cold War that dominated the politics of our security for four decades is over, and the United States won. We should be proud of that victory and we should never forget the strength and resolve through which it was achieved.

But it has become clear in recent months that that victory came at a high price for some of those who were most responsible for producing it. I am talking about workers in our nuclear weapons facilities run by the Department of Energy or their contractors. We now have evidence that, in at least some instances, the federal government that they had dedicated themselves to serving put these workers in harm's way without their knowledge.

I first became concerned about this issue three years ago when my hometown newspaper, the Nashville Tennessean, published a series of stories describing a pattern of unexplained illnesses in the Oak Ridge, Tennessee area. Many of the current and former Oak Ridge workers profiled in the stories believed that their illnesses were related to their service at the Department of Energy site. In 1997, I asked the Director of the Centers for Disease Control to send a team to Oak Ridge to assess the situation and to try to determine if what we were seeing there was truly unique. Unfortunately, in the end, the CDC did not take a broad enough look at the situation to really answer the questions that had been raised.

And that, of course, has been a pattern at Oak Ridge and at many DOE sites over the years. Countless health studies have been done, some on very narrow populations and some on larger ones, some showing some correlations and some not able to reach any conclusions at all. The data is mixed, some of it is flawed, and we are left with a situation that is confusing and from which it is very difficult to draw any definite conclusions.

And yet, there is a growing realization that there are illnesses among current and former DOE workers that logic tells us are related to their service at these weapons sites. For example, hundreds of current and former workers in the DOE complex have been diagnosed with Chronic Beryllium Disease. Many more have so-called "beryllium sensitivity," which often develops into Chronic Beryllium Disease. The only way to contract either of these conditions is to be exposed to beryllium powder. The only entities that use beryllium in that form are the Department of Energy and the Department of Defense.

And there are other examples, perhaps less clear cut, but certainly worthy of concern. Uranium, plutonium, and a variety of heavy metals found in people's bodies. Anecdotes about hazardous working conditions where people were unprotected against both exposures they knew were there and exposures of which they were not aware. It's time for the federal government to stop automatically denying any responsibility and face up to the fact that it appears as though it made at least some people sick.

The question now is: what do we do about it? And how do we make sure it never happens again?

This amendment attempts to answer the first of those two questions. It would set up a program, administered by the Department of Labor, to provide compensation to employees who are suffering from chronic beryllium disease, or from a radiation-related cancer that is determined to likely have been caused by exposures received in the course of their service at a DOE facility. It would also provide a mechanism for employees suffering from exposures to hazardous chemicals and other toxic substances in the workplace to gain access to state workers' compensation benefits, which are generally denied for such illnesses at present.

Mr. President, our amendment takes a science-based approach. It is not a blank check. It does not provide benefits to anyone and everyone who worked at a DOE facility who has taken ill.

In the case of beryllium, we can say with certainty that if someone has chronic beryllium disease and they worked around beryllium powder, their disease is work-related; there is no other way to get it.

The same is not true of cancer, of course. A physician cannot look at a tumor and say with certainty that it was caused by exposure to radiation, or by smoking, or by a genetic disposition, or by any other factor. However, we do know that radiation in high doses has been linked to certain cancers, and we now know that some workers at DOE facilities were exposed to radiation, often with inadequate protections.

What this amendment does is employ a mechanism developed by scientists at the National Institutes of Health and the National Cancer Institute to determine whether a worker's cancer is at least as likely as not related to exposures received in the course of their employment at a DOE facility. The model takes into account the type of cancer, the dose received, the worker's age at the time of exposure, sex, lifestyle factors such as whether the worker smoked, and other relevant factors.

In many, if not most, cases, it should be possible to determine with a sufficient degree of accuracy the radiation dose a particular worker or group of workers received. However, in some cases—because the Department of Energy kept inadequate or incomplete records, altered some of its records, and even tampered with the dosimetry badges that workers were supposed to wear—it may not be possible to estimate with any degree of certainty the radiation dose a certain worker received. For these workers, who are really the victims of DOE's bad behavior, our amendment provides an expedited track to compensation for a specified list of radiation-related cancers.

Mr. President, the Governmental Affairs Committee, which I chair, held a hearing on this issue back in March. We heard testimony from several workers from Oak Ridge, Tennessee and Piketon, Ohio who are suffering from devastating illnesses as a result of their service to our country. And of course, it is not just the workers who are affected—it is their entire family that suffers emotionally, financially, and even physically.

In the end, we must remember that these workers were helping to win the cold war, to defend our Nation and protect our security. They were patriotic and proud of the work that they were doing. If the Federal Government made mistakes that jeopardized their health and safety, then we need to do what we can to make it right. That is what this amendment would do. I want to thank the Chairman of the Armed Services Committee, Senator WARNER, for his support, as well as Senator LEVIN. I urge the rest of my colleagues to support it as well.

Mr. BINGAMAN. Mr. President, I am pleased to join with Senator THOMPSON and others in offering this strongly bipartisan amendment. It addresses occupational illnesses scientifically found to be associated with the DOE weapons complex, that have occurred and are now occurring because of activities during the cold war.

This amendment is a joint effort of a bipartisan group of Senators. Specifically, it has been put together by staff for myself, Senator FRED THOMPSON, Senator GEORGE VOINOVICH, Senator MIKE DEWINE, and Senator TED KENNEDY. We have worked with the administration, with worker groups, and with manufacturers. The staff have met with Armed Services Committee staff during the development of this amendment, and I want to acknowledge the chairman and ranking member of the Armed Services Committee for their support for this amendment.

The workers in the DOE nuclear weapons complex, both at the production plants and the laboratories, helped us win the cold war. But that effort left a tragic environmental and human legacy. We are spending billions of dollars each year on the environmental part—cleaning up the physical infrastructure that was contaminated. But we also need to focus on the human legacy.

This amendment is an attempt to put right a situation that should not have occurred. But it proposes to do so in a way that is based on sound science.

The amendment focuses federal held on three classes of injured workers.

The first group is workers who were involved with beryllium. Beryllium is a non-radioactive metal that provokes, in some people, a highly allergic lung reaction. The lungs become scarred, and no longer function.

The second group is workers who dug the tunnels for underground nuclear tests and are today suffering from chronic silicosis due to their occupational exposures to silica, which were not adequately controlled by DOE.

The third group of workers are those who had dangerous doses of radiation on the job.

These workers were employed at numerous current and former DOE facilities. We have included a general definition of DOE and other type of facilities in the legislation, in lieu of including a list that might be incomplete, but for purposes of helping in the implementation of this amendment, if enacted into law, I would like to ask unanimous consent that a non-exclusive list of the facilities intended to be covered under this amendment be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. BINGAMAN. For beryllium workers, there are tests today that can detect the first signs of trouble, called beryllium sensitivity, and also the actual impairment, called chronic beryllium disease. If you have beryllium sensitivity, you are at a higher risk for developing chronic beryllium disease. You need annual check-ups with tests that are expensive. If you develop chronic beryllium disease, you might be disabled or die.

This amendment sets up a federal workers' compensation program to provide medical benefits to workers who acquired beryllium sensitivity as a result of their work for DOE. It provides both medical benefits and lost wage protection for workers who suffer disability or death from chronic beryllium disease.

For radiation, the situation is more complex. Radiation is proven to cause cancer in high doses. But when you look at a cancer tumor, you can't tell for sure whether it was caused by an alpha particle of radiation from the workplace, a molecule of a carcinogen in something you ate, or even a stray cosmic ray from outer space. But scientists can make a good estimate of the types of radiation doses that make it more likely than not that your cancer was caused by a workplace exposure.

This amendment puts the Department of Health and Human Services (HHS) in charge of making the causal connection between specific workplace exposures to radiation and cancer. Within the HHS, it is envisioned by this amendment that the National Institute for Occupational Safety and Health (or NIOSH) take the lead for the tasks assigned by this amendment. Thus, the definition section of the amendment specifies that the Secretary of HHS act with the assistance of the Director of NIOSH. This assignment follows a decision made in DOE during the Bush Administration, and ratified by the National Defense Authorization Act for Fiscal Year 1993, to give NIOSH the lead in identifying levels of exposure at DOE sites that present employees with significant health risks.

HHS was also given a Congressional mandate, in the Orphan Drug Act, to develop and publish radioepidemiological tables that estimate "the likelihood that persons who have or have had any of the radiation related cancers and who have received specific doses prior to the onset of such disease developed cancer as a result of those doses." I would like to ask unanimous consent that a more detailed discussion of how the bill envisions these guidelines would be used be included as an exhibit at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 2.]

Mr. BINGAMAN. Under guidelines developed by the HHS and used in this amendment, if your radiation does was high enough to make it at least as likely as not that your cancer was DOE-work-related, you would be eligible for compensation for lost wages and medical benefits.

The HHS-based method will work for many of the workers at DOE sites. But it won't work for a significant minority who were exposed to radiation, but for whom it would be infeasible to reconstruct their dose.

There are several reasons why reconstructing a dose might be—this infeasibility might exist. First, relevant records of dose may be lacking, or might not exist altogether. Second, there might be a way to reconstruct the dose, but it would be prohibitively expensive to do so. Finally, it might take so long to reconstruct a dose for a group of workers that they will all be dead before we have an answer that can be used to determine their eligibility.

One of the workers who testified at my Los Alamos hearing might be an example of a worker who could fall into the cracks of a system that operated solely on dose histories. He was a supervisor at what was called the "hot dump" at Los Alamos. All sorts of radioactive materials were taken there to be disposed of. It is hard to reconstruct who handled what. And digging up the dump to see what was there would not only be very expensive, it would expose new workers to radiation risks that could be large.

There are a few groups of workers that we know, today, belong in this category. They are specifically mentioned in the definition of Special Exposure Cohort. For other workers to be placed in this special category, the decision that it was infeasible to reconstruct their dose would have to be made both by HHS and by an independent external advisory committee of radiation, health, and workplace safety experts. We allow groups of workers to petition to be considered by the advisory committee for inclusion in this group. Once a group of workers was placed in the category, it would be eligible for compensation for a fixed list of radiation-related cancers.

The program in this amendment also allows, in section 3515, for a lump-sum payment, combined with ongoing medical coverage under section 8103 of title 5, United States Code. This could be helpful, for example, in settling old cases of disability. It may be a good deal for survivors of deceased workers whose deaths were related to their work at DOE sites.

The provisions of the workers' compensation program in this amendment are largely modeled after the Federal Employee's Compensation Program or FECA, which is found in chapter 81 of title 5, United States Code. In many parts of the amendment, entire sections of FECA are incorporated by reference. In other sections, portions of FECA are restated in more general language to account for the fact that the specific language in FECA would cover only Federal employees, while in this amendment we are covering Federal contractor and subcontractor employees, as well. In some instances, we modified provisions in FECA to address known problems in its current implementation or to reflect current standards of administrative law. One example of this is a decision not to incorporate section 8128(b) of title 5, United States Code, into this amendment. That section absolutely precludes judicial review of decisions concerning a claim by the Department of Labor. Since such decisions involve the substantive rights of individuals being conferred by this amendment, and since they are made through an informal administrative process, it seems appropriate to the sponsors of this amendment that there be external review to guard against, for example, arbitrary and capricious conduct in processing a claim.

The amendment also had numerous administrative provisions to ensure a fair process and to guard against double compensation for the same injury.

As the sponsors were developing this amendment, we received a lot of interest in federal compensation for exposure to other toxic substances. This amendment does not provide federal compensation for chemical hazards in the DOE workplace, but does authorize DOE to work with States to get workers with adverse health effects from their exposure to these substances into State worker compensation programs. It also would commission a GAO study of this approach so that we can evaluate, in the context of a future bill, whether such an approach is effective.

We have a duty to take care of sick workers from the nuclear weapons complex today. It is a doable task, and a good use of our national wealth at a time of budget surpluses. I urge my colleagues to support this bipartisan amendment.

EXHIBIT 1

EXAMPLES OF DOE AND ATOMIC WEAPONS EMPLOYER FACILITIES THAT WOULD BE INCLUDED UNDER THE DEFINITIONS IN THIS AMENDMENT

(NOT AN EXCLUSIVE LIST OF FACILITIES)

Atomic Weapons Employer Facility: The following facilities that provided uranium conversion or manufacturing services would be among those included under the definition in section 3503(a)(4):

Allied Signal Uranium Hexafluoride Facility, Metropolis, Illinois.

Linde Air Products facilities, Tonowanda, New York.

Mallinckrodt Chemical Company facilities, St. Louis, Missouri.

Nuclear Fuels Services facilities, Erwin, Tennessee.

Reactive Metals facilities, Ashtabula, Ohio.

Department of Energy Facility: The following facilities (including any predecessor or successor facilities to such facilities) would be among those included under the definition in section 3503(a)(15):

Amchitka Island Test Site, Amchitka, Alaska.

Argonne National Laboratory, Idaho and Illinois.

Brookhaven National Laboratory, Upton, New York.

Chupadera Mesa, White Sands Missile Range, New Mexico.

Fermi Nuclear Laboratory, Batavia, Illinois.

Fernald Feed Materials Production Center, Fernald, Ohio.

Hanford Works, Richland, Washington.

Idaho National Engineering Laboratory, Idaho Falls, Idaho.

Iowa Army Ammunition Plant, Burlington, Iowa.

Kansas City Plant, Kansas City, Missouri.

Latty Avenue Properties, Hazelwood, Missouri.

Lawrence Berkeley National Laboratory, Berkeley, California.

Lawrence Livermore National Laboratory, Livermore, California.

Los Alamos National Laboratory, Los Alamos, New Mexico, including related sites such as Acid/Pueblo Canyons and Bayo Canyon.

Marshall Islands Nuclear Test Sites, but only for period after December 31, 1958.

Maywood Site, Maywood, New Jersey.

Middlesex Sampling Plant, Middlesex, New Jersey.

Mound Facility, Miamisburg, Ohio.

Niagara Falls Storage Site, Lewiston, New York.

Nevada Test Site, Mercury, Nevada.

Oak Ridge Facility, Tennessee, including the K-25 Plant, the Y-12 Plant, and the X-10 Plant.

Paducah Plant, Paducah, Kentucky.

Pantex Plant, Amarillo, Texas.

Pinellas Plant, St. Petersburg, Florida.

Portsmouth Plant, Piketon, Ohio.

Rocky Flats Plant, Golden, Colorado.

Sandia National Laboratories, New Mexico.

Santa Susanna Facilities, Santa Susanna, California.

Savannah River Site, South Carolina.

Waste Isolation Pilot Project, Carlsbad, New Mexico.

Weldon Spring Plant, Weldon Spring, Missouri.

EXHIBIT 2

DETERMINING "CAUSATION" FOR RADIATION AND CANCER

Different cancers have different relative sensitivities to radiation.

In 1988, the White Office of Science and Technology Policy endorsed the use by the Veterans Administration of the concept of "probability of causation" (PC) in adjudicating claims of injury due to exposure to ionizing radiation. Given that a radiogenic cancer cannot be differentiated from a "spontaneously" occurring one or one caused by other dietary, environmental and/or lifestyle factors, the PC—that is, the "likelihood" that a diagnosed cancer has been "caused" by a given radiation exposure or dose—has to be determined indirectly.

To this end, the National Institutes of Health (NIH) was tasked to develop radioepidemiology tables. These tables, which are currently being updated by the NIH, include data on 35 cancers compared to the 13 cancers in the original tables from 1985. These tables account for the fact that different cancers have different relative sensitivities to ionizing radiation.

The determination of a PC takes into account the radiation dose and dose rate, the types of radiation exposure (external, internal), age at exposure, sex, duration of exposure, elapsed time following exposure, and (for lung cancer only) smoking history. Because a calculated PC is subject to a variety of statistical and methodological uncertainties, a "confidence interval" around the PC is also determined.

Thus, a PC is calculated as a single, "point estimate" along with a 99% confidence interval which bounds the uncertainty associated with that estimate. If we have 99% certainty that the upper bound of a PC is greater than or equal to 0.5 (i.e., a 50% likelihood of causality), then the cancer is considered at least as likely as not to have been caused by the radiation dose used to calculate the PC.

For example, for a given worker with a particular cancer and radiation exposure history, the PC may by 0.38 with a 99% confidence interval of 0.21 to 0.55. This means that it is 38% likely that this worker's cancer was caused by their radiation dose, and we can say with 99% confidence that this estimate is between 21% and 55%. Since the upper bound, 55% is greater than 50%, this person's cancer would be considered to be at least as likely as not to have been caused by exposure to radiation, and the person would be eligible for benefits under the proposed program.

Mr. VOINOVICH. Mr. President, I rise today to join my colleagues, Senators DEWINE, THOMPSON, FRIST, THURMOND, MURKOWSKI, BINGAMAN, REID, BRYAN, KENNEDY, HARKIN, and MURRAY in support of an important amendment that will provide financial and medical compensation to Department of Energy workers who have been made ill while working to provide for the defense of the United States.

Since the end of World War II, at facilities all across America, tens of thousands of dedicated men and women in our civilian federal workforce helped keep our military fully supplied and our nation fully prepared to face any threat from our adversaries around the world. The success of these workers in meeting this challenge is measured in part with the end of the Cold War and the collapse of the Soviet Union.

However, for many of these workers, their success came at a high price. They sacrificed their health, and even their lives—in many instances without knowing the risks they were facing—to preserve our liberty. I believe these men and women have paid a high price for our freedom, and in their time of need, this nation has a moral obligation to provide some financial and medical assistance to these Cold War veterans.

Last month, I introduced legislation, along with many of the Senators who have co-sponsored this amendment, that would provide financial compensation to Department of Energy workers whose impaired health has been caused by exposure to beryllium, radiation or other hazardous substances. Our bill, S. 2519, the "Energy Employees Occupational Illness Compensation Act of 2000," also provides that compensation be paid to survivors of workers who have died and suffered from an illness resulting from exposure to these substances.

Need for this type of legislation was further solidified when on May 25th, Energy Secretary Bill Richardson released a Department of Energy report on safety and management practices at the Portsmouth Gaseous Diffusion Plant in Piketon, Ohio. The report, which was based on an independent investigation authorized by Secretary Richardson, highlighted unsafe conditions at Piketon and deemed past management practices as shoddy and in many cases, inadequate to protect the health and safety of Piketon's workforce. The report confirmed many of the fears that these workers have quietly faced for years, and it is why it is imperative that we pass legislation this year that will compensate these cold war heroes.

Mr. President, the amendment that is being offered today by my distinguished colleague Senator THOMPSON is similar to S. 2519 except for minor differences.

Under S. 2519, a federal program is created for all workers who are due compensation because of an illness suffered due to the nature of a person's job. This amendment creates a federal program for workers suffering from beryllium disease, silicosis and cancer due to radiation exposure. Workers suffering from illnesses due to other chemical exposures would be covered under state workers compensation programs. The Department of Energy's Office of Workers' Compensation Advocate—created by this amendment—will help employees apply for compensation with their particular state's worker compensation program.

In addition, S. 219 allows a broad burden of proof to be placed on the government, one that provides a greater number of Department of Energy workers who have cancer related to radiation exposure to receive federal compensation benefits. This amendment maintains that burden of proof for workers at the nation's three Gaseous Diffusion Plants, but, the amendment assumes that other workers will be able to find records showing whether or not their federal service made them sick. If it is not possible for the Department to find an employee's records, or, adequately estimate dose history, then the burden of proof threshold established for workers at the Gaseous Diffusion Plants will apply to that particular employee.

Some of my colleagues may question whether or not the Federal Government should be making an expenditure of this amount of money. Some may ask how we will know which worker or family member has a bona fide claim for compensation. These are legitimate concerns. However, the nature of the illnesses involved suggests more than a coincidental relationship with their victims.

For example, beryllium disease is a "fingerprint" disease. That means it is particularly identifiable and cannot be mistaken for any other disease, leaving no doubt as to what caused the illness of the sufferer. Additionally, the processing of the beryllium metals that cause Chronic Beryllium Disease is singularly unique to our nuclear weapons facilities.

In cases of radiation exposure at DoE facilities, it is understandable that some may question whether a person was exposed to radioactive materials from another source, primarily because records may not reflect that an employee was exposed to such materials. The Department of Energy's independent investigation at Portsmouth showed that, in some cases, the destruction and alteration of DoE workers' records occurred. There have been anecdotes indicating similar occurrences at other DoE facilities around the nation.

Additionally, dosimeter badges, which record radiation exposure, were not always required to be worn by DoE workers. And when they were required, they were not always worn properly or consistently. Workers at the Piketon plant also have stated that plant management not only did not keep adequate dosimetry records, in some cases, they chanted the dosimetry records to show lower levels of radiation exposure. There have been reports that DoE plant management would even change dosimeter badges to read "zero"—which means the level of exposure to radiation would be officially recorded as zero, regardless of the exposure level that actually registered on the badge.

In too many instances, records do not exist, and where they do exist, there is adequate reason to doubt their accuracy. The amendment recognizes that this is the case at the Department of Energy's three Gaseous Diffusion Plants—Piketon, Ohio, Paducah, Kentucky and Oak Ridge, Tennessee—and takes the unusual step of placing the burden of proof on the government to prove that an employee's illness was not caused by workplace hazards.

This amendment allows for sound science where it is available, specifically, if it is possible to adequately and accurately estimate radiation doses, and scientifically assure that a worker's cancer is work-related or not. However, if it is not reasonably possible to adequately and accurately reconstruct doses, then ill workers covered under this amendment would be eligible for compensation that is based on criteria that exists for workers at our nation's Gaseous Diffusion Plants.

To be clear, Mr. President, under normal circumstances, I am not one who would advocate a "guilty until proven innocent" approach. I firmly believe that we should use sound science to determine exposure levels and relationship to illness. Yet, these are not normal circumstances, and the reason we are offering this amendment today is because in too many instances, sound science either does not exist in DoE facility records, or it cannot be relied upon for accuracy.

For example, in my own state of Ohio, at the Portsmouth Gaseous Diffusion Plant—a plant that processes high-quality nuclear material—workers had little or no idea that they had been exposed to dangerous levels of radioactive material. As the Department of Energy's own independent investigation has shown, such exposure went on for decades.

The independent investigation at Portsmouth, also demonstrated that until recently, proper safety precautions at Piketon were rarely taken to adequately protect workers' safety. Even when precautions were taken, the use of protective standards was inconsistent and in some instances were deemed only "moderately effective."

If consistent, reliable and factual data is not available, Mr. President, then it will be quite difficult if not impossible to utilize sound science in order for employees to prove their claims.

Similar situations like those that have been documented at Piketon have been reported at other Ohio facilities including the Fernald Feed Materials Production Center in Fernald, Ohio and the Mound Facility in Miamisburg, Ohio, not to mention a host of other facilities nationwide. At this time, the Department of Energy is only acknowledging these situations at the Gaseous Diffusion Plant.

In addition to shoddy or non-existent record keeping, the DoE has admitted that at some facilities, workers were not told the nature of the substances they were handling. They weren't told about the ramifications that these materials may have on their future health and quality of life. It is truly unconscionable that DoE managers and other individuals in positions of responsibility could be so insensitive and uncaring.

Last year, the Toledo Blade published an award-winning series of articles outlining the plight of workers suffering from Chronic Beryllium Disease (CBD). While government standards were met in protecting the workers from exposure to beryllium dust, many workers still were diagnosed with CBD. Were the standards too low? Was the protective equipment faulty? Whatever the cause, it is estimated that 1,200 people across the nation have contracted CBD, and hundreds have died from it, making CBD the number-one disease directly caused by our cold war effort.

Mr. President, there may be some who think that this amendment costs too much, so we shouldn't do it. I strongly disagree.

Congress appropriates billions of dollars annually on things that are not the responsibility of the Federal Government—and I have voted against most of the bills that include this kind of funding. Here we have a clear instance where the actions of the federal government is responsible for the actions it has taken and the negligence it has shown against its own people. Peoples' health has been compromised and lives have been lost. In many instances, these workers didn't even know that their health and safety were in jeopardy. It is not only a responsibility of this government to provide for these individuals, it is a moral obligation.

My belief that we have a moral obligation to these people was strengthened last October when I attended a public meeting of workers from the Portsmouth Gaseous Diffusion Plant. I learned an incredible amount about the integrity of the hard-working men and women and what they have been through.

I heard heart-wrenching stories from people like Ms. Anita George, a 23 year employee at Piketon who testified that "I only know of one woman that works in my department that has not had a hysterectomy and other reproductive problems." Ms. George described a situation where she and two of her colleagues were exposed to an "outgassing" on a "routine" decontamination job.

After the exposure, the women started to experience health problems, including heavy bleeding, elevated white blood cell counts and kidney infections. Plant physicians told them that they should "just lie down and rest" if they had any problems while they were working. Three years after the exposure, all three women had had hysterectomies. The plant denied their workers' compensation claims.

I also heard from people like Mr. Jeff Walburn, another 23-year plant employee and former councilman and vice mayor of the city of Portsmouth, who testified that while working in one of the buildings, he became so sick that his lungs "granulated." When he went to the infirmary, they said he was "okay for work." Later that day, he went to the hospital because in his words, "my face was peeling off." According to Mr. Walburn, he couldn't speak, his hair started falling out, his lungs started "coming out" and his bowels failed to function for more than 6 days. When he went to get his records to file his worker's compensation claim, he was told that his diagnosis had been "changed, been altered."

The Department of Energy has held similar public meetings at facilities across the Nation—these stories are not unique to the Portsmouth Gaseous Diffusion Plant.

Mr. President, it is unfortunate that this amendment is necessary in the first place; the compensation it will provide is little consolation for the pain, health problems and diminished quality of life that these individuals have suffered. These men and women won the cold war. Now, they simply ask that their government acknowledge that they were made ill in the course of doing their job and recognize that the government must take care of them.

Until recently, the only way many of these employees believed they would ever receive proper restitution for what the government has done to them is to file a lawsuit against the Department of Energy or its contractors. But, in the time that I have been involved in this issue in the Senate, the Department of Energy has come a long way from its decades-long stance of stonewalling and denial of responsibility. Today, they admit that they have wronged our cold war heroes. Still, we must do more.

I believe that all those who have served our nation fighting the cold war have a right to know if the federal government was responsible for causing them illness or harm, and if so, to provide them the care and compensation that they need and deserve. That is the purpose of our amendment, and I am pleased to join with my colleagues in support of its acceptance in this bill.

Mr. MURKOWSKI. Mr. President, I rise as a cosponsor in support of the amendment, and thank all the sponsors for their work in this area.

The purpose of this amendment, put simply, is to provide compensation to workers who have gotten sick as a result of their exposure to hazardous materials in the course of their efforts to build and test nuclear weapons. We must do right by these workers. They were instrumental in winning the cold war. Their efforts deterred hostile attack and safeguarded our security.

I want to highlight a small group of those workers who toiled on a remote island in Alaska to test the largest underground nuclear weapons test our nation ever conducted.

Amchitka is an island in the Aleutian arc 1340 miles southwest of Anchorage. As I mentioned, it is the site of the largest underground nuclear test in U.S. history—the so-called "Cannikin" test of 1971. This 5 megaton test was preceded by two prior tests: "Long Shot," an 80 kiloton test in 1965; and "Milrow," a 1 megaton test in 1969.

According to an independent investigator, Dr. Rosalie Bertell, the ionizing radiation exposure above normal background levels experienced by Amchitka workers ranged from 669 up to 17,240 milliren/year. Workers exposures at Amchitka were primarily due to:

Groundwater transport of tritium from the Longshot test;

Radionuclides stored on site or used in the shaft, including scandium 46, cesium 137, and other radioactive diagnostic capsuled sources;

Radioactive thermoelectric generator (RTG) use;

Material released from the Cannikin re-entry operations in 1972;

Unfortunately, it appears that The Atomic Energy Commission—the predecessor of today's Department of Energy—did not provide for the proper protection of these workers. According to Dr. Bertell:

> Although the workers were apparently told that their work was not 'hazardous,' they

> were actually classified as nuclear workers and were exposed to levels of ionizing radiation from non-natural and/or non-normal sources, above the level which at that time was permitted yearly for the general public, namely 500 mrem/year . . . Doses received by the men during special assignments and during the post-Cannikin cleanup, exceeded the permissible quarterly dose of 1250 mrem and the maximum permissible yearly dose of 5000 mrem.

I would note that the allowable exposure standards for both workers and the general public are much lower today.

The actual amount of radiation the Amchitka workers were exposed to is difficult to quantify, Mr. President. These workers generally did not have the protection of radiation safety training or instruction in the proper usage of Thermoluminescent Dosimeters (TLDs). To make matters even worse, exposure records were not kept in many cases by the AEC. Some of the records that were kept by AEC were later lost. While this was not unusual in the very early years of the nuclear age, radiation protection formalities were well established by the late 1960s and 1970s at the time of the Amchitka tests. Yet the proper procedures were not followed and the proper records were not kept.

So although these were some likely exposures, the records that could help these workers make a claim under existing authority do not exist through no fault of their own. That is the reason that Amchitka workers are included in the "Special Exposure Cohort" with the workers at the Gaseous Diffusion Plants in Portsmouth, Ohio; Paducah, Kentucky; and Oak Ridge, Tennessee. If a member of the special exposure cohort gets a specified disease listed in the amendment that is known to be associated with ionizing radiation, her or she is entitled to appropriate compensation.

I appreciate the work of Senator THOMPSON and others, and the consideration given us by the floor managers.

Mr. President, I yield the floor.

AMENDMENT NO. 3251

(Purpose: To conform standards of judicial review of actions relating to selection boards; and to make a technical correction)

Beginning on page 144, strike line 22 and all that follows through page 145, line 4, and insert the following:

may be, only if the court finds that recommendation or action was contrary to law or involved a material error of fact or a material administrative error.

On page 145, strike lines 8 through 12, and insert the following:

only if the court finds the decision to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law.

On page 148, line 24, strike "off Defense" and insert "concerned".

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I extend my appreciation for the work done by the managers of this bill. Also, I want to briefly focus on one amendment that was adopted.

The fact that these amendments were agreed to en bloc doesn't take away from the importance of this legislation. We can come out here and talk for hours on a piece of legislation, and it has no more meaning than some of these that have just been adopted by the managers of the bill. The one I want to discuss is by Senators THOMPSON, VOINOVICH, REID, and a number of other people, dealing with nuclear test site worker compensation.

I had a meeting last week in Las Vegas with a woman named Dorothy Clayton, who, coincidentally, is in town today. Her husband was one of the people working at the test site for over three decades. One of his first duties was to go in after the blast was set off in one of these tunnels and bring out the devices. He had protective equipment on, but of course it didn't work. We didn't know that at the time.

This man, who literally gave his life for the country, developed numerous cancers and died a very difficult death. This legislation would compensate people such as Dorothy Clayton's husband and many others who worked at the Nevada Test Site and other nuclear complexes around the country. People such as this made the cold war something we now look back on saying that we won.

I want everyone to know that this legislation, which has been around for a long time, is now passed. Not only was the meeting in Las Vegas one where Mrs. Clayton talked about her husband's death, but we had Assistant Secretary of Energy Michaels there, who came to express his apologies to Mrs. Clayton and all such people who have been injured and died over the years. He did this by saying that we, the Federal Government, didn't know at the time that problems would develop. It was a very moving occasion, where the Federal Government—looked upon by many as a big brother—stepped forth and said we made a mistake.

With this legislation, we hope to be able to compensate these people in a minimal way for their efforts. So the veil of secrecy in existence for many years is lifted. People have attempted through litigation to have a right to protect themselves, and they could not because it was against the law. Through this legislation, other things we are doing will be made part of the law, and through the appropriations process we will be able to compensate these people.

I very much appreciate the managers agreeing to this amendment. It is extremely important to the thousands and thousands of people in America today, some of whom have lost loved ones.

Mr. WARNER. I thank our colleague. Might I engage the Senator from Nevada and the Senator from Michigan in a colloquy about the procedural efforts. I compliment the Senator from Nevada.

I ask the Senators to inform the managers of the amendments they intend to bring forward. I recognize that the text of the amendments in certain instances cannot be provided at this time. But we need as much information as possible. Hopefully, Members will provide that to the managers. At some point in time, I am going to urge leadership today to have a cutoff and that we at least have the name, the amendment, as much as we can know about it, so that our leadership can have some estimate from the managers as to the time in which this bill could be concluded.

Mr. LEVIN. Mr. President, I know how hard Senator REID is working to put together that list. We hope we will have such a list. Senator REID can comment more directly on that. I thank him for the work he is doing so that we can try to expedite this process.

Mr. REID. I am happy in this instance to be Senator LEVIN's assistant to help move this legislation along. I say to the chairman of the committee, at noon, or thereabouts, we expect the staff will exchange amendments that have now been presented in the various cloakrooms to the managers of the bill. They will work to determine what amendments they want to add or subtract, and, hopefully, at 1 o'clock we will have a finite list of both majority and minority amendments. We can work from that list. As a result of the work done by the two managers, that list is being narrowed significantly this morning.

Mr. WARNER. I thank my colleague. I assure you that on this side I have the support of my leadership, and we can begin to exchange the lists. I urge the leadership to come to the body and get unanimous consent to have some cutoff at some point today.

Mr. REID. I also say to the chairman, the two leaders have been meeting. They have had discussions about this legislation.

Mr. WARNER. Indeed they have. There has been strong support.

Mr. President, I see our distinguished colleague, a member of the Committee on Armed Services, about to address the Senate on a subject on which I have been privileged to work with him for some time.

I must say that in the many years I have been on this committee I have never seen a more diligent nor a more committed effort than that by the Senator from New Hampshire. It has been a matter of personal pleasure to me to work with him and to go back into the history of the U.S. Navy about an event of great tragedy. I think what he is proposing today will be well received by the Senate and, indeed, hopefully by the naval community which have labored with this burden for these many,

many years since the closing days of World War II.

I remember vividly at the time this particular ship was sunk, the Nation was absolutely shocked and just couldn't believe it. Indeed, a famous Virginian, Graham Clayton, who came along as Secretary of the Navy shortly after me, was the naval officer on board a ship that arrived first on the scene. Graham Clayton used to recount to me his personal recollections about this.

I yield the floor.

AMENDMENT NO. 3210, AS MODIFIED

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Thank you very much, Mr. President.

Before addressing the Senate on the issue of the Indianapolis, I have an amendment to my amendment 3210 at the desk, and I ask unanimous consent that the modification of my own amendment at the desk be agreed to.

Mr. LEVIN. Mr. President, this is the modification which was previously shared with the minority. We have no objection to the pending Smith amendment being modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3210), as modified, is as follows:

At the appropriate place, add the following:

"**SEC. . PERSONNEL SECURITY POLICIES.**

No officer or employee of the Department of Defense or any contractor thereof, and no member of the Armed Forces shall be granted a security clearance if that person—

(1) has been convicted in any court within the United States of a crime and sentenced to imprisonment for a term exceeding 1 year;

(2) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

(3) is currently mentally incompetent; or

(4) has been discharged from the Armed Forces under dishonorable conditions.".

Mr. SMITH of New Hampshire. Mr. President, I thank my colleague from Michigan for working with me. I wish to clarify that he is not necessarily agreeing with all of it, but he has agreed to the modification allowing me to modify my amendment, which he did not have to do. I appreciate it very much.

Before getting into the detail of the tragedy of the U.S.S. *Indianapolis*, which happened so many years ago in 1945, I commend my colleague and the chairman of this committee, Senator John WARNER, a former Secretary of the Navy. When I first approached Senator WARNER on this topic, he was somewhat skeptical, as I was frankly, when I first learned of it. But he took the time to listen to the details and the facts that came forth. He granted a hearing at my request on the U.S.S. *Indianapolis* matter. We heard from survivors and we heard from the Navy. We heard from all sides. As a result of that hearing and the information provided, Senator WARNER worked with me to draft language in this bill to correct an egregious mistake.

Some have said that we are rewriting history in this debate. I am a history teacher. I don't believe you can rewrite history. I think history is either factual or it isn't. But I think we can correct this. If a mistake is made, or has been made, then I think we have an obligation to correct that mistake. In that view, I want to share with my colleagues over the next few minutes what happened in 1945.

Senator WARNER mentioned an old colleague of his, a friend of his, who had been one of the officers to rescue the crew of the U.S.S. *Indianapolis*. It was only 4 months before that my own father, a naval aviator, was killed just prior to the end of the Second World War after having served in that war. This incident happened just days before the end of the war in which over 1,200 men went down and only 300 and some survived.

These tragedies happened. It is terrible. It is part of the war.

I wish to share with my colleagues what happened and why we are doing what we are doing. I believe that a grievous wrong was committed 55 years ago, and it stained the reputation of an outstanding naval officer. I refer to the late Capt. Charles Butler McVay, III, who was tried and convicted at a court-martial, unjustly I believe. I believe that firmly. I believe that based on the facts. He was tried and convicted unjustly as a result of the sinking by a Japanese submarine of his ship, the U.S.S. *Indianapolis*, shortly before the end of the Second World War.

The loss of the U.S.S. *Indianapolis* to a Japanese submarine attack happened on July 30, 1945. It remains without question the greatest sea disaster in the history of the U.S. Navy. Eight-hundred and eighty men perished. Of the 1,197 men aboard, 880 died at sea. An estimated 900 men, however, survived the actual sinking, but they were left, in some cases, without lifeboats, without food, and without water. And they faced shark attacks for 4 days and 5 nights.

If you can, imagine the horror of that experience of being thrown into the sea in a matter of minutes after a torpedo attack by an enemy submarine and to be in the water with sharks for 4 days and 5 nights without lifeboats, in some cases, and without food and without water. Only 317 of those men remained alive when they were discovered by accident 5 days later, because when their ship failed to arrive on schedule, believe it or not, it was not missed. The ship that was scheduled to arrive in port 4 or 5 days before was never even missed. The Navy had completely lost track of this cruiser, the U.S.S. *Indianapolis*, and its entire crew. When it didn't come into port, nobody missed it. These men literally stayed at sea for 4 or 5 days. The only hope they had was the fact that an SOS had been sent out and somebody had heard it, and they would be found.

This tragedy, as you might expect, was a great embarrassment to the U.S. Navy. It was such an embarrassment to the Navy with a ship going down that the news was not given to the public until the day that President Truman announced the surrender of Japan, thus, lessening its coverage by the media, and as a result its impact on the American people.

Let me frame this again: In the same day's news, President Truman announces the surrender of Japan and then this footnote that the U.S.S. *Indianapolis* was sunk with 317 survivors.

Today, only 130 men still live who survived from the U.S.S. *Indianapolis*. In April of 1998, I met for the first time with 12 of those survivors.

I might add that, sadly, as the months go by survivors pass away. Most of these men are in their seventies and eighties. Every day that goes by and we don't get this issue resolved is another day that we lose survivors.

But they were in Washington to plead for legislation for one simple reason: To clear their captain's name. They were accompanied by a young boy by the name of Hunter Scott of Pensacola, FL, whose school history project had led him to join their cause. I learned from those survivors and from this young boy, who was only 13 years old at the time, the story of the sinking. I had heard about it. I had read about it. But I didn't really know all of the facts. I learned that the survivors had been unanimous for over a half a century in their efforts to have their captain's good name restored. For 50 years, they have fought to restore their captain's name, saying that he was unjustly court-martialed and found guilty of the loss of the U.S.S. *Indianapolis*.

Hunter Scott's involvement had renewed interest in their cause, and Hunter Scott's involvement, I think, as a young boy, came as a result of the book called "Fatal Voyage: The Sinking of the U.S.S. *Indianapolis*," written by Dan Kurzman.

With no financial interest in the book, I would certainly recommend that book to anyone who wishes to know the facts of what happened with the U.S.S. *Indianapolis*.

But Mr. Scott had attracted the attention of the media as well as the attention of his Member of Congress in the House of Representatives, Congressman Joe Scarborough, who had already introduced legislation in the House which called for a posthumous pardon for Captain McVay.

Hunter Scott can be very proud. He demonstrated that one person with grit and perseverance, in search of justice, can find that justice in the Halls of Congress. This boy, at the age of 12 or

13, brought the facts of this case to the Congress. As a result, language now is in this Defense authorization bill which will clear Captain McVay's name as a result of this 12 or 13-year-old boy.

When we hear stories about young people today, we always hear the bad things. This is good. He is a very impressive young man. He testified before the Armed Services Committee. He wasn't nervous. He held his own. He answered tough questions. He had the answers without any hesitation.

Last April, I had another meeting with a second group of survivors, and young Hunter Scott, who had returned to Washington once again in their effort to right what they believed was a wrong. In spite of the hearing, we still haven't gotten it done. Their story, in turn, got my attention and led me to introduce Senate Joint Resolution 26, which expresses the sense of Congress that Captain McVay's court-martial was morally unsustainable; that his conviction was a miscarriage of justice, and that the American people should now recognize his lack of culpability for the loss of the ship and the lives of 880 men who died as a result of the sinking.

Mr. President, this language does not erase the conviction of Captain McVay from his record. We in Congress don't have the authority to erase the conviction of a court-martial. It must remain on his record. But it is not, in my view, a stain on Captain McVay's record. I believe it is a stain upon the conscience of the Navy. Until this or some future President sees fit to order it be expunged, we can't do that. If I could, I would, with the stroke of a pen. I urge President Clinton, or any other President in the future, to do it. But I can't do it. This Senate can't do it.

This resolution does something very important. It represents acknowledgment from one branch of this Government, the U.S. Congress, House and the Senate, that Captain McVay served capably, that his conviction was morally wrong, and that he should no longer be viewed by the American people as responsible for this horrible tragedy which haunted him to the end of his life.

I will take you back 55 years, the end of the Second World War, the late summer of 1945. After surviving a kamikaze attack off Okinawa in March of 1945—which killed 17 of his crew—Captain McVay returned the *Indianapolis* safely to California for repairs. For those who are probably too young to remember the war, a kamikaze attack was a Japanese aircraft that flew directly into the ship with the pilot of the Japanese aircraft giving up his own life to crash land the aircraft into the ship to blow it up. Kamikaze attacks killed a lot of Americans.

McVay's ship and McVay survived, but it killed 17 of his crew. McVay got the ship back to shore. Remember, this ship was just hit by kamikaze attack, but this captain was so well respected and admired by his naval superiors that once the ship was repaired, they didn't even have time to go out and have a shake-down cruise. It was selected to transport components of the atomic bomb which was ultimately dropped on Hiroshima by the *Enola Gay*. They were to deliver the components for that bomb. McVay, among all other captains, and McVay's ship, the *Indianapolis*, was selected for that critically important duty. It successfully delivered the bombing parts to the island of Tinian—and, coincidentally, setting a speed record across the Pacific for surface vessels which stands to this day.

Here is a ship that was hit by a kamikaze. There was very little time to check the repairs, no shake down, the repairs were performed, and they were given the materials for the bomb and departed for the island of Tinian. The ship was routed on to Guam after that duty for sailing waters to Leyte. At Guam, Captain McVay requested a destroyer escort—this is very important. At Guam, Captain McVay requested a destroyer escort across the Philippine Sea. No capital ship without antisubmarine detection equipment, such as the *Indianapolis*, had ever made that transit unescorted throughout World War II. No ship had ever gone from Guam to Leyte during the war without an escort. McVay requested one. McVay was denied. No escort. He was told it was not necessary.

Navy witnesses at a hearing last September on this resolution conceded that this was the case. The Navy conceded that no escort was provided, even though it was requested. Even worse, McVay was not told that shortly before his departure from Guam, an American destroyer escort, the U.S.S. *Underhill*, had been sunk by a Japanese submarine within the range of his path. Navy witnesses in our September hearing on this bill conceded that this was the case. A request by McVay for a destroyer escort to go from Guam to Leyte. Request denied. Never happened before. They always had escorts.

Second, the U.S.S. *Underhill* had been sunk by a Japanese submarine in the same sea route. They never admitted this.

Third, U.S. intelligence furthermore broke the Japanese code and learned that the I-58, the Japanese submarine, the very submarine which sunk the *Indianapolis*, was operating in the path of the *Indianapolis*. So we had U.S. intelligence that had broken the Japanese code and said the I-58 Japanese submarine was operating in the path of the *Indianapolis*. Many responsible for routing the ship from Guam to the Philippines were aware of the intelligence, but McVay was not told. Navy witnesses at our hearing conceded that was true. That is why, to his credit, Senator JOHN WARNER came over to this issue.

Mr. President, upfront I will say my duty is not to dump on the Navy. I am a former Navy man. My dad was a naval aviator. I love the Navy. But if a mistake is made, we ought to admit the mistake. When the *Indianapolis* was sunk, naval intelligence intercepted a message from the I-58 that it had sunk an American—they said battleship—along the route of the *Indianapolis*. That message was dismissed as enemy propaganda. Naval witnesses at our hearing conceded that was also the case.

So after the ship was sunk, they stayed in the sea for 4 to 5 days because they thought it was propaganda that the Japanese said they sunk a ship. It was a reasonable mistake, I suppose, but maybe they could have checked it out.

It should be remembered at this point that hostilities in July 1945 had moved far to the north of the Philippine Sea. We were preparing for the expected invasion of Japan over 1,000 miles away. The Japanese surface fleet was virtually nonexistent. Only four Japanese submarines were thought to be operational in the entire Pacific region. It is fair to conclude from these facts that there was a relaxed state of alert on the part of naval authorities in the Marianas, and it is also fair to conclude, as a result that, Captain McVay and the men of the *Indianapolis* were sent into harm's way without a proper escort or the intelligence which could have saved the ship and the lives of the 880 members of its crew.

They were in a relaxed state. Captain McVay was basically given no reason to be alarmed about anything.

Following the sinking, the Navy maintained the ship had sunk so fast it had not time to send out an SOS. For many years, this was never contested. But following appearances on several national TV programs, Hunter Scott, this 13-year-old boy, had received word from three separate sources, each providing details of a distress signal of which they were aware which was received from the ship and which, in each case, had been ignored. So the SOS did go out, but it was ignored.

At the September hearing, one of the survivors who had served as a radio man aboard the ship testified that a distress signal did, in fact, go out. He said he watched the needle "jump," on one of the ship's transmitters, signifying a successful transmission. Today, however, the Navy still holds to its position that a distress signal was never received and the truth will likely remain a mystery in this incredible story, never to be resolved.

Following his rescue from the sea, Captain McVay was faced with a court of inquiry in Guam, which ultimately recommended a court-martial. Fleet Adm. Chester Nimitz and Vice Adm.

Raymond Spruance, who was McVay's immediate superior and for whom the *Indianapolis* served as flagship, both of these legendary naval heroes of war went on record as opposed to a court-martial for McVay—opposed. Adm. Ernest King, then-Chief of Naval Operations, overruled both Spruance and Nimitz and ordered the court-martial. To the best of my knowledge, this is the first time in the Navy's history that the position taken by such high-ranking officers has been countermanded in a court-martial case.

The question has to be, Why does the Chief of Naval Operations overrule the two officers in command? Admiral Nimitz, one of the most highly respected officers in the entire war in the Navy, recommended no on the court-martial. He was overruled by the CNO, who was not even there. Why? Why?

I believe one of our witnesses at the September hearing, Dr. William Dudley, Chief Naval Historian, may have given us the answer. He testified that Admiral King was a strict disciplinarian who, "when mistakes were made, was inclined to single out somebody to blame."

I am forced in this instance to use the word "scapegoat" because I believe that is exactly what Captain McVay became. Brought here to the Washington Navy Yard to face his court-martial, Captain McVay was denied his choice of a defense counsel and assigned a naval officer who, although he had a law degree, had never tried a case before. Neither Captain McVay nor his counsel were notified of the specific charges against him until 4 days before the court-martial convened and the charges against him were specious at best.

The Navy settled on two charges against Captain McVay: No. 1, failing promptly to give the order to abandon ship, and, No. 2, hazarding his ship by failing to zigzag. In other words, if you know there are enemy ships in the area, if you zigzag, it is harder for the enemy ship to get a reading on you and sink you.

He was ultimately found innocent on the first charge, failing to promptly abandon ship, when it became apparent—and it should have been long before the charge was brought—that there was no foundation for such charge because he did give the order. The torpedo attack had immediately knocked out the ship's intercom and officers aboard the ship were forced to give the abandon ship order by word of mouth to those around them. The ship was hit and it sunk in a matter of minutes. The entire intercom system was knocked out and you had to give the order to abandon ship one person at a time.

This charge, the second charge, failure to zigzag, including the phrase "in good visibility," became the basis for his conviction. In other words, failure to zigzag in good visibility became the basis for his conviction, one which effectively destroyed his career as a naval officer.

Let's look at the validity of that charge. Captain McVay sailed from Guam with orders to zigzag at his discretion. Shortly before midnight on July 29, 1945, the day before, with visibility severely limited—you zigzag in clear weather—visibility severely limited, and with every reason to believe the waters through which he is sailing were safe, McVay exercised discretion with an order to cease zigzagging and retired to his cabin, leaving orders to the officer of the deck to wake him if the weather conditions changed.

Whether weather conditions changed is debatable. Some survivors say it did. Some were not sure. But survivors were unanimous in depositions taken shortly after their rescue that it was very dark prior to and at the time of the attack; that the visibility was poor. Chief Warrant Officer Hines, for example, stated he could hardly see the outlines of the turrets on the ship. His and other similar depositions were not made available to Captain McVay's defense counsel.

Again, why not? The Navy maintained, and still does today, that the visibility was good when the Indianapolis was spotted and subsequently torpedoed and sunk that night, ignoring the sworn statements of those who were there when it happened; ignoring them.

Why is this important? It is important because there were no Navy directives in place then, or today, which either ordered or even recommended zigzagging at night in poor visibility. The order to zigzag was discretionary even if the weather was poor.

Moreover, in voicing opposition to Captain McVay's court-martial, Admiral Nimitz, in charge of the Pacific Fleet, pointed out:

> The rule requiring zigzagging would not have applied, in any event, since Captain McVay's orders gave him discretion on that matter and thus took precedence over all other orders.

This is a point, I might add, which Captain McVay's inexperienced defense counsel never even addressed at the court-martial.

To bolster its case against McVay, the Navy brought two witnesses to the court-martial. I have to say this has to be in the category of the unbelievable. One of the witnesses at Captain McVay's naval court-martial, brought in by the U.S. Navy, was a man by the name of Hashimoto, who was the captain of the submarine which sank the U.S.S. *Indianapolis*. The captain of the submarine which sank the U.S.S. *Indianapolis*, the enemy sub, the captain was brought in to testify against a naval captain. That, my colleagues, was uncalled for. It was the height of insult. Imagine this captain, after losing his crew to an enemy torpedo, not even being told by his superiors that there were enemy ships in the area, has the captain of that ship testify against him—an outrage.

The other witness was Glynn R. Dunaho, winner of four Navy Crosses as an American submarine captain during World War II. Neither helped the Navy's case. Both Hashimoto and Dunaho testified that, given the conditions that night, either one of them could have sunk the *Indianapolis*, whether it had been zigzagging or not.

They thought Hashimoto would have helped them. He said he could have sunk the ship; it didn't matter whether it was zigzagging or not. Unbelievably this testimony was brushed aside by the court-martial board.

In our hearings in the Senate this year, high-ranking Navy witnesses insisted Captain McVay was not charged with the loss of his ship; he was not even considered responsible for the loss of the ship or the loss of life. They insisted he was guilty only of hazarding his ship by failing to zigzag.

One question they declined to answer: Would he have been court-martialed if he had arrived safely in the Philippines but had failed to zigzag that night? The answer, quite obviously, is no. And the Navy's argument simply denies logic.

In other words, if failure to zigzag is the problem, then you ought to nail an officer who doesn't do it before a tragedy, not after. If he had arrived in port safely, would he have been charged? The answer is no, of course, he wouldn't have been charged. He had an unblemished record as a naval officer. It defies logic, but it happened.

In truth, McVay's orders gave him discretion to make a judgment, but when he relied on the best information he had, which indicated his path was safe, and exercised that discretion on a dark night, he ended up with a court-martial and humiliation.

No intelligence was given to him. Nobody told him there were enemy submarines in the area. Nobody told him the *Underhill* was sunk days before. No one told him any of that. They also told him he had discretion to zigzag.

In spite of all that, they court-martialed him. They humiliated him for making a judgment call under circumstances which any one of us would have done the same, including those who court-martialed him.

Captain McVay's judgment call to zigzag was not responsible for this disaster, period. Other judgment calls may have been. Let's review some of them.

There was a judgment that his passage was safe; to deny him destroyer escort; to deny him the intelligence about the sinking in his path of the *Underhill*; to ignore the Japanese submarine's report that it had sunk an American battleship along his route; to ignore the failure of the *Indianapolis* to arrive on schedule; if they were, indeed, received, to ignore the distress signals which were reported to be sent out; and to deny Captain McVay the vital intelligence that the Japanese submarine which sank his ship was operating in its path.

Those responsible for these judgment calls were far more responsible for the loss of the *Indianapolis* and its crew than its captain. Guess what happened to them. Nada. No court-martial. Nothing. Nothing happened to those who ignored the intelligence. Nothing happened to those who did not tell the captain about the *Underhill*. Nothing happened to those who did not even report the loss of the ship. Nothing.

Recently, my distinguished colleague and chairman, Senator WARNER, received a personal letter from Hashimoto, the captain of the Japanese submarine.

The PRESIDING OFFICER (Mr. Fitzgerald). The Senator's 30 minutes have expired.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I follow the Senator from New Hampshire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, in his letter, Hashimoto confirmed his court-martial testimony by stating that he could have sunk the *Indianapolis* whether it had zigzagged or not. Then he went on to say:

> Our peoples have forgiven each other for that terrible war and its consequences. Perhaps it is time that your people (to) forgave Captain McVay for the humiliation of his unjust conviction.

That came from the man who sank McVay's ship. He was a dedicated, committed Japanese officer who, if you read Mr. Kurzman's book, was glad at the time he sank the ship and, in fact, was looking for a ship to sink.

Hashimoto attended that court-martial. In the English translation of a recent interview Hashimoto gave to a Japanese journalist, here are some excerpts about the court-martial of McVay:

> I wonder (if) the outcome of that court-martial was set from the beginning . . . because at the time of the court-martial, I had a feeling it was contrived. . . .

That came from Hashimoto. There are other comments Hashimoto makes, Mr. President.

There is one direct quote I want to give from his interview:

> I understand English a little bit even then, so I could see at the time I testified that the translator did not tell fully what I said. I mean it was not because of the capacity of the translator. I would say the Navy side did not accept some testimony that were inconvenient to them.

As I conclude, I repeat, I love the Navy. I served the Navy in Vietnam, and I would do it again. My father was a naval aviator and a graduate of the Naval Academy. He was killed at the end of the Second World War after serving in the Pacific and in the North Atlantic. I have no intention of embarrassing the Navy. That is not my purpose in sponsoring this legislation.

It is apparent that the old Navy made a mistake when they court-martialed Captain McVay to divert attention from the many mistakes which led to the sinking of the *Indianapolis*, mistakes beyond McVay's control and responsibility.

It is important to note that at least 350 ships were sunk by enemy action during World War II. No other captain was court-martialed. Only McVay. Tell me, after listening to this testimony, how hard and convincing was the evidence that he deserved to be court-martialed? The answer is no hard evidence that he deserved to be court-martialed.

Captain McVay was a graduate of the Naval Academy in 1920. He was a career naval officer who had a decorated combat record, which included participation in the landings in North Africa and an award of the Silver Star for courage under fire earned during the Solomon Islands campaign. He was a fine officer and a good captain, and his crew members who survived readily attest to it. To the man, to their dying breath, they have defended this captain after 50 years. What kind of a man would have that kind of capacity? What kind of man would have the crew 50 years later, after enduring this, and with every reason to be angry with him, with every reason to hate him after almost dying in the sea, with him?

The court-martial board found McVay guilty of hazarding his ship by failing to zigzag. His sentence of a loss of grade was remitted in 1946, and he was restored to active duty by Admiral Nimitz who replaced Admiral King as Chief of Naval Operations. But his naval career was ruined. You do not survive that stigma. He served out his time as an aide in the New Orleans Naval District before retiring in 1949 with a so-called "tombstone promotion" to rear admiral.

Sadly—and this is the worst part of the story—Captain McVay took his own life in November 1968. Those who knew him feel strongly that the weight of his conviction and the blame which that conviction implied for the loss of the *Indianapolis* and the death of the crew was a reason for his suicide.

Captain McVay is gone. It is too late for him to know what we propose to do, but the undeserved stain upon his name remains. Time is running out for the 130 people out of 300-some who survived, united and steadfast for half a century to clear his name. We owe it to them, to him, and to his family to clear his name.

We have forgotten that these men survived 4 terrifying days and 5 frightening nights in the sea, fighting off sharks, starvation, and no water. Let's not forget them again.

Again, I thank Senator WARNER. Without Senator WARNER, we would not be able to make this happen. I am pleased to hear the House Armed Services Committee adopted the original legislation which I introduced in the Senate. I look forward to working out some language differences on this matter in conference.

We now have the opportunity to give the remaining survivors of this terrible tragedy what they deserve and have fought for so hard and so tenaciously for so long: an acknowledgment by their Government, by their Navy that they made a mistake. After 55 years, we make it right that their captain was not to be blamed for the loss of the *Indianapolis* nor the loss of their shipmates. This is not historical revisionism. It corrects a longstanding historical mistake and rights a terrible wrong.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. Mr. President, I was not recognized for 5 minutes.

Mr. WARNER. I did not know that order was entered.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I say to my colleague from Virginia, if my colleague wants the floor right now, I ask unanimous consent that after the Senator from Virginia, I follow him.

Mr. WARNER. I am not hearing the Senator. The Senator is recognized, and that is open-ended; is that the order of the Chair? Unusual. I do not know how it happened, but the Senator got it. What is the Senator advising me?

Mr. WELLSTONE. I am saying to my colleague, I am recognized. I intend to offer an amendment. I heard my colleague from Virginia seeking recognition, and if there are a few things he wants to say right now, I will yield for that. Otherwise, I will go forward.

Mr. WARNER. Will the Senator from Minnesota advise the Chair and the Senator from Virginia exactly how much time he wants and for what purpose? The time being consumed now can be charged to the managers.

Mr. WELLSTONE. I do not intend to take a long time. I intend to lay out a case for an amendment. I cannot give a time. I cannot do it in 5 minutes. There is no time limit, but I do not intend to be long.

Mr. WARNER. I understand that. Of course, we have an order at 1 o'clock to go straight to an amendment.

Mr. WELLSTONE. I intend to be finished before that.

Mr. WARNER. I am trying to finish other things from now until 1 o'clock. This is most unusual. I do not realize how we got to this. I am not sure how we got here, but it is here.

Mr. WELLSTONE. Yes.

Mr. REID. Would the Senator yield without losing his right to the floor?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. I want to explain to the Senator from Virginia, Senator SMITH asked to be recognized for an additional 5 minutes. Senator WELLSTONE was standing here and said: I ask unanimous consent that I be recognized after Senator SMITH. That is how it happened.

Mr. WARNER. What is done is done. You have it open-ended, I say to the Senator, until 1 o'clock. What can you do to help us?

Mr. WELLSTONE. I say to my colleague from Virginia two things. No. 1, there are two other Senators out here who want to speak briefly. I would be pleased for them to do so—but I do not want to yield the floor—after which I will have the floor.

I say to the Senator from Virginia, I do not think I will take a long time. I will help the manager and try to do it in——

Mr. WARNER. If you can give us a time, then we can help our colleagues. How about 10 minutes?

Mr. WELLSTONE. I say to the Senator from Virginia——

Mr. WARNER. Ten minutes?

Mr. WELLSTONE. I say to the Senator from Virginia, 10 minutes will not be sufficient. I will try to move forward expeditiously. All of us think our amendments are important. I did not come out here intending to speak for hours, but I need to take about 20 minutes to make my case. I do not want to be——

Mr. WARNER. If that is the case, it leaves very little time for the managers to recognize others who are waiting.

Mr. WELLSTONE. We all come and wait, and we all seek recognition.

Mr. WARNER. Fine. Would you settle for 20 minutes?

Mr. WELLSTONE. I will not because I do not know how long it will take.

Mr. WARNER. I yield the floor.

Mr. WELLSTONE. I will try to keep it in that timeframe.

Mr. BIDEN. Mr. President, will the Senator yield to me for a comment without he losing his right to the floor?

Mr. WELLSTONE. I am pleased to yield to the Senators from Delaware and Utah, without losing my right to the floor.

Mr. BIDEN. I say to the managers of the bill—if I can get Senator WARNER's attention—as Senator WARNER knows, the manager of the bill, the chairman of the committee, and Senator LEVIN knows, I had planned to offer the Violence Against Women Act as an amendment. In the meantime, the fellow with whom I have worked most on this legislation, and who has played the most major part on the Republican side of the aisle on the violence against women legislation has been Senator HATCH.

He and I have been working to try to work out a compromise. We think we have done that on the violence against women II legislation, reauthorization of the original legislation. Because of his cooperation and his leadership, actually, I am prepared to not offer my amendment. But I do want the RECORD to show why. It is because of Senator HATCH's commitment and leadership for us to move through the Judiciary Committee with this and find another opportunity to come to the floor with it.

With the permission of the managers, I will yield—without the Senator from Minnesota losing his right to the floor—to my friend from Utah to comment on the Violence Against Women Act.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I join Senator BIDEN this afternoon. We passed the original Violence Against Women Act in 1994. He deserves a great deal of credit for that. I would like to move forward with the passage of the violence against women reauthorization this year.

For almost 10 years, I have stood with my colleague from Delaware, Senator BIDEN, on this particular issue. He and I have worked for almost a year now to try to resolve any disagreements regarding specific provisions in our respective bills on this issue, S. 245 and S. 51.

What we want to do is combat violence against women. I believe we have a good product. It is the Biden-Hatch Violence Against Women Act of the year 2000.

I have committed to Senator BIDEN that we plan to move this legislation in the Judiciary Committee. I plan to have it on the committee markup for next week. Now, any member of the committee can put it over for a week. I hope they will not. Before the Fourth of July recess, I hope we can pass the bill out of the Judiciary Committee. Hopefully, the leadership will allow us some time on the floor to debate it. It is a very important piece of legislation.

Millions and millions of women, men, and children in this country will benefit by the passage of this bill. I am going to do everything in my power to help Senator BIDEN in getting it passed.

Mr. BIDEN. I ask unanimous consent to proceed for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I thank the Senator from Minnesota, Mr. WELLSTONE, and the managers for yesterday accommodating my interest in this. I thank Senator HATCH for his leadership and look forward to us having the bill on the floor in its own right in the near term.

I yield the floor and thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 3264

(Purpose: To require the Secretary of Health and Human Services to report to Congress on the extent and severity of child poverty)

Mr. WELLSTONE. Mr. President, first of all, I wish to talk about what this amendment is about. Then I want to also make a couple of other comments. I will try to stay within a reasonable time limit.

There have not been very many vehicles out here on the floor —if I say that back in Minnesota, people look for cars or trucks, but what I am saying is that we have not had a lot of opportunity to bring amendments out here that we think are important as they affect the lives of people we represent.

This amendment has been passed by the Senate, but every time it gets passed by the Senate, it gets taken out in conference committee. This will be the third or fourth time. I think on the last vote there were over 80 Senators who voted for it.

The amendment calls for a policy evaluation, in which I think all of us should be interested. We should care enough to want to know about the welfare bill because this is going to be coming up for reauthorization. In every single State in the country we are going to reach a drop-dead date certain where people are basically going to be off welfare. What this amendment calls for, and I will describe it more carefully in a moment, is for Health and Human Services to basically call on the States to aggregate the data and to get the data to us as to where these mothers and children are now.

In other words, we keep hearing about how the rolls have been cut by 50 percent and that, therefore, represents success, but we do not know whether or not the poverty has been cut and we need to know where these mothers are. We need to know what kind of jobs they have and at what kind of wages. We need to know whether or not the families still have health care assistance. There have been some disturbing reports that have come out within the last several weeks that in too many States even though AFDC families—that is, aid to families with dependent children families—by law should be receiving the Medicaid coverage even when they are now working and off welfare, they are not getting that coverage.

We need to know why there has been such a dramatic decline in food stamp participation, which is the most important nutritional safety net program for children in the country. There has been somewhere around a 20-percent cut in participation, and there has been nowhere near that kind of reduction in poverty. We need to understand what is happening.

Most importantly, I would argue, although one can never minimize the importance of whether or not these mothers are able to obtain even living-wage jobs, it is the whole child care situation. I recommend to colleagues a study that has recently been concluded by Yale and Berkeley which is devastating to me as a Senator. Basically, it is a study of what has happened to welfare children during this period of reform.

There have been 1 million more children who have now been pushed into child care. But the problem is that the child care is woefully inadequate and the vast majority of these children are watching TV all day, without any real supervision, without any real education, and therefore, not surprisingly, colleagues, they are even further behind by kindergarten age.

What this amendment would do would be to require the Secretary of Health and Human Services to report to the Congress on the extent and severity of child poverty. In particular, what we are interested in is what is happening with the TANF legislation.

Let me sort of summarize.

The amendment would require the Secretary of Health and Human Services to submit to Congress by June 1, 2001, or prior to any reauthorization of the Personal Responsibility and Work Opportunity Reconciliation Act—we ought to have this evaluation before we reauthorize—a report on the extent of child poverty in this country.

The report must include, A, whether the rate of child poverty has increased under welfare reform; B, whether children living in poverty have gotten poorer under welfare reform—that deals not with the extent of child poverty but the severity of child poverty—and C, how changes in the availability of cash and noncash benefits to poor families have affected child poverty under welfare reform.

In considering the extent and severity of child poverty, the Secretary must also use and report on alternative methods for defining child poverty that more accurately reflect poor families' access to in-kind benefits as their work-related expenses as well as multiple measures of child poverty such as the extreme child poverty rate.

Finally, if the report does find that the extent or severity of child poverty has increased in any way since enactment of the welfare reform legislation, the amendment requires the Secretary to submit with the report a legislative proposal addressing the factors that have led to the increase.

Let me be clear as to what this amendment is about, why I introduce it to this bill, and why I hope for a strong vote.

First of all, what is it about? It is about poor children. Why have I focused on poor children? Because I think that should be part of our agenda. What is my concern? There has been a tremendous amount of gloating and a lot of boasting about how successful this welfare bill has been. I have traveled in the country and spent quite a bit of time with low-income families and with men and women who don't get paid much money but try to work with these families. That is not the report I get at the grassroots level.

What reports have come out—I won't even go through all of the reports today—should give all of us pause. Basically, what we are hearing is that there has perhaps been some reduction in the overall poverty rate but an increase in the poverty of the poorest families; that is to say, families with half the poverty level income.

What I also found out from looking at some of the data, much less some of the travel, is that there are some real concerns; namely, in all too many cases when these mothers now leave and go from welfare to work, which is what this was supposed to be about, the jobs are barely above minimum wage. When they move from welfare to work, all too often they are cut off medical assistance. Families USA says there are 670,000 fewer people receiving Medicaid coverage and health care coverage because of the welfare bill.

When they move from welfare to work, they go from welfare poor to working poor, but they are not being told that they still have their right to participate in the Food Stamp Program for themselves and their children and, therefore, are not participating in that program. When they go from welfare to work, since they were single parents at home, the child care situation is deplorable. It is dangerous.

When people keep talking about how great this bill is, and we haven't even done the policy evaluation, and it is coming up for reauthorization, I argue that it is a security issue for poor families in the United States of America.

Again, what this legislation calls for is a study of child poverty, both to look at the extent of it and the severity of child poverty, to make sure we get the data, to make sure we have the policy evaluation before reauthorization. There should be support for this because we should be interested in policy evaluation.

Again, pretty soon we are basically going to have almost everyone pushed off welfare. Before that happens, before a mother with a severely disabled child is pushed off welfare or before a mother who has been severely beaten and battered is pushed off welfare or before a mother who has struggled with substance abuse is pushed off welfare, and they may not be able to take these jobs—they may not find the kind of employment with which they can support their families—we had better know.

I have quoted Gunnar Myrdal, the famous Swedish sociologist who once said that ignorance is never random; sometimes we don't know what we want to know.

This is the fourth time I have brought this amendment to the floor. The first time, it was defeated by one vote, although it was a different formulation. The second time, it was accepted on a voice vote. That was my mistake. Then it was quickly taken out of conference. The third time, it passed by a huge vote on a bill that then went nowhere. This is the fourth time. The reason I keep coming back is, I am determined that we do this policy evaluation.

Let me give one other example of why I will send this amendment to the desk in a moment.

In focusing on this welfare bill, I know there was a conference committee I attended. This was all about an amendment which, again, the Senate passed, but it was taken out in conference committee, where I was arguing that right now it is wrong not to enable a mother to at least have 2 years of college; that she and the State in which she lives should not be penalized on work participation, and that if the State of Minnesota or California or Michigan or Virginia decided it makes sense to let these mothers have 2 years of higher education, that they and their children will be better off; they should not be penalized.

I went to the conference committee; it was dropped in conference committee. A number of different members of the conference committee were saying: Wait a minute, this welfare bill is hallmark legislation. It is one of the greatest pieces of legislation passed in the last half a century. President Clinton tends to make the same kind of claim.

We can agree; we can disagree. The point is, there ought to be a policy evaluation. There is a lot at stake. What is at stake is literally the health and well-being of poor women and poor children. We ought to at least have this data. We ought to at least make this policy evaluation. We ought to do it before we reauthorize this bill. That is why I introduce this amendment, and that is why in a moment I will send this amendment to the floor.

Before I do, I also want to signal to colleagues that there is a report—I think we will have a debate; I don't know whether it will be today or whether it will be tomorrow or when—on missile defense.

Mr. WARNER. Will the Senator yield for a minute? We want to try to accommodate him. It may well be we can accept the amendment. He has not shown me a copy of it.

Mr. WELLSTONE. I am getting ready to send the amendment to the desk.

Mr. WARNER. We only have 21 minutes left. There is another Senator I would like to accommodate on a matter unrelated to the bill. Is there any harm in looking at it?

Mr. WELLSTONE. Mr. President, I just received the amendment. I will be pleased to send the amendment to the desk. I will say, my colleague has a copy.

Mr. WARNER. I have a copy?

Mr. WELLSTONE. The Senator does. I will also say to my colleague, I am actually trying to finish up in the next 4 or 5 minutes. It is just sort of a bad habit I have. When I keep getting pressed in the opposite direction, I tend to speak longer. I am not trying to take up time, I am just trying to argue my case, I say to the Senator.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 3264.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

SEC. ___. REPORT TO CONGRESS REGARDING EXTENT AND SEVERITY OF CHILD POVERTY.

(a) IN GENERAL.—Not later than June 1, 2001 and prior to any reauthorization of the temporary assistance to needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for any fiscal year after fiscal year 2002, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall report to Congress on the extent and severity of child poverty in the United States. Such report shall, at a minimum—

(1) determine for the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105)—

(A) whether the rate of child poverty in the United States has increased;

(B) whether the children who live in poverty in the United States have gotten poorer; and

(C) how changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States;

(2) identify alternative methods for defining child poverty that are based on consideration of factors other than family income and resources, including consideration of a family's work-related expenses; and

(3) contain multiple measures of child poverty in the United States that may include the child poverty gap and the extreme poverty rate.

(b) LEGISLATIVE PROPOSAL.—If the Secretary determines that during the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) the extent or severity of child poverty in the United States has increased to any extent, the Secretary shall include with the report to Congress required under subsection (a) a legislative proposal addressing the factors that led to such increase.

Mr. WELLSTONE. Mr. President, in many ways I would have liked to have taken an hour to talk about this because I happen to believe that what is happening right now with poor women and poor children is a terribly important issue. I have summarized this amendment. I think about 89 Senators voted for this amendment last time. I hope I will get a strong vote this time.

By way of concluding, while I have the floor, I will mention to colleagues, since I know we will have a thoughtful and careful debate on missile defense, there is an excellent study that has come out that I commend to every Senator, done by the Union of Concerned Scientists at the MIT Security Studies Program. The title of it is "Countermeasures, a Technical Evaluation of the Operational Effectiveness of the Planned U.S. National Missile Defense System."

These distinguished scientists argue that any testing program must ensure that the baseline threat has realistically declined by having the Pentagon's work in that area reviewed by an independent panel of qualified experts; provide for objective assessment of the design and results of the testing program by an independent standing review; conduct tests against the most effective countermeasures. It is an excellent analysis of the whole problem of countermeasures—that an emerging missile state could reasonably expect to build and to conduct enough tests against countermeasures to determine the effectiveness of the system with high confidence.

We will have an amendment that I plan on doing with Senator DURBIN and other Senators, where we will have a very thoughtful debate about the whole question of the importance of having the testing. I just wanted to speak about this briefly.

I yield the floor.

Mr. WARNER. Mr. President, it is my understanding that the Senator from Minnesota will accept a voice vote. He wanted to address the Senate on that point. We will proceed to adopt the amendment.

Mr. LEVIN. Mr. President, perhaps Senator WELLSTONE will yield to me for 1 minute after he is recognized.

Mr. WELLSTONE. I will yield to the Senator from Michigan.

Mr. LEVIN. Does Senator WELLSTONE have the floor?

Mr. WARNER. I have the floor.

Mr. WELLSTONE. Mr. President, I thank the Senator from Virginia and the Senator from Michigan for their support. We have had a resounding vote for this amendment before. I want to just keep this before the Senate. Somehow I want to get this policy evaluation done. So I think a voice vote, which means this passes with the full support of the Senate, will suffice.

I thank my colleagues for their courtesy and graciousness. I thank the Senator from Virginia for allowing an unlimited amount of time.

Mr. LEVIN. Mr. President, I commend our good friend from Minnesota not just for his good nature but also for his continuing to bring to the attention of the Senate and the Nation the problem addressed in his amendment, and his determination that he get a review of the impact of the actions that we have taken on poor people in this country. He has been in the leadership of this effort continually. He raises this issue with his extraordinarily powerful and eloquent voice. I commend him for that. We will be accepting the amendment.

Mr. WARNER. I think we are ready to agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3264) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3267

(Purpose: To establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. DODD, proposes an amendment numbered 3267.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. ___. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON CUBA.

(a) SHORT TITLE.—This section may be cited as the "National Bipartisan Commission on Cuba Act of 2000".

(b) PURPOSES.—The purposes of this section are to—

(1) address the serious long-term problems in the relations between the United States and Cuba; and

(2) help build the necessary national consensus on a comprehensive United States policy with respect to Cuba.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Bipartisan Commission on Cuba (in this section referred to as the "Commission").

(2) MEMBERSHIP.—The Commission shall be composed of 12 members, who shall be appointed as follows:

(A) Three individuals to be appointed by the President pro tempore of the Senate, of whom two shall be appointed upon the recommendation of the Majority Leader of the

Senate and of whom one shall be appointed upon the recommendation of the Minority Leader of the Senate.

(B) Three individuals to be appointed by the Speaker of the House of Representatives, of whom two shall be appointed upon the recommendation of the Majority Leader of the House of Representatives and of whom one shall be appointed upon the recommendation of the Minority Leader of the House of Representatives.

(C) Six individuals to be appointed by the President.

(3) SELECTION OF MEMBERS.—Members of the Commission shall be selected from among distinguished Americans in the private sector who are experienced in the field of international relations, especially Cuban affairs and United States-Cuban relations, and shall include representatives from a cross-section of United States interests, including human rights, religion, public health, military, business, and the Cuban-American community.

(4) DESIGNATION OF CHAIR.—The President shall designate a Chair from among the members of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of the Chair.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(7) VACANCIES.—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) DUTIES AND POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall be responsible for an examination and documentation of the specific achievements of United States policy with respect to Cuba and an evaluation of—

(A) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in support of acts of international terrorism and the trafficking of illegal drugs;

(B) the indemnification of losses incurred by United States certified claimants with confiscated property in Cuba; and

(C) the domestic and international impacts of the 39-year-old United States economic, trade and travel embargo against Cuba on—

(i) the relations of the United States with allies of the United States;

(ii) the political strength of Fidel Castro;

(iii) the condition of human rights, religious freedom, and freedom of the press in Cuba;

(iv) the health and welfare of the Cuban people;

(v) the Cuban economy; and

(vi) the United States economy, business, and jobs.

(2) CONSULTATION RESPONSIBILITIES.—In carrying out its duties under paragraph (1), the Commission shall consult with governmental leaders of countries substantially impacted by the current state of United States-Cuban relations, particularly countries impacted by the United States trade embargo against Cuba, and with the leaders of non-governmental organizations operating in those countries.

(3) POWERS OF THE COMMISSION.—The Commission may, for the purpose of carrying out its duties under this subsection, hold hearings, sit and act at times and places in the United States, take testimony, and receive evidence as the Commission considers advisable to carry out the provisions of this section.

(e) REPORT OF THE COMMISSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under subsection (d).

(2) CLASSIFIED FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, together with a classified annex, if necessary.

(3) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include the individual or dissenting views of the member in the report required by paragraph (1).

(f) ADMINISTRATION.—

(1) COOPERATION BY OTHER FEDERAL AGENCIES.—The heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information as it may require for purposes of carrying out its functions.

(2) COMPENSATION.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Commission.

(3) ADMINISTRATIVE SUPPORT.—The Secretary of State shall, to the extent permitted by law, provide the Commission with such administrative services, funds, facilities, staff, and other support services as may be necessary for the performance of its functions.

(g) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act shall not apply to the Commission to the extent that the provisions of this section are inconsistent with that Act.

(h) TERMINATION DATE.—The Commission shall terminate 60 days after submission of the report required by subsection (e).

Mr. WARNER. Mr. President, Senator DODD is recognized as one who has devoted much of his career to Central America. I have traveled with him in years past to those regions of the world, particularly in troubled times. I respect his judgment and I am pleased that he has joined on the Warner-Dodd amendment. It relates to Cuba.

Senator DODD and I, in the 105th Congress, put in legislation to allow the sale of food and medicine to Cuba. Unfortunately, it was not accepted. We renewed that effort. That was in the 105th, and we renewed it in the 106th. Unfortunately, it was not able to be accepted by the Senate.

This Nation has experienced the Elian Gonzalez case, a most unusual chapter in history. I am not here to describe it because much of that case is clearly in the minds of Americans. But if there is some value out of that case, it has awakened America to the seriousness of this problem between the relationship of our Nation and Cuba.

We have had various policies in effect for some 30-plus years and, in my judgment, those policies have not moved Fidel Castro. But Fidel Castro is a leader who does not have my respect, and I think many in this Chamber would share my view, if not all.

There are certain ways we can bring to bear the influence of the money of America to try to help a change of the government, and to try to help the people to change their leadership.

While we may have put in these series of sanctions over the years with the best of intentions, the simple fact is, there today Fidel Castro reigns, bringing down in a harsh manner on the brow of the people of Cuba deprivations for many basic human rights, deprivation from even the basic fundamentals of democratic principles of government.

One only needs to go to that country to see the low quality of life that the people of Cuba have to face every day they get up, whether it is food, whether it is medicine, whether it is job opportunity, or whether there is any certainty with regard to their future. It is very disgusting and depressing.

Referring back to the Gonzalez case again, the only point I wish to make is that it has opened the eyes of many in this country to the need for the policies of the United States of America in relationship to Cuba to be reexamined.

It is my hope and expectation that the next President will take certain initiatives that will bring our Nation somehow into a relationship where we can be of help to the people of Cuba.

All I wish is to help the people of Cuba. We have tried with food and medicine unsuccessfully, although through various pieces of legislation there is in some ways food and medicine going to those people.

I remember a doctor. Former Senator Malcolm Wallop brought an American doctor to my office with considerable expertise in medicine. He said to me that the medical equipment available to his colleagues in the performance of medicine in Cuba was of a vintage of 30 years old—lacking spare parts, almost nothing in the state-of-art medical equipment.

What a tragedy to be inflicted upon human beings right here so close to America in Central America.

In this amendment, Senator DODD and I simply address the need for a commission to be put in place which would hopefully take an objective view of what we have done as a nation in the past with relation to Cuba and what we might do in the future. That commission would then report back to the next President of the United States and the Congress of the United States in the hopes that we can make some fundamental changes in our policy relationship with Cuba which would help—I repeat help—raise the deplorable quality of life for the people of Cuba.

I anticipate the appearance momentarily of my colleague from Connecticut. We weren't able to judge the exact time when he would arrive.

Mr. LEVIN. Mr. President, I commend Senators WARNER and DODD for their work on a bipartisan basis to establish a bipartisan commission on Cuba. It is important that we conduct a review of the achievements or lack thereof of the embargo. The amendment does not presume the outcome in any way of the commission's effort. It is not intended nor should it be interpreted for a substitute for any other legislative action that Congress might take.

It is constructive. It is bipartisan. It is modest. I think it is, frankly, long overdue. I hope we can adopt this amendment.

Mr. WARNER. Mr. President, I thank my colleague. Would he be kind enough to be a cosponsor of the amendment?

Mr. LEVIN. I would be happy to be a cosponsor. I ask unanimous consent I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, Senator DODD and I wrote President Clinton in 1998—we had 22 Senators join us in that letter—recommending that he establish the very commission that is outlined in this legislation, but for reasons which are best known to him, he decided not to do it.

Senator DODD and I recommend this action because there has not been a comprehensive review of U.S.-Cuba policy or a measurement of its effectiveness or ineffectiveness in achieving the goals of democracy and human rights that the people of the United States wanted and which the people of Cuba deserve. We haven't had such a review in 40 years, since President Eisenhower first canceled the sugar quota July 6, 1960, and we imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act of 1992 and the Helms-Burton Act of 1996.

Since the passage of both of these bills, there have been significant changes in the world's situation that warrant, in our judgment, a review of our U.S.-Cuba policy, including the termination of billions of dollars of annual Soviet economic assistance to Cuba and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, in recent years numerous delegations from the United States have visited Cuba, including current and former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders.

These authoritative groups have analyzed the conditions and the capabilities on the island and have presented their findings in areas of health, economy, religious view, freedom, human rights, and military capacity. Also, in May of 1998, the Pentagon completed a study on the security risk of Cuba to the United States. However, the findings and reports of these delegations, including the study by the Pentagon and the call by Pope John Paul II for the opening of Cuba by the world, have not been broadly reviewed by all U.S. policymakers.

We believe it is in the best interests of the United States, our allies, the Cuban people, and indeed the nations in the Central American hemisphere with whom we deal in every respect.

We have a measure that hopefully will come through very shortly regarding a very significant amount of money to help Colombia in fighting the drug wars.

We are constantly working with the Central American countries, except there sits Cuba in isolation.

We, therefore, believe that a national bipartisan commission on Cuba should be created to conduct a thoughtful, rational, objective—let me underline objective—analysis of our current U.S. policy toward Cuba and its overall affect in this hemisphere—not only on Cuba but how that policy is interpreted and considered by the other Central American countries.

This analysis would in turn help shape and strengthen our future relationships with Cuba. Members of the commission would be selected from a bipartisan list of distinguished Americans from the private sector who are experienced in the field of international relations. These individuals should include representatives from a cross-section of U.S. interests, including public health, military, religion, human rights, business, and the Cuban American community.

The commission's tasks would include the delineation of the policies—specifically achievements and the evaluation of:

No. 1, security risks, if any, Cuba poses to the United States, and an assessment of any role the Cuban Government may play in the international terrorism, or illegal drugs;

No. 2, the indemnification of losses incurred by U.S.-certified claimants with confiscated property in Cuba;

No. 3, the domestic and international impact of the nearly 39-year-old U.S.-Cuba economic trade and travel embargo; U.S. international relations with our foreign allies; the political strength of Cuba's leader; the condition of human rights; religious freedom; freedom of the press in Cuba; the health and welfare of the Cuban people; the Cuban economy and U.S. economy and business, and how our relations with Cuba can be affected if we changed that.

More and more Americans from all sectors of our Nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on U.S. interests and the Cuban people.

Establishment of this national bipartisan commission will demonstrate leadership and responsibility on behalf of this Nation towards Cuba and the other nations of that hemisphere. I urge my colleagues to join Senator DODD and myself.

I ask the amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Will the Presiding Officer state the exact parliamentary situation.

AMENDMENT NO. 3214

The PRESIDING OFFICER. There are 2 hours equally divided on amendment No. 3214.

Mr. WARNER. Do I understand that 1 hour of that is under the control of the Senator from Virginia.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Mr. President, I do not see Senator McCAIN here. I think perhaps he should lead off. Does Senator FEINGOLD wish to lead off? Senator FEINGOLD is a principal cosponsor, as I understand.

Mr. FEINGOLD. Correct.

Mr. WARNER. I ask unanimous consent following the remarks of Senator FEINGOLD the distinguished President pro tempore of the Senate be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the chairman of the committee.

Mr. President, I begin our side of the debate.

I rise in favor of the McCain-Feingold-Lieberman amendment. I hope we will have an overwhelming vote later this afternoon in favor of full disclosure of the contributions and expenditures of 527 organizations. As we discussed yesterday on the floor, these organizations are the new stealth player in our electoral system. They claim a tax exemption under section 527 of the Internal Revenue Code, a provision that was intended to cover political committees such as party organizations or PACs. At the same time, they refuse to register with the Federal Election Commission and report their activities like other political committees because they claim they are not engaged so-called express advocacy.

In other words, these groups admit they exist for the purpose of influencing elections for purposes of the tax laws, but deny they are political committees for purposes of the election laws. That, my colleagues, is the very definition of evading the law. If it is legal, it is, as some have called it, the "mother of all loopholes."

I make one point crystal clear because our debates on campaign finance reform often get bogged down in arguments over whether someone is engaged in electioneering or simply discussing issues. These groups cannot claim that their purpose is simply to raise issues or promote their views on issues to the public. Why is that? They can't make that claim because to qualify for the section 527 tax exemption, they have to meet the definition of a political organization in the tax code. And that definition is as follows:

> The term "political organization" means a party, committee, association, fund, or other organization . . . organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.

And the term exempt function means:

> The function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors.

These groups self-identify as groups whose primary purpose is to accept contributions or make expenditures to influence an election. These are by definition election-related groups. They refuse to register with the FEC, and they therefore can take any amount of money from anyone—from a wealthy patriotic American, or a multi-national corporation, or a foreign dictator, or a mobster.

Indeed the groups seem to revel in the fact that their activities are completely secret. This chart we will be presenting in a moment shows a public statement by a 527 organization called "Shape the Debate." This organization, according to news reports, is connected with our former colleague and the former Governor of California, Pete Wilson. On its webpage, Shape the Debate advertises for contributions. Contributions, it says, can be given in unlimited amounts, they can be from any source, and they are not political contributions and are not a matter of public record. They are not reported to the FEC, to any State agency, or to the IRS.

Mr. President, the amendment we will vote on this afternoon won't change the fact that the contributions can be in any amount. It won't change the fact that the contributions can come from any source, even foreign contributions, even the proceeds of criminal activity. I regret that all it will do is address this third claim—that the contributions are not a matter of public record. If a group is going to accept money from a foreign government, the American people should know that. That's all we're saying here.

This is something the Congress has to do. Now. It is clear that the FEC is not going to act on this issue this year. It held a meeting on May 25 to discuss a proposal by Commissioner Karl Sandstrom to get a handle on all the secret money that is now flowing into elections. The FEC voted to have the staff prepare a recommendation, but made it very clear that it is not going to act in time to have any impact on the upcoming elections. In fact one commissioner even said "I want to speak in favor of secrecy."

As Commissioner Scott Thomas said recently when the FEC deadlocked on whether it should pursue enforcement actions against the Clinton and Dole presidential campaigns for their issue ads in 1996: "You can put a tag on the toe of the Federal Election Commission." The Commission is moribund, it is powerless even to address the most serious loophole ever to arise. This is why Congress must act.

We don't know just how big this problem will be. And we won't ever really know because these groups don't even disclose their existence. Only enterprising news reporters have been able to get information on these groups and their spending. Some estimate that over $100 million in political advertising will come from 527 groups this year.

Here are some of the examples that we know of so far. The executive director of the Sierra Club admitted that a handful of wealthy anonymous donors have given about $4.5 million to the group's 527 organization. Shape the Debate, the group whose website advertisement I cited earlier, has said it expects to raise $2 to $3 million for phone issue ads. It has already run ads against Vice President GORE. We know that Republican for Clear Air, with money from the Wyly brothers who are big contributors to Governor Bush ran over $2 million in ads attacking Senator MCCAIN in the New York primary election earlier this year. And a report in Roll Call a few weeks ago indicates that a groupcalled Council for Responsible Government has formed a 527 and will raise over $2 million and target 25 races this fall.

Mr. President, I ask unanimous consent that newspaper articles about 527 organizations be included in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. FEINGOLD. Mr. President, I do want to emphasize that there is no constitutional problem with this bill. First, there is no constitutional right to a tax exemption, the Supreme Court has made that abundantly clear. This amendment simply requires disclosure as a condition of receiving a tax exemption. If a group doesn't want to make these disclosures, it can simply pay taxes on its income like any other business in the United States. Second, we don't have a problem of vagueness or line drawing here that might implicate first amendment rights. The disclosure requirements are not triggered by any particular action or communication that a group might make. It is triggered by its decision to claim a tax exemption under section 527. Thus, as I said before, these groups self-identify. They make the decision whether they are 527 and if they do, they have to disclose.

There is a simple principle at stake here. It is a question of disclosure versus secrecy. I say to all my colleagues who have argued here on the floor that we do not need reform, we do not need a soft money ban, that all we need is disclosure: Now is the time to put your money where your mouth is. If you vote against this amendment—if you vote against this amendment for disclosure, you will never again be able to argue with any credibility that you support full disclosure. The time has come to put an end to secret money funding secret organizations. As I said yesterday, the combination of money, politics, and secrecy is a dangerous invitation to scandal. What these organizations have done so far in this election cycle, in my view, already is a scandal. Let's agree to this amendment and put a stop to it.

EXHIBIT 1

[From the New York Times, Mar. 29, 2000]

THE 2000 CAMPAIGN: THE MONEY FACTOR; A POLITICAL VOICE, WITHOUT STRINGS

(By John M. Broder and Raymond Bonner)

WASHINGTON, Mar. 28.—The tiny remnant of the American peace movement had a little money and was looking for a voice in the political process. The pharmaceutical industry had a lot of money and was looking for a bullhorn.

Both found it in an obscure corner of the Internal Revenue Code known as Section 527, a provision that opens the way for groups to raise and spend unlimited sums on political activities without any disclosure, as long as they do not expressly advocate voting for a candidate. Section 527 has become the loophole of choice this year for groups large and small, left and right, to spread their messages without revealing the sources of their income or the objects of their spending.

The provision was written into the tax code more than 25 years ago as a way of protecting more income of political parties from taxation. But only recently, after court rulings and Internal Revenue Service opinions broadened its scope, has it been exploited by nonprofit political organizations trying to avoid the donor disclosure rules and contribution limits of federal election laws.

Republicans for Clean Air, the group that broadcast advertisements critical of Senator John McCain in several states before the Super Tuesday primaries, was established under Section 527 by Sam Wyly, a Texas businessman and big contributor to Gov. George W. Bush.

Business Leaders for Sensible Priorities, which is led by Ben Cohen, a founder of Ben & Jerry's Homemade ice cream, has set up a 527 committee to agitate in 10 Congressional races for less spending on weapons and more spending on schools, Duane Peterson, vice president of the group, said last week. He declined to say which races the group planned to focus on.

And on Monday, a Section 527 entity calling itself Shape the Debate began running television commercials in California, New York and Washington that call Vice President Al Gore a hypocrite and ridicule his positions on campaign finance reform and tobacco. The group, which expects to raise $2 million to $3 million this year, was formed by allies of Pete Wilson, the former Republican governor of California.

Two of Shape the Debate's officers are $1,000 contributors to Mr. Bush, but the group's founder, George Gorton, said the organization had no ties to the Bush campaign.

Following an I.R.S. ruling last year that essentially endorsed the practice, conservative lawmakers, liberal interest groups, rich individuals and large corporations have begun to quietly pour tens of millions of dollars into the political cauldron. The organizations say they plan to use the money for advertising, polling, telephone banks and direct mail appeals—all the major functions of a candidate committee or a political party, but without requirements for public disclosure or accountability.

Because there is no law requiring these groups to report their existence, neither the Federal Election Commission nor the Internal Revenue Service can say how many are in place. But lawyers who set them up and campaign finance specialists say that scores of 527's exist and more are being created every week.

Their full impact will probably not be seen until the fall, when the airwaves will most likely be filled with advertisements from previously unknown organizations, mirroring the 11th-hour attack on Mr. McCain by Republicans for Clean Air.

Citizens for Better Medicare, a group created last summer under Section 527 by major drug makers and allied organizations, expects to spend as much as $30 million this year to oppose legislation that the industry thinks will impose government price controls on medicines, the group's officers say.

The group's plans include a national campaign of political advertising this fall, said Timothy C. Ryan, its executive director.

Peace Action, the antiwar group once known as SANE/Freeze, created a 527 operation called the Peace Voter Fund late last year to try to influence the debate this year in eight Congressional races, including the Senate races in New Jersey and Michigan and contests for House seats in Michigan, California, Illinois, and the 3rd, 7th and 12th Congressional Districts in New Jersey.

The fund's $250,000 in seed money came from a handful of wealthy benefactors who insisted on remaining in the shadows, said Van Gosse, organizing director of Peace Action.

Mr. Gosse speaks rhapsodically of Section 527. It offers freedom from the requirements of Federal Election Commission reporting, he noted, and relief from the Internal Revenue Service rules on political activity by charitable organizations.

Mr. Gosse said he would not reveal the names of his major donors. "That's the whole point," he said.

"Unlike a PAC," he added, referring to political action committees, which are regulated by the election commission because they work directly on behalf of candidates, "there's no cap on how much you can spend or accept. There's no I.R.S. gift tax or reporting. It's a thing of beauty from an organizing perspective. It gives one a lot of freedom and fluidity."

As long as a Section 527 group does not expressly advocate the election or defeat of individual candidates—by using the words "vote for" or "vote against"—there is no requirement to report to the Federal Election Commission. These groups are free to engage in "issue advocacy," which to most voters has become virtually indistinguishable from pro-candidate electioneering.

The new Shape the Debate advertisement could pass for an attack ad sponsored by the Bush campaign as it concludes with the line, "Al Gore has a lot to answer for."

Advocates of campaign finance reform see the 527 loophole as a pernicious and proliferating vehicle for getting and spending tens of millions of undisclosed dollars.

"The new Section 527 organizations are a campaign vehicle now ready for mass production," Frances R. Hill, a professor of law at the University of Miami, wrote in a recent issue of Tax Notes, a publication for taxation specialists. The 1996 election was marked by concerns and scandals over the unregulated contributions known as soft money, she noted. "The 2000 federal election may be equally important in campaign finance history for the flowering of the new Section 527 organizations," she said.

Mr. Gore called for disclosure of the officers and finances of Section 527 organizations as part of his campaign finance proposal released this week. He called such groups, "the equivalent of Swiss bank accounts for campaigns."

Representative Lloyd Doggett, a Texas Democrat, is preparing legislation to regulate Section 527 groups, requiring, at a minimum, disclosure of contributors and expenditures.

"The problem is, our political system is being polluted with substantial amounts of secret contributions and secret expenditures used to attack candidates," Mr. DOGGETT said.

Congress' bipartisan Joint Taxation Committee has recommended steps to open Section 527 groups to greater public scrutiny by publishing their tax returns, among other things. But Congress is not likely to act quickly on any proposal to rein in such groups, Mr. DOGGETT said.

Representatives TOM DELAY of Texas and J.C. WATTS of Oklahoma, both Republicans, have established Section 527 funds to burnish their party's image and promote conservative ideas on taxation, the military and education. Former Representative Pat Saiki of Hawaii has created Citizens for the Republican Congress as another safe haven for anonymous big donors.

Scott Reed, who managed Bob Dole's presidential campaign in 1996, has established a 527 group to attract Hispanic voters to the Republican Party. New Gingrich is affiliated with a 527 organization advocating Social Security reform and tax cuts.

Recently, attention has focused on the Section 527 operations of conservatives. But the Sierra Club was one of the first nonprofit organizations to set up a 527 subsidiary, in 1996, and the League of Conservation Voters, which is generally partial to Democrats, followed a year later.

"We agree it's a loophole," said Carl Pope, executive director of the Sierra Club. He said a handful of wealthy, anonymous donors had given about $4.5 million to the Sierra Club's 527 committee to use during this year's elections.

Mr. Pope said that his organization would support legislation to eliminate the loophole, but that until then the Sierra Club intended to keep using its 527 political fund.

Karl Gallant, an adviser to Mr. DELAY, said conservatives began to get into the game in a big way after a San Francisco law firm that represents liberal nonprofit organizations announced last April that it had been successful in setting up a 527 political organization for one of its clients. Mr. Gallant set up Mr. DELAY'S 527 group, the Republican Issues Majority Committee.

The organization has begun hiring workers and has been spending to mobilize conservative voters in two dozen competitive Congressional districts, Mr. Gallant said. The group expects to spend $25 million this year, he said.

Section 527 was added to the tax code in 1974, primarily to clarify the tax status of purely political, nonprofit organizations, including the Democratic and Republican national parties and PAC's. Under the provision, they do not pay taxes on contributions from donors, only on investment income. But the parties and PAC's are required to report donations and expenditures to the election commission. While these organizations are exempt from taxation, contributions are not tax deductible.

The pure Section 527 organizations like those proliferating today operate in a protected niche of the tax code governing political groups, but because they do advocate on behalf of an individual candidate or candidates, they fall short of election-commission disclosure laws. That is what distinguishes them from a political party or a PAC. Donations are not tax deductible, but the groups' contributions and expenditures do not have to be disclosed to the I.R.S. or the F.E.C.

By 1996, a convergence of factors caused many nonprofit organizations to embrace this kind of vehicle to cover their political activities, said Greg Colvin, a San Francisco lawyer who set up some of the first 527 organizations, for liberal groups.

"Donors were looking for a way to put large, anonymous money into organizations that would have a political effect," he said. He added that many groups were eager to flex their political muscle beyond what was permissible under their tax-exempt status without opening themselves up to a requirement to report their activities to the election commission. And last year the Internal Revenue Service issued an opinion in the case of a group Mr. Colvin represented, endorsing the use of Section 527 by a wide range of political organizations.

Another factor in prompting the interest in Section 527 was a ruling last year by the I.R.S. denying tax-exempt status to the Christian Coalition because of its political activities.

Lawyers who specialize in campaign and tax law have been approaching groups of all ideological stripes for several months, selling them on the benefits of Section 527.

Grover Norquist, the executive director of Americans for Tax Reform, a conservative antitax group, said that a lawyer had recently offered to set up a 527 arm for him for $500.

Mr. Norquist said that at first the new structure did not appear to offer any advantages over his current nonprofit status. But when the law was explained to him more fully, he said, "Maybe I should have two."

[From the New York Times, Apr. 2, 2000]

A NEW PLAYER ENTERS THE CAMPAIGN SPENDING FRAY

(By Todd S. Purdum)

LOS ANGELES, Apr. 1.—George Gorton is hardly a political novice.

For 30 years, since he was a college student supporting James L. Buckley's campaign for the United States Senate from New York, he has worked for candidates from Richard M. Nixon to Pete Wilson to Boris N. Yeltsin. But even he had not thought much about Section 527 of the Internal Revenue Code—at least not until last year.

"I was walking around complaining to everybody that I could find about the amount of money that organized labor was spending on issue advocacy," said Mr. Gorton, who cut his teeth as national college coordinator for Nixon's Committee for the Re-election of the President in 1972." And somebody said to me, 'George that's their First Amendment right.' And I decided labor wasn't wrong to do it; they were right to do it, and so I decided probusiness people should do it, too."

So Mr. Gorton, who runs a Republican consulting business based in San Diego, started Shape the Debate, a nonprofit political organization that, under Section 527, can raise and spend unlimited amounts of money, with no disclosure requirements for donors, as long as it does not expressly advocate the election or defeat of any candidate. Its inaugural television advertisement, which began airing this week in California and New York, accuses Vice President Al Gore of political hypocrisy, in a mock game show in which contestants answer questions on various topics, including Mr. Gore's support for campaign finance overhaul despite his appearance at an illegal fund-raiser at a Buddhist temple.

"Shape the Debate strongly believes that free enterprise and conservative ideas are more likely to become public policy when candidates and public officials honestly and publicly discuss their positions on them," according to the group's credo, which can be found on its Web site, shapethedebate.com. "Shape the Debate will therefore use stinging ads of rebuke, where appropriate, or gentle praise to remind leading candidates and public officials to honestly discuss our issues, as a means to keep conservative and free enterprise issues uppermost in the minds of the American public."

The group is among the latest entrants in a growing field of independent campaign expenditure efforts, spurred on by recent court rulings interpreting the tax law. The group's literature emphasizes that contributions are not a matter of public record, and Mr. Gorton said that was an appealing point for donors, most of them Republicans and many of them Californians who supported Mr. Wilson's past campaigns for governor and senator. So far the group has raised about $1.5 million, in chunks of multiple thousands of dollars; Mr. Gorton hopes to raise another $2 million to $3 million for advertising campaigns this year.

"In the atmosphere that's been created by the Clinton-Gore administration, where the secret F.B.I. files of Republican appointees turned up in White House hands, you have to wonder about retribution," he said. "The heart of the First Amendment is that you can criticize your government without fear of retribution."

Mr. Wilson, who was forced out of office by term limits last year, has helped raise money for the group. As governor, he tangled repeatedly with public employee unions that undertook campaigns opposing his policies, and former Wilson aides say they see the latest effort as a way of evening the score a bit.

"Television is what really does shape the debate," said Mr. Wilson, who since last fall has been working for Pacific Capital, an investment banking concern in Beverly Hills. "The candidates certainly have that obligation, and sometimes they fulfill it and sometimes they don't. But the fact is, there are very definite limits on what they can reasonably expect to raise through their own efforts. Arguably, Bob Dole in 1996 was dead before he ever got to the convention in San Diego, because of the tremendous pummeling he took in the interim in independent expenditures directed against him."

Mr. Wilson added, "I think what you've got now is a situation in which most of the spending on television on both sides is going to be financed by independent groups and not the candidates themselves."

State and national Democratic officials swiftly denounced Shape the Debate's efforts as "underground financing" waged by "George W. Bush's ally," in the words of a Democratic National Committee news release. In fact, Mr. Wilson's former aides say, he has never had particularly warm relations with Mr. Bush and has regarded him warily for years as a rival. When Mr. Wilson decided last year not to pursue his own presidential campaign, and Mr. Bush telephoned to wish him well, at least one senior Wilson aide urged him not even to return the call.

Mr. Wilson, who battled a severe recession in his first term before presiding over a sharp recovery, nevertheless remains controversial in California, where his strong stands against affirmative action and illegal immigration provoked a backlash. Mr. Bush has not generally tapped the old network of Wilson advisers in his campaign here, and Mr. Gorton said he did not believe the two men had talked in months.

"I think Peewee's trying to find a way that George Bush will give him a call," said former State Senator Art Torres, the chairman of the California Democratic Party, using his party's derisive nickname for Mr. Wilson. "The problem is, he's now created even more of a fire wall, because of the sensitivity he's created with this ad. They have no sense of subtlety and they never did."

But Mr. Wilson said: "I have gotten into this because I think George W. Bush should be president. I also think that had he faltered, John McCain should have been president. And I don't think the vice president should be. It's as simple as that."

[From the Arizona Republic, May 11, 2000]

Contributor "Loophole" Skirts Campaign Laws

(By Jon Kamman)

In the frenzy of fund-raising leading to next fall's elections, an old form of political organization has found new life as the perfect vehicle for concealing who is giving and how much.

Variously labeled "the mother of all loopholes" and "black hole groups," the so-called section 527 committees are "the brashest, boldest" method seen to date for circumventing campaign-finance laws, Common Cause President Scott Harshbarger said.

Arizona Sen. John McCain, who made campaign-finance reform the centerpiece of his bid for the Republican presidential nomination, has termed the groups the "latest manifestation of corruption in Washington."

The Section 527 committees take their name from the section of federal tax code under which they are organized. Section 527 dates from the early 1970s, when Congress wanted to make clear that political parties, political-action committees and the like needn't pay taxes on contributions they received.

Recent court and Internal Revenue Service interpretations of the law have given nonprofit organizations free rein to engage in political advocacy while maintaining the privacy they otherwise are denied under election law.

Activists of every hue on the political spectrum, from the Sierra Club to the Republican Issues Majority Committee set up by Rep. Tom DeLay, R-Texas, have hopped on the 527 bandwagon.

Among 527 committees that have revealed themselves are one set up by Ben Cohen, cofounder of Ben & Jerry's Ice Cream, to focus on education issues, and another supported by the pharmaceutical industry to protect against limits on prescription prices.

The stealth-funding groups have no obligation to reveal, to the Federal Election Commission or IRS, membership, contributors or expenditures. Even foreigners, otherwise prohibited from making political donations, may set up a secret 527 committee.

About the only restriction on a 527 group is that it stop short of using explicit terms such as "vote for" or "vote against" in backing a candidate.

Immunity from disclosure won't continue for long, advocates of campaign-finance reform vow. A bipartisan group of congressional lawmakers, McCain among them, joined with Common Cause last month in denouncing 527 committees and pledging to press for legislation to make them accountable.

The committees are replicating at a pace that's impossible to track because of their secrecy. But the ones that have chosen to identify themselves are set to pour tens of millions of dollars—possibly more than $100 million—into political advertising this year.

That, combined with more traditional forms of "soft money" controlled by political parties, is sure to produce a record volume of so-called issue ads, said Sean Aday of the Annenberg Public Policy Center at the University of Pennsylvania/

Spending for such ads ranged from $135 million to $150 million in the 1995–96 campaign, and the amount more than doubled for the congressional elections two years ago, Aday said.

Many new 527 committees bear vague names, such as the Shape the Debate group, affiliated with former California Gov. Pete Wilson, that has sponsored ads attacking Vice President Al Gore.

McCain himself felt the sting of a 527 committee when $2 million worth of television ads paid for by "Texans for Clean Air" were aired just before the Super Tuesday primaries in March. The ads assailed McCain's environmental record and extolled that of his opponent, Texas Gov. George W. Bush.

Although nothing required them to do so, oil-rich brothers Sam and Charles Wyly revealed themselves as the backers of the ads.

[From The Hill, May 17, 2000]

New VA-based "527" Will Target 25 Races; Starts in Idaho, NJ

(By John Kruger)

The Council for Responsible Government joined the ranks of new "527" organizations two weeks ago when it incorporated in Virginia and immediately began running radio and television ads in Idaho against Republican candidate Butch Otter, accusing him of being soft on pornography. It also commenced a direct-mail campaign in New Jersey.

The group, based in Burke, Virginia, intends to raise $2- to 2.5-million and target 25 races around the country this year, according to William Wilson, the group's registered agent.

"We want to promote free market ideas and traditional moral and cultural issues," Wilson said. "We want true accountability to voters," which Wilson defined as making sure voters know what a politician's true record it.

"They speak to different sides of an issue with different audiences," he explained. "That's developed a lot of cynicism [among voters]."

Wilson said the group does not engage in issue advocacy or endorse candidates. "We engage in voter education," Wilson said.

Section 527 of the tax code permits political committees to raise and spend unlimited funds without having to disclose their contributors, provided that those funds are not used to expressly advocate the election or defeat of a candidate.

Organizations formed under Section 527 have come under fire from campaign finance groups and members of Congress for eliminating the line between issue advocacy and candidate support.

One such group, the Republican Majority Issues Committee, a group close to House

Majority Whip Tom DeLay (R-Texas), was sued last month by the Democratic Congressional Campaign Committee (DCCC).

Wilson said the group registered in Virginia because "there are some of the finest federal judges in the country, "alluding to their strong record on First Amendment issues. Wilson said any time a group does something the "powers that be" don't like, they are likely to be attacked in court.

"I think it's wise to be afraid of the government," he said.

Wilson said the group would not disclose its donors.

"We have a lot of donors, but we want to keep that to ourselves," Wilson said. "We want them to be able to give without the fear of retaliation."

The group has also started a direct mail campaign warning New Jersey voters that Republican candidate Joel Weingarten had cast votes in favor of tax increases.

Weingarten's campaign has sued the group charging that the council is using soft money and coordinating its mailings with Jamestown Associates, a Princeton, N.J.-based media firm hired by Weingarten's rival Mike Ferguson.

Larry Weitzner, president of Jamestown Associates, denied any connection with the council, dismissing Weingarten's claims as coming from a campaign that is "desperate" and "behind in the pools."

Gary Glenn, director of the Accountability Project, an arm of the council, also denied any coordination.

"I have no knowledge of the firm whatsoever," Glenn wrote in a statement.

Glenn is also president of the American Family Association of Michigan, a Midland-based conservative organization. He said the project is not a separate organization, merely a "marketing phrase."

Wilson said the council will also target primary races in August and September, as well as several general election races.

Wilson, who is listed on FEC records as being the political director for U.S. Term Limits, said the council has no ties with any other group.

"It's a volunteer organization. We have no connection with any other organizations," Wilson said. "To the extent we're permitted, we share ideas, sure."

Wilson said there is no paid staff, just a group of 40 to 45 volunteers around the country. He said the group does not intend to hold any fundraising events, but would rely on one-on-one meetings "with like-minded people."

Tom Kean Jr., who is running against Weingarten and Ferguson in New Jersey's 7th Congressional District, decried the mailing.

"We, as voters, deserve the right to know who is defining the candidates seeking this office as well as any office in this nation," Kean said in a press release. "Unfortunately, I fear this is only the first of many such expenditures in this race."

Mr. WARNER. Will my colleague yield?

Mr. FEINGOLD. I am happy to yield.

Mr. WARNER. Mr. President, a number of colleagues are present on the floor seeking recognition. May we alternate?

Mr. FEINGOLD. Mr. President, I will simply say to the chairman, I will be happy to do that. I ask in this instance that Senator SCHUMER go next because the understanding last night was that he start the process, and then after that alternate.

Mr. WARNER. The Senator from Virginia inquires as to the amount of time the Senator from New York wants.

Mr. SCHUMER. Mr. President, I inform the Senator I will take approximately 10 minutes. Will the Senator from Virginia yield?

Mr. WARNER. Mr. President, I recognize there is a unanimous consent agreement in effect, but I am trying as best I can to work this in a fair and equitable manner.

It is important, in your judgment, that Senator SCHUMER follow you for a period of 10 minutes?

Mr. FEINGOLD. It is not, in my view, essential.

Mr. SCHUMER. If somebody else has a pressing need and will speak for less than a half hour or so, I will be happy to yield.

Mr. WARNER. I did put in a request, of which I thought he was aware, that the President pro tempore will follow.

Mr. SCHUMER. I am happy to yield and thank the Senator from Wisconsin.

Mr. WARNER. We will proceed under the unanimous consent agreement, after the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise this afternoon not to speak about the specifics of the National Defense Authorization Bill, but to speak to the importance of the Senate passing a defense authorization bill. I am very concerned that this bill will be so burdened with non-germane amendments that our House colleagues may challenge it on constitutional grounds—the so-called Blue Slip. If the Senate persists with these type of non-germane amendments there is the strong possibility that for the first time in my 41 years on the Armed Services Committee there will not be a National Defense Authorization Bill.

Mr. President, if there is no authorization bill we will deny the following critical quality of life and readiness programs to our military personnel, both active and retired, and their families:

No 3.7 percent pay raise;

No Thrift Savings Plan;

No concurrent receipt of military retirement pay and disability pay;

No comprehensive lifetime health care benefits; and

No military construction and family housing projects.

Mr. President, it is ironic that two days ago, members were commemorating D-Day and the sacrifices of the thousands of men who charged across the beaches of Normandy. Now only two days later, the Senate is jeopardizing the bill that would ensure that a new generation of soldiers, sailors, airmen and Marines have the same support as those heroes of World War II and the Korean War whose 50th anniversary we will be celebrating. I urge my colleagues to carefully consider the impact of their votes on this strong bipartisan defense authorization bill. We must not jeopardize our 40 year record of providing for the men and women who proudly wear the uniforms of the Nation and make untold sacrifices on a daily basis to ensure the security of our great Nation.

I yield the floor.

AMENDMENT NO. 3214

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I yield to the Senator from New York.

The PRESIDING OFFICER. The Senator from Wisconsin yields. How much time does the Senator from Wisconsin yield?

Mr. FEINGOLD. Ten minutes.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Wisconsin for yielding this time and for the leadership on this issue. I also praise my friend from Arizona who has, throughout, been courageous on this issue as on many others, as well as the Senator from Connecticut, whose proposal it is and who has stood as a beacon, in terms of reform.

If you wanted to design a corrupting statute that would blow over our body politic, you would come up with a statute like 527. Although it was inadvertently drafted, and was never intended for this purpose, its effect eats at the very core of our Republic.

Imagine if someone came to you and said: Let's make political contributions tax deductible, unlimited, and secret. Most people, if they were given that case de novo, would say: What? We could not do that. That would be the most pernicious violation of the kinds of things we stand for in this democracy that one could imagine.

Yet that is where we stand today. If this statute is not changed, anyone can give unlimited amounts of money and get tax deductions for them.

Organized crime could contribute to a candidate—not to a candidate, but organized crime could contribute to one of these funds, put ads on the air, and dramatically influence elections. Drug dealers, criminals, could set up funds and affect candidacies. Foreign governments, people from afar, could do this, and there would be no way to track them down or find it out. If the American people knew with some degree of precision what is happening with these accounts, these 527 accounts, they would be shocked. Again, if you were to choose a way of corrupting this democracy, you would design a system similar to these accounts.

Here we are with the Senators from Arizona, Wisconsin, and Connecticut. Their amendment and mine and others simply says: Don't limit the amount of money—although I would like to do that; don't take away the tax deductibility—although I find it absurd that you should get a tax deduction for this but the person who gives $25 aboveboard to the candidate he or she believes in gets no tax deduction, but a large special interest does and influences an election just as profoundly. But we are not doing that. All we are saying is disclose.

I am looking forward to hearing from my colleague from Kentucky. I respect his view on the first amendment, which is, frankly, at least in this area, more absolute than mine, but he put his money where his mouth is when he opposed, for instance, the flag burning amendment.

But disclosure does not violate free speech in any way. If it did, all the disclosure regulations that we have should be abolished. Why is it that, for these accounts which benefit politicians and political parties, there should be secrecy, but for any other kind of account there should not? It is clearly not a first amendment argument.

Mr. President, today is the 211th anniversary of the Bill of Rights. It is the most farsighted document dedicated to freedom and humanity that has been created. We should consecrate that birthday by cleaning up one part of the campaign finance system that would offend the Founding Fathers.

When we see what these accounts do, imagine a Jefferson or a Hamilton or a Madison looking down and saying: These accounts are being defended in the name of the Constitution and of free speech?

Just when we think our campaign system could not possibly get any worse, along comes the discovery of this new loophole, section 527. Section 527 is the largest, most disturbing, and most pernicious loophole in a system rife with backdoor ways to influence Government through hidden money. Mark my words, I say to my colleagues, if we do not close this loophole, or at least expose it to the sunlight of disclosure, the 527 accounts will dominate our elections. The so-called hard money will become unimportant. Even the disclosed soft money will become unimportant. All kinds of people, none of whom we would want to see contributing to campaigns and influencing elections, will come above ground. The effects on our democracy will be profound and profoundly disturbing.

The upshot of the crazy system we have, done by accident almost, is that any group can spend any amount on ads that anyone can see are designed to sway elections, all without disclosure of any kind.

The Judiciary Committee spent months examining whether the Chinese Government improperly funneled money into the 1996 elections. Many of my colleagues on the other side are saying this was improper. If they had used one of these accounts, they never would have known about it, and it would have been perfectly legal. The 527 loophole is an open invitation to foreign governments, or anyone else, to secretly pump as much money as they want into this election. To me, it would be contradictory—no, hypocritical—for those who correctly inveigh against the abuses of the 1996 election not to support the amendment offered by the Senator from Arizona because if my colleagues want to stop foreign government influence and have contributions open and not secret, we must close this loophole.

The amendment offered yesterday would end the system of secret expenditures, hidden identities, and sullied elections. It would prevent not only foreign governments but organized crime, money launderers, and drug lords from contributing.

When this election is over, the sad fact of the matter is that we will not even know if the Chinese Government sought to influence our elections through 527 accounts unless this amendment is adopted because there is no disclosure at all. All we want to do is let the people see the groups, who is paying the tab, and how the contributions are being spent.

The Supreme Court, on this anniversary of the Bill of Rights, has said the right to vote is the most important right we have because in a democracy, the right to vote guarantees all other rights. That basic freedom is tarnished when we prevent the American people from seeing who is trying to influence their vote and how.

One of our great jurists, Justice Brandeis, wrote famously that sunlight is the best disinfectant. The bottom line is simple: Do we want to disinfect a system which has become worse each year, or do we want to, under some kind of contrived argument, keep the present system going for someone's own advantage?

Finally, I stress this amendment is not an attempt to advance the fortunes of one party or another. It is bipartisan, and it is far more important than that.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. SCHUMER. Mr. President, I ask for an additional 30 seconds to finish my point.

Mr. FEINGOLD. I yield 30 seconds.

Mr. SCHUMER. This is not a liberal or conservative amendment. All groups have availed themselves of this kind of loophole. All groups must be stopped. This is basic information that the people of America have a right to know, and we have a duty to see that they get it. I thank the Chair, and I thank the Senator from Wisconsin.

Mr. WARNER. Mr. President, I seek recognition and charge it to the time under my control.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have listened to the interesting introductory remarks by our two distinguished colleagues, and momentarily we may receive the remarks of another distinguished colleague associated with this amendment.

I tell my colleagues straightforward, they have my vote. I support them, but I ask them to address the question of the matter that is pending before the Senate: The annual Armed Forces bill. This is a list that goes back to 1961. The Senate of the United States unfailingly has passed an authorization bill for the men and women of the Armed Forces. I say to my dear friend and colleague, a former distinguished naval officer, this amendment will torpedo this bill and send it to the bottom of the sea where only Davy Jones could resurrect it.

To what extent have my colleagues who are proposing this thought about breaking 40 years of precedent of the Senate by sinking the annual authorization bill at a time when the threats facing the United States of America are far more diverse, far more complicated than ever in contemporary history; when the men and women of the Armed Forces of the United States are absolutely desperate in terms of pay and benefits to keep them in the jobs as careerists?

We now have one of the lowest retention rates ever. There are no lines of young men and women waiting to volunteer to be recruited. This bill goes a long way. This bill helps with the benefits they rightly deserve. For the first time in the history of the United States of America, we have provisions caring for the medical assistance of the retirees. First time, Mr. President. It is the first time in the history of this country, and add on the ships and the aircraft.

I read the Constitution of the United States. What are the responsibilities of the Congress as delineated by our Founding Fathers? "To declare War . . . To raise and support Armies . . . To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces . . . ."

That is what this bill does. That is our constitutional fulfillment.

Yet my colleagues who are proposing this know full well this bill is subject to what is known as the blue-slip procedure if it leaves this Chamber with this amendment and goes to the House of Representatives. The House will blue slip it, and this bill is torpedoed.

I await reply of the sponsors of the amendment to the points I have raised and how it could jeopardize and end the fulfillment of the obligation of the Senate under the Constitution of the United States. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield to no one in my concern for the men and women in the military in defense of this Nation. I yield to no one in this body.

I deeply regret that the distinguished chairman of the committee would be part of this red herring which has been raised so Members on both sides of the aisle who oppose disclosure, who have publicly stated time after time they are in favor of full disclosure—I see the Senator from Colorado on the floor. Senator WAYNE ALLARD stated, in reference to campaign finance reform:

> I strongly believe that sunshine is the best disinfectant.

That is from the CONGRESSIONAL RECORD, page 145, Monday, October 18, 1999. He will now be on the floor, I believe, in trying to cover up for that statement. I tell you what, I say to the distinguished chairman. Right now I will ask him to agree to a unanimous consent agreement—right now—that if this provision causes the House, the other body, to blue-slip this, on which they have no grounds to do so, the next appropriate vehicle that the Parliamentarian views is appropriate, this amendment will be made part of. I ask unanimous consent.

Mr. WARNER. I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. I thought the Senator from Virginia would object. So I will ask another unanimous consent agreement, that in case this amendment does cause it to be blue-slipped, it be in order on the next appropriate vehicle, as determined by the Parliamentarian, that a vote be held on this amendment with no second-degree amendments. I ask unanimous consent.

Mr. WARNER. Mr. President, I object. I object, Mr. President, on behalf of the leadership of the Senate.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. I have the floor, Mr. President.

Mr. ALLARD. Will the Senator from Arizona yield to me for a point of order?

Mr. MCCAIN.. I will not yield to the Senator from Colorado until I have finished my statement.

Mr. ALLARD. I just resent the fact that the Senator suggests in some way——

Mr. MCCAIN. I have the floor.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. MCCAIN. The Senator from Arizona has the floor.

The Senator from Colorado said, on October 18, 1999:

> I strongly believe that sunshine is the best disinfectant.

Mr. ALLARD. That is correct.

Mr. MCCAIN. Concerning campaign finance reform. So if the Senator from Colorado and the Senator from Virginia are basing their objections to this amendment on the grounds that it would harm the Defense authorization bill, then they should have no objection—no objection—to the unanimous consent agreement that this amendment be placed on the next appropriate vehicle by the Parliamentarian.

But instead, the Senator from Virginia is objecting—I take it the Senator from Colorado would object—clearly revealing that the true intentions here have a lot more to do with this amendment than with the defense of this Nation.

So the fact is, on blue slips, all revenue bills must originate in the other House. The precedents of the Senate on pages 1214 and 1215 know eight types of amendments. I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVENUE

See also "Constitutionality of Amendments," pp. 52–54, 683–686.

Constitution, Article I, Section 7

[PROPOSALS TO RAISE REVENUE]

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Bills Raising Revenue Originate in the House

The House on various occasions has returned to the Senate bills which the Senate had passed which the House held violated its prerogatives to originate revenue measures.

The following types of proposals originating in the Senate were returned by the House or decided by the Senate to be an infringement of the House's constitutional privilege with respect to originating revenue legislation:

(1) Providing for a bond issue;

(2) Increasing postal rates on certain classes of mail matter;

(3) Exempting for a specific period persons from payment of income taxes on the proceeds of sales of certain vessels if reinvested in new ship construction;

(4) Providing for a tax on motor-vehicle fuels in the District of Columbia and other District of Columbia tax measures;

(5) Agricultural appropriation bill in 1905 with a particular amendment on revenue thereto;

(6) Repealing certain provisions of law relative to publicity of income tax rates, with an amendment increasing individual income tax rates;

(7) Concurrent resolution interpreting the meaning of the Tariff Act of 1922 with respect to imported broken rice; and

(8) The Naval Appropriation bill for 1918 amended to provide for a bond issue of $150,000,000.

Constitutionality of Amendments or Bills—Question of Passed on by Senate

See also "Constitutionality of Amendments," pp. 52–54, 683–686.

Under the precedents of the Senate, points of order as to the constitutionality of a bill or amendments proposing to raise revenue will be submitted to the Senate for decision; the Chair or Presiding Officer has no power or authority to pass thereon.

A point of order on one occasion was made against a bill that it was revenue raising; it was submitted to the Senate, and subsequently laid on the table by voice vote.

Mr. MCCAIN. There are eight types of amendments that have been offered in the Senate in the past that were returned by the House after the House decided that the Senate's action was an infringement on the House's constitutional privilege with respect to originating revenue legislation.

In each of the eight noted examples in the precedents, it is clear that the Senate was seeking to raise revenue of one sort or another, from increasing postal rates to raising bonds or taxing fuel.

This amendment in no way raises any revenue nor does it change in any way the amount of revenue collected by the Treasury pursuant to the Tax Code. It is simply a clarification in what information must be disclosed by entities seeking to claim status under section 527 of the Tax Code.

I say to my friend from Virginia, the American people will see through this. The American people will understand what is being done here—an effort to contravene what literally every Member of this body has said, that we need full disclosure of people who donate to American political campaigns. And if that were not the reason—if that were not the reason—then the Senator from Virginia and the Senator from Colorado would agree to my unanimous consent agreement, which I repeat.

Mr. President, I ask unanimous consent that on the next appropriate vehicle that is viewed appropriate by the Parliamentarian, this amendment be made in order for an up-or-down vote with no second-degree amendments.

Mr. WARNER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. We have just totally disclosed what this is all about. This is not about the defense of the Nation. This is a defense of a corrupt system which, in the view of objective observers, has made a mockery of existing campaign finance laws, which has caused Americans to become alienated from the system.

We were worried about Chinese money in the 1996 elections. Under the present system of 527, Chinese money, drug money, Mafia money, anybody's money can come into American political campaigns, and there is no reason to disclose it.

So now here we are with 100 Members of this Senate all saying we need full disclosure, using a constitutional facade which is not correct as a reason to vote against this amendment and vote it down.

I say again, for the third time, if it is a constitutional objection, and that objection is legitimate, then the Senator from Virginia and the Senator from Colorado have no reason to object to this amendment being made part of the next appropriate vehicle which is deemed appropriate by the Parliamentarian. And by so objecting to that unanimous consent agreement, their defense or their argument that somehow we are harming the Defense authorization bill does not have credibility.

Mr. President, I do not want to yield all the time. I would be glad to engage in this. But I wondered what would happen last night after we proposed this amendment for full disclosure. I wondered. I wondered what the defense against cleaning up at least to some degree, allowing the American people to know who are contributing to American political campaigns in unprecedented amounts of money, would be.

I repeat, one more time, I yield to no one in this body as to my advocacy for our Nation's defense and the men and women in the military. But if we want to give these men and women in the military confidence in their Government, we should have fully disclosed who it is that contributes to the political campaigns.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the distinguished Senator from Arizona and I go back a very long way. When I was Secretary of the Navy, he was incarcerated as a consequence of his heroic service in Vietnam. His father was among if not the most valued adviser I had during the turbulent period of that war when I had the responsibility for the Department of the Navy. That was for over 5 years, 1969 through 1974.

I have the highest personal regard for my friend and my colleague, whom I have worked with from the day he returned to the United States of America to be welcomed quite properly as a hero.

I know for a fact that he has always foremost in his mind, every day that he draws a breath, every day the great Lord of ours gives him the strength to take up his responsibilities, the welfare of the men and women of the Armed Forces. I find it very awkward to be in a position to be in opposition to my friend, but the rules are quite clear of the House that it is a matter of privilege of the House regarding the constitutional provision as it relates to taxation.

It has been a matter of privilege since the inception of this Republic. That privilege is determined by the House in the course of resolutions. If this bill goes over, then they adopt a resolution. We know from consultation there are Members of the House who will absolutely take that resolution to the floor, and there is no doubt that this bill will be blue-slipped, and it will be torpedoed and go to the bottom of Davy Jones' locker.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise in support of the amendment offered by the Senator from Arizona to require the disclosure of donors to tax-exempt groups who engage in political activities. These groups use an obscure provision of the Tax Code—section 527—to shield the identity of contributors and use the funds to make anonymous attacks on candidates for public office.

Section 527 organizations represent the latest attempt to bypass campaign finance laws and pour undisclosed money in the electoral process. There is no official public information about the number of such groups, who their officers are, where the money is coming from, and how it is being spent.

Section 527 of the Tax Code was enacted to provide candidates, political parties, and PAC's with special tax treatment. These groups are required to register with the Federal Election Commission and disclose contribution and expenditure information.

In recent years, however, the IRS has ruled that organizations which intend to influence the outcome of an election but do not expressly advocate the election of a candidate qualify as a political organization but are not required to file with the FEC. These groups can raise and spend as much money as they want to influence an election, but the public has no information on who or what they are.

This is precisely the sort of activity that makes the political process appear corrupt and undemocratic. The American public is becoming increasingly disenchanted and uninterested in electoral process because they feel their voices are being drowned out by soft money donations to political parties.

In the case of soft money, however, at least the amount of the contribution and the name of the group or person who is making the donation must be registered with the Federal Election Commission. These groups spend unlimited amounts of money and none of it has to be disclosed. This insidious hijacking of the campaign finance system must be corrected.

It is a simple fact that the American public believes that large contributions are made to influence decisions being made in Washington. They are becomingly increasingly cynical of the process and fewer and fewer people are participating in elections.

In 1996, voter turnout was 48.8 percent—the lowest level since 1924. Turnout for the 1998 mid-term election was 36 percent—the lowest for a nonpresidential election in 56 years. Congress has a responsibility to take steps to reverse this trend.

The first step should be to require the disclosure of contributors to tax-exempt organizations. The Senate must act to close this loophole and we must do it now. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield such time as my distinguished colleague desires.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I thank the Senator from Virginia.

Mr. President, I came to the floor to talk about the importance of the authorization of the Department of Defense. This is an important piece of legislation. I am not here to impugn the motives of some of the other Members of the Senate or to try to mischaracterize what their reasons might be for coming to the floor.

This is a good piece of legislation. Senator MCCAIN from Arizona is certainly a hero in my mind; he continues to be that. I know he is trying to do what he thinks is best for this country. I respect that. I think we have before us a very important piece of legislation. We should not put it at risk.

This is an authorization bill that increases, by some $4.5 billion, defense spending over what the President proposed. It is a 4.4-percent increase in real terms over what we spent last year. If there is anything we have neglected over the last several years in the budget, it is our defense.

We have been obligating our troops overseas. In fact, if we look at the record, between 1956 and 1992, our troops were deployed some 51 times. Between 1992 and today, we had the same number of deployments. At the same time we are increasing our reliability on our fighting men and women, we are cutting their budget. I think that is inexcusable.

It is time Congress recognized what the problem is that the President of the United States in particular recognizes: We are not appreciating the service of our men and women in the Armed Forces.

With this legislation, we begin to appreciate the dedication and hard work of the men and women who have been serving us in the Armed Forces. Again, I thank Chairman WARNER for allowing me another opportunity to speak in strong support of this essential bill for our men and women in the Armed Forces.

This bill is a fitting tribute for those who served, are serving, and will serve in the armed services in the future. The defense bill is simply too important to be mired in political goals but should show them respect and provide them the best defense authorization bill we possibly can.

The fiscal year 2001 Defense Authorization Act is a bipartisan effort. For the second year in a row, we have reversed the downward trend in defense spending by increasing this year's funding by $4.5 billion over the President's request for a funding level of $309.8 billion.

As the Strategic Subcommittee chairman, we held four hearings. The first hearing was on our national and theater and missile defense programs. The second hearing was on our national security space programs. We had a third hearing, the first congressional hearing on the newly-created and much-needed National Nuclear Security Administration, NNSA, and we had a fourth hearing on the environmental management programs at the Department of Energy.

In response to the needs we have heard during the hearings, the Strategic Subcommittee has a net budget authority increase of $266.7 million above the President's budget. This includes an increase of $503.3 million to the Department of Defense account and a decrease of $263.3 million to the Department of Energy accounts.

There are two provisions I will highlight which pertain to the future of our nuclear forces. The first relates to the great debate we had on Tuesday and Wednesday regarding the amendment by Senator KERREY and the second degree by Senator WARNER. The original provision requires the Secretary of Defense, in consultation with the Secretary of Energy, to conduct an updated Nuclear Posture Review. It was in 1994 that we had the last Nuclear Posture Review. However, with the adoption of the Warner amendment, there is not in place a mechanism by which the President may waive the START I force level requirements.

The second provision requires the Secretary of Defense, in consultation with the Secretary of Energy, to develop a long-range plan for the sustainment and modernization of U.S. strategic nuclear forces. We are concerned that neither Department had a long-term vision about their current modernization efforts. Both of these provisions are important pieces of the puzzle for the future of our nuclear weapons posture.

A few budget items I will highlight include an increase of $92.4 million for the airborne laser program that requires the Air Force to stay on the budgetary path for a 2003 lethal demonstration and a 2007 initial operational capability; an increase of $30 million for the space-based laser program; a $129 million increase for national missile defense risk reduction; an increase of $60 million for Navy theaterwide; and an extra $8 million for the Arrow system improvement program; and for the tactical high energy program, an increase of $15 million.

For the Department of Energy programs, we increase by $87 million a program within the NNSA, which is an increase of $331 million over last year. In the Department of Energy's environmental management account, we decrease the authorization by $132 million. However, I will stress that this bill still increases the environmental management account by more than $250 million over last year's appropriated amount.

Again, I will mention a few important highlights of the authorization bill outside of the Strategic Subcommittee. There are many significant improvements to the TRICARE program for active-duty family members. The bill includes a comprehensive retail and national mail order pharmacy program for eligible beneficiaries, no enrollment fees or deductible, resulting in the first medical entitlement for the military Medicare-eligible population. I am very happy with the extensions and expansions of the Medicare subvention program to major medical centers and the number of sites for the Federal Employees Health Benefits Demonstration Program. Yesterday, the Senate, by a vote of 96–1, supported Warner-Hutchinson, which eliminated the law that forced military retirees out of the military health care system when they became eligible for Medicare. Now they have all the rights and benefits of any other retiree.

With regard to the workers at the Department of Energy, we provide employee incentives for retention and separation of Federal employees at closure project facilities. These incentives are needed in order to mitigate the anticipated high attrition rate of certain Federal employees with critical skills. Just today, we accepted a very important amendment which established an employee compensation initiative for Department of Energy employees who were injured as a result of their employment at Department of Energy sites.

As the Strategic Committee chairman, I believe this bill is the only vehicle to provide such an initiative for these workers and their families. I think that is very important. This bill is the only vehicle to provide such initiative for those workers and their families who work at the Department of Energy sites.

On Tuesday, this bill added an additional piece of funding for a memorial which should have already been built. The amendment added $6 million for the World War II memorial.

I will include for the record a copy of the opinion editorial I wrote concerning the World War II memorial. I ask unanimous consent that that be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TIME HAS COME TO HONOR THE "GREATEST GENERATION" WITH A GREAT MEMORIAL

(By Senator Wayne Allard)

June 6 marked the 56th Anniversary of D-Day, the greatest battle fought by what has become known as the "greatest generation"—the men and women who served our country in World War II.

Although it might seem incredible, there is no national monument to recognize those who served our country in Second World War. The Iwo Jima sculpture near Arlington Cemetery is sometimes thought as holding that distinction, but it actually commemorates the Marine Corps alone. There has long been an effort to build something to serve as a focal point dedicated to the memory of what our entire country and its armed forces went through—the memory of what was lost and of what was won—and this project is finally nearing the construction phase.

I had the honor of listening to former U.S. Senator Bob Dole recently talk about his life and service in the 10th Mountain Division during World War II. To the many roles this undeniably great man has had over the years—Senate Majority Leader, president and vice president nominee, Congressman, and W.W.II platoon leader—he has added fundraiser for the national World War II Memorial. As we remember those who sacrificed to make D-Day a success, I think it is entirely appropriate to pass along his request to me for support from my fellow Coloradans in raising the needed funds to complete this most worthy memorial.

Construction on the memorial is scheduled to begin soon on the National Mall in a powerful location between the Washington Monument and Lincoln Memorial on Veterans Day, 2000. But the $100 million goal has still not quite been reached, and that money needs to be raised to complete the memorial project.

The memorial was conceived to be privately supported. This is how many other monuments that line the Washington Mall—the Vietnam and Korean War memorial, and the Washington and Lincoln memorials, for instance—were financed. The government has given support in the form of land and will contribute operation and maintenance requirements as well, but the remaining funding still needs to be found.

The preliminary design features a lowered plaza surrounding a pool. The amphitheater-like entrance will be flanked by two large American flags. Within two granite arches at the north and south ends of the plaza, bronze American eagles hold laurels memorializing the victory of the W.W.II generation. Fifty-six stone pillars surrounding the plaza represent the 48 states and 8 territories that comprised the U.S. during W.W.II; collectively, they symbolize the unit and strength of the nation.

If we look closely, everyone of us knows someone who served our country during World War II. Be it a father, uncle, brother, sister, neighbor or friend, I encourage you to contribute to this cause in their honor. It is time the "great generation" had a great memorial to honor their sacrifice and service to our country.

Information on the project can be obtained through the National World War II Memorial, 2300 Clarendon Blvd., Suite 501 Arlington, Virginia 22201 or at wwiimemorial.com and 1–800–639–4WW2.

Mr. ALLARD. Finally, I want to mention my strong support for the Smith amendment, of which I am a cosponsor. This amendment would prohibit the granting of security clearances for DOD or contractor employees who have been convicted and sentenced for a felony, an unlawful user or addict to any controlled substance, and any other criteria. To be brief, our U.S. national security is too important to risk by granting clearances to felons. We are all concerned about personal rights, but when it comes to security issues, these must override all others.

Mr. President, I thank Chairman WARNER for the opportunity to point out some of the highlights in the bill which the Strategic Subcommittee has oversight of and to congratulate him and Senator LEVIN for the bipartisan way in which this bill was developed. I ask all Senators to strongly support S. 2549. One of Congress' main responsibilities is to provide for the common defense of the United States. I am proud of what this bill provides for our men. and women in uniform.

We must not be blinded by political motives when it comes to our men and women in the armed services. All of the issues that come before the Senate are critical, but I hope that when it comes to this bill, we will remember why we are doing this. This bill is not for us and our political goals, but for our young men and women in the armed services.

I see this bill as a tribute to the dedication and hard work of these young men and women—the same men and women I had the opportunity to visit a few weeks ago on the U.S.S. *Enterprise.*

At this time, I ask unanimous consent that a piece I wrote regarding that visit and dedication be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARMED FORCES DAY 2000—A TRIBUTE TO OUR MEN AND WOMEN IN UNIFORM

(By U.S. Senator Wayne Allard)

Saturday, May 20th was Armed Forces Day and I can think of no better time to honor those who serve this great country in the United States military. The millions of active duty personnel who have so unselfishly dedicated their lives to protecting freedom deserve the highest degree of respect and a day of honor.

I recently had the privilege of being invited to tour the U.S.S. *Enterprise* during a training mission off the Florida coast. My experience aboard *Enterprise* reminded me of the awesome power and strength of the United States military. But more importantly it reminded me of the hard work and sacrifice of the men and women serving in our armed forces.

The U.S.S. *Enterprise* was commissioned on Sept. 24, 1960 and was the world's first nuclear-powered aircraft carrier. This incredible ship is the largest carrier in the Naval fleet at 1,123 feet long and 250 feet high. While walking along the 4.47 acre flight deck with Captain James A. Winnefeld, Jr., Commanding Officer, it was amazing to learn that "The Big E" remains the fastest combatant in the world.

Spending two days touring the *Enterprise* showed me what a hard working and knowledgeable military force we have. As I moved through the ship I was greeted with enthusiasm, as sailors explained the ship's equipment and their role as part of the *Enterprise* crew. At full staff, the "Big E", as it is affectionately known, has over 5,000 crew members from every state of the union, most of whom are between 18 and 24 years old. These young adults are charged with maintaining and operating the largest air craft carrier in the world and guiding multi million dollar airplanes as they land on a floating runway. I was in awe of these men and women who work harder and have more responsibility than many people do in a lifetime.

"The Big E" is a ship that never sleeps, it operates twenty four hours a day, a seven days a week. I watched as a handful of tired pilots sat down for 'diner' at 10:30 p.m. on a Sunday night. Hungry and tired, they wanted it no other way. I had the privileged of joining Captain Winnefeld in honoring the 'Sailor of the Day,' Machinist Mate 1st Class Michael Gibbons, for spending three conservative days repairing the main condensation pump which is critical to the propulsion plant, taking only a few 30 minutes breaks to sleep. I witnessed the same degree of commitment in a separate part of the ship as Aviation Boatswains May 2nd Class Andre Farrell showed me how the a cables on the flight deck operate and are maintained below. His task for the past two days was to create the metal attachment which holds the one of the four arresting tailbook cables together and his voice was filled with pride as explained the entire 8 hours process. Between giving orders to his crew, he pointed out a few tiny air bulles that formed during the cooling process of the metal attachment. Although he started his shift at 4:30 a.m. and probably won't sleep for the next 24 hours, he smiles and tells me it will be redone, that it must be perfect—lives of our pilots are at risk if it is not. The amazing thing is, they all do it with a smile.

When I think about Armed Forces Day, I think about two events I experienced on the Enterprise. First, are the sailors from across Colorado who has down for breakfast with me in the enlisted mess hall, who gleamed with pride for the job they do and the important role they play in our nations defense. Second, was the "Town Hall meeting" I held, where I responded to questions and concerns ranging from military health care to social Security, from members of the crew. These one on one interactions were extremely valuable to me and I learned as much from these events as the crew did.

I have never witnessed a more dedicated or hard working group of people than the draw of the U.S.S. *Enterprise.* It makes me proud when I realize that the "Big E" crew is representative of the millions of American military personnel throughout the World. Nevermind that many of them could be paid more money for less work work in a civilian job, may not get eight hours sleep each night or see their for weeks at the time—they have those sacrifices for the country they love.

I hope that Coloradan's joint me join me in using Armed Forces Day to thank those who are serving in the best military force in the world.

Mr. ALLARD. Mr. President, I ask for a strong vote on this bill in order to get the much needed and well-deserved resources to our military personnel.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Senator REED of Rhode Island be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield 8 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair and my friend from Wisconsin. I ask unanimous consent that Senator FEINSTEIN of California be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, we have watched the steady deterioration of the vitality of our democracy under assault not from the kinds of foreign enemies that the Department of Defense authorization bill is aimed at protecting us against, but in some senses, an assault from ourselves. We have allowed our political system—particularly the post-Watergate reforms that were adopted to put limits on how much people could give to campaigns, to require full disclosure of those contributions—to be evaded, eroded, made a mockery of. The result is that the people of this country rightly conclude that money buys access and influence and affects our Government, and it turns millions of them off from the process.

The vitality of this democracy, which is the pulsating virtue and the essence of America that generations of our soldiers have fought and died for, is under attack domestically.

The question is whether we will respond, whether we will defend our democracy. We have had terrible controversies here on the floor over this question, focused particularly in recent months and years on the work that the Senators from Arizona and Wisconsin have done—Senators MCCAIN and FEINGOLD—particularly trying to focus in on soft money. The controversies have not produced yet the 60 votes we need to adopt a change. But even in the case of soft money, though it clearly violates the intention of the law, which is to limit contributions, there is disclosure. So that part of the post-Watergate reform is still honored.

Now we have the appearance of these 527s, stealth PACs—spending enormous amounts of money in advertising, buying time for what has become "Big Brother" propaganda over TV to influence voters, without letting them or those who are the targets of those advertisements or the opponents of those for whom they are being placed know who is paying for them, how much are they paying, and where is the money coming from. Is it coming from America? Is it coming from abroad?

So a bipartisan group of us—breaking through the division on party lines that has characterized too much of this debate about campaign finance reform and too much debate here generally—earlier this year, proposed two responses. The amendment before the Senate now is the second of those responses. It simply requires disclosure. It doesn't end the mockery of saying one thing to the Federal Elections Commission and another to the IRS—yes, I am in the business of influencing elections, so I deserve the tax exemption; or, no, I am not, so I don't have to register under the campaign finance laws. All this amendment does is ask for disclosure.

Where is the money coming from? Who is giving it? Who is running these organizations? Who is coming in to try to influence the sacred right of voting—the franchise that is at the heart of our democracy? I had hoped that this amendment, which is reasonable, moderate, and only invoking the ideal of the right to know, would not evoke controversy on the floor.

So I am disappointed at the response today and disappointed particularly that it comes from those who apparently support the essence of the amendment. I understand this question of an objection—the so-called blue-slip objection being raised in the House because, technically—though really in a very minimal way, if at all—this may affect revenue. This is about political freedom, about electoral reform, about disclosure to the public. It is hardly at all, if at all, a revenue measure.

I understand the fear that if this amendment passes, it may be objected to in the House, and as my distinguished chairman from Virginia, who I dearly love and respect, said before, it could sink this bill, which I enthusiastically support, to the bottom of the ocean, such that hardly Davy Jones could rescue it. Here is my response to that, respectfully: I hope not. I say that this amendment is so important and gives us such a unique opportunity in the recent history of this body to come together across party lines and to do something in the direction of campaign finance reform that it is worth putting it on the bill. I say, as one of the proponents of this amendment, that if, in fact, the fears expressed here are realized, which is that in the House the bill is blue-slipped, objected to on constitutional grounds that it is a revenue-raising measure and should start in the House, then we can do what has been done with many bills, including the DOD authorization bills, in past years—bring it back here under unanimous consent. Who would object to bringing it back? Take this amendment off, send the bill back, and play the role.

They may continue referring to the metaphor of Davy Jones rescuing the bill, but let's not, on a technical basis, miss the opportunity to take one significant step to defend our democracy against the insidious forces of unlimited, secret cash that are corrupting it and distancing millions of our fellow citizens from the process itself.

Mr. President, how much time remains on the time yielded to me?

The PRESIDING OFFICER. The Senator has 1 minute of his 8 minutes.

Mr. LIEBERMAN. I thank the Chair. Some may ask why disclosure is so important. Well, the Supreme Court has spoken about the appearance of corruption. Here, there is the profound suspicion of corruption; but without information, we don't even have the ability to know whether there is corruption, let alone to have the appearance of corruption—big money, secret money, perhaps not even American money, raised by elected officials, raised by left-leaning, right-leaning ideological groups, raised by political groups, and trade and economic groups, do nothing but undermine our system. The least that we can ask is for disclosure.

Mr. President, I appeal to my colleagues, let's break the reflex action and let's rise to the moment. Let's do something correct and courageous here. Let's adopt this amendment and agree together, arm in arm, that if the House refuses to take the bill with this amendment on it, we will strip it off and find the next appropriate vehicle, having spoken for this amendment to attach this principle and to advance the health and vitality of our democracy. No less than that is at stake here.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to ask a question of my colleague. I will charge the time of the entire colloquy to that under my control.

As always, the Senator from Connecticut is fair and straightforward, and clearly in his dissertation to the Senate he said, yes, there is a vestige that this blue-slip procedure could send it to the bottom to Davy Jones' Locker, which I accept.

I read from Descher's House Precedents, which is the "bible" that guides the House.

This is fascinating. Listen to the title: "Invasion of House Jurisdiction or Prerogatives."

Isn't that interesting?

> Invasion of the House prerogative to originate revenue-raising legislation granted by article I, section 7, of the Constitution raises a question of privilege of the House.

I have studied all of this very carefully. Once that question of privilege is raised, the Senate is left to their interpretation.

Colleagues are clearly putting forward this amendment with the best of intentions. I said I would support the amendment in any other venue but this. It does raise it, and the House will not allow it. I can recite dozens of precedents. A year or two ago, they sent a blue slip to us on S. 4, the thrift savings accounts for sailors, soldiers, and marines.

I am saying to my dear friend: Why should we take the risk, given the few legislative days left, and given all the work? It is interesting. Our committee has had 50 committee hearings and 11 markup sessions. That is a year's work by 20-plus members of our committee and by the staff, paid for by the Senate, out of taxpayers' funds. All of that is for naught if this bill goes down. It would be the first time in 40 years.

I say to my colleagues: No matter how strongly you feel about the merits of this bill, consider our own constitutional responsibility to provide under the Constitution for the men and women of the Armed Forces.

I say to my colleague: I would like to know what his reasoning is to take this risk. The Senator from Connecticut is not known as a risk taker.

Mr. LIEBERMAN. Mr. President, I will not respond to the description of the Senator from Connecticut. But let me say, if there is a risk, here is a risk that has a remedy. The reason the Senator from Connecticut is prepared to take the risk is the balance of equities involved and the balance of interests involved.

I am so incensed by the proliferation. We are using military terms, quite appropriately, on this campaign finance amendment. I note the House chose to use appropriately a militaristic term—"invasion"—when talking about their privileges.

But our democracy is so much under threat from the corrosive spread of money in our system that I think we have a moment of opportunity here to get together to pass this amendment and make the statement; in other words, a procedural vote on this. My dear friend and chairman in the House on this very matter on another bill a week or so ago fell short of passage on a motion to recommit, I believe, by barely 10 votes.

I am not prepared to make a judgment about how the House will vote on this matter. But I think we have a chance to speak.

I pledge to the Senator from Virginia, the distinguished chairman of the Armed Services Committee, under whose leadership this committee on which I am honored to serve had a very busy and productive year resulting in this bill. I can't imagine that any Member of this Chamber would deny a unanimous consent request. If, in fact, the House saw this as an invasion of their privilege and stopped the Department of Defense authorization bill, we would come back here and take this amendment off, and find another vehicle for it.

I appeal to my chairman just finally on this point. I appreciate very much his statement that he supports the substance of the amendment. If he proceeds on the course of a constitutional objection based on House prerogatives, I appeal to him to find a way to join with us, since we agree on the merits of this amendment, to get a guarantee that the Senate will be able to speak as soon and as clearly as possible on the next available bill to at least require disclosure of contributions and sources of contributions to these 527 stealth PACs.

Mr. WARNER. Mr. President, I thank my colleague. When I regain the floor later I will talk about how long 527 has been around. The Senator from Connecticut sounds as if it has just come on the horizon. It has been around. I don't know why we are taking it up today when it has been around for some time.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield such time as my colleague from New Hampshire may require.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank my colleague from Virginia, the chairman of the Armed Services Committee. The "U.S.S. WARNER" has been under siege on the floor for the last few days, but, as usual, he holds up well under hostile fire and keeps his ship on course.

If anyone needs to be reminded, this is a debate supposedly about the bill to fund the operation of our armed services. It is a good bill for our military. It doesn't do everything we would like, but it certainly makes a vast improvement over what we have been doing.

I rise to show support for that bill. As a member of the committee, I helped to write it, and also to show support for my chairman who has endured some hostile fire, I think, unfairly.

During the recess last week, the Members had the opportunity to remember those who fought for the freedom that we enjoy in this Nation, and remember those who paid the ultimate price in giving their lives. That was the Memorial Day recess.

I think in deference to those and to those who now serve us, I think we ought to stay focused, as the chairman has tried to do here, on the issue at hand. This is not a debate about campaign finance, nor should it be. We owe it to the soldiers, sailors, and airmen who serve today, who will serve in the future, and to those who have already served, to get this bill passed, and to do so quickly.

I think we should be reminded that this bill authorizes over $300 billion in defense spending—a 4.4-percent real increase—reversing some 14 years of neglect.

You can go down the list: But aircraft, helicopters, submarines, surface ships, many other weapons systems, and missile defense, on and on—not to mention addressing some real critical needs in readiness.

The bill adds about $1.5 billion for key programs in readiness, including ammunition, spare parts, maintenance, operation, and training. This is very important.

I think it is below the dignity of those who have served and will serve and who are serving to reduce this debate to something other than what the issue is at hand. That is what disturbs me.

I understand and fully respect the right of any colleague to offer an amendment that is within the rules, and I respect it. But I also don't think it is good judgment to do it.

This bill is going to modernize our forces. It will allow us to develop the technologies that we need to address the threats that we face in the coming century in areas such as missile defense.

My colleague, Senator ALLARD, who chairs the subcommittee I used to chair on strategic forces, has done an outstanding job in addressing that, as have so many of my other colleagues. This will allow us to address the quality of life of our service men and women and their families. There is a 3.7-percent pay raise in this bill.

I am not commenting on the importance or lack of importance of the other issues that we debate here. But it is not the appropriate place to do it. Is it within the rules of the Senate to do it? Yes. In that sense, I suppose you can say it is appropriate. But is it the right thing to do on a military budget and on the defense budget of the United States? I don't think so. I think it does not dignify the debate. I think it reflects badly on the Senate. That is my honest opinion.

I know the frustrations. We have had debates on campaign finance and the proponents of campaign finance reform have lost, repeatedly. I understand the frustration. I have been on the losing side on many of debates many times. I look forward to the day some of the debates will have a majority to win.

Maybe that is the approach we ought to take, rather than, with all due respect, dragging this defense bill into this debate.

I will highlight a couple of other things. As chairman of the Environment and Public Works Committee, this bill has $1.27 billion for environment restoration. I thank the chairman for his outstanding leadership in putting this together, as well as Senator LEVIN.

The bill also authorizes additional funds for programs important to New Hampshire and the Nation. These programs address unfunded military requirements, continue or enhance current promising Department of Defense programs, or support the technology base needed for future military systems. Inclusion of these additional funds is testament to the technical expertise and successful competition for DOD contracts of defense companies and institutions in my home State of New Hampshire.

In addition to authorizing a $350 million increase for important missile defense programs that I support, this bill provides important funds that the President neglected in his budget that are important for the U.S. to maintain its leadership in military space power. It authorizes $25 million for the Kinetic Energy Anti-Satellite (KE-ASAT) program that will provide a last-resort "hard-kill" capability for the U.S. to protect our troops from enemy surveillance. It authorizes an additional $15 million for the Space Maneuver Vehicle to leverage the NASA X-37 investment in an area that also holds great promise for military applications. It also authorizes an additional $12 million for micro-satellite technology that demonstrates key future space-control concepts.

The bill also pays a fitting tribute to our former President Ronald Reagan and his vision for our nation's missile defense by renaming the Kwajalian missile test range in his honor—a facility we use to test and refine our missile defense concepts making an NMD deployment possible today.

Finally, it includes additional tasks for the Space Commission which is just getting started not only to assess the organizational and managerial changes needed to ensure U.S. space power in the years ahead but also address the cultural issues in the military that dampen our ability to become a true space power.

I will mention one other item before I yield the floor. I have an amendment I have offered that has not yet been voted on. I will highlight it for a minute. The amendment was modeled on the restrictions which have been placed on gun ownership. It says if you are a felon, you don't get a security clearance. That is the essence of it. It is pretty well refined: The language is a little tighter than that so the definition of "felon" is restricted.

It is very interesting that under current law you can have access to some of the highest ranking military secrets, about some of the biggest weapons in America's arsenal, but you can't buy a handgun. What does that say about the security clearances we are issuing, if you can't have access to a pistol or rifle, but you can have access to the most lethal weapons in America's arsenal? It is happening now. Murderers, robbers, and pedophiles are getting security clearances, and they couldn't have access to a handgun. I think it is pretty interesting that we are in this situation.

My amendment, which, hopefully, will be added to the bill, prohibits security clearances for persons actually sentenced to over a year—in essence, a felon. If you plead, bargain down a sentence to under a year, you can still never own a firearm but you could, without my amendment, get a security clearance.

I hope we will pass my amendment. I look forward to a vote on that amendment. If it is accepted, that will be fine. If it is not accepted, I look forward to the vote.

I urge my colleagues to support this legislation, to refrain from the debate that might delay the passage of this legislation, and send a message to our troops that we care about them, we are ready to help their readiness, we are ready to help with the new weapon systems they need, and we are ready to give them the pay raise they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent Senators DURBIN, BRYAN, and BOXER be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I yield to the Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I state my regret over the position in which we find ourselves with Senator WARNER. There is no one in this institution more committed to the Armed Forces. His legislation deserves being supported.

I regret this amendment has become a complication. However, it is a necessity. This is an extraordinary moment in the national political process. Make no mistake, if this Senate fails to deal with the problem of 527 organizations and their influence in the American political process, what little remains of campaign finance laws in this Nation will collapse before our eyes.

The Justice Department may be investigating foreign contributions and the media may be discussing soft money, but the Members of the Senate know that the newest and largest challenge to the integrity of the American political financial system are the 527 organizations. It would be difficult for most Americans to even believe the scale of the problem. It is not a new problem. In 1996, $67 million was introduced to the American political systems through these organizations; 2 years ago, it was $250 million. It could easily be hundreds of millions of dollars in the ensuing months if the Senate does not act.

It is a contradiction with everything this Congress on a bipartisan basis has attempted to do to preserve some integrity in the American financial political system in the last 30 years. The donors to these organizations are secret. They are not necessarily American. They use tax deductions. They distort the national political debate. Everything we are now investigating is legal if they are done through these organizations: foreign governments, illegal organizations, individuals who simply want to distort the system through the exclusive use of their own money.

Some of these organizations may not be organizations at all. It could be a single individual writing $1 million or a multimillion-dollar check in the disguise of an organization. Compounding the problem, adding insult to injury, they are reducing it from their taxes.

Only a few days ago, in the State of New Jersey, two Republican primaries were influenced by these organizations. Candidates were campaigning, raising funds, gaining support, and these organizations with secret donors began their advertising campaigns. Not a single voter knew who they were, where they came from, what the moneys were about. They only heard the advertisements.

In some respects, this is not a policy question; it is a law enforcement problem. If these organizations coordinate with candidates and their campaigns, it already violates laws. It is incumbent upon the Justice Department to investigate them and prosecute them if necessary.

I trust on this day while the Senate debates this issue, the Justice Department will meet its responsibilities. But if they are not coordinated, they are legal. That burden falls on us.

I regret the difficulty this causes for Senator WARNER on this very important piece of legislation. His constitutional argument may be sound regarding the reaction of the House of Representatives. But the consequences of not acting are enormous. As chairman of the Democratic Senatorial Campaign Committee, I have urged every Democratic senatorial candidate in the Nation not to engage in this practice of 527s, not to coordinate with them, because it is unethical and it is illegal—denounce them.

If we have learned anything by the soft money example and other exceptions that have been taken to the prevailing campaign finance laws, it is when a precedence is established and a campaign expenditure enters the political culture, it expands exponentially. This may be our last opportunity before the 2000 elections to close this new avenue of expression through large, unregulated, undisclosed political contributions.

Make no mistake, if we fail to do so, we do not simply invite the abuses of the last few elections, we may create a political system where we return to the type of campaigns before Watergate, where no one knew where the money was coming from, who was providing it, and what was being spent.

What little remains of this campaign finance system will collapse before our eyes, not in future years, but in future weeks. This Senate has failed to agree upon comprehensive campaign finance reform. While I regret that failure, I at least understand it. There are legitimate constitutional arguments, differences in philosophy and politics.

There can be no legitimate differences on outlawing these undisclosed, unregulated 527 organizations. This should be bipartisan and it should be a deep commitment upon which we act immediately.

I am proud to join with Senator LIEBERMAN in his amendment as a sponsor. I urge the Senate to act before it is too late. The consequences of inaction are enormous, and reconstructing this system, if indeed these organizations proliferate in the ensuing months, will be extremely difficult to impossible. I urge the Senate to act.

I thank the distinguished Senator from Wisconsin for the time and for his support for our amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Virginia.

Mr. WARNER. Mr. President, I yield 5 minutes to my distinguished colleague from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I regret we are doing this today. I can only speak for myself and not others, but if you wanted to do away with 527s for everybody and not leave anybody out, I would do it and do it in a heartbeat. But not on this bill. Everybody knows the consequences of putting something such as this on this bill. I hope in this very brief period of time —I was hoping to have more time—to at least address how significant this thing really is and what we are talking about.

Mr. President, I have said this since 1995. Our country is facing the greatest threat it has faced in its entire history. But it is not just me saying this. Now we have George Tenet, who is the Director of Central Intelligence and an appointee of President Clinton, agreeing, in my committee, that we as a Nation are in the most threatened position we have been in in the history of America. So we need to turn this thing around. This is the first year in 14 years we are able to start turning the corner and rebuilding a deteriorated system.

At the National Training Center-Ft Irwin, units coming to the NTC today have not had enough time to train at their home stations to allow them to maximize the training opportunities. This means that the units are leaving the NTC less proficient than those who went thru the rotations in previous years.

At Ft. Bragg, according to the base commander, O&M funds have never been so tight. Commanders are being forced to make choices and trade-offs that their predecessors never faced. Insufficient Base-Ops funding has forced commanders to rob from training accounts. Insufficient RPM funding has resulted in the degradation of facilities in which the military personnel work and live.

Maintenance on barracks is so bad that every time it rains, one building leaks into the rooms where the troops sleep, and even into the armory where their weapons are stored which damages those weapons.

At the Norfolk Naval Base, the Navy is experiencing an increase in the cross decking of equipment and munitions as less modern systems are available to outfit all the hulls. In addition, supplies and spare parts are insufficient to support the surging of the Navy to meet its 2 MTW requirements.

Insufficient steaming days and flying hours are amongst the biggest readiness concerns within some Navy units.

At the San Diego Naval Base, on average, 20 percent of the deployed planes on the carriers are grounded awaiting parts or other maintenance requirements. Furthermore, the cannibalization of aircraft has gone up by 15% over the last three carrier deployments.

There have been notable reductions in the mission capability and the full mission capability rates of Naval aircraft over the past 4 years. This is true for the deployed and the non-deployed squadrons.

At the Nellis Air Force Base, reduction in Red Flag exercises from 6 to 4 means that fewer pilots can participate each year. The new goal is to move pilots thru Nellis once every 18 months vs. once every year. The high OPTEMPO of the forces—deployments are up fourfold while the force is down by a third—has been the principle reason for the reduction in exercises.

Regarding Marine Corps Air Ground Combat Center-29 Palms, conditions at 29 Palms and the Marine Corps in general: money is low; ammo is short; and spare parts are scarce. "The level of training and readiness has diminished, it is not what it was in Desert Storm."

At Camp Lejuene, modernization delays have a serious readiness impact. Equipment is more costly to maintain, less capable, and spare parts cannot always be obtained. In particular, the CH-46 is wearing thin. Some replacement parts are no longer available. One Marine officer estimated that if a Gulf War size operation erupted today, only about 50 percent of Marine units would be qualified to deploy.

I can tell you, the problems are in all these areas. We have retention problems because we do not have adequate accounts being funded. The various military installations are taking money out of one account and putting it in another account. So at Fort Bragg, for example, they have not been able to maintain their barracks. When it rains, the troops have to lie down on the equipment to keep it from rusting. We have a crisis in terms of cross-decking at Norfolk as well as on the west coast.

So we have very serious problems, and these problems can only be met with this bill. I will just quote one thing out of the DOD Quarterly Readiness Report:

> Readiness deficiencies are most readily visible in the later deploying and non-deploying forces, some forward deployed and first-fight-forces are also experiencing these difficulties.

What they are saying is, for several years we are able to take all our assets and concentrate them in areas that are behind the lines in favor of the forward deployed. Now even the forward deployed are having a problem.

I can remember in our committee, the committee I chair, the Readiness Subcommittee, we had the four chiefs in there. I asked them the question: If you were going to have to take a reduction someplace to increase your modernization or some other accounts, would it be in force strength, modernization, quality of life, and so forth?

Up until a couple years ago, the Marines would always say "quality of life, because the Marines don't need quality of life." Now we are not even hearing that from them. We are facing a crisis at a time when this country is in the most vulnerable position in which it has ever been.

I think we should really be looking at the overall picture and the fact we have something very serious going on right now. We need to address it with this bill. This defense authorization bill turns the corner for the first time in 14 years. It is being held hostage right now on a matter that has nothing to do with defending America.

Mr. President, I think we need to get on with the bill and away from extraneous, nongermane amendments.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, we normally rotate and I was prepared so to do. Does the Senator wish to speak? If not, I will ask my colleague from Kentucky some technical questions on my time. I yield myself such time as I need.

There are several technical issues relating to this amendment.

I say to colleagues, 527 has been on the books since 1975 and here we are dealing with it today:

> Organizations presently exempt from tax on exempt function income, which includes contributions for political purposes.

The McCain amendment would lift this exemption for 527 organizations which do not provide certain information to the Secretary of the Treasury. Thus, a 527 organization which elects not to disclose would be taxed.

So it is a revenue measure. There is no doubt about it. It would be taxed on previously exempt income, thus raising revenue. I do not know what more clear example can be made, how this thing will be blue-slipped by the House. The Senate is invading.

I yield to the Senator from Kentucky.

Mr. McCONNELL. Mr. President, I say to my friend from Virginia, he is entirely correct. This is the wrong place for this amendment. But for those Senators who are not persuaded that the fact that this is the wrong place for this amendment is enough to vote against it, I think it is important to understand that this is a rather limited disclosure amendment. Among the groups that are not covered in the 527 amendment the Senator from Virginia and others have been discussing are groups such as the Sierra Club and the AFL–CIO.

Mr. WARNER. Mr. President, let's clarify this. The Senator is talking about the McCain amendment now?

Mr. McCONNELL. I am, indeed. I am talking about the McCain amendment. The Senator from Virginia was making the point that even if it were otherwise a desirable thing to do, this is the wrong place to do it and runs the risk of having this bill blue-slipped in the House.

On the substance of the McCain issue, virtually everybody in the Senate is in favor of enhanced disclosure, greater disclosure. That is hardly a controversial subject. But to single out 527s only, I would say to my colleagues—to single out 527s only leaves out such groups as the Sierra Club and the AFL–CIO, which do not operate under section 527.

I have long believed we ought to have broad, comprehensive disclosure. I would be in favor of addressing this issue this year. But we ought to do it in a comprehensive way, I say to my friend from Virginia, not leave out some of the major players on the American political scene, many of whom are on the airwaves right now, beating up Republican candidates for the Senate.

From the more comprehensive approach, it is my understanding the Senator from Virginia may well have an alternative to offer that would give all of us an opportunity to go on record in favor of a more evenhanded, comprehensive, across-the-board disclosure provision that would not eliminate some of the principal players on the American political scene—ironically, most of whom are hostile to Republicans.

Mr. WARNER. Mr. President, I wish to inform all Senators I have submitted an amendment to the desk. I cannot bring it up as a second-degree amendment at this point in time, but I have submitted the following amendment. I represent, as manager of this bill, at the first opportunity when this bill resumes, I will put this amendment on. I read it:

(Purpose: To express the sense of the Senate that all tax-exempt organizations engaging in campaign activities, including organizations organized under section 527 of the Internal Revenue Code of 1986, should make meaningful public disclosure of their activities)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING DISCLOSURES BY TAX-EXEMPT ORGANIZATIONS.

(a) FINDINGS.—The Senate finds that—

(1) disclosure of political campaign activities is among the most important political reforms;

(2) disclosure of political campaign activities enables citizens to make informed decisions about the political process; and

(3) certain tax-exempt organizations, including organizations organized under section 527 of the Internal Revenue Code of 1986, are not presently required to make meaningful public disclosures.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that all tax-exempt organizations engaging in political campaign activities, including organizations organized under section 527 of the Internal Revenue Code of

1986, should be held to the same standard and required to make meaningful public disclosure of their activities.

That will be before the Senate hopefully before the day is out.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. WARNER. Yes.

Mr. MCCAIN. I ask what force of law that sense-of-the-Senate amendment will have and what the prospects are that these organizations that are currently engaged in these activities will be motivated by a sense-of-the-Senate amendment?

Also, will the Senator from Virginia be willing to add to that sense-of-the-Senate amendment that on the next appropriate vehicle, as deemed appropriate by the Parliamentarian, the McCain-Feingold-Lieberman amendment be made in order for a vote with no second-degree amendments?

I ask that question because we clearly know that, without the force of law, there is no way these people are going to comply with a sense-of-the-Senate amendment.

I hope the Senator, to give it any meaning whatsoever, will at least have that same sense-of-the-Senate amendment state unequivocally that we intend to enact this sense-of-the-Senate amendment into law, because that is the only way we can force these people to comply. I am sure the Senator from Virginia understands and appreciates that.

My question is, Will the Senator be willing to modify his sense-of-the-Senate amendment to make it in order that on the next appropriate vehicle, as deemed by the Parliamentarian, there will be an up-or-down vote on the McCain-Feingold-Lieberman amendment without any intervening amendments or second-degree amendments?

Mr. WARNER. Mr. President, as my colleague knows full well, it will not have the force of law, but it is an expression by this body. I have consulted with the majority leader. He will address the issue. It is within his prerogative to determine at what time matters of this import are brought up. I yield the floor.

Mr. MCCAIN. Mr. President, I yield myself 30 seconds. The majority leader is well known for his advocacy for campaign finance reform. I doubt seriously if anyone believes that the Senator from Virginia, by propounding a sense-of-the-Senate amendment that is not binding legally in any way and will disappear in the mist of time as a myriad of other sense-of-the Senate amendments have—I think it is time the Senator from Virginia got candid with this body. The Senator from Virginia should either come on board and stop this egregious violation of everything in which we believe or state his opposition to it. Please do not think anyone—anyone—will believe that a sense-of-the-Senate amendment will have any impact on the present practices which most observers in America believe are corrupt.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I yield 4 minutes to the Senator from Michigan.

Mr. LEVIN. Mr. President, the section 527 loophole is driving elections and their financing deeper and deeper into the muck. We cannot stand by with the values we hold as Americans and watch elections driven deeper and deeper into the muck. That is what is happening with this 527 loophole. It is tearing this system to shreds. The soft money loophole has already cut a huge hole in the campaign finance system. This section 527 loophole just simply tears this system to shreds. It allows unlimited contributions and, even worse than the soft money loophole, it allows undisclosed unlimited contributions, stealth contributions, and the press reports already tens of millions of dollars of these contributions are totally off the campaign finance radar screen.

The only way people can use this is by trying to take inconsistent positions on two laws. The Internal Revenue Code defines an organization subject to tax exemption under section 527 as an organization which influences or attempts to influence the election of any individual to any Federal office.

That seems pretty clear. The Federal Election Campaign Act defines a political committee which is subject to regulation by the Federal Election Commission as an organization that spends or receives money for the purpose of influencing any election for Federal office.

People are creating these 527 organizations because, and only because, they influence or attempt to influence an election. That is why they are exempt but then ignore the FEC's requirements that people who organize for the purpose of influencing an election have to disclose.

We cannot in good conscience stand by and permit this process, this charade, which is doing so much damage to the public, to continue.

On this so-called blue-slip question, first, the Senate should not agree to a House interpretation that something like this is a revenue raiser when it is not a revenue raiser. We should not simply accede to that, No. 1. That is a broad interpretation which the House uses to have a larger prerogative than the Constitution provides.

Secondly, we do not know that there is going to be a blue slip. We do not know that. The House, I believe, has to adopt a position. This is not something which is done informally.

Thirdly, if the House does blue-slip this matter, there is plenty of precedent for the matter then coming back to the Senate and the Senate removing the language in question.

This is being used as an excuse not to adopt a critically essential amendment if we are going to even begin to restore public confidence in the elections in this country.

This last suggestion by our good friend, the chairman, that there could be, instead of a law being passed, sense-of-the-Senate language which is not law, is not binding, does not have the force of law, but even in its own language simply suggests to organizations that they adopt some meaningful disclosure of activity, is meaningless, not meaningful. We should not stand by and permit this charade to go on any longer.

While we do not know the universe of these organizations, because they do not even have to register with the Internal Revenue Service, we do know that this is a bipartisan problem that requires and deserves a bipartisan solution.

Section 527 was created by Congress in the 1970s to provide a category of tax exempt organizations for political parties and political committees. While contributions to a political party or political committee are not tax deductible, Congress did provide for a tax exemption for money contributed and spent on political activities by an organization created for the purpose of influencing elections. At the time Congress established the tax exemption, it assumed that such organizations would be filing with the FEC under the campaign finance laws for the obvious reason that the language for both coverage by the IRS and coverage by the FEC were the same—"influencing an election." Consequently, it was assumed that section 527 did not need to require disclosure with the IRS, since the FEC disclosure was considerably more complete.

The amendment before us would require section 527 organizations to file a tax return, something they are not required to do now, and disclose the basic information about their organization as well as their contributors over $200.

In late January of this year, the staff of the Joint Committee on Taxation released a study of the Disclosure Provisions Relating to Tax-Exempt Organizations. In that study, the bipartisan staff addressed section 527 organizations, and the JCT staff recommended adoption of an amendment to section 527 similar to the language we now have before us. The JCT staff specifically recommended:

1. That 527 organizations be required to "disclose information relating to their activities to the public . . ."

2. And that 527 organizations "be required to file an annual return even if the organizations do not have taxable income and that the annual return should be expanded to include more information regarding the activities of the organization.

The JCT report said, "This recommendation is consistent with the recommendation that all tax returns relating to tax-exempt organizations should be disclosable."

As the 2000 campaign evolves that we get closer to November, the American public is going to be seeing the consequences—the real life consequences of this loophole in our campaign finance laws. Candidates from both parties are going to be hit with ads by groups with names that sound like civic organizations but which in reality are nothing more than well-financed political opponents whose sole purpose is to influence an election. But the public will not be able to determine who the people are behind the organizational name. It could be one person, one union, one corporation, or an association of unions, interest groups, or corporations. An organization with a name like Citizens for Safety could have as its sole contributor a leader of organized crime. We would never know. The examples are endless.

I urge my colleagues to support this amendment. Unfortunately, it does not stop the unlimited aspect of these secret contributions, but it does bring these contributions out in the open.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I strongly oppose this amendment for two reasons: No. 1, on its substance. If everyone is concerned about the damage to the political system and the damage to the public and the violation of things in which we believe, of organizations running independent expenditures, then cover everybody who does it. If my colleagues are only concerned about certain political groups and not concerned about other political groups that may happen to favor their political position, then this is all about politics and not about reform.

Let's be clear. This is a rifle shot on this bill. This does not cover labor unions, this does not cover the Sierra Club, this does not cover the trial lawyers, all of which are the major funders of the other side of the aisle.

I am one of those Senators up for reelection who is going to be at the butt end of the expenditures of those very same groups, and no one over there will be outraged by the "damage to the public," these groups do. They are only concerned about the damage to the public that groups that do not favor them do.

We heard so much: We need to talk honestly with the public. Let's talk honestly with the public. We are rifle shooting here. We are killing the American political process by picking winners and losers.

At the same time, the second reason I oppose this bill is because we are killing the Defense authorization.

So we have two losers here. We have the political process—the big loser—because here we are in Congress picking winners and losers. And the second, we have the Defense authorization process, which I, as a subcommittee chairman, and like my colleague from Arkansas, a subcommittee chairman, we put a lot of time and effort into this bill because we understand, as the chairman of the Readiness Subcommittee, Jim INHOFE, said, we put in a lot of effort trying to craft a bipartisan bill.

We don't have too many coming to the floor these days. It is a bipartisan bill. I have worked with my ranking member, JOE LIEBERMAN. We have worked together in concert to put together a bill we can all support—and we all did support in committee —that really meets the needs of our military, that addresses some of the critical issues we had in our subcommittee. We had to deal with the transformation of the Army. I know everybody in this Chamber is concerned about how we transform the Army.

There are some very critical decisions we made in this bill that affect the future of our armed services, and particularly the Army, that I don't believe will be made correctly if we do not pass this bill.

There are some critical issues in the area of the Joint Strike Fighter. We made tough decisions that will not be met if we do not pass this bill.

A lot of people say we can wait. The House may not blue-slip this. The House voted on this issue. They voted it down. We know what they will do on this issue. The fact is, even if that is not the case, this is not the right amendment. This is not the right way to address this issue.

If you care about the "corruption of the system" that these organizations do, cover everybody. If you care about gaining political advantage, vote for this amendment because you will gain political advantage. You will put a chilling effect on some groups and "Katie bar the door" on the others. If that is what you want, if what you want is political advantage, you got it. Vote for it and kill both fairness in public discourse and disclosure, which I am for.

I will vote for an amendment—but not on this bill because I think it will hurt this bill—at some time. I hope the leader brings up this issue. But make sure we cover everybody. Make sure we do not pick our friends: You don't have to say anything. You don't have to disclose anything. And by the way, you guys who we really don't like, we are going to get you. We are going to chill your contributions. We are going to make you report everything.

That is what this is about, folks. If we are talking about honesty here, tell the truth. What does your amendment do? That is the truth. So I am happy to debate the truth. The truth is, I will support an amendment that is broad. I will support an amendment that provides disclosure for everybody who engages in political campaigns but not pick my friends over my enemies.

I would not vote for a bill that just picks my friends. Even you said we are not going to cover those organizations, Senator, that help you; we are just going to cover the guys who do not help you, I would vote against it. Do you know why? Because we should not be doing that. That is wrong. You want to talk about breeding cynicism? Bring up an amendment that calls for disclosure which excludes the groups that favor you and punishes the ones that don't, that brings cynicism to the process.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. MCCAIN. Can I engage the Senator for 30 seconds?

Mr. FEINGOLD. Yes.

Mr. MCCAIN. Mr. President, apparently the Senator from Pennsylvania does not agree with the Bush campaign, in which, according to an AP story, Bush says:

> Plenty of left-leaning groups led by the AFL-CIO help Democrats.

The AP goes on to say:

> So far for Gore, the Sierra Club, an environmental group and one of the first to create a 527 spin-off, is in the midst of an $8 million ad campaign aiding Democrats running for Congress and attacking Bush on the environment.

I don't know where the Senator from Pennsylvania has been, but I will be glad to show him ample testimony that this comes from both the left and right equally. So the evidence is obviously contrary to that.

I would also hope that the Senator from Pennsylvania would join the Senator from Wisconsin and me where the next amendment would be one that included all organizations.

Would the Senator from Wisconsin be willing to do that as well? The fact is, this is most egregious, because there is no reporting whatsoever in this newfound cornucopia, which would allow the Mafia, drug money, Chinese money, any other kind of money, to come into American political campaigns undisclosed. If that is what the Senator from Pennsylvania believes is honesty, then I plead guilty.

Mr. FEINGOLD. In response to the question of the Senator from Arizona, the Senator from Pennsylvania, fortunately, is plain wrong about the issue of whether this covers other groups. As the Senator from Arizona said, in my opening remarks, I say to the Senator from Pennsylvania, I pointed out that this doesn't just cover the Sierra Club.

The Sierra Club has said it has a 527 organization to use very large donations from wealthy individuals totaling $4.5 million.

How can the Senator from Pennsylvania even begin to say that we have not included groups on both sides? The amendment is evenhanded.

As the Senator from Arizona has pointed out, there were reports of groups from both the right and the left using this loophole. Any group claiming this loophole would have to disclose. So it is simply false that it would not include them.

Mr. SANTORUM. Will the Senator yield for a question?

Mr. FEINGOLD. We have limited time.

I also point out that the AFL–CIO has also said it is willing to make further disclosure itself as long as business is willing to do the same. I would invite the other side to actually offer a real amendment—not a sense of the Senate, but a real amendment—to try to address this.

It is simply untrue that we are not covering groups on both sides. I specifically mentioned the Sierra Club and $4.5 million to cover that.

Mr. President, I yield the floor.

Mr. WARNER. I yield to the Senator from Pennsylvania.

Mr. SANTORUM. I ask the Senator from Kentucky, does the Sierra Club run some of their campaign expenditures through their (c)(4), not through their 527 group?

Mr. MCCONNELL. I say to my friend from Pennsylvania, if this bill passed, 527s that do only issue advocacy would have to publicly disclose their donors. But other tax-exempt groups that do exactly the same kinds of issue ads, such as 501(c)(4)s, such as the Sierra Club, and 501(c)(5)s, such as the AFL-CIO, would not have to publicly disclose their donors.

So the problem is, if the idea is to have comprehensive disclosure, we have left out a huge percentage of those who are involved in political activity. The two that I mentioned happen to almost always be in support of candidates on the other side of the aisle. It would also not include the American Trial Lawyers Association. It would not include groups such as Public Citizen, and environmental groups. As I mentioned, organized labor, all of whom would be exempt.

As I understand, the point of the sense-of-the-Senate amendment of the distinguished chairman of the Armed Services Committee which would be offered, as I understand it, after a motion to table the McCain amendment is approved, would call for a comprehensive approach. The majority leader is going to address the issue of when to do that. It is my opinion—I know he will announce it is his opinion—we ought to do that this year in this session because disclosure is, as the Senator from Arizona has pointed out, an area where we have been largely in agreement. It is a question of making sure that this is the right kind of disclosure and not a kind of selected partial disclosure which happens to have the practical effect of leaving out, in my view, most of the major players who engage in issue advocacy in this country.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I yield 2 or 3 minutes to my distinguished colleague, the chairman of the Finance Committee.

Mr. ROTH. I thank the distinguished chairman of the Armed Services Committee for this grant of time.

I rise today to make two announcements about the proposed amendment.

The first announcement is that the Department of Defense authorization bill is not the proper vehicle for the issue raised by raised by this amendment.

The second announcement is that there will be a proper vehicle for the issue.

Let's explore my first point, that is, whether this defense bill is an appropriate vehicle for this amendment.

This amendment increases the amount of disclosure that certain tax exempt organizations that are organized under section 527 of the Internal Revenue Code have to make if they are not subject to the disclosure requirements under the Federal Election Campaign Act.

To do this, the amendment will subject these tax exempt organizations to tax on the contributions they receive if they do not follow disclosure requirements similar to the disclosure requirements set out in the Federal Election Campaign Act.

While the objective of the amendment is increased campaign finance disclosure, the amendment is framed in the context of a Tax Code change, which is a revenue measure.

Under the Constitution, all revenue measures must originate in the House of Representatives. If the revenue measure did not originate in the House, then any member could subject the bill to a "blue slip," thereby voiding the entire bill, not just the part of the bill that is a revenue measure.

Make no mistake, regardless of its merits, this amendment will kill this bill. If adopted, this amendment would mean that the Senate would be originating a piece of tax legislation. This is in direct violation of the Constitution. Rest assured, the House will not accept it and will refuse the bill when we seek to send it to them. Hence, the adoption of this amendment will kill this Defense bill just as assuredly as if we voted it down.

We must not lose sight of the fact that there is no higher priority than our nation's defense. This bill provides much-needed funds for it. It gives a deserved pay raise to our armed forces—allowing them to enlist and retain the all-volunteer force that stands on perpetual watch over our nation. It provides for spare parts that will keep our Armed Services in service.

Now, I'd like to move to my second point, provision of the proper vehicle.

The House has passed a tax bill that deals with taxpayer rights and disclosure of information for tax-exempt organizations. That bill, known as the "Taxpayer Bill of Rights 2000," is in the Finance Committee.

The taxpayer rights legislation will be the vehicle for proposals to curtail corporate tax shelters, which both the majority and the minority staffs of the Finance Committee have been working to draft. The taxpayer rights legislation will be the appropriate vehicles for this amendment. I support increased disclosure. Section 527 needs to be amended. It is my intention to move such legislation later this year.

Mr. WARNER. Mr. President, may we have the time allocation remaining between the proponents of the amendment and the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia has 3 minutes remaining.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona has 5½ minutes remaining.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this amendment is not about politics. I assure my colleagues, this amendment covers all groups regardless of their politics. Not only do we not cover the AFL-CIO, we don't cover the Chamber of Commerce. The National Right to Life, as with those aspects of the Sierra Club that are 501(c)(4), has to publicly disclose through a tax return whether they are constituted in that manner. The argument and the attempt to somehow suggest that the rules will be one way for some groups rather than others is simply false, as were the other points made by the Senator from Pennsylvania.

This is an appropriate place to raise this issue.

Let me take a moment to respond to the trumped up charge that the Senate cannot consider this amendment because the House might blue-slip the bill. I think some people are trying to use this charge as a fig leaf for voting against campaign finance disclosure. My first response to my opponent's attack is that this is not a bill for raising revenue. The McCain-Feingold-Lieberman amendment is merely a reporting requirement. It requires that those with a certain status report specified actions.

Second, the House's decision to blue-slip a bill, to refuse to consider a bill, is an act of discretion on the part of the House of Representatives. It does not happen automatically. It requires the House to pass a resolution to put this blue-slip into place, and the House can choose to consider this measure if it wants to.

Third, the Senate can and must be its own judge of what it considers to be "bills for raising revenue" within the meaning of the Constitution. The Senate does not have to adhere slavishly to the most wildly blown interpretation of what somehow constitutes bills for raising revenue, or else in the end the Senate would never be able to send to the House of Representatives any bill the House didn't favor. Someone in the House, anyone, could raise a charge, however baseless, that the bill was a bill for raising revenue and then just somehow stop it dead in its tracks.

In this regard, I note it is deeply ironic that some in this majority are suddenly becoming so zealous about enforcing the House's prerogatives to originate bills for raising revenue. The House has a longstanding tradition of considering all appropriation bills to be bills for raising revenue within the meaning of the Constitution. If the Senate were to send the House an S-numbered appropriations bill, the House could blue-slip that bill as well. Of late, the majority has shown a great enthusiasm for taking up S-numbered appropriation bills notwithstanding this threat. The majority cannot have it both ways on this point.

I ask unanimous consent that a listing of instances when the Senate has considered such bills that the House would have considered "bills for raising revenue" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. FEINGOLD. Finally, Mr. President, the most powerful argument against the opponents' attempt to hide behind the fig leaf of this sham constitutional objection is that their famed concern for the prerogatives of the House of Representatives will not fool anyone. This is a vote on campaign finance reform, pure and simple. In the end, when colleagues go back home and when a constituent asks them why they opposed campaign finance reform, if they answer, Well, it might have had a blue-slip problem, I don't think the explanation is going to work very well. That is not cover. The fig leaf is transparent, and the people will see right through it.

This is a vote about campaign finance reform, pure and simple. I urge my colleagues to support this commonsense amendment, and I yield the floor.

EXHIBIT 1

INSTANCES WHEN THE SENATE HAS CONSIDERED BILLS THAT THE HOUSE OF REPRESENTATIVES WOULD CONSIDER "BILLS FOR RAISING REVENUE"

S. 2603, Legislative Branch Appropriations Act 2001, considered May 24-25, 2000.

S. 2522, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, motion to proceed considered May 18, 2000.

S. 2521, Military Construction Appropriations Act, 2001, considered May 11 and 15–18, 2000.

S. 625, Bankruptcy Reform Act of 1999, with amendment number 2547 proposed by Senator Domenici to increase the Federal minimum wage and protect small business considered November 8–10, 16–17, and 19, 1999, and January 26 and 31 and February 1–2, 2000.

S. 1650, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000, considered September 29–30 and October 1 and 6–7, 1999.

S. 1283, District of Columbia Appropriations Act, 2000, considered July 1, 1999.

S. 1282, Treasury and General Government Appropriations Act, 2000, considered June 30 and July 1 and 13, 1999.

S. 1234, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, considered June 30, 1999.

S. 1233, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000, considered June 21–22, 24, 28–29 and August 2–4, 1999.

S. 1217, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000, considered July 21–22 and 26, 1999.

S. 1143, Department of Transportation and Related Agencies Appropriations Act, 2000, motion to proceed considered June 24 and 28, 1999.

S. 1206, Legislative Branch Appropriations Act, 2000, considered June 16, 1999.

S. 1205, Military Construction Appropriations Act, 2000, considered June 16, 1999.

S. 1186, Energy and Water Development Appropriations Act of 1999, considered June 14–16, 1999.

S. 1122, Department of Defense Appropriations Act, 2000, considered June 7–8, 1999.

S. 544, Emergency Supplemental Appropriations Act for Fiscal Year 1999, considered March 18–9, 22–23, 1999.

S. 2237, Department of the Interior and Related Agencies Appropriations Act, 1999, considered September 8–10 and 14–16, 1998.

S. 2334, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, considered September 1–2, 1998.

S. 2159, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, considered June 18 and July 13–16, 1998.

S. 1768, 1998 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, considered March 23–26, 1998.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I pick up on my distinguished colleague's statement. This is a bill about campaign finance reform. What relevance is that? What germaneness is that to the armed services? I read from the CONGRESSIONAL RECORD of May 18 of this year when the Byrd-Warner bill was put on the MILCON bill. The Senator from Arizona said:

> Its inclusion in the military construction appropriations bill is highly inappropriate.

Rather interesting.

Mr. President, I yield 1 minute to each of my colleagues, the Senator from Arkansas and the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I am for campaign finance reform. I voted for cloture on the McCain-Feingold bill, and I would do it again.

I think this has merit, but it is the wrong time, the wrong vehicle, the wrong scope. If this is the U.S.S. Warner, this is the torpedo that could sink it. That is wrong.

There are too many important things in the bill to destroy it. There is health care for our military retirees forever. By a 96–1 vote yesterday, we put that in. There are retail and mail order pharmacy prescription benefits. I don't want to face those military retirees and say: We thought this was a good vehicle for campaign finance reform. There is the thrift savings plan, TRICARE remote, a 3.7-percent pay raise.

It is wrong to kill this bill for a nongermane campaign finance provision. There will be an opportunity. We should do it, but we should not put a nongermane provision such as this on an important DOD bill.

Mr. SESSIONS. Mr. President, I have worked with Chairman WARNER for nearly a year on this bill. It is time to pass this bill. If we put this nongermane Internal Revenue Code amendment on it, it will be blue-slipped by the House as a revenue bill. It will come back like a rubber ball off the wall.

This is not what we are here for. This is not a campaign finance vote. It is a vote involving the defense of these United States of America. That is what we need to do. I support the chairman. I believe this is a good bill.

Mr. JEFFORDS. Mr. President, I rise today to speak in support of the McCain amendment on Section 527 organizations. I would first like to thank Senator LIEBERMAN and Senator MCCAIN for their work in focusing the attention of the nation on the problems Section 527 organizations are creating in our campaign finance system.

Most people don't know what a Section 527 organization is, and that is understandable, it is a highly complex issue. But what many people do understand is that our campaign finance system is broken and that we must do something to fix it.

A recent report by Common Cause reinforces the point that there are serious loopholes in our campaign finance system.

We must close the loophole allowing so-called "Stealth PAC's" organized under Section 527 of the tax code, to hide their donors, activities, even their very existence from public view.

Many years ago, James Madison said, "A popular government without popular information is but a prologue to a tragedy or a farce or perhaps both. Knowledge will forever govern ignorance and a people who mean to be their own governors must arm themselves with the power which knowledge gives."

In clearer terms, Francis Bacon conveys the same principle in the saying, "Knowledge is Power."

Mr. President, the passage of this amendment would help arm the people with the knowledge they need in order to exercise their civic duty and sustain our popular government.

I have also long believed in Justice Brandeis' statement that, "Sunlight is said to be the best of disinfectants." People deserve to know before they step into the voting booth which individuals or organizations are sponsoring the advertisements, mailings, and phone banks they may see or hear from during an election. We need to shine some sunlight on these secretive Section 527 organizations so that people will know who or what is trying to influence their vote.

I have watched with growing dismay the increase in the number of troubling examples of problems in our current campaign finance system. These problems have led to a perception by the public that a disconnect exists between themselves and the people that they have elected. I believe that this perception is a pivotal factor behind the disturbingly low voter turnouts that have plagued national elections in recent years.

It is time to restore the public's confidence in our political system. It is time to increase disclosure requirements and ban soft money. It is time to work together to pass meaningful campaign finance reform.

I urge my colleagues to support the McCain amendment.

Mr. WARNER. Mr. President, is there any time remaining?

The PRESIDING OFFICER. The Senator from Virginia has 30 seconds remaining, and the Senator from Arizona has 2 minutes.

Mr. WARNER. I will let the Senator from Arizona proceed.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I will quote from the Washington Post on June 4, this Sunday:

> Both parties use these section 527 committees. Failure to disclose is the insidious, ultimate corruption of a political system in which offices, if not the officeholders themselves, are increasingly bought. At least they could vote for sunshine, or is the truth too embarrassing for either donors or recipients?

Mr. President, we have heard some very interesting arguments and discussions about whether it is appropriate, as to whether it favors one side or another. There isn't an American who is well informed who does not know that this system has lurched completely out of control, when people are allowed to engage in the political system and give unlimited amounts of money and have it undisclosed.

The reason this is on this bill, I say to the chairman of the Armed Services Committee, is that we have been unable to propose an amendment on any bill so far.

This has been the first opportunity. I regret doing so. But I was willing to enter into a time agreement to get this done. I must tell my friend we will continue on this issue until we resolve the objections that may exist concerning it. It is too important. If we are concerned about these men and women in the military—and he and I share that concern—then we should also be concerned about giving them the kind of Government and political system they can be proud of. Today, if they are informed about it, they are ashamed.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my colleague for the courtesies he has extended me. I said clearly, given the opportunity, I would vote with him. But this time I say to my old sailor friend, man your battle station, torpedoes are on the horizon headed for the port bow of the armed services annual authorization bill.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask my friend from Virginia, may we enter into a unanimous consent request that the time on the next amendment not start running until the leader, who will be here, finishes his work?

Mr. WARNER. That is in order. I ask that the time consumed by the quorum call not be borne by the next amendment coming up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I know we are now prepared to go to the debate on the next amendment. But I do have a unanimous consent request to make and some brief comments.

For the information of all Senators, the two managers have previously exchanged amendment lists on each side of the aisle. Senator DASCHLE and I have talked about the need to get some finite list identified so that our whips and the managers can begin to work through the lists and see which can be accepted and which ones are a problem, or maybe will not be offered, and which ones will have to have debate or votes.

I ask unanimous consent that the list I now send to the desk be the only remaining first-degree amendments in order for the DOD authorization bill other than second-degree amendments which must be relevant to the first degree.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The list of amendments is as follows:

Stevens: Environmental fines.
B. Smith: Security Clearances.
B. Smith: Relevant.
Crapo: DOE Construction.
Chafee: UUV's.
Thomas: Transferring of Veterans' Memorials.
Jeffords: National Guard Education.
Brownback: NCAA gambling.
DeWine: TARS.
DeWine: Air Force Technology Institute.
DeWine: Air Force Museum.
DeWine: Air Force planning.
Stevens: Increase funding for FUDS.
Fitzgerald: overhead out of arsenal bids.
Murkowski: payment rates for doctors.
Gramm: relevant.
Gramm: export controls.
Gramm: relevant.
Bennett: transfer of Naval Oil Shale Reserve #2.
Enzi: export controls.
Helms: 3 relevant.
Gorton: relevant.
Thompson: Information Management.
Thompson: Gov. contracts.
Thompson: Export Admin. efficiencies.
Domenici: nuc. cities.
Domenici: directed energy.
K. Hutchison: uniform services health care systems.
K. Hutchison: access to health care.
K. Hutchison: Balkans.
K. Hutchison: DoD Schools.
Inhofe: DoD to review qui ram cases.
Bennett: Computer export controls.
Domenici: Melrose and Yakima ranges.
Domenici: R&D Projects (4).
Enzi: Control tower, Cheyenne, WY.
Gramm: Retransfer of former naval vessels.
Grams: Land conveyance, Winona, MN.
Grams/Sessions/et al: Military Reserve Equity.
Inhofe/Robb: Apache Readiness.
Inhofe/Nickles: Industrial Mobilization Capacity.
Kyl: NIF funding.
Lott: Concurrent Service—CNR/CTO.
Lott: Acoustic mine detection technology.
Santorum: Funding for AV-8B.
Hatch: HI-B's.
Hatch: FALN.
Hatch: Hate crimes.
Lott: 2 relevants to any amendment on list.
Warner: Marine Corps Heritage Center.
Warner: Indemnification of transferees of closing defense properties.
Warner: National Commission on Cuba.
Warner: Report on bioterrorism.
Warner: NIMA/technical.
Warner: Technology for mounted maneuver forces.
Warner: APOBS.

Warner: Agreed-to package of provisions with Govt. Affairs Committee.
Warner: MK-45 maintenance and the MUCT site.
Warner: Land conveyance, LA Air Force Base.
Warner: USMC Procurement.
Warner: Close in weapons system.
Warner: Close in weapon system modifications.
Warner: Gun mount modifications.
Warner: A-76 Study.
Warner: Anti-personnel obstacle breaching system.
Warner: Info Security Scholarship.
Warner: Future years defense budget (DOE).
Warner: 12 Relevant.
T. Hutchinson: Revise BAH.
T. Hutchinson: Uniform Resource Process.
Stevens: Alaska Territorial Guard.
Snowe: Amend Sec. 2854 to authorize interim lease.
Roberts: DOE Computer Export Controls.
Snowe: NMCI.
Inhofe: Relevant.
Inhofe: Air Logistics Technology.
Inhofe: Ammo Risk Analysis Capability Research.
Lott: Keesler Hospital Repairs.
Bennett: Altas uranium milling site.
Lott: Weather proofing.
Bennett: Critical Infrastructure Protection.
McCain: 2 Relevant.
McCain: 1 Gambling.
McCain: Internet.
McCain: 5 Campaign Finance.
McConnell: 3 Campaign Finance.
Grams: Reserve Grade Level Exemptions.
Voinovich: Workforce Realignment.
Mack: U.S. Foreign Policy.
McCain: Assistance to Service Members in Claims Process.
Johnson/Sarbanes: Export Administration.
Johnson: Genetic Pharmaceutical Access.
Johnson: Medical Prescription Drugs.
Johnson: Livestock Packers.
Kerrey: Missile Defense.
Kerrey: National Guard.
Cleland: Plaid.
Cleland: Relevant.
Feingold: National Guard/Reserve Duty Pay.
Feingold: Trident Missiles.
Feingold: McCain-Feingold CFR.
Feingold: McCain-Feingold-Lieberman 527.
Feingold: Extension of Law Enforcement Public Interest Conveyance.
Feingold: McCain-Feingold CFR.
Durbin: Missile Defense Testing.
Durbin: Registration Deadline in OPM re: Student Loan Repayments.
Murray: Abortion in the Military.
Murray: Air National Guard.
Feinstein: Relevant.
Feinstein: Relevant.
Robb: Land Conveyance for the National Guard Intel Center.
Robb: Resource Management Program.
Kennedy: School Hate Crimes.
Kennedy: Environmental UXO Detection Technology.
Kennedy: HMO.
Kennedy: Minimum Wage.
Lautenberg: Safe Streets & Schools.
Reid: Relevant.
Reid: NCAA Gambling.
Reid: NCAA Gambling.
Reid: NCAA Gambling.
Reid: NCAA Gambling.
Reid: NCAA Gambling/Civil Rights.
Reid: Date of Registry.
Daschle: Relevant.
Daschle: Relevant to Any on List.
Daschle: Immigration, Technology Job Training.
Daschle: Immigration, Technology Job Training.
Daschle: Immigration, Education Access.
Daschle: Immigration, Education Access.
Wellstone: CFR.
Wellstone: Ag. Concentration.
Wellstone: Domestic Violence.
Wellstone: Welfare Tracking.
Wellstone: States Rights to Enact Public Financing.
Wellstone: Mental Health Equitable Treatment Act.
Wellstone: Relevant.
Wellstone: Relevant.
Kerry: Environmental and Public Health Compliance.
Dorgan: SoS Air at'l Guard F 16A.
Dorgan: B 52.
Dorgan: Cuba Ag. Sanctions.
Dorgan: Relevant.
Schumer: Money Laundering.
Schumer: Critical Infrastructure.
Conrad: EB 52 Aircraft.
Conrad: Global Missile Early Warning.
Conrad: Relevant.
Bryan: National Guard.
Bryan: Relevant.
Harkin: WIC Troops Families.
Harkin: Generals Jet Procurement.
Harkin: Secrecy Policy.
Harkin: Health Care.
Boxer: Executive Planes.
Boxer: Transfer Amendments.
Boxer: Use of Pesticides on Bases.
Boxer: Privacy of DoD Medical Records.
Torricelli: Relevant.
Torricelli: Relevant.
Bingaman: Education Partnerships.
Bingaman: Labs.
Bingaman: Relevant.
Levin: Organ Transplant.
Levin: Relevant.
Levin: Relevant.
Reed: Date of Registry.
Lieberman: Campaign Finance/Criminal Enforcement.
Dodd: Veterans Gravemarkers.
Dodd: Firefighter Support.
Dodd: Cuban Commission.
Byrd: Bi-Lateral Trade.
Edwards: SoS Special Pay.
Edwards: SoS Hurricane Floyd.
Landrieu: Study of Deep Submergence Submarine System.
Landrieu: Special Assault Aircraft and Inflatable Boats.
Landrieu: Relevant.
Landrieu: Relevant.
Landrieu: Relevant.

Mr. LOTT. Mr. President, there are almost 200 amendments, I think, on this list. A large number of them are not related to the national security of our country. They are not related to the Defense authorization bill. There are two amendments now pending that are not related to national security.

I am very concerned about how long this could go on and what these amendments are. They do run the usual range, from the HMO amendment, to campaign finance amendments, to minimum wage, and a whole long list of unrelated or nongermane amendments.

I knew when we moved to this legislation this would be possible. I wanted to see how we could do, see if progress could be made, see if a little steam perhaps could be let off here. This is important legislation, so we are going to have to work through these amendments and cut them down to a reasonable number. Senator DASCHLE and I have discussed the possibility, after we get these amendments and see how we are doing, that we set the bill aside and go to the Department of Defense appropriations bill, with the understanding that when that was completed, we would come back to the authorization bill, and then we would have some idea of what amendments we would have to take time on.

This is not part of the unanimous consent request. We are not locking in on that—neither I nor Senator DASCHLE. But we have to find some way to try to work through this list and, hopefully, be able to conclude this bill. I know Senator WARNER would like to do that.

I wanted to make those observations. I ask Senators on both sides to, if you can, withhold your amendment if it is not essential. Please do that, because there is no way we can do 200, or 100, or 50 amendments and complete this work.

I yield the floor.

Mr. DASCHLE. Mr. President, let me second what the majority leader has just said. I appreciate the fact that he has taken this bill to the floor under the regular order. I have indicated a desire to work with him to complete work on this bill under regular order. Again, as I always do, I thank the assistant Democratic leader for his efforts in trying to narrow the scope and the list.

We have to start here. Now we know what the universe is. Unfortunately, I think the universe includes the "kitchen sink" in this case. I think it is important to try to eliminate the "kitchen sink" and other matters that may or may not be essential to take up. I think there are nonrelevant matters that could be taken up under very short time constraints, as we are about to do. We need to finish the bill as well. I certainly plan to work with the majority leader to see that we accomplish that over the course of the next couple of days.

Mr. WARNER. Mr. President, I thank our two distinguished leaders. No matter how diligent the managers are—there is this question, particularly historically, on this bill that Senator LEVIN and I have worked on for some 22 years—only the leadership can come down and get that list of amendments. I thank them very much for that.

We will now deal with that as expeditiously and as fairly as we can.

I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Democratic leader is recognized to offer an amendment relevant to HMOs on which there will be 2 hours of debate equally divided.

The Democratic leader.

AMENDMENT NO. 3273

(Purpose: To amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.)

Mr. DASCHLE. Mr. President, under the order, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from South Dakota (Mr. DASCHLE) proposes an amendment numbered 3273.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DASCHLE. Mr. President, it is with some reluctance that I come to the floor this afternoon—reluctance because we had hoped that this would not be necessary. We had hoped that the action taken by the Senate—now almost a year ago—would have provided us with an opportunity to have finished by now the work begun more than a year ago. The Senate acted in a way that we felt was not as acceptable as we would have liked. The House acted in a way that met the expectations of many of us. On a bipartisan basis the House passed a bill to protect patients' rights in ways that I think lives up to the expectations not only of those of us who have advocated this legislation but of the American people and many others who care deeply about these circumstances.

It was our hope that the conferees, over the course of the last 12 months, could have resolved differences and we could have sent this legislation to the President by now. That has not happened.

Under the circumstances, we are left with no choice but to come to the floor and once again have the debate and press the issue—to try to say with as much definition as we can that this legislation must pass; that this legislation must be sent to the President; that this legislation must be signed into law.

The urgency of our effort could not be better represented than by what we see on the charts immediately behind me. The first chart shows what is happening to patients day by day as this Congress fails to act. The Patients' Bill of Rights affects thousands and thousands of people on a daily basis—thousands of people who go into hospitals and clinics hoping that they might be able to get the care they so desperately need.

This chart says it all when it comes to what happens to patients as a result of our inaction.

Thirty-five thousand Americans on a daily basis fail to get the kind of care they absolutely have to have to restore their health.

Thirty-five thousand people are denied specialty care in instances when doctors have prescribed it.

Thirty-one thousand are forced on a daily basis to change doctors—we are not talking about what has happened over the course of the last 12 months. We are saying every single day in the United States of America that 31,000 people are forced to change doctors, against their will in many cases.

Eighteen-thousand are forced to change medication.

Fifty-nine thousand a day, as a result of the inaction in the Congress—a number exceeding the second largest city in the State of South Dakota—are subjected to more pain and suffering and a worsening of their condition.

Those aren't our figures. Those are figures from the California Managed Care Improvement Task Force and other reputable organizations that have analyzed the cost of the inaction in the Congress over the course of the last year.

A second way to look at this issue is doctors' perceptions of our inaction.

The number of doctors each day who see patients with a serious decline in health as a result of health plan abuse is striking.

Fourteen-thousand people are denied coverage of recommended prescription drugs as a result of our inaction.

Ten-thousand are denied coverage of needed diagnostic tests.

Seven-thousand are denied referral to needed specialty care.

Six-thousand are denied overnight hospital stay, and 6,000 are denied referral to mental health and substance abuse treatment.

One could just sit down after that and say the Senate must act. Let's vote. I think those numbers are as compelling a reason as I have heard about the importance of this body acting on this legislation, as we should have acted now more than 12 months ago. We have not acted. And tens of thousands of people are paying a price that they shouldn't have to pay because we have not acted.

I have been encouraged by correspondence that we have been sent just in the last few hours: One from the sponsors of the legislation on the House side, Congressman CHARLIE NORWOOD, and Congressman JOHN DINGELL.

I will simply read an excerpt, and ask unanimous consent the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, June 8, 2000.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.
Hon. TOM DASCHLE,
U.S. Senate, Washington, DC.

DEAR SENATORS KENNEDY AND DASCHLE: We are pleased that you are bringing the bipartisan compromise bill that we passed overwhelmingly in the House last October to the Senate floor today. We appreciate your willingness to fix a technical drafting error in the point of service provision.

The change we have requested is a technical correction to ensure that all individuals covered by employer-sponsored health insurance plans, including self-insured plans, would be able to choose a point of service option. This option would allow patients to choose the doctor who best met their medical needs. This change would not otherwise affect what we believe is an important provision. As you know, the point of service provision in the Norwood-Dingell bill clearly states that the patient, not the employer or the health plan, would bear any extra cost associated with this provision. Additionally, point of service is not required to be offered in instances where enrollees have a point of service option through another health insurance issuer or group health plan.

We thank you for making this technical change. We hope that this important legislation enjoys as much bipartisan success on the Senate floor today as it did on the House floor last year.

With every good wish.

Sincerely,

JOHN D. DINGELL.
CHARLIE NORWOOD.

Mr. DASCHLE. Mr. President, the letter simply calls upon the Congress to act. It says:

> We are pleased that you are bringing the bipartisan compromise bill that we passed overwhelmingly in the House last October to the Senate floor today.

They want us to act.

That is from the sponsors of the House-passed legislation.

The doctors so directly involved in our critical health care needs are also asking the Senate to act today.

I ask unanimous consent that a statement released by the American Medical Association be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
June 8, 2000.

AMA CALLS ON SENATE TO PASS NORWOOD-DINGELL PATIENTS' RIGHTS BILL AS AMENDMENT TO DOD REAUTHORIZATION

"The Senate must give Americans the patient protections they want and need now."—Thomas R. Reardon, MD, AMA President.

"The AMA strongly supports attaching the Norwood-Dingell patients' rights bill to the DoD reauthorization bill. Patients and physicians have worked for more than half a decade on a bill to protect patients—and now is the time to make that bill a law.

"Patients and their physicians have waited too long. The Senate must give Americans the patient protections they want and need now—not just a bill, but a real law that protects patients.

> "Patients and physicians are frustrated with the lack of progress in the House-Senate Conference committee. We will aggressively pursue all opportunities until meaningful patients' rights legislation is signed into law.
>
> "A Republican staff counterproposal put forward June 4 is unacceptable, making it little better than the HMO Protection Act passed by the Senate last summer. That bill was a sham. Now the Senate has a chance to make it right.
>
> "A May NBC/WSJ poll found that patients' bill of rights was the most important health issue among registered voters. A recent Kaiser/Harvard poll found that an overwhelming 80% of Americans support patients' rights legislation, including the right to sue health plans.
>
> "The AMA-endorsed Norwood-Dingell bill, overwhelmingly approved by the House on a bipartisan basis last fall, acknowledges the people's clear call for meaningful protections. Patient protections should not be a partisan issue. Republicans and Democrats must work together to address well-documented problems.
>
> "Rhetoric is not enough. The Senate must do the right thing and pass the Norwood-Dingell provisions."

Mr. DASCHLE. Mr. President, this is an excerpt from the statement:

> Rhetoric is not enough. The Senate must do the right thing and pass the Norwood-Dingell provisions.

You can't say it any more directly nor any more powerfully than that—whether it is the sponsors of the House-passed bipartisan bill, or whether it is those in the trenches on a daily basis who recognize the importance and the urgency of this issue and have asked us to address it posthaste, or whether it is the thousands of people out there being denied health care on a daily basis. The commitment we must make to those who are left in the lurch must be restated and reemphasized. The only way to restate and reemphasize our commitment to their need is to pass this bipartisan bill this afternoon as part of this vehicle.

I share the view expressed by some that we don't want to slow down this bill. We just had that discussion on another amendment. I recognize that. It is for that reason that we have expressed a willingness to limit the debate on this amendment to no more than 2 hours, with an hour on each side.

We want to move this legislation. But we also want to move the defense bill. We can do that by limiting the amount of time, and we have voluntarily accommodated those who wish to move this legislation quickly by allowing the time limit on this amendment.

I think it is very clear why we are offering this amendment, when you look at what it does and why it is so important and the pressing need for it. Again, I emphasize it was passed on a strong bipartisan vote in the House of Representatives.

When you look at this chart, it lays out in a very short and succinct manner the differences between what—on a bipartisan basis the House has supported and many of us now support in the Senate—versus what our Republican colleagues in the Senate have advocated as their response to the need for a Patients' Bill of Rights for the country today.

First and foremost, protecting all patients and making sure that everybody has access to protections is a fundamental difference between the bipartisan plan and the Republican plan. We protect all patients; they don't.

Holding plans accountable is the second criteria by which we judge whether or not we are truly interested in solving this problem.

Accountability has to be the first or second priority if we are truly going to resolve these problems and address the concerns raised by millions of Americans.

The bipartisan plan holds insurance companies accountable. Unfortunately, the Republican plan does not.

Definitions of medical necessity are a very complex and increasingly disturbing way with which the insurance companies eliminate access to good quality care.

We ensure unfair definitions of "medical necessity" used by insurance companies don't prevent patients from getting needed care. Our bipartisan plan addresses that issue. The Republicans do not.

Guaranteed access to specialists is also an issue that so many people believe needs to be resolved. We address it. The Republicans barely address it at all.

We can go down the list. Access to OB/GYN, access to clinical trials, access to nonphysician providers, choice of providers, point-of-service, emergency room access, prohibition of improper financial incentives. On all of these issues and many more, there is a clear choice between what the Republicans have proposed and what the bipartisan plan adopted in the House requires.

Time is running out. We have about 21 legislative days between now and the August recess. We have about 15 legislative days when we come back from the August recess. We have fewer and fewer days with which to resolve these differences. The time has come now to simply take what has been passed in theHouse, pass it in the Senate, add it to this bill, get it to the President, and send a clear message that our commitment to resolving these issues could not be stronger.

Our commitment has not eroded. We are determined to deal with this issue this year on a bipartisan basis. We join with our House colleagues in addressing the issue in a comprehensive way. That is what this amendment does. That is why we hope on a bipartisan basis we can make an unequivocal statement about our commitment for resolving this matter first and foremost in this context today.

I am deeply appreciative of the extraordinary leadership provided, once again, by the senior Senator from Massachusetts. No one has committed more time and effort and has demonstrated more leadership on an issue than he. On behalf of the entire Democratic caucus, I am extraordinarily grateful to him, appreciative of his leadership and his determination to resolve this matter in a successful way before the end of this session of Congress.

I yield the floor.

The PRESIDING OFFICER. Would yield time?

Mr. DASCHLE. I yield such time as the Senator from Massachusetts desires.

Mr. KENNEDY. Mr. President, I yield myself 12 minutes.

At the outset of this debate, I express my sincere appreciation to the leadership on both sides, particularly on our side, Senator DASCHLE, as well as to Senator LOTT, to permit an opportunity to vote on a matter which I think is of central concern and importance to families all across this country. I think the timing of this is enormously significant for the reasons we will point out in the time available this afternoon.

The American people have waited more than 3 years for Congress to send the President a Patients' Bill of Rights that protects all patients and holds all HMOs and other health plans accountable for their actions. Every day that the conference on the Patients' Bill of Rights fails to produce agreement on meaningful patient protections, 60,000 more patients endure added pain and suffering, and more than 40,000 patients report a worsening of their condition as a result of health plan abuses.

For more than 3 months, we have participated in a charade of a conference that refuses to make progress on these basic issues. We have tried to reach agreement with the Republican leadership on the specific patient protections that are critical to ending abuses by HMOs and other managed care plans. But the Congress has failed to guarantee patients even the most basic protections. This is not rocket science. It is long past time for this Congress to stop protecting HMO profits and start protecting patients' health.

The House passed a strong bipartisan bill last year to give patients the rights they need and deserve. It has the support of more than 300 leading organizations representing patients, doctors, nurses, working families, small businesses, religious organizations, and many others.

The House bill has overwhelming bipartisan support. One in three House Republicans voted for this legislation. President Clinton would sign that bill today, this afternoon. Unfortunately, the Republican leadership in Congress and the Republican conferees appear to have no intention of reaching a conference agreement that can be signed into law.

We have repeatedly asked the Republican conferees to produce an offer on the critical issues that need to be resolved such as whether all patients will be protected by the reforms and whether patients can sue for injuries caused by HMO abuses. Republican staff submitted a document on Sunday night which they claim is a starting point, but it falls far short of what is needed to start a serious discussion. That isn't only our opinion. That happens to be the opinion of the principal Republican sponsors in the House of Representatives.

We continue to hope that the conference can be productive, but so far it has been an endless road to nowhere. The clock is ticking down on the current session of Congress. It is time to take stronger action. Make no mistake, we want a bill that can be signed into law this year. There is not much time left. We need to act and act now.

The gap between the Senate Republican plan and the bipartisan legislation enacted by the House in the Norwood-Dingell bill is wide. And the intransigence of the Republican conferees is preventing quality progress. The protections in the House-passed bill are urgently needed by patients across the country, yet the Republican leadership is adopting the practice of delay and denial that HMOs so often use themselves; delay and deny patients the care they need.

It is just as wrong for Congress to delay and deny these needed reforms as it is for HMOs to delay and deny needed care. It is wrong for HMOs to say that a patient suffering a heart attack can't go to the nearest hospital emergency room. It is wrong for Congress not to take emergency action to end this abuse. It is medical malpractice for HMOs to say that children with rare cancers can't be treated by a qualified specialist. And it is legislative malpractice for Congress not to end this abuse. It is wrong for HMOs to deny access to patients to clinical trials that could save their lives. And it is wrong for Congress not to guarantee that the routine costs of participating in these lifesaving trials are covered.

The Clinton administration announced yesterday that Medicare will cover the medical costs for senior citizens participating in clinical trials. Congress should demonstrate equal leadership and do the same for all patients.

The House-Senate conference has made almost no progress on issues of vital importance to patients across America. The slow pace is unacceptable. After many weeks, despite the rhetoric from the Republican conferees, only two issues have been settled. They were virtually identical in both bills. While there seems to be conceptual agreement on a few more provisions, we have yet to reach agreement on the actual legislative language. The critical issues of holding health plans responsible for their actions and assuring that every American with private insurance is protected have not even been discussed seriously.

Staff of the Republican conferees have provided proposals that they portray as a step towards consensus. Those who support genuine patient protections on both sides of the aisle are committed to making real progress towards a successful resolution of the differences between the Senate bill and the bipartisan House bill. However, the GOP proposals fall far short of what is needed to give patients the protections they need. With a minor exception, their proposal would essentially maintain the current gaping loophole that allows so many health plans to escape responsibility when they make decisions that cause injury or death of the patient.

The Republican author pretends to indicate a sudden willingness to hold health plans accountable in some circumstances, but the American people would be shocked to see the details of this proposal. It is a sham. It is little more than a slap on the wrist for HMOs that refuse to comply with the law. It does nothing to address the vast majority of cases in which patients are injured or killed because of the health plan abuses that arbitrarily deny or delay needed care.

It is riddled with restrictions and limitations. It would protect employers from liability when they were the ones who made the decisions that led to injury or death. In countless cases where persons were injured or even killed by the wrongful actions of their health plan, there would be no remedy.

It would force patients to go through an external appeals process, even if the disputed benefit could no longer help the patient because the injury was irreversible or because the patient has died.

Our amendment requires patients to exhaust the external appeals process before turning to the courts, but there is a key exception that allows patients who have already been harmed, or the family members of those who are killed, to go directly to the court. Few, if any, patients would ever be helped by the Republican proposal. It gives the appearance of a remedy without the reality.

The Republican proposal on the scope of the patient protections is another smokescreen. It does nothing to provide realistic guarantees for any individual not covered by the original Senate Republican bill. In fact, the proposal would reduce current protections for millions of Americans in many HMOs by explicitly preempting State laws. The result is that teachers, farmers, firefighters, police officers, small business employees, and many others would be turned into second-class citizens with second-class rights.

Here is the list: 23 million to 25 million State and local employees. These are the teachers, these are the firefighters, these are the police officials, these are the nurses, these are the doctors. They are effectively excluded from the GOP coverage. Not so under the Norwood-Dingell proposal. I don't know why they want to have second-class citizens with second-class rights for those individuals. All Americans deserve protection against HMO abuses. No patient should be denied adequate protection because of where they live or where they work.

The Republican claim that they have offered a serious compromise rings hollow for the millions of patients across this country who deserve protection for their rights, their health, and their lives. We are committed to passing a bill that protects all patients. At this point, the conference does not seem to be willing to produce a bill that will do the job, so we intend to pursue other options to enact these critical protections.

President Clinton has repeatedly urged the conference to complete work on a strong bill he can sign into law. That bill should include the key provisions of the Norwood-Dingell measure. It should not be delayed by controversial and unrelated tax or other proposals.

Our amendment contained the House-passed bipartisan consensus reforms written by Georgia Republican CHARLIE NORWOOD and Michigan Democrat JOHN DINGELL. It says we are putting patients first, not HMO profits. It says medical decisions will be made by doctors and patients, and not insurance company accountants.

The amendment establishes important protections for all patients, including coverage for emergency care at the nearest hospital, access to needed specialty care, transitional care for certain patients, direct access to obstetrical and gynecological care, coverage for routine costs of life-saving clinical trials, prohibition of improper HMO financial incentives and HMO gag clauses on physicians, and many other protections.

It establishes a fair, prompt, independent appeal process for all decisions involving medical judgments. It holds health plans accountable by holding them liable in cases where patients are injured or killed by HMO abuses. It protects employers from liability, with an exception only if they actually participate in the decision that results in injury or death in the particular case. It prohibits punitive damages if the HMO follows the recommendation of the independent reviewers.

The Senate stands, today, at a major crossroad for millions of patients across this Nation. We have an opportunity to provide long-overdue protections for all Americans in managed plans. We have an opportunity to hold HMOs accountable for their abuses. For the first time, the Senate has the opportunity to vote on the bipartisan compromise that passed the House overwhelmingly last year.

Last October, the House passed the Patients' Bill of Rights. Month after month after month, the Senate has refused to give patients across the Nation the protections they deserve. Today, at long last, the issue is out of the back rooms where it has been stalled for so long. The issue is in the open, and it is time for the Senate to vote.

I withhold the remainder of our time.

The PRESIDING OFFICER. Who yields time?

The minority has used 24 minutes.

Mr. DASCHLE. Mr. President, I designate the distinguished Senator from Massachusetts as my designee for purposes of managing the remaining time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. NICKLES. Mr. President, I wish to respond to my colleague, first to say I very much regret our colleague from Massachusetts is bringing this amendment to the DOD authorization bill. I heard the minority leader say we want to pass the DOD bill, but there is certainly no evidence of that when you introduce this bill, totally extraneous to DOD, campaign finance, and other unrelated matters. It appears as if defense doesn't matter. We have an unaccomplished agenda.

Have we voted on these matters before? Yes, we have. Senator KENNEDY is basically saying let's pass the House-passed bill. We are now in conference. I am somewhat resentful of some of the statements that were made by our colleagues. They said the conference was a charade. Tell that to the members of the conference who have worked, Members and staff, over 400 hours this year—probably more time spent in this conference than any other conference, maybe, in years.

They said there is intransigence on the part of the Republicans. Not so. Republicans have made significant compromises and adjustments in willingness to try to see if we cannot close the gap on two extremely different bills. The House passed a bill called the Norwood-Dingell bill. Now we have Senator KENNEDY saying, we don't care what is going on in the conference, let's just pass the House bill. He tried to pass it before in the Senate. It was not successful. I doubt he will be successful today. As a matter of fact, if he did not have this amendment on the floor today, we would probably be in conference, trying to work out some of the differences.

So we really have to ask ourselves, are the Democrats interested in an issue or political theater—and that is exactly what this is. This does not change a thing. Senator KENNEDY a couple of weeks ago said, "I am just going to warn you, maybe I'll have to take it to the floor." I said, fine, you are going to find out the House can probably pass Norwood-Dingell again and it will not pass the Senate. Does that help resolve the differences? I don't think so.

We made an offer. I heard some comments made: Well, that offer was a charade; or it wasn't any good, or didn't mean anything. We made some compromises. The only thing we have heard back—we didn't get a written response. All we heard is verbally, it did not do very much.

Wait a minute, we have done a lot. If you are interested in patient protection, we have done a lot. We have agreed that everybody who has an employer-sponsored plan would have an external appeal. If they are denied health care by their HMO, they have an external appeal, an independent appeal decided by physicians, that would be binding. If for some reason the HMO would not agree to that binding decision, they could be sued.

Let me read to you Senator KENNEDY's comments in the beginning of the discussion. This is Senator KENNEDY:

> I think the overriding issue—and others have spoke about it, is really whether we are ultimately going to have the important medical decisions which affect families in this country made by the doctors and by the families and the medical professionals, or whether they will be made by a bureaucrat. That is really the heart of it. There are other provisions that are relevant to that and to making the basic and fundamental right a reality, but that is really the heart of the whole situation.

We have done that. Senator KENNEDY said we haven't agreed upon anything. But we have agreed that doctors will have the ultimate decision.

An independent appeals process, independent of any plan? We have agreed upon that. He says that is the main thing. Now he is saying that is not good enough.

I am just very displeased, I guess, that language be used that there is intransigence, we had no choice but to bring this to the floor. If anybody wanted to pass a bill and have it become law, this is the last thing they should do. And have press conferences blasting the process. This process has been open. This process has been bipartisan. This process has tried to reach across and bridge differences and compromise. Yet they say, we don't care what you have done. As a matter of fact, did they offer the compromise, an appeals process that has been agreed to by Democrats and Republicans? No, they came back and said, we want the House bill, an inferior product compared to what we have agreed to in the appeals process, far inferior.

It is the same with some of the patient protections. We have strengthened patient protections upon which we have agreed. Did they offer that? No. They want to go back to the House. It is an insult to the Senate to say: We have a conference, but we are not going to take anything from the conference; we will disregard the Senate; we are just going to take the House position.

Any chairman of any committee should think about that: Yes, you are working on a conference; we will insist we adopt the other body's position, as if it is superior. What about the other body's position? What about the Norwood-Dingell bill? That is bipartisan; people know it has unbelievable unlimited liability.

We are criticized because we want to exempt employers.

I yield myself an additional 4 minutes.

In the Senate bill, we have liability against HMOs, but we protect employers. Senator KENNEDY says that is not good enough; we want to be able to sue employers.

As a former employer, if we make employers liable for unlimited punitive damages, class action suits, the whole works, we are going to have a lot of employers saying: I don't have to provide health care; I will drop it. Employees, here is some money; I hope you will buy health insurance.

Some employees will and, unfortunately, a lot of employees will not. We will have a dramatic, draconian increase in the uninsured.

The Norwood-Dingell bill, by CBO estimates—and I think it is grossly underestimated—increases health care costs, one estimate, by 4.1 percent; another estimate of the Democrat bill is over 6 percent. Health care costs are already going up 10, 12, 14 percent. Add another 4 or 6 percent on top of that. We are talking about a 16-, 18-percent increase in health care costs, and we will have millions more join the ranks of the uninsured.

We absolutely, positively should draw the line and say: Let's not do anything that does damage to the good health care system we have. It is not perfect, but we should not be passing legislation that is going to increase the number of uninsured. We should not be passing legislation that is going to dramatically increase the cost and make it unaffordable for a lot of Americans.

We passed legislation in this body and the House that makes health care more affordable. We passed tax provisions giving every American, not just those who work for a large corporation, tax benefits, tax deductions. That is positive. That is the reason we called our bill Patients' Bill of Rights Plus.

We want to make health care more affordable for all Americans. We want to increase the number of insured Americans. Unfortunately, the Kennedy bill, the Norwood-Dingell bill will do the opposite; it will increase the number of uninsured. We do not want to do that. We want to do the opposite. We want to help people get insurance.

The legislation before us has no provision to help finance health care costs for those people who do not have it. We did in our bill. We had it in the House bill that passed the House.

I have one other comment. The President said he would veto the bill that passed the House and he would veto the bill that passed the Senate. People say: The President will sign this bill. The President stated he would veto the bill that passed the House, and the President said he would veto the bill that passed the Senate. Unfortunately, a lot of people are more interested in politics and maybe political theater and seeing if they can scare people. Maybe they think that will be to their political advantage. I very much resent that.

I want to pass a good, constructive Patients' Bill of Rights bill this session, this year. The sooner the better. Keep out the politics. Let's see if we can pass a bill that has a good external appeals process; a bill that does keep HMOs accountable. Let's protect employers. Let's not do something that will increase the number of uninsured. Let's not do something that will damage the system. I am afraid the process our Democratic colleagues are pulling right now is going to be very disruptive to the conference.

I am going to pledge we will pass a bill out of conference this year, and I hope it is one both Houses will pass and the President will sign that will increase patient protections for all Americans and also keeps health care affordable and attainable for millions of Americans.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that of the time Senator DASCHLE used—he used 12 minutes—10 of the 12 minutes be considered leader time.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard. Who yields time?

Mr. NICKLES. I yield 7 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, under the very able leadership of Senator NICKLES we have worked on this conference report more than 400 hours with more intense effort than any conference of which I have ever been part. From time to time many of our colleagues have said to Senator NICKLES: The Democrats do not want a bill; they want a political issue. Why don't we write a bill and pass it with Republican votes?

Our dear colleague and leader, Senator NICKLES, has said: No, I want to try to do this on a bipartisan basis.

I think what Senator KENNEDY has proven today in a cynical political act is that no good deed ever goes unpunished. We are not here today because we are not making progress. We are here today because we are making too much progress. We are here today because we are on the verge of writing a bill, but it is a bill that Senator KENNEDY is not for.

Senator KENNEDY has said: If you will just let lawyers get into the patient treatment room and, if you will just let people file lawsuits, he will be happy. We want to put the focus on getting health care, and one gets that from doctors and not lawyers.

In an effort to accommodate and reach a bipartisan compromise, Senator NICKLES proposed allowing HMOs to be sued. What does Senator KENNEDY say? It is not enough. Senator KENNEDY does not just want to sue HMOs, he wants to sue employers. To that we say no, we are not going to sue employers. Health insurance is provided on a voluntary basis, and we do not want employers to drop their health insurance for their workers. We are worried about millions of Americans losing their health insurance. Senator KENNEDY is not worried about that; the Democrats are not worried about that because they have their plan.

And here it is. Do my colleagues remember this, the Clinton health care bill? Do my colleagues remember what they wanted to do? They wanted the Government to take over and run the health care system. Today, Senator KENNEDY is very worried about HMOs, but let me read something about how their health care purchasing collectives would work in his bill with President Clinton.

If a patient went to a doctor and asked for treatment for your sick child, and the doctor thought your child should have it, under the Clinton plan if the Government health board ruled no, the doctor could be fined $50,000 for providing that health care to your sick child.

If you said: My baby is sick, I want the health care but the Government will not pay for it, their health care bill said if the doctor provided it and you paid him, he went to prison for 15 years. That is their idea of HMOs they like, one HMO run by the Government.

That is not our idea. We reject it, and we will fight it until it is dead. They will never give up on it. They do not care if they destroy the health care system of this country. They do not care if millions of people are uninsured because they know how to insure them: Insure them by having the Government take over the health care system. We say no.

In our bill, we expand coverage. We gave tax deductibility to the self-employed. We want to give tax deductibility for buying health insurance if a company does not provide it. Why should General Motors get a tax deduction for buying health care but your family does not? We try to encourage people to buy long-term care insurance, so we make it tax deductible.

We want to give people choices, so we have medical savings accounts. Yet in this legislation before us, there is not one mention of tax deductibility for health insurance, not one mention of expanding coverage, not one mention of expanding freedom by letting people use tax-free money to buy health insurance. Why not? What does Senator KENNEDY have against the self-employed getting the same treatment as General Motors, or people who do not work for an employer that can provide health insurance getting a tax deduction? We know why he has against it. He does not want people to spend their money on health care. He wants the Government to spend the money for them. That is what this issue is about.

As much as we have tried to write a bipartisan bill, unfortunately, this is an election year. We are proving it right here on the floor of the Senate. We are going to reject this amendment, and I hope we will come to our senses. I hope that we will go back into conference and write a bill and bring it to the floor, a bill that does not allow employers to be sued, a bill that holds HMOs accountable, a bill that lets people buy health insurance with tax-free dollars, and then let Senator KENNEDY vote no. But I believe that America will vote yes. And this is about choices.

Senator KENNEDY protests that we are not making progress. We are not making progress in the wrong direction. That is what Senator KENNEDY is unhappy about. We are not going to sue employers. We are going to provide tax relief to people to buy health care. We are going to hold HMOs accountable. We are not going to let the Government take over and run health care.

As for the principle of compromise, I am willing to compromise and go part way, as long as we are going in the right direction. But I do not have any interest in compromising, in going part way in the wrong direction because that means we have further to go in going in the right direction.

I congratulate the chairman of this conference. He has done a great job. He has provided the best leadership on any conference that I have seen since I have been in Congress. He deserves better treatment. I believe Republicans ought to be outraged about this. And I am outraged. I have worked hard on this conference.

We are going to produce a good product. I am happy to have people judge me at the polls on it. I believe when you ask people do they want employers to be sued, I think they are going to say no. Senator KENNEDY wants them to be sued. I say no. Let the American people decide in November.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself half a minute.

Mr. NICKLES. Will the Senator yield for a moment?

Mr. KENNEDY. Yes.

Mr. NICKLES. Mr. President, I ask unanimous consent that the minority leader's statement be charged against his leadership time, and I ask that my statement be charged against our leader's time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 30 seconds, and then 5 minutes to Senator MIKULSKI.

Mr. President, we know a stall when we see one. This conference is a stall. And we know when we are on an endless road to nowhere. That is where we are. It isn't the Senator from Massachusetts saying it. It is here. It is the Republican principal leader in the House of Representatives, CHARLIE NORWOOD, I say to the Senator. He is the one who is saying it:

> "The Senate had eight months to develop a concise alternative to the House liability proposal," says NORWOOD, "and if all they have to show is a three page staff-level letter that could mean anything and everything, it's impossible to take this conference process seriously."

Dr. NORWOOD is trained in the right profession. He is a doctor and he is a dentist; and he knows how hard it is to pull teeth around here. That is what we have been trying to do with our Republican conferees.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. For the information of my colleague, Dr. NORWOOD is not on this conference. Dr. NORWOOD may or may not know that we worked very hard to come up with the appeals process to which we basically have agreed. Dr. NORWOOD may or may not know that we agreed basically on a lot of patient protections. He may not know we spent weeks on the appeals process. We negotiated in a bipartisan fashion.

I think to refer to somebody outside the conference trashing the conference is a little extraneous. The conferees know that we worked in a bipartisan way to come up with the appeals process.

Ask Dr. FRIST. Ask other people who participated in the conference. To have an outsider say, "Oh, we haven't done much, it is time to pass the House bill," I think is disingenuous.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. NICKLES. Not on my time.

The PRESIDING OFFICER. If the Chair could, just to remind the Members of the Senate, the time is controlled by the Senator from Massachusetts and the Senator from Oklahoma. Who yields time?

Mr. KENNEDY. I yield 5 minutes to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to support Senator KENNEDY and my colleagues in moving forward on this issue on a very strong Patients' Bill of Rights.

In the debate the question was, Do you remember the Clinton plan? I sure do. I remember it with fondness. I wish we had passed it because we would not be in this mess that we are in today.

When the Clinton plan was before the Senate, they said: We can't pass it. It is going to create a big bureaucracy. It is going to shackle the decisionmaking by physicians. And it is going to lead to rationing by proxy.

What do we have now with this mess that we are rendering in the delivery of health care? This plan, the way health care is being given in this country now, was created by a group called the Jackson Hole group. It might have been created by the Jackson Hole group, but for most patients they go through a black hole trying to get the medical treatment they need.

Where do we find ourselves? Doctors unionizing, hospitals closing, and the American people up in arms. There is a reason for this. This is because our delivery system has turned into a bureaucratic-rationing-by-proxy nightmare.

This is why we are trying to move this legislation.

This legislation we are talking about—Norwood-Dingell—passed the House in October 1999 by a vote of 275–151. That is bipartisan. The Senate moved quickly to have conferees in October. The House did it in November. But we did not have our first bipartisan meeting until February 23. The first Members' meeting wasn't until March. So I am very frustrated by the slow and stodgy pace of these deliberations.

Our progress has been minimal and meager. The snail's pace of the conference leads me to conclude that unless we act quickly, we are not going to have time in this session.

It is high time we deal with this issue. No more delays. No more parliamentary derailment. It affects the health care of every American who is in a managed care plan. They want us to take action. They want us to take it now.

But while this is not about political posturing, this is about people in pain: the 57-year-old man with prostate cancer whose HMO denies him access to a Government-approved clinical trial; the 35-year-old mom who had a stroke and whose employer switched plans in the middle of her rehab so she cannot get back on her feet and back with her family and back on her job. Think about the woman who has to talk to three insurance gatekeepers before she gets to see her OB/GYN.

When we embarked upon this, I said I wanted to fight for patients, not profits. Health care decisions should be made in the consulting room by a doctor, not in the boardroom by insurance executives. Patients need continuity of care. They should have the right to receive treatment that is medically necessary and medically appropriate, using the best practices and, yes, holding their health insurance plans accountable with the right to sue, if necessary.

The Norwood-Dingell plan essentially gives us an external appeals process before you get into court. This would resolve this.

It has been 8 months since the Norwood-Dingell bill passed the House of Representatives. I think it is high time we move on this. I say to my colleagues on the other side of the aisle, we have worked so closely together in expanding the opportunity for medical breakthroughs. I could name names as we go around in which I worked with each and every one of you to really be able to enhance and improve NIH, and even double the funding in certain areas—certainly Dr. FRIST in his work there; Senator SUE COLLINS and her wonderful work on diabetes; and we could go around; the leadership that Senator JEFFORDS has had even in conducting hearings.

Why can't we come together to push for the breakthroughs, where we have had more scientific and medical breakthroughs in our country, so people have the health care they need, to have access to the very breakthroughs that the American people paid for and was invented in their own country?

If we are going to make the 21st century a real century of opportunity, then I think we need to start now with ensuring that every single American has access to the health care that is medically necessary or medically appropriate as mandated by their physician.

This is really a life and death decision. The clock is ticking. This session of Congress is closing. I hope when it is over that we can have a bipartisan legacy where we have passed a Patients' Bill of Rights.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I yield 7 minutes to the Senator and doctor from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise in opposition to the Daschle-Kennedy amendment for a number of reasons, but basically it has been already debated and defeated by this body after a week of discussion and debate. And it will be defeated today.

I do wish to make three points over the next several minutes. No. 1, the offering of this amendment today, I do believe, all of a sudden, puts it in political theater, almost in a stunt-like environment as an election issue. No. 2, this amendment is underlying, I believe, a bad bill that could very negatively influence the quality of care in this country, and for sure it will drive people to the ranks of the uninsured. No. 3, the bill is inadequate, as has already been mentioned.

It doesn't address the basic rights of patients. The right of access to care is not addressed.

First, I hope this is not just political theater, but I tend to think it is. It makes me believe some people simply don't want a bill. They want to politicize it by introducing today an amendment on a totally unrelated, underlying bill. We will see how it plays out over the next couple of hours.

To me personally, as a physician, as a Senator, as one who believes we must, can, and will, because the American people expect us to, produce a strong Patients' Bill of Rights, what is most disappointing to me is I am afraid what is happening is the good faith efforts being made by this Congress, where we are spending, as Senators, hours every day, not just over weeks but months on this bill, that this is going to destroy, poison, the good-faith efforts and progress that are being made in the conference where we take a Senate bill that has already passed through this body and a House bill that has passed that body and, in a bipartisan, bicameral way, develop a bill that can and will be passed this year by the Congress.

We are making real progress in merging a 250-page bill on this side and a 250-page bill on the House side. I am afraid today's action, the introduction of this bill, is playing politics with an issue that, to me, as a physician, translates down to affecting the care of individuals, of children, of families. By doing so, we are gambling with the lives and the health of those individuals, many of whom are barely scraping by, barely able to afford the insurance they have, much less able to afford increased premiums which this bill, the amendment, will clearly do. Our goal must be, ultimately, when someone needs care, to get the care they need and deserve in a timely way.

A second goal, a goal in the conference that we discuss in each of our meetings, is to get the HMOs out of the business of practicing medicine; with a third goal being a corollary of that, to have the decisionmaking back in the hands of physicians working with their patients. That can be achieved in the very near future if we forget this stunt, this political theater of introducing amendments to be debated over a couple of hours that we already debated with the bill already defeated 6 months ago.

Why is this bill so bad? Why is the amendment before us so disappointing to me? There are many reasons; I will address two.

No. 1, let's come back to the individual patient. It just may be that you fall into that category where your chances of getting your hypertension treated are less under this bill or your diabetes managed or your cancer diagnosed or the leukemia of your child treated. Why? Because under this amendment, under this bill which has been introduced today, probably somewhere around a million people are likely to lose their health insurance today by this single amendment. Will it be you, or will it be a constituent back home? We need to look them in the eye and say: Are you going to be one of those million people who, because of the amendment voted upon today, are going to lose their health insurance?

How can I say that so definitively? Because we know this amendment will cost four times what the Senate-passed bill will cost in terms of an increase in premiums. The estimated increase in premiums under the bill which passed this body is about 1 percent. Under the bill that was initially proposed by Senator KENNEDY, it would go up around 4 percent, four times what is provided in the underlying bill. Ask your constituent back home: How do you feel about possibly being one of those people who no longer can afford their insurance and, therefore, go without health care?

No. 2, if you think your child is getting the care he or she deserves today and if you decide that they are not, what do you really want? What you want is to be able to take that child to a doctor and have them say, yes, we will treat the child now. If they say, no, you want to go to a quick appeals process, not in some courtroom 3 years later but today, shortly. If you disagree, then you want to go to another physician unaffiliated with the plan. That is what our underlying conference bill does.

Unfortunately, the bill being introduced today by Senators DASCHLE and KENNEDY has these perverse incentives that, instead of going through that process of internal appeals and external appeals and an independent physician making a final decision, you are encouraged, through incentives, to go directly to the courtroom and file a lawsuit. We need to ask: Do you want the care you deserve when you need it or when your child needs it or would you rather spend your time in a courtroom weeks, months or years later?

In the conference bill, we have strong internal appeals, strong external appeals, an independent physician making a final decision. We address quality of care for you and your family right now. We address access to the care you need now. We address timely decisionmaking in the underlying conference bill. We have those disputes settled by independent physicians, doctors making the final decision. They are the ones with the best science, the best medical evidence out there deciding medical necessity, not what is in the original plan.

My third and final point is that this bill is inexcusably and embarrassingly inadequate. It does not cover the provision which will be in the conference bill, and that is access. Right now, there are 44 million people without health insurance. Since President Clinton has been in office, 8 million people have lost their health insurance net. It has gone from 36 million to 44 million while President Clinton has been in office. We must address that.

The PRESIDING OFFICER (Mr. GORTON). The Senator's time has expired.

Mr. NICKLES. I yield the Senator an additional 2 minutes.

Mr. FRIST. The underlying conference bill addresses many issues which go well beyond the amendment being introduced today. By voting for the Daschle amendment today, we are basically saying these issues, which are in the original Senate bill and are being discussed in conference today, are not important: Access; provisions such as the above-the-line deduction for health care insurance costs; accelerating the 100-percent self-employed health insurance deduction; expansion of medical savings accounts; a new above-the-line deduction for long-term care insurance; a new additional personal exemption for caretakers, all of which make those 44 million people more likely to have insurance in the future.

Genetic discrimination: The prohibition of having genetic testing be used against you when you apply for insurance, it is not in the Daschle-Kennedy bill today. It is in the conference bill, the underlying bill passed by the Senate.

We have heard over the last several months that 80,000 people a year die because of medical errors or lack of patient safety concerns. That is going to be in the conference bill because it was in the underlying Senate bill which did pass this body. A vote for the amendment today is a vote that these issues should not be part of the basic Patients' Bill of Rights.

Let us not play politics. Let us continue to do what we have been doing over the last several weeks and months; that is, advance, taking the 250-page bill passed here, the 250-page bill passed in the House of Representatives, bringing them together in a bipartisan, bicameral approach that comes back to looking that patient in the eyes and saying: We are going to improve the quality of care you receive, not decrease that quality of care.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my colleague from Tennessee, I am glad to hear him talk about increasing the number of people who are uninsured. With all due respect, I don't hear a lot from Senators on the other side about the need to have health security for all Americans. That, truly, is the unfinished agenda.

Secondly, on the playing politics of it, I don't want to turn around and say he is playing politics with it, but people in the country are wondering how long they are supposed to wait.

This is all about quality health care. All of our citizens want to be covered, not just the small number in the Republican bill. All of the citizens in our country want to make sure that the doctors are making the decision and there is independent review of their decisions. That is not in the Republican bill. All of the people in our country want to make sure that when they need to purchase prescription drugs or they need to see a specialist, a doctor who can give them and their children the best quality care possible, they will be able to do so. That is not in the Republican bill.

We have been waiting and waiting—3 months, 4 months, I don't know how many months—for the conference committee to act. With all due respect, people in Minnesota and people in the country want to bring some balance back into this health care system. They don't want it run by the big insurance companies.

They don't want it just run by the big managed care companies. They want us to be responsive to their concerns. This is a vote about who we represent. Do we represent these large insurance companies and large managed care companies, the vast majority owned by just a few large insurance companies, and increasingly corporatize, industrialize, and insensitive medicine or do we support a health care system that is responsive to the people we represent—the people back home, the mothers, fathers, and children who want good quality health care, who want to be able to go to the doctor that will help them, who want good quality treatment when they need it.

That is what this is all about—patient protection and protection for the caregivers, the providers, the doctors. Demoralized caregivers are not good caregivers. The reason the AMA and other professionals support this is they want to be able to practice the kind of medicine they thought they would be able to practice when they went to nursing school or medical school.

Really, this is a real simple proposition: Are we on the side of the consumers and people back in our homes? Or do we represent just a few large insurance companies who only control most of these big managed care companies? I think we should be on the side of the consumers and families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. I yield 6 minutes off of the manager's time. Mr. President, I will start by commending the conferees on this legislation for their tremendous hard work. They have worked very hard to resolve many of the issues involved in this very complex bill, and they have made tremendous progress. I find it incredible that we are not allowing the conference time to complete its work when they have, indeed, made such progress.

The Senate-passed bill accomplishes three major goals: First, it would protect patients' rights and hold HMOs accountable for providing the care they promise. As Senator FRIST says, our legislation would get people the care they need when they need it. You should not have to hire a lawyer and file a lawsuit and wait years in order to get the health care you need. Instead, our bill has a quick appeals process to help people get the care they need when they need it, without resorting to an expensive lawsuit.

Second, our legislation would improve health care quality and outcomes.

Third—and this is the critical difference between the two approaches being discussed today—our legislation would expand, not contract, access to health care. The fact is that costs matter. We cannot respond to the concerns about managed care in a way that resorts to unduly burdensome Federal controls and excessive lawsuits that drive up the cost of insurance so that we cause people to lose access to health care altogether. That is the crux of this debate.

We have a growing number of uninsured Americans in this country. There are 44 million uninsured Americans—the highest number in a decade. In my home State of Maine, 200,000 Mainers are without insurance. I have met with so many employers who have told me that if the Kennedy legislation passes, they will drop their health care plans. They simply cannot afford to be exposed to endless costly lawsuits in return for providing a health care benefit.

Just yesterday, I met with a manufacturer from Maine who has 130 employees. He is a good employer. He provides an excellent health care plan. But he told me that if he is going to be exposed to endless liability and endless lawsuits, then he will no longer provide that health insurance to his employees. Many other employers will respond the same way.

So the problem is, if we pass the Kennedy bill, we will drive up the cost of health insurance that will make it further out of reach for those uninsured Americans who already can't afford health insurance, and we will add to the number of uninsured Americans because of employers being forced to drop coverage. I can't imagine that that is a result we want. We should be seeking ways to expand access to health insurance, not imposing additional costs and new burdens that make it even more difficult for employers—particularly small businesses—to provide this important benefit.

Mr. President, let me also comment on the scope of this bill. Time and time again, I have heard our colleagues on the other side of the aisle say, oh, this bill doesn't protect millions of Americans. The fact is that every single American who is under an employer plan, under our legislation, would have the right to an appeals process as set forth in this bill. And that applies whether or not the plan is under a State regulation or in a State self-funded plan. That appeals right—which is the heart of our legislation, the single most important reform to ensure that people get the care they need when they need it—applies across the board.

Where the legislation differs is on the question of whether we should preempt—just wipe out—the good work that State governments have done in the area of patient protection. States have acted to provide specific consumer protections without any prod or mandate from Congress. In fact, 47 States have already passed legislation prohibiting gag clauses from being included in health insurance plans.

Why do we need to preempt that good work? We should recognize that it isn't a one-size-fits-all approach, that, indeed, a health insurance mandate in one State may not be appropriate in another. For example, the State of Florida, which has a high rate of skin cancer, provides for direct access to a dermatologist. That isn't a big problem in my State. Yet we have other needs. Each State has been able to tailor its health insurance plan.

Indeed, it has been States that have been responsible for the regulation of insurance for over 50 years. I daresay they have done a far better job in protecting the consumers of their States than we would have if we turned over the regulation of insurance to the Health Care Finance Administration. Do we really want to have Washington regulating health insurance in each of the 50 States? That is what the Kennedy bill would do.

There is a better way. We should enact a Patients' Protection Bill of Rights this year. We should protect a bill that is like the Senate bill. I am confident that, given time, the conferees will accomplish that goal.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 3 minutes to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Massachusetts. Mr. President, the significance of this debate, in my view, is this: The Norwood-Dingell bill—the Daschle amendment here—is a good bill. It would provide coverage for 161 million Americans, as opposed to the 48 million Americans covered by the Republican Senate bill. The beauty of what is happening here today is that if the Senate were to enact this bill, to pass this bill, we would have health care reform in the United States. The bill would go directly to the President, it would be signed, and the job would be done.

Instead, the concern of many of us is that this is simply not going to happen. And we have a chance to make it happen today. I contend that no one should go out there and say they are for health care reform and not vote for a bill that has the opportunity to become a reality. That bill is the House-passed Norwood-Dingell bill, and we have that chance today.

After the consideration of the bill on the floor last year, I went to California. California has the largest penetration of managed care in the Nation. I called together the CEOs of the big managed care companies and the California Medical Association. We proposed four things to them—four very simple things. One of them was the definition of "medical necessity."

The Senator from Tennessee just said: It is important to get the HMOs out of the business of practicing medicine. That is what I tried to do in the debate on the floor when the Senate bill was up—to change the medical necessity provisions to make sure doctors decide what is medically necessary, not insurance companies.

So I thought I would go to them and ask them to voluntarily make changes in how medical necessity is determined, in medically necessary drugs and in two other areas. There was a lot of discussion and several meetings. The bottom line is that they are unwilling to change. The bottom line is that they did not come forward with a plan.

The bottom line is I believe we are going to be in this situation where Americans are dissatisfied with the level of managed care provided to them by their plans until we pass a basic law.

What law could be more basic essentially than Norwood-Dingell? Let's look at what it does.

It assures nearby emergency room treatment for emergencies. That is common sense.

It provides access to specialists for patients needing specialty care.

In my view, that is a no-brainer. If you need it, you should get it.

It provides access to drugs not on the plan's formulary, if medically necessary.

It provides the ability to stay with your physician at least 90 days or until treatment is complete if a doctor terminates his/her contract with your plan and you require specialized care.

It provides coverage of the routine costs of clinical trials.

It provides access to a clear internal and external review process for denial of benefits.

It holds plans accountable in the event of death or injury.

A key issue in this debate and reflected in several parts of the Daschle amendment is who decides: Is it the doctor in consultation with the patient or is it an HMO bureaucrat, a green eyeshade? Under this amendment it is the medical expert who knows the patient and who decides, not the plan. This means that doctors decide which drug works best; doctors decide which treatment is appropriate; doctors decide when specialty care is needed; doctors decide how long someone will stay in the hospital.

For example, this amendment requires health plans that have formularies to cover drugs that are not on a plan's formulary, if the doctor believes the non-formulary drugs are medically necessary. It also requires plans to refer patients with a serious or complex illness to a specialist for care. If a patient's condition requires the use of a specialist that is not available through the health plan, this amendment requires that plans cover services, at no additional cost, through a non-participating specialist. Both provisions are essential for persons living with a life-threatening or chronic illness.

Restoring medical decision-making to those trained to make medical decisions is at the heart of this debate. Doctor after doctor in my state talks about how their decisions are challenged, countermanded, second-guessed, and undermined by HMOs, to the point that they can hardly practice medicine.

Another important provision says that patients can continue treatment with their doctors for at least 90 days if plans have terminated their contract. A plan must continue to cover treatment for pregnancy, life-threatening, degenerative or disabling diseases and diseases that require special medical care over a prolonged period of time with the terminated provider.

The amendment also requires plans to cover the routine costs of clinical trials, costs like blood work, physician charges and hospital fees. Clinical trials are research studies of new strategies for prevention, detection and treatment of diseases for which patients volunteer. These trials often involve analyzing new treatments, like promising new drugs, for diseases such as cancer. This provision is needed because a major deterrent to participation in trials is that insurers refuse to cover the day-to-day costs. For example, in the case of cancer, only 3–4 percent of adult cancer patients (40,000 people out of 1.2 million diagnosed) are enrolled in cancer trials.

Another provision of the amendment would allow patients to go to the closest emergency room during a medical emergency without having to get a health plan's permission first. Emergency room staff could stabilize, screen and evaluate patients without fear that plans will refuse to pay the costs.

According to the University of California, Los Angeles, Health Insurance Policy Program: "Californians are confused about where they should turn for help in resolving their problems and most are not satisfied with the resolution of their problems. There is a need for a clear grievance procedure and independent review of health plan decisions to try to prevent adverse health outcomes to the extent possible."

The Daschle amendment requires plans to have both an internal and external review for benefit denials. The review must be conducted and completed by a medical professional within 14 days or 72 hours in the case of an emergency. For external reviews, the reviewer must have medial expertise and a determination must be made within 21 days after receiving the request for a review. In the case of an emergency, that decision must be made within 72 hours.

Senator DASCHLE's amendment would also allow patients to sue health insurance plans in state courts for denials or delays in coverage if the internal and external review process has been exhausted first, unless injury or death has occurred before the completion of the process. Plans complying with an external review decision would not be subject to punitive damages. Additionally, employers who were not involved in a claim decision would be exempt from such legal action. This provision helps patients keep their health plan accountable for the decisions made about their health.

Another key issue before us is who is covered. Under this bill, all 161 million insured Americans would be protected. This is a vast improvement over the Senate bill which only covers 48 million Americans. How can we say one group deserves protections and another does not?

The words of this Californian provide an accurate and poignant summary of the problem. Kit Costello, president of the California Nurses Association, said:

> Most Americans see a confusing, expensive, unreliable and often impersonal assembly of medical professionals and institutions. If they see any system at all, it is one devoted to maximizing profits by blocking access, reducing quality and limiting spending . . . all at the expense of the patient. . . . Who's in charge of my care? The average American believes that health insurance companies have too much influence and exert too much control over their own personal care—more than their doctor, hospital, the government or they themselves, sometimes more than all of them combined.

Mr. President, people should not have to fight for their health care. They pay for it out of their monthly paycheck. It should be there for them when they need it.

Last fall, after the Senate completed consideration of the HMO bill, I convened a group of HMO officials and health care providers in an effort to address some of the complaints we were hearing from patients and doctors in California. They met several times early this year.

I asked them to try to reach agreement on at least four issues.

One, medical necessity: Include clear language in contracts between plans and providers on medical necessity. I suggested the language like that that I proposed in the Senate which defined "medically necessary or appropriate" as "a service or benefit which is consistent with generally accepted principles of professional medical practice."

Two, payment of claims: Because at the time, 50 percent of physicians and 75 percent of California medical groups were reporting serious delays in payments by plans, I asked them to agree on a system for promptly notifying doctors when patients' leave plans and an assurance of prompt payment of claims.

Three, low premium rates: According to a 1999 Price Waterhouse Study, California has one of the lowest average per member premium rates per month in the country ($120 monthly) in the commercial managed care marketplace. Of this, doctors receive around $35 for actual patient care. Payments in California are 40% less than those in the rest of the country. Over 75% of medical groups are in serious financial trouble in my state.

I suggested that they develop payment rates to providers that are sufficient to cover the benefits provided in an enrollee's contract, rates that thus are actuarially sound.

Four, formularies: Finally, physicians were telling me that it is difficult to find out which drugs are and are not on plans' formularies and that it was difficult to get exceptions from formularies for patients when drugs not on the formulary were medically necessary and more effective than those on the formulary.

I had hoped they could work out better methods for letting doctors know which drugs are on the plans' formularies and to agree on a uniform method for allowing exceptions to formularies when nonformulary drugs are medically necessary.

There were several meetings in January and February. It is now June. Even though there were several constructive discussions, little resolution was reached.

And so, without voluntary action by the industry, legislation is all the more necessary.

I hope the Senate passes this amendment today and sends it to the President for signature.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, what is the time remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 37 minutes; the Senator from Massachusetts has 34.

Mr. NICKLES. Mr. President, I yield to the Senator from Vermont 7 minutes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I have been in Congress now for 25 years. During that period of time, I have sat on dozens of conference committees. I am, as most people know, somewhat towards the middle of the political spectrum. Thus, I am trying to make sure we don't do something which I think would be so counterproductive to the progress we want to make in the health care area if we pass this amendment.

We have made substantial progress in this conference committee. We are near agreement on all of the critical issues: Access, liability, and scope. It has not been an easy process.

Under the guidance of BILL FRIST and others, we have established for the first time a principle that every American is entitled to the best medicine. That is a new standard. It is a high standard. It is guaranteed when it is most needed through the process we have set up while the patient is ill. It is not as Norwood-Dingell would provide, and that is the best lawsuit after the patient is dead or suffering from ineffective care. Ironically, that standard which they would use for that is a lower standard than certainly best medicine but one which is generally practiced in the area.

Those who are looking at it from a legal perspective should recognize that a higher standard is going to be more protective than the standard that is being advocated by the other side. Yet we reasonably establish in the present draft reasonable availability of liability through the courts, including even, under certain circumstances, punitive damages when appropriate. That is a step we have somewhat reluctantly taken, but we have done it in a way that I don't think in any way interferes with what we want to do in the bill.

Finally, which is very important before I go into some other aspects, the cost of the bill that we had will be very small relative to that which is proposed by the opponent. It would be probably less than 1 percent. For every 1 percent that we increase the cost over $300,000—this came from the AFL-CIO—people lose their health insurance. We are looking at alternatives that go up as high as 6 percent on the other side, meaning almost 2 million people would lose their health care.

I will strongly support Senator NICKLES' motion to table the amendment offered by Senator DASCHLE. Under the able leadership of our chairman, Senator NICKLES, I am committed to working with the other conferees from the Senate and the House of Representatives to find agreement on responsible legislation to regulate managed care plans. But any new protections cannot significantly increase the cost of health coverage and cause more Americans to become uninsured.

The House-passed legislation, which Senator KENNEDY is attempting to add to the Department of Defense reauthorization bill, mandates that the Health Care Financing Administration enforce the new insurance standards in those States that decide not to adopt the Federal laws. To date, 23 States have refused to enact one or more of the provisions contained in the Health Insurance Portability and Accountability Act and its amendments. For almost half the country, HCFA is the agency that consumers must turn to for help in enforcing these new Federal insurance mandates. The House-passed bill would continue this pattern and accelerate the creation of a dual system of overlapping State and Federal health insurance regulation that will only cause confusion for consumers and inefficiency for plans.

The National Conference of State Legislatures (NCSL) agrees with me on this important point. In NCSL's action policy on managed care, they state:

> [T]he Senate-passed version of the "Patients' Bill of Rights" generally preserves the traditional role of States as insurance regulators, and focuses most of its attention on the federally regulated, self-funded ERISA plans.

In sharp contrast to their support for the Senate bill's applicability, they believe the Norwood/Dingell bill: "[W]ill largely preempt these important State laws and replace them with Federal laws that we submit the Federal Government is ill prepared to monitor and enforce." The National Conference of State Legislators goes on to say: "[T]he Federal Government will not be able to deliver on the promise and may very well prevent States from delivering on theirs regarding patient rights."

Mr. President, I ask unanimous consent to have the full text of the National Conference of State Legislatures policy statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ACTION POLICY, MANAGED CARE REFORM

NCSL supports both the establishment of needed consumer protections for individuals receiving care through managed care entities. We also support the development of public and private purchasing cooperatives and other innovative ventures that permit individuals and groups to obtain affordable health coverage. We strongly oppose preemption of state insurance laws and efforts to expand the ERISA preemption. The appropriate role of the federal government is to: (1) ensure that individuals in federally-regulated plans enjoy protections similar to those already available in most states; (2) establish a floor of protections that all individuals should enjoy; and (3) to provide adequate resources for monitoring and enforcing federally-regulated provisions. The Senate-passed version of the "Patient Bill of Rights," generally preserves the traditional role of states as insurance regulators, and focuses most of its attention on the federally regulated, self-funded ERISA plans. Individuals who receive their health care through these plans have not benefited from the state laws enacted to provide needed protections for individuals who receive care through managed care entities. It is appropriate and necessary for the Congress to address the needs of these individuals.

States have taken the lead in providing needed regulation of managed care entities. The reforms at the state level have enjoyed bi-partisan support and have been successful. If states had the ability to provide these protections to people who receive their health care benefits from self-funded ERISA plans, we would surely have done so. We have asked for the privilege on many occasions.

Today we see federal legislation that will largely preempt these important state laws and replace them with federal laws that we submit the federal government is ill-prepared to monitor and enforce. None of them would provide additional resources to the U.S. Department of Labor or to the U.S. Department of Health and Human Services to hire and train staff to implement the many complex provisions of these bills.

PREEMPTION OF STATE LAWS AND STATE REGULATION OF MANAGED CARE ENTITIES

It is widely believed that the pending legislation creates a federal floor and would not preempt state laws that are more protective of consumers. We are not certain that is true. Unless state legislatures adopt legislation that mirrors the federal legislation, state insurance commissioners would not be authorized to continue to regulate managed care entities under any preempted state laws. In come cases ironically, state insurance commissioners would be unable to enforce existing state law that would have afforded these same individuals needed protections. As a result, after passage of the federal legislation, the regulation of managed care entities could be largely a federal affair. Again, we believe the current federal infrastructure for the oversight and enforcement of health insurance regulations is inadequate. The federal government will not be able to deliver on the promise and may very well prevent states from delivering on theirs regarding patients rights.

ACCESS TO HEALTH INSURANCE PROPOSALS

NCSL strongly opposes proposals that exempt association health plans (AHPs), Health Marts and certain multiple employer welfare arrangements (MEWAs) from critical state insurance standards. These proposals would permit more small employers to escape state regulation and oversight through an expansion of the ERISA preemption. States have tailored their health care reforms to fit local health insurance markets and to address the concerns of local consumers.

The impact on federal insurance reforms. The federal government, through the enactment of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), made an effort to stabilize and improve consumer protections (through state regulation) of these markets. Enactment of AHP/MEWA provisions in any form would undermine these efforts. We are particularly concerned about: (1) the impact on state small group and individual insurance markets; and (2) the opportunity inadequate regulation provides for fraud and abuse. These concerns are in addition to our larger concerns about the ability of the federal government to adequately regulate an expanded health insurance market.

The impact on state insurance markets. Recent state reforms have guaranteed small employers access to health insurance and have made coverage more affordable for many small businesses by creating large insurance rating pools. These large pools assure that all small firms can obtain coverage at reasonable rates, regardless of the health of their employees. The success of these state small group reforms, however, depends on the creation of a broad base of coverage. By expanding the exemption provided in ERISA, the House-passed bill would shrink the state-regulated insurance market and threaten the viability of the markets and any reforms associated with these markets. These proposals undermine HIPAA by creating incentives for healthy groups to leave the state-regulated small group market, only to return when someone becomes ill. This incentive for adverse selection would be disastrous, compromising state reforms and raising health care costs for many small firms and individuals.

Fraud and abuse. MEWAs have become notorious for their history of fraudulent activities. The House-passed bill would undermine federal legislation that specifically gave states the authority to oversee MEWAs. A policy adopted because federal regulation had proven ineffective in preventing abuses. Under the proposed legislation, many MEWAs could become exempt from state regulation by becoming federally certified as Association Health Plans (AHPs). The proposal does not provide sufficient protections for employees and employers against victimization by unscrupulous plan sponsors.

Mr. JEFFORDS. Mr. President, Vermont has passed many of the consumer protections contained in the two bills. However, it has not enacted all. As Vermont's employers struggle with 20-percent to 30-percent premium increases, and the State adjusts to the departure of a major carrier, the Governor and the State legislature have agreed to a moratorium on the passage of additional consumer protections. Under the House approach, the Vermont legislature's decision would be overridden, and they would be forced to pass additional congressional insurance mandates. We in Congress cannot be working at cross-purposes with respect to our States, which are best positioned to understand the needs of the local health care markets. This is not an issue of States' rights—it is an issue of who is best situated to determine what's right for our States.

On Sunday, House and Senate Republican staffers offered new proposals on managed care legislation in the key areas of liability, scope, and access. The offer would provide for a new Federal cause of action in ERISA to allow for lawsuits for failure to comply with the decision of the independent medical reviewer.

On the issue of scope, the Republican conferees offer the new protections would be extended to "all 193 million Americans covered by health insurance." We believe that this should be achieved through a combination of Federal and qualified State protections that takes into account a consideration of market composition and fee for services issues. We have yet to hear back from the Democrats on our offer.

I don't underestimate the difficulty of our task—especially in the three critical areas of the external appeals process, the appropriate remedies when the external appeals process fails, and the scope of the legislation.

Fortunately, we can, I believe, provide the key protections that consumers want at a minimal cost and without disruption of coverage—if we apply these protections responsibly and where they are needed—without adding significant new costs, increasing litigation, and micro-managing health plans.

Our goal is to give Americans the protections they want and need in a package that they can afford and that we can enact. This is why I hope we will be successful in our efforts to develop a conference committee report that provides a true Patients' Bill of Rights, which can be passed and signed into law by the President.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield to the Senator from West Virginia 3 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I thank the Senator from Massachusetts. I thank the Presiding Officer.

The American Medical Association says:

> The AMA strongly supports attaching the Norwood-Dingell patients' of rights bill to the DOD reauthorization bill. Patients and physicians have worked for more than half a decade on a bill that protects patients. Now is the time to make it law.

They further say:

> The Republican counterproposal put forward on June 4 was unacceptable making it little better than the HMO protection act passed by the Senate last summer. The bill was a sham.

That is the American Medical Association.

I listened to my colleagues, all of whom I have enormous affection for, and they know I respect them. I work with them on many things. As they describe the conference process, I can't really believe what I am hearing, because I have been in that conference. What I am hearing on the floor and what I heard in the conference is two entirely different worlds.

I would like to expand on that, but I don't have the time. But we have asked for proposals. We haven't gotten proposals. We should not be in the business of suing HMOs or corporations. We said we wouldn't do that. Senator KENNEDY said it many times. Congressman DINGELL said it many times. If you want to write the language which says that corporations cannot be sued under this bill, we will accept the language. We don't want to sue corporations unless they themselves intervene in the decision which produces death or injury. What could be clearer than that?

To listen to the argument from this side, one would think it was something entirely different. This is reduced to a political discussion. As Democrats, we feel passionately about the Patients' Bill of Rights and want 161 million Americans or more to be covered by this, rather than the 48 million which would be covered by the present Senate bill. We want them, first, to have coverage if the bill passes; and second, if the bill doesn't pass, to know so that there could be created a ground swell for future action over who is accountable. It is accountability not only for HMOs, but it is accountability for Congresspeople on both sides.

Our Patients' Bill of Rights—basically, the one that has been introduced which I urge my colleague to support—is incredibly sound and sensible. It gives people the kind of protection they want.

Senator FRIST understands well that a child needs a pediatric cardiologist; an adult needs an adult cardiologist. An adult's fist is not the same as a child's fist. They require different kinds of surgery. In the bill the other side proposes, that would not be possible. They could not go out of their plan to get that kind of help. In our bill they could.

That is an example of the kind of attention we placed in this amendment.

I urge my colleagues to support the bill we have before the Senate. It is much better for the American people.

Mr. NICKLES. I yield 3 minutes to the Senator from Wyoming, a member of our conference who also has additionally been a small businessman and former mayor.

Mr. ENZI. Mr. President, I am disturbed at this attempt to derail a conference committee that has been working months on end. If this bill were easy, we would have done it in a few minutes. If this bill were easy, both versions would be the same.

We have a system of government that is based on both bodies considering, to their greatest capability, every problem. When legislation is different on one side from legislation on the other side, there is a conference committee. This conference committee has probably put more time into trying to resolve the issues, rather than to jam one side against the other, trying to get an understanding of what is trying to be achieved and reach a conclusion that incorporates both bills. There has been a lot of progress.

The amendment before the Senate does not include the compromises that have been made to date, some very important ones. This bill has a big city approach to it. Wyoming doesn't have any big cities. Our biggest city is 50,008 people. I have one city in Wyoming, the biggest city in a county the size of Connecticut, and they don't have a hospital or emergency facilities. They drive themselves in an emergency an hour to get to a doctor.

What works in Massachusetts won't work in Wyoming. The bill has to serve both areas. It has to serve the cities and the rural areas. We have to have compromises to do that. We can't force one method on everybody. That is what happens if we go to the bill that the House passed. We have been getting some things in that meet the needs of the small retailer, that meet the needs of the small communities that are isolated. We have some things in the bill that take care of the patients.

It isn't just going to effect the small businesses. My staff was talking to Pitney Bowes. Their health care person is not just an average guy. He was the personal physician to President Ford. Now he is administering one of their numerous health plans. He has said if the Norwood-Dingell version passes, they will have to eliminate the kind of health care they have. That is a big employer with a lot more capability than the small employers.

We cannot derail a process that is working, a process that worked for our country for years and years and years, one that solves difficult problems such as this, one that brings into consideration all of the parts of this vast country—not just a solution that a few people in Washington came up with. We have to get the opinions of the people of this country included in the bill.

Mr. President, I'm more than a little surprised that in response to a first-time-ever Republican offer on a Patients' Bill of Rights to expand liability and scope, the Democrats have walked away from the table. That's an incredible counter-productive reaction to a giant step towards compromise. This conference has been long and time-consuming, but it is working. There is not a single reason why we should abandon a process that is working. Yet, politics is being invited in, and I think the majority of us are here to highlight why that's such a terrible mistake. Conference committees are an important part of process—for our country. It should be. For example, the biggest town in just one Wyoming county—which is the size of Connecticut—doesn't have a hospital, doesn't have an emergency room.

Among the handful of principles that are fundamental to any true protection for health care consumers, probably the most important is allowing states to continue in their role as the primary regulator of health insurance.

This is a principle which has been recognized—and respected—for more than 50 years. In 1945, Congress passed the McCarran-Ferguson Act, a clear acknowledgment by the Federal Government that States are indeed the most appropriate regulators of health insurance. It was acknowledged that States are better able to understand their consumers' needs and concerns. It was determined that States are more responsive, more effective enforcers of consumer protections.

As recently as last year, this fact was re-affirmed by the General Accounting Office. GAO testified before the Health, Education Labor, and Pensions Committee, saying, "In brief, we found that many states have responded to managed care consumers' concerns about access to health care and information disclosure. However, they often differ in their specific approaches, in scope and in form."

Wyoming has its own unique set of health care needs and concerns. Every state does. For example, despite our elevation, we don't need the mandate regarding skin cancer that Florida has on the books. My favorite illustration of just how crazy a nationalized system of health care mandates would be comes from my own time in the Wyoming Legislature. It's about a mandate that I voted for and still support today. You see, unlike in Massachusetts or California, for example, in Wyoming we have few health care providers; and their numbers virtually dry up as you head out of town. So, we passed an any willing provider law that requires health plans to contract with any provider in Wyoming who's willing to do so. While that idea may sound strange to my ears in any other context, it was the right thing to do for Wyoming. But I know it's not the right thing to do for Massachusetts or California, so I wouldn't dream of asking them to shoulder that kind of mandate for our sake when we can simply, reasonably, apply it within our borders.

As consumers, we should be downright angry at how some of our elected officials are responding to our concerns about the quality of our health care and the alarming problem of the uninsured in this country.

It is being suggested that all of our local needs will be magically met by stomping on the good work of the states through the imposition of an expanded, unenforceable federal bureaucracy. It is being suggested that the American consumer would prefer to dial a 1-800-number to nowhere versus calling their State Insurance Commissioner, a real person whom they're likely to see in the grocery store after church on Sundays.

As for the uninsured population in this country, carelessly slapping down a massive new bureaucracy on our states does nothing more than squelch their efforts to create innovative and flexible ways to get more people insured. We should be doing everything we can to encourage and support these efforts by states. We certainly shouldn't be throwing up roadblocks.

And how about enforcement of the minority's proposal?

Well, almost one year ago this body adopted an amendment that stated, "It would be inappropriate to set federal health insurance standards that not only duplicate the responsibility of the 50 State insurance departments but that also would have to be enforced by the Health Care Financing Administration if a State fails to enact the standard."

Yet here we are one year later where, not only is it being suggested that we trample the traditional, overwhelmingly appropriate authority of the states with a three-fold expansion of the federal reach into our nation's health care, they still insist on having HCFA be in charge. HCFA, the agency that leaves patients screaming, has doctors quitting Medicare, and, lest we not forget, the agency in charge as the Medicare program plunges towards bankruptcy.

And guess what, it looks even worse for consumers under HCFA's "protection," according to a new report released by GAO on March 31st of this year. The model the Democrats are supporting for implementing the Patients Bill of Rights is the Health Insurance Portability and Accountability Act, affectionately known as HIPAA. I quote from the report: "Nearly four years after HIPAA's enactment, HCFA continues to be in the early stages of fully identifying were federal enforcement will be required." Regarding HCFA's role in also enforcing additional federal benefits mandates that Congress has amended to HIPAA, the GAO states, "HCFA is responsible for directly enforcing HIPAA and related standards for carriers in states that do not. In this role, HCFA must assume many of the responsibilities undertaken by state insurance regulators, such as responding to consumers' inquiries and complaints, reviewing carriers' policy forms and practices, and imposing civil penalties on noncomplying carriers." And then, the GAO report reveals that HCFA has finally managed to take a baby step: "HCFA has assumed direct regulatory functions, such as policy reviews, in only the three states that voluntarily notified HCFA of their failure to pass HIPAA-conforming legislation more than 2 years ago."

Is this supposed to give consumers comfort? First we should usurp their local electoral rights or their ability to influence the appointment of their state insurance commissioner and then offer up this agency as an alternative? I'm not sure I could find a single Wyomingite to clap me on the back for this kind of public service.

I could go on at length about the very real dangers of empowering HCFA to swoop into the private market, with its embarrassing record of patient protection and enforcement of quality standards. Such as how it took 10 years for HCFA to implement a 1987 law establishing new nursing home standards intended to improve the quality of care for some of our most vulnerable patients. But I think the case has already been crystallized in the minds of many constituents: "enable us to access quality health care, but don't cripple us in the process."

The next, equally important issue is that of exposing employers to a new cause of action under a Patients' Bill of Rights. Employers voluntarily provide coverage for 133 million people in this country. That will no longer be the case if we authorize lawsuits against them for providing such coverage. This is basic math. If you add 133 million more people to the 46 million people already uninsured, I'd say we have a crisis on our hands. In my mind, a simpler decision doesn't exist. We should not be suing employers.

Mr. President. Let me close by saying that the conference has worked in incredible good faith, logging more than 400 hours and counting. We have come to conceptual agreement on a bipartisan, bicameral basis on more than half of the common patient protections. We have come to bipartisan, bicameral conceptual agreement on the crown jewel of both bills—the independent, external medical review process. Most dramatically; the bicameral Republicans have offered a compromise on liability and scope, to which the Democrats have given no formal, substantive response, just rhetoric and political jabs in the press. It is absolutely bad faith to have done so. I think it would be regrettable if these continued public relations moves torpedo what, so far, has produced almost everything we need for a far-reaching, substantive conference product. I encourage all of my colleagues to take the high road and support the legislative process our forefathers had in mind, versus a public relations circus.

Let me share an employer story. Here's another employer "real life" story. Within the last hour, my staff was on a conference call with the Medical Director of Pitney Bowes, a large employer that self-insures and self administers a Cadillac-style health plan for more than 23,000 employees and retirees. All of my colleagues should take note that this is not just any private citizen. Dr. Mahoney was the personal physician to President Ford. Now he's administering one of numerous health plans that this amendment threatens to disolve.

Everything from on-site medical centers to on-site fitness centers to the educational seminars on skin cancer and stress management that Pitney Bowes currently offers would be jeopardized. They've said the worst case result would be terminate the employer plan altogether. That sentiment has been echoed from countless other employers, from IBM to caterpillar to mom-and-pop shops.

I urge my colleagues not to crush plans like Pitney Bowes over politics.

Mr. KENNEDY. I yield 5 minutes to the Senator from North Carolina.

Mr. EDWARDS. Mr. President, I thank all of my colleagues who are involved in this conference and thank them for their hard work and certainly defer to all of them about the specifics of what has occurred in the conference and the work they have done there.

There are some specific issues about which I am concerned. First, it is important for the American people to understand that the Patients' Bill of Rights means nothing unless those rights are enforceable. Under any of these bills that are being considered, there are only two enforcement mechanisms. Without those mechanisms working, without them being effective, the rights don't exist because the insurance companies can do anything they want and can never be held responsible for what they do.

There are two enforcement mechanisms. First, if we have a real and meaningful independent appeals process, that is an enforcement mechanism. Second, we do for health insurance companies the same thing we do for every single American listening to this debate—when they hurt somebody, we hold them responsible.

There has been a lot of argument about lawyers, lawsuits, and HMOs. Why in the world are HMOs and health insurance companies entitled to be treated any differently than the rest of us? When we walk out the door and with our automobile or some other way cause injury or death to somebody, we are responsible for that. Everybody listening to this debate can be held responsible. Why is the health insurance company entitled to be treated differently? Are they a special cut above the rest of us?

We need real and meaningful enforcement mechanisms. The appeals provision that came out of the Senate was not truly independent because the insurance company had control over the people who made the appeals decision.

Something has to be done about that; Otherwise, there is no independent appeal. That issue, as I understand it, has not been resolved. If it is not resolved, the appeals process means nothing. It is not independent.

The other issue I want to talk about is holding HMOs accountable for what they do or do not do, treating them as every other American citizen, every other American business. It is important to not pay too much attention to the rhetoric. There is lots of rhetoric in this debate. We are creating a cause of action, a right to sue, and we just want to exempt employers from that.

Unfortunately, the use of language makes a huge difference in whether the patient really has a right or not. Let me give an example. This is language that was proposed recently in the conference from the Republicans about creating a cause of action:

> A new Federal statutory cause of action would be created in ERISA to allow for lawsuits for failure to comply with the decision of the independent medical reviewer.

In other words, no matter what the insurance company does, as long as they do what the independent reviewer says they have to do, they can never be held responsible.

Here is the problem with that: A patient goes to the hospital. They need emergency medical care. They call the HMO. The HMO says we will not cover it; we will not pay for it. The patient dies as a result or is seriously injured for the rest of their life. Three days later, after an appeal is filed, some independent reviewer says, of course this was covered by the policy. So the insurer says: Now I will comply; I will do what the independent reviewer says.

As long as they do that, under this provision, they cannot be held responsible.

The problem is they did the damage when they made the initial decision. If they make an absolutely egregious decision, for whatever reason, no matter how bad their conduct, we are not going to cover this care. Then, if 4 or 5 days later they are reversed by an independent review, they cannot be held responsible for that original decision no matter what the damage is, no matter how irreversible it is.

It also creates a natural incentive to deny coverage, because, No. 1, if they deny coverage, the chances are the patient won't appeal; No. 2, if they deny coverage and they are reversed 4 days later, there are no consequences. There is absolutely no reason, no financial reason whatsoever, for the insurance company to do anything other than, when in doubt, deny coverage because we can never be held responsible for that decision.

Let me give a couple of very specific examples. A patient with adult onset diabetes has been on insulin, injectable insulin, his entire life. The insurance company—this is a real example, real-life example——

The PRESIDING OFFICER. The time yielded to the Senators has expired.

Mr. KENNEDY. I yield 2 more minutes.

Mr. EDWARDS. The insurance company says: You can take oral medication; you don't need insulin. He appeals. During the time the appeal is being considered, 3, 5, 7 days, he has a stroke and goes blind.

Then the independent review says: Of course, he was entitled to keep his insulin. So the insurance company says: All right, we will provide insulin now.

Now we have a 55-year-old man who has had a stroke; he is blind; he cannot work anymore; he cannot care for his family. Where does he go? Who is going to help his family? The insurance company cannot be held responsible for what they did, not under this proposal. This language matters. It is critically important, what the language says.

A young boy, Ethan Bedrick, with cerebral palsy, 5 years old, all his doctors say he needs to have physical therapy, every one of them. The insurance company says he doesn't need it. They appeal. The independent reviewer happens to be somebody who has absolutely no experience with children with cerebral palsy. This is a real-life example. So he says: The insurance company is right; we are not going to give this 5-year old child with cerebral palsy physical therapy.

Where does he go? The independent reviewer, who knows nothing about children with cerebral palsy, has denied coverage. The insurance company has denied coverage, coverage for which his parents have been paying for 20 years. So where does he go? For the rest of his life he has cerebral palsy. He is contracted, bound up, can't get the daily physical therapy he needs, and he has nowhere to go. There is absolutely no remedy for Ethan Bedrick.

I say to my colleagues in the Senate, what happens to this little 5-year-old boy when this happens? He cannot go to court, not under this proposal. He cannot go anywhere. The insurance company has cut him off, and he has been cut off from the care he needs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EDWARDS. I thank the Chair.

Mr. NICKLES. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. There remain 27 minutes to the Senator from Oklahoma, 24 to the Senator from Massachusetts.

Mr. NICKLES. I yield 7 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from North Carolina is certainly one of the finer trial lawyers who has come to this body in a long time. I simply note, on at least two of his examples, they were inaccurate. First, if it was an emergency-room situation, there could be no denial because under our bill emergency rooms have to be covered; and second, in the instance he just described about the child, which was a compelling incident, unfortunately he failed to mention in our bill we require that the reviewer be a medical person who has expertise in the discipline and in the area where the person is claiming to have received injury.

The point I do think has been made by the Senator from North Carolina, and has been made by a number of other Senators on the other side of the aisle, is that employers will be sued. Employers will be sued under the bill that is being brought forward by the Democratic membership. That is a serious problem.

We put an offer out, an offer to the other side, which was fairly substantive. It may have been two pages, but the other side understood there was a lot of documentation behind it, and in fact there were actually months of negotiation relative to the appeal process behind that offer. In that offer, we said employers cannot be sued. Why? Because when you start suing employers, employers drop out. They start creating uninsured individuals. We have already heard from a number of major employers, and testimony has been given here today by Senators who represent States where major employers have informed them that they are going to drop insurance if they start being sued. We know small employers will do that in droves because they cannot afford the risk of putting their businesses through a lawsuit over medical insurance.

So this is not about suing HMOs, I say to those on the other side of the aisle, this is about opening up lawsuits to everybody, not only against HMOs, which by the way we allow to occur in our bill which was admitted to by the sign that was put up—we allow HMOs to be sued—but, more important, it is about suing employers.

Look at this chart. This chart is a reflection of the various elements of what is essentially the bill the Democratic Party has brought to the floor today. It is so convoluted and so complex that, literally, you would have to spend probably a month just figuring it out, just to figure out what it all means.

That is one of the reasons this conference has taken so long, because we have been trying to sort through all the different complications. I point out, at almost every element in this chart, every one of these white lines, every one of these crossing lines, every one of these agencies that is being created, every one of these decision processes being placed upon the community, there is a lawsuit waiting to happen under the Democratic bill.

This is the attorneys annuity act. The direction the trial bar is going to go is to go after the employers; they are the ones who will be at risk. As a result, you will drive many people into an uninsured status because employers will stop running their insurance programs in droves. I mean literally millions of people.

Why would you want to do that? I hate to be cynical about this, but I honestly think, if you look at the process this administration has pursued over the last 8 years, they are trying to continually raise the cost of insurance, health insurance, in this country and make it less and less affordable, so more and more people become uninsured, so at some point they can make an argument—which they have already made—that they have to nationalize the health care system in order to pick up all the people they have created as uninsured.

It is the old orphan argument. You know, the person who killed his parents goes to court and claims he should receive clemency because he is an orphan.

The fact is, what the Democratic proposal does, and what the result of the administration proposal has been consistently, is to create more and more uninsured and then claim: Oh, my goodness, look at all these uninsured. We have to nationalize the system so we can cover them all. In the context of this bill specifically, however, the game plan is to create a whole new activity for the bar association, suing employers left and right.

There is a law firm up in New England which represents Car Talk. They are called Dewey, Cheatum and Howe. Today, they have about three people working for them, according to Click and Clack, the Tappet brothers, who work at Car Talk Plaza. But I will tell you something. If this bill passes, they are going to give up automobile insurance and they are going to go into suing companies, suing businesses, suing employers who happen to supply health insurance to their people. They are going to add probably 20 or 30 or 40 new attorneys.

So Dewey, Cheatum and Howe is going to just keep on going and going and expanding, because they will have received an annuity under this bill—not an annuity to sue HMOs, because that is not really in contest anymore; we have already put that on the table. It will be an annuity to sue employers. As a result, not only will there be a heck of a lot of lawyers working at Dewey, Cheatum and Howe; there will be a lot more people in this country who don't have insurance, and then we will hear from this administration, from Vice President Gore: My goodness, look at all the uninsured—who were created by this bill we just passed—we will have to nationalize the system. And then we will end up with a system that really doesn't work.

We put on the table some fairly substantive and very good proposals which have come from months of work. I hope the other side, rather than try to politically posture during this period, will take a hard look at them, in the area of scope, the area of access, the area of appeals, and in the area of lawsuits and liability, and that we can get back to the business of negotiating this conference rather than to the politics of this debate.

Mr. President, I yield any time I have remaining back to the Republican leader.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield to the Senator from North Carolina 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. EDWARDS. Mr. President, I say to my colleague who just argued about employers, that is another example it is so critical we look specifically to the language and not the rhetoric.

Our bill at page 245 specifically exempts employers from any liability unless they intervene in the process of making decisions about claims. Period. If all they do is buy health insurance, which is what 99 percent of certainly small employers do, they cannot be held responsible. On the other hand, if they decide they are going to engage in the business of deciding what claims are going to be denied, like General Motors or a big company that runs its own plan, then they ought to be held responsible. The majority of employers cannot be held responsible at all unless they intervene.

Second, Ethan Bedrick, a 5-year-old boy, is a real-life example. His claim was denied by the independent reviewer. If the language we have been talking about becomes law, we will not have a real Patients' Bill of Rights, and Ethan has nowhere to go. He cannot go to court. He does not have any other appeal. The reality is people make mistakes. A 5-year-old boy who has a lifetime of needed care needs a place to go.

The PRESIDING OFFICER. The time yielded to the Senator has expired. Who yields time?

Mr. KENNEDY. I yield 3 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, if this was a dance contest, I say to the majority party: You win. I have never seen a shuffle like this. We are not stalling, they say, and yet this conference committee has had more than six months to reach an agreement and there has been no movement. Do not take it from me, take it from Dr. NORWOOD, a Republican Congressman from the State of Georgia. He says:

> It is impossible to take this conference process seriously.

That is from a Republican.

While this Congress fiddles, people die. Yes, they die. Senator REID and I had a hearing in Nevada. A mother named Susan Roe spoke up at this hearing about her 16-year-old son, Christopher. Christopher is now dead. He died October 12, 1999. He had leukemia. Chris's pediatric oncologist recommended that he receive a bone marrow transplant, his only hope for long-term survival. But before Chris could receive a bone marrow transplant, his cancer needed to go into remission. Chris's oncologist felt that the only drug available that would help him achieve remission was a Phase III investigational drug known as B43-PAP. However, this treatment he needed for a chance at life was denied him.

At the hearing, Susan held up Christopher's picture and told us, through tears, how, as her son lay gravely ill, he looked at her and said: Mom, I just don't understand how they could do this to a kid.

Yes, people die while this Congress fiddles. This debate is about whether there should be a Patients' Bill of Rights. This amendment says, among other things, that every patient has a right to know all of their medical options, not just the cheapest. If you need to go to an emergency room for care, you have a right to get it.

If you stand with patients, you will support this amendment. This legislation ought to have been passed last year, but the fact is, it is locked in conference. There is a giant stall going on. The only difference between this conference and a glacier is that a glacier at least moves an inch or two a year. The Senator from South Dakota and the Senator from Massachusetts and others have every right and responsibility to bring this proposal to the floor of the Senate because we insist that this Congress take seriously the need to pass a Patients' Bill of Rights.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield to the Senator from Arkansas 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, as a member of the Armed Services Committee, I am deeply disappointed that this nongermane amendment is being offered on this very important bill. As a member of the conference committee, I am very disappointed it has been described and depicted in the way it has by the Democrats today.

I have never seen a group of my colleagues work as hard as the members of this conference committee have for the last few months. Over 400 hours have been logged by staff and members in meetings trying to negotiate very tough and very difficult issues. These are tough issues, and there are big differences between the House and the

Senate. There has been enormous movement, and most of the movement has been on behalf of Republican Senators who have made compromises and concessions to move this bill forward. There has been no stall. One does not stall a bill by spending the kind of time and energy we have seen expended on this bill.

In reference to the Kennedy amendment that has been offered today, we spent a week debating this issue. One of the biggest problems I see with the Kennedy bill is that all of the access provisions have been removed. Even the access provisions we saw in the Dingell-Norwood bill have been removed. There are none of the means by which more people can get insurance.

The only access left in this bill is access to the lawyer, and there is plenty of access to the lawyer and plenty of access to lawsuits. That is the real purpose of why we have seen this brought forward, to provide a whole new realm of litigation for trial lawyers.

I want to give one particular example, a company in my State. I do not mention it particularly because it is from my State, but it happens to be the largest employer in America, and that is the Wal-Mart Corporation. It sounds good: Let's sue Wal-Mart, big, bad Wal-Mart; let's sue corporations.

Let's put it in practical terms. They have 900,000 employees in the United States. Forty percent of them chose voluntarily to go under the Wal-Mart health plan. There are about 10 percent in HMOs and many are insured by their spouses who are employed in other places.

Those 40 percent represent 700,000 Americans in this one company who receive their health care through Wal-Mart. The 10 percent who are in HMOs pay three to four times more in premiums. It costs three to four times more than those who are under the Wal-Mart plan.

Recently, they surveyed all the employees in the Wal-Mart plan. Ninety-five percent expressed satisfaction, but more significant, not one of them mentioned they wished they had a right to sue their employer. Not one of them.

I want to read what they said in a letter. We met with them off the floor a few moments ago. This is what they said in a letter:

> Our concern is that unavoidable litigation costs will increase health care costs and in turn increase health care premiums.

There is no doubt about that.

> Depending upon cost, we will be forced to increase health insurance premiums, reduce benefits, or shift associates in health maintenance organizations.

They are going to take care of their associates. Frankly, they said most are going to be forced into HMOs that cost three to four times more than the Wal-Mart health plan. If it costs three to four times more, literally hundreds of thousands of employees in this one company alone will be faced with making the decision they cannot pay the premiums or a portion of their premiums and will be pushed into the ranks of the uninsured. That is going to be the intended or unintended consequence of the Kennedy bill if it is adopted.

The plain truth is, Democrats want to get rid of employer-sponsored health insurance. Mr. President, 103 million Americans receive health care through their employers, and it will take one lawsuit with an egregious award to force employers to drop their health care and add their employees to the ranks of the unemployed.

Senate Republicans are dead serious about producing a bill out of this conference and one that puts patients first, not trial lawyers first.

The Kennedy amendment is in bad faith. The question is, Do you want an issue or do you want a law? We can produce a bill that can become law and protect millions of Americans, but this is too important to do it quickly instead of doing it right. We want to do it right. I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, it is with mixed feelings that I stand in support of this amendment. I am a member of the conference committee on the Patients' Bill of Rights. When we began the conference, I had high and great hopes for this because my colleagues on the Republican side told us how committed they were to meaningful HMO reform. Let us look at the history and the record.

This passed the Senate almost a year ago, in July of 1999. It passed the House in October. The first meeting we had was on March 2 of this year, and we conducted no business. Then there was another meeting on March 9 that lasted a little while. Not much was done. Then we had two more reduced meetings, not of the entire conference but just a few members of the conference behind closed doors in Senator NICKLES' office off the floor. There were four meetings. We have heard about 400 hours and all this hard work. Four meetings? That is tough work.

Maybe they have been talking with each other for 400 hours. I do not know. It reminds me of a story about a car stuck in a snowbank. The guy spends 10 hours in the car spinning the wheels going nowhere. Someone shows up and he says: I spent 10 hours trying to get my car out of the snowbank. He is sitting there gunning the gas pedal, spinning the wheels, and going nowhere. If he had just gotten out of the car with a shovel, he would have been out of there.

That is what this conference committee is doing; it is spinning its wheels. Since we started meeting, we finalized agreement on two provisions—out of 22 in disagreement, 2 provisions.

These were noncontroversial provisions to which both sides easily agreed. The first was on access to pediatric care. That took about 30 seconds to decide. The next issue was provider nondiscrimination. That was identical in both the House and the Senate bills. That is what we have agreed on. That is all we have to show for 400 hours? Four hundred hours, that is what we have to show for it?

As I said, we are spinning our wheels. Slowly, over time, I have come to the reluctant conclusion that our Republican Senate colleagues are not serious. They do not truly want a Patients' Bill of Rights. But I believe it is critical that we pass meaningful, bipartisan legislation this year. They did it in the House, and they showed it can be done in a bipartisan fashion.

Mr. President, 160 million of our family members, friends, neighbors, and children are paying good money for health care with no guarantee of proper and appropriate treatment. We all know too many stories about patients who cannot see their doctor in a timely manner, who cannot get access to the specialists they need, patients who could not get the coverage for the type of care they thought was covered under their plan.

It is very simple: Insurance either fulfills its promises or it doesn't. We are hearing enough to know in too many cases it does not. Employers and patients pay good money for health care coverage, only to find that the expected coverage evaporates at the time they need it.

So we have a choice to make here, a choice between real or illusory protections, a choice between ensuring care for millions of Americans or ensuring the profit margins of the managed care industry.

The Norwood-Dingell bill, the amendment before us, passed on a bipartisan vote in the House. It is commonsense patient protections by which the managed care plans must abide. Over 300 organizations representing patients, consumers, doctors, nurses, women, children, people with disabilities, and small businesses support the Norwood-Dingell bill.

Unfortunately, I cannot help but think that if Members of Congress—Senators sitting right here in this room today—were in the same health care boat as the average American family, this bill not only would have been made law, it would have been made law years ago.

We have all the protections that are in the Patients' Bill of Rights. It is good enough for us, but it is not good enough for the American people, according to my friends on the other side of the aisle.

The Senate majority pretends their bill offers real protections. But when you read everything below the title, the bill offered by the Senate Republicans sounds more like an "Insurers' Bill of Rights" than a Patients' Bill of Rights.

It is my hope that this amendment will spur our colleagues on the other side of the aisle to renew their commitment to this conference committee and to do it in a bipartisan fashion. Spinning your wheels for 400 hours is not getting the job done.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would like to inform my colleague, he is incorrect. He said, if we gave every other employee what the Federal employees have. Federal employees cannot sue their employer. Federal employees don't have a right to appeal. Federal employees, if they appeal, they appeal to the OMB, their employer. Federal employees, including Senators, do not have the right to sue. You cannot sue. To say, if we just give everybody else what we have, is factually incorrect.

When my colleague said we have had all these meetings and we only agreed to two things, one of the reasons people say the conference did not go anywhere is that our Democratic colleagues never say yes—even if we give them a yes. We have not quite got around to agreeing.

But, frankly, in conference, I might say, we agreed to access to emergency room care, direct access to pediatricians, provider nondiscrimination, direct access to specialists, continued care from a physician. We have agreed almost entirely—maybe not to the last dotting of the "i" or crossing of the "t"—to the appeals process, to an independent physician, which is really the whole crux of the bill, the most important thing.

Why did that take so long? Because we negotiated it. We negotiated with the Senator from Massachusetts. We negotiated with Congressman DINGELL. We negotiated with their staffs. We went over every single letter, every single word, every single paragraph. And then people say: Oh, we have not agreed to anything. Maybe that is the reason we don't have a conference—because you won't agree to anything.

Who is not agreeable? Who is not moving? It is a little bit frustrating, a little bit disingenuous to say: Oh, nothing is happening. Where did those 400 hours go? I will tell you, there were hundreds of hours—and 400 is conservative—time spent by staff and by Senators trying to come up with a positive agreement.

Some people do not want one. I think the very fact that we are here today means people do not want one. They would rather have theater. They would rather have an issue. I was planning on having a bipartisan, bicameral conference this afternoon—on Thursday, as we have done for the last several Thursdays—to work on these very issues.

The people say, oh, some people want to have an issue on the floor, as if they think that is going to help the progress. It is not going to help the progress. That is unfortunate.

I am going to continue to try to see if we cannot pass a positive, bipartisan, bicameral bill. But, frankly, I do not think the efforts that have been made today are helpful to the process. I think it undermines the process.

Again, I tell my colleagues, I cannot think of any other instance where you have had an ongoing conference where people said, oh, let's just adopt the House bill, even though we made significant concessions. We worked and we have negotiated. They say, oh, let's just pull out and adopt the House bill. That is a real slap on the Senate, not just the Republicans in the Senate, but that is a real slap on the entire Senate.

It is going to be interesting to see how committee chairmen vote. Two people can play this game. Maybe there will be a conference in the future where it is said: Oh, let's just adopt the House bill. We like it better. I think that undermines the whole nature, frankly, of the legislative process.

I again urge my colleagues to vote to table the Kennedy amendment.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise to join my colleagues in supporting this important amendment. For months we have been bogged down in a conference without real progress, and without hope of concluding the conference and bringing this bill to the floor for a final vote in the last days of this Congress.

I think we have to move forward. I think we have to move forward, particularly when it comes to access to health care for children in this country. I know there has been some discussion that progress has been made in terms of allowing access to a pediatrician. But there are other important aspects of health care for children included in the context of the Norwood-Dingell bill that have not been agreed to yet by the conference committee.

For example, ensuring that an appeals process is sensitive to the particular needs of children, the developmental needs of children that do not exist for adults; and also ensuring that there are quality assurance provisions for outcomes that are tied to the particular concerns of children.

If we do not do these things, then we are not only missing an opportunity, we are also disregarding our obligation to aid the children of this country.

We have all heard stories today about lawyers and stories about HMOs. Let me tell you a story about one child. It is a story I heard down in Atlanta with Senator MAX CLELAND. Lamona Adams, the mother of James Adams, was concerned about her child. He had a fever. He was ill. She did what she was told to do by her HMO; that is, to call up and get advice over the phone about what she should do. She desperately pleaded for help for her child.

She was told to go 42 miles to a hospital because the HMO had a contract with the hospital to receive their patients. While driving 42 miles to a hospital on the other side of Atlanta, an area she didn't know anything about, the child became so ill that the father just saw a sign that said "hospital," went there, and they treated the child. They saved the child's life. However, they could not save the child's hands or his feet. They had to be amputated. That is what HMOs have done in too many cases in this country.

We have the power to stop the practices. We have the power to do it today. We should do it today, on behalf of not just James Adams but so many children throughout this country.

The fact that we have delayed action on this issue, I think, is inexcusable. Now we have to act. In a way, this whole episode is like a popular film a few years ago called "Ground Hog Day," where every day the character woke up, and it was the same day over and over again. It is not only the same day this year but, as I look at some of the charts on the Senate floor, it seems to be the same day 6 years ago. The same arguments were trotted out about health care reform 6 years ago, as were the same dire predictions about more and more Americans losing their coverage if we pass this legislation.

We didn't pass health care reform legislation years ago. Guess what. More and more Americans have lost their insurance coverage. We can do something now—limited, purposeful, appropriate—make sure that HMOs treat people as patients, not as objects of economic profit on their balance sheet. We can do it. We should do it.

Today should not be Groundhog Day. It should be D-Day. We should seize the initiative and pass this legislation.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. I yield 4 minutes to the Senator from Utah.

Mr. HATCH. Mr. President, first, I want to make it perfectly clear that I strongly support reforming the managed care system. I was an original cosponsor of S. 300, the Patients' Bill of Rights Plus Act of 1999 and voted in favor of S. 326, the Patients' Bill of Rights which was approved by the Senate last July.

The House-Senate conference committee is currently working out the differences between the managed care bills passed by the House and the Senate. I believe this conference committee is making significant progress. So, not only is it premature for us to vote today on the House-passed managed care bill in the midst of these negotiations. I also do not feel that the DOD authorization debate is the appropriate time for us to be considering such important health care legislation.

We are all aware of the public's frustration and the need for effective legislation to guarantee that those enrolled in managed care plans receive quality health care. Over the years, the Congress has held numerous hearings exposing story after story regarding people receiving insufficient medical treatment from their managed care plans. And let me assure you that these stories are deeply troubling to me—that's why Congress is addressing this important issue. We are listening to our constituents and we are taking action.

There is one point where all of us agree—people deserve to receive the best care possible when they are sick. I believe that when the conference committee has completed its work, this important goal will become a reality. None of us think that someone should be turned away from medical treatment because his health plan won't cover it. Our legislation provides patients the ability to appeal these types of decisions, quickly, by offering both internal and external appeals processes. It is my hope that by providing these options, people will receive quality health care, in a timely fashion, when they need it the most.

All of us in this chamber know very well there are numerous competing bills that have been introduced over the years that provide a variety of legislative remedies to address this issue. In many respects, these bills have common components intertwined with similar, and, in some cases, identical provisions. Approximately 47 bills were introduced in the Senate and the House last year to provide patient protections to managed care enrollees.

So it is obvious that we all are concerned about this issue—we all want patients to receive the best care possible.

However, for Congress to pass responsible managed care legislation, we must come together and put forth the best bill for the American people. We have done this many times before on health care legislation, and there is no reason why we cannot do this again.

The Senator from Massachusetts is trying to preempt this process. He has offered an amendment that flies in the face of every effort we have made to achieve that consensus.

There can be nothing more to this amendment than its public relations value, since it surely will not pass in the Senate. We have spent hours and hours and hours on the Senate floor, in conference, and in the back rooms of the Capitol on this legislation.

The Senator knows well why the Dingell-Norwood approach will not pass. He knows it is likely to cause health insurance premiums to rise and, as a direct result, cause employers to drop their health plans. He knows this will lead to higher numbers of uninsured Americans. And, he knows that this is an unacceptable outcome.

I remain hopeful that, in the end, we will reach consensus on this bill. I commend senator NICKLES for his fine work and leadership as chairman of the House-Senate conference committee and urge my colleagues to support the conferees and let them continue their work.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Who yields time?

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. Thirteen minutes.

Mr. KENNEDY. I yield 5 minutes to the Senator from Connecticut.

Mr. DODD. Mr. President, in another 15 or 20 minutes we are going to be voting on this amendment. We have some 30 working days, the way I calculate, maybe 40 legislative days remaining in this session of Congress. Probably the only vote we're going to have on this issue this year will occur in just a few minutes.

I don't like to count noses at this particular juncture, but I suspect, based on what I have heard so far, that my good friends on the Republican side will probably prevail politically. I say to them with great respect and affection that while they may win politically today, there are an awful lot of people all across the country who will lose.

I have been in Congress 25 years. I have been in conferences, a lot of them. Every now and then, conferences just don't move. I am not going to engage in the debate back and forth about whether or not this conference has actually resolved some particular issue or not. Enough has been said about it. The fact is that occasionally things just don't move. There are just too many differences of opinion. That's all there is to it and that is what has happened here.

It doesn't make anyone comfortable to have to deal with this issue on the Department of Defense authorization, but we find ourselves in a situation in which it is probably the only chance we are going to have to do something about patient protections this year.

Despite the way our colleagues have portrayed this amendment, the kinds of protections that we want to provide to the American people are not radical ideas. This is not about destroying the insurance industry and enriching trial lawyers. If it were, I wouldn't be a part of it. My colleague knows that as a Senator from Connecticut I represent more insurance companies than any other Member except my colleague, JOE LIEBERMAN. And, I think I would be recognized as someone who has taken on the trial bar when it was warranted. I've worked with my friend, PHIL GRAMM, on securities litigation reform. We did uniform standards. We did Y2K legislation. I am a cosponsor of tort reform. I don't take a back seat to anyone on these issues.

But, I also happen to believe, as strongly as I feel about the good work of many of the insurance companies in my state, that when they make a medical decision or when a business makes a medical decision, just as when a doctor makes a medical decision, they ought to be held accountable. I don't think that is a radical idea. Others may think so; I don't think so. The idea that we should provide basic protections to all Americans with private health insurance, that patients should have access to emergency care, that women should have access to their Ob-Gyn, these are not groundbreaking ideas. These ideas are pretty straightforward. In fact, a third of the Republicans in the other Chamber thought so too and voted for the Norwood-Dingell bill. The author of the bill, Dr. NORWOOD, is a Republican. This is not some great partisan battle except here in the US Senate. Across the country it is not a partisan issue. When people get sick and families are hurting, they don't talk about themselves as Democrats or Republicans or conservatives or liberals or independents, they talk about themselves as individuals who need help.

I hope enough of our colleagues on the other side will join with the minority here in voting for this, voting for the very same bill that an overwhelming majority of Democrats and Republicans supported in the House almost a year ago.

Again, I respect my good friend and colleague from Oklahoma for his efforts. It has not been an easy job. It is a complicated bill and it is a complex issue. But, we have come to a point, with the few days left in this session, that if we don't try to do something about this here, I am convinced nothing will happen in this Congress on this issue. Every now and then you begin to read the tea leaves. It is like the student who didn't get the homework done. First the dog ate it. Then somehow it ended up in the garbage. Then their computer crashed. After a while, you have to say maybe the student just isn't going to get the homework done. In a sense, that is what has happened here.

In the 3½ months since conferees began working on this bill, essentially almost nothing has happened. We simply have not moved forward. So, with 40 days left, we are put in the position of asking colleagues to join us in supporting a bill that has already passed the House, that the President said he would sign, that would leave this Congress with a mark of achievement, even if we did nothing else in the next 40 days.

Can you imagine in future years how this Congress would be recognized if we were to pass a Patients' Bill of Rights that said all Americans ought to have access to basic patient protections, that doctors ought to be able to make medical decisions for their patients, that businesses and insurance companies that make health care decisions ought to be held responsible when they make a decision that affects the lives of others? There is not a single citizen in this country who, if they make a decision that causes harm to another, can avoid the responsibility of paying a price. Why should insurance companies be exempt?

That is what this bill of ours tries to do, along with ensuring access to clinical trials, providing access to emergency care, and ensuring that patients can receive needed prescription drugs. These ideas are not radical or extreme. This is what an overwhelming majority of people in this country would like to see us achieve.

In the next 15 minutes we will have a chance to do it. I hope some brave souls on the other side will join us and make a record of this Congress, something all of us can be proud of for years to come.

I yield back to the distinguished Senator from Massachusetts whatever time remains.

Mr. NICKLES. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Oklahoma has 9 minutes. The Senator from Massachusetts has 8 minutes.

Mr. NICKLES. I yield to the Senator from Tennessee 3 minutes.

Mr. FRIST. Mr. President, over the last hour and a half, we have been talking about the issue of the Patients' Bill of Rights. It comes down to a question of should we allow the normal course of events in this body and in the House of Representatives to proceed—the conference report, which is our challenge. It is a challenge because we are taking a 250-page bill passed in the Senate and merging it with a 250-page bill passed in the House of Representatives on issues that will affect the quality of care of millions of people. Our challenge is to allow that process to continue.

How much progress has been made? Clearly, from the other side of the aisle, an attempt has been made over the last hour and a half to say that progress is not being made, that there is a stalemate, that we won't see a bill. In 1 minute, let me review what has happened.

On July 15, the Senate passed a bill. The amendment being proposed today is looking backward because that is the very bill we defeated last year on this floor for very good reasons, and it will be defeated again today. On October 6, the House of Representatives passed a Patients' Bill of Rights which included some very important access provisions. Conferees were named and we have addressed it as conferees, and we essentially have agreement on many of the issues we have talked about. That is progress.

Access to emergency care: If you are injured, you can go to the closest emergency room.

Direct access to a pediatrician: If you have children, they have a right to have access to somebody who specializes in that care. That has been agreed to. That is progress.

Direct access to specialists: An example was given about a pediatric cardiologist, or a cardiac surgeon. You will have access to those specialists. That has been agreed to.

Continued care from a physician: In the event there is a pregnancy and there is a loss of your insurance plan, you can continue with that physician through your pregnancy, or with a terminal illness.

Direct access to obstetricians and gynecologists.

That is true progress. A Democratic offer was made to the Republican conferees on May 23. That is progress—the fact that the proposal has been made.

I should say that very few concessions were made from the original bill. That is progress, though. A Republican response was given and a Republican proposal on June 4. That is progress. Again, as has been pointed out, a number of concessions, trying to pull those two bills together, have been made. Again, that is progress.

The sponsors of the amendment today again are taking a bill that was introduced 6 or 7 months ago, debated on the floor, and they are looking backward. That bill has been debated and defeated in this body after careful deliberation. We are looking forward with the progress that we have put out.

I urge defeat of the proposed amendment so the conference can continue with the underlying business.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, as I understand it, we have 7 or 8 minutes left. Usually, the proponents have the opportunity to do the final summation. I wonder if my friend and colleague from Oklahoma is willing to do that.

I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I yield 3 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, this has been a long debate and, I think, a good debate. It has proven once again that this is an election year. I am not going to insult everybody's intelligence by telling them that I am shocked that Senator KENNEDY is engaged in partisan politics this afternoon. This is an election year. We are politicians. This is a political act to basically try to win, again, what Senator KENNEDY lost when we had the debate on the floor of the Senate.

Senator NICKLES won. We are in conference trying to work out an agreement, and Senator KENNEDY doesn't like the way the agreement is going; he is unhappy about it. But rather than get into all this "who shot John," I have tried to come up with a simple example for somebody back home who is trying to figure out what this is all about, and let me try to give it to you as succinctly as I can.

Somebody goes into the treatment room and the doctor comes in there and they have their stethoscope and they tell him to take off his shirt. In comes somebody else. They say: Well, who is that in this room? And that is the gatekeeper for the HMO. Now, what the patient wants is to get that gatekeeper out of the examining room so it is them and their doctor. Senator KENNEDY says he has the answer. His answer is: Well, keep the gatekeeper but here is how we will fix it. We will bring in a lawyer to sue the HMO, the insurance company, and the employer that bought the insurance. So we have the lawyer there and he gets part of the stethoscope. And then we bring in a bureaucrat to regulate it. So Senator KENNEDY's answer is, rather than getting the HMO out of the examining room, bring in a lawyer and a bureaucrat; and here is the poor patient with his heart at the end of the stethoscope and now four people are listening to the heart.

Now, what we are trying to do here is simple. We are trying to empower the American health care consumer to fire the HMO. We give them the ability to have innovative ways of financing health care, such as medical savings accounts, so if they don't like the way the HMO is treating them, they don't go see a lawyer, or a bureaucrat, or they don't see Senator KENNEDY; they simply call up their HMO and say: You are fired. They go out through a medical savings account, and they have their credit card or their checking account through their medical savings account, and they pick up the phone and they don't say: Are you a member of our HMO? My baby is sick and needs care. Will you see him? They simply say: Will you take a check? "Do you take MasterCard or Visa?" If they do, they are in.

In reality, that is what this debate is about. Do you believe in bureaucrats, or do you believe in freedom?

Senator KENNEDY, in all his heart, believes—and he is sincere, and I admire him for it—that having a lawyer there and having a bureaucrat in there improves the system.

He supported a health care bill where if a doctor provided you health care that an advisory panel appointed by the Government didn't support, they could be fined $50,000. He supported the Clinton bill where if your baby is sick and the Government said this child doesn't need treatment, and you said to the doctor, treat my child and I will pay for it, if the doctor took the money he could be sent to prison for 15 years.

That is what their alternative was.

What we want to do is give people freedom. One of the freedoms under our bill is to say to your HMO: You are fired.

If you think having a lawyer and a bureaucrat is good, then you are for Senator KENNEDY. But if you believe in freedom and what is right for you and your family, what we are trying to do is the right way to go.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, my good friend from Texas—he is my good friend—talks about freedom. He has put his finger on an issue. He wants to give freedom to the HMOs and not provide the important services to patients. That is his kind of freedom.

I always enjoy listening to the Senator from Texas. I remember listening to him in 1993 when we had President Clinton's economic program. The Senator from Texas, I remember—someone can correct me—said: If we pass President Clinton's economic bill, we are going to have unemployment all around the nation, all around the nation. If we pass President Clinton's bill, we are going to have interest rates right up through the top of the roof.

We heard that speech. PHIL GRAMM was wrong then, and he is wrong tonight.

This issue is very basic and fundamental. It is an important one. This bill should have passed and become law in the last Congress. The first HMO bill to make sure that patients' rights were going to be protected was in 1997. It took us 2 years to get this legislation out of our committee. It took months of delay to get it before the Senate. It was passed almost a year ago. We still have not been able to have an agreement that will protect patients.

That is what is at issue, when you come right down to it. As much as PHIL GRAMM might like to say it, it isn't just Senator KENNEDY saying it. It is the fact that 300 organizations—representing the doctors and nurses in this country and every other health and medical group—support our position today. Two Republican leaders on this issue in the House of Representatives stood before their constituency earlier today and said that they believed we ought to take this action this afternoon.

I ask my friends from Oklahoma and Texas: What particular rights don't you want to provide to the American people who are included in our Patients' Bill of Rights?

What about the ability to hold plans accountable? Is that unacceptable?

What about making sure that children get specialists? Is that unacceptable?

What about having clinical trials? Is that unacceptable?

What about guaranteeing women access to an OB/GYN? Is that unacceptable?

What about having the right to get prescription drugs? Is that unacceptable?

What about prohibiting gag rules? Is that unacceptable?

What about independent external appeals? Is that unacceptable?

When you cut through the rhetoric—and we welcome the opportunity to cut through the rhetoric—you tell us that you are going to vote against this this afternoon. You spell out for us those agreements made in conference. We challenge you to lay out on the floor of the Senate this afternoon these various agreements that were made. The last agreement that was made was in March of this year. That was the last one in open session. We want to know what kind of protections you are not prepared to give the American people. We stand to protect the consumers, protect the patients, protect the children, protect the women, and protect the disabled in this country. That is what this is about.

In the movie "As Good As It Gets" last year, that wonderful picture for which Helen Hunt won the Oscar, there was a wonderful scene that everyone remembers. Helen Hunt starred as a mother whose child was not being provided needed care by her HMO. And every parent across this Nation laughed as they commiserated and said that is the way it is.

The consumers of America understand what is going on here. The question is whether the Senate of the United States is going to understand.

We have an opportunity to do something about it. I hope the Senate will vote for the Daschle amendment.

I withhold the remainder of my time.

Mr. GRASSLEY. Mr. President, I oppose Senator KENNEDY's amendment. Introducing this amendment at this time is a clear statement that Democratic leaders want an election issue, not a Patients' Bill of Rights. It is a cynical ploy, made in bad faith, and they ought to be ashamed of themselves.

The Senate voted on this bill last year, after full debate, and rejected it in favor of a better product. Since that time, the conferees have been working on a compromise. In the past week, Republican negotiators made an offer with major new concessions. Was this greeted with a Democrat counteroffer that moved toward the middle? No, it's answered with this attempt to blow up those negotiations. If my colleagues don't want to legislate, if they just want to create election issues, they don't deserve to be here.

Let me be specific. Republican negotiators have made an offer to their Democrat counterparts that would allow lawsuits to be brought if a health plan has rejected the decision of an independent reviewer and the enrollee has fully utilized the plan's appeal mechanism. Full economic damages could be sought, and punitive damages would be available, subject to limits. Employers, however, would be expressly protected from lawsuits, addressing a key concern of those who provide coverage to workers. These are major, major concessions. That's obvious.

In my view, this offer reasonably balances the need for fairness to consumers who are wronged with the need to keep health insurance costs low so that employers continue to offer coverage. But it was dismissed without even a serious response by the other side. If no agreement is reached this year, let everyone understand who will be to blame. It is the Democrats who have decided that they're better off with no bill than with a bill.

After this stunt fails, I hope that the President and Congressional Democrats will change their obstructionist strategy so that the Patients' Bill of Rights can become a reality, this year. In the meantime, I am voting against Senator KENNEDY's attempt to short-circuit our legislative process.

Mr. McCAIN. Mr. President, the nation has been patiently waiting for far too long for Congress to pass a Patients' Bill of Rights that will grant American families enrolled in health maintenance organizations (HMOs) the health care protections they deserve, including the right to remedy insurance disputes through the courts if all other means are exhausted.

For far too long, achievement of this vital reform has been frustrated by special interest gridlock, principally the trial lawyers who insist on the ability to sue everyone for everything, and the insurance companies who simply want to protect their bottom line, even at the expense of fairness. Both sides hope to continue affecting their agenda with the "soft money" contributions they hand over to the political parties, while neither represents the hopes, expectations and best interests of the American people.

Today's debate is further evidence of how politicized this issue has become. Once again this debate is being governed by special interests and partisan politics. This is no longer a debate about how we can work together in the best interest of the American people. Nor is this a debate about providing affordable access to quality health care for all Americans.

Instead it is a contest—a contest between the political parties and special interests. This is a contest between the interests of trial lawyers versus the interests of insurance companies. This is a contest that no one not Republicans, not Democrats, certainly not the American people wins, except, of course, the special interests who are only concerned about their financial well-being, rather than the physical or financial well-being of every American. It is a shame that this body is so controlled by special interests that we cannot even put the health of the American people ahead of politics.

Under today's medical system too many Americans feel powerless when faced with a health care crisis in their personal life. Many feel as if important, life-altering decisions are being micro-managed by business people rather than medical professionals, and too many Americans believe they have no access to quality care or cannot receive the necessary medical treatment recommended by their personal physician.

Many Americans work hard and live on strict budgets so they can afford health insurance coverage for their family. Then, the moment they need health care, they are confronted with obstacles limiting which services are available to them: confronted by frustrating bureaucratic hoops; and confronted by health plans that provide little, if any, opportunity for patients to redress grievances.

While I appreciate the important contributions of managed care, we must protect the rights of patients in our nation's health care system. Too many Americans feel trapped in a system which does not put their health care needs first. They believe that HMOs value a paper dollar more than they do a human life. It is time for us to finally help these fine Americans and begin working together to get safe, quality health care for Americans.

As my colleagues know, last summer I reluctantly voted for the Senate version of the Patients Bill of Rights. At that time I made it known that my vote for passage was contingent on a strong conference agreement with a higher standard for protecting the needs of patients than those contained in the Senate bill. I supported the Senate bill because it was important to move forward and send legislation for strengthening in conference with the House. It was my strong hope that the House would pass stronger, more reasonable health care reform similar to the Norwood/Dingell legislation that honestly puts the needs of patients first. Then we could work together for a practical and fair compromise during conference.

Mr. President, I am voting today in support of the proposed Norwood/Dingell amendment before the Senate because I share the frustration of millions of Americans who are waiting for the conference to begin making substantial efforts towards reaching a viable agreement providing patient protections. This conference has had more than four months to work on reaching an agreement and yet they are not even close to finding a solution. And I am concerned that once again, partisan politics and special interests are blocking us from enacting meaningful health care reform for our constituents.

It is time for all of us to finally put aside partisanship and the influence of special interests to work together for what is needed and wanted by our constituents-safe, quality, affordable health care. This is too important an issue to allow the influence of special interests to prevent us from doing what is right for all Americans.

While I am supporting this amendment I would like to make clear that I believe that there is still work that must be done in conference before it is enacted into law. I support the intentions of the Norwood/Dingell bill but there are areas that need to be strengthened and improved before it becomes law, including the liability provisions. Real patient protection must permit individuals to resolve insurance disputes through the courts but it must also place common sense limits on excessive non-economic damage awards and ban punitive judgements that make health care more costly. This must be structured in a manner that does not encourage frivolous law suits, unnecessarily make health insurance more costly or make employers vulnerable for health care decisions they are not making.

In addition, I do not support extending U.S. Customs Service user fees to pay for this proposal. Before agreeing to this amendment I was assured that the extension of the user fees was merely a tactical move to help prevent this amendment from being defeated by partisan parliamentary procedures. I have been assured that if this amendment were to pass that an alternate means of paying for it—one that does not undermine Customs operations or constrain international commerce—would be incorporated. It is important that US Customs continue having adequate funding for conducting their programs including implementing a new automation system for reducing backlogs at ports of entry to help facilitate the dramatic expansion of commerce that has helped fuel our strong economy. Let me reiterate in no way does my vote for strong patient protections in any way provide an endorsement for extending user fees and placing a further burden on businesses and our economy.

It is my strong hope that today's vote will provide the impetus for the conference to finally work together on finding a viable and real solution for providing Americans with the health care protections they deserve.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield to the Senator from Texas 30 seconds.

Mr. GRAMM. Mr. President, in 1992 and 1993, when Senator KENNEDY and the Democrats were trying to raise taxes, which, unfortunately, they succeeded in doing, and when they were trying to have the Government take over the health care system, which, thank God, they failed to do, I said people would lose their jobs if they were successful. And they did. Democrats lost their jobs. Not one Republican was defeated as an incumbent in 1994. We won nine seats in the Senate. And we are in the majority.

Some people did lose their jobs, because Americans did not want the Government to take over and run the health care system. I say to Senator KENNEDY that, as sad as I know it makes him, they still don't, and they never will.

Mr. KENNEDY. Mr. President, could I ask the Senator a question on my time?

Does that stethoscope show any beating hearts over there on that side of the aisle?

Mr. GRAMM. Mr. President, if I might respond on Senator KENNEDY's time, talking slowly as I do, this stethoscope picks up a strong heartbeat that believes in freedom, and that believes in the right of consumers—even health care consumers—to fire an HMO rather than call in a lawyer or a bureaucrat.

That is what we call freedom. That is what we are for.

We disagree, and that is what makes democracy work.

Mr. KENNEDY. I thank the Senator.

Mr. NICKLES. I ask the Senator: Did he conclude his remarks? I am getting ready to move to table.

Mr. KENNEDY. I am prepared to yield whatever time is going to be yielded. I am prepared to yield. If Senators reserve some time to speak, I will reserve time.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has approximately 1 minute.

Mr. NICKLES. Mr. President, I thank Senators FRIST, GRAMM, HUTCHINSON, ENZI, GREGG, and JEFFORDS for serving on this conference committee, and also Senator COLLINS who worked with us on the task force. I also very much appreciate the work they have done today on the floor.

If we don't table the Kennedy amendment, there will be millions of people who will be without health insurance. That is because it will dramatically increase the price of health care. There are results from actions. If we act to open up all health care plans and all employers to unlimited liability with punitive damages and class action lawsuits, we are going to have a lot of people dropping health care plans.

Those are just the facts.

The GAO says there is going to be a 4, 5, or 6-percent increase on top of the 10 or 12 percent that is already occurring. A lot of people can't afford it. They will drop their health care—plus the fact that the Norwood-Dingell bill, and the Kennedy bill they are trying to pass right now, have unlimited punitive damages.

I have letters from Ford, Wal-Mart, from IBM, big companies with some of the best health care plans in America, saying they will cut benefits or reduce the benefits to individuals, maybe even drop coverage, if we pass that bill. We shouldn't do it. We shouldn't do things that will cause harm. We should not pass legislation that will increase costs. We should not pass legislation that will increase the number of uninsured by 2, 3, or 4 million. That will be a serious mistake.

We should give the legislative process a chance to work. It is not working by saying we will pass the House bill.

I move to table the Kennedy-Daschle amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the amendment No. 3273.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Dakota (Mr. CONRAD) is necessarily absent.

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—1

Conrad

The motion was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that there be 4 minutes of debate equally divided prior to the second vote in the series.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3214

Mr. LOTT. Mr. President, I call to my colleagues' attention the fact that the McCain amendment will be a killer amendment to this Defense authorization bill. It will be blue-slipped. I have discussed this with Chairman Archer. He assured me, after reviewing the way the amendment is written, that he will have no choice but to blue-slip it. I also discussed it with Senator MOYNIHAN from New York. He has concerns about the constitutionality of this revenue amendment being added to the Defense authorization bill.

I want to make that perfectly clear and add to that, this compounds our problem. We are dealing with a very important bill, the Defense authorization bill. We are talking about national security. We need to find a way to come to a conclusion. We have 11 appropriations bills remaining, and we have to find time to act on the China PNTR and other issues.

If we continue to work in good faith trying to find a way to get votes on amendments and complete the Defense authorization bill and then we face, on top of everything else, a blue-slip problem in the House, we have done ourselves damage.

I think full disclosure is the way to go. I have been quoted to that effect. I still think that is the way to go. There is a bill that has been drafted. I understand after talking with a number of Senators, including the chairman of the Finance Committee and others, that would achieve this goal and, in fact, would be a broader bill in its application.

As this is drawn, I understand it would not apply to a number of groups, including the trial lawyers, Sierra Club, and others. We ought to make sure it is broad and applies to everybody. We ought to have full disclosure, and do it so it is not a technical problem on a bill such as the Defense authorization bill.

I urge my colleagues to think about this very carefully and support the Warner point of order that will be made with regard to the blue-slip problem. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2 minutes.

Mr. McCAIN. Mr. President, the Senator from Wisconsin has 1 minute.

Mr. FEINGOLD. Mr. President, very simply, this is a vote on campaign finance reform. The question is whether this body will take the opportunity, offered by this amendment, to shine some sunlight on the secret money that these 527 organizations are pouring into our elections.

Here it is on this chart, in black and white, from the web site of one of these groups. The contributions can be given in unlimited amounts. They can be from any source. And they are not political contributions and are not a matter of public record.

All this amendment does is make it a matter of public record. The American people have a right to demand this information from any organization that is given tax exemption.

The blue-slip argument is a figleaf. It is an excuse made up for those who oppose reform but have said they support disclosure.

I urge my colleagues to vote against the point of order and for the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, just to repeat, this amendment would mandate disclosure of all contributors to, and expenditures by, 527 organizations—a new phenomenon in American politics, with unlimited amounts of money from any source. China, the Mafia, and drug dealers can be part of our political campaigns, and we will never know who they are.

It affects both parties and all ideologies. For the benefit of my friends on this side of the aisle, it was the Sierra Club that first began the 527 new gimmick example of corruption in American politics.

It will not harm the defense bill. If the defense bill is blue-slipped, I will be the first to say that bill, when it comes back, should have no amendments on it, and I would work as hard as I can to get it done.

Please, do not believe that the defense bill would be harmed or blue-slipped. The fact is, every Member on both sides of the aisle of this body has said they are for full disclosure. Now we are going to find out whether we are for disclosure or we will continue to allow the corruption of American politics.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to make a constitutional point of order.

I raise a point of order that the pending MCCAIN amendment violates the

U.S. Constitution in that it is clearly a revenue-raising measure that is initiating in the Senate, not the House of Representatives, as provided for in our Constitution.

The PRESIDING OFFICER. The question before the Senate is, Is the point of order well taken?

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Dakota (Mr. CONRAD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—42

Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Campbell
Cochran
Coverdell
Craig
Crapo
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Helms
Hutchinson
Inhofe
Kyl
Lott
Mack
McConnell
Moynihan
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Stevens
Thomas
Thurmond
Voinovich
Warner

NAYS—57

Abraham
Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Burns
Byrd
Chafee, L.
Cleland
Collins
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Hagel
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Thompson
Torricelli
Wellstone
Wyden

NOT VOTING—1

Conrad

The PRESIDING OFFICER. The point of order is not well taken.

The question is on agreeing to the amendment.

The amendment (No. 3214) was agreed to.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, before I move to proceed to the DOD appropriations bill, let me say that we have a problem now with this amendment, the way the language is written, in terms of a blue slip, if and when it gets to the House of Representatives.

I have discussed this with Senator DASCHLE and Senator MCCAIN and others who are concerned about the underlying Defense authorization bill and those who are concerned about the disclosure amendment.

During the period of time that we are going to be working on the DOD appropriations bill, we will work to see if we can come up with some sort of agreement or some sort of procedure that would get this amendment off of the Defense authorization bill and onto some other bill—perhaps some revenue bill that we will have before us; perhaps even the repeal of the telephone tax that the House has acted on; and also give us an opportunity to work with Senator MCCAIN and others to see if we can broaden the application.

But, for now, we need to go ahead and proceed with the DOD appropriations bill. We will work together to see if we can find a way to resolve this issue.

Does the Senator from Arizona have any comment?

Mr. McCAIN. Mr. President, I thank the majority leader for pursuing this issue. I would like to broaden it as well. I think it is a fair agreement. I would like to try to move forward, meanwhile, having adopted this amendment, and the President to sign the bill.

I thank the majority leader and the Democratic leader.

Mr. ASHCROFT. Mr. President, I rise today to speak on behalf of this year's National Defense Authorization Act. Senator WARNER and Senator LEVIN, along with the entire committee, have my deepest thanks for their tremendous work with respect to this country's national defense. Their hard work and dedication on behalf of our servicemen and women is evident throughout the entire Act. Senator WARNER, in particular, has been instrumental in bringing to the floor a bill that provides our country with the national defense it desperately needs and deserves.

To the Committee's credit, this Act continues the trend, begun with last year's Authorization Bill, of providing a real increase in the authorized level of defense spending. The Committee has once again recognized that people are the most important aspect of our military and our troops must be treated accordingly. This Act authorizes, among other things, a well-deserved 3.7 percent pay raise for military personnel, important quality of life provisions, and addresses several important health care concerns to ensure our active-duty and retired personnel have the medical care they justly deserve.

Mr. President, although people make our military the best in the world, our troops must have the superior equipment to ensure continued success in every conflict. We must not send our sons and daughters into war without the right tools for victory. To this end, I would like to thank Senator WARNER specifically for his support of a very important project—the extended-range conventional air-launched cruise missile project (CALCM-ER). In addition to Senator WARNER, I would also like to thank Senator BOND, Senator CONRAD, Senator LANDRIEU, and Senator BREAUX for their work in support of this important project, in the Defense Authorization Act.

The Conventional Air-Launched Cruise Missile, or CALCM, is a converted nuclear cruise missile that is launched from a B-52. This invaluable weapon is the Air Force's only conventional air-launched, long-range, all-weather precision weapon. Fired more than 600 nautical miles from its target, this missile can strike strategic targets deep inside enemy territory without significant risk to our pilots or planes.

General Mike Ryan, the Air Force Chief of Staff, praised the CALCM's invaluable capabilities when he said in a written statement dated February 10, 2000 that "CALCM continues to be the Commander in Chief's first strike weapon of choice during contingency operations, as demonstrated by its superb performance during Operations Desert Fox and Allied Force."

Due to the weapon's great performance and subsequent heavy demand, the number of CALCMs in the Air Force inventory dwindled to below 70 last year. Through continued conversion of the nuclear cruise missiles, the current number is around 200, but the Air Force has concluded that this is simply not enough to meet our military's need. And due to the limited number of convertible nuclear cruise missiles, the Air Force needed to search out additional avenues of creating an extended range cruise missile with similar capabilities of the CALCM.

Mr. President, the Air Force has identified a suitable solution. In a study commissioned in last year's Defense Authorization bill to deal with this problem, a commission concluded that, and I quote, "Of specific interest to the Air Force is the need for an extended range cruise missile in the mid-term that would be a modification to an existing cruise missile in the inventory. This option meets the Air Force's two-fold requirement of increasing the inventory of cruise missiles as quickly as possible and providing an extended range missile capability to protect our aging bomber force from current and mid-term threats while long range cruise missile requirements are studied."

In order to see these conclusions become a reality, I, together with Senators BOND, CONRAD, LANDRIEU, and BREAUX, have worked to see the addition of $86.1 million in the Air Force's Research and Development account for the extended range conventional air-launched cruise missile program. The

Armed Services Committee has graciously agreed with us and authorized this amount in the Defense Authorization Act—and I thank the Committee, and particularly Senator WARNER, for their assistance.

In the upcoming Defense Appropriations bill, Senator STEVENS has been particularly understanding of the Air Force's need of the Extended Range Cruise Missile and has worked with me to provide appropriations for this program. I want to offer him a personal thanks for his support of this vital program. I truly appreciate his efforts.

However, I have been informed that in order to start the process and see these important weapons are in the hands of our troops, additional funds will be needed. In order to rectify this problem, I plan on offering an amendment to increase the available funds for the Extended Range Cruise Missile program by $23 million so that work can begin on the new cruise missile. This will bring the total amount to $43 million, which is half of the authorized amount and enough to start development on this important missile.

Mr. President, again I want to thank Senator WARNER and Senator STEVENS for their continued and tireless service to our nation's defense.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to H.R. 4576, the House DOD appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Will the majority yield? Is there a pending amendment on the DOD authorization bill?

The PRESIDING OFFICER. There is a pending amendment offered by Senator SMITH.

Mr. LOTT. That is the first-degree amendment that was amended with the second-degree amendment. But then I believe after that would be the Dodd amendment.

Mr. DODD. I wish it were a Dodd amendment. I was curious about Senator WARNER's amendment. That is what I was curious about.

Mr. WARNER. Mr. President, I thank the Senator. We have that Warner-Dodd amendment on the Cuban commission at the desk. Had we remained on this bill, it would be my intention to ask that it be the pending issue. That is now moot.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. DASCHLE. Mr. President, reserving the right to object, I ask unanimous consent that we amend it to allow the Warner amendment to be the next amendment to be considered following the Smith amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Is there objection to the underlying request?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor, Mr. President.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, for the information of Members, we will have opening statements, and then we will have an amendment offered by the Senator from Iowa, Mr. GRASSLEY.

On behalf of the leader, I make this statement. We are now on the DOD appropriations bill. After our opening statements, Senator GRASSLEY is prepared to talk about his accounting amendment. We expect to have a vote at 9:30 on that amendment tomorrow morning. There will no more votes for the remainder of the day.

Mr. President, I am pleased to join my great friend, Senator INOUYE, in presenting the Defense appropriations bill to the Senate. This bill is for the fiscal year 2001. It represents the twelfth bill we have jointly brought before the Senate: Six were presented by my friend from Hawaii during the period of time when he was the chairman of the subcommittee, and now this is the sixth bill presented by me during the second opportunity I have had to chair this subcommittee.

First and foremost, the bill reported by our committee, in our opinion, meets all personnel, readiness, training, and quality-of-life priorities for the armed services.

We have fully funded the pay raise and new authorized recruiting and retention benefits. All estimated costs of contingency operations for 2001 in Kosovo, Bosnia, and southwest Asia are included in our recommendation. There should not be an emergency supplemental for known contingency operations in the year 2001 for the Department of Defense.

The bill before the Senate sustains and augments the efforts to accelerate modernization of our Armed Forces.

Significantly, the recommendation provides an additional $250 million for the Army's transformation initiative.

I join my friend from Hawaii in commending General Shinseki for his foresight and leadership in moving the Army forward into a more deployable global force. These funds should accelerate the fielding of the initial transformation brigades in 2001.

Our committee, consistent with the Defense authorization bill as presented to the Senate, adds funds for several missile defense programs. Mr. President, $139 million is added for the national missile defense research and development, $92.4 million for the airborne laser, and $60 million for the Navy theaterwide missile defense efforts.

This is the crossroads year for missile defense. These funds are consistent with the recommendations and priorities of General Kadish, who manages this program, for the fiscal year 2001.

A new initiative recommended in this bill is to transfer funding for the C–17 program to a new national defense airlift fund.

Several years ago, funding for sealift acquisition was transferred to a central account. Airlift is a key strategic capability. The need for that is shared by all military services. Funding for airlift should not be borne solely by the Air Force, just as funding for sealift is not now borne by the Navy.

Full funding is provided in this new account for 12 C–17 aircraft requested for 2001, and the advance procurement and interim contract logistics support submitted in the budget.

The bill presented by the subcommittee includes report language that directs the Department to proceed with the current acquisition strategy to select a single design based upon the flight test program.

The Joint Strike Fighter might be the single most important defense program this committee will consider in the next 10 years. We must get this one right. Industrial base concerns should only be addressed after we are sure we have selected the best aircraft at the best cost for the mission and not before we even select the winner of the competition.

When the committee met to report the bill, several Members raised with me the subcommittee's recommendation to defer full funding on the two LPD–17 class vessels requested in the budget.

The bill before us includes $200 million in advance appropriations for the two ships originally planned for fiscal year 2001. Also, it includes $285 million to pay for cost overruns incurred on the first four ships.

I want to restate, as I have in both Maine and Louisiana in the past week, my personal commitment to the LPD–17 program. The focus of the adjustment we recommend is to get the program back on track with a stable design and address prior year problems. The funds provided are intended to assure that there will be no interruption in the work at the two shipyards and no additional delay in construction or delivery of the ships.

At the markup, language was added by Senator COCHRAN and Senator

SNOWE to permit the Navy to sign contracts for both ships using the funds appropriated by this bill. We have approved that recommendation. So there is no reason to say this bill in any way slows up the process of procuring these new ships.

Finally, the recommendation provides $137 million for the new medical benefits included in the Senate-reported defense authorization bill. These efforts provide a new pharmacy benefit for military retirees. They are fully consistent with the objectives outlined by General Shelton, Chairman of the Joint Chiefs, in his testimony before our committee.

The new medical benefit package adopted during consideration of the defense bill does not require additional discretionary appropriations for the fiscal year 2001.

It is our intention to work closely with the authorizing committees and with the Department of Defense to ensure that any new benefits are fully funded in the years to come. If a commitment is made under our watch, it is going to be kept.

These improvements will come at considerable cost and will be an important element of future defense budget planning. This is really what the Senator from Nebraska was talking about, the oncoming important costs we must face. The definition of those costs is the problem so far.

I urge all of our colleagues to look at this bill as a whole. It is packaged together. It really is a bill we have worked on. I do commend our staffs, our joint staffs, under Steve Cortese, who is with me, and Charlie Houy is with Senator INOUYE.

This bill once again is a bill that I think, as I said in the beginning, will meet our needs with the funds that are available this year. The allocation for defense is roughly $1 billion less than the amount made available by the Senate version of the defense authorization bill. It is about $1 billion below the allocation for the House-passed bill now before the Senate.

Some of these issues have to be sorted out in conference with the House. I ask the patience of the Senate as we work to get the best possible package to the conference.

I call the attention of the Senate to the fact that we have several issues in the bill that are also pending before the conference on the military construction bill because of the supplemental that was already passed by the House.

The committee has closely followed the Senate's actions on the defense authorization bill so far this week. We intend to offer a managers' package of conforming amendments during consideration of this bill to accommodate the Senate's action on the bill.

To that concern, I ask all Members of the Senate, if you have amendments to offer, please notify Senator INOUYE or me as soon as possible. We can probably work out most of them. We hope we will be able to do so because our bill closely tracks the defense authorization bill. It tracks the priorities outlined by the military chiefs in their testimony before the committee, and it certainly tracks fully our understanding of the House version that was passed by the other body just recently.

Mr. President, I now recognize our distinguished ranking member, the Senator from Hawaii, and once again call to the attention of the Senate the great honor that will come to him in just a few days; that is, the honor of receiving his Medal of Honor which he should have received a long time ago. It is a privilege to serve with my friend from Hawaii.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. May I first thank my chairman for his most generous remarks.

Mr. President, I begin by congratulating Chairman STEVENS for the superb manner in which he has guided this bill through the committees to the floor.

I wish to associate myself with the remarks of my dear friend and chairman of the committee, Senator STEVENS. I suggest to my colleagues that this is a good measure, worthy of support by all of us. I join my chairman in requesting that our colleagues submit their amendments in a timely fashion.

I note that this measure—a measure that includes $287.6 billion; the largest ever considered by this Senate—was unanimously approved by the Committee on Appropriations by a vote of 28–0.

It will do a great deal for both our readiness and moderniation requirements to protect our nation's security.

Highlights include:

For our military personnel and their families: It provides full funding for military pay including a 3.7 percent pay raise; an increase of $153 million for military bonuses to improve recruiting and retention; and increases for the GI bill for Reservists.

The subcommittee has fully funded readiness programs, including: $4.1 billion to support our peacekeepers overseas; an increase of $183 million for our National guard; and a total increase of $4.5 billion for readiness from the levels provided in FY 2000.

Full funding is also recommended for the new prescription drug benefit as authorized; and $275 million is recommended for breast and prostate cancer research.

Critical investment highlights include the following: Full funding for our F–22 and F/A–18 fighters; an increase of $250 million for the Army's highest priority, "transformation"; full funding for the Navy's carrier, submarines, and destroyers; and, an increase of $411 million for ballistic missile defense programs.

However, Senators should be advised that the bill does not provide a blank check to the Pentagon.

It includes some tough reductions to programs that are being schedule, over budget, or simply not ready to proceed at this time.

I want to assure my colleagues that the No. 1 priority in this bill is to protect near-term readiness.

The men and women willing to go into harm's way to protect the rest of us simply must be provided the tools they need to defeat any threat.

At the same time, the bill provides sufficient funding for modernization programs so that future readiness will also be protected. We must continue to invest for the future to ensure we are never caught unprepared.

I would also like to point out that the Chairman has been very responsive to the wishes of the members. Many of the suggestions made by the Members of the Senate have been incorporated into bill.

This is a very good bill. I strongly encourage all my colleagues to support it.

AMENDMENT NO. 3278

Mr. STEVENS. I ask unanimous consent all after the enacting clause be stricken of the pending bill and the text of S. 2593, as reported by our committee, be inserted and that amendments then be considered as original text for the purpose of further amendments, being designated amendment No. 3278.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if the Senator could withhold, we need to take a look at the unanimous consent request which was just accepted.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I did not waive any points of order. It is my understanding that the original text of this bill is nevertheless subject to points of order under rule XVI.

AMENDMENT NO. 3279

Mr. GRASSLEY. I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 3279.

Mr. GRASSLEY. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111, 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2001.

Mr. GRASSLEY. Mr. President, this amendment pertains to Department of Defense (DOD) disbursements.

It requires DOD to match certain disbursements with obligations prior to payment.

This policy has been incorporated in the last six appropriations acts: Fiscal years 1995, 1996, 1997, 1998, 1999, and 2000.

Each year we have ratcheted down the threshold.

The threshold is the dollar amount of the disbursement that must be matched with its corresponding obligation.

We started at the $5 million level.

Under current law, the threshold is now set at 500,000.00 dollars.

In 1999, the Senate voted to lower the threshold from $1 million to the current level.

Both the DOD Inspector General and the General Accounting Office have repeatedly stated that policy is a good idea.

It is helping the department to control the flow of money.

First, it is an important internal control procedure. It is a first-line of defense against fraudulent payments.

If a corresponding obligation cannot be identified, the payment cannot be made. It is as simple as that.

Second, it is helping the department avoid "problem disbursements" or unmatched disbursements.

A few years ago, the department had unmatched disbursements totaling about 50 billion dollars. This situation created gaping holes in DOD's books of account.

And these gaping holes in the books of account are one big reason why DOD consistently fails to earn a "clean" opinion in the annual CFO audits.

Those are the audits required by the Chief Financial Officers Act.

And third, it is helping the department avoid overobligations, that is, making payments in excess of available funding.

This year I am recommending that the threshold be retained at the current level of 500,000.00 dollars.

The General Accounting Office needs to do more audit follow-up work before the threshold is lowered any further.

I thank the chairman and the ranking minority member for supporting this policy and urge my colleagues to vote for the amendment.

I should ask the chairman of the committee if he wants to order a rollcall at this point because it is my understanding he wanted a rollcall vote on it.

Mr. STEVENS. Mr. President, if the Senator will yield, that is our intent. I want to take this time to congratulate the Senator from Iowa for once again raising the issue of proper accounting procedures for the Department of Defense. As we have in the past, I suggest it is a matter for the Senate to express their opinion about and support the endeavors of the Senator from Iowa.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

MILITARY RETIREE BENEFITS

Mr. KERREY. Mr. President, I want to take a minute, hopefully for the purpose of influencing the conferees on a vote that was taken yesterday—it passed overwhelmingly—having to do with military retiree benefits.

There are two amendments, one offered by Senator WARNER, one offered by Senator JOHNSON. I appreciate the intent of both amendments and I appreciate very much, as well, the concerns both Senators and everybody who voted for both of those amendments have for military retirees, especially as far as it might improve our capacity to recruit and retain people in the Armed Forces. I think it is a legitimate concern, and I appreciate very much that concern being expressed yesterday, especially being expressed with affirmative votes, although, as I said, I voted against both of those amendments.

I did not, during the debate yesterday, offer the reasons I voted against it, and I want to do that now. Both amendments are essentially dealing with the same situation; that is, once you reach the age of 65, you go off the TRICARE system and you go onto Medicare, as most individuals do who work for other businesses as well who end up with health care. It is not unusual today for people to leave employment to go onto Medicare after their retirement from employment.

But one amendment would allow people to buy into TRICARE; Senator JOHNSON's amendment would allow them to buy as well into the Federal Employees Health Benefits Program with a full taxpayer-paid subsidy; one was $4.5 billion a year, the other was about $5.5 billion a year. Senator WARNER's, in order to be able to get it in the budget, has it sunsetting after 2 years. It only goes for 2 years. I presume if it becomes law, we will have to extend it every couple of years.

There is a budget issue here that causes me to vote no. The budget issue has to do, first of all, with I think an inadequate amount of study given to who needs this and who does not need this. It was developed fairly quickly. It was offered fairly quickly. I think it should have been examined much more carefully, what the impact was going to be, what the real need is, what the real demand is out there; especially the second concern I have, which is that it adds to one of the biggest problems we have with our current budget, and that is the growing share of our budget that is going over to mandatory spending.

The checkpoint for Senator JOHNSON's amendment was people who were enlisted prior to 1957. In 1957, over 70 percent of our budget was appropriated; 70 percent of our budget went to such things as the GI bill and other kinds of investments. I benefited enormously from those investments, not just as a veteran myself, but it was most important for my own parents' generation. That is what they were doing. They were endowing their future. They were really investing in their future as a consequence of those appropriations.

This year, 66 percent of the budget is mandatory. This amendment that was put on the Defense authorization bill will make that problem worse. I could not in good faith vote for the amendment as a consequence of those two concerns, even though I recognize for some veterans, some employees, this is a problem.

Also, I want to comment on some of the things that were said during the debate. I want to comment, especially from the point of view of myself because I am military retired. I am one of the retirees who would benefit from this change in the law. I am service-connected disabled as a result of an injury in the war in Vietnam, and I have been receiving a military retirement check since I left the Navy in 1969.

I understand the recruiting difficulties. I understand we have to be competitive with the private sector. I understand we have a volunteer service today, and so forth. I think it has all been very well said. But focusing on money in this debate, we underestimate and underemphasize the importance of people joining our service because they are patriotic, because they love their country, because they want to serve their country in some meaningful way, because they believe service makes them better, they believe putting themselves on the line for somebody else isn't something that is just good for the other person, it is good for them as well. That was the benefit for me in my service.

Though I appreciate very much people coming and saying my country owes me something, I reject that idea. My country owes me nothing. If the Congress of this Nation wants to provide me with retirement, wants to provide me with medical assistance—they provided me with the GI bill and COLAs all these years—they have given me enormous benefits. They gave me a hospital I could go to, to get my care. I appreciate all that. I am grateful for all that. It makes me more patriotic than I was before.

But I do not believe as a consequence of my service that the people of the United States of America owe me anything. I want to make that point because I entered the service because it was my duty. I entered the service because I believed it was the right thing to do. I entered the service because I thought I was going to get something intangible out of it—and I did. I learned how to lead, learned how to take responsibility, learned how to do lots of things. And I learned as well what it is like to be injured, what it is like to be injured in a nation that takes care of its veterans, that provides care. I learned what it is to suffer a little bit and to feel compassion for other people as they go through their lives and suffer as a consequence of things that were unforeseen, unexpected, unanticipated, and unavoidable.

I have talked to a lot of colleagues on the floor during this debate. They said: Oh, gosh, we can't say no to our veterans, can't say no to our military retirees.

There are times we can. I believe, especially when we think about the budget impact that these amendments are going to have, there are times when we should. I do not believe we should fall into the trap of believing that men and women will not still join the Armed Forces of the United States of America because they love this country and they want to serve.

Yes, we need to have good pensions. Yes, we need to make certain they are not getting food stamps. Yes, we need to take care of them when they are in. But let them serve as a consequence of feeling loyal, feeling good about their country, and wanting to put themselves on the line. Let service, all by itself, be one of the motivating factors, be one of the reasons that men and women do it. And be grateful for that and reward it, applaud it, pay attention to it.

I wish, in fact, people in Hollywood as they make decisions about what they are going to put on television, what they are going to put in movie theaters, told more of the stories of the men and women who are serving today not because they are being paid well, not because there are health care benefits promised, not because of a retirement program waiting for them, but because they love their country, because they feel a patriotic desire to serve the United States of America, serve the people of the United States of America and the cause of freedom for which we stand.

It is not a cliche; it is a real thing. I am concerned, concerned with some of the debate I heard yesterday, that only the pecuniary interests were involved; that all we had to do was get the pay high enough, retirement benefits high enough, health care benefits high enough, and we would solve all of our problems.

We will not solve all of our problems if that is what we do. If we do not recognize that one of the reasons people serve is that they love their country, A, we will find ourselves falling short of recruitment and retention objectives, but, in addition to that, we will not know when the correct time is to say to that man or woman who served their country: We have to make certain we have enough money in our budget to invest in our children and their future as well.

We cannot, as we are doing, simply put more and more money in people over the age of 65. I love them. They have served their country. They are the greatest generation ever. But this action comes on top of eliminating the earnings test, which was a $22 billion proposal over 10. I voted for that. There were 100 of us on this floor who voted for that. It was a reasonable thing to do. But if you look at the diminishing amount of money we invest every single year through our appropriations accounts, and you look at that trend continuing to go further and further down, it gets harder and harder to say we are endowing our future the way our parents endowed the future for us.

Mr. President, I did not want anybody to suffer the illusion that I do not care about our military retirees. I do. There were good fiscal reasons why not to support the amendment, but I hope as we go into conference we do not get lulled into thinking the only thing we have to do to recruit and retain people in our Armed Forces is to provide some pecuniary reimbursement that enables them to feel they are getting rewarded in some way that is competitive with what they can get in the marketplace.

I yield the floor.

Mr. STEVENS. Mr. President, I am glad to hear the Senator's statement. I inform my friend, I spent a substantial portion of the day discussing how to meet the problems associated with the feelings of so many people in the military that there were, in fact, substantial commitments made that lead on into the future as enormous costs as compared to the costs of the past.

We need to have a commission of some kind. I hope after the Senator steps down from this body that he might see fit to be one who will help take on the task of defining the commitments that were made and how we fulfill them. I say that because in the past, many of those benefits were paid out of the Veterans Affairs Department from veterans benefits. They are now coming from the Defense funds, and if they grow at the rate it appears they are going to grow, they are going to seriously hamper our ability to modernize our force and our systems and defend our country as it must be in this century.

Mr. KERREY. Mr. President, I appreciate the comments. There is no question that should be a very big concern of the conferees because Senator WARNER yesterday, when we were debating this issue, expressed his understanding that this would increase the requirement to build additional military hospitals and military health care facilities. This will shift the burden of paying for health care from Medicare over to the Defense budget.

There is no question that is the case. I say to the Senator, I remember talking to my recruiter very well. I remember the day I sat in front of a Navy recruiter and he said to me: Join the Navy; see the world. He made all kinds of promises to me. I have not sued my Government because they did not give me a chance to see the world.

I believe the Senator is right. There were some legitimate written promises made, and if there were legitimate written promises that were made, then we ought to make certain we keep those commitments.

Sometimes it becomes much more a political rhetoric than it becomes reality. I do think, whether it is a veteran or whether it is some other American, one of the hardest things for us to do when somebody asks us for something is to say no. The Senator from Alaska has had to do that many times in his career in the Senate. "I want some of the taxpayers' money to do something" and the Senator has had to repeatedly say no.

It is not easy to do that. It is too easy for us to get caught up, when we talk about making sure we take care of our retirees, in the feeling that you just cannot say no.

I argue that the answer is you can say no, and there are times you need to say no. If you do not say no, it is going to be difficult for us to keep our force modernized and weapons systems modernized and our people who are in the services well paid.

Again, I say to my friend, the thing I fear—and I will say it directly—is we have a declining number of people who have been in the services in the Congress. I am very much aware it is easy to say: Gee, I have to do this; I wasn't in the service, I have to do this.

I had to say I did not join the Navy because they promised me health care benefits, retirement benefits, and promised me I could go to school on the GI bill. That was not the contract. It was all there.

People say: We owe you. No. I have a bigger debt to my country than my country has to me. It is a very important attitude for us to instill not just in our young people but retirees as well. We have to be very careful that in doing something we do not undercut the most important reason men and women come into the Armed Forces. We ought to praise them. We ought to recognize that and not forget it is still a very big reason people serve.

Mr. STEVENS. Mr. President, again I thank the Senator. His statement reflects the comments I made in the meetings today. I do hope we can address this subject. I find it odd that many of the people who are raising the issues and talking about the commitments that were made in the war in which Senator INOUYE and I served were not alive then, but they are telling us what the commitments were. We ought to make certain we fulfill all of those commitments, but we have to have a definition of what they really were.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. Mr. President, for the leader, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators being permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BACKGROUND CHECKS IN 1999

Mr. LEVIN. Mr. President, last weekend, a new report was released by the Justice Department about the successes of the Brady Law. The Brady Law requires that a prospective gun purchaser undergo a criminal background check before obtaining any firearm from a federal firearms licensee. The law is intended to prevent felons, fugitives, domestic abusers, and other prohibited persons from gaining access to guns. The new information brought the number of purchase rejections up to more than half a million since enactment of the Brady Law in 1994.

According to the report, the number one reason for rejection was because the applicant either had a felony conviction or was under felony indictment. Of the approximately 200,000 purchase rejections in 1999, almost three-quarters, or 150,000 were denied for this reason. The second most common cause for rejection was a domestic violence misdemeanor conviction or restraining order, accounting for approximately 13% of rejections or 27,000 applications. Other applicants were denied the ability to purchase guns because of fugitive status, mental illness or disability, drug addiction, or state or local prohibition. In total, in 1999 alone, the Brady Law kept more than 200,000 guns off the streets and out of the hands of prohibited purchasers.

The Brady Act has been effective but its success has been undermined by a loophole in the law that allows criminals to purchase guns from non-licensed sellers. That loophole allows felons, fugitives or other prohibited persons to purchase guns at gun shows without undergoing background checks. It is a loophole often exploited by those with objectionable backgrounds, some of whose applications have already been rejected by federal, state, or local law enforcement agencies.

Congress made significant strides to reduce the level of gun violence by enacting the Brady Act, but now it's time to finish the job. Congress must close the gunshow loophole, otherwise the successes of Brady are weakened. As a reporter in my home state of Michigan said yesterday, "the same statistics that demonstrate the usefulness of the background checks that have been in place since passage of the Brady bill cry out for closure of the loopholes that allow criminals turned away by licensed dealers to purchase guns with impunity elsewhere."

I urge Congress to close the gun show loophole and stop undermining law enforcement's ability to keep guns off the streets and out of the hands of dangerous criminals.

VICTIMS OF GUN VIOLENCE

Mr. REID. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

(These names come from a report prepared by the United States Conference of Mayors. The report includes data from 100 U.S. cities between April 20, 1999, and March 20, 2000. The 100 cities covered range in size from Chicago, Illinois, which has a population of more than 2.7 million to Bedford Heights, Ohio, with a population of about 11,800)

June 8, 1999
Clarence Dorsey, 31, Oakland, CA
Daniel Estrada, 18, Houston, TX
James Holston, 32, Dallas, TX
Cesaley Howard, 25, Philadelphia, PA
Artis Ingram, 24, Seattle, WA
Larone Jackson, Pine Bluff, AR
Michael A. Jones, 25, Memphis, TN
Corwin Mathews, San Francisco, CA
Bennie McRae, 59, Miami-Dade County, FL
Cornelius McCurry, 19, Chicago, IL
Edwin Medina, 21, Miami-Dade County, FL
Bayardo Monterrey, 38, Miami-Dade County, FL
Rowland Patrick, 25, Nashville, TN
John Sandifer, 20, Chicago, IL
Patricia Whitfield, 50, Seattle, WA
Champagne Younger, 6, Seattle, WA
Unidentified male, 74, Bellingham, WA

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 7, 2000, the Federal debt stood at $5,645,678,929,300.91 (Five trillion, six hundred forty-five billion, six hundred seventy-eight million, nine hundred twenty-nine thousand, three hundred dollars and ninety-one cents).

One year ago, June 7, 1999, the Federal debt stood at $5,606,739,000,000 (Five trillion, six hundred six billion, seven hundred thirty-nine million).

Five years ago, June 7, 1995, the Federal debt stood at $4,902,044,000,000 (Four trillion, nine hundred two billion, forty-four million).

Ten years ago, June 7, 1990, the Federal debt stood at $3,124,978,000,000 (Three trillion, one hundred twenty-four billion, nine hundred seventy-eight million).

Fifteen years ago, June 7, 1985, the Federal debt stood at $1,769,118,000,000 (One trillion, seven hundred sixty-nine billion, one hundred eighteen million) which reflects a debt increase of almost $4 trillion—$3,876,560,929,300.91 (Three trillion, eight hundred seventy-six billion, five hundred sixty million, nine hundred twenty-nine thousand, three hundred dollars and ninety-one cents) during the past 15 years.

ADDITIONAL STATEMENTS

PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

• Ms. COLLINS. Mr. President, I recently had the honor to serve as national co-chair, along with Senator Byron Dorgan, of the National Selection Committee for the Prudential Spirit of Community Awards. This wonderful program, sponsored in partnership by The Prudential Insurance Company of America and the National Association of Secondary School Principals, recognizes outstanding young volunteers at the state and national level. Two state winners, one high school student and one middle school student, receive a $1,000 scholarship, a silver medallion, and a 4-day all expense paid trip to Washington, D.C. for themselves and their parents.

Chairing the National Selection Committee was both an eye-opening and a heart-warming experience. Reading about these young people's volunteer efforts, the remarkable sacrifices they made for the benefit of their communities, and the lessons they learned reaffirmed my faith in the generosity of the American spirit and in our future. I would like to commend Maine's two Spirit of Community award winners, Desirae Plourde of Fort Kent and Zachary Growe of Hampden, for being real American heroes.

Desirae, a senior at Fort Kent Community High School, has spent over 1,500 hours serving as a sign language interpreter for a hearing-impaired classmate who plays on her school's basketball, baseball, and soccer teams. Desirae, the only other student who knows sign language, attended a game one day and noticed how her friend struggled to understand her coach and fellow players, and how frustrated the team became when trying to communicate. She offered to interpret for him so that he could continue to play sports, and the school could benefit from his athletic talent. "I was inspired to help because I saw my friend was in need and how much he loved playing the game," Desirae said. "I share in his joy when he makes a great play and when the team wins."

Zachary, an eighth grader at Reeds Brook Middle School in Hampden, helped coordinate a campaign that collected 800 used books for needy children. Zach says he enjoys reading so much that he can't imagine not owning a book. When his class decided to plan a service project, he pushed for a book drive. Zach and his fellow students wrote a plan and a time line, contacted school officials, designed promotional signs, and decorated book drop boxes. In the end, the drive yielded more than four times its original goal of 200 books. Zach and the group delivered the books to many area organizations including a local pediatric ward, and the local chapter of United Cerebral Palsy.

I am very proud of Maine's two honorees, Desirae and Zach, and congratulate them for answering the call of service and making a real difference in their communities.●

● Mr. DORGAN. Mr. President, I'd like to take a moment to tell you about some wonderful kids. Recently, two youth volunteers from each state, including the District of Columbia and Puerto Rico, came to Washington, D.C. with their parents. They were being recognized at the Fifth Annual Prudential Spirit of Community Awards for their outstanding acts of community service.

These kids are heroes. They set the example of selflessness and caring for others to follow and it was truly inspiring to hear their stories of service to the public and their communities. I was honored to serve as co-chair of the National Selection Committee along with Senator SUSAN COLLINS.

Ten students were chosen as National Honorees—five high school and five middle school students—and each received $5,000, a gold medallion and a crystal trophy for their school. The ten honorees will also have a total of $250,000 in toys and clothing dedicated to needy children in their names.

I'd especially like to congratulate the two volunteers chosen as finalists from my state of North Dakota: Jason Koth of Grand Forks and Scot Miller of Fargo.

Jason, a senior at Grand Forks Red River High School, wrote, produced and directed a play to raise funds for the Make-A-Wish Foundation. It was called "The Sun in My Eyes" and he wrote this play in memory of his handicapped brother. Jason said, "I wanted to tell people to stop fighting over unimportant things and start opening their eyes to the beautiful people that surround them." His play raised over $1,300 for the foundation and helped send a terminally ill child on his dream trip to Disney World.

Scot, a ninth grader at Discovery Junior High in Fargo, became involved in several volunteer projects to help his community. When he learned that the public library needed donations to complete its expansion plan, Scot led a recycling drive to raise money and created an ongoing recycling program in his neighborhood. He is also president of his school's Builder's Club, a student organization dedicated to promoting volunteer efforts within his community. During his summer months, Scot spends four hours a day volunteering as a junior recreation leader for the local parks department.

I'm so proud of Jason and Scot. They should feel great pride for their hard work and the impact they have made in their communities and the lives of others. Their efforts are truly inspiring.

Mr. President, Senator COLLINS and I would like to honor all 104 Prudential Spirit of Community Honorees by reading their names in the RECORD.

The ten students selected as National Honorees are:

Linda Arnade, 17, of Palm Bay, Florida, who discovered that septic tanks in her community were causing groundwater contamination after testing more than 400 residential wells. She then launched an education and monitoring program to alert the public of this important health and environment risk.

Brett Byrd, 13, of Camas, Washington, who helped raise more than $100,000 in his mother's memory for breast cancer prevention by performing concerts along with his brother and their rock band.

Megan Doherty, 16, of Lemont, Illinois, who raised more than $56,000 to bring 29 young cancer victims of the 1986 Chernobyl nuclear disaster to her town for life-saving medical treatment.

Marcus Houston, 18 of Denver, Colorado, who developed an educational program called "Just Say Know" that teaches middle level students what it takes to achieve academic, social and athletic success in high school.

Andrew Leary, 17, of Vernon, New Jersey, who led a two-and-a-half year effort to establish the first permanent soup kitchen in the northern part of his rural county. He also helped raise $35,000 to operate the facility.

Joshua Marcus, 13, of Boca Raton, Florida, who created "Sack It To You," a non-profit corporation that has provided backpacks filled with school supplies to more than 2,500 needy children.

Jarrett Mynear, 11, of Nicholasville, Kentucky, who raised more than $18,000 to distribute new toys each week to young patients at a children's hospital. Since the program started, Jarrett has been featured on many local television shows, as well as the nationally syndicated "Rosie O'Donnell Show," to promote his cause.

Shelarese Ruffin, 17, of Atlanta, Georgia, who developed an intervention program that enables middle and high school students to confront and overcome drug abuse and other discipline problems instead of being expelled from school.

Danielle Shimotakahara, 13, of North Bend, Oregon, who waged a high-profile campaign to remove violent coin-operated games from places where children congregate in her town. She also testified at a U.S. Senate hearing on the effects of violent games on children.

Sagen Woolery, 12, of Warner Robins, Georgia, who started a summer meal service called "The Kid's Kitchen" for needy children and their families. The service, operated completely by 8-to-12 year-olds, has served more than 3,200 people in her community and also provides toiletries and school supplies for needy children who come to the kitchen.

The state honorees are:

Jose Alvarez—Puerto Rico.
Sarah Anderson—South Dakota.
Meredith Arensman—Kentucky.
Linda Arnade—Florida.
Sarah Austin—Maryland.
Shannon Babb—Utah.
Beau Ballinger—Wyoming.
Jason Blau—Illinois.
Katie Bolenbaugh—Minnesota.
Milton Boyd—District of Columbia.
Alsion Brown—Colorado.
James Buck—Maryland.
Sara Bulaga—Vermont.
Brett Byrd—Washington.
Kevin Cable—Tennessee.
Jonathan Cheek—Virginia.
Reid Coggins—South Carolina.
John Coiner—West Virginia.
Kendyl Collins—New Mexico.
Dennis Cordova—New Mexico.

Maria Cruz—Puerto Rico.
Kalila Dalton—Kansas.
Dana Davis—Tennessee.
Danielle Devlin—New Jersey.
Kimberly Dickard—Mississippi.
Katherine Dillon—Kansas.
Megan Doherty—Ilinois.
Tanya Ewing—Alaska.
Caroline Faflak—South Dakota.
D. Ashley Feldman—Pennsylvania.
Toni Fowler—Alabama.
David Frayser—Nebraska.
Shawn Garner—North Carolina.
Christopher Gardner—Nevada.
Benjamin Geisinger—Massachusetts.
Tiffany Georges—Nebraska.
Paul Gordon—Washington.
Zachary Growe—Maine
Aracely Gurrola—Arizona.
Jesse Hanna—Montana.
Brittany Heath—Texas.
Robin Hill—Montana.
Marcus Houston—Colorado.
Jacob Kaskey—Ohio.
Jason Koth—North Dakota.
Amy Lavicky—Oklahoma.
Andrew Leary—New Jersey.
Christi Lockwood—Connecticut.
Joshua Marcus—Florida.
Natalie Mason—Indiana.
Sarah McClintock—Wisconsin.
Caithlin McGee—Delaware.
Ann McGinnity—Wisconsin.
Meghan McGinty—New York.
Scot Miller—North Dakota.
Shifra Mincer—New York.
Elizabeth Moss—Nevada.
Alison Mostrom—Iowa.
Jarrett Mynear—Kentucky.
Leanne Nakamura—Hawaii.
Kendra Neilson—Oklahoma.
Chavis Newman-Keane—Alaska.
Matthew Nonnemacher—Pennsylvania.
Blaire Nuzem—West Virginia.
Ryan Olson—Virginia.
Catherine Oswald—Rhode Island.
Gustav Owen—New Hampshire.
Jennifer Parker—Arkansas
Monica Pasternak—Connecticut.
Audrey Ells Payne—Vermont.
Allan Peetz—Indiana.
Michael Perez—Arkansas.
Desirae Plourde—Maine.
Taryn Pream—Minnesota.
Jonathan Quarles—Michigan.
Tiffany Ringold—Idaho.
Stephanie Rochel—Massachusetts.
Hannah Rogers—Alabama.
Shelarese Ruffin—Georgia.
Erica Rymer—South Carolina.
Amy Schlueter—Missouri.
Eleanor Sherman—California.
Gregory Shilling—Louisiana.
Danielle Shimotakahara—Oregon.
Sandy Short—Idaho.
Adam Smith—Louisiana.
Jennifer Stanton—Oregon.
Robyn Strumpf—California.
Kristen Stryker—Ohio.
Meredith Swain—North Carolina.
Mackenzie Sweeney—Missouri.
Matthew Ternus—Iowa.
Daniel Tessier—Rhode Island.
Jennifer Thornhill—Texas.
Julia Tobias—New Hampshire.
Lisa Torres—Wyoming.
Ryan Tripp—Utah.
Gopalkrishna Trivedi—Michigan.
Paul Varnado—Mississippi.
Lakeshia Wallace—District of Columbia
Aubrie Weedling—Hawaii.
Sagan Woolery—Georgia.
Mia Yocopis—Arizona.
Christopher Zeigler—Delaware•

TRIBUTE TO JYNELL HARRIS

• Mr. LAUTENBERG. Mr. President, it is an honor to pay tribute to Jynell Harris as she retires after nearly 40 years of continuous and dedicated service to the Vineland School District in my home state of New Jersey.

Mr. President, Ms. Harris' achievements extend back to Clayton High School, where she graduated with honors. She later received her B.A. in Elementary Education from Glassboro State College. Ms. Harris began teaching in the Vineland school system in 1963. She taught pre-school children at the Micro-Social Learning Center, served as a Special Education teacher for the mentally handicapped, implemented seminar programs for gifted and talented 7th and 8th graders and led remedial reading and writing classes for 9th and 10th grades at Vineland High School.

In addition to her contributions as a teacher, Ms. Harris has served as Grade-Level Chairperson, Teacher-in-Charge of the Gifted and Talented Magnet School and coordinator of the Cumberland County College Summer Youth Program.

Ms. Harris has been honored repeatedly for her achievements. Her honors include the 1989 Martin Luther King Academy's Harriet Tubman Award, the 1992 Delsea Regional High School Black Student Association Outstanding Community Service Award and recognition as an outstanding educator by the Zeta Phi Beta Sorority.

Ms. Harris also has been effective in the political arena. She coordinated Jesse Jackson's 1988 Presidential campaign in Cumberland County and served as the county's NAACP Education Chairperson.

Ms. Harris actively participates in many community organizations and is a member of New Jersey Education Association and the National Education Association.

Mr. President, Ms. Harris has shown extraordinary dedication to improving her community and clearly deserves recognition on the occasion of her retirement.•

TRIBUTE TO LINDSEY WILSON COLLEGE

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the faculty, staff, and students at Lindsey Wilson College in Columbia, Kentucky.

First, I extend sincere thanks for the graciousness and hospitality shown during my visit to Lindsey Wilson College for the May 13, 2000 Commencement. It was an honor to address the faculty and graduating students at such a fine Kentucky institution, and I sincerely appreciate the opportunity.

Located on a southcentral Kentucky hilltop, Lindsey Wilson College is a four-year liberal arts college affiliated with the Kentucky Conference of the United Methodist Church. It began in 1903, as a training school for Vanderbilt University, then became a two-year college in 1923, and started offering a four-year degree program in 1986. Lindsey Wilson's diverse student body is comprised of individuals from 89 Kentucky counties, 23 states, and 26 foreign countries.

Since its four-year degree program began, enrollment has grown a whopping 160 percent and they have expanded to offer 16 undergraduate degree programs and two master's programs. Over the last 13 years, several new buildings have been constructed, the budget has more than doubled, assets now total $49 million, and Lindsey Wilson College's endowment is valued at more than $28 million. Congratulations on these tremendous accomplishments.

I would like to recognize President William T. Luckey and Chancellor John B. Begley. Students, faculty, and staff at Lindsey Wilson are all fortunate to have such committed individuals serving the mission of the school and facilitating its growth.

Another name that is important to Lindsey Wilson is Ruby McKinney Roach. Ms. Roach grew up in Adair County, Kentucky, and is a proud Lindsey Wilson College Alumnus of 1954. From Lindsey Wilson, she went to Berea College and earned a Bachelor of Arts in home economics and a Master of Education at Western Kentucky University. After a brief time teaching in Barren County, Ms. Roach went home to Adair County and served as a teacher and guidance counselor for 30 years.

According to the many people touched by her kindness and generosity, Ruby Roach became deeply involved in the lives of her students. As a home economics teacher, she had the opportunity to share her skills and knowledge with thousands of students over the years. As a guidance counselor, she had the unique experience of talking with students both about their educational and personal goals, and helped them develop a plan to accomplish those goals.

Ms. Roach has been an active member of the educational community outside her school as well, having held positions in the Kentucky Association of School Administrators, the Kentucky Counselors Association, the National Education Association, and Iota chapter of The Delta Kappa Gamma Society

International, the honorary society of professional women educators.

Ruby Roach also served on numerous civic boards and organizations in the Adair community. She is a former member of the Columbia Women's Club and is an active member of Beulah Chapel. Ruby Roach has made her alma mater proud, and I commend her for what she has contributed to the College, the surrounding community, and to Kentucky.

In the same way, Lindsey Wilson College is an institution of which the Commonwealth of Kentucky can be proud. On behalf of myself and my colleagues in the Senate, congratulations Lindsey Wilson College, on your many achievements, and best wishes for continued success.●

TRIBUTE TO WALTER AND RUTH McCANN ON THEIR 50TH WEDDING ANNIVERSARY

● Mr. KENNEDY. Mr. President it is a privilege to take this opportunity to honor Mr. and Mrs. J. Walter McCann of Burlington, Massachusetts. On Saturday, June 10, they will celebrate their golden wedding anniversary of 50 years together. They have been proud residents of Burlington since 1959, successfully raising 7 children, 16 grandchildren and one great granddaughter.

These two distinguished Americans have seen extraordinary advances in our state and our country in their lifetime. They are part of the great generation that saw the nation through the Depression and World War II, and their strong values give us all a deep and enduring sense of what it means to be an American.

Ruth Gertrude McCann is the youngest of eight sisters and one brother. She was born in her parents' home at 58 Warren Street in Arlington, Massachusetts on June 29, 1921, the beautiful daughter of Annie and Charles Dennen. Over the next three decades, "Ma" or "Mom" became an accomplished athlete and opera singer. She made a recording of her own, and gave a distinguished performance at Radio City Music Hall in New York City. There, she met and fell in love with Walter McCann, and they've had a wonderful marriage ever since. As she likes to say, "Walter, why did you lead me to the altar?" The answer is obvious to all.

In their neighborhood in Burlington, Ruth was every child's mom, especially when making jelly from the grapes picked on the hill behind her home, or ringing the metal triangle on the porch to call the children home each night for dinner. She loved her children's activities, and was often at Glee Club or Athletic Booster events, at bingo or bowling, or in the grandstand even on cold days at Pop Warner games. Her husband often traveled, and she became the "Little Birdie in the Window" who guided her family as it grew.

Joseph Walter McCann was born on January 21, 1920 in Lowell, Massachusetts in his family home, the second son of four children raised by Alma and William Francis McCann. An energetic young man, "JW" or "Walter" was an avid skier at Tuckerman's Ravine in New Hampshire each winter. He loved to "walk uphill in the snow" for the love of the sport with his cousin Jackie Stowell, his childhood best friend.

His wife and children have warm and vivid memories of his enormous trust and faith in the federal and state governments, whose actions were often eloquently and vigorously debated at the dinner table. His "stand up and be counted" philosophy of life was always challenging to those around him, and his quick wit entertained all who came to know him.

As a father, he would often take the family camping and nourish them with "Campers Delight" for dinner. Returning home from business trips, he was always well informed by the "Little Birdie in the Window" about his children's activities—and even about their mischievous behavior. His children were in awe that he knew so much. But most of all, each of his children and grandchildren will always remember listening to him read stories, especially at Christmas, and the loving phone calls made by Santa to each one of them every year.

Mr. President, on this special occasion, I congratulate Walter and Ruth McCann as they enjoy and celebrate their golden anniversary together. Their commitment to the principles and values of their marriage, their family, and their country deserve to be recognized and saluted. I wish them a very happy 50th wedding anniversary, and continuing wonderful times together in the years to come.●

TRIBUTE TO COL. CRAIG F. BROTCHIE

● Mr. HUTCHINSON. Mr. President, I rise today to honor Col. Craig F. Brotchie of the United States Special Operations Command who is retiring from the United States Air Force after 26 years of active duty. Colonel Brotchie is an exceptional leader, and has served this great country with honor and dignity. He understands leadership and selfless service. He is known for his dedication and integrity. Colonel Brotchie has tackled the tough issues that our Air Force and Special Forces Units have had to face over the past three decades, and this wonderful American deserves tremendous praise and thanks from a nation he loves and for which he has given so much.

Colonel Brotchie was born January 27, 1952, in San Bernardino, California. In 1974, he received a Bachelor of Arts degree in business administration from Southern Utah State College, and earned distinguished graduate honors in the Air Force Reserve Officer Training Corps prior to commissioning. He completed Squadron Officer School at Maxwell AFB, Alabama, in 1978; the U.S. Army Command and General Staff Officer course at Fort Leavenworth, Kansas, in 1983; and the U.S. Army War College at Carlisle Barracks, Pennsylvania, in 1987. While at Fort Leavenworth, Colonel Brotchie earned a master's degree in human relations from Webster University.

Colonel Brotchie completed various operational, staff and command assignments in his career. He served as a personnel officer for the 777th Radar Squadron, Klamath Air Force Station, California; and in various personnel offices in the 1606th Air Base Wing, Kirtland AFB, New Mexico, prior to entering the combat control career field. Since 1979, Colonel Brotchie served as officer in charge, Combat Control Team, 62nd Military Airlift Wing, McChord AFB, Washington; Special Tactics Team Leader and Operations Officer, Detachment 1, Military Airlift Command Operation Staff, Fort Bragg, North Carolina; and as the Combat Control Staff Officer, Joint Special Operations Command. In 1984, Colonel Brotchie took command of Detachment 2, 1723rd Combat Control Squadron, Clark AB, Republic of the Philippines. After Intermediate Service School, he took command of the 1723rd Combat Control Squadron, Hurlburt Field, Florida, and in 1989, became the commander of the 24th Special Tactics Squadron, Pope AFB, North Carolina. Upon completion of War College, he was assigned as the Deputy Chief, Special Operations Division, Directorate of Forces, Headquarters United States Air Force, Washington, D.C. In 1995, he returned to Hurlburt Field as Commander of the 720th Special Tactics Group.

Colonel Brotchie is a master parachutist, military free fall parachutist, combat diver, and air traffic controller. His military decorations include the Defense Superior Service Medal, the Legion of Merit, the Bronze Star Medal, the Defense Meritorious Service Medal, the Meritorious Service Medal with two oak leaf clusters, the Air Force Commendation Medal with one oak leaf cluster, and the Joint Service Achievement Medal.

Colonel Brotchie shares his devotion to our Nation through military service with his wife, Col. Ann E. Dunwoody, who was recently selected for promotion and designated to command a major unit at Fort Bragg, North Carolina. They have two sons: Bryan and Scott.

It is with great pride and honor that I wish CRAIG and his family the best as he retires from the United States Air Force. He has set an inspiring example of dedication to the defense of freedom and to the protection of the basic liberties that the citizens of our country enjoy.●

TRUMBULL STUDENTS' SUCCESS IN COMPETITION

• Mr. LIEBERMAN. Mr. President, I would like to acknowledge and congratulate the recent success of the students of Trumbull High School of Trumbull, Connecticut.

On May 6–8 these students competed in the "We the People . . . The Citizen and the Constitution" national finals in Washington, D.C. This competition, administered by the Center for Civic Education, tests elementary, middle and high school students in their knowledge of the American constitutional government. In the finals, in which Trumbull High School matched wits against 50 other classes from across the country, students acted as constitutional experts and testified before a panel of judges in a congressional hearing.

The Trumbull class was taught by Peter Sullivan and included Rachel Bochinno, Alison Brand, Joanna Bruckman, Melissa Budahazy, Lindsey Cahill, Kelly Chapple, Andrew Conway, Jessica Cotter, Shannon Cusello, Jon Draskovic, Timothy Drummond, Michael Dusiewicz, Kim Ferguson, Kathryn Graf, Juli Griek, Amy Hatzis, Lauren Hellthaler, Christine Jelliffe, Dawn Liscinsky, James Lucia, John Manchisi, Saya Nagori, Ryan O'Neill, Julian Ross, Alison Schary, David Schub, Neerali Shah, Lauren Slade, Paul Strelka, Varun Vasudeva, and Robert Ward.

I am pleased to recognize the accomplishments of these outstanding students. The "We the People . . ." competition is the largest program testing knowledge of the Constitution in the United States, extending to over 26 million students across the country. Advancing to the national finals represents a significant achievement, and demonstrates an impressive interest in and understanding of the structure and processes of our constitutional government. Trumbull High School and all of Connecticut can take great pride in these students' success in a subject that is of fundamental importance to the vitality of our democracy.•

TRIBUTE TO JOHN COOLIDGE

• Mr. JEFFORDS. Mr. President, my home town of Shrewsbury, Vermont, can be a good way farther from Plymouth than it looks, at first glance, on a map. Though the towns' borders touch, Plymouth is on the east side of the Green Mountains in Windsor Country, Shrewsbury's in Rutland County high on the mountains' west side. In the winter the drive is about 25 miles, though it shortens to seven in the summer, when the old CCC Road is open. But the two old Vermont mountain towns are, in reality, close in spirit, due in considerable part to the "Coolidge connection".

I thought about this last week on receiving the sad news of the death of John Coolidge, at 93, the son of President Calvin Coolidge. I had seldom been to The Notch without seeing John, and his greeting was always warm and I usually heard another fascinating story about his father, Calvin, or his mother, Grace. Though father and son shared reputations for being men of few words as Calvin's autobiography shows, he was capable of true eloquence, as was John. Read his introduction to the book "Your Son Calvin Coolidge", if you doubt it.

But as I was saying, the Coolidges helped make Plymouth and Shrewsbury close. Calvin's sister Abbie taught school in Northam, before her early death. Aurora Pierce, the long-time housekeeper at the Coolidge homestead was a product of Shrewsbury. Her cousin Marjorie Pierce, of Shrewsbury, recalls that John Coolidge often stopped by on his annual summer visit to Aurora's grave in the Northam Cemetery. Aurora lived at the homestead long after Calvin Coolidge's death and jealously guarded its historic contents. We owe much to her for preserving, virtually intact, the contents of the house. She was, in her own unique way, a preservationist. So, too, was John.

John once told me that his grandfather, Col. John Coolidge said that to keep the Notch looking as it was would be the best memorial to President Coolidge. The Notch today remains virtually as it was when Calvin Coolidge was president. John Coolidge, working closely with the State of Vermont and through the wonderful Calvin Coolidge Memorial Foundation, which he and his wife Florence, were instrumental in founding, saw to that. It is comforting to know that a Vermonter like myself can always drop in on The Notch and see the Vermont of olden times, of open fields, farm homes, barns in good repair, all living on, and to know what a remarkable event in our nation's history happened in that remote setting-the 1923 homestead inaugural.

I was happy three years ago, to be able to deliver a federal appropriation to the Coolidge Foundation and I know it is being well used, continuing the legacy of Calvin Coolidge, a legacy so well carried on by his son.

John Coolidge left many legacies. He nobly and eloquently bore the mantle of first son, which came so suddenly upon him with his father's early death. He had a successful career in business, including the restarting of the Cheese Factory at the Notch. Time and again through countless interviews he showed the world what a true Vermonter was all about. And he made sure that the world "let Plymouth be" as it was in his father's time.

John Coolidge had always lived in Plymouth from spring until after the autumn leaves were gone. Then, two years ago, he came home to Plymouth Notch to live full time. One paper said he'd come home to die, but he really came home to live. He was proud that he spent his first two winters at The Notch and was added to the Plymouth checklist.

Now he will rest at the Notch Cemetery, besides his father and mother, his wife, his brother Calvin Jr., who died during the Coolidge presidency, and long generations of Coolidges. He will rest in a green and peaceful setting, in a valley he did so much to preserve. Vermont needs to forge on preserving its wondrous landscape, for it is too precious and rare to lose. John Coolidge knew that well and his beloved Notch will long serve as an example for coming generations of Vermonters, indeed, for all Americans.•

THE UNIVERSITY OF NORTH DAKOTA WINS THE INTERCOLLEGIATE FLYING ASSOCIATION NATIONAL CONFERENCE

• Mr. DORGAN. Mr President, I rise to recognize a recent achievement of the University of North Dakota's flying team. At the end of May, UND won the National Intercollegiate Flying Association National Championship. This is the eleventh such title for our University.

This national championship team placed first in the flight and ground events by scoring 162 points in the 10 different events—32 points more than its closest competitor. Erich Hess won first place in Top Pilot honors and secured the Craig Morrison award by receiving the top combined scores in Computer Accuracy, Simulated Comprehensive Aircraft Navigation and Preflight. Brain Visocky received second place in Top Pilot honors and took first place honors in the Short Field Landing event. Ten other committed students at the John D. Odegard School of Aerospace Sciences helped lead UND to its first place victory.

I commend Coach Al Skramstad and Assistant Coach Eric Brusven for their work in helping these students rigorously prepare for this annual event. Winning the national championship is a significant achievement that could not have been realized if it were not for an enormous commitment on the part of both the students and their instructors.

The University of North Dakota is located in Grand Forks, ND, and I'm honored to have graduated from this great university. The John D. Odegard School of Aerospace Sciences has always played a significant role at the University as an international leader in collegiate and contract aviation education and training services. With more than 1,500 students, the School of Aerospace Science is the second largest college at UND.

And so today I salute the University of North Dakota and its extraordinary championship flying team.•

TRIBUTE TO FRED CAPPS

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the late Fred Capps and to offer condolences to his wife, Cathy, and their two young children, John and Lydia.

Commonwealth's Attorney Fred Capps lost his life fighting for the people he represented each day in the courtroom. Kentucky Senate President David Williams, a longtime friend of Mr. Capps, said it best: "He died a hero, protecting his family. He was defending his home and his children, and he didn't go down easy." As a prosecutor for Adair, Casey, Cumberland and Monroe counties, Mr. Capps was devoted to bringing criminals to justice. He gave his time and energy to protect the victims who needed his help and, in the end, he gave his life for their sake as well. I have a tremendous amount of respect for the sacrifices Mr. Capps made, and I am deeply saddened that such a fine Kentuckian has been lost.

Since this tragedy occurred, people across the State of Kentucky have spoken out in fond remembrance of Mr. Capps. Many have spoken about his reputation as a skilled prosecutor, and about his genuine concern for finding justice for innocent victims. But Mr. Capps also is remembered for the many hours he served as a volunteer and coach for the Burkesville Little League, and for his example as a committed family man. He was a devoted husband and father, loyal friend, community leader, and gifted attorney.

At times such as this, I am reminded of the fragility of life and the importance of family. From all accounts, Mr. Capps understood and valued these things while he was alive and has left a legacy of excellence for his children to remember. Hopefully it will be a comfort to the family and friends Mr. Capps leaves behind to know that he was loved and admired by so many in his community and throughout the entire State. On behalf of myself and my colleagues, we offer our deepest condolences to his loved ones, and express our gratitude for all Mr. Capps contributed to the counties he served, the State of Kentucky, and to our great Nation.•

VALANOS' 50TH ANNIVERSARY

• Mr. HOLLINGS. Mr. President, I rise today to recognize the couple behind one of the U.S. Senate's longstanding unofficial institutions—The Monocle on Capitol Hill. Connie and Helen Valanos opened The Monocle back in 1960 and served as impeccable hosts to generations of Senators, their staffs, friends and family. Now, their son, John, is carrying on that proud tradition. Peatsy and I will not be able to attend Connie and Helen's 50th wedding anniversary celebration. However, we send them our heartfelt congratulations and gratitude for their many years of service to the Senate.•

STALL H.S. STUDENTS EXCEL IN COMPETITION

• Mr. HOLLINGS. Mr. President, I would like to recognize a group of students from R.B. Stall High School in Charleston, S.C. who recently participated in the We the People . . . The Citizen and the Constitution national finals in Washington, D.C. They tested their knowledge of American constitutional government against 50 other student groups from across the country in a familiar format to those of us in the Senate—a congressional hearing. During the simulated hearing, students testified as constitutional experts before a panel of judges. Nineteen students, led by their teacher Karen Cabe Gibson, represented Stall High School at the competition. They were: Prerna Bihari, Amy Boller, Philip Brooks, Michael Brown, Adam D'Alessandro, Chad Gleaton, Mario King, Morwen Mansfield, Sharon Martin, Jackie Mixon, Katie Mixon, Thang Nguyen, James Nick, C.J. Parks, Shirkerah Robinson, Tamiko Robinson, Johnathan Tufts, Paula Weinreich and Toni Wiser. I commend these students for their impressive performance in the We the People . . The Citizen and the Constitution program administered by the Center for Civic Education. Their interest in the foundation of our government is refreshing and will prepare them to become active, responsible citizens and community leaders.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ENTITLED "SCIENCE AND ENGINEERING INDICATORS—2000"—MESSAGE FROM THE PRESIDENT—PM 112

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

As required by 42 U.S.C. 1863(j)(1), I am pleased to submit to the Congress a report of the National Science Board entitled, "Science and Engineering Indicators—2000." This report represents the fourteenth in a series examining key aspects of the status of American science and engineering in a global environment.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 8, 2000.*

MESSAGES FROM THE HOUSE

At 11:15 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3176. An act to direct the Secretary of the Interior to conduct a study to determine ways of restoring the natural wetlands conditions in the Kealia Pond National Wildlife Refuge, Hawaii.

H.R. 4435. An act to clarify certain boundaries on the map relating to Unit NC01 of the Coastal Barriers Resources System.

H.R. 4576. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 291. An act to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.

S. 356. An act to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes.

ENROLLED BILLS SIGNED

At 12:02 p.m. a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 777. An act to require the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies.

H.R. 2559. An act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes.

H.R. 3642. An act to authorize the President to award posthumously a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

At 3:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its readings clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4542. An act to designate the Washington Opera in Washington, D.C., as the National Opera.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3176. An act to direct the Secretary of the Interior to conduct a study to determine ways of restoring the natural wetlands conditions in the Kealia Pond National Wildlife Refuge, Hawaii, to the Committee on Environment and Public Works.

H.R. 4435. An act to clarify certain boundaries on the map relating to Unit NC01 of the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar.

H.R 4576. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today June 8, 2000, he had presented to the President of the United States the following enrolled bill:

S. 777. An act to require the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9157. A communication from the Administrator, U.S. Agency For International Development, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocation for fiscal year 2000; to the Committee on Foreign Relations.

EC-9158. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-9159. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of determinations on Export-Import Bank financing in support of the sale of helicopters to Colombia; to the Committee on Foreign Relations.

EC-9160. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of transmittal of the certification of the proposed issuance of an export license relative to Israel; to the Committee on Foreign Relations.

EC-9162. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the fiscal year 1999 report entitled "Support for European Democracy"; to the Committee on Foreign Relations.

EC-9163. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Model Comprehensive Program for the Treatment of Substance Abuse Metropolitan Area Treatment Enhancement System for fiscal years 1994 through 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9164. A communication from the Deputy Secretary of Education, transmitting, a draft of proposed legislation entitled "The Higher Education Technical Amendments Act of 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC-9165. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "FDA Review Fee Act of 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC-9166. A communication from the Acting Commissioner for Education Statistics, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, a report entitled "The Condition of Education"; to the Committee on Health, Education, Labor, and Pensions.

EC-9167. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to combating terrorism; to the Committee on Armed Services.

EC-9168. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "The Social Security Military Wage Credits Act"; to the Committee on Armed Services.

EC-9169. A communication from the , transmitting, pursuant to law, the report on the response to recommendations concerning improvements to the DOD Joint Manpower Process; to the Committee on Armed Services.

EC-9170. A communication from the Secretary of Energy and the Secretary of the Interior, transmitting jointly, a draft of proposed legislation entitled "The Oil Shale Reserve Transfer Act"; to the Committee on Armed Services.

EC-9171. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, a report relative to Tricare access to health care; to the Committee on Armed Services.

EC-9172. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report entitled "The Plan for Improved Demilitarization of Excess and Surplus Defense Property"; to the Committee on Armed Services.

EC-9173. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on Energy and Natural Resources.

EC-9174. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Uranium Industry Annual 1999"; to the Committee on Energy and Natural Resources.

EC-9175. A communication from the Assistant Secretary of the Interior for Policy, Management, and Budget, transmitting, pursuant to law, the annual report for fiscal year 1999 entitled "Outer Continental Shelf Lease Sales: Evaluation of Bidding Results"; to the Committee on Energy and Natural Resources.

EC-9176. A communication from the Deputy Secretary of the Interior, transmitting, a draft of proposed legislation entitled "The Northern Mariana Islands Covenant Implementation Act"; to the Committee on Energy and Natural Resources.

EC-9177. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation entitled "The Hardrock Mining Production Payments Act"; to the Committee on Energy and Natural Resources.

EC-9178. A communication from the Assistant Secretary of the Interior for Policy, Management, and Budget and the Under Secretary for Natural Resources and Environment, Department of Agriculture, transmitting jointly, a draft of proposed legislation entitled "The Recreational Fee Authority Act of 2000"; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2406: A bill to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself and Mrs. STEVENS):

S. 2693. A bill to amend title XIX of the Social Security Act to provide a more equitable Federal medical assistance percentage for Alaska; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 2694. A bill to amend section 313 of the Tariff Act of 1930 to make certain products eligible for drawback and to simplify and clarify certain drawback provisions; to the Committee on Finance.

By Mr. BOND:

S. 2695. A bill to convert a temporary Federal judgeship in the eastern district of Missouri to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Ms. COLLINS, and Mr. ROBB):

S. 2696. A bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. GRAMM, and Mr. FITZGERALD):

S. 2697. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MOYNIHAN (for himself, Mr. KERRY, Mr. ROCKEFELLER, Ms. SNOWE, Mr. ALLARD, Mr. BAUCUS, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. DASCHLE, Mr. DURBIN, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Ms. LANDRIEU, Mrs. LINCOLN, Ms. MIKULSKI, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. SCHUMER, Mr. THURMOND, Mr. ENZI, Mrs. BOXER, and Mr. DEWINE):

S. 2698. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2699. A bill to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of social security numbers and social security account numbers, and for other purposes; to the Committee on Finance.

By Mr. L. CHAFEE (for himself, Mr. LAUTENBERG, Mr. SMITH of New Hampshire, and Mr. BAUCUS):

S. 2700. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WYDEN (for himself, Mr. DEWINE, and Mr. ROCKEFELLER):

S. 2701. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for donations of computers to senior centers, to require a pilot program to enhance the availability of Internet access for older Americans, and for other purposes; to the Committee on Finance.

By Mr. BENNETT (for himself and Mr. SCHUMER):

S. 2702. A bill to require reports on the progress of the Federal Government in implementing Presidential Decision Directive No. 63 (PDD–63); to the Committee on Armed Services.

By Mr. AKAKA (for himself, Mr. DURBIN, Mr. SARBANES, Ms. MIKULSKI, Mr. EDWARDS, and Mr. BAUCUS):

S. 2703. A bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established; to the Committee on Governmental Affairs.

By Mr. KERREY (for himself, Mr BOND, Mr. DASCHLE, Mr. JOHNSON, Mr. BROWNBACK, and Mr. ROBERTS):

S. 2704. A bill to provide additional authority to the Army Corps of Engineers to protect, enhance, and restore fish and wildlife habitat on the Missouri River and to improve the environmental quality and public use and appreciation of the Missouri River; to the Committee on Environment and Public Works.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. AKAKA, Ms. COLLINS, Mr. DURBIN, Mr. LEVIN, and Mr. VOINOVICH):

S. 2705. A bill to provide for the training of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SANTORUM (for himself and Mr. KOHL):

S. 2706. A bill to amend the Agricultural Market Transition Act to establish a program to provide dairy farmers a price safety net for small- and medium-sized dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAPO (for himself, Mr. CRAIG, and Mr. BURNS):

S. 2707. A bill to help ensure general aviation aircraft access to Federal land and the airspace over that land; to the Committee on Energy and Natural Resources.

By Mr. ASHCROFT:

S. 2708. A bill to establish a Patients Before Paperwork Medicare Red Tape Reduction Commission to study the proliferation of paperwork under the Medicare program; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. BOND, Mr. BINGAMAN, Mr. DORGAN, Mr. DASCHLE, and Mr. KERREY):

S. 2709. To establish a Beef Industry Compensation Trust Fund with the duties imposed on products of countries that fail to comply with certain WTO dispute resolution decisions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CAMPBELL (for himself, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. ABRAHAM, Mr. BROWNBACK, Mr. HUTCHINSON, Mr. GRAHAM, Mr. DODD, and Mr. FEINGOLD):

S.J. Res. 48. A joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2693. A bill to amend title XIX of the Social Security Act to provide a more equitable Federal medical assistance percentage for Alaska; to the Committee on Finance.

THE ALASKA MEDICAID EQUITY ACT OF 2000

• Mr. MURKOWSKI. Mr. President, for more than 30 years, the State of Alaska was subjected to an economic inequity in the administration of the national Medicaid program.

With a poverty level 25 percent above the national average, and over one-sixth of the state's population Medicaid-eligible, Alaska delivers health care to many needy children, pregnant women, disabled and elderly poor Americans. These people deserve quality medical care, and Alaska delivers.

But three years ago, Congress recognized that the federal government was not paying its fair share of Alaska's Medicaid program. The one-size-fits-all formula that is used to calculate the federal Medicaid match is based upon the per capita income of individual states as it relates to the national per capita income. Simply put, states with higher per capita income pay a higher percentage of Medicaid costs. This formula works well for states that are near national norms for most economic indicators. But it certainly doesn't work in the State of Alaska, where most economic measurements are atypical compared with national averages.

The reason is fairly simple. It just costs more to live and do business in Alaska. Per capita income isn't a fair indicator unless it takes into account the cost of delivering care in that area. Somehow, however, the Medicaid formula forgot this.

In 1997, when Congress recognized this issue, it adopted legislation that reflected the state's higher costs and increased the federal Medicaid match. Instead of receiving a 50–50 match rate, as the formula would dictate, a 59.8–40.2 percent match rate was established.

Unfortunately, this legislation was a short term fix. It only allowed the formula change to remain in effect for three years. As a result, unless we change the law, the formula will revert to the same inequitable standard that was used previously. And unless we extend the formula change, vital health care services to Alaska's neediest patients will be compromised.

For this reason, I am introducing legislation that will extend the federal government's commitment to the health and well-being of Alaska's Medicaid beneficiaries. The "Alaska Medicaid Equity Act of 2000," which is cosponsored by Senator STEVENS, simply continues the spirit and intent of Congress by adjusting federal medical assistance percentage calculations to account for Alaska's unusually high delivery costs.

Three years after we first passed this legislation, the reasons and justifications for the adjustment still exist. The formula is still fundamentally unfair to Alaska.

Let me explain why. Alaska's per capita income is $28,523, the 17th highest in the country. In fact, it's right near the national average, which is $28,518. Although Alaska's per capita income suggests it is one of the richer states, it fails to take into account the high cost of living and the high cost of delivering health care.

Some studies show that it costs 71 percent more to deliver health care in Alaska. But let's look at some real numbers. From coast to coast, the U.S. dollar buys more goods and services than it does in Alaska.

In Portland, Oregon, it costs $66.00 to feed a family of four for one week. In Anchorage it costs $84.15. In Kodiak, that number jumps to $105.88. And out in Dillingham, that number rises to $144.57! We're comparing apples and oranges when we compare Alaska's per capita income to another state's average.

And how about electricity? In Portland, 1000 kilowatt hours costs $60.88. Anchorage residents are paying $92.83. Out in Bethel, Alaska, residents are paying $202.68.

When focusing solely on the delivery of health care services, the differences stand out even more. In Florida, a hospital room for one day costs, on average, $361. This is in line with lower 48 costs, which run between $350 and $450.

In Alaska, that same room costs $748—more than twice as much! A physician office visit is $53 in Florida. That visit costs $80 in Alaska—an increase of 66%!

You can look at virtually any good or service and see a comparable difference. A dollar simply doesn't buy the same thing in Alaska that it does in the lower 48. The numbers prove this. The federal government has admitted this. Federal government employees receive a salary adjustment in Alaska—a 25% cost of living adjustment. Military personnel receive a similar increase. Medicare pays higher as well. Even the Federal Poverty Level is adjusted to reflect the unique costs in Alaska. So why doesn't Medicaid?

Our bill merely continues the commitment Congress made to Alaska's Medicaid population three years ago. It's fair, and it makes sense. I ask my colleagues to assist me in rectifying this clear inequity for the state of Alaska; I ask my colleagues to support this bill.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alaska Medicaid Equity Act of 2000".

SEC. 2. AMENDMENT TO THE SOCIAL SECURITY ACT.

(a) IN GENERAL.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking "and (3)" and inserting "(3)"; and

(2) by striking the period and inserting ", and (4) for purposes of this title and title XXI, with respect to Alaska, the State percentage used to determine the Federal medical assistance percentage shall be that percentage which bears the same ratio to 45 percent as the square of the adjusted per capita income of Alaska (determined by dividing the State's 3-year average per capita income by 1.25) bears to the square of the per capita income of the 50 States.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect October 1, 2000.●

By Mr. CONRAD (for himself, Ms. COLLINS, and Mr. ROBB):

S. 2696. A bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes; to the Committee on Finance.

GRAY MARKET CIGARETTE COMPLIANCE ACT OF 2000

Mr. CONRAD. Mr. President, I am pleased today to join my good friends from Maine and Virginia, Ms. COLLINS and Mr. ROBB, in introducing the Gray Market Cigarette Compliance Act of 2000. The growth in this gray market in cigarettes represents not only an economic threat, but a significant public health menace as well. This legislation will provide law enforcement with better and more effective tools to fight this dangerous intrusion into our marketplace.

This bill concerns itself with cigarettes manufactured for overseas markets that nevertheless find their way into our domestic stream of commerce. Even if they have been manufactured in the United States, they are not required to comply with U.S. content disclosure and health labeling requirements. Thus, when they are brought back into the U.S. by gray market profiteers, they represent a serious public health concern. And because they are often sold at prices below those of products manufactured to comply with our tough cigarette marketing laws, they become more attractive and available to children.

The gray market is unfair competition, plain and simple. Consumers often purchase gray market products thinking they are the same as the legitimate products manufactured for sale in the U.S. When gray marketers bring in cigarettes that are not manufactured in full compliance with U.S. law, they mislead unwitting consumers.

Consumers are not the only ones affected. Gray marketers also harm the legitimate wholesalers and retailers who work hard and play by the rules by exploiting gray areas in the law in order to gain this unfair competitive advantage.

It is important to stress as well the implications of the gray market in cigarettes for states under the tobacco Master Settlement Agreement (MSA). One of the major components of the MSA provides that payments to states are based on a formula that takes into account the annual volume of tobacco sold in each state. Gray market cigarettes are not counted under that volume adjustment formula. Therefore, to the extent that gray market sales displace sales of cigarettes that are counted in the volume adjustment, states could lose a portion of the amounts they would otherwise receive under the MSA.

The Gray Market Cigarette Compliance Act will help consumers, retailers, wholesalers, and federal and state governments. It will strengthen the hand of law enforcement to combat the sale of gray market cigarettes and close loopholes that gray markets have been able to exploit. But most importantly, it will help keep cheap cigarettes out of the hands of children.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gray Market Cigarette Compliance Act of 2000".

SEC. 2. FINDINGS.

Congress finds that additional legislation is necessary to prevent evasion of United States taxes on cigarettes, to ensure that the packages of all cigarettes sold or distributed in the United States bear the health warnings required by Federal law, to ensure compliance with applicable Federal ingredient reporting requirements, and to improve the enforcement of existing United States trademark laws so as to prevent consumer confusion and deception. In support of this finding, Congress has determined that:

(1) PREVENTION OF FEDERAL TAX EVASION.—

(A) Cigarettes manufactured in the United States that are labeled and shipped for export are not subject to the excise taxes that otherwise would be payable with respect to such products when removed from the premises of the manufacturer.

(B) Enforcement difficulties are created for the authorities charged with ensuring that proper taxes are paid whenever export-labeled cigarettes are sold or distributed in the United States.

(C) The Balanced Budget Act of 1997 imposed restrictions on the domestic sale or distribution of export-labeled cigarettes, but such provisions have not been adequate to prevent continued evasion of United States taxes on cigarettes.

(D) Enforcement of Federal cigarette tax laws will be enhanced substantially if cigarettes manufactured in the United States and labeled for export are not sold or distributed in the United States.

(2) ENSURING COMPLIANCE WITH FEDERAL HEALTH WARNINGS AND INGREDIENT REPORTING REQUIREMENTS.—

(A) Congress has required that specified warnings appear on the packages of all cigarettes manufactured, packaged, or imported for sale or distribution in the United States.

(B) Congress has required that each person who manufactures, packages, or imports cigarettes for sale or distribution in the United States annually provide the Secretary of Health and Human Services with a list of the ingredients added to tobacco in the manufacture of such cigarettes.

(C) The public health objectives of the foregoing requirements will be advanced by adopting additional mechanisms for ensuring that these requirements are met with respect to all cigarettes for sale or distribution in the United States.

(3) ENFORCEMENT OF FEDERAL TRADEMARK LAWS.—

(A) Cigarettes manufactured for sale abroad have characteristics that differentiate them in material respects from cigarettes that bear the same trademarks but that are manufactured for sale in the United States.

(B) Such material differences may include tar and nicotine yields, incentive programs, and quality assurances with respect to distribution and storage.

(C) When cigarettes bearing trademarks registered in the United States are manufactured for sale or distribution outside the United States but are diverted or reimported for sale or distribution in the United States, there is a substantial risk of consumer confusion and deception. Stickers and other similar devices are inadequate to prevent such confusion and deception.

(D) In order to effectuate the purposes of the United States trademark laws, including the prevention of consumer confusion and deception, additional legislation is necessary to allow United States trademark holders to enforce fully their rights against infringing cigarettes whether such cigarettes were manufactured in the United States or abroad.

SEC. 3. RESTRICTIONS ON TOBACCO PRODUCTS INTENDED FOR EXPORT.

(a) RESTRICTIONS ON TOBACCO PRODUCTS INTENDED FOR EXPORT.—Section 5754 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 5754. RESTRICTIONS ON TOBACCO PRODUCTS INTENDED FOR EXPORT.

"(a) EXPORT-LABELED TOBACCO PRODUCTS.—Tobacco products and cigarette papers and tubes manufactured in the United States and labeled or shipped for exportation under this chapter—

"(1) may be transferred to or removed from the premises of a manufacturer or an export warehouse proprietor only if such articles are being transferred or removed without tax in accordance with section 5704;

"(2) except as provided in subsection (b), may be imported or brought into the United States, after their exportation, only if—

"(A) the requirements of section 4 of the Gray Market Cigarette Compliance Act of 2000 are satisfied; and

"(B) such articles either are eligible to be released from customs custody with the partial duty exemption provided in section 5704(d) or are returned to the original manufacturer of such article as provided in section 5704(c); and

"(3) may be sold or held for sale for domestic consumption in the United States only if such articles are removed from their export packaging and repackaged by the original manufacturer or its authorized agent into new packaging that does not contain the mark, label, or notice required by section 5704(b) and complies with all other domestic law applicable to such article.

This section shall apply to articles labeled for export by the original manufacturer even if the packaging or the appearance of such packaging to the consumer of such articles has been modified or altered by a person other than the original manufacturer or its authorized agent so as to remove or conceal or attempt to remove or conceal (including by the placement of a sticker over) any mark, label, or notice required by section 5704(b). For purposes of this section, sections 5704(d) and 5761, and such other provisions as the Secretary may specify by regulations, references to exportation shall be treated as including a reference to shipment to the Commonwealth of Puerto Rico.

"(b) EXCEPTIONS FOR EXPORT-LABELED TOBACCO PRODUCTS FOR PERSONAL USE.—The restrictions of subsection (a)(2) and the penalty and forfeiture provisions in section 5761(c) shall not apply to personal use quantities of tobacco products and cigarette papers and tubes, as defined in section 555(b)(8)(G) of the Tariff Act of 1930 (19 U.S.C 1555(b)(8)(G)).

"(c) CROSS REFERENCE.—Section 5761(c) contains civil penalties related to violations of this section. Section 5762(b) contains a criminal penalty applicable to any violation of this section. Section 5763(a)(3) contains forfeiture provisions related to violations of this section.".

(b) CLARIFICATION OF REIMPORTATION RULES.—Section 5704(d) of the Internal Revenue Code of 1986 (relating to tobacco products and cigarette papers and tubes exported and returned) is amended by—

(1) striking "a manufacturer of" and inserting "the original manufacturer, or its authorized agent, of such"; and

(2) inserting "authorized by such manufacturer to receive such articles" after "proprietor of an export warehouse".

(c) CONFORMING AMENDMENTS.—

(1) Section 5761(e) is amended by adding at the end the following: "For an exception to the application of the penalty under subsection (c), see section 5754(b).".

(2) Section 5763(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(3) EXPORT-LABELED TOBACCO PRODUCTS OR CIGARETTE PAPERS OR TUBES.—Any tobacco product, cigarette paper, or tube that was imported or brought into the United States, or is sought to be imported or brought into the United States in violation of section 5754(a)(2), or that is sold or being held for sale in violation of section 5754(a)(3), shall be forfeited to the United States. Notwithstanding any other provision of law, any product forfeited to the United States pursuant to this section shall be destroyed.".

(d) CLERICAL AMENDMENT.—The item relating to section 5754 in the table of sections for subchapter F of chapter 52 of the Internal Revenue Code of 1986 is amended to read as follows:

Sec. 5754. Restrictions on tobacco products intended for export.

SEC. 4. REQUIREMENTS APPLICABLE TO CIGARETTE IMPORTS.

(a) DEFINITIONS.—As used in this section:

(1) SECRETARY.—Except as otherwise indicated, the term "Secretary" means the Secretary of the Treasury.

(2) PRIMARY PACKAGING.—The term "primary packaging" refers to the permanent packaging inside of the innermost cellophane or other transparent wrapping and labels, if any. Warnings or other statements shall be deemed "permanently imprinted" only if printed directly on such primary packaging and not by way of stickers or other similar devices.

(b) REQUIREMENTS FOR ENTRY OF CIGARETTES.—

(1) GENERAL RULE.—Except as provided in paragraph (2), cigarettes (whether originally manufactured in the United States or in a foreign country) may be imported or brought into the United States only if—

(A) the manufacturer of those cigarettes has timely submitted, or has certified that it will timely submit to the Secretary of Health and Human Services the lists of the ingredients added to the tobacco in the manufacture of such cigarettes as described in section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

(B) the precise warning statements in the precise format specified in section 4 of such Act (15 U.S.C. 1333) are permanently imprinted on both—

(i) the primary packaging of all those cigarettes; and

(ii) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers;

(C) the manufacturer or importer of those cigarettes is in compliance as to those cigarettes being imported or brought into the United States with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of such Act (15 U.S.C. 1333(c));

(D) those cigarettes do not bear a trademark registered in the United States for cigarettes, or if those cigarettes do bear a trademark registered in the United States for cigarettes, the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

(E) the importer has submitted at the time of entry all of the certificates described in paragraph (3).

(2) EXEMPTIONS.—Cigarettes satisfying the conditions of any of the following subparagraphs shall not be subject to the requirements of paragraph (1):

(A) PERSONAL-USE CIGARETTES.—Cigarettes that are imported or brought into the United States in personal use quantities as defined in section 555(b)(8)(G) of the Tariff Act of 1930 (19 U.S.C 1555(b)(8)(G)).

(B) CIGARETTES BROUGHT INTO THE UNITED STATES FOR ANALYSIS.—Cigarettes that are imported or brought into the United States solely for the purpose of analysis in quantities suitable for such purpose, but only if the importer submits at the time of entry a certificate signed, under penalties of perjury, by the consignee (or a person authorized by such consignee) providing such facts as may be required by the Secretary to establish that such consignee is a manufacturer of cigarettes, a Federal or State government agency, a university, or is otherwise engaged in bona fide research and stating that such cigarettes will be used solely for analysis and will not be sold in domestic commerce in the United States.

(C) CIGARETTES INTENDED FOR NONCOMMERCIAL USE, REEXPORT, OR REPACKAGING.—Cigarettes—

(i) that are being imported or brought into the United States for delivery to the original manufacturer of such cigarettes, or to a cigarette manufacturer or an export warehouse authorized by such original manufacturer;

(ii) that do not bear a trademark registered in the United States for cigarettes, or if those cigarettes do bear a trademark registered in the United States for cigarettes, cigarettes for which the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

(iii) for which the importer submits a certificate signed by the manufacturer or export warehouse (or a person authorized by such manufacturer or export warehouse) to which such cigarettes are to be delivered (as provided in clause (i)) stating, under penalties of perjury, with respect to those cigarettes, that it will not distribute those cigarettes into domestic commerce unless prior to such distribution all steps have been taken to comply with subparagraphs (A), (B), and (C) of paragraph (1), and, to the extent applicable, section 5754(a)(3) of the Internal Revenue Code of 1986.

For purposes of this subsection, a trademark is registered in the United States if it is registered in the Patent and Trademark Office under the provisions of title I of the Act of July 5, 1946 (popularly known as the Trademark Act of 1946), and a copy of the certificate of registration of such mark has been filed with the Secretary. The Secretary shall make available to interested parties a current list of the marks so filed.

(3) CUSTOMS CERTIFICATIONS REQUIRED FOR CIGARETTE IMPORTS.—The certificates that must be submitted by the importer of cigarettes at the time of entry in order to comply with paragraph (1)(E) are—

(A) a certificate signed by the manufacturer of such cigarettes or an authorized official of such manufacturer stating under penalties of perjury with respect to those cigarettes, that such manufacturer has timely submitted, and will continue to submit timely, to the Secretary of Health and Human

Services the ingredient reporting information required by section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

(B) a certificate signed by such importer or an authorized official of such importer stating under penalties of perjury that—

(i) the precise warning statements in the precise format required by section 4 of the such Act (15 U.S.C. 1333) are permanently imprinted on both—

(I) the primary packaging of all those cigarettes; and

(II) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers; and

(ii) with respect to those cigarettes being imported or brought into the United States, such importer has complied, and will continue to comply, with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of such Act (15 U.S.C. 1333(c)); and

(C) either—

(i) a certificate signed by such importer or an authorized official of such importer stating under penalties of perjury that those cigarettes and the packages containing those cigarettes do not bear a trademark registered in the United States for cigarettes; or

(ii) if those cigarettes do bear a trademark registered in the United States for cigarettes—

(I) a certificate signed by the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) stating under penalties of perjury that such owner (or authorized person) consents to the importation of such cigarettes into the United States; and

(II) a certificate signed by such importer or an authorized official of such importer stating under penalties of perjury that the consent referred to in clause (i) is accurate, remains in effect, and has not been withdrawn. The Secretary may provide by regulation for the submission of certifications under this subsection in electronic form if prior to the entry of any cigarettes into the United States, the person required to provide such certifications submits to the Secretary a written statement, signed under penalties of perjury, verifying the accuracy and completeness of all information contained in such electronic submissions.

(c) Enforcement.—

(1) Civil penalty.—Any person who violates a provision of subsection (b) shall, in addition to the tax and any other penalty provided by law, be liable for a civil penalty for each violation equal to the greater of $1,000 or 5 times the amount of the tax imposed by chapter 52 of the Internal Revenue Code of 1986 on all cigarettes that are the subject of such violation.

(2) Forfeitures.—Any tobacco product, cigarette papers, or tube that was imported or brought into the United States or is sought to be imported or brought into the United States in violation of, or without meeting the requirements of, subsection (b) shall be forfeited to the United States. Notwithstanding any other provision of law, any product forfeited to the United States pursuant to this section shall be destroyed.

(3) Cross reference.—Section 1621 of title 18, United States Code, contains criminal penalties applicable to the commission of perjury under this section.

SEC. 5. PENALTIES APPLICABLE TO THE SALE OF CIGARETTES NOT IN COMPLIANCE WITH LABELING REQUIREMENTS.

(a) Civil Penalty.—Any person who sells or holds for sale for domestic consumption any cigarettes for which the precise warning statements in the precise format required by section 4 of the Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are not permanently imprinted on both—

(1) the primary packaging of all those cigarettes; and

(2) any other pack, box, carton, or container of any kind in which those cigarettes are offered for sale, sold, or otherwise distributed to consumers,

shall, in addition to the tax and any other penalty provided in this title, be liable for a penalty for each violation equal to the greater of $1,000 or 5 times the amount of the tax imposed by chapter 52 of the Internal Revenue Code of 1986 on all cigarettes that are the subject of such violation.

(b) Forfeitures.—Cigarettes that are sold, or are being held for domestic sale, in the United States (and not for export or duty-free sale) shall be forfeited to the United States if the precise warning statements in the precise format required by section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are not permanently imprinted on both—

(1) the primary packaging of all those cigarettes; and

(2) any other pack, box, carton, or container of any kind in which those cigarettes are offered for sale, sold, or otherwise distributed to consumers.

(c) Enforcement.—The provisions of this section shall be enforced by the Secretary of the Treasury through the Bureau of Alcohol, Tobacco, and Firearms and such other agencies within the Department of the Treasury as the Secretary may determine.

(d) Treatment of transfers.—Transfers of cigarettes that meet the requirements for transfer or removal free of tax under section 5704 of the Internal Revenue Code of 1986 and transfers of cigarettes pursuant to section 4(b) of this Act shall not be treated as sales for domestic consumption under this section.

(e) Destruction of Forfeited Articles.—Notwithstanding any other provision of law, any article forfeited to the United States pursuant to this section shall be destroyed.

(f) Definitions.—For purposes of this section, the term "primary packaging" shall refer to the permanent packaging inside of the innermost cellophane or other transparent wrapping and labels, if any. Warnings or other statements shall be deemed "permanently imprinted" only if printed directly on such primary packaging and not by way of stickers or other similar devices.

SEC. 6. EFFECTIVE DATES.

(a) In General.—Except as provided in subsection (b), this Act, and the amendments made by this Act, shall take effect upon the date of enactment of this Act. Nothing in this subsection shall be construed to affect the effective date of the provisions of section 9302 of the Balanced Budget Act of 1997 (Public Law 105–33).

(b) Exceptions.—The amendments to sections 5754(a)(3) and 5763(a)(3) of the Internal Revenue Code of 1986, and the provisions of sections 4 and 5 of this Act shall take effect after the date which is 60 days after the date of enactment of this Act.

SEC. 7. STUDY.

The Director of the Bureau of Alcohol, Tobacco, and Firearms shall study whether the penalties imposed under sections 5761, 5762, and 5763 of the Internal Revenue Code of 1986 are adequate to enforce the provisions of sections 5704(d) and 5754 of such Code and report the results of such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate within 1 year of the date of enactment of this Act.

SEC. 8. SEVERABILITY.

If any provision of this section is held to be invalid as it relates to any particular circumstance, such provision shall remain valid under all other circumstances, and all other provisions of this section shall remain in full force and effect. If any provision of this section is held to be invalid in its entirety, all other provisions of this section shall remain in full force and effect.

SEC. 9. SAVINGS.

The civil or criminal penalties and remedies provided by this Act and any other civil or criminal penalty and remedy provided by chapter 52 of the Internal Revenue Code of 1986 and section 4 of this Act that are applicable to any violation shall not be exclusive, but shall be in addition to any other remedy provided by law.

By Mr. LUGAR (for himself, Mr. GRAMM, and Mr. FITZGERALD):

S. 2697. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE COMMODITY FUTURES MODERNIZATION ACT OF 2000

• Mr. LUGAR. Mr. President, I rise today with Senator GRAMM, distinguished Chairman of the Senate Banking Committee, and Senator FITZGERALD, distinguished Chairman of the Subcommittee on Research, Nutrition and General Legislation of the Senate Agriculture Committee, to introduce legislation to reauthorize the Commodity Exchange Act (CEA), which lapses on September 30th of this year. The Commodity Futures Modernization Act of 2000 would reauthorize the Commodity Exchange Act (CEA) for five additional years and would reform the Commodity Exchange Act in three primary ways. First, it would incorporate the unanimous recommendations of the President's Working Group (PWG) on the proper legal and regulatory treatment of over-the-counter (OTC) derivatives. Second, it would codify the regulatory relief proposal of the Commodity Futures Trading Commission (CFTC) to ensure that futures exchanges are appropriately regulated and remain competitive. Lastly, this legislation would reform the Shad-Johnson jurisdictional accord, which banned single stock futures 18 years ago.

Derivative instruments, both exchange-traded and over-the-counter (OTC), have played a significant role in our economy's current expansion due to their innovative nature and their risk-transferring attributes. According to the International Swaps and Derivatives Association, the global derivatives market has a notional value that exceeds $58 trillion and it has grown at a rate exceeding 20 percent since 1990. Identified by Alan Greenspan as the "most significant event in finance of the past decade," the development of the derivatives market has substantially added to the productivity and wealth of our nation.

Derivatives enable companies to unbundle and transfer risk to those entities who are willing and able to accept it. By doing so, efficiency is enhanced as firms are able to concentrate on their core business objective. A farmer can purchase a futures contract, one type of derivative, in order to lock in a price for his crop at harvest. Automobile manufacturers, whose profits earned overseas can fluctuate with changes in currency values, can minimize this uncertainty through derivatives, allowing them to focus on the business of building cars. Banks significantly lessen their exposure to interest rate movements by entering into derivatives contracts known as swaps, which enable these institutions to hedge their risk by exchanging variable and fixed rates of interests.

Signed into law in 1974, the Commodity Exchange Act requires that futures contracts be traded on a regulated exchange. As a result, a futures contract that is traded off an exchange is illegal and unenforceable. When Congress enacted the CEA and the Commodity Futures Trading Commission (CFTC) to enforce it, this was not a concern. The meanings of 'futures' and 'exchange' were relatively apparent. Furthermore, the over-the-counter derivatives business was in its infancy. However, in the 26 years since the statute's creation, the OTC swaps and derivatives market, sparked by innovation and technology, has significantly outpaced the exchange-traded futures markets. And along with this expansion, the definitions of a swap and a future began to blur.

In 1998, the CFTC released a concept release on OTC derivatives, which was perceived by many as a precursor to regulating these instruments as futures. Just the threat of reaching this conclusion could have had considerable ramifications, given the size and importance of the OTC market. The legal uncertainty interjected by this dispute jeopardized the entirety of the OTC market and threatened to move significant portions of the business overseas. If we were to lose this market, most likely to London, it would take years to bring it back to U.S. soil. The resulting loss of business and jobs would be immeasurable.

This threat led the Treasury Department, the Federal Reserve, and the SEC to oppose the concept release and request that Congress enact a moratorium on the CFTC's ability to regulate these instruments until after the President's Working Group (PWG) could complete a study on the issue. As a result, Congress passed a six-month moratorium on the CFTC's ability to regulate over-the-counter derivatives. Despite reservations, I supported this moratorium because it brought legal assurance to this skittish market and it allowed the President's Working Group time to develop recommendations on the most appropriate legal treatment of OTC derivatives. In November 1999, the President's Working Group completed its unanimous recommendations on OTC derivatives and presented Congress with these findings.

This legislation adopts much of the recommendations of the PWG report. Our bill contains three mechanisms for ensuring that legal certainty is attained and that certain transactions remain outside the Commodity Exchange Act. The first, the electronic trading facility exclusion, would exclude transactions in financial and energy commodities from the Act if conducted: (1) on a principal to principal basis; (2) between institutions or sophisticated persons with high net worth; and (3) on an electronic trading facility. The second would exclude these transactions if (1) they are conducted between institutions or sophisticated persons with high net worth; and (2) they are not on a trading facility. The third exclusion clarifies the Treasury Amendment language already contained in the CEA. It would exclude all transactions in foreign currency and government securities from the Act unless those transactions are futures contracts and traded on an organized exchange. As recommended by the PWG, the bill would give the CFTC jurisdiction over non-regulated off-exchange retail futures transactions in foreign currency. Another important recommendation of the PWG was to authorize futures clearing facilities to clear OTC derivatives in an effort to lessen systemic risk and this bill incorporates this finding.

As part of this legal certainty section, our legislation also addresses the concern that excluding OTC derivatives from the futures laws will invite the SEC to regulate these products as securities. With Senator GRAMM's leadership, this legislation would adopt language that would ensure that these products maintain their current regulatory status and remain healthy and competitive.

The second major section of this legislation addresses regulatory relief. In February of this year, the CFTC issued a regulatory relief proposal that would provide relief to futures exchanges and their customers. Instead of listing specific requirements for complying with the CEA, the proposal would require exchanges to meet internationally agreed-upon core principals. The CFTC proposal creates tiers of regulation for exchanges based on whether the underlying commodities being traded are susceptible to manipulation or whether the users of the exchange are limited to institutional customers.

The legislation incorporates this framework. A board of trade that is designated as a contract market would receive the highest level of regulation due to the fact that these products are susceptible to manipulation or are offered to retail customers. Futures on agricultural commodities would fall into this category. This bill also sets out that in lieu of contract market designation, a board of trade may register as a Derivatives Transaction Execution Facility (DTEF) if the products being offered are not susceptible to manipulation and are traded among institutional customers or retail customers who use large Futures Commission Merchants (FCMs) who are members of a clearing facility. Lastly, a board of trade may choose to be an Exempt Board of Trade (XBOT) and not be subject to the Act (except for the CFTC's anti-manipulation authority) if the products being offered are traded among institutional customers only (absolutely no retail) and the instruments are not susceptible to manipulation. Our bill would allow a board of trade that is a DTEF or an XBOT to opt to trade derivatives that are otherwise excluded from the Act on these facilities and to the extent that these products are traded on these facilities, the CFTC would have exclusive jurisdiction over them. With this provision, the intent is to provide these facilities that trade derivatives with a choice—if regulation is beneficial, the facility may choose to be regulated. If not, the facility may choose to be excluded or exempted from the Act.

The bill's last section addresses the Shad-Johnson jurisdictional accord. In 1982, SEC Chairman John Shad and CFTC Chairman Phil Johnson reached an agreement on dividing jurisdiction between the agencies for those products that had characteristics of both securities and futures. Known as the Shad-Johnson Accord, this agreement prohibited single stock futures and delineated jurisdiction between the SEC and the CFTC on stock index futures and other options.

Meant as a temporary agreement, many have suggested that the Shad-Johnson accord should be repealed. The President's Working Group unanimously agreed that the Accord can be repealed if regulatory disparities are resolved between the regulation of futures and securities. Recently, the General Accounting Office (GAO) released a report that found that there is no legitimate policy reasons for maintaining the ban on single stock futures since they are being traded in foreign markets, in the OTC market, and synthetically in the options markets. Senator GRAMM, chairman of the Senate Banking Committee, and I sent a letter in December requesting the CFTC and the SEC to make recommendations on reforming the Shad-Johnson. On March 2, the SEC and CFTC responded that, although progress had been made, the agencies could not resolve these issues before October. Disappointment with this answer led Senator GRAMM and I to once again ask SEC Chairman Arthur Levitt and CFTC Chairman Bill Rainer to attempt to resolve the problems surrounding lifting the ban. Unfortunately, the agencies were not able to reach an agreement within our timeframe.

This legislation would repeal the prohibition on single stock futures and narrow-based stock index futures. It would allow these products, termed designated futures on securities, to trade on either a CFTC-regulated contract market or a SEC-regulated national securities exchange or association. The SEC would maintain its insider trading and antifraud enforcement authority over these products traded on a contract market and the CFTC would maintain its anti-manipulation authority, including large trader reporting, over these products traded on a national securities exchange or association. Margin levels on these products would be harmonized with the options markets. The bill would provide the regulators with one year after enactment to resolve any remaining issues.

The goal of this legislation is to ensure that the United States remains a global leader in the derivatives marketplace and that these markets are appropriately and effectively regulated. Due to the shortened legislative calendar in this election year, it will be difficult to pass this bill without momentum and a strong base of support. If Congress fails to enact a bill, we will begin the debate again next year. However, in this technology-driven economy, a one year delay is an eternity. Legal uncertainty for OTC derivatives will remain and our futures markets will continue to lose market share due in part to an outdated regulatory structure. For this reason, it is imperative that Congress enact thoughtful legislation this year when it has a golden opportunity to do so.

I ask unanimous consent that a section by section analysis of this bill be included in the RECORD immediately after my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS—COMMODITY FUTURES MODERNIZATION ACT OF 2000

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS. The Act is entitled the Commodity Futures Modernization Act of 2000

SEC. 2. PURPOSES. The section lists 8 purposes for the bill including reauthorizing and streamlining the Commodity Exchange Act (CEA); eliminating unnecessary regulation for the futures exchanges; clarifying the jurisdiction of the CFTC over certain retail foreign currency transactions; transforming the role of the Commodities Futures Trading Commission (CFTC); providing a legislative and regulatory framework for the trading of futures on securities; promoting innovation and reducing systemic risk for futures and over-the-counter (OTC) derivatives; allowing clearing of OTC derivatives and enhancing the competitive position of the U.S. financial institutions and markets.

SEC. 3. DEFINITIONS. Adds definitions to section 1(a) of the CEA for the following terms: derivatives clearing organizations; designated future on a security; electronic trading facility; eligible contract participant; energy commodity; exclusion-eligible commodity; exempted security; financial commodity; financial institution, hybrid instrument; national securities exchange; option organized exchange; registered entity; security and trading facility.

SEC. 4. AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN FOREIGN CURRENCY, GOVERNMENT SECURITIES AND CERTAIN OTHER COMMODITIES. Strikes 2(a)(1)(A)(ii) (the current law Treasury Amendment) and replaces it with a new subsection 2(c), which states that nothing in the CEA applies to transactions in foreign currency, government securities and other similar instruments unless these instruments are futures traded on an organized exchange. The bill defines "organized exchange" as a trading facility that either allows retail customers, permits agency trades, or has a self regulatory role. Subparagraph (2)(B) provides the CFTC with jurisdiction over retail foreign currency transactions that are not traded on an organized exchange and that are not regulated by another federal regulator.

SEC. 5. LEGAL CERTAINTY FOR OVER-THE-COUNTER TRANSACTIONS. Amends section 2 of the CEA to create a new subsection 2(d), which provides two exclusions from the CEA for over-the-counter derivatives. Section 2(d)(1) provides that nothing in the CEA applies to transactions in an exclusive-eligible commodity if the transaction: (1) is between eligible contract participants (large, institutional entities) and (2) is not executed on a trading facility. The second exclusion in paragraph (d)(2) provides that nothing in the CEA shall apply to a transaction in exclusion-eligible commodity if the transaction: (1) is entered into on a principal to principal basis between parties trading for their own accounts; (2) is between eligible contract participants (large, institutional entities) and (3) is executed on an electronic trading facility. Paragraph (d)(3) provides that derivatives on energy commodities (i.e., energy swaps) that have been excluded from the CEA would be subject to anti-manipulation provisions of the CEA.

SEC. 6. EXCLUDED ELECTRONIC TRADING FACILITIES. Amends section 2 of the CEA to create a new subsection 2(e) that provides that trading instruments that are otherwise excluded from the CEA on an electronic trading facility does not subject the transactions to the CEA. Paragraph (c)(2) states that nothing in the DEA shall prohibit a contract market or derivatives transaction execution facility from establishing and operating an excluded electronic trading facility.

SEC. 7. HYBRID INSTRUMENTS. Amends section 2 of the CEA to create a new subsection 2(f) that provides that nothing in the CEA applies to a hybrid instrument that is predominantly a security to mean any hybrid instrument in which (1) the issuer of the instrument receives payment in full of the purchase price at the time the instrument is delivered; (2) the purchaser is not required to make additional payments; (3) the issuer of the instrument is not subject to mark-to-market margining requirements; and (4) the instrument is not marketed as a futures contract. Paragraph (f)(3) clarifies that mark-to-market requirements do not include the obligation of an issuer of a secured debt instrument to increase the amount of collateral for the instrument.

SEC. 8. FUTURES ON SECURITIES. Amends section 2 of the CEA by adding a new subsection 2(g) that repeals the Shad Johnson jurisdictional accord. The new section 2(g)(1) is a savings clause to ensure that excluded OTC equity derivatives remain outside the CEA and the jurisdiction of the CFTC. This paragraph also prohibits the CFTC from designating a board of trade as a contract market in options on securities (as in current law).

Paragraph (2) allows the trading of futures on security indexes on contract markets. Gives the CETC exclusive jurisdiction in regulating these futures. In order for these products to be designated as a contract market, the contracts must be cash settled and must not be susceptible to manipulation (applies to both the price of the contract or the underlying securities (or an option on such securities)).

Paragraph (3) allows the trading of designated futures on securities (defined in the bill as a contract for future delivery on a single non-exempted security, an index based on fewer than 5 non-exempted securities or an index in which a single stock predominates by its value accounting for more than 30 percent of the index's total value). The Act authorizes these products to be traded on designated contract markets and national securities exchanges or associations.

Paragraph (4) provides criteria for contract market designation of these products including: cash settlement; real-time audit trails; insusceptibility to price manipulation (both of the contract and the underlying stock or an option on that stock); eligibility for listing on a national securities exchange; margin requirements; conflict of interest rules; and making information available to the regulators.

Paragraph (5) authorizes the SEC to enforce the securities laws related to insider trading and fraud with respect to designated futures on securities listed on a contract market. This paragraph also requires the SEC and the CFTC, beginning three years from the date of enactment, to jointly compile a report on the implementation of this new authority and, four years after the date of enactment, to submit the report to Congress.

Paragraph (6) authorizes the CFTC to enforce its large trader reporting and other antifraud and antimanipulation authorities for designated futures on securities listed on a national securities exchange. It requires national securities exchanges to provide the CFTC information to enforce these provisions.

Paragraph (7) provides the process for listing a designated future on security on either a futures exchange or national securities exchange.

As in current law, paragraph (8) provides the Federal Reserve with the authority to set margin and delegate this authority. The paragraph would allow the Federal Reserve to create a three member board consisting of members of the CFTC, SEC and the Federal Reserve to set and maintain margin levels on designated futures on securities.

SEC. 9. PROTECTION OF THE PUBLIC INTEREST. Replaces section 3 of the CEA with a new section listing the responsibilities of the CFTC in protecting the public interest. These include: ensuring the financial integrity of all transactions subject to the Act; protecting market participants from fraud and manipulation; preventing market manipulation and minimizing the risk of systemic failure; and promoting financial innovation and fair competition.

SEC. 10. PROHIBITED TRANSACTIONS. Rewrites the current section 4c for clarity and adds a new provision (sec. 4c(a)(3)(B)) to allow futures commission merchants to trade futures off the floor of a futures exchange as long as the board of trade allows such transactions and the FCMs report, record and clear the transactions in accordance with the rules of the contract market or derivatives trading execution facility.

SEC. 11. DESIGNATION OF BOARDS OF TRADE AS CONTRACT MARKETS. Strikes current law sections 5 and 5a and adds a new section 5 providing for the designation of boards of trade as contract markets. Subsection (b) contains criteria that boards of trade must meet in order to be designated as a contract market. These include establishing and enforcing rules preventing market manipulation; ensuring fair and equitable trading; specifying how the trade execution facility operates—including any electronic matching systems; ensuring the financial integrity of transactions; disciplining members or market participants who violate the rules; allowing for public access to the board of trade rules and enabling the board of trade to obtain information in order to enforce its rules. Existing contract markets are grand fathered in.

The 17 core principles that must be met to maintain designation as a contract market are contained in (d) and provide that the board of trade must: monitor and enforce compliance with the contract market rules; list only contracts that are not susceptible to manipulation; monitor trading to prevent manipulation, price distortion and delivery or settlement disruptions; adopt position limits for speculators; adopt rules to provide for the exercise of emergency authority, including the authority to liquidate or transfer open positions, suspend trading and make margin calls; make available the terms and conditions of the contracts and the mechanisms for executing transactions; publish daily information on prices, bids, offers, volume, open interest, and opening and closing ranges; provide a competitive, open and efficient market and mechanism for executing transactions; provide for the safe storage of all trade information in a readily usable manner to assist in fraud prevention; provide for the financial integrity of the contracts, the futures commission merchants and customer funds; protect market participants from abusive practices; provide for alternative dispute resolutions for market participants and intermediaries; establish and enforce rules regarding fitness standards for those involved in market governance; ensure that the governing board reflects the composition of the market participants (in the case of mutually owned exchanges); maintain records and make them available at any time for inspection by the Attorney General; and avoid taking any action that restrains trade or imposes anticompetitive burdens on the markets.

SEC. 12. DERIVATIVES TRANSACTION EXECUTION FACILITIES. Amends the CEA by adding a new section 5a authorizing a new trading designation, derivatives transaction execution facility (DTEF). Under (b), a board of trade may elect to operate as a DTEF rather than a contract market if they meet the DTEF designation requirements. A registered DTEF may trade any non-designated futures contract if the commodity underlying the contract has a nearly inexhaustible supply, is not susceptible to manipulation and does not have a cash market in commercial practice. Eligible DTEF traders include authorized contract market participants and persons trading through registered futures commission merchants with capital of at least $20,000,000 that are members of a futures self-regulatory organization (SRO) and a clearing organization. Boards of trade that have been designated as contract markets may operate as DTEFs if they provide a separate location for DTEF trading or, in the case of an electronic system, identify whether the trading is on a DTEF or contract market.

Subsection (c) provides requirements for boards of trade that wish to register as DTEFs, including: establishing and enforcing trading rules that will deter abuses and provide market participants impartial access to the markets and capture information that may be used in rule enforcement; define trading procedures to be used; and provide for the financial integrity of DTEF transactions.

To maintain registration as a DTEF, the board of trade must comply with 8 core principles listed in (d): maintain and enforce rules; ensure orderly trading and provide trading information to the CFTC; publicly disclose information regarding contract terms, trading practices, and financial integrity protections; provide information on prices, bids and offers to market participants as well as daily information in volume and open interest for the actively traded contracts; establish and enforce rules regarding fitness standards for those involved in DTEF governance; maintain records and make them available at any time for inspection by the Attorney General; and avoid taking any action that restrains trade or imposes anticompetitive burdens on the markets.

Subsection (e) allows a broker-dealer or a bank in good standing to act as an intermediary on behalf of its customers and to receive customer funds serving as margin or security for the customer's transactions. If the broker-dealer holds the DTEF customer funds or accounts for more than 1 business day, the broker-dealer must be a registered FCM and a member of a registered futures association. The CFTC and SEC are to coordinate in adopting rules to implement this subsection.

Under (f), the CFTC may adopt regulations to allow FCMs to give their customers the right to not segregate customer funds for purposes of trading on the DTEF.

Subsection (g) clarifies that a DTEF may trade derivatives that otherwise would be excluded from the CEA and the CFTC has exclusive jurisdiction only when these instruments are traded on a DTEF.

SEC. 13. DERIVATIVES CLEARING ORGANIZATIONS. Amends the CEA to create a new section 5b regarding derivatives clearing organizations. Under subsection (a), these clearing entities, which are allowed to clear derivatives (that are not a security), must register with the CFTC and meet a set of 14 core principals set out in subsection (d), including principals on financial resources of the clearing facility, participant eligibility, risk management systems, settlement procedures, treatment of client funds, default rules, rule enforcement, system safeguards, reporting, record keeping, public information disclosure, information sharing, and minimizing competitive restraints.

Under subsection (b), a derivatives clearing organization will not have to register with the CFTC if it is registered with another federal financial regulator and it does not clear futures. Under subsection (c), a derivatives clearing organization that is exempt from registration may opt to register with the CFTC. Subsection (e) provides that existing clearing entities that clear futures contracts on a designated contract market will be grand fathered in as a derivatives clearing organization.

SEC. 14. COMMON PROVISIONS APPLICABLE TO REGISTERED ENTITIES. Amends the CEA to create a new section 5c that contains provisions affecting all registered entities (contract markets, derivatives transaction execution facilities and derivatives clearing organizations).

Subsection (a) would allow the CFTC to issue or approve interpretations to describe what would constitute an acceptable business practice under the core principals for registered entities.

Subsection (b) would allow a registered entity to delegate its self regulatory functions to a registered futures association, while specifying that responsibility for carrying out these functions remain with the registered entity.

Subsection (c) would enable the registered entity to trade new products or adopt or amend rules by providing the CFTC a written certification that the new contract or new rule or amendment complies with the CEA. This subsection would allow a registered entity to request that the CFTC grant prior approval of a new contract, new rule or rule amendment. This subsection would require the CFTC to pre-approve rule changes to open agricultural contracts.

Subsection (d) grants the CFTC the authority to informally resolve potential violations of the core principals for registered entities.

SEC. 15. EXEMPT BOARDS OF TRADE. Amends the CEA to create a new section 5d regarding exempt boards of trade. Under subsections (a) and (b), futures contracts traded on an exempt board of trade would be exempt from the CEA (except section 2(g) regarding equity futures) if (1) participants are eligible contract participants (large institutional investors) and (2) the commodity underlying the futures contract has an inexhaustible deliverable supply, is not subject to manipulation, or has no cash market. Subsection (c) subjects futures contracts traded on an exempt board of trade to the anti-fraud and anti-manipulation provisions of the CEA. Under subsection (d), if the CFTC finds that an exempt board of trade is a significant source of price discovery for the underlying commodity, the board of trade shall disseminate publicly on a daily basis trading volume, opening and closing price ranges, open interest, and other trading data as appropriate to the market.

SEC. 16. SUSPENSION OR REVOCATION OF DESIGNATION AS CONTRACT MARKET. Designates current section 5b as 5d and amends it to authorize the CFTC to suspend the registration of a registered entity for 180 days for any violation of the CEA.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS. Amends section 12(d) of the CEA by striking 2000 and reauthorizing appropriations through fiscal year 2005.

SEC. 18. PREEMPTION. Rewrites paragraph 12(e)(2) of the CEA for clarity and to conform with changes made in the bill. Re-states the current provisions that the CEA supercedes and preempts other laws in the case of transactions conducted on a registered entity or subject to regulation by the CFTC (even if outside the United States), and adds that in the case of excluded electronic trading facilities, and any agreements, contracts or transactions that are excluded or covered by a 4(c) exemption, the CEA supercedes and preempts state gaming and bucket shop laws (except for the anti-fraud provisions of those laws that are generally applicable).

SEC. 19. PREDISPUTE RESOLUTION AGREEMENTS FOR INSTITUTIONAL CUSTOMERS. Amends section 14 of the CEA to clarify that futures commission merchants, as a condition of doing business, may require customers, that are eligible contract participants, to waive their right to file a reparations claim with the CFTC.

SEC. 20. CONSIDERATION OF COSTS AND BENEFITS AND ANTITRUST LAWS. Amends section 15 of the CEA to add a new subsection (a) requiring the CFTC, before promulgating regulations and issuing orders, to consider the costs and benefits of their action. This does not apply to orders associated with an adjudicatory or investigative process, emergency actions or findings of fact regarding compliance with CFTC rules.

SEC. 21. CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES. Amends section 22 of the CEA to provide a safe harbor so that transactions will not be voidable based solely on the failure of the transaction to comply with the terms or conditions of an exclusion or exemption from the Act or CFTC regulations.

SEC. 22. LEGAL CERTAINTY FOR SWAPS. Provides that the SEC does not have jurisdiction over swap agreements. Places a one year moratorium on banks being able to market swaps to the retail public. Requests the President's Working Group to conduct a study on the regulatory treatment of swaps offered to retail customers.

SEC. 23. TECHNICAL AND CONFORMING AMENDMENTS. Makes technical and conforming amendments throughout the CEA to reflect changes made by the bill.

SEC. 24. EFFECTIVE DATE. The Act takes effect on the date of enactment, except section 8 (dealing with futures on securities), which takes effect one year after enactment.●

Mr. GRAMM. Mr. President, today I join with Senator LUGAR, chairman of the Senate Agriculture Committee, to introduce the Commodity Futures Modernization Act of 2000. The formal purpose of this legislation is to reauthorize the Commodity Exchange Act, the legal authority for the Commodity Futures Trading Commission. As important as that is, this legislation does far more.

This is a landmark bill, that addresses four chief goals that Senator LUGAR and I set out to achieve when we first began discussing this legislation. First of all, this bill would repeal the so-called Shad-Johnson Accord, the 18-year-old temporary prohibition on the trading of futures based on individual stocks. Second, the bill eliminates the legal uncertainly that today hangs as an ominous cloud over the $7 trillion financial swaps markets. Third, the bill addresses the need to harmonize the treatment of margins among the futures, stock, and options markets. Fourth, the bill provides important and necessary regulatory relief to the futures and securities markets.

One of the most notable aspects of this bill is that it brings together the chairmen of the two committees with jurisdiction over these issues, the Agriculture Committee and the Banking Committee. To start out with such cooperation speaks well, I believe, for the prospects for this legislation. While the Commodity Exchange Act is clearly within the jurisdiction of the Agriculture Committee, stocks, options, and swaps are within the jurisdiction of the Banking Committee.

The next step for this bill will be joint hearings of our two committees to consider it. Few bills are in a perfected form when first introduced, and I fully expect that additional changes will be made to this one before it becomes law. For example, I hope to see additional measures of regulatory relief for the securities markets included.

But this bill is a fine beginning, introduced in the best way. We bring together two committees that could choose to argue over turf but instead are choosing to cooperate to make changes in law that are needed to ensure that our financial market places continue to lead the world. At the same time, we will be providing the widest choice of investment opportunities for American businesses and families.

By Mr. MOYNIHAN (for himself, Mr. KERRY, Mr. ROCKEFELLER, Ms. SNOWE, Mr. ALLARD, Mr. BAUCUS, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. DASCHLE, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Ms. LANDRIEU, Mrs. LINCOLN, Ms. MIKULSKI, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. SCHUMER, Mr. THURMOND, Mr. ENZI, Mrs. BOXER, and Mr. DEWINE):

S. 2698. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability; to the Committee on Finance.

BROADBAND INTERNET ACCESS ACT OF 2000

Mr. MOYNIHAN. Mr. President, today, joined by my colleagues Senators KERRY, ROCKEFELLER, SNOWE, ALLARD, BAUCUS, BREAUX, BROWNBACK, BRYAN, BUNNING, BURNS, DASCHLE, DURBIN, ENZI, HOLLINGS, HUTCHINSON, JOHNSON, KENNEDY, KERREY, LANDRIEU, LINCOLN, MIKULSKI, REID, ROBB, ROBERTS, SCHUMER, and THURMOND, I am introducing the Broadband Internet Access Act of 2000. This legislation provides a tax incentive to stimulate rapid deployment of high-speed communication services to residential, rural, and low-income areas.

A term of art often used for high-speed communication service is "broadband." The term is a remnant from the era of analog systems. It refers to the size of spectral bandwidth over which signals can be transmitted. Even though it is not essential to have wide spectra in the digital world to transmit vast amounts of data, "broadband" remains in our digital society's lexicon for high-speed communication or throughput.

In common use, broadband connotes fast Internet access, and that is certainly part of the goal of this legislation. The grander goal, however, extends beyond simply expediting traditional Internet use. It is to deliver, in the near future, a wide array of voice, video, and data communication services, at extremely fast speeds, to all Americans.

The Broadband Internet Access Act of 2000 provides graduated tax credits for deployment of high-speed communications to residential and rural communities. It gives a 10-percent credit for the deployment of at least 1.5 million bits per second downstream and 200,000 bits per second upstream to all subscribers—residential, business, and institutions—in rural and low income areas. This is essentially "current generation" broadband. The bill gives a 20-percent credit for the deployment of at least 22 million bits per second downstream and 10 million bits per second upstream to all subscribers in rural and low income areas, and to all residential customers in other areas. This is what we are calling "next generation" broadband.

The bill does not dictate the technological means by which these broadband services are to be delivered. Today, the possibilities include telephone lines, cable modems, fiber optics, terrestrial wireless, and satellite wireless. In the future there may be others. Whether high-speed communications are delivered by electrons or by photons, with wires or without wires, by copper or by glass, by terrestrial or by extraterrestrial means, is immaterial. With a temporary tax credit, it is economically feasible to push national communication capabilities forward by ten or perhaps twenty years. The bill permits a variety of technological approaches to make under-served areas more economically attractive to broadband providers. Yesterday we had electronics. Today we have photonics. Tomorrow we will have some "future-onics."

Mr. President, as I stand before you today, the streets of Washington, D.C. and of many other major cities in this country are being torn-up to lay cables for high-speed communication. Line-of-sight communication "dishes" are being installed on office buildings permitting business-to-business voice, video, and data transmissions. The problem is, market forces are driving deployment of high-speed communication capabilities almost exclusively to urban businesses and wealthy households. Low-income families, exurban communities, rural businesses, and rural families are relegated to the back of the queue. The bill gives private industry economic incentives to accelerate high-speed communication capabilities to Americans who are at the end-of-the-line.

Why is this important? Let me offer examples of this technology's power and importance. I start with two historical cases.

During the 1950's the National Institute of Mental Health funded a 1,278-mile closed-circuit telephone system between seven state hospitals in Nebraska, Iowa, North Dakota, and South Dakota. Health care providers at the hospitals held weekly teleconferencing lectures via this system. By 1961, the system included both audio and video, and psychiatrists successfully used it to care for patients under a program called "telepsychiatry."

At about the same time, radiologists in Montreal had a coaxial cable laid between two hospitals three miles apart, thus connecting them for audio and video communications. Doctors were regularly transmitting radiographic images to each other to consult on difficult cases and to conduct educational conferences.

As a result of these two projects, patients were treated by physicians who were, in some cases, hundreds of miles away. The medical profession was able to share information and ideas, which improved healthcare in this country and Canada.

Unfortunately, such "telemedicine" links are very few, even though our ability to transmit data has increased. Why? Because there is no nationwide high-speed data-transfer infrastructure. Instead, the standard business Internet speed in rural areas is 56,000 bits per second. What can be done at that speed? Printed matter can be sent and received reasonably quickly. But photographs or graphics, require long waits, and then often with poor image quality. More advanced uses, such as video conferencing, are out of the question. At faster Internet speeds of, say, 200,000 to 300,000 bits per second, information can be sent much faster. Photographs and graphics leap to the screen, instead of crawling. Video conferencing also is possible, although jittery images and low image resolution make it impractical. Music and movies can be downloaded slowly to a compact disk.

At higher data transfer speeds—about 1.5 million bits per second—the amount and quality of information that can be transmitted becomes quite good. Very good video conferencing is possible. Two or more people in different places can see and talk to each other as if in the same room, at a crisp image resolution and without image jitter.

And at even higher speeds, extraordinarily rich images of movement, color, and detail can be transmitted as if one were looking at them in person. Complex medical images can be sent and received. At twenty million bits per second, a digitized mammography image can be transmitted in about fifteen seconds, and a standard chest x-ray in about four seconds.

Twenty million bits per second is about 360 times faster than the fastest speeds available on a conventional modem attached to a Plain Old Telephone Service, or, as I am told, POTS. Is it really possible to do this? Indeed, it is. The technology exists now. Over ordinary copper wire, some of our communication companies are now offering data speeds of 26 million bits per second.

Imagine the tremendous personal and economic benefits our nation will reap with universal high-speed communication access, including telemedicine; telecommuting; distance learning at all education levels; electronic commerce in low-income and rural communities; digital photography; and entertainment video. As a result, we will enjoy greater educational opportunities, greater geographic freedom, increased wealth in low-income areas, and even decreased urban congestion.

So if the benefits are so great and the capability exists, why are these technologies not widely available? Simple economics. It is much more lucrative to provide services to business customers. Although a few affluent individuals in urban areas have high speed Internet access, the great majority of Americans are limited to extremely slow communication or to none at all.

That is why it is appropriate for government to step in at this time and provide an incentive to stimulate deployment of high-speed communication service to residential areas and small businesses, especially in rural and low-income areas of the country. Our country has a proud history of supporting critical services in rural and underserved communities.

Three major examples are utilities, interstate highways, and the airline industries.

The Rural Utilities Service is a federal credit agency within the Department of Agriculture that helps rural areas finance electric, telecommunications, water, and waste water projects. Its lending creates public-private partnerships to finance the construction of infrastructure in rural areas. Working in partnership with rural telephone cooperatives and companies, the Department of Agriculture helped boost the number of rural Americans with telephone service from 38 percent in 1950 to more than 95 percent in 1999.

The federal government funded 90 to 100 percent of the cost of building the interstate highway system. The Federal Aid Highway Act of 1956 initiated a nationwide program that aimed to be completed within 20 years. The bulk of the program was completed within this time period, although full implementation was not achieved until the early 1990s.

In the 1930s, the airline industry—much like today's Internet start-ups—was operating at a loss. Believing airline service to be both unique and necessary, the federal government stepped-in with an airmail subsidy in 1938, and this federal funding made the industry instantly profitable. The airline industry then flourished, and the subsidy was removed in the mid 1950s.

In a 1979 speech titled, "Technology and Human Freedom," I stated, "I believe that government can and should seek to advance technology—as a condition of social progress." I still believe that. In 1979, I went on to say, "In my view, only a person of what St. Augustine would have termed 'indomitable ignorance' could deny that technology has greatly enhanced human freedom. . . . Freedom is choice, and technology vastly enhances choice. . . . The relation between technology and democracy is intimate. . . . Experimentation, variety, optimism: these are the ingredients of both technology and democracy."

In 1978, the late Mancur Olson, an esteemed economist, cautioned that the very liberty of societies such as ours may be the source of developments that make innovation considerably more difficult. We should guard against the prospect of our government retarding technology as Professor Olson hypothesized. The bill I introduce today encourages technology, and extends its range to those residential and business areas it otherwise would not reach until much later.

We need this legislation now to maintain our technological leadership. As the press has recently reported, Sweden, Japan, Singapore, and Canada are deploying broadband at levels higher than those called for in this bill. We cannot afford to fall behind in this critical area. History indicates that, if we do not act aggressively, it will take a very long time to deploy broadband services on a widespread basis. The first regular, sustained commercial telephone services were offered in 1876, but it took more than 90 years to make the service available to 90 percent of residences in the United States. It would be deplorable if it takes even half as long to bring existing broadband technology to the same number of Americans.

If the Internet is the information superhighway, broadband communication is the information super sonic transport. I want to encourage the communications industry to accelerate deployment of the this super sonic transport to every community in the country.

I want to thank my colleagues for their support and collaboration on this bill. Senator JOHN KERRY and his staff have been involved in every aspect of this legislation, and we could not have formulated the bill without their detailed knowledge of the communications industry. And Senators ROCKEFELLER and SNOWE recently introduced a similar bill focusing on the deployment of broadband in rural areas, and the legislation we introduce today incorporates and expands upon their work.

This bill is meant to be a proposal. As we consider this measure, Congress may decide to modify it. Moreover, we have not yet received a revenue estimate on the bill, and if it proves to be too expensive, we will have to scale it back. It is time, however, to focus on this issue. Let us begin the discussion of how we can provide the stimulus necessary to ensure the availability of high-speed communication to every American. I urge the Senate to support this important legislation.

Mr. President, I ask unanimous consent that a copy of the bill and letters of support from a number of organizations appear in the RECORD. ●

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Broadband Internet Access Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Internet has been the single greatest contributor to the unprecedented economic expansion experienced by the United States over the last 8 years.

(2) Increasing the speed that Americans can access the Internet is necessary to ensure the continued expansion.

(3) Today, most residential Internet users, especially those located in low income and rural areas, are extremely limited in the type of information they can send and receive over the Internet because their means of access is limited to "narrowband" communications media, typically conventional phone lines at a maximum speed of 56,000 bits per second.

(4) Similarly, small businesses in low income and rural areas are also deprived of full information access because of their dependence on narrowband facilities.

(5) By contrast, many residential users located in higher income urban and suburban areas and urban business users can access the Internet from a variety of carriers at current generation broadband speeds in excess of 1,500,000 bits per second, giving them a choice among carriers and high-speed access to a wide array of audio and data applications.

(6) The result is a growing disparity in the speed of access to the Internet and the opportunities it creates between subscribers located in low income and rural areas and subscribers located in higher income urban and suburban areas.

(7) At the same time, experts project that, under current financial and regulatory conditions, the facilities needed to transmit next generation broadband services over the Internet to residential users at speeds in excess of 10,000,000 bits per second will not be as ubiquitously available as is telephone service until sometime between the years 2030 and 2040.

(8) Experts also believe that, under current financial and regulatory conditions, the disparity in access will be exacerbated with the deployment of next generation broadband capability.

(9) The disparity in current broadband access to the Internet, the slow pace of deployment of next generation broadband capability, and the projected disparity in access to such capability will likely prove detrimental to the on-going economic expansion.

(10) It is, therefore, appropriate for Congress to take action to narrow the current and future disparity in the level of broadband access to the Internet, and to accelerate deployment of next generation broadband capability.

(b) PURPOSE.—The purpose of this Act is to accelerate deployment of current generation broadband access to the Internet for users located in certain low income and rural areas and to accelerate deployment of next generation broadband access for all Americans.

SEC. 3. BROADBAND CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 48 the following new section:

"SEC. 48A. BROADBAND CREDIT.

"(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

"(1) the current generation broadband credit, plus

"(2) the next generation broadband credit.

"(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

"(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment offering current generation broadband services to rural subscribers or underserved subscribers and taken into account with respect to such taxable year.

"(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified expenditures incurred with respect to qualified equipment offering next generation broadband services to all rural subscribers, all underserved subscribers, or any other residential subscribers and taken into account with respect to such taxable year.

"(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

"(1) IN GENERAL.—Qualified expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which current generation broadband services or next generation broadband services are offered by the taxpayer through such equipment to subscribers.

"(2) OFFER OF SERVICES.—For purposes of paragraph (1), the offer of current generation broadband services or next generation broadband services through qualified equipment occurs when such class of service is purchased by and provided to at least 10 percent of the subscribers described in subsection (b) which such equipment is capable of serving through the legal or contractual area access rights or obligations of the taxpayer.

"(d) SPECIAL ALLOCATION RULES.—

"(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1), if the qualified equipment is capable of serving both the subscribers described under subsection (b)(1) and other subscribers, the qualified expenditures shall be multiplied by a fraction—

"(A) the numerator of which is the sum of the total potential subscriber populations within the rural areas and the underserved areas which the equipment is capable of serving, and

"(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving.

"(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2), if the qualified equipment is capable of serving both the subscribers described under subsection (b)(2) and other subscribers, the qualified expenditures shall be multiplied by a fraction—

"(A) the numerator of which is the sum of—

"(i) the total potential subscriber populations within the rural areas and underserved areas, plus

"(ii) the total potential subscriber population of the area consisting only of residential subscribers not described in clause (i), which the equipment is capable of serving, and

"(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving.

"(e) DEFINITIONS.—For purposes of this section—

"(1) ANTENNA.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

"(2) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

"(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

"(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 1,500,000 bits per second to the subscriber and at least 200,000 bits per second from the subscriber.

"(5) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber and at least 10,000,000 bits per second from the subscriber.

"(6) NONRESIDENTIAL SUBSCRIBER.—The term 'nonresidential subscriber' means a person or entity who purchases broadband services which are delivered to the permanent place of business of such person or entity.

"(7) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

"(8) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the radio transmission of energy.

"(9) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

"(10) QUALIFIED EQUIPMENT.—

"(A) IN GENERAL.—The term 'qualified equipment' means equipment capable of providing current generation broadband services or next generation broadband services at any time to each subscriber who is utilizing such services.

"(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C), equipment shall be taken into account under subparagraph (A) only to the extent it—

"(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

"(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a commercial mobile service carrier,

"(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

"(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

"(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and it is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

"(11) QUALIFIED EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified expenditure' means any amount chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168.

"(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

"(12) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means an individual who purchases broadband services which are delivered to such individual's dwelling.

"(13) RURAL SUBSCRIBER.—

"(A) IN GENERAL.—The term 'rural subscriber' means a residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

"(B) RURAL AREA.—The term 'rural area' means any census tract which—

"(i) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

"(ii) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

"(14) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for point-to-multipoint distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such point-to-multipoint distribution.

"(15) SUBSCRIBER.—The term 'subscriber' means a person who purchases current generation broadband services or next generation broadband services.

"(16) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153 (44)), but—

"(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

"(B) does not include a commercial mobile service carrier.

"(17) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

"(18) UNDERSERVED SUBSCRIBER.—

"(A) IN GENERAL.—The term 'underserved subscriber' means a residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

"(B) UNDERSERVED AREA.—The term 'underserved area' means any census tract—

"(i) the poverty level of which is at least 30 percent (based on the most recent census data),

"(ii) the median family income of which does not exceed—

"(I) in the case of a census tract located in a metropolitan statistical area, 70 percent of the greater of the metropolitan area median family income or the statewide median family income, and

"(II) in the case of a census tract located in a nonmetropolitan statistical area, 70 percent of the nonmetropolitan statewide median family income, or

"(iii) which is located in an empowerment zone or enterprise community designated under section 1391.

"(f) DESIGNATION OF CENSUS TRACTS.—The Secretary shall, not later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraphs (13)(B) and (18)(B) of subsection (e), and such tracts shall remain so designated for the period ending with the termination date described in subsection (g).

"(g) TERMINATION.—This section shall not apply to expenditures incurred after December 31, 2005."

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to the amount of investment credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) the broadband credit."

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) from sources not described in subparagraph (A), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified expenditures which would be determined under section 48A for such year if the mutual or cooperative telephone company was not exempt from taxation."

(d) CONFORMING AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48 the following new item:

"Sec. 48A. Broadband credit."

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to expenditures incurred after December 31, 2000.

(2) SPECIAL RULE.—The amendments made by subsection (c) shall apply to amounts received after December 31, 2000.

SEC. 4. REGULATORY MATTERS.

No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48A of the Internal Revenue Code of 1986 (as added by section 3) or otherwise subverting the purpose of this Act.

SEC. 5. STUDY AND REPORT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that in order to maintain competitive neutrality, the credit allowed under section 48A of the Internal Revenue Code of 1986 (as added by section 3) should be administered in such a manner so as to ensure that each class of carrier receives the same level of financial incentive to deploy current generation broadband services and next generation broadband services.

(b) STUDY AND REPORT.—The Secretary of the Treasury shall, within 180 days after the effective date of section 3, study the impact of the credit allowed under section 48A of the Internal Revenue Code of 1986 (as added by section 3) on the relative competitiveness of potential classes of carriers of current generation broadband services and next generation broadband services, and shall report to Congress the findings of such study, together with any legislative or regulatory proposals determined to be necessary to ensure that the purposes of such credit can be furthered without impacting competitive neutrality among such classes of carriers.

MCI WORLDCOM,
Washington, DC, June 8, 2000.

Hon. DANIEL PATRICK MOYNIHAN,
Senate Finance Committee,
Washington, DC.

DEAR SENATOR MOYNIHAN: Thank you for your leadership in advancing the deployment of broadband technology to rural and underserved areas of the country. WorldCom, a leading Internet backbone provider, believes broadband technology will improve the quality of life for millions of Americans and assist in maintaining this country's leadership in the worldwide information technology marketplace. Your support of our efforts to modernize communications infrastructure dates at least to the Tax Reform Act of 1986, when you supported legislation designed to enhance advanced telecommunications investment.

Electronic commerce and its Internet medium is a thriving environment. More jobs, more gross domestic product, and more wealth have been created by the Internet than any other single innovation in recent memory. Electronic commerce continues to grow apace, creating increased need for continuing development and deployment of communications technology.

Your proposal, Senator Moynihan, is designed to support that deployment and development at an advanced level. It is designed not only to accelerate deployment of existing technology, but also to encourage development and deployment of next generation broadband technologies as well. Acceleration is important. Persons needing distance education cannot wait while job opportunities pass them by; businesses facing competitive pressure cannot wait to engage in the latest Internet based inventory planning; rural residents with a great idea for a new dot.com need high speed connectivity now; and persons suffering from serious disease far from the right medical experts cannot wait for a telemedicine connection.

WorldCom appreciates your effort to support this critical technology and supports your efforts through the Broadband Internet Access Act of 2000. While we would like to see a proposal broader than the "last mile", your bill initiates this all-important process.

Sincerely,

CATHERINE R. SLOAN,
Chief Legislative Counsel.

BELL ATLANTIC,
Washington, DC, June 5, 2000.

Re: Broadband Internet Access Act of 2000

Hon. DANIEL PATRICK MOYNIHAN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MOYNIHAN: Congratulations on your leadership in developing and introducing the "Broadband Internet Access Act of 2000." I am writing to provide you with Bell Atlantic's support and views regarding this important tax legislation.

As you know, Bell Atlantic is a leader in the deployment of broadband capability, particularly in the state of New York. As such, we are extremely familiar with the regulatory and financial hurdles associated with deploying broadband to all our business and residential customers. We believe that rapid deployment of this capability will provide the basis for sustained long-run economic growth in the economy. Our experience with the Internet has taught us that the convergence of communications and computing yields tremendous benefits for the economy in terms of productivity growth.

Unfortunately, other carriers and we face tremendous government hurdles as we roll out this capability. These hurdles arise from the unintended adverse effects of regulation on investment that, in turn, increase the degree of financial uncertainty associated with such investments. In other words, we face a regulatory problem and a financial problem in deploying broadband capability to our customers. The Broadband Internet Access Act helps to overcome these problems by encouraging Bell Atlantic and other carriers through financial incentives to proceed with these investments. More importantly, the targeted nature of the incentives will help us reach customers in rural areas and low-income areas that are otherwise difficult to serve because of the high cost of deployment and other factors.

The bill does not address the overwhelming regulatory issues, which Bell Atlantic continues to face. We encourage you to support legislation to address these problems as well as the financial issues that are addressed in the Broadband Act.

We encourage you to enact the Broadband Internet Access Act this year. We appreciate your leadership on this important issue.

Sincerely,

THOMAS J. TAUKE,
Senior Vice President—
Government Relations.

NTCA,
Arlington, VA, June 5, 2000.

Re Broadband Internet Access Act of 2000.

Hon. DANIEL PATRICK MOYNIHAN,
Ranking Minority Member, Senate Committee on Finance, Washington, DC.

DEAR SENATOR MOYNIHAN: During the course of the past year, the term "digital divide" has quickly become the buzzword of choice among policymakers. Coined ostensibly to describe the absence of communications availability to certain segments of the nation's population, the term has been twisted to imply the issue of communications "haves" and "have-nots" is merely a rural vs. urban matter.

NTCA has vigorously moved to redirect the discussion to fully recognize the achievements of small rural incumbent local exchange carriers (ILECs) in deploying advanced communications infrastructure and services. The facts bear witness to the success of small rural ILECs in stepping up to what we feel is better described as the "Digital Challenge." Recent surveys show that in many cases, markets served by such entities are more technologically advanced than their larger, urban counterparts. Likewise, they are significantly more advanced than the rural markets served by the nation's large ILECs. Other reports show that urban areas in general are not the "digital Mecca" many would have us believe. The reality is that the markets of the nation's small rural ILECs are anything but communications technology wastelands as many are portraying them to be.

Nevertheless, there remains a substantial amount of costly work to be done for all markets to be fully advanced service-capable. For this reason, we commend your effort, vis-a-vis the Broadband Internet Access Act of 2000, to further stimulate deployment of broadband services by granting tax credits to telecommunications providers deploying advanced technologies. Furthermore, we sincerely appreciate your effort to recognize the special circumstances, with regard to tax credits, of the nation's rural telecommunications cooperatives by the inclusion of the Special Rule for Mutual or Cooperative Telephone Companies.

In addition, there are several existing tools such as the universal service support program that, if allowed to function appropriately, could help offset the tremendous costs associated with the deployment of advanced services. We continue to work with several of your colleagues to advance legislation that will ensure the universal service program is allowed to function as the Congress envisioned in helping lead the deployment of new communications technologies and services.

It must be reiterated that small, rural ILECs have long led the way in meeting the Digitial Challenge by deploying new technologies—not just to their most profitable customers, but to every individual within their market that wishes to receive service. With your assistance, the rural ILEC industry will continue to maintain its unparalleled record of service.

Sincerely,

SHIRLEY BLOOMFIELD,
Vice President, Government
Affairs & Association Services.

BRISTOL BAY AREA
HEALTH CORPORATION,
Dillingham, AK, May 31, 2000.

Re Broadband Internet Access Act of 2000.

Hon. PATRICK DANIEL MOYNIHAN,
Ranking Minority Member, Committee on Finance, U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: We are writing to indicate our support for your continued effort to pass the Broadband Internet Access Act of 2000. If passed, this legislation could significantly improve access of millions of Americans to the Internet and its valuable resources, including residents of rural Alaska communities.

We provide health care services to 34 remote Alaska communities, most of which can only be reached by small airplane. The availability of affordable advanced telecommunications including telemedicine and improved Internet access would be beneficial in providing health education to villagers; would help reduce feelings of isolation of health care providers, teachers and other professionals; and provide access to health care resources for everyone. It would also provide faster and less expensive access to all communication mediums.

We believe that remote, rural areas such as those that make up a large part of Alaska need and deserve the availability of affordable high-speed Internet services like urban communities currently enjoy. Without this availability, rural communities will continue to be left behind and technologically outdated as the rest of the U.S. moves forward.

Thank you for the opportunity to comment on this important legislation. Please contact me at (907) 842-5201 if I can be of further assistance.

Sincerely,

ROBERT J. CLARK,
President/CEO.

GEORGETOWN UNIVERSITY
MEDICAL CENTER,
May 25, 2000.

Re Broadband Internet Access Act of 2000.

Hon. PATRICK DANIEL MOYNIHAN,
Ranking Minority Member, Committee on Finance, U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: We are writing to encourage you in your effort to pass the Broadband Internet Access Act of 2000. If passed, this important legislation could significantly improve the way millions of Americans gain access to health information and receive health care.

For many years the Imaging Sciences and Information Systems (ISIS) Center at Georgetown University has been a successful innovator of technologies that are used to improve the quality and lower the cost of health care. This contribution, however, accounts for only two-thirds of the receipt for successful health care reform in America. The third element, improved access to health services, has been one of the most challenging, especially to health care providers and consumers in rural America.

Access to quality health care cannot be improved through development of more efficient technologies, alone. We, and with us many of our colleagues throughout America, believe financial incentives are necessary to correct current regulatory and market insufficiencies that inhibit assess to emerging health services that increasingly rely on telecommunications and Internet connectivity to reach consumers. The creation of these incentives is outside the purview of the health sector and that is why we look to you and your Senate colleagues. You can help remedy the economic conditions that contribute to the growing "digital divide", that made second class citizens out of underserved people throughout the country.

Specifically, we look to you for a remedy that will improve access and availability of telephone, cable, fiber optic, terrestrial, wireless, and satellite telecommunications services at bandwidth capacities sufficient to carry high resolution images, video and voice over the Internet, increasingly the preferred mode of delivery. We believe your proposed legislation addressed these problems through its 10% tax credit for deployment of "last-mile" current generation broadband capability to rural and underserved areas, and its 20% credit for "next generation" service.

Therefore we applaud your sponsorship of the Broadband Internet Access Act of 2000. We appreciate your vision and look to you and your colleagues in the Senate to rapidly pass this important legislation so that we can move on to a next generation of health care with improved quality, cost and access.

Thank you for an opportunity to express our support for your initiative. If you need any additional information, please call us at 202–687–7955 or at *Mun@isis.imac.georgetown.edu*.

Sincerely,

DUKWOO RO, PHD,
Associate Professor.
SEONG K. MUN, PHD,
Professor, Director of ISIS Center.

UNITED STATES DISTANCE
LEARNING ASSOCIATION,
Watertown, MA, May 19, 2000.

Re Broadband Internet Access Act of 2000.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN:

The United States Distance Learning Association supports the Broadband Internet Access Act of 2000 to be introduced by you.

As Executive Director of the association I want to assure you that our association applauds the initiative. The Congress of the United States has the opportunity to help deliver long needed Telecommunication Services to all Americans. This act will serve two purposes—increasing bandwidth availability and decreasing the well-documented Digital Divide.

Sincerely,

DR. JOHN G. FLORES,
Executive Director.

CORNING INCORPORATED,
Corning, NY, May 19, 2000.

Hon. DANIEL PATRICK MOYNIHAN,
Ranking Minority Member, Committee on Finance, U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: I am writing to endorse with enthusiasm the Broadband Internet Access Act of 2000 and to congratulate you for your leadership for introducing this important legislation.

As you may know, Corning is a leader in optical communications systems. As such, we have great confidence in the benefits that deployment of broadband to all Americans can confer on the economy and society as a whole. As Alan Greenspan has said many times, the Internet has contributed significantly to the on-going economic expansion. The rapid deployment of broadband access can extend the benefits of the Internet well into the future.

Unfortunately, broadband is being deployed very slowly in this country. Two specific problems have arisen. First, subscribers in rural and underserved low-income areas are unlikely to gain access to the current generation broadband capability any time soon, giving rise to a "digital divide" between information haves and have-nots. Secondly, the deployment of next generation broadband capability will take 30 to 40 years in the current regulatory and financial environment. We think America can do better for its citizens by immediate enactment of the Broadband Internet Access Act of 2000.

We believe your legislation addresses these problems through its 10% tax credit for deployment of last-mile current generation broadband capability to rural and underserved areas, and its 20% credit of next generation technology more generally. These incentives will correct current regulatory and market failures that are inhibiting the investment. Moreover, the credits are temporary, lasting only five years, a sufficient time to kick-start the deployment of the technology and to reduce costs in this very dynamic sector.

It is important to note that broadband infrastructure is a common good. As such, we believe that a well-designed initiative such as the Broadband Internet Access Act can cost effectively enhance the national welfare.

Again, I congratulate you for taking the leadership and for developing a creative initiative that will benefit the country for decades to come.

All the best,

ROGER ACKERMAN.

ASSOCIATION FOR LOCAL
TELECOMMUNICATIONS SERVICES,
Washington, DC, June 7, 2000.

Senator DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: The Association for Local Telecommunications Services (ALTS) thanks you for your leadership in drafting legislation to create financial incentives for telecommunications companies to offer high-speed Internet broadband services. The legislation that you introduce today will help companies expand their businesses into rural and urban communities and will also provide them with incentives to offer broadband service at even higher speeds.

We are especially grateful of your continuing efforts to support competitive telecommunications companies in local markets. While competitors have made enormous progress in rolling out advanced telecommunications services to consumers across the country, many markets remain uneconomic to serve. Your legislation will help to accelerate the deployment of these broadband services in rural, inner city and other underserved areas. We have seen that the best way to encourage deployment of advanced broadband technologies is to encourage competition for local telecommunications services. ALTS believes your legislation will provide significant financial incentives to competitive companies to roll out high speed broadband services for every consumer who wants to receive the service.

Your legislation is a realistic effort to close the "digital divide" between rural and urban communities and to ensure that all Americans have the fastest and best telecommunications service in the world. We look forward to continuing to work with you on this legislation in the coming weeks.

Thank you again for your support of competition and the rapid deployment of advanced, broadband services to all Americans.

Sincerely yours,

JOHN WINDHAUSEN, Jr.,
President.

QUEENS COLLEGE,
DEPARTMENT OF ECONOMICS,
New York, NY, June 1, 2000.

Re The Broadband Internet Access Act of 2000.

Hon. DANIEL PATRICK MOYNIHAN,
Ranking Minority Leader, Committee on Finance, U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: I am aware that you and other Senators are co-sponsors of "The Broadband Internet Access Act of 2000," a bill that is intended to alleviate the disparity in high-speed access to the Internet. Preliminary research undertaken by Florence Kwan and myself shows that discrepancies in high-speed access do exist at this time. Further, the study demonstrates the need for policy-makers to examine the degree to which all members of society have high-speed access to the Internet.

The study was based upon a sampling of residential lines in the United States. The results suggest that income and population density are significant predictors of access to cable-modem or DSL service. High-speed access is less likely to be available to Americans in rural and low-income neighborhoods. As preliminary research, the study underscores the need for further research that is comprehensive in scope and that can serve as the basis for regulatory policy.

I commend your efforts to address an issue that is critical to the ability of all Americans to be part of the Information Society and to participate in our system of democracy.

Very truly yours,

DAVID GABEL,
Professor.

Mr. **KERRY**. Mr. President, I am very pleased to join Senator MOYNIHAN in introducing the Broadband Internet Access Act of 2000. I commend the Senator from New York for his leadership on this issue, and I look forward to working with Senator MOYNIHAN, Senator ROCKEFELLER and others in this critical effort to ensure the rapid deployment of high-speed telecommunications services to all Americans.

Mr. President, throughout the course of history, prosperity has flowed to those economies that had ready access to avenues of commerce. Throughout the middle ages and up until the mid-19th century, that meant ready proximity to a waterway. The great cities of Italy, England and France all lay on oceans or rivers. In North America, the early trading points on or near the Atlantic thrived and became New York, Boston, Philadelphia and Baltimore. Throughout this time, the primary way to ship goods was over water, and economies prospered along oceans or major inland waterways because of the paramount importance of access to commerce. With the industrial revolution came the advent of the railroad and this new way of getting goods to market. If your town was fortunate to be along one of many rail lines, then good economic times often lay ahead.

If your town was not along the railroad, then you were at a serious economic disadvantage. We read today about the "ghost towns" of the old West—these were the towns left behind because the railroad passed them by. And even then, one hundred seventy years ago, we know that Americans did all they could to connect themselves to the networks—waterways, railroads—that delivered goods to market: along the Panhandle, the entire town of Ivanhoe, Oklahoma literally uprooted itself—picked up the church, the school, the buildings—and moved across the Texas border to be closer to the railroad lines.

In many ways, that is precisely the challenge facing thousands of communities across the nation today: communities are rushing and hurrying—and too many are struggling and finding it enormously difficult—to get connected to the networks on which we conduct business in the New Economy. And, Mr. President, unless we are willing to countenance thousands of ghost towns across the landscape of the 21st century—ghost towns of inner city and rural America—we must work together to empower every community to meet that challenge.

Mr. President, today, the major product in the United States is information. The ability to send and receive vast amounts of information, quickly and efficiently, often determines the success or failure of a company in our new information age. For this reason, companies are locating where they have high-speed access to this new avenue of commerce, and they are shying away from areas where such excess is either prohibitively expensive or unavailable. High-speed access is also providing new opportunities in terms of educating our children and caring for the sick. However, those opportunities are available only to those communities with efficient and affordable access to high-speed lines.

Herein lies the problem. As would be expected, telecommunications companies are deploying advanced networks initially in areas where there are lots of attractive consumers, but are often taking their time to build-out elsewhere, such as in low-income urban and rural areas. That's why a downtown business consumer has a myriad of choices for high-speed access. And most residential consumers living in reasonable well-off urban and suburban areas also have a choice. However, many, many regions of our country still have little or no ability to obtain high-speed access to the Internet.

According to the Massachusetts Technology Collaborative, of the 351 towns in Massachusetts, only 164 are wired to receive high-speed DSL Internet service, and only 145 are wired to receive high-speed cable modem service. Significantly, 151 towns have no DSL or cable modem option, only 56 kilobit dial-up Internet service. Moreover, this situation is not expected to change anytime soon. The Legg Mason Precursor groups estimates that even three or fours years down the road, half of America will have either one or zero broadband providers to choose from.

We need to address this problem in order to ensure that no area is left behind—to ensure that all Americans are able to benefit from our new high-tech economy. Many telecommunications companies legitimately argue that deploying in certain areas makes little sense because the opportunity to recoup the investment is so small. It's time we listened and offered an economic incentive to change the equation. To this end, our bill establishes a generous 10 percent tax credit to all companies willing to deploy and offer 1.5 megabit high-speed Internet service in rural and low-income urban areas. We are advocating such an approach because we have heard from industry that this will provide a needed incentive to deploy in areas that are presently neglected. Significantly, this credit is open to all companies be they telephone or cable, wireline or wireless, MMDS or satellite. The bill is concerned only with encouraging widespread deployment, and is absolutely technology neutral.

Mr. President, our legislation addresses not only the digital divide that exists today, but also looks to the future and to the next generation of high-speed services. The next generation of advanced services will require substantially higher transmission speeds like 4 megabits for one channel of standard television, 20 megabits for one channel of HDTV, and 10 to 100 megabits for Ethernet data. These transmission speeds can only be achieved with more advanced technology such as fiber optics, very high speed digital subscriber line, 50-home-node cable modems, and next-generation wireless.

The services available at such speeds will truly revolutionize and improve our daily lives. However, according to economists from the American Enterprise Institute, at the current rate of deployment, such advanced technology will not achieve universal penetration until somewhere between 2030 and 2040. Furthermore, such delay may seriously undermine our global leadership in technology. Indeed, according to a recent report in the Wall Street Journal, the Japanese company NTT will start bringing optical fiber lines directly to homes in Tokyo and Osaka by the end of this year. Such networks will have capabilities of up to 10 megabits downstream—several times faster than most of the high-speed services offered today in America.

Such Internet capability will transform American life in ways we can only imagine today. Children can download educational video in real time on nearly any subject. Adults can train for new jobs from their homes. Complex medical images such as MRIs and x-rays that today take several minutes to download can be transmitted in a matter of seconds. Telecommuting, business teleconferencing and personal communication will all rise to new levels.

To accelerate the roll-out of such next-generation systems in the US, we propose to establish a 20 percent tax credit for companies that deploy systems capable of providing 22 megabit downstream/10 megabit upstream service to residential consumers everywhere and business consumers in low-income urban and rural areas. Such bits speeds will allow for different users in a home to simultaneously watch 3 different channels of digital television and utilize high-speed Ethernet-comparable Internet access.

Mr. President, this measure is intended to begin the debate in the Senate on how best to address the growing digital divide and to accelerate the deployment of next-generation technologies across our nation. I want to thank Senator MOYNIHAN for his extraordinary leadership on this issue and his staff for their continued hard work in crafting this bill. I also wish to commend Senators ROCKEFELLER and SNOWE for their work on tax credit legislation which we incorporate and expand on in this bill. Finally, I wish to extend my gratitude to all the members of industry who worked with us over these past few months in crafting this bill. Clearly, this is a very complex topic and we are continuing to work to find the right solution. I look forward to continuing our partnership and to passing meaningful legislation this year.

The challenge today is extraordinary—its implications absolutely unmistakable for our country. Too often we talk about a digital divide in the United States as if it were unchangeable, as if it were a simple fact of life in this nation that some communities will be empowered by technology while others will be left behind. But this is a false choice—and we ought to be doing everything in our power as policy makers, working harmoniously with industry, to offer a new choice: every community connected to the new technology, every citizen provided with the tools to make the most of their own talents in the New Economy.

Mr. President, The Broadband Internet Access Act of 2000 is not a panacea for every challenge before us in the New Economy; significant questions of education reform workforce development, and technology training must be resolved and reinvented before mere access to technology will allow full participation for every citizen in the Information Age. But Mr. President, I ask that—as we work in a bipartisan way to address those other vital areas of public policy— we remember the lessons of our nation's economic history and take this absolutely critical first step towards meeting the most basic needs of any community—a connection to the New Economy.

Mr. BAUCUS. Mr. President, I am very pleased today to join with Senator MOYNIHAN in introducing the Broadband Internet Access Act of 2000. This legislation provides a tax incentive to stimulate rapid deployment of high-speed communication services to residential, rural, and low-income areas.

Although our nation continues to experience a period of unprecedented economic growth, it is important to remember that this growth is not shared evenly throughout the country. My State, Montana, is unfortunately an example of areas in which the economy continues to lag behind the rest of the nation. Montana is ranked last in per-capita earned income and first in the number of people holding multiple jobs. Our children and grandchildren are constantly faced with a difficult dilemma—will they be able to find jobs in Montana, where they can continue to enjoy living in "the last great place", or will they be forced to move elsewhere just to be able to earn a decent wage. More and more of them are choosing to leave, costing Montana some of her best and brightest young people, and along with them much of our hope for the future.

One of the keys to turning our State's economy around is to make sure the appropriate infrastructure is in place so that we can attract the kinds of businesses that will provide jobs for ourselves and our children. I have worked for years as ranking Member of the Environment and Public Works Committee to ensure that Montana and other rural states receive our fair share of highway construction funds, so that the transportation infrastructure of our great State can support economic growth.

But today's economy is not just about bricks and mortar. Technology is transforming traditional ways of doing business, as it is creating entirely new forms of business that never existed before. And high-speed Internet access is the key to advancing technological growth.

The Broadband Internet Access Act of 2000 provides graduated tax credits for deployment of high-speed communications to residential and rural communities. It gives a 10 percent credit for the deployment of at least 1.5 million bits per second downstream and 200,000 bits per second upstream to all subscribers—residential, business, and institutions—in rural and low income areas. This is what we call the "current generation" broadband. The bill also gives a 20 percent credit for the deployment of at least 22 million bits per second downstream and 10 million bits per second upstream to all subscribers in rural and low income areas, and to all residential customers in other areas. This is what we are calling "next generation" broadband.

Mr. President, as we look around us today and see the many streets that are being torn-up to lay cables for high-speed communication, and the communication dishes that are constantly "sprouting" from our buildings, we may wonder why we need a tax credit to advance an industry that is already growing by leaps and bounds. The reason, again, is that this growth is most extensive in selected areas. Market forces are driving deployment of high-speed communication capabilities almost exclusively to urban businesses and wealthy households. Rural businesses and rural families like those in Montana again find themselves at the back of the line. And by the time our turn comes for this technology, the rest of the country will already be well into the next technological generation. The Digital Divide, which is already a wedge between our citizens, will be perpetuated and grow into a chasm.

This bill is designed to even the playing field. By giving private industry economic incentives to accelerate high-speed communication capabilities to Americans who are at the end of the line, we will help people like my constituents in Montana share in our nation's economic growth.

As a member of the Senate Broadband Caucus, which was established to develop solutions to the problem of bringing high-speed Internet access to rural and underserved areas, I have worked hard on initiatives which would help rural areas bridge the Digital Divide. These initiatives include: the Rural Broadband Enhancement Act, which provides $5 billion in low interest loans for broadband development; the Rural Telework Act of 2000, to provide grants to develop National Centers for Distance Working which would provide access to technology and training for rural residents; the Universal Service Support Act, which lifts the cap on the universal service support fund for rural telecommunications providers; and the amendment I offered to the Rural Television Bill, to give consideration to projects which offer high speed Internet access in addition to television programming.

I believe these initiatives, along with the Broadband Internet Access Act we are introducing today, will go a long way toward finally bridging the growing Digital Divide and help rural areas grow and flourish. With this legislation, I hope to create an economic environment that will make sure Montana's children and grandchildren will no longer have to sacrifice enjoying the beauty of the "last great place" in order to earn a living wage.

By Mrs. FEINSTEIN:

S. 2699. A bill to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of social security numbers and social security account numbers, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY NUMBER PROTECTION ACT OF 2000

Mrs. FEINSTEIN. Mr. President, I am pleased today to join the administration and, particularly the Vice President, in introducing the Social Security Number Protection Act of 2000.

This legislation is designed to curb the unregulated sale and purchase of Social Security numbers, which have contributed significantly to a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

Mr. President, in 1997, I introduced S. 600, the Personal Privacy Information Act, with Senator GRASSLEY after watching in dismay as one of my staff downloaded my own Social Security number off of the Internet in less than three minutes.

Nothing much has changed. For a mere $45, one can go online and purchase a person's Social Security number from a whole host of web businesses—no questions asked.

Why is it so important to stop the commercial sale of individuals' personal Social Security numbers? Once a criminal has a potential victim's Social Security number, that person becomes extremely vulnerable to having his or her whereabouts tracked and his or her identity stolen.

The Social Security number is the Nation's de facto national identifier. It is a key to one's public identity. The Federal Government uses it as a taxpayer identification number, the Medicare number, and as a soldier's serial number. States use the Social Security number as the identification number on drivers' licenses, fishing licenses, and other official records. Banks use it to establish personal identification for credit. The number is requested by telephone companies, gas companies, and even by brokerages when consumers set-up personal accounts.

Thus, a criminal who purchases a Social Security number is well on his way to fraudulently obtaining numerous services in the name of an unsuspecting American.

Partly due to this unrestricted traffic in Social Security numbers, our country is facing an explosion in identity theft crimes. The Social Security Administration recently reported that it had received more than 30,000 complaints about the misuse of Social Security numbers, last year, most of which had to do with identity theft. This is an increase of 350% from 1997, when there were 7,868 complaints. In total, Treasury Department officials estimate that identity theft causes between $2 and $3 billion in losses each year—just from credit cards.

According to a recent survey of identity theft victims published jointly by the Privacy Rights Clearinghouse and CALPIRG, the average identity theft victim has fraudulent charges of $18,000 made in his name. Typically, an identity theft victim spends approximately 175 hours of personal time over a two-year period to clean-up his credit record.

Sometimes, this unrestricted sale of personal information can have tragic results. Amy Boyer, a twenty-year old dental assistant in New Hampshire, was killed last year by a stalker who bought her Social Security number off an Internet web site for $45. Armed with this critical information, he tracked her down to her work address.

Here are some other examples of Social Security number misuse. Kim Brady, a constituent from Castro Valley, California, wrote to me that an identity thief obtained a credit card in her name on the Internet. The application "was approved in 10 seconds even though the application only had [her] name, Social Security number, and birth date correct." When Ms. Bradbury contacted credit card companies and asked how a credit card was issued in her name despite false information on the application, the companies said they only look to "see that the name and the Social Security number match."

Another California constituent, Michelle Brown of Hermosa Beach, informed me that a criminal used her Social Security number to fraudulently assume her identity. The perpetrator rang up a total of $50,000 in charges including a $32,000 truck and $5,000 worth of liposuction. In addition, the perpetrator used Michelle's identity to establish wireless and residential telephone service, utilities service, and to obtain a year-long residential lease.

Michelle notes that she has spent hundreds of hours trying to restore her good name and has endured "weeks of sleepless nights, suffering from nearly no appetite, and nerve-shattering moments of my life spinning out of control."

In another case, a retired air force officer was falsely billed for $113,000 on 33 different credit accounts after identity thieves stole his Social Security number. He and his wife have dealt with over a dozen third party collection agencies. They are also being sued by a furniture store in Texas and have had five automobiles purchased in their name.

I am pleased to work with the Administration on this bill because no one should seek to profit from the sale of Social Security numbers in circumstances that create a substantial risk of physical, emotional, or financial harm to the person to whom these numbers are assigned.

What would this bill do? The Social Security Number Protection Act would impose criminal and civil penalties for the sale and purchase of Social Security numbers. Specifically, it would direct the Federal Trade Commission to issue regulations prohibiting this sale.

The legislation would direct the FTC to permit exceptions to this ban in a very narrow range of circumstances, including where an individual has consented to the sale, for law enforcement or national security reasons, in emergency situations to protect an individual's health and safety, for research or public health purposes, and where the use of the Social Security number is for a lawful purpose and is unlikely to result in serious bodily, emotional, or financial harm of a Social Security number holder.

Mr. President, I think this is a very important step forward. The bill is carefully drawn. It simply prevents the sale of Social Security numbers for profit, which can result in enormous wrongdoing to the individual Social Security number holder.

I yield the floor.

By Mr. L. CHAFEE (for himself, Mr. LAUTENBERG, Mr. SMITH of New Hampshire, and Mr. BAUCUS):

S. 2700. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes; to the Committee on Environment and Public Works.

BROWNFIELDS REVITALIZATION AND ENVIRONMENTAL RESTORATION ACT OF 2000

Mr. L. CHAFEE. I rise today to introduce the Brownfields Revitalization and Environmental Restoration Act of 2000 together with Senator LAUTENBERG, Senator SMITH of New Hampshire, and Senator BAUCUS. We are introducing this bill today because we support legislation that will expedite cleanup of our nation's hazardous waste sites. We support economic development in our neighborhoods and job creation in our cities. We also support invigorating our urban cores and bolstering local governments. Mr. President, we are introducing this legislation today because, if enacted, it has the potential to fulfill these objectives, which are important to me and I believe to every Senator.

Brownfields are typically older commercial or industrial properties at which development is hindered by the presence—or even the potential presence—of hazardous substances. Countless numbers of brownfield sites blight our communities, pose health and environmental hazards, erode our cities' tax base, and contribute to urban sprawl. In fact, the U.S. Conference of Mayors has estimated that more than 450,000 brownfield sites exist nationwide. But, we stand to reap enormous economic, environmental, and social benefits with the successful redevelopment of brownfield sites. The redevelopment of brownfields capitalizes on existing infrastructure, creates a robust tax base for local governments, attracts new businesses and jobs, reduces the environmental and health risks to communities, and preserves community character. This can truly be a victory for everyone.

While everyone agrees that brownfield sites should be cleaned up, presently there are many problems that prevent us from cleaning up these sites. Let me address the problems and how our legislation poses solutions.

Problem: There is not enough funding to address the large number of brownfield sites that exist.

Solution: The bill authorizes $150 million per year to state and local governments to perform assessments and cleanup at brownfield sites. It also authorizes $50 million per year to establish and enhance State brownfield programs.

Problem: Communities that strive to clean up sites, such as Riverside Mills alongside the Woonasquatucket River in Providence, in order to turn them into greenspace, cannot since there will be no future income stream to repay a loan.

Solution: The bill will allow EPA to issue grants to state and local governments to clean up sites that will be converted into parks or open space.

Problem: People who bought brownfield sites and did not cause the contamination could be liable under Superfund.

Solution: The bill clarifies that innocent landowners, that act appropriately, are not responsible for paying cleanup costs.

Problem: Developers that want to purchase brownfield sites may be liable for future cleanup costs.

Solution: The bill encourages developers to purchase and develop brownfield sites by exempting from liability prospective purchasers that do not cause or worsen the contamination at a site.

Problem: Superfund liability issues prevent development of areas near contaminated sites.

Solution: The bill includes an exemption from Superfund liability for contiguous property owners.

Problem: Investors do not clean up brownfield sites because for fear that EPA will "second-guess" their actions.

Solution: The bill offers finality by precluding EPA from taking an action at a site being addressed under a state cleanup program unless there is an "imminent and substantial endangerment" to public health or the environment, and additional work needs to be done.

I am proud to introduce this bill with my esteemed colleagues from the Environment and Public Works Committee. The fact that this bill is sponsored by the Chairman and Ranking Minority Member of the Superfund Subcommittee and the Environment and Public Works Committee speaks very highly for the bipartisan efforts to achieve consensus on this issue. A factor critical to the success of this legislation, will be continued bipartisanship. We must continue to reach across the aisle; we must continue to find common ground; and we must continue to work cooperatively to move this legislation. I urge all Senators to support this legislation, which can—and should—be enacted this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Brownfields Revitalization and Environmental Restoration Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROWNFIELDS REVITALIZATION FUNDING

Sec. 101. Brownfields revitalization funding.

TITLE II—BROWNFIELDS LIABILITY CLARIFICATIONS

Sec. 201. Contiguous properties.
Sec. 202. Prospective purchasers and windfall liens.
Sec. 203. Innocent landowners.

TITLE III—STATE RESPONSE PROGRAMS

Sec. 301. State response programs.
Sec. 302. Additions to National Priorities List.

TITLE I—BROWNFIELDS REVITALIZATION FUNDING

SEC. 101. BROWNFIELDS REVITALIZATION FUNDING.

(a) DEFINITION OF BROWNFIELD SITE.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

"(39) BROWNFIELD SITE.—

"(A) IN GENERAL.—The term 'brownfield site' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

"(B) EXCLUSIONS.—The term 'brownfield site' does not include—

"(i) a facility that is the subject of a planned or ongoing removal action under this title;

"(ii) a facility that is listed on the National Priorities List or is proposed for listing;

"(iii) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties under this Act;

"(iv) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties, or a facility to which a permit has been issued by the United States or an authorized State under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

"(v) a facility that—

"(I) is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u), 6928(h)); and

"(II) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

"(vi) a land disposal unit with respect to which—

"(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

"(II) closure requirements have been specified in a closure plan or permit;

"(vii) a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe;

"(viii) a portion of a facility—

"(I) at which there has been a release of polychlorinated biphenyls; and

"(II) that is subject to remediation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

"(ix) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

"(C) SITE-BY-SITE DETERMINATIONS.—Notwithstanding subparagraph (B) and on a site-by-site basis, the President may authorize financial assistance under section 128 to an eligible entity at a site included in clause (i), (iv), (v), (vi), (viii), or (ix) of subparagraph (B) if the President finds that financial assistance will protect human health and the environment, and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

"(D) ADDITIONAL AREAS.—For the purposes of section 128, the term 'brownfield site' includes—

"(i) a site that is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); and

"(ii) mine-scarred land.".

(b) BROWNFIELDS REVITALIZATION FUNDING.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

"SEC. 128. BROWNFIELDS REVITALIZATION FUNDING.

"(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a general purpose unit of local government;

"(2) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

"(3) a government entity created by a State legislature;

"(4) a regional council or group of general purpose units of local government;

"(5) a redevelopment agency that is chartered or otherwise sanctioned by a State;

"(6) a State; or

"(7) an Indian Tribe.

"(b) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT GRANT PROGRAM.—

"(1) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to—

"(A) provide grants to inventory, characterize, assess, and conduct planning related to brownfield sites under paragraph (2); and

"(B) perform targeted site assessments at brownfield sites.

"(2) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT.—

"(A) IN GENERAL.—On approval of an application made by an eligible entity, the Administrator may make a grant to the eligible entity to be used for programs to inventory, characterize, assess, and conduct planning related to 1 or more brownfield sites.

"(B) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under subparagraph (A) shall be performed in accordance with section 101(35)(B).

"(c) GRANTS AND LOANS FOR BROWNFIELD REMEDIATION.—

"(1) GRANTS PROVIDED BY THE PRESIDENT.—Subject to subsections (d) and (e), the President shall establish a program to provide grants to—

"(A) eligible entities, to be used for capitalization of revolving loan funds; and

"(B) eligible entities or nonprofit organizations, where warranted, as determined by the President based on considerations under paragraph (3), to be used directly for remediation of 1 or more brownfield sites that is owned by the entity or organization that receives the grant and in amounts not to exceed $200,000 for each site to be remediated.

"(2) LOANS AND GRANTS PROVIDED BY ELIGIBLE ENTITIES.—An eligible entity that receives a grant under paragraph (1)(A) shall use the grant funds to provide assistance for the remediation of brownfield sites in the form of—

"(A) 1 or more loans to an eligible entity, a site owner, a site developer, or another person; or

"(B) 1 or more grants to an eligible entity or other nonprofit organization, where warranted, as determined by the eligible entity that is providing the assistance, based on considerations under paragraph (3), to remediate sites owned by the eligible entity or nonprofit organization that receives the grant.

"(3) CONSIDERATIONS.—In determining whether a grant under paragraph (1)(B) or (2)(B) is warranted, the President or the eligible entity, as the case may be, shall take into consideration—

"(A) the extent to which a grant will facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes;

"(B) the extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community;

"(C) the extent to which a grant will facilitate the use or reuse of existing infrastructure;

"(D) the benefit of promoting the long-term availability of funds from a revolving loan fund for brownfield remediation; and

"(E) such other factors as the Administrator considers appropriate to consider for the purposes of this section.

"(4) Compliance with applicable laws.—An eligible entity that provides assistance under paragraph (2) shall include in all loan and grant agreements a requirement that the loan or grant recipient shall comply with all laws applicable to the cleanup for which grant funds will be used and ensure that the cleanup protects human health and the environment.

"(5) Transition.—Revolving loan funds that have been established before the date of enactment of this section may be used in accordance with this subsection.

"(d) General Provisions.—

"(1) Maximum grant amount.—

"(A) Brownfield site characterization and assessment.—

"(i) In general.—A grant under subsection (b)—

"(I) may be awarded to an eligible entity on a community-wide or site-by-site basis; and

"(II) shall not exceed, for any individual brownfield site covered by the grant, $200,000.

"(ii) Waiver.—The Administrator may waive the $200,000 limitation under clause (i)(II) to permit the brownfield site to receive a grant of not to exceed $350,000, based on the anticipated level of contamination, size, or status of ownership of the site.

"(B) Brownfield remediation.—

"(i) Grant amount.—A grant under subsection (c)(1)(A) may be awarded to an eligible entity on a community-wide or site-by-site basis, not to exceed $1,000,000 per eligible entity.

"(ii) Additional grant amount.—The Administrator may make an additional grant to an eligible entity described in clause (i) for any year after the year for which the initial grant is made, taking into consideration—

"(I) the number of sites and number of communities that are addressed by the revolving loan fund;

"(II) the demand for funding by eligible entities that have not previously received a grant under this section;

"(III) the demonstrated ability of the eligible entity to use the revolving loan fund to enhance remediation and provide funds on a continuing basis; and

"(IV) any other factors that the Administrator considers appropriate to carry out this section.

"(2) Prohibition.—

"(A) In general.—No part of a grant or loan under this section may be used for the payment of—

"(i) a penalty or fine;

"(ii) a Federal cost-share requirement;

"(iii) an administrative cost;

"(iv) a response cost at a brownfield site for which the recipient of the grant or loan is potentially liable under section 107; or

"(v) a cost of compliance with any Federal law (including a Federal law specified in section 101(39)(B)).

"(B) Exclusions.—For the purposes of subparagraph (A)(iii), the term 'administrative cost' does not include the cost of—

"(i) investigation and identification of the extent of contamination;

"(ii) design and performance of a response action; or

"(iii) monitoring of a natural resource.

"(3) Assistance for development of local government site remediation programs.—A local government that receives a grant under this section may use not to exceed 10 percent of the grant funds to develop and implement a brownfields program that may include—

"(A) monitoring the health of populations exposed to 1 or more hazardous substances from a brownfield site; and

"(B) monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance from a brownfield site.

"(e) Grant Applications.—

"(1) Submission.—

"(A) In general.—

"(i) Application.—An eligible entity may submit to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, an application for a grant under this section for 1 or more brownfield sites (including information on the criteria used by the Administrator to rank applications under paragraph (3), to the extent that the information is available).

"(ii) NCP requirements.—The Administrator may include in any requirement for submission of an application under clause (i) a requirement of the National Contingency Plan only to the extent that the requirement is relevant and appropriate to the program under this section.

"(B) Coordination.—The Administrator shall coordinate with other Federal agencies to assist in making eligible entities aware of other available Federal resources.

"(C) Guidance.—The Administrator shall publish guidance to assist eligible entities in applying for grants under this section.

"(2) Approval.—The Administrator shall—

"(A) complete an annual review of applications for grants that are received from eligible entities under this section; and

"(B) award grants under this section to eligible entities that the Administrator determines have the highest rankings under the ranking criteria established under paragraph (3).

"(3) Ranking criteria.—The Administrator shall establish a system for ranking grant applications received under this subsection that includes the following criteria:

"(A) The extent to which a grant will stimulate the availability of other funds for environmental assessment or remediation, and subsequent reuse, of an area in which 1 or more brownfield sites are located.

"(B) The potential of the proposed project or the development plan for an area in which 1 or more brownfield sites are located to stimulate economic development of the area on completion of the cleanup.

"(C) The extent to which a grant would address or facilitate the identification and reduction of threats to human health and the environment.

"(D) The extent to which a grant would facilitate the use or reuse of existing infrastructure.

"(E) The extent to which a grant would facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

"(F) The extent to which a grant would meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community.

"(G) The extent to which the applicant is eligible for funding from other sources.

"(H) The extent to which a grant will further the fair distribution of funding between urban and nonurban areas.

"(I) The extent to which the grant provides for involvement of the local community in the process of making decisions relating to cleanup and future use of a brownfield site.

"(f) Implementation of Brownfields Programs.—

"(1) Establishment of program.—The Administrator may provide, or fund eligible entities to provide, training, research, and technical assistance to individuals and organizations, as appropriate, to facilitate the inventory of brownfield sites, site assessments, remediation of brownfield sites, community involvement, or site preparation.

"(2) Funding restrictions.—The total Federal funds to be expended by the Administrator under this subsection shall not exceed 15 percent of the total amount appropriated to carry out this section in any fiscal year.

"(g) Audits.—

"(1) In general.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants and loans under this section as the Inspector General considers necessary to carry out this section.

"(2) Procedure.—An audit under this paragraph shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

"(3) Violations.—If the Administrator determines that a person that receives a grant or loan under this section has violated or is in violation of a condition of the grant, loan, or applicable Federal law, the Administrator may—

"(A) terminate the grant or loan;

"(B) require the person to repay any funds received; and

"(C) seek any other legal remedies available to the Administrator.

"(h) Leveraging.—An eligible entity that receives a grant under this section may use the grant funds for a portion of a project at a brownfield site for which funding is received from other sources if the grant funds are used only for the purposes described in subsection (b) or (c).

"(i) Agreements.—Each grant or loan made under this section shall be subject to an agreement that—

"(1) requires the recipient to comply with all applicable Federal and State laws;

"(2) requires that the recipient use the grant or loan exclusively for purposes specified in subsection (b) or (c), as applicable;

"(3) in the case of an application by an eligible entity under subsection (c)(1), requires the eligible entity to pay a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent, from non-Federal sources of funding, unless the Administrator determines that the matching share would place an undue hardship on the eligible entity; and

"(4) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

"(j) Facility Other Than Brownfield Site.—The fact that a facility may not be a brownfield site within the meaning of section 101(39)(A) has no effect on the eligibility of the facility for assistance under any other provision of Federal law.

"(k) Funding.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2001 through 2005.".

TITLE II—BROWNFIELDS LIABILITY CLARIFICATIONS

SEC. 201. CONTIGUOUS PROPERTIES.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

"(o) Contiguous Properties.—

"(1) Not considered to be an owner or operator.—

"(A) In general.—A person that owns real property that is contiguous to or otherwise similarly situated with respect to, and that is or may be contaminated by a release or threatened release of a hazardous substance from, real property that is not owned by that person shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

"(i) the person did not cause, contribute, or consent to the release or threatened release;

"(ii) the person is not—

"(I) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through any direct or indirect familial relationship or any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by a contract for the sale of goods or services); or

"(II) the result of a reorganization of a business entity that was potentially liable;

"(iii) the person takes reasonable steps to—

"(I) stop any continuing release;

"(II) prevent any threatened future release; and

"(III) prevent or limit human, environmental, or natural resource exposure to any hazardous substance released on or from property owned by that person;

"(iv) the person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration at the vessel or facility from which there has been a release or threatened release (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the vessel or facility);

"(v) the person—

"(I) is in compliance with any land use restrictions established or relied on in connection with the response action at a facility; and

"(II) does not impede the effectiveness or integrity of any institutional control employed in connection with a response action;

"(vi) the person is in compliance with any request for information or administrative subpoena issued by the President under this Act;

"(vii) the person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility; and

"(viii) at the time at which the person acquired the property, the person—

"(I) conducted all appropriate inquiry within the meaning of section 101(35)(B) with respect to the property; and

"(II) did not know or have reason to know that the property was or could be contaminated by a release or threatened release of 1 or more hazardous substances from other real property not owned or operated by the person.

"(B) Demonstration.—To qualify as a person described in subparagraph (A), a person must establish by a preponderance of the evidence that the conditions in clauses (i) through (viii) of subparagraph (A) have been met.

"(C) Bona fide prospective purchaser.—Any person that does not qualify as a person described in this paragraph because the person had knowledge specified in subparagraph (A)(viii) at the time of acquisition of the real property may qualify as a bona fide prospective purchaser under section 101(40) if the person is otherwise described in that section.

"(D) Ground water.—If a hazardous substance from 1 or more sources that are not on the property of a person enters ground water beneath the property of the person solely as a result of subsurface migration in an aquifer, subparagraph (A)(iii) shall not require the person to conduct ground water investigations or to install ground water remediation systems, except in accordance with the policy of the Environmental Protection Agency concerning owners of property containing contaminated aquifers, dated May 24, 1995.

"(2) Effect of law.—With respect to a person described in this subsection, nothing in this subsection—

"(A) limits any defense to liability that may be available to the person under any other provision of law; or

"(B) imposes liability on the person that is not otherwise imposed by subsection (a).

"(3) Assurances.—The Administrator may—

"(A) issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1); and

"(B) grant a person described in paragraph (1) protection against a cost recovery or contribution action under section 113(f).".

SEC. 202. PROSPECTIVE PURCHASERS AND WINDFALL LIENS.

(a) Definition of Bona Fide Prospective Purchaser.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 101(a)) is amended by adding at the end the following:

"(40) Bona fide prospective purchaser.—The term 'bona fide prospective purchaser' means a person (or a tenant of a person) that acquires ownership of a facility after the date of enactment of this paragraph and that establishes each of the following by a preponderance of the evidence:

"(A) Disposal prior to acquisition.—All disposal of hazardous substances at the facility occurred before the person acquired the facility.

"(B) Inquiries.—

"(i) In general.—The person made all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices in accordance with clauses (ii) and (iii).

"(ii) Standards and practices.—The standards and practices referred to in clauses (ii) and (iv) of paragraph (35)(B) shall be considered to satisfy the requirements of this subparagraph.

"(iii) Residential use.—In the case of property in residential or other similar use at the time of purchase by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.

"(C) Notices.—The person provides all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

"(D) Care.—The person exercises appropriate care with respect to hazardous substances found at the facility by taking reasonable steps to—

"(i) stop any continuing release;

"(ii) prevent any threatened future release; and

"(iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous substance.

"(E) Cooperation, assistance, and access.—The person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions at a vessel or facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions at the vessel or facility).

"(F) Institutional control.—The person—

"(i) is in compliance with any land use restrictions established or relied on in connection with the response action at a vessel or facility; and

"(ii) does not impede the effectiveness or integrity of any institutional control employed at the vessel or facility in connection with a response action.

"(G) Requests; subpoenas.—The person complies with any request for information or administrative subpoena issued by the President under this Act.

"(H) No affiliation.—The person is not—

"(i) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through—

"(I) any direct or indirect familial relationship; or

"(II) any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by the instruments by which title to the facility is conveyed or financed or by a contract for the sale of goods or services); or

"(ii) the result of a reorganization of a business entity that was potentially liable.".

(b) Prospective Purchaser and Windfall Lien.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 201) is amended by adding at the end the following:

"(p) Prospective Purchaser and Windfall Lien.—

"(1) Limitation on liability.—Notwithstanding subsection (a)(1), a bona fide prospective purchaser whose potential liability for a release or threatened release is based solely on the purchaser's being considered to be an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

"(2) Lien.—If there are unrecovered response costs incurred by the United States at a facility for which an owner of the facility is not liable by reason of paragraph (1), and if each of the conditions described in paragraph (3) is met, the United States shall have a lien on the facility, or may by agreement with the party obtain from an appropriate party a lien on any other property or other assurance of payment satisfactory to the Administrator, for the unrecovered response costs.

"(3) Conditions.—The conditions referred to in paragraph (2) are the following:

"(A) Response action.—A response action for which there are unrecovered costs of the United States is carried out at the facility.

"(B) Fair market value.—The response action increases the fair market value of the facility above the fair market value of the facility that existed before the response action was initiated.

"(4) AMOUNT; DURATION.—A lien under paragraph (2)—

"(A) shall be in an amount not to exceed the increase in fair market value of the property attributable to the response action at the time of a sale or other disposition of the property;

"(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

"(C) shall be subject to the requirements of subsection (l)(3); and

"(D) shall continue until the earlier of—

"(i) satisfaction of the lien by sale or other means; or

"(ii) notwithstanding any statute of limitations under section 113, recovery of all response costs incurred at the facility.".

SEC. 203. INNOCENT LANDOWNERS.

Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence, in the matter preceding clause (i), by striking "deeds or" and inserting "deeds, easements, leases, or"; and

(B) in the second sentence—

(i) by striking "he" and inserting "the defendant"; and

(ii) by striking the period at the end and inserting ", provides full cooperation, assistance, and facility access to the persons that are authorized to conduct response actions at the facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility), and is in compliance with any land use restrictions established or relied on in connection with the response action at a facility, and does not impede the effectiveness or integrity of any institutional control employed at the facility in connection with a response action."; and

(2) by striking subparagraph (B) and inserting the following:

"(B) REASON TO KNOW.—

"(i) ALL APPROPRIATE INQUIRIES.—To establish that the defendant had no reason to know of the matter described in subparagraph (A)(i), the defendant must demonstrate to a court that—

"(I) on or before the date on which the defendant acquired the facility, the defendant carried out all appropriate inquiries, as provided in clauses (ii) and (iv), into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices; and

"(II) the defendant took reasonable steps to—

"(aa) stop any continuing release;

"(bb) prevent any threatened future release; and

"(cc) prevent or limit any human, environmental, or natural resource exposure to any previously released hazardous substance.

"(ii) STANDARDS AND PRACTICES.—Not later than 2 years after the date of enactment of the Brownfields Revitalization and Environmental Restoration Act of 2000, the Administrator shall by regulation establish standards and practices for the purpose of satisfying the requirement to carry out all appropriate inquiries under clause (i).

"(iii) CRITERIA.—In promulgating regulations that establish the standards and practices referred to in clause (ii), the Administrator shall include each of the following:

"(I) The results of an inquiry by an environmental professional.

"(II) Interviews with past and present owners, operators, and occupants of the facility for the purpose of gathering information regarding the potential for contamination at the facility.

"(III) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records, to determine previous uses and occupancies of the real property since the property was first developed.

"(IV) Searches for recorded environmental cleanup liens against the facility that are filed under Federal, State, or local law.

"(V) Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility.

"(VI) Visual inspections of the facility and of adjoining properties.

"(VII) Specialized knowledge or experience on the part of the defendant.

"(VIII) The relationship of the purchase price to the value of the property, if the property was not contaminated.

"(IX) Commonly known or reasonably ascertainable information about the property.

"(X) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation.

"(iv) INTERIM STANDARDS AND PRACTICES.—

"(I) PROPERTY PURCHASED BEFORE MAY 31, 1997.—With respect to property purchased before May 31, 1997, in making a determination with respect to a defendant described of clause (i), a court shall take into account—

"(aa) any specialized knowledge or experience on the part of the defendant;

"(bb) the relationship of the purchase price to the value of the property, if the property was not contaminated;

"(cc) commonly known or reasonably ascertainable information about the property;

"(dd) the obviousness of the presence or likely presence of contamination at the property; and

"(ee) the ability of the defendant to detect the contamination by appropriate inspection.

"(II) PROPERTY PURCHASED ON OR AFTER MAY 31, 1997.—With respect to property purchased on or after May 31, 1997, and until the Administrator promulgates the regulations described in clause (ii), the procedures of the American Society for Testing and Materials, including the document known as 'Standard E1527-97', entitled 'Standard Practice for Environmental Site Assessment: Phase 1 Environmental Site Assessment Process', shall satisfy the requirements in clause (i).

"(v) SITE INSPECTION AND TITLE SEARCH.—In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.".

TITLE III—STATE RESPONSE PROGRAMS

SEC. 301. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 202) is amended by adding at the end the following:

"(41) ELIGIBLE RESPONSE SITE.—

"(A) IN GENERAL.—The term 'eligible response site' means a site that meets the definition of a brownfield site in subparagraphs (A) and (B) of paragraph (39), as modified by subparagraphs (B) and (C) of this paragraph.

"(B) INCLUSIONS.—The term 'eligible response site' includes—

"(i) notwithstanding paragraph (39)(B)(ix), a portion of a facility, for which portion assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986; or

"(ii) a site for which, notwithstanding the exclusions provided in subparagraph (C) or paragraph (39)(B), the President determines, on a site-by-site basis and after consultation with the State, that limitations on enforcement under section 129 at sites specified in clause (iv), (v), (vi) or (viii) of paragraph (39)(B) would be appropriate and will—

"(I) protect human health and the environment; and

"(II) promote economic development or facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

"(C) EXCLUSIONS.—The term 'eligible response site' does not include—

"(i) a facility for which the President—

"(I) conducts or has conducted a remedial site investigation; and

"(II) after consultation with the State, determines or has determined that the site qualifies for listing on the National Priorities List;

unless the President has made a determination that no further Federal action will be taken; or

"(ii) facilities that the President determines warrant particular consideration as identified by regulation, such as sites posing a threat to a sole-source drinking water aquifer or a sensitive ecosystem.".

(b) STATE RESPONSE PROGRAMS.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(b)) is amended by adding at the end the following:

"SEC. 129. STATE RESPONSE PROGRAMS.

"(a) ASSISTANCE TO STATES.—

"(1) IN GENERAL.—

"(A) STATES.—The Administrator may award a grant to a State or Indian tribe that—

"(i) has a response program that includes each of the elements, or is taking reasonable steps to include each of the elements, listed in paragraph (2); or

"(ii) is a party to a memorandum of agreement with the Administrator for voluntary response programs.

"(B) USE OF GRANTS BY STATES.—

"(i) IN GENERAL.—A State or Indian tribe may use a grant under this subsection to establish or enhance the response program of the State or Indian tribe.

"(ii) ADDITIONAL USES.—In addition to the uses under clause (i), a State or Indian tribe may use a grant under this subsection to—

"(I) capitalize a revolving loan fund for brownfield remediation under section 128(c); or

"(II) develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a State response program.

"(2) ELEMENTS.—The elements of a State or Indian tribe response program referred to in paragraph (1)(A)(i) are the following:

"(A) Timely survey and inventory of brownfield sites in the State.

"(B) Oversight and enforcement authorities or other mechanisms, and resources, that are adequate to ensure that—

"(i) a response action will—

"(I) protect human health and the environment; and

"(II) be conducted in accordance with applicable Federal and State law; and

"(ii) if the person conducting the response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed.

"(C) Mechanisms and resources to provide meaningful opportunities for public participation, including—

"(i) public access to documents that the State, Indian tribe, or party conducting the cleanup is relying on or developing in making cleanup decisions or conducting site activities; and

"(ii) prior notice and opportunity for comment on proposed cleanup plans and site activities.

"(D) Mechanisms for approval of a cleanup plan, and a requirement for verification by and certification or similar documentation from the State, an Indian tribe, or a licensed site professional to the person conducting a response action indicating that the response is complete.

"(3) FUNDING.—There is authorized to be appropriated to carry out this subsection $50,000,000 for each of fiscal years 2001 through 2005.

"(b) ENFORCEMENT IN CASES OF A RELEASE SUBJECT TO STATE PROGRAM.—

"(1) ENFORCEMENT.—

"(A) IN GENERAL.— Except as provided in subparagraph (B) and subject to subparagraph (C), in the case of an eligible response site at which—

"(i) there is a release or threatened release of a hazardous substance, pollutant, or contaminant; and

"(ii) a person is conducting or has completed a response action regarding the specific release that is addressed by the response action that is in compliance with the State program that specifically governs response actions for the protection of public health and the environment;

the President may not use authority under this Act to take an administrative or judicial enforcement action under section 106(a) or to take a judicial enforcement action to recover response costs under section 107(a) against the person regarding the specific release that is addressed by the response action.

"(B) EXCEPTIONS.—The President may bring an enforcement action under this Act during or after completion of a response action described in subparagraph (A) with respect to a release or threatened release at an eligible response site described in that subparagraph if—

"(i) the State requests that the President provide assistance in the performance of a response action;

"(ii) the Administrator determines that contamination has migrated or will migrate across a State line, resulting in the need for further response action to protect human health or the environment, or the President determines that contamination has migrated or is likely to migrate onto property subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States and may impact the authorized purposes of the Federal property;

"(iii) after taking into consideration the response activities already taken, the Administrator determines that—

"(I) a release or threatened release may present an imminent and substantial endangerment to public health or welfare or the environment; and

"(II) additional response actions are likely to be necessary to address, prevent, limit, or mitigate the release or threatened release; or

"(iv) the Administrator determines that information, that on the earlier of the date on which cleanup was approved or completed, was not known by the State, as recorded in documents prepared or relied on in selecting or conducting the cleanup, has been discovered regarding the contamination or conditions at a facility such that the contamination or conditions at the facility present a threat requiring further remediation to protect public health or welfare or the environment.

"(C) PUBLIC RECORD.—The limitations on the authority of the President under subparagraph (A) apply only at sites in States that maintain, update not less than annually, and make available to the public a record of sites, by name and location, at which response actions have been completed in the previous year and are planned to be addressed under the State program that specifically governs response actions for the protection of public health and the environment in the upcoming year. The public record shall identify whether or not the site, on completion of the response action, will be suitable for unrestricted use and, if not, shall identify the institutional controls relied on in the remedy. Each State and tribe receiving financial assistance under subsection (a) shall maintain and make available to the public a record of sites as provided in this paragraph.

"(D) EPA NOTIFICATION.—

"(i) IN GENERAL.—In the case of an eligible response site at which there is a release or threatened release of a hazardous substance, pollutant, or contaminant and for which the Administrator intends to carry out an action that may be barred under subparagraph (A), the Administrator shall—

"(I) notify the State of the action the Administrator intends to take; and

"(II)(aa) wait 48 hours for a reply from the State under clause (ii); or

"(bb) if the State fails to reply to the notification or if the Administrator makes a determination under clause (iii), take immediate action under that clause.

"(ii) STATE REPLY.—Not later than 48 hours after a State receives notice from the Administrator under clause (i), the State shall notify the Administrator if—

"(I) the release at the eligible response site is or has been subject to a cleanup conducted under a State program; and

"(II) the State is planning to abate the release or threatened release, any actions that are planned.

"(iii) IMMEDIATE FEDERAL ACTION.—The Administrator may take action immediately after giving notification under clause (i) without waiting for a State reply under clause (ii) if the Administrator determines that 1 or more exceptions under subparagraph (B) are met.

"(E) REPORT TO CONGRESS.—Not later than 90 days after the date of initiation of any enforcement action by the President under clause (ii), (iii), or (iv) of subparagraph (B), the President shall submit to Congress a report describing the basis for the enforcement action, including specific references to the facts demonstrating that enforcement action is permitted under subparagraph (B).

"(2) SAVINGS PROVISION.—

"(A) COSTS INCURRED PRIOR TO LIMITATIONS.—Nothing in paragraph (1) precludes the President from seeking to recover costs incurred prior to the date of enactment of this section or during a period in which the limitations of paragraph (1)(A) were not applicable.

"(B) EFFECT ON AGREEMENTS BETWEEN STATES AND EPA.—Nothing in paragraph (1)—

"(i) modifies or otherwise affects a memorandum of agreement, memorandum of understanding, or any similar agreement relating to this Act between a State agency or an Indian tribe and the Administrator that is in effect on or before the date of enactment of this section (which agreement shall remain in effect, subject to the terms of the agreement); or

"(ii) limits the discretionary authority of the President to enter into or modify an agreement with a State, an Indian tribe, or any other person relating to the implementation by the President of statutory authorities.

"(3) EFFECTIVE DATE.—This subsection applies only to response actions conducted after June 8, 2000.

"(c) EFFECT ON FEDERAL LAWS.—Nothing in this section affects any liability or response authority under any Federal law, including—

"(1) this Act, except as provided in subsection (b);

"(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

"(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).".

SEC. 302. ADDITIONS TO NATIONAL PRIORITIES LIST.

Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended by adding at the end the following:

"(h) NPL DEFERRAL.—

"(1) DEFERRAL TO STATE VOLUNTARY CLEANUPS.—At the request of a State and subject to paragraphs (2) and (3), the President generally shall defer final listing of an eligible response site on the National Priorities List if the President determines that—

"(A) the State, or another party under an agreement with or order from the State, is conducting a response action at the eligible response site—

"(i) in compliance with a State program that specifically governs response actions for the protection of public health and the environment; and

"(ii) that will provide long-term protection of human health and the environment; or

"(B) the State is actively pursuing an agreement to perform a response action described in subparagraph (A) at the site with a person that the State has reason to believe is capable of conducting a response action that meets the requirements of subparagraph (A).

"(2) PROGRESS TOWARD CLEANUP.—If, after the last day of the 1-year period beginning on the date on which the President proposes to list an eligible response site on the National Priorities List, the President determines that the State or other party is not making reasonable progress toward completing a response action at the eligible response site, the President may list the eligible response site on the National Priorities List.

"(3) CLEANUP AGREEMENTS.—With respect to an eligible response site under paragraph (1)(B), if, after the last day of the 1-year period beginning on the date on which the President proposes to list the eligible response site on the National Priorities List, an agreement described in paragraph (1)(B) has not been reached, the President may defer the listing of the eligible response site on the National Priorities List for an additional period of not to exceed 180 days if the President determines deferring the listing would be appropriate based on—

"(A) the complexity of the site;

"(B) substantial progress made in negotiations; and

"(C) other appropriate factors, as determined by the President.

"(4) EXCEPTIONS.—The President may decline to defer, or elect to discontinue a deferral of, a listing of an eligible response site on the National Priorities List if the President determines that—

"(A) deferral would not be appropriate because the State, as an owner or operator or a significant contributor of hazardous substances to the facility, is a potentially responsible party;

"(B) the criteria under the National Contingency Plan for issuance of a health advisory have been met; or

"(C) the conditions in paragraphs (1) through (3), as applicable, are no longer being met.".

Mr. LAUTENBERG. Mr. President, I'm very pleased to announce that, after months of very hard work, we have bipartisan legislation which will clean up and redevelop the abandoned industrial sites known as Brownfields—S. 2700, the Brownfields Revitalization and Environmental Restoration Act of 2000.

I first introduced Brownfields legislation in the Senate in 1993, in the hopes of both protecting public health, and addressing the problems of blighted areas. Since that time, it has become clear that there are even more reasons to address Brownfields than we originally thought. In fact, there are few environmental issues which cut across so many problems and offer so many solutions.

Mr. President, Brownfields threaten the health of our citizens—and the economic health of communities across the country, by leading to abandoned inner cities, increased crime, loss of jobs and declining tax revenues. Brownfields also lead to urban sprawl, loss of farmland, increased traffic and air pollution and loss of historic districts in older urban centers.

But once they're cleaned up and made useful again, they also represent tremendous potential in new jobs and a cleaner environment. Now, finally, we have a bipartisan plan to achieve those goals.

The legislation we're introducing today provides federal money to investigate and clean up Brownfields sites. State and local governments would use this money to determine which sites pose environmental problems, to decide which redevelopment options hold the greatest promise, and most important, to get these sites cleaned up.

Second, the legislation promises important private investments in the cleanup effort—by providing liability protection for people interested in buying and cleaning up these sites and for people who bought a Brownfields site without knowing it was contaminated. It also removes potential liability for parties who own property which becomes contaminated through no fault of their own, from hazardous substances from an adjacent site. These liability limitations and clarifications will help innocent parties and provide incentives to get these properties cleaned up and back into use.

Third, this bill does several new and positive things for communities and for the environment. For the first time, it creates a public record of Brownfield sites handled under state programs, because the public has a right to know what's happening at the sites near their homes. And it is the first Brownfields bill to provide funding not just to assist in redevelopment projects, but also to provide assistance to state and local governments to create and preserve open space, parklands and other recreational areas in former Brownfields sites.

Finally, the bill gives states incentives and funding to develop state programs to clean up their Brownfield sites quickly and safely. It has provisions to encourage cooperation and coordination between the federal and state governments, both of whom play an active role in cleaning up these sites and protecting the citizens. The bill strikes a delicate balance. It provides deference to state cleanup programs but still ensures that the federal superfund program will be able to come in and address problems when a site poses a serious problem.

The Brownfields cleanup and redevelopment strategy in this legislation is comprehensive. It's fiscally responsible. And it will improve the quality of life for people throughout the country. It promises thousands of new jobs and millions in new tax revenue. It promises increased momentum for smart growth, which means cleaner air and less congested roads.

It promises a new focus on revitalizing downtown areas, which will reduce urban sprawl, lower rates and protect parkland and open space. I come from the most densely populated state in this country, and I understand the importance of protecting open space.

Mr. President, the nation's mayors estimate that Brownfields cost between $200 million and $500 million a year in lost tax revenues. Returning these sites to productive use could create some 236,000 new jobs.

Just look at the progress we've made even over the last few years. Grants from the EPA to aid in cleaning up Brownfields sites have helped generate more than 5,800 jobs and about $1.8 billion in revenues. In New Jersey alone, we've rescued more than 1,000 Brownfields sites, replacing polluted lagoons with office centers and covering abandoned rail yards with condominium complexes.

These successes benefit everyone—both environmentally and economically. Which is why this legislation has strong support from both Democrats and Republicans.

Mr. President, in the 1960s, this country turned its attention away from downtown areas and started focusing on the suburbs. We see now what that got us: clogged highways, overcrowded airports, and increased pollution.

It's time to turn that trend around. And that's exactly what this legislation will do. I also want to thank my three colleagues for their determination and hard work in hammering out this compromise. Senator SMITH, our new Chairman, has really reached out to all members of the Committee to try to craft good environmental legislation.

Senator BAUCUS, the Democratic leader on our Committee, has been a stalwart advocate for a good Superfund program and a compromise Brownfields bill. We have fought many battles together over the years. Finally, Senator CHAFEE has shown great courage and energy, bringing us together to do what was once unthinkable, a Superfund related bill that has bipartisan support. I look forward to working with all of them to ensure that this bill is signed into law. Thank you. Following is a summary of the bill.

BROWNFIELDS REVITALIZATION AND ENVIRONMENTAL RESTORATION ACT OF 2000 (S. 2700)—KEY PROVISIONS

Provides critically needed funds to assess and clean up abandoned and underutilized brownfield sites, which will create jobs, increase tax revenues, preserve and create open space and parks;

Provides legal protections for innocent parties, such as contiguous property owners, prospective purchasers, and innocent landowners;

Provides for funding and enhancement of state cleanup programs, including limits where appropriate on enforcement by the federal government at sites cleaned up under a State response program. Provides a balance of certainty for prospective purchasers, developers and others while ensuring protection of the public health.

Creates a public record of brownfield sites and enhances community involvement in site cleanup and reuse.

Provides for deferral of listing sites on the National Priorities List if the state is taking action at the site.

TITLE I: BROWNFIELD REVITALIZATION FUNDING

Authorizes $150 million per year, for fiscal years 2001–2005, for grants to local governments, States and Indian tribes to inventory, assess and cleanup contaminated brownfield sites, either through establishing a Revolving Loan Fund or, in some circumstances, by giving a grant. Provides criteria to be used in awarding these funds, including the extent to which the money will protect human health, spur redevelopment and create jobs, preserve open space and parks, and represent a fair distribution of money between urban and rural areas.

TITLE II: BROWNFIELD LIABILITY CLARIFICATIONS

Contiguous Property Owners—Generally provides Superfund liability relief for innocent persons who own property that is contaminated solely due to a release from another property, so long as the person did not cause or contribute to the release, and provide cooperation and access for the cleanup.

Prospective Purchases—Generally provides Superfund liability relief for innocent future buyers of brownfields who are responsible for contamination and do not impede the cleanup of the site, make all appropriate inquiry prior to purchase, exercise appropriate care with respect to hazardous substances, and provide cooperation and access to persons cleaning up the site. The bill also provides for "windfall liens" at sites where the government pays for the cleanup, and the fair market value was enhanced by that effort.

Innocent Landowners—Clarifies relief from Superfund liability for landowners who had no reason to know of contamination at the time of purchase, despite having made all appropriate inquiry into prior ownership and use of the facility. Provides certainty to parties by clarifying what needs to be done to satisfy the "appropriate inquiry" requirement in the current statute.

TITLE III: STATE RESPONSE PROGRAMS

Authorizes $50 million per year in fiscal years 2001–2005 for grants to states and Indian tribes to establish and enhance their cleanup programs, when the programs meet are making progress toward meeting general criteria, such as protection of human health and providing public involvement.

Provides deference to state programs and provides additional "certainty" to persons who conduct cleanups under state programs by placing restrictions on the authority of the Administrator to take an enforcement action under the federal Superfield law, while preserving the President's ability to address serious problems.

Provides for states to keep a public record of sites, in the state program to be eligible for the bar on federal enforcement. This record will provide the public with critical information about the sites in their neighborhoods.

Provides a deferral for listing sites on the federal Superfund list if the site is being adequately handled by the state program.

Mr. SMITH of New Hampshire. Today, the chairman of the Committee on Environment and Public Works, ranking minority member of the committee, chairman of the Subcommittee on Superfund, and ranking minority member of the subcommittee, have come together to introduce a bill that protects the environment, encourages community involvement, promotes economic redevelopment, encourages the preservation of green spaces, and sets the stage for future efforts of comprehensive Superfund reform.

As a nation, our industrial heritage has left us with numerous contaminated abandoned or underutilized "brownfield" sites. Although the level of contamination at many of these sites is relatively low, and the potential value of the property may be quite high, developers often shy away from developing these sites. One reason for this is uncertainty regarding the extent of contamination, the extent of potential liability, or the potential costs of cleanup.

With the introduction of the Brownfield Revitalization and Environmental Restoration Act of 2000, we focus on the uncertainty facing developers, property owners, and communities as to the status of low-risk contaminated sites.

At the beginning of this Congress, Administrator Browner and Assistant Administrator of Office of Solid Waste and Emergency Response, Tim Fields, testified that EPA was interested in pursuing legislative reform only in some narrow property owner areas and in brownfields. We have worked to address their suggestions and hope that in the future they can work with us to address a broader comprehensive Superfund effort.

Concerns exist for some Committee members that taking brownfields out of a comprehensive Superfund reform package will jeopardize future Superfund reform. Although I agree with my colleagues that comprehensive reform is needed, I feel that we can move forward with brownfield legislation without compromising comprehensive reform. 450,000 brownfield sites exist in the United States. These sites are low risk sites and are not the traditional Superfund sites that would be affected by comprehensive Superfund reform. If States and citizens are discouraged from cleaning up these sites, continuing the barriers to redevelopment, these sites may someday become Superfund sites.

As brownfield sites are outside of the scope of Superfund, I believe that liability carve-outs are outside of the scope of any brownfields legislation. As I have in the past, I continue to oppose narrow carve-outs. Carveouts weaken attempts at overhauling the remedy selection and liability allocation provisions in the current Superfund statute and, frankly, make a bad system worse. This brownfield legislation does not affect the allocation of liability at Superfund sites, instead, it provides needed resources to address sites, provides certainty to those who voluntarily cleanup, and prevents brownfields from being included in the Superfund web. Brownfield legislation presents a win-win for all involved and should jumpstart action on substantive Superfund reform in the next Congress.

This is a new era of environmental and infrastructure legislation. Since we have been paying down the debt, we are now able to return money to local communities to help them solve environmental problems and are encouraging partnerships are between federal entities, States, and local communities. It is an exciting time to be working and investing in our environment.

Mr. BAUCUS. Mr. President, I am pleased to join Senators CHAFEE, LAUTENBERG, and SMITH in introducing the Brownfields Revitalization and Environmental Restoration Act. This bill is a "win-win." It is good for the environment. It is good for communities. And it is good for the economy. More hazardous waste sites will be cleaned up. We'll have more parks and open space, more economic redevelopment, and more jobs.

I'd like to emphasize that this is not just an east-coast, big city bill. Montana may not have as many brownfields as some of our more industrialized and densely-populated states, but our economic history has left us with our share. Wood treatment facilities. Railroad yards. Sawmills. Getting these sites remediated and back in use makes good sense in Montana and throughout the country.

The Brewery Flats site outside Lewistown is a perfect example of a place where this bill can really make a difference in Montana. This 57 acre site is located on the Big Spring Creek flood plain, two miles south of Lewistown. It is a railroad site, consisting of a former branch line, railroad switching yard, and roundhouse locomotive service facility. Chicago-Milwaukee railroad operated the site, then sold it to Burlington Northern. The city would like to acquire the site and convert it to recreational and educational uses. The owner is willing to transfer the land to the city, but the city needs to have a more complete understanding of the extent of the contamination before moving acquiring the land and undertaking a cleanup.

The site has outstanding potential to enhance the community. It is adjacent to land on the Big Spring Creek that is owned by Montana Fish and Wildlife, so cleaning it up will allow the expansion of existing open space. Big Spring Creek itself is a blue-ribbon trout stream, and the Brewery Flats site boasts several wetland areas. Local students have planted trees in the area, and the educational and recreational potential of these adjacent sites is excellent.

Lewistown has worked hard to utilize existing programs and resources. Montana DEQ performed some initial sampling on the site several years ago. More recently, EPA conducted a targeted site assessment, which revealed light contamination on half of the site, and more extensive contamination near the roundhouse. Although EPA did not find anything alarming, the assessment is a first cut, and the city does not feel comfortable taking ownership of the property before more extensive sampling is done. Lacking the resources to do this work, Lewistown has applied for an EPA brownfields "showcase communities" grant. This process is still pending. In addition, the city has applied to the Montana DNRC for a cleanup grant.

The brownfields bill could greatly help Lewistown acquire and clean up Brewery Flats. And it could do the same for hundreds of sites in Montana and thousands around the country, by providing funding for brownfields revitalization programs, by giving liability protection in certain cases, and by providing funding and increased authority to state brownfields cleanup programs.

Let me explain each of these provisions.

Title I of the bill authorizes funding to states, tribes and local government to inventory, assess, and remediate brownfield sites. Funding is particularly critical for sites that will be used for non-profit purposes, such as parks. In some cases, it is also needed to fill gaps in private financing at sites that will be redeveloped for commercial use. To make the funding as effective as possible, it is structured to provide states, tribes and local governments the flexibility to utilize the brownfields money and EPA's capacity in the way that best suits their particular needs.

For site assessment, states, tribes and local governments can seek grants from EPA. For remediation, governments that wish to establish a program can seek grants to capitalize revolving loan funds for remediation. Out of these revolving loan funds, they can then provide loans, and grants to public and nonprofit entities, for remediation. Governments that do not wish to establish revolving loan funds, on the other hand, can seek grants from EPA for specific remediation projects. In addition, Title I authorizes EPA to conduct brownfields-related technical assistance and job training and facilitate community participation.

This package of funding and EPA authority builds on the successes of EPA's existing brownfields program, and strengthens it by adding increased flexibility. To serve all of these purposes, Title I authorizes $150 million per year for five years. I note that, at my urging, the bill includes mine-scarred lands in the definition of brownfields and contains a provision that will ensure that funds are distributed fairly between urban and rural areas.

Turning to Title II of the bill, Superfund's critics have long argued that the threat of Superfund liability has been a drag on the redevelopment of brownfields sites. Title II addresses this problem by protecting several classes of persons from Superfund liability. It protects contiguous property owners, whose property has been contaminated solely by migration of contamination from contiguous property. It protects bona fide prospective purchasers, who exercise appropriate care when purchasing property and did not contribute to any existing contamination. And it protects innocent landowners, who did not have reason to know of and did not contribute to contamination of property they already own.

These provisions make Superfund more fair, and will promote brownfields redevelopment by providing certainty to property owners and developers about what they need to do to avoid Superfund liability.

Title III clarifies the relationship between state cleanup programs and EPA's Superfund program. Superfund critics have long argued that the possibility that EPA could second-guess state-approved cleanups has discouraged brownfields remediation. At the same time, I and other have argued that we need to preserve the federal government's ability to use Superfund authorities to deal with dangerous situations at sites cleaned up under state programs in the rare case in which the cleanup is inadequate and there is a threat to human health or the environment.

The tension between these two views has been one of the major obstacles to moving brownfields legislation in the past. This bill forges a new compromise on this issue, one that should appeal to both sides in the debate. On the one hand, it gives more certainty to those who clean up brownfield sites under state programs. On the other hand, it preserves EPA's ability to use Superfund authorities to address serious problems.

Mr. President, putting these changes all together, the bill will expedite cleanups at Brewery Flats and all across the country. That, again, is good for the environment, good for communities, and good for the country.

One final point. This bill reflects a moderate, bipartisan, compromise. It shows that we can roll up our sleeves and resolve our differences.

For that, I complement the new chairman of the Environment and Public Works Committee, Senator SMITH, and the chairman of the Superfund Subcommittee, Senator CHAFEE. They've done a great job.

I'd also like to pay a special complement to the ranking member of the Subcommittee, Senator LAUTENBERG. He has accomplished many things during his 18 years in the Senate. One of the most important has been his leadership on environmental issues. More than anyone else, he has protected, and improved, the Superfund program.

If we enact the Chafee-Lautenberg bill this year, and I believe we can, it will be a fitting capstone to his Senate career.

By Mr. WYDEN (for himself, Mr. DEWINE and Mr. ROCKEFELLER):

S. 2701. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for donations of computers to senior centers, to require a pilot program to enhance the availability of Internet access for older Americans, and for other purposes; to the Committee on Finance.

INTERNET ACCESS FOR SENIORS ACT OF 2000

Mr. WYDEN. Mr. President, today, the opportunity to live a healthy and productive life can be enriched by something new: access to the Internet. But according to a 1999 Forrester Research report, only 8 percent of seniors age 65 and above have Internet access compared to 40 percent of the population under age 65. According to an unpublished Department of Commerce study, the percentage of low-income seniors with Internet access is even less: only 1.5 percent. My bill, the Internet Access for Seniors Act of 2000, will help narrow this digital divide between seniors and the rest of the population. I am pleased to be joined by Senators DEWINE and ROCKEFELLER in introducing this bill.

A recent study by Stanford's Institute for the Quantitative Study of Society shows the digital divide among different demographic groups. The variables are age, education, gender, race, ethnicity, and income. It shows that by far the most important factors facilitating or inhibiting Internet access are age and education—not income, not race, not ethnicity, and not gender. According to the study's authors, these variables account for less than 5 percent of the change in the rates of Internet access and are statistically insignificant. In contrast, and I quote, "a college education boosts rates of Internet access by well over 40 percentage points compared to the less educated group, while people over 65 show a more than 40 percentage point drop in their rates of Internet access compared to those under 25."

Ironically, seniors, who have more limited access to the Internet, can benefit more from Internet access than others because, in addition to a digital divide, they suffer from a transportation divide. The ability to travel from one place to another is vital to our daily lives. In fact, good transportation access is vital for many of the same reasons as good Internet access. But seniors are the least mobile demographic segment of our adult population. One way that people cope with poor access to telecommunications is to rely on transportation. But seniors lack this coping mechanism. In other words, if any demographic group in our society actually needs superior access to the Internet, it is seniors.

Our society has long recognized that access to certain kinds of information is a public good. That is why we have schools and libraries, and it is why we have the E-rate, which provides Internet access to schools and libraries. Until now, however, senior centers have been left out of the mix. Some may say, "Why don't seniors go to the library to get Internet access?" Many seniors prefer to go to senior centers because they are specifically designed to serve their needs. For example, senior centers routinely provide some type of special transportation for seniors to get to and from the senior centers. Asking libraries to take on the added cost of providing such transportation is clearly less desirable from a cost—not to mention logistical—standpoint. When a senior makes the effort to get to a senior center, he can take advantage of a half dozen services specifically designed to serve his needs, and it seems wasteful to ask libraries to take on those additional services.

There are many ways seniors can benefit from Internet access: taking courses, finding a job, becoming better-informed citizens, and shopping for essential goods and services. One application, access to health information, is obviously essential to seniors and is also an area of great interest to me.

Mr. President, there is an explosion of useful health information being made available over the Internet. According to a recent front page New York Times story, there are now more than 100,000 healthcare websites available on the Internet. Health information is being made available on the Internet because consumers demand it.

There are many reasons seniors may prefer to get health information over the Internet rather than in person.

Some seniors may not want to wait until their next doctor appointment before finding out more about their ailment. For example, if a senior gets a diagnosis of cancer, she may not want to wait to find out more about the seriousness of her condition and the options available.

Some seniors may find a trip to the clinician's office an onerous and often all-day activity. Clearly the ability to communicate with a clinician without making a special trip—and at odd hours—would be of great benefit. Recognizing these needs, some HMOs already allow seniors to communicate with their caregiver via the Internet to request relatively routine services such as a dosage change. This also saves on Medicare costs.

Some seniors may want to talk to other people who share their condition. For example, most medical websites now have chat rooms where fellow sufferers can get together to share information about new treatment options and day-to-day tips for coping with specific conditions. These sites also provide advice and support to the spouses and other caregivers who must care for victims of Alzheimer's, heart disease, cancer, and other afflictions of the elderly.

My legislation is designed to bring senior centers, particularly those in low-income or rural areas, into the digital age. I chose senior centers as a vehicle to alleviate the digital divide for seniors because these centers serve large numbers of seniors, especially the disadvantaged seniors targeted by this bill. Unfortunately, there are no national statistics regarding how many senior centers have computers with Internet access accessible to seniors. However, my office did a survey of Oregon senior centers. We found that 52 percent lacked access to computers and that 71 percent lacked access to the Internet. In many cases, the quality of computers and Internet access was low. Many computers were at least five years old. Some were ten or more years old. Internet connections were often made with older versions of browsers that could not access contemporary web sites.

My bill has two major components. The first provides a tax credit for individuals and organizations that contribute computer equipment to senior centers. The second creates a pilot program, called the S-rate, to provide subsidies for qualified low-income or rural senior centers to access the Internet.

The tax credit, essentially identical to the tax credit for computer equipment donated to schools passed March 1 of this year in the New Millennium Classrooms Act, is equal to 30 percent of the fair market value of the donated computer equipment. To receive the tax deduction, the computer equipment must be three years old or less. For donations to senior centers located within empowerment zones, enterprise communities, and Indian reservations, the tax credit is increased to 50 percent. The tax deduction is terminated for taxable years beginning three years after the date of enactment of this act, and we impose a limit of 10 computers per senior center.

The S-rate covers up to 90 percent of the costs associated with Internet access to senior centers. Covered costs include computers, software, training, and maintenance. Our bill seeks to narrow the increasingly important divide between information haves and have-nots in our society. Our bill is only a pilot program that will invest $10 million a year in getting our seniors online. The program sunsets after 3 years.

The Secretary of the Department of Commerce will administer the S-rate. In selecting among eligible senior centers, the Secretary will consider the senior center's need and proposed applications. Need includes the number of seniors served by the senior center, the extent to which the senior center already provides Internet access, and the extent to which the senior center serves an area with a high percentage of low-income or rural individuals. Applications include health information, job training, lifelong education, and any other applications that fulfill an important social need.

One of the Secretary's tasks is to develop enabling tools for the senior centers. For example, the Secretary could offer an array of fill-in-the-blank web templates to make it easy for senior centers to post information on the web and create their own home pages. The Secretary could provide information to senior centers about privacy concerns, especially regarding sensitive matters such as health information. The Secretary could suggest minimum standards for web hosting services seeking to serve senior centers.

One of the wonderful things about the Internet is the ability of one site to learn from another. The Secretary could create a web-based clearinghouse of all the senior centers funded under the pilot program. Innovative and outstanding web-based services could be specially marked so that other senior centers could quickly learn from the best practices of others. The Secretary could set up a technical chat room so that senior center administrators, in their role as webmasters, could share concerns and ideas. The Secretary could set up an Internet hotline for oversight; that is, to be alerted if an administrator doesn't use the S-rate for its stated purpose. And because the Internet can be used for distance education and online help, the Secretary could fund some senior centers to train other senior citizens.

Let me close with one further thought. Closing the digital divide for seniors is not just about social justice; it's also about basic dollars and cents. Consider this: according to the National Institute of Aging, more than two-thirds of every healthcare dollar—much of it government funded—goes to seniors. If we can empower seniors to be wise health consumers, we can use market mechanisms, rather than government red tape, to make sure that seniors get the healthcare they need. The Internet now offers that opportunity. Let's not squander it.

I ask unanimous consent that my statement and a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Access for Seniors Act of 2000".

SEC. 2. CREDIT FOR COMPUTER DONATIONS TO SENIOR CENTERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

"SEC. 45D. CREDIT FOR COMPUTER DONATIONS TO SENIOR CENTERS.

"(a) GENERAL RULE.—For purposes of section 38, the computer donation credit determined under this section is an amount equal to 30 percent of the qualified computer contributions made by the taxpayer during the taxable year as determined after the application of section 170(e)(6)(A).

"(b) QUALIFIED COMPUTER CONTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified computer contribution' has the meaning given the term 'qualified elementary or secondary educational contribution' by section 170(e)(6)(B), except that—

"(A) clause (ii) of such section shall be applied by substituting '3 years' for '2 years', "(B) clause (iii) of such section shall be applied by inserting ', the person from whom the donor reacquires the property,' after 'the donor', and

"(C) notwithstanding clauses (i) and (iv) of such section, such term shall include the contribution of computer technology or equipment to eligible senior centers to be used by individuals who have attained 60 years of age to improve job skills in computers.

"(2) ELIGIBLE SENIOR CENTER.—

"(A) IN GENERAL.—The term 'eligible senior center' means any facility which is eligible—

"(i) to receive funding as a senior center under title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.), and

"(ii) to receive the qualified computer contribution as determined under subparagraph (B).

"(B) ELIGIBILITY TO RECEIVE CONTRIBUTION.—For purposes of subparagraph (A)(ii), a senior center is eligible to receive a qualified computer contribution in any calendar year if such contribution when added to all preceding qualified computer contributions for such year does not result in such center receiving more than 10 computers through such contributions.

"(c) INCREASED PERCENTAGE FOR CONTRIBUTIONS TO ENTITIES IN EMPOWERMENT ZONES, ENTERPRISE COMMUNITIES, AND INDIAN RESERVATIONS.—In the case of a qualified computer contribution to an entity located in an empowerment zone or enterprise community designated under section 1391 or an Indian reservation (as defined in section 168(j)(6)), subsection (a) shall be applied by substituting '50 percent' for '30 percent'.

"(d) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply.

"(e) TERMINATION.—This section shall not apply to taxable years beginning on or after the date which is 3 years after the date of the enactment of the Internet Access for Seniors Act of 2000.".

(b) CURRENT YEAR BUSINESS CREDIT CALCULATION.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following:

"(13) the computer donation credit determined under section 45D(a).".

(c) DISALLOWANCE OF DEDUCTION BY AMOUNT OF CREDIT.—Section 280C of the Internal Revenue Code of 1986 (relating to certain expenses for which credits are allowable) is amended by adding at the end the following:

"(d) CREDIT FOR COMPUTER DONATIONS.—No deduction shall be allowed for that portion of the qualified computer contributions (as defined in section 45D(b)) made during the taxable year that is equal to the amount of credit determined for the taxable year under section 45D(a). In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 52(a)) or a trade or business which is treated as being under common control with other trades or businesses (within the meaning of section 52(b)), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subsections (a) and (b) of section 52.".

(d) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 of the Internal Revenue Code of 1986 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

"(9) NO CARRYBACK OF COMPUTER DONATION CREDIT BEFORE EFFECTIVE DATE.—No amount of unused business credit available under section 45D may be carried back to a taxable year beginning on or before the date of the enactment of this paragraph.".

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45C the following:

"Sec. 45D. Credit for computer donations to senior centers.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

SEC. 3. PILOT PROGRAM FOR ENHANCED INTERNET ACCESS FOR OLDER AMERICANS.

(a) REQUIREMENT.—

(1) IN GENERAL.—The Secretary of Commerce shall, in consultation with the Secretary of Health and Human Services, carry out a pilot program to enhance the availability of Internet access for older Americans. The pilot program shall meet the requirements of this section.

(2) DISCHARGE OF RESPONSIBILITIES.—The Secretary of Commerce shall carry out the pilot program through the Assistant Secretary of Commerce for Communications and Information, and the Secretary of Health and Human Services shall consult with the Secretary of Commerce under the pilot program through the Assistant Secretary for Aging of the Department of Health and Human Services.

(b) PARTICIPATION OF SENIOR CENTERS.—

(1) IN GENERAL.—The Secretary of Commerce shall select senior centers for participation in the pilot program under this section from among senior centers.

(2) APPLICATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each senior center seeking to participate in the pilot program shall submit to the Secretary an application for participation in the pilot program containing such information as the Secretary shall require.

(B) APPLICATIONS FOR SEVERAL CENTERS.—An entity consisting of or operating two or more senior centers may submit a single application under this paragraph on behalf of such senior centers that seek to participate in the pilot program.

(3) SELECTION OF SENIOR CENTERS.—In selecting a senior center for participation in the pilot program, the Secretary take into account the following:

(A) The extent to which the senior center already provides Internet access for older individuals.

(B) The extent to which the senior center serves an area with a high percentage of low-income older individuals, a rural area, or both such areas.

(C) The number of older individuals who will be provided Internet access as a result of the participation of the senior center in the pilot program.

(D) The extent to which the participation of the senior center in the pilot program will result in the receipt by older individuals of health or education information or job training through the Internet.

(c) GRANTS.—

(1) IN GENERAL.—

(A) IN GENERAL.—The Secretary of Commerce shall make grants to senior centers selected by the Secretary under subsection (b) for participation in the pilot program under this section.

(B) RECIPIENT OF CERTAIN GRANTS.—If the senior centers selected by the Secretary include senior centers covered by an application under subsection (b)(2)(B), the Secretary shall make the grant to such centers as a single grant through the entity submitting the application under that subsection.

(2) AMOUNT OF GRANTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary shall determine the amount of the grant to be made to each senior center selected to participate in the pilot program.

(B) LARGER AMOUNTS FOR CERTAIN CENTERS.—The Secretary shall, to the maximum extent practicable, make grants in larger amounts to senior centers selected to participate in the pilot program that serve areas with a high percentage of low-income older individuals, rural areas, or both such areas.

(C) ANNUAL LIMIT.—The amount of the grant made to a given senior center in any year may not exceed $25,000.

(d) USE OF GRANT AMOUNTS.—

(1) IN GENERAL.—A senior center receiving a grant under the pilot program under this section shall use the amount of the grant to cover or defray the costs of the senior center in making available Internet access to or for older individuals at or through the facilities of the senior center, including costs relating to telecommunications services, Internet access, internal connections, computers, input and output devices, software, training, and operations and maintenance.

(2) LIMITATION ON PERCENTAGE OF COSTS COVERED BY GRANT.—

(A) IN GENERAL.—The Secretary shall specify in each grant to a senior center selected to participate in the pilot program the maximum percentage of the costs of the senior center that may be covered or defrayed by such grant.

(B) HIGHER PERCENTAGE FOR CERTAIN CENTERS.—In specifying maximum percentages under this paragraph, the Secretary shall, to the maximum extent practicable, specify higher percentages for senior centers serving areas with a high percentage of low-income older individuals, rural areas, or both such areas.

(C) MAXIMUM PERCENTAGE.—The highest maximum percentage that may be specified by the Secretary under this paragraph shall be 90 percent.

(3) ADDITIONAL LIMITATION ON USE OF FUNDS.—Amounts received by a senior center under a grant under subsection (c) may not be used for any administrative purpose unless such purpose relates directly to the participation of the senior center in the pilot program under this section.

(e) DURATION.—

(1) COMMENCEMENT.—The Secretary of Commerce shall commence the pilot program under this section as soon as practicable after the date of the enactment of this Act.

(2) TERMINATION.—The Secretary may not make any grant under the pilot program after the date that is three years after the commencement of the pilot program under paragraph (1).

(f) REPORT.—

(1) REQUIREMENT.—Not later than two years after the commencement of the pilot program under subsection (e)(1), the Secretary of Commerce shall submit to Congress a report on the pilot program.

(2) ELEMENTS.—The report under paragraph (1) shall set forth the following:

(A) An estimate of the cost per senior center of making available Internet access to or for older individuals at or through senior centers in rural areas and in non-rural areas, including a separate estimate of the cost of—

(i) purchasing computers and associated hardware;

(ii) purchasing software;

(iii) purchasing and installing internal connections;

(iv) subscribing to Internet and telecommunications services at narrowband data rates; and

(v) operating and maintaining the systems which provide such access.

(B) An assessment of the extent to which computers and Internet access are currently available to or for older individuals at or through senior centers in the United States, including—

(i) a comparison of the availability of computers and Internet access at or though senior centers in rural areas with the availability of computers and Internet access at or through senior centers in non-rural areas; and

(ii) a comparison of the availability of computers and Internet access at or through senior centers that serve a high percentage of low-income older individuals with the availability of computers and Internet access at or through senior centers that do not serve a high percentage of low-income older individuals.

(C) A proposal for a program to provide additional subsidies or assistance to enhance the availability of Internet access to or for older individuals, under which program—

(i) all senior centers would be eligible for such subsidies or assistance; and

(ii) priority would be given in the provision of such subsidies or assistance to senior centers that serve a high percentage of low-income older individuals or are located in rural areas.

(D) An estimate of the annual cost of the program proposed under subparagraph (C).

(g) DEFINITIONS.—In this section:

(1) LOW-INCOME OLDER INDIVIDUAL.—The term "low-income older individual" means an older individual whose income level is at or below the poverty line (as that term is defined in section 102(41) of the Older Americans Act of 1965 (42 U.S.C. 3002(41)).

(2) OLDER INDIVIDUAL.—The term "older individual" has the meaning given that term in section 102(38) of the Older Americans Act of 1965 (42 U.S.C. 3002(38)).

(3) SENIOR CENTER.—The term "senior center" means any facility that is eligible to receive funding as a senior center under title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.).

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated $30,000,000 for purposes of the pilot program required by this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.•

By Mr. BENNETT (for himself and Mr. SCHUMER):

S. 2702. A bill to require reports on the progress of the Federal Government in implementing Presidential Decision Directive No. 63 (PDD–63); to the Committee on Armed Services.

REPORTING PROGRESS ON IMPLEMENTING PRESIDENTIAL DECISION DIRECTIVE NO. 63 (PDD–63)

• Mr. BENNETT. Mr. President, I rise today to introduce legislation with Senator SCHUMER. I wanted to thank my colleague and his staff for their hard work and full partnership in arriving at what I believe is a critical first step to insuring this nation's security in a world of growing cyber threats. I have been concerned for some time now that Presidential Decision Directive 63 (PDD 63) does not clearly define a role for the Department of Defense (DOD). In one sentence, PDD 63 states that the DOD is assigned the role of "defense" but does not elaborate on how it will accomplish this vague assignment. Our legislation will require that the DOD begin the thinking process of how it is integrating its different capabilities and assets into an "indications and warning architecture." Each of the Services is developing its individual information warfare capabilities at this moment, and it is not clear how they are being integrated or coordinated. The DOD was supposed to report on the future of the National Communications System (NCS) in 1996 and 1997, but as far as I know that report was never completed. NCS has been identified as a unique public-private partnership with major telephone carriers and information systems providers and could be a useful entity to defend against a widespread attack.

This bill will require the DOD to describe how it is working with the intelligence community to identify, detect and counter the threat of information warfare programs of hostile states and potentially hostile sub-national organizations. One thing my Y2K experience has made very clear to me is that the coordination of intelligence and the proper identification of threat and intention is increasingly difficult. We often lack the human intelligence, just plain people on the ground, to meet the growing need for reconnaissance, and that makes coordinated and integrated technology all the more important.

We must begin to work from a position of having a consistent understanding of the terms we use. It is central to this idea that we define the terms: nationally "significant cyber event" and "cyber reconstitution." PDD 63 and the National Plan do not define what these are and the lack of definition causes confusion and impedes program development.

Also, during Y2K we found that the DOD has a large dependency on foreign infrastructure and that we must develop a way to assure and defend that infrastructure electronically. Any collapse of an infrastructure would hurt our force projection capabilities.

Our offensive and defensive information operations need to evolve together in an integrated fashion. We need to identify elements of a defense against an information warfare attack, including how the capability of the U.S. Space Command's Computer Network Attack Capability will be integrated into the overall cyber defense of the U.S.

Mr. President, in closing I cannot overemphasis my concern for a thoughtful approach to cyber-defense. As many of us have become painfully aware, the threats are increasing at unheard of rates and our defenses, even in the government, have not kept pace.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORTS ON FEDERAL GOVERNMENT PROGRESS IN IMPLEMENTING PRESIDENTIAL DECISION DIRECTIVE NO. 63 (PDD–63)

(a) FINDINGS.—Congress makes the following findings:

(1) The protection of our Nation's critical infrastructure is of paramount importance to the security of the United States.

(2) The vulnerability of our Nation's critical sectors—such as financial services, transportation, communications, and energy and water supply—has increased dramatically in recent years as our economy and society have become ever more dependent on interconnected computer systems.

(3) Threats to our Nation's critical infrastructure will continue to grow as foreign governments, terrorist groups, and cyber-criminals increasingly focus on information warfare as a method of achieving their aims.

(4) Addressing the computer-based risks to our Nation's critical infrastructure requires extensive coordination and cooperation within and between Federal agencies and the private sector.

(5) Presidential Decision Directive No. 63 (PDD–63) identifies 12 areas critical to the functioning of the United States and requires certain Federal agencies, and encourages private sector industries, to develop and comply with strategies intended to enhance the Nation's ability to protect its critical infrastructure.

(6) PDD–63 requires lead Federal agencies to work with their counterparts in the private sector to create early warning information sharing systems and other cyber-security strategies.

(7) PDD–63 further requires that key Federal agencies develop their own internal information assurance plans, and that these plans be fully operational not later than May 2003.

(b) REPORT REQUIREMENTS.—(1) Not later than July 1, 2001, the President shall submit to Congress a comprehensive report detailing the specific steps taken by the Federal Government as of the date of the report to develop infrastructure assurance strategies and the timetable of the Federal Government for operationalizing and fully implementing critical information systems defense by May, 2003. The report shall include the following:

(A) A detailed summary of the progress of each Federal agency in developing an internal information assurance plan.

(B) The progress of Federal agencies in establishing partnerships with relevant private sector industries.

(C) The status of cyber-security and information assurance capabilities in the private sector industries at the forefront of critical infrastructure protection.

(2)(A) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a detailed report on Department of Defense plans and programs to organize a coordinated defense against attacks on critical infrastructure and critical information-based systems in both the Federal Government and the private sector. The report shall be provided in both classified and unclassified formats.

(B) The report shall include the following:

(i) A description of the current role of the Department of Defense in implementing Presidential Decision Directive No. 63 (PDD-63).

(ii) A description of the manner in which the Department is integrating its various capabilities and assets (including the Army Land Information Warfare Activity (LIWA), the Joint Task Force on Computer Network Defense (JTF–CND), and the National Communications System) into an indications and warning architecture.

(iii) A description of Department work with the intelligence community to identify, detect, and counter the threat of information warfare programs by potentially hostile foreign national governments and sub-national groups.

(iv) A definitions of the terms "nationally significant cyber event" and "cyber reconstitution".

(v) A description of the organization of Department to protect its foreign-based infrastructure and networks.

(vi) An identification of the elements of a defense against an information warfare attack, including the integration of the Computer Network Attack Capability of the United States Space Command into the overall cyber-defense of the United States.●

By Mr. AKAKA (for himself, Mr. DURBIN, Mr. SARBANES, Ms. MIKULSKI, Mr. EDWARDS, and Mr. BAUCUS):

S. 2703. A bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established; to the Committee on Governmental Affairs.

THE POSTMASTERS FAIRNESS AND RIGHTS ACT

● Mr. AKAKA. Mr. President, I rise today to introduce the Postmasters Fairness and Rights Act, which will allow our nation's postmasters to take an active and constructive role in managing their post offices and discussing compensation issues. I am joined by Senators DURBIN, SARBANES, MIKULSKI, EDWARDS, and BAUCUS in offering this legislation.

Currently, Postmasters lack an equitable process for discussing pay and benefits and have seen an erosion of their role in improving the quality of mail services to postal patrons and managing their local post offices. These inequities have contributed to the decline in the number of Postmasters since the reorganization of the Postal Service 30 years ago.

Our bill would create a positive and fair procedure to address the inequalities that have resulted from the present "consultative process." This would foster better mail services by investing Postmasters with greater input in operational decision-making, improving Postmasters' morale, and helping attract and retain qualified Postmasters. The measure would also define "Postmaster" for the first time.

Mr. President, the Postal Service estimates that seven million customers a day transact business at post offices. We expect timely delivery of the mail 6 days a week, and the Postal Service does not disappoint us. Given the regularity of mail delivery and the number of Americans visiting post offices daily, it is no wonder that we have come to view our neighborhood post offices as cornerstones of our communities. In fact, many of our towns and cities have developed around a post office where the postmaster served as the town's only link to the federal government.

Our nation's postmasters are on the front line to ensure that the mail gets delivered in a timely manner, and they have helped fuel the infrastructure that boosted the performance ratings of the Postal Service to an all-time high in 1999.

Despite these successes, there remains the question of pay and compensation, which this bill addresses. I would also like to note that a House companion bill, H.R. 3842, introduced on March 8, 2000, enjoys bipartisan support from 23 cosponsors. I urge my colleagues to support this legislation. Thank you Mr. President. I ask unanimous consent that the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Postmasters Fairness and Rights Act".

SEC. 2. POSTMASTERS TO BE COVERED BY AGREEMENTS RELATING TO PAY POLICIES AND SCHEDULES AND FRINGE BENEFIT PROGRAMS.

Section 1004 of title 39, United States Code, is amended by redesignating subsections (g) and (h) as subsections (i) and (j), respectively, and by inserting after subsection (f) the following:

"(g)(1) The Postal Service shall, within 45 days of each date on which an agreement is reached on a collective bargaining agreement between the Postal Service and the bargaining representative recognized under section 1203 which represents the largest number of employees, make a proposal for any changes in pay policies and schedules and fringe benefit programs for postmasters which are to be in effect during the same period as covered by such agreement.

"(2) The Postal Service and the postmasters' organization (or, if more than 1, all postmasters' organizations) shall strive to resolve any differences concerning the proposal described in paragraph (1).

"(3) If, within 60 days following the submission of the proposal, the Postal Service and the postmasters' organization (or organizations) are unable to reach agreement, either the Postal Service or the postmasters' organization (or organizations jointly) shall have the right to refer the dispute to an arbitration board established under paragraph (4).

"(4) An arbitration board shall be established to consider and decide a dispute arising under paragraph (3) and shall consist of 3 members, 1 of whom shall be selected by the Postal Service, 1 by the postmasters' organization (or organizations jointly), and the third by the 2 thus selected. If either the Postal Service or the postmasters' organization (or organizations) fail to select a member within 30 days after the dispute is referred to an arbitration board under this subsection, or if the members chosen fail to agree on the third person within 5 days after their first meeting, the selection shall be made by the Director of the Federal Mediation and Conciliation Service.

"(5) The arbitration board shall give the parties a full and fair hearing, including an opportunity for each party to present evidence in support of its claims and an opportunity to present its case in person, by counsel, or by such other representative as such party may elect. Decisions by the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

"(6) Costs of the arbitration board shall be shared equally by the Postal Service and the postmasters' organization (or organizations), with the Postal Service to be responsible for one-half of those costs and the postmasters' organization (or organizations) to be responsible for the remainder.

"(7) Nothing in this subsection shall be considered to affect the application of section 1005.".

SEC. 3. RIGHT OF POSTMASTERS' ORGANIZATIONS TO PARTICIPATE IN PLANNING AND DEVELOPMENT OF PROGRAMS.

The second sentence of section 1004(b) of title 39, United States Code, is amended by striking "or that a managerial organization (other than an organization representing supervisors) represents a substantial percentage of managerial employees," and inserting "or that a managerial organization (other than an organization representing supervisors or postmasters) represents a substantial percentage of managerial employees, or that an organization qualifies as a postmasters' organization,".

SEC. 4. POSTMASTERS AND POSTMASTERS' ORGANIZATION DEFINED.

Subsection (i) of section 1004 of title 39, United States Code, as so redesignated by section 2, is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting a semicolon, and by adding at the end the following:

"(3) 'postmaster' means an individual who manages, with or without the assistance of subordinate managers or supervisors, the operations of a post office; and

"(4) 'postmasters' organization' means, with respect to a year, any organization of postmasters whose membership as of June 30th of the preceding year included not less than 20 percent of all individuals employed as postmasters as of that date.".

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 1001(e) of title 39, United States Code, is amended (in the matter before paragraph (1)) by inserting "agreements under section 1004(g)," after "regulations,".

(b) Section 1003(a) of title 39, United States Code, is amended in the first sentence by inserting "section 1004(g) of this title," before "section 8G".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect after the end of the 90-day period beginning on the date of enactment of this Act.•

By Mr. KERREY (for himself, Mr. BOND, Mr. DASCHLE, Mr. JOHNSON, Mr. BROWNBACK, and Mr. ROBERTS):

S. 2704. A bill to provide additional authority to the Army Corps of Engineers to protect, enhance, and restore fish and wildlife habitat on the Missouri River and to improve the environmental quality and public use and appreciation of the Missouri River; to the Committee on Environment and Public Works.

THE MISSOURI RIVER VALLEY IMPROVEMENT ACT

• Mr. KERREY. Mr. President, one year ago I came to the floor of the United States Senate to introduce legislation designed to improve the environmental quality and public use and appreciation of the Missouri River. The Missouri River Valley Improvement Act of 1999, sought to also mark the upcoming bicentennial anniversary of the Lewis and Clark expeditions of this great river. At that time I asked my colleagues who represent the states and communities along the Missouri River to look closely at the bill and join me as cosponsors in support of the legislation.

Through the hard work of state officials, river organizations and citizens throughout the Missouri River basin, many important improvements have been made to this bill. I believe these improvements strengthens our commitment to protecting the Missouri River. I am pleased, therefore, to introduce today, along with my Colleague's Senator DASCHLE, Senator BOND, Senator JOHNSON, Senator BROWNBACK and Senator ROBERTS, the Missouri River Valley Improvement Act of 2000.

This legislation maintains the commitment made in last year's bill to aid native river fish and wildlife, reduce flood loss, and enhance recreation and tourism throughout the basin. Additionally, this bill provides authorities for the revitalization of historic riverfronts, similar to the ongoing 'Back to the River' revitalization project currently underway in my home state of Nebraska. The new legislation also recognizes the commitment Congress made last year to habitat restoration efforts along the Missouri River by authorizing resources for these projects.

I am proud of the bipartisan support garnered for this legislation. This bill demonstrates that common ground exists when it comes to strengthening the health of the Missouri River. Those who use the river whether it be for recreational, commercial, or environmental purposes recognize the benefits of preserving this National treasure. Protecting native habitat along the Missouri River and enhancing environmental understanding through riverfront restoration and scientific monitoring is a legacy we should all want to leave our children and grandchildren.

Mr. President, it is my hope that this bill becomes part of the growing recognition that the environmental revitalization of the Missouri River is in all of our interests. The Missouri River Valley Improvement Act of 2000 will help to restore and improve our access and enjoyment of the river, and will provide vital economic, recreational and education opportunities for everyone who lives along and visits this great river, the Crown Jewel of the Midwest.•

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. AKAKA, Ms. COLLINS, Mr. DURBIN, Mr. LEVIN, and Mr. VOINOVICH):

S. 2705. A bill to provide for the training of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes; to the Committee on Governmental Affairs.

THE PRESIDENTIAL TRANSITION ACT OF 2000

•Mr. THOMPSON. Mr. President, Senator LIEBERMAN and I are today introducing the Presidential Transition Act of 2000 on behalf of ourselves and Senators AKAKA, DURBIN, LEVIN, and VOINOVICH. The ability of a President-elect to effectively transition from campaigning to governing is obviously of critical importance and this legislation is designed to initiate much needed improvements in the process.

A President-elect must face the management challenge of transitioning from leading a successful campaign operation to leading the nation. There are only 73 days from election day to inauguration day. Transition planning should begin prior to election day. The President-elect should have the ability to move immediately to put a new team in place. That team should receive the critical information it needs to be prepared to take over the management of the federal government on inauguration day. Potential nominees should be able to move through the nomination and confirmation process without unnecessary barriers.

The magnitude of the need for an effective presidential transition and the recognized problems with past ones have led a number of private sector organizations to focus on the problem and solutions to it. Several, including the Presidential Appointee Initiative of the Brookings Institution, Transition to Governing of the American Enterprise Institute and Brookings, and the Heritage Foundation's Mandate for Leadership 2000, have contributed to our consideration of this problem. These groups and others are independently preparing a body of knowledge which will assist the new administration to get an effective, timely start. I ask unanimous consent that an article by Carl Cannon in National Journal and one by David Broder in the Washington Post, which describe the significant work which is underway, be printed at the conclusion of my remarks, followed by the text of our legislation.

The legislation encompasses and expands on H.R. 3137, legislation sponsored by Representative STEVE HORN, Chairman of the Committee on Government Reform Subcommittee on Government Management, Information and Technology and passed by the House of Representatives. Representative HORN's bill provides for the payment of expenses during the transition for briefings and other activities designed to transfer key policy and administrative information to prospective presidential staff in order to ensure a smooth transition from one administration to another. The current Administration has recognized the importance of these activities by including additional funds for it in its FY 2001 budget request for the General Services Administration.

Our bill supplements the framework established by H.R. 3137. Our bill includes the authorization of federal funds to be spent to provide for the training and orientation of officials a President intends to nominate to key positions. This important provision allows political appointees to hit the ground running by preparing for the job before they are nominated.

Additionally, our bill requires the preparation of a "transition directory." This valuable tool will be a compilation of materials that provide information to prospective appointees about the organization of federal departments and agencies, as well as the statutory and administrative authorities, functions, duties, and responsibilities of each federal department and agency. With this tool, prospective appointees can better manage the new, important positions they are preparing to undertake.

Finally, the bill requires the Office of Government Ethics conduct a study and submit a report to Congress on potential improvements to the current financial disclosure process Presidential nominees are currently required to undergo. Certainly, nothing the Office of Government Ethics recommends should in any way lessen the requirement that potential nominees disclose possible conflicts of interest. But, the Office of Government Ethics should recommend ways to improve the process of obtaining, reviewing, and disclosing such information in order to reduce the burden the current process places on potential appointees and the people who review the information.

Mr. President, we believe this legislation will help improve and smooth the process by which elected Presidents and their political appointees transition to power and assume their responsibilities. We hope the incentives provided in this legislation will encourage and enable presidential candidates, presidents-elect and newly sworn presidents to be up and running on the day after the inauguration.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From National Journal, May 13, 2000]

IMPROVING THE WHITE HOUSE MEMORY

(By Carl M. Cannon)

White House Chief of Staff John Podesta recalls being jazzed his first day in the Clinton Administration—until he saw his workstation. There wasn't a single piece of paper on his desk, and not so much as a diagram telling him where the men's room was. There was a computer monitor and processor, but the monitor was blank and the processor had wires poking out of it—someone had removed the hard drive. This was no crime of vandalism. It was the law, at work.

While the Constitution sets clear rules on how the country goes about electing a President, there has always been a haphazard quality to the transition. One reason is that both long-standing custom and the Presidential Records Act of 1978 dictate that almost all White House offices be swept clean of all records, including basic information that would help a new President get off to a good start.

"By law, there's no institutional memory," says political scientist Martha Joynt Kumar of Towson State University, the author of two books on White House operations. "A new Administration, especially when there's a change of party, begins without a written record compiled by the previous occupants. Those who have worked there almost uniformly describe this as a handicap."

The absence of a record can be an issue even in what ought to be the least partisan of transitions—the ascendancy of a Vice President to the Oval Office in midterm. When President Franklin D. Roosevelt died in April 1945, Harry S. Truman's incoming staff lacked access to key information, including the fact that the United States was close to developing the atomic bomb. As Vice President, Truman had not known the weapon existed, and it was not until 13 days after he became President that Secretary of War Henry L. Stimpson informed him of the project.

"I felt," Truman explained of his sudden thrust into the Oval Office, "like the moon, the stars, and all the planets had fallen on me."

Even when the nation is at peace, the lack of a written record in the White House National Security Council is a continuing problem. "The new NSC staff spends months recreating them or negotiating with the archivists to get access to them," says John Fortier, a researcher at the American Enterprise Institute. "There has to be a better way."

In other words, Podesta was hardly the first appointee to wonder about this process. Michael Jackson, who held a powerful post as the White House's Cabinet secretary, recalls a scramble for furniture on the first day of the Bush Administration more appropriate for the movie Animal House than the White House.

"The first day what they did is, they pulled out a lot of the furniture from the offices and into the halls, where there were piles of credenzas, desks, wing chairs," Jackson told Kumar. "The people who were smart and knew the drill got there early and went and just took stuff.

Commentator David Gergen, who has served in two Republican Administrations and one Democratic (Clinton's), maintains that this early confusion in a cleaned-out, clueless White House comes at a price for the new President—and the country. "The early months are so important because that's when you have the most authority," Gergen said. But that's when you also have the least capacity for making the right decisions."

Other White House veterans assert that the lack of institutional memory helps explain why incoming Administrations seem to stubbornly repeat the mistakes of their predecessors, especially in their first days. Jimmy Carter, Ronald Regan, and Bill Clinton, for instance, all vowed during their campaigns to cut the size of White House staff, but their efforts to follow through on this ill-considered promise produced results ranging from poor to disastrous.

"Cicero said that he who does not know history would forever remain a child," says David M. Abshire, who heads the Center for the Study of the Presidency and who assisted in the Reagan transition. "Believe it or not, some Presidents have done childish things."

But such scholars as Abshir and Kumar insist that this is hardly all presidential fault: Imagine a $1.8 trillion company—that's the approximate size of the federal budget—in which the corporate headquarters is vacated every four or eight years. Moreover, hardly any of the support staff stays on, all the files vanish, and the shareholders are given only two months' notice about the identity of the incoming CEO.

"The White House is not simply a spoil of victory," says former Carter White House aide Harrison Wellford, an attorney who now handles corporate mergers. "It's the nerve center of the greatest government in the world, and we ought to at least give it the same respect that you do when you take over a second-rate corporation."

A slew of presidential scholars and good-government organizations are spending this year trying to do just that. They have undertaken a series of projects designed to help the new President hit the ground running when he takes office on Jan. 22, 2001:

Abshire's Center for the Study of the Presidency is working on a special report intended to reach the President-elect on the day after the election. The package will include several case studies illustrating past Presidents' successes and failures in policy-making, and an analysis of "the art of presidential leadership."

The Heritage Foundation is undertaking a project called Mandate for Leadership 2000. Obviously, the conservative Heritage folks are pulling for Republican Gov. George W. Bush over Democratic Vice President Al Gore. Just as obviously, some of the Heritage material, such as a proposed federal spending blueprint, is geared for a GOP President. But Heritage is also in the midst of a bipartisan effort consisting of a series of seminars and publications designed to guide the next Administration. Later this year, Heritage plans to publish what it promises will be a nonpartisan report drawing on the accumulated wisdom of a cast of former White House aides, ranging from former Clinton Chief of Staff Leon E. Panetta to Reagan confidant and Deputy White House Chief of Staff Michael K. Deaver.

Paul C. Light of the Brookings Institution has launched his Presidential Appointee Initiative with the goal of helping a new President get the best and the brightest Americans into his Administration. This project, funded to the tune of $3.6 million for three years by the Pew Charitable Trusts, will propose reforms that streamline and depoliticize the appointment and confirmation process. "The premise . . . is that effective governance is impossible if the nation's most talented citizens are reluctant to accept the President's call to government service." Light says.

At the American Enterprise Institute, Norman J. Ornstein has teamed with Thomas E. Mann of the Brookings Institution on a wide-ranging three-year mission called Transition to Governing. Also funded by Pew, the $3.35 million project targets the "permanent campaign," which has made stars of political consultants while reducing policy-makers to slaves of the daily tracking polls.

In the works at AEI are two conferences; a published set of benchmarks by which to judge successful transitions; recommendations for improving the confirmation process; a book on the danger of the permanent campaign; and the publication of transition memos written by Harvard scholar Richard Neustadt for Presidents Kennedy, Reagan, and Clinton. In addition, AEI intends to supplement Light's work by developing ideas for accelerating the appointment process, which took an average of two months in Kennedy's day but now consumes more than nine months.

One tool being created is a CD-ROM modeled on TurboTax software that consolidates all of the questions asked on the various government disclosure forms and in FBI background checks. "The purpose of it is to make it easy for nominees to complete the blizzard of paperwork they have to negotiate," says Terry Sullivan, the University of North Carolina political scientist overseeing the project. "One of the things we know from interviews Paul Light's organization has been conducting with these people is that they find all this paperwork to be odious and repetitious. It discourages some nominees. . . ."

Finally, there is the White House interview program, the brainchild of Martha Kumar and several of her fellow presidential scholars. Also funded by Pew, but at only $250.000 for three years, it may offer the biggest bang for the buck. Kumar has conducted nearly 75 in-depth interviews with former White House officials from seven key offices, including chief of staff and communications, going back as far as the Nixon Administration. "The idea of these interviews is to get into the workings of the White House" Kumar said, "and to pass along their insights to those who need it—when they need it most."

Her interviews will be made available, along with a 15-page analysis on the office in question, to those hired during the transition for positions such as White House chief of staff and press secretary. Next year, they will be turned over to the National Archives.

The scholars themselves are aware that the reports they are producing will compete with each other and with a thousand other demands on the new appointees' time. For that reason, there has been a good deal of cross-pollination of ideas and cooperation among the scholars, many of whom are being tapped for more than one of these projects. In the process, a loose consensus has formed among them, one that David Abshire puts succinctly: "The most important decision a President makes is whom he picks to make up that presidency."

[From the Washington Post, June 4, 2000]

START THINKING TRANSITION

(By David S. Broder)

If you call the Bush or Gore campaigns, as I did last week and ask if anyone is planning the transition to the presidency, the answer is an astonished "No!" It's months until the conventions and the focus is entirely on the fall campaign, they say. First things first. It would be presumptuous to think otherwise.

But the strongly held view of those who have been through this sequence before is that George W. Bush and Al Gore ought to be thinking about the takeover of government now, and starting to plan the process very soon, well before they know which of them will be successful on Election Day.

"Remember you have only 73 days" from election to inauguration, Theodore C. Sorensen, the counsel in the Kennedy White House, said last week at a conference sponsored by the Heritage Foundation. "You better begin planning before Election Day."

That advice was echoed by veterans of the Johnson, Carter, Reagan and Bush White Houses—and by a trio of scholars who have been plumbing the records of past transitions.

In fact, such advance planning has been done in many past campaigns—but covertly, to avoid conveying a sense of smug overconfidence to the voters. Jack Watson, who became Jimmy Carter's chief of staff, told the Heritage audience that he had retrieved a memo from the Carter archives he had written the former Georgia governor on May 11, 1976, soon after Carter won the Pennsylvania primary and established himself as the favorite for the nomination. It suggested that as outsiders to Washington, they needed to start organizing themselves soon for the possibility of taking over the executive branch. Carter gave him the go-ahead on May 27—just about this point in the cycle—but ordered secrecy.

Why the need for such a long head start? Mainly because the process of identifying the key officials and getting them in place can be so agonizing. C. Boyden Gray, counsel in the Bush White House, said the president-elect should be ready to give the FBI the names of 100 to 150 people "immediately after the election," so the clearance procedures can begin. "Do it, even if you don't know what their jobs will be," Gray said, "because there will always be a glitch."

Who are those key officials? Richard E. Neustadt, the Harvard professor whose work on the presidency has been a handbook for several administrations, was unequivocal in his answer. "Choose the White House staff before you pick the Cabinet," he said, "so they can begin to relate to each other in the process of Cabinet selection. Don't do the Cabinet first."

President Clinton famously did the opposite and dallied so long in Cabinet-making that he barely got his White House aides named before he moved from Little Rock to Washington. He paid a price; many of those last-minute White House appointees turned out to be ill suited for their jobs and had to be replaced.

The Reagan transition is considered by scholars the best of recent times. Planning began well before Election Day and was aided by the outgoing administration, said Edwin Meese III, the transition director who later became attorney general. Carter and Watson were so grateful for the help they had received four years before from defeated President Ford, through his top aides Richard Cheney and John O. Marsh, that they went out of their way to help the Reagan people.

No one can predict how much help the retiring Clintonities will give their successors, though it presumably would be extended automatically to Gore's people. But plenty of guidance will be available to the incoming president from outside government.

Four think tanks—Heritage, the American Enterprise Institute, the Brookings Institution and the Center for the Study of the Presidency—all have major transition studies underway and will be ready with briefing papers for the winners.

In addition, the American Political Science Association with a Few Charitable Trusts grant, has a White House 2001 project. Martha Kumar, a professor at Towson University, and her colleagues have interviewed 75 officials from the past six White Houses and are building what Kumar calls "the first institutional memory" of seven key White House offices, which together make up the nerve center of the presidency.

They will present the president-elect's team with seven short essays, drawn from the interviews, on "how the place should work," plus something that never before existed—a Rolodex of past officials in those offices and their phone numbers.

This may sound elementary, but the reality is that when a new president moves in, his top aides find bare desks, empty filing cabinets and disconnected computers. They need help.

And it will be there, especially if Gore and Bush don't procrastinate in starting their transition planning.

• Mr. LIEBERMAN. Mr. President, I am pleased to join with Senators THOMPSON, LEVIN, DURBIN, VOINOVICH, COLLINS and AKAKA to introduce this legislation, which will help improve the transition from one Presidential Administration to the next by providing training and other assistance.

Each newly elected President has the power to bring into government, with the advice and consent of the Senate, his or her own selection of political appointees to manage key agencies and offices within the Executive Branch. However, new administrations face a series of hurdles they must overcome to accomplish this essential task before they can begin to govern. For example, new administrations often lack critical information about the jobs they must fill. Individuals without prior government experience who are selected for key positions may be unfamiliar with how to work with Congress and the media and may run the risk of missteps early in their tenure. But perhaps most importantly, the process by which these individuals are nominated and confirmed has fallen into increasing disarray in recent years. Knowledgeable observers have warned that it could take until November 2001 before all the senior members of the new Administration are vetted and confirmed, due to factors such as lengthier background checks, burdensome and duplicative financial disclosure forms, and a more contentious Senate confirmation process.

The bill we are introducing today is a first step in responding to these problems. It provides for training and orientation of high-level Presidential appointees, to better prepare them for the challenges of their new positions. It provides for the preparation of a "transition directory" containing essential information about the agency structure and responsibilities these new appointees will face. Our bill directs the Office of Government Ethics to study ways to streamline the current financial disclosure process, while still ensuring disclosure of possible conflicts of interest.

More may need to be done. Several studies are underway to look at how we can further improve the transition process, including the Presidential Appointee Initiative and the Transition to Governing Project. I commend those undertaking these studies and their efforts to provide assistance to the upcoming crop of nominees, and I look forward to recommendations for future action.•

By Mr. SANTORUM (for himself and Mr. KOHL):

S. 2706. A bill to amend the Agricultural Market Transition Act to establish a program to provide dairy farmers a price safety net for small- and medium-sized dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL DAIRY FARMERS FAIRNESS ACT OF 2000

• Mr. SANTORUM. Mr. President, I rise today to introduce legislation that will assist our nation's dairy farmers at a time when the dairy industry is facing tremendous difficulty. This legislation proposes a regionally equitable plan that will bring some predictability to a business that is otherwise challenged by inherent variability that accompanies dairy farming.

I am pleased to have Senator HERB KOHL of Wisconsin join with me today in this effort. Given the importance of the dairy industry to our respective states, Senator KOHL and I worked together over the past few months to forge a consensus plan that addresses the concerns of dairy farmers nationwide. For far too long, regional politics has plagued efforts to achieve a fair and equitable national dairy policy. As a result, milk pricing has become increasingly complex and overly prescriptive. Given that dairy farmers are receiving the lowest price for their milk in more than twenty years, I feel strongly that Congress needed to step to the plate and offer a fair and responsible solution—the very reason for this action.

The National Dairy Farmers Fairness Act has two major goals: 1. create a dairy policy that is equitable for farmers in all regions of the country; 2. provide more certainty for farmers in the prices they receive for their milk. To accomplish these goals, this legislation creates a safety net for farmers by providing supplemental assistance when milk prices are low. Specifically, a sliding scale payment is made based upon the previous year's price for the national average of Class III milk. In short, the payment rate to farmers is highest when the prices they received were the lowest. In order to be eligible, a farmer must have produced milk for commercial sale in the previous year, and would be compensated on the first 26,000 hundredweight of production. All dairy producers would be eligible to participate under this scenario.

Without a doubt, our dairy pricing policy is flawed. Many solutions—modest to sweeping—have been proposed, discussed, and debated on the Senate floor yet final agreement among interested parties has so far eluded us. As a member of the Senate Agriculture Committee who represents the fourth largest dairy producing state in the nation, I am committed to preserving the viability of Pennsylvania's dairy farmers. This legislative proposal represents the strong concern and interest of mine to find a middle ground in the often heated debate on dairy policy. I am pleased to join with Senator KOHL in this effort, and I believe it sends a strong signal that compromise can be achieved even on the most contentious of issues.●

Mr. KOHL. Mr. President, I rise today and join my colleague Senator RICK SANTORUM of Pennsylvania to introduce legislation to provide much needed assistance to our nation's dairy producers who are facing the lowest milk prices in over two decades.

Due to the failure of the federal order reform process and the Administration's failure to include a meaningful dairy price safety net in its Fiscal Year 2001 budget, this legislation is an appropriate and necessary response to the ongoing regional milk pricing inequities and the dairy income crisis affecting all producers. In the past, the divisive and controversial dairy compact system has hindered Congress's efforts to achieve a fair and equitable national dairy policy. I am pleased to join with Senator SANTORUM to introduce this legislation to create a regionally equitable plan will provide a price safety net for small and medium sized dairy producers throughout the country.

The National Dairy Farmers Fairness Act of 2000 has two major goals: (1) to create a dairy policy that is equitable for farmers in all regions of the country; (2) provide stability for dairy producers in the prices they receive for their milk. To accomplish these goals, this legislation creates a price safety net for farmers by providing supplemental income payments when milk prices are low. A "sliding-scale" payment is made based upon the previous year's price for the national average for Class III milk. In essence, the payment rate to farmers is highest when the national Class III average is the lowest. To participate in this program, a farmer must have produced milk for commercial sale in the previous year. Payments under the program are also capped for the first 26,000 hundredweight of production. Again, all dairy producers would be eligible to participate under this scenario.

The fiscal year 2001 Agriculture Appropriations bill includes $443 million in emergency direct payments to dairy producers for losses incurred this year. While this action is absolutely necessary to respond to the current crisis, it is time that an on-going program providing supplemental income payments to farmers when milk prices decline be established. This important legislation represents a bipartisan and national approach in providing predictability and price stability in this otherwise volatile industry. Again, I am pleased to join with Senator SANTORUM in introducing this legislation and look forward to working with him in passing this important legislation.

By Mr. CRAPO (for himself, Mr. CRAIG, and Mr. BURNS):

S. 2707. A bill to help ensure general aviation aircraft access to Federal land and the airspace over that land; to the Committee on Energy and Natural Resources.

THE BACKCOUNTRY LANDING STRIP ACCESS ACT

● Mr. CRAPO. Mr. President, I am pleased to be joined today by my colleagues, Senator CRAIG and Senator BURNS, to introduce the Backcountry Landing Strip Access Act. This bill will preserve our nation's backcountry airstrips and require a public review and comment period before airstrips are temporarily or permanently closed.

Idaho is home to more than fifty backcountry airstrips and the state is known nationwide for its air access to wilderness and primitive areas. In testimony before Congress on the importance of preserving backcountry airstrips, Bart Welsh, Aeronautics Administrator for the Idaho Department of Transportation, stated that these airstrips are, "an irreplaceable state and national treasure." Unfortunately, the reality today is that many airstrips have been closed or rendered unserviceable through neglect by federal agencies responsible for land management. Even more troubling is that these closures occur without providing the public with a justification for such action or an opportunity to comment on them.

Our bill would address this situation by preventing the Secretary of Interior and the Secretary of Agriculture from permanently closing airstrips without first consulting with state aviation agencies and users. The legislation would also require that proposed closures would be published in the Federal Register with a ninety-day public comment period. The bill directs the Secretary of Interior and the Secretary of Agriculture, after consultation with the FAA, to adopt a nationwide policy governing backcountry aviation. Finally, I would be remiss if I did not mention that this bill is a result of Congressman JIM HANSEN's tireless efforts in promoting backcountry aviation access in the other body.

Backcountry airstrips are disappearing and, because of existing statutes, they are irreplaceable. When the Frank Church Wilderness Act was established in Idaho, it incorporated a provision to provide for the continued operation of all existing landing strips. The Act states that existing landing strips cannot be closed permanently or rendered unserviceable without the written consent of the State of Idaho. This has created an effective partnership between personnel from the U.S. Forest Service and staff from the Idaho Division of Aeronautics along with other interested parties. My bill extends the success of the Frank Church Wilderness Act provision nationwide to preserve airstrips in Idaho as well as other states.

I have heard from general aviation users and state aviation officials that pilots often discover that an airstrip is closed only when they attempt to use it. This represents a grave danger to those who have not been made aware of an airstrip's closure. The public process in this bill would rectify this problem by ensuring that everyone with an interest in backcountry aviation remains informed of a proposed closure and is allowed to comment on it.

Backcountry airstrips are active and essential to citizens who depend on wilderness access. These airstrips are utilized by pilots and outdoor enthusiasts. In addition, access to the strips ensures a fundamental American service—universal postal delivery. Without access to backcountry airstrips, citizens who live and work in remote areas would not receive their mails.

Among the other vital functions of backcountry airstrips is their use for firefighting, search and rescue, and especially their availability to pilots in emergencies. Backcountry airstrips are analogous to fire engines in a firehouse. Although the airstrip may not used daily, it is always available in an emergency. Likewise, backcountry airstrips are available as a safe haven for public flying in remote mountainous areas. Without the airstrips, these pilots would have little chance of survival while attempting an emergency landing.

Let me be clear, the Backcountry Landing Strip Access Act does not harm our forests or our wilderness areas, as some might suggest. Moreover, backcountry airstrips are regularly used by forest officials to maintain forests and trails, conduct ecological management projects, and aerial mapping. This bill is simply about access. It does not reopen airstrips that have already been closed, nor does it burden federal officials with maintenance requirements. In fact, pilots themselves regularly maintain backcountry strips.

The Backcounty Landing Strip Access Act is commonsense legislation that allows those who used and benefit from the airstrips to be involved in the decision-making process. I have always found that decisions on the use of public land are best handled by those who are impacted the most, rather than federal bureaucrats in Washington, DC. In Idaho, we have evolved into a cooperative relationship with federal land managers. It makes sense that the rest of the country should benefit from this philosophy of cooperation. One we lose an airstrip it is gone forever. I urge my colleagues to join with us in an effort to preserve the remaining backcountry airstrips.●

By Mr. ASHCROFT:

S. 2708. A bill to establish a Patients Before Paperwork Medicare Red Tape Reduction Commission to study the proliferation of paperwork under the medicare program; to the Committee on Finance.

THE PATIENTS BEFORE PAPERWORK MEDICARE RED TAPE REDUCTION ACT OF 2000

Mr. ASHCROFT. Mr. President, Medicare paperwork requirements burden America's seniors, health care providers, and federal government staff that manage Medicare.

In 1998, the average processing time for appeals of claims denied under Medicare Part A was 310 days. For Medicare Part B, the average appeal time was 524 days. Waiting periods of a year or longer are too long for America's seniors to wait. These lengthy waiting periods tell me that there must be room for us to improve the way we administer Medicare.

HCFA regulations governing Medicare consist of 110,000 pages—six times as long as the Tax Code, which is 17,000 pages. In addition, HCFA uses 23 different forms to administer the Medicare program.

According to Dr. Nancy Dickey, Immediate Past President of the American Medical Association, for most doctors, "the biggest challenge is getting through mountains of Medicare paperwork."

Let me give you some examples of how paperwork burdens and related regulations are affecting the Medicare program. Recently Dr. Joseph Marshall, a Washington, DC., gynecologist, became so frustrated with HCFA regulations that he chose to give his Medicare patients free visits, so that he would avoid sending a bill to Medicare. HCFA would not allow it. HCFA told him that if he did not bill HCFA, he could be fined and imprisoned.

A nonprofit Minnesota organization, Allina, which serves 35,000 seniors, expects to spend $2 million annually in paperwork related burdens. And Medicare paperwork burdens have forced increasing numbers of seniors to resort to "insurance claim service" firms to help them complete Medicare paperwork. These firms charge $20 to $75 an hour.

This is not the tax code I am referring to. This is Medicare, the program that is supposed to bring health care to elderly Americans, not bury them and their doctors under mountains of paperwork.

During the Clinton Administration, more than a quarter of the 110,000 pages of Medicare regulations and paperwork have been added. In April of last year, HCFA proposed 93 new regulations based on the Balanced Budget Act alone.

Mr. President, drowning doctors and patients alike in a morass of paperwork must end. The seniors who have been promised Medicare coverage throughout their working lives deserve the best possible coverage. The doctors who treat them deserve our gratitude, not bureaucratic burdens and indifference.

Therefore, today I am introducing the "Patients Before Paperwork Medicare Red Tape Reduction Act of 2000." This legislation would establish a Commission to examine inefficient and superfluous Medicare paperwork requirements and related regulations. The Commission will include physicians, hospital administrators, senior citizens, nursing home and long term care administrators, and health care plan representatives, the very people best able to determine which forms are necessary to ensure quality coverage, and which forms create unfair burdens and time-wasting mandates from Washington.

The Commission will be responsible for reviewing existing paperwork burdens, with the goal of reducing those burdens. It will streamline and simplify the coding method for Medicare services, facilitate electronic filing and the elimination of paperwork, and demonstrate that existing and proposed paperwork requirements and related regulations have proven benefits, including a positive health benefit for consumers.

The Commission will also explore the important issue of how patient-doctor relationships have been impacted by onerous paperwork requirements that force doctors to spend more time examining forms than examining patients.

This legislation would alleviate the burden that Medicare paperwork imposes on millions of Medicare beneficiaries, health care providers, and our own federal government. By establishing this Commission, we would create the opportunity to decrease Medicare paperwork burdens on seniors and promote efficiency within the health care industry and within the federal government.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patients Before Paperwork Medicare Red Tape Reduction Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Regulations promulgated by the Health Care Financing Administration to administer the medicare program under title XVIII of the Social Security Act are 3 times as long as the regulations relating to the Internal Revenue Code of 1986.

(2) During the Administration of President Clinton, more than a quarter of the 110,000 pages of medicare regulations and paperwork have been added.

(3) According to American Medical Association Immediate Past President Dr. Nancy W. Dickey, for most doctors, "the biggest challenge is getting through mountains of medicare paperwork".

(4) According to the Wall Street Journal, Allina, a nonprofit Minnesota organization serving 35,000 medicare beneficiaries, expects to spend $2,000,000 annually in paperwork-related burdens.

(5) Medicare paperwork burdens have forced increasing numbers of medicare beneficiaries to resort to the use of "insurance claim service" firms that charge from $20 to $75 an hour.

(6) The Health Care Financing Administration uses 23 different forms in the administration of the medicare program.

(7) In 1998, the average processing time for appeals of claims denied under part A of the medicare program was 310 days and the average appeal time was 524 days under part B of such program.

SEC. 3. PATIENTS BEFORE PAPERWORK MEDICARE RED TAPE REDUCTION COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Patients Before Paperwork Medicare Red Tape Reduction Commission (in this section referred to as the "Commission").

(b) DUTIES OF THE COMMISSION.—The Commission shall—

(1) review existing paperwork burdens and related regulations under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), with the goal of reducing the paperwork burdens under such program;

(2) analyze whether existing and proposed paperwork requirements and related regulations have proven benefits, including a positive health benefit for medicare beneficiaries;

(3) make recommendations regarding methods to streamline and to simplify the coding method for items and services for which reimbursement is provided under the medicare program;

(4) make recommendations regarding the facilitation of electronic filing of claims for reimbursement and the elimination of paperwork under the medicare program;

(5) develop a standard form that will minimize any duplication of data and that facilitates the creation of an electronic system that relies on less paperwork than the current system;

(6) determine the effect of the paperwork requirements under the medicare program on relationships between doctors and patients; and

(7) review and analyze such other matters relating to paperwork reduction under the medicare program as the Commission deems appropriate.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Commission shall be composed of 11 members, of whom—

(i) 3 shall be appointed by the President, of whom not more than 2 shall be of the same political party;

(ii) 3 shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, of whom not more than 2 shall be of the same political party;

(iii) 3 shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, of whom not more than 2 shall be of the same political party;

(iv) 1, who shall serve as Chairperson of the Commission, appointed jointly by the President, Majority Leader of the Senate, and the Speaker of the House of Representatives; and

(v) 1, who shall be the Secretary of Health and Human Services or the Administrator of the Health Care Financing Administration, as determined by the President.

(B) MEMBERSHIP.—

(i) IN GENERAL.—Each member appointed under this paragraph, except for the member described in subparagraph (A)(v), shall be—

(I) a health care provider, insurer, or expert familiar with the medicare program; or

(II) a medicare beneficiary.

(ii) INCLUSION OF PRACTICING PHYSICIANS.—At least 1 member appointed under this paragraph shall be a practicing physician.

(2) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed by not later than August 1, 2000.

(3) TERMS OF APPOINTMENT.—The term of any appointment under paragraph (1) to the Commission shall be for the life of the Commission.

(4) MEETINGS.—The Commission shall meet at the call of its Chairperson or a majority of its members.

(5) QUORUM.—A quorum shall consist of a majority of the members of the Commission, except that 3 members may conduct a hearing under subsection (e)(1).

(6) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made not later than 30 days after the Commission is given notice of the vacancy and shall not affect the power of the remaining members to execute the duties of the Commission.

(7) COMPENSATION.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(8) EXPENSES.—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(d) STAFF AND SUPPORT SERVICES.—

(1) EXECUTIVE DIRECTOR.—

(A) APPOINTMENT.—The Chairperson shall appoint an executive director of the Commission.

(B) COMPENSATION.—The executive director shall be paid the rate of basic pay for level V of the Executive Schedule.

(2) STAFF.—With the approval of the Commission, the executive director may appoint such personnel as the executive director considers appropriate.

(3) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

(4) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(5) PHYSICAL FACILITIES.—The Administrator of General Services shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

(e) POWERS OF COMMISSION.—

(1) HEARINGS AND OTHER ACTIVITIES.—For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties.

(2) STUDIES BY GAO.—Upon the request of the Commission, the Comptroller General of the United States shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

(3) COST ESTIMATES BY CONGRESSIONAL BUDGET OFFICE AND OFFICE OF THE CHIEF ACTUARY OF HCFA.—

(A) The Director of the Congressional Budget Office or the Chief Actuary of the Health Care Financing Administration shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.

(B) The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of the Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).

(4) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(6) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(7) OBTAINING INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 5, United States Code. Upon request of the Chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(8) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(9) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of Congress.

(f) REPORT.—Not later than 1 year after the date on which the final member of the Commission is appointed under subsection (c), the Commission shall submit a report to the President and Congress which shall contain a detailed statement of only those recommendations, findings, and conclusions of the Commission that receive the approval of at least a majority of the members of the Commission.

(g) TERMINATION.—The Commission shall terminate 30 days after the date of submission of the report required under subsection (f).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to carry out this section.

By Mr. BAUCUS (for himself, Mr. BOND, Mr. BINGAMAN, Mr. DORGAN, Mr. DASCHLE, and Mr. KERREY):

S. 2709. To establish a Beef Industry Compensation Trust Fund with the duties imposed on products of countries that fail to comply with certain WTO dispute resolution decisions; to the Committee on Agriculture, Nutrition, and Forestry.

TRADE INJURY COMPENSATION ACT

• Mr. BAUCUS. Mr. President, I rise today to introduce the Trade Injury Compensation Act of 2000. I am joined in this effort by Senator BOND, my fellow co-chairman of the Senate Beef Caucus, and Senators BINGAMAN, DORGAN, DASCHLE, and KERREY.

The Trade Injury Compensation Act establishes a Beef Industry Compensation Trust Fund to help the United States cattle industry withstand the European Union's illegal ban on beef treated with hormones.

Over a year ago, the World Trade Organization endorsed retaliation when the EU refused to open to American beef. Since that time, the EU has continued to stall in its compliance which is frankly, outrageous. For over a decade we've fought the beef battle. Now its time to try something new to help producers who continue to be injured by the ban.

The Trade Injury Compensation Act establishes a mechanism for using the tariffs imposed on the EU to directly aid U.S. beef producers. Normally, the additional tariff revenues received from retaliation go to the Treasury. This bill establishes a trust fund so that the affected industry will receive those revenues as compensation for its injury.

Our legislation authorizes the Secretary of Agriculture to provide grants to a nationally recognized beef promotion and research board for the education and market promotion of the United States beef industry. In particular, the fund shall:

(1) Provide assistance to United States beef producers to improve the quality of beef produced in the United States; and

(2) Provide assistance to United States beef producers in market development, consumer education, and promotion of the beef industry in overseas markets.

The Secretary of the Treasury shall cease the transfer of funds equivalent to the duties on the beef retaliation list only when the European Union complies with the World Trade Organization ruling allowing United States beef producers access to the European market.

In a perfect world we would not need this legislation because the European Union would abide by its international trade commitments. And it is still my hope that the European Union simply comply with the WTO Dispute Settlement rulings and allow our beef to enter its borders.

Mr. President, the WTO is a critically important institution that sets the foundation and framework to make world trade grow. We all recognize that it needs improvement, and I, along with many of my colleagues, are working on ways to fix it. We must bring credibility and compliance to the system. The Trade Injury Compensation Act will give some relief to our producers as we strive toward this endeavor.

I thank my colleagues for their sponsorship of this measure and strongly urge support for its expeditious passage.●

By Mr. CAMPBELL (for himself, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. ABRAHAM, Mr. BROWNBACK, Mr. HUTCHINSON, Mr. GRAHAM, Mr. DODD, and Mr. FEINGOLD):

S.J. Res. 48. A joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act; to the Committee on the Judiciary.

THE HELSINKI FINAL ACT 25TH ANNIVERSARY RESOLUTION

Mr. CAMPBELL. Mr. President. Today in my capacity as Co-Chairman of the Commission on Security and Cooperation in Europe, I introduce a resolution commemorating the 25th anniversary of the Helsinki Final Act, one of the key international agreements of our time. I am pleased to be joined by all Senate Commissioners, Senators HUTCHISON, LAUTENBERG, ABRAHAM, BROWNBACK, HUTCHINSON, GRAHAM, DODD, and FEINGOLD, who are original cosponsors. A companion resolution also is being introduced today in the House by our colleague, Congressman CHRIS SMITH of New Jersey, who chairs the Helsinki Commission.

Five years ago, during the 20th anniversary celebrations in Helsinki, President Gerald Ford said: "The Helsinki Accords, the Final Act, was the final nail in the coffin of Marxism and communism in many, many countries, and helped to bring about the change to a more democratic political system and a change to a more market-oriented economic system." Indeed, the Helsinki Final Act, signed by President Ford in 1975, marked the beginning of a process which has served U.S. interests in advancing democracy, human rights and the rule of law within a comprehensive framework covering the security, economic and human dimensions.

The legacy of Helsinki is especially historic with respect to what is now referred to as the "human dimension." The Helsinki process—now named the Organization for Security and Cooperation in Europe (OSCE), is rightly credited with playing a contributing role in bringing down the Berlin Wall and Iron Curtain, and, in 1991, the Soviet Union. In short, the Helsinki process helped make it possible for the people of Central and Eastern Europe and the former Soviet Union to regain their freedom and independence.

Both Western governments and private individuals increasingly cited the Final Act, adopted by consensus, as a yardstick for measuring human rights performance, citing commitments which the violating governments freely undertook.

Human rights groups, including the Helsinki Monitoring Groups in Russia, Ukraine, Lithuania, Georgia, Armenia, as well as in Czechoslovakia and Poland grounded their activities in the Helsinki principles. During the communist era, members of these groups often sacrificed their personal freedom and in some instances their lives for their courageous and vocal support for the principles enshrined in the Helsinki Final Act. The pressure of governmental efforts and public opinion in both East and West contributed greatly to change in the Soviet Union and Eastern Europe.

Responding to a dramatically changed, post-Cold War world, the OSCE has evolved into a useful institutional tool for addressing many of the challenges confronting Europe and the Euro-Atlantic community today. The OSCE is the one political organization that unites all the countries of Europe, including all of the former Soviet republics, the United States and Canada, to face today's challenges. One of the primary strengths of the Helsinki process is its comprehensive nature and membership, where current human rights, military security, and trade and economic issues can be pursued.

The OSCE, now expanded to 55 from the original 35 countries, has been working hard to minimize conflict and bring all sides together, especially in the last decade which has seen several horrible regional conflicts, including in Bosnia, Kosovo, and Chechnya.

The OSCE has played an increasingly active role in civilian police-related activities, including training, as an integral part of the Organization's efforts in conflict prevention, crisis management and post-conflict rehabilitation. It has also played an important role in promoting greater transparency through the adoption and implementation of various confidence and security-building measures designed to reduce the risk of conflict in Europe. Other challenges that the OSCE is increasingly addressing include the promotion of economic reforms through enhanced transparency for market economic activity, environmental responsibility, the importance of the rule of law and fighting organized crime and corruption. And, of course, human rights remains very much on the OSCE's agenda, including but not limited to, the eradication of torture, free media, respect for the rights of individuals belonging to national minorities, and ending discrimination against Roma and Sinti. Unfortunately, serious human rights abuses continue in all too many OSCE countries. The main challenge facing the participating States of the OSCE remains the implementation of the commitments contained in the Helsinki Final Act and other OSCE documents. The Helsinki Commission, which I co-chair, will continue to work in accordance with our mandate to monitor and encourage compliance by all the signatory States with their Helsinki commitments.

Mr. President, this resolution commemorates the 25th anniversary of the signing of the Helsinki Final Act and authorizes the President to issue a proclamation reasserting America's commitment to full implementation of the Helsinki Final Act, and request that he convey to all signatories that respect for human rights and fundamental freedoms, and democratic principles as well as economic liberty and the implementation of related commitments continue to be vital elements in promoting a new era of democracy, peace and unity in the OSCE region.

Twenty-five years after the signing of the Helsinki Final Act, the principles enshrined in that historic document remain valid and continue to serve as an important tool in advancing U.S. interests in a region stretching from Vancouver to Vladivostok. Therefore, I urge my colleagues to support this resolution.

Mr. President. I ask unanimous consent that the resolution be printed in the RECORD following my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 48

Whereas August 1, 2000, is the 25th anniversary of the Final Act of the Conference on Security and Cooperation in Europe (CSCE), renamed the Organization for Security and Cooperation in Europe (OSCE) in January 1995 (in this joint resolution referred to as the "Helsinki Final Act");

Whereas the Helsinki Final Act, for the first time in the history of international agreements, accorded human rights the status of a fundamental principle in regulating international relations;

Whereas during the Communist era, members of nongovernmental organizations, such as the Helsinki Monitoring Groups in Russia, Ukraine, Lithuania, Georgia, and Armenia and similar groups in Czechoslovakia and Poland, sacrificed their personal freedom and even their lives in their courageous and vocal support for the principles enshrined in the Helsinki Final Act;

Whereas the United States Congress contributed to advancing the aims of the Helsinki Final Act by creating the Commission on Security and Cooperation in Europe to monitor and encourage compliance with provisions of the Helsinki Final Act;

Whereas in the 1990 Charter of Paris for a New Europe, the participating states declared, "Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government";

Whereas in the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, the participating states "categorically and irrevocably declare[d] that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned";

Whereas in the 1990 Charter of Paris for a New Europe, the participating states committed themselves "to build, consolidate and strengthen democracy as the only system of government of our nations";

Whereas the 1999 Istanbul Charter for European Security and Istanbul Summit Declaration note the particular challenges of ending violence against women and children as well as sexual exploitation and all forms of trafficking in human beings, strengthening efforts to combat corruption, eradicating torture, reinforcing efforts to end discrimination against Roma and Sinti, and promoting democracy and respect for human rights in Serbia;

Whereas the main challenge facing the participating states remains the implementation of the principles and commitments contained in the Helsinki Final Act and other OSCE documents adopted on the basis of consensus;

Whereas the participating states have recognized that economic liberty, social justice, and environmental responsibility are indispensable for prosperity;

Whereas the participating states have committed themselves to promote economic reforms through enhanced transparency for economic activity with the aim of advancing the principles of market economies;

Whereas the participating states have stressed the importance of respect for the rule of law and of vigorous efforts to fight organized crime and corruption, which constitute a great threat to economic reform and prosperity;

Whereas OSCE has expanded the scope and substance of its efforts, undertaking a variety of preventive diplomacy initiatives designed to prevent, manage, and resolve conflict within and among the participating states;

Whereas the politico-military aspects of security remain vital to the interests of the participating states and constitute a core element of OSCE's concept of comprehensive security;

Whereas the OSCE has played an increasingly active role in civilian police-related activities, including training, as an integral part of OSCE's efforts in conflict prevention, crisis management, and post-conflict rehabilitation; and

Whereas the participating states bear primary responsibility for raising violations of the Helsinki Final Act and other OSCE documents: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress calls upon the President to—

(1) issue a proclamation—

(A) recognizing the 25th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe;

(B) reasserting the commitment of the United States to full implementation of the Helsinki Final Act;

(C) urging all signatory states to abide by their obligations under the Helsinki Final Act; and

(D) encouraging the people of the United States to join the President and the Congress in observance of this anniversary with appropriate programs, ceremonies, and activities; and

(2) convey to all signatory states of the Helsinki Final Act that respect for human rights and fundamental freedoms, democratic principles, economic liberty, and the implementation of related commitments continue to be vital elements in promoting a new era of democracy, peace, and unity in the region covered by the Organization for Security and Cooperation in Europe.

ADDITIONAL COSPONSORS

S. 662

At the request of Ms. SNOWE, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 764

At the request of Mr. THURMOND, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 764, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 808

At the request of Mr. JEFFORDS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 1087

At the request of Mr. HUTCHINSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1087, a bill to amend title 38, United States Code, to add bronchioloalveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1592

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1592, a bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes.

S. 1594

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1594, a bill to amend the Small Business Act and Small Business Investment Act of 1958.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1834

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1834, a bill to amend title XIX of the Social Security Act to restore medicaid eligibility for certain supplementary security income beneficiaries.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from New Mexico

(Mr. BINGAMAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2050

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2050, a bill to establish a panel to investigate illegal gambling on college sports and to recommend effective countermeasures to combat this serious national problem.

S. 2068

At the request of Mr. GREGG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2181

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2181, a bill to amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes.

S. 2287

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2330

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2344

At the request of Mr. BROWNBACK, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2365

At the request of Ms. COLLINS, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2386

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2423

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2423, a bill to provide Federal Perkins Loan cancellation for public defenders.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2476

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 2476, a bill to amend the Communications Act of 1934 in order to prohibit any regulatory impediments to completely and accurately fulfilling the sufficiency of support mandates of the national statutory policy of universal service, and for other purposes.

S. 2516

At the request of Mr. THURMOND, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2582

At the request of Mr. LIEBERMAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2582, a bill to amend section 527 of the Internal Revenue Code of 1986 to better define the term political organization.

S. 2583

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2583, a bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527.

At the request of Mr. LIEBERMAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2583, supra.

S. 2585

At the request of Mr. GRAHAM, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2610

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2610, a bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas.

S. 2630

At the request of Mr. FEINGOLD, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2630, a bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes.

S. 2643

At the request of Mr. STEVENS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2643, a bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control.

S. 2671

At the request of Mr. ASHCROFT, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2671, a bill to amend the Internal Revenue Code of 1986 to promote pension opportunities for women, and for other purposes.

S. CON. RES. 34

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. Con. Res. 34, a concurrent resolution relating to the observance of "In Memory" Day.

S. CON. RES. 57

At the request of Mr. LIEBERMAN, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. Con. Res. 57, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

S. CON. RES. 102

At the request of Mrs. FEINSTEIN, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from Illinois (Mr. DURBIN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. Con. Res. 102, a concurrent resolution to commend the bravery and honor of the citizens of Remy, France, for their actions with respect to Lieutenant Houston Braly and to recognize the efforts of the 364th Fighter Group to raise funds to restore the stained glass windows of a church in Remy.

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Delaware (Mr. BIDEN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Virginia (Mr. ROBB), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. COVERDELL), the Senator from Massachusetts (Mr. KERRY), the Senator from Ohio (Mr. DEWINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUYE), the Senator from Texas (Mrs. HUTCHISON), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day".

AMENDMENT NO. 3200

At the request of Mr. JEFFORDS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of Amendment No. 3200 intended to be proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3204

At the request of Mr. STEVENS, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Amendment No. 3204 intended to be proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3214

At the request of Mr. DASCHLE, his name was added as a cosponsor of Amendment No. 3214 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Nevada (Mr. BRYAN), and the Senator from California (Mrs. BOXER) were added as cosponsors of Amendment No. 3214 proposed to S. 2549, supra.

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 3214 proposed to S. 2549, supra.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

CONRAD AMENDMENT NO. 3215

(Ordered to lie on the table.)

Mr. DASCHLE (for Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. STUDY AND REPORT ON USE OF EB-52 AIRCRAFT FOR PROVIDING ELECTRONIC COUNTERMEASURES.

(a) FINDINGS.—Congress makes the following findings:

(1) Experience in Operation Allied Force demonstrates that the Armed Forces lack sufficient assets for meeting the requirements of the Armed Forces for airborne electronic countermeasures.

(2) The B-52H aircraft, because of its outstanding reliability, range, payload capacity, and affordability, has excellent potential to serve as a platform for electronic countermeasures to supplement the other assets that the Armed Forces have for providing electronic countermeasures.

(b) STUDY REQUIRED.—The Secretary of Defense shall study—

(1) the option of using B-52 aircraft not provided for in the future-years defense program for fiscal year 2001 and ensuing fiscal years for the performance of the mission of jamming communications by means of electronic countermeasures, including the issues involving necessary modifications of the aircraft, costs, and operational benefits; and

(2) the options for, and implications of, funding the modification and use of B-52 aircraft for the performance of that mission from funds available for Department of Defense-wide use.

(c) REPORT.—(1) The Secretary shall submit to Congress a report on the study. The report shall include the following:

(A) The Secretary's findings resulting from the study.

(B) A strategy for providing for the procurement and conversion activities necessary for using B-52 aircraft for the performance of the mission of jamming communications by means of electronic countermeasures.

(2) The Secretary shall submit the report under paragraph (1) at the same time that the President submits the budget for fiscal year 2002 to Congress under section 1105(a) of title 31, United States Code.

SNOWE (AND KENNEDY) AMENDMENT NO. 3216

Mr. WARNER (for Ms. SNOWE (for herself and Mr. KENNEDY)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 31, strike lines 16 through 18, and insert the following:

of the CVN—69 nuclear aircraft carrier.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall include a clause that states that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2001 is subject to the availability of appropriations for that purpose for that later fiscal year.

WARNER AMENDMENT NO. 3217

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 364, between the matter following line 13 and line 14, insert the following:

SEC. 1010. REPEAL OF CERTAIN PROVISIONS SHIFTING CERTAIN OUTLAYS FROM ONE FISCAL YEAR TO ANOTHER.

Sections 305 and 306 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113 (113 Stat. 1501A-306), are repealed.

ROBB AMENDMENT NO. 3218

Mr. LEVIN (for Mr. ROBB) proposed an amendment to the bill, S. 2549, supra; as follows:

On page , between lines and , insert the following:

SEC. . DEFENSE TRAVEL SYSTEM.

(a) REQUIREMENT FOR REPORT.—Not later than November 30, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the Defense Travel System.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A detailed discussion of the development, testing, and fielding of the system, including the performance requirements, the evaluation criteria, the funding that has been provided for the development, testing, and fielding of the system, and the funding that is projected to be required for completing the development, testing, and fielding of the system.

(2) The schedule that has been followed for the testing of the system, including the initial operational test and evaluation and the final operational testing and evaluation, together with the results of the testing.

(3) The cost savings expected to result from the deployment of the system and from the completed implementation of the system, together with a discussion of how the savings are estimated and the expected schedule for the realization of the savings.

(4) An analysis of the costs and benefits of fielding the front-end software for the system throughout all 18 geographical areas selected for the original fielding of the system.

(c) LIMITATIONS.—(1) Not more than 25 percent of the amount authorized to be appropriated under section 301(5) for the Defense Travel System may be obligated or expended before the date on which the Secretary submits the report required under subsection (a).

(2) Funds appropriated for the Defense Travel System pursuant to the authorization of appropriations referred to in paragraph (1)

may not be used for a purpose other than the Defense Travel System unless the Secretary first submits to Congress a written notification of the intended use and the amount to be so used.

WARNER (AND ROBB) AMENDMENT NO. 3219

Mr. WARNER (for himself and Mr. ROBB) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 501, between lines 10 and 11, insert the following:

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1990 PROJECT.

(a) INCREASE.—Section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), is amended in the item relating to Portsmouth Naval Hospital, Virginia, by striking "$351,354,000" and inserting "$359,854,000".

(b) CONFORMING AMENDMENT.—Section 2405(b)(2) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1999, is amended by striking "$342,854,000" and inserting "$351,354,000".

On page ___, between lines ___ and ___, insert the following:

SEC. . DEFENSE TRAVEL SYSTEM.

(a) REQUIREMENT FOR REPORT.—Not later than November 30, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the Defense Travel System.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A detailed discussion of the development, testing, and fielding of the system, including the performance requirements, the evaluation criteria, the funding that has been provided for the development, testing, and fielding of the system, and the funding that is projected to be required for completing the development, testing, and fielding of the system.

(2) The schedule that has been followed for the testing of the system, including the initial operational test and evaluation and the final operational testing and evaluation, together with the results of the testing.

(3) The cost savings expected to result from the deployment of the system and from the completed implementation of the system, together with a discussion of how the savings are estimated and the expected schedule for the realization of the savings.

(4) An analysis of the costs and benefits of fielding the front-end software for the system throughout all 18 geographical areas selected for the original fielding of the system.

(c) LIMITATIONS.—(1) Not more than 25 percent of the amount authorized to be appropriated under section ___ for the Defense Travel System may be obligated or expended before the date on which the Secretary submits the report required under subsection (a).

(2) Funds appropriated for the Defense Travel System pursuant to the authorization of appropriations referred to in paragraph (1) may not be used for a purpose other than the Defense Travel System unless the Secretary first submits to Congress a written notification of the intended use and the amount to be so used.

WARNER AMENDMENTS NOS. 3220–3225

Mr. WARNER proposed six amendments to the bill, S. 2549, supra; as follows:

AMENDMENT NO. 3220

On page 94, between lines 6 and 7, insert the following:

(6) $7,975 for payment to the Texas Natural Resource Conservation Commission of a cash fine for permit violations assessed under the Solid Waste Disposal Act.

AMENDMENT NO. 3221

On page 88, strike line 11 and all that follows through page 92, line 19.

AMENDMENT NO. 3222

On page 147, line 6, strike "section 573(b)" and insert "section 573(c)".

On page 303, strike line 10 and insert the following:

SEC. 901. REPEAL OF LIMITATION ON MAJOR

On page 358, beginning on line 11, strike "Defense Finance and Accounting System" and insert "Defense Finance and Accounting Service".

On page 358, beginning on line 12, strike "contract administration service" and insert "contract administration services system".

On page 359, line 5, strike "Defense Finance and Accounting System" and insert "Defense Finance and Accounting Service".

On page 359, beginning on line 6, strike "contract administration service" and insert "contract administration services system".

On page 359, beginning on line 9, strike "Defense Finance and Accounting System" and insert "Defense Finance and Accounting Service".

On page 493, in the table following line 10, strike "136 units" in the purpose column in the item relating to Mountain Home Air Force Base, Idaho, and insert "119 units".

AMENDMENT NO. 3223

On page 584, line 13, strike "3101(c)" and insert "301(a)(1)(C)".

AMENDMENT NO. 3224

On page 565, strike lines 9 through 13.

AMENDMENT NO. 3225

On page 554, line 25, strike "$31,000,000." and insert "$20,000,000.".

On page 555, line 4, strike "$15,000,000." and insert "$26,000,000.".

CLELAND (AND OTHERS) AMENDMENT NO. 3226

Mr. LEVIN (for Mr. CLELAND (for himself, Mr. LEVIN, Mr. ROBB, Mr. REED, Mr. WARNER, Mr. MCCAIN, Mr. ABRAHAM, and Mr. JEFFORDS)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the end of title VI, add the following new subtitle:

Subtitle F—Education Benefits

SEC. 671. SHORT TITLE.

This subtitle may be cited as the "Helping Our Professionals Educationally (HOPE) Act of 2000".

SEC. 672. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE BY CERTAIN MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY TO TRANSFER TO FAMILY MEMBERS.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces

"(a)(1) Subject to the provisions of this section, the Secretary of each military department may, for the purpose of enhancing recruiting and retention and at such Secretary's sole discretion, permit an individual described in paragraph (2) who is entitled to basic educational assistance under this subchapter to elect to transfer such individual's entitlement to such assistance, in whole or in part, to the dependents specified in subsection (b).

"(2) An individual referred to in paragraph (1) is any individual who is a member of the Armed Forces at the time of the approval by the Secretary of the military department concerned of the individual's request to transfer entitlement to educational assistance under this section.

"(3) The Secretary of the military department concerned may not approve an individual's request to transfer entitlement to educational assistance under this section until the individual has completed six years of service in the Armed Forces.

"(4) Subject to the time limitation for use of entitlement under section 3031 of this title, an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement at any time after the approval of individual's request to transfer such entitlement without regard to whether the individual is a member of the Armed Forces when the transfer is executed.

"(b) An individual approved to transfer an entitlement to basic educational assistance under this section may transfer the individual's entitlement to such assistance as follows:

"(1) To the individual's spouse.

"(2) To one or more of the individual's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(c)(1) An individual transferring an entitlement to basic educational assistance under this section shall—

"(A) designate the dependent or dependents to whom such entitlement is being transferred and the percentage of such entitlement to be transferred to each such dependent; and

"(B) specify the period for which the transfer shall be effective for each dependent designated under subparagraph (A).

"(2) The aggregate amount of the entitlement transferable by an individual under this section may not exceed the aggregate amount of the entitlement of such individual to basic educational assistance under this subchapter.

"(3) An individual transferring an entitlement under this section may modify or revoke the transfer at any time before the use of the transferred entitlement begins. An individual shall make the modification or revocation by submitting written notice of the action to the Secretary of the military department concerned.

"(d)(1) A dependent to whom entitlement to educational assistance is transferred under this section may not commence the use of the transferred entitlement until the completion by the individual making the transfer of 10 years of service in the Armed Forces.

"(2) The use of any entitlement transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(3) Except as provided in under subsection (c)(1)(B) and subject to paragraphs (4) and (5), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this subchapter in the same manner and at the same rate as the individual from whom the entitlement was transferred.

"(4) Notwithstanding section 3031 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(5) The administrative provisions of this chapter (including the provisions set forth in section 3034(a)(1) of this title) shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible veteran for purposes of such provisions.

"(e) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

"(f) The Secretary of a military department may approve transfers of entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in the fiscal year for purposes of making transfers of funds under section 2006 of title 10 with respect to such transfers of entitlement.

"(g) The Secretary of Defense shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (c)(3) and shall specify the manner of the applicability of the administrative provisions referred to in subsection (d)(5) to a dependent to whom entitlement is transferred under this section.

"(h)(1) Not later than January 31, 2002, and each year thereafter, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the transfers of entitlement under this section that were approved by such Secretary during the preceding year.

"(2) Each report shall set forth—

"(A) the number of transfers of entitlement under this section that were approved by such Secretary during the preceding year; or

"(B) if no transfers of entitlement under this section were approved by such Secretary during that year, a justification for such Secretary's decision not to approve any such transfers of entitlement during that year.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following new item:

"3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces.".

(b) TREATMENT UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2) of title 10, United States Code, is amended by adding at the end the following:

"(D) The present value of the future benefits payable from the Fund as a result of transfers under section 3020 of title 38 of entitlement to basic educational assistance under chapter 30 of title 38.".

(c) PLAN FOR IMPLEMENTATION.—Not later than June 30, 2001, the Secretary of Defense shall submit to Congress a report describing the manner in which the Secretaries of the military departments propose to exercise the authority granted by section 3020 of title 38, United States Code, as added by subsection (a).

SEC. 673. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN MONTGOMERY GI BILL PROGRAM.

(a) PARTICIPATION AUTHORIZED.—(1) Subchapter II of chapter 30 of title 38, United States Code, as amended by section 672(a) of this Act, is further amended by inserting after section 3018C the following new section:

"§ 3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled

"(a)(1) Notwithstanding any other provision of law and subject to the provisions of this section, the Secretary concerned may, for the purpose of enhancing recruiting and retention and at such Secretary's sole discretion, permit an individual described in subsection (b) to elect under subsection (c) to become entitled to basic educational assistance under this chapter.

"(2) The Secretary concerned may permit an individual to elect to become entitled to basic educational assistance under this section only if sufficient funds are available in accordance with this section for purposes of payments by the Secretary of Defense into the Department of Defense Education Benefits Fund under section 2006 of title 10 with respect to such election.

"(3) An individual who makes an election to become entitled to basic educational assistance under this section shall be entitled to basic educational assistance under this chapter.

"(b) An individual eligible to be permitted to make an election under this section is an individual who—

"(1) either—

"(A)(i) is a participant on the date of the enactment of this section in the educational benefits program provided by chapter 32 of this title; or

"(ii) disenrolled from participation in that program before that date; or

"(B) has made an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive educational assistance under this chapter and has not withdrawn that election under section 3018(a) of this title as of that date;

"(2) is serving on active duty (excluding periods referred to in section 3202(1)(C) of this title in the case of an individual described in paragraph (1)(A)) on that date; and

"(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree.

"(c) An individual permitted to make an election under this section to become entitled to basic educational assistance under this chapter shall make an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title or withdraw the election made under section 3011(c)(1) or 3012(d)(1) of this title, as the case may be, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy.

"(d)(1) Except as provided in paragraphs (2) and (3), in the case of an individual who makes an election under this section to become entitled to basic educational assistance under this chapter, the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is—

"(A) $1,200, in the case of an individual described in subsection (b)(1)(A); or

"(B) $1,500, in the case of an individual described in subsection (b)(1)(B).

"(2) In the case of an individual previously enrolled in the educational benefits program provided by chapter 32 of this title, the total amount of the reduction in basic pay otherwise required by paragraph (1) shall be reduced by an amount equal to so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account under section 3222(a) of this title as do not exceed $1,200.

"(3) An individual may at any time pay the Secretary concerned an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under this subsection and the total amount of the reductions made with respect to the individual under this subsection as of the time of the payment.

"(4) The Secretary concerned shall transfer to the Secretary of Defense amounts retained with respect to individuals under paragraph (1) and amounts, if any, paid by individuals under paragraph (3).

"(e)(1) An individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (c) shall be disenrolled from the program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall transfer to Secretary of Defense any amounts in the Post-Vietnam Era Veterans Education Account that are attributable to the individual, including amounts in the Account that are attributable to the individual by reason of contributions made by the Secretary of Defense under section 3222(c) of this title.

"(f) With respect to each individual electing under this section to become entitled to basic educational assistance under this chapter, the Secretary concerned shall transfer to the Secretary of Defense, from appropriations for military personnel that are available for transfer, an amount equal to the difference between—

"(1) the amount required to be paid by the Secretary of Defense into the Department of Defense Education Benefits Fund with respect to such election; and

"(2) the aggregate amount transferred to the Secretary of Defense with respect to the individual under subsections (d) and (e).

"(g) The Secretary of Defense shall utilize amounts transferred to such Secretary under this section for purposes of payments into the Department of Defense Education Benefits Fund with respect to the provision of benefits under this chapter for individuals making elections under this section.

"(h)(1) The requirements of sections 3011(a)(3) and 3012(a)(3) of this title shall apply to an individual who makes an election under this section, except that the completion of service referred to in such section shall be the completion of the period of active duty being served by the individual on the date of the enactment of this section.

"(2) The procedures provided in regulations referred to in subsection (c) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) of this title and of subparagraphs (B), (C), and (D) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.

"(l)(1) Not later than January 31, 2002, and each year thereafter, each Secretary concerned shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the members of the Armed Forces under the jurisdiction of such Secretary who were permitted to elect to become entitled to basic educational assistance under this section during the preceding year.

"(2) Each report shall set forth—

"(A) the number of members who were permitted to elect to become entitled to basic educational assistance under this section during the preceding year;

"(B) the number of members so permitted who elected to become entitled to basic educational assistance during that year; and

"(C) if no members were so permitted during that year, a justification for such Secretary's decision not to permit any members to elect to become so entitled during that year.".

(2) The table of sections at the beginning of chapter 30 of that title, as amended by section 672(a) of this Act, is further amended by inserting after the item relating to section 3018C the following new item:

"3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled.".

(b) CONFORMING AMENDMENT.—Section 3015(f) of that title is amended by striking "or 3018C" and inserting "3018C, or 3018D".

(c) TREATMENT UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2) of title 10, United States Code, as amended by section 672(b) of this Act, is further amended by adding at the end the following:

"(E) The present value of the future benefits payable from the Fund as a result of elections under section 3018D of title 38 of entitlement to basic educational assistance under chapter 30 of title 38.".

(d) PLANS FOR IMPLEMENTATION.—(1) Not later than June 30, 2001, the Secretary of Defense shall submit to Congress a report describing the manner in which the Secretaries of the military departments propose to exercise the authority granted by section 3018A of title 38, United States Code, as added by subsection (a).

(2) Not later than June 30, 2001, the Secretary of Transportation shall submit to Congress a report describing the manner in which that Secretary proposes to exercise the authority granted by such section 3018A with respect to members of the Coast Guard.

SEC. 674. MODIFICATION OF AUTHORITY TO PAY TUITION FOR OFF-DUTY TRAINING AND EDUCATION.

(a) AUTHORITY TO PAY ALL CHARGES.—Section 2007 of title 10, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) Subject to subsection (b), the Secretary of a military department may pay all or a portion of the charges of an educational institution for the tuition or expenses of a member of the armed forces enrolled in such educational institution for education or training during the member's off-duty periods.

"(b) In the case of a commissioned officer on active duty, the Secretary of the military department concerned may not pay charges under subsection (a) unless the officer agrees to remain on active duty for a period of at least two years after the completion of the training or education for which the charges are paid."; and

(2) in subsection (d)—

(A) by striking "(within the limits set forth in subsection (a))" in the matter preceding paragraph (1); and

(B) in paragraph (3), by striking "subsection (a)(3)" and inserting "subsection (b)".

(b) USE OF ENTITLEMENT TO ASSISTANCE UNDER MONTGOMERY GI BILL FOR PAYMENT OF CHARGES.—(1) That section is further amended by adding at the end the following new subsection:

"(e)(1) A member of the armed forces who is entitled to basic educational assistance under chapter 30 of title 38 may use such entitlement for purposes of paying any portion of the charges described in subsection (a) or (c) that are not paid for by the Secretary of the military department concerned under such subsection.

"(2) The use of entitlement under paragraph (1) shall be governed by the provisions of section 3014(b) of title 38.".

(2) Section 3014 of title 38, United States Code, is amended—

(A) by inserting "(a)" before "The Secretary"; and

(B) by adding at the end the following new subsection:

"(b)(1) In the case of an individual entitled to basic educational assistance who is pursuing education or training described in subsection (a) or (c) of section 2007 of title 10, the Secretary shall, at the election of the individual, pay the individual a basic educational assistance allowance to meet all or a portion of the charges of the educational institution for the education or training that are not paid by the Secretary of the military department concerned under such subsection.

"(2)(A) The amount of the basic educational assistance allowance payable to an individual under this subsection for a month shall be the amount of the basic educational assistance allowance to which the individual would be entitled for the month under section 3015 of this title (without regard to subsection (g) of that section) were payment made under that section instead of under this subsection.

"(B) The maximum number of months for which an individual may be paid a basic educational assistance allowance under paragraph (1) is 36.".

(3) Section 3015 of title 38, United States Code, is amended—

(A) by striking "subsection (g)" each place it appears in subsections (a) and (b);

(B) by redesignating subsection (g) as subsection (h); and

(C) by inserting after subsection (f) the following new subsection (g):

"(g) In the case of an individual who has been paid a basic educational assistance allowance under section 3014(b) of this title, the rate of the basic educational assistance allowance applicable to the individual under this section shall be the rate otherwise applicable to the individual under this section reduced by an amount equal to—

"(1) the aggregate amount of such allowances paid the individual under such section 3014(b); divided by

"(2) 36.".

SEC. 675. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF SELECTED RESERVE OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE.

Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) In the case of a person who continues to serve as member of the Selected Reserve as of the end of the 10-year period applicable to the person under subsection (a), as extended, if at all, under paragraph (4), the period during which the person may use the person's entitlement shall expire at the end of the 5-year period beginning on the date the person is separated from the Selected Reserve.

"(B) The provisions of paragraph (4) shall apply with respect to any period of active duty of a person referred to in subparagraph (A) during the 5-year period referred to in that subparagraph.".

KENNEDY (AND CLELAND) AMENDMENT NO. 3227

Mr. LEVIN (for Mr. KENNEDY (for himself and Mr. CLELAND)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 186, strike lines 1 through 9, and insert the following:

(c) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall take effect on July 1, 2002.

(2) The amendments made by subsection (b)

McCAIN (AND OTHERS) AMENDMENT NO. 3228

Mr. WARNER (for Mr. McCAIN (for himself, Mr. WARNER, and Mr. LEVIN)) proposed and amendment to the bill, S. 2549, supra; as follows:

On page 236, between lines 6 and 7, insert the following:

SEC. 646. POLICY ON INCREASING MINIMUM SURVIVOR BENEFIT PLAN BASIC ANNUITIES FOR SURVIVING SPOUSES AGE 62 OR OLDER.

It is the sense of Congress that there should be enacted during the 106th Congress legislation that increases the minimum basic annuities provided under the Survivor Benefit Plan for surviving spouses of members of the uniformed services who are 62 years of age or older.

SEC. 647. SURVIVOR BENEFIT PLAN ANNUITIES FOR SURVIVORS OF ALL MEMBERS WHO DIE ON ACTIVE DUTY.

(a) ENTITLEMENT.—(1) Subsection (d)(1) of section 1448 of title 10, United States Code, is amended to read as follows:

"(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

"(A) a member who dies on active duty after—

"(i) becoming eligible to receive retired pay;

"(ii) qualifying for retired pay except that he has not applied for or been granted that pay; or

"(iii) completing 20 years of active service but before he is eligible to retire as a commissioned officer because he has not completed 10 years of active commissioned service; or

"(B) a member not described in subparagraph (A) who dies on active duty, except in the case of a member whose death, as determined by the Secretary concerned—

"(i) is a direct result of the member's intentional misconduct or willful neglect; or

"(ii) occurs during a period of unauthorized absence.".

(2) The heading for subsection (d) of such section is amended by striking "RETIREMENT-ELIGIBLE".

(b) Amount of Annuity.—Section 1451(c)(1) of such title is amended to read as follows:

"(1) In general.—In the case of an annuity provided under section 1448(d) or 1448(f) of this title, the amount of the annuity shall be determined as follows:

"(A) Beneficiary under 62 years of age.—If the person receiving the annuity is under 62 years of age or is a dependent child when the member or former member dies, the monthly annuity shall be the amount equal to 55 percent of the retired pay imputed to the member or former member. The retired pay imputed to a member or former member is as follows:

"(i) Except in a case described in clause (ii), the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died.

"(ii) In the case of a deceased member referred to in subparagraph (A)(iii) or (B) of section 1448(d)(1) of this title, the retired pay to which the member or former member would have been entitled if the member had been entitled to that pay based upon a retirement under section 1201 of this title (if on active duty for more than 30 days when the member died) or section 1204 of this title (if on active duty for 30 days or less when the member died) for a disability rated as total.

"(B) Beneficiary 62 years of age or older.—

"(i) General rule.—If the person receiving the annuity (other than a dependent child) is 62 years of age or older when the member or former member dies, the monthly annuity shall be the amount equal to 35 percent of the retired pay imputed to the member or former member as described in clause (i) or (ii) of the second sentence of subparagraph (A).

"(ii) Rule if beneficiary eligible for social security offset computation.—If the beneficiary is eligible to have the annuity computed under subsection (e) and if, at the time the beneficiary becomes entitled to the annuity, computation of the annuity under that subsection is more favorable to the beneficiary than computation under clause (i), the annuity shall be computed under that subsection rather than under clause (i).".

(c) Effective Date.—This section and the amendments made by this section shall take effect on October 1, 2000, and shall apply with respect to deaths occurring on or after that date.

SEC. 648. FAMILY COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) Insurable Dependents.—Section 1965 of title 38, United States Code, is amended by adding at the end the following:

"(10) The term 'insurable dependent', with respect to a member, means the following:

"(A) The member's spouse.

"(B) A child of the member for so long as the child is unmarried and the member is providing over 50 percent of the support of the child.".

(b) Insurance Coverage.—(1) Subsection (a) of section 1967 of title 38, United States Code, is amended to read as follows:

"(a)(1) Subject to an election under paragraph (2), any policy of insurance purchased by the Secretary under section 1966 of this title shall automatically insure the following persons against death:

"(A) In the case of any member of a uniformed service on active duty (other than active duty for training)—

"(i) the member; and

"(ii) each insurable dependent of the member.

"(B) Any member of a uniformed service on active duty for training or inactive duty training scheduled in advance by competent authority.

"(C) Any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 1965(5)(B) of this title.

"(2)(A) A member may elect in writing not to be insured under this subchapter.

"(B) A member referred to in subparagraph (A) may also make either or both of the following elections in writing:

"(i) An election not to insure a dependent spouse under this subchapter.

"(ii) An election to insure none of the member's children under this subchapter.

"(3)(A) Subject to an election under subparagraph (B), the amount for which a person is insured under this subchapter is as follows:

"(i) In the case of a member, $200,000.

"(ii) In the case of a member's spouse, the amount equal to 50 percent of the amount for which the member is insured under this subchapter.

"(iii) In the case of a member's child, $10,000.

"(B) A member may elect in writing to be insured or to insure an insurable dependent in an amount less than the amount provided under subparagraph (A). The amount of insurance so elected shall, in the case of a member or spouse, be evenly divisible by $10,000 and, in the case of a child, be evenly divisible by $5,000.

"(4) No dependent of a member is insured under this chapter unless the member is insured under this subchapter.

"(5) The insurance shall be effective with respect to a member and the member's dependents on the first day of active duty or active duty for training, or the beginning of a period of inactive duty training scheduled in advance by competent authority, or the first day a member of the Ready Reserve meets the qualifications set forth in section 1965(5)(B) of this title, or the date certified by the Secretary to the Secretary concerned as the date Servicemembers' Group Life Insurance under this subchapter for the class or group concerned takes effect, whichever is the later date.".

(2) Subsection (c) of such section is amended by striking out the first sentence and inserting the following: "If a person eligible for insurance under this subchapter is not so insured, or is insured for less than the maximum amount provided for the person under subparagraph (A) of subsection (a)(3), by reason of an election made by a member under subparagraph (B) of that subsection, the person may thereafter be insured under this subchapter in the maximum amount or any lesser amount elected as provided in such subparagraph (B) upon written application by the member, proof of good health of each person to be so insured, and compliance with such other terms and conditions as may be prescribed by the Secretary.".

(c) Termination of Coverage.—(1) Subsection (a) of section 1968 of such title is amended—

(A) in the matter preceding paragraph (1), by inserting "and any insurance thereunder on any insurable dependent of such a member," after "any insurance thereunder on any member of the uniformed services,";

(B) by striking "and" at the end of paragraph (3);

(C) by striking the period at the end of paragraph (4) and inserting "; and"; and

(D) by adding at the end the following:

"(5) with respect to an insurable dependent of the member—

"(A) upon election made in writing by the member to terminate the coverage; or

"(B) on the earlier of—

"(i) the date of the member's death;

"(ii) the date of termination of the insurance on the member's life under this subchapter;

"(iii) the date of the dependent's death; or

"(iv) the termination of the dependent's status as an insurable dependent of the member.

(2) Subsection (b)(1)(A) of such section is amended by inserting "(to insure against death of the member only)" after "converted to Veterans' Group Life Insurance".

(d) Premiums.—Section 1969 of such title is amended by adding at the end the following:

"(g)(1) During any period in which any insurable dependent of a member is insured under this subchapter, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary (which shall be the same for all such members) as the premium allocable to the pay period for providing that insurance coverage.

"(2)(A) The Secretary shall determine the premium amounts to be charged for life insurance coverage for dependents of members under this subchapter.

"(B) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

"(C) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary in advance of that policy year.

"(h) Any overpayment of a premium for insurance coverage for an insurable dependent of a member that is terminated under section 1968(a)(5) of this title shall be refunded to the member.".

(e) Payments of Insurance Proceeds.—Section 1970 of such title is amended by adding at the end the following:

"(h) Any amount of insurance in force on an insurable dependent of a member under this subchapter on the date of the dependent's death shall be paid, upon the establishment of a valid claim therefor, to the member or, in the event of the member's death before payment to the member can be made, then to the person or persons entitled to receive payment of the proceeds of insurance on the member' life under this subchapter.".

(f) Effective Date and Initial Implementation.—(1) This section and the amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act, except that paragraph (2) shall take effect on the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs, in consultation with the Secretaries of the military departments, the Secretary of Transportation, the Secretary of Commerce and the Secretary of Health and Human Services, shall take such action as is necessary to ensure that each member of the

uniformed services on active duty (other than active duty for training) during the period between the date of the enactment of this Act and the effective date determined under paragraph (1) is furnished an explanation of the insurance benefits available for dependents under the amendments made by this section and is afforded an opportunity before such effective date to make elections that are authorized under those amendments to be made with respect to dependents.

McCAIN AMENDMENT NO. 3229

Mr. WARNER (for Mr. McCAIN (for himself and Mr. WARNER)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 206, between lines 15 and 16, insert the following:

SEC. 610. RESTRUCTURING OF BASIC PAY TABLES FOR CERTAIN ENLISTED MEMBERS.

(a) IN GENERAL.—The table under the heading "ENLISTED MEMBERS" in section 601(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 105-65; 113 Stat. 648) is amended by striking the amounts relating to pay grades E-7, E-6, and E-5 and inserting the amounts for the corresponding years of service specified in the following table:

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-7	1,765.80	1,927.80	2,001.00	2,073.00	2,148.60
E-6	1,518.90	1,678.20	1,752.60	1,824.30	1,899.40
E-5	1,332.60	1,494.00	1,566.00	1,640.40	1,715.70
	Over 8	Over 10	Over 12	Over 14	Over 16
E-7	2,277.80	2,350.70	2,423.20	2,495.90	2,570.90
E-6	2,022.60	2,096.40	2,168.60	2,241.90	2,294.80
E-5	1,821.00	1,893.00	1,967.10	1,967.60	1,967.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E-7	2,644.20	2,717.50	2,844.40	2,926.40	3,134.40
E-6	2,332.00	2,332.00	2,335.00	2,335.00	2,335.00
E-5	1,967.60	1,967.60	1,967.60	1,967.60	1,967.60

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall take effect as of October 1, 2000, and shall apply with respect to months beginning on or after that date.

GRAMS (AND OTHERS) AMENDMENT NO. 3230

Mr. WARNER (for Mr. GRAMS (for himself, Mr. McCAIN, Mr. SESSIONS, Mr. ALLARD, Mr. ASHCROFT, and Mr. LEVIN)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 239, after line 22, add the following:

Subtitle F—Additional Benefits For Reserves and Their Dependents

SEC. 671. SENSE OF CONGRESS.

It is the sense of Congress that it is in the national interest for the President to provide the funds for the reserve components of the Armed Forces (including the National Guard and Reserves) that are sufficient to ensure that the reserve components meet the requirements specified for the reserve components in the National Military Strategy, including training requirements.

SEC. 672. TRAVEL BY RESERVES ON MILITARY AIRCRAFT.

(a) SPACE-REQUIRED TRAVEL FOR TRAVEL TO DUTY STATIONS INCONUS AND OCONUS.—(1) Subsection (a) of section 18505 of title 10, United States Code, is amended to read as follows:

"(a) A member of a reserve component traveling to a place of annual training duty or inactive-duty training (including a place other than the member's unit training assembly if the member is performing annual training duty or inactive-duty training in another location) may travel in a space-required status on aircraft of the armed forces between the member's home and the place of such duty or training.".

(2) The heading of such section is amended to read as follows:

"§ 18505. Reserves traveling to annual training duty or inactive-duty training: authority for space-required travel".

(b) SPACE-AVAILABLE TRAVEL FOR MEMBERS OF SELECTED RESERVE, GRAY AREA RETIREES, AND DEPENDENTS.—Chapter 1805 of such title is amended by adding at the end the following new section:

"§ 18506. Space-available travel: Selected Reserve members and reserve retirees under age 60; dependents

"(a) ELIGIBILITY FOR SPACE-AVAILABLE TRAVEL.—The Secretary of Defense shall prescribe regulations to allow persons described in subsection (b) to receive transportation on aircraft of the Department of Defense on a space-available basis under the same terms and conditions (including terms and conditions applicable to travel outside the United States) as apply to members of the armed forces entitled to retired pay.

"(b) PERSONS ELIGIBLE.—Subsection (a) applies to the following persons:

"(1) A person who is a member of the Selected Reserve in good standing (as determined by the Secretary concerned) or who is a participating member of the Individual Ready Reserve of the Navy or Coast Guard in good standing (as determined by the Secretary concerned).

"(c) DEPENDENTS.—A dependent of a person described in subsection (b) shall be provided transportation under this section on the same basis as dependents of members of the armed forces entitled to retired pay.

"(d) LIMITATION ON REQUIRED IDENTIFICATION.—Neither the 'Authentication of Reserve Status for Travel Eligibility' form (DD Form 1853), nor or any other form, other than the presentation of military identification and duty orders upon request, or other methods of identification required of active duty personnel, shall be required of reserve component personnel using space-available transportation within or outside the continental United States under this section.".

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 18505 and inserting the following new items:

"18505. Reserves traveling to annual training duty or inactive-duty training: authority for space-required travel.

"18506. Space-available travel: Selected Reserve members and reserve retirees under age 60; dependents.".

(d) IMPLEMENTING REGULATIONS.—Regulations under section 18506 of title 10, United States Code, as added by subsection (b), shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 673. BILLETING SERVICES FOR RESERVE MEMBERS TRAVELING FOR INACTIVE DUTY TRAINING.

(a) IN GENERAL.—(1) Chapter 1217 of title 10, United States Code, is amended by inserting after section 12603 the following new section:

"§ 12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training

"(a) AUTHORITY FOR BILLETING ON SAME BASIS AS ACTIVE DUTY MEMBERS TRAVELING UNDER ORDERS.—The Secretary of Defense shall prescribe regulations authorizing a Reserve traveling to inactive-duty training at a location more than 50 miles from that Reserve's residence to be eligible for billeting in Department of Defense facilities on the same basis and to the same extent as a member of the armed forces on active duty who is traveling under orders away from the member's permanent duty station.

"(b) PROOF OF REASON FOR TRAVEL.—The Secretary shall include in the regulations the means for confirming a Reserve's eligibility for billeting under subsection (a).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12603 the following new item:

"12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training.

(b) EFFECTIVE DATE.—Section 12604 of title 10, United States Code, as added by subsection (a), shall apply with respect to periods of inactive-duty training beginning more than 180 days after the date of the enactment of this Act.

SEC. 674. INCREASE IN MAXIMUM NUMBER OF RESERVE RETIREMENT POINTS THAT MAY BE CREDITED IN ANY YEAR.

Section 12733(3) of title 10, United States Code, is amended by striking "but not more than" and all that follows and inserting "but not more than—

"(A) 60 days in any one year of service before the year of service that includes September 23, 1996;

"(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001; and

"(C) 90 days in the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001 and in any subsequent year of service.".

SEC. 675. AUTHORITY FOR PROVISION OF LEGAL SERVICES TO RESERVE COMPONENT MEMBERS FOLLOWING RELEASE FROM ACTIVE DUTY.

(a) LEGAL SERVICES.—Section 1044(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) Members of reserve components of the armed forces not covered by paragraph (1) or (2) following release from active duty under a call or order to active duty for more than 30 days issued under a mobilization authority (as determined by the Secretary of Defense), but only during the period that begins on the date of the release and is equal to at least twice the length of the period served on active duty under such call or order to active duty.".

(b) DEPENDENTS.—Paragraph (5) of such section, as redesignated by subsection (a)(1), is amended by striking "and (3)" and inserting "(3), and (4)".

(c) IMPLEMENTING REGULATIONS.—Regulations to implement the amendments made by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.

BINGAMAN (AND OTHERS) AMENDMENT NO. 3231

Mr. LEVIN (for Mr. BINGAMAN (for himself, Mr. WARNER, Mr. BIDEN, and Mr. INOUYE) proposed an amendment to the bill, S. 2549, supra; as follows:

At the end of title X, insert the following:

SEC. 10 . CONGRESSIONAL MEDALS FOR NAVAJO CODE TALKERS.

(a) FINDINGS.—Congress finds that—

(1) on December 7, 1941, the Japanese Empire attacked Pearl Harbor and war was declared by Congress on the following day;

(2) the military code developed by the United States for transmitting messages had been deciphered by the Japanese, and a search was made by United States Intelligence to develop new means to counter the enemy;

(3) the United States Government called upon the Navajo Nation to support the military effort by recruiting and enlisting 29 Navajo men to serve as Marine Corps Radio Operators;

(4) the number of Navajo enlistees later increased to more than 350;

(5) at the time, the Navajos were often treated as second-class citizens, and they were a people who were discouraged from using their own native language;

(6) the Navajo Marine Corps Radio Operators, who became known as the "Navajo Code Talkers", were used to develop a code using their native language to communicate military messages in the Pacific;

(7) to the enemy's frustration, the code developed by these Native Americans proved to be unbreakable, and was used extensively throughout the Pacific theater;

(8) the Navajo language, discouraged in the past, was instrumental in developing the most significant and successful military code of the time;

(9) at Iwo Jima alone, the Navajo Code Talkers passed more than 800 error-free messages in a 48-hour period;

(10) use of the Navajo Code was so successful, that—

(A) military commanders credited it in saving the lives of countless American soldiers and in the success of the engagements of the United States in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa;

(B) some Code Talkers were guarded by fellow Marines, whose role was to kill them in case of imminent capture by the enemy; and

(C) the Navajo Code was kept secret for 23 years after the end of World War II;

(11) following the conclusion of World War II, the Department of Defense maintained the secrecy of the Navajo Code until it was declassified in 1968; and

(12) only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

(b) CONGRESSIONAL MEDALS AUTHORIZED.—To express recognition by the United States and its citizens in honoring the Navajo Code Talkers, who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and hastening the end of World War II in the Pacific, the President is authorized—

(1) to award to each of the original 29 Navajo Code Talkers, or a surviving family member, on behalf of the Congress, a gold medal of appropriate design, honoring the Navajo Code Talkers; and

(2) to award to each person who qualified as a Navajo Code Talker (MOS 642), or a surviving family member, on behalf of the Congress, a silver medal of appropriate design, honoring the Navajo Code Talkers.

(c) DESIGN AND STRIKING.—For purposes of the awards authorized by subsection (b), the Secretary of the Treasury (in this section referred to as the "Secretary") shall strike gold and silver medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(d) DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of the medals struck pursuant to this section, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the medals.

(e) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51, of title 31, United States Code.

(f) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, not more than $30,000, to pay for the costs of the medals authorized by this section.

(g) PROCEEDS OF SALE.—Amounts received from the sale of duplicate medals under this section shall be deposited in the United States Mint Public Enterprise Fund.

LOTT AMENDMENT NO. 3232

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 236, between lines 6 and 7, insert the following:

SEC. 646. FEES PAID BY RESIDENTS OF THE ARMED FORCES RETIREMENT HOME.

(a) NAVAL HOME.—Section 1514 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 414) is amended by striking subsection (d) and inserting the following:

"(d) NAVAL HOME.—The monthly fee required to be paid by a resident of the Naval Home under subsection (a) shall be as follows:

"(1) For a resident in an independent living status, $500.

"(2) For a resident in an assisted living status, $750.

"(3) For a resident of a skilled nursing facility, $1,250.".

(b) UNITED STATES SOLDIERS' AND AIRMEN'S HOME.—Subsection (c) of such section is amended—

(1) by striking "(c) FIXING FEES.—" and inserting "(c) UNITED STATES SOLDIERS' AND AIRMEN'S HOME.—";

(2) in paragraph (1)—

(A) by striking "the fee required by subsection (a) of this section" and inserting "the fee required to be paid by residents of the United States Soldiers' and Airmen's Home under subsection (a)"; and

(B) by striking "needs of the Retirement Home" and inserting "needs of that establishment"; and

(3) in paragraph (2), by striking the second sentence.

(c) SAVINGS PROVISION.—Such section is further amended by adding at the end the following:

"(e) RESIDENTS BEFORE FISCAL YEAR 2001.—A resident of the Retirement Home on September 30, 2000, may not be charged a monthly fee under this section in an amount that exceeds the amount of the monthly fee charged that resident for the month of September 2000.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

KENNEDY (AND OTHERS) AMENDMENT NO. 3233

Mr. LEVIN (for Mr. KENNEDY (for himself, Mr. ROTH, Mr. THURMOND, Mr. BIDEN, and Mr. REID)) proposed an amendment to the bill, S. 2549, supra; as follows:

Submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 200, after line 23, insert the following:

SEC. 566. SENIOR OFFICERS IN COMMAND IN HAWAII ON DECEMBER 7, 1941.

(a) FINDINGS.—Congress makes the following findings:

(1) Rear Admiral Husband E. Kimmel, formerly the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941, attack on Pearl Harbor.

(2) Major General Walter C. Short, formerly the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout his career in the United States Army prior to

the December 7, 1941, attack on Pearl Harbor.

(3) Numerous investigations following the attack on Pearl Harbor have documented that Admiral Kimmel and Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6 to 7, 1941, known as the Fourteen-Part Message.

(4) On December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general.

(5) Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of "dereliction of duty" only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that "these two officers were martyred" and "if they had been brought to trial, both would have been cleared of the charge".

(6) On October 19, 1944, a Naval Court of Inquiry exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941, attack on Pearl Harbor were proper "by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor"; criticized the higher command for not sharing with Admiral Kimmel "during the very critical period of November 26 to December 7, 1941, important information...regarding the Japanese situation"; and, concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service.

(7) On June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel.

(8) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that Lieutenant General Short had not been kept "fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war"; detailed information and intelligence about Japanese intentions and war plans were available in "abundance" but were not shared with the General Short's Hawaii command; and General Short was not provided "on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this".

(9) The reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral Kimmel and Major General Short were denied their requests to defend themselves through trial by court-martial.

(10) The joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty.

(11) The then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., on April 27, 1954, recommended that Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947.

(12) On November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that Lieutenant General Short "was unjustly held responsible for the Pearl Harbor disaster" and that "it would be equitable and just" to advance him to the rank of lieutenant general on the retired list.

(13) In October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Admiral Kimmel and recommended that the case of Admiral Kimmel be reopened.

(14) Although the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of Rear Admiral Kimmel or Major General Short in grade, it did set forth as a conclusion of the study that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared".

(15) The Dorn Report found that "Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications...which provided crucial confirmation of the imminence of war"; that "the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and followup at higher levels"; and, that "together, these characteristics resulted in failure...to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered".

(16) On July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from Admiral Kimmel and Lieutenant General Short.

(17) The Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list.

(18) Rear Admiral Kimmel and Major General Short are the only two eligible officers from World War II who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under the terms of the Officer Personnel Act of 1947.

(19) This singular exclusion from advancement on the retired list serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

(20) Major General Walter Short died on September 23, 1949, and Rear Admiral Husband Kimmel died on May 14, 1968, without the honor of having been returned to their wartime ranks as were their fellow veterans of World War II.

(21) The Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, and the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of Admiral Kimmel and Lieutenant General Short through their posthumous advancement on the retired lists to their highest wartime grades.

(b) Advancement of Rear Admiral Kimmel and Major General Short on Retired Lists.—(1) The President is requested—

(A) to advance the late Rear Admiral Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and

(B) to advance the late Major General Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(2) Any advancement in grade on a retired list requested under paragraph (1) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

(c) Sense of Congress Regarding the Professional Performance of Admiral Kimmel and Lieutenant General Short.—It is the sense of Congress that—

(1) the late Rear Admiral Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and

(2) the late Major General Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.

BIDEN (AND ROTH) AMENDMENT NO. 3234

Mr. LEVIN (for Mr. Biden (for himself and Mr. Roth)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON SPARE PARTS AND REPAIR PARTS PROGRAM OF THE AIR FORCE FOR THE C-5 AIRCRAFT.

(a) Findings.—Congress makes the following findings:

(1) There exists a significant shortfall in the Nation's current strategic airlift requirement, even though strategic airlift remains

critical to the national security strategy of the United States.

(2) This shortfall results from the slow phase-out C–141 aircraft and their replacement with C–17 aircraft and from lower than optimal reliability rates for the C–5 aircraft.

(3) One of the primary causes of these reliability rates for C–5 aircraft, and especially for operational unit aircraft, is the shortage of spare repair parts. Over the past 5 years, this shortage has been particularly evident in the C–5 fleet.

(4) NMCS (Not Mission Capable for Supply) rates for C–5 aircraft have increased significantly in the period between 1997 and 1999. At Dover Air Force Base, Delaware, an average of 7 through 9 C–5 aircraft were not available during that period because of a lack of parts.

(5) Average rates of cannibalization of C–5 aircraft per 100 sorties of such aircraft have also increased during that period and are well above the Air Mobility Command standard. In any given month, this means devoting additional manhours to cannibalizations of C–5 aircraft. At Dover Air Force Base, an average of 800 to 1,000 additional manhours were required for cannibalizations of C–5 aircraft during that period. Cannibalizations are often required for aircraft that transit through a base such as Dover Air Force Base, as well as those that are based there.

(6) High cannibalization rates indicate a significant problem in delivering spare parts in a timely manner and systemic problems within the repair and maintenance process, and also demoralize overworked maintenance crews.

(7) The C–5 aircraft remains an absolutely critical asset in air mobility and airlifting heavy equipment and personnel to both military contingencies and humanitarian relief efforts around the world.

(8) Despite increased funding for spare and repair parts and other efforts by the Air Force to mitigate the parts shortage problem, Congress continues to receive reports of significant cannibalizations to airworthy C–5 aircraft and parts backlogs.

(b) REPORTS.—Not later than January 1, 2001, and September 30, 2001, the Secretary of the Air Force shall submit to the congressional defense committees a report on the overall status of the spare and repair parts program of the Air Force for the C–5 aircraft. The report shall include the following—

(1) a statement the funds currently allocated to parts for the C–5 aircraft and the adequacy of such funds to meet current and future parts and maintenance requirements for that aircraft;

(2) a description of current efforts to address shortfalls in parts for such aircraft, including an assessment of potential short-term and long-term effects of such efforts;

(3) an assessment of the effects of such shortfalls on readiness and reliability ratings for C–5 aircraft;

(4) a description of cannibalization rates for C–5 aircraft and the manhours devoted to cannibalizations of such aircraft; and

(5) an assessment of the effects of parts shortfalls and cannibalizations with respect to C–5 aircraft on readiness and retention.

ROBERTS AMENDMENT NO. 3235

Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 539, between lines 7 and 8, insert the following:

SEC. 2836. LAND CONVEYANCE, FORT RILEY, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Kansas, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 70 acres at Fort Riley Military Reservation, Fort Riley, Kansas. The preferred site is adjacent to the Fort Riley Military Reservation boundary, along the north side of Huebner Road across from the First Territorial Capitol of Kansas Historical Site Museum.

(b) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the following conditions:

(1) That the State of Kansas use the property conveyed solely for purposes of establishing and maintaining a State-operated veterans cemetery.

(2) That all costs associated with the conveyance, including the cost of relocating water and electric utilities should the Secretary determine that such relocations are necessary, be borne by the State of Kansas.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Director of the Kansas Commission on Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

LIEBERMAN (AND ROBERTS) AMENDMENT NO. 3236

Mr. LEVIN (for Mr. LIEBERMAN (for himself and Mr. ROBERTS)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 436, between lines 2 and 3, insert the following:

SEC. 1114. CLARIFICATION OF PERSONNEL MANAGEMENT AUTHORITY OF UNDER A PERSONNEL DEMONSTRATION PROJECT.

Section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 is amended—

(1) by striking the last sentence of paragraph (4); and

(2) by adding at the end the following:

"(5) The employees of a laboratory covered by a personnel demonstration project under this section shall be managed by the director of the laboratory subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics. Notwithstanding any other provision of law, the director of the laboratory is authorized to appoint individuals to positions in the laboratory, and to fix the compensation of such individuals for service in those positions, under the demonstration project without the review or approval of any official or agency other than the Under Secretary.".

ROBERTS AMENDMENT NO. 3237

Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 34, between lines 2 and 3, insert the following:

SEC. 203. ADDITIONAL AUTHORIZATION FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ON WEATHERING AND CORROSION OF AIRCRAFT SURFACES AND PARTS.

(a) INCREASE IN AUTHORIZATION.—The amount authorized to be appropriated by section 201(3) is hereby increased by $1,500,000.

(b) AVAILABILITY OF FUNDS.—The amount available under section 201(3), as increased by subsection (a), for research, development, test, and evaluation on weathering and corrosion of aircraft surfaces and parts (PE62102F) is hereby increased by $1,500,000.

(c) OFFSET.—The amount authorized to be appropriated by section 201(4) is hereby decreased by $1,5000,000, with the amount of such decrease being allocated to Sensor and Guidance Technology (PE63762E).

CONRAD (AND OTHERS) AMENDMENT NO. 3238

Mr. LEVIN (for Mr. CONRAD (for himself, Ms. LANDRIEU, and Mr. DORGAN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 372, between lines 6 and 7, insert the following:

SEC. 1019. SENSE OF SENATE ON THE MAINTENANCE OF THE STRATEGIC NUCLEAR TRIAD.

It is the sense of the Senate that, in light of the potential for further arms control agreements with the Russian Federation limiting strategic forces—

(1) it is in the national interest of the United States to maintain a robust and balanced TRIAD of strategic nuclear delivery vehicles, including long-range bombers, land-based intercontinental ballistic missiles (ICBMs), and ballistic missile submarines; and

(2) reductions to United States conventional bomber capability are not in the national interest of the United States.

NICKLES (AND INHOFE) AMEMDMENT NO. 3239

Mr. WARNER (for Mr. NICKLES (for himself and Mr. INHOFE)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 72, strike line 3, and insert the following:

"(B) Each arsenal of the Army.

"(C) Each government-owned, government-operated ammunition plant of the Army.".

On page 77, strike line 17, and insert the following:

gency.

"(f) CONSTRUCTION OF PROVISION.—Nothing in this section may be construed to authorize a change, otherwise prohibited by law, from the performance of work at a Center of Industrial and Technical Excellence by Department of Defense personnel to performance by a contractor.".

LIEBERMAN (AND OTHERS) AMENDMENT NO. 3240

Mr. LEVIN (for Mr. LIEBERMAN (for himself, Mr. SANTORUM, Mr. ROBB, and Mrs. HUTCHISON)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AEROSPACE INDUSTRY BLUE RIBBON COMMISSION.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States aerospace industry, composed of manufacturers of commercial, military, and business aircraft, helicopters,

aircraft engines, missiles, spacecraft, materials, and related components and equipment, has a unique role in the economic and national security of our Nation.

(2) In 1999, the aerospace industry continued to produce, at $37,000,000,000, the largest trade surplus of any industry in the United States economy.

(3) The United States aerospace industry employs 800,000 Americans in highly skilled positions associated with manufacturing aerospace products.

(4) United States aerospace technology is preeminent in the global marketplace for both defense and commercial products.

(5) History since World War I has demonstrated that a superior aerospace capability usually determines victory in military operations and that a robust, technically innovative aerospace capability will be essential for maintaining United States military superiority in the 21st century.

(6) Federal Government policies concerning investment in aerospace research and development and procurement, controls on the export of services and goods containing advanced technologies, and other aspects of the Government-industry relationship will have a critical impact on the ability of the United States aerospace industry to retain its position of global leadership.

(7) Recent trends in investment in aerospace research and development, in changes in global aerospace market share, and in the development of competitive, non-United States aerospace industries could undermine the future role of the United States aerospace industry in the national economy and in the security of the Nation.

(8) Because the United States aerospace industry stands at an historical crossroads, it is advisable for the President and Congress to appoint a blue ribbon commission to assess the future of the industry and to make recommendations for Federal Government actions to ensure United States preeminence in aerospace in the 21st century.

(b) ESTABLISHMENT.—There is established a Blue Ribbon Commission on the Future of the United States Aerospace Industry.

(c) MEMBERSHIP.—(1) The Commission shall be composed of 12 members appointed, not later than March 1, 2001, as follows:

(A) Up to 6 members appointed by the President.

(B) Two members appointed by the Majority Leader of the Senate.

(C) Two members appointed by the Speaker of the House.

(D) One member appointed by the Minority Leader of the Senate.

(E) One member appointed by the Minority Leader of the House of Representatives.

(2) The members of the Commission shall be appointed from among—

(A) persons with extensive experience and national reputations in aerospace manufacturing, economics, finance, national security, international trade or foreign policy; and

(B) persons who are representative of labor organizations associated with the aerospace industry.

(3) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) The President shall designate one member of the Commission to serve as the Chairman.

(5) The Commission shall meet at the call of the Chairman. A majority of the members shall constitute a quorum, but a lesser number may hold hearings for the Commission.

(d) DUTIES.—(1) The Commission shall—

(A) study the issues associated with the future of the United States aerospace industry in the global economy, particularly in relationship to United States national security; and

(B) assess the future importance of the domestic aerospace industry for the economic and national security of the United States.

(2) In order to fulfill its responsibilities, the Commission shall study the following:

(A) The budget process of the Federal Government, particularly with a view to assessing the adequacy of projected budgets of the Federal Government agencies for aerospace research and development and procurement.

(B) The acquisition process of the Federal Government, particularly with a view to assessing—

(i) the adequacy of the current acquisition process of Federal agencies; and

(ii) the procedures for developing and fielding aerospace systems incorporating new technologies in a timely fashion.

(C) The policies, procedures, and methods for the financing and payment of government contracts.

(D) Statutes and regulations governing international trade and the export of technology, particularly with a view to assessing—

(i) the extent to which the current system for controlling the export of aerospace goods, services, and technologies reflects an adequate balance between the need to protect national security and the need to ensure unhindered access to the global marketplace; and

(ii) the adequacy of United States and multilateral trade laws and policies for maintaining the international competitiveness of the United States aerospace industry.

(E) Policies governing taxation, particularly with a view to assessing the impact of current tax laws and practices on the international competitiveness of the aerospace industry.

(F) Programs for the maintenance of the national space launch infrastructure, particularly with a view to assessing the adequacy of current and projected programs for maintaining the national space launch infrastructure.

(G) Programs for the support of science and engineering education, including current programs for supporting aerospace science and engineering efforts at institutions of higher learning, with a view to determining the adequacy of those programs.

(e) REPORT.—(1) Not later than March 1, 2002, the Commission shall submit a report on its activities to the President and Congress.

(2) The report shall include the following:

(A) The Commission's findings and conclusions.

(B) Recommendations for actions by Federal Government agencies to support the maintenance of a robust aerospace industry in the United States in the 21st century.

(C) A discussion of the appropriate means for implementing the recommendations.

(f) IMPLEMENTATION OF RECOMMENDATIONS.—The heads of the executive agencies of the Federal Government having responsibility for matters covered by recommendations of the Commission shall consider the implementation of those recommendations in accordance with regular administrative procedures. The Director of the Office of Management and Budget shall coordinate the consideration of the recommendations among the heads of those agencies.

(g) ADMINISTRATIVE REQUIREMENTS AND AUTHORITIES.—(1) The Director of the Office of Management and Budget shall ensure that the Commission is provided such administrative services, facilities, staff, and other support services as may be necessary. Any expenses of the Commission shall be paid from funds available to the Director.

(2) The Commission may hold hearings, sit and act at times and places, take testimony, and receive evidence that the Commission considers advisable to carry out the purposes of this Act.

(3) The Commission may secure directly from any department or agency of the Federal Government any information that the Commission considers necessary to carry out the provisions of this Act. Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) The Commission is an advisory committee for the purposes of the Federal Advisory Committee Act (5 U.S.C. App. 2).

(h) COMMISSION PERSONNEL MATTERS.—(1) Members of the Commission shall serve without additional compensation for their service on the Commission, except that members appointed from among private citizens may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in government service under subchapter I of chapter 57 of title 5, United States Code, while away from their homes and places of business in the performance of services for the Commission.

(2) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate any staff that may be necessary to enable the Commission to perform its duties. The employment of a head of staff shall be subject to confirmation by the Commission. The Chairman may fix the compensation of the staff personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rates of pay fixed by the Chairman shall be in compliance with the guidelines prescribed under section 7(d) of the Federal Advisory Committee Act.

(3) Any Federal Government employee may be detailed to the Commission without reimbursement. Any such detail shall be without interruption or loss of civil status or privilege.

(4) The Chairman may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(i) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

GRAMM (AND HUTCHISON) AMENDMENT NO. 3241

Mr. WARNER (for Mr. GRAMM (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Voting Rights Act of 2000".

SEC. 2. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 700 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State; or

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

SEC. 3. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) Registration and Balloting.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) Elections for Federal Offices.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) Elections for State and Local Offices.—Each State shall.—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) Conforming Amendment.—The heading for title I of such Act is amended by striking out "FOR FEDERAL OFFICE".

FEINSTEIN AMENDMENT NO. 3242

Mr. LEVIN (for Mrs. Feinstein) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 543, between lines 19 and 20, insert the following:

SEC. 2855. MODIFICATION OF AUTHORITY FOR OXNARD HARBOR DISTRICT, PORT HUENEME, CALIFORNIA, TO USE CERTAIN NAVY PROPERTY.

(a) Additional Restrictions on Joint Use.—Subsection (c) of section 2843 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3067) is amended to read as follows:

"(c) Restrictions on Use.—The District's use of the property covered by an agreement under subsection (a) is subject to the following conditions:

"(1) The District shall suspend operations under the agreement upon notification by the commanding officer of the Center that the property is needed to support mission essential naval vessel support requirements or Navy contingency operations, including combat missions, natural disasters, and humanitarian missions.

"(2) The District shall use the property covered by the agreement in a manner consistent with Navy operations at the Center, including cooperating with the Navy for the purpose of assisting the Navy to meet its through-put requirements at the Center for the expeditious movement of military cargo.

"(3) The commanding officer of the Center may require the District to remove any of its personal property at the Center that the commanding officer determines may interfere with military operations at the Center. If the District cannot expeditiously remove the property, the commanding officer may provide for the removal of the property at District expense.".

(b) Consideration.—Subsection (d) of such section is amended to read as follows:

"(d) Consideration.—(1) As consideration for the use of the property covered by an agreement under subsection (a), the District shall pay to the Navy an amount that is mutually agreeable to the parties to the agreement, taking into account the nature and extent of the District's use of the property.

"(2) The Secretary may accept in-kind consideration under paragraph (1), including consideration in the form of—

"(A) the District's maintenance, preservation, improvement, protection, repair, or restoration of all or any portion of the property covered by the agreement;

"(B) the construction of new facilities, the modification of existing facilities, or the replacement of facilities vacated by the Navy on account of the agreement; and

"(C) covering the cost of relocation of the operations of the Navy from the vacated facilities to the replacement facilities.

"(3) All cash consideration received under paragraph (1) shall be deposited in the special account in the Treasury established for the Navy under section 2667(d) of title 10, United States Code. The amounts deposited in the special account pursuant to this paragraph shall be available, as provided in appropriation Acts, for general supervision, administration, overhead expenses, and Center operations and for the maintenance preservation, improvement, protection, repair, or restoration of property at the Center.".

(c) Conforming Amendments.—Such section is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

THURMOND (AND OTHERS) AMENDMENT NO. 3243

Mr. WARNER (for Mr. Thurmond (for himself, Mr. Lott, Mr. McCain, Mr. Cleland, Mr. Cochran, Ms. Landrieu, Ms. Snowe, Mr. Sessions, Mr. Inouye, and Mr. Dodd) proposed an amendment to the bill, S. 2549, supra; as follows:

In title VI, at the end of subtitle D, add the following:

SEC. . COMPUTATION OF SURVIVOR BENEFITS.

(a) Increased Basic Annuity.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount." and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001, 40 percent for months beginning after such date and before October 2004, and 45 percent for months beginning after September 2004.".

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and inserting "the percent specified under subsection (a)(1)(B)(i) as being applicable for the month".

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.".

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: "Computation of annuity.—".

(b) Adjusted Supplemental Annuity.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(2) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004.".

(c) Recomputation of Annuities.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2004.

(d) Recomputation of Retired Pay Reductions for Supplemental Survivor Annuities.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

BINGAMAN AMENDMENT NO. 3244

Mr. LEVIN (for Mr. Bingaman) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 236, between lines 6 and 7, insert the following:

SEC. 646. EQUITABLE APPLICATION OF EARLY RETIREMENT ELIGIBILITY REQUIREMENTS TO MILITARY RESERVE TECHNICIANS.

(a) Technicians Covered by FERS.—Paragraph (1) of section 8414(c) of title 5, United States Code, is amended by striking "after becoming 50 years of age and completing 25 years of service" and inserting "after completing 25 years of service or after becoming 50 years of age and completing 20 years of service".

(b) Technicians Covered by CSRS.—Section 8336 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(p) Section 8414(c) of this title applies—

“(1) under paragraph (1) of such section to a military reserve technician described in that paragraph for purposes of determining entitlement to an annuity under this subchapter; and

“(2) under paragraph (2) of such section to a military technician (dual status) described in that paragraph for purposes of determining entitlement to an annuity under this subchapter.”.

(c) TECHNICAL AMENDMENT.—Section 1109(a)(2) of Public Law 105–261 (112 Stat. 2143) is amended by striking “adding at the end” and inserting “inserting after subsection (n)”.

(d) APPLICABILITY.—Subsection (c) of section 8414 of such title (as amended by subsection (a)), and subsection (p) of section 8336 of title 5, United States Code (as added by subsection (b)), shall apply according to the provisions thereof with respect to separations from service referred to in such subsections that occur on or after October 5, 1999.

STEVENS AMENDMENT NO. 3245

Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 239, after line 22, insert the following:

SEC. 656. TRAVEL BY RESERVES ON MILITARY AIRCRAFT TO AND FROM LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES FOR INACTIVE-DUTY TRAINING.

(a) SPACE-REQUIRED TRAVEL.—Subsection (a) of section 18505 of title 10, United States Code, is amended—

(1) by inserting “residence or” after “In the case of a member of a reserve component whose”; and

(2) by inserting after “(including a place” the following: “of inactive-duty training”.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

“§ 18505. Space-required travel: Reserves traveling to inactive-duty training”.

(2) The item relating to such section in the table of sections at the beginning of such chapter is amended to read as follows:

“18505. Space-required travel: Reserves traveling to inactive-duty training.”.

BINGAMAN (AND MURRAY) AMENDMENT NO. 3246

Mr. LEVIN (for Mr. BINGAMAN (for himself and Mrs. MURRAY) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

SEC. 656. ADDITIONAL BENEFITS AND PROTECTIONS FOR PERSONNEL INCURRING INJURY, ILLNESS, OR DISEASE IN THE PERFORMANCE OF FUNERAL HONORS DUTY.

(a) INCAPACITATION PAY.—Section 204 of title 37, United States Code, is amended—

(1) in subsection (g)(1)—

(A) by striking “or” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; or”; and

(C) by adding at the end the following:

“(E) in line of duty while—

“(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

“(ii) traveling to or from the place at which the duty was to be performed; or

“(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.”; and

(2) in subsection (h)(1)—

(A) by striking “or” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; or”; and

(C) by adding at the end the following:

“(E) in line of duty while—

“(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

“(ii) traveling to or from the place at which the duty was to be performed; or

“(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.”.

(b) TORT CLAIMS.—Section 2671 of title 28, United States Code, is amended by inserting “115,” in the second paragraph after “members of the National Guard while engaged in training or duty under section”.

(c) APPLICABILITY.—(1) The amendments made by subsection (a) shall apply with respect to months beginning on or after the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply with respect to acts and omissions occurring before, on, or after the date of the enactment of this Act.

SMITH OF OREGON (AND OTHERS) AMENDMENT NO. 3247

Mr. WARNER (for Mr. SMITH of Oregon (for himself, Mr. WYDEN, and Mr. BRYAN) proposed an amendment to the bill, S. 2549, supra; as follows:

[The amendment was not available for printing. It will appear in a future edition of the RECORD.]

CLELAND (AND HUTCHISON) AMENDMENT NO. 3248

Mr. LEVIN (for Mr. CLELAND (for himself and Mrs. HUTCHISON) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 155, between lines 9 and 10, insert the following:

SEC. 511. CONTINGENT EXEMPTION FROM LIMITATION ON NUMBER OF AIR FORCE OFFICERS SERVING ON ACTIVE DUTY IN GRADES ABOVE MAJOR GENERAL.

Section 525(b) of title 10, United States Code, is amended by adding at the end the following:

“(8) While an officer of the Army, Navy, or Marine Corps is serving as Commander in Chief of the United States Transportation Command, an officer of the Air Force, while serving as Commander of the Air Mobility Command, if serving in the grade of general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under paragraph (1).

“(9) While an officer of the Army, Navy, or Marine Corps is serving as Commander in Chief of the United States Space Command, an officer of the Air Force, while serving as Commander of the Air Force Space Command, if serving in the grade of general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under paragraph (1).”.

BOND (AND OTHERS) AMENDMENT NO. 3249

Mr. WARNER (for Mr. BOND (for himself, Mr. BRYAN, Mr. AKAKA, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DEWINE, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMS, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mrs. LINCOLN, Mr. LOTT, Mr. MACK, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. STEVENS, Mr. THURMOND, Mr. VOINOVICH, and Mr. CONRAD)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 125, line 19, strike “22,536” and insert “22,974.”

On page 126, line 10, strike “22,357” and insert “24,728.”

THOMPSON (AND OTHERS) AMENDMENT NO. 3250

Mr. WARNER (for Mr. THOMPSON (for himself, Mr. BINGAMAN, Mr. VOINOVICH, Mr. KENNEDY, Mr. DEWINE, Mr. REID, Mr. THURMOND, Mr. BRYAN, Mr. FRIST, Mrs. MURRAY, Mr. MURKOWSKI, Mr. HARKIN, Mr. HOLLINGS, and Mr. STEVENS)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 613, after line 12, add the following:

TITLE XXXV—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION

SEC. 3501. SHORT TITLE.

This title may be cited as the “Energy Employees Occupational Illness Compensation Act of 2000”.

SEC. 3502. CONSTRUCTION WITH OTHER LAWS.

References in this title to a provision of another statute shall be considered as references to such provision, as amended and as may be amended form time to time.

SEC. 3503. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) ATOMIC WEAPON.—The term “atomic weapon” has the meaning given that term in section 11 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(d)).

(2) ATOMIC WEAPONS EMPLOYEE.—The term “atomic weapons employee” means an individual employed by an atomic weapons employer during a time when the employer was processing or producing, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling.

(3) ATOMIC WEAPONS EMPLOYER.—The term "atomic weapons employer" means an entity that—

(A) processed or produced, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling; and

(B) is designated as an atomic weapons employer for purposes of this title by the Secretary of Energy.

(4) ATOMIC WEAPONS EMPLOYER FACILITY.—The term "atomic weapons employer facility" means a facility, owned by an atomic weapons employer, that is or was used to process or produce, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining or milling.

(5) BERYLLIUM VENDOR.—The term "beryllium vendor" means the following:

(A) Atomics International.

(B) Brush Wellman, Incorporated, and its predecessor, Brush Beryllium Company.

(C) General Atomics.

(D) General Electric Company.

(E) NGK Metals Corporation and its predecessors, Kawecki-Berylco, Cabot Corporation, BerylCo, and Beryllium Corporation of America.

(F) Nuclear Materials and Equipment Corporation.

(G) StarMet Corporation, and its predecessor, Nuclear Metals, Incorporated.

(H) Wyman Gordan, Incorporated.

(I) Any other vendor, processor, or producer of beryllium or related products designated as a beryllium vendor for purposes of this title under section 3504(a).

(6) CHRONIC SILICOSIS.—The term "chronic silicosis" means silicosis if—

(A) at least 10 years elapse between initial exposure to silica and the emergence of the silicosis; and

(B) the silicosis is established by one of the following:

(i) A chest x-ray presenting any combination of rounded opacities of type p/q/r, with or without irregular opacities, present in at least both upper lung zones and of profusion 1/0 or greater, as found in accordance with the International Labor Organization classification system.

(ii) A physician's provisional or working diagnosis of silicosis, combined with—

(I) a chest radiograph interpreted as consistent with silicosis; or

(II) pathologic findings consistent with silicosis.

(iii) A history of occupational exposure to airborne silica dust and a chest radiograph or other imaging technique interpreted as consistent with silicosis or pathologic findings consistent with silicosis.

(7) COMPENSATION.—The term "compensation" means the money allowance payable under this title and any other benefits paid for from the Fund including the alternative compensation payable pursuant to section 3515.

(8) COVERED BERYLLIUM EMPLOYEE.—The term "covered beryllium employee" means the following:

(A) A current or former employee (as that term is defined in section 8101(1) of title 5, United States Code) who may have been exposed to beryllium at a Department of Energy facility or at a facility owned, operated, or occupied by a beryllium vendor.

(B) A current or former employee of any entity that contracted with the Department of Energy to provide management and operation, management and integration, or environmental remediation of a Department of Energy facility or an employee of any contractor or subcontractor that provided services, including construction and maintenance, at such a facility.

(C) A current or former employee of a beryllium vendor, or a contractor or subcontractor of a beryllium vendor, during a period when the vendor was engaged in activities related to the production or processing of beryllium for sale to, or use by, the Department of Energy.

(9) COVERED BERYLLIUM ILLNESS.—The term "covered beryllium illness" means any condition as follows:

(A) Beryllium sensitivity as established by,—

(i) an abnormal beryllium lymphocyte proliferation test performed on either blood or lung lavage cells; or

(ii) other means specified under section 3504(b).

(B) Chronic beryllium disease as established by the following:

(i) For diagnoses on or after January 1, 1993,—

(I) beryllium sensitivity, as established in accordance with subparagraph (A), and

(II) lung pathology consistent with chronic beryllium disease, including—

(aa) a lung biopsy showing granulomas or a lymphocytic process consistent with chronic beryllium disease;

(bb) a computerized axial tomography scan showing changes consistent with chronic beryllium disease; or

(cc) pulmonary function or exercise testing showing pulmonary deficits consistent with chronic beryllium disease.

(ii) For diagnoses before January 1, 1993, the presence of four of the criteria set forth in subclauses (I) through (VI), including the criteria set forth in subclause (I) and any three of the criteria set forth in subclauses (II) through (VI):

(I) Occupational or environmental history, or epidemiologic evidence of beryllium exposure.

(II) Characteristic chest radiographic (or computed tomography (CT) abnormalities.

(III) Restrictive or obstructive lung physiology testing or diffusing lung capacity defect.

(IV) Lung pathology consistent with chronic beryllium disease.

(V) Clinical course consistent with a chronic respiratory disorder.

(VI) Immunologic tests showing beryllium sensitivity (skin patch test or beryllium blood test preferred).

(iii) Other means specified under section 3504(b).

(C) Any injury, illness, impairment, or disability sustained as a consequence of a covered beryllium illness referred to in subparagraph (A) or (B).

(10) COVERED EMPLOYEE.—The term "covered employee" means a covered beryllium employee, a covered employee with cancer, or a covered employee with chronic silicosis.

(11) COVERED EMPLOYEE WITH CANCER.—The term "covered employee with cancer" means the following:

(A) An individual who meets the criteria in section 3511(c)(1).

(B) A member of the Special Exposure Cohort.

(12) COVERED EMPLOYEE WITH CHRONIC SILICOSIS.—The term "covered employee with chronic silicosis" means a—

(A) Department of Energy employee; or

(B) Department of Energy contractor employee;

with chronic silicosis who was exposed to silica in the performance of duty as determined in section 3511(b).

(13) DEPARTMENT OF ENERGY.—The term "Department of Energy" includes the predecessor agencies of the Department of Energy, including the Manhattan Engineering District.

(14) DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEE.—The term "Department of Energy contractor employee" means the following:

(A) An individual who is or was in residence at a Department of Energy facility as a researcher for a period of at least 24 cumulative months.

(B) An individual who is or was employed, at a Department of Energy facility by—

(i) an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the facility; or

(ii) a contractor or subcontractor that provided services, including construction and maintenance, at the facility.

(15) DEPARTMENT OF ENERGY FACILITY.—The term "Department of Energy facility" means any building, structure, or premise, including the grounds upon which such building, structure, or premise is located—

(A) in which operations are, or have been, conducted by, or on behalf of, the Department of Energy (except for buildings, structures, premises, grounds, or operations covered by Executive Order 12344, pertaining to the Naval Nuclear Propulsion Program); and

(B) with regard to which the Department of Energy has or had—

(i) a proprietary interest; or

(ii) entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services.

(16) FUND.—The term "Fund" means the Energy Employee's Occupational Illness Compensation Fund under section 3542 of this title.

(17) MONTHLY PAY.—The term "monthly pay" means the monthly pay at the time of injury, or the monthly pay at the time disability begins, or the monthly pay at the time the compensable disability recurs, if the recurrence begins more than 6 months after the employee resumes regular full-time employment, whichever is greater, except when otherwise determined under section 8113 of title 5, United States Code.

(18) RADIATION.—The term "radiation" means ionizing radiation in the form of—

(A) alpha particles;

(B) beta particles;

(C) neutrons;

(D) gamma rays; or

(E) accelerated ions or subatomic particles from accelerator machines.

(19) SECRETARY OF HEALTH AND HUMAN SERVICES.—The term "Secretary of Health and Human Services" means the Secretary of Health and Human Services with the assistance of the Director of the National Institute for Occupational Safety and Health.

(20) SPECIAL EXPOSURE COHORT.—The term "Special Exposure Cohort" means the following groups of Department of Energy employees, Department of Energy contractor employees, and atomic weapons employees:

(A) Individual who—

(i) were employed during the period prior to February 1, 1992—

(I) at the gaseous diffusion plants located in—

(aa) Paducah, Kentucky;

(bb) Portsmouth, Ohio; or

(cc) Oak Ridge, Tennessee; and

(II) by—

(aa) the Department of Energy;

(bb) a Department of Energy contractor or subcontractor; or

(cc) an atomic weapons employer; and

(ii) during employment covered by clause (i)—

(I) were monitored through the use of dosimetry badges for exposure at the plant of the external parts of the employee's body to radiation; or

(II) worked in a job that had exposures comparable to a job that is or was monitored through the use of dosimetry badges.

(B) Individuals who were employed by the Department of Energy or a Department of Energy contractor or subcontractor on Amchitka Island, Alaska, prior to January 1, 1974, and who were exposed to ionizing radiation in the performance of duty related to the Long Shot, Milrow, or Cannikin underground nuclear tests.

(C) Individuals designated as part of the Special Exposure Cohort by the Secretary of Health and Human Services, in accordance with section 3513.

(21) SPECIFIED CANCER.—The term "specified cancer" means the following:

(A) Leukemia (other than chronic lymphocytic leukemia).

(B) Multiple myeloma.

(C) Non-Hodgkins Lymphoma.

(D) Cancer of the—

(i) bladder;

(ii) bone;

(iii) brain;

(iv) breast (male or female);

(v) cervix;

(vi) digestive system (including esophagus, stomach, small intestine, bile ducts, colon, rectum, or other digestive organs);

(vii) gallbladder;

(viii) kidney;

(ix) larynx, pharynx, or other respiratory organs;

(x) liver;

(xi) lung;

(xii) male genitalia;

(xiii) nasal organs;

(xiv) nervous system;

(xv) ovary;

(xvi) pancreas;

(xvii) prostate;

(xviii) salivary gland (parotid or non-parotid);

(xix) thyroid;

(xx) ureter;

(xxi) urinary tract or other urinary organs; or

(xxii) uterus.

(22) SURVIVOR.—The term "survivor" means any individual or individuals eligible to receive compensation pursuant to section 8133 of title 5, United States Code.

(23) TIME OF INJURY.—The term "time of injury" means—

(A) in regard to a claim arising out of exposure to beryllium, the last date on which a covered employee was exposed to beryllium in the performance of duty in accordance with section 3511(a);

(B) in regard to a claim arising out of chronic silicosis, the last date on which a covered employee was exposed to silica in the performance of duty in accordance with section 3511(b); and

(C) in regard to a claim arising out of exposure to radiation, the last date on which a covered employee was exposed to radiation in the performance of duty in accordance with section 3511(c)(1) or, in the case of a member of the Special Exposure Cohort, the last date on which the member of the Special Exposure Cohort was employed at the Department of Energy facility at which the member was exposed to radiation.

(b) TERMS USED IN ADMINISTRATION.—

(1) IN GENERAL.—The following terms have the meaning given those terms in section 8101 of title 5, United States Code:

(A) "physician";

(B) "medical, surgical, and hospital services and supplies;"

(C) "injury";

(D) "widow";

(E) "parent";

(F) "brother";

(G) "sister";

(H) "child";

(I) "grandchild";

(J) "widower";

(K) "student";

(L) "price index";

(M) "organ"; and

(N) "United States medical officers and hospitals".

(2) EMPLOYEE.—In applying any provision of chapter 81 of title 5, United States Code (except section 8101), under this title, the term "employee" in such provision shall mean a covered employee.

(3) EMPLOYEES' COMPENSATION FUND.—In applying any provision of chapter 81 of title 5, United States Code, under this title, the term "Employees' Compensation Fund" in such provision shall mean the Fund.

SEC. 3504. EXPANSION OF LIST OF BERYLLIUM VENDORS AND MEANS OF ESTABLISHING COVERED BERYLLIUM ILLNESSES.

(a) BERYLLIUM VENDORS.—The Secretary of Energy may from time to time, and in consultation with the Secretary of Labor, designate as a beryllium vendor for purposes of section 3503(a)(5) any vendor, processor, or producer of beryllium or related products not previously listed under or designated for purposes of that section if the Secretary of Energy finds that such vendor, processor, or producer has been engaged in activities related to the production or processing of beryllium for sale to, or use by, the Department of Energy in a manner similar to the entities listed in that section.

(b) MEANS OF ESTABLISHING COVERED BERYLLIUM ILLNESSES.—The Secretary of Health and Human Services may from time to time, and in consultation with the Secretary of Energy, specify means of establishing the existence of a covered beryllium illness referred to in subparagraph (A) or (B) of section 3503(a)(9) not previously listed under or specified for purposes of such subparagraph.

Subtitle A—Beryllium, Silicosis, and Radiation Compensation

SEC. 3511. EXPOSURE TO HAZARDS IN THE PERFORMANCE OF DUTY.

(a) BERYLLIUM.—In the absence of substantial evidence to the contrary, a covered beryllium employee shall be determined to have been exposed to beryllium in the performance of duty for the purposes of this title if, and only if, the covered beryllium employee was—

(1) employed at a Department of Energy facility; or

(2) present at a Department of Energy facility, or a facility owned and operated by a beryllium vendor, because of employment by the United States, a beryllium vendor, or a contractor or subcontractor of the Department of Energy;

during a period when beryllium dust, particles, or vapor may have been present at such facility.

(b) CHRONIC SILICOSIS.—In the absence of substantial evidence to the contrary, a covered employee with chronic silicosis shall be determined to have been exposed to silica in the performance of duty for the purposes of this title if, and only if, the covered employee with chronic silicosis was present during the mining of tunnels at a Department of Energy facility for tests or experiments related to an atomic weapon.

(c) CANCER.—

(1) IN GENERAL.—A Department of Energy employee, Department of Energy contractor employee, or an atomic weapons employee shall be determined to have sustained a cancer in the performance of duty if, and only if, such employee—

(A) contracted cancer after beginning employment at a Department of Energy facility for a Department of Energy contractor or an atomic weapons employer facility for an atomic weapons employer; and

(B) falls within guidelines that—

(i) are established by the Secretary of Health and Human Services by regulation, after consultation with the Secretary of Energy and after technical review by the Advisory Board under section 3512, for determining whether the cancer the employee contracted was at least as likely as not related to employment at the facility;

(ii) are based on the radiation dose received by the employee (or a group of employees performing similar work) at the facility and the upper 99 percent confidence interval of the probability of causation in the radioepidemiological tables published under section 7(b) of the Orphan Drug Act (42 U.S.C. 241 note), as such tables may be updated under section 7(b)(3) of such Act from time to time;

(iii) incorporate the methods established under subsection (d); and

(iv) take into consideration the type of cancer; past health-related activities, such as smoking; information on the risk of developing a radiation-related cancer from workplace exposure; and other relevant factors.

(2) SPECIAL EXPOSURE COHORT.—A member of the Special Exposure Cohort shall be determined to have sustained a cancer in the performance of duty if, and only if, such individual contracted a specified cancer after beginning employment at a Department of Energy facility for a Department of Energy contractor or an atomic weapons employer facility for an atomic weapons employer.

(d) RADIATION DOSE.—

(1) IN GENERAL.—The Secretary of Health and Human Services, after consultation with the Secretary of Energy, shall—

(A) establish by regulation methods for arriving at reasonable estimates of the radiation doses Department of Energy employees or Department of Energy contractor employees received at a Department of Energy facility and atomic weapons employees received at a facility operated by an atomic weapons employer if such employees were not monitored for exposure to radiation at the facility, or were monitored inadequately, or if the employees' exposure records are missing or incomplete; and

(B) provide to an employee who meets the requirements of subsection (c)(1)(B) an estimate of the radiation dose the employee received based on dosimetry reading, a method established under subparagraph (A), or a combination of both.

(2) SCIENTIFIC REVIEW.—The Secretary of Health and Human Services shall establish an independent review process utilizing the Advisory Board under section 3512 to assess the methods established under paragraph (1)(A) and the application of those methods and to verify a reasonable sample of individual dose reconstructions provided under paragraph (1)(B).

(3) Access to Dose Reconstructions.—The Secretary of Health and Human Services and the Secretary of Energy each shall, consistent with the protection of private medical records, make available to researchers and the general public information on the assumptions, methodology, and data used in dose reconstructions undertaken under this subtitle.

SEC. 3512. ADVISORY BOARD ON RADIATION AND WORKER HEALTH.

(a) Establishment.—

(1) In general.—Not later than 120 days after the date of enactment of this title, the Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall establish and appoint an Advisory Board on Radiation and Worker Health.

(2) Balance of views.—In making appointments to the Board, the Secretary of Health and Human Services shall also consult with labor unions and other organizations with expertise on worker health issues to ensure that the membership of the Board reflects a balance of scientific, medical, and worker perspectives.

(3) Chair.—The Secretary of Health and Human Services shall designate a Chair for the Board from among its members.

(b) Duties.—The Board shall advise the Secretary of Health and Human Services, Secretary of Energy, and Secretary of Labor on—

(1) the development of guidelines to be used by the Secretary of Health and Human Services under section 3511;

(2) the scientific validity and quality of dose estimation and reconstruction efforts being performed to implement compensation programs under this subtitle; and

(3) other matters related to radiation and worker health in Department of Energy facilities as the Secretary of Labor, the Secretary of Energy, or the Secretary of Health and Human Services may request.

(c) Staff.—

(1) In general.—The Secretary of Health and Human Services shall appoint a staff to facilitate the work of the Board, headed by a Director appointed under subchapter VIII of chapter 33 of title 5, United States Code.

(2) Details.—The Secretary of Health and Human Services may accept for staff of the Board personnel on detail from other federal agencies to serve on the staff on a nonreimbursable basis.

(d) Expenses.—Members of the Board, other than full-time employees of the federal government, while attending meetings of the Board or while otherwise serving at the request of the Secretary of Health and Human Services while serving away from their homes or regular places of business, may be allowed travel and meal expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

(e) Applicability of FACA.—The Advisory Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 3513. DESIGNATION OF ADDITIONAL MEMBERS OF THE SPECIAL EXPOSURE COHORT.

(a) Advice on Membership in Cohort.—

(1) In general.—Upon request of the Secretary of Health and Human Services, the Advisory Board of Radiation and Worker Health under section 3512, based on exposure assessments by radiation health professionals, information provided by the Department of Energy, and other information deemed appropriate by the Board, shall advise the Secretary of Health and Human Services whether there is a class of employees at a Department of Energy facility who likely were exposed to radiation at the facility but for whom it is not feasible to estimate with sufficient accuracy the radiation dose they received.

(2) Procedures.—The Secretary of Health and Human Services shall establish procedures for considering petitions by classes of employees to request the advice of the Board.

(b) Treatment as Members of Cohort.—A class of employees at a Department of Energy facility shall be considered as members of the Special Exposure Cohort for purposes of section 3503(a)(20) if the Secretary of Health and Human Services, upon recommendation of the Advisory Board on Radiation and Worker Health and in consultation with the Secretary of Energy, determines that—

(1) it is not feasible to estimate with sufficient accuracy the radiation dose which the class received; and

(2) there is a reasonable likelihood that the radiation dose may have endangered the health of members of the class.

(c) Access to Information.—The Secretary of Energy shall, in accordance with law, provide the Secretary of Health and Human Services and the members and staff of the Advisory Board under section 3512 access to relevant information on worker exposures, including access to Restricted Data (as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

SEC. 3514. AUTHORITY TO PROVIDE COMPENSATION AND OTHER ASSISTANCE.

(a) Compensation.—Subject to the provisions of this title, the Secretary of Labor—

(1) shall pay compensation in accordance with sections 8105 through 8110, 8111(a), 8112, 8113, 8115, 8117, 8133, 8134, 8146a(a), and 8146a(b) of title 5, United States Code, for the disability or death—

(A) from a covered beryllium illness of a covered beryllium employee who was exposed to beryllium while in the performance of duty as determined in accordance with section 3511(a) of this title;

(B) from chronic silicosis of a covered employee with chronic silicosis who was exposed to silica in the performance of duty as determined in accordance with section 3511(b) of this title; or

(C) from cancer of a covered employee with cancer determined to have sustained that cancer in the performance of duty in accordance with section 3511(c) of this title or from any injury suffered as a consequence of that cancer;

(2) shall furnish the services and other benefits specified in section 8103 of title 5, United States Code, to—

(A) a covered beryllium employee with a covered beryllium illness who was exposed to beryllium in the performance of duty as determined in accordance with section 3511(a) of this title;

(B) a covered employee with chronic silicosis who was exposed to silica in the performance of duty as determined in accordance with section 3511(b) of this title; or

(C) a covered employee with cancer determined to have sustained that cancer in the performance of duty in accordance with section 3511(c) of this title or to have suffered any injury as a consequence of that cancer; and

(3) may direct a permanently disabled individual whose disability is compensable under this subtitle to undergo vocational rehabilitation and shall provide for furnishing such vocational rehabilitation services pursuant to the provisions of sections 8104, 8111(b), and 8113(b) of title 5, United States Code.

(b) Limitations on Compensation.—

(1) Employee misconduct.—No compensation or benefits may be paid or provided under this title for a cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death if the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death occurred under one of the circumstances set forth in paragraph (1), (2), or (3) of section 8102(a) of title 5, United States Code.

(2) Retroactive benefits.—No compensation may be paid under this section for any period before the date of enactment of this title, except in the case of compensation under section 3515.

(3) Source.—All compensation under this subtitle shall be paid from the Fund.

(c) Computation of Pay.—

(1) In general.—Except as otherwise provided by this title or by regulation, computation of pay under this title shall be determined in accordance with section 8114 of title 5, United States Code.

(2) Substitute rule for section 8114(d)(3).—If either of the methods of determining the average annual earnings specified in section 8114(d)(1) and (2) of title 5, United States Code, cannot be applied reasonably and fairly, the average annual earnings are a sum that reasonably represents the annual earning capacity of the covered employee in the employment in which the employee was working at the time of injury having regard to the previous earnings of the employee in similar employment, and of other employees of the same employer in the same or most similar class working in the same or most similar employment in the same or neighboring location, other previous employment of the employee, or other relevant factors. However, the average annual earnings may not be less than 150 times the average daily wage the covered employee earned in the employment during the days employed within 1 year immediately preceding the time of injury.

(d) Assistance for Claimants.—The Secretary of Labor shall, upon the receipt of a request for assistance from a claimant for compensation under this section, provide assistance to the claimant in connection with the claim, including—

(1) assistance in securing medical testing and diagnostic services necessary to establish the existence of a covered beryllium illness or cancer; and

(2) such other assistance as may be required to develop facts pertinent to the claim.

(e) Assistance for Potential Claimants.—The Secretary of Energy, in consultation with the Secretary of Labor, shall take appropriate actions to inform and assist covered employees who are potential claimants under this subtitle, and other potential claimants under this subtitle, of the availability of compensation under this subtitle, including actions to—

(1) ensure the ready availability, in paper and electronic format, of forms necessary for making claims;

(2) provide such covered employees and other potential claimants with information and other support necessary for making claims, including—

(A) medical protocols for medical testing and diagnosis to establish the existence of a covered beryllium illness, silicosis, or cancer; and

(B) lists of vendors approved for providing laboratory services related to such medical testing and diagnosis;

(3) provide such additional assistance to such covered employees and other potential claimants as may be required for the development of facts pertinent to a claim.

(f) INFORMATION FROM BERYLLIUM VENDORS AND OTHER CONTRACTORS.—As part of the assistance program provided under subsections (d) and (e), and as permitted by law, the Secretary of Energy shall, upon the request of the Secretary of Labor, require a beryllium vendor or other Department of Energy contractor or subcontractor to provide information relevant to a claim or potential claim under this title to the Secretary of Labor.

SEC. 3515. ALTERNATIVE COMPENSATION.

(a) IN GENERAL.—Subject to the provisions of this section, a covered employee eligible for benefits under section 3514(a), or the survivor of such covered employee if the employee is deceased, may elect to receive compensation in the amount of $200,000 in lieu of any other compensation under section 3514(a)(1).

(b) DEATH BEFORE ELECTION.—

(1) IN GENERAL.—Subject to the provisions of this section, if a covered employee otherwise eligible to make an election provided by this section dies before the date of enactment of this title, or before making the election, whether or not the death is a result of a cancer (including a specified cancer), chronic silicosis, or covered beryllium illness, a survivor of the covered employee on behalf of the survivor and any other survivors of the covered employee may make the election and receive the compensation provided for under this section.

(2) PRECEDENCE OF SURVIVORS.—The right to make an election and to receive compensation under this section shall be afforded to survivors in the order of precedence set forth in section 8109 of title 5, United States Code.

(c) TIME LIMIT FOR ELECTION.—An election under this section may be made at any time after the submittal under this subtitle of the claim on which such compensation is based, but not later than 30 days after the latter of the date of—

(1) a determination by the Secretary of Labor that an employee is eligible for an award under this section; or

(2) a determination by the Secretary of Labor under section 3214 awarding an employee or an employee's survivors compensation for total or partial disability or compensation in case of death.

(d) IRREVOCABILITY OF ELECTION.—

(1) IN GENERAL.—An election under this section when made is irrevocable.

(2) BINDING EFFECT.—An election made by a covered employee or survivor under this section is binding on all survivors of the covered employee.

SEC. 3516. SUBMITTAL OF CLAIMS.

(a) CLAIMS REQUIRED.—A claim for compensation under this subtitle shall be submitted to the Secretary of Labor in the manner specified in section 8121 of title 5, United States code.

(b) GENERAL TIME LIMITATIONS.—A claim for compensation under this subtitle shall be filed under this section not later than the later of—

(1) seven years after the date of enactment of this title;

(2) seven years after the date the claimant first becomes aware that a cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death from any of the foregoing of a covered employee may be connected to the exposure of the covered employee to beryllium, radiation, or silica in the performance of duty.

(c) NEW PERIOD FOR ADDITIONAL ILLNESSES AND CONDITIONS.—A new period of limitation under subsection (b)(2) shall commence with each new diagnosis of a cancer (including a specified cancer), chronic silicosis, or covered beryllium illness that is different from a previously diagnosed cancer (including a specified cancer), chronic silicosis, or covered beryllium illness.

(d) DEATH CLAIM.—The timely filing of a disability claim for a cancer (including a specified cancer), chronic silicosis, or covered beryllium illness shall satisfy the time requirements of this section for death benefits for the same cancer (including a specified cancer), chronic silicosis, or covered beryllium illness.

SEC. 3517. ADJUDICATION AND ADMINISTRATION.

(a) IN GENERAL.—

(1) REQUIREMENT.—The Secretary of Labor shall determine and make a finding of fact and make an award for or against payment of compensation under this subtitle after—

(2) (A) considering the claim presented by the claimant, the results of any medical test or diagnosis undertaken to establish the existence of a cancer (including a specified cancer), chronic silicosis, or covered beryllium illness, and any report furnished by the Secretary of Energy with respect to the claim; and

(B) completing such investigation as the Secretary of Labor considers necessary.

(2) SCOPE OF ALLOWANCE AND DENIAL.—The Secretary may allow or deny a claim, in whole or in part.

(b) AVAILABLE AUTHORITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), in carrying out activities under subsection (c), the Secretary of Labor may utilize the authorities available to the Secretary under sections 8123, 8124(b), 8125, 8126, 8128(a), and 8129 of title 5, United States Code.

(2) DISAGREEMENT.—If there is a disagreement under section 8123(a) of title 5, United States Code, between the physician making the examination for the United States and the physician of the employee, the Secretary of Labor shall appoint a third physician from a roster of physicians with relevant expertise maintained by the Secretary of Health and Human Services.

(c) RIGHTS OF CLAIMANT.—

(1) IN GENERAL.—Except as provided by paragraph (2), the provisions of section 8127 of title 5, United States Code, shall apply.

(2) SUITS TO COMPEL INFORMATION.—A claimant may commence an action in the appropriate district court of the United States against a beryllium vendor, or other contractor or subcontractor of the Department of Energy, to compel the production of information or documents requested by the Secretary of Labor under this subtitle if such information or documents are not provided within 180 days of the date of the request. Upon successful resolution of any action brought under this paragraph, the court shall award the claimant reasonable attorney fees and costs to be paid by the defendant in such action.

(d) DEADLINES.—Beginning on the date that is two years after the date of enactment of this title, the Secretary of Labor shall allow or deny a claim under this section not later than the later of—

(1) 180 days after the date of submittal of the claim to the Secretary under section 3516; or

(2) 120 days after the date of receipt of information or documents produced under subsection (c)(2).

(e) RESOLUTION OF REASONABLE DOUBT.—Except as provided in subsection (b)(2), in determining whether a claimant meets the requirements of this subtitle, the Secretary of Labor shall find in favor of the claimant in circumstances where the evidence supporting the claim of the claimant and the evidence controverting the claim of the claimant is in equipoise.

(f) SERVICE OF DECISION.—The Secretary of Labor shall have served upon a claimant the Secretary's decision denying the claim under this section, including the finding of fact under subsection (a)(1).

(g) HEARINGS AND FURTHER REVIEW.—

(1) REGULATIONS.—The Secretary of Labor may prescribe regulations necessary for the administration and enforcement of this title including regulations for the conduct of hearings under this section.

(2) APPEALS PANELS.—

(A) IN GENERAL.—Regulations issued by the Secretary of Labor under this title shall provide for one or more Energy Employees' Compensation Appeals Panels of three individuals with authority to hear and, subject to applicable law and the regulations of the Secretary, make final decisions on appeals taken from determinations and awards with respect to claims of employees filed under this subtitle.

(B) INTERAGENCY AGREEMENT.—Under an agreement between the Secretary of Labor and another federal agency (except the Department of Energy), a panel appointed by the other federal agency may provide these appellate decision-making services.

(3) APPEAL.—An individual seeking review of a denial of an award under this section shall submit an appeal in accordance with the regulations under this subsection.

(h) RECONSIDERATION BASED ON NEW CRITERIA OR EVIDENCE.—

(1) NEW CRITERIA OR METHODS FOR ESTABLISHING WORK-RELATED ILLNESS.—A claimant may obtain reconsideration of a decision awarding or denying coverage under this subtitle within one year after the effective date of regulations setting forth—

(A) new criteria for establishing a covered beryllium illness pursuant to section 3504(b), or

(B) additional or revised methods for determining whether a cancer was as least as likely as not related to employment pursuant to section 3211(c)(1)(B)(i)—

by submitting evidence that is relevant and pertinent to the new regulations.

(2) NEW EVIDENCE.—A covered employee or covered employee's survivor may obtain reconsideration of a decision denying an application for compensation or benefits under this title if the employee or employee's survivor has additional medical or other information relevant to the claim that was not reasonably available at the time of the decision and that likely would lead to the reversal of the decision.

Subtitle B—Exposure to Other Toxic Substances

SEC. 3521. DEFINITIONS.

In this subtitle—

(1) DIRECTOR.—The term "Director" means the Director of the Office of Workers' Compensation Advocate under section 217 of the Department of Energy Organization Act, as added by section 3538 of this Act.

(2) PANEL.—The term "panel" means a physicians panel established under section 3522(d).

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 3522. AGREEMENTS WITH STATES.

(a) AGREEMENTS.—The Secretary, through the Director, may enter into agreements with the Governor of a State to provide assistance to a Department of Energy contractor employee in filing a claim under the appropriate State workers' compensation system.

(b) PROCEDURE.—Pursuant to agreements under subsection (a), the Director may—

(1) establish procedures under which an individual may submit an application for review and assistance under this section, and

(2) review an application submitted under this section and determine whether the applicant submitted reasonable evidence that—

(A) the application was filed by or on behalf of a Department of Energy contractor employee or employee's estate, and

(B) the illness or death of the Department of Energy contractor employee may have been related to employment at a Department of Energy facility.

(c) SUBMITTAL OF APPLICATIONS TO PANELS.—If provided in an agreement under subsection (a), and if the Director determines that the applicant submitted reasonable evidence under subsection (b)(2), the Director shall submit the application to a physicians panel established under subsection (d). The Director shall assist the employee in obtaining additional evidence within the control of the Department of Energy and relevant to the panel's deliberations.

(d) PANEL.—

(1) NUMBER OF PANELS.—The Director shall inform the Secretary of Health and Human Services of the number of physicians panels the Director has determined to be appropriate to administer this section, the number of physicians needed for each panel, and the area of jurisdiction of each panel. The Director may determine to have only one panel.

(2) APPOINTMENT.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall appoint panel members with experience and competency in diagnosing occupational illnesses under section 3109 of title 5, United States Code.

(B) COMPENSATION.—Each member of a panel shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) the member is engaged in the work of a panel.

(3) DUTIES.—A panel shall review an application submitted to it by the Director and determine, under guidelines established by the Director, by rule, whether the illness or death that is the subject of the application arose out of and in the course of employment by the Department of Energy and exposure to a toxic substance at a Department of Energy facility.

(4) ADDITIONAL INFORMATION.—At the request of a panel, the Director and a contractor who employed a Department of Energy contractor employee shall provide additional information relevant to the panel's deliberations. A panel may consult specialists in relevant fields it determines necessary.

(5) DETERMINATIONS.—Once a panel has made a determination under paragraph (3), it shall report to the Director its determination and the basis for the determination.

(6) INAPPLICABILITY OF FACA.—A panel established under this section shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) ASSISTANCE.—If provided in an agreement under subsection (a)—

(1) the Director shall review a panel's determination made under subsection (d), information the panel considered in reaching its determination, any relevant new information not reasonably available at the time of the panel's deliberations, and the basis for the panel's determination;

(2) as a result of the review under paragraph (1), the Director shall accept the panel's determination in the absence of compelling evidence to the contrary;

(3) if the panel has made a positive determination under subsection (d) and the Director accepts the determination under paragraph (2), or the panel has made a negative determination under subsection (d) and the Director finds compelling evidence to the contrary—

(A) the Director shall—

(i) assist the applicant to file a claim under the appropriate State workers' compensation system based on the health condition that was the subject of the determination,

(ii) recommend to the Secretary of Energy that the Department of Energy not contest a claim filed under a State workers' compensation system based on the health condition that was the subject of the determination and not contest an award made under a State workers' compensation system regarding that claim, and

(iii) recommend to the Secretary of Energy that the Secretary direct, as permitted by law, the contractor who employed the Department of Energy contractor employee who is the subject of the claim not to contest the claim or an award regarding the claim; and

(B) any costs of contesting a claim or an award regarding the claim incurred by the contractor who employed the Department of Energy contractor employee who is the subject of the claim shall not be an allowable cost under a Department of Energy contract.

(f) INFORMATION.—At the request of the Director, a contractor who employed a Department of Energy contractor employee shall make available to the Director or the employee, information relevant to deliberations under this section.

(g) GAO REPORT.—Not later than February 1, 2002, the Comptroller General shall submit a report to the Congress evaluating the implementing by the Department of Energy of the provisions of this subtitle and of the effectiveness of the program under this subtitle in providing compensation to Department of Energy contractor employees for occupational illness.

Subtitle C—General Provisions

SEC. 3531. TREATMENT OF COMPENSATION AND BENEFITS.

(a) IN GENERAL.—Any compensation or benefits allowed, paid, or provided under this title—

(1) shall not be considered income for purposes of the Internal Revenue Code, and shall not be subject to Federal income tax under the internal revenue laws of the United States;

(2) shall not be included a income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of those benefits; and

(3) shall not be subject to offset under chapter 37 of title 31, United States Code.

(b) INSURANCE.—(1) Compensation or benefits paid or provided under this title shall not be considered as any form of compensation or reimbursement for a loss for purposes of imposing liability on an individual receiving the compensation or benefits to repay any insurance carrier for insurance payments made.

(2) The payment or provision of compensation or benefits under this title shall not be treated as affecting any claim against an insurance carrier with respect to insurance.

(c) PROHIBITION ON ASSIGNMENT OR ATTACHMENT OF CLAIMS.—The provisions of section 8130 of title 5, United States Code, shall apply to claims under this title.

(d) RETENTION OF CIVIL SERVICE RIGHTS.—If a Federal employee found to be disabled under this title resumes employment with the Federal government, the employee shall be entitled to the rights set forth in section 8151 of title 5, United States Code.

SEC. 3532. FORFEITURE OF BENEFITS BY CONVICTED FELONS.

(a) FORFEIT COMPENSATION.—Any individual convicted of a violation of section 1920 of title 18, or any other Federal or State criminal statute relating to fraud in the application for or receipt of any benefit under this title or under any other Federal or State workers' compensation law, shall forfeit (as of the date of such conviction) any entitlement to any benefit under this title such individual would otherwise be awarded for any injury, illness or death covered by this title for which the time of injury was on or before the date of the conviction. This forfeiture shall be in addition to any action the Secretary of Labor takes under sections 8106 or 8129 of title 5, United States Code.

(b) DEPENDENTS.—(1) Notwithstanding any other provision of law, except as provided under paragraph (2), compensation under this title shall not be paid or provided to an individual during any period during which such individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to that individual's conviction of an offense that constituted a felony under applicable law. After this period of incarceration ends, the individual shall not received compensation forfeited during the period of incarceration.

(2) If an individual has one or more dependents as defined under section 8110(a) of title 5, United States Code, the Secretary of Labor may, during the period of incarceration, pay to such dependents a percentage of the compensation under section 3114 that would have been payable to the individual computed according to the percentages set forth in section 8133(a)(1) through (5) of title 5, United States Code.

(c) INFORMATION.—Notwithstanding section 552a of title 5, United States Code, or any other Federal or State law, an agency of the United States, a State, or a political subdivision of a State shall make available to the Secretary of Labor, upon written request from the Secretary of Labor and if the Secretary of Labor requires the information to carry out this section, the names and Social Security account numbers of individuals confined, for conviction of a felony, in a jail, prison, or other penal institution or correctional facility under the jurisdiction of that agency.

SEC. 3533. LIMITATION ON RIGHT TO RECEIVE BENEFITS.

(a) CLAIMANT.—A claimant who receives compensation for any claim under this title, except for compensation provided under the authority of section 8103(b) of title 5, United States Code, shall not receive compensation for any other claim under this title.

(b) SURVIVOR.—If a survivor receives compensation for any claim under this title derived from a covered employee, except for compensation provided under the authority of section 8103(b) of title 5, United States Code, such survivor shall not receive compensation for any other claim under this title derived from the same covered employee. A survivor of a claimant who receives compensation for any claim under this title, except for compensation provided under the authority of section 8103(b) of title 5, United States Code, shall not receive compensation for any other claim under this title derived from the same covered employee.

(c) WIDOW OR WIDOWER.—A widow or widower who is eligible for benefits under this title derived from more than one husband or wife shall elect one benefit to receive.

SEC. 3534. COORDINATION OF BENEFITS—STATE WORKERS' COMPENSATION.

(a) IN GENERAL.—An individual who is eligible to receive compensation under this title because of a cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death and who is also entitled to receive benefits because of the same cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death from a State workers' compensation system shall elect which such benefits to receive, unless—

(1) at the time of injury, workers' compensation coverage for the employee was secured by a policy or contract of insurance; and

(2) the Secretary of Labor waives the requirement to make such an election.

(b) ELECTION.—The individual shall make the election within the time allowed by the Secretary of Labor. The election when made is irrevocable and binding on all survivors of that individual.

(c) COORDINATION.—Except as provided in paragraph (d), an individual who has been awarded compensation under this title and who also has received benefits from a State workers' compensation system because of the same cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death, shall receive compensation as specified under this title reduced by the amount of any workers' compensation benefits that the individual has received under the State workers' compensation system as a result of the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death attributable to the period subsequent to the effective date of this title, after deducting the reasonable costs, as determined by the Secretary of Labor, of obtaining benefits under the State workers' compensation system.

(d) WAIVER.—An individual described in paragraph (a) who has also received, under paragraph (a)(2), a waiver of the requirement to elect between compensation under this title and benefits under a State workers' compensation system shall receive compensation as specified in this title for the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death, reduced by eighty percent of the net amount of any workers' compensation benefits that the claimant has received under a State workers' compensation system attributable to the period subsequent to the effective date of this title, after deducting the reasonable costs, as determined by the Secretary of Labor, of obtaining benefits under the State workers' compensation system.

SEC. 3535. COORDINATION OF BENEFITS—FEDERAL WORKERS' COMPENSATION.

(a) IN GENERAL.—An individual who is eligible to receive compensation under this title because of a cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death and who is also entitled to receive benefits because of the same cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death from another Federal workers' compensation system shall elect which such benefits to receive.

(b) ELECTION.—The individual shall make the election within the time allowed by the Secretary of Labor. The election when made is irrevocable and binding on all survivors of that individual.

(c) COORDINATION.—An individual who has been awarded compensation under this title and who also has received benefits from another Federal workers' compensation system because of the same cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death, shall receive compensation as specified under this title reduced by the amount of any workers' compensation benefits that the individual has received under the other Federal workers compensation system as a result of the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death.

SEC. 3536. RECEIPT OF BENEFITS—OTHER STATUTES.

An individual may not receive compensation under this title for cancer and also receive compensation under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) or the Radiation-Exposed Veterans Compensation Act (38 U.S.C. 112(c)).

SEC. 3537. DUAL COMPENSATION-FEDERAL EMPLOYEES.

(A) LIMITATION.—While a federal employee is receiving compensation under this title, or such employee has been paid a lump sum in commutation of installment payments until the expiration of the period during which the installment payments would have continued, such employee may not receive salary, pay, or remuneration of any type from the United States, except—

(1) in return for service actually performed;

(2) pension for service in the Army, Navy or Air Force;

(3) other benefits administrated by the Department of Veterans Affair unless such benefits are payable for the same covered illness or the same death; and

(4) retired pay, retirement pay, retainer pay, or equivalent pay for service in the Armed Forces or other uniformed service.

However, eligibility for or receipt of benefits under subchapter III of chapter 83 of title 5, United States Code, or another retirement system for employees of the Government, does not impair the right of the employee to compensation for scheduled disabilities specified by section 8107 of title 5, United States Code.

SEC. 3538. DUAL COMPENSATION—OTHER EMPLOYEES.

An individual entitled to receive compensation under this title because of a cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death covered by this title of a covered employee, who also is entitled to receive from the United States under a provision of a statute other than this title payments or benefits for that injury, illness or death (except proceeds of an insurance policy), because of service by such employee (or in the case of death, by the deceased as an employee or in the armed forces, shall elect which benefits to receive. The individual shall make the election within the time allowed by the Secretary of Labor. The election when made is irrevocable, except as otherwise provided by statue

SEC. 3539. EXCLUSIVITY OF REMEDY AGAINST THE UNITED STATES, CONTRACTORS, AND SUBCONTRACTORS.

(a) IN GENERAL.—The liability of the United States or an instrumentality of the United States under this title with respect to a cancer (including a specified cancer), Chronic silicosis, covered beryllium illness, or death of a covered employee is exclusive and instead of all other liability—

(1) of—

(A) the United States;

(B) any instrumentality of the United States;

(C) a contractor that contracted with the Department of Energy to provide management and operation, management and integration, or environmental remediation of a Department of Energy facility (in its capacity as a contractor);

(D) a subcontractor that provided services, including construction, at a Department of Energy facility (in its capacity as a subcontractor); and

(E) an employee, agent, or assign of an entity specified in subparagraphs (A) through (D)—

(2) to—

(A) the covered employee;

(B) the covered employee's legal representative, spouse, dependents, survivors and next of kin, and

(C) any other person, including any third party as to whom the covered employee has a cause of action relating to the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death, otherwise entitled to recover damages from the United States, the instrumentality, the contractor, the subcontractor, or the employee, agent, or assign of one of them—

because of the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death in any proceeding or action including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statue or the common law.

(b)APPLICABILITY.—This section applies to all cases filed on after July 31, 2000.

(c) WORKERS' COMPENSATION.—This section does not apply to an administrative or judicial proceeding under a State or Federal workers' compensation statute subject to sections 3534 through 3538.

SEC. 3540 ELECTION OF REMEDY AGAINST BERYLLIUM VENDORS AND ATOMIC WEAPONS EMPLOYERS.

(a) BERYLLIUM VENDORS.—If an individual elects to accept payment under this title with respect to a covered beryllium illness or death of a covered employee, that acceptance of payment shall be in full settlement of all tort claims related to such covered beryllium illness or death—

(1) against—

(A) a beryllium vendor or a contractor or subcontractor of a beryllium vendor; and

(B) an employee, agent, or assign of a beryllium vendor or of a contractor or subcontractor of a beryllium vendor;

(2) by—

(A) that individual;

(B) that individual's legal representative, spouse, dependents, survivors, and next of kin; and

(C) any other person, including any third party as to whom a covered employee has a cause of action relating to the covered beryllium illness or death, otherwise entitled to recover damages from the beryllium vendor, the contractor or subcontractor of the beryllium vendor, or the employee, agent, or assign of the beryllium vendor, of the contractor or subcontractor of the beryllium vendor—

that arise out of the covered beryllium illness or death in any proceeding or action including a direct judicial proceeding, a civil action, a proceeding in admiralty, or proceeding under a tort liability statute or the common law.

(b) ATOMIC WEAPONS EMPLOYER.—If an individual elects to accept payment under this title with respect to a cancer (including a specified cancer) or death of a covered employee, that acceptance of payment shall be in full settlement of all tort claims—

(1) against—

(A) an atomic weapons employer; and

(C) an employee, agent, or assign of an atomic weapons employer;

(2) by—

(A) that individual;

(B) that individual's legal representative, spouse, dependents, survivors, and next of kin; and

(C) any other person, including any party as to whom a covered employee has a cause of action relating to the cancer (including a specified cancer) or death, otherwise entitled to recover damages from the atomic weapons employer, or the employee, agent, or assign of the atomic weapons employer—

that arise out of the cancer (including a specified cancer) or death in any proceeding or action including a direct judicial proceeding, a civil action, a proceeding in admiralty, or proceeding under a tort liability statute or the common law.

(c) APPLICABILITY.—

(1) IN GENERAL.—With respect to a case filed after the date of enactment of this title, alleging liability of—

(A) a beryllium vendor or a contractor or subcontractor of a beryllium vendor for a covered beryllium illness or death of a covered beryllium employee; or

(B) an atomic weapons employer for a cancer (including a specified cancer) or death of a covered employee—

the plaintiff shall not be eligible for benefits under this title unless the plaintiff files such case within the applicable time limits in paragraph (2).

(2) TIME LIMITS.—

(A) SUITS AGAINST BERYLLIUM VENDORS.—Except as provided in subparagraph (B), a case described in paragraph (1)(A) shall be filed not later than the later of—

(i) 180 days after the date of enactment of this title; or

(ii) 180 days after the date the plaintiff first becomes aware that a covered beryllium illness or death of a covered beryllium employee may be connected to the exposure of the covered employee to beryllium in the performance of duty.

(B) NEW DIAGNOSES.—A new period of limitation under subparagraph (A)(ii) shall commence with each new diagnosis of a covered beryllium illness that is different from a previously diagnosed covered beryllium illness.

(C) SUITS AGAINST ATOMIC WEAPONS EMPLOYERS.—Except as provided in subparagraph (D), a case described in paragraph (1)(B) shall be filed not later than the later of—

(i) 180 days after the date of enactment of this title; or

(ii) 180 days after the date the plaintiff first becomes aware that a cancer (including a specified cancer) or death of a covered employee may be connected to the exposure of the covered employee to radiation in the performance of duty.

(D) NEW DIAGNOSES.—A new period of limitation under subparagraph (C)(ii) shall commence with each new diagnosis of a cancer (including a specified cancer) that is different from a previously diagnosed cancer.

(c) WORKERS' COMPENSATION.—This section does not apply to an administrative or judicial proceeding under a State or Federal workers' compensation statute subject to sections 3534 through 3538.

SEC. 3541. SUBROGATION OF THE UNITED STATES.

(a) IN GENERAL.—If a cancer (including a specified cancer), covered beryllium illness, chronic silicosis, disability, or death for which compensation is payable under this title is caused under circumstances creating a legal liability in a person other than the United States to pay damages, sections 8131 and 8132 of title 5, United States Code, shall apply, except to the extent specified in this title.

(b) APPEARANCE OF EMPLOYEE.—For the purposes of this title, the provision in section 8131 of title 5, United States Code, that provides that an employee required to appear as a party or witness in the prosecution of an action described in that section is in an active duty status while so engaged shall only apply to a Federal employee.

SEC. 3542. ENERGY EMPLOYEES' OCCUPATIONAL ILLNESS COMPENSATION FUND.

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury a fund to be known as the Energy Employees' Occupational Illness Compensation Fund. The Secretary of the Treasury shall transfer to the Fund from the general fund of the Treasury the amounts necessary to carry out the purposes of this title.

(b) USE OF THE FUND.—Amounts in the Fund shall be used for the payment of compensation under this title and other benefits and expenses authorized by this title or any extension or application thereof, and for payment of all expenses of the administration of this title.

(c) COST DETERMINATIONS.—(1) Within 45 days of the end of every quarter of every fiscal year, the Secretary of Labor shall determine the total costs of compensation, benefits, administrative expenses, and other payments made from the Fund during the quarter just ended; the end-of-quarter balance in the Fund; and the amount anticipated to be needed during the immediately succeeding two quarters for the payment of compensation, benefits, and administrative expenses under this title.

(2) In making the determination under paragraph (1), the Secretary of Labor shall include, without amendment, information provided by the Secretary of Energy and the Secretary of Health and Human Services on the total costs and amounts anticipated to be needed for their activities under this title.

(3) Each cost determination made in the last quarter of the fiscal year under paragraph (1) shall show, in addition, the total costs of compensation, benefits, administrative expenses, and other payments from the Fund during the preceding twelve-month expense period and an estimate of the expenditures from the Fund for the payment of compensation, benefits, administrative expenses, and other payments for each of the immediately succeeding two fiscal years.

(d) ASSURING AVAILABLE BALANCE IN THE FUND.—Upon application of the Secretary of Labor, the Secretary of Treasury shall advance such sums from the Treasury as are projected by the Secretary of Labor to be necessary, for the period of time equaling the date of a projected deficiency in the Fund through ninety days following the end of the fiscal year, for the payment of compensation and other benefits and expenses authorized by this title or any extension or application thereof, and for payment of all expenses of administering this title.

SEC. 3543. EFFECTIVE DATE.

This title is effective upon enactment, and applies to all claims, civil actions, and proceedings pending on, or filed on or after, the date of enactment of this title.

SEC. 3544. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 1920 of title 18 is amended by inserting in the title "or Energy employee's" after "Federal employee's" and by inserting "or the Energy Employees' Occupational Illness Compensation Act of 2000" after "title 5".

(b) Section 1921 of title 18 is amended by inserting in the title "or Energy employees" after "Federal employees" and by inserting "or the Energy Employees' Occupational Illness Compensation Act of 2000" after "title 5".

(c) Section 210(a)(1) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(a)(1)) is amended by—

(1) in subparagraph (E), striking "or;" and inserting ";",

(2) in subparagraph (F), striking the period and inserting "; or ", and

(3) after subparagraph (F) inserting a new subparagraph as follows:

"(G) filed an application for benefits or assistance under the Energy Employees Occupational Illness Compensation Act of 2000".

(d) Title II of the Department of Energy Organization Act (P.L. 95-91) is amended by adding at the end of the title the following:

"OFFICE OF WORKERS' COMPENSATION ADVOCATE

"SEC. 217. (a) There shall be within the Department an Office of Workers' Compensation Advocate. The Office shall be headed by a Director who shall be appointed by the Secretary. The Director shall be compensated at the rate provided for in level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) The Director shall be responsible for providing information, research reports, and studies to support the implementation of the Energy Employees' Occupational Illness Compensation Act of 2000. Not later than 90 days after the date of enactment of this section, the Director shall enter into memoranda of agreement to provide for coordination of the efforts of the office with the Department of Labor and the Department of Health and Human Services.

"(c) The Director shall coordinate efforts within the Department to collect and make available to present and former employees of the Department and its predecessor agencies, present and former employees of contractors and subcontractors to the Department and its predecessor agencies, and other individuals who are or were present at facilities owned or operated by the Department or its predecessor agencies information on occupational conditions and exposures to health hazards. Such information shall include information on substances and their chemical forms to which employees may have been exposed, records and studies relevant to determining occupational hazards, raw dosimetry and industrial hygiene data, results from medical screening programs, accident and other relevant occurrence reports, and reports, assessments, or reviews by contractors, consultants, or external entities relevant to assessing risk of occupational hazards or illness.

"(d) If the Director determines that—

(1) an entity within the Department or an entity that is the recipient of a Departmental grant, contract, or cooperative agreement possesses information necessary to carry out the provisions of the Energy Employees' Occupational Illness Compensation Act of 2000, and

(2) the production and sharing of that information under the provisions of the Energy Employee's Occupational Illness Compensation Act of 2000 is being unreasonably delayed—

the Director shall have the authority, notwithstanding section 3213 of the National

Nuclear Security Administration Act, to direct such entity to produce expeditiously such information in accordance with the provisions of this section and the Energy Employees' Occupational Illness Compensation Act of 2000.

"(e) The Director shall take actions to inform and assist potential claimants under the Energy Employees' Occupational Illness Compensation Act of 2000, pursuant to section 3515(e) of such Act.".

LEVIN AMENDMENT NO. 3251

Mr. LEVIN proposed an amendment to the bill, S. 2549, supra; as follows:

Beginning on page 144, strike line 22 and all that follows through page 145, line 4, and insert the following:

may be, only if the court finds that recommendation or action was contrary to law or involved a material error of fact or a material administrative error.

On page 145, strike lines 8 through 12, and insert the following:

only if the court finds the decision to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law.

On page 148, line 24, strike "of Defense" and insert "concerned".

MURRAY (AND SNOWE) AMENDMENT NO. 3252

(Ordered to lie on the table.)

Mrs. MURRAY (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 270, between lines 16 and 17, insert the following:

SEC. 743. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "RESTRICTION ON USE OF FUNDS.—".

DOMENICI (AND OTHERS) AMENDMENT NO. 3253

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. LEVIN, Mr. LUGAR, Mr. BIDEN, Mr. BINGAMAN, Mr. CRAIG, and Mr. THOMPSON) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 610, between lines 13 and 14, insert the following:

Subtitle F—Russian Nuclear Complex Conversion

SEC. 3191. SHORT TITLE.

This subtitle may be cited as the "Russian Nuclear Weapons Complex Conversion Act of 2000".

SEC. 3192. FINDINGS.

Congress makes the following findings:

(1) The Russian nuclear weapons complex has begun closure and complete reconfiguration of certain weapons complex plants and productions lines. However, this work is at an early stage. The major impediments to downsizing have been economic and social conditions in Russia. Little information about this complex is shared, and 10 of its most sensitive cities remain closed. These cities house 750,000 people and employ approximately 150,000 people in nuclear military facilities. Although the Russian Federation Ministry of Atomic Energy has announced the need to significantly downsize its workforce, perhaps by as much as 50 percent, it has been very slow in accomplishing this goal. Information on the extent of any progress is very closely held.

(2) The United States, on the other hand, has significantly downsized its nuclear weapons complex in an open and transparent manner. As a result, an enormous asymmetry now exists between the United States and Russia in nuclear weapon production capacities and in transparency of such capacities. It is in the national security interest of the United States to assist the Russian Federation in accomplishing significant reductions in its nuclear military complex and in helping it to protect its nuclear weapons, nuclear materials, and nuclear secrets during such reductions. Such assistance will accomplish critical nonproliferation objectives and provide essential support towards future arms reduction agreements. The Russian Federation's program to close and reconfigure weapons complex plants and production lines will address, if it is implemented in a significant and transparent manner, concerns about the Russian Federation's ability to quickly reconstitute its arsenal.

(3) Several current programs address portions of the downsizing and nuclear security concerns. The Nuclear Cities Initiative was established to assist Russia in creating job opportunities for employees who are not required to support realistic Russian nuclear security requirements. Its focus has been on creating commercial ventures that can provide self-sustaining jobs in three of the closed cities. The current scope and funding of the program are not commensurate with the scale of the threats to the United States sought to be addressed by the program.

(4) To effectively address threats to United States national security interests, progress with respect to the nuclear cities must be expanded and accelerated. The Nuclear Cities Initiative has laid the groundwork for an immediate increase in investment which offers the potential for prompt risk reduction in the cities of Sarov, Snezhinsk, and Zheleznogorsk, which house four key Russian nuclear facilities. Furthermore, the Nuclear Cities Initiative has made considerable progress with the limited funding available. However, to gain sufficient advocacy for additional support, the program must demonstrate—

(A) rapid progress in conversion and restructuring; and

(B) an ability for the United States to track progress against verifiable milestones that support a Russian nuclear complex consistent with their future national security requirements.

(5) Reductions in the nuclear weapons-grade material stocks in the United States and Russia enhance prospects for future arms control agreements and reduce concerns that these materials could lead to proliferation risks. Confidence in both nations will be enhanced by knowledge of the extent of each nation's stockpiles of weapons-grade materials. The United States already makes this information public.

(6) Many current programs contribute to the goals stated herein. However, the lack of programmatic coordination within and among United States Government agencies impedes the capability of the United States to make rapid progress. A formal single point of coordination is essential to ensure that all United States programs directed at cooperative threat reduction, nuclear materials reduction and protection, and the downsizing, transparency, and nonproliferation of the nuclear weapons complex effectively mitigate the risks inherent in the Russian Federation's military complex.

(7) Specialists in the United States and the former Soviet Union trained in nonproliferation studies can significantly assist in the downsizing process while minimizing the threat presented by potential proliferation of weapons materials or expertise.

SEC. 3193. EXPANSION AND ENHANCEMENT OF NUCLEAR CITIES INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy shall, in accordance with the provisions of this section, take appropriate actions to expand and enhance the activities under the Nuclear Cities Initiative in order to—

(1) assist the Russian Federation in the downsizing of the Russian Nuclear Complex; and

(2) coordinate the downsizing of the Russian Nuclear Complex under the Initiative with other United States nonproliferation programs.

(b) ENHANCED USE OF MINATOM TECHNOLOGY AND RESEARCH AND DEVELOPMENT SERVICES.—In carrying out actions under this section, the Secretary shall facilitate the enhanced use of the technology, and the research and development services, of the Russia Ministry of Atomic Energy (MINATOM) by—

(1) fostering the commercialization of peaceful, non-threatening advanced technologies of the Ministry through the development of projects to commercialize research and development services for industry and industrial entities; and

(2) authorizing the Department of Energy, and encouraging other departments and agencies of the United States Government, to utilize such research and development services for activities appropriate to the mission of the Department, and such departments and agencies, including activities relating to—

(A) nonproliferation (including the detection and identification of weapons of mass destruction and verification of treaty compliance);

(B) global energy and environmental matters; and

(C) basic scientific research of benefit to the United States.

(c) ACCELERATION OF NUCLEAR CITIES INITIATIVE.—(1) In carrying out actions under this section, the Secretary shall accelerate the Nuclear Cities Initiative by implementing, as soon as practicable after the date of the enactment of this Act, programs at the nuclear cities referred to in paragraph (2) in order to convert significant portions of the activities carried out at such nuclear cities from military activities to civilian activities.

(2) The nuclear cities referred to in this paragraph are the following:

(A) Sarov (Arzamas-16).

(B) Snezhinsk (Chelyabinsk-70).

(C) Zheleznogorsk (Krasnoyarsk-26).

(3) To advance nonproliferation and arms control objectives, the Nuclear Cities Initiative is encouraged to begin planning for accelerated conversion, commensurate with available resources, in the remaining nuclear cities.

(4) Before implementing a program under paragraph (1), the Secretary shall establish appropriate, measurable milestones for the activities to be carried out in fiscal year 2001.

(d) PLAN FOR RESTRUCTURING THE RUSSIAN NUCLEAR COMPLEX.—(1) The President, acting through the Secretary of Energy, is urged to enter into negotiations with the Russian Federation for purposes of the development by the Russian Federation of a plan to restructure the Russian Nuclear Complex in order to meet changes in the national security requirements of Russia by 2010.

(2) The plan under paragraph (1) should include the following:

(A) Mechanisms to achieve a nuclear weapons production capacity in Russia that is consistent with the obligations of Russia under current and future arms control agreements.

(B) Mechanisms to increase transparency regarding the restructuring of the nuclear weapons complex and weapons-surplus nuclear materials inventories in Russia to the levels of transparency for such matters in the United States, including the participation of Department of Energy officials with expertise in transparency of such matters.

(C) Measurable milestones that will permit the United States and the Russian Federation to monitor progress under the plan.

(e) ENCOURAGEMENT OF CAREERS IN NONPROLIFERATION.—(1) In carrying out actions under this section, the Secretary shall carry out a program to encourage students in the United States and in the Russian Federation to pursue a career in an area relating to nonproliferation.

(2) Of the amounts under subsection (f), such amounts as may be appropriated for purpose of the program under paragraph (1) shall be available for purposes of the program.

(f) FUNDING FOR FISCAL YEAR 2001.—There is hereby authorized such funds as may be appropriated for the Department of Energy for fiscal year 2001 for purposes of the Nuclear Cities Initiative, including activities under this section.

(g) SENSE OF CONGRESS REGARDING FUNDING FOR FISCAL YEARS AFTER FISCAL YEAR 2001.—It is the sense of Congress that the availability of funds for the Nuclear Cities Initiative in fiscal years after fiscal year 2001 should be contingent upon—

(1) demonstrable progress in the programs carried out under subsection (c), as determined utilizing the milestones required under paragraph (4) of that subsection; and

(2) the development and implementation of the plan required by subsection (d).

SEC. 3194. SENSE OF CONGRESS ON THE ESTABLISHMENT OF A NATIONAL COORDINATOR FOR NONPROLIFERATION MATTERS.

It is the sense of Congress that—

(1) there should be a National Coordinator for Nonproliferation Matters to coordinate—

(A) the Nuclear Cities Initiative;

(B) the Initiatives for Proliferation Prevention program;

(C) the Cooperative Threat Reduction programs;

(D) the materials protection, control, and accounting programs; and

(E) the International Science and Technology Center; and

(2) the position of National Coordinator for Nonproliferation Matters should be similar, regarding nonproliferation matters, to the position filled by designation of the President under section 1441(a) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 110 Stat. 2727; 50 U.S.C. 2351(a)).

SEC. 3195. DEFINITIONS.

In this subtitle:

(1) NUCLEAR CITY.—The term "nuclear city" means any of the closed nuclear cities within the complex of the Russia Ministry of Atomic Energy (MINATOM) as follows:

(A) Sarov (Arzamas-16).

(B) Zarechnyy (Penza-19).

(C) Novoural'sk (Sverdlovsk-44).

(D) Lesnoy (Sverdlovsk-45).

(E) Ozersk (Chelyabinsk-65).

(F) Snezhinsk (Chelyabinsk-70).

(G) Trechgornyy (Zlatoust-36).

(H) Seversk (Tomsk-7).

(I) Zhelenznogorsk (Krasnoyarsk-26).

(J) Zelenogorsk (Krasnoyarsk-45).

(2) RUSSIAN NUCLEAR COMPLEX.—The term "Russian Nuclear Complex" refers to all of the nuclear cities.

DOMENICI AMENDMENTS NOS. 3254–3258

(Ordered to lie on the table.)

Mr. DOMENICI submitted five amendments intended to be proposed by him to the bill, S. 2549, supra; as followed:

AMENDMENT NO. 3254

On page 48, between lines 20 and 21, insert the following:

SEC. 222. INFORMATION WARFARE AND VULNERABILITY ANALYSIS.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, the amount available for Survivability/Lethality Analysis (PE605604A) is hereby increased by $16,000,000.

(2) Of the amounts available under this Act for Survivability/Lethality Analysis, as increased by paragraph (1), $16,000,000 shall be available for Information Warfare and Vulnerability Analysis in order to ensure the survivability of the digitized systems and networked decision-making structures of the Army against asymmetric threats.

(3) The amount made available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts made available under this Act for that purpose.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, the amount available for EW Development (PE604270A) is hereby reduced by $16,000,000.

AMENDMENT NO. 3255

On page 48, between lines 20 and 21, insert the following:

SEC. 222. LASERSPARK COUNTERMEASURES PROGRAM.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, the amount available for Advanced Technology (PE603605F) is hereby increased by $5,000,000.

(2) Of the amounts available under this Act for Advanced Technology, as increased by paragraph (1), $5,000,000 shall be available for the LaserSpark countermeasures program.

(3) The amount made available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts made available under this Act for that purpose.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, the amount available for the Joint Strike Fighter (PE603800F) is hereby reduced by $5,000,000.

AMENDMENT NO. 3256

On page 48, between lines 20 and 21, insert the following:

SEC. 222. GEOSYNCHRONOUS LASER IMAGING TESTBED PROGRAM.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, the amount available for Advanced Technology (PE603605F) is hereby increased by $5,000,000.

(2) Of the amounts available under this Act for Advanced Technology, as increased by paragraph (1), $5,000,000 shall be available for the Geosynchronous Laser Imaging Testbed (GLINT) program for very high altitude and deep space object identification and capabilities analysis.

(3) The amount made available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts made available under this Act for that purpose.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, the amount available for the Joint Strike Fighter (PE603800F) is hereby reduced by $5,000,000.

AMENDMENT NO. 3257

On page 48, between lines 20 and 21, insert the following:

SEC. 222. RADIO FREQUENCY WEAPONS ANALYSIS.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, the amount available for Intelligence Equipment (PE604750F) is hereby increased by $5,300,000.

(2) Of the amounts available under this Act for Intelligence Equipment, as increased by paragraph (1), $5,300,000 shall be available for analysis of the capabilities and characteristics of terrorist Radio Frequency weapons to evaluate the susceptibilities of United States systems to such weapons.

(3) The amount made available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts made available under this Act for that purpose.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, the amount available for the Joint Strike Fighter (PE603800F) is hereby reduced by $5,300,000.

AMENDMENT NO. 3258

On page 48, between lines 20 and 21, insert the following:

SEC. 222. SILICON-BASED NANOSTRUCTURES PROGRAM.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Logistics Research and Development Technology Demonstration (PE603712S) is hereby increased by $5,000,000.

(2) Of the amounts available under this Act for Logistics Research and Development Technology Demonstration, as increased by paragraph (1), $5,000,000 shall be available for a Silicon-Based Nanostructures Program to facilitate the economic and efficient upgrade of mission critical systems through computer chip replacement.

(3) The amount made available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts made available under this Act for that purpose.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation

Defense-wide, the amount available for Extensible Information Systems (PE602302E) is hereby reduced by $5,000,000.

DOMENICI (AND OTHERS) AMENDMENT NO. 3259

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mrs. HUTCHISON, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 353, between lines 15 and 16, insert the following:

SEC. 914. COORDINATION AND FACILITATION OF DEVELOPMENT OF DIRECTED ENERGY TECHNOLOGIES, SYSTEMS, AND WEAPONS.

(a) FINDINGS.—Congress makes the following findings:

(1) Directed energy systems are available to address many current challenges with respect to military weapons, including offensive weapons and defensive weapons.

(2) Directed energy weapons offer the potential to maintain an asymmetrical technological edge over adversaries of the United States for the foreseeable future.

(3) It is in the national interest that funding for directed energy science and technology programs be increased in order to support priority acquisition programs and to develop new technologies for future applications.

(4) It is in the national interest that the level of funding for directed energy science and technology programs correspond to the level of funding for large-scale demonstration programs in order to ensure the growth of directed energy science and technology programs and to ensure the successful development of other weapons systems utilizing directed energy systems.

(5) The industrial base for several critical directed energy technologies is in fragile condition and lacks appropriate incentives to make the large-scale investments that are necessary to address current and anticipated Department of Defense requirements for such technologies.

(6) It is in the national interest that the Department of Defense utilize and expand upon directed energy research currently being conducted by the Department of Energy, other Federal agencies, the private sector, and academia.

(7) It is increasingly difficult for the Federal Government to recruit and retain personnel with skills critical to directed energy technology development.

(8) The implementation of the recommendations contained in the High Energy Laser Master Plan of the Department of Defense is in the national interest.

(9) Implementation of the management structure outlined in the Master Plan will facilitate the development of revolutionary capabilities in directed energy weapons by achieving a coordinated and focused investment strategy under a new management structure featuring a joint technology office with senior-level oversight provided by a technology council and a board of directors.

(b) COORDINATION AND OVERSIGHT UNDER HIGH ENERGY LASER MASTER PLAN.—(1) Subchapter II of Chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 204. Joint Technology Office

"(a) ESTABLISHMENT.—(1) There is in the Department of Defense a Joint Technology Office (in this section referred to as the 'Office').

"(2) The Office shall be part of the National Directed Energy Center at Kirtland Air Force Base, New Mexico.

"(3) The Office shall be under the authority, direction, and control of the Deputy Under Secretary of Defense for Science and Technology.

"(b) STAFF.—(1) The head of the Office shall be a civilian employee of the Department of Defense in the Senior Executive Service who is designated by the Secretary of Defense for that purpose. The head of the Office shall be known as the 'Director of the Joint Technology Office'.

"(2) The Secretary of Defense shall provide the Office such civilian and military personnel and other resources as are necessary to permit the Office to carry out its duties under this section.

"(c) DUTIES.—The duties of the Office shall be to—

"(1) develop and oversee the management of a Department of Defense-wide program of science and technology relating to directed energy technologies, systems, and weapons;

"(2) serve as a point of coordination for initiatives for science and technology relating to directed energy technologies, systems, and weapons from throughout the Department of Defense;

"(3) develop and promote a program (to be known as the 'National Directed Energy Technology Alliance') to foster the exchange of information and cooperative activities on directed energy technologies, systems, and weapons between and among the Department of Defense, other Federal agencies, institutions of higher education, and the private sector; and

"(4) carry out such other activities relating to directed energy technologies, systems, and weapons as the Deputy Under Secretary of Defense for Science and Technology considers appropriate.

"(d) COORDINATION WITHIN DEPARTMENT OF DEFENSE.—(1) The Director of the Office shall assign to appropriate personnel of the Office the performance of liaison functions with the other Defense Agencies and with the military departments.

"(2) The head of each military department and Defense Agency having an interest in the activities of the Office shall assign personnel of such department or Defense Agency to assist the Office in carrying out its duties. In providing such assistance, such personnel shall be known collectively as 'Technology Area Working Groups'.

"(e) JOINT TECHNOLOGY BOARD OF DIRECTORS.—(1) There is established in the Department of Defense a board to be known as the 'Joint Technology Board of Directors' (in this section referred to as the 'Board').

"(2) The Board shall be composed of 8 members as follows:

"(A) The Under Secretary of Defense for Acquisition and Technology, who shall serve as chairperson of the Board.

"(B) The Director of Defense Research and Engineering, who shall serve as vice-chairperson of the Board.

"(C) The senior acquisition executive of the Department of the Army.

"(D) The senior acquisition executive of the Department of the Navy.

"(E) The senior acquisition executive of the Department of the Air Force.

"(F) The Director of the Defense Advanced Research Projects Agency.

"(G) The Director of the Ballistic Missile Defense Organization.

"(H) The Director of the Defense Threat Reduction Agency.

"(3) The duties of the Board shall be—

"(A) to review and comment on recommendations made and issues raised by the Council under this section; and

"(B) to review and oversee the activities of the Office under this section.

"(f) JOINT TECHNOLOGY COUNCIL.—(1) There is established in the Department of Defense a council to be known as the 'Joint Technology Council' (in this section referred to as the 'Council').

"(2) The Council shall be composed of 7 members as follows:

"(A) The Deputy Under Secretary of Defense for Science and Technology, who shall be chairperson of the Council.

"(B) The senior science and technology executive of the Department of the Army.

"(C) The senior science and technology executive of the Department of the Navy.

"(D) The senior science and technology executive of the Department of the Air Force.

"(E) The senior science and technology executive of the Defense Advanced Research Projects Agency.

"(F) The senior science and technology executive of the Ballistic Missile Defense Organization.

"(G) The senior science and technology executive of the Defense Threat Reduction Agency.

"(3) The duties of the Council shall be—

"(A) to review and recommend priorities among programs, projects, and activities proposed and evaluated by the Office under this section;

"(B) to make recommendations to the Board regarding funding for such programs, projects, and activities; and

"(C) to otherwise review and oversee the activities of the Office under this section.".

(2) The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by adding at the end the following new section:

"204. Joint Technology Office.".

(3) The Secretary of Defense shall locate the Joint Technology Office under section 204 of title 10, United States Code (as added by this subsection), at the National Directed Energy Center at Kirtland Air Force Base, New Mexico, not later than January 1, 2001.

(c) TECHNOLOGY AREA WORKING GROUPS UNDER HIGH ENERGY LASER MASTER PLAN.—(1) The Secretary of Defense shall provide for the implementation of the portion of the High Energy Laser Master Plan relating to technology area working groups.

(2) In carrying out activities under this subsection, the Secretary of Defense shall require the Secretary of the military department concerned to provide within such department technology area working groups as follows:

(A) Within the Department of the Army—

(i) a technology area working group on solid state lasers; and

(ii) a technology area working group on advanced technology.

(B) Within the Department of the Navy, a technology area working group on free electron lasers.

(C) Within the Department of the Air Force—

(i) a technology area working group on chemical lasers;

(ii) a technology area working group on beam control;

(iii) a technology area working group on lethality/vulnerability; and

(iv) a technology area working group on high power microwaves.

(3) The military department concerned shall establish general direction concerning

the technology to be addressed by each technology area working group under the department, with such direction to take into account the recommendations of all participants in such technology area working group.

(d) Enhancement of Industrial Base.—(1) The Secretary of Defense shall develop and undertake initiatives, including investment initiatives, for purposes of enhancing the industrial base for directed energy technologies and systems.

(2) Initiatives under paragraph (1) shall be designed to—

(A) stimulate the development by institutions of higher education and the private sector of promising directed energy technologies and systems; and

(B) stimulate the development of a workforce skilled in such technologies and systems.

(3) Of the amounts authorized to be appropriated by subsection (h), $20,000,000 shall be available for the initiation of development of the Advanced Tactical Laser (ATL). The Joint Non-Lethal Weapons Directorate shall assist the operational manager of the Advanced Tactical Laser program in establishing specifications for non-lethal operations of the Advanced Tactical Laser.

(e) Enhancement of Test and Evaluation Capabilities.—(1) The Secretary of Defense shall evaluate and implement proposals for modernizing the High Energy Laser Test Facility at White Sands Missile Range, New Mexico, in order to enhance the test and evaluation capabilities of the Department of Defense with respect to directed energy weapons.

(2) Of the amounts authorized to be appropriated or otherwise made available to the Department of Defense for each of fiscal years 2001 and 2002, not more than $2,000,000 shall be made available in each such fiscal year for purposes of the deployment and test at the High Energy Laser Test Facility at White Sands Missile Range of free electron laser technologies under development at Los Alamos National Laboratory, New Mexico.

(f) Cooperative Programs and Activities.—(1) The Secretary of Defense shall evaluate the feasibility and advisability of entering into cooperative programs or activities with other Federal agencies, institutions of higher education, and the private sector, including the national laboratories of the Department of Energy, for the purpose of enhancing the programs, projects, and activities of the Department of Defense relating to directed energy technologies, systems, and weapons. The Secretary shall carry out the evaluation in consultation with the Joint Technology Board of Directors established by section 204 of title 10, United States Code (as added by subsection (b) of this section).

(2) The Secretary shall enter into any cooperative program or activity determined under the evaluation under paragraph (1) to be feasible and advisable for the purpose set forth in that paragraph.

(3) Of the amounts authorized to be appropriated by subsection (h), $50,000,000 shall be available for cooperative programs and activities entered into under paragraph (2).

(g) Participation of Joint Technology Council in Activities.—The Secretary of Defense shall, to the maximum extent practicable, carry out activities under subsections (c), (d), (e), and (f), through the Joint Technology Council established pursuant to section 204 of title 10, United States Code.

(h) Funding for Fiscal Year 2001.—(1)(A) There is hereby authorized to be appropriated for the Department of Defense for fiscal year 2001, $150,000,000 for science and technology activities relating to directed energy technologies, systems, and weapons.

(B) Amounts authorized to be appropriated for fiscal year 2001 by subparagraph (A) are in addition to any other amounts authorized to be appropriated for such fiscal year for the activities referred to in that subparagraph.

(2) The Director of the Joint Technology Office established pursuant to section 204 of title 10, United States Code, shall allocate amounts appropriated pursuant to the authorization of appropriations in paragraph (1) among appropriate program elements of the Department of Defense, and among cooperative programs and activities under this section, in accordance with such procedures as the Director shall establish.

(3) In establishing procedures for purposes of the allocation of funds under paragraph (2), the Director shall provide for the competitive selection of programs, projects, and activities to be the recipients of such funds.

(i) Directed Energy Defined.—In this section, the term "directed energy", with respect to technologies, systems, or weapons, means technologies, systems, or weapons that provide for the directed transmission of energies across the energy and frequency spectrum, including high energy lasers and high power microwaves.

MURRAY AMENDMENT NO. 3260

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. DEMONSTRATION PROJECT FOR INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES.

(a) In General.—The Secretary of the Army, acting through the Chief of the National Guard Bureau, shall carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet.

(b) Project Elements.—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required for such classrooms; and

(2) subject to subsection (c), provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

(c) Availability of Access and Services.—Under the demonstration project, Internet access and services shall be available to the following:

(1) Personnel and elements of governmental emergency management and response entities located in communities served by the demonstration project.

(2) Members and units of the Army National Guard located in such communities.

(3) Businesses located in such communities.

(4) Personnel and elements of local governments in such communities.

(5) Other appropriate individuals and entities located in such communities.

(d) Report.—Not later than , the Secretary shall submit to Congress a report on the demonstration project. The report shall describe the activities under the demonstration project and include any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.

(e) Funding.—(1) The amount authorized to be appropriated by section 301(10) for operation and maintenance of the Army National Guard is hereby increased by $15,000,000.

(2) Of the amount authorized to be appropriated by section 301(10), as increased by paragraph (1), $15,000,000 shall be available for the demonstration project required by this section.

(3) It is the sense of Congress that requests of the President for funds for the National Guard for fiscal years after fiscal year 2001 should provide for sufficient funds for the continuation of the demonstration project required by this section.

DORGAN AMENDMENT NOS. 3261–3263

(Ordered to lie on the table.)

Mr. DORGAN submitted three amendments intended to be proposed by him to the bill, S. 2549, supra; as follows:

Amendment No. 3261

At the appropriate place, add the following:

Sec. . Sense of the Senate Resolution on the Modernization of air National Guard F–16A Units

(a) Findings.—Congress finds that—

(1) Certain U.S. Air Force Air National Guard fighter units are flying some of the world's oldest and least capable F–16A aircraft.

(2) These aircraft have already been flown well beyond their designed service life and are suffering from major airframe cracks and other maintenance problems.

(3) The aircraft are generally incompatible with those flown by the active force and therefore cannot be effectively deployed to theaters of operation to support contingencies and to relieve the high operations tempo of active duty units.

(4) The Air Force has specified no plans to replace these obsolescent aircraft before the year 2007 at the earliest.

(b) Sense of the Senate.—It is the sense of the Senate that in light of these findings—

(1) The Air Force should program the proper resources and take the necessary action to urgently replace aircraft of Air National Guard fighter units that are flying F–16A's.

Amendment No. 3262

At the appropriate place, add the following:

Sec. . Report on an electronic warfare version of the B–52.

(a) Report.—No later than May 1, 2001, the Secretary of the Air Force shall submit to the congressional defense committees a report on the potential role of an electronic warfare (EW) version of the B–52 bomber in meeting anticipated future shortfalls in airborne EW assets.

(b) Content.—The report shall include the following:

(1) the anticipated near- and long-term requirement for and availability of airborne electronic warfare assets;

(2) the advantages and disadvantages of using the B–52 airframe's size, payload and endurance for standoff jamming;

(3) the impact on the weapons carrying capability of the B–52;

(4) the arms control implications of using certain B–52s as EW platforms;

(5) the impact on the ability of the B–52 fleet to meet operational power projection needs; and

(6) the estimated schedule for deploying interim and long term EW versions of the B–52, and the potential additive cost thereof, assuming prior completion of EW and situational awareness upgrades already scheduled for the B–52 fleet.

Amendment No. 3263

At the appropriate place in the bill, insert the following new title:

TITLE —FOOD AND MEDICINE FOR THE WORLD ACT

SEC. 01. SHORT TITLE.

This title may be cited as the "Food and Medicine for the World Act".

SEC. 02. DEFINITIONS.

In this title:

(1) Agricultural commodity.—The term "agricultural commodity" has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) Agricultural program.—The term "agricultural program" means—

(A) any program administered under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

(B) any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) any program administered under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.);

(D) the dairy export incentive program administered under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14);

(E) any commercial export sale of agricultural commodities; or

(F) any export financing (including credits or credit guarantees) provided by the United States Government for agricultural commodities.

(3) Joint resolution.—The term "joint resolution" means—

(A) in the case of section 03(a)(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 03(a)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the report of the President pursuant to section 03(a)(1) of the Food and Medicine for the World Act, transmitted on .", with the blank completed with the appropriate date; and

(B) in the case of section 06(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 06(2) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the report of the President pursuant to section 06(1) of the Food and Medicine for the World Act, transmitted on .", with the blank completed with the appropriate date.

(4) Medical device.—The term "medical device" has the meaning given the term "device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(5) Medicine.—The term "medicine" has the meaning given the term "drug" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(6) Unilateral agricultural sanction.—The term "unilateral agricultural sanction" means any prohibition, restriction, or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(7) Unilateral medical sanction.—The term "unilateral medical sanction" means any prohibition, restriction, or condition on exports of, or the provision of assistance consisting of, medicine or a medical device with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

SEC. 03. RESTRICTION.

(a) New Sanctions.—Except as provided in sections 04 and 05 and notwithstanding any other provision of law, the President may not impose a unilateral agricultural sanction or unilateral medical sanction against a foreign country or foreign entity, unless—

(1) not later than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(A) describes the activity proposed to be prohibited, restricted, or conditioned; and

(B) describes the actions by the foreign country or foreign entity that justify the sanction; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

(b) Existing Sanctions.—

(1) In general.—Except as provided in paragraph (2), the President shall terminate any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act.

(2) Exemptions.—Paragraph (1) shall not apply to a unilateral agricultural sanction or unilateral medical sanction imposed—

(A) with respect to any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(B) with respect to the Export Credit Guarantee Program (GSM–102) or the Intermediate Export Credit Guarantee Program (GSM–103) established under section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622); or

(C) with respect to the dairy export incentive program administered under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14).

SEC. 04. EXCEPTIONS.

Section 03 shall not affect any authority or requirement to impose (or continue to impose) a sanction referred to in section 03—

(1) against a foreign country or foreign entity—

(A) pursuant to a declaration of war against the country or entity;

(B) pursuant to specific statutory authorization for the use of the Armed Forces of the United States against the country or entity;

(C) against which the Armed Forces of the United States are involved in hostilities; or

(D) where imminent involvement by the Armed Forces of the United States in hostilities against the country or entity is clearly indicated by the circumstances; or

(2) to the extent that the sanction would prohibit, restrict, or condition the provision or use of any agricultural commodity, medicine, or medical device that is—

(A) controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778);

(B) controlled on any control list established under the Export Administration Act of 1979 or any successor statute (50 U.S.C. App. 2401 et seq.); or

(C) used to facilitate the development or production of a chemical or biological weapon or weapon of mass destruction.

SEC. 05. COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

Notwithstanding section 03 and except as provided in section 07, the prohibitions in effect on or after the date of the enactment of this Act under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) on providing, to the government of any country supporting international terrorism, United States Government assistance, including United States foreign assistance, United States export assistance, or any United States credits or credit guarantees, shall remain in effect for such period as the Secretary of State determines under such section 620A that the government of the country has repeatedly provided support for acts of international terrorism.

SEC. 06. TERMINATION OF SANCTIONS.

Any unilateral agricultural sanction or unilateral medical sanction that is imposed pursuant to the procedures described in section 03(a) shall terminate not later than 2 years after the date on which the sanction became effective unless—

(1) not later than 60 days before the date of termination of the sanction, the President submits to Congress a report containing—

(A) the recommendation of the President for the continuation of the sanction for an additional period of not to exceed 2 years; and

(B) the request of the President for approval by Congress of the recommendation; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

SEC. 07. STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) In General.—Notwithstanding any other provision of this title, the export of agricultural commodities, medicine, or medical devices to the government of a country that has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) shall only be made—

(1) pursuant to one-year licenses issued by the United States Government for contracts entered into during the one-year period and completed with the 12-month period beginning on the date of the signing of the contract, except that, in the case of the export of items used for food and for food production, such one-year licenses shall otherwise be no more restrictive than general licenses; and

(2) without benefit of Federal financing, direct export subsidies, Federal credit guarantees, or other Federal promotion assistance programs.

(b) Quarterly Reports.—The applicable department or agency of the Federal Government shall submit to the appropriate congressional committees on a quarterly basis a report on any activities undertaken under subsection (a)(1) during the preceding calendar quarter.

(c) Biennial Reports.—Not later than two years after the date of enactment of this Act, and every two years thereafter, the applicable department or agency of the Federal Government shall submit a report to the appropriate congressional committees on the operation of the licensing system under this section for the preceding two-year period, including—

(1) the number and types of licenses applied for;

(2) the number and types of licenses approved;

(3) the average amount of time elapsed from the date of filing of a license application until the date of its approval;

(4) the extent to which the licensing procedures were effectively implemented; and

(5) a description of comments received from interested parties about the extent to which the licensing procedures were effective, after the applicable department or agency holds a public 30-day comment period.

SEC. 08. CONGRESSIONAL PRIORITY PROCEDURES.

(a) REFERRAL OF REPORT.—A report described in section 03(a)(1) or 06(1) shall be referred to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

(b) REFERRAL OF JOINT RESOLUTION.—

(1) IN GENERAL.—A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations, and a joint resolution introduced in the House of Representatives shall be referred to the Committee on International Relations.

(2) REPORTING DATE.—A joint resolution referred to in paragraph (1) may not be reported before the eighth session day of Congress after the introduction of the joint resolution.

(c) DISCHARGE OF COMMITTEE.—If the committee to which is referred a joint resolution has not reported the joint resolution (or an identical joint resolution) at the end of 30 session days of Congress after the date of introduction of the joint resolution—

(1) the committee shall be discharged from further consideration of the joint resolution; and

(2) the joint resolution shall be placed on the appropriate calendar of the House concerned.

(d) FLOOR CONSIDERATION.—

(1) MOTION TO PROCEED.—

(A) IN GENERAL.—When the committee to which a joint resolution is referred has reported, or when a committee is discharged under subsection (c) from further consideration of, a joint resolution—

(i) it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any member of the House concerned to move to proceed to the consideration of the joint resolution; and

(ii) all points of order against the joint resolution (and against consideration of the joint resolution) are waived.

(B) PRIVILEGE.—The motion to proceed to the consideration of the joint resolution—

(i) shall be highly privileged in the House of Representatives and privileged in the Senate; and

(ii) not debatable.

(C) AMENDMENTS AND MOTIONS NOT IN ORDER.—The motion to proceed to the consideration of the joint resolution shall not be subject to—

(i) amendment;

(ii) a motion to postpone; or

(iii) a motion to proceed to the consideration of other business.

(D) MOTION TO RECONSIDER NOT IN ORDER.—A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(E) BUSINESS UNTIL DISPOSITION.—If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the House concerned until disposed of.

(2) LIMITATIONS ON DEBATE.—

(A) IN GENERAL.—Debate on the joint resolution, and on all debatable motions and appeals in connection with the joint resolution, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution.

(B) FURTHER DEBATE LIMITATIONS.—A motion to limit debate shall be in order and shall not be debatable.

(C) AMENDMENTS AND MOTIONS NOT IN ORDER.—An amendment to, a motion to postpone, a motion to proceed to the consideration of other business, a motion to recommit the joint resolution, or a motion to reconsider the vote by which the joint resolution is agreed to or disagreed to shall not be in order.

(3) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the House concerned, the vote on final passage of the joint resolution shall occur.

(4) RULINGS OF THE CHAIR ON PROCEDURE.—An appeal from a decision of the Chair relating to the application of the rules of the Senate or House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(e) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by 1 House of a joint resolution of that House, that House receives from the other House a joint resolution, the following procedures shall apply:

(1) NO COMMITTEE REFERRAL.—The joint resolution of the other House shall not be referred to a committee.

(2) FLOOR PROCEDURE.—With respect to a joint resolution of the House receiving the joint resolution—

(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(B) the vote on final passage shall be on the joint resolution of the other House.

(3) DISPOSITION OF JOINT RESOLUTIONS OF RECEIVING HOUSE.—On disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution originated in the receiving House.

(f) PROCEDURES AFTER ACTION BY BOTH THE HOUSE AND SENATE.—If a House receives a joint resolution from the other House after the receiving House has disposed of a joint resolution originated in that House, the action of the receiving House with regard to the disposition of the joint resolution originated in that House shall be deemed to be the action of the receiving House with regard to the joint resolution originated in the other House.

(g) RULEMAKING POWER.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such this section—

(A) is deemed to be a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution; and

(B) supersedes other rules only to the extent that this paragraph is inconsistent with those rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as the rules relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 00. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title takes effect on the date of enactment of this Act.

(b) EXISTING SANCTIONS.—In the case of any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act, this title takes effect 180 days after the date of enactment of this Act.

WELLSTONE AMENDMENT NO. 3264

Mr. WELLSTONE proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place add the following:

SEC. . REPORT TO CONGRESS REGARDING EXTENT AND SEVERITY OF CHILD POVERTY.

(a) IN GENERAL.—Not later than June 1, 2001 and prior to any reauthorization of the temporary assistance to needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for any fiscal year after fiscal year 2002, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall report to Congress on the extent and severity of child poverty in the United States. Such report shall, at a minimum—

(1) determine for the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105)—

(A) whether the rate of child poverty in the United States has increased;

(B) whether the children who live in poverty in the United States have gotten poorer; and

(C) how changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States;

(2) identify alternative methods for defining child poverty that are based on consideration of factors other than family income and resources, including consideration of a family's work-related expenses; and

(3) contain multiple measures of child poverty in the United States that may include the child poverty gap and the extreme poverty rate.

(b) LEGISLATIVE PROPOSAL.—If the Secretary determines that during the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) the extent or severity of child poverty in the United States has increased to any extent, the Secretary shall include with the report to Congress required under subsection (a) a legislative proposal addressing the factors that led to such increase.

BROWNBACK (AND MCAIN) AMENDMENT NO. 3265

(Ordered to lie on the table.)

Mr. BOWNBBACK (for himself and MCCAIN (submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the end of the bill, add the following:

DIVISION D—AMATEUR SPORTS INTEGRITY

SEC. 4001. SHORT TITLE.

This division may be cited as the "Amateur Sports Integrity Act".

TITLE XLI—PERFORMANCE-ENHANCING DRUGS

SEC. 4101. SHORT TITLE.

This title may be cited as the "Athletic Performance-Enhancing Drugs Research and Detection Act".

SEC. 4102. RESEARCH AND DETECTION PROGRAM ESTABLISHED.

(a) In General.—The Director of the National Institute of Standards and Technology shall establish and administer a program under this title to support research into the use of performance-enhancing substances by athletes, and methods of detecting their use.

(b) Grants.—

(1) In general.—The program shall include grants of financial assistance, awarded on a competitive basis, to support the advancement and improvement of research into the use of performance-enhancing substances by athletes, and methods of detecting their use.

(2) Banned substances.—In carrying out the program the Director shall consider research proposals involving performance-enhancing substances banned from use by competitors in events sanctioned by organizations, such as the International Olympic Committee, the United States Olympic Committee, the National Collegiate Athletic Association, the National Football League, the National Basketball Association, and Major League Baseball.

(3) Research Concentration.—In carrying out the program, the Director shall—

(A) fund research on the detection of naturally-occurring steroids and other testosterone precursors (e.g., androstendione), such as testosterone, and other substances, such as human growth hormone and erythropoietin for which no tests are available but for which there is evidence of abuse or abuse potential;

(B) fund research that focuses on population studies to ensure that tests are accurate for men, women, all relevant age, and major ethnic groups; and

(C) not fund research on drugs of abuse, such as cocaine, phencyclidine, marijuana, morphine/codeine, and methamphetamine/amphetamine.

(c) Technical and Scientific Peer Review.—

(1) In general.—The Director shall establish appropriate technical and scientific peer review procedures for evaluating applications for grants under the program.

(2) Implementation.—The Director shall—

(A) ensure that grant applicants meet a set of minimum criteria before receiving consideration for an award under the program;

(B) give preference to laboratories with an established record of athletic drug testing analysis; and

(C) establish a minimum grant award of not less than $500,000.

(3) Criteria.—The list of minimum criteria shall include requirements that each applicant—

(A) demonstrate a record of publication and research in the area of athletic drug testing;

(B) provide a plan detailing the direct transference of the research findings to lab applications in athletic drug testing; and

(C) certify that it is a not-for-profit research program.

(4) Results.—The Director also shall establish appropriate technical and scientific peer review procedures for evaluating the results of research funded, in part or in whole by grants provided under the program. Each review conducted under this paragraph shall include a written report of findings and, if appropriate, recommendations prepared by the reviewer. The reviewer shall provide a copy of the report to the Director within 30 days after the conclusion of the review.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Director of the National Institute of Standards and Technology $4,000,000 per fiscal year to carry out this section for fiscal years 2001, 2002, 2003, 2004, and 2005.

SEC. 4103. PREVENTION AND INTERVENTION PROGRAMS.

(a) In General.—The Director of the National Institute of Standards and Technology shall develop a grant program to fund educational substance abuse prevention and intervention programs related to the use of performance-enhancing substances described in section 4102(b)(2) by high school and college student athletes. The Director shall establish a set of minimum criteria for applicants to receive consideration for an award under the program. The list of minimum criteria shall include requirements that each applicant—

(1) propose an intervention and prevention program based on methodologically sound evaluation with evidence of drug prevention efficacy; and

(2) demonstrate a record of publication and research in the area of athletic drug use prevention.

(b) Minimum Grant Award.—The Director shall establish a minimum grant award of not less than $300,000 per recipient.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Director of the National Institute of Standards and Technology $3,000,000 per fiscal year to carry out this section for fiscal years 2001, 2002, 2003, 2004, and 2005.

TITLE XLII—GAMBLING

SEC. 4201. PROHIBITION ON GAMBLING ON COMPETITIVE GAMES INVOLVING HIGH SCHOOL AND COLLEGE ATHLETES AND THE OLYMPICS.

(a) In General.—The Ted Stevens Olympic and Amateur Sports Act (chapter 2205 of title 36, United States Code) is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—MISCELLANEOUS

"§ 220541. Unlawful sports gambling: Olympics; high school and college athletes

"(a) Prohibition.—It shall be unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly, on a competitive game or performance described in subsection (b).

"(b) Covered Games and Performances.—A competitive game or performance described in this subsection is the following:

"(1) One or more competitive games at the Summer or Winter Olympics.

"(2) One or more competitive games in which high school or college athletes participate.

"(3) One or more performances of high school or college athletes in a competitive game.

"(c) Applicability.—The prohibition in subsection (a) applies to activity described in that subsection without regard to whether the activity would otherwise be permitted under subsection (a) or (b) of section 3704 of title 28.

"(d) Injunctions.—A civil action to enjoin a violation of subsection (a) may be commenced in an appropriate district court of the United States by the Attorney General of the United States, a local educational agency, college, or sports organization, including an amateur sports organization or the corporation, whose competitive game is alleged to be the basis of such violation.

"(e) Definitions.—In this section:

"(1) The term 'high school' has the meaning given the term 'secondary school' in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) The term 'college' has the meaning given the term 'institution of higher education' in section 101 of the Higher Education Act of 1965 (20 U.S.C. 8801).

"(3) The term 'local educational agency' has the meaning given that term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)."

(b) Clerical Amendment.—The table of sections at the beginning of that Act (chapter 2205 of title 36, United States Code) is amended by adding at the end the following:

"SUBCHAPTER III—MISCELLANEOUS

"220541. Unlawful sports gambling: Olympics; high school and college athletes.".

GRAMS AMENDMENT NO. 3266

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 130, strike lines 3 through 11 and insert the following:

SEC. 423. EXCLUSION OF CERTAIN ARMY AND AIR FORCE OFFICERS FROM LIMITATION ON STRENGTHS OF RESERVE COMMISSIONED OFFICERS IN GRADES BELOW BRIGADIER GENERAL.

Section 12005(a) of title 10, United States Code, is amended by adding at the end the following:

"(3) Medical officers, dental officers, judge advocate officers, nurse officers, and chaplains shall not be counted for purposes of this subsection.".

WARNER (AND DODD) AMENDMENT NO. 3267

Mr. WARNER (for himself, Mr. Dodd, and Mr. Levin) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. ___. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON CUBA.

(a) Short Title.—This section may be cited as the "National Bipartisan Commission on Cuba Act of 2000".

(b) Purposes.—The purposes of this section are to—

(1) address the serious long-term problems in the relations between the United States and Cuba; and

(2) help build the necessary national consensus on a comprehensive United States policy with respect to Cuba.

(c) Establishment.—

(1) In general.—There is established the National Bipartisan Commission on Cuba (in this section referred to as the "Commission").

(2) Membership.—The Commission shall be composed of 12 members, who shall be appointed as follows:

(A) Three individuals to be appointed by the President pro tempore of the Senate, of whom two shall be appointed upon the recommendation of the Majority Leader of the

Senate and of whom one shall be appointed upon the recommendation of the Minority Leader of the Senate.

(B) Three individuals to be appointed by the Speaker of the House of Representatives, of whom two shall be appointed upon the recommendation of the Majority Leader of the House of Representatives and of whom one shall be appointed upon the recommendation of the Minority Leader of the House of Representatives.

(C) Six individuals to be appointed by the President.

(3) SELECTION OF MEMBERS.—Members of the Commission shall be selected from among distinguished Americans in the private sector who are experienced in the field of international relations, especially Cuban affairs and United States-Cuban relations, and shall include representatives from a cross-section of United States interests, including human rights, religion, public health, military, business, and the Cuban-American community.

(4) DESIGNATION OF CHAIR.—The President shall designate a Chair from among the members of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of the Chair.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(7) VACANCIES.—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) DUTIES AND POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall be responsible for an examination and documentation of the specific achievements of United States policy with respect to Cuba and an evaluation of—

(A) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in support of acts of international terrorism and the trafficking of illegal drugs;

(B) the indemnification of losses incurred by United States certified claimants with confiscated property in Cuba; and

(C) the domestic and international impacts of the 39-year-old United States economic, trade and travel embargo against Cuba on—

(i) the relations of the United States with allies of the United States;

(ii) the political strength of Fidel Castro;

(iii) the condition of human rights, religious freedom, and freedom of the press in Cuba;

(iv) the health and welfare of the Cuban people;

(v) the Cuban economy; and

(vi) the United States economy, business, and jobs.

(2) CONSULTATION RESPONSIBILITIES.—In carrying out its duties under paragraph (1), the Commission shall consult with governmental leaders of countries substantially impacted by the current state of United States-Cuban relations, particularly countries impacted by the United States trade embargo against Cuba, and with the leaders of non-governmental organizations operating in those countries.

(3) POWERS OF THE COMMISSION.—The Commission may, for the purpose of carrying out its duties under this subsection, hold hearings, sit and act at times and places in the United States, take testimony, and receive evidence as the Commission considers advisable to carry out the provisions of this section.

(e) REPORT OF THE COMMISSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under subsection (d).

(2) CLASSIFIED FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, together with a classified annex, if necessary.

(3) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include the individual or dissenting views of the member in the report required by paragraph (1).

(f) ADMINISTRATION.—

(1) COOPERATION BY OTHER FEDERAL AGENCIES.—The heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information as it may require for purposes of carrying out its functions.

(2) COMPENSATION.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Commission.

(3) ADMINISTRATIVE SUPPORT.—The Secretary of State shall, to the extent permitted by law, provide the Commission with such administrative services, funds, facilities, staff, and other support services as may be necessary for the performance of its functions.

(g) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act shall not apply to the Commission to the extent that the provisions of this section are inconsistent with that Act.

(h) TERMINATION DATE.—The Commission shall terminate 60 days after submission of the report required by subsection (e).

DURBIN (AND OTHERS) AMENDMENT NO. 3268

(Ordered to lie on the table).

Mr. DURBIN (for himself, Mr. AKAKA, and Mr. VOINOVICH) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. STUDENT LOAN REPAYMENT PROGRAMS.

(a) STUDENT LOANS.—Section 5379(a)(1)(B) of title 5, United States Code, is amended—

(1) in clause (i), by inserting "(20 U.S.C. 1071 et seq.)" before the semicolon;

(2) in clause (ii), by striking "part E of title IV of the Higher Education Act of 1965" and inserting "part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq., 1087aa et seq.)"; and

(3) in clause (iii), by striking "part C of title VII of Public Health Service Act or under part B of title VIII of such Act" and inserting "part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) or under part E of title VIII of such Act (42 U.S.C. 297a et seq.)".

(b) PERSONNEL COVERED.—

(1) INELIGIBLE PERSONNEL.—Section 5379(a)(2) of title 5, United States Code, is amended to read as follows:

"(2) An employee shall be ineligible for benefits under this section if the employee occupies a position that is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.".

(2) PERSONNEL RECRUITED OR RETAINED.—Section 5379(b)(1) of title 5, United States Code, is amended by striking "professional, technical, or administrative".

(c) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Personnel Management (referred to in this section as the "Director") shall issue proposed regulations under section 5379(g) of title 5, United States Code. The Director shall provide for a period of not less than 60 days for public comment on the regulations.

(2) FINAL REGULATIONS.—Not later than 240 days after the date of enactment of this Act, the Director shall issue final regulations described in paragraph (1).

(d) ANNUAL REPORTS.—Section 5379 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) Each head of an agency shall maintain, and annually submit to the Director of the Office of Personnel Management, information with respect to the agency on—

"(A) the number of Federal employees selected to receive benefits under this section;

"(B) the job classifications for the recipients; and

"(C) the cost to the Federal Government of providing the benefits.

"(2) The Director of the Office of Personnel Management shall prepare, and annually submit to Congress, a report containing the information submitted under paragraph (1), and information identifying the agencies that have provided the benefits described in paragraph (1).".

BINGAMAN AMENDMENT NO. 3269

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 586, following line 20, add the following:

SEC. 3138. CONSTRUCTION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION OFFICE COMPLEX AT KIRTLAND AIR FORCE BASE, NEW MEXICO.

(a) AUTHORITY FOR DESIGN AND CONSTRUCTION.—The Administrator of the National Nuclear Security Administration may provide for the design and construction of a new office complex for the National Nuclear Security Administration at the Department of Energy site located at the eastern boundary of Kirtland Air Force Base, New Mexico.

(b) BASIS OF AUTHORITY.—The design and construction of the office complex authorized by subsection (a) shall be carried out through one or more energy savings performance contracts entered into under this section and in accordance with the provisions of title VIII of the National Energy Policy Conservation Act (42 U.S.C. 8287 et seq.).

(c) PAYMENT OF COSTS.—Amounts for payments of costs associated with the construction of the office complex authorized by subsection (a) shall be derived from energy savings and ancillary operation and maintenance savings that result from the replacement of a current Department of Energy office complex in Albuquerque, New Mexico (as identified in a feasibility study conducted under the National Defense Authorization Act for Fiscal Year 2000), with the office complex authorized by subsection (a).

SCHUMER AMENDMENT NO. 3270

(Ordered to lie on the table.)

Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 613, after line 12, insert the following:

TITLE XXXV—FOREIGN MONEY LAUNDERING DETERRENCE

SEC. 3501. SHORT TITLE.

This title may be cited as the "Foreign Money Laundering Deterrence Act".

SEC. 3502. REQUIREMENTS RELATING TO TRANSACTIONS AND ACCOUNTS WITH OR ON BEHALF OF FOREIGN ENTITIES.

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following new section:

"§5331. Requirements relating to transactions and accounts with or on behalf of foreign entities

"(a) PROHIBITION ON OPENING OR MAINTAINING CORRESPONDENT ACCOUNTS OR CORRESPONDENT BANK RELATIONSHIPS WITH CERTAIN FOREIGN BANKS.—A depository institution may not open or maintain a correspondent account in the United States for or on behalf of a foreign banking institution, or establish or maintain a correspondent bank relationship with a foreign banking institution, that—

"(1) is organized under the laws of a jurisdiction outside the United States but is not licensed or permitted to offer, or is not offering, any banking service to any resident of such jurisdiction; and

"(2) is not subject to comprehensive supervision or regulation on a consolidated basis by the appropriate authorities in such jurisdiction, as determined by the Secretary of the Treasury.

"(b) EXCEPTION.—Subsection (a) does not apply to a foreign banking institution if the institution is an affiliate of—

"(1) a depository institution; or

"(2) a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978) that is subject to comprehensive supervision or regulation on a consolidated basis by the appropriate authorities in the foreign jurisdiction under whose laws it is organized, as determined by the Secretary of the Treasury.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) CORRESPONDENT ACCOUNT.—The term 'correspondent account' means an account established to receive deposits from and make payments on behalf of a correspondent bank.

"(2) CORRESPONDENT BANK.—The term 'correspondent bank' means a depository institution that accepts deposits from another financial institution and provides services on behalf of such other financial institution.

"(3) DEPOSITORY INSTITUTION.—The term 'depository institution' has the same meaning as in section 19(b)(1)(A) of the Federal Reserve Act.

"(4) FOREIGN BANKING INSTITUTION.—The term 'foreign banking institution' means a foreign entity that engages in the business of banking, and includes foreign commercial banks, foreign merchant banks, and other foreign institutions that engage in banking activities that are usual in connection with the business of banking in the countries in which they are organized or operating.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5330 the following new item:

"5331. Requirements relating to transactions and accounts with or on behalf of foreign entities.".

WARNER AMENDMENT NO. 3271

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING DISCLOSURES BY TAX-EXEMPT ORGANIZATIONS.

(a) FINDINGS.—The Senate finds that—

(1) disclosure of political campaign activities is among the most important political reforms;

(2) disclosure of political campaign activities enables citizens to make informed decisions about the political process; and

(3) certain tax-exempt organizations, including organizations organized under section 527 of the Internal Revenue Code of 1986, are not presently required to make meaningful public disclosures.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that all tax-exempt organizations engaging in political campaign activities, including organizations organized under section 527 of the Internal Revenue Code of 1986, should be held to the same standard and required to make meaningful public disclosure of their activities.

McCAIN AMENDMENT NO. 3272

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 239, following line 22, add the following:

SEC. 656. CLARIFICATION OF DEPARTMENT OF VETERANS AFFAIRS DUTY TO ASSIST.

(a) IN GENERAL.—Section 5107 of title 38, United States Code, is amended to read as follows:

"§5107 Assistance to claimants; benefit of the doubt; burden of proof

"(a) The Secretary shall assist a claimant in developing all facts pertinent to a claim for benefits under this title. Such assistance shall include requesting information as described in section 5106 of this title. The Secretary shall provide a medical examination when such examination may substantiate entitlement to the benefits sought. The Secretary may decide a claim without providing assistance under this subsection when no reasonable possibility exists that such assistance will aid in the establishment of entitlement.

"(b) The Secretary shall consider all evidence and material of record in a case before the Department with respect to benefits under laws administered by the Secretary and shall give the claimant the benefit of the doubt when there is an approximate balance of positive and negative evidence regarding any issue material to the determination of the matter.

"(c) Except when otherwise provided by this title or by the Secretary in accordance with the provisions of this title, a person who submits a claim for benefits under a law administered by the Secretary shall have the burden of proof.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of that title is amended by striking the item relating to section 5017 and inserting the following new item:

"5107 Assistance to claimants; benefit of the doubt; burden of proof.".

DASCHLE (AND OTHERS) AMENDMENT NO. 3273

Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. ROBB, and Mr. REED) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place add the following:

DIVISION D—BIPARTISAN CONSENSUS MANAGED CARE IMPROVEMENT ACT

SEC. 4001. SHORT TITLE.

This division may be cited as the "Bipartisan Consensus Managed Care Improvement Act".

TITLE XLI—IMPROVING MANAGED CARE

Subtitle A—Grievance and Appeals

SEC. 4101. UTILIZATION REVIEW ACTIVITIES.

(a) COMPLIANCE WITH REQUIREMENTS.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer that provides health insurance coverage, shall conduct utilization review activities in connection with the provision of benefits under such plan or coverage only in accordance with a utilization review program that meets the requirements of this section.

(2) USE OF OUTSIDE AGENTS.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from arranging through a contract or otherwise for persons or entities to conduct utilization review activities on behalf of the plan or issuer, so long as such activities are conducted in accordance with a utilization review program that meets the requirements of this section.

(3) UTILIZATION REVIEW DEFINED.—For purposes of this section, the terms "utilization review" and "utilization review activities" mean procedures used to monitor or evaluate the use or coverage, clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings, and includes prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review.

(b) WRITTEN POLICIES AND CRITERIA.—

(1) WRITTEN POLICIES.—A utilization review program shall be conducted consistent with written policies and procedures that govern all aspects of the program.

(2) USE OF WRITTEN CRITERIA.—

(A) IN GENERAL.—Such a program shall utilize written clinical review criteria developed with input from a range of appropriate actively practicing health care professionals, as determined by the plan, pursuant to the program. Such criteria shall include written clinical review criteria that are based on valid clinical evidence where available and that are directed specifically at meeting the needs of at-risk populations and covered individuals with chronic conditions or severe illnesses, including gender-specific criteria and pediatric-specific criteria where available and appropriate.

(B) CONTINUING USE OF STANDARDS IN RETROSPECTIVE REVIEW.—If a health care service has been specifically pre-authorized or approved for an enrollee under such a program, the program shall not, pursuant to retrospective review, revise or modify the specific standards, criteria, or procedures used for the utilization review for procedures, treatment, and services delivered to the enrollee during the same course of treatment.

(C) Review of sample of claims denials.—Such a program shall provide for an evaluation of the clinical appropriateness of at least a sample of denials of claims for benefits.

(c) Conduct of Program Activities.—

(1) Administration by health care professionals.—A utilization review program shall be administered by qualified health care professionals who shall oversee review decisions.

(2) Use of qualified, independent personnel.—

(A) In general.—A utilization review program shall provide for the conduct of utilization review activities only through personnel who are qualified and have received appropriate training in the conduct of such activities under the program.

(B) Prohibition of contingent compensation arrangements.—Such a program shall not, with respect to utilization review activities, permit or provide compensation or anything of value to its employees, agents, or contractors in a manner that encourages denials of claims for benefits.

(C) Prohibition of conflicts.—Such a program shall not permit a health care professional who is providing health care services to an individual to perform utilization review activities in connection with the health care services being provided to the individual.

(3) Accessibility of review.—Such a program shall provide that appropriate personnel performing utilization review activities under the program, including the utilization review administrator, are reasonably accessible by toll-free telephone during normal business hours to discuss patient care and allow response to telephone requests, and that appropriate provision is made to receive and respond promptly to calls received during other hours.

(4) Limits on frequency.—Such a program shall not provide for the performance of utilization review activities with respect to a class of services furnished to an individual more frequently than is reasonably required to assess whether the services under review are medically necessary or appropriate.

(d) Deadline for Determinations.—

(1) Prior authorization services.—

(A) In general.—Except as provided in paragraph (2), in the case of a utilization review activity involving the prior authorization of health care items and services for an individual, the utilization review program shall make a determination concerning such authorization, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, as soon as possible in accordance with the medical exigencies of the case, and in no event later than the deadline specified in subparagraph (B).

(B) Deadline.—

(i) In general.—Subject to clauses (ii) and (iii), the deadline specified in this subparagraph is 14 days after the date of receipt of the request for prior authorization.

(ii) Extension permitted where notice of additional information required.—If a utilization review program—

(I) receives a request for a prior authorization;

(II) determines that additional information is necessary to complete the review and make the determination on the request; and

(III) notifies the requester, not later than five business days after the date of receiving the request, of the need for such specified additional information, the deadline specified in this subparagraph is 14 days after the date the program receives the specified additional information, but in no case later than 28 days after the date of receipt of the request for the prior authorization. This clause shall not apply if the deadline is specified in clause (iii).

(iii) Expedited cases.—In the case of a situation described in section 102(c)(1)(A), the deadline specified in this subparagraph is 72 hours after the time of the request for prior authorization.

(2) Ongoing care.—

(A) Concurrent review.—

(i) In general.—Subject to subparagraph (B), in the case of a concurrent review of ongoing care (including hospitalization), which results in a termination or reduction of such care, the plan must provide by telephone and in printed form notice of the concurrent review determination to the individual or the individual's designee and the individual's health care provider as soon as possible in accordance with the medical exigencies of the case, with sufficient time prior to the termination or reduction to allow for an appeal under section 102(c)(1)(A) to be completed before the termination or reduction takes effect.

(ii) Contents of notice.—Such notice shall include, with respect to ongoing health care items and services, the number of ongoing services approved, the new total of approved services, the date of onset of services, and the next review date, if any, as well as a statement of the individual's rights to further appeal.

(B) Exception.—Subparagraph (A) shall not be interpreted as requiring plans or issuers to provide coverage of care that would exceed the coverage limitations for such care.

(3) Previously provided services.—In the case of a utilization review activity involving retrospective review of health care services previously provided for an individual, the utilization review program shall make a determination concerning such services, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, within 30 days of the date of receipt of information that is reasonably necessary to make such determination, but in no case later than 60 days after the date of receipt of the claim for benefits.

(4) Failure to meet deadline.—In a case in which a group health plan or health insurance issuer fails to make a determination on a claim for benefit under paragraph (1), (2)(A), or (3) by the applicable deadline established under the respective paragraph, the failure shall be treated under this subtitle as a denial of the claim as of the date of the deadline.

(5) Reference to special rules for emergency services, maintenance care, and post-stabilization care.—For waiver of prior authorization requirements in certain cases involving emergency services and maintenance care and post-stabilization care, see subsections (a)(1) and (b) of section 4113, respectively.

(e) Notice of Denials of Claims for Benefits.—

(1) In general.—Notice of a denial of claims for benefits under a utilization review program shall be provided in printed form and written in a manner calculated to be understood by the participant, beneficiary, or enrollee and shall include—

(A) the reasons for the denial (including the clinical rationale);

(B) instructions on how to initiate an appeal under section 4102; and

(C) notice of the availability, upon request of the individual (or the individual's designee) of the clinical review criteria relied upon to make such denial.

(2) Specification of any additional information.—Such a notice shall also specify what (if any) additional necessary information must be provided to, or obtained by, the person making the denial in order to make a decision on such an appeal.

(f) Claim for Benefits and Denial of Claim for Benefits Defined.—For purposes of this subtitle:

(1) Claim for benefits.—The term "claim for benefits" means any request for coverage (including authorization of coverage), for eligibility, or for payment in whole or in part, for an item or service under a group health plan or health insurance coverage.

(2) Denial of claim for benefits.—The term "denial" means, with respect to a claim for benefits, means a denial, or a failure to act on a timely basis upon, in whole or in part, the claim for benefits and includes a failure to provide benefits (including items and services) required to be provided under this title.

SEC. 4102. INTERNAL APPEALS PROCEDURES.

(a) Right of Review.—

(1) In general.—Each group health plan, and each health insurance issuer offering health insurance coverage—

(A) shall provide adequate notice in writing to any participant or beneficiary under such plan, or enrollee under such coverage, whose claim for benefits under the plan or coverage has been denied (within the meaning of section 4101(f)(2)), setting forth the specific reasons for such denial of claim for benefits and rights to any further review or appeal, written in a manner calculated to be understood by the participant, beneficiary, or enrollee; and

(B) shall afford such a participant, beneficiary, or enrollee (and any provider or other person acting on behalf of such an individual with the individual's consent or without such consent if the individual is medically unable to provide such consent) who is dissatisfied with such a denial of claim for benefits a reasonable opportunity (of not less than 180 days) to request and obtain a full and fair review by a named fiduciary (with respect to such plan) or named appropriate individual (with respect to such coverage) of the decision denying the claim.

(2) Treatment of oral requests.—The request for review under paragraph (1)(B) may be made orally, but, in the case of an oral request, shall be followed by a request in writing.

(b) Internal Review Process.—

(1) Conduct of review.—

(A) In general.—A review of a denial of claim under this section shall be made by an individual who—

(i) in a case involving medical judgment, shall be a physician or, in the case of limited scope coverage (as defined in subparagraph (B), shall be an appropriate specialist;

(ii) has been selected by the plan or issuer; and

(iii) did not make the initial denial in the internally appealable decision.

(B) Limited scope coverage defined.—For purposes of subparagraph (A), the term "limited scope coverage" means a group health plan or health insurance coverage the only benefits under which are for benefits described in section 2791(c)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg–91(c)(2)).

(2) Time limits for internal reviews.—

(A) In general.—Having received such a request for review of a denial of claim, the plan or issuer shall, in accordance with the medical exigencies of the case but not later than the deadline specified in subparagraph (B), complete the review on the denial and transmit to the participant, beneficiary, enrollee, or other person involved a decision that affirms, reverses, or modifies the denial. If the decision does not reverse the denial, the plan or issuer shall transmit, in printed form, a notice that sets forth the grounds for such decision and that includes a description of rights to any further appeal. Such decision shall be treated as the final decision of the plan. Failure to issue such a decision by such deadline shall be treated as a final decision affirming the denial of claim.

(B) Deadline.—

(i) In general.—Subject to clauses (ii) and (iii), the deadline specified in this subparagraph is 14 days after the date of receipt of the request for internal review.

(ii) Extension permitted where notice of additional information required.—If a group health plan or health insurance issuer—

(I) receives a request for internal review;

(II) determines that additional information is necessary to complete the review and make the determination on the request; and

(III) notifies the requester, not later than five business days after the date of receiving the request, of the need for such specified additional information,

the deadline specified in this subparagraph is 14 days after the date the plan or issuer receives the specified additional information, but in no case later than 28 days after the date of receipt of the request for the internal review. This clause shall not apply if the deadline is specified in clause (iii).

(iii) Expedited cases.—In the case of a situation described in subsection (c)(1)(A), the deadline specified in this subparagraph is 72 hours after the time of the request for review.

(c) Expedited Review Process.—

(1) In general.—A group health plan, and a health insurance issuer, shall establish procedures in writing for the expedited consideration of requests for review under subsection (b) in situations—

(A) in which the application of the normal timeframe for making a determination could seriously jeopardize the life or health of the participant, beneficiary, or enrollee or such an individual's ability to regain maximum function; or

(B) described in section 4101(d)(2) (relating to requests for continuation of ongoing care which would otherwise be reduced or terminated).

(2) Process.—Under such procedures—

(A) the request for expedited review may be submitted orally or in writing by an individual or provider who is otherwise entitled to request the review;

(B) all necessary information, including the plan's or issuer's decision, shall be transmitted between the plan or issuer and the requester by telephone, facsimile, or other similarly expeditious available method; and

(C) the plan or issuer shall expedite the review in the case of any of the situations described in subparagraph (A) or (B) of paragraph (1).

(3) Deadline for decision.—The decision on the expedited review must be made and communicated to the parties as soon as possible in accordance with the medical exigencies of the case, and in no event later than 72 hours after the time of receipt of the request for expedited review, except that in a case described in paragraph (1)(B), the decision must be made before the end of the approved period of care.

(d) Waiver of Process.—A plan or issuer may waive its rights for an internal review under subsection (b). In such case the participant, beneficiary, or enrollee involved (and any designee or provider involved) shall be relieved of any obligation to complete the review involved and may, at the option of such participant, beneficiary, enrollee, designee, or provider, proceed directly to seek further appeal through any applicable external appeals process.

SEC. 4103. EXTERNAL APPEALS PROCEDURES.

(a) Right to External Appeal.—

(1) In general.—A group health plan, and a health insurance issuer offering health insurance coverage, shall provide for an external appeals process that meets the requirements of this section in the case of an externally appealable decision described in paragraph (2), for which a timely appeal is made either by the plan or issuer or by the participant, beneficiary, or enrollee (and any provider or other person acting on behalf of such an individual with the individual's consent or without such consent if such an individual is medically unable to provide such consent). The appropriate Secretary shall establish standards to carry out such requirements.

(2) Externally appealable decision defined.—

(A) In general.—For purposes of this section, the term "externally appealable decision" means a denial of claim for benefits (as defined in section 4101(f)(2))—

(i) that is based in whole or in part on a decision that the item or service is not medically necessary or appropriate or is investigational or experimental; or

(ii) in which the decision as to whether a benefit is covered involves a medical judgment.

(B) Inclusion.—Such term also includes a failure to meet an applicable deadline for internal review under section 4102.

(C) Exclusions.—Such term does not include—

(i) specific exclusions or express limitations on the amount, duration, or scope of coverage that do not involve medical judgment; or

(ii) a decision regarding whether an individual is a participant, beneficiary, or enrollee under the plan or coverage.

(3) Exhaustion of internal review process.—Except as provided under section 4102(d), a plan or issuer may condition the use of an external appeal process in the case of an externally appealable decision upon a final decision in an internal review under section 4102, but only if the decision is made in a timely basis consistent with the deadlines provided under this subtitle.

(4) Filing fee requirement.—

(A) In general.—Subject to subparagraph (B), a plan or issuer may condition the use of an external appeal process upon payment to the plan or issuer of a filing fee that does not exceed $25.

(B) Exception for indigency.—The plan or issuer may not require payment of the filing fee in the case of an individual participant, beneficiary, or enrollee who certifies (in a form and manner specified in guidelines established by the Secretary of Health and Human Services) that the individual is indigent (as defined in such guidelines).

(C) Refunding fee in case of successful appeals.—The plan or issuer shall refund payment of the filing fee under this paragraph if the recommendation of the external appeal entity is to reverse or modify the denial of a claim for benefits which is the subject of the appeal.

(b) General Elements of External Appeals Process.—

(1) Contract with qualified external appeal entity.—

(A) Contract requirement.—Except as provided in subparagraph (D), the external appeal process under this section of a plan or issuer shall be conducted under a contract between the plan or issuer and one or more qualified external appeal entities (as defined in subsection (c)).

(B) Limitation on plan or issuer selection.—The applicable authority shall implement procedures—

(i) to assure that the selection process among qualified external appeal entities will not create any incentives for external appeal entities to make a decision in a biased manner; and

(ii) for auditing a sample of decisions by such entities to assure that no such decisions are made in a biased manner.

(C) Other terms and conditions.—The terms and conditions of a contract under this paragraph shall be consistent with the standards the appropriate Secretary shall establish to assure there is no real or apparent conflict of interest in the conduct of external appeal activities. Such contract shall provide that all costs of the process (except those incurred by the participant, beneficiary, enrollee, or treating professional in support of the appeal) shall be paid by the plan or issuer, and not by the participant, beneficiary, or enrollee. The previous sentence shall not be construed as applying to the imposition of a filing fee under subsection (a)(4).

(D) State authority with respect qualified external appeal entity for health insurance issuers.—With respect to health insurance issuers offering health insurance coverage in a State, the State may provide for external review activities to be conducted by a qualified external appeal entity that is designated by the State or that is selected by the State in a manner determined by the State to assure an unbiased determination.

(2) Elements of process.—An external appeal process shall be conducted consistent with standards established by the appropriate Secretary that include at least the following:

(A) Fair and de novo determination.—The process shall provide for a fair, de novo determination. However, nothing in this paragraph shall be construed as providing for coverage of items and services for which benefits are specifically excluded under the plan or coverage.

(B) Standard of review.—An external appeal entity shall determine whether the plan's or issuer's decision is in accordance with the medical needs of the patient involved (as determined by the entity) taking into account, as of the time of the entity's determination, the patient's medical condition and any relevant and reliable evidence the entity obtains under subparagraph (D). If the entity determines the decision is in accordance with such needs, the entity shall affirm the decision and to the extent that the entity determines the decision is not in accordance with such needs, the entity shall reverse or modify the decision.

(C) Consideration of plan or coverage definitions.—In making such determination, the external appeal entity shall consider (but not be bound by) any language in the plan or coverage document relating to the definitions of the terms medical necessity, medically necessary or appropriate, or experimental, investigational, or related terms.

(D) Evidence.—

(i) In general.—An external appeal entity shall include, among the evidence taken into consideration—

(I) the decision made by the plan or issuer upon internal review under section 4102 and any guidelines or standards used by the plan or issuer in reaching such decision;

(II) any personal health and medical information supplied with respect to the individual whose denial of claim for benefits has been appealed; and

(III) the opinion of the individual's treating physician or health care professional.

(ii) Additional evidence.—Such entity may also take into consideration but not be limited to the following evidence (to the extent available):

(I) The results of studies that meet professionally recognized standards of validity and replicability or that have been published in peer-reviewed journals.

(II) The results of professional consensus conferences conducted or financed in whole or in part by one or more Government agencies.

(III) Practice and treatment guidelines prepared or financed in whole or in part by Government agencies.

(IV) Government-issued coverage and treatment policies.

(V) Community standard of care and generally accepted principles of professional medical practice.

(VI) To the extent that the entity determines it to be free of any conflict of interest, the opinions of individuals who are qualified as experts in one or more fields of health care which are directly related to the matters under appeal.

(VII) To the extent that the entity determines it to be free of any conflict of interest, the results of peer reviews conducted by the plan or issuer involved.

(E) Determination concerning externally appealable decisions.—A qualified external appeal entity shall determine—

(i) whether a denial of claim for benefits is an externally appealable decision (within the meaning of subsection (a)(2));

(ii) whether an externally appealable decision involves an expedited appeal; and

(iii) for purposes of initiating an external review, whether the internal review process has been completed.

(F) Opportunity to submit evidence.—Each party to an externally appealable decision may submit evidence related to the issues in dispute.

(G) Provision of information.—The plan or issuer involved shall provide timely access to the external appeal entity to information and to provisions of the plan or health insurance coverage relating to the matter of the externally appealable decision, as determined by the entity.

(H) Timely decisions.—A determination by the external appeal entity on the decision shall—

(i) be made orally or in writing and, if it is made orally, shall be supplied to the parties in writing as soon as possible;

(ii) be made in accordance with the medical exigencies of the case involved, but in no event later than 21 days after the date (or, in the case of an expedited appeal, 72 hours after the time) of requesting an external appeal of the decision;

(iii) state, in layperson's language, the basis for the determination, including, if relevant, any basis in the terms or conditions of the plan or coverage; and

(iv) inform the participant, beneficiary, or enrollee of the individual's rights (including any limitation on such rights) to seek further review by the courts (or other process) of the external appeal determination.

(I) Compliance with determination.—If the external appeal entity reverses or modifies the denial of a claim for benefits, the plan or issuer shall—

(i) upon the receipt of the determination, authorize benefits in accordance with such determination;

(ii) take such actions as may be necessary to provide benefits (including items or services) in a timely manner consistent with such determination; and

(iii) submit information to the entity documenting compliance with the entity's determination and this subparagraph.

(c) Qualifications of External Appeal Entities.—

(1) In general.—For purposes of this section, the term "qualified external appeal entity" means, in relation to a plan or issuer, an entity that is certified under paragraph (2) as meeting the following requirements:

(A) The entity meets the independence requirements of paragraph (3).

(B) The entity conducts external appeal activities through a panel of not fewer than three clinical peers.

(C) The entity has sufficient medical, legal, and other expertise and sufficient staffing to conduct external appeal activities for the plan or issuer on a timely basis consistent with subsection (b)(2)(G).

(D) The entity meets such other requirements as the appropriate Secretary may impose.

(2) Initial certification of external appeal entities.—

(A) In general.—In order to be treated as a qualified external appeal entity with respect to—

(i) a group health plan, the entity must be certified (and, in accordance with subparagraph (B), periodically recertified) as meeting the requirements of paragraph (1)—

(I) by the Secretary of Labor;

(II) under a process recognized or approved by the Secretary of Labor; or

(III) to the extent provided in subparagraph (C)(i), by a qualified private standard-setting organization (certified under such subparagraph); or

(ii) a health insurance issuer operating in a State, the entity must be certified (and, in accordance with subparagraph (B), periodically recertified) as meeting such requirements—

(I) by the applicable State authority (or under a process recognized or approved by such authority); or

(II) if the State has not established a certification and recertification process for such entities, by the Secretary of Health and Human Services, under a process recognized or approved by such Secretary, or to the extent provided in subparagraph (C)(ii), by a qualified private standard-setting organization (certified under such subparagraph).

(B) Recertification process.—The appropriate Secretary shall develop standards for the recertification of external appeal entities. Such standards shall include a review of—

(i) the number of cases reviewed;

(ii) a summary of the disposition of those cases;

(iii) the length of time in making determinations on those cases;

(iv) updated information of what was required to be submitted as a condition of certification for the entity's performance of external appeal activities; and

(v) such information as may be necessary to assure the independence of the entity from the plans or issuers for which external appeal activities are being conducted.

(C) Certification of qualified private standard-setting organizations.—

(i) For external reviews under group health plans.—For purposes of subparagraph (A)(i)(III), the Secretary of Labor may provide for a process for certification (and periodic recertification) of qualified private standard-setting organizations which provide for certification of external review entities. Such an organization shall only be certified if the organization does not certify an external review entity unless it meets standards required for certification of such an entity by such Secretary under subparagraph (A)(i)(I).

(ii) For external reviews of health insurance issuers.—For purposes of subparagraph (A)(ii)(II), the Secretary of Health and Human Services may provide for a process for certification (and periodic recertification) of qualified private standard-setting organizations which provide for certification of external review entities. Such an organization shall only be certified if the organization does not certify an external review entity unless it meets standards required for certification of such an entity by such Secretary under subparagraph (A)(ii)(II).

(3) Independence requirements.—

(A) In general.—A clinical peer or other entity meets the independence requirements of this paragraph if—

(i) the peer or entity does not have a familial, financial, or professional relationship with any related party;

(ii) any compensation received by such peer or entity in connection with the external review is reasonable and not contingent on any decision rendered by the peer or entity;

(iii) except as provided in paragraph (4), the plan and the issuer have no recourse against the peer or entity in connection with the external review; and

(iv) the peer or entity does not otherwise have a conflict of interest with a related party as determined under any regulations which the Secretary may prescribe.

(B) Related party.—For purposes of this paragraph, the term "related party" means—

(i) with respect to—

(I) a group health plan or health insurance coverage offered in connection with such a plan, the plan or the health insurance issuer offering such coverage; or

(II) individual health insurance coverage, the health insurance issuer offering such coverage,

or any plan sponsor, fiduciary, officer, director, or management employee of such plan or issuer;

(ii) the health care professional that provided the health care involved in the coverage decision;

(iii) the institution at which the health care involved in the coverage decision is provided;

(iv) the manufacturer of any drug or other item that was included in the health care involved in the coverage decision; or

(v) any other party determined under any regulations which the Secretary may prescribe to have a substantial interest in the coverage decision.

(4) Limitation on liability of reviewers.—No qualified external appeal entity having a contract with a plan or issuer under this part and no person who is employed by any such entity or who furnishes professional services to such entity, shall be held by reason of the performance of any duty, function, or activity required or authorized

pursuant to this section, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) if due care was exercised in the performance of such duty, function, or activity and there was no actual malice or gross misconduct in the performance of such duty, function, or activity.

(d) External Appeal Determination Binding on Plan.—The determination by an external appeal entity under this section is binding on the plan and issuer involved in the determination.

(e) Penalties Against Authorized Officials for Refusing to Authorize the Determination of an External Review Entity.—

(1) Monetary penalties.—In any case in which the determination of an external review entity is not followed by a group health plan, or by a health insurance issuer offering health insurance coverage, any person who, acting in the capacity of authorizing the benefit, causes such refusal may, in the discretion in a court of competent jurisdiction, be liable to an aggrieved participant, beneficiary, or enrollee for a civil penalty in an amount of up to $1,000 a day from the date on which the determination was transmitted to the plan or issuer by the external review entity until the date the refusal to provide the benefit is corrected.

(2) Cease and desist order and order of attorney's fees.—In any action described in paragraph (1) brought by a participant, beneficiary, or enrollee with respect to a group health plan, or a health insurance issuer offering health insurance coverage, in which a plaintiff alleges that a person referred to in such paragraph has taken an action resulting in a refusal of a benefit determined by an external appeal entity in violation of such terms of the plan, coverage, or this subtitle, or has failed to take an action for which such person is responsible under the plan, coverage, or this title and which is necessary under the plan or coverage for authorizing a benefit, the court shall cause to be served on the defendant an order requiring the defendant—

(A) to cease and desist from the alleged action or failure to act; and

(B) to pay to the plaintiff a reasonable attorney's fee and other reasonable costs relating to the prosecution of the action on the charges on which the plaintiff prevails.

(3) Additional civil penalties.—

(A) In general.—In addition to any penalty imposed under paragraph (1) or (2), the appropriate Secretary may assess a civil penalty against a person acting in the capacity of authorizing a benefit determined by an external review entity for one or more group health plans, or health insurance issuers offering health insurance coverage, for—

(i) any pattern or practice of repeated refusal to authorize a benefit determined by an external appeal entity in violation of the terms of such a plan, coverage, or this title; or

(ii) any pattern or practice of repeated violations of the requirements of this section with respect to such plan or plans or coverage.

(B) Standard of proof and amount of penalty.—Such penalty shall be payable only upon proof by clear and convincing evidence of such pattern or practice and shall be in an amount not to exceed the lesser of—

(i) 25 percent of the aggregate value of benefits shown by the appropriate Secretary to have not been provided, or unlawfully delayed, in violation of this section under such pattern or practice; or

(ii) $500,000.

(4) Removal and disqualification.—Any person acting in the capacity of authorizing benefits who has engaged in any such pattern or practice described in paragraph (3)(A) with respect to a plan or coverage, upon the petition of the appropriate Secretary, may be removed by the court from such position, and from any other involvement, with respect to such a plan or coverage, and may be precluded from returning to any such position or involvement for a period determined by the court.

(f) Protection of Legal Rights.—Nothing in this subtitle shall be construed as altering or eliminating any cause of action or legal rights or remedies of participants, beneficiaries, enrollees, and others under State or Federal law (including sections 502 and 503 of the Employee Retirement Income Security Act of 1974), including the right to file judicial actions to enforce rights.

SEC. 4104. ESTABLISHMENT OF A GRIEVANCE PROCESS.

(a) Establishment of Grievance System.—

(1) In general.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall establish and maintain a system to provide for the presentation and resolution of oral and written grievances brought by individuals who are participants, beneficiaries, or enrollees, or health care providers or other individuals acting on behalf of an individual and with the individual's consent or without such consent if the individual is medically unable to provide such consent, regarding any aspect of the plan's or issuer's services.

(2) Grievance defined.—In this section, the term "grievance" means any question, complaint, or concern brought by a participant, beneficiary or enrollee that is not a claim for benefits (as defined in section 4101(f)(1)).

(b) Grievance System.—Such system shall include the following components with respect to individuals who are participants, beneficiaries, or enrollees:

(1) Written notification to all such individuals and providers of the telephone numbers and business addresses of the plan or issuer personnel responsible for resolution of grievances and appeals.

(2) A system to record and document, over a period of at least three previous years, all grievances and appeals made and their status.

(3) A process providing for timely processing and resolution of grievances.

(4) Procedures for follow-up action, including the methods to inform the person making the grievance of the resolution of the grievance.

Grievances are not subject to appeal under the previous provisions of this subtitle.

Subtitle B—Access to Care

SEC. 4111. CONSUMER CHOICE OPTION.

(a) In General.—If—

(1) a health insurance issuer providing health insurance coverage in connection with a group health plan offers to enrollees health insurance coverage which provides for coverage of services only if such services are furnished through health care professionals and providers who are members of a network of health care professionals and providers who have entered into a contract with the issuer to provide such services, or

(2) a group health plan offers to participants or beneficiaries health benefits which provide for coverage of services only if such services are furnished through health care professionals and providers who are members of a network of health care professionals and providers who have entered into a contract with the plan to provide such services,

then the issuer or plan shall also offer or arrange to be offered to such enrollees, participants, or beneficiaries (at the time of enrollment and during an annual open season as provided under subsection (c)) the option of health insurance coverage or health benefits which provide for coverage of such services which are not furnished through health care professionals and providers who are members of such a network unless such enrollees, participants, or beneficiaries are offered such non-network coverage through another group health plan or through another health insurance issuer in the group market.

(b) Additional Costs.—The amount of any additional premium charged by the health insurance issuer or group health plan for the additional cost of the creation and maintenance of the option described in subsection (a) and the amount of any additional cost sharing imposed under such option shall be borne by the enrollee, participant, or beneficiary unless it is paid by the health plan sponsor or group health plan through agreement with the health insurance issuer.

(c) Open Season.—An enrollee, participant, or beneficiary, may change to the offering provided under this section only during a time period determined by the health insurance issuer or group health plan. Such time period shall occur at least annually.

SEC. 4112. CHOICE OF HEALTH CARE PROFESSIONAL.

(a) Primary Care.—If a group health plan, or a health insurance issuer that offers health insurance coverage, requires or provides for designation by a participant, beneficiary, or enrollee of a participating primary care provider, then the plan or issuer shall permit each participant, beneficiary, and enrollee to designate any participating primary care provider who is available to accept such individual.

(b) Specialists.—

(1) In general.—Subject to paragraph (2), a group health plan and a health insurance issuer that offers health insurance coverage shall permit each participant, beneficiary, or enrollee to receive medically necessary or appropriate specialty care, pursuant to appropriate referral procedures, from any qualified participating health care professional who is available to accept such individual for such care.

(2) Limitation.—Paragraph (1) shall not apply to specialty care if the plan or issuer clearly informs participants, beneficiaries, and enrollees of the limitations on choice of participating health care professionals with respect to such care.

(3) Construction.—Nothing in this subsection shall be construed as affecting the application of section 4114 (relating to access to specialty care).

SEC. 4113. ACCESS TO EMERGENCY CARE.

(a) Coverage of Emergency Services.—

(1) In general.—If a group health plan, or health insurance coverage offered by a health insurance issuer, provides any benefits with respect to services in an emergency department of a hospital, the plan or issuer shall cover emergency services (as defined in paragraph (2)(B))—

(A) without the need for any prior authorization determination;

(B) whether or not the health care provider furnishing such services is a participating provider with respect to such services;

(C) in a manner so that, if such services are provided to a participant, beneficiary, or enrollee—

(i) by a nonparticipating health care provider with or without prior authorization; or

(ii) by a participating health care provider without prior authorization,

the participant, beneficiary, or enrollee is not liable for amounts that exceed the amounts of liability that would be incurred if the services were provided by a participating health care provider with prior authorization; and

(D) without regard to any other term or condition of such coverage (other than exclusion or coordination of benefits, or an affiliation or waiting period, permitted under section 2701 of the Public Health Service Act, section 701 of the Employee Retirement Income Security Act of 1974, or section 9801 of the Internal Revenue Code of 1986, and other than applicable cost-sharing).

(2) DEFINITIONS.—In this section:

(A) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON STANDARD.—The term "emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

(B) EMERGENCY SERVICES.—The term "emergency services" means—

(i) a medical screening examination (as required under section 1867 of the Social Security Act) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate an emergency medical condition (as defined in subparagraph (A)); and

(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 of such Act to stabilize the patient.

(C) STABILIZE.—The term "to stabilize" means, with respect to an emergency medical condition, to provide such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility.

(b) REIMBURSEMENT FOR MAINTENANCE CARE AND POST-STABILIZATION CARE.—In the case of services (other than emergency services) for which benefits are available under a group health plan, or under health insurance coverage offered by a health insurance issuer, the plan or issuer shall provide for reimbursement with respect to such services provided to a participant, beneficiary, or enrollee other than through a participating health care provider in a manner consistent with subsection (a)(1)(C) (and shall otherwise comply with the guidelines established under section 1852(d)(2) of the Social Security Act), if the services are maintenance care or post-stabilization care covered under such guidelines.

SEC. 4114. ACCESS TO SPECIALTY CARE.

(a) SPECIALTY CARE FOR COVERED SERVICES.—

(1) IN GENERAL.—If—

(A) an individual is a participant or beneficiary under a group health plan or an enrollee who is covered under health insurance coverage offered by a health insurance issuer;

(B) the individual has a condition or disease of sufficient seriousness and complexity to require treatment by a specialist; and

(C) benefits for such treatment are provided under the plan or coverage,

the plan or issuer shall make or provide for a referral to a specialist who is available and accessible to provide the treatment for such condition or disease.

(2) SPECIALIST DEFINED.—For purposes of this subsection, the term "specialist" means, with respect to a condition, a health care practitioner, facility, or center that has adequate expertise through appropriate training and experience (including, in the case of a child, appropriate pediatric expertise) to provide high quality care in treating the condition.

(3) CARE UNDER REFERRAL.—A group health plan or health insurance issuer may require that the care provided to an individual pursuant to such referral under paragraph (1) be—

(A) pursuant to a treatment plan, only if the treatment plan is developed by the specialist and approved by the plan or issuer, in consultation with the designated primary care provider or specialist and the individual (or the individual's designee); and

(B) in accordance with applicable quality assurance and utilization review standards of the plan or issuer.

Nothing in this subsection shall be construed as preventing such a treatment plan for an individual from requiring a specialist to provide the primary care provider with regular updates on the specialty care provided, as well as all necessary medical information.

(4) REFERRALS TO PARTICIPATING PROVIDERS.—A group health plan or health insurance issuer is not required under paragraph (1) to provide for a referral to a specialist that is not a participating provider, unless the plan or issuer does not have an appropriate specialist that is available and accessible to treat the individual's condition and that is a participating provider with respect to such treatment.

(5) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a plan or issuer refers an individual to a nonparticipating specialist pursuant to paragraph (1), services provided pursuant to the approved treatment plan (if any) shall be provided at no additional cost to the individual beyond what the individual would otherwise pay for services received by such a specialist that is a participating provider.

(b) SPECIALISTS AS GATEKEEPER FOR TREATMENT OF ONGOING SPECIAL CONDITIONS.—

(1) IN GENERAL.—A group health plan, or a health insurance issuer, in connection with the provision of health insurance coverage, shall have a procedure by which an individual who is a participant, beneficiary, or enrollee and who has an ongoing special condition (as defined in paragraph (3)) may request and receive a referral to a specialist for such condition who shall be responsible for and capable of providing and coordinating the individual's care with respect to the condition. Under such procedures if such an individual's care would most appropriately be coordinated by such a specialist, such plan or issuer shall refer the individual to such specialist.

(2) TREATMENT FOR RELATED REFERRALS.—Such specialists shall be permitted to treat the individual without a referral from the individual's primary care provider and may authorize such referrals, procedures, tests, and other medical services as the individual's primary care provider would otherwise be permitted to provide or authorize, subject to the terms of the treatment (referred to in subsection (a)(3)(A)) with respect to the ongoing special condition.

(3) ONGOING SPECIAL CONDITION DEFINED.—In this subsection, the term "ongoing special condition" means a condition or disease that—

(A) is life-threatening, degenerative, or disabling; and

(B) requires specialized medical care over a prolonged period of time.

(4) TERMS OF REFERRAL.—The provisions of paragraphs (3) through (5) of subsection (a) apply with respect to referrals under paragraph (1) of this subsection in the same manner as they apply to referrals under subsection (a)(1).

(c) STANDING REFERRALS.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall have a procedure by which an individual who is a participant, beneficiary, or enrollee and who has a condition that requires ongoing care from a specialist may receive a standing referral to such specialist for treatment of such condition. If the plan or issuer, or if the primary care provider in consultation with the medical director of the plan or issuer and the specialist (if any), determines that such a standing referral is appropriate, the plan or issuer shall make such a referral to such a specialist if the individual so desires.

(2) TERMS OF REFERRAL.—The provisions of paragraphs (3) through (5) of subsection (a) apply with respect to referrals under paragraph (1) of this subsection in the same manner as they apply to referrals under subsection (a)(1).

SEC. 4115. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant, beneficiary, or enrollee to designate a participating primary care health care professional, the plan or issuer—

(1) may not require authorization or a referral by the individual's primary care health care professional or otherwise for coverage of gynecological care (including preventive women's health examinations) and pregnancy-related services provided by a participating health care professional, including a physician, who specializes in obstetrics and gynecology to the extent such care is otherwise covered; and

(2) shall treat the ordering of other obstetrical or gynecological care by such a participating professional as the authorization of the primary care health care professional with respect to such care under the plan or coverage.

(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

(1) waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.

SEC. 4116. ACCESS TO PEDIATRIC CARE.

(a) PEDIATRIC CARE.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for an enrollee to designate a participating primary care provider for a child of such enrollee, the plan or issuer shall permit the enrollee to designate a physician who specializes in pediatrics as the child's primary care provider.

(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of pediatric care.

SEC. 4117. CONTINUITY OF CARE.

(a) In General.—

(1) Termination of provider.—If a contract between a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, and a health care provider is terminated (as defined in paragraph (3)(B)), or benefits or coverage provided by a health care provider are terminated because of a change in the terms of provider participation in a group health plan, and an individual who is a participant, beneficiary, or enrollee in the plan or coverage is undergoing treatment from the provider for an ongoing special condition (as defined in paragraph (3)(A)) at the time of such termination, the plan or issuer shall—

(A) notify the individual on a timely basis of such termination and of the right to elect continuation of coverage of treatment by the provider under this section; and

(B) subject to subsection (c), permit the individual to elect to continue to be covered with respect to treatment by the provider of such condition during a transitional period (provided under subsection (b)).

(2) Treatment of termination of contract with health insurance issuer.—If a contract for the provision of health insurance coverage between a group health plan and a health insurance issuer is terminated and, as a result of such termination, coverage of services of a health care provider is terminated with respect to an individual, the provisions of paragraph (1) (and the succeeding provisions of this section) shall apply under the plan in the same manner as if there had been a contract between the plan and the provider that had been terminated, but only with respect to benefits that are covered under the plan after the contract termination.

(3) Definitions.—For purposes of this section:

(A) Ongoing special condition.—The term "ongoing special condition" has the meaning given such term in section 4114(b)(3), and also includes pregnancy.

(B) Termination.—The term "terminated" includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination of the contract by the plan or issuer for failure to meet applicable quality standards or for fraud.

(b) Transitional Period.—

(1) In general.—Except as provided in paragraphs (2) through (4), the transitional period under this subsection shall extend up to 90 days (as determined by the treating health care professional) after the date of the notice described in subsection (a)(1)(A) of the provider's termination.

(2) Scheduled surgery and organ transplantation.—If surgery or organ transplantation was scheduled for an individual before the date of the announcement of the termination of the provider status under subsection (a)(1)(A) or if the individual on such date was on an established waiting list or otherwise scheduled to have such surgery or transplantation, the transitional period under this subsection with respect to the surgery or transplantation shall extend beyond the period under paragraph (1) and until the date of discharge of the individual after completion of the surgery or transplantation.

(3) Pregnancy.—If—

(A) a participant, beneficiary, or enrollee was determined to be pregnant at the time of a provider's termination of participation; and

(B) the provider was treating the pregnancy before date of the termination,

the transitional period under this subsection with respect to provider's treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

(4) Terminal illness.—If—

(A) a participant, beneficiary, or enrollee was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation; and

(B) the provider was treating the terminal illness before the date of termination,

the transitional period under this subsection shall extend for the remainder of the individual's life for care directly related to the treatment of the terminal illness or its medical manifestations.

(c) Permissible Terms and Conditions.—A group health plan or health insurance issuer may condition coverage of continued treatment by a provider under subsection (a)(1)(B) upon the individual notifying the plan of the election of continued coverage and upon the provider agreeing to the following terms and conditions:

(1) The provider agrees to accept reimbursement from the plan or issuer and individual involved (with respect to cost-sharing) at the rates applicable prior to the start of the transitional period as payment in full (or, in the case described in subsection (a)(2), at the rates applicable under the replacement plan or issuer after the date of the termination of the contract with the health insurance issuer) and not to impose cost-sharing with respect to the individual in an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in subsection (a)(1) had not been terminated.

(2) The provider agrees to adhere to the quality assurance standards of the plan or issuer responsible for payment under paragraph (1) and to provide to such plan or issuer necessary medical information related to the care provided.

(3) The provider agrees otherwise to adhere to such plan's or issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan or issuer.

(d) Construction.—Nothing in this section shall be construed to require the coverage of benefits which would not have been covered if the provider involved remained a participating provider.

SEC. 4118. ACCESS TO NEEDED PRESCRIPTION DRUGS.

If a group health plan, or health insurance issuer that offers health insurance coverage, provides benefits with respect to prescription drugs but the coverage limits such benefits to drugs included in a formulary, the plan or issuer shall—

(1) ensure participation of participating physicians and pharmacists in the development of the formulary;

(2) disclose to providers and, disclose upon request under section 4121(c)(5) to participants, beneficiaries, and enrollees, the nature of the formulary restrictions; and

(3) consistent with the standards for a utilization review program under section 4101, provide for exceptions from the formulary limitation when a non-formulary alternative is medically indicated.

SEC. 4119. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS.

(a) Coverage.—

(1) In general.—If a group health plan, or health insurance issuer that is providing health insurance coverage, provides coverage to a qualified individual (as defined in subsection (b)), the plan or issuer—

(A) may not deny the individual participation in the clinical trial referred to in subsection (b)(2);

(B) subject to subsection (c), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

(C) may not discriminate against the individual on the basis of the enrollee's participation in such trial.

(2) Exclusion of certain costs.—For purposes of paragraph (1)(B), routine patient costs do not include the cost of the tests or measurements conducted primarily for the purpose of the clinical trial involved.

(3) Use of in-network providers.—If one or more participating providers is participating in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan or issuer from requiring that a qualified individual participate in the trial through such a participating provider if the provider will accept the individual as a participant in the trial.

(b) Qualified Individual Defined.—For purposes of subsection (a), the term "qualified individual" means an individual who is a participant or beneficiary in a group health plan, or who is an enrollee under health insurance coverage, and who meets the following conditions:

(1)(A) The individual has a life-threatening or serious illness for which no standard treatment is effective.

(B) The individual is eligible to participate in an approved clinical trial according to the trial protocol with respect to treatment of such illness.

(C) The individual's participation in the trial offers meaningful potential for significant clinical benefit for the individual.

(2) Either—

(A) the referring physician is a participating health care professional and has concluded that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1); or

(B) the participant, beneficiary, or enrollee provides medical and scientific information establishing that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1).

(c) Payment.—

(1) In general.—Under this section a group health plan or health insurance issuer shall provide for payment for routine patient costs described in subsection (a)(2) but is not required to pay for costs of items and services that are reasonably expected (as determined by the Secretary) to be paid for by the sponsors of an approved clinical trial.

(2) Payment rate.—In the case of covered items and services provided by—

(A) a participating provider, the payment rate shall be at the agreed upon rate; or

(B) a nonparticipating provider, the payment rate shall be at the rate the plan or issuer would normally pay for comparable services under subparagraph (A).

(d) Approved Clinical Trial Defined.—

(1) In general.—In this section, the term "approved clinical trial" means a clinical research study or clinical investigation approved and funded (which may include funding through in-kind contributions) by one or more of the following:

(A) The National Institutes of Health.

(B) A cooperative group or center of the National Institutes of Health.

(C) Either of the following if the conditions described in paragraph (2) are met:

(i) The Department of Veterans Affairs.

(ii) The Department of Defense.

(2) Conditions for departments.—The conditions described in this paragraph, for a study or investigation conducted by a Department, are that the study or investigation has been reviewed and approved through a system of peer review that the Secretary determines—

(A) to be comparable to the system of peer review of studies and investigations used by the National Institutes of Health; and

(B) assures unbiased review of the highest scientific standards by qualified individuals who have no interest in the outcome of the review.

(e) Construction.—Nothing in this section shall be construed to limit a plan's or issuer's coverage with respect to clinical trials.

Subtitle C—Access to Information

SEC. 4121. PATIENT ACCESS TO INFORMATION.

(a) Disclosure Requirement.—

(1) Group health plans.—A group health plan shall—

(A) provide to participants and beneficiaries at the time of initial coverage under the plan (or the effective date of this section, in the case of individuals who are participants or beneficiaries as of such date), and at least annually thereafter, the information described in subsection (b) in printed form;

(B) provide to participants and beneficiaries, within a reasonable period (as specified by the appropriate Secretary) before or after the date of significant changes in the information described in subsection (b), information in printed form on such significant changes; and

(C) upon request, make available to participants and beneficiaries, the applicable authority, and prospective participants and beneficiaries, the information described in subsection (b) or (c) in printed form.

(2) Health insurance issuers.—A health insurance issuer in connection with the provision of health insurance coverage shall—

(A) provide to individuals enrolled under such coverage at the time of enrollment, and at least annually thereafter, the information described in subsection (b) in printed form;

(B) provide to enrollees, within a reasonable period (as specified by the appropriate Secretary) before or after the date of significant changes in the information described in subsection (b), information in printed form on such significant changes; and

(C) upon request, make available to the applicable authority, to individuals who are prospective enrollees, and to the public the information described in subsection (b) or (c) in printed form.

(b) Information Provided.—The information described in this subsection with respect to a group health plan or health insurance coverage offered by a health insurance issuer includes the following:

(1) Service area.—The service area of the plan or issuer.

(2) Benefits.—Benefits offered under the plan or coverage, including—

(A) covered benefits, including benefit limits and coverage exclusions;

(B) cost sharing, such as deductibles, coinsurance, and copayment amounts, including any liability for balance billing, any maximum limitations on out of pocket expenses, and the maximum out of pocket costs for services that are provided by nonparticipating providers or that are furnished without meeting the applicable utilization review requirements;

(C) the extent to which benefits may be obtained from nonparticipating providers;

(D) the extent to which a participant, beneficiary, or enrollee may select from among participating providers and the types of providers participating in the plan or issuer network;

(E) process for determining experimental coverage; and

(F) use of a prescription drug formulary.

(3) Access.—A description of the following:

(A) The number, mix, and distribution of providers under the plan or coverage.

(B) Out-of-network coverage (if any) provided by the plan or coverage.

(C) Any point-of-service option (including any supplemental premium or cost-sharing for such option).

(D) The procedures for participants, beneficiaries, and enrollees to select, access, and change participating primary and specialty providers.

(E) The rights and procedures for obtaining referrals (including standing referrals) to participating and nonparticipating providers.

(F) The name, address, and telephone number of participating health care providers and an indication of whether each such provider is available to accept new patients.

(G) Any limitations imposed on the selection of qualifying participating health care providers, including any limitations imposed under section 4112(b)(2).

(H) How the plan or issuer addresses the needs of participants, beneficiaries, and enrollees and others who do not speak English or who have other special communications needs in accessing providers under the plan or coverage, including the provision of information described in this subsection and subsection (c) to such individuals.

(4) Out-of-area coverage.—Out-of-area coverage provided by the plan or issuer.

(5) Emergency coverage.—Coverage of emergency services, including—

(A) the appropriate use of emergency services, including use of the 911 telephone system or its local equivalent in emergency situations and an explanation of what constitutes an emergency situation;

(B) the process and procedures of the plan or issuer for obtaining emergency services; and

(C) the locations of (i) emergency departments, and (ii) other settings, in which plan physicians and hospitals provide emergency services and post-stabilization care.

(6) Percentage of premiums used for benefits (loss-ratios).—In the case of health insurance coverage only (and not with respect to group health plans that do not provide coverage through health insurance coverage), a description of the overall loss-ratio for the coverage (as defined in accordance with rules established or recognized by the Secretary of Health and Human Services).

(7) Prior authorization rules.—Rules regarding prior authorization or other review requirements that could result in noncoverage or nonpayment.

(8) Grievance and appeals procedures.—All appeal or grievance rights and procedures under the plan or coverage, including the method for filing grievances and the time frames and circumstances for acting on grievances and appeals, who is the applicable authority with respect to the plan or issuer.

(9) Quality assurance.—Any information made public by an accrediting organization in the process of accreditation of the plan or issuer or any additional quality indicators the plan or issuer makes available.

(10) Information on issuer.—Notice of appropriate mailing addresses and telephone numbers to be used by participants, beneficiaries, and enrollees in seeking information or authorization for treatment.

(11) Notice of requirements.—Notice of the requirements of this title.

(12) Availability of information on request.—Notice that the information described in subsection (c) is available upon request.

(c) Information Made Available Upon Request.—The information described in this subsection is the following:

(1) Utilization review activities.—A description of procedures used and requirements (including circumstances, time frames, and appeal rights) under any utilization review program under section 4101, including under any drug formulary program under section 4118.

(2) Grievance and appeals information.—Information on the number of grievances and appeals and on the disposition in the aggregate of such matters.

(3) Method of physician compensation.—A general description by category (including salary, fee-for-service, capitation, and such other categories as may be specified in regulations of the Secretary) of the applicable method by which a specified prospective or treating health care professional is (or would be) compensated in connection with the provision of health care under the plan or coverage.

(4) Specific information on credentials of participating providers.—In the case of each participating provider, a description of the credentials of the provider.

(5) Formulary restrictions.—A description of the nature of any drug formula restrictions.

(6) Participating provider list.—A list of current participating health care providers.

(d) Construction.—Nothing in this section shall be construed as requiring public disclosure of individual contracts or financial arrangements between a group health plan or health insurance issuer and any provider.

Subtitle D—Protecting the Doctor-Patient Relationship

SEC. 4131. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

(a) General Rule.—The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of health care providers) shall not prohibit or otherwise restrict a health care professional from advising such a participant, beneficiary, or enrollee who is a patient of the professional about the health status of the individual or medical care or treatment for the individual's condition or disease, regardless of whether benefits for such care or treatment are provided under the plan or coverage, if the professional is acting within the lawful scope of practice.

(b) Nullification.—Any contract provision or agreement that restricts or prohibits medical communications in violation of subsection (a) shall be null and void.

SEC. 4132. PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS BASED ON LICENSURE.

(a) In General.—A group health plan and a health insurance issuer offering health insurance coverage shall not discriminate with respect to participation or indemnification as to any provider who is acting within the scope of the provider's license or certification under applicable State law, solely on the basis of such license or certification.

(b) Construction.—Subsection (a) shall not be construed—

(1) as requiring the coverage under a group health plan or health insurance coverage of particular benefits or services or to prohibit a plan or issuer from including providers only to the extent necessary to meet the needs of the plan's or issuer's participants, beneficiaries, or enrollees or from establishing any measure designed to maintain quality and control costs consistent with the responsibilities of the plan or issuer;

(2) to override any State licensure or scope-of-practice law; or

(3) as requiring a plan or issuer that offers network coverage to include for participation every willing provider who meets the terms and conditions of the plan or issuer.

SEC. 4133. PROHIBITION AGAINST IMPROPER INCENTIVE ARRANGEMENTS.

(a) In General.—A group health plan and a health insurance issuer offering health insurance coverage may not operate any physician incentive plan (as defined in subparagraph (B) of section 1876(i)(8) of the Social Security Act) unless the requirements described in clauses (i), (ii)(I), and (iii) of subparagraph (A) of such section are met with respect to such a plan.

(b) Application.—For purposes of carrying out paragraph (1), any reference in section 1876(i)(8) of the Social Security Act to the Secretary, an eligible organization, or an individual enrolled with the organization shall be treated as a reference to the applicable authority, a group health plan or health insurance issuer, respectively, and a participant, beneficiary, or enrollee with the plan or organization, respectively.

(c) Construction.—Nothing in this section shall be construed as prohibiting all capitation and similar arrangements or all provider discount arrangements.

SEC. 4134. PAYMENT OF CLAIMS.

A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide for prompt payment of claims submitted for health care services or supplies furnished to a participant, beneficiary, or enrollee with respect to benefits covered by the plan or issuer, in a manner consistent with the provisions of sections 1816(c)(2) and 1842(c)(2) of the Social Security Act (42 U.S.C. 1395h(c)(2) and 42 U.S.C. 1395u(c)(2)), except that for purposes of this section, subparagraph (C) of section 1816(c)(2) of the Social Security Act shall be treated as applying to claims received from a participant, beneficiary, or enrollee as well as claims referred to in such subparagraph.

SEC. 4135. PROTECTION FOR PATIENT ADVOCACY.

(a) Protection for Use of Utilization Review and Grievance Process.—A group health plan, and a health insurance issuer with respect to the provision of health insurance coverage, may not retaliate against a participant, beneficiary, enrollee, or health care provider based on the participant's, beneficiary's, enrollee's or provider's use of, or participation in, a utilization review process or a grievance process of the plan or issuer (including an internal or external review or appeal process) under this title.

(b) Protection for Quality Advocacy by Health Care Professionals.—

(1) In general.—A group health plan or health insurance issuer may not retaliate or discriminate against a protected health care professional because the professional in good faith—

(A) discloses information relating to the care, services, or conditions affecting one or more participants, beneficiaries, or enrollees of the plan or issuer to an appropriate public regulatory agency, an appropriate private accreditation body, or appropriate management personnel of the plan or issuer; or

(B) initiates, cooperates, or otherwise participates in an investigation or proceeding by such an agency with respect to such care, services, or conditions.

If an institutional health care provider is a participating provider with such a plan or issuer or otherwise receives payments for benefits provided by such a plan or issuer, the provisions of the previous sentence shall apply to the provider in relation to care, services, or conditions affecting one or more patients within an institutional health care provider in the same manner as they apply to the plan or issuer in relation to care, services, or conditions provided to one or more participants, beneficiaries, or enrollees; and for purposes of applying this sentence, any reference to a plan or issuer is deemed a reference to the institutional health care provider.

(2) Good faith action.—For purposes of paragraph (1), a protected health care professional is considered to be acting in good faith with respect to disclosure of information or participation if, with respect to the information disclosed as part of the action—

(A) the disclosure is made on the basis of personal knowledge and is consistent with that degree of learning and skill ordinarily possessed by health care professionals with the same licensure or certification and the same experience;

(B) the professional reasonably believes the information to be true;

(C) the information evidences either a violation of a law, rule, or regulation, of an applicable accreditation standard, or of a generally recognized professional or clinical standard or that a patient is in imminent hazard of loss of life or serious injury; and

(D) subject to subparagraphs (B) and (C) of paragraph (3), the professional has followed reasonable internal procedures of the plan, issuer, or institutional health care provider established for the purpose of addressing quality concerns before making the disclosure.

(3) Exception and special rule.—

(A) General exception.—Paragraph (1) does not protect disclosures that would violate Federal or State law or diminish or impair the rights of any person to the continued protection of confidentiality of communications provided by such law.

(B) Notice of internal procedures.—Subparagraph (D) of paragraph (2) shall not apply unless the internal procedures involved are reasonably expected to be known to the health care professional involved. For purposes of this subparagraph, a health care professional is reasonably expected to know of internal procedures if those procedures have been made available to the professional through distribution or posting.

(C) Internal procedure exception.—Subparagraph (D) of paragraph (2) also shall not apply if—

(i) the disclosure relates to an imminent hazard of loss of life or serious injury to a patient;

(ii) the disclosure is made to an appropriate private accreditation body pursuant to disclosure procedures established by the body; or

(iii) the disclosure is in response to an inquiry made in an investigation or proceeding of an appropriate public regulatory agency and the information disclosed is limited to the scope of the investigation or proceeding.

(4) Additional considerations.—It shall not be a violation of paragraph (1) to take an adverse action against a protected health care professional if the plan, issuer, or provider taking the adverse action involved demonstrates that it would have taken the same adverse action even in the absence of the activities protected under such paragraph.

(5) Notice.—A group health plan, health insurance issuer, and institutional health care provider shall post a notice, to be provided or approved by the Secretary of Labor, setting forth excerpts from, or summaries of, the pertinent provisions of this subsection and information pertaining to enforcement of such provisions.

(6) Constructions.—

(A) Determinations of coverage.—Nothing in this subsection shall be construed to prohibit a plan or issuer from making a determination not to pay for a particular medical treatment or service or the services of a type of health care professional.

(B) Enforcement of peer review protocols and internal procedures.—Nothing in this subsection shall be construed to prohibit a plan, issuer, or provider from establishing and enforcing reasonable peer review or utilization review protocols or determining whether a protected health care professional has complied with those protocols or from establishing and enforcing internal procedures for the purpose of addressing quality concerns.

(C) Relation to other rights.—Nothing in this subsection shall be construed to abridge rights of participants, beneficiaries, enrollees, and protected health care professionals under other applicable Federal or State laws.

(7) Protected health care professional defined.—For purposes of this subsection, the term "protected health care professional" means an individual who is a licensed or certified health care professional and who—

(A) with respect to a group health plan or health insurance issuer, is an employee of the plan or issuer or has a contract with the plan or issuer for provision of services for which benefits are available under the plan or issuer; or

(B) with respect to an institutional health care provider, is an employee of the provider or has a contract or other arrangement with the provider respecting the provision of health care services.

Subtitle E—Definitions

SEC. 4151. DEFINITIONS.

(a) Incorporation of General Definitions.—Except as otherwise provided, the provisions of section 2791 of the Public Health Service Act shall apply for purposes of this title in the same manner as they apply for purposes of title XXVII of such Act.

(b) Secretary.—Except as otherwise provided, the term "Secretary" means the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the term "appropriate Secretary" means the Secretary of Health and Human Services in relation to carrying out this title under sections 2706 and 2751 of the Public Health Service Act and the Secretary of Labor in relation to carrying out this title under section 713 of the Employee Retirement Income Security Act of 1974.

(c) ADDITIONAL DEFINITIONS.—For purposes of this title:

(1) ACTIVELY PRACTICING.—The term "actively practicing" means, with respect to a physician or other health care professional, such a physician or professional who provides professional services to individual patients on average at least two full days per week.

(2) APPLICABLE AUTHORITY.—The term "applicable authority" means—

(A) in the case of a group health plan, the Secretary of Health and Human Services and the Secretary of Labor; and

(B) in the case of a health insurance issuer with respect to a specific provision of this title, the applicable State authority (as defined in section 2791(d) of the Public Health Service Act), or the Secretary of Health and Human Services, if such Secretary is enforcing such provision under section 2722(a)(2) or 2761(a)(2) of the Public Health Service Act.

(3) CLINICAL PEER.—The term "clinical peer" means, with respect to a review or appeal, an actively practicing physician (allopathic or osteopathic) or other actively practicing health care professional who holds a nonrestricted license, and who is appropriately credentialed in the same or similar specialty or subspecialty (as appropriate) as typically handles the medical condition, procedure, or treatment under review or appeal and includes a pediatric specialist where appropriate; except that only a physician (allopathic or osteopathic) may be a clinical peer with respect to the review or appeal of treatment recommended or rendered by a physician.

(4) ENROLLEE.—The term "enrollee" means, with respect to health insurance coverage offered by a health insurance issuer, an individual enrolled with the issuer to receive such coverage.

(5) GROUP HEALTH PLAN.—The term "group health plan" has the meaning given such term in section 733(a) of the Employee Retirement Income Security Act of 1974 and in section 2791(a)(1) of the Public Health Service Act.

(6) HEALTH CARE PROFESSIONAL.—The term "health care professional" means an individual who is licensed, accredited, or certified under State law to provide specified health care services and who is operating within the scope of such licensure, accreditation, or certification.

(7) HEALTH CARE PROVIDER.—The term "health care provider" includes a physician or other health care professional, as well as an institutional or other facility or agency that provides health care services and that is licensed, accredited, or certified to provide health care items and services under applicable State law.

(8) NETWORK.—The term "network" means, with respect to a group health plan or health insurance issuer offering health insurance coverage, the participating health care professionals and providers through whom the plan or issuer provides health care items and services to participants, beneficiaries, or enrollees.

(9) NONPARTICIPATING.—The term "nonparticipating" means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage, a health care provider that is not a participating health care provider with respect to such items and services.

(10) PARTICIPATING.—The term "participating" means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage offered by a health insurance issuer, a health care provider that furnishes such items and services under a contract or other arrangement with the plan or issuer.

(11) PRIOR AUTHORIZATION.—The term "prior authorization" means the process of obtaining prior approval from a health insurance issuer or group health plan for the provision or coverage of medical services.

SEC. 4152. PREEMPTION; STATE FLEXIBILITY; CONSTRUCTION.

(a) CONTINUED APPLICABILITY OF STATE LAW WITH RESPECT TO HEALTH INSURANCE ISSUERS.—

(1) IN GENERAL.—Subject to paragraph (2), this title shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers (in connection with group health insurance coverage or otherwise) except to the extent that such standard or requirement prevents the application of a requirement of this title.

(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this title shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 with respect to group health plans.

(b) DEFINITIONS.—For purposes of this section:

(1) STATE LAW.—The term "State law" includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

(2) STATE.—The term "State" includes a State, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any political subdivisions of such, or any agency or instrumentality of such.

SEC. 4153. EXCLUSIONS.

(a) NO BENEFIT REQUIREMENTS.—Nothing in this title shall be construed to require a group health plan or a health insurance issuer offering health insurance coverage to include specific items and services under the terms of such a plan or coverage, other than those that are provided for under the terms of such plan or coverage.

(b) EXCLUSION FROM ACCESS TO CARE MANAGED CARE PROVISIONS FOR FEE-FOR-SERVICE COVERAGE.—

(1) IN GENERAL.—The provisions of sections 4111 through 4117 shall not apply to a group health plan or health insurance coverage if the only coverage offered under the plan or coverage is fee-for-service coverage (as defined in paragraph (2)).

(2) FEE-FOR-SERVICE COVERAGE DEFINED.—For purposes of this subsection, the term "fee-for-service coverage" means coverage under a group health plan or health insurance coverage that—

(A) reimburses hospitals, health professionals, and other providers on the basis of a rate determined by the plan or issuer on a fee-for-service basis without placing the provider at financial risk;

(B) does not vary reimbursement for such a provider based on an agreement to contract terms and conditions or the utilization of health care items or services relating to such provider;

(C) does not restrict the selection of providers among those who are lawfully authorized to provide the covered services and agree to accept the terms and conditions of payment established under the plan or by the issuer; and

(D) for which the plan or issuer does not require prior authorization before providing coverage for any services.

SEC. 4154. COVERAGE OF LIMITED SCOPE PLANS.

Only for purposes of applying the requirements of this title under sections 2707 and 2753 of the Public Health Service Act and section 714 of the Employee Retirement Income Security Act of 1974, section 2791(c)(2)(A), and section 733(c)(2)(A) of the Employee Retirement Income Security Act of 1974 shall be deemed not to apply.

SEC. 4155. REGULATIONS.

The Secretaries of Health and Human Services and Labor shall issue such regulations as may be necessary or appropriate to carry out this title. Such regulations shall be issued consistent with section 104 of Health Insurance Portability and Accountability Act of 1996. Such Secretaries may promulgate any interim final rules as the Secretaries determine are appropriate to carry out this title.

TITLE XLII—APPLICATION OF QUALITY CARE STANDARDS TO GROUP HEALTH PLANS AND HEALTH INSURANCE COVERAGE UNDER THE PUBLIC HEALTH SERVICE ACT

SEC. 4201. APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. 2707. PATIENT PROTECTION STANDARDS.

"(a) IN GENERAL.—Each group health plan shall comply with patient protection requirements under title XLI of the Patients' Bill of Rights Act, and each health insurance issuer shall comply with patient protection requirements under such title with respect to group health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.

"(b) NOTICE.—A group health plan shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) and a health insurance issuer shall comply with such notice requirement as if such section applied to such issuer and such issuer were a group health plan.".

(b) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of such Act (42 U.S.C. 300gg-21(b)(2)(A)) is amended by inserting "(other than section 2707)", after "requirements of such subparts".

SEC. 4202. APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.

Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2752 the following new section:

"SEC. 2753. PATIENT PROTECTION STANDARDS.

"(a) IN GENERAL.—Each health insurance issuer shall comply with patient protection requirements under title XLI of the Patients' Bill of Rights Act with respect to individual health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.

"(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of such title as if such section applied to such issuer and such issuer were a group health plan.''.

TITLE XLIII—AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 4301. APPLICATION OF PATIENT PROTECTION STANDARDS TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

"SEC. 714. PATIENT PROTECTION STANDARDS.

"(a) In General.—Subject to subsection (b), a group health plan (and a health insurance issuer offering group health insurance coverage in connection with such a plan) shall comply with the requirements of title XLI of the Patients' Bill of Rights Act (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this subsection.

"(b) Plan Satisfaction of Certain Requirements.—

"(1) Satisfaction of certain requirements through insurance.—For purposes of subsection (a), insofar as a group health plan provides benefits in the form of health insurance coverage through a health insurance issuer, the plan shall be treated as meeting the following requirements of title XLI of the Patients' Bill of Rights Act with respect to such benefits and not be considered as failing to meet such requirements because of a failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer:

"(A) Section 4112 (relating to choice of providers).

"(B) Section 4113 (relating to access to emergency care).

"(C) Section 4114 (relating to access to specialty care).

"(D) Section 4115 (relating to access to obstetrical and gynecological care).

"(E) Section 4116 (relating to access to pediatric care).

"(F) Section 4117(a)(1) (relating to continuity in case of termination of provider contract) and section 4117(a)(2) (relating to continuity in case of termination of issuer contract), but only insofar as a replacement issuer assumes the obligation for continuity of care.

"(G) Section 4118 (relating to access to needed prescription drugs).

"(H) Section 4119 (relating to coverage for individuals participating in approved clinical trials.)

"(I) Section 4134 (relating to payment of claims).

"(2) Information.—With respect to information required to be provided or made available under section 4121, in the case of a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide or make available the information (and is not liable for the issuer's failure to provide or make available the information), if the issuer is obligated to provide and make available (or provides and makes available) such information.

"(3) Grievance and internal appeals.—With respect to the internal appeals process and the grievance system required to be established under sections 4102 and 4104, in the case of a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide for such process and system (and is not liable for the issuer's failure to provide for such process and system), if the issuer is obligated to provide for (and provides for) such process and system.

"(4) External appeals.—Pursuant to rules of the Secretary, insofar as a group health plan enters into a contract with a qualified external appeal entity for the conduct of external appeal activities in accordance with section 4103, the plan shall be treated as meeting the requirement of such section and is not liable for the entity's failure to meet any requirements under such section.

"(5) Application to prohibitions.—Pursuant to rules of the Secretary, if a health insurance issuer offers health insurance coverage in connection with a group health plan and takes an action in violation of any of the following sections, the group health plan shall not be liable for such violation unless the plan caused such violation:

"(A) Section 4131 (relating to prohibition of interference with certain medical communications).

"(B) Section 4132 (relating to prohibition of discrimination against providers based on licensure).

"(C) Section 4133 (relating to prohibition against improper incentive arrangements).

"(D) Section 4135 (relating to protection for patient advocacy).

"(6) Construction.—Nothing in this subsection shall be construed to affect or modify the responsibilities of the fiduciaries of a group health plan under part 4 of subtitle B.

"(7) Application to certain prohibitions against retaliation.—With respect to compliance with the requirements of section 4135(b)(1) of the Patients' Bill of Rights Act, for purposes of this subtitle the term 'group health plan' is deemed to include a reference to an institutional health care provider.

"(c) Enforcement of Certain Requirements.—

"(1) Complaints.—Any protected health care professional who believes that the professional has been retaliated or discriminated against in violation of section 4135(b)(1) of the Patients' Bill of Rights Act may file with the Secretary a complaint within 180 days of the date of the alleged retaliation or discrimination.

"(2) Investigation.—The Secretary shall investigate such complaints and shall determine if a violation of such section has occurred and, if so, shall issue an order to ensure that the protected health care professional does not suffer any loss of position, pay, or benefits in relation to the plan, issuer, or provider involved, as a result of the violation found by the Secretary.

"(d) Conforming Regulations.—The Secretary may issue regulations to coordinate the requirements on group health plans under this section with the requirements imposed under the other provisions of this title.".

(b) Satisfaction of ERISA Claims Procedure Requirement.—Section 503 of such Act (29 U.S.C. 1133) is amended by inserting "(a)" after "Sec. 503." and by adding at the end the following new subsection:

"(b) In the case of a group health plan (as defined in section 733) compliance with the requirements of subtitle A of title XLI of the Patients Bill of Rights Act in the case of a claims denial shall be deemed compliance with subsection (a) with respect to such claims denial.".

(c) Conforming Amendments.—(1) Section 732(a) of such Act (29 U.S.C. 1185(a)) is amended by striking "section 711" and inserting "sections 711 and 714".

(2) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Patient protection standards.".

(3) Section 502(b)(3) of such Act (29 U.S.C. 1132(b)(3)) is amended by inserting "(other than section 135(b))" after "part 7".

SEC. 4302. ERISA PREEMPTION NOT TO APPLY TO CERTAIN ACTIONS INVOLVING HEALTH INSURANCE POLICYHOLDERS.

(a) In General.—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) (as amended by section 301(b)) is amended further by adding at the end the following subsections:

"(f) Preemption Not To Apply to Certain Actions Arising Out of Provision of Health Benefits.—

"(1) Non-preemption of certain causes of action.—

"(A) In general.—Except as provided in this subsection, nothing in this title shall be construed to invalidate, impair, or supersede any cause of action by a participant or beneficiary (or the estate of a participant or beneficiary) under State law to recover damages resulting from personal injury or for wrongful death against any person—

"(i) in connection with the provision of insurance, administrative services, or medical services by such person to or for a group health plan as defined in section 733), or

"(ii) that arises out of the arrangement by such person for the provision of such insurance, administrative services, or medical services by other persons.

"(B) Limitation on punitive damages.—

"(i) In general.—No person shall be liable for any punitive, exemplary, or similar damages in the case of a cause of action brought under subparagraph (A) if—

"(I) it relates to an externally appealable decision (as defined in subsection (a)(2) of section 4103 of the Patients' Bill of Rights Act);

"(II) an external appeal with respect to such decision was completed under such section 4103;

"(III) in the case such external appeal was initiated by the plan or issuer filing the request for the external appeal, the request was filed on a timely basis before the date the action was brought or, if later, within 30 days after the date the externally appealable decision was made; and

"(IV) the plan or issuer complied with the determination of the external appeal entity upon receipt of the determination of the external appeal entity.

The provisions of this clause supersede any State law or common law to the contrary.

"(ii) Exception.—Clause (i) shall not apply with respect to damages in the case of a cause of action for wrongful death if the applicable State law provides (or has been construed to provide) for damages in such a cause of action which are only punitive or exemplary in nature.

"(C) Personal injury defined.—For purposes of this subsection, the term 'personal injury' means a physical injury and includes an injury arising out of the treatment (or failure to treat) a mental illness or disease.

"(2) Exception for group health plans, employers, and other plan sponsors.—

"(A) IN GENERAL.—Subject to subparagraph (B), paragraph (1) does not authorize—

"(i) any cause of action against a group health plan or an employer or other plan sponsor maintaining the plan (or against an employee of such a plan, employer, or sponsor acting within the scope of employment), or

"(ii) a right of recovery, indemnity, or contribution by a person against a group health plan or an employer or other plan sponsor (or such an employee) for damages assessed against the person pursuant to a cause of action under paragraph (1).

"(B) SPECIAL RULE.—Subparagraph (A) shall not preclude any cause of action described in paragraph (1) against group health plan or an employer or other plan sponsor (or against an employee of such a plan, employer, or sponsor acting within the scope of employment) if—

"(i) such action is based on the exercise by the plan, employer, or sponsor (or employee) of discretionary authority to make a decision on a claim for benefits covered under the plan or health insurance coverage in the case at issue; and

"(ii) the exercise by the plan, employer, or sponsor (or employee) of such authority resulted in personal injury or wrongful death.

"(C) EXCEPTION.—The exercise of discretionary authority described in subparagraph (B)(i) shall not be construed to include—

"(i) the decision to include or exclude from the plan any specific benefit;

"(ii) any decision to provide extra-contractual benefits; or

"(iii) any decision not to consider the provision of a benefit while internal or external review is being conducted.

"(3) FUTILITY OF EXHAUSTION.—An individual bringing an action under this subsection is required to exhaust administrative processes under sections 4102 and 4103 of the Patients' Bill of Rights Act, unless the injury to or death of such individual has occurred before the completion of such processes.

"(4) CONSTRUCTION.—Nothing in this subsection shall be construed as—

"(A) permitting a cause of action under State law for the failure to provide an item or service which is specifically excluded under the group health plan involved;

"(B) as preempting a State law which requires an affidavit or certificate of merit in a civil action; or

"(C) permitting a cause of action or remedy under State law in connection with the provision or arrangement of excepted benefits (as defined in section 733(c)), other than those described in section 733(c)(2)(A).

"(g) RULES OF CONSTRUCTION RELATING TO HEALTH CARE.—Nothing in this title shall be construed as—

"(1) permitting the application of State laws that are otherwise superseded by this title and that mandate the provision of specific benefits by a group health plan (as defined in section 733(a)) or a multiple employer welfare arrangement (as defined in section 3(40)), or

"(2) affecting any State law which regulates the practice of medicine or provision of medical care, or affecting any action based upon such a State law.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to acts and omissions occurring on or after the date of enactment of this Act, from which a cause of action arises.

SEC. 4303. LIMITATIONS ON ACTIONS.

Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) (as amended by section 304(b)) is amended further by adding at the end the following new subsection:

"(o)(1) Except as provided in this subsection, no action may be brought under subsection (a)(1)(B), (a)(2), or (a)(3) by a participant or beneficiary seeking relief based on the application of any provision in section 4101, subtitle B, or subtitle D of title XLI of the Patients' Bill of Rights Act (as incorporated under section 714).

"(2) An action may be brought under subsection (a)(1)(B), (a)(2), or (a)(3) by a participant or beneficiary seeking relief based on the application of section 4101, 4113, 4114, 4115, 4116, 4117, 4119, or 4118(3) of the Patients' Bill of Rights Act (as incorporated under section 714) to the individual circumstances of that participant or beneficiary, except that—

"(A) such an action may not be brought or maintained as a class action; and

"(B) in such an action, relief may only provide for the provision of (or payment of) benefits, items, or services denied to the individual participant or beneficiary involved (and for attorney's fees and the costs of the action, at the discretion of the court) and shall not provide for any other relief to the participant or beneficiary or for any relief to any other person.

"(3) Nothing in this subsection shall be construed as affecting any action brought by the Secretary.".

TITLE XLIV—APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986

SEC. 4401. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Standard relating to patient freedom of choice.";

and

(2) by inserting after section 9812 the following:

"SEC. 9813. STANDARD RELATING TO PATIENTS' BILL OF RIGHTS.

"A group health plan shall comply with the requirements of title XLI of the Patients' Bill of Rights Act (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this section.".

TITLE XLV—EFFECTIVE DATES; COORDINATION IN IMPLEMENTATION

SEC. 4501. EFFECTIVE DATES.

(a) GROUP HEALTH COVERAGE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by sections 4201(a), 4301, 4303, and 4401 (and title XLI insofar as it relates to such sections) shall apply with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning on or after October 1, 2002 (in this section referred to as the "general effective date") and also shall apply to portions of plan years occurring on and after such date.

(2) TREATMENT OF COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by sections 4201(a), 4301, 4303, and 4401 (and title XLI insofar as it relates to such sections) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act); or

(B) the general effective date.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this division shall not be treated as a termination of such collective bargaining agreement.

(b) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The amendments made by section 4202 shall apply with respect to individual health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the general effective date.

SEC. 4502. COORDINATION IN IMPLEMENTATION.

The Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of the Treasury shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which such Secretaries have responsibility under the provisions of this division (and the amendments made thereby) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

TITLE XLVI—MISCELLANEOUS PROVISIONS

SEC. 4601. HEALTH CARE PAPERWORK SIMPLIFICATION.

(a) ESTABLISHMENT OF PANEL.—

(1) ESTABLISHMENT.—There is established a panel to be known as the Health Care Panel to Devise a Uniform Explanation of Benefits (in this section referred to as the "Panel").

(2) DUTIES OF PANEL.—

(A) IN GENERAL.—The Panel shall devise a single form for use by third-party health care payers for the remittance of claims to providers.

(B) DEFINITION.—For purposes of this section, the term "third-party health care payer" means any entity that contractually pays health care bills for an individual.

(3) MEMBERSHIP.—

(A) SIZE AND COMPOSITION.—The Secretary of Health and Human Services shall determine the number of members and the composition of the Panel. Such Panel shall include equal numbers of representatives of private insurance organizations, consumer groups, State insurance commissioners, State medical societies, State hospital associations, and State medical specialty societies.

(B) TERMS OF APPOINTMENT.—The members of the Panel shall serve for the life of the Panel.

(C) VACANCIES.—A vacancy in the Panel shall not affect the power of the remaining members to execute the duties of the Panel, but any such vacancy shall be filled in the same manner in which the original appointment was made.

(4) PROCEDURES.—

(A) MEETINGS.—The Panel shall meet at the call of a majority of its members.

(B) FIRST MEETING.—The Panel shall convene not later than 60 days after the date of the enactment of the Bipartisan Consensus Managed Care Improvement Act of 1999.

(C) QUORUM.—A quorum shall consist of a majority of the members of the Panel.

(D) HEARINGS.—For the purpose of carrying out its duties, the Panel may hold such hearings and undertake such other activities as the Panel determines to be necessary to carry out its duties.

(5) ADMINISTRATION.—

(A) COMPENSATION.—Except as provided in subparagraph (B), members of the Panel shall receive no additional pay, allowances, or benefits by reason of their service on the Panel.

(B) TRAVEL EXPENSES AND PER DIEM.—Each member of the Panel who is not an officer or employee of the Federal Government shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(C) CONTRACT AUTHORITY.—The Panel may contract with and compensate Government and private agencies or persons for items and services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(D) USE OF MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(E) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Panel, the Secretary of Health and Human Services shall provide to the Panel on a reimbursable basis such administrative support services as the Panel may request.

(6) SUBMISSION OF FORM.—Not later than 2 years after the first meeting, the Panel shall submit a form to the Secretary of Health and Human Services for use by third-party health care payers.

(7) TERMINATION.—The Panel shall terminate on the day after submitting the form under paragraph (6).

(b) REQUIREMENT FOR USE OF FORM BY THIRD-PARTY CARE PAYERS.—A third-party health care payer shall be required to use the form devised under subsection (a) for plan years beginning on or after 5 years following the date of the enactment of this Act.

SEC. 4602. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this Act has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such Act.

SEC. 4603. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking "2003" and inserting "2010".

BINGAMAN (AND DOMENICI) AMENDMENT NO. 3274

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . MAVERICK MISSILE UPGRADES.

AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section XXX for missile procurement for the Air Force, the amount available for Maverick modifications is hereby increased by $5,000,000.

(2) Of the amounts available under this Act for In-Service Missile Modifications, as increased by paragraph (1), $5,000,000 shall be available for conversion of AGM-65B and AGM-65G missiles to both the AGM-65H and K configurations, of which an appropriate quantity will be procured for Air National Guard pilot training.

(3) The amount made available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts made available under this Act for that purpose.

EDWARDS (AND TORRICELLI) AMENDMENT NO. 3275

(Ordered to lie on the table.)

Mr. EDWARDS (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) during September 1999, Hurricane Floyd ran a path of destruction along the entire eastern seaboard from Florida to Maine;

(2) Hurricane Floyd was the most destructive natural disaster in the history of the State of North Carolina and most costly natural disaster in the history of the State of New Jersey;

(3) the Federal Emergency Management Agency declared Hurricane Floyd the eighth worst natural disaster of the past decade;

(4) although the Federal Emergency Management Agency coordinates the Federal response to natural disasters that exceed the capabilities of State and local governments and assists communities to recover from those disasters, the Federal Emergency Management Agency is not equipped to provide long-term economic recovery assistance;

(5) it has been 9 months since Hurricane Floyd and the Nation has hundreds of communities that have yet to recover from the devastation caused by that disaster;

(6) in the past, Congress has responded to natural disasters by providing additional economic community development assistance to communities recovering from those disasters, including $250,000,000 for Hurricane Georges in 1998, $552,000,000 for Red River Valley Floods in North Dakota in 1997, $25,000,000 for Hurricanes Fran and Hortense in 1996, and $725,000,000 for the Northridge Earthquake in California in 1994;

(7) additional assistance provided by Congress to communities recovering from natural disasters has been in the form of community development block grants administered by the Department of Housing and Urban Development and grants administered by the Economic Development Administration;

(8) communities affected by Hurricane Floyd are facing similar recovery needs as have victims of other natural disasters and will need long-term economic recovery plans to make them strong again; and

(9) on April 7, 2000, the Senate passed amendment number 3001 to S. Con. Res. 101, which amendment would allocate $250,000,000 in long-term economic development aid to assist communities rebuilding from Hurricane Floyd, including $150,000,000 in community development block grant funding and $50,000,000 in rural facilities grant funding.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) communities devastated by Hurricane Floyd should know that, in the past, Congress has responded to natural disasters by demonstrating a commitment to helping affected States and communities to recover;

(2) the Federal response to natural disasters has traditionally been quick, supportive, and appropriate;

(3) recognizing that communities devastated by Hurricane Floyd are facing tremendous challenges as they begin their recovery, the Federal agencies that administer community and regional development programs should expect an increase in applications and other requests from these communities;

(4) community development block grants administered by the Department of Housing and Urban Development, grant programs administered by the Economic Development Administration, and the Community Facilities Grant Program administered by the Department of Agriculture are resources that communities have used to accomplish revitalization and economic development following natural disasters; and

(5) additional community and regional development funding, as provided for in amendment number 3001 to S. Con. Res. 101, as passed by the Senate on April 7, 2000, should be appropriated to assist communities in need of long-term economic development aid as a result of damage suffered by Hurricane Floyd.

EDWARDS AMENDMENT NO. 3276

(Ordered to lie on the table.)

Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill, S. 2549; supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

BINGAMAN AMENDMENT NO. 3277

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 2549; supra; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. CONTROLS ON EXPORTS OF SATELLITES AND RELATED EQUIPMENT.

Section 1513(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2174; 22 U.S.C. 2778 note) is amended to read as follows:

"(b) RELATIONSHIP TO OTHER LAWS.—The satellites and related equipment on the United States Munitions List under subsection (a) shall not be considered as being defense articles or defense services for the purpose of any provision of law other than section 38 of the Arms Export Control Act except as may be specifically provided in that other provision of law.".

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2001

STEVENS (AND INOUYE) AMENDMENT NO. 3278

Mr. STEVENS (for himself and Mr. INOUYE) proposed an amendment to the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $22,173,929,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $17,877,215,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $6,831,373,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, $18,110,764,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,458,961,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,539,490,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $446,586,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $963,752,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,781,236,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,634,181,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $10,616,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $19,049,881,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $5,146,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $23,398,254,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $2,729,758,000.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,878,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the

Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $22,268,977,000 and, in addition, $50,000,000, shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $11,991,688,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $30,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,529,418,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $968,946,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $141,159,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,893,859,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $3,330,535,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $3,481,775,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $4,100,577,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title, the Defense Health Program appropriation, and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURTS OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $8,574,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $389,932,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $294,038,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $376,300,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $21,412,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $231,499,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Overseas Humanitarian, Disaster, and Civic Aid

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), $55,900,000, to remain available until September 30, 2002.

Former Soviet Union Threat Reduction

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, $458,400,000, to remain available until September 30, 2003: *Provided*, That of the amounts provided under this heading, $25,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

TITLE III

PROCUREMENT

Aircraft Procurement, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,532,862,000, to remain available for obligation until September 30, 2003.

Missile Procurement, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,329,781,000, to remain available for obligation until September 30, 2003.

Procurement of Weapons and Tracked Combat Vehicles, Army

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,166,574,000, to remain available for obligation until September 30, 2003.

Procurement of Ammunition, Army

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,212,149,000, to remain available for obligation until September 30, 2003.

Other Procurement, Army

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 35 passenger motor vehicles for replacement only; and the purchase of 12 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,060,728,000, to remain available for obligation until September 30, 2003.

Aircraft Procurement, Navy

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $8,426,499,000, to remain available for obligation until September 30, 2003.

Weapons Procurement, Navy

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,571,650,000, to remain available for obligation until September 30, 2003.

Procurement of Ammunition, Navy and Marine Corps

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $471,749,000, to remain available for obligation until September 30, 2003.

Shipbuilding and Conversion, Navy

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $4,053,653,000;

Carrier Replacement Program (AP), $21,869,000;

NSSN, $1,203,012,000;

NSSM (AP), $508,222,000;

CVN Refuelings, $703,441,000;

CVN Refuelings (AP), $25,000,000;

Submarine Refuelings, $210,414,000;

Submarine Refuelings (AP), $72,277,000;

DDG–51 destroyer program, $2,713,559,000;

DDG–51 destroyer program (AP), $500,000,000;

LPD–17 Program Cost Growth, $285,000,000;

LPD–17 (AP), $200,000,000;

LHD–8 (AP), $460,000,000;

ADC(X), $338,951,000;

LCAC landing craft air cushion program, $15,615,000; and

For craft, outfitting, post delivery, conversions, and first destination transformation transportation, $301,077,000;

In all: $11,612,090,000, to remain available for obligation until September 30, 2005: *Provided*, That additional obligations may be incurred after September 30, 2005, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That the Secretary of the Navy is hereby granted the authority to enter into contracts for an LHD–1 Amphibious Assault Ship and LPD–17 Class Ships which shall be funded on an incremental basis.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 63 passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,400,180,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 33 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,196,368,000, to remain available for obligation until September 30, 2003.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $7,289,934,000, to remain available for obligation until September 30, 2003.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $2,920,815,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $654,808,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 173, passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $7,605,027,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 115 passenger motor vehicles for replacement only; the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,294,908,000, to remain available for obligation until September 30, 2003.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $150,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $5,683,675,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $8,812,070,000, to remain available for obligation until September 30, 2002: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique requirements of the Special Operation Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $13,931,145,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,952,039,000, to remain available for obligation until September 30, 2002.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $218,560,000, to remain available for obligation until September 30, 2002.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds; $916,276,000: *Provided*, That during fiscal year 2001, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 330 passenger carrying motor vehicles for replacement only for the Defense Security Service.

National Defense Sealift Fund

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), $388,158,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

National Defense Airlift Fund

For National Defense Airlift Fund programs, projects, and activities, $2,890,923,000, to remain available until expended: *Provided*, That these funds shall only be available for transfer to the appropriate C–17 program P–1 line items of Titles III of this Act for the purposes specified in this section: *Provided further*, That the funds transferred under the authority provided within this section shall be merged with and shall be available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority contained elsewhere in this Act.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, $12,130,179,000, of which $11,437,293,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2002; of which $290,006,000, to remain available for obligation until September 30, 2003, shall be for Procurement; of which $402,880,000, to remain available for obligation until September 30, 2002, shall be for Research, development, test and evaluation; and of which $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted in African nations.

Chemical Agents and Munitions Destruction, Defense

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $979,400,000, of which $600,000,000 shall be for Operation and maintenance to remain available until September 30, 2002, $105,000,000 shall be for Procurement to remain available until September 30, 2003, and $274,400,000 shall be for Research, development, test and evaluation to remain available until September 30, 2002: *Provided*, That of the funds available under this heading, $1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further*, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

Drug Interdiction and Counter-Drug Activities, Defense

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $933,700,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any transfer authority contained elsewhere in this Act.

Office of the Inspector General

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $147,545,000, of which $144,245,000 shall be for Operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $3,300,000 to remain available until September 30, 2003, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY

Central Intelligence Agency Retirement and Disability System Fund

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $216,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

Intelligence Community Management Account

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $177,331,000, of which $22,557,000 for the Advanced Research and Development Committee shall remain available until September 30, 2002: *Provided*, That of the funds appropriated under this heading, $27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2002, and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2002.

Payment to Kaho'olawe

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $60,000,000, to remain available until expended.

National Security Education Trust Fund

For the purposes of title VIII of Public Law 102–183, $6,950,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS—DEPARTMENT OF DEFENSE

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

M2A3 Bradley fighting vehicle; DDG–51 destroyer; C–17; and UH–60/CH–60 aircraft.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2001, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2002.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(d) of title 38, United States Code, for any member of the armed services who, on or after the date of the enactment of this Act, enlists in the armed services for a period of active duty of less than 3 years, nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than 19 noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process):

Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or Tricare shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2002 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8021. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8022. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That contractors participating in the test program established by section 854 of Public Law 101–189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8023. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8024. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8025. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8026. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8028. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8029. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8030. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8031. Of the funds made available in this Act, not less than $21,417,000 shall be available for the Civil Air Patrol Corporation, of which $19,417,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes $2,000,000 for the Civil Air Patrol counterdrug program: *Provided*, That funds identified for "Civil Air Patrol" under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8032. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2001 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2001, not more than 6,227 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,009 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2002 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8033. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8034. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8035. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8036. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2001. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8037. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8039. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8040. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

SEC. 8041. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: *Provided*, That none of the funds made available for expenditure under this section may be transferred or obligated until 30 days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2001 and 2002, and the specific expenditures to be made using funds transferred from this account during fiscal year 2001.

SEC. 8042. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8043. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8044. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2000 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8045. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2002: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

SEC. 8046. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8047. Of the funds appropriated by the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8048. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8049. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8050. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8051. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8052. Funds appropriated by this Act, or made available by the transfer of funds in this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2001 until the enactment of the Intelligence Authorization Act for Fiscal Year 2001.

SEC. 8053. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8054. Of the funds provided in Department of Defense Acts, the following funds are hereby rescinded as of the date of the enactment of this Act or October 1, 2000, whichever is later, from the following accounts and programs in the specified amounts:

"Weapons and Tracked Combat Vehicles, 2000/2002", $59,000,000;

"Aircraft Procurement, Air Force, 2000/2002", $24,000,000;

"Other Procurement, Army, 2000/2002", $29,300,000;

"Missile Procurement, Air Force, 2000/2002", $30,000,000; and

"Research, Development, Test and Evaluation, Army, 2000/2001", $27,000,000.

SEC. 8055. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8056. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8057. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8058. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Unified and Specified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8059. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,222,000,000.

SEC. 8060. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8061. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8062. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8063. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8064. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8065. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8066. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8067. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: *Provided*, That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8068. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8069. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8070. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8071. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8072. None of the funds provided in title II of this Act for "Former Soviet Union Threat Reduction" may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8074. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8075. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

(TRANSFER OF FUNDS)

SEC. 8076. Upon the enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002":

SSN-21 attack submarine program, $74,000,000;

To:

Under the heading, "Research, Development, Test and Evaluation, Navy, 2001/2002":

For SSN-21 development, $74,000,000.

SEC. 8077. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 2001, a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 2002 budget request was reduced because the Congress appropriated funds above the President's budget request for that specific activity for fiscal year 2001.

SEC. 8078. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8079. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8080. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8081. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8082. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

(RESCISSIONS)

SEC. 8083. Of the funds provided in the Department of Defense Appropriations Act, 1999 (Public Law 105-262), $319,688,000, to reflect savings from revised economic assumptions, is hereby rescinded as of the date of the enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

"Aircraft Procurement, Army", $7,000,000;

"Missile Procurement, Army", $6,000,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army", $7,000,000;

"Procurement of Ammunition, Army", $5,000,000;

"Other Procurement, Army", $16,000,000;

"Aircraft Procurement, Navy", $24,125,000;

"Weapons Procurement, Navy", $3,853,000;

"Procurement of Ammunition, Navy and Marine Corps", $1,463,000;

"Shipbuilding and Conversion, Navy", $19,644,000;

"Other Procurement, Navy", $12,032,000;

"Procurement, Marine Corps", $3,623,000;

"Aircraft Procurement, Air Force", $32,743,000;

"Missile Procurement, Air Force", $5,500,000;

"Procurement of Ammunition, Air Force", $1,232,000;

"Other Procurement, Air Force", $19,902,000;

"Procurement, Defense-Wide", $6,683,000;

"Chemical Agents and Munitions Destruction, Army", $1,103,000;

"Defense Health Program", $808,000;

"Research, Development, Test and Evaluation, Army", $20,592,000;

"Research, Development, Test and Evaluation, Navy", $35,621,000;

"Research, Development, Test and Evaluation, Air Force", $53,467,000; and

"Research, Development, Test and Evaluation, Defense-Wide", $36,297,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

SEC. 8084. The budget of the President for fiscal year 2002 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include budget activity groups (known as "subactivities") in all appropriations accounts provided in this Act, as may be necessary, to separately identify all costs incurred by the Department of Defense to support the North Atlantic Treaty Organization and all Partnership For Peace programs and initiatives. The budget justification materials submitted to the Congress in support of the budget of the Department of Defense for fiscal year 2002, and subsequent fiscal years, shall provide complete, detailed estimates for all such costs.

SEC. 8085. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8086. Funds made available to the Civil Air Patrol in this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense" may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: *Provided*, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

SEC. 8087. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 2000, may be extended for 2 years: *Provided*, That any such extension may only take place if the Secretary of Defense determines that it is in the best interest of the Government: *Provided further*, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: *Provided further*, That notwithstanding any other provision of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 2000, may include a base contract period for transition and up to seven 1-year option periods.

SEC. 8088. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8089. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8090. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $56,200,000 to reflect savings from the pay of civilian personnel, to be distributed as follows:

"Operation and Maintenance, Army", $4,600,000;

"Operation and Maintenance, Navy", $49,600,000; and

"Operation and Maintenance, Defense-Wide", $2,000,000.

SEC. 8091. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $769,700,000 to reflect savings from favorable foreign currency fluctuations, to be distributed as follows:

"Military Personnel, Army", $60,500,000;

"Military Personnel, Navy", $32,000,000;

"Military Personnel, Marine Corps", $9,700,000;

"Military Personnel, Air Force", $53,000,000;

"Operation and Maintenance, Army", $292,100,000;

"Operation and Maintenance, Navy", $105,100,000;

"Operation and Maintenance, Marine Corps", $25,800,000;

"Operation and Maintenance, Air Force," $157,600,000;

"Operation and Maintenance, Defense-Wide", $27,200,000; and

"Defense Health Program", $6,700,000.

SEC. 8092. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the ADC(X) class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8093. Of the funds made available in this Act, not less than $65,200,000 shall be available to maintain an attrition reserve force of 18 B–52 aircraft, of which $3,200,000 shall be available from "Military Personnel, Air Force", $36,900,000 shall be available from "Operation and Maintenance, Air Force", and $25,100,000 shall be available from "Aircraft Procurement, Air Force": *Provided*, That the Secretary of the Air Force shall maintain a total force of 94 B–52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2001: *Provided further*, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2002 amounts sufficient to maintain a B–52 force totaling 94 aircraft.

SEC. 8094. The budget of the President for fiscal year 2001 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Fund, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency.

SEC. 8095. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8096. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system's case management program under 10 U.S.C. 1079(a)(17), the term "custodial care" shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8097. During the current fiscal year—

(1) refunds attributable to the use of the Government travel card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received; and

(2) refunds attributable to the use of the Government Purchase Card by military personnel and civilian employees of the Department of Defense may be credited to accounts of the Department of Defense that are current when the refunds are received and that are available for the same purposes as the accounts originally charged.

SEC. 8098. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8099. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API–T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8100. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8101. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act, may be obligated for environmental remediation under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8102. Of the funds made available under the heading "Operation and Maintenance, Air Force", $10,000,000 shall be transferred to the Department of Transportation to enable the Secretary of Transportation to realign railroad track on Elmendorf Air Force Base and Fort Richardson.

SEC. 8103. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8104. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance: *Provided*, That not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: *Provided further*, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

SEC. 8105. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8106. None of the funds appropriated or otherwise made available by this Act or any other Act may be made available for reconstruction activities in the Republic of Serbia (excluding the province of Kosovo) as long as Slobodan Milosevic remains the President of the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 8107. In addition to the amounts provided elsewhere in this Act, the amount of $10,000,000 is hereby appropriated for "Operation and Maintenance, Defense-Wide", to be available, notwithstanding any other provision of law, only for a grant to the United Service Organizations Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code. The grant provided for by this section is in addition to any grant provided for under any other provision of law.

SEC. 8108. Of the funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide", up to $5,000,000 shall be available to provide assistance, by grant or otherwise, to public school systems that have unusually high concentrations of special needs military dependents enrolled: *Provided*, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments.

SEC. 8109. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under paragraph (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8110. Of the amounts appropriated in the Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $85,849,000 shall be available for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of Defense and the Ministry of Defence of Israel for the Arrow Deployability Program.

SEC. 8111. The Secretary of Defense shall fully identify and determine the validity of healthcare contract additional liabilities, requests for equitable adjustment, and claims for unanticipated healthcare contract costs: *Provided*, That the Secretary of Defense shall establish an equitable and timely process for the adjudication of claims, and recognize actual liabilities during the Department's planning, programming and budgeting process: *Provided further*, That not later than March 1, 2001, the Secretary of Defense shall submit a report to the congressional defense committees on the scope and extent of healthcare contract claims, and on the action taken to implement the provisions of this section: *Provided further*, That nothing in this section should be construed as congressional direction to liquidate or pay any claims that otherwise would not have been adjudicated in favor of the claimant.

SEC. 8112. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

SEC. 8113. Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Defense-Wide," $115,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8114. OPERATIONAL SUPPORT AIRCRAFT LEASING AUTHORITY. (a) The Secretary of the Army and the Secretary of the Navy may establish a multi-year pilot program for leasing aircraft for utility and operational support airlift purposes on such terms and conditions as the respective Secretaries may deem appropriate, consistent with this section.

(b) Sections 2401 and 2401a of title 10, United States Code, shall not apply to any aircraft lease authorized by this section.

(c) Under the aircraft lease program authorized by this section:

(1) The Secretary of the Army and the Secretary of the Navy may include terms and conditions in lease agreements that are customary in aircraft leases by a non-Government lessor to a non-Government lessee.

(2) The term of any individual lease agreement into which a service Secretary enters under this section shall not exceed 10 years.

(3) The Secretary of the Army and the Secretary of the Navy may provide for special payments to a lessor if either the respective Secretary terminates or cancels the lease prior to the expiration of its term or aircraft are damaged or destroyed prior to the expiration of the term of the lease. Such special payments shall not exceed an amount equal to the value of one year's lease payment under the lease. The amount of special payments shall be subject to negotiation between the Army or Navy and lessors.

(4) Notwithstanding any other provision of law, any payments required under a lease under this section, and any payments made pursuant to subsection (3) above may be made from:

(A) appropriations available for the performance of the lease at the time the lease takes effect;

(B) appropriations for the operation and maintenance available at the time which the payment is due; and

(C) funds appropriated for those payments.

(5) The Secretary of the Army and the Secretary of the Navy may lease aircraft, on such terms and conditions as they may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A–11.

(6) The Secretary of the Army and the Secretary of the Navy may exchange or sell existing aircraft and apply the exchange allowance or sale proceeds in whole or in part toward the cost of leasing replacement aircraft under this section.

(7) No lease of operational support aircraft may be entered into under this section after September 30, 2004.

(d) The authority granted to the Secretary of the Army and the Secretary of the Navy by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the respective Secretaries to procure transportation or enter into leases under a provision of law other than this section.

(e) The authority provided under this section may be used to lease not more than a total of three (3) Army aircraft, three (3) Navy aircraft, and three (3) Marine Corps aircraft for the purposes of providing operational support.

SEC. 8115. Notwithstanding any other provision in this Act, the total amount appropriated in this Act under Title IV for the Ballistic Missile Defense Organization (BMDO) is hereby reduced by $26,154,000 to reflect a reduction in system engineering, program management, and other support costs.

SEC. 8116. The Ballistic Missile Defense Organization and its subordinate offices and associated contractors, including the Lead Systems Integrator, shall notify the congressional defense committees 30 days prior to issuing any type of information or proposal solicitation under the NMD program.

SEC. 8117. Up to $3,000,000 of the funds appropriated under the heading, "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems critical to base operations.

SEC. 8118. In addition to amounts appropriated elsewhere in the Act, $20,000,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of $20,000,000 to the National Center for the Preservation of Democracy.

SEC. 8119. Of the funds made available under the heading "Operation and Maintenance, Air Force", not less than $7,000,000 shall be made available by grant or otherwise, to the North Slope Borough, to provide assistance for health care, monitoring and related issues associated with research conducted from 1955 to 1957 by the former Arctic Aeromedical Laboratory.

SEC. 8120. None of the funds appropriated in this Act under the heading "Overseas Contingency Operations Transfer Fund" may be transferred or obligated for expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than thirty days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the "Overseas Contingency Operations Transfer Fund": *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8121. In addition to amounts made available elsewhere in this Act, $1,000,000 is hereby appropriated to the Department of Defense to be available for payment to members of the uniformed services for reimbursement for mandatory pet quarantines as authorized by law.

SEC. 8122. The Secretary of the Navy may transfer from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary ship cost changes for previous ship construction programs appropriated in law: *Provided*, That the Secretary may transfer no more than $300,000,000 under the authority provided within this section: *Provided further*, That the funding transferred shall be available for the same time period as the appropriation from which transferred: *Provided further*, That the Secretary may not transfer any funding until 30 days after the proposed transfer has been reported to the House and Senate Committees on Appropriations: *Provided further*, That the transfer authority provided within this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8123. In addition to amounts appropriated elsewhere in the Act, $2,100,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of $2,100,000 to the National D-Day Museum.

SEC. 8124. In addition to amounts appropriated elsewhere in this Act, $5,000,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of the Army shall make available a grant of $5,000,000 only to the Chicago Public Schools for conversion and expansion of the former Eighth Regiment National Guard Armory (Bronzeville).

SEC. 8125. In addition to the amounts provided elsewhere in this Act, the amount of $10,000,000 is hereby appropriated for "Operation and Maintenance, Navy", to accelerate the disposal and scrapping of ships of the Navy Inactive Fleet and Maritime Administration National Defense Reserve Fleet: *Provided*, That the Secretary of the Navy and the Secretary of Transportation shall develop criteria for selecting ships for scrapping or disposal based on their potential for causing pollution, creating an environmental hazard and cost of storage: *Provided further*, That the Secretary of the Navy and the Secretary of Transportation shall report to the congressional defense committees no later than June 1, 2001 regarding the total number of vessels currently designated for scrapping, and the schedule and costs for scrapping these vessels.

This Act may be cited as the "Department of Defense Appropriations Act, 2001".

GRASSLEY AMENDMENT NO. 3279

Mr. GRASSLEY proposed an amendment to the bill, H.R. 4576, supra; as follows:

At the appropriate place, insert the following

SEC. ___. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111, 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2001.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance be authorized to meet during the session of the Senate on Thursday, June 8, 2000, to conduct a hearing on multilateral development institutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Gender Wage Discrimination during the session of the Senate on Thursday, June 8, 2000, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 8, 2000, at 10:00 a.m. The markup will take place in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs be authorized to meet during the session of the Senate on Thursday, June 8, 2000 at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public lands be authorized to meet during the session of the Senate on Thursday, June 8, at 9:30 a.m. to conduct a hearing. The subcommittee will receive testimony on H.R. 359, an act to clarify the intent of Congress in Public Law 93-632 to require the Secretary of Agriculture to continue to provide for the maintenance and operation to certain water impoundment structures that were located in the Emigrant Wilderness at the time the wilderness area was designated in that Public Law; H.R. 468, an act to establish the Saint Helena Island National Scenic Area; H.R. 1680, an act to provide for the conveyance of Forest Service property in Kern County California, in exchange for county lands suitable for inclusion in Sequoia National Forest; S. 1817, a bill to validate a conveyance of certain lands located in Carlton County, Minnesota and to provide for the compensation of certain original heirs; S. 1972, a bill to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park; and S. 2111, a bill to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino national Forest, California, to KATY 101.3 FM, a California corporation.

The PRESIDING OFFICER. Without objection. It is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on National parks, Historic Preservation and Recreation be authorized to meet during the session of the Senate on Thursday, June 8, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will review the final rules and regulations issued by the National Park Service relating to title IV of the National Parks Omnibus management act of 1998.

The PRESIDING OFFICE. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Ms. SNOWE. Mr. President, I ask unanimous consent to grant floor privileges to two defense legislative fellows in my office, Jennifer Ogilvie and Sam Horton, for the duration of our consideration of S. 2549, the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that Martin Siegel, a Judiciary Committee staffer in my office, be granted full floor privileges for the remainder of the 106th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Howard Krawitz of my office be granted privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the following members of my staff be granted privileges of the floor during consideration of the DOD authorization: Bob Schiff, Bill Dauster, Sumner Slichter, Kitty Thomas, Mary Ann Richmond, and Mary Murphy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the following staff of the Senate Appropriations Committee be given floor privileges during the consideration of H.R. 4576 and or S. 2593, the FY 2001 Defense Appropriation Bill: Tom Hawkins, Bob Henke, Susan Hogan, Lesley Kalan, Mazie Mattson, Gary Reese, Candice Rogers, Kraig Siracuse, Justin Weddle, Brian Wilson, John Young, Sonja King, and Cathy Wilson.

THE HARRY S TRUMAN FEDERAL BUILDING

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed the consideration of H.R. 3639, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 3639) to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S Truman Federal Building."

There being no objection, the Senate proceeded to consider the bill.

Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to a farmer, Army captain, Senator, and President of the United States who founded the United Nations, launched the Marshall plan, and forged the North Atlantic Treaty Organization [NATO]. As an original cosponsor of the bill to name the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S Truman Federal Building." I am pleased that my colleagues from both sides of the aisle and in both Houses have unanimously agreed to adopt this measure.

Fifty-five years ago, President Truman challenged Democrats and Republicans in his Four Point Speech to join together and lend their full support to international organizations; continue programs for world economic recovery; join with other free peoples in the defense of democracy; and draw on our country's vast storehouse of technical expertise to help people overseas help themselves in the fight against ignorance, illness, and despair. President Truman envisioned "that what happens beyond our shores determines how we live in our own lives," and the American people agreed. He exemplified the very best of what we need in our elected officials.

The United States is extremely fortunate to have had such a man be its Chief Executive in a time of two wars, where he presided over the fall of Germany, the ultimate surrender of Japan, and the preservation of South Korea. It is only appropriate for us to honor a man who made the United States a major force in world affairs by working with all the world for freedom and democracy. I look forward to seeing this legislation adopted, and giving President Truman the recognition he deserves for his tireless efforts to bring peace.

Mr. BIDEN. Mr. President, I rise today to endorse the measure to name the State Department's headquarters after one of the great leaders of the twentieth century—President Harry S Truman.

Harry Truman symbolized the path that this country took during the "American Century," moving from a small community in the American midwest, to the center of the world stage, where he helped rebuild a devastated Europe and contain Communism.

Harry Truman might have stayed on his farm in Independence, Missouri, but World War I intervened and he found himself in Europe as a captain in the Field Artillery. The man whose poor eyesight had kept him out of West Point, was a hero on the battlefields of France. When he returned to Independence—and the beautiful Bess Wallace—his reputation as a leader in battle led to his election as county judge in 1922. In 1935 he was elected Senator from Missouri, and in 1945, he became President upon the death of Franklin Roosevelt.

Truman's mother once said of him: (i)t was on the farm that Harry got his common sense. He didn't get it in town. It was this common sense—a hard-eyed pragmatism, really—that made him a great President. Having fought through the First World War in Europe, he was able to understand the ruin that faced Europe after the Second World War. This led to his support of the brilliant plan of his Secretary of State, George Marshall, who rebuilt Europe. It is not an exaggeration to say that our European allies own the peace and prosperity that they have enjoyed for the last two generations to Truman and Marshall.

It was also this hard-eyed pragmatism that gave Truman a clear view of the Communist threat that come on the heels of World War II. He laid out—and acted upon—the Truman Doctrine—in 1947, when he provided $400 million to fight the spread of Communism in Greece and Turkey. In 1949, he joined with Europe to form the alliance that contained the Soviet Union for nearly 50 years—NATO. And, although we were weary of war in 1950, he sent American forces to defend South Korea from incursions by the Communists of North Korea.

Harry Truman's foreign policy decisions were never easy. Europe's reconstruction, fencing in Communism, creating NATO, required clear vision, and a decisiveness that had nothing to do with favorable poll numbers or reelection prospects. Those are the attributes that made Harry Truman a great President—an ability to see what needed to be done, and the willingness to do it.

Because President Truman's greatest legacy was in international affairs, it is fitting that his name be bestowed on the State Department's main building. I hope that it will provide an inspiration to our diplomats, as they seek to defend the interests of our country, and the world.

Mr. ASHCROFT. Mr. President, it is my great privilege to speak on the passage of H.R. 3639 as I am the sponsor of the Senate's companion bill, S. 2416. This bill will name the State Department's headquarters at 2201 C Street in Washington, DC, the "Harry S Truman Federal Building." First, I would like to provide my deepest thanks to my esteemed co-sponsor who have joined this effort. From the onset, this proposal has had strong bi-partisan support in both Houses. Senators BOND, WARNER, DEWINE, and MOYNIHAN and Representatives ROY BLUNT and IKE SKELTON have been incredibly helpful in seeing this proposal become a reality. Furthermore, I would like to thank the Honorable Secretary of State, Madeleine Albright, for her unqualified support and cooperation for honoring President Harry Truman befittingly honored in this manner.

Today I enjoy the privilege, granted to me by the citizens of Missouri, of occupying the Senate seat formerly held by Harry S Truman. Truman left this seat in January 1945 to become Vice President, and by April of that year assumed the office of President of the United States in the wake of President Franklin Delano Roosevelt's death. The day after becoming President, Truman told a group of reporters that "boys, if you ever pray, pray for me now . . . I feel like the moon, the stars, and all the planets have fallen on me."

As the new President, Harry Truman inherited a world on fire. The most destructive war in human history still raged on in Europe and Asia; and Truman, the only chief executive in this century who did not enjoy a university education, faced a most crucial role bringing the war to a close and constructing a viable international system in the postwar. Truman, whose strong personal integrity and vast common sense was forged in the small towns of western Missouri, brilliantly succeeded.

This bill will name the building that houses our Nation's Department of State—the agency responsible for international relations—in honor of Missouri's favorite son and one of our country's greatest statesmen. This is benefitting, for it was the decisions made by President Truman in the realm of foreign policy that made his Presidency one of the most monumental and influential in our country's history.

President Harry Truman led during one of the most trying times in our nation's tumultuous history. During Truman's years in the White House, crisis compounded crisis overseas and hard decisions continually confronted a President who stoically dealt with the awesome responsibilities he had to face.

After Truman assumed office he successfully led the United States to victory against the Axis powers. However, the end of the Second World War brought little respite for the new President from Missouri. The cooperation Truman, and most Americans, hoped to find with the Soviet Union collapsed as an Iron Curtain descended across the heart of Europe. Behind it, the creation of totalitarian Communist regimes confronted the United States with a new dark challenge—the cold war.

In response to this newest danger, President Truman led the free world forward. He emphasized the need to support free people and assist those who resisted attempted subjugation by armed minorities and outside pressures. To this end, Truman began the United States' single most successful foreign aid initiative, the Marshall plan. Under Truman's leadership, this ambitious program saved the economies of Western Europe and set vital United States allies on the path of full recovery within a democratic political framework.

President Harry S Truman realized that economic recovery of war torn areas would not, in itself, secure the free world from Communist aggression. Therefore, President Truman spearheaded the creation of the North Atlantic Treaty Organization, one of the most successful military alliances of all time and the cornerstone of Western Europe's defense for the past five decades.

Europe was not the only place where President Truman took a stand for freedom and democracy in the face of aggression and hostility. When Communist North Korea blatantly invaded South Korea in 1950, only Truman's quick action, and continued resolve, made possible South Korea's escape from the control of North Korea's totalitarian regime. Throughout the world, in Northern Iran, Berlin, China, and the Eastern Mediterranean, Truman's strong and wise leadership, grounded in a small town Missouri sense of right and wrong, heroically guided our country through some of its most dangerous years. In addition to his commitment to fight Communist aggression, the institutions created during the Truman years—such as the United States Air Force, the Department of Defense, the National Security Council, the Central Intelligence Agency—eventually ensured victory in the cold war, and enhanced the United States strength in the years after. Surely Winston Churchill exhibited his always impressive observational abilities when he told Truman in 1950 that ". . . you, more than any other man, have saved Western Civilization."

I am proud to be a part of this effort today to see President Harry S Truman so honored. More than any other postwar President he shaped the world we live in today. To name the headquarters of the United States State Department after this fellow Missourian is a fitting and just choice.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3639) was read the third time and passed.

LOWER SIOUX INDIAN COMMUNITY LAND ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 558, H.R. 2484.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2484) to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2484) was read the third time and passed.

AUTHORIZING LEASES FOR TORRES MARTINEZ DESERT CAHUILLA INDIANS AND GUIDIVILLE BAND OF POMO INDIANS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 557, H.R. 1953.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1953) to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read for a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1953) was read the third time and passed.

ORDERS FOR FRIDAY, JUNE 9, 2000

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, June 9. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day. I further ask unanimous consent that the Senate then resume consideration of H.R. 4576, the Department of Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I further ask unanimous consent that there be 10 minutes equally divided in the usual form for final explanation of the Grassley amendment, with no amendments in order to it, and that the vote occur immediately following the use or yielding back of that time at approximately 9:40 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, we had announced that there would be a vote at 9:30. Because of the request just agreed to, we will have that vote at approximately 9:40 a.m. tomorrow on the Grassley amendment. There will be further amendments considered during the day and additional votes may occur. Senators who have amendments are encouraged, as I have said before, to contact my friend from Hawaii, Senator Inouye, or myself. We want to try to expedite consideration of this important spending bill. I ask my friend if he has anything further to come before the Senate.

Mr. INOUYE. No.

ORDER FOR ADJOURNMENT

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order following the remarks that will be made by Senator Gorton.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GORTON TO GORE: "WELCOME TO EASTERN WASHINGTON!"

Mr. GORTON. Mr. President, the citizens of eastern Washington will experience a rare occurrence this week: Al Gore will visit there for the first time since he was re-elected Vice President almost 4 years ago. I welcome him to that beautiful part of Washington, and hope that he takes the opportunity to listen to the concerns of as many people as he can.

If he had come a week earlier, he could have joined me at any or all of the seven stops I made in eastern Washington, so that he could hear about the primary concern of citizens—the proposed removal of dams by the Clinton/Gore administration. On the other hand, knowing how eastern Washington citizens feel about hydroelectric dams, it is not a surprise that he would choose to stay away.

But let me urge the citizens of eastern Washington to take a good look around this week, because they will be getting a preview of what life would be like under a Gore administration. Just as in the Clinton/Gore administration, they would have a President and an administration who believe that the Federal Government knows better than local citizens do how to manage their eastern Washington way of life.

They would have an administration and a President who appears more interested in politics and his own election than what is necessary to save salmon or which energy source is the cleanest and most efficient for Washington citizens.

Consider the following dubious challenge that eastern Washington citizens face in this administration:

Next week, the Clinton/Gore administration will enact its 4(d) rules under the Endangered Species Act. Under the rules, the National Marine Fisheries Service will have the right to regulate the "daily behavior" of Washington citizens, including how much energy they consume, how far they travel, and how they maintain their gardens. Earlier this year, the administration ignored eastern Washington's request for more public hearings on the subject and more time to gain a better understanding of the vast impact the rules will have on their lives.

Later this summer, the administration will seek to implement the Interior Columbia Basin Ecosystem Management Project over the strong opposition of many citizens of eastern Washington.

Tomorrow, Al Gore will announce that 200,000 acres on the Hanford site will be set aside as a national monument by Presidential fiat. No one disagrees that the Hanford Reach must be protected. It is a magnificent part of the state that deserves preservation for generations to come. Of course, it is not now under threat and no emergency requires presidential action without consulting those who live around the reach. So, as decisions are made on how to protect the Hanford Reach, local consensus should be a vital component in reaching those decisions.

I have always advocated collaboration with and listening to all of the stakeholders to achieve a just solution. The Clinton/Gore approach is but one more example of Washington, D.C. deciding for Washington communities something I believe that they are fully capable of deciding for themselves.

The fact that Gore will tell local people what the Federal Government intends to do on the Hanford site rather than listen is a preview of how a Gore administration will deal with local citizens on a whole host of issues in the future.

The issue of the Snake River dams, however, is another matter. I expect that while Al Gore is in eastern Washington, much as with his previous visits to Seattle and Portland, he will refuse honestly to reveal his position about whether he believes tearing down the Snake River dams is necessary to save salmon.

Equivocating on an issue that will affect the lives of hundreds of thousands of people, cost billions of dollars, and have minimal if any impact on salmon is flat out wrong. Last month, the only thing new that Gore told reporters in Portland about his position on dams is that the issue requires more study and that "he refuses to prejudge or play politics" with the issue. Well, if he's not playing politics with the issue, then I'm the inventor of the Internet.

After all, last fall the U.S. Army Corps of Engineers, using science from the National Marine Fisheries Service, released a report stating that more than 90 percent of adult salmon survive through all four of the Snake River dams—the very dams that the administration has proposed to take out.

The Corps of Engineers was prepared to recommend, rightfully, that the costs are too high, that the benefits are too few, and that the dams should be left in place. But high-ranking officials within the Clinton-Gore administration directed the Corps' recommendation be suppressed.

Al Gore owes the people of the Northwest an explanation. We deserve to know why the Clinton/Gore administration hid this important recommendation from thousands of Northwest citizens who spent the better part of four out of the last five months writing comments, attending public meetings, and speaking out on the dams.

Al Gore apparently agrees with the National Marine Fisheries Service that, despite the expenditure of $20 million and five years of study so far by the Corps, any decision on the dams should be postponed for five years, and that a "trigger" should be set, based upon the arbitrary performance standards set by unelected bureaucrats, that will require that the dams be breached if the standards are not met to their satisfaction.

The fisheries service hasn't even published its biological opinion, which was due two months ago. How can we trust that delaying a decision five years or the imposition of arbitrary performance standards won't also be moved to meet the Gore agenda to take out the dams? We can't.

Another subject I'll bet the Vice President will ignore is the amazing return of salmon to the Columbia and Snake river system last fall and this spring. It was reported last week that 189,000—a record number—of spring chinook salmon have passed through the Bonneville Dam already. Will he be willing to declare victory and move on? Of course not.

So, I hope that the Vice President enjoys his most recent trip to Washington. I ask him to listen to local people in eastern Washington about the Hanford Reach with or more open mind than Bruce Babbitt did three weeks ago.

And I ask him to take a firm position on the dams now—to practice what he preaches and not to play politics with the lives of eastern Washington citizens.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 7:41 p.m., adjourned until Friday, June 9, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 8, 2000:

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

John Train, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2003, vice Scott B. Lukins, term expired.

UNITED STATES INSTITUTE OF PEACE

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001, vice W. Scott Thompson, term expired.

THE JUDICIARY

John S. W. Lim, of Hawaii, to be United States District Judge for the District of Hawaii, vice Alan C. Kay, retired.

Gregory A. Presnell, of Florida, to be United States District Judge for the Middle District of Florida vice a new position created by Public Law 106-113, approved November 29, 1999.

James S. Moody, Jr., of Florida, to be United States District Judge for the Middle District of Florida vice a new position created by Public Law 106-113, approved November 29, 1999.

DEPARTMENT OF STATE

James A. Daley, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Kitts and Nevis and to Saint Lucia.

FEDERAL MINE SAFETY AND HEALTH ADMINISTRATION

James Charles Riley, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2006. (Reappointment)

Marc Lincoln Marks, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2006. (Reappointment)

EXTENSIONS OF REMARKS

TRIBUTE TO THE RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES ON THE OCCASION OF THE 50TH ANNIVERSARY OF THE ASSOCIATION'S CONGRESSIONAL CHARTER

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. BUYER. Mr. Speaker, it is with a great deal of professional pleasure and personal pride that I rise today to honor an organization that I have long admired and respected. The organization of which I speak is our neighbor just across First Street, the Reserve Officers Association of the United States, though it is perhaps best known simply by its initials—ROA.

The association was organized in 1922, at the instigation of General of the Armies John J. Pershing, who was then serving as the Army's Chief of Staff. Like many others who served in uniform in World War I, General Pershing was convinced that the war could have been significantly shortened or avoided altogether if an adequate pool of trained officers had existed at the time, Taking his sentiments to heart, 140 Reserve Officers met at Washington's Willard Hotel and organized the Reserve Officers Association. It was largely through the dedicated efforts of that voluntary organization and its members that the United States established its Officer Reserve Corps, which was to supply the great majority of America's trained officers in the days leading up to World War II.

It is appropriate and salutary for all of us here to recall that these first ROA members were citizen-soldiers who clearly saw the approaching storm clouds. They pushed the nation toward an unprecedented level of pre-war preparedness that arguably saved lives and formed the very foundations of the great victories of democracy that were to follow.

With the end of the war, ROA resumed its normal operations, raising and maintaining the nation's awareness of the role and contributions of its military forces in the uneasy post-war world. It was in these tense days, in June 1950, that the Congress granted ROA the formal charter that established the association's object and purpose. That formulation was clear and direct, unambiguous and unequivocal: ROA was "to support a military policy for the United States that will provide adequate national security and to promote the development and execution thereof."

For 50 years, ROA has followed that guidance, and taken the lead in rigorously advocating a strong and viable national defense posture for our nation. ROA has worked to support concepts that have strengthened our ability to preserve our freedom and to advance our national interests across the world. It worked to revitalize and fund the Selective Service System, support our Cold War allies, and focus the weight of public opinion in favor of our national commitment during the Gulf War, and expanding NATO. It has played a major role in persuading the Congress to provide more than $15 billion in critically needed equipment for our nation's Reserve components.

In addition, ROA has also clearly understood that not all ideas are good ideas. It successfully opposed efforts to combine the Army Reserve and National Guard, and to disestablish the Coast Guard, and Air Force Reserves, as well as the Selective Service System and the commissioned officer corps of the National Oceanic and Atmospheric Administration.

Mr. Speaker, ROA has, for the past 78 years, proven itself to be a strong and articulate voice in the Halls of Congress and the corridors of government for all our service members. It has lived up to its charter and supported the cause of national defense in seasons when it has not been popular to do so. It has established an enviable reputation for nonpartisan expertise and even-handed advocacy, a reputation that has grown and flourished as defense issues have become ever more complex in these days of the Total Force Policy.

ROA enjoys the confidence of the Congress and of the Department of Defense. Its successful legislative efforts have made it a valued partner in the formulation and development of the annual defense bills and in building broad, bipartisan support for our men and women in uniform. Over the years I have learned that serious debate on any issue dealing with our Reserve forces is not complete until we have heard from ROA. As the number of members of Congress with personal military experience has declined, the importance of ROA's contribution to developing our military policy has increased exponentially. ROA has played and will continue to play a crucial role in shaping the debate over the appropriate roles and missions of our Armed Forces.

The nation is most fortunate to have such an asset to call upon. We should all be grateful. Congratulations to the Reserve Officers Association of the United States on the fiftieth anniversary of the granting of its congressional charter.

IN SPECIAL RECOGNITION OF JONATHAN ANDERSON ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. HUTCHINSON. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Arkansas' Third Congressional District. I am happy to announce that Jonathan Anderson of Bentonville, Arkansas, has been offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Mr. Speaker, Jonathan's offer of appointment poises him to attend the United States Air Force Academy this fall with the incoming cadet class of 2004. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Jonathan is an outstanding student who brings a special mix of leadership, service and dedication to the incoming class of Air Force cadets. While attending Bentonville High School, Jonathan has maintained a grade point average of 3.7, which has placed him on the honor roll for four years. Jonathan is a member of the National Honor Society and has been named to Who's Who Among American High School Students.

Outside of the classroom, Jonathan has distinguished himself as an excellent student leader. He has repeatedly lettered in the Bentonville High School Band and was the 1999 Marching Band Field Commander. He is a member of the Jazz Band, Chamber Choir, A Cappella Choir and the cross country team. In addition, Jonathan is a member of the Civil Air Force Patrol and with great pride he has advanced quickly through the ranks. He has received countless awards and honors through his involvement with the Civil Air Patrol.

Jonathan's grandfather served our country greatly in World War II, and his service inspired Jonathan to follow in his foot steps. It has been Jonathan's childhood dream to attend the United States Air Force Academy and become an Air Force pilot. It is with great pleasure that I congratulate him on completing the first step in his long journey.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Jonathan Anderson. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Jonathan will do very well during his career at the Air Force Academy, and I wish him the very best in all of his future endeavors.

A CALL TO PASS THE HATE CRIMES PROTECTION ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mrs. MORELLA. Mr. Speaker, two years ago today the conscience of the nation was shaken by the cruel and brutal murder of a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

black man, James Byrd, by white racists, and there were renewed calls for Congress to pass the Hate Crimes Prevention Act.

The murder four months later of Matthew Shepard because of his sexual orientation had a similar impact on the public. Since then, Jews, Asians, blacks, women and homosexuals have been attacked in well-publicized, widely condemned acts in Illinois, California, Pennsylvania, and even my own state of Maryland, and in a number of other jurisdictions around the country, solely because of who they are.

Those who argue that the apprehension and prosecution of the perpetrators in the high profile cases of Byrd and Shepard obviates the need for HCPA have failed to appreciate the assistance which HCPA would provide to local law enforcement. For example, because of the federal jurisdiction granted in the race-based Byrd case, Jasper authorities were able to access nearly $300,000 of federal grant money to help bring those killers to justice. In contrast, while the authorities in Laramie, Wyoming, faced similar challenges in the investigation and prosecution in the murder of Matthew Shepard, they were unable to access any federal money. Unfortunately, because sexual orientation is not currently covered under federal law, the Laramie law enforcement officials were forced to furlough five law enforcement employees to help cover the cost of bringing those killers to justice.

While murder is the most prominent example of hate violence, other Americans continue to be brutalized, beaten, harassed, hazed, and vandalized simply because of who they are. No one in our great land should have to be concerned for their safety solely because of their race, gender, sexual orientation, or religious belief. HCPA will strengthen law enforcement efforts to ensure that hate-motivated crimes are investigated and prosecuted. We should pass it this year.

HONORING MR. DAVID ASHDOWN, RECIPIENT OF THE TIME WARNER CABLE NATIONAL TEACHER AWARD

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SWEENEY. Mr. Speaker, I rise today to honor Mr. David Ashdown, an outstanding young teacher and recipient of this year's Time Warner Cable National Teacher Award. Mr. Ashdown teaches fourth grade at Cambridge Elementary School in Upstate New York. His award-winning entry, entitled Save the Coelacanths, engaged his fourth grade students' creative abilities through a multimedia presentation on oceans and ocean life.

David Ashdown has dedicated the last three years to upholding the hopes and dreams of hundreds of children in his classroom. He is known as the "technical and computer expert" throughout his school district. Mr. Ashdown used Time Warner's Road Runner high speed modem and service to create Save the Coelacanths. Each student in Mr. Ashdown's class wrote and illustrated one web-page of the story about the endangered coelacanth fish. The pages were all linked together to form an exciting underwater adventure with multiple outcomes.

I commend Mr. Ashdown's innovative approach to teaching. He has made learning fun and exciting in his classroom. His students learn through hands on experience in a technologically sophisticated, yet relaxed and friendly atmosphere. I salute Mr. Ashdown's efforts to provide a rich, intellectually stimulating environment in which children learn the vital skills required to be successful in our society.

I also recognize the valuable work Mr. Ashdown does for his school district and for other teachers around this nation. He has dedicated himself to teaching professional development courses to other educators in an attempt to integrate advanced technology into more New York classrooms. His upcoming book, HyperStudio Made Very Easy, is designed to help teachers incorporate multimedia into their everyday teaching plans. His dedication is admirable, as is his desire to see students succeed.

Mr. Speaker, please join me in congratulating David Ashdown on his receipt of the Time Warner Cable National Teacher Award. Also, please join me in wishing him and his students the very best of luck in all their future endeavors.

WELL DESERVED RECOGNITION FOR NANCY KAUFMAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, I was very pleased—but not at all surprised—to learn that on June 7, the Jewish Community Relations Council of Greater Boston will be honoring Nancy Kaufman, who has for ten years now been the Executive Director of that important and well run organization. Nancy Kaufman personifies the best in the Jewish tradition, and she is also an outstanding example of the spirit of community caring that is so important in America. Under her leadership, the JCRC has played an extremely significant role in a number of aspects of both the Jewish community and the Greater Boston community at large. We are very lucky that she has chosen to dedicate her very considerable talents to the service of others. Her first rate intelligence, her high energy level, her compassion, her wonderful ability to work others and to get the best from them—these combined make her an extraordinary leader of an extraordinary organization.

I have personally benefitted innumerable times from her advice and I have been proud to work with her on a number of important issues. Few people I know have worked harder, more consistently, or with more effect to make the world that they live in a better place.

TRIBUTE TO THE EVANGELICAL UNITED CHURCH OF CHRIST

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize the Evangelical United Church of Christ in Godfrey, IL. They recently celebrated their 150th anniversary.

The celebration was marked with a service, a dinner, and a program, along with a display of memories set up in the church. It was a great time for the congregation to celebrate where they have been and where they are going.

I would like to take this opportunity to encourage them and thank them for their many years of ministry. I wish the church continued growth and another 150 years of service.

HONORING THE BLOCH CANCER FOUNDATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. MOORE. Mr. Speaker, today I honor a family and a foundation that have changed the lives of thousands of cancer patients in our country—Richard and Annette Bloch and the volunteers of the R.A. Bloch Cancer Foundation.

In 1978, Richard Bloch was told he had terminal lung cancer and that he had 3 months to live. He refused to accept this prognosis, and after two years of aggressive therapy, he was told he was cured.

Since Richard's bout with cancer, he and his wife Annette have devoted their lives to helping other cancer patients. Richard, one of America's best known businessmen, sold his interest in H&R Block, Inc. and retired from the company in 1982 to be able to devote all of his efforts to fighting cancer.

The Bloch Cancer Foundation, which is fully supported financially by the Bloch family, is fueled by over a thousand volunteers—other cancer survivors and supporters who share the vision of Richard and Annette Bloch, such as:

Doctors who have shared their time, knowledge and expertise;

Home volunteers who call newly diagnosed cancer patients and place the metaphorical arm around a shoulder. These home volunteers guide new patients through their apprehension and fears so they can face their disease with confidence;

Computer specialists who have developed the web sites so patients and survivors can seek help over the Internet;

Volunteers who give their time on a weekly basis to answer phones and e-mail and form the backbone of an organization committed to cancer patients;

The professionals and volunteers of the Bloch Cancer Support Center;

Those who help develop Cancer Survivors Parks;

Volunteers who helped to mail more than 98,000 books that were requested by cancer patients;

The Board of Directors who help Dick and Annette develop and implement the programs of the foundation.

I have also submitted a June 4, 2000, article from the Kansas City Star that further details the work of Richard and Annette for cancer patients in Kansas City.

Mr. Speaker, on June 4 we celebrated the 15th anniversary of Cancer Survivors Day, an event that was started by the Blochs in Kansas City and is now celebrated in over 700 communities throughout the United States. June 4th also marks the 20th anniversary of the Cancer Hot Line, which has received more than 125,000 calls from newly diagnosed cancer patients since its inception in 1980.

I encourage my colleagues to join me as I honor Richard and Annette Bloch and the volunteers of the R.A. Bloch Cancer Foundation for twenty years of steadfast commitment to cancer patients and survivors.

[From the Kansas City Star, June 4, 2000]

CANCER SURVIVORS CELEBRATE ANOTHER YEAR OF LIFE

(By Oscar Avila)

On the weekend of KC150, hundreds gathered Sunday at the Richard and Annette Bloch Cancer Survivors Park to mark other anniversaries.

Cancer survivors marked personal milestones at the Celebration of Life rally. Survivors wore a button telling how many years they had survived. Participants and their families also marked the rally's 15th anniversary and the park's 10th year.

But speakers and participants agreed that they don't need traditional milestones to celebrate victories over cancer.

"Every day is a celebration," said Maria Eades of Kansas City, North, who was diagnosed with breast cancer nine years ago. "I wake up every morning and say, 'Thank you, God, for another day.' "

Jason Oldham, a television reporter who is receiving treatment for a brain tumor, said, "Every day is a good day."

The Blochs created the park at 47th Street and Roanoke Parkway to offer support for cancer patients and to promote awareness of the disease. Because of the family's efforts, the first Sunday in June is now celebrated throughout the country as National Cancer Survivors Day.

The park's walkway was lined with booths manned by people from cancer support groups, hospitals and research institutions. Participants reunited with friends and introduced themselves to new ones.

Several participants said they are convinced that this sort of emotional support can give their health a boost. Others hoped awareness of early detection and treatment would help prevent future cancer cases.

"If only one life can be saved by coming to this park and coming to this rally, then all of this is worthwhile," Annette Bloch said.

Guest speaker Buck O'Neil, a former player and manager with the Kansas City Monarchs of the Negro Leagues, reminded the crowd that not everyone survives the disease. O'Neil lost his wife, Ora, to cancer in 1997.

O'Neil's words, however, were in line with the rally's hopeful tone. He said his wife's struggle brought the two closer. Other speakers also shared promising news. The Blochs recently finished their 15th survivors park, in Jacksonville, Fla. And participants also hailed last week's announcement that Health Midwest and St. Luke's-Shawnee Mission Health System would open a comprehensive cancer center.

O'Neil said survivors should view the future with hope, not fear.

"You've just begun," he said. "God gave you another chance. That's what he did. Use it. Use it."

IN HONOR OF SAINT CLAIR SHORES VETERAN THOMAS KUZENKO

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. BONIOR. Mr. Speaker, on Sunday, May 28th, I stood on the shores of the beautiful Lake St. Clair for the rededication of a park to honor our nations veterans. I want to take a moment to honor one veteran in particular. I want to recognize the man who was instrumental in our being there that day. Had it not been for the vision, diligence, and devotion of Thomas Kuzenko the dedication of Veterans' Memorial Park may never have come to fruition.

Fifty-seven years ago, young Tom was called upon to serve his country in World War Two. He left his pregnant wife Virginia with a kiss, boarded a bus and was shipped off to sea with the United States Navy. He would later return home to his family and settle in St. Clair Shores, a pleasant residential community in the southeast corner of my district. This service in the military was just the beginning of a life of service for Tom Kuzenko.

If Tom had not recently passed, he would have been standing guard at the Veterans' Memorial in the park that day alongside his good friend Tom Fitzpatrick as the two had for many years. Described by friends as a quiet hero, Tom Kuzenko fought alongside the founders of the labor movement here in Michigan, helping to create a higher standard of living for workers as an organizer for the Hotel and Restaurant Workers Union. With that struggle behind him, he turned his attention to serving his fellow war veterans through the VFW Bruce Post. Tom was active in the post's community services and often traveled across the river to Canada to work with his dear friends in the Canadian Legion.

Each year he would gather with other volunteers from the VFW to keep what was then Memorial Park in good shape. If a bench needed painting, he would go to the city for the paint and take care of it himself. That was the kind of man he was. He later took on the cause of renaming what was known as Memorial Park to Veteran's Memorial Park. Tom was the driving force behind this project, and everyone in the city knew that.

Today visitors will know of Tom's legacy each time they see the beautiful symbol of life planted in his honor. While Tom may no longer be with us, his wife Virginia, his children Larry and Joyce, and his five grandchildren Ryan, Tyler, Bobby, Jennifer and Heather will all be able to sit under the tree dedicated to him, in a park he so proudly wished to have named in honor of his fellow veterans. My thanks go out to the members of the VFW Bruce Post for keeping Tom Kuzenko's dream alive, and to the City of St. Clair Shores, for finally bringing that dream to reality in a beautiful park on the water.

TRIBUTE TO MOLLY HOULE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize Molly Houle for her courage to fight juvenile rheumatoid arthritis. Molly is a 6-year-old girl from Bluford, IL who was diagnosed with the disability last June.

The disability has caused Molly many problems from getting out of bed to a lack of concentration at school. Despite the pain, she is drawing attention to her disability by being featured in WSIL's 15th annual Arthritis Foundation Telethon.

I wish Molly the best as she draws attention to the problems of juvenile rheumatoid arthritis. Living with this disability is not easy, but I know her example will be an encouragement to all.

HONORING BALL STATE PRESIDENT JOHN E. WORTHEN—A GREAT EDUCATOR

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. McINTOSH. Mr. Speaker, today I honor a leader in education in Indiana and the nation. In the heart of my district in East Central Indiana lies Ball State University, one of the premier institutions of higher education in the Midwest. For the last sixteen years Ball State has been under the capable guidance of University President John E. Worthen. Sadly, he is leaving the university this year.

Mr. Speaker, greatness is setting bold goals and then having the determination to accomplish them. John Worthen brought vision and greatness when he came to the university in 1984 and has spent the last sixteen years putting his vision into practice. Ball State, Indiana, and the nation are the better for his efforts. At the start of his administration, President Worthen focused on broad goals. He aimed for excellence in all things. The university has reached beyond its grasp to accomplish his vision. His plan was anchored in the premise that learning should be a lifelong pursuit. Under his leadership, Ball State's central mission has been to arm students with the skills, knowledge, and enthusiasm to continue learning even after they leave the university.

John Worthen always looked to the future of education, not its past. He viewed technology as a fundamental component of that mission, and he directed Ball State's resources toward acquiring that technology. Ball State established courses and workshops to train faculty and staff to use the new technologies and started the Center for Teaching Technology to help faculty use this new tool to enhance their instruction. During the past ten years, Ball State has spent eighty million dollars on renovations that have added computer labs, put Internet access in every residence hall room, and wired every classroom to an interactive fiber-optic multimedia network. The university now has a student-to-computer ratio of thirteen-to-one, one of the lowest in the country. This year Yahoo! Internet Life magazine ranked Ball State among the top twenty in its annual survey of "most wired" universities. These technological capabilities have made Ball State a national leader in distance education. The Indiana Higher Education Telecommunication System has enabled Indiana students to take advanced placement courses—courses they would otherwise not have access to—that are broadcast from Ball State's "Indiana Academy," a school for gifted and talented students. Ball State offers an M.B.A. by distance education and offers nurses the opportunity to complete degree programs online.

President Worthen's education and training gave him a solid background for the challenge of running a university. A Midwesterner, he earned a bachelor of science degree in psychology at Northwestern University in 1954 and received his master's degree in student personnel administration from Columbia University in 1955. He served four years in the Navy as a carrier pilot and education and legal officer. He attained the rank of lieutenant. He earned an Ed. D. at Harvard University in 1964 in counseling psychology and administration in higher education. John Worthen began his career in education as the dean of men at American University in Washington, D. C., then moved to the University of Delaware where he taught education courses and accepted various administrative responsibilities. In 1979, he became president of Indiana University of Pennsylvania. Ball State University invited him to become its eleventh president in 1984.

Although technology has been a major focus, John Worthen's presidency has been an attack on many fronts. His was not an administration of timid initiatives. The university reorganized the school year from academic quarters to semesters; a move that allowed students to involve themselves more deeply in a subject and that saved the university thousands of dollars in administrative costs each year. Departments were realigned to reflect common disciplines. For example, Journalism, Telecommunications, Speech Communication, and Communication and Information Studies combined to form a new college, the College of Communication, Information, and Media. By 1997, it was the fourth largest college of its kind in the country.

John Worthen has applied the university's resources to statewide issues. Under his leadership, Ball State has moved to make education "at home in Indiana" more attractive to top ability students who might otherwise leave the state and build their careers and lives elsewhere. New scholarships aimed at those students have increased the university's enrollment of National Merit Scholars and increased Honors College enrollments. For the past three years he and I have worked together to create a job fair on Ball State's campus to offset recent factory closings in the area. This year's event attracted seven hundred job seekers. Three hundred received job offers as a direct result of the event. Ball State really stepped up to the plate and made a determined effort to see the Muncie community thrive.

In 1987, Ball State launched Wings for the Future, its first capital campaign. The goal was to raise forty million dollars. The campaign collected $44 million and created three endowed chairs and fourteen professorships. The university is now in the middle of another campaign that appears headed for the same success with a goal of ninety million dollars. One-third will go for faculty research, one-third for scholarships, and one-third for facilities. During John Worthen's presidency, Ball State's endowment went from twelve million dollars to eighty-five million dollars.

Ball State researchers were there when the space shuttle Columbia landed in June 1996, conducting research on the effects of gravity in space on the astronaut's muscles. Other noteworthy research efforts have targeted nutrition among the elderly in Indiana, the decline in frog populations worldwide, tick-borne disease, and cancer prevention. While research has an important role in education, John Worthen has always ensured that Ball State's best teachers are still in the classroom. Ball State professors have won state and national recognition in teaching, including the 1997 Indiana Professor of the Year, national teaching awards, and honors for research, architecture, music, theater performance, history, and public relations, to name just a few.

Many academic programs at Ball State have received national recognition. The music engineering technology program has been ranked first in the nation, the entrepreneurship program ranks fourth. Ball State has taken the lead in environmental awareness. The university has established an international conference on environmental education and practices. The conference draws hundreds of architects from around the world. The Center for Information and Communication Sciences, created in 1985, teaches students to design and set up networking systems, an area in desperate need of trained workers.

Ball State athletics have achieved recognition on the field and in the classroom. Men's basketball made the NCAA Sweet Sixteen in 1990, the men's volleyball team has been in the NCAA finals fourteen times, and women's field hockey went undefeated in conference play for five consecutive years. But the most impressive figure is Ball State's athlete graduation rate, at 77 percent, the seventh best rate in the country.

President Worthen has solidified and expended Ball State's international ties with study centers abroad and teaching exchanges with various international universities. The Chronicle of Higher Education ranks Ball State among the top doctoral granting institutions for students studying abroad.

Since 1984, the university has built five new facilities, including a state-of-the-art telecommunications building, a new home for the Human Performance Laboratory, an arena, and a new alumni center. All of these improvements and additions have been accomplished with the intent of making Ball State accessible for people with disabilities.

In closing, I cannot forget to mention Sue. The most complete and best preserved Tyrannosaurus Rex skeleton ever found was named after its discoverer, Sue Hendrickson. This spring, using people, technology and programs that were the direct outcome of John Worthen's policies, Ball State dazzled the nation by bringing Sue's debut at Chicago's Field Museum of Natural History to an estimated five million school children nationwide. Ball State uses its technology to connect people and ideas in meaningful ways. That is what technology is meant to do, and Ball State certainly has got it right. They were able to get it right because of John Worthen's vision and follow-through. He leaves behind a university well prepared to face the challenges and pursue the possibilities of the twenty-first century.

Mr. Speaker, I have been honored to work along side John Worthen. I will miss the benefit of his counsel and wisdom. I wish he and his wife Sandra much happiness as they move on to new challenges.

FRIENDS OF THE SMYRNA LIBRARY

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. BARR of Georgia. Mr. Speaker, it is my distinct honor today, as a resident of Smyrna, Georgia, to recognize an exceptional organization that has just recently celebrated its tenth anniversary. On April 10, 1990, eight concerned citizens of Cobb County met and formed The Friends of the Smyrna Library. During its first four years, the group grew very slowly until 1994, when the president—Mrs. Lillie Wood—was elected, and she immediately began a search for new members. Under her leadership, the Friends of the Smyrna Library has grown to over 400 members, and is now one of the largest library support groups in Georgia.

The Friends of the Library are very active. They coordinate art exhibits for library galleries; schedule exhibits of collectibles and sculpture for display; host an annual dinner theater; conduct two book sales yearly; hold quarterly speaker programs; recruit library volunteers; and sponsor a monthly book discussion program.

In addition to everything else it does, the Friends publishes a quarterly news letter, The Library Link, which features library news, book reviews, a guide to suggested reading, and articles by library friends and staff. Under the editorship of Clare Isanhour, The Library Link has been recognized as one of the most attractive and professionally produced library publications in Georgia.

The Friends have donated over $40,000 to the library for the purchase of new materials, and the members have donated thousands of hours of time to the library as volunteers. This enables the library to provide a much higher level of service to the public than would otherwise have been possible.

I join my fellow citizens of Smyrna, Georgia, in saluting the public service provided by The

Friends of the Smyrna Library and its outstanding president.

125TH ANNIVERSARY OF THE TEMPLE SHOMER EMUNIM

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. KAPTUR. Mr. Speaker, I am very pleased to recognize the 125th anniversary of the Temple Shomer Emunim in Sylvania Ohio. The congregation commemorated this most auspicious occasion in special services and celebration on June 2 and 3, 2000.

In 1870, there were about 30 Jewish families in Toledo, Ohio, most of whom were Orthodox. A small number of these families sought a more liberal practice of their faith and organized a Reform congregation. Those early services were held in homes and conducted by visiting rabbis. The band of families practicing in the Reform movement formally established a Temple in 1875 and the congregation was dedicated as Shomer Emunim-Guardian of the Faithful. This name was suggested by Rabbi Isaac Wise, founder of America's Reform Judaism and is taken from Isaiah 26:2, "Open ye gates that there shall be a righteous nation-guardian of the faithful . . ."

In those first years, the congregation worshiped in a small church rented from a Christian congregation. In 1879, it was decided the grand sum of $12,500.00 would be raised in order to build their own sanctuary. With Toledo's Jewish population at the time settled in a downtown neighborhood, a small building was built on Tenth Street in downtown Toledo where the congregation remained for 23 years. The original Temple was formally dedicated by Rabbi Wise. As Toledo's Jewish community grew, the congregation moved to a larger building on Scottwood Avenue which was previously owned by a Methodist congregation. By 1916, the congregation had outgrown that building, and a new major synagogue was built on Collingwood Avenue. Nearly 100 years after its first quiet beginnings and as its members moved to the suburbs, the congregation built a new synagogue in suburban Sylvania in 1973, where the Temple remains and has flourished, an integral part of the community. It is affiliated with the Union of American Hebrew Congregations, the national organization of Reform Judaism.

For a century and a quarter, the Temple Shomer Emunim has been a fixture of life in Toledo's Jewish community, and our community as a whole. It has been a place to develop spiritual well-being and personal growth, and strengthen the bonds of family and faith. Its rabbis and members have stood as leaders among us, and have provided both guidance and wise counsel. As we reflect on more than a century of growth from its humble inception to its current prominence, we look forward to the future of Temple Shomer Emunim. Mozel Tov!

RECOGNIZING THE IMPORTANCE OF "TEACHERS ON AN AGRISCIENCE BUS" IN FURTHERING AGRICULTURAL EDUCATION IN DUPAGE COUNTY, ILLINOIS JUNE 7, 2000

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mrs. BIGGERT. Mr. Speaker, it is no secret that agriculture is of primary importance to the economy of the State of Illinois. Our more than 76,000 farms cover about 80 percent of Illinois' land and generate more than $9 billion annually for our economy.

While rows of corn have turned into rows of homes in DuPage County, my home county, we have not forgotten the importance of agriculture.

For the past ten years, the "Teachers on an Agricscience Bus" program has provided the youth of Illinois with current, up-to-date, technological information in the importance of agriculture in their everyday lives and of the vast array of career opportunities available to them in the agriculture industry.

When the first "Teachers on an Agriscience Bus" was first sponsored by the Illinois Pork Producers Association in 1991, who could have predicted that it would be so enthusiastically received that nearly 400 teachers, school administrators, and counselors would participate? Those 400 individuals, in turn, provided an estimated 45,000 elementary through high school students with new experiences and background in the field of today's agriculture.

Mr. Speaker, although Illinois' food and fiber industry employs nearly one million people, the number of farm operators has dropped from 164,000 in 1959 to 76,000 today. And most farmers in Illinois are more than 50 years old.

Who will take their place?

The "Teachers on an Agriscience Bus" program hopes to answer that question. By making suburban children aware of the numerous opportunities available to them in agriculture and by making them more aware of the field in general, the program helps ensure that our country's agriculture economy remains strong.

As the "Teachers on an Agriscience Bus" program celebrates its tenth year in existence, we should recognize its foresight and contributions to agriculture education and we should renew our emphasis on agricultural education among our nation's educators and youth.

Agriculture was and is the backbone of our country's economy. Programs such as "Teachers on an Agriscience Bus" will help keep it that way. And for that, we should be thankful.

WELLTON-MOHAWK TRANSFER ACT

SPEECH OF

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. STUMP. Mr. Speaker, I rise today in support of S. 356, the Wellton-Mohawk Transfer Act.

Mr. Speaker, S. 356 would transfer the title of the Gila Project from the Bureau of Reclamation to the Wellton-Mohawk Irrigation District. This legislation directs the Secretary of the Interior to convey certain facilities of the Gila Project in Arizona to the Wellton-Mohawk Irrigation and Drainage District. The Secretary will convey the facilities under the terms of a Memorandum of Agreement between the Bureau of Reclamation and the District dated July 10, 1998.

Mr. Speaker, the Gila Project began in 1936, with the first drop of water made available on the Gila Gravity Main Canal on November 4, 1943. Construction of the Wellton-Mohawk Division was started in August 1949, and the first delivery of Colorado River water on Wellton Mohawk fields was made on May 1, 1952. Throughout the years, the Wellton-Mohawk Irrigation District has clearly demonstrated their commitment to the Gila Project and the current operation of the Gila Project will not change with the final passage of this legislation.

Mr. Speaker, S. 356 is an excellent bill because it demonstrates Congress' commitment to moving title transfer legislation and Congress' commitment to defederalizing Bureau of Reclamation projects. I would like to commend the hard work of my Arizona colleagues, as well as Chairman Doolittle, and particularly the Wellton-Mohawk Irrigation District and the Bureau of Reclamation on this important bill.

Mr. Speaker, I support full passage of S. 356.

TRIBUTE TO CHERYL BEARD

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend Mrs. Cheryl Beard. Ten years ago Cheryl lost her only child, Jeff Bosie, to a drunken driver. At the time of his death, Jeff was a 17-year-old senior at Rochester High School in Rochester, IL.

As a result of this tragedy, Cheryl used her anger and her energy to combat drunken driving and underage drinking. She has been named a "Difference Maker" as part of Mothers Against Drunk Driving's 20th anniversary campaign. Cheryl . became involved with MADD in 1990 and has been the Sangamon County chapter president six times.

She is being honored for her volunteer efforts in public speaking, victim impact panels, victim assistance, legislation and public awareness campaigns. I want to thank Cheryl for making a difference in the lives of so many people.

TRIBUTE TO MIKE McCLURE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to honor Mike McClure of Mt. Vernon, IL for his long and distinguished teaching and coaching career. After 34 years as a coach at Okawville High School, Rend Lake College, and Woodlawn High School, Mike is retiring.

As a teacher myself, I would like to thank Mike for his commitment to shape the lives of the students he has coached and taught. Through his guidance and wisdom he has had a positive impact on the lives of many.

I wish Mike the best in his retirement. He is a legend who I know will continue to influence all those he comes in contact with.

TRIBUTE TO THE WYSE TEAM OF METRO-EAST LUTHERAN HIGH SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize the Worldwide Youth in Science and Engineering [WYSE] team from Metro-East Lutheran High School in Edwardsville, IL. The students on the team placed on the state level for the first time ever.

As a former teacher myself at Metro-East Lutheran High School, I am proud of their accomplishments. Their commitment to doing their best and academic achievement deserves our acknowledgment.

I also would like to take this opportunity to recognize WYSE coach, Ms. Chrystal Boerger. This was her last year, as she is leaving to pursue her master's degree. It takes coaches and teachers like her to give students the opportunity to learn and grow.

SENATE—*Friday, June 9, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The guest Chaplain, Father Paul Lavin, pastor, St. Joseph's Church on Capitol Hill, Washington, DC, offered the following prayer:

Brothers and sisters, listen to the words of the Prophet Isaiah:

Cry out full throated and unsparingly,
Lift up your voice like a trumpet blast;
Is this the manner of fasting I wish,
Of keeping a day of penance:
That a man bow his head like a reed,
And lie in sackcloth and ashes?
Do you call this a fast,
A day acceptable to the Lord?
This, rather, is the fasting I wish,
Releasing those bound unjustly,
Untying the thongs of the yoke;
Setting free the oppressed,
Breaking every yoke;
Sharing your bread with the hungry,
Sheltering the oppressed and the homeless;
Clothing the naked when you see them,
And not turning your back on your own.
Then your light shall break forth like the dawn,
And your wound shall quickly be healed;
Your vindication shall go before you,
And the glory of the Lord shall be your rear guard.
Then you shall call, and the Lord will answer,
You shall cry for help, and he will say: Here I am!
If you remove from your midst oppression,
False accusation and malicious speech;
If you bestow your bread on the hungry
And satisfy the afflicted;
Then light shall rise for you in the darkness,
And the gloom shall become for you the midday;
Then the Lord will guide you always
And give you plenty even on the parched land.

Let us pray:

Blessed are you, Lord, God of mercy, who through Your Son gave us a marvelous example of charity and the great commandment of love for one another. Send down Your blessings on these United States, and send Your blessings on the men and women who serve in this Senate. Give them wisdom; Give them insight; Give them courage; Give them strength. Let them faithfully serve You in their neighbor. Glory and praise to You for ever and ever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable L. CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. L. CHAFEE) The Senator from Alaska.

SCHEDULE

Mr. STEVENS. Mr. President, today the Senate will resume consideration of the Department of Defense appropriations bill. Under the order, there will be up to 10 minutes of debate on the pending Grassley amendment regarding accounting, with the vote to occur at approximately 9:40 on that amendment.

Following the vote, the Senate will continue debate on this Appropriations bill, with further amendments expected to be offered.

Again, Senator INOUYE and I invite our friends to bring amendments to the floor now so that we might consider adopting them at this time.

It is hoped that the consideration of the Defense appropriations bill can be completed early next week.

We hope it will be by Tuesday so that we can take up one of the other bills. We will have several bills ready to take up by midweek next week. We hope to be able to get to them and get them to conference before the Fourth of July recess.

We thank our colleagues for their cooperation on this bill.

LEAVE OF ABSENCE

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on behalf of Senator JOHN KERRY, I ask unanimous consent that he be permitted to be absent from the service of the Senate on Friday, June 9—today—due to family illness.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4576, which the clerk will report by title.

The legislative clerk read as follows:

> A bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

> Grassley amendment No. 3279, to require the Department of Defense to match certain disbursements with obligations prior to payment.

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate on amendment No. 3279 with the time equally divided.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume, obviously up to the limit, but I will not use all of it.

I will make a few brief remarks about the pending amendment which I laid down last night and spoke shortly on that particular time. My amendment requires the Department of Defense to match disbursements with obligations before making payments.

I know this sounds like commonsense stuff—it is really basic accounting 101—but it goes to a very major problem we have within the Department of Defense. They don't always make payments based on invoices. They don't always match the check being mailed out for certain goods or services received.

I am sure my colleagues must be wondering why the Senator from Iowa has to offer an amendment such as this. They must be asking themselves this question: Isn't DOD already doing it?

Unfortunately, the fact remains that the Pentagon bureaucrats are not doing it.

Businesses do it on a routine basis. And most citizens do it, too. You just don't write out a check and pay a bill until you are absolutely certain that you owe the money. You must first verify that you have a legitimate obligation to pay the bill. And you have enough money in the bank to cover it.

This amendment and device that has been used now for several years to try to straighten things out in the Pentagon is a handy device also for deterring fraud. And it helps to prevent mismanagement and other abuses in the Pentagon's vast financial accounts.

This policy has been incorporated in the last six appropriations acts.

Each year we have ratcheted down the threshold or dollar level where the matching must be done.

In 1995, we started out with payments of $5 million.

Each year since then, we have gradually lowered the threshold but always keeping the pressure on for reform.

Last year the Senate voted to lower the threshold to $500,000.

This year—in the amendment—I am recommending that the threshold be maintained at $500,000.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I think we should keep it at the current level for another year. I am not sure DOD is ready to move to a lower level—not meaning that it wouldn't be right to move to a lower level. But if they don't have the mechanical capability of moving to a lower level, we want to make sure that we make progress in this area. However, we don't want to hold up the normal way of doing business or the process of doing business in the Defense Department.

The General Accounting Office will look at this issue again and determine when and how the threshold should be lowered in the future, and in future years I would follow their recommendations.

I also take this opportunity to thank my good friend from Alaska, the chairman of the committee, Senator STEVENS, and my good friend from Hawaii, the ranking minority member, Senator INOUYE, for their support of this amendment.

I urge my colleagues to join me in voting for this measure.

I yield the floor.

If it is the desire that other Members yield back the remainder of their time, I will yield my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I and Senator INOUYE welcome the cooperation of the Senator from Iowa to keep the current level for next year. We are trying our best to have the ability to take it down to zero in the near future.

For now, we do thank the Senator for once again calling the attention of the Department of Defense to the fact that Congress wants good accounting procedures followed. He is right that this is the procedure followed by profit and nonprofit entities in our country.

I ask my friend if he desires any time.

Mr. INOUYE. Mr. President, I join my chairman in supporting the measure.

Mr. STEVENS. With that, I yield back our time.

Mr. GRASSLEY. I yield back my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to amendment No. 3279. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. MCCAIN), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Ohio (Mr. VOINOVICH), are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote "yea."

Mr. REID. I announce the Senator from North Dakota (Mr. CONRAD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. KERRY) is absent because of family illness.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—88

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Reed
Reid
Robb
Roberts
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NOT VOTING—12

Bunning
Conrad
Domenici
Hollings
Kerry
McCain
Murray
Nickles
Rockefeller
Torricelli
Voinovich
Wellstone

The amendment (No. 3279) was agreed to.

Mr. STEVENS. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. The Senator from North Carolina has an amendment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair and the distinguished Senator from Alaska.

Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks from my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3280

(Purpose: To express the sense of the Senate on bringing peace to Chechnya)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask it be read in full.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 3280:

At the appropriate place in the bill insert the following:

SEC. ___. SENSE OF THE SENATE ON BRINGING PEACE TO CHECHNYA.

(a) FINDINGS.—The Senate finds that—

(1) the Senate of the United States unanimously passed Senate Resolution 262 on February 24th, 2000, which condemned the indiscriminate use of force by the Government of the Russian Federation against the people of Chechnya and called for peace negotiations between the Government of the Russian Federation and the democratically elected Government of Chechnya led by President Aslan Maskhadov;

(2) the Committee on Foreign Relations of the Senate received credible evidence reporting that Russian forces in Chechnya caused the deaths of innocent civilians and the displacement of well over 250,000 other residents of Chechnya and committed widespread atrocities, including summary executions, torture, and rape;

(3) the Government of the Russian Federation continues its military campaign in Chechnya, including using indiscriminate force, causing further dislocation of people from their homes, the deaths of noncombatants, and widespread suffering;

(4) the Government of the Russian Federation refuses to participate in peace negotiations with the democratically elected government of Chechnya;

(5) the war in Chechnya contributes to ethnic hatred and religious intolerance within the Russian Federation, jeopardizes prospects for the establishment of democracy in the Russian Federation, and is a threat to the peace in the region; and

(6) it is in the interests of the United States to promote a cease-fire in Chechnya and negotiations between the Government of the Russian Federation and the democratically elected government of Chechnya that result in a just and lasting peace;

(7) representatives of the democratically elected President of Chechnya, including his foreign minister, have traveled to the United States to facilitate an immediate cease-fire to the conflict in Chechnya and the initiation of peace negotiations between Russian and Chechen forces;

(8) the Secretary of State and other senior United States Government officials have refused to meet with representatives of the democratically elected President of Chechnya to discuss proposals for an immediate cease-fire between Chechen and Russian forces and for peace negotiations; and

(9) the Senate expresses its concern over the war and the humanitarian tragedy in Chechnya and its desire for a peaceful and durable settlement to the conflict.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Government of the Russian Federation should immediately—

(A) cease its military operations in Chechnya and participate in negotiations toward a just peace with the leadership of the Chechen Government led by President Aslan Maskhadov;

(B) allow into and around Chechnya international missions to monitor and report on the situation there and to investigate alleged atrocities and war crimes; and

(C) grant international humanitarian agencies full and unimpeded access to Chechen civilians, including those in refugee, detention, and so-called "filtration camps", or any other facility where citizens of Chechnya are detained;

(2) the Secretary of State should meet with representatives of the government of Chechnya led by President Aslan Maskhadov to discuss its proposals to initiate a cease-fire in the war in Chechnya and to facilitate the provision of humanitarian assistance to the victims of this tragic conflict; and

(3) the President of the United States, in structuring United States policy toward the Russian Federation, should take into consideration the refusal of the Government of the Russian Federation to cease its military operations in Chechnya and to participate in peace negotiations with the government of Chechnya.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. First of all, I compliment the distinguished clerk because there was a name or two that was difficult to pronounce. I probably will have the same difficulty. In any case, I wanted the amendment to be read to serve notice that this is a matter of great importance and one that bothers me tremendously.

It grew out of a meeting yesterday morning with Mr. Ilyas Akhmadov, the Foreign Minister of Chechnya, who represents Chechnya's democratically elected President. He is visiting Washington hoping to discuss with the Clinton administration his government's efforts to bring an immediate cease-fire to the brutal war that has wrought so much misery and destruction upon the Chechen people. His proposals to achieve a cease-fire and peace negotiations deserve close consideration by Russia and, indeed, the entire international community.

I find it incredible that Mr. Akhmadov's requests for a meeting with Secretary of State Madeleine Albright and other senior U.S. Government officials have been flatly rejected. As a matter of fact, I resent the fact that they conducted themselves as they did because this is an outrage.

The United States should be working to facilitate peace in Chechnya, not to encourage the Kremlin to further its brutal campaign against the Chechen people.

There is simply no excuse for the Secretary of State to refuse even to meet with Mr. Akhmadov. Any meeting to discuss the democratically elected Government to Chechnya's legitimate peace proposal would not constitute a de facto recognition of Chechen independence. And the Secretary of State and others know that.

But this refusal even to meet with Mr. Akhmadov will certainly be interpreted, by Russia's President Putin, as yet another green light from the Clinton-GORE administration to continue its indiscriminate campaign of violence against the Chechen people—a campaign that has led to the death, starvation, and torture of countless of innocent people in Chechnya.

In our meeting yesterday morning, Mr. Akhmadov and I discussed the atrocities that Russian forces are committing against the Chechen population. He shared with me, with tears in his eyes—and these were not pretended tears; this man was almost distraught about what is happening to his people—he gave me a grim picture of life in Chechnya under the repeated and indiscriminate assault by the Russian military.

Countless families continue to be bombed out of their homes. Chechens are still rounded up and sent to what are called "filtration camps" where they are tortured, raped, and then executed.

For too long, our President has refused to use his power and influence to pressure the Kremlin into genuine negotiations to end the bloody conflict in Chechnya which already has cost countless thousands of lives of men, women, and children.

Aside from empty rhetoric from the administration, not one finger has been lifted to make clear the outrage of the United States at the atrocities committed by Russian forces against innocent Chechen civilians.

Worse still, the administration has even legitimized Russia's military campaign in Chechnya with public declarations comparing this conflict to the Civil War in the United States.

For this reason, I submit this amendment to the Defense authorization bill. It calls upon the Kremlin to cease immediately its military operations in Chechnya.

It calls upon the Kremlin to grant international humanitarian organizations access to the victims of this conflict and do it immediately. And, this amendment calls upon Secretary of State Albright to meet with Mr. Akmadov to at least consider his proposal to bring an end to this terrible war in Chechnya.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I had not intended to speak on this, and I will not take any length of time. I think we are on the Defense appropriations bill. I don't know whether his intent was to offer this on Defense authorization or Defense appropriations. My colleague does not have to rise.

Mr. HELMS. Mr. President, I am absolutely amazed that any Senate Democrat, particularly my long-time friend from Connecticut, would talk about offering legislation on appropriations bills. I hope he won't take this further because I will cite hundreds of instances in the last 2 years where his side has bollixed up the operation of the Senate.

Mr. DODD. My colleague said he was amending the Defense authorization bill. This is the Defense appropriations bill. I just wondered if he was clear as to what bill we were dealing with at this moment.

Mr. HELMS. Let me tell you something, my friend. I will put this amendment on anything I can, if it does one ounce of benefit for the Chechen people.

Mr. DODD. I appreciate that.

Mr. HELMS. And if it will encourage your President to at least stop some of his other activities and look at what is happening over there.

Mr. DODD. I had not seen the proposal that my good friend and colleague from North Carolina offered, but he made two observations. I don't disagree with the substance of his sense-of-the-Senate resolution, whether it is on an authorization bill or an appropriations bill. This body has spoken out unanimously expressing outrage over the atrocities in Chechnya.

I will say, on behalf of the Secretary of State and the President, that this matter has been raised by them with their counterparts at the highest levels, including a summit a few days ago when the President met with President Putin in Russia. I know the Secretary of State has raised it on numerous occasions in conversations I have had with her and others have had in hearings.

There is a sense, somewhat, of redundancy here, in that all of us have expressed this view, at the executive branch level and at the legislative branch level. I think the word has certainly gone forth directly to Mr. Putin on behalf of the President of the United States through our Department of State and through resolutions passed here.

I have no objection at all to the resolution and don't disagree with any of the substance of it. But Madeleine Albright has conducted herself admirably in this regard, as has the President. We all hope the tragedy there will end and a political resolution will be what results from their efforts, and that the atrocities will stop.

It is obviously up to the floor managers on how they want to consider this, but I don't have any objection to it being on this bill or any other bill. I just wanted to make an observation. That was all I was trying to suggest to my friend and colleague. I do believe that Madeleine Albright and the President have done a good job expressing how all Americans feel about this. Nonetheless, we will support this sense-of-the-Senate resolution.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank my friend from Connecticut. I know he is sincere in every word he says. But let me tell him what my friend and his friend, Madeleine Albright's crowd, did down at the State Department. This gentleman with whom I met yesterday was told: Well, we will send some functionary from the State Department to meet you in a restaurant somewhere, but we will not meet with you at the State Department. Now, come on; that is the worst example of "get aside, we are not interested in you" to the Chechen people. I resent it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3280.

The amendment (No. 3280) was agreed to.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to speak for 2 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICTIMS OF GUN VIOLENCE

Mr. DODD. Mr. President, I thank the distinguished chairman and the ranking Democrat for their patience.

Every day that we have been in session over the last several weeks, the Democratic leader or his designees have identified those people who on this date in the year past lost their lives to gun violence in the United States. It is a way in which we have tried to highlight the significance of this issue. We have talked about Columbine High School and the tragedy of people losing their lives on that day.

The point the leader and those of us who support his efforts in the area of gun control have tried to make is that every single day in this country, there is a Columbine High School, and there has been for some time. So today, in that spirit of reminding our colleagues and the country again of the ongoing tragedy that occurs every single day in the United States, I will read the names of those people who on June 9, 1999, all across our country, lost their lives.

This is not the complete list in that this list only represents 100 cities with a population of more than 12,000 people. There are many other communities for which we don't have data.

The names are the following: Humberto Albear, Houston, TX; Jeffrey Barbush, St. Louis, MO; Guido Colomo, Houston, TX; Maria Cruz, Philadelphia, PA; Bernard Freeman, Chicago, IL; Scott Hawkins, Baltimore, MD; Robert Koch, Davenport, IA; Johnnie Martin, Chicago, IL; Martin Mendoza, Memphis, TN; Terrance Morrison, Boston, MA; John Rice, Philadelphia, PA; Gerardo Rios, Charlotte, NC; Cherie Shaw, Charlotte, NC; Chon Tang, Houston, TX; Tracy Taylor, Chicago, IL; Oscar J. Tunales, Laredo, TX; unidentified male, Norfolk, VA.

Mr. President, the violence still continues in this country. While there is no simple answer, including gun control, there are many other aspects that provoke and cause this level of violence. There are several measures that could be adopted by the Congress that would reduce this wave that continues every single day in our country.

In memory of these 17 people and more—I assume, since we do not reflect communities of 12,000 or more who lost their lives, that almost that many will lose their lives today somewhere in this country—it is our fervent hope that we will do a better job in reducing this level of violence in our country.

I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001—Continued

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, when we were debating the authorization bill earlier this week, it had come to my attention that there would be an amendment offered dealing with the testing program of the National Missile Defense System and that some criticism was going to be cited in support of that amendment attributed to Mr. Ted Postol, who is a physicist at the Massachusetts Institute of Technology.

That amendment has not yet been offered. We are now on the appropriations bill. I expect we will hear, during the debate on this bill, suggestions that we are either appropriating too much money for national missile defense or the program is flawed or in other ways criticism of this program on various—some imagined, some maybe real—bases, complaining about the national missile defense appropriations and theater missile defense appropriations contained in this bill.

I am rising today almost as a preemptive debate against these criticisms which I expect will be made by some Senators. They will use Mr. Ted Postol from MIT as the authority for their arguments. So I wish to give the Senate some background, particularly in view of the New York Times article this morning as an example of merchandising, again, of a lot of these arguments that have been made by Mr. Postol.

On May 11, Mr. Ted Postol, a physicist at the Massachusetts Institute of Technology, wrote to a number of Clinton administration officials claiming to have discovered evidence that the National Missile Defense system now being tested will be easily defeated by simple countermeasures, that the Ballistic Missile Defense Organization's own data proved this, and that BMDO and its contractors conspired to hide this information by tampering with flight test data. Mr. Postol also claimed that BMDO had altered the National Missile Defense flight test program in order to hide the truths he claimed to have discovered.

Mr. Postol says he discovered the fatal weakness in the NMD system after studying BMDO data from Integrated Flight Test 1A, which was conducted in June, 1997, and was a test of a prototype kill vehicle built by the Boeing Company for the NMD interceptor missile. The test was not an attempt to destroy the target, but only to understand the seeker's performance. It was intended specifically to understand how well the infrared sensor on the kill vehicle performed, compared to expectations, when it encountered a target warhead and a number of decoys and other penetration aids.

Mr. Postol contends that the results of Flight Test 1A showed that the NMD kill vehicle could not distinguish between a simple balloon decoy and an actual warhead, and that the entire test program, beginning with Integrated Flight Test 2, was restructured using far simpler targets to cover up this deficiency in the capacity of the vehicle to operate properly.

This contention by Mr. Postol is just not true. The facts are that Flight Test 1A involved a kill vehicle built by the Boeing Company. Flight Test 2 was conducted with a kill vehicle built by Raytheon, and used exactly the same target complex as Flight Test 1A, contrary to Mr. Postol's claims. Simpler targets were used in Flight Tests 3 and 4 because these tests had different objectives. Flight Tests 1A and 2 were intended to characterize the performance of the competing seekers; Flight test 3 was the first attempt to intercept and destroy a target warhead. Just as testing of any new aircraft begins with a taxi test, then a simple takeoff and landing, the first NMD intercept testing began with a single warhead accompanied by a balloon decoy. Subsequent tests will become progressively more difficult, an approach which follows the recommendations of a panel of experts headed by retired Air Force Chief of Staff Larry Welch. In fact, the Welch panel recommended that the Defense Department attempt its first intercept without countermeasures of any kind, in order to begin the testing as simply as possible, but BMDO believed it was worth the risk to attempt a more complicated test.

Mr. Postol appears to be unaware that the Boeing kill vehicle is no longer being used in the flight test program. The competing kill vehicle built by Raytheon, which has independently developed software, was selected for the NMD system and has been used in every test since Flight Test 1A.

Mr. Postol claims to have discovered in the data from Flight Test 1A that—and I quote—"the Exoatmospheric Kill Vehicle (EKV) will be defeated by the simplest of balloon decoys." The fact is that in Flight Test 3, on October 2, 1999, exactly the opposite happened, when the EKV disregarded a balloon decoy and successfully destroyed its target.

This isn't the first time Mr. Postol has been notoriously wrong about our missile defense program. In 1994, when the United States was preparing to conduct the first flight test of its Theater High Altitude Area Defense—or THAAD—system, he and some of his colleagues at MIT, in an article in Arms Control Today, claimed to have demonstrated that theater missile defenses like THAAD would—and I quote—"almost certainly have significant capabilities against strategic RVs [reentry vehicles]" and that any agreement permitting such capabilities would—I quote—"significantly erode the ability of the ABM Treaty to control strategic defenses by allowing systems that could defend areas of tens of thousands of square kilometers."

As it turns out, in spite of that suggestion by Mr. Postol and his colleagues from MIT, even the government of Russia never complained about THAAD or similar systems which Mr. Postol said would so upset the strategic balance. And when other technical experts challenged his conclusions, Mr. Postol adopted the tactics of questioning the competence and integrity of his critics. A technical team under contract to the Defense Department reviewed Mr. Postol's THAAD findings and found they contained errors. Mr. Postol's response was to write a series of letters to government officials, accusing the technical team whose findings differed from his of "spreading false and misleading information" that "impugns the scholarly reputation of myself and my colleagues." He accused the general officer heading the Ballistic Missile Defense Organization of mismanagement and of "providing false information to members of the Russian Duma" in an attempt to—in his words—"influence the Russian debate through subterfuge." Mr. Postol demanded that the Defense Department retract its study and issue a letter acknowledging its errors. DoD did none of this because they were right all along and it was Postol and his MIT colleagues who were wrong again.

Two years later, in 1996, Mr. Postol's campaign against missile defenses had taken a new approach. In addition to arguing that systems like THAAD would undermine the Russian strategic deterrent, Mr. Postol argued that they would be easily defeated by countermeasures. He said in effect that U.S. TMD systems were so good that they would threaten the Russian strategic force and at the same time so bad that they could be easily defeated by even the simplest of countermeasures. Both those claims could not be true.

Nonetheless, Mr. Postol continued to promote this argument, and created detailed drawings illustrating how an aspiring missile power might go about deploying countermeasures to U.S. defensive systems. These ideas were elaborated in an 80 page document which Mr. Postol distributed widely and which was eventually made available on the internet, so that anyone—including those who would benefit most from measures that could defeat U.S. weapon systems—could obtain it.

The claims that Theater Missile Defenses would both threaten deterrence and at the same time be overwhelmed by simple countermeasures is now being made by Postol and his co-authors for National Missile Defense. He is arguing that any nation which can build a long-range ballistic missile can necessarily build in measures that will allow it to penetrate missile defenses.

At the same time, these scientists believe, or say they believe, that deployment of a limited NMB system—even though they believe they can scientifically prove it will not work—will cause Russia to maintain higher force levels and China to construct a strategic buildup. All of this is contained in an elaborate, glossy, 175-page document which Mr. Postol and his colleagues have distributed widely.

It is relatively easy to conceive of devices that are theoretically possible using scientific principles. The best science fiction employs just such an approach. But it is another thing altogether to transform those concepts from the realm of ideas into hardware. Actually engineering a complex device like a weapon system is far different from merely imagining it. For every idea that is transformed into hardware and subjected to the real world's trials, many others, thought up by smart people with Ph.D.s from the best universities, are discarded as impractical. Countermeasures are no less subject to this reality than are the weapon systems they are intended to frustrate. Imagining is one thing; designing, building and testing is quite another.

Countermeasures aren't free. Every countermeasures which someone attempts to put on a ballistic missile costs real money. Countermeasures also consume weight and space, which mean lowered performance or less payload. Countermeasures introduce complexity, which means more things can go wrong and engineers must spend more time trying to ensure they go right. Engineers trying to perfect countermeasures are diverted from other activities they could be working on, such as extending a missile's range or improving its reliability. In short, successful pursuit of countermeasures means sacrificing something else, and some may not choose to make that sacrifice.

Countermeasures are an issue that must be taken seriously by the designers of our missile defense systems. And, fortunately, they are. Whether the weapon is an artillery piece of a ballistic missile, it will have to confront efforts to counter it. In fact, missile defense is itself a countermeasure to the ballistic missile. Missile defense should not be abandoned because of the probability that someone will attempt to develop a countermeasure. The talented men and women of our National Missile Defense program—who are operating in the real world in which ideas must be translated into hardware that works—are anticipating and preparing for countermeasures. This is a point that has apparently been lost on Mr. Postol and his concerned colleagues, who would have us believe that new capabilities materialize because they can imagine them.

I believe we are going to see more not less criticism as we move forward to implement the provisions of Public Law 106–38 and deploy our national missile defense system. Some of the critics have impressive academic credentials. Fortunately, however, people who are impressive experts in the design and construction of our modern weapons are working hard to carry out the mandates of our government to build missile defense systems that will protect our country and all our American citizens.

An interesting article was published this week in the June 5 issue of National Review, written by John O'Sullivan, entitled "By Winding Stair," which discusses missile defenses and its antagonists. This is an interesting article and is relevant to the subject I have discussed. I ask unanimous consent a copy of that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BY WINDING STAIR

(By John O'Sullivan)

Although at a glacial speed, and obstructed at every stage by the Clinton administration, America is moving steadily toward the deployment of a national system of missile defense. Public opinion has always been in favor of a commonsense protection against missile attacks from rogue states or accidental launches. Most Americans believe, indeed, that they already enjoy such a defense and are shocked when pollsters inform them otherwise. It was the politicians who needed convincing.

A growing sense of U.S. vulnerability led Congress to pass legislation in May 1999 mandating the deployment of a limited national missile-defense system as soon as technically possible. President Clinton signed the legislation, though he continues to drag his feet, insisting that a final decision to deploy will not be made until later this year on the basis of interceptor tests. Given that 2000 is an election year, however, and that there is growing bipartisan support for a decision to deploy, it looks a foregone conclusion.

If this progress is a reminder of Bacon's dictum that "all rising to a great place is by winding stair," it is at least spiraling in the right direction. But among America's NATO allies, a very different mood prevails. Europe as a whole has not fundamentally rethought its view of missile defense since the morning after Ronald Reagan's "Star Wars" speech, when it collectively decided that such schemes were technically impractical, strategically destabilizing, and a threat to arms control. To these earlier criticisms it now adds the post-Cold War complaint that an American decision to build missile defenses would alienate the Russians. Thus, Europeans on the NATO conference circuit regularly snipe at the proposed U.S. missile defense.

What is curious about this frozen attitude is not so much that it neglects the new risks from rogue states as that it ignores the fact that they especially threaten Europe. As seasoned defense expert William Schneider Jr. points out: "Current developments will enable proliferators in the Middle East and Asia to place all of Europe within range of ballistic missiles [possibly armed with mass-destruction warheads] within five years." And this threat is growing—with 36 nations possessing ballistic missiles, 17 nations thought to have chemical- and/or biological-warfare programs, 8 nations certainly owning nuclear weapons, and 4 nations believed to be "of nuclear-proliferation concern." Unfortunately for Europe, three of these last four are Iran, Iraq, and Libya, all on the periphery of the continent.

When such inconvenient facts are pointed out—and they seldom are—Europeans take refuge in the argument that deterrence will protect them against minor rogue states even more securely than it did against the mighty Soviet Union. Now, deterrence may well work for the major powers like Russia and China, which have relatively stable political establishments and a great deal to lose—though it has to fail only once for disaster to occur. But there are a number of reasons for doubting this assurance in other regards. In the first place, deterrence cannot protect against accidental launches, the danger of which increases with proliferation among states that currently operate unsafe airlines. Nor can it protect against a missile launched by a terrorist group with no return address. Nor can it provide a cast-iron defense against the miscalculation of a megalomaniac warlord.

And there is a more subtle danger. Will European nations be prepared to intervene to prevent the spread of Third World conflicts if their intervention provokes threats to retaliate with ballistic missiles? This danger is discussed in "Coming into Range," a report by the all-party Missile Proliferation Study Group in London. As it points out, Britain's defense planners have rightly been praised for their proposed creation of a Joint Rapid Reaction Force, built around two new aircraft carriers. The JRFF is intended to enable Britain to intervene swiftly and in force around the globe, and it is doubtless especially welcome to the Pentagon and the State Department as both potential military assistance and political cover. But the absence of a missile-defense system covering Britain may render the force largely useless. "The reality," says the study group's report, "is that in the absence of protection the crisis might literally come to us as the result of dispatching our forces to the crisis and, that being so, no decision to deploy those forces could be made." And if that is true for Britain, which, like France, still retains a culture of military patriotism, how much more likely it is that largely debellicized nations like Germany and Belgium will shrink from military actions that entail such heavy risks. If Saddam Hussein had had long-range ballistic missiles capable of hitting Berlin, Paris, and London in 1990, how many European nations would have taken part in the Gulf War?

The implications of this for Europe are very serious. If no Western power deploys missile defense, which is what the Europeans now seem to want, then within a short time every NATO member will be a potential target of nuclear, chemical, or biological attack. Yet if only the U.S. has such a system, that might lead to rogue states' threatening to strike at European targets in retaliation for purely American military interventions. In either event, Europeans would be hostages—and the present system of international relations that rests ultimately on the West's willingness to use force would gradually unravel. The logical solution would seem to be an American-led worldwide system of missile defense organized and deployed, at least in part, through NATO.

Why do the Europeans not agitate for this? In part, no doubt, the explanation is intellectual inflexibility. They have been assuring the Americans for so long now, that "Star Wars" is a pipe dream that they cannot easily bring themselves to see that it has become a strategic necessity. And since one thread of French foreign policy in recent years has been to restrain what it sees as the overwhelming "hyper-power" of the U.S., Paris instinctively opposes anything that buttresses it. The unspoken objection to a missile-defense system is that it would work.

The Europeans' spoken, or admitted, objections are another matter. One is that the continent's governments, especially the Germans, have made arms control an unquestionable desideratum of foreign policy. They are accordingly very reluctant to endorse a policy that requires the rewriting or abandonment of the ABM treaty. It would ease their consciences if the Russians could be induced to go along with any such renegotiation. But the Clinton administration called off negotiations with Moscow on missile-defense cooperation in its first term, and at present it seems to see Mr. Putin as its ally against Congress on the issue. Both the Russians and (therefore) the Germans can probably be won over by a sufficiently determined president and a few sweeteners. But that probably requires a new man in the White House.

The other big problem is the nexus of money and the European Security and Defense Policy. The ESDP is a non-solution to a non-existent problem. It has no military value, but has the potential to divide the NATO alliance. In their zeal for Euro-integration, the Europeans have committed themselves to it, and the Americans, not wishing to confirm the French stereotype of a hegemonic Uncle Sam, have grudgingly gone along. Useless though it is, the ESDP will cost money at a time when the Europeans have very little to spare—indeed, the budgetary rules of the Maastricht treaty actually prevent their increasing defense expenditure. So there is great reluctance to consider any other program, in particular anything as costly as a NATO missile defense, even though, unlike the ESDP, it would actually provide Europe with more defense.

Of course, there are hopeful signs. Realization of their vulnerability is finally beginning to dawn on the British—notably on defense secretary Geoff Hoon. Because the U.S. wants to use British facilities such as the Fylingdales Early Warning Station in its own system, London sees the prospect of Anglo-American cooperation in return for military contracts and a share of the anti-missile umbrella. And much would change in NATO, as it did in 1981, if the next president proved to be a determined advocate of missile defense. After all, the Europeans have not been the only skeptics. Missile defense has had to contend with a hostile White House since 1993.

Mr. GRASSLEY. Mr. President, on behalf of the Chairman of the Budget Committee, who is necessarily absent, I submit his budget statement and scoring table on S. 2593, the Department of Defense appropriations bill.

I support S. 2593, the Defense appropriations bill for fiscal year 2001. As scored by the Congressional Budget Office without any further adjustments, the pending bill provides $287.6 billion in total budget authority and $178.9 billion in new outlays for the Department of Defense and related activities. When adjusted for outlays from prior years, the bill totals $277.2 billion in outlays.

The bill, as reported, is consistent with the level of budget authority made available by the 2001 congressional budget resolution. It is also within the allocation of budget authority and outlays made available pursuant to section 302(b) of the Congressional Budget Act of 1974.

S. 2593 provides a 2.4 percent increase in overall procurement spending, a 4.5 percent increase in research and development, and a 0.4 percent increase in Operations and Maintenance.

I support this bill, and I urge its adoption. I want to complement the chairman of the Appropriations Committee for his work on this legislation.

Mr. President, I ask unanimous consent that a Senate Budget Committee table displaying the budget impact of this bill be placed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

S. 2593, DEFENSE APPROPRIATIONS, 2001—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2001, in millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	287,415	216	287,631
Outlays	276,959	216	277,175
Senate 302(b) allocation:			
Budget authority	287,415	216	287,631
Outlays	279,578	216	279,794
2000 level:			
Budget authority	268,605	209	268,814
Outlays	261,933	209	262,142
President's request:			
Budget authority	284,305	216	284,521
Outlays	275,871	216	276,087
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority			
Outlays	−2,619		−2,619
2000 level:			
Budget authority	18,810	7	18,817
Outlays	15,026	7	15,033
President's request:			
Budget authority	3,110		3,110
Outlays	1,088		1,088

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent the Senate proceed to a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRADUATING PAGES

Mr. LOTT. Mr. President, I rise today to recognize the spring 2000 graduating Page class. They have been an integral part of the everyday proceedings of the U.S. Senate and without their hard work and dedication this deliberative body would not be able to complete our work in a timely manner. Throughout the year young men and women come to Washington, D.C. from all parts of the nation to serve a vital role as Pages in the U.S. Senate. During the spring and fall these high school students attend the Page School in the early mornings and continue their day as U.S. Senate Pages often working long days and into the night. I must say, this group of Pages was of the highest caliber and are among the best youth our Nation has to offer. At this time, I would like to commend them for their service and enter their names in the RECORD.

Shannon Coe, Ashley Burnett, Kelly Morgan, Shannon Montague, Emily Schlect, Loki Gale Tobin, Kyle Brown, Misty Lebatard, Clinton Lee Johnson Jr., Chase Dubay, Benton Keatley, Anjel Jefferson, Nicole Tailleart, Rebecca Manning, Jean-Paul Isabelle, Andriea Aden, Seema Mittal, James Dolan, Nathaniel Haefs, Hannah Pierson-Compeau, Jay Oliphant, Allison Conley, Megan Gilbert.

MANDATING DISCLOSURE BY SECTION 527 ORGANIZATIONS

Mr. REED. Mr. President, first, I commend Senators LIEBERMAN, MCCAIN, FEINGOLD, DASCHLE and LEVIN for all of their hard work on the issue of Section 527 organizations. This latest mutation in fundraising is just another example of the failure of our existing campaign finance laws.

Hopefully, the passage of our amendment yesterday, which mandates disclosure by Section 527 organizations, will close yet another legal loophole being exploited by clever campaign fundraisers. This amendment should make unregulated and unlimited contributions to these so-called Section 527 committees much less attractive. Although donors will be able to continue to make as many tax-deductible contributions as they want, they will no longer be able to do so in absolute secrecy.

These Section 527 organizations, named after a section of the tax code, skirt existing campaign finance laws by carefully avoiding the endorsement of any particular candidate. This convoluted reasoning proceeds as follows: if a Section 527 committee does not endorse a particular candidate, then it is not engaged in political activity; if it is not engaged in political activity, then there is no requirement for it to disclose who has contributed money to the committee; since it is not engaged in political activity, it can run unlimited issue ads without obeying existing campaign finance laws regarding disclosure.

We all know from past experience that it is just a matter of time before enormous amounts of campaign cash are funneled through more and more of these secret organizations. The amendment which passed yesterday, which I was pleased to cosponsor, will force Section 527 organizations to emerge from the shadows. They will be required to disclose their existence to the IRS, file publicly available tax returns, make public reports specifying annual expenditures over $500, and identify those making contributions of $200 or more a year to the organization.

Although disclosure is only part of the solution, the passage of this amendment ensures that the public understands who these committees are, who gives them their money, and how they spend that money. I was pleased to give it my support.

ACCESS TO INNOVATION FOR MEDICARE PATIENTS ACT OF 2000

Mr. DEWINE. Mr. President, I think we all recognize that the Medicare Program is outdated. The bill introduced by the Senator from Washington would modernize Medicare's coverage to include new biotechnology innovations. Currently, the Medicare program covers physician-administered therapies that are given in an office by infusion or injection, but not those that are injected by a patient or a caregiver at home. Biotechnology has brought us new innovative biologics that are made with large proteins that are so unlike other drugs that they must be formulated as injectables. Science has allowed us to make many of these new products in the form of simple injections that do not have to be given by a health care professional in a clinical setting.

The bill I have cosponsored today would bring Medicare up to date with these developments by ensuring that new biological therapies are available to Medicare beneficiaries. It just does not make sense to continue Medicare's bias toward treatments that are more expensive and less convenient for patients.

I would like to add one point about the bill's cost. We do not know yet what the Congressional Budget Office [CBO] will determine the estimated cost of this change in Medicare policy will be. I understand the cosponsors of this legislation have requested an estimate from CBO. An analysis by the Lewin Group found that this legislation would not result in increasing the cost to the Medicare program. This finding is not surprising given that the bill would reduce certain costs, such as physician office visits and other expensive services, which would no longer be needed. I am hopeful that the CBO will reach the same conclusion. While it is important to modernize Medicare, it is equally important that we do so in a way that does not weaken the financial strength of the program.

I commend Senator GORTON for his leadership on this legislation. It represents the kind of constructive reform that is needed in the Medicare program; reform that would advance and modernize Medicare without imposing additional costs to the program.

ADDITIONAL STATEMENTS

TRIBUTE TO MICHAEL VALMORO III

• Mr. TORRICELLI. Mr. President, I rise today to recognize the distinguished career of an outstanding American, Mr. Michael Valmoro of Mahwah, New Jersey. Serving his community as a teacher of English, world literature and the works of William Shakespeare at Teaneck High School for the past thirty-eight years, he is one of the longest serving teachers in the history of the New Jersey school system. That tremendous achievement alone is worthy of praise. However, his commitment to his students by opening their young minds to the world's great literature and the genius of William Shakespeare has made him a respected educator and pillar of the community.

Cicero once professed, "What nobler employment, or more valuable to the state, than that of the man who instructs the rising generation." It is clear that Mr. Valmoro has taken Cicero's wisdom to heart during the course of the last four decades, as he has enlightened and inspired the thousands of students fortunate enough to have passed through his classroom.

Whether he was teaching his students to express themselves through creative writing, introducing them to the tragedy of "Romeo and Juliet" or reveling in the simple joy found in one of Shakespeare's sonnets, Mr. Valmoro approached each of his lessons with the wisdom and perspective of a scholar and the unbridled enthusiasm of an eager student.

In one of the scenes of "King Lear," the titular monarch asks his audience, "Who is it who can tell me who I am?" This question often presents itself to an individual upon the twilight of their career. If the outpouring of accolades, fond reminiscence and affection are any indication, the answer to this probing question for Mr. Valmoro is, an excellent teacher, a trusted mentor, a lover of great literature and an inspiration to his colleagues, students and family.

Throughout his distinguished tenure, Mr. Valmoro has exemplified the ideals which the American people value in their educators. It is with my most sincere congratulations and respect that I recognize him today in the Senate.●

IN RECOGNITION OF GEORGE ABRAHAM THAMPY

● Mr. ASHCROFT. Mr. President, I rise today in recognition of George Abraham Thampy, of Maryland Heights, Missouri. George correctly spelled "demarche" to win the National Spelling Bee held last week in Washington, D.C. The week prior, George placed second in the National Geography Bee, also held in Washington, D.C.

I would like to offer my congratulations to this young scholar who has worked diligently to not only reach, but also win, the National Spelling Bee. George's performance has been exemplary and I'm confident it will serve to promote a heightened interest in academic achievement. George also tied for fourth place in 1998 and finished in a third place tie last year.

I look forward to the continued success of Missouri home school families such as George's, and hope to continue promoting the kind of freedom that encourages parents to take an active role in guiding the course of their children's education. I wish him the best of luck in his future endeavors.●

MESSAGE FROM THE HOUSE

A message from the House of Representatives, delivered during the adjournment of the Senate, announced that pursuant to 10 U.S.C. 4355(a), the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. RODRIGUEZ of Texas.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 291. An act to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.

S. 356. An act to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9179. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9180. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, the report of agreements and transactions relative to acquisition and cross-serving agreements with non-NATO countries for fiscal year 1999; to the Committee on Armed Services.

EC–9181. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the annual report of the Supplemental Security Income Program; to the Committee on Finance.

EC–9182. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the status of activities that respond to the National Transportation Safety Board's recommendations to the Secretary of Transportation for calendar year 1999; to the Committee on Commerce, Science, and Transportation.

EC–9183. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report on progress on Superfund implementation in fiscal year 1999; to the Committee on Environment and Public Works.

EC–9184. A communication from the Administration of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "The Status of the State Small Business Stationary Source Technical and Environmental Compliance Programs" for calendar year 1998; to the Committee on Environment and Public Works.

EC–9185. A communication from the Chair of the State Energy Advisory Board, transmitting, pursuant to law, a report entitled "Energy Efficiency and Renewable Energy: A Clean Energy Agenda for the 21st Century"; to the Committee on Energy and Natural Resources.

EC–9186. A communication from the Chair of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the annual report for calendar year 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9187. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the financial audit and financial statement for calendar years 1998 and 1999 for the Federal Deposit Insurance Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC–9188. A communication from the Secretary of Energy, transmitting, pursuant to law, the report under the Comprehensive Environmental Response, Compensation, and Liability Act for fiscal year 1998; to the Committee on Environment and Public Works.

EC–9189. A communication from the Director of the National Legislative Commission of the American Legion, transmitting, pursuant to law, the report of consolidated financial statements for calendar years 1998 and 1999; to the Committee on the Judiciary.

EC–9190. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report relative to the Federal Equal Opportunity Recruitment Program for fiscal year 1998; to the Committee on Governmental Affairs.

EC–9191. A communication from the Assistant Administrator of the Bureau for Legislative and Public Affairs for U.S. Agency For International Development, transmitting, pursuant to law, the accountability report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–9192. A communication from the Office of the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Auditor's Review of Unauthorized Disbursements From ANC 8B's Checking Account"; to the Committee on Governmental Affairs.

EC–9193. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9194. A communication from the Chairman and General Counsel of the National Labor Relations Board, transmitting jointly, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9195. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9196. A communication from the Chairman of the National Endowment For the Arts, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 2710. A bill to recognize the rights of grandparents in cases involving international parental kidnapping; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BUNNING, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMS, Mr. GRASSLEY, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mr. MCCAIN, Mr. MURKOWSKI, Mr. NICKLES, Mr. REED, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, Mr. TORRICELLI, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 319. A resolution expressing the sense of the Senate that the Senate should participate in and support activities to provide decent homes for the people of the

United States, and for other purposes; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 320. A resolution to authorize testimony by Senate employee in state administration proceeding; considered and agreed to.

By Mr. CRAIG (for himself, Mr. ROCKEFELLER, and Mr. MURKOWSKI):

S. Con. Res. 121. A concurrent resolution congratulating Representative Stephen S.F. Chen on the occasion of his retirement from the diplomatic service of Taiwan, and for other purposes; considered and agreed to.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1074

At the request of Mr. TORRICELLI, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1988

At the request of Mr. DASCHLE, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1988, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2107

At the request of Mr. GRAMM, the names of the Senator from Missouri (Mr. BOND) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2107, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 2241

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2241, a bill to amend title XVIII of the Social Security Act to adjust wages and wage-related costs for certain items and services furnished in geographically reclassified hospitals.

S. 2366

At the request of Mr. FRIST, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2366, a bill to amend the Public Health Service Act to revise and extend provisions relating to the Organ Procurement Transplantation Network.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2589

At the request of Mr. JOHNSON, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2589, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

SENATE CONCURRENT RESOLUTION 121—CONGRATULATING REPRESENTATIVE STEPHEN S. F. CHEN ON THE OCCASION OF HIS RETIREMENT FROM THE DIPLOMATIC SERVICE OF TAIWAN, AND FOR OTHER PURPOSES

Mr. CRAIG (for himself, Mr. ROCKEFELLER, and Mr. MURKOWSKI) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 121

Whereas Representative Stephen S. F. Chen has been a member of Taiwan's diplomatic service for forty-seven years;

Whereas Representative Chen has represented Taiwan's interests in such countries as the Philippines, Brazil, Argentina, Bolivia, and the United States;

Whereas Representative Chen has held a number of important positions in his government at home, including those of Vice Foreign Minister and Deputy Secretary-General to President Lee Teng-hui;

Whereas Representative Chen's many years of service in the United States include appointments as Taiwan's Consul-General in Atlanta from 1973 to 1979 and as Director of the Coordination Council for North American Affairs in Chicago from 1980 to 1982 and Los Angeles from 1988 to 1989;

Whereas Representative Chen has served with distinction as Taiwan's senior diplomat in the United States since 1997, when he became the Representative of the Taipei Economic and Cultural Representative Office in Washington, D.C.; and

Whereas Representative Chen has been a friend of the United States and earned the respect and genuine affection of many Members of the Senate and House of Representatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) Representative Stephen Chen is to be congratulated for his many years of distinguished service to Taiwan and for his friendship to the United States; and

(2) the best wishes of Congress are to be extended to Representative Chen and his family on the occasion of his retirement.

SENATE RESOLUTION 319—EXPRESSING THE SENSE OF THE SENATE THAT THE SENATE SHOULD PARTICIPATE IN AND SUPPORT ACTIVITIES TO PROVIDE DECENT HOMES FOR THE PEOPLE OF THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. BROWNBACK (for himself, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BUNNING, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMS, Mr. GRASSLEY, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mr. MCCAIN, Mr. MURKOWSKI, Mr. NICKLES, Mr. REED, Mr. ROBB, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, Mr. TORRICELLI, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 319

Whereas the United States promotes and encourages the creation and revitalization of sustainable and strong neighborhoods in partnership with States, cities, and local communities and in conjunction with the independent and collective actions of private citizens and organizations;

Whereas establishing a housing infrastructure strengthens neighborhoods and local economies and nurtures the families who reside in them;

Whereas an integral element of a strong community is a sufficient supply of affordable housing;

Whereas affordable housing may be provided in traditional and nontraditional forms, including apartment buildings, transitional and temporary homes, condominiums, cooperatives, and single family homes;

Whereas for many families a home is not merely shelter, but also provides an opportunity for growth, prosperity, and security;

Whereas homeownership is a cornerstone of the national economy because it spurs the production and sale of goods and services, generates new jobs, encourages savings and investment, promotes economic and civic responsibility, and enhances the financial security of all people in the United States;

Whereas although the United States is the first nation in the world to make owning a home a reality for a vast majority of its families, ⅓ of the families in the United States are not homeowners;

Whereas a disproportionate percentage of families in the United States that are not homeowners are low-income families;

Whereas the community building activities of neighborhood-based nonprofit organizations empower individuals to improve their lives and make communities safer and healthier for families;

Whereas one of the best known nonprofit housing organizations is Habitat for Humanity, which builds simple but adequate housing for less fortunate families and symbolizes the self-help approach to homeownership;

Whereas Habitat for Humanity is organized in all 50 States with 1544 local affiliates and its own 501(c)(3) nonprofit corporate status and locally elected completely voluntary board of directors.

Whereas Habitat for Humanity will build its 100,000th house worldwide in September 2000 and endeavors to complete another 100,000 homes during the next 5 years.

Whereas Habitat for Humanity provides opportunities for people from every segment of society to volunteer to help make the American dream a reality for families who otherwise would not own a home; and

Whereas the first week of June 2000 has been designated as "National Homeownership Week": Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) everyone in the United States should have a decent home in which to live;

(2) the Members of the Senate should demonstrate the importance of volunteerism;

(3) during the year between National Homeownership Week 2000 and National Homeownership Week 2001, the Members of the Senate, Habitat for Humanity, and contributing organizations, should sponsor and construct 2 homes in the District of Columbia each of which should be known as a "House That the Senate Built";

(4) each "House That the Senate Built" should be constructed primarily by Members of the Senate, their families and staffs, and the staffs of sponsoring organizations working with local volunteers involving and symbolizing the partnership of the public, private, and nonprofit sectors of society;

(5) each "House That the Senate Built" should be constructed with the participation of the family that will own the home;

(6) in the future, the Members of the Senate and their families and staff should participate in similar house building activities in their own States as part of National Homeownership Week; and

(7) these occasions should be used to emphasize and focus on the importance of providing decent homes for all of the people in the United States.

SENATE RESOLUTION 320—TO AUTHORIZE TESTIMONY BY SENATE EMPLOYEE IN STATE ADMINISTRATIVE PROCEEDING

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 320

Whereas, in the Inquiry Relative to the Claim for Benefits of Yolanda Nock, pending before the Department of Labor, in the County of Sussex, State of Delaware, a subpoena for testimony has been issued to Elinor Hughes, an employee of the Senate on the staff of Senator William V. Roth, Jr.;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, that Elinor Hughes is authorized to testify in the Inquiry Relative to the Claim for Benefits of Yolanda Nock, except concerning matters for which a privilege should be asserted.

AMENDMENTS SUBMITTED—JUNE 8, 2000

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SMITH OF OREGON (AND OTHERS) AMENDMENT NO. 3247

Mr. WARNER (for Mr. SMITH of Oregon (for himself, Mr. WYDEN, and Mr. BRYAN)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 155, line 4, strike "(g) EFFECTIVE DATE.—This" and insert the following:

"(g) VICE CHIEF OF NATIONAL GUARD BUREAU.—(1) The Secretary of Defense shall conduct a study of the advisability of increasing the grade authorized for the Vice Chief of the National Guard Bureau to Lieutenant General.

"(2) As part of the study, the chief of the National Guard Bureau shall submit to the Secretary of Defense an analysis of the functions and responsibilities of the Vice Chief of the National Guard Bureau and the Chief's recommendation as to whether the grade authorized for the Vice Chief should be increased.

"(3) Not later than February, 1, 2001, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the study. The report shall include the following:

"(A) The recommendation of the Chief of the National Guard Bureau and any other information provided by the Chief to the Secretary of Defense pursuant to paragraph (2).

"(B) The conclusions resulting from the study.

"(C) The Secretary's recommendation regarding whether the grade authorized for the Vice Chief of the National Guard Bureau should be increased to Lieutenant General.

"(h) EFFECTIVE DATES.—Subsection (g) shall take effect on the date of the enactment of the Act. Except for that subsection, this".

AMENDMENTS SUBMITTED—JUNE 9, 2000

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2000

HELMS AMENDMENT NO. 3280

Mr. HELMS proposed an amendment to the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

SEC. ___. SENSE OF THE SENATE ON BRINGING PEACE TO CHECHNYA.

(a) FINDINGS.—The Senate finds that—

(1) the Senate of the United States unanimously passed Senate Resolution 262 on February 24th, 2000, which condemned the indiscriminate use of force by the Government of the Russian Federation against the people of Chechnya and called for peace negotiations between the Government of the Russian Federation and the democratically elected Government of Chechnya led by President Aslan Maskhadov;

(2) the Committee on Foreign Relations of the Senate received credible evidence reporting that Russian forces in Chechnya caused the deaths of innocent civilians and the displacement of well over 250,000 other residents of Chechnya and committed widespread atrocities, including summary executions, torture, and rape;

(3) the Government of the Russian Federation continues its military campaign in Chechnya, including using indiscriminate force, causing further dislocation of people from their homes, the deaths of noncombatants, and widespread suffering;

(4) the Government of the Russian Federation refuses to participate in peace negotiations with the democratically elected government of Chechnya;

(5) the war in Chechnya contributes to ethnic hatred and religious intolerance within the Russian Federation, jeopardizes prospects for the establishment of democracy in the Russian Federation, and is a threat to the peace in the region; and

(6) it is in the interests of the United States to promote a cease-fire in Chechnya and negotiations between the Government of

the Russian Federation and the democratically elected government of Chechnya that result in a just and lasting peace;

(7) representatives of the democratically elected President of Chechnya, including his foreign minister, have traveled to the United States to facilitate an immediate cease-fire to the conflict in Chechnya and the initiation of peace negotiations between Russian and Chechen forces;

(8) the Secretary of State and other senior United States Government officials have refused to meet with representatives of the democratically elected President of Chechnya to discuss proposals for an immediate cease-fire between Chechen and Russian forces and for peace negotiations; and

(9) the Senate expresses its concern over the war and the humanitarian tragedy in Chechnya and its desire for a peaceful and durable settlement to the conflict.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the Government of the Russian Federation should immediately—

(A) cease its military operations in Chechnya and participate in negotiations toward a just peace with the leadership of the Chechen Government led by President Aslan Maskhadov;

(B) allow into and around Chechnya international missions to monitor and report on the situation there and to investigate alleged atrocities and war crimes; and

(C) grant international humanitarian agencies full and unimpeded access to Chechen civilians, including those in refugee, detention, and so-called "filtration camps", or any other facility where citizens of Chechnya are detained;

(2) the Secretary of State should meet with representatives of the government of Chechnya led by President Aslan Maskhadov to discuss its proposals to initiate a cease-fire in the war in Chechnya and to facilitate the provision of humanitarian assistance to the victims of this tragic conflict; and

(3) the President of the United States, in structuring United States policy toward the Russian Federation, should take into consideration the refusal of the Government of the Russian Federation to cease its military operations in Chechnya and to participate in peace negotiations with the government of Chechnya.

INTERNET NONDISCRIMINATION ACT OF 2000

JOHNSON AMENDMENT NO. 3281

Mr. JOHNSON proposed an amendment to the bill (H.R. 3709) to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; as follows:

At the appropriate place insert the following:

TITLE XX—LOAN GUARANTEES FOR RURAL TELEVISION

SEC. 01. SHORT TITLE.

This title may be cited as the "Launching Our Communities' Access to Local Television Act of 2000".

SEC. 02. PURPOSE.

The purpose of this title is to facilitate access, on a technologically neutral basis and by December 31, 2006, to signals of local television stations, and related signals (including high-speed Internet access and National Weather Service warnings), for households located in unserved areas and underserved areas.

SEC. 03. LOCAL TELEVISION LOAN GUARANTEE BOARD.

(a) Establishment.—There is established the LOCAL Television Loan Guarantee Board (in this title referred to as the "Board").

(b) Members.—

(1) In general.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman.

(C) The Secretary of Agriculture, or the designee of the Secretary.

(2) Requirement as to designees.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) Functions of the Board.—

(1) In general.—The Board shall determine whether or not to approve loan guarantees under this title. The Board shall make such determinations consistent with the purpose of this title and in accordance with this subsection and section 04.

(2) Consultation authorized.—

(A) In general.—In carrying out its functions under this title, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) Response.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this title.

(3) Approval by majority vote.—The determination of the Board to approve a loan guarantee under this title shall be by a vote of a majority of the Board.

SEC. 04. APPROVAL OF LOAN GUARANTEES.

(a) Authority To Approve Loan Guarantees.—Subject to the provisions of this section and consistent with the purpose of this title, the Board may approve loan guarantees under this title.

(b) Regulations.—

(1) Requirements.—The Administrator (as defined in section 05), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this title and shall do so not later than 120 days after funds authorized to be appropriated under section 09 have been appropriated in a bill signed into law.

(2) Elements.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this title;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this title, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this title;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this title;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this title; and

(F) include such other provisions consistent with the purpose of this title as the Board considers appropriate.

(3) Construction.—(A) Nothing in this title shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this title.

(B) If any provision of this title or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this title, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) Authority Limited by Appropriations Acts.—The Board may approve loan guarantees under this title only to the extent provided for in advance in appropriations Acts. The Board may delegate to the Administrator (as defined in section 05) the authority to approve loan guarantees of up to $20,000,000. To the extent the Administrator is delegated such authority, the Administrator shall comply with the terms of this title applicable to the Board.

(d) Requirements and Criteria Applicable to Approval.—

(1) In general.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 03, to determine which loans may be eligible for a loan guarantee under this title.

(2) Prerequisites.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this title unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals, and related signals (including high-speed Internet access and National Weather Service warnings), will be delivered to an unserved area or underserved area;

(B) the proceeds of the loan will not be used for operating expenses;

(C) the proposed project, as determined by the Board in consultation with the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to the signals of a local television station in an unserved area or underserved area;

(D)(i) the loan (including Other Debt, as defined in subsection (f)(2)(B))—

(I) is provided by any entity engaged in the business of commercial lending—

(aa) if the loan is made in accordance with loan-to-one-borrower and affiliate transaction restrictions to which the entity is subject under applicable law; or

(bb) if item (aa) does not apply, the loan is made only to a borrower that is not an affiliate of the entity and only if the amount of the loan and all outstanding loans by that entity to that borrower and any of its affiliates does not exceed 10 percent of the net equity of the entity; or

(II) is provided by a nonprofit corporation, including the National Rural Utilities Cooperative Finance Corporation, engaged primarily in commercial lending, if the Board determines that such nonprofit corporation has one or more issues of outstanding long-term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, and, if the Board determines that the making of the loan by such nonprofit corporation will cause a decline in the debt rating mentioned above, the Board at its discretion may disapprove the loan guarantee on this basis;

(ii)(I) no loan (including Other Debt as defined in subsection (f)(2)(B)) may be made for purposes of this Act by a governmental entity or affiliate thereof, or by the Federal Agricultural Mortgage Corporation, or any institution supervised by the Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board, or any affiliate of such entities;

(II) any loan (including Other Debt as defined in subsection (f)(2)(B)) must have terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(III) for purposes of clause (i)(I)(bb), the term "net equity" means the value of the total assets of the entity, less the total liabilities of the entity, as recorded under generally accepted accounting principles for the fiscal quarter ended immediately prior to the date on which the subject loan is approved;

(E) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(F) the loan meets any additional criteria developed under subsection (g).

(3) PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—The Board may not approve the guarantee of a loan under this title unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this title; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) to the extent possible, the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the "Amount" for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant; and if the combined value of collateral provided by an applicant and any affiliate is not at least equal to the Amount, the collateral from such affiliate represents all of such affiliate's assets;

(iv) all necessary and required regulatory and other approvals, spectrum rights, and delivery permissions have been received for the loan, the project under the loan, and the Other Debt, if any, under subsection (f)(2)(B);

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this title; and

(vi) repayment of the loan can reasonably be expected.

(e) CONSIDERATIONS.—

(1) TYPE OF MARKET.—

(A) PRIORITY CONSIDERATIONS.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this title in the following order: First, to projects that will serve the greatest number of households in unserved areas and the number of States (including noncontiguous States); and second, to projects that will serve the greatest number of households in underserved areas. In each instance, the Board shall consider the project's efficiency in providing service given the area to be served.

(B) ADDITIONAL CONSIDERATIONS.—To the maximum extent practicable, the Board should give additional consideration to projects which also provide related signals (including high-speed Internet access and National Weather Service warnings).

(C) PROHIBITION.—The Board may not approve a loan guarantee under this title for a project that is designed primarily to serve 1 or more of the 40 most populated designated market areas (as that term is defined in section 122(j) of title 17, United States Code).

(2) OTHER CONSIDERATIONS.—The Board shall consider other factors, which shall include projects that would—

(A) offer a separate tier of local broadcast signals, but for applicable Federal, State, or local laws or regulations;

(B) provide lower projected costs to consumers of such separate tier; and

(C) enable the delivery of local broadcast signals consistent with the purpose of this title by a means reasonably compatible with existing systems or devices predominantly in use.

(f) GUARANTEE LIMITS.—

(1) LIMITATION ON AGGREGATE VALUE OF LOANS.—The aggregate value of all loans for which loan guarantees are issued under this title (including the unguaranteed portion of loans issued under paragraph (2)(A)) and Other Debt under paragraph (2)(B) may not exceed $1,250,000,000.

(2) GUARANTEE LEVEL.—A loan guarantee issued under this title—

(A) may not exceed an amount equal to 80 percent of a loan meeting in its entirety the requirements of subsection (d)(2)(A). If only a portion of a loan meets the requirements of that subsection, the Board shall determine that percentage of the loan meeting such requirements (the "applicable portion") and may issue a loan guarantee in an amount not exceeding 80 percent of the applicable portion; or

(B) may, as to a loan meeting in its entirety the requirements of subsection (d)(2)(A), cover the amount of such loan only if that loan is for an amount not exceeding 80 percent of the total debt financing for the project, and other debt financing (also meeting in its entirety the requirements of subsection (d)(2)(A)) from the same source for a total amount not less than 20 percent of the total debt financing for the project ("Other Debt") has been approved.

(g) UNDERWRITING CRITERIA.—Within the period provided for under subsection (b)(1), the Board shall, in consultation with the Director of the Office of Management and Budget and an independent public accounting firm, develop underwriting criteria relating to the guarantee of loans that are consistent with the purpose of this title, including appropriate collateral and cash flow levels for loans guaranteed under this Act, and such other matters as the Board considers appropriate.

(h) CREDIT RISK PREMIUMS.—

(1) ESTABLISHMENT AND ACCEPTANCE.—The Board may establish and approve the acceptance of credit risk premiums with respect to a loan guarantee under this title in order to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of the loan guarantee. To the extent that appropriations of budget authority are insufficient to cover the cost, as so determined, of a loan guarantee under this title, credit risk premiums shall be accepted from a non-Federal source under this subsection on behalf of the applicant for the loan guarantee.

(2) CREDIT RISK PREMIUM AMOUNT.—

(A) IN GENERAL.—The Board shall determine the amount of any credit risk premium to be accepted with respect to a loan guarantee under this title on the basis of—

(i) the financial and economic circumstances of the applicant for the loan guarantee, including the amount of collateral offered;

(ii) the proposed schedule of loan disbursements;

(iii) the business plans of the applicant for providing service;

(iv) any financial commitment from a broadcast signal provider; and

(v) the concurrence of the Director of the Office of Management and Budget as to the amount of the credit risk premium.

(B) PROPORTIONALITY.—To the extent that appropriations of budget authority are sufficient to cover the cost, as determined under section 504(b)(1) of the Federal Credit Reform Act of 1990, of loan guarantees under this title, the credit risk premium with respect to each loan guarantee shall be reduced proportionately.

(C) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to an account (the "Escrow Account") established in the Treasury which shall accrue interest and such interest shall be retained by the account, subject to subparagraph (D).

(D) DEDUCTIONS FROM ESCROW ACCOUNT.—If a default occurs with respect to any loan guaranteed under this title and the default is not cured in accordance with the terms of the underlying loan or loan guarantee agreement, the Administrator, in accordance with subsections (h) and (i) of section 05, shall liquidate, or shall cause to be liquidated, all assets collateralizing such loan as to which it has a lien or security interest. Any shortfall between the proceeds of the liquidation net of costs and expenses relating to the liquidation, and the guarantee amount paid pursuant to this title shall be deducted from funds in the Escrow Account and credited to the Administrator for payment of such shortfall. At such time as determined under subsection (d)(2)(E) when all loans guaranteed under this title have been repaid or otherwise satisfied in accordance with this title and the regulations promulgated hereunder, remaining funds in the Escrow Account, if any, shall be refunded, on a pro rata basis, to applicants whose loans guaranteed under this title were not in default, or where any default was cured in accordance with the terms of the underlying loan or loan guarantee agreement.

(i) JUDICIAL REVIEW.—The decision of the Board to approve or disapprove the making of a loan guarantee under this title shall not be subject to judicial review.

SEC. 05. ADMINISTRATION OF LOAN GUARANTEES.

(a) In General.—The Administrator of the Rural Utilities Service (in this Act referred to as the "Administrator") shall issue and otherwise administer loan guarantees that have been approved by the Board in accordance with sections 03 and 04. .

(b) Security for Protection of United States Financial Interests.—

(1) Terms and conditions.—An applicant shall agree to such terms and conditions as are satisfactory, in the judgment of the Board, to ensure that, as long as any principal or interest is due and payable on a loan guaranteed under this title, the applicant—

(A) shall maintain assets, equipment, facilities, and operations on a continuing basis;

(B) shall not make any discretionary dividend payments that impair its ability to repay obligations guaranteed under this title; and

(C) shall remain sufficiently capitalized.

(2) Collateral.—

(A) Existence of adequate collateral.—An applicant shall provide the Board such documentation as is necessary, in the judgment of the Board, to provide satisfactory evidence that appropriate and adequate collateral secures a loan guaranteed under this title.

(B) Form of collateral.—Collateral required by subparagraph (A) shall consist solely of assets of the applicant, any affiliate of the applicant, or both (whichever the Board considers appropriate), including primary assets to be used in the delivery of signals for which the loan is guaranteed.

(C) Review of valuation.—The value of collateral securing a loan guaranteed under this title may be reviewed by the Board, and may be adjusted downward by the Board if the Board reasonably believes such adjustment is appropriate.

(3) Lien on interests in assets.—Upon the Board's approval of a loan guarantee under this title, the Administrator shall have liens on assets securing the loan, which shall be superior to all other liens on such assets, and the value of the assets (based on a determination satisfactory to the Board) subject to the liens shall be at least equal to the unpaid balance of the loan amount covered by the loan guarantee, or that value approved by the Board under section 04(d)(3)(B)(iii).

(4) Perfected security interest.—With respect to a loan guaranteed under this title, the Administrator and the lender shall have a perfected security interest in assets securing the loan that are fully sufficient to protect the financial interests of the United States and the lender.

(5) Insurance.—In accordance with practices in the private capital market, as determined by the Board, the applicant for a loan guarantee under this title shall obtain, at its expense, insurance sufficient to protect the financial interests of the United States, as determined by the Board.

(c) Assignment of Loan Guarantees.—The holder of a loan guarantee under this title may assign the loan guaranteed under this title in whole or in part, subject to such requirements as the Board may prescribe.

(d) Modification.—The Board may approve the modification of any term or condition of a loan guarantee or a loan guaranteed under this title, including the rate of interest, time of payment of principal or interest, or security requirements only if—

(1) the modification is consistent with the financial interests of the United States;

(2) consent has been obtained from the parties to the loan agreement;

(3) the modification is consistent with the underwriting criteria developed under section 04(g);

(4) the modification does not adversely affect the interest of the Federal Government in the assets or collateral of the applicant;

(5) the modification does not adversely affect the ability of the applicant to repay the loan; and

(6) the National Telecommunications and Information Administration has been consulted by the Board regarding the modification.

(e) Performance Schedules.—

(1) Performance schedules.—An applicant for a loan guarantee under this title for a project covered by section 04(e)(1) shall enter into stipulated performance schedules with the Administrator with respect to the signals to be provided through the project.

(2) Penalty.—The Administrator may assess against and collect from an applicant described in paragraph (1) a penalty not to exceed 3 times the interest due on the guaranteed loan of the applicant under this title if the applicant fails to meet its stipulated performance schedule under that paragraph.

(f) Compliance.—The Administrator, in cooperation with the Board and as the regulations of the Board may provide, shall enforce compliance by an applicant, and any other party to a loan guarantee for whose benefit assistance under this title is intended, with the provisions of this title, any regulations under this title, and the terms and conditions of the loan guarantee, including through the submittal of such reports and documents as the Board may require in regulations prescribed by the Board and through regular periodic inspections and audits.

(g) Commercial Validity.—A loan guarantee under this title shall be incontestable—

(1) in the hands of an applicant on whose behalf the loan guarantee is made, unless the applicant engaged in fraud or misrepresentation in securing the loan guarantee; and

(2) as to any person or entity (or their respective successor in interest) who makes or contracts to make a loan to the applicant for the loan guarantee in reliance thereon, unless such person or entity (or respective successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

(h) Defaults.—The Board shall prescribe regulations governing defaults on loans guaranteed under this title, including the administration of the payment of guaranteed amounts upon default.

(i) Recovery of Payments.—

(1) In general.—The Administrator shall be entitled to recover from an applicant for a loan guarantee under this title the amount of any payment made to the holder of the guarantee with respect to the loan.

(2) Subrogation.—Upon making a payment described in paragraph (1), the Administrator shall be subrogated to all rights of the party to whom the payment is made with respect to the guarantee which was the basis for the payment.

(3) Disposition of property.—

(A) Sale or disposal.—The Administrator shall, in an orderly and efficient manner, sell or otherwise dispose of any property or other interests obtained under this title in a manner that maximizes taxpayer return and is consistent with the financial interests of the United States.

(B) Maintenance.—The Administrator shall maintain in a cost-effective and reasonable manner any property or other interests pending sale or disposal of such property or other interests under subparagraph (A).

(j) Action Against Obligor.—

(1) Authority to bring civil action.—The Administrator may bring a civil action in an appropriate district court of the United States in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under this title. The holder of a loan guarantee shall make available to the Administrator all records and evidence necessary to prosecute the civil action.

(2) Fully satisfying obligations owed the United States.—The Administrator may accept property in satisfaction of any sums owed the United States as a result of a default on a loan guaranteed under this title, but only to the extent that any cash accepted by the Administrator is not sufficient to satisfy fully the sums owed as a result of the default.

(k) Breach of Conditions.—The Administrator shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Board finds is in violation of this title, the regulations under this title, or any conditions which were duly agreed to, and to secure any other appropriate relief, including relief against any affiliate of the applicant.

(l) Attachment.—No attachment or execution may be issued against the Administrator or any property in the control of the Administrator pursuant to this title before the entry of a final judgment (as to which all rights of appeal have expired) by a Federal, State, or other court of competent jurisdiction against the Administrator in a proceeding for such action.

(m) Fees.—

(1) Application fee.—The Board may charge and collect from an applicant for a loan guarantee under this title a fee to cover the cost of the Board in making necessary determinations and findings with respect to the loan guarantee application under this title. The amount of the fee shall be reasonable.

(2) Loan guarantee origination fee.—The Board may charge, and the Administrator may collect, a loan guarantee origination fee with respect to the issuance of a loan guarantee under this title.

(3) Use of fees collected.—Any fee collected under this subsection shall be used to offset administrative costs under this title, including costs of the Board and of the Administrator.

(n) Requirements Relating to Affiliates.—

(1) Indemnification.—The United States shall be indemnified by any affiliate (acceptable to the Board) of an applicant for a loan guarantee under this title for any losses that the United States incurs as a result of—

(A) a judgment against the applicant or any of its affiliates;

(B) any breach by the applicant or any of its affiliates of their obligations under the loan guarantee agreement;

(C) any violation of the provisions of this title, and the regulations prescribed under this title, by the applicant or any of its affiliates;

(D) any penalties incurred by the applicant or any of its affiliates for any reason, including violation of a stipulated performance schedule under subsection (e); and

(E) any other circumstances that the Board considers appropriate.

(2) Limitation on transfer of loan proceeds.—An applicant for a loan guarantee

under this title may not transfer any part of the proceeds of the loan to an affiliate.

(o) EFFECT OF BANKRUPTCY.—(1) Notwithstanding any other provision of law, whenever any person or entity is indebted to the United States as a result of any loan guarantee issued under this title and such person or entity is insolvent or is a debtor in a case under title 11, United States Code, the debts due to the United States shall be satisfied first.

(2) A discharge in bankruptcy under title 11, United States Code, shall not release a person or entity from an obligation to the United States in connection with a loan guarantee under this title.

SEC. 06. ANNUAL AUDIT.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct on an annual basis an audit of the administration of the provisions of this title.

(b) REPORT.—The Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives a report on each audit conducted under subsection (a).

SEC. 07. SUNSET.

No loan guarantee may be approved under this title after December 31, 2006.

SEC. 08. DEFINITIONS.

In this title:

(1) AFFILIATE.—The term "affiliate"—

(A) means any person or entity that controls, or is controlled by, or is under common control with, another person or entity; and

(B) may include any individual who is a director or senior management officer of an affiliate, a shareholder controlling more than 25 percent of the voting securities of an affiliate, or more than 25 percent of the ownership interest in an affiliate not organized in stock form.

(2) UNSERVED AREA.—The term "unserved area" means any area that—

(A) is outside the grade B contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) does not have access to such signals by other widely marketed means.

(3) UNDERSERVED AREA.—The term "underserved area" means any area that—

(A) is outside the grade A contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) has access to local television broadcast signals from not more than one commercial, for-profit multichannel video provider.

(4) COMMON TERMS.—Except as provided in paragraphs (1) through (3), any term used in this Act that is defined in the Communications Act of 1934 (47 U.S.C. 151 et seq.) has the meaning given that term in the Communications Act of 1934.

SEC. 09. AUTHORIZATIONS OF APPROPRIATIONS.

(a) COST OF LOAN GUARANTEES.—For the cost of the loans guaranteed under this title, including the cost of modifying the loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661(a)), there are authorized to be appropriated for fiscal years 2001 through 2006, such amounts as may be necessary.

(b) COST OF ADMINISTRATION.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title, other than to cover costs under subsection (a).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authorizations of appropriations in subsections (a) and (b) shall remain available until expended.

PRIVILEGES OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that floor privileges be granted to two members of my staff, Justin Walker and Kristin Hedger, today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Bob Herbert, a fellow in my office, be granted floor privileges during the consideration of the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Michael Daly of Senator ABRAHAM's office be granted floor privileges during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Dan Hodges from my staff be allowed floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JUNE 12, 2000

Mr. STEVENS. On behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, June 12. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 2 p.m., with Senators speaking therein for up to 10 minutes each with the following exceptions: Senator DURBIN, or his designee, from 12 to 1 p.m., Senator THOMAS, or his designee, from 1 to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. For the information of all Senators, the Senate will convene at 12 noon on Monday and be in a period of morning business until 2 p.m. Following morning business, the Senate will resume consideration of the Defense appropriations bill. Amendments will be offered, and it is expected the two managers will agree to exchange a list of amendments at 2 p.m. Monday.

ORDER FOR FILING OF AMENDMENTS

Mr. STEVENS. With that in mind, I ask unanimous consent that all first-degree amendments to this bill must be filed by 3 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF ORDER

Mr. STEVENS. Mr. President, I ask unanimous consent that the previous order with respect to rule XVI regarding the Defense appropriations bill be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, in addition, any votes regarding those amendments will be scheduled to occur on Tuesday morning, June 13. As a reminder, Senators should inform the bill managers, Senator INOUYE and myself, if they have amendments to the Defense appropriations bill. It is my hope we will have an announcement on Monday that any amendments that are stacked on Tuesday will commence very early in the day.

ORDER FOR ADJOURNMENT

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senators DASCHLE, ENZI, DORGAN, and BROWNBACK.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING NOFAS ON 10 YEARS OF PROGRESS

Mr. DASCHLE. Mr. President, 10 years ago, I met with an extraordinary group of people in the basement of a home in suburban Maryland, just outside Washington, DC. They came from all kinds of backgrounds and fields, but they were united by one common desire, and that was to try to prevent fetal alcohol syndrome and help children and families who are living with its consequences.

The other night, I saw some of those same people again at a reception celebrating the 10th anniversary of NOFAS, the National Organization for Fetal Alcohol Syndrome.

Born in that suburban Maryland basement 10 years ago, NOFAS is now the world's leading clearinghouse for information on fetal alcohol syndrome and fetal alcohol effects. I am proud to say that my wife and I serve on its board of directors.

At the reception the other night, I was asked to say a few words about why I support NOFAS. I could have cited its pivotal role in the significant advances in our understanding of fetal alcohol syndrome and fetal alcohol effect. Ten years ago, we knew very little about fetal alcohol syndrome or fetal alcohol effects, its only slightly milder version. Today, we know that as many as 40,000 children are born each year in this country with FAS and other alcohol-related conditions, costing Americans more than $3 billion a year in direct health care expenses.

We know that fetal alcohol syndrome is the leading known cause of mental retardation among children. We know that FAS and FAE are both 100 percent preventable when pregnant women abstain from alcohol. And we know now that there is no safe level of alcohol use during pregnancy. That is progress, and it is possible we still would not know these things today were it not for 10 years of diligent and dedicated work by the National Organization for Fetal Alcohol Syndrome. Instead, I talked about two other reasons that I support NOFAS. Those reasons are Karli Schrider and Lucy Klene. If you ever drop by the NOFAS office in Washington on a Friday afternoon, there is a good chance you will run into Karli. She volunteers at NOFAS every Friday stuffing information packets. It is one of her many volunteer jobs.

Twenty-eight years ago, when Karli's mother, Kathy, was pregnant with Karli, it was not uncommon for expectant mothers to be told to "drink a beer a day for a fat, healthy baby." Women who were in danger of miscarrying were sometimes hospitalized and given alcohol intravenously for 5 or 6 hours in the mistaken belief it would prevent miscarriage. Back then, it never crossed Kathy's mind that her occasional glasses of wine might be harming her unborn child. Besides, just the year before, Kathy had had another baby who was perfectly healthy, and she drank during that pregnancy, too. The first time Karli was misdiagnosed, she was an infant. A doctor attributed her developmental delays to chronic ear infections.

When he was 4 years old, a psychologist offered another explanation for Karli's difficulties. He said she was being "willfully disobedient." When Karli was 8, a team of specialists misdiagnosed her again with cerebral palsy. Eight years later, when Karli was 16, Kathy was training to be a substance abuse counselor. As part of her training, she attended a conference on crack babies. Sitting in the audience, she was stunned. Every characteristic of crack babies the lecturer described, Karli had. But Kathy had never used crack. She tracked down the few studies that had been done at that time on the effects of alcohol on fetuses. Again, she saw the same list of symptoms.

Years later, researchers would announce that most of the symptoms they originally thought were the result of fetal exposure to crack were actually the result of fetal alcohol exposure, and that alcohol is much more devastating to fetuses than crack or any other drug. That was 11 years ago, before NOFAS was born. Learning the real cause of Karli's special challenges has not erased those challenges. FAS and FAE are lifelong conditions.

But knowing the truth has enabled Kathy—and others in Karli's life to focus less on Karli's deficits, and more on her strengths. One of those strengths is Karli's extraordinary kindness and empathy. In addition to her volunteer work at NOFAS, Karli also volunteers to help people with cerebral palsy and the elderly. Two years ago, she was named one of America's "Thousand Points of Life" by former President Bush. She is an inspiration to everyone who meets her, and one of the reasons I believe so deeply in the work NOFAS does.

Another reason I believe in NOFAS is because of a pint-sized little girl named Lucy Klene. Lucy is 4 years old. She spent the first two years of her life in an orphanage in Russia. When she was 2, she was adopted by Stephan and Lydia Klene, of Herndon, VA. The Klenes also adopted a son from Russia, Paul, who is 3 years old and has no apparent fetal alcohol effects. Within a month after bringing Lucy and Paul home, Stephan and Lydia began to suspect that Lucy had special challenges. Over the next 16 months, Lucy was evaluated eight times by pediatricians and other specialists. Not one of them recognized the symptoms of Lucy's fetal alcohol effects. Finally, scouring the Internet, Stephan stumbled on the truth. He and Lydia took their research to Lucy's pediatrician, who read it and confirmed their hunch.

Today, Lucy is a talented little gymnast who attends special education preschool. While it is still too early to know for sure, her doctor and parents think there is a good chance she will be able to live an independent and productive life when she grows up. Together, Karli and Lucy illustrate some of the progress that has been made in the 10 years since NOFAS was born. We still have a long way to go. Today children with FAS and FAE are being diagnosed earlier. That means they are getting help earlier, which means they have a better chance at full and productive lives.

It took Karli's family 16 years to get a correct diagnosis. It took Lucy's family 16 months. That is progress. Eleven years ago, when Karli was diagnosed, there was very little research on the effects of alcohol on fetuses. Ten years later, Lucy's father was able to find an enormous amount of information on the Internet. Slowly but surely, the studies are being done and the information is reaching the people who need it. That is real progress. When Karli was diagnosed, there were few, if any, people Kathy could turn to for support and advice. Today, Stephan and Lydia attend a NOFAS support group for parents of children with FAS and FAE, and they know they are not alone. That, too, is progress.

At the reception the other night, we celebrated an incredible milestone, the 10th anniversary of NOFAS. But next Thursday, June 15, will mark another milestone. At the urging of Stephan and Lydia, in Fairfax, VA, the school district will hold its first ever meeting to help preschool teachers recognize FAS and FAE and help children and families living with this challenge each and every day. And NOFAS will conduct the training. That is real progress.

I hope everyone today will recognize how fortunate we are—those of us lucky enough to be born healthy, those of us lucky enough to be born without fetal alcohol syndrome or fetal alcohol effect.

I hope everyone will congratulate those who have worked so diligently over the course of the last 10 years to make NOFAS what it is today, and to recognize NOFAS for the difference they are making in the lives of Karli and Lucy and hundreds of thousands of others who live with the challenges of FAS and FAE, and for millions of babies who have been born healthy these last 10 years because of NOFAS. May their next 10 years be even more remarkable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

THE HOUSE THE SENATE BUILT

Mr. BROWNBACK. Mr. President, today the Senate has resolved to embark upon a unique partnership with Habitat for Humanity International. That is what I want to speak about this morning. In honor of National Homeownership Week, which concludes tomorrow, the Senate will resolve today to lend its support and its elbow grease to a project we call "The House the Senate Built."

The idea of this project is to bring Members of the Senate, their staffs, local Habitat affiliates, volunteers, and sponsors together to build simple and decent, affordable housing for low-income families in all 50 States and the District of Columbia, and to do this by the end of 2001.

The project will begin with a "model build" right here in Washington, DC, slated to begin before National Homeownership Week in 2001. Following this event, Habitat for Humanity International will link Senators with local Habitat affiliates in their respective States. The Senators will then work with these local affiliates to build at least one Habitat house in their States during 2001.

So we are going to have 51 houses built by the Senate before the end of 2001.

For over 24 years, Habitat for Humanity International has been at the forefront of turning the American dream of owning a home into a reality. Founded by Millard Fuller in 1976, Habitat for Humanity is an ecumenical Christian housing organization to eliminate poverty housing, end homelessness worldwide, and make a decent shelter a matter of conscience and action.

Since its inception, Habitat has built over 80,000 homes that have housed over 400,000 people worldwide. This September, Habitat will build its 100,000th home, and they seek to build another 100,000 by 2005. So they started 24 years ago. By September they will have built their first 100,000. In the next 5 years, they hope and anticipate building their next 100,000 homes.

I have talked personally and visited a number of times with Millard Fuller. I have had him out to Kansas and hosted him there. He is quite a dynamic individual. He has a great heart and wants to see people around the world living in good housing. And he is getting there, one home at a time, but they are building up fast.

Habitat for Humanity relies solely on volunteer labor to build their homes. The remarkable success of Habitat is in large part attributed to the tireless efforts of its founder, Millard Fuller, to continually bring new building partners on board.

Over the years, Millard has enlisted the services of foreign Ambassadors, former Presidents—President Carter probably being the most noteworthy and most frequent builder—and even the House of Representatives has helped to aid in building homes at various sites across the country. This year, Millard Fuller has turned to the Senate to build some houses.

I ran into Millard as I was waiting to catch my flight back home at the airport in Kathmandu, Nepal, this past January. Sitting there in a small waiting room, thousands of miles away from home, Millard shared with me the vision he had for bringing the Senate together with Habitat for Humanity International.

He was in Nepal, building houses and announcing a program there, but at the same time he was also thinking, what could he do to build some through the Senate? That is where we discussed this program.

The "House the Senate Built" project that was born out of this vision will undoubtedly be a successful one. We will build the houses. I think we will build a lot more than 51 houses. That is our target. Benjamin Franklin once wrote: "Well done is better than well said." I think that may particularly apply to the Senate. We talk frequently about things. Here is a chance for us to do something about homeownership.

I think it is going to be a great project for us to be able to put people in homes. I can come to the floor today in the middle of National Homeownership Week and tell you that we should be committed to end homelessness across the country and eliminate poverty housing, but instead of telling you that, I would rather show you. I would rather pick up a hammer and demonstrate my commitment to affordable housing, nail by nail.

I am proud to come to the floor today and discuss this important initiative. This Senate is saying that words of support are not enough. Nothing less than the sweat of our brows will do in expressing how committed the Senate is in making the American dream of homeownership a true reality.

I thank the Chair and hope we are going to be able to adopt this resolution yet today. I believe it has been cleared.

PARTICIPATION IN AND SUPPORT OF ACTIVITIES TO PROVIDE DECENT HOMES FOR THE PEOPLE OF THE UNITED STATES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 319, submitted by myself and others. I believe it is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 319) expressing the sense of the Senate that the Senate should participate in and support activities to provide decent homes for the people of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, we have 55 cosponsors in the Senate on this bill. My understanding is it has been cleared by both sides of the aisle, that there is no objection. Therefore, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 319) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 319

Whereas the United States promotes and encourages the creation and revitalization of sustainable and strong neighborhoods in partnership with States, cities, and local communities and in conjunction with the independent and collective actions of private citizens and organizations;

Whereas establishing a housing infrastructure strengthens neighborhoods and local economies and nurtures the families who reside in them;

Whereas an integral element of a strong community is a sufficient supply of affordable housing;

Whereas affordable housing may be provided in traditional and nontraditional forms, including apartment buildings, transitional and temporary homes, condominiums, cooperatives, and single family homes;

Whereas for many families a home is not merely shelter, but also provides an opportunity for growth, prosperity, and security;

Whereas homeownership is a cornerstone of the national economy because it spurs the production and sale of goods and services, generates new jobs, encourages savings and investment, promotes economic and civic responsibility, and enhances the financial security of all people in the United States;

Whereas although the United States is the first nation in the world to make owning a home a reality for a vast majority of its families, ⅓ of the families in the United States are not homeowners;

Whereas a disproportionate percentage of families in the United States that are not homeowners are low-income families;

Whereas the community building activities of neighborhood-based nonprofit organizations empower individuals to improve their lives and make communities safer and healthier for families;

Whereas one of the best known nonprofit housing organizations is Habitat for Humanity, which builds simple but adequate housing for less fortunate families and symbolizes the self-help approach to homeownership;

Whereas Habitat for Humanity is organized in all 50 States with 1544 local affiliates and its own 501(c)(3) nonprofit corporate status and locally elected completely voluntary board of directors.

Whereas Habitat for Humanity will build its 100,000th house worldwide in September 2000 and endeavors to complete another 100,000 homes during the next 5 years.

Whereas Habitat for Humanity provides opportunities for people from every segment of society to volunteer to help make the American dream a reality for families who otherwise would not own a home; and

Whereas the first week of June 2000 has been designated as "National Homeownership Week": Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) everyone in the United States should have a decent home in which to live;

(2) the Members of the Senate should demonstrate the importance of volunteerism;

(3) during the year between National Homeownership Week 2000 and National Homeownership Week 2001, the Members of the Senate, Habitat for Humanity, and contributing organizations, should sponsor and construct 2 homes in the District of Columbia each of which should be known as a "House That the Senate Built";

(4) each "House That the Senate Built" should be constructed primarily by Members

of the Senate, their families and staffs, and the staffs of sponsoring organizations working with local volunteers involving and symbolizing the partnership of the public, private, and nonprofit sectors of society;

(5) each "House That the Senate Built" should be constructed with the participation of the family that will own the home;

(6) in the future, the Members of the Senate and their families and staff should participate in similar house building activities in their own States as part of National Homeownership Week; and

(7) these occasions should be used to emphasize and focus on the importance of providing decent homes for all of the people in the United States.

Mr. BROWNBACK. Mr. President, I am delighted we were able to pass S. Res. 319. We are going to build some houses.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I commend the Senator from Kansas. I believe I am a cosponsor of his resolution. If not, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I think the Senator from Kansas has described it well. I am proud that the Senate has adopted the resolution. I think what Habitat for Humanity has done is really quite remarkable. I am glad he calls attention to it on the floor of the Senate today.

Mr. President, I ask unanimous consent to speak in morning business for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATIONS TO MAGGIE MILLER

Mr. DORGAN. Mr. President, I would like to let my colleagues know about a woman who, this morning, is working at the post office in Knox, ND. Knox, ND, is a little town of 42 people, but it is big enough to have a post office.

Just recently, the postmaster of the Knox, ND, post office, a woman named Vivian Seter, retired. Upon Vivian's retirement at age 73, Maggie Miller took over the job.

Now maybe my colleagues are thinking there is nothing unusual in that. But Maggie is 83 years old, and she just took over the running of the post office in Knox from her 73-year-old friend Vivian.

The post office has cut its hours a bit since Maggie took over, so it is open now from 8:30 until 10:30 a.m. In fact, in about 10 minutes from now, central time in Knox, ND, Maggie will be hanging it up for the day. But for now, at age 83, after working 62 years in the postal system, Maggie has assumed the reins of the Knox Post Office.

The reason I mention this today is that I have talked a lot over the years about rural values. There is something quite remarkable and unique about life in the small towns of rural America. I represent a wonderful State, North Dakota, with a lot of small communities. Knox, ND, is one of them.

There are also a lot of hard-working, remarkable people in these small towns, and Maggie Miller is one of them. Again, she has been working for the postal system for 62 years, and I read in the newspaper that the postmaster from Rolla, ND, had to come train her for her new position. Vivian, the retiring postmaster, joked: She has only been doing this 62 years, so she needs a little training.

The article I read about her said that last year Maggie, who was age 82 at the time, bowled a 204. Then she broke her wrist and has had to take the summer off. But Maggie being Maggie, she vows to make a comeback to her bowling league.

When I saw this story in the paper, I just had to call Maggie. When she answered the phone, I said: Maggie, this is BYRON DORGAN calling from Washington, DC. I wanted to tell you that it is wonderful that you are stepping in as postmaster at age 83. Maggie said: Tell me another one. I said: No, Maggie, it really is BYRON DORGAN. And she said: I bet it is.

So Maggie, if you happen to be watching this debate in Congress, I really did call you. I say congratulations. You have a lot of spunk. I am proud of all the things you have done and of the values that you represent of folks in small towns helping each other and working together. I know the post office in many small towns is the hub of the community, and I am confident you will serve Knox well.

Congratulations to Maggie and to the town of Knox.

SANCTIONS ON FOOD AND MEDICINE

Mr. DORGAN. Mr. President, I will speak for a few moments about the issue of the sanctions on food and medicine that exist in this country with respect to other countries.

I have a chart that describes what has happened to our family farmers. I represent a State with a lot of wheat growers. This chart shows what has happened to the price of wheat. As my colleagues can see, it has collapsed. Over a period of a few years, the price of wheat has just flat collapsed. I guess it is because the grain markets have determined that the food our family farmers produce does not have much value.

So our farmers, at a time when their prices have collapsed, are struggling mightily. They have a very difficult time trying to deal with collapsed prices. Yet all their expenses continue to increase. They have a difficult time understanding what is happening in the world relative to their prices and to people around the world who need what they produce.

This is a picture that is in stark contrast to the graph that shows a collapse in the price of wheat. This is a picture of hunger. This picture is all too typical in some parts of the world. Starvation, deprivation, desperate hunger, hundreds of millions of people go to bed with an ache in their belly because they didn't have enough to eat. Millions and millions of children don't have enough to eat. Every eight seconds, one child dies because of hunger and hunger-related causes. Yet a family farmer who plows the ground in the spring and tends to the crop, and is lucky enough to get a crop off in the fall, takes that load of wheat to the elevator only to be told by the grain trade: The food you have produced doesn't have value.

Farmers wonder if so many people in the world are so hungry, if so many live in starvation, and suffer from deprivation, and go to bed hungry, why is it that the food we produce in such abundant quantity in this country has no value?

As we talk about this disconnection—indeed, it is a disconnection of what we produce and what the world so desperately needs and the hunger that exists around the rest of the world, and then for our producers to be told that what they have produced doesn't have value—we have a policy in the United States that says: There are certain countries in this world whose behavior is such that we want to impose an economic embargo. Included in that embargo, we, as a country, want to prohibit the sale of food and medicine to those other countries. That is current policy. In fact, almost 11 percent of the wheat export market in the world has been off limits to our family farmers because of sanctions that we have applied against other countries.

North Korea, Iran, Cuba, and others have been told, the United States of America will not move grain and medicine to these countries because they are behaving outside the norm of international behavior and therefore, we impose sanctions. Those sanctions include food and medicine. That is wrong-headed public policy, and it should never have happened in the first place. It is a bipartisan mistake by administrations over the years that have included food and medicine in the economic sanctions. We should never include food and medicine in sanctions we impose against other governments. We should never use food as a weapon. We should never include medicine as a part of a sanction—to use medicine as a weapon. We ought to decide now that we are going to change that policy.

A bipartisan group of us, myself in the Appropriations Committee, joined by Senator SLADE GORTON from the State of Washington, with the support of Senator ASHCROFT, Senator DODD, and a group of others, have offered an amendment in the Appropriations

Committee to say: No more; let us abolish all sanctions on food and medicine shipments everywhere in the world. It passed. It is in the Agriculture appropriations bill that will come to the floor of the Senate.

That is not new. We passed it last year as well, by 70 votes in the Senate. Because of one issue, it got hijacked by some legislative leaders and did not become law. They are planning to hijack it again.

The issue is Cuba. We have legislative leaders who say Cuba is a different story. We must maintain sanctions against the shipment of food and medicine to Cuba. They want to retain the entire embargo with Cuba. But the 40 years of embargo has failed.

The question is—when you have an experiment, a laboratory experiment, and this is a real experiment, a real laboratory, for 40 years you have an embargo against Cuba and it doesn't work—who will be the first to stand up and say: This does not work; maybe we ought to do something else?

We are not talking about the entire embargo with respect to Cuba. We are just talking about the issue of food and medicine and the sanctions that now apply to shipments of food and medicine to Cuba. The legislative leaders are intending to hijack this position once again. Our intent to repeal that sanction is going to be hijacked once again, unless we find a way to stop it.

The Washington Post today wrote an editorial, "Food for Cuba." They make the point that there is no justification for having sanctions on food and medicine for Cuba, and there is no justification. It is interesting that the debate over normal trade relations with China produces all these folks who come to the floor of the House and Senate and say: We must engage with China. Engaging with a Communist nation will inevitably move that nation in a more constructive direction. More trade and more direction towards open markets will inevitably improve things in a country such as China.

If that is the case, why is it not the case with Cuba, also a Communist country? Why is it the case that engagement with China is productive in moving them towards better human rights and towards a more constructive direction, but it is not the case in Cuba? The answer is the current embargo that exists with Cuba makes no sense at all. Sanctions against the shipments of food and medicine, not only to Cuba but to the other sanctioned countries in the world, is not moral policy. It is not moral for this country, in my judgment, to use food and medicine as part of sanctions. It is wrong.

I started by talking about farmers. Yes. I have an interest to try to make sure farmers have the opportunity to serve markets. Those who support Freedom to Farm. I don't; I don't think it has worked. We need to ask the same question with respect to markets. If you say the Freedom to Farm approach is something that is important for farmers, what about the freedom to sell? Freedom to Farm—what about the freedom to sell? Farmers are told they have the freedom to farm. What about the freedom to sell their products to Cuba, or the freedom to sell their wheat to Iran, or the freedom to sell their wheat to Libya?

If we have in the coming weeks the kind of chicanery that went on last year to hijack this policy, to hijack those Republicans and Democrats who say we must end these sanctions on the shipment of food and medicine to all countries—and, yes, including Cuba—if they intend to hijack that again through legislative chicanery, they are going to have a whole load on their hands, because they did it last year and they were successful, but they are not going to do it twice.

If there is an up-or-down vote on this to eliminate the sanctions on food and medicine with respect to all of these countries, including Cuba—there were 70 votes in the Senate last year, and there was a majority in the House. By an overwhelming margin Republicans and Democrats in the Congress believed that we ought to eliminate sanctions on food and medicine shipments. The only conceivable way they can detour our effort is to prevent a vote in the House and to try to strip out the provision that the Senate Appropriations Committee put in when that bill comes to the floor of the Senate.

I serve notice to all who think about these issues that it is not going to happen the way it happened last year. You might have the muscle and you might have the cards up your sleeve to try to derail this once again. But it is going to cost in terms of the way this place works.

We have a clear, large majority in the House and the Senate on the side of the American farmer, who believe they ought to have the freedom to sell in these markets; on the side of those who say this policy of using food as a weapon is fundamentally immoral; on the side of doing the right thing with Cuba and yes, other countries; consistent with what we described and talked about with respect to China. We have a large majority in the House and the Senate to do the sensible thing this year.

I am not prepared to step aside and quietly go away on this issue. If leaders do to us what they are suggesting in the papers, they will try to do to us what they did last year successfully through legislative slight of hand.

Our farmers deserve better than that. Hungry people around the world deserve to look at this country and understand that this country will never, never ever impose sanctions on food and medicine.

This country in its zeal and desire to take aim at a dictator hits hungry people, hits poor people, and hits sick people. We are not hurting dictators. Does anybody here believe that Fidel Castro has ever missed a meal because we have an embargo or sanction on food and medicine? Does anybody here ever think that Saddam Hussein has missed dinner because we have not sent food to Iraq? We haven't hurt dictators. All we have done is hurt sick people, poor people, and hungry people around the world with this foolish policy. And, at the same time, we have hurt our farmers here at home.

This must stop. It must stop this year. And it must not be a halfhearted notion of putting on the brakes halfway and saying we will eliminate the sanctions with respect to these couple of countries but we can't do it with respect to Cuba. Nonsense. It must be done across the board, and it must be done this year.

Those, as I have said, who think they are going to hijack this policy are in for a long, hot summer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 451, and Nos. 528 through 543, and all nominations on the Secretary's desk in the Foreign Service. I ask the clerk to report Calendar No. 536.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Mr. ENZI. Mr. President, I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Douglas A. Dworkin, of Maryland, to be General Counsel of the Department of Defense.

BROADCASTING BOARD OF GOVERNORS

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2000.

Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2000.

DEPARTMENT OF STATE

David N. Greenlee, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Paraguay.

Susan S. Jacobs, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands, and as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

John F. Tefft, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

John R. Dinger, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia.

Donna Jean Hrinak, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Venezuela.

John Martin O'Keefe, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Daniel A. Johnson, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

V. Manuel Rocha, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia.

Rose M. Likins, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

W. Robert Pearson, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

Marc Grossman, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

Anne Woods Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

James Donald Walsh, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

FOREIGN SERVICE

Foreign Service nominations beginning Craig B. Allen, and ending Daniel E. Harris, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 7, 2000.

Foreign Service nominations beginning C. Franklin Foster, Jr., and ending Michael Patrick Glover, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 7, 2000.

Foreign Service nominations beginning Leslie O'Connor, and ending David P. Lambert, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 11, 2000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume the legislative session.

NOMINATION OF EDWARD GNEHM, JR.

Mr. ENZI. Mr. President, I thank all of my colleagues for the action that was just taken.

This is truly one of the highlights of my Senate career. The nomination that was read individually was my college roommate. I roomed with him for 3 years at George Washington University where he was striving to become a career Ambassador for the United States of America. I watched him work and struggle and exceed all expectations. He is extremely brilliant and has been able to get the kind of career that he wanted.

I thank the Senator from Wyoming, who is presiding, for the rapid action that he took to have the hearing held on this nomination.

I thank the Senator from North Carolina, Mr. HELMS, for the expeditious work that he did with the full committee to get this name brought before the Senate.

We have a truly dedicated career officer who will be serving us in Australia. I know him very well. I canoed with him in the swamps of Georgia.

I watched his career and his travels. Most of my travels around the world have been through his eyes, as he has been located in different positions beginning with Katmandu, Nepal.

I think we owe a lot of thanks not only to him but to his family, and his wife Peggy, who has gone with him on these travels. They served well as ambassadors for our country.

When he had a break, he came back to the United States and served in the State Department. I was often able to see him in Washington. I watched him as he was liaison for the Defense Department, liaison for the State Department with Senator KENNEDY, and in a number of other positions.

He and I have daughters who are the same age. We have sons who are the same age. His son, Ed, is married to the daughter of the couple who introduced my wife and I. How did a Wyoming girl meet somebody out here? They met at my swearing-in ceremony. The two dads were part of my wedding. And I was there to see their children's marriages in Wyoming.

Skip is a fraternity brother of mine and is actually the only brother that I have.

With this action taken today, the United States will be well served in Australia. This is the correct action, the best action, and this is the best representation we can get.

I thank all of my colleagues for their support in getting this important nomination approved.

AUTHORIZATION OF TESTIMONY BY SENATE EMPLOYEE

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 320, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 320) to authorize testimony by a Senate employee in a State administrative proceeding.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, a caseworker employed in the state office of Senator WILLIAM V. ROTH, Jr. has been subpoenaed to testify at an unemployment compensation benefits hearing before the Delaware Department of Labor.

The testimony concerns contacts that the caseworker had with the claimant in the course of assisting the claimant's employing business with casework matters.

In accordance with the rules of the Senate, this resolution would enable the caseworker to testify in response to the subpoena.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 320) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 320

Whereas, in the Inquiry Relative to the Claim for Benefits of Yolanda Nock, pending before the Department of Labor, in the County of Sussex, State of Delaware, a subpoena for testimony has been issued to Elinor Hughes, an employee of the Senate on the staff of Senator William V. Roth, Jr;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Elinor Hughes is authorized to testify in the Inquiry Relative to the Claim for Benefits of Yolanda Nock, except concerning matters for which a privilege should be asserted.

CONGRATULATING REPRESENTATIVE STEPHEN S.F. CHEN

Mr. ENZI. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Con. Res. 121, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A resolution (S. Con. Res. 121) congratulating Representative Stephen S.F. Chen on the occasion of his retirement from the diplomatic service of Taiwan, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ENZI. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, a motion to consider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 121) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 121

Whereas Representative Stephen S. F. Chen has been a member of Taiwan's diplomatic service for forty-seven years;

Whereas Representative Chen has represented Taiwan's interests in such countries as the Philippines, Brazil, Argentina, Bolivia, and the United States;

Whereas Representative Chen has held a number of important positions in his government at home, including those of Vice Foreign Minister and Deputy Secretary-General to President Lee Teng-hui;

Whereas Representative Chen's many years of service in the United States include appointments as Taiwan's Consul-General in Atlanta from 1973 to 1979 and as Director of the Coordination Council for North American Affairs in Chicago from 1980 to 1982 and Los Angeles from 1988 to 1989;

Whereas Representative Chen has served with distinction as Taiwan's senior diplomat in the United States since 1997, when he became the Representative of the Taipei Economic and Cultural Representative Office in Washington, D.C.; and

Whereas Representative Chen has been a friend of the United States and earned the respect and genuine affection of many Members of the Senate and House of Representatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) Representative Stephen Chen is to be congratulated for his many years of distinguished service to Taiwan and for his friendship to the United States; and

(2) the best wishes of Congress are to be extended to Representative Chen and his family on the occasion of his retirement.

The PRESIDING OFFICER. The Senator from Arkansas.

40 YEARS TOO LONG—THE CUBAN EMBARGO

Mrs. LINCOLN. Mr. President, when President Kennedy announced a trade embargo on Cuba in 1961, the consensus in Washington was that stifling the Cuban economy would lead to internal unrest and ultimately depose the anti-American president, Fidel Castro. Since that time, Congress has tightened the screws on Cuba to include food and medicine in the embargo and to put pressure on other countries not to trade with Cuba. We have made it more difficult to lift the embargo by requiring a two-thirds vote by Congress and we have passed a law that says no government involving Fidel Castro or his brother will be acceptable to the U.S., even if they were chosen in Democratic elections. Through it all, our main nemesis, Fidel Castro, has survived. In fact, he is strong as ever. To gain a better understanding of this issue, I recently led a group of Arkansas farmers to Havana to see firsthand the impact of our policy and the potential opportunities that exist should this policy be changed. I entered Havana focused on Cuba's potential as a new trade market for Arkansas agriculture producers. I left Havana with a new understanding of the embargo's effects on the people of Cuba. I returned from Cuba more confident than ever that the U.S. embargo on Cuba must be lifted. The three most compelling reasons for my stance on this issue are: (1) the fact that we should engage countries, not isolate them in order to move them forward and help them to gain potential; (2) the overall effect on the American economy that losing the trade with Cuba has had; and (3) the humanitarian impact on the Cuban people.

This was my first trip to Cuba and it was extremely worthwhile. I found the country and its people impressive and possessing great potential. The architecture in downtown Havana was charming, however, it struck me that someone had turned the lights out 40 years ago and no one has thought to flip the switch back on. The gorgeous architecture was crumbling along with the people. The physical decay of the cities, buildings, and infrastructure is readily apparent. This obvious economic and physical decline has not, however, led to an uprising of Cuban citizens demanding for a more democratic government based on capitalistic principles. It has been four decades since the embargo was enforced for political reasons. Times have clearly changed. The Soviet Union no longer aids Cuban efforts to challenge U.S. interests in Central America and elsewhere. The Soviet Union does not even exist.

The Cold War has been over for 10 years and the U.S. has normal trade relations with all of the countries of the former Eastern bloc. Yet we continue to ostracize Cuba. U.S. defense analysts even maintain that Cuba does not pose a security threat to our country at the turn of the century. Is Cuba an ideal nation? Absolutely not. But there are other countries that we trade with and maintain normal diplomatic relations with whose governments are not democratically elected; where full respect for internationally recognized human rights is lacking; where there is little or no tolerance for political dissent; or where private enterprise is largely illegal.

The first of these countries that comes to mind is China. Prior to the Memorial Day recess the House of Representatives voted to grant Permanent Normal Relations (PNTR) status to the Republic of China. The Senate will likely vote on this matter soon. On this separate but related issue let me be clear. I look forward to the China PNTR debate and urge my colleagues to join me in support of expanding our trading opportunities. I hope that we can pass PNTR with China as quickly as possible with no amendments so that President Clinton can sign this landmark legislation into law. As I have watched the China PNTR debate rage in Washington during recent weeks, I am struck by the common theme that we, as a nation, can influence a country's actions much more by engaging them in trade and communication than we ever could by ignoring and isolating them.

I've held to this belief for quite some time in regard to China as well as Cuba. China is the largest Communist country in the world. The U.S. has annually granted China its most-favored-nation status and will likely approve Permanent Normal Trade Relations in the coming months. Our treatment of Cuba should be no different. It is true that China has made various overtures and taken some positive steps as their acceptance into the WTO is being considered. China has allowed for a limited amount of private enterprise to exist. And recently, China purchased goods from the U.S. as a good faith gesture that they will live up to the commitments negotiated in the WTO accession agreement. Many who oppose trade with Cuba ask, "Why are we not holding Cuba to the same standard? Why don't we require them to privatize certain business entities or purchase some commodities as a good faith gesture?"

The option to purchase U.S. goods is not available to Cuba, as it is to China, due to laws that we have passed in this very institution. Their hands are tied.

Yet Cuba is taking steps on its own regarding private industry. Recent progress has been made in the form of joint ventures to facilitate the tourism industry in Cuba. For instance, the hotel we stayed in was a joint venture with the Dutch. Of course the government is still participating, but it is an example of private capital coming in from another source and affecting the people's way of life. The people working at those hotels receive tips from tourists that put them way above the daily wage of average Cubans. Steps made in these directions can only foster and plant positive seeds for change. We can also expect the rapidly and advancing technology of the Internet to help open doors to Cuba. Just as Chinese dissidents communicate today over the Internet in spite of attempts by the Communists to stop them, I can anticipate a day when the Cuban people do the same thing.

The farmers of Cuba are incapable of producing enough to sustain the 11 million inhabitants of the Caribbean island. Therefore, food must be imported. Our allies are already meeting that need and trading with Cuba. Rice is coming into Cuba from Asia, soybeans from Brazil, while our farmers endure some of the worst prices they have seen in decades.

We have put ourselves in a position where we are hurting our own economy and the backbone of our nation, the America farmer. By denying our farmers access to additional markets, like Cuba, we are ignoring a pledge that was made with the passage of the 1996 Farm Bill to open markets, the necessary markets our farmers need. Promises regarding enhanced trading opportunities and the free market abounded with passage of the so-called Freedom to Farm Act. Yet, the recently passed Caribbean/Africa Trade bill was the first trade bill Congress has passed in six years. We have failed to grant the President Fast Track Authority and essentially guaranteed the failure of our nation's farmers by granting them the ability to produce as much as they are capable while denying them access to sufficient markets to move their goods. For the American farmer the combination of this nation's Ag and foreign trade policies is a no-win situation.

For soybeans alone, opening up trade with Cuba could mean a $60 million market. In Arkansas, we could ship 400,000 tons of rice right down the Mississippi River, through the Gulf of Mexico to the Cuban people. Food products would be a phone call and a couple of days away. Instead, the Cuban people are left paying higher prices for a lower quality product that takes weeks, sometimes months, to arrive in their ports.

Rice is a staple of the Cuban diet and we know how to grow it in Arkansas. Arkansas is consistently the top U.S. producer of rice. Exports are extremely important to the rice industry. Last year, the rice industry exported to more than 100 countries. Trade and trade policy, therefore, are critical to the continued success of the industry.

At the time that the U.S. Government imposed sanctions on trade with Cuba, it was not only our largest export market for rice, but it took more than one-half of our total rice exports. Cubans know good American rice, and they want it. The embargo dealt a major blow to the rice industry, particularly growers in the South who grow long grain rice, which is the rice of preference in Cuba. The only impact the embargo has had on Cuba is on its middle- to low-income citizens. We are hurting the Cuban people much more than the Cuban government or Cuban elite. Due to the high prices the government is forced to pay, less food is available for distribution. U.S. humanitarian organizations are prevented from providing food to starving children due solely to the existence of the embargo.

While in Cuba, I met with opponents of the Castro regime who have been persecuted for attempting to highlight the disparate human rights treatment in Cuba. These dissidents believe that the embargo gives the Cuban government an excuse for what is wrong with the country. Our embargo provides Cuban officials with an excuse for the sorry state of the economy and the challenges the country faces. If we lift the embargo, we expose the Cuban people to many of the problems of their own government. Right now the Cuban people are only getting one side of the story, and they are not blaming their government or Fidel Castro for their troubles, because Fidel Castro is using the U.S. Government as the excuse for those problems.

I understand there are colleagues in this body whom I deeply respect who also disagree with me on this issue. I agree that should the U.S. lift its embargo on Cuba, Fidel Castro will probably declare victory over what he calls his imperialist oppressor to his north. But the real truth which is undeniably is that under current policy absolutely no one wins.

As a farmer's daughter, I am not so concerned about the short-term implications of who can claim victory after 40 years of economic isolation. I believe that the long-term benefits of engagement with Cuba offer economic benefit to Americans; opportunities for democratic influences inside Cuba and better living conditions for the Cuban people. Each of these goals strike me as fundamental principles of our unique, American democracy. Lifting the 40-year embargo on Cuba is the right thing to do. I hope we do it sooner than later.

I yield the floor.

ADJOURNMENT UNTIL MONDAY, JUNE 12, 2000

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until the hour of 12 noon on Monday, June 12, 2000.

Thereupon, the Senate, at 11:54 a.m., adjourned until Monday, June 12, 2000, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 9, 2000:

DEPARTMENT OF DEFENSE

DOUGLAS A. DWORKIN, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE.

BROADCASTING BOARD OF GOVERNORS

EDWARD E. KAUFMAN, OF DELAWARE, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2000.

ALBERTO J. MORA, OF FLORIDA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2000.

DEPARTMENT OF STATE

DAVID N. GREENLEE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

SUSAN S. JACOBS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SOLOMAN ISLANDS, AND AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

JOHN F. TEFFT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

JOHN R. DINGER, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

DONNA JEAN HRINAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VENEZUELA.

JOHN MARTIN O'KEEFE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KYRGYZ REPUBLIC.

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.

DANIEL A. JOHNSON, OF FLORIDA, CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

V. MANUEL ROCHA, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

ROSE M. LIKINS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

W. ROBERT PEARSON, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

MARC GROSSMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE.

ANNE WOODS PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

JAMES DONALD WALSH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF

MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ARGENTINA.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING CRAIG B. ALLEN, AND ENDING DANIEL E. HARRIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 2000.

FOREIGN SERVICE NOMINATIONS BEGINNING C. FRANKLIN FOSTER JR., AND ENDING MICHAEL PATRICK GLOVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 2000.

FOREIGN SERVICE NOMINATIONS BEGINNING LESLIE O'CONNOR, AND ENDING DAVID P. LAMBERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2000.

HOUSE OF REPRESENTATIVES—*Friday, June 9, 2000*

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Scripture Says:

"Behold I am laying a stone in Zion
a cornerstone, chosen and precious.
Whoever believes in it shall not be put to shame."

Lord, we believe we have been chosen,
we delight in your touch.
We trust each of us is precious in your sight.
May we never betray your selection of us
for your set purpose and to serve this Nation.
This House, the story is told,
has no cornerstone.
There is no regret or recrimination
we accept its rejection or absence.
This government, its story is bold,
has been fashioned in the hearts of people.
With great pride and remembrance
we accept your providence.
On this day in this millennium year
from the very rocks of virtue
which have made this Nation great.
We choose as our cornerstone
integrity
that we may always stand strong and together
for ages to come.
integrity now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BARRETT of Nebraska. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BARRETT of Nebraska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland (Mr. GILCHREST) come forward and lead the House in the Pledge of Allegiance.

Mr. GILCHREST led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1953. An act to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria.

H.R. 2484. An act to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approved by the United States.

H.R. 3639. An act to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S Truman Federal Building".

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 one-minutes on each side.

ELIMINATE THE DEATH TAX AND RESTORE THE AMERICAN DREAM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today to discuss a problem that affects too many Americans, the death tax. It seems absurd that our government would tax someone just for dying; yet that is exactly what has been happening in this country for years.

Too many Nevadans are forced to sell acres of their family farms and ranch lands after the death of their parents or grandparents in order to pay their huge estate tax bills, all courtesy of the death tax.

Many of these farms and ranches have been in families for years, but now these families must sell part of their family heritage in order to pay the IRS. For many Americans, the American dream is to start a small business and pass it on to their children; yet our government is preventing millions of Americans from realizing this dream. This is wrong; it must end.

Mr. Speaker, I hope all of my colleagues will support the Death Tax Elimination Act and restore the American dream and do it today.

EVENTS SURROUNDING ELIAN GONZALEZ RESEMBLE LIFE IN COMMUNIST CHINA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Elian Gonzalez watched his mother drown, he then clinged to a tire at sea to save his life, and after all of that, commandos seized him at gunpoint. If that is not enough to portray a gulag, Americans later gathered right here in the Capitol to pray for Elian and Secret Service agents in full uniforms stormed in and stopped their prayer service.

Mr. Speaker, one cannot even pray in America. Beam me up. Is this Communist China, or is this the United States of America?

Now, I believe Elian should have been sent back with his dad, but do we have a gulag portrayed, or what? I yield back the fact that our founders are literally rolling over in their graves.

DEATH TAX EQUALS DOUBLE TAXATION AND SHOULD BE OUTLAWED

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, a family that has suffered a loss of a loved one should not have the added grief of losing the family business, ranch, or personal savings; yet that is what is happening under our current Tax Code. Because of an archaic tax law, when a person dies in this country, an outrageous tax of 37 to 55 percent is levied on his or her property, even though the deceased spent his or her entire life paying taxes on that very estate.

The death tax is a form of double taxation that has devastated too many families and businesses. It has been estimated that one-third of small business owners will have to sell outright or liquidate a part of their business to pay death taxes. More than 70 percent of family businesses do not survive the second generation, and 87 percent do not make it to the third generation. In my district of Colorado Springs, a well-established family business had to close its doors in the face of an enormous estate tax bill. Small family-run businesses are the backbone of our Nation's strong economy and should not be forced to close down because of taxes.

Mr. Speaker, I encourage my colleagues to support the Death Tax Elimination Act on this very day.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

DEATH TAX IS UNAMERICAN

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, William Shakespeare once wrote, "For in that sleep of death, what dreams may come when we have shuffled off this mortal coil must give us pause."

Hundreds of years before the death tax was even conceived, Shakespeare captured the worries felt by thousands of Americans, hoping to leave their life's work to their loved ones. Sadly, this dying wish often does not come true for those trying to leave a small business or family farm to their relatives. The death tax thwarts them at every turn, costing surviving relatives up to 60 percent of the business or property's worth.

Mr. Speaker, this is blatantly wrong.

Fortunately, today the House has an opportunity to right this injustice. Before us today is H.R. 8, the Death Tax Elimination Act. This common sense legislation challenges the IRS's assertion that grief also should be taxed. The death tax is un-American, and it deserves an appropriate burial.

Vote in favor of H.R. 8.

HUMAN INITIATIVE THWARTED BY DEATH TAX

(Mr. GILCHREST asked and was given permission to address the House for 1 minute.)

Mr. GILCHREST. Mr. Speaker, today we are going to vote on a bill that will, in about a decade, eliminate what we have come to know as the death tax or the estate tax.

In this country, we lose about 1 million acres of agricultural land a year, 1 million acres; and it is not slowing down. In my State alone, we lose about 25,000 acres of farmland every single year. There is a lot of reasons for that. One of them is that when a farmer dies, in order to leave that farm or what we may call an estate to his children, they have to pay an enormous tax. To pay that tax, many of these young people, these young farmers that want to stay on the land, must sell a portion, if not all of that land, in order to pay the Federal Government their tax. This is wrong. We need to correct that.

Mr. Speaker, we need to correct the fact that human initiative needs an opportunity to be fulfilled, and that opportunity for farmers is to stay on the land. Today, Mr. Speaker, I would hope that everyone votes for this bill.

POSTAL SERVICE ISSUES ADOPTION AWARENESS STAMP

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of Nebraska. Mr. Speaker, I rise today to remind my colleagues that the U.S. Postal Service has recently issued an adoption awareness stamp.

As a proud grandfather of two adopted children, I am particularly aware of the need to call attention to this subject and to encourage more adoptions. We all know that every child needs support, guidance, and understanding of people who care enough to offer love, a home and a family. Far too many children in the U.S. are waiting to be adopted. Most have special needs, they are older, they often have emotional and physical problems; but they still need a home.

In my State, more than 400 children were placed in adoptive homes last year, but there are still 100 or more Nebraska children waiting for families right now.

Although Congress has passed laws to encourage adoption, we need more adoptive families, and if adopting a child is not an option, there are other ways to help: mentoring, contributing to any of the fine organizations that promote adoption, and certainly buying the special U.S. Postal Service adoption stamps will help call attention to this issue.

I encourage everyone to help find every child a loving family.

SLAVERY STILL EXISTS IN NEW MILLENNIUM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, who would ever have thought that we would be talking about the horror of modern-day slavery in this new millennium?

Francis Bok is a 21-year-old native of southern Sudan. At age 7 he was captured and enslaved during an Arab militia raid on his village. Francis saw children and adults brutalized and killed all around him. He was strapped to a donkey and taken north, and for 10 years he lived as a family slave. He was forced to sleep with cattle and endure daily beatings and eat terrible food.

In December of 1996, Francis escaped to a nearby town where local policemen enslaved him again. Again he escaped. Eventually he reached Khartoum, the capital, where he was arrested by security forces and jailed for 7 months. After being released, Mr. Bok was able to make his way to Cairo, Egypt, and finally, in 1999, the U.N. resettled him in the United States of America.

Mr. Speaker, I met Francis yesterday. It is an incredible story. It is incomprehensible that slavery still persists in the world today. It is harder to understand why the Clinton administration has not made stopping slavery and genocide in Sudan a priority.

ALL CHILDREN HAVE STRONG POTENTIAL TO ACHIEVE

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINOJOSA. Mr. Speaker, I rise today in strong support of this amendment on the 21st Century Community Learning Centers. I have been involved with education issues for almost 30 years. This experience has strongly reinforced for me that all children, regardless of income level or race, have the same potential for high achievement and healthy development when provided appropriate opportunities.

Thus our goal must be to support the development of quality after-school programs for all children, but especially those in low-income communities. Our goal should also be to see the expanded day programs linked to the core school day.

ISRAEL GRANTED MEMBERSHIP IN WEOG

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, as a cosponsor of H.R. 3405, the Equality for Israel at the United Nations Act that pushed for equality at the U.N. for our closest ally, I am pleased that because of U.S. pressure, Israel has finally achieved a long-deserved, although partial, victory.

Israel for years has been refused entry into one of the 5 regional groupings and thus has been denied full membership at the U.N., although it has been a member since 1949. This has undermined and weakened Israel's ability to function effectively within the international community.

Israel has now finally been granted membership in the Western European and Other Group, WEOG; however, with conditions.

☐ 0915

Many of us will continue to push for Israel's full membership in the WEOG, as well as its membership in its rightful regional grouping, which is the Asian group. Israel has earned it. Few other countries have been tested in this manner and have given so much to protect the very principles upon which the United Nations was founded.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to tell the story of the abduction of Nocona Lynn Smith when she was 3 years old. Nocona was abducted by her mother, River Burton, and her grandmother, Francis Harris, and taken to Honduras on March 10, 1994.

An hour after the abduction, a State District judge ordered emergency custody for her father, Roy Smith. A warrant for the arrest of Nocona's mother was issued, but charges were dropped when she returned to Texas for a trial.

Nocona, however, did not return with her. She is still in Honduras with her grandmother, and her father's attempts to implement the Hague Convention have been in vein.

Mr. Speaker, Roy Smith and his daughter Nocona have missed out on 6 years of memories that are so important to families in the development of healthy and loving relationships. We cannot allow situations like theirs to continue to happen to any other families.

Congress passed a resolution urging signatories of the Hague Convention to uphold that agreement, and we must use that as a starting point for further action.

Mr. Speaker, we have taken a step in the right direction, and it is my hope that this House will continue that work and help bring our children home.

SUDAN

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I rise today to remind my colleagues that today is National Sudan Day. Today there are activities going on in major cities across the United States focusing attention on the ongoing genocide in Sudan.

The Congress needs to make sure that everyone, especially the administration, knows about and acts upon the horrific killings, evictions, and enslaving that is going on, brought about by Sudan's Islamic fundamentalist regime.

The regime is on a deliberate campaign of genocide against the black Christians of southern Sudan. Eyewitnesses have given House and Senate testimony about slavery, torture, rape, mutilation, and killings of Christians.

Mr. Speaker, myself and other House Members have been taking action to bring this genocide into the limelight and to focus our efforts on stopping the brutality. I encourage my colleagues to continue to pressure the White House and the U.S. State Department to take an active part in stopping the genocide in Sudan and bringing the issue to the forefront of American foreign policy.

TRIBUTE TO LEONARD BASKIN, AN ORIGINAL AMERICAN ARTIST

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take the opportunity this morning to pay special tribute to an extraordinary individual from my district who passed away last week in Leeds, Massachusetts, after a lengthy illness.

Leonard Baskin was an acclaimed artist with a unique style and vision whose sculptures, woodcuts, prints, and books are celebrated throughout the world. One can find an original Baskin on display in public collections from New York to Rome.

Here in our Nation's Capitol, his remarkable skills helped recreate both the Franklin Delano Roosevelt and Calvin Coolidge memorials. Quite simply, he has been called one of the finest sculptors of our time.

Born in New Brunswick, New Jersey, in 1922, Leonard Baskin was educated at Yale University, served in the Navy, taught art at both SMITH and Hampshire Colleges, and received countless medals and awards.

Mr. Speaker, his brilliant work touched and inspired many. As we mourn his passing today, I urge the Members of this House to join me in honoring this truly American original.

DEATH TAX REPEAL

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I rise today in support of the repeal of the death tax. I am a proud cosponsor of this legislation, and have been since I came here some 8 years ago.

Under the guise of making the rich pay their fair share, the death tax discourages savings and investment and has a negative impact on the entire economy. Ironically, those that are most affected by the death tax are not the wealthy. They have the resources to shelter assets. But family-owned businesses, which are often asset-rich and cash poor, cannot meet those requirements.

The death tax hits these businesses especially hard when the owner passes away. The result is that many family-owned businesses cannot survive in the family. Even prior to death, the death tax impacts many businesses, forcing the owners to divert money from productive uses, such as capital investment and job creation, to, guess what, estate tax planning.

So for those who are out there who would vote against the death tax repeal, please think again. They are not hurting the wealthy, they are hurting the little guy.

THE MULTI-MILLIONAIRE PROTECTION ACT

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, the so-called Death Tax Elimination Act should be called the Multi-millionaire Protection Act. It does tell America what Republican priorities really are.

Before anything else, the Republican leadership would give a huge, reckless and dangerous backloaded tax cut to only 2 percent of Americans, and more than half of the tax cut goes to the wealthiest one-tenth of 1 percent. That is right, more than half of it would be available to fewer than 60,000 families out of more than 60 million families.

Do the Republicans really believe that the Bill Gates and Steve Forbes and John Corzines need $25 billion of tax cuts every year? Does anyone listening or watching today believe they need $25 billion of tax cuts?

But the Republican leadership would give that multi-billion dollar tax cut before limiting class sizes to 18 for 3 million children, before establishing a prescription drug benefit as part of Medicare for 13 million American senior citizens who cannot afford the expense of insurance coverage.

It is a stunning revelation to know that the Republicans' highest priority is a huge tax cut that only benefits the wealthiest 2 percent of Americans. Vote for the substitute and against this giveaway.

TIME TO REPEAL THE DEATH TAX

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, in the Democrats' not-ending attempt to create class warfare and their obsession of hate and vengeance towards the successful in our society, they forget the small business owner or the family farmer who has to pay as much as 50 percent of their entire value of their assets when they die.

Just think about a small farm in south Georgia where, for generations, it has been passed down from generation to generation, from mom, dad, mom, dad, daughter and everything, and then the owner dies one day, and in order to pay for the farm, in order to pay for the inheritance, the kids have to sell. Then there is one more strip shopping center.

Imagine one of the many new women entrepreneurs who owns a small business and builds it up over 20 years, and then has to plan her estate. She wants to pass it to your daughter, but guess what, the Democrats do not want her to. They want that to go to Uncle Sam. What does she do? Simply dies, but on the day that she dies, the Democrat party wants her to be visited not just by the undertaker but by the IRS.

It is time to repeal the death tax.

LAWMAKERS SHOULD CORRECT POVERTY AND LACK OF MEDICAL CARE BEFORE ENACTING RECKLESS TAX CUTS

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, I love my friend's compassion. This is a Chamber that ought to have compassion. We ought to have compassion for 45 million Americans that do not have health care, for the hundreds of thousands of working families that cannot afford to send their kids to college, for senior citizens who do not have a drug benefit.

If we take the Democratic proposal here, I do not know how many family farms are worth more than $4 million, but I would say that when we add the cut in the percentage and the $4 million exemption, that is about as much compassion as we need until we have taken care of the poorest of the poor.

To listen to my colleagues on the other side of the aisle, if you have two children, one lives in Beverly Hills and the other one lives on the edge of poverty. What we need to do today is rush and give some more help to the folks in Beverly Hills.

The difference between the two proposals is that the Democratic proposal helps small business, helps farmers, helps people with $4 million worth of assets, but leaves a little in the Treasury to make sure that senior citizens have social security and Medicare, that maybe we can help more kids get a college education, and maybe some day people in this country can expect health care coverage.

AUSTRALIAN GUN BAN RESULTS: DEADLY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, according to NewsMax.com, the results from the Australian gun ban are in and they are deadly.

Just over a year ago, Australia followed in the footsteps of mother country Great Britain and made a law that totally banned handguns. The gun ban and the confiscation program cost the Australian government more than $500 million. Sometimes using deadly force, authorities collected 640,381 personal firearms.

Now, the results are in. Since the gun ban, Australia-wide, homicides are up 3.2 percent, assaults are up 8.6 percent, armed robberies are up 44 percent. In the state of Victoria, homicides with firearms are up 300 percent.

Figures over the previous 25 years had shown a steady decrease in armed robberies with firearms, but since the gun ban this has changed for the worse. There has been a dramatic increase in break-ins and assaults on the elderly.

Australian politicians are on the spot and at a loss to explain this, and so are the liberals here in America. They want to avoid the facts that following a gun ban, crimes go up. If we would enforce the laws that we have on the books, it would make America a safer place.

SUPPORTING THE ELIMINATION OF THE DEATH TAX

(Mr. COOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOK. Mr. Speaker, I rise today in support of eliminating the death tax. The death tax is one of the most extreme examples of unfair, inefficient taxation in the United States today. It forces children to sell family businesses and farms to pay the taxes, and at the same time costs the government almost as much to collect as it brings in, in revenue.

In fact, the annual death tax revenues are less than 2 percent of the total Federal receipts, but the economic costs are far higher. This tax thwarts savings and investment, decreases wages and job creation, and dissolves thousands of family-run businesses each year.

The death tax is blatant double taxation aimed directly at small business owners, farmers, and ranchers. These people pay taxes throughout their lives. Then when they die, they are taxed an additional tax on the value of their property.

We should be encouraging businesses like these, not creating obstructions for their existence. Uncle Sam should not come knocking at our door when our loved one dies. I ask my colleagues to join with me in burying the death tax once and for all.

AMERICA SHOULD INVEST MORE RESOURCES IN CURING PEDIATRIC CANCER

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, the progress that has been made in childhood cancer is a modern medical miracle. Unlike most miracles, I think this one can be explained. It is widely recognized that the progress in cancer survival rates among children is the result of successful clinical trials, where work from our Nation's laboratories is translated into clinical application.

For children, the standard of care today is to be treated in a clinical trial, and more than 70 percent of children with cancer participate. That compares to only about 3 percent of adults and only 1.5 percent of Medicare patients.

In addition, children are normally treated in centers of excellence by a pediatric oncology specialist and a team of multidisciplinary health care providers, and the rapid dissemination of better treatments through a consortium of major teaching hospitals where new therapies can be tested has benefited the children in these trials.

In many ways, care for children with cancer is the model by which adult cancer can hopefully become better.

ENDING THE DEATH TAX

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the Internal Revenue Service burdens the American people with so many taxes it often seems we are taxed on virtually every move we make and every breath we draw.

So it is not surprising to learn that when we stop moving and drawing breath, the IRS taxes us for that, too. Every year, thousands of grieving families are hit unexpectedly with an unfair provision of law called the death tax. This provision of law is so burdensome it prevents more than three out of four small businesses from surviving to the next generation.

Death taxes reduce potential employment opportunities, encourage consumption instead of responsible saving and investing, and undermine the premise of the American dream, which assures that hard, honest work will be rewarded.

Let us show the American people that the American dream is still alive. Let us today vote to repeal the unfair death tax.

A FAILED REPUBLICAN EDUCATION BILL AND IRRESPONSIBLE TAX CUTS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday the House began debate on a Republican education bill that fails our Nation's schoolchildren.

Today, the Republican leadership is giving an irresponsible tax cut to the 2,400 wealthiest Americans. Some 2,400 people today will benefit from the cut and the repeal of the estate tax, and $50 billion will be taken out of the revenue stream of this country over a 10-year period to benefit 2,400 people.

□ 0930

My friends should do the mathematics. And because of this effort, what we will see is our youngsters shortchanged on their educational opportunities. Our first priority has to be to ensure that our Nation's children learn to their fullest potential and that their teachers have the tools necessary to be able to teach them.

The Republican bill does nothing to reduce class size, address the modernization of our schools, and it significantly cuts after-school programs because of a tax cut to the 2,400 wealthiest people in this country.

ONE PERCENT OF AMERICANS OWN 40 PERCENT OF AMERICA'S ASSETS

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, today my Republican colleagues would like to do away with the estate tax entirely. Democrats propose a way to make sure that 99 percent of Americans do not pay any estate tax.

Who started the estate tax? The Republican, Theodore Roosevelt. Why? Because we did not want two different Americas.

Today in America, 1 percent of the people in America own 40 percent of the assets of America. It is growing bigger and bigger, this gap. Twice as much as it was 20 years ago. What do my colleagues on the Republican side of the aisle want to do? They want to make it worse. They want to give the richest 1 percent of America an enormous tax cut costing our country $50 billion a year. With Social Security and Medicare going broke, with the $5.6 trillion national debt, with our public schools falling apart, with needs for a strong defense, our Republican colleagues want to give a huge tax break, unneeded, unnecessary, to the 1 percent richest people in America who already control 40 percent of the Nation's wealth. It is obscene; it is a disgrace.

Mr. Speaker, I urge my colleagues to vote for the modest estate tax relief under the Democrat bill.

THE JOURNAL

The SPEAKER pro tempore (Mr. KUYKENDALL). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 330, nays 51, answered "present" 2, not voting 51, as follows:

[Roll No. 251]

YEAS—330

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jenkins
John
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Ortiz
Ose
Owens
Oxley
Packard
Pastor
Paul
Payne
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Weiner
Weldon (FL)
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—51

Aderholt
Bilbray
Borski
Brady (PA)
Capuano
Costello
DeFazio
Dickey
Fattah
Filner
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hill (MT)
Hilliard
Holt
Hooley
Jackson-Lee (TX)
Johnson, E. B.
Kucinich
Latham
Lewis (GA)
LoBiondo
McNulty
Miller, George
Oberstar
Obey
Olver
Pallone
Pascrell
Pickett
Pomeroy
Ramstad
Sabo
Schaffer
Stark
Stenholm
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wicker

ANSWERED "PRESENT"—2

Metcalf
Tancredo

NOT VOTING—51

Ballenger
Blumenauer
Brady (TX)
Chenoweth-Hage
Clay
Clement
Conyers
Crane
Cummings
Cunningham
Danner
Delahunt
DeLay
Dixon
Dooley
Ehrlich
English
Franks (NJ)
Gekas
Gillmor
Gilman
Goss
Hilleary
Hoekstra
Istook
Jefferson
Johnson, Sam
Kaptur
Kasich
Klink
Lazio
Markey
Matsui
McCollum
McDermott
Norwood
Pelosi
Peterson (MN)
Porter
Radanovich
Rogan
Shuster
Smith (MI)
Smith (WA)
Stearns
Towns
Vento
Watts (OK)
Waxman
Weldon (PA)
Young (AK)

□ 0952

Mr. OBEY changed his vote from "yea" to "nay".

Mrs. WILSON changed her vote from "nay" to "yea".

So the Journal was approved.

The result of the vote was announced as above recorded.

DEATH TAX ELIMINATION ACT OF 2000

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 519, I call up the bill (H.R. 8) to amend the Internal Revenue Code of 1986, to phase out the estate and gift taxes over a 10-year period, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to House Resolution 519, the bill is considered read for amendment.

The text of H.R. 8 is as follows:

H.R. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Death Tax Elimination Act".

SEC. 2. PHASEOUT OF ESTATE AND GIFT TAXES.

(a) Repeal of Estate and Gift Taxes.—Subtitle B of the Internal Revenue Code of 1986 (relating to estate and gift taxes) is repealed effective with respect to estates of decedents dying, and gifts made, after December 31, 2009.

(b) Phaseout of Tax.—Subsection (c) of section 2001 of such Code (relating to imposition and rate of tax) is amended by adding at the end the following new paragraph:

"(3) Phaseout of tax.—In the case of estates of decedents dying, and gifts made, during any calendar year after 1999 and before 2010—

"(A) In general.—The tentative tax under this subsection shall be determined by using a table prescribed by the Secretary (in lieu of using the table contained in paragraph (1)) which is the same as such table; except that—

"(i) each of the rates of tax shall be reduced (but not below zero) by the number of percentage points determined under subparagraph (B), and

"(ii) the amounts setting forth the tax shall be adjusted to the extent necessary to reflect the adjustments under clause (i).

"(B) Percentage points of reduction.—

"For calendar year:	**The number of percentage points is:**
2000	5
2001	10
2002	15
2003	20
2004	25
2005	30
2006	35
2007	40
2008	45
2009	50.

"(C) Coordination with paragraph (2).—Paragraph (2) shall be applied by reducing the 55 percent percentage contained therein by the number of percentage points determined for such calendar year under subparagraph (B).

"(D) Coordination with credit for state death taxes.—Rules similar to the rules of subparagraph (A) shall apply to the table contained in section 2011(b) except that the number of percentage points referred to in subparagraph (A)(i) shall be determined under the following table:

"For calendar year:	**The number of percentage points is:**
2000	1½
2001	3
2002	4½
2003	6
2004	7½
2005	9
2006	10½
2007	12
2008	13½
2009	15."

(c) Effective Date.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 1999.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 8, as amended, is as follows:

H.R. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) Short Title.—This Act may be cited as the "Death Tax Elimination Act of 2000".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—REPEAL OF ESTATE, GIFT, AND GENERATION-SKIPPING TAXES; REPEAL OF STEP UP IN BASIS AT DEATH

SEC. 101. REPEAL OF ESTATE, GIFT, AND GENERATION-SKIPPING TAXES.

(a) In General.—Subtitle B is hereby repealed.

(b) Effective Date.—The repeal made by subsection (a) shall apply to the estates of decedents dying, and gifts and generation-skipping transfers made, after December 31, 2009.

SEC. 102. TERMINATION OF STEP UP IN BASIS AT DEATH.

(a) Termination of Application of Section 1014.—Section 1014 (relating to basis of property acquired from a decedent) is amended by adding at the end the following:

"(f) Termination.—In the case of a decedent dying after December 31, 2009, this section shall not apply to property for which basis is provided by section 1022.".

(b) Conforming Amendment.—Subsection (a) of section 1016 (relating to adjustments to basis) is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ", and", and by adding at the end the following:

"(28) to the extent provided in section 1022 (relating to basis for certain property acquired from a decedent dying after December 31, 2009).".

SEC. 103. CARRYOVER BASIS AT DEATH.

(a) General Rule.—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. CARRYOVER BASIS FOR CERTAIN PROPERTY ACQUIRED FROM A DECEDENT DYING AFTER DECEMBER 31, 2009.

"(a) Carryover Basis.—Except as otherwise provided in this section, the basis of carryover basis property in the hands of a person acquiring such property from a decedent shall be determined under section 1015.

"(b) Carryover Basis Property Defined.—

"(1) In general.—For purposes of this section, the term 'carryover basis property' means any property—

"(A) which is acquired from or passed from a decedent who died after December 31, 2009, and

"(B) which is not excluded pursuant to paragraph (2).

The property taken into account under subparagraph (A) shall be determined under section 1014(b) without regard to subparagraph (A) of the last sentence of paragraph (9) thereof.

"(2) Certain property not carryover basis property.—The term 'carryover basis property' does not include—

"(A) any item of gross income in respect of a decedent described in section 691,

"(B) property of the decedent to the extent that the aggregate adjusted fair market value of such property does not exceed $1,300,000, and

"(C) property which was acquired from the decedent by the surviving spouse of the decedent (and which would be carryover basis property without regard to this subparagraph) but only if the value of such property would have been deductible from the value of the taxable estate of the decedent under section 2056, as in effect on the day before the date of the enactment of the Death Tax Elimination Act of 2000.

For purposes of this subsection, the term 'adjusted fair market value' means, with respect to any property, fair market value reduced by any indebtedness secured by such property.

"(3) Limitation on exception for property acquired by surviving spouse.—The adjusted fair market value of property which is not carryover basis property by reason of paragraph (2)(C) shall not exceed $3,000,000.

"(4) Allocation of excepted amounts.—The executor shall allocate the limitations under paragraphs (2)(B) and (3).

"(5) Inflation adjustment of excepted amounts.—In the case of decedents dying in a calendar year after 2010, the dollar amounts in paragraphs (2)(B) and (3) shall each be increased by an amount equal to the product of—

"(A) such dollar amount, and

"(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting '2009' for '1992' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $10,000, such increase shall be rounded to the nearest multiple of $10,000.

"(c) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) Miscellaneous Amendments Related To Carryover Basis.—

(1) Capital gain treatment for inherited art work or similar property.—

(A) In general.—Subparagraph (C) of section 1221(a)(3) (defining capital asset) is amended by inserting "(other than by reason of section 1022)" after "is determined".

(B) Coordination with section 170.—Paragraph (1) of section 170(e) (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following: "For purposes of this paragraph, the determination of whether property is a capital asset shall be made without regard to the exception contained in section 1221(a)(3)(C) for basis determined under section 1022.".

(2) Definition of Executor.—Section 7701(a) (relating to definitions) is amended by adding at the end the following:

"(47) Executor.—The term 'executor' means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the United States, then any person in actual or constructive possession of any property of the decedent.".

(3) Clerical amendment.—The table of sections for part II of subchapter O of chapter 1 is amended by adding at the end the following new item:

"Sec. 1022. Carryover basis for certain property acquired from a decedent dying after December 31, 2009.".

(c) Effective Date.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2009.

TITLE II—REDUCTIONS OF ESTATE AND GIFT TAX RATES PRIOR TO REPEAL

SEC. 201. ADDITIONAL REDUCTIONS OF ESTATE AND GIFT TAX RATES.

(a) Maximum Rate of Tax Reduced to 50 Percent.—

(1) In general.—The table contained in section 2001(c)(1) is amended by striking the two highest brackets and inserting the following:

"Over $2,500,000 .... $1,025,800, plus 50% of the excess over $2,500,000.".

(2) Phase-in of reduced rate.—Subsection (c) of section 2001 is amended by adding at the end the following new paragraph:

"(3) PHASE-IN OF REDUCED RATE.—In the case of decedents dying, and gifts made, during 2001, the last item in the table contained in paragraph (1) shall be applied by substituting '53%' for '50%'.".

(b) REPEAL OF PHASEOUT OF GRADUATED RATES.—Subsection (c) of section 2001 is amended by striking paragraph (2) and redesignating paragraph (3), as added by subsection (a), as paragraph (2).

(c) ADDITIONAL REDUCTIONS OF RATES OF TAX.—Subsection (c) of section 2001, as so amended, is amended by adding at the end the following new paragraph:

"(3) PHASEDOWN OF TAX.—In the case of estates of decedents dying, and gifts made, during any calendar year after 2002 and before 2010—

"(A) IN GENERAL.—Except as provided in subparagraph (C), the tentative tax under this subsection shall be determined by using a table prescribed by the Secretary (in lieu of using the table contained in paragraph (1)) which is the same as such table; except that—

"(i) each of the rates of tax shall be reduced by the number of percentage points determined under subparagraph (B), and

"(ii) the amounts setting forth the tax shall be adjusted to the extent necessary to reflect the adjustments under clause (i).

"(B) PERCENTAGE POINTS OF REDUCTION.—

"For calendar year:	**The number of percentage points is:**
2003	1.0
2004	2.0
2005	3.0
2006	4.0
2007	5.5
2008	7.5
2009	9.5.

"(C) COORDINATION WITH INCOME TAX RATES.—The reductions under subparagraph (A)—

"(i) shall not reduce any rate under paragraph (1) below the lowest rate in section 1(c), and

"(ii) shall not reduce the highest rate under paragraph (1) below the highest rate in section 1(c).

"(D) COORDINATION WITH CREDIT FOR STATE DEATH TAXES.—Rules similar to the rules of subparagraph (A) shall apply to the table contained in section 2011(b) except that the Secretary shall prescribe percentage point reductions which maintain the proportionate relationship (as in effect before any reduction under this paragraph) between the credit under section 2011 and the tax rates under subsection (c).".

(d) EFFECTIVE DATES.—

(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to estates of decedents dying, and gifts made, after December 31, 2000.

(2) SUBSECTION (c).—The amendment made by subsection (c) shall apply to estates of decedents dying, and gifts made, after December 31, 2002.

TITLE III—UNIFIED CREDIT REPLACED WITH UNIFIED EXEMPTION AMOUNT

SEC. 301. UNIFIED CREDIT AGAINST ESTATE AND GIFT TAXES REPLACED WITH UNIFIED EXEMPTION AMOUNT.

(a) IN GENERAL.—

(1) ESTATE TAX.—Subsection (b) of section 2001 (relating to computation of tax) is amended to read as follows:

"(b) COMPUTATION OF TAX.—

"(1) IN GENERAL.—The tax imposed by this section shall be the amount equal to the excess (if any) of—

"(A) the tentative tax determined under paragraph (2), over

"(B) the aggregate amount of tax which would have been payable under chapter 12 with respect to gifts made by the decedent after December 31, 1976, if the provisions of subsection (c) (as in effect at the decedent's death) had been applicable at the time of such gifts.

"(2) TENTATIVE TAX.—For purposes of paragraph (1), the tentative tax determined under this paragraph is a tax computed under subsection (c) on the excess of—

"(A) the sum of—

"(i) the amount of the taxable estate, and

"(ii) the amount of the adjusted taxable gifts, over

"(B) the exemption amount for the calendar year in which the decedent died.

"(3) EXEMPTION AMOUNT.—For purposes of paragraph (2), the term 'exemption amount' means the amount determined in accordance with the following table:

"In the case of calendar year:	**The exemption amount is:**
2001	$675,000
2002 and 2003	$700,000
2004	$850,000
2005	$950,000
2006 or thereafter	$1,000,000.

"(4) ADJUSTED TAXABLE GIFTS.—For purposes of paragraph (2), the term 'adjusted taxable gifts' means the total amount of the taxable gifts (within the meaning of section 2503) made by the decedent after December 31, 1976, other than gifts which are includible in the gross estate of the decedent."

(2) GIFT TAX.—Subsection (a) of section 2502 (relating to computation of tax) is amended to read as follows:

"(a) COMPUTATION OF TAX.—

"(1) IN GENERAL.—The tax imposed by section 2501 for each calendar year shall be the amount equal to the excess (if any) of—

"(A) the tentative tax determined under paragraph (2), over

"(B) the tax paid under this section for all prior calendar periods.

"(2) TENTATIVE TAX.—For purposes of paragraph (1), the tentative tax determined under this paragraph for a calendar year is a tax computed under section 2001(c) on the excess of—

"(A) the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

"(B) the exemption amount under section 2001(b)(3) for such calendar year."

(b) REPEAL OF UNIFIED CREDITS.—

(1) Section 2010 (relating to unified credit against estate tax) is hereby repealed.

(2) Section 2505 (relating to unified credit against gift tax) is hereby repealed.

(c) CONFORMING AMENDMENTS.—

(1)(A) Subsection (b) of section 2011 is amended—

(i) by striking "adjusted" in the table, and

(ii) by striking the last sentence.

(B) Subsection (f) of section 2011 is amended by striking ", reduced by the amount of the unified credit provided by section 2010".

(2) Subsection (a) of section 2012 is amended by striking "and the unified credit provided by section 2010".

(3) Subparagraph (A) of section 2013(c)(1) is amended by striking "2010,".

(4) Paragraph (2) of section 2014(b) is amended by striking "2010, 2011," and inserting "2011".

(5) Clause (ii) of section 2056A(b)(12)(C) is amended to read as follows:

"(ii) to treat any reduction in the tax imposed by paragraph (1)(A) by reason of the credit allowable under section 2010 (as in effect on the day before the date of the enactment of the Death Tax Elimination Act of 2000) or the exemption amount allowable under section 2001(b) with respect to the decedent as a credit under section 2505 (as so in effect) or exemption under section 2521 (as the case may be) allowable to such surviving spouse for purposes of determining the amount of the exemption allowable under section 2521 with respect to taxable gifts made by the surviving spouse during the year in which the spouse becomes a citizen or any subsequent year.".

(6) Subsection (a) of section 2057 is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) MAXIMUM DEDUCTION.—The deduction allowed by this section shall not exceed the excess of $1,300,000 over the exemption amount (as defined in section 2001(b)(3))."

(7)(A) Subsection (b) of section 2101 is amended to read as follows:

"(b) COMPUTATION OF TAX.—

"(1) IN GENERAL.—The tax imposed by this section shall be the amount equal to the excess (if any) of—

"(A) the tentative tax determined under paragraph (2), over

"(B) a tentative tax computed under section 2001(c) on the amount of the adjusted taxable gifts.

"(2) TENTATIVE TAX.—For purposes of paragraph (1), the tentative tax determined under this paragraph is a tax computed under section 2001(c) on the excess of—

"(A) the sum of—

"(i) the amount of the taxable estate, and

"(ii) the amount of the adjusted taxable gifts, over

"(B) the exemption amount for the calendar year in which the decedent died.

"(3) EXEMPTION AMOUNT.—

"(A) IN GENERAL.—The term 'exemption amount' means $60,000.

"(B) RESIDENTS OF POSSESSIONS OF THE UNITED STATES.—In the case of a decedent who is considered to be a nonresident not a citizen of the United States under section 2209, the exemption amount under this paragraph shall be the greater of—

"(i) $60,000, or

"(ii) that proportion of $175,000 which the value of that part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated.

"(C) SPECIAL RULES.—

"(i) COORDINATION WITH TREATIES.—To the extent required under any treaty obligation of the United States, the exemption amount allowed under this paragraph shall be equal to the amount which bears the same ratio to the exemption amount under section 2001(b)(3) (for the calendar year in which the decedent died) as the value of the part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated. For purposes of the preceding sentence, property shall not be treated as situated in the United States if such property is exempt from the tax imposed by this subchapter under any treaty obligation of the United States.

"(ii) COORDINATION WITH GIFT TAX EXEMPTION AND UNIFIED CREDIT.—If an exemption has been allowed under section 2521 (or a credit has been allowed under section 2505 as in effect on the day before the date of the enactment of the Death Tax Elimination Act of 2000) with respect to any gift made by the decedent, each dollar amount contained in subparagraph (A) or (B) or the exemption amount applicable under clause (i) of this subparagraph (whichever applies) shall be reduced by the exemption so allowed under section 2521 (or, in the case of such a credit, by the amount of the gift for which the credit was so allowed).".

(8) Section 2102 is amended by striking subsection (c).

(9)(A) Subsection (a) of section 2107 is amended by adding at the end the following new paragraph:

"(3) LIMITATION ON EXEMPTION AMOUNT.—Subparagraphs (B) and (C) of section 2101(b)(3) shall not apply in applying section 2101 for purposes of this section.".

(B) Subsection (c) of section 2107 is amended—

(i) by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively, and

(ii) by striking the second sentence of paragraph (2) (as so redesignated).

(10) Paragraph (1) of section 6018(a) is amended by striking "the applicable exclusion amount in effect under section 2010(c)" and inserting "the exemption amount under section 2001(b)(3)".

(11) Subparagraph (A) of section 6601(j)(2) is amended to read as follows:

"(A) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were $1,000,000, or".

(12) The table of sections for part II of subchapter A of chapter 11 is amended by striking the item relating to section 2010.

(13) The table of sections for subchapter A of chapter 12 is amended by striking the item relating to section 2505.

(d) EFFECTIVE DATE.—The amendments made by this section—

(1) insofar as they relate to the tax imposed by chapter 11 of the Internal Revenue Code of 1986, shall apply to estates of decedents dying after December 31, 2000, and

(2) insofar as they relate to the tax imposed by chapter 12 of such Code, shall apply to gifts made after December 31, 2000.

TITLE IV—MODIFICATIONS OF GENERATION-SKIPPING TRANSFER TAX

SEC. 401. DEEMED ALLOCATION OF GST EXEMPTION TO LIFETIME TRANSFERS TO TRUSTS; RETROACTIVE ALLOCATIONS.

(a) IN GENERAL.—Section 2632 (relating to special rules for allocation of GST exemption) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) DEEMED ALLOCATION TO CERTAIN LIFETIME TRANSFERS TO GST TRUSTS.—

"(1) IN GENERAL.—If any individual makes an indirect skip during such individual's lifetime, any unused portion of such individual's GST exemption shall be allocated to the property transferred to the extent necessary to make the inclusion ratio for such property zero. If the amount of the indirect skip exceeds such unused portion, the entire unused portion shall be allocated to the property transferred.

"(2) UNUSED PORTION.—For purposes of paragraph (1), the unused portion of an individual's GST exemption is that portion of such exemption which has not previously been—

"(A) allocated by such individual,

"(B) treated as allocated under subsection (b) with respect to a direct skip occurring during or before the calendar year in which the indirect skip is made, or

"(C) treated as allocated under paragraph (1) with respect to a prior indirect skip.

"(3) DEFINITIONS.—

"(A) INDIRECT SKIP.—For purposes of this subsection, the term 'indirect skip' means any transfer of property (other than a direct skip) subject to the tax imposed by chapter 12 made to a GST trust.

"(B) GST TRUST.—The term 'GST trust' means a trust that could have a generation-skipping transfer with respect to the transferor unless—

"(i) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by 1 or more individuals who are non-skip persons—

"(I) before the date that the individual attains age 46,

"(II) on or before one or more dates specified in the trust instrument that will occur before the date that such individual attains age 46, or

"(III) upon the occurrence of an event that, in accordance with regulations prescribed by the Secretary, may reasonably be expected to occur before the date that such individual attains age 46;

"(ii) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons and who are living on the date of death of another person identified in the instrument (by name or by class) who is more than 10 years older than such individuals;

"(iii) the trust instrument provides that, if one or more individuals who are non-skip persons die on or before a date or event described in clause (i) or (ii), more than 25 percent of the trust corpus either must be distributed to the estate or estates of one or more of such individuals or is subject to a general power of appointment exercisable by one or more of such individuals;

"(iv) the trust is a trust any portion of which would be included in the gross estate of a non-skip person (other than the transferor) if such person died immediately after the transfer;

"(v) the trust is a charitable lead annuity trust (within the meaning of section 2642(e)(3)(A)) or a charitable remainder annuity trust or a charitable remainder unitrust (within the meaning of section 664(d)); or

"(vi) the trust is a trust with respect to which a deduction was allowed under section 2522 for the amount of an interest in the form of the right to receive annual payments of a fixed percentage of the net fair market value of the trust property (determined yearly) and which is required to pay principal to a non-skip person if such person is alive when the yearly payments for which the deduction was allowed terminate. For purposes of this subparagraph, the value of transferred property shall not be considered to be includible in the gross estate of a non-skip person or subject to a right of withdrawal by reason of such person holding a right to withdraw so much of such property as does not exceed the amount referred to in section 2503(b) with respect to any transferor, and it shall be assumed that powers of appointment held by non-skip persons will not be exercised.

"(4) AUTOMATIC ALLOCATIONS TO CERTAIN GST TRUSTS.—For purposes of this subsection, an indirect skip to which section 2642(f) applies shall be deemed to have been made only at the close of the estate tax inclusion period. The fair market value of such transfer shall be the fair market value of the trust property at the close of the estate tax inclusion period.

"(5) APPLICABILITY AND EFFECT.—

"(A) IN GENERAL.—An individual—

"(i) may elect to have this subsection not apply to—

"(I) an indirect skip, or

"(II) any or all transfers made by such individual to a particular trust, and

"(ii) may elect to treat any trust as a GST trust for purposes of this subsection with respect to any or all transfers made by such individual to such trust.

"(B) ELECTIONS.—

"(i) ELECTIONS WITH RESPECT TO INDIRECT SKIPS.—An election under subparagraph (A)(i)(I) shall be deemed to be timely if filed on a timely filed gift tax return for the calendar year in which the transfer was made or deemed to have been made pursuant to paragraph (4) or on such later date or dates as may be prescribed by the Secretary.

"(ii) OTHER ELECTIONS.—An election under clause (i)(II) or (ii) of subparagraph (A) may be made on a timely filed gift tax return for the calendar year for which the election is to become effective.

"(d) RETROACTIVE ALLOCATIONS.—

"(1) IN GENERAL.—If—

"(A) a non-skip person has an interest or a future interest in a trust to which any transfer has been made,

"(B) such person—

"(i) is a lineal descendant of a grandparent of the transferor or of a grandparent of the transferor's spouse or former spouse, and

"(ii) is assigned to a generation below the generation assignment of the transferor, and

"(C) such person predeceases the transferor, then the transferor may make an allocation of any of such transferor's unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

"(2) SPECIAL RULES.—If the allocation under paragraph (1) by the transferor is made on a gift tax return filed on or before the date prescribed by section 6075(b) for gifts made within the calendar year within which the non-skip person's death occurred—

"(A) the value of such transfer or transfers for purposes of section 2642(a) shall be determined as if such allocation had been made on a timely filed gift tax return for each calendar year within which each transfer was made,

"(B) such allocation shall be effective immediately before such death, and

"(C) the amount of the transferor's unused GST exemption available to be allocated shall be determined immediately before such death.

"(3) FUTURE INTEREST.—For purposes of this subsection, a person has a future interest in a trust if the trust may permit income or corpus to be paid to such person on a date or dates in the future.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 2632(b) is amended by striking "with respect to a direct skip" and inserting "or subsection (c)(1)".

(c) EFFECTIVE DATES.—

(1) DEEMED ALLOCATION.—Section 2632(c) of the Internal Revenue Code of 1986 (as added by subsection (a)), and the amendment made by subsection (b), shall apply to transfers subject to chapter 11 or 12 made after December 31, 1999, and to estate tax inclusion periods ending after December 31, 1999.

(2) RETROACTIVE ALLOCATIONS.—Section 2632(d) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to deaths of non-skip persons occurring after December 31, 1999.

SEC. 402. SEVERING OF TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 2642 (relating to inclusion ratio) is amended by adding at the end the following new paragraph:

"(3) SEVERING OF TRUSTS.—

"(A) IN GENERAL.—If a trust is severed in a qualified severance, the trusts resulting from such severance shall be treated as separate trusts thereafter for purposes of this chapter.

"(B) QUALIFIED SEVERANCE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'qualified severance' means the division of a single trust and the creation (by any means available under the governing instrument or under local law) of two or more trusts if—

"(I) the single trust was divided on a fractional basis, and

"(II) the terms of the new trusts, in the aggregate, provide for the same succession of interests of beneficiaries as are provided in the original trust.

"(ii) TRUSTS WITH INCLUSION RATIO GREATER THAN ZERO.—If a trust has an inclusion ratio of greater than zero and less than 1, a severance is a qualified severance only if the single trust is divided into two trusts, one of which receives a fractional share of the total value of all trust assets equal to the applicable fraction of the single trust immediately before the severance. In *such case, the trust receiving such fractional share shall have an inclusion ratio of zero and the other trust shall have an inclusion ratio of 1.*

"(iii) REGULATIONS.—The term 'qualified severance' includes any other severance permitted under regulations prescribed by the Secretary.

"(C) TIMING AND MANNER OF SEVERANCES.—A severance pursuant to this paragraph may be made at any time. The Secretary shall prescribe by forms or regulations the manner in which the qualified severance shall be reported to the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to severances after December 31, 1999.

SEC. 403. MODIFICATION OF CERTAIN VALUATION RULES.

(a) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—Paragraph (1) of section 2642(b) (relating to valuation rules, etc.) is amended to read as follows:

"(1) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—If the allocation of the GST exemption to any transfers of property is made on a gift tax return filed on or before the date prescribed by section 6075(b) for such transfer or is deemed to be made under section 2632 (b)(1) or (c)(1)—

"(A) the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 12 (within the meaning of section 2001(f)(2)), or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, its value at the time of the close of the estate tax inclusion period, and

"(B) such allocation shall be effective on and after the date of such transfer, or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, on and after the close of such estate tax inclusion period.".

(b) TRANSFERS AT DEATH.—Subparagraph (A) of section 2642(b)(2) is amended to read as follows:

"(A) TRANSFERS AT DEATH.—If property is transferred as a result of the death of the transferor, the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 11; except that, if the requirements prescribed by the Secretary respecting allocation of post-death changes in value are not met, the value of such property shall be determined as of the time of the distribution concerned.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 1999.

SEC. 404. RELIEF PROVISIONS.

(a) IN GENERAL.—Section 2642 is amended by adding at the end the following new subsection:

"(g) RELIEF PROVISIONS.—

"(1) RELIEF FROM LATE ELECTIONS.—

"(A) IN GENERAL.—The Secretary shall by regulation prescribe such circumstances and procedures under which extensions of time will be granted to make—

"(i) an allocation of GST exemption described in paragraph (1) or (2) of subsection (b), and

"(ii) an election under subsection (b)(3) or (c)(5) of section 2632.

Such regulations shall include procedures for requesting comparable relief with respect to transfers made before the date of the enactment of this paragraph.

"(B) BASIS FOR DETERMINATIONS.—In determining whether to grant relief under this paragraph, the Secretary shall take into account all relevant circumstances, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant. For purposes of determining whether to grant relief under this paragraph, the time for making the allocation (or election) shall be treated as if not expressly prescribed by statute.

"(2) SUBSTANTIAL COMPLIANCE.—An allocation of GST exemption under section 2632 that demonstrates an intent to have the lowest possible inclusion ratio with respect to a transfer or a trust shall be deemed to be an allocation of so much of the transferor's unused GST exemption as produces the lowest possible inclusion ratio. In determining whether there has been substantial compliance, all relevant circumstances shall be taken into account, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant.".

(b) EFFECTIVE DATES.—

(1) RELIEF FROM LATE ELECTIONS.—Section 2642(g)(1) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to requests pending on, or filed after, December 31, 1999.

(2) SUBSTANTIAL COMPLIANCE.—Section 2642(g)(2) of such Code (as so added) shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 1999. No implication is intended with respect to the availability of relief from late elections or the application of a rule of substantial compliance on or before such date.

TITLE V—CONSERVATION EASEMENTS

SEC. 501. EXPANSION OF ESTATE TAX RULE FOR CONSERVATION EASEMENTS.

(a) WHERE LAND IS LOCATED.—

(1) IN GENERAL.—Clause (i) of section 2031(c)(8)(A) (defining land subject to a conservation easement) is amended—

(A) by striking "25 miles" both places it appears and inserting "50 miles", and

(B) striking "10 miles" and inserting "25 miles".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 1999.

(b) CLARIFICATION OF DATE FOR DETERMINING VALUE OF LAND AND EASEMENT.—

(1) IN GENERAL.—Section 2031(c)(2) (defining applicable percentage) is amended by adding at the end the following new sentence: "The values taken into account under the preceding sentence shall be such values as of the date of the contribution referred to in paragraph (8)(B).".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to estates of decedents dying after December 31, 1997.

The SPEAKER pro tempore. After one hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 106–658, which may be offered only by the Member designated in the report, shall be considered read, and shall be debatable for one hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 8.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today is another historic and proud moment for this House, for our country, and for me personally. When I came to Congress 30 years ago, I had three major goals. One was to balance the budget so that future generations would not have to pay the high debt service charges. The second was to eliminate the earnings limit on Social Security beneficiaries so that they continue to work without suffering the loss of their Social Security benefits. Both of those two are now the law of the land.

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My third goal was to abolish the death tax. And today we will do that on a bipartisan basis. We will completely repeal it. We will erase it from the Tax Code forever, in hopes that it will never return from the dead to haunt American families, farms, businesses. This is truly an historic day.

The death tax is wrong. Death as an event should not trigger a tax. Some have even said that it is ghoulish to think that someone who works an entire lifetime saving, preparing to leave something to their children, starting a business, running a ranch or a farm, and all the time paying taxes to find that what is left over gets hit again from the grave.

The ancient Egyptians built elaborate fortresses and tunnels and even posted guards at tombs to stop grave robbers. In today's America, we call that estate planning.

Today, Americans are trying to avoid the death tax like never before. In fact, they spend millions and millions of dollars every year paying accountants, lawyers and financial planners to try to limit this tax in any way that they can. And why should they not? The death tax is the natural born killer of everything that they have worked for their entire lives. It is the wrecking ball of a life's worth of achievement and success.

Think about it. The top death tax rate today in the law is 60 percent. That means the IRS gets 122 percent to 150 percent of what the children get. Is something not wrong when the government gets more than the family? And that is just the first generation of children. If someone wanted to help their grandchildren, and I know many of us in this Chamber and those watching on C–SPAN have grandchildren, I have 14 myself, so just listen to this: Because of the death tax and what is part of it, a part of the death tax, the so-called generation-skipping penalty, the IRS gets 244 percent of what a grandchild does if a dying person leaves their assets to their grandchildren. That is outlandish. So today we are going to do what is right and we are going to fix it once and for all.

The death tax is especially threatening to the backbone of America's economy, the small business owner and the family farm. That is why repealing the death tax is priority number one for the National Federation of Independent Businesses and the American Farm Bureau.

Imagine a family owning and working on a family farm for 30 years. They build and develop the land with the hope of passing it along to their children so that they can have a better life. But after their death, the children tragically find that the farm will not be staying in the family but will instead be going on the auction block to pay the IRS. Unfortunately, this is not a rare occurrence. Many family farms must be sold to pay the Federal taxes due on the property and many, many businesses, too.

One-third of small business owners today will have to sell outright or liquidate a part of their company to pay death taxes. More than 70 percent of family businesses do not survive the second generation, and 87 percent do not make it to the third generation.

The impact of the death tax on small business means it is especially threatening to women, women who are creating business at twice the rate of men today. Since 1987, the number of female-owned ventures has doubled from 4.5 million to 9.1 million. Last year women-owned companies employed more than 27 million Americans, nearly 9 million more than in 1996. These are the new CEOs. U.S. News and World Report, on its cover, featured this exact item. That is why women business owners are in strong support of complete repeal of the death tax.

But the death tax does not just hit the business owner. It is a job killer, too. In fact, the tax hits hard-working Americans who lose their jobs and their health care when a business or a farm for which they work must be sold to pay the tax. Sixty percent of small business owners report that they would create new jobs over the coming year if estate taxes were eliminated. Half of those who must liquidate the business to pay the IRS will each have to eliminate 30 or more jobs. That is one of the reasons why liberals, moderates, and conservatives alike support getting rid of the death tax entirely. They understand this is not a rich against the poor issue, it is a jobs issue and a fairness issue. We should reward hard work and success and not punish it.

Finally, the death tax is the grim reaper of personal savings in this country. The only cloud on our economic horizon is the death of personal savings in the U.S. Today's personal savings rate is the lowest it has ever been in the history of our nation, and the death tax is a dollar-for-dollar tax on savings.

In summary, the death tax is simply unfair; and it is time to repeal it once and for all. No American, no matter what their income, should have to pay taxes when they die. They have worked all their life, they have paid taxes on that income all of their life, and they should not get socked one more time from the grave if they want to pass it on to their children or their grandchildren. Our children should come first, before the IRS, in the pecking order of family business, farm, or savings account.

Benjamin Franklin, one of the wisest Founding Fathers, said there were two certainties in life, death and taxes. But I doubt if Dr. Franklin, even with his extraordinary foresight, could have told us that today both would occur at the same time. It is time to bury the death tax.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

The Committee on Ways and Means, under the leadership of the majority, has embarked on a political scheme before this election to present to the American people every week some type of a tax problem that they have not found a solution for. Unfortunately, before they bring the solution to the floor, they make certain that the President of the United States is going to veto it.

It is absolutely remarkable how if they find a mosquito, they have to run for a sledgehammer to get rid of the problem. Take, for example, our very complex tax system, which year after year that they have been in the majority they have made even more complex. Just weigh the Tax Code that we had before they had the majority and weigh it today and see what they have done to it.

Do our colleagues come and say to the Democrats and to the President that this system is overbearing, can we not work together to resolve it by simplifying it? No. No. What is the Republican solution? Let us pull the Tax Code up by the roots.

If we have a problem with people being married paying too much taxes, do they just take care of it? No. They will have a tax cut so severe that the President of the United States would say we should take care of that problem, but we should not have to do it at the expense of not reducing the Federal debt, placing into jeopardy the Social Security System and our Medicare system.

The emotional thing to talk about is how families would lose their businesses and their farms as a result of the hard work that their parents and grandparents have done. It would be wrong for this to happen. And even though we are only talking about 2 percent of the American people that would be subjected to a review of their taxes, they are still Americans, and they are still entitled to equity. But do we really say that the answer to this problem, and it is a problem, is to repeal the estate tax completely? Under the Democratic alternative the Republicans would be hard put to see whether any rancher, any farmer, any small business will be lost as a result of the $4 million exemption. I say exemption, which means that they do not even have to think about the reduced rate of taxes.

Every estate planner knows that we have a better alternative. They know we take care of the problem. But we do not take care of the multibillion-dollar estates. That is what we do not take care of. We do not take care of those people who have had creative ideas, who have built up equities and tax liabilities that go into many numbers in terms of tax liabilities, that have never been taxed and would only be exposed to taxation at death. We do not talk about those. Oh, we probably have some in Texas and some in New York, but what we wanted to do was take care of 99.9 percent of the businesses that would be adversely affected, and this we have done.

My colleagues have an emotional argument talking about repeal. But one day the American people will take a look at the cost of the Republicans' bill, the cost of repeal, and wonder whether the Republicans were thinking about them or whether they had a handful of people that have been kind to them that they are trying to get relief for. Because anybody can tell my colleagues that their bill in the year 2011 will start having a revenue hemorrhage of $50 billion a year. Maybe my colleagues are prepared to say that they feel that we can afford to do that and take care of Social Security, take care of Medicare, take care of the Patients' Bill of Rights, take care of affordable prescriptions; or, really, do they care at all?

This is a great shot in the arm for my colleagues because they know the President is going to be responsible. None of them would be so irresponsible to be proposing this if they thought it would become law. They know it is going to be vetoed. They know that next week they will be coming back with something else that will be vetoed.

I am just asking this. In the last weeks of this Congress, can we not come together on something and agree on it? Must we try to seek a Republican political statement instead of a bipartisan agreement? If everyone would conclude that the Democrat alternative takes care of the problem that we are talking about, why do we have to go beyond that and hemorrhage the revenue for those people that will become eligible in the next 10 years for Medicare and Social Security? My Republican colleagues know it is going to be vetoed, but it is not the right thing to do.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Maryland (Mr. CARDIN), and that he be allowed to manage the time on our side.

The SPEAKER pro tempore (Mr. KOLBE). Without objection, the gentleman from Maryland (Mr. CARDIN) will control the rest of the gentleman's time.

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), who has authored this bill in combination with the gentleman from Tennessee (Mr. TANNER) on a bipartisan basis. She has worked so hard over the years to get us to where we are today.

Ms. DUNN. Mr. Speaker, I want to thank the gentleman for yielding me this time and for bringing this bipartisan bill to the floor of the House today.

I want to thank my colleague, the gentleman from Tennessee (Mr. TANNER), for the hard work he has done over the years as we move this important endeavor to the floor of the House. H.R. 8 has the support of 246 Members of the House of Representatives, 46 Democrats, and one Independent.

□ 1015

There is one main reason, Mr. Speaker, why the majority of this Congress and 85 percent of the American people support the repeal of the death tax, that reason is fairness. It has been said that only with our government are you given a certificate at birth, a license at marriage, and a bill at death.

One of the most compelling aspects of the American dream is to make life better for our children and our loved ones. Yet the current tax treatment of a person's life savings is so onerous that when one dies, the children are often forced to turn over sometimes more than half of their savings of their parent's hard work during their lifetimes to the Federal Government.

Even worse, not only does this take place at an agonizing time in the life of a family, but often these people are forced to watch their loved one's legacy be snatched up by an entity not known for its great insight in spending taxpayer funds. This is not fair.

Death should not trigger a tax. We should not dishonor the hard work of those who have passed on. This is especially true, Mr. Speaker, of minority and women-owned businesses.

Minorities understand that sometimes it takes two to three generations to build an economic foothold in a community through a family-held business. That is why the Black Chamber of Commerce, the Hispanic Chamber of Commerce, the National Indian Business Association, and the Pan-American Chamber of Commerce support H.R. 8.

In addition, a recent study by the National Association of Women Business Owners revealed that women-owned businesses on average spend $1,000 a month complying for the death tax. These dollars should go to benefits like health coverage for the 44 million who are uninsured. Mr. Speaker, I urge my colleagues on the floor to vote for H.R. 8.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to a senior Member of the Committee on Ways and Means, the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I have a rather personal interest in this legislation, and I have heard a lot from the chairman of the Committee on Ways and Means about what we owe our children, so I have come to the well this morning and apologize to my children, I have 5, and 10 grandchildren.

I am probably one of the few Members of the House who started out poor. I used to say I was so poor as a kid I never slept alone until I was married. But through good luck and the action of commerce, I was able to amass what most of the people in my district would call a fortune. And I have not paid much tax on that. I pay income tax each year. I pay more income tax than you pay me salary, but most of what I have was accumulated through capital gains, and I have not sold it. I do not intend to.

My kids will get it pretty much free. So I apologize because I am going to vote against this. Kids, to Jeff and Bea and Thekla and Sarah, Fortney and the 10 grandkids, you are going to have to pay some tax. This is a little family business, it might be 7 figures, but you are going to get a down payment on that from your mother and me of $1,350,000 free. You have not worked a day in your life for that.

You have a college education, down payment on your homes, cars, but you have not worked worth squat. But you are going to get a million, a million and a half bucks. And then you are going to get half that business free and you may have to pay 50 percent, 55 percent on that tax if they appraise the business at its full value. And you are going to get 10 years to pay that off at a below prime rate interest rate. And, kids, if you are so dumb that you cannot run that business with over a 50 percent down payment given to you and 10 years to pay off the balance at a low rate, you do not deserve it.

You ought to have been trained in this country to earn your own way and pay your taxes every day so that Dad can have a prescription drug benefit and I can have a decent nursing home so you do not have to worry about taking care of me in my dotage.

There are not very many Members of Congress that are going to pay any inheritance tax, and do not believe them. This is a gift to the rich not for independent, smart kids like I have hoped I raised.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, the gentleman has quite a legacy. In response to the gentleman that just spoke, the gentleman from California (Mr. STARK), I am the first person in my family to ever graduate college, I do not have a fortune. I admire the fact that he wants to construct life for his children a certain way, but this gentleman is making decisions for millions of Americans, let him make his own decision.

What I would like to have is a decision made up here that empowers people that if they want to give money to the church instead of the government they can. We collect less than 2 percent from the death tax in this country, and to get that 2 percent here is what you lose: You lose family farms in my district in droves because people are land rich on paper and cash poor. You lose the small business that cannot go to the next generation to get less than 2 percent to monkey with the money up here.

Philanthropy is lost. The human spirit is suppressed. Most people want a legacy. They want to give something back, a library, a hospital wing, a donation to their church. This is a form of socialism that must go. Let us start a new century with a Tax Code that brings out the best in the American people not the worst. To get 2 percent of the money, we have to ruin a lot of families and that is unnecessary. I say congratulations to the gentleman from Texas (Mr. ARCHER)

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to a distinguished member of the Committee on Ways and Means, the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, socialism? Teddy Roosevelt's idea? Members come here with all the talk about fairness and about women and minorities, we are talking about 2 percent of the decendents in this country, the very wealthy; that is what we are talking about.

What is the problem? The substitute addresses them, family farms? Ninety-eight or 90 percent of the family farms will be taken out of an estate tax by the substitute. Small businesses? Only 1/10 of 1 percent are subject to the estate tax. Members come here raising the banner of all of these small businesses. We are talking about a small portion of them, and the vast majority of them will be taken care of by the substitute. And all of the others who are subject to the estate tax, the substitute addresses their needs faster than your bill.

In a sense, those of us who are on the other side of this issue have lost the propaganda battle. Members have managed to move an estate tax to a death tax, but I have no hesitation to go back to my district and to talk about what the impact of this repeal would mean for 98 percent of my constituents, 98 percent.

I will talk about Members coming here yesterday and not being able to fund Head Start, not being able to fund training; and we are going to give, 10 years from now, a $50 billion tax cut to the very wealthy in this country? I will take that battle on any time.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to a distinguished and respected Member of the Committee on Ways and Means, the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, how sad and how cynical that the left can only embrace the politics of envy. How sad that today they rely on tired, shopworn old arguments attempting to divide Americans, when we will see in this Chamber later today a bipartisan majority standing up for tax fairness intent on putting the death tax to death.

Our constitutional republic was founded, in part, because the people in that time stood up against taxation, no taxation without representation was their rallying cry. Today, all Americans stand up to say no taxation without respiration, because it is fundamentally unfair, regardless of your economic station in life, to have this tax visited upon the American people.

And here is why for the disconnect that seems to affect my friends on the left when they lament the facts that this affects only 2 percent of the populace, a little economic primer, friends. Mr. Speaker, government does not create jobs. The American people, through their entrepreneurial endeavor and spirit, create jobs; and in the private sector, we should not inhibit that. That is why the Hispanic Chamber of Commerce, that is why the Black Chamber of Commerce understands that the color of economic opportunity in this country is green, in terms of capital, to create jobs, to create growth and economic opportunity, to let families hang on to their farms and ranchers and small businesses and, yes, to succeed.

This is the fundamental difference, Mr. Speaker. We embrace the principles of prosperity. My friends on the left embrace the politics of envy.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to a distinguished member of the Committee on Ways and Means my friend, the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. CARDIN) for yielding me the time and say that I rise in support of H.R. 8. The estate tax is an outmoded, inefficient, complicated subjective tax. The Tax Code needs to be rewritten. This is a good first step.

This tax applies, as I am told, and I came to this from the standpoint of a small business and family farmer, over 70 percent of estate taxes that are filed on estates of $5 million or less, we are told that this costs 72 cents of every dollar collected simply to administer it, and for that reason, I support H.R. 8. I thank my colleague, the gentlewoman from Washington (Ms. DUNN) for her cosponsorship.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to another respected and distinguished member of the Committee on Ways and Means, the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I applaud the House today for considering this very important initiative. In the late 1950s, many Hispanic-Americans came to this country. Cuban-born fleeing Cuba because of the tyranny of Fidel Castro. He stole their property. He stole their fortune, and they left their homeland penniless and came often to south Florida.

They worked hard against daunting odds, new to a country with no family roots in this Nation. They succeeded oftentimes because of hard work and a lot of the American freedom and spirit and integrity. Lo and behold those same, now Americans born in Cuba, are suffering because estate taxes are depriving their heirs of their heritage.

They left Communism to come to freedom and find our own policies here in America confiscatory. Now, a lot of people keep talking about the rich, oh, the rich in America. The rich know how to figure it out. They have the dollars in their pocket to buy high-dollar denomination insurance policies or they leave their money to trust. Ted Turner, Bill Gates, look at the billions they have given away, and they will deplete the accounts before the U.S. government will get their hands on it. They are smart. They are sophisticated. They made it their own way.

I started a little business when I was 21. My mother and I and my family invested a lot of money to build a small business. This debate is not about my parent. They do not have a large estate, nor is it about me. I do not either. But never did the U.S. government or the local government help me with my business. It was always a regulation of rule, a fee, a permit, a tax, a license, a this, a that and the other. And we spent, spent money to keep up with government's plans for us. Never did they be a partner with me, but lo and behold when I die, they sure join in the parade.

Let me pull money out of your pocket to spend on all kinds of programs. So, folks, let us get serious. Let us help all Americans and repeal the death tax.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to a distinguished member of the Committee on Ways and Means, the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, "Inherited economic power is as inconsistent with the ideals of this generation as inherited political power was inconsistent with the ideals of the generation which established our government."

□ 1030

"If ever our people become so sordid as to feel that all that counts is moneyed prosperity, ignoble wellbeing, effortless ease and comfort, then this Nation shall perish as it will deserve to perish from this earth."

Those are the bold words of a Republican, a different mold of Republican than we find today, one named Teddy Roosevelt who was the person who first proposed the estate tax in 1906 that this new crowd of Republicans is so intent on mislabeling as the "death tax." Teddy Roosevelt's words ring as true at the beginning of this new century as they did when they were uttered at the beginning of the last. This bill should rightfully be called the "Billionaire Protection Act."

Treasury Secretary Summers said yesterday that this represents "the most regressive tax bill" he has ever seen. That is because 95 percent of the benefits go to the richest 1 percent of the decedents. Masquerading as the defenders of small business and family farmers, this crowd saves its true benevolence every year for Steve Forbes, Ross Perot, and what Forbes magazine recently described as the "overclass" in America, because they have so very much more money than what we usually consider as being wealthy. This "overclass" of the privileged few will be welcoming this bill with open arms and open wallets.

Yes, we should modify the estate tax to meet the legitimate concerns of small businesses. The substitute that I support provides family-owned businesses more estate tax relief sooner than the Republican proposal will. There is no good public policy reason to eliminate taxes on the ultra-wealthy in order to meet the needs of family-owned businesses and farms.

As for the last speaker's comments about charity, remember that the wealthiest estates give twice as much to charity as they do to the tax collector. Every charity, every religious and educational institution in this country will be a loser under this bill. All of this harm to the Treasury and to our charitable institutions for the sole purpose of giving those at the very top, the richest few in this country, the "overclass" in this country, the benefits of this bill. It is wrong and it should be rejected.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMAS), a distinguished and respected member of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I want to thank the chairman of the Committee on Ways and Means. It was a long, hard road to reach this day; and we still are hearing repeatedly that some people just do not get it. The gentleman from Michigan said 98 percent of his constituents are not going to benefit from the elimination of the death tax.

Why did the polls repeatedly show a majority of Americans support repeal? It is pretty simple. It is called the American dream.

All one has to do is go to Ellis Island. My colleagues know the words: "Give me your tired, your poor, your huddled masses yearning to breath free." Yearning? The dictionary says, Yearning: to have a strong or deep desire. To be filled with longing. Free. Freedom to choose, to do what you want to do; freedom from want, from fear.

If someone works and really does not do a good job of developing and living the American dream, they get taxed once. If someone works hard, saves, takes care of their family, creates, produces jobs, currently, in this country, they get taxed twice.

Do my colleagues know what? Those 98 percent who are not going to get the immediate benefits of this believe in the American dream. They want to have the opportunity, the freedom, to leave their fruits to their children. Let us today vote yes on the repeal of the death tax and yes in favor of the American dream.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I agree, there are many people who have this dream, the dream of not doing very much during their life except have a good time, and then having been smart enough to have rich parents who have millions of dollars.

Now, there is an inconvenience if one inherits millions of dollars today. There will be some tax on them. But if the Republicans have their way, one will be able to dream one's way into wealth, not because of any single thing they did other than to be born into the right circumstances.

This is not a tax on death. Dead men tell no tales, and dead men and women pay no taxes. This is a tax on those who inherent the wealth that was earned by others.

Now, there is nothing the matter with that. If people ask my advice, I would say sure, I think it is a very good idea to have rich relatives. If I were you, I would try very hard to have rich parents. I would try very hard to have rich parents, and maybe they will leave you some money. But the tax is on the beneficiaries of other people's work, and what a tax repeal.

I think if we were giving a prize for the single worst idea to come forward from the group that has been rife with them, it would be this. The idea is this: let us make the Tax Code of America better for very rich people. Let us give substantial tax relief to the richest people we can find. Forget about the person making $40,000 a year and paying Social Security payroll taxes. Forget about all of those other people paying income tax. We are here to give tax relief to the richest 2 percent of America.

Small business. I must say, every cloud has a silver lining. For once, some of my friends on the other side have seen merit in trying to help minority businesses and women-owned businesses, but I would say to my colleagues, do not do that by using them as a front to give substantial tax relief, not to the wealthiest people in America, but to the relatives of the wealthiest people in the America, who may or may not have done anything to earn it. Yes, people should be able to enjoy what they earn, and they can even enjoy what other people earn, but not quite without any taxation at all.

This from a group that says we cannot afford to subsidize prescription drugs for middle-income elderly people. We have to cut Pell grants. My Republican colleagues want to help older people as long as they are very wealthy.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER), another distinguished and respected member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, I want to commend the leadership of the gentleman from Texas (Mr. ARCHER) and the gentleman from Tennessee (Mr. TANNER) and the gentlewoman from Washington (Ms. DUNN) and the gentleman from Hawaii (Mr. ABERCROMBIE) for their leadership on this legislation.

The death tax is a bad idea. The death tax is bad social policy. The death tax is unfair, and it is just plain wrong for the Government to confiscate the life's work at the time of death. The death tax is also bad for the environment.

Why are so many major and respected environmental groups supporting elimination of the death tax? Because environmental groups say that the death tax is bad for the environment. The death tax encourages suburban sprawl in Illinois. The death tax encourages the loss of valuable farmland in Illinois. The death tax destroys valuable open space and wildlife habitat in Illinois. Let me give an example of why.

I represent the Chicago south suburbs surrounded by some of the best farmland in the world. This farmland is not only good farmland; but because of its location, it is prime and ripe for development and because of its potential price, the sale price for development, it triggers the death tax, and many children of family farmers in the areas surrounding the suburbs here in Washington, D.C., or in any major metropolitan area are forced to sell much or all of the family farm, just to pay the death tax; and usually it is sold to developers, losing its use as valuable open space and farmland.

Let us keep the family farm in farming by eliminating the death tax. Let us protect valuable open space by eliminating the death tax. Let us protect valuable wildlife habitat by eliminating the death tax.

I say to my colleagues, the death tax is bad for the environment. Oppose the substitute, support this legislation, vote aye. It deserves a good, bipartisan vote.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), another distinguished member of the Committee on Ways and Means (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding; and I hope that my colleagues will vote against this measure. We hear talk about the American dream and how we want to give every American this American dream. Absolutely, we want to give every American this American dream. Every American.

When America learns that what we are talking about is not giving ever American the American dream through this bill, but only 2 percent of Americans the American dream, because only 2 percent will ever receive a tax cut in this bill, because only 2 percent of estates ever pay any estate tax. Forget about 98 percent of America, and it is not any 98 percent of America, it is the 98 percent that falls below the 2 percent richest Americans, who will receive nothing. Only the 2 percent most influential and richest will get this break.

This is about as irresponsible as we can get. We are facing a time recently where we had $300 billion deficits. We are paying more than $200 billion a year in interest payments on the national debt. We finally have a surplus; we finally have a chance to be fiscally responsible. We finally have a chance to talk about perhaps getting prescription drug coverage for our seniors under Medicare. We finally have a chance to talk about shoring up Social Security. We finally have a chance to talk about giving our kids a chance to break away from the digital divide and have a computer in their classroom.

We could pay for a computer for every child in America, rich or poor, with the money we are about to give in tax cuts to 2 percent of America at the top of the ladder. We could provide prescription drug coverage with the money we are going to spend on this, because the $50 billion a year it will cost us is more than what we are budgeting than the Republican Congress is budgeting for prescription drug coverage and Medicare in its budget for the next 5 years.

Think of it. The budget that we passed out of this House says $40 billion should be allocated for prescription drug coverage for seniors, millions and millions of seniors. Yet over 1 year, it will take $50 billion out of the Treasury to make up the tax cut that only 2 percent of the wealthiest Americans will receive. That is not responsible. That is not what we should do. Let the American dream live for everyone, not just for 2 percent of Americans.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii (Mr. ABERCROMBIE), who has contributed toward the development of this proposal.

Mr. ABERCROMBIE. Mr. Speaker, for 1 minute, can we just set aside all of this rhetorical, divisive language about left and right and who wants to stiff-arm 2 percent or 98 percent. That is not what this is about. The whole basis of this law has changed. We have to recognize that there are middle-income businesses, small businesses all throughout this country that would benefit from a change; and we all know that there is an objection with respect to whether or not the megawealthy may or may not be able to have more advantages than they have right now.

This is the first step in a legislative process, and we can be thankful to the gentleman from Tennessee (Mr. TANNER) and the gentlewoman from Washington (Ms. DUNN) and to the gentleman from New York (Mr. RANGEL) and to the gentleman from Texas (Mr. ARCHER), who are excellent legislators. Everyone knows that. They will put together a package that in the end is going to achieve tax equity and fairness for the overwhelming majority of Americans who deserve it, that is going to help preserve jobs and that is going to see to it that the small businesses throughout this country and the jobs that they create are going to be preserved and protected.

Mr. Speaker, I rise in support of H.R. 8. it is pro-jobs and pro-tax fairness, and the House should pass the bill by a wide majority.

As many of you know, I have been a long time supporter of working people and their interests. It is from those perspectives that I come here today to support H.R. 8 and urge the reform of the federal estate tax law.

A permanent federal estate tax was first enacted in 1916. there was clearly a revenue raising need as a result of the U.S. entering World War I. But there were also philosophical and political motives in that great fortunes had been amassed during the industrial revolution, and there was felt to be a progressive public policy objective of stopping the perpetuation and transmission of the great control that inherently accompanied vast wealth and estates.

At the time, there was compelling and legitimate concern that vast fortunes, estates and trust were limiting access to capital by the emerging middle-class entrepreneurs.

We are now, however, in the 21st Century. Our economy, society and means of production have radically changed. We are no longer primarily an agrarian economy, and in many ways we may be nearing the end of heavy industry phase of our economic development. The outdated laws governing industry, commerce and society of the early 20th Century must be changed to reflect the realities of the year 2000 and beyond.

Capital remains a key component of business formulation and development. It is not, however, being concentrated by entities subject to the estate tax as in 1916.

Irrelevant and antiquated 19th and early 20th Century laws may be a hindrance to how our society now functions. Federal estate and gift tax law fits that category.

My perspective on the issue is that current law diminishes the capability of small businesses, and the jobs associated with them, to continue after the death of an owner or owners. Some studies (Heritage Foundation) have indicated that as many as 145,000 additional new jobs could be created by repeal of the estate tax law. As much as $11.0 billion in additional economic output could result. The preservation and expansion of smaller, family businesses will protect jobs, and generate and expand the number of new jobs.

For example, I represent the State of Hawaii, a state dominated by small businesses. Plantation agriculture has virtually ended and with the demise and economic dislocation associated with economic change, we are working hard to diversify Hawaii agriculture. This means many more smaller scale farmers growing specialty and niche crops instead of millions of tons of sugar. The middle class in Hawaii has developed from small business origins, and we now have great hope that a new generation of entrepreneurs will help sustain the economy through the new farming opportunities available for the first time in generations. I want to help preserve and develop those elements in Hawaii and in the American economy and society that generate millions of jobs.

Regarding tax fairness, an equally compelling case is made that the wealthiest do not pay their fair share of estate taxes. The Tax Code has deliberately been riddled with exemptions and exceptions that are ruthlessly and thoroughly exploited by tax attorneys specializing in the preservation of inherited wealth. There is an entire body of tax law devoted to estate and gift tax avoidance and minimalization.

Tax attorneys, I assure you, are talented and hard-working. The result is the majority of estates paying estate taxes are valued at $5.0 million and less. These are not the Rockefellers, Vanderbilts, Carnegies and J.P. Morgan robber barons the 1916 law was enacted to curb. Huge fortunes have for generations been sheltered with sophisticated, complex tax machinations. It is family farm and small business owners who are being penalized when trying to pass down assets to new generations to keep middle-class businesses in operation and generating employment. I can assure you I know of no small businesses in Kaneohe, Makiki, Waianae or Mililani, Hawaii that resort to multi-generation skipping trusts in order to keep a bakery or a delivery service in operation.

Lastly, there is a human element in this debate that must be noted. One of my constituents, Steve Lee, is an estate attorney and planner in Honolulu. Mr. Lee's father inherited a few apartments from his parents some time ago. Mr. Lee's grandparents worked hard for years, acquiring the apartments as a means of assuring retirement income. Now his father is spending hours trying to figure our how to keep the property intact to pass it along to Mr. Lee and his brother. The Lees are middle-income in Hawaii. The value of real property acquired years ago, however, has been greatly inflated and the Lee brothers will face the need to liquidate at least part of the property in order to pay estate taxes in 9 months. The Lees justifiably feel they are being penalized for having kept their property intact within their family.

Mr. Speaker, our current estate tax fails to meet the goals we expect. It is overly complex to the point of being arcane, the burden on those upon whom it falls is unfair and inefficient.

Passing H.R. 8 today is the first major step. As we move through the legislative process, however, we will also seriously consider proposals that would provide interim, transitional relief. We will seriously consider any inequities that total elimination might engender. We will address Presidential objections. We can forge a bill acceptable to all who want tax equity.

Consequently, I look on H.R. 8 as both tax fairness, and pro-jobs and I am pleased to be associated with JOHN TANNER, JENNIFER DUNN, BILL ARCHER, EVA CLAYTON and others in helping move estate tax reform legislation through Congress.

I urge the House to pass the bill, and bring more fairness to the Tax Code.

Mr. CARDIN. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, yesterday we slashed money for education for teachers, for after-school programs, for Head Start. Today, they want to cut $50 billion per year from Federal revenues. Two percent of American families even pay this tax. Three percent of those involve family farms and family businesses, so only 6 out of every 10,000 families fit into the category of having a family farm or family business affected by this tax.

The Democratic bill does far more for those family farms and businesses. Immediate relief. A bill that will be signed into law. But only the Republican bill provides the billionaire's tax relief act. Not one penny for those who make $6 an hour or $10, not relief at the democratic level for small businesses, but huge relief for multibillion-dollar fortunes.

Furthermore, the Republican bill will slash major endowments for colleges, universities, and conservation programs. Those folks will be here asking for Federal help, and we will not be able to give it to them because we will have cut revenues by $50 billion. The Republican bill even contains a hidden provision which will increase income taxes on widows. There are plenty of reasons, 50 billion reasons, to vote no on the Republican bill and yes on the Democratic substitute.

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Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, in America we pay income and capital gains tax; investment, business, pension tax, luxury tax, property tax, sales tax, fuel tax. We even pay a surtax, and once, a retroactive tax. We are taxed coming and going.

If that is not enough to glorify a 1040, we even pay a death tax in America. Beam me up. Once again, we hear the same old story. We come to the floor and beat up on the rich.

I think it is time, Mr. Speaker, to stop the class warfare in America. Why should families who achieve in life be destroyed in death? Why should farmers have to surrender their farms to the government and not pass their farms on to their kids? Tell me and answer that question.

Mr. Speaker, my family was very poor, really. But my dad never worked for a poor man. And tell me, who hires the workers in America? Is it the guy on the street corner, or the people who achieve and have success and make something from the great American dream?

I support the gentleman from Texas (Mr. ARCHER) today, because I believe that in America today, from womb to tomb, from farm to harm, the American people are literally taxed off, ripped off by a Congress that sees nothing but revenue.

I yield back the fact that I will not only vote to put the death tax to death, I also recommend to the chairman that we kill the income tax, abolish the IRS, and replace it with a 15 percent national retail sales tax, and give some tax freedom to the people of the United States of America.

I want to commend the chairman and commend those Democrats that are making some common sense.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Let me just remind my friend from Ohio, Mr. Speaker, that only 3 percent of the taxable estates have family-owned businesses or farm assets of any significance. That is less than .06 percent of all of the estates, and the Democratic substitute will deal with that problem in a far less costly way.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI), a member of the Committee on Agriculture.

Mr. BALDACCI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as a small business person and a former member of the Committee on Small Business, I am very aware of the burden under which many entrepreneurs and working families must operate. I have a family business, and I understand the concerns of those who want to pass their businesses on to the next generation.

I am also on the Committee on Agriculture, and I know my family farms in Maine, many of which are in the same families for generations, need to have relief. That is why we in this Congress were able to pass measures to reduce their tax burden. In such a case, 98 percent of the estates and family farms and farm businesses and small businesses have been exempted.

As a matter of fact, each member of a married couple is eligible for the exemptions we passed, which can be twice the initial amount, up to 2 million by 2006.

Having said that, I understand the importance of living within our means and planning for the future. The estimated cost for repealing this completely with H.R. 8 is over $104 billion in the first 10 years, or $500 billion over the next 10 years, blowing a hole in the budget and our fiscal responsibility, and our ability to reduce interest rates and protect the economy, and our ability to help all people who want to be able to retire with a strong social security, being able to modernize Medicare with prescription drugs and provide needed educational assistance for those that want to climb up the ladder, and provide health care for all of America's children.

We are not going to have that opportunity because, according to the Joint Economic Tax Committee, it estimates that only 2 percent of all estates will pay estate taxes, and only 3 percent of that 2 percent are family-owned businesses, 776 family businesses and 642 family farms. For that, we are mortgaging everyone's future.

The Rangel substitute provides a serious consideration of immediate reforms, where the bill that is being proposed now, we would have to wait until 2010 before any family business would be able to take advantage of that.

So this is a good substitute and it does it across-the-board. It does not mortgage our country's future.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a highly distinguished and respected member of the Committee on Ways and Means.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ran across an article out of the Dallas News this morning. I just have to tell Members about this.

David Langford, who is executive vice president of the Texas Wildlife Association, said, "Since 1851, my family has worked the land in the Texas Hill Country. Through ups and downs of the past 148 years, we have run flour mills, farmed, ranched, and offered hunting and fishing opportunities.

"Our land also serves as a habitat for many species of birds. . . . As a result, my family and I consider ourselves stewards of precious natural resources.

"But as is the case for much of the wildlife habitat in this country, the estate tax threatens to tear it apart. The need to pay large estate tax bills often forces families to sell or develop environmentally sensitive land. The estate tax is the No. 1 destroyer of wildlife habitat in this country. . . .

"But for those of us who are stewards of wildlife habitat, the argument goes much deeper than the issue of business and money. Yes, families suffer financially," and his did. "When wildlife habitats disappear, they disappear forever. We aren't a bunch of fat cats trying to hoard our assets. We are private citizens trying to preserve an irreplaceable resource for the enjoyment and benefit of generations to come."

Mr. Speaker, I think most Americans agree that we need to get rid of this. Americans simply do not believe the IRS ought to operate a toll booth on the road to heaven.

Enough is enough. It is time to repeal the taxes on our American values. It is time to bury the death tax, giving a new birth of freedom to the next generation of farmers, ranchers, and small businesses.

[From the Dallas Morning News, Nov. 10, 1999]

ESTATE TAXES THREATEN WILDLIFE HABITATS

(By David Langford)

For many of us trying to preserve and protect our wildlife habitat, the federal estate tax is a deadly predator.

Since 1851, my family has worked the land in the Texas Hill Country. Through the ups and downs of the past 148 years, we have run flour mills, farmed, ranched and offered hunting and fishing opportunities.

Our land also serves as a habitat for many species of birds, including two endangered migratory songbirds the golden-cheeked warbler and the black-capped viero. As a result, my family and I consider ourselves stewards of precious natural resources.

But as is the case for much of the wildlife habitat in this country, the estate tax threatens to tear it apart. The need to pay large estate tax bills often forces families to sell or develop environmentally sensitive land. The estate tax is the No. 1 destroyer of wildlife habitat in this country.

Although we have managed to hold our land together, it hasn't been easy. Before my mother died in 1993, we did everything we could to protect our family's land. Like millions of other family businesses, we paid accountants, tax attorneys and estate planners to help manage our assets in ways to avoid the tax, but it still came to this.

In order to pay the estate taxes and keep the land together when my mother died, we had to sell almost everything she owned, including her home. My wife and I had to sell nearly everything we owned, including our home, and move into a two-bedroom condominium. We also had to borrow money for 35 years from the Federal Land Bank.

Because the value of the land has increased since 1993, if we were killed in a car accident tomorrow, my children would owe more inheritance taxes than the amount I originally had to borrow to pay mine. But that isn't the end of the story. Not only would they pay more taxes than me, but they still would inherit my 35-year note that they would have to continue to pay.

Could my children then keep the land? The short answer is no. It probably would become a subdivision. Like thousands of other hard-working, middle-class families, our children and grandchildren would be at the mercy of the punishing estate tax, which demands up to 55 percent of their assets at the time of death. They simply don't have the cash.

Private land stewards all over the country are being ravaged by the estate tax. Taxpaying citizens are being driven off the land. What is accomplished by breaking up natural habitats? The benefit to the federal government is negligible. The estate tax raises barely more than 1 percent of federal tax revenue. Many economists have concluded that, what you consider the revenue lost from tax avoidance strategies, the estate tax contributes minimal revenue to the federal budget.

Congress has an opportunity to repeal the death tax or at least reduce its crushing rates. No other act of Congress this year could provide more help to family-owned businesses.

But for those of us who are stewards of wildlife habitat, the argument goes much deeper than the issues of business and money. Yes, families suffer financially mine certainly has but the real loss is one that affects the entire country. When wildlife habitats disappear, they disappear forever. We aren't a bunch of fat cats trying to hoard our assets. We are private citizens trying to preserve an irreplaceable resource for the enjoyment and benefit of generations to come.

David K. Langford of San Antonio is executive vice president of the Texas Wildlife Association.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, small family farmers and business owners in my district deserve tax relief. I support the Democratic substitute legislation that excludes up to $4 million for couples owning farms or small businesses. But this estate tax bill really should be titled "the Billionaire Protection Bill."

This Billionaires Protection Act is a terrible solution to an easily remedied problem, but it does tell America exactly what Republican priorities really are. Before anything else, the Republican leadership would give a huge, reckless, and dangerous backloaded tax cut, more than half of which goes to the 60,000 wealthiest families among our 60 million families.

Do Republicans really believe that the Bill Gates, the Steve Forbes, the John Corzines, need $25 billion of tax cuts every year? Does anyone listening and watching today believe they need $25 billion of tax cuts?

The Republican leadership would give this multi-billion dollar tax cut before limiting class size to 18 for more than 3 million children; before establishing a prescription drug benefit in Medicare for 13 million American senior citizens who cannot afford the expense of drug coverage; before raising the minimum wage for millions of Americans working full-time for less than $11,000 per year; before paying down the national debt, so interest rates will go down for all American homeowners; before extending social security so that our generation and our children's generation will have a secure base for retirement.

It is a stunning revelation to know that the Republicans' last priority is a huge tax cut for the super rich. Vote for the substitute and against this give-away.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Kolbe). The Chair would remind all Members participating in debate to direct their remarks to the Chair and not to the viewing audience.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. Lewis), another distinguished and respected member of the Committee on Ways and Means.

Mr. LEWIS of Kentucky. Mr. Speaker, many of those on the other side of this debate that are against this tax relief keep talking about a $50 billion cost to the government. It is going to cost the government.

My question is, whose money is this? It is the farmer down in Kentucky and the States across the country that get up every morning before the sun comes up, and that never get in from the fields many times until way after the sun has gone down, that put in 40, 50, 60 years of their life of hard work in the fields to provide something for the next generation, for their sons and for their daughters.

It is their money. They are the ones who are working to earn it, to provide something for their heritage, something that will allow the farm produce in this country to continue.

As my friend, the gentleman from Illinois (Mr. Weller) mentioned a little while ago, urban sprawl is eating up the farmland because the hard work of farmers is going back into taxes. That is totally unfair.

Mr. CARDIN. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, if being fiscally irresponsible and unfair to middle class American families were crimes, passing this bill would be a felony.

Under this bill, 98 percent of American families will get nothing, not one dime, except for a larger national debt. But one-thousandth of 1 percent of America's richest will get billions in tax cuts.

Republicans are saying on one hand, we cannot afford to get soldiers off of food stamps, but let us give billionaires a massive tax cut. They are saying, we cannot afford to keep our health care promises to veterans and military retirees, but we can afford a $50 billion tax cut to the wealthiest 2 percent of Americans.

Republicans say, we cannot afford decent Medicare prescription drug programs for seniors, we cannot afford to enforce nursing home standards, we cannot afford to protect struggling rural hospitals from Medicare cuts in this Congress, but we can afford to give Bill Gates, Ted Turner, and Steve Forbes millions or billions in tax cuts.

The Democratic substitute values all Americans, not just a privileged few, by protecting family farms and businesses while paying down the national debt. Those are America's values.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I was there when the auctioneer's gavel fell and sold half of the family farm of a couple that I represented in Ogle County, Illinois, as their kids sat there and went.

Let us not talk about the Bill Gates and the Steve Forbes, let us talk about those people, farm people losing their farms because government wants more money to spend on more programs. It is not Steve Forbes.

Let us talk about the Cross family, dealing with the death of the grandmother and then the death of their mother, trying to desperately hang onto the family farm. These are not rich people. They are a small percentage of people, but they are real people with real names and real auction sales that deprive their children of the ability to carry on the family farm. Those are the names.

Mr. CARDIN. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, what is interesting today is what is not being said. Our Nation is $5.7 trillion in debt. Five trillion dollars' worth of that debt was acquired by Congress in our lifetimes.

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Most of it since 1980. We are squandering a billion dollars a day on interest on that debt.

The Joint Chiefs of Staff testified that we have a $100 billion shortfall in our military. The Shows bill which would provide relief to our veterans and military retirees has 300 cosponsors, but the Republican leadership will not bring it to the floor because they say we do not have $5 billion a year to cover that cost.

So I have to admit I find it a bit unusual that the Republican leadership can find $50 billion a year to give the wealthiest 2 percent of all Americans a free ride on this. I hope someone will explain that.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, as a cosponsor, I rise in support. This act is about more than economic policy or numbers. It is about fairness. It is about family preservation. We are trying to protect their heritage and their culture.

In Nebraska, family farms date back to the great-great-grandparents who were pioneers, yet these taxes force smaller farms to sell to the Ted Turners of the world. And in Omaha, my hometown, second and third generation family shops like print shops or the Hispanic grocery store where they migrated here 40 years ago to live the American dream which were built with the family's sweat and the toil and the sacrifice, must be sold now upon the death of the father or the mother to pay the death taxes.

This act is about fairness. It is about preserving family history and culture. Please preserve this family culture. Vote for this bill.

Mr. CARDIN. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I come from a district where the average household income is just over $21,000. We know that less than 2 percent of all American families ever owe an estate tax. I can say that in the second district of Texas, it is less than that.

H.R. 8 targets the richest 2 percent of the families in the country and if it were to pass, it would amount to a $2 billion to $3 billion tax break just for the 400 richest Americans. It would cost over $50 million a year when fully phased in.

Mr. Speaker, I say it is simply not right to give the very richest billionaires a $50 billion tax break while everyone else is left to figure out how to pay off the national debt and how to save Social Security.

As the chart I have to my right indicates, the Democratic substitute gives even more relief to the smaller estates. In fact, the Democratic alternative gives the greatest tax relfef to the smallest estates at a fraction of the cost to the Treasury.

Look here, a $2 million estate of the husband who dies and the family worth $4 million, under House Bill 8, that family owes $229,800 in estate taxes; under the Democratic substitute, there is no estate tax due. That is if we have a family farm or small business. If we do not happen to be a family farmer or have a small business, we still get more relief under the first 5 years under the Democratic plan than under H.R. 8.

Mr. Speaker, I say this is the best plan. It is fiscally responsible and gives the greatest tax relief to the smaller estates.

COMPARISON OF ESTATE TAX OWED ON $2 MILLION ESTATE

Year	House bill 8	Democratic substitute
Small business or family farm:		
2001	$229,800	0
2002	229,800	0
2003	222,800	0
2004	208,800	0
2005	188,200	0
All others:		
2001	491,300	$316,000
2002	491,300	316,000
2003	456,800	316,000
2004	375,800	316,000
2005	303,700	316,000

Soutce: Congressional Research Service.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise today as a former small business owner, a family business, and a strong supporter of H.R. 8, the Death Tax Elimination Act. This bill finally phases out the Federal estate, gift, and generation-skipping transfer tax commonly referred to as the "death tax."

Small businesses are a foundation of the American dream. My father, after he served in World War II, started a small coffee shop chain, started with one restaurant and built it up. My father passed away and as a family, we are facing this estate tax, as many families in this country face this tax. It is unfair, it is un-American, and we have an opportunity to end this tax today.

Mr. Speaker, it is disgraceful that we continue this practice, and I am looking forward to a vote today that will finally start us down the road to ending this tax which hopefully will be signed into law.

Mr. CARDIN. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, there are a couple of questions that have been raised in my mind since I have been listening to the debate. I guess if this tax is a bad tax because everybody earned the money, that is true. That is true for every single tax we have. Of course Americans earn the money. It is no different here than in the income tax or sales tax or any other tax.

If the argument is valid, it is valid for every tax. Let us just get rid of them all and base this country's entire economic system on gifts. It is not going to happen, my colleagues on the other side of the aisle do not propose it, so the argument does not hold water.

I also hear today about how difficult it has been on a few individuals. Of course, every system has problems. In general, though I have also heard many comments about different businesses that are second generation, third generation, fourth generation businesses. How did they make it? How did they get through the estate tax if it is so bad?

Let us tell the truth. The Democratic proposal deals with the problems that are on the table. Everyone here wants to deal with them. It will cut from 2 percent. If the Democratic proposal is adopted, it will be 1 percent. We take almost half of the people today and not tax them at all. On top of that, when we are finished if the Democratic proposal is passed, the average estate, the average estate that would be taxed would be worth $3.5 million. And they would not be taxed at 55 percent. Anybody who knows anything about taxation knows the difference between marginal taxation and effective taxation. The effective tax rate, the thing that is really paid by people, currently is about 20 percent. It is not 50 or 55 percent as everyone keeps saying because that is a nice number to use. But it does not mean a thing. It is 20 percent.

If the Democratic proposal is passed, it would be 16 percent. The Democratic proposal would still leave the average taxpayer with $2.7 million of that 1 percent of people.

Mr. ARCHER. Mr. Speaker, I yield the balance of our time to the gentleman from California (Mr. COX) a member of the Republican leadership.

Mr. COX. Mr. Speaker, when I first introduced legislation to repeal the death tax in 1993, the Democratic leader was seeking to increase death taxes. But slowly but surely over four congresses, we have put together a consensus of Democrats and Republicans in this body and the other body behind the simple notion: the death tax, even though it is intended to soak the filthy rich, does not really fall on them. It falls on low-wage workers.

Mr. Speaker, people who fall in the category of the top 2 percent richest Americans, names that we have heard during this debate like Ted Turner or Bill Gates, will not benefit from the passage of this legislation because they will not pay the death tax. To a certainty, the one person who will not pay the death tax is the rich dead person. But beyond that even those who survive, through estate planning, through all manner of complicated trusts and avoidance schemes, not to mention lifetime gifts, successfully avoid most of the burden of this tax.

The real burden of this tax falls on the low-wage worker, the woman who works for a business or a farm or a ranch that is family owned, because every day she does not know what happens when the founder dies. If part of that business has to be sold off or all of it has to be sold off to pay the tax man as so often happens, then people lose their jobs. Many more people than there are dead rich persons at whom this tax is aimed. And when they lose their jobs, their tax rate is 100 percent. It is for those people that we are passing this legislation today.

In California, we put this question to a vote of the people. Even though the left raised the battle cry that this was a tax break for the rich, nearly two-thirds of Californians voted to repeal our death tax in its entirety because they understood where the real burden of this tax falls. It is the right thing to do today for the working people of America, and I congratulate the leadership of this Congress, the gentleman from Texas (Chairman ARCHER), and all of the Democrats and Republicans who have come together to make this happen. We hope that this time the President will sign it into law.

Mr. CARDIN. Mr. Speaker, I yield the balance of our time to the gentleman from Georgia (Mr. LEWIS), a distinguished member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today in support of the motion to recommit to be offered later by the gentleman from Texas (Mr. DOGGETT). The motion simply says that section 527 political organizations that fail to disclose their donors will be subject to the gift tax.

It is time to fix our broken system of financing elections. This motion is an important step toward that goal. It would close a huge loophole by requiring simple disclosure by secretive political organizations and groups. The American people have a right to know. They have a right to know who is funding political campaigns in this country. They have a right to know who is trying to influence their votes. The American people have a right to a free and open election process.

Mr. Speaker, it is time to close this loophole. It is time to get rid of the secrecy. It is time to fix this mess.

The other body had the courage and voted with raw courage on yesterday to close this loophole. It is time for the House to do the same. I urge all of my colleagues to support the motion to recommit.

Mr. SANFORD. Mr. Speaker, I rise in support of Chairman ARCHER's efforts to reform the estate tax. And I say reform, rather than repeal, because at the heart, that's what I think we're talking about here. I'm sure Chairman ARCHER would disagree emphatically with my point. But given the way our political process works, I think that today's vote represents the starting point in negotiation over the estate tax. By staking out a position of repeal, as it works its way through the political body, what we're really talking about is change. And the question I think we all need to ask ourselves is to what degree. While I am in favor of this vote because it stakes the position of the need for change, the reason I don't think that I would ever be in a position to support total repeal of the estate tax is tied to three things: history, the value of work and the belief in meritocracy, and, finally, the power of compound interest.

When you look through the pages of history, you see that anytime there's been extreme disparity of wealth, you've seen political problems. In short, the Banana Republics of South America are demonstrative of the fact that a few families holding all the wealth doesn't lend itself toward democratic rule. In fact, if you stop and think about it, would it be good for our form of government, if out of the 270 million people that make up America, 99 percent of the wealth was held by four families? I think undoubtedly, most people would say no, not a chance. And that illustrates the point that I think intuitively all of us know—that extreme wealth concentration isn't good for our form of government.

Two, I'd say there's a real value to work and meritocracy. I think that one ought to put on their jeans and go to work. It's good for the individual and it's good for society as a whole. In fact, Republicans have repeatedly made that very argument when they talk about welfare recipients. Our Founding Fathers were very deliberate about not having kings and queens, and yet if you have a couple of families that can hand on huge levels of wealth, tax free, generation after generation, what you develop is an aristocratic class that does nothing more than eat from silver spoons and play polo. I think the reverse would be good to have a merit-based system, wherein one can go out and earn as much money as they're able over the course of their lifetime with very little from the standpoint of government regulation or government taxation interfering with those efforts. Beyond a certain point though, families ought to be brought back to a neutral starting zone, with each new generation given that shot at making it to the top. I say that as one who's voted to cut virtually every form of government spending. Unfortunately, Congress as a whole is not willing to do that, and we have to pay for those government services that people so consistently vote for around this place. I'd rather not see the burden on the shoulders of people working and striving to develop new things. I'd rather see that, again, at the end of the day after one has succeeded, without government taxing them heavily on their rise to the top.

Which brings me to my third point, the power of compound interest. I do think the estate tax needs to be substantially reformed, and I'm talking about a very large limit here. One ought to be able to hand off perhaps $250 million or $500 million tax free to their children, should they so choose. But you shouldn't have a Bill Gates level of wealth that's $50 billion handed tax free to the next generation. For this family, within a couple of generations, compound interest could concentrate perhaps a trillion dollars of net worth.

So in the end that's where I am. Let's substantially repeal the estate tax; let's reform it mightily, raising the limit in excess of $100 million of tax free inheritance, to be handed on from one generation to the next. But let's not completely eliminate it, because extreme concentrations of wealth handed tax free from one generation to the next is not only bad for the individuals in question, but certainly bad for our system of government.

Ms. PELOSI. Mr. Speaker, yesterday we began debate on a bad Labor/HHS/Education Appropriations bill, a bill that cuts $2.9 billion from education services; cuts $1.7 billion from labor with cuts to workforce development and safety investments; and cuts more than $1 billion from critical health programs. And next week we will be forced to vote on this bill that undermines so many of our nation's priorities.

Why? Because the Republican House leadership passed a bad Budget Resolution that puts tax cuts for the wealthiest Americans above investments to promote America's education, workforce, and health services. Their $175 billion tax cut exceeds the projected budget surplus and requires deep cuts in nondefense discretionary appropriations.

And here we are again, voting on a measure that would provide over $50 billion to the wealthiest 2 percent of taxpayers. How much is enough? When will Republicans be satisfied with the amount of money they have given to the wealthy, and turn their attention to the majority of Americans who want a good education, a strong work force, and a healthy future?

This bill will cost $50 billion per year when fully phased in. This monstrous hole in the federal budget will undoubtedly translate into cuts from areas that the American people care about, just as the proposed $175 billion Republican tax cut translated into cuts in yesterday's proposed Labor/HHS/Education Appropriations bill.

When we prioritize tax cuts over health, education, and labor, we make sacrifices, and these sacrifices affect everybody. The repeal of the estate tax does nothing for working families. Most American families would not receive a single dollar of tax relief from this bill. So I want the American people to know what they are sacrificing in order to provide a tax cut to the wealthiest two percent of their fellow citizens.

Republicans have proposed cutting $1 billion from targeted investments in education to improve teacher quality and recruit new teachers, denying afterschool services to 1.6 million kids, and eliminating HeadStart assistance to 50,000 kids.

They have also proposed cutting NIH $439 million below current services and cutting $16 million from Clinton's request for battered women's shelters.

These are the kinds of sacrifices that Americans are being asked to make in exchange for a tax cut that would give $300 billion to the 400 richest Americans. $300 billion is enough to pay for a prescription drug benefit for seniors for 10 years!

The Republican majority placed the needs of big business over working people yesterday by voting to once again delay the implementation of new ergonomics regulations which protect working people from repetitive motion injuries. And here they are again asking working families to make sacrifices so that the wealthy can reap benefits.

Slowing our progress in health, education, and labor in order to make room for tax cuts for the wealthy does not fit with our national priorities.

Democrats have proposed a fiscally responsible substitute that targets tax relief to farmers and small business. I urge my colleagues to support this alternative.

Mr. CROWLEY. Mr. Speaker, hard working Americans should not be forced to liquidate their holdings and sell off the businesses their fathers or grandfathers started in order to pay their estate taxes. The estate tax, while only affecting a relatively small number of people, does harm small businesses, family farms and ranches. I am not talking about the wealthiest Americans; I am talking about hard working Americans.

This relief needs to be immediate. While I support the principles of H.R. 8, it does not help hard working families now, or even next year, it will not help 10 years from now. Additionally, it will take from our surplus that could be spent on shoring up Social Security, implementing a prescription drug benefit for seniors and improving education. H.R. 8 really helps the wealthiest Americans.

In today's economy, one million dollars does not make a millionaire. On paper, a family business may be worth six million dollars with property and buildings, but the family is really struggling to survive. The Rangel substitute addresses the inflation in our economy while still being fiscally responsible. The Rangel substitute increases the special exclusion to the estate tax to two million dollar per person. It provides further relief and simplifies the estate tax for this group by allowing any unused portion of the exclusion to be transferred to the surviving spouse, making the total exclusion four million dollars to eligible farm and small business owning couples. Importantly, the Rangel alternative increases the general exclusion for the estate tax next year from $675.000 to $1.1 million. H.R. 8 would take ten years to make this increase.

Additionally, we all agree the top marginal tax rate of 55% is too high—taking away more than half of any estate. The Democratic substitute lowers marginal tax rates by twenty percent across the board in combination with converting the federal estate tax credit for state death tax credit into a deduction.

I believe the Rangel substitute will provide relief to the small businesses in my district as well as farms and ranches across the country. At the same time, it allows us to retain our budget surplus to help Social Security, Medicare and Education.

I support the Rangel alternative. I oppose the fiscally irresponsible H.R. 8 and urge my colleagues to vote in support of the Democratic alternative.

Mr. FRANKS of New Jersey. Mr. Speaker, today, with my support, the House passed legislation (H.R. 8) to eliminate the Death Tax.

For too long, exorbitant tax rates have made it difficult for Americans to pass their savings onto their children, and for small businessmen and farmers to keep their enterprises within the family.

That's why I cosponsored and voted in favor of the Death Tax Elimination Act (H.R. 8), which would phase out the estate and gift tax over a period of 10 years.

It is my hope that phasing out the death tax will make it easier for individuals and families to accumulate savings for future generations.

In addition, during debate on this important legislation, a motion was offered to address another important issue—campaign finance reform. I supported this motion.

Congress's failure over the years to address the issue of campaign finance reform hurts all of us. It undermines public confidence in this institution and casts a cloud over every action we take in this House.

I have been actively fighting for campaign finance reform in this House for a number of years—from authorizing my own Independent Commission Bill to supporting a ban on soft money through Shays-Meehan to supporting today's motion to close the 527 loophole.

Recently, there has been an increase in anonymous campaign expenditures by third parties. Many of these organizations are classified by Section 527 of the tax code. These "527" organizations are currently free to participate in our electoral process, but are not required to disclose to the American voters from where their funds originate.

To establish disclosure requirements for individuals and organizations who wish to take an active role in affecting the outcome of federal elections is just plain common sense. Individuals and organizations who strongly believe in an issue or a candidate and are willing to back them up with their financial resources should not be allowed to hide behind a loophole.

Congress must act an legislation requiring disclosure for any group who wishes to participate in federal elections in order to help build greater public confidence in the integrity of our federal electoral process.

Mr. ROEMER. Mr. Speaker, I rise in support of H.R. 8, which provides for the elimination of the federal estate tax. By removing one of the most unfair, complicated and inefficient provisions on the tax books, we can provide critical tax relief to our families, small businesses and farms. I strongly believe that a person who works hard, pays taxes, and saves money should not be penalized with an onerous tax upon his or her death. Every American deserves to know that their heritage, livelihood and the sum of their life's work will be passed on to their children.

The estate tax undermines the traditional principles of our nation—hard work, savings, and fairness. There are too many cases of family-owned businesses and farms in Indiana that have been forced to sell their estates because it was too expensive to pay the estate tax. More than 70 percent of family-owned businesses are not passed on to the next generation, and 87 percent do not make it to the third generation. Even as the estate tax creates such severe unintended consequences, it does not even succeed at its intended purposes. the estate tax brings in less than 1.4 percent of total federal revenues, but enforcement of the tax costs the government 65 cents for ever dollar it raises. This is a waste and simply unfair to hard-working American taxpayers.

I also support the Democratic alternative, which provides even more relief to small businesses and farmers by providing targeted and immediate tax breaks. For example, the Democratic alternative allows a married couple to pass on their family farm or small business intact with no estate tax whatsoever if it is worth up to $4 million. Because the Republican bill is phased in over ten years, a couple passing on their farm or small business in the near future would avoid more tax under the Democratic substitute. It also lowers estate tax rates 20% across the board. This alternative is a fiscally sensible alternative that targets relief to farmers and small businesspeople while protecting our ability to pay down the national debt and shore up the long-term future of Social Security and Medicare.

Mr. Speaker, since the Democratic alternative is not expected to be passed by the House, I will vote for H.R. 8 because I do not support the status quo as it concerns the estate tax. Hard working American taxpayers deserve a change now, and for these reasons, I strongly encourage my colleagues to support this legislation.

Mr. KIND. Mr. Speaker, I rise today in opposition to H.R. 8, the Death Tax Elimination Act of 2000. The federal estate tax has come under a great deal of scrutiny because of its economic effect on family farms and small businesses. I support the effort to protect these farms and businesses but, unfortunately, H.R. 8 does not effectively target small businesses and farms. Rather, it would enable the wealthiest 2 percent in our country to pass vast fortunes to their heirs without a penny of tax, while working families are taxed on every dollar they earn. Further, Congress would be passing a greater share of the burden of saving Social Security and Medicare and paying off the $5.7 trillion national debt to all American children.

H.R. 8 would initially reduce and then fully repeal the federal estate and gift tax over a 10-year period. This bill would cost $28 billion over five years and $105 billion over ten years. The full repeal, however, does not take effect until 2010. In that year, the Congressional Budget Office estimates that estate and gift tax will generate nearly $50 billion. As a result, the revenue loss in the second ten-year period explodes to more than $500 billion at a time when our country can least afford it as baby boomers will be retiring and Social Security shifts from cash surplus to a deficit.

It is important to recognize when considering this full repeal of the estate tax relief that only 2 percent of decedents have enough wealth to be subject to the estate tax at all under current law. Further, of the 2 percent of Americans subject to the estate tax, only 3 percent are small business people or farmers. Additionally, only 6 in 10,000 American estates are farms or small businesses subject to estate tax.

I believe that we must provide relief to family farms and small businesses and that is why I support the substitute offered by Representative RANGEL. This substitute would provide fiscally responsible estate tax relief to small business and farm owners. Specifically, it would immediately raise the special exclusion from the estate tax from $675,000 to $4 million for a couple owning a farm or small business and would lower the estate tax rates by 20 percent across the board.

Our current strong economy has begun producing surplus federal revenues, and, as you might imagine, there is no shortage of ideas for "using" the surplus. I am in favor of addressing negative effects of the estate tax, as evidenced by my past votes, but I also believe we should give priority to using these surplus funds to save Social Security and Medicare and pay down the $5.7 trillion National Debt. Surplus funds allow us to pay down the principal on this burdensome debt, thus reducing the annual interest payments which amount to approximately $250 billion annually. In fact, Federal Reserve Chairman Alan Greenspan stated, "Saving the surpluses—if politically feasible—is, in my judgement, the most important fiscal measure we can take at this time to foster continued improvements in productivity."

A lower national debt would help reduce interest rates, resulting in tremendous cost savings for all American families who make credit card, car, mortgage, and loan payments. Lower interest rates will also reduce the cost of capital for businesses, allowing for more investment and, therefore, more job creation.

Mr. Speaker, I urge my colleagues to vote against H.R. 8. Any tax cut must be done in a fiscally responsible manner, and not derail the opportunity we have to reduce our large national debt and prepare for our future obligations to our aging population.

Mr. Speaker, unfortunately due to a family obligation, I missed today's roll call votes. On roll call vote number 252, had I been present, I would have voted "yea." On roll call vote number 253, had I been present, I would have voted "yea." On roll call vote number 254, had I been present, I would have voted "nay."

Ms. KILPATRICK. Today, I rise in strong and stringent opposition to H.R. 8 which will repeal the estate tax. The majority, as it did earlier this year, is pushing legislation that will benefit an important, but small portion of the American population. I object to this legislation because it is taken up at a time when the

American people have, over and over, indicated that their priorities—their major concerns, are the ability of our nation's children to receive a quality affordable education and the ability to receive adequate and affordable healthcare and a reasonable minimum wage. The repeal of the estate tax is an issue that affects only 2 percent of all estates and will cost the treasury $50 billion when it is fully implemented.

Last year, the Republican party failed to pass its tax plan. A plan that would decimate the budget that we have worked so diligently to balance. The Republicans have resorted to a new approach designed to pass their tax cut piece by piece, instead of the broad sweeping tax cut they earlier proposed.

The Joint Committee on Taxation estimates that the repeal of the estate tax will cost the U.S. Treasury $28.3 billion over five years, $100 billion over 10 years and $50 billion every year after 2011. In addition, the Children's Defense Fund points out that:

> If the same funding were instead invested in children, millions of children throughout America would get a fairer and healthier start in life. Instead this bill ignores the needs of 13.5 million children living in poverty to give only the wealthiest Americans a huge tax cut. In fact, 100% of the benefits from an estate tax cut will go to people in the top 5% income group, those earning at least $130,000 a year, with over 90% of the estate tax going to those in the top 1% income group, those earning at least $319,000 a year.

If we are truly concerned about American small business owners and farmers who are most hurt by the estate tax, we should support the Democratic substitute. The Democratic substitute will effectively create a $4 million exclusion per family for farms and closely-held business. The substitute would result in a total cost of $22 billion over ten years instead of nearly $105 billion over 10 years. The substitute also provides an immediate, 20 percent across-the-board reduction to the estate and gift tax rates, with the maximum estate and gift tax rates reduced from 55 percent to 44 percent.

I say to my colleagues who argue that their concern is with the American people, where is the legislation concerning healthcare? Where is the legislation concerning the education of our children? Where is the legislation addressing those who earn an inadequate minimum wage? Why are we standing here today considering a bill that only affects the wealthiest 2 percent of the American people? These are the questions that this body must address. If, however, we must address the question of the estate tax, let's do so in a manner that addresses those most hurt by the estate tax and support the Democratic substitute.

Mr. BLUMENAUER. Mr. Speaker, I was not here to vote today on eliminating the inheritance tax. Instead, I am on the other side of the continent, celebrating my daughter's college graduation with family and friends. Frankly, I would have been embarrassed to be participating in today's debate, which is nothing more than a cynical political sideshow staged by the Republican leadership in their appeal for the support of some of the most spectacularly wealthy people in the country at the expense of people who look to the federal government for help.

The issue before us is straightforward. I believe, as do the majority of my colleagues, that no one should be forced to sell a family business, farm, woodlot or closely held business, simply because a family member or principal owner has died. Such sales are often economically disruptive and damaging to the family involved; certainly, they do nothing to make our communities more livable.

There is a way to solve what is a very real problem faced by some contractors, farmers, woodlot and other business owners. We can defer the inheritance tax permanently, so long as the business remains in the family or closely-held partnership. I don't care how much the business is worth—if the owners don't want to sell, they shouldn't have to. We should also increase the exemptions in the inheritance tax, and adjust it for inflation, just as we did with the income tax. These three steps would solve the problem for every person who has contacted me, and would be enacted by a large majority and signed into law by the President.

The bill we are considering, however, is far different. Even though it will not be enacted into law, the legislation offers clear insights into the thinking and priorities of the leadership of the Republicans. It would offer enormous benefits to a few hundred of the wealthiest people in America, whose billions in unrealized capital gains will pass to their heirs without ever having been taxed, but it ignores the pressing needs of hundreds of millions of other Americans. What about the 11 million American children who have no health insurance? What about their families, working hard, but still struggling on income of ten or fifteen thousand dollars a year? What about the elderly, who can't afford to buy the prescription drugs that would so improve the quality of their lives? What about the students with special educational needs? This Congress is about to consider a budget that shortchanges them once again.

It is scandalous that men and women who served their country may not receive the health care they were promised. It is damaging to our future that many of today's college graduates—the ones we will depend on to shore up Social Security—are beginning their careers staggering under a crushing load of student debt.

This Congress looks at all these problems and sees nothing of interest or importance. The problems of those most well-off are far more consuming—and far more rewarding to pretend to solve. In the end, this bill will be vetoed and America's small businesses will be right back where they started.

I came to Congress to help American families be safe, healthy and economically secure. Allowing family businesses and closely held corporations to stay in family hands would clearly help this effort. I am not opposed to helping solve the problems of the most well-off in society. At a minimum, however, we should pay equal attention, expend equal effort, and invest as much in those Americans who are struggling even in these best of times.

Mr. MOORE. Mr. Speaker, I rise in support of H.R. 8, the Death Tax Repeal Act. I have long been a supporter of providing estate tax relief to American families, small business owners, and farmers who have worked their entire lives to transfer a portion of their estates upon their death.

While H.R. 8 is the vehicle that the House leadership wishes to pursue to achieve this goal, I believe there is a better way to provide relief and maintain our commitments to paying down the national debt, protecting Social Security and Medicare, and other priorities. This is why I will also be supporting the substitute to H.R. 8.

The alternative will increase the estate tax exclusion for family-owned farms and businesses to $4 million and simplify the rules to allow a surviving spouse to automatically receive any credits that were applied to the estate of the deceased. It will also increase the unified exemption to $1.1 million and reduce estate tax rates by 20 percent. All of these changes will be made immediately, instead of delaying relief to the small businesses and family farmers who truly need relief for several years as H.R. 8 would do.

H.R. 8 does not repeal the estate tax for 10 years; rather, it shaves the marginal tax rates by a total of 14.5 percent over 5 years, delaying estate tax relief to the small businesses and farms that truly need it. H.R. 8 uses a phase-in period to hide its real effects. While the first 10 years cost only $104 billion, I have deep concerns about the costs of this legislation outside the 10 year budget window. They explode to $50 billion per year, or $500 billion in the second ten years.

Mr. Speaker, in February 2000, I received a score from the Joint Committee on Taxation for H.R. 3127, a bill I introduced to provide estate tax relief by immediately increasing the exclusion to $3 million. I anticipated that this score would have less budgetary consequences than the vetoed estate tax provisions in last year's $792 billion tax package. Joint Tax scored the estate provisions in that bill, which tracks closely with today's bill at $65 billion, while they scored my bill at $211 billion. This perplexed me; and when I wrote Joint Tax back for an explanation, they replied: "your bill provides substantially more relief through fiscal year 2009 from the estate gift, and generation-skipping transfer taxes than the relief contained in Title VI of H.R. 2488." I have enclosed copies of these letters for the record.

Simply, H.R. 8 would have the American people believe that they will receive immediate and substantial estate tax relief. This bill delays a full repeal, which will have budget implications that this country simply cannot afford. With over $500 billion in lost revenue, this has the potential to put this country back on the wrong fiscal track of increased deficit spending and an exploding national debt.

Although the majority claims to support retiring the publicly held debt, they have begun the session by scheduling several tax bills funded by the projected budget surplus without giving any consideration to the impact that the bills will have on our ability to retire our $5.7 trillion national debt. These tax cuts, however, must be made in the context of a fiscally responsible budget that eliminates the publicly held debt, strengthens Social Security and Medicare, and addresses our other priorities.

We can and we have cut taxes. In February, I voted for and the House of Representatives passed a $182 billion marriage penalty relief bill. In March, I voted for and the House passed a $122 billion small business tax relief bill, which included estate tax relief. Later in March, I voted for and the House passed a bill eliminating the Social Security earnings test. And, in April I voted for and the House passed a bill to repeal the telephone excise tax at a cost of over $51 billion. Today, the House will likely pass a $104 billion estate tax relief bill. That brings the total tax relief approved by the House to date up to over $450 billion or a little more than 50 percent of the projected on budget surplus of $930 billion.

I supported all previous efforts to provide tax relief because each has had a relatively modest cost when considered in isolation. I am concerned, however, that the total costs of these bills will be nearly as much as the vetoed tax bill, and could even be more expensive. This is why I intend to support the fiscally responsible substitute which provides immediate estate tax relief targeted to farmers and small businesses while protecting other urgent priorities such as paying down the debt and shoring up the long-term future of Social Security and Medicare.

I will also support, however, final passage of H.R. 8 because it is the only vehicle the leadership will allow to provide estate tax relief. I will not obstruct that vehicle; however, I hope the Senate and the conference committee consider carefully compromise language that provides substantial and immediate relief, that is fiscally responsible, and that the President will sign.

Mr. CRAMER. Mr. Speaker, I rise today in strong support of H.R. 8, the Death Tax Elimination Act.

I strenuously oppose this unfair and unreasonable tax. This tax, one imposed on earnings and assets that have already been subject to income, social security, and other taxes at the federal and state level, is simply unconscionable.

To begin with, the rates for this ridiculous tax, which range from 37 percent to 55 percent, are even higher than the highest income tax rate of 39.6 percent. This tax is making an already difficult situation unnecessarily worse for our small, family-owned businesses and family farms. Even the most modest farm or business can easily exceed the current death tax exemption because of their investment in capital assets like land and equipment.

Mr. Speaker, it is outrageous that today it makes more sense to sell a family-owned business before death rather than pass the business to one's heirs. These businesses are the backbone of America's economy—creating more jobs than any other facet of our economy. We must work to nurture and protect these businesses, not destroy them through unnecessary and unfair taxes.

Mr. Speaker, if we can't eliminate this tax—which only accounts for less than 1% of our overall revenue—in these times of tremendous budget surpluses, when can we?

This tax cost jobs, it prevents families from passing on their businesses or farms to their children, and ultimately it does nothing to our bottom line.

In short, Mr. Speaker, to put it simply, the federal government just should not be in the business of taking 55 percent of a family's business and destroying their livelihood. This tax should be eliminated, and it should be eliminated today, not next week or next month or next year.

I hope my colleagues will join me in voting for the elimination of this onerous and damaging tax.

I urge the adoption of H.R. 8.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 8, the "Estate Tax Elimination Act of 2000." This Member's vote for this legislation today is based on his desire to move the inheritance tax reform process forward by dramatically increasing the Federal inheritance tax exemption level. However, this Member does not support the complete repeal of the Federal inheritance tax.

This Member is a long-term advocate of inheritance tax reduction, especially in regard to protecting small businesses and family farms and ranches. This Member believes that inheritance taxes unfortunately do adversely and inappropriately affect Nebraskan small business and family farms and ranches when they attempt to pass this estate from one generation to the next.

Accordingly, to demonstrate this Member's very real support for inheritance tax reform, this Member supported the Taxpayer Relief Act in 1997 which passed on July 31, 1997. This Act phased-in an increase in the unified credit exemption from the current level of $675,000 to $1.0 million in 2006. Also, it provided an immediate exclusion of $1.3 million (not in addition to the broader exclusion) for a limited variety of eligible closely-held family farms and businesses.

At the current time, this Member does not support the complete elimination of inheritance taxes. It would be a great political error and controversy to eliminate the inheritance tax on people like Steve Forbes or the billionaires or mega-millionaires. Also, the very negative impact on the largest of the charitable contributions and the establishment of charitable foundations cannot be underestimated. The benefit of these foundations to American society are invaluable. Our universities and colleges, too, would see a very marked reduction in the gifts they receive if the inheritance tax on the wealthiest Americans was totally eliminated. Despite the legal talents the super-rich can afford, such an inheritance tax change would have major consequences. The total elimination of the inheritance tax is a bad idea.

This Member's vote for this legislation only should be regarded as a demonstration of his desire to move the inheritance tax reform process forward by increasing dramatically the exemption level to the Federal inheritance tax. In addition, there is overwhelming support among his constituents for inheritance tax reform.

Specifically, this Member does not support repealing the inheritance tax, with the final step completed in this legislation to zero percent inheritance tax from the year 2009 to the year 2010 as proposed. Instead, this Member prefers the Ewing approach which he enthusiastically support. This Member is an original cosponsor of H.R. 4112 which was introduced by Representative TOM EWING on March 29, 2000. This measure (H.R. 4112) would immediately increase the Federal inheritance tax exemption from a rate of $675,000 to $5 million and would then increase this exemption annually over the next three years until it reaches a total of $10 million in 2003. After reaching the $10 million level in 2003, the exemption would be indexed annually thereafter to account for inflation. Essential inheritance tax relief is provided by H.R. 4112 for even wealthy business and farm families. This Member is even willing to raise the exemption level beyond $10 million to, for example, $15 million.

By the way, most Nebraskans pay more state inheritance taxes than Federal inheritance or estate taxes so Nebraskans should also consider pushing for reductions or reforms in their state taxes.

Mr. Speaker, this legislation, H.R. 8, if passed by the House, goes to an uncertain future in the Senate. In addition, if any legislation is reported from the Congress this year which totally eliminates the Federal inheritance tax, it is assured of a Presidential veto. Thus, this vote for H.R. 8 should be regarded as only demonstrating my firm conviction that we need to dramatically increase the Federal inheritance tax exemption level.

Finally, Mr. Speaker, if a conference report comes back to the House that totally eliminates the Federal inheritance tax, this Member will vote against it.

Mr. ENGEL. Mr. Speaker, in demonstration of my support for family owned businesses and farms, and because estate taxes are, in general, too high and burdensome, I cosponsored H.R. 8. I am glad that my action helped to shed light upon this issue.

However, H.R. 8 was never a perfect bill. While rightfully focusing on the need to help reform the estate tax, the bill goes too far. I am concerned that although the bill does help small businesses and family farms, the majority of people who benefit if H.R. 8 passes are not average Americans, but the most wealthy. Furthermore, the bill would result in a substantial revenue loss over the next 10 years.

This week, I have reviewed the amendment to H.R. 8 which will be offered by our colleagues, Representatives RANGEL, CARDIN, and STENHOLM. This Democratic alternative specifically addresses the issue of providing relief to our farmers and families, which is the most important aspect of estate tax reform. I will, therefore, be very pleased to support the Democratic substitute as it addresses the very reason I cosponsored H.R. 8. It is my hope that this amendment will pass so that I can vote for H.R. 8, as amended. However, given that the Democratic substitute is markedly superior to the underlying bill, I will vote against H.R. 8 if the Democratic substitute fails.

Mr. MCDERMOTT. Mr. Speaker, by bringing their estate tax elimination proposal to the floor, the Republicans are clearly pandering to the richest Americans. Most Americans are not affected by the estate tax. 98 percent of all estates are exempt from the tax. Of the two percent that are liable, only 3 percent of those are small businesses and farms.

The estate tax repeal will not become law; this vote is purely political. If the Republicans genuinely wanted to help the 6 in 10,000 American small businesses and farms subject to the estate tax, they would have worked with Democrats to craft a bipartisan compromise.

Over the past two decades, income and wealth disparities have increased. The Republican proposal will exaggerate this by making the rich richer and the poor poorer. Repeal of the estate tax for the Forbes 400 richest Americans would amount to $200–300 billion. Enough to pay for a Medicare prescription drug benefit for 10 years!

The rhetoric the Republicans have invoked during the estate tax debate is misleading. Calling the estate tax the "death tax" infers that all Americans will lose half of their estate and needlessly scares people.

Mr. WELDON of Florida. Mr. Speaker, I rise today in strong support of H.R. 8, the Death Tax Elimination Act, of which I am a cosponsor. We in the House of Representatives are poised to continue our commitment to tax fairness for all hard-working Americans by voting to repeal the Death Tax. The Death Tax ranges from 37 to 55 percent and can even get as high as 60 percent in some cases. The Death Tax Elimination Act (H.R. 8) would phase out the tax over the next ten years on the death of an American.

Since 1994, Republicans have been committed to balancing the budget, protecting Social Security and Medicare, and providing tax fairness to all hard-working Americans and their families. To date we have passed the Repeal of the Marriage Penalty, Small Business tax fairness, the Repeal of the Seniors' Work Tax, ended the 100 year "tax on talking," and today we can get rid of the Death Tax.

Americans pay taxes their whole lives, then at their death, Uncle Sam wants to get some more—sometimes taking over half of the poor soul's legacy. I have talked to farmers and small business owners in my district who are extremely worried at what the Death Taxes will mean to their children and grandchildren. These hard-working Americans have worked a lifetime to build a farm or business only to have it stripped and taken from their children by the Death Tax.

The death tax is one of the most immoral taxes on the books, because it taxes farmers and small business owners twice. First these hard-working Americans pay all of their taxes throughout the years, then the federal government taxes the value of their property again at the time of death.

No American should be forced to pay up to 55 or 60 percent of their savings when they die. I'm proud to be part of the effort to repeal this tax. Let's bury the death tax once and for all.

Let's pass this repeal and end the tax on death.

Mr. SCHAFFER. Mr. Speaker, I rise today in support of H.R. 8, the Death Tax Elimination Act. As a cosponsor of this legislation, I am convinced this tax is completely unnecessary and in fact does more harm than good. The death tax penalizes business and job growth and impacts all individuals, not just the wealthy. It creates disincentive for expansion, long-term investment, and many times forces families to make difficult decisions about the future of their business.

The death tax discourages the entrepreneurial spirit held dear by so many Americans. Our country was founded on principles that encourage citizens to become as successful as their talents allow. The Founding Fathers gave us the liberty to acquire and dispose of personal property. Unfortunately, some were mistakenly led to believe that equality of economic opportunity and the joys of owning property could be imparted to all by redistributing wealth.

Today the death tax is actually burdening those it was once intended to help. Small business owners, farmers and self-employed individuals often fall victim to the tax. They sacrificed daily to build their business by reinvesting their profits only to realize that their hard work and frugality will be rewarded by an excessive tax of up to 55 percent.

Many small business owners are forced to explore ways to shelter their assets from taxation, but the death tax is complicated. The tax actually encourages people to find creative ways to avoid it. It takes well-paid lawyers and accountants to find the best ways to legally avoid the high death tax liabilities ranging from 37 to 55 percent.

The amount of money spent complying with, or trying to circumvent, the death tax is astronomical. Most of these solutions are costly, time consuming and inefficient. Gifts of stock, ownership restructuring, life insurance purchases and sales agreements are some of the tactics used to avoid the death tax. For most family farms, ranches and businesses, it's just too expensive.

Nearly 98 percent of the two million farms in this country are owned by families. Those who cannot pay the costly tax-planning fees are forced to pay higher estate taxes. It is a tragedy that a family grieving over the death of a loved one should have to worry about losing the family business or farm to the Internal Revenue Service.

Because the death tax requires a family to pay the federal government in cash within 9 months of the death of the decedent, it places a unique burden on a family farm or ranch like those in Colorado.

Due to the capital-intensive nature of ranching, the income generated by a typical family ranch is often minimal and is generally reinvested in the operation. The result is that the sale of land or livestock is often the primary, and in some cases the only, source of funds available to meet this tax obligation when a family member passes away. Many of the farms and ranches near cities in Colorado are being sold and are being replaced by housing projects, malls and roads.

Mr. Speaker, the death tax is also an example of double taxation. Small business owners, family farmers and ranchers pay income taxes throughout their lifetime. At the time of death, their surviving beneficiaries are forced to pay another tax on the value of the property.

The people of Colorado and across America are tired of losing their hard-earned money to the federal government. Small businesses are sometimes forced to sell income-producing assets or lay off workers. Often a small business owner makes the tough choice to sell the business in order to pay a significantly lower capital gains rate of 20 percent instead of the marginal death tax rate that could reach 55 percent.

Unfortunately, our Democrat friends who oppose this bill are dragging out the same old argument that the death tax prevents only the rich from passing on millions of dollars to their families. The fact is the IRS reports that 86 percent of all taxable estates have assets worth less than $2.5 million. Four out of five estates are valued at less than $1 million.

At the same time, the death tax accounts for a mere 1.4 percent of all federal revenues. This meager amount is not worth the money Americans spend to comply with the tax, or the number of jobs lost because family businesses must be sold. In fact, as the IRS collects up to 55 percent of the value of the estate upon death, it spends approximately 65 percent of that revenue on administration and collection costs.

Mr. Speaker, nearly 70 percent of small businesses do not survive the second generation and 87 percent do not make it to the third generation. Today, Members of this House should ask themselves if families should continue to work hard only to lose their life's wealth to the government instead of passing it on to their families.

Mr. Speaker, the case is clear. Now is the time to eliminate the death tax. Let's give the American people to chance to develop their ideas and dream about the legacies they'll leave behind.

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to express my strong support for targeted estate tax relief. Small businesses and farm owners should not be penalized for their success nor should they have to worry about their ability to pass the family business on to future generations. The Democratic Substitute offered by the gentleman from New York lowers rates and broadens the base and is a rational alternative for estate tax reform.

Many middle class Americans believe they do not receive value for their taxes. An important component of any tax reform debate should focus on renewing taxpayer's confidence that they are not only being taxed fairly, but that their tax dollars are being spent wisely. It concerns me that we are considering repeal of the estate tax today without a broader discussion of reform of our tax policy. We don't make decisions in a vacuum and the decisions we make today will have an impact on future revenues, individual tax burdens, and spending on priority initiatives such as prescription drug reform, school construction and paying down the debt.

The estate tax was originally enacted into law as a way to reduce wealth inequality by targeting the accumulation of wealth by sons and daughters of the richest in our society. The estate tax serves an important purpose by continuing to equalize wealth in our society. Historically, the richest in our society are the ones who pay the majority of the estate tax.

Currently, only two percent of people who die have enough wealth to be subject to the estate tax. Of the two percent who pay the estate tax, only three percent are small business owners or farmers. According to the Joint Committee on Taxation, the largest estates pay most of the estate tax—5.4% of taxable estates paid 49% of total estate taxes in 1997. Further a United States Treasury Department analysis finds that 99% of all estate taxes are paid on the estates of people who are in the highest 20% of the income distribution at the time of their death and 91% of all estates taxes are paid by decedents by decedents with annual incomes exceeding $190,000 at the time of death.

The estate tax is a progressive tax that serves the purpose intended by Republic Presidents Teddy Roosevelt and William Howard Taft who put this tax in place. Experts point out that the majority of assets taxed under the estate tax are unrealized gains and tax-exempt bonds which have never been taxed.

Some small businesses and farmers are hit hard by this tax and it is a high priority for me to provide relief to these individuals. In my congressional district is Brown Industries a family owned small business which specializes in precision machined parts. I have toured their facility and met with members of the Kansas City Area Chapter of the National Tooling and Machining Association (NTMA). All of the firms represented focused their number one concern on estate tax reform. These firms face liquidating entire section of their plants to pay current estate tax so that the business can be inherited. Estate tax reform should consider estate tax and economic opportunity and address the concerns of small businesses like Brown Industries. The Democratic alternative does this. They will be negatively impacted by H.R. 8. I support estate tax relief which would exempt 99% of family farm estates taxes. The measure I vote for today increased the family exclusion for farms and closely held businesses to $4 million by increasing the limit on the small businesses exclusion from $1.3 million to $2 million per spouse. This would have provided real relief immediately. Without adoption of the substitute H.R. 8 would not provide relief to a single farm or small business from the estate tax until 2010. This relief is much needed now, not in ten years.

The measure I voted in favor of today would have immediately increased the exemption equivalent of the unified credit against estate and gift taxes to $1.1 million. It also would have provided a twenty percent across-the-board reduction to the estate and gift tax rates.

Finally, I voted for an estate tax relief proposal which was largely offset and would cost approximately $20 billion over ten years to maintain fiscal responsibility. H.R. 8 will cost the treasury $105 billion over ten years. Beginning in 2010, it will cost $50 billion per year. While I am pleased that fiscal discipline of the past eight years has brought us to a time where we are enjoying budget surpluses, the surpluses in future years have not materialized and are only projections. I am optimistic the surpluses will be a reality and believe that we must commit them wisely. At this time, I am unconvinced that completely repealing the estate tax without further modifying our tax policy to ensure that wealthiest among us are paying their fair share is a wise decision. Projected surpluses still require us to make difficult decisions about priorities, and I believe that the measure I voted for today provides fiscally responsible relief.

I strongly support targeted estate tax relief for individuals, small businesses and farm owners. I voted in favor of a fiscally responsible proposal today which would have provided immediate relief to many of the 989 individuals in Missouri who pay estate tax. As this bill moves forward in the legislative process I encourage both parties will work together to find a compromise which will provide the needed relief and which will be signed into law by the President.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this bill, but only very reluctantly.

My reluctance does not mean I don't support estate-tax relief for family-owned ranches and farms or other small businesses. In fact, I definitely think we should act to make it easier for their owners to pass them on to future generations.

This is important for the whole country, of course, but it is particularly important for Coloradans who want to help keep ranch lands in open, undeveloped condition by reducing the pressure to sell them to pay estate taxes.

But we do not need to do all that this Republican bill would do in order to make sure the estate tax is no longer too heavy a burden on the small business and farm owners.

The Democratic alternative—the substitute for which I voted—would have provided real, effective relief without the excesses of the Republican bill.

That alternative would have raised the estate tax's special exclusion to $4 million for a couple owning a farm or small business. So, under that alternative, a married couple owning a family farm or ranch or a small business worth up to $4 million could pass it on intact with no estate tax whatsoever.

Also, the Democratic alternative actually would have provided more immediate relief to small business and farm owners.

Unlike the Republican bill—which is phased in over ten years—the Democratic alternative would have taken effect immediately. That means a couple passing on their farm or small business in the near future would avoid more tax under the Democratic plan than under the Republican bill. They would not have to hope to live long enough to see the benefits.

In addition, by increasing the general exclusion (now at $675,000) to $1.1 million next year, the Democratic alternative would allow for any person to pass on "millionaire" status to their children without a penny of estate tax burden. And the Democratic alternative also would lower estate tax rates by 20% across the board.

So, the Democratic alternative—which I voted for and which deserved adoption—would provide important relief from the estate tax and would have done so in a real, effective, and prompt way.

Furthermore, the Democratic alternative would have provided this relief in a fiscally responsible way that would not jeopardize our ability to do what is needed to maintain and strengthen Social Security and Medicare, provide a prescription drug benefit for seniors and pay down the public debt.

By contrast, it is precisely the fiscal overkill of the Republican bill that makes me most reluctant to vote for it.

Once fully phased in, the Republican bill would forgo nearly $50 billion a year in revenue with no guarantee that this revenue loss will not harm Social Security and Medicare in future years.

The bill's sponsors say it will cost $28.2 billion over 5 years and $104.5 billion over 10 years. But that is far from the whole story.

Because of the way the bill is phased in, its true cost is cleverly hidden and does not show up until after the 10-year budget window.

That means the full effects of the Republican bill will come just at the time when we will have to face budget pressures because my own "baby boom" generation is starting to retire. And if we feel we need to "phase in" H.R. 8 because we cannot afford the full repeal now, how are we ever going to afford it 10 years from now?

We do not need to engage in this fiscal overkill.

According to the Treasury Department, under current law only 2% of all decedents have enough wealth to be subject to the estate tax at all.

To be more specific, the Treasury Department tells me that in 1997 estate-tax returns were filed for only 297 Coloradans.

Furthermore, according to the Treasury Department, of those estates that are affected by the estate tax, only 3%—that is only 6 in 10,000 American estates—were comprised primarily of family-owned small businesses, ranches, or farms.

Looking just at our state, that means that in 1997 fewer than a dozen estate-tax returns were comprised primarily of small businesses, ranches, or farms.

Of course, those numbers only relate to the cases in which an estate tax was actually paid. Clearly, in many other cases families have taken actions to forestall the estate tax. I understand that, and do think that in appropriate cases we should lessen the pressure that prompted some of those actions.

As I said, the Democratic alternative would have provided real, effective, and immediate estate-tax relief to the owners of small businesses, including farms and ranches, and would have done so in a fiscally responsible way. That is why I voted for it.

In contrast, the biggest beneficiaries of the Republican legislation are not those middle-class families who own small ranches or farms or other small businesses, but instead are very wealthy families with very large assets.

Over the past two decades, income and wealth disparities have increased. The Republican bill, while it does have some positive aspects, would increase those wealth disparities. I find this troubling, and it adds to my reluctance to support the bill.

However, I will vote for the bill because the Republican leadership has made it clear that it is this bill or no estate-tax relief bill, at least for now, here in the House.

That being the case, I have decided that the Republican bill—although very flawed and excessive—is just acceptable enough for me to vote for today.

I do so in the hope and expectation that the bill's faults can be corrected as it proceeds through the legislative process and that ultimately it can be refined into a bill that deserves to be enacted into law.

If that does not occur—if that hope and expectation prove unfounded—I will not vote for a bill that fails to meet that standard.

Mr. BENTSEN. Mr. Speaker, I rise in opposition to H.R. 8, the "Death Tax Elimination Act," a fiscally-imprudent measure that the Republican Majority has brought to the floor, knowing that it provides tax relief to only two percent of all estates and benefits only the wealthiest in our society. I am supportive of federal estate tax relief, not a repeal, particularly for family farms and closely-held small businesses and strongly support of the Rangel Substitute Amendment, a fiscally responsible alternative that the President will sign.

Under H.R. 8, the federal estate tax would be reduced gradually over the next decade and would be fully repealed in 2010. The Joint Committee on Taxation estimates that it will cost $105 billion to repeal the estate tax in the first ten years. However, the Administration estimates that the federal revenue loss from H.R. 8 would be approximately $50 billion annually after 2010, once the estate and gift tax was fully repealed. Thus, the cost of H.R. 8 in the second decade of phase-in would be nearly six times the cost for 2001–2010.

As a member of the Budget Committee, I continue to advocate that Congress preserve the budget surplus and use it to pay off the national debt while strengthening Social Security. The $3.7 trillion dollar public debt is a tremendous burden on the economy. H.R. 8 jeopardizes our ability to protect Social Security and Medicare and pay down the national debt by creating a revenue loss, when executed, in excess of half a trillion dollars over ten years.

In the second decade of the century, with H.R. 8 costing $50 billion annually, the "Baby Boom" generation will begin retiring in large numbers, logically driving up the costs of programs such as Social Security, Medicaid and Medicare. At the same time, the Congressional Budget Office (CBO) projects that total Federal budgetary surpluses will begin to decline. How will we pay for the programs? Will we cut Social Security, Medicare and Medicaid benefits?

H.R. 8 would only help the less than two percent of all estates that are currently subject to any federal estate tax. To be subject to the federal estate tax, the size of one's estate must exceed $675,000 in 2000. By 2006, the estate tax exemption will rise to $1 million. Furthermore, current law provides for an even higher exemption of $1.3 million per person for closely-held farms and non-public businesses. But H.R. 8, under the guise of helping family farms and "mom & pop" small business would repeal the estate tax on all estates including the wealthiest. Under this bill, Bill Gates would be able to transfer $80,000,000,000 tax free to his heirs, hardly the estate of a small businessman.

The Rangel Substitute is an appropriate affordable alternative which provides relief to real family-owned businesses and farms. Rather than repeal the tax and bust the budget, it provides an across-the-board 20 percent reduction to the top estate and marginal gift rates, including a reduction in the top marginal rate from 55% to 44%. It would immediately increase the exemption equivalent of the unified credit against estate and gift taxes to $1,100,000. It also would provide for targeted tax relief for farm and small business estates and raise the special exclusion to $2 million per person, $4 million for a married couple. Moreover, the Rangel Alternative is a fiscally responsible measure, costing approximately $20 billion over 10 years with no exploding outyear costs. Clearly, Mr. RANGEL has proposed a superior measure that truly helps those that the proponents of H.R. 8 purport to be helping.

Finally, I would also like to address the myth perpetuated by my colleagues on the other side of the aisle that H.R. 8 enhances protections for small businesses and farms. H.R. 8 does not provide any additional exemption until 2010, while the Rangel Alternative would provide an immediate $4 million per family exclusion for family farms and closely-held small businesses and would exempt 99% of family farms form estate taxes. In the past, I have supported legislation that has provided relief to family farms. In 1997, I supported the Taxpayer Relief Act (P.L. 105–34) that raised the effective deduction for qualified family-owned business interests to $1.3 million per individual, which exempts almost all family farms and small businesses from the estate tax. Moreover, the few businesses and farms that are subject to the estate tax can make payments in installments over fourteen years at below-market interest rates. The Rangel Substitute would build on these protections by providing further immediate relief.

There is a need for estate and gift tax reform but outright repeal through passage of H.R. 8 is clearly not the way. If proponents are in favor of real reform to help owners of real small businesses and farms and not the wealthiest among us, I urge them to join with me in supporting the Rangel Substitute.

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of the Death Tax Elimination Act. This unfair tax has long outlived its usefulness.

I come to this debate with something of a unique perspective on this issue. For more than twenty years, I practiced estate law. I have actually sat down and helped people navigate this extremely complex tax. I was not helping Bill Gates or Ross Perot—I was helping the sons and daughters of small business owners try to keep their parent's dreams alive.

Unfortunately, because they have to pay a tax of 37 to 55 percent on their estate, it is often impossible for them to continue. It is simply heartbreaking to see children who want to keep their parent's business alive have to sell it just to pay the taxes.

We are here in Congress to make things better for the American people. When more than 70 percent of small businesses do not make it to the second generation, something is wrong and must be made better.

The Death Tax Elimination Act will make things better.

I urge all my colleagues to support the Death Tax Elimination Act. The time is now to once and for all put an end to the death tax.

Mr. RYUN of Kansas. Mr. Speaker, I rise today to oppose the proposition that an American who works hard, builds a business and saves for his family should have to turn over 55% of what he owns to the tax collectors in Washington when he dies.

The Death Tax reduces economic growth and increases the cost of capital. It causes individuals to shift much of their wealth to immediate consumption rather than long-term, productive investments. If these investments were made, it would create long-term economic growth by lowering interest rates and creating more jobs.

It shouldn't surprise us, however, to hear those who favor the Death tax argue that repealing it would help only the rich. Next time I go back to my district and hear from the farmers and small business men who ask me why their families will have to sell their business to pay the Death Tax, I'll tell them that some influential members of the other party in Washington said they were too rich to get relief.

To add insult to injury, I'll remind them that the federal government raises just 1% of its annual revenue from the Death Tax.

I'll even tell them that those who can afford to hire lawyers and accountants to tend to their finances have already figured out ways to avoid paying the tax.

Mr. Speaker, I also want to speak about another unjust provision of our tax code that this legislation will repeal. The Generation Skipping Tax effectively prohibits the transfer of your property to your grandchildren or someone 37½ years younger than you by taxing that transfer at a rate of 55%.

In my district, the long-time business owner of Key Industries, Kenneth Pollock, regularly paid bonuses to his employees based on loyalty and length of service to the company. Whether you worked in the executive office or on the assembly line, everyone was treated the same.

As Mr. Pollock prepared for his death, he determined that he wanted to leave his estate in trust for the benefit of his current and former employees. Each current or former employee was to continue to receive an annual distribution from the trust in an amount similar to their annual bonus based on years of service to the company.

Unfortunately, Mr. Pollock did not properly prepare the trust. All employees more than 37½ years younger than Mr. Pollock are now subject to the 55% Generation Skipping Tax on each distribution from the trust. Many of these workers earn less than $10 per hour. It is bad public policy to tax this much-needed annual bonus at 55%. It is bad public policy to discourage generosity.

To make things worse, the company was forced recently to make the difficult business decision to close two plants. Many displaced workers will receive one-time lump sum payments from the trust of $10,000 or more. The employees will lose more than 1/2 of this money at a time when they need it most.

Unfortunately, the repeal of the Generation Skipping Tax will not take place for nine years. That is why I have authored legislation to treat the annual distributions from this trust just like any other gift by exempting the first $10,000 from the tax annually. Mr. Speaker, I hope that you and Chairman Archer will work with me to pass this much needed provision.

Today, however, we have the opportunity to encourage economic growth and remove this tax burden that falls heaviest on the family businesses and family farms across Kansas and the rest of the country.

Mr. Speaker, I urge my colleagues to join me and vote to repeal the Death Tax.

Mr. ETHERIDGE. Mr. Speaker, I rise in reluctant support of H.R. 8, the so-called Death Tax Act. While I would prefer a more targeted approach to eliminating this tax, I remain hopeful that passing H.R. 8 could be the first step in the process of finding a compromise granting the vast majority of Americans estate tax relief without jeopardizing the fiscal health of our nation.

Let there be no mistake, I have supported relief from the death tax for our family farmers and small business owners since I came to this body in 1977. The first bill I introduced as a Member of Congress was H.R. 1845, the Family Farm and Small Business Estate Tax Relief Act of 1997. This legislation would have raised the inheritance tax exemption for small business people and family farmers from $600,000 to $1.5 million and indexed it to inflation for the first time. The Taxpayer Relief Act of 1997 later raised the exemption to $1.3 million. This was not as much estate tax relief as I had hoped for, so I continued working.

On March 27 of this year, I introduced a proposal that would significantly reduce the estate tax burden faced by those who inherit family owned farms and small businesses. I believe that the current estate tax exemption should be raised from the current level of $1.3 million to $4 million over the next five years and indexed to inflation thereafter. Reducing estate taxes is vital to ensuring that family farmers and small business owners can pass their hard-earned assets to their loved ones. My bill accomplishes this important goal in a responsible manner that is consistent with our values.

The Democratic Substitute to H.R. 8, offered by my good friends from New York and Texas, Mr. RANGEL and Mr. STENHOLM, also would provide for a $4 million estate tax exemption to family farmers and small businesses, as my bill would. It cuts estate taxes across the board by 20 percent and only costs $22 billion over 10 years. I am proud to support the Rangel-Stenholm plan because it is fiscally responsible and represents the kind of compromise that can not only obtain wide bipartisan support, but also be signed by the President.

Unfortunately, the Republican bill, H.R. 8, once fully implemented, would cost the U.S. Treasury $100 billion over 10 years and then an estimated $50 billion a year afterwards. This means less money for school construction, less money for Medicare, and less money to protect Social Security for the rest of this century.

There are other flaws to H.R. 8. While the Democratic alternative provides estate tax relief to family farmers and small businesses immediately, H.R. 8 forces farmers and businesses to wait 10 years before obtaining the same level of benefits. The President has indicated loud and clear that he intends to veto this bill if it reaches his desk. The Republicans should work in a bipartisan manner to find a compromise that can become law and provide immediate tax relief.

I reluctantly vote in favor of H.R. 8, I vote for H.R. 8 today to move the legislative process forward, hopefully toward a bipartisan conclusion that will accomplish real relief from the estate tax for North Carolina's family farmers and small businesses.

I vote in favor of H.R. 8 now, but reserve the right to vote against this or similar bills in the future if my concerns about the problems of this plan are not addressed. Additionally, I reserve the right to vote to sustain the expected presidential veto of H.R. 8 unless needed changes are made.

Mrs. FOWLER. Mr. Speaker, I rise today to express my strong support for the Death Tax Elimination Act of 2000. During my tenure in Congress I have supported measures that would provide relief from unfair taxes to all Americans, and I have long believed that eliminating the estate tax is an important step in this process. It is past time to remove this onerous, unfair tax that punishes life-long habits of saving and discourages entrepreneurship.

The real burden of this tax falls on family-owned businesses and the people who work for them who lose their jobs when a business is forced to sell in order to pay these taxes. The death tax is a major reason that 70% of small businesses do not survive to the second generation and 87% do not survive to the third. A repeal of the estate tax will mean more jobs, economic growth and preservation of the American Dream.

Uncle Sam should not be sitting outside a funeral home waiting to take away the family business. It is time we allow families to pass on the family business to new generations without being hit by an arbitrary tax of 37 to 55 percent of the value of their business. I urge my colleagues to vote to remove this outrageous tax on hardworking American families.

Mr. THORNBERRY. Mr. Speaker, I rise in support of H.R. 8, although I would prefer to abolish the death tax immediately and completely. But, the unusual budgetary scoring rules which we must follow do not allow us to take into account real world consequences of changes in tax policy, and so we must phase it out.

While there is a lot of "sound and fury" in this debate, the essential point is this: It is wrong to tax death. It doesn't matter if someone has saved $5 or $5 million; it is wrong to tax death.

People in my district and all around the country have worked hard all their lives, paid taxes on what they have earned, saved, and want to leave something so their children can have a better life. It is wrong to punish them for doing so.

It also makes sense to get rid of this tax. A report by our Joint Economic Committee in December 1998 provides Members with a comprehensive look at the many studies that have been made on the effects of this tax. The JEC report found that:

The death tax reduced capital stocks in the U.S. by 3.2%, limiting growth, job creation, and higher standards of living for our people.

The death tax makes small businesses, particularly minority and female-owned small businesses, less likely to invest, expand, and hire new workers. Indeed, they are forced to spend thousands of dollars on lawyers, accountants, life insurance, and other tax avoidance measures.

The death tax is ineffective at redistributing wealth, for those who believe that should be a desirable goal of the federal government.

The death tax raises little, if any, net revenue for the federal government when the enormous costs of compliance and economic consequences of it are taken into account.

Mr. Speaker, we should not punish growth, savings, and job creation. We should not punish people who try to leave a better life for their children. We should abolish the death tax once and for all.

Mr. PASTOR. Mr. Speaker, during the recent consideration of H.R. 8, legislation which would repeal the estate tax, I supported an alternative which was drafted to give immediate protection to the American farmer and the small businessman whose heirs are in danger of losing their family's hard-earned, life-long business to the Federal government.

I have always supported the elimination of the estate tax. And even though I am a cosponsor of H.R. 8, I believe the Democratic alternative is better suited, at this time, for accomplishing what we need in eliminating this unfair tax. The Democratic alternative immediately provides a $4 million per family exclusion for farms and small businesses and it lowers the tax rate. H.R. 8 takes ten years before it is fully phased-into place.

In short, the Democratic alternative helps the right people right now. It does more and does it quicker than the version of H.R. 8 which I cosponsored back in July of 1999. At that time, there was no better alternative and it was assumed that a comprehensive tax package would be instituted which would provide across-the-board benefits for hard-working middle-class citizens as well as the wealthy. Standing alone, H.R. 8 does nothing for middle-income families. And by not enacting a full package of tax relief for all Americans, the lost revenues increase the burden on the same middle-income workers who must make up the shortfall in preserving Social Security and Medicare, providing a prescription drug benefit for our seniors, improving our educational system, and paying down the debt.

Like the rest of America, I am pleased that we are enjoying a period of prosperity with a strong economy. However, we have no guarantee that this respite will continue. In light of this uncertainty, it is patently unfair to grant a massive tax relief provision that benefits only 2% of the nation's richest persons while creating a drain on revenues which would ultimately burden two-income families who are struggling today to make ends meet.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today as a proud cosponsor of H.R. 8, The Estate Tax Elimination Act, which provides estate tax relief for family-owned small businesses.

The estate or "death" tax has deviated from its original intent and purpose. From a practical sense, it was established to provide revenue on a short-term basis to finance military action.

In theory, however, it was also viewed as a way to protect society against growing concentrations of wealth in the hands of a very few. Supposedly, this tax would encourage market growth which was hindered by the inheritance of estates.

Well, the market has grown. Family-owned small businesses have become the backbone of our economy and continue to provide invaluable services.

Recognizing their importance, programs were created to promote their existence and expansion in the form of loans and other assistance programs. Unfortunately, their lifespan is hindered by an unfair tax levied when ownership is transferred at the time of death.

Less than 30 percent of all family-owned businesses survive through the second generation. This is unacceptable.

The district I represent on Long Island, is dependent on the success of family-owned small businesses. A lot of hard work and determination is involved to secure their prosperity.

More often than not the odds are usually stacked against them in the form of a complex tax code or competition by larger companies. The estate tax, however, is another hurdle small businesses must overcome that is more harmful than beneficial.

I urge my colleagues to support this important measure.

Mr. CHAMBLISS. Mr. Speaker, the folks that I represent in Georgia's 8th, Congressional District are hard-working. The majority of these people own small family businesses and family farms. They get up each day, go to their jobs, work hard for their families, and pay their taxes like responsible Americans.

The federal government asks them to do all of this, but at the end of the line, after a lifetime of hard work and paying taxes, Uncle Sam reaches in and takes over half of their life's accumulation. This is simply wrong. Mr. Speaker, the death tax is immoral, un-American, and this House must bury it.

The death tax is an unfair burden that taxes farmers and small business owners twice. The farmers in Georgia's 8th District work tirelessly to feed and clothe America. They do this while battling severe weather, droughts, floods, and low prices. Times are tough in rural America right now, the burdens are high, and the death tax is just a slap in the face to our farmers, who produce the safest, highest quality food and fiber in the world.

The death tax affects one-third of small business owners, who are forced to sell outright or liquidate a part of their firms to pay estate taxes. When mom-and pop shops must close because of an outdated, unfair tax code, this Congress must take the lead and make a change.

The death tax is contrary to the freedom and free-market principles on which this nation was founded. Do we support the IRS or do we support the American family? We must help Georgia families continue their livelihood and pass their legacy and success on to their children and grandchildren, not burden them with taxes that kill a lifetime of hard-work. Let's bury the death tax here, today. I urge my colleagues to vote to end the estate tax.

Mr. PORTMAN. Mr. Speaker, I rise to express my support for H.R. 8, the Death Tax Elimination Act. I commend the sponsor of the bill, my Ways and Means Committee colleague, Ms. DUNN, for her work on this issue. And I commend the Chairman of the Committee, Mr. ARCHER, for his long commitment to eliminating this unfair and unreasonable tax.

The death tax is bad tax policy. It is double taxation, because individuals who pay taxes on income throughout their lives are taxed again on the same income at their time of death on the value of their property. The rates—up to 60 percent—are the highest in the tax code.

The death tax is bad policy not only because of the costs it imposes after death—but also because of the costs it imposes during life. The additional costs of life insurance, attorneys fees and estate planning services cost hundreds of thousands of dollars every year.

The death tax is also an inefficient drag on our economy. The Joint Economic Committee of Congress has reported that, while the death tax generates about $23 billion annually in revenue for the federal government, it also costs businesses, farmers and individuals another $23 billion just in compliance costs.

Unfortunately, in the area I represent in Southwest Ohio, many family farmers and family business owners just aren't prepared to deal with the consequences of the death tax. According to a recent study by Arthur Andersen's Center for Family Business, 28 percent of senior generation shareholders of family businesses surveyed in Greater Cincinnati had not completed any estate planning other than a will.

And, although 71 percent of these individuals wanted the family business to stay in the family after their death, the study found that less than 30 percent would be able to do so unless they better examined the issues of estate taxes and planning.

Small businesses and family farms have made the American dream possible for generations. At a time when 70 percent of family-owned businesses do not survive to the second generaton, and only about 13 percent survive to the third generation, our tax laws should be encouraging—rather than preventing—people to pass these assets to their families.

We're losing too many family-owned businesses and family-farms as it is. I urge my colleague to support the Death Tax Elimination Act—to put an end to this unfair, inefficient and confiscatory tax.

Mr. DOOLEY of California. Mr. Speaker, I rise today in strong support of this bipartisan legislation to repeal the federal estate tax over the next ten years, and I salute Representatives DUNN and TANNER for their long stewardship of this bill. As a family farmer myself and as the representative of the most productive agricultural region of the country, I have seen the impact that this tax has had on small businesses and family-owned farms, and I believe that the repeal of the estate tax will help ensure the survival of these businesses into the next century.

Seventy percent of family businesses are not passed on to future generations largely because of the burden imposed by estate taxes. In particular, I would like to point out the impact of estate taxes on family farms, since it is these family farms that drive the economy of California's Central Valley, which I represent. The estate tax has a devastating effect on family farmers who struggle to pass on their farms to the next generation.

Since most family-owned farms do not earn the kind of profits necessary to pay large estate tax bills, future generations are often forced to mortgage or liquidate assets. As a fourth generation family farmer, I have seen first-hand the difficulty that family members face in trying to keep farms operating when each generation passes. Eliminating the heavy burden the estate tax imposes on farmers will help keep more of our farms in operation from generation to generation.

I would also argue that elimination of the estate tax would have a positive impact on a number of the small rural communities that make up the fabric of my district and much of this nation. These small rural communities and the families that live there are highly dependent on the continued operation of family farms and small businesses in the area.

These family farms and small businesses employ the vast majority of people in these small communities. If we are to continue to spread our unprecedented national economic expansion to every corner of this country—including our rural communities—we must work to ensure that family farms and small businesses in these communities stay in operation. Elimination of the estate tax will brighten these communities' economic future.

I strongly support this legislation because I believe it will free our family farmers and small businesspeople of the estate tax burden that currently threatens their long-term survival, and strengthen our small communities in the 21st century.

Mr. RILEY. Mr. Speaker, opponents to this bill argue that it will only benefit the rich.

Well, Mr. Chairman, let's take a look at the group of "rich" people this bill unfairly helps.

In my district, and in rural districts across the nation, the death tax hits the farm family especially hard. Because of economies of scale and the ever rising cost of equipment, they have become land and capital rich.

Everyone should know by now, farmers live on the margin. They have very modest incomes and in today's world most farm families are far from "rich."

For year to year, farm families struggle simply to keep their heads above water. They may be land rich, Mr. Speaker, but they are cash poor.

Yet, when a farmer dies, we punish him for his hard work. Then we force his family to sell the land they grew-up on to pay the estate taxes and send them on their way.

The result, people who would like to carry on their family tradition of farming are instead being forced to sell their land to wealthy land developers who then turn that land into more cookie-cutter sub-divisions and strip malls.

If you don't believe me, Mr. Speaker, take a drive out to Dulles Airport some time. That all used to be farm land not so long ago.

The death tax is killing an American tradition and that's absolutely appalling.

It's time we end this travesty and pass this bill.

The SPEAKER pro tempore (Mr. KOLBE). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. RANGEL:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Estate Tax Relief Act of 2000".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. 20 PERCENT REDUCTION OF ESTATE TAX RATES.

(a) In General.—Paragraph (1) of section 2001(c) is amended to read as follows:

"(1) In General.—

"If the amount with respect to which the tentative tax is to be computed is:	**The tentative tax is:**
Not over $10,000	14.4% of such amount.
Over $10,000 but not over $20,000.	$1,440, plus 16% of the excess of such amount over $10,000
Over $20,000 but not over $40,000.	$3,040, plus 17.6% of the excess of such amount over $20,000
Over $40,000 but not over $60,000.	$6,560, plus 19.2% of the excess of such amount over $40,000
Over $60,000 but not over $80,000.	$10,400, plus 20.8% of the excess of such amount over $60,000
Over $80,000 but not over $100,000.	$14,560, plus 22.4% of the excess of such amount over $80,000
Over $100,000 but not over $150,000.	$19,040, plus 24% of the excess of such amount over $100,000
Over $150,000 but not over $250,000.	$31,040, plus 25.6% of the excess of such amount over $150,000
Over $250,000 but not over $500,000.	$56,640, plus 27.2% of the excess of such amount over $250,000
Over $500,000 but not over $750,000.	$124,640, plus 29.6% of the excess of such amount over $500,000
Over $750,000 but not over $1,000,000.	$198,640, plus 31.2% of the excess of such amount over $750,000
Over $1,000,000 but not over $1,250,000.	$276,640, plus 32.8% of the excess of such amount over $1,000,000
Over $1,250,000 but not over $1,500,000.	$358,640, plus 34.4% of the excess of such amount over $1,250,000
Over $1,500,000 but not over $2,000,000.	$444,640, plus 36% of the excess of such amount over $1,500,000
Over $2,000,000 but not over $2,500,000.	$624,640, plus 39.2% of the excess of such amount over $2,000,000
Over $2,500,000 but not over $3,000,000.	$820,640, plus 42.4% of the excess of such amount over $2,500,000
Over $3,000,000	$1,032,640, plus 44% of the excess of such amount over $3,000,000".

(b) Restoration of Phaseout of Unified Credit.—Paragraph (2) of section 2001(c) is amended by striking "$10,000,000" and all that follows and inserting "$10,000,000. The amount of the increase under the preceding sentence shall not exceed the sum of—

"(A) the applicable credit amount under section 2010(c), and

"(B) the excess of the amount equal to 44 percent of $3,000,000 over the amount of the tentative tax under paragraph (1) on $3,000,000."

(c) Effective Date.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2000.

SEC. 3. INCREASE IN EXEMPTION EQUIVALENT OF UNIFIED CREDIT.

(a) In General.—The table contained in section 2010(c) (relating to applicable credit amount) is amended to read as follows:

"In the case of estates of decedents dying, and gifts made, during:	**The applicable exclusion amount is:**
2000	$ 675,000
2001, 2002, 2003, 2004, and 2005	$1,100,000
2006 or thereafter	$1,200,000.".

(b) Effective Date.—The amendment made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2000.

SEC. 4. INCREASE IN ESTATE TAX BENEFIT FOR FAMILY-OWNED BUSINESS INTERESTS.

(a) Transfer to Credit Provisions.—Section 2057 (relating to family-owned business interests) is hereby moved to part II of subchapter A of chapter 11 of such Code, inserted after section 2010, and redesignated as section 2010A.

(b) Increase in Credit; Surviving Spouse Allowed Unused Credit of Decedent.—Subsection (a) of section 2010A, as redesignated by subsection (a) of this section, is amended to read as follows:

"(a) Increase in United Credit.—For purposes of determining the unified credit under section 2010 in the case of an estate of a decedent to which this section applies—

"(1) In general.—The applicable exclusion amount under section 2010(c) shall be increased (but not in excess of $2,000,000) by the adjusted value of the qualified family-owned business interests of the decedent which are described in subsection (b)(2) and for which no deduction is allowed under section 2056.

"(2) Treatment of unused limitation of predeceased spouse.—In the case of a decedent—

"(A) having no surviving spouse, but

"(B) who was the surviving spouse of a decedent—

"(i) who died after December 31, 2000, and

"(ii) whose estate met the requirements of subsection (b)(1) other than subparagraph (B) thereof,

there shall be substituted for '$2,000,000' in paragraph (1) an amount equal to the excess of $4,000,000 over the exclusion equivalent of the credit allowed under section 2010 (as increased by this section) to the estate of the decedent referred to in subparagraph (B). For purposes of the preceding sentence, the exclusion equivalent of the credit is the amount on which a tentative tax under section 2001(c) equal to such credit would be imposed."

(c) Conforming Amendments.—

(1) The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2057.

(2) Paragraph (10) of section 2031(c) of such Code is amended by striking "section 2057(e)(3)" and inserting "section 2010A(e)(3)".

(3) The table of sections for part II of subchapter A of chapter 11 of such Code is amended by inserting after the item relating to section 2010 the following new item:

"Sec. 2010A. Family-owned business interests.".

(d) Effective Date.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2000.

SEC. 5. CREDIT FOR STATE DEATH TAXES REPLACED WITH DEDUCTION FOR SUCH TAXES.

(a) Repeal of Credit.—Section 2011 (relating to credit for State death taxes) is hereby repealed.

(b) Deduction for State Death Taxes.—Part IV of subchapter A of chapter 11 is amended by adding at the end the following new section:

"SEC. 2058. STATE DEATH TAXES.

"(a) Allowance of Deduction.—For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or the District of Columbia, in respect of any property included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent).

"(b) Period of Limitations.—The deduction allowed by this section shall include only such taxes as were actually paid and deduction therefor claimed within 4 years after the filing of the return required by section 6018, except that—

"(1) If a petition for redetermination of a deficiency has been filed with the Tax Court within the time prescribed in section 6213(a), then within such 4-year period or before the expiration of 60 days after the decision of the Tax Court becomes final.

"(2) If, under section 6161 or 6166, an extension of time has been granted for payment of the tax shown on the return, or of a deficiency, then within such 4-year period or before the date of the expiration of the period of the extension.

"(3) If a claim for refund or credit of an overpayment of tax imposed by this chapter has been filed within the time prescribed in section 6511, then within such 4-year period or before the expiration of 60 days from the date of mailing by certified mail or registered mail by the Secretary to the taxpayer of a notice of the disallowance of any part of such claim, or before the expiration of 60 days after a decision by any court of competent jurisdiction becomes final with respect to a timely suit instituted upon such claim, whichever is later.

Refund based on the deduction may (despite the provisions of sections 6511 and 6512) be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest."

(c) Conforming Amendments.—

(1) Subsection (a) of section 2012 is amended by striking "the credit for State death taxes provided by section 2011 and".

(2) Subparagraph (A) of section 2013(c)(1) is amended by striking "2011,".

(3) Paragraph (2) of section 2014(b) is amended by striking ", 2011,".

(4) Sections 2015 and 2016 are each amended by striking "2011 or".

(5) Subsection (d) of section 2053 is amended to read as follows:

"(d) Certain Foreign Death Taxes.—

"(1) In general.—Notwithstanding the provisions of subsection (c)(1)(B) of this section, for purposes of the tax imposed by section 2001, the value of the taxable estate may be determined, if the executor so elects before the expiration of the period of limitation for assessment provided in section 6501, by deducting from the value of the gross estate the amount (as determined in accordance with regulations prescribed by the Secretary) of any estate, succession, legacy, or inheritance tax imposed by and actually paid to any foreign country, in respect of any property situated within such foreign country and included in the gross estate of a citizen or resident of the United States, upon a transfer by the decedent for public, charitable, or religious uses described in section 2055. The determination under this paragraph of the country within which property is situated shall be made in accordance with the rules applicable under subchapter B (sec. 2101 and following) in determining whether property is situated within or without the United States. Any election under this paragraph shall be exercised in accordance with regulations prescribed by the Secretary.

"(2) Condition for allowance of deduction.—No deduction shall be allowed under paragraph (1) for a foreign death tax specified therein unless the decrease in the tax imposed by section 2001 which results from the deduction provided in paragraph (1) will inure solely for the benefit of the public, charitable, or religious transferees described in section 2055 or section 2106(a)(2). In any case where the tax imposed by section 2001 is equitably apportioned among all the transferees of property included in the gross estate, including those described in sections 2055 and 2106(a)(2) (taking into account any exemptions, credits, or deductions allowed by this chapter), in determining such decrease, there shall be disregarded any decrease in the Federal estate tax which any transferees other than those described in sections 2055 and 2106(a)(2) are required to pay.

"(3) Effect on credit for foreign death taxes of deduction under this subsection.—

"(A) Election.—An election under this subsection shall be deemed a waiver of the right to claim a credit, against the Federal estate tax, under a death tax convention with any foreign country for any tax or portion thereof in respect of which a deduction is taken under this subsection.

"(B) Cross reference.—

"See section 2014(f) for the effect of a deduction taken under this paragraph on the credit for foreign death taxes."

(6) Subparagraph (A) of section 2056A(b)(10) is amended—

(A) by striking "2011,", and

(B) by inserting "2058," after "2056,".

(7)(A) Subsection (a) of section 2102 is amended to read as follows:

"(a) In General.—The tax imposed by section 2101 shall be credited with the amounts determined in accordance with sections 2012 and 2013 (relating to gift tax and tax on prior transfers)."

(B) Section 2102 is amended by striking subsection (b) and by redesignating subsection (c) as subsection (b).

(C) Section 2102(b)(5) (as redesignated by subparagraph (B)) and section 2107(c)(3) are each amended by striking "2011 to 2013, inclusive," and inserting "2012 and 2013".

(8) Subsection (a) of section 2106 is amended by adding at the end the following new paragraph:

"(4) State death taxes.—The amount which bears the same ratio to the State death taxes as the value of the property, as determined for purposes of this chapter, upon which State death taxes were paid and which is included in the gross estate under section 2103 bears to the value of the total gross estate under section 2103. For purposes of this paragraph, the term 'State death taxes' means the taxes described in section 2011(a)."

(9) Section 2201 is amended—

(A) by striking "as defined in section 2011(d)", and

(B) by adding at the end the following new flush sentence:

"For purposes of this section, the additional estate tax is the difference between the tax imposed by section 2001 or 2101 and the amount equal to 125 percent of the maximum credit provided by section 2011(b), as in effect before its repeal by the Estate Tax Relief Act of 2000."

(10) Paragraph (2) of section 6511(i) is amended by striking "2011(c), 2014(b)," and inserting "2014(b)".

(11) Subsection (c) of section 6612 is amended by striking "section 2011(c) (relating to refunds due to credit for State taxes),".

(12) The table of sections for part II of subchapter A of chapter 11 is amended by striking the item relating to section 2011.

(13) The table of sections for part IV of subchapter A of chapter 11 is amended by adding at the end the following new item:

"Sec. 2058. State death taxes.".

(d) Effective Date.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2000.

SEC. 6. VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS; LIMITATION ON MINORITY DISCOUNTS.

(a) In General.—Section 2031 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

"(d) Valuation Rules for Certain Transfers of Nonbusiness Assets.—For purposes of this subtitle—

"(1) In general.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092)—

"(A) the value of any nonbusiness assets held by the entity shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

"(B) the nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

"(2) Nonbusiness assets.—For purposes of this subsection—

"(A) In general.—The term 'nonbusiness asset' means any asset which is not used in the active conduct of 1 or more trades or businesses.

"(B) Exception for certain passive assets.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

"(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

"(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

"(C) Exception for working capital.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

"(3) Passive asset.—For purposes of this subsection, the term 'passive asset' means any—

"(A) cash or cash equivalents,

"(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

"(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

"(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

"(E) annuity,

"(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

"(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

"(H) commodity,

"(I) collectible (within the meaning of section 401(m)), or

"(J) any other asset specified in regulations prescribed by the Secretary.

"(4) Look-thru rules.—

"(A) In general.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

"(B) 10-percent interest.—The term '10-percent interest' means—

"(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

"(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

"(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

"(5) Coordination with subsection (b).—Subsection (b) shall apply after the application of this subsection.

"(e) Limitation on Minority Discounts.—For purposes of this subtitle, in the case of the transfer of an interest in an entity, no reduction in the amount which would otherwise be determined to be the value of such interest shall be allowed by reason of the fact that the interest does not represent control of such entity if the transferor and members of the family (as defined in section 2032A(e)(2)) of the transferor have control of such entity."

(c) Effective Date.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

SEC. 7. TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.

(a) In General.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 13 the following new chapter:

"CHAPTER 13A—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2681. Imposition of tax.

"SEC. 2681. IMPOSITION OF TAX.

"(a) In General.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt, and

"(2) the value of such covered gift or bequest.

"(b) Tax To Be Paid by Recipient.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) Exception for Certain Gifts.—Subsection (a) shall apply only to the extent that the covered gifts and bequests received during the calendar year exceed $10,000.

"(d) Tax Reduced By Foreign Gift or Estate Tax.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) Covered Gift or Bequest.—

"(1) In general.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, was an expatriate, and

"(B) any property acquired by bequest, devise, or inheritance directly or indirectly from an individual who, at the time of death, was an expatriate.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the expatriate, and

"(B) any property shown on a timely filed return of tax imposed by chapter 11 of the estate of the expatriate.

"(3) TRANSFERS IN TRUST.—

"(A) IN GENERAL.—Any covered gift or bequest which is made in trust shall be treated as made to the beneficiaries of such trust in proportion to their respective interests in such trust.

"(B) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—For purposes of subparagraph (A), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar advisor.

"(f) EXPATRIATE.—For purposes of this section, the term 'expatriate' means—

"(1) any United States citizen who relinquishes his citizenship, and

"(2) any long-term resident of the United States who—

"(A) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(B) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country."

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle B of such Code is amended by inserting after the item relating to chapter 13 the following new item:

"Chapter 13A. Gifts and bequests from expatriates.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to covered gifts and bequests (as defined in section 2681 of such Code, as added by this section) received on or after May 25, 2000.

The SPEAKER pro tempore. Pursuant to House Resolution 519, the gentleman from New York (Mr. RANGEL) and a Member opposed, will each control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a decision today either to vote for the political solution to this problem that has been offered by the majority, where they know, and it is guaranteed, it would be vetoed even though they do not promise relief for another 10 years, or to vote for the substitute that gives immediate relief and they know, as I do, that it will be signed into law.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), the senior member of the Committee on Ways and Means, who would explain more of this.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, when we started the debate an hour ago, the gentleman from Texas (Mr. ARCHER), my good friend, pointed out with pride that we have balanced the Federal budget and that was one of his objectives during his career. This is going to be his last year in this body and we certainly, all of us, appreciate his service to our country.

But, Mr. Speaker, I would say to the gentleman that we want to make sure that we continue to balance the budget in the future. That is why I urge the gentleman to vote for the substitute.

See, 10 years from now we want to also make sure that we also have a balanced Federal budget. Yet under the underlining bill, we will be losing $50 billion a year at that point. And I want to make sure that we have an affordable bill.

During general debate, it was interesting that there was a lot of talk about the family-owned business and the family farm. As pointed out, only 2 percent of the estates are subject to the estate tax, and only 3 percent of that 2 percent have family farms or family-owned businesses. Well, the substitute deals with that by immediately, now, increasing the floor on those family assets to $4 million, taking almost all of the taxable farms and almost all of the taxable family-owned businesses out of the estate tax.

The underlying bill phases in over 10 years providing very low relief in the next few years. As we pointed out, if we look at an estate worth $1.5 million, under the substitute, because we immediately reduce the estate tax by 20 percent and we immediately increase the unified credit from $675,000 to $1.1 million, in that estate that is $1.5 million under the Archer bill, they would still pay $277,000 in estate tax next year.

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But under the Rangel substitute, that tax would be only 135 percent, 17 percent reduction versus a 60 percent reduction. We can do better, and the Democratic substitute does better.

We also provide this in a fiscally responsible way. The Archer bill spends $105 billion over 10 years and then balloons to $50 billion a year. The Democratic substitute spends $22 billion over 10 years and does not balloon at all.

The reason is that we close some loopholes in the estate tax. We not only provide relief, but we reform the estate tax. For those estates over $17 million who are receiving the benefit of a drafting error, we correct that. For those minority-owned stock that are currently getting unreasonable discounts, we correct that. So we provide a fiscally responsible approach that deals with the problem.

Yes, we have family farms that are suffering, suffering under some of our existing laws. But let us not help the .001 percent of the multimillionaires. Let us take care of those who really need it.

Mr. Speaker, what concerns me is that if this bill became law, we are going to have the scandalous avoidance of tax by billionaires. At the same time, we are going to be jeopardizing our ability to pay Social Security and Medicare. I do not think any of us want to be in that position. Let us not create a scandal; let us do what is responsible. Let us deal with the problem; let us support the Democratic substitute.

The SPEAKER pro tempore (Mr. KOLBE). Does the gentleman from Texas (Mr. ARCHER) seek the time in opposition to the amendment in the nature of a substitute?

Mr. ARCHER. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) is recognized for 30 minutes.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume to simply very briefly say to the gentleman from Maryland (Mr. CARDIN) he knows full well that nothing in this bill would jeopardize his Social Security or Medicare. That should never be inserted in this debate because nothing, nothing jeopardizes Social Security or Medicare in this bill.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I might just mention that the gentleman who has just completed his speech has just experienced in his own State of Maryland the repeal of the death tax led by a Democrat legislature, a Democrat government, and led in particular by Obie Patterson, a liberal Democrat himself.

Mr. Speaker, as much as it excites me to listen to the opposition talk about reducing the death tax, the substitute is a hollow attempt to make it look like we are providing relief. It does not do the trick here. Here are the four reasons why:

First, and perhaps most importantly, it does not repeal the death tax. The substitute maintains the fundamental unfairness of the death tax. It says that, at the end of one's life, after one has worked hard, one puts one's heart and soul into building a business or a farm to provide a legacy for one's family, the Government still is entitled, in, many cases, to more than half of the fruits of one's labor.

I cannot accept this because it is so grossly in violation of the fundamental virtues of this Nation: thrift, diligence, risk taking, hard work. Ninety-five percent of Americans believe it is wrong. Ninety-five percent of Americans, Mr. Speaker, believe that it is wrong to tax income during one's life and then tax the same assets again just because one dies.

Secondly, the current death tax rates are the second highest in the industrialized world. The only nation that is higher than us in death tax is Japan at 70 percent. Under the substitute, the United States still would have the second highest death tax rate in the world, behind bastions of free market capitalism like France and Sweden. Our international competitors have recognized the unfairness of this tax. It is time now for the United States Congress to recognize it as well.

Third, opponents of H.R. 8 say they can exempt family-owned farms and businesses by raising the family-owned business exception to $2 million. It will not work. It has already been tried. It has already been proved to fail.

Let me explain. When the Treasury Department came out with their figures saying that only 3 percent of estate tax returns are primarily composed of farm and business assets, I wanted to know what they wanted. I did not argue with their number. I wanted them to explain.

So I called the Office of Tax Analysis at Treasury to ask them what their definition of "primarily comprised" is. Their answer? At least 50 percent of the overall value of the estate.

What the opponents of H.R. 8 do not tell us is that, in order to qualify for the family-owned business exemption, at least 50 percent of the overall value of the estate must be comprised of business or farm assets.

What about the individual's home? How about the 401–K or any other savings? What about any assets in that estate that are not the business or the farm? This definition hurts especially small family-held farms and businesses.

So if they do believe their Treasury numbers, which they must believe, because they have been touting them throughout the debate, they must concede what we have always known, that only 3 percent of family farms and businesses will ever qualify for their relief. Their own Treasury analysis exposes the false relief they are proposing.

Fourth and last, the substitute raises the death tax burden on all States at the same time it reduces rates. Under current law in States that still have estate tax laws, a family will receive a Federal death tax credit equal to their State death tax liability. This substitute eliminates the tax credit for States that have a death tax.

The net result is that the substitute slightly reduces the rate, but this is offset by an increase in their death tax liability because of a loss of the credit.

The substitute raises taxes, maintains high death tax rates, provides hollow relief for family farms and businesses. Most importantly, it retains the death tax.

There is only one way to rid the Code of this immoral, unfair, onerous, economically unsound tax, and that is to eliminate it.

I urge my colleagues to reject this substitute. Let us get rid of the death tax once and for all. Support H.R. 8.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, there is agreement from both sides of the aisle today that there are very real problems with the estate tax that we need to address.

Some small businesses and family farms cannot be passed from generation to generation because the estate taxes imposed upon the death of the owner plays too great a financial responsibility burden on the remaining family. This is wrong.

But I encourage my colleagues to examine carefully the substance of H.R. 8 and the Democratic alternative to see which proposal actually delivers the relief we all want to provide.

I want to bring estate tax relief to the people I represent in the 17th district of Texas. Family farmers and small business owners. But I want to do so from a fiscally responsible way, that which does not harm debt reduction or endanger necessary programs, such as defense, Social Security, Medicare, veterans programs. That is why I support the Rangel-Cardin-Stenholm substitute and oppose H.R. 8.

Unlike H.R. 8, the Democratic alternative does not threaten Social Security and Medicare, with all due respect to the gentleman from Texas (Mr. ARCHER). The back-end loaded costs of the bill will threaten our ability to meet the challenges facing Social Security. This explosion in costs will come at the exact time the Social Security and Medicare trust funds will begin to face financial challenges and the Treasury will have to redeem the assets held by the trust funds to pay the benefits.

The Democratic alternative provides immediate estate tax relief. The $4 million per family exclusion for farms and small businesses, the 20 percent across-the-board rate reduction for all estates, and increase in the unified credit of $1.1 million in the Democratic alternative would all take effect immediately.

By contrast, H.R. 8 would make small businesses and family farmers wait for 10 years to receive the amount of relief that would be made available January 1, 2001, under the Democratic alternative. I would ask my friends on the other side of the aisle, why should we make them wait 10 years before they get the relief we have all been talking about today?

The Democratic alternative is much more fiscally responsible than H.R. 8. H.R. 8 would cause an enormous long-term revenue loss which will undermine the fiscal discipline that has produced a strong economy and jeopardized our ability to retire our national debt.

Many of my colleagues have stood here and made statements that I totally agree with. It is not the Government's money; it is the people's money. But how quickly we forget it is the people's debt, $5.7 trillion. How quickly we ignore the Social Security unfunded liability of $7.9 trillion when it comes to a tax cut that is politically popular to a few folks today.

Let us stay with fiscal responsibility. The Democratic alternative does a much better job of targeting. It would immediately exempt 99 percent, 99 percent of family farms and estates from estate taxes and reduce the number of estates subject to the estate tax by 50 percent.

The Democratic alternative provides meaningful relief which can become law. We can give the relief that we are all concerned about and give it immediately. H.R. 8 will not do so.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. SHAW), a respected member of the Committee on Ways and Means, the chairman of the Subcommittee on Social Security.

Mr. SHAW. Mr. Speaker, much has been said on this floor that is simply not true. What is threatening Social Security today? The inaction of the other side of the aisle, the uncooperative spirit, not all Members. I am not speaking to all Members there. But we have reached out to the Democrats time and time again with the Archer-Shaw proposal.

We have been met with this wall of silence. We have reached out to the President who made this his big promise in facing the Nation, standing right behind where I am standing today. We have been met with a wall of silence. That is what is threatening Social Security today, not elimination of the death tax.

What I think has been missing from this debate and is certainly missing from the substitute is the answer to the question that each Member should ask themselves as they come down here to vote today.

Is the death tax a just tax? Should the event of death be taxed by the United States Congress and collected by the Internal Revenue Service? Should the family have to meet with the Internal Revenue Service the same day they meet with the undertaker? Is that a just tax? Is it a just tax? Is it a just tax that will destroy jobs and destroy businesses and destroy family farms? Is that a just tax? Is it a just tax to tax again at the highest rate that we have in our whole tax system, funds and wealth that has already been taxed by our income tax and God knows how many other taxes? Is that a just tax?

I think the resounding answer is no. That is not a just tax. To say we are going to lessen the effect of it by the substitute that does not make it an even more or any more just tax. The fact that maybe the wealthy are getting, or top 2 percent are the only estates that are being taxed in this country, is that a reason to keep an unjust tax? That is not what this country is all about. That is not what this Congress is all about.

Let us reject the substitute. Let us get rid of this unjust tax, and let us vote to repeal the death tax forever more.

Mr. STENHOLM. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, of all the taxes that could be repealed, this is perhaps one of the least justified. The rhetoric would state that the Federal Government is decimating the lives of millions of families yearly by snatching away their hard-earned savings just when they are most vulnerable, driving small business and farm families into oblivion while squeezing every penny possibly out of them.

The facts have been stated before, but let me state them again. Only 2 percent of the families are even subject to estate tax under current law. Of this 2 percent, only 3 percent are families with small businesses or farms. In other words, for every 10,000 estates, only six of them are farms or small businesses subject to the estate tax. To put it visually, if this piece of paper represents all estates, then this tiny part of it represents the issue in front of us today and what we are about to do.

Of course half of the people in my district think they are going to pay. That misconception is what makes this work politically. Acknowledging reality, however, does not mean that there are no steps we can take to ease the problem for those who are subject to the estate tax or ease the minds of those who think they are. Those steps are represented today by the Democratic substitute.

Our substitute reduces the maximum tax rate by 20 percent to 44 percent. It increases the current $1.3 million exclusion to small businesses and farms to $4 million for a married couple, and it immediately increases the general exception to $1.1 million.

I had some small businessmen come by the other day. I explained to them what we were about to do. They said that is more than we need, based on the approach by the gentleman from New York (Mr. RANGEL).

I came to Congress in 1988, but even I remember a time when a Member could get something into a House bill, see it dropped in conference and feel bad about it. Now Members seem to crow about getting a bill to pass the House that everyone knows is designed to die.

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In Washington, representatives do their clients and we do our constituents a disservice by participating in such a farce. We face a choice: Support a compromise that provides significant relief for all estates, but especially small businesses and family farms; or kill the bill once again around here and get nothing. That is the vote on the floor today.

I suspect the majority intend to vote to kill the bill and get nothing. But, my God, let us not ask for credit for having done that.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from Missouri (Mr. HULSHOF), another respected and distinguished member of the Committee on Ways and Means.

Mr. HULSHOF. Mr. Speaker, I thank the gentleman for yielding me this time, and, Mr. Speaker, a recent editorial in the Washington Post earlier this week denounced our actions today and the title of the editorial was Government by Bumper Sticker. And, of course, the editorial set out many of the same arguments we have heard from those on the other side.

I guess if I were to think of a bumper sticker, it would be one I saw over the break of the Memorial Day recess. The bumper sticker on the back of this RV traveling the highways of Missouri said, I am spending my kids inheritance. Now, I will confess, I took a quick double take to make sure the occupants of that RV were not my own parents on a cross-country spending spree. But then I began to think about the gist of that sticker, and how it is that in some instances it is cheaper to dispose of family assets before death than passing it on to our descendants and making them sell off those family assets after death.

I suppose our friends on the other side will say we should take some solace in the fact that at least predeath that they are enjoying the fruits of their labor rather than collecting those fruits, bringing them here to Washington and then letting 535 Members of the House and Senate decide how to spend the fruits of those labors. But I say, no. And with all due respect, and with high regard for my friend from New York and his substitute, I guess if I were to pick a bumper sticker for the substitute it would be Mend It, Don't End It.

I would ask the gentleman and everybody that would say we should not have a complete repeal to justify for me the continuation of the inheritance tax. And I see my friend from Vermont would like to justify for us why he believes we should not do that, and I will let him do so on his time, but knowing his political ideology, I imagine it would be that we should redistribute wealth in this country. And I appreciate that, yet we already have a redistribution of wealth in this country through the progressive tax rates and the fact that we deny tax deductions and credits for those that are successful in this country.

What has not been discussed here is the economic cost of compliance and avoidance of the tax. The fact is that the Joint Economic Committee says that in 1998, $23 billion were spent to avoid the tax. The same amount that we generated in revenue. My colleagues, it is time to be bold. And with all due respect to the substitute and the intent behind it, if I were again to pick out a bumper sticker that I support it would be "It's Time to Give the Death Penalty to the Death Tax." Reject the substitute and vote in favor of H.R. 8.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS) in order to respond to the previous speaker.

Mr. SANDERS. Mr. Speaker, the gentleman said, well, why should we not repeal the estate tax. Let me tell him why. There are millions of Americans in this country, senior citizens, who suffer and die because they cannot afford prescription drugs. And this country does not have a strong program to say to the sick that they can get the prescription drugs they need without taking money out of their food budget.

What the gentleman is doing today is giving the wealthiest 2 percent of the population, billionaires, a huge tax break. And then my colleagues will come before the American people and say, gee, we do not have the money to protect the sick and the old.

In my district there are middle-class families who are going deeply into debt so that they can send their kids to college, and some of these kids graduate college $50,000 in debt. And what my colleagues are saying today is, hey, Bill Gates and his friends, who contribute huge amounts of money to the political process, to the Republican Party, they need a tax break. I say that is immoral.

There are families in this country who work 40 hours a week and they sleep in their cars because we have not put money into affordable housing. Yet my colleagues say, hey, I have millionaire friends who have gone to a $25,000 a plate fund raiser, we have to give them a tax break. And my colleagues say, we do not have money for affordable housing, we do not have money for education. There are 44 million people in this country who have no health insurance, but my colleagues say we cannot afford that because they are too busy giving tax breaks to the richest people in this country.

I have heard my Republican friends use the word immoral and unjust to describe the estate tax. I will tell them what is immoral and unjust. It is immoral and unjust that we give tax breaks to those people who do not need it while we ignore the suffering of millions and millions of people who need help today. That is why.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I would like to share a poem that I think says it all in our debate today.

Tax his cow, tax his goat, tax his pants, tax his coat;
Tax his crops and tax his work, tax his tie and tax his shirt;
Tax his shoe, tax his smoke, teach him taxes are no joke;
Tax his tractor, tax his mule, teach him taxes are the rule;
Tax his oil, tax his gas, tax his notes, and tax his cash;
If he hollers, tax him more, tax him till he's good and sore;
Tax his coffin, tax his grave, put these words upon his tomb: "Taxes drove me to my doom."
After he's gone, he can't relax, they'll still go after Death tax.

I would like to urge all my colleagues to vote against the Rangel substitute.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN), a member of the Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Over the years, Mr. Speaker, all of us have heard from small business owners and family farmers who want to pass on to their descendents the fruits of their labor, and I empathize with them. And I have worked, as many of us have, to have estate tax relief for them. Particularly, and most noted, was the Taxpayer Relief Act of 1997. The law specifically helps owners of small businesses and family farmers.

But like many of my colleagues, I want to provide more help to those involved in family farms or small businesses. So this year, once again, I would like to support a fiscally responsible alternative that focuses estate tax relief where it is needed. The alternative would cut estate tax 20 percent across the board, reducing the maximum rate to 44 percent. The proposal would provide a transferable $2 million exclusion for farms and small businesses. That means a married couple with a farm or a small business would receive a $4 million estate tax exclusion.

Mr. Speaker, I urge my colleagues, especially those in agriculture, to see what the alternative means for them. Based on a 1998 USDA survey, only 1.5 percent of farms have a net worth of more than $3 million. In other words, more than 98 percent of the farmers benefit from the alternative that I am going to support.

The alternative has three other advantages over H.R. 8. First, it takes effect, which we have heard, in 2001 rather than in 10 years. If a person happens to die before 2010, that person's heirs will not enjoy the full benefit of H.R. 8. Second, it costs far less than H.R. 8; around $2 billion a year. Finally, we have heard, unlike H.R. 8, the alternative could be signed into law.

Let us look at the cost factor. By the time it is fully implemented in 2010, H.R. 8 will cost $50 billion a year. If the House were really interested in helping the living, it might have considered using the money in other ways. A bipartisan bill I am going to talk about with people on Ways and Means is H.R. 957. I talked to my farmers. They need relief today, not when they are dead. They said, give me the farm and ranch risk management, which I have supported and introduced with my fellow Republicans, which would give all growers an ability to defer taxes in good years and use the money in lean years. This bill costs $100 million a year, not billions.

There are all sorts of other bills, including one to provide a capital gains tax exclusion for farms similar to the ones given on homes. Well, we cannot find the funds for these and other proposals to help businesses, but we can find $104 billion in H.R. 8. But if H.R. 8 is vetoed, then thousands of taxpayers who operate family businesses gain nothing.

I wonder which is better for family businesses, a bill that will not become law or a bill that helps them?

Mr. ARCHER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this bill is a proposal to eliminate the estate tax in the future. The bill and the Democratic alternative will allow the continuation of something and the beginning of something. These are proposals to maintain small family farms and small family businesses. These are proposals that preserve the important past by protecting the precious future.

I intend to vote for both proposals. The Democratic alternative provides greater relief, more immediately. Providing up to $4 million would indeed help many small farmers and small businesses. H.R. 8, on the other hand, would repeal the tax all together. That is an attractive proposal. It is also, we must recognize, is a costly proposal.

As we seek to save the small family farm or business, we must also make sure we do not sacrifice Social Security, Medicare, or other progress made in reducing and eliminating the debt. I am hopeful that as we proceed with this legislation to provide estate tax relief, we will continue our fiscal responsibility.

Reducing or eliminating the estate tax is an essential thing to do. It is the prudent thing to do. It is the right thing to do. By doing what is prudent and right, we can ensure that the lifeblood of many American families, the small farm and the small business, will continue to survive.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

My friends, the American estate tax system is 85 years old. Who supported the creation of the American estate tax system? Well, one of the first supporters was Republican President Theodore Roosevelt. Why would he do such a thing? Well, he did not want to have two America's, a have and a have not. What do we have today in America? We have a nation where the top 1 percent of our people, the top 1 percent, own 40 percent of the Nation's assets, twice the amount held by them in the past 20 years.

Today, my friends, the House has a choice: The Democrat plan to reform the estate tax system, a reform plan that would leave 99 percent of Americans paying no estate tax and still cutting the estate tax for the top 1 percent; or the Republican plan, on the other hand, which adds another $40 billion in cost a year in order to eliminate the tax for the top 1 percent.

My friends, I believe that most Americans feel that that $40 billion extra would be better spent going to save Social Security and Medicare, or paying down our $5.6 trillion national debt, which is now being assumed by our children, or providing prescription drugs for our seniors, strengthening our military, fixing our public schools and providing health care for 45 million uninsured Americans.

The time may come when our country can afford to entirely eliminate the estate tax for the top 1 percent, but not today. Let us eliminate taxes for 99 percent of Americans, cut taxes for the top 1 percent, and pass the Democrat reform plan.

Mr. ARCHER. Mr. Speaker, I yield 3½ minutes to the gentleman from Louisiana (Mr. McCRERY), another respected and distinguished member of the Committee on Ways and Means.

Mr. McCRERY. Mr. Speaker, I thank the gentleman for yielding me this time.

Several Members in support of the Rangel substitute, Mr. Speaker, have begged us to adopt the Rangel substitute because their farmers need help now. Well, I find it curious that the Farm Bureau has endorsed not the Rangel substitute but the underlying bill, which I hope will pass this House today. That is real relief to farmers, not the Rangel substitute.

Let me talk about why that is. Three years ago, in 1997, I was the author of a bill to do what the Rangel substitute attempts to do today; that is to give a higher exemption, so to speak, to family farms, family businesses from the estate tax. I pursued that course for two reasons. Number one, in 1997, we were not expecting the huge surpluses at the Federal level that we are today. We had very much more limited revenue over expenditures to work with for any tax cuts. So I chose a route to try to do the most good with the estate tax that I could with the limited dollars that we had to spend. And the route I chose was to try to direct the relief at family farms and family-held businesses.

We got a lot of support for that route. We finally got some of my bill into the tax bill that was signed by the President in 1997, and that became law. And since then, those family farms and family businesses have been eligible for a higher exemption from the estate tax than everybody else. Unfortunately, I was wrong in 1997. That relief that we tried to give family businesses and family farms has not taken place. Why? The Committee on Ways and Means heard testimony last year from tax experts and, indeed, from the National Federation of Independent Businesses, who had backed my proposal in 1997, and they told us that that attempt to exempt family farms and businesses from part of the estate tax has not worked because it is too complex.

There is no way to ensure that a family looking forward can comply with all of the requirements that are necessary to qualify for that exemption. As a consequence, we just have not been able to bring those family farms and businesses under this exemption. It was well-intentioned, I was well-intentioned in 1997, I think it is well-intentioned today, but it will not work.

So I will ask my colleagues in this House to reject the attempt of the gentleman from New York (Mr. RANGEL) to simply expand on the failed attempt that I made in 1997 to help family farms and businesses and, instead, to go with the Archer bill today that repeals the estate tax once and for all. We phase it in over 10 years. It is a responsible plan. We have the revenue to do it, and there is no reason to continue this extremely unfair, I would submit the most unfair, part of our Tax Code.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Here we go again, another week, another irresponsible Republican tax cut. Now, I believe that we do need to provide immediate estate tax relief for those who own family businesses, but this Republican repeal of the estate tax costs so much, $50 billion a year when fully phased in, that it does threaten Social Security and Medicare, and makes much less likely the chance that we will provide prescription drug coverage for our seniors.

Now, I have talked to a lot of small business owners in my district of Maine, and the stories they tell are compelling, and Congress should do more to lift the tax burden on these essential family businesses, family businesses that make up a large part of the life of our smaller communities. The Democratic alternative would provide immediate tax relief to closely-held businesses and family farms by reducing all estate tax rates 20 percent across the board and increasing the small business exclusion to $4 million per family. This Democratic alternative is a step in the right direction and provides more immediate relief than the Republican plan.

Now, let us be clear. The President will veto H.R. 8. So the choice for us today is clear: An irresponsible tax plan, with costs that explode in the future, threatening Medicare and Social Security for the baby-boom generation; or a bipartisan plan that will provide immediate tax relief to those who truly need it.

Vote "yes" on the Democratic substitute and reject H.R. 8.

Mr. ARCHER. Mr. Speaker, may I inquire how much time remains on each side?

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from Texas (Mr. ARCHER) has 14½ minutes, and the gentleman from New York (Mr. RANGEL) has 13 minutes.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX).

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Mr. COX. Mr. Speaker, it has been instructive to listen to the debate, because we are coming together, Democrats and Republicans, to appreciate that the death tax is unfair. It is unfair, because it is a double tax on the aftertax lifesavings of an individual.

The only cavil that seems to be, not all but some Members on the minority side have is, first, that the death tax is expensive, by which they mean it raises revenue that we might lose if we repeal it, and, second, that it is a way to keep us from having two Americas of haves and have nots.

But the truth is the death tax is expensive in a way that perhaps these people do not quite apprehend. It is expensive to collect. Every time we try to collect the death tax, we get thrown into a lawsuit that lasts for years. It is one of the most expensive taxes to collect that we have on the books.

It reduces other taxes, such as income taxes that we collect, because as a tax avoidance scheme, people give away money during life and, thus, reduce, because they get a deduction, they reduce the taxes that otherwise they might owe.

The Secretary of the Treasury, Lawrence Summers, in fact told us this when he was a Harvard economist just a few years ago that this tax might very well lose money for the Federal Government. So by repealing it, we should not worry that it is too expensive. The only expense that we are relieving is that on the American people. Second, this tax which was meant 85 years ago by Teddy Roosevelt to avoid undue concentration of wealth has resulted in just the opposite. We break up, not concentrations of wealth, but farmers and small businesses which are acquired by multinational corporations and real estate developers. That is why environmental groups are supporting complete repeal.

The substitute would keep all the complexities of the more than 80 pages of the Internal Revenue Code that are devoted to the death tax. When tax simplification is the cry of the American people, this is the best opportunity that we will have to achieve that result.

The substitute would raise taxes on families by repealing the current tax credit for State taxes. Let us not raise taxes. Let us cut them. Let us eliminate complexity. Let us do the right thing. Vote down the substitute and vote aye on H.R. 8.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, I just rise to ask a few questions. I have heard an awful lot of comment today about how immoral, unethical, and somehow evil the estate tax is. Well, obviously, we can have philosophical agreements, but I would ask if that is the case, as of right now today, there are 16 States that have their own estate tax of significant nature, 7 of those have a complete Republican-controlled legislature and governor, none of them have repealed it.

Are they completely immoral and unethical, or are they just wrong? If they are just wrong, maybe we better get on the phone and call them and tell them that. And when we do, maybe we need to suggest to them how they are going to raise the $6 billion that they raised in the last year to pay for policeman, fireman, teachers and et cetera.

And on top of that, I just want to repeat what I said earlier, it is not a 50 percent tax, it is a 20 percent tax at this point. The democratic substitute will lower it to a 16 percent tax. The average person after tax, after tax, the average person who is subject to this tax will still have $2.7 million left. My gosh, how difficult it must be to get by on that amount of money.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to another respected and distinguished member of the Committee on Ways and Means, the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the gentleman from Texas (Mr. ARCHER), for yielding me the time, and I thank him for his leadership on this very important issue.

Mr. Speaker, I rise in strong support of H.R. 8, a bill to repeal the death tax. Small businesses and family farms are the lifeblood of our economy. Yet we have a tax system which unfairly taxes these small business employers and farmers twice. Less than half of all family-owned businesses survive the death tax and only about 5 percent survive to the third generation.

After being taxed two, three or four times, Uncle Sam taxes us again at 55 percent when we die. At a time when families need to be thinking about what they can do to bounce back from such a tragedy, they have to worry about taxes. Fiftyfive percent is high enough, but it is 100 percent penalty on employees of small businesses and family farms who lose their jobs when their company or farm is liquidated to pay the death tax.

Since its beginning, America has been about building a better life for people and their children. A farmer's commitment to not sell his farm, to invest his profits in his farm, and to continue working instead of retiring, that is what America is all about. And there is nothing more un-American than telling that farmer and family, you are going to have to give the fruits of your labor and your children's future to the government.

Mr. Speaker, death by itself should not trigger a tax. The 50,000 farmers in Michigan deserve to have this tax repealed. Let us give them the opportunity to focus their attention on building their farms and providing for their children, rather than figuring out to avoid losing their farm to the government.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. HILL).

Mr. HILL of Indiana. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I respect thousands of family farmers in southern Indiana. I have family members who operate family farms. I understand how the estate tax can cause a lot of hardship for asset-rich and cash-poor family farms. It sometimes can prevent farmers from passing their farms on to their children which is a real tragedy.

I support the substitute to this bill, because it sends immediate estate tax relief for the family farmers and small businesses who really need it. The majority proposal requires farmers and small businesses to wait 10 years for estate tax relief. Family farmers and small business operators need estate tax relief now, not 10 years from now.

Mr. Speaker, I also support the substitute to H.R. 8, because unlike the Majority proposal, it offers estate tax relief in a fiscally responsible way. When it is fully implemented, H.R. 8 will costs $50 billion a year which threatens our hard-won balanced budget.

I believe it is more important to continue paying down the national debt and protecting Social Security and Medicare than giving a tax break to people whose estates are worth tens or even hundreds of millions of dollars.

Mr. Speaker, I urge my colleagues to support the substitute.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a respected and distinguished member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means for yielding me the time, and I rise in opposition to the substitute offered by the ranking member of our committee.

Here is the fundamental reason why I rise in opposition:

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Mr. Speaker, this would leave in place all the intricacies, the infrastructure, if you will, in law of the death tax. There are those, as has been aptly illustrated in this body, there are those intent on raising taxes. There are those who believe in a radical redistribution of wealth, and those who have stood to defend the death tax essentially are accepting the notion of double taxation. This keeps in place all of the complexities, and it would actually raise taxes on families by repealing the current tax credit for State taxes. So that is something very, very important to remember.

The other thing I would point out today to the body, Mr. Speaker, is that having listened with interest to my good friend who joined us from Indiana and who offered his point of view on this, if the substitute is such a good idea, why does the American Farm Bureau embrace the complete repeal of the death tax? Why does the National Hispanic Chamber of Commerce, why does the National Black Chamber of Commerce join with a bipartisan majority to embrace total repeal of the death tax? It is because of efforts, well-intentioned though they may be, by some on the left to leave in place the infrastructure and bit by bit, brick by brick, element by element, reintroduce and expand the death tax.

I would remind our body collected here today, Mr. Speaker, that during a previous Congress, indeed, the 103d Congress, there was a move afoot to expand death taxes. We do not want that. Let us repeal the tax and vote against the substitute.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman for yielding me this time. I rise today in strong opposition to H.R. 8 and in strong support for the Democratic substitute.

Once again, the Republicans have shown us their recklessness by spending the budget surplus on an irresponsible tax cut for their special interest allies with no investment in Social Security and Medicare. Furthermore, just yesterday we were here discussing the massive cuts to our Education, Health and Labor Departments. How can we today stand here in good conscience and debate spending $105 billion on tax cuts when yesterday we could not even guarantee that all of our children will have a quality education in this, the richest country in the world.

Mr. Speaker, I strongly support providing relief to smaller estates, family-owned small businesses and farms; but I believe that we can do this in a more fiscally responsible way with targeted relief. The Republican bill does not represent targeted relief; it represents preferential treatment. It seeks to benefit only 2 percent of Americans, and yet, with H.R. 8, it is evident that the Republicans feel that only 2 percent of Americans should be represented.

Well, I am here representing the other 98 percent, and I say no to H.R. 8.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding me this time. I commend him and his very fine leadership on this, what I have called, traditionally, the most onerous tax in the Code. It is a disincentive against savings, a disincentive against investing.

I have heard countless presentations from this floor yesterday and today about horror stories where people who are not wealthy by any means have been devastated as a result of the imposition of the estate tax. Call it the estate tax, call it the inheritance tax, but call it what it is: the death tax. Mr. Speaker, I commend the chairman of the Committee on Ways and Means and our Democrat friends that have supported us in this bill. This is a bill that is long, long overdue and should be enacted; and I urge its support.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the Democratic substitute provides targeted tax relief for middle-class families, small business owners, and farmers without putting at risk or fiscal discipline, our investments in education, and targeted tax relief that we could be providing to America's middle-class families.

The Republican tax break is another example of their misguided priorities. Before they have done anything to strengthen Social Security and Medicare or provide a prescription drug benefit for our seniors, they provide a tax break to the wealthiest 2 percent of all Americans who control 40 percent of the wealth in this Nation. It comes out to $105 billion over the next 10 years, over $50 billion in tax cuts to the richest people in the United States. That is their idea of tax fairness: millions for the rich, not a penny for the middle class.

We have heard a lot about family farms and small businesses. Well, the Democratic tax cut ensures that the family farm will be passed on. It guarantees small businesses can continue as family-owned businesses. It provides immediate tax relief to these families, and it does this without squandering our surplus, undermining Social Security and Medicare, or risking our investments in education, health for our seniors. Vote for the Democratic substitute.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, do not be fooled by the spinmasters on the right. They are solving a problem that does not even exist, while the poorest in America who do not enjoy our great prosperity continue to be ignored by the leadership of this House.

We need real priorities: the Older Americans Act, which provides meals and other services to our seniors. Priorities: the Ryan White Care Act, which provides health care and medication for children suffering from AIDS remains to be reauthorized. Priorities: the Patient's Bill of Rights, which is supported by an overwhelming majority of Americans, still sits in conference.

The multimillionaires can take care of themselves. Let us pass legislation that really helps the working families, not helping the rich get richer under the House leadership.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Speaker, it is amazing, the people that talk about how can we risk this much money on a risky tax scheme. Let me read a letter from somebody who has been impacted by this death tax, and then my colleagues can come back and say it is a risky tax scheme.

"Today marks the first day of the ninth month since my dad passed away. He was a physician specializing in chemotherapy treatments for cancer patients. He grew up in a very poor family in Brooklyn, New York and he still managed to put himself through school and become a doctor, without any help from government, I might add. His plan was to retire this summer, after doing so much good for his patients and our community, and spend the time sailing on his 15-year-old, 27-foot sailboat that he bought 2 weeks before he died. He paid untold sums of money in taxes throughout his lifetime while working to the age of 65, a requirement necessary to save enough money to retire at a financial level that a physician deserves. While paying 50 percent of his income in taxes to the government, money that might otherwise have been used to fund an early retirement, he died.

"I am his son and executor of the estate that he worked so hard saving for and did not get to enjoy. Today, I am going to have the pleasure of writing 2 checks totaling nearly $1 million divided between the State and Federal Government. This is the most revolting and disgusting thing that I have ever had to do. When the CPA told me how much money the death penalty imposes on my dad's estate, I literally almost threw up. As a result of my dad's strong desire to save for his retirement, the majority of his estate is in Individual Retirement Accounts, and you know the tax consequences that creates when distributed to heirs, right? After all is said and done, the government will have taken over 50 percent of my dad's property and money.

"I adamantly believe that the government's only societal role is to protect the rights, lives and property of law abiding citizens. Period. All socialized legislation beyond that is an unnecessary intrusion into my life and a waste of my money.

"The government already confiscates too much money through taxation by means of income tax, property tax, capital gains tax, gasoline tax, Social Security tax, Medicare tax, telephone tax, hotel tax, airline ticket tax, energy tax, entertainment tax and numerous other hidden excise taxes that I continuously pay.

UPLAND, CA, *March 6, 2000.*

Representative GARY MILLER,
Diamond Bar, CA.

DEAR REPRESENTATIVE MILLER, Today marks the 1st day of the 9th month since my dad passed away. He was a physician specializing in chemotherapy treatments for cancer patients. He grew up in a very poor family in Brooklyn New York, and he still managed to put himself through school and become a doctor, without the help of the government I might add. His plan was to retire this summer, after doing so much good for his patients and our community, and spend time sailing the 15 year old 27 foot sailboat he bought two weeks before he died. He paid untold sums of money in taxes throughout his lifetime while working to the age of 65, a requirement necessary to save enough money to retire at a financial level that a physician deserves. While paying 50% of his income in taxes to the government, money that might otherwise have been used to fund an early retirement, he died.

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The government already confiscates too much money through taxation by means of Income tax, Property tax, Capital Gains tax, Gasoline tax, Social Security tax, Medicare tax, Telephone tax, Hotel tax, Airline Ticket tax, Energy tax, Entertainment tax and numerous other hidden Excise taxes that I continuously pay.

Having stated that, and inasmuch as you are supposed to be representing me, can you write me back with even one good reason that validates the usurpation of one million dollars that was left by my dad, to my family?

Sincerely,

TODD M. KOLBERT.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, how irresponsible have we become? How greedy have we become? We all pay taxes; we all have a responsibility to pay down the debt. This is irresponsible, and it is a callous disregard for all Americans, when we only favor the top 2 percent of the richest.

Let us cut the taxes on all Americans, not just on the richest 2 percent of this country. The top 1 percent own 40 percent of the assets. This piece of legislation would even cause the divide to even be more between the haves and the have-nots. This is un-American, it is unfair, it is unethical and irresponsible. It is heartless, to think that we are going to be giving $50 million to the top 2 percent richest when, at the same time, we have said no to our veterans. This same Congress has said no to our veterans. When we have promised them access to health care, we have said no. We have been unwilling to give them that $5 billion that they need; yet we say yes to the 2 percent of the richest of this country when we say that we are going to give them $50 billion.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. EWING).

Mr. EWING. Mr. Speaker, I thank the chairman for yielding me this time. I rise in support of H.R. 8, the Death Tax Elimination Act.

This is one of the worst taxes we have in America. America is renowned as the place where through hard work and sacrifice an individual can make a better life for himself and his family. We have an entrepreneurial spirit that is unmatched in any other country, and it is because of the ability to make it here in this country.

What is the trouble with the Federal estate tax? It does away with that. It kills small businesses; it kills the family farm. I say to my colleagues, my constituents who are not wealthy want that ability, and most Americans do. I say we should pass this bill, we should vote against the substitute, and we should eliminate the death tax in America.

Mr. Speaker, I rise today in support of H.R. 8, the Death Tax Elimination Act of 2000. The death tax is one of the most onerous taxes levied upon our citizens and is in complete contrast to the principles upon which this country was based. America is renowned as a place where through hard work and sacrifice, an individual can make a better life for himself and his family. We have an entrepreneurial spirit that is unmatched in any other country and we need to ensure that spirit remains.

That is what is so troubling about the Federal estate tax. It does not encourage hard work and entrepreneurship, but rather discourages it. The only message that the estate tax sends is that if you are hard working and industrious we will not reward you, we will punish you. This clearly is not the message we need to be sending.

Currently, small businesses and farms are being hit the hardest by this unfair burden. Heirs sometimes are forced to liquidate businesses just to pay estate taxes. Allow me to provide you with a personal example of the negative effects of this tax.

In my district there is a business called Niemann Foods which runs a small chain of grocery stores. This company was founded in 1917, by Ferd and Steve Neumann. By 1969 Niemann Foods was a thriving business consisting of two components: grocery stores and a wholesale distribution operation. But then something tragic happened. Ferd passed away unexpectedly. Suddenly the Niemann family was faced with an estate tax bill of several hundred thousand dollars. What could they do? Most of their assets were not liquid, they were tied up in the day-to-day operations and not readily available. The only option available to the family was to liquidate part of the business to pay their tax burden. As a result the wholesale portion of Niemann Foods was sold off and the proceeds given to the IRS, instead of being used to expand the business. The Neimann family now spends countless hours and dollars on estate planning trying desperately to avoid a repeat of this distasteful situation. This is time and money that could and should be put into expanding the business and creating more jobs, rather than being spent trying to guard against losing the business because of a bad tax. The sad and unfortunate reality is that everyone in this Chamber probably has a similar story that they can tell. We should encourage productivity and growth, not stifle it with unfair burdens. This tax is contrary to American ideals and should be repealed.

I have one problem with this bill, it takes too long to accomplish what should be done immediately. If this tax is wrong, it is wrong and we shouldn't take 10 years to rectify the situation. We speak of fairness, but is it fair for people dying today to have a larger tax burden than those who die a year or even ten years from now? I can see it now hospitals will be filled with individuals on life support for years waiting for this bad tax to be lifted. Let's pull the plug on this tax now.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time. I oppose H.R. 8 and strongly support the Rangel substitute. Proponents have said this about helping farmers pass the farm from one generation to the other. If that is the issue, then pass the Rangel substitute.

The U.S. Department of Agriculture says 99 percent of the farms in this country have a net worth below $3 million. The Rangel substitute takes a farm couple and allows them to pass a farm worth $4 million of net worth. We take care of more than 99 percent of the farms in this country under the Rangel substitute.

Similarly, small businesses, up to $4 million. Another way the substitute is better than the majority bill is that it takes effect and it takes effect next year. No 10-year wait for the relief they are talking about. Next year.

Another thing about the Rangel substitute, the President will sign it. There is a veto threat on their bill. It will never become law. Let us provide the relief and make it real, not just issue press releases about another House debate. Vote the Rangel substitute for meaningful relief for family farmers.

Mr. Speaker, I rise in opposition to H.R. 8 and in strong support of the Rangel substitute. Unlike the underlying bill, the Rangel substitute provides immediate estate tax relief for family farmers and small businesses, does not drain resources from other urgent priorities, and, most importantly, it could be enacted into law this year.

First, the Rangel substitute eliminates estate taxes for more than 99 percent of family farms not in 10 years, as under H.R. 8, but immediately. The Rangel substitute allows family farms an estate tax exclusion of $4 million, which exceeds the net worth of more than 99 percent of family farms according to USDA. For all but a handful of the largest farms in the country, the Rangel substitute provides greater estate tax relief than the underlying bill.

Because it is targeted, the Rangel substitute can offer more tax relief for farms and small business without draining resources from other urgent priorities, including tax cuts for working families. By contrast, H.R. 8 would ultimately result in a revenue loss of $50 billion annually, or $500 billion over the second 10-year period. For the cost of repealing the estate tax altogether, Congress could enact tax cuts to reduce the cost of child care, open the doors to higher education, increase the affordability of long-term care, and still have $35 billion left over either to reduce the debt, provide a prescription drug benefit, strengthen our national defense or address a similarly urgent priority.

Finally, the Rangel substitute is the only estate tax relief measure on the floor today that can actually be enacted this year. The administration supports estate tax relief for small business and family farms but has stated unequivocally that the President would veto H.R. 8. As estate tax bill that will never be signed is of no value to the farmers I represent.

For these reasons, I urge my colleagues to support the Rangel substitute and to oppose H.R. 8.

Mr. ARCHER. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, let me speak specifically on this substitute. First, at the margin, it is better than the current law. That is a great breakthrough to see the minority that was proposing increases in the death tax before 1995, to have at least come to where they marginally want to reduce the impact of the death tax.

But in many, many ways, it does not tell us up front what is really a part of the proposal.

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It is very much like Peanuts where Lucy tells Charlie Brown, "Come kick the football," and right before he gets there, she pulls the football away.

And so what they do here is they say we are going to reduce rates; and at the same time if you look at page 2, they raise rates, because they take away the credit, as the gentlewoman from Washington (Ms. DUNN) said, on the State inheritance taxes. So they raise those rates. At the same time they deny all of the small businesses, farms, the benefit of what they say they are giving them. The gentleman from Louisiana (Mr. MCCRERY) spoke to that. They say only 3 percent of the small businesses and farms are taxed today. Let me also say that only 3 percent of that 3 percent will get any benefit from their proposal. That is sad but true as the gentleman from Louisiana said earlier.

And then they go on, and they increase the market value of minority-held interests in nonpublicly traded entities. The courts have ruled against this over and over again and say the tax should be applied only to what is the true market value at the time of death. They create an arbitrary market value that has nothing to do with the true market value for those minority-held interests in nonpublicly traded entities. So they give a little bit on one hand, and they take back big chunks on the other hand.

They also mask the 18 percent lowest marginal tax rate for the death tax. No one will pay the 18 percent. They will start out at 38 percent. It is in the Code. It says the first dollar is 18 percent, but not so. And so they give a little, and they take back a lot.

Vote against the Rangel substitute.

Mr. RANGEL. Mr. Speaker, I yield myself 2½ minutes.

I would like to respond briefly to the chairman of the committee because not too long ago a distinguished Member from the other side who serves on the committee commented that the Rangel substitute was no more than what he and Republicans had suggested several years ago and that he thought it was a good idea at the time; but he had no idea that President Clinton with a Democratic Congress would be able to have a budget to allow us to get the surplus that we are enjoying today, but now that he sees the surplus, then he would say, Let's go for the whole thing.

That is the problem that we have today. You people are not interested in passing laws to take care of the small farmer and small businesses. What you are interested in is politically a veto. If indeed you were concerned about helping the small family farmer and the small businesses, what you would do is say, well, listen, since we can agree with the President, let us get this signed into law, and then maybe if God is willing, you will be in the majority and you can take care of it.

You have been in the majority 6 years, and you have not done a darn thing except push for vetoes. Veto, veto, veto. Every time we reach agreement with you, you kick it up another notch and make it impossible for the President to be responsible and deal with this. This will cost $104 billion over 10 years, and then we have got to hemorrhage $50 billion each year. We have been able to take care of the problem that you have been crying and bawling about for a long time, and we agree that it is an inequity. Why can we not come together where we agree, get the President to sign something, and then for God sake get together and try to resolve some of the other problems, whether it is the marriage penalty, whether it is the Patients' Bill of Rights, whether it is the minimum wage.

You agree with us, but you always kick it up a notch to be irresponsible so that the President cannot sign it into law. There is still an opportunity. If you vote for the substitute, let the President sign it and take credit for it. The only difference between the bills that you have had and the bill that we have got is that we have decided to be responsible, we decided not to gut the budget, we decided to protect Social Security and Medicare and still take care of those people who inherit the businesses and the farms from their parents and their grandparents who worked hard each and every day to provide and leave this for them.

And so I am suggesting, vote for the substitute and then maybe next year we can go further.

Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. BONIOR), the minority whip.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from Michigan is recognized for 3 minutes.

Mr. BONIOR. Mr. Speaker, I want to commend my colleague for his statement.

The other day I was talking, and I noticed that the Republican leaders had gathered around this coffin outside the Capitol building. Like anyone, I wondered, what is going on out there? I later learned that they were promoting their estate tax scheme. It was then that I realized what I had seen was a funeral. It was the death of credibility.

What else can you call a scheme that costs some $50 billion a year but fails to provide added relief for small businesses and family farms until the year 2010? You can call it a lot of things, but one thing you cannot call it is a credible tax relief package. Oh, sure, some people stand to gain from this. If you happen to be one of the richest people in the world, this plan could cut your family's taxes by literally tens of billions of dollars. But for 98 percent of Americans, this bill will not even provide one dollar's worth of relief.

It will do something, though. Oh, it will do something. It will squander $50 billion a year just at a time when we need it the most. That means undermining our ability to guarantee the solvency of Medicare and Social Security. It means harming our chances of paying down the debt. And it will work to prevent us from investing in better schools, in child care, in a clean environment, in fighting crime, in taking care of our veterans.

We Democrats have an alternative, a responsible plan that provides an estate tax break that we can bank on without breaking the bank. Our plan immediately provides a $4 million per-family exclusion for farms and small businesses. In fact, it immediately exempts 99 percent of family farms from estate taxes. It reduces by almost half the number of estates subject to the estate tax.

So what we have here, Mr. Speaker, is a choice between credible estate tax relief or tax cuts for the incredibly rich. If you believe in standing up and working for working families, the choice in this debate is clear.

I urge Members to vote no on the Republican scheme and to support the Democratic alternative.

Mr. ARCHER. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. HASTERT), the respected Speaker of the House of Representatives.

Mr. HASTERT. I thank the gentleman for yielding me this time.

Mr. Speaker, I have a great deal of respect for the minority whip who just spoke, but I think he made a mistake when he walked by that funeral display. The funeral is the death of and putting away the death tax.

When we talk about credibility, we can talk about a lot of things. When I first came here, we had a deficit of a huge number, $450 billion. We had a debt of $5.5 trillion. We started turning that around. Just in the last couple of years, we have said, none of our dollars in Social Security are going to go into the general fund. We are going to set that aside for Social Security. We are going to do a better job of education. We have seen a steady increase in dollars for education. We are going to help our young men and women in defense so that they do not have to be on food stamps to feed their family. We do have a surplus. We are talking about a big surplus in the next couple of years. We have two things that we can do: we can pay down the debt with that surplus, or we can give some of that money back to the people who made it in the first place.

As of September of this year, we will have paid back $350 billion on the public debt. That is a first good step. We have not done it all by ourselves. We have done it with help from our friends on the other side of the aisle. I do not say it is all partisan one side or the other because we have to work on a bipartisan basis. But the other question is, what do we do? The gentleman from the other side of the aisle said, We're going to take $50 billion. We can't afford it. And where does that money come from? The Federal Government reaches in and takes it away from people who have paid taxes all their life, that have built a small business or a family farm. When they die and they want to pass it on to their children and their grandchildren, the Federal Government comes in and takes it away, 52 percent to 55 percent of that entity; it takes it away.

Let me tell you a story. When I was a young man, my father-in-law died. He was a farmer in southern Illinois. I thought maybe I would like to be a farmer. But by the time that we got the death tax taken care of and at that time Illinois had a death tax, too, every tractor, every combine, every extra roll of fence, every head of cattle was sold off so we could pay the State estate tax and the Federal death tax. I might have been a good farmer. But I did not have that choice.

I ran for the legislature in 1980. The gentleman from Illinois (Mr. EWING) and I helped take the death tax off in the State. We helped relieve that a little bit. I have always given him a great deal of credit for doing that. I was giving a speech not so long ago in Wichita, Kansas. It was a small dinner group of probably 50 people. Halfway through my speech, there was an older gentleman who stood up and said, Wait a minute, young man. He got my attention. He called me young man. He was probably 85 years old. He said, I have a small business just west of town. I write 96 pay checks a week. Something is going to happen to me someday. I want to pass that business on to my children and my grandchildren. The Federal Government is going to come in and take 52 percent of that business. When they do, we are going to have to sell every truck, every piece of equipment. I cannot pass that business on as an entire entity from generation to generation. There are 96 families in this town that will not have a job anymore.

We talk about big entities, multinational businesses and big corporations. Do you know what happens when you have to sell the family farm? Do you know what happens when you have to sell that small business? You sell it to the big guys, because you get the cash out of it and pay the Government. And so when you deprive families from passing that entity, that business, that farm, that ranch from one generation to the other, you say, we are going to give this to the big guys. We are subsidizing the big guys. We are pushing the bigger and bigger entities in this country. We are taking away from the families.

I say this is a vote for the families of this country, of the United States of America. Defeat the substitute, vote for the proposal, and let us get on with it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H.R. 8, the Death Tax Elimination Act of 2000 and strongly support the Democratic Alternative.

I think we are in agreement on both sides of the aisle that the estate, gift, and generation-skipping transfer taxes are unduly burdensome on all taxpayers and that changes must be made. However, H.R. 8 is not in the best interest of our Nation, particularly in terms of relief to small businesses and small farms.

Although, H.R. 8 attempts to alleviate the heavy burden of the estate tax, it lacks a feasible solution to alleviate these tax burdens faced by many small businesses and small farms. Many small business owners and farm owners have told me compelling stories regarding their plight and they want to ensure that in the foreseeable future that they will be able to pass on their farms and small businesses to their loved ones.

The Democratic Alternative will provide immediate tax relief to these same small businesses and farm owners. Specifically, this alternative will raise the special exclusion to $4 million for a couple owning a farm or small business. For instance, a small business owner in my district can pass on their business intact with no estate tax whatsoever if it worth up to $4 million.

In addition, because H.R. 8 is phased in over ten years, a couple passing on their farm or small business in the near future would avoid more tax under the Democratic plan than under this bill with calls for a full repeal. See—More people than ever before are becoming millionaires by working hard and investing wisely. By increasing the general exclusion (now at $675,000) to $1.1 million next year, the Democratic Alternative will allow for any person to pass on their wealth to their loved ones without the burden of an estate tax.

In fact, unlike the Republican's full repeal, nobody has to worry about living long enough for the bill to be fully phased in. The Democratic $1.1 million exclusion is effective immediately in 2001. Also, the Democratic alternative will lower estate tax rates by 20% across the board (i.e. the 55% rate would be 44%, the 37% would be 29.6%). As a result, I fully support this fiscally responsible estate tax relief unlike Republican leaders who insist on a full estate tax repeal before any plan is in place to save Social Security and Medicare, or provide a prescription drug benefit for our Nation's seniors, or pay down our national debt.

"H.R. 8 will relinquish nearly $50 billion a year in revenue with no guarantee that this revenue loss will not harm current plans to save Social Security and Medicare in future years. While the official estimates show H.R. 8 costing $28.2 billion over 5 years and $104.5 billion over 10 years, the true cost is cleverly hidden by phasing in the repeal so that the real drain on revenue does not show up until after the 10-year budget window."

By enacting this full repeal, the very richest in our society will be able to pass their immense fortunes to their heirs without a penny of tax. Hence, our Nation's children will share in our burden of saving Social Security and Medicare and paying off our massive national debt. Hence, the real winners of this repeal legislation are not small farms and small businesses but are very wealthy families with immense assets.

Finally, President Clinton has already pledged to veto H.R. 8, because it provides such an unfair relief to the very richest in our society, before saving Social Security and Medicare and paying down the debt. The Democratic Alternative would provide fiscally responsible estate tax relief that the President would sign. However, Republican leaders appear not to care that their repeal bill will not become law! See—the real choice is not between the Democratic Alternative and H.R. 8, but between a negotiated bipartisan compromise or no estate tax relief at all for all of America. I choose relief for all America!

In closing, I again urge my colleagues to oppose H.R. 8, and instead adopt the democratic alternative.

Mr. COYNE. Mr. Speaker, I rise today in opposition to H.R. 8, The Estate Tax Elimination Act. This bill would do nothing to help the average family businesses. Only 2% of estates are now subject to the estate tax. Hard-working Americans should be able to pass their businesses on from generation to generation. However, a full repeal of the estate tax is not necessary to preserve family businesses.

The Democratic alternative offers immediate, fiscally responsible relief targeted to small business owners and family farmers. It would exempt up to $4 million per family in assets from the tax and cut estate tax rates by 20 percent. The Democratic alternative would cost only 20 billion over the next 10 years.

H.R. 8 would cost $105 billion over the next ten years. From 2011 to 2020, the proposal would cost $620 billion. The full costs of this bill would come just when the retiring baby boomers will begin to require more services. This is money we could use to strengthen Social Security and offer a prescription drug benefit for Medicare.

Full repeal also reduces the progressivity of the tax code. The wealthiest Americans would pay tens of billions of dollars less in tax. This bill would cause the gap between low-income people and the wealthy to grow even faster. I urge my colleagues to support Mr. RANGEL's fiscally responsible proposal for estate tax relief targeted to immediately help small businesses.

Mr. KLECZKA. Mr. Speaker, I rise today in support of the Democratic alternative which does three important things to ease the estate tax burden on individuals and family businesses.

First of all, the substitute would nearly double, effective immediately, the estate and gift taxes exemption for individuals to $1,100,000, from the current level of $675,000. This means a husband and wife can exempt $2.2 million of their assets from estate taxes.

Secondly, the Democratic proposal significantly raises the estate tax exclusion for small businesses. Under current law, there is a $1.3 million exclusion from the estate tax for interests in farms and closely held businesses. The Democratic substitute would effectively create a $4 million exclusion per family for farms and closely held businesses. It would accomplish this by increasing the limit on the small business exclusion from $1.3 to $2 million and by providing that the portion of the exclusion not used in the estate of the first spouse to die will be allowed to the estate of the other spouse.

Finally, the substitute would provide a 20 percent across-the-board reduction to the estate and gift tax rates.

I support the Democratic substitute because it provides needed estate tax relief to small business and individuals without breaking the bank. My Republican colleagues have offered a plan to totally eliminate the estate tax, that when fully phased in, will cost $50 billion a year.

Mr. Speaker, we cannot afford to sacrifice our chance to pay down the national debt, ensure the long-term solvency of Social Security, and modernize the Medicare program by passing the Republican bill which will benefit only 2% of the population—those with the wealthiest estates.

I urge my colleagues to support the Democratic proposal, a common-sense and affordable way to give Americans estate tax relief and still provide funds to meet our responsibility to reduce the national debt so this burden will not continue to be placed on the shoulders of our children and grandchildren.

The SPEAKER pro tempore. Pursuant to House Resolution 519, the previous question is ordered on the bill and on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 196, nays 222, not voting 17, as follows:

[Roll No. 252]

YEAS—196

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell

Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sherwood
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—222

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Blumenauer
Clay
Conyers
Cunningham
Danner
Gillmor
Gilman
Istook
Kind (WI)
Klink
Lazio
Markey
McDermott
Smith (MI)
Smith (WA)
Vento
Watt (NC)

□ 1248

Mrs. BIGGERT and Messrs. WOLF, DICKEY and DUNCAN changed their vote from "yea" to "nay."

Ms. BROWN of Florida changed her vote from "nay" to "yea."

So amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KOLBE). The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DOGGETT

Mr. DOGGETT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DOGGETT. Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DOGGETT moves to recommit the bill H.R. 8 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill (page 35, after line 5), add the following new title:

TITLE VI—DENIAL OF GIFT TAX EXCLUSION IF POLITICAL ORGANIZATIONS FAIL TO MEET REPORTING AND DISCLOSURE REQUIREMENTS

SEC. 601. DENIAL OF GIFT TAX EXCLUSION IF POLITICAL ORGANIZATIONS FAIL TO MEET REPORTING AND DISCLOSURE REQUIREMENTS.

(a) DENIAL OF GIFT TAX EXCLUSION.—Paragraph (5) of section 2501(a) (relating to transfers to political organizations) is amended to read as follows:

"(5) TRANSFERS TO POLITICAL ORGANIZATIONS.—Paragraph (1) shall not apply to the transfer of money or other property to a political organization (within the meaning of section 527(e)(1)) for the use of such organization only if such organization is in substantial compliance with subsections (d) and (e)."

(b) INCREASED REPORTING BY POLITICAL ORGANIZATIONS.—Section 2501 is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) RETURNS BY POLITICAL ORGANIZATIONS.—

"(1) STATEMENT OF ORGANIZATION.—

"(A) IN GENERAL.—Every political organization shall file a statement of organization with the Secretary (in such form and manner as the Secretary shall prescribe) which contains the information described in subparagraph (B). Such statement shall be filed not later than 10 days after the date that such organization is established (or, in the case of an organization in existence on the date of the enactment of this section, not later than 10 days after such date of enactment).

"(B) STATEMENT OF ORGANIZATION.—The information described in this subparagraph is—

"(i) the name and address of the political organization,

"(ii) the name, address, relationship, and type of any person which is directly or indirectly related to or affiliated with such political organization,

"(iii) the name, address, and position of the custodian of books and accounts of the political organization,

"(iv) the name and address of the treasurer of the political organization, and

"(v) a listing of all banks, safety deposit boxes, and other depositories used by the political organization.

"(C) CHANGES IN INFORMATION.—If there is a change in circumstances such that the most recent statement filed under this paragraph is no longer accurate, the political organization shall file a corrected statement with the Secretary (in such manner as the Secretary shall prescribe) not later than 10 days after the date that the statement first ceased to be accurate.

"(D) RELATED AND AFFILIATED PERSONS.—For purposes of subparagraph (B)(ii), a person is directly or indirectly related to or affiliated with a political organization if such person, at any time during the 3-year period ending on the date such statement is submitted to the Secretary—

"(i) was in a position to exercise substantial direct or indirect influence over the process of collecting or disbursing the exempt purpose funds of such organization, or

"(ii) was in a position to exercise substantial, overall direct or indirect influence over the activities of such organization.

"(2) STATEMENTS OF CONTRIBUTIONS AND DISBURSEMENTS.—

"(A) IN GENERAL.—Every political organization shall file a statement with the Secretary (at such time and in such form and manner as the Secretary shall prescribe) which contains the information described in subparagraph (B) with respect to each reporting period.

"(B) INFORMATION DESCRIBED.—The information described in this subparagraph is—

"(i) the name and address of each person to whom the political organization made any disbursement during the reporting period in an aggregate amount or value in excess of $200 within the calendar year,

"(ii) a certification, under penalty of perjury, whether such disbursement is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate for public office or any authorized committee of such candidate or agent of such committee or candidate,

"(iii) the name, address, and occupation of each person (and the name of his or her employer) who made (in the aggregate for the reporting period) a contribution in excess of $200 to the political organization,

"(iv) the name, address, and business purpose of any entity, as well as whether the entity purports to be exempt from tax under this title and (if so) the provision under which the entity purports to be so exempt, which made (in the aggregate for the reporting period) a contribution in excess of $200 to the political organization, and

"(v) the original source and the intended ultimate recipient of all contributions made by a person, either directly or indirectly, on behalf of any particular person, including contributions which are in any way earmarked or otherwise directed through any intermediary.

"(C) REPORTING PERIODS AND DUE DATES FOR FILING STATEMENTS.—

"(i) IN GENERAL.—The reporting periods and deadlines for filing statements required by this subsection shall be the same as the periods and deadlines set forth for reports under paragraph (4) of section 304(a) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)). The Secretary shall issue such guidance as may be necessary concerning the filing deadlines for such statements.

"(ii) CERTAIN ORGANIZATIONS FILE ANNUALLY.—In the case of a political organization described in clause (iii)—

"(I) subparagraph (A) shall not apply,

"(II) the reporting period shall be such organization's taxable year, and

"(III) the due date for the statement required by this subsection shall be the due date (without regard to extensions) for filing the return of tax for such year, whether or not such organization is required to file a return for such taxable year.

"(iii) ORGANIZATION DESCRIBED.—An organization is described in this clause if such organization is a political organization which is organized and operated exclusively for the purpose of securing the nomination, election, or appointment of a clearly identified candidate for State, local, or judicial office.

"(D) ELECTRONIC FILING.—The Secretary shall develop procedures for submission in electronic form of statements required to be filed under this paragraph.

"(3) POLITICAL ORGANIZATION.—For purposes of this section, the term 'political organization' has the meaning given to such term by section 527(e) without regard to whether such organization claims a tax exemption under section 527.

"(4) PAPERWORK AND BURDEN REDUCTION.—An organization shall not be required to file any statement under paragraph (1) or (2) for any period if, with respect to such period, such organization submits to the Secretary, under penalty of perjury, a certified statement that the organization has made a filing, which is publicly available, with another Federal agency which includes all of the information requested by paragraph (1) or (2), whichever is applicable, and which specifies the public location where such information may be found."

(c) INCREASED DISCLOSURE BY POLITICAL ORGANIZATIONS.—Section 2501, as amended by subsection (b), is further amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) INSPECTION OF STATEMENTS OF POLITICAL ORGANIZATIONS.—

"(1) IN GENERAL.—In the case of a political organization (as defined in subsection (d)(3))—

"(A) a copy of the statements filed under subsection (d) shall be made available by such organization for inspection during regular business hours by any individual at the principal office of such organization and, if such organization regularly maintains 1 or more regional or district offices having 3 or more employees, at each such regional or district office, and

"(B) upon request of an individual made at such principal office or such a regional or district office, a copy of such statements shall be provided to such individual without charge other than a reasonable fee for any reproduction and mailing costs.

The request described in subparagraph (B) must be made in person or in writing. If such request is made in person, such copy shall be provided immediately and, if made in writing, shall be provided within 30 days.

"(2) 3-YEAR LIMITATION ON INSPECTION OF STATEMENTS.—Paragraph (1) shall apply to any statement filed under subsection (d) only during the 3-year period beginning on the last day prescribed for filing such statement (determined with regard to any extension of time for filing).

"(3) LIMITAION ON PROVIDING COPIES.—A rule similar to the rule of section 6104(d)(4) shall apply for purposes of this subsection."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Mr. DOGGETT (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes in support of his motion to recommit.

Mr. DOGGETT. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MOORE), a leader in this political reform effort.

Mr. MOORE. Mr. Speaker, I urge my colleagues to support the motion to recommit. The majority whip said, "I am for full disclosure and immediate disclosure." What we say is not nearly as important as how we vote.

This motion only requires organizations engaging in political activity to name the contributors, how much was contributed, and how the money was spent. Disclosure, simple disclosure.

The American people are fed up with hypocrisy and delays. What we need now is action. Last night, JOHN MCCAIN stood up in the United States Senate and stood up for the American people on behalf of disclosure. I urge all of my colleagues on this body on both sides of the aisle to stand up for disclosure. The American people deserve, expect, and demand it.

Mr. DOGGETT. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. STENHOLM), another leader in this effort.

Mr. STENHOLM. Mr. Speaker, the issue is pretty simple today. It is whether we are going to have sunshine in the political process or whether we are not. We all know we do not need another study. We do not have to wait on another study. All we need to know is whether or not the 527 and all other groups shall disclose how much they are spending, how they are spending it, and who is, in fact, contributing the money.

Let us let sunshine shine on the legislative process. It is pretty simple. Vote for the motion to recommit. Let us move this process along.

Mr. DOGGETT. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, yesterday the Senate said that stealth political committees have to disclose their donors and expenditures. These tax exempt 527s and other like groups could be the Communist Chinese, Colombian drug lords, the Mafia. Who knows?

Both Republicans and Democrats say they want full disclosure. Last year, the majority whip said in support of the Doolittle full disclosure bill, quote: What reform can restore accountability more than an open book? Letters from the gentleman from California (Mr. DOOLITTLE) shout, "Full Disclosure," "Scrap the Failed Rules" and "Full Disclosure." Another Dear Colleague screams, "Hypocrisy."

What will the headlines scream tomorrow? Mr. Speaker, 115 Republicans voted last year for full disclosure only. If my colleagues are really for full disclosure, vote yes. A "no" vote is going to be mighty hard to explain in November. We can get this done today. Vote yes.

Mr. DOGGETT. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman has 2½ minutes remaining.

Mr. DOGGETT. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. MEEHAN), the leader of the campaign reform effort here.

Mr. MEEHAN. Mr. Speaker, yesterday the United States Senate took a small but important step towards restoring some accountability to our elections system. We have a chance today to match that step with one of our own.

We cannot afford to wait. The election season is already upon us. There are millions and millions of dollars being raised and the public has no idea where it is coming from. We have to stop this corrupt system of raising money and having no one know where it comes from. The opportunity is now. Now is when we need to change this system.

Let us match step with the other body and send a message across America that whoever contributes to campaigns in America in this cycle, the American people are going to know where that money came from.

Mr. DOGGETT. Mr. Speaker, I yield myself 1 minute and 30 seconds.

Mr. Speaker, last night, across this Capitol, 14 Republicans stood up to their leadership and took a firm stance against the corruption of our American political system. This motion once again seeks to achieve what now they have really already accomplished.

Mandatory full disclosure by every secret political organization is the one modest reform that we can put in place in time for this year's election. Like yesterday's successful McCain-Feingold amendment, this gift tax motion presents each of us with a moment of truth, a choice for more secrecy or more democracy.

Six Republicans joined 202 sponsors of this measure to choose openness and reform on my previous motion to recommit in May. We need only a few more to make reform a reality.

This motion, effective immediately, will not delay by 5 minutes the estate tax repeal. This motion specifically applies to all organizations engaging in political activity. It does not exclude, contrary to what my colleagues have been told, or offer any special treatment, for labor unions or trial lawyers or any other group allied with Democrats. This motion seeks no organization's constitutionally protected membership list.

Mr. Speaker, this motion parallels language that I offered and had rejected in the Committee on Ways and Means almost 3 months ago. The last-minute offer this morning of a vote by July 4 on a new bill, not yet filed, is just another way of running out the clock on reform, which each day more dirty money is collected.

Mr. Speaker, I urge my colleagues, please, do not be hammered into submission. Do not be hammered into submission to cast an indefensible vote against disclosure. Join us to stop the collection of money so dirty that your leadership is ashamed to identify the donors.

□ 1300

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from Texas (Mr. DOGGETT) has 30 seconds remaining.

Mr. DOGGETT. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I am often asked if we can do anything here this year in a bipartisan way to solve the obvious problems that our country faces. This is an issue on which the Senate has taken a definitive position 57 to 42. Senator MCCAIN said yesterday, what could be more simple. What could be more fair, honest, and straightforward? I cannot say it any better than that.

This is a moment in which Democrats and Republicans can come together to pass an end to the secret organizations with undisclosed money. Vote yes for the motion to recommit. Let us get something done for the American people in this Congress.

Mr. HOUGHTON. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from New York (Mr. HOUGHTON) is recognized for 5 minutes.

Mr. HOUGHTON. Mr. Speaker, I know there is a lot of emotion on this. But I would like to speak on the other side of this issue. On May 25 of this year, just before we left for the Memorial Day break, the gentleman from Texas (Mr. DOGGETT) offered a 527 amendment to the telephone tax repeal. I understand what he was getting at. We are all trying to accomplish the same thing. But it was a curious proposal. It would repeal the telephone tax for everyone except for political organizations that do not comply with the new disclosure requirements.

So the end result would be, at the end of the day, if section 527 organizations were willing to pay a 3 percent phone tax, they could avoid disclosure. I do not think that was in the spirit of what we were trying to do.

Today the gentleman from Texas (Mr. DOGGETT) is proposing still something else. Though we are trying to repeal the estate and gift tax, we keep it on the books for section 527 organizations.

These proposals bother me. They only attack part of the problem. Also, before we left for Memorial Day, I indicated that I was working with a group of people to try to get together a hearing, and we have been in session only 3 days since that time. We are going to have the hearing. It is going to be set for the 20th of this month.

An article in yesterday's Wall Street Journal noted that, under the proposal offered by the gentleman from Texas (Mr. DOGGETT), that many tax exempt organizations would be shielded from disclosure laws, not full light on all the organizations that are contributing. Why is it fair to the American people, therefore, to require some tax exempt to disclose political activities and not all? Why is it right for one party or another to benefit from bringing some groups into the sunshine while allowing others to operate under the cloak of secrecy.

We are taking a looking at lobbying and campaign intervention by all of these groups, regardless of their agenda, not just the 527 groups. What we would like is disclosure by these groups, but we have to be careful because we do not want to regulate constitutional rights to death so that the rights become meaningless.

Yesterday I announced we were going to be having a hearing in Committee on Ways and Means on the 20th of this month. There are some that say that we do not need a hearing and just do it. But by doing it, we can do it the wrong way.

If the majority were to bring this to the floor without a hearing, I think this would be wrong. My colleague and I serve on the key committee of the House. The committee has a strong tradition of trying to do things the right way. We try not to enact legislation piecemeal, imposing disclosure requirements on some tax exempt organizations but shielding others for not disclosing them.

Senator MCCAIN said yesterday that he was interested in broadening this. It was a first step. He wanted to broaden this. This is, of course, what we are trying to do.

Now, in a political year, there are all sorts of pressures from the press and from parties and things like that. But I would like to think that most of us want to reject this.

I am a very strong advocate of campaign finance reform. I signed a discharge petition on this House floor. I voted for the Shays-Meehan bill. But I do think that there is another way of doing this and doing it right.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ARMEY), the majority leader of the House.

Mr. ARMEY. Mr. Speaker, I want to thank the gentleman from New York for yielding me this time.

Mr. Speaker, what we are discussing here is an important issue. It is recognized as such by the American people. It is an issue that requires a much more dignified response by this Congress than what it is getting on this floor today.

This is not about political vendettas or partisan politics. It is about the key principle of full and fair disclosure for, as the gentleman from Texas (Mr. STENHOLM) said so eloquently, all institutions that engage in political advocacy. There are many people on this side of the aisle that have taken that position for a long time.

Within the next week, we will have hearings on a measure that will require full and fair disclosure for all institutions that engage in political advocacy. There will be a vote on this floor on a bill prior to the July 4th district work period where we will require full and fair disclosure for all institutions that engage from political advocacy without political exemption and without political vendetta.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DOGGETT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair will advise Members that a vote on passage, if ordered, will be reduced to a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 202, noes 216, not voting 17, as follows:

[Roll No. 253]

AYES—202

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—216

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Blumenauer
Clay
Conyers
Cunningham
Danner
Gillmor
Gilman
Istook
Kind (WI)
Klink
Lazio
Markey
McDermott
Smith (MI)
Smith (WA)
Vento
Watt (NC)

☐ 1323

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KOLBE). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ARCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 279, noes 136, not voting 20, as follows:

[Roll No. 254]

AYES—279

Abercrombie
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Davis (VA)
Deal
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon

Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—136

Ackerman
Allen
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clyburn
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Evans
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Larson
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (NM)
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu

NOT VOTING—20

Blumenauer
Boehner
Clay
Conyers
Cunningham
Danner
Gillmor
Gilman
Istook
Kind (WI)
Klink
Lazio
Markey
McDermott
Packard
Smith (MI)
Smith (WA)
Vento
Watt (NC)
Whitfield

□ 1332

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ISTOOK. Mr. Speaker, on rollcall No. 254, I was unable to attend and vote due to a family medical emergency. Had I been present, I would have voted "aye."

Mr. PACKARD. Mr. Speaker, I was meeting with the clerk and staff of my subcommittee in preparation for our markup on my appropriations subcommittee and unavoidably missed the last vote apparently. I feel badly having missed such a crucial vote. Had I been present, I would have voted "yes" on final passage.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote today because I was in Seattle attending my daughter's graduation.

I would have voted in favor of the Rangel substitute amendment (rollcall No. 252).

I would have voted in favor of the Doggett motion to recommit (rollcall No. 253).

I would have voted against H.R. 8, the Estate Tax Elimination Act (rollcall No. 254).

LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, I yield to the distinguished gentleman from Texas, the majority leader, to inquire about next week's schedule.

Mr. ARMEY. I thank the gentleman from Maryland for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet on Monday, June 12, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices later today. On Monday, no recorded votes are expected before 6 p.m. We will also continue consideration of H.R. 4577, the Department of Labor, Health and Human Services, and Education Appropriations Act for fiscal year 2001 after the suspension votes on Monday evening.

On Tuesday, June 13, and the balance of the week, the House will consider the following measures:

S. 761, the Millennium Digital Commerce Act conference report;

H.R. 4601, the Debt Reduction and Reconciliation Act of 2000;

H.R. 4578, the Department of Interior and Related Agencies Appropriations Act for fiscal year 2001;

H.R. 4461, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 2001;

H.R. 4516, the Legislative Branch Appropriations Act for fiscal year 2001;

VA-HUD appropriations for fiscal year 2001.

I would like to wish all my colleagues a good weekend back in their districts. I should mention to my colleagues there will be no votes on the floor next Friday, but we should all be prepared to work late all evenings next week because we indeed intend to complete five appropriations bills next week.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Wisconsin, the ranking member of the Committee on Appropriations.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Speaker, as the gentleman from Texas knows, last night we worked out a unanimous consent request on the major amendments that still divide the two parties. It was our expectation that having done that, we could finish that bill within a reasonable length of time, because outside of those amendments, I think most of the remaining amendments that are to be offered are on your side of the aisle with probably one or two exceptions on this side at most. When we made that agreement, I had indicated that it was with the understanding that that bill would not be considered either while Members were in the air trying to get back or in the dead of night.

Our reason for feeling that way is that this is the major domestic appropriations bill which divides us. Under the rule that the bill is being considered under, we cannot get votes on the major issues, but at least we wanted to be able to have a structured, coherent debate on the issue. I would urge the gentleman to simply look at moving some other appropriation bill or any other vehicle in for Monday evening. I have no preference as to which one it is. But we would not be able to finish the Labor-HHS bill Monday in any case starting that late. For example, if we were to proceed to it on Tuesday after the markup of the bill in full committee, I am confident we could finish consideration of the bill that day. But with 160 possible amendments pending if we do not have an agreement, I would hate to see us unravel an agreement which I thought we had with the accompanying understanding last night.

Mr. ARMEY. I appreciate the gentleman from Wisconsin's observations. Whenever floor managers on legislation work out a unanimous consent agreement to manage their bill, we try our very, very best to work with them and honor that. We will be examining the attendance levels that we have when we take the earlier votes on Monday evening regarding the suspension votes. We will be able to get a measure of that. We will also be paying attention to the things mentioned by the gentleman from Wisconsin. We will certainly give consideration to anything we can to accommodate those overall concerns.

Mr. OBEY. All I would say is that we are trying to accommodate the leadership without any extraneous delays of any kind. All we are asking in return is that we have an opportunity to make our case in one solid block of time. That obviously will not be possible Monday night. It would be possible on any other day of the week. I am confident that if we can reach an understanding, it would speed up rather than significantly delay the consideration of that and other appropriation bills.

Mr. ARMEY. I can only say to the gentleman from Wisconsin at this time given that we will be working late Monday evening beyond the votes on the suspension bills, I can see no alternative to working on the health and human services bill. I will tell the gentleman from Wisconsin, I have heard his concerns and I will look for what alternative we might be able to work out, but at this time I do not see that.

Mr. OBEY. All I would say is that if we cannot work it out, we are not going to make very much progress on that bill on Monday.

Mr. ARMEY. I appreciate the gentleman's point.

COMMEMORATING HOUSE PAGES ON THEIR GRADUATION

(Mr. KOLBE asked and was given permission to address the House for 1 minute.)

Mr. KOLBE. Mr. Speaker, it is my privilege today to speak about our pages. It is the last day of their service to us. I am going to yield to the chairman of the page board first, but as she speaks, I wonder if all the pages would come down and join us here in the well so that your families and others and everybody can see you here. I would like for all the pages to come down here to the well.

I yield to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I thank the gentleman for yielding. Today is a special day for our pages. It is graduation day. It is a time to reflect on their past year of service to this body, on the school, on building relationships, on dorm life, and the range of experiences and emotions they have felt in their time in Washington. For many of you, this was a challenging experience. But I hope it was a special time for you as well. You are part of a select club, a small group of people who have served in Congress as congressional pages. Some of the Members of that club stand before you today as Members of Congress themselves. You are a special group of people. You have been given the opportunity to witness history's greatest experiment in democracy firsthand. During your time here, you have not heard this as much as you should have, but thank you. Thank you very much.

□ 1345

We thank you. I thank you from all of the Members and the staff of this House. You have been a very special part of this institution. You have witnessed firsthand the fact that Members of Congress tend to become wrapped up and focused on the day's floor activity and the tough debates which frequently characterize the House of Representatives.

Do not think for a moment, however, that we have not noticed the essential work that you perform every single day. You are a special part of this place, you lend character to this place, and you are a daily reminder to all of us of why our work is so important, because you are our future leaders.

Over the course of the last year, as I have gotten to know each of you, I have seen something special in you. Many of you have told me how much you have learned about while you are being here. Remember this, knowledge is power only when you turn on the engine, so do not be afraid to turn on the ignition as you go on through life.

We are grateful for your service here. Your future and the future of this Nation is limited only by your ability to dream and the courage to pursue your dreams. I wish all of you the best of your future and the best of luck in all of your dreams.

Mr. KOLBE. I thank the gentlewoman from New York (Mrs. KELLY), who has served in a very distinguished capacity as chairman of the page board. We recognize that the gentlewoman has another event that she has to get to, but we certainly appreciate her taking the time to speak to the pages and of the pages this afternoon.

Mr. Speaker, it is my great privilege to yield to the Speaker of the House of Representatives, the gentleman from Illinois (Mr. HASTERT.)

Mr. HASTERT. Mr. Speaker, it is a great honor to be down here, not just as Speaker of the House, but I spent a great deal of time before I got into politics as a teacher. I taught economics and U.S. history and world history and sociology and government and all of those things that we talk about here day in and day out.

Every time that we see a new set of faces come in, pages in this Congress, we also see a new challenge for each of you, a challenge of learning what this government is about, actually living the lives of what people do inside this House day in and day out.

It is certainly a lot different than what you read in the textbooks. It is a lot different from what you hear in lectures, because this really is the essence of this place. As we struggle here, day in and day out on issues that some of us care very, very dearly about and some of us other issues that we struggle on, trying to get things done, that is the essence of what this government is about.

It is the essence of what this country is about, that we can come here and we can sit on two different sides of an aisle, and we can disagree and we can fight, but at the end, we have a product, we have a law. We have something that guide the people in this country, and for a year you have been a part of that. You have seen the struggles. You have seen the fights. You have heard the debates.

You know that is something that I think you will take with you for the rest of your lives. We appreciate the work that you do. We appreciate the challenges you have taken. You know we appreciate your families giving you up for a year to have this experience here. We depend on you. We appreciate you. We thank you for what you have done, and we just ask you to go on and live the rest of your lives as best you can.

You have seen what people can do. You have seen the very best and sometimes you have seen the toughest side of life here, but if you put your mind to it, you can do anything in this country. This country is an open door. It is an open book, all you have to do is write your page down. Thank you for being part of it. God bless you all.

Mr. KOLBE. I thank the Speaker for his kind remarks.

It is my privilege to yield to a very distinguished gentleman, the gentleman from Maryland (Mr. HOYER), my colleague, my ranking member of the subcommittee that I chair.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Arizona (Mr. KOLBE) for yielding.

This has been an extraordinary experience for all of you young people. Some of the best young people in America are chosen to come here to see firsthand American democracy in action. You have heard Members from time to time talk about this as the people's House, and that is what it is. A group of extraordinary human beings got together in 1787 in Philadelphia in what Catherine Drinker Bowan in a book the Miracle at Philadelphia called appropriately a miracle and created a government, a way that people could resolve their differences and set policies for their future.

It perhaps does not seem quite extraordinary from the vantage point of the 21st century as it was in the 18th century, such a construct was unknown in the world. Now, in the world, there is a shining example for every Nation in the world, and it is the United States of America. It is that Constitution that was written in 1787.

It is an extraordinary document, and this House was created specifically to represent the people, directly to represent their passions, their fears, their hopes and their vision, and it does so. And as all of you live in communities and you see sometimes the people have great aspirations and sometimes they have feelings that are not so great, that are small, and, perhaps, not worthy of themselves or their community, and you see that reflected here as well sometimes.

But over the decades and, yes, the centuries that this House has been the repository of the hopes and visions of the American people, it has for the most part acted well and, as a result, is the example throughout the world of what a democratic institution ought to be.

Now, the body across the way, in which you have not served, the United States Senate, was created, as you know, as a representative of the States, of those 13 independent Nations that got together and formed a Nation, and, in effect, it gave up some of their sovereignty but made a deal in the process to make sure that the States were represented in the United States Senate.

In the last century, of course, we amended the Constitution, they are directly elected, not by the State legislatures, it is this House elected every 2 years that was designed to reflect the will of the American people. And you, as the gentlewoman from New York (Mrs. KELLY) said a little earlier, had been given an extraordinary privilege.

Think of all the millions of young people your age in America today and think of how few of you got the opportunity to visit here, be here and work here every day that we were in session. And you got to learn firsthand how well this extraordinary experiment in democracy, in people working together to resolve problems and set policies can and does work. Because you had been given a significant privilege, you also have a very serious responsibility, and that responsibility is to go home and talk to your friends, your fellow students, people who you will work with, your parents, your sisters, your brothers, your aunts, your uncles and other relatives, and tell them about their democracy. And, hopefully, you will go from here excited about what you have learned and excited about this process and urge people to participate in their democracy, by voting certainly, but by participating as well on behalf of the party or candidate or policy of their choice, because that is what makes this an extraordinary body.

It reflects the sentiments of citizens, but it can reflect the sentiment of citizens only to the extent that they participate and articulate those sentiments and let the gentleman from Arizona (Mr. KOLBE), the gentleman from Florida (Mr. FOLEY), the gentleman from Virginia (Mr. DAVIS) and myself and the gentleman from Pennsylvania (Mr. KANJORSKI) know those sentiments and the gentlewoman from California (Ms. LEE). And because you have firsthand knowledge that millions and millions of Americans will never have, you have had a special privilege, but also, as I said, a particular responsibility.

I would be remiss if I did not say to James Kelly from my district, who, in a few short years, will either vote to hire me again or fire me again, how pleased I have been to have him here. And I know every Member feels as keenly about each of you whom they had the privilege of representing as I do about Jim Kelly.

This is a graduation of sorts. I see some tears, and there will be more, but those ought to be tears not just of sadness. You will have made friends that you will keep for all of your lives and information and knowledge that you will never lose. Use it well.

Thank you for your service, not only to us, not only to this institution, but to your country as well. Congratulations. And Godspeed. Thank you.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for his extraordinarily eloquent remarks.

It is my privilege now to yield to an individual who can speak firsthand about the page program, in fact, I think he served certainly longer than I did here, he was here 4 years as a page. I only was here 3, the gentleman from Pennsylvania (Mr. KANJORSKI) was here for 2. Okay. So the gentleman from Virginia (Mr. DAVIS) holds the record. And we appreciate the gentleman coming today and speaking to the pages. I yield to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, it is a privilege to address this first page school class of the millennium here today. And although I served 4 years, it was in the other body, so it seemed like about 10 years. And this is a much faster and brisker pace over in the House of Representatives than we have down the hall.

I know it has been an extraordinary privilege and honor for all of you to serve here, and I hope that it has been worth your while in terms of the lessons you learned, the discipline you have had to achieve to move forward, and we appreciate you doing this.

This is probably the most difficult time to become a page because you are trying to balance your academics with working as a page on the floor, and it is very difficult with late night sessions coming back and forth. We understand the sacrifices that you have made, many of you coming from high schools where you had interests in sports and other activities, and you gave those up to come here to Washington to pursue this. We are very much appreciative of that.

You will make lifelong friendships here. My best friend today was someone who served with me as a page. I am going to see him this weekend out in California. He went on to be mayor of his town and we ended up marrying sisters, who would have thought when we were sitting here in the page school class. So you join a long list of page alumni, including many Members of this body, some Members of the other body. Bill Gates was a page, but not only that, every other segment of society, teachers, homemakers, attorneys, look around.

The important thing is when you leave here, the lessons that you have learned here, you take what you have learned and you use it to become better citizens and you have a better understanding of government. And, most importantly, even if you do not pursue any role in politics, you can pursue helping others, that is what this is all about, that is why we serve here, to try to help our country and to help other people.

And I hope you will take that with you, that is what inspires us to get up every morning and go through those long hours. And I think that is what has inspired you to come here and give up what you had back home and get up early in the morning and go to the school all day and then work the rest of the day and study at night.

I am just most appreciative for what you all have done here over the last session. The best of luck to you as you pursue your dreams in this very most exciting time in history and thank you very much for what you have done.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, it is my privilege to recognize another former page, who has had the distinction of having served at one of the most dramatic moments in history for pages and he is memorialized forever in that photograph in the cloakroom as he was carrying stretchers down the front steps of the Capitol after the attack by some of the independent-minded people from Puerto Rico in 1954. And with, I might add, our former and beloved colleague who is no longer with us, Bill Emerson. It is my privilege to recognize the gentleman from Pennsylvania, (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I appreciate the comments of the gentleman from Arizona (Mr. KOLBE). Today really was an interesting day, because it allowed me to relive my youth in a way. I had the great pleasure of having a night conversation and lunch with my sponsored page Becky Hoffman, who is part of this class. And her grandmother and her grandfather are very old and dear friends of mine are in the gallery watching this ceremony.

I went over and thought how being a page some 47 years ago had changed my life. And as my friend, the gentleman from Virginia (Mr. DAVIS) said, it allowed me to form my best friend relationship through my entire life, Bill Emerson, who I met here on my first day as a page, was a roommate with him for 2 years while I was here. And he continued on for his 3rd year, and then we had the honor to come back and serve in the Congress together for about 7 years prior to his untimely death.

□ 1400

My class and my Congress that I served in was exceptional because out of that class of pages we produced three Members of Congress. I know that after having been here, maybe you all think, gee, that is the last thing in the world I would ever want to be; but

I hope you have taken the charge that Mr. HOYER has given you, and that you have had this window of opportunity to see from within, as the Speaker said, the real activity of the legislative process and democracy in action. I hope it spurs you on to develop an ambition to be in public service, particularly to be participants.

I know you are the best and brightest from all over the country, and you are going to go to great attainment in your life. If I could give you a little advice for when you go back to your schools: you will be different. You are more mature, more worldly; there will be some jealousy toward the experience you had. You have to treat that gingerly so that your peers learn something from you and do not have envy for what you had. Take the opportunity to bring them along in your peer groups in your various high schools. Do that. Do not be foolish enough to think about this experience as having made the touchdown, as being the most important game of your senior year in high school and as the high point of your life. Page activity is very important, but do not let it ever be the high point in your life. You are just beginning now to go on to attainment and to great success, and you should look forward every day in your life to doing bigger and better things, and every one of you can.

I would just like to say that over the last 47 years since I started here as a page with Bill Emerson and Bob Bauman, we were both in the 83rd Congress, the last Republican Congress before these three Congresses when the Republicans were in power, I formed a friendship for life, I learned what I wanted to do, and I had an experience that I have carried with me, and I want to pass it on to you. These Members that you deal with day in and day out and you see and you witness, and the Members of the Senate, you have already met four or five future Presidents of the United States. They are here among us. How to discern who they will be is another matter, and that will test how perceptive you are; but they are here.

I was thinking back how fortunate I was in 1953 and 1954. I got to meet almost every President of the United States who subsequently became President when they were either a Member of this House or a Member of the Senate. So you have had that same enjoyment. You have probably met and have served with a lot of future cabinet officers, governors, all kinds of individuals. You, if you are interested in public service, can be like Bill Clinton, the President of the United States. You are about the same age as he was when he met with President Kennedy when he was your age in Washington. He looked around, he looked at his classmates, and he decided that he too would like to be President of the United States. He tells an interesting story, because 30 years later from that day, almost within 3 or 4 days, he took the oath of office as President of the United States. Every one of you have that opportunity. But most of all, every one of you have the opportunity to serve, to distinguish yourselves and honor your classmates, and the institution of being a page.

I cannot think of all the great pages, but the gentleman from Virginia (Mr. DAVIS) mentioned Bill Gates. Well, he is the wealthiest, I am sure, of the former pages. But people like Daniel Webster, people like Senator Arthur Vandenberg, one of the original charter writers of the United Nations charter, and on and on we could go. It is quite a tradition. Now that you are part of it, you have an obligation to use it wisely, treasure it, and not to embarrass it. We are honored to have served with you, and I am sure I speak for all 435 Members of the House. You have done a great job. Go on now and do an even greater job in life.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for his wonderful remarks. I am sure I speak for all of the pages when I say that one of the favorite Members is the gentleman from Florida (Mr. FOLEY), who never fails to stop by the page desk and inquire about the pages and spend a little time talking to them. It is my privilege to yield to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman. First let me pay back the compliment you have just given me and ask the pages to salute him for his dedication to the page program.

Mr. KOLBE. I thank the gentleman.

Mr. FOLEY. Mr. Speaker, I wish I was in Bill Gates's class. I would be planning my estate taxes and issues like that, because obviously, he has done very well. It is not just about wealth; it is about this country. I hope I can get through this, because this is a sad day. We watched the kids come here, excited, exuberant, happy about serving their country; and we see them leave as mature young people who are ready to carry out life's dreams.

In this class we had several Andrews and several Adams and multiple Christophers, several Lindseys. Some came with dyed hair, Christopher; some have used the Nation's supply of gel; Spike, as I call him. Some of you have changed outfits and changed looks, but the thing that I think unites us all is that you are outstanding young people.

Oftentimes, you read the newspaper and you look at the TV news and you hear about the bad kids in life. Happily for America, that is only about one-half of 1 percent. Regrettably, we do not read about the good kids, the kids that are here today that are sacrificing being away from their friends and family back home, the time that they could spend in high school, the favorite years of your life in your hometown, in your home community, with your boyfriends and girlfriends and family.

But instead you chose to venture to our Nation's Capital, the seat of government, the center of the world. You have served, and I know at times you have been frustrated. I have seen some of you dragging in at 10:30 at night while some of us continue to talk to the cameras above, talking to our residents back home on C-SPAN, and you say, are they ever going to stop? Will they cut special orders sometime soon? And yet you get up the next day full of exuberance.

As I am running in the morning, in fact, I run on Thursdays with KAY BAILEY HUTCHISON, I said, KAY, you better watch your job, because Parker Payne may be running for Senator some day in this class. He is already threatening, so I think you and I should keep running and keep working to make sure that you are the Senator from Texas.

But you will have elected officials in this class. You will have entrepreneurs; you will have doctors and lawyers and scientists. But the one thing that is sure, as was mentioned, you will have lifelong friends. You will have bonded together; and 10, 15, 20 years from now you will look back and think of that special time you had when you were sharing dormitory space and thinking about how your senior year would be and how the prom would be. Tonight we will send you off back to your families and back to your parents, many of whom I have met; and I know that they are proud today and that they have helped raise you. And I think you have to recognize how proud you are of them, for thinking of you and to recognize your maturity to allow you to leave home. Your fathers were ready to get rid of you when your mothers were probably weeping daily as the time approached to head to Washington.

But in all sincerity, I am going to stop soon, because I see some of you crying already; and I will start too, because I am sad. But knowing you are going off a better person makes me all the more happy.

In conclusion, let us make sure that we thank some people here that have also made your experience both memorable and wonderful, and I am sure Jim is going to do that; but Ms. Sampson, Harroun and all the staff, for their stewardship, guidance and leadership of this class, we should salute them as well.

God bless you, kids. You are great, you are fabulous, and I love you. Thank you.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for his very kind remarks. If I might, just in conclusion, make a few of my own.

About 3 weeks ago, we held a reunion here in Washington, it was the 40th page school reunion for my class. Among those in that class are two that are known to most of these pages here.

One, of course, is one of the most beloved former pages, Donn Anderson, who served this House as the Clerk of the House for many years and has been the staunchest supporter of the page program. Also in that same class was Mr. Ron Lasch who serves as a floor assistant for the Republican majority here and has been a stalwart person for a number of years on behalf of our party in the House of Representatives. Both of them believe so strongly in this institution, and I hope that is part of what you will take away from here.

There is no doubt, as I had that reunion, while I know what you are thinking; you are thinking, certainly I could never look that old some day, but maybe some of you will, although most of you will probably be in much better shape 40 years from now. But what I remember, what I think was evident at that reunion for all of us is this was a very life-changing experience. Several people have talked about the friendships that you will make and that you will have for a lifetime, and you will. It is incredible how bonded our class has become over the years. For all of us, this was very much a life-changing experience. It has brought us closer to each other through the trials and tribulations; and yes, I am sad to say we have lost 4 members of our class now. But it has brought us closer together. And as we watched our families grow, we have shared those experiences with each other. That is very much the human part of what this program is all about.

I am often asked as a member of the page board, why do we need a page program? Why do we not just hire messengers? It would be so much easier to do that than to maintain a staff and a place for the pages to live and a school and all of that. There is no question there are easier ways to handle the invaluable services that you provide for us. But I do not think there are very many Members of this House of Representatives that have ever wanted to give up this program, because we all understand that it is an opportunity every year to give a handful, a small handful, but a wonderful handful of young people an opportunity to understand their government in a way that their friends and classmates and others across this country will never, ever be able to have.

But you can share that experience with them. That is really the message that I want to leave with you today as you go forward from this experience. You go forward as ambassadors, really, for our government, for the institutions of democracy that make this country such a great place. Your responsibility, having completed this year as pages, is not to be elected to office, though there will be some of you that will be elected. I will guarantee somebody in this class that will be serving some day in the House of Representatives or the United States Senate, and others of you will serve in State legislatures and city councils and school boards, other kinds of equally important tasks in life. Your job is not to be elected and your job is not to make as much money as Bill Gates; very few of us could ever hope to accomplish that. But your job is to serve, to serve your community, your country, your family in the best way possible. You have been given a great opportunity, and I know that each and every one of you will make the very most of this opportunity.

So I hope that you will go out from here and help others understand what our government is about, and how wonderful it is, because these institutions of democracy, for all of their failings, is still the very best that we have been able to devise. You have done us a great service during this last year. Sometimes we do not even realize how the work of the House of Representatives depends on what you are doing every day, and it becomes a part of us, and yet you are so important to the operation of this House. So we will miss you. On Monday there will be a new batch of pages in here, and we will all be busy trying to orient them and get to know them. But we will miss you, and we hope that you will stay in touch with us and with others that you have gotten to know back here; and we look forward to the great service that you will be providing for your country in whatever capacity that might be, and there will be very many different kinds of things.

.At this point, Mr. Speaker, I will enter into the RECORD a list of all of the pages.

Max Abbott, Dominic Adams, Sarah Baca, Thomas Bazan, Christopher Bower, Geoffrey Brown, Diane Bruner, Michael Buck, Eric Cercone, Adam Cheatham, Christopher Clark, David Cook, Andrew D'Anna, Ashley Daugherty, Ashley Foster, Katherine Fortune, Kara Frank, Amy Gaddis, Adam Gellman, Dana Hall, Kristopher Hart, Laura Heaton, Androni Henry, Rebecca Hoffman, William Hooper, Jay Kanterman, James Kelley Stevens, Kelly, Susanna Khalil, Jule Kolbe, Julia Koplewski, David Kroontje and Adam Kwasman.

Ray LaHoud, Andrew Lerch, Yun Hsin (Amy) Leung, Brad Lyman, Alison Lowery, Renee Mack, Megan Marshburn, Jeffrey Mannion, Marcella Martinez, Lindsay Moon, Clinton Morris, Nancy Nicolas, Casey Osterkamp, Parker Payne, Ashley Percy, Christopher Perr, Jessica Porras, Tessa Powell, Lindsey Ransdell, Jennifer Reed, Moriah Reed, A.J. Rosenfeld, Chase Rowan, Danielle Ruse, David Schweinfurth, Samuel Sinkin, Megan Smith, Nouvelle Stubbs, Erin Sweeney, Christine Tancinco, Anika Tank, Margaret Theobald, Lindsay Thomson, Amber Walker, Lauren Weeth, Julie Wise and Jessica Wood.

Mr. KOLBE. Mr. Speaker, I would, in conclusion, also just like to mention my own page, as others have done, Adam Kwasman from Tucson. He has been a great page this last year and has become a great friend of mine, but each and every one of you have become great friends of mine. Some I have gotten to know, obviously, better than others. But I admire what you have done, we appreciate the service, we thank you for that, and we wish you Godspeed. Thank you.

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ADJOURNMENT TO MONDAY, JUNE 12, 2000

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REAPPOINTMENT AS MEMBER TO FEDERAL JUDICIAL CENTER FOUNDATION

The SPEAKER pro tempore. Without objection, pursuant to 28 U.S.C. 629(b) and upon the recommendation of the Minority Leader, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Federal Judicial Center Foundation for a 5-year term:

Mr. Benjamin Zelenko of Maryland.

There was no objection.

APPOINTMENT AS MEMBER OF FIRST FLIGHT CENTENNIAL FEDERAL ADVISORY BOARD

The SPEAKER pro tempore. Without objection, pursuant to section 12(b)(1) of the Centennial of Flight Commemoration Act (36 U.S.C. 143) and upon the recommendation of the minority leader, the Chair announces the Speaker's appointment of the following citizen on the part of the House to the First Flight Centennial Federal Advisory Board:

Ms. Mary Mathews of Ohio.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, on April 12, I led an hour of debate on the topic of prescription drug coverage for senior citizens. I read three letters from around the state from seniors who shared their personal stories. On the 12th, I made a commitment to continue to read a different letter every week until the House enacts reform. This week I will read a letter from Julia Kanopsky of Livonia Michigan.

In conjunction with Mother's Day, the Older Women's League (OWL) published a report entitled, "Prescription for Change: Why women need a Medicare Drug Benefit." The report describes the special problems older women face in obtaining prescriptions.

More than one in three women on Medicare lack prescription drug coverage.

In 1997, 2.6 million women on Medicare spent more than $1200 a year on their medications and another 2.4 million women spent between $612 and $1200 a year on pharmaceuticals therapies.

The high costs of prescription drugs are especially hard on older women, most of whom live on fixed incomes. More than half of women age 65 and over have personal annual incomes of less than $10,000 a year and three out of four have incomes under $15,000.

On average, women's overall out-of-pocket spending for prescription drugs is higher than their male counterparts. In 1999, women on Medicare were projected to spend $430 a year on medications, compared to $380 for men.

Women are expected to make up a greater share (58 percent) of beneficiaries with high ($500–$999) or very high ($1,000) annual out-of-pocket drug costs in 1999.

Women make up more than six in ten (61.4 percent) Medicare beneficiaries with hypertension and women with hypertension have higher overall out-of-pocket spending for prescription drugs ($800) than men do ($694).

OWL shares the disturbing fact that Medicare beneficiaries without drug coverage are less likely to receive drug therapies compared to those with coverage. In 1996, women without coverage used 24 percent fewer prescriptions than did women with coverage.

I agree with the conclusions in the OWL report that these numbers cry out for the inclusion of a prescription drug benefit in Medicare.

I will now read the letter from Julia Kanopsky:

> I was so thrilled to find your address I was allowed to express myself on [the] high price of prescriptions. I am one of the least fortunate ones who does not have any . . . health care . . . [I have a] pension [and] when I pay for my three prescriptions for heart and blood pressure, and 2 for pain, pay for my Blue Cross, half of my check is used up and every time you get a refill on prescription drugs, the price differs. Blue Cross [also] goes up. I [have] talked to so many seniors like myself and it has us worried to death. I just wish the government would take an interest in different problems like this, to curb like prices. I eat two meals a day . . . any more hike in health cost, I'll have to go to one meal. [I get] a little Social Security raise, and then . . . property tax and utilities go up. I just can't win. Voice your opinion, Debbie! Maybe someone will listen. Thank you, Julia Kanopsky. P.S. I'm too old to get a job if I were younger, maybe [I would]. I could pick up a job to at least pay for prescriptions for Healthcare. I'm trying to maintain my home and being independent, these prices are scaring me.

The time is now to enact legislation that will reduce the price for prescription drugs for seniors and that will include a prescription drug benefit in the Medicare program.

HOUSE BIPARTISAN VOTE ON THE ESTATE TAX IS A VICTORY FOR TAXPAYERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, as a member of the Committee on Ways and Means, I want to celebrate today's victory on behalf of the taxpayers. That is the outstanding vote produced by this bipartisan Congress, 279 to 136. Sixty-five Democrats joined the Republican majority in signalling to America and to taxpayers everywhere that we think it is punitive when a person dies after working all their life to increase wealth, to increase opportunities for their family, that the government now becomes their partner; the government becomes, if you will, the primary recipient of all that person's hard work.

Growing up in this country, my parents told me, work hard, strive for the greatest heights, and you will be richly rewarded for your efforts. America, home of entrepreneurs and opportunity everywhere, signals to people, come one, come all, from around the world to this great Nation. We are in fact a home of opportunity.

Many people agreed with us today, and thankfully many people, everyone from the gentleman from Hawaii (Mr. ABERCROMBIE) to the gentleman from Maryland (Mr. WYNN), joined. The list is endless of people from virtually every State who joined in recognizing the egregious nature of the estate tax or death tax, as we call it.

The calls on the House floor, today, though would indicate otherwise. In fact, the minority portrayed this as simply a Republican bill rammed through this process with no debate and no consideration. Death taxes have been on the books since 1913, so I do not think we got to this point in time quickly. In fact, I think we have been waiting for this a long time.

I think the voters of the minority Democrat party in fact enjoyed the bill today and supported the bill today, and in fact, we are just within the threshold of a veto-proof number in this Chamber.

While we are on the subject of bipartisanship, I think it is important to not only compliment those, and the numbers and names can be found probably in many newspapers around the country, the 65 brave hearts that stood up and recognized the estate tax is patently unfair. But let us talk about the tactics being used by the minority party this week in fact as it relates to getting bills passed on behalf of the citizens of the country.

The front page of the Roll Call newspaper on the Hill said, "Wyden Lands in Hot Water." That is Senator WYDEN, a Democrat from Oregon. "Bipartisanship may cost the Oregonian a finance panel seat."

It goes on to say that, "Senator Ron Wyden may have won plaudits from the New York Times editorial page for trying to reach across party lines to craft a Medicare prescription drug reform plan, but the move infuriated many of his Democratic colleagues. Several Democrat sources says Wyden has now dashed any hope of landing one of the three coveted seats opening at the end of the year on the powerful Finance Committee, which has jurisdiction over entitlement and tax policy."

That is amazing, that in a day when we have had dialogue about a lack of bipartisanship, we read that headline, that one of their own reached out to the gentleman from California (Mr. THOMAS), the chairman of the Subcommittee on Health of the Committee on Ways and Means, to try and craft a proposal that would actually pass, that would actually ensure prescription drug coverage for our seniors, prescription drug coverage that is vitally necessary for our seniors throughout America.

A brave soul, a Democratic Senator, decided it was more important to start to reach out to help our constituents, rather than score political points.

It goes on to talk about how he gave Republicans ground to stand on, and what have you. Let me just suggest, Mr. Speaker, the problems we are facing in this country are great. The problems we are facing as it relates to policy are important. I applaud Senator WYDEN, and I know I am probably stretching by referring to people by name, but I want to thank him for at least reaching out to try and find some common ground.

We have a lot of issues. The Patients' Bill of Rights, I will alert many of my colleagues as a Republican, I am a proud sponsor and supporter of that bill. That does not bring my party any great happiness, because they don't like when some of us are off the reservation, but nevertheless, I support it.

Campaign finance reform is another issue I take a great deal of pride in supporting.

I think there are a number of issues we can resolve on this floor, in this Chamber, relative to the needs of Americans. But I do think it is good that this is a time when bipartisanship is finally starting to reach through the cacaphony, right now, again, 65 Democratic yea votes on the bill today to eliminate death taxes, and that now maybe we can move on to other important aspects of public policy.

Let us go ahead and try to bring the Patients' Bill of Rights to fruition. Let us try and bring prescription drug coverage to fruition. Let us meet on the educational needs of our children around America, rather than just talk about it for campaign purposes. Let us make certain that every American is benefited by the debate and the dialogue here on the floor, that ultimately it is not about who runs this place.

God forbid we have that kind of fight. Let us not worry about who is in charge next year. Let us do something on behalf of the people. We have a chance. We can do it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to refrain from personal references to individual Senators.

THE SIGNIFICANCE OF TODAY'S VOTE ON THE ESTATE TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, might I take just a moment to add my appreciation and congratulations to this first class of Pages of the millennium. Clearly, the eloquence of the words said by my colleagues cannot be matched in the short period of time that I have to simply say thank you, thank you, thank you.

Mr. Speaker, I appreciated hearing the words of my colleague, and enjoyed the fact that we have the opportunity to work on a number of issues together. I truly believe that when we debate an important issue that has gotten the attention of the American people, it is important to come forward and tell the truth.

I campaigned and worked with constituents around my district on the issue of allowing them to retain the hard-earned dollars that they have worked for in their family farms and their small businesses. My district is an urban district, so I do not have that many small farms, but I have those beneficiaries who have small farms of their relatives in rural areas of Texas.

So I likewise am concerned about those who would want to benefit from this Nation's recognizing their hard-earned dollars.

I think that today's debate did not fully tell the truth. Death is final, and the suggestion that what we voted on today, the repeal of death taxes, is final is really untrue. It is untrue because unlike the suggestion that we have done this in a bipartisan manner, we have not. This bill that was passed today is destined to be vetoed by the President of the United States.

Legislation only passes when this House passes it, when the Senate passes it, and when it goes to the President's desk.

Many of us wanted to join in bipartisan legislation, but it was not to be heard of by the Republican majority. It seems that there was an effort to really play to the headlines the repeal of death taxes.

But really, under current law, there is a $1.3 million exclusion from the estate tax for interest in farms and closely-held business. Did they not tell us that the substitute that was offered, that I did vote for, that would be supported by the President of the United States and the Senate, gave a $4 million exclusion per family for farms and closely-held businesses?

I wanted to be sure that this would pass both Houses and be signed by the President of the United States, so I did not just take my impressions to the floor of the House when I voted, I spoke to the Secretary of the Treasury, representing the administration, and the Deputy Secretary of the Treasury, representing the administration. They fully appreciate the back-end balloon of burden that we will have with this bill that was passed today.

Deputy Secretary Eisenstadt said the administration is committed to passing relief on death taxes for closely-held businesses and, as well, family farms. The legislation that the President will sign, that will go into law, was the vote that I made today to support the legislation that would give a $4 million benefit to those closely-held businesses and family farms.

In fact, the substitute would provide a credit of $1.1 million right now, and in 2006 have a further increase of $1.2 million.

Interestingly enough, Mr. Speaker, the repeal that the Republicans are talking about has to be phased in, whereas the vote that I made today, the $1.1 million exclusion, is effective in 2001.

It is important to tell Americans the truth, and the fact that we take $28.5 billion in estate taxes now, over 5 years a repeal will result in $104 billion being taken out of the government's revenue source. That money will come just at the time that the baby boomers will be reaching the age of depending on social security, and how will we make the choice of the amount of money that we lose from the estate taxes and not being able to pay social security?

Sometimes it sounds like a cycle that is being said over and over again, but the government does have its responsibilities. I am certainly someone who applauds the strength of the economy right now. I applaud that so many Americans have found their way to the Dow Jones and NASDAQ, but as we look at Wall Street, may I also suggest to those who are investing that we have watched the roller coaster go up and down and up and down.

That means that the government still has its responsibility to deal with social security.

Might I close, Mr. Speaker, to simply say that if anybody thinks that what we did was to help the bulk of the American people, this is the pie documented by the Joint Committee on Taxation and Treasury, and that pie says that for non-taxable estates that will be impacted by this bill today, it is 98 percent that will not be impacted.

□ 1430

Only 2 percent of those businesses and family farms, if even that, will be impacted. The Democratic alternative responds to all of those who need relief.

In Texas, there would only be 1,900 businesses that would even be impacted. Why not give a responsible relief? And the Democratic alternative will be turned into law; this only creates headlines today. I am not willing to vote for headlines. I want to vote for Americans.

SWEET NEWS

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I have sweet news. The General Accounting Office just released a report today on the United States Sugar Program. This is an update of the 1993 report, and the report says that the United States program supporting sugar prices increases user costs while benefiting producers.

The bottom line in this 100-page document is that the sugar program in the United States costs the American consumer, the American economy, $2 billion a year. $2 billion a year.

Mr. Speaker, this is the General Accounting Office. This is the independent, nonpartisan office here in Washington that works for Congress. The head of the agency has got a 15-year term. So there is no partisanship in this. This report was requested by Senator DIANE FEINSTEIN, the Democrat from California, the gentleman from California (Mr. GEORGE MILLER), Democrat, and myself, a Republican from Florida.

This is not a biased report coming from the Agriculture Department or the sugar growers, but the most authoritative source; and it shows that the sugar program costs $2 billion a year. The sugar program is bad for consumers, bad for the environment, and bad for jobs in this country.

Mr. Speaker, let me briefly explain what the program is first. The program that the Federal Government runs makes the price of sugar about three times world price. The price of sugar in Canada is about a third of the price it is in United States. The price of sugar in Mexico is about a third of the price in the United States. The Federal Government maintains the price at about three times what the world price is for sugar.

The way they do this is a complicated process of controlling imports and also a government loan program that means the Government will have to buy back sugar if the prices ever drop below this guaranteed price that the United States Government will offer.

In 1996, we had a chance to reform this program. Unfortunately, we did not reform it. And what has happened is that the price is so high that everyone is growing more sugar. In the past 3 years, sugar production has gone up 25 percent in this country. What is happening now is that the Federal Government is having to buy sugar. The Federal Government has not had to buy sugar for 15 years.

Last month, Secretary Glickman announced they were going to buy 150,000 tons of sugar that the Government has no use for. They cannot give it away in the world because nobody wants it. The corn people will not let them use it for ethanol; so we are going to store it, and that is just the beginning.

According to news reports, they are projecting $500 million worth of sugar that the Federal Government is going to buy and does not know what to do with. They cannot use it. They are going to store the stuff.

Now, that is just real crazy Federal Government policy, and it is going to get worse because people are growing more sugar because it is so profitable to grow. What is bad about that is it is costing consumers. Sugar is part of all kinds of items, whether it is candy or ice cream, whether it is bread or baked goods. It is used for sweetening cranberry juice. Any product one can think of, sugar is a small part of the cost of that product. So it is going to cost all consumers.

It is a very regressive type of program because low-income people pay so much more for their food products. It is bad for their environment. I come from Florida, and we have the beloved Florida Everglades. One of the problems that we have with the Everglades is the agriculture runoff from the huge sugar plantations in Florida that help destroy the Everglades, Florida Bay and the Florida Keys. What the sugar program does, it provides incentives to grow for sugar which means we have more runoff and more damage to the Everglades.

One of the things that is crazy about the program is that we are going to spend $8 billion to save the Everglades. One of the methods of doing that is by buying a lot of land from the sugar growers to take it out of production. Mr. Speaker, we are paying an inflated price for the sugar land because we have a sugar program that make its more costly to buy that land.

It is bad for jobs in this country. One company that we talk about is a candy company, Bob's Candy, in Georgia, makes candy canes. For three generations they have been making candy canes. Well, when sugar is a third of the price in Canada, they cannot afford to compete with Canadian and Mexican candy canes, so we are just going to drive them out of business.

The cranberry growers up in Massachusetts are struggling because cranberries need sugar to sweeten them. The cranberry growers in Canada love it because they get to buy their sugar for a third of the price to sweeten their product, and they can underprice our cranberry growers.

When the Federal Government tries to manage prices, it is bad economics. It does not make economic sense. We have a private enterprise system in this country that allows for competition. But the one program that we allow basically a monopolistic type of situation, because the Government sets the prices, is in sugar. So it is hurting jobs, it is hurting the environment, and as this GAO report says, the independent nonpartisan General Accounting Office, this is the authoritative source, says it is almost $2 billion a year. That is up from 1993 when the estimate was only $1.4 billion.

So I hope we can start the process, and I have got legislation to do away with the sugar program. We will have an opportunity during the Agriculture Appropriations bill to address part of the problem and certainly next year when the authorization bill is up that hopefully we can get rid of this program and allow the marketplace to work in this country and give benefits to the American consumer.

ESSENTIAL HOSPITAL PRESERVATION ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KANJORSKI) is recognized for 5 minutes.

Mr. KANJORSKI. Mr. Speaker, I rise today to announce the introduction of the Essential Hospital Preservation Act of 2000. It is a bill designed to use Medicare to assist economically distressed hospitals in regions where the combination of managed care, Medicare, and commercial payments changes have threatened to destroy the entire health care delivery infrastructure.

My proposal would give hospitals in regions of the country like northeastern and central Pennsylvania a minimum of a 5-year 10 percent increase in Medicare payments while they work through the development of long-range economic recovery programs.

These payment increases will constitute no new Medicare spending, and will not affect other existing providers.

Mr. Speaker, over the last 9 months I have met with chief executive officers, financial officers of institutions within my district and outside of my district in Pennsylvania, with the General Accounting Office, with the Payment Advisory Commission Medicare, with HCFA, with staff members of the committees of jurisdiction in the House. And when I studied and have analyzed the problems of the hospitals in my district, they are not unlike some of the problems in other districts of the country where similar phenomenon exist. That is where the hospitals rely on an overly elderly population in high concentration, and where the formula of Medicare as applied to those hospitals returns them an insufficient payment to meet their basic costs.

One hospital in my congressional district loses $1,500 for every Medicare patient they serve. As one of the board of directors' members said, prudent business would mean that they should meet the patient at the door, hand him a check for $500 and send them on their way to another hospital in another area.

If Medicare fails to pay its way because of the Medicare formula, or because of the failure of this government to recognize that there are disproportionate areas of the country that are distressed economic areas and that contain very large proportions of Medicare patients, then we have to have a system in effect to make sure that we do not lose the health care infrastructure system while we redress the Medicare problem as we will over the next several years.

My bill effectively allows hospitals to gain an increase of Medicare payment on an emergency basis for 5 years, to a maximum of 10 percent. It requires the hospitals to reorganize the wherewithal and come up with an economic recovery program that the Secretary and HCFA will participate with so that the managed care system, the Medicare system, the emergency systems, the other high-cost systems could be put into play in a more efficient economic way, but we will not lose the efficiency of the structure itself.

Mr. Speaker, I urge all the Members of this Congress to join in reviewing this bill. Study the problems that are a crisis in many of the senior citizen areas of this country as a direct result of underpayment by Medicare, and to cooperate with myself, the gentleman from Pennsylvania (Mr. SHERWOOD) and Senator Arlen SPECTER, who are the three of us trying to work together to come up with a methodology to save our hospitals. This is a start. This is one of the potential alternatives we have.

Mr. Speaker, we do not have very much time. I urge my colleagues to address this issue and to understand that legislation must be passed this year and a remedy must be put in place or all our decisions to try and help Medicare, to provide prescription drugs, or do anything we want to do will come to naught if we fail to provide the basic essential care under the Medicare program that was intended some 35 years ago today.

So I urge my colleagues to study and join us in supporting the Essential Hospital Preservation Act of 2000.

Mr. Speaker, I am today introducing the Essential Hospital Preservation Act of 2000, a bill designed to use Medicare to assist economically distressed hospitals in a region where the combination of managed care, Medicare, and commercial payment changes have threatened to destroy the entire health care delivery infrastructure.

My proposal would give the hospitals in regions of the country like Northeastern and Central Pennsylvania a minimum of a five-year, 10 percent increase in Medicare payments, while they work through the development of a long-range economic recovery program. These payment increases will constitute new Medicare spending and they will not come out of payment reductions to other providers.

The extra payment will help the hospitals in a distressed region develop new, more economically viable services, right-size acute care beds and covert to needed nursing facility, rehabilitation, psychiatric, or long-term care hospital beds. It will also allow the hospitals in a region to cooperate in ensuring that the emergency room network survives and, indeed, is improved. It permits hospitals to work together to ensure that high cost services are coordinated and shared so as to deliver quality care at less cost. Most of all, my bill helps finance these long-term conversion plans through additional payments above and beyond the 10 percent five-year increase.

Mr. Speaker, the hospitals in my region are in deep distress. Many of them are in economic difficulty. I believe other regions of Pennsylvania and the country are facing the same crisis. We simply cannot allow these hospitals to go out of existence. Simultaneously, we also know that the nature of hospitals and the need for acute care beds in changing dramatically. My bill would provide a path by which essential hospitals can survive to serve their communities now and in the years to come.

By enabling these economically distressed healthcare facilities with a short-term revenue enhancement and a long-term plan for success, hospitals like those in my district will receive aid for the next five years now and receive additional sums for successful completion of their economic recovery plan. For the last nine months, I have met with Chief Executive and Financial Officers of hospitals in my district, members of their Board of Directors, as well as representatives from the Health Care Financing Administration, the General Accounting Office, the Medicare Payment Advisory Commission, and staff of the committees of jurisdiction in the House. These conversations have helped me to develop the legislation that I am introducing today.

In the next few weeks, I look forward to working with Congressman DON SHERWOOD and Senator ARLEN SPECTER to look at various alternatives like this proposal to save our hospitals. Additionally, I hope that other Members, hospital associations, and individual hospitals will feel free to recommend additions and improvements in these definitions and in the type of relief that can be provided.

I also hope that this type of proposal can be enacted this year. The need is critically urgent for all of our hospitals in Northeastern and Central Pennsylvania. The crisis is painfully real. We must act immediately for the sake of all of our constituents.

THE SAFE PIPELINES ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, tomorrow marks the first anniversary of the tragic pipeline explosion that claimed three lives of people in my district. It has been a difficult week for all of us as the attention has been once again focused on that terrible accident a year ago and we remember the sad day when hundreds of thousands of gallons of gasoline suddenly erupted in flames in a quiet part of Bellingham, Washington.

I have long held reservations about our system of pipeline safety regulations. Before I came to Congress, I worked to block construction of a pipeline in my home community. In 1996, I voted against a pipeline deregulation bill because I felt that it removed too many essential safeguards.

Since last year's accident, I have redoubled my efforts to improve the regulatory climate. Earlier this year, I introduced H.R. 3558, the Safe Pipelines Act of 2000. Under my legislation:

Number one, pipelines will be required to be inspected both internally and with hydrostatic tests. Pipelines with a history of leaks will be specifically targeted for more strenuous testing.

Number two, all pipeline operators will be tested for qualifications and certified by the Department of Transportation.

Number three, the results of pipeline tests and inspections will be made available to the public and a nationwide map of all pipeline locations will be placed on the Internet so ordinary citizens can easily access it.

Number four, all pipeline ruptures and spills of more than 40 gallons will be reported to the Federal Office of Pipeline Safety.

Number five, States will be able to set up their own pipeline safety programs for interstate pipelines, provided that the States have the resources and expertise necessary to carry out the programs and that State standards are at least as stringent as the Federal standards.

In addition, the bill requires studies on a variety of technologies that may improve safety such as external leak detection systems and double-walled pipelines.

It has been difficult to get the attention of many of my colleagues on this issue. The phrase "out of sight, out of mind" certainly applies when pipelines are involved. Until a tragedy happens in a Member's own district, it is easy to ignore the many seemingly harmless pipelines which run underground.

Yesterday, the gentleman from Pennsylvania (Chairman SHUSTER) of the House Committee on Transportation and Infrastructure agreed to hold a hearing on my legislation in the coming weeks. I thank him for his efforts, and I hope the hearing will help draw the attention of more Members as we continue to work to pass comprehensive pipeline safety legislation this year.

The tragedy in my district was not the first deadly pipeline accident, and it will not be the last unless we come together to bring meaningful improvements to our pipeline safety regulations.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIND (at the request of Mr. GEPHARDT) for today on account of a family obligation.

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of family illness.

Mr. GILMAN (at the request of Mr. ARMEY) for today on account of attending a funeral.

Mr. LAZIO (at the request of Mr. ARMEY) for after 5:30 p.m. June 8 and today on account of a death in the family.

Mr. WATTS of Oklahoma (at the request of Mr. ARMEY) for today until 12:30 p.m. on account of giving commencement address at Ohio State University.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. STABENOW, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. KANJORSKI, for 5 minutes, today.

(The following Members (at the request of Mr. MILLER of Florida) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1953. An act to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria.

H.R. 2484. An act to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.

H.R. 3639. An act to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S Truman Federal Building".

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 291. An act to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.

S. 356. An act to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 4542. An act to designate the Washington Opera in Washington, D.C., as the National Opera.

ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until Monday, June 12, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8062. A letter from the Acting General Counsel, Department of Defense, transmitting a draft bill entitled, "Institute For Professional Military Education and Training"; to the Committee on Armed Services.

8063. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report entitled, "An Assessment of the External Factors Influencing Schedule and Cost Risks of the Chemical Demilitarization Program," pursuant to Public Law 106—65; to the Committee on Armed Services.

8064. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Moderate Rehabilitation Program; Executing or Terminating Leases on Moderate Rehabilitation Units When the Remaining Term of the Housing Assistance Payments (HAP) Control Is for Less Than One Year [Docket No. FR–4472–F–02] (RIN: 2577–AB98) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8065. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 00F–0813] received May 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8066. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on employment of United States citizens by certain international organizations, pursuant to 22 U.S.C. 276c—4; to the Committee on International Relations.

8067. A letter from the Director, Employment Service, Workforce Restructuring Office, Office of Personnel Management, transmitting the Office's final rule—Reduction in Force Notices (RIN: 3206–AI99) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8068. A letter from the Executive Director, Securities and Exchange Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1999, through March 31, 2000; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8069. A letter from the Acting Director, U.S. Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [SPATS No. IN–149–FOR] received May 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8070. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries' Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; At-Sea Scales; Community Development Quota Program [Docket No. 9910108298–0145–02; I.D. 092199C] (RIN: 0648–AL88) received May 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8071. A letter from the Chair, United States Sentencing Commission, transmitting amendments to sentencing guidelines, policy statements, and official commentary; to the Committee on the Judiciary.

8072. A letter from the Director, National Science Foundation, transmitting a draft bill entitled, "National Science Foundation Authorization Act of 2000"; to the Committee on Science.

8073. A letter from the Administrator, Small Business Administration, transmitting a draft bill that contains provisions to implement the President's FY 2001 Budget and other improvements and initiatives with respect to programs of the U.S. Small Business Administration (SBA); to the Committee on Small Business.

8074. A letter from the Acting General Counsel, Department of Defense, transmitting the draft bill entitled, "Consolidation of Auhorities Relating to Department of Defense Regional Centers For Security Studies"; jointly to the Committees on Armed Services and Government Reform.

8075. A letter from the Secretary of Health and Human Services, transmitting the draft bill, "Internet Prescription Drug Sale Act of 2000"; jointly to the Committees on Commerce and the Judiciary.

8076. A letter from the Acting General Counsel, Department of Defense, transmitting a legislative proposal relating to Department of Defense operations and management; jointly to the Committees on Armed Services, International Relations, Science, and Government Reform.

8077. A letter from the Secretary of the Treasury, transmitting draft legislation entitled, "Consumer Financial Privacy Act"; jointly to the Committees on Banking and Financial Services, Commerce, Agriculture, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1775. A bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; with an amendment (Rept. 106–561, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 4201. A bill to amend the Communications Act of 1934 to clarify the service obligation of noncommercial educational broadcast stations; with an amendment (Rept. 106–662). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on Commerce and Education and the Workforce discharged. H.R. 1656 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CALVERT:

H.R. 4620. A bill to provide for planning, design, construction, furnishing, and equipping of a Riverside School for the Arts in Riverside, California; to the Committee on Education and the Workforce.

By Mr. CASTLE (for himself, Mr. LEACH, Mr. BOEHLERT, Mrs. MORELLA, Mr. HORN, Mr. BILBRAY, Mr. GANSKE, Mr. Gilchrest, Mr. Bass, Mr. Shays, Mr. Upton, Mr. Greenwood, Mr. Franks of New Jersey, Mrs. Johnson of Connecticut, and Mr. Ramstad):

H.R. 4621. A bill to amend the Federal Election Campaign Act of 1971 and the Communications Act of 1934 to require sponsors of certain election-related communications to provide information regarding their identities and sources of funds used to make the communications, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI:

H.R. 4622. A bill to amend title 18 of the Social Security Act to provide for immediate relief for essential hospitals in a region, to assist in the long-range economic recovery of such hospitals, and for other purposes; to the Committee on Ways and Means.

By Mr. ADERHOLT (for himself, Mrs. Clayton, Mrs. Christensen, and Mr. Underwood):

H.R. 4623. A bill to amend title XVIII of the Social Security Act to revise the calculation of base payment rates for the prospective payment system for home health services furnished under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN (for himself, Mr. Rangel, and Mr. Jenkins):

H.R. 4624. A bill to provide targeted payment relief under the Medicare Program for hospitals that primarily serve Medicare and Medicaid patients and have been disproportionately impacted by the payment reductions under the Balanced Budget Act of 1997; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. Borski, Mr. Brady of Pennsylvania, Mr. Coyne, Mr. Doyle, Mr. Fattah, Mr. Gekas, Mr. Goodling, Mr. Greenwood, Mr. Hoeffel, Mr. Holden, Mr. Kanjorski, Mr. Klink, Mr. Mascara, Mr. Murtha, Mr. Peterson of Pennsylvania, Mr. Pitts, Mr. Sherwood, Mr. Shuster, Mr. Toomey, and Mr. Weldon of Pennsylvania):

H.R. 4625. A bill to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the "Gertrude A. Barber Post Office Building"; to the Committee on Government Reform.

By Mr. ENGLISH (for himself and Mr. Ramstad):

H.R. 4626. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 4627. A bill to provide for a program to educate the public regarding the use of biotechnology in producing food for human consumption, to support additional scientific research regarding the potential economic and environmental risks and benefits of using biotechnology to produce food, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself and Mr. Ryan of Wisconsin):

H.R. 4628. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of oral drugs to treat low blood calcium levels or elevated parathyroid hormone levels for patients with end stage renal disease; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUTCHINSON:

H.R. 4629. A bill to amend title 23, United States Code to require States to providing Federal highway funds for projects in high priority corridors, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MILLENDER-McDONALD (for herself, Mr. Abercrombie, Mr. Baca, Ms. Carson, Mrs. Clayton, Mr. Hastings of Florida, Mr. Hilliard, Ms. Jackson-Lee of Texas, Mrs. Mink of Hawaii, Ms. Schakowsky, and Mr. Underwood):

H.R. 4630. A bill to provide for the health, education, and welfare of children under 6 years of age; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mr. Young of Alaska, Mr. Kolbe, Mr. Pastor, Mr. Udall of Colorado, and Mr. Udall of New Mexico):

H.R. 4631. A bill to establish the Native Nations Institute for Leadership, Management, and Policy to provide opportunities for leadership and management training and policy analysis for Native Americans, Alaska Natives, and others involved in tribal leadership and management, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. Weiner, Mr. Wexler, Mr. Souder, and Ms. Schakowsky):

H.R. 4632. A bill to control the sale of gun kits; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. Matsui, Mr. Weller, Mr. Cardin, Mr. Levin, Mr. Rangel, Mr. Hulshof, and Mr. Portman):

H.R. 4633. A bill to amend title II of the Social Security Act to improve the Social Security Administration's payment system for representation of claimants; to the Committee on Ways and Means.

By Ms. SLAUGHTER (for herself, Mrs. Kelly, and Mr. Price of North Carolina):

H.R. 4634. A bill to amend the Public Health Service Act to provide for awards by the National Institute of Environmental Health Sciences to develop and operate multidisciplinary research centers regarding the impact of environmental factors on women's health and disease prevention; to the Committee on Commerce.

By Mr. McINNIS (for himself and Mr. Stump):

H. Con. Res. 351. Concurrent resolution recognizing Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor; to the Committee on Armed Services.

By Ms. SLAUGHTER:

H. Res. 520. A resolution providing for consideration of the bill (H.R. 2457) to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services; to the Committee on Rules.

By Mr. DEMINT (for himself, Mr. Pitts, Mr. DeLay, Mr. Shadegg, Mr. Weldon of Florida, Mr. Graham, Mr. Tiahrt, Mr. Tancredo, Mr. Doolittle, Mr. Coburn, Mr. Souder, Mr. Aderholt, Mr. Burton of Indiana, Mr. McIntosh, Mrs. Myrick, Mr. Terry, Mr. Hostettler, Mr. Hayes, and Mr. Istook):

H. Res. 521. A resolution expressing the sense of the House of Representatives that in international negotiations, including United Nations conferences, the United States should defend fundamental human rights to family, conscience, and life; to the Committee on International Relations.

By Mr. PITTS (for himself, Mr. McIntyre, Mr. Turner, Mr. Rogan, Mr. Hastert, Mr. Armey, Mr. Gephardt, Mr. DeLay, Mr. Bonior, Mr. Watts of Oklahoma, and Mr. Souder):

H. Res. 522. A resolution expressing the sense of the House of Representatives regarding the importance of responsible fatherhood; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. Lucas of Kentucky.

H.R. 229: Mr. Bishop.

H.R. 266: Mr. Rothman.

H.R. 460: Mr. Hefley and Mr. Rahall.

H.R. 534: Mr. Pastor and Mr. Chabot.

H.R. 865: Mr. Hobson.

H.R. 914: Mrs. Morella.

H.R. 1020: Mr. Davis of Florida, Mr. King, and Ms. Hooley of Oregon.

H.R. 1102: Mr. Fletcher.

H.R. 1159: Mr. Saxton.

H.R. 1228: Mr. Mascara, Mr. Boehlert, and Mr. Bentsen.

H.R. 1322: Mr. McIntyre, Mr. Hayworth, and Mr. Reyes.

H.R. 1334: Mr. Kuykendall.

H.R. 1345: Mr. Paul.

H.R. 1366: Mr. DeLay, Mr. McIntosh, and Mr. Lewis of Kentucky.

H.R. 1388: Mr. Sununu, Mr. Hayworth, Mr. Kuykendall, Ms. Lofgren, and Mr. Owens.

H.R. 1450: Mr. Hoeffel.

H.R. 1456: Mr. Filner, Mr. John, and Ms. Kilpatrick.

H.R. 1510: Mr. George Miller of California.

H.R. 1622: Mr. LaTourette.

H.R. 1731: Mr. Baca.

H.R. 2120: Mr. Minge.

H.R. 2250: Mr. Smith of Texas, Mr. Tiahrt, Mr. McCrery, Mr. Calvert, Mr. Gary Miller of California, and Mr. Camp.

H.R. 2259: Mr. Paul.

H.R. 2270: Mr. Foley.

H.R. 2706: Mr. Engel.

H.R. 2870: Ms. Carson.

H.R. 2883: Mr. Owens.

H.R. 2892: Mrs. Roukema and Mr. Stearns.

H.R. 2929: Mrs. Lowey, Mr. Evans, and Mr. Costello.

H.R. 2953: Ms. Dunn and Mr. Dooley of California.

H.R. 3008: Mr. Gejdenson.

H.R. 3125: Mr. Shadegg and Mr. Stump.

H.R. 3131: Mr. Stump.

H.R. 3132: Mr. Engel and Ms. Carson.

H.R. 3248: Mr. Fletcher.

H.R. 3249: Mr. Quinn.

H.R. 3250: Mr. Hayworth, Mr. Upton, and Mr. Neal of Massachusetts.

H.R. 3440: Mr. Jefferson, Ms. McKinney, Mr. Payne, and Ms. Norton.

H.R. 3514: Mr. Smith of Washington, Mr. Bilbray, and Mr. Hall of Ohio.

H.R. 3518: Mr. Rogan.

H.R. 3573: Mr. Tancredo.

H.R. 3650: Mr. Brady of Pennsylvania, Mr. Berman, and Mr. Wexler.

H.R. 3669: Mr. Gallegly, Mr. Collins, and Mr. Callahan.

H.R. 3677: Mr. Ehrlich.

H.R. 3678: Mr. Stupak.

H.R. 3700: Mr. Boswell, Mr. Hilliard, Mr. Cardin, Mr. Baird, Mr. Nadler, Mr. Payne, Mrs. Tauscher, Mr. Dooley of California, Mr. Berry, Ms. McKinney, Mr. Meehan, Mr. Tierney, Mr. Chambliss, Mr. Baca, Mr. Markey, Ms. Dunn, Mr. Kennedy of Rhode Island, and Mr. Norwood.

H.R. 3842: Mrs. McCarthy of New York and Mr. Hill of Montana.

H.R. 3872: Mr. Forbes, Mr. Ackerman, Mr. Pomeroy, Mr. Deal of Georgia, and Mr. Udall of Colorado.

H.R. 3875: Mr. Shaw, Mr. Weller, Mr. McInnis, and Ms. Dunn.

H.R. 3911: Mr. Thompson of California, Mr. Strickland, and Mr. Pickering.

H.R. 4001: Mr. Wynn, Mr. Scott, Mr. Tierney, Mr. Pastor, Mr. Abercrombie, Ms. Kilpatrick, and Mr. Jefferson.

H.R. 4049: Mr. English and Mrs. Biggert.

H.R. 4094: Ms. Lee, Mr. Andrews, Mr. Meehan, Ms. Rivers, Ms. DeLauro, Mr. Larson, Mr. Faleomavaega, Mr. Shows, Mr. Holt, Ms. Brown of Florida, Ms. Kilpatrick, and Mr. Murtha.

H.R. 4106: Mr. Price of North Carolina.

H.R. 4143: Mr. McGovern, Mr. Rahall, Mr. Turner, and Ms. Carson.

H.R. 4168: Mr. Pickett.

H.R. 4170: Mr. Paul.

H.R. 4232: Ms. McKinney.

H.R. 4250: Mr. Fattah, Mr. Cardin, and Mr. Hall of Ohio.

H.R. 4259: Mr. Boswell, Mr. Buyer, Mr. Camp, Mr. Cannon, Mr. Chambliss, Mr. Ganske, Mr. Hastings of Washington, Mr. Hostettler, Mr. Hulshof, Mr. Lewis of Kentucky, Mrs. Wilson, Mr. Cooksey, Mr. Doolittle, Mr. Largent, Mr. Ewing, Mrs. Fowler, and Mr. Fossella.

H.R. 4273: Mr. Barr of Georgia.

H.R. 4288: Ms. DeGette.

H.R. 4290: Mr. Maloney of Connecticut.

H.R. 4333: Mr. Capuano.

H.R. 4357: Mr. Goodling, Mr. Tierney, and Mr. Gutierrez.

H.R. 4366: Mr. Davis of Florida, Ms. Norton, Mrs. Napolitano, Mr. Boehlert, Mr. Wynn, and Mr. Serrano.

H.R. 4383: Ms. Dunn and Mr. Nussle.

H.R. 4384: Mr. Boyd, Mr. Pastor, Mr. Bentsen, Mrs. Clayton, Ms. Eddie Bernice Johnson of Texas, Mr. Clement, Mrs. Mink of Hawaii, Mr. Matsui, Mr. Levin, Mrs. McCarthy of New York, Ms. Hooley of Oregon, Ms. Lee, Mr. Gutierrez, and Mr. Becerra.

H.R. 4395: Mrs. Maloney of New York.

H.R. 4434: Mr. Wynn, Mr. Coyne, Mr. Faleomavaega, Mr. McGovern, Mr. Bartlett of Maryland, Mr. Peterson of Minnesota, Mr. Evans, and Ms. Stabenow.

H.R. 4447: Mr. Gilchrest.

H.R. 4448: Mr. Gilchrest.

H.R. 4449: Mr. Gilchrest.

H.R. 4450: Mr. Gilchrest.

H.R. 4451: Mr. Gilchrest.

H.R. 4481: Mrs. Morella, Mr. Wynn, Mr. Hayworth, and Mr. Oxley.

H.R. 4490: Ms. DeLauro.

H.R. 4514: Mr. Nadler.

H.R. 4536: Mr. Blumenauer and Ms. Kaptur.

H.R. 4547: Mr. Goode, Mr. Ewing, Mr. Souder, and Mr. Hall of Texas.

H.R. 4552: Mr. Davis of Virginia and Ms. Dunn.

H.R. 4559: Ms. Carson.

H.R. 4566: Mr. Ney and Mr. Quinn.

H.R. 4592: Mr. Matsui, Mr. Shays, Mr. Jefferson, Mr. Ramstad, and Mr. Wamp.

H.R. 4607: Mr. Price of North Carolina.

H. Con. Res. 319: Mr. Lantos.

H. Con. Res. 321: Mr. Leach and Mr. Weygand.

H. Con. Res. 340: Mr. Capuano.

H. Con. Res. 343: Mr. Greenwood, Mr. McKeon, and Mr. LaTourette.

H. Con. Res. 345: Mr. Dreier.

H. Con. Res. 348: Mr. Skelton and Mr. Wexler.

H. Res. 259: Mr. Baca and Mr. Goodling.

H. Res. 347: Mr. Gonzalez.

H. Res. 398: Mr. Sweeney, Mr. McKeon, Ms. DeLauro, Mr. Evans, Mr. Hilliard, Mr. Dreier, and Mr. King.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 9 by Mr. MINGE on House Resolution 478: Sander M. Levin.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4578

Offered By: Mr. Stupak

Amendment No. 1: Insert before the short title the following new sections:

Sec. ___. (a) Restrictions on Roadless Initiative.—During the period described in subsection (b), none of the funds appropriated or otherwise made available by this Act may be used—

(1) to implement the environmental impact statement and proposed rule issued by the Forest Service known as the "Roadless Initiative", as it applies to both inventoried roadless areas and any other unroaded areas considered within the scope of the Roadless Initiative;

(2) to impose any additional national restrictions on the construction or reconstruction of forest roads of any size or definition; or

(3) to impose or enforce any change in permissive access to National Forest System lands for forest management or public use, beyond such land use and road management decisions as are made with full public participation as required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

(b) Duration.—The restrictions imposed by subsection (a) apply during the period beginning on the date of the enactment of this Act and ending on the date the Secretary of Agriculture certifies to Congress that—

(1) all pertinent unroaded areas considered under the Roadless Initiative have been properly mapped, analyzed, and displayed for adequate public review;

(2) site-specific resource concerns within each area mapped pursuant to paragraph (1) have been identified; and

(3) site-specific economic effects related to such areas have been analyzed and displayed.

Sec. ___. None of the funds appropriated or otherwise made available by this Act may be used to close, decommission, abandon, obliterate, or block any road on National Forest System lands or easement or right-of-way administered by the Forest Service until the Forest Service has developed and published in the Federal Register—

(1) a schedule, staffing plan, and budget for completion of the road analyses for National Forest System lands, as described in the Draft Road Management Policy dated March 2, 2000; and

(2) a description of how these analyses will be completed in a comprehensive and systematic manner to assure reasonable continued public access to National Forest System lands.

H.R. 4578

Offered By: Mr. Stupak

Amendment No. 2: Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

Sec. 501. None of the funds appropriated or otherwise made available by this Act may be used—

(1) to implement the environmental impact statement and proposed rule issued by the Forest Service known as the "Roadless Initiative";

(2) to impose any additional national restrictions on the construction, reconstruction, or maintenance of forest roads of any size or definition; or

(3) to impose or enforce any change in permissive access to National Forest System lands for forest management or public use, beyond such land use and road management decisions as are made with full public participation as required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

Sec. 502. None of the funds appropriated or otherwise made available by this Act may be used to close, decommission, abandon, obliterate, or block any road on National Forest System lands or easement or right-of-way administered by the Forest Service.

H.R. 4578

Offered By: Mr. Stupak

Amendment No. 3: Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

Sec. 501. None of the funds appropriated or otherwise made available by this Act may be used—

(1) to implement the environmental impact statement and proposed rule issued by the Forest Service known as the "Roadless Initiative";

(2) to impose any additional national restrictions on the construction, reconstruction, or maintenance of forest roads of any size or definition; or

(3) to impose or enforce any change in permissive access to National Forest System lands for forest management or public use, beyond such land use and road management decisions as are made with full public participation as required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

H.R. 4578

OFFERED BY: MR. STUPAK

AMENDMENT NO. 4: Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds appropriated or otherwise made available by this Act may be used—

(1) to implement the environmental assessment and proposed rules issued by the Forest Service known as the "Road Management and Transportation Strategy";

(2) to impose any additional national restrictions on the construction, reconstruction, or maintenance of forest roads of any size or definition;

(3) to impose or enforce any change in permissive access to National Forest System lands for forest management or public use, beyond such land use and road management decisions as are made with full public participation as required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); or

(4) to close, decommission, abandon, obliterate, or block any road on National Forest System lands or easement or right-of-way administered by the Forest Service, as might be prescribed by these rules.

H.R. 4578

OFFERED BY: MR. STUPAK

AMENDMENT NO. 5: Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds appropriated or otherwise made available by this Act may be used to implement the environmental impact statement prepared pursuant to the notice of intent published by the Forest Service in the Federal Register on October 19, 1999 (64 Fed. Reg. 56306), and issued May 11, 2000, and the proposed rules regarding the protection of remaining roadless areas within the National Forest System (known as the "Roadless Initiative").

H.R. 4578

OFFERED BY: MR. STUPAK

AMENDMENT NO. 6: Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds appropriated or otherwise made available by this Act may be used to implement the environmental assessment dated February 16, 2000, and the proposed rules published by the Forest Service in the Federal Register on March 3, 2000 (65 Fed. Reg. 11680) to revise regulations concerning the development, use, maintenance, and management of the National Forest transportation system (known as the "Road Management and Transportation Strategy").

H.R. 4578

OFFERED BY: MR. STUPAK

AMENDMENT NO. 7: Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

Sec. 501. None of the funds appropriated or otherwise made available by this Act may be used—

(1) to implement the environmental impact statement prepared pursuant to the notice of intent published by the Forest Service in the Federal Register on October 19, 1999 (64 Fed. Reg. 56306), and issued May 11, 2000, and the proposed rules regarding the protection of remaining roadless areas within the National Forest System (known as the "Roadless Initiative");

(2) to implement the environmental assessment dated February 16, 2000, and the proposed rules published by the Forest Service in the Federal Register on March 3, 2000 (65 Fed. Reg. 11680) to revise regulations concerning the development, use, maintenance, and management of the National Forest transportation system (known as the "Road Management and Transportation Strategy");

(3) to impose any additional national restrictions on the construction, reconstruction, or maintenance of forest roads of any size or definition;

(4) to close, decommission, abandon, obliterate, or block any road on National Forest System lands or easement or right-of-way administered by the Forest Service, as might be prescribed by these rules; or

(5) to impose or enforce any change in permissive access to National Forest System lands for forest management or public use, beyond such land use and road management decisions as are made with full public participation as required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

H.R. 4578

OFFERED BY: MR. STUPAK

AMENDMENT NO. 8: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to implement section 2.18 of title 36, Code of Federal Regulations, in the Pictured Rocks National Lakeshore unit of the National Park System.

H.R. 4578

OFFERED BY: MR. STUPAK

AMENDMENT NO. 9: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to implement section 2.18 of title 36, Code of Federal Regulations, in the following units of the National Park System:

(1) The Herbert Hoover and Perry's Victory National Historic Sites.

(2) The Pictured Rocks National Lakeshore.

(3) The Cedar Breaks, Dinosaur, and Grand Portage National Monuments.

(4) The Acadia, Black Canyon of Gunnison, Crater Lake, Grand Teton, Mount Ranier, North Cascades, Olympic, Rocky Mountain, Sequoia and Kings Canyon, Theodore Roosevelt, Yellowstone, and Zion National Parks.

(5) The Bighorn Canyon, Curecanti, Delaware Water Gap, Lake Chelan, and Ross Lake National Recreation Areas.

(6) The Appalachian National Scenic Trail and the Saint Croix National Scenic River.

(7) The Blue Ridge and John D. Rockefellar, Jr., Parkways.

EXTENSIONS OF REMARKS

TRIBUTE TO STEVE OSBORNE—2000 SMALL BUSINESS PERSON OF THE YEAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to congratulate Steve Osborne on being selected as the 2000 Small Business Person of the Year for the Colorado District of the U.S. Small Business Administration. His hard work, dedication and business savvy have propelled Steve and his business—Building Specialities—to new heights.

Steve and his organization have not had an easy road to success. After a very promising and profitable inception, the company began losing money. An external audit was performed and it was revealed to Steve that an employee was embezzling money. Amid this adversity, Steve never put his head down in defeat. Rather, he put his shoulder to the plow and revamped his company.

Today, that turn-around is complete as Building Specialities is expected to reach nearly $5 million in gross sales this year. Much of this renewed success is attributable to Steve's efforts and energies. Steve has taken a proactive approach to his business philosophy and continues to draw from his experience of hard knocks. He is a model citizen and a firm believer in never giving up.

I am encouraged by Steve's accomplishments and his success story. He is the embodiment of the entrepreneurial spirit that makes America's economy the strongest in the world. Because of entrepreneurs of Steve's caliber, America can look forward to many decades of continued prosperity.

It is with this, Mr. Speaker, that I say congratulations to Steve on winning this prestigious award. We are all very proud of you.

HONORING FINER WOMANHOOD AWARDEES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. KILDEE. Mr. Speaker, I rise on behalf of the Lambda Rho Zeta Chapter of Zeta Phi Beta Sorority, Inc., located in Pontiac, Michigan. For many years, the sisters of Zeta Phi Beta have emphasized family leadership and civic pride. Each year, at their Finer Womanhood Scholarship Luncheon, they award scholarships to college bound students, and also recognize those who have made a significant impact on the City of Pontiac. On June 10, the Chapter will gather for their seventeenth annual luncheon, where they will honor Ms. Cynthia Thomas Walker as Woman of the Year, and Mrs. Dorothy Jones Herron and her family as Family of the Year.

Cynthia Thomas Walker has truly shown herself to be more than deserving of the distinction of Woman of the Year. She is currently the Administrator of 50th District Court in Pontiac. She is the first African-American and the first female to hold this position. Originally from Chicago, Cynthia came to Pontiac in 1985, where she worked for UAW–GM Legal Services and was an instructor for the American Institute for Paralegal Studies before becoming a Deputy City Attorney in 1993. The following year, she became City Attorney and continued that role until last year, when she was promoted to her current position. Cynthia is a member of the State Bar of Michigan, the Southeast Michigan Court Administrators Association, and the NAACP. She is also the proud mother of a twelve-year-old son, Clifton.

This year's Family of the Year is the family of Dorothy Herron Jones of Pontiac. A product of the Pontiac School District, Mrs. Herron graduated from Pontiac Central High School, and went on to the Jones School of Nursing in Ann Arbor, and St. Joseph Mercy School of Nursing in Detroit. She began her medical career at Pontiac General Hospital as an LPN and later an RN. In 1971, she became a staff nurse at General Motors Truck and Coach. She rose through the ranks to her current position as Associate Administrator for GM Corporate Health Services, working with facilities in eight states, including Michigan. She is a member of several nurses' associations, the American Occupational Health Association, and the NAACP. Mrs. Herron has raised two wonderful sons. Dr. Michael Herron is an emergency room physician at Chesatee Hospital in Dahlonega, GA and Georgia Baptist Hospital in Warm Springs, GA. Darryl Herron has recently completed a two-year assignment in the Asian Pacific as Regional Manager of the Audit Staff for General Motors. He is currently the Manager of Capital Appropriations at GM Powertrain Global Headquarters in Pontiac. Mrs. Herron is also proud of her grandchildren, David and Destiny.

Mr. Speaker, as a member of several civic and fraternal organizations, I understand how important these groups can be to improve the community climate. I am proud of the hard work the Lambda Rho Zeta Chapter of Zeta Phi Beta Sorority has done for the City of Pontiac, and I ask my colleagues in the 106th Congress to join me in applauding them and their award recipients.

HONORING DAVID S. THOMPSON

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. LEE. Mr. Speaker, today I honor David S. Thompson, the past President of Northern California Small Business Financial Development Corporation.

Mr. Thompson has made a major contribution to hundreds of economically disadvantaged small business enterprises throughout the greater San Francisco Bay Area. This contribution has resulted in over $19 million of loan capital provided to this important segment of our regional economy that otherwise would not have occurred without his leadership and oversight.

In addition to providing solid direction and guidance to this non-profit public benefit corporation, Mr. Thompson has excelled in forging genuine strategic alliances with community-based organizations and financial institutions in a positive effort to maintain the flow of capital to minorities, women and the truly economic-disadvantaged of our local small business population.

As Executive Director of the City of Richmond's Redevelopment Agency, Mr. Thompson has contributed substantially to the economic revival of his own community for nearly twenty years.

Additional positions he has held with the City of Richmond over the years include Project Manager for the Marina Bay Development and the City's Business Assistance Officer. The Redevelopment Agency is a department within the Community and Economic Development Division which administers the City's community, economic and housing development programs including Redevelopment, Community Development Block Grants, HOME and Youth Build.

Mr. Thompson is active with a variety of nonprofit organizations in the Bay Area, involved in small business development financial and management assistance including the Northern California Community Loan Fund, Bay Area Small Business Development Corporation and West Contra Costa Business Development Center.

It is with great pride and honor to recognize the overall contributions made by David S. Thompson to the State of California's Small Business Loan Guaranty Program and to the hundreds of small business persons who have benefitted from this commitment of time and energy.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RSS BOMBS CHRISTIAN WOMEN'S PRAYER MEETING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. TOWNS. Mr. Speaker, on May 31 Newsroom.org reported that a May 21 bomb blast that injured 30 Christians during a prayer meeting was apparently carried out by the RSS, the pro-Fascist, militant Hindu fundamentalist organization that is the parent organization of the BJP, the party that leads India's government.

According to the Newsroom report, which was brought to me by the President of the Council of Khalistan, Dr. Gurmit Singh Aulakh, the bomb exploded during a meeting of the Women's Club, a Christian group. An extensive investigation by the All-India Christian Conference showed that the Sangh Parivar, a branch of the RSS, was responsible for the incident despite police claims that it came about as a result of strife within the Christian community. The Catholic Bishops' Conference has written to the Indian government demanding action.

This bombing is the latest in a string of violent attacks on Christians and other religious minorities. According to the article, "the community is being threatened with anonymous letters and telephone calls ordering citizens to stop Christian prayers." Anti-Christian slogans have been painted on walls all over town.

In the light of incidents like this against Christians, Sikhs, Muslims, and other minorities, the United States must act. Our aid to India, one of the largest recipients of American aid, must be stopped until all people's rights are respected. India should be declared a terrorist state and punished accordingly. Congress should call for a free and fair plebiscite under international supervision to allow the Christians, Sikhs, and other minority nations under Indian rule to enjoy self-determination, as a democracy should.

I would like to place the article from Newsroom into the RECORD. I urge my colleagues to read it and see the reality of religious freedom in India.

CHRISTIANS IN INDIA CLAIM BOMBING IS PART OF HATE CAMPAIGN

NEW DELHI, India, 30 May 2000 (Newsroom)—A bomb blast that injured 30 people in the coastal state of Andhra Pradesh last week was part of a campaign of hate by Hindu extremists, leaders of a Christian organization claim.

The blast at a prayer meeting in the Women's Club at Machilipatnam on May 24 was not the result of strife within the community as police first said, according to a team assembled by the All India Christian Council (AICC). The AICC has presented its report to Andhra Pradesh, Chief Minister Nara Chandrababu Naidu, who said in a press release that he has directed police to review the investigation.

"We have already written to Prime Minister Atal Behari Vajpayee about this," Father Dominic of the Catholic Bishop's Conference of India (CBCI) said. "With the report we hope the government will take it seriously."

The incident follows a series of attacks against Christian institutions, priests, and nuns in the states of Uttar Pradesh, Haryana, and Madhya Pradesh.

The AICC team—composed of an advocate, a pastor, and a community representative—said it found disturbing elements of a deliberate hate campaign by the Sangh Parivar, the extended family of the Rashtriya Swayamsevak Sangh (RSS), a Hindu nationalist organization that is the ideological parent of India's governing Bharatiya Janata Party. Provocative statements and signs have been painted on the walls in the town, the AICC said.

The community is being threatened with anonymous letters and telephone calls ordering citizens to stop Christian prayers in the schools or face dire consequences, according to the AICC.

Police previously attributed the bombing to rivalry between two local pastors. After interviewing Christians belonging to both congregations, the AICC concluded that police were incorrect. Local police have since said that senior officers who made the earlier statements did so in haste.

"Going by the facts, evidence, and circumstances, in our opinion the cause of the blast is a handiwork of fundamentalists who conspired and executed a meticulous precision blast without leaving any evidence to the site," the AICC report said. The bomb was not an "ordinary (crude) one but it appears to be either a time bomb or a remote bomb," according to the report.

TRIBUTE TO JERRY GROSWOLD—DENVER & COLORADO TRAVEL INDUSTRY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to congratulate Jerry Groswold on being inducted into the Denver & Colorado Travel Industry Hall of Fame. He is one of only seven members to receive this distinction. He was inducted on April 1, 2000 at the Second Annual Denver's Salute to Tourism, an event which raised over $25,000 last year for Colorado students entering the hospitality and tourism field.

Mr. Groswold's roots have a long-standing history with tourism in Colorado. He got his feet wet as a water boy for early ski pioneers, building the first trails on the slopes in Winter Park, Colorado. In 1959, he joined the Winter Park Recreational Association and eventually served as chairman. After his tenure as chairman, he became Chief Executive Officer for the resort and held it for 22 years. Currently, Jerry is serving as Chairman of the Board for Club 20 in western Colorado.

Without Jerry's contribution, Winter Park would not be the ski community that it is today. His dedication and commitment helped to complete one of the largest ski expansions in Colorado's tourism history. I am proud to honor Jerry and thank him for his efforts to make Colorado's tourism industry a model for other states.

HATE CRIMES PREVENTION ACT OF 1999, H.R. 1082

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak on the Hate Crimes Prevention Act of 1999.

Why is it that we sit here in Congress and profess how far America has come? Why is it that we continuously stress how we have grown economically and socially? Is now not the time for America to grow morally? For those who fear to answer this question, I will answer for them. The time is now.

Over a year ago, the bipartisan Hate Crimes Prevention Act was introduced. This legislation will make it easier for federal authorities to assist in the prosecution of racial, religious and ethnic violence. This legislation has since been referred to the Subcommittee on Crime. My colleagues, why have we not done more? Instead of doing more to strengthen hate crimes legislation, members of society with no sense of remorse are killing those who they believe to be inferior to them.

I should not have to stand here and remind you of the brutal death of James Byrd, Jr. from my home state of Texas. But just to persuade those of you who continue to dismiss the ongoing atrocities of hate crimes that occur, I will. James Byrd, Jr. was beaten shamelessly by two white supremacists and then chained to a pickup truck. These two men then dragged him to his death. You have all heard this before and still action by Congress remains to be seen.

My colleagues, I come to you today urging that we take action now. Has the prosperity of America become so great for some that we simply dismiss senseless acts of hate crime? The answer is no. We cannot allow another minute to pass before we enact the Hate Crimes Prevention Act. As Members of Congress and leaders, we must realize that now is the time to take action.

TRIBUTE TO DR. MONROE E. WALL AND DR. MANSUKH C. WANI

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. PRICE of North Carolina. Mr. Speaker, two men who have devoted their lives to finding safer, more efficacious treatments for one of the world's most deadly diseases are being honored tonight.

Dr. Monroe E. Wall and Dr. Mansukh C. Wani of the Research Triangle Institute in North Carolina will receive the prestigious Charles F. Kettering Prize, an award given by the General Motors Cancer Research Foundation to the scientists who have made the most outstanding recent contribution to the diagnosis or treatment of cancer.

Drs. Wall and Wani, who have collaborated for more than 38 years in their work, discovered two vital chemotherapeutic compounds, Taxol and Camptothecin, which serve as prototypes for a variety of new therapies that effectively treat cancer.

The findings are rare discoveries. Taxol, which has been heralded as one of the most important anti-cancer compounds of the past thirty years, was one of only two compounds out of 100,000 which were approved for clinical use by the National Cancer Institute between 1960–1981. Because of the work by Drs. Wall and Wani, Taxol now serves as one of the most productive treatments for breast, ovarian, and lung cancer and even Kaposi's sarcoma, a cancer associated with AIDS.

Drs. Wall and Wani have long been regarded as two of the premier members of their field. Dr. Wall, who earned his B.S., M.S., and Ph.D. from Rutgers University, has been the recipient of two honorary doctorates and has been recognized for his work by the American Society of Pharmacognosy, the American Association of Cancer Research, and the American Chemical Society.

Dr. Wani, a native of India, has also received awards on numerous occasions for his contributions, including being honored with the Bruce F. Cain Memorial Award from the American Association for Cancer Research, the City of Medicine Award, and the NC1 Award of Recognition. He earned his B.S. and M.S. degrees from the University of Bombay and Ph.D. in chemistry from Indiana University.

Drs. Wall and Wani, aged 83 and 75 respectively, still work actively in the fight against cancer. According to Dr. Wani, they continue their work because "there is always a need to find something better and less toxic." They truly embody the spirit of inventiveness that is required for finding the cure for cancer. North Carolinians take great pride in the contributions of these outstanding scientists and in their richly deserved recognition.

TRIBUTE TO THE MISSOURI STATE HIGHWAY PATROL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SKELTON. Mr. Speaker, today, I wish to pay tribute to the troopers of the Missouri State Highway Patrol. These men and women, who are directed by the Governor and Superintendent Weldon L. Wilhoit, deserve our gratitude for their contributions to the citizens of Missouri.

You see the Missouri State Highway Patrol's distinctive blue uniforms throughout the state on a daily basis. The men and women of the Patrol can be found tirelessly working on behalf of the residents of the State of Missouri. You may see them testifying in courtrooms throughout the state or working with county sheriffs and local police departments. You may witness their lecturing students on the benefits of highway safety and other important matters. On Missouri's highways, you may see troopers deliver new babies or change motorists' tires, and elsewhere in the state, members of the Patrol may be combating the trade and production of illegal narcotics.

In addition to these very important responsibilities to the citizens of the "Show Me State," the Missouri State Highway Patrol specializes in providing protection for Missouri's governor and managing the law enforcement needs of Missouri's gaming industry. The Patrol also maintains Drivers Examination Stations throughout the state and provides detailed analysis of crime and accident scenes through the use of their Crime Laboratory Unit, Aircraft Unit, and Traffic Division.

Although the troopers prefer calm and peaceful experiences while on duty, their jobs as law enforcement officers sometimes turn deadly when confrontation occurs with the violent criminal element. Each trooper is fully aware that her/his life may be on the line as 21 troopers have died defending the values of Missouri society. Vigilance is always a prerequisite for a trooper initiating a car stop or interrupting a crime in progress. So that no one will forget the supreme sacrifice that troopers have paid, a large picture of each trooper killed in the line of duty hangs in the Missouri State Highway Patrol General Headquarters Building in Jefferson City. These pictures are a solemn reminder that the law enforcement profession is fraught with danger.

Mr. Speaker, the troopers of the Missouri State Highway Patrol exemplify the highest tradition of duty and service to the protection of the citizens of Missouri. I am certain that all Members of the House will join me in expressing appreciation for their dedication.

HONORING REVEREND W.G. AND MARY TERRY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. KILDEE. Mr. Speaker, thank you for the opportunity to rise before you today to speak on the behalf of two people who have made Christian Education their life's work. Each year, the Wolverine State Congress of Christian Education honors individuals for their commitment to Christian Education. On June 7, they will recognize the efforts of Reverend Dr. W.G. Terry, and his wife Mary.

W.G. Terry was born in Linden, Texas, and later moved to Henderson, Texas, early in his childhood. After graduating from high school in Henderson, Reverend Terry went on to obtain degrees from American Baptist Theological Seminary in Nashville, TN; Arkansas Baptist College in Little Rock, AK; and Bishop College in Marshall, TX. It was in Little Rock that Reverend Terry also received his Doctorate of Divinity. Over the years, he has been directed by the Lord to pastorates in Little Rock; Mineola, TX; Dyersburg, TN; Jackson, TN; and finally New Zion Missionary Baptist Church in Flint, MI, where he has been the Pastor for the last 39 years. As Pastor, Reverend Terry operates as a spiritual leader, counselor, confidant, and community leader, among many other roles. He helped build the First Baptist Church in Jackson, Tennessee, and helped organize the Mississippi Valley Association School of Ministers. He purchased the New Zion building and added educational facilities. He has been recognized for distinction by American Baptist Theological Seminary, and by the Jackson NAACP as Father of the Year.

Reverend Terry has held many leadership positions in groups such as the Mississippi Valley District Congress, the Interracial Ministers' Alliance, and the Wolverine Baptist State Convention. After serving as the President of the Great Lakes Baptist Conference for 26 years, he was granted Emeritus status. He also serves as an instructor for the Flint Baptist Ministers' Alliance and the National Baptist Congress.

On November 2, 1945, W.G. Terry married Mary Hollins in Henderson, Texas. Mrs. Terry was born in Longview, Texas, and completed her schooling in Henderson. She attended Fisk University and Tennessee State College in Nashville, before receiving a degree from Arkansas Baptist College. Mary became a teacher in Texas and Tennessee, and was also a Vacation Bible School instructor for the East Texas District Baptist Congress. Along with her husband, she helped found the Tennessee Baptist Youth Encampment.

Mrs. Terry currently serves as Co-Director of Christian Education at New Zion Missionary Baptist Church. She also serves as an Instructor of Minister's Wives for the Great Lakes Baptist Congress and the Wolverine State Baptist Congress. She has been Program Director of the National Baptist Minister's Wives for more than 40 years. In addition, she and her husband have raised a wonderful daughter, and have two grandchildren.

Mr. Speaker, as a former teacher and seminarian, I am very proud of the work that Reverend W.G. and Mrs. Mary Terry have done to improve our academic and spiritual well being. It is because of people like them that the Flint community is a better place in which to live. I ask my colleagues in the 106th Congress to join me in congratulating their achievements.

CELEBRATION OF THE 25TH ANNIVERSARY OF LA PEÑA CULTURAL CENTER, BERKELEY, CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. LEE. Mr. Speaker, we celebrate the Twenty-Fifth Anniversary of the establishment of La Peña a Cultural Center in Berkeley, California.

La Peña Cultural Center is a nationally and internationally respected multi-cultural community arts institution working for social change while presenting culturally specific art from diverse sectors of the community.

For the past quarter century, La Peña has raised the social and cultural consciousness of our community through projects that bring people together to work on transforming our future. La Peña mission is the belief that artists and cultural workers contribute to positive social change by creating understanding among people, by stimulating discussion and by presenting a powerful vision of the future.

Throughout the year, La Peña presents many educational programs that increase understanding of different cultures and encourages the development of all disciplines that keep alive our cultural roots and diverse heritages. La Peña also operates a multi-purpose center that serves as a gathering place to support the Center's mission, as well as support the work of community organizations that are active in social justice.

To ensure La Peña's long term continuity and growth, the Center is launching an Endowment Campaign to raise $500,000 over the next three years. This capital base will generate an unencumbered income of $30,000 annually to support the Center's needs. As this capital base grows, funds generated by The Endowment will enable La Peña's many programs to thrive.

I proudly join people throughout the Bay Area in recognizing this momentous occasion of celebrating 25 years of extraordinary service by La Peña Cultural Center.

FREEDOM FOR THE SIKHS OF KHALISTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. TOWNS. Mr. Speaker, the Council of Khalistan recently issued an open letter about the deplorable situation in Punjab, the Sikh homeland which declared its independence on October 7, 1987, as Khalistan.

The Sikhs are under attack from a militant Hindu organization called the RSS. The RSS was formed during World War II in support of the Fascists. It is the parent organization of the ruling BJP and many other organizations also come under its umbrella. Its agenda is to promote fundamentalist Hindu nationalism. Two members of the ruling BJP, which is a part of the RSS, were quoted in the newspapers as saying that everyone who lives in India should be Hindu or subservient to Hinduism.

Now the RSS is trying to form a satellite organization called the Rashtriya Sikh Sangat which is designed to subsume Sikhs under Hinduism and wipe out their religion. Since the ruling party is part of the RSS, it is implicitly part of this effort to eliminate the Sikh religion. As people who believe in freedom of religion, this assault on anyone's freedom of religion ought to concern all of us.

The recent massacre of 35 Sikhs in Chatti Singhpora is just another chapter in this campaign. Two recent investigations have proven that the Indian government was responsible for that massacre. There are still 50,000 Sikhs political prisoners rotting in Indian jails without charge or trial. The Indian government has murdered over 250,000 Sikhs. Punjab is a police state. The only way to end this campaign against the Sikhs is to support self-determination and freedom for Punjab, Khalistan.

Mr. Speaker, there are measures the United States can take to promote freedom for Khalistan and throughout South Asia. I urge the President to declare India a terrorist nation. We can cut off American aid and trade to India until all people there enjoy their basic human rights. And in accord with American principles, we must declare our support for self-determination for the people of Khalistan, the people of Kashmir, the people of Nagaland, and the other peoples and nations of South Asia. This can be achieved by allowing the people to vote in a free and fair plebiscite under international supervision on the question of independence. Such a plebiscite is similar to the periodic votes in Puerto Rico and Quebec on their political futures. This is how democratic nations do it and it is how great powers do it. If India wants to be taken seriously as a member of the family of democratic nations, it must allow self-determination and human rights for all peoples and nations within its artificial borders.

Mr. Speaker, I would like to place the Council of Khalistan's open letter on the situation in Punjab into the RECORD.

COUNCIL OF KHALISTAN, GURU GOBIND SINGH, THE TENTH MASTER,
Washington, DC, May 12, 2000.

A SOVEREIGN KHALISTAN IS THE ONLY SOLUTION

ALL SIKH INSTITUTIONS AND PRESENT LEADERSHIP IN PUNJAB ARE UNDER GOVERNMENT CONTROL

Khalsa Ji: The militant Hindu fundamentalists of the RSS are now attacking the Sikh Nation. They are trying to insinuate themselves into the Sikh Nation by forming the "Rashtriya Sikh Sangat." They are trying to bring Sikhs under the Hindu umbrella by any means necessary. The Sikh Nation must stay alert and fight back against these efforts.

The only way to stop these efforts is political power. Without political power, nations perish. If we cannot reclaim our lost sovereignty, the RSS will succeed in its efforts to wipe out the Sikh Nation and the Sikh religion. Every day, we pray "Raj Kare Ga Khalsa." Do we mean it? A true Sikh cannot lie to Guru. If we mean what we say, we must do everything we can to establish Khalsa Raj.

The turmoil of the Akal Takht and the SGPC, and the other problems of the Sikh Nation are the result of the fact that we have lost the sovereignty that the Guru gave us. These problems have come about because the entire Sikh leadership and the Sikh institutions in Punjab are under Indian government control. We can only solve these problems by liberating our homeland, Khalistan.

Why are there still 50,000 Sikhs rotting in Indian jails without charge or trial? Why have the Sikh leaders in Punjab been silent about the murders of over 250,000 Sikhs, at the hands of the Indian government? There is an Akali government and there are other Akali parties like Mann's Akali Dal. Why can't they start a Shantmai Morcha to free those political prisoners? Why can't they demand that Amnesty International be allowed into Punjab to conduct an independent human-rights investigation?

The government previously sent Professor Manjit Singh to destroy the Khalistan movement abroad. Now it has sent Simranjit Singh Mann. No Sikh leader who speaks for Khalistan will be allowed to leave the country and come here. There is moral degeneration of the Sikh character due to the lack of political power.

Four years ago, the Sikh leadership passed the Amritsar Declaration. It said that if India did not grant Punjab complete autonomy within six months, they would start a peaceful agitation for Khalistan. Four years later, Mann still supports the Amritsar Declaration. He still says that there should be a federation with India controlling defense, foreign affairs, and finances. These are the things that define your political status. The other Sikh leaders in Punjab have backed away from even that position. On February 12 at the celebration of Sant Bhindranwale's birthday, Mann opposed the speakers who spoke for Khalistan, saying that they spoke only for themselves and that Bhindranwale supported secularism.

The proposal for a federated India still keeps Hindustan in control. That is why Mann made it. At the Sikh Day parade, U.S. Congressman Major Owens raised slogans of "Khalistan Zindabad," yet Mann would not even use the word Khalistan. He has long posed as a Khalistani. Even last year at the 300th anniversary celebration, he raised slogans of "Khalistan Zindabad" but now he has changed his stand. He, too, is clearly under government control. There is only one solution: a sovereign, free, and independent Khalistan, as declared on October 7, 1987. Only in a free Khalistan can Sikhs live in freedom, dignity, prosperity, and peace.

The Sikh Nation will not achieve its legitimate aspirations with any of the current political parties in Punjab. None of these parties will bring us a free Khalistan. Whether the Akalis, Congress, or the Akali Dal Mann is elected, elections under the Indian constitution will not free Khalistan and they will not end the slavery of the Sikh Nation and the corruption in the Punjab government. Badal made three promises to get elected: that he would release all political prisoners, that he would punish guilty police officers, and that he would appoint a commission to look into the excesses by the Indian government against the Sikh Nation. He could not even keep these modest promises. Instead, he put the heat on the People's Commission and shut it down.

The massacre of 35 Sikhs in Chatti Singhpora shows that without sovereignty, the Indian oppression of the Sikh Nation will continue. An investigation by the Ludhiana-based International Human Rights Organization, led by D.S. Gill, showed that the Indian government was responsible for the massacre. A recent report by the Justice Ajit Singh Bains, chairman of the Punjab Human Rights Organization, Sardar Inderjit Singh Jaijee, convenor of the Movement Against State Repression, and General Kartar Singh Gill, also found that the government counterinsurgency forces were responsible. This atrocity underlines the need for a sovereign, independent Khalistan.

Punjab is a police state. None of the political parties will bring us Khalistan. The Sikh Nation needs new leadership and a new party that are committed to liberating Khalistan. We need a Khalsa Raj Party. The Khalsa Raj Party should be committed to self-determination. It should demand freedom for Khalistan and any peaceful, democratic, nonviolent means should be used to achieve this goal, whether it is a plebiscite or any other democratic means.

The only way to escape Indian slavery is to liberate Khalistan. New Sikh leadership emerge to free the Sikh Nation. They should raise the slogan "India Quit Khalistan" and start a Shantmai Morcha until we achieve freedom. We have now seen how the Indian government controls Sikh institutions and the entire Sikh leadership in Punjab.

Unless the Sikh Nation brings back the Sikh spirit and fight for truth and justice, the Khalsa Panth will not prosper. Remember the Guru Ka Bag Morcha and the Jaito Morcha. We did it then and we can do it now. Only in a free Khalistan can the Sikh religion flourish. Only in a free Khalistan will Sikhs be able to live in freedom and dignity.

Only then can the Sikh Nation finally enjoy the glow of freedom that was promised to us so many years ago.

Khalsa Ji, the onus is on us. The time is now. We must start a Khalsa Raj Party and begin a Shantmai Morcha to liberate Khalistan. We must reclaim our lost sovereignty. New, young leadership which has dedication and the spirit of sacrifice must emerge. Support only these new leaders who are honest, dedicated, fearless, and committed to freedom for Khalistan. India is on the verge of disintegration. Kashmir is going to be free from Indian control. Let us make use of this opportunity to free Khalistan.

Sincerely,

DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

TELEPHONE EXCISE TAX REPEAL ACT

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. KUCINICH. Mr. Speaker, I rise in support today of H.R. 3916, the Telephone Excise Tax Repeal Act. This tax is a regressive tax that now collects over $5 billion each year from local and long distance phone calls. The working families of this country deserve lower taxes and this tax repeal will benefit them the most. This tax cut is also an issue that people care about. I wish to express my appreciation to Robert Fuchs, a constituent from the 10th District of Ohio, for bringing this issue to my attention. This tax cut is fair and is long overdue.

The taxation of Americans is necessary to pay for the service of our government. The difficult question is how to structure these taxes. Regressive taxes, which levy taxes regardless of one's ability to pay, are not fair. The telephone tax is a regressive and unfair tax. Progressive taxes, which levy taxes proportional to one's ability to pay, are much fairer. The income tax is a type of progressive tax. I believe that the current budget surplus is large enough to consider repealing other regressive taxes that harm lower-income Americans. As such, I remain committed to creating a more fair tax system.

TRIBUITE TO LARRY WILKINSON—EXTRAORDINARY LIBRARY ADVOCATE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take this moment to recognize Larry Wilkinson for receiving the Extraordinary Library Advocate of the 20th Century award that is presented by the ALA/ALTA National Advocacy Honor Role. This award recognizes individuals who encourage and promote library services at both the state and national levels. Larry was one of five individuals chosen for this award.

Some of Larry's accomplishments, with regards to his library service, include initiating the inception of two public libraries in the State of Colorado. Perhaps his greatest achievement was the restoration of a former jailhouse into the current library in the town of Telluride. Today, Larry volunteers one day a week to continue his public passion and also serves on the Colorado Council of Library Development.

The many contributions that Larry has made have markedly improved the publics' access to information, especially in the Telluride area. Before Larry's involvement and the creation of the library, residents would have to travel to the city of Montrose in order to obtain access to literary materials. Thanks to Larry, that is no longer the case.

Mr. Speaker, it is my privilege to pay tribute to Larry's efforts and to thank him for his work to provide access to information that is only available in public libraries. Larry is exceedingly worthy of this prestigious award and deserves the praise of this body.

WELLTON-MOHAWK TRANSFER ACT

SPEECH OF

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2000

Mr. PASTOR. Mr. Speaker, I rise today at the end of this long journey to fully support this legislation which transfers the title of the Gila Project/Wellton Mohawk Division facilities from the Bureau of Reclamation to the Wellton-Mohawk Irrigation and Drainage District.

I want to thank the Gentleman from Alaska, Chairman YOUNG, the Gentleman from California, Mr. MILLER, the Chairman of the Resources Subcommittee on Water and Power, Chairman DOOLITTLE, and the Ranking Member of that Subcommittee, Mr. DOOLEY, for their help in getting this legislation through the Subcommittee, through the full Resources Committee, and now on the Floor of the House.

I also want to thank my colleagues from Arizona for their help. Congressmen STUMP, HAYWORTH, and KOLBE joined me in introducing the legislation, and Congressman SHADEGG quickly joined them in seeing the wisdom of co-sponsorship. And in the other body, both Senators from Arizona joined to introduce the bill we are considering today.

The Gila project in Western Arizona was originally authorized for construction by President Roosevelt in June, 1937. Construction for the Wellton-Mohawk Division was started in August, 1949, and water from the Colorado River was turned onto the Wellton-Mohawk fields for the first time in May, 1952. The project was completed by June, 1957 and the Wellton-Mohawk Irrigation and Drainage District fully repaid its project costs and was given its certificate of discharge on November 27, 1991. In 1998, the District and the Bureau of Reclamation signed a Memorandum of Agreement that covers the details of the transfer of title.

This bill, S. 356, which is virtually identical to the bill I introduced, H.R. 841, simply authorizes the Secretary of the Interior to carry out all provisions of the Memorandum of Agreement covering the transfer of title, including the authority to convey lands as required. It also requires the Secretary of Interior and the Secretary of Energy to continue to provide water and power as provided under existing contracts.

Mr. Speaker, as I mentioned, this has been a long road, but we are finally ending the legislative journey. This is simple legislation which will help shrink the role of the Federal government and shift the responsibilities for ownership into the hands of local entities. In short, passage of this legislation will ensure a smoother and more efficient operation, which in turn will better serve the American taxpayer and the citizens of Southwest Arizona.

I ask that my colleagues support passage of S. 356 and I look forward to watching the President sign it into law.

TEXAS' CHILD HEALTH INSURANCE PROGRAM

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak on Texas' Child Health Insurance Program.

Today, our children should not have to fight to get the health care coverage they deserve. I am sad to say, in Texas they do. A child born in the year 2000 is far more likely to grow up healthy and to reach adulthood than a child born in 1900 was. Over the past 100 years, our nation's scientific, technological, and financial resources have built the most advanced health care system in the world. But the doors of the health care system are not open to everyone.

Millions of children have inadequate medical care. Ensuring that every child in our nation receives the best possible health care must be a top priority for the nation. Unfortunately, not all children have benefited equally from the medical, public health, and public policy achievements of the 20th century. To a large extent, health status is still determined by race, language, culture, geography, and economics. In general, children in low-income communities get sick more often from preventable acute and infectious illnesses such as measles, conjunctivitis, and ear infections. Low-income children and teens are also more likely to suffer from chronic medical conditions such as diabetes and asthma, the leading cause of school absences. In fact, the sharpest increases in asthma rates are among urban minority children.

Despite the tremendous advances in medical technology and public health, millions of children have less of a chance to grow up healthy and strong because of unequal access to health care. Children without health insurance or a regular source of health care are most likely to seek care from emergency rooms and clinics, which have long waits to see a provider, limited follow-up, and little or no health education about preventive strategies or ways to manage chronic illness. Compared with insured children, uninsured children are up to eight times less likely to have a regular source of care, four times more likely to delay seeking care, nearly three times less likely to have seen a provider in the past year, and five times more likely to use the emergency room as a regular place of care. There is no question that insurance is key to maintaining health.

Imagine one hundred children from Texas standing in front of you. Fifty-four of these children are insured through Private/Employer-based programs. Twenty-two are covered through Medicaid. Twenty-four are uninsured. This equals to about 1.4 million of the 6 million children in Texas without health insurance.

Now imagine one hundred children from all over the country standing in front of you. Sixty-four of these children are insured through Private/Employer-based programs. Twenty-one are covered through Medicaid. Fifteen are uninsured.

Why is it that Texas' percentage of uninsured children is higher than the national's average? The reason is due to a Texas government that chooses not to take advantage of government funding that will allow many children to be insured. As a matter of fact, Texas can expand its Medicaid coverage to the age of eighteen and cover those whose income is up to 300% of the Federal Poverty Level. Presently, Texas only covers children up to the age of eighteen and to those whose income is 100% of the Federal Poverty Level with Title XXI funds. If Texas expands Title XXI eligibility to only 200% Federal Poverty Level, like it has the choice to, then an additional 483,000 uninsured children would be eligible for insurance coverage. Over half of all states have expanded coverage to 200% or beyond.

Most states have expanded health insurance coverage to children using Title XXI funds. This coverage is provided through Medicaid expansions and/or separate insurance programs. Ten states offer Medicaid to those with an income up to 150% Federal Poverty Level. Texas falls within this category. Texas falls at the bottom. Our children fall at the bottom.

This should simply not be the case. The Texas government must not only strive to improve its average compared to the national average, but it must also strive to ensure all of its children adequate health care. The opportunity for Texas to make change is now. The Texas leadership must now show compassion to its future and provide a means for them to live healthy lives.

HONORING GAIL NOLIN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. KILDEE. Mr. Speaker, as a former teacher, it gives me great pleasure to rise before you today on the behalf of the Waterford, Michigan School District, who will be honoring one of their own. On June 14, members of the school district, as well as family and friends, will gather to honor the career of Ms. Gail Nolin, who is retiring after 34 glorious years.

In 1966, Gail Nolin began her career with Waterford Schools, teaching third, fourth, and fifth grades at Cooley Elementary School. Gail's tenure at Cooley lasted 18 years. Gail brought with her many unique and creative opportunities for her students to learn, including painting a large map of Michigan in the school parking lot, and constructing a large rocket ship. Many times, she incorporated art and music in her lessons, giving her students early exposure to fine arts and a well-rounded curriculum. She later moved up to teach upper elementary, where she involved parents in presenting technology to students, and helped pilot the district's first elementary computer network, acting as systems operator with Gladys Baker.

In 1991, Gail began a new role within the District, that of Technology Consultant. She diligently worked along with Dick Elsholz and Randy Gross to implement a program that would allow third grade to fifth grade teachers to integrate computer technology into their curriculum. She served as a member of the Institutional Technology Planning Committee, and co-chaired the first elementary technology plan.

Gail not only had an accomplished academic career, but a political career that has spanned nearly three decades.

A member of the Waterford Education Association, Michigan Education Association, and National Education Association, Gail has always remained a member in good standing and a role model for her peers. She has served the WEA as a member of its Human Rights Commission and Negotiations Committee, as well as other leadership roles with the union. As a member of the MEA, Gail has been an executive officer since 1985, and also sits on the Staff Retirement Board and Legislative Committee. She has operated as the MEA representative to the NEA on several occasions.

Gail's strong belief in our democratic system has allowed her an audience with not only members of Congress, but senators, Cabinet members, and several presidents, on issues such as Title I and equal rights. Gail was invited to the White House by President Carter to participate in discussions regarding the drafting of women into the military.

These experiences also led her to a stint as an assistant to Congressman Bob Carr, and the opportunity in 1993, where President Clinton met and bowled with her eighth grade students.

Mr. Speaker, Gail Nolin is my educational colleague and my friend. For many years, I have benefitted from her insight, as has the entire Waterford community over the course of the last 34 years. She has always been a fighter for education, for she believes that a strong educational background is the basis toward improving the quality of life. I ask my colleagues to please join me in congratulating Gail Nolin on her retirement, and wishing her the very best in her future endeavors.

HONORING MR. MICHAEL HARVEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize an exceptional man, Michael Harvey. In May, Mr. Harvey traveled to Washington D.C. to receive the "Star of Life" award, the highest honor presented to paramedics. Mr. Harvey received the award because of his dedicated service to his community and his fellow man as a paramedic. Mr. Harvey embodies the goals that this award stands for and we all can learn from the proud example he has set.

As you know Mr. Speaker, paramedics work tirelessly and selflessly to serve their fellow man. Mr. Harvey and his fellow paramedics are expected to perform in difficult—even perilous—situations on a daily basis. Mr. Harvey's service and sacrifice in his field clearly merit both the "Star of Life" award and the respect and admiration of this great body.

It is obvious why Mr. Harvey was chosen as the recipient of the "Star of Life" award. I think that we all owe him a debt of gratitude for his service to the State of Colorado. Due to Mr. Harvey's dedication, it is clear that Colorado is a better and safer place in which to live.

It is with this, Mr. Speaker, that I say thank you and congratulations to Mike Harvey on this outstanding accomplishment. Your community, state and nation are all very proud of you, Mike. Keep up the good work.

SALUTE TO URSULA SHERMAN BERKELEY, CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. LEE. Mr. Speaker, today I salute, congratulate, and honor Ursula Sherman.

Ms. Sherman has been a founding and active Board member of Building Opportunities for Self-Sufficiency (BOSS) for more than 29 years.

Ms. Sherman came to California in 1938 after her family spent five years in Paris as refugees from Nazi Germany. She learned the importance of volunteerism as an undergraduate at the University of Wisconsin and during her year as a researcher at the Nuremberg trials, where she fully grasped the concept that there but for the grace of God go I.

Ms. Sherman became an advocate for youth as a children's librarian and University of California at Berkeley visiting lecturer. In her "other" vocation as a community activist organizer, she worked hard at integrating Berkeley schools in the late sixties. She and members of the Jewish Community organized the Hillel Streetwork project, which later became Building Opportunities for Self-Sufficiency or BOSS. This organization continues to serve the homeless and mentally-disabled populations in the East Bay, thanks to her leadership 29 years ago.

In addition to her work in BOSS, Ms. Sherman is also a past or current board member of such organizations as The Jewish Music Festival, The Traveling Jewish Theater, the American Jewish Congress of Northern California and the Berkeley Public Library Foundation.

In honor of Ms. Sherman's many contributions to our community, BOSS is hosting a Tea Ceremony in her honor at the Rose Garden Inn in Berkeley, California. Proceeds from this event will benefit BOSS's 21st Century Charitable Fund which is dedicated to ending poverty and homelessness in our community.

I proudly join the friends and colleagues of Ursula Sherman in recognizing her community leadership and activism, as well as celebrating her many years of extraordinary service to the people and organizations of the East Bay.

TRIBUTE TO LOIS FERNANDEZ

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Lois Fernandez, president and co-founder of Odunde, a cultural organization that for 25 years has sponsored the Odunde Festival, one of Philadelphia's brightest cultural attractions and one of the largest African American festivals in the United States.

Odunde, which among the Yoruba of Nigeria means Happy New Year, is the greeting that first meets the more than 300,000 people who attend the Odunde festival. The festival transforms a 10-block area in the First Congressional District into a veritable West African marketplace complete with African, African American and Caribbean vendors selling crafts, clothing and food.

Those attending the festival can also take part in a traditional Yoruba ceremony that pays respect to Oshun, a Yoruba deity. The festival also offers a broad assortment of performances by musicians, dancers, singers and poets.

Ms. Fernandez has enriched our community by providing sorely needed education regarding the rich culture and history of Africa and the Africans of the diaspora.

For a quarter of a century Ms. Fernandez has been a formidable force for social change in our city and she has provided us with an invaluable cultural legacy.

HATE CRIMES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. HASTINGS of Florida. Mr. Speaker, sitting on a bench, riding on a bus, or even walking down the street, a hate crime can occur anytime or any place. Hate crimes are acts of pure unadulterated evil, wronging someone because they are different. People should not and cannot live in fear because of their race, color, religion or sexual orientation; it is time that we take the strongest course of action to prevent these crimes.

Over the past decade the number of hate crimes has risen rapidly, consummating with 1999's "summer of hate." If taking anything positive from this infamous period is possible it is, that we have not done enough to prevent such crimes. Committing a hate crime is the most serious of offenses. It is our duty to make the punishment severe enough to deter even the most prejudicial person from considering a crime of this size. We in Congress have the ability and the opportunity to prevent the possible consequences of bias from occurring.

Today, as we commemorate the second anniversary of James Byrd's tragic death, we must pledge upon ourselves to do everything in our power to reduce the number of hate crimes. No one should ever fall victim to a hate crime, or any other crime for that matter, and we must renew and maintain our focus of the Hate Crimes Prevention Act (H.R. 1082), to ensure that crimes cease.

IN HONOR OF UPSTANDING CITIZENS PHIL VARGAS, JOE VARGAS, KEN VARGAS, LUCY VARGAS PROUSE, JOSE VARGAS, LETICIA VARGAS ORANGE COUNTY, CALIFORNIA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. SANCHEZ. Mr. Speaker, Mr. Speaker, I rise today to honor a family of upstanding citizens. These men and women are being recognized for giving their lives in service to their country and their communities. Each one of them has demonstrated excellence in their fields and they continue to accumulate awards of merit and outstanding performance. These remarkable members of the Vargas family make their homes in Orange County, California.

Officer Phil Vargas, 31, was born and graduated from high school in Anaheim, California. He joined the U.S. Marines and participated in Desert Storm. As a result of his actions, he received many awards and recognitions, including the Good Conduct Medal and the Kuwait Liberation Medal. Later, he joined the Anaheim Police Department where he has received various commendations in his role as a police officer including "Rookie of the Year."

Ken Vargas, 39, has lived in Orange County most of his life. He initially joined the Orange County Probation Department as a juvenile counselor. Today he is the manager of the Santa Ana Detention Facility, which has been recognized nationally for its efficient, humane, economical and practical methods of incarceration. In addition to his exemplary administrative skills, Mr. Vargas has served as an instructor at the Correctional Basic Academy and speaks at seminars all over the nation.

Sgt. Joe Vargas, 43, has served as a police officer for many years in Orange County. His career began at age 14 when he joined the Stanton Police Department Explorer Program. Today he is a Sergeant with the Anaheim Police Department and its Public Information Officer. Among his numerous merits are Police Officer of the Year and founder of several police organizations. He teaches a karate class to children every Friday.

Sgt. Lucy Vargas Prouse, 53, came to the United States as a child and has since become a proud U.S. citizen. She first joined the Riverside Sheriff's Department as a Correctional Deputy. She later was promoted to Correctional Sergeant and currently is a Supervisor at the Banning Correctional Facility. Her accolades include the Gold Star Award and recognition from the California Board of Corrections.

Officer Jose Vargas, 64, was born in Mexico and came to the United States as a teenager. As a young man he worked as a garbage truck driver while studying English at night. At age 30 he received his high school diploma. Three years later he became an American citizen and a police officer. He is now the Hispanic Affairs Officer for the Santa Ana Police Department. His hard work and dedication have earned him hundreds of commendations, including being selected as "One of the 10 Best Cops in the USA" by Parade Magazine.

Leticia Vargas, also born in Mexico, is a dynamic community activist who advocates for women, minorities and low-income residents. Her broad range of service includes seats on the Sheriff's Advisory Council and the District Attorney Hispanic Commission. In addition, she teaches young women about the rights and responsibilities of citizens and has worked with the Mexican American Arts Council developing programs to extend access of the arts to low income residents. She has served on several boards of directors such as the Legal Aid Society of Orange County, Federal Emergency Management Agency, and the Homeless Issues Task Force.

Each of these members of the Vargas family has answered the call of civic duty in a manner that is inspirational and worthy of recognition. They have achieved extraordinary feats even though many of them came from humble and modest beginnings. The Vargas family serves as a role model of dedication to community and country. I ask you to join with me today in commemorating this deserving family for the service which they have unselfishly given and continue to give.

CONGRATULATIONS TO ARMED SERVICES YMCA NATIONAL VOLUNTEER OF THE YEAR DR. VIRGINIA M. MAHAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. SKELTON. Mr. Speaker, recently Dr. Virginia M. Mahan of Waynesville, Missouri, was named Armed Services YMCA National Volunteer of the Year during the Thirteenth Annual Recognition Luncheon held on Thursday, May 11, 2000.

Dr. Mahan has been a volunteer for the Fort Leonard Wood Armed Services YMCA, where she is on the Board of Management and is a past Chairperson, since 1984. Among her many contributions, Dr. Mahan created a spin-off of Uncle Sam in the character of "Aunt

Samantha." She is recognized in the Fort Leonard Wood area by her patriotic red, white and blue outfit. She appears frequently at community events, grand openings, birthday parties, and other events to raise money for the Armed Services YMCA.

Prior to her present involvement with the military, Dr. Mahan served as an officer in the United States Air Force. She also was the Deputy Public Affairs Officer and Community Relations Officer at Fort Leonard Wood for thirteen years. Additionally, she has been a teacher, civil servant and special education consultant. Dr. Mahan earned her doctorate in education from the University of Cincinnati in 1980. Currently, she is co-owner of a retail antique store and serves as an adjunct instructor at Drury University in Springfield, Missouri.

Mr. Speaker, Dr. Mahan is dedicated to the Pulaski County Armed Services YMCA and generously volunteers her time to ensure that members of our nation's Armed Forces—especially young enlisted members—enjoy a better quality of life. I know that all the Members of the House will join me in showing our appreciation for her commitment to our troops.

CONGRESSWOMAN LOIS CAPPS HONORED AS DISTINGUISHED ALUMNUS AT THE UNIVERSITY OF CALIFORNIA, SANTA BARBARA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. FARR of California. Mr. Speaker, I offer my congratulations to my very distinguished colleague, the Honorable LOIS CAPPS, on her recognition as the Distinguished Alumni Award recipient this year at the University of California, Santa Barbara. LOIS CAPPS represents a large Congressional district that includes Santa Barbara and San Luis Obispo Counties.

Lois received a Master's Degree from UCSB in 1990, at a time when the prospects ever serving in Congress would have seemed very remote. A loving wife of a University Professor, our beloved former colleague Walter Capps, and mother of three wonderful children, LOIS earned her Master's degree from the School of Education in early childhood behavior. This degree improved her skills and leadership as a nurse in the Santa Barbara School District, as an instructor in early childhood development at the Santa Barbara Community College, and as the Director of Santa Barbara County's Teenage Pregnancy and Parenting Project and the Parent and Child Enrichment Center.

The past ten years since she received her Master's Degree at UCSB have seen many changes in her life. LOIS has earned the respect of her constituents and her colleagues here in Congress with her hard work, dedication to the family and childhood issues that are so important to her, and strength in times of unfathomable tragedy.

As a member of the House, LOIS has served as a member of the Science and International Relations Committees before assuming her current position on the Commerce Committee, where she serves on the Health and the Environment and Finance and Hazardous Material Subcommittees. LOIS has made her mark in legislation where she is a vigorous advocate for the Patient's Bill of Rights, Medicare reform, mental health, environment, high technology, and telecommunications issues.

LOIS' recognition by the UCSB Alumni Association is altogether appropriate. She was a member of the University community as a spouse, student, and now as a distinguished alumnus and Congressional representative. She loves the UCSB campus, and the campus community of faculty, administrators, and students return that affection many thousand-fold.

Mr. Speaker, we should all be proud of this recognition LOIS CAPPS has received in her district. She continues to bring distinction to our institution and our state, and is an inspiration to all whose lives she has touched.

HONORING THE 100TH ANNIVERSARY OF THE GREATER FIRST BAPTIST CHURCH

HON. BART GORDON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. GORDON. Mr. Speaker, today I recognize the 100th year of existence of the Greater First Baptist Church of Lewisburg, Tennessee. The congregation will celebrate the church's 100th anniversary on Sunday, June 25, 2000.

The church was first erected in 1900 as a one-room building heated with wood and coal. In 1959 the church underwent a much-needed expansion and renovation project under the guidance of the Rev. W.P. Johnson, who was called to pastor the church in September 1941. Johnson's son, the Rev. Herbert Johnson, took over as pastor of Greater First Baptist Church in September 1997. The elder Johnson now serves as the church's pastor emeritus.

The church has served its community and congregation well for an entire century, a time during which our nation struggled through much change and innovation. Through those many years, though, Greater First Baptist Church never faltered in its commitment to bring the Lord's word to the people.

Lewisburg is a much stronger community because of the work of the church and its congregation. I congratulate the congregation's perseverance and am sure the church will be just as strong during its next 100 years of service.

IN HONOR OF THE LATE ELMER W. ROGOZINSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. KUCINICH. Mr. Speaker, today I honor Elmer W. Rogozinski, who passed away on June 5, 2000.

Elmer Rogozinski was born on May 14, 1918 to James and Martha Rogozinski and was the oldest of their five children. Elmer Rogozinski graduated from East Tech High School, and then studied at the Cooper School of Art. During World War II, Elmer Rogozinski served for four years with the 9th Air Force as a radio operator. He married Kay Sot in 1947, and together they had two daughters, Diane and Janice.

Elmer Rogozinski was an active member of St. John Cantius church since 1947. He was a Mass server and committeeman, as well as a member of the St. John Cantius Mom's & Dad's Club. In 1958 he joined the 4th Degree Bishop O'Reilly of the Knights of Columbus as a member of the Color Corp. Since 1961, he served as the scribe for the Knights of Columbus Trinity Council paper, the Recorder. In 1963, Elmer Rogozinski was the Trinity Council Knight of the Year, and in 1984 he was the 4th Degree Bishop O'Reilly Knight of the Year.

Elmer Rogozinski was a man who enjoyed the little things in life. He bowled in the Trinity Council bowling league since the 1960s. Elmer loved to go bike riding and play baseball with his four grandchildren. He enjoyed packing food bags at the Tremont Hunger Center and teaching art classes during the summer to young children at St. John Cantius.

My fellow colleagues, please join me in paying tribute to Elmer W. Rogozinski, a great man whose loving and giving nature are an example to us all.

SECURITY INTERESTS IN COPYRIGHTS FINANCING ACT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. GEKAS. Mr. Speaker, this statement was to be included in the Congressional Record with the introduction of H.R. 4351, the "Security Interests in Copyrights Financing Act" which was introduced on the floor on May 2, 2000.

I was pleased to introduce the "Security Interests in Copyrights Financing Act" with the distinguished representative from Virginia, Mr. Boucher.

This simple bill is focusing on curing a major source of legal uncertainty regarding the ability of owners of valuable copyrights to leverage that value as a source of working capital. Resolving this in a timely manner is becoming very important, and should not wait on years of further court decisions—at the end of which Congressional clarification would probably still be required.

Intellectual Property (IP), including copyrights, is becoming an ever-larger portion of the Nation's total wealth, and new methodologies for objectively valuing these assets are coming into the marketplace. Once it can be valued in a standardized manner, IP can secure a loan as well as any tangible property.

At the same time, other trends make resolving this uncertainty a pressing issue.

First, most bankruptcy experts expect a coming wave of "dot-com" filings as some Internet related firms find that their business model is terminally flawed. The only valuable asset that most of these firms have is intellectual property, and it would be best for all parties in interest if the issue of whether or not their copyrighted or copyrightable IP had been secured under a UCC filing was clearly resolved, and not a matter of litigation in a variety of circuits. The value of these assets can wither quickly if they are not being utilized in the fast-moving technology sector, but that is just what will happen if ownership is contested through long court battles. That will be to the detriment of all parties in interest to these insolvency proceedings.

Second, some of these firms can avoid insolvency, even in an emerging era of tightened equity financing, if they can borrow against their copyright assets: but their ability to do so is clouded by the current legal uncertainty.

Finally, many firms may find that a developing market for IP-secured loans offers an attractive alternative to equity financing, both in regards to total borrowing costs as well as to retention of ownership in valuable assets.

Until a decade ago, it was the general legal view that copyrights, like other intellectual property, were within the general intangibles category under the Uniform Commercial Code, and could be secured as loan collateral through a UCC–I filing with the Secretary of State in which a borrower resided. However, several 9th Circuit bankruptcy court decisions have put this whole area under a cloud. The 1990 Peregrine Entertainment decision held that the Copyright Act preempts all state law, including the UCC. Then, in 1997, the Avalon Software decision held that a security interest in copyrightable material, even if it had not been registered with the Copyright Office, could only be secured by a Copyright Office filing. Even within the 9th Circuit, the law has become more unsettled with the 1999 World Power decision, in which a different bankruptcy judge held that a loan could be secured in copyrightable but unregistered material through a UCC filing, directly contradicting the Avalon decision. However, even the World Power decision offers little comfort to lenders, since their lien would be lost if the material's owner registered it with the Copyright Office.

There are many reasons why utilizing the copyright registration system is inappropriate and ill suited to the perfection of a security interest. The fundamental reason, of course, is that the UCC and the Copyright Act address disparate and largely incompatible goals. But there are many other practical reasons, including:

- A UCC filing quickly provides notice to other parties that a security interest has been taken in the material, whereas it can take months before the Copyright Office provides such public notice to third parties.
- A UCC filing is easy for others to locate, as it filed under the debtor's name in their state of doing business; whereas copyright filings are listed under the name or number of the registered work and are consequently difficult for lenders to locate.
- Commercial law has long incorporated the concept of a "blanket lien" so that, for example, a lender that, through a single UCC filing, has secured a lien on version 1.0 of software will see that lien carry over to a subsequent version that enjoys marketplace success. Copyright law, however, requires a separate registration for each version and, consequently, a separate filing by a lender on each separate copyright.
- Borrowers may wish to obtain credit against material so that it can be developed to a state in which it is ready to be copyrighted and then marketed. Or they may wish to avoid registration so that, for example, they do not have to reveal a significant portion of software source code. Yet, since a lender can only register a lien with the Copyright Office against material that has already been copyrighted, their access to debt financing will be cut off in these scenarios.

Mr. Speaker, last year my esteemed colleague, Rep. Coble, held a hearing in his Courts and Intellectual Property Subcommittee on a predecessor, draft version of the bill that I have introduced. Certain objections were raised against that earlier version, primarily on the grounds that it could have been interpreted to allow state law to prevail over the Copyright Act in certain instances. This new proposal has been narrowed and perfected to avoid such a result. Under H.R. 4351, the UCC will only govern a priority contest between a UCC security interest and a lien creditor. That is, creditors who have perfected a security interest in copyright material via a UCC filing will prevail over lien creditors or a trustee in bankruptcy, but will remain subordinate to the rights of other transferees of interests in copyrights under the Copyright Act. This will return the system to its pre-Peregrine state and provide the same means of securing interests in copyrights that currently exists for patents and trademarks.

The wisdom of this carefully targeted approach was attested to at last year's hearing. For example, Marybeth Peters, the Register of Copyrights, testified that "It may make sense to recognize perfection of security interests in copyrights at the state level for the limited purpose of allocating rights among lien creditors."

Mr. Speaker, while this is a simple bill, it addresses the complex intersection of Federal copyright and bankruptcy law, as well as state commercial law. It also affects both the entire secured lending industry, both bank and nonbank, as well as those industries with substantial copyright interests, including the software and motion picture industries. My purpose in introducing this bill is to stimulate a productive dialogue that, hopefully, will lead to a near-term resolution of this matter.

I know that other groups, including a task force of the American Bar Association, have proposed to address this issue in the context of far more complex, comprehensive, and controversial legislation that would substantially revamp the Federal intellectual property laws and alter their relationship to state commercial law. I do not know if such an ambitious project is required, but I certainly know that it is not the kind of undertaking that can be accomplished in this Congress, and perhaps not even in the next.

My goal is simple: To avoid years of needless litigation while resolving a problem that prevents owners of copyright material from leveraging its value as a source of financing. It is my hope that, working with my colleagues and all the affected industries, we can reach quick agreement on a means of achieving that goal.

HONORING THE FAST PITCHING GIRL'S SOFTBALL TEAM, THE GAINSVILLE GATORS FROM NORTH CENTRAL, FLORIDA

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. STEARNS. Mr. Speaker, I want to bring to the attention of the House a great achievement by the Gainesville Gators, a girls fast pitch softball team from North Central Florida. The weekend of May 27th and 28th, the Gainesville Gators won the "Commotion by the Ocean" National Softball Association Tournament. This victory qualifies the Gainesville Gators for this year's National Softball Association National Tournament. I would like to congratulate the Gators and all of the other teams that provided such fierce competition in this tournament.

Mr. Speaker, a constituent of mine, Barry Adams, wrote an article describing the Gainesville Gators' win, which I will make part of the record at this point.

THE GAINESVILLE GATORS RIDE THE WAVE TO A WIN IN THE COMMOTION BY THE OCEAN NSA TOURNAMENT.

The weekend of May 27 and 28th saw the start of the summers first fastpitch softball tournaments. The winner from this tournament would qualify for this years National Softball Association National tournament. The day started out at 9:00 a.m. on Saturday, with the first game between the Gainesville Gators traveling Softball Team and the North Florida Beach All-Stars. The game was won by the Gainesville Gators 3-2. The next game would pit the Gainesville Gators against the Noreasters, the local host for this tournament, and started at 12:00 p.m. This game was won by the Noreasters 4-3.

This now had the Gainesville Gators at 1-1 for the tournament. The third game started at 4:30 p.m. between the Gainesville Gators and Tsumani, who the previous week won their first tournament. The Gainesville Gators would prevail with the score being 5-2. The Gainesville Gators record was now 2-1 and would seed them as number 3 for the Sunday tournament Championship games. Sunday started early for the Gainesville Gators, the first game would be at 9:00 a.m. and would pit the team against the NF Beach All-stars, whom the Gainesville Gators had defeated in their first game. In this action the Gainesville Gators again prevailed by defeating the All- stars and would advance to the second game of the day. In this type of tournament if you lose you go home, so the mood of the team was to win one game at a time. Their toughest competition would be the next game. This would pit the Gainesville Gators against the undefeated Jax Attack team and the number one seed in the tournament, based on the previous days performance. This would be the second game of the day for the Gainesville Gators and the first for Jax Attack. In getting to the number one seed the Jax Attack had allowed less than 4 total runs in their previous 3 games.

This would be a challenge for the Gainesville Gators. They accepted the challenge in defeating the Jax Attack 5-2 and would advance to the Championship Game between them and the Noreasters, the home team and the only team to defeat the Gainesville

Gators during the tournament. The game was played with the results being in favor of the Gainesville Gators who would win 6-5 and in doing so assure themselves the Tournament Champions and an automatic bid to the NSA National Tournament. The Gainesville Gators had outstanding pitching by, Cassandra Sparks, Miranda Lovvorn, Annie Voyles and Kerri Stroh. The infield was stingy in giving up hits, with third base being covered by Jessica Howell and Shanna Gearner, Shortstop by Dana Osborne, and Montie Adams, Second base was bolstered by Jena Rowland and Cassandra Sparks, with First base being covered by Annie Voyles and Rekeesha Duncan. The outfielders provided many great plays and kept the Gainesville Gators in most of the games with their fielding. Right field was staffed by Alicia Gray, Melissa Fairbrother, Center field was covered by Melissa Fairbrother and Tiffany Goode, Left Field was covered by Montie Adams and Shanna Gearner. Catching was handled by Tiffany Goode, Alicia Gray and Annie Voyles. The coaching Staff, Head Coach Teresa Kraus, Assistant Coach David Sparks and Kelly Stroh were proud of the accomplishments of the team with the playing, hitting and overall skills displayed over the weekend.

Rekeesha Duncan became the power during two of the games, with a fence clearing home run that sealed the victory over the number 1 seed. Jax Attack and a hit to the fence in the Championship game.

All the players were successful in getting hits at critical times and stealing bases. Overall the team provided the hitting and fielding at the critical times. The Gainesville Gators finished the tournament with a record of 5-1. The team consists of girls from all over the surrounding areas of Gainesville. They run from Lawtey, Lulu, Starke, Gainesville, Bronson, Inglis, Williston, Archer, Providence and Lake Butler, Florida.

The team Coaches: Head Coach, Teresa Kraus; Asst Coach, David Sparks; and Asst Coach, Kelly Stroh.

Players:

Montie Adams, Redeesha Duncan, Melissa Fairbrother, Alicia Gray, Shanna Gearner, Tiffany Goode, Jessica Howell, Miranda Lovvorn, Dana Osborne, Jena Rowland, Cassandra Sparks, Kerry Stroh, and Annie Voyles

TRIBUTE TO WILLIAM G. MOLL

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. PORTMAN. Mr. Speaker, today I pay tribute to William G. Moll, a good friend, who will receive the 2000 Silver Medal Award from the American Advertising Federation on June 13, 2000. Bill has been selected for this prestigious award for his outstanding contributions to the advertising industry. Bill's accomplishments have advanced the standards for creative excellence and social concern.

Bill graduated from Southeast Missouri State University, where he received a Bachelor of Science in Education. He went on to earn his Master of Arts from the University of Texas at Austin, where he studied Communications and Education.

Since 1992, Bill has been President and General Manager of W-KRC-TV, Cincinnati. I've had the opportunity to work with him through the Coalition for a Drug-Free Greater Cincinnati, where he has been a leader in developing one of the most aggressive anti-drug local media campaigns in the country. From 1989-1992, Bill was the President and General Manager at WINBC-TV, New York. From 1987-1989, he was President and Chief Executive Officer at the Television Bureau of Advertising, the television industry's marketing trade association. Bill also served at Harte-Hanks Communication, Inc. as President and CEO; State Mutual Broadcasting Co., Inc. as Vice President and General Manager; and as Station Manager at Southwest Texas Educational Television Corporation. He began his broadcast work as a radio announcer in 1954. From 1958-1961, he worked as a television news anchor and morning show host.

Bill is very active in the community. In addition to his work with the Coalition for a Drug-Free Greater Cincinnati, he continues to dedicate time as Chairman of the Board of the Dan Beard Council of the Boy Scouts of America; as a Member of the Board of Directors for the National Conference for Community and Justice; as Chair of the Advisory Panel for the University of Cincinnati College-Conservatory of Music, Electronic Media Division; as President of the Board for the Neediest Kids of All; and as a Member of the Board for the Cincinnati Arts Association. Bill has also helped to support Big Brothers and Big Sisters; Scouting for Food and Clothing; Family Cancer Care; and the United Negro College Fund, among others.

Bill and his wife, Marilyn Lewis Moll, have two sons and two grandchildren. All of us in the Cincinnati area appreciate Bill's contributions to our community, and we congratulate him on receiving the 2000 Silver Medal Award.

HONORING THE MAKE-A-WISH FOUNDATION

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. WYNN. Mr. Speaker, in today I salute an organization that has been making wishes come true for two decades. This year marks the 20th Anniversary of the Make-A-Wish Foundation, an organization that fulfills the wishes of children fighting life-threatening illnesses. This organization's sole purpose is to bring happiness to children who confront harsh realities.

Eighty-thousand children worldwide have had their wishes fulfilled by the Make-A-Wish Foundation. In Maryland alone, more than 1,200 children have had wishes fulfilled. This organization understands the fragility of life, and the wishes they grant are a true gesture of humanity.

I think fondly of the way they helped one of my own constituents. Chris Palmer of Cheverly, Maryland was diagnosed with Sickle Cell Anemia as a baby. The Make-A-Wish Foundation of the Mid-Atlantic, fulfilled a wish for Chris in November, 1998. 1, along with Chris and his family are very grateful to the Make-A-Wish Foundation for all they have given him.

I am proud of Chris Palmer's courageous fight with his illness. I commend the Make-A-Wish Foundation's devotion in bringing happiness to children like him. I also salute the many volunteers and donors who support and make up the backbone of the Make-A-Wish Foundation.

I invite those interested in learning more about the Foundation to contact them at 1-800-722-9474 or on the internet at www.wish.org.

DAY OF PORTUGAL

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. CONDIT. Mr. Speaker, today I honor a very important community in the 18th Congressional District. On Saturday, June 9, 2000, the Portuguese community will celebrate the Day of Portugal in Hilmar, California.

The Central Valley of California has long been a home for many from the Azores region of Portugal. Our communities have been enriched by the contributions of the Portuguese community. In honor of this distinguished celebration, three mayors from Portugal will be in attendance to participate in honor of the Portuguese culture. The mayors—Jorge Manuel Perira Rodrigues, President-Camara Municipal da Madalena; Manuel Joaquim Neves da Costa, President-Camara Municipal das Roque do Pico; and Eng. Claudio Gomes Lopes, President-Camara Municipal das Lajes do Pico—have traveled to the Central Valley of California for this celebration.

Many families have immigrated from Pico to the Merced County area over the years. Many have achieved prominent status in the areas of business, education, and politics. These families have maintained close ties to Pico and the Azores.

I consider it an honor and privilege to recognize the Day of Portugal and the special guests who have traveled so far to share it with our community.

HATE CRIMES PREVENTION ACT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. GEPHARDT. Mr. Speaker, I join my colleagues today in calling for the prompt scheduling of the Hate Crimes Prevention Act.

It is unconscionable that two years to the day since the shocking murder of James Byrd, Jr., we still have not been able to consider legislation that will help us better prosecute and, more importantly, help prevent the commission of hate crimes. Sadly, since the senseless murder of Mr. Byrd, the news has continued to be filled with stories of terrible crimes being committed against people just because of who they are—the murder of Matthew Shepard, a gay college student, the murder of a Filipino-American postal worker, Joseph Illeto, and the wounding of children and others at a Los Angeles Jewish community center, and less than two months ago in Pittsburgh, Pennsylvania the murder of five people including an African American man, a Jewish woman, two Asian Americans and an Indian man. And these are just the incidents that made the headlines. We never even hear about the thousands of other hate crimes that, for whatever reason, go uncovered by the media or are not reported to law enforcement officials.

As elected leaders, it is incumbent upon us to set an example not just in expressing our outrage about these crimes, but by putting new teeth into our anti-hate crime law enforcement activities. The Hate Crimes Prevention Act would ensure that hate crime protections are extended to all Americans and would provide resources to local law enforcement agencies who must investigate and prosecute hate crimes in their communities. We must take this important step to send the message that no one should have to live in fear simply for being who they are.

In fact, we came very close the past two years to getting the Hate Crimes Protection Act enacted but could not in the face of Republican Leadership opposition. So, once again, I call upon them to drop their opposition and allow Hate Crimes Protection Act supporters to have the opportunity to make their case on the House floor and pass this critical legislation. Continued inaction is a disgrace to the memory of all hate crimes victims and to their families. It is also a disgrace upon us and who we are as a people.

THE 25TH ANNIVERSARY OF WEST POINT LAKE AND DAM IN TROUP COUNTY, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. BARR of Georgia. Mr. Speaker, it is my distinct honor today to recognize the West Point Dam and Lake Project in West Point, Georgia. On June 17, 2000, the U.S. Corps of Engineers will celebrate the 25th anniversary of the West Point Dam and Lake Project.

Construction of the West Point Dam and Lake Project was authorized by the Flood Control Act of 1962, for the purposes of flood control, hydroelectric power, recreation, fish and wildlife development and downstream navigation. Later, water quality was added as an authorized project purpose. The U.S. Army Corps of Engineers began construction of the project in December 1965. Impoundment of the lake began in October of 1974, and the project was dedicated with a formal ceremony held at the dam on June 7, 1975.

West Point Project continues to provide substantial benefits to the region. It protects residences and businesses along the Chattahoochee River downstream from flooding, and provides low-cost electric power during periods of peak demand. It also provides a water source for downstream navigation along the Apalachicola, Chattahoochee, Flint Rivers Waterway.

There are over 10,000 acres of intensively managed wildlife habitat on the lake, as well as 38 public recreational areas for the outdoor enthusiast. The lake hosts an average of over 2 million visitors each year who come to enjoy multiple recreational opportunities such as camping, boating, picnicking, fishing, hunting, and more. It provides an enhanced quality of life to those who live on or near its shoreline.

West Point Project's 25-year history of public service is worthy of commemoration. It has been a pleasure to work closely with the citizens and authorities who keep West Point Lake and Dam Project in excellent condition.

The true spirit of public service and cooperation at West Point Lake is exemplified by the West Point Lake Task Force, chaired by Ken Manning and co-chaired by Dr. Art Holbrook and Dr. Harry McGinnis. The Task Force provides a vital, credible, and active avenue for constituents of the Seventh District to bring matters of concern to the attention of the Corps of Engineers. This group has also served our community by providing beneficial information to help as we strive to understand the complexities of this most valuable natural resource.

The cooperative spirit in which the Corps of Engineers works with our Task Force and with the local government, is exemplified by Eddie Sosebee in LaGrange, Colonel David Norwood in Mobile, Alabama, and Dr. Joseph Westphal, Assistant Secretary of the Army, in Washington, D.C.

HONORING THEODORE AND MAXINE ALBERS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor Theodore and Maxine Albers for being recognized by the Mesa County Civic Forum for their lifetime of contributions to Mesa County. The Civic Forum's mission is to promote citizen influence regarding the important issues affecting Mesa County's quality of life through better understanding, objective, non-partisan dialogue, and support for citizen action. Without question, Theodore and Maxine have upheld this mission to its fullest extent and are distinguished role models that every citizen should seek to emulate.

Theodore and Maxine have a longstanding record of reaching out to the Grand Junction community. They have played an active role in numerous community organizations throughout their years as residents in the area. Together, they have worked in both the public and private sectors of the local economy and, most notably, have been extremely influential in the field of education, particularly at Mesa State College. In 1992, Mesa State College honored the couple by giving them the Distinguished Service Award, naming Albers Hall in their honor and forming the Albers Scholarship Fund as part of the Mesa State College Foundation.

The former President of Mesa State College from 1970–74, Theodore currently sits on the Mesa State College Board of Trustees and is an active member in such organizations as Club 20 and the Lions Club. Maxine served with great distinction as a Mesa County Commissioner from 1974–1988 and today is a member of the Women's Foundation of the Colorado Advisory Council and the Mesa County Republican Women. These are but a hand-full of the literally dozens of community causes to which the Albers have dedicated their time and energies.

Mr. Speaker, the active role that the Albers have played in Grand Junction has contributed immeasurably to the betterment of our community. The Civic Forum plays a crucial role in the community and Theodore and Maxine Albers embody the ideals of service and sacrifice that this distinguished organization promotes.

For all these reasons, Mr. Speaker, the Albers eminently deserve the thanks and praise of this body. Colorado is clearly a better place for having known these outstanding Americans.

IN RECOGNITION OF DOUGLAS ISCOVITZ

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize the efforts of Mr. Douglas Iscovitz, of Weston, Florida. I am very pleased to say that Douglas was recently named the Florida Principal of the Year by the Florida Association of Secondary Administrators and the National Association of Secondary School Principals.

The selection process for this distinction is an arduous one. After having been nominated for the award, the first-round finalists must submit paper-work detailing school accomplishments; the principal's track record of dealing with students, staff, and the school; the principal's ability to solve academic and social problems; community involvement; and positive school climate. After closely examining his work, it is clear that Douglas' accomplishments exemplify the tenets espoused by the Florida Principal of the Year award.

As the Principal of Indian Ridge Middle School, Douglas has founded new programs and encouraged students to excel in existing growth fostering programs. In this sense he has taken a very active role in his school. His most meritorious program is the "Write On America!" project, a project in which students write to prominent people who have made significant contributions to the greatness of our nation. Requesting an autographed photo, inspiring messages, and words of advice, the "Write on America!" program has proven itself to be a wonderful way to teach Indian Ridge Middle School students about history and writing. It is clear that Douglas' efforts have made a lasting impression on those in the school and in the community as well.

Mr. Speaker, I would like to congratulate Douglas Iscovitz for his extraordinary achievements and exemplary effort in bettering the Indian Ridge Middle School. It is truly an honor to be named the Florida Principal of the Year, and it is an honor for the residents of South

Florida to be able to call him one of our own. Indeed, Douglas has made a remarkable impact on the students at Indian Ridge Middle School. His accomplishments are something that both he and the entire state of Florida can be proud of.

PHOTOGRAPHS OF SONAM ZOKSANG SEEK TO PRESERVE TIBETAN CULTURE AND IDENTITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. LANTOS. Mr. Speaker, just a few days ago in the Cannon Rotunda, we had the pleasure of viewing a magnificent exhibit of the photographs of Sonam Zoksang, a Tibetan photographer who has sought to use his photographic art and his considerable skill to preserve Tibetan culture and identity.

Sonam Zoksang was born in the small Tibetan village of Kyirong, but his parents fled to India just a month after he was born. He made the first visit to the country of his birth in 1993 when he was 33 years old. As a result of that visit, he made it his goal to capture the devastation that his people have experienced on film for all the world to see. Since that first visit to Tibet in 1993, he has been compelled to return each year.

Mr. Speaker, over the last seven years, Mr. Zoksang has seen the situation in Tibet worsen dramatically. The Chinese government has given incentives to non-Tibetan Han Chinese to encourage them to move into Tibet, and increasingly this has made Tibetans a minority in their own land. The growth in Chinese immigrants has increased Sonam's greatest concern for the future of Tibet—the children. He states that in "addition to all the problems they have in common with Tibetans in general, there is little or no educational opportunity for them in Tibet. Every year hundreds of Tibetan children risk their lives to escape to India, crossing the Himalayas on foot in the frigid winter to taste the air of freedom."

In explaining his photographs, Sonam Zoksang said: "I feel very strongly that many young Tibetans have no hope, no dreams, and no future to live for. No Tibetans seem to be truly happy with their situation, and moreover, they feel threatened with their very extinction." In an effort to preserve the culture of the Tibetan people, Sonam Zoksang has risked his life to document the changes taking place inside Tibet. The Chinese would refuse him a visa to enter the Country, so he has had to risk his life and his freedom in order to record through his photographs the traditional culture and the rapid and systematic way in which it is being destroyed.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Sonam Zoksang for his outstanding photographs and the great contribution which his work has made to preserve Tibetan culture and to strengthen the identity of the Tibetan people.

TRIBUTE TO HILLTOP—50 YEAR ANNIVERSARY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the Hilltop Community Resources Inc., an organization that provides a range of invaluable services to the residents of Mesa County who are in need of special assistance and care, as they celebrate their 50th birthday. In recognition of this tremendous landmark and Hilltop's considerable efforts to improve life for those who are less fortunate, I ask my colleagues to join me in honoring this tremendous organization.

Hilltop originated as the Mesa County Society for Crippled Children and Adults in 1950, offering outpatient services for people with disabilities. In the time since, Hilltop has incorporated a number of helpful services to assist its patients with their ailments and needs. Hilltop creates independent living communities that provide care and comfort for their citizens and offer the Elder Care/Assisted Living program that ensures elderly residents the opportunity to stay active in their daily lifestyle with the assistance of the Hilltop staff. In all, Hilltop can be credited with helping over 12,000 Mesa County residents a year.

One notable person who has had a dramatic impact on the success of Hilltop is its current Chief Executive Officer, Sally Schaefer. Sally has been the driving force behind Hilltop's dedicated effort to put forth a helping hand to needy citizens in the Grand Valley for nearly two decades. She has initiated numerous outreach programs and, most notably, created a 158-unit retirement and assisted living facility. Ms. Schaefer's care and compassion for those in need of assistance is evident in the effort she has put forth during her career at Hilltop. Her hard work and dedication are emblematic of the role that Hilltop plays in the Grand Junction community.

Mr. Speaker, it is a wonderful privilege and honor to salute the 50th anniversary of Hilltop Community Resources Inc. I am proud to represent a district that has an organization of this stature within its boundaries. The invaluable services that Hilltop provides bring joy and dignity to the lives of the less fortunate, offering them hope and putting a smile on their face.

TRIBUTE TO DUSTY BUSS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend Dusty Buss for his efforts that helped save the life of 7-year-old Tia Creasy. Dusty, a 16-year-old sophomore at Brown County High School in Mt. Sterling, IL, was dropping his sister off at school as Cathy Creasy was dropping off her daughter, Tia, in front of him.

As Cathy drove away she was unaware that Tia's jacket was caught in the door causing her to begin dragging her daughter alongside the car. On seeing this Dusty got out of his car and was able to get in front of Cathy's car before serious injuries could occur.

Dusty did a very honorable and courageous act. I am very proud of his Good Samaritan attitude, which makes him a hero to us all.

IN HONOR OF THE WOOD FAMILY, THE TOWN OF HARRISON, NJ FAMILY OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a great family—a great American family. The Wood family is being honored as the family of the year by the Town of Harrison, New Jersey, and I am very proud to honor them for their contribution to their community.

The Harrison Family of the year has its roots in the Martin family originally from Brooklyn, NY and the Wood family originally from Newark. Robert and Rachel Martin's family has lived in the Town of Harrison since 1910, and William and Esther Wood's family since 1919.

After Robert and Rachel's daughter, Margaret, met William and Esther's son, Harold, in 1938, they were married, and began a family.

Harold and Margaret Wood had eight girls and four boys. Of their twelve children, five still live in Harrison. Harrison is currently home to five of Margaret's children, seven grandchildren, and nine great grandchildren. In all, Margaret has thirty-two grandchildren and forty great grandchildren.

The Wood children have an enduring love for this country, a love instilled in them by their father, Harold Wood who, having served in the Navy in WWII, understood the power and value of community and patriotism. He lived in Harrison all his life until his death in 1996.

For the pride they show in America, and for the contributions they have made to the Town of Harrison, New Jersey, I honor and praise the Wood family.

Today, I ask that my colleagues join me in honoring the Wood family for being the Town of Harrison's family of the year.

RECOGNIZING GUAM POLICE DEPARTMENT'S POLICE OFFICER OF THE YEAR AND CIVILIAN OF THE YEAR

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to recognize Guam Police Department's Police Officer of the Year and Civilian of the Year. These awards are presented annually to the top employees of the Guam Police Department (GPD). Police

Officer III John A. Bagaforo was named Police Officer of the Year while Ms. Karen Guerrero was honored as Civilian of the Year.

Officer John A. Bagaforo is a 1980 graduate of Pearl City High School in Hawaii. He moved to Guam in 1989 with the intention of joining the Guam Police Department. He commenced service as a police recruit in October 1990, and graduated in May 1991. He was initially assigned as a patrol officer with the Northern Precinct Command—later being selected to be part of the Northern Precinct task force to counteract gang activity. This is in addition to his duties with the precinct's patrol operations.

John was moved to the Central Precinct Command in 1992, where he was assigned to the task force on robbery suppression. Later that year, he was transferred to the Juvenile Investigation Section with a collateral assignment to the Department of Education Task Force. He was reassigned to patrol duty in 1994 and served in this capacity until 1996, when he was transferred to the GPD Drug Task Force which operated under the auspices of the Drug Enforcement Administration (DEA). As a member of this task force, John facilitated contact with confidential informants, identified drug targets, formulated operational plans, authored search warrants, conducted drug buys, secured evidence, effectuated arrests and testified as an expert witness in both federal and local courts. In 1997, he was deputized and received his DEA credentials as a sworn Task Force Agent. John currently serves as a shift supervisor for the Tamuning/Tumon Precinct Command, a position he has held since November 1999.

GPD's Civilian of the Year, Karen E. Guerrero. Karen has worked in different capacities within GPD's administrative divisions since March 1985.

Initially assigned to the general maintenance section of the department's Support Division, she was placed in charge of building, equipment and vehicle maintenance. In 1992, she was transferred to the Operations Division. As a secretary for the division, Karen took on further administrative and record keeping responsibilities. She provided assistance with office correspondence, reports, training and budget matters. From April 1992, until March 1999, Karen worked for the legal section under the Chiefs Office. During the seven years she worked in this section, she performed a host of clerical and administrative duties. She also played a crucial role in office support, procurement and record keeping.

Karen, on different occasions, also worked at the payroll section and the Records & ID section of GPD's Administration Division. While with these sections, she worked with payroll and personnel matters. Having been with the Records & ID section since March, 1999, she has been involved in procedural development, staffing and the facilitation of public services on a supervisory level.

Karen is a graduate of John F. Kennedy High School in Tumon, Guam. She took part in the business administration program while attending the Western Pacific Business College and was a recipient of the Pedro "Doc" Sanchez Scholarship at the University of Guam where she majored in Public Administration.

On behalf of the people of Guam, I congratulate John and Karen for having been named as GPD's Police Officer and Civilian of the Year. Through their diligence and dedication to their duties at the Guam Police Department, John and Karen have made great contributions towards the safety and protection of our island's residents. I urge them to keep up the good work!

PREPARING FOR THE FUTURE: THE ALZHEIMER'S CLINICAL RESEARCH AND TRAINING PROGRAM

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. MARKEY. Mr. Speaker, I rise to express my appreciation for the language contained in the Committee Report accompanying this bill which addresses Alzheimer's Disease.

Furthermore, I would like to commend Chairman PORTER and Ranking Member OBEY for considering my April 12th testimony before the Subcommittee where I spoke on behalf of the 126 members of the Bipartisan Congressional Task Force on Alzheimer's Disease along with my co-chair Rep. CHRIS SMITH (R–NJ). Together we encouraged the Subcommittee to urge the National Institutes of Health (NIH) to increase its research for Alzheimer's by $100 million and to implement and fully fund a new program, originally adopted into the House Budget Resolution, the Alzheimer's Clinical Research and Training Awards Program.

This worthy program will train physician-scientists to focus on clinical research and to translate the excellent basic research in Alzheimer's Disease to the clinic. Ultimately this program provides an opportunity for the National Institute on Aging (NIA) to "enhance efforts to train, and educate health care professionals to improve diagnosis, treatment and prevention of Alzheimer's Disease" as the House Report language accompanying this bill urges.

I would note that the Senate Committee report accompanying the Labor-HHS Education Appropriations bill provides additional clarification of the intent of Congress with respect to how the NIA should improve the diagnosis, treatment and prevention of Alzheimer's Disease. The Senate Committee Report states the following with respect to the specific steps we expect to be taken to educate and train physician/scientists:

"The Committee believes that an important step in fighting Alzheimer's Disease is the encouragement of clinical research and training, which will complement the many excellent research efforts currently funded through the National Institutes of Health (NIH), the National Institute on Aging (NIA), and in the private sector. The creation of Alzheimer's Clinical Research and training Awards program to train physicians to recognize and treat Alzheimer's Disease, and to dedicate their careers to improving care for Alzheimer's patients by bridging the gap that exists between basic and clinical research is critical. The awards program will foster physician dedication to a career in research, diagnosis, and treatment of Alzheimer's Disease by awarding junior and midlevel physicians who have demonstrated the potential for a lifelong commitment to researching and treating Alzheimer's, with a 1 year stipend to train as an Alzheimer's physician/scientist. The awards program will be administered through the NIA, and should provide support for institutions focused primarily on Alzheimer's research but linked to a clinical treatment facility. The awards program will complement the Alzheimer's Disease Research Centers (currently funded through NIA) or similar institutions that are State or privately funded. The awards program will encourage institutions implementing the program to specialize in training physician/scientists, ultimately becoming physician training centers."

Alzheimer's disease is on track to become the epidemic of the 21st Century, currently 4 million Americans are afflicted and by 2050 it is estimated that this number will increase to 14 million. With these astonishing statistics we must act today to head off the health care crisis of tomorrow. The Alzheimer's Clinical Research and Training Awards envisioned by both the House and Senate bills represent an important step in meeting the challenge.

PERSONAL EXPLANATION

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. CHAMBLISS. Mr. Speaker, on June 6, 2000, I was unable to be present and to cast votes. Had I been present, I would have voted "yea" on rollcall vote 234, "yea" on rollcall vote 235, "yea" on rollcall 236, and "yea" on rollcall vote 237.

IN MEMORY OF WILLIAM (BILL) H. HAMANN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Bill Hamann, former resident of Lexington, Missouri. He was 87.

Bill, a son of the late William G. and Mary Curtis Hamann, was born in Henrietta, Missouri, on October 12, 1912. His dedication to football began on the Richmond High School football team and continued at Graceland Junior College in Lamoni, Iowa, where he also lettered in basketball. His greatest satisfaction as a player was playing center for the Missouri University Tigers under coach Don Faurot, A special influence in his life.

After graduation, Bill coached football at Odessa High School for two years before joining the United States Navy during World War II. He served in the Navy until November 1945, making lieutenant before he returned to Missouri University to complete his master's degree.

In 1946, Bill moved to Lexington and began coaching football in earnest at Lexington High

School. In his first year, he led the team to their first undefeated season in Lexington history. He was head football coach for 22 years, winning four more Missouri River Valley Conference (MRVC) championships. Bill also served as Athletic Director, basketball coach and track coach during this time. He was head basketball coach for six years and assistant basketball coach for ten years, winning one MRVC championship. Bill also had great success as a track coach, winning State meets twice and numerous District and MRVC championships. He was one of a select few Missouri coaches who won championships in three major sports for one school. Bill retired from coaching football in 1968, but continued to coach track until 1972. In addition to coaching, he taught driver's education, physical education and history. He retired from teaching in 1979 after 32 years at Lexington High School.

Bill was one of the first coaches named to the Missouri High School Hall of Fame in 1992, and as Hall of Fame Coach for Track in 1993. He is one of only two coaches named in more than one Hall of Fame in all of Missouri.

Bill also served as President of the MRVC, was twice honored as Coach of the Year at the Kansas City Area Night of Sports, and was named a life member of the West Central Coaches Association. He received the Distinguished Service Award from the Missouri Athletic Administration. Bill was President of the Lafayette County Teachers and a member of Phi Delta Kappa at Central Missouri State University. He was a former president and member of the Lexington Retired Teachers. Additionally, Bill was a member of the Lions Club, Kiwanis Club, and very active in the Lexington Historical Society. He was a member of the United Methodist Church of Lexington and served as Chairman of the Church Board.

Mr. Speaker, Bill Hamann will be greatly missed by all who knew him. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife of 58 years, Betty; his daughter, Sally; his two sons, James and John; his two brothers, Herbert and Charles, and four grandchildren.

CELEBRATION OF LOU TREBAR ON HIS 80TH BIRTHDAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. KUCINICH. Mr. Speaker, today I celebrate Mr. Lou Trebar. On Wednesday May 3, 2000, this Cleveland polka legend celebrated his 80th birthday with 1,500 of his closest friends. Gathered at the Slovenian National Home, thousands of polka fans and eighteen polka bands payed tribute to this local artist by giving him "the greatest day of [his] life."

Throughout Lou's life, he has made significant contributions to Cleveland's culturally diverse community. This Slovenian neighborhood native has enhanced Northeast Ohio's culture, and has added to the quality that makes Cleveland a polka city. Lou has a lifetime of dedication to promoting Cleveland-Style polkas and waltzes and to preserving the rich Slovenian heritage from which Cleveland evolved.

This "Waltz King" is a true dean of Cleveland-style music. He was a pioneer in adapting Slovenian folk music into America's musical mainstream as the first Cleveland-style bandleader to create a multi-part harmony with all types of instruments. His vision and talent have greatly decorated the heritage of the Cleveland area.

I salute Lou for these many artistic accomplishments, and I join in with his many fans who wish him a happy 80th birthday.

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. CLEMENT. Mr. Speaker, since the President asked Congress to grant Permanent Normal Trade Relations (PNTR) to China, the members of this body—indeed, all of the American people—have been forced to consider broad questions about our relationship with China, about our values as a free people and about our fundamental best interests as they relate to the economy and to national security. These are very serious questions; and I—like many of my colleagues, I am sure—have invested a great deal of time in study, discussions and prayer about them.

Make no mistake—I understand the value of international trade, and I am a believer in developing trade opportunities to enhance our economic future. I recognize the realities of the global economy that exist today; and there is no doubt in my mind that trade is the key to the future for the United States, for China and for every other nation as well. My record reflects my belief in free and fair trade policies, including trade with China. I supported NAFTA, GATT, fast track and the Africa Trade bill this body just recently passed. Opening markets benefits both countries—the U.S. gains new destinations to export goods, and China gains investment from foreign companies.

But what I cannot support is relinquishing our annual review of China's progress towards free market reform and a democratic society. I cannot, in good conscience, award China PNTR when there are serious national security concerns involving China and Taiwan's volatile relationship as well as China's role in producing and disseminating weapons of mass destruction. When China's record of compliance with past agreements leaves much to be desired. And when China's progress in economic power and technological development has overlooked progress on human rights and religious freedom. Therefore, I am not convinced that the best interests of this nation and of the people of my state are served by rewarding China with unconditional permanent normal trade relations. Therefore, Mr. Speaker, I am opposed to extending PNTR to China at this time.

Rather than granting PNTR, I believe a more prudent and responsible approach is to continue an annual review of China's trade status. In the past, as a supporter of free trade, I have favored granting normal trade relations to China on an annual basis. In this way, we have better opportunities to move that country toward a more democratic, free market system, while maintaining a trade relationship that certainly can be beneficial to the people of both nations. I see this annual review as an effective way to influence the Chinese government to reform its policies toward religious minorities, workers, and proponents of democracy.

But granting permanent status to China is a significantly different issue. Such a move would, in a sense, take China "off probation" and remove the incentive to make progress on those issues of particular concern to the United States. In my opinion, the question this PNTR vote poses is not on the merits of free trade but rather whether the U.S. should relinquish our influence on trade with China permanently.

NATIONAL SECURITY

My first concern about our relationship with China relates to national security. The prospects for peace and prosperity in Asia depend heavily on China's role as a responsible member of the international community. Perhaps our country's most important national security challenge is to build a constructive and stable bilateral relationship with China. The prospects for peace and prosperity in Asia depend heavily on China's role as a responsible member of the international community. In my opinion, a policy of engagement must be built on a foundation of strength and resolve that rewards responsible Chinese behavior and confronts provocative activities that undermine U.S. interests and promote greater risks of military and diplomatic confrontation.

Should we reward China with PNTR status given recent highly provocative actions on the part of the Chinese government? Our country would be sending exactly the wrong message if we were to support China's WTO membership with PNTR at a time when the Chinese have chosen to adopt a far more aggressive stance toward Taiwan, a stance that they know could lead to a serious military confrontation with the U.S.

China's recent provocative actions and continued demand for Taiwan to acknowledge its "one China" policy or expect military actions is troubling. Should we reward China for these actions? I believe we would be sending exactly the wrong message if we were to grant China PNTR at a time when the Chinese have chosen to adopt a far more aggressive stance toward Taiwan. I was pleased to see Mr. Chen's presidential inauguration in Taipai take place without incident this past weekend. However, Beijing's silent response leaves much to the imagination.

This comes on top of growing skepticism expressed by our intelligence community—skepticism about whether the Chinese intend to live up to their international commitments to stem the proliferation of weapons of mass destruction, especially in the areas of short- and medium-range missiles and chemical weapons technology. Despite Chinese promises to abide by various arms control pacts, including the Nuclear Nonproliferation Treaty, the Director of Central Intelligence recently reported that China remains a "key supplier" of technology inconsistent with proliferation goals—particularly missile and chemical technology to Pakistan, Iran and North Korea.

We must make it clear to the Chinese that we will extend a hand of friendship in good faith, but we will not turn a blind eye to its irresponsible or dangerous actions. It is not in our national security interest to condone and reward grossly irresponsible conduct by a country that wishes to become a leader in the international community.

HUMAN RIGHTS AND RELIGIOUS FREEDOM

As a member of the House International Relations Committee, I am keenly interested in and aware of our role in international affairs. I have traveled to China and am amazed at what is going on there. China is clearly on the move and I have no doubt that they will eventually rival only the United States as a world superpower. However, the most recent State Department report on human rights practices in China reveals that the situation continues to grow worse. We cannot, and should not, overlook what our own government recognizes as abhorrent conditions in China.

As China progresses rapidly in terms of economic power, technological development and international affairs, its progress on human rights is sorely lacking. In terms of political freedom, democratic institutions and the guarantee of basic rights, China simply does not meet any reasonable standard that the United States or any nation with a mature, democratic heritage would consider acceptable. If America stands for anything, it stands for personal freedom and inalienable rights for all people. Our values cannot be divorced from any votes or from any considerations, including those related to trade. I am afraid that granting PNTR sends China the message that we approve of their political system as it stands today. And that is simply not the case.

The number of documented cases of religious persecution in China alarms me. As a firm believer in supporting religious freedom and author of the International Religious Freedom Act, I believe we must take a stand against human rights violations and persecution of people for simply expressing their religious beliefs. The Commission on Religious Freedom, established by the International Religious Freedom Act, released earlier this month a report which notes a marked deterioration in China's religious freedom during this past year. Make no mistake, the crackdown on religious expression in China has reached alarming and brutal proportions. China has enacted laws which have been used to persecute many religious groups of differing faiths. Unregistered groups, including home churches, have been raided and buildings destroyed. Individuals have been fined, arrested, tortured and some even killed. China continues to harass, detain, beat and torture members of religious groups, including Catholics, Protestants and Tibetan Buddhists. Tens of thousands of members of the spiritual movement Falun Gong have been detained and forced to sign statements disavowing their beliefs. An unknown number of those who refused remain detained; others are in prison or serving "re-education through labor" sentences. To torture and persecute people for simply expressing their personal beliefs is unconscionable.

Although I believe that economic reform can lead to political reform and a greater respect for individual freedoms, there is a distinct risk that China may choose to abide by the WTO's rules while continuing to flagrantly ignore human rights standards. It's true that the WTO could be a catalyst for creating a modern legal system. However, there's no guarantee that the system will protect basic rights. For that to happen, there has to be a sustained effort to press for creation of a truly independent judiciary. Such sustained pressure can be most effective through an annual renewal process of trade agreements.

WORKER RIGHTS AND LABOR CONCERNS

The right for workers to organize and bargain collectively is not only discouraged in China, it is punished by imprisonment or worse. Forced labor camps continue to exist in China; and these camps provide no compensation for work under deplorable conditions. Since it is well established that China's labor practices do not meet U.S. or international standards for protecting worker rights, how can we, in good conscience, reward China for its abysmal labor practices by granting PNTR?

One of my particular concerns is the effect granting PNTR and opening China to U.S. companies will have on industries such as the textile industry. Without real labor standards and protections in place, PNTR could cripple our own apparel and textile markets, placing American jobs at risk and endangering American workers and their families. China is a formidable player in the world apparel and textile market. As of 1999, it was the world's largest producer of cotton, manmade fibers and silk as well as of apparel products. It has the largest production capacity for textile products in the world and has, in recent years, improved the efficiency of its textile industry and increased the quality and value of its apparel output. China has the potential to be a major threat to the apparel and textile industries in the U.S. and the workers in those industries. I reject the option of granting PNTR status to China today and see dedicated employees out of work tomorrow because of an influx of cheap Chinese textiles.

China's lack of PNTR status allows us annual reviews of the human rights and labor record in China. Granting PNTR to China will mean losing this annual review and any subsequent leverage to force China's compliance with international standards. An annual review will retain the ability of Congress to examine China's willingness and ability to keep its commitments. It will give China incentive to improve its record with regard to workers' rights and human rights and give it an opportunity to demonstrate its adherence to fair trade and environmental protection.

A RECORD OF NONCOMPLIANCE

To some degree, the Chinese government has avoided full compliance with many of the trade agreements it has made with the United States. While our trade deficit with China continues to grow, China has broken its agreements with us on opening markets, stopping the piracy of intellectual property, and ending the export of goods produced in the forced labor camps. The statements of China's negotiators on PNTR lead me to believe that we cannot count on a total, good-faith compliance with this agreement, either.

This pattern of non-compliance, or of only partial compliance, bolsters significantly the argument against PNTR and in favor of the annual renewals that have been granted in the past. Just as ending our trade relationship with China altogether would be a foolish and self-destructive for the United States, losing our annual review and any subsequent leverage to move China ever-closer to compliance with international standards and agreements with us would be destructive to our economic interests.

In any number of areas—agricultural commodities, meat and poultry, telecommunications, petroleum, insurance-related services, and others—American interests are best served when we can revisit compliance issues regularly. With PNTR, our opportunities to monitor and influence compliance are severely limited, if not eliminated, while an annual review will retain the ability of Congress to examine China's willingness and ability to keep its commitments.

CONCLUSION

A "no" vote on PNTR will not mean an end to America's trade relationship with China. The U.S. and China will continue to have a binding trade relationship under international law, governed by the 1979 trade agreement between our two countries and several subsequent bilateral deals. The "most favored nation" provisions of those agreements require that China afford to the United States any trade and non-trade economic benefits that China grants to our competitors. It is true that the U.S. would not be able to file complaints against China through the WTO dispute resolution process. However, we will retain the right to use our own laws to sanction China—by withholding or limiting access to the U.S. market—for unfair trade practices.

Furthermore, if the U.S. and China are not tied through the WTO, we will be able to use our trade laws to redress abuses of human rights and worker rights. The U.S. would be prohibited from taking such actions if China and the U.S. have a WTO relationship. So China's lack of PNTR status allows us annual reviews of China's progress, thus giving China an incentive to improve its record with regard to workers' rights and human rights and give that nation an opportunity to demonstrate its adherence to fair trade and environmental protection.

There is no doubt in my mind that trade is the key to the future. Opening markets benefit everyone—the U.S. gains new destinations to export goods and China gains investment from foreign companies. In my opinion, the question this PNTR vote poses is not on the merits of free trade but rather whether the U.S. should relinquish our influence on trade with China permanently. International trade—and the benefits it affords—are a fact. Likewise, it should also not be disputed as to whether the United States should attempt to influence Chinese behavior in areas of human and workers' rights, weapons proliferation and compliance with international commitments. Clearly we should. Thus, my concern lies with whether we should take China off the one-year renewal process. Given current conditions in China and recent actions by the Chinese government, I am not convinced that relinquishing this leveraging tool is in our best national interest at this time.

It is for all of these reasons that I must oppose permanent normal trade relations at this time. I am not convinced that It is in the best interest of Tennesseans and our country to reward China with unconditional permanent normal trade relations when it is clear they do not meet our standards for human and worker rights and could threaten our national security. Clearly trade must continue and we must pledge ourselves to work with the Chinese reformers to move their country towards free market democracy. However, until significant improvements are made in these areas, I cannot in good faith vote to grant PNTR.

I look forward to the day when China fully joins the international community in a commitment to democratic values, human rights, and trade that is truly free and fair. Until that time, we have a duty to use whatever tools we have available to us to influence China to take that path. My vote against PNTR for China is one such tool, and I utilize it in good conscience and with a conviction that it will benefit both the Chinese and American people.

TRIBUTE TO THE PARTICIPANTS OF THE S.P.H.E.R.E.S. PROJECT

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. SHIMKUS. Mr. Speaker, I rise today to commend John Link, Amy Rahe, Carmen Reiner, and Adam Wieties. These four middle school students from Carlinville Middle School in Carlinville, IL, are tackling tough community issues as participants in the Bayer/NSF Award for Community Innovation.

Their project is Saving Prairies and Helping Environmental Regions Expand Successfully—S.P.H.E.R.E.S. Through this project they have successfully strengthened local support to create a preserve where native prairie grasses and indigenous creatures could flourish and students could study and experience the prairie habitat.

I want to take this opportunity to thank these students who at such a young age have made it their responsibility to preserve our environment. I am proud of them and look forward to all else they may accomplish.

IN HONOR OF HELEN STEINEL'S RETIREMENT AFTER 30 YEARS IN EDUCATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Helen Steinel on her retirement after 30 years in education.

Helen Steinel began her illustrious career in education as a teacher. She taught at Holy Family, St. Joseph's, St. Joseph and Michael, and Mother Seton elementary schools, all schools in Union City, NJ. For the last several years, Helen has been the principal of Mother Seton School, where she is a mentor to her faculty, and where she has educated teachers as well as children in her work with student teachers.

For 30 years, Helen has dedicated herself to the education of children, and for 30 years, she has touched the lives of students and teachers in a way that her years of dedication cannot measure. Helen understands and imparts to others the knowledge that education is a profound tool for understanding the world and a necessary instrument in realizing one's full potential as a human being.

It is said that teaching another something of value takes compassion, understanding, and patience; and absent these virtues, the simple process of imparting knowledge can become strained and cumbersome, leaving both teacher and pupil estranged, unable to truly learn from each other. In honoring Helen today, I honor the virtues that allow teachers to become great educators.

Today, I ask that my colleagues join me as I honor Helen Steinel, a great woman and educator I respect and admire.

TRIBUTE TO AKIRA INOUE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. UNDERWOOD. Mr. Speaker, Each year, the Guam Chamber of Commerce selects the "Small Business Person of the Year" from a pool of individuals and business partners who either own and operate or bear principal responsibility for small business establishments on Guam. The chamber takes into account staying power, sales growth, growth in payroll, innovativeness in product or service, response to adversity, and civic contributions. This year the honor was bestowed upon local businessman, Akira Inoue.

Having held assignments in Australia, New Guinea, Saipan and other neighboring islands, Akira chose to settle on Guam, an island he deemed to be the ideal hub for Japanese oriented businesses. On September 1, 1968, he established Nanbo Guam, Ltd. Initially engaged in the importation and wholesale of general merchandise from Japan, Nanbo Guam started underwriting insurance in June of 1969.

With neither experience nor training in the insurance business, Akira assumed the function of general agent for The Tokio Marine and Fire Insurance Co., Ltd., of Japan. The company enjoyed a steady growth and, with it, the trust and support of the Guam community. When Typhoon Pamela devastated the island of Guam in 1976, Nanbo Guam's efforts to provide prompt settlements did not go unnoticed. Along with their good reputation came new applicants and increased premium sales. Akira credits this as the basis of Nanbo Guam's success.

Through the years, Nanbo Guam has developed and grown steadily. In 1977, the company began handling life insurance as the general agent for Pacific Guardian Life, Honolulu. In 1978, they established the Sun Rise, Inc., and opened the Japan Food Supermarket. In the 1980's, Nanbo Guam engaged in real estate ventures and revived their import business by establishing the Nanbo Trading Company. In the 1990's, they broadened the scope of their insurance business by concluding another general agency agreement property and casualty insurance with the Nippon Fire and Marine Insurance Co., Ltd., of Japan and by securing a claims agency agreement from the United Services Automobile Association. Akira Inoue's business acumen, innovations and his capable direction is undoubtedly the driving force behind Nanbo Guam's success.

Outside of his business ventures, Akira additionally devotes personal time and resources to civic and community activities. As one of the founding members of the Japan Club of Guam, he served as its first vice-president in 1972. From 1973 through 1977, he served as the club's president. During his tenure, he was instrumental in raising donations for the Christmas Seal Fund Drive. He was also actively involved with the Vietnam Refugees Relief Drive in addition to serving on the Board of Governors of St. John's Episcopal School. Between 1987 and 1989, he was a member of the committee to establish a Japanese school on Guam. Serving once again as president of the Japan Club of Guam from 1992 through 1995, he worked towards the full payment of the construction loan for the Japanese school and organized a relief fund drive for the victims of the 1995 Kobe earthquake. Akira is also a distinguished member of the Rotary Club of Tumon Bay.

For over three decades, Guam's business community has reaped great benefits from Akira Inoue's efforts and dedication. I join his proud family—his wife, Machiko, his sons, Naoyuki and Tetsuji, and daughters, Sachiko and Yoshiko—who, together with the Guam Chamber of Commerce and the people of Guam, celebrate Akira Inoue's contributions and success. I commend and congratulate him for being chosen as this year's "Small Business Person of the Year."

TELECOMMUNICATIONS, TRADE, AND CONSUMER PROTECTION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. MARKEY. Mr. Speaker, I rise today to introduce legislation requiring the Food and Drug Administration (FDA) study the issue of alleged potential health risks associated with wireless phones. This legislation builds upon a provision that I offered to legislation then-pending in the House Commerce Committee during the previous Congress. That underlying legislation ultimately was not enacted in the previous Congress and today I offer the wireless health study amendment as a standalone piece of legislation, entitled the "Wireless Phone Health Risk Assessment Act of 2000."

Mr. Speaker, when I first raised the issue of cellular phone safety at a House Telecommunications and Finance Subcommittee briefing I chaired in 1993, there were roughly 15 million people using such phones—today there are over 70 million users of wireless phones. In addition, the FDA, which coordinates Federal oversight of the wireless phone health issue, has previously indicated that a significant research effort over a sustained period of time is needed to provide the greater body of scientific information that scientists and regulators will need to more adequately assess any potential health risks.

It is my belief that because wireless phone companies receive their licenses to operate from the Federal Government, that the government has a responsibility to step up its efforts to address this issue. Indeed, having helped create the wireless revolution over the years by freeing up federally administered airwaves for these new services, I have simultaneously advocated that the government must also have a serious commitment to additional research in order to reassure consumers that any lingering concerns about whether these wireless devices pose a health risk are addressed.

This legislation authorizes $25 million over a 5-year period for the FDA to analyze health risks associated from radiofrequency emissions from wireless phones. I believe it is a modest but important allocation of a portion of total Federal research funds, an authorization that is specifically dedicated to scientifically assess wireless phone health risks.

CELEBRATING THE 25TH ANNIVERSARY OF THE OKEFENOKEE HERITAGE CENTER

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. CHAMBLISS. Mr. Speaker, today I am proud to honor the 25th Anniversary of the outstanding Okefenokee Heritage Center. It is an honor for the community to be gifted with this great facility for teaching and learning.

The Okefenokee Heritage Center has been an institution serving South Georgia for 25 great years. When the building was finished 1975, it added a world of learning for all ages in the community. This is why I pay tribute to the silver anniversary of this vital facility for Waycross and Ware County. I praise the tireless efforts that the people of Waycross have contributed for this great museum. I hope for continued success in the future and I thank them for their dedication and hard work.

I believe that the following editorial from the Waycross Journal Herald clearly depicts how important this Heritage Center is. I sincerely appreciate the hard work and support of people like Catherine Larkens, Current Director of the Center, Sonya Craven, President of the Board, to all the Board Members, Ware County Commissioner Chairman Roger Strickland, Mayor John Fluker, Dr. William Clark, III and Gus Karle. Most importantly, I want to recognize Mrs. Sue Clark. As a result of her determination and perseverance, today we celebrate 25 years of the Okefenokee Heritage Center and its significant contributions to our county.

[From the Waycross Journal-Herald, June 1, 2000]

OKEFENOKEE HERITAGE CENTER OBSERVES 25TH

Friends and supporters of the Okefenokee Heritage Center gathered yesterday at the center's Augusta Avenue site to commemorate 25 years of service to this community. It was a memorable, sun-splashed afternoon of short speeches and renewed acquaintances.

Mrs. Sue Clark, wife of well-known Waycross eye surgeon Dr. S. William Clark Jr., is credited with being the primary community figure who conceptualized, promoted and implemented the idea of building a heritage-themed museum in Waycross. It was her perseverance and organizational drive, together with the resources of the Seaboard Coast Line Railroad and several other key players, which helped to make today's heritage center a reality.

In his prepared remarks, former Rice Yard Superintendent A.A. "Gus" Karle commented Wednesday that he located the center's "Okefenokee Chief" steam engine at a South Carolina rock quarry and told Mrs. Clark about his find. He said she contacted the quarry's owners that same day and within days had marched into the Seaboard Coast Line's corporate offices at Jacksonville and arranged to have the locomotive transported to Waycross.

"I got a call from Seaboard CEO Prime Osborne. He mentioned this locomotive and said Sue Clark had just left his office," said Karle. Together with Seaboard's Henry Pigge, plans were soon put into motion to transport the 1912 vintage locomotive from South Carolina to Waycross in December 1973.

The locomotive is the showpiece among the Heritage Center's exhibits. It's a wonderful example of early 20th century technology spared from the salvager's torch and preserved for future generations by Sue Clark's vision.

The locomotive's steam whistle was operating Wednesday, harkening back to a day when the telegraph key was the fastest means of communication and belching, noisy steam locomotives rolled into Waycross from all directions, disgorging passengers and welcoming new ones on those "magic carpets made of steel."

It was America's "Age of Innocence," a time before the horrors of World War II and national ascendency to superpower status. It was a time when this newspaper was located at the corner of Plant Avenue and Isabella Street (now Jack Williams Park), enabling the late Editor & Publisher Jack Williams Sr. to gaze out his office window at locomotive engineers and their passengers as they rounded the crossing enroute to the Waycross Rail Depot.

His son, the late Jack Williams Jr., said the building's glass windows would actually shake in their frames as these steel behemoths passed outside.

The old building is gone now, but a scaled-down reproduction rests beside the railroad track at the Heritage Center for future generations to enjoy.

What a wonderful facility our Heritage Center has truly become. The entire community owes a debt of gratitude to Sue Clark for her hard work and vision. Her ancestor, the late Dr. Daniel Lott (one of four founders of Waycross in 1871) would be justly proud of what she has accomplished.

TRIBUTE TO RETIRING ASSISTANT SUPERINTENDENT DR. TOM F. LUTHY, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptional career in education is nearing an end. Dr. Tom F. Luthy, Jr., of Lebanon, Missouri, is retiring after more than 40 years of service to Lebanon Public Schools.

Tom began his teaching career as an 18-year-old college student in 1958 at the Blackfoot School. After that, he taught grades five through eight for two years at the two-room Bolles School before teaching for two years at the Lebanon High School. After a year of teaching at the newly built Glendale High School in Springfield, Tom returned to Lebanon as the school's firstever department chair in charge of the social studies program. He continued to teach history for 15 more years at the high school.

When the high school moved to its present location in 1976, Tom stayed as the assistant principal of Lebanon Junior High. Two years later, he became the principal and spent the next 17 years guiding the lives of the young people who attended his school. After that, he became the Lebanon R–111 Schools assistant superintendent for personnel and instruction. As an assistant superintendent for the past eight years, Tom has hired more teachers than are currently on the entire district staff. He also guided the district through its highly successful review under the Missouri School Improvement Plan in 1998.

Tom has had a great impact on education in the Lebanon area. Early in his career, he created the American Heritage program at the high school. He also was involved in the formation of the C–5 school and was instrumental in naming that school after Joel E. Barber, who was president of the school board at the Blackfoot School where he began his career. After retirement, Tom will still impact education by continuing his work with the statewide Goals 2000 project, which is developing a new physical education model for Missouri.

Mr. Speaker, Tom Luthy's passion for excellence in education has made a difference in the lives of students and teachers. I know all Members of Congress will join me in paying tribute to his outstanding service to the Lebanon education community.

HONORING THE LAKE ERIE NATURE AND SCIENCE CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. KUCINICH. Mr. Speaker, today I celebrate the Golden anniversary of the Lake Erie Nature and Science Center. For 50 years, this asset of Greater Cleveland has provided the community with invaluable educational opportunities, wildlife resources, and a natural preservation of a beautiful environment.

Among the many accomplishments the Center is responsible for are wildlife rehabilitation, education for youth and teens, wildlife gardens, a preserved nature facility, and a planetarium. By providing the community with these assets the Center continues to encourage a living connection between people, science, and wildlife in order to create a better commitment to the welfare of our natural world.

As the Center has grown throughout the years, the community it serves has benefitted greatly from its existence. Thousands of children have been exposed to the world of science through observing living displays and participating in hands-on experiences. Today, the museum has become a tool for the old and young, as families utilize its programs all year round.

My fellow colleagues, please join me in thanking and honoring the Lake Erie Nature and Science Center for the 50 years of contribution it has made to science and wildlife and for the 50 years it has been a service to its community.

TENNESSEE SENATE JOINT RESOLUTION 720

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. CLEMENT. Mr. Speaker, I submit for the RECORD a copy of Tennessee Senate Joint Resolution 720 which urges the U.S. Congress to vote against Permanent Normal Trade Relations. The Joint Resolution was introduced by the late Senator Pete Springer and Senator Roscoe Dixon.

SENATE JOINT RESOLUTION 720

A Resolution to urge Congress to vote against any proposal to grant permanent normal trade relations status to the People's Republic of China and to urge the President and Congress to oppose China's membership in the World Trade Organization.

Whereas, the People's Republic of China has taken steps to become a member of the World Trade Organization, a position that would give China recognition and status as an equal, legitimate partner with other countries in world trade; and

Whereas, since 1992, China has entered into four bilateral trade agreements with the United States in which China has agreed to give U.S. businesses better access to its markets and not to discriminate against U. S. products; and

Whereas, China has violated the provisions of each of these agreements including the 1992 Memoranda of Understanding on Prison Labor and Market Access, the 1994 Bilateral Agreement on Textiles, and the 1996 Bilateral Agreement on Intellectual Property Rights; and

Whereas, China's record on human rights is poor; those who attempt to engage in legitimate political opposition are often imprisoned or harassed, and those holding political views that differ from those of the regime or profess religious views are oppressed; and

Whereas, China ignores the rights of its workers and imprisons those who seek to improve labor conditions in the country; and

Whereas, China's enormous military establishment and its injudicious use of threats and provocation make it a threat in the eyes of its neighbors; and

Whereas, advocates of China's membership in the World Trade Organization promote the view that China's vast potential market would be further opened to trade; the more likely scenario is that China's exports of cheap textiles, pirated technology and other products produced by grossly underpaid labor will flood our markets at the expense of American wages, jobs and trade balance; and

Whereas, the record of the People's Republic of China in human rights and in failing to live up to trade agreements should not be validated by supporting its admission into the World Trade Organization; now, therefore, be it

Resolved by the senate of the one hundred first general assembly of the State of Tennessee, the House of Representatives concurring, That the General Assembly respectfully requests that Congress vote against any proposal to grant permanent normal trade relations status to the The People's Republic of China, which is a precursor to the granting of World Trade Organization membership, and take all other actions within their power to deny membership in the World Trade Organization to the People's Republic of China. Be it further

Resolved, That suitable copies of this resolution be transmitted to the Honorable William Jefferson Clinton, President of the United States; to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; and to each member of the Tennessee Congressional Delegation.

CENTRAL NEW JERSEY CELEBRATES THE 25TH ANNIVERSARY OF THE EDEN INSTITUTE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. HOLT. Mr. Speaker, today I recognize the Eden Institute's 25th Anniversary. Over the last quarter of a century, the Eden Institute has made tremendous contributions to our community through its commitment to meeting the needs of individuals with autism.

Eden is a New Jersey-based nonprofit organization founded in 1975 to address the needs of the autistic community. Eden brought both parents and professionals together to assist in the development of a family-oriented, multifaceted program driven by a well trained, dedicated and nurturing staff. Eden was founded on the commitment to provide a cost-effective, community-based alternative to institutionalization and to offering training that would meet the changing needs of children and adults with autism.

Autism is a lifelong developmental disability that severely affects social behavior, communication and one's ability to learn, is the result of a neurological disorder that interferes with the functioning of the brain. Autism affects 15 of every 10,000 births and typically appears during the first three years of development.

Some of the services offered by Eden include the Eden Institute, a year-round educational program for children ages 3-21; Eden A.C.R.E.s, nine community-based group homes and three supported living apartments for adults; an employment center; year-round retreat opportunities, an early intervention program for infants and toddlers, and many, many more.

Although much has changed over the years, Eden's mission is the same—to provide a comprehensive continuum of services designed to enable children and adults with autism to lead fulfilling, productive and independent lives.

And they have been extremely successful. Through the work of Eden, parents are now able to more effectively engage their children at home; they have assisted hundreds of children and adults with autism to interact with their communities to the best of their abilities; and Eden has worked very hard to promote community awareness of the challenges associated with autism.

The Eden Institute is a great asset to both Central New Jersey and our nation. I urge all my colleagues to join me today in recognizing Eden's dedication to assisting citizens with autism achieve their full potential.

CONFERENCE REPORT ON H.R. 2559, AGRICULTURAL RISK PROTECTION ACT OF 2000

SPEECH OF

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2000

Mr. COMBEST. Mr. Speaker, H.R. 1504, as amended was included in the Conference Report accompanying H.R. 2559, the Agriculture Risk Protection Act of 2000 as title IV of this Act. As introduced, H.R. 1504 was referred primarily to the House Committee on Agriculture, and in addition, to the Committees on Judiciary, Resources, and Ways and Means for a period to be subsequently determined by the Speaker. To expedite consideration of H.R. 1504, and to allow it to be included in this conference report, the following letters were exchanged between the Committee on Agriculture and the other committees of jurisdiction waiving further consideration of the bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, May 23, 2000.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with regard to H.R. 1504, a bill that was primarily referred to the Committee on Agriculture and additionally to the Committee on Ways and Means. This bill modernizes and enhances the authority of the Secretary of Agriculture relating to plant protection and quarantine.

Please find the enclosed copy of H.R. 1504, as amended, along with a side-by-side comparison showing current law. In order to allow the timely consideration by the entire House of Representatives during the remaining period in the 106th Congress, I am requesting that you waive your Committee's referral of H.R. 1504.

I understand that such an action is not intended to waive your Committee's jurisdiction over this subject matter or any similar legislation now or in the future and look forward to working with you on matters of shared interest.

Thank you for your consideration of this request.

Sincerely,

Larry Combest,
Chairman.

House of Representatives,
Committee on Ways and Means,
Washington, DC, May 25, 2000.

Hon. Larry Combest,
Chairman, Committee on Agriculture, House of Representatives, Longworth Building, Washington, DC.

Dear Chairman Combest: I am writing concerning the Conference Report to H.R. 2559 (Report), the Agricultural Risk Protection Act of 1999, which includes an amendment to H.R. 1504, the Plant Protection Act, offered by Mr. Canady. Section 413 of the Report contains an item of jurisdictional interest to the Committee on Ways and Means. This Act is intended to consolidate existing laws relating to plant safety.

Specifically, section 413 of the Report, "Notification and Holding Requirements Upon Arrival," would require the Secretary of the Treasury to notify promptly the Secretary of Agriculture of the arrival of any plant, plant product, biological control organism, plant pest, or noxious weed at a port of entry. This provision also requires the Secretary of the Treasury to hold those products until they are inspected and authorized for entry into or transit movement through the United States, or otherwise released by the Secretary of Agriculture.

Current section 156 of title 7 of the United States Code requires the Secretary of the Treasury to notify the Secretary of Agriculture of the arrival of any nursery stock at a port of entry. Section 413 repeals current section 156, and instead, requires such notification for all of the above referenced products, including nursery stock. The statutory requirement that the Secretary of the Treasury hold such shipments until released by the Secretary of Agriculture and the authority for the Secretary of Treasury to release a shipment from the port of entry without necessarily requiring an inspection are new. The U.S. Customs Service already follows similar procedures, and it is our understanding that section 413 does not change current law, with respect to such imports, but only enhances enforcement of the current laws relating to those imports.

Normally, the Committee on Ways and Means would meet to consider such legislation. In order to expedite consideration of H.R. 2559, I will not object to the inclusion of section 413 of the amendment, and, for this reason, it will not be necessary for the Committee on Ways and Means to meet to consider the legislation.

However, this action is being done with the understanding that it will not prejudice the jurisdictional prerogatives of the Committee on Ways and Means on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the Record. Thank you for your assistance and cooperation in this matter. With best personal regards,

Sincerely,

Bill Archer,
Chairman.

House of Representatives,
Committee on Agriculture,
Washington, DC, May 23, 2000.

Hon. Henry Hyde,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

Dear Mr. Chairman: I am writing with regard to H.R. 1504, a bill that was primarily referred to the Committee on Agriculture and additionally to the Committee on the Judiciary. This bill modernizes and enhances the authority of the Secretary of Agriculture relating to plant protection and quarantine.

Please find the enclosed copy of H.R. 1504, as amended, along with a side-by-side comparison showing current law. In order to allow the timely consideration by the entire House of Representatives during the remaining period in the 106th Congress, I am requesting that you waive your Committee's referral of H.R. 1504.

I understand that such an action is not intended to waive your Committee's jurisdiction over this subject matter or any similar legislation now or in the future and look forward to working with you on matters of shared interest.

Thank you for your consideration of this request.

Sincerely,

Larry Combest,
Chairman.

House of Representatives,
Committee on the Judiciary,
Washington, DC, May 24, 2000.

Hon. Larry Combest,
Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

Dear Mr. Chairman: I am writing with regard to H.R. 1504, "The Plant Protection Act", which was referred to your committee and to this committee for such matters within our respective Rule X jurisdictions.

Since the bill was referred to this committee, there is no question that there are provisions of the bill which fall within our jurisdiction. It is my understanding that due to the exigencies of time, and the leadership's desire to process this legislation in the near future you are requesting this committee waive its consideration of the bill.

Pursuant to your request, I am willing to waive this committee's further consideration of the bill, recognizing that this will not affect our subject matter jurisdiction over this matter, and that I will insist on Members of our committee being named conferees should this bill go to conference.

Sincerely,

Henry J. Hyde,
Chairman.

House of Representatives,
Committee on Agriculture,
Washington, DC, May 23, 2000.

Hon. Don Young,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

Dear Mr. Chairman: I am writing with regard to H.R. 1504, a bill that was primarily referred to the Committee on Agriculture and additionally to the Committee on Resources. This bill modernizes and enhances the authority of the Secretary of Agriculture relating to plant protection and quarantine.

Please find the enclosed copy of H.R. 1504, as amended, along with a side-by-side comparison showing current law. In order to allow the timely consideration by the entire House of Representatives during the remaining period in the 106th Congress, I am requesting that you waive your Committee's referral of H.R. 1504.

I understand that such an action is not intended to waive your Committee's jurisdiction over this subject matter or any similar legislation now or in the future and look forward to working with you on matters of shared interest.

Thank you for your consideration of this request.

Sincerely,

Larry Combest,
Chairman.

House of Representatives,
Committee on Resources,
Washington, DC, May 15, 2000.

Hon. Larry Combest,
Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

Dear Mr. Chairman: Thank you for your letter regarding H.R. 1504, the Plant Protection Act, authored by our colleague Congressman Canady. This bill was primarily referred to the Committee on Agriculture and additionally referred to the Committee on Resources, among others.

After reviewing the amendments to the bill, I have no objection to it going forward and will not object to the Committee on Resources being discharged from further consideration of the measure. As you note in your letter, this action is not intended to waive jurisdiction over this or similar provisions. I would also ask you to support the Committee on Resources request to be represented on any conference on this bill, or a similar measure, if one should become necessary. Finally, I ask that you include our exchange of letters on H.R. 1504 in the Committee on Agriculture's report on the bill or in the official file on the bill.

Thank you for allowing me the opportunity to help expedite consideration of this bill. I appreciate your cooperation and that of John Goldberg of your staff, and look forward to working together on other matters of mutual interest in the future.

Sincerely,

Don Young,
Chairman.

GARRETT A. MORGAN TECHNOLOGY AND TRANSPORTATION PROGRAM POETRY CONTEST

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. McGOVERN. Mr. Speaker, I rise today to honor the eight Regional winners from my Congressional district of the Garrett A. Morgan Technology and Transportation Futures Program Poetry Contest. It is with great pleasure that I congratulate the following talented students for their exceptional submissions—Emily Erkkinen, Kerri McCarthy, Jack Bavaro, Krista Duchnowski, Caroline Flannagan, and Luke Nickerson of Clinton, Massachusetts; Mackenzie Bernier of E.S. Brown School in Swansea Massachusetts; and Timothy Leger of Thacher Elementary School in Attleboro Massachusetts.

The Futures Program is named for Garrett Augustus Morgan, one of the country's finest innovators in public protection and public safety. In 1923 he patented the nation's first traffic signal, which was used throughout North America before being replaced by our current system. Seven years earlier Mr. Morgan had made national news for using a gas mask that he had developed to enable him to go into a tunnel under Lake Erie to rescue several trapped men. In his honor, the Program was created to better prepare America's students—with math, science, and technology skills—for entering the transportation workforce in the 21st century.

Following are the winning poems. I'm sure all of my colleagues join me in congratulating all of this year's participants.

Region 1: ME, MA, NH, RI, CT, VT

1st Place: Emily Erkkinen Clinton Middle School Clinton, MA

An Airplane can fly very high. I would like to fly an airplane. Right through the clouds I would go. Pilots drive the airplane. Lots of birds fly along. A great way of transportation. Now the airplane has landed. End of the ride, let's go home.

2nd Place: Kerri McCarthy Clinton Middle School Clinton, MA 01510

How that hot air balloon floats up in the sky Oh look, there's another and another and one more oh my That one has purple all over the tie And Look! I see a purple line I think I see a blue one too Round and round the higher it floats Balloons float up in the air And all of them spread everywhere Look at the purple one Look at the blue Oh how pretty they look don't you think they do? Oh no one just popped what are we going to do! Now I'm off bye, bye, I do miss you too!

3rd Place: Jack Bavaro Clinton Middle School Clinton, MA 01510

Hot Air balloons don't go very far They're even slower than a car. But they can glide in the sky. Just like a bird flying high.

Region 1: ME, MA, NH, RI, CT, VT (Grades 4–6)

1st Place: Mackenzie Bernier E. S. Brown School Swansea, MA 02777

"TRANSPORTATION"

What makes transportation really neat, Is that we no longer have to use our feet. We can ride a bike, or drive a car, We can take a plane to go very far. We can hop on a bus to get out of the rain, We can catch a subway, or take a train. There are ferry boats and cruise lines too, And trolley cars for me and you. There are great big trucks for moving freight, And limos for that special date. Who knows, someday very soon, There might be transportation to the moon!!

2nd Place: Timothy Leger, Thacher Elementary School Attleboro, MA 02703

"TRANSPORT"

Trains transfer trucks to Turkey. Cars carry crackers to Colorado. Submarines ship snowboards somewhere. Dump-trucks deliver dirt to Denver. Helicopters haul huge hats. Canoes carry cats to California. Boats bring bicycles back.

3rd Place: Krista Duchnowski Clinton Middle School Clinton, MA 01510

No boats, planes, cars? Walking on your own two feet? Not in this day and age. Walk to school? Carry my books? Take the bus I say. Dream of crossing the ocean? Never see France? Let's fly my friend. Paddle to the islands? Take a raft? Hey dude, fire up the motor! Run across the country? Get tired and SWEAT? Chugga, chugga, take the train! Walk, run, paddle, WORK? Do it yourself? Transportation does it for me!

Region 1: ME, MA, NH, RI, CT, VT (Grades 7–8)

1st Place: Caroline Flannagan Clinton Middle School Clinton, MA 01510

Cavemen used the feet they had Until the idea of a wheel we had Ships allowed us to sail the seas Making men's dreams realities The car was invented as time went by Orville and Wilbur soon did fly Rockets and spaceships were shot into space Bringing man to a whole new place Transportation keeps us on the go In the future we don't know.

3rd Place: Luke Nickerson Clinton Middle School Clinton, MA 01510

Henry Ford, and the Wright Brothers were men with vision, Just like the man who invented the television. This Country uses modes of transportation like planes, autos, and trains To go to work so that we can invent more, and use our brains. Now that we have reached a destination, Aren't you proud of this great nation? For the resources and modes of transportation, Just think, in 1969 of Armstrong and space exploration. We need to stop, and think of where we are going, If flight is in your plans, try a 747 Boeing.

TRIBUTE TO CHARLES MEIER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Charles Meier of Okawville, IL. Charles was recently inducted into the Illinois Jaycees Recruiters Hall of Fame.

He was inducted for his successful efforts to recruit many new members into the club during his 21 years as a Jaycee. His recruitment efforts have brought in new members from an area that extends from Steeleville and Waterloo to Interstate 64.

I want to congratulate Charles on receiving such a prestigious honor. I wish him the best as he continues to serve.

IN HONOR OF THE CONGERNED CITIZENS OF BAYONNE ON ITS 30TH ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Concerned Citizens of Bayonne (CCB) on its 30th anniversary.

Founded in 1970 by Frank P. Perrucci, CCB was established as an instrument for concerned citizens to take action on a variety of national and state issues. CCB is a perfect example of the influence that a civic organization can have on our political system. This organization levels the playing field, providing ordinary citizens with the opportunity to affect the political process, reducing the disproportionate influence of special interest groups.

The CCB supports several community organizations and charities: the Bayonne Hospital Cancer Treatment Center; the Windmill Alliance; Deborah Hospital, the Bayonne PAL; Bayonne Little League; Bayonne Babe Ruth Baseball; the Bayonne Family YMCA Day Care Center; and Bayonne for the Battleship New Jersey, Inc.

CCB actively supports fines and jail terms for ocean dumping, opposes self service gas stations in New Jersey, and has opposed extreme wrestling exhibitions in Bayonne.

Committed to helping its community, CCB is a strong advocate for senior citizens, conducts activities for the veterans at the East Orange V.A. Hospital, and has been a participant in Toys for Tots for the past thirty years.

In 1990, on its 20th anniversary, CCB established the Frank P. Perrucci Scholarship Award, and in 1995, on its 25th anniversary, established the Frank P. Perrucci Civic Achievement Award to recognize extraordinary individuals who have volunteered their time and efforts for important causes.

Today, I ask that my colleagues join me in honoring the Concerned Citizens of Bayonne for its commitment and active participation in our political system and for its contributions to our community. I especially want to thank Frank Perrucci, his wife Jean Perrucci, and CCB President Joanne Kosakowski.

HONORING THE UNIVERSITY OF GUAM WATER AND ENVIRONMENTAL RESEARCH INSTITUTE OF THE WESTERN PACIFIC (WERI)

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. UNDERWOOD. Mr. Speaker, I would like to congratulate the University of Guam Water and Environmental Research Institute of the Western Pacific (WERI) on their twenty-fifth anniversary. WERI is the only regional water research institute dedicated to the needs of Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and the Federated States of Micronesia (FSM).

Formally established in June of 1975, WERI has since sought solutions to technical problems associated with the location, production, distribution, and management of freshwater resources—an extremely essential function for the island communities it serves. One of fifty-five water research institutes authorized by Congress in the U.S. through the Water Research Act of 1964, WERI has expanded from a one-person operation in 1975 to a staff today of fifteen people conducting research, training, and information dissemination for Guam and the Western Pacific. They have continually strived to foster and promote research, training, technical assistance, outreach, awareness, information sharing and dissemination.

Partially funded by the federal government, WERI provides a wide array of services to the University of Guam and the people of the Pacific insular region for a fraction of what independent consultants would charge. Their research program covers all the costs for materials, equipment, supplies, computers, audio visual, and field trip expenses required by 17 graduate and 4 undergraduate courses at the University of Guam. In addition, WERI conducts a number of professional training workshops throughout the region each year. During the past three years, their faculty has published over 65 reviewed journal articles, abstracts, and technical reports while carrying on 33 separate funded research and training projects. This is in addition to their regular university teaching and service commitments.

Constructed through a matching federal grant, the WERI analytical laboratory is totally self-sustaining. As the knowledge base created by WERI is actively sought by various government agencies and offices on Guam, it generates a significant portion of its operating expenses. The governor's office, the Guam Legislature, various local commissions, the private sector, the media and the local community constantly rely on WERI's technological expertise. Consequently, the 24th and 25th Guam Legislatures set up two annual special appropriations for them to manage long term water monitoring and data collection on the island. Their reputation is such that the United States Geological Survey continues to rate WERI as one of the top water institutes among the state and Territorial institute programs.

I extend my congratulations to the individuals who have contributed to the valuable progress and success of WERI. The dedicated people who deserve credit include WERI director, Dr. Galt Siegrist; faculty members Drs. Shahram Khosrowpanah, Leroy Heitz, Gary Denton John Jenson, and Mark Lander; Charles Guard of the research faculty; laboratory manager Harold Wood; laboratory assistants Crispina Herreria and Lucrina Concepcion; staff hydrogeologist John Jocson; and staff members Norma Blas and Dolores Santos.

WERI has made valuable contributions to the people of Guam and the Pacific region. Their work for the past twenty five years, has led to better planning, more efficient allocation and protection of our valuable water resources. On behalf of the people of Guam, I commend and congratulate the faculty and staff of the University of Guam Water and Environmental Research Institute of the Western Pacific for their excellence and join in celebrating their 25th anniversary.

SOCIAL SECURITY NUMBER PROTECTION ACT OF 2000

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. MARKEY. Mr. Speaker, I am pleased today to introduce a legislative proposal by Vice President GORE that would outlaw the practice of purchasing or selling Social Security numbers.

Last year, a man named Liam Youens was stalking a 21-year old New Hampshire woman named Amy Boyer. Youens reportedly purchased Amy Boyer's Social Security number from an Internet Web site for $45. Using this information, he was able to track her down, a process that he chillingly detailed on an Internet Web site that he named after his target. Finally, last October; this demented stalker fatally shot Amy Boyer in front of the dental office where she worked. Afterwards, he turned the gun on himself.

This terrible tragedy underscores the fact that while the Social Security number was originally intended to be used only for the purposes of collecting Social Security taxes and administering the program's benefits, it has over the years evolved into a ubiquitous national personal identification number which is subject to misuse and abuse. The unregulated sale and purchase of these numbers is a significant factor in a growing range of illegal activities, including fraud, identity theft, and tragically, stalkings and now, even murders.

Today, if you open up a bank account, apply for a loan, buy insurance, get a credit card, sign up for telephone service or electric or gas utility service, you are almost invariably asked to provide a merchant with your Social Security number. Over the years, this number has become a key to verifying a person's identity. As a result, it has become increasingly clear that there are growing and serious privacy risks are being created by unrestricted commerce in Social Security numbers, and resulting abuses of this number, that require immediate legislative action.

The risks and abuses associated with misuse of the Social Security number are only being magnified by the rapid growth of electronic commerce. Right now, only $5 billion of the $860 billion in annual retail sales currently occur over the Internet. But that figure will continue to grow exponentially in the future. So, the question we must ask is how are we going to adjust our laws to deal with this new medium? How will we animate the New Economy with our old values—such as our cherished right to privacy?

Today, the real privacy challenge we are facing isn't Big Brother; it's Big Browser. When it comes to your financial records, there are very few protections against a financial services firm from disclosing every check you've ever written, every credit card charge you've ever made, the medical exam you got before you received insurance. And as you surf the Web, there are no rules in place to prevent various web sites from collecting information about what sites you are viewing and how long you are viewing them. If you buy anything over the Internet, that information can be linked up to other personal identifiers to create disturbingly detailed digital dossiers that can profile your lifestyle, your interests, your hobbies, or your habits. I have sponsored or cosponsored separate legislation, H.R. 1057, H.R. 3320, H.R. 3321, and H.R. 4380, which are aimed at addressing these broader privacy problems.

But we also know that the Social Security number is an critically important personal identifier that many online and offline businesses wish to obtain about consumers. Consumers who value their family's privacy, however, have a compelling interest in not allowing this number to be used to tie together bits and pieces of information in various databases into an integrated electronic profile of their interests and behavior that can be zapped around the world in a nanosecond to anyone who is willing to pay the price.

If you do a simple Internet search in which you enter the words "Social Security Numbers," you will turn up links to dozens of web sites that offer to provide you, for a fee, with social security numbers for other citizens, or to link a social security number that you might have with a name, address and telephone number. Where are the data-mining firms and private detective agencies that offer these services obtaining these numbers? In all likelihood, they are accessing information from the databases of credit bureaus, financial services companies or other commercial firms.

If someone actually obtains a Social Security number from one of these sites, they have a critically important piece of information that can be used to locate the individual, get access to information about the individual's personal finances, or engage in a variety of illegal activities. By bringing a halt to unregulated commerce in Social Security numbers, the bill I am introducing today will help reduce the incidence of pretexting crimes, identity thefts and other frauds or crimes involving misuse of a person's Social Security number.

We need to take this action now if we are going to fully protect the public's right to privacy by preventing sales of Social Security numbers. That is why I am pleased today to be joining with the Senator from California (Ms. FEINSTEIN) in introducing Vice President GORE's legislative proposal to outlaw this practice. Our bill would make it a civil and criminal offense for a person to sell or purchase Social Security numbers. Under the bill, the FTC would be given rulemaking authority to restrict the sale of Social Security numbers, determine appropriate exemptions, and to enforce civil compliance with the bill's restrictions. The bill would also authorize the states to enforce compliance, and provide for appropriate criminal penalties.

I look forward to working with the Vice President, who has been a leader in pressing for tougher privacy protections, as well as Senator FEINSTEIN, and my House colleagues to enact this important privacy protection proposal into law.

CONCERN REGARDING THIRTEEN IRANIAN JEWS ON TRIAL

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. KUYKENDALL. Mr. Speaker, today I express my grave concern regarding the thirteen Iranian Jews currently on trial in Iran.

These individuals were arrested over a year ago for spying on behalf of Israel and the United States. During that time, the suspects were held without access to lawyers or their relatives. There was no credible evidence to support the allegation, much less their continued incarceration while awaiting trial. This treatment is unacceptable.

The trial is now underway, but closed to all individuals who may help exonerate the defendants. The trial judge serves as investigator, prosecutor and judge with no accountability for his actions. The evidence consists of confessions that were coerced and taped by the Iranian government, as well as a few telephone calls to friends and relatives alleged to be members of Israel's secret police. Like the McCarthy witch hunts of the 1950's, these individuals have been deemed guilty simply by virtue of their associations. This trial flies in the face of international standards ensuring fair, impartial, and even-handed judicial decisions.

Today, I have joined a number of my colleagues to shine light on this undemocratic process by cosponsoring H. Con. Res. 307. This resolution expresses the sense of Congress that the Administration should condemn the arrest and prosecution of the thirteen Iranian Jews. The resolution reminds Iran that the treatment of these individuals will serve as a benchmark in determining future U.S. and Iranian relations.

I am pleased to see Iran has made progress to moderate its society over the last two years. We need to encourage an open dialog between our people. However, this trial serves as an important reminder that Iran still has a long way to go before it is accepted back into the international community.

CENTRAL NEW JERSEY RECOGNIZES GARRETT YOUNG FOR HIS ACHIEVEMENTS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. HOLT. Mr. Speaker, today I honor a young scientist, Garrett Young, a 17 year-old homeschooled student from Branchburg. Garrett has achieved success on the state, national, and international levels. He has recently been recognized as a top winner at the International Science and Engineering Fair (ISEF) sponsored by Intel Corporation. This is the world's largest pre-college science competition that recognizes the world's brightest high school students coming from 40 countries for their scientific achievements.

At the international level, he took first place in the category of physics at the ISEF. He also won the Glenn T. Seaborg Nobel Prize Visit Award. The Nobel Prize Visit Award was awarded to the top two individual winners at the Fair and whom they believe will be future Nobel Prize Winners. His project was "Isolating Plasma Species Initiating Internal Electrostatic Fields for Plasma Heating," where Garrett found a way to increase the temperature of plasma in an efficient way.

At the national level, he won "Operation Cherry Blossom." This is a trip to Japan that is awarded by the U.S. Army to the top two individual projects of the entire ISEF competition. Garrett was awarded first place by the U.S. Naval Research Labs and the U.S. Air Force. He also received the second place Vacuum Technology Award awarded by the American Vacuum Society.

At the state level, Garrett won the Senior Division ISEF trip. He also received the Space Science Award, presented by NASA for his project studying space science, and the Metric Award given by the U.S. Metric Society for the best use of the metric system. In addition, he was awarded a medallion by Yale University as the most outstanding junior student in Science and Engineering.

All of his specialized contributions to science are a result of his creative ability and meticulous thought. Mr. Young is truly a remarkable student with a prosperous future ahead of him. Today I honor Garrett's extraordinary accomplishments.

FY2001 DEFENSE APPROPRIATIONS BILL

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. HOEFFEL. Mr. Speaker, last night the House of Representatives passed the Fiscal Year 2001 Defense Appropriations Bill. I voted in favor of that legislation because I largely support the priorities reflected in the bill by Chairman LEWIS, Ranking Member MURTHA and the Defense Appropriations subcommittee.

Today, the Budget Committee is conducting a hearing on my legislation, H.R. 3221, the Corporate Welfare Commission Act. Under the bill, a Commission would be created to root out unnecessary and wasteful subsidies, and report their recommendations to the House and Senate. Their recommendations would receive expedited floor consideration to ensure that members of Congress were put on record on these wasteful programs.

One program which is often mentioned as one of the most egregious examples of wasteful spending, and which was mentioned today by the witnesses, is the subsidy the government gives to encourage defense mergers. The program was created in 1993 and was intended to save taxpayers billions of dollars by allowing defense contractors to charge the costs of mergers to government contracts. A recent study by the Department of Defense reflects significant cost savings for the government under this program but an independent study by the General Accounting Office could not verify DoD's claims. According to the GAO study, the government spent approximately $850 million on just the seven largest defense contractor mergers.

I think this program deserves closer scrutiny. While I don't question the nature of these mergers which have to be approved by the Department of Defense; I do question the policy of having the U.S. taxpayers pay at least a portion of the cost for such mergers. I urge the eventual conferees on the Department of Defense Authorization and Appropriations bills to consider a change in this policy.

THE NICARAGUAN "PROPERTY PROTECTION ACT OF 2000"

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. GILMAN. Mr. Speaker, today, I am introducing the "Property Protection Act of 2000" with a notable list of co-sponsors. This bill will have the effect of removing the waiver for Nicaragua contained under section 527(g) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. Under current law, the President may waive mandatory sanctions prescribed to castigate a government that has not resolved outstanding property claims made by American citizens. In the case of Nicaragua, the President has every year since enactment chosen to exercise this waiver.

I have been reluctant to seek this change to our law. It is the inaction of the Nicaraguan government in resolving a number of long-standing property claims by American citizens that compels us to take this action.

The Sandinista regime, which ruled Nicaragua from 1979 to 1990, confiscated the property of thousands of Nicaraguan families and a number of American citizens. That was wrong. The United States Congress has long been on record pressing for the rights of U.S. citizens who were expropriated to be fairly compensated.

The Nicaraguan government points out that it settled over 400 property cases last year. But these numbers do not tell the whole story. In fact, many of these cases involve individuals who have simply given up hope of recovering their properties and resigned themselves to accepting Nicaraguan government bonds worth a fraction of their face value on world bond markets.

There are also a number of cases that have languished unresolved for years. These include cases where the government of Nicaragua has been ordered by its own court system to make payments to Americans who had their property illegally confiscated. Another group of cases that have languished involve Public Sector National Corporations (CORNAP). The missing ingredient in resolving these cases is political will. In both instances, the rule of law can only be served if the government of Nicaragua lives up to its obligations.

This bill will bring real pressure to bear by restricting U.S. bilateral assistance and U.S. support for multilateral assistance to the government of Nicaragua. The bill contains important exemptions for humanitarian and disaster relief assistance to avoid penalizing the people of Nicaragua. The bill also would allow vital counter-narcotics assistance to continue to flow to protect our nation from illicit drugs.

The Property Protection Act of 2000, when enacted, will require the President to identify the 50 most urgent pending property claims by American citizens against the government of Nicaragua and to suspend assistance to the government of Nicaragua until these cases are resolved. This is not too much to ask. Our government has been very patient, but, regrettably, our patience seems to have been misinterpreted by the government of Nicaragua as a lack of interest.

This bill will insure that the government of Nicaragua, and other states around the world, will understand that our citizens cannot have their property stolen with impunity.

Mr. Speaker, at this point, I ask that the full text of H.R. 4602 be printed in the CONGRESSIONAL RECORD.

H.R. 4602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Property Protection Act of 2000".

SEC. 2. PROTECTION OF UNITED STATES CITIZENS AGAINST EXPROPRIATIONS OF PROPERTY BY NICARAGUA.

(a) BILATERAL ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding section 527(g) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, assistance under the Foreign Assistance Act of 1961 or the Arms Export Control Act for fiscal year 2001 or 2002 may only be provided to the Government of the Republic of Nicaragua if the President first makes a certification under subsection (d) for the fiscal year involved.

(2) EXCEPTION.—For purposes of paragraph (1), the term "assistance under the Foreign Assistance Act of 1961" shall not include—

(A) assistance under chapter 1 or chapter 10 of part I of such Act for child survival, basic education, assistance to combat tropical and other diseases, and related activities;

(B) assistance under section 481 of such Act (relating to international narcotics control assistance); and

(C) assistance under chapter 9 of part I of such Act (relating to international disaster assistance).

(b) MULTILATERAL ASSISTANCE.—

(1) IN GENERAL.—The President shall instruct the United States Executive Director at each multilateral development bank and international financial institution to which the United States is a member to use the voice, vote, and influence of the United States to oppose any loan or other utilization of the funds of such bank or institution for the benefit of the Republic of Nicaragua for fiscal year 2001 or 2002 unless the President first makes a certification under subsection (d) for the fiscal year involved.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to assistance that is directed specifically to programs which serve the basic human needs of the citizens of Nicaragua.

(c) REPORT.—Not later than September 1, 2000, or the date of the enactment of this Act (whichever occurs later), and not later than September 1, 2001, the President shall prepare and transmit to Congress a detailed report listing the 50 most urgent property claims by United States citizens against the Government of the Republic of Nicaragua which shall include, but not be limited to, all property claims in which Nicaraguan courts have ruled in favor of United States citizens, and property claims by United States citizens involving Public Sector National Corporations (CORNAP).

(d) CERTIFICATION.—A certification under this subsection is a certification to the Congress that the Government of the Republic of Nicaragua has returned the nationalized or expropriated property of each United States citizen who has a formally-documented claim against the Government of Nicaragua listed in the report under subsection (c), or has provided adequate and effective compensation in convertible foreign exchange or other mutually acceptable compensation equivalent to the full value of the nationalized or expropriated property of each United States citizen who has a formally-documented claim against the Government of Nicaragua listed in the report under subsection (c).

HONORING BALL STATE PRESIDENT JOHN E. WORTHEN—A GREAT EDUCATOR

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. McINTOSH. Mr. Speaker, I rise today on the floor of the House of Representatives to honor a leader in education in Indiana and the nation. In the heart of my district in East Central Indiana lies Ball State University, one of the premier institutions of higher education in the Midwest. For the last sixteen years Ball State has been under the capable guidance of University President John E. Worthen. Sadly, he is leaving the university this year.

Mr. Speaker, greatness is setting bold goals and then having the will to accomplish them. John Worthen brought vision and greatness when he came to the university in 1984 and has spent the last sixteen years putting his vision into practice. Ball State, Indiana, and the nation are the better for his efforts. At the start of his administration, President Worthen focused on broad goals. He aimed for excellence in all things. The university has reached beyond its grasp to accomplish his vision. His plan was anchored in the premise that learning should be a lifelong pursuit. Under his leadership, Ball State's central mission has been to arm students with the skills, knowledge, and enthusiasm to continue learning after they leave the university.

John Worthen always looked to the future of education, not its past. He viewed technology as a fundamental component of that mission, and he directed Ball State's resources toward acquiring that technology. Ball State established courses and workshops to train faculty aid staff to use the new technologies and started the Center for Teaching Technology to help faculty use this new tool to enhance their instruction. During the past ten years, Ball State has spent eighty million dollars on renovations that have added computer labs, put Internet access in every residence hall room, and wired every classroom to an interactive fiberoptic multimedia network. The university now has a student-to-computer ratio of thirteen-to-one, one of the lowest in the country. This year Yahoo! Internet Life magazine ranked Ball State among the top twenty in its annual survey of "most wired" universities. These technological capabilities have also made Ball State a national leader in distance education.

President Worthen's education and training gave him a solid background for the challenge of running a university. A Midwesterner, he earned a bachelor of science degree in psychology at Northwestern University in 1954 and received his master's degree in student personnel administration from Columbia University in 1955. He served four years in the Navy as a carrier pilot and education and legal officer. He attained the rank of lieutenant. He earned an Ed. D. at Harvard University in 1964 in counseling psychology and administration in higher education. John Worthen began his career in education as the dean of men at American University in Washington, D.C., then moved to the University of Delaware where he taught education courses and accepted various administrative responsibilities. In 1979, he became president of Indiana University of Pennsylvania. Ball State University invited him to become its eleventh president in 1984.

Mr. Speaker, I know all of my colleagues join me in saluting a real educator, John E. Worthen. Under his leadership, Ball State has flourished. In almost the most important fields of education—social sciences, science, and technology—President Worthen has made Ball State a leader in Indiana and across the nation and both are better off for his efforts.

Mr. Speaker, I have been honored to work along side John Worthen. I will miss the benefit of his counsel and wisdom. I wish he and his wife Sandra much happiness as they move on to new challenges.

PERSONAL EXPLANATION

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. WISE. Mr. Speaker, on Wednesday, June 7, 2000, I was unavoidably detained and unable to record a vote by electronic device on Roll Number 241. Had I been present I would have voted "aye" on Roll Number 241.

On Wednesday, June 7, 2000, I was unavoidably detained and unable to record a vote by electronic device on Roll Number 242. Had I been present I would have voted "aye" on Roll Number 242.

On Wednesday, June 7, 2000, I was unavoidably detained and unable to record a vote by electronic device on Roll Number 243. Had I been present I would have voted "aye" on Roll Number 243.

On Wednesday, June 7, 2000, I was unavoidably detained and unable to record a vote by electronic device on Roll Number 244. Had I been present I would have voted "aye" on Roll Number 244.

On Wednesday, June 7, 2000, I was unavoidably detained and unable to record a vote by electronic device on Roll Number 245. Had I been present I would have voted "aye" on Roll Number 245.

TRIBUTE TO KENZAL THOMAS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend young Kenzal Thomas, a Casey Middle School student in Mt. Vernon, IL, for his honesty. Recently after finding a dollar in the bathroom of a Mt. Vernon restaurant, Kenzal began asking everyone in the restaurant if they had lost the bill—including City Councilman Dave Keen.

As a result, Councilman Keen, along with other city officials, honored Kenzal with a framed certificate touting his integrity.

It is a pleasure for me to join in recognizing Kenzal. His honesty is a trait for which we can all be proud of and look to as an example of doing what is right.

IN HONOR OF MONUMENTAL BAPTIST CHURCH, CELEBRATING ITS 100TH ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Monumental Baptist Church. For 100 years, Monumental has been a sanctuary for fostering Christian ideals and values.

Monumental Baptist Church was established in 1900, in a store front in New Jersey. From its humble beginnings as a small congregation, Monumental has experienced significant growth, establishing a foundation for a prosperous future.

Reverend William Edwards was Monumental's first pastor, followed by Reverend C.H. Garelick, and Reverend William S. Smith, who, in 1905, was able to secure a new site for the church, at 116 Lafayette Street.

Reverend Smith served his church and community with dedication. After forty years as pastor and community leader, he passed away. Under Monumental's next pastor, Reverend William Fitzgerald, a mortgage was liquidated and the church received a new roof.

On the first Sunday of December 1944, Reverend Ercel F. Webb came to serve as pastor of Monumental Baptist Church. For 42 years, Reverend Webb dedicated himself to providing his congregation with spiritual guidance as well as strong leadership. During Reverend Webb's service, financial support to local and national organizations increased significantly. The United Negro College fund received substantial contributions, allowing the church to realize its goal of helping to provide young African-Americans access to a quality education.

Following Reverend Webb's retirement in 1986, Reverend Willard W.C. Ashley served until 1996. The current pastor is Reverend Joseph L. Jones.

Today, Monumental Baptist Church is 100 years old. I ask my colleagues to honor the church and its congregation for their century of dedication to God.

ELIMINATE THE DEATH TAX

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. KUYKENDALL. Mr. Speaker, today I express my strong support for the elimination of the death tax. When a person dies in this country, an outrageous tax of 37 to 55 percent is levied against the deceased's estate. The last thing that a family in mourning should have to worry about is losing the family business or farm—a life's work—to satisfy the IRS.

Only in America can one be given a certificate at birth, a license at marriage, and a bill at death. This tax is contrary to the freedom and free-market principles on which this nation was founded.

There is no question that Americans deserve to keep more of their hard-earned dollars. It is our duty to provide responsible, targeted tax relief in this time of budgetary surplus. Since my first day in Congress, we have debated what to do with the surplus. Some said tax cuts. I have strongly supported paying down the debt by 2013 or earlier. But if we pass responsible, targeted tax cuts, we can accomplish both. It is essential for Congress to repeal the unfair death tax so that family businesses and family farms can be passed down from generation to generation.

Owning a family business is the culmination of the American Dream. Let's restore the dream and repeal the death tax. We owe it to America's families, small business owners and farmers.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

SPEECH OF

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

Mr. ROEMER. Mr. Chairman, I rise in strong support of the Defense Appropriations bill for fiscal year 2001. This legislation has placed great emphasis on expanding quality of life initiatives, addressing readiness shortfalls, and enhancing modernization programs. I am particularly supportive of the procurement budget in this legislation for the High Mobility Multipurpose Wheeled Vehicle (HMMWV) or Hummer.

The Congress and especially the Appropriations Committee have strongly supported sustained Hummer production. The hard-working people of Indiana's Third Congressional district have responded by providing a vehicle that has met, and in many cases, exceeded the needs of our brave troops in the field. The Hummer's superior quality allowed three U.S. Army soldiers to walk away unharmed from their vehicle after it drove over and exploded an antitank mine in Bosnia.

Moreover, both the Army and the Marine Corps have identified the Hummer among their unfunded modernization priorities. This defense appropriations bill meets those priorities by increasing the budget by $40 million, thereby allowing the Army and the Marines to buy 3,400 Hummers to replace their aging fleet and provide technology insertion. This will go a long way toward protecting our brave men and women in uniform deployed in Kosovo and Bosnia.

I am enthused by the growing capabilities of the Hummer. Earlier this year, I visited the Hummer plant and saw a prototype of the commercial "Hummer 11" which is being developed by a joint effort between AM General and General Motors. The Hummer's expansion into the commercial marketplace will result in the sharing of leading technologies for commercial and military vehicles while maintaining a highly skilled technological workforce in Indiana who I am very proud to represent.

Mr. Chairman, I wish to express my gratitude to the members of the Appropriations Committee who have reported a defense appropriations bill that will ensure continued Hummer production. I urge my colleagues to support this legislation.

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. DAVIS of Florida. Mr. Speaker, I rise in strong support of H.R. 4444, the PNTR (Permanent Normal Trade Relations) for China Bill, which will open up new markets for our businesses here in the United States. This bill is about breaking down trade barriers abroad and expanding opportunities for American workers. This legislation recognizes the reality of today's global economy and equips our country with the tools necessary to maintain America's leadership throughout the world.

International trade is critical to our nation's continued economic expansion. Over 11 million jobs in the United States can be attributed to exports. The simple fact that 96% of the world's consumers live outside of our borders is irrefutable evidence that in order to grow our economy, we must grow our exports.

In the WTO agreement, the U.S. has won unprecedented concessions from the Chinese that break down barriers to our goods, services, technology products, automobiles and financial services. Our farmers, who have been economically hurting, will be able to sell their agricultural products in China like never before. In Florida, our citrus and fertilizer industry will benefit immensely.

In terms of forcing changes in China, this is also a matter of national security. Once China is admitted into the WTO, they will be subject to the rule of law, which will be enforced by more than 130 countries. As we enter the 21st Century, China is on the verge of expanding its regional dominance. I believe it is apparent that the world's most populous nation is simply too influential to ignore. Thus, I believe that our engagement, rather than disengagement, is essential. I think we have a better chance of encouraging reforms with more U.S. citizens bringing our culture, ideas, and freedoms to China rather than isolating them from the rest of the world.

With regard to China's cross straits relations, the Taiwan question continues to heighten tensions in the region. Passage of PNTR would allow our country to continue to play a constructive role in diffusing that potentially destabilizing situation. Even Taiwan's leaders recognize the importance of passing PNTR and China's accession to the WTO. Recently, the newly elected President of Taiwan, Chen Shui-bian, stated that, "We would welcome the normalization of U.S.-China trade relations . . . We look forward to both the People's Republic of China's and Taiwan's accession to the WTO."

We must respect and address many of the opposing arguments. Opponents argue that we as a nation must send a strong message to China and in many respects I agree. Let there be no mistake about it, forcing China to comply with their commitments will not be an easy task. China must know that we will be vigilant in our efforts to combat human rights abuses, that we will not tolerate acts of aggression towards its neighbors. That is why I commend my colleagues Sandy Levin and Doug Bereuter for all their hard work crafting legislation that will enable our country to closely monitor China's human rights record and compliance with its WTO commitments.

In addition, opponents of PNTR argue that only big business will benefit. I disagree. Today more than ever, U.S. businesses are functioning in a global economy, and thanks to the Information Age and the growth of e-commerce, even the smallest of America's businesses are engaging in and thriving from their interactions in international markets. In fact, a rapidly growing number of small and medium sized companies have already expanded their business to take advantage of the opportunities available in China's marketplace.

In 1997, 82 percent of all U.S. exporters to China were small and medium sized businesses. That same year, in my home state of Florida, companies with less than 100 employees accounted for 52 percent of all businesses exporting from Florida to China. Furthermore, small and medium sized companies combined accounted for 67 percent of all firms exporting from Florida to China. These figures continue.

China's business cannot begin to keep up with the rapidly growing demand of one-fifth of the world's population, leaving international companies an amazing economic opportunity should China open its trade gates. America's strong economy and its wealth of innovative and motivated small and medium sized businesses poises us to be a leader in meeting the product demand of the Chinese.

The benefits of increased trade with China both for our nation and the State of Florida are tremendous. Unless we pass PNTR, our businesses and workers will be forced to sit on the sideline and watch our global competitors take advantage of the agreement we negotiated. The effect would be to exclude many of Florida's farmers, insurers, and manufacturers of microchips, chemicals, computers, and software who would benefit from this entirely new level of access. These industries employ thousands of Floridians and have the potential to employ thousands more, but only if we can continue our strong export growth.

Mr. Speaker, I recognize that increased global competition will put some industries at risk and that with the overwhelming number of winners there will be some losers. We will have to work hard to ensure every American worker can participate in our global economy.

A vote against PNTR will not create a single new job in America, clean up the environment in China, release a single prisoner, nor improve the standard of living for Chinese workers. It will only signal a retreat from the global economy and a surrendering of our nation's leadership in the international arena.

Mr. Speaker, this legislation is critical for the United States. Refusal to pass PNTR would put American workers at a disadvantage. Furthermore, this legislation represents our nation's commitment to remaining engaged, and a rededication to ensuring expanded economic opportunities for American workers.

I urge my colleagues to vote "yes" on PNTR.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2001

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

Ms. MILLENDER-McDONALD. Mr. Chairman, today I rise for women across the country as Co-Vice Chair of the Congressional Caucus on Women's Issues and for the women of California and Los Angeles, in particular, to praise the work of Chairman LEWIS and Ranking Member MURTHA for ensuring critical funding is provided for the Department of Defense Peer-Reviewed Breast Cancer Research Program.

California, as one of the most populous states has a corresponding high degree of breast cancer deaths and in 1990, over 25 percent of these deaths occurred in the Los Angeles area alone. Nationally, an estimated 2.6 million women—one in eight women—are currently living with breast cancer.

As the leading cause of cancer deaths among women aged 40-59, it is second only to lung cancer in the number of cancer deaths. It is estimated that 40,800 women will die of breast cancer this year. African American women currently have the shortest life expectancy. The need for research to reduce the number of deaths among all women and stop this disparity in life expectancy between Caucasian women and women of color is unequivocal.

The most significant risk factors for breast cancer are simply being female and growing older. The majority of women with breast cancer have no known significant family history or other known risk factors. In fact, only 5–10% of breast cancers are due to heredity. Therefore, research that is conducted by the Defense Department as well as by the National Institutes of Health is imperative for all women.

Thanks to the bipartisan leadership and dedication of the Defense Appropriations Subcommittee, the breast cancer research program continues to grow and provide innovative ways of fighting this disease. On behalf of the women of California and women across the country, I thank Chairman Lewis and Ranking Member MURTHA for their commitment to this issue.

SEEING FIRSTHAND NEW JERSEY'S CONTRIBUTIONS TO OUR NATIONAL DEFENSE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. FRELINGHUYSEN. Mr. Speaker, I would like to report on a visit I made in April of this year to two of the U.S. Army's installations, one in California and the other in Arizona.

Mr. Speaker, the upper Mojave Desert is a long way from Morristown. Frankly, when you think of southern California and the desert, you conjure up thoughts of oppressive heat, scorching sun and scorpions underfoot.

During the Congressional Easter "recess," I spent several days visiting Fort Irwin, home of the National Training Center and the U.S. Army's premier field combat training facility. There is nothing like it anywhere in the world, according to what I heard and saw during my visit.

For almost two years now, I have had added to my assignment on the House Appropriations Committee, a seat on the Subcommittee on Defense, which includes budget jurisdiction over all of our nation's branches of the Armed Services and our national intelligence agencies.

Whenever possible, I try to visit military installations, bases and especially our young troops in the field. After all, these young men and women need to know that Members of Congress appreciate what they do and that we are committed to their safety, proper training, and the acquisition of the best equipment and technology available.

I saw firsthand the battlefield realism that the National Training Center provides. That location in the desert combines the scope, scale, and intensity of effort that past and future wars have provided.

Take for example, the Persian Gulf War. On the morning of February 24, 1991, combat-ready U.S. military forces launched the land phase of the Persian Gulf War with the objective of removing Iraqi forces from the Republic of Kuwait. One hundred hours later, they accomplished their objective.

The majority of U.S. soldiers contributing to this victory received their combat field training at the National Training Center at Fort Irwin. Their success on the battlefields of Iraq and Kuwait confirmed that authentic, real-time combat training leads to decisive victory.

It is also at Fort Irwin that our New Jersey National Guard units, as well as active duty Army battalions from all across the world, train to be soldiers, improving their fighting skills without actual loss of life or loss of equipment.

As fate would have it, I did meet with some members of the New Jersey National Guard's 1–114th Infantry Battalion as they got ready to fight in a mock battle with the regular stationed force. It was very cold out there and I even got caught in a blinding sandstorm as the temperatures dropped down below freezing.

About 5500 U.S. soldiers are deployed to the National Training Center to engage in a strenuous 28 day training event called a "rotation" twelve times a year—you really have to admire these young men and women.

From the sands of the Mojave and the arduous training at Ft. Irwin, I visited the Yuma Proving Grounds in Yuma, Arizona. At this facility, the Army tests weapons and munitions. Much of the technology tested at Yuma, near the Mexican border, is researched and developed in our own backyard at Picatinny Arsenal in Rockaway Township.

I had the good fortune of witnessing a test of the Crusader, an advanced tank artillery system that, as I mentioned, is designed at Picatinny Arsenal. In fact, the Crusader is one of Picatinny's major projects.

The Crusader is the Army's future heavy artillery system and it will provide more reliable, more lethal firepower on the battlefield. The Crusader can fire faster, and more accurately than any existing tank or fighting vehicle in the Army's inventory. During tests at Yuma, the Crusader showed its stuff by successfully firing a round nearly 40 km!

I look forward to showing Defense Secretary William Cohen where Crusader research and development takes place when he visits Picatinny on May 26. I have pursued his visit for several years because I believe it is important for the Defense Secretary to see firsthand the amazing work being done by the talented men and women of Picatinny—work that is critical to America's national security. I am glad Secretary Cohen has accepted my invitation to visit Picatinny; it's the first time in Picatinny's long history that a Secretary of Defense will have visited.

Finally, back in Washington, last week my committee, the Defense Appropriations Subcommittee, gave its approval to our nation's military and intelligence programs for fiscal year 2001, including those critical programs at Picatinny and New Jersey's other military installations. You can be sure that I will continue working to strengthen our military.

Most especially, I will continue working to see to it that our young soldiers are properly paid, have decent housing, and child care, remembering that 65 percent of our all-volunteer force is married, many with children. After all, these young men and women and their sense of self-sacrifice and duty, continue to serve as an inspiration for all Americans.

BUILD IT RIGHT, AND THEY WILL COME

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. BONIOR. Mr. Speaker, we have often heard the phrase "if you build it, they will come" from the movie Field of Dreams. We have learned, however, that when it comes to baseball parks, we need to get it right—that delicate balance between the old and new. The new ballpark in the City of Detroit was a vision of the Ilitch Family and John McHale, the owners and president of the Detroit Tigers respectively—and I am pleased to say they got it right. From the statues of Tiger greats in the outfield to the tiger gargoyles on the outside, the new Comerica Park is a gem. Mr. Speaker, I had the fortunate opportunity to attend the dedication of the new park and was deeply touched by President McHale's comments. I now submit his remarks for the RECORD.

MCHALE REMARKS FOR APRIL 8, 2000 RIBBON CUTTING CEREMONY

Reverend Clergy, Ladies and Gentlemen, Friends of our City, Friends of the Detroit Tigers, Good Morning.

Today marks for me a little more than five years since I first came to you, unknown, uncredentialed, clad only in the good will of the Ilitch family and your own charity to ask for your help for the Detroit Tigers.

Who knows what you must have thought and how many promises for how many projects that came to little had been put to you before. I look back then on my own impudence with humility and the improbability of our success with laughter. But it seemed to me then that the success of this adventure was possible only if built upon the rock which is the spirit of the people of the City of Detroit. However naively or imperfectly I tried to express this, you already knew if better than I.

(In my middle years, I came upon a wood. . . .) You welcomed us. You guided us. From validating our agreement and financial partnership with the City, to providing us with public fora, to assisting us in reaching the voters of the City and then Wayne County, this project was nurtured in the temples, mosques and churches of our community. And, as would a parent, you gently and firmly gave us to understand how we should do justice to the people of our community who helped us give life to this dream. I want to pause to remember my friend Morris Hood and to speak his name here with gratitude and affection. With me, Morris was not so gentle but was extremely firm concerning his expectations for this project. He loved the Tigers and I hope he is proud of his city today. From planning and hosting outreach meetings to recruiting skilled tradeswomen and tradesmen to commending to our attention new and established businesses, your communities of faith have helped us at every step.

Because our achievement has been so great, both symbolically and in terms of steel, bricks and concrete, it is tempting to consider today's celebration a conclusion. That would be a profound mistake. It is a point of passage, appropriate for brief rest, reflection and an occasion for celebration, but just a stop on the long journey for all of us toward our greater goals. It is not normally fashionable in the business of professional sports to concede, much less insist as we do today, that the partnerships of public and private support required to produce such beautiful buildings as Comerica Park ought to serve greater goods than our success in the standings and on the balance sheet. But of course this is so and this proposition has been joyfully embraced by the Ilitch family since the establishment of their entrepreneurial headquarters in this city in 1987 and at the Detroit Tigers since its acquisition by Mike Ilitch in 1992. And, as surely as we have been guided and inspired by a determination to restore our city to the material greatness known by our parents and grandparents, so must we work to make it St. Matthew's "city on a mountain" as renowned for its goodness, economic opportunity and economic justice as for the beauty of its buildings and the glory of its sports clubs. So do we work, with an eye and an ear toward the judgment of history.

What do we wish men and women to say of our efforts a hundred years from today? I hope that they will say we can know three things about the people who built this building.

First, that they loved their children. All ballparks are, by definition, places of communal recreation and celebration (subject to the occasional vagaries of on-field performance). Bart Giamatti told us:

"The gods are brought back when the people gather. . . . The acts of physical toil—lifting, throwing, bending, jumping, pushing, grasping, stretching, running, hoisting, the constantly repeated acts that for millennia have meant work and to bound them in time or by rules or boundaries in a green enclosure surrounded by an amphitheater or at least a gallery (thus combining garden and city, a place removed from care but in the real world) is to replicate the arena of humankinds' highest aspiration. . . . 'Winning' for player or spectator is not simply outscoring. It is a way of talking about betterment, about making oneself, one's fellows, one's city, one's adherents, more noble because of a temporary engagement of a higher human plane of existence."

This may be what grips a city as this one was gripped in 1968 and 1984 and will be again. This engagement is what stamps in our mind the characteristics of human spirit revealed in the heat of competition by our athletic heroes like Greenberg, Kaline and Horton. The certainty that in these metaphors we can teach important lessons of life: the need for patience, the need to struggle, the need to bear defeat without conceding to it and the need to view victory as a transitory gift, is what led our parents and grandparents to bring us to Navin Field, Briggs Stadium and Tiger Stadium and is what will lead us to bring our children and grandchildren to Comerica Park. Never has there been a sporting field built to echo the joy of children and adults at play. The stories and lessons of our shared history abound. In one sense, Comerica Park is literally the most magnificent playground ever built. In another, it is the illustrated story of one hundred years of a part of Detroit's history. In a third, its steel, concrete and bricks and its focus on the skyline will reinforce in young minds their parents' lessons of economic opportunity, the appropriate role of professional sports in a larger civic context and the importance of our city to our region, state and country.

Second, I hope that they will say that these builders loved their city.

All of us, together, began a quest to breath new life into the City of Detroit by building a ballpark, that is in ways subtle and obvious is of the City of Detroit. It is here, of course, bounded by the old city streets of Montcalm, Witherell, Adams and Brush, physically connected to Grand Circus Park, Harmonie Park and Brush Park. It represents over $300 million worth of affirmation in the future and vitality of downtown Detroit. It is made of materials that are almost sacramental to our City, brick, steel, glass and concrete. Its forms are echoes of the most beautiful in Detroit design from the last century. Its exterior is graced by bands and plaques of tile from the Pewabic Pottery on East Jefferson Avenue. Comerica Park has been planned to nurture the surrounding neighborhoods and to stimulate new growth. Already, complimentary projects have begun and more announced. Buildings unused for decades are being renovated and that most precious sign of urban vitality, new residential construction, is rising just to the north of us in Brush Park. Very soon we will be joined by our even larger neighbor, Ford Field, which will bring many hundreds of thousands more of our metropolitan citizens downtown. This, in turn, will stimulate even more of the desirable development activity which we now see. Is all of this happening because of Comerica Park? Of course not, but much of it is. The good that we hoped for our city is coming to pass because of the commitments we made to each other and the work we began in 1995.

Third, I hope that 100 years from now the citizens of Detroit will look back upon us and say, "They kept their word." We came to you in 1995 and 1996 and promised that if you would help us, we would ensure that at least 30% of the estimated $245 million price of this project would represent goods and services provided by minority, women-owned, small and local businesses. At last report, the total percentage of work performed by these businesses represented, 56%, nearly double our promise. This has meant over $133 million in work for these businesses who have performed so well in helping us complete this project on schedule and on budget. It is worth mentioning today that the first contract excavation work on this project performed on September 4, 1997 was done by Ferguson Enterprises, a minority business enterprise and the final Tiger statue swung into place was manufactured by Showmotion, Inc., a woman-owned business enterprise, appropriate bookends for the good work of the City the County, the City Council New Stadia Development Monitoring Task Force (chaired for 4 years by Reverend Wendell Anthony), the MMBDC, A3BC, the Minority Business Initiative, our project team IFG, the Smith Group, HOK and H–T–W and hundreds of individuals, without the work of each, these exemplary results could never have been possible. We are confident that beyond being sound construction decisions, these contractual relationships will provide a basis for future prosperity, contract capacity and public and industry recognition of these businesses and will help continue cycles of prosperity for these firms for many, many years.

They loved their children, they loved their city, they kept their word. It is to this judgment by the men and women of the year 2100 that we rededicate ourselves and our organization today and that we pledge as the tests of our judgments and actions for as long as we are given to continue the work of God and man that we began together at the birth of the dream which is today Comerica Park. Thank you.

CONGRATULATING BRENDA BUTLER HAMLETT

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. MOAKLEY. Mr. Speaker, I rise today to extend my sincere congratulations to Brenda Butler Hamlett, who was recently selected as a 2000 Robert Wood Johnson Community Health Leader. Ms. Hamlett is one of only ten individuals from around the country to be recognized with this most distinguished award for community health leadership.

As a community development coordinator for the New England Organ Bank, Ms. Hamlett works tirelessly to raise awareness of the need for increased organ and tissue donations, especially among minority populations. Her programs work to educate minority families about the risk factors and lifestyle choices that can lead to the need for a transplant. She also works to encourage residents in the community to consider organ donation as a contribution they can make to save the lives of others.

Ms. Hamlett comes to her work from a very unique perspective. After battling heart disease for a number of years, she was forced to undergo a heart transplant in 1993. After her successful procedure, she agreed to be featured in the organ bank's advertising campaign on posters and public service announcements. In 1995 she joined the organ bank's staff full-time, putting her former experience as a community relations specialist and teacher to work.

Ms. Hamlett currently conducts much of her outreach in Boston-area schools, using poetry and workbooks that she has developed herself to teach young people about organ donation and end of-life issues. She also offers programs in community health centers and area churches. She often fields calls in the middle of the night from area hospitals to counsel families about donating organs and loved ones.

As a further recognition of her tremendous work, she was also recently elected president of the American Society of Minority Health Transplant Professionals, whose mission is to promote organ and tissue donation among minorities.

Mr. Speaker, it is truly my honor today to congratulate Brenda Butler Hamlett for this well deserved award. As extraordinary people do, Ms. Hamlett was able to transform an undoubtedly traumatic experience in her life into a tremendous dedication to improve the lives of those around her.

IN RECOGNITION OF THE RETIREMENT OF DAVE WILDMAN

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. THOMPSON of California. Mr. Speaker, today I rise in recognition of Mr. Dave Wildman in honor of his retirement from thirty years of work as an educator. For the past 18 years, Mr. Wildman has been the Principal of Silverado Middle School in Napa County, California where he has dutifully served the students of our community.

Mr. Wildman was born in Hazelwood, Indiana and later moved to California. He received his teaching credential from California State University, Hayward in Biology, Chemistry and the Physical Sciences. He began his teaching career in 1968 teaching Science at Silverado Middle School. In 1972, Mr. Wildman was promoted to the Dean of Boys—Vice Principal of the School. He served in this post until 1980 when he became the Principal of Ridgeview Junior High School in Napa County. In 1982, he returned to Silverado Middle School to become Principal, where he has served until his retirement this month.

Under the guidance of Mr. Wildman, Silverado Middle School has been the recipient of numerous academic merits and awards. In 1986, Silverado was granted its first Napa Distinguished Middle School award. In 1988, Silverado was selected as a Foundation School and as one of 100 network partnership schools by the California State Department of Education. Silverado later received a second Distinguished Middle School award by the California Department of Education in 1996.

As an individual Mr. Wildman has been recognized as an outstanding academic leader. In 1988, he was given a California Department of Education Commendation for middle school grade reform. In 1988, Mr. Wildman was also granted the Napa Valley Unified School District leadership award for distinguished management performance. He was the recipient of the Distinguished Leadership award from the California State Department of Education in 1991. And, in 1996, Mr. Wildman was awarded a California Distinguished Middle School Principal's award.

Dave Wildman is a dedicated family man. He and his wife Nancy have three children: Christine, Jeremy and Sarah.

Mr. Speaker, it is clear that Dave Wildman has been an exemplary educator and leader in the Napa Valley. As Mr. Wildman's Representative, I am both honored and pleased to know that there are dedicated people, such as he, who are leading our public schools. Mr. Speaker, for these reasons, it is proper that we honor Principal Dave Wildman for all of his achievements and his contribution to our community.

APPALACHIA TOUR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. HALL of Ohio. Mr. Speaker, I rise to share another story from my recent tour of Appalachia. I heard many stories of people who are hungry in the midst of our record-breaking economy. I wish that I didn't hear these stories and I wish they weren't true, but they are. One family told me of their trouble simply putting meals on the table.

Darryl and Martha are two ordinary people who find themselves requiring assistance from a local food pantry. Darryl just turned 70 and receives about $ 1,000 each month for his retirement. Martha has cancer and lost her parents and her brothers to the disease. She had surgery eight times in the past 10 years. In order to get to her medical appointments, Darryl and Martha must drive eighty miles round-trip. Even with Medicaid, their gas and $10 co-payments add up, so they swallowed their pride and applied for food stamps. After filling out an application that asked 700 questions, Darryl and Martha were congratulated on being entitled to $5 each in monthly benefits.

When an outreach worker spoke with Darryl and Martha, neither of them had eaten for three days. Three days. There was not a single can or box of food in their cupboards, after months of trying to stretch everything they had. Martha had watered down a can of tomato juice to last two weeks. She had added extra water to cans of soup to try and make it last a second day. They once had chicken noodle soup with no chicken and noodles made from one egg and a little flour. Martha would often lie to her husband and say that she wasn't hungry so that he could eat. "We never asked for help," they said, until the doctor gave her two days to live if she did not start eating again. The food pantry helped them with a few bags of groceries, and for now, they say, "we don't have to add water to everything because we can eat again."

Mr. Speaker, people should rejoice for the big things in life, not just because they can eat a whole can of soup. We need to end the scourge of hunger in America. We have the solutions, all we need is the political and spiritual will to do it.

200TH BIRTHDAY OF THE PORTSMOUTH NAVAL SHIPYARD

HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. SUNUNU. Mr. Speaker, I am honored to rise today to pay tribute to the Portsmouth Naval Shipyard, the first publicly owned shipyard in our Nation, on the occasion of its 200th birthday. The Portsmouth Naval Shipyard was established on June 12, 1800, on the Piscataqua River between New Hampshire and Maine as our first permanent shipyard devoted exclusively to the construction and repair of vessels for the United States Navy.

In 1814, the Washington, the first naval vessel to bear the name of our first president was built at the Portsmouth Naval Shipyard. By 1818, the Shipyard's work force had grown to 50 workers. Portsmouth constructed another 12 vessels for the United States Navy prior to the beginning of the Civil War earning recognition as the "Cradle of American Shipbuilding."

Although new ship construction slowed at Portsmouth after the end of the Civil War, the Shipyard continued to play an important role in our Nation's history. The U.S.S. *Constitution* was berthed at the Shipyard for some time, and during and after the Spanish-American War, over 1600 Spanish prisoners were quartered on its grounds. In 1905, the Treaty of Portsmouth, ending the Russo-Japanese War and earning President Theodore Roosevelt the Nobel Peace Prize, was signed at the Portsmouth Naval Shipyard.

With the onset of World War I, the workforce was expanded to almost 5,000 and the Shipyard began its long and illustrious history of submarine construction, launching the first U.S. submarine built in a naval shipyard in 1917.

During World War II, the ranks of the Portsmouth Naval Shipyard jumped to 24,000. Over 70 submarines were constructed at the Shipyard during the Second World War, with three launched on a single day, a record that no other public or private shipyard has ever equaled. In 1944, Portsmouth held the record for constructing the greatest number of submarines in one year, turning out 31.

After World War II, the Portsmouth Naval Shipyard became the Navy's center for submarine design and development. The Shipyard built the research submarine, the U.S.S. *Albacore*, with its revolutionary 'tear-drop' shaped hull, which set the standard for all subsequent submarine designs world-wide. Today the U.S.S. *Albacore* rests at a site close to the Shipyard in Portsmouth, NH, as an historical and educational exhibit open to the public.

Another in a long line of "firsts" for the Shipyard occurred in 1968 when Portsmouth constructed the first full size very deep diving noncombatant submarine built in a naval shipyard. The Portsmouth Shipyard also launched the last submarine built in a public shipyard, the nuclear powered U.S.S. *Sand Lance*, in 1969.

As a tribute to its historical significance and its place in our heritage, the Portsmouth Naval Shipyard has been listed on the National Register of Historic Places.

Today the civilian work force at the Portsmouth Naval Shipyard stands at 3601, and it takes pride in its continuing role as the Navy's leading shipyard for submarine overhaul and repair. The Shipyard encompasses nearly 300 acres and over 300 buildings, has three dry docks, and capacity to berth six submarines.

As we embark on a new century and millennium, the Portsmouth Naval Shipyard has positioned itself to meet the demands of today's competitive business environment and offer its customer, the United States taxpayer, the best product for the best price. Responding to the challenges of the marketplace, the Shipyard is forging joint ventures with the private sector—leasing out unutilized or underutilized facilities and equipment—and partnering with Electric Boat. Today Portsmouth Naval Shipyard workers and Electric Boat employees work side by side in the best interests of the Nation.

For two hundred years the Portsmouth Naval Shipyard has served in the defense of our country, the Cradle of American Shipbuilding set in New England's Cradle of Democracy. Ever adapting to the changes that have taken our Nation from sails to atoms, the Shipyard continues to play a critical role in strengthening and maintaining our national security.

Mr. Speaker, this historic institution, a hallmark of our country's mighty naval strength, deserves the recognition of all Americans as it marks the occasion of its two hundredth birthday. I ask you to join me in thanking generations of Shipyard workers for their dedication and service to protecting our Nation's security interests at home and on the seas.

CONDEMNING LTTE TERRORISM

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mrs. MORELLA. Mr. Speaker, as Co-chair of the Sri Lanka Caucus, I am increasingly concerned about the situation in that South Asian nation.

The democratic government of Sri Lanka has been under attack for more than 25 years, the subject of an especially vicious campaign by the Liberation Tigers of Tamil Eelam (LTTE). The LTTE purports to represent the interests of the minority Tamils and seeks an independent homeland in the north of the country. The Tigers have appropriately been identified by the State Department as a terrorist organization.

The LTTE's tactic of indiscriminate suicide terrorist bombings have succeeded mostly in killing and maiming dozens of innocent civilians at a time, occasionally succeeding in taking out their target.

Yesterday, such an attack, attributed to the Tamil Tigers, killed the Minister for Industrial Development, C.V. Gooneratne, and at least 20 other people. At least 60 people were injured, including Mr. Gooneratne's wife, who was critically hurt. I strongly condemn this terrorist act; I express my condolences to all who suffered losses.

And regrettably this was only the most recent such attack. Last year President Kumaratunga was wounded in a suicide bomber terrorist attack at a campaign rally; that bombing and one at another rally left 22 people dead and more than 100 wounded.

In a statement yesterday, the State Department stated, "The LTTE's legacy of bombing, assassinations, massacres and torture has alienated the people of Sri Lanka and the international community, and has done nothing to promote the legitimate needs and aspirations of the Sri Lankan Tamils. The LTTE must abandon these methods if it hopes to play a constructive role in ending the conflict." I am pleased by the strength of this condemnation, and I am in full agreement with it.

I hope that my colleagues will join me and Congressman PALLONE, my fellow Sri Lanka Caucus co-chair, and other Members of the Caucus in condemning LTTE terrorism and supporting the people of Sri Lanka in their effort to combat terrorism and maintain a united democratic nation.

TRIBUTE TO AN EDUCATOR: IN THANKS TO DAVID GROSS OF SAN DIEGO, CALIFORNIA

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. CUNNINGHAM. Mr. Speaker, today I pay tribute to a friend of education and a dedicated public servant to the people of San Diego: Mr. David Gross, the budget supervisor to San Diego City Schools, who has retired from the schools after 23 years of service this past April.

As budget supervisor, David exercised particular interest and expertise in ensuring that children with disabilities had the educational resources they needed to succeed in school. He had responsibility for special education, gifted and talented programs, the Health Services Billing System and major categorical programs. With this responsibility, he worked closely with teachers, administrators and families to develop budget plans that met students' needs.

In fact, David was a statewide leader in this important field. He was a member of the State Special Education Fiscal Task Force and the Department of Education's Financial Reporting Oversight Committee. He assisted in the development of the California Association of

School Business Officials' Training Manual, and piloted the system established by the State of California for school districts to bill MediCal and private insurance companies for health services provided in school.

David served on several other state and local leadership boards important to the improvement of special education. These included service on the Special Education Task Force (1986–88), the Local Education Area Health and Social Services Advisory Committee (1994–98), Advisory Committee on Special Education (1996–99), and the AB 602 Special Disabilities Working Group.

This important work is no less important to excellent education than is the day-to-day dedication of parents, teachers and other administrators; for if the school system lacked the administration of resources to do its job, school literally could not open. Even so, David took this critical financial stewardship task to a higher level by continually taking great care to ensure that his work in school system budgets was related to the real, day-to-day educational needs of students, and professional needs of teachers and administrators. For many years, he served hour upon hour as a volunteer tutor in a local San Diego area elementary school.

Let the permanent RECORD of the Congress of the United States show that Mr. David Gross is a friend of education and a friend to America, and a dedicated and gifted public servant whose hard work and great talent will be honored and missed by his friends and colleagues.

HELSINKI FINAL ACT 25TH ANNIVERSARY RESOLUTION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing a resolution commemorating the 25th anniversary of the Helsinki Final Act, an international accord whose signing represents a milestone in European history. As Chairman of the Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, I have been privileged to be associated with the Helsinki process and its seminal role in advancing human rights, democracy and the rule of law in Europe. I am pleased to be joined by my fellow Helsinki Commissioners Representatives HOYER, WOLF, CARDIN, SALMON, SLAUGHTER, GREENWOOD, FORBES and PITTS as original cosponsors. A companion resolution is being introduced today in the Senate by Helsinki Commission CoChair Sen. BEN NIGHTHORSE CAMPBELL.

The Helsinki Final Act and the process it spawned has been instrumental in consigning the Communist Soviet Empire—responsible for untold violations of human rights—into the dustbin of history. With its language on human rights, the Helsinki Final Act, for the first time in the history of international agreements, granted human rights the status of a fundamental principle in regulating international relations. The Final Act's emphasis on respect for human rights and fundamental freedoms is rooted in the recognition that the declaration of such rights affirm the inherent dignity of men and women and are not privileges bestowed at the whim of the state.

Equally important, Mr. Speaker, the standards of Helsinki which served as a valuable lever in pressing human rights issues also provided encouragement and sustenance to courageous individuals who dared to challenge repressive communist regimes. Many of these brave men and women—members of the Helsinki Monitoring Groups in Russia, Ukraine, Lithuania, Georgia, Armenia, and similar groups in Poland and Czechoslovakia, Soviet Jewish emigration activists, members of repressed Christian denominations and others—paid a high price in the loss of personal freedom and, in some instances, their lives, for their active support of principles enshrined in the Helsinki Final Act.

Western pressure through the Helsinki process—now advanced in the forum of the Organization for Security and Cooperation in Europe—greatly contributed to the freeing of the peoples of the Captive Nations, thus bringing an end to the Cold War. The Helsinki Commission, on which I have served since 1983, played a significant role in promoting human rights and human contacts. The congressional initiatives such as hearings, resolutions, letters and face-to-face meetings with representatives of Helsinki signatories which violated human rights commitments, encouraged our own government to raise these issues consistently and persistently. The Commission's approach at various Helsinki meetings has always been to encourage a thorough and detailed review of compliance with Helsinki agreements. Specific cases and issues are cited, rather than engaging in broad, philosophical discussions about human rights. With the passage of time—and with the leadership of the United States—this more direct approach in pressing human rights concerns has become the norm. In fact, by 1991 the Helsinki signatory states accepted that human dimension commitments "are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the state concerned."

With the dissolution of the Soviet Union and Yugoslavia, the OSCE region has changed dramatically. In many States, we have witnessed dramatic transformation and a consolidation of the core OSCE values of democracy, human rights and the rule of law. In others, there has been little if any progress, and in some, armed conflicts have resulted in hundreds of thousands having been killed and in the grotesque violation of human rights. The OSCE, which now includes 54 participating States, has changed to reflect the changed international environment, undertaking a variety of initiatives designed to prevent, manage, and resolve conflict and emphasizing respect for rule of law and the fight against organized crime and corruption, which constitute a threat to economic reform and prosperity. The Helsinki process is still dynamic and active, and the importance of a vigorous review in which countries are called to account for violations of their freely undertaken Helsinki commitments has not diminished.

This resolution calls on the President to issue a proclamation reaffirming the United States' commitment to full implementation of the Helsinki Final Act. All signatory states would be asked to clarify that respect for human rights and fundamental freedoms, democratic principles as well as economic liberty, and the implementation of related commitments continue to be vital elements in promoting a new era of democracy, peace and unity in the OSCE region. In the twenty-five years since this historic process was initiated in Helsinki, there have been many successes. Mr. Speaker, the task is still far from complete, and we must continue to do our part in championing the values that Helsinki espouses.

OUR LADY OF LOURDES ACADEMY WINS 1ST PLACE IN NATIONAL COMPETITION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take a moment to congratulate Our Lady of Lourdes Academy for winning first place at the National Finals of the "We the People . . . The Citizen and the Constitution."

The group was invited to Washington D.C. as the finalist representing all of Florida and went on to win the first place trophy. There were over 50 groups in the competition.

I want to congratulate Giannina Berrocal, Erika Bloch, Carolina Bolado, Gabriela Chamorro, Natalie Dela Maza, Elizabeth Herald, Stephanie Hew, Ana Manrara, Carmen Manrara, Jennifer McNally, Kellie Montoya, Alexandra Mora, Cn'stina Moreno, Carmen Ruiz-Castaneda, Jennifer Smith and Olga Urbieta for their hard work, and especially Ms. Rosalie Heffernon, their teacher, who helped give them direction in this important endeavor.

Congratulations to these Lourdes students for taking such an active interest in the history of our nation, and I am sure that this bright group of high school students will be the voices echoing in the national debate of the years to come.

HATE CRIMES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. HASTINGS of Florida. Mr. Speaker, sitting on a bench, riding on a bus, or even walking down the street, a hate crime can occur anytime or any place. Hate crimes are acts of pure unadulterated evil, wronging someone because they are different. People should not and cannot live in fear because of their race, color, religion or sexual orientation; it is time that we take the strongest course of action to prevent these crimes.

Over the past decade the number of hate crimes has risen rapidly, consummating with 1999's "summer of hate." If taking anything positive from this infamous period is possible it is, that we have not done enough to prevent such crimes. Committing a hate crime is the most serious of offenses. It is our duty to make the punishment severe enough to deter even the most prejudicial person from considering a crime of this size. We in Congress have the ability and the opportunity to prevent the possible consequences of bias from occurring.

Today, as we commemorate the second anniversary of James Byrd's tragic death, we must pledge upon ourselves to do everything in our power to reduce the number of hate crimes. No one should ever fall victim to a hate crime, or any other crime for that matter, and we must renew and maintain our focus of the Hate Crimes Prevention Act (H.R. 1082), to ensure that crimes cease.

THE WISEWOMAN EXPANSION ACT OF 2000

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Ms. DELAURO. Mr. Speaker, today I am proud to introduce the "WISEWOMAN (Well-Integrated Screening and Evaluation for Women Across the Nation) Expansion Act of 2000" with my colleague, Congressman JAMES LEACH, the Co-Chair of the Congressional Prevention Coalition.

This legislation would allow the highly successful WISEWOMAN demonstration project, currently operating in four states, to expand to other states that qualify. The "WISEWOMAN Expansion Act" would authorize the Centers for Disease Control and Prevention to make competitive grants to states to carry out further preventive health services, in addition to the breast and cervical cancer screenings that the National Breast and Cervical Cancer Early Detection Programs (NBCCEDP) currently provide. Examples of these additional vital services include screenings for blood pressure, cholesterol, and osteoporosis; health education and counseling; lifestyle interventions to change behavioral risk factors such as smoking, lack of exercise, poor nutrition, and sedentary lifestyle; and appropriate referrals for medical treatment and follow-up services.

The need for this program is clear. Each year, nearly half a million women lose their lives as a result of heart disease and stroke. Many of us associate cardiovascular disease with men, but the American Heart Association estimates that nearly one in two women will die of heart disease or stroke. In fact, cardiovascular diseases kills nearly 50,000 more women each year than men. Sadly, many of these deaths could have been prevented. Had these women known they were at risk for cardiovascular disease, they could have taken preventive measures to lower their risk factors and perhaps prevent heart disease and stroke. Osteoporosis, affecting half of all women over the age of 50, is also a preventable disease. Fortunately, some of the preventive measures women can take to reduce their risk for cardiovascular diseases, such as eating more nutritious foods and exercising, can also reduce their risk for osteoporosis.

The bill would also add flexibility to the program language that would allow screenings and other preventive measures for diseases in addition to cardiovascular diseases, such as osteoporosis, as more preventive technology becomes available. It would allow flexibility for the WISEWOMAN program to grow and adapt with the needs of individual states and would ensure full collaboration of the WISEWOMAN program with the National Breast and Cervical Cancer Early Detection Program (NBCCEDP).

States would be eligible for this program only if they already participate in the NBCCEDP and agree to operate their WISEWOMAN program in strong collaboration with the NBCCEDP. The bill would authorize funding to carry out this program at a level of $20 million for fiscal year 2001, $25 million for fiscal year 2002, for $30 million for fiscal year 2003, and "such sums" as necessary for each subsequent year.

Early prevention of cardiovascular disease stroke and osteoporosis would result in a substantial cost-savings for our health care system, but more importantly, it would improve the quality of life for our mothers, our sisters, our daughters and our friends. If we can reach women who are at high risk early in their lives, assist them in altering their behavior to live healthier lifestyles, we could prevent countless diseases and injuries and ultimately, we would save lives. I urge my colleagues to support this important bill.

SOUTH SIDE HIGH SCHOOL JUNE SCHOOL OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mrs. MCCARTHY. Mr. Speaker, I have named South Side High School in Rockville Centre as the Fourth Congressional District School of the Month for June 2000. Mr. Robin Calitri is the Principal, with Mrs. Carol Burris to assume that post on July 1. Dr. William H. Johnson is the Rockville Centre School District Superintendent of Schools.

South Side High School students have it all—a well-rounded education, an ability to excel in academics and in sports, and what they give of themselves to the school and the community.

High academic standards and results, coupled with winning extra-curricular activities lead to an award-winning high school. A description of the school reads, "The staff at South Side understands that excellence must be inclusive; thus the pursuit of equity is a priority among its educational goals."

One of the top-performing schools in the country—with awards too numerous to mention—South Side was named a Blue Ribbon School in May 1998. South Side is an All Regents High School, and students excel academically, as seen in the fact 19 percent of the school's graduates earned Regents diplomas with honors. Furthermore, South Side offers its honors students the opportunity of International Baccalaureates, allowing college credit as well as admission to overseas and national universities. South Side is one of four schools in New York state to offer the program.

South Side's students are incredibly energized. They participate in the Congressional Arts Competition year after year, and have an active Model Congress and Student Government Association.

One of South Side's numerous clubs is the Inter-generational Committee. Students spend time with Long Island seniors, volunteer at senior centers and help them with grocery shopping and other errands in an effort to promote and foster understanding between seniors and high school students.

I am proud to name South Side High School in Rockville Centre School of the Month for June in the Fourth Congressional District of New York.

HONORING THE GREENSBORO DAY SCHOOL GIRLS' HIGH SCHOOL SOCCER CHAMPIONS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. COBLE. Mr. Speaker, with the 2000 Major League Soccer season in full swing, I would like to recognize a school from the Sixth District of North Carolina that captured a state soccer championship recently. Greensboro Day School has been crowned the 2000 North Carolina girls' high school soccer champions among our state's independent schools.

Greensboro Day School captured the girls' soccer 3–A NCISAA state title. In their sixth championship in the past six years, the Bengals claimed the title with a decisive 5–0 victory over Charlotte Christian High School. Greensboro Day school also claimed the PACIS conference championship with a 7–0–1 record in conference.

We congratulate Carley Allen, Elizabeth Lancaster, Mary Dickinson, Emily Crowe, Suzanne Cole, Nancy Calhoun, Shannon Burbine, Jenny Gilrain, Jen Pool, Blair DeGraw, Kirsten Paul, Sarah Cantrell, Dana Murphy, Clarence Mills, Merrill McCarty, Rachel Wolff, Michelle Kuzma, Ashley Bergin, Jessica McComb, Rebecca Barger, Meredith McAdams, and Angela Berry. They were led by Head Coach Michael Burroughs and his assistants Mike Johnston, Lynn Pantousco, and Patra Glavin.

The Sixth District of North Carolina is proud of this team from Guilford County for their hard work and dedication. Congratulations to the girls from Greensboro Day School for a job well done.

HONORING FAYETTE COUNTY SCHOLARS

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. BARR of Georgia. Mr. Speaker, I am pleased to recognize three young scholars from Fayette County High School in Fayetteville, Georgia: Ms. Crystal Bradley, Ms. Kim Dempsey, and Ms. Lauren Stoll.

Their project, a five minute news story for the Aeronautics and Space Science Journalism competition sponsored by the NASA

Student Involvement Program, focused on the F–22 Raptor Fighter, and the debate surrounding its funding. The report explained how the F–22 will be the backbone of American air dominance well into the 21st century. I was honored to play a very limited role in their project by participating in an interview.

Their entry was selected a national winner. They were flown to Washington, DC for the National Symposium where they shared their project with the nation. I am pleased to acknowledge such excellence among our young people, and to recognize the outstanding leadership provided to them by Warren Bernard of Fayette County High School.

PERSONAL EXPLANATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. ENGLISH. Mr. Speaker, on June 6th and part of June 7, 2000, due to a death in my family, I missed the following votes:

Had I been present on June 6th, on Rollcall votes 234, 235, 236, and 237, 1 would have voted "aye" on all four votes.

Had I been present on June 7th, on Rollcall votes 238, 239, and 240, 1 would have voted "aye" on all three votes.

IN SPECIAL TRIBUTE TO DOCTOR DENNIS ALAN VIDMAR ON THE OCCASION OF HIS RETIREMENT AFTER TWENTY-EIGHT YEARS OF SERVICE IN THE UNITED STATES NAVY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding member of our armed forces. Tomorrow, Friday, June 9, 2000, Dr. Dennis Alan Vidmar will conclude his illustrious twenty-eight year career of service in the United States Navy.

Mr. Speaker, Dennis Vidmar was born in Cleveland, Ohio in August of 1950. He attended Case Western Reserve University and received his Bachelor of Science and MD degrees from the Ohio State University. In 1972, Dr. Vidmar began his military service as a First Division Officer aboard the U.S.S. *Detroit*. For the next twenty-eight years, Dr. Vidmar would devote his energy and talents to the field of medicine and to the service of his nation.

Currently, Dr. Vidmar serves as a Captain in the United States Navy Medical Corps in the Dermatology Department at the National Naval Medical Center in Bethesda, Maryland. In addition, Dr. Vidmar is a Professor of Military Medicine and Dermatology in the Department of Military and Emergency Medicine at the Uniformed Services University of the Health Sciences.

Mr. Speaker, Dr. Dennis Vidmar has truly been an asset to the profession of medicine and to the United States Navy. His excellent care and unselfish dedication in directing the Dermatology Department have proven invaluable in the treatment of his patients. Dr. Vidmar has been published more than thirty times in various military and medical journals. Clearly, Dr. Vidmar's work has been outstanding and his efforts admirable. To honor his service, he has been awarded the Navy Achievement Medal and the Navy Commendation Medal.

Mr. Speaker, it is often said that success of America is due in part to the dedicated efforts of her sons and daughters. Dr. Dennis Vidmar has spent a large part of his life furthering the profession of medicine and honorably serving his nation in the United States Navy. While his work will be sorely missed, we wish him the very best in all of his future endeavors. At this time, I would urge my colleagues of the 106th Congress to stand and join me in paying special tribute to Dr. Dennis Vidmar—an outstanding doctor, a dedicated Naval officer, and a true American hero.

IN RECOGNITION OF MARY PETRO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Mary Petro as she is honored by the Jefferson Democratic Club of Flushing for her many years of dedicated service as a District Leader.

The Jefferson Club is one of the oldest Democratic clubs in Queens County, New York. Mary Petro served valiantly and with great distinction as a District Leader from 1976 until she stepped down last year. In this capacity, Mary played an instrumental role in local New York City politics for nearly a quarter of a century, through devoted service to her community, to the Borough of Queens, to the Jefferson Club and to the Queens County Democratic Organization. Mary's service to her community and her involvement in civic affairs are legendary in the Borough of Queens.

In 1968, Mary moved to Flushing, and immediately became an active member of the community. Mary has volunteered her time and her energies to countless community organizations and charitable endeavors, preeminently among them the Police Athletic League. For her work as the chief PAL fundraiser for the 109th Precinct, and as an officer of the 109th Precinct's Community Council, Mary was named a "Civilian Patrolman of the Month."

Despite her tireless community service, Mary Petro has been a faithful employee of Con Edison for more than four decades, and a caring and devoted wife to her husband, Jimmy, for more than 30 years.

Mr. Speaker, I have had the pleasure of knowing Mary Petro for a quarter of a century. I have been constantly amazed by her boundless energy, and her innumerable good works done on behalf of her community and her party.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in extending our thanks and appreciation to Mary Petro as she is honored by the Jefferson Democratic Club of Flushing for her many years of service to the people of Queens County.

REPRESENTATIVE LEE: POLITICIAN WHO MAKES A DIFFERENCE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. STARK. Mr. Speaker, I submit the following article for inclusion in the CONGRESSIONAL RECORD. It aptly describes my good friend and colleague, Representative BARBARA LEE, as someone who makes a difference because she thinks globally and acts locally. Her compassion for those who are less fortunate is matched by her legislative skill. We are most fortunate to have her as part of the Bay Area delegation.

[From the Oakland Tribune]

REP. LEE: POLITICIAN WHO MAKES A DIFFERENCE

(By Paul Cobb)

Congresswoman Barbara Lee is one woman who does make a difference because she acts and thinks globally and locally simultaneously.

During her young career in the United States Congress as a member of the powerful Banking and International Relations committees, she has often stood alone with her "votes of conscience" on Kosovo, Cuba, Colombia and Banking legislation.

CONNECT THE DOTS

She has often disagreed with President Clinton, her own party and members of the Republican Party. Yet, she has won their respect by making them realize they need her because she knows how to meld pressing social and moral issues with practical, vital, economic and security interests.

Schooled by the likes of Ron Dellums, former Oakland mayor Lionel J. Wilson, Willie Brown, John George, Gus Newport, Maudelle Shirek, Hazaiah Williams and Bishop Will Herzfeld, Congresswoman Lee knows how to "connect the dots."

She matches money to needs.

Knowing that money, economic and financial interests are the mother's milk of politics, Lee has managed to stand alone in the fiery furnace of opposition to votes on the White House's agenda and still bring home the bread and bacon to her district. Oakland's port, schools, housing community development and health programs, such as AIDs funding have increased during her tenure.

Even though she doesn't sound her own trumpet or spend excessive time raising funds for her own campaign coffers, she's not about to allow the vital concerns of her constituents to be drowned out by the noisy symbolism of political rhetoric.

Last week the Leach/Lee World Bank AIDS Marshall Plan Trust Fund Act (H.R. 3519) passed the House by a unanimous voice vote.

Lee has surprised and floored her fellow congresspersons and watchers with the passage of H.R. 3519 because she put together a bi-partisan effort around an explosive and contentious issue. And, what is more, she astounded legislative leaders on both sides of the aisle by expanding the understanding of the global AIDS crisis. By skillfully demonstrating that the AIDS scourge threatens our national security and financial institutions, she connected needs to resources.

Lee garnered the support of Republican committee chair James Leach and thanked and acknowledged the leadership of former Congressman Dellums, now serving as chair of the President's Advisory Council on HIV/AIDS (PACHA) and a leader of the Constituency of Africa, for being "my mentor and inspiration."

SECURITY INTERESTS

Lee utilized her membership on the Domestic and International Monetary Policy Subcommittee to talk with the President, Secretary of Treasury, United Nations officials, World Bank, International Monetary Fund and other financial institutions to develop her plan to commit the U.S. to $500 million in seed money. The funds would then be leveraged 9:1 from funds donated by other G–7 nations and the private sector.

"If the moral and health arguments don't work, then the economic and security interests will," said Lee as she pointed to photos taken while she was a member of the California Assembly and Senate where she managed to get more than 60 legislative bills signed by then-Gov. Pete Wilson.

With the support of Sens. Dianne Feinstein and Barbara Boxer, Lee says she will monitor the progress of her bill in the U.S. Senate.

Lee confidently pointed to the portion of Oakland seen from her 10th floor office in the Dellums Federal Building and said, "I know that the legislative process from bill to law and then to funding is dynamic. But I will be vigilant. No stone will go unturned because this disease knows no boundaries. The whole world is at risk to this AIDS pandemic of biblical proportion."

Sen. John Kerry, D–Mass. introduced S2033 as a companion bill and its language has been included in the Helms/Biden Foreign Affairs Technical Assistance Act. Lee's proposed trust fund, housed at the World Bank, would use its leveraging capacity to increase the resources for the fund. Lee envisions esteemed world leaders such as Nelson Mandela and Ron Dellums as part of the fund's governance structure to assure that the monies go to needy regions.

GIANTS' SHOULDERS

How did a newly elected congresswoman who represents the most left-of-center constituency in the country manage to get arch-conservative Republican Sen. Jesse Helms to support the intent of her legislation while simultaneously coordinating grassroots organizations and AIDS service organizations?

"With a lot of hard work," Lee said. "I can stand up to the legislative leaders in both parties because I stand on the shoulders of giants who preceded me."

With an earnestness and conviction she pointed to the photos depicting some of the causes, neighborhoods and political leaders she's worked for or with and said "every time I walk past the Lionel Wilson Building, Elihu Harris Building, Judge Don McCull statue and into the Dellums Federal building, I'm humbled by the awesome responsibility. And, because I have been blessed to have been connected to all those giants, I won't lose my focus."

Lee's office is encouraging the public to join the African American Walking Tour of Downtown Oakland Sunday, July 16, 2 p.m. to 4:30 p.m. She praised the African American Museum and Library (AAMLO), the Oakland Heritage Alliance (OHA), the Oakland Tours Program, and the Oakland Cultural Heritage Survey for collaborating on the tours.

"I want all children and families, especially African Americans, to tour these places because it reminds me of my childhood in El Paso, Texas when I first started seeking answers to the questions of who I was and where I came from," said Lee.

She said she will invite her congressional colleagues, who will be in Oakland August 12 seeking solutions to issues of housing affordability, redlining, neighborhood reinvestment and undercapitalization, to also participate in the walking tours as well as Oakland's Chabot Science Center. Lee, a Mills College and University of California, Berkeley graduate, is also helping to find funding to make the Chabot Center a magnet for math, science and astronomy for children. "I want the first astronauts to Mars to come from my district," she says.

Eleven million of the world's 14 million AIDS deaths are in Africa.

"Africa is the epicenter of this epidemic. We need to declare a global state-of-emergency, like we pioneered in Alameda County, and provide the money to fund strategies to address the AIDS deaths," Lee said.

"This disease has plagued us like the Bubonic Plague once did and it knows no boundaries. It is not just found in Africa. It is moving swiftly in India, Eastern Europe, Asia, Latin America and the Caribbean as well," Lee said.

And here in Alameda County, she warns of a corresponding calamity facing African Americans because she says the statistical profile of AIDS incidence shows a reversal of infection rates that once were 70 to 30 percent white to non-white that are now the exact opposite.

IN HONOR OF THE 40 JOURNALISTS WHO LOST THEIR LIVES PURSUING THE NEWS IN 1999

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. WOLF. Mr. Speaker, the commemoration of World Press Freedom Day was held in May, when the names of journalists who have died covering the news were added to The Freedom Forum Journalists Memorial located in Arlington, Virginia. There were 40 people who died in 1999 in their efforts to bring us the news from around the world.

We owe a debt of gratitude to these journalists who risked their lives to bring us the news about many dangerous places in the world, from Sierra Leone to Chechnya to Bosnia to Kosovo. Were it not for their courage and bravery, perhaps the world would never have known about the horrors and the atrocities that have been and are now taking place there.

The deadliest country from which to report last year was the nation of Sierra Leone, as 10 journalists died there in 1999—the most in any one country. Sierra Leone has been a battlefield that has taken the lives of many of the world's finest journalists, including the most recent casualties that are still fresh in many of our minds—Reuters correspondent Kurt Schork and Associated Press cameraman Miguel Gil Moreno de Mora, who, along with four Sierra Leone soldiers, were shot to death there just two weeks ago in a rebel ambush.

Mr. Speaker, I am sharing with our colleagues a news release from the Newseum and also a list of the names of the 40 journalists who died in 1999.

THREE HUNDRED THIRTY-TWO JOURNALISTS WHO DIED COVERING THE NEWS SINCE 1812 TO BE ADDED TO JOURNALISTS MEMORIAL

CEREMONY TO TAKE PLACE ON WORLD PRESS FREEDOM DAY, MAY 3, AT 11 A.M.

ARLINGTON, VA.—The names of 332 journalists who died covering the news since 1812, including 40 journalists killed in 1999, will be added May 3 to The Freedom Forum Journalists Memorial. The memorial, located in Freedom Park, now pays tribute to 1,369 reporters, editors, photographers and broadcasters killed as a result of covering the news. May 3 also marks World Press Freedom Day.

Thomas Johnson, chairman and chief executive officer of the CNN News, will speak at the 11 a.m. ceremony in Freedom Park, following readings by journalists of names on the memorial. The ceremony will be attended by friends, family members and colleagues of journalists honored on the memorial, as well as representatives of the news organizations for which the slain journalists worked.

Two hundred and ninety-two of the names to be added are of journalists who died between 1812 and the end of 1998. These deaths were discovered or verified during ongoing research conducted by The Freedom Forum since the memorial was originally dedicated in May 1996. The remaininig 40 names are those journalists killed last year.

"Sadly, we have learned that by this time next year, it is likely that another 30 to 40 journalists will have died pursuing the truth," said Charles L. Overby, chairman and chief executive officer of The Freedom Forum. "We must never forget them, and we hope this memorial will be a part of their legacy."

Myles Tierney of Associated Press Television News is one of the names being added to the memorial. The 34-year-old American producer was covering Sierra Leone's civil war when a rebel fighter opened fire with a semiautomatic rifle on the car Tierney was traveling in, killing him instantly.

Sierra Leone was the deadliest country for journalists in 1999, with ten deaths occurring there. Latin America, particularly Colombia, remains a dangerous place for those covering stories about politics, drug trafficking and organized crime.

Popular political satirist Jaime Garzon was shot five times in the head and chest while driving to his Bogota radio station. He had been threatened repeatedly by Carlos Castano, leader of the United Self Defense Forces of Colombia, a right-wing paramilitary organization fighting against leftist guerrillas. Garzon had scheduled a meeting with Castano Aug. 14, the day after he was killed.

"In an age of information overload, it is easy to forget that there are people still willing to die for journalism," said Peter S. Prichard, president of The Free Forum and Newseum. "The memorial reminds us what sacrifices journalists are willing to make for a free press."

Journalists' names are added each year to the glass panels of the monument, which stands at the apex of Freedom Park, adjacent to the Newseum and The Freedom Forum World Center in Arlington, VA.

Research by Freedom Forum staff and the Committee to Protect Journalists documents incidents where journalists were killed or died while covering the news. Some were killed reporting on wars, natural disasters or violent crimes, some were injured or fell ill while on assignment, and some were murdered to silence their reporting. Journalists who died as a result of accidents unrelated to an assignment are not listed, nor are those who instigated the violence that caused their deaths. An independent panel of journalists and journalism historians reviews difficult cases.

A list of the names of the 40 journalists who died in 1999 is attached. To view a database listing the 1,369 memorialized journalists, their affiliations and the circumstances of their death, visit the Newseum online at www.freedomforum.org/newseumnews/memorial.asp or www.newseum.org/newseum/aboutthenewseum/freedompark.htm#memorial.

The Newseum, the only interactive museum of news, takes visitors behind the scenes to see and experience how and why news is made. The 72,000-square-foot Newseum is funded by The Freedom Forum, a nonpartisan, international foundation dedicated to free press, free speech and free spirit for all people. The Newseum is open Tuesday through Sunday from 10 a.m. to 5 p.m. and is closed Thanksgiving, Christmas and New Year's days. Freedom Park is open daily from dawn to dusk. Admission is free.

1999

Ricardo Gangeme—El Informador Chubutense (Argentina) in Argentina.

Jaime Garzon—Radionet (Colombia) in Colombia.

Pablo Emilio Medina Motta—TV Garzon (Colombia) in Colombia.

Guzman Quintero Torres—El Pilon (Colombia) in Colombia.

Hernando Rangel Moreno—Freelance, in Colombia.

Luis Alberto Rincon Solano—Freelance, in Colombia.

Alberto Sanchez Tovar—Producciones Colombia (Colombia) in Colombia.

Roberto Julio Torres—Emisora Fuentes de Cartagena (Colombia) in Colombia.

Agus Muliawan—Asia Press International (Japan) in Indonesia.

Supriadi—Medan Pos (Indonesia) in Indonesia.

Sander Thoenes—Financial Times (United Kingdom) in Indonesia.

Ilan Roeh—Israel Radio (Israel) in Lebanon.

Samuel Boyi—The Scope (Nigeria) in Nigeria.

Fidelis Ikwuebe—Freelance, in Nigeria.

Sam Nimfa-Jan—Details (Nigeria) in Nigeria.

Oleg Chervonyuk—Metropress Agency (Russia) in Russia.

Supian Ependiyev—Groznensky Rabochiy (Russia) in Russia.

Shamil Gigayev—Nokh Cho TV (Russia) in Russia.

Ramzan Mezhidov—TV Tsentr (Russia) in Rassia.

Valentina Neverova—Pravo (Russia) in Russia.

Lyubov Sloboda—Vesti (Russia) in Russia.

Alpha Amadu Bah Bah—Independent Observer (Sierra Leone) in Sierra Leone.

Jenner Cole—SKY-FM (Sierra Leone) in Sierra Leone.

Abdulai Jumah Jalloh—African Champion (Sierra Leone) in Sierra Leone.

Mabay Kamara—Freelance, in Sierra Leone.

Mohammed Kamara—SKY-FM (Sierra Leone) in Sierra Leone.

Paul Mansaray—Standard Times (Sierra Leone) in Sierra Leone.

James Ogogo—Concord Times (Sierra Leone) in Sierra Leone.

Conrad Roy—Expo Times (Sierra Leone) in Sierra Leone.

Myles Tierney—Associated Press Television News (USA) in Sierra Leone.

Munir Turay—Freelance, in Sierra Leone.

Anura Priyantha Cooray—Independent Television Network (Sri Lanka) in Sri Lanka.

Rohana Kumara—Satana (Sri Lanka) in Sri Lanka.

Vasthian Anthony Mariyadas—Sri Lanka Broadcasting Corporation (Sri Lanka) in Sri Lanka.

Indika Pathinivasan—Maharaja Television Network (Sri Lanka) in Sri Lanka.

Michelle Lima—KSAT-TV (USA) in Texas.

Ahmet Taner Kislali—Cumhuriyet (Turkey) in Turkey.

Slavko Curuvija—Dnevni Telegraf (Yugoslavia) in Yugoslavia.

Gabriel Gruener—Stern (Germany) in Yugoslavia.

Volker Kraemer—Stern (Germany) in Yugoslavia.

IN HONOR OF MRS. GILBERT T. ADAMS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. LAMPSON. Mr. Speaker, today with great sadness I honor Viola Mae Joss Adams, who passed away Thursday, June 1, 2000. Viola Adams, known affectionately by all who knew her as Vi, was a woman of grace and elegance.

She was also a woman of intelligence and character. After graduating from high school in 1924 at the age of 16, she continued her education at The University of Texas at Austin. She graduated in 1929 with a double major in English and psychology and went on to teach high school.

Vi met Gilbert T. Adams during her time in Austin, and in 1932 they were married during the Great Depression on "a borrowed fifty dollars and a dime store ring." Vi and Gilbert subsequently moved to Gilbert's hometown of Beaumont, and she became a vital part of the civic life of her new community.

Mrs. Adams championed the issue of safety and received national recognition for her effort to see that every home in the country had first aid training. President Dwight D. Eisenhower recognized the value of Mrs. Adams'work and mandated that first aid be taught in public schools. An active Democrat, and a proud supporter of her husband's professional and political endeavors, Gilbert and Vi Adams were recognized by the Roosevelt, Truman, Kennedy and Johnson administrations for their contributions to our democratic process.

A woman strongly devoted to her family, Mrs. Adams had four children: Gilbert Timbrell Adams, Jr., John D'Estang Adams, Elizabeth Vi Adams, and Patricia Ann Adams. She also was graced during her lifetime with eight grandchildren, and two great grandchildren.

Mr. Speaker, Viola Adams was a remarkable woman who was committed to her community, her country, and above all, her family. She was generous in spirit and was of deep religious conviction. She was of the utmost character, and her attributes of selflessness and commitment to others are rare gifts that this nation was lucky to have. With her passing, a great loss will be felt in the spirit and the heart of Beaumont.

COMMENDING THE MEMBER STATES OF THE UNITED NATIONS WESTERN EUROPEAN AND OTHERS GROUP FOR ADDRESSING OVER FOUR DECADES OF INJUSTICE AND EXTENDING TEMPORARY MEMBERSHIP TO THE STATE OF ISRAEL

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. CROWLEY. Mr. Speaker, today, I am introducing legislation, along with Congressman ROTHMAN, commending the member countries of the United Nations' Western European and Others Group (WEOG) for addressing four decades of discrimination in the UN and admitting Israel as a temporary, conditional member to that regional bloc.

For those of my colleagues who are unfamiliar with this issue, this is an important milestone for Israel because it places them firmly on the road to becoming a fully participating member of the United Nations. In order to be a fully participating member of the United Nations, countries must serve in a regional group.

Members of regional groups select member states on a rotating basis to serve on important United Nations bodies such as the Security Council and the Economic and Social Council. Because of anti-Israeli sentiment, Israel has been denied the opportunity to serve in the Asian States Group at the United Nations, even though it geographically belongs in that bloc.

Until such time as Israel can be an effective member of the Asian States Group, Israel has expressed a strong desire to serve on WEOG. WEOG consists of Western Europe, the United States, Canada, Turkey, New Zealand and Australia.

The struggle to gain Israel membership in WEOG has been a long and difficult one. And, until last week, one thought to be impossible by some. But, with Congressional support, dedicated individuals in the Clinton Administration, such as Vice President AL GORE and U.S. Ambassador to the United Nations Richard Holbrooke, were able to raise this issue with the highest levels of WEOG member governments and make it a clear priority. I thank them for all of their efforts.

Mr. Speaker, Congressional support for Israel's acceptance into WEOG is very strong. Last October, I led a letter to Ambassador Richard Holbrooke signed by over 60 members, requesting that he make Israel's membership in WEOG a high priority. Additionally, legislation introduced by Congressman ROTHMAN calling for full equality at the United Nations for Israel has 63 cosponsors. I am proud to be an original sponsor of this legislation.

So Mr. Speaker, today we celebrate, for we have achieved something truly notable. However, the struggle for Israeli acceptance continues.

Israel's membership in WEOG is only temporary and must be reevaluated in four years. Additionally, Israel cannot participate as a WEOG member in meetings in Geneva, or on the Human Rights Committee at the United Nations. Although I have a great deal of respect for the human rights efforts of the U.N., they have been particularly unkind to Israel and it is a bitter pill to swallow to have them excluded from this committee.

This legislation, "Commending the member states of the United Nations Western European and Others Group for addressing over four decades of injustice and extending temporary membership to the state of Israel," also mentions the new hurdles that must be overcome to finally gain Israel status as a full member of the United Nations. It urges the WEOG member countries to admit Israel as permanent member, without conditions, until such time as she can play an effective part as a member of the Asian group.

Mr. Speaker, I would ask all of my colleagues to give strong consideration to cosponsoring this legislation. It took four decades to get Israel this far; it must not take as long to reach the final goal of full membership for Israel.

I would again like to thank my friend and colleague, STEVEN ROTHMAN, for his help and leadership on this issue. I would also like to thank Vice President GORE, along with Ambassador Holbrooke, for working so hard and keeping the pressure on the WEOG member countries. A copy of the legislation follows.

Commending the member states of the United Nations Western European and Others Group for addressing over four decades of injustice and extending temporary membership in that regional bloc to the state of Israel.

Whereas Israel has played an active role in the international community and within the United Nations;

Whereas in order to be a fully participating member of the United Nations countries must serve in a regional group;

Whereas members of regional groups select member states on a rotating basis to serve on important United Nations bodies such as the Security Council and the Economic and Social Council;

Whereas Israel has been denied an opportunity to serve in the Asian States Group at the United Nations, even though it geographically belongs in that block;

Whereas the Western European And Others Group (WEOG) at the United Nations consists of Western European nations, the United States, Canada, New Zealand, Turkey, and Australia and is the only group at the United Nations that is not geographically based;

Whereas Israel was offered membership in the WEOG regional bloc at the United Nations on Friday, May 26, 2000, by the chairman of WEOG at the time, Ambassaor Peter van Walsum of the Netherlands;

Whereas that offer was officially accepted by Israeli officials on Sunday, May 28, 2000; and

Whereas Israel is a democracy and an ally and friend of the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the Western European and Others Group (WEOG) members for extending temmporary membership to Israel;

(2) congratulates Israel on its new-found role in the United Nations;

(3) reaffirms Israel's right to be a full participating member and equal partner in the United Nations; and

(4) urges the members of WEOG to extend full and permanent membership to Israel, without conditions, until such time as Israel can serve as an effective member of the Asian States Group.

INTRODUCTION OF MEDICARE PRESCRIPTION DRUG ACT OF 2000

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Ms. ESHOO. Mr. Speaker, when Medicare was created in 1965, seniors were more likely to undergo surgery than to use prescription drugs. Today, prescription drugs are often the preferred, and sometimes the only method of treatment for many diseases. In fact, 77 percent of all seniors take a prescription drug on a regular basis.

And yet, nearly 15 million Medicare beneficiaries don't have access to the lifesaving drugs you produce because Medicare doesn't cover them. Countless others are forced to spend an enormous portion of their modest monthly incomes on prescription drugs with 18 percent of seniors spending over $100 a month on prescriptions.

Seniors want and need prescription drug coverage. Hence, the question before Congress is not whether we should provide a Medicare drug benefit but how to do it?

There are some in Congress who think that the way to do this is to turn the problem over to the private insurance market, but the private insurance market is pulling out from under seniors in the Medigap and Medicare+Choice markets. Others believe that we should limit how much drug companies can charge. I disagree. I understand the investment required for R&D and I believe that price controls will ultimately limit access.

I've devised what I believe is a common-sense approach that incorporates a generous, defined benefit that's easy for seniors to understand with provisions that reduce administrative inefficiencies and increase competition. The result will be a more affordable drug benefit for both beneficiaries and the Federal Government.

The bill is simple. Available to all Medicare beneficiaries, the Federal government will pay half of an individual's drug costs up to $5,000 a year (when fully phased in). There are no deductibles and a modest premium of approximately $44 a year. For seniors who exceed $5,000 in drug expenditures or $2,500 in out-of-pocket costs—the Federal Government picks up the whole tab.

What about drug costs? By allowing multiple PBM's to participate, my bill will, for the first time, introduce open competition into Medicare and drive down prices. We know from the private marketplace that simply purchasing a large quantity of drugs does not drive down prices. Drug companies grant discounts when a PBM can show that it will increase its market share. By allowing multiple PBMs, my bill increases competition, lowers prices and provides greater consumer choice.

We also removed administration of the program from HCFA. The healthcare system has evolved rapidly, and regrettably HCFA has not kept pace. HCFA lacks the expertise to run a benefit that relies on private sector competition to control costs. Fortunately, there is another agency that has expertise interacting with private sector health plans, and has proven that it can administer benefits effectively and efficiently with a minimum of bureaucracy. It's the Office of Personnel Management (OPM) which runs the widely acclaimed Federal Employee Health Benefit (FEHB) program. Under OPM's leadership, I'm confident that an efficient and effective competitive benefit can be integrated successfully into the Medicare program.

Congress must enact a Medicare drug benefit this year. For our Nation's seniors, prescription drugs are not a luxury. During these times of historic prosperity and strength, there is absolutely no reason that we should force seniors to make between buying prescription drugs or groceries. In introduction today I urge all of my colleagues to give careful consideration to my bill. It provides a real answer for seniors without price controls and without threatening innovation.

TRIBUTE TO FATHER STEPHEN PATRICK (PAT) WISNESKE ON THE OCCASION OF THE GOLDEN JUBILEE OF HIS ORDINATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. STUPAK. Mr. Speaker, today I honor a most remarkable individual—a dear friend, a counselor, a shepherd, a man of the people and a man of God. I pay personal and heartfelt tribute to Father Stephen Patrick Wisneske, the pastor of Holy Spirit Church of Menominee, MI, on the occasion of the 50th anniversary of his ordination, his golden jubilee.

Father Pat came to Menominee 28 years ago. He came to town at a particularly difficult time for the local Catholic faithful, who were being reorganized from the five traditional congregations—including the old settlement alignments of the French church, the Irish church, the Polish church, and the German Church—to three new congregations, based on neighborhood and proximity. The restructuring made sense in terms of reducing the infrastructure that church members needed to support, but it presented real challenges in forging new congregational bonds and establishing new ministries. Father Pat became pastor of the newly structured Holy Spirit Church.

He brought years of service in other northern Michigan communities to his new task. Born in 1922, Father Pat was raised in a Catholic home, attended Catholic school for

12 years, served as an altar boy, and was interested in Church affairs even before he was called to his religious vocation. Father Pat was ordained on June 3, 1950 by Bishop Francis J. Hass at St. Andrew's Cathedral in Grand Rapids, and within the month he was assigned as assistant at Holy Trinity in Ironwood. In 1951 he became an assistant at St. Thomas Catholic Church in Escanaba, and in 1953 became an assistant at St. Mary and St. Joseph in Iron Mountain, where he also served as chaplain to veterans in the hospital there.

Like his religious predecessor Bishop Baraga, Father Pat spent time in several small parishes in the Upper Peninsula of Michigan—Dollar Bay, Loretto, Quinnesec, White Pine, and Bergland, before his posting to Menominee.

Perhaps because of his own Catholic schooling, Father Pat has always shown that his commitment to his parish—to all local families—lies outside the walls of his beautiful and more than 100-year-old Gothic church. He regularly visits Menominee Catholic Central School, meeting and greeting parents, teachers and children in this more informal setting.

Father Pat has become well-known for his homily—his brief moment of addressing the congregation during each Mass. A quick sense of humor has always served him well in helping to drive home the important lesson he wished to teach each week.

I have always admired Father Pat for his positive outlook and his concern for his congregation. But it was when tragedy struck my own family that the depth of his wisdom, love, and advice, to me, to my wife Laurie and my son Ken was truly revealed. He counseled, sheltered, and guided us through our darkest hours, and his homily to my son BJ captured the essence of this vital young man for friend and stranger alike. For these kind acts in our greatest time of need, I and my family will always be grateful to Father Pat.

Mr. Speaker, moments of crisis often bring brief flashes of insight so brilliant that we are forever changed in our view of the world. In a moment of darkness, I was given an opportunity to truly understand the mission of a parish priest as an agent of divine compassion and strength. I and my family were held in Mighty Hands and bathed in a river of sublime love. Father Pat, a man of the people and a man of God, has spent 50 years shaping himself to be a funnel of that great Power. There can be no greater calling.

DEBATE ON DEFENSE APPROPRIATIONS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. BLUMENAUER. Mr. Speaker, I voted against the Defense Appropriations bill last night because of its pricetag that is unprecedented in peacetime and unjustified by the threat, and the misplaced priorities within the bill.

Representative DEFAZIO'S amendment was a step in a more rational direction. It would have reduced the next two years' purchases of F–22 fighter aircraft, as recommended by the General Accounting Office, and redirected the savings to readiness and quality of life accounts.

It was a modest amendment, and it did not cut money from the defense budget. It just spent it on higher-priority issues at a time when the F–22 continues to experience technical problems and we already have the world's most advanced fighter, the F–15.

The $930 million saved would have been spent instead on items that were not funded at the level requested by the Department of Defense, or were included on the Pentagon's unfunded "wish list." Those items include additional funding for troops on food stamps, nuclear threat reduction, bonus payments to sailors on sea duty, facilities maintenance, spare parts, and recruiting.

I want to also speak to the larger issues of the bill. We made some gains this year on the issue of military retirees' health care. Most important is this bill's provision of $94 million for a pharmacy benefit for all Medicare-eligible military retirees and eligible family members. This set an important precedent for us to eventually provide prescription drug coverage to all Medicare recipients. Those who have served in our military are a well-deserving group with which to start.

This bill continues various health care demonstration projects—including Medicare subvention and the Federal Employees Health Benefits Plan. Another important aspect of military retiree health care included in this bill is the Uniformed Services Family Health Plan. These are locally-run, community-based HMOs that provide military retirees another choice. I look forward to the findings of the independent oversight panel funded in this bill which will present recommendations to Congress on a permanent military health care program for the Medicare-eligible.

Unfortunately, there continue to be unmet needs. The Department of Defense Comptroller has just done a study that shows that the military health care system for active-duty and retirees up to age 65 as currently structured is underfunded over the next 6 years by $9 billion.

In addition to taking care of its people, our military has an important role to play in taking care of the environment, Congress needs to make clear that cleaning up after itself is a cost of doing business for our military just as it is for any other polluter.

DOD is responsible for environmental cleanup at thousands of what are known as Formerly-Used Defense Sites. At many of these properties, owned by private parties and state, local, and tribal governments, the public may come into contact with residual contamination. The cost of completing this cleanup is estimated at over $7 billion by the Army Corps of Engineers, yet funding in this bill is less than $200 million.

Another danger to communities is unexploded ordnance, old bombs and shells that could kill or injure people who encounter them. The cost of clearing these bombs is estimated at $15 billion by the Defense Science Board. The consistent underfunding of this challenge could begin to be addressed if it had its own line item in the defense budget. I call upon the Administration to create this line item in the request it is preparing now for submission to Congress for FY02 funding.

More than a decade after the Soviet Union collapsed, our investment in national defense has returned to cold-war levels. During the cold war, the United States spent an average of $325 billion in current year dollars on the military. This year's budget resolution gave the Pentagon $310 billion—95 percent of cold-war levels and 52 percent of discretionary spending.

And now Monday's Washington Post has a front-page story stating that, starting now, the Joint Chiefs of Staff plan to submit budget requests that call for additional spending of more than $30 billion a year through most of this decade.

There is no reason to continue our reliance on a cold-war economy. Our massive investments in weapons and bases could be replaced with massive investments in education and health care and the other things that make for livable communities. While we are first in military expenditures among industrialized countries, we are 17th in low-birth-weight rates, 21st in eighth-grade math scores and 22nd in infant mortality.

The defense budget is large, certainly large enough to fund the programs that are needed for the people who serve and have served us and for the environment. Instead, it spends too much on duplicative weapons systems and questionable technologies at a time when we lead the world many times over in military might. We need to get our priorities right.

DEBATE ON THE FUTURE OF THE F–22

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

Mr. DEFAZIO. Mr. Speaker, during the debate on the fiscal year 2001 Department of Defense appropriations bill, there was a rather rancorous debate about the future of the F–22. I submit for the record a devastating critique of the F–22 written by retired Colonel Everest Riccioni as well as a letter he wrote correcting misstatements made during the House floor debate.

Colonel Riccioni is not just any critic of the F–22. His credentials are impeccable. He was one of three legendary "Fighter Mafia" mavericks who forced the Pentagon to produce the F–16 to improve U.S. air superiority. He served in the Air Force for 30 years, flew 55 different types of military aircraft, and worked in the defense industry for 17 years managing aircraft programs, including the B–2 bomber.

We should heed his warning that the F–22 will not work as advertised.

JUNE 8, 2000.

Representative RANDY CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: Your comments during yesterday's floor debate require response. The comment about the F–15 not keeping up with the F–22 does not establish the existence of supercruise, and reflects your lack of insight into supersonic cruise. Cruise means the ability to cover distance and it is not a speed. Proof of supercruise is established by a number, specifically the number of miles that can be covered while at a supersonic Mach like 1.6. This number is never forthcoming because few know the definition of supercruise or are unwilling to reveal it.

The fact that the F–16 flown by General Ryan could not keep up with the F–22 is again an irrelevant speed statement on the relative speed of the two aircraft. The requirements for the F–16 specifically stated that there was no requirement that it fly faster than Mach 1.6, a fact probably unknown to the general. Had the general been flying a 40 year old F104A–19, he could have flown formation with the F–22.

Pragmatic supersonic cruise is the ability to sustain significant supersonic speeds (like 1. 6–1.8) for combat relevant distances. For perspective, the original design mission for the Advanced Tactical Fighter, cum F–22 was a 100 mile subsonic cruise-out to the Russian border, 400 NM supersonic penetration at 1.6 Mach, consumption of the combat fuel, a 400 nautical mile supersonic return to the border at Mach 1.6, with a 100 NM return to land with normal reserves.

A true measure of the super cruise potential of the F–22 is—the penetration supersonic distance that can be flown at 1.6 Mach out and back, with the same 100 nautical mile legs and the same fuel reserved for combat and landing reserves. The supersonic penetration distance is the validation of supercruise. This number has not been established. The supercruise potential of the F–22 remains unknown.

If that number is 50 NM it is a fruitless achievement that the F–104 can easily fulfill using its afterburner. A 100 NM penetration can also be accomplished by the F–104A–19. A 200 NM penetration is not a great achievement; 300 NM means the F–22 is a pragmatic supercruiser, 400 NM will remain a dream. The distance number validates whether the F–22 has it, nothing else.

Retention of the wrong definition will forever retain confusion.

Sincerely,

COL. EVEREST RICCIONI,
Rancho Palos Verdes, CA.

THE F–22 PROGRAM—FACT VERSUS FICTION

(By Everest E. Riccioni, Col. USAF, Ret.)

THE DREAM

To provide the USAF Air Superiority for the period following 2005.

To Conduct—Offensive Counter Air Operation deep in Russia—Its Primary Mission (300 Nautical Mile (NM) Combat Mission—100 NM cruise to the point of penetration—200 NM supersonic ingress and egress plus combat and fuel reserves).

To provide a 750–800 Aircraft Fleet to replace the aging F–15 Fleet.

To be designed to a Unit Flyaway Cost Limit in 1986 dollars—$35 Million.

To control cost by conforming to a Weight Limit—50,000 lbs (Cost and Weight comparable to the extant F–15—clearly the imagined F–22 would have been a bargain).

Dominant Characteristics: High Stealth; Effective Supersonic Cruise; Ultra-High Performance and Maneuverability; and Superior Avionics for Battle Awareness and Effectiveness.

Additional Aims: To Rejuvenate the Fleet (Reduce the average age); Design for Low Maintenance (3 man-hours per sortie); and Form a High-Low Mix with the Joint Strike Fighter (JSF) fleet.

THE REALIZATION

SUMMARY

Unrealized Dreams

The dreams for Stealth, Supercruise, Ultra-High Climb, Acceleration, and Maneuvering Performance have not been realized. The Outstanding Avionics will not be properly tested before purchase and possibly not even before combat.

High Cost, Low Numbers

The number of F–22s purchased will not provide a critical mass of fighters.

The "Dream" of 800 fighters for $70 Billion fell to 648 for $64.2B (after a 1992 Selected Acquisition Report), to 442 for $64.2B (after the Bottom-Up Review of defense strategy), and to 339 for $64.2B (after a Quadrennial Defense Review).[2] Study groups and the Congressional Budget Office seeking responsible funding are considering options of 175 and even 100 F–22s. This is a total program cost of more than $200M per aircraft—one-third the cost of the B–1! This cost (predicted in 1976) is worse than obscene.[3]

Despite high funding levels—the future size of the Air Combat Command will soon be greatly reduced.

The low number of F–22s will not rejuvenate an aging F–15, F–16 fleet. (Algebraic averaging)

A mix of F–22s and JSFs cannot be a High-Low Mix. It will be An Ultra-High—High Mix. There is no low element. The complementary F–15 and F–16 do both the air superiority and air-to-surface missions. The F–22 mainly does air superiority missions. Both have deserted our US Army.

The few F–22s possessing quasi-F–15 performance will degrade the air superiority capability of the Air Combat Command, composed of 1600 fighters.

Our decision-makers have (again) opted for unilateral disarmament in the face of their perceived threats.[4]

VALIDATION

Stealth

The F–22 is not a Stealthy Aircraft.

Stealth means the proper suppression of all its important "signatures"—Visual Signature, Radar Signature, Infrared Signature, Electromagnetic Emissions, and Sound.

Visually—The F–22, one of the world's largest, most identifiable fighters, cannot hide in daylight. Its role is in daylight. Stealth operations are night operations. Unfortunately stealth against radar invariably increases the size of a fighter making it more visible.

The radar signature is utterly inadequately reported. Only a single data number is provided to congressional committees and the GAO—the average radar signature in the level forward direction within 20 degrees of the nose, presumably to enemy fighter radars. In the B–1B reporting fiasco, the 100/1 signature advantage over the B–52 became a real 1.8/1. One cannot design an aircraft to simultaneously hide from low and medium frequency ground radars and from high frequency airborne fighter radars. Properly, all the data should be portrayed and reported—for all azimuths, for all "latitudes," and for all radar frequencies. Single data points constitute lying by omission and gross incompleteness.

The temperature increases of supersonic cruising flights make the F–22s beacons in the sky to infrared sensors.

Fighters, with radar to search for and find the enemy autonomously, at long ranges, cannot hide their high powered electric emissions to modern, sophisticated, Russian equipment. The Russians excel at this art and export their equipment to many nations. Further, F–22 detection of enemies by radar is an inverse fourth power phenomenon, while detection of the F–22's radar is an inverse square phenomenon, giving the advantage to the enemy. In other words, the F–22's radar will be detected by an enemy plane before the F–22 detects the enemy.

It appears that designing air superiority aircraft primarily for radar stealth is an error.

Supersonic Cruise—"Supercruise"

The F–22 has not yet demonstrated effective supersonic cruise.

The USAF has never appreciated that speed without persistence is meaningless. Proof—Six USAF aircraft capable of Mach 2.2 never exceeded 1.4 Mach in combat over North Vietnam in 10 years of war, in hundreds of thousands of sorties. The F–15 has never demonstrated its performance guarantee of Mach 2.5 flight in a combat configuration on a realistic combat mission profile.

The USAF has the wrong definition of supercruise—(supersonic flight in turbojet thrust, i.e. without using an afterburner.) Cruise means covering distance efficiently. Fighters with wings properly sized for subsonic maneuver achieve efficient supersonic flight at altitudes of 60,000 feet requiring partial afterburning thrust. This may be unknown to the testers since the test program limits testing to below 50,000. The proper cruise condition may remain unknown. All supercruisers cruise at very high altitudes using some afterburning (i.e. ramjet) thrust—MiG–31, SR–71, as did the many designs that I have studied, generated, or supervised. (Detailed aerodynamic-thermodynamic analysis is available upon request.)

The GAO report that the F–22 has demonstrated supercruise is specious and misleading. The reports have merely stated that the F–22 has demonstrated 1.6 Mach flight speeds in pure turbojet (dry) thrust. No report of distance traveled or persistence at those speeds was made. Supersonic speeds in dry thrust bode well, but this capability is not sufficient to achieve supercruise. Proper data are global radius of action and global persistence plots as functions of speed and altitude, for rational missions.

These data must be then compared to those of the F–15 and the ancient F–104–19 to establish progress. For example—the 40 year old F–104A–19 has twice the supersonic radius of the 20 year old F–15C at 1.7 Mach, and out-accelerates it at Mach 2.2. Compare! In comparison lies the proof of progress.

The Fuel Fraction of the F–22 is insufficient for pragmatic supersonic cruise missions. Fuel Fraction, the weight of the fuel divided by the weight of the aircraft at take-off, impacts cruise-range, be it super- or subsonic. At today's state of the art, fuel fractions of 29 percent and below yield subcruisers; 33 percent provides a quasi-supercruiser; and 35 percent and above provides useful missions. The F–22's fuel fraction is 29 percent, equal to those of the subcruising F–4s, F–15s and the Russian MiG29 Flanker. The Russian medium range supersonic interceptor, the MiG–31 Foxhound, has a fuel fraction of over 45 percent. Supersonic cruise fighters require higher fuel fractions since they must have excessive wing for supersonic cruise. Breguet's range equation establishes the dependence of aircraft radius on speed, lifi-to-drag ratio, specific fuel consumption and the part of the total fuel fraction available for cruise.

The "dream" design mission was continually redefined and degraded to—a) conform to physical reality, and—b) to reduce the uncontrolled cost and weight. (Flexible (rubber) Requirements.)

Ultra-High Performance

The F–22 does not provide a Great Leap Forward in performance relative to the F-15C or MiG–29. At 65,000 lbs, with 18,500–18,750 lbs of fuel, with two nominal 35,000 lb thrust engines—it has the thrust to weight ratio of the F–15C, the fuel fraction of the F–15C, and a wing loading that is only slightly inferior to that of the F–15C, so it will accelerate, climb, and maneuver much like the F–15C for reasons of basic physics.

There are two differences from the F–15—thrust vectoring and supersonic speeds in dry thrust. Thrust vectoring allows the F–22 to maneuver controllably at sub-stall speeds, which other aircraft cannot. This, in the helicopter speed domain, is in seeming contradiction to an aircraft designed for supersonic engagement with slashing attacks using its beyond visual range missiles.

The flight test program to validate maneuverability is utterly inadequate. Using a single number—the maximum steady-state G at 30,000 ft at 0.9 Mach—on an aircraft that operates from 40 knots to beyond Mach 2, from sea level to above 60,000 ft is a throwback to the Dark Ages of aircraft evaluation. Proper presentations are global, all-altitude all-speed plots at the two major power settings. They must be compared to friendly and enemy aircraft. Comparison reveals progress, the whole truth, and even allows the formulation of battle tactics.

Superior Avionics

The expectations for the avionics are to provide great battle awareness and effective weapons management. The F–22 is to autonomously identify (ID) the enemy from friend, from neutral, regardless of the country that produced the aircraft.

But, testing will not be fully completed before going into production! The pressure is on to meet production schedules and to do incomplete testing to save time and money. Incomplete testing is fatal and extremely wasteful. B–1 avionics, similarly treated, still do not function in the aircraft after two decades, despite large transfusions of funds.

Such refined identification capability has never been achieved though frequently promised. Given failure and dependence on visual identification, the F–22 will be at the level of the F–15 and F–16. The requirement for visual ID made the AIM–7D/E, the Talos, the complex long-range Phoenix missile and the Aegis missile cruiser relatively worthless. The avionics are to be treated as "guilty" until tested and proven to be innocent.

The software is more extensive and complex than that of the Aegis missile cruiser. Dependence on the integrated, complex system belies the dream of a low maintenance requirement.

Most likely result—The F–22 will be declared combat ready much before it is.

Relevance of Air Superiority

The relevance of air superiority in the modern world is vastly overstated. The USAF has faced no air superiority force since the Korean War. Nor have our ground troops faced an enemy air-to-surface threat.

US air superiority fighters are aimed at enemy fighters—the irrelevant half (of the problem. Our foreseeable enemies achieve air superiority with competent, relatively affordable, highly mobile Russian vehicles carrying surface-to-air missiles (IR radar, and optically guided), and two 30mm cannon (the Tangkuska). These are armed with SA–6, SA–8 and SA–10 missiles. The F–22 only counters non-existent enemy fighters. Hence air-to-surface F–16s, A–10s, and F–15s become the de facto air superiority aircraft. Attempts to equip the F–22 to suppress enemy defenses are easily defeated by enemy tactics used in Vietnam and Serbia.

The USAF is already over-equipped to handle any imaginable air superiority problem. Today, Air Combat Command is capable of handling any coalition of air superiority threats. Air Combat Command has the most important factor—competent pilots, the second most important factor—large numbers (1,600–2,400 fighters), and the least important advantage—the best aircraft. In Germany during World War II US numbers, not quality, reigned supreme.[5] The USAF has always had and has always depended upon superior numbers to win. Numbers guarantee victory. Numbers develop intensity and allow multiple attacks.

The US has no realistic future air superiority problem facing it. A sane US will not war with India, China, or Russia. Nor will we war with France, England, Japan, and Germany. None of these nations will attack the US. Other countries are not threats. Nor will we war with our friends to whom we sold US aircraft.[6] The US must minimize its enemies, not create them artificially to sustain the arms industry. Even Canada has been listed as a possible threat! Yet, the US continues to seek foreign sales before our modern aircraft see service in the USAF and US Navy. (Examples—the US Navy's F–14, F–18E, and the F–22.)

The conjured need to cope with our weapons places our country in a self-perpetuating arms race with itself.

CONCLUSION

Money expended on the program will weaken Air Combat Command and the USAF in two ways—

By getting involved with an aircraft that has no function, and no relevance to modern wars.

By denying themselves funds they really need—for training and for new aircraft to support a US Army, completely shipped of supporting airpower.

Approximately 90 percent of the program funding can still be saved, and reprogrammed to relevant Air Force programs.

ARTICLE BY JAMES L. HECHT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. UDALL of Colorado. Mr. Speaker, as we go forward with the budget process, I'd like to bring the attention of my colleagues to an article published in the Baltimore Sun. The author is a senior fellow at the Center for Public Policy and Contemporary Issues at the University of Denver. Although I don't necessarily agree with all the points he makes, I think the article is valuable for purposes of informed debate.

[The Sun: Tuesday, March 21, 2000]

SPECIAL INTEREST DEFENSE

(By James L. Hecht)

For a while, it looked as if Congress might do the right thing: kill an unneeded weapons program, saving $60 billion and increasing security. But in the end, Congress gave a higher priority to the interests of Lockheed Martin, providing $1 billion in this year's budget to buy up to six F–22 fighters—and keeping alive the possibility of buying more than 300 more at a cost of at least $187 million each.

The F–22 is an example of how the military budget is driven more by the desire of members of Congress to get re-elected than by security. The public interest is no match for lobbyists for the military-industrial complex who in 1996 contributed an average of $18,065 to every member of Congress, almost three times the level of tobacco-industry influence peddling.

Why is the F–22 an unneeded weapon? The American F–15 and F–16 fighters are the best in the world and, if more fighters are needed, these can be built for less than one-quarter the cost of an F–22. Moreover, the F–22 may be outdated soon by the Joint Strike Fighter, an even better plane on which the Pentagon is spending billions for development.

We spend more than $30 billion a year to maintain more than 10,000 nuclear warheads. A 1,000-warhead force with the destructive force of 40,000 Hiroshima explosions would be more than enough—and save about $17 billion a year.

How political pork supersedes military needs is demonstrated by the appropriation in last year's budget of $435 million for seven C–130 cargo transport planes. The Pentagon requested only one. They got seven because manufacture of these planes provided jobs in Newt Gingrich's district.

Huge expenditures for unneeded weapons is one reason that U.S. military spending is more than twice as much as all potential adversaries combined, including Russia, China, Iraq, Iran and North Korea. While polls indicate that 72 percent of Americans believe it better to have too much defense than too little, 83 percent think that spending should be no greater than that of all potential adversaries combined.

America's unreasonable military spending also results from the policy that the United States be able to simultaneously fight and win two major regional wars without the help of allies. This two-war doctrine is rooted in the idea that the United States should be able to exercise unilaterally its "global responsibilities."

But having this capability and then using it to act alone or with little military support from allies—as we did in Kosovo and continue to do in the skies over Iraq—decreases our security. We make bitter enemies of people that are no threat to us militarily, but can be a serious threat if in anger and frustration they resort to terrorism.

Our security also is decreased because our huge military spending consumes money that otherwise could be spent on education. With the economic success of nations becoming increasingly more dependent on a well-educated work force, shortchanging educational needs is a threat to the economic security of Americans in the 21st century.

Security is the most important function of government. But we should not—in the name of security—needlessly spend tens of billions of dollars a year for the benefit of politically connected interests.

ISSUES IN CYPRUS AND KOSOVO

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. DUNCAN. Mr. Speaker, Harry Moskos is the highly-respected editor of the Knoxville

News-Sentinel, the major daily newspaper for East Tennessee. More importantly, everyone who gets to know Mr. Moskos soon realizes he is one of the finest men they have ever known.

Over the years, he has developed a real expertise in foreign policy. He writes honest, sincere thoughtful editorials, without undue prejudices or special axes to grind. He is certainly not beholden to or controlled by any special interests.

Within the last few days, he has written two very important pieces which I would like to call to the attention of my colleagues and other readers of the RECORD.

The first is an insightful editorial on the history, current situation, and what needs to be done now to settle the thorny Cyprus issue. He points out that the Turkish invasion in 1974 resulted in 200,000 Greek Cypriots being expelled from their homes and almost that many Turks and Turkish Crypriots living illegally on land and in homes that are not theirs.

The second article is one that was distributed by the Scripps-Howard News-Service and reprinted in the Washington Times and other newspapers. It deals with the situation in Kosovo and the continuing cycle of violence, ethnic cleansing and retribution.

I hope that those in the State Department and in the Congress who deal most directly with these issues will give serious consideration to these editorials by Harry Moskos.

[From The Knoxville News-Sentinel, June 4, 2000]

TWO SIDES MUST TALK—OPPORTUNITIES MORE FAVORABLE THAN IN PAST FOR SETTLEMENT OF CYPRUS ISSUE

The eastern Mediterranean sovereign state of Cyprus has been forcibly divided in two since the invasion of the island republic in 1974 by Turkey. Now, 26 years later, the issue of Cyprus remains one of the world's thorniest international problems awaiting resolution.

Reflecting the position of President Clinton, Secretary of Defense William Cohen has stressed that the status quo in Cyprus is not acceptable. Since the invasion, the Cypriot government controls the south of the island while the north is under Turkish occupation with more than 35,000 troops from mainland Turkey stationed there in violation of numerous United Nations Security Council resolutions. In fact, most of the Turks now living in the occupied areas of the island are not Turkish Cypriots but are Turkish settlers.

About 200,000 Greek Cypriots, expelled from their homes in the north, are still prevented from returning.

Historically, Greek Cypriots and Turkish Cypriots lived in comparative harmony until recent time. The Turkish invasion further increased the tension—an invasion in which some believe then-American Secretary of State Henry Kissinger played a direct role by working behind the scenes with Greece's then-military junta to successfully oust Archbishop Makarios as Cypriot president. Turkey used the coup against Makarios as a pretext to invade Cyprus.

Of the 780,000 people currently living in Cyprus, there are about 65,000 to 80,000 Turkish Cypriots and about 100,000 Turks who have moved illegally to the island from Anatolia.

A solution to the Cyprus problem has been elusive for more than a quarter-of-century with President Clinton raising the Cyprus issue in his State of the Union Address this year, terming it one of his highest priorities. It was the first time in 20 years that a president had mentioned the Cyprus question in that annual speech.

Clinton, who has actively immersed himself in other international issues including Ireland and the Middle East, still has seven months remaining in office to push for a Cyprus settlement.

There are hopeful signs that the situation is improving.

Devastating earthquakes that hit both Greece and Turkey last year resulted in both countries coming to the aid of victims. In Cyprus itself, Turkish and Greek Cypriots worked together to solve common issues, such as in the divided city of Nicosia when officials resolved sewage problems and other municipal issues. And hundreds of Turkish Cypriots volunteered to have their blood tested to see if they could provide a bone marrow transplant for a six-year-old Greek Cypriot boy fighting for his life.

Another round of U.N.-sponsored talks aimed at reunifying the island will get underway July 5 in Geneva.

U.N. Secretary General Kofi Annan hopes the pace of the talks will accelerate but stresses it is difficult to anticipate what progress will be made. He urges both parties to discuss key issues.

The European Union and the United States are pushing for a bi-zonal, bi-communal federation, the framework for a solution that has repeatedly been endorsed by the U.N. Security Council.

Cypriot President Glafcos Clerides fully supports the actions of the international community for a solution along the U.N. guidelines. Turkey, however, has remained intransigent in seeking an island with two separate states, which is a wholly unacceptable solution.

While Clerides is recognized internationally as the head of Cyprus, only Turkey has recognized the self-proclaimed "Turkish Republic of Northern Cyprus" in the occupied area of the island headed by Rauf Denktash, who to date has refused to budge from his hard line.

Compromise is needed. The U.N. plan is the framework to follow since it is a carefully constructed outline that both communities previously accepted, but the Turkish side keeps changing its position.

An eventual solution needs to include a complete demilitarization of the island, with the Turkish troops leaving and the illegal settlers returning to where they came from.

Reunification also will allow both communities to enjoy the benefits of EU membership since Cyprus is expected to join the organization within a few years.

Lellos Demetriades, the Greek Cypriot mayor of Nicosia, points out that "you can't live next to each other and not talk."

This is what is needed most at this time—constructive and substantive talks that will lead to a settlement of the Cyprus issue. As Defense Secretary Cohen points out, a resolution is needed sooner rather than later. Active leadership from the United States is needed now more than ever to solve this issue.

[From the Washington Times, June 6, 2000]

KOSOVO'S ONGOING AGONIES

(HARRY MOSKOS)

Nato Secretary-General Lord Robertson took a walking tour this week to see for himself what it is like in Pristina after the allied war in Kosovo.

Where he didn't walk illustrates that nearly one year after NATO's 78-day bombing of the province that all is not well—or safe.

Lord Robertson's stroll took him down a central shopping street where he was met with cheers from ethnic Albanians. He also toured parts of Kosovska but bypassed the northern, predominantly Serbian, part of the city.

Tensions between Serbians and Albanians remain high. Lord Robertson stressed that the violence has to be reduced or there is danger that ethnic Albanians could lose the sympathy of the international community.

His comments came a few days after an attacker opened fire on a group of Serbs gathered in a store in Cernica, killing a 4-year-old boy, his 60-year-old grandfather and another man. Cernica, 28 miles southeast of Pristina, is patrolled by U.S. peacekeepers who were only 200 yards away when the gunman, an ethnic Albanian, opened fire and escaped.

In another unsolved case, a 25-year-old Serbian U.N. translator was found stabbed to death. The translator was murdered after a newspaper closely tied to Kosovo Albanian leader Hashim Thaci accused the translator of membership in a Serbian paramilitary unit—a rash accusation made without any formal charge or much less even an investigation.

As the Canonical Conference of Orthodox Christian Bishops in America rightly observed recently, the international community must not allow the cycle of violence, ethnic cleansing and retribution to continue in Kosovo.

NATO's troubles are not limited to continuing atrocities in Kosovo.

Three teachers at the U.S. Military Academy at West Point have raised the issue of whether NATO violated the rules of land warfare by using tactics that protected combatants by placing civilian bystanders at greater risk, resulting in a corrosion of the professional military ethic. And another military study has shown that NATO had overstated—roughly by a factor of 10—the effectiveness of its attacks against Serbian forces during last year's conflict.

The 78-day bombing campaign did accomplish its goal to end Yugoslav President Slobodan Milosevic's dictatorial grip on Kosovo, but this has not brought the promise of better times.

NATO entered this fray to help the ethnic Albanians, but unless they are now kept from taking the law into their own hands, the aftermath of Kosovo will only see more 4-year-old boys dying at the hands of assassins.

TRIBUTE TO REVEREND DR. DAVID JEFFERSON, SR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. PAYNE. Mr. Speaker, I rise to ask my colleagues here in the United States House of Representatives to join me in honoring a very special person, Reverend Dr. David Jefferson, Sr., who has earned an outstanding reputation as a teacher, preacher, civic leader, community servant, attorney, and visionary. He has excelled spiritually, academically, and professionally and has made valuable contributions to his community.

Reverend Jefferson has provided vital leadership to his church in creating formidable ministries, outreach evangelism to the surrounding communities, and leadership training seminars. He has orchestrated a Mens and Boys Breakfast with over three hundred people in attendance. The church has formed a Mass Choir, a Bible Study of over eight hundred people, and car pooling for college students who wish to attend services.

Reverend Jefferson has built a strong and diverse graduate level of education. Upon leaving Grambling State, Reverend Jefferson immediately enrolled in the University of Dayton in Dayton, Ohio. Here he earned a Master of Business Administration degree in Marketing and Finance. He then received a Juris Doctorate of Law from Capital University in Columbus, Ohio and a Master of Divinity from Drew University in Madison, New Jersey. In 1988 he was awarded a fellowship to the prestigious "Sloan Fellows Program" at the Massachusetts Institute of Technology. Here Dr. Jefferson completed his Master of Science in Management in 1989.

Reverend Jefferson is happily married to the former Linda Mouton of Jennings, LA. They are the proud parents of four beautiful children; Kimberly, David Jr., Lou Ella, and Jasmine. He is a member of the New Jersey Bar and American Bar Associations, and Alpha Phi Alpha Fraternity, Inc.

Mr. Speaker, I call upon my colleagues to join me on June 11th, in congratulating Reverend Dr. David Jefferson, Sr. on his outstanding accomplishments in expressing our appreciation for his dedicated community service. Let us extend our best wishes to Dr. Jefferson for continued success and fulfillment.

FURTHER EVIDENCE OF NEED TO CREATE INDEPENDENT FEDERAL AGENCY TO INVESTIGATE THE JUSTICE DEPARTMENT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. TRAFICANT. Mr. Speaker, earlier this year I introduced legislation, H.R. 4105, to establish an independent federal agency to investigate allegations of wrongdoing on the part of Justice Department personnel. As part of my ongoing efforts to have this important legislation enacted into law, I have been investigating allegations of wrongdoing within the Justice Department that have not been appropriately and completed investigated and prosecuted.

One of the incidents I uncovered occurred in my own Congressional District, and it involves serious allegations of misconduct on the part of the Federal Bureau of Investigation agents in Youngstown, Ohio. The attached sworn affidavit makes serious allegations that should be aggressively investigated by the Justice Department and Congress.

STATE OF OHIO, COUNTY OF TRUMBULL—
AFFIDAVIT OF JAMES A. KERCHUM

After having been duly sworn in accordance with law, I, James A. Kerchum, hereby depose and say:

(1) I, James A. Kerchum, was an active participant of the Mahoning Valley Corruption Task Force during the approximate period of February 1998 thru April 23, 1999.

(2) During the period of February 1998 thru April 23, 1999, I primarily planned and worked with the following people: Louis Slay, Director Supervisor U.S. Dept. of Justice; Anthony Sporanza, Special Agent FBI; Mike Cizmar, Special Agent FBI; Pete Proach, Special Agent FBI; Wally Sines, Special Agent FBI; and Dennis Direnzo, Agent BCI & I

(3) During the hereinabove written time period I was primarily a paid informant for the FBI and my FBI Code Name was Cheeze 1. My main FBI contact was Special Agent Mike Cizmar.

(4) During the hereinabove written time period, FBI Special Agent Mike Cizmar related the following to me:

(a) Congressman Jim Traficant was the FBI's number one target across the United States because he beat them in a Federal Court in Cleveland, Ohio in 1983 and that he was an embarrassment to the FBI.

(b) The FBI investigated Jim Traficant from the time he was the Mahoning County Sheriff and that the FBI was going to get him one way or another.

(c) When you go to Quantico, Virginia there is one special class you take and that's on getting Jim Traficant.

(d) If I got Jim Traficant, they would build a monument for me in Washington, D.C.

FBI Special Agent Anthony Sporanza also made statements in support of the hereinabove written.

(5) Within the herinabove written time period FBI Special Agent Mike Cizmar asked me to kill Girard, Ohio Police Detective Anthony Zuppo.

Further Affiant Sayeth Naught.

TRIBUTE TO WESLEY RHODES

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. CHAMBLISS. Mr. Speaker, I want to honor Wesley Rhodes of Pineview, GA. Wesley, a student at Fullington Academy, was named a National Award Winner in Science. This special award recognizes fewer than ten percent of all American high school students. Wesley was recommended for the award by teachers and school staff for his outstanding academic performance in science, interest and aptitude, leadership qualities, responsibility, enthusiasm, motivation to learn and improve, citizenship, attitude and cooperative spirit, and dependability.

I would like to take this opportunity to recognize Wesley for his achievements in science and for his exemplary leadership at Fullington Academy. He is an exceptional student and has made the people of my district and myself proud.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Service, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes,

Mr. STARK. Mr. Chairman, reducing fraud and abuse in Medicare has been identified by the Majority Leader as a major initiative. The Budget Committee has a Medicare Fraud Task Force to look into ways to reduce Medicare fraud. The Ways and Means and Commerce Committee has held hearings on reducing Medicare fraud.

And yet, this bill would actually reduce already appropriated funds for fighting fraud and abuse in Medicare by $50 million. These funds were appropriated in advance when the Health Insurance Portability and Accountability Act (HIPAA) was enacted in 1996 and intended to fight Medicare fraud. This program has returned $17 for every dollar invested in it. Because of our fraud-fighting efforts, we have experienced the lowest growth in Medicare spending ever.

Obviously, the Appropriations Committee disagrees with the Majority Leader and other Committee Chairmen who want to reduce Medicare fraud. Instead, the Committee would reduce our anti-fraud efforts. Evidently, the Committee feels that there is not enough fraud in Medicare, so we should let it grow.

Second, Mr. Chairman, the General Accounting Office and others have issued numerous reports recently about the alarming abuses and poor quality of care of senior citizens in nursing homes—the care of our mothers and fathers and our constituents. GAO said that one in four nursing homes actually harm our senior citizens or place them in danger of being harmed. The GAO recommended stronger enforcement of quality standards.

In Northern California, only 6 percent of nursing homes were found by State inspectors to be in full or substantial compliance with requirements.

The President proposed additional funding to support a Nursing Home Initiative for enforcing nursing home standards more strictly.

Yet this bill would eliminate the funding for this Nursing Home Initiative.

Obviously, the Appropriations Committee simply does not care what happens to our senior citizens in nursing homes.

Mr. Chairman, I urge my colleagues to support the DeLauro amendment to restore funds for fighting Medicare fraud and for the Nursing Home Initiative.

Mr. Chairman, I submit into the RECORD a letter sent to me by the National Citizens' Coalition for Nursing Home Reform.

NATIONAL CITIZENS' COALITION
FOR NURSING HOME REFORM,
Washington, DC, June 1, 2000.
Hon. FORTNEY "PETE" STARK,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE STARK: The National Citizens' Coalition for Nursing Home Reform (NCCNHR) urges you to vote no on the Labor/HHS/Education bill because it fails to provide funding for the Nursing Home Initiative.

The Nursing Home Initiative was established to increase funding for improvement in nursing home quality nationwide. As part of the Nursing Home Initiative, new survey protocols were put in place such as improved federal oversight over state survey efforts, staggered inspections, and expedited investigation of resident complaints.

For FY 2001, the Administration proposed a major funding increase that would invest $70.1 million in improving oversight of nursing homes. It would include (1) training surveyors in effective inspection of nursing homes; (2) surveying nursing homes during evenings and weekends; and (3) surveying substandard facilities more frequently than other facilities. However, in Subcommittee, the discretionary funding was virtually eliminated for the Initiative.

By passing an appropriations bill without funding for the Nursing Home Initiative, the House would be ignoring overwhelming evidence of harm to residents that is occurring because of lack of adequate enforcement. The 1998 GAO report on California nursing homes showed that one in three facilities has violations that cause either actual harm to residents or place them at risk for serious injury or death. This report launched the Nursing Home Initiative to address the poor care in nursing homes. We cannot abandon these efforts, which are now beginning to have an effect. Otherwise, we are abandoning the most vulnerable and frail population in this country who need protection from a strengthened enforcement system.

Sincerely,
SARAH GREENE BURGER,
Executive Director.

STATEMENT ON A BILL TO AMEND TITLE II OF THE SOCIAL SECURITY ACT TO IMPROVE THE SOCIAL SECURITY ADMINISTRATION'S PAYMENT SYSTEM FOR REPRESENTATION OF CLAIMANTS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. MATSUI. Mr. Speaker, I am pleased today to join with Congressman CLAY SHAW, the Chairman of the Subcommittee on Social Security, to introduce legislation regarding fees owed to attorneys who represent Social Security disability claimants. This bill would require the Social Security Administration to pay the attorney fees it owes in a timely fashion or else grant those attorneys an exemption from the administrative assessment that SSA charges in exchange for handling such fees.

Under current law, when an attorney successfully represents a Social Security disability claimant and that claimant is entitled to past-due benefits, SSA retains a portion of those past-due benefits in order to pay the attorney for the services he or she provided. Specifically, SSA withholds and certifies for direct payment to the claimant's attorney an amount equal to the lesser of 25 percent of the past-due benefits or the fee that SSA had previously authorized the attorney to charge his or her client. (Fees authorized by SSA may not exceed 25 percent of past-due benefits or $4,000, whichever is lower).

As a result of the Ticket to Work and Work Incentives Act of 1999 (P.L. 106–170), SSA is now required to impose an administrative assessment of 6.3 percent on all such fee payments to attorneys. Some maintain that this 6.3 percent assessment is necessary to cover the costs that SSA incurs in withholding and processing fee payments to attorneys. If this is indeed the case and the 6.3 percent assessment is simply compensation for services rendered, then it is not unreasonable to expect that SSA will process fee payments to attorneys in a timely fashion.

The legislation we are introducing today simply seeks to put that reasonable expectation into law. H.R. xxxx would prohibit the Social Security Administration from charging an attorney the 6.3 percent assessment unless the agency certifies his or her fee for payment within 30 days of the award of past-due benefits to his or her client. Without this commonsense legislation, SSA would be permitted to charge the 6.3 percent assessment without regard to how long the agency takes to process attorneys' fee payments.

As necessary as this legislation may be, it is not all that is required of this and future Congresses. We in Congress must also remain vigilant and ensure that the new administrative assessment imposed by the Work Incentives Improvement Act does not deter attorneys from representing disability claimants. Given the complexities of the disability determination process, if claimants are unable to secure professional legal representation, the results could be disastrous.

Claimants without professional legal representation appear to be far less likely to receive the benefits to which they are entitled. For example, in 1998, 57.6 percent of claimants represented by an attorney, but only 35.7 percent of those without one, were awarded benefits at the hearing level.

As mandated by the Work Incentives Improvement Act, the General Accounting Office will examine the impact of this new administrative assessment upon claimants' access to legal representation. If the GAO finds that the assessment does impair claimants' access, I fully expect that, consistent with the conference agreement on the Work Incentives Improvement Act, Congress will revisit this issue once more.

In closing, I look forward to working with Chairman SHAW on this piece of legislation in the same bipartisan manner that characterized our successful efforts last fall on the Work Incentives Improvement Act and again this spring on the repeal of the Social Security retirement earnings test. With this sort of collaboration, I am certain that we can pass this bill as well, thereby creating incentives for SSA to improve its procedures for making payments to attorneys and ensuring that disability claimants have qualified and reliable attorneys to whom they can turn for assistance.

MAKE-A-WISH FOUNDATION 20TH ANNIVERSARY

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. CUMMINGS. Mr. Speaker, it is my honor to recognize and join in the celebration of the Make-A-Wish Foundation's 20th Anniversary. In its twentieth year, the Make-A-Wish Foundation is a non-profit organization that fulfills the wishes of children fighting life-threatening illnesses. This organization provides once in a lifetime experiences to children, under the age of 18, who may not have the rest of their lives to seek opportunity. Born out of a wish made by a seven-year-old fighting Leukemia in Arizona, the Make-A-Wish Foundation has grown to 80 chapters in the United States and 20 international affiliates on five continents and is the largest wish granting foundation in the world. In its twenty years of existence, the Make-A-Wish Foundation has granted wishes to over 66,000 children worldwide. The Make-A-Wish Foundation of the Mid-Atlantic, Inc., in particular, helps to serve children in my district as well as other children throughout the entire state of Maryland.

The Make-A-Wish Foundation has granted wishes to children as simple as trips to Disney World and other amusement parks to meeting their favorite entertainer or role model. One young man from my district had his wish fulfilled when he met South African leader and political figure Nelson Mandela. He remarked that there was no better way to learn about blacks and whites living together in peace than to learn firsthand about the life of someone so oppressed yet as unbroken as Mr. Mandela.

The Make-A-Wish Foundation gives children that are fighting life-threatening illnesses a positive break from a world of doctors, hospitals and medicine. I salute the Make-A-Wish Foundation's volunteers and supporters who work to make wishes come true not only in Baltimore City and Baltimore County, but literally all over the world. Congratulations on 20 years of making wishes come true.

HONORING ANITA HINOJOSA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. ORTIZ. Mr. Speaker, today I pay tribute to a South Texas educator, Anita Hinojosa, who will retire in July after 31 years in vocational and adult education. Anita helped make Corpus Christi a better place by virtue of her lifetime commitment to education.

After working as a home economics teacher after graduating from Texas A&I University at Kingsville, and as a consultant, Anita became the Vocational Education Coordinator while also working as an adjunct Professor of Occupational Education at Corpus Christi State University.

In 1990, she became the Career and Technology Education Director for the Corpus

Christi Independent School District, the position she will soon leave to enjoy retirement. During the course of her work here, she has supervised some of the most important programs available at CCISD, those programs that work with those who need special training because of their age or special circumstances.

Anita currently oversees the following programs: Adult Basic Education; Alternative High School Center; Summer Training and Education Program (STEP); Pregnancy, Education, and Parenting; Guidance and Counseling; Instructional Technology; and several at-risk programs.

I ask my colleagues to join me today in commending a special patriot, one who spent a lifetime in pursuit of education and teaching, Anita Hinojosa.

HONORING EDWARD WEISS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. ENGEL. Mr. Speaker, public service, when performed wisely and well, is the most noble of callings. Today I honor a man who has been in public service and who performed in just those ways. Edward Weiss is retiring from the United States Department of Justice, Immigration and Naturalization Service, after 30 years of service.

In his many capacities with the Department, Ed has received outstanding performance ratings from every United States Attorney General under whom he has served since 1981. He is well known for his ability to prepare and litigate cases. He also coordinated the Criminal Alien Program for the New Jersey District.

Ed received his BA degree from Syracuse University and graduated from Brooklyn Law School. He and his wife Susan have two daughters; Robyn, in a pre-doctorate program in Religion at Hebrew University, and Karen, studying law at George Washington University.

Ed is retiring to follow his other passions, hiking and traveling. He is a dedicated professional of who we can all be proud. I join his many friends in wishing him and his family many happy years in his retirement.

HONORING JUSTIN "JAY" CAUFIELD

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. MCKEON. Mr. Speaker, today I pay tribute to a very special man. He is a friend, a community leader, and an exceptional educator. His dedication, competence and responsible attitude exemplify all that is right with America's public school system.

For more than twenty-five years, Justin "Jay" Caufield has served as a Principal in the Saugus Union School District. He has been a very active member in the community and in the school district.

Prior to entering the field of education, Mr. Caufield served four years in the U.S. Army in Special Forces. Mr. Caufield is highly respected by his peers, teaching staff and parents. As a teacher and principal in the Saugus School District, Jay Caufield has touched the lives and made a difference for thousands of students.

For the past 17 years, Mr. Caufield has served as the Principal at Emblem Elementary School. As a result of his fine leadership and commitment to excellence, Emblem has earned both State and National recognition. In 1995, Emblem achieved the status as a California Distinguished School. In 1996, the school received recognition from the California School Board Association by earning the Golden Bell award for its highly regarded TEAMS program. In 1997, Emblem Elementary School received the highest possible recognition by being named a National Blue Ribbon School. Under Mr. Caufield's direction, Emblem has continued to excel and uphold its high academic standards.

I want to commend Mr. Jay Caufield for his selfless commitment to the students and to the entire educational community. His distinguished career has been a shining example for all.

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction,. to prescribe military personnel strengths for fiscal year 2001, and for other purposes.

Mr. UDALL of Colorado. Mr. Chairman, I rise in opposition to the Defense Appropriations bill for fiscal 2001. I believe that a strong and effective defense system is vital to the future of this country. I believe that we must do all we can to identify potential threats in this new post-Cold War environment and to prepare for the possibility that these threats might require a military response. But I question the price that this bill is asking us to pay to achieve these goals.

My concerns about this bill have to do with priorities. By that, I mean I think the priorities among the programs funded in the bill are wrong. But, even more importantly, I think the sheer size of the bill reflects an imbalance between military spending and other important priorities.

First, the big picture: At $15.8 billion over FY2000 appropriated levels, the President's budget request for defense programs in FY2001 indicates the importance of defense spending for this Administration. But—not content with a bill to meet the President's request for $60 billion in weapons procurement as well as to fully fund missile defense and other major weapons systems—the Republicans want more.

The bill we will vote on today appropriates $4 billion more than the budget request, and $22.4 billion more than last year's appropriated levels. Along with defense funds provided in the recently passed Military Construction Appropriations bill and funds expected to be provided in the FY2001 Energy and Water Appropriations bill, total defense appropriations this year come to about $310 billion—more than $4.5 billion over this year's budget request.

With this defense bill alone appropriating more than half of the discretionary funds available to Congress, it is clear to me that something is wrong with our priorities. The President's budget balanced increases in defense with increases in funding for education, health care, national parks, science, environmental protection, and other non-defense programs. What the Republicans have done is to increase defense spending even more, all at the expense of domestic programs that are so important to the citizen of this country.

Second, there are the bill's own priorities: Not only would this bill provide too much, but it also would provide too much of the wrong thing.

I can't support funding F–22 production when the Appropriations Committee's own Survey and Investigations staff reported that a December 2000 date for beginning production is premature, and when the GAO recommended that six, not ten, planes be built, which could save as much as $828 million.

Nor can I support funding for national missile defense procurement until the technology has been proven and until we've come to some agreement with our allies as to how to proceed. We must not view national missile defense as a substitute for arms control efforts. I believe Congress should primarily be encouraging further reductions in global nuclear weapons, while examining the need for, timing of, and feasibility of national missile defense within a global arms-control context. I don't believe that we should be doing anything more than examining these questions at this time.

There are some good things about the bill. For example, I'm pleased that the measure provides a 3.7 percent pay increase for military personnel, and that the bill includes important provisions to revamp the military health care system, including restoring access for all Medicare-eligible military retirees and creating a plan to implement a permanent health care program for military retirees over 65.

But Mr. Speaker, this bill does not provide a balance between our domestic and international responsibilities. We may be more secure than ever before, but I question whether the country wouldn't be better off if we were to invest more in education, health care, and the needs of our children. We must remember that this nation's strength comes not just from military preparedness, but also from its citizens. Adequate investments in them are just as important as protection for them.

HONORING COMMANDER WILLIAM ROBERT ANDERSON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. DUNCAN. Mr. Speaker, today I honor retired Commander William Robert Anderson for his service to his Country in both the military and the House of Representatives.

Commander Anderson distinguished himself in combat and scientific accomplishment during his long career in the submarine service. During World War II, he completed a total of 11 submarine war patrols and earned a Bronze Star for his assistance in the sinking of 17 cargo-carrying crafts and the rescue of a downed aviator.

In May of 1953, Captain Anderson was granted his first command, the submarine U.S.S. *Wahoo*, and saw even more action during the Korean War. Two years later he would be chosen for another type of command, as head of the Tactical Department at the U.S. Submarine School in New London, Connecticut.

This would not be the end of his sea duty, though. In fact, his most important command and date with history was yet to come. It was actually while Anderson was at the U.S. Submarine School that the United States commissioned its first nuclear submarine, the U.S.S. *Nautilus* on January 17, 1955.

The potential of this new type of submarine brought a need for more officers trained in nuclear operations. And so, Commander Anderson found himself being called into Rear-Admiral H.G. Rickover's office to interview for the program in January of 1956.

He soon found himself recruited and awaiting a new command. During this time Rickover asked Anderson to devise a method of study for new officers entering the program. This project eventually evolved into the core study program for all nuclear submarine commanders.

It was on April 30, 1957, that Captain Anderson was ordered to assume command of the U.S.S. *Nautilus*. His classified mission was to be ready to take his submarine and crew under the Arctic polar ice cap whenever he received the order.

Known as "Operation Sunshine" by the Navy, this project would challenge both Captain Anderson's leadership skills and his nautical training.

No one had ever succeeded in finding a northern sea passage before, and the lack of information and charts on the pack ice, the inability of normal navigational instruments to operate so near to the magnetic North Pole and other instrumentation problems had to be sorted out and solved—all in the deepest of secrecy.

With the summer of 1957 ending, the crew of the *Nautilus* made its first attempt to traverse the ice pack while submerged. Using special ice detecting sonar, the *Nautilus* started maneuvering around the icebergs. It would not succeed on this attempt or the next one in June of 1958.

The same cannot be said for the third attempt, and on August 3, 1958, Captain Anderson and the crew of the *Nautilus* finally crossed under the North Pole. Upon return to the United States, the entire crew was honored with a ticker tape parade in New York City and Anderson was personally awarded the Legion of Merit by President Eisenhower.

Commander Anderson's career continued to flourish—from his serving as an aide to the Secretary of the Navy, Fred Korth, to his appointment as the Director of the National Service Corps, which would be renamed the Peace Corps in later years by President Kennedy.

In 1960, Anderson was even considered as a possible gubernatorial candidate in Tennessee, but he decided to fulfill his 20 year commitment to the Navy. Upon retirement from the Navy, Anderson was elected as the Representative from the Sixth District of Tennessee in 1965, and he continued to serve his constituents for four successive terms in office before retiring to Virginia.

I, for one, am proud of the accomplishments of my fellow Tennessean, William Robert Anderson. For his diligent and long-standing service to this great Country and the State of Tennessee, I would like to return the honor by paying him this tribute to his great accomplishments.

While Commander Anderson now resides in the great state of Virginia, we Tennesseans still choose to claim him as one of our native sons.

HONORING ROBERT A. CHAPMAN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. ORTIZ. Mr. Speaker, today I pay tribute to a South Texas educator, Bob Chapman, who will retire on July 1, 2000, after 29 years in vocational and adult education. Bob helped make Corpus Christi a better place by virtue of his lifetime commitment to education.

After completing his military experience, his education and a stint in business, Bob worked as a training instructor at a Texas high school, then went to work for the Texas Education Agency (TEA) in 1983.

He served there as an area specialist, providing assistance to teachers, schools and administrators in a 26-county area in South Texas. From there, he went to Austin as a specialist in vocational education. In 1986, he came to Corpus Christi as a vocational education consultant in the Corpus Christi Independent School District (CCISD).

It was at CCISD that Bob spent the better part of his professional life and in 1993 he became coordinator of the Adult Learning Center for CCISD, the position he will soon leave to seek another career in private industry.

I ask my colleagues to join me today in commending a special patriot, one who spent a lifetime in pursuit of education and teaching, Bob Chapman.

A WAY TO SAVE MEDICARE, BENEFICIARIES AND TAXPAYERS BILLIONS

HON. FORTNEY PETE STAARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. STARK. Mr. Speaker, even in an era of unprecedented budget surpluses, wasting Medicare dollars is unacceptable.

The same procedures, carried out in a physician's office, an ambulatory surgical center or in a hospital outpatient department are reimbursed at widely different rates. These differences exist across medical specialties and do not consistently relate to the setting in which the service is provided and may vary up to 179%. (Table 1).

The disparity in payments for equivalent services, regardless of setting, needs to be eliminated and payments reduced to the lowest levels.

Mr. Speaker, there is simply no reason in the world for us to pay $1001 for glaucoma surgery in a hospital outpatient setting, when we can provide the same service for $415 in an ambulatory surgical center.

The taxpayers, beneficiaries and Medicare can save billions of dollars in the years to come if we simply pay at the lowest of the hospital outpatient, ambulatory surgical center or doctor's office rate. We should pay at the lowest rate a service can be safely provided, regardless of setting. I have proposed this in H.R. 2115, and I urge the Members to consider this legislation as a way both save money and help beneficiaries.

TABLE 1.—COMPARISON OF PAYMENT RATES ACROSS SETTINGS FOR SELECTED HIGH VOLUME AMBULATORY CARE SERVICES, 2000.

Type of service	Code	Description	ASC rate	OPD rate	Practice expense rate
Gastroenterology	45380	Colonoscopy and biopsy	$425	$387	$260
	45378	Diagnostic colonoscopy	425	387	192
Ophthalmology	66170	Glaucoma surgery	415	1001	
	68720	Create tear sac drain	491	1149	
Orthopedics	23420	Repair of shoulder	1110	1753	
	29880	Knee arthroscopy/surgery	680	1191	
Otolaryngology	30520	Repair nasal septum	537	1232	
	69436	Create ear drum opening	233	583	
Dermatology/Reconstructive Surgery	19120	Removal breast lesion	411	623	
	13131	Repair of wound or lesion	383	181	
Diagnostic	93880	Duplex scan, extracranial arteries	132		150
	93307	Echo exam of heart	213		171

TABLE 1.—COMPARISON OF PAYMENT RATES ACROSS SETTINGS FOR SELECTED HIGH VOLUME AMBULATORY CARE SERVICES, 2000.—Continued

Type of service	Code	Description	ASC rate	OPD rate	Practice expense rate
Radiology	70450	CAT scan of brain/head	237	....	188

Source: Federal Register 1999, Federal Register 2000a, Federal Register 2000b.
Note: OPD (outpatient department), ASC (ambulatory surgical center), Practice Expense Rate (physician's office), CAT (computerized axial tomography).

BIOGRAPHY OF MR. IRVING KWASMAN OF SHERERVILLE, INDIANA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. TRAFICANT. Mr. Speaker, Mr. Irving Kwasman was born on March 15, 1925, and died on June 8, 2000 at age 75. Mr. Kwasman was a loving husband for over 50 years, and father of two sons. He was also grandfather of two grandchildren.

Mr. Kwasman served in the United States Army behind enemy lines in WWII, and received 3 bronze stars for bravery. Only four soldiers earned 3 bronze stars in WWII, and Colin Powell only earned 2 for Vietnam. He fought in the battle of the Bulge and of a unit 314, only 7 survived.

Irving Kwasman is a Hero in every sense of the word. He was a successful furniture salesman, and had his own business. He was a practicing Jew of very strong religious stature, and proud grandfather of Adam Kwasman, U.S. House Page. My most sincere sympathies go out to Adam Kwasman and family. Rest in peace, and God bless.

TRIBUTE TO RICHARD R. LUONGO

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the House of Representatives to join me in paying tribute to a special person who will be honored at a recognition ceremony in Belleville, New Jersey this week, Mr. Richard R. Luongo, who has given twenty-seven years of dedicated service to the Newark Police Department.

Lieutenant Luongo has earned a fine reputation as an outstanding law enforcement officer who is strongly dedicated to his work and to the community he serves. He ascended in his career first to Sergeant and later to Lieutenant. He first started as a police officer for Newark on October 15, 1973 and retired on June 1, 2000. In addition, he is currently serving in the capacity of President of the Superior Officers' Association of the Newark Police Department.

Mr. Luongo and his wife Gilda have two wonderful daughters, Nicole and Erica. The Luongos currently reside in the township of Bloomfield.

Mr. Speaker, I know my colleagues join me in congratulating Lieutenant Luongo for a job well done and in wishing him continued success as he begins a new phase of his life.

HONORING SEYMOUR NAIDICH

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. ENGEL. Mr. Speaker, today I warmly congratulate Seymour Naidich who is celebrating his eighty-first birthday. This is a double commemoration for a wonderful man who recently celebrated his Golden Wedding anniversary of a half century of love, warmth and affection with his wife, Blanche. Seymour and Blanche have two daughters, Donna and Michelle who are joining with the extended family, of which I am happily a member, to wish Seymour the happiest of birthdays as he enters his ninth decade.

Seymour and Blanche met in 1947 after he returned from serving in World War II in the African and Asian theaters. It is emblematic of the closeness of Seymour and his friends that he met Blanche through a friend who had dated her. They spent the day at the friend's house and on the way home he impulsively asked if they could meet again the following day. The rest is a story for everyone who believes in love.

Seymour's celebration of his eightieth birthday was deferred for a year because of illness. But now he is well and we all look forward to celebrating this wondrous event with the promise of more golden years to come.

CONGRATULATIONS TO MELVA JONES, ROBERT WOOD JOHNSON FOUNDATION AWARD RECIPIENT

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. CUMMINGS. Mr. Speaker, I am proud to rise today to congratulate a remarkable woman, Melva Jones, who was recently chosen as one of only ten people nationally to receive the Robert Wood Johnson Foundation's Community Health Leader award. The award is considered the nation's highest honor for community health leadership and includes a $100,000 grant to help further her work.

Ms. Jones is the director of the Mattie B. Uzzle Outreach Center in Baltimore, which provides street outreach to help people with substance abuse problems get treatment, counseling, food, clothing, and emergency funds. The center, which is located in a neighborhood with one of the state's highest substance abuse rates, also offers housing, job referrals, free testing for HIV, and community education programs on drug-related issues.

Ms. Jones, who is a native of my district in Baltimore, gave up a lucrative nursing administration career to help found the center in 1994 after watching drug abuse transform a once-thriving neighborhood into streets of boarded up houses. The center is a "neighbor" to residents in this community and has steered more than 2,500 people into drug treatment programs since its inception. It also boasts a forty-five percent recovery rate, which is 10 percent higher than the national average.

With her hands-on approach, Ms. Jones has been instrumental to the success of the program. A visible force in the neighborhood every day, she serves as a welcome sight to a community that is all too familiar with the horrors of drug addition up close. With a reputation for persistence and tough love, she makes regular rounds to find people in need and coax them into treatment.

Mr. Speaker, Melva Jones has demonstrated true leadership by addressing one of the most difficult problems in our community and it comes as no surprise that she was selected for this distinguished award. Although much more needs to be accomplished in the fight against substance abuse, in Baltimore and across the United States, it is a comfort to know that there are people like Ms. Jones on the street, working every day.

STAR WARS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. KUCINICH. Mr. Speaker, I submit the following for the CONGRESSIONAL RECORD.

STAR WARS II

HERE WE GO AGAIN

(By William D. Hartung and Michelle Ciarrocca)

If you stopped worrying about the bomb when the cold war ended, you were probably surprised to learn that two of the hot-button issues of the eighties—arms control and missile defense—will top the agenda at the Clinton/Putin summit on June 4-5. A central issue in Moscow will be how to reconcile Russian President Vladimir Putin's proposal for deep cuts in US Russian nuclear arsenals with the Clinton Administration's fixation on developing a National Missile Defense (NMD) system.

Clinton has pledged to make a deployment decision this fall, after the Pentagon and the White House analyze the results of the next "hit to kill" test of the missile defense system, slated for late June or early July. The system failed its most recent test, conducted in January, while an allegedly successful test conducted last October was made possible only by the fact that the kill vehicle was guided to the right spot by a large, easy-to-find decoy balloon.

The Clinton/Gore proposal is a far cry from Ronald Reagan's Star Wars scheme, which was designed to fend off thousands of Soviet warheads at a cost estimated by former Wisconsin Senator William Proximire at up to $1 trillion. In contrast, this missile defense plan is meant to deal with a few dozen incoming warheads launched by a "rouge state" like North Korea, at a projected cost of $60 billion. But despite the NMD's seemingly more modest goals, it is every bit as dangerous and misguided as the Reagan scheme, threatening to unravel thirty years of arms-control agreements and heighten the danger of nuclear war.

NMD's surprising political revival is rooted in the three Cs of contemporary US politics: conservative ideology, Clintonian cowardice and corporate influence. These short-term pressures are in turn reinforced by an ambitious long-range military objective: the misguided quest for a state of absolute military superiority.

The strongest push for missile defense has come from Reaganite true believers in conservative think tanks, especially the small but highly effective Center for Security Policy. On Capitol Hill, the NMD lobby is spearheaded by new-look conservatives like Senator Jon Kyl of Arizona, who led last fall's successful Republican effort to defeat the Comprehensive Test Ban Treaty. Fresh from that victory, the NMD lobby is now seeking to destroy the Anti-Ballistic Missile treaty as the next target in its campaign to promote "peace through strength rather than peace through paper," as Kyl put it in a recent speech.

The right-wing crusade for missile defense has received aid and comfort from Bill Clinton and Al Gore, who have decided that looking "tough" on defense is more important than protecting the world from weapons of mass destruction. Support has also come from the lumbering behemoths of the military-industrial complex: Lockheed Martin, Raytheon and Boeing, which are desperately seeking a new infusion of taxpayer funds to help them recover from a string of technical failures and management fiascoes that have cut their stock prices and drastically reduced their profit margins.

NMD's military boosters see the system primarily as a way to enhance the offensive capabilities of US forces, not as a defensive measure. In its revealing "Vision for 2020" report, the US Space Command—a unified military command that coordinates the space activities and assets of the Army, Navy and Air Force—sings the praises of outer space as the ideal platform for projecting US military dominance "across the full spectrum of conflict." Pentagon hardliners have a more immediate military goal: using NMD as a shield to protect US forces in interventions against states like North Korea (whose missile development effort, it is worth noting, has been on hold for almost two years).

A growing number of moderate-to-conservative Democrats are also supportive of a limited NMD system. Whether or not missile defense is an effective response to alleged threats, it seems to offer a sense of security to some members of Congress, who lack the expertise and inclination to question the fevered threat projections of the US military and intelligence establishments.

While at least some of the motives of NMD advocates may be understandable, they are also disastrously misguided: Even Clinton and Gore's "limited" system is unnecessary, unworkable and unaffordable. The mere pursuit of an NMD system could pose the most serious threat to international peace and stability since the height of the cold war. Russian President Putin has emphatically stated that any US move to withdraw from the ABM treaty will lead Moscow to treat all existing US/Russian arms agreements as null and void. And China's chief arms negotiator, Sha Zukang, has warned that if Washington goes ahead with an NMD deployment designed to intercept "tens of warheads"—a figure suspiciously close to the eighteen to twenty single-warhead ballistic missiles that represent China's entire nuclear deterrent capability—Beijing will not "sit on its hands."

In short, the official Clinton/Gore Administration position on NMD is that we should jeopardize the best change in a generation to reduce the world's nuclear arsenals in order to preserve the option to deploy a costly, technically dubious scheme designed to defend against a Third World missile threat that does not currently exist and may not ever materialize. To understand how we got into this mess, we need to take a look at the genesis, "death" and resurrection of Reagan's Star Wars dream.

A SMILE AND A SHOESHINE

When Reagan gave his March 1983 Star Wars speech, in which he pledged to launch a program designed to render nuclear weapons "impotent and obsolete," he was acting primarily on the advice of Edward Teller, the infamous "father of the H-bomb." In closed-door meetings organized by the conservative businessmen in Reagan's kitchen Cabinet, Teller sold Reagan on a new nuclear doctrine of "assured survival" based on the alleged technical wonders of his latest brainchild, the X-ray laser. As New York Times science writer William Broad pointed out in his 1992 book, Teller's War, the X-ray laser was largely a figment of Teller's imagination, composed of scientific speculation, wishful thinking and outright deception. But Reagan was buying into the concept of missile defense, not the details, so he forged ahead unaware of these inconvenient facts, his enthusiasm reinforced by his desire to counter the nuclear freeze movement.

But, as Frances FitzGerald shows in her new book, Way Out There in the Blue (the title derives from Arthur Miller's line in Death of a Salesman in which he describes Willy Loman as "a man way out there in the blue, riding on a smile and a shoeshine"), Reagan's Star Wars proposal was more than just a political con game; it was also a potent symbol that served radically different purposes for the different factions within his Administration. For hard-liners like Caspar Weinberger, Richard Perle and Frank Gaffney—a Perle protégé who went on to found his own pro-Star Wars think tank, the Center for Security Policy—Reagan's missile defense plan offered a chance to promote their two main goals: sustaining the Reagan military buildup and thwarting progress on US/Soviet arms control. For White House political strategists, the Star Wars plan was a way to boost Reagan's flagging popularity ratings, which had plummeted in the face of the deepest recession since the thirties and a growing fear that the President's aggressive anti-Soviet stance was moving the world to the brink of a nuclear confrontation.

The most constructive response to the Star Wars speech within Reagan's inner circle came from his Secretary of State, George Shultz. Rather than trying to convince Reagan of the manifold flaws in his pet project, Shultz treated the Star Wars speech as an opportunity to press Reagan to engage in his first serious discussions with Soviet leaders on nuclear weapons issues. Shultz found an unlikely ally in Paul Nitze, the old cold warrior who was appointed as a special envoy to the US/Russian nuclear talks at Schultz's request. Nitze honed in on the fatal flaw that has plagued all missile defense schemes to date, which is that it is much cheaper to overwhelm a defensive system with additional warheads or decoys than it is to expand the defensive capability to meet these new threats. As a result, Shultz and Nitze were able to prevail over the Weinberger/Perle faction and persuade Reagan to endorse historic agreements to eliminate medium-range nuclear weapons from Europe and implement substantial cuts in long-range weapons under the Strategic Arms Reduction Treaty (START). Star Wars was a security blanket that allowed Reagan to engage in serious negotiations with the "evil empire" without being perceived as some sort of weak-kneed liberal arms controller among the conservatives who formed his core constituency.

When George Bush took office in January 1989, Reagan's Star Wars fantasy was rapidly overtaken by the reality of sharp reductions in the US and Soviet nuclear forces. Both sides ratified the START I arms reduction pact and followed up with a START II deal that called for cutting US and Soviet strategic arsenals to one-third their Reagan-era levels. On a broader front, the demise of the Warsaw Pact and the dissolution of the Soviet Union between 1989 and 1991 made spending billions on a high-tech scheme to defend against Soviet missiles seem irrelevant and absurd. Despite the decline of the Soviet "threat," however, the Bush Administration and Congress continued to cough up $3–$4 billion per year for missile defense. The project's new focus was protection against an accidental nuclear attack.

Soon yet another rationale appeared in the form of the "rouge state" strategy, developed by Chairman of the Joint Chief of Staff Gen. Colin Powell, and based on the notion that the United States should be prepared to fight two heavily armed regional powers like Iraq and North Korea simultaneously. In the 1991 Gulf War Saddam Hussein came to personify the rogue-state threat; Iraqi missile attacks on Tel Aviv and a devastating direct hit on a U.S. military barracks in Saudi Arabia prompted calls for more effective defenses against medium-range ballistic missiles.

But even that was not enough to sustain enthusiasm for a major new program. A few months after Clinton took office in January 1993, Defense Secretary Les Aspin proclaimed the Star Wars program dead (though the Pentagon continued to spend $3–$4 billion per year on missile defense research).

ENTER NEWT

Newt Gingrich is gone from the political scene, but the most dangerous plank of his 1994 Contract With America remains: the section that calls for "requiring the Defense Department to deploy antiballistic missile systems capable of defending the United States against ballistic missile attacks." That plan was added to the contract by Gingrich and his fellow Republican co-author Dick Armey at the urging of Frank Gaffney of the Center for Security Policy.

Efforts to turn the contract's rhetoric into viable legislation proved unsuccessful in the short run, but in mid-1996 the Clinton Administration decided to snatch defeat from the jaws of victory by offering a missile defense compromise known as the "3+3" plan—three years of research and testing followed by a three-year crash program to deploy a system—if the President decided it was necessary, feasible and affordable. The "3+3" gambit allowed Clinton to push off a politically controversial decision on missile defense until a later date that fell well past the 1996 presidential election. Unfortunately for Al Gore, that "later date" is now smack in the middle of his second run for the White House. As John Pike of the Federation of American Scientists put it, "This is a political decision driven by the need to defend Al Gore from Republicans rather than defend America against missiles."

While Clinton was yielding ground, Capitol Hill Republicans were regrouping for their next offensive—one result of which was an amendment in the fiscal year 1997 defense authorization bill calling for the establishment of a blue-ribbon panel to "assess the nature and magnitude of existing and emerging ballistic missile threats to the United States." The Republicans wanted their new commission to be viewed as an authoritative and objective body, not just a partisan project. Bearing that in mind, House Speaker Gingrich and Senate majority leader Trent Lott, who were empowered to nominate the majority of the panel's members, chose former Ford Administration Defense Secretary Donald Rumsfeld to head the commission, in the hopes that they could capitalize on his reputation as a moderate Republican with pragmatic views on military matters. Rumsfeld proved worthy of Gingrich's and Lott's confidence when he hammered out a unanimous final report with the appropriate aura of bipartisanship, complete with signatures from Democratic appointees such as former Carter Administration arms-control official Barry Blechman of the Henry L. Stimson Center and eminent physicist and longtime missile defense critic Richard Garwin. Just two weeks after the report came out, Garwin placed an Op-Ed in the New York Times denouncing the misuse of the report by missile defense boosters, asserting, "I am alarmed that some have interpreted our findings as providing support for a new national defense system."

The Rumsfeld Commission report was unveiled in July 1998 amid hysterical cries from Gingrich that it was the "most important warning about our national security system since the end of the cold war." Hysteria aside, the report's primary finding was that given enough foreign help, a rogue state like North Korea could acquire a missile capable of reaching the United States within five years of making a decision to do so—one-third to one-half the warning time projected in the CIA's official estimates. The Star Wars lobby finally got what it needed: an official, government-approved statement that could be interpreted as endorsing its own exaggerated view of the Third World missile threat. While the Rumsfeld report drew heavy editorial fire in papers like the Chicago Tribune and the Milwaukee Sentinel, the Wall Street Journal applauded it as a long-overdue clarion call for missile defense, and Washington's newspaper of record, the Post, published a measured response that endorsed the panel's findings as "useful and plausible."

INSIDE THE MISSILE DEFENSE LOBBY

Upon reflection, it is clear that the Rumsfeld report's Republican backers had always intended to use the panel as a tool to advance their pro-missile defense agenda. All the report actually says is that if a country like North Korea gets major foreign assistance—including the extremely unlikely possibility that a country like China would simply give Pyongyang a fully operational ballistic missile—it will achieve the capability to hit the United States much more quickly than if it had to build the missile without outside help. As Joseph Cirincione of the Carnegie Endowment for International Peace demonstrated in Congressional testimony delivered this past February, the Rumsfeld Commission's conservative backers have used the report as a vehicle for changing the intelligence community's traditional means of assessing the ballistic missile threat, from one that attempts to predict the likely pace of missile proliferation in a given nation in the light of political, economic and military factors, to a "worst-case scenario" approach that asks how quickly a given nation could achieve a threatening missile capability if it had no economic or political impediments. As Cirincione also demonstrated, the "sky is falling" approach has been used to obscure the underlying reality that the ballistic missile threat to the United States has decreased in the last decades, not increased.

Just as the Rumsfeld Commission turned out to be less objective than it first appeared to be, so did its chairman. Far from being a moderate, Donald Rumsfeld is a card-carrying member of the missile defense lobby. Prior to his appointment to head the commission that bears his name, he was publicly singled out as a special friend in the annual report of the pro-Star Wars think tank, the Center for Security Policy. As a further sign of his commitment to the missile defense cause, Rumsfeld has also given money to Frank Gaffney's group. If Gaffney's organization were just an abstract "study group," that would be one thing. But it is a highly partisan advocacy organization that serves as the de facto nerve center of the NMD lobby.

Gaffney's center, which now has an annual budget of $1.2 million, was started in 1988 with support from New Right funders like Richard Mellon Scaife and Joseph Coors. Since that time, Gaffney has turned it into a sort of working executive committee for the missile defense lobby. The center's advisory board includes representatives of larger conservative organizations, including Ed Feulner, president of the Heritage Foundation; William Bennett, co-director of Empower America; and Henry Cooper of High Frontier, the original Star Wars think tank, which was launched during the early years of the Reagan Administration. Other CSP advisory board members include Charles Kupperman and Bruce Jackson, who serve as vice president for Washington operations and director of planning and analysis, respectively, at Lockheed Martin; key members of Congress like Republicans Curt Weldon, Christopher Cox, and Jon Kyl; and a who's who of Reagan-era Star Warriors like Edward Teller and former Reagan science adviser George Keyworth.

Unlike most think tanks concerned with military issues, the Center for Security Policy receives a substantial portion of its funding from weapons manufacturers. Three out of the top four missile defense contractors—Boeing, Lockheed Martin and TRW—are all major corporate contributors to CSP, which has received more than $2 million in corporate donations since its founding, accounting for roughly one-quarter of its total budget.

Rumsfeld's link to CSP is not his only affiliation with the Star Wars lobby. He's also on the board of Empower America, which ran deceptive ads against anti-NMD Senator Harry Reid of Nevada in the run-up to the November 1998 elections. In recognition of his service to the missile defense lobby, in October 1998—just three months after his "objective" assessment of the missile threat was released—CSP awarded Rumsfeld its "Keeper of the Flame" award for 1998 at a gala dinner attended by several hundred Star Wars boosters. In accepting the award, Rumsfeld joined the company of Reagan, Gingrich and several Congressional NMD boosters.

NMD RESURGENT: FAST TRACK TO OBLIVION?

In a reprise of the political two-step that preceded the 1996 presidential elections (Republicans lead, Clintonites follow), the Clinton Administration moved closer to the Republican position on missile defense with a January 1999 announcement that the President would seek a six-year, $112 billion increase in Pentagon spending. The proposal included $6.6 billion in new funding for procurement of missile defense equipment before 2005, the new target date for NMD deployment established by Defense Secretary William Cohen.

Clinton's decision to accelerate NMD funding was propelled in part by the furor caused by North Korea's August 1998 test of a two-stage ballistic missile, but the trump card in the Republican-led effort to jack up both overall military spending and NMD "deployment readiness" funding was the backlash from the Monica Lewinsky affair.

Long before the Lewinsky scandal, Clinton decided that throwing money at the Pentagon was the best way to shore up his credentials as Commander in Chief and divert attention from allegations that he had dodged the draft during the Vietnam War. By the fall of 1998, the combination of a growing federal budget surplus and the President's perceived political weakness resulting from the Lewinsky matter emboldened Congressional Republicans and Clinton's own Joint Chiefs of Staff to press him for billions of dollars in additional military funds.

In mid-September, the Joint Chiefs invited the President to a closed-door briefing where they read Clinton their wish lists on everything from boosting military pay and weapons procurement to applying fresh coats of paint to underutilized military bases. Within a week's time Clinton sent the Chief a letter pledging a Pentagon budget increase that would insure that "the men and women of our armed forces will have the resources they need to do their jobs." In October, Congressional Republicans did the Joint Chiefs one better, loading up Clinton's $1 billion Pentagon supplemental appropriations bill aimed at addressing the military's newfound "readiness crisis" with what analyst John Isaacs of the Council for a Livable World has described as "a $9 billion grab bag of pet projects" that included an additional $1 billion for National Missile Defense.

Clinton's apparent embrace of NMD prompted Helle Bering of the conservative Washington Times to complain bitterly that "Clinton has appropriated yet another set of Republican issues." In mid-January Cohen took the Administration's NMD commitment one step further when he made the highly provocative statement that if the United States deemed it necessary to withdraw from the ABM treaty in order to field an effective defense against rogue-state missiles, it would do so regardless of Russia's reaction.

Meanwhile, back on Capitol Hill, NMD advocates were rallying around Senator Thad Cochran's National Missile Defense Act. In March 1999, aided by the votes of moderate and conservative Democrats who had been persuaded in part by the Rumsfeld Commission's official (albeit misleading) depiction of the North Korean missile threat, the House and Senate both passed bills calling for the deployment of a national missile defense system "as soon as it is technologically feasible."

Clinton signed the bill into law that July. Although his signing message made it clear that the Administration will consider economic, technical and arms-control factors before deciding whether to deploy an NMD system, Star Wars boosters in Congress have been portraying the legislation as a firm national commitment come hell or high water.

THE NMD DECEPTION

From its inception in the Reagan White House to its resurrection in the Clinton era, the marketing of missile defense has been accompanied at every step by exaggerated technical claims, misleading cost estimates and outright lies. If experience is any guide, the missile defense test scheduled for late June or early July will almost be certainly be rigged. (In 1984, in an instance of fraud that only came to light nine years later, a test of Lockheed's Homing Overlay Experiment was rigged by placing a beacon in the target missile so that it could literally signal its location to the interceptor missile.)

But even if the next test misfires, the Pentagon's Ballistic Missile Defense Organization (BMDO) has already put forward a rationale that Clinton could use to give the green light for deployment, namely that two more "hit to test" tests could be squeezed in between now and next spring, when construction will begin on the critical NMD radar site in Shemya, Alaska, if Clinton decides to go full speed ahead on deployment. Even one successful "hit" in any of these next three tests—which will occur before BMDO contractors actually break ground on the Alaska radar project but after the Administration has committed funds to long-lead-time materials and services that will be needed to meet the starting date for construction—will be offered as proof of the dubious proposition that the system will work under real-world conditions.

Unfortunately, fraudulent testing of missile defense components is far from ancient history. Nira Schwartz, a computer software expert who worked on tests of the NMD interceptor for TRW, filed a civil suit against the company in April 1996 charging that it forced her to misreport her findings on the critical question of whether the interceptor missile can tell the difference between a real warhead and a decoy. The documents in the case were unsealed earlier this year and featured in a March 7 front-page *New York Times* story. The company has denied Schwartz's allegations, but another engineer who worked on the tests has backed her up.

Since Schwartz' claims became public earlier this year, MIT missile defense expert Theodore Postol had conducted an independent analysis of the data generated by the test in question, and he has concluded that the results raise fundamental questions about the ability of any currently available technology to discriminate between warheads and decoys. Since this capability is essential for even a modest NMD system to have any chance of intercepting a handful of incoming warheads, TRW and the Pentagon have gone to great lengths to cover up this embarrassing fact. When Postol sent a letter to the White House outlining his findings, the Pentagon responded by ruling that the contents of Postol's letter should be classified on the grounds that they contained top-secret material. On May 25 the BMDO released a cursory letter charging that Postol's findings were "incomplete" and his conclusions "wrong" because "Dr. Postol is not considering all the capabilities of our system of systems." Postol fired back the same day at a DC press conference organized by the Global Research/Action Center on the Environment, presenting his technical critique of the NMD system in detail and slamming the Administration for "foot-dragging and playing politics with an important decision that directly affects the security of the nation" rather than appointing an impartial panel to investigate seriously his charges of fraud in the test program.

In addition to the evidence of outright fraud, the NMD program has recently been subjected to a flurry of questions from critics within the Pentagon and the U.S. intelligence community. On May 19, a few days after Postol sent his letter to the White House, the *Los Angeles Times* published an interview with a high-level U.S. intelligence official who flatly contradicted the Clinton Administration's contention that China has nothing to fear from a limited U.S. NMD system. The official also noted that the North Korean and Iranian missile threats have not been moving along as rapidly as expected, and he asserted that the concept of the "rogue state" was in itself an impediment to objective analysis of the missile threat.

Meanwhile, a blue-ribbon panel chaired by former Reagan Administration Secretary of the Air Force Gen. Larry Welch has issued two scathing critiques of NMD program management, the first of which pointed out that the NMD system was on a far tighter testing schedule than any recent weapons development program of comparable scale. It went on to charge that the program was on a headlong "rush to failure." The second Welch report, released this past November, strongly encouraged the Administration to push back its NMD deployment decision to avoid "regressing to a very high risk schedule." In February a report by Philip Coyle, the Pentagon's director of operational test and evaluation, charged that the Pentagon was facing heavy pressure to "meet an artificial decision point in the development process."

There is one final element distorting the NMD testing program: corporate greed. The major corporate players in the NMD testing program—Boeing, Lockheed Martin and Raytheon—all have serious and direct conflicts of interest, since the results of the tests they are helping to carry out will determine whether they start reaping multibillion-dollar missile defense contracts over the next few years. Pentagon spokesman Kenneth Bacon has tried to wave off charges of fraud involving TRW's NMD "hit to kill" vehicle by arguing that TRW's version has not been chosen for inclusion in the final NMD system. However, Bacon fails to mention that Boeing, which is now in charge of overall systems integration for the entire NMD project, designed the interceptor vehicle that has been the subject of the fraud allegations. Whether Boeing colluded with TRW's manipulation of test results or merely overlooked them, it doesn't bode well for its role as the principal monitoring agent for subcontractors. The fox is guarding the chicken coop: If Boeing is able to orchestrate a series of seemingly credible tests, it stands to make billions of dollars in production contracts for decades to come. This inherent conflict of interest at the heart of the NMD testing programs is one of the factors that have led missile defense experts at MIT and the Union of Concerned Scientists to call for the appointment of an independent panel to assess the feasibility of missile defense before the President makes a deployment decision.

Boeing is not the only company with an interest in helping the Pentagon put the best face on the NMD program. Lockheed Martin, whose "legacy" company, Lockheed Aircraft, was in charge of the 1984 Homing Overlay Experiment, which was later exposed as fraudulent, brags in a recent edition of its company newsletter, *Lockheed Martin Today*, that it produces the rockets used to propel both the mock warhead and the "kill vehicle" involved in NMD "hit to kill" tests. This is certainly a convenient setup if the company and the BMDO are thinking of stacking the deck on the next intercept test to insure a successful result.

Of the four largest NMD contractors (the others are Boeing, Raytheon and TRW), Lockheed Martin has the most to gain. If US/Russian arms-reduction talks are stymied by US stubbornness on NMD, Lockheed Martin will be able to sustain its key nuclear weapons programs. And if NMD deployment moves forward, Lockheed Martin will receive billions in additional funding for production of numerous components and subcomponents of the national missile defense system.

Given what's at stake, the companies have decided to leave nothing to chance. Since Republicans took control of both houses of Congress in January 1995, weapons industry PAC's have given twice as much to Republican Congressional candidates as they have to Democrats, a far higher margin than prevailed when the Democrats ruled Capitol Hill, when they receive about 55 percent of defense industry PAC funds, compared with 45 percent for Republicans. Hard-line Star Warriors have gotten the bulk of this industry largesse. A World Policy Institute analysis of two recent pro-Star Wars letters to President Clinton—one from twenty-five senators organized by Jesse Helms stating that they would kill any arms-control deal with the Russians that attempted to put any limits on the scope of future NMD deployments, the other from thirty-one Republican senators pushing the Center for Security Policy's pet project, a sea-based missile defense system-reveals that the signatories of these pro-Star Wars missives have received a total of nearly $2 million in PAC contributions from missile defense contractors in this election cycle.

Lockheed Martin has not neglected the presidential candidates. On the Republican side Lockheed Martin vice president Bruce Jackson, who served as chairman of the US Committee to Expand NATO, was overheard by one of the authors at an industry gathering last year bragging about how the industry's troubles will be over if George W. Bush is elected, since Jackson would be personally writing the defense plank of the Republican platform. And Loral CEO Bernard Schwartz, who has longstanding ties to Lockheed Martin dating from when Lockheed absorbed Loral's defense unit in 1996, was the top individual donor of soft money to the Democratic Party in the 1996 presidential cycle; Loral employees gave $601,000 to Democratic Party committees. Schwartz has nearly doubled that amount in the run-up to the November 2000 elections, with $1.1 million in soft-money contributions to Democratic committees to date. He was briefly in the spotlight last year when he was accused of lobbying the Clinton Administration to ease the standards for the export of satellite technology to China.

NMD AND BEYOND

The continued pursuit of NMD will have far-reaching consequences for the future of arms control and goal of nuclear abolition. It will mean a false sense of security for Americans and an increased threat of nuclear war for the world.

Instead of going down the road, the US government should focus its energy and resources on preventative measures. When Clinton meets with Putin on June 4, he could pledge to get US/Russian nuclear reductions back on track through steps that include seeking increased funding for the Cooperative Threat Reduction program—which has helped finance the destruction of thousands of Russian nuclear warhead and weapons facilities—and working toward continued reductions in US and Russian nuclear forces under START agreements. Clinton could also pledge to work for ratification of the Comprehensive Test Ban Treaty, which was defeated last fall by the Senate despite overwhelming public support. Above all, Clinton could assure Russia that the United States has no intention of withdrawing from the ABM treaty. That would put Al Gore in a much stronger position to criticize George W. Bush's misleading proposal to pursue unilateral cuts in US nuclear forces in combination with an ambitious NMD plan that would usher in an era of instability by demolishing what's left of the global nuclear arms control regime.

The newly resurgent peace and arms-control movement, led by organizations like Peace Action, the Union of Concerned Scientists, the Global Network Against Nuclear Weapons and Power in Space, and the Fourth Freedom Forum, is trying to generate a large-enough outcry for "arms reductions, not missile defense" over this summer to beat back missile defense hysteria. But stopping NMD is just one step toward a sane nuclear policy; ultimately only the abolition of all nuclear weapons can provide the safety and security that Reagan and his latter-day disciples have pledged to provide through the false promise of missile defense.

PERSONAL EXPLANATION

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. ISTOOK. Mr. Speaker, due to a family medical emergency, I was unable to vote on H.R. 8, the Death Tax Elimination Act of 2000. Had I been in Washington, I would have voted yes. I regret that I was not able to vote on this very important bill to help reduce the enormous tax burden on the American public.

I was also unable to vote on the amendment to remove the prohibition on the Occupational Safety and Health Administration's (OSHA) proposed ergonomics regulations. I would have voted to keep the prohibition.

TRIBUTE ON THE CELEBRATION OF JUNETEENTH

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. LAMPSON. Mr. Speaker, on June 19th, thousands of African Americans in Galveston, Texas, the birthplace of Juneteenth, and around the Nation will celebrate this holiday of freedom and justice.

Juneteenth, as this holiday is known, is a celebration of emancipation from slavery. On June 19, 1865, 30 months after President Lincoln had signed the Emancipation Proclamation, General Gordon Granger, who had been placed in command of the Federal occupation troops, arrived at Galveston Bay. He issued General Order No. 3—Emancipation. This was the birth of Juneteenth in Texas. Juneteenth celebrations were held informally for 115 years.

I would like to take this opportunity to acknowledge Texas State Representative Al Edwards. In 1978, Mr. Edwards envisioned that blacks could have a formal celebration of emancipation from slavery. During his first year as a legislator he wrote and lobbied to get passed into law the bill making June 19th a legal State holiday. Overcoming numerous setbacks, Representative Edwards pushed the bill through successful votes of the Texas House of Representatives and Senate within the last 24 hours of Texas' 66th Legislative Session. At a memorable and historical ceremony on the grounds of the Texas State Capitol in Austin, hundreds of supporters witnessed the bill's signing into law by Governor William P. Clements on June 13, 1979. As a result of Representative Edwards' efforts, Texans now witness the "New Celebration of Juneteenth," an official State holiday.

Mr. Speaker, freedom is a cherished word to all humanity, particularly to those in bondage. I challenge all of us to take this opportunity while we celebrate our rich history of freedom to rededicate ourselves to equal opportunity for all Americans, because that is at the heart of Juneteenth and the American ideal.

ROBERT P. CASEY: LIBERAL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, the June 5, 2000 Washington Post contained an excellent column by Mark Shields concerning Robert P. Casey, entitled "A Conservative in Name Only."

The column points out the progressive nature of Bob Casey's reign as Governor of Pennsylvania from 1987–1995. During this time, Shields writes, Governor Casey enacted a Children's Health Insurance Program which mandated early intervention and coverage for every child until age 5, rebuilt the state water supply system, chose more women cabinet members than any other Governor at the time, appointed the nation's first African American woman to a state Supreme Court, and brought family and parental leave to the state.

So with this record, why is he considered a conservative? Because he happened to be strongly anti-abortion in a party that is strongly pro-choice. Thankfully, our party has come a long way since those days in terms of tolerance for other views on this and other issues, and therefore it should no longer be the case that one issue should entirely overwhelm a public official's lifetime public record.

Robert P. Casey was an effective public servant and improved the lives of thousands of families in his state. He is survived by his wife and children, and many, many of us who will think of him fondly, and with great respect for what he stood for.

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes.

Mr. SANFORD. Mr. Chairman, I rise today in support of a strong national defense, but in reluctant opposition to the FY 2001 Department of Defense Appropriations Act (H.R. 4576). A strong defense is not simply a function of how much we spend, but also of how intelligently we spend it. Depending on who's counting, the United States spends as much on defense as the next six or seven highest countries combined. The 281 billion that the United States spent on defense in 1998 was more than all of our NATO allies combined and accounted for more than a third of all world military spending. Yet today, our military faces serious problems in training, recruiting, retention, and readiness.

One reason for this situation is the lack of a coherent national strategy. Our men and women in uniform have been dispatched across the globe in operations that are not in the national interest. This wears out our soldiers and equipment, and leaves the military less prepared to defend real national interests. The common lament I hear is that we are "spreading ourselves too thin". The lion's share of responsibility for this problem lies with the Administration.

But we're spreading ourselves too thin in the defense budget process as well, and responsibility for that falls on Congress. Congress continues to spend critical defense dollars on items that the Pentagon does not want or need.

For example:

1. F–15 aircraft—The Air Force requested no funds for additional F–15 aircraft, but the House passed $400 million for 5 addition F–15E's. The Air Force has difficulty getting spare parts for the planes it already has. Building more unrequested planes only aggravates that problem.

2. Cold Weather Equipment—Congress added $24 million for Gore-Tex cold weather gear that the Pentagon did not request, at the request of a Congressman whose constituents manufacture the gear. With the recruiting problems the military has, it has difficulty getting enough soldiers just to fill out the gear it already has.

3. Wolverine Heavy Assault Bridge—The Army requested no funds for the Wolverine heavy assault bridge. In fact, although the

Army received $82 million for the Wolverine for FY 2000, it did not intend to spend it on the bridge. H.R. 4576 commands the Army to spend the $82 million on the Wolverine, as well as an additional $15 million. In short, Congress is forcing the Army to spend $97 million on a bridge that it doesn't need.

4. Medical Research—The Administration requested $16.5 million for medical research in the defense bill. The Appropriations Committee reported out $252.2 million in H.R. 4576, including: $6 million for laser vision correction research, $3.7 million for nutrition research, $10 million for ovarian cancer research, $15 million for HIV research, $3 million for chronic fatigue research, and $7 million for alcoholism research.

Now, some of these programs may be valid, but they are non-defense items. We have a Labor/Health and Human Services Appropriations bill that is more suitable for these programs. Hiding these items within H.R. 4576 is unfair to our taxpayers.

In addition, H.R. 4576 skirted two important issues with profound budget and readiness implications:

Base Realignment and Closure Commission—H.R. 4576 does not include funding for two new BRAC rounds, despite the fact that the Pentagon has estimated it has an excess base capacity of 23%. CBO estimates that two new BRAC rounds would save the Defense Department $4.7 billion by 2010, and that after completion in 2012, DOD could realize recurring savings of about $4 billion per year. Congress' inaction means that the Pentagon must continue to waste billions of taxpayer dollars maintaining obsolete bases.

Aircraft—H.R. 4576 includes billions for research, development and procurement of three different fighter planes (the Navy's F–18 E/F, The Air Force F–22, and the Navy & Air Force Joint Strike Fighter) when there is not a strong consensus that all three fighters are necessary. Some defense experts say the military needs the F–18 & F–22. Some say it needs the JSF instead. Congress' answer is simply to fund all of the fighter planes in question. Now, Congress is forging ahead with funding the production of 10 F–22 Aircraft when there are indications that the program is not ready for production. In doing so, Congress takes away from aircraft (specifically bombers and unmanned aerial aircraft [UAVs]) that, while less glamorous, are a more pressing need for the military.

I agree that the Congress should fund a military that is second to none. And H.R. 4576 does include several important items I support, like funding for domestic terrorism response, more decent enlisted pay, and missile defense. But it is also weighed down with too many items that are unnecessary for, and in fact, counterproductive to, our national defense. Therefore, I reluctantly oppose the bill.

HONORING STEPHEN CHEN OF THE TAIWAN ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE [TECRO]

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. GILMAN. Mr. Speaker, today I express our deepest appreciation to Representative Stephen Chen of the Taiwan Economic and Cultural Representative Office [TECRO] for his service as his country's senior diplomat here in Washington since 1997. Stephen has served the people of Taiwan with distinction for over 47 years as a member of Taiwan's diplomatic corps. He has served abroad in the Philippines, Brazil, Argentina, Bolivia and as Vice Foreign Minister and Deputy Secretary General to President Lee in Taiwan. Stephen has been a staunch supporter of bilateral relations between the United States and Taiwan and has earned the respect and friendship of many Members of Congress. I invite my colleagues to join in wishing Stephen and his family best wishes on the occasion of his return to Taiwan and his retirement.

TRIBUTE TO ANGELICA MILTON

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. CHAMBLISS. Mr. Speaker, today I am pleased to honor Angelica Milton of Folkston, GA. Anglica was named a National Award Winner for honor roll. This prestigious award is offered to fewer than 10% of American high school students. Angelica was selected by her teachers and school staff members for her excellent academic performance, interest and aptitude, leadership qualities, responsibility, enthusiasm, motivation to learn and improve, citizenship, attitude and cooperative spirit, and dependability.

Angelica is an exceptional young lady, who exemplifies the qualities of a true leader, and I am proud to recognize her as an outstanding citizen of my district.

RECOGNIZING THE CONSUMER PRODUCT SAFETY COMMISSION AND POSTAL SERVICE EFFORTS IN PROMOTING CONSUMER AWARENESS OF UNSAFE PRODUCTS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mrs. MEEK of Florida. Mr. Speaker, defective products can have devastating effects on American lives. One of the strongest safeguards we have in protecting the safety and health of our citizens is the Consumer Product Safety Commission. The CPSC is working with manufacturers and retailers to keep harmful or dangerous products off of store shelves and away from Americans.

The U.S. Postal Service has made an innovative attempt at remedying this problem by giving defective products more exposure in its offices. Over 33,000 post offices nationwide are displaying posters containing color pictures of products recalled by the CPSC. Since almost 7 million people visit those post offices everyday to mail letters and ship packages, this should be highly effective in disseminating to consumers the names of those products that have been recalled by the CPSC.

I would like to share with my colleagues an editorial that recently appeared in the Ft. Lauderdale Sun Sentinel regarding this issue. I applaud the CPSC and the Postal Service for their initiative in protecting the public.

[From the Sun-Sentinel, Apr. 24, 2000]

PRODUCT RECALLS—POSTERS IN POST OFFICES WILL HELP

The U.S. Postal Service, which for years has been helping to get defective people off the streets by displaying the FBI's "most wanted" list, now wants to do the same with defective products.

Posters containing color pictures of products recalled by the Consumer Product Safety Commission are going up in 33,000 post offices nationwide. Every day, about 7 million people will visit those post offices to mail letters and ship packages. Now they'll be able to get potentially life-saving information while they're there.

"We can get dangerous products off store shelves, but the real challenge is to get them out of families' homes," commission Chairwoman Ann Brown said.

That's the crux of it. As more and more products are recalled, a smaller and smaller percentage of them rate a mention in news reports. For the rest, it's left to consumers to determine whether products they own have been recalled. That's a bad system, and as the Sun-Sentinel reported in its product recall series last year, several proposals have been put forth to fix it.

Ralph Nader, for example, has suggested using computers to notify consumers immediately if products they own have been recalled. Others want to repeal or modify section 6b of the Consumer Product Safety Act, which requires that recalls be kept secret until the companies involved can review the information, a process that can take years.

Those are good ideas, but unless and until they are implemented, displaying posters in post offices will help. It's another way in which the post office can serve as "the one hand that binds this nation together," as one postal official put it.

And hey, if you see any wanted criminals on your way to return a defective product, call the police and tell them you want to report a defective person.

NATIVE NATIONS INSTITUTE FOR LEADERSHIP, MANAGEMENT, AND POLICY ACT OF 2000

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to introduce legislation to establish the Native Nations Institute for Leadership, Management, and Policy (NNI). I am pleased to be joined by the Chairman of the Resources Committee Mr. Young and a number of our colleagues.

The Native Nations Institute for Leadership, Management and Policy will provide an essential and comprehensive training program for American Indian leaders so that present and future generations of tribal leaders will have access to necessary management and policy decision making skills.

The Native Nations Institute will be based at the University of Arizona and be under the leadership and guidance of the Udall Center for Studies in Public Policy. The Udall Center will take on primary responsibility for the implementation of NNI's programs while the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation (established by Public Law 102–259) will approve NNI's annual budget and manage any federal appropriations. The governing committee of NNI will be comprised of individuals from the Morris K. Udall Foundation, the Udall Center, representatives from Indian Nations, and representatives from other academic groups directly involved in NNI's projects.

The Native Nations Institute will empower Native American leaders by providing a comprehensive program that focuses on (1) leadership and management training and (2) policy analysis. The leadership and management training program has six components that will (a) provide for the current educational needs of the senior leaders and managers of Indian Nations, (b) provide a distance learning program that reaches a broad reservation audience, and (c) provide a Master's degree in Public Administration focused on tribal governance and designed for mid-career individuals and students who are seeking careers in tribal government. In addition, the leadership and management program will (d) create an alliance with tribal colleges that provide curricular materials, program cooperation, and assistance in meeting the educational needs of Indian reservations, (e) provide a nine month Washington DC internship program focusing on federal government, and (f) create a curriculum development program designed for NNI and for other educational institutions working in Indian country All of the components in the leadership and management program will share a common focus—they will enable skills such as nation-building, strategic planning and policy making, administration and management, and external relations to be developed and strengthened. As policy makers ourselves, we can do no greater service to Indian tribes than to provide them with opportunities to help strengthen their governments.

Policy analysis, the second program at the NNI, will address contemporary issues facing tribal governments including economic development, solving intricate social problems, interacting with other governments, and managing natural resources. NNI will perform policy research grounded in Indian country to address these issues and will use this research in the leadership and management training program by providing data, case studies, and analysis for the program's students.

By providing indigenous people customized educational experiences in policy and management, we will continue to move toward the policy goal of self-determination for Indian tribes. I urge my colleagues to recognize and to continue to fulfill our obligation to Indian Nations by supporting the Native Nations Institute for Leadership, Management, and Policy Act of 2000.

HONORING AFRICAN AMERICAN MUSIC AND KANSAS CITY JAZZ

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, earlier this week, the House gave unanimous support to House Resolution 509 offered by my distinguished colleague, the gentleman from Pennsylvania's 2nd district, Representative CHAKA FATTAH. This resolution recognizes the importance of the United States to study, reflect on, and celebrate African American music. Artists have used and continue to use the African American experience as an important source of inspiration for various musical genres including jazz, gospel, blues, rhythm and blues, rap, and hip-hop. It is especially important to recognize this in June, which President Clinton designated three years ago as African American Music Month. In 1997, the President noted that ". . . America's musical heritage music is the voice that proclaims who we are as a people, then African Americans have helped to give this voice its content, its tone, its volume, and its power. . . . This music continues to grow and change, continuously adding depth and richness to America's cultural heritage."

African American music, more specifically jazz, has played an important role in the cultural development of Missouri's Fifth District. In the 1920's and 1930's, Kansas City was the birthplace of swing and a major center in the maturation of bebop style jazz. Several jazz greats including Charlie "Bird" Parker, Count Basie, Big Joe Turner, and Jay McShann have called Kansas City their home, and their legacy is alive and well in the community today.

To recognize Kansas City's role in jazz history and to further the appreciation of the art form, Kansas City has revitalized the district where jazz once played non-stop through the night. In 1997, the American Jazz Museum opened at the historic 18th and Vine address immortalized in Lieber and Stoller's song "Kansas City." This 50,000-square-foot complex features interactive exhibits and sound samples chronicling the music and the musicians who made jazz great. Dedicated to the unknown African Americans who fought for self-sufficiency, the American Jazz Museum also remembers the plight of Africans in America from slavery to freedom. The Parker Memorial adjacent to the museum is a 17-foot sculpture of Charlie Parker in honor of his vast contributions to American culture. More than 350,000 visitors from the inner city, suburbs, and around the country experienced the museum last year alone.

Kansas City showcases African American music through its annual Blues and Jazz festival which takes place near the historic WWI Liberty Memorial. More than 50,000 people come from all parts of the city and the region to enjoy some of the best music America has to offer.

This resolution also comes in conjunction with the Jazz Conference sponsored by BET on Jazz and Billboard Magazine June 7–9 in Washington, DC to discuss new strategies for taking jazz into the new millennium. I hope many of my distinguished colleagues join me at this historic event to study the past and anticipate the future of jazz.

By recognizing the influence and importance of African American music, we have called on Americans to learn the history of blues, jazz, and other genres. Hopefully, other cities will follow Kansas City's lead to promote and study the musicians and their music. Mr. Speaker, please join me in commending the gentleman from Pennsylvania and supporting adoption of this historic resolution.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. MENENDEZ. Mr. Speaker, I was home in my district this Tuesday, June 6, to vote and participate in my state's primary election. Had I been present, I would have voted "yea" on rollcall votes Nos. 234, 235, 236, and 237.

EDUCATION IN MINNESOTA

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. HOEKSTRA. Mr. Speaker, the Subcommittee on Oversight and Investigation of the House Education and the Workforce Committee conducted an oversight field hearing last Monday in the State of Minnesota.

Among the most informative presentations made before the member participants was one delivered by Mr. John H. Scribante, a Minnesota businessman and honorable American.

Mr. Scribante's passion for children and their need for first-rate learning opportunity was most impressive and we hereby submit for the RECORD the remarks of Mr. Scribante regarding the important topic of school reform.

Mr. Speaker, we commend the excellent observations and conclusions made by Mr. Scribante to our colleagues.

EDUCATIONAL FASCISM IN MINNESOTA

(A statement submitted by John H. Scribante—Entrepreneur)

(Respectfully submitted to the U.S. House of Representatives Subcommittee on Oversight and Investigations Committee on Education and the Workforce, June 6, 2000)

STATEMENT

We're gathered here this morning at a very interesting time . . . 56 years ago today, D-Day, 2,500 Allied soldiers died in Normandy fighting Fascist Germany for the freedom for Americans to pursue liberty. This offers us a unique perspective on this monumental issue of educational change. We're poised at the beginning of the 21st century, and while the rest of the world is abandoning central labor planning, Minnesota is driving through School-to-Work programs for central control of its economy against the will of the people.

Consider that in just over 200 years, this country became the Greatest Nation on Earth. We've had more Nobel Prize recipients than any other industrialized nation. We've sent men into outer space and brought them back alive; we've pioneered open-heart surgery, and our science and technologies are copied worldwide. Those who accomplished these incredible feats were the product of an education system that emphasized academics, not life-long job training.

I've been to Eastern Europe. I've seen the life destroying results of governments trying to plan the economy and control education, and I've spoken to people who have been subject to their central controls. This is not what America was founded on . . . and besides; it has been proven not to work. Those of you who have sworn to uphold the United States Constitution will be hard pressed to support such a system of tyranny.

Today in Minnesota, the best interests of children have become secondary to the interests of bureaucrats, un-elected non-profits, and economic forecasts. In many districts, children are already being required to choose a "career cluster" by the end of the 8th grade that will determine their secondary school curriculum. The system is a radical shift towards government central planning.

The world is open-ended. We don't know what we will learn tomorrow. We can be sure that at any particular time, we are overlooking valuable information and opportunities. Our knowledge is incomplete and resources are, undoubtedly being misdirected. However, we have a 225-year proven method for discovering and correcting these errors called Capitalism. Entrepreneurs search out instances where resources are being underutilized and redirect them to those that produce profits . . . nothing else approaches its power to stimulate discovery. The application of this principal in education should be obvious. Since we don't know today what we may learn tomorrow about educational methods and knowledge, we need entrepreneurship in education. Government is not equipped for the task.

History has proven, time and time again, that where competition does not exist, mediocrity ensues. Nowhere is this truer than in many of America's public schools.

If you must have government-funded education, at least leave the private schools and home schools alone to compete for ideas and innovation.

BUSINESSES HAVE BEEN DUPED

Businessmen and women are being told that they can and should become partners in the education of our children. With tax funded incentives, subsidies, reimbursements, and free training . . . how can these businesses resist?

According to the Minnesota School to Work publication called Making Connections, page 11: the SCANS report instructs business to "look outside your company and change your view of your responsibilities for human resource development. Your old responsibilities were to select the best available applicants and to retain those you hired. Your new responsibilities must be to improve the way you organize work and to develop the human resources in your community, your firm, and your nation."

The Minnesota STW program seeks 100% employer compliance and further provides a "Work-Based Learning Coordinator" to "help" me in my "responsibilities" of complying with this lunacy. Who is running my business anyway? I've got all the capital at risk . . . Just leave me out of this mess.

This experiment may be very attractive in the short run . . . but business will pay in the long run in higher taxes to fund these programs, in less educated people and a loss of economic freedom. Productive labor is their goal, not an educated populace. This will be the end of a free America.

My company needs entrepreneurial minds and intellectual capital. People who can think, read, write, and add. I interview many young people who are products of Minnesota schools, and they cannot solve simple conversion equations. Who is training students for what I need? What is wrong with teaching people how to think? I don't need work skills . . . I need people who can think of great ideas and be willing to put their knowledge to the test!

Why is it that government vigilantly looks for predatory pricing, anticompetitive, and monopolistic behavior in the private sector, and yet it is the greatest offender?

To quote Ralph Moore "The REAL credit in life should go to those who get into the ARENA—if they fail, they at least fail while DARING TO BE GREAT. Their place in life will never be with those COLD AND TIMID SOULS who know neither victory nor defeat."

In a free market economy, consumers ultimately determine what is produced. What school or government bureaucrat could have predicted ten years ago how many webmasters we would need today? From the information I've seen from the Department of Labor's SCANS reports, they're planning on teaching manure spreading, car washing, working the fryer at the diner and how to take a message off an answering machine.

In St. Cloud, MN, the STW program has already put a company out of business and severed off the arm of a 17-year-old student running a machine on a STW assignment.

School-to-work is a dangerous shift in education policy in America. It moves public education's mission from the transfer of academic knowledge to simply training children for specific jobs. And most tragically, the job for which it will train will have little or nothing to do with that child's dreams, goals, or ambitions.

Parents, however, in this three way partnership with business and the State may be troubled knowing that their children are the pawns that the educational system trains to meet the needs of industry.

The economic goals of education should never be promoted over the virtue and importance of knowledge itself. School to work transition issues would disappear if schools focused on strengthening core curricula, setting high expectations, and improving discipline and forgetting about retrying failed ideas.

THE RESULT

The sad truth is, in exchange for federal chump change, the state of Minnesota sold out it's commitment to high academic standards and agreed to follow national standards based on moral relativism, politically correct group thinking, and getting kids out of the classroom to work in local businesses, beginning in kindergarten.

Our state threw out a system of education that worked brilliantly for most all Minnesota youngsters. It worked brilliantly, that is, until approximately 35 years ago when Minnesota public education started flirting with the progressive, trendy movement away from high academic standards. Under the Profile of Learning, high academic standards are practically banned from the classroom.

In 1993, the Minnesota legislature repealed 230 education statutes, thus creating a structural vacuum to make way for the new federal Goals 2000 system already in the works. This left Minnesota without tried and true standards.

There are no longer any course requirements for any child in Minnesota. No 4 years of English, no 4 years of history, no 3 years of math, or a year of geography, or years of science. Most public schools don't have a copy of the Declaration of Independence or the Constitution and few even mention them in classes.

This system is really nothing new. Tyranny has always waited in the wings, ready to step to center stage at the first hint of apathy towards freedom.

For over 230 years we've enjoyed the finest freedom and prosperity the world has ever known. Yet we were warned by Edmund Burke that, "The eternal price of liberty is vigilance." As a people we've been asleep at the switch, and now our entire nation, not just Minnesota, has signed on to this crazy new system of totalitarianism, where everyone is under government's control, from cradle to grave.

This system has been tried around the world, across the centuries. But it is radically new for those of us used to freedom. This new system has more to do with fascism than freedom.

Now we need to work to eliminate the entire STW & Goals 2000 system, while there is time. As Sir Winston Churchill wrote to convince the British to join in the fight against Nazi Germany: "If you will not fight for the right—when you can easily win without bloodshed, if you will not fight when your victory will be sure—and not too costly, you may come to the moment when you will have to fight—with all the odds against you—and only a precarious chance of survival. There may be even a worst case. You may have to fight—when there is no hope of victory, because it is better to perish than to live as slaves."

CELEBRATING DEMOCRACY IN TAIWAN: INAUGURATION OF PRESIDENT CHEN SHUI-BIEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. LANTOS. Mr. Speaker, I would like to invite my colleagues to join me in paying tribute to the peaceful and democratic transition of executive power in the Republic of China on Taiwan. On May 20, 2000, the presidential inauguration of Democratic Progressive Party (DPP) leader Chen Shui-Bien marked the culmination of decades of political, social, and economic reform. Chen's ascent to power—the first President not a member of the long dominant Kuomintang (KMT) party—is only the latest illustration of the democratic culture that characterizes Taiwan in the twenty-first century.

Today, Mr. Speaker, Taiwan reflects the principles envisioned by Dr. Sun Yat-sen when he led the successful movement to overthrow the Chinese emperor and the undemocratic imperial system nearly ninety years ago. While the times after Dr. Sun's victory initially were tumultuous—civil wars, World War II, the establishment of the People's Republic of China, and the establishment of the Republic of China on Taiwan—they strengthened the Taiwanese people and forced them to overcome obstacles that stood in the way of their freedom and prosperity. By the 1970's, Taiwan had become a thriving marketplace of industry, ideas, and culture. It exported products to all corners of the globe and won the respect of the largest and most vibrant free market economies.

In recent years, economic justice has been mirrored by the flourishing of social justice, human rights, and democracy. During the 1980's Taiwan's leaders lifted restrictions on freedom of expression and freedom of the press. As these constraints were eased, the openness of political debate grew exponentially. Competitive local and regional elections were first held in 1980, followed by the development of opposition parties and Taiwan's first competitive presidential election in 1996. The victor of that campaign, President Lee Teng-hui, received a mandate to continue his principled efforts to liberalize Taiwanese society.

Mr. Speaker, these progressive reforms seem likely to thrive under the leadership of President Chen Shui-Bien. The son of a farm laborer, he excelled in his studies and became a prominent defense attorney. During the early 1980's, Chen began providing legal assistance to opposition leaders, and this eventually led him to enter politics in a more active capacity. This was not a simple calling during the prereform years. Chen, the editor of a dissident magazine, Formosa, served time in jail on a trumped up libel charge brought by a government politician. He persisted, however, and he eventually served as a DPP member in the Legislative Yuan and later as the mayor of the capital city of Taipei. His success in the latter role prompted Time Magazine to name him as one of the 100 most promising young leaders of the 21st century.

President Chen's inaugural address offered more evidence of his commitment to freedom and political openness. He proclaimed his devotion to human rights with a passion that demands respect: "We are also willing to promise a more active contribution in safeguarding international human rights. The Republic of China cannot and will not remain outside global human rights trends. We will abide by the Universal Declaration of Human Rights, the International Convention for Civil and Political Rights, and the Vienna Declaration and Program of Action. We will bring the Republic of China back into the international human rights system. . . .We hope to set up an independent national human rights commission in Taiwan, thereby realizing an action long advocated by the United Nations. We will also invite two outstanding non-governmental organizations, the International Commission of Jurists and Amnesty International, to assist us in our measures to protect human rights and make the Republic of China into a new indicator for human rights in the 21st Century."

Mr. Speaker, as the founder and co-chairman of the Congressional Human Rights Caucus, I applaud President Chen's determination to stand up for justice and civil liberties.

I am also confident, Mr. Speaker, that Taiwan under the leadership of President Chen Shui-Bien will continue to work for peace with the Mainland in the years to come. Chen has pledged to continue negotiations with China and increase economic and social cooperation across the Taiwan Straits. He realizes that understanding—not violence and conflict—offers the promise of ending the tension between Taiwan and the People's Republic of China. As Chen explained to an Asian Wall Street Journal reporter last April, "Pursuing lasting peace in the region is not only our highest goal, it is also the moral responsibility of the leadership."

Mr. Speaker, I urge my colleagues to join me in offering wholehearted congratulations to President Chen and Vice President Annette Lu on their inaugurations, and in commending the people of Taiwan for their commitment to peace, democracy, and human rights.

FAREWELL TO PAGES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the pages who have served so diligently in the House of Representatives during the 106th Congress.

We all recognize the important role that congressional pages play in helping the House of Representatives operate. This group of young people, who come from all across our Nation, represent what is good about our country. To become a page, these young people have proven themselves to be academically qualified. They have ventured away from the security of their homes and families to spend time in an unfamiliar city. Through this experience, they have witnessed a new culture, made new friends, and learned the details of how our Government operates.

As we all know, the job of a congressional page is not an easy one. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and energy. In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. At the same time, they face challenging academic schedule of classes in the House Page School. I am sure they will consider their time spent in Washington, D.C. to be one of the most valuable and exciting experiences of their lives, and that with this experience they will all move ahead to lead successful and productive lives.

Mr. Speaker, as the Democratic Member on the House Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans. They certainly will be missed:

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TRIBUTE TO EVELYN BANKS NEELY ON THE OCCASION OF HER RETIREMENT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American and proud Californian, Evelyn Banks Neely, on the occasion of her retirement as director of the Income Maintenance Division of the County of San Mateo, CA, Human Services Agency.

Evelyn Banks Neely has served San Mateo County honorably and with distinction for more than 32 years. She has been instrumental in developing and implementing innovative social services, programs, including the homeless General Assistance Program, the Greater Avenues for Independence [GAIN] Program, and the SUCCESS Program, which she piloted in Redwood City. She successfully negotiated San Mateo County's first In-Home Supportive Services contract and has served with distinction as the past president of the County Administrators' Association and the San Mateo County Women in Management organization.

Evelyn Banks Neely has provided great leadership in forming Black Women in County Government, co-chairing the development of a symposium highlighting issues and strategies for preserving black families and serving as a member of the first Affirmative Action Advisory Committee in San Mateo County.

Evelyn Banks Neely has dedicated her leadership skills to many volunteer activities, including serving as past president of Delta Sigma Theta, serving as past president of Links, Inc., a volunteer service organization, serving as fundraising co-chair to provide scholastic benefits to high school graduates, and she has maintained active membership in the National Association of Black Social Workers.

Evelyn Banks Neely's accomplishments have been previously honored by the California State Senate, the San Mateo County Board of Supervisors, the San Mateo County Women's Hall of Fame, and the Delta Sigma Theta Sorority.

Evelyn Banks Neely has earned the respect, admiration, and dedication of the hundreds of Human Services staff who have served with her during her progressively responsible leadership positions with the County of San Mateo.

Mr. Speaker, I rise today to honor Evelyn Banks Neely for her more than 32 years of exemplary service to the people of County of San Mateo, the State of California and our Nation. Her life of leadership and community involvement is instructive to us all. Her dedication to the ideals of democracy and public service stand tall and it is fitting that she is being honored on the occasion of her retirement. Therefore I ask my colleagues, Mr. Speaker, to join me in honoring a great and good woman and someone I'm privileged to call my friend and colleague. We are indeed a better county, a better country, and a better people because of Evelyn Banks Neely.

THE DEDICATION OF THE JOHN D. ONG LIBRARY

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. SAWYER. Mr. Speaker, on Saturday, June 10, Western Reserve Academy in Hudson, OH, will dedicate a new building, the John D. Ong Library. I am pleased to note, that it is not a memorial service, but one of celebration. For John Ong, when he is not tending to his Pennsylvania farm, continues to contribute his time, wisdom, and service to our community and to our Nation.

John Ong has described himself as "the World's Most Flexible Man." But that flexibility does not mean inconsistency. Since his college days, John Ong has recognized that a knowledge of history and the humanities is essential for well-rounded citizenship. So, while John embraces change, he values the principles that guide and strengthen our Nation. He understands that committed corporate activism strengthen communities as much as it does corporate ledgers and the national economy. He is a reminder of the good things that come about when businesses and their leaders see themselves as part of the community rather than as self-interested, self-contained entities.

John Ong's career in business is a well documented story of accomplishment and service. A graduate of the Ohio State University and the Harvard Law School, John spent 36 years at the BFGoodrich Company, rising from assistant counsel in 1961 to chairman and CEO from 1979 to 1997. At a time when the tire and rubber industry was buffeted by global change, John Ong demonstrated remarkable vision and leadership as he guided and transformed his company from a tire manufacturer into a leading provider of aircraft systems and specialty chemicals.

Today, as chairman emeritus, John has not rested on his laurels, but looks to the future, most notably through his work with New American Schools, a non-profit corporation dedicated to raising student achievement through comprehensive school reform.

That devotion to the highest values in education also abides in his long relationship with Western Reserve Academy, one of the Nation's oldest and most respected independent schools. The school, like John Ong, reveres and respects the past, while keeping pace with educational innovation. Both John Ong and Western Reserve Academy are committed to excellence and high personal standards.

The founders of Western Reserve Academy hoped to create "the best institution for learning in the world." John Ong has done his part to make that vision a reality. John's service to the academy includes 20 years as a board member and 18 years as board president, directing renovations and chairing capital campaigns. During his tenure as president the school's endowment more than tripled.

For all of his business and civic good works, I think it is especially appropriate to honor John Ong by affixing his name to a library. Libraries preserve the past, the record of our Nation, the fundamentals of our culture and our society. Libraries enable us to share ideas over time and distance with great minds from the past and the present.

Most important, libraries are concrete manifestations of a commitment to our fellow citizens, to learn from the past and to look to the future. We cannot know where we are going as individuals, communities, or as a nation, if we do not first know where we have been.

Libraries today face growing challenges as they continue their honored role as guardians of free speech and inquiry, and as providers of information. The new John Ong Library at Western Reserve Academy answers that challenge—built with an appreciation of the past, but incorporating the digital technology that is daily challenging and changing how we gather and manage information.

No name could be more appropriate for such a library than that of John Ong.

Mr. Speaker, John's own words drawn from a commencement address he delivered at the Ohio State University a few years ago serve well on an occasion like this. Towards the end of his speech, he echoed the timeless words of an earlier age: "My message is . . . ask not what your rights and freedoms are in society, ask rather what duties and obligations you have toward society. Focus not on your rights but on your responsibilities. As graduates of a great university you will have plenty of opportunities for rewarding and fulfilling careers. As you pursue those careers, however, please keep in mind the larger social context in which you will be operating."

Mr. Speaker, John Ong not only spoke those words, he has lived them. His leadership has extended across the nation, but his legacy endures at home. I am proud to call him a friend, and I can think of no more fitting tribute to him than a library, dedicated to learning, dedicated to the community, and grounded in the past but dedicated to the future.

GASTONIA, AN ALL AMERICAN CITY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mrs. MYRICK. Mr. Speaker, I rise to congratulate Gastonia, North Carolina for being named one of 10 All American Cities.

Gastonia has a unique history, but it won the award because it has some great plans to fight illiteracy, enhance the arts, and provide a safe environment for our kids.

The West Gastonia Boys and Girls Club has created a great mentoring program. College students mentor high school students who then mentor younger kids.

To help the arts, St. Stephen's AME Zion Church has teamed up with the United Arts Council to move into a Historic Baptist church. The church hosts shows and—on Sundays—St. Stephen's holds services.

And, Gastonia has done great things to fight illiteracy. No one demonstrates the impact of the Gaston Literacy Council better than Gary Avery, who says: "Now I can read the Bible at church, I can read with my children and I can even write my wife a love letter."

There is no doubt that Gastonia is a city of hard workers. Now Gastonia has proven to the country that no problem is too big, as long as we work together.

I commend Mayor Jennie Stutz for her pledge to create "City Pride."

As the All-American City logo is placed around town, everyone will know: Gastonia can be proud of its past, but its greatest days are ahead.

HONORING REVEREND RUTH SMITH OF ADDISON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding contribution of love, caring and message, that members of Congress join with her many friends and family in honoring the Reverend Ruth Smith. Ruth Smith have served for twenty years as an active minister and approaching twenty years as a retired minister of the East Liberty Church Universalist-Unitarian.

Ruth and Donald Smith have been community leaders. In addition to their church, they have made significant contributions to education through their involvement with Addison Public Schools. Ruth and Donald have contributed time and effort to improve their community, their state, and their country. They have raised four wonderful children and have seven grandchildren.

Reverend Ruth Smith's knowledge, experience and dedication to the church as well as her understanding of humanism and its abiding worth has helped and guided many.

This tribute is made to Ruth for demonstrating her success and caring in helping others along their life's journeys. Ruth Smith's leadership in improving the church in such ways as renovation, being a catalyst for harmony, and developing successful church groups such as the Kupples Klub and an active youth group is recognized.

Therefore, we are proud to join with her many admirers in extending highest praise and congratulations to Ruth Smith for her dedication and devotion to her family, her community and her forty years of association with the Universalist-Unitarian Church of East Liberty. This honor is also a testament to the family members, friends, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable woman, we extend our most heartfelt good wishes for all her future endeavors.

AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2000

Mr. LATHAM. Mr. Speaker, I want to express my support for H.R. 4444, a bill to extend normal trade relations to the People's Republic of China. As you know, the congressional district I represent is located in Northwest Iowa. It is one of the most productive agriculture areas in the country and I am very proud of the fact that we export out products all around the world.

We are in the process of debating probably the most important issue facing this Congress this session. This is a debate that challenges us to engage the international marketplace, or to hide behind our borders.

I believe that trade is an integral part of our foreign policy. The more our two nations interact in the marketplace, the greater potential there is for our two peoples to communicate on other issues that will foster democracy and promote values that honor and respect the basic freedoms that we take for granted here in the United States.

In addition, China's $1.2 billion people represent a huge market for American agriculture and manufactured goods and services. Already, China is the sixth-largest market in the world for American agricultural products. The USDA projects that China will account for over one-third of the growth in U.S. agricultural exports over the next decade.

It is my opinion, and those of many of my constituents, that Iowa is better off with a Chinese market economy that plays by WTO rules and is subject to a binding WTO dispute settlement process.

We need to work with the Chinese to end export subsides and quotas that harm Iowa farmers and those throughout the country. Under the WTO agreement, China will lower its tariffs on beef, and pork by 2004. Furthermore, these tariff reductions will enable Iowa's corn growers and over 18,000 hog producers greater access to this important market.

In the end, this debate is not about how much product we sell to China. it is about how we interact with the global community and how we shape the future. Trade will no doubt help both our great countries prosper, but in the end it will have a much more profound effect by forging a relationship that will ensure cooperation and open up Chinese society to new ideas. That is an investment worth making.

TRIBUTE TO LEON BRACHMAN

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Ms. GRANGER. Mr. Speaker, I rise today to pay tribute to Leon Brachman, one of Fort

Worth, Texas' finest sons, in honor of his upcoming 80th birthday.

While he was born and raised in Marietta, OH, Mr. Brachman moved to Forth Worth in 1938. He married a Fort Worth girl from an old Forth Worth family and never left.

Mr. Brachman has served his adopted city in almost every civic capacity imaginable. In his service as a founder of the Fort Worth Symphony and the Fort Worth Chamber Music Society, an original board member of the Van Cliburn Quadrennial Piano Competition, and president of Casa Manana, he has shown his profound love of culture and his belief that all should be able to share in its beauty. By his decades long service as the treasurer, president, and chairman of the board of All Saints Hospital, as well as his chairmanship of the Steering Committee of the Public Health School of the University of North Texas, Health Science Center, Fort Worth, he has shown his devotion to the provision of quality health care to all citizens of our community. As the chairman of the Tarrant County Appraisal District, he devoted countless hours ensuring that Fort Worth and Tarrant County raised their required revenues in a way that was fair to all of its citizens.

To the Jewish community of our city and our entire country, Mr. Brachman has served in virtually every possible leadership role, giving of his time and his resources to keep their institutions strong, their communal needs met, their self-reliance vital. Having served as a vice chairman of the United Jewish Appeal, the president of Ahavath Sholom Synagogue, founder and president of the Hebrew Day School of Fort Worth, and countless other Jewish communal roles, each institution has been positively influenced by his involvement.

Whenever the community has called upon him, Mr. Brachman has never hesitated to take on the most thankless tasks. Wherever there has been an institution in a seemingly hopeless situation, Mr. Brachman has accepted the challenge to nurse it back to health. Our community is incredibly stronger for his presence. We are very lucky that he chose to adopt Fort Worth as his home.

I would like to congratulate Mr. Brachman, his wife of 58 years, Fay, his three children, nine grandchildren, and four great grandchildren and wish them all continued health and success.

It is important that the House of Representatives acknowledge and be thankful for the spirit of community responsibility embodied by Mr. Brachman. His life's work to make our world a better place demonstrates the best our country has to offer.

SENIOR FOREIGN SERVICE RESERVE OFFICERS

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. MCINTYRE. Mr. Speaker, I rise today to express my thoughts on an issue that has been brought to my attention by a constituent of mine in southeastern North Carolina.

My constituent and his colleagues were Senior Foreign Service Reserve Officers, until they were involuntarily converted out of the Foreign Service by the Foreign Service Act of 1980. These officers were, in general, specialists in professional fields other than those commonly associated with overseas assignments.

When Congress wrote the law that was to become known as the Foreign Service Act of 1980 ("FSA"), Members of Congress spent many hours debating the question of providing safeguards for the careers of the Foreign Service Reserve Officers whose personnel status would be most affected by the newly drafted legislation. Therefore, the FSA guaranteed the permanent preservation of the grade and benefits of the employees.

Please allow me to read an excerpt from the Report of the Committee on Post Office and Civil Service, regarding the Foreign Service Act of 1980:

> Converting employees from their present positions to new pay schedules and different personnel systems, including the Senior Service, cannot be accomplished without some difficulties. The policy governing this chapter is to minimize the disruption to the individual employees and to preserve the rights and benefits of employees subject to conversion. The Committee recognizes that minimizing disruption and saving rights and benefits entail cost to the Government. These costs are justified in view of the fact that by forcing conversions the Government, as the employer, is altering the legitimate expectations of the employees. Fairness requires that the Government cushion these employees against the hardships which will come in wake of forced conversion . . . Employees converted are provided with permanent saved grade and tenure rights comparable to what they had.

The Department of State did fulfill their obligation to protect the earned rights of these senior officers from the date of the Act until early 1990. Executive Order 12698 increased the salary of the Senior Foreign Service Officers ("SFS"). However, the Department of State did not adjust the salary of my constituent and his fellow SFS–4 officers. No explanation was given to the affected officers for this arbitrary action of the Department of State.

At about the same time, the Federal Employees Pay Comparability Act ("FEPBA") became law. This law eliminated all Civil Service grades above GS–15, substituting the designation of Senior Level ("SL"), and authorized the agencies to pay SL's a salary as high as SFS–6.

Initially the Department of State proposed to designate these former SFS–4 officers as Senior Level 8, at a salary equal to that of SFS–4. Without explanation and contradictory to the intent of Congress in the Foreign Service Act, the Department of State issued personnel actions designating these long-time, professional and dedicated officers as SL–00, at a salary $13,000 below that of SFS–4. This was, and is in my opinion, a distorted interpretation of the Foreign Service Act as passed by Congress and signed into law.

These officers then followed prescribed procedures to effect an administrative correction. The ruling of the Agency's Foreign Service Grievance Board stated that it lacked jurisdiction to interpret Section 2106 of the law, but they then denied the officer's claim, without a hearing.

These officers, frustrated by the Department of State's refusal to uphold the law that protected what they had earned as senior officers of the Department of State, filed an action in the Federal Court for the District of Columbia. The Department of State attorneys with the assistance of lawyers from the Department of Justice resisted to a de novo hearing of the facts. After months of delays, the presiding judge dismissed the case without granting a hearing.

I am equally concerned that the Department of State did not provide a copy of a June 25, 1991, Memorandum from the Office of the Legal Advisor of the Office of the Director General when responding to a request for production of documents by the attorney representing these officers. That document had a direct and dire effect on the status of these officers. The document was kept secret from these officers, and an attempt was made to suppress the document in court. The document, contrary to the clear intent of the law, stated, "Owing to their conversion to the Civil Service, their rights are governed by the Civil Service statutes and regulations." This appears to be the authority used to justify the improper personnel actions that deprived these former Senior Foreign Service officers their guarantees as stated in the Foreign Service Act of 1980.

I seek the support of my follow colleagues, especially those who also have former Foreign Service Reserve Officers living in their districts, to assist me in putting forth an effort to bring about the restoration of the rank and benefits to which officers are entitled.

I hope that Secretary Albright, in keeping with her May 21, 1996 Department Notice to All Under Secretaries, Assistant Secretaries, Ambassadors, Principal Officers dealing with long term employees disputes, will take a direct interest in resolving this matter and avoid the necessity of remedial legislation.

IMPROVING SOCIAL SECURITY'S PAYMENT SYSTEM FOR CLAIMANT REPRESENTATIVES

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. SHAW. Mr. Speaker, today I am introducing legislation that if enacted would update and improve Social Security's payment systems for claimant representatives.

Currently, many would-be beneficiaries hire attorneys to help them file applications for Social Security retirement and, most commonly, disability benefits. That this process is so complex people feel obligated to hire an attorney to help them is in itself a serious problem. It is especially troubling given the expected rapid growth in the number of applicants and beneficiaries with the aging and eventual retirement of the Baby Boomers. So much work remains in the area of simplifying the application process, which will benefit applicants, SSA, and ultimately taxpayers. For now, though, a good start would be finding a better way to pay claimants' representatives and to have SSA process this workload as quickly and efficiently as possible.

First some background. Some Members may be aware that attorneys can choose to have SSA directly pay their fees for representing claimants for Social Security disability benefits. In such cases, when the claimant is awarded past-due benefits SSA withholds the appropriate attorney's fee from the benefits that are owned the claimant, and sends the fee directly to the attorney. Prior to this year, no charge was made for SSA costs in processing, withholding, and forwarding this fee.

This was changed under a proposal originally made by the Clinton Administration that was incorporated in the Ticket to Work and Work Incentives Improvement Law, which is designed to help disabled individuals enter or return to the workforce. This law provides new medical and employment services to help individuals with disabilities find and keep jobs without fear of losing important benefits once they leave the disability rolls. That's a critical goal, and one that requires additional resources. In determining ways to pay for the added benefits in the "Ticket" law, many people on both sides of the aisle thought that having lawyers—rather than the Social Security trust funds—pick up the tab for Social Security's costs in processing their paychecks was appropriate. Thus a version of the original Administration proposal on attorney fees was included in the final conference agreement on the Ticket bill approved by the House of Representatives 418–2 on November 18, 1999.

As this legislation progressed, several changes were made that improved the original proposal. For example, the General Accounting Office is required to study whether the assessment should be linked to how quickly SSA processes fees and whether the assessment will reduce the number of claimant representatives available to assist these claimants, among other issues.

The legislation I am introducing addresses this issue and thus can serve as the basis for further discussion and possible legislation on this point. In short, my legislation would specify that Social Security could impose an assessment on an attorney's fee only if the fee was processed and approved for payments within 30 days after the Commissioner certifies the payment of the claimant's benefits. This will encourage Social Security to handle this work promptly. If they don's SSA will lose money and attorneys will not be charged their assessment. Hopefully it will not come to that, but in the past SSA has not had a stellar record in terms of processing this workload in a timely fashion.

Introducing this legislation now will serve to further discussion on this topic, especially in anticipation of an upcoming hearing I plan to hold in the Social Security Subcommittee on additional process reforms. Suggested reforms include: the consideration of a flat fee as opposed to a percentage of past-due benefits, the extension of the attorney's fee direct payment provisions to the Supplemental Security Income program, the issuance of past-due benefits and the attorney's fee in a joint check made payable to the beneficiary and the attorney and the application of Prompt Payment Act provisions to past-due benefits and attorney fee payments. These suggested reforms follow this statement in legislative form.

I would appreciate any comments or suggestions for additional provisions my colleagues or other informed individuals may have on this issue, and of course would welcome cosponsors to this legislation. Already we have heard from many claimant representatives, and I would expect to hear from many more as we move on with this issue.

SUGGESTED PROVISIONS FOR ATTORNEY FEE PAYMENT LEGISLATION

STREAMLINING OF ATTORNEY FEE PAYMENT SYSTEM

(a) MAXIMUM LIMIT ON ASSESSMENTS.—Section 206(d)(2)(A) of the Social Security Act (42 U.S.C. 406(d)(2)(A)) is amended—

(1) by striking "equal to" and inserting "equal to the lesser of—";

(2) by striking "the product obtained" and inserting the following: "(i) the product obtained";

(3) by striking "subparagraph (B)." and inserting "subparagraph (B), or"; and

(4) by adding at the end the following new clause: "(ii) $25.00."

(b) ISSUANCE OF JOINT CHECKS.—

(1) IN GENERAL.—Section 206 of such Act (42 U.S.C. 406) is amended by adding at the end the following new subsection:

"(e) ISSUANCE OF JOINT CHECKS.—In any case in which a claimant is determined to be entitled to past-due benefits, and such claimant is represented by an attorney for whom a fee for services is required to be certified under this section in connection with such benefits, the payment of such past-due benefits shall be in the form of a joint check made payable to both the claimant and the attorney in an amount equal to the total amount of such past due benefits, which shall be sent to the claimant's attorney. Receipt by the claimant's attorney of the proceeds of such check in an amount equal to the fee for services certified for payment by the Commissioner pursuant to subsection (a)(4)(A) or (b)(1)(A) in connection with such past-due benefits shall constitute receipt by the attorney of such fee.".

(2) ASSESSMENT ON ATTORNEY CONTINGENT UPON TIMELY RECEIPT OF PAYMENT.—Section 206(d)(3) of such Act (42 U.S.C. 406(d)(3)) is amended—Section 206(d)(3) of such Act (42 U.S.C. 406(d)(3)) is amended—

(1) by striking "The Commissioner" and inserting the following:

"(A) IN GENERAL.—The Commissioner"; and

(2) by adding at the end the following new subparagraph:

"(B) IMPOSITION AND COLLECTION OF ASSESSMENT CONTINGENT UPON TIMELY RECEIPT OF CHECK.—The Commissioner may impose and collect the assessment under this subsection in connection with any past-due benefits only if the joint check required under subsection (e) in connection with such benefits is received by the attorney within 45 days after the certification by the Commissioner for payment of such benefits.".

EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM TO TITLE XVI CLAIMS

(a) IN GENERAL.—Section 1631(d)(2)(A) of the Social Security Act (42 U.S.C. 1383(d)(2)(A)) is amended—

(1) by striking "paragraph (2)" and inserting "subsections (a)(2) and (b)(1)(B)";

(2) by striking "section 406(a) (other than in paragraph (4) thereof)" and inserting "section 406";

(3) in clause (i), by striking "subparagraphs (A)(ii)(I) and (C)(i)" and inserting "subsections (a)(2)(A)(ii)(I), (a)(2)(D)(i), and (b)(1)(B)", by striking "as determined", by striking "1127(a))" and inserting "1127(a)", and by striking "the parenthetical phrase contained therein" and inserting "the phrase 'before any applicable reduction under section 1127(a)' "; and

(4) in clause (ii), by inserting ", in subsections (a)(2)(B) and (b)(1)(A)(i), the phrase" after "substituting", and by inserting "the phrase" after "for".

EXTENSION OF THE PROMPT PAYMENT ACT TO THE SOCIAL SECURITY ADMINISTRATION'S CLAIMS AND ATTORNEY FEE PAYMENT SYSTEMS

(a) IN GENERAL.—Section 3901 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) This chapter applies to the Social Security Administration with regard to delays in the payment of claims under Title II and Title XVI of the Social Security Act and to the certification for the payment of fees to attorneys under sections 206 and 1631(d)(2) of the Social Security Act (treating, for purposes of this chapter, the required certification by the Commissioner of Social Security for payment of any fees as a required payment by the Commissioner of such fees).

"(2) In applying this chapter to the Social Security Administration pursuant to paragraph (1)—

"(A) the date of issuance of the award certificate by the Social Security Administration shall be deemed to start the payment period under 5 CFR 1315.4(f); and

"(B) the documentation required by the Social Security Administration to certify a claim or fee payment under title 42, United States Code shall be deemed to satisfy the documentation requirement of 5 CFR 1315.9".

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Mr. HINOJOSA. Mr. Chairman, I rise today in strong support of the amendment on 21st century community learning centers.

I have been involved with education issues for almost 30 years. This experience has strongly reinforced for me that all children, regardless of income level or race have the same potential for high achievement and healthy development when provided appropriate opportunities.

Thus, our goal must be to support the development of quality afterschool programs for all children, but especially those in low-income communities.

Our goal should also be to see the expanded-day programs linked to the core school day.

After-school programs are the best structures for the development of such programs, as well as other services needed in low-income communities. They can serve as pathways to developing strong, sustainable community schools.

We definitely are not utilizing them enough. More than 77 percent of the 21st century community learning center funding goes to low-income youth. And with the changing new mix of technologies and competitive markets, our economy is increasing its demand for skilled labor and decreasing demand for unskilled or semi-skilled labor. This means we can use these centers to focus on expectations for the core school day and its relation to the changes.

This is important because for the first time in history, the Nation's economic and social well-being requires that all children be prepared for post-secondary education and career attainment.

Although our public education system was never designed to prepare our students for higher education, after school programs seek to provide vital opportunities for children and youth to learn and to prepare for college and careers in the new economy.

After-school programs achieve these goals by providing access to information technology and related learning services for children. This is especially critical because we have an opportunity to support an initiative that is really about local impact and local opportunity.

We must bring balance to our communities! Afterschool programs keep students occupied with productive activities during the hours they are most likely to get into trouble, from 2 to 8 pm.

We can support local and state efforts to sustain a much larger national community school movement than has ever been possible before. New research indicates that after-school programs can make a positive difference in student development and academic performance.

This is especially true for our low-income students. This initiative may be the greatest opportunity to help children at a critical point in their young lives.

I'm particularly supportive of this initiative because it means that children who need extra help will be able to receive more attention. For these reasons, Mr. Chairman, I urge members to support this amendment.

TRUBUTE TO MR. BERT M. CONCKLIN

HON. THOMAS M. DAVIS
OF VIRGINIA

HON. JAMES P. MORAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 9, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I and my colleague rise to bring to your attention the contribution of a distinguished individual who is returning to government service.

Last month, Mr. Bert M. Concklin announced he was stepping down as president of the Professional Services Council, a national trade association that represents a very large number of our constituents, to return to federal government service. Bert will soon assume the post of Business Systems Modernization Executive at the Internal Revenue Service.

We both know Bert well and are confident that he will be a tremendous asset to the agency. Bert has been a leader in the government-wide reform efforts over the past decade where he has brought his keen insights, strong determination, and balanced judgment to bear on one of the federal government's most difficult undertakings. It is because of this background, as well as his substantial achievements in the private sector, that we feel secure in our prediction that he will positively impact the agency's goals.

Aside from his service as a key advisor to federal agencies and Congress on tough issues, such as contracting reform and government-wide business process re-engineering, and in addition to his having held a number of high-level government positions. Bert has an impressive track record with some of our country's best-known corporate names, including PRC, McKinsey and Company, Computer Sciences Corporation, and General Electric. He also served as chairman of the Governor's Council on Information Management of Virginia. He served in the United States Air Force and graduated from the Unites States Naval Academy.

We are pleased to take this opportunity to recognize the valuable contributions of someone who has clearly demonstrated his passion for reform, government services, and bipartisan cooperation.

SENATE—*Monday, June 12, 2000*

The Senate met at 12:03 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You give the hour and provide us with power; You bless each day and show us the way; You plan our week and reveal Your truth to those who seek. We pray for the Senators as they confront the busy schedule of the week ahead. Help them to trust You. Care for their families and loved ones. Lift the burdens they carry. Give them the assurance that they are never alone. You are the unseen presence in every moment, during every conversation, before each decisive decision, and throughout each meeting. Remind them of Your availability, Your affirmation, Your assurance. May this day and all the hours of the week ahead be as one constant conversation with You, a flow of prayer as natural as breathing out tension and breathing in Your strength. You are Sovereign of this Nation, Lord of this Senate, and Saviour of our lives. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SLADE GORTON, a Senator from the State of Washington, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Washington is recognized.

SCHEDULE

Mr. GORTON. Mr. President, today the Senate will be in a period for morning business until 2 p.m., with Senators DURBIN and THOMAS in control of the time. Following morning business, the Senate will resume consideration of the Department of Defense appropriations bill. Amendments to the bill are expected to be offered and debated during today's session. Any votes ordered with respect to those amendments, however, will be scheduled to occur on Tuesday at a time to be determined. As a reminder, all first-degree amendments to the Defense appropriations bill must be filed by 3 p.m. today.

I thank my colleagues for their attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the time until 1 p.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee. For that time, the Senator from South Dakota is recognized.

LOCAL TELEVISION AMENDMENT TO THE INTERNET NONDISCRIMINATION ACT

Mr. JOHNSON. Mr. President, I rise today to discuss an amendment I filed this past week to H.R. 3709, the Internet Nondiscrimination Act. This amendment has a twofold purpose. First, it highlights the need to act on S. 2097, the Launching Our Communities' Access to Local Television Act of 2000. This critical legislation passed the Senate by a unanimous, 97–0, vote on March 30 of this year. The House version of this bill, H.R. 3615, also passed by an overwhelming 375–37 margin. Yet here we are 2½ months later with no effort to move this bipartisan legislation forward toward enactment.

In the meantime, the other body has considered an extension of the Internet tax moratorium for an additional 5 years. I supported the original Internet Nondiscrimination Act which created a 3-year moratorium on new taxes on the Internet while we considered the various ramifications of e-commerce taxation issues.

That original moratorium does not expire until next October. Yet here we are 16 months in advance of that expiration preparing to consider an additional 5-year expansion. Not only that, but with this new legislation, we renege, frankly, on a promise made under the 1998 act which grandfathered existing State taxes on Internet services. That agreement was essential to securing the overwhelming support which S. 442 ultimately received.

I believe we should not be placing taxes on access to the Internet, but that is not the issue. The issue is the implementation of already existing sales tax responsibilities. Sales tax is a critical component of State and local revenues, especially in States such as South Dakota that do not have an income tax. More than half of our State budget derives from the sales tax. That is the money that goes to education, crimefighting, and other essential services. This online-commerce loophole in sales tax collection results in an unfair situation for South Dakota merchants, and threatens the treasuries of State and local governments with the loss of millions of dollars in revenue. There is a great need for State tax laws to be applied to all sales regardless of whether the sales are made at a local store, over the Internet, or by any other means.

H.R. 3709 does not foreclose the possibility of collecting sales tax on products purchased over the Internet. In fact, it is silent on this issue. That silence, however, is almost as dangerous to State and local government as an explicit rejection of equal treatment for brick and mortar stores. By filing this amendment to H.R. 3709, I want it made clear that I will oppose this legislation moving forward until it establishes a comprehensive review of Internet-related tax policy.

I remain absolutely opposed to any new tax on the Internet. Internet usage ought to be encouaged and kept affordable. Public policy ought to promote tax-free Internet access, but it makes no sense that some sales are subject to sales tax while others are not. We need a level playing field for everyone. It is up to each individual State and municipality to decide for itself whether it wants to have a sales tax—but once that decision is made, it ought to apply uniformly to sales without regard to the particular technology utilized in making the sale. This correction must be considered in the context of any effort to extend the ongoing Internet tax moratorium.

Although there are many pieces of critical legislation which would serve to highlight the tax fairness issues raised by H.R. 3709, I want to focus on S. 2097, the local-into-local television act.

Under legislation we passed this past year, satellite companies are for the first time free to broadcast local network programming into local markets. That ability has already benefited thousands of viewers and promoted competition in the broadcast delivery industry. What S. 2097 seeks to accomplish is to make that benefit a reality for Americans who live outside the largest 40 television markets.

Like many of my colleagues, I represent a State, South Dakota, with rural viewers that should not be left out of the information age. South Dakota is one of the 16 States that do not have a single city among the top 70 markets. Sixteen States have no television markets within the top 70. Without this loan guarantee, markets such as Sioux Falls and Rapid City will never get local-into-local service, and rural South Dakotans will not have an opportunity to receive their local networks over the satellite signals.

This proposal is more than just getting sports or entertainment programming over your local channels. It is a critical way to receive important local news, storm information, road reports, school closing information, and civic affairs information.

Rural Americans need the same opportunity to access their local networks as do our urban friends. This legislation will provide that opportunity.

We have worked very hard in the Banking Committee and on the floor to achieve strong bipartisan legislation. Senators SARBANES, BAUCUS, GRAMM, BURNS, and others worked diligently to find the accommodations to satisfy everyone's concerns. We have a final product which will ultimately result in local-into-local broadcasting for rural America, and it does so in a fiscally responsible manner that limits the taxpayer exposure.

The overwhelming vote in both the House and Senate demonstrates the soundness of this legislation. It is absolutely critical for the millions of Americans who live outside our major urban areas. It is the promised missing component of last year's Satellite Home Viewer Improvements Act.

This issue has aroused the greatest level of constituent concern in many States in quite some time. S. 2097 provides a fiscally responsible and prudent response to the concerns raised by thousands of our constituents, protecting the taxpayer interests while at the same time helping to provide this service. I intend to offer this legislation to every vehicle possible this year until we have the opportunity to finish what we started and provide this essential service to all Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICTIMS OF GUN VIOLENCE

Mr. LEVIN. Mr. President, since Columbine, thousands of Americans have been killed by gunfire, and yet Congress is refusing to act on sensible gun legislation. Until we act, one of us who is trying to get legislation passed will read the names of those who lost their lives through gun violence in the past year and will continue to do so every day while the Senate is in session. In this way, we hope to remember those who have died and to bring closer the day when fewer die from gun violence.

Following are the names of some of the Americans who were killed by gunfire 1 year ago today, on June 12, 1999:

Tyrand Baxter, 24, Atlanta, GA;
D'Ante Bonds, 18, Oakland, CA;
Kenneth Davis, 17, Chicago, IL;
Moises Moctezuma, 49, Charlotte, NC;
Kevin Parks, 26, Chicago, IL;
Cornell Rogers, 31, Washington, DC;
Reginald Rogers, 21, St. Paul, MN;
David Sapp, 42, Charlotte, NC;
Joseph Shruga, 69, Detroit, MI;
Yong S. Suoh, 44, Chicago, IL;
Javier Velasquez, 23, San Antonio, TX;
Joel Vives, 27, Miami-Dade County, FL;
Charles Wachholtz, 80, Dallas, TX;
Antwan Wimberly, 24, Atlanta, GA; and
Timothy Young, 21, Charlotte, NC.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of those who were killed by gunfire last year on the days June 10 and June 11, which was last weekend when the Senate was not in session.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 10, 1999

Vincent Bolden, 32, Minneapolis, MN;
Sandy Curtis, 37, Gary, IN;
Bynum Gordon, 44, Atlanta, GA;
Dimetrio Hernandez, 33, Houston, TX;
Marvin E. Jordan, 18, Chicago, IL;
Adam Lawrence, 48, New Orleans, LA;
Benjamin Matthews, 36, Kansas City, MO;
Terrance McLeod, Jr., 25, Detroit, MI;
Hayde Montalbo-Valdes, Minneapolis, MN;
Dolores Mueller, 64, St. Louis, MO;
Nicholas Osborne, 20, Bloomington, IN;
Raphael Rivera, 14, Harrisburg, PA;
Brandy Sessions, 20, Rochester, NY;
Stymie Thomas, 20, Chicago, IL;
Unidentified male, 37, Long Beach, CA;
Unidentified male, 26, Long Beach, CA; and
Unidentified male, 28, Long Beach, CA.

JUNE 11, 1999

Wallace Brumfield, San Francisco, CA;
Jerry Joseph Dawson, 47, Detroit, MI;
Kimani Evans, 25, Miami-Dade County, FL;
Majio Hanna, 40, Detroit, MI;
Kevin James, 29, Baltimore, MD;
David M. Jones, 26, Madison, WI;
Isaac Maldonado, 22, Holyoke, MA;
John Morrison, 34, Miami-Dade County, FL;
Michael Northington, Detroit, MI;
Harvey J. Pierce, 45, Madison, WI;
David L. Shaw, 18, Memphis, TN;
Robert L. Turner, 78, Oklahoma City, OK;
Lajon Wright, 25, New Orleans, LA;
Unidentified male, 57, Norfolk, VA; and
Unidentified male, 31, San Jose, CA.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

The Senator is recognized for 20 minutes.

PRIVACY ACT VIOLATION

Mr. INHOFE. Mr. President, I have not a speech but a story to tell. The name of that story could very well be "What Would Have Happened To Frankie Vee?" Now, they say confession is good for the soul. I confess that during the Memorial Day recess a couple weeks ago I did not work during the whole recess. I spent some time with my family, with my wife, with my daughter Katie, her husband Brad, their baby, and some of the other kids, and we went to south Texas where we own some property. There is a little town down there called Port Isabel. There is a restaurant there that none of the tourists go to. It is just the local people who go there. It is right there on the channel that goes out ultimately to the gulf.

There is a guy down there who sings. You sit down and you have dinner. He has these machines he turns on; they make music. He has a microphone, and he sings. He has a beautiful voice. The reason I like it is he sings the kind of songs I know such as "Your Cheatin Heart" and "Lord, Help Me, Jesus," and songs like that. While he is singing, his wife sways to the music with her eyes closed. It is just a beautiful setting there.

This was going on when all of a sudden a light went on, and I do not know how this happened, but I was looking at this guy, who is just an ordinary person—he is about my age. He has gone through tough times in his life like I have. He has made money; he has lost money; but he is just a very typical American. He is someone who has to obey the laws, has to work hard, and has to pay taxes. What occurred to me was that if Frankie Vee had blatantly and knowingly and wrongfully committed a crime like Kenneth Bacon, blatantly and knowingly and willingly committed a crime, he would not be singing there and spreading joy in the hearts of many while his wife is swaying. He would be serving time in a Federal penitentiary.

I am not outraged; I am not mad; and I am not feeling any anxiety about this. I guess the best way to characterize my feelings after the last 7½ years of this administration using the

Justice Department to protect its friends and to punish its enemies is just something that I feel numb about. I am proud of two of the mainstream media—only two—that have been willing to write about these things. And that is Fox News and the Washington Times.

So in this case, we have talked about comparing the crime that was committed by Kenneth Bacon with other crimes that were committed—and I am going to talk about that in just a minute—by other people in other administrations. But what occurred to me was that every citizen out here, whether in Wyoming or Oklahoma, has to obey the law and has to be punished under the law if that person disobeys the law, and that he would be prosecuted if there was justification for prosecution and then would be punished accordingly—except in this administration.

On Thursday, May 25, which was the eve of the Memorial Day recess when we left for about a week, the Clinton administration perpetrated another outrage to add to its long trail of operations, I guess you would say. In the face of the Pentagon inspector general's firm conclusion that Kenneth Bacon and Clifford Bernath violated the Privacy Act and broke the law and committed a crime, the Secretary of Defense announced that he would do nothing to hold these men accountable for their actions. And this neatly follows the earlier decision of the Justice Department not to prosecute after engaging in a 2-year coverup.

Now, as I have said before, this case has broad implications for what has been done to the rule of law and to the concept of honesty and integrity in Government over the past 7½ years. Above all else, the systemic undermining of these time-honored principles constitutes the true and lasting legacy of the Clinton and Gore administration. Time after time after time, again and again, the Justice Department and Janet Reno have used that Department to protect the President's political friends and to punish the President's political enemies.

Today, as a result of this case, there are millions of Federal employees who are on notice that the information contained in their confidential Government personnel records cannot be protected from politically motivated disclosures. They are on notice that the Privacy Act can be violated with impunity even when the perpetrators are caught redhanded.

In an additional outrage, we find that the administration now wants the taxpayers to pay the legal bills for those two individuals during this process.

This is a letter we have uncovered, after it had been covered up, that the Office of the General Counsel is writing to Mr. Kaser, U.S. Department of Justice, requesting that the taxpayers pay the legal fees of Kenneth Bacon and Clifford Bernath. I ask unanimous consent that at the conclusion of my remarks this letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. INHOFE. Let's quickly recap what happened. In March of 1998, about 8 weeks into the Monica Lewinsky scandal, the Pentagon public affairs director, Kenneth Bacon, got a phone call from Jane Mayer, who Jane Mayer was a long-time Clinton supporter and friend of the Clinton administration. She was an old friend of Kenneth Bacon. They worked together on the Wall Street Journal for years before. And she got a letter. She was then working on a story for the New Yorker magazine. Mayer informed Bacon that she had evidence that a key witness in this Presidential scandal, Linda Tripp, had been arrested for larceny as a teenager. Tripp was and still is a civilian employee of the Federal Government at the Pentagon. Mayer wanted to know how Tripp had replied to question No. 21 on her security clearance form, asking if she had ever been arrested. If she had answered no, which Linda Tripp did, then public disclosure of this information in conjunction with the new evidence that Mayer said she had would have been clearly damaging to Tripp's credibility and her reputation and would discredit her as someone who was bringing charges against the President.

Soon thereafter, it was discovered that Tripp's teenage arrest was the result of a juvenile prank perpetrated against her. The judge in the case told her in a laughing way that it was a funny trick and her record would be clear. Nevertheless, Mayer's story was published and the damage to Tripp was done. She was discredited forever.

I would characterize that as saying Mr. Bacon had conspired with Ms. Mayer to implement "a scheme to defame and destroy the public image of Linda Tripp with the intent to influence, obstruct, and impede the conduct and outcome of pending investigations and prosecutions." That is exactly what the two of them did to Linda Tripp.

The reason I am reading this is because that is the exact language of 20 years ago when Chuck Colson committed this same crime at the beginning of the Watergate era. The court said Colson implemented "a scheme to defame and destroy the public image of Daniel Ellsberg with the intent to influence, obstruct, and impede the conduct and outcome of pending investigations and prosecutions."

That is exactly the same thing Kenneth Bacon did. The actions of Bacon and Bernath immediately became the subject of the Pentagon IG investigation to determine if they had violated the Privacy Act which is designed to prevent the disclosure of confidential information on Government employees.

The IG quickly concluded that, yes, indeed, they did violate the Privacy Act. In July of 1998, the IG made a criminal referral to the Justice Department so the case could be prosecuted, but nobody knew it. The fact the IG had concluded the report was covered up by the Justice Department for 2 years. The Justice Department sat on the case for 2 years doing nothing—a classic foot-dragging, stonewalling Clinton coverup.

Finally, in March of this year, they quietly announced no one would be prosecuted in this case. And they call it a Department of Justice. The Department said it concluded Bacon and Bernath "didn't intend to break the law" when they made the disclosure of the Tripp information, as if that is ever a legitimate excuse for anything.

I suggest if the Senator who is occupying the chair were driving down a Wyoming highway at 100 miles an hour and were pulled over by a highway patrol and he said, "I didn't intend to break the law," that everything would be fine.

This is how the process works. Once the Justice Department refuses to prosecute, even after a criminal referral for prosecution has taken place, the very least that can happen to a person is the boss of the individual who is offending may take some kind of personnel action.

It was turned over to the Secretary of Defense, William Cohen. He was charged with evaluating the conclusions of the IG report and taking any action he deemed appropriate, such as firing both of them. Keep in mind, this should not even have happened. This should not have taken place because by this time, there should have been a criminal prosecution.

This brings us to 2 weeks ago, Thursday, when Cohen announced what he deemed appropriate. He sent Bacon and Bernath personal letters expressing disappointment in their actions, making a clear point they were not letters of reprimand and will not be placed in their personnel records. It is not even a slap on the wrist. In other words, he did nothing. He did not fire anyone. He did not fine anyone. He did not suspend anyone. He took the IG's conclusion that the Privacy Act was broken and walked away without exacting any measure of accountability or justice. It is unbelievable.

He did, however, publicly release the IG report and related documents, and these clearly show the inspector general unhesitatingly concluded that Tripp's privacy was compromised, that the Privacy Act was violated, and that the law was broken. This was in the IG report. The IG totally rejected Bacon's and Bernath's contorted arguments to the contrary.

In addition, the IG report clearly shows that no serious investigation was ever conducted into the involvement of other Clinton administration officials or friends outside the Pentagon, such as those in the White House who may have been involved in orchestrating this smear of Linda Tripp.

I urge my colleagues to read an article that was in the Washington Times on Saturday, May 27, 2000. It lays out clear evidence that Bacon and Bernath did not act alone in this matter, as they claim. There is evidence the IG did not adequately follow up. Yet it is the kind of evidence that, as Clinton friend Dick Morris has said, would lead to a conclusion any 6 year old could understand; namely, that Bacon and Bernath most certainly did not act alone.

I ask unanimous consent this article from the Washington Times to which I just referred be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. INHOFE. Mr. President, I will chronologically reconstruct what happened in this case. It is important I be redundant so that people will understand and that it will not be forgotten and covered up.

On March 12, 1998, New Yorker magazine writer Jane Mayer, a former Wall Street Journal reporter, called Kenneth Bacon who used to work with Mayer at the Wall Street Journal, asking him about a question on Linda Tripp's personnel file for a story she was writing.

On March 13, the very next day, Bacon tasks Clifford Bernath, then a Pentagon public affairs deputy, with answering Mayer's question. Bernath writes in his journal: "Ken has made clear it's a priority."

Further, in March of that same year, the New Yorker story claims Tripp violated the law.

In March, Defense Secretary William Cohen calls the disclosure "certainly inappropriate, if not illegal." Cohen continued: Tripp's file "was supposed to be protected by the privacy rules." The DOD inspector general's investigation is initiated.

An investigation was initiated in March of 1998.

In April of 1998, Cliff Bernath was deposed by Judicial Watch. Bernath was accompanied by a battery of Government lawyers from the Justice Department, the Defense Department, and the White House, in addition to one from Williams & Connolly appearing on behalf of the First Lady who was then a defendant in the FBI file suit.

Over the next 6 hours, Bernath proceeded to change his story. He had previously insisted the request was handled in a routine way. In this deposition, he concedes that it was a high-priority issue by Ken Bacon.

On May 21, 1998, at a Pentagon press conference, Ken Bacon declined comment—as he has since repeatedly—to the press, including refusing to deny whether the White House directed him to release that information on the grounds that the IG was still investigating.

On July 10, 1998, Federal Judge Royce Lamberth ordered the Defense Department to seize the computer of a Pentagon staffer who admits releasing information on Tripp's security clearance form. Lamberth ruled that the Department's inspector general should check the computer because the Pentagon aide, Clifford Bernath, deleted documents, although Bernath claimed none of the deleted documents concerned Tripp.

Jumping forward to February 9, 2000, at a House Armed Services Committee hearing, Secretary Cohen had no answer to the question from Representative BUYER on where the DOD report was, in what stage it was. We found out the report was concluded almost 2 years before that question was asked.

I have to add a personal note in defense of Bill Cohen. I do not believe he knew. I think the White House covered that up and the Justice Department covered up the fact that the report was concluded about 2 years before that hearing. I do not believe Cohen actually was aware of that.

On March 6, 2000—this brings the Federal court back in—Federal Judge Lamberth signed an order requiring DOD to produce records concerning the release of information in Tripp's DOD files and information on any attempts to withhold information from the public and/or investigators about the details of that release.

Then on March 13, 2000, Judge Royce Lamberth stated:

> The Tripp release presents such a clear violation of the Privacy Act.

Lambert said:

> The court finds it impossible to fathom how an internal investigation into such a simple matter could take so long to conclude.

In fact, even though that statement was made by the judge in the court records on March 13, 2000, that internal investigation had been concluded in July 1998, nearly 2 years before.

In previous talks on the floor, I have had occasion to compare this crime with a crime that was committed 20 years before. I have done so because when you talk about what President Clinton and Vice President GORE have allegedly done in terms of getting foreign contributions, which are a violation of law, there is nothing really precedented about that that we can go back and compare with someone else who was prosecuted.

In this case, the crime that was committed by Kenneth Bacon, and perhaps more people with him, is a crime exactly like the crime that was committed 20 years before by Chuck Colson.

Let's go back and see just what Chuck Colson did. This is what he said and did, in his own words. This is going back to 1971:

> . . . I got hold of derogatory FBI reports about Ellsberg and leaked them to the press.

He said further, in 1976:

> I happily gave an inquiring reporter damaging information compiled from secret personnel files.

I know, again, this is exactly the same thing that we now have a confession by Kenneth Bacon that he did. He got ahold of derogatory reports about Linda Tripp. And then he happily gave them to an inquiring reporter—the same thing.

So what happened to Colson? Colson was sentenced by U.S. District Court Judge Gerhard Gesell to a prison term. On April 7, 2000, in a deposition, he provided the New Yorker writer Jane Mayer with Tripp information. In other words, he admitted it. He admitted that. There is no question about whether or not he committed this crime. There is no doubt about it, no dispute about it.

Bacon said: I am sorry that I did not check with our lawyers or check with Linda Tripp's attorneys about this.

Sorry? Sorry really didn't cut it for Chuck Colson. Chuck Colson ended up in a Federal penitentiary. Colson committed the crime in July 1971. He admitted his guilt and pleaded on June 3, 1974, and was sentenced to the Federal penitentiary on June 21, 1974.

Bacon committed his crime in March of 1998. He admitted what he had done in June of 1998. The Pentagon inspector general referred the matter for criminal prosecution in July of 1998. So now 2 years later, in April, May, and June of 2000, the Clinton Justice Department says it is going to take a pass, hoping nobody will see or hear about this at this late date. After all, 2 full years had transpired since the report was concluded.

So Colson went to jail and served time in prison. If there were justice and equal application of the law, Bacon would go to jail and serve time in prison.

Is this the first time the Clinton administration has been involved in lawbreaking and corruption? Not hardly. It has almost become a way of life—Travelgate, Filegate, Buddhist Temple fundraisers, illegal foreign campaign contributions, the compromise of high-technology nuclear secrets to the Chinese, not to mention perjury and obstruction of justice. The list goes on and on.

Why is this important? It is all about a concept. It is as basic to America as the concept of going to church on Sunday. That concept is: Equal application of the law.

Chuck Colson realized he did the wrong thing. Chuck Colson, in a book that he wrote in 1976, called "Born Again," stated:

> I happily gave an inquiring reporter damaging information about Ellsberg's attorney, compiled from secret FBI dossiers.

He said:

> . . . I pleaded guilty after being told by Watergate prosecutor Leon Jaworski that my conviction would deter such a thing from [ever] happening again.

That is a quote.

I suggest that it has happened again, and they are hoping no one will notice.

I refer to an article that was written on June 12—a current article—in the Weekly Standard by Jay Nordlinger. The question is: "Why Didn't Bacon Get Fried?" That is the name of the article. I will quote a few things from it. Jay Nordlinger wrote:

> It's just a small matter, in all the Clinton grossness, but it counts. Linda Tripp was the victim of a dirty, and illegal, trick. It was played on her by her own bosses at the Pentagon. And now those men—Kenneth Bacon and Clifford Bernath—have escaped with the wispiest slaps on the wrist. This is ho-hum for the Clinton administration; but it is a reminder of how unlawful and indecent this administration has been.

Further in the article he talks about Joseph diGenova, who is a former U.S. attorney with long experience in this area.

Quoting from the same article, diGenova is quoted as saying:

> The treatment of Bacon and Bernath suggests that the Privacy Act will be enforceable only in civil lawsuits filed by the victims. If there's no adverse action—not even a letter that goes into somebody's file—there's no deterrence here. None whatsoever.

The article by Jay Nordlinger further states:

> The president and his men have a bit of history with the Privacy Act. You perhaps remember Passportgate. Toward the end of the 1992 presidential campaign, it was learned that political appointees in the Bush State Department had rifled through candidate Clinton's passport files and those of his mother. Democrats demanded an independent-counsel investigation. They got one—led by diGenova. One of the officials involved, Elizabeth Tamposi, was dismissed. The acting secretary of state, Lawrence Eagleburger, offered to resign over the matter. (President Bush refused). Said Clinton, in his first press conference [after he had been elected President of the United States], "If I catch anybody doing [what the passport-file offenders did], I will fire them the next day. You won't have to have an inquiry or rigmarole or anything else."
>
> About a year later, Passportgate had something of a reprise, this time featuring appointees in Clinton's own State Department. A few of them got hold of Bush-administration personnel files and leaked them to Al Kamen of the Washington Post.

Mr. President, I ask unanimous consent this article be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 3.)

Mr. INHOFE. Finally, I guess it begs the question, What can be done now? I mentioned that the media, the mainstream media, has pretty much ignored this. They like Kenneth Bacon. He was a member of the media. They are not going to do anything about it, I have decided.

Fortunately, the Washington Times has done something about it. Fortunately, Fox News has done something about it. But there is something that can be done. When the new administration takes office, and a new Attorney General comes in, the Bacon-Bernath lawbreaking should be referred again for criminal prosecution. A professional Justice Department, freed from corrupt partisan influences, should prosecute this case and uphold the law.

Such a referral can easily be added to a list of such referrals on other matters which are already being contemplated, as Representative DAN BURTON, who is the chairman of the appropriate House committee, mentioned yesterday.

For example, these, as mentioned, would include criminal referrals related to:

No. 1, evidence that the President broke campaign finance laws, was aware of illegal foreign contributions, and changed policies in return for campaign contributions;

No. 2, evidence that the Vice President broke the law when he made the illegal fundraising phone calls from the White House;

No. 3, evidence that the Vice President committed a felony by lying to the FBI investigators about his knowledge of illegal fundraising activities;

No. 4, that Janet Reno committed obstruction of justice when she refused to appoint an independent counsel;

And now we add this to the list: Evidence that Ken Bacon and Clifford Bernath broke the law when they violated the Privacy Act in the Linda Tripp matter.

It is obvious if the next President of the United States happens to be AL GORE that very likely we will have the same type of Justice Department. I don't think our forefathers ever anticipated, when they were constructing these documents, our Constitution and our statutes, that we would have someone in the President's office who would use the Justice Department to protect his friends and punish his enemies. I have come to the conclusion that if this had been Frankie Vee who had done this, he would currently be serving time in the Federal penitentiary.

I yield the floor.

EXHIBIT 1

> DEPARTMENT OF DEFENSE,
> OFFICE OF GENERAL COUNSEL,
> *Washington, DC, December 3, 1999.*
>
> Re Request for Representation of Clifford H. Bernath in *Tripp* v. *Executive Office of the President* (D.D.C. No 99-2254).
>
> SYLVIA KASAR, Esq.,
> *U.S. Department of Justice, Civil Division—Federal Programs Branch, Washington, DC.*
>
> DEAR MS. KASAR: I am writing to request that the Department of Justice authorize private counsel at federal expense for Mr. Clifford H. Bernath in connection with the above-captioned litigation, pursuant to 28 C.F.R. §5015.
>
> We believe that this lawsuit concerns matters within this scope of Mr. Bernath's employment at the Department of Defense. Based on the information now available to us—which has also been made available to your office—we believe that providing Mr. Bernath with private counsel at federal expense is appropriate and in the interest of the United States.
>
> Thank you for your consideration of this matter.
>
> Sincerly,
>
> BRAD WIEGNAM.

EXHIBIT 2

> [From the Washington Times, May 27, 2000]
>
> CLINTON ACCUSED IN 'SMEAR'—TRIPP LAWYERS BLAME WHITE HOUSE FOR LEAK
>
> (By Jerry Seper)
>
> Attorneys for Linda R. Tripp yesterday said the release of information from her confidential personnel file was "wrong and illegal," and part of a "smear campaign" by the White House to damage her reputation.
>
> The attorneys said the campaign was engineered by President Clinton and his senior advisers, who "turned their public relations machine against Mrs. Tripp" to divert attention from the president's conduct with former White House intern Monica Lewinsky.
>
> "The campaign worked, and Mrs. Tripp was publicly humiliated on numerous occasions," attorneys Stephen M. Kohn, David K. Colapinto and Michael D. Kohn said in a statement. "Her reputation was poisoned, her motives questioned and even her personal appearance became fair game for ridicule."
>
> They said the leak of the Tripp file by Pentagon spokesman Kenneth Bacon to a reporter looking to write a critical story of Mrs. Tripp was part of that scheme, and that the file's disclosure was prohibited under the federal Privacy Act.
>
> The Defense Department's Office of Inspector General concluded that Mr. Bacon and his former top deputy, Clifford H. Bernath, violated Mrs. Tripp's privacy rights by providing information from her confidential personnel file to a reporter for the New Yorker magazine.
>
> But the two men received only mild reprimands Thursday from Defense Secretary William S. Cohen.
>
> Mr. Cohen criticized Mr. Bacon and Mr. Bernath in letters for what he called a "serious lapse of judgment," although neither letter was made part of the men's personnel files and no further disciplinary action was recommended. The case is closed.
>
> Mr. Clinton, through a spokesman, yesterday said he had "full confidence" in the Cohen decision.
>
> "The president has full confidence in the secretary of defense's management of his staff and the Pentagon and supports the judgment of the secretary of defense to take the actions appropriate," said P.J. Crowley, chief spokesman for the White House National Security Council, Mr. Crowley formerly worked for Mr. Bacon.
>
> Mrs. Tripp is the Pentagon official who blew the whistle on Mr. Clinton's affair with Miss Lewinsky. Both Mrs. Tripp and Miss Lewinsky worked for Mr. Bacon.
>
> Mrs. Tripp has since field a lawsuit accusing the White House and the Defense Department of using her confidential file to smear her reputation.

In a five-page statement, her attorneys noted that the leak to Jane Mayer, a reporter for the New Yorker, came after Mr. Bacon met privately over dinner with former White House Deputy Chief of Staff Harold Ickes—who "volunteered" to help Mr. Clinton in damage control after the Lewinsky accusations surfaced. They said Mr. Ickes also had met with Miss Mayer before the information was released.

"This was simply not an innocent release of information in response to an inquiry by a reporter," they said. "It is well-established that Mr. Bacon and his associate who was involved in the illegal leak knew that the information requested from Mrs. Tripp's security file would be used in a derogatory manner to smear Mrs. Tripp and question her credibility."

They also said Mr. Bacon and Mr. Bernath had been told the information from the file was covered by the Privacy Act and could not be released without Mrs. Tripp's consent.

Mr. Ickes, now coordinating first lady Hillary Rodham Clinton's run for a U.S. Senate seat in New York, did not return calls to his office for comment. He previously denied any wrongdoing, saying that while he met with Mr. Bacon and Miss Mayer before the file was leaked, he denied the discussions were part of a conspiracy.

The White House also has denied any involvement in the leak, and Mr. Bacon, in a statement on Thursday, said he did not believe he violated Mrs. Tripp's privacy rights and that "ultimately my conduct will be found lawful."

Sen. James M. Inhofe, Oklahoma Republican who denounced a Justice Department decision last month not to seek an indictment of Mr. Bacon or Mr. Bernath, despite concerns outlined in a July 1998 report by the inspector general, called the Cohen reprimand "a travesty."

"At a minimum, Bacon and Bernath should have been fired," said Mr. Inhofe. "This is what happened to the Bush administration official who misused candidate Bill Clinton's passport file in 1992. It is what Bill Clinton said would happen to anyone in his administration found guilty of a similar invasion of privacy."

Mr. Cohen yesterday denied that he whitewashed the release of information from Mrs. Tripp's confidential file, saying there was "no attempt to injure Miss Tripp's credibility or her reputation."

He told reporters at Morristown Airport after touring nearby Picatinny Arsenal that Mr. Bacon and Mr. Bernath were seeking to respond to pressure from the media and that there was no attempt to orchestrate any campaign to discredit Mrs. Tripp.

"I don't intend to fire him," Mr. Cohen said of Mr. Bacon.

In a final report made public yesterday, acting Inspector General Donald Mancuso said the harm to Mrs. Tripp's privacy interests caused by the release of her confidential personnel file outweighed any public benefit.

"Accordingly, the release constituted a clearly unwarranted invasion of her privacy," the report said. The report said the actions of Mr. Bacon and Mr. Bernath constituted a violation of the federal Privacy Act.

The documents leaked showed that Mrs. Tripp had said she never had been arrested, when in fact she had—in what later was described as a teen-age prank that occurred more than 30 years ago.

EXHIBIT NO. 3

[From the The Weekly Standard, June 12, 2000]

WHY DIDN'T BACON GET FRIED?—THE PENTAGON'S ANTI-TRIPP LEAKERS GET A SLAP ON THE WRIST, AND THE PRIVACY ACT A SLAP IN THE FACE

(By Jay Nordlinger)

It's just a small matter, in all the Clinton grossness, but it counts. Linda Tripp was the victim of a dirty, and illegal, trick. It was played on her by her own bosses at the Pentagon. And now those men—Kenneth Bacon and Clifford Bernath—have escaped with the wispiest slaps on the wrist. This is ho-hum for the Clinton administration; but it is a reminder of how unlawful and indecent this administration has been.

Before this little affair slides all the way down the memory hole, recall the essential facts: In January 1998, the Lewinsky scandal exploded on Bill Clinton's head. From the point of view of the White House, Linda Tripp was the major villain. It was therefore a matter of urgency to discredit her. In March, Jane Mayer, a Clinton-friendly reporter for the New Yorker, acquired what seemed a valuable piece of information: Tripp, as a teenager, had been arrested for larceny. Mayer put in a call to Ken Bacon, assistant secretary of defense for public affairs. He was an old friend; the two had worked together at the Wall Street Journal. Mayer had an amazingly specific question for him: How had Tripp responded to Question 21, parts a and b, on Form 398? This was a highly sensitive national-security questionnaire, under the eye of the Privacy Act Branch of the Defense Security Service; Question 21 dealt with arrests and detentions.

Bacon quickly swung into action. He ordered his deputy, Cliff Bernath, to get Mayer her answer. Hours before the reporter's deadline, Bernath told her not to worry: "Ken has made clear it's priority." Moving heaven and earth, and alarming career officers as he went, Bernath delivered—right on time.

It looked like bad news for Tripp: She had not, in fact, disclosed on Form 398 her 1969 arrest. Bernath told the New York Times that Tripp faced the "very serious charge" of lying to the government. Defense secretary William Cohen declared on CNN that Tripp was "guilty of a contradiction of the truth," which would be "looked into." It soon emerged, however, that Tripp's arrest had been the result of a juvenile prank, perpetrated against her. The judge had reduced the charge to one count of loitering, telling her, as she recalled it, that her record would be clear. The Pentagon, rather sheepishly, dropped its investigation of Tripp. Instead, Congress demanded that the department investigate Bacon and Bernath—for violating the Privacy Act. In their attempt to help Mayer nail Tripp, the two men seemed to have nailed themselves.

The Pentagon's inspector general, Eleanor Hill, duly launched an investigation. The case being clear-cut, it didn't take her long to find that Bacon and Bernath had indeed violated the Privacy Act. In July 1998, she referred the matter to the Justice Department—which then sat on it for almost two full years. This would have been incomprehensible in any other administration. Only in April 2000 did Justice announce that it would not prosecute. Incredibly, the department claimed that there was "no direct evidence upon which to pursue any violation of the Privacy Act."

It was then left to Secretary Cohen to determine a penalty for Bacon and Bernath—if any. What he decided to do was write a letter expressing his "disappointment" in the men. Each would receive a copy. In this letter, Cohen said that his subordinates' actions had been "hasty and ill-considered." He noted that, at the time of the incident, they and others at the Pentagon were under instruction not to release anything concerning Tripp without first consulting department lawyers. The strongest language he used was "serious lapse of judgment." But this was balanced against "the very high quality of the performance that you have otherwise exhibited." Amazingly, Cohen told the press that "there was no attempt to injure Miss Tripp's credibility or her reputation."

Contemplating this, Dick Morris, the former Clinton adviser, had no choice but to remark, "Generally, it is a good political rule never to say anything that the average 6-year-old knows isn't true."

The most striking thing about the Cohen letter is that it will not even be placed in either Bacon's or Bernath's permanent file. According to the Pentagon, this is not a letter of reprimand. A department spokesman, Craig Quigley, described it as "a personal letter to both Mr. Bernath and Mr. Bacon." Incredulous, a reporter said, "So, it's not a letter of reprimand?" "No," said Quigley. "Well, what would you call it?" Said Quigley, "It's an official letter expressing the secretary's disappointment in the judgment" of the two officials.

Quigley, like his boss, Bacon, also persisted in the fiction that the leak to Mayer was no big deal—a matter of routing, just business as usual. "This information was taken in the normal course of the day." It was "done very clearly and above board." You know how it is at the Pentagon: "A reporter will call with a question or request for data of some sort, and it's provided as best we can." Anyone who has ever covered, or tried to cover, the Defense Department will gladly tell you this is rot. Quigley trotted out another line as well, one that is increasingly becoming the Bacon defense: "You always do a balancing act between the Freedom of Information Act and the Privacy Act." This assertion is absurd: Form 398 is strickly a Privacy Act document.

After Cohen's non-reprimand, a few Republicans properly cried bloody murder. Sen. James Inhofe of Oklahoma accused the Pentagon of "a whitewash and a coverup." He said that "the law was broken, and nothing is being done about it." The failure to punish the leakers would "send a signal to millions of federal civilian and military employees that their private government records can be made public for political purposes, and no one will be held accountable."

For their part, Bacon and Bernath are denying any violation of the Privacy Act. At a press conference, Bacon was asked whether he would apologize to Tripp. "Well," he replied, "I have already issued the apologies that I have to issue." (He didn't specify what those were.) "I don't think that I performed unlawfully," he continued. His only regret was that he had not "checked this with lawyers." In an official statement, Bacon said, "It certainly never occurred to me that the Privacy Act would preclude disclosing how a public figure recorded a public arrest record on a security clearance." And here is more, perhaps Bacon's richest utterance to date: "I obviously knew that this was an issue of considerable public concern and that the public had an interest in knowing whether Ms. Tripp had accurately acknowledged her arrest record."

Bernath, the junior partner in the enterprise, following orders, although blindly, was similarly unbowed, saying, "My actions were not only legal, but also ethical and correct."

Meanwhile, Tripp is suing both the Pentagon and the White House for Privacy Act violations and witness intimidation. This suit may in fact have been on Cohen's mind when he declined to take serious action against his guys. Cohen gave the game away somewhat on Meet the Press, saying of Bacon, "He is now the subject of a major lawsuit. And so he will continue to be held accountable to the legal process." This is exactly the sort of thinking that worries many observers, including Joseph diGenova, a former U.S. attorney with long experience in this area. Says diGenova, "The treatment of Bacon and Bernath suggests that the Privacy Act will be enforceable only in civil lawsuits filed by the victims. It there's no adverse action—not even a letter that goes into somebody's file—there's no deterrence here. None whatsoever." In other words, "Don't leave it solely to the victim, who has to pay lawyers and so on, to enforce her rights under the Privacy Act. The government should enforce those rights, especially given that it was government people who broke the law."

The president and his men have a bit of a history with the Privacy Act. You perhaps remember Passportgate. Toward the end of the 1992 presidential campaign, it was learned that political appointees in the Bush State Department had rifled through candidate Clinton's passport files and those of his mother. Democrats demanded an independent-counsel investigation. They got one—led by diGenova. One of the officials involved, Elizabeth Tamposi, was dismissed. The acting secretary of state, Lawrence Eagleburger, offered to resign over the matter (President Bush refused). Said Clinton, in his first press conference as president-elect, "If I catch anybody doing [what the passport-file offenders did], I will fire them the next day. You won't have to have an inquiry or rigmarole or anything else."

About a year later, Passportgage had something of a reprise, this time featuring appointees in Clinton's own State Department. A few of them got hold of Bush-administration personnel files and leaked them to Al Kamen of the Washington Post. Kamen thus had the following story: "Guess whose working file was empty? That of very controversial longtime Bush employee Jennifer Fitzgerald." Kamen, of course, was being coy here: Fitzgerald was the woman rumored to have had an affair with President Bush. Damen was also able to report that Elizabeth Tamposi's file included "concerns from very senior State Department types that she was not ready for an assistant secretaryship."

Immediately, the State Department's inspector general, Sherman Funk, began an investigation. He found that two employees—Joseph Tarver and Mark Schulhof—were stone-cold guilty. Funk told Congress that the pair had engaged in "criminal violations of the Privacy Act provable beyond a reasonable doubt." The Justice Department (developing a pattern) refused to prosecute. In November 1993, the department secretary, Warren Christopher, fired Tarver and Schulhof. This must have been one of the last acts of Clinton-administration honor. The contrast with the Bacon-Tripp case—in this last respect—is overwhelming.

Then, of course, there was Filegate, in which the White House gathered unto its bosom hundreds of Republican FBI files, including Linda Tripp's. And the president himself was prompt to release letters from Kathleen Willey—a woman who had accused him of improper sexual conduct—when it was convenient.

If all this didn't begin with Watergate, it was certainly enshrined there. When the Bacon-Tripp story first broke, Charles Colson reminded this magazine that it was to a Bacon-style disclosure that he had pleaded guilty, in 1974. He had released information from Daniel Ellsberg's FBI file to the Copley Press, at a time when Ellsberg was a defendant in the Pentagon Papers case and a thorn in the Nixon administration's side—the parallels to Tripp are neat. Colson went to jail for this. The special prosecutor, Leon Jaworski, rejoiced that Colson's plea had set a precedent: No longer would political appointees so readily smear their foes in this way. Indeed, the Privacy Act was a post-Watergate reform, intended to check Nixonian abuses.

Says diGenova, "The Bacon thing is a facial and obvious violation of the Privacy Act. It is made for it." Bear this in mind: "Linda Tripp was engaged in a very public dispute with the president." His presidency hung in the balance; he, like Nixon before him, was on the road to impeachment. "This is precisely the kind of circumstance that Congress had in mind when it gave us the Privacy Act. And not to punish this conduct is a very serious mistake."

Apart from Tripp's lonely lawsuit, this affair has now reached an end. Yet two questions hang over it. First, Who gave Jane Mayer that promising tidbit from Tripp's past? Mayer says that it was a former wife of Tripp's father. Others—not necessarily full-time conspiracy theorists, either—wonder whether that's the full story. Team Clinton had every reason to dig for dirt on Tripp. The chief recordkeeper in the White House, Terry Good, testified in a deposition that the White House counsel's office had requested "anything and everything that we might have in our files relating to Linda Tripp."

The second question is, Did Bacon act of his own initiative? Or was he prompted by someone—presumably at the White House—to let fly what appeared to be damaging information? Bacon has steadfastly claimed that he acted entirely on his own, with no order, wink, or nod. But this strikes most people familiar with the workings of the Pentagon—and of the Clinton camp generally—as implausible. A veteran Defense Department hand told us, "Couldn't happen, didn't happen, no way, no how. Remember: Everyone who comes into public affairs is told Privacy Act rules. You don't release someone's confidential information—to anyone, much less the media. This is Public Affairs 101. And Bacon is perpetrating a shameful lie. Any professional in the building will tell you the same thing."

So, the Clinton administration lurches to a close, its players going this way and that, its loose ends being tied up, however unsatisfactorily. Jane Mayer, the little lady who started this not-so-great war, was recently a guest at a White House state dinner. She was seated in a place of honor: the first lady's table. As for her friend Bacon, he has waxed philosophical about his humble-gate: "This is an extremely small part of a large and painful national drama."

Yes, but it is significant nonetheless. The rule of law has taken a beating in this administration, not to mention such demands as honesty and trustworthiness. After Cohen flaked out, one of Tripp's lawyers made a somewhat poignant statement: "Despite Linda Tripp's unpopularity, the law should protect her." Such a simple notion. And powerful, even now.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, for purposes of the statement I am about to give, I ask unanimous consent that I be permitted to display a small safe.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE LOCKBOX

Mr. VOINOVICH. Mr. President, according to the latest estimates put forth by the Congressional Budget Office, the United States is projected to achieve an on-budget surplus of $26 billion in fiscal year 2000, the current fiscal year. What many Americans do not realize is that Medicare Part A, that portion of every person's paycheck that is deducted for hospital insurance, is the largest component of our Nation's on-budget surplus. It accounts for approximately $22 billion of the $26 billion fiscal year 2000 surplus. Of the on-budget surplus of $26 billion, $22 billion is actually money that has been paid into Medicare that is not being used for Medicare recipients today. It is overpayment.

Of that $26 billion on-budget surplus, the fiscal year 2001 budget resolution assumed that $14 billion of that on-budget surplus would be used to pay for military operations in Kosovo, natural disaster relief in the United States, Colombian drug eradication assistance, and other supplemental spending. Fourteen billion of the $26 billion has been spoken for, and for all intents and purposes, it is off the table. It is gone.

That leaves approximately $12 billion in on-budget surplus dollars available and unallocated—quite a tempting target.

If we don't use this $12 billion to pay down the national debt, I am concerned Congress will just spend the money. However, there is another option. In the very near future, Senator ALLARD and I and several of our other colleagues will propose an amendment that will direct the remaining $12 billion to be used for debt reduction instead of allowing it to be squandered on additional spending. We have given a lot of lipservice to being in favor of reducing the national debt. We have heard it in the House and the Senate. This will be a wonderful opportunity for everybody to vote to put $12 billion of the on-budget surplus into debt reduction.

In addition, once the CBO releases its revised baseline this summer, we will come back again and propose another amendment that will allocate whatever additional fiscal year 2000 on-budget surplus dollars are achieved towards debt reduction. We know in July we will have new numbers so there will be more money. At that time, we will come back and say: Let us use that additional money to pay down the debt.

Ever since the Congressional Budget Office first projected we would have a budget surplus back in 1998, Congress and the administration have been falling all over themselves to spend our on-budget surplus dollars. Indeed, if we include the supplemental appropriations, fiscal year 2000 discretionary spending will increase $37 billion, or 6.4 percent, over fiscal year 1999. Again, when we use the $14 billion of the on-budget surplus and add it to what we have already allocated for 2000, we are now talking about a 6.4-percent increase in spending in the year 2000 over 1999. That is tremendous growth in Government spending.

On another note, we hear that Vice President GORE now supports a Medicare lockbox, a lockbox similar to the one we created.

As I stated earlier, Medicare Part A is the largest component of our Nation's on-budget surplus, accounting for approximately $22 billion. Because of our strong economy and high employment, more money has come into the Medicare program via the payroll tax than has been spent in benefits. Again, we are either going to spend those on-budget surplus dollars on unrelated Government spending, or we can use it to reduce the national debt.

Last November, Senator ASHCROFT introduced the Social Security and Medicare Safe Deposit Act to wall off both the Social Security and Medicare Part A trust fund surpluses; in essence, to put them in a lockbox so the only other purpose for which they could be used would be to pay down the national debt. That is what we were going to do with it. The Senate had a chance this year to vote on a Medicare lockbox on April 7, when Senators ASHCROFT, BROWNBACK, GRAMS, and I offered an amendment to the fiscal year 2001 budget resolution. Unfortunately, Senator ASHCROFT had only 2 minutes to speak on the subject. I didn't get a chance to speak on it at all because no one was very interested at that time.

I remind my colleagues, the vote on the Medicare lockbox amendment was opposed by 43 Members of this Senate on the opposite side of the aisle; that is, 43 Democratic Members of the Senate voted "no" on the Medicare lockbox amendment. I thought the Medicare lockbox was a good idea then; I think it is still a good idea. Now, apparently, the Vice President thinks it is a good idea.

We need to lockbox Medicare to make sure that the excess money paid into Medicare Part A goes for debt reduction and is not going to be used for more spending or tax cuts. We need to use it for debt reduction, period, just as all the experts have said. Alan Greenspan, Chairman of the Federal Reserve Board; Daniel Crippen, head of CBO; David Walker, head of the GAO—all have said we should take the on-budget surplus and use it to pay down debt. I am pleased the Vice President is on board with a Medicare lockbox. I hope he will be able to convince Senators on the other side of the aisle that we need to make sure the on-budget surplus funds coming into the Treasury, which are mostly Medicare Part A dollars, are used to pay down the debt.

If my colleagues on the other side agree with the Vice President that we need to lockbox the Medicare surplus, which comprises $22 billion of the on-budget surplus, then they should have no problem supporting using $12 billion to pay down the debt.

We are going to have an opportunity twice this year—once perhaps this week on the Defense appropriations bill—to use the remaining on-budget surplus to reduce the national debt or to pay for more spending. I think it will be one of the best budget votes my colleagues will have all year long. Not only will it keep down spending, it will help bring down our publicly held debt. We have to make sure we make the right decisions in terms of our on-budget surplus.

I would like to also take advantage of this opportunity to quote the Vice President. This quotation was in the Washington Post:

> The temptation has always been to treat Medicare the way Social Security used to be treated—as a source of money for spending or tax cuts. And now that we have succeeded in taking Social Security off budget and using it to pay down the debt, we need to do the same thing with Medicare and put it in a lockbox.

I remind my colleagues that when the issue of the Social Security lockbox came up on the floor of the Senate, our colleagues on the other side of the aisle, on six occasions, all 45 of them voted against—voted against—the Social Security lockbox. My feeling is that we will find out this year whether or not the administration is in favor of lockboxing Social Security and lockboxing Medicare.

I think it is time we level with the American people and let them know that the on-budget surplus we have been talking about is primarily made up of overpayment of Medicare Part A payroll taxes, and that what we have been doing is proposing to use that for more spending or for reducing taxes. Let's lock it up. Let's put it in a lockbox. Let's make sure that the money that is being paid into Medicare is money for insurance for the elderly and is not used for tax reductions or, in the alternative, used to pay for other Federal spending. Now is the time to make that point. Now is the time to be counted.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. VOINOVICH assumed the chair.)

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I believe we have about 15 minutes left in morning business, is that correct?

The PRESIDING OFFICER. That is correct.

DECIDING THE SENATE'S PRIORITIES

Mr. THOMAS. Mr. President, I thank my friend from Ohio. I certainly could not agree more that when we have—as we do and will—a surplus, we need to decide where our priorities are in terms of spending those dollars. I can tell you, if they are just left here, they will be spent. If our priorities do lie in funding what our programs are, in ensuring that Social Security maintains itself, and that Medicare is there, and when we want to ensure that we keep a balanced budget and start to pay down our debt, then we have to commit ourselves to do those things. I think it is an excellent idea for those dollars, so that they won't be spent for something else. I also think we ought to pay down the debt, and we hopefully will have some opportunity to get some tax relief. It is tougher, interestingly enough, when you have a surplus to make sure that the money is used as beneficially as when you are dealing with a deficit. That is what I wanted to talk about this morning.

That is how we might make Government more efficient. You know, we talk about that a lot. Most of us talk about less Federal Government and how do we make sure the dollars are spent as efficiently as they can be and, hopefully, how we can arrive at a situation where those people who earn the dollars can keep more of them. That ought to be part of our goal.

I think there are some things that this Congress ought to consider, and they seem very important to me—ways in which we intend to ensure that the Government is more efficient, that the Federal Government indeed is limited in size, and that we make certain the Federal Government does those things that are defined in the Constitution and not those other things that are not and should be left to the States and the people. That is what the Constitution says. That is what most of us want.

Particularly, I suppose, when you come from a State such as mine, Wyoming, where we have a relatively low population, where we have a lot of open space and not too many folks, then the way you have programs function is different than it is in Connecticut and different than it is in Pittsburgh. So you really need that flexibility and you need to be doing as much governance as can be done, in my opinion, as close to people as possible so that it fits. That is what we ought to be talking about—less bureaucracy and more responsiveness, and doing what we need to do. This budget process that we are going through now is quite important, not only with respect to spending the money, but we really define for ourselves what we think the priorities are in terms of the needs of the American people, and what the role of the Federal Government is to help satisfy those needs. It is difficult.

I think it is fair to say that governments have less discipline than the private sector. There is really nothing to force the Government to have to behave in different ways, which is true in the private sector. I come from a business background. I tell you, you have to make changes from time to time because the economy makes it imperative that you do that, or you go broke. You are forced to change. That is not so with the Government. There is no competition there, so you are not forced to do things. I am not totally critical of the Government, by any means. I am only saying that there is a difference between how you run the Government and how you run the private sector. I believe there are a number of factors in the private sector that would help make the Federal Government much more effective. You have to force change. Change doesn't come about easily in a bureaucracy. Governments tend to go on as they have in the past. They tend to say that is what we have done before and what we will continue to do. It is resistant to change. So seldom are they forced to reorganize. Agencies are insulated, to some extent, by the Congress. If we don't do some things to bring about change, then change doesn't come about. I think it is our responsibility to do some of those things.

There are a number of ideas that I believe will help strengthen the system—ideas that are adapted from the private sector, to a large extent. They have to be initiated by the Congress, and there has to be a system in which the Congress exercises its responsibility for oversight to make sure that does not happen. There has to be a way that things are audited, that things are reviewed to see if, in fact, we are accomplishing the things that are set out to do.

The first would be, of course, to establish goals.

I have recently been involved in electric deregulation. We have had great battles over it. I am not sure what is going to happen or whether it will be done this year. We are seeking, however, to make some changes in the electric generating and distribution system. It has been a regulated utility for years. We want to see if we can't do it a little better in other ways.

Do you know what else we should do, in my opinion? We haven't really defined what we want. We get all wrapped up in what is going on. We are going to do this, or that, or this, when we haven't really clearly defined what we want the end result to be.

It seems to me it would be very productive if this Congress—maybe when we start to deal with campaign finance—knew what it wanted in the end. I think we could do that. If you are not certain where you are going—remember the old story of Alice in Wonderland. She fell through the hole and talked to all of the different people, and didn't get any advice. Finally, she saw the Cheshire cat up in the tree, and she was right at the junction of the road. She said: Cat, which road should I take? The cat said: Where do you want to go? She said: I don't know. The cat said: Then it doesn't make any difference what road you take.

That is kind of where we are sometimes. If we don't know what we want to accomplish, then how do we get there?

I think instead of emphasizing the process, which we often do, we then need to measure results. That is really what it ought to be about. That is where you have the flexibility by saying you worry so much about how you get there but you measure the results at the end. There are things we can do.

Congress needs to first define where we are going, define how we get there, and then measure the results; give some flexibility so that things can be done differently in different places. The health care system delivery is much different in Wyoming from what it is in California. You have to have some flexibility to do that.

Congressional oversight is something that, unfortunately, we probably don't do as much as we should. That is what committee meetings are for. That is what audits are for. When you pass a law and say here is where we want to go, then you have to say: How are we getting there? We don't do that well.

The Republicans and the majority party have been putting emphasis on oversight. I think that is a great thing to do. That is why I like biennial appropriations—so you don't have to spend 2 years doing appropriations. We ought to do them every other year, and spend the interim year seeing if the money we are spending is doing the things we intended.

The Constitution divides the responsibilities in the Federal Government for a reason; that is, so that no one segment of Government controls everything. We have an executive branch; we have a legislative branch; we have a judicial branch. It is for good reason: To divide and strengthen the responsibilities and power so there is balance.

We, frankly, find that particularly this administration, as their time expires, is moving far beyond what the legislature has authorized and doing many things by regulation without talking at all with the Congress or, indeed, to the people. I think we have to really make sure that what the law intends is carried out.

Congress passed a bill in 1998, which I authored, which defines the various activities of Congress: Listing those activities that are inherently governmental, listing those that are not, and listing those that could better be done by contract in the private sector. We passed that bill. We have had some progress. There has been a listing, generally.

By the way, the Defense Department, in my opinion, does a better job of contracting than any other agency. That ought to be the role of an agency, to strengthen their ability to manage contracts, but to let those contracts go out to the private sector and people who do that professionally and more efficiently all of the time. I think that is something we really ought to be able to do.

We also need, of course, to find a way to terminate programs.

I mentioned in the beginning that Government tends to perpetuate itself. It seems to go on. I understand that. There ought to be a way to have some kind of sunset mechanism. After a period of time, hopefully, a job is finished. Not in every case, but in some cases the work is completed, and the mission is accomplished. Then we ought to do away with that agency or activity that was developed for a particular job. Unfortunately, in the political system, as you start a program of that kind, it builds its own constituency and seems never to go away. But we need to have a way to do that. I think the sunset idea is an interesting one.

We have been talking about these for some time.

I am really delighted to see in the news today what Gov. George Bush suggested. One is opening positions to commercial activities, and another one is result oriented and talking about doing the very things we are talking about here. If we could have an administration that agrees with Congress to move that way, we could do it.

I close by saying I introduced last week the Congressional Regulatory Review Reform Act of 2000. In 1993, a bill was passed that said regulations needed to be sent back to Congress for some kind of oversight. We found increasingly, particularly in this administration, that there was an effort and an agenda to move regulation by Executive orders that could not get through the legislative process—to sort of go around it. Unfortunately, Congress has allowed this to happen and has delegated much of its legislative responsibility to the bureaucracy in terms of the regulations that are written to implement the law.

Clearly, Congress can't go into huge detail, nor should it. But the important thing is that the regulations designed to implement the law need to carry out the intent.

In my subcommittee last week we had a meeting on national parks. We have a very good national park bill that was passed in 1998. Now we are implementing that bill. We are having discussions as to how we ensure the regulations that are developed in fact bring about the change intended in the legislation and that regulations don't simply keep it as it was.

The system we passed in 1996 has not worked as well as it should. Over 12,000 nonmajor rules and 186 major rules have been submitted to Congress—major rules being ones that have more than $100 million in impact on the private sector. Out of 12,000, only 7 resolutions of disapproval have been introduced pertaining to 5 bills. None has passed either House. So it isn't working as it should.

We are trying to make some changes and say, rather than just going to the Office of Management and Budget, it ought to go to GAO, which is the general auditing organization. Then it should come to Congress so Congress has an opportunity to take a look at it. If indeed it doesn't reflect the intent, Congress should have a chance to change it.

Those are some of the things that I think would help implement the things we are doing. It would help to have a smaller and more efficient Government. It would help us, Mr. President, as you pointed out, to set aside some of the dollars that ought to be used to pay down the debt and go back to the taxpayers. I think we have a great opportunity to do that. I hope we focus on that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

Mr. STEVENS. Mr. President, I rise to remind Senators that there is an order that requires amendments to this bill be filed by 3 p.m. We have been notified there are about 41 amendments that may be offered. Senator INOUYE and I are prepared to deal with these.

If Members have amendments and desire to have a vote sometime tomorrow, please take time this afternoon to initiate that debate. There is no time limit on amendments yet, but we do intend to reach a time limit agreement on amendments later this afternoon. If Members have amendments and desire to have a considerable amount of time to present to the Senate, this is a great time to do that.

We will be working up a managers' package of amendments that we believe we can take to conference and work out. Senators may want to identify those amendments and present them. We would be pleased to consider them now and determine if we will put them in the managers' package so we can move the bill forward.

It is our hope we will finish this bill tomorrow afternoon. That is complicated a little bit by the fact we have a full Appropriations Committee meeting tomorrow afternoon to report out the Transportation appropriations bill. That may not take very long. It is our intention to keep working on the Defense bill, notwithstanding the fact we will be in committee on the Transportation bill. I urge Senators to introduce and possibly present amendments to the Senate so we can determine whether they should be included in our managers' package, which will be accepted by unanimous consent.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair.

AMENDMENT NO. 3308

(Purpose: To prohibit the use of funds for the preventative application of dangerous pesticides in areas owned or managed by the Department of Defense that may be used by children)

Mrs. BOXER. I send an amendment to the desk. I ask for its immediate consideration. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. REID, proposes an amendment numbered 3308.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8 . PROHIBITION ON USE OF FUNDS FOR PREVENTATIVE APPLICATION OF PESTICIDES IN DEPARTMENT OF DEFENSE AREAS THAT MAY BE USED BY CHILDREN.

(a) DEFINITION OF PESTICIDE.—In this section, the term 'pesticide' has the meaning given the term in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(b) PROHIBITION USE OF FUNDS.—None of the funds appropriated under this Act may be used for the preventative application of a pesticide containing a known or probable carcinogen or a category I or II acute nerve toxin, or a pesticide of the organophosphate, carbamate, or organochlorine class, in any area owned or managed by the Department of Defense that may be used by children, including a park, base housing, a recreation center, a playground, or a daycare facility.

Mrs. BOXER. I will do my best to describe my amendment in about 10 minutes, if I might.

The PRESIDING OFFICER. The distinguished Senator is recognized.

Mrs. BOXER. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. BOXER. I say to the Senator from Alaska, I am asking for the yeas and nays on my amendment.

Mr. STEVENS. I will agree to that.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, if I may be recognized, I ask that it be scheduled for sometime tomorrow at a time to be agreed upon between the Senator from Hawaii and myself.

The PRESIDING OFFICER. Is there objection to the Senator's unanimous consent request?

The Chair hears none, and it is so ordered.

Mrs. BOXER. I want to clarify with my friend from Alaska and my friend from Hawaii that we will have an up-or-down vote on this amendment and not a second degree? We can have a vote up or down.

Mr. STEVENS. We have no problem with agreeing that the amendment not be subject to a second-degree amendment.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator is recognized.

Mrs. BOXER. I thank my friend from Alaska and my friend from Hawaii for agreeing to my request. I hope we will not have much opposition because I believe that this amendment is, in fact, consistent with the stated policy of the Department of Defense. I will explain what my amendment does.

My amendment would prohibit the routine use of particularly harmful pesticides on Department of Defense property or grounds where children may be present.

I was stunned to learn, about a year after I got to the Senate—so it must have been about 1984—that the way the laws were written and the way they applied across the Government was that our environmental laws were set to protect essentially 155-pound men.

Now, that is fine, if you are in that category, but what we find out is that people of a lesser weight, a different gender, pregnant women, the elderly, people who are ill, and little children, react very differently to that amount of pollution or pesticide, as the case may be. So I wrote a bill called the Children's Environmental Protection Act. I am very much hopeful that we can get it passed as sort of an omnibus bill that takes care of all of our laws in every Department to make sure that children, in particular, are protected.

So far we have not had much luck moving that bigger package, so what I have done is, on every bill that has come before this body, I have offered an amendment that would lower the risk for our children. In this particular case, we are saying to the Department of Defense: You have been good about putting the policy forward; we want to codify it and make sure that you do not use a pesticide containing a probable carcinogen or a known carcinogen, an acute nerve toxin or other toxins that would in fact harm our children.

Why is it important to limit the use of these pesticides around children? Clearly, by definition, pesticides are meant to kill living things. Exposure to pesticides has been linked to cancer, neurological disorders, and learning disabilities. For example, common insecticides that schools spray on baseboards and floors to kill cockroaches and ants include an active ingredient—chlorpyrifos—that is classified by the EPA as a nerve toxin. And I compliment Carol Browner over at the EPA because she just held a press conference announcing that this particular ingredient will be banned. However, it is important to note it is going to take at least 6 months for that ban, and we do not want that kind of toxin being sprayed around children. That is why it is important to include it in this amendment.

We know that potential chronic effects from exposure to these kinds of harmful toxins, we know we see a decrease in neurological performance.

Are these risks any different for children in relation to adults? The answer is yes. I would like to refer you to the 1993 National Academy of Sciences report, "Pesticides in the Diets of Infants and Children." We know that children are at greater risk to experience the harmful effects of pesticides exposure than adults. In other words, children are not just little adults. They are changing; they are growing. I often say that I am a little adult but I am not a child; I have grown to my maximum potential. But the fact is, kids at a certain age, before they reach maturity, are very susceptible to having adverse reactions to the chemicals that I would not have, nor Senator INOUYE, nor Senator STEVENS, nor our Presiding Officer, Senator ROBERTS; we are stronger, although I would say they are much stronger than I am because they are being protected because of a rule that says if you are a 155-pound male, you will be OK.

So it is important to bring this issue to the Senate as often as I can, and I am very pleased with the response I have gotten from colleagues thus far because we have been able to change the rules as they apply to safe drinking water; we recently had some luck on an education bill; and we have had some luck with the Superfund in committee. We make sure that when the Superfund sites are cleaned up—these are the terrible dumps that include so many harmful toxins—they are cleaned up to protect children, not just the 155-pound adults.

We know that pound for pound of body weight, children eat more food; they drink more water; and they breathe more air than adults so they are vulnerable. They are rapidly growing; their developing systems are vulnerable.

I want to show you this picture in case you are wondering what all this means because I think it is extremely interesting and it is also extremely disturbing.

This picture is from a study, "Showing the Effects of Pesticide Exposure on Young children." One group of children in this study was from a region where pesticide use was high, both in the home and outdoors. The other group in the study was the same as the first group: same age, same ethnicity, except the second group of children was from regions where pesticides were not used—the same group of children, except for pesticide exposure. The two groups of children were asked to draw a person to test their cognitive ability, their ability to learn and understand. These are the results, results which show an unsettling picture.

These are the pictures that were drawn by the kids who were exposed to pesticides. You can see you don't even see a resemblance of a person. And clearly where there was very little exposure, you are getting a much more appropriate type of drawing. This isn't something that we are making up. We are seeing this response.

The kids who grew up without exposure to pesticide use in significant proportions did far better. They had better hand-eye coordination, and you could see it so clearly; they had better memory and their brain skills were so much sharper.

The study's authors also observed that children from the area with little pesticide use—and again that is clearly this group shown here—engaged in more group play; they were more creative with their activities; they were less aggressive than the children from the area with the high pesticide use. This is a study that is considered one of the first in this particular area.

This was done by Professor Elizabeth Guillette who is affiliated with the University of Arizona. This study clearly shows what many of us have suspected for a long time. It is a fact in evidence that our kids are damaged when they are exposed to dangerous pesticides and toxins.

The point I want to make about the amendment is that while we prohibit the routine use of these dangerous pesticides, we certainly do not prohibit the Department of Defense from using common and less toxic pesticides.

Under the amendment, DOD could still use synthetic pyrethroid insecticides to control insects. These insecticides are among the most common used today.

And, DOD could still use copper sulfate, a very common pesticide used today.

DOD also could still use "biopesticides"—there are some 50 of these type pesticides in use today.

DOD could also use pheromone traps and baits—which are used heavily today to control termites and carpenter ants.

Finally, DOD could still use insect growth regulators, which help control insects.

I was asked when putting this amendment together: Suppose there is an absolute emergency and we have an encephalitis epidemic break out on a military base. We make an exception for that in this amendment. We agree, if we have to go to these harsher toxins to fight a health hazard. Of course. We have an exception in this amendment. By the way, that exception is part of the DOD guidelines.

We are only banning as a routine method the known carcinogens, the probable carcinogens, the nerve toxins from regular use.

This is a very disturbing study that was done by someone who is considered a leader in this field of understanding children and their brain development at the University of Arizona. We know for a fact that kids are adversely impacted by these toxins. I would be very pleased to see the Senate act to put on the record and put into law the official banning of these very harmful pesticides.

I again thank my colleague, the Senator from Hawaii, Mr. INOUYE, for his help on this. I ask unanimous consent that HARRY REID be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I particularly thank Senator STEVENS for his graciousness in not only allowing me to go forward with this amendment today but agreeing to have a vote directly on the amendment.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Hawaii.

Mr. INOUYE. Mr. President, may I ask a question of the author of the measure?

Mrs. BOXER. Certainly.

Mr. INOUYE. Is the Senator satisfied that her amendment does not violate provisions of rule XVI?

Mrs. BOXER. Yes, we have been told it is drawn in such a fashion that it simply says no funds may be used for these pesticides and toxins on a regular basis.

Mr. INOUYE. It is limited only to the Department of Defense.

Mrs. BOXER. That is correct. I would love to do much more, I say to my friend, but we are following rule XVI.

Mr. INOUYE. I thank the Senator.

Mrs. BOXER. I thank my friend. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3317 THROUGH 3320, EN BLOC

Mr. STEVENS. Mr. President, I have four amendments at the desk; three are technical in nature and one is substantive. I ask unanimous consent they be presented at this time.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 3317 through 3320, en bloc.

The amendments are as follows:

AMENDMENT NO. 3317

(Purpose: To provide research and development funds for the Information Technology project)

In the appropriate place in the bill, insert the following new section:

"SEC. . In addition to funds made available in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $20,000,000 is hereby appropriated for Information Technology Center.

AMENDMENT NO. 3318

(Purpose: To make a technical correction to Sec. 8083 of the bill)

On page 83, line 26 of the bill after the comma strike the following text: "1999 (Public Law 105–262)", and insert the following text: "2000 (Public Law 106–79)".

AMENDMENT NO. 3319

(Purpose: To make a technical correction on Section 8014)

On page 47, at line 21, strike the words "Native American ownership" and insert in lieu thereof "ownership by an Indian tribe, as defined in 25 U.S.C. 450b(e), or a Native Hawaiian organization, as defined in 15 U.S.C. 637(a)(15)".

AMENDMENT NO. 3320

(Purpose: To make a technical correction on Section 8073)

On page 79, insert the words "Increase Use/Reserve support to the Operational Commander-in-Chiefs and with" after the words "to be used in support of such personnel in connection with".

Mr. STEVENS. Mr. President, I would have been pleased to have had the amendments read, but they are technical. They have been cleared by my good friend from Hawaii. I ask unanimous consent the amendments be adopted en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3317 through 3320), en bloc, were agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I now send to the desk a series of amendments. Normally, it would be shown that I have offered them for these Senators. I ask unanimous consent they be shown to have been submitted by the Senators whose names have been shown as sponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the distinguished Senator from West Virginia and I have just discussed an amendment he has filed. He is prepared to modify that amendment but wishes a little bit more time. I ask unanimous consent that the amendment that has been filed by Senator BYRD be subject to his modification notwithstanding the present order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3328

(Purpose: To adjust the cash balances available under the "Foreign Currency Fluctuations, Defense" account)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 3328.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 90, line 14, strike Section 8091 and insert the following new section:

SEC. 8091. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $789,700,000 to reflect savings from favorable foreign currency fluctuations, and stabilization of the balance available within the "Foreign Currency Fluctuation, Defense", account.

Mr. STEVENS. Mr. President, this amendment changes one figure in the bill. It is cleared by Senator INOUYE.

Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3328) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am filing an amendment for myself and Senators ROTH and BIDEN. In their absence, I am submitting this amendment probably as an alternative to an amendment they have filed. I want it on the record just to avoid any problems in the future. I ask that it be filed.

The PRESIDING OFFICER. The amendment will be filed.

Mr. STEVENS. Mr. President, I am also filing an amendment for myself and Senator MCCAIN.

The PRESIDING OFFICER. The amendment will be filed.

Mr. STEVENS. Mr. President, I ask unanimous consent that another amendment for Senator MCCAIN be printed in the RECORD.

There is one other.

These may have been already filed. If so, I ask that they just be withdrawn as a redundancy. But we are not certain they have been filed.

The PRESIDING OFFICER. The amendment will be filed.

Mr. STEVENS. Mr. President, has time passed for the filing of amendments?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the vote on the Boxer amendment occur at 10:30 a.m. tomorrow with 2 minutes of debate equally divided prior to the vote.

Mr. INOUYE. Mr. President, can we withhold that just for a moment?

Mr. STEVENS. Yes. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I have sought recognition at this time to address some remarks to the Department of Defense appropriations bill.

I commend the managers of the bill, Chairman STEVENS and Senator INOUYE, for their work on this measure. These two Senators have a vast knowledge, and it goes all across the areas of the Defense Department. They have been at this work a long time. Their hearts are in it, and they are highly dedicated to it. Their combined efforts are always evident in the annual DOD appropriations bill. This year's bill is no exception—it is a well-balanced and comprehensive measure.

In recent years, the committee has had to provide for ever-increasing demands on our military—primarily in peacekeeping activities around the world. Our military personnel are scattered around the world—they are skilled and dedicated men and women, ever vigilant in their duty—charged with the responsibility of protecting the security of our country and its citizens. But they have in more recent times also been charged with the responsibility of acting as peacekeepers in many troubled areas around the globe.

Under these circumstances, it is very difficult to craft Defense appropriations bills. It has been nearly impossible to determine just how long and to what extent our military personnel might be needed in some of these peacekeeping operations, and what the estimated costs thereof might be. That situation exists today, for example, in Bosnia. It exists in southwest Asia, in Kosovo, and even in Haiti.

So I take my hat off to our managers for their dedication, not only this year but for many previous years, in working through these challenges to provide the funding necessary to carry out these efforts.

The bill before us today clearly addresses the most critical needs of our military personnel and their families. The 3.7-percent pay raise recommended by the Senate Armed Services Committee is fully funded in this bill. Sufficient resources are also included to improve the health care benefits of our military retirees. And more than $96.7 billion is provided for the readiness of our military forces.

It is imperative that Congress provide funding for these important programs to demonstrate to the men and women in uniform who are serving our country throughout the world our strong and unwavering support for them.

Furthermore, this bill does not neglect our necessary defense modernization requirements. It provides funding for all of the highest priority programs identified by our military leaders and requested by the administration.

So I congratulate Senator STEVENS, chairman of the appropriations subcommittee—he is also chairman, of course, of the full Appropriations Committee—and Senator INOUYE for their dedication and hard work, and I know that my colleagues will support passage of the bill.

I also take this opportunity to recognize in a very special way our ranking member of the Defense Appropriations Subcommittee, Senator DANIEL INOUYE, who will be honored next week, at which time he will receive the Nation's highest military award for valor—the Congressional Medal of Honor.

How proud it makes all of us feel that we have someone like DANIEL INOUYE here as a Senator in our midst as we think of the sacrifices that he made.

Senator INOUYE was first elected to the Senate in 1963 from our 50th State.

Mr. President, I am proud to say that I am one who voted for Statehood on behalf of both Alaska and Hawaii. I believe that I am the only Senator left remaining here who voted for statehood for both of these States. I am proud of having done that.

He was first elected, as I say, to the Senate in 1963 from Hawaii, the 50th State. I think I am correct in saying that I am only one of three Members of today's Senate who were also here when he joined this body.

When I first came to the Senate, there were 96 Members of the Senate. Upon my being sworn in, the two new Senators from the new State of Alaska were sworn in with me, making a total of 98 Senators. Later in the year, Hawaii, the new State, the 50th State, sent two Senators, two new Senators to the Senate, making a total of 100 Senators to comprise this body.

I have had the pleasure of working with DANNY INOUYE on many occasions over the years. I have found him to be a man of the utmost integrity, who has worked tirelessly in the Senate on behalf of his constituents and on behalf of the Nation.

He was a Senator who was extremely supportive of me when I was the majority leader of this body. He was supportive of me when I was minority leader. He was very supportive of me when I was chairman of the Appropriations Committee of the Senate. He is certainly a Senator on whom one can rely for truth, for integrity, for steadfastness, for forthrightness, and as one who is extremely and highly dedicated to his work.

Like many others in this body, I view Senator INOUYE as a national hero. I know of his wartime heroics in France and in Italy. I read about how he fought to protect the troops with whom he served without regard for his own life. He doesn't talk much about it, but we know about it. He was gravely wounded in serving his country, yet he continued to fight. I am immensely proud of this outstanding American in our midst.

For many in Congress, in our hearts we have felt that DANNY INOUYE richly deserves the special recognition he earned in those bloody battles some 55 years ago. We are deeply moved and so proud that he is now to receive the highest military honor that can be bestowed upon any American citizen, the Congressional Medal of Honor.

It isn't enough to say in our hearts
That we like a man for his ways;
It isn't enough that we fill our minds
With psalms of silent praise;
Nor is it enough that we honor a man
As our confidence upward mounts;
It's going right up to the man himself
And telling him so that counts.

If a man does a work that you really admire,
Don't leave a kind word unsaid.
In fear to do so might make him vain
And cause him to lose his head.
But reach out your hand and tell him, "Well done."
And see how his gratitude swells.
It isn't the flowers we strew on the grave,
It's the word to the living that tells.

Well done, our friend, our colleague, our hero.

Mr. INOUYE. Mr. President, at this moment I find that mere words are inadequate to express my deep gratitude. Aloha to the senior Senator from West Virginia. May I just simply say I thank him very much.

Mr. STEVENS. Mr. President, I share the feelings of the Senator from Virginia concerning the statement of the distinguished Senator from West Virginia. Those are wonderful words to say about our colleague, and every one of them was well deserved.

I ask unanimous consent that the Parliamentarian review the amendments filed on this bill prior to 3 o'clock and inform the minority and majority managers of the bill whether any of those amendments are subject to rule XVI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that second-degree amendments be in order to the filed amendments, and that they be relevant to the first-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the managers of the bill may, with the consent of the sponsor, modify amendments so they could be included in the managers' package.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE MANAGEMENT DEMONSTRATION PROGRAM

Mr. LEVIN. Mr. President, I would like to engage the distinguished managers of the bill in a brief colloquy on the issue of the health care management demonstration program recommended by the Armed Services Committee in S. 2549, the National Defense Authorization Act for Fiscal Year 2001.

Section 740 of S. 2549 would direct the Secretary of Defense to conduct a test of two models to improve health care delivery in the Defense Health Program: one model would study alternative delivery policies, processes, organization and technologies; the second would study long term disease management. This section would also authorize $6 million within the total of $11.4 billion authorized for the Defense Health Program in FY2001 to carry out these demonstration programs. The Armed Services Committee believes that these two models have the potential to improve significantly the delivery of health care in the military medical system.

I would like to ask the distinguished managers of the bill if the FY2001 Department of Defense Appropriations Bill currently before the Senate includes the resources in the Defense Health Program to conduct the health care management demonstration program directed by section 740 of S. 2549?

Mr. STEVENS. I support the health care demonstration program directed by section 740 of S. 2549, and I assure my good friend from Michigan that the FY2001 Department of Defense appropriations bill before the Senate includes sufficient funding in the Defense Health Program to carry out this important effort.

Mr. INOUYE. I agree with the chairman of the Appropriations Committee, and I thank the Senator from Michigan for bringing this matter to our attention.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE 50TH ANNIVERSARY OF JOHN AND SHARON ROESSER

Mr. LOTT. Mr. President, I rise today to honor John and Sharon Roesser of Encino, California who celebrated their 50th wedding anniversary on Saturday, June 20, 2000.

After serving in the First Marine Division in the Pacific and near the China/Manchuria border during and immediately after World War II, John attended Loyola University in Los Angeles. John met Sharon, who was attending Immaculate Heart College, at a dance in the fall of 1948.

A year and a half later on a blistering hot day, June 10, 1950, John and Sharon were married in the original Saint Mary's Church in El Centro, California by the Most Reverend Charles S. Buddy who was the first Bishop of the San Diego Diocese. Sharon's maid of honor was her sister Patricia, and John's best man was Paul Connor. After their honeymoon at the Hotel Del Coronado, John and Sharon lived in Santa Monica and then settled in Encino, California where they raised their six children: Regina, John Jr., Allison, Paul, Mary Carol, and Tom. At last count, John and Sharon have 16 grandchildren.

Today, I honor John and Sharon's 50 years of marriage and their commitment to raising their children in a loving and caring household. Since their marriage, they have always been there for each other and for each of their children through the best of times and the most difficult of times. They are an example of all that is good in America, and I wish them all the best in the years to come.

BREAST AND CERVICAL CANCER TREATMENT ACT

Ms. COLLINS. Mr. President, breast cancer is second only to lung cancer as a cause of cancer-related deaths among American women. This year, an estimated 182,800 new cases of breast cancer will be diagnosed and 40,800 women will die of this terrible disease. In addition, an estimated 12,800 new cases of cervical cancer will be diagnosed this year, and 4,600 American women will die of this disease. Many of these deaths could be avoided by making sure that cancer detection and treatment services are readily available to all women at risk.

Early detection is currently the best way to combat breast and cervical cancer. If women age 50 and over obtain regular screening for breast cancer, up to 30 percent of breast cancer deaths could be prevented. Moreover, virtually all cervical cancer deaths could be prevented through regular screening.

In recognition of the value of screening and early detection, Congress passed the Breast and Cervical Cancer Mortality Prevention Act of 1990, which established the Centers for Disease Control and Prevention's (CDC's) National Breast and Cervical Cancer Early Detection Program. This important program has provided over two million screening tests to low-income and underserved women in all 50 States since its inception, and over 6,000 cases of breast cancer and over 500 cases of invasive cervical cancer have been diagnosed. In Maine, more than 8,300 women have been screened and 28 cases of breast cancer and 12 cases of cervical cancer have been detected through this program.

As one Maine woman observed:

> This screening program was an answered prayer. I had been concerned about having to skip checkups lately, but there was no way to come up with the money anytime soon. I will gladly tell all of my friends about this and will gladly return for follow-up.

The National Breast and Cervical Cancer Early Detection Program has provided cancer screening services to more than one million low-income American women who, like the woman from Maine, otherwise might not have been able to have these critically important tests. Unfortunately, however, the program does not currently pay for treatment services for women with abnormal screening results. Since the National Breast and Cervical Cancer Early Detection Program is targeted to low-income women, many do not have health insurance and many more are underinsured. While States participating in the program have been diligent and creative in finding treatment services for these women, a study done for CDC found that, while treatment was eventually found for almost all of the women screened, some women did not get treated at all, some refused treatment, and some experienced delay.

Screening must be coupled with treatment if it is to save lives. As we approach the 10th anniversary of the enactment of the Breast and Cervical Cancer Mortality Act, it is time for Congress to complete what it started by enacting legislation to ensure that women diagnosed with breast or cervical cancer through the screening program will have coverage for their treatment. That is why I am pleased to be a cosponsor of S. 662, the Breast and Cervical Cancer Treatment Act, which would give States the option of providing Medicaid coverage for the duration of breast and cervical cancer treatment to eligible women who were screened and diagnosed through the CDC program. This legislation is not a mandate for States. It simply lets States know that, if they do decide to provide treatment services for these women, the Federal Government will be there to help with an enhanced Federal Medicaid match for these services.

Mr. President, S. 662 has strong bipartisan support with 66 Senate cosponsors. Moreover, last month the House of Representatives overwhelmingly passed similar legislation. I want to commend the Senate Finance Committee chairman and the Senate majority leader for making a commitment to move this legislation this year, and I urge them to schedule committee action and Senate floor time soon so that S. 662 can be signed into law this summer. There would be no better way to celebrate the 10th anniversary of the National Breast and Cervical Cancer Early Detection Program in August than by enacting this important bill to provide the treatment necessary to save the lives of the women who are screened and diagnosed with cancer through this program.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, June 9, 2000, the Federal debt stood at $5,645,113,216,631.00 (Five trillion, six hundred forty-five billion, one hundred thirteen million, two hundred sixteen thousand, six hundred and thirty-one dollars).

One year ago, June 9, 1999, the Federal debt stood at $5,604,849,000,000 (Five trillion, six hundred four billion, eight hundred forty-nine million).

Five years ago, June 9, 1995, the Federal debt stood at $4,899,367,000,000 (Four trillion, eight hundred ninety-nine billion, three hundred sixty-seven million).

Twenty-five years ago, June 9, 1975, the Federal debt stood at $526,170,000,000 (Five hundred twenty-six billion, one hundred seventy million) which reflects a debt increase of more than $5 trillion—$5,118,943,216,631.00 (Five trillion, one hundred eighteen billion, nine hundred forty-three million, two hundred sixteen thousand, six hundred and thirty-one dollars) during the past 25 years.

THE "HOUSE THE SENATE BUILT" RESOLUTION

Mr. GRAHAM. Mr. President, I rise today, during National Homeownership Week, to urge the Senate's commitment to affordable housing. I ask my colleagues to support a Resolution expressing the Senate's commitment to the "House the Senate Built" project. This proposed partnership between the United States Senate and Habitats for Humanity will lead to the construction of a simple home with and for a low-income family in all fifty states and the District of Columbia by the end of 2001.

Our colleagues in the House of Representatives have already made this a priority. Three years ago, members of the House unanimously passed a Resolution which expressed its commitment to build an affordable home for a family in need in each of the 435 Congressional districts. Since that time, in partnership with Habitat for Humanity, homes have been built in nearly every district.

Habitat for Humanity's work is respected and admired. In its twenty-three years, Habitat for Humanity has housed nearly 400,000 people in 79,300 Habitat houses worldwide. Under the continued leadership of founder Millard Fuller, Habitat built 13,682 homes in 1999.

Spend some time with Mr. Fuller or at one Habitat's worksites, and you will find that the passion for providing all sleepy children a decent place to lay their heads is contagious. Millard wisely states, "We have the know-how in the world to house everyone. We have the resources in the world to house everyone. All that's missing is the will to do it."

I suggest that the Senate has the will to make affordable housing for all Americans a reality. We can show our commitment by lending our own skills and strength to the construction of one Habitat for Humanity home in each State by the end of next year.

I encourage you to work with your local Habitat for Humanity affiliate—there are over 2,000—to identify a community and family in need of a little extra assistance to make their dream of homeownership a reality.

We all remember our first home—the pride we took in mowing the lawn for the first time, family barbecues, the excitement and nervous anticipation of our first dinner party. I believe that every American deserves the opportunity to feel the pride of homeownership.

We have the know-how, the resources, and, certainly, the need. Let us now show America that we have the will to give more Americans the opportunity to own their own home.

ADDITIONAL STATEMENTS

CONGRATULATIONS, OUTSTANDING STUDENTS FROM ENID HIGH SCHOOL

• Mr. INHOFE. Mr. President, I rise today to recognize the outstanding performance of several students from Enid High School in Enid, Oklahoma. The following students participated in the We the People . . . The Citizen and the Constitution national finals competition in Washington DC. The students who participated in the competition are: Aaron Bonnett, Beau Brumfield, Cheyenne Combs, Keneisha Green, Heather Hansen, Tim Healy, Erin Hickey, Kenneth Ingle, M. Brandon Jones, Heather Kline, Thomas Lentz, Becky Lewis, Meredith Meara, Yvonne Midkiff, Katie Oden, Derek Podolny, Brandi Pride, Diana Rogers, Ryan Seals, Jamie Thibodeau, Carl Tompson, along with their teacher Cheryl Franklin.

The national finals competition brings together 50 classes from throughout the United States and provides the students the opportunity to testify as constitutional experts before a panel of judges. The students from Enid displayed remarkable understanding of the ideals and values of the American Constitution and are to be commended for their efforts. Again, congratulations to these outstanding Oklahoma students and their teacher.•

CARL "BOBO" OLSON INDUCTED INTO INTERNATIONAL BOXING HALL OF FAME

• Mr. AKAKA. Mr. President, I rise to honor Carl "Bobo" Olson, the legendary world boxing champion born and nurtured in Hawaii, who was inducted yesterday into the International Boxing Hall of Fame in Canastota, New York. This is certainly a well-deserved honor for "The Hawaiian Swede," a distinguished champion whose life and 16-year professional career represent the grit, tenacity, skill and love of sport that have made boxing popular worldwide.

Born in 1928, Bobo Olson grew up quickly on the tough streets of downtown Honolulu in the early 1940s, sharpening his boxing skills at an early age. Bobo and I grew up in the same community, the Pauoa and Punchbowl area in Honolulu—a neighborhood where families of different races, many of Hawaiian or Portuguese heritage—lived side-by-side and shared our cultures and traditions. We all closely followed Bobo's rise to champion and took pride in a local boy who had reached the top in his sport and handled his success with humility and grace.

He began fighting professionally at age 16, and won 19 fights before he reached the age where he could legally box on the mainland circuit. As a professional, Bobo won the World Middleweight Championship by defeating Randy Turpin of England in October 1953 before 18,869 spectators in a 15-round fight at New York's Madison Square Garden. Ring Magazine named him fighter of the year in 1953. He held the title for two years; losing it in 1955 to Sugar Ray Robinson.

Olson's career record was 117 fights, 99 wins, 49 by knockout, 16 losses and two draws. Four of those losses were to Ray Robinson, who is considered by many boxing experts and fans to be the greatest middleweight ever and among boxing's all-time greats. Bobo Olson held the middleweight title longer than any other boxer in the 1950s and fought as a middleweight and light-heavyweight. He never shied away from a challenge. Bobo was inducted into the World Boxing Hall of Fame in 1958, and was also among the first class of athletes, sportsmen and sportswomen inducted into the Hawaii Sports Hall of Fame in 1998. After retiring from boxing in 1966, Bobo worked as recreational director for the Operating Engineers Local Union in San Francisco and in public relations for the Teamsters. Now happily retired, he and his wife Judy reside in Honolulu.

Mr. President, I join boxing enthusiasts and the people of Hawaii in congratulating Carl "Bobo" Olson on his induction into the International Boxing Hall of Fame. He remains a soft-spoken champion, and his quiet intensity and commitment to excellence offer a lasting illustration of good sportsmanship for all of us.●

MANSFIELD PACIFIC RETREAT

● Mr. BAUCUS. Mr. President, I rise today to salute the successful completion of the Fourth Annual Mansfield Pacific Retreat. The focus of this retreat centered upon "Urban Air Quality Issues in the Asia-Pacific Region."

Pacific Rim air quality is very timely and important matter for discussion. Environmental and public health research in the United States and Asia has increasingly shown that people living in urban areas are exposed to high levels of pollutants. This exposure can cause many impacts such as developmental problems in children, asthma, pneumonia, cancer, and even premature death in the elderly or sensitive populations. The U.S. has removed lead from its fuel supply for several of these reasons. Soon, because of the Clean Air Act Amendments of 1990 which I shepherded through the Congress, EPA will be issuing a comprehensive urban air toxins reduction strategy. I am hopeful that this will be a model for other nations to consider.

I applaud the Mansfield Retreats' participants to discuss these critical issues in depth, and I look forward to their recommendations about how to resolve these issues.

Along, that line, Mr. President, I would like to insert for the RECORD the Final Retreat Declaration.

MANSFIELD PACIFIC RETREAT—FINAL DECLARATION

The Fourth Annual Mansfield Pacific Retreat was held in Kumamoto, Japan from May 29–June 1, hosted by the Maureen and Mike Mansfield Center of the University of Montana and with special support from the Kumamoto Prefectural Government.

The theme of the Fourth Annual Retreat was "Common Issues—Shared Solutions: Environmental Issues and Technology in the Asia-Pacific Region." The Retreat participants placed emphasis on urban air equality and discussed solutions to these common problems via new technologies and partnerships.

The Retreat featured representation from Japan, South Korea, China and the United States. Delegates were drawn from the sectors of government, academia, non-governmental organizations and private corporations.

In discussing the topic of urban air quality, the Retreat participants focused on the following observations. First, there was a clear consensus that environmental problems in the urban context extended across borders and were truly transnational in their nature. Delegates acknowledged that solutions to these problems needed to focus on greater collaboration among affected governments and societies across the Asia-Pacific region for the benefit of our children and planet. At the same time, there was recognition of the important and timely contributions that participants outside the government could provide.

Representatives from among the private sector acknowledged their involvement in urban environmental issues and offered insight on the availability of new and appropriate technologies. In addition, the participants confirmed that they would maintain the trust and relationships established through the Retreat in order to address shared problems in local, regional, and international contexts.

Retreat members paid tribute to the efforts of Senator and Ambassador Mike Mansfield who has devoted nearly six decades of his life to fostering greater understanding among nations in Asia. The participants expressed their appreciation to representatives from Montana and Minamata who shared their experiences in how communities have responded to local environmental crises. The accounts related to the Clark Fork River cleanup in Montana and Minamata City's transformation into a model environmental city.

The Retreat participants offered tribute to the late Governor George Fukushima whose dynamic vision made the Mansfield Pacific Retreat a reality in Kumamoto. At the same time, delegates thanked Governor Shiotani for her support of the Retreat. The tireless efforts of the Kumamoto Prefectural and Mansfield Center staffs in organizing and supporting the Retreat were appreciated.

In conclusion, the Retreat delegates noted that the Fifth Retreat will be held in Glacier National Park, Montana in September 2001.

Mr. President, I believe that this declaration is evidence of a commendable venture of which I have had the honor of participating in the past three successful events. Over the years, it has been a pleasure to work with Madame Li Xiaolin and the China People's Association for Friendship with Foreign Countries, and Dr. Phillip West and Ambassador Mark Johnson from the Maureen and Mike Mansfield Center in Missoula, Montana. Their vision, dedication and cooperation make the Retreats a success year after year.

I congratulate them and look forward to the fifth annual Mansfield Pacific Retreat when it will be held in my home state of Montana next year.●

MESSAGE FROM THE HOUSE

At 12:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 8. An act to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

The message also announced that pursuant to section 12(b)(1) of the Centennial of Flight Commemoration Act (36 U.S.C. 143) and upon the recommendation of the minority leader, the chair has announced the Speaker's appointment of the following citizen on the part of the House to the First Flight Centennial Federal Advisory Board: Ms. Mary Mathews of Ohio.

The message further announced that pursuant to 28 U.S.C. 629(b) and upon the recommendation of the minority leader, the Chair has announced the Speaker's reappointment of the following member on the part of the House to the Federal Judicial Center Foundation for a 5-year term: Mr. Benjamin Zelenko of Maryland.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1953. An act to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria.

H.R. 2484. An act to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.

H.R. 3639. An act to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S Truman Federal Building".

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS PRESENTED ON JUNE 9, 2000

The Secretary of the Senate reported that on June 9, 2000, he had presented to the President of the United States the following enrolled bills:

S. 291. An act to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.

S. 356. An act to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9197. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation entitled "The Social Security Number Protection Act of 2000"; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment and with an amended preamble:

H. Con. Res. 251: A concurrent resolution commending the Republic of Croatia for the conduct of its parliamentary and presidential elections.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

H. Con. Res. 304: A concurrent resolution expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 2460: A bill to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

S. 2677: A bill to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe.

S. 2682: A bill to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 117: A concurrent resolution commending the Republic of Slovenia for its partnership with the United States and NATO, and expressing the sense of Congress that Slovenia's accession to NATO would enhance NATO's security, and for other purposes.

S. Con. Res. 118: A concurrent resolution commemorating the 60th anniversary of the execution of Polish captives by Soviet authorities in April and May 1940.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2711. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys; to the Committee on Environment and Public Works.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 2712. A bill to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. Res. 321. A resolution to congratulate the New Jersey Devils for their outstanding discipline, determination, and ingenuity, in winning the 2000 National Hockey League's Stanley Cup Championship; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself and Mr. MACK:)

S. 2711. A bill to authorize the Administrator of the Environment Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys; to the Committee on Environment and Public Works.

THE FLORIDA KEYS WATER QUALITY IMPROVEMENT ACT

• Mr. GRAHAM. Mr. President, the Florida Keys are a unique natural resource area that we must value and protect. This 158 mile-long string of islands at the southern tip of Florida attracts two and a half million visitors each year to fish, swim, snorkel, dive, and otherwise enjoy the beautiful surroundings.

One of the most striking characteristics of the Florida Keys is their pristine marine environment. The Keys support one of the largest sea grass communities in this hemisphere and more than 6000 species of plants fish, and invertebrates. The diversity of this reef ecosystem is considered the underwater equivalent of the tropical rainforests.

But that ecosystem—and the economy it supports—is at grave risk. The degradation of water quality in the Florida Keys threatens the health of the living coral reef, sea grasses, fisheries, and other marine life. This decline threatens to transform the Keys from one of Florida's most treasured resources to one of its most poisoned.

Mr. President, the great irony is that we are loving the Florida Keys to death. While we are pleased that these islands attract new residents and visitors from all over the world, improvements in wastewater treatment and management practices have not kept pace with population and tourism growth.

Why is this significant? Ongoing research has determined that nutrients from wastewater have significantly contributed to the decline of water quality in the Florida Keys. It will take a strong partnership of federal, state, and local governments working in conjunction with environmental advocates and other interests to build the better sewage treatment systems needed to improve canal and nearshore water quality.

Fortunately for the Florida Keys, such a partnership is already in place and at work. In 1990, Congress established the Florida Keys National Marine Sanctuary to protect the marine habitat while continuing to allow for its appropriate use. The sanctuary program has brought together representatives of necessary interests to develop a plan for challenges like water quality.

Central to this effort is the Monroe County government, which has developed a Wastewater Master Plan to identify long-term solutions to the water quality problem. The plan estimates that infrastructure projects implemented to improve water quality will incur total capital costs of $346 million—a major undertaking that will require funding at every level.

Mr. President, I have long said that any federal assistance for Keys wastewater improvements would first require a strong show of local support. Monroe County has done its fair share. Through a combination of revenue bonds, user fees and an infrastructure sales tax, the County has made a commitment of over $150 million over 10 years.

Mr. President, it is time for this Congress to hold up its end of the bargain. Today, Senator MACK and I are introducing the Florida Keys Water Quality Improvements Act of 2000. Similar legislation passed the House on May 4, 2000 with almost unanimous support.

The Florida Keys Water Quality Improvements Act authorizes the Environmental Protection Agency to make grants for construction of wastewater treatment works. These grants are only awarded to projects that already have a significant investment. Successful applicant projects will be those that have completed the planning and design phase, demonstrated substantial water quality benefits and proven compliance with the Marine Sanctuary and other master plans for the area. And as is appropriate in a partnership, these grants will fund a portion of project costs, with an least 25 percent of the cost paid by local and state entities.

Mr. President, the prospect of treating wastewater for an increasingly crowed 158-mile-long string of islands is not a simple one. But it is vital that we preserve this beautiful area not just for current residents and visitors—but also for our children and grandchildren. With this legislation, we can put the federal government on the side of this worthy goal, and support the investment that has been made by the residents and protectors of the Florida Keys.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Florida Keys Water Quality Improvements Act of 2000”.

SEC. 2. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

“SEC. 121. FLORIDA KEYS.

“(a) IN GENERAL.—The Administrator may make grants to the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County for the planning and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

“(b) CRITERIA FOR PROJECTS.—To be eligible for a grant for a project under subsection (a), an agency described in subsection (a) shall demonstrate that—

“(1) the agency has completed adequate planning and design activities for the project;

“(2) the agency has completed a financial plan identifying sources of non-Federal funding for the project;

“(3) the project complies with—

“(A) applicable growth management ordinances of Monroe County, Florida;

“(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

“(C) applicable water quality standards; and

“(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

“(c) CONSIDERATION.—In selecting projects to receive grants under subsection (a), the Administrator shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

“(d) CONSULTATION.—In carrying out this section, the Administrator shall consult with—

“(1) the Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (16 U.S.C. 1433 note; 106 Stat. 5054);

“(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771);

“(3) the Commission on the Everglades established by Executive Order of the Governor of the State of Florida; and

“(4) other appropriate State and local government agencies.

“(e) FEDERAL SHARE.—The Federal share of the cost of a project carried out using amounts from grants made under subsection (a) shall be not more than 75 percent.

“(f) SENSE OF CONGRESS.—

“(1) PURCHASE OF EQUIPMENT AND PRODUCTS PRODUCED IN THE UNITED STATES.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided under this section, it is the sense of Congress that agencies receiving the financial assistance should, in expending the assistance, purchase only equipment and products that are produced in the United States.

“(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this section, the Administrator shall provide to each recipient of the assistance a notice describing the statement of Congress under paragraph (1).

“(3) REPORTING OF EXPENDITURES.—Not later than 180 days after an agency that receives funds under this section makes any expenditure on an item that is produced in a country other than the United States, the agency shall report the expenditure to Congress.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

“(1) $32,000,000 for fiscal year 2001;

“(2) $31,000,000 for fiscal year 2002; and

“(3) $50,000,000 for each of fiscal years 2003 through 2005.”.●

Mr. MACK. Mr. President, I rise with my friend and colleague Senator GRAHAM to introduce the Florida Keys Water Quality Improvements Act. This bill is identical to legislation that passed the House on May 4, 2000 by a vote of 411–7, and would provide Federal resources to help improve and maintain one of our Nation's real treasures, the Florida Keys National Marine Sanctuary.

The Florida Keys are a spectacular natural resource of international significance. Within the Florida Keys lies the only living coral reef bed in the United States and the third largest living coral reef in the world. The reef is home to plants and animals unique to this area and that comprise a rare and sensitive ecosystem at the southern end of the Everglades ecosystem. While the spectacular coral reef is the Keys' most popular feature, they are also known for native seagrass beds, lush tropical hardwood hammocks, mangrove forests, rocky pinelands, the endangered key deer, and a wide array of aquatic life.

The Florida Keys marine ecosystem is dependent upon clean, clear water with low nutrient levels for its survival. Water quality experts have found that the inadequate wastewater treatment and storm water management systems are major contributors of pollution in the nearby waters off the Florida Keys. This increased pollution has had devastating effects on the marine environment, and is threatening the reefs on the Florida Keys National Marine Sanctuary. Unless decisive action is taken to stop the flow of pollution, scientists warn the ecosystem will continue its decline towards total collapse.

The source of the problem is clear. The Keys have almost no water quality infrastructure. Lacking adequate technology, untreated wastewater now travels easily through porous limestone rock into the near-shore waters. Polluted stormwater also flows from developed land into the same near-shore waters.

Our bill is a natural extension of the Federal commitment to the Florida Keys made under the Florida Keys National Marine Sanctuary Protection Act approved by Congress in 1990. This legislation established a Federal role in the research and protection of the Keys marine ecosystem. The Act directed the Environmental Protection Agency and the State of Florida to establish a Water Quality Steering Committee which was charged with developing a comprehensive water quality protection program. In fulfilling this directive, the steering committee worked closely with dedicated citizens, scientists, and technical experts. In the final analysis, it found that inadequate wastewater and stormwater systems are the single largest source of pollution in the Keys.

This bill authorizes Federal assistance to help local officials afford the necessary improvements to protect the Florida Keys National Marine Sanctuary. It establishes a grant program under the Environmental Protection Agency for the construction of treatment works projects aimed at improving the water quality of the Florida Keys National Marine Sanctuary. The administrator of EPA, after consultation with State and local officials, would be authorized to fund treatment works projects that comply or are consistent with local growth ordinances, plans and agreements, as well as current water quality standards. Projects funded under this program would be cost-shared, with local sponsors providing a minimum of 25 percent of the project costs.

This bill authorizes $213 million in Federal funding for the deployment of water quality technology throughout the Keys. To make the necessary wastewater improvements, the estimated cost to improve near-shore water quality in the Florida Keys is between $184 million and $418 million. To make the necessary storm water management improvements, the estimated cost is between $370 million and $680 million. The Federal government is not going to bear the entire cost, even though this is a national resource. The State of Florida is obligated to come up with 25 percent cost share.

Moneys authorized by this bill will be utilized to replace the dated, inefficient system of sludge ponds and septic tanks currently being used in the Keys with modern waste and storm water treatment works. By ensuring that the nutrients associated with such wastes are not discharged or released into the surrounding waters, we can prevent further damage to the marine environment and achieve dramatic improvement to the water quality in the National Marine Sanctuary.

Mr. President, I urge my colleagues to support this reasonable approach to maintaining an essential national resource. I hope there will be a broad, bipartisan support for this bill.

ADDITIONAL COSPONSORS

S. 656

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1333

At the request of Mr. WYDEN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 1333, a bill to expand homeownership in the United States.

S. 1495

At the request of Mr. DEWINE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1495, a bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

S. 1800

At the request of Mr. GRAHAM, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1800, a bill to amend the Food Stamp Act of 1977 to improve onsite inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food stamp and related programs, and for other purposes.

S. 1850

At the request of Mr. KENNEDY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1850, a bill to amend section 222 of the Communications Act of 1934 to modify the requirements relating to the use and disclosure of customer proprietary network information, and for other purposes.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 2100

At the request of Mr. EDWARDS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2100, a bill to provide for fire sprinkler systems in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2296

At the request of Mr. CRAPO, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2296, a bill to provide grants for special environmental assistance for the regulation of communities and habitat (SEARCH) to small communities.

S. 2311

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2327

At the request of Mr. HOLLINGS, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 2327, a bill to establish a Commission on Ocean Policy, and for other purposes.

S. 2330

At the request of Mr. ROTH, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Oregon (Mr. SMITH), the Senator from Illinois (Mr. FITZGERALD), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2402

At the request of Mr. CLELAND, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2402, a bill to amend title 38, United States Code, to enhance and improve educational assistance under the Montgomery GI Bill in order to enhance recruitment and retention of members of the Armed Forces, and for other purposes.

S. 2585

At the request of Mr. GRAHAM, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Nebraska (Mr. KERREY), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2617

At the request of Mr. BAUCUS, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2617, a bill to lift the trade embargo on Cuba, and for other purposes.

S. 2621

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2621, a bill to continue the current prohibition of military cooperation with the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions are being met.

S. 2709

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2709, to establish a Beef Industry Compensation Trust Fund with the duties imposed on products of countries that fail to comply with certain WTO dispute resolution decisions.

S. CON. RES. 109

At the request of Mr. SCHUMER, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Con. Res. 109, a concurrent resolution expressing the sense of Congress regarding the ongoing persecution of 13 members of Iran's Jewish community.

SENATE RESOLUTION 321—TO CONGRATULATE THE NEW JERSEY DEVILS FOR THEIR OUTSTANDING DISCIPLINE, DETERMINATION, AND INGENUITY, IN WINNING THE 2000 NATIONAL HOCKEY LEAGUE'S STANLEY CUP CHAMPIONSHIP

Mr. LAUTENBERG (for himself and Mr. TORRICELLI) submitted the following resolution; which was considered and agreed to:

S. RES. 321

Whereas the New Jersey Devils at 45–29–8, posted the second best regular season record in the NHL's Eastern Conference and were awarded the fourth seed in the playoffs;

Whereas the Devils displayed a potent offense and stifling defense throughout the regular season and playoffs before beating the defending champion Dallas Stars to win their second Stanley Cup in 5 years;

Whereas the Devils epitomize New Jersey pride with their heart, stamina, and drive and thus have become a part of New Jersey culture;

Whereas the New Jersey Devils did what no other team had done before, coming back from a three games to one deficit to win a Conference Championship and advance to the Stanley cup Finals;

Whereas Scott Stevens, winner of the Conn Smythe Trophy as the Most Valuable Player of the Stanley Cup playoffs, is one of the fiercest competitors in the game today and is a true team leader who served as captain of the Devils' 1995 and 2000 Stanley Cup Championship teams;

Whereas Scott Gomez, a gifted, young playmaker was named the league's Rookie of the Year and is the first Hispanic player to compete in the NHL;

Whereas goalie Martin Brodeur's lifetime goals against average of 2.19 is the best in NHL history and his 162 wins over a four-season span since 1996–97 are the most in league history;

Whereas head coach Larry Robinson served as an assistant on the 1995 championship team and took over as head coach late this season;

Whereas the New Jersey Devils take great pride in playing in new Jersey, and spend a great deal of time giving back to the community;

Whereas Lou Lamoriello, President/General Manager of the New Jersey Devils since 1987, his staff, and his players displayed outstanding dedication, teamwork unselfishness, and sportsmanship throughout the course of the season in achieving hockey's highest honor;

Whereas longtime team owner John McMullen was born and raised in New Jersey and is responsible for bringing the Devils to the Garden State;

Whereas the support of all the Devils fans and the people of New Jersey helped make winning the Stanley Cup possible;

Whereas each one of the Devils players will be remembered on the premier sports trophy, the Stanley Cup, including: Jason Arnott, Brad Bombardir, Martin Brodeur, Steve Brule, Sergei Brylin, Ken Daneyko, Patrik Elias, Scott Gomex, Bobby Holik, Steve Kelly, Claude Lemieux, John Madden, Vladimir Malakhov, Randy McKay, Alexander Mogilny, Sergei Nemchinov, Scott Niedermayer, Krzysztof Oliwa, Jay Pandolfo, Deron Quint, Brian Rafalski, Scott Stevens, Ken Sutton, Petr Sykora, Chris Terreri, and Colin White; now, therefore be it

Resolved, That the United States Senate congratulates the New Jersey Devils on winning Lord Stanley's Cup for the 2000 National Hockey League Championship.

Mr. LAUTENBERG. Mr. President, I rise to congratulate the New Jersey Devils for winning the National Hockey League's 2000 Stanley Cup Championship. On Saturday night, the Devils defeated the Dallas Stars 2 to 1 in double overtime to win the finals in six games. This is the second time in five years that the Devils have hoisted Lord Stanley's trophy above their heads.

The Devils are what New Jersey pride is all about. Their heart, stamina, and drive have endeared them to millions of fans and have made them a permanent part of New Jersey's culture. Team members, who hail from all over the globe, also reflect the tremendous diversity of New Jersey's population. One player—Scott Gomez—is the first Hispanic player to compete in the NHL and the league's rookie of the year. The Devils have turned their cultural differences into a source of strength and have proved what is possible when team members work together to achieve a sport's highest honor.

Mr. President, apart from their contributions to hockey, the New Jersey Devils are also outstanding citizens. Defenseman Ken Daneyko, for example, is a leader both on and off the ice. Ken is one of the original Devil players and was an alternate captain. He has played 1,071 games in a Devils uniform and has participated in all 109 Devils playoff games. Ken is also a community leader who owns an Italian restaurant in Caldwell and is an active member of New Jersey's chapter of the national Children's Miracle Network. Indeed, all the team members are proud to play for New Jersey and spend much of their free time giving back to the community.

The success of any organization starts at the top. And there is no question that the success the New Jersey Devils have enjoyed would not have been possible without the leadership of two great New Jersey citizens: team chairman John J. McMullen and co-owner John C. Whitehead. John McMullen is one of the NHL's most innovative, committed owners. A graduate of Montclair High School and the Naval Academy, John has been honored many times for his civic contributions. He and John Whitehead, a former U.S. Deputy Secretary of State, brought the team to New Jersey as a service to their home state.

Mr. President, the players, coaches and staff with the New Jersey Devils showed outstanding dedication, teamwork and sportsmanship in achieving hockey's highest honor. They are not only the best team in the NHL, they are one of the finest organizations in professional sports.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2000

TORRICELLI AMENDMENT NO. 3282

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) REQUIREMENT.—Notwithstanding any other provision of law, the Secretary of the Air Force shall, using funds specified in subsection (b), pay the New Jersey Forest Fire Service the sum of $92,974.86 to reimburse the New Jersey Forest Fire Service for costs incurred in containing and extinguishing a fire in the Bass River State Forest and Wharton State Forest, New Jersey, in May 1999, which fire was caused by an errant bomb from an Air National Guard unit during a training exercise at Warren Grove Testing Range, New Jersey.

(b) SOURCE OF FUNDS.—Funds for the payment required by subsection (a) shall be derived from amounts appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, AIR NATIONAL GUARD".

BINGAMAN AMENDMENTS NOS. 3283–3284

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

AMENDMENT NO. 3283

On page 109, between lines 11 and 12, insert the following:

TITLE IX—BOSQUE REDONDO MEMORIAL

SEC. 901. SHORT TITLE.

This title may be cited as the "Bosque Redondo Memorial Act".

SEC. 902. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1863, the United States detained nearly 9,000 Navajo and forced their migration across nearly 350 miles of land to Bosque Redondo, a journey known as the "Long Walk".

(2) Mescalero Apache people were also incarcerated at Bosque Redondo.

(3) The Navajo and Mescalero Apache people labored to plant crops, dig irrigation ditches and build housing, but drought, cutworms, hail, and alkaline Pecos River water created severe living conditions for nearly 9,000 captives.

(4) Suffering and hardships endured by the Navajo and Mescalero Apache people forged a new understanding of their strengths as Americans.

(5) The Treaty of 1868 was signed by the United States and the Navajo tribes, recognizing the Navajo Nation as it exists today.

(6) The State of New Mexico has appropriated a total of $123,000 for a planning study and for the design of the Bosque Redondo Memorial.

(7) Individuals and businesses in DeBaca County donated $6,000 toward the production

of a brochure relating to the Bosque Redondo Memorial.

(8) The Village of Fort Sumner donated 70 acres of land to the State of New Mexico contiguous to the existing 50 acres comprising Fort Sumner State Monument, contingent on the funding of the Bosque Redondo Memorial.

(9) Full architectural plans and the exhibit design for the Bosque Redondo Memorial have been completed.

(10) The Bosque Redondo Memorial project has the encouragement of the President of the Navajo Nation and the President of the Mescalero Apache Tribe, who have each appointed tribal members to serve as project advisors.

(11) The Navajo Nation, the Mescalero Tribe, and the National Park Service are collaborating to develop a symposium on the Bosque Redondo Long Walk and a curriculum for inclusion in the New Mexico school curricula.

(12) An interpretive center would provide important educational and enrichment opportunities for all Americans.

(13) Federal financial assistance is needed for the construction of a Bosque Redondo Memorial.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To commemorate the people who were interned at Bosque Redondo.

(2) To pay tribute to the native populations' ability to rebound from suffering, and establish the strong, living communities that have long been a major influence in the State of New Mexico and in the United States.

(3) To provide Americans of all ages a place to learn about the Bosque Redondo experience and how it resulted in the establishment of strong American Indian Nations from once divergent bands.

(4) To support the construction of the Bosque Redondo Memorial commemorating the detention of the Navajo and Mescalero Apache people at Bosque Redondo from 1863 to 1868.

SEC. 903. DEFINITIONS.

In this title:

(1) MEMORIAL.—The term "Memorial" means the building and grounds known as the Bosque Redondo Memorial.

(2) SECRETARY.—The term "Secretary" means the Secretary of Defense.

SEC. 904. BOSQUE REDONDO MEMORIAL.

(a) ESTABLISHMENT.— Upon the request of the State of New Mexico, the Secretary is authorized to establish a Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument in New Mexico. No memorial shall be established without the consent of the Navajo Nation and the Mescalero Tribe.

(b) COMPONENTS OF THE MEMORIAL.—The memorial shall include—

(1) exhibit space, a lobby area that represents design elements from traditional Mescalero and Navajo dwellings, administrative areas that include a resource room, library, workrooms and offices, restrooms, parking areas, sidewalks, utilities, and other visitor facilities;

(2) a venue for public education programs; and

(3) a location to commemorate the Long Walk of the Navajo people and the healing that has taken place since that event

SEC. 905. CONSTRUCTION OF MEMORIAL.

(a) GRANT.—

(1) IN GENERAL.—The Secretary may award a grant to the State of New Mexico to provide up to 50 percent of the total cost of construction of the Memorial.

(2) NON-FEDERAL SHARE.—The non-Federal share of construction costs for the Memorial shall include funds previously expended by the State for the planning and design of the Memorial, and funds previously expended by non-Federal entities for the production of a brochure relating to the Memorial.

(b) REQUIREMENTS.—To be eligible to receive a grant under this section, the State shall—

(1) submit to the Secretary a proposal that—

(A) provides assurances that the Memorial will comply with all applicable laws, including building codes and regulations; and

(B) includes such other information and assurances as the Secretary may require; and

(2) enter into a Memorandum of Understanding with the Secretary that shall include—

(A) a timetable for the completion of construction and the opening of the Memorial;

(B) assurances that construction contracts will be competitively awarded;

(C) assurances that the State or Village of Fort Sumner will make sufficient land available for the Memorial;

(D) the specifications of the Memorial which shall comply with all applicable Federal, State, and local building codes and laws;

(E) arrangements for the operation and maintenance of the Memorial upon completion of construction;

(F) a description of Memorial collections and educational programming;

(G) a plan for the design of exhibits including the collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional standards;

(H) an agreement with the Navajo Nation and the Mescalero Tribe relative to the design and location of the Memorial; and

(I) a financing plan developed by the State that outlines the long-term management of the Memorial, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Memorial through the assessment of fees or other income generated by the Memorial;

(iii) a strategy for achieving financial self-sufficiency with respect to the Memorial by not later than 5 years after the date of the enactment of this Act; and

(iv) a description of the business activities that would be permitted at the Memorial and appropriate vendor standards that would apply.

SEC. 906. FUNDING.

(a) IN GENERAL.—Of the amount appropriated under title II under the heading "OPERATION AND MAINTENANCE, ARMY", $2,000,000 shall be available for purposes of carrying out this title.

(b) CARRYOVER.—Any funds made available under this section that are unexpended at the end of fiscal year 2001 shall remain available for use by the Secretary through September 30, 2002, for the purposes for which those funds were made available.

AMENDMENT NO. 3284

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) INCREASE IN AMOUNT.—The amount appropriated under title III under the heading "MISSILE PROCUREMENT, AIR FORCE" is hereby increased by $5,000,000, with the amount of such increase available for In-Service Missile Modifications for the purpose of the conversion of Maverick missiles in the AGM-65B and AGM-65G configurations to Maverick missiles in the the AGM-65H and AGM-65K configurations.

(b) CONSTRUCTION OF AVAILABILITY OF AMOUNT.—The amount available under subsection (a) for the purpose specified in that subsection is in addition to any other amounts available under this Act for that purpose.

FRIST (AND THOMPSON) AMENDMENT NO. 3285

(Ordered to lie on the table.)

Mr. FRIST (for himself and Mr. THOMPSON) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. (a) The total amount appropriated by title III under the heading "PROCUREMENT, DEFENSE-WIDE" is hereby increased by $18,900,000, of which $12,900,000 shall be available for the procurement of probes for aerial refueling of 22 MH-60L aircraft for the United States Special Operations Command, and of which $6,000,000 shall be available for the procurement and integration of internal auxiliary fuel tanks with a 200-gallon capacity, more or less, for 50 MH-60 aircraft for the United States Special Operations Command.

(b) The total amount appropriated by title ______, under the heading "______" is hereby reduced by $______, which amount is to be derived from the amount available for ______.

FEINGOLD (AND OTHERS) AMENDMENT NO. 3286

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself, Mr. HARKIN, and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

On page 109 of the substitute, between lines 11 and 12, insert the following:

SEC. 8126. None of the funds appropriated by this Act may used for the D5 submarine-launched ballistic missile program.

WYDEN (AND SMITH OF OREGON) AMENDMENT NO. 3287

(Ordered to lie on the table.)

Mr. WYDEN (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the bill. H.R. 4576, supra; as follows:

On page 66, line 4, insert after the period the following: "The amount available under the preceding sentence shall also be available for the conveyance, without consideration, of the Emergency One Cyclone II Custom Pumper truck subject to Army Loan DAAMO1-98-L-0001 to the Umatilla Indian Tribe, the current lessee.".

SHELBY AMENDMENTS NOS. 3288–3289

(Ordered to lie on the table.)

Mr. SHELBY submitted two amendments intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

AMENDMENT NO. 3288

At the appropriate place in the bill, insert the following:

SEC. . Of the funds available under the heading "Weapons and Tracked Combat Vehicles, Army" in Title III of this Act, up to $10,000,000 may be made available for Carrier Modifications.

AMENDMENT NO. 3289

At the appropriate place in the bill, insert the following:

SEC. . Of the funds available under the heading "Research Development Test and Evaluation, Army" in the Title IV of this Act, under "End Item Industrial Preparedness" up to $5,000,000 may be made available for the Printed Wiring Board Manufacturing Technology Center.

THOMAS AMENDMENT NO. 3290

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

At the appropriate place in the bill, add the following new section and renumber the remaining sections accordingly:

SEC. . PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, no funds appropriated under this Act may be used to transfer a veterans memorial object to a foriegn country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located in a cemetery of the national Cemetary System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

KYL AMENDMENT NO. 3291

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) INCREASE IN AMOUNT.—The amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" is hereby increased by $6,000,000, with the amount of the increase available for the Ballistic Missile Defense Organization for International Cooperative Programs for the Arrow Missile Defense System (PE603875C) in order to enhance the interoperability of the system between the United States and Israel.

(b) OFFSET.—The amount appropriated under title II under the heading "ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES" is hereby reduced by $6,000,000.

REID AMENDMENT NO. 3292

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE.

Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(1) in the second sentence, by striking "180" and inserting "30"; and

(2) by adding at the end, the following new sentence: "The 30-day reporting requirement shall apply to any changes to the composite theoretical performance level for purposes of subsection (a) proposed by the President on or after January 1, 2000.".

LANDRIEU (AND BREAUX) AMENDMENT NO. 3293

(Ordered to lie on the table.)

Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be prospposed by them to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) ADDITIONAL AMOUNTS.—(1) The amount appropriated under title II under the heading "OPERATION AND MAINTENANCE, NAVY" is hereby increased by $7,000,000.

(2) The amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY" is hereby increased by $14,000,000.

(b) AVAILABILITY OF AMOUNTS.—(1) Of the amounts appropriated under title II under the heading "OPERATION AND MAINTENANCE, NAVY", and under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", as increased by subsection (a), $21,000,000 shall be available for the Navy Program Executive Office for Information Technology for purposes of the Information Technology Center and for the Human Resource Enterprise Strategy implemented under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2341; 10 U.S.C. 113 note).

(2) Amounts made available under paragraph (1) for the purposes specified in that paragraph are in addition to any other amounts made available under this Act for such purposes.

DOMENICI AMENDMENTS NOS. 3294–3297

(Ordered to lie on the table.)

Mr. DOMENICI submitted four amendments intended to be proposed by him to the bill H.R. 4576, supra; as follows:

AMENDMENT NO. 3294

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", $5,000,000 shall be available for Advanced Technology (PE603605F) for the LaserSpark countermeasures program.

AMENDMENT NO. 3295

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) INCREASE IN AMOUNT AVAILABLE FOR CERTAIN PROGRAM ELEMENT.—The amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" for Logistics Research and Development Technology Demonstration (PE603712S) is hereby increased by $2,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the total amount available under this Act for the program element referred to in subsection (a), as increased by that subsection, $5,000,000 shall be available for a Silicon-Based Nanostructures Program.

AMENDMENT NO. 3296

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) INCREASE IN AMOUNT AVAILABLE FOR CERTAIN PROGRAM ELEMENT.—The amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE" for Initial Operational Test and Evaluation (PE605712F) is hereby increased by $13,000,000.

(b) AVAILABILITY OF AMOUNT.—The total amount available under this Act for the Air Force Operational Test and Evaluation Command is hereby increased by $13,000,000, with the amount of such increase to be derived from the increase made by subsection (a) in the amount available for the program element referred to in that subsection.

AMENDMENT NO. 3297

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. FINDINGS.—Congress makes the following findings:

(1) Directed energy systems are available to address many current challenges with respect to military weapons, including offensive weapons and defensive weapons.

(2) Directed energy weapons offer the potential to maintain an asymmetrical technological edge over adversaries of the United States for the foreseeable future.

(3) It is in the national interest that funding for directed energy science and technology programs be increased in order to support priority acquisition programs and to develop new technologies for future applications.

(4) It is in the national interest that the level of funding for directed energy science and technology programs correspond to the level of funding for large-scale demonstration programs in order to ensure the growth of directed energy science and technology programs and to ensure the successful development of other weapons systems utilizing directed energy systems.

(5) The industrial base for several critical directed energy technologies is in fragile condition and lacks appropriate incentives to make the large-scale investments that are necessary to address current and anticipated Department of Defense requirements for such technologies.

(6) It is in the national interest that the Department of Defense utilize and expand upon directed energy research currently being conducted by the Department of Energy, other Federal agencies, the private sector, and academia.

(7) It is increasingly difficult for the Federal Government to recruit and retain personnel with skills critical to directed energy technology development.

(8) The implementation of the recommendations contained in the High Energy

Laser Master Plan of the Department of Defense is in the national interest.

(9) Implementation of the management structure outlined in the Master Plan will facilitate the development of revolutionary capabilities in directed energy weapons by achieving a coordinated and focused investment strategy under a new management structure featuring a joint technology office with senior-level oversight provided by a technology council and a board of directors.

(b) COORDINATION AND OVERSIGHT UNDER HIGH ENERGY LASER MASTER PLAN.—(1) Subchapter II of Chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 204. Joint Technology Office

"(a) ESTABLISHMENT.—(1) There is in the Department of Defense a Joint Technology Office (in this section referred to as the 'Office'). The Office shall be considered an independent office within the Office of the Secretary of Defense.

"(2) The Office shall be co-located with the National Directed Energy Center at Kirtland Air Force Base, New Mexico.

"(3) The Office shall be under the authority, direction, and control of the Deputy Under Secretary of Defense for Science and Technology.

"(b) DIRECTOR.—(1) The head of the Office shall be a civilian employee of the Department of Defense in the Senior Executive Service who is designated by the Secretary of Defense for that purpose. The head of the Office shall be known as the 'Director of the Joint Technology Office'.

"(2) The Director shall report directly to the Deputy Under Secretary of Defense for Science and Technology.

"(c) OTHER STAFF.—The Secretary of Defense shall provide the Office such civilian and military personnel and other resources as are necessary to permit the Office to carry out its duties under this section.

"(d) DUTIES.—The duties of the Office shall be to—

"(1) develop and oversee the management of a Department of Defense-wide program of science and technology relating to directed energy technologies, systems, and weapons;

"(2) serve as a point of coordination for initiatives for science and technology relating to directed energy technologies, systems, and weapons from throughout the Department of Defense;

"(3) develop and promote a program (to be known as the 'National Directed Energy Technology Alliance') to foster the exchange of information and cooperative activities on directed energy technologies, systems, and weapons between and among the Department of Defense, other Federal agencies, institutions of higher education, and the private sector;

"(4) initiate and oversee the coordination of the high-energy laser and high power microwave programs and offices of the military departments; and

"(5) carry out such other activities relating to directed energy technologies, systems, and weapons as the Deputy Under Secretary of Defense for Science and Technology considers appropriate.

"(e) COORDINATION WITHIN DEPARTMENT OF DEFENSE.—(1) The Director of the Office shall assign to appropriate personnel of the Office the performance of liaison functions with the other Defense Agencies and with the military departments.

"(2) The head of each military department and Defense Agency having an interest in the activities of the Office shall assign personnel of such department or Defense Agency to assist the Office in carrying out its duties. In providing such assistance, such personnel shall be known collectively as 'Technology Area Working Groups'.

"(f) JOINT TECHNOLOGY BOARD OF DIRECTORS.—(1) There is established in the Department of Defense a board to be known as the 'Joint Technology Board of Directors' (in this section referred to as the 'Board').

"(2) The Board shall be composed of 9 members as follows:

"(A) The Under Secretary of Defense for Acquisition and Technology, who shall serve as chairperson of the Board.

"(B) The Director of Defense Research and Engineering, who shall serve as vice-chairperson of the Board.

"(C) The senior acquisition executive of the Department of the Army.

"(D) The senior acquisition executive of the Department of the Navy.

"(E) The senior acquisition executive of the Department of the Air Force.

"(F) The senior acquisition executive of the Marine Corps.

"(G) The Director of the Defense Advanced Research Projects Agency.

"(H) The Director of the Ballistic Missile Defense Organization.

"(I) The Director of the Defense Threat Reduction Agency.

"(3) The duties of the Board shall be—

"(A) to review and comment on recommendations made and issues raised by the Council under this section; and

"(B) to review and oversee the activities of the Office under this section.

"(g) JOINT TECHNOLOGY COUNCIL.—(1) There is established in the Department of Defense a council to be known as the 'Joint Technology Council' (in this section referred to as the 'Council').

"(2) The Council shall be composed of 8 members as follows:

"(A) The Deputy Under Secretary of Defense for Science and Technology, who shall be chairperson of the Council.

"(B) The senior science and technology executive of the Department of the Army.

"(C) The senior science and technology executive of the Department of the Navy.

"(D) The senior science and technology executive of the Department of the Air Force.

"(E) The senior science and technology executive of the Marine Corps.

"(F) The senior science and technology executive of the Defense Advanced Research Projects Agency.

"(G) The senior science and technology executive of the Ballistic Missile Defense Organization.

"(H) The senior science and technology executive of the Defense Threat Reduction Agency.

"(3) The duties of the Council shall be—

"(A) to review and recommend priorities among programs, projects, and activities proposed and evaluated by the Office under this section;

"(B) to make recommendations to the Board regarding funding for such programs, projects, and activities; and

"(C) to otherwise review and oversee the activities of the Office under this section.".

(2) The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by adding at the end the following new section:

"204. Joint Technology Office.".

(3) The Secretary of Defense shall locate the Joint Technology Office under section 204 of title 10, United States Code (as added by this subsection), at a location at Kirtland Air Force Base, New Mexico, not later than January 1, 2001.

(c) TECHNOLOGY AREA WORKING GROUPS UNDER HIGH ENERGY LASER MASTER PLAN.—The Secretary of Defense shall provide for the implementation of the portion of the High Energy Laser Master Plan relating to technology area working groups.

(d) ENHANCEMENT OF INDUSTRIAL BASE.—(1) The Secretary of Defense shall develop and undertake initiatives, including investment initiatives, for purposes of enhancing the industrial base for directed energy technologies and systems.

(2) Initiatives under paragraph (1) shall be designed to—

(A) stimulate the development by institutions of higher education and the private sector of promising directed energy technologies and systems; and

(B) stimulate the development of a workforce skilled in such technologies and systems.

(3) Of the amount available under subsection (h), $20,000,000 shall be available for the initiation of development of the Advanced Tactical Laser (ATL). The Joint Non-Lethal Weapons Directorate shall assist the operational manager of the Advanced Tactical Laser program in establishing specifications for non-lethal operations of the Advanced Tactical Laser.

(e) ENHANCEMENT OF TEST AND EVALUATION CAPABILITIES.—(1) The Secretary of Defense shall evaluate and implement proposals for modernizing the High Energy Laser Test Facility at White Sands Missile Range, New Mexico, in order to enhance the test and evaluation capabilities of the Department of Defense with respect to directed energy weapons.

(2) Of the amount available for fiscal year 2001 under subsection (h), and of the amounts available to the Department of Defense for fiscal year 2002, not more than $2,000,000 shall be available in each such fiscal year for purposes of the deployment and test at the High Energy Laser Test Facility at White Sands Missile Range of free electron laser technologies under development at Los Alamos National Laboratory, New Mexico.

(3) Of the made available for fiscal year 2001 under subsection (h), and of the amounts available to the Department of Defense for fiscal year 2002, $2,250,000 shall be available in each such fiscal year for purposes of the development, integration, and test at the Thomas Jefferson Laboratory of a high average current injector to support increased laser power objectives that benefit both the JLab free electron laser and the Los Alamos National Laboratory free electron laser at White Sands Missile Range.

(f) COOPERATIVE PROGRAMS AND ACTIVITIES.—(1) The Secretary of Defense shall evaluate the feasibility and advisability of entering into cooperative programs or activities with other Federal agencies, institutions of higher education, and the private sector, including the national laboratories of the Department of Energy, for the purpose of enhancing the programs, projects, and activities of the Department of Defense relating to directed energy technologies, systems, and weapons. The Secretary shall carry out the evaluation in consultation with the Joint Technology Board of Directors established by section 204 of title 10, United States Code (as added by subsection (b) of this section).

(2) The Secretary shall enter into any cooperative program or activity determined under the evaluation under paragraph (1) to be feasible and advisable for the purpose set forth in that paragraph.

(3) Of the amount available under subsection (h), $50,000,000 shall be available for

cooperative programs and activities entered into under paragraph (2).

(g) Participation of Joint Technology Council in Activities.—The Secretary of Defense shall, to the maximum extent practicable, carry out activities under subsections (c), (d), (e), and (f), through the Joint Technology Council established pursuant to section 204 of title 10, United States Code.

(h) Funding for Fiscal Year 2001.—(1) The amount appropriated under title IV under the heading "Research, Development, Test, and Evaluation, Defense-Wide" is hereby increased by $150,000,000, with the amount of such increase available for science and technology activities relating to directed energy technologies, systems, and weapons under this section in accordance with the provisions of this section.

(2) The Director of the Joint Technology Office established pursuant to section 204 of title 10, United States Code, shall allocate amounts available under paragraph (1) among appropriate program elements of the Department of Defense, and among cooperative programs and activities under this section, in accordance with such procedures as the Director shall establish.

(3) In establishing procedures for purposes of the allocation of funds under paragraph (2), the Director shall provide for the competitive selection of programs, projects, and activities to be the recipients of such funds.

(i) Directed Energy Defined.—In this section, the term "directed energy", with respect to technologies, systems, or weapons, means technologies, systems, or weapons that provide for the directed transmission of energies across the energy and frequency spectrum, including high energy lasers and high power microwaves.

HELMS AMENDMENTS NOS. 3298–3299

(Ordered to lie on the table.)

Mr. HELMS submitted two amendments intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

Amendment No. 3298

At the appropriate place in the bill, add the following new section:

Of the funds made available in Title IV of this Act under the heading, "Research, Development, Test and Evaluation, Army", up to $3,000,000 may be made available for the Display Performance and Environmental Laboratory Project of the Army Research Laboratory.

Amendment No. 3299

At the appropriate place in the bill, add the following new section:

Of the funds made available in Title IV of this Act under the heading, "Research, Development, Test and Evaluation, Navy", up to $4,500,000 may be made available for the Innovative Stand-Off Door Breaching Munition.

ROBB AMENDMENTS NOS. 3300–3301

(Ordered to lie on the table.)

Mr. ROBB submitted two amendments intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

Amendment No. 3300

On page 109, between lines 11 and 12, insert the following:

Sec. 8126. Of the amount appropriated under title II under the heading "Operation and Maintenance, Navy", $3,000,000 shall be available for high-performance, non-toxic, inturnescent fire protective coatings aboard Navy vessels. The coating shall meet the specifications for Type II fire protectives as stated in Mil—Spec DoD–C–24596.

Amendment No. 3301

On page 109, between lines 11 and 12, insert the following:

Sec. 8126. Of the amount appropriated under title II under the heading "Operation and Maintenance, Air Force", $2,000,000 shall be available for advanced three-dimensional visualization software with the currently-deployed, personal computer-based Portable Flight Planning Software (PFPS).

DORGAN AMENDMENT NO. 3302

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

At the appropriate place, add the following:

SEC. . REPORT ON AN ELECTRONIC WARFARE VERSION OF THE B-52.

(a) The Secretary of the Air Force shall submit to the congressional defense committees by May 1, 2001, a report on the potential role of an electronic warfare (EW) version of the B–52 bomber in meeting anticipated future shortfalls in airborne EW assets.

(b) Content.—The report shall include the following:

(1) the advantages and disadvantages of using the B–52 airframe's size, payload and endurance for standoff jamming;

(2) the impact on the weapons carrying capability of the B–52;

(3) the arms control implications of using certain B–52s as EW platforms; and

(4) the estimated schedule for, and non-recurring and modification cost of, deploying interim and long term EW versions of the B–52.

DORGAN (AND INOUYE) AMENDMENT NO. 3303

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. Inouye) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

On page 52, line 4, beginning at "*Provided, That*" strike all that follows through line 9 and insert the following: "; *Provided further*, That a subcontractor at any tier shall be considered a contractor for purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974.".

ASHCROFT (AND OTHERS) AMENDMENT NO. 3304

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself and Mr. Bond, Mr. Conrad, Mr. Breaux, and Ms. Landrieu). submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

On page 109 of the substitute, between lines 11 and 12, insert the following:

Sec. 8126. Of the total amount appropriated by this Act for the Air Force for research, development, test and evaluation, $43,000,000 is available for the extended range conventional air-launched cruise missile program of the Air Force.

ABRAHAM (AND MOYNIHAN) AMENDMENT NO. 3305

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. Moynihan) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

At the appropriate place, insert the following:

Sec. . Of the funds appropriated in title IV under the heading RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY; up to $15,000,000 may be made available to continue research and development on Silicon carbide research (PE 63005A).

DASCHLE AMENDMENT NO. 3306

(Ordered to lie on the table.)

Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

At the appropriate place insert the following:

(a) Modification of Conveyee.—Subsection (a) of section 2863 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010) is amended by striking "Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the 'Corporation')" and inserting "West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the 'Foundation')".

(b) Conforming Amendments.—That section is further amended by striking "Corporation" each place it appears in subsections (c) and (e) and inserting "Foundation".

CRAPO AMENDMENT NO. 3307

(Ordered to lie on the table.)

Mr. CRAPO submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

At the appropriate place in the bill, add the following:

SEC. . AUTHORITY FOR AWARD OF MEDAL OF HONOR TO CERTAIN SPECIFIED PERSONS.

(a) Inapplicability of Time Limitations.—Notwithstanding the time limitations in section 3744(b) of title 10, United States Code, or any other time limitation, the President may award the Medal of Honor under section 3741 of such title to the persons specified in subsection (b) for the acts specified in that subsection, the award of the Medal of Honor to such persons having been determined by the Secretary of the Army to be warranted in accordance with section 1130 of such title.

(b) Persons Eligible To Receive the Medal of Honor.—The persons referred to in subsection (a) are the following:

(1) Ed W. Freeman, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on November 14, 1965, as flight leader and second-in-command of a helicopter lift unit at landing zone X-Ray in the Battle of the Ia Drang Valley, Republic of Vietnam, during the Vietnam War, while serving in the grade of Captain in Alpha company, 229th Assault Helicopter Battalion, 101st Cavalry Division (Airmobile).

(2) James K. Okubo, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on October 28 and 29, and November 14, 1944, at Foret

Domaniale de Champ, near Biffontaine, France, during World War II, while serving as an Army medic in the grade of Technician Fifth Grade in the medical detachment, 442d Regimental Combat Team.

(3) Andrew J. Smith, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on November 30, 1864, in the Battle of Honey Hill, South Carolina, during the Civil War, while serving as a corporal in the 55th Massachusetts Voluntary Infantry Regiment.

(c) POSTHUMOUS AWARD.—The Medal of Honor may be awarded under this section posthumously, as provided in section 3752 of title 10, United States Code.

(d) PRIOR AWARD.—The Medal of Honor may be awarded under this section for service for which a Silver Star, or other award, has been awarded."

BOXER (AND REID) AMENDMENT NO. 3308

Mrs. BOXER (for herself and Mr. REID) proposed an amendment to the bill, H.R. 4576, supra; as follows:

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8___. PROHIBITION ON USE OF FUNDS FOR PREVENTATIVE APPLICATION OF PESTICIDES IN DEPARTMENT OF DEFENSE AREAS THAT MAY BE USED BY CHILDREN.

(a) DEFINITION OF PESTICIDE.—In this section, the term 'pesticide' has the meaning given the term in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(b) PROHIBITION USE OF FUNDS.—None of the funds appropriated under this Act may be used for the preventative application of a pesticide containing a known or probable carcinogen or a category I or II acute nerve toxin, or a pesticide of the organophosphate, carbamate, or organochlorine class, in any area owned or managed by the Department of Defense that may be used by children, including a park, base housing, a recreation center, a playground, or a daycare facility.

BOXER AMENDMENTS NOS. 3309–3311

(Ordered to lie on the table.)

Mrs. BOXER submitted three amendments intended to be proposed by her to the bill, H.R. 4576, supra; as follows:

AMENDMENT NO. 3309

At the appropriate place, insert the following:

SEC. . PRIVACY OF INDIVIDUAL MEDICAL RECORDS.

None of the funds provided in this Act shall be used to transfer, release, disclose, or otherwise make available to any individual or entity outside the Department of Defense an individual's medical records without the consent of the individual.

AMENDMENT NO. 3310

At the appropriate place, insert the following:

SEC. . REDUCTION IN TOTAL AMOUNT TO BE APPROPRIATED.

Notwithstanding any other provision of this Act, the total amount appropriated for fiscal year 2001 under the provisions of this Act is hereby reduced by $3,000,000,000, with the total amount of such reduction to be used exclusively for reducing the amount of the Federal budget debt.

AMENDMENT NO. 3311

Strike Section 8114.

LEAHY AMENDMENT NO. 3312

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated under title III under the heading "OTHER PROCUREMENT, ARMY", $5,000,000 shall be available for the development of the Abrams Full-Crew Interactive Skills Trainer.

SCHUMER (AND MOYNIHAN) AMENDMENT NO. 3313

(Ordered to lie on the table.)

Mr. SCHUMER (for himself and Mr. MOYNIHAN) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated under title II under the heading "OPERATION AND MAINTENANCE, ARMY" for Industrial Mobilization Capacity, $57,378,000 plus an additional $20,000,000 may be made available to address unutilized plant capacity in order to offset the effects of low utilization of plant capacity on overhead charges at the Arsenals.

KENNEDY AMENDMENTS NOS. 3314–3316

(Ordered to lie on the table.)

Mr. KENNEDY submitted three amendments intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

AMENDMENT NO. 3314

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) AVAILABILITY OF FUNDS.—Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $10,000,000 may be available for the Environmental Security Technical Certification Program (PE603851D) to develop and test technologies to detect unexploded ordinance at sites where the detection and possible remediation of unexploded ordinance from live-fire activities is underway.

(b) ADDITIONAL REQUIREMENT.—Performance measures shall be established for the technologies described in subsection (a) for purposes of facilitating the implementation and utilization of such technologies by the Department of Defense.

AMENDMENT NO. 3315

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) AVAILABILITY OF FUNDS.—Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to $10,000,000 may be available for the Strategic Environmental Research and Development Program (PE6034716D) for the development and test of technologies to detect, analyze, and map the presence of, and to transport, pollutants and contaminants at sites undergoing the detection and possible remediation of constituents attributable to live-fire activities in a variety of hydrogeological scenarios.

(b) ADDITIONAL REQUIREMENT.—Performance measures shall be established for the technologies described in subsection (a) for purposes of facilitating the implementation and utilization of such technologies by the Department of Defense.

AMENDMENT NO. 3316

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $5,000,000 may be available for Surface Ship & Submarine HM&E Advanced Technology (PE603508N) for continuing development by the Navy of the AC synchronous high-temperature superconductor electric motor.

STEVENS (AND INOUYE) AMENDMENT NO. 3317

Mr. STEVENS (for himself and Mr. INOUYE) proposed an amendment to the bill, H.R. 4576, supra; as follows:

In the appropriate place in the bill, insert the following new section:

SEC. . In addition to funds made available in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $20,000,000 is hereby appropriated for Information Technology Center.

STEVENS AMENDMENTS NOS. 3318–3320

Mr. STEVENS proposed three amendments to the bill, H.R. 4576, supra; as follows:

AMENDMENT NO. 3318

On page 83, line 26 of bill after the comma strike the following text: "1999 (Public Law 105–262)", and insert the following text: "2000 (Public Law 106–79)".

AMENDMENT NO. 3319

On page 47, at line 21, strike the words "Native American ownership" and insert in lieu thereof "ownership by an Indian tribe, as defined in 25 U.S.C. 450b(e), or a Native Hawaiian organization, as defined in 15 U.S.C. 647(a)(15)".

AMENDMENT NO. 3320

On page 79, insert the words "Increase Use/Reserve support to the Operational Commander-in-Chiefs and with" after the words "to be used in support of such personnel in connection with".

STEVENS AMENDMENT NO. 3321

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

At the appropriate place, insert the following:

SEC. . Of the funds provided in Title II under the heading "Operation and Maintenance, Navy", up to $1,000,000 may be available to continue the Public Service Initiative.

ROBERTS AMENDMENTS NOS. 3322–3323

(Ordered to lie on the table.)

Mr. ROBERTS submitted two amendments intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

AMENDMENT NO. 3322

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Kansas, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 70 acres at Fort Riley Military Reservation, Fort Riley, Kansas. The preferred site is adjacent to the Fort Riley Military Reservation boundary, along the north side of Huebner Road across from the First Territorial Capitol of Kansas Historical Site Museum.

(b) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the following conditions:

(1) That the State of Kansas use the property conveyed solely for purposes of establishing and maintaining a State-operated veterans cemetery.

(2) That all costs associated with the conveyance, including the cost of relocating water and electric utilities should the Secretary determine that such relocations are necessary, be borne by the State of Kansas.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Director of the Kansas Commission on Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3323

In the appropriate place in the bill, insert the following new section:

"SEC.   . Of the funds made available in Title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $3,500,000 may be made available for Chem-Bio Advanced Materials Research.

SNOWE AMENDMENTS NOS. 3324–3325

(Ordered to lie on the table.)

Ms. SNOWE submitted two amendments intended to be proposed by her to the bill, H.R. 4576. supra; as follows:

AMENDMENT NO. 3324

At the appropriate place in the bill insert:

SEC. 8126. Of the total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to $3,000,000 may be available only for a Navy benefits center.

AMENDMENT NO. 3325

On page 25 of the substituted original text, line 9, insert "two" after "and".

LANDRIEU AMENDMENT NO. 3326

(Ordered to lie on the table.)

Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill, H.R. 4576, supra; as follows:

At the appropriate place, in the bill, insert the following:

SEC.   . Of the funds available in Title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to $8,000,000 may be made available for the Navy Information Technology Center.

DORGAN AMENDMENT NO. 3327

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

At the appropriate place, add the following:

SEC.   . REPORT ON AN ELECTRONIC WARFARE VERSION OF THE B-52.

(a) The Secretary of the Air Force shall submit to the congressional defense committees by May 1, 2001, a report on the potential role of an electronic warfare (EW) version of the B–52 bomber in meeting anticipated future shortfalls in airborne EW assets.

(b) CONTENT.—The report shall include the following:

(1) the advantages and disadvantages of using the B–52 airframe's size, payload and endurance for standoff jamming;

(2) the impact on the weapons carrying capability of the B–52;

(3) the arms control implications of using certain B–52s as EW platforms; and

(4) the estimated schedule for, and non-recurring and modification cost of, deploying interim and long term EW versions of the B-52.

STEVENS AMENDMENT NO. 3328

Mr. STEVENS proposed an amendment to the bill, H.R. 4576, supra; as follows:

On page 90, line 14, strike Section 8091 and insert the following new section:

SEC. 8091. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $789,700,000 to reflect savings from favorable foreign currency fluctuations, and stabilization of the balance available within the "FOREIGN CURRENCY FLUCTUATION, DEFENSE", account.

GREGG (AND KERRY) AMENDMENT NO. 3329

(Ordered to lie on the Table.)

Mr. GREGG (for himself and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

In the appropriate place in the bill, insert the following new section:

"SEC.   . Of the funds made available in Title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to $7,000,000 may be made available for the Solid State Dye Laser project.

FEINSTEIN AMENDMENTS NOS. 3330–3332

(Ordered to lie on the table.)

Mr. FEINSTEIN submitted three amendments intended to be proposed by her to the bill, H.R. 4576, supra; as follows:

AMENDMENT NO. 3330

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" for payments under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703), a total of $1,000,000 shall be available for distribution between the Center Unified School District, California, and the Whisman School District, California, on the basis of the needs of those districts resulting from disruptions caused by base closures and realignments.

AMENDMENT NO. 3331

At the appropriate place, insert:

Of the amount available under Title II under the heading "OPERATIONS AND MAINTENANCE, DEFENSE-WIDE", $1,000,000 shall be available for Middle East Regional Security Issues.

AMENDMENT NO. 3332

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount available under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", $5,000,000 shall be available for the continuation of the Compatible Processor Upgrade Program (CPUP).

BYRD AMENDMENT NO. 3333

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) AVAILABILITY OF FUNDS FOR ANALYSIS.—Of the amount appropriated under title III under the heading "OTHER PROCUREMENT, AIR FORCE", $3,000,000 shall be available for the following activities:

(1) An analysis of the costs associated with and the activities necessary in order to reestablish the production line for the U–2 aircraft.

(2) An analysis of the feasibility of restarting production of U–2 aircraft in fiscal year 2002 at a rate of 2 aircraft per year.

(b) REPORT.—Not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the analyses undertaken using funds available under subsection (a). The report shall be submitted in unclassified form.

WARNER AMENDMENTS NOS. 3334–3335

(Ordered to lie on the table.)

Mr. WARNER submitted two amendments intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

AMENDMENT NO. 3334

At the appropriate place, insert the following:

SEC.   . (a) ADDITIONAL FUNDS FOR WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.—The amount appropriated under title II under the heading "OPERATION AND MAINTENANCE, ARMY" is hereby increased by $3,700,000, with the amount of the increase available for the activities of five additional Weapons of Mass Destruction Civil Support Teams (WMD-CST).

(b) ADDITIONAL FUNDS FOR EQUIPMENT FOR WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM PROGRAM.—(1) The amount appropriated under title III under the heading "OTHER PROCUREMENT, ARMY" is hereby increased by $11,300,000, with the amount of the increase available for Special Purpose Vehicles.

(2) The amount appropriated under title III under the heading "PROCUREMENT, DEFENSE-WIDE" is hereby increased by $1,800,000, with the amount of the increase available for the Chemical Biological Defense Program, for Contamination Avoidance.

(3) Amounts made available by reason of paragraphs (1) and (2) shall be available for the procurement of additional equipment for the Weapons of Mass Destruction Civil Support Team (WMD-CST) program.

(c) OFFSET.—The amount appropriated under title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" for the Defense Finance and Accounting Service is hereby reduced by $16,800,000, with the amount of the reduction applied to the Defense Joint Accounting System (DJAS) for fielding and operations.

AMENDMENT NO. 3335

On page 109 of the substitute, between lines 11 and 12, insert the following:

SEC. 8126. (a) In addition to the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", there is hereby appropriated for the purposes and period for which funds are appropriated under that heading $30,000,000: *Provided*, That, of such amount, $10,000,000 is available for the Institute for Defense Computer Security and Information Protection of the Department of Defense, and $20,000,000 is available for the Information Security Scholarship Program of the Department of Defense.

(b)(1) The amount appropriated by title III under the heading "WEAPONS PROCUREMENT, NAVY" for surface land attack missile–enhanced response (SLAM–ER) is hereby reduced by $24,400,000.

(2) The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY" for common command and decision function systems (0603582N) is hereby reduced by $1,500,000.

(3) The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE" for hyperspectral system development (high altitude) (0603203F) is hereby reduced by $4,000,000.

(c) Of the amounts appropriated by chapter 3 of title II of Public Law 106–31 under the heading "WEAPONS PROCUREMENT, NAVY" for tomahawk missiles, $24,400,000 shall be available for surface land attack missile–enhanced response (SLAM–ER).

NICKLES AMENDMENTS NOS. 3336–3337

(Ordered to lie on the table.)

Mr. NICKLES submitted two amendments intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

AMENDMENT NO. 3336

At the appropriate place in the bill, insert the following new section:

Of the funds provided in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army" up to $12,000,000 may be made available to commence a live-fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH64D Longbow helicopter, as previously specified in section 8138 of Public Law 106–79. Provided, That the budget of the President for fiscal year 2002 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include in the Army budget request the funding necessary to conclude this live-fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles as specified in Section 8138 of Public Law 106–79.

AMENDMENT NO. 3337

At the appropriate place in the bill, insert the following new section:

Of the funds appropriated in the Act under the heading "Operations and Maintenance, Defense Wide" up to $5,000,000 may be made available to the American Red Cross for Armed Forces Emergency Services.

ALLARD AMENDMENT NO. 3338

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

On page 109 of the substitute, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", up to $12,000,000 is available for the XSS–10 micro-missile technology program.

COVERDELL AMENDMENT NO. 3339

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

On page 109 of the substitute, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", a total of $3,000,000 is transferred to the Marine Corps Advanced Development Demonstration (PE 0603640m), of which $1,500,000 shall be derived from the amount appropriated under that heading for Chemical/Biological Defense (Advanced Development—PE 062384BP) and $1,500,000 shall be derived from the amount appropriated under that heading for Chemical/Biological Defense (Applied Research—PE 063384BP).

DEWINE (AND OTHERS) AMENDMENT NO. 3340

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mrs. HUTCHISON, Mr. GRASSLEY, Mr. BREAUX, Ms. LANDRIEU, Mr. MACK, Mr. GRAHAM, and Mr. COVERDELL) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) FINDINGS.—Congress makes the following findings:

(1) Failure to operate and standardize the current Tethered Aerostat Radar System (TARS) sites along the Southwest border of the United States and the Gulf of Mexico will result in a degradation of the counterdrug capability of the United States.

(2) Most of the illicit drugs consumed in the United States enter the United States through the Southwest border, the Gulf of Mexico, and Florida.

(3) The Tethered Aerostat Radar System is a critical component of the counterdrug mission of the United States relating to the detection and apprehension of drug traffickers.

(4) Preservation of the current Tethered Aerostat Radar System network compels drug traffickers to transport illicit narcotics into the United States by more risky and hazardous routes.

(b) AVAILABILITY OF FUNDS FOR TARS.—Of the amount appropriated under title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE", $23,000,000 shall be available to Drug Enforcement Policy Support (DEP&S) for purposes of maintaining operations of the 11 current Tethered Aerostat Radar System (TARS) sites and completing the standardization of such sites located along the Southwest border of the United States and in the States bordering the Gulf of Mexico.

GRAMS (AND OTHERS) AMENDMENT NO. 3341

(Ordered to lie on the table.)

Mr. GRAMS (for himself, Mr. MCCAIN, Mr. SESSIONS, Mr. ALLARD, and Mr. ASHCROFT) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

At the appropriate place, insert the following:

Additional Benefits For Reserves and Their Dependents

SEC. . SENSE OF CONGRESS.

It is the sense of Congress that it is in the national interest for the President to provide the funds for the reserve components of the Armed Forces (including the National Guard and Reserves) that are sufficient to ensure that the reserve components meet the requirements specified for the reserve components in the National Military Strategy, including training requirements.

SEC. . TRAVEL BY RESERVES ON MILITARY AIRCRAFT.

(a) SPACE-REQUIRED TRAVEL FOR TRAVEL TO DUTY STATIONS INCONUS AND OCONUS.—(1) Subsection (a) of section 18505 of title 10, United States Code, is amended to read as follows:

"(a) A member of a reserve component traveling to a place of annual training duty or inactive-duty training (including a place other than the member's unit training assembly if the member is performing annual training duty or inactive-duty training in another location) may travel in a space-required status on aircraft of the armed forces between the member's home and the place of such duty or training.".

(2) The heading of such section is amended to read as follows:

"§ 18505. Reserves traveling to annual training duty or inactive-duty training: authority for space-required travel".

(b) SPACE-AVAILABLE TRAVEL FOR MEMBERS OF SELECTED RESERVE, GRAY AREA RETIREES, AND DEPENDENTS.—Chapter 1805 of such title is amended by adding at the end the following new section:

"§ 18506. Space-available travel: Selected Reserve members and dependents

"(a) ELIGIBILITY FOR SPACE-AVAILABLE TRAVEL.—The Secretary of Defense shall prescribe regulations to allow persons described in subsection (b) to receive transportation on aircraft of the Department of Defense on a space-available basis under the same terms and conditions (including terms and conditions applicable to travel outside the United States) as apply to members of the armed forces entitled to retired pay.

"(b) PERSONS ELIGIBLE.—Subsection (a) applies to the following persons:

"(1) A person who is a member of the Selected Reserve in good standing (as determined by the Secretary concerned) or who is a participating member of the Individual Ready Reserve of the Navy or Coast Guard in good standing (as determined by the Secretary concerned).

"(c) DEPENDENTS.—A dependent of a person described in subsection (b) shall be provided transportation under this section on the same basis as dependents of members of the armed forces entitled to retired pay.

"(d) LIMITATION ON REQUIRED IDENTIFICATION.—Neither the 'Authentication of Reserve Status for Travel Eligibility' form (DD Form 1853), nor or any other form, other than the presentation of military identification and duty orders upon request, or other methods of identification required of active duty personnel, shall be required of reserve component personnel using space-available transportation within or outside the continental United States under this section.".

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 18505 and inserting the following new items:

"18505. Reserves traveling to annual training duty or inactive-duty training: authority for space-required travel.
"18506. Space-available travel: Selected Reserve members and reserve retirees under age 60; dependents.".

(d) IMPLEMENTING REGULATIONS.—Regulations under section 18506 of title 10, United States Code, as added by subsection (b), shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. . BILLETING SERVICES FOR RESERVE MEMBERS TRAVELING FOR INACTIVE DUTY TRAINING.

(a) IN GENERAL.—(1) Chapter 1217 of title 10, United States Code, is amended by inserting after section 12603 the following new section:

"§ 12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training

"(a) AUTHORITY FOR BILLETING ON SAME BASIS AS ACTIVE DUTY MEMBERS TRAVELING UNDER ORDERS.—The Secretary of Defense shall prescribe regulations authorizing a Reserve traveling to inactive-duty training at a location more than 50 miles from that Reserve's residence to be eligible for billeting in Department of Defense facilities on the same basis and to the same extent as a member of the armed forces on active duty who is traveling under orders away from the member's permanent duty station.

"(b) PROOF OF REASON FOR TRAVEL.—The Secretary shall include in the regulations the means for confirming a Reserve's eligibility for billeting under subsection (a).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12603 the following new item:

"12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training.

(b) EFFECTIVE DATE.—Section 12604 of title 10, United States Code, as added by subsection (a), shall apply with respect to periods of inactive-duty training beginning more than 180 days after the date of the enactment of this Act.

SEC. . INCREASE IN MAXIMUM NUMBER OF RESERVE RETIREMENT POINTS THAT MAY BE CREDITED IN ANY YEAR.

Section 12733(3) of title 10, United States Code, is amended by striking "but not more than" and all that follows and inserting "but not more than—

"(A) 60 days in any one year of service before the year of service that includes September 23, 1996;

"(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001; and

"(C) 90 days in the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001 and in any subsequent year of service.".

SEC. . AUTHORITY FOR PROVISION OF LEGAL SERVICES TO RESERVE COMPONENT MEMBERS FOLLOWING RELEASE FROM ACTIVE DUTY.

(a) LEGAL SERVICES.—Section 1044(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) Members of reserve components of the armed forces not covered by paragraph (1) or (2) following release from active duty under a call or order to active duty for more than 30 days issued under a mobilization authority (as determined by the Secretary of Defense), but only during the period that begins on the date of the release and is equal to at least twice the length of the period served on active duty under such call or order to active duty.".

(b) DEPENDENTS.—Paragraph (5) of such section, as redesignated by subsection (a)(1), is amended by striking "and (3)" and inserting "(3), and (4)".

(c) IMPLEMENTING REGULATIONS.—Regulations to implement the amendments made by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.

BINGAMAN AMENDMENT NO. 3342

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. Of the amounts appropriated under title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", $2,000,000 may be made available for the Bosque Redondo Memorial as authorized under the provisions of the bill S.964 of the 106th Congress, as adopted by the Senate.

INHOFE AMENDMENTS NOS. 3343–3345

(Ordered to lie on the table.)

Mr. INHOFE submitted three amendments intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

AMENDMENT NO. 3343

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) INCREASE IN AMOUNT.—Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", $300,000 shall be available for Generic Logistics Research and Development Technology Demonstrations (PE603712S) for air logistics technology.

(b) OFFSET.—Of the amount appropriated under title IV under the heading referred to in subsection (a), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by $300,000.

AMENDMENT NO. 3344

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) INCREASE IN AMOUNT.—Of the amount appropriated under title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", $5,000,000 shall be available for Explosives Demilitarization Technology (PE603104D) for research into ammunition risk analysis capabilities.

(b) OFFSET.—Of the amount appropriated under title IV under the heading referred to in subsection (a), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by $5,000,000.

AMENDMENT NO. 3345

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY", up to $3,800,000 may be available for defraying the costs of maintaining the industrial mobilization capacity at the McAlester Army Ammunition Activity, Oklahoma.

ALLARD (AND OTHERS) AMENDMENT NO. 3346

(Ordered to lie on the table.)

Mr. ALLARD (for himself, Mr. VOINOVICH, and Mr. GRAMS) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $12,200,000,000.

MACK (AND GRAHAM) AMENDMENT NO. 3347

(Ordered to lie on the table.)

Mr. MACK (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated in title IV under the heading 'Counter-Drug Activities, Defense', $5,000,000 shall be made available for a ground processing station to support a tropical remote sensing radar.

LANDRIEU AMENDMENT NO. 3348

(Ordered to lie on the table.)

Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) INCREASE IN AMOUNT AVAILABLE FOR PROCUREMENT, DEFENSE-WIDE.—

The amount appropriated under title III under the heading "PROCUREMENT, DEFENSE-WIDE" is hereby increased by $3,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated under the heading referred to in subsection (a), as increased by that subsection, $3,000,000 shall be available for the procurement and installation of integrated bridge systems for naval systems special warfare rigid inflatable boats and high-speed assault craft for special operations forces.

(c) OFFSET.—The amount appropriated under title III under the heading "OTHER PROCUREMENT, AIR FORCE" is hereby decreased by $3,000,000.

EDWARDS AMENDMENT NO. 3349

(Ordered to lie on the table.)

Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

At the appropriate place, insert the following:

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $77,560,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

EMERGENCY CONSERVATION PROGRAM

Unobligated balances previously provided under this heading may be used to repair and reconstruct essential farm structures and equipment that have been damaged or destroyed, after a finding by the Secretary of Agriculture that: (1) the damage or destruction is the result of a natural disaster declared by the Secretary or the President for losses due to Hurricane Dennis, Floyd, or Irene; and (2) insurance against the damage or destruction was not available to the grantee or the grantee lacked the financial resources to obtain the insurance: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

COMMODITY CREDIT CORPORATION FUND

The Secretary of Agriculture shall reduce the amount of any principal due on a loan made by the Department to a marketing association for the 1999 crop of an agricultural commodity by up to 75 percent if the marketing association suffered losses to the agriculture commodity in a county with respect to which a natural disaster was declared by the Secretary or the President for losses due to Hurricane Dennis, Floyd, or Irene.

If the Secretary assigns a grade quality for the 1999 crop of an agricultural commodity marketed by an association described in the preceding paragraph that is below the base quality of the agricultural commodity, and the reduction in grade quality is the result of damage sustained from Hurricane Dennis, Floyd, or Irene, the Secretary shall compensate that association for losses incurred by the association as a result of the reduction in grade quality.

Up to $81,000,000 of the resources of the Commodity Credit Corporation may be used for the cost of this provision: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional cost of water and waste grants, as authorized by 7 U.S.C. 1926(a)(2), to meet the needs resulting from natural disaster, $28,000,000 to remain available until expended; and for an additional amount for community facilities grants pursuant to section 381E(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)) for emergency needs $15,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For the additional cost of direct loans, as authorized by title V of the Housing Act of 1949, $15,872,000 from the Rural Housing Insurance Fund for section 515 rental housing, to remain available until expended, to address emergency needs resulting from Hurricane Dennis, Floyd, or Irene: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, that these funds are available to subsidize gross obligations for the principal amount of direct loans estimated to be $40,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251 (b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For additional gross obligations for the principal amount of direct loans as authorized by title V of the Housing Act of 1949 to be available from funds in the rural housing insurance fund to meet the needs resulting from natural disasters, as follows: $296,000,000 for loans to section 502 borrowers, as determined by the Secretary and $13,000,000 for section 504 housing repair loans.

For the additional cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to meet the needs resulting from natural disasters, to remain available until expended as follows: section 502 loans, $25,000,000 and section 504 loans, $4,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251 (b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RENTAL ASSISTANCE PROGRAM

For an additional amount for "Rental Assistance Program" for rental assistance agreements entered into or renewed pursuant to section 521(a)(2) of the Housing Act of 1949, for emergency needs resulting from Hurricane Dennis, Floyd, or Irene, $13,600,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), to meet the needs resulting from natural disasters, $6,000,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, as authorized by 42 U.S.C. 1474, to meet the needs resulting from natural disasters, $8,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs", $25,800,000, to remain available until expended, for planning, public works grants and revolving loan funds for communities affected by Hurricane Floyd and other recent hurricanes and disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research and Facilities", $19,400,000, to remain available until expended, to provide disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation Management Act, and for repairs to the Beaufort Laboratory, resulting from Hurricane Floyd and other recent hurricanes and disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

Small Business Administration

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $33,300,000, to remain available until expended to subsidized additional gross obligations for the principal amount of direct loans: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; and for the direct administrative expenses to carry out the disaster loan program, and additional $27,600,000, to remain available until expended, which may be transferred to and merged with appropriations for "Salaries and Expenses": *Provided further*, That no funds shall be transferred to and merged with appropriations for "Salaries and Expenses" for indirect administrative expenses: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

Department of the Army

Corps of Engineers—Civil

GENERAL INVESTIGATIONS

For an additional amount to conduct a study and report to the Congress on the feasibility of a project to provide flood damage reduction for the town of Princeville, North Carolina, $1,500,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general" for emergency expenses due to hurricanes and other natural disasters, $27,925,000, to remain available until expended: *Provided*, That the total amount appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99-662 shall be derived from that Fund: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

United States Fish and Wildlife Service

CONSTRUCTION

For an additional amount of "Construction", $5,000,000, to remain available until expended, to repair or replace building, equipment, roads, and water control structures damaged by natural disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

National Park Service

CONSTRUCTION

For an additional amount for "Construction", $4,000,000, to remain available until expended, to repair or replace visitor facilities, equipment, roads and trails, and cultural sites and artifacts at national park units damaged by natural disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

United States Geological Survey

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $1,800,000 to remain available until expended, to repair or replace stream monitoring equipment and associated facilities damaged by natural disaster: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 5

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development

HOME INVESTIGATION PARTNERSHIPS PROGRAM

For an additional amount for the HOME investigation partnerships program as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, $36,000,000: *Provided*, That of that said amount, $11,000,000 shall be provided to the New Jersey Department of Community Affairs and $25,000,000 shall be provided to the North Carolina Housing Finance Agency for the purpose of providing temporary assistance in obtaining rental housing, and for construction of affordable replacement housing: *Provided further*, That assistance provided under this paragraph shall be for very low-income families displaced by flooding caused by Hurricane Floyd and surrounding events: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

ADMINISTRATIVE PROVISION

SEC. 3801. (a) Subject to subsection (d) and notwithstanding any other provision of law, from any amounts made available for assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that remain unobligated, the Secretary of Housing and Urban Development shall, for each request described in subsection (b), make a 1-year grant to the entity making the request in the amount under subsection (c).

(b) A request described in this subsection is a request for a grant under subtitle C of the title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11381 et seq.). For permanent housing for homeless persons with disabilities or subtitle F of such title (42 U.S.C. 11403 et seq.) that—

(1) was submitted in accordance with the eligibility requirements established by the Secretary and pursuant to the notice of funding availability for fiscal year 1999 covering such programs, but was not approved;

(2) was made by an entity that received such a grant pursuant to the notice of funding availability for a previous fiscal year; and

(3) requested renewal of funding made under such previous grant for use for eligible activities because funding under such previous grant expires during calendar year 2000.

(c) The amount under this subsection is the amount necessary, as determined by the Secretary, to renew funding for the eligible activities under the grant request for a period of only 1 year, taking into consideration the amount of funding requested for the first year of funding under the grant request.

(d) The entire amount for grants under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The entire amount for grants under this section shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement and defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Independent Agencies

Federal Emergency Management Agency

DISASTER RELIEF

For an increase in the authority to use unobligated balances specified under this heading in appendix E, title I, chapter 2, of Public Law 106-113. In addition to other amounts made available, up to an additional $77,400,000 may be used by the Director of the Federal Emergency Management Agency for the purposes included in said chapter: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SHELBY AMENDMENT NO. 3350

(Ordered to lie on the table.)

Mr. SHELBY submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Under Procurement Air Force, amend Section 2466 of Title 10, U.S. Code as per the attached document.

SEC. . LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

Section 2466 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "by non-Federal Government personnel" and inserting in lieu thereof "in other than Government-owned, Government-operated facilities"; and

(B) by striking "by employees of the Department of Defense," and inserting in lieu thereof "in Government-owned, Government-operated facilities,"; and

(2) by striking subsection (d) and inserting in lieu thereof the following new subsection(d):

"(d) Exceptions.—The limitation in subsection (a) shall not apply with respect to—

"(1) the Sacramento Army Depot, Sacramento, California,

"(2) workloads for special access and intelligence programs, and

"(3) any workload contracted by a public entity to a private entity that was awarded to a public entity pursuant to a public-private competition.".

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 3351

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

Sec. 8126. No funds appropriated or otherwise made available by this Act may be obligated or expended to issue a security clearance to any employee of the Department of Defense or contractor of the Department of Defense, or any member of the Armed Forces, if such individual—

(1) has been convicted in any court of the United States, or of any State, of a crime and sentenced to imprisonment for a term exceeding one year;

(2) is an unlawful user of or addicted to a controlled substance (as that term is defined in section 102 of the Controlled Substances Act);

(3) is currently mentally incompetent; or

(4) has been discharged from the Armed Forces under dishonorable conditions.

ROTH (AND BIDEN) AMENDMENT NO. 3352

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. Biden) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

Sec. 8126. Of the amount appropriated under title IV under the heading "Reserach, Development, Test, and Evaluation, Air Force", $92,530,000 may be available for C-5 aircraft modernization, including for the C-5 Reliability Enhancement and Reengining Program.

WARNER AMENDMENT NO. 3353

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

At the appropriate place in the bill, insert the following new section:

Sec. . Section 8093(d) of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1253) shall not apply to contracts awarded prior to the enactment of Public Law 106-79.

HARKIN AMENDMENTS NOS. 3354-3355

(Ordered to lie on the table.)

Mr. HARKIN submitted two amendments intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

Amendment No. 3354

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

Sec. 8126. (a) Of the amount appropriated by title II under the heading "Operation and Maintenance, Defense-Wide", funds, in a sufficient amount for the purpose, shall be used for the Department of Defense consideration and implementation of changes in Department of Defense secrecy oaths and policies, within appropriate national security constraints, to ensure that such policies do not prevent or discourage current and former workers at nuclear weapons facilities who may have been exposed to radioactive and other hazardous substances from discussing those exposures with their health care providers and with other appropriate officials, including for the consideration and implementation of changes to the policy of the Department of Defense neither to confirm nor deny the presence of nuclear weapons as it is applied to former United States nuclear weapons facilities that no longer contain nuclear weapons or materials.

(b) Of the amount appropriated by title II under the heading "Operation and Maintenance, Defense-Wide", funds, in sufficient amount for the purpose, shall be used to provide for the notification of people who are or were bound by Department of Defense secrecy oaths or policies, and who may have been exposed to radioactive or hazardous substances at nuclear weapons facilities, of any likely health risks and of how they can discuss the exposures with their health care providers and other appropriate officials without violating secrecy oaths or policies.

Amendment No. 3355

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

Sec. 8126. (a) None of the funds appropriated by this Act may be obligated or expended for the purchase or modification of high mobility trailers for the Army before the Secretary of the Army has determined that the trailers have been thoroughly tested as a system with the High Mobility Multipurpose Wheeled Vehicles that tow the trailers, satisfy the applicable specifications, are safe and usable, do not damage the vehicles that tow the trailers, and perform the intended functions satisfactorily.

(b) None of the funds appropriated by this Act may be obligated or expended for the modification of Army High Mobility Multipurpose Wheeled Vehicles to tow trailers before the Secretary of the Army has determined that, with respect to the towing of trailers, the vehicles have been thoroughly tested as a system, satisfy the applicable specifications, are safe and usable, are not damaged by the towing of the trailers, and perform the intended functions satisfactorily.

HARKIN (AND BOXER) AMENDMENT NO. 3356

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mrs. Boxer) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

Sec. 8126. None of the funds appropriated by this Act may be obligated or expended for purchasing or leasing luxury executive jet aircraft.

ROBERTS (AND LOTT) AMENDMENT NO. 3357

(Ordered to lie on the table.)

Mr. ROBERTS (for himself and Mr. Lott) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

On page 110 of the substituted original text, or at the appropriate place, insert the following:

Sec. . Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE WIDE", $4,000,000 is available for Military Personnel Research and $500,000 is available for the AFCC engineering and installation program.

BENNETT AMENDMENT NO. 3358

(Ordered to lie on the table.)

Mr. BENNETT submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

Sec. 8126. (a) Layover Period for New Performance Levels.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking "180" and inserting "60"; and

(2) by adding at the end the following:

"(g) Calculation of 60-Day Period.—The 60-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of the Congress sine die.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

McCAIN AMENDMENT NO. 3359

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

Sec. 8126. (a) In General.—No provision of the Buy American Act, or similar provision, shall be construed to prohibit, restrict, or otherwise limit the procurement by the Department of Defense, using funds available under this Act or any other Act, of any item, component, material, or service if such prohibition, restriction, or limitation would operate to invalidate a provision of a reciprocal trade agreement for the procurement of defense items between the United States and any other signatory to such agreement.

(b) BUY AMERICA ACT DEFINED.—In this section, the term "Buy American Act" has the meaning given that term in section 8036(c) of this Act.

STEVENS AMENDMENT NO. 3360

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

In the appropriate place in the bill, insert the following new section:

SEC. . Of the funds made available in Title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", up to $92,530,000 may be made available for C-5 Airlift Squadrons.

MCCAIN AMENDMENT NO. 3361

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4576, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . Of the funds provided within Title I of this Act, such funds as may be necessary shall be available for a special subsistence allowance for members eligible to receive food stamp assistance, as authorized by law.

DURBIN (AND WELLSTONE) AMENDMENT NO. 3362

(Ordered to lie on the table.)

Mr. DURBIN (for himself and Mr. WELLSTONE) submitted an amendment intended to be proposed by them on the bill, H.R. 4576, supra; as follows:

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. Of the funds appropriated by title IV for the national missile defense program, $20 million shall be available for the Ballistic Missile Defense Organization—

(1) to include in the ground and flight testing of the National Missile Defense system that is conducted before the system becomes operational any countermeasures (including decoys) that—

(A) are likely, or at least realistically possible, to be used against the system; and

(B) are chosen for testing on the basis of what countermeasure capabilities a long-range missile could have and is likely to have, taking into consideration the technology that the country deploying the missile would have or could likely acquire; and

(2) to determine the extent to which the exoatmospheric kill vehicle and the National Missile Defense system can reliably discriminate between warheads and such countermeasures.

BOXER AMENDMENT NO. 3363

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, H.R. 4576, supra; as follows:

At the appropriate place, insert the following:

SEC. . PRIVACY OF INDIVIDUAL MEDICAL RECORDS.

None of the funds provided in this Act shall be used to transfer, release, disclose, or otherwise make available to any individual or entity outside the Department of Defense for any non-national security or non-law enforcement purposes an individual's medical records without the consent of the individual.

REED AMENDMENT NO. 3364

(Ordered to lie on the table.)

Mr. REED submitted an amendment intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. PAYMENTS FOR CHILDREN WITH SEVERE DISABILITIES.

(a) PAYMENTS.—

(1) IN GENERAL.—Of the amounts appropriated under title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" $20,000,000 shall be available to the Secretary of Defense to enable the Secretary of Defense to make a payment, to each local educational agency eligible to receive a payment for a child described in subparagraph (A)(ii), (B), (D)(i) or (D)(ii) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)) that serves 2 or more such children with severe disabilities, for costs incurred in providing a free public education to each such child. The amount of the payment for each such child shall be—

(A) the payment made on behalf of the child with a severe disability that is in excess of the average per pupil expenditure in the State in which the local educational agency is located; less

(B) the sum of the funds received by the local educational agency—

(i) from the State in which the child resides to defray the educational and related services for such child;

(ii) under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to defray the educational and related services for such child; and

(iii) from any other source to defray the costs of providing educational and related services to the child which are received due to the presence of a severe disabling condition of such child.

(2) LIMITATION.—No payment shall be made on behalf of a child with a severe disability whose individual cost of educational and related services does not exceed—

(A) 5 times the national or State average per pupil expenditure (whichever is lower) for a child who is provided educational and related services under a program that is located outside the boundaries of the school district of the local educational agency that pays for the free public education of the student; or

(B) 3 times the State average per pupil expenditure for a child who is provided educational and related services under a program offered by the local educational agency, or within the boundaries of the school district served by the local educational agency.

(3) RATABLE REDUCTION.—If the amount made available under this subsection is insufficient to pay the full amount all local educational agencies are eligible to receive under this subsection the Secretary of Education shall ratably reduce the amount of the payment made available under this subsection to all local educational agencies by an equal percentage.

(b) REPORT.—Each local educational agency desiring a payment under this section shall report to the Secretary of Defense the number of severely disabled children for which a payment may be made under this section.

WELLSTONE AMENDMENTS NOS. 3365–3369

(Ordered to lie on the table.)

Mr. WELLSTONE submitted five amendments intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

AMENDMENT NO. 3365

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. (a) The total amount appropriated by title III for procurement is hereby reduced by $1,000,000,000.

(b) There is hereby appropriated for the Department of Education for the fiscal year ending on September 30, 2001, $1,000,000,000 to enable the Secretary of Education to award grants under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

AMENDMENT NO. 3366

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. The total amount appropriated by title III for procurement is hereby reduced by $1,000,000,000.

(b) There is hereby appropriated for the Department of Education for the fiscal year ending on September 30, 2001, $1,000,000,000 to enable the Secretary of Education to award grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

AMENDMENT NO. 3367

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. (a) Congress makes the following findings:

(1) The President will soon decide whether to begin deploying a national missile defense (NMD) system.

(2) The national missile defense system is intended to defend the United States from limited attacks by tens of intercontinental-range ballistic missiles armed with nuclear, chemical, or biological weapons.

(3) The current national missile defense testing program does not adequately test the effectiveness of the system against realistic threats.

(b) It is the sense of Congress that, for the testing program for the national missile defense system, the Secretary of Defense should ensure that—

(1) the baseline threat is realistically defined by having the Systems Threat Assessment Requirement (STAR) document reviewed by a panel of persons who are recognized as experts in fields that are relevant to the matters to be reviewed, at least some of whom are independent of the Department of Defense;

(2) the system is to be tested against the most effective countermeasures that a state with an emerging intercontinental ballistic missile capability could reasonably be expected to build;

(3) enough tests of the system are to be conducted against countermeasures to provide an informed basis for a determination of the effectiveness of the system with high confidence; and

(4) provision has been made for an objective assessment of the design and results of

the testing program by a review committee composed of persons who are recognized as experts in fields that are relevant to the matters to be assessed, at least some of whom are independent of the Department of Defense.

AMENDMENT NO. 3368

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. (a) The total amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" is hereby increased by $2,500,000. The additional amount shall be available for civil-military programs specifically for the Department of Defense STARBASE Program carried out under section 2193b of title 10, United States Code.

(b) The total amount appropriated by title III is hereby reduced by $2,500,000.

AMENDMENT NO. 3369

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. None of the funds appropriated by this Act may be obligated or expended for testing a national missile defense system before the Secretary of Defense has ensured, for the testing program for the national missile defense system, that—

(1) the baseline threat is realistically defined by having the Systems Threat Assessment Requirement (STAR) document reviewed by a panel of persons who are recognized as experts in fields that are relevant to the matters to be reviewed, at least some of whom are independent of the Department of Defense;

(2) the system is to be tested against the most effective countermeasures that a state with an emerging intercontinental ballistic missile capability could reasonably be expected to build;

(3) enough tests of the system are to be conducted against countermeasures to provide an informed basis for a determination of the effectiveness of the system with high confidence; and

(4) provision has been made for an objective assessment of the design and results of the testing program by a review committee composed of persons who are recognized as experts in fields that are relevant to the matters to be assessed, at least some of whom are independent of the Department of Defense.

BIDEN (AND OTHERS) AMENDMENT NO. 3370

(Ordered to lie on the table.)

Mr. BIDEN (for himself, Mr. ROTH, and Mr. COVERDELL) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) FINDINGS.—Congress makes the following findings:

(1) The mission of the C–5 aircraft is to transport heavy loads over long distances. In particular, the C–5 aircraft regularly runs missions to and from Europe and the Pacific and the United States. For this reason, compliance with the rules of International Civil Aviation Organization regarding high-density flight areas is important for the entire C–5 aircraft fleet.

(2) The C–5 aircraft Avionics Modernization Program (AMP) is necessary for all aircraft that will need to comply with the new Global Air Traffic Management (GATM) standards established by the International Civil Aviation Organization.

(3) Compliance with GATM allows aircraft to use more operationally efficient airspace and lowers operational costs.

(4) AMP also includes the installation of important safety features such as Traffic Alert and Collision Avoidance System and an enhanced all weather navigational system, the Terrain Awareness and Warning System.

(5) Both the A and B models of the C–5 aircraft are expected to be flown by the Air Force, including the Regular Air Force and the Reserves. None of the aircrews for such aircraft should be subjected to increased risks stemming from the lack of these safety features.

(6) Efficient use of aircrew members and crew interfly will be prevented because of the dissimilarities that would exist between the avionics and navigation systems of the A and B models of the C–5 aircraft. This is particularly problematic when additional aircrew members are needed to meet Major Theater War requirements.

(7) The Committee on Armed Services of the Senate specifically requested that the Secretary of the Air Force proceed to test AMP upgrades on both A and B models of the C–5 aircraft in Senate Report No. 106–292, the Report to Accompany S.2549, the National Defense Authorization Act for Fiscal Year 2001.

(8) The on-going installation of new High Pressure Turbines (HPT) is essential for the entire C–5 aircraft fleet because the current logistics system no longer supports the old turbine assemblies for the fleet.

(9) Without HPT replacement, C–5 aircraft will have increased support costs of approximately $700 per flight hour.

(10) By attempting to maintain 2 separate engine configurations and 2 separate avionics and navigation systems within the relatively small C–5 aircraft fleet (126 airplanes), additional spares and support equipment will be necessary with increased unit costs.

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated under title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE" and available for procurement for the C–5 aircraft, in the amount of $95,401,000, the entire amount shall be available for procurement for both the A and B models of the C–5 aircraft.

BIDEN (AND ROTH) AMENDMENT NO. 3371

(Ordered to lie on the table.)

Mr. BIDEN (for himself and Mr. ROTH) submitted an amendment intended to be proposed by them to the bill, H.R. 4576, supra; as follows:

On page 109, between lines 11 and 12, insert the following:

SEC. 8126. (a) FINDINGS.—Congress makes the following findings:

(1) There exists a significant shortfall in the Nation's current strategic airlift requirement, even though strategic airlift remains critical to the national security strategy of the United States.

(2) This shortfall results from the slow phase-out of C–141 aircraft and their replacement with C–17 aircraft and from lower than optimal reliability rates for the C–5 aircraft.

(3) One of the primary causes of these reliability rates for C–5 aircraft, and especially for operational unit aircraft, is the shortage of spare repair parts. Over the past 5 years, this shortage has been particularly evident in the C–5 fleet.

(4) NMCS (Not Mission Capable for Supply) rates for C–5 aircraft have increased significantly in the period between 1997 and 1999. At Dover Air Force Base, Delaware, an average of 7 through 9 C–5 aircraft were not available during that period because of a lack of parts.

(5) Average rates of cannibalization of C–5 aircraft per 100 sorties of such aircraft have also increased during that period and are well above the Air Mobility Command standard. In any given month, this means devoting additional manhours to cannibalizations of C–5 aircraft. At Dover Air Force Base, an average of 800 to 1,000 additional manhours were required for cannibalizations of C–5 aircraft during that period. Cannibalizations are often required for aircraft that transit through a base such as Dover Air Force Base, as well as those that are based there.

(6) High cannibalization rates indicate a significant problem in delivering spare parts in a timely manner and systemic problems within the repair and maintenance process, and also demoralize overworked maintenance crews.

(7) The C–5 aircraft remains an absolutely critical asset in air mobility and airlifting heavy equipment and personnel to both military contingencies and humanitarian relief efforts around the world.

(8) Despite increased funding for spare and repair parts and other efforts by the Air Force to mitigate the parts shortage problem, Congress continues to receive reports of significant cannibalizations to airworthy C–5 aircraft and parts backlogs.

(b) REPORTS.—Not later than January 1, 2001, and September 30, 2001, the Secretary of the Air Force shall submit to the congressional defense committees a report on the overall status of the spare and repair parts program of the Air Force for the C–5 aircraft. The report shall include the following—

(1) a statement the funds currently allocated to parts for the C–5 aircraft and the adequacy of such funds to meet current and future parts and maintenance requirements for that aircraft;

(2) a description of current efforts to address shortfalls in parts for such aircraft, including an assessment of potential short-term and long-term effects of such efforts;

(3) an assessment of the effects of such shortfalls on readiness and reliability ratings for C–5 aircraft;

(4) a description of cannibalization rates for C–5 aircraft and the manhours devoted to cannibalizations of such aircraft; and

(5) an assessment of the effects of parts shortfalls and cannibalizations with respect to C–5 aircraft on readiness and retention.

BAUCUS AMENDMENTS NOS. 3372–3373

(Ordered to lie on the table.)

Mr. BAUCUS submitted two amendments intended to be proposed by him to the bill, H.R. 4576, supra; as follows:

AMENDMENT NO. 3372

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY" for the Navy technical information presentation system, $5,200,000 shall be available for Synesis 7 in Montana for preparation and training for the digitization of FA–18 aircraft technical manuals.

AMENDMENT NO. 3373

On page 109 of the substituted original text, between lines 11 and 12, insert the following:

SEC. 8126. Of the total amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY" for the Navy technical information presentation system, $5,200,000 shall be available for Synesis 7 in Montana for preparation and training for the digitization of FA-18 aircraft technical manuals.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION AND REGULATION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Energy Research, Development, Production, and Regulation.

The hearing will take place on Tuesday, June 27, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the April 2000 GAO Report entitled "Nuclear Waste Cleanup—DOE's Paducah Plan Faces Uncertainties and Excludes Costly Cleanup Activities."

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Energy Research, Development, Production and Regulation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that the hearing scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources will begin at 9:30 a.m. instead of 9 a.m. as previously announced.

The purpose of this hearing is to conduct oversight on the proposed expansion of the Craters of the Moon National Monument.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge (202) 224-6170.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, June 21, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the following bills: S. 1848, To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project; S. 1761, the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 1999; S. 2301, To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; S. 2400, To direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; S. 2499, To extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; and S. 2594, To authorize the Secretary of the Interior to contract with Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

ORDER OF BUSINESS

Mr. DORGAN. Madam President, as I understand it, the Senate is in a period of morning business.

The PRESIDING OFFICER (Ms. COLLINS). That is correct, with Senators to speak for up to 10 minutes each.

Mr. DORGAN. I ask unanimous consent to speak for as much time as I consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

GASOLINE PRICES

Mr. DORGAN. Madam President, this afternoon, according to the news accounts released earlier today, the Environmental Protection Agency is calling on major oil refiners to meet in Washington, DC, to explain the price hike phenomenon, as it is called. This is not a phenomenon. It is a pain in the wallet what is happening with respect to the price of gasoline.

I want to talk a little about that, and talk a little about the problems that may be causing it.

It is not lost on the American people that when they drive to the gas pumps these days they are discovering, once again, another price spike in the cost of gasoline.

In North Dakota, for example, the North Dakota Petroleum Marketers Association provided me with current gasoline prices in North Dakota: Minot, $1.79 a gallon today; Fargo, $1.64 a gallon; Devil's Lake, $1.69; Bismarck, $1.68 a gallon. Interestingly enough, the current price in Bismarck of $1.68 is nearly a 30-cent-per-gallon increase in just the last couple of weeks since the previous price spike. Earlier this year, the price of petroleum spiked up and came back down. Now it has spiked up again, a nearly 30-cent-per-gallon increase in a very short period.

The EPA is asking for a meeting with the major oil refiners to evaluate what is happening with respect to the price of gasoline. Some indicate an EPA rule that describes the base fuel that must be used in certain cities in the country with respect to oxygenated fuel or ethanol as a circumstance where certain base fuels are kind of a narrow commodity and are not readily available and so it is pricing gasoline very high. That may be one case. I don't know the answer to that. I assume the EPA and the refiners will have that discussion. It is quite clear there are other things at work.

No. 1, this country gets a substantial amount of its energy from the OPEC countries. In a global economy, the OPEC countries are producing an ever-increasing amount of the energy the United States needs. Does this put us at the mercy of the supply coming from the OPEC countries? Of course it does. When the OPEC countries cut supply, as they did, and then increase it marginally, but not increase it to the level where they had previously been producing, that is going to have some dislocation in this country. The result is an increase in gasoline prices.

It is probably also the case, from hearings I have been involved with, that the refiners in this country were refining heating fuel for much longer than they normally would have and probably didn't switch over to gasoline quite quickly enough. Therefore, we are going to continue to see these price spikes. The news reports talk about volatility. Well, volatility is a euphemism for the price spikes that are jumping up and around with respect to the price of gasoline when we don't have sufficient supply of crude stock coming into this country which refiners need to produce and turn into gasoline.

What we have are three possibilities. The most obvious is, we are seeing an ever-increasing dependence on the OPEC countries. They cut back supply, then increased it some, but not nearly enough. The result is increased prices for petroleum products in this country.

It ought to be a wake-up call for all of us. We are too dependent on foreign source energy. We ought to make certain we have a national energy policy that includes incentives for producers here at home, includes additional incentives for renewable energy. There isn't any reason we ought not be doing much better with respect to renewable energy in this country. The other possibility, aside from the OPEC industry, as I mentioned, is the potential of EPA recommendations or requirements that have created dislocation in certain markets in terms of the base supply that can be used with respect to ethanol.

I don't know what the outcome of this meeting will be, but I will be very interested to see what the EPA has done, whether that has caused some dislocation and some price spikes as well.

Third, it is not unlikely and certainly wouldn't be without precedent to have had the petroleum industry play some of their own games with respect to supply, the movement of supply and the pricing of supply. Some would say: Gosh, how could you think that? Well, history would bear out how I might be able to think that would be the case. We ought to look at all of these issues and evaluate exactly what is causing this price spike and what impact it is having and what we can do about it.

I come from a State that is 10 times the size of Massachusetts. North Dakota is a big old State. It takes a lot of driving to get around my State; 640,000 people live in a land mass that is equivalent to 10 times the State of Massachusetts. Our predominant industry is farming. In order to seed a crop in the spring, it takes a lot of fuel. In order to get the crop off the fields in the fall, it takes a lot of fuel. Those family farmers, with the kind of depressed grain prices we have seen in this country, don't need further increases in input costs placed upon them by these increases in gas prices.

We have to get some answers from the EPA, the petroleum refiners, the major oil companies, and from those who are supposed to be involved in the development of an energy plan for this country to answer what kind of dependence do we have on the OPEC countries and what could the consequences be in the longer term, if those countries decided to have a much tighter supply of petroleum going to Western nations, including the United States.

I was reading a briefing memo this morning about this issue. I thought a couple of pieces of information were interesting. OPEC officials contend that prices are only marginally above the stated ban and "the price rise is more due to a tight gasoline market in the United States where new environmental regulations are reducing volume." That is according to OPEC. OPEC is saying: It's not us.

The fact is, OPEC cut supply, increased it some but not nearly back to where they had originally been producing.

The Saudi Arabia oil minister also pegged the recent price movement on tight oil products markets; that is, oil products markets, not a shortage of crude oil itself. One source indicated that the increase in prices on certain world oil markets, notably in the U.S., has no relation to the volume of international crude output. That is an interesting theory. That would stand all logic on its head. Prices in the United States with respect to crude oil have no relationship to international crude oil production. I think that is not likely to be something that would be believed by anyone who is thinking.

The point is this: This is a significant and important issue to many areas of our country. We need to understand the consequences of it, what is causing it, and what we can do about it. I hope all of us working together can rely on not only the Energy Department, the EPA, but the Congress itself to evaluate all three of the suggestions I have just made.

SANCTIONS ON FOOD AND MEDICINE

Mr. DORGAN. Madam President, I rise to talk about the issue of sanctions on food and medicine shipments to other countries in the world. I know I have talked about this on the floor many times. At the risk of being repetitive, which I think is important in this body, I say again, it is immoral for this country to have a policy of imposing sanctions on the shipment of food and medicine to any other country in the world.

We have decided to impose economic sanctions on countries whose behavior we don't like. We have decided that economic sanctions is the way to punish certain countries. We don't like what Saddam Hussein in Iraq has been doing. He is an international outlaw, according to our country's view. Therefore, we want to punish him. So we impose economic sanctions.

We don't like Fidel Castro in Cuba, according to our public policy. So we want to impose an embargo that, by the way, has been existing for 40 years. We have sanctions against Iran, against North Korea. When we impose these sanctions, it is also included in those sanctions that we will not allow shipments of food and medicine to these same countries.

As I said, I think it is fundamentally immoral for our country to decide what they will withhold and prohibit the shipment of food and medicine to any country in the world. It doesn't make any sense.

I come at this from more than one standpoint. One, I represent a farm State. Yes, it bothers me that 11 percent of the international wheat market is off limits to our family farmers. We have folks that stand up here in the Senate and say: Well, we support the Freedom to Farm bill for family farmers. What about the freedom to sell bill? Why shouldn't farmers be free to sell into the marketplace where people are hungry and need food? What on Earth would persuade this country to have sanctions with respect to the shipment of food and medicine anywhere in the world? If my proposition is these sanctions are fundamentally wrong with respect to food and medicine sanctions, then let's change it.

We have tried to change it. Last year, we had a bill on the floor of the Senate. Seventy Senators voted to get rid of sanctions on food and medicine shipments everywhere in the world. Seventy Senators said: Let's get rid of them. We got the bill to conference and it got hijacked because some people want to continue sanctions, especially on the country of Cuba.

This year in the Senate Appropriations Committee on the Agriculture bill, I included an amendment that says: Get rid of all sanctions on food and medicine; get rid of them all with respect to Cuba and Iraq and North Korea. Get rid of all sanctions on food and medicine. That passed. It is in the Appropriations Committee. It will come to the floor on the Agriculture appropriations bill. Already we have some people in the Congress who are saying we are going to dump that. That is not going to become law. We are not going to get rid of sanctions on the shipment of food and medicine from this country to Cuba.

As I have said before, I intend to push this issue very hard this year.

It does not make sense to continue sanctions on the shipment of food and medicine to anywhere in the world. I want to read a couple of editorials that I think describe it as well. This is from the Seattle Post Intelligencer of May 28. This is an op-ed piece:

> Economic sanctions against nations are long overdue for a critical appraisal. They make an appealing weapon. They are a way to hurt people without shooting at them. Done in the extreme, they inflict sickness and death. Sanctions have been used for many years—more than 40 years against Cuba and 10 years against Iraq. Lesser sanctions have been set against Libya, Iran and Burma. Threats of sanctions are annually made, but not acted upon, against China. In any case, economic sanctions have never removed a tyrant and they will never remove, for example, Saddam Hussein. In all likelihood, he will be in power until he dies. What sanctions have done is to further impoverish the Iraqi people.

Here is an excerpt from the Washington Times, an op-ed written by Steve Chapman:

> Things have changed a lot since 1990. The Soviet Union no longer exists. The Federal budget deficit has vanished. But two things remain the same. Iraq is under international economics sanctions, and the sanctions are a failure.

I don't have any great truck for Iraq or Saddam Hussein. I think he is an international outlaw. He operates well beyond the norms of international behavior. But it is also true that economic sanctions that include food and medicine represent an attempt to take aim at a dictator and hit hungry people, sick people, and poor people. It happens all the time when we impose food and medicine as part of economic sanctions.

This is from the Charleston Gazette, June 1, 2000:

> Let's see if we've got this straight. Free trade with China will help export American values, paving the path for the end of communism in that nation. That is according to Republican House Whip Tom DeLay from Texas. However, free trade with Cuba can't be allowed because that would be rewarding a Communist regime. That is also according to DeLay, who simultaneously pushed for normalizing trade relations with China, while trying to stop a bill that would allow the sale of food and medicine to Cuba.

A piece in the Seattle Post Intelligencer, penned by my colleague on the House side, Congressman NETHERCUTT, who, incidentally, offered the same amendment in the House Appropriations Committee that I offered in the Senate. He was successful, and they are going to try to dump that provision in the House of Representatives before we get to conference. He says:

> This week, Trent Lott, Majority Leader, defended the position. He said, "It is very easy to see the distinction between China and Cuba. If you can't see it, maybe you are just blind to it."

Well, I am not blind and I can't see it. I have been to Cuba. I was in Cuba last year. All I see in Cuba are people living in conditions of poverty. I see a country 90 miles to the north that has decided as a matter of public policy, because we don't like Fidel Castro, that we cannot move food and medicine to Cuba. Why? Because we have an embargo that includes the shipment of food and medicine. That is not fair to our farmers or to the poor people in Cuba.

I visited a hospital in Cuba one day. I was in the intensive care ward. I was there for a few days. In the hospital there was a little boy lying in a coma. He was about 12 years old. There was no equipment. This was an intensive care ward with no equipment at all. There wasn't a beeping sound because there was nothing to beep. There were no cords hooked up because they didn't have equipment. He was lying in this room with his mother holding his hand, lying in a coma. I asked the doctor: You have no basic equipment here? He said: No, we don't have any equipment. The doctor said: We are out of 250 different kinds of medicines.

I asked the question again when I came back to this country: Why is it that we have prohibitions against being able to send medicine to Cuba? Is sending medicine and food, or being able to sell medicine and food to Cuba, Iraq, North Korea, and Iran going to make this a less stable world? I don't think so.

Let me end where I started. This is an immoral policy. Yes, I come at it from a selfish perspective. I represent farmers who ask a question that cannot be answered: Why, if we raise food in such abundant quantity, are we told that those who need it so badly can't have it because this country wants to punish their rulers and leaders? I can't answer farmers when they ask that question. It doesn't make sense. It is a policy that is bankrupt. We ought to change it. We have 70 votes in the Senate to change it, and they won't allow a vote in the House of Representatives. If they did, they would have 70 percent voting in favor to change it.

So we are going to see in the coming weeks whether, once again, for a second year in a row, we have just a handful of people trying to hijack this effort to eliminate food and medicine from sanctions we impose on other countries around the world. When the roll is called, I think 70 Senators will vote, as they did previously, to say food and medicine sanctions anywhere in the world are not good public policy. They are not the best of America. Let's eliminate them. Let's abolish that mentality. You can punish foreign leaders whose behavior we don't like without hurting poor and hungry people. The only conceivable reason this gets held up—and it got held up last year—is a few people decided that because Fidel Castro sticks his finger in America's eye from time to time, they want to continue this 40-year-old embargo. And they darn well want to insist on keeping food and medicine as part of the sanction because if they don't, they will be considered weak on Cuba. Well, being considered weak because they pursue a public policy that is wrongheaded is not, in my judgment, a model of consistency.

Let us, in this session of the Congress, decide that at least on this marginal step forward, we will decide we will never again use food and medicine as part of economic sanctions, both in our interest and in the interest of poor, hungry, and sick people all around the world.

Madam President, I yield the floor.

CONGRATULATING THE NEW JERSEY DEVILS FOR WINNING THE NHL STANLEY CUP CHAMPIONSHIP

Mr. BENNETT. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 321, introduced earlier today by Senators LAUTENBERG and TORRICELLI.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 321) to congratulate the New Jersey Devils for their outstanding discipline, determination, and ingenuity, in winning the 2000 National Hockey League's Stanley Cup Championship.

Mr. BENNETT. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 321) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 321

Whereas the New Jersey Devils at 45-29-8, posted the second best regular season record in the NHL's Eastern Conference and were awarded the fourth seed in the playoffs;

Whereas the Devils displayed a potent offense and stifling defense throughout the regular season and playoffs before beating the defending champion Dallas Stars to win their second Stanley Cup in 5 years;

Whereas the Devils epitomize New Jersey pride with their heart, stamina, and drive and thus have become a part of New Jersey culture;

Whereas the New Jersey Devils did what no other team had done before, coming back from a three games to one deficit to win a Conference Championship and advance to the Stanley cup Finals;

Whereas Scott Stevens, winner of the Conn Smythe Trophy as the Most Valuable Player of the Stanley Cup playoffs, is one of the fiercest competitors in the game today and is a true team leader who served as captain of the Devils' 1995 and 2000 Stanley Cup Championship teams;

Whereas Scott Gomez, a gifted, young playmaker was named the league's Rookie of the Year and is the first Hispanic player to compete in the NHL;

Whereas goalie Martin Brodeur's lifetime goals against average of 2.19 is the best in NHL history and his 162 wins over a four-season span since 1996-97 are the most in league history;

Whereas head coach Larry Robinson served as an assistant on the 1995 championship team and took over as head coach late this season;

Whereas the New Jersey Devils take great pride in playing in new Jersey, and spend a great deal of time giving back to the community;

Whereas Lou Lamoriello, President/General Manager of the New Jersey Devils since 1987, his staff, and his players displayed outstanding dedication, teamwork unselfishness, and sportsmanship throughout the course of the season in achieving hockey's highest honor;

Whereas longtime team owner John McMullen was born and raised in New Jersey and is responsible for bringing the Devils to the Garden State;

Whereas the support of all the Devils fans and the people of New Jersey helped make winning the Stanley Cup possible;

Whereas each one of the Devils players will be remembered on the premier sports trophy, the Stanley Cup, including: Jason Arnott, Brad Bombardir, Martin Brodeur, Steve Brule, Sergei Brylin, Ken Daneyko, Patrik Elias, Scott Gomez, Bobby Holik, Steve Kelly, Claude Lemieux, John Madden, Vladimir Malakhov, Randy McKay, Alexander Mogilny, Sergei Nemchinov, Scott Niedermayer, Krzysztof Oliwa, Jay Pandolfo, Deron Quint, Brian Rafalski, Scott Stevens, Ken Sutton, Petr Sykora, Chris Terreri, and Colin White; now, therefore be it

Resolved, That the United States Senate congratulates the New Jersey Devils on winning Lord Stanley's Cup for the 2000 National Hockey League Championship.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 106–181, appoints Ted R. Lawson of West Virginia to serve as a member of the National Commission to Ensure Consumer Information and Choice in the Airline Industry.

ORDERS FOR TUESDAY, JUNE 13, 2000

Mr. BENNETT. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, June 13. I further ask that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10:30 a.m., with Senators speaking up to 10 minutes each, with the following exceptions: Senator DURBIN, or his designee, for 30 minutes, and Senator THOMAS, or his designee, for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Madam President, further, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Madam President, I ask unanimous consent that the vote in relation to the BOXER amendment occur at 2:20, with 4 minutes equally divided for closing remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Madam President, I ask unanimous consent that at 10:40 a.m. Senator REID of Nevada be recognized to call up amendment No. 3292 regarding computers and, following that debate, Senator BOXER be recognized to call up a filed amendment regarding medical privacy.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Madam President, for the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow and be in a period of morning business until 10:30. Following morning business, the Senate will resume consideration of H.R. 4576, the Department of Defense appropriations bill. Under the order, a Reid and Boxer amendment will be called up, with votes expected to occur following the 2:20 vote. In addition, consent has been granted for a rollcall to occur at 2:20. Therefore, the first vote will be at approximately 2:20 tomorrow.

As a reminder, all first-degree amendments were filed today.

Senators should be aware that action on this legislation is expected to be completed by tomorrow night. Therefore, those Senators who have filed amendments should work with the managers of the bill on a time to offer those amendments as soon as possible.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:11 p.m., adjourned until Tuesday, June 13, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, June 12, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. KUYKENDALL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 12, 2000.

I hereby appoint the Honorable STEVEN T. KUYKENDALL to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 121. Concurrent resolution congratulating Representative Stephen S.F. Chen on the occasion of his retirement from the diplomatic service of Taiwan, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MILLER of Florida) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, You alone can take the rock rejected or the stone overlooked and make it Your cornerstone. Upon Your chosen cornerstone, precious in Your sight and sacred by Your handling, You create something new.

You are the master builder. It is You, Lord God, who have redeemed Your people. You are the one who has given us this land of freedom and opportunity. You continue to fashion us into Your people and make of us a powerful nation.

By Your spirit, awaken in us Your desires. Help us to seize the present moment to bring forth Your set purpose in this world.

May the edifice You make of us be a city of virtue built on a mountain top; a beacon of justice, a household of integrity, and a harbor of peace.

In You, O God, Your people of promise find fulfillment now, in the future, and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TRIBUTE TO BOB JOHNS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today to express my gratitude to a member of our Nevada staff, Dr. Robert Johns, for his dedication, hard work and commitment to this Nation. Dr. Johns has not only worked diligently serving the people of Nevada in our northern Nevada district office but has also served as the vice chairman of the President's council on historic preservation for two terms during the Reagan administration. As a retired World War II naval officer, Dr. Bob Johns has dedicated most of his life to public service. He is a real American hero, Mr. Speaker. We both grew up in the same small town, Sparks, Nevada, just a few blocks apart. I have been honored to have Bob Johns as a true friend and a member of my staff since my time in the Nevada State legislature.

On May 30, Mr. Speaker, Dr. Johns celebrated his 80th birthday. He continues to work every day serving as an active and vital public servant in his home State of Nevada.

Thank you, Dr. Johns, for your friendship, your hard work and your commitment to the people of Nevada and to this Nation.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today to tell the story of Audrey Lynn Leinoff. Audrey was abducted from New York when she was 4 years old by her noncustodial mother, Marcia Leinoff, on May 25, 1988. The international criminal police organization also known as Interpol confirmed that both Audrey and Ms. Leinoff entered Israel on June 19, 1988. Although there has been no confirmation of their ever departing Israel, their actual presence currently and location in Israel are unknown. Audrey's maternal grandparents, Mr. and Mrs. Sylvia Bloom, are also believed to be involved with the abduction.

In addition to custody from the United States, Audrey's father was given sole custody in January 1991 by the Jerusalem district court. Mr. Leinoff, despite having custody, has not had any contact with his daughter since her abduction.

Mr. Speaker, children like Audrey deserve to have a relationship with both their parents, and parents deserve a relationship with their children. This House should make sure that the most sacred of bonds, that between a parent and a child, is preserved. We must bring our children home.

GAS PRICES ON THE RISE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, gasoline is $2.20 a gallon. That is right,

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

$2.20. Now, if that is not enough to bust your bunions, Congress gives billions of dollars to OPEC countries, and they rip us off. To boot, the domestic oil companies are gouging us so bad, we are all passing gas.

Beam me up. I think it is time to tell the OPEC countries, "The next time you are attacked, call BP and Rotary. Don't call us." I also think it is time to pass H.R. 3902, which imposes a $100 million fine for any American oil company that unreasonably gouges us and raises prices. Enough is enough.

I yield back the fact that while Uncle Sam is killing Microsoft, we are getting our oil changed big time.

SIERRA LEONE

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I rise today to comment on the situation in Sierra Leone, a marvelous country, a country with great promise, a country that provided freedom for slaves many years ago. Today it is in utter chaos. Revolution is taking place. But what is unique about this is that it is not a political revolution, even though it pretends to be that, but it is basically a band of bandits trying to take over the country so that they can have access to the diamonds and the diamond mines. They already have access to many of them and they are using those diamonds to finance the revolution.

The rebels are incredibly inhumane. Most of their captives have been released but only after a hand, a leg, a foot, or an arm have been chopped off and amputated.

The inhumanity is such that last week, an 8-month-old baby had his arm amputated when his mother was captured as part of the revolution. Imagine the rebels amputated the arm of an 8-month-old baby!

We must work with the British and the U.N. to stop this. We must act in a meaningful, humane way, and not back down from this as we have been backing down for a decade. It is time for our State Department and our President to act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

REQUIRING FRAUD AUDIT OF DEPARTMENT OF EDUCATION

Mr. HOEKSTRA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4079) to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Education, as amended.

The Clerk read as follows:

H.R. 4079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPREHENSIVE FRAUD AUDIT OF DEPARTMENT OF EDUCATION.

(a) AUDIT.—Within 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct and complete a fraud audit of selected accounts at the Department of Education that the Comptroller General determines to be particularly susceptible to waste, fraud, and abuse; and

(2) submit a report setting forth the results of the audit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4079.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4079 is a bill that in many ways we would probably rather not be dealing with today. We are dealing with this issue because of the Department of Education's inability to receive a clean audit. Each year, the Department of Education, like other Federal agencies, is required to undergo an audit. For fiscal years 1998 and 1999, the Department of Education could not receive a clean audit opinion. In plain English what that means is that the financial analysts who have gone in and taken a look at the books as prepared by the Department of Education do not have a high degree of confidence that the figures and the numbers that are reported in their financial statements are an accurate reflection of the actual conditions at the Department of Education.

Now, there are a number of reasons why this has occurred. There are also a number of instances where this lack of financial control has exhibited itself. One of the reasons why the Department is unable to get a clean audit is that it lacks an accounting system that meets generally accepted standards or complies with Federal financial management standards. That is why it could not get a clean set of books for the last 2 years.

The disappointing thing here, and I think this is why we need to take this step today, is that the Department also does not expect to have an effective account system in place until at least October 2001, more than a year out. Thus, the fiscal year 2000 and 2001 audits will most likely result in the same results as 1998 and 1999, an inability to get a clean audit.

Now, it would be one thing just to say they cannot get a clean set of books. It is another when the General Accounting Office and other groups have identified that because of the weaknesses within the financial control system, this Department has experienced a number of cases of waste, fraud, and abuse.

Let me just highlight a couple of these. The Inspector General and the General Accounting Office have identified a number of examples. One is that the Department over the last 2 years has issued about $175 million in duplicate payments to grantees. These payments continue to occur despite the Department's avowed attempts to crack down on them.

What is a duplicate payment? Well, we have here a list of duplicate payments that occurred in October of 1999. What a duplicate payment is, is that it means the Department recognizes that it has a liability, that it owes a State, it owes a contractor, or a supplier a certain amount of money, it cuts a check and it pays them. A duplicate payment means that it cuts a check and pays them again.

This is to the tune of over $175 million of duplicate payments, one as large as $71,425,000 that occurred on 10/20/1999. As I said, these payments have continued through 2000. So that is one area that the Inspector General and the GAO have said this is perhaps an area that we need to take an additional look at. Why? We need to identify whether, number one, we have captured all of the duplicate payments and we have identified all the contractors or suppliers who have received a duplicate payment. If not, let us find them.

The second thing we need to do is we need to identify whether for all of the duplicate payments that have been made, whether the American taxpayer and the Federal Government have been reimbursed for this duplicate payment. And then, thirdly, we need the General Accounting Office to go in and identify the problems that the Department of Education has in their system that allows this problem to continue on for 2 years.

So this is not a single occurrence. This is a series of occurrences over a period of 2 years that have resulted in over $175 million in duplicate payments.

□ 1415

Last month, a contract employee at the Department became the second person to plead guilty in participating in a theft ring. This is, again, disturbing because this builds off of recommendations that were not followed in previous audits. Previous audits, previous work by the Inspector General and by the General Accounting Office had indicated that the Department of Education did not have an effective way of managing its inventory, meaning that it would go out and buy capital assets, but had no way of tracking what assets were purchased and the location of each of those assets.

The result is, that with a lack of a good system in place, we created an environment where employees understood that there was a lack of these controls in place and, actually, created an environment that became inviting for waste, fraud and, in this case, abuse and fraud. Because what happened is that this Department of Education employee, along with outside contractors, and there are still additional people that are being investigated in this process, they put in place, we will use the word that is kind of in vogue today, they used a scheme to defraud the Department of close to a million dollars.

The scheme worked like this: someone within the purchasing department at the Department of Education would issue requisitions for certain kinds of equipment, and, in this case, it included computers. It included telephone equipment. It included a 61-inch TV, that is one big TV, and a whole series of other electronic equipment.

They would issue the requisition, the equipment would be purchased, and it would be delivered somewhere other than the Department of Education, perhaps to the employee's home or other locations ensuring that the equipment never came to the Department of Education. Roughly $330,000 worth of equipment was defrauded from the Department through this mechanism.

Now, these purchase orders were supplied to an outside contractor. What was then in it for the outside contractor? The benefit to the outside contractor was that this outside contractor would be allowed and the purchasing agent would approve for the billing of hourly work and overtime by this outside contractor.

It is estimated that in this case close to $600,000 in phony overtime was paid to this and other outside contractors. When we combine the fraud of purchasing this equipment and the overtime, we have close to a million dollars in fraud from the Department of Education.

These are just two examples of why I think on a bipartisan basis we have recognized that when we are talking about some of the most important dollars that we spend in Washington today, those dollars that we invest in our young people, that we invest in our educational system, that when those are going into a Department we need to ensure that we have got the highest standards of integrity and accountability to make sure that those dollars are being spent where they will make a difference and that they are not being siphoned off through either waste and, in these cases, fraud and abuse.

Mr. Speaker, I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Subcommittee on Oversight and Investigations, I, too, support this bill before us today that was voice voted with unanimous support out of the whole Committee on Education and the Workforce just recently, at the end of May.

Just so our colleagues are clear, yes, there are problems at the Department of Education that we need to oversee, and I think this bill will address many of those issues. But the Department of Education is not the only agency that is having problems with audits and getting certified unqualified audits reported. In fact, at last count, we have 10 agencies and probably 11 for fiscal year 1999 alone that have not been able to produce unqualified audit reports.

We are not talking about an anomaly here in the Department of Education; but what I think is a whole scale problem that is affecting many, many different agencies within the Federal Government; and, hopefully, through the leadership of our committee and the oversight work that we have done here, it will encourage even greater oversight with many of these additional agencies, so we can get a clean, healthy book of record for all of the agencies that were responsible to the American taxpayer.

Mr. Speaker, as it relates to the Department of Education, there has been proof that the Department has been defrauded by some employees or contractors as the gentleman from Michigan (Mr. HOEKSTRA) has indicated. While indictments and a conviction has been secured, in regards to the investigation at the Department, it is important that we, as the oversight body for the Department and its programs, ensure the security and safety of the Department's finances.

The Subcommittee on Oversight and Investigations has held several hearings regarding the state of the Department's financial management systems, and we are very aware that the Department has had significant shortcomings in its audits over the last 5 or 6 years.

While the Department of Education is just one of several Federal agencies that have been unable to obtain unqualified audit reports in recent years, we, as policymakers and the overseers, cannot take a relativistic attitude toward's Department audit shortcomings. We must set high standards for ourselves and the Department just as we do for the educators we are trying to assist through the Department programs.

With that being said, I have been very encouraged by the Department of Education's response to its audit weaknesses in the last year or so especially. New staff at the Inspector General's office and the chief financial officer's office had helped motivate change and a greater degree of responsibility in regards to the books in the Department. The last audit was completed on time and with corrections to previous weaknesses.

We on the subcommittee have been assured by the Department's new IG that the financial records will be produced in a timely and adequate manner for future audits. The electronic nightmare, which the Department has been living through with failing and faulty computer and accounting systems, should finally be corrected in the next 2 years, building more security and reliability in the overall financial system at the Department regarding outright fraud.

At our last subcommittee hearing on the subject, I was told by both the Inspector General and the outside auditor after a specific question to them on this issue that there is no systematic fraud or abuse that they have been able to detect at the Department of Education.

Obviously, again, as the gentleman from Michigan (Mr. HOEKSTRA) has pointed out, instances of fraud have, nevertheless, occurred at the time of the hearing. We are aware of pending investigations, and it is very distressing that multiple cases of fraud have, in fact, taken place.

Mr. Speaker, I also want to just take a moment and commend the subcommittee Chair in his realization in order to save taxpayer dollars that we are taking a more targeted fraud investigation approach to the audit requests contained in this bill today. I think it is a very reasonable and responsible approach to this.

Accordingly, it is appropriate for us to demand a more probing audit specifically geared towards fraud detection and vulnerability at the Department. Ultimately, it is this committee's jurisdiction to authorize funding for the education programming that we expect will hopefully benefit the neediest of America's schools and children.

We decide programs structure. We set relative priorities, and we are the first to berate the appropriators for underfunding our education authorization levels. Accordingly, we must also be the first to raise the alarm when management issues move from the realm of accounting weaknesses to direct fraud and abuse.

I agree that a narrow, selective fraud investigation is warranted and should allow the Department to proceed with its financial management upgrades and security enhancements. Hopefully with this audit and the regular audits our subcommittee has been reviewing, we soon will see the promises of the Department and the Inspector General come to fruition. Hopefully, we will soon be able to focus on education policy with confidence and undivided attention, be able to move beyond just oversight and get to the bottom of some of the problems that exist at the Department of Education and pass important and meaningful education legislation that many of us were hoping to achieve this year.

We still have yet to reauthorize the Elementary and Secondary Education Act, a vitally important program in order to improve the quality of education, especially for the most vulnerable and needy school children throughout our country. We have an Even Start Family Literacy bill that has passed the committee back in February, I believe, with wide bipartisan support under the leadership of the chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING), and that has yet to see the light of day on the House floor.

We are hoping to be able to move to that work as soon as possible, as well as some of the other unfinished education issues that are still pending before this Congress.

Let's do a responsible job of providing appropriate oversight with the Department of Education but let's not also lose sight on the unfinished job of passing meaningful education legislation that is going to improve the quality of education that our Nation's children deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the gentleman from Wisconsin (Mr. KIND) for his words and also his highlighting that hopefully some of the work that we have done on the subcommittee can perhaps be a stimulus for the House as a whole. We are currently in the process of drafting a piece of legislation where we apply the same standard to other Federal agencies that we have applied here to the Department of Education that says if, for 2 consecutive years, a Department or an agency cannot get a clean audit that it should be a fundamental requirement that a more in-depth analysis or a quote, unquote, a fraud audit or a targeted fraud audit should take place within these agencies because what we do know is that when an agency cannot deliver a clean audit, the auditors have some concern about their internal controls as to how they are measuring and recording the various expenditures. So the same standard that we apply to the Department of Education should apply to all of the other agencies that we have, whether it is the Department of Defense, the Department of Labor or whatever we are working on, and propose this one because of the work that the subcommittee has done in this area.

Mr. Speaker, I also would like to thank my colleague, the gentleman from Wisconsin (Mr. KIND), because I agree with him the more time that we can spend on exploring educational policy and what is going on at the State and local level as to what works and what does not, the more effective we can be in spending the billions of dollars that we are allocating here at a Federal level so that we can move away from purely the measurement of where the dollars are going, but actually be taking a look at the effectiveness and are we getting the impact for the dollars that we would like to have.

I have to applaud my colleague. I think we have been in 21 different States and had 23 field hearings, and my colleague consistently is there with us. He has been in New Mexico with us. He has been in Colorado with us. Last week he was in Minnesota. He has been in my district in Michigan; and consistently when we are at a State in a local level having a field hearing, he has been there and participating in that process to make sure that we are getting the best bang for our buck.

The other thing that I would like to also say is that we have had a very good working relationship, developing a good working relationship with the new Inspector General and with the General Accounting Office. The General Accounting Office has completed an audit of the Department's grant back fund where there were some questions about how these dollars were being used and what was moving into the account and whether that was appropriate or not; and as a result of the work that they have done with us, I think, again, in a bipartisan way, the Department, I think, has returned over $700 million back to the Treasury.

I think that is a very good, cooperative way of us moving through this process and dealing with this ugly side of the financial management part of the Department of Labor. I also think that as we move through this process in a more targeted approach, one of the ways that the Department or one of the areas that the Inspector General and the General Accounting Office have agreed with us that they will take a look at is the security of the computer data systems that the Department of Education maintains.

These systems contain student loan and grant records for tens of millions of students, and what we want to do is we want to make sure that the safeguards are in place to maintain the integrity of these systems to make sure that no one can get into these files and either steal data or manipulate the data that are in these files.

It is a wide-ranging effort that we have undertaken, and I think we have had good cooperation from both sides of the aisle as well as with the Department, with the Inspector General and also with the General Accounting Office to get to the bottom of these issues.

Mr. Speaker, I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my chairman of the subcommittee for his remarks and would be happy to be able to work with him and others who are drafting this legislation in order to form a stricter, higher standard of audit accountability in the rest of the agencies. I think that that is long overdue and the gentleman is heading in the right direction in drafting legislation for that very requirement.

Again, I do not want our colleagues who are listening to this discussion today to be under some false impression that everything is wrong and bad and the Department of Education is breaking down and they are not actually accomplishing some very worthwhile goals and objectives over there, because they are. As I indicated, during the previous hearings that we have had on the Subcommittee on Oversight and Investigations, as well as other Education hearings, there is a lot of hope and promise that we are finally starting to turn the corner, as far as the quality of programming, more direction with the resources, emphasizing quality and accountability, rather than just expansion of programs.

□ 1430

So I think there are a lot of things you can point to and show definite progress and improvement at the Department of Education.

I also feel that when the history books are written on this administration, we are going to be able to look back on the Department of Education and the leadership which has been provided to it by Secretary Riley and realize we have had one of the most effective, brightest, hard-working, and thought-provoking and innovative Secretaries that our Nation has ever seen in Secretary Riley. So I hope people do not view this as a reflection on the work that he has done at the Department of Education. Because under his leadership there have been significant improvements overall at the Department of Education. I just want to highlight a couple of those that we have seen in recent years.

The Education Department today has roughly two-thirds of the number of employees administering its programs since 1980, even though the budget has approximately doubled since then. The Education Department has trimmed its regulations by a third and reduced grant application paperwork and aggressively implemented waiver authority to legal roadblocks to State reform.

The student loan default rate is now at a record low 8.8 percent after declining for 7 consecutive years. It was 22.4 percent when President Clinton took office, and, as a result, the taxpayers in this country have been saved billions of dollars.

Collections on defaulted loans have more than tripled, from $1 billion in fiscal year 1993 to over $3 billion in fiscal year 1999 alone.

The Direct Student Loan Program proposed by President Clinton in 1993 and enacted by Congress in 1994 has saved taxpayers over $4 billion over the last 5 years.

The creation of the National Student Loan Data System has allowed education officials to identify prior defaulters and thereby prevent the disbursement of as much as $1 billion in new grants and loans to ineligible students.

The customer saving rates for ED Pubs, the Education Department's documents and distribution center, exceed those of premier corporations like Federal Express and Nordstrom.

There are also signs that the quality of education is starting to turn the corner as well. We have higher academic standards and assessments being put in place throughout the 50 States, improvement in the Nation's reading scores in the three grades tested, and math scores are starting to show some improvement as well.

Yes, there are some management problems that we are hopefully going to be able to get to the bottom of, and, with this legislation, sooner rather than later, but there are a lot of achievements and progress being made with the Department of Education and the programs they are responsible for that we shouldn't lose sight of even with the need for this legislation today.

Mr. Speaker, I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague for working together on this issue. We have outlined some of the problems within the Department of Education. Hopefully through this effort, by having the General Accounting Office go in and take a more in-depth analysis, hopefully they will go in and they will not find additional fraud or abuse and they will find that the Department is operating appropriately. At this point in time, we just do not know. We have enough cases that indicate on a bipartisan basis that we need to go in for a closer look.

This is a targeted approach. This is an approach that we can work with the General Accounting Office on and make sure that we are dealing with the appropriate issues at the right time and that we then can move on to the other things that my colleague from Wisconsin was alluding to, as to the effectiveness of the spending participating here in Washington, are we getting the maximum effect for the dollars we are spending.

That will be a debate for another day, or hopefully that will be a debate or a process that we can build a bipartisan consensus as to the best way to move forward, empowering local officials and parents to make the decisions for the education of their children because that really is the leverage point, empowering parents and local officials to focus on basic academics, delivered in a safe and drug-free school, so that our children can get the best education of any kids in the world.

I think that is a vision that we share on a bipartisan basis, at least getting the best education for our kids. We may have some disagreements as to what the best process is, but we have the same long-term goals and objectives in mind.

Mr. GOODLING. Mr. Speaker, I rise in strong support of H.R. 4079, which requires the Comptroller General to conduct a fraud audit of selected accounts at the U.S. Department of Education. I want to thank Mr. HOEKSTRA for his work in bringing this bill to the floor.

I note at the outset that this bill received the support of minority members of the Committee on Education and the Workforce at our full committee mark-up held a couple of weeks ago. Both majority and minority members of the Committee are aware of the serious financial management problems at the Department of Education. This awareness is due to the considerable time and effort the Subcommittee on Oversight and Investigations has spent assessing the agency's practices. Through its hearings, the Subcommittee found the department's operations and practices to be very susceptible to fraud and abuse.

By way of background, I would note that Congress has increased federal education funding in recent years. The Labor-HHS-Education Appropriations bill for Fiscal Year 2001 provides $37.2 billion in discretionary spending for the Department of Education. The agency also currently manages a $100 billion direct student loan portfolio, a new banking function initiated by the Clinton Administration. I am concerned that the direct loan program is becoming a millstone around the neck of an agency struggling to handle its basic responsibilities.

Recent reports of independent auditors have informed us that the Department neither practices sound fiscal management nor possesses an appropriate accounting system. The agency has yet to get its first clean audit opinion and is consistently cited by auditors for failings. These include an inability to reconcile its accounts with Treasury; failure to properly inventory its computers and other equipment; and an inability to safeguard effectively its computer systems from access by unauthorized users.

Federal education dollars that should go to the classroom are instead going to buying television sets, computers and palm pilots for friends and relatives of Department of Education employees. Two individuals recently pleaded guilty to participating in such a scheme, which remains under investigation by the Justice Department. And this is only one in a series of abuses recently examined by the Subcommittee on Oversight and Investigation.

We have tried as a Congress to improve the fiscal stewardship of the Department. When the 105th Congress wrote the Higher Education Amendments of 1998, it turned the Education Department's Office of Student Financial Assistance into the federal govenment's first performance-based organization.

Mr. HOEKSTRA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Michigan (Mr. HOEKSTRA) that the House suspend the rules and pass the bill, H.R. 4079, as amended.

The question was taken.

Mr. HOEKSTRA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HIGHER EDUCATION TECHNICAL AMENDMENTS OF 2000

Mr. McKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4504) to make technical amendments to the Higher Education Act of 1965, as amended.

The Clerk read as follows:

H.R. 4504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; EFFECTIVE DATE.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education Technical Amendments of 2000".

(b) REFERENCE.—Except as otherwise expressly provided in this Act, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if enacted as part of the Higher Education Amendments of 1998 (Public Law 105–244).

SEC. 2. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE I.—

(1) Section 101(a)(1) (20 U.S.C. 1001(a)(1)) is amended by inserting before the semicolon at the end the following: ", or students who meet the requirements of section 484(d)(3)".

(2) Section 102(a)(2)(A) (20 U.S.C. 1002(a)(2)(A)) is amended to read as follows:

"(A) IN GENERAL.—For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 101 (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 101(a)(4)). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B unless—

"(i) in the case of a graduate medical school located outside the United States—

"(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

"(bb) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or

"(II) the institution has a clinical training program that was approved by a State as of January 1, 1992; or

"(ii) in the case of a veterinary school located outside the United States that does not meet the requirements of section 101(a)(4)—

"(I) the institution was certified by the Secretary as eligible to participate in the loan program under part B of title IV before October 1, 1999; and

"(II) the institution's students complete their clinical training at an approved veterinary school located in the United States.".

(3) Section 102(a)(3)(A) (20 U.S.C. 1002(a)(3)(A)) is amended by striking "section 521(4)(C) of the Carl Perkins Vocational and Applied Technology Education Act" and inserting "section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998".

(4) Section 103(7) (20 U.S.C. 1003(7)) is amended to read as follows:

"(7) New borrower.—The term 'new borrower' when used with respect to any date for any loan under any provision of—

"(A) part B or part D of title IV means an individual who on that date has no outstanding balance of principal or interest owing on any loan made, insured, or guaranteed under either such part; and

"(B) part E of title IV means an individual who on that date has no outstanding balance of principal or interest owing on any loan made under such part.".

(5) Section 131(a)(3)(A)(iii) (20 U.S.C. 1015(a)(3)(A)(iii)) is amended—

(A) by striking "an undergraduate" and inserting "a full-time undergraduate"; and

(B) in subclause (I), by striking "section 428(a)(2)(C)(i)" and inserting "section 428(a)(2)(C)(ii)".

(6) Section 131(b) is amended by striking "the costs for typical" and inserting "the prices for, and financial aid provided to, typical".

(7) Section 131(c)(2)(B) is amended by striking "costs" and inserting "prices".

(8) Section 131(d)(1) is amended by striking "3 years" and inserting "4 years".

(9) Section 141 (20 U.S.C. 1018) is amended—

(A) in subsection (a)(2)(B), by inserting "total and unit" after "to reduce the";

(B) in subsection (c)—

(i) in paragraph (1)(A), by striking "Each year" and inserting "Each fiscal year";

(ii) in paragraph (1)(B), by inserting "guaranty agencies," after "lenders,"; and

(iii) in paragraph (2)—

(I) in subparagraph (A), by striking "expenditures" and inserting "administrative expenditures for the most recent fiscal year"; and

(II) in subparagraph (B), by striking "Chief Financial Officer Act of 1990 and" and inserting "Chief Financial Officers Act of 1990," and by inserting before the period at the end the following: ", and other relevant legislation";

(C) in subsection (f)(3)(A), by striking "paragraph (1)(A)" and inserting "paragraph (1)"; and

(D) in subsection (g)(3), by adding at the end the following new sentence: "The names and compensation for those individuals shall be included in the annual report under subsection (c)(2).".

(b) Amendments to Title III.—

(1) Subsection (g) of section 324 (20 U.S.C. 1063(g)) is amended to read as follows:

"(g) Special Rule for Certain District of Columbia Eligible Institutions.—

"(1) Howard university.—In any fiscal year that the Secretary determines that Howard University will receive an allotment under subsections (b) and (c) which is not in excess of amounts received for such fiscal year by Howard University under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123), relating to the annual appropriations for Howard University, then Howard University shall be ineligible to receive an allotment under this section.

"(2) University of the district of columbia.—In any fiscal year, the University of the District of Columbia may receive financial assistance under this part, or under section 4(c) of the District of Columbia College Access Act of 1999 (P.L. 106–98), but not under both this part and such section.".

(2) Section 326(e)(1) (20 U.S.C. 1063b(e)(1)) is amended, in the matter preceding subparagraph (A), by inserting a colon after "the following".

(3) Section 342(5)(C) (20 U.S.C. 1066a(5)(C)) is amended—

(A) by inserting a comma after "equipment" the first place it appears; and

(B) by striking "technology,," and inserting "technology,".

(4) Section 343(e) (20 U.S.C. 1066b(e)) is amended by inserting after the subsection designation the following: "Sale of Qualified Bonds.—".

(5) Section 1024 (20 U.S.C. 1135b–3), as transferred by section 301(a)(5) of the Higher Education Amendments of 1998 (Public Law 105–244; 112 Stat. 636), is repealed.

(c) Amendments to Part A of Title IV.—

(1) Section 402D (20 U.S.C. 1070a–14) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

"(c) Special Rule.—

"(1) Use for student aid.—A recipient of a grant that undertakes any of the permissible services identified in subsection (b) may, in addition, use such funds to provide grant aid to students if the recipient demonstrates in its application, to the satisfaction of the Secretary, that the size of the grants the recipient will provide to students is appropriate and likely to have a significant impact on retention at that institution. In making grants to students under this subsection, an institution shall ensure that adequate consultation takes place between the student support service program office and the institution's financial aid office.

"(2) Eligible students.—For purposes of receiving grant aid under this subsection, eligible students shall be current participants in the student support services program offered by the institution and be—

"(A) students who are in their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1; or

"(B) students who have completed their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1 if the institution demonstrates to the satisfaction of the Secretary that—

"(i) these students are at high risk of dropping out; and

"(ii) it will first meet the needs of all its eligible first- and second-year students for services under this paragraph.

"(3) Determination of need.—A grant provided to a student under paragraph (1) shall not be considered in determining that student's need for grant or work assistance under this title, except that in no case shall the total amount of student financial assistance awarded to a student under this title exceed that student's cost of attendance, as defined in section 472.

"(4) Matching required.—A recipient of a grant who uses such funds for the purpose described in paragraph (1) shall match the funds used for such purpose, in cash, from non-Federal funds, in an amount that is not less than 33 percent of the total amount of funds used for that purpose. This paragraph shall not apply to any grant recipient that is an institution of higher education eligible to receive funds under part A or B of title III or title V.

"(5) Reservation.—For any fiscal year after the date of enactment of the Higher Education Technical Amendments of 2000, the Secretary may reserve not more than 20 percent of the funds available under this section for grant aid in accordance with this subsection.".

(2)(A) Section 404A(b) (20 U.S.C. 1070a–21(b)) is amended by adding at the end thereof the following new paragraph:

"(3) Duration.—An award made by the Secretary under this chapter to an eligible entity described in paragraph (1) or (2) of subsection (c) shall be for a period of 6 years.".

(B) The amendment made by subparagraph (A) shall be effective for awards made for fiscal year 2000 and succeeding fiscal years, except that the Secretary shall permit recipients of 5-year grants made for fiscal year 1999 to amend their applications to include a 6-year project period.

(3) Section 415A(a)(2) (20 U.S.C. 1070c(a)(2)) is amended by striking "section 415F" and inserting "section 415E".

(4) Section 415E(c) (20 U.S.C. 20 U.S.C. 1070c–3a(c)) is amended to read as follows:

"(c) Authorized Activities.—Each State receiving a grant under this section may use the grant funds for—

"(1) making awards that—

"(A) supplement grants received under section 415C(b)(2) by eligible students who demonstrate financial need; or

"(B) provide grants under section 415C(b)(2) to additional eligible students who demonstrate financial need;

"(2) providing scholarships for eligible students—

"(A) who demonstrate financial need; and

"(B) who—

"(i) desire to enter a program of study leading to a career in—

"(I) information technology;

"(II) mathematics, computer science, or engineering; or

"(III) another field determined by the State to be critical to the State's workforce needs; or

"(ii) demonstrate merit or academic achievement and desire; and

"(3) making awards that—

"(A) supplement community service work-study awards received under section 415C(b)(2) by eligible students who demonstrate financial need; or

"(B) provide community service work-study awards under section 415C(b)(2) to additional eligible students who demonstrate financial need.".

(5) Section 415E (20 U.S.C. 20 U.S.C. 1070c–3a) is amended by adding at the end the following:

"(f) SPECIAL RULE.—Notwithstanding subsection (d), for purposes of determining a State's share of the cost of the authorized activities described in subsection (c)—

"(1) in the case of a State that participates in the program authorized under this section in fiscal year 2000—

"(A) if such State participates in the program in fiscal year 2001, for that year the State shall consider only those expenditures from non-Federal sources that exceed its expenditures for activities authorized under this subpart for fiscal year 1999; or

"(B) if such State does not participate in the program in fiscal year 2001, but participates in the program in a succeeding fiscal year, for the first fiscal year after fiscal year 2001 in which the State participates in the program, the State shall consider only those expenditures from non-Federal sources that exceed its expenditures for activities authorized under this subpart for the preceding fiscal year, or fiscal year 1999, whichever is greater; and

"(2) in the case of a State that participates in the program authorized under this section for the first time after fiscal year 2000, for the first fiscal year in which the State participates in the program, the State shall consider only those expenditures from non-Federal sources that exceed its expenditures for activities authorized under this subpart for the preceding fiscal year.

"(g) USE OF FUNDS FOR ADMINISTRATIVE COSTS PROHIBITED.—A State receiving a grant under this section shall not use any of the grant funds to pay administrative costs associated with any of the authorized activities described in subsection (c).".

(6) Section 419C(b)(1) (20 U.S.C. 1070d–33(b)(1)) is amended by inserting "and" after the semicolon at the end thereof.

(7) Section 419D(d) (20 U.S.C. 1070d–34(d)) is amended by striking "Public Law 95–1134" and inserting "Public Law 95–134".

(d) AMENDMENTS TO PART B OF TITLE IV.—

(1) Section 425(a)(1)(A)(i)(II) (20 U.S.C. 1075(a)(1)(A)(i)(II)) is amended to read as follows:

"(II) if such student is enrolled in a program of undergraduate education that is less than 1 academic year, the maximum annual loan amount that such student may receive may not exceed the lesser of—

"(aa) the amount that bears the same ratio to the amount specified in subclause (I) as the length of such program measured in semester, trimester, quarter, or clock hours bears to 1 academic year; or

"(bb) the amount that bears the same ratio to the amount specified in subclause (I) as the length of such program measured in weeks of instruction bears to 1 academic year;".

(2) Section 428(a)(2)(A) (20 U.S.C. 1078(a)(2)(A)(i)) is amended—

(A) by striking "and" at the end of subclause (II) of clause (i); and

(B) by moving the margin of clause (iii) two ems to the left.

(3) Section 428(b)(1) is amended—

(A) in subparagraph (A)(i), by striking subclause (II) and inserting the following:

"(II) if such student is enrolled in a program of undergraduate education that is less than 1 academic year, the maximum annual loan amount that such student may receive may not exceed the lesser of—

"(aa) the amount that bears the same ratio to the amount specified in subclause (I) as the length of such program measured in semester, trimester, quarter, or clock hours bears to 1 academic year; or

"(bb) the amount that bears the same ratio to the amount specified in subclause (I) as the length of such program measured in weeks of instruction bears to 1 academic year;"; and

(B) in subparagraph (Y)(i), by striking "subparagraph (M)(i)" and inserting "subparagraph (M)(i)(I)".

(4) Section 428(c)(3)(B) (20 U.S.C. 1078(c)(3)(B)) is amended by inserting before the semicolon at the end the following: "and recorded in the borrower's file, except that such regulations shall not require such agreements to be in writing".

(5) Section 428C(a)(3)(B) (20 U.S.C. 1078–3(a)(3)(B)) is amended by adding at the end the following new clause:

"(ii) Loans made under this section shall, to the extent used to discharge loans made under this title, be counted against the applicable limitations on aggregate indebtedness contained in section 425(a)(2), 428(b)(1)(B), 428H(d), 455, and 464(a)(2)(B).".

(6) Section 428H(d)(2)(A)(ii) (20 U.S.C. 1078–8(d)(2)(A)(ii)) is amended to read as follows:

"(ii) if such student is enrolled in a program of undergraduate education that is less than 1 academic year, the maximum annual loan amount that such student may receive may not exceed the lesser of—

"(I) the amount that bears the same ratio to the amount specified in clause (i) as the length of such program measured in semester, trimester, quarter, or clock hours bears to 1 academic year; or

"(II) the amount that bears the same ratio to the amount specified in subclause (I) as the length of such program measured in weeks of instruction bears to 1 academic year;".

(7) Section 428H(e) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (6).

(8) Section 432(m)(1) (20 U.S.C. 1082(m)(1)) is amended—

(A) in subparagraph (B)—

(i) in clause (i), by inserting "and" after the semicolon at the end; and

(ii) in clause (ii), by striking "; and" and inserting a period;

(B) by striking clause (iv) of subparagraph (D); and

(C) by adding at the end the following new subparagraph:

"(E) PERFECTION OF SECURITY INTERESTS IN STUDENT LOANS.—

"(i) IN GENERAL.—Notwithstanding the provisions of any State law to the contrary, including the Uniform Commercial Code as in effect in any State, a security interest in loans made under this part, on behalf of any eligible lender (as defined in section 435(d)) shall attach, be perfected, and be assigned priority in the manner provided by the applicable State's law for perfection of security interests in accounts, as such law may be amended from time to time (including applicable transition provisions). If any such State's law provides for a statutory lien to be created in such loans, such statutory lien may be created by the entity or entities governed by such State law in accordance with the applicable statutory provisions that created such a statutory lien.

"(ii) COLLATERAL DESCRIPTION.—In addition to any other method for describing collateral in a legally sufficient manner permitted under the laws of the State, the description of collateral in any financing statement filed pursuant to this section shall be deemed legally sufficient if it lists such loans, or refers to records (identifying such loans) retained by the secured party or any designee of the secured party identified in such financing statement, including the debtor or any loan servicer.

"(iii) SALES.—Notwithstanding clauses (i) and (ii) and any provisions of any State law to the contrary, other than any such State's law providing for creation of a statutory lien, an outright sale of loans made under this part shall be effective and perfected automatically upon attachment as defined in the Uniform Commercial Code of such State.".

(9) Section 435(a)(5) (20 U.S.C. 1085(a)(5)) is amended—

(A) in subparagraph (A)(i), by striking "July 1, 2002," and inserting "July 1, 2004,"; and

(B) in subparagraph (B), by striking "1999, 2000, and 2001" and inserting "1999 through 2003".

(10) Subparagraphs (A) and (F) of section 438(b)(2) (20 U.S.C. 1087–1(b)(2)) are each amended by striking the last sentence.

(11) Section 439(d) (20 U.S.C. 1087–2(d)) is amended by striking paragraph (3).

(e) AMENDMENT TO PART C OF TITLE IV.—Section 443(b)(2)(B) (42 U.S.C. 2753(b)(2)(B)) is amended by inserting "(including a reasonable amount of time spent in travel or training directly related to such community service)" after "community service".

(f) AMENDMENT TO PART D OF TITLE IV.—Paragraph (6) of section 455(b) (20 U.S.C. 1087e(b)), as redesignated by section 8301(c)(1) of the Transportation Equity for the 21st Century Act (112 Stat. 498) is redesignated as paragraph (8), and is moved to follow paragraph (7) as added by 452(b) of the Higher Education Amendments of 1998 (112 Stat. 1716).

(g) AMENDMENTS TO PART E OF TITLE IV.—

(1) Section 462(g)(1)(E)(i)(I) (20 U.S.C. 1087bb(g)(1)(E)(i)(I)) is amended by inserting "monthly" after "consecutive".

(2) Section 464(c)(1)(D) (20 U.S.C. 1087dd(c)(1)(D)) is amended by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(3) Section 464(c)(2)(A)(iv) is amended by inserting before the semicolon at the end the following: ", except that interest shall continue to accrue on such loans and such interest shall be eligible for cancellation under section 465".

(4) Section 464(h) is amended—

(A) in paragraph (1)(A)—

(i) by inserting ", and the loan default has not been reduced to a judgment against the borrower," after "defaulted on the loan"; and

(ii) by inserting after "held by the Secretary," the following: "or if the borrower of a loan under this part who has defaulted on the loan elects to make a single payment equal to the full amount of principal and interest and collection costs owed on the loan,”; and

(B) by adding at the end the following new paragraph:

“(3) SPECIAL RULE.—At the discretion of the institution or the Secretary, for the purpose of receiving the benefits of this subsection, a loan that is in default and reduced to judgment may be considered rehabilitated if—

“(A) the borrower makes 12 on-time, consecutive, monthly payments of amounts owed on the loan, as determined by the institution, or by the Secretary in the case of a loan held by the Secretary; or

“(B) the borrower makes a single payment equal to the full amount of principal and interest and collection costs owed on the loan.”.

(5)(A) Section 465(a)(2) (20 U.S.C. 1087ee(a)(2)) is amended—

(i) in subparagraph (A), by striking “section 111(c)” and inserting “section 1113(a)(5)”;

(ii) in subparagraph (C), by striking “With Disabilities” and inserting “with Disabilities”; and

(iii) in subparagraph (F), by inserting before the semicolon at the end the following: “, including full-time prosecutors and public defenders earning $30,000 or less in adjusted gross income”.

(B) The amendment made by subparagraph (A)(iii) shall be effective on the date of enactment of this Act, except that such amendment shall not prevent any borrower who, prior to the date of enactment of this Act, was receiving cancellation of indebtedness under section 465(a)(2)(F) of the Higher Education Act of 1965 from continuing to receive such cancellation.

(6) Section 467(b) (20 U.S.C. 1087gg(b)) is amended by striking “(5)(A), (5)(B)(i), or (6)” and inserting “(4)(A), (4)(B), or (5)”.

(7) Section 469(c) (20 U.S.C. 1087ii(c)) is amended—

(A) by striking “sections 602(a)(1) and 672(1)” and inserting “sections 602(3) and 632(5)”;

(B) by striking “qualified professional provider of early intervention services” and inserting “early intervention services”; and

(C) by striking “section 672(2)” and inserting “section 632(4)”.

(h) AMENDMENTS TO PART F OF TITLE IV.—

(1) Section 471 (20 U.S.C. 1087kk) is amended by striking “subparts 1 or 2” and inserting “subpart 1, 2, or 4”.

(2) Section 478(h) (20 U.S.C. 1087rr(h)) is amended—

(A) by striking “476(b)(4)(B),”; and

(B) by striking “meals away from home, apparel and upkeep, transportation, and housekeeping services” and inserting “food away from home, apparel, transportation, and household furnishings and operations”.

(3)(A) Section 479A(a) (20 U.S.C. 1087tt(a)) is amended by inserting “a student's status as a ward of the court at any time prior to attaining 18 years of age,” after “487,”.

(B) The amendment made by subparagraph (A) shall be effective for academic years beginning on or after July 1, 2001.

(i) AMENDMENTS TO PARTS G AND H OF TITLE IV.—

(1) Section 482(a) (20 U.S.C. 1089(a)) is amended by adding at the end the following new paragraph:

“(5) The Secretary shall provide a period for public comment of not less than 45 days after publication of any notice of proposed rulemaking published after the date of the enactment of the Higher Education Technical Amendments of 2000 affecting programs under this title.”.

(2) Section 483(d) (20 U.S.C. 1090(d)) is amended by striking “that is authorized under section 685(d)(2)(C)” and inserting “, or other appropriate provider of technical assistance and information on postsecondary educational services, that is supported under section 685”.

(3) Section 484 (20 U.S.C. 1091) is amended—

(A) in subsection (a)(4), by striking “certification,,” and inserting “certification,”;

(B) in subsection (b)(2)—

(i) in the matter preceding subparagraph (A), by striking “section 428A” and inserting “section 428H”;

(ii) in subparagraph (A), by inserting “and” after the semicolon at the end thereof;

(iii) in subparagraph (B), by striking “; and” and inserting a period; and

(iv) by striking subparagraph (C);

(C) in subsection (d)(3), by inserting “certifies that he or she” after “The student”; and

(D) in subsection (l)(1)(B)(i), by striking “section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act” and inserting “section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998”.

(4)(A) Section 484(r)(1) is amended by inserting after “controlled substance” the following: “during any period of enrollment for which the student was receiving assistance under this title”.

(B) Section 484(r) is further amended—

(i) by redesignating paragraph (3) as paragraph (5); and

(ii) by inserting after paragraph (2) the following new paragraphs:

“(3) CONSEQUENCES OF FAILURE TO ANSWER.—Any student who fails to answer a question of the common financial aid form developed under section 483 that relates to eligibility or ineligibility under this subsection shall be treated as ineligible until such question is answered.

“(4) NOTICE.—The Secretary shall require each institution of higher education that participates in any of the programs under this title to provide each student upon enrollment with a separate, clear, and conspicuous written notice that advises students of the penalties contained in this subsection.”.

(C) The amendments made by this paragraph shall be effective for academic years beginning on or after July 1, 2001.

(5)(A) Section 484B (20 U.S.C. 1091b) is amended—

(i) in subsection (a)(1), by inserting “subpart 4 of part A or” after “received under”;

(ii) in subsection (a)(3)(B)(ii) by inserting “(as determined in accordance with subsection (d))” after “student has completed”; and

(iii) in subsection (b)(2)—

(I) in subparagraph (B)(ii), by striking “subject to—” through to the end of such subparagraph and inserting “subject to the procedures described in subparagraph (C)(ii).”; and

(II) by amending subparagraph (C) to read as follows:

“(C) GRANT OVERPAYMENT REQUIREMENTS.—(i) Notwithstanding subparagraphs (A) and (B), but subject to clause (ii), a student shall not be required to return 50 percent of the total grant assistance received by a student under this title for a payment period or period of enrollment. A student shall not be required to return amounts of less than $50.

“(ii) Subject to clause (iii), a student shall be permitted to repay any grant overpayment determined under this section under terms that permit the student to maintain his or her eligibility for further assistance under this title, including a period during which no payment is due from the student—

“(I) for 6 months, beginning on the day the student withdrew; and

“(II) while the student is pursuing at least a half-time course of study, as determined by the institution.

“(iii) Clause (ii) shall not apply to a student who is in default on any repayment obligations under this title, or who has not made satisfactory repayment arrangements with respect to such obligations.”.

(B) The amendments made by subparagraph (A) shall be effective for the academic year beginning July 1, 2001, except that, in the case of an institution of higher education that chooses to implement such amendments prior to that date, such amendments shall be effective on the date of such institution's implementation.

(6) Section 485(a)(1) (20 U.S.C. 1092(a)(1)) is amended by striking “mailings, and” and inserting “mailings, or”.

(7)(A) Section 485(f)(1) (20 U.S.C. 1092(f)(1)) is amended by adding at the end the following new subparagraphs:

“(I) A statement of policy concerning the handling of reports on missing students, including—

“(i) the policy with respect to notification of parents, guardians, and local police agencies and timing of such notification; and

“(ii) the institution's policy for investigating reports on missing students and for cooperating with local police agencies in the investigation of a report of a missing student.

“(J) A statement of policy regarding the availability of information, provided by the State to the institution pursuant to section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), regarding sexually violent predators required to register under such section. Such statement shall include, at a minimum, the following:

“(i) An assurance that the institution shall make available to the campus community, through its law enforcement unit or other office, all such information concerning any person enrolled or employed at the institution.

“(ii) The means by which students and employees obtain access to such information.

“(iii) The frequency at which such information is updated.

“(iv) The type of information to be made available.

“(K) A description of campus fire safety practices and standards, including—

“(i) information with respect to each campus residence hall and whether or not such hall is equipped with a fire sprinkler system or other fire safety system;

“(ii) statistics concerning the occurrence on campus of fires and false alarms in residence halls, including information on deaths, injuries, and structural damage caused by such occurrences, if any, during the 2 preceding calendar years for which such data are available; and

“(iii) information regarding fire alarms, smoke alarms, fire escape planning or protocols (as defined in local fire codes), rules on portable electrical appliances, smoking and open flames, regular mandatory supervised fire drills, and any planned improvements in fire safety.”.

(B) The amendment made by this paragraph shall be effective for academic years beginning on or after July 1, 2001.

(8) Section 485(f) is further amended—

(A) in paragraph (3), by inserting after the first sentence the following: "In addition, each such institution shall make periodic reports to the campus community regarding fires and false fire alarms that are reported to a local fire department.";

(B) in paragraph (5)—

(i) by striking "paragraph (1)(F)" and inserting "subparagraphs (F) and (J) of paragraph (1)";

(ii) by striking "and" at the end of subparagraph (B);

(iii) in subparagraph (C), by striking "education, identify" and all that follows through the end and inserting the following: "education, identify—

"(i) exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime; and

"(ii) fire safety policies, procedures, and practices and disseminate information concerning those policies procedures and practices that have proven effective in the reduction of fires on campus; and"; and

(iv) by adding at the end the following:

"(D) not later than July 1, 2002, prepare and submit a report to Congress containing—

"(i) an analysis of the current status of fire safety systems in college and university facilities, including sprinkler systems;

"(ii) an analysis of the appropriate fire safety standards to apply to these facilities, which the Secretary shall prepare after consultation with such fire safety experts, representatives of institutions of higher education, and Federal agencies as the Secretary, in the Secretary's discretion, considers appropriate;

"(iii) an estimate of the cost of bringing all nonconforming residence halls and other campus buildings into compliance with appropriate building codes; and

"(iv) recommendations concerning the best means of meeting fire safety standards in all college facilities, including recommendations for methods of funding such costs."; and

(C) in paragraph (12)(A), by inserting before the semicolon at the end the following: "(other than in dormitories or other residential facilities reported under subparagraph (D))".

(9) Section 485 is further amended by adding at the end the following new subsection:

"(h) New or Revised Requirements.—For any new requirement for institutional disclosure or reporting under this Act enacted after April 1, 2000, the period for which data must be collected shall begin no sooner than 180 days after the publication of final regulations or guidance. The final regulations or guidance shall include any required data elements or method of collection (or both). The Secretary shall take reasonable and appropriate steps to ensure that institutions have adequate time to collect and prepare the required data before public disclosure or submission to the Secretary.".

(10) Section 485B(a) (20 U.S.C. 1092b(a)) is amended—

(A) by redesignating the paragraphs following paragraph (5) (as added by section 2008 of Public Law 101–239) as paragraphs (6) through (11), respectively; and

(B) in such paragraph (5)—

(i) by striking "(22 U.S.C. 2501 et seq.))," and inserting "(22 U.S.C. 2501 et seq.),"; and

(ii) by striking the period at the end thereof and inserting a semicolon.

(11) Section 487(a)(22) (20 U.S.C. 1094(a)(22)) is amended by striking "refund policy" and inserting "refund of title IV funds policy".

(12) Section 491(c) (20 U.S.C. 1098(c)) is amended by adding at the end the following new paragraph:

"(3) The appointment of members under subparagraphs (A) and (B) of paragraph (1) shall be effective upon publication of the appointment in the Congressional Record.".

(13) Section 498 (20 U.S.C. 1099c) is amended—

(A) in subsection (b)(5), by striking "institution," and inserting "institution (but subject to the requirements of section 484(b)),";

(B) in subsection (c)(2), by striking "for profit," and inserting "for-profit,"; and

(C) in subsection (d)(1)(B), by inserting "and" at the end thereof.

(j) Amendments to Title V.—

(1) Section 504(a) (20 U.S.C. 1101c(a)) is amended—

(A) by striking "(1) In general.—"; and

(B) by striking paragraph (2).

(2) The amendments made by this subsection shall be effective on the date of enactment of this Act.

(k) Amendment to Title VI.—Section 604(c) (20 U.S.C. 1124(c)) is amended by striking "this part" and inserting "this title".

(l) Amendments to Title VII.—

(1) Section 701(a) (20 U.S.C. 1134(a)) is amended by striking the third sentence and inserting the following: "Funds appropriated for a fiscal year shall be obligated and expended for fellowships under this subpart for use in the academic year beginning after July 1 of such fiscal year.".

(2) Section 714(c) (20 U.S.C. 1135c(c)) is amended—

(A) by striking "section 716(a)" and inserting "section 715(a)"; and

(B) by striking "section 714(b)(2)" and inserting "section 713(b)(2)".

(m) Amendment to Title VIII.—Section 857(a) of the Higher Education Amendments of 1998 (112 Stat. 1824) is amended by striking "1999" and inserting "2001".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McKEON) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. McKEON).

GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4504, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering the Higher Education Technical Amendments of 2000. Most of you will recall that just over 2 years ago we met here on a bipartisan basis to consider the Higher Education Amendments of 1998. That legislation was subsequently enacted into law on October 7, 1998, and now greatly benefits students by providing the lowest student loan interest rates in almost 20 years, as well as by making needed improvement to important student aid programs like Work-Study, Pell grants and TRIO.

First, I want to express my thanks to the gentleman from Pennsylvania (Chairman GOODLING) for his leadership on that bill and for the years of leadership he has shown on all education matters during his time here in the Congress.

I also want to thank the committee ranking member, the gentleman from Missouri (Mr. CLAY), the former ranking member of the subcommittee, the gentleman from Michigan (Mr. KILDEE), and the current ranking member of the subcommittee, the gentleman from California (Mr. MARTINEZ), for their cooperation in bringing this bill to the floor and for the great work that they have done on the other bills that we have been working on.

These amendments which we crafted together have been a great success, and our continued efforts on this legislation will only improve on those results. The legislation we are considering today makes numerous technical corrections, but it also includes some significant policy changes that we believe are necessary to ensure that the Higher Education Act is implemented in the way we intended.

Although we could not include all the changes on everyone's wish list, we did try to include those improvements that will benefit students and families who are struggling to pay for a college education.

An important change included by the committee impacts the eligibility of historically black colleges and universities to participate in the Federal student aid programs. These institutions play a vital role in providing access to post-secondary education for students who might not otherwise enroll in higher education. In the 1998 amendments, we required some of these institutions to submit plans and implementation strategies that would result in default rate reductions at their institutions. However, we did not provide sufficient time for the affected institutions to take the actions outlined in the default management plans to reduce their cohort default rates. This bill is correcting that mistake.

H.R. 4504 also includes three new provisions all related to campus security. The first provision is based on H.R. 3619, introduced by the gentleman from New Jersey (Mr. ANDREWS), that requires institutions of higher education to have a policy related to the handling of reports on missing students, including the notification of parents, guardians and local police.

The second provision is based on H.R. 4407, introduced by the gentleman from Arizona (Mr. SALMON), which requires institutions to have a policy regarding the availability of information provided by the State under the Violent Crime Control and Law Enforcement Act with respect to registered sexually violent predators.

The third provision was an amendment offered by the gentlewoman from New Jersey (Mrs. ROUKEMA) that requires institutions to include in their annual security report a description of campus fire safety practices and standards. All of these provisions will result in greater awareness of potential security risks on campus, and I, for one, believe that more information is better.

Additionally, this legislation will improve the regulatory process for institutions of higher education and other program participants. We continue to hear reports that the Department does not give the public enough time to comment on or to implement complex student aid regulations. For that reason, we have established minimum time periods for certain activities.

First, the bill requires the Department of Education to allow a minimum of 45 days for comment after the publication of a notice of proposed rule making. Second, it prevents disclosure or reporting requirements from becoming effective for at least 180 days after final regulations are published. Although some groups would have preferred a longer period of time, the committee believes that these time frames provide a reasonable period of time for action without causing disruptive delays in the regulatory or implementation process.

Most importantly, the bill clarifies and strengthens provisions in the Higher Education Act regarding the return of Federal funds when students withdraw from school. Specifically, it will correct the Department interpretation so that students will never be required to return more than 50 percent of the grant funds they receive. In addition, it will provide students with a limited grace period for repayment to help students who are unable to repay immediately upon their withdrawal and it will set a minimum threshold for grant repayment of $50.

All of these steps will aid students who withdraw from college for emergency or financial reasons. It is our hope that these changes will allow a low-income student to make another attempt to obtain a post-secondary education in the future, which is, of course, what we are trying to do with this whole education process.

This legislation will improve the implementation of the Higher Education Amendments of 1998 which we worked very hard to enact in the last Congress, and I urge every Member of this Congress to support it.

Finally, I would like to thank our Education staff members, Sally Stroup and George Conant on the majority side, and Maryellen Ardouny and Marshall Grigsby on the minority side, for all of the work they have done to make this bill possible at this time.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, the Higher Education Technical Amendments Act of 2000. In October of 1998, as the chairman has already said, after 2 years of debate and compromise, the Congress passed and the President signed the Higher Education Amendments of 1998.

Among other things, this bipartisan legislation reduced student loan interest rates to the lowest level in 17 years, established the performance-based organization to administer Federal student aid programs, and it authorized programs to help disadvantaged elementary and secondary students graduate from high school and enter college. It authorized new programs to strengthen the quality of the elementary and secondary teaching force, and expanded the loan cancellation for individuals teaching in low-income schools.

However, since its enactment, approximately a year and a half ago, as the chairman said, several technical errors, such as misnumbered paragraphs and incorrect punctuation, have been brought to the attention of the Committee on Education and Workforce.

In addition, it has become apparent as a result of the negotiated rule making process that, in few instances, clarifying language is necessary in order for the 1998 amendments to be implemented as Congress intended. Therefore, today we are considering H.R. 4504, the Higher Education Technical Amendments of 2000.

In addition to renumbering paragraphs and changing colons to semicolons, the bill does a number of things to improve the Higher Education Act and benefit students. For instance, it modifies the Student Support Service Program under TRIO to allow grantees to use funds for college completion grants and requires 33 percent matching funds used for this purpose. It extends the Gear Up grant award period to 6 years to allow grantees to serve a cohort of students beginning in the sixth grade. It allows work-study funds to be used for travel training, and it eliminates the 2-year waiting period Hispanic-serving institutions must observe before applying for another grant under title V, similar to the legislation recently passed by Congress and signed into law to eliminate the wait-out period for tribal colleges and Native Alaskan and Hawaiian institutions.

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Most importantly, it adjusts the title IV refund policy to make it easier for low-income students who are forced to withdraw from school to reenter when their circumstances improve. I believe that the small number of changes in the bill and the very technical nature of most of them are testimony to the outstanding job that the gentleman from California (Mr. McKEON), the gentleman from Michigan (Mr. KILDEE), and members of the committee did in 1998. I urge my colleagues to support the bill, which will improve the excellent piece of legislation we passed in 1998, and allow the Department and community to continue implementing the Higher Education Act as Congress intended.

In closing, I would like to say thank you to Sally Stroup, George Conant, Marshall Grigsby, and Mary Ellen Sprenkel of our staff for all their hard work on H.R. 4504 and the underlying bill.

I would also like to take a moment to express my deepest sympathy for John Oberg, special assistant of higher education at the Department of Education. John, who has done an outstanding job of representing the administration on issues concerning higher education for the past 6 years, lost his wife last week in a car accident.

John, our thoughts are with you during this very difficult time.

Once again, I urge Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI), a staunch member of the committee.

Mr. PETRI. Mr. Speaker, I would like to thank the gentleman from California (Mr. McKEON) for allowing me the opportunity to speak in support of this bill.

Mr. Speaker, we are here today to consider the Higher Education Technical Amendments of 2000. As most will recall, about 2 years ago we enacted on a bipartisan basis the Higher Education Amendments of 1998. Millions of students have since benefited from our efforts, and the minimal number of technical amendments that we are considering today is testimony to the fact that the bill was well written.

The legislation we are considering today makes necessary technical changes, as well as a few policy changes, that the members of the Committee on Education and the Workforce believe are necessary to implement the act as intended. In writing this legislation, the members, with the guidance of our chairman, have worked to ensure that the bill is bipartisan; that it will benefit students; and that it will be signed into law.

One notable benefit to students is the way this bill improves the Perkins loan program. It modifies the loan rehabilitation programs to provide the benefits of loan rehabilitation to a borrower with a defaulted loan who pays his or her loan in full with a single payment if the defaulted loan has not been reduced to judgment.

It also clarifies that loans in deferment for a student who performs a service resulting in loan cancellation is reimbursed for interest and not just for principal. Additionally, this legislation improves the regulatory process for schools and other program participants. This is important because the committee continues to hear reports that the Department does not give the public enough time to comment on or to implement complex student aid regulations.

To address this, the bill requires the Department of Education to allow a minimum of 45 days for comment after the publication of a notice of proposed rulemaking. It also prevents disclosure or reporting requirements from becoming effective for at least 180 days after final regulations are published.

Another significant element of this bill is the change to the return of Federal funds provision to help students who withdraw before the end of a term. It corrects the Department's interpretation and clarifies that students are never required to return more than 50 percent of the grant funds that they receive. However, considering that we in Congress have worked hard to help our Nation's students meet some of their needs in order to attend the college or university, I for one would hate to see us being taken advantage of, or the taxpayer being taken advantage of. It is theoretically possible for a person to get a Pell grant to enroll in a low-cost local program with the full intention of dropping out almost immediately and pocketing half of the grant money.

One thing I have learned in my years in Congress is that if there is a theoretical way for people to take advantage of the Federal Government, some people will find it and will do it. To address this concern, I intend to ask the General Accounting Office to conduct a study to determine whether or not this is a significant problem.

Again, I would like to thank the gentleman from California (Mr. McKEON) for allowing me to speak in support of the bill before us, and I urge all of my colleagues to vote in favor of the legislation.

Mr. MARTINEZ. Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER), a strong member of the committee.

Mr. SOUDER. Mr. Speaker, I thank the gentleman from California (Mr. McKEON) for his excellent leadership in the higher Committee on Education and the Workforce and also our distinguished ranking member for his years of work in this committee as well.

Mr. Speaker, I rise today to talk about two clarifications and one addition to the Higher Education Technical Amendments to the so-called Souder amendment to the Higher Education Act. This amendment probably has caused more controversy on our college campuses than all but few things in the Higher Education Act, and this is an attempt to clarify some things that I believe were misunderstood or had implementation problems at the Department of Education.

First, let me thank former Congressman Gerald Solomon. For years he led this effort to hold students accountable for drug use if they were going to use taxpayer money to fund a student loan. What my amendment attempted to do was a very simple process and that said, if one abuses drugs, that is if they are convicted, not alleged but if they are convicted of using drugs or dealing drugs, they would lose their student loan for one year.

If they went through drug treatment and took a drug test and passed it twice, they could get back even within that year. Our goal was not to get kids tossed out of college. Our goal was to get kids off drugs. If it happened twice, they lost their subsidized student loan for two years. If it happened three times, they are out. For drug dealing it was one and two.

Now this caused a big rhubarb. The question was, is this punishing people who have already been punished once? As if our courts actually do more than slap on the wrist. But besides that, the question is not punishment; the question is treatment. How do we move to prevention, and how do we get those who are abusing drugs on to treatment and to help them with their problem?

There is also the question as taxpayers, is why should we be underwriting students who are abusing and convicted of drug use in college? In my five trips to Colombia, I have looked and listened to leaders in Colombia, leaders in Mexico. I have heard people back home and around the country say there is only so much we can do about interdiction. What is being done in America about the drug problem?

This is an effort to actually do prevention and to hold people accountable.

Now there were a couple of problems in implementation that occurred in the Higher Education Act. One, there was limited pre-testing of the question. Secondly, the poorly framed question caused tremendous confusion in incoming freshmen and others in 1999. Hundreds of thousands of students left the question blank, which would have stopped the system to enforce it and yet they cannot have questions left blank. There was also no auditing. There was no checking of those who said that they had not been convicted of a drug crime, or who left it blank, which is irresponsible enforcement. It is basically a toothless bill without that.

Now there was a misunderstanding as well. All the way through the whole debate, I never said anything differently than what I said today, which is that if one is going to take a student subsidized loan they should be held accountable. Yet for some unusual reason, and I am not faulting them for doing it because it was their decision to do so, the Clinton administration interpreted this to mean that anybody prior to going into college who had been convicted once, twice, or three times of a drug crime was, therefore, either in violation of either clause one, clause two or clause three, which meant that many teenagers around the country who had been convicted of a drug crime all of a sudden were either being suspended for 1 year, 2 years or out on drug loans.

It meant people that were coming back in mid-life or adulthood all of a sudden were not eligible, theoretically, at least for student loans. There was nowhere in any record that suggested that any of us were advocating a reachback provision. The language was very explicit, I believed, which is if one takes taxpayer dollars, then they are expected to behave legally.

Now, what we need to do is to try to reach to those students who often are young people or middle-aged people who are coming back, who have had a tough time in life, who have been convicted of a drug crime, and now they want to go to college. The goal here is not to punish them.

I am a big supporter of GEAR UP, where we have technical amendments in this bill related to GEAR UP, and there is an unfortunate amendment later in the Labor HHS bill that would strike some of the clauses in GEAR UP which I oppose because I believe it is important to reach out to low-income students. We also need to have accountability.

What these amendments do are, one, first off one is only covered when they receive the loan and they are accepted into a university, or coming back after an absence. In other words, there is a short period of time while one is not in school, where they would be covered.

Also, if it is a continuous process, presumably one would be covered. In other words, if one took the January semester break off or a summer break; but they are in a continuous flow of college, they would be held accountable in that period. But the goal here is not if one drops out for 5 years to cover that period or to cover their whole years in high school.

The goal is while one is clearly going to college and has been approved for a student loan.

Secondly, we have made it clear now that we have had our trial run. If one leaves this blank, they will not get a loan until they fill out that question.

Now, a third part that the gentleman from California (Mr. GARY MILLER) added, which I think was a very wise additional amendment, was to make sure that all students understand that it is clear to the information to the Department of Education that if one is convicted of a drug crime, they cannot get a student loan, or they will be kicked off of a student loan.

Now lastly, we had some discussions with the Department of Education. I want to make it clear that we did not put some amendments in because I believe they are moving ahead on this.

One is to get the question better drafted. I am encouraged, but that question should be pre-tested better than they have pre-tested it in the past because as a parent whose kids have gone through college, the forms are very confusing; and it is very important if they are going to be held accountable to have that question clear.

Secondly, an auditing process, because without an auditing process this amendment is toothless. If we are going to attack the drug problem in this country and hold people accountable and help kids get into treatment and get their lives straightened around, there has to be an auditing and accountability process. We are either serious about the drug problem or we are not.

We need to make sure that we do not just focus on interdiction, which I believe is important, or border control, which I believe is important, or legal accountability, which I believe is important, but to have real prevention and treatment programs; and these amendments will help this become an even better process and hopefully help many students in this country understand that this problem is real.

Mr. MARTINEZ. Mr. Speaker, I yield back the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to make just a couple more comments. In addition to the committee staff that I thanked earlier, I would like to thank my legislative director, Karen Weiss, for all of the work that she has done on this bill. This may be the last time that we stand as a subcommittee on the floor with legislation during this Congress; and if so, I want to again thank the gentleman from California (Mr. MARTINEZ), the ranking member of this committee. He has been a joy to work with. He really has the people of this country at heart. He has served a lot of time in this Congress and done an excellent job, and I just want to let him know that I appreciate greatly the ability that he has brought to this Congress and the opportunity that we have had to work together.

Mr. GOODLING. Mr. Speaker, we are here today to consider the Higher Education Technical Amendments of 2000. Many of my colleagues will remember that in the last Congress we enacted the Higher Education Amendments of 1998 on a bipartisan basis. That bill was one of the most important pieces of legislation we considered for students and their parents. I want to thank Chairman McKEON again for his leadership on that bill. Throughout that process he kept members focused on our goal of improving our student financial aid system. Millions of students have since benefited from our efforts, and the minimal number of technical amendments that we are considering today is testimony to the fact that the bill was well crafted.

The Department of Education has issued a majority of the final regulations implementing the 1998 amendments. In most cases our intent was followed, but in a few important instances, it was not.

For example, I feel very strongly that the department is not following our intent with respect to direct loan origination fees. The 1998 amendments were designed to provide students with the best possible deal under very tight budget constraints, and I believe we succeeded in doing that. However, the law uses the word "shall" and it is very clear in directing the Secretary to collect a four percent origination fee on direct student loans. This is confirmed in legal opinions from the Congressional Research Service and the Comptroller General. It was not our intent to change that, and in my view the department's decision to arbitrarily interpret "shall" to mean "may" sets a very dangerous precedent. The fact that this legislation does not address this issue should not be taken as an endorsement of the department's actions.

The legislation before us today does make a needed change to the "return of federal funds" provisions in the Higher Education Act to help students who withdraw before the end of a term. By correcting the department's mistaken interpretation, we will ensure that no student is required to return more than 50 percent of the grant funds he or she received. I know there are those who would like us to go further. However, doing so would increase mandatory spending, and in many instances, would result in students leaving school with increased student loan debt, which I cannot support.

H.R. 4505 includes three new provisions all related to campus security. The first provision is based on H.R. 3619, introduced by Representative ANDREWS of New Jersey, and requires institutions of higher education to have a policy related to the handling of reports on missing students, including the notification of parents, guardians and local police.

The second provision is based on H.R. 4407 introduced by Representative SALMON of Arizona, It requires institutions to have a policy regarding the availability of information provided by the state under the Violent Crime Control and Law Enforcement Act with respect to registered sexually violent predators.

The third provision was an amendment offered by Representative ROUKEMA of New Jersey that requires institutions to include in their annual security report a description of campus fire safety practices and standards.

All of these provisions will result in greater awareness of potential security risks on campus, and I, for one, believe that more information is better.

Finally, I want to thank Mr. CLAY and Mr. MARTINEZ for their efforts in crafting this bipartisan legislation. This bill will not satisfy everyone completely. But it does make necessary technical and policy changes that will improve the implementation of the Higher Education Amendments of 1998, and it does so in a way that will benefit students.

I urge my colleagues to support this legislation.

Mr. SALMON. Mr. Speaker, I thank Chairman GOODLING and Chairman McKEON and their staffs for all of their hard work on the Campus Protection Act, which will close a loophole in federal law that restricts the ability of colleges and universities to notify students of the presence of convicted sex offenders on campus. I am thrilled that the campus security legislation has been incorporated into H.R. 4504, the Higher Education Technical Amendments Act of 2000.

What peaked my interest in this matter was a column Tamara Deitrich wrote for the East Valley Tribune on a sex offender roaming the campus of Arizona State University (ASU), which is located in my District. The sex offender secured a work furlough to study and do research at ASU, where about 23.000 young women attend classes. Campus law enforcement officials at ASU expressed concern that Federal law hampered their ability to adequately warn students about this threat. To me, it's unconscionable that women on campuses do not receive notification when a rapist or sex offender is enrolled.

S. Daniel Carter of Security on Campus, an expert in campus security matters, carefully evaluated the Campus Protection Act. The following is an excerpt from his letter:

> For too long colleges and universities have used the Family Educational Rights and Privacy Act (20 USC Section 1232g) to withhold public safety information from their students and employees that any other citizen would be able to get freely. This is a situation that denies them equal protection under the law and unnecessarily puts their lives and safety at risk. The addition of a requirement to the campus security section of the Higher Education Act of 1965 that schools publicly disclose information about registered sex offenders who are either enrolled or employed by the institution should ensure that FERPA is not misinterpreted to preclude the release of this critically important information. The language included in H.R. 4504 is designed to clarify this point . . .

I thank S. Daniel Carter for his contribution to this effort and am delighted that the founders of his organization and the family most responsible for the original campus security law—the Clery's—endorse the Campus Protection Act.

The Campus Protection Act adds a new section to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to clarify that sex offender information of all enrolled students and employees not only can be released, but when received, must be released. This will ensure that the same information about sex offenders available to other state citizens is available to college students. Additionally, the Act sensibly provides that universities develop a policy statement regarding the availability of this information as part of their annual crime statistics report.

Without a clear statement that schools are obligated to release this information, questions will remain about the legality of releasing sex offender information. Schools that withhold information because of this uncertainty unnecessarily put their students at risk.

Under the Campus Protection Act, colleges are only obligated to report information the state provides. This is not an undue burden or mandate, but authority that most campus security offices, such as the ASU unit, will welcome. The colleges maintain full discretion on how to disclose sex offender information.

The Campus Protection Act will aid campus law enforcement agencies and, more importantly, increase campus safety. In her letter endorsing the bill, Detective Sally Miller of the Santa Rose Junior College District Police Department writes: "I wish to indicate my full support of [your bill] which provides direction and legal tools for college and university law enforcement agencies to educate and inform our communities about sexual predators currently hidden within our communities. These amendments . . . are vitally important to allow college and university police departments to adequately provide for the safety of our students and staff from sexual predators."

Passage of H.R. 4504 will close the sex offender campus loophole once and for all and I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 4504 , as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING IMPORTANCE OF STRONG MARRIAGES FOR A STRONG SOCIETY

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 280) recognizing the importance of strong marriages and the contributions that community marriage policies have made to the strength of marriages throughout the United States, as amended.

The Clerk read as follows:

H. RES. 280

Whereas one of every two marriages ends in divorce;

Whereas children living with a single mother are six times more likely to live in poverty than are children whose parents are married;

Whereas married adults, on average, live longer, have fewer emotional problems, and are less likely to engage in alcohol or drug abuse;

Whereas visionary communities have adopted community marriage policies to empower couples for healthy, lifelong marriage and to foster an environment that has the greatest likelihood of ensuring the well-being of our citizens, especially our children;

Whereas a community marriage policy is a set of guidelines for premarital preparation and community support for marriage to which individuals, the community, clergy, and congregations voluntarily commit; and

Whereas a successful community marriage policy is one that urges clergy, congregations, and the broader community to—

(1) encourage premarital preparation education;

(2) train mature married couples to serve as mentors to the newly married;

(3) evaluate current practices that may unwittingly undermine marriage formation and stability;

(4) implement policies that promote marriage; and

(5) volunteer time, expertise, and resources to support initiatives that promote marriage and stable families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of strong marriages for a strong society;

(2) commends communities that have established community marriage policies for their efforts to support marriage and prevent the problems of divorce; and

(3) encourages other communities in the United States to develop voluntary community marriage policies to enable community members, such as clergy, business leaders, public officials, and health professionals, to work together to strengthen marriages and provide stable environments for children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 280.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to address the issue of marriage and its benefits for individuals, for communities and for our Nation. There have been considerable discussion about the state of marriage in this Nation over the past half century because there has been such dramatic changes in our Nation and in the institution of marriage.

□ 1500

If we look at the details of what has happened to marriage in this half century and what has happened as a result, we find some very interesting things.

As an example, there has been a great deal of debate in America about the growing gap between rich and poor; and almost all of it focuses on the changing job force, the cost of living, and the tax and regulatory structure that hamstrings businesses and employees.

But analysis of social science literature demonstrates that the root cause of poverty and income is definitely linked to the presence or absence of marriage. Among other problems, broken families earn less and experience lower levels of educational achievement.

Let's consider some of the statistics that have been offered: in 1950, 12 out of every 100 children, in other words, 12 percent, entered a broken family. By 1992, 58 percent, or 58 out of every 100 children born, entered a broken family. Children living with a single mother are six times more likely to live in poverty than are children whose parents are married.

Of families with children in the lowest quintile of earnings, 73 percent are headed by single parents. Ninety-five percent in the top quintile are headed by married couples.

In 1994, over 12.5 million children lived in single-parent families that earned less than $15,000 per year. Only 3 million children lived in single-parent families with annual incomes greater than $30,000.

Three-quarters of all women applying for welfare benefits do so because of a destructive marriage or live-in relationship. Those who leave the welfare system when they get married are the least likely to return to the welfare system.

Co-habitation doubles the rate of divorce. Co-habitation with someone other than one's future spouse quadruples the rate of divorce.

Divorce reduces the income of families with children by an average of 42 percent, and almost 50 percent of those families experience poverty. Married couples in their mid-50s amass four times the wealth of divorced individuals, $132,000 versus $33,600.

I think this illustrates some aspects of the current situation. But let us also consider, research that has been done on marriage and happiness and particularly marriage and health.

University of Chicago demographer Linda Waite found that life expectancy is more adversely affected by being unmarried than by being poor, overweight, or having heart disease.

Similarly, scholars at the National Institutes for Health Care Research recently compiled a lengthy report showing that divorced men are particularly likely to experience health problems. When compared to married men, divorced males are twice as likely to die prematurely from hypertension, four times as likely to die prematurely from throat cancer, twice as likely to die prematurely from cardiovascular disease, and seven times as likely to die prematurely from pneumonia. In other words, being married is healthy.

Why does marriage offer such extraordinary health benefits? The previously mentioned demographer, Linda Waite, states that marriage provides individuals a network of help and support which can be particularly beneficial in dealing with stress and in recovering from illness and accidents.

Of course the long-recognized linked between stable marriage and greater wealth is not simply due to the fact that married men have stronger incentives to work hard. It is also due to the fact that married-couple households benefit from role specialization and from pooling resources.

Another interesting aspect, Washington State University researcher Jan Stets reports that women in cohabiting unions are more than twice as likely to be the victims of domestic violence than married women.

Data from the National Institute of Mental Health shows that co-habiting women have rates of depression that are more than three times higher than married women and more than twice as high as other single women. On and on the statistics go.

I think a very important item to mention is that research reviews by UCLA Professor Robert Coombs and others find that the longer lives of married people cannot be explained by the fact that healthy people are more likely to get and stay married. The state of marriage itself is more important in fostering good health.

Now, that is very important to recognize because an immediate response of many people to all the statistics that I have given here is that we simply have not done a controlled experiment. The problem, they would say, is simply that the healthier people and the happier people are the ones more likely to get married and stay married.

But as I said here, the research by Robert Coombs of UCLA indicates that is simply not true. The state of marriage itself is more important in fostering good health.

The conclusion is that marriage is healthy. It is good for couples. It is good for children, good for communities, good for the Nation. It improves health, well-being, and makes children's lives, on average, more stable.

The question is what can we do to encourage marriage if marriage is so wonderful? Is there some magic wand we at the Federal level can wave and solve that particular problem? I think it is important to recognize that we cannot do a great deal at the Federal level. But we can certainly encourage community-level activity, particularly activity that is having a good effect.

I want to make it clear I am not up here to condemn divorce; I am simply pointing out that marriage can be a positive factor in many lives and that we should try to encourage those who are married to stay married and those who are not married to become married.

An example of a way to handle this appropriately is to mobilize religious and community support. Something that has emerged in this country, which is very good and has had a positive influence, is something called a community marriage policy.

Let me cite some material from a recent report, "Toward More Perfect Unions: Putting Marriage on the Public Agenda," a report from the Family Impact Seminar, reported by Theodora Ooms. She notes that perhaps the most promising and innovative marriage-strengthening strategy bubbling up from the community level is the community marriage policy. This is a strategy rooted in the religious sector and was originally conceived of and promoted by Michael McManus, a syndicated columnist and author of "Marriage Savers."

In the community marriage policy initiative, clergy and congregations in a community get together and agree upon a set of guidelines.

A particularly good example of such a community marriage policy is that of the Greater Grand Rapids, Michigan, area which I represent. I do not say that just because I represent it.

In the words of the report Family Impact Seminar report, the best community marriage policy is taking place in Greater Grand Rapids, Michigan, where, in 1996, the community launched an ambitious community-wide mobilization designed to support children-strengthening marriage.

The initiative has some core funding, an executive leader, Dr. Roger Sider, and institutional support from Pine Rest, a Christian Community Mental Health Center.

I should point out in an aside that Pine Rest is more than just a center; it is the second largest private community member health facility in the United States.

What distinguishes the Grand Rapids community marriage policy is that it involves a high caliber and breadth of community leadership, including many civic leaders and health professionals as well as the clergy. They have taken pains to be inclusive of many different views of marriage.

For example, they have been careful to listen to and accommodate the concerns of feminists working with battered women and minority leaders working with single-parent families.

Let me emphasize that this community marriage policy is voluntary; but the Grand Rapids one is unique in that it has involved the broader community, not just the religious community.

In Grand Rapids, pastors, rabbis, priests, judges, doctors, lawyers, counselors, elected officials, business leaders, educators and concerned citizens are being asked to find ways that they can strengthen and support marriages throughout their life cycle.

The chairman of the 50-person steering committee is Bill Hardiman, a good friend of mine, and the mayor of Kentwood, the second largest suburb of Grand Rapids. He has put many hours into this and has done exceptional work.

After more than a year of careful planning, in the spring of 1998 the initiative began implementation, starting by offering training to ministers and courses to others.

The Greater Grand Rapids Community Marriage Policy has set itself a goal of reducing the divorce rate by 25 percent by the year 2010, a very ambitious goal; and they are well on the way to achieving that. It will also establish some interim benchmarks of progress towards this goal.

So the purpose of this resolution is to commend community marriage policies throughout this land; and, in particular, although it is not specifically stated in the resolution, I want to commend the Greater Grand Rapids community in developing their community marriage policy. It has worked well. It holds great promise. We hope that it will achieve a great increase in the stability of marriages in our community and eventually throughout our Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 280, which recognizes the importance of strong marriages and community marriage policies. I think it is a wonderful thing if communities try to encourage strong marriages.

Our communities have changed so drastically over the past 3 years, today it is a fast-paced world and places constant stress on families and couples alike.

But today, most married couples, young married couples, one finds both of the couples working, dedicated to a career or a job, and that is a hectic life style. The hectic life style that many young couples are leading make it difficult for them to focus on family and each other, thereby putting a strain on their relationship and putting their marriage at risk.

This resolution, I commend the gentleman from Michigan (Mr. EHLERS) for bringing it forth, bringing attention to a need for strong healthy marriage and community support to make that a reality.

This support, in the form of community marriage policies and other efforts to ensure a network of help for couples, can greatly contribute toward more harmonious and happy marriages, especially churches and community-based organizations.

Those who are contributing that support are various members of our community, including those organizations, as I mentioned, religious and those people's community-based organizations that put forth counseling service.

In closing, I want to thank again the gentleman from Michigan (Mr. EHLERS) for bringing this resolution to the House today and urge Members to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

In closing, Mr. Speaker, I have outlined some of the reasons that our nation should consider as we try to strengthen marriages in our country. The benefits of health, the benefits of stability, the benefits for our Nation and particularly for our children and their education.

I have stated that the purpose of the resolution is simply to commend communities throughout the entire Nation that have established community marriage policies. But I would like to point out that the Congress itself should focus on ways to undue the bias against marriage in certain Federal programs.

This House has already passed the elimination of the marriage penalty in our income tax, and we hope that that will soon pass the other body and be signed into law by the President. The earned income tax credit should also not have a marriage penalty, which it presently has.

There are other issues in poverty programs and many other programs in the Federal Government where one can detect some antimarriage bias. I think we as a Congress should address those issues.

In addition State governments, with their responsibility for the marriage laws, should do what they can to encourage proper premarital counseling and especially proper counseling of individuals considering divorce.

In the State of Michigan, we have done that through a State law which sets up a mechanism for counseling at the local level, using funds from marriage license fees. Churches and local communities, through initiatives such as community marriage policies, also should encourage this.

In summary, we have demonstrated there are substantial effects of divorce on children. There are substantial effects of divorce on the health of individuals. And we have also outlined a number of the benefits of marriage.

It is very important that we as a Nation and as a Congress emphasize the importance of stable marriages for the well-being of our Nation, our citizens, and especially our children.

□ 1515

This resolution is one small way we can do that, and I urge the adoption of the resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the resolution, House Resolution 280, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA RECEIVERSHIP ACCOUNTABILITY ACT OF 2000

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3995) to establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government, as amended.

The Clerk read as follows:

H.R. 3995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Receivership Accountability Act of 2000".

SEC. 2. SPECIAL RULES APPLICABLE TO RECEIVERS WITH RESPONSIBILITIES OVER DISTRICT OF COLUMBIA GOVERNMENT.

(a) IN GENERAL.—Each District of Columbia receiver shall be subject to the requirements described in section 3.

(b) DISTRICT OF COLUMBIA RECEIVER DEFINED.—In this Act, a "District of Columbia receiver" is any receiver or other official who is first appointed by the United States District Court for the District of Columbia or the Superior Court of the District of Columbia during 1995 or any succeeding year to administer any department, agency, or office of the government of the District of Columbia.

SEC. 3. REQUIREMENTS DESCRIBED.

(a) PROMOTING FINANCIAL STABILITY AND MANAGEMENT EFFICIENCY.—Each District of Columbia receiver who is responsible for the administration of a department, agency, or office of the government of the District of Columbia shall carry out the administration of such department, agency, or office through practices which promote the financial stability and management efficiency of the government of the District of Columbia.

(b) COST CONTROL.—Each District of Columbia receiver who is responsible for the administration of a department, agency, or office of the government of the District of Columbia shall ensure that the costs incurred in the administration of such department, agency, or office (including personnel costs of the receiver) are consistent with applicable regional and national standards.

(c) USE OF PRACTICES TO PROMOTE EFFICIENT AND COST-EFFECTIVE ADMINISTRATION.—Each District of Columbia receiver who is responsible for the administration of a department, agency, or office of the government of the District of Columbia shall carry out the administration of such department, agency, or office through the application of generally accepted accounting principles and generally accepted fiscal management practices.

(d) PREPARATION AND SUBMISSION OF BUDGET.—

(1) CONSULTATION WITH MAYOR AND CHIEF FINANCIAL OFFICER.—In preparing the annual budget for a fiscal year for the department, agency, or office of the government of the District of Columbia administered by the receiver, each District of Columbia receiver shall consult with the Mayor and Chief Financial Officer of the District of Columbia.

(2) SUBMISSION OF ESTIMATES.—After the consultation required under paragraph (1), the receiver shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, the receiver's estimates of the expenditures and appropriations necessary for the maintenance and operation of the department, agency, or office for the year.

(3) TREATMENT BY MAYOR AND COUNCIL.—The estimates submitted under paragraph (2) shall be forwarded by the Mayor to the Council for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act, the Council may comment or make recommendations concerning such estimates but shall have no authority under such Act to revise such estimates.

(4) EXCEPTIONS.—This subsection shall not apply with respect to—

(A) any department, agency, or office of the government of the District of Columbia administered by a District of Columbia receiver for which, under the terms of the receiver's appointment by the court involved, the Mayor and the Council may revise the annual budget; or

(B) the District of Columbia Housing Authority receiver appointed during 1995.

(5) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal year 2001 and each succeeding fiscal year.

(e) ANNUAL FISCAL, MANAGEMENT, AND PROGRAM AUDIT.—

(1) IN GENERAL.—An annual fiscal, management, and program audit of each department, agency, or office of the government of the District of Columbia administered by a District of Columbia receiver shall be conducted by an independent auditor selected jointly by the receiver involved (or the receiver's designee) and the Mayor (or the Mayor's designee), and each District of Columbia receiver shall provide the auditor with such information and assistance as the auditor may require to conduct such audit.

(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to—

(A) any department, agency, or office of the government of the District of Columbia administered by a District of Columbia receiver for which, under the terms of the receiver's appointment by the court involved, audits are conducted by an auditor selected jointly by the parties to the action under which the receiver was appointed; or

(B) the District of Columbia Housing Authority receiver appointed during 1995.

(f) PROCUREMENT.—

(1) IN GENERAL.—In carrying out procurement on behalf of the department, agency, or office of the government of the District of Columbia administered by the receiver, each District of Columbia receiver—

(A) shall obtain full and open competition through the use of competitive procedures; and

(B) shall use the competitive procedure or combination of competitive procedures which is best suited under the circumstances of the procurement.

(2) EXCEPTIONS.—

(A) ALTERNATIVE METHODS FOR CERTAIN PROCUREMENT.—Notwithstanding paragraph (1), a District of Columbia receiver may use alternative methods to carry out procurement if—

(i) the amount involved is nominal;

(ii) the public exigencies require the immediate delivery of the articles or performance of the service involved;

(iii) the receiver certifies that only one source of supply is available; or

(iv) the services involved are required to be performed by the contractor in person and are of a technical and professional nature or are performed under the receiver's supervision and paid for on a time basis.

(B) HOUSING AUTHORITY.—Paragraph (1) shall not apply with respect to the District of Columbia Housing Authority receiver appointed during 1995.

SEC. 4. CLARIFICATION OF APPLICABILITY OF ANTI-DEFICIENCY ACT.

Nothing in subchapter III of chapter 13 of title 31, United States Code may be construed to waive the application of the provisions of such subchapter which apply to officers or employees of the District of Columbia government to any District of Columbia receiver.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3995, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3995, the District of Columbia Receivership Accountability Act of 2000. The Subcommittee on the District of Columbia, which I chair, of the Committee on Government Reform, is currently examining the status of the City's agencies that are overseen by court-appointed receivers. Presently, there are three outstanding agency receiverships: the Child and Family Services; the Commission on Mental Health Services; and the Corrections Medical Receiver for the District of Columbia Jail.

Each of these agencies has languished in receivership for a substantial period of time and has continued to be plagued by systematic problems in the delivery of expected services. Since these agencies are under the authority of the court system and not the District Government, expedient congressional action is necessary to induce comprehensive reforms within the receivership to return them to the jurisdiction of the District Government.

The Child and Family Services agency was brought under the glare of the public spotlight with the tragic death of young Brianna Blackmond. While Brianna was under the care of the Child and Family Services agency, her life was tragically cut short, at 23 months, by a blunt force trauma injury to the head. As the proud father of three children myself, I can say that stories such as Brianna's stab us in the heart and leave us wondering in amazement at how this could have happened.

Unfortunately, Brianna's death is not a story of a one-time case slipping through the cracks of an otherwise well-functioning child welfare system. Brianna is just one example of many heart-wrenching stories of children adversely affected by the systemic problems of the District of Columbia's child welfare system.

The two other district agencies in receivership have also demonstrated extreme deficiencies in their operations. The Commission on Mental Health Services agency has actually become worse since becoming a receivership. There are currently more mentally ill homeless people on the streets than ever before. Group homes for the mentally ill are poorly run and neglected, and treatment is difficult to come by. The lack of improvement in their services has recently led the receiver to resign.

The D.C. Jail Medical Services receivership's financial management is in dire straits as well. For example, the receiver recently issued a contract to a private entity which had the D.C. contract as its only contract and had never been in the business, at a cost of three times the national average.

This year alone, these three agencies combined will cost the District of Columbia taxpayers $352 million in court-controlled spending. In answer to these deafening receivership problems, the gentlewoman from the District of Columbia (Ms. NORTON) and I have joined together to introduce H.R. 3995, the District of Columbia Receivership Accountability Act of 2000 to provide management guidance to these receiverships and make them more accountable to the District of Columbia Government and the City's taxpayers. I would like to commend the gentlewoman from the District of Columbia for her leadership and compassionate interest in repairing these ailing District agencies.

Specifically, the bill places affirmative duties on all the receivers in the areas of best practices. Each receiver should conduct all operations consistent with the best financial and management practices by regional and national standards.

Annual audit by independent auditor. Each receiver must submit to an annual financial and program audit conducted by an independent auditor selected jointly by the receiver involved with the mayor.

Controlling costs. Each receiver must ensure that costs are consistent with applicable regional and national standards. This requirement may be waived in a few exceptional circumstances.

Consultation with City officials on the budget. In preparing the annual budget for the entity in receivership, the receiver must consult with the mayor and the chief financial officer of the District of Columbia. After this consultation, the receivers must prepare and submit their budget to the mayor for inclusion in the City's annual budget. The council may comment and may make recommendations on the receivers' budget estimates.

Procurement practices. When entering into contracts, each receiver must fully comply with generally accepted procurement practices.

Mr. Speaker, the District of Columbia Receivership Accountability Act of 2000 is a significant step towards inducing progressive reforms within the receiverships in order to return them in proper working order to the District of Columbia. I urge all my colleagues to join me in voting to support this vitally needed piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN) for their support of H.R. 3995 the District of Columbia Receivership Accountability Act of 2000 and for the attention they have consistently shown to moving bills that affect the Nation's capital. With so much of the District's vital affairs dependent upon actions by the Congress, I particularly appreciate the attention that the chairman and ranking member have given to the City's bills and concerns.

I particularly want to thank the subcommittee chairman, the gentleman from Virginia (Mr. DAVIS), for his consistently strong leadership on District of Columbia matters and for his support in moving this bill, in particular, forward. H.R. 3995 was passed unanimously by the Subcommittee on the District of Columbia on May 5, 2000 and the full Committee on Government Reform on May 18, 2000.

I appreciate the quick action and serious attention the subcommittee chairman has afforded problems in receiverships that control three D.C. functions. When the chair learned of these problems, he asked me to join him in initiating a GAO study of the District's receiverships, beginning with the receivership for the Child and Family Services agency. We began there because of the tragic and clearly preventable death of the infant Brianna Blackmond; the confusion and uncertainty in assessing responsibility for the child's death; and evidence of disarray the tragedy brought to public view that could mean other children under the care of the receivership may not be safe.

I appreciate as well the concern of the majority whip, the gentleman from Texas (Mr. DELAY), who came personally to testify before the Subcommittee on the District of Columbia in the first of our three public hearings on the outstanding D.C. receivership, the foster care receivership.

In addition, the D.C. jail receivership appears to have excessive costs and irregular procurement practices. And the mental health receivership had problems that were so severe that the receiver had to be replaced. The public housing receivership will end this year and the agency will be returned to District of Columbia control. That receiver, David Gilmore, stands out for the success of his tenure, which took a very complicated agency with the longest history of failure and dysfunction and reformed all of its functions; operations, social services, physical infrastructure, and public safety.

Action by the Congress on the receiverships is necessary because the courts and not the District of Columbia Government have control over the functions. H.R. 3995 responds to the early evidence we have received regarding basic deficiencies in D.C. receiverships by placing best practice requirements on agencies in receivership in the District of Columbia in seven areas:

One. Financial stability and management efficiency. Receivers must carry out the administration of the agency under receivership through practices which promote the financial stability and management efficiency of the District of Columbia.

Two. Cost controls. Receivers must ensure that costs incurred in the administration of the agency are consistent with applicable regional and national standards.

Three. Best practices. Receivers must carry out the administration of the agency through the application of generally-accepted accounting principles and generally-accepted fiscal and management practices.

Four. Budget preparation. Receivers must consult with the District of Columbia mayor, chief financial officer, and city council prior to submitting the agency budget.

Five. Annual audit. Receivers must submit to an annual fiscal and management audit by an independent auditor selected jointly by the receiver and the city.

Six. Procurement. Receivers must use best procurement practices that foster full and open competition.

Seven. Anti-Deficiency Act. This provision clarifies that the Anti-Deficiency Act applies to District agencies in receivership.

Mr. Speaker, this legislation is noncontroversial and strongly supported by the mayor and the city council of the District of Columbia. I urge passage.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I also want to thank the majority whip, the gentleman from Texas (Mr. DELAY), for his interest and his understanding and his leadership on the bill. He was a very active participant in helping to move this legislation forward and craft it so it would achieve the goals that we all had in mind, and that is to prevent problems like we had with Brianna Blackmond in the future.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3995, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SCHOOL GOVERNANCE CHARTER AMENDMENT ACT OF 2000

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4387) to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by voters of the District of Columbia.

The Clerk read as follows:

H.R. 4387

by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR SCHOOL GOVERNANCE CHARTER AMENDMENT ACT OF 2000.

Notwithstanding section 303 of the District of Columbia Home Rule Act or any provision of the School Governance Charter Amendment Act of 2000, the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by a majority of the registered qualified electors of the District of Columbia voting in a referendum held to ratify such Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4387, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4387, introduced by my colleague, the gentlewoman from the District of Columbia (Ms. NORTON), waives the 35-day congressional review period on the upcoming June 27 referendum. It will allow the results of that referendum to be enacted immediately. If the referendum is successful, the District of Columbia may move forward with the creation of a hybrid school board. This waiver will allow candidates for the new school board to be on the ballot for the November 7 election. H.R. 4387 will allow the choice that District residents make on June 27 to go forward without the delay it would otherwise face due to our own shortened legislative calendar.

The mayor and the D. C. Council have come together to craft this compromise referendum that will return accountability to the D.C. school board and to the District of Columbia schools. The new school board will be comprised of five elected and four mayoral-appointed members. I believe this reasonable compromise will remove much of the politics that has characterized the D.C. school boards in the past.

Most of all, this was not crafted from Congress, this was crafted from the city itself and the city leaders working together. I think if we want to continue to have democracy to be successful in the city, we have to allow them this flexibility. So I am eager that once this referendum is passed, or whatever happens to it, that we can move ahead and enact it immediately in time for the November 7 election.

I hope that the new school board will return to its primary mission of oversight and management of the schools. It is my goal to assist the city in returning accountability to the schools. For too long the education system has not worked for the children of the Nation's capital. The mayor and the council have worked together to ensure that this situation does not continue. I commend them for their dedicated efforts to achieve reform.

I also want to thank the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON) for his expeditious consideration of this waiver. I urge passage of this legislation so that the District may move forward on June 27.

Mr. Speaker, I reserve the balance of my time.

□ 1530

Ms. NORTON. Mr. Speaker, I very much appreciate the action of the chairman of the full committee in moving this bill forward. Had it not moved, there would have been a cascading effect on a referendum that is required in order to settle the matter of the school board in the District of Columbia, the central issue facing the City at this time.

The School Governance Charter Amendment Act of 2000 waives the congressionally mandated 35-day layover period for a D.C. referendum that will be considered by the voters in the special election of June 27. The referendum restructures the D.C. School Board to have five elected and four appointed members.

This local legislation is a result of an agreement between D.C. Mayor Tony Williams and the City Council. If the referendum passes, H.R. 4387 would waive the layover period so that candidates can seek signatures and run for the new board without legal challenge. This waiver is necessary because petitions for signature will be available on July 7 and the expiration of the 35-legislative-day congressional layover period may not come until early October. The waiver of the layover period will allow elections of the new school board to proceed without legal challenge on November 7.

H.R. 4387 is also noncontroversial and was unanimously passed in subcommittee and full committee. It has the full support of the mayor and the City Council of the District of Columbia. I strongly urge passage.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just summarize. Again, I thank the gentlewoman for taking the lead on an issue that was very controversial at one point in terms of how we structure the school system in the District. There is no question that it has failed.

I think we need to understand that before there was an elected D.C. Council, before there was an elected mayor, there was an elected school board. This has been a long Democratic tradition in the city.

We also, though, recognize there is a need for accountability in the decisions being made at the school system. I think when we got all the entities together, this was the compromise that they have worked out. They are going to submit it to the voters. I do not think anything could be clearer or fairer than that. We just need to give it a chance to succeed.

So, again, I thank my colleague for stepping up to the plate on this. I know this has been an issue of some controversy in the city, but it is that kind of leadership that is going to turn this city around.

Mr. Speaker, I urge adoption of this measure.

Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his remarks. I want only to note that at a time when it was not clear that the mayor and the City Council would come together, the chairman stepped back and let them see if they could reach an accommodation. They did reach an accommodation that is now before the people of the District of Columbia and they will decide.

I thank the gentleman very much for his work on this bill and on so many other bills for the District of Columbia.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4387.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 33 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1927

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOSSELLA) at 7 o'clock and 27 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 761, ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–670) on the resolution (H. Res. 523) waiving points of order against the conference report to accompany the Senate bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4578, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–671) on the resolution (H. Res. 524) providing for consideration of the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OBEY. Before we move into the Committee of the Whole, I thought that an understanding was being reached about the sequence of an amendment. Is that not correct?

Mr. YOUNG of Florida. If the gentleman will yield, it is our understanding based on our agreement of last week that we would take the Obey amendments as they appeared in the bill.

Mr. OBEY. The problem is that one of the Members who would offer those amendments is called away to another meeting and so we wanted to ask unanimous consent before the House went into the Committee that that amendment be taken out of order simply so that she could leave.

Mr. YOUNG of Florida. If the gentleman will yield further, is that one of the amendments that we had agreed to in the unanimous consent?

Mr. OBEY. Yes.

Mr. YOUNG of Florida. Mr. Speaker, I would find no objection to accommodating that Member. But I expect that the same agreement of the time limitation would still apply.

Mr. OBEY. Yes, absolutely.

Mr. YOUNG of Florida. I have no objection to that.

ORDER OF CONSIDERATION OF AMENDMENT NO. 10 DURING FURTHER CONSIDERATION OF H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. OBEY. Mr. Speaker, I ask unanimous consent that it be in order to consider amendment No. 10 notwithstanding that portion of the bill may have been passed in the reading of the bill for amendment, but otherwise subject to the order of the House of June 8, 2000.

□ 1930

The SPEAKER pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 518 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for further consideration of the bill, H.R. 4577.

□ 1930

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on

Thursday, June 8, 2000, the amendment by the gentleman from Ohio (Mr. TRAFICANT) had been disposed of, and the bill had been read through page 19, line 21.

Mr. HOYER. Mr. Chairman, I move to strike the last word. I rise to enter into a colloquy with our distinguished chairman of the full committee, the gentleman from Florida (Mr. YOUNG), who is standing in for our distinguished subcommittee chairman, the gentleman from Illinois (Mr. PORTER).

Mr. Chairman, is the gentleman from Florida (Mr. YOUNG) prepared to enter into that colloquy with me?

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield, the answer is affirmative.

Mr. HOYER. Mr. Chairman, first, I would like to thank the gentleman from Illinois (Chairman PORTER) for his outstanding leadership of the subcommittee and because we have the unique opportunity of having the chairman of the full committee here, I also want to thank him for his leadership of the full committee.

Mr. Chairman, this is not in the colloquy, but I want to say with great assurance there is not a fairer, more thoughtful chairman of any standing committee in the Congress of the United States than the gentleman from Florida (Mr. YOUNG), who chairs the Committee on Appropriations.

It is with great affection and great respect that I rise and thank him for participating in this colloquy.

Mr. Chairman, I am concerned about the funding level for the Centers for Disease Control and Prevention of childhood immunizations. The operations and infrastructure account, which provides grants to States for outreach and education on immunization, has, Mr. Chairman, as you know, decreased from $271 million in 1995 to $139 million in 2000, almost cut in half.

While this bill increases funding for the operations and infrastructure account by $15 million this year, it is my hope that this funding would increase by an additional $60 million for a total of $75 million.

Mr. Chairman, I am also concerned about the vaccine purchase account within the Childhood Immunization Program at CDC. The President requested, as you know, an increase of $10 million this year and funding has remained level. I would like to see funding in this account increased by the $10 million President Clinton requested, plus an additional $10 million on top of that.

I would like to thank the gentleman from Florida (Mr. YOUNG) for his hard work on this bill, and I would like to thank the gentleman from Illinois (Mr. PORTER), in his absence, for his hard work on this bill.

Given the constraints of the budget resolution, the gentleman from Illinois and the gentleman from Florida have done an outstanding job of writing what has proved to be a difficult bill for Members on both sides of the budget debate.

It is my hope, Mr. Chairman, that we may work together on this account in conference.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding, and the gentleman from Illinois (Mr. PORTER) and I both appreciate the leadership of the gentleman from Maryland (Mr. HOYER) on this issue.

As the gentleman knows, our allocation was not nearly as high as we had hoped, and we prepared the best bill that we could while under the current budget constraints.

With that said, I agree that the operations on infrastructure portion of the program provides the important funding for State immunization initiatives, and the gentleman from Illinois (Mr. PORTER) and I both would be very happy to work with the gentleman from Maryland (Mr. HOYER) on this issue as we move forward in the process.

Mr. HOYER. Mr. Chairman, reclaiming my time, I yield to the distinguished gentleman from Texas, (Mr. GREEN), a very good friend of mine and someone who has been tireless in working towards increased funding for immunizations.

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague from Maryland (Mr. HOYER) for organizing this colloquy this evening.

Mr. Chairman, I am grateful for your pledge to work to increase funding for section 317, the immunization program.

The gentleman from Pennsylvania (Mr. GREENWOOD) and I have introduced the resolution calling for an increase in section 317 funds for children's immunizations, and I am pleased that thanks to the efforts of the gentleman from Florida (Chairman YOUNG) and the gentleman from Illinois (Mr. PORTER) and the gentleman from Maryland (Mr. HOYER), this year's Labor, HHS bill does include a slight increase in section 317 funding. However, much more is needed.

While immunization rates in most States are improving, we are not doing as much as we could do if one of four American children are not receiving the immunizations that he or she needs. In Houston, which I represent, and Chicago over 44 percent of the children are not getting one or more of the immunizations.

Section 317 infrastructure funds are used by the States and cities to identify needs, conduct community outreach, establish registries, open clinics, deal with disease outbreaks, and undertake educational and tracking efforts, among other things.

These infrastructure funds have been reduced rather dramatically, as my colleague, the gentleman from Maryland (Mr. HOYER), mentioned in the past 5 years from 271 million to 139 million.

The need for increased infrastructure funding is particularly important in light of the recent Journal of the American Medical Association survey that shows over 50 percent of American children are either under or overvaccinated.

The JAMA study shows that 21 percent of toddlers receive at least one extra immunization, while 31 percent missed at least one. In other words, close to 50 percent of American children are receiving too few or too many vaccinations.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 5 additional minutes.)

Mr. HOYER. Mr. Chairman, I yield to my friend, the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Again, section 317 funding increase is supported by the American Academy of Family Physicians, the American Academy of Pediatrics, the American Public Health Association, and this increase is also supported by the Association of Maternal and Child Health Programs, Every Child by Two, the Association of State and Territorial Health Officers, and the Association of County and City Health Officials.

Most important, an increase in the 317 funds, Mr. Chairman, is supported by the gentleman from Florida (Mr. YOUNG), and our subcommittee chairman, the gentleman from Illinois (Mr. PORTER), and my good friend, the gentleman from Maryland (Mr. HOYER).

Again, I want to thank the chairman for his support; and hopefully in conference committee we will get that additional funding if we can see the allocations increase.

Mr. HOYER. Mr. Chairman, reclaiming my time, I thank the gentleman from Texas (Mr. GREEN) for his comments. Mr. Chairman, I also want to thank him and congratulate him for his work on this subject.

Obviously, we have talked a lot about in the previous decade, previous century about prevention, about how health care would be much cheaper if we prevented illness as opposed to treating illness. Nothing has been so successful, I think, in that regard as has childhood immunization.

We have, in effect, eliminated some diseases that have afflicted children and human beings for centuries really; and, therefore, this investment in immunizations plays an incredible dividend. It is probably as good an investment as we can possibly make, so not only is it the right thing to do to keep children healthy and to protect them from diseases, but it is also, from a financial standpoint, a very worthwhile investment that saves us a very geometric savings for every dollar invested.

I thank the gentleman for his leadership and would be glad to yield to him for any comment he might have.

Mr. GREEN of Texas. Mr. Chairman, I thank the gentleman from Maryland (Mr. HOYER) for yielding. I see our colleague, the gentleman from Illinois (Mr. JACKSON) from Chicago, and knowing that both Houston and Chicago, 44 percent of our children are either getting more or less the immunizations they need.

I know in my own district in Houston, our population turns so quick, that we may do a great immunization program 2 or 3 years ago, but we have so many new children who are coming in to urban areas in our country that this money, this infrastructure money will help create a registry so we will know that a child does not overimmunize or hopefully not underimmunize, and we will get those immunizations and the registry will help the States.

I know the State of Texas is supporting this, and State health commissioners and, of course, our cities to provide that registry so we will spend a dime today and save us a dollar tomorrow.

Mr. HOYER. Mr. Chairman, reclaiming my time, I think the gentleman makes a very cogent observation. I had the opportunity to meet just within the last 30 days with the Secretary of the Department of Health in Maryland, and he made that exact point, needing such a registry. So that not only would it assist school officials and health officials, but it would preclude children from being overimmunized, as well as making sure that children who are not get that which they need. So that it has both sanguine effects from that standpoint.

I appreciate the gentleman's observations.

Does the gentleman from Texas want additional time?

Mr. GREEN of Texas. Mr. Chairman, I thank the gentleman from Maryland for his efforts on the committee, and, again, I thank the chairman of the full committee, the gentleman from Florida (Mr. YOUNG), and the chairman of the subcommittee, the gentleman from Illinois (Mr. PORTER) for the efforts and the commitment to try and have more money during conference process.

Mr. HOYER. Mr. Chairman, reclaiming my time, I had the opportunity to meet a little earlier today with representatives of PerkinElmer, a corporation which is a high-technology company based in Wellesley, Massachusetts; and we talked about neonatal screening for treatable, inherited disorders.

I mention that only in the respect that, again, we were talking about prevention and early intervention. These dollars, as the gentleman from Florida (Chairman YOUNG) and the gentleman from Illinois (Chairman PORTER) have pointed out, are dollars well spent; and the only reason, as the gentleman from Florida (Chairman YOUNG) pointed out that they have not been included in this bill at this point in time is because the budget numbers were so very tight.

I want to thank the chairman, the gentleman from Florida (Mr. YOUNG) and I want to thank the gentleman from Illinois (Mr. PORTER) as well for their willingness to work with us over the next few months to try to increase substantially the numbers dedicated to the immunization program so that we can make sure that every child in America receives the shots and immunizations that he or she needs to ensure at least to the safety that we can accord with those immunization shots.

The CHAIRMAN. The Clerk will read.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the bill through page 31, line 14, be considered as read, printed in the RECORD, and opened to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the bill from page 20, line 1 through page 31, line 14 is as follows:

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and section 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, and the Native Hawaiian Health Care Act of 1988, as amended, $4,684,232,000, of which $25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That for the collection of fees authorized by section 1128E(d)(2) of the Health Insurance Portability and Accountability Act of 1996 for the full disclosure of information under the Act sufficient to recover the full costs of operating the Healthcare Integrity and Protection Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $238,932,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $554,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $109,148,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act.

For special projects of regional and national significance under section 501(a)(2) of the Social Security Act, $30,000,000, which shall become available on October 1, 2001, and shall remain available until September 30, 2002: *Provided*, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: *Provided further*, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further*, That grants shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,679,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $2,992,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $3,290,369,000, of which $145,000,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, up to $71,690,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of laboratory building 18 may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18: *Provided further*, That not to exceed $10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 10 States.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $3,793,587,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,321,320,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $309,007,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,315,530,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,185,767,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $2,062,126,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,548,313,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $984,300,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $514,673,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $506,730,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $790,299,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $400,025,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $301,787,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $102,312,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $349,216,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $788,201,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,114,638,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $386,410,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $832,027,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $75,000,000 shall be for extramural facilities construction grants.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $50,299,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $256,281,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2001, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $78,880,000.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $342,307,000, of which $48,271,000 shall be for the Office of AIDS Research: *Provided*, That funding shall be available for the purchase of not to exceed 20 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the National Institutes of Health may be transferred to the National Institutes of Health.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $178,700,000, to remain available until expended, of which $47,300,000 shall be for the National Neuroscience Research Center: *Provided*, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the first phase of the National Neuroscience Research Center may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

AMENDMENT NO. 11 OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer Amendment No. 11.

The CHAIRMAN. Is the gentlewoman from California (Ms. PELOSI) the designee of the gentleman from Wisconsin (Mr. OBEY)?

Ms. PELOSI. Yes, Mr. Chairman.

Mr. OBEY. Mr. Chairman, the gentlewoman most certainly is.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Points of order are reserved under the order of June 8. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Ms. PELOSI:

Page 31, after line 23, insert the following: In addition, $600,000,000 for such purposes: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 8, 2000, the gentlewoman from California, (Ms. PELOSI) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the distinguished ranking member, the gentleman from Wisconsin (Mr. OBEY), for allowing me to be the designee on this amendment.

Mr. Chairman, I would like to speak to this amendment, which would increase funding $600 million to reduce the demand for drugs here in America. Specifically, it would fund State and local drug treatment and prevention activities.

It recognizes that if America's drug controlled policy is to succeed, our policy must not focus only on supply reduction. We must balance our policy by including domestic efforts by including demand reduction services. We must address America's enormous drug treatment and prevention needs.

More than 5.7 million Americans are in severe need of substance abuse treatment, and 3.6 million lack needed treatment; 5.7, 3.6, just over 2 million Americans are receiving the substance abuse treatment, have access to treatment. And I am not even saying they have all that they need, but 3.6 have none.

Just 2 months ago, I offered a drug treatment amendment during the supplemental appropriations bill consideration. I tried to offer my amendment on the House floor for a straight up and down vote. At the time the chairman of the committee said this amendment should go through the regular process and not be dealt with on the supplemental.

It was said to wait for the appropriation subcommittee and the committee markups. They offered to work with me at the time through the appropriate process to fund domestic demand reduction strategies; however, this is the regular process. We had no success at the subcommittee/full committee and now is the time, the amendment is before this committee. I look for your support.

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Please know that treatment and prevention are more effective than any other drug control options. A Rand Corporation study sponsored by the United States Army and the Office of Drug Control Policy determined that to reduce cocaine consumption, funds invested in drug treatment, drug treatment, were 23 times more effective than source country control. In addition, this is 11 times more effective, drug treatment and prevention, is 11 times more effective than interdiction at the border, and 7 times more effective than even law enforcement.

Certainly we want to reduce the supply and we want to interdict at the border and we must have a balance between treatment and incarceration, but this Rand Commission study says that treatment is 23 times more effective. In other words, if you wanted to reduce demand in the U.S. by 1 percent, you could spend $24 million by having treatment on demand in the U.S., or you could spend over $700 million in the source country in order to reduce demand by 1 percent in the U.S.

My amendment increases funding $600 million for the substance abuse block grant and community treatment services, it invests $400 million for the block grants and $200 million for local treatment services via competitive grants. It provides treatment for an additional 150,000 addicted individuals and proven prevention services to an estimated 690,000 youths. It expands existing service infrastructure.

This investment leverages additional local and State funds, it strengthens State and local coordination and helps integrate service delivery. The amendment focuses on youth, while allowing communities to invest these funds according to local priorities. It helps our youth avoid a life of drugs and helps current drug users to turn their lives around. We must reduce domestic drug use and increase funding for drug treatment and prevention.

In September of 1999, America's drug czar, General McCaffrey, wrote an oped stating, "It is a sad time when the number of incarcerated Americans exceeds the active duty strength of the Armed Forces. A Rand Corporation study," the one I referenced, and this is the McCaffrey quote, "found that increasing drug treatment was the single-most cost-effective way to reduce domestic drug consumption."

We know treatment and prevention are more effective than any other options. How cost effective is this? Each $1 invested in drug abuse prevention saves $15 in reduced health, justice and other societal costs. Each $1 invested in drug prevention will save communities $4 to $5 in costs for drug abuse counseling and treatment. The National Treatment Improvement Evaluation Study evaluated SAMSHA's substantive abuse treatment services and found significant and lasting benefits, including 50 percent decrease in drug and alcohol use 1 year after completing treatment, 43 percent decrease in homelessness, and 19 percent increase in employment.

Mr. Chairman, I contend this is a dollar well spent, and certainly an investment we should make. It is a small step. We still will have millions of people in our country not receiving the substance abuse treatment that they need, but it is a step in the right direction, and, as we consider giving all kinds of military assistance to Colombia in order to reduce drug consumption in the U.S., we must consider that $1 is worth $23 spent that way, $1 spent on treatment in the United States. So I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Before the Chair recognizes the gentleman from Florida (Chairman Young), the Clerk will read the subsequent paragraph which is being amended.

The Clerk read as follows:

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $2,727,626,000.

Mr. YOUNG of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida is recognized for 15 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point out to our colleagues that this amendment was offered in the full committee and it was debated at great length followed by a recorded vote. The amendment was not agreed to. It was not so much that we did not agree with what the gentlewoman would like to accomplish, but we did not have the money. The budget approved by this House and by the other body put a severe restriction on the funds available. If the gentlewoman would have offered some way to pay for this or offered an offset somewhere else in the bill, we might be more friendly toward the amendment, but, unfortunately, that is not the case.

I would like to point out also for the benefit of our colleagues, this bill provides the President's budget request for the Substance Abuse Block Grant, $31 million more than last year's level. I know it is not as much as the gentlewoman would like. It is not as much as I would like, but it was the best we could do, given the allocation that we had.

Mr. Chairman, I must oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations, to speak to this amendment, and would say to our distinguished chairman that if we did not have to have a very expensive tax cut, we would have enough money to meet the treatment needs in our country to reduce demand for drugs.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I think it is important to refresh our memories as to what is going on here. What is happening is that we are offering a series of amendments, but under the rule under which this bill is being debated we will not be able to get votes on those amendments. The reason we will not is because the majority party, in order to squeeze out enough room in the budget for their huge tax packages, they have scaled back substantially on virtually every domestic appropriation bill that we will bring to this floor. That is why this bill is $3 billion below the President on education, almost $2 billion below on worker protection and job training, and over $1 billion below on health care.

Mr. Chairman, what we are trying to do with this and other amendments is to illustrate that we think there ought to be a different set of priorities than those which are guiding the majority party. Last week the majority party passed a tax bill which, over the next 10 years, will give over $200 billion in tax relief to the richest 400 Americans in this society. I have nothing against those folks, but it seems to me that it is a much higher priority for this country to meet its education obligations, its health care obligations and its job training obligations.

What the Pelosi amendment is trying to illustrate is that this Congress and the administration are apparently both supporting an expensive new proposition to fight a drug war in South America, but that this Congress is refusing to add funding to the budget to deal with drug treatment here at home. When we have only 37 percent of the Americans who are presently in need of drug treatment able to get treatment because of insufficient drug treatment slots, it seems to me that we have a terrible imbalance in our Congressional priorities.

So I recognize this amendment is not going anywhere, because we cannot even get a vote on it under the rule, but I think this is just another example of the price we pay in terms of increased crime, in terms of increased drug addiction, because this Congress is hell-bent on providing some huge tax cuts for the wealthiest people in this society, while it is ignoring our needs to deal with the concrete problems that affect and afflict virtually every community in the country.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the balance of my time be managed by the distinguished gentleman from Illinois (Mr. PORTER), the chairman of the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I apologize to the Members for being late, but my plane was delayed. As I came over here and passed one of the television screens, I heard the gentlewoman from California saying that she could not offer this, she was told, in full committee markup, but that she could offer it here on the floor because this was regular order. But I suggest to the gentlewoman that if you do not offer an offset, it is not regular order. It is not fiscally responsible.

I just heard the gentleman from Wisconsin saying that we refused to add money. We funded this account, which is a very important account, at exactly the level the President of the United States requested. So I would ask the gentlewoman, she is adding $600 million. Where did that figure come from?

Ms. PELOSI. Mr. Chairman will the gentleman yield?

Mr. PORTER. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, the $600 million relates to what we think we could hopefully get passed here. If I just may say, with the gentleman's yielding, just to clarify what is here on the floor, when I offered this amendment at the time of the emergency supplemental, when no offset would have been required, it was rejected by the majority in the full committee saying that we should go through the regular order, even though drug use in America is an emergency, and that is why we were having an emergency supplemental to send military assistance to Colombia. It was declared an emergency.

So then when they said go the regular order, we go to full committee and were defeated, and are now bringing it to the floor to point out the imbalance in our values, where we will give a tax cut instead of giving drug treatment to reduce drug consumption in America. So the $600 million relates to that.

Mr. PORTER. Mr. Chairman, reclaiming my time, the gentlewoman knows very well we are not in the process here of moving money from tax cuts to spending. That is not the regular order. The order here is that if you have an amendment to offer, you have to find an offset, because we live within limits.

Mr. Chairman, I very much agree with the gentlewoman that the President of the United States was wrong in allocating $1.6 billion to drug interdiction and crop eradication in Colombia. That money would have been better spent on treatment programs or prevention programs here at home.

The difficulty is that the gentlewoman is never willing to take the money from a lower priority and allocate it to a higher priority. It seems to me that the great flaw in the argument coming from the other side, on all of these amendments, is that you simply want to add money, without the responsibility for the bottom line of living within some standard. The standard is not what we need. We need a lot more in a lot of programs. The standard is that we have to live within a budget, and that is what we have to do. So we have to make the tough decisions over here, and over on that side you simply say, "Let's add money to this, let's add money to that, let's add money to other program." There is a need; of course there is a need. But somebody has to be responsible that we do not go off the graph in spending.

Mr. OBEY. Mr. Chairman will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me simply say we tried to provide this funding on the same footing that the funding was provided for the drug war in South America. We were told by the majority party at that time, come back and deal with it on the regular bill. The gentleman from Florida (Mr. YOUNG) said that, the gentleman from Alabama (Mr. CALLAHAN) said that, the gentleman from Illinois (Mr. PORTER) said that, and several others.

Mr. PORTER. Mr. Chairman, reclaiming my time, if I may say to the gentleman, the gentleman did not do that. The gentleman had the opportunity, but he did not.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, we did try to do it. We have tried on numerous occasions to cut back the amount of money that you are providing for your tax cuts, including the budget resolution we brought to the floor. All you would have to do to be able to fund this and every other amendment is to cut back your tax cuts by 20 percent.

Now, the rules of this House prevented us from getting a vote on that proposition, but that does not mean that we do not have an obligation and conscience to bring it up to demonstrate what we believe to be the skewed priorities of the majority.

Mr. PORTER. Mr. Chairman, reclaiming my time, the gentleman made that point over and over again, and I might agree with the point, but this is not the regular order. Regular order is to be responsible and to cut something if you want to increase something.

Ms. PELOSI. Mr. Chairman, if the gentleman will yield further, in fairness to the gentleman, since he is being so generous with his time, I want to use the first phase of my time from him to praise him for his leadership as chair of our subcommittee.

Mr. PORTER. Mr. Chairman, I thank the gentlewoman. Maybe that is all the time I will yield.

Ms. PELOSI. No, I was going to say so much more about the gentleman, but I have another amendment, so I will spend some time then, because we have been very pleased by his leadership on the committee.

So great a leader is the gentleman that he was very clever in this bill, Mr. Chairman, and I think it would be instructive to the Members of this House to know that in this bill there is money allocated for different programs, that the entire amount is designated to be emergency requirements pursuant to Section 251(b).

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That says that one must adjust the caps if the President includes designation of the term as an emergency request.

Mr. PORTER. Let me reclaim my time.

Ms. PELOSI. This is an emergency request.

Mr. PORTER. Mr. Chairman, I want to reclaim my time and reserve it.

The CHAIRMAN. The gentleman from Illinois (Mr. PORTER) controls the time. He must yield time.

Mr. PORTER. The gentlewoman can get the time from the gentleman from Wisconsin (Mr. OBEY). I have other speakers on my side. In fact, the gentlewoman better yield some time to us now.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. JACKSON), a very valued member of the Subcommittee on Labor, Health and Human Services, and Education.

Mr. JACKSON of Illinois. Mr. Chairman, this $600 million amendment adds $400 million to States through the substance abuse block grant program. It adds $200 million to local communities through competitive grants for critical substance abuse treatment services in collaboration with the States. That is what this amendment is about. It is very, very clear that these resources are necessary.

Now, what is also a bit confusing is that during the emergency supplemental markup the President of the United States requested of that committee $1.6 billion for the Colombian aid package. We sought during that hearing to add a comparable amount of money, not just on the supply side of the narcotics problem, but also on the demand side, because we know that to reduce cocaine consumption, funds invested in drug treatment were 23 times more likely and more effective than source country control, that they were 11 times more effective than interdiction and 7 times more effective than law enforcement in reducing cocaine consumption. So we sought to match that on this side.

Now during the course of that discussion, the majority added money for agricultural products, $4 billion, several billion in increased defense spending above the $300 billion appropriation, more than the Defense Department was even asking for, and the emergency supplemental for $1 billion on crop eradication in Colombia became a $14 billion bill in emergency supplemental that I believe is still stuck in the Senate.

Mr. Chairman, all we have sought to do under regular order, which the chairman of the full committee asked us to do, was to offer an amendment on the demand side of the problem in our own country. That amendment was flatly rejected by the full committee; and we are here today, Mr. Chairman, raising similar concerns to show the American people, but also to show the full committee, Mr. Chairman, that there are Members of Congress who want to do something not only on the supply side but also on the demand side.

I congratulate the gentlewoman for offering her amendment.

Mr. PORTER. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the subcommittee.

Mr. CUNNINGHAM. Mr. Chairman, we went through this drill in the subcommittee, the same 10 amendments, the same increase in every single one of them, just to show that Republicans want to cut.

We have increased, including Head Start, education $2 billion, increased over last year.

Let me give a good idea. One of these amendments increases special education. When the Democrats had control of this House, they promised to increase special education up to 40 percent of the funding. The maximum they ever funded was 6 percent. Republicans, in 5 years, have doubled that spending for special education. This bill increases special education funding $500 million; but yet we will see an amendment come forward to spend another billion dollars without any offsets, just to say that Republicans are cutting special education. That is the logic that they use.

Why? Every single one of these bills is brought forward just for the election coming up in November, to show how those mean Republicans want to cut education and cut the other socialized programs.

Well, there is a party with fiscal responsibility. There is a party also that wants to tax and spend and spend and spend, just like they did when they were in the majority.

Let us take a look at it. Look at education. It was a disaster when they left office. Education construction was destroyed. The infrastructure is terrible. We are last in math and science, because they put more money into it, just kept pouring more money, more money, more money, without any quality or responsibility into it.

We have changed that. Look over the 5 years, test scores are starting to go up but at the same time those that are entering colleges are still having to take remedial education. That is wrong. We need to do more in education. I agree with my colleagues on that. We have increased it $2 billion.

Now, how did they plan on paying for this? We will hear tax breaks for the rich, tax breaks for the rich. Well, I want to say, any tax relief limits the amount that they spend on these social programs. It will only be for the rich. We will never find them supporting tax relief. Every single bill. The same liberals fought against the balanced budget because it limited their amount of spending. They fought against welfare reform because it limited their amount of spending. They fought against the Social Security lock box because when they were in the majority for 30 years they took every dime out of the Social Security trust fund and put it up here for new spending, and then they increased taxes every year so that they could pass more for increased bureaucracy.

Now every one of these amendments we are going to see they want more, they want more, they want more. Every single appropriations bill, except for defense, they will increase. They will cut defense also to pay for more socialized spending.

Excuse me. I know I am not supposed to have this on the floor, but God says he does not want this amendment. I am sorry.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind the Member from California that personal electronic devices may not be used on the floor of the House and should be disabled when they are brought into the Chamber.

Mr. CUNNINGHAM. In 1993, they had the highest tax possible. They stole every dime out of the Social Security trust fund, even the gas tax. Does one think they put it in a transportation fund? Absolutely not. They put it in the general fund so they could spend more money. There was no hope of a balanced budget. Debts were destined to go up. The budget went beyond $200 billion every single year, but yet we will see the exercise here tonight from my colleagues on the other side to spend more money. Reject the amendments.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS), a champion fighting against substance abuse in our country.

Ms. WATERS. Mr. Chairman, I rise in support of the Pelosi amendment to increase drug treatment funding by $600 million. This Nation has a problem with drug addiction, and we cannot continue to incarcerate our way out of this health crisis. With less than 5 percent of the world's population, the United States has one quarter of the world's prisoners. The rapid expansion of the U.S. prison industrial complex has been fueled by the so-called war on drugs. While all of our communities are suffering, inner city, rural, black, white, Asian, Native American, name it, we have a problem.

I am stunned and outraged by a report that was released last week by the Human Rights Watch which said that African American men are imprisoned for drug crimes at 13 times the rate of white men even though black and white rates of drug use are similar, with overall far more white than black users.

This is an American problem. In our Federal system, 60 percent of the prisoners are drug law violators with no violent criminal history. According to the latest Bureau of Justice statistics, 55 percent of convicted jail inmates are using drugs in the month before the offense. Let us stop politicizing this. Let us do something about it. Support the Pelosi amendment.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the very distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I agree with the gentlewoman from California (Ms. PELOSI). We must focus our health and drug control policy on drug use prevention and drug treatment. The fact is that millions and millions of Americans are in severe need of substance abuse treatment. We can start now. We can focus not only on supply reduction but also on demand reduction. To do this, we must focus on prevention and treatment. The funding provided by the Pelosi amendment will help our youth avoid a life of drugs, and it will help those that are currently drug users turn their lives around.

This investment will leverage additional local and State funds for important health services and will strengthen State and local coordination. This crucial amendment focuses on youth while allowing communities to act according to their own local policies. For each dollar invested in drug use prevention, we will save those communities 4 or 5 dollars. That is the offset we should account for.

Effective prevention programs engage youth interactively. I urge all my colleagues to support the Pelosi amendment.

Mr. PORTER. Mr. Chairman, I yield 3½ minutes to the gentleman from Oklahoma (Mr. ISTOOK), a member of the committee.

Mr. ISTOOK. Mr. Chairman, I thank the gentleman from Illinois (Mr. PORTER) for allowing me to speak on this amendment.

Mr. Chairman, the gentlewoman from California (Ms. PELOSI), in offering this amendment, correctly states that drugs are a huge problem in the United States. They destroy lives. They destroy lives of people who voluntarily get involved with drugs. I would hope that we would put some emphasis on self-responsibility into any debate such as this.

I know that the gentlewoman is wanting to give assistance through drug treatment programs to help people that have gotten themselves caught in drugs to get out of it. That is good, but it is not as though we are not doing anything. Among the multiple billions and billions of dollars of tax money that is spent to combat drugs, on top of the private plans and the private money that goes to combat them, but one part of the tax money that we already have is $2.7 billion for the very program to which the gentlewoman wants to add another $600 million. Yet to hear some people talk, one would think that we are not doing anything and that somehow the people who are not using drugs are responsible for those who are using drugs.

Now, we want to help them. We want to help them get out of that cycle, but it is not done by trying to say it is penny-pinching Republicans that somehow are at fault. No. It is the people who use drugs that are at fault, and we are trying to help them. We are trying to help society. We have a $2.7 billion substance abuse treatment program already. So let us not pretend that nothing is being done. For goodness' sakes, let us have some priorities. We have an overall budget of the amount to spend because one of the other things that has drained so much from this country is when we have had these massive Federal deficits that obscenely push debt on to our kids and our grandkids and destroy their futures, just as drugs destroy them. One of the drugs is addiction to Federal spending.

When we have had deficits of hundreds of billions of dollars each year, it is because people offer amendments that say let us just spend another $600 million; I do not know where it will come from, but let us just spend it.

They say, well, our proposal is do not lower anyone's taxes. We had a vote on lowering taxes in this House last week. It received bipartisan support; two-thirds of the House, on the estate tax, on the death tax. That is one of many tax proposals. I know some people say look, do not give relief to people that have been supporting the highest level of taxes since World War II. We have an addiction here in Washington that many people have to spending and just spend and spend and spend.

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That is every bit as damaging to this country as the addiction of people that are on drugs. We have got to break both of those habits. So we are funding substance abuse programs. We are funding huge amounts of it. But let us also make sure that we set an example and not have Washington politicians that are addicted to spending and say, to stop one addiction, we will feed another. That is not going to work.

This amendment, if the gentlewoman from California (Ms. PELOSI) wants to offer a cut someplace else to offset that spending, that might be in order. I cannot support the adoption of this amendment. I urge a no vote.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a Congresswoman who has worked very hard to fight substance abuse in our country.

Ms. SCHAKOWSKY. Mr. Chairman, of course, we have to be careful how we spend money, but it is not just how much, it is how wisely we spend the money. We might as well put our money on programs that we know work. We know that treatment and prevention are more cost effective than other options. Each dollar invested in drug abuse prevention saves $15 in reduced health and social and criminal justice and other societal costs. Each dollar invested in drug abuse prevention will save communities $4 to $5 for drug abuse, counseling, and treatment.

Recent studies show that substance abuse treatment services have lasting and significant benefits; 50 percent decrease in drug and alcohol use 1 year after completing treatment; 43 percent decrease in homelessness; 19 percent increase in employment.

We can win a war on drugs. We know how to spend money. It is not with helicopters in Colombia, but it is with the Pelosi amendment.

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI) has 1½ minutes remaining. The gentleman from Illinois (Mr. PORTER) has 30 seconds remaining.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Ohio (Mrs. JONES), who is a former prosecutor, member of the freshman class, who knows of what she speaks on this substance abuse challenge in our country.

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentlewoman from California for yielding me this time. It is important that we invest money in treatment. Having served as a judge for 10 years and a prosecutor for 8 years, I have seen how treatment works.

We spend a lot of money building jails to keep people in jail and spend no money for treatment. People go to jail with an addiction. They come out of jail with an addiction. It is important that we as a country recognize the need for treatment, the demand for treatment, and put money in treatment. That is where it works. We know it works. We spend money building jails. Let us spend some money on treatment.

Ms. PELOSI. Mr. Chairman, I yield myself 1 minute to close.

Mr. Chairman, my colleagues have very eloquently pointed out what a good investment that treatment on demand and prevention are to our people in need of substance abuse treatment in our country. They have also pointed out that it is a wise investment, that it saves money, that it is 23 times more effective than a source country control that we are proposing that is being proposed in the supplemental bill.

But I want to make another point, Mr. Chairman; and that is that this Committee of the Whole could make this $600 million investment and save us a great deal of money in the short and long run.

We could follow the lead of the gentleman from Illinois (Mr. PORTER), our distinguished chairman. In this bill, he has reported out of the committee $500 million worth of spending that has been designated emergency, that has not required any offset as long as there is a request of an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act.

So this is not going afield. It is following the example. If the Republicans could find this emergency standing for their priorities, why cannot we do it for people who need help in our country on the substance abuse side?

Mr. PORTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we can agree about the importance of drug treatment and drug prevention; and for that reason, we funded this account at the exact amount that the President asked us in his budget to fund it.

Someone said a minute ago, we are spending no money on drug treatment. We are spending $1.631 billion on drug treatment. It is a lot of money. I would readily admit there is more need there, but we are funding at the level the President requested. We are acting within our responsibility. That is our job. That is what we are doing.

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member desire to be heard on the point of order?

Ms. PELOSI. Mr. Chairman, regretfully, the gentleman from Illinois (Mr. PORTER) is correct on his point of order. The Republican majority has not allowed us to bring this bill, this amendment, to the floor in the same fashion that other priorities that the gentleman put in the bill coming out of full committee received protection under emergency standing.

This $600 million for treatment in demand is at least as important as the priorities that received that emergency status coming out of the full committee. So the idea that this should not apply, we should not be able to bring this here because we do not have an offset we just want to be treated like the Republican priorities. By that, I do not mean the Republican priority of giving a tax cut to the wealthiest 1 percent of our people, giving a $200 billion tax cut to 400 Americans, to 400 Americans when we have 3.5 million people in our country who need substance abuse.

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI) will confine her remarks to the point of order.

Ms. PELOSI. Further to the point of order, there is a lot of money in the supplemental bill, if that ever sees the light of day, for treating the drug abuse problem in our country by sending military assistance to Colombia. We think this is a better way.

So I wish that it were in order. But I have to concede that the gentleman from Illinois (Mr. PORTER) is correct. The Republicans protect the tax cut, they protect their own spending priorities, but they do not protect that.

Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me, first of all, acknowledge the gentleman from Wisconsin (Mr. OBEY), the ranking member, for his kindness and hard work on this issue along with the gentleman from Illinois (Mr. PORTER), chairman of the committee.

The gentleman from Illinois (Mr. PORTER) knows that I testified in front of the subcommittee on the issue of mental health services for children. So I had intended during this process, this appropriations process, to offer an amendment to do more than what the administration has done. Frankly, I do not think it is enough.

The administration asked for $86 million, and I know that the bill has funded children's mental health services at $86 million, but let me explain why I have come to suggest that we need to do more. We will look forward to working with the gentlewoman from California (Ms. PELOSI), who is ably a member of the Subcommittee on Labor, Health and Human Services, and Education, and the gentleman from Wisconsin (Mr. OBEY), who has done a phenomenal job as it relates to mental health across the board on expressing the consternation about dealing with mental health, period, in this Nation.

First all, we have the question of parity and stigma. So I want to raise the issue of what is happening to our children. I fully believe that Columbine and Jonesboro, the 6-year-old little boy that shot his 6-year-old classmate, the 13-year-old boy that shot his teacher, the little boy in Pontiac, Michigan, who shot someone at age 11, and the tragedy that has happened in my own 18th Congressional District where, just yesterday, on Sunday, a 14-year-old girl shot and killed a 16-year-old boy tends to, not only the issue of guns, but it deals with the holistic approach to children.

We need better mental health services for our children. My amendment was to add $10 million more to mental health services for children. It is because of articles like this on the front cover of Ebony, "Out of the Closet, the Mental Health Crisis in Black America." It comes to the hearing that was held in my district with Senator PAUL WELLSTONE, "Panel told of mental health ills," when over 30 witnesses talked about the crisis that they feel in their own families, with their own children, or setting the National Congress for Hispanic Mental Health, and the Hispanic community is crying out for more resources, or the Mental Health Awareness Campaign that shows that we need to do something about people in crisis.

Today more than 13.7 million children suffer from mental health problems. The National Mental Health Association reports that people who commit suicide have a mental or emotional disorder. The most common is depression.

Although one in five children in adolescence has a diagnosable mental, emotional, or behavioral problem that could lead to school failure, substance abuse, violence or suicide, 75 to 80 percent of these children do not receive any services in the form of specialty treatment or some form of mental health intervention.

That is why we must increase the funding for comprehensive children's mental health services to reach the 75 to 80 percent of children suffering from mental illness.

Both the National Mental Health Association and the Federation of Families for Children Mental Health Services support increased funding for children's mental health and agree that we need to focus this Nation's attention and intervention measures so that we can prevent tragedies like Columbine, Paducah, Littleton, and Jonesboro.

I, too, believe that there can be relief for those who need some form of tax relief. But I do believe that we are, if you will, harvesting dollars for big tax cuts, rather than looking at the basic quality-of-life needs of our children.

The grant programs funded under the Comprehensive Community Mental Health Services programs are critical to ensure that children with mental health problems and their families have access to a full array of quality and appropriate care in their communities. They simply do not have it.

Some of the testimony that came was the frustration of parents that said I do not know where to go. I cannot leave out of my apartment or my rental house and go down the street to a community health clinic and get the kind of mental health services that I need. That stifles the opportunity to heal and to cure these children who need us to listen and need us to protect them and need us to heal them. To date, there have not been sufficient funds to award grants to communities in all of the States.

The story of Kip Kinkle, the 15-year-old student who shot his parents and went to school to kill several others, is tragic, yet illuminating. For 3 years before this horrendous event, Kip suffered from psychosis and he heard voices. Yet, no one did anything to address this situation. No teacher sent him to the nurse, and no one asked his parents to take him to a doctor to find out what was wrong.

When they did, what they talked about was that he was using profanity in class. He was, but he was responding to the voices in his head.

Kip Kinkle needed help. He needed help in his school. He needed help at home. This is not to blame the parents. It is to provide the kind of resources that are necessary.

I have worked diligently to bring attention to this most devastating problem.

As I indicated, I want to applaud the leadership of the gentleman from Wisconsin (Mr. OBEY) for his forward-thinking leadership in years past. Mr. Chairman, I would simply say that, again, I am gaveled down on a important issue; but I am gratified to have the opportunity to make the case.

Mr. Chairman, I rise today to offer this Amendment to increase the funding for the Substance Abuse and Mental Health Services Administration by $10 million dollars by decreasing the funding for the Chronic and Environmental Disease Prevention under the CDC.

For technical reasons, I realize that this Amendment does not specifically earmark the funds for comprehensive children's mental health services, but that is the intent of the Amendment. Children's Mental Health needs to be a national priority in this country today.

Currently, we spend 10 times the amount on research into childhood cancer, than on children's mental health, yet one of five children is affected by some sort of mental illness.

Today, more than 13.7 million children suffer from mental health problems. The National Mental Health Association reports that most people who commit suicide have a mental or emotional disorder. The most common is depression.

Although one in five children and adolescents has a diagnosable mental, emotional, or behavioral problem that can lead to school failure, substance abuse, violence or suicide, 75 to 80 percent of these children do not receive any services in the form of specialty treatment or some form of mental health intervention.

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The grant programs funded under the comprehensive community mental health services program are critical to insure that children with mental health problems and their families have access to a full array of quality and appropriate care in their communities. To date, there have not been sufficient funds to award grants to communities in all the states.

The story of Kip Kinkle, the fifteen year-old student who shot his parents and went to school to kill several other students is tragic, yet illuminating.

For three years before this horrendous event, Kip suffered from psychosis and heard voices, yet no one did anything to address this situation. No teacher sent him to the nurse and no one asked his parents to take him to a doctor to find out what was wrong.

I have worked diligently to bring attention to this most devastating problem in our society by holding not one, but two hearings on children's mental health. The first was through the Congressional Children's Caucus and the second, in my district in Houston along with Senator PAUL WELLSTONE.

At the joint hearing in Houston we had over 30 witnesses to speak on the need to increased diagnostic services for children's mental health. Additionally, we discussed the link between suicide and mental health disorders.

According to the 1999 Report of the U.S. Surgeon General, for young people 15–24 years old, suicide is the third leading cause of death behind intentional injury and homicide.

Persons under the age of 25 accounted for 15 percent of all suicides in 1997. Between 1980 and 1997, suicide rates for those 15–19 years old increased 11 percent and for those between the ages of 10–14, the suicide rates increased 99 percent since 1980.

Within every 1 hour and 57 minutes, a person under the age of 25 completes suicide. The fact that 8 out of 10 suicidal persons give some sign of their intentions also begs the question, why do we not make children's mental health a national priority.

We know that more teenagers died from suicide than from cancer, heart disease, AIDS, birth defects, strokes, influenza and chronic lung disease combined.

Because childhood depression is so very prevalent, we must recognize the dire need for increased services to treat our youth. Almost 12 young people between between the ages of 15–24 die everyday by suicide.

Nationwide, 20.5 percent of high school students have stated on self-report surveys that they have seriously considered attempting suicide during the preceding 12 months. These are just some of the alarming statistics related to children's mental health.

Last week's killing of a Florida teacher by a 13-year-old honor student is just a most recent attempt in a series of increasingly violent attacks perpetrated by adolescents in the past few years. Columbine, Littleton, and Paducah are just a few indicators that the possible lack of access to mental health services has resulted in an increase of children becoming involved in criminal activity and becoming involved in the juvenile justice or child protective systems.

Our children need to be listened to . . . they need to be heard. Children are complex human beings. Although they are young, they send us signals when they are troubled; the real tragedy occurs when adults do not listen to those signals or provide them with the help that they need. Effective mental health resources in our communities and schools can help in many instances prevent these acts of violence and suicide among our youth.

I urge my colleagues to support this amendment that provides the additional funding necessary to address mental illness so that our children will not continue to suffer needlessly because of a lack of mental health resources.

Mr. Chairman, I include for the RECORD the Houston Chronicle article entitled "Panel Told of Mental Health Ills," as follows:

PANEL TOLD OF MENTAL HEALTH ILLS

SUICIDE ATTEMPTS BY CHILDREN CITED

(By Janette Rodrigues)

Alma Cobb trembled with nervous tension Thursday as she told a roomful of strangers the ways her 14-year-old son, David, has tried to commit suicide since his first attempt at age 5.

But her voice was surprisingly firm.

"He tried to hang himself, stab himself and electrocute himself," Cobb testified during a hearing Thursday on children's mental health needs called by U.S. Rep. Sheila Jackson Lee, D-Houston.

A transcript of the hearing will go into the congressional record. Jackson Lee and Sen. Paul Wellstone, D-Minn., who also attended the hearing, hope to use the transcript in getting Congress to pass legislation improving children's mental health services.

Studies estimate that 13.7 million American school children suffer from mental health, emotional or behavioral problems. In the Houston area alone, more than 178,000 will need mental health care during their school years.

Suicide and entry into the juvenile criminal justice system are by-products, advocates say, of a society that shuns the issue and hasn't exerted the political will to address preventable problems.

Cobb's story and that of other such parents, services providers and mental health professionals was compelling, and sometimes moving.

But what Cobb has experienced is startling.

Her daughter, Clara, 14, also suffers from emotional and behavioral disorders. She first tried to kill herself at age 7. She and her brother have been absent from school because of their diagnosed mental illness and numerous hospitalizations related to suicide attempts.

Despite documentation of that fact, Cobb said later, the district where her children attend school considered her children truants, not sick, and fined her more than $3,000 and took her to court.

"Sometimes, my children can't attend school because of their mental illness and suicide attempts, but schools don't understand it," Cobb said, "They just understand their regulations."

Regina Hicks, deputy director of child and adolescent services for the Harris County Mental Health/Mental Retardation Authority, is familiar with the Cobb family's story. The children receive services through the agency.

Hicks said their struggle with the school district is unusual but, unfortunately, not unheard of in cases involving children.

Studies show that at least one in five children and teens in America has a mental illness that may lead to school failure, substance abuse, violence or suicide.

Most such schoolchildren don't receive adequate help because of the stigma attached to their condition, the lack of early intervention and scarce resources, mental health care professionals and service providers told the hearing.

Speaker after speaker voiced the need for increased funding.

"In Texas, we must be particularly concerned that the state budget for children's mental health services has remained virtually flat since 1993, despite growth in both population and need," said Betty Schwartz, executive director of the Mental Health Association of Greater Houston.

"Current budget discussions offer little hope for improvement in the coming legislative session."

Harris County Juvenile Court Associate Judge Veronica Morgan-Price said the piece of MHMRA's budgetary pie for juveniles is small.

She and others spoke of their frustration that the juvenile justice system has become a surrogate for mental health facilities.

Many said it's the norm in Harris County for mentally ill juveniles to get adequate help only after they commit an act that ends with them in a detention facility.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the bill through page 37, line 2 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the bill from page 32, line 1 through page 37, line 12 is as follows:

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $123,669,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $99,980,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $93,586,251,000, to remain available until expended.

For making, after May 31, 2001, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2001 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2002, $36,207,551,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $70,381,600,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $1,866,302,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $18,000,000 appropriated under this heading for the managed care system redesign shall remain available until expended: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2001 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That, for the current fiscal year, not more that $630,000,000 may be made available under section 1817(k)(4) of the Social Security Act (42 U.S.C. 1395i(k)(4)) from the Health Care Fraud and Abuse Control Account of the Federal Hospital Insurance Trust Fund to carry out the Medicare Integrity Program under section 1893 of such Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2001, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,473,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2002, $1,000,000,000.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,100,000,000, to be available for obligation in the period October 1, 2001 through September 30, 2002.

For making payments under title XXVI of such Act, $300,000,000: *Provided*, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $423,109,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2001 shall be available for the costs of assistance provided and other activities through September 30, 2003.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $10,000,000.

The CHAIRMAN. Are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), in addition to amounts already appropriated for fiscal year 2001, $400,000,000; and to become available on October 1, 2001 and remain available through September 30, 2002, $2,000,000,000: *Provided*, That of the funds appropriated for each of fiscal years 2001 and 2002, $19,120,000 shall be available for child care resource and referral and school-aged child care activities: *Provided further*, That of the funds provided for fiscal year 2002, $172,672,000 shall be reserved by the States for activities authorized under section 658G of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), such funds to be in addition to the amounts required to be reserved by the States under section 658G.

AMENDMENT NO. 12 OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer amendment No. 12 as the designee of the gentleman from Wisconsin (Mr. OBEY).

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. HOYER:

Page 37, line 19, after the dollar amount, insert the following: "(increased by $417,328,000)".

Page 39, line 10, after the dollar amount, insert the following: "(increased by $600,000,000)".

Page 39, line 17, after the dollar amount, insert the following: "(increased by $600,000,000)".

Page 49, line 20, after the dollar amount, insert the following: "(increased by $400,000,000)".

Page 50, line 11, after the dollar amount, insert the following: "(increased by $416,000,000)".

Page 50, line 12, after the dollar amount, insert the following: "(increased by $416,000,000)".

Page 50, line 17, after the dollar amount, insert the following: "(increased by $416,000,000)".

Mr. PORTER. Mr. Chairman, I reserve a point of order on the amendment of the gentleman from Maryland (Mr. HOYER).

The CHAIRMAN. The Chair would advise that, under the unanimous consent agreement propounded by the gentleman from Illinois (Mr. PORTER) on June 8, all points of order against each of the designated amendments to be offered by Rep. OBEY or his designee shall be considered as reserved pending completion of debate thereon.

Mr. PORTER. Mr. Chairman, I am aware of that, if I may advise the Chair; but I simply want to reserve the point in the RECORD.

The CHAIRMAN. The point of order is reserved.

The gentleman from Maryland (Mr. HOYER) is recognized for 15 minutes.

Mr. HOYER. Mr. Chairman, I yield myself 7 minutes.

□ 2030

Mr. Chairman, this amendment adds $416 million to the bill for title I grants, $600 million to the bill for Head Start, $400 million to the bill for the 21st Century After School Centers, and adds $417 million to the bill for child care development block grants.

Mr. Chairman, before I start, I want to respond to a couple of the allegations that have been made from the other side. First of all, that somehow we are forced to do this. I want to say first to the chairman of the subcommittee, the gentleman from Illinois (Mr. PORTER), who rises on the floor and says, gee whiz, we are forced to do that, and if the rest of us are responsible we will have to live within these limits. Let me tell my colleague something I learned a long time ago, and that is to not accept the premise of those who are arguing against me.

The premise of the gentleman is incorrect, Mr. Chairman. It is irresponsible to accept the parameters that have been placed on this bill. It is irresponsible to the children that I am going to talk about and the families that I am going to talk about to live within the parameters of the bill.

Why do we have those parameters? Not because they are in a rule, not because they were given to us by some extrinsic force, they are in the rule because of the majority party's tax cut. Now, they may not like that, but that is the fact. That is the fact.

Now, let me tell my colleague from California, who talks about fiscal responsibility. A, I support defense; B, I supported the welfare reform; and, C, as the gentleman knows, I supported the balanced budget amendment. But the fact of the matter is I did so with the premise that we would keep sufficient revenues to meet our responsibilities.

The most fiscally irresponsible administration in the history of this country was under Ronald Reagan. Hear me now. Here are the facts. Back in 1950, 125 percent of GDP we were in debt. That came down. It came down to less than 23 percent, 24 percent. It flattened out for a few years and then, guess what happened on Ronald Reagan's watch? It went through the ceiling, and added $4 trillion to the debt.

Do not preach to this side of the aisle about fiscal responsibilities, my colleagues. At no time did we have the votes to stop a Ronald Reagan veto of spending. At no time. This is Ronald Reagan's spending. It was not a question of fiscal responsibility, it was what he wanted to spend the money on. He wanted to spend the money on defense. I happened to think he was right.

Where he was not right was doing the same thing my colleagues are doing this year. He wanted to cut and did cut revenues precipitously. But he did not have the courage of his tax-cutting convictions, because the courage of his tax-cutting convictions would have been to cut spending. But he did not want to do that because he may have paid a political price for it.

Now, let me tell my colleagues what this amendment does, quickly. We add, as I said, $416 million for title I. The conference agreement on the Republican budget resolution requires $7 billion in cuts, or 6 percent below the fiscal year 2000 level, last year's level. Premising large tax cuts on unrealistic spending cuts makes the conference agreement a fiscally unsound and risky budget plan.

That is why we are here, Mr. Chairman. I am offering an amendment today to fix a few of the problems. We do not have offsets within this bill because the offset premise that the gentleman from Illinois wants us to accept would be incorrect for us to do, because it is irresponsible for the gentleman to have forged, well, the gentleman did not do it, he did not vote for it, and we admire the gentleman for that, but the fact of the matter is many of the gentleman's colleagues did. They fashioned these numbers. My amendment, as I said, adds a total of $1.8 billion.

Now, that sounds like a lot of money. But let it not surprise anybody that that figure is approximately the figure that has already been adopted by the Republican majority in the Senate. So if we are irresponsible, I guess our colleagues in the Senate over there are as well.

We ask for increases for title I funding, Head Start, 21st Century After School Centers and the child care and development block grant. The four parts to my amendment do this: Adds $416 million, as I said, to title I.

Now, that $416 million means that 650,000 children in America who qualify for services, and who are not now getting it, 650,000 disadvantaged children, will get services if my amendment passes. That is not paper, that is not rhetoric, those are real kids from real families who need help to compete in this world economy. Is the tax cut more important than those 650,000 kids?

We add $600 million to Head Start, a program everybody says works, making the total increase for fiscal year 2001 equal to $1 billion. That is an additional 50,000 low-income children who will be served and 3,000 infants and toddlers who will be served. That is 53,000 children. This is not about rhetoric and numbers, this is about real kids.

We add $400 million to the 21st Century After School Centers. We all know that crime is up after school. Why? Because kids do not have families at home. This amendment will allow 900 additional communities above the gentleman's bill to establish 3,000 centers serving 1 million children. Is that irresponsible, I ask my chairman? Is it fiscally responsible to tell those 1 million kids to get out on the street; that we do not have enough money in the richest Nation on the face of the Earth to provide them with those centers? Those children, 1.6 million children, will be denied service because of the Republican tax cut.

Lastly, we add $417 million for the bill for child care and development block grant for 2001 funding. Eighty thousand more children will be served if we pass this amendment.

My colleagues, we are talking about real kids here and programs that work. The chairman says and said in the committee when we marked this bill up that he thought this funding is okay. He told me that I was probably right, that we probably need to do this, but that we cannot do it because of the constraints. Those constraints are self-imposed.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Illinois (Mr. PORTER) is recognized for 15 minutes in opposition to the amendment.

Mr. PORTER. Mr. Chairman, I yield 6 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the authorizing committee.

Mr. GOODLING. Mr. Chairman, first of all, I was kind of surprised. I thought there was an overwhelming Democrat majority during the Reagan years. We cannot blame him for vetoing, because he vetoed very few bills. So there is no argument about we did not have the votes to override his veto.

But I want to compliment the chairman of the subcommittee, the gentleman from Illinois (Mr. PORTER), since he has become the chairman of this subcommittee. When I think of the amount of money that has been spent prior to his coming on as chairman, and the fact that no one paid any attention about whether it was a quality program or was not, my hats are off to him.

Let us talk about a couple of the areas. Child care and development block grant, $1.6 billion for fiscal year 2001. That is a $400 million increase over last year. Let us talk a little bit about Head Start and how we denied children for 12 years any opportunity of getting a head start because the only thing my colleagues wanted to talk about was that we must cover more, we must cover more. No one paid any attention to whether there was any quality in the program. What a tragedy.

It was not until 1994 that we were able to get anybody to think about quality. I was able to get 25 percent of any new money at that time toward quality. But it was not until 1998 that we really got serious about it. Yet every study, every study told us over and over again that the children are not getting a head start. Why? It became a jobs poverty program. It became a baby-sitting program. What a tragedy, because we could have done something to help them. Many of them would not be in special education today because they would have had the reading readiness programs that they should have had at that time.

But, again, it was not until 1998, until we seriously thought about quality rather than quantity. And I want to thank this Secretary, because she is the first Secretary who has shut down 100 Head Start programs. I could not get anybody to do that. Thank goodness. Rather than coming up, as she was instructed to do, she was to come up every time and say we must cover more, we must cover more, we must cover more, she did not say that. Because every time I would say, we need to talk about quality, and she would say, that is correct.

So, again, we put a lot of money into Head Start, and the chairman again is increasing Head Start. It will be up to $5.7 billion. And finally, hopefully, they will be quality programs.

Then technology in the 21st Century Community Learning Center program. Again, we have seven technology programs on the books, five of which are funded. When we just had a reauthorization program, they offered amendment after amendment to add a couple more technology programs. No one paid any attention to the fact that having five spread over every agency we were accomplishing very little.

So if we get the other body to act, we will be talking about one technology program. So if they need to improve the preparation of the teacher to use the technology, they can do that. If they need hardware, they can do that. If they need software, they can do that. But instead of spreading them out over five different programs, spread over every agency downtown, we are going to make a real difference.

But, again, we are looking at a $2 million increase, $2 million above the President's request, in the area of technology.

Then, when we talk about 21st Century Community Learning Centers, funded at $600 million, $147 million above last year, we need to understand that, more importantly, this program just started in 1995 and it was at $750,000. Now we are at $905 million.

We just had a hearing, and in that hearing all sorts of questions were being raised as to whether as a matter of fact they are using the money the way the Congress intended it to be used. So, again, I cannot compliment the chairman enough for his efforts not only to bring more money to all of these programs but to insist that there are quality in those programs.

Title I, same story. Child after child after child denied an opportunity to get a part of the American Dream because, again, no one paid any attention to quality. One of the largest school districts, maybe the largest, used 55 percent of their title I money for teacher aides. And guess what? Sixty-some percent of those did not even have a high school diploma. To make matters worse, they were teaching without any supervision. So we have tried to change and redirect that.

So, again, hats off to the gentleman from Illinois (Mr. PORTER). He has done an outstanding job to not only give us more money but to give us quality in programming.

Mr. HOYER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I just wanted the gentleman from Pennsylvania (Mr. GOODLING) to remind me who was in charge of the Department of Education from 1981, as he was lamenting that nobody cared about quality and that nobody cared about whether these were operating effectively on behalf of children. Who was in charge of the Department of Education, Department of Human Services from 1981 to 1993?

Congress was not in charge. We did not run them. The fact of the matter is, as the gentleman pointed out, the first Secretary to tell a Head Start program it could not operate because it was not doing what we wanted for children was Donna Shalala. The gentleman was correct on that.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Hawaii (Mrs. MINK).

☐ 2045

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I strongly support the amendment of the gentleman from Maryland. We have given so much lip service and a lot of discussion nationwide about the importance of education. For years this has been the national dialogue coming from the grassroots. But in those days when we were talking about education, it was always there is a deficit, we cannot possibly add to the funding for education.

Finally, we now have a surplus. And what do we do? We come to the floor with a self-inflicted strait jacket ordained from somewhere that we cannot spend this money as the national electorate would want us to spend it.

Certainly we are for quality education. Certainly we are for quality Head Start and all the other programs. But quality costs money. It seems to me that it is absolutely tragic and reprehensible that the appropriators come to the floor and discuss to cut $1.8 billion from the President's request. It means thousands of people are going to be denied the opportunity to have help in Head Start, in child-care programs, in after-school programs, in math instruction and reading, all the things that will narrow the divide between the poor and the rich children of this society.

We always talk about equal educational opportunity. The place to do it is for the poor children in the early-education programs and in child care.

Mr. PORTER. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Mississippi (Mr. WICKER), a valued member of our subcommittee.

Mr. WICKER. Mr. Chairman, I thank my subcommittee chairman for yielding me the time.

Mr. Chairman, this is really an amendment about four important programs: to add money to title I, grants to LEAS, to Head Start, 21st Century After-School Centers, and child care CCDBG for fiscal year 2001.

But as with most of these amendments, from my Democratic colleagues, it turns out to be an opportunity for discussion about Republican tax cuts. And for my friend, the gentleman from Maryland (Mr. HOYER), just a few moments ago, it turned out to be an opportunity to denounce the record of President Ronald Reagan, who did lead this Congress in 1981 to cut taxes on the American people so that they could keep a little more of their money.

My friend from Maryland suggests, and I believe I am quoting him correctly, that President Reagan was willing to do without revenues, to cut back on revenues, so that he could cut taxes.

Well, I have here in my hand a document entitled Table B-80, Federal Receipts and Outlays. It is for the past 60 past years, 1940 to the year 2000. And it shows very clearly, when we talk about total revenue to the Nation, that, back in 1981, when President Reagan persuaded a Democrat House to go along with the Senate of the United States in cutting taxes, that revenues then were $678.2 billion per year.

This document, put out by the Department of the Treasury and the Office of Management and Budget, and I defy any Member of this House of Representatives to show me that it is incorrect, shows that, under the Reagan years after those tax cuts, revenues went up each and every year after these tax cuts that had been denounced by my friend from Maryland.

In 1982, revenues went up from $678 billion to $745 billion dollars. They went up in 1983. They went up in 1984. Until in 1989, the last year of the Reagan administration, revenues, not spending, but revenues to the Federal Government, even after these substantial tax cuts, had virtually doubled to $1.143 trillion. And this is even after the tax cuts that Democrats supported and that Republicans supported in 1981.

What it shows, and what it has shown every time is that when we have cut taxes on the people of America, that they have used the money wisely, that the economy has grown. It happened again in 1997. It happened as far back as the 1960s, when President Kennedy cut taxes. Every time we cut taxes, there is an enhancement of economic activity and revenue increases.

Now, also, another point that my friend, the gentleman from Maryland (Mr. HOYER), made is that President Reagan had an opportunity to veto the spending that occurred during his term in office. And that is true. But I will tell my colleagues one thing that President Reagan did not have an opportunity to veto is the increase in entitlement spending that went on from fiscal year 1981 to fiscal year 1989.

And as the gentleman from Maryland (Mr. HOYER) well knows, that is where the growth in Federal expenditures came, not in appropriation bills that President Reagan could or could not have vetoed, but in entitlement spending.

So I will just say to my friends that, while we are hearing tonight and we heard last week, we can and undoubtedly we will hear again tomorrow before this bill is passed and probably we will hear on every appropriation bill, that we are having to cut back on important programs because Republicans want to cut taxes, actually the opposite is true. Every time we have cut taxes under Democrat Presidents, under Republican Presidents and even under this Democrat President, there has been more economic activity, there has been more revenue to spend, and the American people have been the beneficiaries thereof.

I defy anyone from the Democratic side of the aisle to dispute the fact that revenues went up during the Reagan administration.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, we are talking about bipartisanship in terms of the estate tax. And indeed that is what happened. But how about some partisanship in terms of the education of our children? We cannot balance the budget on the backs of kids who cannot defend themselves.

I rise in strong support of the Hoyer amendment to significantly increase funding for our Nation's children.

Many of my colleagues have emphasized on both sides of the aisle that this amendment could be a lifeline perhaps. It will ensure that our children have a chance for a better education and growth opportunities.

In my hometown of Paterson, New Jersey, we have seen the tangible benefits of so many of the programs. These are not puristic victories. These are victories of substance with children who would have no other means of support in the classroom.

Our Head Start and after-school programs have brought thousands of children into nurturing environments. In an age of unprecedented wealth and the lowest peacetime unemployment rate, cities like Paterson and Passaic still have double-digit unemployment.

I understand tomorrow we even introduce an amendment to cut the after-school programs that are already in existence. This is unconscionable.

Mr. PORTER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would say to the gentleman who just spoke that the amendment of the gentleman makes additions in four different line items; items we have increased over the last year by almost a billion dollars.

There are no cuts here, none at all. They are important accounts. We gave them substantial increases, except in one case, $947 million of increases. I think we have done the very best we can within fiscal responsibility.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I rise today in support of the Hoyer amendment.

Mr. Speaker, I only have a short amount of time, but I think there is something we should talk about very seriously.

After-school programs do work. Unfortunately, we are going to see cuts in New York State alone. I was in my schools this morning. And I know our schools want it, our parents want it, and certainly our children want it.

We are seeing more and more children being left alone after school. We can take that time, and we can use that time to make sure our children are enriched with academic programs, making sure they are in a safe environment, and certainly raising their intellect on everything else.

Why am I doing this? Why am I supporting this? Because I happen to think that is one way of reducing crime, because I happen to think that is one way of making sure our young people do not go into drugs and alcohol and then violence.

This is a program that can work, it should work, and certainly we should be supporting this.

Mr. PORTER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would like to just re-edify that this bill increases education, if we include Head Start, $2 billion. There is no one wanting to take education away from kids. It increases it $2 billion over last year if we include Head Start.

If we take a look, it increases special education $500 million, not cut, but $500 million. Impact aid, which the President zeroed out, is increased under this bill, which is very important to Native Americans and also to the military.

Plus, the Ed Flex bill that we passed last year with bipartisan support gives the schools the ability to use the dollars as they see fit, not as Washington rules down the mandates which ties up the schools. That is one of the reasons the charter school movement that we pushed for years is so important.

So we have not cut education, Mr. Chairman.

Mr. HOYER. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, let me just speak to one part of the Hoyer amendment which deals with the Child Care and Development Block Grant.

The Hoyer amendment would provide an additional $418 million for this program. This is flexible funds to our States to provide for child care for our children.

The Subcommittee on Human Resources of the Committee on Ways and Means has held a hearing, and we found that affordable quality day-care is not available to too many children in our country. Only five States set the eligibility for the funds at the maximum allowed under Federal law, 85 percent of the median income.

Forty-five States are below that. My own State of Maryland set it at 40 percent. Only one out of every 10 children who are eligible today for the funds can get the money because of the lack of Federal funds.

The Hoyer amendment provides help for 80,000 children in this category. We should be supporting this amendment today.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, what we are arguing about here is not crime, is not child care, is not education. What we are arguing is how much of an increase the House mark increases funding for all these programs.

What the Democrats are trying to do with the gentleman from Maryland (Mr. HOYER) is increase it further.

We certainly support after-school child care. We certainly support the block grants. We are a strong supporter of Head Start. That is why it has increased every year under Republican leadership.

But the Hoyer amendment fails to make the case as to why these funding levels were picked. Could he explain why he decided that when we go from $600 million on the 21st Century After-School Centers he goes to a thousand, why that level?

□ 2100

Was there scientific? Was there research? Was there testimony to that effect? No, there was not. All the Democrats are trying to do is increase our increase to show that they measure compassion by dollars spent. It is not going to do the job.

Mr. HOYER. Mr. Chairman, I yield 45 seconds to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, if we can pass a defense appropriations bill that is $20 billion more than last year, if we can find the money for nuclear weapons, if we can find funding for a misguided missile defense system, surely, surely, we can pass the Hoyer amendment to help our most vulnerable children.

As I look at the provisions in this bill, I ask myself, who is taking care of our children? Where will our children go after school? Where will our children find the guidance they need? Who will help poor children prepare to enter school? The Hoyer amendment restores some of the most damaging cuts in H.R. 4577, cuts that deny nearly 2.4 million children the help that they need to get a better start in life.

Mr. HOYER. Mr. Chairman, I yield 45 seconds to the distinguished gentlewoman from Ohio (Mrs. JONES), whose predecessor I might say, Mr. Chairman, Louis Stokes, was one of the great leaders on our committee.

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman for yielding me this time. Let me say this. The gentleman from Pennsylvania (Mr. GOODLING) said that the studies have shown that Head Start does not work so we should not give any more money to Head Start. The studies have shown that jail does not work so why do we keep building jails? If I adopt his perspective of spending more money on jails, then let us at least spend the same amount of money that we spend on child care and day care and Head Start, because Head Start works and our children ought to have at least the benefit of a great education in the beginning and hopefully they do not end up in jail.

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time. I will close as I began. First of all, I do not adopt the premise it was an irresponsible budget that was adopted. The gentleman from Illinois has acknowledged that these expenditures are good. Secondly, the gentleman from Georgia asked, where do these numbers come from? Frankly they came from the President, adopted by the United States Senate, as well, and I think they ought to be adopted by us. Thirdly, I would say to my colleagues, this is about real children, disadvantaged children, 2.4 million children who will be served if this amendment passes that will not be served at the level you suggest.

Now, maybe you think there are not 2.4 million children in America who need help. Maybe you think like, as the gentlewoman from California (Ms. PELOSI) said, that it is those 400 people who are going to get $200 billion under the tax cut that are more important than those 2.4 million children. That is quite a balance; 400 very rich people getting $200 billion while we cut $1.8 billion in this amendment for 2.4 million children. What kind of Nation has that kind of priority? It is a Nation that will not long succeed. It is a Nation whose children will not compete effectively in world markets. It is a Nation who will see itself increasingly becoming a Nation of the rich and the poor. Let us adopt this amendment. Let us set our priorities straight. Let us act to help those 2.4 million children.

Mr. PORTER. Mr. Chairman, I yield myself the balance of my time.

Let me say once again, the gentleman says that it is irresponsible not to adopt these amendments. The fact is the amendment are in violation of the budget resolution. The budget resolution was adopted by the majority of both Houses of the Congress. We have to live within it even though the gentleman does not feel bound by it.

Let me add that the gentleman could have offered responsible amendments that have offsets within the limits of that budget resolution and within the limits of our allocation but the gentleman chose not to. In fact, it is crystal clear year after year that nobody on that side of the aisle is willing ever to cut anything, but always add.

We have to operate within a budget resolution that is fiscally responsible. We have added $947 million, almost $1 billion to these four line items. We are doing the best we can. They are important priorities.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. HOYER. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Maryland will state his point of order.

Mr. HOYER. Mr. Chairman, the gentleman from Illinois has made a point. Mr. Chairman, would I have been in order to offer an amendment to add $1.883 billion to serve those 2.4 million by reducing the tax cut that is proposed?

The CHAIRMAN. The Chair will not entertain a hypothetical question.

Mr. HOYER. Mr. Chairman, I am raising a point of order with reference to whether I would be in order to offer such an amendment.

The CHAIRMAN. The Chair will not address a hypothetical question.

Mr. HOYER. Shall I offer the amendment and then have it ruled on?

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of Budget Totals for fiscal year 2001 on June 8, 2000, House Report 106-660. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of the act.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to address the point of order?

Mr. HOYER. Yes, I do wish to address the point of order.

Mr. Chairman, I asked the point of order. I offered an amendment. The amendment under consideration by the Chair now as to whether or not it is in order is an amendment to add $1.883 billion to the bill for the purposes of including 2.4 million children within the ambit of the bill. This bill deals at its base with individuals who are getting child care services, getting Head Start services, getting educational services generally, getting before- and after-care at school. This would expand that.

Mr. Chairman, this is extraordinarily relevant to the provisions of this bill.

Mr. PORTER. Mr. Chairman, the gentleman is not addressing the point of order, if I may suggest.

Mr. HOYER. I am addressing the substance of the bill and the relevancy of my amendment, Mr. Chairman.

The CHAIRMAN. The gentleman will proceed.

Mr. HOYER. I am about to say that but for the tax cut, there would be revenues available to have paid for this amendment. I understand the Chair is going to rule it out of order because the Committee on Rules has not protected it and therefore has dictated the ruling of the Chair. I regret that, but more importantly than that, the 2.4 million children of America who will not be served regret that.

The CHAIRMAN. Are there further Members that wish to be heard on the point of order?

Mr. KINGSTON. Mr. Chairman, I want to make sure I understand on this point of order, though, and make it abundantly clear to all Members of the House that if this amendment had offsets to make up for these additional massive spending increases by simply taking the dollars and reducing them elsewhere in the bill, this amendment would, in fact, be in order.

The CHAIRMAN. The Chair will not address hypothetical questions.

The Chair is prepared to rule.

The Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing a net increase in new discretionary budget authority greater than $1 million would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from Maryland (Mr. HOYER) on its face proposes to increase the level of new discretionary budget authority in the bill by greater than $1 million. As such, the amendment would violate section 302(f) of the Budget Act.

The point of order is sustained. The amendment is not in order.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to inquire of the gentleman from Illinois as to what his intention is with respect to proceeding with this bill at this point. As he knows, in the discussion which occurred that was attendant to the approval of the unanimous consent request last week, when he propounded that unanimous consent request, I would read from page H4106 in the CONGRESSIONAL RECORD. When the gentleman asked unanimous consent that the agreement be approved under which we are now operating, I said as follows:

> Mr. Speaker, reserving the right to object, I simply would note under my reservation, Mr. Speaker, that I have no objection to this arrangement, with the understanding that when the House returns to this bill, it will not be at a time when Members are still flying back to Washington on their airplanes, and that it will not be debated in the dead of night.

I did that because this is the major priorities debate for the session. We feel very strongly on this side of the aisle that if we cannot get votes on amendments, at least we ought to be able to debate them at a time when Members are here and someone is at least paying attention to the debate. And we offered to have other appropriation bills on the floor tonight rather than this one so that that could be accommodated and we could still finish the scheduled work this week. We had been told this morning that it was understood on the majority side of the aisle under those conditions this bill would come up this evening but that we would not proceed past 9 o'clock.

So I am asking the gentleman at this point what his intention is with respect to proceeding with the bill beyond this point since it is now 9:12.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PORTER. It is my understanding that we have pending to be completed this week in addition to this piece of legislation the appropriations for the Department of Interior and the appropriations for the Department of Agriculture, and that we also have pending a conference report on military construction. As the gentleman well knows, tomorrow morning we have in full committee the Commerce-Justice-State appropriation. There is a great deal of work to do. I do not know where we are going to get the time to get it accomplished unless we are willing to work to some reasonable hour. I would suggest to the gentleman that it would be appropriate if we would continue longer this evening and try to complete some of these additional amendments if we possibly could so that we can complete this bill by tomorrow, if possible.

Mr. OBEY. I would simply then observe, Mr. Chairman, that the unanimous consent agreement was agreed to with the understanding that is stipulated in the RECORD. There is no question about being willing to work, but it is not the fault of the minority that the majority party went home Friday without even getting a rule out of the Committee on Rules for the Interior bill, for instance, which could have easily been on the floor tonight.

I think what is going on here, not certainly on the part of the gentleman because I think in his heart of hearts he agrees with me, but I think what is going on here is a determination by the majority party to debate this bill at a time of day when it will be the least noticed of any major appropriation bill before the House. If we cannot rely on each other's word around here, and I am certainly not speaking about the gentleman from Illinois, but if we cannot rely on each other's word around here, then we do not have any civility at all left in this place.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

□ 2115

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were ayes 15, noes 17.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 202, not voting 45, as follows:

[Roll No. 255]

AYES—187

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Green (TX)
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)

Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—202

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Vitter
Walden
Walsh
Watkins
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—45

Andrews
Baker
Bateman
Campbell
Chenoweth-Hage
Coburn
Cook
Cox
Danner
DeLauro
DeMint
Dooley
Ewing
Fattah
Gephardt
Gillmor
Goodlatte
Gordon
Hansen
Hoeffel
Kasich
Largent
Lazio
Linder
Maloney (NY)
Martinez
McCollum
McIntosh
Metcalf
Myrick
Ney
Owens
Payne
Pickett
Sabo
Shuster
Stark
Toomey
Towns
Vento
Wamp
Watts (OK)
Waxman
Weldon (PA)
Wise

□ 2136

Mr. CANNON and Mr. BRADY of Texas changed their vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 24 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. OBEY:

Page 37, line 19, after the dollar amount, insert the following: "(increased by $1,000)".

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Mr. Chairman, I am in the process of offering an amendment to the child care section of this bill. It is my understanding that the gentleman from Florida (Mr. YOUNG) wanted to have a colloquy. Did the gentleman want to have that before I offered the amendment?

The CHAIRMAN. Without objection, the gentleman from Florida, Mr. YOUNG is recognized for 5 minutes on a pro forma amendment.

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word so we can have this colloquy.

Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) and I have been discussing the order of business for the balance of the evening and for the completion of this bill. I would like to say that this is the first time in 3 years that this bill has come to the floor as a separate independent individual piece of legislation, and I think it is important that we deal with it expeditiously.

Mr. Chairman, there are a substantial number of amendments that have been printed in the RECORD. I am satisfied that Members who have had them printed would probably want to offer them. I think it would not be a bad idea if Members would let their respective subcommittee leaders know whether or not they intend to offer those amendments.

I make this suggestion for this purpose: I understand that the gentleman from Wisconsin (Mr. OBEY) and many Members would like for the committee to rise and continue our work tomorrow. It is extremely important that we complete this bill tomorrow. Otherwise the rest of our appropriations schedule will fall considerably behind, and I do not think any of us want that to happen. So the gentleman from Wisconsin (Mr. OBEY) and I have been discussing how do we get out of here at a reasonable time tonight and also be able to complete this bill tomorrow?

Mr. Chairman, I would be happy to yield to the gentleman for his comments on this subject.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the chairman for yielding to me.

Mr. Chairman, let me simply say this: On this side of the aisle, because this bill has not been on the floor for 3 years, we want to see this bill voted on. Speaking very frankly, politically, we would be delighted to finally see this House vote on this bill, and substantively we would also be delighted to see us vote on the bill and would like to see it done tomorrow.

We are operating under a unanimous consent agreement under which some 11 Democratic amendments have been laid out in the unanimous consent request with time limits attached to them. We would be very happy to attach time limits to all remaining amendments. We believe that 80 percent of the amendments on the Democratic side will not be offered. Of those that will be offered, our understanding from talking to most of the Members is that they will be offered and withdrawn after an explanation of what the Member was trying to do for 5 minutes. I know of only two or three amendments on our side that do not fit that category and on which we need to do further work, but we are willing to work out time limits on all of those.

The problem as we see it is that there is a significant number of amendments that on our list are tentatively listed to be offered by Members on your side of the aisle. We do not have the capacity to work with your Members to work out time agreements. We are happy to agree to time limits on those as well, but we cannot do the work on the majority side with your Members. Your leadership staff and you need to do that.

All we want is what I said when I agreed to the unanimous consent request on Friday, that when this bill is debated, it not be debated in the dead of night, because it has been 3 years since this bill has been on the floor.

□ 2145

So I want to assure what I honestly believe would be best is if we could rise on this bill tonight, I do not know what the gentleman has scheduled for the remainder of the week in terms of the order but it seems to me that overnight your leadership staff, your committee staff ought to be able to get together with your members and reach an understanding so before we come back on this bill tomorrow we can enter into a unanimous consent request which we can both agree to, which would enable us to finish the bill tomorrow. That would be our goal as well, but if we waste 4 hours' time we are not going to get past this point in the bill tonight, I assure you. That does not do anybody any good, and I think the time would be better spent simply consulting with Members to see how much time they think they need on their amendment and whether they, in fact, need to offer it at all, that is legislation.

Mr. YOUNG of Florida. Reclaiming my time, let me suggest to the gentleman that the unanimous consent agreement that the gentleman and I developed last week, had a time limit on the specific amendments but there was no time limit on when the House would complete its business today.

Secondly, the time that we spent last week on this bill, and today, has been on amendments from your side of the aisle. There are a substantial number of amendments that will probably be offered from our side of the aisle that have already been printed in the RECORD, and certainly each Member has the option to offer those amendments. Now my suggestion would be that we take up the next amendment and during that time we sit down and see if we can develop another unanimous consent request to propound that would be agreeable to the House; that would put some time limits on the rest of the amendments as we did on the first series of amendments, and guarantee the Members that we will complete action on this bill by tomorrow night.

Also, tonight we would like to appoint conferees on the military construction bill, which would also become a vehicle for a large portion of the supplemental that the House passed very early in the year, which is important to very many Members who are serving here in the House.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding. I simply want to repeat, and I am reading from page H4106 of the CONGRESSIONAL RECORD of June 8, when the unanimous consent request was propounded at that time under which we agreed to a time limit on the 11 amendments that we are now operating on, I said the following: I said, "Mr. Speaker, reserving the right to object, I would note that I have no objection to this arrangement with the understanding that when the House returns to this bill it will not be at a time when Members are still flying back to Washington on their airplanes and that it will not be debated in the dead of night."

We were then assured today that we would be out of here on this bill at least by 9:00 tonight. Now I am told something else and if that is the case, then as the gentleman knows, this unanimous consent request was offered because we had 160 amendments to the bill. If we are not going to stick to the agreement we had, we are going to offer all 160 amendments.

Mr. YOUNG of Florida. Reclaiming my time, I would ask the gentleman to read the next line and see who responded from our side to agree to the 9:00 adjournment tonight.

Mr. OBEY. The gentleman full well knows what conversations took place both publicly and privately. If we cannot count on the majority to keep their word, then we might as well know it now.

Mr. YOUNG of Florida. That is what I am asking the gentleman, who agreed on our side to the 9:00 adjournment tonight?

Mr. OBEY. Your leadership staff told us today.

Mr. YOUNG of Florida. It was not part of the RECORD that you just read, is that correct?

Mr. OBEY. You asked for a unanimous consent agreement. I told you under which conditions I would give it, and I told you both privately and we did it in the RECORD, as you well know.

Mr. YOUNG of Florida. Is the gentleman willing to try to work out a unanimous consent agreement that would complete consideration of this bill by tomorrow night, whatever time it might be?

Mr. OBEY. I told you, I am perfectly willing to put limits on every amendment, but I cannot control which amendments are going to be offered on your side of the aisle. We have done our work on this side of the aisle and identified Members who were going to offer amendments and they have largely agreed not to offer them.

Mr. YOUNG of Florida. Well, I understand what the gentleman is saying and, as I said earlier, all of the time so far on this bill has been spent on the amendments from your side. So there would obviously be time required on our side to offer amendments, but I am prepared to make a recommendation to my side of the aisle on a time limitation in order to complete this bill by tomorrow night, if you are willing to sit down and to try to reach an agreement on that.

Mr. OBEY. All I can tell the gentleman is that I want to finish tomorrow night, but I have no way of guaranteeing we are going to finish tomorrow night until I know what the plans are on the gentleman's side of the aisle with respect to amendments.

Mr. YOUNG of Florida. If we get a unanimous consent agreement, a unanimous consent agreement is binding.

The CHAIRMAN. The time of the gentleman has expired, the pro forma amendment of the gentleman from Florida (Mr. YOUNG) proceeding without objection, and now the gentleman from Wisconsin (Mr. OBEY) may proceed for 5 minutes on amendment No. 24.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, this is the first of 160 amendments that we intend to offer to this bill. This amendment adds $1,000 to the Child Care and Development Block Grant. I am offering this amendment because it is the only way under the rule under which this bill is being considered that we can have a discussion about the effect of the majority party's tax cuts on each and every individual program that delivers services to the people that we represent. The majority party has decided in the last 2 months to do the following: They have passed a minimum wage bill that provided $11 billion worth of benefits to minimum wage workers but they required, as the price for passage, that we also add $90 billion worth of tax benefits to people who make over $300,000 a year.

They took a tax bill which they called the marriage penalty and under the guise of providing relief for the so-called marriage penalty they produced a tax bill which gave 73 percent of those benefits to people who made over $100,000 a year. Then last week, the majority passed through this House an inheritance tax package that gave over $200 billion in potential tax relief to the wealthiest 400 people in this country.

Yet we are prevented, because of the budget resolution and the limits imposed by that resolution, we are prevented in the appropriations process from trying to make our case by demonstrating on a program by program basis what they have had to squeeze in order to do that.

What they have done on child care is to cut the President's request by 400-and-some million dollars. Now they say, well, that is not really a very deep cut in the President's budget, and it is no cut at all because of what we provided last year. They forget the fact that we are only providing child care to about 1 out of every 10 children who are presently eligible for assistance under Federal law.

I can only offer an amendment to add a thousand dollars to this.

The $417 million cut in the President's program means that 80,000 fewer children will be served. Under the rules, I can only offer an amendment raising this amount by a nominal amount, and I do so simply because at this point that is the only way that we can make our point about the misplaced priorities in the majority party's budget resolution.

I would have preferred that we go through this in a systematic fashion, have a short 30-minute debate on each of the major items in the bill at a time of day when we are not being buried, after this bill has been hidden from public view for more than 3 years, but that is not to be. So I guess instead of having the orderly subject by subject discussion that I had hoped we would have, we are going to have to offer a series of amendments to every line of this bill. In that way we will indicate our strong objection to what the majority party has done and our profound belief that their priorities are fundamentally misguided and misbegotten. It seems to me that child care, it seems to me that education, it seems to me that health care, it seems to me that job training are more important to the country than to provide giant tax cuts to the wealthiest people in this country.

I am all for targeted tax cuts, targeted at those who need it the worst, those who need it the most but certainly the 400 richest Americans are not among them and that is one of the points we are trying to debate and illustrate in comparative priorities this evening.

□ 2200

Ms. WATERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment of the gentleman from Wisconsin (Mr. OBEY), our ranking member, to add $1,000 to this particular item, Child Care and Development Block Grant.

I rise in support of this meager amount because we need to show a sign that we are willing to support the children of this Nation. At a time when we have a $179 billion surplus, we are cutting programs for children and families.

It seems to me in this well-performing economy where we are creating more and more millionaires day in and day out, we would be willing to support children and families. At a time when we can have Members wax eloquently about getting people off of welfare, it seems to me we would support families for safe and secure child care so that parents and single mothers in particular could go to work, could seek out additional educational opportunities, and feel comfortable that their children are being taken care of in safe environments. If we cannot support a meager $1,000 increase, then I think that we cannot be credible as we talk about trying to pass this appropriation from the floor of Congress.

It is important that we understand that most eligible children are denied assistance. Nationally, only one of 10 children who is eligible for child care assistance under Federal law receives any help.

No State is currently serving all eligible families. States are severely limiting access to assistance. Only five States set their income eligibility guidelines at the maximum level allowable under Federal law, 85 percent of their State median income in 22 States; a family of three earning $25,000 a year does not qualify for help. In three States, Alabama, Missouri, and South Carolina, a family of three earning $18,000 a year, 130 percent of poverty, cannot qualify for help.

It is unconscionable that we cannot agree from both sides of the aisle to do what we know we could do in this budget for children. Let me just add that, in addition to this cut, this denial of care for children in this block grant, the idea that we cannot support the President's budget for Head Start is appalling to me.

I worked in Head Start prior to coming to Congress. I served first as an assistant teacher and went on to become the supervisor of Parent Involvement and Volunteer Services. Head Start is the best thing that ever happened to this country. We empower children and families.

Last Friday, when I left here, I went to the 26th anniversary of one of the Head Start programs in my district, training and research. Ninety percent of the parents whose children were enrolled in the program that I attended last Friday were enrolled in school themselves. They were inspired by their involvement in Head Start to get back into school and to get an education so that they cannot only determine their children's educational destiny, but that they could better themselves and their families.

Head Start has been excellent for America. We have children who have had an opportunity for early childhood development who never would have had an opportunity. At one time in this country, early childhood education was only for the rich and the well off. For us not to support the President's budget on Head Start is again unconscionable.

This $1,000 amendment will show us for what we are if we do not support it. I am sorry that we have to be in a protracted debate about supporting child care and education and health care for children. This is America. This is an America that is doing extremely well.

I would ask all of my colleagues to please support this amendment in an indication that they care about children.

Mr. WICKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is important for members of the committee to realize what is going on tonight. It is hard to imagine that the author of the amendment is serious about adding a mere $1,000 to this very important program. But it does give Members on both sides of the aisle an opportunity to get up and talk about a program which both the majority and the minority in this House of Representatives feel very strongly about; that is the Child Care Block Grant.

But it also gives the minority party in this committee an opportunity to get up and say that there has been a substantial cut in child care appropriation when, actually, that is the farthest thing from the truth. The truth of the matter is that the Child Care Block Grant under this very bill that we are debating tonight has been increased by $400 million over the expenditure of last year.

Now, it is true that the President in his budget came up with an increase of over $800 million requested in his budget, and it is easy to request money in the national budget. But the fact of the matter is that this committee, in a responsible manner, provided a substantial increase to Child Care Block Grants. It is incorrect to come before this body and say that those funds have been cut; $400 million more than last year is an increase.

Now, the gentlewoman from California (Ms. WATERS), the previous speaker, also mentioned a very valuable program, Head Start. It is a program that is dear to my heart. It has been supported by Members of both parties. It has been supported by administrations of both parties.

But it is inaccurate to suggest, Mr. Chairman, that this committee has cut Head Start. Indeed, we did not give the President all of the money he requested. But the fact of the matter is that this bill that we are debating, although it does not touch on this amendment, this bill that we are debating increases Head Start again by $400 million.

$400 million more for Head Start in this bill, $400 million more for child care in this bill. That is hardly a cut. I just wish that we could get the facts straight and not be suggesting things that are not part of the bill.

I oppose the amendment because I do not believe it is offered seriously, but I hope that no one in this House or no one in this committee will be under the mistaken impression that these two programs have been cut. Indeed, they have received substantial increases thanks to the leadership of this subcommittee.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the gentleman from Wisconsin (Mr. OBEY), our ranking member, for bringing this amendment up because, not that I disagree with the gentleman from Mississippi (Mr. WICKER), because there are some increases in this legislation, the problem is that when we see the need that we have, the increases that they have are still not meeting the needs of our communities.

This is a great example of this one little amendment talking for $1,000 increase in child care grants that talk about where our priorities are here on this House floor. I am not faulting the Committee on Appropriations. I understand they have the rules they live by. We gave them those rules with the budget resolution that had the wrong priorities, Mr. Chairman.

Mr. Chairman, the reason this amendment is here is to talk about child care, and I will go into that. But let us talk about some of the other priorities that our appropriations process is leaving out, again not to fault the members of the committee or the chairman, because they are doing the best they can with the guidelines that we gave them.

Expanded educational opportunity. Trying to fix the infrastructure of our schools in our country. Prescription drugs for seniors may be a part of this, we do not know. Expanded health care for our children. Congress made an effort in 1997, the Balanced Budget Act, for the CHIPs program. We still have a long way to go.

Following the gentlewoman from California (Ms. WATERS) on the Head Start, granted there is more funding in this appropriations bill for Head Start, but it still falls very short of the need in my own district in Houston, Texas, and I am sure everywhere else in the country. There are so many children who are Head Start qualified that the money is not there because we are not willing to put our money where our mouth is.

That is just to talk about a few of the human needs, Mr. Chairman. Let us talk about other issues that we need to address: defense of our Nation, protection of our borders, continue to see our crime rate drop needs to continue the community policing that we hopefully will see in the appropriations bills that come.

The problem is our priorities are wrong. We spent last Friday talking about an estate tax cut which only benefits 2 percent of the people in this country, and then the amendments rejected that will take that down to 1 percent.

So that is why our priorities are wrong. That is what is wrong. That is why I am glad our ranking member came up with this amendment that talks about the new investment in child care that is needed.

States now cannot keep up with the need of child care assistance even with our TANF funds, and I know that from my own experience again in Texas. Most eligible children are denied assistance. Nationally, only one out of 10 children who are eligible for child care assistance under Federal law receives any help.

No State is currently serving all eligible families with child care. States have severely limited access to assistance. Only five States set their income eligibility guidelines at the maximum allowable under Federal law, 85 percent of their State median income. In nearly half the States, 24 States, a family earning $25,000 a year does not qualify. In three States, Alabama, Missouri, South Carolina, a family of three earning $18,000, 130 percent of poverty cannot qualify for help.

Even with low eligibility cut-offs, States have long waiting lists. California has 200,000 families that are waiting. In Texas, we have 36,000 families that are waiting for child care assistance.

That is why this amendment is so important. It gives us the opportunity to talk about our priorities. We need to put our priorities in the needs of our country, because those children that need that child care, Mr. Chairman, those are the ones hopefully that will be serving here someday. We need to prepare them for that. All of us were prepared when we were growing up.

Today's children need even extra help with what we do, whether it is child care, whether it is Head Start, whether it is quality education. Again, most of the funding comes from the local level, but we can help our local communities and provide assistance and smaller class sizes and building reconstruction.

The limited resources lead to inadequate policies and force parents to have to make really difficult choices. Assistance policies keep quality care out of the reach of low-income children. Nearly one-third of our States are paying rates based on out-of-date market surveys, making it unaffordable for programs serving low-income children that invest in quality.

When one thinks about it, despite expert recommendations, over a third of our States, of our parents, pay 10 percent of their income. When one says 10 percent, that does not sound like much. But if one has a poor family, how much of that is housing? How much of that is health care? How much of that is utilities? How much of that is transportation hopefully to get to that job from the welfare reform bill that we passed on this floor.

Basic health and safety protections are lacking in many States. Only 10 States meet the national recommendation for child-staff ratios in their licensing requirements.

□ 2215

And only 10 States require all family child care providers to meet any requirements and regulations.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, consider the case of Sue and Dan Williams. I am going to change the name a little bit, but they are real people. Sue was on welfare for several years, trapped in the hopeless welfare cycle and then during welfare, because of welfare reform, decided, okay, it is time to get a job. And she was a little scared about it, but she got a job and needed to have some child care. And that is a mother's primary concern, which it should be. And we all admire mothers for that. That is why in the welfare reform bill there was $20 billion in child care for people like Sue and Dan Williams for their children, $20 billion.

In addition to that, when the senior citizens and their family have to live with them, there is dependent care, a tax credit for families like that. There is social services, block grants. There is child care to States and entitlement programs to the tune of $8.8 billion in Federal support for the child care programs through the year 2001.

These programs are strongly, strongly supported by Congress on both sides of the aisle, programs such as Head Start, Even Start, the Campus-Based Child Care, IDEA Services for Preschoolers and Infant Programs for after school.

Mr. Chairman, I have been to some of these after-school programs. These children are learning things. They are learning life skills. They are learning to work with each other. They are learning play acting and things that build their self-esteem. These are very good programs.

The chairman of this committee has worked hard to support this stuff. He has gone out in the field. He has not stayed in the ivory tower of Washington and waited for the White House to hand down some irresponsible number, some risky scheme from the Gore-Clinton administration. He has gone out and said, how do these programs actually work? How do they affect real people?

This is not a matter of political rhetoric. This is not a matter of, well, we are going to spend more money than them. It is a matter of Sue and Dan Williams and their children and their parents and caring for them. I think the committee and the chairman of the committee have done the right thing on this.

What I would say to my colleagues across the aisle, we keep hearing how, well, if we have to have more money, well, maybe we do, but maybe we ought to look at the efficiency of these programs, as well. Is it possible under the Clinton-Gore model that too much of the money is being squandered by wasteful Washington bureaucrats? Is it possible that a lot of that money never leaves Washington, D.C., and if we go down to HUD or if we go down to some of these Federal Government agencies we can find the money on the sixth floor, third office down to our right because it never gets out of that bureaucrat's hands and to the streets where it can help the children of the Williams.

That is what the committee mark is all about. The committee has made a significant commitment in this and will continue to. Think about Head Start alone increased by $400 million, 8 percent above last year's in order to serve an additional 20,000 kids. Think about the level. It is the highest in the 35-year history. That is very, very significant. The Child Care Development Block Grant is increased by $400 million, 34 percent.

The gentleman from Illinois (Chairman PORTER) has gone out and reviewed these programs. He has asked the bureaucracies to be more efficient. But he has also said we have got to help as many children as possible and he has done it in the best interest of America's kids.

It is sad to me that people would come up with arbitrary numbers to irresponsibly use children as a pawn in some political chess game. It upsets me. Because they know in their heart of hearts this money comes from Social Security, it does not come from some other area. If they want to spend this money irresponsibly, they have to go home and tell our seniors, well, do you know what we did? We did what we did for 40 straight years, we dipped back into that Social Security Trust Fund. And they should not be doing that, Mr. Chairman, because Social Security should be handled on a bipartisan basis.

It is not a matter of Democrat versus Republican. It is a matter of putting our seniors first. That is why I do not think we should just irresponsibly and arbitrarily come up with numbers to increase programs for political purposes. We have to do what is best for children. We have to do what is best for seniors.

That is why I support the mark of the gentleman from Illinois (Mr. PORTER) on this and I think we should reject, respectfully reject, the Obey amendment.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard the old adage over and over again about a billion dollars here and a billion dollars there and pretty soon we are talking about real money.

This amendment is a real amendment because we are talking about a thousand dollars to people that in three States, a family of three making $18,000 a year, cannot qualify for help to get child care for their family.

Mr. Chairman, I hope that the Members in this body are listening because I am sure that people out in the country are listening. A thousand dollars to them, when they are making $18,000 a year and they are working sometimes two and three jobs and the most important thing in the world to them is their children, this amendment is important.

Yes, it is important because we are talking about differences in priorities tonight at 10:20 Washington, D.C., time. And maybe we will be here until 2:20 and maybe we will be here all day tomorrow talking about education. I hope we are. This is the most important issue to me and the single most important reason why I picked the Committee on Education and the Workforce to serve on in this body.

A thousand dollars to a family of three making $18,000 a year in three States where they cannot qualify for any help to get child care to take care of their children while they work, this idea behind this amendment can help some real people with real problems address their dire need for quality and affordable child care.

We have heard some people on the other side of the aisle talk about, oh, this bill does not cut anything, it does not cut programs that make a difference for working people or people concerned about getting their children educated.

Let us talk about some real cuts. The adult job training program is cut by $93 million below last year's appropriated level. The dislocated workers, $207 million cut below last year's appropriated level. That is $300 million, Mr. Chairman, when we are in a world economy today where we are engaging in trade, where we all know that we are going through the information and knowledge revolution in America today, where businesses are all saying the most important thing we can do in Washington is help them with doing more in education, and where our workers, whether they be underskilled or unskilled or whether they be dislocated because of trade, that we do something to help these workers make sure that, as we engage in trade with Mexico and China and other countries, that we make sure we help our working families get trained for new jobs if they are dislocated from an old one.

That is fairness. That is help in education in the new economy.

Now, I also hear Mr. Chairman, and I think the gentleman from Illinois (Mr. PORTER) is absolutely with us on this point, that we need more resources if we are going to get more accountability and quality in our education programs.

I was a fighter for more charter schools, and we did that. I fought for more public choice in education, and we are doing that. I fought and authored the bill last year for education flexibility to give our local schools more choice over what they do with Federal money. We are doing many of these things, giving the local school more quality programs to pick from but they choose what they want to do.

Why can we not deliver more resources for dislocated workers, underskilled workers, who need to move from a toolbox to a robotic arm in a computer. Let us help these workers out in this new economy with these new challenges and this new workplace that we are creating. Let us help our children in inner-city schools and rural schools in Indiana. As we improve accountability, as we improve the quality of these programs, let us get more resources for our local schools to determine whether they want to use that money for school construction, whether they want to use that money for new curriculum ideas, whether they want to use that money to try to develop more professional training programs to get their teachers skilled on the technology of the future.

So we are hopeful that we can work with the gentleman from Illinois (Mr. PORTER), who I think wants more resources for these education programs, to fight for these programs.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we should first realize that this amendment is not an amendment that has an offset. The only amount involved here is a thousand dollars. And the reason it is offered is simply to gain time to make the points that the minority wishes to make. The reason the amendment is in order is that there is a small amount of unobligated budget authority and outlays from which to draw these small amendments.

The point that the minority continues to make is that we are not spending enough money on matters that they think are priorities. I simply want to take this time, Mr. Chairman, to point out all of the ways where we are meeting needs by making very substantial increases in many programs that we think are very, very important.

Let me begin with community health centers, which we have funded at $1.1 billion dollars. That is $31 million above the President's request. The Job Corps at $1.4 billion. That is $7 million above the President's request. Graduate medical education we have doubled to $80 million. We have funded Ricky Ray Hemophilia at $100 million, a 33-percent increase. We have funded Ryan White AIDS at $1.725 billion. That is $130 million above last year and also above the President's request.

We funded the CDC at $3.3 billion. That is $189 million above the President's request and $369 million greater than last year. We have funded infrastructure needs at CDC at $145 million. That is above the President's request. We funded Head Start at $5.7 billion, a $400-million increase, or 7.5 percent increase this year. We funded special education at $6.255 billion. That is a half-billion-dollar increase over last year.

□ 2230

We funded Pell Grants at the President's requested level, a $200 increase to the maximum grant, to $3500. We have increased after school centers by $146 million to $600 million. We have funded Impact Aid at $215 million above the President's request and $78 million above last year. We have increased child care $400 million over last year, at $2 billion in forward funding subject to a sequester to stay within the budget cap. We have increased the National Institutes of Health by $1 billion over last year and funded it at the President's request.

The point that the minority is making that we are underfunding accounts is simply not a valid point. There are not any cuts in the bill. If there are, they are very small ones. In almost all cases there are increases, and in some cases that I have just described substantial increases over the amounts that the President has requested.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 196, not voting 56, as follows:

[Roll No. 256]

AYES—182

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Dicks
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Green (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—196

Aderholt
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Condit
Cooksey
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Gilman
Goode
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Petri
Pickering
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—56

Andrews
Archer
Baker
Bateman
Boehner
Campbell
Coburn
Cook
Cox
Danner
DeLauro
DeMint
Dingell
Dooley
Emerson
Fattah
Ganske
Gekas
Gephardt
Gillmor
Goodlatte
Gordon
Gutierrez
Hall (OH)
Hansen
Hefley
Hoeffel
Kasich
Linder
Maloney (NY)
Martinez
McCarthy (MO)
McCollum
McIntosh
Metcalf
Myrick
Ney
Owens
Oxley
Payne
Pelosi
Peterson (PA)
Pickett
Pitts
Roukema
Sabo
Shuster
Stark
Stearns
Toomey
Towns
Vento
Watts (OK)
Waxman
Weldon (PA)
Wise

□ 2327

Mr. HUTCHINSON changed his vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. McCARTHY of Missouri. Mr. Chairman, during rollcall vote No. 256, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the majority and minority have come to an agreement on the further course of this bill. At the appropriate point, I will move that the Committee rise. The debate will begin tomorrow morning. Under that agreement, there should be no further votes this evening and the intention of both sides is that we proceed until the bill is completed sometime tomorrow.

□ 2330

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to ask at which point it is appropriate for me to withdraw the amendment now pending.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) ask unanimous consent to withdraw his amendment?

Mr. OBEY. Yes, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the deep cuts that this bill makes in Medicare contractor management. The funding is not just inadequate, it is grossly inadequate, so inadequate that it is bound to impair the quality of service delivered to millions of elderly and disabled Americans—many of whom rely solely on Medicare for their health insurance.

Although the Administration requested $1.3 billion for contractor management, an increase just over 4%, the committee rejected any increase and instead cut funding by 6%. In years past, when there were funding cutbacks and shortfalls, HCFA ordered Medicare contractors to cut service to beneficiaries. Medicare payments for patient care were delayed. HCFA told its contractors to cut back human contact and make more use of voice mail.

Voice mail menus are frustrating for everybody, but imagine how exasperating they are for an elderly person who wants a knowledgeable, caring person to answer a question about Medicare or solve a problem.

The demands placed upon contractors will only be aggravated by elderly and disabled Americans who are the victims of the managed care companies pulling out of Medicare+Choice. In just one Medicare+Choice company that recently announced its pullout, there are over 100,000 elderly and disabled Americans. They will have no choice but to move back to the fee-for-service program, and this will increase the work load for Medicare contractors far more than anyone previously predicted.

In making its budget request, the Administration assumed a 3.5% increase in claims. The pull-out of Medicare+Choice firms will add to that; and if funding is cut by 6%, the cuts cannot help but strain the Medicare contractors, who are already stretched out, and degrade the services they provide to elderly and disabled Americans and their healthcare providers. This cut in funding will:

Curtail beneficiary and provider outreach programs that educate and answer questions. Delay responses to telephone calls, written inquiries, and reviews of "medical necessity." Postpone waste, fraud, and abuse investigations. Make it difficult for contractors to respond-to HCFA initiatives.

As a consequence, elderly and disabled Americans will not receive the level of customer service they expect and deserve. More providers who participate in Medicare but are increasingly vocal in their dissatisfaction will leave the program. And if Medicare contractors, who pride themselves on their business and want to deliver a good product and good service do not have the resources to administer the program, they too will exit the business. Many of them already have, and more of them will if this cut in funding goes through.

For all these reasons, we should meet the President's modest request for Medicare contractor management, and undo these self-defeating cuts. If their purpose is to impair Medicare fee-for-service, and make beneficiaries cynical about Medicare and seek another program, they may achieve that effect. But if our purpose is to give the elderly and disabled a Medicare program with the care, service, and attention they need, these cuts should be reversed, and the President's request should be filled.

Mr. HINOJOSA. Mr. Chairman, I will get to the point, who could not support Head Start, a program that provides comprehensive developmental services for America's low-income children—ages birth to five years?

Research has told us time and again that this is the most critical stage of a child's mental and emotional development. Adding $600 million would provide additional services to 53,000 additional low-income children.

I represent the third-fastest growing metropolitan statistical area in the U.S. and yet, we have one of the highest rates of poverty, and a very young population.

For almost 30 years, I have been involved with education issues. This experience has taught me that children, regardless of income level or race, have the same potential for high achievement and healthy development. We must give them that chance.

Head Start has successfully served 17 million children and their families since 1965 * * * Lets's not jeopardize that.

To my colleagues who say no to Head Start: I say is that your final answer? I hope not.

Mr. CLAY. Mr. Chairman, the Republican leadership has once again succeeded in bringing to the floor a labor, health and education appropriations bill designed to please only themselves and their right-wing friends. H.R. 4577 fails to make needed investments in public education and the domestic workforce, and, as the result, would undermine American competitiveness in the 21st century. This bill has already received what has now become its customary and well-deserved veto threat from the Clinton administration. It is clearly going nowhere, and should be soundly defeated.

This bill was doomed from its inception, because the economic premise upon which it is based is flawed. Earlier this year, before the appropriations process began, the Republican leadership decided to resume its efforts to push for big tax cuts for the rich. They attached hundreds of billions of dollars of these tax cuts to the minimum wage bill and the budget resolution. This decision to squander the surplus, rather than invest it, severely reduced the funds available to meet many of our nation's critical needs.

Overall, the bill provides $2.9 billion less than the President requested for the Department of Education, and $1.7 billion less for the Department of Labor. As the result, education, job training, workplace safety, and other programs are either frozen or cut, significantly reducing the level of services that can be provided.

For example, the bill would slash Title I funding, forcing school districts to cut back on assistance to disadvantaged students. The Clinton/Clay class size reduction initiative is gutted, leaving school districts without the resources to hire and train 20,000 more top-quality teachers. Adequate funding is denied for after-school and summer programs intended to improve student achievement and reduce juvenile crime. And no funds are provided to renovate crumbling and unsafe schools.

At the same time efforts are ongoing in the Congress to erase limits on the immigration of foreign workers to fill high-tech jobs, this bill would make steep cuts in the funding of training programs aimed at helping domestic workers fill them and other positions. Dislocated workers and at-risk youth are particularly hard hit by these cuts, even though they are the one most in need of skills training. By failing to adequately invest in our own workforce, the Republican leadership is jeopardizing American competitiveness and prosperity.

This bill also jeopardizes worker health and safety by shortchanging OSHA and blocking issuance of the ergonomics rule intended to prevent about 300,000 workplace injuries a year. The Wilson amendment would add insult to injury by cutting $25 million more from OSHA.

Mr. Chairman, this appropriations bill is a disaster. It fails to adequately invest in education, and in the development and security of the nation's workforce. I urge a no vote on H.R. 4577.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LIMITING CONSIDERATION OF AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4577 in the Committee of the Whole pursuant to House Resolution 418 and the order of the House of June 8, 2000, no further amendment to the bill shall be in order except:

One, pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Two, the amendment printed in part B of House Report 106–657;

Three, the remaining amendments listed in the order of the House of June 8, 2000, as previously modified;

And four, the following additional amendments by the gentleman from Florida (Mr. YOUNG), regarding across-the-board reduction; the gentleman from Michigan (Mr. HOEKSTRA), regarding reductions in Education for the Disadvantaged, Impact Aid, School Improvement Programs, and Bilingual and Immigrant Education and increase in special education; further, by the gentleman from Colorado (Mr. SCHAFFER), regarding reduction in education research, statistics, and improvement and increase in special education; by the gentleman from Colorado (Mr. SCHAFFER), regarding reduction in Even Start and increase in special education for grants to States; by the gentleman from Colorado (Mr. SCHAFFER), regarding reduction in Job Corps Training and increase in special education for grants to States; by the gentleman from Colorado (Mr. SCHAFFER), regarding reduction in the United States Institute of Peace and increase in special education for grants to

States; by the gentleman from Oklahoma (Mr. COBURN), regarding fetal tissue research; by the gentlewoman from Ohio (Ms. KAPTUR), regarding a report of the impact of PNTR on United States jobs; by the gentleman from Vermont (Mr. SANDERS), regarding NIH; by the gentleman from Ohio (Mr. HALL), regarding additional funding for Meals on Wheels; and the amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XXVIII and numbered 1, 2, 3, 4, 5, 7, 182, 183, 184, 185, 186, 189, 190, 191, 192, 196, 198, and 201.

Each additional amendment may be offered only by the Member designated in this request or a designee or the Member who caused it to be printed or a designee; shall be considered as read; shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent; shall not be subject to amendment; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REPORT ON H.R. 4635, DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106–674) on the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4577, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4425, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

Mr. HOBSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OLVER

Mr. OLVER. Mr. Speaker, I offer a motion to instruct the conferees.

The Clerk read as follows:

Mr. OLVER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4425, be instructed to disagree with the Senate amendment and provide funding for National Missile Defense Initial Deployment Facilities at a level equal to the lower level as provided in the House passed bill.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. OLVER) and the gentleman from Ohio (Mr. HOBSON) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a simple motion. It should not be controversial. These United States are on the verge of embarking on what could be a $60 billion National Missile Defense program. This House included more than adequate funding to start the early lead construction items of the National Missile Defense as it is now conceived. The other Chamber has funded this item at a substantially and unnecessarily higher level.

This motion instructs the conferees to insist on the more prudent level of spending in the House bill; 367 Members of the House supported this level of spending when we passed the bill several weeks ago, and it is important that we maintain our position.

Mr. Speaker, I reserve the balance of my time.

Mr. HOBSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to the amendment of the gentleman from Massachusetts (Mr. OLVER) and would urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. OLVER. Mr. Speaker, I yield back the balance of my time.

Mr. HOBSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. OLVER).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

For consideration of the House bill, and Division A of the Senate amendment, and modifications committed to conference:

Messrs. HOBSON, PORTER, TIAHRT, WALSH, MILLER of Florida, ADERHOLT, Ms. GRANGER, and Messrs. GOODE, YOUNG of Florida, OLVER, EDWARDS, FARR of California, BOYD, DICKS, and OBEY;

For consideration of the Division B of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Florida, REGULA, LEWIS of California, ROGERS, SKEEN, CALLAHAN, OBEY, MURTHA, and Ms. PELOSI and Ms. KAPTUR.

There was no objection.

□ 2340

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TERRY). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INDIA IN NEED OF THIS COUNTRY'S ASSISTANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. BONIOR) is recognized for half the time until midnight as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, I take the well at this very late hour because I want to talk about an issue that is, I think, vitally important not only to this country but to the stability of peace in the world community.

I had the occasion to take a trip with my wife and several others to Pakistan in India, and to Kashmir about a month, or month and a half ago, and it indeed was one of the more interesting things I have done in my 28 years of political life. I came away more convinced than ever that the United States has a proactive role to play in helping with the challenges that are faced in South Asia.

I think everyone now is aware that South Asia is a nuclear flash point; that the Indian Government and the Pakistanis have fought now three times since partition in 1947 from the British, and as a result of those wars, the recent skirmish in addition to that in the Kargil region, which claimed a thousand lives this past summer, it is a very dangerous place, with both countries now having the nuclear capability to destroy each other and inflict incredible destruction on not only that region of the world but the planet in general. So it seems to me that we need as a Nation and as a world community to focus our attention more and more on bringing peace and stability to the people of Kashmir. It is clearly in their interest.

The people of Kashmir have suffered through 50 years of broken promises. If we recall our history, the United Nations called for a plebiscite on self-determination in Kashmir in 1948, but of course that has never been carried out, and this legacy of neglect has fostered distrust, it has fostered hopelessness among many in Kashmir, especially the Muslim majority, which has spawned a cycle of protest and of violence and of repression.

As many as up to 70,000 Kashmiris in the last decade have died as a result of this war that is going on in their country. It is an incredibly beautiful place. Lush green valleys, enormously pristine sparkling lakes surrounded by the Himalayas' snow-capped mountains. Its beauty is only contrasted by the pain and the suffering of indeed this brutal repression and war that is raging now that, as I have said, has claimed as many, some say up to 70,000 lives. A staggering total.

Indian security forces number in the neighborhood of somewhere between 500,000 and 700,000 troops in the States of Kashmir and Jammu, and they wage, along with the militants who are crossing the border and fighting in this region, a day-to-day campaign of terror and repression. And the Kashmiri people are caught in the middle. The human rights abuses are every bit as outrageous and repugnant as they have been in the Balkans as we have seen recently. The number of rapes and torture and all the things that go along with this type of international catastrophe is present in Kashmir.

Independent human rights' groups report on these rapes and these tortures. Often they are not allowed into Kashmir. Amnesty International is not, and other human rights' organizations have had a difficult time getting in and verifying some of these atrocities. Common disappearances occur all the time. People lose their loved ones.

When we were up in Srinagar, which is the summer capital in Kashmir, we could just see the besieged nature of this once incredibly crystal beautiful land. The look of weariness and longing and hunger on the faces of the people beg for a solution and a way out of this quagmire of violence that they find themselves in.

And their most precious resource, their children, the Kashmiri children, are being driven away by this violence. When the young people are old enough to go, they go. So whole families are being broken up as a result of this.

Tourism, which could be as profitable and as abundant and as prosperous as anyplace in the world because of this incredible beauty is almost nonexistent. It is in ruins. We need to do something about this as a country.

When the young people in Kashmir start to immolate themselves, burn themselves alive, because of the hopelessness that they feel; that there is no way out of this, it speaks clearly and loudly to just what has happened and how far they have come on the road to despair.

Violent acts, such as the massacre of dozens of Sikh villagers in Kashmir during the President's visit to India have shown that the killings will continue unabated unless something is done to stop it.

Now, I would like to just briefly, in the short time that I have here before we adjourn, touch upon the significance of doing this for Pakistan, for India, and for the United States. For Pakistan, the meaning of the conflict in Kashmir goes really to the heart and the soul of people in Kashmir. The people of Pakistan feel a deep sense of kinship with their brethren in Kashmir. Muslim countries. Muslim areas both.

The crisis in Kashmir has drained Pakistan of its resources, leaving unmet needs for efforts to alleviate their poverty, their illiteracy, their health care needs, their infrastructure needs. I was told, and I do not know how completely accurate this is, but I have a sense that it is close to accurate, that of the budget in Pakistan, where they have roughly 130 million people, 60 percent of their budget goes to just servicing their debt. Imagine that, 60 cents on the dollar going to service the debt. Thirty percent goes to the military, nuclear development and their military establishment, and only 10 percent of their meager budget goes to dealing with the problems of illiteracy, health care, infrastructure, and all the things a civilized society would want to invest in.

With Indian troops and a nuclear capability amassed on one border, and with the Taliban ever present and presenting a threat on the other in Afghanistan, Pakistan has devoted much of its income to the military, and, as I say, to the development of nuclear weapons.

□ 2350

Stopping the incursions of militants into Kashmir is in the interest of the leaders of Pakistan so they can focus in on their internal concerns.

The SPEAKER pro tempore (Mr. TERRY). As there is no speaker for the majority on his designated time, the gentleman from Michigan (Mr. BONIOR) is recognized for 10 minutes.

Mr. BONIOR. Mr. Speaker, so unless confidence is restored with the Indian Government, a lasting peace will never occur.

I had the chance when I was there to meet with the Pakistani leaders. I met with General Musharraf, who is the chief executive of Pakistan, the head of state. I came to that meeting prepared to meet a military man who engaged in a coup and was not quite sure what to expect.

In my discussions with people in Pakistan, in my discussions with him in the meeting I had with him, I came away with the understanding that he wants to break the cycle of corruption and impotence on the people of the party politically, he wants to do something to change the internal dynamics of his country, and he wants to do it in a transition way that can lead to the reestablish of democracy in his country.

There are some signals and some signs that he is doing some things that will move in that direction. While I was there, they had the first human rights conference that they ever have had in Pakistan. And they dealt with the question of honor killings, which had been ignored for a very long time, where male members and heads of families would kill and beat and torture their wives if they suspected infidelity or thought perhaps it might even have occurred. This he has taken on strongly and has enforced since that conference.

He has taken on the question of child labor and moving in the direction of making sure that children are not abused at the work site and are provided an opportunity for an education.

In the area of empowering people, for the first time they are redoing all the roles of government in Pakistan, the voter roles. They have allowed the 18-year-olds to vote. And in November of this year, there will be under these new regimes of empowerment local elections throughout the country. And, of course, the supreme court recently ruled in Pakistan that there would be national elections within a 2½-year period in which General Musharraf has agreed to.

So on the democracy front, on the human rights front, on dealing with corruption, he has commissioned people within his government to act forcefully at trying to stop the corruption that is so endemic to that society and which was responsible to a large extent for the failures of the Bhutto and the Sharif governments.

So there is a strong movement to fight corruption, to establish an economic system that is fair and equitable and honest.

As my colleagues can tell, Mr. Speaker, I came away with some hope when I was not really expecting to. But I have watched, even in recent days, the minister in Pakistan who deals with the question of terrorism issue some statements. There was an article recently on Saturday in the New York Times that showed that they are on the offensive to deal with this important aspect of their national and international obligations.

So there are some things that are happening here. General Musharraf has offered on numerous occasions, and he did to me when I was with him in our visit, that he in fact wants to dialogue with the Indian leaders, with the Indian Government, and that he understands the necessity to stop this cycle of violence.

The sense of distress between the people of Kashmir and the Government of India and the tensions between India and Pakistan have stalled every diplomatic effort that has been made to stop these killings. But we have a chance now, because I think it is in everybody's interest to get this done, Pakistan, and it is in India's interest. And if I could just move to them for a second. Their government has a compelling interest to resolve this Kashmir question, as well.

India shares Pakistan's challenge with poverty, with illiteracy, with health care, with their infrastructure needs. They do not want 600,000 troops stationed in Kashmir. That takes an enormous amount of resources, and it drains their ability to deal with these other problems. They do not want this continuing and escalating violence in Kashmir. They want, it would seem to me, to resolve this issue, as well.

And there are some signs of hope. The Indian Government has allowed some Kashmiri political and civil leaders out of jail. I met with them when I was in Kashmir. I met with the conference leaders, some of whom just recently were let out of jail, and they are asking for a dialogue with the Indian Government. And while there has been intimations that that dialogue would occur, it has not. And I would encourage the Indian Government to engage in it.

Kashmiris must have a responsible role in deciding their own fate, and this will only occur when we continue to build confidence-building measures, such as opening preliminary discussions, allowing people to exercise their leadership, freeing them from jail, stopping the violence of incursions of militants across the border. These are all pieces that have to take place in order for this to come together.

The Indian Government, as I said, has participated in some of these. Other things they have not, they have not shown an interest. And we need, as a Government here in the United States, to move them in that direction and to get them to stop the torture and the other repressive measures that they are taking in Kashmir against the Kashmiri people.

Now, I see a way forward but only if we, as the United States, are willing to invest more time and resources to bring these parties together. And I think we have an obligation to do that. I think we have a moral responsibility to do that.

During the war in Afghanistan, the United States armed Pakistan's neighbors and the militants. And then we sort of casually abandoned the region, and that left the region in a state of militarism with enormous amounts of weapons and ammunitions.

Now we have an obligation, it seems to me, to do our part to help establish stability in South Asia. It is in our interest to do so. The threat of nuclear conflict in South Asia is very, very real. We must reduce this threat and halt the arms race in South Asia. And unless Kashmir is addressed, that will not happen. We cannot make progress unless people in the world community are willing to tackle this issue.

The United States has called for democracy to take root in South Asia, but this will not happen on its own and it surely will not happen without a resolution to this very important question.

And by "democracy," I am talking about not only democracy in form but I am talking about supporting democracy through helping Pakistan develop some of those institutions for democratic action, and we have ways to do that here. Instead of withholding support for Pakistan, who has been a great front for this country throughout its history, one of our best allies and best friends, instead of engaging in embargoes, we ought to be financially helping Pakistan move forward.

Because democracy works well when there is an economic component. When you give people a sense of home for their economic life, that works very well with establishing and enhancing the democratic life of a country. Democracy by itself, without any support economically, is going to be a very fragile democracy.

If we turn our attention away from the region, as we did after the war in Afghanistan, we risk further erosion, violence, and disillusionment.

We are, as a country, as a superpower, as a country that is engaged in the Middle East and in Ireland and in Africa and in other places recently, in Latin America, we have a role to play here. And as a long-standing ally of Pakistan as an emerging friend of India, we are in a position to bring people together. And given the stakes in South Asia, punitive economic sanctions, as I said, are clearly counterproductive.

While we have our differences, we must never forget that Pakistan, as I said, has been a long-standing ally of the United States. Democracy will be strengthened not by economic sanctions but by economic aid and by taking the know-how of our democratic institutions and trying to provide those kinds of expertise and know-how with those who are struggling for an expanded democracy in Pakistan.

So I think everything is in place to make this work. And because of the nuclear potential, the world needs desperately to focus in on this region. And because of the promise that was made to the Kashmiris over 50 years ago, we need to desperately take hold of this issue and focus our attention and try to develop a process by which we can reach some resolve.

People in Kashmir are exhausted from the violence. They are exhausted from the war. They are exhausted from the economic inactivity. We can make a big change in a very important part of the world if we will devote some of our energies, some our good will, some of our resources to making that happen.

So I look forward, as I told the President when I discussed this with him briefly at the White House, I look forward to working with him and our administration and our allies in bringing Pakistan and India together and bringing the Kashmiris into discussions so that both countries can live in peace and the Kashmiris can have the right to express their views and work for a better situation economically and politically and democratically for their people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BALDWIN (at the request of Mr. GEPHARDT) for today on account of airport delays.

Mr. FATTAH (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. TOOMEY (at the request of Mr. ARMEY) for today and until 4:00 p.m. on June 13 on account of the birth of Bridget Kathleen Toomey.

Mr. WATTS of Oklahoma (at the request of Mr. ARMEY) for today and June 13 on account of attending a family funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. OLVER) to revise and extend his remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred a follows:

S. Con. Res. 121, concurrent resolution, congratulating Representative Stephen S. F. Chen on the occasion of his retirement from the diplomatic service of Taiwan, and for other purposes; to the Committee on International Relations.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1953. To authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria.

H.R. 3639. To designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S Truman Federal Building".

H.R. 2484. To provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), under its previous order, the House adjourned until today, Tuesday, June 13, 2000, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8078. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Oriental Fruit Fly; Removal of Quarantined Area [Docket No. 99-076-2] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8079. A letter from the Director, Office of Federal Housing Oversight, transmitting the Office's final rule—Implementation of the Equal Access to Justice Act (RIN: 2550-AA08) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8080. A letter from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule—State Energy Program [Docket No. EE-RM-96-402] (RIN: 1904-AB01) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8081. A letter from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Establishment of a Class A Television Service [MM Docket No. 00-10] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8082. A letter from the Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule—DotCom Disclosures About Online Advertising—received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8083. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece [Transmittal No. DTC 013-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8084. A letter from the Chairwoman, Equal Employment Opportunity Commission, transmitting the Inspector General's Semiannual Report for the period ending March 31, 2000 and the Semiannual Management Report for the same period; to the Committee on Government Reform.

8085. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Redefinition of the Southern and Western Colorado Appropriated Fund Wage Area (RIN: 3206-AI95) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8086. A letter from the Director, Family-Friendly Workplace Advocacy Office, Office of Personnel Management, transmitting the Office's final rule—Agency Use of Appropriated Funds For Child Care Costs For Lower Income Employees (RIN: 3206-AI93) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8087. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Determination of Threatened Status for the Koala (RIN: 1018-AE43) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8088. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Concession Contracts (RIN: 1024-AC72) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8089. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—1999-2000 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018-AF52) received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8090. A letter from the Deputy Executive Secretary, Indian Health Service, Department of Health and Human Services, transmitting the Department's final rule—Currently Effective Indian Health Service Eligibility Regulations (RIN: 0917-AA03) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8091. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery Management Plan [Docket No. 000307061-0061-01; I.D. 013100D] (RIN: 0648-AN46) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8092. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Catcher Vessels using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 000211040-0040-01; I.D. 042400A] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8093. A letter from the Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 33 to the Northeast Multispecies Fishery Management Plan [Docket No. 000407096-0096-01; I.D. 040300C] (RIN: 0648-AN51) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8094. A letter from the Deputy Executive Secretary, Department of Health and Human Services, transmitting the Department's final rule—Refugee Resettlement Program Requirements for Refugee Cash Assistance and Refugee Medical Assistance—received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8095. A letter from the Secretary of Health and Human Services, transmitting the draft bill, the "HCFA User Fee Act of 2000"; jointly to the Committees on Ways and Means and Commerce.

8096. A letter from the Assistant Secretary, Civil Works, Department of the Army, transmitting a draft bill entitled, "Water Resources Development Act of 2000"; jointly to the Committees on Transportation and Infrastructure, Commerce, and Resources.

8097. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation relating to the management of the Department of Defense and to the transfer of naval vessels to foreign countries; jointly to the Committees on Armed Services, Government Reform, International Relations, and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. H.R. 3995. A bill to establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government; with an amendment (Rept. 106-663). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. H.R. 4387. A bill to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia (Rept. 106-664). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 4504. A bill to make technical amendments to the Higher Education Act of 1965; with an amendment (Rept. 106-665). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 4079. A bill to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Education; with an amendment (Rept. 106-666). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. H.R. 4022. A bill regarding the sale and transfer of Moskit anti-ship missiles by the Russian Federation; with an amendment

(Rept. 106-667). Referred to the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. H.R. 4118. A bill to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba; with an amendment (Rept. 106-668). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 3048. A bill to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes; with an amendment (Rept. 106-669). Referred to the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 523. Resolution waiving points of order against the conference report to accompany the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes (Rept. 106-670). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 524. Resolution providing for consideration of the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-671). Referred to the House Calendar.

Mr. ARCHER: Committee on Ways and Means. House Joint Resolution 90. Resolution withdrawing the approval of the United States from the Agreement establishing the World Trade Organization (Rept. 106-672). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 4601. A bill to provide for reconciliation pursuant to section 213(c) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt; with an amendment (Rept. 106-673 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALSH: Committee on Appropriations. H.R. 4635. A bill making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-674). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on the Budget discharged. H.R. 4601 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4601. Referral to the Committee on the Budget extended for a period ending not later than June 12, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WALSH:

H.R. 4635. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. FATTAH (for himself, Mr. Hoyer, Mr. Davis of Illinois, and Mr. Owens):

H.R. 4636. A bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes; to the Committee on Government Reform.

By Mr. GIBBONS:

H.R. 4637. A bill to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the aquisition by the Secretary of the Interior of enviromentally sensitive lands in the State of Nevada; to the Committee on Resources.

By Mr. HUTCHINSON:

H.R. 4638. A bill to amend title 23, United States Code, to require States to provide Federal highway funds for projects in high priority corridors, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LAMPSON (for himself and Mr. LoBiondo):

H.R. 4639. A bill to assure that recreation benefits are accorded the same weight as hurricane and storm damage reduction benefits as well as environmental restoration benefits; to the Committee on Transportation and Infrastructure.

By Mr. McCOLLUM (for himself, Mr. Scott, Mr. Gilman, Mr. Kennedy of Rhode Island, Mr. Weiner, and Mr. Chabot):

H.R. 4640. A bill to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 4641. A bill to provide trade adjustment assistance for certain workers; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

349. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 288 memorializing the Congress of the United States to provide funding for increased Bovine Tuberculosis Testing and Research in Michigan and for Federal Indemnification and Financial Assistance for the Federal Indemnification and Financial Assistance for the Federally Required Destruction of Michigan Cattle; to the Committee on Agriculture.

350. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8019 memorializing Congress to continue to help meet the unique special needs of gifted students by including formula grants to states for gifted and talented education programs (HR 637 and S 505) in its consideration of the reauthorization of the Elementary and Secondary Education Act; to the Committee on Education and the Workforce.

351. Also, a memorial of the House of Representatives of the State of West Virginia, relative to House Concurrent Resolution No. 42 memorializing the West Virginia Congressional Delegation to take immediate legislative action to amend existing surface mining laws to reverse the effect of the decision in Bragg, et al. V. Robertson, et al. on West Virginia mines and miners; to the Committee on Resources.

352. Also, a memorial of the House of Representatives of the State of West Virginia, relative to House Concurrent Resolution No. 5 memorializing the Congress of the United States to propose an amendment to the Constitution of the United States of America for submission to the states for ratification prohibiting federal courts from ordering a state or political subdivision thereof to levy or increase taxes; to the Committee on the Judiciary.

353. Also, a memorial of the House of Representatives of the State of West Virginia, relative to House Concurrent Resolution No. 68 memorializing the United States Congress to amend the Internal Revenue Code to exempt from federal income taxes the income received by the holders of bonds issued pursuant to the provisions of Senate Bill 175, the "West Virginia Pension Liability Redemption Act"; to the Committee on Ways and Means.

354. Also, a memorial of the House of Representatives of the State of West Virginia, relative to House Concurrent Resolution No. 68 memorializing the United States Congress to amend the Internal Revenue Code to exempt from federal income taxes the income received by the holders of bonds issued pursuant to the provisions of Senate Bill 175, the "West Virginia Pension Liability Redemption Act"; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 363: Mr. Hinchey.

H.R. 632: Mr. Hefley, Mr. Romero-Barcelo, and Mr. Weiner.

H.R. 914: Mr. Lucas of Kentucky and Mr. Berman.

H.R. 1111: Ms. Stabenow.

H.R. 1202: Mr. Lewis of Georgia, Mrs. Johnson of Connecticut, Mr. Kennedy of Rhode Island, and Mr. Gilchrest.

H.R. 1248: Mr. Quinn, Mr. Shimkus, Mr. Costello, and Mr. Kildee.

H.R. 1271: Mr. Rothman.

H.R. 1515: Mr. Mollohan.

H.R. 1586: Ms. Carson.

H.R. 1594: Mrs. Capps.

H.R. 1621: Mr. Bentsen.

H.R. 1885: Ms. Stabenow.

H.R. 2000: Mr. Fletcher and Mr. Gillmor.

H.R. 2059: Mr. Lantos.

H.R. 2451: Mr. Bachus.

H.R. 2596: Mr. Calvert and Mr. English.

H.R. 2749: Mr. Bilbray.

H.R. 2790: Mr. Moore.

H.R. 2814: Mr. DeFazio.

H.R. 3059: Mr. Smith of New Jersey.

H.R. 3100: Mr. Souder, Mr. Davis of Virginia, Mr. Dickey, Mr. Payne, and Mr. Metcalf.

H.R. 3301: Mr. Weiner.

H.R. 3327: Mr. Pombo.

H.R. 3463: Mr. Pallone, Mr. Gilman, Mr. Holt, and Mr. Gutierrez.

H.R. 3633: Mr. Hastings of Washington, Ms. Berkley, Mr. Martinez, and Mr. Strickland.

H.R. 3677: Mr. Canady of Florida.

H.R. 3697: Mr. Smith of Texas.

H.R. 3732: Ms. Lofgren.

H.R. 3844: Mr. Chabot.

H.R. 3891: Mr. Hoeffel.

H.R. 3915: Mr. Baca, Mr. Riley, Mr. Snyder, Mr. Reyes, Mr. Talent, Mr. Lucas of Oklahoma, Mr. Ehrlich, and Mr. Barr of Georgia.

H.R. 4001: Mr. Brady of Pennsylvania, Mr. McDermott, Mr. Lantos, Ms. Lee, and Mr. Jackson of Illinois.

H.R. 4071: Mr. Wynn.

H.R. 4079: Mr. Hefley, Mrs. Biggert, and Mr. Royce.

H.R. 4093: Mr. Pascrell.

H.R. 4149: Mr. Shimkus, Mr. Oxley, Mr. Sherman, and Mr. Barton of Texas.

H.R. 4189: Mr. Blumenauer and Ms. Hooley of Oregon.

H.R. 4210: Mr. Sisisky.

H.R. 4246: Mrs. Morella.

H.R. 4248: Mr. Walden of Oregon and Mr. Knollenberg.

H.R. 4271: Mr. Weiner and Mr. Norwood.

H.R. 4272: Mr. Weiner and Mr. Norwood.

H.R. 4273: Mr. Weiner and Mr. Norwood.

H.R. 4281: Mrs. Maloney of New York, Mr. Blumenauer, Mr. Nadler, Mr. George Miller of California, Mr. Deal of Georgia, Mr. Stark, Mr. Baird, Mr. Evans, and Mr. Ackerman.

H.R. 4283: Mr. Kleczka, Mr. Barcia, and Mr. Upton.

H.R. 4328: Mrs. Christensen and Mr. Bliley.

H.R. 4329: Mr. English and Mr. Fletcher.

H.R. 4357: Mr. Blagojevich.

H.R. 4395: Mr. Pomeroy and Mr. Shaw.

H.R. 4410: Mr. Bilbray and Mr. Gilchrest.

H.R. 4453: Mr. Wynn and Ms. Lee.

H.R. 4483: Mr. Romero-Barceló.

H.R. 4492: Mr. Bilirakis, Mr. Gonzalez, Mr. Kennedy of Rhode Island, and Mr. Romero-Barceló.

H.R. 4495: Mr. Lantos, Mr. Gejdenson, Mr. Matsui, Mr. Frost, amd Ms. DeGette.

H.R. 4503: Mr. Coble, Mr. DeLay, Mr. Riley, Mr. Hilliard, Mr. Bachus, Mr. Isakson, Mr. Watts of Oklahoma, Mr. Spratt, Mr. Wicker, and Mr. Norwood.

H.R. 4504: Mr. Souder.

H.R. 4600: Mr. Shows.

H.R. 4601: Mrs. Northup and Mr. Gary Miller of California.

H.R. 4621: Mr. McHugh, Mr. Kuykendall, and Mr. Nethercutt.

H.J. Res. 56: Mr. Brady of Pennsylvania.

H.J. Res. 90: Mr. Traficant.

H. Con. Res. 321: Mr. Goode, Ms. Stabenow, Mr. Matsui, Mr. Franks of New Jersey, Mr. Chabot, and Mr. Canady of Florida.

H. Con. Res. 341: Mr. Frank of Massachusetts, Mr. Deutsch, and Mr. LaFalce.

H. Con Res. 343: Ms. Carson.

H. Con. Res. 350: Mr. Farr of California.

H. Res. 280: Mr. McKeon.

H. Res. 388: Mrs. Maloney of New York.

H. Res. 461: Mr. Klink, Ms. Jackson-Lee of Texas, Mr. Stark, Mr. McGovern, Mr. Tierney, Mr. Towns, Mr. Coburn, Mr. Olver, Mrs. Morella, Mr. Capuano, Mr. McNulty, Mrs. Capps, Mr. Hinchey, Mr. Waxman, Mr. Bilirakis, and Mr. DeFazio.

PETITIONS, ETC.

Under clause 3 of rule XII,

89. The SPEAKER presented a petition of Board of Commissioners and Board of Equalizers, Ferry County, relative to Resolution No. 2000-16 petitioning the federal government to change the Endangered Species Act to provide incentives for the protection of endangered species through empowering citizens and communities to freely and voluntarily assist in protection of endangered species; which was referred to the Committee on Resources.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

Offered By: Mr. Gutknecht

Amendment No. 27: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to provide to any person (including a pharmacist or wholesale importer) a drug-importation warning letter issued pursuant to section 801 of the Federal Food, Drug, and Cosmetic Act.

H.R. 4577

Offered By: Mr. Hoekstra

Amendment No. 202: Page 50, line 11, insert after the dollar amount the following: "(decreased by $116,000,000)".

Page 51, line 21, insert after the first dollar amount the following: "(decreased by $78,548,000)".

Page 52, line 12, insert after the first dollar amount the following: "(decreased by $158,450,000)".

Page 53, line 5, insert after the dollar amount the following: "(decreased by $30,765,000)".

Page 53, line 17, insert after the first dollar amount the following: "(increased by $383,263,000)".

H.R. 4577

Offered By: Mr. Schaffer

Amendment No. 203: Page 64, after line 6, insert the following:

Sec. 306. The amounts otherwise provided by this title are revised by decreasing the amount made available under the heading "DEPARTMENT OF EDUCATION–Education Research, Statistics, and Improvement" for the research activities, and by increasing the amount made available under the heading "DEPARTMENT OF EDUCATION—Special Education" for grants to States, by $10,356,700.

H.R. 4577

Offered By: Mr. Schaffer

Amendment No. 204: Page 84, after line 21, insert the following:

Sec. 518. The amounts otherwise provided by this Act are revised by decreasing the amount made available in title III under the heading "DEPARTMENT OF EDUCATION–Education for the Disadvantaged" for the Even Start program, and by increasing the amount made available in title III under the heading "DEPARTMENT OF EDUCATION—Special Education" for grants to States, by $100,000,000.

H.R. 4577

Offered By: Mr. Schaffer

Amendment No. 205: Page 84, after line 21, insert the following:

Sec. 518. The amounts otherwise provided by this Act are revised by decreasing the amount made available in title I under the heading "DEPARTMENT OF LABOR–Employment and Training Administration–Training and Employment Services" for the Job Corps program under the Workforce Investment Act of 1998, and by increasing the amount made available in title III under the heading "DEPARTMENT OF EDUCATION—Special Education" for grants to States, by $42,224,000.

H.R. 4577

Offered By: Mr. Schaffer

Amendment No. 206: Page 84, after line 21, insert the following:

Sec. 518. The amounts otherwise provided by this Act are revised by increasing the amount made available in title III under the heading "DEPARTMENT OF EDUCATION–Special Education" for grants to States, and by decreasing the amount made available in title IV under the heading "RELATED AGENCIES–United States Institute of Peace–Operating Expenses", by $15,000,000.

H.R. 4577

Offered By: Mr. Stearns

Amendment No. 207: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec.   . None of the funds made available in this Act may be used in contravention of section 503(c) of title 10, United States Code.

H.R. 4578

Offered By: Mr. DeFazio

Amendment No. 10: Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

Sec. 501. None of the funds appropriated or otherwise made available by this Act may be used to assess a fine or take any other law enforcement action against a person for failure to pay a fee for a vehicle pass imposed under the recreational fee demonstration program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 16 U.S.C. 4601–6a note), regarding parking at trailheads and dispersed recreation sites in the National Forest System.

H.R. 4578

Offered By: Mr. DeFazio

Amendment No. 11: Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

Sec. 501. None of the funds appropriated or otherwise made available by this Act may be used to enter into any new commercial agricultural lease on the Lower Klamath and Tule Lake National Wildlife Refuges in the States of Oregon and California.

H.R. 4578

Offered By: Mr. Dicks

Amendment No. 12. On page 66, line 21, strike "$67,000,000" and insert: "$103,740,000".

H.R. 4578

Offered By: Mr. Dicks

Amendment No. 13. On page 85, line 7, strike "$98,000,000" and insert: "$125,000,000 of which $27,000,000 shall not become available until September 29, 2001".

H.R. 4578

Offered By: Mr. Dicks

Amendment No. 14. On page 85, line 21, strike "$100,604,000" and insert: "$110,344,000 of which $9,740,000 shall not become available until September 29, 2001''.

H.R. 4578

Offered By: Mr. Dicks

Amendment No. 15. On page 66, line 21, strike ``$67,000,000'' and insert: ``$84,260,000''.

H.R. 4578

Offered By: Mr. Dicks

Amendment No. 16. On page 85, line 7, strike ``$98,000,000'' and insert: ``$115,260,000 of which $17,260,000 shall not become available until September 29, 2001''.

H.R. 4578

Offered By: Mr. Dicks

Amendment No. 17: On page 52, after line 15, add the following new section:

Sec.   . Any limitation imposed under this Act on funds made available by this Act related to planning and management of national monuments, designation of new wildlife refuges, or activities related to the Interior Columbia Basin Ecosystem Management Plan shall not apply to any activity which is otherwise authorized by law.

H.R. 4578

Offered By: Mr. Dicks

Amendment No. 18: On page 108, after line 3, add the following new section:

Sec.   . Any limitation imposed under this Act on funds made available by this Act related to planning and management of national monuments, designation of new wildlife refuges, or activities related to the Interior Columbia Basin Ecosystem Management Plan shall not apply to any activity which is otherwise authorized by law.

H.R. 4578

Offered By: Mr. Dicks

Amendment No. 19: On page 52 strike lines 12 through 15.

H.R. 4578

Offered By: Mr. Dicks

Amendment No. 20: On page 108 strike lines 4 through 8.

H.R. 4578

Offered By: Mr. Dicks

Amendment No. 21: On page 108, strike lines 9 through 14.

H.R. 4578

Offered By: Mr. Doolittle

Amendment No. 22: Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

Sec. 501. None of the funds appropriated or otherwise made available by this Act to the Forest Service may be used—

(1) to purchase a motor vehicle for the use of Forest Service personnel that is painted in the base color identified as Federal Standard 595, color chip no. 14260, or painted in any other base color, except the color white as made available by the manufacturer; or

(2) to paint any Forest Service motor vehicle in any base color other than white.

H.R. 4578

Offered By: Mr. Hill of Montana

Amendment No. 23: Page 56, line 5, before the period insert the following: ``, of which $2,000,000 shall be for acquisition of Traveler's Rest, Montana''.

H.R. 4578

Offered By: Mr. Hoeffel

Amendment No. 24: On page 102, strike Section 327.

H.R. 4578

Offered By: Mr. Hoeffel

Amendment No. 25: On page 108, strike Section 335.

H.R. 4578

Offered By: Mrs. Maloney of New York

Amendment No. 26: Page 24, beginning line 6, strike ``transportation and gathering expenses, processing, and any contractor costs required to aggregate and market royalty production taken in kind at wholesale market centers'' and insert ``transportation and processing of royalty production taken in kind''.

H.R. 4578

Offered By: Mr. Royce

Amendment No. 27: Page 66, beginning at line 21, strike ``$67,000,000 shall not be available until October 1, 2001'' and insert ``$326,000,000 shall not be available until October 1, 2001''.

H.R. 4578

Offered By: Mr. Sanders

Amendment No. 28: Page 67, line 16, after the dollar amount, insert the following: ``(reduced by $45,000,000) (increased by $20,000,000) (increased by $3,500,000) (increased by $9,500,000) (increased by $5,000,000) (increased by $7,000,000)''.

Page 67, line 19, after the dollar amount, insert the following: ``(increased by $23,500,000)''.

Page 67, line 24, after the dollar amount, insert the following: ``(increased by $20,000,000)''.

Page 67, line 25, after the dollar amount, insert the following: ``(increased by $3,500,000)''.

H.R. 4578

Offered By: Mr. Sanders

Amendment No. 29: Page 69, line 10, after the dollar amount, insert the following: ``(reduced by $10,000,000) (increased by $10,000,000)''.

H.R. 4578

Offered By: Mr. Sununu

Amendment No. 30: Page 5, line 17, after the first dollar amount insert the following: ``(increased by $10,000,000)''.

Page 15, line 15, after the first dollar amount insert the following: ``(increased by $10,000,000)''.

Page 17, line 7, after the dollar amount insert the following: ``(increased by $10,000,000)''.

Page 17, line 9, after the dollar amount insert the following: ``(increased by $10,000,000)''.

Page 17, line 13, after the dollar amount insert the following: ``(increased by $10,000,000)''.

Page 54, line 25, after the dollar amount insert the following: ``(increased by $10,000,000)''.

Page 67, line 16, after the dollar amount insert the following: ``(reduced by $126,500,000)''.

H.R. 4578

Offered By: Mr. Wu

Amendment No. 31: Page 53, line 14, insert after the dollar amount the following: ``(reduced by $14,727,000) (increased by $14,727,000)''.

H.R. 4578

Offered By: Mr. Young (of Alaska)

Amendment No. 32: Insert at the appropriate place:

Sec.   . Notwithstanding 36 Code of Federal Regulations 223, Subpart A and Subpart B, and associated provisions of law, the Forest Service shall implement the North Prince of Wales Island (POW) Collaborative Stewardship Project (CSP) agreement dated June 7, 1999, regarding a pilot project for negotiated salvage permits.

EXTENSIONS OF REMARKS

BIGGER IS NOT ALWAYS BETTER

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Ms. SCHAKOWSKY. Mr. Speaker, recently, I asked the Congressional Research Service to provide information on the number and cost of mergers and acquisitions involving pharmaceutical companies over the last 5 years. The total: $375 billion. In the last 6 months alone, Monsanto announced it would pay $23.3 billion to buy Pharmacia and Upjohn, Glaxo Wellcome has pledged $76 billion to buy SmithKline Beecham, and Pfizer said it would spend $90.27 billion to buy Warner-Lambert.

I have been concerned about the effect of these mega-mergers on competition and prices. And I have been skeptical about claims that the increasing trend of drug companies buying other drug companies boosts research activities. A recent report by CenterWatch, a research entity focused on the pharmaceutical industry, confirms those fears.

According to its analysis of 22 mergers completed between 1988 and 1999, the number of drugs under development actually dropped by 34 percent during the first 3 years after the mergers. The median number of projects in development—from preclinical to late-stage testing—fell from 85 to 56 potential drugs. And, after a slight rise, the number of clinical trials also fell to 9 percent below premerger levels. In a Newark Star Ledger article, Ken Gatz, head of CenterWatch, stated that "mergers are not meeting certain strategic R&D objectives and may even harm the industry's larger term ability to innovate."

Drug companies argue that they cannot afford to lower prices to senior citizens and other consumers because it will hurt their R&D efforts. Yet, these same drug companies spent $375 billion to buy each other in mergers that have reduced R&D efforts. It is time that we reject these false claims. Congress must act now to expand Medicare to provide prescription drug coverage to all senior citizens and persons with disabilities. And it must use the power of Medicare to negotiate affordable prices. The pharmaceutical industry can certainly afford it, but our senior citizens cannot afford to wait.

[From the Star-Ledger, June 8, 2000]

DRUG-INDUSTRY MERGERS FAIL TO BOOST RESEARCH, DEVELOPMENT, STUDY FINDS

(By Edward R. Silverman)

Despite claims by drug makers that mergers can boost their output, a new study has found that the number of medicines under development actually declined by 34 percent during the first three years following completed deals.

The findings suggest that, rather than creating much larger companies capable of developing many more medicines, newly merged drug makers are instead trimming their product pipelines and, consequently, failing to become as productive as planned.

"A number of professionals believe that, in the long run, mergers create better companies," said Annick de Bruin, research manager at CenterWatch, a Boston-based research group that tracks the development of new pharmaceuticals and the clinical trials conducted to test these products.

"But in the short term, these mega-mergers cause disruptions in internal operations, and project cancellations with contract research organizations and with investigative sites" that are chosen to test new medicines on patients, she said.

CenterWatch analyzed 22 mergers completed between 1988 and 1999 and found that, three years after deals were completed, the median number of development projects—from pre-clinical through late-stage testing—dropped to 56 potential medicines from 85.

Among the mergers examined were last year's combination of Astra and Zeneca; the Ciba-Geigy and Sandoz union, which formed Novartis in 1996; the Pharmacia and Upjohn merger the year before, and the Glaxo Holdings and Wellcome deal the same year.

The key areas looked at by the firm included drug-development spending; the number of original new drug applications filed with regulators; the number of new development projects generated, and therapeutic areas focused on by the newly merged companies.

In discussing the issue, CenterWatch noted that companies tout the benefits of mergers, such as cost cutting, that can make it easier to devote resources to generating higher revenue and profits—and higher stock prices.

However, the study also cited comments from drug company managers who explained that cost-cutting often extends into drug development, but usually isn't evident right away because of commitments made to Wall Street about upcoming products.

In fact, CenterWatch found that the number of clinical projects declines after a merger. Before a deal, companies carried an average of 43 projects. A year later, that rose by 10 percent, but then fell 9 percent below premerger levels two years on.

This drop represented a shortfall of $15 million to $20 million in funding, which would have been provided in the form of grants to academic investigators and contracts awarded to contract-research organizations, which conduct trials for drug makers.

"In my experience," one manager told CenterWatch, "companies have gaps in their pipelines that they're trying to mask. These gaps won't be seen early in the merger. They sort of bubble up several years out."

As for overall spending on research and development, CenterWatch found that annual growth in spending before mergers was 7.7 percent, it dipped to 3 percent a year later and returned to nearly 8 percent three years after deals were done.

"In the short term, mergers are not meeting certain strategic R&D objectives and may even harm the industry's longer-term ability to innovate," said Ken Getz, who heads CenterWatch.

REECE DUCA RECOGNIZED FOR LIFETIME ACHIEVEMENT

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mrs. CAPPS. Mr. Speaker, I rise today to recognize a distinguished constituent, Mr. Reece Duca, for being the recipient of the Lifetime Achievement Award of the Alumni Association of the University of California, Santa Barbara. Mr. Duca graduated from UCSB in 1966, and has been a resident of Santa Barbara for many years. He founded and built the Learning Company into an internationally recognized leader in the development and marketing of educational software for schools and homes across the nation. The Learning Company was recognized by Forbes Magazine in 1992 as one the "best small companies in the world."

Reece Duca continues to pursue his passion for educational excellence through his involvement with UCSB and Stanford University, and his continuing role as an investor and advisor to start-up companies in the field of education and educational technology. One of his new companies is GlobalEnglish.com, an Internet-based educational technology company that delivers English instruction to 115 countries around the world.

I have known Reece as an active member of the Santa Barbara community. He is a person who acts on his principles and makes a lasting contribution to the success of those ideals. I also know Reece as a committed husband and father, who has been able to draw upon the wisdom and insights of his wife and children to improve his businesses and advance his goals.

Reece Duca prefers to describe his recognition as a "half of a" Lifetime Achievement Award, and knowing his as I do, I am confident that there is much more achievement left in this remarkable persons life. I consider the opportunity to represent him in Congress to be a great privilege.

Mr. Speaker, please join me in extending congratulations to Mr. Reece Duca for all of his exceptional accomplishments.

IN MEMORY OF MARTINA O. MAKINDE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mr. GILMAN. Mr. Speaker, it is with deep sorrow and regret that I report to my colleagues the passing last week of an outstanding humanitarian in my 20th congressional district of New York who dedicated her life to helping the elderly and the sick.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Martina Olubukola Makinde was a woman blessed with remarkable qualities and a generous heart which enabled her to spend her life treating the elderly and the sick throughout the world. As a professional nurse, Martina worked with the elderly in numerous nursing homes and treated sick patients in hospitals and in other related health service establishments.

Since 1979, Martina served our community and a broader internationally-based community. Utilizing her skills in clinical and rehabilitative nursing, she worked with patients throughout New York and in her native country of Nigeria.

Martina was born in 1947 in Lagos State, Nigeria. After completing studies as a registered nurse in Nigeria and midwife studies in London, Martina relocated to the United States in 1977. Due to her love of nursing, she returned to school and earned her Bachelor of Science degree in Community Health at St. Joseph's College, NY and her Master of Science degree in Public Health from Long Island University.

Before completion of her Masters degree, Martina began her humanitarian services by serving the elderly as a Staff Nurse and then as Assistant Director of Nursing Services in the Jewish Home and Hospital for the Aged in New York. Soon thereafter, Martina decided to devote her services to a more under served group of patients as she returned to her native country to work with the Lagos State Ministry of Health in Nigeria. After gaining a more administrative understanding of the nursing/healthcare field, Martina returned to New York, where she assumed supervisory positions in the Jewish Home and Hospital for the Aged and in the Riverside Nursing Home. Martina finally completed her altruistic career as a Clinical Nurse Manager in the Beth Abraham Health Services in Bronx, New York where she devotedly served for the last 13 years.

Martina's love for nursing and helping those in need extended into her spiritual and personal life as well. As Martina developed spiritually, she became an active member of the Redeeming Love Christian Center in Nanuet, New York. In her final year, Martina joined her pastors in a "To Israel With Love" Pilgrimage. The extent of Martina's love for others was best displayed in her love for her family. She was a remarkable mother, wife, sister and friend. Her unconditional love for her husband, Mr. Sahib Ohiwafunsho Makinde, was paralleled only to the love of God. Her three beautiful children, Omoyeni, Omolewa, and Ifeoluwatobi, were her treasures as she raised them with the love and the kindness that only she possessed.

The memory of Mrs. Makinde is an inspiration to all, her humanitarian efforts having helped so many in our world-wide community.

Mr. Speaker, I invite my colleagues to join in extending our deepest sympathies to all of Martina Makinde's many loved ones, and to all who have been inspired by her remarkable efforts as a mother, a wife, friend, and humanitarian.

DEATH TAX ELIMINATION ACT OF 2000

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. CASTLE. Mr. Speaker, I rise today in support of H.R. 8, the "Death Tax Elimination Act of 2000." This legislation pursues an admirable goal—a return to the principle of single taxation. Taxing the event of death makes little economic sense. It causes small businesses and farms to close or partially liquidate their assets to pay this tax, which can be as high as 55 percent. In turn, that leads to job loss for the employees of the business. Therefore, the benefits of this legislation flow to far more people than just business owners and their families.

Unfortunately, some taxes are a necessary evil. No modern, industrialized society can provide roads, a judicial system, or care for the needs of the poorest among us based on the goodwill and philanthropy of individual citizens. Yet, that does not give the Federal Government license to tax everything. By phasing out the death tax, a business' assets are still subject to taxation, just not double taxation. They are subject to capital gains tax when the next generation makes an informed, rationale business decision to sell the assets. This causes much less disruption in business operations and often allows employees to keep their jobs.

My only hesitation with this legislation is its potential impact on the budget. Earlier this year, the Congressional Budget Office projected a 10-year budget surplus of $888 billion assuming that discretionary spending increases at the rate of inflation. I am convinced that conservative economists, such as the Federal Reserve Chairman Alan Greenspan, are correct that paying down the national debt should be a high priority. This year, the House of Representatives has passed $180 billion in marriage tax penalty relief over the next 10 years, $123 billion in small business tax relief to accompany an increase in the minimum wage, and $23 billion in repealing the Social Security Earnings limit that punished working seniors. Because the first five years of death tax relief in this bill were already included in the small business tax relief package, the additional cost of this bill is $41 billion. In total, the House has passed $367 billion in tax relief, which does not endanger the budget surplus. As this legislation moves to the Senate and negotiations with the Clinton Administration begin, I will be paying close attention to the budgetary impact of a comprehensive tax package, and I will work to ensure we have a balanced, fiscally responsible package.

Mr. Speaker, I urge you to work closely with the Senate and the Clinton Administration to arrive at a balanced tax package that provides tax relief for our family farms and small businesses.

A TRIBUTE TO LARRY SHARP, SAN BERNARDINO COUNTY BUSINESS LEADER OF THE YEAR

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mr. LEWIS of California. Mr. Speaker, I would like today to praise the efforts of Larry Sharp, the president of Arrowhead Credit Union, who has been named Business Leader of the Year by the San Bernardino County Sun for the success he has brought the credit union, and his commitment to community involvement for himself and his business.

Larry Sharp took over financial management of the San Bernardino County Central Credit Union in 1982, vowing to turn around within 24 to 30 months the troubled financial institution that served local government employees. Under his management, the credit union turned a profit within 18 months.

During Larry Sharp's 18-year tenure, what is now known as Arrowhead Credit Union has grown from 24,000 members with assets of $42 million to nearly 100,000 members and assets of $404 million.

But the credit union is much more than a financial success under Larry Sharp. It has become a community asset.

Under his leadership, Arrowhead Credit Union donated funds to create a classroom at California State University, San Bernardino, that helps students learn realtime securities trading just as if they were working for a broker.

The credit union has also given free space to create the Community Advancement Resource Center, which helps small businesses and start-ups. The credit union has set aside $250,000 for micro-loans for businesses using the center, which is a cooperative venture between the university's Center for Entrepreneurship, the Inland Empire Small Business Development Center and the U.S. Small Business Administration.

Arrowhead plans to open a branch this year on San Bernardino's West Side, whose primarily African-American and Hispanic residents have not been served by a local financial institution since 1984. And the credit union has pledged $20,000 a year to the CORE 21 program of the Inland Empire Economic Partnership to foster high-tech jobs in the area.

Mr. Speaker, it is clear that under Larry Sharp's leadership, Arrowhead Credit Union has shown the kind of leadership that helps a community prosper and grow along with its businesses. I ask you and my colleagues to join me in congratulating him on the well-deserved recognition as Business Leader of the Year.

DR. FRANK McCONNELL HONORED POSTHUMOUSLY WITH TEACHING AWARD

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mrs. CAPPS. Mr. Speaker, it gives me great pleasure to bring to your attention that Professor Frank McConnell was posthumously presented with the Outstanding Teaching Award by the Alumni Association at the University of California, Santa Barbara. Frank McConnell was a professor of English at UCSB for over three decades, and enjoyed a career that touched the lives of countless students who were inspired by his own love of literature.

As a member of the UCSB community, I knew Frank well, Mr. Speaker. I knew him to be passionate about the works he was teaching, engaging generations of students with his infectious love of books, writers, and their ability to communicate important ideas. There are many stories about Frank inspiring students to stay in school to finish their degrees, to major in English, and even to pursue a career in academia.

Frank also wrote a fiction and non-fiction, including a series of mysteries featuring a character he readily admitted bore a resemblance to himself: "chain-smoking, hard-drinking, foul-mouthed." He was awarded a Guggenheim Fellowship, a Fulbright Professorship, and chaired the 1991 Pulitzer Prize fiction jury. Also over the course of his distinguished career, Frank was named the Mortarboard Teacher of the Year five times.

Frank McConnell, however, was not a "typical" academic. He could be flamboyant, colorful, and even eccentric. His classes did not end when the bell rang and the period was over. His students would follow him to the coffee shop, the student center, or the pizza parlors in Isla Vista. He helped make college fun and stimulating at the same time!

We miss Frank, and extend to his wife Celeste our best wishes for a quick recovery. She and Frank would have been proud of Celeste's son, Eric Friedman, who was raised from a young age by Frank. Eric received the award on behalf of Celeste—and Frank—and was himself a wonderful tribute to Frank's life.

Teachers, as you know well, Mr. Speaker, are among America's most important treasures. Frank McConnell was an exceptional gem, and his talent contributed in its own modest way to our Nation's greatness. I want to congratulate UCSB Chancellor Henry Yang and the UCSB Alumni Association for their emphasis on the value of teaching at a first rank research university, and for recognizing this exceptional and inspirational teacher, Professor Frank McConnell.

Mr. Speaker, I ask my colleagues to stand and join me in paying special tribute to Dr. Frank McConnell.

TRIBUTE TO THE LATE FRED CAPPS

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mr. WHITFIELD. Mr. Speaker, I rise with sadness and regret to call to the attention of the Members of Congress and the Nation the tragic murder of the Honorable Fred Capps of Burkesville, Kentucky.

Fred was a friend of justice, a dedicated and respected public official, and a personal friend. He served with distinction and diligence as Commonwealth's Attorney for Cumberland, Monroe, Adair and Casey counties in the southeastern tip of the First Congressional District from 1994 until his death on June 5, 2000. He was murdered in his home shortly after dawn by a gunman who was scheduled to be prosecuted by Mr. Capps later that day.

Heroically defending himself, his home and family, Fred was able to arm himself as the intruder shot his way into the Capps' home. Though severely wounded, Fred was able to return fire, mortally wounding the intruder, probably saving the lives of his wife and two children, who were at home during the shooting.

Fred Capps was an honest, hard-working prosecutor who brought honor to America's criminal justice system. His public contributions mirrored the way he lived his private life. He was dedicated to his wife Catherine and children John Steven and Lynda, to the law, and to his community. This tragedy reminds us again of the debt we owe to Fred Capps and his colleagues, whose commitment to law and order exposes them to the constant possibility of vengeance and violence. They deserve our support, our appreciation, and our prayers.

DEATH TAX ELIMINATION ACT OF 2000

SPEECH OF

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in strong support of H.R. 8, the Death Tax Elimination Act. I am proud to have joined many of my colleagues as a co-sponsor of this long-overdue, corrective legislation. However, a few of my colleagues have called eliminating the death tax "unfair."

Mr. Speaker, what is fair about forcing a grieving family to worry about losing the family business or farm to the IRS, especially when they have just lost a loved one? Did the government put in the long hours and make the sacrifices to build this business or work this farm? Did the government work hard to leave a legacy to its children? The answer, Mr. Speaker, is clearly "no" but when a person dies in this country, an outrageous tax kicks in on the poor soul's estate.

The death tax is also "unfair" because it is a form of double taxation. Small business owners and family farmers pay taxes on their investments and work throughout their lifetime, including but not limited to income tax, capital gains tax, and even property tax. And those who claim this will only benefit the rich have not talked to farmers and small business owners in Oklahoma.

Mr. Speaker, it comes down to this. The harder you work, the more you sacrifice to invest in your farm or small business, and what is your reward if you succeed? Your reward is to give the government a larger piece of what you had hoped to pass on to your heirs. In fact, the government's take goes all the way to up to 55 percent—that is over half of the worth—of your estate. The government even imposes an additional five percent surcharge tax on top of this if your estate reaches $10 million or more—reaching a whopping marginal tax rate of 60 percent. Mr. Speaker, how did the government earn the right to over half of what you have spent a lifetime to build? How did the government become more entitled to your estate than your heirs?

The Republican Congress is working to repeal this unfair tax so that family businesses don't have to be sold to pay a tax bill, but instead can be passed down to children and grandchildren, and family farms can continue to exist. With this kind of tax penalty, it is no wonder that less than half of all family-owned businesses survive the death of a founder and only about five percent survive to the third generation. Under our current tax laws, it is cheaper for someone to sell a business before dying and pay the capital gains tax than to pass it on to his children. This is a grave injustice that cannot continue.

It has been said only in America can one be given a certificate at birth, a license at marriage and a bill at death. The death tax is contrary to the free-market principles on which this Nation was founded. We should be encouraging businesses, especially small businesses, not creating obstacles for their existence.

The Republican Congress has a track record of being pro-family and pro-business. We take family businesses very seriously. When mom-and-pop shops are closing up because of an outdated tax policy, it requires leadership and determination to remedy the situation. I am pleased to be a part of this effort.

No one should have to meet the undertaker and the IRS on the same day. The time is now to end, once and for all, the Federal death tax. The winners will be consumers, small businesses, family farms and loving families all over the country who have enough to think about when there is a death in their household. Paying Uncle Sam should not be part of the grieving process.

I urge my colleagues to support H.R. 8, the Death Tax Elimination Act.

RECOGNIZING DANIEL L. WOODALL

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Daniel L. Woodall for being honored with the Unico Gold Medal of Achievement Award. Dan was chosen for his special contributions to humanity by the Philadelphia Chapter of UNICO. I am pleased to acknowledge his outstanding accomplishments.

Mr. Woodall began his association with Laborers' Local 135 in 1970 and has been active in many positions in the union. One of Dan's first leadership positions was in 1978 when he served as a delegate to the Philadelphia Laborers' District Council where currently he serves as the President. He has served as Trustee and Co-Chair for the Laborers' District Council Construction Industry Pension Fund and the Laborers' Education and Training/Apprenticeship Fund. He has also been Co-Chairman of the Chester and Montgomery County Building Trades Committee and was elected Alternate Vice-President for the Laborers' Eastern Pennsylvania States AFL–CIO. In 1999, Mr. Woodall was appointed by Governor Ridge to the Pennsylvania State Apprenticeship and Training Council, and currently serves on the Montgomery County Work Force and Investment Board for the Training and Employment Program.

Mr. Woodall is also involved in a variety of civic and charitable events in the local community. Some of his activities include raising funds for the Cerebral Palsy Labor All-Star Classic and participating in events for the Boys Town of Italy and Unico Salute to Labor. In short, Dan not only contributes significantly in the labor movement but is also a man of action and integrity in his community.

The Philadelphia Chapter of UNICO has wisely chosen Dan Woodall as the recipient of this award. Dan is truly a man who espouses quality union leadership, civic endeavors, family harmony and fits the Unico motto, "Service Above Self."

RECOGNIZING CELI ADAMS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize Celi Adams, a life-long resident of Petaluma, CA, who for the past 12 years has operated a program that provides free training for families and friends who struggle daily to provide home care for gravely ill loved ones. Ms. Adams was recently selected as a 2000 Community Health Leader by The Robert Wood Johnson Foundation. She is one of only ten individuals nationally to be selected to receive the nation's highest honor for community health leadership, which includes a $100,000 award to continue her work.

Ms. Adams, a former cancer nurse, first recognized the need to educate people around quality home care when she was part of a group caring for a close friend with AIDS. After this experience, she quit her nursing job and co-founded Home Care Companions in 1988. Initially operated out of her mother's spare bedroom, the agency offers a free 18-hour course that trains family members and friends of patients suffering from acute illnesses in basic home-care nursing skills. The course provides instructions on topics such as pain management, nutrition, bed care, and physical therapy, as well as educates both patient and care giver on how to navigate an often-complex medical care system and how to put their legal affairs in order. Since its inception, more than 2,000 people have participated in the training.

Originally targeted to AIDS care givers, Ms. Adams' program has expanded in recent years to include training on cancer, congestive heart failure and chronic obstructive pulmonary disease. Home Care Companions' training techniques have been taught to nurses in Japan and more recently to medical professionals in Africa. In 1997, they assisted in the development of an Australian AIDS home-care training program. Future plans for her agency also include training sessions on caring for frail elders and an outreach effort to help other groups start training programs in their own communities.

Borne out of her own personal experience with a dying loved one, Ms. Adams created a program that has touched the lives of many in her community and beyond. I am thrilled that Celi Adams was selected for this well-deserved award from the Robert Wood Johnson Foundation and I urge my colleagues to join me in congratulating her on this wonderful achievement.

Mr. Speaker, as one of her nominators aptly put it, "She didn't do this for fame or glory. She did it for the best reason of all, because people in crisis need her help."

GARY GALLUP RECEIVES GRAVER SERVICE AWARD

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mrs. CAPPS. Mr. Speaker, I am pleased to report that my dear friend, Gary Gallup, a member of the class of 1961 at the University of California, Santa Barbara, was recently honored by the UCSB Alumni Association. He is the year 2000 recipient of the Chuck Graver Alumni Service Award for his steadfast commitment to his alma mater.

Gary Gallup was a founder of the UCSB Alumni Association, and served on its Board of Directors in its early years. Gary has worked hard to improve the stature of the campus which now ranks among the top universities in the nation for research and academic quality. It is certainly one of the most beautiful campuses, if I may be permitted a hometown boast!

Gary went on to join the UCSB Foundation over twenty years ago, and has since been involved in attracting private support that has been so important to the growth in size, quality, and stature of the university. Most recently, he served as chair of the Foundation, which expects to have a record setting year in fundraising.

His voluntary contributions of time and energy often go unnoticed and unrecognized in our complicated world of busy lives. It is therefore quite fitting and proper, and I am pleased to join with the UCSB Alumni Association, to provide recognition to Gary Gallup for his forty years of service and the important contributions he has made to the UCSB campus and the community it serves.

Mr. Speaker, please join me in commending Mr. Gary Gallup on his receipt of the Chuck Graver Alumni Service Award and his pledge to upholding the vision of the University of California, Santa Barbara. The campus and surrounding area is most fortunate to have such an asset to call upon.

TRIBUTE TO THE 2000 STUDENT ADVISORY BOARD OF THE 14TH CONGRESSIONAL DISTRICT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to the Student Advisory Board of the 14th Congressional District of California. The Board is a group of exceptional high school students who live or attend school in my district and have been chosen from a competitive pool of applicants for a year-long research project.

This year the Board chose the issue of gun control as their research topic, a very timely topic for the students in light of the national tragedies we have witnessed.

On May 13, 2000, the Board made their final presentation in the Palo Alto City Council Chambers. It was well attended by elected officials, parents, friends and law enforcement officials. Everyone in attendance agreed that the Board's presentation was extraordinarily thoughtful and very informative. I was deeply impressed with the exceptional research done by the students and their work gives me hope for the future well-being of our nation.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to the Student Advisory Board of the 14th Congressional District of California thanking them for their superb work and their leadership and submit their report for the RECORD.

INTRODUCTION

THE STUDENT ADVISORY BOARD

We are a group of about twenty-five high school students who want to effect change in our country. We are all very active in our schools and our communities and view the Student Advisory Board as an opportunity to make a difference on a national level. If nothing else, we want to be heard. We are the next generation of leaders (and voters) and we want dramatic, aggressive improvement in areas in which we see fault.

WHY GUN CONTROL?

We have researched and debated the hot issue of gun control since October. We chose this topic because of the years' tragic events such as the Columbine shootings and the murder of a six-year-old by a seven-year-old peer. Alarming statistics that guns kill more teens than all natural causes combined hit home for the group. Unfortunately, it takes a tragic event such as Columbine or the assassination of Martin Luther King to make the nation aware enough to affect change. We want to reduce the 32,850 yearly gun related deaths in this nation and we believe that an aggressive, nationalized system of effective prevention and enforcement programs will reduce that number significantly.

OUR PROPOSAL

The Congresswoman Eshoo Student Advisory Board proposes an aggressive attack on both sides of the gun control issue. We propose a nationalized set of laws, regulated by the Alcohol, Tobacco and Firearm (ATF) preventing the unrestricted sale of guns and effectively enforcing the laws. To prevent gun crime, education about guns and their danger as well as laws restricting the sale of guns must be enacted on a national level to end the disparity between states. First, we propose that a D.A.R.E. type program be used in elementary and high schools to educate children about the dangers of guns. The success of the D.A.R.E. program to effectively reduce drug use in teens assures us that the same success can be achieved for guns. Secondly, we want to make gun laws the same regardless of where a gun is sold. Every state will have to follow the same federal regulations and every gun show dealer will be subject to the same restriction as a licensed gun store. Gunlock laws need to be consistent across the nation. There has already been progress this year: the Smith and Wesson Agreement, in its earliest form, is a landmark decision that is a step in the right direction. However, pressure from other gun companies and the NRA has forced Smith and Wesson to take back some of its' earlier promises. Also, Maryland recently passed a revolutionary new law making built-in locks mandatory by 2002. Thirdly, our plan includes the licensing of every gun dealer as well as owner. The NRA and other anti-gun control groups argue that we should not interfere with the law abiding citizens' right to bear arms (Second Amendment of the Constitution) by increasing the restrictions and making the process longer. We argue simply that a person who is legally allowed to purchase a gun may have to endure a more thorough background check or wait longer to receive their gun, but they are not giving up any freedoms by doing this. A legal gun owner will be allowed to walk away with a gun but they will have prevented a person not fit to own a gun from purchasing one by accepting the regulations as well. It is for the safety of the greater society that we ask legal gun owners to endure the longer process.

The second part of reducing gun crime in the United States is enforcement of the laws. We have identified and sited solutions to the many loopholes that currently plague the system because of the strong anti-gun control lobby and pro-gun congress members. Also noted in the enforcement section are success stories, which show that tough enforcement programs such as Project Exile and The Boston Summer of Opportunity can work to effectively reduce the crime rate nationwide just as they did in their respective cities. We discuss current laws pertaining to guns, some bills that are currently in congress and funding methods. We stress, more than anything else, that tough enforcement of laws, public awareness of the consequences of gun related crimes and proper funding for these programs is essential in reducing the number of gun related deaths in this nation.

We hope that we will spark an interest in some of you to act on this proposal and we hope that we will provide you, Congresswoman Eshoo, with solid information to use in Congress to affect change on behalf of your student (and soon to be your voting) constituents. If we want to reduce gun-related crime, we need action. California Senator Feinstein has taken a step in the right direction. She introduced a bill requiring the licensing of most gun buyers. It would cover buyers of handguns and some semiautomatic weapons and would mandate that records for sales of each be kept. We feel that strong preventative action needs to be enacted along with strict enforcement of laws pertaining to gun control in order to finally reduce gun crime in the United States.

CONCLUSION

Gun related crime take the lives of 32,500 people every year. That is about ninety people per day and 3,000 of those people are under nineteen years old. The United States' position on gun control presently is to let states make most of the laws governing prevention and enforcement methods. The problems created by not having a national system of gun control account for many of the deaths in this nation. We propose a federally run and funded program that includes prevention methods as well as strict enforcement regulations. This is the only way to keep guns out of unacceptable hands.

National prevention efforts should include universal gun safety lock laws and funding for more research on "Smart Gun" technology. A D.A.R.E. style program focused on guns will be the key to educating children about guns so they can make good decisions later in life. Prevention is essential to reducing gun-related crimes and suicides.

Effective enforcement is the other aspect in the fight to reduce gun-related deaths in the United States. Without harsh punishments for criminals who use guns any prevention efforts will not be effective. Project Exile, a successful enforcement project in Richmond, Virginia, is a perfect example of a program that we feel should be utilized in high crime areas throughout the nation. Proper funding and identification of worthwhile programs is equally important. We have identified bills that are currently in the House of Representatives to encourage your support, Congresswoman Eshoo, for the types of bills presented. Lastly, we have shown successful programs such as the "Summer of Opportunity" in Boston, Massachusetts and important, landmark legislation such as the Brady Bill that are steps in the right direction.

The Congresswoman Eshoo Student Advisory Board feels that aggressive, nationwide change needs to take place to effectively reduce gun crime in the United States. We would like to mention positive efforts to educate and reduce gun crimes. The Million-Mom March taking place this Sunday, May 15 (Mothers Day) embodies many of the aspects of gun control that we support. Senator Feinstein's recent announcement of her bill to make gunlocks mandatory is also a step in the right direction. We hope that this report will provide the information necessary to enact change on the Hill. We hope that Congress and President Clinton can come to agreement on a truly successful program to reduce gun crime, especially in the wake of tragedies such as Columbine and the Michigan shooting of a six-year-old child. There is no better time to enact landmark legislation that embodies both the prevention and enforcement side of this problem.

PERSONAL EXPLANATION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mr. WHITFIELD. Mr. Speaker, although I was on the House floor throughout the proceedings for consideration of H.R. 8, the repeal of the federal estate tax, on Friday, June 9, 2000, I was not recorded as voting on that issue.

My vote was recorded to defeat LLOYD DOGGETT's Motion to Recommit H.R. 8, but my vote on final passage of H.R. 8 was not recorded.

I was a cosponsor of that legislation and it has been a part of my platform since my election to Congress in 1994. I am disappointed that my vote was not recorded because I have always and continue to be in favor of repeal of the federal estate tax.

CLOSE THE 527 LOOPHOLE AND END THE DEATH TAX

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mr. FRANKS of New Jersey. Mr. Speaker, on Friday, June 9, 2000, with my support, the House passed the legislation (H.R. 8) to eliminate the Death Tax.

For too long, exorbitant tax rates have made it difficult for Americans to pass their savings onto their children, and for small businessmen and farmers to keep their enterprises within the family.

That's why I cosponsored and voted in favor of the Death Tax Elimination Act (H.R. 8), which would phase out the estate and gift tax over a period of 10 years.

It is my hope that phasing out the death tax will make it easier for individuals and families to accumulate savings for future generations.

In addition, during debate on this important legislation, a motion was offered to address another important issue—campaign finance reform. I supported this motion.

Congress' failure over the years to address the issue of campaign finance reform hurts all of us. It undermines public confidence in this institution and cast a cloud over every action we take in this House.

I have been actively fighting for campaign finance reform in this House for a number of years—from authoring my own Independent Commission Bill to supporting a ban on soft money through Shays-Meehan to supporting today's motion to close the 527 loophole.

Recently, there has been an increase in anonymous campaign expenditures by third parties. Many of these organizations are classified by Section 527 of the tax code. These "527" organizations are currently free to participate in our electoral process, but are not required to disclose to the American voters from where their funds originate.

To establish disclosure requirements for individuals and organizations who wish to take an active role in affecting the outcome of federal elections is just plain common sense. Individuals and organizations who strongly believe in an issue or a candidate and are willing to back them up with the financial resources should not be allowed to hide behind a loophole.

Congress must act on legislation requiring disclosure for any group who wishes to participate of our federal electoral process.

BATTLE OF THE BULGE

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mr. MICA. Mr. Speaker, not long ago I was privileged to take part in a ceremony in Orlando, Florida to commemorate the Battle of the Bulge and those who fought in that historic battle. The ceremony was conducted to dedicate an impressive new memorial erected to honor the 600,000 Americans who fought in the Battle of the Bulge during World War II.

The keynote speaker at the dedication was Brigadier General William E. Carlson (USA/Ret.), a distinguished and exceptional gentleman who resides in Winter Park, Florida. At the age of 12, General Carlson was a Congressional Page serving in the House of Representatives on that historic day when President Roosevelt asked a joint session of Congress for a declaration of war.

To commemorate the Battle of the Bulge Monument, General Carlson gave a moving and graphic description of the battle and the historic events which preceded it. His speech should be read by others so that this story will never be forgotten. In Washington we are working to build a long overdue monument to World War II and honor the heroes who fought in it. In Orlando, we are proud to honor our World War II soldiers with our monument to the Battle of the Bulge. Mr. Speaker, I am pleased to submit General Carlson's Battle of the Bulge speech for inclusion in the RECORD:

> It was the 16th of September, 1944. Adolf Hitler had summoned a group of his senior officers to his study in the huge, underground bunker in the Wolf's Lair, Hitler's field headquarters, located deep in a pine forest in East Prussia.
>
> Those summoned were his closest and most trusted military advisors. Among them was only one who wore the red stripes of the German General Staff. He was the head of the Operations Staff of the High Command of the Wehrmacht, General Alfred Jodl.
>
> The officers were waiting when Hitler entered. Taking a seat, Hitler instructed Jodl to sum up the situation on the Western Front.
>
> During the briefing, Jodl noted that there was one area of particular concern where the Americans were attacking and where the Germans had almost no troops: That area was the region of Belgium and Luxembourg called the Ardennes.
>
> At the word "Ardennes", Hitler suddenly ordered Jodl to stop the briefing. There was a long pause. Then with firmness in his voice Hitler said, "I shall go on the offensive here!" and he slapped his hand down on the map—"Here, out of the Ardennes! The objective is Antwerp!"
>
> With those words Hitler set in motion preparations for a battle that was to assume epic proportions: the greatest German attack in the West since the campaign of 1940.
>
> Hitler named this Operations Plan Wacht Am Rhein. He personally selected this name to imply a defensive Operation, rather than an offensive operation, in order to deceive the Allies.
>
> During the planning, the German General Staff made numerous changes to Hitler's original concept for the operation. When the battle began, the German code name for the operation was Autumn Mist.
>
> A split second after five-thirty a.m. on Saturday, December the 16th an American soldier manning an observation post high on top of a water tower in the village of Hosingen telephoned his Company Commander. He reported that in the distance on the German side he could see a strange phenomenon: countless flickering pinpoints of light. Within a few seconds both he and his Company Commander had an explanation. They were the muzzle flashes of over 2,000 German artillery pieces.
>
> The early morning stillness of the fog-shrouded forest was suddenly shattered with the thunderclap of a massive artillery barrage landing on the Americans.
>
> Operation Autumn Mist was underway. The onslaught had begun.
>
> The Americans called it the Battle of the Bulge.
>
> The Battle of the Bulge lasted from the 16th of December 1944 until the 25th of January 1945. It was the greatest battle ever fought by the United States Army.
>
> More than a million men participated in this battle including 600,000 American soldiers, 500,000 Germans, and 55,000 British. The American military force consisted of a total of three Armies with 33 Divisions. While the German military force consisted of two Panzer Armies with 29 Divisions. More than 120,000 Germans were killed, wounded or captured during the battle. Each side lost over 800 tanks.
>
> Wars are planned by old men in council rooms far from the battlefield. But at the end of the most grandiose plans of the highest-ranking Generals is the soldier walking the point or manning the outposts. The monument we dedicate today is a monument to those soldiers.
>
> The real story of the Battle of the Bulge is the story of those soldiers and the intense combat action of the small units—the squads, the platoons and the companies—and the soldiers who filled their ranks.
>
> These are the men that made up the fighting strength of the divisions, engaged the Germans in combat and suffered the casualties.
>
> Battalion Commanders and Company Commanders—young, lean, tough, battle-wise and toil worn. Fuzzy-cheeked lieutenants, grizzly NCO's, and seasoned troopers; battle-hardened and disciplined in automatic habits of combat never learned in school. And green replacements, fresh off the ships from home, marched off into battle for the first time and in their hearts was fear of the unknown.
>
> Around their necks hung their dog tags and rosaries. On their heads was the steel pot and in their pocket was a picture of the girl back home.
>
> Surprised, stunned and not understanding what was happening to him, the American soldier nevertheless held fast—he was as tenacious as the old junkyard dog until he was overwhelmed by the German onslaught, or until his commanders ordered him to withdraw.
>
> The Battle was a very personal fight for them. Concerned with the fearful and consuming task of fighting and staying alive, those men did not think of the battle in terms of the big Picture represented on the situation maps at higher headquarters. They knew only what they could see and hear in the chaos of the battle around them.
>
> They knew and understood the earth for which they fought, the advantage of holding the high ground and the protection of the trench or foxhole.
>
> They could distinguish the sounds of the German weffers and the screaming sound of incoming German 88s. And they knew the fear of German artillery rounds falling around them without pattern in the snow.
>
> They knew the satisfying sound of friendly artillery shells passing overhead. They were reassured by the sudden stabs of flame in the night as friendly artillery belched bullets into the air, spreading a glow of flickering light above the blackened trees of the snow-covered forest.
>
> They knew the overwhelming loneliness of the battlefield, the feeling of despair, confusion and the uncertainty that prevails in units in retreat.
>
> They knew first hand the violent pounding of the heart, the cold sweat, the trembling of the body and the stark terror that mortal combat brings. Even Mother Nature was their enemy with bitterly cold weather and over-cast skies. The days were short—daylight at 8 and darkness by 4. The nights were long and bitterly cold. Snow, knee-deep, covered the battleground. Overcast skies and heavy fog shrouded the snow-covered limbs of the fir trees in the dark forest.
>
> GIs, their bodies numb, were blue-lipped and chilled to the bone.
>
> At night, the German ground assault was assisted by artificial moonlight created by giant German searchlights bouncing their light off the low-hanging clouds casting an eerie, ghostly light in the fog, over the snow-covered field of battle.
>
> Other nights were ablaze with more flame and noise than one thought possible for man to create.
>
> For a brief moment in history, those men held our nation's destiny in their hands. In the end they did not fail us. They prevailed and the fires of hell were extinguished.
>
> They blew the trumpets that tumbled the walls. Theirs was the face of victory. Super heroes—super patriots. Their legacy—victory in the greatest battle ever fought by the United States Army.
>
> But the cost of victory was high. Young Americans answered the angel's trumpet call and were sacrificed on the altar of the god of war—brave heroes whose valor in many cases died unrecognized with them on the battlefield. Young warriors whose names the grim reaper carved on marble tombstones across our land.
>
> It was a time of great sacrifice and in most cases the dead were hardly more than boys.
>
> 19,000 new Gold Stars were hung in the windows back home: Mothers who lost their sons; Wives who lost their husbands; And Children who lost their fathers.
>
> Over 23,000 American soldiers were captured during the heat of battle. Prisoners of war who were forced to serve behind barbed wire, in silence and with courage, each in his own way, until the war ended.
>
> Purple Hearts were awarded by the thousands. The snow turned red with American blood. The wounds of 81,000 young Americans in that battle left the 'red badge of courage' on the battlefield of the Ardennes.
>
> We are reminded of what their journey through life has left behind for us: a great

nation, a great state and a City Beautiful with freedom and prosperity unknown in the annals of history.

Today, in the quiet of an autumn breeze blowing across Lake Eola, we are gathered here to dedicate a monument and pay tribute to the men this monument represents.

As you look at the monument placed in this beautiful park, also look around you. Look at the old warriors gathered here—they were the vibrant youth of that time—men who were there on that battlefield 55 years ago today. Men like:

PFC Jim Hendrix who was awarded the Congressional Medal of Honor for heroic action during the battle.

Young, Fuzzy-cheeked lieutenants such as John Newell, a tank commander, and Bill Cain, platoon leader. They were in the armored column of old "blood and guts" Patton as they raced 150 miles under the severest of winter conditions in their valiant effort to relieve Bastogne.

Bob Stevenson, "one of those damned engineers", an accolade from the German SS Colonel Peiper, about our engineers for blowing bridges and building obstacles at every turn and bend in the road, obstacles that slowed the advance of his SS Panzer column.

Bob has with him today his WWII helmet that he wore during that battle, a helmet with a jagged shrapnel hole in the back of it, a helmet that probably saved him for the scythe of the grim reaper.

And Jim Mckearney, a Mortar Platoon Sgt. in the 101st Airborne Division who just days before had received a battlefield commission while fighting in Holland. As a new lieutenant leading a platoon in the defense of Bastogne, he and his platoon stood as firm as the solid granite pedestal of the monument we dedicate today. To this day he bears the scars of the wounds he received in that battle.

Young American men, hardly more than boys, men such as Harry Meisel and Earl K. Wood, our Orange County Tax Collector, men who wear an Ardennes Battle Star on their European Campaign ribbon for their participation in the battle.

And Angels of Mercy, such as Lieutenant Evelyn Gilberg, an Army Nurse who went to sleep at night sobbing, thinking about the mangled bodies of the young American Soldiers in the field hospital that she had cared for that day.

Men like the lone soldier in Chet Morgan's outfit, digging a foxhole atop a small knoll beside a road. A vehicle loaded with fleeing American soldiers came speeding down the road heading for the rear. The vehicle stopped and the soldiers hollered to him, "the Germans are coming! Come on we have room for you!" He looked up and in words his mother never taught him, replied: "You can stop now because the Germans aren't going past this position while I'm alive! This is the 82nd Airborne Division area."

These soldiers, and the thousands of others like them, are the soldiers who stood their ground in the days when the heavens were falling and the battlefield was in flames with all the fire and noise humanly possible for over a million warriors to create. These are the men who in the hours when the earth's foundation shook like an earthquake, stood their ground.

These are the men who followed duty's call and lived the code of the soldier. They sacrificed and paid the price for freedom. They stayed—and the earth became theirs again. They defended and what was abandoned—they recaptured. They saved the sum of all things we hold dear—and all this for love of their country—and the meager pay of a soldier.

Ask yourselves now—with head bowed—From where, Oh God, came such men as these?

Our Country was truly blessed.

Today we gather here to dedicate a monument. A monument that stands as a legacy to the Greatest Battle Ever fought By The United States Army and to those veterans who fought and won that battle with their blood and their courage.

But let also stand as a reminder to future generations of the high cost of freedom.

God bless the United States of America.

REMEMBERING RUSSELL A. FREEMAN

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mr. DREIER. Mr. Speaker, this year California has lost one of its finest attorneys and the Congress has lost a good friend and adviser.

In mid March, Russell A. Freeman passed away at his home near Los Angeles. As the General Counsel of Security Pacific Corporation, Russ Freeman, in the mid-1980s and early 1990s, undertook many of the early steps at broadening the range of bank product and service offerings in order to strengthen the banking charter and meet customer demands. Much of his legal work set the intellectual and practical foundation for the landmark financial legislation that passed the Congress just this past year.

Security Pacific, based in Los Angeles, was the nation's fifth largest banking firm and produced many new business and consumer innovations. Moving from his native New York, Russ Freeman joined the bank in 1959 and rose from staff attorney to General Counsel. By his work there for some 33 years, he demonstrated those somewhat rare values today of loyalty and commitment.

Russ Freeman received many accolades and awards over the years, including Outstanding Corporate Counsel from the L.A. County Bar. More significant, however, Russ Freeman served as mentor to numerous attorneys who are now working in various financial and non-financial firms across the country. He instilled in these attorneys—and in his corporate and legal colleagues—a strong work ethic, a demand for excellence in legal analysis and the need to conduct one's work in a professional manner. And he communicated these values in a fashion that earned him the highest respect and regard. This represents an important legacy for the banking and legal communities. Russ represented his company with tenacity, honesty and creativity and he was a strong advocate for the banking industry.

Russ Freeman frequently provided input to me and to other members of the House and Senate on banking and financial issues. He brought the straight story, good or bad, and we relied on him for accurate information and new ideas. His vision reinforced the impetus in Congress to improve financial services regulation to the benefit of consumers and to keep our banking system the strongest in the world. We have lost a good friend with the death of Russ Freeman.

Our thoughts and condolences go out to his many friends and colleagues and, particularly, to his son, James, daughter, Elizabeth, and granddaughter, Katelynn.

NON-PROFIT RELIEF ACT OF 2000

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mr. FATTAH. Mr. Speaker, today I am introducing legislation which will provide much needed postage rate relief for nonprofit mailers. The measure will protect nonprofit or preferred mailers from double-digit rate increases. My legislation is identical to legislation introduced in the Senate, S. 2686, on June 7, 2000, by Senator THAD COCHRAN, the Chairman, and Senator DANIEL K. AKAKA, the Ranking Minority Member of the Senate Subcommittee on International Security Proliferation and Federal Services. I am pleased to be joined in the introduction of this bill by Congressman STENY H. HOYER, Ranking Minority Member of the House Appropriations Subcommittee on Treasury, Postal Service and General Government, and Congressman DANNY K. DAVIS and Congressman MAJOR R. OWENS, both members of the Subcommittee on the Postal Service.

The practice of designating certain types of mail for preferred rates was initiated by the Congress over 50 years ago. In 1993, deficit reduction legislation eliminated federal financial support for nonprofit mailers, but mandated that nonprofit rates be lower than rates for commercial mailers.

In January of this year, the United States Postal Service (USPS) Board of Governors proposed postage rate increases for all classes of mail. The USPS formally filed the rate request which is pending before the Postal Rate Commission (PRC). Under the current rate request, rates for nonprofits will surpass rates for corresponding commercial mail. The USPS attributed the increase to inaccurate cost data. However, to its credit, the Postal Service has requested and proposed legislation to fix the "rate anomaly." Without the legislation, the nonprofit periodical preferred rate will disappear.

The Alliance of Nonprofit Mailers, the Magazine Publishers of America, National Federation of Nonprofits, Direct Marketing Association, and the Association of Postal Commerce have worked with the USPS to draft an acceptable legislative solution to the nonprofit rate problem in the current rate case before the PRC. The compromise between nonprofit and commercial postage rates, is supported by the above organizations.

By locking in the current rate relationship between nonprofit and commerical postage rates, we will protect all categories of nonprofit mail from future rate shock. Specifically, the bill would set nonprofit and classroom Periodical rates at 95 percent of the commercial counterpart rate, excluding the advertising portion, set nonprofit Standard A rates at 60 percent of the commercial Standard A rates, and set Library and Educational Matter rates at 95 percent of the rates for the special subclass of commercial Standard B mail.

On behalf of local charities, hospitals, churches, educators, arts organizations, nonprofit publications, and a host of others, the original cosponsors and I, invite my colleagues to protect nonprofit mailers and support this bill.

HONORING JOHN "DOC" TYNAN

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mr. MOAKLEY. Mr. Speaker, I rise to honor my very dear friend, neighbor, and former colleague in the Massachusetts Legislature, Representative John "Doc" Tynan who is celebrating his Eightieth Birthday.

Mr. Speaker, few people I've ever known could match the strength and character of Doc Tynan. Whether as the toughest, most tenacious All Scholastic Left End to play Football for South Boston High School, or as the man who's probably raised more money for local charitable organizations than anyone I've ever known, everything Doc Tynan does, he does one hundred percent. And no one could ever say that Doc isn't exactly the same fellow all the time. No matter who he's with or where he happens to be, Doc tells it like it is.

Not a lot of people know this, Mr. Speaker, but Doc Tynan was an Executive Officer and Bombardier in World War II. He flew a total of twenty-five missions, and commanded both Clark Gable and Jimmy Stewart. And, true to form, Doc survived five plane crashes in Europe. In fact, he only bailed out of planes twice. One time, his B–17 was shot down over Germany, but limped along as far as the English Coast. Major Doc Tynan parachuted out of the crippled plane in pitch darkness, not knowing where they were. He crawled to a house in the countryside and after identifying himself as an American soldier, he was taken to the hospital to treat his broken leg.

The other three times he stayed with the plane and did his level best to land. He is the recipient of the Distinguished Flying Cross and Air Medal with four clusters. No wonder, as a State Representative Doc made it to the Committee on Ways and Means in the Massachusetts House. If there's one thing you can say about Doc, Mr. Speaker, it's that when there's a job to be done, Doc Tynan has always been there with both the way and the means to not only get the job done, but to get it done to perfection, never for his own benefit, but for the good of others and the community he loves.

Among Doc's many accomplishments, he was the Democratic Whip in the Massachusetts House and chaired Committees on Veterans Services and Legislative Research. He was the Budget Director of the Massachusetts House, President of the South Boston Neighborhood House, Chairman of the Gate of Heaven Fund raiser, and a member of the Board of Trustees of the New England College of Optometry.

Mr. Speaker, I rise this evening to wish my very dear friend a very happy Eightieth Birthday and to thank him for everything he's done for the men and women and boys and girls of South Boston.

Happy Birthday, Doc!

IN RECOGNIZING THE MAKE-A-WISH FOUNDATION

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mr. HALL of Ohio. Mr. Speaker, on June 8, 2000 a reception was held in the Capitol to celebrate the twentieth anniversary of the Make-A-Wish Foundation. During the past two decades, this organization has fulfilled almost 80,000 wishes made by children who are ill.

The highlight of this reception was an inspirational address made by a remarkable seven-year-old named Ryan Davidson. Ryan, who had a brain tumor, is the 3,000th "Wish Child" of the Mid-Atlantic Regional Make-A-Wish Foundation. His speech follows:

REMARKS BY RYAN DAVIDSON MAKE-A-WISH 20TH ANNIVERSARY RECEPTION JUNE 8, 2000

Good afternoon ladies and gentlemen, my name is Ryan Davidson and I am seven years old. I go to Ashburn Elementary and I am in the first grade. Today I am well and feeling great! But I didn't feel good last summer.

Two weeks after kindergarten, I had a ton of really bad headaches. My mom gave me Tylenol but it didn't help. My headaches got worse and my left hand wouldn't work. I couldn't get a tight grip when I tried to hold stuff. My mom and dad took me to Dr. "D" in Ashburn. Dr. "D" said that I should go have an x-ray. We went to the hospital for the x-ray. I was scared of the big x-ray machine. After my x-ray the doctors said that I should go to Children's Hospital for more x-rays. I had to lay still alone in the machine. I had four x-rays in one day!

The doctors said that I had a brain tumor and had to stay over night. I was scared to stay by myself, so my mom stayed, too. Four days later I had my surgery. I was scared. Before the doctors put me to sleep, they told me to think about that green car going around the track. After my surgery, I woke up during another x-ray. The machine was moving forward and back. It was very loud and I was scared.

The next day, I was called the human "Q-tip" because I had a bandage that looked like the top of a "Q-Tip". I was in the hospital for five days. I still had stitches when I went home. A week later I had to get my stitches out. I had to go to sleep while I got the stitches out.

I still have to have MRI's.

Then in October, "Make-A-Wish" came. They asked lots of questions and asked me where I wanted to go. I wanted to go meet my favorite racecar driver, Bobby Labonte, and see the race. I knew he would be at a racetrack!

In the spring, we had a party for all the people who had helped while I was in the hospital. Near the end of the party, Make-A-Wish came back to grant my wish! They said, "You're leaving next week to go to California!" I started jumping up and down. Make-A-Wish got me a ton of stuff. Then on Wednesday, a limousine picked me up from school and took me to the airport. When we got there, we went to the cockpit. I got to sit where the Captain sits.

When we got to California and got off the plane, I felt a hat. It was our host, John! He got me balloons and when we got to the hotel, he gave me four Bobby Labonte cars.

On Friday, we went to practices and qualifying races. Bobby Labonte qualified 36th. On Saturday, I woke up early. We went to the track. When we got there we went to meet Bobby Labonte!

When we first got there, while we were waiting, I got to hold his racing helmet. Then when Bobby came out of the trailer, I got to spend almost 15 minutes with him. I asked him lots of questions about racing and he autographed two hats, a car, a tee shirt, and my racing uniform. Then he gave my sister, Mallory, and me each a team hat. It was the greatest day of my life!

The next day was race day! Bobby came in second! On Monday we left to go home. I had a lot of fun!

I hope you enjoyed my story. It has a very happy ending. Thanks Make-A-Wish for making my dream come true.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 13, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 14

9:30 a.m.

Indian Affairs

To hold hearings on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture.

SR–485

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To hold hearings on the environmental benefits and impacts of ethanol under the Clean Air Act.

SD–406

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 2454, to amend the Communications Act of 1934 to authorize low-power television stations to provide digital data services to subscribers.

SR–253

10 a.m.
Governmental Affairs
Business meeting to markup pending calendar business.
SD–342

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine the future of Lebanon.
SD–419

Finance
Business meeting to markup S.662, to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program; H.R.3916, to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services; and proposed legislation urging the President to initiate negotiations over the issue of foreign sales corporations at the July 20 meeting of the G-8 nations in Okinawa.
SD–215

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine the United Airways and U.S. Airways airline merger.
SD–226

3:30 p.m.
Foreign Relations
To hold hearings to examine the International Criminal Court, focusing on protecting american servicemen and officials from the threat of international prosecution.
SD–419

JUNE 15

9:30 a.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on the Environmental Protection Agency's proposed highway diesel fuel sulfur regulations.
SD–406

Commerce, Science, and Transportation
To hold hearings on the nomination of Delmond J.H. Won, of Hawaii, to be a Federal Maritime Commissioner; to be followed by a business meeting to consider pending calendar business.
SR–253

Energy and Natural Resources
To hold hearings on certain provisions of S. 2557, to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly.
SD–366

10 a.m.
Judiciary
Business meeting to consider pending calendar business.
SD–226

10:30 a.m.
Foreign Relations
To hold hearings to examine issues dealing with the changing threat of international terrorism, focusing on the report of the National Commission on Terrorism.
SD–419

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on the United States General Accounting Office March 2000 report entitled "Need to Address Management Problems that Plague the Concessions Program".
SD–366

JUNE 20

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings on pending business.
SD–430

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

JUNE 21

9:30 a.m.
Indian Affairs
To hold hearings on certain Indian Trust Corporation activities.
SH–216

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Commerce, Science, and Transportation
To hold hearings to examine the proposed United-US Airways merger, focusing on its effect on competition in the industry, and the likelihood it would trigger further industry consolidation.
SR–253

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1848, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planing, and construction of the Denver Water Reuse project; S. 1761, to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley; S. 2301, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; S. 2400, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; S. 2499, to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; and S. 2594, to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.
SD–366

JUNE 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine issues dealing with aviation and the internet, focusing on purchasing airline tickets through the internet, and whether or not this benefits the consumer.
SR–253

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine medical device reuse.
SD–430

JUNE 27

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings on S. 1016, to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.
SD–430

2:30 p.m.
Energy and Natural Resources
Energy Research, Development, Production and Regulation Subcommittee
To hold hearings on the April 2000 GAO report entitled "Nuclear Waste Cleanup—DOE's Paducah Plan Faces Uncertainties and Excludes Costly Cleanup Activities".
SD–366

JUNE 28

9:30 a.m.
Indian Affairs
To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.
SR–485

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

JULY 12

9:30 a.m.
Indian Affairs
To hold oversight hearings on risk management and tort liability relating to Indian matters.
SR–485

JULY 19

9:30 a.m.
Indian Affairs
To hold oversight hearings on activities of the National Indian Gaming Commission.
SR–485

JULY 26

9:30 a.m.
Indian Affairs
To hold hearings on S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act.
SR–485

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the

Legislative recommendation of the American Legion.

345 Cannon Building

CANCELLATIONS

JUNE 14

9:30 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD–430

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

POSTPONEMENTS

JUNE 14

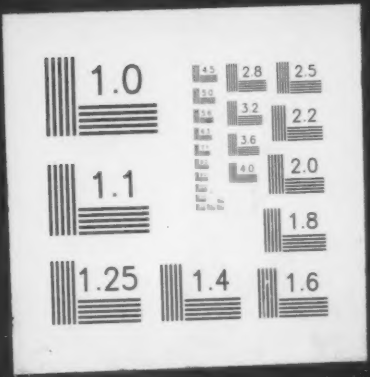
2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the National Marine Fisheries Service's draft Biological Opinion and its potential impact on the Columbia River operations.

SD–366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